

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2003 Legislative Session

Bill No. _____ CB-78-2003

Chapter No. _____ 66

Proposed and Presented by _____ Council Member Dernoga

Introduced by _____ Council Members Dernoga, Knotts, Harrington and Peters

Co-Sponsors _____

Date of Introduction _____ October 21, 2003

ZONING BILL

1 AN ORDINANCE concerning

2 Home Occupations and Commercial Vehicles

3 For the purpose of amending the definitions in the Zoning Ordinance for home occupations and
 4 commercial vehicles and providing special conditions for home occupations.

5 BY repealing and reenacting with amendments:

6 Sections 27-107.01(a) and 27-441(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 (1999 Edition, 2002 Supplement).

12 BY adding:

13 Section 27-445.11,

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

15 being also

16 SUBTITLE 27. ZONING.

17 The Prince George's County Code

18 (1999 Edition, 2002 Supplement).

19 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 20 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(a) and 27-441(b), 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Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same is hereby repealed and reenacted with the following amendments: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:

* * * * *

(118) Home Occupation:

[(A)] Any occupation [which] or enterprise for gain or profit carried on in a dwelling unit and meeting the following criteria:

(i) [Is] It is customarily conducted entirely within a ["Dwelling Unit"] dwelling unit, solely by the [inhabitants, except as provided below, for gain or support;] residents.

(ii) [Is] It is incidental and secondary to the main ["Use"] residential use of the ["Dwelling Unit";] dwelling unit.

(iii) [Does] It does not change the [essential] residential character or appearance of the ["Building"] dwelling or [the] its primary ["Use," or] residential use, nor does it have any exterior evidence, [(]other than a permitted ["Sign"]) sign, to indicate that the ["Building"] dwelling is [being] used for any [purpose other than that of a "Dwelling"; and] but residential purposes.

(iv) [Includes] It has no on-premises storage [(on the premises)] of merchandise to be sold and used or equipment or materials to be used off the premises, [except where] unless storage is specifically permitted.

[(B) "Fortunetelling" establishments, "Nursing or Care Homes," tea rooms, "Tourist Homes," beauty parlors and barber shops of more than one (1) chair each, and businesses or trades shall not be considered "Home Occupations."

(C) The following shall be considered home occupations:

(i) Instruction which involves a single instructor and not more than five (5) students at any one (1) time;

(ii) General clerical work (such as typing; envelope or flyer stuffing, addressing, and mailing; bookkeeping; and the like), involving not no more than two (2) additional employees on the premises at any one (1) time;

(iii) Retail businesses involving only door-to-door sales (including "home party" sales) or mail-order customers, with temporary storage of merchandise permitted prior to delivery;

(iv) The practice of electrolysis (the destruction of hair roots with an electric current);

(v) The practice of taxidermy;

(vi) Catering business, limited solely to food preparation for delivery off premises, which business shall be located on a tract consisting of at least ten (10) contiguous acres, within the dwelling unit or in an accessory building which is incidental and secondary in size and use to the principal use of the property as a residence and involving not more than one (1) nonresident or employee on the premises at any time; and

(vii) The creation, production, and storage of tangible objects of art or craft items, including the completed items, works in progress, and supplies and materials, for sale at another location, within the "Dwelling Unit" and "Accessory Buildings" and involving no nonresident employees.]

* * * * *

(247) **Vehicle, Commercial:** Any motor vehicle, [except "Camping Trailers," or "Passenger Vehicles" (but] including school buses[]] but not passenger vehicles or camping trailers, used or designed and intended for hauling or carrying freight, merchandise, passengers, equipment, supplies, or other property [in the furtherance of] for a commercial enterprise[;], or any motor vehicle advertising a commercial enterprise with lettering exceeding four [(4)] inches in height. This includes[, but is not limited to, semitractors, dump trucks, tow trucks, stake body trucks, and step vans in excess of 300 cubic feet of load space] without limitation any vehicle defined in Subtitle 26 as a commercial bus or trailer, a heavy commercial truck, or a light commercial vehicle.

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Sec. 27-441. Uses permitted.**(b) TABLE OF USES.**

USE	ZONE								
	R-O-S	O-S	R-A	R-E	R-R	R-80	R-55	R-35	R-20
* * * * *	*	*	*	*	*	*	*	*	*
(3) Miscellaneous:									
* * * * *	*	*	*	*	*	*	*	*	*
Home occupations for residents, in accordance with Section 27-445.11 [when not otherwise allowed] ²⁰ (CB-86-1989)	P	P	P	P	P	P	P	P	P
Increase in height of accessory building, used for:									
(A) Servant, household help living quarters ³⁰	SE	SE	SE	SE	SE	SE	SE	SE	SE
(B) Agricultural purposes on a lot having a net area of less than 5 acres	SE	SE	SE	SE	SE	X	X	X	X
(C) Agricultural purposes on a lot having a net area of at least 5 acres	P	P	P	P	P	X	X	X	X
* * * * *	*	*	*	*	*	*	*	*	*

USE	ZONE							
	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H
* * * * *	*	*	*	*	*	*	*	*
(3) Miscellaneous:								
* * * * *	*	*	*	*	*	*	*	*
Home occupations for residents, in accordance with Section 27-445.11 [when not otherwise allowed] ²⁰ (CB-86-1989)	P ¹⁶	X	X	X	X	X	X	X
Increase in height of accessory building, used for:								
(A) Servant, household help living quarters ³⁰	SE	SE	SE	SE	SE	X	SE	SE
(B) Agricultural purposes on a lot having a net area of less than 5 acres	X	X	X	X	X	X	X	X
(C) Agricultural purposes on a lot having a net area of at least 5 acres	X	X	X	X	X	X	X	SE
(D) Office	X	X	X	SE	X	X	X	X
* * * * *	*	*	*	*	*	*	*	*

SECTION 2. BE IT FURTHER ENACTED, that Section 27-445.11 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be added:

SUBTITLE 27. ZONING.

PART 5. RESIDENTIAL ZONES.

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Sec. 27-445.11. Home occupations.

(a) Home occupations shall meet the following requirements:

(1) Employment of nonresidents is prohibited unless specifically permitted as provided below;

(2) Off-street parking requirements in Part 11 do not apply to home occupations; and

(3) Not more than two vehicles associated with the home occupation or enterprise may be based at the subject property, nor parked on-site or off-site or on a public street within 400 yards from the property. Upon request by the Department of Environmental Resources, each dwelling unit resident shall provide for inspection the Motor Vehicle Administration registrations for all vehicles owned or leased by the resident, titled in the business name, or listed as business personal property on the resident's or the business' income or property tax returns.

(b) The following uses are permitted as a home occupation accessory to a dwelling, subject to restrictions in the definitions of those uses, and with additional restrictions as indicated:

(1) Instruction that involves a single instructor and not more than five students at any one time;

(2) General clerical work (such as typing, envelope or flyer preparation or mailing, bookkeeping, and the like), with no more than two nonresident employees on the premises at any time;

(3) Retail businesses involving only door-to-door, home party, or mail-order sales, with temporary storage of merchandise permitted prior to delivery;

(4) The practice of electrolysis (the destruction of hair roots with an electric current);

(5) The practice of taxidermy;

(6) Beauty parlors and barber shops of one chair;

(7) Catering businesses limited to food preparation for off-premises delivery, with no more than one nonresident employee and one customer on the premises at any time. The

business shall be on property of at least ten contiguous acres and may be in the dwelling unit or in an accessory building subordinate to the dwelling in size and use; and

(8) The creation, production, and storage within the dwelling unit and accessory buildings, for sale at another location, of tangible objects of art or craft items, works in progress, and supplies and materials.

(c) The following uses are not permitted as a home occupation accessory to a dwelling:

(1) Fortunetelling;

(2) Nursing or care homes, family or adult day care centers, congregate living facilities, group residential facilities, hospitals, and the like;

(3) Tourist homes;

(4) Hair cutting, nail, or beauty establishments of more than one chair each;

(5) Businesses, trades, offices, or enterprises which use more than two commercial vehicles, alter the residential appearance of the dwelling, or adversely impact the residential character of the neighborhood;

(6) Wholesale dealers' display, storage or repair of vehicles.

SECTION 3. BE IT FURTHER ENACTED that any home occupation in existence and in compliance with all applicable zoning regulations, with all required permits, on October 1, 2003, may continue operations until December 31, 2003, but must thereafter comply with all requirements in this Ordinance. No home occupation not in compliance with this Ordinance on its effective date may qualify or be certified as a nonconforming use.

1 SECTION 4. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five
2 (45) calendar days after its adoption.

Adopted this 25th day of November, 2003.

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: _____
Peter A. Shapiro
Chairman

ATTEST:

Redis C. Floyd
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.