

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2017 Legislative Session

Resolution No. CR-24-2017
Proposed by Council Member Patterson
Introduced by Council Members Patterson, Harrison, Davis and Franklin
Co-Sponsors _____
Date of Introduction April 11, 2017

RESOLUTION

1 A RESOLUTION concerning

2 Private Limousine Service Dispatching Stations in the I-3 Zone

3 For the purpose of clarifying, as a temporary measure with the force and effect of law, that

4 Private Limousine Service Dispatching Station uses are permitted in the I-3 (Planned
5 Industrial – Employment Park) Zone, and are not subject to any site plan requirements set forth
6 in Part 7, provided that the use meets certain specified circumstances.

7 WHEREAS, the County Council of Prince George's County, Maryland, sitting as the
8 District Council for that part of the Maryland-Washington Metropolitan Regional District in
9 Prince George's County, Maryland, presented legislation ("CB-087-2015") proposing a new use,
10 "Private Limousine Dispatching Stations," in the local zoning laws, and to permit the use by
11 right in the I-3 (Planned Industrial - Employment Park) Zones of the County; and

12 WHEREAS, after the bill's referral for review and analysis by the Council's Planning
13 Zoning and Economic Development ("PZED") standing committee, the PZED committee voted
14 unanimously on October 13, 2015, to report CB-087-2015 out with a favorable recommendation
15 and to return the legislation to the Council floor for introduction and for a public hearing to be
16 scheduled before the full Council; and

17 WHEREAS, on November 17, 2015, at a regularly scheduled, public legislative session
18 day, the County Council conducted a duly advertised public hearing on CB-087-2015 in
19 accordance with applicable law and all procedural requirements; and

20 WHEREAS, after concluding its public hearing, the Council voted unanimously 9-0 to
21 enact CB-087-2015 and to expressly permit, by right, Private Limousine Dispatching Station

1 uses in the I-3 Zones of the County, where the use is located on property with a certain minimum
2 acreage; and

3 WHEREAS, the following year, the County Council presented additional legislation ("CB-
4 022-2016") to restate and clarify its intention, via enactment of CB-087-2015, to permit
5 qualifying Private Limousine Dispatching Station uses that have been in existence since
6 November 1, 2015, on land within the I-3 Zone and not be subject to any conceptual or detailed
7 site plan requirements within Part 7 of the Zoning Ordinance; and

8 WHEREAS, after referral for review and analysis by the PZED committee, the committee
9 voted unanimously on May 18, 2016, to report CB-022-2016 out with a favorable
10 recommendation and to return the legislation to the Council floor for introduction and
11 subsequent public hearing before the full Council; and

12 WHEREAS, thereafter, the County Council conducted a duly advertised public hearing on
13 CB-022-2016 in accordance with applicable law and its procedural requirements; and

14 WHEREAS, after concluding its public hearing, the Council voted unanimously 9-0 to
15 enact CB-022-2016, to refine the text of its previous enactment to reaffirm its intention to permit
16 Private Limousine Dispatching Stations by right in the I-3 Zone, and not be subject to any
17 regulations for the zone within Part 7 of the Zoning Ordinance, provided that the property meets
18 a stated minimum acreage requirement and the use was existing and operating a certain date; and

19 WHEREAS, subsequent to the Council's enactment of CB-087-2015 and CB-022-2016, the
20 District Council now finds that there is a potential discrepancy in the acreage requirement recited
21 in Section 27-4743(b) of the Zoning Ordinance which may frustrate the unambiguous legislative
22 intent of the Council to permit Private Limousine Service Dispatching Station uses within the I-3
23 Zone, particularly those uses that were existing and operating as of November 1, 2015; and

24 WHEREAS, the District Council also finds that the acreage discrepancy stated above
25 carries a significant potential for unintended consequences that may negatively impact affected
26 uses in the County; and

27 WHEREAS, it is the further finding of the District Council that there is a need to eliminate
28 this potential discrepancy to specify, as an exigent temporary measure with the force and effect
29 of law, certain additional clarification to the requirements of the Zoning Ordinance for Private
30 Limousine Service Dispatching Stations which the Council that are necessary to effectuate the
31 District Council's intent to permit Private Limousine Dispatching Stations uses in the I-3 Zone

1 by right; to not be subject to any site plan approval process; and to be immediately eligible for
2 application and issuance of a County Use and Occupancy permit for that use in accordance to the
3 local zoning laws and County Code; and

4 WHEREAS, as a result, the Council has introduced curative legislation, styled as a County
5 Zoning Bill (“CB-034-2017”), to reduce the stated minimum acreage requirement in Section 27-
6 473(b) of the Zoning Ordinance from five (5) to three (3) acres for Private Limousine Service
7 Dispatching Stations in the I-3 Zone that were existing as of November 1, 2015, as permitted by
8 right; and

9 WHEREAS, the Land Use Article of the Maryland Annotated Code and the Charter for
10 Prince George’s County prescribe certain minimum procedural requirements, including public
11 hearing requirements; and

12 WHEREAS, the pending Zoning bill to codify the amended acreage requirement will have
13 a public hearing in accordance with applicable law; and

14 WHEREAS, the legislation to modify, by Ordinance, the acreage requirement of Section
15 27-473(b) of the local zoning laws of Prince George’s County, Maryland, cannot be completed
16 in a timely manner; and

17 WHEREAS, the District Council also finds that a temporary measure is needed in order to
18 effectuate its intent to permit Private Limousine Dispatching Stations in the I-3 Zone of Prince
19 George's County, and to safeguard and protect any affected property from potential economic
20 harm through any unintended, unreasonable impact on its property rights.

21 WHEREAS, a Resolution has the force and effect of law but of a temporary or
22 administrative character.

23 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
24 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
25 Regional District in Prince George's County, Maryland, that, notwithstanding any requirement of
26 the Zoning Ordinance to the contrary, the minimum acreage for Private Limousine Service
27 Dispatching Station uses on land in the I-3 (Planned Industrial — Employment Park) Zone that
28 were existing as of November 1, 2015, shall be three (3) acres.

1 BE IT FURTHER RESOLVED that, based on the adopted provisions set forth in this
2 Resolution, the Prince George's County Director of Permitting, Inspections, and Enforcement
3 shall be authorized to issue a use and occupancy permit for any Private Limousine Service
4 Dispatching Station use in the I-3 Zone, provided that: (1) the use was existing as of November
5 1, 2015; (2) said use is located on property with a land area of at least three (3) acres; and (3) the
6 use shall not be subject to any conceptual site plan or detailed site plan approval process.

7 BE IT FURTHER RESOLVED that this Resolution shall take effect on the date of its
8 adoption.

Adopted this 11th day of April , 2017.

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: _____
Derrick Leon Davis
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council