

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND****SITTING AS THE DISTRICT COUNCIL****1998 Legislative Session**

Bill No. \_\_\_\_\_ CB-63-1998

Chapter No. \_\_\_\_\_ 38

Proposed and Presented by \_\_\_\_\_ Council Member Maloney

Introduced by \_\_\_\_\_ Council Member Maloney

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_ May 12, 1998

**ZONING BILL**

1 AN ORDINANCE concerning

2 Farmer's Markets and Flea Markets

3 For the purpose of defining farmer's markets and flea markets and permitting these uses in  
4 certain residential, commercial and industrial zones under certain circumstances.

5 BY repealing and reenacting with amendments:

6 Sections 27-107.01, 27-261(j), 27-441(b), 27-461(b), and 27-473(b),

7 The Zoning Ordinance of Prince George's County, Maryland,

8 being also

9 SUBTITLE 27. ZONING.

10 The Prince George's County Code

11 (1995 Edition, 1997 Supplement).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
13 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional  
14 District in Prince George's County, Maryland, that Sections 27-107.01, 27-261(j), 27-441(b), 27-  
15 461(b) and 27-473(b) of the Zoning Ordinance of Prince George's County, Maryland, being also  
16 Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and  
17 reenacted with the following amendments:18 **SUBTITLE 27. ZONING.**19 **PART 2. GENERAL.**20 **DIVISION 1. DEFINITIONS.**

**Sec. 27-107.01. Definitions.**

(87.1) **Farmer's Market:** A collection of vendors located on property owned by a public agency or a not-for-profit organization, in accordance with the written permission of the property owner, for the sale of agricultural and horticultural products grown by the vendor or for the sale of baked, canned, or preserved foods prepared by the vendor. Operations generally meeting this definition, but which are open fewer than four (4) days per year, shall be construed as a "garage sale" for which no permit shall be required.

(89.1) **Flea Market:** A collection of vendors using stalls, booths, or tables on property owned by a public agency or a not-for-profit organization, in accordance with the written permission of the property owner, for the sale of merchandise, collectibles, crafts, antiques, and other items, excluding automobiles, automobile parts and non-portable household appliances. No sales shall occur from a vehicle. Operations generally meeting this definition, but which are open fewer than four (4) days a year, shall be construed as a "garage sale" for which no permit shall be required.

**PART 3. ADMINISTRATION.**

**DIVISION 7. BUILDING, GRADING, AND USE AND OCCUPANCY PERMITS.**

**Subdivision 3. Temporary Permits.**

**Sec. 27-261. Specific temporary uses.**

**(j) Farmer's market or [F] flea market.**

(1) The farmer's market or flea market shall only be located on the open area or parking lot of [a drive-in theater] property owned by a public agency or a not-for-profit organization.

(2) The permit shall only be issued for [eight (8) months] thirty (30) days for a flea market and no more than 50 days for a farmer's market in any one (1) calendar year.

(3) The use shall be operated only during daylight hours on Saturdays, Sundays, and holidays of the County, State, or Nation.

[(4) The use shall not be operated while the theater is open for business.]

[(5)](4) Stalls, sales tables, and any other facilities related to the flea market shall be located at least twenty-five (25) feet from any abutting street. If located within a parking lot, the facilities shall be located so as to provide sufficient parking facilities for the patrons.

[(6)](5) Vehicular access to the subject property shall not be by means of streets internal to subdivisions for one-family dwellings.

[(7)](6) The site plan submitted with the permit application shall show all existing improvements on the property, off-street parking areas and driveways (including traffic control patterns), and the specific area (dimensioned) of the property to be occupied by the flea market.

[(8)](7) The Department of Environmental Resources may revoke the permit if the use constitutes a nuisance because of noise, traffic, physical activity, or other cause.

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## **PART 5. RESIDENTIAL ZONES.**

**DIVISION 3. USES PERMITTED.**

**Sec. 27-441. Uses permitted.**



**(b) TABLE OF USES**

<i>USE</i>	<i>R-O-S</i>	<i>O-S</i>	<i>R-A</i>	<i>R-E</i>	<i>ZONE</i> <i>R-R</i>	<i>R-80</i>	<i>R-55</i>	<i>R-35</i>	<i>R-20</i>
<b>(1) COMMERCIAL:</b>									
*	*	*	*	*	*	*	*	*	*
<u>Farmer's market or flea market as a temporary use in accordance with Sections 27-260 and 27-261</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
*	*	*	*	*	*	*	*	*	*

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<i>USE</i>	<i>R-T</i>	<i>R-30</i>	<i>ZONE</i> <i>R-30C</i>	<i>R-18</i>	<i>R-18C</i>	<i>R-10A</i>	<i>R-10</i>	<i>R-H</i>
<b>(1) COMMERCIAL:</b>								
*	*	*	*	*	*	*	*	*
<u>Farmer's market or flea market as a temporary use in accordance with Sections 27-260 and 27-261</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
*	*	*	*	*	*	*	*	*

**SUBTITLE 27. ZONING.**  
**PART 6. COMMERCIAL ZONES.**  
**DIVISION 3. USES PERMITTED.**

**Sec. 27-461. Uses permitted.**

**(b) TABLE OF USES I**

<i>USE</i>	<i>ZONE</i>					
	<i>C-O</i>	<i>C-A</i>	<i>C-S-C</i>	<i>C-W</i>	<i>C-M</i>	<i>C-R-C</i>
(1) COMMERCIAL:						
* * *	*	*	*	*	*	*
(E) Trade (Generally Retail):						
* * *	*	*	*	*	*	*
<u>Farmer's market or [F] flea market</u>						
as a temporary use in accordance	X	X	[X] P	X	P	X
with Sections 27-260 and 27-261						
* * *	*	*	*	*	*	*

**SUBTITLE 27. ZONING.**  
**PART 7. INDUSTRIAL ZONES.**  
**DIVISION 3. USES PERMITTED.**

**Sec. 27-473. Uses permitted.**

**(b) TABLE OF USES**

<i>USE</i>					<i>I-1<sup>33</sup></i>		<i>I-2<sup>33</sup></i>		<i>ZONE</i>		<i>I-3</i>		<i>I-4</i>	<i>U-L-I</i>	
<b>(1) COMMERCIAL:</b>															
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
<b>(E) Trade (Generally Retail):</b>															
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
<b><u>Farmer's market or flea market in</u></b>															
<b><u>accordance with Sections 27-260 and 27-261</u></b>					<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

1       SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five  
2       (45) calendar days after its adoption.

Adopted this 9th day of June, 1998.

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART  
OF THE MARYLAND-WASHINGTON  
REGIONAL DISTRICT IN PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Ronald V. Russell  
Chairman

ATTEST:

\_\_\_\_\_  
Joyce T. Sweeney  
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.