

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

Meeting Date: 11/25/97

Reference No.: CB-110-1997

Proposer: Gourdine

Draft No.: 1

Sponsors: Gourdine

Item Title: An Ordinance prohibiting vendors from operating on private property without a temporary permit

Drafter: Jackie Brown
PZ&ED Committee Director

Resource Personnel: Hubert Green
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: __/__/__

Executive Action: __/__/__ __

Committee Referral: 10/28/97 PZED

Effective Date: __/__/__

Committee Action: 11/13/97 FAV(A)

Date Introduced: 10/28/97

Pub. Hearing Date: 11/25/97 1:30 PM

Council Action: 11/25/97 TABLED

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

Pass/Fail: P

Remarks: (11/25/97 - DR-2 was not substituted for DR-1)

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 11/13/97

Committee Vote: Favorable as amended, 4-0 (In favor: Council Members Del Giudice, Hendershot, Maloney and Wilson)

Council Member Del Giudice, Chairman of the Committee, explained that CB-110-1997 bypassed presentation and was already introduced. Staff gave an overview of the legislation, providing a proposed Draft-2 (DR-2) of the bill and indicated that the public hearing for CB-110-1997 was scheduled for November 25, 1997.

Council Member Gourdine, the bill's sponsor, indicated to the Committee that he introduced this legislation due to the numerous vendors operating in shopping center parking lots located along

Indian Head Highway. He commented that these vendors have handmade signs to advertise the sale of various goods. Mr. Gourdine believes that the vendors are unsightly, generate litter and use parking spaces intended for patrons of the shopping centers. An area of particular concern to Mr. Gourdine is the shopping center located at the intersection of Oxon Hill and Livingston Roads in the vicinity of St. Barnabas Road, which is owned by a church which leases space in the parking lot to vendors who operate during the weekends at this location.

The amendments in DR-2 include deleting subsection (p) beginning on line 3, page 2 of Draft-1 in its entirety and adding new language to Section 27-261, subsection (d), as provided in DR-2. Staff proposed these amendments to the legislation as a result of comments received from the Park and Planning staff. These comments indicated that Draft-1 did not accomplish the intent of the legislation to prohibit peddlers and itinerant vendors from operating on parking lots of shopping centers. Draft-1 actually allowed all vendors (including all businesses and commercial operations) in any zone on public land, required all vendors to receive a temporary permit that is valid for only one day per quarter year and prohibited all vendors and businesses from operating after January 1, 1999.

Beginning on line 10, page 2, in DR-2, new language was added to Section 27-261(d) to read: The permit shall be issued "for a single period" of not more than three (3) consecutive months "in a twelve (12) month period." The additional language provides clarification that the Department of Environmental Resources should not repeatedly issue permits for three month consecutive periods even if there has been a lapse in operation of the use for any period of time. Additionally, new language was added to this section beginning on line 12, page 2, of DR-2 entitled "Vendors" to include the requirements for vendors to obtain temporary permits to operate on private property.

The Planning Board supports the intent of the legislation. At the time the Board reviewed the bill, a copy of DR-2 with the clarifying amendments necessary to accomplish the bill's purpose was not available. However, based on the comments received by Planning Board staff, DR-2 addresses these concerns and meets the intent of the legislation. The Office of Law finds the bill to be in proper legislative form. The Office of Audits and Investigations indicates that there may be some positive fiscal impact on the County as a result of enacting CB-110-1997 related to any additional revenue collected from the issuance of temporary permits.

Several residents in the Fort Washington area spoke regarding their concerns associated with the numerous vendors operating in their neighborhoods. The following individuals spoke in support of the legislation: Anne Reifsneider, Town of Forest Heights Council Member; Deon Buffaloe, President, Prophecy Homeowners' Association; Dawn Davit, President, Potomac Valley Citizens Association; Gwen Graves, President, Riverview Acres Neighborhood Association; Bob Yager, Board Member, Potomac Valley Citizens Association; Jim Davit, Potomac Valley Citizens Association; Ed Morgan, President, Riverbend Estates Homeowners' Association; Nan Hawkins and Julia Clark.

The Committee voted a favorable recommendation on Draft-2.

BACKGROUND INFORMATION/FISCAL IMPACT

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

Section 27-260 of the Zoning Ordinance provides for the issuance of temporary permits for specific temporary structures and uses, which are listed in Section 27-261. There are currently fifteen (15) such temporary uses listed, and this legislation adds another. This legislation requires certain vendors to obtain temporary permits and restricts their operation pursuant to Section 27-261.

CODE INDEX TOPICS: