

# Prince George's County Council

## Agenda Item Summary

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**Meeting Date:** 11/17/2009  
**Reference No.:** CB-039-2009  
**Draft No.:** 2  
**Proposer(s):** Dernoga  
**Sponsor(s):** Dernoga, Olson, Dean, Bland, Knotts  
**Item Title:** An Ordinance defining agritourism or bed-and-breakfast inn and permitting these uses in certain residential zones.

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**Drafter:** Jackie Brown, PZED Committee Director  
**Resource Personnel:** Laura Moore, Director of Special Projects

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	9/29/2009	<b>Executive Action:</b>	
<b>Committee Referral:</b>	9/29/2009 - PZED	<b>Effective Date:</b>	1/4/2010
<b>Committee Action:</b>	10/7/2009 - FAV(A)		
<b>Date Introduced:</b>	10/20/2009		
<b>Public Hearing:</b>	11/17/2009 - 10:00 AM		
<b>Council Action (1)</b>	11/17/2009 - ENACTED		
<b>Council Votes:</b>	MB:A, WC:A, SHD:A, TD:A, CE:A, AH:A, TK:A, EO:A, IT:A		
<b>Pass/Fail:</b>	P		
<b>Remarks:</b>			

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### AFFECTED CODE SECTIONS:

27-107.01, 27-441, 27-445.13, 27-568

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### COMMITTEE REPORTS:

#### Planning Zoning & Economic Development

**Date 10/7/2009**

Committee Vote: Favorable with amendments, 5-0 (In favor: Council Members Dean, Olson, Bland, Dernoga and Exum)

Staff gave an overview of the legislation and summarized written referral comments that were received. CB-39-2009 adds and defines two new uses in the Zoning Ordinance, Agritourism and Bed-and-Breakfast Inn. The legislation permits agritourism in the R-O-S, O-S, R-A, and R-E Zones and requires approval of a Detailed Site Plan. A Bed-and-Breakfast Inn is permitted in the R-O-S, O-S, R-A, R-E, R-R, R-80, and R-55 Zones in accordance with criteria provided in Section 27-445.13 of the Zoning Ordinance.

The Office of Law reviewed CB-39-2009 and determined that it is in proper legislative form with no legal impediments to its enactment. The Planning Board supports this legislation with amendments and provided written comments in support of their position. In their letter to the County Council, the Planning Board recommended the following amendments:

1) On page 1, line 2, if the intent of the bill is to permit Agritourism and Bed-and-Breakfast Inns as separate uses, the

title should be amended by deleting the word “and” and adding the word “or.” The new title would read “Agritourism or Bed-and-Breakfast Inn.”

2) On page 2, lines 20-23, the definition for “Agritourism” should be amended. The first sentence on lines 20 and 21 should be switched with the second sentence to clarify the legislation. The term “Agritourism” includes farm or ranch stays subject to the same rules as a Bed-and-Breakfast Inn as defined in this Subtitle. Agritourism may include picnics and party facilities, corporate retreats and weddings; however, no lodging or overnight stay shall be provided for these uses.

Specifically, on line 20, delete the words “The term” and replace with the word “Agritourism.” This change clarifies the sentence to explain that no overnight stays are permitted for certain uses.

3) On page 2, line 28, add a sentence to state that a Bed-and-Breakfast inn is not considered a “Country Inn,” “Hotel” or “Motel.” The sentence would read: “A “Country Inn,” “Hotel,” “Motel,” “Fraternity House or Boarding House,” shall not be considered a “Bed-and-Breakfast Inn.””

4) Amend the definition of the terms “Country Inn,” “Hotel,” “Motel,” “Fraternity or Sorority House,” “Dormitory,” “Tourist Home,” and “Rooming House or Boarding House” to explain that these uses are not considered a Bed-and-Breakfast Inn.

5) On page 3, delete footnote 89 as there are lot coverage requirements for the zones where this use is permitted. The purpose and criteria for requiring a DSP is not defined in this legislation.

6) Add the words “in accordance with Section 27-445.13” behind the term “Bed-and-Breakfast Inn.” This change will refer the reader to the section for regulations on the Bed-and-Breakfast Inns.

7) Delete the “SE” in the R-R Zone under the Bed-and-Breakfast Inn use and replace with a “P” to permit the use. Also, delete the “X” in the R-80 and R-55 Zones and replace with a “P” to permit the use in these zones. These changes will permit Bed-and-Breakfast Inn in any zoning district that allows single-family residential uses, regardless of their location in the rural, developing, or developed tiers.

8) Amend Part 11 of the Zoning Ordinance by adding “Bed-and-Breakfast Inn” to the parking regulations. It should also be amended to require one parking space for every guest room not to exceed eight (8).

9) On page 5, line 21, add the words, “, but no internally illuminated or back-lit signs are permitted” behind the word “illuminated.” This change ensures that signs incompatible with the residential neighborhood are not used to advertise the use.

Janna Howley and Mike Dunn spoke in support of CB-39-2009. Dorothy Troutman also addressed the committee indicating her concerns with limitations of the legislation and the need to expand the Country Inn use as currently defined in the Zoning Ordinance.

The committee voted favorably on CB-39-2009 including the amendments recommended by the Planning Board with the exception of Amendment 5 regarding the deletion of footnote 89.

#### **BACKGROUND INFORMATION/FISCAL IMPACT:**

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

This legislation adds two new uses, Agritourism and Bed-and-Breakfast Inn, to the Zoning Ordinance and permits these uses in certain residential zones. The addition of these uses to Subtitle 27 provides an alternative for improving the incomes and potential economic vitality of small farms and rural communities in the County.

#### **CODE INDEX TOPICS:**

#### **INCLUSION FILES:**