

Prince George's County Council

Agenda Item Summary

Meeting Date:	7/24/2013
Reference No.:	CB-036-2013
Draft No.:	2
Proposer(s):	Toles
Sponsor(s):	Toles
Item Title:	An Ordinance concerning Building and Use and Occupancy Permits – Applications – Required Notifications for the purpose of requiring certain notifications of building and use and occupancy permit applications to the District Council and to registered civic associations for the area which includes the subject property.

Drafter:	Karen T. Zavakos, Legislative Officer
Resource Personnel:	Dwayne B. Mingo, Chief of Staff

LEGISLATIVE HISTORY:

Date Presented:	5/14/2013	Executive Action:	
Committee Referral:	5/14/2013 - PZED	Effective Date:	1/1/2014
Committee Action:	7/1/2013 - FAV(A)		
Date Introduced:	7/2/2013		
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:

27-254

COMMITTEE REPORTS:

PZED Committee Report**Date 7/1/2013**

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

Staff briefly oriented the Committee concerning the components of CB-36-2013 and the highlights of the work session held on June 19, 2013. Council Member Toles informed the committee that amendments to the bill alleviating staff burden of providing notice and limiting the array of uses subject to the additional notice requirements may address concerns raised at the June 19, 2013, committee work session.

Susan Hubbard, Public Information Officer from the Department of Permitting, Inspections, and Enforcement (“DPIE”), provided alternate language for consideration by the committee and suggested that the applicant provide notice at the front of the application process in a similar manner as applicants required to give pre-application notice in accordance with the Zoning Ordinance. In addition, DPIE suggested that a list of specific uses required to give enhanced notice could be approved by resolution adopted by the Council to limit the scope of the bill.

Council Member Harrison inquired as to the time needed for DPIE to make necessary technical preparations to comply with the enactment of CB-36-2013 and suggested that a thirty-day pre-application notice period would be advisable to provide the required notice for the uses that will be specified by resolution.

June 19, 2013- Held in committee.

Council staff summarized the purpose of the legislation and informed the committee of written referral comments that were received. CB-36-2013 amends the Zoning Ordinance to provide notice of applications for certain building and use and occupancy permit applications to registered civic associations for the area which includes the subject property.

Council Member Toles, the bill’s sponsor, informed the committee that CB-36-2013 codifies the expanded notice requirements adopted by the Council in CR-91-2012.

The Office of Law reviewed CB-36-2013 and found it to be in proper legislative form with no legal impediments to its enactment. The Department of Environmental Resources, Permits and Review Division, provided comments that the information regarding permit applications for building and use and occupancy permits is available in the County Permits Office as well as posted online and recommended that interested civic associations access the information with existing resources.

The Office of Audits and Investigations reported that the enactment of CB-36-2013 would have a negative fiscal impact on the County equivalent to the cost of postage for each required notification but that the administrative costs should be minimal and should

not require additional budgetary resources.

The Planning Board opposed CB-21-2013 and provided the following written comments by letter received June 19, 2013, to the Council Chair. This bill as drafted does not specify the process to implement the notice requirements but noted that the bill would require the Department of Environmental Resources or its successor agency, the Department of Permitting, Inspections, and Enforcement (“DPIE”) to obtain the civic association lists from the Maryland-National Capital Park and Planning commission or maintain an independent list. In addition to noting certain discrepancies between the manner in which civic associations designate their area of interest during registration, the Planning Board further recommended expansion of language of the bill to ensure that the provision applies countywide and includes the area where the registered civic association is located: “In addition, regardless of the location within Prince George’s County, notice of the permit application shall also be provided by the Department of Environmental Resources or its successor agency to any civic association registered with the Maryland-National Capital Park and Planning Commission for the area which includes the subject property.”

Adam Ortiz, Acting Director of Environmental Resources, offered testimony in opposition to the bill, noting staff inadequacies and cost burdens associated with the additional mailings resulting from enactment of the legislation.

Kerry Watson, Legislative Liaison to the County Executive, stated that the County Executive opposes CB-36-2013 as drafted and restated the concerns of the Department of Environmental Resources.

Council Members and staff discussed balancing the additional burden of providing the notice with the public interest of greater transparency to constituents concerning certain activities of corporate residents in their communities.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This bill will codify the policy adopted in CR-91-2012, which supported expanded notification of certain building and use and occupancy permit applications. Accordingly, this bill requires notification concerning pending building or use and occupancy permit applications to any registered civic associations for the area which in which the property that is the subject of the permit application is located.

CODE INDEX TOPICS:

INCLUSION FILES:
