

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2008 Legislative Session**

Bill No. CB-54-2008

Chapter No. 50

Proposed and Presented by The Chairman (by request-Planning Board)

Introduced by Council Members Exum, Bland, Harrison, and Dean

Co-Sponsors _____

Date of Introduction October 21, 2008

ZONING BILL

1 AN ORDINANCE concerning
2 Informational Mailings 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 Sections 27-125.01,
6 The Zoning Ordinance of Prince George's County, Maryland,
7 being also
8 SUBTITLE 27. ZONING.
9 The Prince George's County Code
10 (2003 Edition, 2007 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
12 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
13 District in Prince George's County, Maryland, that Section 27-125.01 of the Zoning Ordinance of
14 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,
15 be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 3. ADMINISTRATION.

DIVISION 1. GENERAL ZONING PROCEDURES.

Subdivision 1. General.

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

2 (a) Informational mailings with applications.

3 (1) This Section applies in the following [cases,] applications and any others for
 4 which this Subtitle requires informational mailings: Zoning Map Amendments (Division 2 of
 5 this Part), Comprehensive and Specific Design Plans, Conceptual and Detailed Site Plans,
 6 Special Exceptions and Revisions of Site Plans for Special Exceptions [site plan changes],
 7 Special Permits, Variances and Chesapeake Bay Critical Area Conservation Plans filed in
 8 conjunction with other applications requiring public hearings by the Planning Board or District
 9 Council, [n]Nonconforming [u]Use [c]Certifications, [d]Departures from [s]Sign or [d]Design
 10 [s]Standards, and [d]Departures from the required number of [p]Parking and [l]Loading
 11 [s]Spaces. It applies to private applications to amend those zones, plans, permits, and departures;
 12 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
 13 amend conditions imposed by the Planning Board or District Council. It applies to all
 14 applications to amend an Aviation Policy Area or a Chesapeake Bay Critical Area Overlay Zone.
 15 It does not apply to District Council initiated plans and studies for the M-U-TC, T-D-O, or
 16 D-D-O Zone, to Special Exception revocation petitions filed by the Department of
 17 Environmental Resources, or to applications which the Planning Director is authorized to
 18 approve administratively.

19 (2) At least thirty (30) [but no more than ninety (90)] days before the Commission
 20 accepts an application, the applicant shall send by [certified]first class mail an informational
 21 mailing to all adjoining property owners, including owners whose properties lie directly across a
 22 street, alley, or stream. The applicant shall send notice of application filing to every person of
 23 record in a previous zoning, site plan or other application listed in subsection (a)(1) above [or
 24 Planning Board case under Part 3] within ten (10) years of [the] filing [of] the current
 25 application. At the same time and in the same manner, the applicant shall send an informational
 26 mailing to every municipality located within one (1) mile of the applicant's property and to all
 27 civic associations registered with the Commission for the area which includes the property.

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

1 telephone number, to obtain more information about the application after it is filed; a statement
2 to recipients that the applicant will meet, to explain the application; an applicant telephone
3 number, for persons wishing to meet; an explanation of the procedures and the necessity for
4 becoming a person-of-record in the pending application [how to become a person of record in the
5 case] and a statement that no government agency has reviewed the application. A municipality,
6 civic association, or other person entitled to an informational mailing may request a copy of the
7 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 [the applicant did not
16 send or] a person entitled did not receive a required informational mailing may not be a basis for
17 invalidating a final action on the 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 and
22 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 acceptance to municipalities, civic associations and other persons entitled to receive

1 informational mailings.

2 [(b)](c) Civic association registration.

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

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

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

17 (4) Associations may represent overlapping geographical areas. [Unless it
18 demonstrates to the Commission that it has substantial membership in all Councilmanic districts,
19 an association may not represent the entire County.] However, for the purpose of obtaining
20 informational mailings, an association may not represent an area extending beyond two adjoining
21 Council Districts. In addition, the officers of an association must retain their primary residence
22 within the association's delineated area of interest. The Commission may decline registration of
23 any association which purports to represent an area of unreasonable description or otherwise
24 does not meet the requirements of this Section.

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

29 (6) An association may correct or update registration information at any time. [It
30 must do so each year, in accordance with this paragraph, to continue to be entitled to
31 informational mailings. To renew and maintain its registration, an association each year after

1 initial registration shall provide the Commission, by regular or electronic mail, all information in
2 (b)(3) above, for the following year. If in any year after initial registration a registered
3 association has not met this requirement by April 1, the Commission shall send the association
4 by certified mail, a notification that its registration must be renewed.] In addition, the
5 Commission will send notice to registered associations no later than January 31 of each year to
6 solicit updated information and confirm that the associations want to continue receiving
7 informational mailings.

8 [(6) An association which fails to renew its registration by December 31 of any year
9 after initial registration shall be entitled to informational mailings for five years after that date.
10 In January of the first year after non-renewal, the Commission shall send the association by
11 certified mail a notification that it will not continue to receive informational mailings unless it
12 renews its registration. In January of the sixth year after non-renewal, the Commission shall
13 send the association by certified mail a notice that its registration has expired and that it will not
14 receive further informational mailings unless it renews its registration.]

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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 18th day of November , 2008.

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: _____
Samuel H. Dean
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.