



PETITION TO AMEND THE  
ZONING REGULATIONS OF  
HOWARD COUNTY

DPZ Office Use Only:

Case No. ZRA- 126

Date Filed: \_\_\_\_\_

1. Zoning Regulation Amendment Request

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: To permit farmers markets and produce stands as conditional uses on R-20 zoned properties, subject to certain restrictions and requirements, as shown on the attached Supplement of the exact language.

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

2. Petitioner's Name Kimberly Harbin Taylor and Michael Taylor

Address 9944 Route 99, Ellicott City, MD 21042

Phone No. (W) 443-864-3536 (H) \_\_\_\_\_

Email Address \_\_\_\_\_

3. Counsel for Petitioner Thomas M. Meachum, Carney Kelehan Bresler Bennett & Scherr

Counsel's Address 10715 Charter Drive, Columbia, MD 21044

Counsel's Phone No. 410-740-4600

Email Address tmm@carneykelehan.com

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed to allow this use near residential communities and provide fresh and different products outside of a store/commercial area setting.

11/16/21 P 3:30

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County In the Community Conservation and Enhancement section of the General Plan at p. 86, Community Structure and Focus, it is stated that communities have many components, including stores and services. Under Box 5-1, key concepts that define community structure, it is stated that five planning design concepts should guide community planning. 1. is Places, which states that neighborhoods or subdivisions should ideally have, (\*continued on separate page)

[You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

6. The Legislative Intent of the Zoning Regulations in Section 100.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.A. This amendment provides a means for the sale of healthier foods since these operations sell products from nearby farms. This also indirectly serves as an informal gathering place for the local community. The Petitioners know this by their own experience. Farmers markets and produce stands provide local outlets for local farmers to sell their product. Allowing this use in certain restricted areas also diverts traffic from the already crowded commercial areas.

[You may attach a separate document to respond to Section 6. If so, this document shall be titled "Response to Section 6."]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s). The public should not be forced to go into commercial areas for fresh, healthy and natural products for the home. For certain products in appropriate locations the community benefits from these offerings. The restrictions deflect any detriment. Attached is a copy of a newspaper article last month on the virtues and necessity of produce stands and farmers markets.

[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no? Yes

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

The Petitioner has identified five (5) properties as potentially able to meet the criteria proposed in the amendment. A list of those properties is attached to this Petition. Three of the properties are on Old Frederick Road west of Marriottsville Road, all in close proximity to each other. They are currently under one ownership. While Lot 8 has a house, the other three lots are unimproved. Across the street is designated State Agricultural District, and to the east construction is taking place for a mid-rise (continued on separate page)

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition. The Petitioner's operation is the example of the benefits of these uses, and other farmers markets/produce stands would provide the same benefits to the community as Harbin Farm has. Their stand has provided a sales outlet for many local farms; the food they sell is fresh, therefore healthier for consumers, related seasonal items such as Christmas trees and fall decorations from local agricultural locations are provided in a charming setting. The family has become friends with many people from the community, and local community members see each other there.

[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

10. You must provide the full proposed text of the amendment(s) as a separate document entitled "Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in **[ [ Double Bold Brackets ] ]**. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.

11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.
12. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

Kimberly Harbin Taylor

Petitioner's name (Printed or typed)

Kimberly Harbin Taylor 8/30/09  
Petitioner's Signature Date

Michael Taylor

Petitioner's name (Printed or typed)

Michael Taylor 8/30/09  
Petitioner's Signature Date

\_\_\_\_\_  
Petitioner's name (Printed or typed)

\_\_\_\_\_  
Petitioner's Signature Date

\_\_\_\_\_  
Counsel for Petitioner's Signature

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

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**Kimberly Harbin Taylor**

\_\_\_\_\_  
Petitioner's name (Printed or typed)

\_\_\_\_\_  
Petitioner's Signature

\_\_\_\_\_  
Date

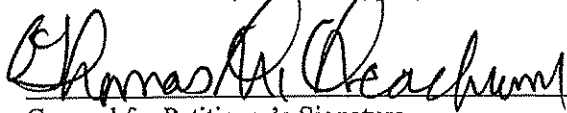
**Michael Taylor**

\_\_\_\_\_  
Petitioner's name (Printed or typed)

\_\_\_\_\_  
Petitioner's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Petitioner's name (Printed or typed)



\_\_\_\_\_  
Counsel for Petitioner's Signature

\_\_\_\_\_  
Petitioner's Signature

\_\_\_\_\_  
Date

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

**FEE**

The Petitioner agrees to pay all fees as follows:

Filing fee .....\$695.00. If the request is granted, the Petitioner shall pay \$40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment (\$40.00 minimum, \$85.00 maximum)

Each additional hearing night..... \$510.00\*

The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.

**APPLICATIONS: One (1) original plus twenty (20) copies along with attachments.**

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For DPZ office use only:

Hearing Fee \$ \_\_\_\_\_

Receipt No. \_\_\_\_\_

**PLEASE CALL 410-313-2395 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION**

County Website: [www.howardcountymd.gov](http://www.howardcountymd.gov)

Revised:10/08  
T:\Shared\Public Service and Zoning\Applications\County Council\ZRA Application

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**Kimbery Harbin Taylor and Michael Taylor**

*Response to Section 5 continued:*

among other things, convenience other than large mixed use projects and BR zoning. Howard County is strictly divided into segregated use areas, with little mixture of uses within them. This low level use can be near and within a community or neighborhood, providing a diverse selection of items closer to homes. Given the restrictions specifically set forth in the proposed amendment, and the fact this is proposed as a conditional use, there could be nothing detrimental to a farmers market/produce stand approved by the Hearing Examiner, and only benefits for the community.

*Response to Section 8 continued:*

office building. The homes nearby these properties all access Route 99.

The other two properties are on Montgomery Road. One has an address number of 6663, though there are no improvements. The property appears to be currently used for auto repair. There are a few homes that also access Montgomery Road, two churches, and a middle school up the street.

The other property has an address of 4940 Montgomery Road, but is unimproved. It is Lot 2 to Lot 1 in front, the latter of which has a house and address of 4942 Montgomery Road. The properties are under common ownership. Homes in this area access Montgomery Road, and are close to the road.

**HARBIN FARMS**

**PETITIONERS' PROPOSED TEXT**

**FARMER'S MARKET AND PRODUCE STAND**

131.N.21

A CONDITIONAL USE MAY BE GRANTED IN THE R-20 ZONING DISTRICT FOR A FARMER'S MARKET AND/OR PRODUCE STAND, PROVIDED THAT:

- a. THE USE MAY NOT BE LOCATED ON A LOT LESS THAN ONE (1) ACRE NOR LARGER THAN TWO (2) ACRES;
- b. THE PROPERTY UPON WHICH THE FARMER'S MARKET AND/OR PRODUCE STAND IS APPROVED SHALL HAVE NO OTHER USE;
- c. THE USE MAY INCLUDE THE RETAIL SALE OF CROPS, PRODUCE, FLOWERS, PLANTS, AND SEASONAL DISPLAYS, BAKED GOODS, DAIRY PRODUCTS AND BOTTLED/PACKAGED PRODUCTS;
- d. THE SITE HAS FRONTAGE ON AND DIRECT ACCESS TO A MINOR ARTERIAL ROAD AS DESIGNATED IN THE GENERAL PLAN.