

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

Meeting Date: 5/12/98

Reference No.: CB-64-1998

Proposer: Maloney

Draft No.: 2

Sponsors: Maloney

Item Title: An Ordinance concerning Maryland - Washington
Regional District Boundaries for the purpose of
providing procedures to review proposed annexations
by a municipality with zoning authority

Drafter: Ralph E. Grutzmacher
Legislative Officer

Resource Personnel: Andrew E. Eppelmann
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 4/28/98

Executive Action: __/__/__ ____

Committee Referral: 4/28/98 PZED

Effective Date: __/__/__

Committee Action: 5/5/98 FAV (A)

Date Introduced: 5/12/98

Pub. Hearing Date: 6/9/98 2:00 P.M.

Council Action: 6/9/98 TO ENACT

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

Pass/Fail: F

Remarks: _____

PLANNING, ZONING & ECON. DEV. COMMITTEE

Date: 5/5/98

Committee Vote: Favorable as amended; 2-0-1 (In favor: Council Members Del Giudice and
Maloney. Abstained: Council Member Bailey)

Council Member Maloney, the bill's sponsor, gave an overview of the legislation indicating that the legislation is similar to a bill which he had sponsored last year, CB-107-1997. Mr. Maloney commented that CB-64-1998 is slightly different than CB-107-1997 and he proposed the legislation again since the City of Laurel did not have ample opportunity to comment on CB-107-1997 prior to a public hearing on that bill. He informed the Committee that CB-64-1998 provides that the Zoning

Hearing Examiner's recommendation to the District Council must indicate that the Council's action on establishing or amending the zoning classification in annexed areas be determined either to permit a land use substantially different from the use for the land specified in the General Plan, Master Plan or Functional Plan, or to permit a land use not substantially different from the use for the land specified in the aforementioned Plans. The District Council can authorize the rezoning even if it is found that the land use is substantially different, or require existing zoning to remain in place for five years.

Ernest Zaccanelli, City of Laurel Administrator, and Karl Brendle, City Planner, addressed the Committee regarding the City's concerns associated with the determination of what is substantially different and the lack of timeframes for the review of rezonings in annexed areas. They recommended that the bill contain criteria for determining "substantially different" and a timeframe, possibly 4 or 5 months, during which certain elements of the process must be completed.

Paul Rodbell, Meyers, Billingsley, Rodbell & Rosenbaum, spoke in opposition to the legislation due to the concern of determining what is "substantially different." Thomas Dernoga, Gray & Dernoga, spoke in support of CB-64-1998 with amendments which address the concerns raised by the City.

The Legislative Officer and the Office of Law find the bill to be in proper legislative form. The Planning Board supports the bill and the Executive Branch takes no position the legislation. The Office of Audits and Investigations has determined there should be no negative fiscal impact on the County as a result of enacting CB-64-1998.

Council Member Maloney moved a favorable recommendation with amendments to address the City of Laurel's concerns expressed during the Committee worksession. Mr. Maloney included in this motion amendments to the bill also suggested by the City prior to the worksession and which were included on an Amendment Sheet distributed to Committee Members. The Committee voted a favorable recommendation to include the amendments proposed by Mr. Maloney.

Draft-2 includes the amendments made by the Committee as follows: on page 2, lines 8-10, the language regarding "substantially different" is eliminated and reincorporated in Section 27-648.03(b), requiring the Zoning Hearing Examiner's determination concerning "substantially different" to consider whether the proposed zoning classification allows substantially more density, permits one or more uses which are not permitted in the zoning classification applicable to the property prior to annexation or permits more intensive uses; page 3, line 11, "one-half mile" is replaced with "one thousand feet" and on line 12, insert "and to all Homeowners Associations and Civic Associations located within one mile of the property" after "annexation"; page 5, line 15, add "Within thirty (30)" at the beginning of the line and page 5, beginning on line 30, insert "The District Council shall conduct the hearing within 45 days after receipt of the Zoning Hearing Examiner's recommendation."

BACKGROUND INFORMATION/FISCAL IMPACT

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

The state law regarding annexation by a municipality which exercises zoning authority requires that the zoning after annexation not be substantially different from the zoning allowed for the property under the County's master plan, unless the zoning is specifically approved by the District Council. The proposed legislation provides a public hearing process for reviewing zoning designations and amendments that occur for property as a result of a municipal annexation.

CODE INDEX TOPICS: