

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

Bill No. CB-66-2016

Chapter No. _____

Proposed and Presented by Council Member Glaros

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Farmer's Markets

3 For the purpose of amending the definition of Farmer's Markets in the Zoning Ordinance and
4 requirements for Farmer's Markets as a temporary use in Prince George's County.

5 BY repealing and reenacting with amendments:

6 Sections 27-107.01 and 27-261,

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 Sections 27-107.01 and 27-261 of the Zoning
15 Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's
16 County Code, be and the same are hereby repealed and reenacted with the following
17 amendments:

18 **SUBTITLE 27. ZONING.**

19 **PART 2. GENERAL.**

20 **DIVISION 1. DEFINITIONS.**

1 **Sec. 27-107. 01. Definitions.**

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

3 * * * * *

4 (87.1) **Farmer’s Market:** [A collection of vendors located on property owned by
5 a public agency or a not-for-profit organization, in accordance with the written permission of the
6 property owner, for the sale of agricultural and horticultural products grown by the vendor or for
7 the sale of baked, canned, or preserved foods prepared by the vendor.] A public space where
8 fresh food from a defined local area are sold by the people who have grown, gathered, raised or
9 caught them.

10 (A) The main purpose of the market must be to provide fresh, agricultural products to
11 the community.

12 (B) The market must be operating in accordance with stated rules and all vendors must
13 be in compliance with all relevant federal, state and local regulations.

14 (C) Market must have at least three regular vendors, two of which are farmers selling
15 edible agricultural products (fruits & vegetables, meats, eggs, dairy, etc) and at least one of
16 which is authorized to accept FMNP/SFMNP/FVC checks.

17 (D) The market must have stated hours of operation for a minimum of three hours a
18 day, at least two days per month during July-October.

19 (E) Markets may also have vendors who sell crafts, prepared foods, and other items at
20 the discretion of the market manager or market board.

21 (F) Vendors must have signage of at least 4” x 6” indicating the location of where the
22 items for sale were grown (if edible agricultural products) or produced (if prepared food or
23 crafts).

24 (G) Operations generally meeting this definition, but which are open fewer than four
25 (4) days per year, shall be construed as a “garage sale” for which no permit shall be required.

26 **PART 3. ADMINISTRATION.**

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

28 **SUBDIVISION 3. TEMPORARY PERMITS.**

29 **Sec. 27-261. Specific Temporary Uses.**

30 * * * * *

31 (j) **Farmer’s market [or flea market].**

1 [(1) Except as provided in Subsection (j)(8) of this Section, the farmer's market shall
2 only be located on the open area or parking lot of private or publicly owned property. The flea
3 market shall only be located on the open area or parking lot of property owned by a public
4 agency or a not-for-profit organization.]

5 [(2) The permit shall only be issued for thirty (30) days for a flea market and no more
6 than 106 days for a farmer's market in any one (1) calendar year.]

7 [(3) The use for the flea market shall be operated only during daylight hours as
8 specified in the application and approved by the Department of Permitting, Inspections, and
9 Enforcement. The use for the farmer's market shall be operated only within the hours as specified
10 in the application and approved by the Department of Permitting, Inspections, and Enforcement.]

11 [(4) Stalls, sales tables, and any other facilities related to the flea market shall be
12 located at least twenty-five (25) feet from any abutting street. If located within a parking lot, the
13 facilities shall be located so as to provide sufficient parking facilities for the patrons.]

14 [(5) Vehicular access to the subject property shall not be by means of streets internal
15 to subdivisions for one-family dwellings.]

16 [(6) The site plan submitted with the permit application shall show all existing
17 improvements on the property, off-street parking areas and driveways (including traffic control
18 patterns), and the specific area (dimensioned) of the property to be occupied by the flea market.]

19 [(7) The Department of Permitting, Inspections, and Enforcement may revoke the
20 permit if the use constitutes a nuisance because of noise, traffic, physical activity, or other
21 cause.]

22 [(8) A farmer's market may operate inside a public or privately owned building with
23 the written permission of the property owner during the months of December through March for
24 a period not to exceed a total of thirty (30) days, provided the farmer's market otherwise
25 complies with the provisions of Section 27-107.01(a)(87.1) and Section 27-261(j) of this Code.]

26 The Department of Permits, Inspections, and Enforcement may issue a use and occupancy
27 permit for farmer's market as a temporary use, as defined in Section 27-107.01(a)(87.1) of this
28 Subtitle, and in accordance with the requirements set forth in Subtitle 5 of this Code.

29 * * * * * * * * *

30 (q) **Flea market.**

31 (1) The flea market shall only be located on the open area or parking lot of property

1 owned by a public agency or a not-for-profit organization.

2 (2) The permit shall only be issued for thirty (30) days for a flea market in any one
3 (1) calendar year.

4 (3) The use for the flea market shall be operated only during daylight hours as
5 specified in the application and approved by the Department of Permitting, Inspections, and
6 Enforcement.

7 (4) Stalls, sales tables, and any other facilities related to the flea market shall be
8 located at least twenty-five (25) feet from any abutting street. If located within a parking lot, the
9 facilities shall be located so as to provide sufficient parking facilities for the patrons.

10 (5) Vehicular access to the subject property shall not be by means of streets internal
11 to subdivisions for one-family dwellings.

12 (6) The site plan submitted with the permit application shall show all existing
13 improvements on the property, off-street parking areas and driveways (including traffic control
14 patterns), and the specific area (dimensioned) of the property to be occupied by the flea market.

15 (7) The Department of Permitting, Inspections, and Enforcement may revoke the
16 permit if the flea market use constitutes a nuisance because of noise, traffic, physical activity, or
17 other cause.

18 SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect January 1,
19 2017.

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.