20-O-09

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND, AMENDING CHAPTER 4 "ADMINISTRATIVE ORGANIZATION", BY REPEALING AND REENACTING §4-3 "DEPARTMENTS" AND §4-87"; CHAPTER 87, "BUILDING CONSTRUCTION", §87-19 "APPEALS"; CHAPTER 125, "HOUSING REGULATIONS", §125-31 "LAKELAND URBAN RENEWAL AREA"; CHAPTER 175 "TAXATION", TO CHANGE THE NAME OF THE PLANNING, COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT TO THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT TO RECOGNIZE THAT ECONOMIC DEVELOPMENT IS NO LONGER A RESPONSIBILITY OF THE DEPARTMENT, AND TO MAKE CONFORMING CHANGES.

WHEREAS, pursuant to §5-202 of the Local Government Article of the Annotated Code of Maryland, the City of College Park, Maryland (hereinafter, the "City") has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the residents of the municipality; and

WHEREAS, the Mayor and Council created the Planning, Community and Economic Development Department to administer community development, planning, economic development and urban renewal plans and housing assistance programs, and to serve as liaison to the Housing Authority; and

WHEREAS, in view of the importance of economic development to the City, the Mayor and Council have determined that it is in the public interest that the economic development staff report directly to the City Manager on business and development issues and opportunities in the City; and

WHEREAS, the Mayor and Council have determined that it is appropriate to change the name of the Planning, Community and Economic Development Department to the Planning and

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CAPS : Indicate matter added to existing law.
[~~Brackets~~] : Indicate matter deleted from law.
Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Ordinance

Community Department, and to make conforming changes, to give effect to the transfer of the responsibility for economic development to the office of the City Manager.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland that Chapter 4 "Administrative Organization", §4-3 "Departments" be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 4-3. Departments.

The general government operations of the city shall be subdivided for administrative purposes in the following manner, each subdivision being designated a department and placed under the direct supervision of a department head appointed by the City Manager:

(1) Finance Department.

(2) Public Services Department.

(3) Public Works Department.

(4) Planning AND Community [~~and Economic~~] Development Department.

(5) Youth, Family and Seniors Department.

B. The title of the several department heads shall be, respectively, as follows:

(1) Finance Director.

(2) Public Services Director.

(3) Public Works Director.

(4) Planning AND Community [~~and Economic~~] Development Director.

(5) Youth, Family and Seniors Director.

Section 2. **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that, §4-7 "Planning and Community Development Department", be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 4-7. Planning AND Community [~~and Economic~~] Development Department.

The Planning AND Community [~~and Economic~~] Development Department shall be responsible for the following operations and such other operations as may hereafter be assigned thereto by the Mayor and Council and/or the City Manager:

A. Administration of community development, planning and programs.

B. Administration of urban renewal programs.

C. Administration of housing assistance programs.

D. Liaison with College Park Housing Authority.

[~~E. Administration of economic development programs~~.]

Section 3. **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that, §87-19 "Appeals", be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 87-19 Appeals.

A. through F. * * * *

G. The Commission is hereby established as the body to act upon appeals from the Public Services Director's denial of a building permit as set forth above. The City's Planning AND Community [~~and Economic~~] Development Department shall assist the Commission with regard to fence appeals as set out in §15-20C as appropriate.

Section 4. **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that, §125-31 "Lakeland Urban Renewal Area", be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 125-31 Lakeland Urban Renewal Area.

The Public Services Department shall coordinate its efforts in the Lakeland Urban Renewal Area with the Planning AND Community [~~and Economic~~] Development Director so as to better effectuate the purposes of the Urban Renewal Program for the elimination and for the prevention of the development or spread of slums and blight and for an effective relocation program.

Section 5. **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 175, "Taxation", §175-12 "Application process", be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 175-12 Application process.
The application process for a Level One or Level Two tax credit is as follows:
A. Submit preliminary application. An application for a City tax credit shall be submitted to the City [~~'s Planning, Community, and Economic Development Department~~] no later than the date of acceptance for a detailed site plan by the Maryland-National Capital Park and Planning Commission (M-NCPPC), if applicable, or the submission of a building permit application to Prince George's County. The application shall specify which evaluation criteria are being addressed by the applicant, the estimated value of the completed improvements, and any additional information requested by the City. All plans associated with the detailed site plan or building permit shall be submitted with the application.
B. City staff review. Upon receipt and acceptance of a completed application, [~~the City's Planning, Community, and Economic Development Department will refer~~] a copy of the application WILL BE REFERRED to the Finance Department. City staff will provide an eligibility report to the City Council with respect to the application for a tax credit subsequent to the detailed site plan review by the City Council. For projects that do not require a detailed site plan, staff will review building permit plans and schedule the application for review by the City Council at a City Council work session.

C. -D. * * * * *

Section 6. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 175, "Taxation", §175-13 "Waiver", be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 175-13 Waiver.
A. – B. * * * * *
C. In making application for a waiver, the applicant shall provide for consideration the information requested by the City [~~'s Planning, Community, and Economic Development~~] staff.

Section 7. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 190, "Zoning", §190-12 "Minor changes to approved special exceptions, in general", be, and is hereby, repealed and reenacted with amendments to read as follows:

190-12 **Minor changes to approved special exceptions, in general.**

A. The Commission and the Director of Planning AND Community [~~and Economic Development~~] Department are authorized to consider minor changes to site plans for approved special exceptions, as provided in this section and §§ 190-13, 190-14 and 190-15. The Director may authorize staff to take any action the Director may take under this section. Applicant shall also comply with Section 27-250.01 of the Prince George's County Zoning Ordinance.
B. – E. * * * *

Section 8. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 190, "Zoning", §190-14, "Limited minor changes by Planning Director", be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 190-14 **Limited minor changes by Planning Director.**
A. The Director of Planning AND Community [~~and Economic~~] Development is authorized to recommend minor changes administratively, without public hearing, in cases listed in § 190-13,

but only if the proposed minor changes are limited in scope and nature, including an increase in gross floor area or land covered by a structure other than a building up to 10%. The Director shall deny any administrative approval request proposing site plan changes which will have a significant impact on adjacent property.
B. – G. * * * *

Section 9. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 190, "Zoning", §190-16 "Alternative Compliance", be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 190-16 **Alternative compliance.**
A. – C. * * * * *
D. A request for alternative compliance shall be submitted to the Director of Planning, AND Community [~~and Economic~~] Development (or designee) at the time the application is submitted. The Commission shall post the property with at least one durable sign giving notice of the application at least 15 days prior to the date on which the application will be considered. The contents of the sign and the number of signs required shall be determined by the Commission. All signs posted must be conspicuous and legible. The applicant is responsible for the maintenance of all signs. Notice of the application and date upon which it will be considered shall be sent, by certified mail, return receipt requested, to the owners of abutting property (including those properties directly across a street, alley or stream). Any request for a hearing on the said application must be received on or before the date of consideration.

E. – F. * * * *

G. In a situation where compliance with the Prince George's County Landscape Manual is not possible, and there is no feasible proposal for alternative compliance which is, in the judgment of the Director of Planning AND Community [~~and Economic~~] Development (or designee), equally effective than normal compliance, then the applicant may seek relief by applying for a departure from design standards in accordance with § 190-9.

H. * * * *

Section 10. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 190, "Zoning", §190-19 "Notification of residents", be, and is hereby, repealed and reenacted with amendments to read as follows:

§ 190-19 **Notification of residents.**

A. The Department of Planning AND Community [~~and Economic~~] Development shall provide notice of an application for a zoning action requested under this chapter to any City resident who registers with the Department.
B. To register, a resident shall provide the following to the Department of Planning AND Community [~~and Economic~~] Development: name; street address or e-mail address to which notice should be sent; and the geographical area that the resident wishes to receive notice about. Notice shall be sent by regular or e-mail, as designated by the City resident.

Section 11. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

Section 12. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that annual and bi-annual permits currently in effect shall be extended for the period of one year without additional permit fee required.

The public hearing, hereby set for **7:30** P.M. on the **11th** day of **August**, 2020, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.

After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. This Ordinance shall become effective on **September 1,** 2020 provided that, as soon

as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a Mayor and Council Virtual Regular Meeting on the **14th** day of **July**, 2020.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the **11th** day of **August** 2020.

EFFECTIVE the **1st** day of **September**, 2020.

ATTEST:

By: _____
Janeen S. Miller, CMC, City Clerk

CITY OF COLLEGE PARK

By: _____
Patrick L. Wojahn, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
Suellen M. Ferguson, City Attorney