

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2023 Legislative Session

Reference No.: CB-053-2023

Draft No.: 2

Committee: COMMITTEE OF THE WHOLE

Date: 4/25/2023

Action: FAV (A)

REPORT:

Committee Vote: Favorable as amended, 8-0-2 (In favor: Council Members Dernoga, Blegay, Burroughs, Hawkins, Ivey, Olson, Oriadha, and Watson. Abstain: Council Members Fisher and Franklin)

The County Council convened as the Committee of the Whole (COW) on April 25, 2023, to consider CB-53-2023. The Planning, Housing, and Economic Development (PHED) Committee Director summarized the purpose of the bill and informed the Committee of written comments received on referral.

The Planning Board voted to take no position and encouraged continued conversations. By letter dated April 20, 2023, to Council Chairman Dernoga, the Planning Board noted numerous concerns with CB-53-2023 Draft-1 as follows:

“The WHEREAS clauses on pages 2 through 4 identify the issues with footnote exception uses. The clauses should also explain why the bill seeks to specifically prohibit footnotes 85 of the Commercial use table, 126 and 143 of the Residential use table, and 75 of the Industrial use table. Adding language explaining a reasonable basis for adopting the zoning legislation is highly desirable.

Rather than inserting the same provision in every paragraph of the Transitional Provisions, which results in significant added complexity, this bill could be greatly simplified by adding a paragraph similar to 27-1903(f) (which was added by CB-12-2023) at the end of both Sections 27-1703 and 27-1704.

As with CB-50-2023, this bill attempts to amend three tables of uses permitted that were contained in the prior Zoning Ordinance to delete four footnotes scattered among those tables. It is not possible to amend the prior Zoning Ordinance after April 1, 2022, because the prior Zoning Ordinance has been repealed in its entirety as of that date. A repealed ordinance cannot be amended because it no longer exists.

Any provisions in the prior Zoning Ordinance currently eligible to be used are only made applicable by authority granted by the current Ordinance. Therefore, limitations of the nature enacted by CB-12-2023 and proposed by CB-53-2023 may only be authorized in the transition

and grandfathering Sections of the current Zoning Ordinance.”

Amanda Denison, County Council’s Chief Legislative Officer, summarized revisions in a Proposed Draft-2 (DR-2) prepared at the bill sponsors’ request to address Planning Board comments.

Angie Rodgers, Deputy Chief Administrative Officer for Economic Development, echoed her comments stated during the discussion of CB-50-2023 informing the Committee of the County Executive’s opposition to CB-53-2023 and providing explanation of the position associated with the policy direction of this bill and package of bills under consideration by the Council discouraging townhouse development. Chad Williams, representing the Planning Board, commented on the collaborative effort with the bill sponsors in developing the improved Draft-2 and suggested an additional amendment to insert “former” on page 1, lines 3, before “Residential” and on Line 6, prior to “R-E (Residential Estate) Zone”. Dinora Hernandez, Associate County Attorney stated that the Office of Law finds CB-53-2023 to be in proper legislative form with no legal impediments to its adoption.

Alyse Prawde, Senior Counsel, Joseph Greenwald & Laake, PA, testified in opposition to the legislation.

After discussion, on a motion by Council Vice Chair Blegay and second by Council Member Burroughs, the Committee of the Whole voted favorable, 8-0-2, on CB-53-2023 Proposed DR-2A including the additional amendment on page 1, lines 3 and 5, recommended by Mr. Williams.