

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2025 Legislative Session

Bill No. CB-069-2025

Chapter No. _____

Proposed and Presented by Council Members Dernoga, Fisher, Olson and Oriadha

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Use Regulations – Permitted Uses – Quick Service Restaurants with Drive-Through

3 For the purpose of limiting the location of new fast-food restaurants with drive-throughs by

4 prohibiting such uses in residential zones and allowing such uses by special exception in certain

5 commercial zones to address the unique impacts associated with quick-service drive-through

6 restaurants.

7 BY repealing and reenacting with amendments:

8 Sections 27-5101, 27-5102 and 27-5402,

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

10 being also

11 SUBTITLE 27. ZONING.

12 The Prince George's County Code

13 (2023 Edition; 2024 Supplement).

14 WHEREAS, Prince George's County has an abundance of fast-food drive-through
 15 establishments already available to those who wish to frequent them; and

16 WHEREAS, fast-food drive-through establishments create unique impacts on surrounding
 17 neighborhoods and Prince George's County in general; and

18 WHEREAS, fast-food drive-through establishments can become magnets of traffic and
 19 congestion, discouraging walking, public transit use and visits to neighboring businesses; and

20 WHEREAS, fast-food drive-through restaurants also lead to accidents with pedestrians,

cyclists and other cars, and contradict the environmental and livability goals of our communities;
and

WHEREAS, permitting the unfettered development of fast-food drive-through restaurants contributes to prolonging the car-centric culture that plans like Plan 2035 seek to end; and

WHEREAS, Prince Georgians are experiencing a health crisis, with high obesity and heart disease rates, high exposure to the pollutants and particulates brought from car exhaust; and

WHEREAS, Prince Georgians have continuously expressed a desire for a more vibrant, walkable County- and this bill seeks to prevent poor development patterns that undermine that goal; now, therefore,

SECTION 1. BE IT ENACTED by the 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, that Sections 27-5101, 27-5102 and 27-5402 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 are hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 27-5. USE REGULATIONS.

SECTION 27-5100. PRINCIPAL USES.

27-5101. Principal Use Tables**(c) Principal Use Table for Rural and Agricultural, and Residential Base Zones**

| Table 27-5101(c): Principal Use Table for Rural and Agricultural, and Residential Base Zones | | | | | | | | | | | | | |
|--|--|-----------------------------------|----|----|------------------------|----|--------|--------|-------|--------|--------|--------|------------------------|
| P = Permitted by Right SE = Allowed only with approval of a Special Exception X = Prohibited | | | | | | | | | | | | | |
| Principal Use Category | Principal Use Type | Rural and Agricultural Base Zones | | | Residential Base Zones | | | | | | | | Use-Specific Standards |
| | | ROS | AG | AR | RE | RR | RSF-95 | RSF-65 | RSF-A | RMF-12 | RMF-20 | RMF-48 | |
| * * * * * | | | | | | | | | | | | | |
| Commercial Uses | | | | | | | | | | | | | |
| * * * * * | | | | | | | | | | | | | |
| Eating or Drinking Establishment Uses | * * * * * | | | | | | | | | | | | |
| | Restaurant, quick service (with drive-through) | X | X | X | X | X | X | X | X | X | [P] X | [P] X | 27-5102(e)(5)(A) |
| * * * * * | | | | | | | | | | | | | |

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(d) Principal Use Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones

| Table 27-5101(d): Principal Use Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones | | | | | | | | | | | | | | | | | | |
|--|--|---------------------------|------------------|------------------|-----------------|----|---|-----------------|------|------|------|-------|------|-------|------|------|------------------|------------------------|
| P = Permitted by Right SE = Allowed only with approval of a Special Exception X = Prohibited | | | | | | | | | | | | | | | | | | |
| Principal Use Category | Principal Use Type | Nonresidential Base Zones | | | | | Transit-Oriented/Activity Center Base Zones | | | | | | | | | | Other Base Zones | Use-Specific Standards |
| | | | | | | | NAC | TAC | | LTO | | RTO-L | | RTO-H | | | | |
| | | CN | CS | CGO | IE | IH | | | Core | Edge | Core | Edge | Core | Edge | Core | Edge | RMH | |
| * * * * * | | | | | | | | | | | | | | | | | | |
| Commercial Uses | | | | | | | | | | | | | | | | | | |
| * * * * * | | | | | | | | | | | | | | | | | | |
| Eating or Drinking Establishment Uses | * * * * * | | | | | | | | | | | | | | | | | |
| | Restaurant, quick-service (with drive-through) | X | [P] <u>SE</u> | [P] <u>SE</u> | [P] <u>X</u> | X | X | [P] <u>X</u> | X | X | X | X | X | X | X | X | | |
| * * * * * | | | | | | | | | | | | | | | | | | |
| 27-5102(e)(5) (A); and <u>special exception standards 27-3604, 27-5401, 27-5402</u> | | | | | | | | | | | | | | | | | | |

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(e) Principal Use Table for Planned Development Zones

| Table 27-5101(e): Principal Use Table for Planned Development Zones A = Permitted, unless the District Council prohibits the use in the PD Basic Plan SE = Allowed only with the approval of a Special Exception X = Prohibited | | | | | | | | | | | |
|--|--|---|---|---|---------------------------|--------|--------|--------|--------|------------------------|--|
| Principal Use Category | Principal Use Type | | | | Planned Development Zones | | | | | Use-Specific Standards | |
| | | | | | R-PD | NAC-PD | TAC-PD | LTO-PD | RTO-PD | MU-PD | IE-PD |
| | * | * | * | * | * | * | * | * | * | * | |
| Commercial Uses | | | | | | | | | | | |
| | * | * | * | * | * | * | * | * | * | * | |
| Eating or Drinking Establishment Uses | * * * | | | | * | * | * | * | * | * | * |
| | Restaurant, quick-service (with drive-through) | | | | [A] <u>SE</u> | X | X | X | X | X | [A] <u>X</u> 27-5102(e)(5)(A); <u>and special exception</u> <u>standards 27-3604,</u> <u>27-5401, 27-5402</u> |
| | * | * | * | * | * | * | * | * | * | * | |

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Sec. 27-5102. Requirements for Permitted Principal Uses

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|---|---|---|---|---|---|---|---|---|

(e) Commercial Uses

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| * | * | * | * | * | * | * | * | * |
|---|---|---|---|---|---|---|---|---|

(5) Eating or Drinking Establishment Uses**(A) Any Eating or Drinking Establishment Use**

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| * | * | * | * | * | * | * | * | * |
|---|---|---|---|---|---|---|---|---|

[(ii) A special exception as indicated in Tables 27-5201(b) through (e) shall not be required for the principal use "Restaurant, Quick-Service (with Drive-Through)".

However, if the establishment includes drive-through service, it also shall comply with the accessory use standards in Section 27-5203(b)(4), Drive-Through Service.]

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SECTION 27-5400. SPECIAL EXCEPTION STANDARDS**Sec. 27-5402. Additional Requirements for Specific Exception Uses****(z) [Reserved] Restaurant, quick-service (with drive-through)**

(1) A quick-service restaurant with drive-through may be permitted, subject to the following:

(A) Hours of operation shall be limited to the hours of 6:00am to 11:00pm;

(B) The proposed use will not constitute a nuisance because of noise, illumination, fumes, odors, or physical activity in the location proposed;

(C) The proposed use will not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads and intersections, or its location in relation to other buildings or proposed buildings on or near the site and the traffic patterns from such buildings or cause frequent turning movements across sidewalks and pedestrian ways, thereby disrupting pedestrian circulation within a concentration of retail activity;

(2) In addition to the requirements set forth in Section 27-3605, the site plan for a restaurant, quick-service with drive-through shall show the following:

(A) The topography of the subject lot and abutting lots (for a depth of at least fifty (50) feet); and

(B) The location and type of trash enclosures.

1 (3) Upon the abandonment, the Special Exception shall terminate. For the purpose of
2 this Subsection, the term "abandonment" shall mean non-operation of the drive-through for a
3 period of twenty-four (24) months.

4 (4) When approving a Special Exception for a quick service restaurant with drive-
5 through, the District Council shall find that for the proposed use:

6 (A) A need exists for the proposed use for service to the population in the
7 community considering the present availability of such use to the community;

8 (B) A need exists for the proposed use due to an insufficient number of similar
9 uses presently available to serve existing population concentrations in the neighborhood; and

10 (C) The proposed use will not result in an excessive concentration of similar
11 uses in the same general neighborhood of the proposed use.

12 SECTION 2. BE IT FURTHER ENACTED that any Special Exception or Detailed Site
13 Plan application filed prior to July 1, 2025, and approved shall not be subject to this provision
14 and shall be deemed a conforming use.

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

Adopted this ____ day of _____, 2025.

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: _____
Edward P. Burroughs III
Chair

ATTEST:

Donna J. Brown
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.

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