

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL**

2012 Legislative Session

Bill No. CB-13-2012

Chapter No. 6

Proposed and Presented by Council Members Patterson, Harrison, Olson, Lehman,
Franklin, and Davis

Introduced by Council Members Patterson, Harrison, Olson, Lehman, Franklin and Davis

Co-Sponsors _____

Date of Introduction April 17, 2012

ZONING BILL

1 AN ORDINANCE concerning

2 Commercial Zones - Department or Variety Stores

3 For the purpose of amending the maximum permitted gross floor area for Department or Variety
4 Stores and making associated clarifying technical amendments to the Zoning Ordinance.

5 BY repealing and reenacting with amendments:

6 Sections 27-348.02 and 27-461(b),

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 (2011 Edition).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
13 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
14 District in Prince George's County, Maryland, that Sections 27-348.02 and 27-461(b) of the
15 Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince
16 George's County Code, be and the same are hereby repealed and reenacted with the following
17 amendments:

18 **SUBTITLE 27. ZONING.**

19 **PART 4. SPECIAL EXCEPTIONS.**

20 **DIVISION 3. ADDITIONAL REQUIREMENTS FOR SPECIFIC SPECIAL**
21 **EXCEPTIONS.**

1 **Sec. 27-348.02. Department or Variety Stores; Department or Variety Stores Combined**
 2 **With Food and Beverage Stores.**

3 (a) [Food and Beverage Stores and] Department or Variety Stores and Department or
 4 Variety Stores combined with Food and Beverage Stores permitted in the use tables by Special
 5 Exception (SE) in the C-S-C, and C-M [and C-R-C] zones shall be subject to the following
 6 requirements:

7 (1) The site shall have frontage on and direct vehicular access to an existing arterial
 8 roadway, with no access to primary or secondary streets.

9 (2) The applicant shall demonstrate that local streets surrounding the site are adequate
 10 to accommodate the anticipated increase in traffic.

11 (3) The site shall contain pedestrian walkways within the parking lot to promote
 12 safety.

13 (4) The design of the parking and loading facilities shall ensure that commercial and
 14 customer traffic will be sufficiently separated and shall provide a separate customer loading area
 15 at the front of the store.

16 (5) All buildings, structures, off-street parking compounds, and loading areas shall be
 17 located at least:

18 (A) One hundred (100) feet from any adjoining land in a Residential Zone, or
 19 land proposed to be used for residential purposes on an approved Basic Plan for a
 20 Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved
 21 Conceptual or Detailed Site Plan; and

22 (B) Fifty (50) feet from all other adjoining property lines and street lines.

23 (6) All perimeter areas of the site shall be buffered or screened, as required by the
 24 Landscape Manual; however, the Council may require additional buffering and screening if
 25 deemed necessary to protect surrounding properties.

26 (7) The building entrance and nearby sidewalks shall be enhanced with a combination
 27 of special paving, landscaping, raised planters, benches and special light fixtures.

28 (8) The application shall include a comprehensive sign package and a comprehensive
 29 exterior lighting plan.

30 (9) The applicant shall use exterior architectural features to enhance the site's
 31 architectural compatibility with surrounding commercial and residential areas.

32 (10) Not less than thirty percent (30%) of the site shall be devoted to green area.

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:						
* * * * *	*	*	*	*	*	*
(E) Trade (Generally Retail):						
* * * * *	*	*	*	*	*	*
Department or variety store, excluding pawnshops						
(i) Not exceeding 125,000 square feet of gross floor area	X	X	P	X	P ^{20, 31}	P
(ii) Exceeding 125,000 square feet of gross floor area within the developed tier or a designated Revitalization Tax Credit Area (as long as the department or variety store does not contain any food or beverage component) ^[24, 52]	X	X	P ⁵²	X	P ^{20, 31}	P
(iii) <u>Not exceeding 85,000 square feet of gross floor area or no more than 10% of gross floor area for food and beverage component</u>	<u>X</u>	<u>X</u>	<u>P</u> ⁵²	<u>X</u>	<u>P</u>	<u>P</u>
[(iii)] (iv) All others, ⁴⁰ in accordance with Section 27-348.02	X	X	SE	X	SE	P
* * * * *	*	*	*	*	*	*

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.

* * * * *

52 This [provision] limitation shall not apply to property which is located within the Developed Tier for which any portion of same:
 (A) Has an approved Preliminary Plan of subdivision for property which is or was at the time of subdivision split-zoned I-3 and R-R, and is located on and inside the Capital Beltway at an existing interchange with said Beltway, or

- (B) Is or was the subject of [any future] a Preliminary Plan of subdivision or Detailed Site Plan for an integrated shopping center developed pursuant to CB-65-2003; or
- (C) Is the subject of a building permit issued for said use prior to September 1, 2005 pursuant to CB-65-2003. All such uses on property meeting the above criteria shall be deemed permitted uses and shall not be considered nonconforming.

1 SECTION 2. BE IT FURTHER ENACTED that Department or Variety stores in
2 existence as of the effective date of this Ordinance may continue and shall not be deemed
3 nonconforming.

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

6 Adopted this 15th day of May, 2012.

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: _____
 Andrea C. Harrison, 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.