

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2003 Legislative Session**

Bill No. CB-12-2003

Chapter No. 13

Proposed and Presented by Council Members Dean and Knotts

Introduced by Council Members Dean, Knotts, Harrington, Shapiro, Dernoga,
Peters and Exum

Co-Sponsors _____

Date of Introduction March 25, 2003

ZONING BILL

1 AN ORDINANCE concerning

2 Pre-Application Informational Mailings

3 For the purpose of requiring applicants to send informational mailings to civic associations,
4 municipalities, adjoining property owners, and prior parties of record at least 30 days before
5 filing applications, requiring civic associations to register before they are eligible to receive
6 informational mailings, making minor style and editing changes and making related amendments
7 to the Zoning Ordinance.

8 BY repealing and reenacting with amendments:

9 Sections 27-107.01, 27-125.01, 27-150, 27-166,

10 27-186, 27-198.05, 27-206, 27-213.06, 27-213.12,

11 27-239.01, 27-239.02, 27-244, 27-275, 27-284, 27-305,

12 27-324, 27-325, 27-516, 27-525, and 27-588,

13 The Zoning Ordinance of Prince George's County, Maryland,

14 being also

15 SUBTITLE 27. ZONING.

16 The Prince George's County Code

17 (1999 Edition, 2002 Supplement).

18 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
19 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional

1 District in Prince George's County, Maryland, that Sections 27-107.01, 27-125.01, 27-150,
2 27-166, 27-186, 27-198.05, 27-206, 27-213.06, 27-213.12, 27-239.01, 27-239.02, 27-244,
3 27-275, 27-284, 27-305, 27-324, 27-325, 27-516, 27-525, and 27-588 of the Zoning Ordinance
4 of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County
5 Code, be and the same are hereby repealed and reenacted with the following amendments:

6 **SUBTITLE 27. ZONING.**

7 **PART 2. GENERAL.**

8 **DIVISION 1. DEFINITIONS.**

9 **Sec. 27-107.01. Definitions.**

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

11 * * * * *

12 (47) **Church:** A "Building," "Structure," or area of land, which is primarily used for
13 conducting organized religious services and "Accessory Uses" customarily associated with the
14 "Use."

15 (47.1) **Civic association:** Any organization registered with the Commission to
16 represent the residents of a designated neighborhood or other geographical area of the County.

17 (47.[1] 2) **Civic Use Area:** Land area within a "Village Proper" in the V-M and V-L
18 Zones, so designated in the village plan, upon which structures may be erected for community
19 use, enjoyment, and benefit.

20 * * * * *

21 (122.1) **Impervious Surface Ratio:** The ratio between that portion of a site covered
22 with impervious surfaces and the area of the entire site. For the purpose of regulation, this ratio
23 is expressed as the percentage of a site which may be impervious. Impervious surfaces consist of
24 areas which are not water permeable as a result of pavement, buildings, or compaction of soils
25 during construction.

26 (122.2) **Informational mailing:** The mailing, with the information required in Part 3,
27 Division 1, which an applicant sends to municipalities, civic associations, and adjoining property
28 owners before filing an application.

29 (123) **Inks, Paste:** Water-based inks which are not intended for application on gravure
30 or flexographic presses, which are used for letter press or lithographic type processes (either
31 direct or offset), and which have:

1 (A) Flash points of the various ink components and the ink mixture of one hundred
2 forty degrees Fahrenheit (140° F) (TAG closed tester ASTM D56) or greater;

3 (B) A viscosity (as printed) higher than one thousand (1,000) centipoises; and

4 (C) Components consisting of oily pigments, resins, drying oils, (linseed oil, mineral
5 oil, and the like), other types of solvent liquids, and plasticizers.

6 * * * * *

7 (178) **Person:** Any individual[,] or natural person, legal entity, joint stock company,
8 partnership, voluntary association, society, club, firm, company, corporation, business or other
9 trust, civic association, municipality, government organization or entity, or any other
10 organization, whether or not legally incorporated ["Owner," or occupant; or any other group
11 acting as a unit, principal, or agent; or the manager, lessor, lessee, agent, servant, partner,
12 member, director, officer, or employee, or any of them; or an executor, administrator, trustee,
13 receiver, or other representative appointed according to law].

14 (179) **Person of Record (Party of Record):**

15 (A) In any ["Zoning Case,"] zoning case, a ["Person of Record" shall include] person
16 or party of record includes:

17 (i) The ["Owner,"] owner, applicant, and correspondent;

18 (ii) Any ["Municipality" or "Person" who (in writing) requests to become a
19 "Person of Record" prior to the case having been taken under advisement by] municipality, civic
20 association, or other person which requests, by writing or testimony, to become a person or party
21 of record on or before the date the Zoning Hearing Examiner [(ZHE)] takes the case under
22 advisement; and

23 (iii) [Any "Municipality" or "Person" who requests to be made a person of record
24 during testimony before the ZHE; and

25 (iv)] The Development Review District Commission, if the property is located in
26 a Development Review District.

27 (B) In any Sectional Map Amendment (SMA) or other matter (under this Subtitle) not
28 heard by the Zoning Hearing Examiner, ["Person of Record" shall include] a person or party of
29 record includes the ["Owner,"] owner, applicant, and correspondent of a pending [Zoning Map
30 Amendment or other pertinent] application; ["Person" or "Municipality" who,] a municipality,
31 civic association, or other person which, in writing or in testimony before the District Council,

1 Planning Board, or other [applicable hearing] body, requests to be made a ["Person of Record"]
 2 person or party of record, and the Development Review District Commission, if the property is
 3 located in a Development Review District, prior to the closing of the hearing record on the
 4 matter.

5 (180) **Pet Shop:** An establishment which sells two (2) or more species of live animals
 6 as pets. The term does not include commercial establishments which sell these pets as an
 7 "Accessory Use."

8 * * * * *

9 **PART 3. ADMINISTRATION.**

10 **DIVISION 1. GENERAL ZONING PROCEDURES.**

11 **Subdivision 1. General.**

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

13 (a) **Informational mailings with applications.**

14 (1) This Section applies in the following cases, and any others for which this Subtitle
 15 requires informational mailings: Zoning Map Amendments (Division 2 of this Part),
 16 Comprehensive and Specific Design Plans, Conceptual and Detailed Site Plans, Special
 17 Exceptions and Special Exception site plan changes, Special Permits, nonconforming use
 18 certifications, departures from sign or design standards, and departures from the required number
 19 of parking and loading spaces. It applies to private applications to amend those zones, plans,
 20 permits, and departures; to amend the M-U-TC, T-D-O, or D-D-O Zone; to approve or amend
 21 the M-U-I Zone; and to amend conditions imposed by the Planning Board or District Council. It
 22 applies to all applications to amend an Aviation Policy Area or a Chesapeake Bay Critical Area
 23 Overlay Zone, and to Special Exception revocation petitions filed by the Department of
 24 Environmental Resources. It does not apply to the initial applications for the M-U-TC, T-D-O,
 25 or D-D-O Zone, or to applications which the Planning Director is authorized to approve
 26 administratively.

27 (2) [Within seven (7) days after an application is accepted,] At least 30 but no more
 28 than 90 days before the Commission accepts an application, the applicant shall send [a notice
 29 ([by certified mail])] an informational mailing [regarding the pending application] to all
 30 adjoining property owners, including [those] owners whose properties lie directly across a street,

1 alley, or stream and to prior parties of record entitled to receive notification of new applications
2 pursuant to Sections 27-276(a)(2), 27-285(a)(2), 27-304(b), 27-520(b), 27-546.05(d),
3 27-546.06(d) and 27-527.01. At the same time and in the same manner, the applicant shall send
4 an informational mailing to every [and any] municipality located within one [(1)] mile of the
5 applicant's property and to all civic associations registered with the Commission for the area
6 which includes the property. [The letter shall indicate the application number, property
7 description and location, and the nature of the request. It shall also advise where to obtain
8 additional information regarding the application and the hearing.

9 (2) The person mailing the notice shall file a written affidavit under oath in the record
10 to certify that the notices were mailed and the date of the mailing. The affidavit shall include a
11 list of the municipalities and the names and addresses of the adjoining property owners sent the
12 notice.]

13 (3) [The mailing is for informational purposes only. The inadvertent failure of a
14 property owner to receive the mailing shall not invalidate the final action on the application.]
15 The applicant shall obtain an application number from the Commission before sending the
16 informational mailing. It shall contain at least the following: the application number; a
17 description of the property and its location; the nature of the applicant's request; the justification
18 statement, if required with the application; the Commission department, with telephone number,
19 to obtain more information about the application after it is filed; a statement to recipients that the
20 applicant will meet, to explain the application; an applicant telephone number, for persons
21 wishing to meet; an explanation of how to become a person of record in the case and a statement
22 that no government agency has reviewed the application. A municipality, civic association, or
23 other person entitled to an informational mailing may request a copy of the site plan from the
24 applicant.

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

28 (5) Before an application is accepted, the Commission shall determine that the
29 applicant has complied with this Section. A municipality, civic association, or other person
30 entitled to an informational mailing may waive the requirement, and an applicant's filing of a
31 signed waiver constitutes its compliance with the requirement, for the person signing. At any

1 time after the Commission accepts an application, a determination that the applicant did not send
2 or a person entitled did not receive a required informational mailing may not be a basis for
3 invalidating a final action on the application.

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

6 (b) **Civic association registration.**

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

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

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

20 (4) Associations may represent overlapping geographical areas. Unless it
21 demonstrates to the Commission that it has substantial membership in all Councilmanic districts,
22 an association may not represent the entire County. 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) An association may correct or update registration information at any time. It must
26 do so each year, in accordance with this paragraph, to continue to be entitled to informational
27 mailings. To renew and maintain its registration, an association each year after initial
28 registration shall provide the Commission, by regular or electronic mail, all information in (b)(3)
29 above, for the following year. If in any year after initial registration a registered association has
30 not met this requirement by April 1, the Commission shall send the association by certified mail,
31 a notification that its registration must be renewed.

1 (2) The mailing is for informational purposes only. The inadvertent failure of the
 2 Planning Board to send, or a property owner to receive, the mailing shall not invalidate the final
 3 action on the application.

4 (d)] **General publication.**

5 (1) Within ten (10) days after the end of each month, the Planning Board shall
 6 provide a list of all Map Amendment applications filed during that month, arranged according to
 7 Election District. The list shall set forth the name of the applicant, the size and description of the
 8 property, and the existing and proposed zoning classifications of the property. The Planning
 9 Board shall make the list available free of charge (on an individual and subscription basis) but
 10 may establish a fee for mailing the list to cover the costs of postage and handling.

11 (2) One copy of the list described in this Subsection shall be mailed by the Planning
 12 Board on a subscription basis without charge to every municipality as well as a [Homeowners,
 13 Neighborhood,] homeowners, neighborhood, civic, or similar [Association] association.

14 **Subdivision 2. R-P-C Zone.**

15 **Sec. 27-166. Notice.**

16 (a) **Notice of public hearing.**

17 (1) Within a reasonable time after an application is accepted by the Planning Board,
 18 the [Planning] Board [(or its designee)] shall so advise the Zoning Hearing Examiner. The
 19 Planning Board shall also notify (by certified mail) each municipality if any part of the property
 20 in the application is located within the municipal boundaries, or is located within one (1) mile of
 21 the municipality. After designating a date for the public hearing, the [Zoning Hearing] Examiner
 22 shall notify the applicant, all other persons of record, any municipality within which the property
 23 is located, any municipality located within one [(1)] mile of the subject property, and the
 24 Planning Board of the hearing date.

25 (2) Notice of the date, time, and place of the hearing, and a description of the
 26 property and the zone requested, shall be published by the Clerk of the Council (or the Office of
 27 the Zoning Hearing Examiner) at least two [(2)] times in the newspapers of record. The first
 28 notice shall be published at least thirty (30), but not more than sixty (60), days prior to the date
 29 of the hearing.

30 (b) **Posting.**

1 (1) The Planning Board shall post the property with a durable sign at least sixty (60)
 2 days prior to the scheduled hearing date. Signs shall be posted in accordance with Section
 3 27-142.01.

4 (c) **[Informational mailing.**

5 (1) A notice shall be sent in accordance with Section 27-125.01.

6 (2) The mailing is for informational purposes only. The inadvertent failure of the
 7 Planning Board to send, or a property owner to receive, the mailing shall not invalidate the final
 8 action on the application.

9 (d)] **General publication.**

10 (1) Within ten (10) days after the end of each month, the Planning Board shall
 11 provide a list of all Map Amendment applications filed during the month, arranged according to
 12 Election District. The list shall set forth the name of the applicant, the size and description of the
 13 property, and the existing and proposed zoning classifications of the property. The Planning
 14 Board shall make the list available free of charge (on both an individual and subscription basis),
 15 but may establish a fee for mailing the list to cover the costs of postage and handling.

16 (2) One copy of the list described in this Subsection shall be mailed by the Planning
 17 Board on a subscription basis without charge to every municipality as well as a [Homeowners,
 18 Neighborhood,] homeowners, neighborhood, civic, or similar [Association] association.

19 **Subdivision 3. Comprehensive Design Zones.**

20 **Sec. 27-186. Notice.**

21 (a) **Notice of public hearing.**

22 (1) Within a reasonable time after an application is accepted by the Planning Board,
 23 the [Planning] Board (or its designee) shall so advise the Zoning Hearing Examiner. The
 24 Planning Board shall also notify (by certified mail) each municipality if any part of the property
 25 in the application is located within the municipal boundaries, or is located within one (1) mile of
 26 the municipality. After designating a date for the public hearing, the [Zoning Hearing] Examiner
 27 shall notify the applicant, all other persons of record, any municipality within which the property
 28 is located, each municipality located within one [(1)] mile of the subject property, and the
 29 Planning Board of the hearing date.

30 (2) Notice of the date, time, and place of the hearing, and a description of the
 31 property and the zone requested, shall be published by the Clerk of the Council (or the Office of

1 the Zoning Hearing Examiner) at least two [(2)] times in the newspapers of record. The first
2 notice shall be published at least thirty (30), but not more than sixty (60), days prior to the date
3 of the public hearing.

4 (b) **Posting.**

5 (1) The Planning Board shall post the property with a durable sign at least sixty (60)
6 days prior to the scheduled hearing date. Signs shall be posted in accordance with Section
7 27-142.01.

8 (2) Any unauthorized person removing, destroying, defacing, obstructing, or
9 otherwise interfering with a posted sign (directly or indirectly) shall be subject to the penalties
10 provided by law.

11 (c) **Informational mailing.**

12 (1) A notice shall be sent in accordance with Section 27-125.01.

13 (d) **General publication.**

14 (1) Within ten (10) days after the end of each month, the Planning Board shall
15 provide a list of all Map Amendment applications filed during that month, arranged according to
16 Election District. The list shall set forth the name of the applicant, the size and description of the
17 property, and the existing and proposed zoning classifications of the property. The Planning
18 Board shall make the list available free of charge (on both an individual and subscription basis),
19 but may establish a fee for mailing the list to cover the costs of postage and handling.

20 (2) One copy of the list described in this Subsection shall be mailed by the Planning
21 Board on a subscription basis without charge to every municipality as well as a [Homeowners,
22 Neighborhood,] homeowners, neighborhood, civic, or similar [Association] association.

23 **Subdivision 3A. M-U-TC Zone.**

24 **Sec. 27-198.05. Map Amendment approval; amendments.**

25 * * * * *

26 (d) **Amendment of approved Mixed-Use Town Center Zone.**

27 * * * * *

28 (6) [Informational mailing.

29 (A) A notice shall be sent in accordance with Section 27-125.01.

1 (7)] Procedure.

2 (A) After the request is accepted, it shall be reviewed by the Technical Staff and
 3 processed in accordance with Section 27-198.02, as if it were an original M-U-TC Amendment
 4 initiated by the Planning Board.

5 (B) Any municipality within which a portion of the zone is located shall be
 6 notified of the request within ten (10) days of its acceptance.

7 **Subdivision 4. M-X-T and M-X-C Zones.**

8 **Sec. 27-206. Notice.**

9 (a) **Notice of public hearing.**

10 (1) Within a reasonable time after an application is accepted by the Planning Board,
 11 the [Planning] Board [(or its designee)] shall so advise the Zoning Hearing Examiner. The
 12 Planning Board shall also notify (by certified mail) each municipality if any part of the property
 13 in the application is located within the municipal boundaries, or is located within one (1) mile of
 14 the municipality. After designating a date for the public hearing, the [Zoning Hearing] Examiner
 15 shall notify the applicant, all other persons of record, any municipality within which the property
 16 is located, each municipality located within one [(1)] mile of the subject property, and the
 17 Planning Board of the hearing date.

18 (2) Notice of the date, time, and place of the hearing, and a description of the
 19 property and the zone requested, shall be published by the Clerk of the Council (or the Office of
 20 the Zoning Hearing Examiner) at least two [(2)] times in the newspapers of record. The first
 21 notice shall be published at least thirty (30), but not more than sixty (60), days prior to the date
 22 of the hearing.

23 (b) **Posting.**

24 (1) The Planning Board shall post the property with a durable sign at least sixty (60)
 25 days prior to the scheduled hearing date. Signs shall be posted in accordance with Section
 26 27-142.01.

27 (c) **[Informational mailing.**

28 (1) A notice shall be sent in accordance with Section 27-125.01.

29 (d)] **General publication.**

30 (1) Within ten (10) days after the end of each month, the Planning Board shall
 31 provide a list of all Map Amendment applications filed during that month, arranged according to

1 Election District. The list shall set forth the name of the applicant, the size and description of the
 2 property, and the existing and proposed zoning classifications of the property. The Planning
 3 Board shall make the list available free of charge (on both an individual and subscription basis),
 4 but may establish a fee for mailing the list to cover the costs of postage and handling.

5 (2) One copy of the list described in this Subsection shall be mailed by the Planning
 6 Board on a subscription basis without charge to every municipality as well as a [Homeowners,
 7 Neighborhood,] homeowners, neighborhood, civic, or similar [Association] association.

8 **Subdivision 5. Transit District Overlay Zone.**

9 **Sec. 27-213.06. Amendment of approved Transit District Overlay Zone.**

10 (a) **In general.**

11 (1) A request to change the boundaries of an approved Transit District Overlay Zone,
 12 or to amend an approved Transit District Development Plan, may be made by a property owner.
 13 The request shall be in the form of an application.

14 (2) The following amendments to a Transit District Development Plan or relating to a
 15 Transit District Overlay Zone (called "Primary Amendments") shall be approved by the District
 16 Council in accordance with the provisions of this Subdivision for initial approval:

17 (A) Changes to the boundary of a Transit District Overlay Zone;

18 (B) Changes to the underlying zoning of a Transit District Overlay Zone;

19 (C) Changes from one land use category to another, such as:

20 (i) One-family residential to multifamily residential or to another use;

21 (ii) Retail commercial to office commercial or to another use;

22 (D) Changes to the locations of land uses;

23 (E) Changes in location of major access points;

24 (F) Changes in land use densities and intensities in terms of either a range or a
 25 maximum, as appropriate;

26 (G) Any change in public transportation services or facilities provided in the
 27 original Transit District Development Plan;

28 (H) Anything deemed to be primary by the Council in its approval of the Transit
 29 District Development Plan.

1 (3) Amendments to modify any element of the Transit District Development Plan,
2 other than those provided in Section 27-213.06(a)(2) (called "Secondary Amendments"), shall be
3 approved by the Planning Board in accordance with the provisions of Section 27-213.06(c).

4 (b) **Primary Amendments Application.**

5 * * * * *

6 (5) [Informational mailing.

7 (A) A notice shall be sent in accordance with Section 27-125.01.

8 (6)] Procedure.

9 [(A)] After the request is accepted, it shall be reviewed by the Technical Staff
10 and processed in accordance with Sections 27-213.03., 27-213.04, and 27-213.05 as if it were an
11 original Transit District Overlay Zoning Map Amendment initiated by the Planning Board.

12 * * * * *

13 **Subdivision 6. Chesapeake Bay Critical Area Overlay Zones.**

14 **Sec. 27-213.12. Amendment of approved Chesapeake Bay Critical Area Overlay Zones.**

15 * * * * *

16 (f) **[Informational mailing.**

17 (1) A notice shall be sent in accordance with Section 27-125.01.

18 (g)] **General publication.**

19 (1) Within ten (10) days after the end of each month, the Planning Board shall
20 provide a list of all Map Amendment applications filed during that month, arranged according to
21 Election District. The list shall set forth the name of the applicant, the size and description of the
22 property, and the existing and proposed zoning classifications (both overlay and underlying) of
23 the property. The Planning Board shall make the list available free of charge (on an individual
24 and subscription basis) but may establish a fee for mailing the list to cover the costs of postage
25 and handling.

26 (2) One copy of the list described in this Subsection shall be mailed by the Planning
27 Board on a subscription basis without charge to every municipality as well as a [Homeowners,
28 Neighborhood,] homeowners, neighborhood, civic, or similar [Association] association.

29 [(h)] (g) **Transmittal.**

30 [(1)] At least thirty (30) days prior to the public hearing, the original copy of the
31 application, plans, maps, specifications, Technical Staff Report, and all other data, materials, and

1 record evidence (to date) pertaining to the requested Map Amendment shall be sent by the
 2 Planning Board to the District Council.

3 [(i)] **(h) Public examination.**

4 [(1)] At least thirty (30) days prior to the public hearings, the original Map Amendment
 5 application file shall be available for public examination in the Office of the Clerk of the
 6 Council, and a copy of the file shall be available for public examination in the Office of the
 7 Planning Board. This file may be reviewed by anyone, and copies of its contents may be
 8 obtained at reasonable cost.

9 [(j)] **(i) Referral to Historic Preservation Commission.**

10 (1) When a historic resource included on the Adopted and Approved Historic Sites
 11 and Districts Plan (except the White Farm identified as Site Number 7306 on the Plan) is located
 12 on the subject property, the application shall be referred to the Historic Preservation
 13 Commission, as soon as feasible after filing.

14 (2) The Historic Preservation Commission shall submit its comments and
 15 recommendations for the record within forty-five (45) days after the date the application was
 16 referred to it. Failure of the Historic Preservation Commission to submit a recommendation
 17 within this time period shall constitute no objection to the approval of the Map Amendment, as
 18 requested.

19 [(k)] **(j) Technical Staff Report.**

20 (1) In connection with each application, a report by the Technical Staff shall be
 21 submitted to the Planning Board for its review. The Report shall contain the following:

- 22 (A) The staff's recommendation;
- 23 (B) A delineation of the approximate area of the neighborhood, which shall be
 24 shown on either a Zoning Map, aerial photograph, or sketch map;
- 25 (C) A description of land use and zoning in the neighborhood; and
- 26 (D) In cases where the staff recommends a zone different than that requested, an
 27 analysis of the alternative zone recommended.

28 (2) The Technical Staff Report shall be sent to all persons of record, and all other
 29 persons who request (in writing) a copy of the report. A copy of the report shall be included in
 30 the record.

1 (3) The Technical Staff Report shall advise the reader that a hearing before the
2 Planning Board will not be held unless the Board notifies all persons listed under paragraph (2),
3 above.

4 (4) The Technical Staff Report shall contain the date of the Planning Board meeting
5 during which the Board will decide whether to hear the case.

6 [(1)] **(k) Planning Board procedures.**

7 (1) The Planning Board shall decide whether it will hold a hearing on each case (after
8 receiving the Technical Staff Report).

9 (2) If the Board does not decide to hear a case within fifteen (15) days after the
10 Technical Staff Report has been publicly released (or at its first meeting after its release if none
11 had occurred within the fifteen (15) days), the Technical Staff's recommendation shall constitute
12 the Planning Board's recommendation. In this event, the report shall immediately be transmitted
13 to the District Council, together with the application and all other record material.

14 (3) If the Board decides to hear the case, it shall set a hearing date which shall be at
15 least thirty (30) days after deciding to hear the case. The Board shall notify (in writing) all
16 persons of record, and all other persons who requested (in writing) a copy of the Technical Staff
17 Report, of the hearing date.

18 (4) Prior to or at the Planning Board's hearing, the applicant and any other person
19 may submit written responses to the Technical Staff Report, together with any supporting
20 material. If it is not foldable, the material shall be not larger than eighteen (18) by twenty-four
21 (24) inches. The responses shall become a part of the record that will be forwarded to the
22 District Council.

23 (5) The following procedures shall be observed at the Planning Board:

24 (A) No one shall present evidence after the hearing is concluded, unless a
25 rehearing is ordered;

26 (B) All hearings shall be open to the public;

27 (C) The Planning Board shall make its recommendation only on the basis of the
28 record before it;

29 (D) Any action shall be by a resolution adopted at a regularly scheduled public
30 meeting;

1 (E) The resolution shall be transmitted to the District Council, together with the
2 original application and all other record material pertaining to the Zoning Map Amendment
3 application;

4 (F) Copies of the minutes of the Planning Board hearing shall be available for
5 public inspection. The minutes may be copied by anyone during normal working hours.

6 [(m)] (l) **Zoning Hearing Examiner hearing procedures.**

7 (1) The Zoning Hearing Examiner shall conduct a public hearing, in accordance with
8 Part 3, Division 1, Subdivision 2, of this Subtitle.

9 [(n)] (m) **District Council hearing (oral argument) procedures.**

10 (1) The District Council shall hold a public hearing (including an oral argument) in
11 accordance with Part 3, Division 1, Subdivision 3, of this Subtitle.

12 **DIVISION 5. APPEALS AND VARIANCES.**

13 **Subdivision 4. Departures from Design Standards.**

14 **Sec. 27-239.01. Departures from Design Standards.**

15 * * * * *

16 (b) **Procedures.**

17 (1) Application.

18 (A) All requests for a Departure from Design Standards shall be in the form of
19 an application filed with the Planning Board. The Planning Board shall determine the contents
20 of the application and shall provide the application form.

21 (B) Along with the application, the applicant shall submit the following:

22 (i) Six (6) copies of a site plan, and other graphic illustrations which are
23 considered necessary to indicate what is being proposed;

24 (ii) Six (6) copies of a written explanation by the applicant telling why the
25 proposed design serves the purposes of this Subtitle better than the prescribed Design Standards;
26 and

27 (iii) A list of the names and addresses of each municipality if any part of the
28 property is located within the municipal boundaries and a set of preaddressed envelopes or
29 mailing labels.

30 (2) Hearing.

1 (A) Prior to making a decision on a Departure from Design Standards, the
2 Planning Board shall hold a public hearing on the matter. The Planning Board shall determine
3 the procedures under which the hearing will be held.

4 (3) Notice.

5 (A) The property shall be posted with at least one (1) sign giving notice of the
6 hearing. The contents of the sign and the number of signs required shall be determined by the
7 Planning Board.

8 (B) Additional notice may be given, as determined by the Planning Board.

9 [(C) A notice shall be sent in accordance with Section 27-125.01.]

10 * * * * *

11 **Subdivision 5. Special Permits.**

12 **Sec. 27-239.02. Special Permits.**

13 (a) **Procedures.**

14 (1) Application.

15 (A) All requests for Special Permits shall be in the form of an application filed
16 with the Planning Board. The Planning Board shall determine the contents of the application and
17 shall provide the application. The minimum submission requirements are:

18 (i) Six (6) copies of a site plan, and other graphic illustrations which are
19 considered necessary to indicate what is being proposed; and

20 (ii) Six (6) copies of a written explanation by the applicant explaining how
21 the proposed site plan satisfies the U-L-I Zone Design Guidelines or the Town Center
22 Development Plan regulations and development guidelines.

23 (B) The application may be filed prior to, or concurrently with, an application
24 for a building or use and occupancy permit.

25 [(C) A notice shall be sent in accordance with Section 27-125.01.]

26 **DIVISION 6. NONCONFORMING BUILDINGS, STRUCTURES AND USES.**

27 **Subdivision 1. General Requirements and Procedures.**

28 **Sec. 27-244. Certification.**

29 (a) **In general.**

30 [(1)] A nonconforming use may only continue if a use and occupancy permit
31 identifying the use as nonconforming is issued after the Planning Board (or its authorized

1 representative)[,] or the District Council[,], certifies that the use is [really] nonconforming and
2 not [an] illegal [use] (except as provided for in Section 27-246 and Subdivision 2 of this
3 Division).

4 * * * * *

5 (c) **Notice.**

6 (1) The following notice provisions shall not apply to uses that, with the exception of
7 parking in accordance with Section 27-549, occur solely within an enclosed building.

8 (2) The Planning Board shall post the property with a durable sign(s) within ten (10)
9 days of acceptance of the application and accompanying documentation. The signs(s) shall
10 provide notice of the application; the nature of the nonconforming use for which the permit is
11 sought; a date, at least twenty (20) days after posting, by which written comments and/or
12 supporting documentary evidence relating to the commencing date and continuity of such use,
13 and/or a request for public hearing from a party of interest will be received; and instructions for
14 obtaining additional information. Requirements regarding posting fees, the number, and the
15 location of signs shall conform to the requirements set forth in Subsection (f), below.

16 [(3) A notice shall be sent in accordance with Section 27-125.01.]

17 * * * * *

18 **DIVISION 9. SITE PLANS.**

19 **Subdivision 2. Requirements for Conceptual Site Plans.**

20 **Sec. 27-275. Referral.**

21 [(a) Referral.

22 (1)] Prior to taking action on the Conceptual Site Plan, the Planning Board shall refer
23 the Plan to the Historic Preservation Commission (Part 14), when appropriate, and to all of those
24 agencies which the Planning Board deems appropriate to review and comment on the Conceptual
25 Site Plan. In general, the agencies will include all of those whose action is likely to have a
26 substantive effect on the plan under review. The Planning Board shall maintain a list of referral
27 agencies.

28 [(b) Informational Mailing.

29 (1) A notice shall be sent in accordance with Section 27-125.01.]

30 **Subdivision 3. Requirements for Detailed Site Plans.**

1 **Sec. 27-284. Referral.**

2 [(a) Referral.

3 (1)] Prior to taking action on the Detailed Site Plan, the Planning Board shall refer the
4 Plan to the Historic Preservation Commission (Part 14), when appropriate, and to all of those
5 agencies which the Planning Board deems appropriate, for review and comment on the Detailed
6 Site Plan. In general, the agencies will include all of those whose action is likely to have a
7 substantive effect on the plan under review. The Planning Board shall maintain a list of referral
8 agencies.

9 [(b) Informational Mailing

10 (1) A notice shall be sent in accordance with Section 27-125.01.]

11 **PART 4. SPECIAL EXCEPTIONS.**

12 **DIVISION 1. ADMINISTRATIVE PROCEDURES.**

13 **Subdivision 3. Notice.**

14 **Sec. 27-305. Posting.**

15 [(a)]The Planning Board shall post the property with a durable sign at least sixty (60) days
16 prior to the scheduled hearing date. Signs shall be posted in accordance with Section 27-142.01.

17 [(b) Informational mailing.

18 (1) A notice shall be sent in accordance with Section 27-125.01.

19 (2) The mailing is for informational purposes only. The inadvertent failure of the
20 Planning Board to send, or a property owner to receive, the mailing shall not invalidate the final
21 action on the application.]

22 **Subdivision 10. Amendments of Approved Special Exceptions.**

23 **Sec. 27-324. Major changes.**

24 (a) The District Council may (for good cause) amend any imposed condition or approved
25 site plan without requiring a new application if the amendment does not constitute an
26 enlargement or extension of a Special Exception use.

27 (1) In the case of an amendment of a condition (imposed as a part of the approval of a
28 Special Exception), the amendment request shall be directed (in writing) to the District Council
29 and filed with the Clerk of the Council. The Zoning Hearing Examiner shall hold a public
30 hearing on the request, in accordance with Section 27-129, and notify all persons of record
31 (including all persons of record of the original application and any amendments thereof) in the

1 same manner as required for an original application. The Technical Staff shall analyze the
2 proposed amendment and submit a report to the Zoning Hearing Examiner at least fourteen (14)
3 days prior to the public hearing. The Planning Board shall post a sign on the subject property,
4 setting forth the date, time, and place of the hearing, in the same manner as required for an
5 original application; except in the case of an amendment request for a commercial recreational
6 attraction, the posting shall be at least thirty (30) days prior to the scheduled hearing. After the
7 close of the hearing record, the Zoning Hearing Examiner shall file a written recommendation
8 with the District Council. All persons of record shall be given at least ten (10) days written
9 notice by the Clerk of the Council of the date and time of the District Council's consideration of
10 the matter. Any person of record may appeal the recommendation of the Zoning Hearing
11 Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner's
12 recommendation with the District Council. If appealed, all persons of record may testify before
13 the District Council. Persons arguing shall adhere to the District Council's Rules of Procedure,
14 and argument shall be limited to thirty (30) minutes for each side, and to the record of the
15 hearing.

16 (2) In the case of an amendment of an approved Special Exception site plan, the
17 amendment request shall be in the form of an application filed with the Planning Board. The
18 contents of the application shall be determined by the Planning Board. Along with filing the
19 application, the applicant shall submit a revised site plan and shall pay a fee in accordance with
20 Section 27-297. The Technical Staff shall analyze the proposed amendment, taking into
21 consideration the requirements of this Subtitle, and shall submit (for the record) a
22 recommendation. The recommendation and the proposed amendment shall be transmitted by the
23 Technical Staff directly to the Zoning Hearing Examiner and the District Council at least
24 fourteen (14) days prior to the public hearing on the request held by the Zoning Hearing
25 Examiner in accordance with Section 27-129. The Zoning Hearing Examiner shall notify all
26 persons of record (including all persons of record in the original application and any amendments
27 thereof) in the same manner as required for an original application. The Planning Board shall
28 post a sign on the subject property, setting forth the date, time, and place of the hearing, in the
29 same manner as required for an original application. After the close of the hearing record, the
30 Zoning Hearing Examiner shall file a written recommendation with the District Council. All
31 persons of record shall be given at least ten (10) days written notice by the Clerk of the Council

1 of the date and time of the District Council's consideration of the matter. Any person of record
2 may appeal the recommendation of the Zoning Hearing Examiner within fifteen (15) days of the
3 filing of the Zoning Hearing Examiner's recommendation with the District Council. If appealed,
4 all persons of record may testify before the District Council. Persons arguing shall adhere to the
5 District Council's Rules of Procedure, and argument shall be limited to thirty (30) minutes for
6 each side, and to the record of the hearing.

7 [(3) A notice shall be sent in accordance with Section 27-125.01.]

8 * * * * *

9 **Sec. 27-325. Minor changes.**

10 (a) Minor changes, in general.

11 (1) The Planning Board and Planning Director are authorized to approve minor
12 changes to site plans for approved Special Exceptions, as provided in this Section. The Director
13 may authorize staff to take any action the Director may take under this Section.

14 (2) The Planning Board is authorized to grant the minor changes listed in this Section,
15 and any variance requested in conjunction with the minor change. The minor change request
16 shall be in the form of an application filed with the Planning Board. The contents of the
17 application shall be determined by the Planning Board. Along with filing the application, the
18 applicant shall submit a revised site plan, and shall pay a fee in accordance with Section 27-297.
19 The Planning Board shall hold a hearing on the request in accordance with the Rules of
20 Procedure established by the Planning Board. The Planning Board shall give notice of the
21 hearing in a manner determined by the Planning Board. The Planning Board's decision shall be
22 in the form of a resolution. A copy of the resolution shall be sent to all persons of record and the
23 Clerk of the Council.

24 (3) If the change is approved, the revised site plan shall be made a part of the record
25 of the original application.

26 (4) The revised site plan shall comply with all applicable requirements of this
27 Subtitle, and with any conditions, relating to the use, imposed in the approval of the Special
28 Exception or of any applicable Zoning Map Amendment, subdivision plat, or variance.

29 [(5) A notice shall be sent in accordance with Section 27-125.01.]

30 * * * * *

31 **PART 8. COMPREHENSIVE DESIGN ZONES.**

**DIVISION 4. COMPREHENSIVE DESIGN PLANS AND
SPECIFIC DESIGN PLANS.**

Subdivision 1. Comprehensive Design Plans.

Sec. 27-516. Filing.

(a) A Comprehensive Design Plan, generally for the entire area included in a Basic Plan, shall be filed either prior to, or at the same time as, the preliminary plat of subdivision (in accordance with the requirements of Subtitle 24 of this Code). A Comprehensive Design Plan may include less than the entire area included in a Basic Plan only where the Basic Plan acreage has been divided in accordance with Section 27-197(b) or where a reduced Comprehensive Design Plan is approved in accordance with Section 27-518(c).

(b) The elements of the Comprehensive Design Plan and the preliminary plat of subdivision may be incorporated into one (1) drawing. The drawing shall contain all the information required for both the Comprehensive Design Plan (Section 27-518) and the preliminary plat of subdivision (Subtitle 24 of this Code). In this event, one (1) action by the Planning Board shall be sufficient to take action on both the Comprehensive Design Plan and the preliminary plat of subdivision.

[(c) A notice shall be sent in accordance with Section 27-125.01.]

Subdivision 2. Specific Design Plans.

Sec. 27-525. Filing.

(a) A Specific Design Plan for the area (or portion of the area) included in the Comprehensive Design Plan shall be filed either prior to, or at the same time as, the final plat of subdivision (in accordance with the requirements of Subtitle 24 of this Code).

(b) Specific Design Plans and final plats of subdivision shall be on separate drawings, and shall be acted on individually by the Planning Board.

[(c) A notice shall be sent in accordance with Section 27-125.01.]

PART 11. OFF-STREET PARKING AND LOADING.

DIVISION 4. EXCLUSIONS, WAIVERS, AND DEPARTURES.

Sec. 27-588. Departures from the number of parking and loading spaces required.

* * * * *

(b) Procedures.

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(4) **Notice.**

(A) Notice of public hearing.

(i) Notice of the date, time, and place of the hearing shall be sent to all persons of record, any municipality within which the subject property is located, and each municipality located within one (1) mile of the subject property. Other than posting (see subparagraph (B), below), additional notice may be provided by the Planning Board.

(B) Posting.

(i) The Planning Board shall post the property with a durable sign at least fifteen (15) days prior to the scheduled hearing date. Signs shall be posted in accordance with Section 27-142.01.

[(C) Informational mailing.

(i) A notice shall be sent in accordance with Section 27-125.01.]

* * * * *

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

Adopted this 6th day of May, 2003.

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: _____
Peter A. Shapiro
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.