

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2016 Legislative Session

Reference No.: CB-025-2016

Draft No.: 2

Committee: PLANNING, ZONING AND ECONOMIC DEVELOPMENT

Date: 06/15/2016

Action: FAV (A)

REPORT:

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

Staff presented a Proposed Draft-2A (DR-2A) containing amendments to address comments received during the June 1 Committee meeting. In Proposed DR-2A, the Urban Farm definition was amended in line 8, page 2, after “incidental sales” to insert “excluding in the R-80 and R-55 Zones”. Footnote 109 (A), (C) and (G) was amended as follows:

(A)If the subject property is within a municipality, the use is only permitted if the municipality has indicated approval through a ~~LETTER OR~~ resolution. IN THE EVENT OF DISAPPROVAL, THE MUNICIPALITY’S RESOLUTION SHOULD INCLUDE THE BASIS FOR ITS DECISION:

(C)Onsite signage shall be limited to one identification sign not exceeding ~~SIXTY (60) SIX (6)~~ square ~~INCHES~~ FEET in area. Interpretative signs educating attendees about urban farming are allowed on the property;

(H)~~CROP PLANTINGS SHALL BE LOCATED A MINIMUM OF TEN (10) FEET FROM THE FRONT STREET LINE.~~

The Office of Law expressed similar concern as the Chief Zoning Hearing Examiner during the June 1 Committee meeting with the language in Footnote 109 (A) as well as similar language in existing Footnote 97. To address the concerns that the language is delegating authority to a municipality which is not already provided in the Land Use Article, the Committee further amended Proposed DR-2A to remove the language in Footnotes 97 and 109 (A). The letters in Footnote 109 were revised to reflect the deletion of the language in (A).

Additional written testimony dated June 15, 2016 in support of the legislation was received from the Prince George’s Food Equity Council.

The Committee voted favorable including the additional amendments to Proposed DR-2A.

Held in committee.

June 1, 2016

Staff gave an overview of the legislation and informed the Committee of written referral comments and correspondence that were received. Council Member Lehman, a Bill sponsor,

informed the Committee that this legislation allows urban farms in more zones and will assist farmers in qualifying for a tax credit even though their properties are not zoned or assessed for agriculture. CB-25-2016 does not impact existing farms in zones where general agriculture is currently permitted and also by including in the definition that an urban farm shall not include the term “agriculture” does not then require an urban farm to obtain a use and occupancy permit since agricultural uses are exempt from this requirement pursuant to Section 27-253 of the Zoning Ordinance.

The Planning Board supports the legislation. The Chief Zoning Hearing Examiner (ZHE) provided the following comments in a memorandum dated May 31, 2016 to the Committee Director:

- 1) The existing definition of “Urban Farm” found in Section 27-107.01 (a)(243.8) of the Zoning Ordinance expressly allows “incidental sales” on the property. The bill notes that “incidental sales” are not permitted on site in the R-80 and R-55 Zones. It is unusual, and may be confusing, to amend the definition in the footnote. I therefore recommend that the definition be amended on p. 2, line 8 as follows-“agricultural education [and incidental sales on the property], and excludes livestock. Incidental sales on the property are permitted, except in the R-80 and R-55 Zones...”
- 2) Footnote 109 (A) allows the use under certain circumstances within a municipality, subject to approval by the municipality. This amounts to a delegation of the District Council’s zoning authority to a municipality, with no reasonable guidelines provided for the exercise of said authority. Similar language currently exists in Footnote 97. (See p.4) I urge that the language be modified to require that the municipal authority be given 45 days notice prior to the issuance of a permit to allow comment, rather than total authority to approve or deny a permit. In the alternative, some guidelines should be provided as to when a permit may be denied by the municipality.
- 3) Footnote 109(c) limits onsite signage but allows “interpretive signs”. Allowing such signs solely within this footnote may have consequential effects on urban farms located in the larger residential zones. Moreover, informational signs strewn throughout the farm most likely are permitted under the category of “institutional signs” set forth in Section 27-602 of the Zoning Ordinance. I would recommend that this sentence be deleted in Footnote 109 (c).

Staff presented a Proposed Draft-2 (DR-2) that included an amendment to the Urban Farm definition as follows: In the first line, remove the brackets around the words “a non-profit organization”, then strike “an organization or individual” and insert “for-profit business” to then read: “A use that permits a non-profit organization or for-profit business to cultivate fruits, vegetables, flowers,..” Also, on line 10, the first sentence of the new language being added to the definition was amended to reflect the change in the first line.

The following individuals testified in support of the legislation: Sidney Daigle (Prince George’s County Food Equity Council), Jennifer Funn (Branch Avenue in Bloom Urban Farm), Fleming Thomas, Jr., Abby Wilkerson (ECO City Farms), Michelle Nelson (University of Maryland Extension), Celeste James (Kaiser Permanente), Jim Coleman (Riverdale Park Farmers Market), Kenneth Healy (Sierra Club), Leonard Anthony, and Chloe Marshall (Capital Area Food Bank). Written correspondence in support of CB-25-2016 was received from Kristi Janzen and Sheena

Washington.

The Committee discussed comments raised by the Zoning Hearing Examiner concerning municipality review and approval for an urban farm use as well as front yard and planting requirements for this use in the R-80 and R-55 Zones.

The bill was held to allow time for staff to provide another draft with revisions to address issues raised during Committee discussion.