
A G E N D A I T E M S U M M A R Y

Reference No: CB-1-1991

Draft No: 2

P r i n c e G e o r g e ' s

Meeting Date: 3/26/91

C o u n t y C o u n c i l

Requester: C CA B WI

Item Title: An Ordinance for the purpose of clarifying procedures for reconsideration and amendment of decisions.

Sponsors C CA B WI

Date Presented 1/8/91 **Executive Action** / / —
Committee Referral (1) 1/8/91 P&Z **Effective Date** 3/26/91 —
Committee Action (1) 2/4/91 FAV(A)
Date Introduced 2/19/91
Pub. Hearing Date (1) 3/26/91 1:30 PM

Council Action (1) 3/26/91 Enacted
Council Votes CA: A_, B_: A_, C_: A_, D_: N_, F_: A_, MC: A_,
 M_: N_, P_: A_, WI: A_, ___: __, ___: __, ___: __

Pass/Fail P

Remarks (See also CB-123-1990)

Drafter: Joyce Birkel, Prin. Cnsl. **Resource** Mary Lane
to the District Council **Personnel:** Committee Director

LEGISLATIVE HISTORY

PLANNING AND ZONING COMMITTEE REPORT

DATE: 2/4/91

Committee Vote: Favorable with amendments , 3-1-1 (In favor: Council Members Castaldi, Casula and Fletcher; in opposition: Council Member Mills; abstaining: Council Member Del Giudice).

Staff noted the Proposed Draft 2, which makes the provisions for the reconsideration and the amendment of decisions regarding Comprehensive Design Zones, Recreational Planned Communities, and Special Exceptions consistent with those addressed in CB-1-1991.

Joyce Birkel, Principal Counsel to the District Council, briefed the Council on the background and need for this legislation. The Zoning Ordinance does not currently specify who may request reconsideration of a final decision, and within what timeframe the request must be made,

nor does it specify who may request an amendment of a site plan or any conditions imposed. This legislation specifies that in the case of reconsideration, a request must be made by the applicant or a party of record within 30 days of the decision, and in the case of an amendment to a site plan or condition, the applicant must make the request. In all cases, a public hearing would be held, all persons of record notified, and the property posted. The bill codifies existing procedures, and is necessary to bring the Code into compliance with Maryland case law, which provides property owners with vesting rights once approvals have been granted and appeals heard. Without the proposed amendments, use of property would never vest, which is unacceptable to the courts. She also noted that if fraud is discovered, it may be brought to the attention of the Council at any time.

Michele LaRocca of Meyers, Billingsley and Shipley, spoke in support of the bill, noting that it formalizes the existing process and is in line with the original intent of the Zoning Ordinance. She reiterated the concern that there is a need for finality of a decision at some point, and this point is upheld by case law.

As with all other 1990 Zoning bills that did not go to public hearing because of the Council's moratorium on Zoning actions, the effective date of the bill is not governed by the new rules of procedure.

The Chamber of Commerce and the Suburban Maryland Building Industry Association support this bill. The M-NCPPC voted to take no position. The Legislative Officer found it to be in proper legislative form.

BACKGROUND INFORMATION/FISCAL IMPACT

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

Existing law fails to specify who may request reconsideration and/or amendment of District Council actions and also fails to adequately set the time limits within which these requests may be made. This legislation defines the missing elements in the existing law in accordance with the intent of the original drafters of the Code, and codifies existing practices regarding these procedures.