

ORDINANCE NO. 22-07

Introduced by: Bryon Callahan

**AN ORDINANCE OF THE TOWN OF QUEENSTOWN TO AMEND
ARTICLE II SECTION 8 OF THE QUEENSTOWN ZONING ORDINANCE
TO PERMIT CERTAIN HOME OCCUPATIONS**

WHEREAS, pursuant to Md. Code Ann. Local Government § 5-213, the Commissioners of Queenstown have the authority to adopt regulations concerning zoning; and

WHEREAS, Md. Code Ann. Land Use Article § 4-202 authorizes municipalities to adopt zoning regulations as it determines are in the public health, safety and welfare; and

WHEREAS, the Commissioners of Queenstown recognize the public interest in permitting additional home occupations in Town; and

WHEREAS, the Queenstown Planning Commission has recommended that certain changes be made to the Queenstown Zoning Ordinance to permit additional home occupations provided they meet certain criteria established in Article VII Section 75 of the Queenstown Zoning Ordinance; and

WHEREAS, on October 26, 2022, the Queenstown Commissioners held a public hearing on Ordinance No. 22-07 and have determined that it is desirable and in the public interest to make certain amendments to the Zoning Ordinance as recommended by the Queenstown Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF QUEENSTOWN AS FOLLOWS:

Section 1. Article II, Section 8 of Queenstown Zoning Ordinance is hereby amended as follows:

§ 8. Definitions and word usage.

...

HOME OCCUPATION - Any occupation or activity which is clearly incidental and secondary to use of the premises for dwelling purposes and which is carried on by a member of a family residing on the premises and in connection with which there is no 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. ~~Within the above requirements, a "home occupation" includes but is not limited to the following: art studio; dressmaking; professional office of a physician, dentist, lawyer, engineer, architect, accountant, salesman, real estate agent or other similar occupation; and teaching, with musical instruction limited to one (1) or two (2) pupils at a time. However, a "home occupation" shall not be interpreted to include barbershops, tourist homes, animal hospitals, child care centers, tearooms or restaurants.~~

Section 2. Unless specifically amended as set forth above, all other provisions of the Queenstown Zoning Ordinance shall remain unchanged.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Commissioners of Queenstown hereby declare that they would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

ORDAINED, APPROVED, AND PASSED by the Town Commissioners for the Town of Queenstown on this _____ day of _____, 2022.

WITNESS:

TOWN COMMISSIONERS FOR THE
TOWN OF QUEENSTOWN:

Aaron Horney, Town Clerk-Treasurer

Alton Hardee, Jr., President

Aaron Horney, Town Clerk-Treasurer

Thomas B. Willis, Jr., Commissioner

Aaron Horney, Town Clerk-Treasurer

Bryon Callahan, Commissioner

NOTE: ~~Strike through text~~ = deleted text
Bold, italicized text = added text