



**PETITION TO AMEND THE
ZONING REGULATIONS OF
HOWARD COUNTY**

DPZ Office Use Only:
Case No. ZRA-138
Date Filed: _____

1. Zoning Regulation Amendment Request

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: To amend Section 128.J.2.f. to remove the requirement that sites for Pick-Your-Own Enterprises located in an RC (Rural Conservation) zoning district have frontage on and direct access to a collector or arterial road as designated in the General Plan.

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

2. Petitioner's Name Marsha S. McLaughlin, Director, Department of Planning and Zoning

Address 3430 Courthouse Drive, Ellicott City, Maryland 21043

Phone No. (W) 410-313-2350 (H) _____

Email Address Mmclaughlin@Howardcountymd.gov

3. Counsel for Petitioner Paul Johnson, Deputy County Solicitor

Counsel's Address 3430 Courthouse Drive, Ellicott City, Maryland 21043

Counsel's Phone No. _____

Email Address Pjohnson@Howardcountymd.gov

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed To support General Plan goals to increase the economic viability of Howard County's agricultural community by facilitating expansion of agricultural marketing opportunities. The proposed amendment will afford greater flexibility to farms in the RC (Rural Conservation) zoning district where farming is the preferred land use. The requirement for access to a collector or higher road classification would remain in effect in the RR (Rural Residential) zoning district.

SEP 15 A 9:23
COUNCIL

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County. The proposed amendment is in harmony with the Farm Industry Economic Development principles of Chapter 3, Preservation of the Rural West, which specifically note that farms are marketing products through enterprises such as pick-your-own operations, cut-your-own Christmas tree farms, petting farms and other means. The amendment is in harmony with the Agricultural Marketing Program guidelines which encourage the enhancement of income potential of Howard County's agricultural community through less traditional marketing outlets.

You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

6. The Legislative Intent of the Zoning Regulations in Section 100.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.A. In terms of promoting economic opportunities for farmers by increasing flexibility for RC zoned properties, the proposed amendment is in harmony with the intent "To protect the character, the social and economic stability of all parts of the County, ... to protect and conserve the value of land and structures... and to preserve agricultural land".

[You may attach a separate document to respond to Section 6. If so, this document shall be titled "Response to Section 6."]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s) . There is public benefit to increasing potential opportunities for pick-your-own enterprises in terms of agricultural sustainability and increased health benefits to consumers of locally grown fresh agricultural products.

[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

LETTERS, and any existing text to be deleted must be in [[Double Bold Brackets]]. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.

11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.
12. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

Marsha S. McLaughlin
Petitioner's name (Printed or typed)

Marsha S. McLaughlin 9/2/11
Petitioner's Signature Date

Petitioner's name (Printed or typed)

Petitioner's Signature Date

Petitioner's name (Printed or typed)

Petitioner's Signature Date

Paul T. Johnson 9/13/11
Counsel for Petitioner's Signature

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

FEE

The Petitioner agrees to pay all fees as follows:

Filing fee\$695.00. If the request is granted, the Petitioner shall pay \$40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment (\$40.00 minimum, \$85.00 maximum)

Each additional hearing night..... \$510.00*

The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.

APPLICATIONS: One (1) original plus twenty (20) copies along with attachments.

For DPZ office use only:

Hearing Fee \$ _____

Receipt No. _____

PLEASE CALL 410-313-2395 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

INSTRUCTIONS TO THE APPLICANT/PARTY OF RECORD

- As required by State Law, applicants are required to complete the AFFIDAVIT AS TO CONTRIBUTION that is attached, and if you have made a contribution as described in the Affidavit, please complete the DISCLOSURE OF CONTRIBUTION that is attached.
- If you are an applicant, Party of Record (i.e., supporter/protestant) or a family member and have made a contribution as described in the Affidavit, you must complete the DISCLOSURE OF CONTRIBUTION that is attached.
- Filed affidavits and disclosures will be available for review by the public in the office of the Administrative assistant to the Zoning Board during normal business hours.
- Additional forms may be obtained from the Administrative Assistant to the Zoning Board at (410-313-2395) or from the Department of Planning and Zoning.
- Completed form may be mailed to the Administrative Assistant to the Zoning Board at 3430 Courthouse Drive, Ellicott City, MD 21043.
- Pursuant to State Law, violations shall be reported to the Howard County Ethics Commission.

PETITIONER: _____

AFFIDAVIT AS TO CONTRIBUTION
As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850

I, _____, the applicant in the above zoning matter
_____, HAVE _____ HAVE NOT
made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a
candidate or the treasurer of a political committee during the 48-month period before application in or
during the pendency of the above referenced zoning matter.

I understand that any contribution made after the filing of this Affidavit and before final
disposition of the application by the County Council shall be disclosed within five (5) business days of
the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the
contents of the foregoing paper are true.

Name: _____

Date: _____

PETITIONER: _____

DISCLOSURE OF CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate of the treasurer of a political committee during the 48-month period before the application was file or during the pendency of the application.

Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

APPLICANT OR
PARTY OF RECORD: _____

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Name: _____

Date: _____

PETITIONER: _____

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

I, _____, the applicant in the above zoning matter

_____, AM _____ AM NOT

Currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of the application and the disposition of the application, I am required to file an affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Name: _____

Date: _____

Petitioner's Proposed Text

(CAPITALS indicates text to be added; [[brackets indicate text to be deleted]].)

SECTION 128 (Supplementary Zoning District Regulations)

J. Direct Farm Marketing and Agritourism Enterprises

2. Pick-Your-Own Enterprises

Pick-your-own produce operations and cut-your-own Christmas tree or flower operations are permitted as accessory uses to farming in the RC and RR Districts, provided that:

- a. Adequate off-street parking is provided, parking areas and driveways are treated as needed to control dust, and parking areas are screened from neighboring properties.
- b. Sight distance and the design of driveway entrances are adequate to accommodate expected traffic.
- c. Where the areas open to customers are close to the property boundaries, boundaries are clearly marked through fencing or landscaping to protect neighboring properties from unintentional trespassing by visitors.
- d. Incidental uses such as snack sales or hayrides to the produce fields are permitted.
- e. A permit is approved as provided in subsection J.4 of this section.
- f. [[The site has]] A SITE IN THE RR DISTRICT HAS frontage on and direct access to a collector or arterial road as designated in the General Plan.