

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2001 Legislative Session

Bill No. _____ CB-63-2001
 Chapter No. _____
 Proposed and Presented by _____ Council Member Hendershot
 Introduced by _____ Council Member Hendershot
 Co-Sponsors _____
 Date of Introduction _____ October 23, 2001

ZONING BILL

1 AN ORDINANCE concerning

2 Food or Beverage Stores and Department or Variety Stores

3 For the purpose of amending the commercial use tables pertaining to food or beverage stores and
 4 department or variety stores as permitted and special exception uses.

5 BY adding:

6 Section 27-348.02,

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 (1999 Edition, 2000 Supplement).

12 BY repealing and reenacting with amendments:

13 Section 27-461(b),

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

15 being also

16 SUBTITLE 27. ZONING.

17 The Prince George's County Code

18 (1999 Edition, 2000 Supplement).

19 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 20 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional

District in Prince George's County, Maryland, that Section 27-348.02 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same is hereby added:

SUBTITLE 27. ZONING.

PART 4. SPECIAL EXCEPTIONS.

DIVISION 3. ADDITIONAL REQUIREMENTS FOR SPECIFIC SPECIAL EXCEPTIONS.

Sec. 27-348.02. Department or Variety Stores Combined With Food and Beverage Stores.

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

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

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

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

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

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

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

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

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

(7) The building entrance and nearby sidewalks shall be enhanced with a combination

1 of special paving, landscaping, raised planters, benches and special light fixtures.

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

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

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

7
8 SECTION 2. 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 Section 27-461(b) of the Zoning Ordinance of
11 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,
12 be and the same is hereby repealed and reenacted with the following amendments:

**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):						
Confectioner (not exceeding 40,000 square feet of gross floor area):						
(i) Retail	X	X	P	X	X	P
(ii) Wholesale (may include accessory retail sales)	X	X	X	X	P	X
Department or variety store, excluding pawnshops						
(i) <u>Not exceeding 125,000 square feet of gross floor area</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>P^{20,31}</u>	<u>P</u>
(ii) <u>Exceeding 125,000 square feet of gross floor area</u> <u>within the developed tier or a designated Revitalization</u> <u>Tax Credit Area</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>P^{20,31}</u>	<u>P</u>
(iii) <u>All others,³⁸ in accordance with Section 27-348.02</u>	<u>X</u>	<u>X</u>	<u>SE</u>	<u>X</u>	<u>SE</u>	<u>P</u>
Drug paraphernalia display or sales, pursuant to Section 27-115(a)(1)	X	X	X	X	X	X
* * * * *	*	*	*	*	*	*
Food or beverage goods preparation on the premises of a food or beverage store, provided the goods are only sold on the premises and at retail	X	PB	PB	PB	PB	PB

38 Permits for a store approved before January 15, 2002, without a special exception may continue in effect and be revised or amended, and such a store shall not be considered a nonconforming use. No permits for new food or beverage operations in such a store may be approved without a special exception.

Food or beverage goods preparation for wholesale sales:						
(i) Not exceeding 1,500 square feet of gross floor area	X	X	P	X	P	X
(ii) Containing 1,501 to 3,000 square feet of gross floor area	X	X	SE	X	P	X
Food or beverage store:						
(i) Not exceeding 3,000 square feet of gross floor area	X	P	P	PB	SE	P
(ii) <u>Not exceeding 125,000 square feet of gross floor area</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>SE</u>	<u>P</u>
(iii) <u>In combination with a department or variety store on the same or adjacent site, in accordance with Section 27-348.02</u>	<u>X</u>	<u>X</u>	<u>SE</u>	<u>X</u>	<u>SE</u>	<u>X</u>
(iv) All others	X	X	P	X	SE	P
Garden supplies store, floricultural or horticultural nursery, which may include the outdoor display of nursery stock, such as plants, shrubbery, and trees	X	P	P	X	P	X
* * * * *	*	*	*	*	*	*

20 Provided the use is on a parcel or contiguous parcels of land in the C-M Zone, the gross tract area of which is a minimum of fifty (50) acres, which is contiguous to an existing street right-of-way at least one hundred twenty (120) feet wide, and of which no more than thirty-five percent (35%) is occupied by the uses subject to this requirement. The entire tract of land in the C-M Zone shall require Detailed Site Plan approval in accordance with Part 3, Division 9 of this Subtitle. Each use subject to these requirements shall consist of at least twenty-five thousand (25,000) square feet of gross floor area, and uses consisting of less than fifty thousand (50,000) square feet of gross floor area are permitted only if there is one existing retail use consisting of more than one hundred thousand (100,000) square feet of gross floor area for every two (2) retail uses consisting of less than fifty thousand (50,000) square feet of gross floor area. Clothing, dry goods, millinery, and shoe stores shall be permitted by Special Exception in all other cases. For the purposes of this footnote, the word "contiguous" shall include parcels that are separated only by a right-of-way. However, a department or variety store consisting of no more than fifteen thousand (15,000) square feet of gross floor area shall be permitted upon a parcel or contiguous parcels of land in the C-M Zone, the gross tract area of which is no more than three (3) acres, and which is contiguous to an existing street right-of-way at least one hundred twenty (120) feet wide, subject to Detailed Site Plan approval in accordance with Part 3, Division 9, of this Subtitle. (CB-71-1993; CB-70-1998)

31 Provided:

- (A) The store shall be no less than 10,000 square feet nor more than 15,000 square feet;
 - (B) The use involves the demolition and redevelopment of a commercial use that has been vacant for a minimum of five years; and
 - (C) The site contains a minimum of three (3) acres and is adjacent to, or across from, an enclosed mall of at least 500,000 square feet.
- (CB-4-1999)

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

Adopted this _____ day of _____, 2001.

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: _____
Ronald V. Russell
Chairman

ATTEST:

Joyce T. Sweeney
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.