

PRINCE GEORGE'S COUNTY COUNCIL
COMMITTEE REPORT
2019 Legislative Session

Reference No.: CB-014-2019

Draft No.: 2

Committee: PLANNING, HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE

Date: 7/18/2019

Action: FAV(A)

REPORT:

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Glaros, Davis, Dernoga, Hawkins, and Ivey)

The Planning, Housing, and Economic Development (PHED) Committee convened on June 6, July 10, and July 18, respectively to consider CB-14-2019, an Ordinance concerning Zoning – Definitions – Urban Farm for the purpose of amending the definition of “Urban Farm” uses in the Zoning Ordinance to align with the corresponding definition of “Urban Farm” within the proposed new zoning laws approved via CB-13-2018, being also Chapter No. 37, Laws of Prince George’s County, Maryland.

At the June 6 meeting, the Committee Director summarized written referral comments received. The Chief Zoning Hearing Examiner submitted a May 30, 2019 memorandum to the Committee recommending that, for clarity, the purpose clause should be revised to note that the current definition will be revised “to align with most of the new definition for ‘Urban agriculture’ for the following reasons: 1) the new term in the attachment to CB-13-2018 is “Urban agriculture” and not Urban Farm; and 2) all of the language in that new term is not being incorporated within CB-14-2019.

The Office of Law reviewed the legislation and determined that it is in proper legislative form with no legal impediments to its enactment. By letter dated May 2, 2019 to Council Chair Turner, the Planning Board indicated support of CB-14-2019 with inclusion of the following amendments: 1) Perhaps the title and purpose statement should be amended by adding the word “generally” in front of the word “align”; 2) On page 1, line 4, delete the word “farm” behind the word “urban” and replace with the word “Agriculture”. The new Zoning Ordinance renamed the “Urban farm” use to “Urban Agriculture”.

Kim Rush Lynch, representing the Prince George’s Soil Conservation District (PGSCD) and Sydney Daigle, representing Food Equity Council, testified in support of the legislation during the June 6 and July 10 Committee meetings. On July 10, Ms. Rush Lynch was joined by the following PGSCD Summer Youth Employment Program participants testifying in support of

the legislation: Kaila Asante, Taylor Thomas, and Ashley Ferrell. Their written testimony was also included in the record. Stephanie Freeman, representing University of Maryland Extension also testified in support on July 10. Additional letters in support of the legislation were received from Kim Rush Lynch and Claudia Barragan (Communities in Practice, LLC).

The Committee reviewed a Proposed Draft-2 (DR-2) on June 6 and a Proposed DR-2A on July 10 and July 18. Following robust discussion regarding comments and testimony received at the three meetings, the Committee voted favorable on CB-14-2019 with amendments as follows:

- Revise the purpose clause to include “generally” before “align”
- Revise the purpose clause to include “and to permit the use in certain residential, Commercial, and Industrial Zones of Prince George’s County”
- Add references to Sections 27-441, 27-461, and 27-473 in Lines 9 and 17–18 on Page 1
- On Page 2, in Line 30, move the bracket after “Farm.” to delete the sentence, “The term shall not include ‘Agriculture’.” This language is re-inserted on Page 3 in Line 10 of the definition of ‘Urban Farm.
- On Page 3, in line 1, add the preposition “of” before “bees”, and substitute “on” for the phrase “in the urban environment” for clarity
- Add the terms “, fowl or livestock;” after “the keeping of roosters” to exclude these animals from the definition of Urban farm uses
- Amend the residential zone Table of Uses Permitted in Section 27-441(b)(7)(F) to permit Urban Farms in the R-30, R-18, R-10A, R-10, and R-H Zones of the County, subject to a trio of footnotes, as follows:

“**97** Permitted use if the extent of the use on the property does not exceed a maximum of five (5) acres in size. The Urban Farm shall not allow noxious odors or dust to drift off the premises. The applicant shall be required to obtain a Health Department permit if fruits and vegetables are cut up or prepared foods are being sold to the public. Signage shall be limited to way finding and directional signs. “

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“**112** Provided:

- (A) The use shall not cause noxious odors or dust to drift off the premises;
- (B) Onsite signage shall be limited to one identification sign not exceeding six (6) square feet in area. Interpretative signs educating attendees about urban farming are allowed on the property;
- (C) The use must be maintained in an orderly manner, including litter removal, irrigation, pest control, and removal of dead or diseased plant materials. All garbage must be removed from the site weekly;
- (D) Garbage and compost receptacles at an urban farm shall be screened from the street and adjacent properties by utilizing landscaping, fencing, or storage within structures;
- (E) The use shall be required to obtain all necessary permits as applicable, including for accessory structures and signage,
- (F) Notwithstanding Section 27-107.01(243.8), incidental sales are not permitted onsite; however, customers subscribed to a Community Supported Agriculture (CSA) program managed by the farm are allowed to pick up their weekly share of produce from the urban farm property, and”

“134 Crop plantings shall be located a minimum of ten (10) feet from the front and rear street lines, and ten (10) feet from any other residential zone.”

- Amend the residential zone Table of Uses Permitted in Section 27-441(b)(7)(F)(i) to permit “Rooftop Urban Farms, provided that the use meets certain structural requirements set by DPIE and approved by the Council” in the R-10A, R-10, and R-H Zones
- Amend the commercial Table of Uses Permitted in Section 27-461(b)(7)(C) to permit Urban Farms in all Commercial Zones of the County, subject to the same trio of footnotes recited above for the use in to Residential Zones
- Amend the commercial zone Table of Uses Permitted in Section 27-461(b)(7)(C)(i) to permit “Rooftop Urban Farms, provided that the use meets certain structural requirements set by DPIE and approved by the Council” in all Commercial Zones of the County
- Amend the industrial Table of Uses Permitted in Section 27-473(b)(8)(B) to permit Urban Farms in all Industrial Zones of the County, subject to the same trio of footnotes recited above for the use in the Residential Zones
- Amend the industrial zone Table of Uses Permitted in Section 27-473(b)(8)(B)(i) to permit “Rooftop Urban Farms, provided that the use meets certain structural requirements set by DPIE and approved by the Council” in all Industrial Zones of the County
- Add text on Page 12 in Lines 1–3, as follows:

“SECTION 5. BE IT FURTHER ENACTED that the provisions of this Ordinance shall not be construed to exempt any Urban Farm uses from any applicable State taxes as agricultural uses.”