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Agriculture Zoning Compilation

DIVISION 2. SPECIFIC RESIDENTIAL ZONES . (Agriculture is allowed in all three zones in Accordance to permitted zoning uses under section 27-441)

Sec. 27-424.05. R-O-S Zone (Reserved Open Space).

(a) Purposes.

(1) The purposes of the R-O-S Zone are:

(A) To encourage the preservation of large areas of agriculture, trees, and open spaces;

(B) To protect scenic and environmentally sensitive areas;

(C) To ensure the retention of certain areas for nonintensive, active or passive recreation uses; and

(D) To provide for a limited range of public, recreational, and agricultural uses.

(2) The use of the R-O-S Zone is intended to facilitate the permanent maintenance of certain areas of the County, both publicly and privately owned, in an undeveloped state.

(b) Uses.

(1) The uses allowed in the R-O-S Zone are as provided for in the Table of Uses (Division 3 of this Part).

(c) Regulations.

(1) Additional regulations concerning the location, size, and other provisions for all buildings and structures in the R-O-S Zone are as provided for in Divisions 1 and 5 of this Part, the Regulations Tables (Division 4 of this Part), General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.

(CB-73-1994)

Sec. 27-426. R-A Zone (Residential-Agricultural).

(a) Purposes.

(1) The purposes of the R-A Zone are:

- (A) To provide for large-lot one-family detached residential subdivisions, while encouraging the retention of agriculture as a primary land use;*
- (B) To encourage the preservation of trees and open spaces; and*
- (C) To prevent soil erosion and stream valley flooding.*

(b) Uses.

(1) The uses allowed in the R-A Zone are as provided for in the Table of Uses (Division 3 of this Part).

(c) Regulations.

(1) Additional regulations concerning the location, size, and other provisions for all buildings and structures in the R-A Zone are as provided for in Divisions 1 and 5 of this Part, the Regulations Tables (Division 4 of this Part), General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.

(CB-1-1989)

Sec. 27-427. R-E Zone (Residential-Estate).

(a) Purposes.

(1) The purposes of the R-E Zone are:

- (A) To provide for and encourage variation in the size, shape, and width of one-family detached residential subdivision lots, in order to better utilize the natural terrain;*
- (B) To facilitate the planning of one-family residential developments with large lots and dwellings of various sizes and styles;*
- (C) To encourage the preservation of trees and open spaces in order to create an estate-like atmosphere; and*
- (D) To prevent soil erosion and stream valley flooding.*

(b) Uses.

(1) The uses allowed in the R-E Zone are as provided for in the Table of Uses (Division 3 of this Part).

(c) Regulations.

(1) *Additional regulations concerning the location, size, and other provisions for all buildings and structures in the R-E Zone are as provided for in Divisions 1 and 5 of this Part, the Regulations Tables (Division 4 of this Part), General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.*
(CB-1-1989)

DIVISION 3. USES PERMITTED. (RESIDENTIAL ZONES)

[27-441](#) *Uses permitted.*

Excerpts of Permitted Agricultural Uses for Residential Zones O-S, R-A or R-E in 27-441

DIVISION 3. USES PERMITTED.

Sec. 27-441. Uses permitted.

- (a) No use shall be allowed in the Residential Zones, except as provided for in the Table of Uses. In the table, the following applies:
 - (1) The letter "P" indicates that the use is permitted in the zone indicated.
 - (2) The letters "SE" indicate that the use is permitted, subject to the approval of a Special Exception in accordance with Part 4 of this Subtitle.
 - (3) The letters "PA" indicate that the use is permitted, subject to the following:
 - (A) There shall be no entrances to the use directly from outside the building;
 - (B) No signs or other evidence indicating the existence of the use shall be visible from outside the building, other than a business identification sign lettered on a window. The sign shall not exceed six (6) square feet in area; and
 - (C) The use shall be secondary to the primary use of the building.
 - (4) The letters "PB" indicate that the use is permitted, subject to the following:
 - (A) The use shall be related to, dependent on, and secondary to a primary use on the premises;
 - (B) The use shall be located on the same record lot as the primary use;
 - (C) The use shall not be located within a building not occupied by the primary use; and

- (D) The floor area of any building (and the land area occupied by any structure other than a building) devoted to the use shall not exceed an area equal to forty-five percent (45%) of the gross floor area of the building within which the primary use is located.
- (5) The letter "X" indicates that the use is prohibited.
- (6) The letters "SP" indicate that the use is permitted subject to approval of a Special Permit, in accordance with Section 27-239.02.
- (7) All uses not listed are prohibited.
- (8) Whenever the table refers to an allowed use, that use is either permitted (P), permitted by Special Exception (SE), permitted by Special Permit (SP), or permitted as a (PA) or (PB) use, as accordingly listed in the zone in which it is allowed.
(CB-12-2001; CB-4-2003)

(b) TABLE OF USES (Excerpts related to Agriculture).

USE	ZONE								
	R-O-S	O-S	R-A	R-E	R-R	R-80	R-55	R-35	R-20
Agritourism	P⁹⁰	P⁹⁰	P⁹⁰	P⁹⁰	X	X	X	X	X
Animal Hospital, veterinary office (CB-76-2003)	SE	SE	SE	SE	SE	X	P⁷⁴	X	X
Distillery for the production of fuel alcohol	SE	SE	SE	X	X	X	X	X	X
Farmer's market or flea market as a temporary use, in accordance with Sections 27-260 and 27-261 (CB-63-1998)	P	P	P	P	P	P	P	P	P
Farm Winery⁸⁹ (CB-36-2009)	P	P	P	P	P	X	X	X	X
(7) Resource Production/Recovery: Agricultural uses:									
(A) All general agriculture²²	P	P	P	P	P²³	SE	SE	SE	SE

USE	ZONE								
	R-O-S	O-S	R-A	R-E	R-R	R-80	R-55	R-35	R-20
<i>(D) Equine activities</i>	P	P	P	P	SE	X	X	X	X
<i>(E) Equine facility:</i>									
<i>(i) Keeping of horses or ponies</i>	P	P	P	P	P ²³	P ³⁷	P ³⁷	SE	SE
<i>(ii) Private stable</i>	P ³⁵	P ³⁵	P ³⁵	P ³⁵	P ³⁵	P ^{35,37}	P ^{35,37}	SE ³⁵	SE ³⁵
<i>(iii) Riding stable:</i>									
<i>(aa) On a tract consisting of less than 20,000 sq. ft.</i>	X	SE	SE	X	X	X	X	X	X
<i>(bb) On a tract consisting of between 20,000 sq. ft. and 9 contiguous acres.</i>	SE	SE	SE	SE	SE	X	X	X	X
<i>Nursery and garden center:</i>									
<i>(A) In accordance with Section 27-445.05</i>	X	P	P	SE	P	X	X	X	X
<i>(B) All others (CB-35-1989; CB-143-1989; CB-135-1993)</i>	SE	SE	SE ⁴⁵	SE ⁵⁴	SE	X	X	X	X
<i>Sawmill:</i>									
<i>(A) Only for timber grown on the premises</i>	X	X	SE	SE	X	SE	SE	SE	SE
<i>(B) In connection with an agricultural operation</i>	SE ²⁴	SE ²⁴	X	X	SE	X	X	X	X
<i>Farm vehicles and farm machinery used on farm premises⁵¹ (CB-105-1993)</i>	P	P	P	P	P	X	X	X	X

Zoning Explanations that apply to Agricultural permitted uses:

4. On lots having a net area exceeding twenty thousand (20,000) square feet.

(CB-45-1987)

22. Slaughterhouses, fertilizer works, bone yards, plants for the reduction of animal matter, and any uses which are noxious or offensive because of odor, dust, smoke, gas, or noise, are prohibited; may include an equine facility in conjunction with the agricultural use.

(CB-92-2010)

- 23.** On lots having a net area of twenty thousand (20,000) square feet or less, keeping cattle, equines, poultry, or other animals or birds (other than customary household pets) shall only be permitted upon approval of a Special Exception.
(CB-92-2010)
- 24.** As a temporary use subject to annual renewal and located at least five hundred (500) feet from the boundary line of any other land in a Residential Zone, or land proposed to be used for residential purposes in a Comprehensive Design, Mixed Use, or Planned Community Zone.
- 35.** In conjunction with an agricultural use.
- 37.** Permitted only on lots having a gross lot area of one (1) acre or more, otherwise a special exception is required.
(CB-29-1985)
- 45.** The sale of gazebos and sheds is permitted for a Special Exception approved in 1984 as incidental to its operation if such sale and display is in accordance with Section 27-385 and provided no more than two (2) gazebos and two (2) sheds are visible from any public street.
(CB-143-1989)
- 50.** On lots having a total area exceeding twelve thousand (12,000) square feet.
(CB-36-1991)
- 54.** Any property rezoned to the R-E Zone by a Sectional Map Amendment prior to January 1, 1994, on which a previous special exception was approved for a nursery and garden center may continue to operate as a permitted special exception use, notwithstanding the provisions of Section 27-320 of this Subtitle.
(CB-135-1993)
- 67.** Permitted use without requirement for Special Exception provided the use was existing as of July 1, 2001, is located on a lot or parcel that is not less than 10 acres in size, and abuts a multi-use trail designated on an Approved Master Plan.
(CB-53-2001)
- 74.** Permitted as an expansion of an existing nonconforming animal hospital, veterinary office with a valid use and occupancy permit issued on or before July 1, 1998. Said expansion, is limited to four thousand (4,000) square feet of gross floor area and is subject to Detailed Site Plan approval, in accordance with Part 3, Division 9, of this Subtitle, by the Planning Board or its designee.
(CB-76-2003)
- 89.** Permitted in accordance with Section 27-445.01 on land assessed for agricultural use. A restaurant may be permitted as an accessory use to a farm winery subject to approval of a special exception. The inclusion of a food or beverage store is not permitted as an accessory use to a Farm Winery.
(CB-36-2009)

90. The use is permitted by right, but requires approval of a Detailed Site Plan to ensure the development of an appropriate rural/environmental setting whenever the land area covered by buildings and other structures exceeds 40,000 square feet. (CB-39-2009)

92. Provided the use is for the purpose of promoting agritourism as defined in Sec. 27-107 (a). (CB-92-2010)

Livestock Animal Control and Health Regulations Excerpts Pertinent to Agricultural Operations

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SUBDIVISION 3. ANIMAL CONTROL REGULATIONS.

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Livestock Animal Control and Health Regulations Excerpts Pertinent to Agricultural Operations

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Sec. 3-131. Manner of keeping animals; prohibition of nuisances.

(a) Each owner or custodian shall provide the following for each of his or her companion animals:

- (1) Adequate feed;
- (2) Adequate water;
- (3) Adequate shelter that is properly cleaned;
- (4) Adequate space in the primary enclosure for the particular type of animal depending on its size, species, and weight;
- (5) Adequate exercise;
- (6) Adequate care, proper and appropriate treatment, and proper transportation; and
- (7) Adequate veterinary care and veterinary care when needed to prevent suffering or disease transmission.

(b) The provisions of this Section shall also apply to every animal shelter, impoundment facility, foster home, and holding facility whether temporary or permanent.

(c) No person shall keep or maintain any animal in Prince George's County in such manner as to cause or permit the animal to be a public nuisance or to cause or permit the animal to cause a public nuisance condition. No person shall keep or maintain any animal in the County in such manner as to disturb the peace, comfort, or health of any person residing within the County.

(CB-36-1985; CB-26-2001)

Sec. 3-132. Public nuisance conditions and animals; procedures; appeals.

(a) No owner or custodian of an animal or operator of any animal holding facility shall fail to abate a nuisance caused by any animal owned by him or under his control nor shall any person fail to abate a public nuisance condition found to exist upon the premises owned or controlled by him, after having been notified by an Animal Control Officer or other law enforcement officer, in accordance with Section 3-115 herein, or after having been ordered to abate the nuisance by the Commission as provided herein.

(b) Any animal having been declared to be a public nuisance animal shall, when required by the Commission and upon demand by the Administrator, be delivered by his owner to the custody of the County. No owner of a public nuisance animal shall refuse to surrender such animal to the County. A public nuisance animal which has been impounded by the County may be redeemed by the owner only upon those conditions established by the Commission for that particular animal. In addition to any special conditions imposed by the Commission, the owner of a public nuisance animal shall comply with the provisions of Section 3-128 herein.

(c) Any animal found to be unredeemable shall become the property of Prince George's County and may be disposed of by adoption, euthanasia, or other disposition as may be advantageous to the County and to the animal. No animal may be destroyed or otherwise disposed of pending the outcome of any appeal from an order of the Commission pursuant to Section 3-111. The Administrator shall retain custody of the animal pending the appeal, and the expense of the care, feeding, and any necessary veterinary

care for the animal shall be charged to, and be the obligation of, the owner of the animal, and shall be collected pursuant to the provisions of Section 3-106 herein.

(d) As an alternative, if any person shall fail to abate a public nuisance animal or public nuisance condition after the Commission has ordered him to do so, the Administrator or the Commission may refer the matter to the Office of Law for appropriate legal action. The Office of Law, without limitation, and in addition to and not in lieu of any other available remedies, may seek ex parte, temporary and permanent injunctive relief and other relief in a court of competent jurisdiction to abate any nuisance or to correct any condition whereby the actions of an animal, or the actions or inactions of its owner or custodian, cause or threaten any substantial and immediate danger to any person or property or to the public health and safety.

(CB-36-1985; CB-26-2001)

Sec. 3-133. Sanitary conditions for care and maintenance of animals.

(a) All persons keeping or raising fowl or animals within the County, whether for commercial purposes or otherwise, shall keep the same at all times in a clean and sanitary condition and free from obnoxious odors.

(b) The premises upon which are kept any fowl or animals (including, but not limited to, rodents, cattle, horses, sheep, swine, or goats) shall be subject to inspection by Animal Control Officers. Such premises shall be subject to the regulations contained in Section 3-131(a) of this Subtitle with respect to the maintenance of sanitary conditions, care and feeding of animals and their young, provision of veterinary care, and other matters as may be promulgated by the Director, pursuant to recommendations from the Commission.

(CB-36-1985; CB-26-2001)