

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

1997 Legislative Session

Bill No. _____ CB-104-1997

Chapter No.

Proposed and Presented by _____ Council Member Del Giudice

Introduced by _____ Council Member Del Giudice

Co-Sponsors

Date of Introduction _____ October 28, 1997

ZONING BILL

AN ORDINANCE concerning

Flea Markets

For the purpose of defining flea markets and permitting this use in certain residential,
commercial and industrial zones under certain circumstances.

BY repealing and reenacting with amendments:

Sections 27-107.01, 27-261(j), 27-441(b), 27-461(b), and 27-473(b),
The Zoning Ordinance of Prince George's County, Maryland,
being also

SUBTITLE 27. ZONING.

The Prince George's County Code
(1995 Edition, 1996 Supplement).

BY adding:

Sections 27-445.09, 27-464.05, and 27-475.06.03,
The Zoning Ordinance of Prince George's County, Maryland,
being also

SUBTITLE 27. ZONING.

The Prince George's County Code
(1995 Edition, 1996 Supplement, as amended by
CB-44-1997).

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(j), 27-441(b), 27-461(b) and 27-473(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Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 2. GENERAL.

DIVISION 1. DEFINITIONS.

Sec. 27-107.01. Definitions.

* * * * *

(89) **Flag Lot:** A flag-shaped "Lot," created under the "Optional Residential Design Approach" provisions of Subtitle 24, which has a "Street" frontage smaller than that otherwise required for the zone in which it is located. (See Figure 17.)

(89.1) **Flea Market:** A collection of vendors using stalls, booths, or tables 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. A Flea Market shall operate only on Saturdays, Sundays, and Holidays of the County, State, or Nation. Operations generally meeting this definition, but which are open fewer than seven (7) days a year, shall be construed as a "garage sale" for which no permit shall be required.

(90) **Floodplain, One Hundred (100) Year:** That area of land which would be covered by a flood that has a one percent (1%) chance of being equalled or exceeded in any year.

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PART 3. ADMINISTRATION.

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

Subdivision 3. Temporary Permits.

Sec. 27-261. Specific temporary uses.

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(j) **Flea market.**

[(1)] The flea market shall only be located on the open area or parking lot of a drive-in theater.]

[(2)](1) The permit shall only be issued for eight (8) months in any one (1) year.

[(3)](2) The use shall be operated only 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)](3) 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)](4) Vehicular access to the subject property shall not be by means of streets internal to subdivisions for one-family dwellings.

[(7)](5) 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)](6) 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

USE	R-O-S	O-S	R-A	R-E	ZONE					
					R-R	R-80	R-55	R-35	R-20	
(1) COMMERCIAL:	*	*	*	*	*	*	*	*	*	
<u>Flea market:</u>										
(i) <u>On a parcel of at least one (1) acre, with frontage on a road of at least collector status, or a state road in accordance with Section 27-445.09</u> ⁶¹	<u>X</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	
(ii) <u>All others, as a temporary use in accordance with Sections 27-260 and 27-261</u> ⁶¹	<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>	
*	*	*	*	*	*	*	*	*	*	

USE	ZONE								
	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H	
(1) COMMERCIAL:	*	*	*	*	*	*	*	*	
<u>Flea market:</u>									
(i) <u>On a parcel of at least one (1) acre, with frontage on a road of at least collector status, or a state road</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>	
(ii) <u>All others, as a temporary use in accordance with Sections 27-260 and 27-261⁶¹</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>	
	*	*	*	*	*	*	*	*	

⁶¹ Provided the property is either publicly-owned vacant land, or owned or occupied by a public or institutional use.

SUBTITLE 27. ZONING.

PART 6. COMMERCIAL ZONES.

DIVISION 3. USES PERMITTED.

Sec. 27-461. Uses permitted.

(b) TABLE OF USES I

USE	ZONE					
	<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>
(E) Trade (Generally Retail):						
* * *	*	*	*	*	*	*
Flea market [as a temporary use in accordance with Sections 27-260 and 27-261] <u>in accordance with Section 27-464.05</u> ²⁹	X	X	[X] P	X	P	X
* * *	*	*	*	*	*	*

29 Provided the use is located within a wholly enclosed building, and/or upon a parking lot, or any portion of a parking lot, not required to serve other uses while the flea market is operating.

SUBTITLE 27. ZONING.

PART 7. INDUSTRIAL ZONES.

DIVISION 3. USES PERMITTED.

Sec. 27-473. Uses permitted.

(b) TABLE OF USES

USE					ZONE				
					<i>I-1</i> ³³	<i>I-2</i> ³³	<i>I-3</i>	<i>I-4</i>	<i>U-L-1</i>
(1) COMMERCIAL:									
* * *	*	*	*	*	*	*	*	*	*
(E) Trade (Generally Retail):									
* * *	*	*	*	*	*	*	*	*	*
<u>Flea market in accordance with Section 27-475.06.03</u> ³⁷					<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * *	*	*	*	*	*	*	*	*	*

³⁷ Provided the use is located within a wholly enclosed building, and/or upon a parking lot, or any portion of a parking lot, not required to serve other uses while the flea market is operating.

SECTION 2. BE IT FURTHER ENACTED that Sections 27-445.09, 27-464.05, and 27-475.06.03 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 added:

PART 5. RESIDENTIAL ZONES.

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Sec. 27-445.09. Flea markets.

(a) Flea markets permitted (P) in the Table of Uses shall be subject to the following:

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

(2) 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.

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

(4) 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.

PART 6. COMMERCIAL ZONES.

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Sec. 27-464.05. Flea markets.

(a) Flea markets permitted (P) in the Table of Uses shall be subject to the following:

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

(2) 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.

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

(4) 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.

PART 7. INDUSTRIAL ZONES.

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Sec. 27-475.06.03. Flea markets.

(a) Flea markets permitted (P) in the Table of Uses shall be subject to the following:

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

(2) 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.

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

(4) 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.

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

Adopted this _____ day of _____, 1997.

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:

Dorothy F. Bailey
Chair

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.