

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2016 Legislative Session**

Resolution No. CR-54-2016
Proposed by Council Member Davis
Introduced by Council Members Davis, Patterson and Harrison
Co-Sponsors _____
Date of Introduction July 12, 2016

RESOLUTION

1 A RESOLUTION concerning

2 Reconsideration of Council Bill 22-2016

3 For the purpose of reconsidering and rescinding, as a temporary administrative measure having
4 the force and effect of law, the action of the County Council on June 21, 2016, as to
5 CB-22-2016, An Ordinance concerning Private Limousine Service Dispatching Stations in the
6 I-3 Zone.

7 WHEREAS, Title 22 of the Regional District Act (“RDA”) within the Land Use Article of
8 the Annotated Code of Maryland sets forth certain minimum requirements for the enactment of
9 zoning laws by the County Council of Prince George’s County, Maryland, sitting as the District
10 Council, for that portion of the Maryland-Washington Regional District in Prince George’s
11 County; and

12 WHEREAS, as authorized by the RDA, the Zoning Ordinance of Prince George’s County,
13 Maryland, being also Subtitle 28 of the Prince George’s County Code, provides the procedures
14 by which the District Council may enact and amend its zoning laws; and

15 WHEREAS, Section 316 of the Charter for Prince George’s County, Maryland, provides
16 certain procedural prescriptions for the transaction of public business before the legislative body,
17 including a requirement that the County Council adopt Rules of Procedure not inconsistent with
18 the County Charter; and

19 WHEREAS, Section 317 of the Charter for Prince George’s County, Maryland, provides
20 certain minimum procedural requirements related to adequate public notice and hearing for the

1 enactment of legislation by the County Council, more specifically that the public hearing on a
2 bill shall not be less than fourteen (14) working days after its introduction; and

3 WHEREAS, Rule 13.2 of The County Council Rules of Procedure provides enhanced
4 procedural requirements as to public notice prior to final action on local zoning laws, more
5 specifically, that “Zoning bills shall normally be scheduled for public hearing between thirty-five
6 (35) and forty-five (45) days after introduction”; and

7 WHEREAS, on May 31, 2016, and pursuant to Section 317 of the County Charter and the
8 prescriptions within its Rules of Procedure, the County Council introduced a zoning bill, Council
9 Bill 22-2016 (CB-22-2016), entitled “An Ordinance concerning Private Limousine Service
10 Dispatching Stations in the I-3 Zone” for the purpose of clarifying the requirements set forth in
11 the Zoning Ordinance for Private Limousine Service Dispatching Stations, a permitted use, in the
12 I-3 (Planned Industrial – Employment Park) Zone, under certain specific circumstances; and

13 WHEREAS, in accordance with Section 317 of the County Charter and Rule 13.2 of the
14 Council Rules of Procedure, the Clerk of the County Council scheduled and made the required
15 public notice of the public hearing as to CB-22-2016, on July 12, 2016, a date that is at least
16 fourteen (14) working days and is between thirty-five (35) and forty-five (45) days after
17 introduction at its May 31, 2016, legislative session-day; and

18 WHEREAS, due to an inadvertent clerical error, CB-22-2016 erroneously appeared on the
19 June 21, 2016, legislative session-day of the County Council; and

20 WHEREAS, in accordance with its published agenda for June 21, 2016, the County Council
21 convened a public hearing on the proposed zoning legislation, CB-22-2016; and

22 WHEREAS, having no one appear to testify at the June 21, 2016, the County Council
23 closed the public hearing on CB-22-2016 and proceeded with a vote as final action for enactment
24 of the bill at its June 21, 2016, legislative session; and

25 WHEREAS, as is permitted by State and County law, as well as its Council Rules of
26 Procedure, the County Council voted favorably for the provisions of CB-22-2016 to become
27 effective immediately; and

28 WHEREAS, the inadvertent scheduling error as to the public hearing for CB-22-2016 was
29 discovered after the conclusion of the June 21, 2016, session of the County Council; and

30 WHEREAS, the County Council finds that there is a need to provide temporary authority to
31 reconsider and to rescind its prior vote to enact CB-22-2016 on June 21, 2016, because while this

1 action comports with the procedural prescriptions of State law and Section 317 of the County
2 Charter, this action was premature pursuant to Rule 13.2 of its Council Rules of Procedure, being
3 less than the required thirty-five (35) to forty-five (45) day timeframe for the scheduling of
4 public hearings on County zoning bills; and

5 WHEREAS, the date advertised by the Clerk for the public hearing is July 12, 2016, which
6 is in compliance with Rule 13.2; and

7 WHEREAS, Section 1017 of the County Charter provides that a Resolution of the Council
8 has the force and effect of law, but of a temporary or administrative character.

9 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
10 County, Maryland, sitting as the District Council for that portion of the Maryland-Washington
11 Regional District in Prince George's County, that the public hearing as to the zoning bill CB-22-
12 2016, "An Ordinance concerning Private Limousine Service Dispatching Stations in the I-3
13 Zone" on June 21, 2016, and final action to enact the zoning legislation CB-22-2016 be and the
14 same is hereby reconsidered and rescinded, in order allow the legislation to be heard in a public
15 hearing in accordance with the Council Rules of Procedure, and to consider any public testimony
16 offered at the advertised public hearing prior to taking appropriate final action on the legislation.

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BE IT FURTHER RESOLVED that this Resolution shall take effect on the date of its adoption.

Adopted this 12th day of July, 2016.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PORTION OF THE
MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: _____
Derrick Leon Davis
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.