

Prince George's County Council Agenda Item Summary

Meeting Date: 6/8/2010
Reference No.: CB-016-2010
Draft No.: 1
Proposer(s): Dernoga, Turner, Olson
Sponsor(s): Dernoga, Turner, Olson
Item Title: An Ordinance concerning Maryland –National Capital Park and Planning Commission – Prince George’s County District Council – Delegation of Powers for the purpose of allowing the governing body of a municipal corporation to exercise certain powers of the District Council, subject to certain limitations.

Drafter: Jackie Brown, PZED Committee Director
Resource Personnel: Laura Moore, Director of Special Projects

LEGISLATIVE HISTORY:

Date Presented:	4/6/2010	Executive Action:	
Committee Referral:	4/6/2010 - PZED	Effective Date:	7/23/2010
Committee Action:	4/21/2010 - FAV		
Date Introduced:	4/27/2010		
Public Hearing:	6/1/2010 - 10:00 AM		
Council Action (1)	6/8/2010 - ENACTED		
Council Votes:	MB:-, WC:A, SHD:A, TD:A, CE:A, AH:-, TK:A, EO:A, IT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-924

COMMITTEE REPORTS:

PZED Committee Report

Date 4/21/2010

Committee Vote: Favorable, 3-2 (In favor: Council Members Dean, Dernoga, and Olson. Opposed: Council Members Bland and Knotts)

Staff gave an overview of the legislation informing the committee that CB-16-2010 is the same as CB-41-2009 (DR-3) which was recommitted to the Planning, Zoning, and Economic Development Committee after a public hearing held on November 17, 2009. CB-16-2010 amends the Zoning Ordinance to permit municipalities to enact an ordinance to exercise certain powers of the District Council including alternative compliance from landscaping requirements, certification, revocation, and revision of nonconforming uses, and minor changes to approved special exceptions. The legislation also provides an appeal process to the District Council by a party of record.

The Planning Board opposes CB-16-2010 and provided a letter dated April 20, 2010 to Council Chairman Dernoga with detailed comments explaining this position. The committee discussed the Planning Board comments and suggested that many of the concerns can be addressed in the ordinance which must be enacted by a municipality, and

approved by the County Council, in order to exercise the authority provided in this legislation.

Arie Stouten, M-NCPPC Development Review Division Chief, was present to respond to questions and suggested to the committee the importance of review for alternative compliance to landscaping requirements being done by a Registered Landscape Architect. Mr. Stouten also noted that special exception files are maintained in the M-NCPPC Planning Department and expressed concern that tracking revisions to these special exceptions and ensuring maintenance of the files may be difficult as this authority is transferred to the municipalities.

Council Vice-Chair Harrison expressed concern regarding municipalities that may not have the staff and resources to exercise the authority provided in CB-16-2010. Council Member Knotts indicated that even though certain municipalities have appeared in support of the legislation, he believes that it is appropriate to have an opportunity for other municipalities to review and comment as well.

PZED Committee Chairman Dean commented that CB-16-2010 is enabling legislation which allows municipalities to enact an ordinance to exercise this authority and does not require them to handle these additional functions.

Joe Meinert, City of Bowie Planning Director, addressed the committee indicating that the Bowie City Council submitted a letter dated April 20, 2010 in support of CB-16-2010 and requested the committee's favorable recommendation. Celia Craze, City of Greenbelt Planning Director, also addressed the committee requesting a favorable recommendation on behalf of the Greenbelt City Council.

The Office of Law reviewed CB-16-2010 and determined that it is in proper legislative form with no legal impediments to its enactment.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This legislation amends the Zoning Ordinance to allow municipal zoning authority in certain cases and provides a process for District Council review upon appeal of a municipality's decision.

CODE INDEX TOPICS:

INCLUSION FILES:
