

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2006 Legislative Session

Bill No. _____ CB-76-2006
Chapter No. _____ 60
Proposed and Presented by _____ The Chairman (by request – Planning Board)
Introduced by _____ Council Member Dean
Co-Sponsors _____
Date of Introduction _____ October 10, 2006

ZONING BILL

1 AN ORDINANCE concerning

2 Concurrent Master Plan or Sector Plan and Sectional Map Amendments

3 For the purpose of revising the Sectional Map Amendment process to allow rezoning to a

4 Comprehensive Design Zone without filing a formal rezoning application.

5 BY repealing and reenacting with amendments:

6 Sections 27-223, 27-225, 27-226, 27-644, and 27-646,

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 (2003 Edition, 2005 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 Sections 27-223, 27-225, 27-226, 27-644, and
15 27-646, of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of
16 the Prince George's County Code, be and the same are hereby repealed and reenacted with the
17 following amendments:

18 **SUBTITLE 27. ZONING.**

19 **PART 3. ADMINISTRATION.**

20 **DIVISION 4. SECTIONAL MAP AMENDMENT (SMA).**

SUBDIVISION 1. GENERAL.

Sec. 27-223. Limitations on zoning.

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(b) The District Council may only consider zoning property to a Comprehensive Design Zone where:

(1) [a] A Zoning Map Amendment application requesting such a zone has been filed in conformance with Section 27-179 and the Planning Board has made its recommendation on the application[, or];

(2) [i] In the V-M and V-L Zones, where the property owner(s) has consented to the zoning[.]; or

(3) Such a zone has been proposed in a Sectional Map Amendment to implement the design guidelines or standards intended to implement the development concept recommended by the Master Plan or Sector Plan.

(A) A recommendation for approval shall address the land use types, land use relationships, and maximum and minimum land use quantities, as well as the base, minimum, and maximum densities; and commercial/industrial intensities, general circulation pattern, general location of major access points and land use relationships shown on the Basic Plan.

(B) The design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change may constitute the Basic Plan for development on property where a Comprehensive Design Zone is established through a Sectional Map Amendment.

(C) Property owners must give written notice of their non-acceptance of the Comprehensive Design Zone to the Planning Board and District Council prior to or within thirty (30) days following Sectional Map Amendment approval. Upon receipt of the notice of non-acceptance of the rezoning, their property shall be classified as the alternative base density zone recommended in the Sectional Map Amendment, or if none has been recommended, the existing zoning of the property shall be retained.

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SUBDIVISION 2. PROCEDURES.

Sec. 27-225. Planning Board procedures.

(a) **Requests for rezoning.**

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(5) Requests for a Comprehensive Design Zone during the Sectional Map

Amendment process must include a description of land use types, quantities, and relationships, and an illustrated Basic Plan.

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Sec. 27-226. District Council procedures.

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(f) Approval.

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(4) When a Comprehensive Design Zone is included as part of a Sectional Map

Amendment, the District Council shall approve a Basic Plan setting forth general land use types, range of dwelling unit densities and commercial/industrial intensities, general circulation pattern, general location of major access points, and land use relationships. The design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change may constitute the Basic Plan for development on property where a Comprehensive Design Zone is established through a Sectional Map Amendment. The District Council shall also be satisfied that the requirements for Comprehensive Design Zone approval (Section 27-195(b)) have been met, or in the case of public facilities provision, that a public facilities financing and implementation program has been approved, or, if the zone is not in conformance with a Master Plan, a two-thirds majority vote of the Council shall be required as provided by Subsection (e) (3), above.

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PART 13. AREA MASTER PLANS, GENERAL PLAN, FUNCTIONAL MASTER PLANS, SECTOR PLANS, AND PLANNING AREAS.

DIVISION 2. PROCEDURES.

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Sec. 27-644. Preliminary plan.

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(b) Public hearing.

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(2) Notice.

(A) The Planning Board shall publish notice of the hearing on the preliminary plan at least thirty (30) days prior to the hearing at least once in the County's newspapers of record. Notice of a hearing on proposed amendments to the adopted plan per Section 27-646(a)(2) shall be published at least fifteen (15) days prior to the hearing in the County newspapers of record.

(B) The notice shall contain:

- (i) The date, time, and place of the hearing;
- (ii) The area of the County affected;
- (iii) The subject matter of the hearing;
- (iv) The procedures to be followed during the hearing; and
- (v) The time during which the hearing record will remain open [which shall be not more than fifteen (15) calendar days] following the joint public hearing shall be.:]

(aa) At least fifteen (15) days for the hearing on the preliminary plan and, if included, the proposed Sectional Map Amendment, or

(bb) The time determined by the District Council for the hearing on proposed amendments to the adopted plan and, if included, the endorsed Sectional Map Amendment.

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Sec. 27-646. Approval by District Council.

(a) Public hearing.

* * * * *

(2) If the District Council considers amendments to the adopted plan [and, if included, a Sectional Map Amendment] that are not based on the record or that constitute amendments as stated in Section 27-226(c), then at least one (1) additional joint public hearing shall be held with the Planning Board on the amendments. Amendments proposed only to retain the existing zoning of property may be approved by the Council without holding an additional public hearing.

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(4) If an additional joint public hearing is held on an adopted plan and, if included, a Sectional Map Amendment, notice of the hearing shall be given by the Clerk of the Council in the same manner as that prescribed for a preliminary plan (Section 27-644([c]b)(2)). All

1 property owners, affected municipalities, and the County Executive shall be invited to submit
2 comments in the same manner as prescribed for the preliminary plan (Section 27-644([c]b)(3)).
3 The failure of the County Executive to present comments or recommendations prior to the close
4 of the public hearing record shall be presumed to indicate no objections to the amendments. The
5 Planning Board shall make copies of the adopted plan available for the public hearing.

6 * * * * *

7 (c) **District Council action.**

8 (1) Within two (2) months following receipt of the adopted plan or, if there is an
9 additional joint public hearing, within three (3) months of the decision to hold an additional joint
10 public hearing, the District Council shall:

11 (A) Approve the adopted plan and, if included, the Sectional Map Amendment
12 as submitted by the Planning Board;

13 (B) Approve the adopted plan with changes, revisions or amendments based
14 upon the record and, if included, the Sectional Map Amendment with changes, revisions or
15 amendments as defined by Section 27-226(c) [based upon the record] (this approval shall not
16 require readoption by the Planning Board); or

17 (C) Disapprove the adopted plan and, if included, the Sectional Map
18 Amendment.

19 * * * * *

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

Adopted this 31st day of October, 2006.

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: _____
Thomas E. Dernoga
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.