

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

1995 Legislative Session

Bill No. _____ CB-76-1995
Chapter No. _____ 56
Proposed and Presented by _____ Council Member Del Giudice
Introduced by _____ Council Member Del Giudice
Co-Sponsors _____
Date of Introduction _____ October 24, 1995

ZONING BILL

AN ORDINANCE concerning

Reserved Open Space Zone

For the purpose of clarifying that public agencies are not required to consent to rezoning to the R-O-S Zone, specifying that any public use may be placed in the R-O-S Zone, regardless of lot size, requiring that the public hearing for the SMA for the R-O-S Zone shall be a joint public hearing, and expanding the circumstances under which State Program Open Space funded property may be exempt from the R-O-S Zone.

BY repealing and reenacting with amendments:

Sections 27-143, 27-223, 27-225, 27-226, and 27-442,
The Zoning Ordinance of Prince George's County, Maryland,
being also
SUBTITLE 27. ZONING.
The Prince George's County Code
(1991 Edition, 1994 Supplement).

SECTION 1. BE IT ENACTED by the 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, that Sections 27-143, 27-223, 27-225, 27-226, and 27-442 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 3. ADMINISTRATION.

DIVISION 2. ZONING MAP AMENDMENTS.

Sec. 27-143. Applications.

(a) General

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(7) An application for a Zoning Map Amendment to the R-O-S Zone shall be filed by the appropriate public agency within six (6) months of the conveyance of property purchased with State Program Open Space funds, unless it can be demonstrated that there is a more appropriate zoning category for the land based on its intended future use, or unless the public agency has a need to maintain certain properties, or portions of properties, in a more intense zoning category. This requirement shall apply to any land received by a public agency as described above, following the approval of the Sectional Map Amendment initiated solely for the consideration of the R-O-S Zone pursuant to Section 27-221(c). If land purchased with Program Open Space funds that has been placed in the R-O-S Zone is subsequently disposed of for the purpose of construction of a public facility, the value of the property, for the purpose of compensation of the agency, shall be based on the original purchase price.

(8) No application may be filed for the R-O-S Zone if any existing use on the property, with the exception of a publicly-owned [recreational] use, would become nonconforming as a result of noncompliance with the required minimum net lot area as set forth in Section 27-442(b).

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DIVISION 4. SECTIONAL MAP AMENDMENT (SMA).

Subdivision 1. General.

Sec. 27-223. Limitations on zoning.

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(d) The District Council may only consider zoning property to the Reserved Open Space Zone where the property owner has requested or consented, in writing, to the zoning. In the case of publicly owned land, this requirement does not apply. A property owner may not request the R-O-S Zone if any existing use on the property, with the exception of a publicly-

owned [recreational] use, would become nonconforming as a result of noncompliance with the required minimum net lot area as set forth in Section 27-442(b).

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Sec. 27-225. Planning Board procedures.

(a) Requests for rezoning

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(2) In the case of a Map Amendment initiated solely for the consideration of the R-O-S Zone, a property owner may request that the R-O-S Zone be considered for his specific property. A request shall not be considered if any existing use on the property, with the exception of a publicly-owned [recreational] use, would become nonconforming as a result of noncompliance with the required minimum net lot area as set forth in Section 27-442(b).

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(c) Preparation of Zoning Maps

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(2) In the case of a Map Amendment initiated solely for the consideration of the R-O-S Zone, the Planning Board shall use the inventory of public land submitted by the Council as a basis in the preparation of the proposed Zoning Map. All land purchased with Program Open Space funds shall be included in the proposed Zoning Map, unless it can be demonstrated that there is a more appropriate zoning category for the land based on its intended future use, or unless the public agency has a need to maintain certain properties, or portions of properties, in a more intense zoning category. If land purchased with Program Open Space funds that has been placed in the R-O-S Zone is subsequently disposed of for the purpose of construction of a public facility, the value of the property, for the purpose of compensation of the agency, shall be based on the original purchase price.

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(d) Public hearing and public release

(1) The Planning Board shall hold a public hearing on the proposed Sectional Map Amendment. In the case of a Map Amendment initiated solely for the consideration of the R-O-S Zone, this requirement does not apply, and the Planning Board hearing will be held

jointly with the District Council in accordance with Section 27-226(b)(1)(B). It shall be released for public inspection at least thirty (30) days prior to the public hearing.

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Sec. 27-226. District Council procedures.

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(b) Public hearing

(1) Public hearing requirement

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(B) In the case of a Map Amendment initiated solely for the consideration of the R-O-S Zone, the hearing shall be a joint public hearing with the District Council and the Planning Board, at which a quorum of each body shall be present.

~~[(B)](C)~~ The hearing shall be held within ninety (90) days of receipt of the Planning Board resolution on the proposed Sectional Map Amendment or within four (4) months of initiation of a Sectional Map Amendment pursuant to Section 27-225.01.

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PART 5. RESIDENTIAL ZONES.

DIVISION 4. REGULATIONS.

Sec. 27-442. Regulations.

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(b) TABLE I- NET LOT AREA (Minimum in Square Feet)^{2,19}

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²⁰ Same as would be applied to one-family detached dwellings, except public[recreational] uses, for which no minimum lot area is required.

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

Adopted this 21st day of November, 1995.

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:

Anne T. MacKinnon
Chairwoman

ATTEST:

Joyce T. Sweeney
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.