

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2004 Legislative Session

Bill No. _____ CB-42-2004
 Chapter No. _____ 24
 Proposed and Presented by _____ Council Member Harrington
 Introduced by _____ Council Members Harrington, Dean, Exum
 Co-Sponsors _____
 Date of Introduction _____ July 6, 2004

ZONING BILL

1 AN ORDINANCE concerning

2 Notice

3 For the purpose of amending certain provisions concerning informational mailings, clarifying
 4 that posting is not required for District Council oral arguments, and deleting obsolete language.

5 BY repealing and reenacting with amendments:

6 Sections 27-125.01(a), 27-125.03(a), 27-276(a), 27-285(a),
 7 27-546.05(d) and 27-546.06(d),

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

10 SUBTITLE 27. ZONING.

11 The Prince George's County Code
 12 (1999 Edition, 2002 Supplement).

13 BY repealing:

14 Section 27-527.01,

15 The Zoning Ordinance of Prince George's County, Maryland,
 16 being also

17 SUBTITLE 27. ZONING.

18 The Prince George's County Code
 19 (1999 Edition, 2002 Supplement).

20 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 27-125.01(a), 27-125.03(a), 27-276(a), 27-285(a), 27-546.05(d) and 27-546.06(d) 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Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments: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 1. GENERAL ZONING PROCEDURES.

Subdivision 1. GENERAL.

Sec. 27-125.01. Informational mailing; civic association registration.

(a) **Informational mailings with applications.**

(1) This Section applies in the following cases, and any others for which this Subtitle requires informational mailings: Zoning Map Amendments (Division 2 of this Part), Comprehensive and Specific Design Plans, Conceptual and Detailed Site Plans, Special Exceptions and Special Exception site plan changes, Special Permits, nonconforming use certifications, departures from sign or design standards, and departures from the required number of parking and loading spaces. It applies to private applications to amend those zones, plans, permits, and departures; to amend the M-U-TC, T-D-O, or D-D-O Zone; to approve or amend the M-U-I Zone; and to amend conditions imposed by the Planning Board or District Council. It applies to all applications to amend an Aviation Policy Area or a Chesapeake Bay Critical Area Overlay Zone, and to Special Exception revocation petitions filed by the Department of Environmental Resources. It does not apply to the initial applications for the M-U-TC, T-D-O, or D-D-O Zone, or to applications which the Planning Director is authorized to approve administratively.

(2) At least thirty (30) but no more than ninety (90) days before the Commission accepts an application, the applicant shall send by certified mail an informational mailing to all adjoining property owners, including owners whose properties lie directly across a street, alley, or stream [and to prior parties of record entitled to receive notification of new applications pursuant to Sections 27-276(a)(2), 27-285(a)(2), 27-304(b), 27-520(b), 27-546.05(d), 27-546.06(d) and 27-527.01]. The applicant shall send notice of application filing to every person of record in a zoning or Planning Board case under Part 3 within 10 years of the filing of the

1 application. At the same time and in the same manner, the applicant shall send an informational
 2 mailing to every municipality located within one (1) mile of the applicant's property and to all
 3 civic associations registered with the Commission for the area which includes the property.

4 * * * * *

5 **Sec. 27-125.03. Sign for posting.**

6 (a) **Posting, in general.**

7 (1) The applicant shall post the required public notice sign(s) for all public hearings
 8 conducted by the Planning Board[, and Zoning Hearing Examiner [and District Council]. Signs
 9 for posting shall be provided by the Planning Board, or Board of Appeals where applicable, and
 10 shall have (at least) the following information:

- 11 (A) The title of "Hearing";
- 12 (B) The type of application;
- 13 (C) The application number;
- 14 (D) The request;
- 15 (E) Date, time, and place of the public hearing;
- 16 (F) A phone number for additional information.

17 * * * * *

18 **DIVISION 9. SITE PLANS.**

19 **SUBDIVISION 2. REQUIREMENTS FOR CONCEPTUAL SITE PLANS.**

20 **Sec. 27-276. Planning Board procedures.**

21 (a) **General.**

22 (1) Prior to approval of any preliminary plan of subdivision or Detailed Site Plan, or
 23 the issuance of any grading, building, or use and occupancy permit, for the development or use
 24 of any land for which a Conceptual Site Plan is required, the applicant shall obtain approval of a
 25 Conceptual Site Plan from the Planning Board.

26 [(2) Anyone who was a person of record in any Zoning Map Amendment or Special
 27 Exception as described in Part 2, Division 2, and Part 3 of this Subtitle, respectively, or other
 28 zoning matters pertaining to the property, as of January 1, 1994, but not more than ten (10) years
 29 prior to the filing of the application, shall be sent notice of the filing of the application. This
 30 notice shall inform the person of record in the previous application(s) of the procedure for
 31 becoming a person of record in the pending application and the necessity for becoming a person

1 of record in the pending application in order to maintain standing to participate. The failure of
 2 the previous person of record to receive the notice shall not invalidate the approval of the
 3 Conceptual Site Plan. As used herein, the term "other zoning matters" shall be limited to
 4 Conceptual Site Plans and Detailed Site Plans.]

5 [(3)](2) The Planning Board shall review the Conceptual Site Plan for compliance
 6 with this Division.

7 [(4)](3) The Planning Board shall give due consideration to all comments received
 8 from other agencies.

9 [(5)](4) The Planning Board shall only consider the Plan at a regularly scheduled
 10 meeting after a duly advertised public hearing.

11 [(6)](5) The Planning Board shall approve, approve with modification, or disapprove
 12 the Conceptual Site Plan, and shall state its reasons for the action.

13 [(7)](6) The Planning Board's decision shall be embodied in a resolution adopted at a
 14 regularly scheduled public meeting, a copy of which shall be sent to all persons of record (in the
 15 Conceptual Site Plan approval process) and the District Council.

16 [(8)](7) For a proposed Mixed-Use Planned Community, the Planning Board shall
 17 hold a hearing on the application and make the findings required in this Section before it
 18 approves the Conceptual Site Plan. But if the subject property lies within a municipality, the
 19 following shall apply:

20 (A) The Planning Board shall hold a hearing, prepare a record, and transmit a
 21 recommendation to the District Council.

22 (B) The District Council shall make the findings required in this Section before
 23 it approves the use; and

24 (C) If the municipality recommends disapproval of the Plan, the District Council
 25 may approve it only on the affirmative vote of two-thirds of the full Council.

26 * * * * *

27 **SUBDIVISION 3. REQUIREMENTS FOR DETAILED SITE PLANS.**

28 **Sec. 27-285. Planning Board procedures.**

29 (a) **General.**

(1) Prior to the issuance of any grading, building, or use and occupancy permit for the development or use of any land for which a Detailed Site Plan is required, the applicant shall obtain approval of a Detailed Site Plan from the Planning Board.

[(2) Anyone who was a person of record in any Zoning Map Amendment or Special Exception as described in Part 2, Division 2, and Part 3 of this Subtitle, respectively, or other zoning matters pertaining to the property, as of January 1, 1994, but not more than ten (10) years prior to the filing of the application, shall be sent notice of the filing of the application. This notice shall inform the person of record in the previous application(s) of the procedure for becoming a person of record in the pending application and the necessity for becoming a person of record in the pending application in order to maintain standing to participate. The failure of the previous person of record to receive the notice shall not invalidate the approval of the Detailed Site Plan. As used herein, the term "other zoning matters" shall be limited to Conceptual Site Plans and Detailed Site Plans.]

[(3)](2) The Planning Board shall review the Detailed Site Plan for compliance with this Division.

[(4)](3) The Planning Board shall give due consideration to all comments received from other agencies.

[(5)](4) The Planning Board shall only consider the plan at a regularly scheduled meeting of the Planning Board after a duly advertised public hearing.

[(6)](5) The Planning Board shall approve, approve with modification, or disapprove the Detailed Site Plan, and shall state its reasons for the action.

[(7)](6) The Planning Board's decision shall be embodied in a resolution adopted at a regularly scheduled public meeting, a copy of which shall be sent to all persons of record (in the Detailed Site Plan approval process) and the District Council.

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PART 10. MIXED USE ZONES.

DIVISION 2. SPECIFIC MIXED USE ZONES.

SUBDIVISION 2. M-X-C (MIXED USE COMMUNITY).

Sec. 27-546.05. Comprehensive Sketch Plan.

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(d) Planning Board Action.

(1) The Planning Board shall hold a public hearing prior to the approval of a Comprehensive Sketch Plan. [Anyone who was a person of record in any Zoning Map Amendment or Special Exception as described in Part 2, Division 2, and Part 3 of this Subtitle, respectively, or other zoning matters pertaining to the property, as of January 1, 1994, but not more than ten (10) years prior to the filing of the application, shall be sent notice of the filing of the application. This notice shall inform the person of record in the previous application(s) of the procedure for becoming a person of record in the pending application and the necessity for becoming a person of record in the pending application in order to maintain standing to participate. The failure of the previous person of record to receive the notice shall not invalidate the approval of the Comprehensive Sketch Plan. As used herein, the term "other zoning matters" shall be limited to Detailed Site Plans, Comprehensive Sketch Plans, and Final Development Plans.]

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Sec. 27-546.06. Final Development Plan.

* * * * *

(d) Planning Board action.

(1) The Planning Board shall hold a public hearing prior to the approval of a Final Development Plan. [Anyone who was a person of record in any Zoning Map Amendment or Special Exception as described in Part 2, Division 2, and Part 3 of this Subtitle, respectively, or other zoning matters pertaining to the property, as of January 1, 1994, but not more than ten (10) years prior to the filing of the application, shall be sent notice of the filing of the application. This notice shall inform the person of record in the previous application(s) of the procedure for becoming a person of record in the pending application and the necessity for becoming a person of record in the pending application in order to maintain standing to participate. The failure of the previous person of record to receive the notice shall not invalidate the approval of the Final Development Plan. As used herein, the term "other zoning matters" shall be limited to Detailed Site Plans, Comprehensive Sketch Plans, and Final Development Plans.]

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SECTION 2. BE IT FURTHER 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 Section 27-527.01 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 is hereby repealed:

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PART 8. COMPREHENSIVE DESIGN ZONES.

DIVISION 4. COMPREHENSIVE DESIGN PLANS AND SPECIFIC DESIGN PLANS.

SUBDIVISION 2. SPECIFIC DESIGN PLANS.

[Sec. 27-527.01. Notice.

Anyone who was a person of record in any Zoning Map Amendment or Special Exception as described in Part 2, Division 2, and Part 3 of this Subtitle, respectively, or other zoning matters pertaining to the property, as of January 1, 1994, but not more than ten (10) years prior to the filing of the application, shall be sent notice of the filing of the application. This notice shall inform the person of record in the previous application(s) of the procedure for becoming a person of record in the pending application and the necessity for becoming a person of record in the pending application in order to maintain standing to participate. The failure of the previous person of record to receive the notice shall not invalidate the approval of the Specific Design Plan. As used herein, the term "other zoning matters" shall be limited to Comprehensive Design Plans and Specific Design Plans.]

1 SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect on the
2 date of its adoption.

Adopted this 27th day of July, 2004.

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: _____
Tony Knotts
Chairman

ATTEST:

Redis C. Floyd
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.