

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2017 Legislative Session

Reference No.: CB-060-2017

Draft No.: 2

Committee: PLANNING, ZONING AND ECONOMIC DEVELOPMENT

Date: 9/13/2017

Action: FAV (A)

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Harrison, Franklin, Glaros, Patterson and Toles)

Council staff summarized the purpose of CB-60-2017 and informed the Committee of written referral comments received concerning the legislation. Council Member Franklin, the bill's sponsor, informed the Committee that CB-60-2017 is a follow up bill to legislation enacted in 2016 to allow business owners to make necessary improvements to their property to comply with State Liquor Board requirements.

The Planning Board opposed the legislation and provided an analysis in a letter dated June 16, 2017 to Council Chairman Davis. The bill appears to exempt the site from the requirement of demonstrating compliance with the Woodland and Wildlife Habitat Conservation Ordinance under Subtitle 25. A site cannot be exempt from the Woodland Conservation Ordinance through a zoning bill. Next, the bill exempts the site from zoning, but at the same time requires the site to be reviewed in conformance with regulations in place when the first Use and Occupancy permit was issued. It is not possible to review the site for conformance with zoning and parking regulations in 1945 when the original building on this site was built. Zoning did not begin in the County until 1949.

The Office of Law reviewed CB-60-2017 and provided comments expressing concern regarding the expansion of exemptions that further exempt only a few sites from Health, Safety and Welfare codes. Additionally, Section 2 of the bill does not address what the use will be considered if no action is taken by the Council after January 1, 2019, or, this section should clarify if the site will be subject to current building, zoning and parking standards or regulations after the date of abrogation. The Department of Inspections, Permitting and Enforcement (DPIE) reviewed the legislation and commented that any renovations/expansion of an existing business shall comply with the current construction codes, to the extent applicable, and not to the codes existing at the time of original Use and Occupancy.

Neil Patel, owner of Marlboro Country Liquors, testified in support of the legislation.

Council Member Franklin informed the Committee that the exemptions to Subtitles 4 and 25 will be addressed through separate legislation. The Committee voted favorable on CB-60-2017 including amendments to limit the type of improvements to the property, specifically "related to storage" that would be exempt from certain Code regulations and to address Planning Board comments. The amended subsection (d) is included in Draft-2 of the legislation.