

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2023 Legislative Session**

Bill No. CB-026-2023

Chapter No. _____

Proposed and Presented by Council Member Hawkins

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Application-Specific Review and Application-Specific Review Procedures and Decision

3 Standards--Use and Occupancy Permits--Pre-Application Neighborhood Meeting

4 For the purpose of including a pre-application neighborhood meeting requirement, subject to all
5 required notification requirements, to the application procedures for Use and Occupancy permits
6 in the County.

7 BY repealing and reenacting with amendments:

8 Sections 27-3402 and 27-3608,

9 The Zoning Ordinance of Prince George's County, Maryland,

10 being also

11 **SUBTITLE 27. ZONING.**

12 The Prince George's County Code

13 (2019 Edition; 2022 Supplement).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
15 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
16 District in Prince George's County, Maryland, that Sections 27-3402 and 27-3608 of the Zoning
17 Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's
18 County Code, be and the same are hereby repealed and reenacted with the following
19 amendments:

20 **SUBTITLE 27. ZONING.**

1 **PART 27-3. ADMINISTRATION.**

2 **SECTION 27-3400. STANDARD REVIEW PROCEDURES.**

3 **Sec. 27-3402. Pre-Application Neighborhood Meeting.**

4 **(a) General**

5 The pre-application neighborhood meeting is intended to inform owners and occupants of
6 nearby lands about a proposed development application to be reviewed under this Ordinance, and
7 to provide the applicant an opportunity to hear comments and concerns about the development
8 proposal in order to resolve conflicts and outstanding issues, where possible. Pre-application
9 neighborhood meetings are opportunities for informal communication between applicants and
10 the landowners and occupants of nearby lands, and other residents affected by development
11 proposals. Participation in any preliminary, pre-application neighborhood meeting is for
12 informational purposes only. Any resultant participation and/or written summary of same shall
13 not be part of the administrative record for any development application that may be filed and
14 accepted.

15 **(b) Applicability**

16 (1) A pre-application neighborhood meeting is required before any of the following
17 development applications are submitted:

- 18 (A) Zoning map amendments (ZMA) (Section 27-3601);
- 19 (B) Planned Development (PD) zoning map amendments (Section 27-3602);
- 20 (C) Chesapeake Bay Critical Area Overlay (CBCAO) zoning map amendments
21 (Section 27-3603);
- 22 (D) Special exceptions (Section 27-3604);
- 23 (E) Detailed site plans (Section 27-3605(d)); [and]
- 24 (F) Major departures (Section 27-3614(e)) ; and
- 25 (G) Use and Occupancy Permits (Section 27-3608).

26 (2) A pre-application neighborhood meeting may also be held at the applicant's option
27 before the submission of any development application not identified in Section 27-3402(b)(2)
28 above. Pre-application neighborhood meetings are particularly encouraged as opportunities for
29 informal communication before submitting any application requiring a public hearing in
30 accordance with Section 27-3600, Application-Specific Review Procedures and Decision
31 Standards.

1 (3) The informational mailings and meetings required by this Subsection are in
2 addition to all postings and notices required by this Ordinance and State law.

3 (4) If a development application is not accepted for review in accordance with the
4 requirements of Section 27-3403, Application Submittal, within one year of the date the pre-
5 application neighborhood meeting is conducted, the applicant shall conduct a second pre-
6 application neighborhood meeting in accordance with this Section.

7 * * * * *

8 **SECTION 27-3600. APPLICATION-SPECIFIC REVIEW PROCEDURES AND**
9 **DECISION STANDARDS.**

10 **Sec. 27-3608. Use and Occupancy Permit.**

11 **(a) General**

12 This Section provides a uniform mechanism for the review of proposed development prior to
13 issuance of a building permit or other permit that allows development to occur, to ensure it
14 complies with this Ordinance and any conditions of approval imposed as part of any required
15 development approvals or permits.

16 **(b) Applicability**

17 (1) Unless exempted in accordance with Section 27-3608(b)(2) below, a use and
18 occupancy permit shall be approved in accordance with the procedures and standards of this
19 Section, prior to any of the following development activities:

- 20 (A) Use of a building, structure, or land;
- 21 (B) Conversion of a building, structure, or land from one use to another use;
- 22 (C) Construction of a building or structure, or placement of a new use on land;
- 23 (D) Conversion of a single-family detached dwelling to include additional
24 dwelling units;
- 25 (E) Changes in ownership or tenancy (except changes in residential tenancy),
26 regardless of whether the use has changed;
- 27 (F) Establishment of any home occupation; or
- 28 (G) Establishment of any before- and after-school recreational program.

29 (2) The following development is exempted from the requirements of this Section:

- 30 (A) Development in the Agriculture/Forestry Uses and the Open Spaces Uses
31 Principal Use Categories (except cemeteries);

1 **(B)** Single-family dwellings (other than a new single-family dwelling) used for a
2 single family; and

3 **(C)** Accessory uses (except for home occupation, and before- and after-school
4 recreational program, and tourist home).

5 **(3)** Unless otherwise specified in this Ordinance, any proposed use shall obtain any
6 other applicable County, municipal, State, or Federal permits.

7 **(c)** Use and Occupancy Permit Submittal Requirements

8 **(1)** Applications for use and occupancy permits shall be filed in duplicate on forms
9 provided by the Department of Permitting, Inspections, and Enforcement.

10 **(2)** No application for a use and occupancy permit shall be accepted by the
11 Department of Permitting, Inspections, and Enforcement unless all of the information required
12 on the forms and accompanying plans has been furnished by the applicant.

13 **(3)** Each application for a use and occupancy permit shall be accompanied by
14 duplicate copies of a plat or site plan, drawn to scale, showing:

15 **(A)** The lot on which the building is proposed to be erected or used, including lot
16 dimensions, lot and block numbers, and subdivision name (if any);

17 **(B)** Names and widths of abutting streets;

18 **(C)** Locations, gross floor area, dimensions, height and setbacks of existing and
19 proposed buildings and other structures on the lot;

20 **(D)** The proposed use of buildings and other structures for which the permit is
21 requested;

22 **(E)** North arrow and scale of the plan;

23 **(F)** The layout (drawn to scale) of off-street parking and loading areas, and a
24 parking and loading schedule showing parking and loading requirements (and how they are met)
25 for all uses on the property;

26 **(G)** Elevation drawings of all building facades;

27 **(H)** Any other documentation or drawings necessary to demonstrate compliance
28 with the standards and regulations of any pertinent use-specific standards (see PART 27-5: Use
29 Regulations) and any applicable development standards contained in PART 27-6: Development
30 Standards;

31 **(I)** A landscape plan showing all landscaping, buffering, and screening of the

1 proposed development, pursuant to the provisions of the Landscape Manual; and

2 (J) Any other information which the DPIE Director determines is necessary.

3 (4) If the use and occupancy permit involves a commercial or industrial use, including
 4 such uses where permitted in Rural and Agricultural zones, Residential zones, Transit -
 5 Oriented/Activity Center base and PD zones, and the LCD, LMXC, and LMUTC zones, located
 6 within the boundaries of a municipality, notice that the application has been accepted for filing
 7 shall be provided to the municipal government.

8 (d) **Use and Occupancy Permit Procedure**

9 This Subsection identifies additions or modifications to the standard review procedures in
 10 Section 27-3400, Standard Review Procedures, that apply to development applications for a use
 11 and occupancy permit. Figure 27-3608(c) identifies key steps in the use and occupancy permit
 12 procedure.

13 **Figure 27-3608(c): Use and Occupancy Permit Procedure (Illustrative)**

- 14 ↓ **27-3402 Pre-Application Neighborhood Meeting**
- 15 ↓ **27-3403** Application Submittal To DPIE Director
- 16 ↓ **27-3404** Determination of Completeness DPIE Director makes determination
- 17 ↓ **27-3406** Staff Review and Action DPIE Director makes decision (conditions allowed)
- 18 ↓ **27-3416** Notification DPIE Director notifies
- 19 → **27-3417** Appeal Optional (to BOA)

20 (1) **Pre-Application Neighborhood Meeting**

21 See Section 27-3402, Pre-Application Neighborhood Meeting.

22 [(1)] **(2) Application Submittal**

23 See Section 27-3403, Application Submittal and 27-3608(c), Use and Occupancy Permit
 24 Submittal Requirements. Applications for use and occupancy permits shall be submitted to the
 25 DPIE Director.

26 [(2)] **(3) Determination of Completeness**

27 See Section 27-3404, Determination of Completeness. The DPIE Director determines whether
 28 the application is complete.

29 [(3)] **(4) Staff Review and Action**

30 See Section 27-3406, Staff Review and Action.

31 (A) After staff review and evaluation of the application, and referral to the

1 Planning Director for comment, the DPIE Director shall make a decision on an application for a
2 use and occupancy permit in accordance with the standards in Section 27-3608(e), Use and
3 Occupancy Permit Decision Standards. The decision shall be one of the following:

- 4 (i) Approve the application as submitted;
- 5 (ii) Approve the application subject to conditions of approval; or
- 6 (iii) Disapprove the application.

7 (B) If the application is denied, a written statement shall be included with the
8 application stating the reasons why the application does not comply with the decision standards.

9 (C) If the application involves a commercial or industrial use including such uses
10 where permitted in Rural and Agricultural zones, Residential zones, Transit-Oriented/Activity
11 Center base and PD zones, and the LCD, LMXC, and LMUTC zones located within the
12 boundaries of a municipality, the DPIE Director shall provide notice, in writing, to the
13 municipality, that the application has been submitted and is being reviewed in accordance with
14 the requirements of this Subsection.

15 (D) If the building subject to the application is located partially or completely
16 within the Military Installation Overlay (MIO) Zone:

17 (i) The building permit application shall include a certification that any
18 proposed structures do not exceed the height limit established by the Impact Map for Height in
19 Section 27-4402(c)(5)(B), Height Standards.

20 (ii) Applications for buildings or structures located within the High Intensity
21 Noise Area shall include the certifications set forth in Section 27-4402(c)(4)(B), High Intensity
22 Noise Area.

23 (iii) Applications for buildings and structures located within Accident
24 Potential Zones 1 and 2 must include a signed affidavit from the applicant acknowledging that
25 the property lies within an Accident Potential Zone for Joint Base Andrews.

26 (E) If the application is for a use that allows entertainment to be held for an
27 association, a club, a society, or another organization or the public, a copy of the permit or other
28 notice of the issuance of the permit shall be transmitted to:

- 29 (i) The Board of License Commissioners;
- 30 (ii) The Chief of Police
- 31 (iii) The Chief of the Fire/EMS Department;

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- (iv) The Director of the Department of Environmental Resources; and
- (v) If applicable, the municipal corporation in which the entertainment is to

be held.

[(4)] (5) Conditions of Approval

Allowed (see Section 27-3415, Conditions of Approval).

[(5)] (6) Notification

See Section 27-3416, Notification.

[(6)] (7) Appeal

Optional (see Section 27-3417, Appeal). The applicant may appeal the DPIE Director's decision on an application for a use and occupancy permit to the BOA in accordance with Section 27-3616, Appeal to Board of Appeals.

[(7)] (8) Post-Decision Actions

Development of the land subject to a use and occupancy permit shall comply with the approved use and occupancy permit, any accompanying plans, and all conditions of approval.

* * * * *

1 SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five
2 (45) calendar days after its adoption.

Adopted this ____ day of _____, 2023.

COUNTY COUNCIL OF PRINCE GEORGE’S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE’S COUNTY,
MARYLAND

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.