

**COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

**2007 Legislative Session**  
Legislative Day # 9

**BILL NO. 2007-09**

**Introduced by: Charles County Commissioners**

**COTTAGE INDUSTRY ZONING REVISIONS**

**Date introduced: 09 / 05 / 07**

**Public Hearing: 10 / 16 / 07 @ 2:30 p.m.**

**Commissioners Action: 10 / 16 / 07    Enact**

**Commissioner Votes: WC: Y, EJP: Y, RC: Y, SG: Y, GH: Y**

**Pass/Fail: Pass**

**Effective Date: 10 / 26 / 07**

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

**COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

**2007 Legislative Session**

Bill No. 2007-09

Chapter. No. 297

Introduced by Charles County Commissioners

Date of Introduction 09/05/2007

**BILL**

AN ACT concerning:

**Cottage Industry Zoning Revisions**

FOR the purpose of:

Amending Zoning provisions governing Cottage Industries to permit agricultural lots adjacent to and under common ownership with a separate lot containing the principal farm dwelling for said agricultural lot to be eligible for a permitted cottage industry use.

BY amending:

Chapter 297: Zoning Regulations  
Article II , ? 29. Accessory uses and structures  
*Code of Charles County, Maryland*  
(June 2006 Edition)

Chapter 297: Zoning Regulations  
Article II , ? 39. Expiration of home occupation and cottage industry permits.

*Code of Charles County, Maryland*  
(June 2006 Edition)

Chapter 297: Zoning Regulations  
Article III, ? 49. Word usage; definitions.  
*Code of Charles County, Maryland*  
(June 2006 Edition)

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

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

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

(22) Cottage Industries may be permitted with conditions by the Zoning Officer in the AC and RC Zones and by special exception in the RR Zone in compliance with the following criteria:

(B) The Cottage Industry shall be owned and operated by an owner of the property upon which the business operation is conducted. **A COTTAGE INDUSTRY MAY BE PLACED IN AN EXISTING STRUCTURE ON AN EXISTING FARM LOT (CONTAINING AT LEAST FIVE (5) ACRES) THAT IS ADJACENT TO AND UNDER COMMON OWNERSHIP WITH AN EXISTING LOT OF RECORD CONTAINING THE PRINCIPAL DOMICILE OF THE ADJACENT FARM LOT OWNER.** Not more than three (3) persons shall be

employed by a cottage industry, not more than one (1) of which may reside off the subject property.

(C) Cottage Industries may be conducted in an existing rear or side yard accessory structure on **LOTS CONTAINING A PRIMARY RESIDENTIAL STRUCTURE** [the subject property]. **ANY STRUCTURE USED FOR A COTTAGE INDUSTRY SHALL BE** [that is] completely enclosed on all four (4) sides, **AND** [provided that the accessory structure is] located not more than **FIVE**[ two] hundred **(500)** [(200)] feet from **THE OWNER'S PRIMARY RESIDENCE. THE STRUCTURE TO BE USED FOR A COTTAGE INDUSTRY ALSO SHALL BE LOCATED AT LEAST FIFTY (50) FEET CLOSER TO** the **OWNER'S** primary [residential structure] **RESIDENCE THAN TO THE NEXT CLOSEST EXISTING RESIDENTIAL STRUCTURE IN THE VICINITY.** [on the property and it is] **FINALLY, THE COTTAGE INDUSTRY STRUCTURE SHALL BE** located not less than fifty (50) feet from any side or rear lot line nor [less] **MORE** than **ONE HUNDRED (100) FEET FROM THE PRIMARY ACCESS ROAD.**[ two hundred (200) feet from all existing residential structures on adjoining properties]

(D) The cottage industry shall be conducted entirely within the designated [accessory] structure and the gross floor area dedicated to the cottage industry shall not exceed fifty (50) percent of the gross floor area of the principal residential structure on the property **OR THE PRINCIPAL DOMICILE ON THE ADJOINING LOT.**

(E) A cottage industry may be authorized to utilize one (1) room, containing not more than two hundred (200) square feet of floor area, in the principal residential structure **OR ADJOINING PRINCIPAL**

**DOMICILE** as a business office for the maintenance and processing of records associated with the cottage industry. No business operations, activities, or transactions associated with the cottage industry shall be conducted in any portion of the principal residential structure not approved for cottage industry use by the county.

**? 297-39. Expiration of home occupation & cottage industry permits.**

A permit issued by the county for a home occupation or cottage industry shall expire under any of the following circumstances.

A. Whenever the applicant ceases to occupy the structure or lot for which the home occupation or cottage industry permit was issued. No subsequent occupant of such premises shall engage in any home occupation or cottage industry until a new permit has been issued for the proposed business activity. A permit to operate a home occupation or cottage industry is not transferable to a new residence or lot.

B. Whenever the holder of a home occupation or cottage industry permit ceases operation of the permitted business activity for any period of ninety (90) consecutive days.

C. When the owner of a permitted home occupation or cottage industry is issued a notice of violation of this ordinance, the owner shall cease and desist from all business operations until such time as the zoning officer has verified, through on-site inspection, that the violation has been remedied. Failure to cease and desist from all business operations, in accordance with this provision, shall constitute a separate violation. If the owner fails to comply with a cease and desist order, or the violation has not been remedied within thirty (30) days of the date that the notice of violation was issued, the home occupation or cottage industry permit shall expire and no resumption of business activities associated with such business may occur without first obtaining a new permit.

**D. WHERE A COTTAGE INDUSTRY PERMIT HAS BEEN ISSUED FOR A FARM LOT WHERE THE PRINCIPAL DOMICILE OR DWELLING IS ON AN ADJOINING SEPARATE LOT OF RECORD UNDER COMMON OWNERSHIP WITH THE SUBJECT FARM LOT, THE COTTAGE INDUSTRY PERMIT SHALL EXPIRE WHEN ANY OF THE FOLLOWING CONDITIONS OCCUR:**

**1. THE TWO ADJOINING LOTS CEASE TO BE UNDER COMMON OWNERSHIP;**

**2. THE ADJOINING RESIDENTIAL LOT CEASES TO BE THE PRIMARY DOMICILE OF THE FARM LOT AND BUSINESS OWNER;**

**3. THE PERMIT EXPIRATION TERMS OF EITHER PARAGRAPH B OR C OF THIS SECTION ARE SATISFIED;**

**4. OR THE TWO LOTS CEASE TO BE ADJOINING.**

**? 297-49. Word usage; definitions.**

**E. Definitions.**

COTTAGE INDUSTRY - an accessory business operation conducted within an existing accessory structure to a principal residential dwelling on a property **OR WITHIN AN EXISTING STRUCTURE LOCATED ON A FARM LOT ADJOINING AND UNDER COMMON OWNERSHIP WITH A LOT CONTAINING THE PRIMARY DOMICILE OF THE COMMON PROPERTY OWNER AND LOCATED WITHin** the AC, RC, or RR zones in full compliance with the conditions and requirements specified in section 297-29 b (22) of the Charles County Zoning Ordinance. See also definition of home

occupation.

**Section 2.** Be it further enacted, that this act shall take effect [ten (10)] calendar days after it becomes law.