

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2016 Legislative Session

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**Reference No.:** CB-79-2016

**Draft No.:** 2

**Committee:** PLANNING, ZONING, AND ECONOMIC DEVELOPMENT COMMITTEE

**Date:** 10/5/2016

**Action:** FAV (A)

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### REPORT:

Committee Vote: Favorable with amendments, 3-0-1 (In favor: Council Members Harrison, Franklin, and Taveras. Abstain: Council Member Toles. Absent: Council Member Glaros)

Staff provided an overview of the legislation and informed the Committee of written referral comments that were received. This legislation amends the building and grading permits section of the Zoning Ordinance to permit land located within areas designated for transit-oriented development to obtain a grading permit issued by the Department of Permitting, Inspections and Enforcement to begin rough grading activities on a site prior to approval of the Detailed Site Plan (DSP).

The Planning Board took no position on the legislation providing comments and recommended amendments in their written analysis of the bill as follows. The grading process generally occurs after approval of a pending application. Many times the issuance of a grading permit is intended as an incident to building construction and may be included as part of the building permit. The DSP is approved first to determine the development of the site. What happens if a project does not obtain approval or the project slows down because of financing the site has not been cleared? The Planning Board questions if it is the intent of the District Council to encourage cutting and grading of a site when the project has no guarantee to start construction.

The Chief Zoning Hearing Examiner (ZHE) reviewed the legislation and suggested amendments as follows: on page 4, line 1, strike "Transit Oriented Development Area" and all of line 8 should be stricken since this appears to be a term solely for this Section. Paragraph (k) could state "Land that is located within a one-half mile radius. . . provided: ", and on page 4, lines 14-15, strike "As defined by Subdivision Regulations within Subtitle 24 of this Code" since the term "environmental features" is also defined within the Zoning Ordinance and it is redundant to add this phrase. The Office of Law reviewed CB-79-2016 and determined that it is in proper legislative form with no legal impediments to its enactment.

The Committee voted favorable including the amendments recommended by the ZHE as well as the direction to staff to revise the bill title and purpose clause accordingly.