

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

2009 Legislative Session

Bill No. _____ CB-39-2009 _____

Chapter No. _____ 26 _____

Proposed and Presented by _____ Council Member Dernoga _____

Introduced by _____ Council Members Dernoga, Olson, Dean, Bland and Knotts _____

Co-Sponsors _____

Date of Introduction _____ October 20, 2009 _____

ZONING BILL

1 AN ORDINANCE concerning

2 Agritourism or Bed-and-Breakfast Inn

3 For the purpose of defining agritourism or bed-and-breakfast inn and permitting these uses in
4 certain residential zones.

5 BY repealing and reenacting with amendments:

6 Sections 27-107.01(a), 27-441(b) and 27-568 (a),

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 (2007 Edition, 2008 Supplement).

12 BY adding:

13 Section 27-445.13,

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 (2007 Edition, 2008 Supplement).

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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(a), 27-441(b), and 27-568 (a) 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Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments: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.

* * * * *

(9.1) Agritourism: A commercial enterprise that is intended to attract tourists and provide supplemental income for the owner of a working farm that qualifies for agricultural use assessment pursuant to § 8-209 of the Tax-Property Article of the Annotated Code of Maryland (as amended). The commercial enterprise shall be offered to the public or invited groups and shall be related to agriculture or natural resources and incidental to the primary operation on the site. Agritourism uses include, but are not limited to: fishing, hunting, wildlife study, horseback riding, corn mazes, harvest festivals, barn dances, hayrides, roadside stands, farmer’s markets, u-pick or pick-your-own operations, rent-a-tree operations, farm tours, wine tasting, educational classes related to agricultural products or skills. Agritourism may include picnics and party facilities, corporate retreats and weddings; however, no lodging or overnight stay shall be provided for these uses. Agritourism includes farm or ranch stays subject to the same rules as a Bed-and-Breakfast Inn as defined in this Subtitle. Accessory recreational activities may be provided for guests.

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(22.1) Bed-And-Breakfast Inn : Any owner-occupied, one-family detached residential dwelling in which rooms are rented to paying guests on an overnight basis or no longer than two (2) weeks in any one visit. A “Country Inn,” “Hotel,” “Motel,” “Fraternity or Sorority House,” “Dormitory,” “Tourist Home,” “Rooming House or Boarding House” shall not be considered a “Bed-and-Breakfast Inn.”

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2 (28) **Boardinghouse:** A "Dwelling Unit" in which (for compensation) lodging and meals are
 3 furnished by the inhabitants to four (4) or more, but not exceeding nine (9), guests. The
 4 "Dwelling Unit" shall contain not more than five (5) "Guest Rooms." A Boardinghouse shall not
 5 be considered a "Bed-and-Breakfast Inn."

6 * * * * *

7 (58) **Country Inn:** A "Building" having historical, architectural, or cultural significance, or the
 8 appearance of it, within which is provided (for compensation) lodging or food service for
 9 transient guests in a historical, scenic, or pastoral atmosphere. A "Boardinghouse," "Drive-In
 10 Restaurant," "Fast-Food Restaurant," "Dormitory," "Rooming House," or "Fraternity or Sorority
 11 House" shall not be considered a "Country Inn." A Country Inn shall not be considered a "Bed-
 12 and-Breakfast Inn."

13 * * * * *

14 (69) **Dormitory:** An "Accessory Building" used for lodging purposes in connection with a
 15 school or other institution, or as a farm tenant dwelling. A Dormitory shall not be considered a
 16 "Bed-and-Breakfast Inn."

17 * * * * *

18 (94) **Fraternity or Sorority House:** A "Building" used for lodging by individuals who are
 19 members or affiliates of a fraternity or sorority while attending an educational institution. It may
 20 include facilities for dining for the employees and guests of the facility. A "Fraternity or
 21 Sorority House" is not a "Boardinghouse," "Rooming House," "Dormitory," "Eleemosynary or
 22 Philanthropic Institution," "Group Residential Facility," or "Dwelling." A Fraternity or Sorority
 23 House shall not be considered a "Bed-and-Breakfast Inn."

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25 (122) **Hotel:** A "Building" which contains six (6) or more "Guest Rooms," none of which
 26 have entrances from outside the "Building," and where (for compensation) temporary lodging is
 27 provided. A "Motel," "Fraternity or Sorority House," "Dormitory," "Tourist Home," "Rooming
 28 House," or "Boardinghouse" shall not be considered a "Hotel." A Hotel shall not be considered a
 29 "Bed-and-Breakfast Inn."

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1 (158) **Motel:**

2 (A) A "Building" or group of "Buildings" which:

- 3 (i) Is not over two (2) "Stories" high;
- 4 (ii) Contains six (6) or more "Guest Rooms" in each "Building";
- 5 (iii) Has separate outside entrances for each "Guest Room"; and
- 6 (iv) Is to be used primarily for motor vehicle transients.

7 (B) The term includes auto court and motor lodge but does not include "Tourist
8 Cabin Camp," "Hotel," or "Tourist Home." A Motel shall not be considered a "Bed-and-
9 Breakfast Inn."

10 * * * * *

11 (204) **Rooming House:** A "Dwelling" in which (for compensation) lodging (excluding
12 meals) is furnished by the inhabitants to four (4) or more, but not over nine (9), guests. The
13 "Dwelling" shall contain not over five (5) "Guest Rooms." A Rooming House shall not be
14 considered a "Bed-and-Breakfast Inn."

15 * * * * *

16 (239) **Tourist Home:** A "Building" containing not over nine (9) "Guest Rooms" where (for
17 compensation) lodging or meals are provided for transient guests. A "Tourist Home" is not an
18 "Accessory Use," or a "Home Occupation," "Hotel," or "Fraternity or Sorority House." A Tourist
19 Home shall not be considered a "Bed-and-Breakfast Inn."

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21 **SUBTITLE 27. ZONING.**
 22 **PART 5. RESIDENTIAL ZONES.**
 23 **DIVISION 3. USES PERMITTED.**
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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
(1) COMMERCIAL:									
<u>Agritourism</u>	<u>P</u> ⁸⁹	<u>P</u> ⁸⁹	<u>P</u> ⁸⁹	<u>P</u> ⁸⁹	X	X	X	X	X
Animal Hospital, veterinary office	SE	SE	SE	SE	SE	X	P ⁷⁴	X	X
* * * * *	*	*	*	*	*	*	*	*	*
Barber Shop	X	X	X	SE ⁸⁶	SE ⁸⁶	X	X	X	X
<u>Bed-and-Breakfast Inn in accordance with Section 27-445.13</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	X	X
* * * * *	*	*	*	*	*	*	*	*	*

⁸⁹ The use is permitted by right, but requires approval of a Detailed Site Plan to ensure the development of an appropriate rural/environmental setting whenever the land area covered by buildings and other structures exceeds 40,000 square feet.

USE	ZONE							
	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H
(1) COMMERCIAL:								
<u>Agritourism</u>	X	X	X	X	X	X	X	X
Animal Hospital, veterinary office	X	X	X	X	X	X	X	X
* * * * *	*	*	*	*	*	*	*	*
Barber Shop	X	X	X	X	X	X	X	X
<u>Bed-and-Breakfast Inn in accordance with Section 27-445.13</u>	X	X	X	X	X	X	X	X
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SUBTITLE 27. ZONING.
PART 11. OFF-STREET PARKING AND LOADING.
DIVISION 2. PARKING FACILITIES.
SUBDIVISION 3. MINIMUM REQUIREMENTS.

Sec. 27-568. Schedule (number) of spaces required, generally.

(a) In all zones (except the M-X-T Zone), the minimum number of required off-street parking spaces for each type of use shall be as listed in the following schedule. In the schedule, each "employee" means each employee on the largest shift.

TYPE OF USE	NUMBER OF SPACES	UNIT OF MEASUREMENT
* * * * *	* *	* * *
(2) LODGING:		
<u>Bed-and-Breakfast Inn</u>	<u>1.0</u>	<u>Guest Room not to exceed eight (8)</u>
Country Inn:		
(A) Lodging	1.0	Guest Room
(B) Food service	+1.0	3 seats
(C) Accessory retail sales areas and exhibits	+2.0	1,000 sq. ft. of GFA
Dormitory	1.0	2 residents
Fraternity or sorority house	1.0	2 residents
Hotel (not including restaurant or other accessory use requirements)	1.0	2 guest rooms
Motel	1.0	Guest room
Rooming house, boardinghouse, or other renting of guest rooms in a dwelling	1.0	Guest room
* * * * *	* *	* * *

1 SECTION 2. BE IT ENACTED by the County Council of Prince George's County, Maryland,
2 sitting as the District Council for that part of the Maryland-Washington Regional District in
3 Prince George's County, Maryland, that Section 27-445.13 of the Zoning Ordinance of Prince
4 George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and
5 the same are hereby added:

6 **SUBTITLE 27. ZONING**

7 **PART 5. RESIDENTIAL ZONES**

8 **DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.**

9 **Sec. 27-445.13. Bed-and-Breakfast Inn.**

10 (a) A bed-and-breakfast inn is permitted subject to the following:

11 (1) The primary use of the structure and property shall be residential, and the property
12 shall be owner-occupied and managed. No more than two nonresident persons may be employed
13 on the premises.

14 (2) Interior residential features shall be retained in a manner that will allow re-conversion
15 to a residential use, and the maximum number of guest rooms shall be eight (8).

16 (3) Meals shall be served only to customers who are actually using the bed-and-breakfast
17 inn accommodations overnight, nonpaying residents, or their bona fide guests.

18 (4) Parking shall be provided on site with one additional space required for each room that
19 is available to be rented.

20 (5) A bed-and-breakfast inn shall not have any sign or other evidence of its use except one
21 (1) sign not exceeding 2 feet by 3 feet in area, which may be double-faced and illuminated but no
22 internally illuminated or back-lit signs are permitted. Other than an authorized sign, the bed-and-
23 breakfast inn shall be maintained and landscaped to eliminate outward signs of transient use, and
24 shall be compatible with the neighborhood surroundings.

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

Adopted this 17th day of November, 2009

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: _____
Marilynn M. Bland
Chairperson

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.