



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Chairman
Derrick Leon Davis
Council Member, District 6

MAR 1 2017

The Hon. Jim Rosapepe, Chair
Prince George's County Senate Delegation
James Senate Office Building, Room 314
Annapolis, Maryland 21401-1991

The Hon. Jay Walker, Chair
Prince George's County House Delegation
Lowe House Office Building, Room 207E
Annapolis, Maryland 21401-1991

Re: Prince George's County Delegation Bill Position

Dear Senator Rosapepe & Delegate Walker:

It is my pleasure, on behalf of the Prince George's County Council, to transmit our position on pending proposed State legislation for the 2017 General Assembly Session. The Council met on February 28, 2017. The enclosed report reflects our position on General Assembly bills as they are currently drafted.

The Council appreciates the opportunity to work together with you and your colleagues to address issues important to our citizens and the operation of Prince George's County. Should you have any questions or need additional information please do not hesitate to contact me. For your convenience my office phone number is (301) 952-3426. Thanks again, for favorable consideration of the Council's position.

Sincerely,

A handwritten signature in black ink, appearing to read "D L Davis", written over a horizontal line.

Derrick L. Davis
Chair

Enclosures

cc: Hon. Rushern L. Baker, III, Prince George's County Executive

County Administration Building – Upper Marlboro, Maryland 20772
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RULES & GENERAL ASSEMBLY COMMITTEE REPORT

The Rules & General Assembly met as Committee of the Whole on February 21, 2017 with the following Members present:

Council Member, Derrick L. Davis, Chair
Council Member, Dannielle M. Glaros, Vice Chair
Council Member Mel Franklin
Council Member Andrea C. Harrison
Council Member Mary A. Lehman
Council Member Obie Patterson
Council Member Deni Taveras
Council Member Karen R. Toles
Council Member Todd M. Turner

The Council voted for the following positions on these respective bills:

PG 410-17 HB 1577	Prince George's County – School Facilities Surcharge Exemption – Veteran Housing – SUPPORT w/AMENDMENT
PG 418-17 HB 1570	Prince George's County – Municipal Authority to Regulate Fences – OPPOSE w/AMENDMENT
MC/PG 107-17 HB 323	Maryland-National Capital Park and Planning Commission – Prince George's County – Rezoning of the Jesuit Property – OPPOSE
SB 463	Business Regulation – Limited Residential Lodging – SEND LETTER DETAILING COUNCIL CONCERNS
SJ 7 HJ9	The Protection of the Federal Affordable Care Act – SUPPORT



THE PRINCE GEORGE'S COUNTY GOVERNMENT

(301) 952-3700
County Council

POSITION STATEMENT

(MC/PG 107-17)

Delegate

Geraldine Valentino-Smith

Maryland-National Capital Park and Planning

Commission – Prince George's County – Rezoning of

the Jesuit Property

POSITION:

OPPOSE

MC/PG 107-17 (HB 323) – Maryland-National Capital Park and Planning Commission – Prince George's County – Rezoning of the Jesuit Property prohibits a zoning hearing examiner or the District Council in Prince George's County from considering revision 24 in CR-26-2014 when deciding on any application for rezoning of Jesuit property located north and south of MD Rt. 450, east of Race Track Road before the completion of the next update to the 2006 approved Master Plan for Bowie and Vicinity and Sectional Map Amendment adopted after January 1, 2017.

MC/PG 107-17 seems to represent the State's attempt to usurp the Prince George's County District Council's authority with regard to the zoning process in Prince George's County. In doing so, the bill creates "spot-zoning," disregards the collaborative zoning process, and overlooks citizen input, which would then create chaos and uncertainty in the County's zoning process. Spot zoning may be valid when it is done within the confines of a comprehensive plan, but may be found invalid when it is inconsistent with a comprehensive plan and serves to benefit private interests.¹ In either situation, it is imperative that zoning decisions remain within the purview of the District Council, as this body has been given, rightly so, the authority to balance those decisions.

We believe this bill would place additional burdens on Prince George's County, and produce legal inequity among its citizens and harm its economic viability, by circumventing the zoning process. This Council must remain accountable for the decisions that affect its decisions and remains fervently opposed to attempts to interfere in the County's zoning process.

Therefore, the County Council strongly **OPPOSES** MC/PG 107-17 and respectfully requests your favorable consideration of our position.

Prepared by:

Tia L. Holmes

Strategic Solutions Center

Jennifer A. Jenkins

On behalf of Prince George's County Council

¹ See *Tennison v. Shomette*, 38 Md. App. 1, 8 (1977).



THE PRINCE GEORGE'S COUNTY GOVERNMENT

(301) 952-3700
County Council

POSITION STATEMENT

(PG 418-17/HB 1570)
Delegates

Geraldine Valentino-Smith
and Marvin Holmes, Jr.

Prince George's County - Municipal Authority to
Regulate Fences

POSITION:

OPPOSE w/AMENDMENT

PG 418-17 (HB 1570) – Prince George's County – Municipal Authority to Regulate Fences grants concurrent zoning authority within the boundaries of a municipality to regulate fences, allowing the ordinances to be less restrictive than the existing County regulations.

The County Council is keenly aware that the genesis of this legislation is the difficulty that exists in the City of Bowie regarding fence heights and setbacks. However, the County Council must remain steadfast in protecting its authority over the zoning process and maintaining zoning uniformity throughout the County.

Zoning and the creation of comprehensive master plans is a process that takes into account the public good (i.e., the public health, safety, morals, and general welfare of constituents and their communities). This process is rightly established to be the responsibility of the County Council when it sits as District Council. For this reason, we must oppose this legislation. However, we recognize the desire of our State representatives to satisfy the concerns of this municipality regarding the extreme number of variances they currently process regarding fences, and offer an amendment to the current bill that will address the issue while enabling us to protect and maintain the integrity of the Prince George's County Charter and the zoning ordinance.

In sum, our amendment asks that the District Council maintain its oversight of fence regulations throughout the County. We offer the following text as an amendment to the bill as is currently written:

“22-203.

- (a) A municipal corporation in Prince George's County shall have concurrent authority in its boundaries with the county Department of **PERMITTING, INSPECTION AND ENFORCEMENT** [Environmental Resources, Licenses and Inspections Group], to seek compliance with zoning requirements to the extent that the requirements pertain to signs.



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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**PG 418-17/HB 1570 Prince George's County – Municipal Authority to Regulate Fences –
OPPOSE w/AMENDMENT**

- (b) A municipal corporation in Prince George's County may enact local laws regulating fences [erected in front of the building setback lines on all residential] **FOR** property located in the municipal corporation.

AT PAGE 2, STARTING AT LINE 23 STRIKE PARAGRAPH (c) IN ITS ENTIRETY AND REPLACE WITH THE FOLLOWING LANGUAGE:

- (c) (1) [Any] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY** local law enacted under this section may not be less restrictive than any local law in effect or subsequently enacted by the count council.

AT PAGE 3, STARTING AT LINE 4, STRIKE PARAGRAPH (D)(2) IN ITS ENTIRETY AND REPLACE WITH THE FOLLOWING LANGUAGE:

(2) PRIOR TO THE ENACTMENT OF A [COMPREHENSIVE] LOCAL LAW THAT IS LESS RESTRICTIVE REGULATING FENCE HEIGHT IN THE MUNICIPAL CORPORATION UNDER SUBSECTION (C) OF THIS SCETION, THE MUNICIPAL CORPORATION SHALL [PROMPTLY] SUBMIT THE ORDINANCE [CAUSE A RESOLUTION TO BE INTRODUCED] FOR APPROVAL OR DENIAL BY THE PRINCE GEORGE'S COUNTY COUNCIL[. THE COUNTY COUNCIL SHALL APPROVE OR DENY IN ANY MANNER THAT IS] CONSISTENT WITH THE [PROCESS AND] PROCEDURES UNDER SECTION 27-924 (b) OF THE PRINCE GEORGE'S COUNTY CODE."

Therefore, the County Council **OPPOSES** PG 418-17, yet offers an **AMENDMENT** to address the concerns noted pertaining to fence height regulations. We respectfully request your favorable consideration of our position.

Prepared by: Tia L. Holmes
Strategic Solutions Center
Jennifer A. Jenkins
On behalf of Prince George's County Council

AMENDMENT TO PG 418-17

**PRINCE GEORGE'S COUNTY – MUNICIPAL AUTHORITY TO REGULATE
FENCES**

22-203.

(a) A municipal corporation in Prince George's County shall have concurrent authority in its boundaries with the county Department of **PERMITTING, INSPECTION AND ENFORCEMENT** [Environmental Resources, Licenses and Inspections Group], to seek compliance with zoning requirements to the extent that the requirements pertain to signs.

(b) A municipal corporation in Prince George's County may enact local laws regulating fences [erected in front of the building setback lines on all residential] **FOR** property located in the municipal corporation.

AT PAGE 2, STARTING AT LINE 23, STRIKE PARAGRAPH (c) IN ITS ENTIRETY AND REPLACE WITH THE FOLLOWING LANGUAGE:

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AT PAGE 3, STARTING AT LINE 4, STRIKE PARAGRAPH (D)(2) IN ITS ENTIRETY AND REPLACE WITH THE FOLLOWING LANGUAGE:

(2) PRIOR TO ENACTMENT OF A [COMPREHENSIVE] LOCAL LAW THAT IS LESS RESTRICTIVE REGULATING FENCE HEIGHT IN THE MUNICIPAL CORPORATION UNDER SUBSECTION (C) OF THIS SECTION, THE MUNICIPAL CORPORATION SHALL [PROMPTLY] SUBMIT THE ORDINANCE [CAUSE A RESOLUTION TO BE INTRODUCED] FOR APPROVAL OR DENIAL BY THE PRINCE GEORGE'S COUNTY COUNCIL[. THE COUNTY COUNCIL SHALL APPROVE OR DENY IN ANY MANNER THAT IS] CONSISTENT WITH THE [PROCESS AND] PROCEDURES UNDER SECTION 27-924 (b) OF THE PRINCE GEORGE'S COUNTY CODE.