

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

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**Meeting Date:** 11/23/99

**Reference No.:** CB-55-1999

**Proposer:** Estep

**Draft No.:** 1

**Sponsors:** Estep

**Item Title:** An Ordinance concerning District Council remands to  
modify procedures for de novo remands in zoning cases.

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**Drafter:** Steven M. Gilbert  
Principal Counsel to the  
District Council

**Resource** Cindy Blackstone  
**Personnel:** Legislative Aide

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**LEGISLATIVE HISTORY:**

**Date Presented:** 9/7/99

**Executive Action:** \_\_/\_\_/\_\_

**Committee Referral:** 9/7/99 PZED

**Effective Date:** 1/10/2000

**Committee Action:** 10/6/99 FAV

**Date Introduced:** 10/12/99

**Public Hearing:** 11/23/99 1:30 P.M.

**Council Action:** 11/23/99 ENACTED

**Council Votes:** JE:A, DB:A, IG:A, TH:A, WM:A, RVR:A, AS:A, PS:A, MW:A

**Pass/Fail:** P

**Remarks:** \_\_\_\_\_

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**PLANNING, ZONING AND ECON.DEV. COMMITTEE REPORT**

**DATE:** 10/6/99

Committee Vote: Favorable, 3-0 (In favor: Council Members Russell, Gourdine and Hendershot)

Staff gave an overview of the legislation and informed the Committee of referral comments that were received. Currently, the Zoning Ordinance authorizes the Council to remand zoning cases to the Planning Board de novo, but states that a de novo remand is not permitted if the applicant objects. This legislation allows de novo remands over applicant objections by eliminating the language in the Ordinance concerning the applicant's filing of a written objection.

The Legislative Officer and the Office of Law have reviewed CB-55-1999 and determined that it is in proper legislative form. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting this bill. The County Executive

opposes the legislation.

The Planning Board takes no position on CB-55-1999 and provided written comments indicating that de novo remands concern a policy that is completely under the purview of the District Council and any changes to the policy should be determined solely by the District Council. The comments also noted that this bill will have some impact on the Planning Board in that de novo remands will require the Planning Board to hold a completely new hearing from beginning to end on remanded cases. The Planning Board suggested the following amendment to Section 27-133(c)(1) of the Ordinance if CB-55-1999 is approved: “The District Council’s order for a de novo proceeding shall be in writing and shall include the explanation of good cause as to why the case is being remanded.” This explanation will give the Planning Board some guidance as to why the case has been remanded de novo which will assist the Board and staff in the hearing and decision-making process. Staff informed the Committee that the Principal Counsel to the District Council determined that this amendment is not necessary because any order prepared for remand de novo would provide the reason for the remand to the Planning Board.

Millie and Harry Kriemelmeyer spoke in support of this bill. Carmen Anderson, Prince George’s County Civic Federation, submitted a letter in support of CB-55-1999. The Chamber of Commerce opposes the bill and provided written comments indicating that this change in the process can result in costly delays in decisions being made.

## **BACKGROUND INFORMATION/FISCAL IMPACT**

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

The Zoning Ordinance presently authorizes the District Council to remand zoning cases de novo, but states that a de novo remand is not permitted if the applicant objects. The bill allows de novo remands over applicant objections.

## **CODE INDEX TOPICS:**