

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

Meeting Date: 7/29/2003

Reference No.: CB-42-2003

Proposer: Harrington

Draft No.: 1

Sponsors: Harrington, Dean, Hendershot

Item Title: An Ordinance authorizing the District Council to approve the M-U-I Zone (Mixed Use, Infill) on property owned by a municipality, modifying the M-U-I Zone application and approval requirements, and making related amendments to the Zoning Ordinance

Drafter: Steven M. Gilbert
Principal Counsel

Resource Ken Williams
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 6/17/2003

Executive Action: __/__/____

Committee Referral: 6/17/2003 PZED

Effective Date: 9/15/2003

Committee Action: 7/1/2003 FAV

Date Introduced: 7/8/2003

Public Hearing: 7/29/2003 10:00 A.M.

Council Action: 7/29/2003 ENACTED

Council Votes: PS:A, MB:A, SHD:A, TD:A, CE:-, DCH:A, TH:A, TK:A, DP:A

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECON. DEV. COMMITTEE REPORT DATE: 7/1/03

Committee Vote: Favorable, 4-1 (In favor: Council Members Harrington, Dean, Dernoga and Exum. Opposed: Council Member Knotts)

This legislation amends the Zoning Ordinance to allow a municipality to apply for the M-U-I Zone on property it owns. Currently, the District Council may not rezone a property to the M-U-I Zone unless it is in the Development District Overlay (D-D-O) or the Transit District Overlay (T-D-O) Zone. The bill was submitted to facilitate the redevelopment of property located on MD 450 in the Town of Cheverly. Two condemned office buildings are currently located on the property.

Staff discussed a Proposed Draft-2 (DR-2) prepared by the Principal Counsel and explained in a memorandum dated June 25, 2003 (Gilbert to Brown). Mr. Gilbert explains that the M-NCPPC Development Review staff pointed out a potential time problem for a municipality's application, if it wishes rapid approval of a site plan application after (or perhaps at the same time as) the M-U-I Zone is approved. (Draft 1 of the bill, at lines 18-21 on page 3, requires that a municipality's application be "expedited" and gives the Planning Board just 50 days to file its recommendation, after staff accepts the application.) Council Bill 12-2003, approved by the District Council on 6 May and effective on 23 June, requires "informational mailings" by zoning applicants, including M-U-I applicants, "[a]t least 30 days...before the Commission accepts an application."

The Town of Cheverly, which has property which may be affected by the legislation, is requesting that municipalities be exempted from the informational mailing requirements in CB-12-2003.

To address this potential problem, a proposed DR-2 of CB-42-2003 was prepared, amending Section 27-125.01(a) of the Zoning Ordinance, which was rewritten in CB-12-2003. The last sentence of subsection (a)(1), which concerns the applicability of Section 27-125.01 to the different zoning and site plan cases, will now read (with the new language italicized):

It does not apply *to any application filed by a municipality for property it owns*, to the initial applications for the M-U-TC, T-D-O, or D-D-O Zone, or to applications which the Planning Director is authorized to approve administratively.

The rationale for exempting municipalities from the informational mailing requirements is that they will seldom own property requiring rezoning or site plan or other approvals, and when they do they will, by the nature of their governmental activities, give adequate neighborhood notification of their intentions on their property before they file applications.

The Office of Law found 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-42-2003.

David Warrington, Town Administrator for the Town of Cheverly, spoke in support of the bill.

The Committee discussed concerns with exempting municipalities from the informational mailing requirements and did not accept the amendment to Section 27-125.01 in the Proposed DR-2.

BACKGROUND INFORMATION/FISCAL IMPACT

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

The bill amends M-U-I Zone provisions in Part 10 of the Zoning Ordinance, to allow M-U-I rezoning where requested by a municipality for property it owns. The bill also modifies application and approval requirements for M-U-I Zone cases.

CODE INDEX TOPICS: