

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND****SITTING AS THE DISTRICT COUNCIL****1998 Legislative Session**

Bill No. \_\_\_\_\_ CB-32-1998

Chapter No. \_\_\_\_\_ 32

Proposed and Presented by \_\_\_\_\_ The Chairman (by request – Planning Board)

Introduced by \_\_\_\_\_ Council Members Maloney and Del Giudice

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_ April 28, 1998

**ZONING BILL**

1 AN ORDINANCE concerning

2 Grading

3 For the purpose of establishing a procedure for Detailed Site Plans, Specific Design Plans and  
4 permits for Infrastructure.

5 BY repealing and reenacting with amendments:

6 Sections 27-252, 27-285, 27-286, 27-527 and 27-528,

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 (1995 Edition, 1996 Supplement, as amended by CB-13-1997 and

12 CB-59-1997).

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
14 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional  
15 District in Prince George's County, Maryland, that Sections 27-252, 27-285, 27-286, 27-527 and  
16 27-528 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of  
17 the Prince George's County Code, be and the same are hereby repealed and reenacted with the  
18 following amendments:

19 **SUBTITLE 27. ZONING.**

20 **PART 3. ADMINISTRATION.**



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

### **Subdivision 1. General.**

#### **Sec. 27-252. Building and grading permits.**

\* \* \* \* \*

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

(i) No grading permit shall be issued by the Department of Environmental Resources unless a permit for infrastructure improvements including streets, utilities, or stormwater management facilities has been issued for the property. This subsection shall not apply to an unsubdivided parcel of land containing less than three (3) acres and in a Residential Zone which is not subject to the provisions of Part 3, Division 9, Subdivision 3, or Part 8, Division 4 of the Zoning Ordinance..

## **DIVISION 9. SITE PLANS.**

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

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

\* \* \* \* \*

#### **(b) Required findings.**

\* \* \* \* \*

(3) The Planning Board may approve a Detailed Site Plan for [Grading] Infrastructure if it finds that the plan satisfies the site design guidelines as contained in Section 27-274, prevents offsite property damage, and prevents environmental degradation to safeguard the



public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.

\* \* \* \* \*

**Sec. 27-286. Limiting the review.**

(a) In general, the required findings and site design guidelines and criteria are intended to apply to the review of all Detailed Site Plans, as they reasonably relate to the purposes of the zones and of this Division. However, a more limited review may be imposed by other parts of this Subtitle or by another authority requiring the review. In these cases, specific issues to be reviewed shall be stated. Only those submittal requirements (Section 27-282) and site design guidelines (Section 27-283) which apply to the issue shall be considered.

(b) An applicant may submit a Detailed Site Plan for [Grading] Infrastructure in order to proceed with limited site improvements, [such as, but not limited to, sediment control devices, storm water management facilities and pipes, streets, utility installation, grading, clearing, stabilization, landscaping, and tree conservation and preservation.] These improvements must include infrastructure which is essential to the future development of the site, including streets, utilities, or stormwater management facilities. Only those regulations, submittal requirements, and site design guidelines which are applicable shall be considered. The Planning Board may also consider the proposal in light of future requirements, such that the plan cannot propose any improvements which would hinder the achievement of the purposes of the zones, the purposes of this Division, or any conditions of previous approvals, in the future. The Planning Board shall also consider any recommendations by the Department of Environmental Resources and the Prince George's Soil Conservation District.

**PART 8. COMPREHENSIVE DESIGN ZONES.**

**DIVISION 4. Comprehensive Design Plans and Specific Design Plans.**

**Subdivision 2. Specific Design Plans.**

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

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



1 considered.

2 (b) The Specific Design Plan shall include (at least) the following:

3 (1) A reproducible site plan showing buildings, functional use areas, circulation, and  
4 relationships between them; and in the V-M and V-L Zones, a three-dimensional model and a  
5 modified grid plan, which may include only the Village Proper, and any Hamlet, which  
6 incorporates plan concepts, spatial and visual relationships, streetscape, and other characteristics  
7 of traditional rural villages shall be provided prior to Planning Board and District Council  
8 review;

9 (2) Reproducible preliminary architectural plans, including floor plans and exterior  
10 elevations; and

11 (3) A reproducible landscape plan prepared in accordance with the provisions of the  
12 Landscape Manual.

13 (c) An applicant may submit a Specific Design Plan for Infrastructure in order to proceed  
14 with limited site improvements . These improvements must include infrastructure which is  
15 essential to the future development of the site, including streets, utilities, or stormwater  
16 management facilities. Only those regulations, submittal requirements, development standards,  
17 and site design guidelines which are applicable shall be considered. The Planning Board may  
18 also consider the proposal in light of future requirements, such that the plan cannot propose any  
19 improvements which would hinder the achievement of the purposes of the zone, the purposes of  
20 this Division, or any conditions of previous approvals, in the future. The Planning Board shall  
21 also consider any recommendations by the Department of Environmental Resources and the  
22 Prince George's Soil Conservation District. Prior to approval, the Planning Board shall find that  
23 the Specific Design Plan is in conformance with an approved Tree Conservation Plan and must  
24 also approve a Type II Tree Conservation Plan in conjunction with approval of the Specific  
25 Design Plan for Infrastructure.

26 (d) Within three (3) years of approval of a Specific Design Plan for Infrastructure, a permit  
27 for infrastructure improvements, in accordance with this Plan, shall be issued by the Department  
28 of Environmental Resources. If a permit is not issued within this period of time, the Specific  
29 Design Plan for Infrastructure is no longer valid.

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

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



(1) The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d);

(2) The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development;

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

(4) The plan is in conformance with an approved Tree Conservation Plan.

(b) Prior to approving a Specific Design Plan for Infrastructure, the Planning Board shall find that the plan conforms to the approved Comprehensive Design Plan, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.

[(b)](c) The Planning Board may only deny the Specific Design Plan if it does not meet the requirements of Section 27-528(a) and (b), above.

[(c)](d) Each staged unit (shown on the Comprehensive Design Plan) shall be approved. Later stages shall be approved after initial stages. A Specific Design Plan may encompass more than one (1) stage.

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

[(e)](f) The Planning Board's decision on a Specific 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.

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



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

Adopted this 9th day of June, 1998.

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: \_\_\_\_\_  
Ronald V. Russell  
Chairman

ATTEST:

\_\_\_\_\_  
Joyce T. Sweeney  
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.