



Prince George's County Council

Agenda Item Summary

Meeting Date: 9/29/2015 **Effective Date:** 9/29/2015
Reference No.: CB-066-2015 **Chapter Number:** 35
Draft No.: 1 **Public Hearing Date:** 9/29/2015 - 1:30 PM
Proposer(s): Davis
Sponsor(s): Davis and Harrison
Item Title: AN ORDINANCE CONCERNING THE MIXED USE ZONES for the purpose of clarifying the Uses Permitted provision of the Zoning Ordinance permitting a group residential facility in the M-X-T (Mixed Use-Transportation Oriented) Zone under certain circumstances.

Drafter: Karen T. Zavakos, Zoning and Legislative Counsel
Resource Personnel: Nellvenia W. Johnson, Chief of Staff / Legislative Aide

LEGISLATIVE HISTORY:

Date:	Acting Body:	Action:	Sent To:
09/09/2015	County Council	rules suspended	
	Action Text:		
	A motion was made by Council Member Harrison, seconded by Vice Chair Davis, that the Council Rules of Procedure be suspended. The motion carried by the following vote:		
	Aye: 9 Franklin, Davis, Glaros, Harrison, Lehman, Patterson, Taveras, Toles and Turner		
09/09/2015	County Council	introduced	
	Action Text:		
	This Council Bill was introduced by Council Members Davis and Harrison.		
09/09/2015	County Council	Clerk directed to expedite scheduling of public hearing	
	Action Text:		
	The Clerk was directed to expedite scheduling of Council Bill 66-2015.		
09/29/2015	County Council	public hearing held	
	Action Text:		
	The public hearing was held for this Council Bill.		
09/29/2015	County Council	rules suspended	

Action Text:

A motion was made by Council Member Harrison, seconded by Council Member Glaros, that the Council Rules of Procedure be suspended to allow for an effective date on the date of enactment of this Bill. The motion carried by the following vote:

Aye: 8 Davis, Glaros, Harrison, Lehman, Patterson, Taveras, Toles and Turner

Absent: 1 Franklin

09/29/2015 County Council enacted

Action Text:

A motion was made by Council Member Harrison, seconded by Council Member Glaros, that this Council Bill be enacted. The motion carried by the following vote:

Aye: 8 Davis, Glaros, Harrison, Lehman, Patterson, Taveras, Toles and Turner

Absent: 1 Franklin

AFFECTED CODE SECTIONS:

27-547

BACKGROUND INFORMATION/FISCAL IMPACT:

This bill is curative legislation to amend CB-19-2015, enacted by the District Council on July 21, 2015. After the bill's enactment, it was brought to the attention of the Legislative Branch staff that CB-19-2015 (DR-1) contained a transposition error within the text of Footnote 17 on page 2 of the bill. The specified year for the existence of the residential facility was intended to read "1985" but was instead reflected as "1958" in the text of CB-19-2015. The error was carried forward through presentation, committee work session and favorable motion as to the bill, and was enacted on July 21, 2015, without any mention of an erroneous year in the draft. As a result, there being no way to ascertain "clear error" on its face, the Zoning and Legislative Counsel was unable to exercise editorial license to correct the error in DR-1 of the bill and opined that curative legislation was necessary to amend Footnote 17 to Section 27-547(b) in order to state the pertinent year, "1985," correctly in the Ordinance.

While this legislation is procedurally necessary to substitute "1985" for "1958" in Footnote 17 to Section 27-547(b), substantive discussion by the PZED Committee was conducted during examination of CB-19-2015, and is therefore not required on the instant legislation. For convenience, the Legislative History of CB-19-2015 is listed below.

Council staff summarized the purpose of the legislation and informed the committee of referral comments that were received. This legislation amends the Zoning Ordinance to permit by right a group residential facility in the Mixed Use Transportation (M-X-T) Zone under certain circumstances as provided in a new footnote to the mixed use zones use table.

Council Member Davis, the bill's sponsor, informed the Committee that CB-19-2015 facilitates the location of a group residential facility in his district allowing continuation of a use without nonconforming status.

The Planning Board took no position on the legislation. The Office of Law reviewed CB-19-2015 and determined that it is in proper legislative form with no legal impediments to its enactment.

Arthur Horne, Attorney with Shipley & Horne, P.A., testified in support of the legislation.

Document(s): B2015066.doc, CB-66-2015 AIS