

PRINCE GEORGE'S COUNTY COUNCIL
COMMITTEE REPORT
2016 Legislative Session

Reference No.: CB-70-2016
Draft No.: 2
Committee: PLANNING, ZONING, AND ECONOMIC DEVELOPMENT COMMITTEE
Date: October 5th, 2016
Action: FAV (A)

REPORT:

Committee Vote: Favorable with amendments, 5-0 (In favor: Council Members Harrison, Franklin, Glaros, Taveras, and Toles)

Staff provided an overview of the legislation and informed the Committee of written referral comments that were received. Council Vice-Chair Glaros, the bill's sponsor, informed the Committee that the amendments to the Zoning Ordinance provided in CB-70-2016 are intended to address a hindrance in the Code to using kitchens in religious institutions, schools, and private clubs.

Committee staff summarized amendments in a Proposed Draft-2 (DR-2), prepared at the sponsor's request in response to referral comments, as follows: On page 1, line 3, strike "as an accessory use", and in the table on pages 2 and 4 strike the new use classified as "Kitchen located within a church, private club, or private school as an accessory use for commercial preparation of food or beverages for off-site consumption" and replace with "For profit catering for offsite consumption, in a kitchen located within a church, private club, or private school."

The Planning Board supports the legislation with suggested amendments as provided in their position letter. Specifically, the Board raised concern that the bill could be interpreted to permit a commercial carryout in every church, private club, or private school which would generate numerous traffic impacts to the surrounding neighborhood. As drafted, the bill also could have huge implications for the existing use of the property. There could be parking impacts as a result of the accessory use.

The Chief Zoning Hearing Examiner (ZHE) reviewed the legislation and suggested amendments that were incorporated in the Proposed DR-2 to remove "as an accessory use" in the new use on page 2 of the bill. The ZHE recommended deletion of this reference to an accessory use since it is clear that the commercial preparation will not be done by an entity with any connection to the principal use. The Office of Law reviewed CB-70-2016 and determined that it is in proper legislative form with no legal impediments to its enactment.

Claudia Raskin, representing Food Equity Council, and Margaret Morgan Hubbard, representing ECO City Farms and Food Equity Council, testified in support of the legislation.

The Committee voted favorable including additional clarifying amendments to the new use in Proposed DR-2 as follows: in the table on pages 2 and 4, modify the use to read “Catering or food processing for offsite consumption, in a commercial kitchen located within a church, private club, or private school”. The bill title and purpose clause were also amended accordingly.