

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL  
2012 Legislative Session**

Bill No. CB-64-2012

Chapter No. 48

Proposed and Presented by Council Members Davis, Franklin, and Olson

Introduced by Council Members Davis, Franklin, Olson, Lehman and Harrison

Co-Sponsors \_\_\_\_\_

Date of Introduction September 25, 2012

**ZONING BILL**

1 AN ORDINANCE concerning

2 Department or Variety Stores

3 For the purpose of amending the provisions of the Zoning Ordinance concerning Department or  
4 Variety Stores in the Commercial and Industrial Zones and making clarifying amendments to the  
5 Zoning Ordinance.

6 BY repealing and reenacting with amendments:

7 Sections 27-348.02, 27-461, and 27-473,

8 The Zoning Ordinance of Prince George's County, Maryland,

9 being also

10 SUBTITLE 27. ZONING.

11 The Prince George's County Code

12 (2011 Edition, as amended by CB-10-2012 and CB-13-2012).

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
14 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional  
15 District in Prince George's County, Maryland, that Sections 27-348.02, 27-461, and 27-473 of  
16 the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince  
17 George's County Code, be and the same are hereby repealed and reenacted with the following  
18 amendments:

19  
20

**SUBTITLE 27. ZONING.**

**PART 4. SPECIAL EXCEPTIONS.**

**DIVISION 3. ADDITIONAL REQUIREMENTS FOR SPECIFIC SPECIAL EXCEPTIONS.**

**Sec. 27-348.02. Department or Variety Stores Combined With Food and Beverage Stores.**

(a) Department or Variety Stores and Department or Variety Stores combined with Food and Beverage Stores permitted in the use tables by Special Exception (SE) in the I-3, C-S-C and C-M zones shall be subject to the following requirements:

(1) The site shall have frontage on and direct vehicular access to an existing arterial roadway, with no access to primary or secondary streets.

(2) The applicant shall demonstrate that local streets surrounding the site are adequate to accommodate the anticipated increase in traffic.

(3) The site shall contain pedestrian walkways within the parking lot to promote safety.

(4) The design of the parking and loading facilities shall ensure that commercial and customer traffic will be sufficiently separated and shall provide a separate customer loading area at the front of the store.

(5) All buildings, structures, off-street parking compounds, and loading areas shall be located at least:

(A) One hundred (100) feet from any adjoining land in a Residential Zone, or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan; and

(B) Fifty (50) feet from all other adjoining property lines and street lines.

(6) All perimeter areas of the site shall be buffered or screened, as required by the Landscape Manual; however, the Council may require additional buffering and screening if deemed necessary to protect surrounding properties.

(7) The building entrance and nearby sidewalks shall be enhanced with a combination of special paving, landscaping, raised planters, benches and special light fixtures.

(8) The application shall include a comprehensive sign package and a comprehensive exterior lighting plan.

1           (9) The applicant shall use exterior architectural features to enhance the site's  
2 architectural compatibility with surrounding commercial and residential areas.

3           (10) Not less than thirty percent (30%) of the site shall be devoted to green area.

**PART 6. COMMERCIAL ZONES.  
DIVISION 3. USES PERMITTED.**

**Sec. 27-461. Uses permitted.**

**(b) TABLE OF USES I.**

USE	ZONE					
	C-O	C-A	C-S-C	C-W	C-M	C-R-C
<b>(1) Commercial:</b>						
* * * * *	*	*	*	*	*	*
<b>(E) Trade (Generally Retail):</b>						
* * * * *	*	*	*	*	*	*
Department or variety store, excluding pawnshops						
(i) Not exceeding 125,000 square feet of gross floor area <u>so long as the department or variety store does not contain any food or beverage component</u>	X	X	P	X	P <sup>20, 31</sup>	P
(ii) Exceeding 125,000 square feet of gross floor area within the developed tier or a designated Revitalization Tax Credit Area (as long as the department or variety store does not contain any food or beverage component)	X	X	P <sup>52</sup>	X	P <sup>20, 31</sup>	P
(iii) Not exceeding 85,000 square feet of gross floor area [or no more than 10% of gross floor area for food and beverage component] <u>without regard to percentage of gross floor area for food and beverage component</u>	X	X	P <sup>52</sup>	X	P	P
(iv) <u>Exceeding 85,000 square feet of gross floor area and less than 10% of that gross floor area for food and beverage component</u>	<u>X</u>	<u>X</u>	<u>P<sup>52</sup></u>	<u>X</u>	<u>P</u>	<u>P</u>
[(iv)] (v) All others, <sup>40</sup> in accordance with Section 27-348.02	X	X	SE	X	SE	P
* * * * *	*	*	*	*	*	*

\* \* \* \* \*

**52** This limitation shall not apply to property which is located within the Developed Tier for which any portion of same:

- (A) Has an approved Preliminary Plan of Subdivision for property which is or was at the time of Subdivision split-zoned I-3 and R-R, and is located on and inside the Capital Beltway at an existing interchange with said Beltway, or
- (B) Is or was the subject of a Preliminary Plan of subdivision or Detailed Site Plan for an integrated shopping center developed pursuant to CB-65-2003; or
- (C) Is the subject of a building permit issued for said use prior to September 1, 2005 pursuant to CB-65-2003. All such uses on property meeting the above criteria shall be deemed permitted uses and shall not be considered nonconforming.

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**PART 7. INDUSTRIAL ZONES.  
DIVISION 3. USES PERMITTED.**

**Sec. 27-473. Uses permitted.**

**(b) TABLE OF USES.**

USE	ZONE				
	I-1 <sup>33</sup>	I-2 <sup>33</sup>	I-3	I-4	U-L-I
<b>(1) COMMERCIAL:</b>					
* * * * *	*	*	*	*	*
<b>(E) Trade (Generally Retail):</b>					
* * * * *					
Department or variety stores, <u>excluding pawnshops</u>					
(i) Not exceeding 13,000 square feet	P <sup>10</sup>	X	P <sup>27</sup>	X	X
(ii) All others, <u>in accordance with Section 27-348.02</u>	X	X	[P <sup>27</sup> ] <u>SE<sup>27</sup></u>	X	X
* * * * *	*	*	*	*	*

\* \* \* \* \*

**10** Permitted use without requirement for Special Exception provided:

- (A) The use is located within an industrial park which is adjacent to a Beltway interchange constructed after June, 2002;
  - (B) The parcel(s) is the subject of a Preliminary Plan of Subdivision that was approved pursuant to Subtitle 24 of this Code prior to June 30, 2004;
  - (C) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle;
  - (D) The acreage of lots (used for commercial purposes) shall not exceed twenty-five percent (25%) of the acreage of lots used for industrial purposes in the industrial park;
  - (E) No more than two (2) fast-food restaurants shall be allowed in the industrial park;
  - (F) Motels are prohibited; and
  - (G) Hotel amenities shall include at a minimum a swimming pool, fitness center, room service, concierge service, parking, and restaurant(s) located within the building.
- (CB-97-2004)

\* \* \* \* \*

**27** [On] A Special Exception shall not be required for development on a lot of no less than ten (10) or more than twenty (20) acres, located within five hundred (500) feet of property in the M-A-C or C-S-C Zones, said lot having frontage on at least two (2) public streets, and a store [containing at least one hundred thousand (100,000)] with a gross floor area not exceeding 85,000 square feet of sales and service floor area (excluding mezzanines) under one roof, of which no more than a total of twenty percent (20%) of sales and service floor area may be dedicated to the sale and/or

display of building materials, including, among other things, building supplies, plumbing supplies, electrical supplies, and hardware, either individually or in the aggregate; or the use is located on a lot or parcel that is between ten (10) and twenty (20) acres in size; said lot or parcel is located within five hundred (500) feet of property in the M-A-C Zone and has frontage on at least two public streets; the store has no more than twenty-five thousand (25,000) square feet gross floor area; the store fills medical prescriptions and sells medical supplies and nonprescription medicines, in addition to general merchandise; and except for medical prescriptions, medical supplies, and nonprescription medicines, the store has no more than fifty percent (50%) of its gross floor area devoted to the sale of a single type of merchandise, such as food or specialty items.

(CB-21-1994; CB-11-2003)

\* \* \* \* \*

1 SECTION 2. BE IT FURTHER ENACTED that Department or Variety Stores in existence  
2 as of the effective date of this Ordinance may continue and shall not be deemed nonconforming.

3 SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect on the day  
4 it becomes law.

Adopted this 7<sup>th</sup> day of November, 2012.

COUNTY COUNCIL OF PRINCE GEORGE’S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF  
THE MARYLAND-WASHINGTON REGIONAL  
DISTRICT IN PRINCE GEORGE’S COUNTY,  
MARYLAND

BY: \_\_\_\_\_  
Andrea C. Harrison  
Chair

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.