

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2012 Legislative Session**

Bill No. CB-73-2012

Chapter No. 63

Proposed and Presented by Council Member Harrison (by request – County Executive)

Introduced by Council Members Harrison, Davis, Franklin, Olson,
Patterson, Toles and Turner

Date of Introduction October 16, 2012

ZONING BILL

1 AN ORDINANCE concerning

2 Farmer's Markets

3 For the purpose of amending the provisions of the Zoning Ordinance concerning Farmer's
4 Markets.

5 Sections 27-107.01 and 27-261,
6 The Zoning Ordinance of Prince George's County, Maryland,
7 being also

8 **SUBTITLE 27. ZONING.**

9 The Prince George's County Code
10 (2011 Edition).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
12 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
13 District in Prince George's County, Maryland, that Sections 27-107.01 and 27-261 of the Zoning
14 Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's
15 County Code, be and the same are hereby repealed and reenacted with the following
16 amendments:

17 **SUBTITLE 27. ZONING.**

18 **PART 2. GENERAL.**

19 **DIVISION 1. DEFINITIONS.**

20

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

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

3 * * * * *

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

11 **SUBTITLE 27. ZONING.**

12 **PART 3. ADMINISTRATION.**

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

14 **Subdivision 3. Temporary Permits.**

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

16 * * * * *

17 (j) **Farmer's market or flea market.**

18 (1) [The] Except as provided in Subsection (j)(8) of this Section, the farmer's market
19 shall only be located on the open area or parking lot of private or publicly owned property. [or]
20 The flea market shall only be located on the open area or parking lot of property owned by a
21 public agency or a not-for-profit organization.

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

24 (3) The use shall be operated only during daylight hours as specified in the
25 application and approved by the Department of Environmental Resources.

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

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

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

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

6 (8) A farmer’s market may operate inside a public or privately owned building with
7 the written permission of the property owner during the months of December through March for
8 a period not to exceed a total of thirty (30) days, provided the farmer’s market otherwise
9 complies with the provisions of Section 27-107.01(a)(87.1) and Section 27-261(j) of this Code.

10 * * * * *

11 SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect on forty-five (45)
12 calendar days after it becomes law.

Adopted this 20th day of November, 2012.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Andrea C. Harrison
Chair

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.