

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2016 Legislative Session

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**Reference No.:** CB-022-2016  
**Draft No.:** 2  
**Committee:** PLANNING, ZONING AND ECONOMIC DEVELOPMENT  
**Date:** 05/18/2016  
**Action:** FAV (A)

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### REPORT:

Committee Vote: Favorable, 4-0 (In favor: Council Members Harrison, Glaros, Taveras, and Toles)

Council staff summarized the purpose of CB-22-2016, provided background concerning a prior Council Bill related to the subject legislation, and informed the Committee of written referral comments that were received. CB-87-2015, proposed by Council Member Patterson and enacted by the County Council, amended the Zoning Ordinance to define a Private Limousine Service Dispatching Station and permit the use in the I-3 Zone under certain circumstances in footnote 60 to the Industrial Zone Use Table. CB-22-2016 refines the existing footnote criteria to exempt the use, without expansion, from a Conceptual Site Plan requirement.

The Chief Zoning Hearing Examiner (ZHE) reviewed the legislation and submitted the following comments:

- 1) The use "Private Limousine Service Dispatching Station" was not added to the Zoning Ordinance until CB-87-2015 was adopted on November 17, 2015. Accordingly, such use could not have "been in existence on November 1, 2015" as noted in footnote 60, page 2 of the bill. That date must be revised.
- 2) The language in footnote 60 purportedly exempts the use "from any approval requirements set forth in "Part 7 or any other Part of the Zoning Ordinance". It's not clear what other approval requirements there might be for a permitted use. All uses require the issuance of a use and occupancy permit pursuant to language in the Zoning Ordinance and the Building Code. Most uses require some form of landscaping, unless they fall within an exemption thereto, or are granted alternative compliance. (Section 27-471 (b)) The I-3 Zone also requires approval of a Conceptual and Detailed Site Plan for all uses (Section 27-471 (d)). There are additional requirements for permitted uses in the Zone. If the sponsor's intent is to change these requirements it would be much more clear, and less subject to interpretation, to list them. There should also be some

discussion as to why these uses are being treated differently than other commercial uses in the Zone.

Staff presented a Proposed Draft-2 (DR-2) with amendments to the footnote to address the ZHE comments and to further clarify the intent of the criteria as follows:

- 60** Provided the use is on property with a land area of at least five (5) acres. Notwithstanding any other provision WITHIN SECTION 27-471 of this Subtitle to the contrary, a Private Limousine Service Dispatching Station use situated on five (5) or more acres of land that was in existence on November 1, 2015, that is WHERE A BUSINESS WAS OPERATING within the definition of ‘Private Limousine Service Dispatching Station’ set forth in Section 27-107.01 of this Subtitle, and for which no new development to expand the use requiring a County building permit is proposed, shall be a permitted use and said existing use is exempt from any approval requirements set forth in this Part or any other Part of this Subtitle SHALL ONLY CONFORM WITH THE REQUIREMENTS SET FORTH IN SECTION 27-471 OF THIS SUBTITLE IF DEVELOPMENT TO EXPAND THE USE REQUIRING A COUNTY PERMIT IS PROPOSED.

Upon review of the revised criteria, the Committee further amended the footnote on line 7 to also strike “said existing use”, and on lines 10 and 11 to change “ if development to expand the use requiring a county permit is proposed “ to “if development to expand the use requires a county building permit”.

The Committee voted favorably on Proposed DR-2 including the additional revisions to the footnote.