

ORDINANCE NO. 3-2010

INTRODUCED BY: _____

AN ORDINANCE OF THE TOWN OF TRAPPE AMENDING THE TRAPPE ZONING ORDINANCE BY REPEALING THE DEFINITION OF “HOME BASED BUSINESS” AS SET FORTH IN TITLE III, SECTION 2, AND ADOPTING A NEW DEFINITION OF “HOME-BASED BUSINESS” AND A DEFINITION OF “HOME OCCUPATION”; AND PERMITTING HOME-BASED BUSINESSES AS A PERMITTED USE IN ALL ZONING DISTRICTS WHICH PERMIT RESIDENTIAL USES; AND AMENDING THE ZONING ORDINANCE TO PERMIT HOME OCCUPATIONS BY SPECIAL EXCEPTION IN ALL ZONING DISTRICTS WHICH PERMIT RESIDENTIAL USES

WHEREAS, the Town of Trappe is authorized by the Maryland Code Ann. Article 66B, § 4.01 to enact a comprehensive zoning ordinance;

WHEREAS, Maryland Code Annotated Article 66B, § 4.05 permits the Town Council to amend, supplant or modify the Zoning Ordinance;

WHEREAS, the Planning Commission has recommended that the Zoning Ordinance be amended by repealing the definition of “Home-based Business”, in Title III, Section 2, and adding a new definition for “Home-based Business”, and “Home Occupation”; and permitting Home-Based Business uses as a matter of right in all zoning districts that permit residential uses; and permitting Home Occupations as special exception uses in all zoning districts that permit residential uses; and

WHEREAS, the Town Council believes that it is appropriate to amend the Zoning Ordinance as recommended by the Planning Commission.

NOW, THEREFORE, the Town Council of Trappe hereby ordains that the Trappe Zoning Ordinance be and is hereby amended as follows:

Section 1. The definition of Home-based Business, which is set forth in Title III, Section 2, Definitions, is hereby repealed as follows:

~~**Home-based Business**—Any occupation or activity, which is clearly incidental and secondary to use of the premises for dwelling and, which is carried on wholly within a main building by a member of a family residing on the premises in connection with which there is no advertising other than an identification sign of not more than 4 square feet in area, fixed flat to a wall of the building and no other display or storage of materials or generation of substantial volumes of vehicular or pedestrian traffic or parking demand or other exterior indication of the home occupation or variation from the residential character of the building; and in connection with which no person~~

~~outside the resident family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odor, heat, or glare. For purposes of this Ordinance home based businesses are further subdivided into two types Type 1 and Type 2. A Type 1 home based business shall be permitted by the Zoning Administrator in the specified zoning districts. A Type 2 home based business may be permitted by the Town Council in the certain specified zoning districts provided that such use shall conform to the minimum requirements established in this Ordinance. A Type 1 home based business is one wherein the residents use their home as a place of work; however, no employees or customers come to the site. Examples include, but are not limited to, artists, crafts people, writers, and consultants. Type 1 home based businesses also provide an opportunity for a home to be used as a business address but not as a place of work. A Type 2 home based business is one where either one employee or customers/clients come to the site. Examples are counseling, tutoring, and other such instructional services.~~

Section 2. Title III, Section 2, Definitions, of the Trappe Zoning Ordinance is hereby amended to include the following definitions:

Home-based Business- A specialized type of Home Occupation with negligible or no impact on the neighborhood in which it is located. Such a business does not have any additional employees who work at the site, and generates no significant vehicular traffic. Examples of home-based businesses include, but are not limited to businesses operated on a personal computer, artists, craftsmen, writers and consultants. A home-based business shall be a permitted use in all zoning districts which permit residential uses.

Home Occupation- An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential property and which does not alter the exterior of the property or affect the residential character of the neighborhood. A home occupation is a business where additional employee(s) may work at the site. Included in this definition are home day care, home professional offices whereby the office of a doctor, lawyer, dentist, architect, engineer, accountant, real estate or insurance agent, surveyor, counselor, tutor or other similar offices is located within the home of the practitioner.

Section 3: Title 1, Section 8.28 of the Trappe Zoning Ordinance is amended as follows:

Subsection 8.28 – Duties of the Zoning Administrator, Board of Appeals, Town Council, and Courts on Matters of Appeal and Enforcement.Under this ordinance the Town Council shall have only the duties of:

- a. Considering and adopting or rejecting proposed amendments, or the repeal of this ordinance.

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- ~~e. Issuance of permits and permit renewals for home occupations~~

Section 4: Title IV, Section 2 “R-1” District, Subsection 2.20 of the Trappe Zoning Ordinance is amended as follows:

Subsection 2.20 – Special Exceptions. The following principal uses and structures may be permitted by Special Exception in the “R-1” district.

- 1) Churches.
- ~~2) The home office of a doctor of medicine, dentistry, or psychiatry, provided that the off street parking requirements of Title IV, Section 10, Subsection 10.20 of this ordinance shall be met.~~

2) Home Occupations

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- 6) Bed and Breakfast Inns.

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(f) All Bed and Breakfast uses shall have a Home Occupation Permit as set forth in Title III of the Zoning Ordinance **Special Exception.**

Section 5: Title IV, Section 2 “R-1” District, Subsection 2.30 of the Trappe Zoning Ordinance is amended as follows:

Subsection 2.30 – Accessory Uses and Structures. The following accessory uses and structures shall be permitted in the “R-1” district:

- 1) Private garages, parking areas, and other customary residential outbuildings and structures.
- 2) Customary incidental home or farm occupations ~~providing that all home occupations shall require a permit from the Town Council. Such permits shall be for three years, and may be renewed by the Town Council.~~

Section 6: Title IV, Section 3 “R-2” District, Subsection 3.30 of the Trappe Zoning Ordinance is amended as follows:

Subsection 3.30 – Accessory Uses and Structures. The following accessory uses and structures shall be permitted in the “R-2” district:

- 1) Private garages, parking areas, and other customary residential outbuildings and structures.
- 2) Customary incidental home or farm occupations ~~providing that all home occupations shall require a permit from the Town Council. Such permits shall be for three years, and may be renewed by the Town Council.~~

Section 7: Title IV, Section 5, “C-1” District, Subsection 5.20 of the Trappe Zoning Ordinance is amended as follows:

Subsection 5.20 - Special Exceptions. The following principal uses and structures may be permitted by special exception in the “C-1” district:

. . . .

21) Home Occupations

Section 8: Title IV, Section 5, “C-1” District, Subsection 5.30 of the Trappe Zoning Ordinance is amended as follows:

Subsection 5.30 – Accessory Uses and Structures. The following accessory uses and structures shall be permitted in the “C-1” district:

- 1) Private garages, parking areas, and other customary residential outbuildings and structures.
- 2) Customary incidental home or farm occupations ~~providing that all home occupations shall require a permit from the Town Council. Such permits shall be for three years, and may be renewed by the Town Council.~~

Section 9: Title IV, Section 7 “A” District, Subsection 7.20 of the Trappe Zoning Ordinance is amended as follows:

Subsection 7.20 – Special Exceptions. The following principal uses and structures may be permitted by special exception in the “A” district:

- 1) Golf courses, commercial or private, not lighted for night play and not including miniature golf courses or driving ranges. Included as an accessory use may be a building for a golf shop, locker room, snack bar, and other uses incidental to the golf course.

- 2) Churches, temples, convents, and monasteries.
- 3) ~~The home office of a doctor of medicine, dentistry, or psychiatry in his residence, provided that the off-street parking requirements of Title IV, Section 10 shall be met.~~ **Home Occupations.**

Section 10: Title IV, Section 7 “A” District, Subsection 7.30 of the Trappe Zoning Ordinance is amended as follows:

Subsection 7.30 – Accessory Uses and Structures. The following accessory uses and structures shall be permitted in the “A” district:

- 1) Generally, uses and structures customarily associated with and directly incidental to the permitted principal uses and structures.
- 2) Permanent residences for custodial quarters.
- 3) Living quarters for persons employed on the premises.
- 4) Private garages and parking areas, swimming pools, and other customary outbuildings and structures.
- 5) Customary incidental home or farm occupations ~~providing that all home occupations shall require a permit from the Town Council. Such permits shall be for three years, and may be renewed by the Town Council.~~

Section 11: Title IV, Section 8 “M” Industrial District, Subsection 8.10, titled “Land Use Table for the M District”, is hereby amended to add **Home Occupations** as a special exception use.

Section 12: Title IV, Section 8, “M” Industrial District, Subsection 8.30, of the Trappe Zoning Ordinance is amended as follows:

Subsection 8.30 – Accessory Uses and Structures. The following accessory uses and structures shall be permitted in the “M” district.

- 1) Private garages, parking areas, and other customary residential outbuildings and structures.
- 2) Customary incidental home or farm occupations, ~~and providing that all home occupations shall require a permit from the Town~~

Council. Such permits shall be for three years, and may be renewed by the Town Council.

Section 13: Title IV, Section 9, Subsection 9.35, Special Exceptions Uses within the Village Redevelopment Sub-Area of the Trappe Zoning Ordinance is amended as follows:

Village Redevelopment Sub-Area (VRA)

USE DESCRIPTION	
	VRA
-In conjunction with a principal commercial use	SE
HOME BASED BUSINESS HOME OCCUPATION	
Type II Home based business Home Occupation	SE

Section 14: Title V, Section 2, Subsection 2.70, Land Use Table for the PN District of the Trappe Zoning Ordinance is amended as follows:

Subsection 2.70 – Land Use Table for the PN District

4.00.000	HOME BASED BUISNESS HOME OCCUPATION	SRA	SFA	CRA	VC	CA
	Type I Home based business	P		P		
	Type II Home based business Home Occupation	SE		SE		
	Day Care Center, Group		P	SE	P	
	Bed and breakfast	SE		SE		

Section 15: Title V, Section 3, Subsection 3.80, Land Use Table for the HCM District of the Trappe Zoning Ordinance is amended as follows:

Subsection 3.80 – Land Use Table for the HCM District.

CLASS	USE DESCRIPTION	HCM				
		SRA	SFA	CRA	VC	CA
3.00.000	HOME BASED BUISNESS HOME OCCUPATION					
	Type I Home based business	P		P		
	Type II Home based business Home Occupation	SE		SE	SE	

Section 16. All provisions of the Zoning Ordinance or any other town ordinance or legislative enactment that are in conflict with this Ordinance are hereby repealed.

Section 17. This Ordinance shall apply prospectively to all Home Occupations and Home-Based Businesses established after the effective date of this Ordinance.

This Ordinance shall become effective on the _____ day of _____, 2010.

Robert Crosswell

Walter Chase

Norm Fegel

Rosalee Potter

Richard Dorbin

Additions are reflected in **Bold**
Deletions are reflected as ~~stricken~~

I hereby certify that the foregoing Ordinance Number _____ of the Town of Trappe was duly read and enacted in accordance with the applicable provisions of the Charter of the Town of Trappe.

Attest: _____
Joedy Cecil, Clerk/Treasurer
Town of Trappe