

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

**Meeting Date:** 7/29/97

**Reference No.:** CB-55-1997

**Proposer:** Maloney

**Draft No.:** 3

**Sponsors:** Maloney

**Item Title:** An Ordinance to amend the criteria for claiming mistake to limit the claim to mistakes in the existing zoning map which occurred not more than six years prior to filing an application

**Drafter:** Ralph E. Grutzmacher  
Legislative Officer  
District Council

**Resource Personnel:** Joyce Nichols  
Principal Counsel to the

**LEGISLATIVE HISTORY:**

**Date Presented:** 4/29/97

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

**Committee Referral:**(1) 4/29/97 PZED

**Effective Date:** 9/15/97

**Committee Action:**(1) 6/16/97 FAV (A)

**Date Introduced:** 7/1/97

**Pub. Hearing Date:** (1) 7/29/97 1:30 P.M.

**Council Action:** (1) 7/29/97 ENACTED

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

**Pass/Fail:** P

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

7/29/97 - Amended on the Floor

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

DATE: 6/16/97

Committee Vote: Favorable as amended, 3-0 (In favor: Council Members Del Giudice, Maloney and Wilson).

Council Member Maloney gave an overview of the bill and indicated his concerns regarding the

increasing numbers of applications for piecemeal rezoning. As proposed, this bill will require that any mistake have occurred in the current Sectional Map Amendment and that such mistake occurred not more than six years prior to the filing of an application for the proposed zoning map amendment. Mr. Maloney commented that six years should be sufficient time to determine if a mistake occurred.

Maurene Epps Webb, representing the Office of Law, indicated that the bill raises an equitable issue associated with the timing of adoption of Sectional Map Amendments (SMA's). The review and adoption of SMA's may not always be within a six-year cycle. Therefore, some areas of the County may have been through a recent SMA process whereas other areas are behind schedule for new SMA review and adoption.

Andre Gingles spoke in opposition to the bill indicating that the process for comprehensive planning has not occurred within the scheduled timeframe. The Planning Board and the Chamber of Commerce are opposed to the bill.

Jimi Jones, representing the Planning Board, submitted a memorandum to the committee outlining the Board's concerns. The memorandum indicates that the most recent round of SMAs was completed in 1994. Six SMAs were completed in 1993 and 1994. These areas will be ineligible for mistake arguments in two to three years. Sectional Map Amendments for Subregion I, Subregion VII, Suitland-District Heights and Langley Park-College Park will all be over six years old by the end of 1997. Thus, CB-55 will effectively preclude piecemeal Euclidean rezoning within three years unless new SMAs are adopted. In addition, there has never been a Master Plan or Sectional Map Amendment for Planning Area 64. Even though the overwhelming majority of this Planning Area is under Federal ownership and is unlikely to come under private ownership, as written, CB-55 would preclude the few private property owners to argue mistake as a zoning argument.

Council Member Del Giudice proposed an amendment to the bill to address the issues discussed above. Draft 2 amends Lines 8 and 18 (Paragraph "B" on each line) of the bill to read as follows: "Either (i) there was a mistake in the original zoning for property which has been the subject of an adopted Sectional Map Amendment or (ii) there was a mistake in the current Sectional Map Amendment and such mistake occurred not more than six years prior to the filing of an application for the proposed Zoning Map Amendment providing, however, that for those properties for which the current Sectional Map Amendment has been adopted prior to 1990 such mistake may have occurred any time subsequent to the adoption of the previous Sectional Map Amendment."

The Legislative Officer finds the bill to be in proper legislative form.

**BACKGROUND INFORMATION/FISCAL IMPACT**

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

The Zoning Ordinance contains criteria for Zoning Map Amendment applications based on change in the character of the neighborhood or mistake in the original zoning or subsequent rezoning by adoption of a Sectional Map Amendment. This legislation amends the criteria for claiming mistake to limit claim to mistakes in the "existing" zoning map which was adopted not more than six years prior to the filing of a Zoning Map Amendment.

**CODE INDEX TOPICS:**