

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2020 Legislative Session

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**Reference No.:** CB-07-2020

**Draft No.:** 2

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

**Date:** 03/05/2020

**Action:** FAV (A)

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### REPORT:

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Glaros, Davis, Harrison, Hawkins and Ivey)

The Planning, Housing, and Economic Development Committee Director summarized the purpose of the legislation and informed the committee as to comments received on referral. CB-7-2020 (Draft-1) amends the Zoning Ordinance to add a definition for 'Market Hall' and permit the use in the I-1 (Light Industrial) Zone, provided the use meets certain criteria provided in a new footnote to the industrial table of uses.

Council Member Ivey, the bill's sponsor, informed the Committee that she sponsored CB-7-2020 to facilitate the use of an industrial building in her district for artists to sell their wares. Ms. Ivey commented that proposed revisions to the legislation will also expand the location of the new use into shopping centers as well.

The Planning Board opposed CB-7-2020 and provided comments in a February 27, 2020 letter to Council Chair Turner. "The Planning Board believes this bill was drafted for a specific property located at 5500 Lafayette Place, Hyattsville, Maryland 20781. The newly proposed use as defined could be appropriate in the I-1 Zone, however there is no logic for permitting the use to be exempt from off-street parking and loading requirements, if located within a municipality. There is no clear explanation for why parking and loading regulations within a municipality are treated differently. The Planning Board would like to remind the District Council that the Countywide Map Amendment (CMA) is scheduled to be approved early November 2020 to allow the adopted Zoning Ordinance to take effect. The Employment Industrial (IE) Zone will replace the I-1 Zone. The proposed 'Market Hall' use is not defined or permitted in the IE Zone."

The Chief Zoning Hearing Examiner (ZHE) reviewed the legislation and provided the following comments:

1. The purpose clause should be revised on line 4 by inserting "and addressing parking requirements for the use" after "County".
2. The definition on page 3 should be revised on line 11 to "A' commercial and delete "use" on

line 12. “Existing” on line 12 should be deleted because it may raise additional issues. The

sponsors could add language allowing the adaptive reuse of all or part of an existing building if that is preferred. The sentence on lines 15-16 should be revised since “small-scale production” is a vague term.

3. Footnote 74 should probably be placed in Part 11 for ease of reference.

4. Placing this use in the Low Parking Generation may lead to insufficient parking if the use is not in a municipality and no parking agreement is recorded. Finally, there is a similar use operating on Old Branch Avenue. DPIE should advise what type of Use and Occupancy permit was issued, etc., since this bill might render that use nonconforming.

The Committee reviewed a Proposed Draft-2 (DR-2) prepared at the bill sponsor’s request to address Planning Board and ZHE comments. The amendments in Proposed DR-2 include adding Sections 27-461 and 27-582 to the bill to allow the use in the C-S-C (Commercial Shopping Center) Zone, to provide parking and loading requirements for the use, and to remove references to a municipality in the industrial zone use table footnote. Language was also included in the industrial and commercial use table footnotes to require that a Market Hall shall comply with the life safety requirements of Section 27-261(j)(11)-(12) if the use conducts business outdoors as suggested by the Department of Permitting, Inspections and Enforcement. The bill title and purpose clause were amended accordingly to reflect the revisions in the bill.

During discussion, the ZHE informed the Committee that the similar use operating on Old Branch Avenue has a use and occupancy permit for retail sales, and therefore would not be affected by the new proposed “Market Hall” use.

Nate Forman, of O’Malley, Miles, Nylen & Gilmore, P.A. and Kimberlee Hanson testified in support of the legislation.

Council Member Ivey made a motion for favorable recommendation on Proposed DR-2 seconded by Council Member Davis. The Committee voted for a favorable recommendation, 5-0, as to CB-7-2020, as amended.