

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2016 Legislative Session

Reference No.: CB-80-2016

Draft No.: 2

Committee: PLANNING, ZONING, AND ECONOMIC DEVELOPMENT COMMITTEE

Date: October 5th, 2016

Action: FAV (A)

REPORT:

Committee Vote: Favorable with amendments, 5-0 (In favor: Council Members Harrison, Franklin, Glaros, Taveras, and Toles)

Staff provided an overview of the legislation and informed the Committee of written referral comments that were received. Council Vice-Chair Glaros, the bill's sponsor, informed the Committee that the amendments to the Zoning Ordinance provided in CB-80-2016 are intended to address an issue that resulted from Council legislation enacted in 2010 which inadvertently made beekeeping a prohibited use in residential zones.

The Planning Board took no position on the legislation with suggested amendments as provided in a detailed analysis concerning their position as follows. The definition of agriculture within the Zoning Ordinance was changed to coincide with updates to Subtitle 30 (Agriculture). When the County was preparing for the Maryland Agricultural Land Preservation Foundation (MALPF) certification, which allows the County to retain a greater portion of transfer tax revenues, the County revised certain agriculture related definitions to ensure compatibility with state laws and regulations. The definition for "agricultural operation" under Subtitle 30 includes the production of bees and their products.

Additionally, it is not clear if this bill is intended to permit beekeeping in all residential zones. If the intent is to permit beekeeping in all residential zones, regulations should be created to permit the use. There should be a definition created, the table of uses should be amended to add the use and standards should be created for the use. Some of the standards could include: minimum acreage requirements and setbacks for accessory structures. It is not clear if the bill excludes beekeeping on commercial and industrial zoned properties.

The Chief Zoning Hearing Examiner (ZHE) reviewed the legislation and recommended that the language used in the purpose clause be used in the bill to avoid any misinterpretations as follows: page 2, line 16 should read "noncommercial beekeeping on privately owned resolution land, or...."

Margaret Morgan Hubbard, representing ECO City Farms and Food Equity Council, testified in support of the legislation.

The Committee voted favorable including clarifying amendments to ensure that CB-80-2016 eliminates previous unintended consequences concerning beekeeping as follows:

- On page 2, line 9, in the definition of agriculture, remove the brackets around beekeeping and include reference to Section 27-441 (Uses permitted) and on line 16, after “Agriculture’ shall not include”, strike the proposed new language “beekeeping on residential land, or”
- On page 3, insert the Residential Zones Table of Uses and include beekeeping on residential land as a permitted use in certain residential zones
- Amend the bill title and purpose clause accordingly