

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2015 Legislative Session**

Bill No. CB-83-2015
Chapter No. 44
Proposed and Presented by Council Members Franklin and Davis
Introduced by Council Members Franklin and Davis
Co-Sponsors _____
Date of Introduction October 13, 2015

ZONING BILL

1 AN ORDINANCE concerning
2 Comprehensive Design Plans, Conceptual Site Plans, Detailed Site Plans, and Specific Design
3 Plans

4 For the purpose of shortening and establishing more consistent time periods for the reviews by
5 the Planning Board and the District Council of Comprehensive Design Plans, Conceptual Site
6 Plans, Detailed Site Plans, and Specific Design Plans, and generally relating to development plan
7 reviews.

8 BY repealing and reenacting with amendments:

9 Sections 27-273, 27-276, 27-280, 27-282, 27-285, 27-290, 27-518,
10 27-522, 27-523, 27-527, 27-528, and 27-528.01,
11 The Zoning Ordinance of Prince George's County, Maryland,
12 being also
13 SUBTITLE 27. ZONING.
14 The Prince George's County Code
15 (2011 Edition; 2014 Supplement).

16 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
17 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
18 District in Prince George's County, Maryland, that Sections 27-273, 27-276, 27-280, 27-282,
19 27-285, 27-290, 27-518, 27-522, 27-523, 27-527, 27-528, and 27-528.01 of the Zoning
20 Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's

1 County Code, be and the same are hereby repealed and reenacted with the following
2 amendments:

3 **SUBTITLE 27. ZONING.**

4 **PART 3. ADMINISTRATION.**

5 **DIVISION 9. SITE PLANS.**

6 **SUBDIVISION 2. REQUIREMENTS FOR CONCEPTUAL SITE PLANS.**

7 **Sec. 27-273. Submittal requirements.**

8 (a) The Conceptual Site Plan shall be submitted to the Planning Board by the owner of the
9 property (or his authorized representative).

10 * * * * *

11 (g) A Plan shall be considered submitted on the date the Planning Director determines that
12 the applicant has filed a complete Plan in accordance with the requirements of this Section.

13 (h)[(g)] This Section shall not apply to:

14 (1) All stadium wayfinding signs located within parking areas at a stadium.

15 **Sec. 27-276. Planning Board procedures.**

16 * * * * *

17 (c) **Time limits for action.**

18 (1) The Planning Board shall [take action on] approve, approve with modifications,
19 or disapprove the Conceptual Site Plan within seventy (70) days of its submittal. The month of
20 August and the period between and inclusive of December 20 and January 3 shall not be
21 included in calculating this seventy (70) day period.

22 (2) If no action is taken within seventy (70) days, the Conceptual Site Plan shall be
23 deemed to have been approved. The applicant may (in writing) [waive] extend the seventy (70)
24 day requirement to provide for some longer specified review period not to exceed forty-five (45)
25 additional days, or such other additional time period as determined by the applicant.

26 (3) A decision to approve a zoning case or subdivision plat subject to a condition
27 requiring site plan approval may include a reduction in the time limit for action on the site plan,
28 but may not include an increase in this time period.

29 (4) Within seven (7) days after the Planning Board adopts its resolution, the Planning
30 Board shall transmit written notice of its adoption to all persons of record and the Clerk of the
31 Council.

1 (5) For an application remanded to the Planning Board from the District Council, the
2 Planning Board shall approve, approve with modifications, or disapprove the Conceptual Site
3 Plan within sixty (60) days of the date the notice of remand is transmitted from the Clerk of the
4 Council. The month of August and the period between and inclusive of December 20 and
5 January 3 shall not be included in calculating this sixty (60) day period.

6 * * * * * * * * *

7 **Sec. 27-280. Appeal of Planning Board's decision.**

8 (a) The Planning Board's decision on a Conceptual Site Plan or amendment of the
9 Development District Standards for an approved Development District Overlay Zone may be
10 appealed to the District Council upon petition by any person of record. The petition shall specify
11 the error which is claimed to have been committed by the Planning Board and shall also specify
12 those portions of the record relied upon to support the error alleged. The petition shall be filed
13 with the Clerk of the Council within thirty (30) days after the date of the notice of the Planning
14 Board's decision. The District Council may vote to review the Planning Board's decision on its
15 own motion within thirty (30) days after the date of the notice.

16 * * * * * * * * *

17 (d) Within sixty (60) days after the [close of the Council's hearing] date the appeal petition
18 is filed or the Council elects to review the Conceptual Site Plan, the Council shall affirm,
19 reverse, or modify the decision of the Planning Board, or remand the Conceptual Site Plan one
20 time to the Planning Board to take further testimony or reconsider its decision in accordance with
21 specified grounds stated in the Order of Remand adopted by the Council. Where the Council
22 approves a Conceptual Site Plan, it shall make the same findings which are required to be made
23 by the Planning Board. If the Council fails to act within the specified time, the Planning Board's
24 decision is automatically affirmed.

25 * * * * * * * * *

26 **SUBDIVISION 3. REQUIREMENTS FOR DETAILED SITE PLANS.**

27 **Sec. 27-282. Submittal requirements.**

28 (a) The Detailed Site Plan shall be submitted to the Planning Board by the owner of the
29 property or his authorized representative.

30 * * * * * * * * *

1 (g) A Detailed Site Plan application may amend an existing Conceptual Site Plan
2 applicable to a proposal for development of the subject property.

3 (h) A Detailed Site Plan shall be considered submitted on the date the Planning Director
4 determines that the applicant has filed a complete Plan in accordance with the requirements of
5 this Section.

6 * * * * *

7 **Sec. 27-285. Planning Board procedures.**

8 * * * * *

9 (c) **Time limits for action.**

10 (1) The Planning Board shall [take action on] approve, approve with modifications,
11 or disapprove the Detailed Site Plan within seventy (70) days of its submittal. The month of
12 August and the period between and inclusive of December 20 and January 3 shall not be
13 included in calculating this seventy (70) day period.

14 (2) If no action is taken within seventy (70) days, the Detailed Site Plan shall be
15 deemed to have been approved. The applicant may (in writing) [waive] extend the seventy (70)
16 day requirement to provide for some longer specified review period not to exceed forty-five (45)
17 additional days, or such other additional time period as determined by the applicant.

18 (3) A decision to approve a zoning case or subdivision plat subject to a condition
19 requiring site plan approval may include a reduction in the time limit for action on the site plan,
20 but may not include an increase in this time period.

21 (4) Within seven (7) days after the date of the Planning Board adopts its resolution,
22 the Planning Board shall transmit written notice of its adoption to all persons of record and the
23 Clerk of the Council.

24 (5) For development applications remanded to the Planning Board by the District
25 Council, the Planning Board shall approve, approve with modifications, or disapprove the
26 Detailed Site Plan within sixty (60) days of the transmittal date of the notice of remand by the
27 Clerk of the District Council. The month of August and the period between and inclusive of
28 December 20 and January 3 shall not be included in calculating this sixty (60) day period.

29 * * * * *

Sec. 27-290. Appeal of Planning Board's decision.

(a) The Planning Board's decision on a Detailed Site Plan may be appealed to the District Council upon petition by any person of record. The petition shall specify the error which is claimed to have been committed by the Planning Board and shall also specify those portions of the record relied upon to support the error alleged. The petition shall be filed with the Clerk of the Council within thirty (30) days after the date of the notice of the Planning Board's decision. The District Council may vote to review the Planning Board's decision on its own motion within thirty (30) days after the date of the notice. A copy of the petition shall be sent by the submitter to all persons of record (by regular mail), and a certificate of service shall accompany the submission to the Clerk.

* * * * *

(d) Within sixty (60) days after the [close of the Council's hearing] date the appeal petition is filed or the District Council elects to review the Detailed Site Plan application, the Council shall affirm, reverse, or modify the decision of the Planning Board, or remand the Detailed Site Plan one time to the Planning Board to take further testimony or reconsider its decision in accordance with specified grounds stated in the Order of Remand adopted by the Council. Where the Council approves a Detailed Site Plan, it shall make the same findings which are required to be made by the Planning Board. If the Council fails to act within the specified time, the Planning Board's decision is automatically affirmed.

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PART 8. COMPREHENSIVE DESIGN ZONES.

DIVISION 4. COMPREHENSIVE DESIGN PLANS AND SPECIFIC DESIGN PLANS.

SUBDIVISION 1. COMPREHENSIVE DESIGN PLANS.

Sec. 27-518. Contents of Plan.

(a) The applicant shall demonstrate to the Planning Board that, in the preparation of the Comprehensive Design Plan and supporting documents, he has devoted adequate attention to environmental relationships, building design, landscaping, engineering factors, and (if necessary) traffic factors. The signatures of a qualified design team (including an urban planner, architect, landscape architect, professional engineer, and traffic engineer) on the Comprehensive Design Plan and supporting documents shall be prima facie evidence that the respective factors within the scope of the signer's profession have been considered.

* * * * *

(e) A Comprehensive Design Plan shall be considered submitted on the date the Planning Director determines that the applicant has filed a complete Plan in accordance with the requirements of this Section.

Sec. 27-522. Planning Board action.

(a) The Planning Board [may] shall approve, approve with modifications, or disapprove the Comprehensive Design Plan within seventy (70) days of its submittal. Any modification of the plan, text, or schedule shall be made on the reproducible copy of the respective document. The month of August and the period between and inclusive of December 20 and January 3 shall not be included in calculating this seventy (70) day period. If no action is taken within seventy (70) days, the Comprehensive Design Plan shall be deemed to have been approved. The applicant may (in writing) extend the seventy (70) day requirement to provide a longer specified review period not to exceed forty-five (45) additional days, or such other additional time period as determined by the applicant.

(b) The Planning Board's decision on a Comprehensive Design Plan shall be embodied in a resolution adopted at a regularly scheduled public meeting. The resolution shall set forth the Planning Board's findings, and any considerations which the Board wishes to have examined during the review of the Specific Design Plan.

(c) A copy and notice of the Planning Board's resolution shall be sent to all persons of record within seven (7) days after the date of the Planning Board's adoption. At the same time, the Planning Board shall send to the Clerk of the Council a copy of its resolution and minutes on the Comprehensive Design Plan.

(d) For an application remanded to the Planning Board by the District Council, the Planning Board shall approve, approve with modifications, or disapprove the Comprehensive Design Plan within sixty (60) days of the transmittal date of the notice of remand by the Clerk of the District Council. The month of August and the period between and inclusive of December 20 and January 3 shall not be included in calculating this sixty (60) day period.

Sec. 27-523. Appeal.

(a) The Planning Board's decision on a Comprehensive Design Plan may be appealed to the District Council upon petition by any person of record. The petition shall be filed with the Clerk of the Council within thirty (30) days after the date of the notice of the Planning Board's

1 decision. The District Council may vote to review the Planning Board's decision on its own
2 motion within thirty (30) days after the date of the notice.

3 * * * * *

4 (d) Within sixty (60) days after the [close of the Council's hearing] date the appeal petition
5 is filed or the Council elects to review the Comprehensive Design Plan, the Council shall affirm,
6 reverse, or modify the decision of the Planning Board, or remand the Plan one time to the
7 Planning Board to take further testimony or reconsider its decision in accordance with specified
8 grounds stated in the Order of Remand adopted by the Council. Where the Council approves a
9 Comprehensive Design Plan, it shall make the same findings which are required to be made by
10 the Planning Board. If the Council fails to act within the specified time, the Planning Board's
11 decision is automatically affirmed.

12 * * * * *

13 **SUBDIVISION 2. SPECIFIC DESIGN PLANS.**

14 **Sec. 27-527. Contents of Plan.**

15 (a) The applicant shall demonstrate to the Planning Board that, in the preparation of the
16 Specific Design Plan, he has devoted adequate attention to building and landscape design, and
17 engineering factors. The signatures of a qualified design team (including an architect, a
18 landscape architect, and a professional engineer) on the Specific Design Plan shall be prima facie
19 evidence that the respective factors within the scope of the signer's profession have been
20 considered.

21 * * * * *

22 (e) A Specific Design Plan shall be considered submitted on the date the Planning Director
23 determines that the applicant has filed a complete Plan in accordance with the requirements of
24 this Section.

25 (f)[(e)] This Section shall not apply to:

- 26 (1) All stadium wayfinding signs located within parking areas at a stadium.

27 **Sec. 27-528. Planning Board action.**

28 (a) Prior to approving a Specific Design Plan, the Planning Board shall find that:

- 29 (1) The plan conforms to the approved Comprehensive Design Plan, the applicable
30 standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), for
31 Specific Design Plans for which an application is filed after December 30, 1996, with the

1 exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth
2 in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in
3 Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-
4 half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail
5 station, the regulations set forth in Section 27-480(d) and (e);

6 (1.1) For a Regional Urban Community, the plan conforms to the requirements stated
7 in the definition of the use and satisfies all requirements for the use in Section 27-508 of the
8 Zoning Ordinance;

9 (2) The development will be adequately served within a reasonable period of time
10 with existing or programmed public facilities either shown in the appropriate Capital
11 Improvement Program, provided as part of the private development or, where authorized
12 pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, participation by the
13 developer in a road club.

14 (3) Adequate provision has been made for draining surface water so that there are no
15 adverse effects on either the subject property or adjacent properties;

16 (4) The plan is in conformance with an approved Type 2 Tree Conservation Plan; and

17 (5) The plan demonstrates that the regulated environmental features are preserved
18 and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-
19 130 (b)(5).

20 * * * * *

21 (e) The Planning Board shall approve, approve with modifications, or disapprove the
22 Specific Design Plan within seventy (70) days of its submittal. The month of August and the
23 period between and inclusive of December 20 and January 3 shall not be included in calculating
24 this seventy (70) day period. If no action is taken within seventy (70) days, the Specific Design
25 Plan shall be deemed to have been approved. The applicant may (in writing) extend the seventy
26 (70) day requirement to provide a longer specified review period not to exceed forty-five (45)
27 additional days, or such other additional time period as determined by the applicant.

28 (f) For an application remanded to the Planning Board from the District Council, the
29 Planning Board shall approve, approve with modifications, or disapprove the Specific Design
30 Plan within sixty (60) days of the transmittal date of the notice of remand by the Clerk of the

1 District Council. The month of August and the period between and inclusive of December 20
2 and January 3 shall not be included in calculating this sixty (60) day period.

3 (g) An approved Specific Design Plan shall be valid for not more than six (6) years, unless
4 construction (in accordance with the Plan) has begun within that time period. All approved
5 Specific Design Plans which would otherwise expire during 1994 shall remain valid for one (1)
6 additional year beyond the six (6) year validity period.

7 [(f)] (h) The Planning Board's decision on a Specific Design Plan shall be embodied in a
8 resolution adopted at a regularly scheduled public meeting. A copy and notice of the Planning
9 Board's resolution shall be sent to all persons of record and the Clerk of the Council within seven
10 (7) days after the date of the Planning Board's adoption. The resolution shall set forth the
11 Planning Board's findings.

12 [(g)] (i) A copy of the Planning Board's resolution and minutes on the Specific Design
13 Plan shall be sent to the Clerk of the Council for any Specific Design Plan for the Village Zones.

14 **Sec. 27-528.01. District Council review.**

15 (a) The Planning Board's decision on a Specific Design Plan may be appealed to the
16 District Council upon petition of any person of record within thirty (30) days after the date of the
17 notice of the Planning Board's decision.

18 * * * * *

19 (c) At the time the District Council decides to review a Planning Board decision, or at the
20 time it is appealed pursuant to Subsection (a), the District Council shall establish a date, not more
21 than thirty (30) days later, to conduct a hearing and shall render a final decision in accordance
22 with Section 27-523 [thirty (30) days after the close of the hearing] within sixty (60) days after
23 the date the appeal petition was filed or the Council elected to review the Specific Design Plan.

24 * * * * *

25 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Ordinance are
26 hereby declared to be severable; and, in the event that any section, subsection, paragraph,
27 subparagraph, sentence, clause, phrase, or word of this Ordinance is declared invalid or
28 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall
29 not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs,
30

1 subsections, or sections of this Ordinance, since the same would have been enacted without the
2 incorporation of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph,
3 subparagraph, subsection, or section in this Ordinance.

4 SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five
5 (45) calendar days after its adoption.

Adopted this 3rd day of November, 2015.

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.