

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2009 Legislative Session

Bill No. CB-23-2009

Chapter No. 24

Proposed and Presented by Council Members Campos, Dernoga, Olson and Turner

Introduced by Council Members Campos, Dernoga, Olson and Turner

Co-Sponsors _____

Date of Introduction October 20, 2009

ZONING BILL

1 AN ORDINANCE concerning

2 Check Cashing Businesses

3 For the purpose of defining check cashing business, requiring a special exception for this use
4 under certain circumstances, and grandfathering those with valid state licenses for check cashing
5 issued prior to September 1, 2009.

6 BY repealing and reenacting with amendments:

7 Sections 27-107.01, 27-461(b), 27-473(b), 27-515(b), and 27-547(b),

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 (2007 Edition, 2008 Supplement).

13 BY renumbering:

14 Sections 27-341.01

15 To be Section 27-341.02,

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

17 being also

18 SUBTITLE 27. ZONING.

19 The Prince George's County Code

20 (2007 Edition, 2008 Supplement).

1 BY adding:

2 Sections 27-341.01,
3 The Zoning Ordinance of Prince George's County, Maryland,
4 being also
5 SUBTITLE 27. ZONING.
6 The Prince George's County Code
7 (2007 Edition, 2008 Supplement).

8 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
9 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
10 District in Prince George's County, Maryland, that Sections 27-107.01, 27-461(b), 27-473(b), 27-
11 515(b), and 27-547 of the Zoning Ordinance of Prince George's County, Maryland, being also
12 Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and
13 reenacted with the following amendments:

14 **SUBTITLE 27. ZONING.**

15 **PART 2. GENERAL.**

16 **DIVISION 1. DEFINITIONS.**

17 **Sec. 27-107.01. Definitions.**

18 * * * * *

19 (46) **Chancery:** The administrative offices and tribunal of a "Church" (not otherwise
20 permitted as an "Accessory Use") which are solely related in scope and function to the "Church."

21 (46.1) **Check Cashing Business:** An establishment which accepts or cashes, for
22 compensation, a payment instrument regardless of the date of the payment instrument. This use
23 does not include activities undertaken by: (i) any bank, trust company, savings bank, savings and
24 loan association, or credit union chartered under the laws of this state, another state, or the
25 United States as long as that institution has a branch that accepts deposits in this state; or (ii) any
26 subsidiary or affiliate of an institution described in part (i) above (generally those exempt under
27 Section 12-103 of the Maryland Financial Institutions Code Annotated (as amended from time to
28 time)). Additionally, this use does not include a business: (i) for which a fee of up to 1.5% of the
29 face amount of the payment instrument is charged per payment instrument, and are incidental to
30 the retail sales of goods or services by the person that is providing the check cashing services;
31 (ii) in which a customer presents a payment instrument for the exact amount of a purchase; or

1 (iii) involving foreign currency exchange services or the cashing of a payment instrument drawn
2 on a financial institution other than a federal, state, or other state financial institution.

3 **([46.1]46.2) Chesapeake Bay Critical Area:** All waters of and lands under the
4 Chesapeake Bay and its tributaries to the head of tide as indicated on the state wetlands maps, all
5 state and private wetlands designated under the Annotated Code of Maryland, Natural Resources
6 Article, Title 9, and all land and water areas within one thousand (1,000) feet beyond the
7 landward boundaries of state or private wetlands and heads of tides designated under the
8 Annotated Code of Maryland, Natural Resources Article, Title 9, as indicated on approved
9 Chesapeake Bay Critical Area Overlay Zoning Map Amendments.

10 * * * * *

**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
(1) COMMERCIAL:						
(C) Offices:	*	*	*	*	*	*
Bank, savings and loan association, or other savings or lending institution:						
(i) Automatic teller machine, only	P	P	P	P	P	P
(ii) All others	P	P	P	X	P	P
<u>Check Cashing Business</u>	<u>SE⁵⁵</u>	<u>SE⁵⁵</u>	<u>SE⁵⁵</u>	<u>X</u>	<u>SE⁵⁵</u>	<u>SE⁵⁵</u>
Contractor's office (see paragraph (3), Miscellaneous)						
* * * * *	*	*	*	*	*	*

⁵⁵ Businesses with a valid state license for check cashing issued prior to September 1, 2009 may continue as a matter of right and shall not be deemed nonconforming. Any change in tenant or ownership of the check cashing business requires approval of a special exception for this use prior to issuance of the Use & Occupancy permit.

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

Sec. 27-473. Uses permitted.

(b) TABLE OF USES.

USE	ZONE				
	I-1 ³³	I-2 ³³	I-3	I-4	U-L-I
(1) COMMERCIAL:					
* * * * *	*	*	*	*	*
(C) Offices:					
Bank, savings and loan association, or other savings or lending institution:					
(i) With drive through	P	P	P	P ¹⁷	SP
(ii) All others	P	P	P	P ¹⁷	P
<u>Check Cashing Business</u>	<u>SE⁵³</u>	<u>SE⁵³</u>	<u>SE⁵³</u>	<u>X</u>	<u>SE⁵³</u>
* * * * *	*	*	*	*	*

⁵³ Businesses with a valid state license for check cashing issued prior to September 1, 2009 may continue as a matter of right and shall not be deemed nonconforming. Any change in tenant or ownership of the check cashing business requires approval of a special exception for this use prior to issuance of the Use & Occupancy permit.

Sec. 27-515. Uses permitted.

(b) TABLE OF USES.

USE	ZONE								
	M-A-C	L-A-C	E-I-A	R-U	R-M	R-S	R-L	V-L	V-M
(1) COMMERCIAL:									
* * * * *	*	*	*	*	*	*	*	*	*
(C) Offices:									
<u>Check Cashing Business</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
* * * * *	*	*	*	*	*	*	*	*	*

DIVISION 3. USES PERMITTED.

Sec. 27-547. Uses permitted.

(b) TABLE OF USES.

USE	ZONE	
	M-X-T	M-X-C
(1) COMMERCIAL:		
All Types Offices and Research	P	P
Banks, savings and loan association, or other savings or lending institution	P	P
Bulk Retailing	X ⁹	X
<u>Check Cashing Business</u>	<u>SE¹¹</u>	<u>SE¹¹</u>
Data processing facilities	P	P
Eating or Drinking Establishments	P	P
* * * * *	*	*

¹¹ Businesses with a valid state license for check cashing issued prior to September 1, 2009 may continue as a matter of right and shall not be deemed nonconforming. Any change in tenant or ownership of the check cashing business requires approval of a special exception for this use prior to issuance of the Use & Occupancy permit.

(c) TABLE OF USES FOR M-U-TC ZONE.

	ZONE
USE	M-U-TC
(1) COMMERCIAL:	
* * * * *	*
(C) Offices:	
Bank, savings and loan association, or other savings or lending institution:	
(i) Automatic teller machine, only	SP
(ii) All others	P
Check cashing business	[SP]SE ⁴
Office accessory to an allowed use	P
Office of a medical practitioner or medical clinic (which may include an accessory private spa)	P
* * * * *	*

⁴ Businesses with a valid state license for check cashing issued prior to September 1, 2009 may continue as a matter of right and shall not be deemed nonconforming. Any change in tenant or ownership of the check cashing business requires approval of a special exception for this use prior to issuance of the Use & Occupancy permit.

1 SECTION 2. BE IT FURTHER ENACTED by the County Council of Prince George's
 2 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
 3 Regional District in Prince George's County, Maryland, that Section 27-341.01 of the Zoning
 4 Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's
 5 County Code, be and the same is hereby renumbered to be Section 27-341.02.

6 SECTION 3. BE IT FURTHER ENACTED that Section 27-341.01 of the Zoning
 7 Ordinance of Prince George's County, Maryland, be and the same is hereby added:

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

10 **Sec. 27-341.01. Check Cashing Business.**

- 11 (a) A check cashing business may be permitted, subject to the following:
- 12 (1) Hours of operation shall be limited to the hours of 9:00 a.m. to 8:00 p.m.,
- 13 (2) A schedule of fees/charges shall be posted and immediately visible to persons
 14 upon entering the Check Cashing Business. A copy of the fee schedule shall also be made

1 available to all persons upon entrance to the Check Cashing Business;

2 (3) No other business shall share floor space with the Check Cashing Business;

3 (4) Security lighting and cameras shall be provided on all open sides of the Check
4 Cashing facility providing surveillance of the area within 100 feet from the exterior of the
5 building;

6 (5) At least one (1) security employee (with no other duties) must be on the premises
7 when the Check Cashing Business is open for business; and

8 (6) Cashiers must work behind bullet resistant glass.

9 SECTION 4. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five
10 (45) calendar days after its adoption.

Adopted this 17th day of November , 2009

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: _____
Marilynn M. Bland
Chairperson

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.