

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

Meeting Date: 10/28/98

Reference No.: CB-109-1998

Proposer: Scott

Draft No.: 3

Sponsors: Scott

Item Title: An Ordinance concerning Municipal Corporations for the purpose of approving the Ordinances of the City of Bowie and the City of Greenbelt to implement the delegation by the District Council of certain police powers to the Cities and to amend the scope of the delegation of powers to municipalities in general

Drafter: Ralph E. Grutzmacher
Legislative Officer

Resource Personnel:

LEGISLATIVE HISTORY:

Date Presented: 9/22/98

Executive Action: __/__/__

Committee Referral: 9/22/98 PZED

Effective Date: 12/14/98

Committee Action: 9/30/98 FAV(A)

Date Introduced: 10/6/98

Pub. Hearing Date: 10/28/98 1:30 P.M.

Council Action: 10/28/98 ENACTED

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

Pass/Fail: P

Remarks: _____

10/28/98: Amended on the floor; DR-3 enacted

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 9/30/98

Committee Vote: Favorable with amendments, 3-1-1 (In favor: Council Members Maloney, Del Giudice and Russell. Opposed: Council Member Gourdine. Abstained: Council Member Bailey).

Council Member Scott, the bill's sponsor, indicated to the Committee that CB-109-1998 is a

proforma bill which she proposed in order to implement authorities given to municipalities as outlined in legislation (CB-33-1998) enacted by the Council earlier this year. Specifically, CB-33-1998 allows municipalities to enact an ordinance which sets forth procedural regulations governing departures from certain standards in the Zoning Ordinance and variances. Mrs. Scott explained that CB-109-1998 approves ordinances for the City of Greenbelt and the City of Bowie.

The Office of Law determined that the bill 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 legislation. The Executive Branch takes no position on the bill.

Staff explained to the Committee that the Planning Board did not meet between the time CB-109-1998 was presented and the date of the Planning, Zoning and Economic Development Committee worksession, however, the legislation and accompanying ordinances were reviewed by the Planning Department staff. M-NCPPC staff recommended amendments to both ordinances.

Celia Craze, Planning Director, City of Greenbelt, spoke in support of the legislation and commented that the City is anxious to begin work under this authority. Joe Meinert, Assistant Director of Planning, City of Bowie, also spoke in support of the legislation. Both representatives of these municipalities indicated they had no objection to the amendments proposed by M-NCPPC staff.

Joyce Nichols, Principal Counsel to the District Council, explained to the Committee that CB-109-1998 could proceed to introduction with the understanding that the ordinances will be amended and reapproved by the respective City Councils. At the time of public hearing for this legislation, the ordinances, as amended and approved, will be before the County Council. The representatives from the City of Bowie and City of Greenbelt had no objection to the timetable for completing the amendments and having the ordinances scheduled for review by the City Councils prior to a public hearing on CB-109-1998.

Council Member Maloney commented on the jurisdiction of applications which have been filed and are pending with the Board of Appeals between the enactment date and effective date of this legislation. Council Member Gourdine expressed his concern with the municipalities having authority to grant variances and proposed an amendment which would remove this authority, but allow the municipalities to approve departures. A motion by Mr. Gourdine to include this amendment failed.

Section 3. of Draft-1 included a requirement that the City of Greenbelt Ordinance be amended to delete certain references and provisions. Staff suggested that this section be deleted in its entirety since the City Ordinance would be amended as recommended by M-NCPPC and the amendments contained in Section 3. could be incorporated at the same time.

The Committee voted to amend the legislation to address Council Member Maloney's concerns by inserting a new Section 3. stating "Any case pending on the effective date of this legislation shall remain in the jurisdiction of the Board of Appeals or the Planning Board."

The following technical amendments were also made as part of the Committee's favorable vote on the legislation: on page 2, line 25, change "Section 27-293.03" to "Section 27-239.03"; on page 3, line 18, underline "Sec. 27-925. Approved ordinances." and page 3, line 21, change "Section 27-294" to "Section 27-924."

BACKGROUND INFORMATION/FISCAL IMPACT

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

CODE INDEX TOPICS: