

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

**Meeting Date:** 10/28/97

**Reference No.:** CB-104-1997

**Proposer:** Del Giudice

**Draft No.:** 2

**Sponsors:** Del Giudice

**Item Title:** An Ordinance defining flea markets and permitting this use in certain residential, commercial, and industrial zones under certain circumstances

**Drafter:**

**Resource Personnel:** Therese Yewell  
Legislative Aide

**LEGISLATIVE HISTORY:**

**Date Presented:** 9/30/97

**Executive Action:** \_\_/\_\_/\_\_ \_\_

**Committee Referral:** 9/30/97 PZED

**Effective Date:** \_\_/\_\_/\_\_

**Committee Action:** 10/16/97 HELD

**Committee Action:** 10/21/97 FAV(A)

**Date Introduced:** 10/28/97

**Pub. Hearing Date:** 11/25/97 1:30 PM

**Council Action:** 11/25/97 TABLED

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

**Pass/Fail:** P

**Remarks:** \_\_\_\_\_

**PLANNING, ZONING & ECON. DEVELOPMENT COMMITTEE**

DATE: 10/21/97

**Committee Vote:** Favorable as amended; 3-2 (In favor: Council Members Del Giudice, Hendershot and Wilson; Opposed: Council Members Maloney and Russell)

Staff gave an overview of a Draft-2 (Dr-2) of the bill indicating that this draft provides a definition of flea market which was not contained in Dr-1. In addition, Footnote 61 on page 3 (of Dr-1) was amended to read as follows: "Provided the property is either publicly-owned vacant land, or owned or occupied by a public or institutional use."

Council Member Del Giudice, the bill's sponsor, explained to the Committee that he presented this legislation because current regulations outlaw flea markets since they are only permitted in drive-in theater parking lots and drive-in theaters no longer exist in the County. Mr. Del Giudice indicated that this type of use, which is similar to a farmer's market, occasionally operates in certain areas of the County and this legislation is an effort to define the use and to provide locations where and regulations under which it can operate. He informed the Committee that Dr-2 limits the areas where flea markets will be permitted.

Council Member Maloney commented that the definition contained in Dr-2 is too broad. Bill Henaghan, representing the Planning Board, spoke in opposition to the bill. Mr. Henaghan commented that the Board took this position because this use is inappropriate in residential areas, raises traffic concerns in commercial areas and the legislation is moving in the opposite direction of other bills such as those regulating roadside vendors.

Sandra Peaches, representing the Office of Business and Regulatory Affairs, indicated to the Committee that as a result of the legislation concerning roadside vendors, the Office is stepping up its efforts in the enforcement on gateway roads. Ms. Peaches suggested that flea markets could be included in the comprehensive review of roadside vendors and other such uses.

Larry Taub, representing a client who wants to locate a flea market at the Pace warehouse site on Cherry Lane in Laurel, spoke in support of the legislation. Joel Rozner spoke in support of the bill indicating that other jurisdictions permit this use without defining it. In some instances, a Webster dictionary definition is used in the Ordinance. Stan Brown, representing Larry Roberts and other vendors who will be impacted by the mobile vendor legislation, spoke in support of the bill. Mr. Brown informed the Committee that those vendors who are not in a position to purchase property in order to operate their businesses need this type of use in order to continue their operations.

The County Executive's Office opposes the bill and provided written comments as follows: "This bill is very broadly written and would be much more palatable if restricted to the I-1 Zone and if flea markets were subject to a narrow definition." The City of Bowie provided written comments on Draft-1 indicating the City is very concerned about the ramifications of the bill and offered an unfavorable recommendation on the legislation. A letter from Frank P. Casula, Mayor of the City of Laurel, to Council Member Del Giudice indicated that if it is the County's desire to accommodate this use, he believes it would be prudent to allow them only in industrial zones Mr. Casula believes it would be a mistake to have this use placed in commercial zones, and totally inappropriate in residential zones. Stan Fetter also submitted written comments about Draft-1 indicating that "the legislation as it now stands is way too broad....Everything else aside, the term needs to be very carefully defined."

Council Member Maloney suggested modifications to the definition proposed in Draft-2 to specify that no sales shall occur from a vehicle, not just perishable items. Additionally, Mr. Maloney recommended that the sale of automobiles, automobile parts, and non-portable household appliances, be excluded in the definition. The Committee accepted these amendments.

Council Member Russell suggested that residential zones be excluded from the legislation with the possibility of looking at this issue again at a later date. Joyce Nichols, Principal Counsel, indicated to the Committee that the criteria listed in Section 27-261(j) for flea markets as a temporary use should also be required for flea markets which are permitted as a permanent use in the residential, commercial and industrial zones as well. Ms. Nichols suggested that these requirements be listed in the sections of the Zoning Ordinance entitled "Additional Requirements for Specific Uses." The Committee directed staff to include these additional sections in Draft-2.

Upon a motion by Council Member Hendershot and a second by Council Member Del Giudice, the Committee voted a favorable recommendation on Draft-2 with amendments.

## **PLANNING, ZONING & ECON. DEVELOPMENT COMMITTEE**

DATE: 10/16/97

Even though CB-104-1997 was not the first item on this worksession agenda, Council Member Gourdine requested an opportunity to comment on this bill earlier in the agenda due to a scheduling conflict. Mr. Gourdine indicated that he had recently requested that legislation be drafted to prohibit vendors from operating in the C-S-C Zone and that CB-104-1997 was contrary to his efforts. Mr. Gourdine believes that permitting flea markets is dangerous to the community and recommended an unfavorable recommendation on this legislation.

Due to time constraints, this bill was not discussed at this worksession. The bill was held in Committee.

## **BACKGROUND INFORMATION/FISCAL IMPACT**

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

The Zoning Ordinance currently permits flea markets as a temporary use in the C-M Zone only. This legislation will allow flea markets in certain residential, commercial and industrial zones under certain circumstances.

## **CODE INDEX TOPICS:**

### **Commercial Zones**

#### *Specific Use Requests*

Assisted living facilities .....	27-464.04
<u>Flea markets</u> .....	<u>27-464.05</u>
Mobile telephone and other telecommunications facilities.....	27-464.03

### **Industrial Zones**

*Additional requirements for specific uses*

<u>Flea markets</u> .....	<u>27-475.06.03</u>
Mobile home; trailers .....	27-475
Private schools .....	27-475.07
Surface mining; sand and gravel wet-processing.....	27-475.01

**Residential Zones***Specific Use Requirements*

Agricultural Preservation Development.....	27-445.01
Airstrip, private .....	27-445.07
Antennas, monopoles, and related equipment buildings for mobile telephone transmission or other telecommunications.....	27-445.04
<u>Flea markets</u> .....	<u>27-445.09</u>
Home Association Recreational Use.....	27-445
Private schools .....	27-443
Recreational Community Development.....	27-444
Surface mining; sand and gravel wet-processing.....	27-445.02