

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

Legislative Session _____ 1990

Bill No. _____ CB-51-1990

Chapter No. _____ 40

Proposed and Presented by _____ Council Member Castaldi

Introduced by _____ Council Members Castaldi, Casula, Bell,
_____ and Mills

Co-Sponsors _____

Date of Introduction _____ June 26, 1990

ZONING BILL

AN ORDINANCE concerning

Master Plans and Sectional Map Amendments

FOR the purpose of requiring the postponement of the processing and issuance of building permits for certain land within the area of an adopted and approved Area Master Plan with a pending Sectional Map Amendment, and providing for the expiration of permits under certain circumstances.

BY repealing and reenacting with amendments:

Sections 27-229(b),

27-252,

27-255, and

27-646,

BY adding:

Section 27-225.2,

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

being also

SUBTITLE 27. ZONING.

The Prince

George's County Code

(1987 Edition, 1989 Supplement as

amended by CB-84-1990).

SECTION 1. BE IT ENACTED by the 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, that Sections 27-229(b), 27-252, 27-255, and 27-646 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 3. ADMINISTRATION.

DIVISION 5. APPEALS AND VARIANCES.

Subdivision 1. Board of Zoning Appeals.

Sec. 27-229. Powers and duties.

(b) The Board of Zoning Appeals shall not have the power or duty to:

* * * * *

(29) * * * * * [.]i

(30) Grant a variance from the provisions of Section 27-

225.2.

DIVISION 7. BUILDING, GRADING, AND USE AND OCCUPANCY PERMITS.

Subdivision 1. General.

Sec. 27-252. Building and grading permits.

* * * * *

(h) No building permit shall be issued by the Department of Environmental Resources for land that is within the area of an adopted and approved Area Master Plan which includes a Zoning Proposal that has been prepared pursuant to the provisions of Section 27-225.1, or a Sectional Map Amendment which has been transmitted by the Planning Board to the District Council pursuant to the provisions of Section 27-225, when the lot or parcel of land on which construction is proposed is in a Commercial or Industrial Zone, was proposed by the Planning Board for a less intense zone in which the proposed use is not permitted, is undeveloped, and has been in the same zone for more than ten (10) years, until final action has been taken by the District Council on the Sectional Map Amendment. This Subsection shall not apply to a lot or parcel of land for which a grading permit has been issued by Prince George's County, sediment and erosion control devices have been installed by the permittee, and site grading activities have been initiated by the permittee.

Subdivision 2. Procedures.

Sec. 27-255. Referral to Planning Board.

* * * * *

(d) No building permit shall be recommended for approval for land that is within the area of an adopted and approved Area Master

Plan which includes a Zoning Proposal that has been prepared pursuant to the provisions of Section 27-225.1, or a Sectional Map Amendment which has been transmitted by the Planning Board to the District Council pursuant to the provisions of Section 27-225, when the lot or parcel of land on which construction is proposed is in a Commercial or Industrial Zone, was proposed by the Planning Board for a less intense zone in which the proposed use is not permitted, is undeveloped, and has been in the same zone for more than ten (10) years, until final action has been taken by the District Council on the Sectional Map Amendment. This Subsection shall not apply to a lot or parcel of land for which a grading permit has been issued by Prince George's County, sediment and erosion control devices have been installed by the permittee, and site grading activities have been initiated by the permittee.

PART 13. AREA MASTER PLANS, GENERAL PLAN, FUNCTIONAL MASTER PLANS, AND PLANNING AREAS.

DIVISION 2. PROCEDURES.

Sec. 27-646. Approval by District Council.

* * * * *

(d) Building permits

(1) Upon approval of an Area Master Plan that includes a Zoning Proposal that was prepared pursuant to the provisions of Section 27-225.1, building permit application recommendations by the Planning Board and issuance of building permits by the Department of Environmental Resources within the subject planning area(s) shall be postponed in accordance with the provisions of Section 27-225.2,

when the lot or parcel on which construction is proposed:

- (A) Is currently in a Commercial or Industrial Zone;
- (B) Was proposed by the Planning Board for a less intense zone in which the proposed use is not permitted;
- (C) Is not developed; and
- (D) Has been in the same zone for more than ten (10) years.

(2) This Subsection shall not apply to a lot or parcel of land for which a grading permit has been issued by Prince George's County, sediment and erosion control devices have been installed by the permittee, and site grading activities have been initiated by the permittee.

SECTION 2. BE IT FURTHER ENACTED that Section 27-225.2 be and the same is hereby added to the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, as follows:

SUBTITLE 27. ZONING.

PART 3. ADMINISTRATION.

DIVISION 4. SECTIONAL MAP AMENDMENT (SMA) .

Subdivision 2. Procedures.

Sec. 27-225.2. Planning Board/Department of Environmental Resources procedures.

(a) Pending building permit applications

(1) The Clerk of the Council shall notify the Director of the Department of Environmental Resources and the Planning Board of the approval of an Area Master Plan that includes a Zoning Proposal

that was prepared pursuant to the provisions of Section 27-225.1, or the Director of the Department of Environmental Resources upon the transmittal of a proposed Sectional Map Amendment from the Planning Board to the District Council pursuant to the provisions of Section 27-225. The Planning Board or its authorized representative shall postpone recommendations for building permit applications, and the Department of Environmental Resources shall postpone the issuance of building permits, for land within the area of the proposed Sectional Map Amendment, when the lot or parcel of land on which construction is proposed is in a Commercial or Industrial Zone, was proposed by the Planning Board for a less intense zone in which the proposed use is not permitted, is undeveloped, and has been in the same zone for more than ten (10) years. Building permit applications shall not be processed or issued until after final action by the District Council on the Sectional Map Amendment. This Subsection shall not apply to a lot or parcel of land for which a grading permit has been issued by Prince George's County, sediment and erosion control devices have been installed by the permittee, and site grading activities have been initiated by the permittee.

(2) After final action on a Sectional Map Amendment by the District Council, all applications shall be processed in accordance with the procedures and requirements that normally apply to building permit applications.

(b) Expiration of building permits

(1) The Clerk of the Council shall notify the Director of the Department of Environmental Resources and the Planning Board of

the approval of a Sectional Map Amendment pursuant to Section 27-226.

(2) Following notification of the approval of a Sectional Map Amendment, the Planning Board or its authorized representative shall identify building permits for lots or parcels within the area of the approved Sectional Map Amendment that were rezoned to a less intense zone in which the proposed use is not permitted, and advise the Building Official accordingly.

(3) The Building Official shall determine by inspection if completion of construction pursuant to a validly issued building permit is being diligently pursued, as witnessed by the completed construction of the building foundation. If the building foundation, as defined in Subtitle 4, is complete, the building permit shall not expire in accordance with the provisions of this Subsection and Section 4-110 of Subtitle 4.

(4) If a determination is made that completion of construction is not being diligently pursued, as witnessed by the lack of a completed building foundation pursuant to a validly issued permit, the Building Official shall notify the permit holder that the building permit has expired by its own terms.

SECTION 3. BE IT FURTHER ENACTED that the provisions of this Ordinance are necessary:

a. To effectuate the purposes of comprehensive planning and zoning by ensuring that the recommendations made in the adopted and approved Master Plan may be implemented through the Sectional Map Amendment;

b. To protect the integrity of the newly approved Master Plan;

c. To provide an interim control of land for which a change in use has been recommended by the District Council through the Area Master Plan, following public hearing and debate;

d. To define a reasonable period of time and a sensible point in the comprehensive rezoning process in which building permits must be obtained and completion of construction must be diligently pursued;

e. To set forth an identifiable procedure for the vesting of rights for property for which a less intense use has been proposed during the Master Plan and Sectional Map Amendment processes;

f. And to protect the community from development that is inconsistent with the revised Master Plan and incompatible with surrounding land uses.

SECTION 4. BE IT FURTHER ENACTED that this Ordinance shall take effect on January 1, 1991.

Adopted this 24th day of July, 1990.

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: _____
Jo Ann T. Bell
Chairman

ATTEST:

Jean M. Schmuhl, CMC
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.