

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2023 Legislative Session

Amendment Introduced by Council Members
Bill No. CB-073-2023 (DR-2)
Amendment No. 1
Amendment Introduced by Council on October 17, 2023

PROPOSED AMENDMENTS

- 1. Revise the language on page 3, lines 23-25 to read:
 - the landowner(s), affected parties, and citizens of the County] in accordance with PROCEDURES SET FORTH IN §§20-601 THROUGH 20-607 OF THE LAND USE ARTICLE OF THE MARYLAND CODE. ~~the zoning map amendment review and approval procedures of Section 27-3601(d)(8) through (11) and the decision 24 standards in Section 27-3601(e).~~

- 2. Replace the language on page 3, lines 26-32 and page 4, lines 1-3 with the following:
 - 27-1603. Property Conveyed by the United States of America or by the State of Maryland.**
 - (a) Property conveyed in fee simple by the United States of America or the State of Maryland shall ~~immediately be placed in the Reserved Open Space (ROS) Zone until the District Council approves a Zoning Map Amendment for the property.~~ BE SUBJECT TO A ZONING REVIEW BY THE DISTRICT COUNCIL. THE DISTRICT COUNCIL MAY FIND THAT EITHER THE EXISTING ZONING IS APPROPRIATE AND NO ZONING CHANGE IS NECESSARY OR THE EXISTING ZONING IS INAPPROPRIATE. IF THE DISTRICT COUNCIL FINDS THAT THE ZONING IS INAPPROPRIATE, THE DISTRICT COUNCIL SHALL PROMPTLY SCHEDULE A REVIEW IN ACCORDANCE WITH SUBSECTIONS (B) AND (C) BELOW.
 - (b) THE REVIEW SHALL BE CONDUCTED AT A PUBLIC HEARING ADVERTISED IN ACCORDANCE WITH SECTION 27-3407, SCHEDULING OF HEARINGS AND PUBLIC NOTICE. THE TECHNICAL STAFF SHALL PREPARE AN IMPACT STUDY THAT SETS FORTH THE EFFECTS OF THE PROPOSED DEVELOPMENT OR REDEVELOPMENT ON THE GENERAL NEIGHBORHOOD. IN

DETERMINING THE PROPER ZONING FOR THE SUBJECT PROPERTY, THE DISTRICT COUNCIL SHALL CONSIDER:

(1) THE RELATIONSHIP OF THE PROPOSED DEVELOPMENT OR REDEVELOPMENT TO THE GENERAL PLAN, APPLICABLE AREA MASTER PLAN OR SECTOR PLAN, FUNCTIONAL AREA MASTER PLANS, OR OTHER PLAN OR POLICY DOCUMENT APPROVED BY THE COUNCIL; AND

(2) THE IMPACT OF ANY EXISTING OR PROPOSED DEVELOPMENT OR REDEVELOPMENT ON THE AREA AFFECTED.

(C) ONCE THE DISTRICT COUNCIL HAS MADE A DECISION IN ITS REVIEW OF THE PROPERTY, THAT DECISION SHALL BE FINAL AND MAY NOT BE REVIEWED AGAIN UNDER THE PROCEDURES DESCRIBED IN SUBSECTIONS (A) AND (B) ABOVE.

(D) This Section does not apply to property conveyed by: the Maryland-National Capital Park and Planning Commission or by the State for the University of Maryland[, where an application for another zone is filed before recording of the deed of conveyance].

[(c) Property conveyed by the State or the United States shall be placed in the zoning classification which applied before State or Federal ownership, if (and only if) the property was rezoned by Zoning Map Amendment approved within twenty-four (24) months of the conveyance.]

3. On page 9, line 8, insert “OR CSP-03006 (PGCPB 05-205)” after “Waterfront Entertainment Complex use”.

4. Insert the following language above page 15, line 32:

Adaptive reuse of a historic site

The ~~adaptation~~ USE of a building designated as a Historic Site by the Historic Preservation Commission for a use not allowed within the existing zone in order to encourage the preservation of buildings important to Prince George’s County heritage or which have distinctive architectural and environmental characteristics.

5. Revise the language on page 15, lines 32-34 to read:

Adaptive reuse of a surplus public school

The ~~adaptation~~ USE of a former public school building for a use not allowed within the existing zone AND NOT PROHIBITED IN ALL ZONES in order to encourage infill development and minimize the impact of new development.

6. Revise the language on page 16, lines 27-28 to read:

conditions and trends).] A comprehensive plan for the physical development of the entirety of one or more planning areas, showing in detail ~~planning features~~ ELEMENTS such as the type, density, and intensity of land

7. Revise the language on page 23, lines 2-7 to read:

Sector plan

A comprehensive plan for the physical development of part of one or more planning areas, showing in detail ~~planning features~~ ELEMENTS such as the type, density, and intensity of land uses; pedestrian, bicycle, and vehicular traffic features; public facilities; and the relationship between the various uses to transportation, other public facilities and services, and amenities within the sector plan area, and where appropriate, to other areas. Any reference to an Area Master Plan in this Ordinance shall equally apply to a Sector Plan.

8. In Table 27-3200: Summary Table of Development Review Responsibilities on page 25, revise the row for Revocation of Certification of Nonconforming Use to replace <D> in the cell for District Council with <A> and to add <D> to the cell for Planning Board.

9. Insert the word “The” before “ZHE” on page 27, line 33.

10. On page 29, revise line 27 to replace the comma and the word “and” following “Unlisted Uses” with a period.

11. In Table 27-3407(b): Required Public Notice on page 44, revise the Zoning Hearing Examiner row for Certificate of Nonconforming Use to read:

Zoning Hearing Examiner	30 days prior to the hearing, to: • The applicant; and • Persons of record	No requirement	Within 10 days after application determined <u>30 DAYS PRIOR TO THE HEARING</u>
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12. On page 50, insert the following above line 5. Also insert “27-3414” on page 1, line 11 and page 2, line 4.

27-3414. Oral Argument Hearing

(a) Authorization

With the exception of zoning cases for which an alternative appeal process is otherwise specified, any person of record or the People’s Zoning ~~Council~~ COUNSEL may file with the District Council, within thirty (30) days after the Zoning Hearing Examiner files written decision in a zoning case OR THE PLANNING BOARD FILES A WRITTEN DECISION ON A DETAILED SITE PLAN APPLICATION:

- (1) An appeal from the Zoning Hearing Examiner’s decision in a special exception case finally decided by the Zoning Hearing Examiner;
 - (2) Exceptions to the Zoning Hearing Examiner’s decision in any other zoning case;
- or
- (3) A request for oral argument before the District Council on either ~~subparagraph (1) or (2), above~~ THE ZONING HEARING EXAMINER’S OR PLANNING BOARD’S DECISION.

13. On page 51, prior to line 1, insert the following language. Also, insert “27-3501” on page 1, line 11 and page 2, line 4.

27-3501. Legislative Amendment

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(c) Legislative Amendment Procedure

This Subsection identifies additions or modifications to the standard review procedures in Sec. 27-3400, Standard Review Procedures, that apply to a text amendment.

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(3) Public Notice and Hearing

Required (See Sec. 27-3407(b)(8), Scheduling Hearings and Public Notice.) IN

ADDITION, ANY LEGISLATIVE AMENDMENT THAT PROPOSES TO CHANGE THE TEXT OF SECTION 27-3502, GENERAL PLAN, FUNCTIONAL MASTER PLANS, AREA MASTER PLANS, AND SECTOR PLANS, OF THIS ORDINANCE, SHALL ALSO REQUIRE THE DISTRICT COUNCIL TO PUBLISH NOTICE OF THE TIME AND PLACE OF THE PUBLIC HEARING IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY AT LEAST THIRTY (30) DAYS BEFORE THE HEARING PURSUANT TO §21-216 OF THE LAND USE ARTICLE OF THE MARYLAND CODE.

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14. On page 64, insert the following on line 24:

(C) Any proposed rezoning to a Transit-Oriented/Activity Center base zone shall be in accordance with the locational standards of Section 27-4204(b)(2) of this Ordinance.

15. On page 66, insert the following before line 7:

27-3601. Zoning Map Amendment (ZMA)

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(e) Zoning Map Amendment (ZMA) Decision Standards

In determining whether to adopt or disapprove a proposed zoning map amendment (ZMA), the District Council may consider many factors. No amendment to the CBCAO Zone shall be granted without the applicant demonstrating conformance with the decision standards in Section 27-3603(d), CBCAO Zoning Map Amendment Decision Standards. NO AMENDMENT TO A TRANSIT-ORIENTED/ACTIVITY CENTER BASE ZONE SHALL BE GRANTED EXCEPT IN ACCORDANCE WITH THE LOCATIONAL STANDARDS OF SECTION 27-4204(B)(2) OF THIS ORDINANCE. No other zoning map amendment shall be granted without the applicant demonstrating either:

(1) There has been a substantial change in the character of the neighborhood;

or

(2) There was a mistake in the original zone for the land subject to the amendment which has never been the subject of an adopted sectional map amendment; or

(3) There was a mistake in the current sectional map amendment.

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1 16. On page 66, line 16, delete the word "PUBLIC" prior to "HEARING". Prior to line 14 on this
2 page, insert the following flow chart and revisions that also delete the word "public" prior to "hearing";
3 the hearings will still be open to the public but may be different types of hearings such as an evidentiary
4 hearing:

Figure 27-3602(a): Planned Development (PD) Zoning Map Amendment Procedure (Illustrative)			
↓	27-3401	Pre-Application Conference	Required
↓	27-3402	Pre-Application Neighborhood Meeting	Required
↓	27-3403	Application Submittal	To Planning Director, proposed PD Basic Plan and PD Conditions of Approval required
↓	27-3404	Determination of Completeness	Planning Director makes determination
↓	27-3406	Staff Review and Action	Planning Director prepares Technical Staff Report
↓	27-3407	Scheduling Public Hearing and Public Notice	Review Board/ZHE (Clerk of the District Council) schedule their hearings, provide notice
↓	27-3408	Review and Recommendation by Advisory Board or Officer	Planning Board public hearing, recommendation; ZHE hearing, recommendation
↓	27-3409	Review and Decision by Decision-Making Body or Officer	District Council holds public hearing, makes decision (conditions allowed)
→	27-3416	Notification	Clerk of the Council notifies

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6 17. On page 69, delete lines 11-12.

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8 18. On page 71, delete lines 6-10 and revise line 5 to end with a period after "Subdivision
9 Regulations". Revise line 2 to restore the word "and".

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11 19. On page 71, after line 17, insert the following:

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13 **(j) Revocation or Modification of Approved Special Exception**

14 **(1) Initiation**

15 THE DPIE DIRECTOR MAY, ON THEIR OWN INITIATIVE OR UPON THE
16 REQUEST OF Any person of record, ~~may request that the DPIE Director~~ petition the District
17 Council to revoke, modify, suspend, or impose additional conditions on an approved special
18 exception, for the following reasons:

- 19 (i) The provisions in the approved special exception have not been complied
20 with; or

(ii) The approved special exception has not been used for any two-year period after the date of the original approval, except where the conditions of nonuse are beyond the control of the grantee of the special exception.

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20. On page 71, insert the following text before line 20:

(d) Detailed Site Plan Procedure

This Subsection identifies additions or modifications to the standard review procedures in Section 27-3400, Standard Review Procedures, that apply to development applications for a detailed site plan. Figure 27-3605(d) identifies key steps in the detailed site plan procedure.

Figure 27-3605(d): Detailed Site Plan Procedure (Illustrative)			
↓	27-3401	Pre-Application Conference	Required
↓	27-3402	Pre-Application Neighborhood Meeting	Required
↓	27-3403	Application Submittal	To Planning Director
↓	27-3404	Determination of Completeness	Planning Director makes determination
↓	27-3406	Staff Review and Action	Planning Director prepares Technical Staff Report
↓	27-3407	Scheduling Public Hearing and Public Notice	Planning Board schedules hearing, provides notice
↓	27-3409	Review and Decision by Decision-Making Body or Official	District Council <u>PLANNING BOARD</u> holds public hearing, makes decision (conditions allowed)
↓	27-3416	Notification	Planning Board notifies
↓	27-3417	Appeal	Optional (to District Council)
→		Election	Optional. District Council may elect to review Planning Board's decision

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(10) Appeal and Election

Optional (see Section 27-3417, Appeal).

(A) The applicant or any aggrieved person may appeal the Planning Board's decision to the District Council, by filing a notice of appeal with the Clerk of the Council within thirty (30) days of the mailing of notice of the Planning Board's decision, in accordance with Section 27-3605(d)(9), Notification. A COPY OF THE APPEAL SHALL BE SENT BY THE SUBMITTER TO ALL PERSONS OF RECORD (BY REGULAR MAIL), AND A CERTIFICATE OF SERVICE SHALL ACCOMPANY THE SUBMISSION TO THE CLERK.

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21. On page 80, prior to line 6, insert the following. Also add “27-3615” to page 1, line 11 and page 2, line 4.

27-3615. Validation of Permit Issued in Error

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Figure 27-3615(c): Validation of Permit Issued in Error Procedure (Illustrative)			
↓	27-3402	Pre-Application Neighborhood Meeting	Required
↓	27-3403	Application Submittal	To DPIE Director
↓	27-3404	Determination of Completeness	DPIE Director makes determination
↓	27-3406	Staff Review and Action	DPIE Director prepares presentation of facts in coordination with the Planning Director
↓	27-3407	Scheduling of Public Hearing and Public Notice	ZHE and District Council (Clerk of the District Council) schedule their hearings, provide notice
↓	27-3408	Review and Recommendation by Advisory Board or Official	ZHE holds public hearing, makes recommendation
↓	27-3409	Review and Decision by Decision-Making Body or Official	District Council holds public hearing, makes decision (conditions allowed)
→	27-3416	Notification	DPIE Director <u>CLERK OF THE COUNCIL</u> notifies

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22. On page 80, prior to line 8, insert the following:

(b) Authorization of Permit Within Proposed ROW Procedure

Figure 27-3617(b): Authorization of Permit Within Proposed ROW Procedure (Illustrative)			
↓	27-3403	Application Submittal	Application submitted to Clerk of the District Council
↓	27-3404	Determination of Completeness	Planning Director makes determination
↓	27-3406	Staff Review and Action	Planning Director prepares Technical Staff Report
↓	27-3407	Scheduling of Public Hearing and Public Notice	ZHE and District Council (Clerk of the District Council) schedule their hearings, provide notice
↓	27-3408	Review and Recommendation by Advisory Board or Officer	ZHE holds public hearing makes recommendation
↓	27-3409	Review and Decision by Decision-Making Body or Officer	District Council holds public hearing, makes decision
→	27-3416	Notification	Planning Director CLERK OF THE COUNCIL notifies

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23. On page 102, revise lines 4-5 to read:

- (8) PROVIDING ~~Offering a commendable number or quality of meaningful~~ public benefits TO FURTHER PROTECT AND ADVANCE; and
- ~~(9) Protecting and advancing~~ the public health, safety, welfare, and convenience.

24. On page 209, insert the following above line 24:

(yy) Planned Retirement Community

(1) A planned retirement community may be permitted, subject to the following criteria:

* * * * *

(C) Regulations

(i) Regulations restricting the height of structures, lot size and coverage, frontage, setbacks, density, dwelling unit types, and other requirements of the specific zone in which the use is proposed shall not apply to uses and structures provided for in this Section. The dimensions and percentages shown on the approved site plan shall constitute the regulations for a given special exception.

(ii) The subject property shall contain at least ~~twelve (12)~~ TEN (10)

contiguous acres.

(iii) The average number of dwelling units per acre shall not exceed eight (8) for the gross tract area.

(iv) In the AR Zone, buildings shall not exceed three (3) stories.

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25. On page 227, replace line 11 with the following:

(a) General; Alternative Parking Plan

(1) An alternative parking plan that proposes alternatives to providing the minimum number of off-street parking spaces required by Table 27-6305(a): Minimum Number of Off-Street Parking Spaces, may be submitted with a development application for a SPECIAL EXCEPTION (SECTION 27-3604), detailed site plan (Section 27-3605), temporary use permit (Section 27-3607), use and occupancy permit (Section 27-3608), or building permit (Section 27-3611) and may be approved by the ~~Planning Board, the Planning Director, or the DPIE Director, whichever is the decision maker on the application,~~ EXCEPT IN THE CASE OF A SPECIAL EXCEPTION WHERE THE PLANNING DIRECTOR SHALL MAKE A RECOMMENDATION ON, AND THE ZHE MAY APPROVE, SUCH ALTERNATIVE PARKING PLAN APPLICATION(S), in accordance with the standards listed below.

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(c) Shared Parking for Single-Use Developments

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(6) Shared Parking Agreement

(A) An approved shared parking arrangement shall be enforced through written agreement among all the owners or long-term lessees of lands containing the uses proposed to share off-street parking spaces. The agreement shall provide all parties the right to joint use of the shared parking area in perpetuity (such agreement may be extinguished with the written consent of all affected property owners at any point in time following an initial time frame of at least 10 years). The agreement shall be submitted to the Planning Director, who shall forward it to any municipality in which the development for which a shared parking arrangement is proposed is located, for review and comment, ~~and then to the appropriate attorney for the County for review and approval before execution.~~ An attested copy of an approved and executed agreement shall be recorded in the Land Records of Prince George's County before issuance of a building permit for any

use to be served by the shared parking area. The agreement shall be considered a restriction running with the land and shall bind the owners or long-term lessees of lands containing the uses proposed to share off-street parking spaces, and their heirs, successors, and assigns. A violation of the agreement shall constitute a violation of the Ordinance, which may be enforced in accordance with PART 27-8, Enforcement.

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(d) Off-Site Parking

An alternative parking plan may propose to meet a portion of the minimum number of off-street parking spaces required for a use with off-site parking—i.e., off-street parking spaces located on a parcel or lot separate from the parcel or lot containing the use and can be operated by a private or public agency—in accordance with the following standards.

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(4) Off-Site Parking Agreement

(A) If land containing the off-site parking area is not under the same ownership as land containing the principal use served, the off-site parking arrangement shall be established in a written agreement between the owners of land containing the off-site parking area and land containing the served use. The agreement shall provide the owner of the served use the right to use the off-site parking area for at least 10 years, and include provisions for extending the agreement after that period of time. The agreement shall be submitted to the Planning Director, who shall forward it to any municipality in which the development for which an off-site parking arrangement is proposed is located, for review and comment, ~~and then to the appropriate attorney for the County, for review and approval before execution.~~ An attested copy of an approved and executed agreement shall be recorded with the Land Records of Prince George's County before issuance of a building permit for any use to be served by the off-site parking area. The agreement shall be considered a restriction running with the land and shall bind the owners of land containing the off-site parking area and land containing the served use, and their heirs, successors, and assigns. A violation of the agreement shall constitute a violation of the Ordinance, which may be enforced in accordance with PART 27-8, ENFORCEMENT.

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(e) On-Street Parking

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(2) On-Street Parking Agreement

(A) If an alternative parking plan is proposed for on-street parking, the

1 applicant shall enter into an on-street parking agreement or series of agreements,
 2 depending on ownership of the streets where on-street parking is proposed, with the
 3 Maryland State Highway Administration, the County, or any municipality with
 4 jurisdiction of the street. The agreement shall spell out the terms and conditions and
 5 duration of use for the on-street parking. The agreement shall be submitted to the
 6 Planning Director, who shall forward it to any municipality in which the development for
 7 which an on-street parking arrangement is proposed is located, for review and comment,
 8 ~~and then to the appropriate attorney for the County, for review and approval before~~
 9 ~~execution.~~ An attested copy of an approved and executed agreement shall be recorded in
 10 the Land Records of Prince George's County before issuance of a building permit for any
 11 use to be served by the on-street parking. The agreement shall be considered a restriction
 12 running with the land and shall bind the applicant and the applicant's heirs, successors,
 13 and assigns. A violation of the agreement shall constitute a violation of the Ordinance,
 14 which may be enforced in accordance with PART 27-8, Enforcement.

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 17 26. On page 229, insert the following before line 1:

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 19 **(g) Valet and Tandem Parking**

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21 **(3) Valet Parking Agreement**

22 **(A)** Valet parking may be established and managed only in accordance with a
 23 valet parking agreement. An applicant shall provide documentation of an active
 24 agreement to the County and include provisions ensuring that a valet parking attendant
 25 will be on duty during hours of operation of the uses served by the valet parking. The
 26 agreement shall be for a minimum of 5 years, identify the location of the valet parking
 27 lot, and include provisions ensuring that a valet parking attendant will be on duty during
 28 hours of operation of the uses served by the valet parking. The agreement shall be
 29 submitted to the Planning Director, who shall forward it to any municipality in which the
 30 development for which a valet or tandem parking arrangement is proposed, for review
 31 and comment, ~~and then to the appropriate attorney for the County for review and~~
 32 ~~approval before execution.~~ An attested copy of an approved and executed agreement shall
 33 be recorded in the Land Records of Prince George's County before issuance of a building
 34 permit for any use to be served by the valet parking, and documentation that the

agreement remains in effect shall be provided to the County on an annual basis thereafter. The agreement shall be considered a restriction running with the land and shall bind the owners of land containing the uses served by the valet parking, and their heirs, successors, and assigns. A violation of the agreement shall constitute a violation of the Ordinance, which may be enforced in accordance with PART 27-8, Enforcement.

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27. On page 253, insert the following above line 14:

(d) No use and occupancy 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 BOA, ZONING HEARING EXAMINER, OR THE District Council.

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28. On page 258, revise lines 2-6 to read:

(o) **Other Related Fees; Refunds**

(1) **Sign Posting Fees**

(A) In addition to the filing fee, {a fee of ~~Thirty~~ FORTY Dollars (\$~~30~~40.00) shall be paid for posting each public notice sign FOR:

(I) APPLICATIONS PROCESSED AND/OR DECIDED BY THE BOARD OF APPEALS;

(II) VALIDATIONS OF PERMITS ISSUED IN ERROR (SECTION 27-3615) PROCESSED BY THE ZONING HEARING EXAMINER AND DECIDED BY THE DISTRICT COUNCIL; OR

(III) AUTHORIZATIONS OF PERMITS WITHIN PROPOSED RIGHTS-OF-WAY (SECTION 27-3617) PROCESSED BY THE ZONING HEARING EXAMINER AND DECIDED BY THE DISTRICT COUNCIL.

(B) FOR ALL OTHER APPLICATIONS, ~~except as provided below~~ the applicant shall be responsible for all costs associated with the sign posting requirements of this Ordinance.

~~(B) Where the application involves a public utility right of way, the fee shall~~

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~~be Thirty Dollars (\$30.00) each for the first four (4) signs, plus Five Dollars (\$5.00) for each sign over four (4).~~

~~(C)~~(C) The Department of Permitting, Inspections, and Enforcement shall not be required to pay a sign posting fee for any application or petition filed.

~~(D)~~(D) The applicant shall not be required to pay a sign-posting fee for any application for a special exception to establish a place of worship.