The Maryland-National Capital Park and Planning Commission
PRINCE GEORGE'S COUNTY
Planning Department
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June 4, 2026

TECHNICAL STAFF REPORT

TO: Prince George's County Planning Board

FROM: Natalia Gomez Rojas, AICP, Planner IV, Planning Director's Office

SUBJECT: Legislative Drafting Request LDR-111-2026
Home Occupation and Home Businesses - Regulation and Enforcement

The Prince George's County Planning Department's legislative team has reviewed the proposed legislative amendment to the Zoning Ordinance and presents the following evaluation and findings leading to a recommendation of **NO POSITION with amendments.**

I. BACKGROUND

A. Purpose: To revise the definition of home occupation; adding the definition of prohibited home vehicle business; providing for the presumptive evidence of prohibited home vehicle business; providing for property owner responsibility; providing for certain enforcement procedures; providing for certain enhanced penalties for prohibited home businesses; and generally regarding regulation and enforcement of home occupation and home businesses.

B. Impacted Property: This bill would impact properties in the Regional District where home occupation is permitted as accessory use.

II. EVALUATION CRITERIA

Proposed legislative amendments to the Zoning Ordinance are reviewed under the requirements of Section 27-3501, Legislative Amendment, of the Prince George's County Zoning Ordinance. The Planning Department has considered the following in reviewing this proposed legislative amendment:

A. The Prince George's County Zoning Ordinance;

B. The *Plan Prince George's 2035 Approved General Plan*;

C. The current area master plans, sector plans, and functional master plans for Prince George's County;

D. The Prince George's County Climate Action Plan; and

E. Referral comments.

III. COMPLIANCE WITH LAW, ASSESSMENT OF TECHNICAL DRAFTING CONVENTIONS, AND PROPOSED AMENDMENTS

The Department has determined that the proposed bill was drafted in a manner consistent with the legislative style and conventions of the current Zoning Ordinance. However, substantive amendments are proposed in part VII of this report.

IV. POLICY ANALYSIS

LDR 111-2026 proposes to i) amend the definition of home occupation; ii) add the definition of business use vehicle, and prohibited home vehicle business; iii) provide for the presumptive evidence of prohibited home vehicle business; iv) provide for property owner responsibility; v) provide for certain enforcement procedures; vi) provide for certain enhanced penalties for prohibited home businesses; vii) and create regulatory and enforcement mechanisms concerning home occupations and home businesses.

As mentioned, the proposed bill amends the definition of home occupation in Section 27-2500, more specifically, it expands in those business activities that would not be permitted as home occupation and that use more than two business vehicles under certain conditions (see page LDR-111-2026, Page 3, Lines 8-31 and Page 4, Lines 1-8). By adding those conditions, this legislation appears to attempt to address resident concerns about the appearance, traffic generation, and parking impacts of home-based businesses, in general, and vehicle service uses in particular. However, the Department considers that these are business operation issues, not land use issues.

The proposed language in page 3 of the proposed bill also introduces two new terms: business vehicle use (See bill page 3, lines 14-17), and prohibited home vehicle business (See bill page 3, line 31 – page 4, line 8). Accordingly, the Department's standard practice is to put all definitions in Section 27-2500, separated from development standards. As such, the Department proposes the cited lines above to be moved to the proper section of the code and the proposed language is shown in part VII of this report. This reconciliation of terms will also be consistent with the proposed language in CB-48-2026 (Prohibited Home Business) introduced by the same sponsor.

The proposed bill also introduces additional enforcement provisions related to evidentiary standards for prohibited home vehicle businesses and rental properties. These amendments are proposed within Section 27-5203, which establishes standards specific to accessory uses and structures. However, the Department finds that the proposed provisions function primarily as enforcement mechanisms rather than development or use standards. As such, the Department recommends that these provisions be relocated to a more appropriate section of the Prince George's County Code addressing enforcement procedures and penalties.

Furthermore, the Department anticipates significant challenges in administering and enforcing the proposed "Presumptive Evidence of Prohibited Home Vehicle Business" provisions through the Zoning Ordinance or other available enforcement mechanisms. The

proposed language establishes evidentiary presumptions that may prove difficult to consistently apply and enforce in practice.

Similarly, the proposed language contained in Part 8 should be incorporated into Subtitle 28 in conjunction with the amendments proposed under CB-48-2026. Subtitle 28 addresses the enforcement framework applicable to Subtitle 27 in a comprehensive manner and does not distinguish violations or penalties based on specific land uses. Introducing use-specific enforcement language within Section 27-5203 would disrupt the organizational structure and internal flow of the Zoning Ordinance and could establish a precedent for introducing individualized enforcement provisions for other uses throughout the Ordinance. Furthermore, the Department notes that home occupations, as accessory uses, are already subject to regulatory oversight through the requirement to obtain a Use and Occupancy Permit.

Therefore, the Department considers that the Zoning Ordinance may not be the appropriate location to regulate commercial activities; these issues are not typically within the typical jurisdiction of Zoning Enforcement and the presumptive validity clauses could significantly increase calls-for-service, taking enforcement officers away from immediate threats to public health and safety to enforce those areas of the Code focused on aesthetics or convenience.

- Business operations are regulated by Subtitle 5, Businesses and Licenses.
- Property standards and maintenance are regulated by Subtitle 13, Division 7.
- On-street parking is regulated by Subtitle 26, Division 8.
- Trip generation and mitigation thereof is a function of Subtitle 24, the County Subdivision Regulations.

As stated in other staff reports, land use regulations should be clear and objective, with standards that are quantifiable, measurable, or binary (yes/no). The Zoning Ordinance is intended to be interpretable by the general public. LDR-111-2026 appears targeted at situations for which a resident would lodge a complaint with the Department of Permitting, Inspections, and Enforcement or other relevant County agency upon suspicion of a violation. In such cases, it is helpful to the public to clearly define what is, and is not, required and/or a violation.

The proposed language (and some of the existing language) includes several subjective and/or undefined terms or phrases that are difficult to consistently and evenly enforce, including:

Page	Line(s)	Potential Subjective Findings	Challenges Presented
2	9-11	Businesses, trades, offices, or enterprises that use more than two (2) business use vehicles and/<u>or operate in a manner which alters the residential appearance of the dwelling…</u>	It is unclear what regulation defines the required "appearance of the dwelling"
2	11-12	<u>or adversely impacts the residential character of the neighborhood, including</u> as demonstrated by any of the following conditions	"Adversely" and "impacts" are subjective. "Including" implies "but not limited to", meaning that any

			condition perceived by any person could qualify as an impact or an adverse impact.
2	18	….regular parking or storage…	Neither are defined
2	20	The generation of customer, client, employee, or delivery vehicle traffic by commercial vehicles…	No requirements are identified to aid the public or code enforcement officials in determining whether or not vehicular trips to a residence are related to business operations. It is unclear how the public or code enforcement vehicles are to distinguish customer, client, or employee traffic from visitor traffic.
2	27	…detectable…	Perception and detection varies widely among the general public.
2	27-28	… is inconsistent with the normal residential use of surrounding properties…	"Normal residential use" of the surrounding properties is undefined.
3	22	"…per week"	Neither the legislation or the Zoning Ordinance define a week, and it is used interchangeably throughout the County Code as any 7-day period, or Sunday to Sunday. Clarity in this language could eliminate confusion as to what constitutes nonconformance to it. Section 1-102(a)(39) of the County Code defines a week as seven days.
8	13	… a home occupation or business that adversely impacts the residential character…	"Adversely" and "impacts" are subjective. "Residential character" is subjective.

Proposed Requirements for Subjective Findings

Additionally, it is unclear from the language in LDR-111-2026 whether it applies prospectively to new permit holders or applies to those who are renewing or amending their permit. Adding this distinction in the proposed bill is important because existing home-based businesses are permitted by-right to operate under the conditions of their current Use and Occupancy Permit. The public cannot conceivably discern which of their neighbors has a permit issued under the proposed provision and which of their neighbors has a grandfathered home-based business.

This complexity translates into additional time and costs for existing and prospective home business owners and uncertain outcomes for the public. The Department is mindful that small businesses, nonprofits, and community institutions may not have the resources of large regional or national businesses and the County's costly and time-consuming discretionary review processes can be insurmountable obstacles to their development.

In addition, costly and time-consuming ongoing compliance requirements can similarly present an insurmountable obstacle.

Generally, zoning is the process by which prospective land uses are regulated and permitted. It would be nearly impossible for a prospective permittee to stipulate that, for the duration of their requested permit, they will not have more than six distinct vehicular visits per day on more than 2 days per week including but not limited to:

- Recipients of packages do not dictate when deliveries will occur.
- A permitted, on-demand home-based service may permit walk-up customers.
- A permitted, appointment-based business such as hair stylist may need customers to arrive ahead of their appointment so that it may start on time. This may facilitate three-or-more customer vehicles at a property at any given time.
- A permitted, home-based business may have shifts of employee, especially if they are staffed by part-time employees. It is unclear whether these activity will generate six or more trips.

In summary, and as extensively expressed in this report, the Department considers that the Zoning Ordinance is not the appropriate location to regulate these standards and conflicts with Plan 2035 by introducing complexity, unrealistic community expectations, and expanded procedural costs where they do not currently exist. Further conformance to Plan 2035 and the County's approved Master, Sector, and Transit District Development Plans may be achieved re-focusing this legislation on realistic, achievable, measurable, or binary (yes/no) regulations prohibiting vehicle service uses in Residential and other inappropriate zones and/or establishing specific standards that can be achieved or committed to prior to the issuance of a permit.

V. COMPLIANCE WITH EVALUATION CRITERIA

Pursuant to Section 27-3501(c)(2)(B), staff finds the following with respect to the proposed amendment:

(i) Is consistent with the goals, policies, and strategies of Plan Prince George's 2035 (or any successor General Plan), area master plans, sector plans, functional master plans, and any other applicable approved plans;

LDR-111-2026 **is not** "consistent with the goals, policies and strategies of Plan Prince George's 2035 [Plan 2035] (or any successor General Plan), area master plans, sector plans, functional master plans, and any other applicable approved plans" pursuant to Section 27-3501(c)(2)(B)(i) of the Zoning Ordinance".

Consistency with General Plan

Modern, Streamlined, Simpler Ordinance

The first critical initiative identified in Plan 2035 is to "undertake a comprehensive update of the County's Zoning and Subdivision Ordinances to modernize, streamline, and simplify the County's regulatory environment." (Plan 2035, p.252)

In general, a modern, streamlined, and simplified Ordinance addresses challenges to the "health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County" (Section 27-1300(a)), guiding "the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business" (Section 27-1300(d)), by regulating the use of land. An Ordinance becomes less modern, streamlined, and simplified when it seeks to regulate highly-variable business operations.

In addition, Plan 2035 and the existing Zoning Ordinance strive to eliminate, not exacerbate, complex and costly entitlement, permitting, and compliance processes.

Supporting Entrepreneurship

Prince George's County is one of the most entrepreneurial places in the United States. Many small, local, and family-owned businesses start in the home. Commercial space available for lease or purchase is prohibitively expensive for startup businesses, even in a County such as Prince George's with available inventory.

Policy EP 6 of Plan 2035 establishes a County policy to "Promote entrepreneurship, small business development, and innovation" (Plan 2035, p.133). Strategy EP 6.5 recommends the County "conduct a comprehensive review of County Code provisions specific to the operations of small businesses—including licensing, permitting and inspections, and zoning and subdivision regulations—to facilitate and support small businesses development."

Any regulation that limits the ability of a permitted business to attract more than six distinct client or customer trips per day is antithetical to the goal of cultivating the County's home-grown, local, and family business development. Such a regulation not just inhibits business growth but also inhibits residential growth by would-be or current entrepreneurs. As previously mentioned, the Zoning Ordinance is not the appropriate location to regulate these standards and conflicts with Plan 2035 by introducing complexity, unrealistic community expectations, and expanded procedural costs where they do not currently exist.

In general, notwithstanding the subjectivity and areas where another Subtitle of the Code may be more appropriate, enhancing the definition of home-based vehicle repair, prohibiting it, and providing for enforcement is consistent with Plan 2035. However, to the extent this legislation applies to all home-based businesses, it does the opposite of these recommendations and does not conform to Plan 2035

<u>Consistency with Area Master and Sector Plans</u>

Supporting the County's small, startup, and home-based businesses to create County-based economic growth and opportunity is a key driving force behind many of the economic prosperity and land use recommendations in the County's approved Master, Sector, and Transit District Development Plans. Legislation that discourages

and/or inhibits the ability of residents to start new businesses or nonprofit activities in their communities is broadly inconsistent with most of these plans.

To the extent that the bill proposes to explicitly prohibit vehicle service and storage in residential neighborhoods, the provisions appropriate for the Zoning Ordinance are consistent with the County's approved Master, Sector, and Transit District Development Plans, most specifically the 2007 *Approved Westphalia Sector Plan*, which recommends the County "enforce county codes and take corrective action regarding inappropriate neighborhood activities, such as parking of commercial vehicles or illegal commercial operations on residential property, abandoned or inoperable vehicle storage, decrepit structures, or dumping."

(ii) Addresses a demonstrated community need;

"Identified community need" is not defined by the Zoning Ordinance and is subjective. At this time, the Department has not received sufficient input from the bill sponsor or from residents to demonstrate that additional regulations or enforcement, to the added business activities to home occupation, constitutes a community need. However, LDR-111-2026, clearly addresses the need to regulate some business activities that can adversely impact the residential character or certain areas.

(iii) Is consistent with the purpose and intent of the zones in this Ordinance, or would improve compatibility among uses and ensure efficient development within the County;

LDR-111-2026 is not only consistent with the purpose and intent of the Zoning Ordinance, but it also improves compatibility among home occupation as accessory use, understood as subordinate to, customarily incidental to, and ordinarily found in association with, a principal use. Furthermore, by expanding the definition of home occupation, it ensures that any development with this accessory use does not impact the character of the neighborhood, ensuring a better development in the County.

(iv) Is consistent with the implementation of the strategies and priority recommendations of the Prince George's County Climate Action Plan;

The proposed bill is consistent with the Prince George's County Climate Action Plan, specifically with policy CO-5 "Strengthen land use regulations to better align individual land use decisions"

(v) Is consistent with other related State and local laws and regulations; and

LDR-111-2026 complies with this criterion.

(vi) Would avoid creating significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

LDR-111-2026 complies with this criterion.

VI. PLANNING BOARD PUBLIC HEARING

Section 27-3501(c)(2)(D) requires the Prince George's County Planning Board to hold a public hearing and make comments on the proposed legislative amendment within 30 days of the date of the transmittal of the Clerk of the Council. Said public hearing must be noticed by electronic mail at least 21 days prior to the public hearing, sent to every community organization in the County registered pursuant to Section 27-3407(b)(3) of the Zoning Ordinance, and to any person or organization registered pursuant to Section 27-3402(d) of the Zoning Ordinance.

Notice for the public hearing on LDR-96-2026 was sent on May 28, 2026, as required by the Zoning Ordinance. The Planning Board public hearing will be held on June 18, 2026, thus meeting the notice requirement of the Zoning Ordinance.

Comments offered by the public prior to and during the Planning Board's public hearing will be summarized, along with the Planning Board's comments, in the Board's recommendation to Clerk of the Council.

VII. PROPOSED AMENDMENTS

Following review of LDR-94-2026 the Department offers the following amendments:

1. Amend the proposed language as shown below:

SUBTITLE 27. ZONING.
PART 27-2. INTERPRETATION AND DEFINITIONS.
SECTION 27-2500. DEFINITIONS.

Business use Vehicle

Any vehicle with a Gross Vehicle Weight Rating (GVWR) of 10,000 pounds or more, any vehicle bearing commercial registration plates, or any vehicle displaying signage, markings, or equipment (e.g., ladder racks, toolboxes) that indicates a primary use for business purposes.

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Home occupation

Any occupation or enterprise for gain or profit carried on in a dwelling unit and which meets the criteria of Section 27-5203(b)(6), Home Occupation. The following uses are permitted as a home occupation accessory to, incidental to, and secondary to a dwelling unit, subject to restrictions in the definitions of those uses, and with additional restrictions as indicated:

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

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

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

(D) The practice of electrolysis (the destruction of hair roots with an electric current);
(E) The practice of taxidermy;
(F) Nail salons, beauty parlors and barber shops of 2 or fewer chairs;
(G) Catering businesses limited to food preparation for off-premises delivery, with no more than 1 nonresident employee and 1 customer on the premises at any time. The business shall be on property of at least 10 contiguous acres and may be in the dwelling unit or in an accessory building subordinate to the dwelling in size and use;
(H) Cottage food preparation;
(I) 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;
(J) The practice of acupuncture;
(K) Pet grooming services and dog daycare facilities; and
(L) Offices for accountants, architects, attorneys, clergymen, engineers, medical practitioners, and similar professions.

The following uses are not permitted as a home occupation accessory to a dwelling unit:

(A) Fortunetelling;
(B) Nursing or care homes, adult day care centers, group residential facilities, or hospitals;
(C) Tourist homes;
(D) Nail salons, beauty parlors, or barber shops of more than 2 chairs;
(E) [Businesses, trades, offices, or enterprises which use more than 2 commercial vehicles, alter the residential appearance of the dwelling, or adversely impact the residential character of the neighborhood; and] Businesses, trades, offices, or enterprises that use more than two (2) business use vehicles and/or operate in a manner which alters the residential appearance of the dwelling or adversely impacts the residential character of the neighborhood, including as demonstrated by any of the following conditions:

(i) The use of more than two (2) business use vehicles in connection with the business; or
(ii) The regular parking or storage of more than two (2) business use vehicles on a residential property or the surrounding residential streets; or
(iii) The generation of customer, client, employee, or delivery vehicle traffic by commercial vehicles that exceeds six (6) distinct vehicular visits per day on more than two (2) days per week; or
(iv) the regular parking of two (2) or more employee personal vehicles on surrounding residential streets while employees are away for the day in a vehicle owned or leased by the business; or
(v) The generation of noise, vibration, glare, fumes, odors, or electrical interference detectable at or beyond the property line that is inconsistent with the normal residential use of surrounding properties; or
(vi) The outdoor storage, display, or accumulation of goods, inventory, equipment, waste, or materials associated with the business.

(F) [Wholesale dealers' display, storage or repair of vehicles.] Prohibited Home Vehicle Business

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Prohibited Home Vehicle Business

Vehicle Repair, Servicing, or Maintenance and Wholesale Dealers' Display. This includes, but is not limited to: automotive, truck, motorcycle, ATV, recreational vehicle, small engine, or boat repair; body work; painting; detailing for commercial gain; oil changes; brake work; transmission work; or electrical system work. The storage of vehicles, vessels, or major components thereof awaiting repair, servicing, or as a result of dismantling is prohibited. The possession or use of commercial-grade repair equipment (including but not limited to vehicle lifts, paint booths, alignment machines, heavy-duty compressors, or tire changers) intended for such purposes is also prohibited.

2. The Zoning Ordinance may not be the best location to regulate the listed business activities in the manner proposed. Consider relocating the proposed language to other subtitles in the Prince George's Code as proposed:
   (a) Business operations are regulated by Subtitle 5, Businesses and Licenses.
   (b) Property standards and maintenance are regulated by Subtitle 13, Division 7.
   (c) On-street parking is regulated by Subtitle 26, Division 8.
   (d) Trip generation and mitigation thereof is a function of Subtitle 24, the County Subdivision Regulations.

VIII. RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Planning Department's legislative team recommends that the Planning Board adopt the findings of this report and recommend Planning Board **NO POSITION with amendments** on LDR-111-2026.