

Prince George's County Council

Agenda Item Summary

Meeting Date: 11/18/2008
Reference No.: CB-054-2008
Draft No.: 2
Proposer(s): Park & Planning
Sponsor(s): Exum, Bland, Harrison, Dean
Item Title: An Ordinance for the purpose of making changes to informational mailing requirements for applications.

Drafter: M-NCPPC Staff
Resource Personnel: Jackie Brown, PZED Committee Director

LEGISLATIVE HISTORY:

Date Presented:	7/23/2008	Executive Action:	
Committee Referral:	7/23/2008 - PZED	Effective Date:	1/5/2009
Committee Action:	9/17/2008 - HELD 10/15/2008 - FAV(A)		
Date Introduced:	10/21/2008		
Public Hearing:	11/18/2008 - 10:00 AM		
Council Action (1)	11/18/2008 - ENACTED		
Council Votes:	MB:A, WC:A, SHD:A, TD:A, CE:A, AH:A, TK:A, EO:A, IT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-125.01

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT

Date 10/15/2008

Committee Vote: Favorable as amended, 4-0 (In favor: Council Members Exum, Dernoga, Knotts, and Olson)

Staff presented a Proposed Draft-2 (DR-2) with amendments to address concerns raised at the September 17, 2008 committee meeting.

The following amendments are provided in DR-2:

- On page 3, line 20, after the words "Notice of application acceptance" strike the words "to registered civic associations."
- On page 3, lines 25 and 26, after the words "first class mail," insert "municipalities"; strike the word "registered" before "civic associations"; and change "parties" to "persons."
- On page 3, line 31, after the words "written notice of acceptance to," insert the word "municipalities"; strike the word "registered"; and change "parties" to "persons."
- On page 4, in subsection (4), after the words "may not represent an area," strike the words "exceeding

approximately 5 square miles, unless it demonstrates to the satisfaction of the Planning Department that a larger area of interest is justified to preclude the inadvertent omission of cohesive neighborhood features or characteristics” and insert the words “extending beyond two adjoining Council Districts. In addition, the officers of an association must retain their primary residence within the association’s delineated area of interest” in lieu thereof.

- On page 4, insert new subsection (5) with language regarding watershed protection groups’ designation of an area for the purpose of receiving informational mailings.

The committee accepted the proposed amendments as drafted and voted favorably for Proposed DR-2.

PLANNING, ZONING & ECONOMIC DEVELOPMENT

Date 9/17/2008

Held in committee.

Staff informed the committee that this legislation was transmitted by the Planning Board for the Council’s consideration for the purpose of recommending improvements to informational mailing requirements for development review applications. The proposed legislation was prepared as a result of a community-based customer service initiative launched by the Planning Board in June 2007 to identify potential improvements to the development review process. During this time, the Planning Board worked with stakeholders including residents, municipal officials, civic groups, developers, attorneys and engineers to improve the transparency, effectiveness and certainty of the process. In addition to the preparation of the proposed legislation, the Planning Board also approved Process Guidelines for Development Review Applications, a list of tasks for staff and applicants to accomplish in preparing applications for public hearings.

Arie Stouten, Development Review Division Chief, was present to summarize the proposal with details of the proposed revisions to the existing informational mailing and civic association registration requirements as provided in the background of the Agenda Item Summary.

Council Member Exum raised a concern regarding language on page 4, line 21, which gives the Planning Director discretion in determining the boundaries for which an association may represent for the purpose of obtaining informational mailings.

Council Member Dernoga requested clarification as to how associations will be notified of the proposed change in the boundary if there are currently associations which have designated an area greater than 5 square miles. Mr. Dernoga also suggested that language be added to include watershed organizations an association which should receive informational mailings upon request.

Council Chairman Dean commented that the existing regulations for informational mailings are being abused given that individuals within certain associations are receiving mailings for development projects for which they may have an interest; however, they do not necessarily have a stake in these projects based on the distance from the geographical area that they represent.

Council Member Olson expressed concern with the 5-square mile radius being too small and also inquired as to why civic association registrations are not automatically renewed. Council Member Exum concurred with Mr. Stouten that associations should be required to update their registrations to ensure that new leadership of an association is actually included as the addressee on the informational mailing notices.

The Office of Law reviewed CB-54-2008 and determined that it is in proper legislative form.

The committee held the legislation to allow Planning Department staff to make revisions based on Council Members’ concerns and suggestions.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This bill provides the following:

- Clarifies that informational mailings are required for Chesapeake Bay Critical Area Conservation Plans heard by the Planning Board
- Requires one informational mailing (to registered civic associations, adjoining property owners, previous persons-of-record and municipalities located within one mile) 30 days prior to formal acceptance
- Requires applicants to send notice of acceptance to persons entitled to receive informational mailings, to file an affidavit for the record when the notice is complete, and allows the use first class mail to send required notices
- Eliminates the current 30 to 90-day acceptance periods, multiple informational mailings, and the use of certified mail to send required notices
- Allows registered civic associations with sufficient justification to designate an area of interest exceeding 10 square miles for the purpose of receiving informational mailings
- Reduces the time period for notice to previous persons-of-record from 10 to 6 years
- Requires the Commission to send notice and for civic associations to renew registration annually to receive informational mailings

CODE INDEX TOPICS:

INCLUSION FILES:
