

**PRINCE GEORGE'S COUNTY COUNCIL  
AGENDA ITEM SUMMARY**

**Meeting Date:** 5/12/98

**Reference No.:** CB-48-1998

**Proposer:** Scott

**Draft No.:** 2

**Sponsors:** Scott

**Item Title:** An Ordinance amending the driveway width requirements  
for gas stations

**Drafter:** Ralph E. Grutzmacher  
Legislative Officer

**Resource Personnel:** A. Kay Kline  
Legislative Aide

**LEGISLATIVE HISTORY:**

**Date Presented:**        \_\_/\_\_/\_\_

**Executive Action:** \_\_/\_\_/\_\_    \_\_

**Committee Referral:** 4/21/98    PZED

**Effective Date:** 7/27/98

**Committee Action:** 5/5/98    FAV (A)

**Date Introduced:** 5/12/98

**Pub. Hearing Date:** 6/9/98    2:00 P.M.

**Council Action:** 6/9/98    ENACTED

**Council Votes:** RVR:A, DB:A, SD:A, JE:A, IG:A, TH:A, WM:A, AS:A, MW:A

**Pass/Fail:** P

**Remarks:** \_\_\_\_\_

**PLANNING, ZONING & ECON. DEV. COMMITTEE**

Date: 5/5/98

Committee Vote: Favorable as amended, 5-0. (In favor: Council Members Bailey, Del Giudice, Gourdine, Maloney and Russell)

Staff gave an overview of the legislation and informed the Committee of referral comments which were received. CB-48-1998 amends Section 27-358 of the Zoning Ordinance concerning Special Exceptions for gas stations to allow the minimum access driveway width of 30 feet to be reduced and the minimum sidewalk width of 5 feet to be reduced if required by the Maryland State Highway Administration (SHA) or the County Department of Public Works and Transportation (DPW&T).

Council Member Scott, the bill's sponsor, informed the Committee that she presented this legislation in order to correct a contradiction in the Code which results in problems for an applicant attempting

to obtain an access driveway permit for a gas station. Mrs. Scott explained that for instances in which a one-way driveway is proposed, SHA or DPW&T requires a width less than 30 feet so as not to allow automobiles to proceed both ways into or out of the driveway, however, the Code requires a minimum 30-foot driveway.

Council Member Del Giudice inquired as to why the minimum 5-foot sidewalk requirement is a problem. Michelle La Rocca, Law Offices of Meyers, Billingsley, Rodbell & Rosenbaum, speaking in support of CB-48-1998, explained that in addition to the minimum access driveway width problems explained by Council Member Scott, DPW&T often requests a greater width for sidewalks provided in the area between the building line and the curb in the areas serving pedestrian traffic.

The Legislative Officer finds the bill to be in proper legislative form and provides the following comment: "The reference to 'lesser width is required by...the County Department of Public Works and Transportation' on page 2, lines 5 and 6, appears to be contradictory and unnecessary. DPW&T Standards 8 and 9, which are approved by the Council, require a 30-foot minimum width for commercial driveways. The minimum sidewalk width is 4 feet (Standards 10, 12, 13 and 14)."

The Executive Branch supports the bill and provided the following comment from the Department of Environmental Resources by memorandum dated May 4, 1998: "The proposed amendment to Sec. 27-358. Gas Station. (A)(7) conflicts with Subtitle 4. Building. Division 2. BUILDING CODE. Chapter 11 - Accessibility. (A)(9) (A) that requires sidewalks to have width of not less than 5 feet."

The Planning Board supports CB-48-1998 with an amendment that the legislation only concern one-way driveways, not two-way driveways or sidewalks. The Board recommended that page 2, line 5 be amended as follows: "width, but no less than eleven (11) feet, for a one-way driveway is required by the State Highway Administration or the County Department of..." Also, all underlined language on page 2, lines 15-17 should be deleted, eliminating amendments to the sidewalk width requirements as proposed by this legislation.

The Office of Audits and Investigations has determined there should be no negative fiscal impact on the County as a result of enacting CB-48-1998.

Council Member Del Giudice moved a favorable recommendation on this bill with the following amendments: on page 2, line 5, change "required" to "allowed"; also on line 5, insert "for a one-way driveway" after "allowed" and page 2, beginning on line 15, remove the following language: "unless a lesser width is required by the Maryland State Highway Administration or the County Department of Public Works and Transportation, whichever is applicable." Mr. Del Giudice indicated that the existing language in the Code stating "A sidewalk at least five (5) feet wide shall be provided..." is a minimus requirement and a greater width could be provided if required by DPW&T, therefore, the additional language proposed in Draft-1 for this section is redundant.

The Committee voted a favorable recommendation with the amendments suggested by Council Member Del Giudice.

**BACKGROUND INFORMATION/FISCAL IMPACT**

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

The proposed legislation would delete the minimum driveway and sidewalk width requirements for special exceptions for gas stations.

**CODE INDEX TOPICS:**