

# DEPARTMENT OF PLANNING AND ZONING CUSTOMER ASSISTANCE GUIDE

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## BUSINESS LICENSES AND USE & OCCUPANCY APPROVAL

REVISED MAY 2006

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**This Guide applies to businesses applying for a Maryland Business License for:**

- A business that will operate in a permanent location other than the owner's residence<sup>1</sup> (see #1 below)
- An outdoor retail sales operation (formerly known in the Zoning Ordinance as "Itinerant Sales" or "Hawkers & Peddlers")<sup>2</sup> (see #2 below)
- Mobile Food Sales<sup>2</sup> (see #3 below)
- Other uses that may be of a temporary nature (e.g., Farm Stands, Farmers' Markets, Flea Markets, Artisans' and Crafters' Markets, and Watermen's Markets) (see #4 below)

### 1. BUSINESS LICENSES FOR PERMANENT LOCATIONS

Prior to signing a business license for a business that will operate in a permanent location, the Department of Planning & Zoning must determine the following:

- That the use is permitted by the Calvert County Zoning Ordinance or the applicable Town Center Zoning Ordinance; and
- That all proper approvals have been obtained for the building in which the use is to be located; and
- Whether or not a new Use and Occupancy Permit is required. A new Use and Occupancy Permit **is not required** when a use in the same zoning category is changing from one business owner to another owner (e.g., from one retail operation to another retail operation, or from one type of office to another type of office). A new Use and Occupancy Permit **is required** in the following instances:
  - For commercial uses locating in new buildings, including when a "shell" building is being outfitted by a new tenant.
  - When the type of use is changing (e.g., from office space to an eating establishment, or a retail store converting to office space). This applies with and without structural modifications of the building.

A Use and Occupancy Permit application must be approved by the Department of Planning & Zoning, the Health Department (for private well and septic), the Water & Sewerage Division (for public water and sewer), and the State Fire Marshal.

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<sup>1</sup> Note: If the business is to be conducted from the owner's residence, it is considered a "Home Occupation". A separate Customer Assistance Guide is available for such uses.

<sup>2</sup> The Zoning Ordinance that went into effect May 1, 2006 no longer permits "itinerant sales". Such uses are only permitted in areas approved for outdoor retail sales or mobile food sales, as described in this Guide and as permitted under Section 3-1.04 of the Zoning Ordinance.

**2. BUSINESS LICENSES FOR OUTDOOR RETAIL SALES OPERATIONS  
(formerly known in the Zoning Ordinance as “Itinerant Sales” or “Hawkers and Peddlers”)**

Prior to signing a business license for an outdoor retail sales operation, the Department of Planning & Zoning must determine the following:

- That the use is permitted by the Calvert County Zoning Ordinance or the applicable Town Center Zoning Ordinance. Such uses are only permitted in the Rural Commercial District, Marine Commercial District, and certain Sub-areas of the Town Centers.
- That all proper approvals have been obtained for the site on which the use is to be located. In order for this determination to be made, the applicant must demonstrate that the conditions of the Zoning Ordinance have been met, which are as follow:
  1. An outdoor retail commercial sale or display area shall only be permitted as an accessory use to an approved retail commercial building and shall not exceed 25 percent of the size of the associated retail commercial building; and
  2. site plan approval shall be obtained; and
  3. the sale or display area shall not be located within designated parking areas unless it can be demonstrated that the parking requirements will be met. Note: Parking shall be provided for the outdoor sales area in addition to the retail commercial building; and
  4. the sale or display area shall not be located within designated travelways; and
  5. fencing and/or screening may be required; and
  6. in the Marine Commercial District, the use shall be marine-related.

**3. BUSINESS LICENSES FOR MOBILE FOOD SALES**

Prior to signing a business license for mobile food sales, the Department of Planning & Zoning must determine the following:

- That the use is permitted by the Calvert County Zoning Ordinance or the applicable Town Center Zoning Ordinance. Such uses are only permitted in the I-1 Light Industrial District, RC Rural Commercial District, MC Marine Commercial District, EC Employment Center District, and certain Sub-areas of the Town Centers.
- That all proper approvals have been obtained for the site on which the use is to be located. In order for this determination to be made, the applicant must demonstrate that the conditions of the Zoning Ordinance have been met, which are as follow:
  1. the mobile food-vending unit<sup>3</sup> shall be located on property with the permission of the owner; and
  2. while in operation, the mobile food vending unit shall not be parked at a single property for more than one hour per site; and
  3. Health Department approval is obtained.

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<sup>3</sup> A mobile food vending unit is defined by the Zoning Ordinance as: *Any motorized or non-motorized vehicle, trailer, kiosk, pushcart, stand or other device designed to be portable and not permanently attached to the ground from which only prepared, ready-to-eat food is sold.*

#### 4. BUSINESS LICENSES FOR OTHER USES OF A TEMPORARY NATURE

(Farm Stands, Farmers' Markets, Flea Markets, Artisans' & Crafters' Markets, & Watermen's Markets)

Note: If the use is one of those listed above and involves **several vendors selling products in one location**, the owner or operator of the site is required to obtain a business license.


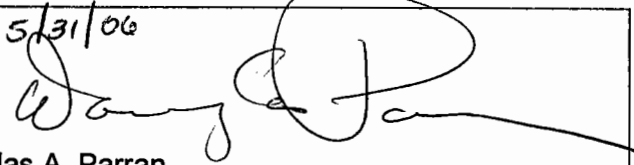

If the use is one of those listed above and involves **one vendor selling his or her own products**, a business license may not be required by the State of Maryland. Applicants should contact the Office of the Clerk of the Circuit Court at (410) 535-1600 ext. 2264. See also the excerpt from the Clerk's website (attached), or visit the website at:

<http://www.courts.state.md.us/clerks/calvert/business.html>

Prior to signing a business license for the above-listed uses, the Department of Planning & Zoning must determine the following:

- That the use is permitted by the Calvert County Zoning Ordinance (CCZO) or the applicable Town Center Zoning Ordinance (TCZO). Consult Section 3-1.04 of the CCZO, or the applicable TCZO, to determine where the uses are permitted and under what conditions.
- That all proper approvals have been obtained for the property on which the use is to be located.
- Whether or not a new Use and Occupancy Permit is required. A new Use and Occupancy Permit is not required when a use in the same zoning category is changing from one business owner to another owner (e.g., from one retail operation to another retail operation, or from one type of office to another type of office). A new Use and Occupancy Permit is required in the following instances:
  - For commercial uses locating in new buildings including when a "shell" building is being outfitted by a new tenant
  - When the type of use is changing (e.g., from office space to an eating establishment, or a retail store converting to office space). This applies with and without structural modifications of the building.

A Use and Occupancy Permit application must be approved by the Department of Planning & Zoning, the Health Department (for private well and septic), the Water & Sewerage Division (for public water and sewer), and the State Fire Marshal.

<p><i>This publication has been approved by:</i></p>  <p>Gregory A. Bowen, Director Planning and Zoning</p>	<p>Date: 5/31/06</p>  <p>Douglas A. Parran County Administrator</p>
<p><i>Coordinated through:</i></p>  <p>Kathy P. Smith, Clerk Circuit Court of Calvert County</p>	

**EXCERPT FROM THE WEBSITE OF THE  
CLERK OF THE CIRCUIT COURT FOR CALVERT COUNTY**  
<http://www.courts.state.md.us/clerks/calvert/business.html>

**Business License Information**

**Congratulations on opening a new business in Calvert County!**

To obtain a license, you must first determine what type of license you need, if any. The Clerk's Office issues several types of licenses on behalf of the Comptroller of Maryland and the Calvert County Government. The Clerk's Office will be happy to provide information regarding any of the licenses we issue and to assist with any of your procedural questions. Contact us at 410-535-1600 ext. 2264. **However, we cannot provide any legal advice or be responsible for determining the type of license you should purchase.**

You can quickly obtain access to information on the permits and licenses you may need to start, relocate, or expand a business in Maryland by using the following links:

- **Business License Information System** (includes startup information and an alphabetized list of all State licenses and permits) <http://www.blis.state.md.us>
- **Comptroller of Maryland - Business Information and Services** (includes business license tips, frequently asked questions, employer withholding information, tax registration)  
<http://business.marylandtaxes.com/newbusiness/new.asp>

If you determine that you need a license that is issued by the Clerk of the Circuit Court, you will need to appear in person to process the business license application. **Currently, applications are processed only in an e-license format by presenting the information in person and are not available on-line or by mail.** Our office is located at the Courthouse, 175 Main Street, Prince Frederick, Md. 20678. Complete the application by providing the following information to the Clerk:

- Type of license for which you are applying
- Owner's name (Individual, Corporation, etc.)
- Location address
- Mailing address
- Social Security Number or Federal Tax Identification Number
- Phone Number
- Workman's Compensation Policy Number or Certificate of Compliance Corporate ID Number (if applicable)

**Application must be signed by the Owner or Corporation Officer**

**Obtain Necessary Approval Signatures: (Obtain in order listed)**

- a. **Planning & Zoning** - (must approve ALL new licenses and any changes of business location address)  
*Planning & Zoning is located in the County Services Plaza, 150 Main Street, Prince Frederick, Md. 20678 phone - 410-535-2348*
- b. **Assessment & Taxation** - *located across from the Courthouse in the Louis L. Goldstein State Office Building, 2nd floor, 200 Duke Street, Prince Frederick, Md. 20678. phone -443-550-6840*
- c. **Calvert County Treasurer's Office** - *located 1st floor, Courthouse, 175 Main Street, Prince Frederick, Md. 20678 phone 410-535-1600*

**Pay required license fees to the Clerk of the Circuit Court** - (cash or check only) - Costs depend on the type of license.

**The Clerk's Office staff has courtesy copies of the applications for retail sales tax and trade name registration that are available upon request. Please contact the appropriate issuing agency for more information about those applications or for information about other types of licenses not issued by the Clerk of the Circuit Court.**