

Prince George's County Council

Agenda Item Summary

Meeting Date: 11/18/2008
Reference No.: CB-056-2008
Draft No.: 2
Proposer(s): Park & Planning
Sponsor(s): Exum, Bland, Harrison, Turner, Knotts, Dean
Item Title: An Ordinance for the purpose of making changes to the design, content and posting requirements for public hearing signs.

Drafter: M-NCPPC Staff
Resource Personnel: Jackie Brown, PZED Committee Director

LEGISLATIVE HISTORY:

Date Presented:	7/23/2008	Executive Action:	
Committee Referral:	7/23/2008 - PZED	Effective Date:	1/5/2009
Committee Action:	9/17/2008 - HELD 10/15/2008 - FAV(A)		
Date Introduced:	10/21/2008		
Public Hearing:	11/18/2008 - 10:00 AM		
Council Action (1)	11/18/2008 - ENACTED		
Council Votes:	MB:A, WC:A, SHD:A, TD:-, CE:A, AH:A, TK:A, EO:A, IT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-125.03, 27-231

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT

Date 10/15/2008

Committee Vote: Favorable as amended, 4-0 (In favor: Council Members Exum, Dernoga, Olson, and Knotts)

Staff presented a Proposed Draft-2 (DR-2) which was prepared by the Planning Department staff to address comments provided at the September 17, 2008 committee meeting.

The following amendments are provided in the DR-2:

- Page 2, lines 13 and 14; insert "The website address of the Planning Department to obtain additional information."
- Page 3, line 3, insert "If the placement of the sign on the subject property is not visible to motorists from adjoining streets,"
- Page 3, lines 5 and 6, after "at the discretion of the Planning Director," insert "Planning Board, Zoning Hearing Examiner, or Chair of the Board of Appeals, depending upon the body hearing the case."
- Page 4, insert Section 27-231 (Board of Zoning Appeals, Procedures, Notice of public hearing) and on line 7, before "in a Residential Zone," insert "Except for appeals not involving variances."

The committee accepted the proposed amendments in DR-2 and voted favorably. Arie Stouten, Development Review Division Chief, clarified that the Board of Zoning Appeals' (the "Board") website will be included on the public hearing signs for cases heard by the Board.

PLANNING, ZONING & ECONOMIC DEVELOPMENT

Date 9/17/2008

Held in committee.

Staff informed the committee that this legislation was transmitted by the Planning Board for the Council's consideration for the purpose of recommending improvements to the content and posting requirements for public hearing signs.

Mr. Stouten was present to summarize CB-56-2008. The proposal recommends the following:

- Improves the legibility of signs by reducing the required content to essential elements such as application number; date, time and place for the public hearing; and a phone number to call for additional information
- Allows space for the phone number and word "hearing" to be significantly enlarged
- Includes the new central Commission phone number for public information or assistance
- Requires double or "V-shaped" posting of signs visible to two-way traffic
- Requires applicants to remove signs within 15 days after the public hearing

The Zoning Hearing Examiner reviewed CB-56-2008 and provided a memorandum to the PZED Committee Director dated September 16, 2008 indicating that since all matters that require posting are not heard by the Planning Board, the language on page 3, in Section 27-125.03(a)(5) should be amended to say "at the discretion of the Planning Director, the Zoning Hearing Examiner, or the Chair of the Board of Appeals (depending on the body hearing the application)..." or similar language.

Anne Carter, Board of Appeals Administrator, provided a memorandum to the PZED Committee Chair dated September 16, 2008 expressing concerns with Draft-1 of the legislation. Ms. Carter comments that proposed language in CB-56-2008 (DR-1) relating to sign posting procedures would drastically change the current procedures of the Board of Zoning Appeals (the "Board"). Board procedures contained in Zoning Ordinance Section 27-231(d) (7) specify that "[w]hen the subject property is not in a Residential Zone, the appellant shall post the property with a durable sign at least fifteen (15) days prior to the scheduled hearing date" and that "[t]he sign shall be provided by the Board of Zoning Appeals and posted in accordance with Section 27-125.03(a)." The Board does not currently require that signs be posted on residential property and does not currently provide the signs to the applicant when posting is required.

Proposed changes to Section 27-125.03(a)(1), on page 2 at lines 4-6, would appear to provide that the Board require posting of signs for all public hearings, residential property included, and that the Planning Board provide signs to any applicant. Since the Board has never required that signs be posted on residential property, since the majority of the Board's cases involve residential property, and since CB-56 would have the Planning Board provide signs to applicants, a new administrative process would need to be created that would require close cooperation between the Board's staff and appropriate staff of the Maryland-National Capital Park and Planning Commission (M-NCPPC).

If CB-56-2008 includes such procedural changes with regard to the Board of Zoning Appeals, it is recommended that equivalent changes be made to Section 27-231(d) to avoid conflicting language.

The Office of Law reviewed CB-56-2008 and determined that it is in proper legislative form.

Council Member Exum requested an amendment to the legislation to require notation of the M-NCPPC website address on the public hearing signs.

The legislation was held in committee to allow Planning Department staff to make revisions that will address the ZHE and Board of Appeals concerns and clarify conflicts between existing language in the Code and proposed

language in Draft-1.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This bill makes changes to the design, content, and posting requirements for public hearing signs as follows:

- Improves the legibility of signs by reducing the required content to essential elements such as application number; date, time, and place for the public hearing; and a phone number to call for additional information
- Allows space for the phone number and the word "hearing" to be significantly enlarged
- Includes the new central Commission phone number for public information or assistance
- Requires double or "V-shaped" posting of signs visible to two-way traffic
- Requires applicants to remove signs within 15 days after public hearing

CODE INDEX TOPICS:

INCLUSION FILES:
