

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL  
2016 Legislative Session**

Bill No. CB-79-2016

Chapter No. \_\_\_\_\_

Proposed and Presented by Council Members Davis, Franklin and Turner

Introduced by Council Members Davis, Franklin, Turner and Harrison

Co-Sponsors \_\_\_\_\_

Date of Introduction October 18, 2016

**ZONING BILL**

1 AN ORDINANCE concerning

2                   Transit-Oriented Development – Grading Permits – Exceptions

3 For the purpose of authorizing, within certain areas of Prince George’s County designated for  
4 transit-oriented development, the issuance of a permit to commence rough grading activities  
5 prior to detailed site plan approval, under certain circumstances.

6 BY repealing and reenacting with amendments:

7                   Section 27-252,

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                  (2015 Edition).

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 Section 27-252 of the Zoning Ordinance of  
16 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,  
17 be and the same is hereby repealed and reenacted with the following amendments:

18                                   **SUBTITLE 27. ZONING.**

19                                   **PART 3. ADMINISTRATION.**

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

**SUBDIVISION 1. GENERAL.**

**Sec. 27-252. Building and grading permits.**

(a) None of the following construction related activities shall take place unless a building permit has been issued for the activity by the Department of Permitting, Inspections, and Enforcement:

- (1) Erecting a building or structure (unless exempted under the Building Code);
- (2) Enlarging, structurally altering, moving, or adding to an existing building or structure; or
- (3) Excavating for any building or structure.

(b) No building permit shall be required for buildings and structures to be used exclusively for agricultural purposes on land used only for agriculture, except for farm tenant dwellings.

(c) All development of the property shall be in conformance with the plans approved with the building permit.

(d) Trailers (designed for human occupancy) and mobile homes used for business purposes in any Commercial or Industrial Zone, and mobile home dwellings, are buildings requiring building permits.

(e) No building or grading permit shall be issued by the Department of Permitting, Inspections and Enforcement until after the expiration of the specified appeal period from a Planning Board decision concerning the subject property of the permit, unless the right of appeal has been waived; nor shall any permit be issued during the pendency of any appeal to, or review by, the District Council except as noted herein.

(f) No building permit shall be issued by the Department of Permitting, Inspections, and Enforcement for land that is not a record lot.

(g) No grading permit shall be issued by the Department of Permitting, Inspections, and Enforcement for land that is the subject of an approved preliminary [plat] plan of subdivision, unless the permit is in conformance with the approved preliminary [plat] plan.

(h) No building permit shall be issued by the Department of Permitting, Inspections, and Enforcement for land that is within the area of an adopted and approved Area Master Plan which includes a Zoning Proposal that has been prepared pursuant to the provisions of Section 27-225.01, or a Sectional Map Amendment which has been transmitted by the Planning Board to the

1 District Council pursuant to the provisions of Section 27-225, when the lot or parcel of land on  
 2 which construction is proposed is in a Commercial or Industrial Zone, was proposed by the  
 3 Planning Board for a less intense zone in which the proposed use is not permitted, is  
 4 undeveloped, and has been in the same zone for more than ten (10) years, until final action has  
 5 been taken by the District Council on the Sectional Map Amendment. This Subsection shall not  
 6 apply to a lot or parcel of land for which a grading permit has been issued by Prince George's  
 7 County, sediment and erosion control devices have been installed by the permittee, and site  
 8 grading activities have been initiated by the permittee.

9 (i) No grading permit shall be issued by the Department of Permitting, Inspections, and  
 10 Enforcement unless a permit for infrastructure improvements including grading, streets, utilities,  
 11 or stormwater management facilities has been issued for the property. This Subsection shall not  
 12 apply to an unsubdivided parcel of land containing less than three (3) acres and in a Residential  
 13 Zone which is not subject to the provisions of Part 3, Division 9, Subdivision 3, or Part 8,  
 14 Division 4, of the Zoning Ordinance.

15 (j) For land located within Priority Funding Areas of the County and subject to a  
 16 detailed site plan requirement, a grading permit may be issued by the Department of Permitting,  
 17 Inspections, and Enforcement authorizing commencement of rough grading activities on the site  
 18 (including removal of utilities and structures, basic excavation, and installation of temporary  
 19 stormwater controls) prior to approval of the detailed site plan, provided:

20 (1) [The detailed site plan application has been accepted by the Planning Board];

21 (2)] The land is exempt from the requirements of the Woodland and Wildlife Habitat  
 22 Conservation Ordinance within Division 2, Subtitle 25 of the Prince George's County Code; and

23 [(3)] (2) The permittee provides documentation demonstrating that the subject property  
 24 contains no impact on floodplains and/or regulated environmental features, as defined by  
 25 Subdivision Regulations within Subtitle 24 of this Code, or the grading permit proposes no  
 26 disturbance to any such features.

27 (k) For land located within a Transit District Overlay Zone or Development District  
 28 Overlay Zone defined as being an area that is located within a one-half mile radius of a  
 29 constructed WMATA Metrorail station as measured from the center of the transit station  
 30 platform, and subject to a detailed site plan approval requirement ; or for land located in a  
 31 Revitalization Tax Credit District within the R-T Zone that is subject to a detailed site plan  
 32 requirement, a grading permit may be issued by the Department of Permitting, Inspections and

1 Enforcement authorizing commencement of rough grading activities on the site (including  
2 removal of utilities and structures, basic excavation, and installation of temporary stormwater  
3 controls) prior to approval of the detailed site plan, provided:

4 (1) The land is located in a Transit District Overlay Zone or Development District  
5 Overlay Zone accordance with Subsection (k) of this Section, above, or the land is located in a  
6 Revitalization Tax Credit District within the R-T Zone that is subject to a detailed site plan  
7 requirement;

8 (2) The land is exempt from the requirements of the Woodland and Wildlife Habitat  
9 Conservation Ordinance within Division 2, Subtitle 25 of the Prince George's County Code; and

10 (3) The permittee provides documentation demonstrating that the subject property  
11 contains no impact on floodplains and/or regulated environmental features, as defined by the  
12 Subdivision Regulations within Subtitle 24 of this Code, or the grading permit proposes no  
13 disturbance to any such feature.

14 (4) The permittee has, except for detailed site plan approval, met all the necessary  
15 requirements for a rough grading permit including approved TCP I and II, site grading plan,  
16 storm water management plan and sediment plan.  
17

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

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2016.

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: \_\_\_\_\_  
Derrick Leon Davis  
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.