

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

Meeting Date: 3/12/96

Reference No.: CR-7-1996

Proposer: Del Giudice

Draft No.: 2

Sponsors: Del Giudice

Item Title: A Resolution for the purpose of initiating appropriate zoning map revisions, by means of a Countywide Map Amendment, for the R-O-S Zone

Drafter: Mary Lane
PZ&ED Committee Director

Resource Personnel: Craig Rovelstad
M-NCPPC

LEGISLATIVE HISTORY:

Date Presented: ___/___/___

Executive Action: ___/___/___

Committee Referral:(1) 3/12/96 PZED

Effective Date: 8/14/96

Committee Action:(1) 3/18/96 HELD
6/19/96 FAV(A)

Date Introduced: 3/12/96

Pub. Hearing Date: (1) ___/___/___ __:___ __

Council Action: (1) 7/30/96 Adopted

Council Votes: SD:A, DB:A, JE:A, IG:A, AMc:A, WM:A, RVR:-, AS:A, MW:A

Pass/Fail: P

Remarks: (See also CB-31-1996)

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 6/19/96

Committee Vote: Favorable with amendments, 3-0 (In favor: Council Members Wilson, MacKinnon and Maloney).

The concern that had been expressed by the Parks Department regarding the devaluation of M-NCPPC land that is acquired by other public agencies was addressed by the language in CB-31-1996.

Council Bill 31 provides for a reversion in the zoning of property to the most recent previous zone if it is acquired by another public agency for a public purpose. This bill had been reported out of the PZ&ED Committee with a favorable report earlier in the meeting.

Staff noted that the effective date, which is April 3, 1996, must be amended. The Committee agreed to an effective date of two weeks from the date of adoption. It was also reiterated that the agency responses to the request for a listing of the properties under their ownership that are recommended for placement in the R-O-S Zone are advisory only. The regulations in the Zoning Ordinance and the guidelines on page 2 of the resolution will serve as the basis for preparation of the Map Amendment.

Andre Gingles raised the issue of the applicability of this Countywide Map Amendment to privately owned property that will already be in the R-O-S Zone during the preparation of the Map Amendment. Staff responded that this situation is not applicable to this Countywide Map Amendment, since it is only for the purpose of reclassifying land to the R-O-S Zone, and not from the R-O-S Zone. (Section 27-221(c) of the Zoning Ordinance states "The District Council shall initiate a Map Amendment ...for consideration of the R-O-S Zone. In this Map Amendment, property may only be retained in its existing category or reclassified to the R-O-S Zone.")

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 3/18/96

HELD in Committee.

Staff explained that this resolution will initiate a Countywide Map Amendment for the R-O-S Zone. This process was required by CB-73-1994, which created the R-O-S Zone. The Amendment process is generally that of a normal Sectional Map Amendment, which includes public notice, preparation of the Map Amendment, a Planning Board Worksession, public release, a joint public hearing, a Council worksession, and final action.

As had been required by CB-73-1994, letters were requested from five public agencies for their recommendations regarding the placement of their properties in the zone. The responses are attached to the resolution. It was noted that these are intended to be advisory only. The resolution also includes a number of general guidelines to be followed in the preparation of the Plan. This Map Amendment will apply to public land only, unless a request is received by a private property owner. No other zone may be requested or considered during this Map Amendment process.

There was a concern raised regarding the devaluation of M-NCPPC-owned land that is placed in the R-O-S Zone, in cases where it is acquired by other agencies, such as METRO or SEA. Staff proposed language that would automatically revert the zoning of public land when another public agency expresses an intent to acquire the land for a public purpose. It was suggested that attorneys for the Council, Planning Board and Office of the County Attorney develop the specific language. The Committee agreed with this concept, and requested that the legislation implementing it be drafted and placed on the Council's agenda. The resolution was held in committee until it could be considered simultaneously with the legislation.

BACKGROUND INFORMATION/FISCAL IMPACT

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

In 1994, the District Council enacted legislation (CB-73-1994) that created a new zone, the Reserved Open Space (R-O-S) Zone. This zone, which is intended to preserve large areas of open space and trees, and protect scenic and environmentally sensitive areas, is intended to be applied primarily to publicly owned land. Privately owned property may only be placed in this zone with the consent of the property owner.

Council Bill 73 also established a procedure for the initial application of the R-O-S Zone, a Countywide Map Amendment. This procedure, which is similar to the Sectional Map Amendment procedure, must be initiated by a resolution of the District Council.

CODE INDEX TOPICS: