

## Prince George's County Council Agenda Item Summary

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**Meeting Date:** 7/27/2004  
**Reference No.:** CB-042-2004  
**Draft No.:** 2  
**Proposer(s):** Harrington  
**Sponsor(s):** Harrington, Dean, Exum  
**Item Title:** An Ordinance amending certain provisions concerning informational mailings and sign posting and deleting obsolete language.

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**Drafter:** Jackie Brown, Director, PZED Committee  
**Resource Personnel:** Kenneth C. Williams, Legislative Aide

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	6/15/2004	<b>Executive Action:</b>	
<b>Committee Referral:</b>	6/15/2004 - PZED	<b>Effective Date:</b>	7/27/2004
<b>Committee Action:</b>	6/23/2004 - FAV(A)		
<b>Date Introduced:</b>	7/6/2004		
<b>Public Hearing:</b>	7/27/2004 - 10:00 AM		
<b>Council Action (1)</b>	7/27/2004 - ENACTED		
<b>Council Votes:</b>	MB:A, SHD:A, TD:A, CE:-, DCH:A, TH:A, TK:A, DP:A		
<b>Pass/Fail:</b>	P		
<b>Remarks:</b>			

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### AFFECTED CODE SECTIONS:

27-125.01, 27-125.03, 27-276, 27-285, 27-527.01, 27-546.05, 27-546.06

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### COMMITTEE REPORTS:

#### PLANNING, ZONING & ECONOMIC DEVELOPMENT COMMITTEE

**Date 6/23/2004**

Committee Vote: Favorable with amendments, 4-0 (In favor: Council Members Dernoga, Dean, Exum, and Harrington)

This legislation amends a provision contained in CB-1-2004 (Draft-2) that required posting of public notice for District Council oral argument hearings. CB-42-2004 removes this requirement and also consolidates language that requires notice to prior persons of record in the informational mailing section of the Zoning Ordinance.

The Planning Board supports CB-42-2004. The Office of Law reviewed the bill and recommended that Section 27-527.01 be repealed instead of deleted, but otherwise, found the bill in proper legislative form with no legal impediments to its adoption.

The Principal Counsel, District Council, reviewed the legislation and provided the following comments on suggested modifications for the Committee's consideration. First, to avoid problems in several pending oral argument cases which might be claimed to require special notice or posting, the title of the bill should state that it merely "clarifies"

that posting is not required for District Council oral arguments. Second, the proposed language does not clearly state which proceedings are included within the person-of-record notification provisions in line 30, et seq., page 2. The subject matter to be covered in the sentence, which refers to zoning map amendments, special exceptions, and other zoning matters, may be covered by amending the language as follows: “The applicant shall send notice of application filing to every person of record in a zoning or Planning Board case under Part 3 within ten years of the filing of the application.” This language would include any party in a case before the Examiner or Planning Board.

Mr. Gilbert also suggested that the definitions section, Section 27-107.01(a), be amended to define the words “hearing” and “public hearing” to include only evidentiary hearings, not oral arguments. He provided language in his memorandum to the Committee Director that he believed to be broad enough to cover the different evidentiary proceedings and to allow the Council in the future, if it wants to do so, to have “hearings” itself.

The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-42-2004.

The Committee voted favorably on the bill including the amendment recommended by the Office of Law to change “deleted” to “repealed” on page 1, line 13 and two of the amendments recommended by the Principal Counsel to revise the bill title to clarify that posting is not required as well as the modifications to the person of record notification provisions on page 2, line 30. The Committee determined that adding a definition for “hearing” and “public hearing” is not necessary.

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#### **BACKGROUND INFORMATION/FISCAL IMPACT:**

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

CB-1-2004 amended provisions in the Zoning Ordinance concerning sign posting to require that applicants post public notice sign(s) for all public hearings on zoning matters conducted by the Planning Board, Zoning Hearing Examiner and District Council. This legislation removes the posting requirement for District Council hearings since public testimony at such hearings is limited to individuals who are already entered as prior parties of record in these zoning matters. This bill also consolidates into one section, 27-125.01(a)(2), the requirement for informational mailings (required pursuant to CB-12-2003) to prior parties of record.

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#### **CODE INDEX TOPICS:**

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#### **INCLUSION FILES:**

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