

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2017 Legislative Session

Reference No.: CB-103-2017

Draft No.: 2

Committee: COMMITTEE OF THE WHOLE

Date: 10/17/2017

Action: FAV(A)

REPORT:

The County Council convened as Committee of the Whole on Tuesday, October 17, 2017, to consider CB-103-2017. The Council's Zoning and Legislative Counsel gave a staff overview and procedural history of the legislation. The current 500-foot minimum distance requirement was set by the District Council in 2016 via enactment of CB-005-2016. The members examined the maps that were prepared by staff of the Maryland-National Park and Planning Commission depicting the various sites in each Council District where a medical cannabis dispensary use could potentially locate under the current 500-foot minimum distance, along with similar, comparative maps depicting potential sites under a hypothetical 400-foot and 300-foot minimum distance, respectively.

The Chairman announced that no new public testimony would be taken on the bill until the public hearing. Significant testimony was received at the time of the Planning, Zoning, and Economic Development Committee work session on October 4, 2017, on the bill's first referral to a Council standing committee.

After the staff overview, Council Member Patterson offered a Proposed Amendment No. 1 to CB-103-2017 (DR-1) to add two (2) new uses to which the minimum distance requirement would apply, as follows:

1. On Page 1, in line 4, after "shall be located", insert "and adding a minimum distance requirement for Day Care Center for Children and Recreational Program and Before- and After-School uses".
2. On Page 2, in line 6, strike "and".
3. On Page 2, after line 6, add "Day Care Center for Children or Recreational Program, Before- and After- School uses; and"

Upon motion by Council Member Patterson, seconded by Council Member Taveras, the Committee voted favorably 7–0 (Absent: DMG, MAL) to incorporate Amendment No. 1 into CB-103-2017.

After significant additional discussion amongst members and questions posed to staff on the legislation, Council Member Toles moved, seconded by Council Member Harrison, to amend the proposed minimum distance in the bill from 300 feet to 400 feet. The motion failed 2-5 (In Favor: Council Members Harrison and Toles; Opposed: Council Members Davis, Franklin, Patterson, Taveras and Turner, Absent: Council Members Glaros and Lehman.

The Committee of the Whole then voted, upon motion by Council Member Taveras and seconded by Council Member Patterson, for a Favorable recommendation as to CB-103-2017 as amended. The motion carried 5-2. (In favor: Council Members Davis, Franklin, Harrison, Patterson and Taveras; Opposed: Council Members Toles and Turner; Absent Council Members Glaros and Lehman)

CB-103-2017 (DR-2) returned to the County Council floor on October 17, 2017, for purposes of a second reading and Introduction of the legislation. A verbal report of the Committee of the Whole was given prior to introduction by the Council's Zoning and Legislative Counsel. Prior to introduction, Council Member Taveras moved, and Council Chairman Davis seconded, that the effective date clause within Section 2 of the legislation be amended to allow the bill to take effect on the date of its adoption. The motion carried 6-0 (In favor: Council Members Davis, Franklin, Glaros, Harrison, Taveras and Turner; Absent: Council Members Lehman, Toles and Patterson.).

The Council introduced CB-103-2017 (DR-3) during its October 17, 2017, legislative session day, and the Council Chairman directed the Clerk of the Council to expedite scheduling of the required public hearing on this proposed zoning legislation.