

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
1998 Legislative Session

Bill No. _____ CB-15-1998
 Chapter No. _____ 18
 Proposed and Presented by _____ The Chairman (by request – Planning Board)
 Introduced by _____ Council Members Maloney, Del Giudice and Scott
 Co-Sponsors _____
 Date of Introduction _____ March 24, 1998

ZONING BILL

1 AN ORDINANCE concerning

2 Informational Mailings

3 For the purpose of adding requirements for informational mailings to adjoining property owners
 4 when certain applications are filed.

5 BY repealing and reenacting with amendments:

6 Sections 27-144, 27-150, 27-160, 27-166, 27-180,

7 27-186, 27-198.05, 27-200, 27-206,

8 27-213.06, 27-213.12, 27-239.01, 27-239.02,

9 27-244, 27-275, 27-284, 27-296,

10 27-304, 27-305, 27-324, 27-325,

11 27-516, 27-525, and 27-588,

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

13 being also

14 SUBTITLE 27. ZONING.

15 The Prince George's County Code

16 (1995 Edition, 1996 Supplement, as amended by CB-13-1997).

17 BY adding:

18 Section 27-125.01,

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

20 being also

SUBTITLE 27. ZONING.

The Prince George's County Code
(1995 Edition, 1996 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 27-144, 27-150, 27-160, 27-166, 27-180, 27-186, 27-198.05, 27-200, 27-206, 27-213.06, 27-213.12, 27-239.01, 27-239.02, 27-244, 27-275, 27-284, 27-296, 27-304, 27-305, 27-324, 27-325, 27-516, 27-525, and 27-588 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Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments: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
Subdivision 1. Conventional Zones.

Sec. 27-144. Fees.

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[(d) Information mailing fee.

(1) In addition to the filing fee, the applicant shall pay the amount determined necessary by the Planning Board to cover the certified mailing costs for the informational mailing required by Section 27-150.]

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Sec. 27-150. Notice.

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(c) A notice shall be sent in accordance with Section 27-125.01 [Within thirty (30) days after an application is filed, the Planning Board shall send a letter regarding the pending application by certified mail to all adjoining property owners, including those properties directly across a street, alley, or stream. The letter shall include the applicant's and owner's names and addresses, the application number, property description and location, and the nature of the request. It shall also advise where to obtain additional information regarding the application and the hearing].

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Subdivision 2. R-P-C Zone.

Sec. 27-160. Fees.

* * * * *

[(d) Informational mailing fee.

(1) In addition to the filing fee, the applicant shall pay the amount determined necessary by the Planning Board to cover the certified mailing costs for the informational mailing required by Section 27-166.]

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Sec. 27-166. Notice.

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(c) Informational mailing.

(1) A notice shall be sent in accordance with Section 27-125.01 [Within thirty (30) days after an application is filed, the Planning Board shall send a letter regarding the pending application by certified mail to all adjoining property owners, including those properties directly across a street, alley, or stream. The letter shall include the applicant's and owner's names and addresses, the application number, property description and location, and the nature of the request. It shall also advise where to obtain additional information regarding the application and the hearing.]

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Subdivision 3. Comprehensive Design Zone.

Sec. 27-180. Fees.

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[(d) Informational mailing fee.

(1) In addition to the filing fee, the applicant shall pay the amount determined necessary by the Planning Board to cover the certified mailing costs for the informational mailing required by Section 27-186.]

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Sec. 27-186. Notice.

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(c) **Informational mailing.**

(1) A notice shall be sent in accordance with Section 27-125.01 [Within thirty (30) days after an application is filed, the Planning Board shall send a letter regarding the pending application by certified mail to all adjoining property owners, including those properties directly across a street, alley, or stream. The letter shall include the applicant's and owner's names and addresses, the application number, property description and location, and the nature of the request. It shall also advise where to obtain additional information regarding the application and the hearing.

(2) The mailing is for informational purposes only. The inadvertent failure of the Planning Board to send, or a property owner to receive, the mailing shall not invalidate the final action on the application.]

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Subdivision 3A. M-U-TC Zone.

Sec. 27-198.05. Map Amendment approval; amendments.

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(d) **Amendment of approved Mixed-Use Town Center Zone.**

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(5) Fees.

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[(C) Informational mailing fee.

(i) In addition to the filing fee, the applicant shall pay the amount determined necessary by the Planning Board to cover the certified mailing costs for the informational mailing required by paragraph (6), below.]

(6) Informational mailing.

(A) A notice shall be sent in accordance with Section 27-125.01 [Within thirty (30) days after an application is filed, the Planning Board shall send a letter regarding the pending application by certified mail to all adjoining property owners, including those properties directly across a street, alley, or stream and each municipality if any part of the property in the application is located within the municipal boundaries, or is located within one (1) mile of the municipality. The letter shall include the applicant's and owner's names and addresses, the application number, property description and location, and the nature of the request. It shall also

advise where to obtain additional information regarding the application and the hearing.

(B) The mailing is for informational purposes only. The inadvertent failure of the Planning Board to send, or a property owner to receive, the mailing shall not invalidate the final action of the application.]

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Subdivision 4. M-X-T and M-X-C Zones.

Sec. 27-200. Fees.

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[(d) Informational mailing fee.]

(1) In addition to the filing fee, the applicant shall pay the amount determined necessary by the Planning Board to cover the certified mailing costs for the informational mailing required by Section 27-206.]

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Sec. 27-206. Notice.

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(c) Informational mailing.

(1) A notice shall be sent in accordance with Section 27-125.01 [Within thirty (30) days after an application is filed, the Planning Board shall send a letter regarding the pending application by certified mail to all adjoining property owners, including those properties directly across a street, alley, or stream. The letter shall include the applicant's and owner's names and addresses, the application number, property description and location, and the nature of the request. It shall also advise where to obtain additional information regarding the application and the hearing.

(2) The mailing is for informational purposes only. The inadvertent failure of the Planning Board to send, or a property owner to receive, the mailing shall not invalidate the final action on the application.]

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Subdivision 5. Transit District Overlay Zone.

Sec. 27-213.06. Amendment of approved Transit District Overlay Zone.

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1 **(b) Primary Amendments Application.**

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3 (4) Fees.

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5 [(C) Informational mailing fee.

6 (i) In addition to the filing fee, the applicant shall pay the amount
7 determined necessary by the Planning Board to cover the certified mailing costs for the
8 informational mailing required by paragraph (5), below.]

9 (5) Informational mailing.

10 (A) A notice shall be sent in accordance with Section 27-125.01 [Within thirty
11 (30) days after an application is filed, the Planning Board shall send a letter regarding the
12 pending application by certified mail to all adjoining property owners, including those properties
13 directly across a street, alley, or stream and each municipality if any part of the property in the
14 application is located within the municipal boundaries, or is located within one (1) mile of the
15 municipality. The letter shall include the applicant's and owner's names and addresses, the
16 application number, property description and location, and the nature of the request. It shall also
17 advise where to obtain additional information regarding the application and the hearing.

18 (B) The mailing is for informational purposes only. The inadvertent failure of
19 the Planning Board to send, or a property owner to receive, the mailing shall not invalidate the
20 final action of the application.]

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22 **Subdivision 6. Chesapeake Bay Critical Area Overlay Zones.**

23 **Sec. 27-213.12. Amendment of approved Chesapeake Bay Critical Area Overlay Zones.**

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25 (f) **Informational mailing.**

26 (1) A notice shall be sent in accordance with Section 27-125.01 [Within thirty (30)
27 days after an application is filed, the Planning Board shall send a letter regarding the pending
28 application by certified mail to all adjoining property owners, including those properties directly
29 across a street, alley, or stream. The letter shall include the applicant's and owner's names and
30 addresses, the application number, property description and location, and the nature of the
31 request. It shall also advise where to obtain additional information regarding the application and

the hearing.

(2) The mailing is for informational purposes only. The inadvertent failure of the Planning Board to send, or a property owner to receive, the mailing shall not invalidate the final action on the application.]

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DIVISION 5. APPEALS AND VARIANCES.

Subdivision 3. Departures from Design Standards.

Sec. 27-239.01. Departures from Design Standards.

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(b) Procedures.

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(2) Filing fees.

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(3) Hearing.

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(B) Additional notice may be given, as determined by the Planning Board.

(C) A notice shall be sent in accordance with Section 27-125.01. [After an application is filed, the Planning Board shall send a letter regarding the pending application by certified mail to each municipality if any part of the property in the application is located within the municipal boundaries.]

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Subdivision 4. Special Permits.

Sec. 27-239.02. Special Permits.

(a) Procedures.

(1) Application.

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(C) A notice shall be sent in accordance with Section 27-125.01. [The applicant shall notify (by certified mail) any municipality within which the site is located and all adjoining property owners within seven (7) days of filing the application and shall certify compliance with this provision as a part of the application. A list of those municipalities and property owners so notified shall be included with the application.]

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DIVISION 6. NONCONFORMING BUILDINGS, STRUCTURES, AND USES.

Subdivision 1. General Requirements and Procedures.

Sec. 27-244. Certification.

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(c) Notice.

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(3) A notice shall be sent in accordance with Section 27-125.01. [If the property which is the subject of the application is located within a municipality, the Planning Board shall notify the municipality of the application within ten (10) days of acceptance of the application and accompanying documentation.]

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DIVISION 9. SITE PLANS.

Subdivision 2. Requirements for Conceptual Site Plans.

Sec. 27-275. Referral.

(a) Referral.

(1) Prior to taking action on the Conceptual Site Plan, the Planning Board shall refer the Plan to the Historic Preservation Commission (Part 14), when appropriate, and to all of those agencies which the Planning Board deems appropriate to review and comment on the Conceptual Site Plan. In general, the agencies will include all of those whose action is likely to have a substantive effect on the plan under review. The Planning Board shall maintain a list of referral agencies.

(b) Informational Mailing.

(1) A notice shall be sent in accordance with Section 27-125.01.

Subdivision 3. Requirements for Detailed Site Plans.

Sec. 27-284. Referral.

(a) Referral

(1) Prior to taking action on the Detailed Site Plan, the Planning Board shall refer the Plan to the Historic Preservation Commission (Part 14), when appropriate, and to all of those agencies which the Planning Board deems appropriate, for review and comment on the Detailed Site Plan. In general, the agencies will include all of those whose action is likely to have a

substantive effect on the plan under review. The Planning Board shall maintain a list of referral agencies.

(b) Informational Mailing

(1) A notice shall be sent in accordance with Section 27-125.01.

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PART 4. SPECIAL EXCEPTIONS.

DIVISION 1. ADMINISTRATIVE PROCEDURES.

Subdivision 1. Applications.

Sec. 27-296. Application form and contents.

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(c) Other submission requirements.

(1) Along with the application, the applicant shall submit the following:

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[(L) A list containing the names and addresses of each municipality if any part of the property in the application is located within the municipal boundaries, or is located within one (1) mile of the municipality, and a set of preaddressed envelopes or mailing labels.]

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Subdivision 3. Notice.

Sec. 27-304. Notice of public hearing.

(a) Within a reasonable time after an application is accepted by the Planning Board, the Planning Board (or its designee) shall so advise the Zoning Hearing Examiner. [The Planning Board shall also notify (by certified mail) each municipality if any part of the property in the application is located within the municipal boundaries, or is located within one (1) mile of the municipality.] After designating a date for the public hearing, the Zoning Hearing Examiner shall notify the applicant, all other persons of record, any municipality within which the property is located, each municipality located within one (1) mile of the subject property, and the Planning Board of the hearing date.

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Sec. 27-305. Posting.

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(h) Informational mailing.

(1) A notice shall be sent in accordance with Section 27-125.01. [Within thirty (30) days after an application is filed, the Planning Board shall send a letter regarding the pending application by certified mail to all adjoining property owners, including those properties directly across a street, alley, or stream. The letter shall include the applicant's and owner's names and addresses, the application number, property description and location, and the nature of the request. It shall also advise where to obtain additional information regarding the application and the hearing.]

Subdivision 10. Amendments of Approved Special Exceptions.

Sec. 27-324. Major changes.

(a) The District Council may (for good cause) amend any imposed condition or approved site plan without requiring a new application if the amendment does not constitute an enlargement or extension of a Special Exception use.

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(3) A notice shall be sent in accordance with Section 27-125.01.

[(3)](4) * * * * * **Sec.**

27-325. Minor changes.

(a) **Minor changes, in general.**

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(4) A notice shall be sent in accordance with Section 27-125.01.

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PART 8. COMPREHENSIVE DESIGN ZONES.

DIVISION 4. COMPREHENSIVE DESIGN PLANS AND SPECIFIC DESIGN PLANS

Subdivision 1. Comprehensive Design Plans.

Sec. 27-516. Filing.

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(c) A notice shall be sent in accordance with Section 27-125.01.

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Subdivision 2. Specific Design Plans.

Sec. 27-525. Filing.

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(c) A notice shall be sent in accordance with Section 27-125.01.

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PART 11. OFF-STREET PARKING AND LOADING.

DIVISION 4. EXCLUSIONS, WAIVERS, AND DEPARTURES.

Sec. 27-588. Departures from number of parking and loading spaces required.

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(b) Procedures.

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(4) Notice.

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(C) Informational mailing.

(i) A notice shall be sent in accordance with Section 27-125.01.

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SECTION 2. BE IT FURTHER ENACTED that Section 27-125.01 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 is hereby added:

SUBTITLE 27. ZONING.

PART 3. ADMINISTRATION.

DIVISION 1. GENERAL ZONING PROCEDURES.

Subdivision 1. General.

Sec. 27-125.01. Informational mailing.

(a) Informational mailing.

(1) Within seven (7) days after an application is accepted, the applicant shall send a notice (by certified mail) regarding the pending application to all adjoining property owners, including those properties directly across a street, alley, or stream and any municipality located within one (1) mile of the property. The letter shall indicate the application number, property description and location, and the nature of the request. It shall also advise where to obtain additional information regarding the application and the hearing.

(2) The person mailing the notice shall file a written affidavit under oath in the record to certify that the notices were mailed and the date of the mailing. The affidavit shall include a list of the municipalities and the names and addresses of the adjoining property owners sent the notice.

1 (3) The mailing is for informational purposes only. The inadvertent failure of a
2 property owner to receive the mailing shall not invalidate the final action on the application.

3 SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five
4 (45) calendar days after its adoption.

 Adopted this 28th day of April, 1998.

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: _____
Ronald V. Russell
Chairman

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.