

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2021 Legislative Session

Reference No.: CB-098-2021

Draft No.: 2

Committee: COMMITTEE OF THE WHOLE

Date: 10/07/2021

Action: FAV(A)

REPORT:

Committee Vote: Favorable as amended, 10-0 (In favor: Council Members Hawkins, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Ivey, Taveras and Turner)

The Committee of the Whole convened on October 7, 2021 to consider CB-98-2021. The Planning, Housing, and Economic Development (PHED) Committee Director summarized the purpose of the bill and informed the Committee of written comments received on referral. This legislation is an omnibus corrective bill to correct certain technical oversights and to reconcile enactments of the District Council since the adoption of CB-13-2018, which enacted a new, modernized Zoning Ordinance for Prince George's County. This corrective legislation is designed to amend CB-13-2018, known also as Chapter 37, 2018 Laws of Prince George's County, Maryland, prior to that new Zoning Ordinance taking effect on and from the time of the County's Adoption of a Countywide Map Amendment.

On September 30, 2021, the Planning Board voted to support CB-98-2021. The Office of Law reviewed CB-98-2021 as it was presented on September 28, 2021, and found it to be in proper legislative form with legal impediments to its adoption. The Committee reviewed a Proposed DR-2 and accompanying amendment sheet with revisions summarized by the Zoning and Legislative Counsel and the bill sponsor. The revisions in Proposed DR-2 are as follows:

BY repealing and reenacting with amendments:

Sections ~~27-1601,~~

PART 27-1 GENERAL PROVISIONS

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~~Sec. 27-1600 Official Zoning Map~~

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~~27-1601. Establishment~~

~~(a) Land subject to this Ordinance is divided into the various base, Planned Development,~~

and overlay zones established in Part 27-4: Zones and Zone Regulations. The location and boundaries of the zones are shown on a set of maps, entitled "Zoning Map of the Maryland-Washington Regional District in Prince George's County, Maryland." This map is referred to as the "Official Zoning Map." The Official Zoning Map, including all its notations, is incorporated herein by reference and made part of this Ordinance. The Official Zoning Map shall be the final authority as to the status of zone classifications of land in the County. In case of any dispute regarding the zone classification of land, the original map adopted with the ordinance applying the original zone classification rezoning the land shall control.

(b) In accordance with prescriptions of State law applicable to the zoning classifications of land in that portion of the Maryland-Washington Regional District within Prince George's County, the Clerk of the Council shall maintain and be the custodian as to the official zoning maps of Prince George's County. With respect to any electronic map or layer within the County's Geographic Information System ("GIS"), however, it is the intent of this Subtitle to delegate such duty to the Maryland-National Capital Park and Planning Commission ("M-NCPPC"), for the purpose of maintaining an accurate, publicly available electronic version of the Official Zoning Map and to record same onto permanent media in furtherance of protecting the digital integrity of the document. In the event that minor drafting or other clerical errors or omissions are identified within the GIS mapping system, then the Planning Director may correct such minor errors or omissions, provided that the Director issues a written statement of justification to the Clerk of the Council and District Council as to the subject correction prior to making said change. The Planning Director shall not make any substantive amendments or changes to the electronic maps without specific authority conferred by the District Council or pursuant to express authority set forth in this Subtitle.

(c) In determining the boundaries of any zone shown on the Zoning Map, the following rules shall apply:

(1) Zone boundary lines follow the center lines of street, railroad, or alley rights of way, and lot lines (or line parallel or perpendicular to the lot lines), unless the boundary lines are fixed by dimensions on the Zoning Map.

(2) Where zone boundaries are indicated as approximately following street, railroad, or alley lines (existing or proposed), the center lines of these street, railroad, or alley rights of way shall be considered the boundaries.

~~(3) Where a street or alley right of way and a railroad right of way abut each other, the boundary line between the two (2) rights of way shall be considered the zone boundary. In those cases where a railroad right of way is abutted on both sides by a street, the center line of the railroad right of way shall be considered the zone boundary. Each right of way shall be considered to be in the zoning category of the property immediately abutting that right of way.~~

~~(4) Where zone boundaries approximately follow lot lines and are not more than ten (10) feet from these lines, the lot lines shall be considered the boundaries.~~

~~(5) Where property is unsubdivided, or where a zone boundary divides a lot, the location of the boundary, unless it is indicated by dimensions shown on the Map, shall be scaled to the nearest foot on the Zoning Map.~~

~~(6) If any portion of a public street, alley, right of way, or easement shall ever be privately owned or not used for a public purpose, the center line of the street, alley, right of way, or easement shall be considered the zone boundary line when the zoning categories are not the same on both sides of the street, alley, right of way, or easement. The land, and any building, structure, or use, which is located within this street, alley, right of way, or easement, shall be subject to all of the regulations of this Subtitle which apply within the abutting zone.~~

~~(7) If any portion of a public street, alley, right of way, or easement, or land shown as such on the Zoning Map, shall ever be privately owned or not used for a public purpose, the center line of the street, alley, right of way, or easement shall be considered the zone boundary line when the zoning categories are not the same on both sides of the street, alley, right of way, or easement. The land, and any buildings, structures, or uses which are located within this street, alley, right of way, or easement, shall be subject to all of the regulations of this Subtitle which apply within the abutting zone.~~

~~(8) If a property has been specifically withheld from zoning in order to provide for the future construction, widening, realignment, or relocation of public streets or transit routes, the center line of the right of way shall be considered the zone boundary. The area withheld shall be considered as having been included in the Zoning Map Amendment.~~

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Sec. 27-1700 Transitional Provisions

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Sec. 27-1703. Applications Pending Prior to the Effective Date of this Ordinance

(a) Any development application, including **A PERMIT APPLICATION OR** an application for zoning classification, that is filed and accepted prior to the effective date of this Ordinance may be reviewed and decided in accordance with the Zoning Ordinance **AND SUBDIVISION REGULATIONS** in existence at the time of the acceptance of said application. An application for zoning classification decided after the effective date of this Ordinance must result in a zone set forth within this Ordinance.

(b) Development applications submitted and accepted as complete before ___ [insert the effective date of this Ordinance] shall be processed in good faith and shall comply with the time frames for review, approval, and completion as is established in the Zoning Ordinance **AND SUBDIVISION REGULATIONS** in existence at the time of the submission and acceptance of the application, ~~not to exceed a period of two (2) calendar years after the effective date of this Ordinance.~~ If the application fails to comply with the required time frames, it shall expire and future development shall be subject to the requirements of this Ordinance.

(c) If the development application is approved, the development approval or permit shall remain valid for the period of time specified in the Zoning Ordinance under which the application was reviewed and approved. Extensions of time available under the ~~old~~ **PRIOR** Zoning Ordinance **AND SUBDIVISION REGULATIONS** remain available. If the approval is for a Conceptual Site Plan (CSP), special permit, Comprehensive Sketch Plan, or Conceptual Design Plan (CDP), the approved CSP, special permit, Comprehensive Sketch Plan, or CDP shall remain valid for twenty (20) years from the effective date of this Ordinance, and shall not be subject to the indefinite time period of validity under the Zoning Ordinance under which it was approved.

(d) Until and unless the period of time under which the development approval or permit remains valid expires, the project may proceed to the next steps in the approval process (including any subdivision steps that may be necessary) and continue to be reviewed and decided under the Zoning Ordinance and Subdivision Regulations under which it was approved.

(e) Once constructed **PURSUANT TO A DEVELOPMENT APPLICATION OR PERMIT APPROVED UNDER THE PRIOR ZONING ORDINANCE OR SUBDIVISION REGULATIONS, ALL the [project] BUILDINGS, uses, structures, or site features WILL BE LEGAL AND NOT NONCONFORMING AND SHALL BE EXEMPT FROM THE PROVISIONS OF THIS ORDINANCE UNTIL THEY ARE REQUIRED OR ELECT TO FILE A SITE PLAN OR OTHER DEVELOPMENT APPLICATION (NOT TO INCLUDE ANY APPLICATION FOR A CHANGE IN OCCUPANCY OR A CHANGE IN OWNERSHIP). IN ORDER TO MAINTAIN ITS NOT NONCONFORMING STATUS, PROPERTIES AND USES**

WHICH WERE FORMERLY IN A COMMERCIAL ZONE, INDUSTRIAL ZONE, THE M-X-T ZONE, OR THE M-U-I ZONE AS OF [INSERT THE EFFECTIVE DATE OF THIS ORDINANCE] MAY HAVE A DISCONTINUANCE OF DAY-TO-DAY OPERATION FOR A PERIOD OF LESS THAN THREE (3) YEARS. PROPERTIES AND USES IN ALL OTHER ZONES AS OF [INSERT THE EFFECTIVE DATE OF THIS ORDINANCE] SHALL ADHERE TO THE PROCEDURES SET FORTH IN SECTION 27-3620, CERTIFICATION OF NONCONFORMING USE. ~~shall be “deemed conforming” and shall be subject to the same rules as other conforming uses, structures, and site features under this Ordinance.~~

(d) Once constructed, the [project] BUILDINGS, uses, structures, or site features [shall be “deemed conforming” and] WILL BE LEGAL AND NOT NONCONFORMING AND SHALL BE EXEMPT FROM THE PROVISIONS OF THIS ORDINANCE UNTIL THEY ARE REQUIRED OR ELECT TO FILE A SITE PLAN OR OTHER DEVELOPMENT APPLICATION UNDER THIS ORDINANCE (NOT TO INCLUDE ANY APPLICATION FOR A CHANGE IN OCCUPANCY OR A CHANGE IN OWNERSHIP). THIS PROVISION SHALL BE EXPRESSLY SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (E) OF THIS SECTION. NO ILLEGAL BUILDING, USE, STRUCTURE, OR SITE FEATURES AS OF [INSERT THE EFFECTIVE DATE OF THIS ORDINANCE] WILL BE DEEMED NOT NONCONFORMING. LEGAL NONCONFORMING USES CERTIFIED UNDER THE PRIOR ZONING ORDINANCE WILL CONTINUE TO MAINTAIN THEIR CERTIFIED LEGAL NONCONFORMING STATUS ~~shall be subject to the same rules as other nonconforming uses, structures, signs, and other features under the Zoning Ordinance. However, any uses, structures, or site features thus constructed or utilized do not have to obtain approval through the certification of nonconforming use process. All permits for these uses, structures, or site features shall be designated as nonconforming.~~ [Under no circumstance shall an] No illegal use, structure, sign, or other feature as of the effective date of the Zoning Ordinance is nonconforming and may not be certified or considered to be nonconforming. In order to maintain its NOT nonconforming status, properties and uses which were formerly in a Commercial Zone, Industrial Zone, the M-X-T Zone, or the M-U-I Zone as of [insert the effective date of this ordinance] may have a discontinuance of day-to-day operation for a period of less than three (3) years. Properties and uses in all other zones as of [insert the effective date of this ordinance] shall adhere to the procedures set forth in Section 27-3620, Certification of Nonconforming Use. [be “deemed conforming.”

(e) Subsequent revisions or amendments to development approvals or permits “grandfathered” under the provisions of this Section shall be reviewed and decided under the Zoning Ordinance under which the original development approval or permit was approved., ~~for a period not to exceed two (2) calendar years after the effective date of this Ordinance unless the applicant elects to have the proposed revision or amendment reviewed under this Ordinance.~~

(f) An applicant may elect at any stage of the development review process to have the proposed development reviewed under this Ordinance.

(g) WITH THE EXCEPTION OF A BASIC PLAN, A property which has been rezoned through a zoning map amendment processed prior to the effective date of this Ordinance

– but which does not also have a subsequent entitlement application filed and accepted for processing prior to the effective date of this Ordinance – must wait and develop pursuant to the applicable regulations of its newly assigned zone approved through the Countywide Sectional Map Amendment process.

Sec. 27-1900 Development Pursuant to Prior Ordinance

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27-1902. Purpose and Intent

Notwithstanding the provisions set forth within this Part, the District Council finds that there is a need to retain certain procedures, regulations, zones, uses, and/or other aspects embodied within the prior Zoning Ordinance (being also Subtitle 27, Prince George’s County Code, 2019 Edition, 2020 SUPPLEMENT) for purposes of sustaining and/or minimizing wholesale abandonment, for ~~good cause, qualified~~ proposals for the development of land in Prince George’s County.

In approving CB-013-2018, it is the intent of the District Council to prospectively implement the provisions of this Subtitle in furtherance of the orderly growth and development of land, as well as the protection of the public health, safety, morals, and general welfare of citizens and residents, in Prince George’s County. However, based on significant public testimony received during consideration of this Ordinance, the Council recognizes that such immediate, wholesale implementation of this Subtitle may not be feasible or appropriate in all circumstances.

Accordingly, the purpose of this Section is to provide, for a ~~discrete and~~ limited time period, a process to apply the requirements of the prior Zoning Ordinance (Subtitle 27, Prince George’s County Code, 2019 Ed., 2020 SUPP.), ~~to certain proposals for development, subject to qualifying criteria and procedures recited below.~~

(c) Development proposals or permit applications of any type for properties in all other zones of the County may [apply for permission to] utilize the prior Zoning Ordinance **OR** **SUBDIVISION REGULATIONS** for development of the subject property.

(d) ONCE APPROVED, DEVELOPMENT APPLICATIONS THAT UTILIZE THE PRIOR ZONING ORDINANCE SHALL BE CONSIDERED “GRANDFATHERED” AND SUBJECT TO THE PROVISIONS SET FORTH IN SECTION 27-1704 OF THIS SUBTITLE.

27-1904. Procedures

In order to proceed with development under the prior Zoning Ordinance, the following procedures shall apply ~~unless waived by the Planning Director~~:

(a) The applicant shall schedule and participate in a pre-application conference, notwithstanding the requirements of Section 27-3401(b), Applicability.

(b) The applicant shall provide A STATEMENT OF JUSTIFICATION WHICH SHALL EXPLAIN WHY THE APPLICANT HAS ELECTED NOT TO DEVELOP A SPECIFIC PROPERTY PURSUANT TO THE PROVISIONS OF THIS ZONING ORDINANCE. ~~the following information, on the appropriate form:~~

~~———— (1) A statement of justification, which shall demonstrate why it is not feasible to develop a specific property pursuant to the provisions of this Zoning Ordinance;~~

~~———— (2) A proposed phasing plan for the proposed development, as appropriate; a project schedule setting forth a proposed schedule of major milestones and potential application approval and entitlement sequence for the development as required pursuant to the prior Ordinance; and~~

~~———— (3) Any other relevant materials or information requested by the Planning Director or authorized designee.~~

(c) ~~Unless otherwise prohibited by law, the Planning Director shall grant the applicant’s request and provide written notice to same within fifteen (15) days of the applicant’s submission of all information required in Subsection (b), above.~~

~~———— (d) The Planning Director shall submit quarterly reports to the District Council as to the development applications proceeding under the prior Ordinance.~~

DEVELOPMENT APPLICATION

SEE “APPLICATION OR DEVELOPMENT APPLICATION.”

(2) To hear and decide appeals, elect to review, and decide the following:

(A) Special exceptions and revocations (Section 27-3604);

(B) Detailed site plans (Section 27-3605(d));

(C) Certification of nonconforming use and revocations (Section [27-7200] 27-3620); ~~and~~

(D) Variances, alternative compliance, and major departures, when associated with another application identified in this Subsection (parent application) that another body decides.; ~~AND~~

(E) EXPEDITED TRANSIT-ORIENTED DEVELOPMENT SITE PLAN APPLICATIONS (SECTION 27-3621).

(3) To compel the attendance of witnesses at evidentiary hearings **AND ISSUE SUBPOENAS FOR DOCUMENTS.**

(4) To administer oaths to witnesses.

(5) **TO CONDUCT PUBLIC HEARINGS SUBJECT TO ALL THE REQUIREMENTS AND RESTRICTIONS IMPOSED BY LAW UPON THE DISTRICT COUNCIL.**

(6) To perform any other functions that are delegated to it by State law or this Ordinance.

Expedited Transit-Oriented Development Site Plan			
Planning Board Hearing	<p>30 days prior to the hearing, to:</p> <ul style="list-style-type: none"> Parties of record; Registered civic associations that identified the geographical area in which the site is located as part of their represented areas; Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and <p>Every municipality located within one mile of the land subject to the application.</p>	No requirement	30 days prior to the hearing
District Council Hearing	7 days prior to the hearing to persons of record	No requirement	7 days prior to the hearing

Table 27-7403(a): Development of Nonconforming Lots			
Standard	Transit-Oriented/ Activity Center Zones (including those inside the Capital Beltway)	All other zones inside Capital Beltway	All other Zones outside Capital Beltway
Residential Zones:			
Nonconforming lot, whether or not compliance with the dimensional standards is possible	One single-family dwelling unit is allowed		
Non-Residential Zones:			
If the nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except the lot is smaller than the required minimums in the zone, then the lot may be used as proposed. However, no use that requires a greater	This rule applies even when the adjacent lots are under common ownership.	This rule applies only if the lots are not under common ownership.	This rule applies only if the lots are not under common ownership.

Table 27-7403(a): Development of Nonconforming Lots			
Standard	Transit-Oriented/ Activity Center Zones (including those inside the Capital Beltway)	All other zones inside Capital Beltway	All other Zones outside Capital Beltway
lot size than the established minimum lot size for a particular zone is permitted on a nonconforming lot.			
When the use proposed for a nonconforming lot conforms in all other respects but cannot comply with the applicable setback standards	A variance must be approved.	A variance must be approved.	A or variance must be approved.

27-3621. Expedited Transit-Oriented Development Review

(a) Applicability

Applicants may seek expedited detailed site plan review and approval in accordance with this Section for projects when:

(1) The subject property has greater than fifty percent (50%) of its net lot area located within a one-half mile radius of a constructed WMATA Metrorail station as measured from the center of the transit station platform, or

(2) The subject property is located entirely within the Bowie State Maryland Area Regional Commuter (“MARC”) Station Local Center as designated on the Growth Policy Map in the General Plan, as may be amended from time to time.

(3) THE PROPOSED DEVELOPMENT SHALL CONSIST OF AT LEAST ONE BUILDING THAT INCLUDES TWO OR MORE STORIES WITH HABITABLE OR LEASABLE SPACE ABOVE GRADE.

(D) EXPEDITED TRANSIT-ORIENTED DEVELOPMENT DECISION STANDARDS

AN EXPEDITED TRANSIT-ORIENTED DEVELOPMENT SITE PLAN MAY ONLY BE APPROVED UPON A FINDING THAT ALL OF THE FOLLOWING STANDARDS ARE MET:

(1) THE PROPOSED DEVELOPMENT REPRESENTS A REASONABLE ALTERNATIVE FOR SATISFYING THE APPLICABLE STANDARDS OF THIS SUBTITLE, WITHOUT REQUIRING UNREASONABLE COSTS AND WITHOUT DETRACTING SUBSTANTIALLY FROM THE UTILITY OF THE PROPOSED DEVELOPMENT FOR ITS INTENDED USE;

(2) THE PROPOSED DEVELOPMENT COMPLIES WITH ALL CONDITIONS OF APPROVAL IN ANY DEVELOPMENT APPROVALS AND PERMITS TO WHICH THE EXPEDITED TRANSIT-ORIENTED DEVELOPMENT SITE PLAN IS SUBJECT;

(3) THE PROPOSED DEVELOPMENT DEMONSTRATES THE PRESERVATION AND/OR RESTORATION OF THE REGULATED ENVIRONMENTAL FEATURES IN A NATURAL STATE, TO THE FULLEST EXTENT POSSIBLE, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 24-4303(D)(5) OF SUBTITLE 24: SUBDIVISION REGULATIONS;

(4) PROPOSED DEVELOPMENT LOCATED WITHIN A PLANNED DEVELOPMENT (PD) ZONE SHALL BE IN CONFORMANCE WITH THE PD BASIC PLAN AND PD CONDITIONS OF APPROVAL THAT APPLY TO THAT DEVELOPMENT;

(5) THE PROPOSED DEVELOPMENT CONFORMS TO AN APPROVED TREE CONSERVATION PLAN, IF APPLICABLE; AND

SECTION 3. BE IT FURTHER ENACTED that the Clerk of the Council and Legislative Officer are hereby authorized, during the codification of this Ordinance, to make certain clerical corrections to the tabulation of the provisions of Section 27-3700, herein, and to insert the general purposes of the residential zones, as necessary.

SECTION 4. BE IT FURTHER ENACTED that the provisions of Section 27-5201(b), Accessory Use/Structure Table for Rural and Agricultural, and Residential Base Zones; Section 27-5201(c), Accessory Use/Structure Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones; Section 27-5201(d), Accessory Use/Structure Table for Planned Development Zones; and Section 27-5201(e), Accessory Use/Structure Table for Overlay Zones, attached hereto as Attachment A and incorporated as if set forth fully herein, shall have the same force and effect as the revisions approved in this Ordinance.

SECTION 5. BE IT FURTHER ENACTED that the provisions of Table 27-6305(a): Minimum Number of Off-Street Parking Spaces, attached hereto as Attachment B and incorporated as if set forth fully herein, shall have the same force and effect as the revisions approved in this Ordinance.

SECTION 6. BE IT FURTHER ENACTED that the provisions of Table 27-8301(d): Special Exception Fees, attached hereto as Attachment C and incorporated as if set forth fully herein, shall have the same force and effect as the revisions approved in this Ordinance.

SECTION 7. BE IT FURTHER ENACTED that this Ordinance shall take effect **ON THE DATE OF APPROVAL OF THE COUNTYWIDE SECTIONAL MAP AMENDMENT (“CMA”) BY THE DISTRICT COUNCIL.** ~~forty five (45) calendar days after its adoption.~~

Additional revisions to Proposed DR-2 included on Amendment Sheet No. 1 are as follows:

1. On Page 10, revise Lines 27-31 to read:

(b) Notwithstanding procedures specified in Sections 27-548.09.01 and 27-548.26 of the prior Zoning Ordinance, development proposals within a Transit District Overlay Zone (TDOZ) or Development District Overlay Zone (DDOZ) may not include requests to change the boundary of the approved TDOZ or DDOZ[,] or change the underlying zones[, or change the list of allowed uses, as modified by the TDOZ or DDOZ standards].

2. Revise Page 73, Lines 27-29 to read:

(1) The Planning Board’s or Zoning Hearing Examiner’s decision, as may be appropriate, may be reconsidered on request filed by either the applicant or other person of record within 14 days after the date of notice of the final decision. [Such reconsiderations may only occur within 30 days from the date of the decision.] If the Planning Board or Zoning Hearing Examiner, as appropriate, does not grant the request for reconsideration within 30 days following receipt of the request, the request is denied.

3. Replace Table 27-3407(b): Required Public Notice on Pages 61-68 with the following table:

Table 27-3407(b): Required Public Notice			
	Required Timing and Specific Recipients [1]		
Application Type	Mail [5]	Legal Advertisement	Posting
Comprehensive Plans			
Comprehensive Plans and Amendments (General Plan, Functional Master Plans, Area Master Plans, and Sector Plans)	30 days prior to the hearing(s), to: <ul style="list-style-type: none"> All owners of land for which a change in zoning is proposed, if a sectional map amendment is included; [2] Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the plan or amendment; and Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the proposed land subject to the plan or amendment. 	30 days prior to the joint hearing(s)	No requirement
Minor Plan Amendments	30 days prior to the hearing(s), to: <ul style="list-style-type: none"> All owners of land for which a 	30 days prior to the joint hearing(s)	No requirement

Table 27-3407(b): Required Public Notice			
Required Timing and Specific Recipients [1]			
Application Type	Mail [5]	Legal Advertisement	Posting
	change in zoning is proposed, if a sectional map amendment is included; [2] <ul style="list-style-type: none"> Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the plan or amendment; and Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the proposed land subject to the plan or amendment. 		
Amendments and Planned Developments			
Sectional Map Amendment	30 days prior to the District Council hearing, to: <ul style="list-style-type: none"> All owners of land for which a change in zoning is proposed; [1], [2] 60 days prior to the District Council hearing, to: <ul style="list-style-type: none"> Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the map amendment; and Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the map amendment. 	30 days prior to the hearing	No requirement
Planning Board Hearing	30 days prior to the [District Council] hearing, to: <ul style="list-style-type: none"> All owners of land for which a change in zoning is proposed; [2] Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the map amendment; and Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the map amendment. 	30 days prior to the hearing	No requirement
Zoning Map Amendment (ZMA) Planned Development (PD) Zoning Map Amendment	30 days prior to the District Council hearing, to: <ul style="list-style-type: none"> The applicant(s); and [All owners of land for which a change in zoning is proposed; [2] All owners of land abutting the land subject to the application;] All persons of record[, and all other persons who requested (in writing) a 	<u>No requirement for Zoning Map Amendment</u> 30 days prior to the hearing <u>for Planned Development (PD) Zoning Map Amendment</u> <u>No requirement of District Council hearings</u>	<u>No requirement for Zoning Map Amendment</u> 30 days prior to the hearing <u>for Planned Development (PD) Zoning Map Amendment</u> <u>No requirement of District Council hearings</u>

Table 27-3407(b): Required Public Notice			
Required Timing and Specific Recipients [1]			
Application Type	Mail [5]	Legal Advertisement	Posting
	<p>copy of the Technical Staff Report;</p> <ul style="list-style-type: none"> Registered civic associations that identified the geographical area in which the site is located as part of their represented areas,] <p>60 days prior to the District Council hearing, to:</p> <ul style="list-style-type: none"> Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the application; and Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the application. 		
Planning Board Hearing	<p>30 days prior to the [District Council] hearing, to:</p> <ul style="list-style-type: none"> The applicant(s); [All owners of land for which a change in zoning is proposed; [2]] All owners of land abutting the land subject to the application; All persons of record, and all other persons who requested (in writing) a copy of the Technical Staff Report; Registered civic associations that identified the geographical area in which the site is located as part of their represented areas; Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the application; and Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the application. 	<p><u>No requirement for Zoning Map Amendment</u> 30 days prior to the hearing for <u>Planned Development (PD) Zoning Map Amendment</u></p>	<p><u>No requirement for Zoning Map Amendment</u> 30 days prior to the hearing for <u>Planned Development (PD) Zoning Map Amendment</u></p>
ZHE Hearing	<p>30 days prior to the [District Council] hearing, to:</p> <ul style="list-style-type: none"> The applicant(s); [All owners of land for which a change in zoning is proposed; [2]] All owners of land abutting the land subject to the application;] All persons of record[, and all 	<p><u>No requirement for Zoning Map Amendment</u> 30 days prior to the hearing for <u>Planned Development (PD) Zoning Map Amendment</u></p>	<p><u>No requirement for Zoning Map Amendment</u> 30 days prior to the hearing for <u>Planned Development (PD) Zoning Map Amendment</u></p>

Table 27-3407(b): Required Public Notice			
		Required Timing and Specific Recipients [1]	
Application Type	Mail [5]	Legal Advertisement	Posting
	<p>other persons who requested (in writing) a copy of the Technical Staff Report;</p> <ul style="list-style-type: none"> Registered civic associations that identified the geographical area in which the site is located as part of their represented areas;] Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the application; and Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the application. 		
Chesapeake Bay Critical Area Overlay (CBCAO) Zoning Map Amendment			
Planning Board Hearing	<p>30 days prior to the hearing, to:</p> <ul style="list-style-type: none"> All owners of land within the boundaries of the proposed overlay zones; All persons of record, and all other persons who requested (in writing) a copy of the Technical Staff Report; Registered civic associations that identified the geographical area in which the site is located as part of their represented areas; Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the proposed overlay zones; and Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the proposed overlay zones. <p>60 days prior to the hearing, to:</p> <ul style="list-style-type: none"> All public agencies and municipalities with operational or planning responsibilities within the boundaries of the proposed overlay zones; and The Historic Preservation Commission, if any land within or abuts the proposed overlay zones is an identified historic resource or historic site. [3] 	30 days prior to the hearing	<p>[30 days prior to the hearing]</p> <p><u>30 days prior to the hearing for property owner-initiated requests</u></p> <p><u>No requirement for other CBCAO Zoning Map Amendments</u></p>
ZHE Hearing (Only Held for Applicant-Requested CBCAO Zoning Map Amendments)	30 days prior to the hearing to persons of record	No requirement	30 days prior to the hearing
District Council Hearing	<ul style="list-style-type: none"> 30 days prior to the hearing, to[: All owners of land and any municipality lying, wholly or in 	[30 days prior to the hearing] <u>No requirement</u>	[30 days prior to the hearing] <u>No requirement</u>

Table 27-3407(b): Required Public Notice			
Required Timing and Specific Recipients [1]			
Application Type	Mail [5]	Legal Advertisement	Posting
	part, within, or within one mile of, the boundaries of the proposed overlay zones; and <ul style="list-style-type: none"> Persons of record. 		
Use Permits			
Special Exception	30 days prior to the hearing, to persons of record[: <ul style="list-style-type: none"> Parties of record; Registered civic associations that identified the geographical area in which the site is located as part of their represented areas; Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and Every municipality located within one mile of the land subject to the application.] 	No requirement	30 days prior to the hearing
Minor Changes to Approved Special Exception	Application decision only, to: <ul style="list-style-type: none"> Parties of record; Clerk of the Council; and Every municipality located within one mile of the land subject to the application. 	No requirement	14 days following determination of completeness; may be waived by Planning Director pursuant to Section 27-3604(i)(1)r
Site Plans			
Detailed Site Plan			
Planning Board Hearing	30 days prior to the hearing, to: <ul style="list-style-type: none"> Parties of record; Registered civic associations that identified the geographical area in which the site is located as part of their represented areas; Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and Every municipality located within one mile of the land subject to the application. 	No requirement	30 days prior to the hearing
District Council Hearing	<u>30 days prior to the hearing to persons of record</u>	<u>No requirement</u>	<u>No requirement</u>
Expedited Transit-Oriented Development Site Plan			
Planning Board Hearing	30 days prior to the hearing, to: <ul style="list-style-type: none"> Parties of record; <u>Registered civic associations that identified the geographical area in which the site is located as part of their represented areas;</u> <u>Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and</u> Every municipality located within one 	<u>No requirement</u>	<u>30 days prior to the hearing</u>

Table 27-3407(b): Required Public Notice			
Required Timing and Specific Recipients [1]			
Application Type	Mail [5]	Legal Advertisement	Posting
	<u>one</u> mile of the land subject to the application.		
District Council Hearing	7 days prior to the hearing to persons of record	No requirement	No requirement
Minor Amendment to an Approved Detailed Site Plan	No requirement	No requirement	15 days prior to date of Planning Director’s decision
Relief Procedures			
Variance			
Planning Board Hearing	Notice shall be the same as that required for the companion (parent) application.	Notice shall be the same as that required for the companion (parent) application.	Notice shall be the same as that required for the companion (parent) application.
ZHE Hearing	Notice shall be the same as that required for the companion (parent) application.	Notice shall be the same as that required for the companion (parent) application.	Notice shall be the same as that required for the companion (parent) application.
BOA Hearing	15 days prior to the hearing, to: <ul style="list-style-type: none"> • The applicant; • Owners of all lands abutting or opposite the land subject to the application; [4] and • Any municipality in whose boundaries the property is located. 	No requirement	15 days prior to the hearing
Departure			
Minor Departure	Appeal only: 14 days prior to the appeal hearing, to: <ul style="list-style-type: none"> • Parties of record; • Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and • Every municipality located within one mile of the land subject to the application. 	No requirement	15 days prior to date of Planning Director’s decision
Major Departure	14 days prior to the <u>Planning Board</u> hearing, to: <ul style="list-style-type: none"> • Parties of record; • Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and • Every municipality located within one mile of the land subject to the application. 14 days prior to the <u>District Council</u> hearing, to: <ul style="list-style-type: none"> • <u>Parties of record</u> 	No requirement	30 days prior to the hearing <u>Except: when associated with a companion (parent) application, notice shall be the same as that required for the companion (parent) application.</u>
Validation of Permits Issued in Error	14 days prior to the hearing, to: <ul style="list-style-type: none"> • Parties of record; • Registered civic associations that identified the geographical area in which the site is located as part of their represented areas; • Owners of land adjoining, across the street from, on the 	No requirement	30 days prior to the hearing

Table 27-3407(b): Required Public Notice			
Required Timing and Specific Recipients [1]			
Application Type	Mail [5]	Legal Advertisement	Posting
	same block as, or within 500 feet of the land subject to the application; and <ul style="list-style-type: none"> • Every municipality located within one mile of the land subject to the application. 		
Appeal to BOA	[14] <u>15</u> days prior to the hearing, to: <ul style="list-style-type: none"> • Appellant; • Property owner and applicant, if different; • Owners of all lands abutting or opposite the land subject to the application; [4] and • Any municipality in whose boundaries the property is located. 	No requirement	No requirement
Election by District Council	14 days prior to the hearing, to parties of record	No requirement	No requirement
Other Procedures			
Authorization of Permit Within Proposed Right-of-Way	30 days prior to the ZHE hearing, to: <ul style="list-style-type: none"> • The applicant; and • Any municipality in whose boundaries the property is located.] 	30 days prior to the <u>ZHE</u> [District Council] hearing	30 days prior to the <u>ZHE</u> hearing
Certificate of Nonconforming Use	[No requirement]	[No requirement]	[Within 10 days after application determined complete. See Section 27-7200]
<u>District Council</u>	<u>30 days prior to the hearing, to:</u> <ul style="list-style-type: none"> • <u>The applicant; and</u> • <u>Persons of record</u> 	<u>No requirement</u>	<u>No requirement</u>
<u>Zoning Hearing Examiner</u>	<u>30 days prior to the hearing, to:</u> <ul style="list-style-type: none"> • <u>The applicant; and</u> • <u>Persons of record</u> 	<u>No requirement</u>	<u>Within 10 days after application determined complete.</u>
Revocation or Modification of Approved Special Exception	The DPIE Director petition of revocation of an approved special exception shall be sent to: <ul style="list-style-type: none"> • The landowner(s) and applicant, if different; • Parties of record; • Registered civic associations that identified the geographical area in which the site is located as part of their represented areas; and • Every municipality located within one mile of the land subject to the application. 30 days prior to the <u>ZHE</u> hearing, to: <ul style="list-style-type: none"> • Parties of record[; • Registered civic associations that identified the geographical area in which the site is located as part of their represented areas; • Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and 	No requirement	30 days prior to the <u>ZHE</u> hearing

Table 27-3407(b): Required Public Notice			
Required Timing and Specific Recipients [1]			
Application Type	Mail [5]	Legal Advertisement	Posting
	<ul style="list-style-type: none"> Every municipality located within one mile of the land subject to the application.] 		
<p>NOTES:</p> <p>[1] Time periods are minimum time periods unless otherwise stated.</p> <p>[2] This mailed notice is for informational purposes only. The adoption or approval of the sectional map amendment or comprehensive plan shall not be invalidated by the failure to receive the mailed notice.</p> <p>[3] On the <i>Adopted and Approved Historic Sites and Districts Plan of Prince George's County, Maryland</i>.</p> <p>[4] Measured at right angles to the intervening street or streets from the land subject to the application.</p> <p>[5] For cases appealed to the District Council or when the District Council elects to review a case, the Clerk of the Council shall only send notice to persons of record associated with the case.</p>			

Terry Bell, County Executive’s Liaison to the County Council, indicated that the County Executive is in support of the legislation. Jose Sousa, Assistant Deputy Chief Administrative Officer for Economic Development also expressed the Administration’s support and appreciation of the collaboration with the County Council on this important legislation.

The following individuals testified: Robert Antonetti, Edward Gibbs, Suellen Ferguson, Andre Gingles, and Matthew Tedesco. Following testimony, there was discussion concerning the grandfathering and transition provisions that were of concern as noted during testimony. The Committee discussed further clarification of these provisions may be warranted.

On a motion by Council Member Glaros and second by Vice Chair Taveras, the Committee voted favorable, 10-0, on Proposed DR-2, as well as the revisions in Amendment Sheet No. 1, and the recommended addition of a severability clause as an uncodified provision of the bill.