

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
1998 Legislative Session

Bill No. _____ CB-9-1998 _____

Chapter No. _____

Proposed and Presented by _____ Council Member Maloney _____

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Growth Policy Procedures

3 For the purpose of providing a process to establish land use development, growth management,
 4 and public facility development policies.

5 BY adding:

6 Sections 27-685.01 and 27-685.02,

7 The Zoning Ordinance of Prince George's County, Maryland,

8 being also

9 SUBTITLE 27. ZONING.

10 The Prince George's County Code

11 (1995 Edition, 1996 Supplement).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 13 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
 14 District in Prince George's County, Maryland, that Sections 27-685.01 and 27-685.02 of the
 15 Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince
 16 George's County Code, be and the same are hereby added:

SUBTITLE 27. ZONING.

PART 13. AREA MASTER PLANS, GENERAL PLAN, FUNCTIONAL
MASTER PLANS, AND PLANNING AREAS.

DIVISION 4. GROWTH POLICY PROCEDURES.

Sec. 27-685.01. Annual Growth Policy.

(a) The District Council shall adopt an annual growth policy to can give policy guidance to agencies of government and the public on matters concerning:

- (1) land use development;
- (2) growth management; and
- (3) related environmental, economic, and social issues.

The annual growth policy will facilitate and coordinate the use of the powers of government to limit or encourage growth and development in a manner that best enhances the general health, welfare, and safety of the residents of the county.

(b) The annual growth policy has 2 components: a ceiling element and a policy element.

(1) The ceiling element shall be adopted annually by the District Council. It consists of:

(A) growth ceilings based on transportation capacity for each policy area in the County, for both residential and employment land uses, which must be consistent with relevant portions of state, bi-county, county, and municipal capital improvement programs;

(B) the determination whether adequate capacity will exist for public schools;
and

(C) a list of any roads, transit, or school facilities that should not be counted in calculating growth ceilings.

(2) The policy element shall be adopted every 2 years by the District Council. It consists of other policy guidelines for the Planning Board, and other agencies as appropriate, for their administration of laws and regulations which affect growth and development.

(c) Duties of the Planning Board.

(1) Each year, the Planning Board shall produce a recommended ceiling element.

(2) By November 7, the Planning Board shall make available a staff draft ceiling element to the County Executive and other county agencies for their use in preparing recommended capital improvement programs for the next fiscal year.

(3) By May 1, the Planning Board shall:

(A) for each policy area, calculate the existing pipeline of approved development permits, including preliminary subdivision plans, sewer authorizations, record plats, and building permits;

1 (B) for each policy area, recommend growth ceilings based on transportation
 2 capacity, for both residential and employment land uses, consistent with the latest information in
 3 relevant portions of the upcoming state, bi-county, county, and municipal capital improvement
 4 programs;

5 (C) for each high school cluster, recommend whether public school capacity will
 6 be adequate to serve planned growth; and

7 (D) list any roads, transit, and school facilities that should not be counted in
 8 calculating growth ceilings.

9 (4) Every 2 years, beginning in 1999, the Planning Board shall produce a
 10 recommended policy element. By May 1, the Planning Board must send to the District Council a
 11 staff draft policy element which includes:

12 (A) a status report on general land use conditions in the county, including the
 13 remaining growth capacity of zoned land, recent trends in real estate transactions, the level of
 14 service conditions of major public facilities and environmentally sensitive areas, and other
 15 relevant monitoring measures;

16 (B) a forecast of the most probable trends in population, households, and
 17 employment for the next 10 years, including key factors that may affect the trends;

18 (C) a recommended set of policy guidelines for the Planning Board, and other
 19 agencies as appropriate, with respect to its administration of laws and regulations which affect
 20 growth and development; and

21 (D) any other information or recommendations relevant to growth policy, or
 22 requested by the District Council in the course of adopting the annual growth policy.

23 (5) The Planning Board must promptly make available to the County Executive, other
 24 agencies, and the public copies of the staff draft and recommended ceiling and policy elements.

25 (d) Duties of the County Executive.

26 (1) By May 15 of each year, the County Executive shall send to the District Council a
 27 recommended ceiling element, including:

28 (A) growth ceilings based on transportation capacity, for both residential and
 29 employment land uses, consistent with the latest information in relevant portions of the
 30 upcoming state, bi-county, county, and municipal capital improvement programs;

(B) recommendations regarding whether public school capacity will be adequate to serve planned growth; and

(C) a list of any roads, transit, and other school facilities that should not be counted in calculating growth ceilings.

(2) Every 2 years, beginning in 1999, the County Executive shall send to the District Council by August 1 any revisions to the recommended policy element of the Planning Board in the form of specific additions and deletions.

(3) The County Executive shall promptly make available to the Planning Board, other agencies, and the public copies of the County Executive's recommendations.

(4) The County Executive shall assist the Planning Board to compile its status report for the recommended annual growth policy by making available monitoring data which is routinely collected by executive branch departments.

(5) The County Executive should use the information in the Planning Board staff's draft ceiling element as a reference document in preparing the recommended capital improvement program for the next fiscal year, particularly with respect to the linkage between future capital construction schedules and policy area capacity ceilings.

(e) Duties of the Board of Education.

(1) Each year, the Board of Education shall:

(A) by February 15 send the District Council any comments on the County Executive's recommended capital improvement program as it pertains to the annual growth policy; and

(B) by June 1 send the District Council any comments on the recommended ceiling elements submitted by the Planning Board and the County Executive, including any revisions in the form of specific additions or deletions.

(2) Every 2 years, beginning in 1999, the Board of Education shall send to the District Council by September 1 any comments on the recommended policy element submitted by the Planning Board and the County Executive, including any proposed revisions in the form of specific additions or deletions.

(3) The Board of Education shall promptly make available to the Planning Board, the County Executive and the public copies of these comments and revisions.

1 (4) During the year, the Board of Education shall assist the Planning Board to
 2 compile its status report for the draft annual growth policy by making available monitoring data
 3 which is routinely collected by staff of the Board of Education.

4 (f) Duties of the Washington Suburban Sanitary Commission.

5 (1) Each year, the Washington Suburban Sanitary Commission shall:

6 (A) by February 15 send the District Council any comments on the County
 7 Executive's recommended capital improvement program as it pertains to the annual growth
 8 policy; and

9 (B) by June 1 send the District Council any comments on the recommended
 10 ceiling elements submitted by the Planning Board and the County Executive, including any
 11 revisions in the form of specific additions or deletions.

12 (2) Every 2 years, beginning in 1999, the Washington Suburban Sanitary
 13 Commission must send to the District Council by September 1 any comments on the
 14 recommended policy element submitted by the Planning Board and the County Executive,
 15 including any proposed revisions in the form of specific additions or deletions.

16 (3) The Washington Suburban Sanitary Commission shall promptly make available to
 17 the Planning Board, the County Executive and the public copies of these comments and
 18 revisions.

19 (4) During the year, the Washington Suburban Sanitary Commission shall assist the
 20 Planning Board to compile its status report for the draft annual growth policy by making
 21 available monitoring data which is routinely collected by staff of the Washington Suburban
 22 Sanitary Commission.

23 (g) Duties of the District Council.

24 (1) After receipt of either a ceiling element or a policy element, the recommendations
 25 of the County Executive, and the other agency comments, the District Council shall hold a public
 26 hearing on the draft, recommendations and comments.

27 (2) No later than July 15 of each year, the District Council shall adopt a ceiling
 28 element to be effective until the following July 15. If the District Council does not adopt a new
 29 ceiling element, the ceiling element adopted most recently remains in effect.

30 (3) Every 2 years, beginning in 1999, the District Council shall adopt by November 1
 31 a policy element to be effective until November 1 two years later. If the District Council does not

1 adopt a new policy element, the policy element adopted most recently remains in effect.

2 (h) Amending the annual growth policy

3 (1) The District Council, the County Executive, or the Planning Board may initiate an
4 amendment to either the ceiling element or the policy element.

5 (2) If the County Executive initiates an amendment:

6 (A) the County Executive shall send it to the District Council, the Planning
7 Board, and other agencies, and make copies available to the public;

8 (B) the Planning Board shall send any comments on the proposed amendment to
9 the District Council and the other agencies within 45 days after receiving the amendment, and
10 shall make copies of any comments available to the public; and

11 (C) the District Council may amend either the ceiling element or the policy
12 element after receiving the Planning Board's comments and holding a public hearing.

13 (3) If the Planning Board initiates an amendment:

14 (A) the Planning Board shall send it to the District Council, the County
15 Executive, and other agencies, and make copies available to the public;

16 (B) the County Executive shall send any comments on the proposed amendment
17 to the District Council and other agencies within 45 days after receiving the amendment, and
18 must make copies of any comments available to the public; and

19 (C) the District Council may amend either the ceiling element or the policy
20 element after receiving the County Executive's comments and holding a public hearing.

21 (4) If the District Council initiates an amendment:

22 (A) the District Council shall send it to the County Executive, the Planning
23 Board, and other agencies, and make copies available to the public;

24 (B) the County Executive and the Planning Board shall send any comments on
25 the proposed amendment to the District Council and other agencies within 45 days after
26 receiving the amendment, and shall make copies of any comments available to the public; and

27 (C) the District Council may amend either the ceiling element or the policy
28 element after a public hearing.

29 (5) If the District Council finds that an emergency exists, the District Council may
30 hold the public hearing and adopt an amendment before receiving comments from the County
31 Executive.

Sec. 27-685.02. Land use information functions.

(a) The Planning Board shall provide informational and referral services on County land use and related regulatory functions to interested members of the public. The services to be provided include technical assistance and information on:

- (1) master plans, including pending amendments;
- (2) zoning, including pending cases and pending text amendments;
- (3) subdivision control, including pending applications and amendments to Subtitle

24;

- (4) annual growth policy and related regulatory requirements;
- (5) federal, state, and local environmental regulations; and
- (6) related administrative, regulatory, or legislative procedures applicable to the

Planning Board, Office of Hearing Examiner, Historic Preservation Commission, Board of Appeals, other County regulatory agencies, Washington Suburban Sanitary Commission, and District Council.

(b) The Planning Board shall maintain a resource library that contains:

- (1) relevant laws, regulations, and administrative procedures;
- (2) appropriate zoning and other maps;
- (3) administrative and legislative hearing schedules;
- (4) significant administrative and judicial land use decision; and
- (5) master plans, policy documents, planning studies, and other appropriate reference

materials.

(c) All County departments, offices, and agencies must provide the planning department with:

- (1) requested materials (other than confidential documents) to ensure the availability to the public of current information, and
- (2) the location and telephone number of the person or persons to whom inquiries may be referred.

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (45) calendar days after its adoption.

Adopted this _____ day of _____, 1998.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART
OF THE MARYLAND-WASHINGTON
REGIONAL DISTRICT IN PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Ronald V. Russell
Chairman

ATTEST:

Joyce T. Sweeney
Clerk of the Council

KEY:
Underscore indicates language added to existing law.