

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2010 Legislative Session**

Bill No. _____ CB-34-2010 _____

Chapter No. _____

Proposed and Presented by _____ Council Members Exum and Knotts _____

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Check Cashing Businesses

3 For the purpose of amending the definition and regulations for check cashing businesses.

4 BY repealing and reenacting with amendments:

5 Sections 27-107.01, 27-341.01, 27-461(b), 27-473(b) and 27-547(b) (c),

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

7 being also

8 SUBTITLE 27. ZONING.

9 The Prince George's County Code

10 (2007 Edition, 2009 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
12 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
13 District in Prince George's County, Maryland, that Sections 27-107.01, 27-341.01, 27-461(b),
14 27-473(b) and 27-547(b) (c) of the Zoning Ordinance of Prince George's County, Maryland,
15 being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed
16 and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 2. GENERAL.

DIVISION 1. DEFINITIONS.

Sec. 27-107.01. Definitions.

* * * * *

(46) **Chancery:** The administrative offices and tribunal of a "Church" (not otherwise permitted as an "Accessory Use") which are solely related in scope and function to the "Church."

(46.1) **Check Cashing Business:** An establishment which accepts or cashes, for compensation, a payment instrument regardless of the date of the payment instrument. This use does not include activities undertaken by: (i) any bank, trust company, savings bank, savings and loan association, or credit union chartered under the laws of this state, another state, or the United States as long as that institution has a branch that accepts deposits in this state; or (ii) any subsidiary or affiliate of an institution described in part (i) above (generally those exempt under Section 12-103 of the Maryland Financial Institutions Code Annotated (as amended from time to time)). Additionally, this use does not include a business: (i) operating with a valid state license for check cashing issued prior to September 1, 2009; [for which a fee of up to 1.5% of the face amount of the payment instrument is charged per payment instrument, and are incidental to the retail sales of goods or services by the person that is providing the check cashing services] (ii) in which a customer presents a payment instrument for the exact amount of a purchase; or (iii) involving foreign currency exchange services or the cashing of a payment instrument drawn on a financial institution other than a federal, state, or other state financial institution.

(46.2) **Chesapeake Bay Critical Area:** All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the state wetlands maps, all state and private wetlands designated under the Annotated Code of Maryland, Natural Resources Article, Title 9, and all land and water areas within one thousand (1,000) feet beyond the landward boundaries of state or private wetlands and heads of tides designated under the Annotated Code of Maryland, Natural Resources Article, Title 9, as indicated on approved Chesapeake Bay Critical Area Overlay Zoning Map Amendments.

* * * * *

PART 4. SPECIAL EXCEPTIONS.

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

Sec. 27-341.01. Check Cashing Business.

(a) A check cashing business may be permitted, subject to the following:

(1) Issuance of a valid state license for check cashing;

[(1)](2) Hours of operation shall be limited to the hours of [9:00 a.m. to 8:00 p.m.] 8:00 a.m. to 9:00 p.m., unless such hours contravene a shopping center lease agreement in which case the hours shall be allowed to conform with the general operating hours of the businesses within the shopping center;

[(2)](3) A schedule of fees/charges shall be posted and immediately visible to persons upon entering the Check Cashing Business. A copy of the fee schedule shall also be made available to all persons upon entrance to the Check Cashing Business;

[(3) No other business shall share floor space with the Check Cashing Business;]

(4) Security lighting and cameras shall be provided on all open sides of the Check Cashing facility providing surveillance of the area within 100 feet from the exterior of the building; and

[(5) At least one (1) security employee (with no other duties) must be on the premises when the Check Cashing Business is open for business; and]

[(6)](5) Cashiers must work behind bullet resistant glass.

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:						
* * * * *	*	*	*	*	*	*
(C) Offices:						
Bank, savings and loan association, or other savings or lending institution:						
(i) Automatic teller machine, only	P	P	P	P	P	P
(ii) All others	P	P	P	X	P	P
Check Cashing Business	SE ⁵⁵	SE ⁵⁵	SE ⁵⁵	X	SE ⁵⁵	SE ⁵⁵
Contractor's office (see paragraph (3), Miscellaneous)						
* * * * *	*	*	*	*	*	*

⁵⁵ [Businesses with a valid state license for check cashing issued prior to September 1, 2009 may continue as a matter of right and shall not be deemed nonconforming.] Businesses operating prior to September 1, 2009 offering check cashing without a valid state license may continue as a matter of right and shall not be deemed nonconforming provided the business is in compliance with the conditions set forth in Section 12-102 of the Maryland Financial Institutions Code Annotated. Any change in tenant or ownership of the check cashing business requires approval of a special exception for this use prior to issuance of the Use & Occupancy permit.

**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:					
* * * * *	*	*	*	*	*
(C) Offices:					
Bank, savings and loan association, or other savings or lending institution:					
(i) With drive through	P	P	P	P ¹⁷	SP
(ii) All others	P	P	P	P ¹⁷	P
Check Cashing Business	SE ⁵³	SE ⁵³	SE ⁵³	X	SE ⁵³
* * * * *	*	*	*	*	*

⁵³ [Businesses with a valid state license for check cashing issued prior to September 1, 2009 may continue as a matter of right and shall not be deemed nonconforming.] Businesses operating prior to September 1, 2009 offering check cashing without a valid state license may continue as a matter of right and shall not be deemed nonconforming provided the business is in compliance with the conditions set forth in Section 12-102 of the Maryland Financial Institutions Code Annotated. Any change in tenant or ownership of the check cashing business requires approval of a special exception for this use prior to issuance of the Use & Occupancy permit.

DIVISION 3. USES PERMITTED.

Sec. 27-547. Uses permitted.

(b) TABLE OF USES.

USE	ZONE	
	M-X-T	M-X-C
(1) COMMERCIAL:		
All Types Offices and Research	P	P
Banks, savings and loan association, or other savings or lending institution	P	P
Bulk Retailing	X ⁹	X
Check Cashing Business	SE ¹¹	SE ¹¹
Data processing facilities	P	P
Eating or Drinking Establishments	P	P
* * * * *	*	*

¹¹ [Businesses with a valid state license for check cashing issued prior to September 1, 2009 may continue as a matter of right and shall not be deemed nonconforming.] Businesses operating prior to September 1, 2009 offering check cashing without a valid state license may continue as a matter of right and shall not be deemed nonconforming provided the business is in compliance with the conditions set forth in Section 12-102 of the Maryland Financial Institutions Code Annotated. Any change in tenant or ownership of the check cashing business requires approval of a special exception for this use prior to issuance of the Use & Occupancy permit.

(c) TABLE OF USES FOR M-U-TC ZONE.

	ZONE
USE	M-U-TC
(1) COMMERCIAL:	
* * * * *	*
(C) Offices:	
Bank, savings and loan association, or other savings or lending institution:	
(i) Automatic teller machine, only	SP
(ii) All others	P
Check cashing business	SE ⁴
Office accessory to an allowed use	P
Office of a medical practitioner or medical clinic (which may include an accessory private spa)	P
* * * * *	*

⁴ [Businesses with a valid state license for check cashing issued prior to September 1, 2009 may continue as a matter of right and shall not be deemed nonconforming.] Businesses operating prior to September 1, 2009 offering check cashing without a valid state license may continue as a matter of right and shall not be deemed nonconforming provided the business is in compliance with the conditions set forth in Section 12-102 of the Maryland Financial Institutions Code Annotated. Any change in tenant or ownership of the check cashing business requires approval of a special exception for this use prior to issuance of the Use & Occupancy permit.

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

Adopted this ____ day of _____, 2010.

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: _____
Thomas E. Dernoga
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.