



**CITY OF COLLEGE PARK, MARYLAND  
ACTION ITEM COVER REPORT**

**Prepared By:** Suellen Ferguson, City Attorney

**Meeting Date:** 04/11/23

**Presented By:** Suellen Ferguson, City Attorney

**Originating Department:** Planning and Community Development

**Topic:** Introduction of 23-O-02 to amend Chapter 190, "Zoning", due to adoption of the new County Zoning Ordinance and new requirements for granting variances and departures.

**Strategic Plan Objective:** #1 Innovate and improve City services to enhance quality, value, and accessibility for all our residents.

**Background:** The State land use law allows the County to authorize the City to exercise certain zoning review powers. The City applied for and was granted the ability to exercise the authority of the County with respect to certain zoning approvals, such as variances, departures, minor changes to special exceptions, and certification, revision and revocation of nonconforming uses. This authority is reflected in Chapter 190, Zoning. A new County Zoning Ordinance became effective in April, 2022. The amendment to the County Ordinance adopted a number of changes with respect to notice and process of these types of review. Further, the County Ordinance was amended to include different criteria for granting a variance or departure, which must be adopted and used by the Advisory Planning Commission and the Council.

The need for extensive changes to Chapter 190 of the City Code was discussed at the meeting on February 28, 2023. It was agreed that code changes would be presented for review and introduction by the Mayor and Council. Because of the complexity of the changes, staff decided to begin with the changes to the procedures for granting variances and departures, so that the Advisory Planning Commission review of this type of case would conform to the County law. The attached ordinance includes those amendments. This ordinance will also be subject to approval by the Prince George's County Council. The amendments to the ordinance since it was adopted are the result of additional review. The ordinance amendments do not enact substantive changes except to the extent that they are required by the new County Zoning Ordinance.

**Fiscal Impact:**

None

**Council Options:**

1. Approve the adoption of amended ordinance to amend Chapter 190, "Zoning" to recognize recent changes in the County Zoning Ordinance with respect to the process for granting variances and departures.
2. Do not approve adoption of the ordinance.

**Staff Recommendation:**

Option #1

**Motion:**

*I move to adopt Amended Ordinance 23-O-02, to amend Chapter 190, "Zoning", to conform to the new County Zoning Ordinance requirements for granting variances and departures.*

**Attachments:**

1. Ordinance 23-O-02

