

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
1999 Legislative Session

Bill No. _____ CB-63-1999
 Chapter No. _____
 Proposed and Presented by _____ Council Member Shapiro
 Introduced by _____
 Co-Sponsors _____
 Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Mobile Food Vending

3 For the purpose of establishing requirements and conditions of operation for mobile food
 4 vending on private property as a temporary use and providing procedures for designation of a
 5 Mobile Vending Overlay Zone for such uses.

6 BY repealing and reenacting with amendments:

7 Sections 27-107.01, 27-261, 27-441, 27-461, 27-473,

8 27-515, 27-539, 27-547, and 27-551,

9 The Zoning Ordinance of Prince George's County, Maryland,
 10 being also

11 SUBTITLE 27. ZONING.

12 The Prince George's County Code
 13 (1995 Edition, 1998 Supplement).

14 BY adding:

15 Sections 27-213.18, 27-213.19, 27-213.20, 27-213.21,

16 27-548.20, 27-548.21, and 27-548.22,

17 The Zoning Ordinance of Prince George's County, Maryland,
 18 being also

SUBTITLE 27. ZONING
The Prince George’s County Code
(1995 Edition, 1998 Supplement).

SECTION 1. BE IT ENACTED by the 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, that Sections 27-107.01, 27-261, 27-441, 27-461, 27-473, 27-515, 27-539, 27-547, and 27-551 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.
PART 2. GENERAL.
DIVISION 1. DEFINITIONS.

Sec. 27-107.01. Definitions.

(a) Terms in the Zoning Ordinance are defined as follows:

* * * * *

(151.1) **Mixed Retirement Development:** A residential community for retirement aged persons developed under a uniform scheme of development, containing a mix of attached, detached, or multifamily dwelling units, nursing or care homes, or assisted living facilities. Each community shall be developed with not less than two (2) types of dwelling units.

(151.2) **Mobile Food Vending:** The sale of food on a temporary basis, under appropriate license from the Health Department, from a vehicle or other mobile unit. Each mobile food vending unit must have a temporary use and occupancy permit from the Department of Environmental Resources.

* * * * *

PART 3. ADMINISTRATION.
DIVISION 7. BUILDING, GRADING, AND USE AND OCCUPANCY PERMITS.
Subdivision 3. Temporary Permits.

Sec. 27-261. Specific temporary uses.

* * * * *

(g) Mobile food vending.

1 (1) A temporary permit may be issued for mobile food vending, as follows:

2 (A) A mobile food vending unit may be used only on property in a Mobile
3 Vending Overlay Zone.

4 (B) A mobile food vending unit shall be located at least 50 feet from an existing
5 street and may not encroach upon any required landscaped area. The mobile food vending unit
6 shall be set back at least 100 feet from all land zoned residential (except in the R-10, R-18, and
7 R-30 Zones) or proposed for residential use.

8 (C) The mobile food vending unit shall be removed at the end of each day, as
9 required by COMAR 10.15.03 or other applicable State regulations.

10 (2) Each applicant for a temporary permit shall submit the following:

11 (A) A copy of an unexpired license issued by the Health Department for the
12 mobile food unit proposed for use;

13 (B) A copy of an unexpired business license and sales tax identification number
14 issued by the State;

15 (C) A copy of the written agreement between the applicant and the property
16 owner for the use of the subject property; and

17 (D) A copy of the site plan showing the proposed location of the mobile food
18 vending unit.

19 (3) A temporary permit shall be valid for not more than six months.

20 **PART 5. RESIDENTIAL ZONES.**

21 **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>
(1) COMMERCIAL:									
* * *		*		*	*		*		*
Limited professional uses in multifamily projects	X	X	X	X	X	X	X	X	X
<u>Mobile Food Vending, as a temporary use, in accordance with Section 27-261</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
* * *		*		*	*		*		*

<i>USE</i>	<i>R-T</i>	<i>R-30</i>	<i>R-30C</i>	<i>R-18</i>	<i>ZONE</i> <i>R-18C</i>	<i>R-10A</i>	<i>R-10</i>	<i>R-H</i>
* * *		*		*	*		*	*
Limited professional uses in multifamily projects	X	SE⁸	SE	SE	SE	X	X	X
<u>Mobile Food Vending, as a temporary use, in accordance with Section 27-261</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>
* * *		*		*	*		*	*

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:						
(A) Eating or Drinking Establishments:						
* * *	*	*	*		*	*
Drive-in restaurant	X	SE	SE	X	SE	X
<u>Mobile Food Vending, as a temporary use, in accordance with Section 27-261</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * *	*	*	*		*	*

PART 7. INDUSTRIAL.
DIVISION 3. USES PERMITTED.

Sec. 27-473. Uses permitted.

(b) TABLE OF USES

<i>USE</i>	<i>I-1³³</i>	<i>I-2³³</i>	<i>ZONE I-3</i>	<i>I-4</i>	<i>U-L-I</i>
(1) COMMERCIAL:					
(A) Eating or Drinking Establishments:					
* * *	*	*	*	*	*
<u>Mobile Food Vending, as a temporary use, in accordance with Section 27-261</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * *	*	*	*	*	*

PART 8. COMPREHENSIVE DESIGN ZONES.**DIVISION 3. USES PERMITTED.****Sec. 27-515. Uses permitted.****(b) TABLE OF USES**

<i>USE</i>	<i>M-A-C</i>	<i>L-A-C</i>	<i>E-I-A</i>	<i>R-U</i>	<i>ZONE</i> <i>R-M</i>	<i>R-S</i>	<i>R-L</i>	<i>V-L</i>	<i>V-M</i>
(1) COMMERCIAL:									
(A) Eating or drinking establishments:									
(i) Delicatessen	P	P	P⁶	P⁹	P⁹	P⁹	P⁹	P⁹	P⁹
(ii) All others	P	P	P⁶	X	X	X	X	P⁶	P⁶
* *		*		*		*		*	
<u>Mobile Food Vending, as a temporary use,</u> <u>in accordance with Section 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>
(B) Vehicle service:									
* *		*		*		*		*	

PART 9. PLANNED COMMUNITY ZONES.

DIVISION 3. USES PERMITTED.

Sec. 27-539. Uses permitted.

(b) TABLE OF USES

<i>USE</i>	<i>ZONE</i> <i>R-M-H</i>
(1) COMMERCIAL:	
Firewood sales as a temporary use, in accordance with Sections 27-260 and 27-261	P
<u>Mobile Food Vending, as a temporary use, in accordance with Section 27-261</u>	<u>P</u>
Real estate subdivision sales office as a temporary use:	
(A) In accordance with Sections 27-260 and 27-261	P
(B) All others	
* * * * *	* * * * *

PART 10. MIXED USE ZONES.**DIVISION 3. USES PERMITTED.****Sec. 27-547. Uses permitted.****(b) TABLE OF USES**

<i>USE</i>	<i>ZONE</i>	
	<i>M-X-T</i>	<i>M-X-C</i>
(1) COMMERCIAL:		
All Types Offices and Research	P	P
Eating or Drinking Establishments	P	P
<u>Mobile Food Vending, as a temporary use,</u> <u>in accordance with Section 27-261</u>	<u>P</u>	<u>P</u>
Offices (may include a private spa in a medical practitioner's office or medical clinic)	P	P

* * * * *

(c) TABLE OF USES FOR M-U-TC ZONE

<i>USE</i>	<i>ZONE</i> <i>M-U-TC</i>
(1) COMMERCIAL:	
(A) Eating or Drinking Establishments:	
* * * * *	
Fast-food restaurant:	
(i) Within a wholly enclosed shopping mall, or department, variety, or drug store	P
(ii) Within an office building	P
(iii) Within a hotel P	
(iv) All others SE	
<u>Mobile Food Vending, as a temporary use,</u> <u>in accordance with Section 27-261</u>	<u>P</u>

* * * * *

PART 11. OFF-STREET PARKING AND LOADING.

DIVISION 1. GENERAL

Sec. 27-551. Permitted use of parking lots and loading areas.

* * * * *

(e) Parking for one-family dwellings.

(1) Parking spaces provided solely for, and on the same lot with, one-family dwellings may be located one behind the other. The front space may be used as access to the rear space.

(f) Temporary uses.

(1) The following temporary uses may be allowed in a parking lot, in accordance with Section 27-260:

* * * * *

(D) Mobile food vending, in accordance with the requirements of Section 27-261(q).

SECTION 2. BE IT FURTHER ENACTED by the 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, that Sections 27-213.18, 27-213.19, 27-213.20, 27-213.21, 27-548.20, 27-548.21, and 27-548.22, be and the same are hereby added:

PART 3. ADMINISTRATION

DIVISION 2. ZONING MAP AMENDMENTS.

Subdivision 7. Mobile Vending Overlay Zone

Sec. 27-213.18. Applicability.

This subdivision contains the procedures for classifying properties in the Mobile Vending Overlay Zone.

Sec. 27-213.19. Initial Procedures.

(a) The District Council may propose a Mobile Vending Overlay Zoning Map Amendment by resolution. The initiating resolution shall identify all properties proposed for inclusion in the M-V-O Zone.

1 (b) After the District Council proposes a Mobile Vending Overlay Zone, the technical staff
 2 shall send written notice of the proposal by mail to all property owners within or within one mile
 3 of the area to be reclassified.

4 (c) All mailed notices required in this subdivision are intended for information purposes
 5 only. Failure by the technical staff or the Clerk of the Council to send or a property owner to
 6 receive notice of a proposed reclassification or a public hearing shall not invalidate approval of a
 7 Mobile Vending Overlay Zone.

8 (d) Within ten days of approval of the initiating resolution, the Clerk of the Council shall
 9 send written notice of a proposed Mobile Vending Overlay Zoning Map Amendment to the
 10 Planning Board and to each municipality with land within or within one mile of the area to be
 11 reclassified.

12 **Sec. 27-213.20. Planning Board Procedures.**

13 The Planning Board shall submit written comments on a proposed Mobile Vending Overlay
 14 Zoning Map Amendment within 30 days of the date notice is sent by the Clerk of the Council.

15 **Sec. 27-213.21. District Council Procedures.**

16 (a) The District Council shall hold a public hearing on the proposed Mobile Vending
 17 Overlay Zoning Map Amendment within 60 days of approval of the initiating resolution. Notice
 18 of the date, time, and place of the hearing shall be published at least one time in the County
 19 newspapers of record, at least 30 days prior to the hearing date. At the same time, written notice
 20 of the date, time, and place of the hearing shall be sent to all property owners and any
 21 municipality with land within or within one mile of the area to be reclassified.

22 (b) (1) Before taking final action, the District Council may propose amendments of the
 23 Mobile Vending Overlay Zoning Map Amendment. The Council shall hold a public hearing on
 24 the proposed amendments within 60 days of the first hearing. At least 15 days prior to the
 25 hearing, notice of the date, time, and place of the hearing on the proposed amendments shall
 26 appear at least one time in the County newspapers of record. At the same time, the notice shall
 27 be sent to all property owners and any municipality with land within or within one mile of the
 28 area to be reclassified.

29 (2) All proposed amendments shall be referred to the Planning Board. The Planning
 30 Board may submit written comments to the Council prior to or at the time of the public hearing
 31 on the amendments.

(3) At the time it approves a Mobile Vending Overlay Zoning Map Amendment, the Council may establish a maximum number of temporary use and occupancy permits to be issued within the reclassified area.

(c) The Council shall take final action on the map amendment within 30 days after the final public hearing. If no final action is taken within that time period, the Mobile Vending Overlay Zoning Map Amendment shall be deemed disapproved.

(d) The approval of a Mobile Vending Overlay Zoning Map Amendment shall be by Ordinance and shall be by majority vote of the full Council. A two-thirds majority vote of the full Council shall be required to approve any portion of a map amendment contrary to the recommendation of a municipality concerning land within its boundaries.

(e) Before it approves the Mobile Vending Overlay Zoning Map Amendment, the Council shall find that the properties to be reclassified are within an area of sufficient density and adequacy of transportation facilities to permit siting of mobile food vending units at one or more locations among the reclassified properties.

(f) Notice of approval of a Mobile Vending Overlay Zoning Map Amendment shall be published by the Clerk of the Council at least one time in the County newspapers of record and shall be sent to the Planning Board, all property owners, and any municipality with land within or within one mile of the boundaries of the Mobile Vending Overlay Zone.

PART 10A. OVERLAY ZONES.

DIVISION 3. M-V-O (MOBILE VENDING OVERLAY) ZONE.

Sec. 27-548.20. Introduction.

The Mobile Vending Overlay Zone is intended for those areas which the District Council determines are appropriate for mobile food vending businesses. Within the M-V-O- Zone, mobile food vending businesses may be established as temporary uses. No property in the R-O-S, O-S, R-A, R-E, R-R, R-80, R-55, R-35, R-20, R-T, R-30C, R-18C, R-10A, or R-H Zones may be placed in the M-V-O Zone.

Sec. 27-548.21. Purposes.

The purposes of the Mobile Vending Overlay Zone are to provide opportunities for a variety of food vendors and eating establishments in designated areas of the county; to enhance the County's cultural and ethnic diversity; and to encourage mixed retail uses in urbanized areas and other appropriate areas.

1 **Sec. 27-548.22. Mobile Vending and Other Uses.**

2 The Mobile Vending Overlay Zone shall be placed over other zones on the Zoning Map,
3 except single-family residential zones. In the Overlay Zone, the regulations in the underlying
4 zones remain the same, but mobile food vending is also a permitted temporary use, subject to
5 compliance with regulations in this Subtitle and in the Code of Maryland Regulations.

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five
(45) calendar days after its adoption.

Adopted this ____ day of _____, 1999.

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: _____
M. H. Jim Estepp
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.