

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2014 Legislative Session**

Bill No. CB-29-2014
Chapter No. 12
Proposed and Presented by The Chairman (by request – County Executive)
Introduced by Council Members Franklin, Turner and Davis
Co-Sponsors _____
Date of Introduction May 13, 2014

ZONING BILL

1 AN ORDINANCE concerning
2 Department of Permitting, Inspections, and Enforcement
3 For the purpose of amending provisions of The Zoning Ordinance of Prince George's County,
4 Maryland being also Subtitle 27 of the County Code to transfer certain responsibilities and
5 functions to the Department of Permitting, Inspections, and Enforcement.

6 BY repealing and reenacting with amendments:

7 Sections 27-107.01, 27-255, 27-262, 27-405.01, 27-441, 27-464.06
8 and 27-475.06.07

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 (2011 Edition; 2013 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 27-107.01, 27-255, 27-262,
17 27-405.01, 27-441, 27-464.06 and 27-475.06.07 of the Zoning Ordinance of Prince George's
18 County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same
19 are hereby repealed and reenacted with the following amendments:

20 **SUBTITLE 27. ZONING.**

PART 2. GENERAL.

DIVISION 1. DEFINITIONS.

Sec. 27-107.01. Definitions.

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(54.1) **Conservation Agreement:** A formal agreement recorded in the land records which commits a grading or building permit applicant to the execution of various approved elements of a "Conservation Plan," including a stormwater management concept plan, an erosion and sedimentation concept plan, a vegetation management plan, and other plans which may be required by the Department of [Public Works and Transportation] Permitting, Inspections, and Enforcement or the Prince George's County Planning Board.

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(118) Home Occupation:

Any occupation or enterprise for gain or profit carried on in a dwelling unit and meeting the following criteria:

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(G) Not more than two (2) vehicles associated with the home occupation or enterprise may be based at the subject property, nor parked on-site or off-site or on a public street within four hundred (400) yards from the property. Upon request by the Department of [Environmental Resources] Permitting, Inspections, and Enforcement, each dwelling unit resident shall provide for inspection the Motor Vehicle Administration registrations for all vehicles owned or leased by the resident, titled in the business name, or listed as business personal property on the resident's or the business' income or property tax returns;

* * * * *

(222) Stormwater Management Task Force: A task force composed of the heads of various Prince George's County agencies, including the Maryland-National Capital Park and Planning Commission, Department of Public Works and Transportation, Department of Environmental Resources, Department of Permitting, Inspections, and Enforcement and Soil Conservation District, as well as the County's Chief Administrative Officer and the Council Administrator.

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

SUBDIVISION 2. PROCEDURES.

Sec. 27-255. Referral to Planning Board.

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(c) This Section shall not apply to:

(1) Temporary permits issued in accordance with Subdivision 3 of this Division (unless otherwise specified in this Subtitle), except in cases of property in a Transit District Overlay Zone, which shall be governed by Section 27-260(d); properties subject to Subtitle 25; and properties within the Chesapeake Bay Critical Area; and

(2) Permits of a minor nature, which types of permits shall be approved by the District Council upon the recommendation of the Planning Board and the Director of the Department of [Environmental Resources] Permitting, Inspections, and Enforcement [or Department of Public Works and Transportation], and shall be maintained on a list available for public inspection in each of these offices. Any permits issued pursuant to these provisions shall not be subject to the requirements of this Subtitle. This exception shall not apply to any property which is located within a historic district or listed on the Master Plan for historic preservation as a historic resource; properties subject to Subtitle 25; or properties within the Chesapeake Bay Critical Area.

DIVISION 8. ENFORCEMENT.

Sec. 27-262. Authorization.

(a) The Department of [Environmental Resources] Permitting, Inspections, and Enforcement and, when specified, the Police Department, and the Fire/Emergency Medical Services Department shall have the duty of enforcing the requirements of this Subtitle.

(b) The Department of [Public Works and Transportation] Permitting, Inspections, and Enforcement shall also have enforcement authority to enforce the Sign Ordinance in Part 12 of this Subtitle regarding signs in the County right-of-way. As used in this Section, right-of-way is defined in Section 23-102 of this Code.

PART 4. SPECIAL EXCEPTIONS.

DIVISION 3. ADDITIONAL REQUIREMENTS FOR SPECIFIC SPECIAL EXCEPTIONS.

Sec. 27-405.01. Class 3 fills.

(a) A Class 3 fill may be permitted as a temporary Special Exception, subject to the

1 following:

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3 (13) The Department of [Environmental Resources] Permitting, Inspections, and
4 Enforcement shall conduct semi-annual site inspections for Class 3 fill sites and prepare a written
5 report on the evaluation of the operations on the site, which shall include all indications of
6 noncompliance with all County and State regulations. A copy of the report shall be provided to
7 the County Council and shall also be available for review by the public.

8 (14) A haul road permit shall be obtained from the County Department of [Public
9 Works and Transportation (DPW&T)] Permitting, Inspections, and Enforcement prior to
10 issuance of any grading or building permits related to proposed Class 3 fill sites.

11 (15) A street construction permit shall be obtained from the County Department of
12 [Public Works and Transportation (DPW&T)] Permitting, Inspections, and Enforcement prior to
13 issuance of any grading or building permits related to proposed Class 3 fill sites.

14 **PART 5. RESIDENTIAL ZONES.**

15 **DIVISION 3. USES PERMITTED. (RESIDENTIAL ZONES)**

16 **Sec. 27-441. Uses permitted.**

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18 Provided:

(A) The parking area shall be in addition to any required parking lot on the premises. The parking area shall be connected to a public street by means of a driveway (constructed in compliance with the minimum standards of the Department of [Public Works and Transportation] Permitting, Inspections, and Enforcement) with a minimum width of eleven (11) feet for each lane;

* * * * *

26 Provided the site is either:

* * * * *

The following activities are considered to be ancillary uses permitted within the hall/assembly area of a voluntary fire, ambulance, or rescue station: bingo (with an approved license from the Department of [Environmental Resources] Permitting, Inspections, and Enforcement), weddings, dinners, community events, organization functions, and private events (with no advance or at the door ticket sales).

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64 Use of permitted mobile homes is restricted to employees at a riding stable on the Special Exception property. No more than two mobile homes may be located on such a property, and each must be on its own R-E lot as required by Section 27-118.01(c). A building permit shall be issued by the Department of [Environmental Resources] Permitting, Inspections, and Enforcement for each mobile home. Any mobile home unoccupied for more than 60 days must be removed from the property.

(CB-79-1999)

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In accordance with the standards listed below, the applicant must obtain approval of a Detailed Site Plan as provided in Part 3, Division 9. In site plan review, the Planning Board shall find that the proposed use and subject property meet all Division 9 requirements (except as provided below) and will:

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(E) Have interior private roads only where appropriate for and in furtherance of community purposes, and approved by [DPW&T] the Department of Permitting, Inspections, and Enforcement; and

* * * * *

(CB-97-2005)

PART 6. COMMERCIAL ZONES.

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Sec. 27-464.06. Private Automobile and Other Motor Vehicle Auctions.

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(d) New private vehicle auctions are required to meet the provisions of this Section. Private vehicle auctions operating in the C-M Zone prior to January 1, 2011, shall meet the provisions of this Section within two years.

* * * * *

(3) Ingress and egress driveways aprons shall have a minimum width of thirty (30) feet and shall be paved with concrete and meet [DPW&T] Department of Permitting, Inspections, and Enforcement commercial driveway standards. Drive aisles for internal circulation shall have a minimum width of twenty-two (22) feet and shall be paved with concrete, asphalt, or asphalt millings surface.

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(f) Any expansion, enlargement or extension of the use within the property boundaries that existed upon enactment of the Ordinance may only be permitted with approval of a Detailed Site Plan as follows:

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(4) All information required as part of the DSP application shall be referred to the Traffic and Stormwater Management Divisions of the Prince George’s County Department of Public Works and Transportation, the Maryland State Highway Administration, the Prince George’s County Department of [Environmental Resources] Permitting, Inspections, and Enforcement and the Maryland Department of the Environment for review and comment.

PART 7. INDUSTRIAL ZONES.

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Sec. 27-475.06.07. Private Automobile and Other Motor Vehicle Auctions.

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(d) New private vehicle auctions are required to meet the provisions of this Section. Private vehicle auctions operating in the I-1 Zone prior to January 1, 2011, shall meet the provisions of this Section within two years.

* * * * *

(3) Ingress and egress driveways aprons shall have a minimum width of thirty (30) feet and shall be paved with concrete and meet [DPW&T] Department of Permitting, Inspections, and Enforcement commercial driveway standards. Drive aisles for internal circulation shall have a minimum width of twenty-two (22) feet and shall be paved with either concrete, asphalt, or asphalt millings surface.

* * * * *

(f) Site Plan

* * * * *

(4) All information required as part of the DSP application shall be referred to the Traffic and Stormwater Management Divisions of the Prince George’s County Department of Public Works and Transportation, the Maryland State Highway Administration, the Prince George’s County Department of [Environmental Resources] Permitting, Inspections, and Enforcement and the Maryland Department of the Environment for review and comment.

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SECTION 2. 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 references to the Department of Environmental Resources and the Director of Environmental Resources contained in the following Sections 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 changed to the Department of Permitting, Inspections, and Enforcement and the Director of Permitting, Inspections and Enforcement respectively:

- SUBTITLE 27. ZONING.**
- PART 3. ADMINISTRATION.**
- DIVISION 1. GENERAL ZONING PROCEDURES.**
- SUBDIVISION 1. GENERAL.**
- Section 27-125.01 and 27-125.02
- DIVISION 2. ZONING MAP AMENDMENTS.**
- SUBDIVISION 1. CONVENTIONAL ZONES.**
- Section 27-157
- SUBDIVISION 2. R-P-C ZONE.**

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Section 27-176
SUBDIVISION 3. COMPREHENSIVE DESIGN ZONES.
Section 27-195
SUBDIVISION 4. M-X-T AND M-X-C ZONES.
Section 27-213
SUBDIVISION 6. CHESAPEAKE BAY CRITICAL AREA OVERLAY ZONES.
Section 27-213.13
SUBDIVISION 7. ARCHITECTURAL CONSERVATION OVERLAY ZONE.
Section 27-213.21
DIVISION 4. SECTIONAL MAP AMENDMENT (SMA).
SUBDIVISION 2. PROCEDURES.
Section 27-225.02
DIVISION 5. APPEALS AND VARIANCES.
SUBDIVISION 2. BOARD OF ZONING APPEALS.
Section 27-229 and 27-231
SUBDIVISION 4. DEPARTURES FROM DESIGN STANDARDS.
Section 27-239.01
SUBDIVISION 5. SPECIAL PERMITS.
Section 27-239.02
DIVISION 6. NONCONFORMING BUILDINGS, STRUCTURES, AND USES.
SUBDIVISION 1. GENERAL REQUIREMENTS AND PROCEDURES.
Section 27-245
SUBDIVISION 2. ADDITIONAL REQUIREMENTS FOR SPECIFIC NONCONFORMING USES.
Section 27-250
DIVISION 7. BUILDING, GRADING, AND USE AND OCCUPANCY PERMITS.
SUBDIVISION 1. GENERAL.
Section 27-252 and 27-253

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SUBDIVISION 2. PROCEDURES.

Section 27-254, 27-255.01, 27-256, 27-257.01 and 27-258

SUBDIVISION 3. TEMPORARY PERMITS.

Section 27-260 and 27-261

DIVISION 8. ENFORCEMENT.

Sections 27-263, 27-264 and 27-264.01

DIVISION 9. SITE PLANS.

SUBDIVISION 3. REQUIREMENTS FOR CONCEPTUAL SITE PLANS.

Section 27-286

DIVISION 11. APPROVAL OF PUBLIC BUILDINGS AND USES, AND BUILDINGS AND USES ON COUNTY-OWNED LAND.

Section 27-295

PART 4. SPECIAL EXCEPTIONS.

DIVISION 1. ADMINISTRATIVE PROCEDURES.

SUBDIVISION 12. REVOCATION OR MODIFICATION.

Section 27-328

DIVISION 3. ADDITIONAL REQUIREMENTS FOR SPECIFIC SPECIAL EXCEPTIONS.

Sections 27-337.01, 27-343.02, 27-343.03, 27-349, 27-383, and 27-405

PART 5. RESIDENTIAL ZONES.

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Sections 27-445.11 and 27-445.14

PART 6. COMMERCIAL ZONES.

DIVISION 3. USES PERMITTED. (COMMERCIAL ZONES)

Section 27-461

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Section 27-464.06

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PART 7. INDUSTRIAL ZONES.

DIVISION 3. USES PERMITTED. (INDUSTRIAL ZONES)

Section 27-473

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Section 27-475.05

PART 8. COMPREHENSIVE DESIGN ZONES.

DIVISION 3. USES PERMITTED. (COMPREHENSIVE DESIGN ZONES)

Section 27-515

DIVISION 4. COMPREHENSIVE DESIGN PLANS AND SPECIFIC DESIGN PLANS.

SUBDIVISION 2. SPECIFIC DESIGN PLANS.

Section 27-527

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Section 27-532.02

PART 9. PLANNED COMMUNITY ZONES.

DIVISION 3. USES PERMITTED. (PLANNED COMMUNITY ZONES)

Section 27-539

PART 10. MIXED USE ZONES.

DIVISION 3. USES PERMITTED. (MIXED USE ZONES)

Section 27-547

PART 10A. OVERLAY ZONES.

DIVISION 1. T-D-O (TRANSIT DISTRICT OVERLAY) ZONE.

SUBDIVISION 1. GENERAL.

Section 27-548.08

DIVISION 4. A-C-O (ARCHITECTURAL CONSERVATION OVERLAY) ZONE.

Sections 27-548.31 and 27-548.31.03

PART 10B. AIRPORT COMPATIBILITY.

DIVISION 1. AVIATION POLICY AREAS.

SUBDIVISION 3. REGULATIONS.

Section 27-548.43

PART 11. OFF-STREET PARKING AND LOADING.

DIVISION 2. PARKING FACILITIES.

SUBDIVISION 2. DESIGN STANDARDS.

Section 27-559

PART 12. SIGNS.

DIVISION 2. ADMINISTRATION.

SUBDIVISION 1. PERMITS.

Sections 27-596, 27-598, 27-599, and 27-600

SUBDIVISION 3. ENFORCEMENT.

Sections 27-609 and 27-610

DIVISION 3. DESIGN STANDARDS.

SUBDIVISION 1. ON-SITE SIGNS.

Section 27-614

SUBDIVISION 2. SIGNS FOR SPECIFIC USES.

Sections 27-618, 27-624, and 27-624.01

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

DIVISION 2. PROCEDURES.

Section 27-646

**PART 16. ADULT BOOK STORES AND/OR ADULT VIDEO
STORES.**

Sections 27-904 and 27-905

SECTION 3. 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 references to the Department of Public Works and Transportation and the Director of Public Works and Transportation contained in the

1 following Sections of the Zoning Ordinance of Prince George's County, Maryland, being also
2 Subtitle 27 of the Prince George's County Code, be and the same are hereby changed to the
3 Department of Permitting, Inspections, and Enforcement and the Director of Permitting,
4 Inspections and Enforcement respectively:

5 **SUBTITLE 27. ZONING.**

6 **PART 3. ADMINISTRATION.**

7 **DIVISION 9. SITE PLANS.**

8 **SUBDIVISION 4. EXPEDITED TRANSIT-ORIENTED DEVELOPMENT**
9 **PROJECTS.**

10 Section 27-290.01

11 **PART 4. SPECIAL EXPECTATIONS.**

12 **DIVISION 3. ADDITIONAL REQUIREMENTS FOR SPECIFIC**
13 **SPECIAL EXCEPTIONS.**

14 Section 27-358

15 **PART 5. RESIDENTIAL ZONES.**

16 **DIVISION 2. SPECIFIC RESIDENTIAL ZONES.**

17 Sections 27-431 and 27-433

18 **PART 7. INDUSTRIAL ZONES.**

19 **DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC**
20 **USES.**

21 Sections 27-475.06.03 and 27-475.06.07

22 **PART 8. COMPREHENSIVE DESIGN ZONES.**

23 **DIVISION 2. SPECIFIC COMPREHENSIVE DESIGN ZONES.**

24 **SUBDIVISION 7. VILLAGE ZONES.**

25 Section 27-514.06

26 SECTION 4. BE IT ENACTED by the County Council of Prince George's County,
27 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
28 District in Prince George's County, Maryland, that references to the Department of
29 Environmental Resources and the Director of Environmental Resources contained in the
30 following Section of the Urban Centers and Corridor Nodes Development and Zoning Code of
31 Prince George's County, Maryland, being also Subtitle 27A of the Prince George's County Code,

1 be and the same is hereby changed to the Department of Permitting, Inspections, and
2 Enforcement:

3 **SUBTITLE 27A. URBAN CENTERS AND CORRIDOR NODES**
4 **DEVELOPMENT AND ZONING CODE.**
5 **PART 2. ADMINISTRATION.**

6 Section 27A-210

7 SECTION 5. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five
8 (45) calendar days after its adoption.

Adopted this 17th day of June, 2014.

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: _____
Mel Franklin
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.

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