

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

Meeting Date: 11/19/2001

Reference No.: CB-76-2001

Proposer: Estep

Draft No.: 1

Sponsors: Estep

Item Title: An Ordinance permitting minor changes to approved special exceptions for marinas and permitting marinas in the R-R Zone under certain circumstances.

Drafter: Jackie Brown, Director
PZED Committee

Resource John Timms
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 9/25/2001

Executive Action: __/__/____

Committee Referral: 9/25/2001 PZED

Effective Date: 1/4/2002

Committee Action: 10/15/2001 FAV

Date Introduced: 10/23/2001

Public Hearing: 11/19/2001 10:00 A.M.

Council Action: 11/19/2001 ENACTED

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

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECONOMIC DEV. COMMITTEE

DATE: 10/15/2001

Committee Vote: Favorable 4-0; (In favor: Council Members Shapiro, Estep, Wilson and Maloney; Absent: Council Member Russell)

This legislation amends the Zoning Ordinance to add a new use, marina, to the Residential Use Table and permits this use in the R-R Zone under certain circumstances. The use is permitted in R-R if it abuts an existing marina in the C-W Zone approved prior to 1972 pursuant to a special exception. In addition, a revised site plan must be approved by the Planning Board that incorporates the entire property showing existing and proposed improvements in both the R-R and C-W Zones.

CB-76 also allows minor amendments to approved special exception site plans for changes to marinas. Specifically, minor amendments to site plans for approved marinas may be permitted

by the Planning Board or its designee for renovation in kind and repair for facilities and structures already located at an existing marina. The language allows a staff level (designee) review of the minor changes and if agreement is not reached during that review, the Planning Board will review the site plan. Any other changes, not related to renovation in kind or repair, require Planning Board approval.

Council Member Estep, the bill's sponsor, informed the Committee that CB-76 corrects a split-zoning problem for the existing Tantallon Marina and the property owner's desire to replace deteriorated facilities. Mr. Estep explained that even though the marina received approval in 1969, the use currently consists of both land and water zoned C-W and R-R. The combination of zones creates a problem for the property owner in terms of obtaining approvals to revitalize the marina.

The Planning Board supports CB-76 and recommends clarification concerning language in the purpose paragraph of the bill and the intent of the new language in the legislation. The Board commented that the purpose paragraph (in the background information of the agenda item summary) reads that the legislation is intended to allow minor changes to approved special exceptions for marinas in the C-W Zone, but the legislation does not limit the permitting of minor changes in the C-W Zone. The new language in Section 27-325(m) on page 2 of the bill is intended to allow minor changes in all zones that the use is permitted. Therefore, the second sentence in the background information has been amended to remove the reference to the C-W Zone in order to clarify that this provision is applicable in all zones in which the use is permitted.

The County Executive takes no position on the legislation. The Legislative Officer and the Office of Law find the bill to be in proper legislative form. The Office of Audits and Investigations determined that there should be no negative fiscal impact on the County as a result of enacting CB-76.

BACKGROUND INFORMATION/FISCAL IMPACT

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

Marinas are permitted by Special Exception in the C-S-C, C-W and C-M Zones. This legislation allows minor changes to site plans for marinas. The bill also permits marinas in the R-R Zone under certain circumstances.

CODE INDEX TOPICS: