

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

2011 Legislative Session

Bill No. CB-56-2011

Chapter No. 29

Proposed and Presented by Council Member Olson

Introduced by Council Member Olson, Turner, Toles, Lehman, Franklin, Campos

and Patterson

Date of Introduction October 18, 2011

ZONING BILL

1 AN ORDINANCE concerning

2 Use and Occupancy Permits

3 For the purpose of amending the definitions, and amending the requirements, for certain
4 commercial or industrial uses in Commercial and Industrial Zones.

5 BY repealing and reenacting with amendments:

6 Sections 27-107.01, 27-461, 27-473, 27-475.06.06 and 27-568,
7 The Zoning Ordinance of Prince George's County, Maryland,
8 being also

9 **SUBTITLE 27. ZONING.**

10 The Prince George's County Code
11 (2007 Edition, 2010 Supplement).

12 **SECTION 1.** BE IT ENACTED by the County Council of Prince George's County, Maryland,
13 sitting as the District Council for that part of the Maryland-Washington Regional District in
14 Prince George's County, Maryland, that Sections 27-107.01, 27-461, 27-473, 27-475.06.06 and
15 27-568 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of
16 the Prince George's County Code, be and the same are hereby repealed and reenacted with the
17 following amendments:

18 **SUBTITLE 27. ZONING.**

19 **PART 2. GENERAL.**

20 **DIVISION 1. DEFINITIONS.**

1 **Sec. 27-107.01. Definitions.**

2 * * * * *

3 (7.1) **Adult Entertainment:** Adult Entertainment means any exhibition,
4 performance or dance of any type conducted in a premise where such exhibition, performance or
5 dance involves a person who:

6 (A) Is unclothed or in such attire, costume or clothing as to expose to
7 view any portion of the breast below the top of the areola or any portion of the pubic region,
8 anus, buttocks, vulva or genitals with the intent to sexually arouse or excite another person; or

9 (B) Touches, caresses or fondles the breasts, buttocks, anus, genitals or
10 pubic region of another person, or permits the touching, caressing or fondling of his/her own
11 breasts, buttocks, anus, genitals or pubic region by another person, with the intent to sexually
12 arouse or excite another person.

13 * * * * *

14 (21.1) **Auditorium:** A room or building used for the gathering of people seated
15 as an audience; open to the general public, with or without an admission charge, and used
16 primarily for public speaking, theatrical production; excluding any form of patron dancing or
17 adult entertainment.

18 * * * * *

19 (42.1) **Catering Establishment:** An establishment that specializes in the
20 preparation of food or beverages for social occasions; such as weddings, banquets, parties, or
21 other gatherings; with or without banquet facilities for these private prearranged occasions that
22 are not open to impromptu attendance by the general public; excluding adult entertainment.

23 * * * * *

24 (49) **Club or Lodge, Private:** An establishment providing facilities for
25 entertainment or recreation for only bona fide members and guests, and not operated for profit,
26 excluding adult entertainment.

27 * * * * *

28 (81.1) **Eating or Drinking Establishment:** An establishment that provides food
29 or beverages for consumption on or off premise, which may be developed freestanding, on a pad
30 site or attached to another building, or located within another building or located within a group
31 of buildings, which may include a drive-through service, carryout, outdoor eating, [and] music of
32 any kind, patron dancing, or [live] entertainment, excluding adult entertainment uses.

* * * * *

(192) **Recreational or Entertainment Establishment of a Commercial**

Nature: An establishment which provides entertainment, recreation, or amusement for profit.

This term shall not include an "Amusement Arcade," "Reducing/Exercise Salon or Health Club," or a "Massage Establishment" but shall include any form of a "Rental Hall" or "Dance Hall" or "Banquet Hall" not sanctioned by another special exception or private club.

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:						
(A) Eating or Drinking Establishments:						
(i) Eating or drinking establishment, with drive-through service	X	X	P ²⁴	X	P ²⁴	X
(ii) Eating or drinking establishment, excluding drive-through service	P	P	P	P	P	P
(iii) Eating or drinking establishment of any type, including music and patron dancing past the hours of 12:00 A.M., excluding adult [-oriented uses] <u>entertainment</u>	X	X	SE	SE	SE	X
[(iv) Eating or drinking establishment of any type providing adult-oriented performances]	[X]	[X]	[X]	[X]	[P] ^[24, 51]	[X]
* * * * *	*	*	*	*	*	*
(D) Services:						
* * * * *	*	*	*	*	*	*
Catering establishment[:]	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>P</u>	<u>X</u>
[(i) Accessory to an allowed use]	[P]	[X]	[PA]	[X]	[P]	[P]
[(ii) As a primary use but including banquet facilities and a restaurant]	[P]	[X]	[P]	[X]	[P]	[X]
[(iii) For food preparation and administrative office only (no banquet facilities)]	[X]	[X]	[P ³³]	[X]	[P]	[X]
[(iv) All others]	[X]	[X]	[SE]	[X]	[P]	[X]
* * * * *	*	*	*	*	*	*

USE	ZONE					
	C-O	C-A	C-S-C	C-W	C-M	C-R-C
(5) Recreational/Entertainment/Social/Cultural:						
Adult Entertainment	X	X	X ⁵⁸	X	X ⁵⁸	X
* * * * *	*	*	*	*	*	*
Auditorium	X	X	P ⁵⁶	X	P ⁵⁶	X
[Catering Establishment]	[X]	[X]	[P]	[X]	[P]	[X]
* * * * *	*	*	*	*	*	*

24 Subject to Detailed Site Plan approval in accordance with Part 3, Division 9, of this Subtitle. Any fast-food restaurant operating pursuant to an approved Special Exception as of the effective date of CB-49-2005 shall remain valid, be considered a legal use, and shall not be deemed a nonconforming use. Such fast-food restaurants and their underlying special exceptions may be modified pursuant to the existing provisions relating to revisions or amendments to special exceptions generally and fast-food restaurants specifically as they exist in the Zoning Ordinance. The requirement for Detailed Site Plan approval does not apply to eating or drinking establishments within, and sharing the same points of vehicular access as, an integrated shopping center having six individual businesses (including the fast-food restaurant) and a minimum 50,000 square foot gross floor area.

[51] [Subject to the following conditions:]
 [(A) The hours of operation shall be limited to 7:00 P.M. to 11:00 P.M.]
 [(B) The establishment shall be located at least one thousand (1,000) feet from any school, or any other building or use providing adult-oriented performances and at least three hundred (300) feet from any residential zone or from land used for residential purposes in any zone.]
 [(C) Any establishment providing adult-oriented performances lawfully established, operating and has a validly issued use and occupancy permit prior to the effective date of these conditions must conform to the permitted use and location requirements on or before November 30, 2007.]

Reserved.

56 Businesses with a valid use and occupancy permit issued prior to May 1, 2010, may continue as a matter of right and shall not be deemed nonconforming if the use does not include any form of adult entertainment.

58 Any existing establishment in the C-S-C Zone or C-M Zone with a valid use and occupancy permit for an auditorium, private club or lodge that included activity that meets the definition of “adult entertainment” may continue upon approval of a Special Exception. Applications for adult entertainment must be filed and accepted by June 1, 2012. The hours of operation shall be limited to 5:00 P.M. to 3:00 A. M.

**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:					
(A) Eating or Drinking Establishments:					
(i) Eating or drinking establishment, with drive-through service	P ⁵⁴	P ⁵⁴	P ⁵⁴	P ⁵⁴	SP
(ii) Eating or drinking establishment, excluding drive-through service	P	P	P	P	P
(iii) Eating or drinking establishment of any type, including music and patron dancing past the hours of 12:00 A.M., excluding adult [-oriented uses] <u>entertainment</u>	SE	SE	P ⁵⁴	SE	SP
[(iv) Eating or drinking establishment of any type providing adult-oriented performances]	[X]	[X]	[X]	[X]	[X]
[(v) (iv) Within a University Research and Development Park, other than freestanding fast-food	X	X	P	X	X
* * * * *	*	*	*	*	*
(D) Services:					
* * * * *	*	*	*	*	*
[Auditorium]	[P]	[X]	[X]	[X]	[X]
* * * * *	*	*	*	*	*
Catering establishment	P	X	X	X	X
* * * * *	*	*	*	*	*
(6) RECREATIONAL/ENTERTAINMENT/SOCIAL/CULTURAL:					
Adult Entertainment, in accordance with Section 27-475.06.06	X	P	X	X	X
* * * * *	*	*	*	*	*
Auditorium	P ⁵⁶	[P] <u>X</u>	X	X	[SE] <u>X</u>

- * * * * *
- 54 Subject to Detailed Site Plan approval in accordance with Part 3, Division 9, of this Subtitle. Any fast-food restaurant operating pursuant to an approved Special Exception as of the effective date of CB-49-2005 shall remain valid, be considered a legal use, and shall not be deemed a nonconforming use. Such fast-food restaurants and their underlying special exceptions may be modified pursuant to the existing provisions relating to revisions or amendments to special exceptions generally and fast-food restaurants specifically as they exist in the Zoning Ordinance.
- * * * * *
- 56 Any existing establishment in the I-1 or U-L-I Zone with a valid use and occupancy permit for an auditorium, private club or lodge that included activity that meets the definition of “adult entertainment” may continue upon approval of a Special Exception. Applications for adult entertainment must be filed and accepted by June 1, 2012.

SUBTITLE 27. ZONING

PART 7. INDUSTRIAL ZONES.

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Sec. 475.06.06. Adult Entertainment.

- (a) The hours of operation shall be limited to 5:00 P.M to 3:00 A.M.
- (b) The establishment shall be located at least one thousand (1,000) feet from any school, or any other building or use providing [adult-oriented performances] adult entertainment and at least one thousand (1,000) feet from any residential zone or land used for residential purposes in any zone.

[(c) Any establishment providing adult-oriented performances lawfully established, operating and having a validly issued use and occupancy permit prior to the effective date of this section must conform to the permitted use and location requirements on or before May 1, 2013.]

SUBTITLE 27. ZONING.

PART 11. OFF STREET PARKING AND LOADING.

DIVISION 2. PARKING FACILITIES.

SUBDIVISION 3. MINIMUM REQUIREMENTS.

Sec. 27-568. Schedule (number) of spaces required, generally.

(a) In all zones (except the M-X-T Zone), the minimum number of required off-street parking spaces for each type of use shall be as listed in the following schedule. In the schedule, each "employee" means each employee on the largest shift.

TYPE OF USE	NUMBER OF SPACES	UNIT OF MEASUREMENT
(4) RECREATIONAL/ENTERTAINMENT/SOCIAL/CULTURAL:		
Adult Entertainment	1.0	80sq. ft of GFA
* * * * *	* *	* * * * *
[Catering Establishment with food prep only]	[1.0]	[500 sq. ft. of GFA]
[Catering with Seating]	[1.0]	[4 seats]
Club, private		Determined by uses comprising the club (such as eating or drinking establishment, office, auditorium, recreational area)
* * * * *	* *	* * * * *
Theater, auditorium, or stadium	1.0	4 seats
(5) COMMERCIAL TRADE (GENERALLY RETAIL)/SERVICES:		

TYPE OF USE	NUMBER OF SPACES	UNIT OF MEASUREMENT
* * * * *	* *	* * * * *
(D) Miscellaneous:		
* * * * *	* *	* * * * *
Car wash	1.0	500 sq. ft. of GFA
<u>Catering Establishment with food prep only</u>	<u>1.0</u>	<u>500 sq. ft. of GFA</u>
<u>Catering with Seating</u>	<u>1.0</u>	<u>4 seats</u>
Eating or Drinking Establishment (including drive-through service <u>or carryout</u>)	1.0 +1.0	3 seats 50 sq. ft. of GFA (excluding any area used exclusively for storage or patron seating, and exterior patron service area)
Eating or drinking establishment (not including drive-through service)	1.0	3 seats
Eating or drinking establishment, permitting [live] <u>music of any kind and [entertainment or] patron dancing,with hours of operation that extend beyond [11:00 P.M.] 12:00 A.M. excluding adult entertainment</u>	1.0	3 seats or 3 persons legal occupancy, whichever is greater
* * * * *	* *	* * * * *

1 SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (45)
2 calendar days after its adoption.

Adopted this 15th day of November, 2011.

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: _____
Ingrid M. Turner
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.