

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

Meeting Date: 11/14/95

Reference No.: CB-64-1995

Proposer: Maloney

Draft No.: 1

Sponsors: Maloney, Del Giudice, Gourdine

Item Title: An Ordinance deleting the provision that allows industrial uses that are not specifically listed in the use table to be approved by Special Exception in the I-1, I-2, I-4, and U-L-I Zones

Drafter: Mary Lane, Com. Director
PZ&ED Committee

Resource Personnel: Andrew Eppelmann
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 7/26/95

Executive Action: __/__/__

Committee Referral:(1) 7/26/95 PZED

Effective Date: 1/2/96

Committee Action:(1) 10/2/95 FAV

Date Introduced: 10/10/95

Pub. Hearing Date: (1) 11/14/95 1:30 P.M.

Council Action: (1) 11/14/95 ENACTED

Council Votes: AMc:A, DB:A, SD:A, JE:A, IG:A, WM:A, RVR:A, AS:A, MW:A

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 10/2/95

Committee Vote: Favorable, 3-1 (In favor: Council Members Gourdine, MacKinnon and Maloney;
in opposition: Council Member MacKinnon)

This legislation deletes the provision in the Industrial Zones Use Table that permits, by Special Exception, any industrial use not specifically listed. The sponsor noted that this provision is contrary to other zoning principles, which state that uses not specifically permitted are prohibited. It has also ignores the concept of a Special Exception, which presumes that a Special Exception use is permitted. Committee members discussed the problems that this provision has caused, most notably

applicants defining a prohibited use in a different way, applying for a Special Exception under this provision, for which there are no specific criteria, and continuing illegal operations while the Special Exception is under consideration. It was also noted that this provision applies to all the industrial zones except the I-3 Zone, where heavy industrial uses would not necessarily be appropriate.

The Planning Board opposed the legislation, noting that a general "catch-all" category is both necessary and useful. It was recommended that in lieu of deleting the provision, a set of generic requirements be incorporated into the Ordinance. These requirements should include an impact statement detailing the operational characteristics of the use. Findings should be added regarding the consistency of the use with the purposes of the zone, the sufficiency of the size of the property, whether the use is a nuisance, and impact of the traffic that would be generated by the use.

Council Member MacKinnon requested, prior to final action on this legislation, a listing of the way in which this provision has been used over the past five years.

BACKGROUND INFORMATION/FISCAL IMPACT
(Includes reason for proposal, as well as any unique statutory requirements)

Section 27-473(a) states that "All uses not listed (in Section 27-473(b), the use table for the Industrial Zones) are prohibited." However, the use table includes a provision allowing industrial uses that are not specifically listed to be approved by Special Exception in four of the five industrial zones. Furthermore, there are no specific Special Exception requirements for these industrial uses. This legislation deletes the provision in the use table, which will make all uses not listed prohibited.

CODE INDEX TOPICS: