

1. Page 3, line 11, add “An establishment that” at the beginning of the Catering Establishment definition.
 2. Page 5, lines 5-7, adds Section 27-264(c)(2) concerning the fine for repeated violations for operating outside the scope of a valid use and occupancy permit.
 3. Page 11, in the Industrial Table of Uses, after “Adult Entertainment”, add “in accordance with Section 27-475.06.06 and change the “X” to a “P” under the I-2 Zone.
 4. Page 13, add “SECTION 2.” and a new Section 27-475.06.06 concerning Adult Entertainment “Additional Requirements for Specific Uses”.
 5. Page 13, line 10, change “three hundred (300) feet” to “one thousand (1,000) feet”.
 6. Page 14, add “SECTION 4. on lines 42-48.”
- Park and Planning staff also provided maps as requested by the committee that will be made available for consideration by the Council Members during the public hearing on this legislation.

Held in committee. 6/16/2010

Staff gave an overview of the purpose of the legislation informing the committee that CB-46-2010 was the result of recommendations provided by the Public Safety Enhancement Workgroup convened by Council Member Dean to address congruency with the different County departments’ rules and regulations. The Workgroup, convened with executive sponsorship in late winter 2009, included representatives from the Police Department, Department of Environmental Resources, Health Department, Fire/Emergency Medical Services Department, Maryland-National Capital Park and Planning Commission, and the Board of License Commissioners.

Representatives of the Workgroup addressed the committee informing Council Members of the background and issues contributing to their formation. The Workgroup recommended a common set of standards and rules for the different departments to work together to protect the public. The recommendations also included the need for definitions for the various establishments to ensure consistency in public safety enforcement and fairness to the business community and minimally intrusive to the current uses. The concern has been with the intended uses as provided on permit applications versus actual uses and locations of businesses. It was noted by the Workgroup members that individuals have skirted the rules to establish businesses that are not in the County’s best public safety interest. In addition, there has been a lack of ability for code enforcement due to confusion in the community as to what is actually allowed due to ambiguity and overlap in the existing permitted uses in the Code.

Key observations noted by the Workgroup are as follows:

- Individuals operating out of the scope of their business putting the health and safety of the public at risk.
- The differences in the requirements between agencies lead to confusion of which regulation takes precedence.
- The needed effort to create a situation where there is increased notification of the County agencies as to the businesses established in the County.
- There has been an increased amount of collaboration between agencies in understanding the limits of each group creating greater synergy in the enforcement of the current regulations.

Recommendations of the Workgroup are to:

1. Create definitions that everyone can understand.
2. Provide additional enforcement authority, and
3. Take a proactive approach notifying Prince George’s County Police and the Liquor Board at the time of permit application and prior to the use and occupancy permit being issued.

Council Member Olson inquired about existing adult entertainment businesses that may be operating under a different use and occupancy permit and whether the legislation could be amended to require these establishments to go through a certification process for a nonconforming use.

Council Member Dernoga expressed concern with allowing adult entertainment uses in the C-M Zone which could be located near residentially zoned properties and suggested that this legislation be consistent with the 2009 Council legislation concerning adult book and/or adult video stores permitting the use only in the I-2 Zone with location

restrictions from other uses.

Council Member Dean, the bill's sponsor, suggested amending CB-46-2010 to make it consistent with the adult book and/or adult video store legislation.

Council Members suggested that Park and Planning staff provide maps showing C-M and I-2 zoning with 1,000-foot setback restrictions from certain uses.

The legislation was held in committee to allow staff time to make amendments and provide additional information as requested by the Council Members.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This legislation amends the Zoning Ordinance to add, eliminate, and clarify certain commercial uses, generally entertainment-oriented, for the purpose of assisting Code enforcement efforts by County agencies. Current definitions are general and often overlap with other definitions resulting in broad interpretation by business owners and difficulty in enforcement by County agencies.

Representatives of the Police Department, the Department of Environmental Resources, Health Department, Fire Department, Maryland-National Capital Park and Planning Commission, and the Chief Liquor Inspector have been involved in ongoing discussions regarding enforcement issues and related safety concerns associated with these issues. The various County agency representatives have provided recommendations which are included in this legislation.

CODE INDEX TOPICS:

INCLUSION FILES:
