

Prince George's County Council Agenda Item Summary

Meeting Date: 11/16/2004
Reference No.: CB-078-2004
Draft No.: 2
Proposer(s): Dernoga
Sponsor(s): Dernoga, Harrington
Item Title: An Ordinance defining concrete recycling facility, amending the definition of recycling plant to exclude concrete recycling facilities, to require a special exception for concrete recycling facilities, and prohibiting the use of a rock crusher in conjunction with the manufacturing or cutting of structural products made of clay, concrete, glass, stone, or similar materials under certain conditions.

Drafter: Ralph E. Grutzmacher, Legislative Officer
Resource Personnel: Judith Thacher, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	7/27/2004	Executive Action:	
Committee Referral:	7/27/2004 - PZED	Effective Date:	1/3/2005
Committee Action:	9/8/2004 - HELD 9/29/2004 - FAV		
Date Introduced:	10/12/2004		
Public Hearing:	11/16/2004 - 10:00 AM		
Council Action (1)	11/16/2004 - ENACTED		
Council Votes:	MB:A, SHD:A, TD:A, CE:A, DCH:A, TH:-, TK:A, DP:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-107.01, 27-343.03, 27-473

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT COMMITTEE

Date 9/29/2004

Committee Vote: Favorable, 5-0 (In favor: Council Members Dernoga, Bland, Dean, Exum and Harrington)

Staff summarized referral comments that were presented at the September 8 committee meeting. The Planning Board provided comments in support of CB-78-2004. However, the Planning staff noted that the current definition of rock crusher includes the breaking up of materials such as concrete and that a rock crusher is part of the operation listed in the use tables as manufacturing or cutting of structural products made of materials including concrete permitted in the I-1 and I-2

Zones. This section of the ordinance may need to be amended to exclude concrete from this definition upon enactment of CB-78-2004.

The Zoning Hearing Examiner noted similar concern as that of the Planning staff and requested clarification that the new use, concrete recycling facility, is not a concrete batching or mixing plant, which is currently listed in the ordinance with specific criteria. The committee agreed that the intent of the bill is to require a Special Exception whenever the activity including the separating, recycling, crushing of material, including concrete, requires a Special Exception in the I-2 Zone.

Ms. Camille Chapman, President, Longwood Community Association, submitted a letter to the committee director dated September 3, 2004 expressing the Association's support of CB-78-2004. The letter provides an explanation of their support of a Special Exception to ensure that these types of facilities will be examined more closely to determine not only the environmental impact, but also their impact on the surrounding community as a whole.

PLANNING, ZONING & ECONOMIC DEVELOPMENT COMMITTEE

Date 9/8/2004

Held in committee.

This bill defines a new use, concrete recycling facility, clarifying that it is not a recycling plant, and permits the use in the industrial zones by special exception. The bill requires that concrete recycling facility components with a potential for adverse impacts such as noise, dust and/or vibration be located at least three hundred feet from property in residential or commercial zones and one hundred feet from land in an industrial zone. Other components of the operation, including office uses, must be located one hundred feet from residential land.

The bill's sponsor informed the committee that this bill is intended to address a situation in his district in which an operator of an industrial use is seeking to obtain a rock crusher. Pursuant to this bill, a special exception would be required.

The Principal Counsel and the Office of Law determined that the bill is in proper legislative form. The Office of Law also noted that there is at least one existing concrete recycling facility in the County which would not be grandfathered by this legislation as it is currently drafted. Therefore, any facility that would be in existence upon the adoption of this bill would be a nonconforming use because it has no Special Exception to run the concrete recycling facility. Any such facility could be certified as a nonconforming use or obtain the Special Exception.

The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-78-2004. Due to August recess, the Planning Board had not had an opportunity to comment on this legislation prior to the committee meeting.

Council Member Dean expressed concern about the 300-foot setback requirement between residential properties and concrete recycling facility components and other parts of the operation. He requested that the bill be held to allow time to determine if this setback is sufficient for a residential neighborhood that is in close proximity to heavy industrial uses.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This legislation defines a new use, concrete recycling facility, permits the use in the Industrial Zones by special exception, and clarifies that this use is not a recycling plant.

CODE INDEX TOPICS:

INCLUSION FILES:
