

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2008 Legislative Session

Bill No. CB-55-2008
 Chapter No. 61
 Proposed and Presented by The Chairman (by request-Planning Board)
 Introduced by Council Members Bland, Dean, Turner and Harrison
 Co-Sponsors _____
 Date of Introduction October 14, 2008

SUBDIVISION BILL

1 AN ACT concerning

2 Informational Mailing and Civic Association Registration

3 For the purpose of making changes to informational mailing requirements for applications.

4 BY repealing and reenacting with amendments:

5 SUBTITLE 24. SUBDIVISIONS.

6 Section 24-119.01

7 The Prince George's County Code

8 (2003 Edition, 2007 Supplement).

9 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 10 Maryland, that Section 24-119.01 of the Prince George's County Code be and the same is hereby
 11 repealed and reenacted with the following amendments:

12 **SUBTITLE 24. SUBDIVISIONS.**

13 **DIVISION 2. APPLICATION PROCEDURES AND DOCUMENTS.**

14 **Sec. 24-119.01. Informational mailing[s with applications for major subdivisions]; civic**
 15 **association registration.**

16 (a) Informational mailings with applications.

17 [(a)](1) At least thirty (30) [but no more than ninety (90)] days before the Commission
 18 accepts an application for a preliminary plat of subdivision, or a sketch plan required for a
 19 conservation subdivision pursuant to Section 24-152(e), the applicant shall send by first class
 20 mail an informational mailing [in accordance with the requirements of Section 27-125.01 of the
 21 Zoning Ordinance] to all adjoining property owners, including owners whose properties lie

1 directly across a street, alley, or stream, [and to prior parties of record to any of the following
 2 application types: Zoning Map Amendment, Special Exception, Conceptual Site Plan, Detailed
 3 Site Plan, Comprehensive Design Plan, Specific Design Plan, Comprehensive Sketch Plan, Final
 4 Development Plan, or preliminary plat of subdivision.] Notice to prior parties of record shall be
 5 required if the applicable case was approved within ten (10) years of [the] filing [of] the current
 6 preliminary plat of subdivision. This notice shall inform the person of record in the previous
 7 application(s) of the procedure [for becoming a person of record in the pending application] and
 8 the necessity for becoming a person of record in the pending application in order to maintain
 9 standing to participate. The failure of the previous person of record to receive notice shall not
 10 invalidate the approval of the preliminary plat of subdivision. At the same time and in the same
 11 manner, the applicant shall send an informational mailing to every municipality located within
 12 one (1) mile of the applicant's property and to all civic associations registered with the
 13 Commission for the area which includes the property.

14 (2) The applicant shall send informational mailings to previous persons of record for
 15 the following types of applications: Preliminary Plats of Subdivision, Sketch Plans for
 16 Conservation Subdivisions, Zoning Map Amendments, Comprehensive and Specific Design
 17 Plans, Conceptual and Detailed Site Plans, Special Exceptions and Revisions of Site Plans for
 18 Special Exceptions, Special Permits, Variances and Chesapeake Bay Critical Area Conservation
 19 Plans filed in conjunction with other applications requiring public hearings by the Planning
 20 Board or District Council, Nonconforming Use Certifications, Departures from Sign or Design
 21 Standards, and Departures from the required number of Parking and Loading Spaces. It applies
 22 to private applications to amend those zones, plans permits, and departures; to amend the M-U-
 23 T-C, T-D-O, or D-D-O Zone; to approve or amend the M-U-I Zone; and to amend conditions
 24 imposed by the Planning Board or District Council. It applies to all applications to amend an
 25 Aviation Policy Area or a Chesapeake Bay Critical Area Overlay Zone. It does not apply to
 26 District Council initiated plans and studies for the M-U-T-C, T-D-O, or D-D-O Zone, to Special
 27 Exception revocation petitions filed by the Department of Environmental Resources, or to
 28 applications which the Planning Director is authorized to approve administratively.

29 (3) The applicant shall obtain an application number from the Commission before
 30 sending the informational mailing. It shall contain at least the following: the application
 31 number; a description of the property and its location; the nature of the applicant's request; the

1 justification statement, if required with the application; the Commission department, with
2 telephone number, to obtain more information about the application after it is filed; a statement
3 to recipients that the applicant will meet, to explain the application; an applicant telephone
4 number, for persons wishing to meet; an explanation of the procedures and the necessity for
5 becoming a person-of-record in the pending application and a statement that no government
6 agency has reviewed the application. A municipality, civic association, or other person entitled
7 to an informational mailing may request a copy of the site plan from the applicant.

8 (4) With the application, the applicant shall file an affidavit of mailing. The affidavit
9 shall give the names and addresses of all persons sent informational mailings and the dates when
10 they were sent.

11 (5) Before an application is accepted, the Commission shall determine that the
12 applicant has complied with this Section. A municipality, civic association, or other person
13 entitled to an informational mailing may waive the requirement, and an applicant's filing of a
14 signed waiver constitutes its compliance with the requirement, for the person signing. At any
15 time after the Commission accepts an application, a determination that a person entitled did not
16 receive a required informational mailing may not be a basis for invalidating a final action on the
17 application.

18 (6) The informational mailings required by this Section are in addition to all postings
19 and notices required by law.

20 (b) Notice of application acceptance.

21 (1) When the Commission determines an application has been filed in proper form
22 and is ready to be formally accepted, it shall notify the applicant in writing, preferably by e-mail.
23 The name and contact information of the staff member assigned to the application shall be
24 included in the notice.

25 (2) The applicant shall notify in writing and via first class mail municipalities, civic
26 associations and other persons entitled to receive informational mailings that the application is
27 ready to be accepted. The name and contact information of the staff member assigned to the
28 application shall be included in the notice.

29 (3) The Commission shall not formally accept applications for processing until after
30 the applicant has filed an affidavit in the record to document completion of the written notice of
31

1 acceptance to municipalities, civic associations and other persons entitled to receive
2 informational mailings.

3 (c) Civic association registration.

4 (1) Every civic association which maintains a registration with the Commission in
5 accordance with this Section is entitled to informational mailings, for all applications within the
6 association's defined geographical area.

7 (2) As to civic associations, an applicant complies with this Section by sending
8 informational mailings to the associations maintaining registrations with the Commission for the
9 geographical area which includes the applicant's property.

10 (3) To obtain a registration, a civic association shall provide the following to the
11 Commission: its name; the names, street addresses and e-mail addresses of all its officers; the
12 number of members (individuals or households); the geographical area it represents and is
13 interested in, by a description acceptable to the Commission; the name, street address, e-mail
14 address, and daytime telephone number of the individual, the association designee, who is to
15 receive informational mailings in the initial registration period; and the initial registration's
16 effective dates, which may run from date of first registration to December 31 of the following
17 year.

18 (4) Associations may represent overlapping geographical areas. However, for the
19 purpose of obtaining informational mailings, an association may not represent an area extending
20 beyond two adjoining Council Districts. In addition, the officers of an association must retain
21 their primary residence within the association's delineated area of interest. The Commission may
22 decline registration of any association which purports to represent an area of unreasonable
23 description or otherwise does not meet the requirements of this Section.

24 (5) For a watershed protection group that is registered as a Section 501(c)(3)
25 environmental organization, the group may designate an area consisting of the watershed whose
26 protection is the purpose of the organization if the officers of the organization maintain their
27 primary residence within such watershed.

28 (6) An association may correct or update registration information at any time. In
29 addition, the Commission will send notice to registered associations no later than January 31 of
30 each year to solicit updated information and confirm that the associations want to continue
31 receiving informational mailings.

1 SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect thirty (30)
2 calendar days after it becomes law.

Adopted this 18th day of November, 2008.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Samuel H. Dean
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.