

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

Meeting Date: 6/11/96

Reference No.: CB-10-1996

Proposer: Russell, Scott

Draft No.: 1

Sponsors: Russell, Scott

Item Title: An Ordinance for the purpose of permitting a landscaping contractor's business in the R-E Zone by Special Exception

Drafter: Mary Lane
PZED Committee Director

Resource Personnel: Dawn DeWitt
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 3/12/96

Executive Action: __/__/__ __

Committee Referral:(1) 3/12/96 PZED

Effective Date: 8/26/96

Committee Action:(1) 4/9/96 FAV

Date Introduced: 6/11/96

Pub. Hearing Date: (1) 7/9/96 2:00 P.M.

Council Action: (1) 7/9/96 ENACTED

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

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECON. DEV. COMMITTEE REPORT

DATE: 4/9/96

Committee Vote: Favorable, 4-0-1 (In favor: Council Members Estep, MacKinnon, Russell, and Wilson; abstaining: Council Member Maloney).

Staff explained that landscaping contractors' businesses are currently prohibited in the R-E (1 acre) Zone, but are permitted by Special Exception in the R-O-S (20 acre), O-S (5 acre), R-A (2 acre), and R-R (one-half acre) Zones, subject to certain requirements regarding minimum site area, access and circulation, and buffering. The sponsor noted that this use is permitted by Special Exception in the other residential zones that have similar purposes and minimum lot sizes. The Planning Board and the Chamber of Commerce support the legislation, and the Legislative Officer and the Office of Law found it to be in proper legislative form.

The Committee asked about other commercial uses permitted in the R-E Zone, and staff provided a listing of 20 commercial and institutional uses that are permitted by Special Exception, such as Nursery and Garden Centers, as well as a number of temporary and institutional uses that are permitted by right. The Committee requested that staff provide information regarding the amount of land that will be impacted by this legislation, specifically R-E zoned land of 25 acres or more. This information will be provided prior to the public hearing. The Committee also inquired about the history of this and other commercial uses in the residential zones. Subsequent to the meeting, staff found that the R-E Zone was created in 1975 through the enactment of CB-67-1975. At that time, a number of commercial uses were permitted by Special Exception, including airports, parking for adjacent commercial uses, hospitals, insurance sales offices, medical practitioners' offices, real estate sales offices, sand and gravel pits, and surface mining. The specific use "landscaping contractor's office" did not appear in the Ordinance until the 1994 reformatting of the Zoning Ordinance. At that time, it was included as a Special Exception use in the O-S, R-A and R-R Zones. It was subsequently permitted by Special Exception in the R-O-S Zone when the R-O-S Zone was created in 1994.

William Knight, representing R.J. Sunday Landscaping, spoke in support of the legislation, explaining that his client is interested in locating her business in R-E Zoned property on Mount Oak Road. Following a discussion regarding the appropriateness of this use in the R-E Zone, the Committee voted it out with a favorable report. Council Member Maloney explained that he was abstaining until the information requested by staff has been received.

BACKGROUND INFORMATION/FISCAL IMPACT

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

Landscaping contractor's business is currently prohibited in the R-E Zone. It is, however, permitted in several residential zones (R-O-S, O-S, R-A and R-R) with Special Exception approval. This legislation will permit the use in the R-E Zone with Special Exception approval, subject to the requirements of Section 27-369. These requirements include (1) being located on at least 25 acres, (2) having frontage on and access to a street with sufficient capacity to accommodate the traffic, (3) not having access via internal residential subdivision streets, (4) locating business operations at least 200 feet from residential properties, and (5) not having storage of equipment and materials visible from a street.

CODE INDEX TOPICS: