

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

Meeting Date: 9/6/2000**Reference No.:** CB-69-2000**Proposer:** Maloney**Draft No.:** 2**Sponsors:** Maloney

Item Title: An Ordinance clarifying that the Planning Board must mail notices of its decisions to persons of record and that the mailing commences the time when Board decisions may be appealed to or called up for review by the District Council

Drafter: Steven M. Gilbert
Principal Counsel**Resource
Personnel:**

LEGISLATIVE HISTORY:**Date Presented:** 6/27/2000**Executive Action:** __/__/__ __**Committee Referral:** 6/27/2000 PZED**Effective Date:** 10/23/2000**Committee Action:** 7/20/2000 FAV(A)**Date Introduced:** 7/25/2000**Public Hearing:** 9/6/2000 11:00 A.M.**Council Action:** 9/6/2000 ENACTED**Council Votes:** DB:A, JE:-, IG:A, TH:A, WM:A, RVR:A, AS:A, PS:A, MW:A**Pass/Fail:** P**Remarks:** _____

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT**DATE:** 7/20/2000

Committee Vote: Favorable with amendments, 3-0 (In favor: Council Members Scott, Maloney and Wilson).

The Committee discussed CB-68-2000 and CB-69-2000 simultaneously since both pieces of legislation deal with the issue of Planning Board notices of its decision to persons of record. CB-68 amends the Subdivision Regulations to provide language clarifying that the Planning Board is required to mail notice of its action to each party of record on those subdivision applications that may be appealed to or called up for review by the Council. CB-69-2000 amends the Zoning

Ordinance to include similar language for the various zoning applications that are also subject to appeal or call up by the Council.

Council Member Maloney, the bill's sponsor, explained that the legislation clarifies what the Clerk of the Council's practice has always been concerning zoning applications reviewed by the District Council.

The Planning Board supports CB-69-2000 and recommended that the list of applications on page 2 of the bill be revised to include the following applications so that the same notification requirements apply to these as well: special permits, comprehensive design plans and specific design plans. The Legislative Officer and the Office of Law determined the bill is in proper legislative form. The Office of Law recommended minor technical amendments. The County Executive takes no position on the legislation.

The Principal Counsel discussed inconsistencies in several appeal procedures in the Zoning Ordinance, notably special permits in Section 27-239.02 and minor site plan revisions in Section 27-325. The Ordinance allows appeals to or call-up review by the District Council of most Planning Board decisions, including those in all site plan and departure cases. But special permits and special exceptions site plan revisions under the referenced sections are appealed, in many instances, to Circuit Court. (Gas station and fast-food restaurant special exception site plan revisions may be appealed to Council or to court, depending on what type of revision is requested.) The question was raised whether these appeal procedures should be made consistent with those in other cases.

Since CB-69-2000 is intended only to codify present Planning Board notice practice without making substantive changes in the law, staff has not proposed an amendment to Section 27-239.02 or Section 27-325, to make those appeal procedures consistent with other cases. The Committee recognized the inconsistency and concurred that it should be corrected. Staff was directed to prepare corrective legislation for presentation and Committee review at a later date.

The Committee voted favorably on the legislation including the amendments on page 2 recommended by the Planning Board.

BACKGROUND INFORMATION/FISCAL IMPACT

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

The Zoning Ordinance provides for appeals or call-up review of Planning Board decisions in many zoning cases. The bill clarifies that the Planning Board must mail notices of its decisions to persons of record and that the mailing commences the time when Board decisions may be appealed to or called up for review by the District Council.

CODE INDEX TOPICS: