

# Prince George's County Council

## Agenda Item Summary

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**Meeting Date:** 6/5/2007  
**Reference No.:** CB-005-2007  
**Draft No.:** 2  
**Proposer(s):** Campos  
**Sponsor(s):** Campos  
**Item Title:** An Ordinance amending the Development District Standards for the D-D-O Zone under certain circumstances.

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**Drafter:** M-NCPPC Staff,  
**Resource Personnel:** Bradley W. Frome, Legislative Aide

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	3/13/2007	<b>Executive Action:</b>	
<b>Committee Referral:</b>	3/13/2007 - PZED	<b>Effective Date:</b>	7/23/2007
<b>Committee Action:</b>	4/4/2007 - HELD 4/18/2007 - FAV(A)		
<b>Date Introduced:</b>	5/1/2007		
<b>Public Hearing:</b>	6/5/2007 - 1:30 PM		
<b>Council Action (1)</b>	6/5/2007 - ENACTED		
<b>Council Votes:</b>	MB:A, WC:A, SHD:A, TD:A, CE:A, DCH:A, TK:A, EO:A, IT:A		
<b>Pass/Fail:</b>	P		
<b>Remarks:</b>			

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### AFFECTED CODE SECTIONS:

27-280, 27-548.19, 27-548.20, 27-548.22, 27-548.23, 27-548.25, 27-548.26

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### COMMITTEE REPORTS:

#### PLANNING, ZONING & ECONOMIC DEVELOPMENT

**Date 4/18/2007**

Committee Vote: Favorable with amendments, 3-0 (In favor: Council Members Dean, Dernoga, and Harrington)

Staff presented a Proposed Draft-2 prepared by the Principal Counsel to address comments raised at the April 4 committee meeting. The draft contains the following amendments: page 5, line 25, at the beginning of Section 27-548.26(a)(2) insert "At the written request of a municipality in which development district property is located" and on page 6, line 2, after "shall be sent by first class mail to" insert "all municipalities with development district property, all parties of record in the Sectional Map Amendment, and".

The committee accepted the above amendments as well as an additional amendment proposed by Council Member Dernoga as follows: page 2, line 28, after "by the District Council", insert "in a Sectional Map Amendment, or in a later amendment of adopted standards." This is the same language found in Section 27-548.23 (a). "Development District Standards" found on page 3 of the legislation.

**PLANNING, ZONING & ECONOMIC DEVELOPMENT****Date 4/4/2007**

Held in committee.

Staff summarized the purpose of the legislation and informed the committee that the proposed Zoning Ordinance amendments contained in CB-5-2007 are the same as those proposed in CB-66-2006. Subsequent to the public hearing on CB-66-2006 on October 31, 2006, the bill's sponsor recommitted the legislation to committee for further review and to address concerns raised by a Council Member.

CB-5-2007 modifies Section 27-548.26(a) of the Zoning Ordinance, to authorize (and require) the District Council to modify Development District standards in specific Development District Overlay (D-D-O) zoning districts by the conceptual site plan process. The legislation provides for an expedited amendment of Development District standards, without a request from a property owner. The Council will refer proposed amendments of standards to the Planning Board and will then approve amendments that comply with "the goals of the Development District" and "the purposes of the D-D-O Zone."

Council Member Campos informed the committee that he has resubmitted this legislation in an effort to facilitate amendments to a D-D-O Zone requested by the City of Mount Rainier for the Gateway Arts District. Mr. Campos noted his concurrence with an amendment offered by Council Member Dernoga to limit the modification of Development District Standards under the proposed procedures in the legislation to those submitted at the written request of a municipality in which a Development District is located.

Council Member Bland expressed concern with limiting provisions of the legislation to amendments requested by municipalities and suggested that there should be a fair process throughout the County. Council Member Dernoga commented that he is concerned that the provisions of the legislation would allow amendments to Development District Standards for Overlay Zones in his district without sufficient notice to citizens affected by the potential amendments. He indicated that it should be limited to municipalities in which there may be issues associated with Development Standards.

Terri Schum, representing the City of College Park, was present and informed the committee that the City took a position in opposition to CB-5-2007 until they can assess the impact on the City's D-D-O Zones. Ms. Schum indicated that the City recommends that the Council consider amendments to require mandatory referral of the application to the affected municipality as well as a super majority vote of the Council for approval of this type of application.

Council Member Exum also expressed concern that the proposed legislation does not contain adequate provisions for notice as found in other sections of the Zoning Ordinance.

Margaret Addis of the County Attorney's Office summarized comments provided in her April 2, 2007 memorandum to the Council Administrator and indicated that her comments were similar to those suggested by the Principal Counsel during the review of CB-66-2006.

The Office of Audits and Investigations determined that there should be no negative fiscal impact on the County if CB-5-2007 is enacted.

The committee held the legislation to allow time for additional discussion between the Office of Law and the Principal Counsel of potential amendments to address concerns that were raised concerning the proposed amendment process, its applicability, and notice.

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

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

The proposed legislation allows the District Council to amend the Development District Standards of an approved Development District Overlay Zone.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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