

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

Meeting Date: 10/28/97

Reference No.: CB-89-1997

Proposer: Maloney

Draft No.: 2

Sponsors: Maloney

Item Title: An Ordinance to establish procedures for the adoption
of legislation amending the Use Tables

Drafter: Joyce B. Nichols
Principal Counsel to the
District Council

Resource Personnel: Andy Eppelmann
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 7/29/97

Executive Action: __/__/__ __

Committee Referral: 7/29/97 PZED

Effective Date: __/__/__

Committee Action: 9/24/97 HELD

Committee Action: 10/16/97 HELD

Committee Action: 10/21/97 FAV(A)

Date Introduced: 10/28/97

Pub. Hearing Date: 11/25/97 1:30 PM

Council Action: (1) 11/25/97 FAILED

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

Pass/Fail: F

Remarks: _____

PLANNING, ZONING & ECONOMIC DEV. COMMITTEE REPORT DATE: 10/21/97

Committee Vote: Favorable with amendments, 3-2, (In favor: Council Members Hendershot, Maloney and Russell; Opposed: Council Members Del Giudice and Wilson)

Council Member Maloney presented a Draft-2 (Dr-2) of the bill indicating that this legislation will discourage without preventing the proliferation of text amendments. Mr. Maloney explained that Dr-2 provides that there are two months of the year, January or July, when text amendments are eligible for presentation or introduction, if presentation is bypassed, as opposed to Draft 1 which only

allowed presentation or introduction in January. In addition, Dr-2 provides that the legislation shall only become effective 120 days after it is enacted; Dr-1 provided that the legislation shall only become effective on December 31 of the year it was adopted. Dr-2 also eliminates the requirement contained in Dr-1 which specifies that legislation amending the Use Tables or amendments to this Section (Amendment to Use Tables) shall only be adopted by an affirmative vote of two-thirds (2/3) vote of the full Council.

Council Member Del Giudice commented regarding his concerns associated with staffing in that Dr-2 could result in a rush in requests for legislation for a January presentation date. Mr. Del Giudice recommended that the period be extended and suggested that line 1, page 2 be amended to include the month of February as well. Mr. Maloney accepted this amendment.

Len Lucchi, representing the County Executive's Office, indicated that the Executive Branch had opposed Draft-1 due to a 23-month delay for a proposed text amendment and that the position remains the same for Dr-2 in that this draft could create a 12-month delay in a text amendment.

Upon a motion by Council Member Maloney, seconded by Council Member Hendershot, the Committee voted a favorable recommendation on Draft-2 as amended.

PLANNING, ZONING & ECONOMIC DEV. COMMITTEE REPORT DATE: 10/16/97

Staff indicated that this bill was held in Committee at the September 24th worksession and since that time, written comments were received from the City of Bowie and Stan Fetter in support of the legislation.

Council Member Del Giudice commented that every time the use tables are amended does not mean the amendment is for a special interest. Steve Paul, representing the County Executive's Office spoke in opposition to the bill indicating that the legislation makes it impractical to amend the Table of Uses. The Planning Board is opposed to the bill and provided the following comments: "It could lengthen the process of time to amend the Table of Uses to up to two years. For example, an issue with the Table of Uses could be found in February 1998. Legislation could then not be presented until January 1999 with the effective date pushed back until December 31, 1999. It would take a full 23 months for the potential issue or problem to be solved."

Council Member Hendershot indicated to the Committee that there should be a cycle for amendments to the Table of Uses, however, once a year is not enough.

The bill was held in Committee.

PLANNING, ZONING & ECONOMIC DEV. COMMITTEE REPORT

DATE:9/24/97

Staff gave an overview of the legislation. Council Member Maloney, the bill's sponsor, provided a list of Zoning Ordinance text amendments since 1990. Mr. Maloney indicated to the Committee that he presented this legislation as an effort to change or rectify how land is developed. He indicated that this bill does not prevent the use tables from being amended; it sets up a cycle for presentation of the amendments thereby tightening the process for special interest bills.

Bob Zinsmeister, representing the Chamber of Commerce, spoke in opposition to the legislation indicating that this bill is counterproductive to the effort to keep flexibility in the process. The County Executive's Office opposes the legislation due to the restriction it will place on the legislative process for amending the Ordinance's Table of Uses. The written comments received from the Executive Branch indicated that "It could take up to 23 months to solve a potential issue or problem."

The Office of Law finds the bill to be in proper legislative form and also indicated that should a dire need arise to address an issue within the purview of the Zoning Ordinance, this legislation would severely hamper the District Council's ability to do so.

Council Member Del Giudice commented that there are times at which there is a need to have the ability to add to the use list in the Ordinance due to changes in the marketplace and the restrictions associated with the change/mistake rule. Mr. Del Giudice suggested that discussion of the bill continue at the next Committee worksession.

The bill was held in Committee.

BACKGROUND INFORMATION/FISCAL IMPACT

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

This bill establishes procedures for the adoption of legislation amending the Use Tables in the Zoning Ordinance. Such legislation would be required to be presented (or introduced) in January, be adopted by a super majority vote, and become effective December 31 of the year of adoption.

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