

Prince George's County Council Agenda Item Summary

Meeting Date: 10/28/2014
Reference No.: CB-065-2014
Draft No.: 2
Proposer(s): Park & Planning
Sponsor(s): Franklin
Item Title: An Act adopting an updated Chesapeake Bay Critical Area Overlay Zone, ensuring that approved Conservation Plans, Conservation Agreements, and any associated Conservation Easements located within the adopted boundaries remain in full force and effect, amending certain development standards for properties located within certain portions the Chesapeake Bay Critical Area of the County, and clarifying the authority of the Board of Zoning Appeals to grant variances from the requirements of Subtitle 27 of the County Code for property located within the Chesapeake Bay Critical Area.

Drafter: CJ Lammers, Project Leader, M-NCPPC
Resource Personnel: Megan Reiser, Planner Coordinator
Mary Rea, Planner
Karen T. Zavakos, Legislative Officer

LEGISLATIVE HISTORY:

Date Presented:	9/2/2014	Executive Action:	11/12/2014 S
Committee Referral:	9/2/2014 - PZED	Effective Date:	1/1/2015
Committee Action:	9/16/2014 - FAV(A)		
Date Introduced:	9/30/2014		
Public Hearing:	10/28/2014 - 10:30 AM		
Council Action (1)	10/28/2014 - ENACTED		
Council Votes:	WC:A, DLD:A, MRF:A, AH:-, ML:-, EO:A, OP:A, IT:A, KT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

05B-110, 05B-111, 05B-116

COMMITTEE REPORTS:**Planning, Zoning and Economic Development****Date 9/16/2014**

Committee Vote: Favorable with amendments, 4-0-1 (In favor: Council Members Turner, Franklin, Harrison and Olson. Abstain: Council Member Campos)

Council staff summarized the purpose of three Council Bills (CB-64-2014, CB-65-2014, and CB-66-2014) transmitted by the Planning Board for the Council's consideration to support the Chesapeake Bay Critical Area Overlay Zone Sectional Map Amendment (SMA). CB-65-2014 amends Subtitle 5B to add two streamlining measures. It eliminates the requirement to submit a Critical Area Conservation Plan for renovations or additions to existing structures located within the residential zones of the Anacostia Intense Development Overlay (IDO) Zone and allows the Board of Zoning Appeals to hear zoning variances within the Critical Area. The bill retains the Planning Board's authority to approve variances to Critical Area requirements.

Staff briefed the Committee on a Proposed Draft-2 (DR-2) of the legislation prepared by Planning Department staff. The amendments to Proposed DR-2 are as follows: page 1, lines 3-9, revisions to purpose clause; page 2, insert Section 5B-111 (a) Applicability including lines 15-22, page 2, in subsection (p), insert "as appropriate" after "Board of Zoning Appeals" and insert "/or" after "and" in line 30; page 2, line 29, after "and mitigation measures have been submitted", strike "provided on a conservation plan submitted for review that meets"; page 3, lines 19-27, insert Section 5B-112 along with changes to the existing codified section; and page 4, insert Subsection 5B-116(b) along with new provisions on lines 21-23 and other appropriate numbering changes to the subsection.

Megan Reiser and Rana Hightower of the Planning Department were available to respond to questions concerning the legislation.

The Office of Law reviewed CB-65-2014 and determined that it is in proper legislative form with no legal impediments to its enactment.

The Committee voted favorable with the amendments in Proposed DR-2.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This bill provides two streamlining measures regarding the review and approval of certain applications within the Chesapeake Bay Critical Area. It eliminates the requirement to submit a Critical Area Conservation Plan for renovations or additions to certain existing residential structures located within the Anacostia Intense Development Overlay Zone, and it allows the Board of Zoning Appeals to hear zoning variances within the Critical Area.

CODE INDEX TOPICS:

INCLUSION FILES:
