
A G E N D A I T E M S U M M A R Y

Reference No: CB-13-1991

Draft No: 1

Prince George's

Meeting Date: 2/12/91

County Council

Requester: MC

Item Title: An Ordinance to require that the order of approvals may not be waived and that approval is not final until after the expiration of all appeals and reviews.

Sponsors MC _ _ _ _ _

Date Presented	2/12/91	Executive Action	_/_/_
Committee Referral	(1) 2/12/91 P&Z	Effective Date	_/_/_
Committee Action	(2) 4/25/91 HELD		
Date Introduced	_/_/_		
Pub. Hearing Date	() _/ / _ : _ _		

Council Action	() _/ / _
Council Votes	__ : __' __ : __' __ : __' __ : __' __ : __' __ : __' __ : __'
	__ : __' __ : __' __ : __' __ : __' __ : __' __ : __' __ : __'

Pass/Fail _

Remarks _____

Joyce Birkel, Prin. Cnsl. **Resource**
Drafter: to the District Council **Personnel:** Mary Lane

LEGISLATIVE HISTORY

PLANNING AND ZONING COMMITTEE REPORT

DATE: 4/25/91

Held in Committee.

Fern Piret and Alan Hirsch of the Planning Department spoke regarding this bill, and reiterated the Department's interpretation of Section 27-270. It is the Department's practice to adhere to the required order of development approvals, unless otherwise provided for by the approving body. However, Ms. Piret acknowledged that a strict interpretation of this Section would require that the specified order of development approvals be adhered to in all cases. She also noted the problems this interpretation may cause for the development process.

The sponsor indicated that in light of the revised interpretation of the Section, she no longer wished to go forward with the legislation.

PLANNING AND ZONING COMMITTEE REPORT

DATE: 3/4/91

Held in Committee.

Staff explained that Section 27-270 of the Zoning Ordinance sets forth the order of development approvals that must be followed in the development review process. This legislation stipulates that the order of approvals may not be waived or varied from, regardless of the source of the requirement for site plan approval. This amendment is actually a clarification of the intent of the Zoning Ordinance as it is currently written. The legislation further states that plans shall not be deemed approved until all review and appeal periods have expired, including appeals to the Courts.

The Prince George's Municipal Association supports both components of the bill; the M-NCPPC, Prince George's Chamber of Commerce, and SMBIA oppose it; and the Department of Environmental Resources proposed an amendment. This amendment changes the language in Section 27-255(b) of the Zoning Ordinance to incorporate the new requirement prohibiting the issuance of building permits during the pendency of Court appeals into the section regarding the Planning Board's recommendation on permits.

There was a lengthy discussion regarding the need for the new language stating that the order of approvals shall not be varied from, since the current language states that "the order of approvals shall be observed". Alan Hirsch, representing the M-NCPPC, reported that the Planning Department has interpreted this Section to mean the order of approvals shall be observed when the requirement for Site Plan review is a condition of the zone, not by an action of the Council or Planning Board. When the Council or Planning Board require Conceptual or Detailed Site Plan and do not specify a different order of approvals, the order set forth in Section 27-270 is adhered to. Joyce Birkel, Counsel to the District Council, responded that the Council interprets this Section to mean the order of approvals shall be adhered to in all cases, and this was the intent of the law. Of particular concern is the grading of sites prior to Site Plan approval.

The Committee agreed to hold the legislation, and requested that staff report back to the Committee with specific examples of the problems created when the order of approvals is not adhered to.

BACKGROUND INFORMATION/FISCAL IMPACT

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

Past practice has indicated a deviation from the order of development approvals required by the Code, which practice has necessitated this bill to clarify that, under no circumstances, may the order of approvals be varied nor is approval final until after the expiration of all appeals and reviews.