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**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**SITTING AS THE DISTRICT COUNCIL**

Legislative Session

1992

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Bill No. \_\_\_\_\_ CB-16-

1992

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Chapter No.

13

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Proposed and Presented by \_\_\_\_\_ Council Member

MacKinnon

Introduced by \_\_\_\_\_ Council Member

MacKinnon

Co-Sponsors

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Date of Introduction \_\_\_\_\_ March 31,

1992

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**ZONING BILL**

AN ORDINANCE concerning

The T-D-O Zone

FOR the purpose of establishing procedures for primary and secondary amendments to the Transit District Development Plan and establishing separate approval procedures for each.

BY repealing and reenacting with amendments:

Section 27-213.6,

The Zoning Ordinance of Prince George's County, Maryland,  
being also

SUBTITLE 27. ZONING.

The Prince George's County Code  
(1991 Edition).

SECTION 1. BE IT ENACTED by the 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, that Section 27-213.6 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same is hereby repealed and reenacted with the following amendments:

**SUBTITLE 27. ZONING.**

**PART 3. ADMINISTRATION.**

**DIVISION 2. ZONING MAP AMENDMENTS.**

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

**Sec. 27-213.6. Amendment of approved Transit District Overlay Zone.**

**(a) In general**

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

(2) The following amendments to a Transit District

Development Plan or relating to a Transit District Overlay Zone (called "Primary Amendments") [Except as provided for in this Section, amendments to change the boundaries of a Transit District Overlay Zone, or any part of a Transit District Development Plan,] shall be approved by the District Council in accordance with the provisions of this Subdivision for initial approval:

A. Changes to the boundary of a Transit District Overlay Zone;

B. Changes to the underlying zoning of a Transit District Overlay Zone;

C. Changes from one land use category to another, such as: One-family residential to multifamily residential or to another use; retail commercial to office commercial or to another use.

D. Changes to the locations of land uses;

E. Changes in location of major access points;

F. Changes in land use densities and intensities in terms of either a range or a maximum, as appropriate.

G. Any change in public transportation services or facilities provided in the original Transit District Development Plan.

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

3. Amendments to modify any element of the Transit District Development Plan, other than those provided in Section

27-213.6(a)(2), (called "Secondary Amendments") shall be approved by the Planning Board in accordance with the provisions of Section 27-213.6(c).

(b) **Primary Amendments Application**

(1) **In general**

(A) An application for a Primary amendment of an approved [a Zoning Map Amendment to the] T-D-O Zone shall be filed with the Planning Board by the owner (or authorized representative) of the property. The District Council may suspend the filing of applications for up to one (1) year, if it determines that it is appropriate for any statutory zoning purpose.

(B) All applications shall be on the forms provided. All information shall be typed, except for signatures.

(C) If two (2) or more pieces of property are included in one (1) application, they must be adjoining. Separate applications are required for each property if they are not adjoining. In this Section, the word "adjoining" shall include those properties which are separated by a public right-of-way, stream bed, or the like.

(2) **Contents of application forms**

(A) The following information shall be included on the application:

(i) The name, address, and telephone number of the applicant, and an indication of the applicant's status as

contract purchaser, agent, or owner;

(ii) The existing and requested zoning classifications of the property (including any requested changes in underlying zones);

(iii) A statement enumerating each requested change and its effect upon the remainder of development in the approved Transit District Development Plan;

[(iii)] (iv) The street address of the property; name of any municipality the property is in; name and number of the Election District the property is in;

[(iv)] (v) The total area of the property (in either acres or square feet);

[(v)] (vi) The property's lot and block numbers, subdivision name, plat book and page number, if any; or a description of its acreage, with reference to liber and folio numbers;

[(vi)] (vii) The name, address, and signature of each owner of record of the property. Applications for property owned by a corporation shall be signed by an officer empowered to act for the corporation; and

[(vii)] (viii) The name, address, and telephone number of the correspondent.

(ix) A signed certificate stating that the applicant, on or before the date of filing such application, sent by certified mail, a copy of the application for an amendment and all accompanying documents to: (a) each

municipality in which any portion of the property which is the subject of the application is located, and (b) each municipality located within one mile of the property which is the subject of the application. The certificate shall specifically identify each municipality to whom the application was mailed and the date it was mailed.

**(3) Other submission requirements**

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

(i) Four (4) copies of an accurate plat, prepared, signed, and sealed by a registered engineer or land surveyor. The plat shall show:

(aa) The present configuration of the Transit District Overlay Zoned property, including bearings and distances (in feet) and the proposed configuration of the Transit District Overlay Zoned property, including bearings and distances (in feet), if applicable;

(bb) The names of owners of record, or subdivision lot and block numbers, of adjoining properties;

(cc) The name, location, distance to the center line, and right-of-way width of all abutting streets. If the property is not located at the intersection of two (2) streets, the distance to, and the name of, the nearest intersecting street shall be indicated;

(dd) The subdivision lot and block numbers of the subject property (if any);

(ee) A north arrow and scale (not smaller than one (1) inch equals four hundred (400) feet);

(ff) The total area of the property (in either square feet or acres);

(gg) The location of all existing buildings on the property; and

(hh) The subject property outlined in red;

(ii) Four (4) copies of the appropriate Zoning Map page on which the property is plotted to scale and outlined in red;

(iii) Three (3) copies of a typewritten statement of justification in support of the request. The statement shall set forth the legal basis by which the requested amendment can be approved, a description of the existing components of the Transit District Development Plan and proposed changes thereto, and factual reasons showing why approval of the request will not be detrimental to the public health, safety, and welfare. This statement may be accompanied by three (3) copies of any material which (in the applicant's opinion) is necessary to clarify or emphasize the typewritten statement. This additional material, if not foldable, shall be not larger than eighteen (18) by twenty-four (24) inches;

(iv) A statement listing the names and the business and residential addresses of all individuals having at least a five percent (5%) financial interest in the subject

property;

(v) If any owner is a corporation, a statement listing the officers of the corporation, their business and residential addresses, and the dates on which they assumed their respective offices. The statement shall also list the current Board of Directors, their business and residential addresses, and the dates of each Director's term. An owner that is a corporation listed on a national stock exchange shall be exempt from the requirement to provide residential addresses of its officers and directors;

(vi) If the owner is a corporation (except one listed on a national stock exchange), a statement containing the names and addresses of those individuals owning at least five percent (5%) of the shares of any class of corporate security (including stocks and serial maturity bonds);

(vii) The proposed amendment to be appended to or incorporated into the [An amended] Transit District Development Plan. [addressing the] The proposed amendment shall include [in] (at least) the same detail as found in the approved plan;

(viii) A list containing the names and addresses of all adjoining property owners and the owners of those properties directly across a street, alley, or stream, and each municipality if any part of the property in the application is located within the municipal boundaries, or is located within one (1) mile of the municipality, and a set of

preaddressed envelopes or mailing labels;

(ix) Any other data or explanatory material deemed necessary by the District Council or the Planning Board (submitted in triplicate).

(B) For the purposes of (iv), (v), and (vi), above, the term "owner" shall include not only the owner of record, but also any contract purchaser.

(4) [(c)] **Fees**

(A) [(1)] **In general**

(i) [(A)] A check or money order, made payable to the Maryland-National Capital Park and Planning Commission, covering all applicable fees, shall accompany the application.

(ii) [(B)] All fees shall be paid by the applicant and retained by the Planning Board.

(B) [(2)] **Filing fees (Primary Amendment [(original] application)**

(i) [(A)] The filing fee for the application shall be determined by the total area of land being added to or eliminated from the subject Transit District Overlay Zone [covered] by the application, as set forth in the following table. If, for applications to change land use density or intensity, the Planning Board finds that the filing fee causes undue financial hardship on the applicant, then the Planning Board may reduce this fee by no more than fifty percent (50%).

<b>ACREAGE</b>	<b>FEE</b>
One acre or less	\$ 700

Greater than one, up to, and including two	\$1,000
Greater than two, up to, and including three	\$1,200
Greater than three, up to, and including four	\$1,500
Greater than four, up to, and including five	\$1,700
Greater than five, up to, and including ten	\$2,000
Greater than ten, up to, and including twenty-five	\$2,300
Greater than twenty-five, up to, and including fifty	\$2,700
Greater than fifty, up to, and including one hundred	\$3,100
Each ten acres (or fraction thereof) in excess of one hundred acres	\$ 200

(C) [(3)] **Informational mailing fee**

(i) [(A)] In addition to the filing fee, the applicant shall pay the amount determined necessary by the Planning Board to cover the certified mailing costs for the informational mailing required by Subsection (5) [(d)], below.

(5) [(d)] **Informational mailing**

(A) [(1)] Within thirty (30) days after an application is filed, the Planning Board shall send a letter regarding the pending application by certified mail to all adjoining property owners, including those properties directly across a street, alley, or stream and each municipality if any part of the

property in the application is located within the municipal boundaries, or is located within one (1) mile of the municipality. The letter shall include the applicant's and owner's names and addresses, the application number, property description and location, and the nature of the request. It shall also advise where to obtain additional information regarding the application and the hearing.

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

(6) [(e)] **Procedure**

(A) [(1)] After the request is accepted, it shall be reviewed by the Technical Staff and processed in accordance with Sections 27-213.3., 27-213.4, and 27-213.5, as if it were an original Transit District Overlay Zoning Map Amendment initiated by the Planning Board.

(c) Secondary Amendment Application

(1) In general

(A) An application for an amendment of a Transit District Development Plan, other than an amendment pursuant to Section 27- 213.6(a) (2), shall be submitted to the Planning Board by the owner (or authorized representative) of the property within the Transit District Overlay Zone and shall accompany a Conceptual Site Plan submittal or a detailed site plan submittal. If a Conceptual Site Plan does not provide a

sufficient detail of information as determined by the Planning Board, then the Planning Board may require the submittal of whatever detail is necessary.

(B) All applications shall be typed, except for signatures, submitted in triplicate, and shall include the following information:

(i) The name, address and telephone number of the applicant, and an indication of the applicant's status as contract purchaser, agent, or owner;

(ii) The street address of the property; name of any municipality the property is in; name and number of the Election District the property is in;

(iii) A statement enumerating each requested change and its effect upon the remainder of development in the approved Transit District Development Plan;

(iv) The total area of the property (in either acres or square feet);

(v) The property's lot and block numbers, subdivision name, plat book and page number, if any; or a description of its acreage with reference to liber and folio numbers;

(vi) The name, address, and signature of each owner of record of the property. Applications for property owned by a corporation shall be signed by an officer empowered to act for the corporation;

(vii) The name, address, and telephone number of

the correspondent;

(viii) A statement of justification in support of the request. The statement shall set forth the legal basis by which the requested amendment can be approved, and a description of the existing components of the Transit District Development Plan and proposed changes thereto. This statement may be accompanied by three (3) copies of any material which (in the applicant's opinion) is necessary to clarify the typewritten statement. This additional material, if not foldable, shall be not larger than eighteen (18) by twenty-four (24) inches;

(ix) The proposed amendment to be appended to or incorporated into the Transit District Development Plan;

(x) A signed certificate stating that the applicant, on or before the date of filing such application, sent by certified mail, a copy of the application for an amendment and all accompanying documents to: (a) each municipality in which any portion of the property which is the subject of the application is located, and (b) each municipality located within one mile of the property which is the subject of the application. The certificate shall specifically identify each municipality to whom the application was mailed and the date it was mailed.

(2) Fees

(A) In general

(i) A check or money order, made payable to

the Maryland-National Capital Park and Planning Commission, covering all applicable fees, shall accompany the application.

(ii) All fees shall be paid by the applicant and retained by the Planning Board.

(B) Filing fees

Upon completing an application, the applicant shall pay to the Planning Board a fee to help defray the costs related to processing the application. A reduction in the fee may be permitted by the Planning Board if it finds that payment of the full amount will cause an undue hardship upon the applicant.

(C) Sign posting fees

(i) In addition to the filing fee, a fee of thirty (30.00) dollars shall be paid for the posting of each public notice sign to be posted by the Planning Board.

(ii) No part of a fee shall be refunded or waived, unless the Planning Board determines that one of the following applies:

(aa) The fee was paid by mistake, and the applicant has requested (in writing) a refund.

(bb) The application is withdrawn prior to posting the sign. In this case the entire sign posting fee shall be refunded.

(3) Procedure

(A) The Planning Board shall review the requested Secondary Amendment for compliance with Section 27-

213.6(c) and shall follow the same procedure required for the accompanying Conceptual Site Plan approval as found in Sections 27-276(a) (1), (3), (4), (5), (6); 27-276(c) (1), (2); and 27-276(d). Review by the District Council shall follow the procedures in Section 27-280.

In the case of accompanying Detailed Site Plans, the Planning Board shall follow the procedures set forth in Sections 27- 285(a) (1), (3), (4), (5), (6); 27-285(c) (1), (2); and 27-285(d). Review by the District Council shall follow the procedures set forth in Section 27- 290.

(B) The Planning Board may only approve a requested Secondary Amendment of a Transit District Development Plan if it makes the following findings:

(i) The requested Secondary Amendment is in compliance with the requirements for the approval Transit District Development Plan as set forth in Section 27-548.8(c);

(ii) The requested Secondary Amendment is in conformance with the purposes of the Transit District Overlay Zone; and

(iii) The original intent of the Transit District Development Plan element or mandatory requirement being amended is still fulfilled with the approval of the requested Secondary Amendment.

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect on June 30, 1992.

Adopted this 26th day of May, 1992.

OF  
 COUNTY,

GEORGE'S

COUNTY COUNCIL OF PRINCE  
 COUNTY, MARYLAND, SITTING AS THE  
 DISTRICT COUNCIL FOR THAT PART

THE MARYLAND-WASHINGTON REGIONAL  
 DISTRICT IN PRINCE GEORGE'S  
 MARYLAND

BY:

\_\_\_\_\_

Richard J. Castaldi  
 Chairman

ATTEST:

\_\_\_\_\_

Joyce T. Sweeney  
 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.