

## **SECTION 106.1: County Preservation Easements**

### **A. Purpose**

This Section enumerates the uses permitted on property in the RC or RR Districts which has been encumbered with a County Preservation Easement through:

1. The purchase of development rights by the Howard County Agricultural Land Preservation Program (ALPP Purchased Easement).
2. The dedication of a preservation parcel to the Howard County Agricultural Land Preservation Program, via Sections 104.0.G, 105.0.G or 106.0 (ALPP Dedicated Easement).
3. The dedication of a preservation parcel to one or more of the entities identified in Sections 104.0.G and 105.0.G, via Sections 104.0.G, 105.0.G or 106.0 (other Dedicated Easements).

Most of the land subject to preservation easements in the RC and RR Districts falls into one of these three County Preservation Easement categories. However, there are a significant number of properties that are encumbered by State-held easements that are subject to the regulations as defined by each easement holder and the underlying zoning, whichever is more restrictive. The State easement holders are the Maryland Agricultural Land Preservation Foundation, the Maryland Historical Trust and the Rural Legacy Program.

For ALPP Purchased Easements and ALPP Dedicated Easements, as defined above, the uses identified within this Section may require prior approval by the Agricultural Land Preservation Board, per Section 15.518 of the Howard County Code. In addition, for all easements, these uses do not supersede or negate any use restrictions specified in the Deed of Easement for the specific property.

### **B. Uses Permitted as a Matter of Right**

1. ALPP Purchased Easements and ALPP Dedicated Easements
  - a. Farming.
  - b. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
  - c. One single-family detached principal dwelling unit, if provided for in the Deed of Easement.
  - d. Sales of Christmas trees or other seasonal decorative material, between December first and January first, subject to the requirements given in Section 128.0.D.
  - e. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar utility uses not requiring a Conditional Use.
  - f. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0. and Section 15.516 of the Howard County Code.
  - g. Bed and Breakfast Inns, provided that:
    - (1) The building existed at the time the easement was established.

- (2) The Inn is managed by persons residing on the same parcel or in a contiguous parcel that is under the same ownership and part of the same farm.
2. Other Dedicated Easements
- a. Farming.
  - b. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
  - c. One single-family detached dwelling unit on the preserved area of a cluster subdivision, if provided for as required by Sections 104.0.G and 105.0.G.
  - d. Private outdoor recreational facilities, such as parks, athletic fields, swimming pools, basketball courts and tennis courts, reserved for use by residents of a community and their guests. Such facilities shall be located within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operation of the facilities.
  - e. Government uses, limited to public schools, conservation areas, parks, and recreational facilities.
  - f. Sales of Christmas trees or other seasonal decorative material, between December first and January first, subject to the requirements given in Section 128.0.D.
  - g. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar utility uses not requiring a Conditional Use.
  - h. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E.4. Commercial communications towers located on government property, excluding school board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.0.E. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provision for “government structures, facilities and uses”.

**C. Accessory Uses**

1. ALPP Purchased Easements and ALPP Dedicated Easements
- a. Any use normally and customarily incidental to any use permitted as a matter of right in the RC and/or RR Districts.
  - b. Farm tenant houses on parcels greater than 50 acres, subject to the Deed of Agricultural Preservation Easement and approval by the Agricultural Land Preservation Board. the parcel on which the farm tenant house will be located must be improved with a principal dwelling unless, based on justification of need submitted by the applicant, the Director of the Department of Planning and Zoning authorizes an exception to this requirement.
  - c. Accessory apartments, subject to the requirements of Section 128.0.A.
  - d. Housing by a resident family of boarders and/or elderly persons subject to the requirements of Sections 104.0.C.4 or 105.0.C.4.

- e. Home occupations, subject to the requirements of Section 128.0.C.
  - f. Home care, subject to the requirements of Sections 104.0.C.6 or 105.0.C.6
  - g. Parking of commercial vehicles, subject to the requirements of Sections 104.0.C.7 or 105.0.C.7.
  - h. Storage of recreational vehicles or boats, subject to the requirements of Sections 104.0.C.8 or 105.0.C.8.
  - i. Commercial services, subject to the requirements of Sections 104.0.C.9 or 105.0.C.9.
    - (1) Blacksmith shop
    - (2) Farm machinery repair
    - (3) Lawn and garden equipment repair
    - (4) Welding
  - j. Farm stands, subject to the requirements of Section 128.0.I.
  - k. Snowball stands, subject to the requirements of Section 128.0. D.
  - l. Value-added processing of agricultural products subject to the requirements of Section 128.0.I.
  - m. Agritourism enterprises, subject to the requirements of Section 128.0.I.
  - n. Pick-your-own marketing of farm products, subject to the requirements of Section 128.0.I.
  - o. Farm winery – Class 1A, subject to the requirements of Section 128.0.O.
  - p. Small wind energy system, building mounted, subject to the requirements of Section 128.0.L.
  - q. Small wind energy system, freestanding tower on properties 5 acres or greater, subject to the requirements of Section 128.0.M.
  - r. Riding stables and academies, subject to the requirements of Section 128.0.I.
  - s. Community Supported Agriculture (CSA), subject to the requirements of Section 128.0. I.
  - t. Food hubs, subject to the requirements of Section 128.0.I.
  - u. Accessory Solar Collectors.
  - v. Residential chicken keeping, subject to the requirements of Section 128.0.D.
  - w. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.
2. Other Dedicated Easements
- a. Any use normally and customarily incidental to any use permitted as a matter of right in the RC and/or RR Districts.

- b. Farm tenant houses on parcels greater than 50 acres, subject to the Deed of Easement. the parcel on which the farm tenant house will be located must be improved with a principal dwelling unless, based on justification of need submitted by the applicant, the director of the department of planning and zoning authorizes an exception to this requirement.
- c. Caretaker's dwellings on parcels greater than 50 acres and improved with a principal dwelling, subject to the Deed of Easement.
- d. Accessory apartments, subject to the requirements of Section 128.0.A.
- e. Housing by a resident family of boarders or elderly persons subject to the requirements of Sections 104.0.C or 105.0.C.
- f. Home occupations, subject to the requirements of Section 128.0.C.
- g. Home care, subject to the requirements of Section 104.0.C or 105.0.C.
- h. Parking of commercial vehicles, subject to the requirements of Section 104.0.C or 105.0.C.
- i. Storage of recreational vehicles or boats, subject to the requirements of Sections 104.0.C or 105.0.C.
- j. Commercial services, subject to the requirements of Sections 104.0.C. or 105.0.C.
  - (1) Blacksmith shop
  - (2) Farm machinery repair
  - (3) Lawn and garden equipment repair
  - (4) Welding
- k. Farm stands, subject to the requirements of Section 128.0.I.
- l. Snowball stands, subject to the requirements of Section 128.0.I.
- m. Disposal of off-site land clearing debris, subject to the requirements of Section 128.0.D.
- n. Value-added processing of agricultural products, subject to the requirements of Section 128.0.I.
- o. Agritourism enterprises, subject to the requirements of Section 128.0.I.
- p. Pick-your-own marketing of farm products, subject to the requirements of Section 128.0.I.
- q. Farm winery – class 1A, subject to the requirements of Section 128.0.O.
- r. Small wind energy system, building mounted, subject to the requirements of Section 128.0.L.
- s. Small wind energy system, freestanding tower on properties 5 acres or greater, subject to the requirements of Section 128.0.M.

- t. Riding stables and academies, subject to the requirements of Section 128.0.I.
- u. Community supported agriculture (CSA), subject to the requirements of Section 128.0.I.
- v. Food Hubs, subject to the requirements of Section 128.0.I.
- w. Accessory Solar Collectors.
- x. Residential chicken keeping, subject to the requirements of Section 128.0.D.
- y. Livestock on residential lots or parcels, subject to the requirements for such a use in Section 128.0.D.

**D. Conditional Uses**

- 1. ALPP Purchased Easements and ALPP Dedicated Easements
  - a. Conditional Uses shall not be allowed on agricultural preservation easements unless they support the primary agricultural purpose of the easement property, or are an ancillary business which supports the economic viability of the farm, and are approved by the hearing authority in accordance with the applicable provisions of Sections 130.0 and 131.0 of these regulations. On an ALPP purchased or dedicated easement property, the area devoted to Conditional Uses may not exceed a cumulative use cap equal to 2% of the easement or up to a maximum of 1 acre for Preservation Parcels created as part of the Cluster Subdivision Process. *[Council Bill 20-2014(ZRA-149)Effective 8/4/14]*

The following Conditional Uses may be allowed:

- (1) Animal hospitals
- (2) Barber shop, hair salon and similar personal services facilities
- (3) Bottling of spring or well water
- (4) Communication Towers
- (5) Farm tenant house on a parcel of at least 25 acres but less than 50 acres
- (6) Historic building uses
- (7) Home based contractors
- (8) Home occupations
- (9) Kennels and/or pet grooming establishments
- (10) Landscape contractors
- (11) Limited outdoor social assemblies
- (12) Sawmills or bulk firewood processing
- (13) School buses, commercial service
- (14) Small wind energy systems, freestanding tower
- (15) Solar Facilities, commercial

- b. In addition, the following Conditional Uses which may require additional land area may be permitted on agricultural preservation easements:

- (1) Agribusiness, limited to uses itemized in Section 131.0.N.
- (2) Farm Winery – Class 2

- 2. Other Dedicated Easements

- a. Conditional Uses shall not be allowed on other dedicated easements unless they support the primary purpose of the easement property and are approved by the hearing

authority in accordance with the applicable provisions of Sections 130.0 and 131.0 of these regulations. On these dedicated easements, the following Conditional Uses which do not require the construction of new principal structures or use of an outdoor area that is more than 2% of the preservation parcel acreage up to a maximum of 1 acre may be allowed:

- (1) Animal hospitals
- (2) Antique shops, art galleries and craft shops
- (3) Barber shop, hair salon and similar personal service facilities
- (4) Bottling of spring or well water
- (5) Child day care centers and nursery schools, day treatment and care facilities
- (6) Communication towers
- (7) Country inns
- (8) Historic building uses
- (9) Farm tenant house on a parcel of at least 25 acres but less than 50 acres
- (10) Home based contractors
- (11) Home occupations
- (12) Kennels and/or pet grooming establishments
- (13) Landscape contractors
- (14) Limited outdoor social assemblies
- (15) Museums and libraries
- (16) Retreats
- (17) School buses, commercial service
- (18) Shooting ranges – outdoor rifle, pistol, skeet and trap
- (19) Small wind energy systems, freestanding tower
- (20) Solar Facilities, commercial
- (21) Two family dwellings, accessory apartments and multi-plex dwellings  
*[Council Bill 20-2014(ZRA-149)Effective 8/4/14]*

b. In addition, the following Conditional Uses which may require additional land area may be permitted on other dedicated easements:

- (1) Agribusiness, limited to uses itemized in Section 131.0.N.2
- (2) Charitable or philanthropic institutions dedicated to environmental conservation
- (3) Farm Winery – Class 2
- (4) Golf Courses  
*[Council Bill 20-2014(ZRA-149)Effective 8/4/14]*