

Introduced Jan 3, 2012
Public Hearing Jan 17, 2012
Council Action March 5, 2012
Executive Action March 13, 2012
Effective Date May 13, 2012

County Council Of Howard County, Maryland

2012 Legislative Session

Legislative Day No. 1

Bill No. 5 -2012 (ZRA 138)

Introduced by: The Chairperson at the request of the Marsha S. McLaughlin,
Director, Department of Planning and Zoning

AN ACT removing a requirement that pick-your-own-enterprises located in the RC (Rural Conservation) Zoning District have frontage on and direct access to certain types of roads, requiring that all necessary permits and licenses to be obtained from the Health Department prior to use as a pick-your-own enterprise, and generally relating to the Howard County Zoning Regulations.

Introduced and read first time January 3, 2012. Ordered posted and hearing scheduled.

By order Stephen LeGendre
Stephen LeGendre, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on January 17, 2012.

Tabled February 6, 2012

By order Stephen LeGendre
Stephen LeGendre, Administrator

This Bill was read the third time on March 5, 2012 and Passed ✓, Passed with amendments ✓, Failed .

By order Stephen LeGendre
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 6th day of March, 2012 at 2:00 a.m./p.m.

By order Stephen LeGendre
Stephen LeGendre, Administrator

Approved/Vetoed by the County Executive March 13, 2012

Ken Ulman
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the
2 *Howard County Zoning Regulations is amended as follows:*

3 (1) *Paragraph 2 of Subsection J of Section 128 "Supplementary Zoning District*
4 *Regulations" is amended.*

5
6 **Howard County Zoning Regulations.**

7 **Section 128. Supplementary Zoning District Regulations.**

8
9 **J. Direct Farm Marketing and Agritourism Enterprises**

10 **2. Pick-Your-Own Enterprises**

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

14 a. Adequate off-street parking is provided, parking areas and driveways are
15 treated as needed to control dust, and parking areas are screened from
16 neighboring properties.

17 ~~b. Sight distance and the design of driveway entrances are adequate to~~
18 ~~accommodate expected traffic.~~

19 **B. SIGHT DISTANCE, THE DESIGN OF DRIVEWAY ENTRANCES, AND**
20 **DIRECTIONAL SIGNAGE ARE ADEQUATE TO ACCOMMODATE**
21 **EXPECTED TRAFFIC.**

22 c. Where the areas open to customers are close to the property boundaries,
23 boundaries are clearly marked through fencing or landscaping to protect
24 neighboring properties from unintentional trespassing by visitors.

25 d. Incidental uses such as snack sales or hayrides to the produce fields are
26 permitted.

27 e. A permit is approved as provided in subsection J.4 of this section.

28 f. ~~[[The site]]~~ A SITE IN THE RR DISTRICT has frontage on and direct access
29 to a collector or arterial road as designated in the General Plan.

30
31 **G. A SITE IN THE RC DISTRICT MAY ACCESS FROM A LOCAL ROAD 1 IF**
32 **ACCESS IS SAFE BASED ON ROAD CONDITIONS AND ACCIDENT**

1 HISTORY, AND THE LOCAL ROAD IS 2 NOT INTERNAL TO A
2 RESIDENTIAL CLUSTER SUBDIVISION

3 GH. PRIOR TO THE COMMENCEMENT OF THE USE, THE PETITIONER MUST
4 OBTAIN ANY REQUIRED LICENSES OR PERMITS FROM THE HOWARD
5 COUNTY HEALTH DEPARTMENT.
6

7 ***Section 2. And Be It Further Enacted by the County Council of Howard County,***
8 ***Maryland that the Director of the Department of Planning and Zoning is authorized to***
9 ***publish this Act, to correct obvious errors in section references, numbers and references***
10 ***to existing law, capitalization, spelling, grammar, headings and similar matters.***
11

12 ***Section 3. And Be It Further Enacted by the County Council of Howard County,***
13 ***Maryland, that this Act shall become effective 61 days after its enactment.***

Amendment 1 to Council Bill No. 5 -2012

BY: Chairperson at the request
of the County Executive

Legislative Day No. 3
Date: March 5, 2012

Amendment No. 1

(This amendment requires appropriate directional signs when necessary for visitor access.)

- 1 On page 1, delete lines 17 and 18 in their entirety, and substitute:
- 2 “B. SIGHT DISTANCE, THE DESIGN OF DRIVEWAY ENTRANCES, AND DIRECTIONAL SIGNAGE ARE
- 3 ADEQUATE TO ACCOMMODATE EXPECTED TRAFFIC.”.

4
5

ADOPTED March 5, 2012
FAILED
SIGNATURE Stephen M. Gardner

Amendment 2 to Council Bill No. 5 -2012

BY: Chairperson at the request
of the County Executive

Legislative Day No. 3
Date: March 5, 2012

Amendment No. 2

(This amendment establishes requirements for access from a local road in the RC district.)

1 On page 1, after line 26, insert "G. A SITE IN THE RC DISTRICT MAY ACCESS FROM A LOCAL ROAD
2 IF ACCESS IS SAFE BASED ON ROAD CONDITIONS AND ACCIDENT HISTORY, AND THE LOCAL ROAD IS
3 NOT INTERNAL TO A RESIDENTIAL CLUSTER SUBDIVISION".

4
5 On page 1, line 27, delete "G" and substitute "F".
6
7

DATE March 5, 2012
BY Stephen M. G. Lender

Introduced _____
Public Hearing _____
Council Action _____
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Introduced and read first time _____, 2012. Ordered posted and hearing scheduled.

By order _____
Stephen LeGendre, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2012.

By order _____
Stephen LeGendre, Administrator

This Bill was read the third time on _____, 2012 and Passed ___, Passed with amendments ___, Failed ____.

By order _____
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2012 at ___ a.m./p.m.

By order _____
Stephen LeGendre, Administrator

Approved/Vetoed by the County Executive _____, 2012

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

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15 treated as needed to control dust, and parking areas are screened from
16 neighboring properties.
- 17 b. Sight distance and the design of driveway entrances are adequate to
18 accommodate expected traffic.
- 19 c. Where the areas open to customers are close to the property boundaries,
20 boundaries are clearly marked through fencing or landscaping to protect
21 neighboring properties from unintentional trespassing by visitors.
- 22 d. Incidental uses such as snack sales or hayrides to the produce fields are
23 permitted.
- 24 e. A permit is approved as provided in subsection J.4 of this section.
- 25 f. ~~[[The site]]~~ A SITE IN THE RR DISTRICT has frontage on and direct access
26 to a collector or arterial road as designated in the General Plan.
- 27 G. PRIOR TO THE COMMENCEMENT OF THE USE, THE PETITIONER MUST
28 OBTAIN ANY REQUIRED LICENSES OR PERMITS FROM THE HOWARD
29 COUNTY HEALTH DEPARTMENT.

30
31 **Section 2. *And Be It Further Enacted* by the County Council of Howard County,**
32 ***Maryland that the Director of the Department of Planning and Zoning is authorized to***

1 *publish this Act, to correct obvious errors in section references, numbers and references*
2 *to existing law, capitalization, spelling, grammar, headings and similar matters.*

3

4 ***Section 3. And Be It Further Enacted*** *by the County Council of Howard County,*
5 *Maryland, that this Act shall become effective 61 days after its enactment.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on March 13, 2012.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2012.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2012.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2012.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2012.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2012.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council