

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

**Meeting Date:** 7/27/99

**Reference No.:** CB-22-1999

**Proposer:** Maloney

**Draft No.:** 2

**Sponsors:** Maloney

**Item Title:** An Ordinance concerning providing a definition of a playground and amending the requirements for a gas station special exception

**Drafter:** Joyce Nichols  
Zoning Hearing Examiner

**Resource Personnel:** Andrew Eppelmann  
Legislative Aide

**LEGISLATIVE HISTORY:**

**Date Presented:** 4/13/99

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

**Committee Referral:** 4/13/99 PZED

**Effective Date:** 9/13/99

**Committee Action:** 6/7/99 FAV(A)

**Date Introduced:** 6/15/99

**Pub. Hearing Date:** 7/27/99 1:30 P.M.

**Council Action:** 7/27/99 ENACTED

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

**Pass/Fail:** P

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

**PLANNING, ZONING & ECONOMIC DEV. COM. REPORT**

DATE: 6/7/99

Committee Vote: Favorable as amended, 3-0 (In favor: Council Members Maloney, Gourdine and Hendershot).

Joyce Nichols, Zoning Hearing Examiner, addressed the Committee indicating that the bill was drafted at the request of the sponsor, Council Member Maloney, for the purpose of defining "playground" in the Zoning Ordinance and clarifying what is meant by this term in certain situations. Ms. Nichols commented that there are currently 28 references to "playground" in the Zoning Ordinance and the definition proposed by this bill would not have an adverse impact on those references.

Council Member Maloney indicated to the Committee that this legislation strengthens the Ordinance where the term "playground" is considered in that it provides a definition which clarifies what constitutes this use. A Court of Special Appeals decision questioned what is meant by this term due to the lack of a definition in the Zoning Ordinance. This decision approved a Special Exception allowing the location of a gas station within 300 feet of a playground that would not have been allowed if a definition such as provided in this bill had already been specified in the Ordinance.

The Planning Board supports CB-22-1999 with amendments. On page 2, line 5, the Planning Board recommends that the definition be rewritten as follows: "(181.2) Playgrounds: An area used for indoor or outdoor recreation, especially by children,..." This amendment is recommended because the staff has determined that playgrounds can be located indoors as well, such as in existing fast-food restaurants where the addition of an indoor playground is considered a permitted use to the Special Exception use.

The second amendment recommended by the Planning Board is to include Section 27-358(a)(2) of the Zoning Ordinance in this legislation and to amend that section as follows: "(2) The subject property shall be located at least three hundred (300) feet from any lot on which a school, outdoor playground, library, or hospital is located." Existing regulations require that playgrounds are not located within 300 feet from a gas station. In addition, the Southland case, by its definition of an outdoor playground, opined that an outdoor playground is not permitted within 300 feet from a gas station. However, several indoor playgrounds (i.e., in fast-food restaurants) are in fact within 300 feet of a gas station and cause no safety threat. The addition of the word "outdoor" in this section provides clarification as to what type of playground requires this setback.

The County Executive takes no position on this legislation. The Office of Law and the Legislative Officer have determined that the bill is in proper legislative form.

## **BACKGROUND INFORMATION/FISCAL IMPACT**

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

This proposed legislation addresses the loop hole created in the Zoning Ordinance by the Court of Special Appeals decision in Southland which questions the definition of "playground" where the Zoning Ordinance fails to provide a definition. This legislation proposing a definition for playground will not adversely affect the current usage of this term in the Zoning Ordinance.

## **CODE INDEX TOPICS:**