

MINUTES
Public Hearing of the College Park City Council
Tuesday, April 26, 2011
7:30 P.M.

Ordinance 11-O-03

An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 190 “Zoning”, Article I “Revitalization Overlay District” By Renaming The Article And Repealing And Reenacting §190-1 “Purposes” , §190-4 “Powers And Duties Of The City Advisory Planning Commission To Conduct Hearings”, §190-10 “Departures From Design Standards”, §190-11, “Exceptions To The Commission’s Recommendation Regarding Departures” And §190-16 “Appeal”; Adding §190-11 “Certification, Revocation And Revision Of Nonconforming Uses”, §190-12, “Minor Changes To Approved Special Exceptions, In General”, §190-13, “Minor Changes, Commission”, §190-14, “Limited Minor Changes, Planning Director”, §190-15, “Specific Changes” And §190-16 “Alternative Compliance”; Repealing §190-2 “Boundary”; Renumbering §190-3, “Definitions”, §190-5 “Criteria For Granting Variances”, §190-6 “Procedure For Granting Variances; Filing; Fees; Public Hearing”, §190-7 “Exceptions To The Commission’s Recommendation Regarding Variances”, §190-8 “Validity Period Regarding Variances”, §190-9 “Refiling Variance Requests”,; And Article II, §190-13 “Signs”, And Amending Chapter 110 “Fees And Penalties” To Set Or Increase Fees.

PRESENT: Mayor Fellows; Councilmembers Nagle, Wojahn, Catlin, Stullich, Cook, Afzali and Mitchell.

ABSENT: Councilmember Perry

ALSO PRESENT: Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Yvette Allen, Assistant City Clerk; Chantal Cotton, Assistant to the City Manager; Terry Schum, Director of Planning; Bob Ryan, Director of Public Services.

Mayor Fellows opened the Public Hearing at 7:35 p.m. and invited Ms. Ferguson to give an overview.

Ms. Ferguson stated that some of the changes in the ordinance are re-numbering and moving items around, but the basic intention is to allow the City to exercise some additional minor zoning powers that have been granted by the state. Zoning power in Prince George’s County is exercised by the county pursuant to state law. Previously the state allowed the City to exercise some zoning powers for variances and departures, and the City’s Advisory Planning Commission handles those powers right now. In 2005 the state legislature allowed some additional areas for the county to consider allowing the municipalities to exercise. Last year the County authorized some enabling legislation, although it did not allow all of the areas that the state allowed. This ordinance takes that enabling legislation and puts the additional powers into the City’s existing zoning ordinance. This law enables certification, revocation and revision of non conforming use,

alternative compliance from landscape requirements and minor changes to special exceptions. All of these changes are fairly small; some are allowed at the administrative level and some are allowed at the hearing level. If the City does not exercise these powers they would be exercised in Upper Marlboro either by the County or by Park and Planning, so this brings certain additional zoning powers to the City and allows them to be locally administered. This bill has been sent to the County for a pre-review because they are required to review this law after the City adopts it but before it goes into effect. She has heard that the County finds it to be consistent with what they would look for in an ordinance from the City so she does not anticipate any problems.

Comments from the Audience:

Tim Miller, 5119 Niagara Place, College Park: He has some reservations about giving additional authority to the City. Some residents have problems with the current zoning laws where the City will pounce on a resident without knowing the owner's plans for the property.

Larry Bleau, 4901 Niagara Road (he is an APC member but is making a personal statement): He endorses the ordinance as a small step toward increasing local control. This is a tiny sliver of authority. He believes there are very few cases this would apply to and doesn't anticipate any increase in workload for the APC.

Sarah Jazs, Hollywood: She is against the City having any additional zoning authority because the City is already too restrictive. For residents to have to troubleshoot getting their variances permitted will cause additional problems for them.

There being no further public comment, Mayor Fellows closed the public hearing at 7:45 p.m.

Janeen S. Miller, CMC Date Approved
City Clerk