

Prince George's County Council

Agenda Item Summary

Meeting Date:	3/21/2006
Reference No.:	CB-003-2006
Draft No.:	3
Proposer(s):	Dean
Sponsor(s):	Dean, Peters, Exum, Dernoga
Item Title:	An Ordinance providing regulations for golf courses under certain circumstances.

Drafter:	Jackie Brown, Director, PZED Committee
Resource Personnel:	Nellvenia W. Johnson, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	1/17/2006	Executive Action:	
Committee Referral:	1/17/2006 - PZED	Effective Date:	3/21/2006
Committee Action:	2/1/2006 - FAV(A)		
Date Introduced:	2/7/2006		
Public Hearing:	3/21/2006 - 1:30 PM		
Council Action (1)	3/21/2006 - ENACTED		
Council Votes:	MB:A, WC:A, SHD:A, TD:A, CE:A, DCH:A, TH:-, TK:A, DP:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-445.11

COMMITTEE REPORTS:

PLANNING, ZONING AND ECONOMIC DEVELOPMENT

Date 2/1/2006

Committee Vote: Favorable with amendments, 4-0 (In favor: Council Members Dean, Bland, Exum, and Peters)

Staff gave an overview of the legislation and summarized written referral comments that were received. CB-3-2006 provides that after golf course operations cease the property may be used only for limited purposes, until the District Council directs otherwise. This legislation was proposed due to the Council's concern that when golf course operations are discontinued, the surrounding neighborhood is impacted and therefore, special attention should be given to the appropriate land use for the property through a separate rezoning case to ensure that unplanned or inappropriate development does not occur.

The Planning Board opposes CB-3-2006 and provided the following written comments in explanation of their position. Presently, there are seventeen operational golf courses in Prince George's County, eleven of which are privately owned and six of which are owned and operated by federal or state agencies. Because there are many properties that would be affected by this bill and potentially many different operating and ownership arrangements for the golf courses located on property subject to the bill, the Planning Department staff is unable to accurately project its impact.

The technique used in the bill to automatically rezone a property upon the occurrence of a particular action is one that should be used sparingly. The theoretical basis for its sole use in the Zoning Ordinance to this point was to clarify that state and federal land holdings have never been subjected to consideration of appropriate zoning because they are exempt from local zoning regulations. Upon a change to private ownership, the lands become subject to local zoning regulations and a process for determining an appropriate land use for them, placing them in a low density holding zone in the meantime, makes sense.

The golf courses that would be covered by CB-3-2006, on the other hand, with the exception of those owned by Andrews Air Force Base, the University of Maryland and M-NCPPC, have been subjected to local land use regulations and were placed in their present zone as a result of established processes in the Zoning Ordinance. There is no obvious compelling public purpose that would justify automatically rezoning them when a change in the current land use occurred. Lastly, CB-3-2006 does not state which zoning process (SMA or ZMA) would be used and what required findings would be needed to determine the appropriate zoning for the property.

The Principal Counsel reviewed the legislation and determined that it is proper form and may be approved as drafted. The Office of Audits and Investigations determined there should not be any negative fiscal impact on the County as a result of enacting CB-3-2006.

The committee voted favorably on CB-3-2006 including an amendment on line 5, page 2, to change “first class” to “certified” and other technical amendments recommended by the Principal Counsel.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This legislation requires property on which a golf course is located to be placed in the O-S Zone if the golf course ceases to exist, until the District Council approves another zone for the property. When a golf course ceases operation, compatibility and environmental issues should be considered as the property is prepared for another use. In addition, existing golf courses located around the County are not uniformly zoned and it is desirable that once they stop operations as golf venues, they should have the same initial zoning treatment, regardless of their location.

CODE INDEX TOPICS:

INCLUSION FILES:
