

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

Bill No. _____ CB-11-2004
 Chapter No. _____ 6
 Proposed and Presented by _____ Council Member Dean
 Introduced by _____ Council Members Dean, Exum, Knotts and Peters
 Co-Sponsors _____
 Date of Introduction _____ March 30, 2004

ZONING BILL

1 AN ORDINANCE concerning

2 Home Occupations

3 For the purpose of defining a low-impact home occupation and permitting the use in certain
 4 residential zones, amending the definition of home occupation, and making related amendments
 5 concerning home occupations.

6 BY repealing and reenacting with amendments:

7 Sections 27-107.01(a), 27-253, and 27-441(b),

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 BY deleting:

14 Section 27-445.11,

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

16 being also

17 SUBTITLE 27. ZONING.

18 The Prince George's County Code

19 (1999 Edition, 2002 Supplement).

20 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), 27-253, and 27-441(b) 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Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments: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.

* * * * *

(118) Home Occupation:

Any occupation or enterprise for gain or profit carried on in a dwelling unit and meeting the following criteria:

(A) It is customarily conducted entirely within a dwelling unit solely by the residents;

(B) It is incidental and secondary to the main residential use of the dwelling unit;

(C) It does not change the residential character or appearance of the dwelling or its primary residential use, nor does it have any exterior evidence, other than a permitted sign, to indicate that the dwelling is used for any but residential purposes; [and]

(D) It has no on-premises storage of merchandise to be sold and used or equipment or materials to be used off the premises, unless storage is specifically permitted;

(E) Employment of nonresidents is prohibited unless specifically permitted as provided below;

(F) Off-street parking requirements in Part 11 do not apply to home occupations;

(G) Not more than two (2) vehicles associated with the home occupation or enterprise may be based at the subject property, nor parked on-site or off-site or on a public street within four hundred (400) yards from the property. Upon request by the Department of Environmental Resources, each dwelling unit resident shall provide for inspection the Motor Vehicle Administration registrations for all vehicles owned or leased by the resident, titled in the business name, or listed as business personal property on the resident's or the business' income or property tax returns;

(H) The following uses are permitted as a home occupation accessory to a dwelling,

1 subject to restrictions in the definitions of those uses, and with additional restrictions as
 2 indicated:

3 (i) Instruction that involves a single instructor and not more than five (5)
 4 students at any one time;

5 (ii) General clerical work (such as typing, envelope or flyer preparation or
 6 mailing, bookkeeping, and the like), with no more than two (2) nonresident employees on the
 7 premises at any time;

8 (iii) Retail businesses involving only door-to-door, home party, or mail-order
 9 sales, with temporary storage of merchandise permitted prior to delivery;

10 (iv) The practice of electrolysis (the destruction of hair roots with an electric
 11 current);

12 (v) The practice of taxidermy;

13 (vi) Nail salons, beauty parlors and barber shops of one chair;

14 (vii) Catering businesses limited to food preparation for off-premises delivery,
 15 with no more than one (1) nonresident employee and one (1) customer on the premises at any
 16 time. The business shall be on property of at least ten (10) contiguous acres and may be in the
 17 dwelling unit or in an accessory building subordinate to the dwelling in size and use; and

18 (viii) The creation, production, and storage within the dwelling unit and accessory
 19 buildings, for sale at another location, of tangible objects of art or craft items, works in progress,
 20 and supplies and materials;

21 (I) The following uses are not permitted as a home occupation accessory to a
 22 dwelling:

23 (i) Fortunetelling;

24 (ii) Nursing or care homes, family or adult day care centers, congregate living
 25 facilities, group residential facilities, hospitals, and the like;

26 (iii) Tourist homes;

27 (iv) Nail salons, beauty parlors, or barber shops of more than one (1) chair;

28 (v) Businesses, trades, offices, or enterprises which use more than two (2)
 29 commercial vehicles, alter the residential appearance of the dwelling, or adversely impact the
 30 residential character of the neighborhood; and

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

(118.1) Home Occupation, Low-Impact:

Any occupation or enterprise for gain or profit carried on in a dwelling unit that meets the above criteria of a home occupation as well as the following criteria:

(A) No nonresident employees or customers conducting business on the premises at any time; and

(B) No delivery trucks, additional parking other than that required for the dwelling, or signage is permitted.

* * * * *

PART 3. ADMINISTRATION.

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

SUBDIVISION 1. GENERAL.

Sec. 27-253. Use and occupancy permits.

* * * * *

(b) Use and occupancy permits shall not be required for the following:

(1) One-family dwelling (other than a new one-family dwelling) used for a single family;

(2) Agricultural uses;

(3) Accessory uses (except where a specific use is allowed as accessory to another use); or

(4) Home occupations for which no permit is specifically required, unless requested by the applicant.

* * * * *

PART 5. RESIDENTIAL ZONES.

DIVISION 3. USES PERMITTED.

Sec. 27-441(b). 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
(3) MISCELLANEOUS:									
* * * * *	*	*	*	*	*	*	*	*	*
Home occupations for residents[, in accordance with Section 27-445.11] ²⁰ (CB-86-1989; CB-78-2003)	P	P	P	P	P	P	P	P	P
<u>Home occupations for residents, low-impact</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * * *	*	*	*	*	*	*	*	*	*

USE	ZONE							
	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H
(3) MISCELLANEOUS:								
* * * * *	*	*	*	*	*	*	*	*
Home occupations for residents[, in accordance with Section 27-445.11] ²⁰ (CB-86-1989; CB-78-2003)	P ¹⁶	X	X	X	X	X	X	X
<u>Home occupations for residents, low-impact</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Increase in height of accessory building, used for:								
(A) Servant, household help living quarters ³⁰	SE	SE	SE	SE	SE	X	SE	SE
(B) Agricultural purposes on a lot having a net area of less than 5 acres	X	X	X	X	X	X	X	X
(C) Agricultural purposes on a lot having a net area of at least 5 acres	X	X	X	X	X	X	X	SE
(D) Office	X	X	X	SE	X	X	X	X
* * * * *	*	*	*	*	*	*	*	*

SECTION 2. BE IT FURTHER 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 Section 27-445.11 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 is hereby deleted:

PART 5. RESIDENTIAL ZONES.

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

* * * * *

[Sec. 27-445.11. Home occupations.

(a) Home occupations shall meet the following requirements:

(1) Employment of nonresidents is prohibited unless specifically permitted as provided below;

(2) Off-street parking requirements in Part 11 do not apply to home occupations; and

(3) Not more than two (2) vehicles associated with the home occupation or enterprise may be based at the subject property, nor parked on-site or off-site or on a public street within four hundred (400) yards from the property. Upon request by the Department of Environmental Resources, each dwelling unit resident shall provide for inspection the Motor Vehicle Administration registrations for all vehicles owned or leased by the resident, titled in the business name, or listed as business personal property on the resident's or the business' income or property tax returns.

(b) The following uses are permitted as a home occupation accessory to a dwelling, subject to restrictions in the definitions of those uses, and with additional restrictions as indicated:

(1) Instruction that involves a single instructor and not more than five (5) students at any one time;

(2) General clerical work (such as typing, envelope or flyer preparation or mailing, bookkeeping, and the like), with no more than two (2) nonresident employees on the premises at any time;

(3) Retail businesses involving only door-to-door, home party, or mail-order sales, with temporary storage of merchandise permitted prior to delivery;

(4) The practice of electrolysis (the destruction of hair roots with an electric current);

(5) The practice of taxidermy;

(6) Beauty parlors and barber shops of one chair;

(7) Catering businesses limited to food preparation for off-premises delivery, with no more than one (1) nonresident employee and one (1) customer on the premises at any time. The business shall be on property of at least ten (10) contiguous acres and may be in the dwelling unit or in an accessory building subordinate to the dwelling in size and use; and

(8) The creation, production, and storage within the dwelling unit and accessory buildings, for sale at another location, of tangible objects of art or craft items, works in progress, and supplies and materials.

(c) The following uses are not permitted as a home occupation accessory to a dwelling:

(1) Fortunetelling;

(2) Nursing or care homes, family or adult day care centers, congregate living facilities, group residential facilities, hospitals, and the like;

(3) Tourist homes;

(4) Hair cutting, nail, or beauty establishments of more than one (1) chair each;

(5) Businesses, trades, offices, or enterprises which use more than two (2) commercial vehicles, alter the residential appearance of the dwelling, or adversely impact the residential character of the neighborhood; and

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

* * * * *

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

Adopted this 11th day of May, 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.