

**COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

**2006 Legislative Session**

Legislative Day # 13

**BILL NO. 2006-13**

**Introduced by: Charles County Commissioners**

**Cottage Industries**

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**Date introduced: 10 / 16 / 2006**

**Public Hearing: 11 / 27 / 2006 at 2:30 p.m.**

**Commissioners Action: 12 / 04 / 2006 Enact**

**Commissioner Votes: WC: Y, RF: U/A, AS: Y, EP: Y, CQK: Y**

**Pass/Fail: Pass**

**Effective Date: 12 / 14 / 2006 12:01 a.m.**

**Remarks: \_\_\_\_\_**

**COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

**2006 Legislative Session**

Bill No. 2006-13

Chapter. No. 297

Introduced by Charles County Commissioners

Date of Introduction October 16, 2006

**BILL**

1 AN ACT concerning:

2 **Zoning Ordinance**

3 **Addition of Language to govern Cottage Industries**

4  
5 FOR the purpose of:

6  
7 Adding language to the Zoning Ordinance to establish and govern Cottage Industries and  
8 amendments to existing language in the Zoning Ordinance defining and governing Home  
9 Occupations to ensure consistency.

10  
11 BY amending:

12 Chapter 297, Section 29 B

13 Chapter 297, Section 49 E

14 Code of Charles County

15  
16 AND BY adding:

17 Chapter 297, Section 39

18 Code of Charles County

19

1                   **SECTION 1.** BE IT ENACTED BY THE COUNTY COMMISSIONERS OF  
2 CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as  
3 follows:

4  
5                                   **Chapter 297: Zoning**  
6                                   **Article II - General Provisions**

7  
8           **Section 297-29.        Accessory uses and structures.**

9  
10           B.        The following accessory uses shall be permitted and the following restrictions  
11 shall apply in agricultural and residential zones upon issuance of a zoning permit  
12 in accordance with the following:

13  
14                   (18)   Home Occupations may be permitted in accordance with the following  
15 criteria:

16  
17                           (e)    **ALL BUSINESS ACTIVITIES ASSOCIATED WITH THE**  
18                           **CONDUCT OF A HOME OCCUPATION SHALL BE**  
19                           **CONDUCTED ENTIRELY WITHIN THOSE PORTIONS OF**  
20                           **THE PRINCIPAL DWELLING THAT ARE APPROVED**  
21                           **FOR THE HOME OCCUPATION USE. ALL MATERIALS,**  
22                           **EQUIPMENT, SUPPLIES, AND INVENTORY**  
23                           **ASSOCIATED WITH THE HOME OCCUPATION SHALL**  
24                           **BE STORED WITHIN THE PRINCIPAL DWELLING. A**  
25                           **HOME OCCUPATION SHALL NOT INVOLVE THE**  
26                           **PRODUCTION OR IMPROPER DISPOSAL OF ANY**  
27                           **HAZARDOUS, TOXIC, OR CARCINOGENIC MATERIALS**  
28                           **OR WASTE.**

29  
30                           (f)    **THE HOME OCCUPATION SHALL NOT OPERATE**  
31                           **BETWEEN THE HOURS OF 8:00 PM AND 7:00 AM.**  
32                           **BUSINESS ACTIVITIES ASSOCIATED WITH A HOME**



1 [5] Barber or beauty shops.

2  
3 [6] Medical or dental offices.

4  
5 [7] Dance studios.

6  
7 [8] Restaurants.

8  
9 **(22) COTTAGE INDUSTRIES MAY BE PERMITTED WITH**  
10 **CONDITIONS BY THE ZONING OFFICER IN THE AC AND RC**  
11 **ZONES AND BY SPECIAL EXCEPTION IN THE RR ZONE IN**  
12 **COMPLIANCE WITH THE FOLLOWING CRITERIA:**

13  
14 **(a) COTTAGE INDUSTRIES SHALL NOT BE OPERATED ON**  
15 **LOTS OF RECORD SMALLER THAN FIVE (5) ACRES.**

16  
17 **(b) THE COTTAGE INDUSTRY SHALL BE OWNED AND**  
18 **OPERATED BY AN OWNER OF THE PROPERTY UPON**  
19 **WHICH THE BUSINESS OPERATION IS CONDUCTED.**  
20 **NOT MORE THAN THREE (3) PERSONS SHALL BE**  
21 **EMPLOYED BY A COTTAGE INDUSTRY, NOT MORE**  
22 **THAN ONE (1) OF WHICH MAY RESIDE OFF THE**  
23 **SUBJECT PROPERTY.**

24  
25 **(c) COTTAGE INDUSTRIES MAY BE CONDUCTED IN AN**  
26 **EXISTING REAR OR SIDE YARD ACCESSORY**  
27 **STRUCTURE ON THE SUBJECT PROPERTY THAT IS**  
28 **COMPLETELY ENCLOSED ON ALL FOUR (4) SIDES,**  
29 **PROVIDED THAT THE ACCESSORY STRUCTURE IS**  
30 **LOCATED NOT MORE THAN TWO HUNDRED (200)**  
31 **FEET FROM THE PRIMARY RESIDENTIAL STRUCTURE**

1 ON THE PROPERTY AND IT IS LOCATED NOT LESS  
2 THAN FIFTY (50) FEET FROM ANY SIDE OR REAR LOT  
3 LINE, NOR LESS THAN TWO HUNDRED (200) FEET  
4 FROM ALL EXISTING RESIDENTIAL STRUCTURES ON  
5 ADJOINING PROPERTIES.

6  
7 (d) THE COTTAGE INDUSTRY SHALL BE CONDUCTED  
8 ENTIRELY WITHIN THE DESIGNATED ACCESSORY  
9 STRUCTURE AND THE GROSS FLOOR AREA  
10 DEDICATED TO THE COTTAGE INDUSTRY SHALL NOT  
11 EXCEED FIFTY (50) PERCENT OF THE GROSS FLOOR  
12 AREA OF THE PRINCIPAL RESIDENTIAL STRUCTURE  
13 ON THE PROPERTY.

14  
15 (e) A COTTAGE INDUSTRY MAY BE AUTHORIZED TO  
16 UTILIZE ONE (1) ROOM, CONTAINING NOT MORE  
17 THAN TWO HUNDRED (200) SQUARE FEET OF FLOOR  
18 AREA, IN THE PRINCIPAL RESIDENTIAL STRUCTURE  
19 AS A BUSINESS OFFICE FOR THE MAINTENANCE AND  
20 PROCESSING OF RECORDS ASSOCIATED WITH THE  
21 COTTAGE INDUSTRY. NO BUSINESS OPERATIONS,  
22 ACTIVITIES, OR TRANSACTIONS ASSOCIATED WITH  
23 THE COTTAGE INDUSTRY SHALL BE CONDUCTED IN  
24 ANY PORTION OF THE PRINCIPAL RESIDENTIAL  
25 STRUCTURE NOT APPROVED FOR COTTAGE  
26 INDUSTRY USE BY THE COUNTY.

27  
28 (f) A COTTAGE INDUSTRY SHALL NOT INVOLVE THE  
29 PRODUCTION OF ANY HAZARDOUS, TOXIC, OR  
30 CARCINOGENIC MATERIALS OR WASTE. THIS  
31 RESTRICTION SHALL NOT BE APPLIED TO COMMON

1 HOUSEHOLD CLEANSERS, FILM DEVELOPING  
2 CHEMICALS, OR MEDICAL WASTE GENERATED AND  
3 PROPERLY DISPOSED BY A DOCTOR, DENTIST, OR  
4 VETERINARIAN IN THE CONDUCT OF AN APPROVED  
5 COTTAGE INDUSTRY. ALL MATERIALS, EQUIPMENT,  
6 SUPPLIES, AND INVENTORY ASSOCIATED WITH THE  
7 COTTAGE INDUSTRY SHALL BE STORED WITHIN THE  
8 DESIGNATED ACCESSORY STRUCTURE. ALL POWER,  
9 PNEUMATIC, OR HYDRAULIC TOOLS AND  
10 EQUIPMENT UTILIZED IN THE OPERATION OF THE  
11 COTTAGE INDUSTRY SHALL BE STORED AND  
12 OPERATED WITHIN THE DESIGNATED ACCESSORY  
13 STRUCTURE. THESE RESTRICTIONS SHALL NOT  
14 APPLY TO A KILN OR FORGE THAT MAY BE USED IN  
15 ASSOCIATION WITH AN APPROVED POTTERY OR  
16 WROUGHT IRON HANDCRAFTING OPERATION. ANY  
17 SUCH KILN OR FORGE SHALL BE LOCATED IN CLOSE  
18 PROXIMITY TO THE DESIGNATED ACCESSORY  
19 STRUCTURE, WHERE DIRECT VISIBILITY FROM  
20 ADJOINING DWELLINGS OR PUBLIC ROADS WILL BE  
21 MINIMIZED. ADDITIONAL VEGETATIVE SCREENING  
22 OR FENCING MAY BE REQUIRED TO MINIMIZE  
23 DIRECT VISIBILITY FROM ADJOINING DWELLINGS  
24 OR PUBLIC ROADS.

25  
26 (g) THE COTTAGE INDUSTRY SHALL NOT CAUSE OR  
27 RESULT IN ANY MATERIAL CHANGE IN THE OUTSIDE  
28 CHARACTER OR APPEARANCE OF THE CONFORMING  
29 PRINCIPAL USE OF THE PROPERTY, WITH THE  
30 EXCEPTION OF THE ERECTION OF ONE (1) NON-  
31 ILLUMINATED SIGN ADVERTISING THE COTTAGE

1 INDUSTRY, WHICH SHALL NOT EXCEED FOUR (4)  
2 SQUARE FEET IN SIGN AREA AND SHALL NOT  
3 EXTEND HIGHER THAN FIVE (5) FEET ABOVE THE  
4 GROUND NOR BE LOCATED LESS THAN FIVE (5) FEET  
5 FROM THE RIGHT-OF-WAY LINE OF THE ADJOINING  
6 STREET. IF A FREESTANDING SIGN IS NOT DESIRED,  
7 SAID SIGN MAY BE AFFIXED TO THE ACCESSORY  
8 STRUCTURE THAT HOUSES THE COTTAGE INDUSTRY.

9  
10 (h) A COTTAGE INDUSTRY SHALL NOT BE PERMITTED IN  
11 A STRUCTURE THAT DOES NOT COMPLY WITH THE  
12 APPLICABLE BUILDING CODES, FIRE CODES, ZONING  
13 REGULATIONS, OR OTHER LOCAL, STATE, AND  
14 FEDERAL REGULATIONS.

15  
16 (i) DELIVERY OR SHIPMENT OF INVENTORY OR  
17 MATERIALS IS PERMITTED ONLY BY THE U.S. POSTAL  
18 SERVICE, A PRIVATE DELIVERY SERVICE (SUCH AS  
19 U.P.S., FEDERAL EXPRESS, OR A SIMILAR PACKAGE  
20 DELIVERY SERVICE), A CUSTOMER, OR AN  
21 EMPLOYEE OF THE COTTAGE INDUSTRY.

22  
23 (j) CUSTOMER AND/OR SHIPPING TRAFFIC TO AND  
24 FROM THE COTTAGE INDUSTRY SHALL NOT EXCEED  
25 TEN (10) TRIPS PER DAY. THE COTTAGE INDUSTRY  
26 SHALL PROVIDE AT LEAST TWO (2), BUT NOT MORE  
27 THAN FOUR (4) DEDICATED OFF-STREET PARKING  
28 SPACES TO SERVE THE COTTAGE INDUSTRY. THE  
29 COTTAGE INDUSTRY SHALL NOT GENERATE ANY  
30 BUSINESS-RELATED TRAFFIC OR VEHICLES THAT  
31 EXCEEDS THE AVAILABLE OFF-STREET PARKING

1 CAPACITY AT ANY POINT IN TIME. ANY VEHICLES  
2 BEARING SIGNS OR ADVERTISING FOR THE COTTAGE  
3 INDUSTRY SHALL BE PARKED OR STORED ON THE  
4 PROPERTY IN A LOCATION SUCH THAT THE SIGNS OR  
5 ADVERTISING ARE NOT CLEARLY OR DIRECTLY  
6 VISIBLE FROM ANY ADJOINING STREET OR  
7 RESIDENCES ON ADJOINING PROPERTIES. ANY  
8 VEHICLES THAT EXCEED FIFTEEN THOUSAND (15,000)  
9 POUNDS GROSS VEHICLE RATED WEIGHT SHALL  
10 REQUIRE A SEPARATE PERMIT FROM THE COUNTY.

11  
12 (k) THE COTTAGE INDUSTRY SHALL NOT GENERATE  
13 ANY BUSINESS OR CUSTOMER TRAFFIC, NOR SHALL  
14 ANY POWER, PNEUMATIC, OR HYDRAULIC  
15 EQUIPMENT AND TOOLS ASSOCIATED WITH THE  
16 BUSINESS BE OPERATED, BETWEEN THE HOURS OF  
17 8:00 PM AND 7:00 AM.

18  
19 (l) THE TYPES OF BUSINESSES CONSIDERED SUITABLE  
20 AS COTTAGE INDUSTRIES INCLUDE, BUT ARE NOT  
21 NECESSARILY LIMITED TO:

22  
23 [1] ANY BUSINESS ACTIVITY CONSIDERED  
24 SUITABLE AS A HOME OCCUPATION.

25  
26 [2] SMALL ENGINE (LAWN MOWER, MOTORCYCLE,  
27 MOPED, ETC.) AND SMALL ELECTRONIC  
28 APPLIANCE REPAIR AND SERVICING,  
29 PROVIDED THE BUSINESS WILL HAVE NO  
30 OUTDOOR DISPLAYS OR STAGING OF  
31 INVENTORY.

1 [3] POTTERY, GLASS, ART, SCULPTURE, WOOD  
2 CRAFTING, OR OTHER COMMERCIAL  
3 HANDCRAFTING OPERATION.

4  
5 [4] VETERINARY OFFICE TO PRIMARILY SERVE A  
6 SURROUNDING AGRICULTURAL COMMUNITY.

7  
8 [5] PERSONAL SERVICES, EXCLUDING MASSAGE  
9 PARLORS, PROVIDED THAT THE GROSS FLOOR  
10 AREA OF THE PROPOSED USE DOES NOT  
11 EXCEED FOUR HUNDRED (400) SQUARE FEET.

12  
13 (m) THE TYPES OF BUSINESSES CONSIDERED  
14 UNSUITABLE AS COTTAGE INDUSTRIES INCLUDE,  
15 BUT ARE NOT NECESSARILY LIMITED TO:

16  
17 [1] ANY MANUFACTURING OR INDUSTRIAL  
18 PROCESSING OPERATIONS THAT ARE NOT  
19 PERMITTED OR PERMITTED WITH CONDITIONS  
20 IN THE AC OR RC ZONES.

21  
22 [2] AUTOMOBILE OR FARM EQUIPMENT SALES,  
23 REPAIR, DISMANTLING, STORAGE OR BODY  
24 SHOPS.

25  
26 [3] HEAVY OR LARGE ENGINE OR MACHINE  
27 REPAIR.

28  
29 [4] MEDICAL OR DENTAL OFFICES, UNLESS SUCH  
30 OFFICES ARE ESTABLISHED AND OPERATED TO



1           **B.     WHENEVER THE HOLDER OF A HOME OCCUPATION OR COTTAGE**  
2           **INDUSTRY PERMIT CEASES OPERATION OF THE PERMITTED**  
3           **BUSINESS ACTIVITY FOR ANY PERIOD OF NINETY (90)**  
4           **CONSECUTIVE DAYS.**

5  
6           **C.     WHEN THE OWNER OF A PERMITTED HOME OCCUPATION OR**  
7           **COTTAGE INDUSTRY IS ISSUED A NOTICE OF VIOLATION OF THIS**  
8           **ORDINANCE, THE OWNER SHALL CEASE AND DESIST FROM ALL**  
9           **BUSINESS OPERATIONS UNTIL SUCH TIME AS THE ZONING**  
10           **OFFICER HAS VERIFIED, THROUGH ON-SITE INSPECTION, THAT**  
11           **THE VIOLATION HAS BEEN REMEDIED. FAILURE TO CEASE AND**  
12           **DESIST FROM ALL BUSINESS OPERATIONS, IN ACCORDANCE**  
13           **WITH THIS PROVISION, SHALL CONSTITUTE A SEPARATE**  
14           **VIOLATION. IF THE OWNER FAILS TO COMPLY WITH A CEASE**  
15           **AND DESIST ORDER, OR THE VIOLATION HAS NOT BEEN**  
16           **REMEDIED WITHIN THIRTY (30) DAYS OF THE DATE THAT THE**  
17           **NOTICE OF VIOLATION WAS ISSUED, THE HOME OCCUPATION OR**  
18           **COTTAGE INDUSTRY PERMIT SHALL EXPIRE AND NO**  
19           **RESUMPTION OF BUSINESS ACTIVITIES ASSOCIATED WITH SUCH**  
20           **BUSINESS MAY OCCUR WITHOUT FIRST OBTAINING A NEW**  
21           **PERMIT.**

22  
23                           **Article III - Definitions and Interpretations**

24  
25           **Section 297-49.     Word usage; definitions.**

26  
27           **E.     Definitions.**

28  
29           **COTTAGE INDUSTRY - AN ACCESSORY BUSINESS OPERATION**  
30           **CONDUCTED WITHIN AN EXISTING ACCESSORY STRUCTURE TO A**  
31           **PRINCIPAL RESIDENTIAL DWELLING ON A PROPERTY IN THE AC,**

1                   **RC, OR RR ZONES IN FULL COMPLIANCE WITH THE CONDITIONS**  
2                   **AND REQUIREMENTS SPECIFIED IN SECTION 297-29 B (22) OF THE**  
3                   **CHARLES COUNTY ZONING ORDINANCE. SEE ALSO DEFINITION**  
4                   **OF HOME OCCUPATION.**

5  
6                   HOME OCCUPATION - An activity carried out for financial gain within a  
7                   dwelling by the resident(s) which is subordinate to the residential use of the  
8                   property. **HOME OCCUPATIONS SHALL BE CONDUCTED IN FULL**  
9                   **COMPLIANCE WITH THE CONDITIONS AND REQUIREMENTS**  
10                  **SPECIFIED IN SECTION 297-29 B (18) OF THE CHARLES COUNTY**  
11                  **ZONING ORDINANCE. SEE ALSO DEFINITION OF COTTAGE**  
12                  **INDUSTRY.**

