

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2012 Legislative Session**

Bill No. _____ CB-95-2012 _____

Chapter No. _____

Proposed and Presented by Council Member Toles, Harrison, Lehman, Patterson, Turner

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Use and Occupancy Permits

3 For the purpose of providing District Council review of certain Use and Occupancy permits for
4 compliance with an approved Conceptual Site Plan, Detailed Site Plan, Transit District
5 Development Plan or any other site or development plan applicable to development of the
6 property in order to enhance the availability of healthful eating alternatives, reduce detrimental
7 food and beverage consumption, and to reduce blight, which is detrimental to the public health.

8 BY repealing and reenacting with amendments:

9 Section 27-255,

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

11 being also

12 SUBTITLE 27. ZONING.

13 The Prince George's County Code

14 (2011 Edition).

15 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
16 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
17 District in Prince George's County, Maryland, that Section 27-255 of the Zoning Ordinance of
18 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,
19 be and the same is hereby repealed and reenacted with the following amendments:

20

SUBTITLE 27. ZONING.

PART 3. ADMINISTRATION.

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

Subdivision 2. Procedures.

Sec. 27-255. Referral to Planning Board and action by District Council.

(a) No grading, building, or use and occupancy permit, except as provided in (c), below, shall be issued until the application has been referred to the Planning Board (or its authorized representative) for:

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

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

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

(c) In an effort to enhance the public health through availability of healthful eating alternatives, reduction of detrimental food and beverage consumption, and to reduce blight, the District Council shall review proposed issuance of use and occupancy permits for compliance with an approved Conceptual Site Plan, Detailed Site Plan, Transit District Development Plan or any other site or development plan applicable to development of the property for a new owner, occupant, or expansion or addition of the following uses:

- (1) Food or Beverage stores;
- (2) Eating and Drinking Establishments’
- (3) Gas Stations; and
- (4) Laundromats.

1
2 [(c)] (d) This Section shall not apply to:

3 (1) Temporary permits issued in accordance with Subdivision 3 of this Division
4 (unless otherwise specified in this Subtitle), except in cases of property in a Transit District
5 Overlay Zone, which shall be governed by Section 27-260(d); properties subject to Subtitle 25;
6 and properties within the Chesapeake Bay Critical Area; and

7 (2) Permits of a minor nature, which types of permits shall be approved by the
8 District Council upon the recommendation of the Planning Board and the Director of the
9 Department of Environmental Resources or Department of Public Works and Transportation, and
10 shall be maintained on a list available for public inspection in each of these offices. Any permits
11 issued pursuant to these provisions shall not be subject to the requirements of this Subtitle. This
12 exception shall not apply to any property which is located within a historic district or listed on
13 the Master Plan for historic preservation as a historic resource; properties subject to Subtitle 25;
14 or properties within the Chesapeake Bay Critical Area.

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

16 (A) Shall be approved by the District Council upon the recommendation of the
17 Planning Board and the Director of the Department of Environmental Resources; and

18 (B) Shall be subject to review by the Director of the Department of
19 Environmental Resources or the Director's designee for conformance to the requirements of this
20 Subtitle, Subtitle 24, the Regional District Act and any conditions placed on the property in a
21 zoning or subdivision matter, and for conformance to any approved Conceptual Site Plan,
22 Detailed Site Plan, Transit District Development Plan, or any other site or development plan
23 applicable to development of the property.

24 (4) The permits as described in subsection (3) above shall be subject to the
25 requirements of the Zoning Ordinance and shall be maintained on a list available for public
26 inspection in the Department of Environmental Resources office.

27 [(d)] (e) No building permit shall be recommended for approval for land that is within the
28 area of an adopted and approved Area Master Plan which includes a Zoning Proposal that has
29 been prepared pursuant to the provisions of Section 27-225.01, or a Sectional Map Amendment
30 which has been transmitted by the Planning Board to the District Council pursuant to the
31 provisions of Section 27-225, when the lot or parcel of land on which construction is proposed is

1 in a Commercial or Industrial Zone, was proposed by the Planning Board for a less intense zone
2 in which the proposed use is not permitted, is undeveloped, and has been in the same zone for
3 more than ten (10) years, until final action has been taken by the District Council on the
4 Sectional Map Amendment. This Subsection shall not apply to a lot or parcel of land for which a
5 grading permit has been issued by Prince George's County, sediment and erosion control devices
6 have been installed by the permittee, and site grading activities have been initiated by the
7 permittee.

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

Adopted this ____ day of _____, 2012.

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: _____
Andrea C. Harrison
Chair

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.