

Prince George's County Council Agenda Item Summary

Meeting Date: 7/27/2004
Reference No.: CB-039-2004
Draft No.: 2
Proposer(s): Harrington
Sponsor(s): Harrington, Dean
Item Title: An Ordinance removing special exception requirements for certain uses in the I-1 and I-2 Zones

Drafter: Steven M. Gilbert, Principal Counsel
Resource Personnel: Kenneth C. Williams, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	6/15/2004	Executive Action:	
Committee Referral:	6/15/2004 - PZED	Effective Date:	7/27/2004
Committee Action:	6/23/2004 - FAV(A)		
Date Introduced:	7/6/2004		
Public Hearing:	7/27/2004 - 10:00 AM		
Council Action (1)	7/27/2004 - ENACTED		
Council Votes:	MB:A, SHD:A, TD:-, CE:-, DCH:A, TH:A, TK:A, DP:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-473

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT COMMITTEE

Date 6/23/2004

Committee Vote: Favorable with amendments, 3-1 (In favor: Council Members Dean, Exum, Harrington. Opposed: Council Member Dernoga)

This legislation removes special exception requirements for certain uses in the I-1 and I-2 Zones imposed by the enactment of CB-75-1998 and CB-21-2000. CB-39-2004 is to allow settlement of pending federal litigation, Jemal's Fairfield Farms, LLC v. Prince George's County, et al., Civil Action No. RWT – 02-2881. A companion bill, CB-40-2004, was also presented to address the pending case.

Chairman Dernoga expressed opposition on the basis that the law as originally adopted affected numerous properties, and eliminating the special exception requirement as part of this settlement had too broad of an affect. Chairman Dernoga expressed the need to adopt new provisions to address the broader impacts that CB-39-2004 will cause.

The Office of Law reviewed CB-39-2004 and recommended that the first whereas clause of the legislation (page 1, line 12) be amended to mirror the exact language in the purpose paragraph of CB-75-1998. Otherwise, the Office of

Law found the bill to be in proper legislative form with no legal impediments to its adoption.

The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-39-2004.

The committee voted favorably on the legislation including the amendment to the whereas clause recommended by the Office of Law. As amended, the clause reads as follows: “WHEREAS, Council Bill 75-1998 was enacted on July 7, 1998, to require special exceptions for certain uses under certain circumstances in the I-1 and I-2 Zones;”

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This bill eliminates special exception requirements for certain uses in the I-1 and I-2 Zones. The requirements have been found unnecessary.

CODE INDEX TOPICS:

INCLUSION FILES:
