

Prince George's County Council Agenda Item Summary

Meeting Date: 10/28/2014
Reference No.: CB-064-2014
Draft No.: 2
Proposer(s): Park & Planning
Sponsor(s): Franklin
Item Title: An Ordinance concerning Chesapeake Bay Critical Area Variances and the Board of Zoning Appeals and Grandfathering of Affected Property for the purpose of providing specific authority to the Board of Zoning Appeals to grant variances from the requirements of this subtitle for property located within the Chesapeake Bay Critical Area of the County, providing certain procedural requirements for the exercise of said power and duty by the Board of Zoning Appeals, making certain clarifying amendments relating to variances for property located within the Chesapeake Bay Critical Area of the County, and for the purpose of providing the appropriate grandfathering provisions for property impacted by the Chesapeake Bay Critical Area Sectional Map Amendment.

Drafter: CJ Lammers, Project Leader, M-NCPPC
Resource Personnel: Megan Reiser, Planner Coordinator
Mary Rea, Planner
Karen T. Zavakos, Legislative Officer

LEGISLATIVE HISTORY:

Date Presented:	9/2/2014	Executive Action:	
Committee Referral:	9/2/2014 - PZED	Effective Date:	12/15/2014
Committee Action:	9/16/2014 - FAV(A)		
Date Introduced:	9/30/2014		
Public Hearing:	10/28/2014 - 10:30 AM		
Council Action (1)	10/28/2014 - ENACTED		
Council Votes:	WC:A, DLD:A, MRF:A, AH:-, ML:-, EO:A, OP:A, IT:A, KT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-229, 27-230, 27-239.04, 27-548.10

COMMITTEE REPORTS:**Planning, Zoning and Economic Development****Date 9/16/2014**

Committee Vote: Favorable with amendments, 4-0-1 (In favor: Council Members Turner, Franklin, Harrison and Olson. Abstain: Council Member Campos)

Council staff summarized the purpose of three Council Bills (CB-64-2014, CB-65-2014, and CB-66-2014) transmitted by the Planning Board for the Council's consideration to support the Chesapeake Bay Critical Area Overlay Zone Sectional Map Amendment (SMA). CB-64-2014 adds language to grandfather certain existing structures on properties affected by the Chesapeake Bay Critical Area Overlay Zone SMA and to permit the Board of Zoning Appeals to approve zoning variances within the Chesapeake Bay Critical Area.

Staff briefed the Committee on a Proposed Draft-2 (DR-2) of the legislation prepared by Planning Department staff. The clarifying amendments to Proposed DR-2 are as follows: page 3, line 11, insert "Planning Board" before "public hearing"; page 3, line 15, after "Planning Board", strike "or Board of Zoning Appeals, as appropriate". During discussion of the legislation, the Legislative Officer informed the Committee of an additional amendment that is necessary to clarify the powers and duties of the Board of Zoning Appeals. On page 2, line 14, insert the phrase "Except where provided in this Code" at the beginning of Section 27-229(b)(23).

Megan Reiser and Rana Hightower of the Planning Department were available to respond to questions concerning the legislation.

The Office of Law reviewed CB-64-2014 and determined that it is in proper legislative form with no legal impediments to its enactment.

The Committee voted favorable with the amendments in Proposed DR-2 as well as the amendment suggested by the Legislative Officer. Draft-2 also contains necessary revisions to the title and purpose clause to reference the appropriate subtitle and to provide notice of the grandfathering provisions contained in the bill.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This bill confers express authority upon the Board of Zoning Appeals to grant variances from the requirements of Subtitle 5B of the County Code for property within the Critical area; provides a grandfathering clause to exempt certain existing structures on properties affected by the 2014 Chesapeake Bay Critical Area Sectional Map Amendment; and makes certain clarifying amendments to the Zoning Ordinance regarding variances in the Critical Area of the County.

CODE INDEX TOPICS:

INCLUSION FILES:
