

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

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**Meeting Date:** 6/18/2002

**Reference No.:** CR-27-2002

**Proposer:** County Executive

**Draft No.:** 2

**Sponsors:** Shapiro, Bailey, Wilson, Scott

**Item Title:** A Resolution providing that certain permits of a minor residential nature are subject to review by the Department of Environmental Resources instead of the Planning Board

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**Drafter:** Kathleen H. Canning  
Office of Law

**Resource** Stan E. Wildesen  
**Personnel:** DER

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**LEGISLATIVE HISTORY:**

**Date Presented:** \_\_/\_\_/\_\_

**Executive Action:** \_\_/\_\_/\_\_

**Committee Referral:** 5/21/2002 C.O.W.

**Effective Date:** \_\_/\_\_/\_\_

**Committee Action:** 6/4/2002 FAV(A)

**Date Introduced:** 5/21/2002

**Public Hearing:** \_\_/\_\_/\_\_ :\_\_ \_\_

**Council Action:** 6/18/2002 ADOPTED

**Council Votes:** PS:A, DB:A, TD:A, JE:A, TH:A, TK:A; RVR:A, AS:A, MW:A

**Pass/Fail:** P

**Remarks:** See also CB-53-2002

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**COMMITTEE OF THE WHOLE REPORT**

**DATE:** 6/4/2002

Committee Vote: Favorable as amended 8-0. (In favor: Council Members Shapiro, Bailey, Dernoga, Hendershot, Knotts, Russell, Scott and Wilson; Absent: Council Member Estepp)

Staff provided the history of "permits of a minor nature", which were first created in 1991. These permits, which do not require Planning Department review, were intended for improvements that do not have Zoning Ordinance regulations applicable to them, such as mechanical equipment inside buildings, replacement of windows, siding, and roofing, as well as interior alterations. Although there were no applicable zoning regulations, the issuance of permits for these types of improvements was being delayed or denied if the existing building was in any way nonconforming. The list of permits of a minor nature, which originally included eight

types of permits, was required to be adopted by resolution of the Council, and could only be amended in this way. In 1993, pursuant to CR-76-1993, there were two additional types of permits added, which were related to life safety improvements and compliance with the Americans with Disabilities Act. The adoption of CR-11-1996 added three new types of minor permits, and clarification of another.

CR-27-2002 provides that certain minor residential permits may be approved by the Director of the Department of Environmental Resources without Planning Department review and also proposes one additional type of permit for certain residential fences to the existing list of permits of a minor nature. The list of minor residential permits includes the following: bay windows, decks, external steps, masonry barbecue grills, patios, swimming pools and certain fences. Similar to the list contained in previous resolutions, these permits do not have Zoning Ordinance regulations that apply to them.

The Committee discussed this resolution in conjunction with CB-53-2002, which amends the Zoning Ordinance to authorize the Department of Environmental Resources to perform administrative review and approval of certain residential permits of a minor nature.

The Committee amended the bill on page 2 in accordance with staff comments regarding renumbering the permit of a minor nature for residential fences from “(11)” to “(14)” in accordance with the numbering provided in the previous resolutions. Also on page 2, line 6, after “or other type of site plan”, the language “(excluding special exceptions)” was added. This clarifies that in accordance with Zoning Ordinance provisions concerning special exceptions, a site plan stands as approved and can only be amended if resubmitted to and approved by the Zoning Hearing Examiner.

The Committee voted a favorable report on the resolution with the amendments noted above and contained in Draft-2.

## **BACKGROUND INFORMATION/FISCAL IMPACT**

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

This resolution provides that certain permits of a minor residential nature are subject to review by DER instead of the Planning Board.

## **CODE INDEX TOPICS:**