

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2017 Legislative Session

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**Reference No.:** CB-101-2017

**Draft No.:** 2

**Committee:** PLANNING, ZONING AND ECONOMIC DEVELOPMENT

**Date:** 10/04/2017

**Action:** FAV (A)

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Committee Vote: Favorable as amended, 3-0 (In favor: Council Members Harrison, Franklin and Patterson)

The Committee Director gave an overview of the legislation and informed the Committee of written referral comments received. Council Member Franklin, the bill's sponsor, informed the Committee that CB-101-2017 is intended to facilitate the utilization of surface mining sites in the Rural Tier. Mr. Franklin explained that the sites, used for surface mining since at least the 1960's, are appropriate for a number of things including recycling plant uses.

The Planning Board opposed the legislation and provided an analysis of this position in a September 28, 2017 letter to Council Chairman Davis. The Office of Law reviewed CB-101-2017 and offered comments indicating that the bill may be subject to challenge as it appears to be drafted for a specific parcel and advised the use of actual defined parameters and not the use of another County's line since county lines are always susceptible to change.

The Chief Zoning Hearing Examiner (ZHE) reviewed CB-101-2017 and provided the following comments via electronic mail dated October 3, 2017:

“First recycling plants are currently permitted by Special Exception due to its broad definition (“Any establishment in which a finished product is broken down ... excluding biological or chemical decomposition ... with the intent of either making a new product or reusing the disassembled parts....”) The bill will permit the use by right under certain conditions and subject to the development regulations for the I-2 Zone. If it were permitted by SE the recycling of textiles, rubber products, nonferrous metals, or miscellaneous materials would have to occur within the interior of a wholly enclosed building, there could be no outdoor storage of materials, and the applicant would have to submit an impact statement that dealt with, among other things, pollution control measures and measures for the control of noxious odors.

And on a technical noted Footnote 119 E should be revised to state that “The Development regulations in Part 7... shall apply; as such, the development regulations for the Residential Zone shall not apply....”

In response to referral comments received, the Zoning and Legislative Counsel gave an overview of revisions to Footnote 119 on page 2, in a Proposed Draft-2 (DR-2), as follows: change “the lot or parcel” to “the lot(s) or parcel(s) and in the last subsection after “in accordance with Part 7

(Industrial Zone regulations) for the I-2 Zone”, insert “as such, the development regulations for the Residential Zone shall not apply.”

Matt Tedesco, representing The Anderson Co., testified in support of the legislation.

Council Members discussed the need for the recycling plant use given the increase in development in the County and how best to make it work in appropriate locations. After discussion and questions from members, the Committee voted favorable on Proposed DR-2 as well as the following additional amendment to address the ZHE comments: in Footnote 119, insert a new subsection (E) to read: “Excludes the recycling of textiles, rubber products or nonferrous metals”.