

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2011 Legislative Session

Bill No. CB-35-2011
Chapter No. 19
Proposed and Presented by The Chairman (by request – Planning Board)
Introduced by Council Members Patterson and Turner
Co-Sponsors _____
Date of Introduction September 20, 2011

ZONING BILL

1 AN ORDINANCE concerning
2 Sectional Map Amendment Procedures and Definitions
3 For the purpose of clarifying Sectional Map Amendment Procedures for Sector Plans and
4 amending certain definitions

5 BY repealing and reenacting with amendments:
6 Sections 27-107.01, 27-222, 27-223, 27-224, 27-225, 27-225.01,
7 27-225.01.05, 27-225.02 and 27-226
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 (2007 Edition, 2010 Supplement).

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
14 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
15 District in Prince George's County, Maryland, that Sections 27-107.01, 27-222, 27-223, 27-224,
16 27-225, 27-225.01, 27-225.01.05, 27-225.02 and 27-226 of the Zoning Ordinance of Prince
17 George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and
18 the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 2. GENERAL.

DIVISION 1. DEFINITIONS.

Sec. 27-107.01. Definitions.

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

(148) **Master Plan:** The current approved local "[Master] [P] plan" for the physical development of a particular planning area [,] or combination of planning areas [, or parts of planning areas,] as set forth in [the "Regional District Act."] "Part 13 of the Zoning Ordinance."

(Also called an "Area Master Plan.")

(206.2) **Sector Plan:** A comprehensive plan for the physical development of a portion of [a planning area or] one or more planning areas, showing in detail such planning features as type, density and intensity of land uses, pedestrian traffic features, public facilities (parking structures, public open space, rapid transit station, community service provisions, and the like), and relationship of the various uses to transportation, services, and amenities within the area of the sector plan and, where appropriate, to other areas. The sector plan may include maps, graphics, and text and is designated as the sector plan for the area which it encompasses. [It may be approved either as part of a new master plan or as an amendment to an existing master plan.]

SUBTITLE 27. ZONING.

PART 3. ADMINISTRATION.

DIVISION 4. SECTIONAL MAP ADMENDMENT (SMA).

SUBDIVISION 1. GENERAL.

Sec. 27-222. Review Criteria.

(a) Sectional Map Amendments shall be in conformance with the principles of orderly, comprehensive land use planning and staged development, and shall be based on the General Plan or the applicable Master Plan or Sector Plan.

Sec. 27-223. Limitations on zoning.

(m) The District Council may not classify property in the Urban Center or Urban Corridor Node Zones (UC) unless the property is located in an area designated by the General Plan (as

1 amended) as a Metropolitan, Regional, or Community Center or designated as a Corridor Node
2 in a [master plan or sector plan] Master Plan or Sector Plan, and is developed in accordance with
3 the regulations specified in Subtitle 27A of the Prince George’s County Code.

4 **SUBTITLE 27. ZONING.**

5 **PART 3. ADMINISTRATION.**

6 **DIVISION 4. SECTIONAL MAP ADMENDMENT (SMA).**

7 **SUBDIVISION 2. PROCEDURES.**

8 **Sec. 27-224. Authorization and initiation.**

9 * * * * *

10 (b) The resolution shall designate the area involved. Sectional Map Amendments shall be
11 limited to planning areas (or combinations of planning areas), municipalities, those areas subject
12 to a Master Plan or Sector Plan, or areas subject to an urban renewal plan adopted by the County,
13 or adopted by a municipality and reviewed by the Planning Board.

14 * * * * *

15 **Sec. 27-225. Planning Board procedures.**

16 (a) **Requests for rezoning.**

17 * * * * *

18 (4) Each request shall be accompanied by a statement describing how the proposed
19 zoning change complies with the General Plan, the applicable Master Plan[,] or Sector Plan or
20 [and] any adopted County staging policy or economic development program.

21 * * * * *

22 **Sec. 27-225.01. Optional Planning Board procedures; initiation when Area Master Plan or**
23 **Sector Plan is approved.**

24 (a) **Authorization.**

25 (1) The Planning Board may be authorized to prepare a proposed Sectional Map
26 Amendment utilizing the procedures of this Section by:

27 * * * * *

28 (B) The approval of an Area Master Plan or Sector Plan which contains (as one
29 of its elements) a Zoning Proposal (including a map, a list of proposed zoning changes, text, and
30 supporting details), as well as a Land Use Plan. The date of initiation of a Sectional Map
31 Amendment shall be the date of approval of an Area Master Plan by the District Council which

1 contains a Zoning Proposal and Land Use Plan.

2 (b) **Preparation of Zoning Map.**

3 (1) The Planning Board shall prepare a proposed Zoning Map (and text) in
4 accordance with the recommendations contained in the approved Zoning Proposal element of the
5 adopted Master Plan or Sector Plan, unless documented to be in conflict with County laws or
6 policies established elsewhere.

7 (2) The proposed Sectional Map Amendment shall include the information required
8 in Section 27-225(c) [(2)] (3).

9 * * * * *

10 **Sec. 27-225.01.05. Optional Planning Board procedures; initiation concurrent with Area**
11 **Master Plan or Sector Plan.**

12 (a) **Authorization.**

13 (1) The Planning Board may be authorized in writing by the District Council to
14 prepare a Sectional Map Amendment concurrently with an Area Master Plan. The date of
15 initiation of the Sectional Map Amendment shall be the date of the initiation of the Area Master
16 Plan or Sector Plan by the Planning Board with the written concurrence of the District Council.

17 (b) **Preparation of Zoning Map.**

18 (1) The Planning Board shall prepare a proposed Zoning Map, which shall be based
19 upon the recommendations contained in the preliminary plan, concurrently with, and as part of,
20 the Area Master Plan or Sector Plan, unless documented to be in conflict with County laws or
21 policies established elsewhere.

22 * * * * *

23 (d) **Action and transmittal.**

24 (1) The Planning Board shall transmit the Sectional Map Amendment it endorsed as
25 part of the adopted Area Master Plan or Sector Plan in accordance with Section 27-645(c).

26 * * * * *

27 **Sec. 27-225.02. Planning Board/Department of Environmental Resources procedures.**

28 (a) Pending building permit applications.

29 (1) The Clerk of the Council shall notify the Director of the Department of
30 Environmental Resources and the Planning Board of the approval of an Area Master Plan or
31 Sector Plan that includes a Zoning Proposal that was prepared pursuant to the provisions of

1 Section 27-225.01, or the Director of the Department of Environmental Resources upon the
2 transmittal of a proposed Sectional Map Amendment from the Planning Board to the District
3 Council pursuant to the provisions of Section 27-225 or Section 27-225.01.05. The Planning
4 Board or its authorized representative shall postpone recommendations for building permit
5 applications, and the Department of Environmental Resources shall postpone the issuance of
6 building permits, for land within the area of the proposed Sectional Map Amendment, when the
7 lot or parcel of land on which construction is proposed is in a Commercial or Industrial Zone,
8 was proposed by the Planning Board for a less intense zone in which the proposed use is not
9 permitted, is undeveloped, and has been in the same zone for more than ten (10) years. Building
10 permit applications shall not be processed or issued until after final action by the District Council
11 on the Sectional Map Amendment. This Subsection shall not apply to a lot or parcel of land for
12 which a grading permit has been issued by Prince George's County, sediment and erosion control
13 devices have been installed by the permittee, and site grading activities have been initiated by the
14 permittee.

15 * * * * *

16 **Sec. 27-226. District Council procedures.**

17 * * * * *

18 (e) **Voting requirements.**

19 * * * * *

20 (2) If a proposed rezoning of a parcel of land conflicts with the recommendation of a
21 municipality (within whose boundaries the land is located), a separate vote on rezoning that land
22 shall be taken. The rezoning of the land may occur only upon the affirmative vote of two-thirds
23 (2/3) of members of the full Council. If the Council fails to obtain this two-thirds (2/3) majority
24 vote, the property may be rezoned to any alternate zoning category recommended by the
25 municipality (in writing), provided that:

26 (A) The zoning category is consistent with the adopted and approved Master
27 Plan or Sector Plan.

28 (B) The zoning category is the same as the one existing on the property prior to
29 the Sectional Map Amendment.

30 (3) If the Council rezones property to a Comprehensive Design Zone and that zone is not
31 in conformance with a Master Plan [,] or Sector Plan, the zone shall only be approved upon a

majority vote of two-thirds (2/3) of the members of the full Council.

(f) **Approval.**

* * * * *

(4) When a Comprehensive Design Zone is included as part of a Sectional Map Amendment, the District Council shall approve a Basic Plan setting forth general land use types, range of dwelling unit densities and commercial/industrial intensities, general circulation pattern, general location of major access points, and land use relationships. The design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change may constitute the Basic Plan for development on property where a Comprehensive Design Zone is established through a Sectional Map Amendment. The District Council shall also be satisfied that the requirements for Comprehensive Design Zone approval (Section 27-195(b)) have been met or, if the zone is not in conformance with a Master Plan[,] or Sector Plan, a two-thirds majority vote of the Council shall be required as provided by Subsection (e)(3), above.

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

Adopted this 8th day of November, 2011.

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: _____
Ingrid M. Turner
Chair

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.