

# Prince George's County Council

## Agenda Item Summary

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**Meeting Date:** 11/18/2008  
**Reference No.:** CB-065-2008  
**Draft No.:** 2  
**Proposer(s):** Park & Planning  
**Sponsor(s):** Exum, Bland, Dernoga, Dean  
**Item Title:** An Ordinance amending procedures for adopting Transit District Overlay Zoning Map Amendments.

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**Drafter:** M-NCPPC Staff,  
**Resource Personnel:** Jackie Brown, PZED Committee Director

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	9/23/2008	<b>Executive Action:</b>	
<b>Committee Referral:</b>	9/23/2008 - PZED	<b>Effective Date:</b>	1/5/2009

**Committee Action:** 10/1/2008 - HELD  
10/15/2008 - FAV(A)

**Date Introduced:** 10/21/2008  
**Public Hearing:** 11/18/2008 - 10:00 AM

**Council Action (1)** 11/18/2008 - ENACTED  
**Council Votes:** MB:A, WC:A, SHD:A, TD:-, CE:A, AH:A, TK:A, EO:A, IT:A  
**Pass/Fail:** P  
**Remarks:**

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### AFFECTED CODE SECTIONS:

27-213.04, 27-213.05

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### COMMITTEE REPORTS:

#### PLANNING, ZONING & ECONOMIC DEVELOPMENT

**Date 10/15/2008**

Committee Vote: Favorable as amended, 3-0 (In favor: Council Members Exum, Knotts and Olson)

Staff presented a Proposed Draft-2 (DR-2) which was prepared after consultation between Planning Board and County Council attorneys regarding appropriate terminology to reference the actual action taken by the Planning Board with the understanding that final "approval" authority lies with the District Council.

Proposed DR-2 modifies language on lines 15-17 on page 2 to change "approval, or approval with modifications, of the proposed Map Amendment" to "adoption, the adoption with modifications or the remand to staff the proposed map amendment." Also, on line 13, page 3, after "[proposed]", change "adopted" to "adoption recommendation on the" so that the new sentence reads "The Council shall take final action on the Map Amendment at any time after the close of the final public hearing record, but not later than one hundred eighty (180) days after receipt of the original adoption recommendation on the Transit District Overlay Zoning Map Amendment from the Planning Board."

The committee voted favorably with the amendments contained in Proposed DR-2.

**PLANNING, ZONING & ECONOMIC DEVELOPMENT****Date 10/1/2008**

Held in committee.

Staff informed the committee that this legislation was transmitted by the Planning Board for consideration by the Council to eliminate discrepancies regarding Planning Board action on a proposed map amendment within a Transit District Overlay Zone (TDOZ). CB-65-2008 also permits the Planning Board to remand the proposed map amendment to technical staff to resolve identified issues, modify the proposed map amendment and hold another public hearing. The legislation also allows the District Council to vote to extend the time for final action on a proposed map amendment. The changes to the map amendment provisions proposed in CB-65-2008 will allow an additional 15 days for the Planning staff to complete the amendment prior to forwarding it to the Council. With the current time limitations, it has been difficult for the Planning staff to meet certain deadlines.

The Office of Law reviewed CB-65-2008 and determined that it is in proper legislative form.

The committee held the legislation to obtain additional information from the Planning staff regarding any specific TDOZ map amendments which may be affected by CB-65-2008.

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

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

This legislation eliminates discrepancies regarding Planning Board action on a proposed map amendment within a Transit District Overlay Zone. The bill also permits the Planning Board to remand the proposed map amendment to technical staff to resolve identified issues, modify the proposed map amendment and hold another public hearing. In addition, this bill allows the District Council to vote to extend the time for final action.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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