

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

Meeting Date: 7/29/97

Reference No.: CB-77-1997

Proposer: M-NCPPC

Draft No.: 2

Sponsors: Del Giudice, Wilson

Item Title: An Ordinance to allow the approving authority for a
Detailed Site Plan to establish the appropriate order
of approval

Drafter: Jimi Jones, M-NCPPC

Resource Personnel: Alan Hirsch, M-NCPPC

LEGISLATIVE HISTORY:

Date Presented: 6/10/97

Executive Action: __/__/__ __

Committee Referral:(1) 6/10/97 PZED

Effective Date: 9/15/97

Committee Action:(1) 7/2/97 FAV (A)

Date Introduced: 7/8/97

Pub. Hearing Date: (1) 7/29/97 1:30 P.M.

Council Action: (1) 7/29/97 ENACTED

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

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECON. DEV. COMMITTEE REPORT

DATE: 7/2/97

Committee Vote: Favorable as amended, 3-0 (In favor: Council Members Del Giudice, Maloney and Wilson).

Staff indicated to the committee that this legislation was drafted by M-NCPPC and transmitted to the Council for sponsorship. Alan Hirsch, representing M-NCPPC, gave an overview of the purpose of the bill. He informed the committee that Detailed Site Plans are often required as a condition of approval of Zoning Map Amendments or Preliminary Plats of Subdivision to address a specific aspect of the development such as architecture. Section 27-270 requires an order of approvals when any Detailed Site Plan (DSP) is required. However, for those instances that an adjunct DSP is required as a condition of approval as discussed above, M-NCPPC has determined that it is

appropriate to allow the approving authority for the DSP to establish the appropriate order of approval. Mr. Hirsch indicated that this legislation allows flexibility for site plan requirements and the timing of DSP approvals.

Faroll Hamer, also representing M-NCPPC, spoke in support of the bill. Ms. Hamer commented on a situation in which an application contained a DSP requirement to address noise issues. In this case, approval of the DSP may be more appropriate prior to building permit instead of grading permit. However, the order of approvals as contained in Section 27-270 prohibited the issuance of a grading permit until such time as the DSP is approved. As proposed, CB-77-1997 would provide more flexibility in the order of approvals for a situation as described above.

Mr. Hirsch proposed an amendment to the bill. On Page 2, the following language was added at the end of line 11: "at the time the site plan requirement is imposed." The committee voted favorably on CB-77-1997 with this amendment.

The Office Audits and Investigations has determined that there would be no negative fiscal impact as a result of enacting CB-77-1997.

BACKGROUND INFORMATION/FISCAL IMPACT

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

Section 27-270 of the Prince George's County Zoning Ordinance requires an order of development approvals when any Detailed Site Plan (DSP) is required. While this provision is appropriate for DSPs required by the Subdivision and Zoning Ordinances, it is not always appropriate for DSPs required as a condition of an approval. Traditionally, the requirement for adjunct DSPs happens at the time of a Zoning (Zoning Map Amendment) or Subdivision (Preliminary Plat) approval. As part of those approvals, it is usually determined that additional or specific information be incorporated into a future DSP submission. Section 27-269(a)(3) of the Zoning Ordinance establishes that when a DSP

of this nature is required, "the reasons for requiring the review of the site plan shall be considered as criteria for approval of the site plan."

Since each circumstance when an adjunct DSP is required may be unique, it is appropriate for the approving authority (District Council or Planning Board) to have the flexibility to establish when the most appropriate time frame is, based on the case before them at that time. If the approving authority believes that in a specific case the order of approvals should not be adjusted, the current provisions would still apply. This proposed legislation amends the Zoning Ordinance to allow the approving authority for a Detailed Site Plan to establish the appropriate order of approval.

CODE INDEX TOPICS:

