

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

Meeting Date: 10/22/96

Reference No.: CB-92-1996

Proposer: M-NCPPC

Draft No.: 2

Sponsors: MacKinnon, Wilson

Item Title: An Ordinance to allow certain uses in the Transit District Overlay Zone that are permitted in less intensive industrial and commercial zones

Drafter: Jimi Jones, M-NCPPC

Resource Personnel: Helen Payne, John Funk,
M-NCPPC

LEGISLATIVE HISTORY:

Date Presented: 9/24/96

Executive Action: __/__/__ __

Committee Referral:(1) 9/24/96 PZED

Effective Date: 1/6/97

Committee Action:(1) 10/16/96 NR(A)

Date Introduced: 10/22/96

Pub. Hearing Date: (1) 11/19/96 1:30 PM

Council Action: (1) 11/19/96 Enacted

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

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECON. DEV. COM. REPORT

DATE: 10/16/96

Committee Vote: No recommendation with technical amendments, 5-0 (In favor: Council Members Wilson, Estepp, MacKinnon, Maloney and Russell).

This legislation, which was proposed by the Planning Board, is intended to provide more flexibility in the Transit District Overlay Zones. It will only impact TDOZs that have not yet been adopted, such as College Park, and will not impact the current TDOZs unless the TDDPs for those areas are revised. Specifically, this legislation will allow the Transit District Development Plan for a specific area to permit the uses allowed in less intense commercial and industrial zones if the property is located in a commercial or industrial zone. For example, if a property is in the I-2 Zone, all the uses permitted in all the other industrial and all the commercial zones may be permitted by right.

The Office of Law finds the bill to be in proper legislative form. John Funk, representing the Planning Board, explained that the legislation is intended to allow properties in the I-1 and I-2 Zones in the proposed College Park TDOZ more flexibility, particularly in the establishment of retail and service uses. The TDDP may currently restrict specific uses that would otherwise be permitted; this bill will allow the Council to allow additional, less intense uses. The uses that would be permitted must be clearly specified in the TDDP adopted by the Council. An amendment was discussed that would have prevented existing uses from becoming nonconforming, but this amendment was rejected by the Committee. The bill was reported out with only technical amendments.

BACKGROUND INFORMATION/FISCAL IMPACT

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

This legislation allows more flexibility of uses in the T-D-O Zone. This was initiated due to constraints of uses in principally the I-1 and I-2 Zones (existing) and the M-X-T Zone (considered) located within the preliminary boundary of the College Park-Riverdale Transit District. However, these types of constraints can be found in other transit districts, since most TDOZs are located in predominantly industrial and commercial zones. By allowing certain uses that are permitted by right in less intense industrial and commercial zones, the intent of this section is maintained. The I-1 and I-2 Zones do not permit retail unless ancillary to the main use. Neither do these zones permit the types of service commercial uses that are pedestrian-oriented and appropriate in a transit district. Since industrial zones are the most intense in terms of use, this new language addresses the TDOZ purposes, particularly Purpose (12): "To provide flexibility in the design and layout of buildings and structures, and to promote a coordinated and integrated development scheme." By retaining the underlying zone, existing uses can remain viable and not become nonconforming. In the event a property owner wishes to sell their business or property, the new owner will have a wider menu of permitted uses and will not be tied to the existing use at the time of purchase. By including only less intense commercial and industrial uses, the intent of this section is maintained. The District Council ultimately decides which uses will be included in the Transit District Development Plan. This legislation was drafted with, and at the request of, the College Park-Riverdale Transit District Development Planning Team.

CODE INDEX TOPICS: