

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2016 Legislative Session**

Bill No. CB-14-2016

Chapter No. _____

Proposed and Presented by The Chairman (by request - County Executive)

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Prohibited Commercial Use of Residential Property

3 For the purpose of restricting certain commercial uses in Residential Zone property not otherwise
4 expressly provided for in Section 27-441.

5 BY adding:

6 Section 27-441.01,

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 (2015 Edition)

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
13 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
14 District in Prince George's County, Maryland, that Section 27-441.01 of the Zoning Ordinance of
15 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,
16 be and the same is hereby added:

17 **SUBTITLE 27. ZONING.**

18 **PART 5. RESIDENTIAL ZONES.**

19 **DIVISION 3. USES PERMITTED (RESIDENTIAL ZONES).**

20 **Sec. 27-441.01. Prohibited Commercial Use of Residential Property.**

1 (a) The Zoning Ordinance generally restricts residential properties to residential and
2 compatible accessory uses. Commercial uses on residential properties are limited to those
3 expressly permitted by Sec. 27-441. While residents are entitled to enjoy the use of their
4 property consistent with the applicable regulations, in order to ensure and protect the enjoyment,
5 character and value of residential neighborhoods and buildings, the provisions herein are
6 established.

7 (b) The District Council finds the increasing use of residential properties for parties,
8 events, assemblies, or gatherings open to the public in return for payment of a cover charge or
9 the sale of goods or services is adversely impacting the surrounding residential neighborhoods
10 with increasing criminal activity, noise, and traffic, and by inhibiting ingress and egress for
11 vehicles, including emergency vehicles, in these residential neighborhoods. The District Council
12 is charged with balancing the rights of its citizens under the Federal and State constitutions to
13 peaceful assembly, free expression, religious freedom, and other rights with the right of quiet
14 enjoyment and protection of the inherent characteristics of property in dedicated Residential
15 Zones.

16 (c) Prohibited commercial use of residential property in this section shall mean any
17 occupancy of residential property for the purpose of holding commercial parties, events,
18 assemblies, or gatherings on the premises.

19 (d) Use of residential property shall be deemed commercial and not permitted, except as
20 otherwise provided for in the Zoning Ordinance, if:

21 (1) The owner, lessee, resident, or any occupier of the property receives payment or
22 other consideration, e.g., goods, property or services, in excess of \$100.00 per party or event for
23 the commercial use of the property, including payment by any means, direct or indirect,
24 including security deposits;

25 (2) Goods, property, or services are offered for sale or sold on or at the property,
26 during use of the property; however, this subsection shall not apply if:

27 (A) All goods, property, or services offered are donated to or for charitable,
28 religious or political organizations or candidates for public office, that have received 501(c)(3) or
29 other tax exempt status under the U.S. Internal Revenue Code, as amended, or in accordance
30 with applicable election laws;

31 (B) All of the proceeds from sales are directly payable and paid to charitable,

1 religious or political organizations or candidates for public office, that have received 501(c)(3) or
 2 other tax exempt status under the U.S. Internal Revenue Code, as amended, or in accordance
 3 with applicable election laws. An organization or candidate may reimburse donors for goods or
 4 property donated; or

5 (C) The sale is of the property itself or personal property of the owner, lessee,
 6 occupier, or resident (excluding personal property owned by a business).

7 (3) Use of the property by attendees requires an admittance or membership fee or a
 8 donation, excluding donations directly payable and paid by attendees to charitable, religious or
 9 political organizations or candidates for public office, that have received 501(c)(3) or other tax
 10 exempt status under the U.S. Internal Revenue Code, as amended, or in accordance with
 11 applicable election laws; or

12 (4) There is any advertising that promotes the occupancy or use of the residential
 13 property for the purpose of holding commercial parties, events, assemblies, or gatherings.
 14 Advertising includes, but is not limited to, traditional media, newspaper, magazines, flyers,
 15 handbills, television commercial, radio advertisement, outdoor advertising, direct mail, blogs or
 16 social media, including electronic mail, websites or text messages.

17 (e) Notwithstanding the previous subsection, this Section is not intended to prohibit the
 18 open showing of residential property to the public by a licensed real estate agent, the owner,
 19 lessee, or resident for the purpose of promoting the sale or lease of the subject property, provided
 20 that no sale or display of goods, property or services by sponsoring businesses unrelated to the
 21 sale or lease of the property transpire.

22 (f) Any police officer or inspector may enforce this Section by:

23 (1) Issuing an immediate order to cease and desist the prospectively planned
 24 prohibited activity to the owner, lessee, resident or occupier of the property, and posting the front
 25 door of the property, subject to the right of any aggrieved party within five (5) business days to
 26 request an expedited hearing before the Chief of Police or the Director of the Prince George's
 27 County Department of Permitting, Inspections and Enforcement, or their respective designees, of
 28 the cease and desist order issued by the officer or inspector; or

29 (2) If prohibited activity has already occurred, issue a five hundred dollar (\$500) civil
 30 fine for each offense. No violation notice need be issued prior to the issuance of the civil
 31 citation, notwithstanding any other provision of the Zoning Ordinance or County Code to the

1 contrary.

2 (g) Any decision of the Chief of Police or the Director of the Prince George’s County
3 Department of Permitting, Inspections and Enforcement, or their respective designees, issued
4 under this Section may be appealed by an aggrieved party within five (5) business days of receipt
5 of the decision to the Board of Appeals.

6 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
7 declared to be severable; and, in the event that any Section, Subsection, paragraph, subparagraph,
8 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
9 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
10 words, phrases, clauses, sentences, subparagraphs, paragraphs, Subsections, or Sections of this
11 Act, since the same would have been enacted without the incorporation in this Act of any such
12 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, Subsection, or Section.

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

Adopted this _____ day of _____, 2016.

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: _____
Derrick Leon Davis
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.