1**§267-53. AG Agricultural District.**

A. The purpose of this district is to provide for continued farming activities, conserve agricultural land and reaffirm agricultural uses, activities and operations within the agricultural zoned areas. It is the further purpose of this district to maintain, and promote, the rural character of this land as well as promote the continuance and viability of the farming and agricultural uses. ~~Lowdensity residential development is also permitted.~~

FOH: Residential development is not the purpose of an AG District.

B. Agricultural use. An agricultural operation, facility, or any of its appurtenances, receiving an agricultural use assessment, pursuant to Maryland Code, Tax - Property, § 8-209, shall not be considered a public or private nuisance as a result of changed land uses in or around the locality of the agricultural operation or facility. The operation of machinery, when used for agricultural purposes, shall be permitted at any time. Furthermore, any changes in said operation and in conformity with industry accepted horticultural, agronomic, animal husbandry, aquacultural and other agricultural standards does not constitute a nuisance.

Omitted "RA assessment" and added instead that land "receiving an agricultural use assessment pursuant to Maryland Code, Tax - Property, §8-209 . . . " shall not be considered a public or private nuisance as a result of changed land uses in or around AG operations.

C. General regulations.

(1) Minimum lot area, maximum lot area, maximum average lot area per dwelling unit or family unit, building setback from adjacent residential lot lines, lot width, front, side and rear yard and maximum building stories, as displayed in Table 53-1, shall apply, subject to other requirements of this Part 1. 1) "maximum building height" was changed to "maximum building stories"

New (2) Landscaping shall comply with the requirements set forth in §267-29 (Landscaping).

New (3) Buffer yards shall comply with requirements setforth in §267-30 (Buffer yards).

New (4) Signage shall comply with requirements set forth in §267-33 (Signs).

D. Specific regulations. Except as restricted by the conservation development standards in §267-72 (Conservation Development Standards), the following uses are permitted, subject to the additional requirements below: New language added: Except as restricted by the conservation development standards in 267-72, the following uses are permitted, subject to the additional requirements below:

1) Agriculture. The operation of machinery, when used for agricultural activities, shall be permitted at any time. rewritten. Omitted the requirement that all buildings associated with AG uses must meet required minimum setbacks for the principal use; omitted animal units and reference to setbacks for buildings in which animals are kept or housed. Only requirement in draft is that the operation of machinery when used for agricultural activities shall be permitted at any time.

(2) Agricultural retail sales, provided that the property is zoned AG-Agricultural, receives an agricultural assessment and that no more than 20% of the total area of the agricultural retail use or structure is dedicated to non-agricultural products.Omitted: "For the purposes of this paragraph, 'non-agricultural product' includes any processed form of an agricultural product."

(3) Residential development, on parcels as described in the Land Records of February 8, 1977, as provided below: Rewritten. Residential development on parcels as described in the LandRecords of February 8, 1977,

(a) Residential development rights shall be calculated pursuant to the following guidelines:

[1] One lot shall be permitted on any parcel of land that is more than 20,000 square feet and less than 11 acres. Current Code: one lot is permitted on any parcel that is less than 11 acres.

[1] Residential development or building right shall be one for any parcel from 20,000 sq.ft to less than 11 acres.

[2] Two Residential development or building rights ~~lots~~ shall be permitted on any parcel of land that is from 11 acres to 19.99 acres.

[3] An additional Residential development or building right ~~lot~~ shall be permitted for each additional 10 acres in excess of 20.

[4] An additional family conveyance lot shall be permitted for any member of the immediate family of persons who were individual owners of record (not corporate, partnership or joint-venture owners) of the parcel. Immediate family shall be limited to fathers, mothers, brothers, sisters, sons and daughters.

FOH: We must create a reasonable way for an AG zoned property owner to realize income from the ownership of the land without physically encouraging and promoting new housing. This is called a TDR program and as we repeatedly note, should be rewritten and made a part of this code. Barring an innovative and effective TDR program

where the landowner can sell the building right without having to resort to physically building on his property to receive needed income, we could try to sunset this and require registration or at least require that they live on the land for 5 years as is done in other counties.

(b) Any new lot created pursuant to Subsection (3)(a)(1-4) shall be a minimum of 2 acres unless the lot is located in an Agriculture Preservation District established pursuant to §2-501 et seq. of the Agriculture Article of the Annotated Code of Maryland, then the lot size shall be that as approved by the State. In the event that the primary parcel is removed from the district, the owner shall submit a revised subdivision plan, establishing a minimum lot size of 2 acres. At such time, the owner or his successors in title shall prepare and record the necessary deeds for the 2-acre conveyance and shall notify, in writing, the Department of Planning and Zoning of the conveyance.

(c) Private wells on residential lots shall be setback a minimum of 100 feet from any agricultural operation, facility or any of its appurtenances that has received an agricultural use assessment. "Appurtances is new

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Transfer of Development Rights

Section 267-53 (4)

1Friends of Harford does not believe the following section of the Zoning Code is a Transfer of Development Rights (TDR) program. The County's Master Plan states a TDR program is to be established. **We endorse a plan which supports agriculture, not this plan which forces farmers to foster building outside the designated development envelope in the RR and Rural Village zoning designations and next to other farms in order to realize benefits from their property.**

(Note: The yellow highlights differences from old code and draft. While we advocate deleting this entire section, we believe you should view the old and new to show the County's lack of vision for Agricultural development rights in the past as well as their plans for our future.)

While Friends of Harford comments on various proposals of the Draft code below we, in no way, endorse the use of this section as it is written. We only wish to engage in a dialogue which helps to explain some of our reservations with the County's idea of a TDR.

(4) Development rights established in §267-53 (AG Agricultural District), may be transferred from any parcel with an AG zoning located in the Agriculture designation on the most recently adopted Land Use Map as provided below: Current Code: Development rights established in D(3) may be transferred from one parcel to another parcel, either contiguous thereto or within 500 feet therefrom within this district in accordance with the following:
FOH: This eliminates the 500 foot rule and essentially defeats the original purpose (and amendments) of this law.

(a) All development rights are transferable, except 1 right for each existing dwelling unit. In no event shall less than 1 right be retained with the parcel. The right to a family conveyance is not transferable.

b) Adjacent parcels under common ownership shall be considered 1 parcel. Changed "contiguous" parcels under common ownership to "adjacent" parcels under common ownership, and changed "may" be considered to "shall" be considered one parcel.
FOH: We consider this a good change. It eliminates the hidden internal decision by Planning & Zoning as to whether one owner of a property which is composed of several parcels on paper, but physically are one, can be considered as one, two, three or more properties. Each paper parcel would have been able to transfer multiple building rights with the Department of Planning & Zoning.

(c) Development rights shall be transferred only by agreement, deed, easement or other written document, that shall be recorded in the Land Records of Harford County. The Department shall approve the document prior to recordation. An additional copy of the document transferring the development rights shall be delivered to the Director of Planning and Zoning. Rewritten. Transfer of development rights permitted only by deed, easement or agreement and must be recorded in the Land Records. Omitted, "The document shall limit future development in accordance with these provisions" in this paragraph and added it as new (d) below. Added: The Department shall

approve the document prior to recordation. An additional copy of the document transferring the development rights shall be delivered to the Director of Planning and Zoning.
FOH: This is covered by (d) in a separate statement with which we agree.

NEW ~~(d) The document transferring the development rights, as required under Subsection (4)(c) above, shall limit future development of, or transfer of, additional development rights where transferred. The document shall also identify, by metes and bounds, illustrated by map, the exact area from which the development rights are being transferred.~~
FOH: Development rights should not be bound to a particular piece of parcel. (c) above records the transfer properly. One piece of property may contain several development rights. To carve out a physical description of which part of the parcel is preserved is not in the best interest of the landowner.

NEW (e) The parcel receiving the development rights must be located in a Rural Residential or Rural Village designation as defined in the most recently adopted Land Use Element Plan. The number of development rights that may be transferred to the receiving property/parcel may be equal to the permitted density of Rural Residential (RR) or Village Residential (VR) zoning densities at a 1:1 ratio.
FOH: We strongly disagree with this section. Not only should AG zoned land not be a "receiving" area for development rights, but neither should RR or VR areas be a receiving area. This contradicts the Master Plan, principles of good planning, and Smart Growth. All receiving areas should be inside the Development Envelope.
When the TDR Study was done for the Eastern Shore in February 2007, the study stressed that TDR Programs allow the sale and transfer of unused development rights from agricultural land, forestland, and resourceland, to receiving areas WHERE HIGHER DENSITY DEVELOPMENT IS PREFERRED BECAUSE THEY ALREADY HAVE EXISTING INFRASTRUCTURE AND OTHER PUBLIC AMENITIES. Other studies state that when receiving areas don't already have the density and infrastructure, the purpose of the TDR program is defeated and it fails because infrastructure, public water and sewer, roads, etc., still get placed in rural areas not meant to have those amenities. It ends up costing the county more in the long run. The most successful programs - Montgomery County, MD, Carroll County, MD (whose program states, "No Transfer Zone shall be created within a Designated Agricultural Area." The transfer zone is the receiving area.) Pinedale, NJ, Barnstable, Mass., all have receiving areas where infrastructure is already established.

NEW (f) Development rights transferred under this Subsection may only be transferred once. Development rights may not be transferred from a parcel that has received development rights.
FOH: Please note that in a real TDR law, development rights should be treated as a commodity and should be transferable at will. We understand that this is limited under this subsection where a true TDR has not been established.

NEW (g) A parcel, from which development rights have been transferred pursuant to this Subsection, and as identified in the transferring document, shall not be permitted to receive additional development rights.
FOH: Agreed. This should eliminate some of the "creation" of new development rights by paper shuffling.

NEW (h) The Department of Planning and Zoning shall maintain a database of all documents transferring development rights pursuant to Subsection (4)(d) above.
FOH: This database shall be available to the public upon request. The Department of Planning & Zoning needs to be more open with its information. The perception that the department is not open with its internal decisions, interpretations of law, accounting practices and general information is a true perception. They do not.

Omitted. Conservation development pursuant to the conservation standards as provided in 267-46.
Omitted. Conversion of existing single family homes to accommodate no more than four dwelling units.

AGAIN, THESE COMMENTS IN NO WAY CONSTITUTE ANY SUPPORT FOR ANY PART OF THIS SECTION OF THE AG DISTRICT CODE.

End Transfer of Development Rights
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and . Current: Access to the fire station and the fire station assembly hall shall be from a road designated as principal arterial or minor arterial in the major road plan.

(b) Only 1 fire station with a fire station assembly hall is permitted in the AG District for each fire company.

(7) Agricultural public events. These activities are permitted, provided the following criteria are met:

~~(a) Minimum parcel area of 20 acres with an agricultural assessment.~~

FOH: No minimum acreage should be a requirement for AG with the "new AG businesses".

(b) The following setbacks shall apply unless otherwise specified:

[1] Minimum of 100 feet from all property lines, except road frontage and 200 feet from any off-site residence.

[2] Corn Maze. Minimum of 25 feet from property lines and 200 feet from any off-site residence.

[3] Farm Tours. No setback for the use. The parking area shall be a minimum of 100 feet from property lines except road frontage and 200 feet from any off-site residence. This area shall be landscaped and buffered pursuant to §267-29 (Landscaping) and §267-30 (Buffer yards). Current: parking areas must be covered with gravel and be screened pursuant to 267-28D.

(c) Must be owner or tenant operated. Employees may include only family members living on the site, and not more than the total of 160 equivalent employment hours by outside employees per week.

(d) Tenant farmer/tenant operator is an individual or business entity that is actively producing or managing livestock, crops or other agricultural products and is not the owner of the property being farmed. Agreement for this use is usually compensated by a contract for rent, lease or on a crop sharing basis.

(e) No operation between the hours of 10:00 p.m. and 7:00 a.m.

(f) Any lighting shall be shielded and directed away from any off-site residence and may be used only during the permitted hours of operation.

FOH: We are pleased to see this remain in the provision as this would also include signs.

(g) Safe and adequate access shall be provided for vehicular traffic. Such access shall be determined by the State Highway Administration or Harford County.

(h) Adequate arrangements for temporary sanitary facilities must be in accordance with Health Department Regulations.