



September 30, 2011

TECHNICAL STAFF REPORT

*Petition Accepted on September 20, 2011
Planning Board Meeting of October 20, 2011
County Council Hearing to be scheduled*

Case No./Petitioner: **ZRA - 138 – Marsha McLaughlin, Director, Department of Planning and Zoning**

Request: To amend Section 128.J.2.f. (Supplementary Zoning District Regulations) 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.

Department of Planning and Zoning Recommendation:

APPROVAL

I. DESCRIPTION OF PROPOSAL

- **The Petitioner proposes one amendment to the Zoning Regulations. The proposal would amend Section 128.J.2. which sets the criteria for pick-your-own produce enterprises and cut-your-own Christmas tree or flower operations which are permitted accessory uses to farming only in the RC and RR (Rural Conservation and Rural Residential) Districts.**
- **The amendment would eliminate the requirement that a site in the RC zoning district has access to a collector or higher road classification.**
- **The purpose of the proposed amendment is to afford greater flexibility to farms in the RC zoning district where farming is the preferred land use.**
- **The complete proposed amendment text is attached to this Technical Staff Report as Attachment A (Petitioner's Proposed Text).**

II. EXISTING AND PROPOSED REGULATIONS

- **Currently, Section 128.J.2.f. requires pick-your-own enterprises on properties located in the RC and RR Districts to have frontage on and direct access to a collector or arterial road as designated in the General Plan.**

The amendment would eliminate this requirement for such operations in the RC zoning district only. The requirement for access to a collector or higher road classification would remain in effect in the RR (Rural Residential) zoning district.

ZRA 138

Marsh McLaughlin, Director,
Department of Planning and Zoning, Petitioner

- **A new subsection, Section 128.J.2.g. would be added in order to address the licensing requirements of the Howard County Health Department.**

III. BACKGROUND INFORMATION

A. Scope of Proposed Amendments

- **The proposed amendment could apply to any property within the County which is zoned RC and has a principal use of farming.**

B. Agency Comments

See attached comments on the proposal from the following agency:

1. Howard County Health Department

IV. EVALUATIONS AND CONCLUSIONS

- The amendment would 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 zoning district where farming is the preferred land use.
- 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.
- The proposed amendment will be in harmony with the purpose of 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".
- 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.

ZRA 138
Marsh McLaughlin, Director,
Department of Planning and Zoning, Petitioner

V. RECOMMENDATION

APPROVAL

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-138 be **APPROVED**.

 10/4/11
Marsha S. McLaughlin, Director Date

NOTE: The file is available for public review at the Department of Planning and Zoning Public Information Counter.

MM:ZLK/zlk

ZRA 138 - Attachment A

Petitioner's Proposed Text

(CAPITALS indicate 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.
- g. PRIOR TO THE COMMENCEMENT OF THE USE, THE PETITIONER MUST OBTAIN ANY REQUIRED LICENSES OR PERMITS FROM THE HOWARD COUNTY HEALTH DEPARTMENT.