

**PRINCE GEORGE'S COUNTY COUNCIL  
AGENDA ITEM SUMMARY**

**Meeting Date:** 5/12/98

**Reference No.:** CB-63-1998

**Proposer:** Maloney

**Draft No.:** 3

**Sponsors:** Maloney

**Item Title:** An Ordinance defining farmer's markets and flea markets  
& permitting these uses in certain residential, commercial  
and industrial zones under certain circumstances

**Drafter:** Ralph E. Grutzmacher  
Legislative Officer

**Resource Personnel:** Andrew Eppelmann  
Legislative Aide

**LEGISLATIVE HISTORY:**

**Date Presented:** 4/28/98

**Executive Action:** \_\_/\_\_/\_\_ \_\_

**Committee Referral:** 4/28/98 PZED

**Effective Date:** 7/27/98

**Committee Action:** 5/6/98 FAV (A)

**Date Introduced:** 5/12/98

**Pub. Hearing Date:** 6/9/98 2:00 P.M.

**Council Action:** 6/9/98 ENACTED

**Council Votes:** RVR:A, DB:A, SD:A, JE:A, IG:N, TH:A, WM:A, AS:A, MW:A

**Pass/Fail:** P

**Remarks:** \_\_\_\_\_

**6/9/98:** Amended on the floor

**PLANNING, ZONING & ECON. DEV. COMMITTEE**

Date: 5/6/98

Committee Vote: Favorable as amended; 3-1 (In favor: Council Members Del Giudice, Gourdine, and Maloney. Opposed: Council Member Bailey)

This legislation was discussed by the Committee simultaneously with CB-67-1998, a bill sponsored by Council Member Del Giudice, which defines flea markets and permits this use in certain residential, commercial and industrial zones.

Council Member Maloney, sponsor of CB-63-1998, informed the Committee that this legislation is

an effort to legalize the operations of non-profit organizations on their property or on public property. Mr. Maloney indicated that in addition to addressing flea markets, CB-63-1998 defines farmer's markets and allows this use under certain circumstances in the C-S-C and C-M Zones as well as the residential zones where churches and eleemosynary uses are allowed.

Lawrence Taub, Krauser and Taub, spoke regarding CB-63-1998 indicating that he does not believe there is any reason why "for-profit" flea markets should not be allowed in commercial and industrial zones. Larry Roberts, an individual proposing to operate a flea market on an O-S zoned parcel owned by Metro, concurred with Mr. Taub's comments.

The following individuals spoke in support of the bill: Joe Meinert, representing the City of Bowie, Carmen Anderson, President, Prince George's Civic Federation, Millie Kriemelmeyer, and Aurelio Nepa.

The Planning Board supports CB-63-1998 as it relates to flea markets and opposes the bill as it relates to farmer's markets. The Board provided comments indicating that farmer's markets are significantly different than flea markets; they support the farming community and the agricultural base of Prince George's County. Farmer's markets have not only value to a sector of the regional economy, but are a cultural asset as well. The State of Maryland is an advocate of farmer's markets and encourages the opening of more markets. Therefore, limiting days and times of the operation of farmer's markets in Prince George's County would be detrimental to this industry.

The Legislative Officer and the Office of Law find the bill to be in proper legislative form. The Executive Branch takes no position on the legislation.

Council Member Maloney moved a favorable recommendation on CB-63-1998 with an amendment on page 3, line 5 to include the following language after fourteen (14) days: "for a flea market and no more than 50 days for a farmer's market." The motion was seconded by Council Member Del Giudice and the Committee voted a favorable recommendation with the above amendment as contained in Draft-2.

## **BACKGROUND INFORMATION/FISCAL IMPACT**

### **(Includes reason for proposal, as well as any unique statutory requirements)**

Under the existing law, flea markets are only allowed to operate on property which was used as a drive in movie. The proposed ordinance would authorize farmer's markets and flea markets to be operated under limited conditions on public and non-profit property. The markets would be limited to operations on weekends and holidays during daylight hours for a maximum of 14 days in a calendar year. The provisions of the proposed ordinance are designed to accommodate known existing non-commercial farmer's markets and flea markets and are not intended to accommodate commercial flea market operations.

## **CODE INDEX TOPICS:**