

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL  
2019 Legislative Session**

Bill No. CB-61-2019

Chapter No. 35

Proposed and Presented by Council Member Davis

Introduced by Council Members Davis, Ivey, Franklin, Harrison, Turner, Streeter,  
Anderson-Walker, Glaros, Dernoga, Taveras and Hawkins

Date of Introduction October 15, 2019

**ZONING BILL**

1 AN ORDINANCE concerning

2 Aquaponics

3 For the purpose of defining a new use, "Aquaponics" and amending the regulations for changes  
4 to golf course special exception site plans to include this use.

5 BY repealing and reenacting with amendments:

6 Sections 27-107.01(a) and 27-325(d),

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

8 being also

9 **SUBTITLE 27. ZONING.**

10 The Prince George's County Code

11 (2015 Edition, 2018 Supplement).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
13 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional  
14 District in Prince George's County, Maryland, that Sections 27-107.01(a) and 27-325(d) of the  
15 Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince  
16 George's County Code, be and the same are hereby repealed and reenacted with the following  
17 amendments:

18 **SUBTITLE 27. ZONING.**

19 **PART 2. GENERAL.**

20 **DIVISION 1. DEFINITIONS.**

1 **Sec. 27-107.01 Definitions.**

2 (a) Terms in the Zoning Ordinance are defined as follows:

3 \* \* \* \* \*

4 (18.1) **Aquaponics:** A form of agriculture which combines aquaculture (raising but not  
5 selling of fish) with hydroponics (growing plants in water) in a symbiotic, closed-loop system.

6 \* \* \* \* \*

7 **SUBTITLE 27. ZONING.**

8 **PART 4. SPECIAL EXCEPTIONS.**

9 **DIVISION 1. ADMINISTRATIVE PROCEDURES.**

10 **SUBDIVISION 10. AMENDMENTS OF APPROVED SPECIAL EXCEPTIONS.**

11 **Sec. 27-325. - Minor changes.**

12 (a) Minor changes, in general.

13 (1) The Planning Board and Planning Director are authorized to approve minor  
14 changes to site plans for approved Special Exceptions, as provided in this Section. The Director  
15 may authorize staff to take any action the Director may take under this Section.

16 (2) The Planning Board is authorized to grant the minor changes listed in this  
17 Section, and any variance requested in conjunction with the minor change. The minor change  
18 request shall be in the form of an application filed with the Planning Board. The contents of the  
19 application shall be determined by the Planning Board. Along with filing the application, the  
20 applicant shall submit a revised site plan, and shall pay the required fee. The Planning Board  
21 shall hold a hearing on the request in accordance with the Rules of Procedure established by the  
22 Planning Board. The Planning Board's decision shall be in the form of a resolution. A copy of the  
23 resolution shall be sent to all persons of record and the Clerk of the Council.

24 (3) If the change is approved, the revised site plan shall be made a part of the record  
25 of the original application.

26 (4) The revised site plan shall comply with all applicable requirements of this  
27 Subtitle, and with any conditions, relating to the use, imposed in the approval of the Special  
28 Exception or of any applicable Zoning Map Amendment, subdivision plat, or variance.

29 (b) Minor changes, Planning Board.

30 (1) The Planning Board is authorized to approve the following minor changes:

31 (A) An increase of no more than fifteen percent (15%) in the gross floor area of

1 a building;

2 (B) An increase of no more than fifteen percent (15%) in the land area covered  
3 by a structure other than a building;

4 (C) The redesign of parking or loading areas; or

5 (D) The redesign of a landscape plan.

6 (2) The Planning Board is further authorized to approve the minor changes described  
7 in (d) and later subsections below.

8 (3) In reviewing proposed minor changes, the Board shall follow the procedures in  
9 (a) above.

10 (c) Limited minor changes, Planning Director.

11 (1) The Planning Director is authorized to approve minor changes administratively,  
12 without public hearing, in cases listed in (b), but only if the proposed minor changes are limited  
13 in scope and nature, including an increase in gross floor area or land covered by a structure other  
14 than a building up to ten percent (10%). The Director shall deny any administrative approval  
15 request proposing site plan changes which will have a significant impact on adjacent property.

16 (2) Before approving a minor change, the Director shall make all findings the  
17 Planning Board would be required to make, if it reviewed the application.

18 (3) The Director is not authorized to waive requirements in this Subtitle, grant  
19 variances, or modify conditions, considerations, or other requirements imposed by the Planning  
20 Board or District Council in any case.

21 (4) The applicant's property shall be posted within ten (10) days of the Director's  
22 acceptance of filing of the application. Posting shall be in accordance with Section 27-125.03.  
23 On and after the first day of posting, the application may not be amended.

24 (5) The Director may waive posting after determining, in writing, that the proposed  
25 minor change is so limited in scope and nature that it will have no appreciable impact on  
26 adjacent property.

27 (6) If posting is waived or a written request for public hearing is not submitted  
28 within the posted time period, then the Director may act on the application. The Director's  
29 approval concludes all proceedings.

30 (7) If the Director denies the application or a timely hearing request is submitted,  
31 then the application shall be treated as re-filed on the date of that event. The applicant, Director,

1 and Technical Staff shall then follow the procedures for Planning Board review in (a) above.

2 (d) Changes of golf course site plans.

3 (1) Changes of a site plan for an approved golf course may be permitted by the  
4 Planning Board or Planning Director, if authorized, for any modifications or additions which are  
5 found to be in accordance with the purposes and uses generally associated with golf courses,  
6 including swimming pools, tennis courts, and clubhouses/restaurants. The Planning Board shall  
7 not approve any use previously disapproved as part of the original Special Exception.

8 (2) Changes of a site plan for an approved golf course are not required provided a  
9 subsequent detailed site plan is approved for an aquaponics use on no more than 10% of the  
10 property provided:

11 (A) The approved Detailed Site Plan is submitted to the Clerk of the Council for  
12 inclusion in the record of the Special Exception;

13 (B) The Detailed Site Plan shall demonstrate that the use will not be detrimental  
14 to the use or development of adjacent properties; and

15 (C) The aquaponics use complies with the following provisions:

16 (i) The use is conducted within an enclosed greenhouse(s) and/or other  
17 climate-controlled building(s) and any additional required permits are obtained from the  
18 Department of Permitting, Inspections and Enforcement.

19 (ii) Structures shall be setback in accordance with the requirements of the  
20 zone in which the use is located.

21 (iii) Odors emanating from the site shall not be detectable from the property  
22 lines of surrounding properties.

23 (iv) All operations including equipment such as exhaust fans, circulating  
24 pumps and/or generators shall comply with the provisions of Section 19-122(a) relating to  
25 maximum allowable noise levels in residential zones. Noise barriers shall be installed around  
26 any noise generating equipment if necessary to meet the required limitations.

27 \* \* \* \* \*

28

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

Adopted this 19th day of November , 2019.

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: \_\_\_\_\_  
Todd M. Turner  
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.