

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

Meeting Date: 10/22/2002

Reference No.: CR-57-2002

Proposer: Hendershot

Draft No.: 2

Sponsors: Hendershot

Item Title: A Resolution approving the Memorandum of Understanding between the City of College Park and the District Council regarding the enforcement of zoning Law within the corporate boundaries of the City of College Park

Drafter: Ralph E. Grutzmacher
Legislative Officer

Resource Carol White
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: __/__/__

Executive Action: __/__/__

Committee Referral: 9/17/2002 C.O.W.

Effective Date: __/__/__

Committee Action: 1 9/24/2002 HELD

Committee Action: 2 10/16/2002 FAV(A)

Date Introduced: 9/17/2002

Public Hearing: __/__/__ __:__ __

Council Action: 10/22/2002 ADOPTED

Council Votes: PS:A, DB:AB, TD:A, JE:A, TH:A, TK:AB; RVR:A, AS:A, MW:A

Pass/Fail: P

Remarks: _____

COMMITTEE OF THE WHOLE REPORT

DATE: 10/16/2002

Committee Vote: Favorable with amendments, 6-0-2 (In favor: Council Members Shapiro, Dernoga, Estep, Hendershot, Scott, Wilson; Abstained: Council Members Knotts and Russell)

CR-57-2002 is a resolution approving the Memorandum of Understanding between the City of College Park and the District Council to enable the City to exercise zoning enforcement authority within its borders. A Draft-2 (DR-2) of the resolution was provided for the Committee. Council Member Hendershot, the resolution's sponsor, explained that DR-2 was prepared in order to address issues and concerns raised by the Office of Law, the Department of Environmental Resources (DER) and M-NCPPC.

A representative of the business community within the corporate limits of the City addressed the Committee explaining the concerns that the businesses have with the City being given the authority to exercise zoning enforcement. W. Lee Jones, representing DER, explained the Department's concern with ensuring that enforcement is applied uniformly throughout the County and that the only municipality that currently enforces zoning is the City of Laurel and that jurisdiction is not subject to the County's Ordinance.

The City's Mayor, Stephen Brayman, was also present and addressed the Committee requesting the Council's support for the resolution. Mayor Brayman commented that since efforts to authorize the City to exercise zoning enforcement had failed at other levels, the City requested and was successful during the last General Assembly session in obtaining legislation allowing the District Council to enter into an agreement with the City.

The Committee requested clarification that the Memorandum of Understanding (MOU) does not allow the City to apply regulations or standards different than those contained in the County Zoning Ordinance or to interfere with permit issuance or decisions previously made by DER. The authority given to the City pursuant to the MOU is only for enforcement of the County Zoning Ordinance regulations.

BACKGROUND INFORMATION/FISCAL IMPACT

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

The City of College Park has been attempting to negotiate an agreement with the County to allow the City to enforce zoning violations within the City. The Regional District Act was amended in 2002 to allow the District Council, rather than the County Executive, to enter into such agreements. The City of College Park has presented a proposed contract to the District Council for its consideration for the enforcement of zoning violations within the City's boundaries. The proposed resolution will approve the proposed agreement.

CODE INDEX TOPICS: