

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

Bill No. CB-92-2017

Chapter No. 64

Proposed and Presented by Council Member Toles

Introduced by Council Member Toles

Co-Sponsors _____

Date of Introduction October 10, 2017

ZONING BILL

1 AN ORDINANCE concerning

2 M-U-TC Zone

3 For the purpose of amending the permissible requirements for approval of a M-U-TC (Mixed-
4 Use Town Center) Zone, Mixed Use Town Center Development Plans, primary amendments to
5 M-U-TC Zones, and secondary amendments to M-U-TC Development Plans in Prince George's
6 County, Maryland.

7 BY repealing and reenacting with amendments:

8 Section 27-546.14,
9 The Zoning Ordinance of Prince George's County, Maryland,
10 being also

11 **SUBTITLE 27. ZONING.**

12 The Prince George's County Code
13 (2015 Edition, 2016 Supplement).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
15 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
16 District in Prince George's County, Maryland, that Section 27-546.14 of the Zoning Ordinance of
17 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,
18 be and the same is hereby repealed and reenacted with the following amendments:

19 **SUBTITLE 27. ZONING.**

20 **PART 10. MIXED USE ZONES.**

DIVISION 2. SPECIFIC MIXED USE ZONES.

SUBDIVISION 3. M-U-TC (MIXED-USE TOWN CENTER).

Sec. 27-546.14 Amendments to Development Plan.

(a) Primary amendments.

(1) All primary amendments of approved Development Plans shall be made in accordance with the provisions for initial approval of the Plan.

(2) Primary amendments are any changes to the boundary of the approved Development Plan.

(b) Secondary amendments.

(1) Secondary amendments are any amendments other than an amendment made pursuant to Section 27-546.14(a).

(2) An application for an amendment of an approved Development Plan, other than an amendment pursuant to Subsection (a), may be submitted to the Planning Board by any owner (or authorized representative) of property within the M-U-TC Zone, a municipality within which the zone is located, the Planning Board, or the District Council and shall be processed in accordance with the following regulations.

(3) [All] Except for applications for secondary amendments initiated by the District Council, all applications shall be typed, except for signatures, submitted in triplicate, and shall include the following information:

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

(B) The street address of the property owned within the Development Plan; name of any municipality the property is in; name and number of the Election District the property is in;

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

(D) 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;

(E) The name, address, and telephone number of the correspondent;

(F) A statement of justification in support of the request. The statement shall set

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

6 | (G) The proposed amendment to be appended to or incorporated into the
 7 | Development Plan;

8 | (H) A signed certificate stating that the applicant, on or before the date of filing
 9 | such application, sent by certified mail a copy of the application for an amendment and all
 10 | accompanying documents to each municipality in which any portion of the property which is the
 11 | subject of the application is located, and each municipality located within one (1) mile of the
 12 | property which is the subject of the application. The certificate shall specifically identify each
 13 | municipality to which the application was mailed and the date it was mailed.

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

18 | (5) In addition to the filing fee, a fee of Thirty Dollars (\$30.00) shall be paid for the
 19 | posting of each public notice sign to be posted by the Planning Board. No part of a fee shall be
 20 | refunded or waived, unless the Planning Board determines that one of the following applies:

21 | (A) The fee was paid by mistake, and the applicant has requested (in writing) a
 22 | refund.

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

25 | (6) The District Council may, by Resolution, initiate a secondary amendment to an
 26 | approved Development Plan, including, but not limited to:

27 | (A) An amendment proposal to repeal any requirement within the M-U-TC
 28 | Development Plan, for an M-U-TC Zone within one-half mile of an existing Metro station, for
 29 | review of development applications by a M-U-TC Design Review Committee; or

1 (B) An amendment proposal to incorporate a requirement within the M-U-TC
2 Development Plan, for an M-U-TC Zone within one-half mile of an existing Metro station, to
3 authorize, by motion, an election to review by the District Council as to any proposal for
4 development within the respective M-U-TC Zone Development Plan.

5 (7) The Planning Board shall review the requested secondary amendment for
6 compliance with this Section and shall follow the same procedure required for the Conceptual
7 Site Plan approval as found in Sections 27-276(a)(1), (3), (4), (5), (6); 27-276(c)(1), (2); and 27-
8 276(d). Review by the District Council shall follow the procedures in Section 27-280.

9 [(7)] (8) The Planning Board may only approve a requested secondary amendment of a
10 Development Plan if it makes the following findings:

11 (A) The requested secondary amendment is in compliance with the requirements
12 for the approval of a Development Plan;

13 (B) The requested secondary amendment is in conformance with the purposes of
14 the M-U-TC Zone;

15 (C) The original intent of the Development Plan element or mandatory
16 requirement being amended is still fulfilled with the approval of the requested secondary
17 amendment.

18 (9) Where the District Council initiates a secondary amendment to a M-U-TC
19 Development Plan, the District Council shall refer the secondary amendment to the Planning
20 Board for comments on the secondary amendment, and the District Council shall conduct a
21 public hearing on the Resolution.

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

Adopted this 14th day of November, 2017.

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: _____
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.