

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

Meeting Date: 11/21/2000

Reference No.: CB-79-2000

Proposer: Shapiro

Draft No.: 2

Sponsors: Shapiro

Item Title: An Ordinance permitting a proposed M-U-TC Zone or Sectional Map Amendment to be approved without a second District Council public hearing after transmittal by the Planning Board, under certain circumstances

Drafter: Steven M. Gilbert
Principal Counsel

Resource Cheryl Harrington
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 9/6/2000

Executive Action: __/__/____ __

Committee Referral: 9/6/2000 PZED

Effective Date: 1/8/2001

Committee Action: 1 10/4/2000 HELD)

Committee Action: 2 10/18/2000 FAV(A)

Date Introduced: 10/24/2000

Public Hearing: 11/21/2000 1:30 P.M.

Council Action: 11/21/2000 ENACTED

Council Votes: DB:A, JE:A, IG:A, TH:A, WM:A, RVR:-, AS:A, PS:A, MW:A

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 10/18/2000

Committee Vote: Favorable with amendments, 5-0 (In favor: Council Members Russell, Scott, Estepp, Maloney and Wilson).

After the Committee staff overview and presentation of referral comments on the legislation, Council Member Shapiro, the bill's sponsor, explained the technicality being addressed by the new provisions being added to the Zoning Ordinance pursuant to this bill. In order to facilitate the District Council's final action on a proposed Mixed-Use Town Center (M-U-TC) Zone Map Amendment, CB-79-2000 allows the Council to amend the Planning Board's proposed M-U-TC Zone without an additional public hearing, where the amendments are only to exclude property from

the proposed rezoning. Similarly, during the review and approval process for a Sectional Map Amendment (SMA), an additional public hearing by the Council is not required for amendments to the SMA that are only to retain existing zoning.

The Council recently authorized the Planning Board to prepare an amendment to the Brentwood M-U-TC Zone changing the boundary of the zone to exclude properties within the City of Mount Rainier. This process is necessary due to existing provisions that require the Council to hold another public hearing on any amendments to a proposed M-U-TC Zone. The new language being added to Section 27-198.04 on page 2, lines 16-18 addresses this issue.

The County Executive takes no position on the legislation. The Planning Board supports the Planning staff's conclusion that in certain circumstances, a revised procedure to consider retaining existing zoning in a SMA or M-U-TC Zone map amendment, such as proposed in CB-79-2000, would be more efficient.

The Legislative Officer and the Office of Law find the bill to be in proper legislative form. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-79-2000.

The Committee voted favorably on the legislation including amendments to add the following sentence on page 3, lines 9 and 15: "No notice is required if no public hearing will be held."

BACKGROUND INFORMATION/FISCAL IMPACT

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

The bill concerns procedures for approval of the M-U-TC Zone and Sectional Map Amendments. The bill permits a proposed M-U-TC Zone or Sectional Map Amendment to be approved without a second District Council public hearing after transmittal by the Planning Board, where the Council changes the Planning Board's proposal only to retain existing zoning.

CODE INDEX TOPICS: