

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2014 Legislative Session**

Bill No. CB-88-2014
Chapter No. 55
Proposed and Presented by Council Member Olson
Introduced by Council Members Olson and Franklin
Co-Sponsors _____
Date of Introduction September 30, 2014

ZONING BILL

1 AN ORDINANCE concerning

2 Priority Funding Areas – Grading Permits – Exceptions – Procedures

3 For the purpose of authorizing, within Priority Funding Areas of the County, issuance of a permit
4 to commence rough grading activities prior to detailed site plan approval, under certain
5 circumstances.

6 BY repealing and reenacting, with amendments:

7 Section 27-252,

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

9 being also

10 SUBTITLE 27. ZONING.

11 The Prince George's County Code

12 (2011 Edition; 2013 Supplement).

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 Section 27-252 of the Zoning Ordinance of
16 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,
17 be and the same is repealed and reenacted with the following amendments:

18 **SUBTITLE 27. ZONING.**

19 **PART 3. ADMINISTRATION.**

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

Subdivision 1. General.

Sec. 27-252. Building and grading permits.

(a) None of the following construction related activities shall take place unless a building permit has been issued for the activity by the Department of Permitting, Inspections, and Enforcement:

- (1) Erecting a building or structure (unless exempted under the Building Code);
- (2) Enlarging, structurally altering, moving, or adding to an existing building or structure; or
- (3) Excavating for any building or structure.

(b) No building permit shall be required for buildings and structures to be used exclusively for agricultural purposes on land used only for agriculture, except for farm tenant dwellings.

(c) All development of the property shall be in conformance with the plans approved with the building permit.

(d) Trailers (designed for human occupancy) and mobile homes used for business purposes in any Commercial or Industrial Zone, and mobile home dwellings, are buildings requiring building permits.

(e) No building or grading permit shall be issued by the Department of Permitting, Inspections, and Enforcement 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 issued during the pendency of any appeal to, or review by, the District Council.

(f) No building permit shall be issued by the Department of Permitting, Inspections, and Enforcement for land that is not a record lot.

(g) No grading permit shall be issued by the Department of Permitting, Inspections, and Enforcement for land that is the subject of an approved preliminary plat of subdivision, unless the permit is in conformance with the approved preliminary plat.

(h) No building permit shall be issued by the Department of Permitting, Inspections, and Enforcement 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

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

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

14 (j) For land located within Priority Funding Areas of the County and subject to a detailed
15 site plan requirement, a grading permit may be issued by the Department of Permitting,
16 Inspections, and Enforcement authorizing commencement of rough grading activities on the site
17 (including removal of utilities and structures, basic excavation, and installation of temporary
18 stormwater controls) prior to approval of the detailed site plan, provided:

19 (1) The detailed site plan application has been accepted by the Planning Board;

20 (2) The land is exempt from the requirements of the Woodland and Wildlife Habitat
21 Conservation Ordinance within Division 2, Subtitle 25 of the Prince George's County Code; and

22 (3) The permittee provides documentation demonstrating that the subject property
23 contains no regulated environmental features, as defined by Subdivision Regulations within
24 Subtitle 24 of this Code, or the grading permit proposes no disturbance to any such features.
25

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

Adopted this 28th day of October , 2014.

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: _____
Mel Franklin
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.