

Amendment 76 to Council Bill No. 32 -2013

**BY: Chairperson at the request
of the County Executive**

**Legislative Day No. 10
Date: July 25, 2013**

Amendment No. 76

(This amendment:

- 1. Amends the definitions of home based contractor and nonresident employee;*
- 2. Allows home-based contractors as an accessory use in several districts;*
- 3. Amends certain supplementary regulations as they relate to home occupations and home-base contractors; and*
- 4. Amends certain conditional use regulations as they relate to home occupations and home-base contractors.)*

1 In the Comprehensive Zoning Plan, Zoning Regulations, as attached to the Bill as introduced;

2

3 On page 34:

- 4 1. In line 15, strike the brackets around “accessory”;
- 5 2. In line 17, after “equipment,” insert “REGULAR”; and
- 6 3. In line 21, strike the brackets around “landscaping”.

7

8 On page 40, in line 39, strike beginning with “, BUT” in line 39, down through and including
9 “WORKER.” in line 40 and substitute “VARIOUS WORKERS WHO MAINTAIN A REGULAR, SCHEDULED
10 PATTERN OF WORKING ON THE SITE.”.

11

12 On page 57, in line 45:

- 13 1. Strike the brackets before “12.” and after “2.”;
- 14 2. After “128.” insert “0.”; and
- 15 3. Renumber the remainder of Section 104.0.C.

16

17 On page 69, in line 36:

- 18 1. Strike the brackets before “13.” and after “2.”;
- 19 2. After “128.” insert “0.”; and

1 3. Renumber the remainder of Section 105.0.C.

2

3 On page 95:

4 1. In line 2, strike the brackets before “11.” and strike “one acre” and substitute
5 “TWO ACRES”;

6 2. In line 3, after “128.” insert “0.” and strike the brackets after “2.”; and

7 3. Renumber the remainder of Section 107.0.C.

8

9 On page 102:

10 1. In line 50, strike the brackets before “11.” and strike “one acre” and substitute
11 “TWO ACRES”;

12 2. In line 51, after “128.” insert “0.” and strike the brackets after “2.”; and

13 3. Renumber the remainder of Section 108.0.C.

14

15 On page 108:

16 1. In line 51, strike the brackets before “11.” and strike “one acre” and substitute
17 “TWO ACRES” ;

18 2. In line 52, after “128.” insert “0.” and strike the brackets after “2.”; and

19 3. Renumber the remainder of Section 109.0.C.

20

21 On page 337, in line 27, strike “OCCUPATION PERMITS” and substitute “BUSINESSES”.

22

23 On page 349, strike beginning with “C.” in line 17, down through and including “regulations.” in
24 line 22 on page 351 and substitute:

25 **“C. Home Businesses**

26

27 **1. Home Occupations**

28

29 Home occupations which meet the following requirements are permitted accessory uses
30 in all residential zoning districts and in residential land use areas of the [[NT, PGCC and
31 MXD Districts]] MULTI-USE DISTRICTS. If more than one home occupation is located
32 within a residence or on a residential lot, the requirements given below apply to the
33 cumulative total of all home occupations on the [[site]] LOT.

34

- 1 a. The total area devoted to home occupations shall not exceed 33% of the gross
2 floor area of the dwelling.
3
4 b. ~~[[A]] THE home occupation shall be located entirely within a dwelling, an~~
5 EXISTING accessory building, or both. ~~[[, except that a home office which may be~~
6 visited by clients shall be located within a dwelling. An office visited by clients
7 may not be separated from the remainder of the structure by an attached garage or
8 an open or enclosed breezeway.]]
9
10 c. ~~[[A]] THE home occupation shall not alter the residential appearance and character~~
11 of the dwelling, accessory building or THE lot.
12
13 d. There shall be no exterior evidence, other than a permitted sign, to indicate that
14 the lot is being used for any purpose other than that of a dwelling. Exterior
15 evidence shall include outdoor display or storage, noise, dust, vibration, glare,
16 fumes, odors or extensive parking area.
17
18 e. THE UNRESTRICTED ~~[[No]] sale or rental of commodities MAY NOT ~~[[shall]] take~~~~
19 place on the lot.

20
21 ALLOWED SALES RELATED ACTIVITIES INCLUDE: PROCESSING ORDERS BY MAIL,
22 TELEPHONE OR COMPUTER; RECEIVING AND MAILING MERCHANDISE (SUBJECT TO
23 THE LIMITATION ON TRUCK DELIVERIES); STORAGE OF CATALOGUES, SAMPLES,
24 PREVIOUSLY ORDERED MERCHANDISE AND INVENTORY; OFFICE FUNCTIONS SUCH AS
25 TELEPHONE, COMPUTER, AND RECORD KEEPING. IN ADDITION, OCCASIONAL, SMALL
26 VOLUME SALES ASSOCIATED WITH HOME PARTIES HELD FOR THE PURPOSES OF THE
27 DISPLAY AND SALE OF GOODS SUCH AS COOKWARE, FASHION ACCESSORIES, SKIN
28 CARE PRODUCTS, ETC. MAY OCCUR ON THE SITE NO MORE THAN ONCE A MONTH.
29

- 30 f. A home occupation shall be PRINCIPALLY conducted by persons residing in the
31 dwelling. In addition, the following number of nonresident employees AND
32 CLIENTS may BE PRESENT ~~[[work]] on the lot in connection with the home~~
33 occupation:
34 (1) On a lot ~~[[40,000 square feet]] 20,000 SQUARE FEET or larger, no~~
35 more than ~~[[two full-time equivalent employees not residing in the~~
36 dwelling, not to exceed four individuals,]] THREE NONRESIDENT
37 EMPLOYEES OR CLIENTS shall be permitted AT THE SAME TIME.
38 (2) On a lot smaller than ~~[[40,000 square feet]] 20,000 SQUARE FEET~~
39 which is improved by a single-family detached dwelling, no more
40 than ~~[[one full-time equivalent employee not residing in the~~
41 dwelling, not to exceed two individuals,]] TWO NONRESIDENT
42 EMPLOYEES OR CLIENTS shall be permitted AT THE SAME TIME.
43 (3) Within a single-family attached or apartment dwelling, no more
44 than ~~[[one full-time equivalent employee not residing in the~~
45 dwelling, not to exceed one individual,]] TWO NONRESIDENT
46 EMPLOYEES OR CLIENTS shall be permitted AT THE SAME TIME.

1 [[provided that the]] THE nonresident [[employee]] EMPLOYEES
2 shall work only between 9:00 a.m. and 5:00 p.m. Monday through
3 Friday.

4
5 g. No business-related deliveries by trucks with more than two axles shall be
6 permitted. Parcel post and other similar delivery trucks are permitted.

7
8 h. Home occupations may include the uses listed below [[, as well as other uses
9 which comply with all requirements of this section]]. ALL REPAIR AND
10 REFINISHING ITEMS MUST BE PICKED UP FROM AND DELIVERED TO CUSTOMERS.

11 (1) Art or hand craft studios INVOLVING THE SMALL SCALE PRODUCTION OF
12 NON-EDIBLE COMMODITIES FOR OFF-SITE SALES.

13 (2) BUSINESS SERVICES INCLUDING RECORD TRANSCRIPTION, CLERICAL AND
14 COMPUTER SERVICES.

15 [[2]] (3) Direct sale product distribution (e.g., Amway, Avon, Tupperware,
16 etc.).

17 [[3]] (4) [[Mail-order]] INTERNET, MAIL-ORDER or telephone sales.

18 [[4]] (5) Dressmaker, seamstress, OR tailor[[, and similar uses]].

19 [[5] Typing and computer services.]]

20 (6) Repair services for PRODUCTS INCLUDING, BUT NOT LIMITED TO: computer
21 hardware, clocks, jewelry, cameras, guns, BICYCLES, SMALL ELECTRONICS,
22 MUSICAL INSTRUMENTS AND TOOLS WHICH CAN BE TRANSPORTED IN A
23 STANDARD PASSENGER VEHICLE [[and similar uses]].

24 [[7] Tutoring.]]

25 (7) INDIVIDUAL OR GROUP INSTRUCTION OF UP TO 6 STUDENTS AT ONE TIME IN
26 AN ACADEMIC OR NON-ACADEMIC SUBJECT.

27 (8) Business or professional offices [[which have no more than two vehicles
28 visiting the home occupation at any one time]] INCLUDING
29 ADMINISTRATIVE OFFICES ASSOCIATED WITH AN OFFSITE BUSINESS.

30 [[9] Catering, subject to Health Department approval.]]

31 (9) FURNITURE REFINISHING OF ITEMS WHICH CAN BE TRANSPORTED IN A
32 STANDARD PASSENGER VEHICLE.

33 (10) In the RC and RR Districts only, lawn mower, SCOOTER and small engine
34 repair on lots of [[three]] FIVE acres or larger.

35
36 i. USES WHICH REQUIRE A CONDITIONAL USE IN ANY RESIDENTIAL ZONING DISTRICT
37 ARE PROHIBITED AS ACCESSORY HOME OCCUPATIONS.

38 [[The following uses are not permitted as home occupations:

39 (1) Vehicle repair, sales or rental.

40 (2) Restaurants.

41 (3) Manufacturing and processing operations, other than production of
42 handcrafts and similar activities.

43 (4) Furniture refinishing.]]

44 (5) Uses which require a conditional use in any residential zoning
45 district.]]

46

1 J. ON AN ALPP PURCHASED OR DEDICATED EASEMENT PROPERTY, THE FOLLOWING
2 ADDITIONAL CRITERIA ARE REQUIRED:

3
4 (1) THE USE SHALL NOT INTERFERE WITH THE FARMING OPERATIONS OR LIMIT
5 FUTURE FARMING PRODUCTION.

6
7 (2) ANY NEW BUILDING OR BUILDING ADDITION ASSOCIATED WITH THE USE,
8 INCLUDING ANY OUTDOOR STORAGE AND PARKING AREA SHALL COUNT
9 TOWARDS THE CUMULATIVE USE CAP OF 2 % OF THE EASEMENT.

10
11 [[j.]]k. Certain home occupations which do not comply with the requirements of this
12 section may be permitted as [[conditional use]] A CONDITIONAL USE, subject to
13 the provisions of Section 131.0.N.28 and other applicable regulations.

14
15 L. FOR HOME OCCUPATIONS WHICH REQUIRE DEPARTMENT OF PLANNING AND ZONING
16 APPROVAL OF A FEDERAL, STATE OR LOCAL PERMIT OR LICENSE, A HOME
17 OCCUPATION CONFIRMATION MUST BE APPROVED BY THE DEPARTMENT OF
18 PLANNING AND ZONING BASED ON THE REQUIREMENTS OF THIS SECTION. THE
19 CONFIRMATION REQUEST SHALL INCLUDE A PLOT PLAN SHOWING THE LOCATION
20 AND DIMENSIONS OF STRUCTURES, PARKING AREAS AND DRIVEWAYS AND A FLOOR
21 PLAN SHOWING THE DIMENSIONS AND BOUNDARIES OF THE HOME OCCUPATION.”.
22

23 On page 351:

- 24 1. In line 24, strike the bracket before “2.”;
25 2. In line 39, strike “Employees who do not live on the lot” and substitute
26 “NONRESIDENT EMPLOYEES”;
27 3. In line 44, strike “for”;
28 4. In line 45, strike “lots larger than one acre”;
29 5. In line 47, strike “non-resident” and substitute “NONRESIDENT”; and
30 6. In line 49, strike “Non-resident” and substitute “NONRESIDENT”.

31
32 On page 352:

- 33 1. In line 5, strike “R-12 and R-SC” and substitute “AND R-12”;
34 2. In lines 12 and 15, in each instance, after “means” insert “IN ACCORDANCE WITH
35 THE HOWARD COUNTY LANDSCAPE MANUAL”;
36 3. In line 13, strike “Equipment” and substitute “IN THE RC AND RR DISTRICTS,
37 EQUIPMENT”;
38 4. In line 48, after “131.N.27”, insert “, SECTION 131.0.N.31”; and

1 5. In line 48, strike the bracket after “regulations.”.

2

3 On page 433:

4 1. Strike beginning with “RC” in line 11 down through and including “R-12” in line
5 12 and substitute “RC AND RR”;

6 2. In line 14, after “N.”, strike the brackets;

7 3. In line 15, after “uses:”, strike the brackets;

8 4. In line 25, strike “six to” and substitute “ADDITIONAL”;

9 5. In line 26, strike “ten”; and

10 6. In line 31, strike “50%” and substitute “5%”.

11

12 On page 434:

13 1. In line 2, strike “IN THE RC AND RR DISTRICTS, EQUIPMENT AND SUPPLIES” and
14 substitute “SUPPLIES”;

15 2. In line 4, strike “EQUIPMENT AND”;

16 3. In line 5, strike “SUPPLIES” and substitute “SUPPLIES”;

17 4. Strike lines 8 through 14, inclusive and in their entirety, and substitute:

18 “(2) EQUIPMENT SHALL BE EITHER STORED WITHIN A BUILDING OR SCREENED FROM
19 SURROUNDING PROPERTIES AND ROADS BY VEGETATION, FENCING OR OTHER
20 APPROPRIATE MEANS IN ACCORDANCE WITH THE HOWARD COUNTY LANDSCAPE
21 MANUAL.”;

22 5. Strike lines 35 through 38, inclusive and in their entirety and substitute:

23 “TO VICINAL PROPERTIES, THAT EFFECTIVE SCREENING WILL BE PROVIDED BY USING
24 EXISTING SITE FEATURES, OR THAT IT WILL RESULT IN DECREASED IMPACTS ON
25 NEIGHBORING LOTS.”;

26 6. In line 53, strike the brackets around “1”.

27

28 On pages 435 through 436, strike in their entirety the lines beginning with line 1 on page 435
29 through line 25 on page 436 and substitute:

30 a. Home occupations approved under this section [[shall be limited to]] INCLUDE the
31 following uses:

32 [[(1) art or hand craft studios;

- 1 (2) dressmaker, seamstress, tailor and similar uses;
2 (3) typing or computer services;
3 (4) business or professional offices.]]
4 (1) THOSE LISTED IN SECTION 128.0.C. WHICH EXCEED THE FLOOR AREA
5 RESTRICTIONS OR THE NONRESIDENT EMPLOYEE OR CLIENT VISITATION
6 LIMITATIONS OF THAT SECTION;
7 (2) HOME OCCUPATIONS WHICH PLAN TO CONSTRUCT A NEW DETACHED
8 ACCESSORY STRUCTURE;
9 (3) INDIVIDUAL OR GROUP INSTRUCTION OF MORE THAN 6 STUDENTS AT ONE
10 TIME IN AN ACADEMIC OR NON-ACADEMIC SUBJECT;
11 (4) CATERING, SUBJECT TO HEALTH DEPARTMENT APPROVAL; AND
12 (5) OTHER HOME OCCUPATIONS MAY BE APPROVED BY THE HEARING EXAMINER
13 FOR SINGLE FAMILY DETACHED PROPERTIES 12, 000 SQUARE FEET OR
14 GREATER IN AREA, EXCLUDING SPECIFIC HOME BASED BUSINESSES THAT ARE
15 ALLOWED UNDER OTHER CONDITIONAL USE CATEGORIES LISTED AT THE
16 BEGINNING OF SECTION 131.0.N.

17
18 b. The total area devoted to [[a]] THE home occupation [[shall not]] MAY exceed 33%
19 of the gross floor area of the dwelling.

20
21 c. THE PETITION SHALL INCLUDE A PLOT PLAN SHOWING THE LOCATION AND
22 DIMENSIONS OF STRUCTURES, PARKING AREAS AND DRIVEWAYS AND A FLOOR PLAN
23 SHOWING THE DIMENSIONS AND BOUNDARIES OF THE HOME OCCUPATION.

24
25 [[c.]]D. The home occupation shall be located entirely within the dwelling, an accessory
26 building, or both. [, except that a home office which may be visited by clients
27 shall be located within the principal dwelling.]]

28
29 [[d.]]E. The home occupation shall not alter the residential character or appearance of the
30 dwelling or the lot. An EXISTING OR PROPOSED accessory building used for the
31 home occupation must be compatible in scale, character and appearance with the
32 residential character of the site and the neighborhood.

33
34 [[e.]]F. There shall be no exterior evidence, other than a permitted sign, to indicate that
35 the site is being used for any purpose other than that of a dwelling. Exterior
36 evidence shall include outdoor display or storage, noise, dust, vibration, glare,
37 fumes or odors OR EXTENSIVE PARKING AREA.

38
39 [[f.]]G. THE UNRESTRICTED [[No]] sale or rental of commodities MAY NOT [[shall]]
40 take place on the lot.

41
42 ALLOWED SALES RELATED ACTIVITIES INCLUDE: PROCESSING ORDERS BY MAIL,
43 TELEPHONE OR COMPUTER; RECEIVING AND MAILING MERCHANDISE (SUBJECT TO
44 THE LIMITATION ON TRUCK DELIVERIES); STORAGE OF CATALOGUES, SAMPLES,
45 PREVIOUSLY ORDERED MERCHANDISE AND INVENTORY; OFFICE FUNCTIONS SUCH AS
46 TELEPHONE, COMPUTER, AND RECORD KEEPING. IN ADDITION, OCCASIONAL, SMALL

1 VOLUME SALES ASSOCIATED WITH HOME PARTIES HELD FOR THE PURPOSES OF THE
2 DISPLAY AND SALE OF GOODS SUCH AS COOKWARE, FASHION ACCESSORIES, SKIN
3 CARE PRODUCTS, ETC. MAY OCCUR ON THE SITE AT A FREQUENCY DETERMINED BY
4 THE HEARING AUTHORITY.

5
6 H. PROHIBITED HOME OCCUPATIONS INCLUDE, BUT ARE NOT LIMITED TO THE
7 FOLLOWING USES:

8 (1) VEHICLE REPAIR, SALES OR RENTALS.

9 (2) RESTAURANTS.

10 (3) LAUNDRY AND DRY CLEANING SERVICES.

11 (4) FIREARM SALES.

12
13 [[g.]]I. The home occupation shall be PRINCIPALLY conducted by persons residing in the
14 dwelling. In addition, not more than [[three]] FIVE NONRESIDENT employees [[not
15 residing in the dwelling]] may work on [[site]] THE LOT at one time in connection
16 with the home occupation.

17
18 [[h. No business-related deliveries by trucks with more than two axles shall be
19 permitted. Parcel post and other similar delivery trucks are permitted.]]

20
21 [[i.]]J. Business-related off-street parking areas shall be screened from public roads and
22 neighboring properties.

23
24 K. NO BUSINESS-RELATED DELIVERIES BY TRUCKS WITH MORE THAN TWO AXLES
25 SHALL BE PERMITTED. PARCEL POST AND OTHER SIMILAR DELIVERY TRUCKS ARE
26 PERMITTED.

27
28 L. ON AN ALPP PURCHASED OR DEDICATED EASEMENT PROPERTY, THE FOLLOWING
29 ADDITIONAL CRITERIA ARE REQUIRED:

30 (1) THE USE SHALL NOT INTERFERE WITH THE FARMING OPERATIONS OR LIMIT
31 FUTURE FARMING PRODUCTION.

32 (2) ANY NEW BUILDING ADDITION ASSOCIATED WITH THE USE, INCLUDING ANY
33 OUTDOOR STORAGE AND PARKING AREA SHALL COUNT TOWARDS THE
34 CUMULATIVE USE CAP OF 2% OF THE EASEMENT.”.

35
36 On page 473, after line 15, in item “b.”, strike “Home occupations or home-based contractors”
37 and substitute “HOME-BASED CONTRACTORS”.