

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

Meeting Date: 10/8/96

Reference No.: CB-84-1996

Proposer: Gourdine

Draft No.: 2

Sponsors: Gourdine, Esteppe

Item Title: An Ordinance for the purpose of permitting churches
in the I-2 Zone, under certain conditions

Drafter: Mary Lane
PZ&ED Committee Director

Resource Personnel: Hubert Green
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 7/30/96

Executive Action: __/__/__

Committee Referral:(1) 7/30/96 PZED

Effective Date: 12/30/96

Committee Action:(1) 9/18/96 HELD

Committee Action:(2) 10/2/96 FAV (A)

Date Introduced: 10/8/96

Pub. Hearing Date: (1) 11/12/96 10:30 AM

Council Action: (1) 11/12/96 Enacted

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

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECONOMIC DEV. COMM. REPORT

DATE: 10/2/96

Committee Vote: Favorable report as amended, 4-1 (In favor: Council Members Wilson, Esteppe, MacKinnon and Russell; in opposition: Councilman Maloney).

As requested, staff presented an amendment that limits the applicability of this ordinance. First, the building shall not be altered above the roofline to add architectural features commonly associated with churches, such as steeples, crosses, and spires. Also, at the time of issuance of the initial use and occupancy permit, the church shall be located within 1,000 feet of another church. Maurene Epps-Webb, representing the Office of Law, expressed concern regarding the constitutionality of the prohibition on architectural features associated with churches, since this requirement would not

apply to any other use in the industrial zones. The Committee agreed to incorporate only the second proposed amendment into the legislation.

PLANNING, ZONING & ECONOMIC DEV. COMM. REPORT**DATE: 9/18/96**

HELD in Committee.

Staff explained that this legislation will permit churches in the I-2 Zone, which is the heavy industrial zone, under three conditions. The church must be located in a building not exceeding two stories in height, it must have a separate entrance if there are other uses located in the building, and the building and land must be leased, and not owned, by the church. Churches are currently permitted by right in the I-1 and I-3 Zones, without conditions.

The Office of Law found the bill to be in proper legislative form, but noted that ownership of property is generally not a proper subject of zoning. If the condition regarding ownership is not eliminated, findings should be included to explain why only churches on leased property are allowed.

The Committee agreed to eliminate this condition. The Planning Board opposes the legislation, stating that given the purposes of the I-2 Zone, churches are an inappropriate use. Tom Haller and Pastor Tony Brazilton, representing Victory Christian Ministries, spoke in support of the legislation.

The Committee was concerned about the broad applicability of this legislation. It was requested that an alternative be provided at the next worksession that further limits the locations to which this provision would apply.

BACKGROUND INFORMATION/FISCAL IMPACT**(Includes reason for proposal, as well as any unique statutory requirements)**

Churches are permitted in the I-1 and I-3 Zones, but are prohibited in the I-2 Zone. This legislation makes churches in the I-2 Zone a permitted use, provided the building in which the church is located is no more than two stories, a separate entrance is provided for the church, and the building is not owned by the church.

CODE INDEX TOPICS: