

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND
LEGISLATIVE SESSION, 2016
BILL 2016-XX

Introduced:

BY: The Council President at the request of the Executive.

AN ACT to amend Chapter 225 of the Wicomico County Code, titled "Zoning" Section 225-106, titled "Poultry houses," to regulate the construction, location and use of poultry houses.

WHEREAS, there has been an increase in the volume of poultry house applications submitted to Wicomico County, as well as many other counties on the Eastern Shore, and

WHEREAS, the new poultry house complexes appear to be of a significantly larger size than average poultry houses in the past, which presents several concerns including, but not limited to, environmental issues, groundwater purity and noxious odors, and

WHEREAS, it appears advisable to amend Section 225-106 to further regulate the construction of said poultry houses in Wicomico County, upon the favorable recommendation of the Department of Planning, Zoning and Community Development.

SECTION I: BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, that Chapter 225, Section 225-106, titled "Poultry houses," be and the same is hereby amended, to read as follows:

Chapter 225
ZONING

Article XX, Uses and Standards Enumerated

§225-25 Definitions of Basic Terms.

POULTRY HOUSE- ANY STRUCTURE, INCLUDING ALL RELATED BUILDINGS AND APPURTENANCES, DESIGNED AND USED FOR THE GROWING OF POULTRY. THIS INCLUDES, BUT IS NOT LIMITED TO, FANS, FEED BINS, LITTER STORAGE, MANURE SHEDS, INCINERATORS, COMPOSTERS, AND COLD STORAGE.

§225-106 Poultry houses.

- A. ~~Setback requirements. Poultry houses shall be set back a minimum of 100 feet from all property lines.~~

- A. THE FOLLOWING STANDARDS APPLY TO ALL NEW POULTRY HOUSES LOCATED WITHIN AN AGRICULTURAL-RURAL (A-1), TOWN TRANSITION (TT) OR VILLAGE CONSERVATION (VC) ZONING DISTRICT.
1. BUFFER. A VEGETATIVE BUFFER SHALL BE PROVIDED IN ACCORDANCE WITH WICOMICO POULTRY HOUSE STANDARDS.
 2. SETBACKS.
 - (a) THERE SHALL BE A MINIMUM 400 FOOT SETBACK FROM ANY RESIDENTIAL DWELLING NOT LOCATED ON THE FARM, AS WELL AS ANY SCHOOL, CHURCH, NURSING HOME, DAYCARE CENTER, MOBILE HOME PARK, OR AN APPROVED HEALTH DEPARTMENT SEPTIC SYSTEM LOCATION TO SERVE ANY OF THE ABOVE.
 - (b) THERE SHALL BE A MINIMUM 200 FOOT SETBACK FROM ALL PROPERTY LINES.
 - (c) THE SAME SETBACKS SPECIFIED IN SUBSECTIONS (A) AND (B) SHALL APPLY IN REVERSE TO ADJACENT DEVELOPMENT, PROXIMATE TO ACTIVE OR INACTIVE POULTRY HOUSES.
 3. ROAD ACCESS. POULTRY HOUSE COMPLEXES THAT DIRECTLY ABUT A COUNTY ROAD MUST HAVE SUFFICIENT ACCESS TO THE ROAD, IN ACCORDANCE WITH THE WICOMICO COUNTY POULTRY HOUSE STANDARDS.
- B. NEW POULTRY HOUSE CONSTRUCTION LOCATED WITHIN THE R-8, R-15, R-20 AND R-30 RESIDENTIAL ZONING DISTRICTS MAY ONLY BE ESTABLISHED BY SPECIAL EXCEPTION GRANTED BY THE BOARD OF APPEALS. IN ADDITION TO THE CRITERIA SET FORTH IN SUBSECTION 225-155(C), THE BOARD SHALL ALSO CONSIDER CIRCUMSTANCES RELATIVE TO SOILS, LAND COVER, OWNERSHIP RELATIONS, AND PROPERTY RESTRICTIONS OF RECORD THAT MAY BE RELEVANT TO THE REQUESTED EXCEPTION. SHOULD THE SPECIAL EXCEPTION BE GRANTED, THE FOLLOWING RESTRICTIONS SHALL APPLY IN ADDITION TO THOSE LISTED IN SUBSECTION (A) OF THIS SECTION.
1. SETBACKS
 - (a) THERE SHALL BE A MINIMUM OF 500 FOOT SETBACK FOR EXHAUST FANS FACING AWAY FROM ANY RESIDENTIAL DWELLING NOT LOCATED ON THE FARM, AS WELL AS ANY SCHOOL, CHURCH, NURSING HOME, DAYCARE CENTER, MOBILE HOME PARK, OR AN APPROVED HEALTH DEPARTMENT SEPTIC SYSTEM LOCATION TO SERVE ANY OF THE ABOVE.
 - (b) THERE SHALL BE A MINIMUM OF 600 FOOT SETBACK FOR EXHAUST FANS FACING TOWARD ANY RESIDENTIAL DWELLING NOT LOCATED ON THE FARM, AS WELL AS ANY SCHOOL, CHURCH, NURSING HOME, DAYCARE CENTER, MOBILE HOME PARK, OR AN APPROVED HEALTH

DEPARTMENT SEPTIC SYSTEM LOCATION TO SERVE ANY OF THE ABOVE.

C. MODIFICATIONS OR WAIVERS. ANY OF THE ABOVE STATED REQUIREMENTS SET FORTH IN SUBSECTIONS (A) AND (B) OF THIS SECTION MAY BE MODIFIED BY SPECIAL EXCEPTION BY THE BOARD OF APPEALS. IN ADDITION TO CONSIDERING THE CRITERIA SET FORTH IN SUBSECTION 225-155(C) OF THIS CHAPTER, THE BOARD SHALL ALSO CONSIDER CIRCUMSTANCES RELATIVE TO SOILS, LAND COVER, OWNERSHIP RELATIONS, AND PROPERTY RESTRICTIONS OF RECORD THAT MAY BE RELEVANT TO THE REQUESTED MODIFICATION.

B- E. In LEGAL nonconforming situations, the existing poultry house(s) may be REPLACED AND/OR enlarged UP TO TEN PERCENT (10%) OF THE EXISTING FOOTPRINT without the permission of the Board of Appeals, provided that the enlargement does not extend any further into the current minimum required setbacks.

SECTION II. BE IT FURTHER ENACTED THAT this Bill shall be known as Bill No. 2016-03 of Wicomico County, Maryland and shall take effect sixty (60) days after its final passage, unless a proper Petition for Referendum thereof shall be filed prior to said date; in which event, the Bill shall not take effect until the expiration of thirty (30) days following the approval of this Bill by a majority of the qualified voters of the County voting in any such referendum.

Certified correct as passed and adopted by the County Council of Wicomico County, Maryland this _____ day of _____, 2016.

WICOMICO COUNTY, MARYLAND

BY: John T. Cannon, President

BY: Matthew E. Creamer, Secretary

I HEREBY CERTIFY that copies of the above Bill are available to the public, the press and other news media at the time of its introduction.

Matthew E. Creamer, Secretary

Explanation:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

~~Strike out indicates material deleted from law.~~

~~CAPITAL-STRIKE OUT~~ indicates matter stricken from Bill by Amendment.

Underlining indicates Amendments to Bill.

Wicomico County Poultry House Standards

It has been deemed advisable for Wicomico County to establish, and periodically amend as necessary, specific standards for the establishment of new Poultry Houses and Poultry House Complexes. These standards would be referenced through the County Zoning Code, and assist property owners and neighbors in the implementation of local regulations. The Standards would be adopted and amended by Resolution.

ROAD ACCESS

New Poultry House Complexes that directly abut and gain access to a County Road, shall have an access way of sufficient design and construction. An improvements construction plan would be furnished to the Director of Public Works before a final approval of the Stormwater Design/Site Plan submission.

The Director of Public Works is to confirm that the plan specifications are reasonably sufficient to serve the complex proposed and to protect the public intersection. Required plan specifications include access width, intersection roundings, grading, stabilization, and sight distance.

VEGETATIVE BUFFER

The following specifications shall apply to the establishment and maintenance of poultry house vegetative buffers required under the County Zoning Code.

A landscaping plan shall be submitted to the County Zoning Administrator demonstrating a vegetative buffer suitable for the visual screening of active portions of the poultry operation. This includes all related structures and appurtenance. A Vegetative Buffer would not be required if sufficient vegetation is in place on or adjacent to the site as determined by the Administrator. A Vegetative Buffer would not be required if the immediately adjacent property is subject to a recorded open space or agricultural easement.

The Vegetative Buffer is to be established as follows:

- 1) A minimum of three (3) staggered rows of plant materials shall be placed at a width of 10 to 20 feet between rows. The furthest row from the poultry operation must consist of evergreen trees.
- 2) Plant material is to be a minimal size of at least ----- when planted.
- 3) Buffers shall be installed in accordance with Best Management Practices in order to ensure growth and plant material survival.