

Prince George's County Council

Agenda Item Summary

Meeting Date: 7/24/2013
Reference No.: CB-021-2013
Draft No.: 2
Proposer(s): Franklin, Davis, Harrison, Patterson, Toles, Turner
Sponsor(s): Franklin, Davis, Harrison, Patterson, Toles, Turner
Item Title: An Ordinance clarifying that the District Council may, by resolution, direct Planning Board initiation of a new or amended Area Master Plan, General Plan, Functional Master Plan, Sector Plan, Transit District Overlay Zone, or a Sectional Map Amendment, under certain circumstances.

Drafter: Karen T. Zavakos, Legislative Officer
Resource Personnel: Brendon L. Laster, Chief of Staff District 9

LEGISLATIVE HISTORY:

Date Presented:	4/30/2013	Executive Action:	
Committee Referral:	4/30/2013 - PZED	Effective Date:	9/9/2013
Committee Action:	6/5/2013 - FAV(A)		
Date Introduced:	6/18/2013		
Public Hearing:	7/24/2013 - 10:00 AM		
Council Action (1)	7/24/2013 - ENACTED		
Council Votes:	WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-213.02, 27-224, 27-641

COMMITTEE REPORTS:

PZED Committee Report

Date 6/5/2013

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Franklin, Harrison, Olson, Patterson and Toles)

Council staff summarized the purpose of the legislation and informed the committee of written referral comments that were received. CB-21-2013 amends the Zoning Ordinance to clarify that the District Council may, by resolution, direct the Planning Board to initiate a new Area Master Plan or an amendment to an Area Master Plan, General Plan, Functional Master Plan, Sector Plan, Transit District Overlay Zone or Sectional Map Amendment under certain circumstances.

Council Member Franklin, the bill's sponsor, informed the committee that CB-21-2013 codifies the authority that the District Council has under State law. The legislation allows the District Council to use its full authority to take a proactive role in direction of development planning at the front end of the process.

The Office of Law reviewed CB-21-2013 and found it to be in proper legislative form with no legal impediments to its enactment. The Department of Environmental Resources takes no position on the legislation.

The Planning Board supports CB-21-2013 with amendments and provided the following written comments by letter dated May 29, 2013 to the Council Chair. This bill as drafted could have significant budget implications if the initiation of a plan, an amendment to a plan, or the initiation of a Transit District Development Overlay Zoning Map Amendment or a Sectional Map Amendment is not included in the Commission's budget or is not part of the Planning Department's approved work program. The Planning Board's current role is based, in part, on the need to reconcile the requests for new projects with available resources in the preparation of the Planning Department's work program and budget.

CB-21-2013 would permit the District Council to direct the Planning Board to initiate a plan or part of a plan. It should be noted that Section 21-202 (Initiation of Plan) under the Land Use Article states that the Commission may initiate a plan or part of a plan with concurrence of the District Council. The language also states that the review of the Commission's budget constitutes concurrence in the initiation of plans. How will personnel and non-personnel costs and resources for projects not included in the Planning Department's budgeted work program be re-distributed to handle the newly added work program item? Presumably, a Commission and/or Planning Department budget amendment would be required to permit the Planning Board to initiate a plan, an amendment to a plan, or initiation of a Transit District Overlay Zoning Map Amendment or Sectional Map Amendment not included in the existing adopted budget and work program. Otherwise, the Department could only initiate a new plan "with reasonable promptness to the extent funds are available for that purpose" as called for in the Land Use Article of the Maryland Code.

If it is the intent of the District Council to enact this legislation, the Planning Board recommends amendments as follows. On pages 2 through 3, under Sections 27-213.02 and 27-224, add the words "Initiation shall be in accordance with the approved planning scheduled work program and budget of the Commission." The proposed language would make Sections 27-213.02 and 27-224 consistent with Section 27-641. Initiation of a TDOZ Map Amendment or Sectional Map Amendment would be in accordance with an approved Planning Department work program and Commission budget. Currently, the Planning Board initiates plans, amends existing plans, Transit District Overlay Zoning Map Amendments and Sectional Map Amendments in conjunction with a budget that includes the new plan in the approved work program.

Council Members discussed Commission staff resource issues and the need to coordinate plan requests while being mindful of others' requests as well.

The committee voted in favor of the legislation including amendments to Sections 27-213.02 and 27-224 as recommended by the Planning Board.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

The proposed bill clarifies that District Council may direct initiation of certain new or amended plans and zoning map amendments by resolution, under certain circumstances.

CODE INDEX TOPICS:

INCLUSION FILES:
