

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2021 Legislative Session

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**Reference No.:** CR-069-2021

**Draft No.:** 2

**Committee:** COMMITTEE OF THE WHOLE

**Date:** 06/24/2021

**Action:** FAV(A)

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### REPORT:

Committee Vote: Favorable as amended, 11-0 (In favor: Council Members Hawkins, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Ivey, Streeter, Taveras and Turner)

The County Council, sitting as the Committee of the Whole, convened on June 24, 2021 to consider CR-69-2021. The Planning, Housing and Economic Development Committee Director summarized the purpose of the resolution. CR-69-2021 extends the temporary restaurant outdoor seating authorization provided pursuant to the County Council's adoption of CR-48-2020 on June 5, 2020.

Council Member Ivey, the bill's sponsor, informed the Committee that this resolution would allow restaurants to continue with the outdoor seating authorization until permanent legislation amending the Zoning Ordinance can be put in place.

The Office of Law reviewed CR-69-2021 and finds it to be in proper legislative form. The Office of Law sees no legal impediments to its adoption and provides the following note: "CR-69-2021 seeks an extension of temporary restaurant seating authorization that was first authorized in CR48-2020. CR-48-2020 was adopted as a result of the Maryland Governor's declaration of State of Emergency and the County's emergency declarations. In the event the State or County emergency declaration is lifted, the County Council will need to make the appropriate amendment(s) in CR-69-2021 to reflect this change. Also, if the County Council intends to permanently suspend certain restrictions on outdoor seating arising under Subtitle 27 of the Prince George's County Code, being also the Prince George's County Zoning Ordinance, outside of a State or County emergency status (i.e., COVID-19 pandemic), the County Council should consider enacting such legislation via enactment of a Council Bill."

Council Member Turner recommended that given the intent to make the outdoor seating authorization a permanent measure, certain references to a state of emergency in CR-69-2021 should be removed. Council Member Glaros suggested that the Department of Permitting, Inspections and Enforcement conduct a survey of restaurant owners who have participated in the more flexible seating authorization to determine if it has been beneficial for their business. Council Member Dernoga also commented that on a more permanent basis, the outdoor seating authorization may require review on a case by case basis in order to ensure walkability and

bikeability in urban areas. Council Member Ivey proposed an amendment to the resolution to provide that the outdoor seating authorization remain in effect until December 31, 2022.

Terry Bell, County Executive’s Liaison to the County Council, indicated that the County Executive is in support of the legislation.

On a motion by Council Member Ivey and second by Vice-Chair Taveras, the Committee of the Whole voted favorable on CR-69-2021 as amended on page 3, line 1 to strike “during the local declaration of emergency caused by the COVID-19 public health emergency” and lines 27-28 strike “for a calendar year after it is adopted” and insert “until December 31, 2022”.