

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 10/21/2003

Reference No.: CB-78-2003

Proposer: Dernoga

Draft No.: 2

Sponsors: Dernoga, Knotts, Harrington, Peters

Item Title: An Ordinance amending the definitions in the Zoning Ordinance for home occupations and commercial vehicles and providing special conditions for home occupations

Drafter: Ralph E. Grutzmacher
Legislative Officer

Resource Andrew D. Eppelmann
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 9/30/2003

Executive Action: __/__/____

Committee Referral: 9/30/2003 PZED

Effective Date: 1/12/2004

Committee Action: 10/14/2003 FAV

Date Introduced: 10/21/2003

Public Hearing: 11/25/2003 10:00 A.M.

Council Action: 11/25/2003 ENACTED

Council Votes: PS:-, MB:A, SHD:A, TD:A, CE:-, DCH:A; TH:A, TK:A, DP:A

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECON. DEV. COMMITTEE REPORT

10/14/03

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

This legislation amends the Zoning Ordinance regulations concerning home occupations and commercial vehicles and provides special conditions for home occupations. The definition of home occupation is revised to remove specific conditions on individual kinds of home occupations from the general definition. A new section is added to provide specific conditions for various kinds of home occupations, including those provisions removed from the existing definition. In addition, the bill amends the definition of "commercial vehicle" in Section 27-107.01(a). The intention in this amendment is to limit to two the number of commercial vehicles associated with a home occupation in a dwelling. That limitation is set out at the end of

the new Section 27-445.11, which the bill adds to the Zoning Ordinance.

Council Member Dernoga, the bill's sponsor, explained that the amendments to the provisions for home occupations proposed in CB-78 are intended to address a problem in his district involving commercial vehicles (trucks, vans) that are being stored on residential streets and are not necessarily associated with a business that meets the existing criteria for a home occupation. Mr. Dernoga noted that language in Draft-1 eliminates one-chair beauty parlors and barber shops; he commented that this was not his intent and directed staff to amend the bill to correct the inadvertent error.

The Principal Counsel determined that the bill is in proper form and noted a technical amendment on pages 2 and 3. The bracket in line 26 on page 2 begins the deletion of some definitional language, which states specific uses which are or are not considered home occupations, and the deletion ends with the bracket in line 18 on page 3, but the deletions leave a subparagraph (B) heading with no content. The Principal Counsel recommended that the two subparagraph headings in paragraph (118), "(A)" in line 11 on page 2 and "(B)" in line 26 on page 2, should both be deleted.

The Planning Board supports CB-78 with modifications and provided the following Planning Department staff comments. The intent of CB-78 is to remove the performance standards currently in the definition of home occupation and relocate them, as well as additional standards, to Division 5, Additional Requirements for Specific Uses of Part 5, Residential Zones. It is further the intent to clarify the definition of commercial vehicles and limit their location in residential neighborhoods in conjunction with a home occupation.

The use table should also be amended to clarify that home occupations are subject to Section 27-445.11, Additional Requirements for Specific Uses. Section 27-441(b)(D) also would need to be amended to allow for two commercial vehicles. The bill appears to create stricter limitations on beauty establishments by eliminating the provision for one-chair establishments. It also excludes in home "family day care" as a home occupation, which means that these uses will now require Use and Occupancy permits and be subject to all the regulations of the Zoning Ordinance.

Because the proposed legislation will allow for two commercial vehicles to be parked on the site, wholesale vehicle dealers would inadvertently be allowed. Staff also recommends that a new number (6) be added to Section 27-445(c) to read:

(6) Wholesale dealers' display, storage or repair of vehicles.

The Planning Board comments also noted that, in certain areas and under certain circumstances, it may be necessary to expand home occupations such as in the Arts District where studios, gallery space and instructional areas may be desirable.

The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-78-2003.

Council Member Knotts inquired as to whether the legislation provides any limitations on operating hours for the home occupations. Mr. Knotts indicated his interest in additional

legislation to address home-based businesses, with additional limitations including restrictions on hours of operation.

The committee voted favorably on the bill with the following amendments: Delete the two subparagraph headings in paragraph (118), “(A)” in line 11 on page 2 and “(B)” in line 26 on page 2; in line 11 on page 4, after “off-site,” add “or on a public street”; on page 4, in subparagraph (b), add a new (6) Beauty parlors and barber shops of one chair and renumber the remaining items accordingly; on page 5, in subparagraph (c) (4), after “beauty establishments,” add “of more than one chair each” and delete “and the like”; add a (6) to subparagraph (c) as follows: “Wholesale dealers’ display, storage or repair of vehicles.” The bill was also amended to include the residential use tables to clarify that home occupations are subject to Section 27-445.11 (the new section concerning Additional Requirements for Specific Uses – Home Occupations).

BACKGROUND INFORMATION/FISCAL IMPACT

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

The proposed legislation amends the Zoning Ordinance by restructuring the requirements for home occupations. The definition of “home occupations” is revised to remove specific conditions on individual kinds of home occupations from the general definition. A new section is added to provide specific conditions for various kinds of home occupations, including those provisions removed from the existing definition. In addition, provisions concerning commercial vehicles in residential zones are amended to clarify restrictions on commercial activity in residential zones.

CODE INDEX TOPICS: