

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2002 Legislative Session

Bill No. _____ CB-21-2002
 Chapter No. _____ 15
 Proposed and Presented by _____ Council Member Scott
 Introduced by _____ Council Member Scott
 Co-Sponsors _____
 Date of Introduction _____ April 16, 2002

ZONING BILL

1 AN ORDINANCE concerning

2 Health Campuses

3 For the purpose of permitting amendments to Special Exception site plans for Health Campuses,
 4 under certain circumstances.

5 BY repealing and reenacting with amendments:

6 Section 27-362,

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

8 being also

9 SUBTITLE 27. ZONING.

10 The Prince George's County Code

11 (1999 Edition, 2001 Supplement).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 13 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
 14 District in Prince George's County, Maryland, that Section 27-362 of the Zoning Ordinance of
 15 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,
 16 be and the same is hereby repealed and reenacted with the following amendments:

17 **SUBTITLE 27. ZONING.**

18 **PART 4. SPECIAL EXCEPTIONS.**

19 **DIVISION 3. ADDITIONAL REQUIREMENTS.**
 20

Sec. 27-362. Health campus.

(a) A health campus may be permitted, subject to the following:

* * * * *

(6) Amendment of site plan.

(A) Notwithstanding other provisions of this Subtitle concerning revision of site plans, requests to amend a site plan for a health campus shall only be approved by the Planning Board under paragraph 27-362(a)(7) or the District Council [and in accordance with] under this paragraph 27-362(a)(6)[, provided, however, that the] . The Planning Board is authorized under this paragraph to grant minor changes to [the] site [plan approved by the District Council pursuant to Section 27-314] plans for [and upon which] health campuses [are located] , subject to appeal to the District Council. Such amendments to site plans may be permitted provided that either of the following two (2) situations exist:

(i) Situation No. 1.

(aa) There is a proposed increase in gross floor area of a building or in land area covered by a structure other than a building (over that approved on the original or amended site plan) which is not greater than ten percent (10%) of the gross floor area or covered land area or 500 square feet, whichever is less (see Figure 40); or

(bb) There is a proposed relocation (in any direction) of any improvement (approved on the original or amended plan) which is not greater than ten percent (10%) of the distance to the boundary line of the special exception or twenty (20) feet, whichever is less (see Figure 41).

(ii) Situation No. 2.

(aa) There is a proposed expansion or addition of a parking lot or parking garage; or

(bb) There is a proposed change in a landscape plan.

(B) The minor change request shall be in the form of an application filed with the Planning Board. The contents of the application shall be determined by the Planning Board. Along with filing the application, the applicant shall submit an amended site plan and Statement of Justification. The Planning Board shall:

(i) Hold a hearing on the request in accordance with the Rules of Procedure established by the Planning Board;

(ii) Give notice of the hearing in a manner determined by the Planning Board which shall include notice to all persons of record and any municipality within a one-half (1/2) mile of the property;

(iii) Send a copy of the application to any municipality within a one-half (1/2) mile of the property;

(iv) Make its decision in the form of a resolution; and

(v) Send a copy of the resolution to all persons of record, any municipality within a one-half (1/2) mile of the property, and the Clerk of the Council.

(C) The Planning Board's decision to amend a 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.

(i) The Clerk of the Council shall notify the Planning Board of any appeal or review decision. Within seven (7) calendar days after receiving this notice, the Planning Board shall transmit to the District Council a copy of the amended site plan, all written evidence and materials submitted for consideration by the Planning Board, a transcript of the public hearing on the site plan, and any additional information or explanatory material deemed appropriate.

(ii) Within forty-five (45) days, the District Council shall schedule a public hearing on the appeal or review. The Clerk of the Council shall give at least fourteen (14) calendar days notice of the hearing to all persons of record and the Planning Board, all of whom shall be entitled to appear at the hearing. Testimony at the hearing shall be limited to the facts and information contained within the record made at the hearing before the Planning Board.

(iii) Within sixty (60) days after the close of the Council's hearing, the Council shall affirm, reverse, or modify the decision of the Planning Board, or return the amended site plan to the Planning Board to take further testimony or reconsider its decision. Where the Council approves an amended site plan, it shall make the same findings which are required to be made by the Planning Board.

1 (iv) The Council shall give its decision in writing, stating the reasons for its
2 action. Copies of the decision shall be sent to all persons of record and the Planning Board.

3 (D) Requests to amend the approved site plan in all instances other than those
4 described in paragraph 6(A), above, shall be filed concurrently with the Clerk of the Council and
5 the office of the Planning Board. Upon receipt of the request by the Clerk, the Office of the
6 Zoning Hearing Examiner shall schedule a public hearing, which shall occur not less than sixty
7 (60), nor more than one hundred twenty (120), days after receipt of the request. The request
8 shall be reviewed by the Technical Staff, taking into consideration the requirements of this
9 Subtitle. The Technical Staff shall submit its recommendations to the Zoning Hearing Examiner
10 within sixty (60) calendar days from the date of filing. The public hearing shall be conducted by
11 the Zoning Hearing Examiner, at which time the applicant, the Planning Board, Technical Staff,
12 and members of the public may comment on the proposed amendment. The hearing shall be
13 conducted in accordance with Section 27-129. Notice of the public hearing shall be published at
14 least one (1) time in the County newspapers of record. The notice shall appear at least thirty
15 (30), but not more than sixty (60), days prior to the public hearing date. The property shall be
16 posted with a sign in the same manner as required for original applications. Notice shall be sent
17 to any municipality having the subject property within its boundaries, and to all persons of record
18 in the original Special Exception and any previously approved amendments. After the close of
19 the hearing record, the Zoning Hearing Examiner shall file a written recommendation with the
20 District Council.

21 (E) All persons of record shall be given at least ten (10) days written notice by
22 the Clerk of the Council of the date and time of the District Council's consideration of the matter.
23 Any person of record may appeal the recommendation of the Zoning Hearing Examiner within
24 fifteen (15) days of the filing of the Zoning Hearing Examiner's recommendation with the
25 District Council. If appealed, all persons of record may testify before the District Council.
26 Persons arguing shall adhere to the District Council's Rules of Procedure, and argument shall be
27 limited to thirty (30) minutes for each side, and to the record of the hearing.

28 (F) All amendments shall be in conformance with the purposes, regulations, and
29 standards of this Section.

30 (G) The approved amended site plan shall become the official site plan, as if it
31 had been approved as a part of the original application for a Special Exception.

(H) The revised site plan shall comply with all applicable requirements of this Subtitle and with any conditions, relating to the use, imposed by the District Council or Planning Board in the approval of the building or use.

(I) When a minor change is approved by the Planning Board, any requirements or conditions deemed necessary to protect adjacent properties and the general neighborhood may be added.

(7) **Optional method of amending site plan.**

(A) Notwithstanding the provisions of paragraph 27-362(a)(6), the procedures in this paragraph 27-362(a)(7) may be followed, at the applicant's option, to amend a special exception site plan for a health campus approved before January 1, 1982, if the application involves at least ten (10) but no more than fifteen (15) acres; if the lots or parcels which are the subject of the application contain a hospital; if all site plan amendments are confined to those lots or parcels; and if the amendments meet all requirements in this paragraph.

(B) The applicant shall meet all filing requirements for site plan amendments under paragraph (6). The application shall be accepted for processing if it is signed by the owner of the subject lots or parcels where the hospital is located and the improvements will be built.

(C) Proposed site plan amendments under this paragraph (7) shall meet the following requirements:

(i) Amendments may not reduce any setbacks required in this Subtitle or the Landscape Manual;

(ii) The site plan as amended shall show compliance with all parking and loading requirements in Part 11;

(iii) Amendments may not reduce the greenspace on the subject lots or parcels below twenty percent (20%) of the area of the subject lots or parcels, but if site plan amendments reduce the greenspace on the subject lots, then the greenspace requirement on all property covered by the special exception shall also be reduced to twenty percent (20%); and

(iv) Amendments may show the following improvements only: additions to the hospital building; one medical office building; and parking structures required for the hospital or office building.

(D) The application may be approved administratively by the Planning Director, subject to appeal to the Planning Board, but no further administrative appeal is allowed. When

the application is filed, the subject lots or parcels shall be posted and all owners of contiguous properties shall be notified by first-class mail. Any person who requests it shall be registered as a person of record and given written notice by first-class mail of the Planning Director's final decision. An appeal to the Planning Board may be filed with the Planning Director by any person of record, within thirty (30) days of the mailing of notice of the decision. The Planning Board shall hear and decide the appeal within sixty (60) days of its filing.

[(7)] (8) **Conversion of hospital to health campus.**

(A) Requests to convert an existing hospital to a health campus shall be made only for residential property containing a minimum of twenty-five (25) acres and shall be processed in accordance with the requirements for an amendment of a health campus site plan.

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

Adopted this 21st day of May, 2002.

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
Acting 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.