

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

**Meeting Date:** 10/28/97

**Reference No.:** CB-107-1997

**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:** 9/30/97

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

**Committee Referral:** 9/30/97 PZED

**Effective Date:** \_\_/\_\_/\_\_

**Committee Action:** 10/16/97 HELD

**Committee Action:** 10/21/97 FAV(A)

**Date Introduced:** 10/28/97

**Pub. Hearing Date:** 11/25/97 1:30 PM

**Council Action:** 11/25/97 TABLED

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

**Pass/Fail:** P

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

**PLANNING, ZONING & ECONOMIC DEV. COM. REPORT**

DATE: 10/21/97

Committee Vote: Favorable as amended, 4-0 (In favor: Council Members Del Giudice, Hendershot, Maloney and Wilson).

Staff gave an overview of the legislation and informed the Committee of the referral comments which were received. The County Executive's Office took no position on the bill and provided the following comment: "This is an important, yet complex issue, with many critical intertwinings involving State law." The Planning Board recommended that the bill be held in Committee to

provide Planning Department staff an opportunity to work with the proposer and drafter of the legislation to address some inconsistencies in CB-107-1997 related to the review procedures for annexed property.

Council Member Del Giudice inquired as to whether the this legislation conforms with State law. The Office of Law and the Principal Counsel indicated that the bill is in conformance. Dale Hutchison, representing the Planning Board, informed the Committee of some concerns associated with the bill. Mr. Hutchison indicated that the Board agreed with the idea of setting up the procedures as proposed by the legislation, however, there is concern that due process procedures are not set forth in the bill. He also explained that there are some inconsistencies in the bill associated with the procedures. For example, the application requirements are similar to those required for conventional zoning (i.e. zoning map amendments), however, the required District Council findings are similar to those for comprehensive design zones (basic plans).

Mr. Hutchison also recommended that the dates for the preparation and publication of the technical staff reports be changed from thirty (30) days to twenty (20) days prior to the Zoning Hearing Examiner's hearing. This recommendation was incorporated in Draft-2.

The Committee discussed whether this legislation allows an application to be denied based on adequate public facilities (APF) even if the land use/zoning is not substantially different than the adopted General Plan, Area Master Plan, or Functional Plan. In order to address this issue and the concerns discussed by Mr. Hutchison, the Committee directed staff to redraft Section 27-648.03(c) to clarify that a finding of adequacy of public facilities is only required when the proposed land use is substantially different from the specific recommendation of a General Plan map, Area Master Plan map or Functional Plan.

Maurene Epps-Webb, Office of Law, suggested that additional language be added on line 28, page 2 to be consistent with other sections of the Zoning Ordinance relating to notification. The following sentence was added at the end of line 28: "The inadvertent failure of the Planning Board to send, or a property owner to receive, the mailing shall not invalidate the final action on the application."

The Committee voted a favorable recommendation on the bill with the amendments discussed above.

## **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 change is specifically approved by the District Council. The proposed legislation provides a public hearing process for approving zoning changes as part of a municipal annexation.

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