

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2017 Legislative Session**

Bill No. CB-84-2017

Chapter No. 63

Proposed and Presented by Council Member Franklin

Introduced by Council Members Franklin, Harrison and Turner

Co-Sponsors _____

Date of Introduction October 10, 2017

ZONING BILL

1 AN ORDINANCE concerning

2 Issuance of Grading, Building, and Use and Occupancy Permits

3 For the purpose of clarifying the authority of the Director of the Department of Permitting,
4 Inspections, and Enforcement to issue grading, building, and use and occupancy permits.

5 BY repealing and reenacting with amendments:

6 Section 27-255,

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 (2015 Edition; 2016 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 27-255 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16 be and the same is hereby repealed and reenacted with the following amendments: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 3. ADMINISTRATION**

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

20 **SUBSIVISION 2. PROCEDURES.**

1 **Sec. 27-255. - Referral to Planning Board.**

2 (a) Every application for a [No] grading, building, or use and occupancy permit, except as
3 provided in (c), below, shall be [issued until the application has been] referred to the Planning
4 Board (or its authorized representative) for its comments or recommendations, if any, with
5 respect to:

6 (1) [Its review and recommendations comments with respect to the] The requirements of
7 this Subtitle, Subtitle 24, Subtitle 25, the Regional District Act, and any conditions placed on the
8 property in a zoning or subdivision matter; and

9 (2) [A determination as to whether the application is in conformance] Conformance with
10 any approved Conceptual Site Plan, Detailed Site Plan, Transit District Development Plan,
11 Chesapeake Bay Critical Area Conservation Plan or any other site or development plan
12 applicable to development of the property.

13 (b) [Any permit issued without the review and recommendation or determination of the
14 Planning Board, or its authorized representative, is invalid.] No permit shall be recommended for
15 approval by the Planning Board until after the expiration of the specified appeal period from a
16 Planning Board decision concerning the subject property of the permit, unless the right of appeal
17 has been waived; nor shall any permit be recommended for approval during the pendency of any
18 appeal to, or review by, the District Council.

19 (c) This Section shall not apply to:

20 (1) Temporary permits issued in accordance with Subdivision 3 of this Division (unless
21 otherwise specified in this Subtitle), except in cases of property in a Transit District Overlay
22 Zone, which shall be governed by Section 27-260(d), or property in the Safety Zones of the
23 Military Installation Overlay Zone; properties subject to Subtitle 25; and properties within the
24 Chesapeake Bay Critical Area; and

25 (2) Permits of a minor nature, which types of permits shall be approved by the District
26 Council upon the recommendation of the Planning Board and the Director of the Department of
27 Permitting, Inspections, and Enforcement, and shall be maintained on a list available for public
28 inspection in each of these offices. Any permits issued pursuant to these provisions shall not be
29 subject to the requirements of this Subtitle. This exception shall not apply to any property which
30 is located within a historic district or listed on the Master Plan for historic preservation as a
31 historic resource; properties subject to Subtitle 25; or properties within the Chesapeake Bay
32 Critical Area.

1 (3) Certain permits of a minor residential nature, which types of permits:

2 (A) Shall be approved by the District Council upon the recommendation of the
3 Planning Board and the Director of the [Department of Environmental Resources] Department of
4 Permitting, Inspections, and Enforcement; and

5 (B) Shall be subject to review by the Director of the [Department of Environmental
6 Resources] Department of Permitting, Inspections, and Enforcement or the Director's designee
7 for conformance to the requirements of this Subtitle, Subtitle 24, the Regional District Act and
8 any conditions placed on the property in a zoning or subdivision matter, and for conformance to
9 any approved Conceptual Site Plan, Detailed Site Plan, Transit District Development Plan, or
10 any other site or development plan applicable to development of the property.

11 (4) The permits as described in subsection (3) above shall be subject to the requirements
12 of the Zoning Ordinance and shall be maintained on a list available for public inspection in the
13 [Department of Environmental Resources] Department of Permitting, Inspections, and
14 Enforcement office.

15 (d) No building permit shall be recommended for approval by the Planning Board for land
16 that is within the area of an adopted and approved Area Master Plan which includes a Zoning
17 Proposal that has been prepared pursuant to the provisions of Section 27-225.01, or a Sectional
18 Map Amendment which has been transmitted by the Planning Board to the District Council
19 pursuant to the provisions of Section 27-225, when the lot or parcel of land on which
20 construction is proposed is in a Commercial or Industrial Zone, was proposed by the Planning
21 Board for a less intense zone in which the proposed use is not permitted, is undeveloped, and has
22 been in the same zone for more than ten (10) years, until final action has been taken by the
23 District Council on the Sectional Map Amendment. This Subsection shall not apply to a lot or
24 parcel of land for which a grading permit has been issued by Prince George's County, sediment
25 and erosion control devices have been installed by the permittee, and site grading activities have
26 been initiated by the permittee.

27 (e) Any comments or recommendations of the Planning Board to the Director of the
28 Department of Permitting, Inspections, and Enforcement regarding applications for grading,
29 building, or use and occupancy permits are advisory only and shall not be a prerequisite for the
30 issuance of grading, building, or use and occupancy permits.

31

1 SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect on the date
2 of its adoption.

Adopted this 14th day of November, 2017.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL FOR
THAT PORTION 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.