

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2004 Legislative Session

Bill No. _____ CB-45-2004
Chapter No. _____
Proposed and Presented by _____ Council Member Shapiro
Introduced by _____
Co-Sponsors _____
Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Mobile Food Vending

3 For the purpose of enhancing livable communities in the more densely populated portions of the
4 County by establishing requirements and conditions of operation for mobile food vending on
5 private property as a temporary use.

6 BY repealing and reenacting with amendments:

7 Sections 27-107.01, and 27-261,

8 The Zoning Ordinance of Prince George's County, Maryland,

9 being also

10 SUBTITLE 27. ZONING.

11 The Prince George's County Code

12 (1999 Edition, 2002 Supplement).

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17 County Code, be and the same are hereby repealed and reenacted with the following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

19 **SUBTITLE 27. ZONING.**

20 **PART 2. GENERAL.**

DIVISION 1. DEFINITIONS.

Sec. 27-107.01. Definitions.

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

* * * * *

(151.1) **Mixed-Use Planned Community:** A contiguous land assemblage of two hundred fifty (250) or more acres in the E-I-A or M-X-T Zone at the intersection of two State highways classified as expressways or freeways, land which meets the criteria in Part 3, Division 2, for classification in the M-X-T Zone and which is developed or to be developed as follows: mixing residential, employment, commercial retail, commercial office, hotel or lodging, civic buildings, parks, or recreational uses; creating a self-sustaining neighborhood with a balanced mix of residential, commercial, public, institutional, and recreational uses; providing uses which are physically and functionally coordinated, with a network of streets and sidewalks forming an integrated circulation system; giving priority in use placement and site design to public spaces, civic uses, recreational uses, and institutional buildings; and exhibiting throughout a high quality of architecture, site design and landscaping, and placement of different uses. If on January 1, 2002, any part of the property covered by an approved E-I-A Basic Plan is partially or fully built on or developed under the Basic Plan regime, then no part of the property may be approved as a Mixed-Use Planned Community.

(151.2) **Mobile Food Vending:** The sale of food on a temporary basis from a vehicle or other mobile unit for which the appropriate license has been issued by the Health Department.. Each mobile food vending unit must have a temporary use and occupancy permit issued by the Department of Environmental Resources.

(152) **Mobile Home:**

(A) A one-unit portable structure which is:

- (i) Designed for conveyance upon streets;
- (ii) Constructed upon a chassis for towing to the point of use;
- (iii) Originally equipped to provide complete, permanent, year-round living facilities for one (1) family, including a kitchen, flush toilet, bath or shower, and sleeping area; and
- (iv) Designed and constructed for connection to utilities and sanitary facilities.

(B) The term does not include "Camping Trailer," "Modular Home," or "Trailer." A "Mobile Home" shall not be considered a "One-Family Detached Dwelling."

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PART 3. ADMINISTRATION.

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

Subdivision 3. Temporary Permits.

Sec. 27-261. Specific temporary uses.

* * * * *

(q) Mobile food vending.

(1) A temporary permit may be issued for mobile food vending, as follows:

(A) A mobile food vending unit may be located only on property in an industrial, commercial, mixed use, or multifamily residential zone in Census Tracts with a density of at least 7,500 dwelling units per square mile, such Census Tracts being 8059.05, 8056.02, 8048.00, and 8056.01 in the 2000 Census.

(B) A mobile food vending unit shall be located at least 50 feet from an existing street and may not encroach upon any required landscaped area. The mobile food vending unit shall be set back at least 100 feet from all land zoned residential (except in the R-10, R-18, and R-30 Zones) or proposed for residential use.

(C) The mobile food vending unit shall be removed at the end of each day, as required by COMAR 10.15.03 or other applicable State regulations.

(D) The Health Department Permit Number and the temporary use permit number shall be displayed on the two longer sides of mobile food vending unit in characters nominally three inches in height.

(E) The hours of operation shall be limited to between 9 a.m. and 9 p.m. Sunday through Thursday and between 9 a.m. and 10 p.m. Fridays, Saturdays, and holidays of the County, State or Nation.

(2) Each applicant for a temporary permit shall submit the following:

(A) A copy of an unexpired license issued by the Health Department for the mobile food unit proposed for use;

(B) A copy of an unexpired business license and sales tax identification number issued by the State;

1 (C) A copy of the written agreement between the applicant and the property
2 owner for the use of the subject property that identifies a source of commercially available
3 electric power; and

4 (3) A temporary permit shall be valid for not more than six months.

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

 Adopted this _____ day of _____, 2004.

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: _____
Tony Knotts
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.