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 req	uirements 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 Zonii	ng Ordinance of Prince George's County, Maryland,				
13	bein	g also				
14	SUE	STITLE 27. ZONING.				
15	The	Prince George's County Code				
16	(199	5 Edition, 1996 Supplement, as amended by CB-13-1997).				
17	BY adding:					
18	Section 2	7-125.01,				
19	The Zonii	ng Ordinance of Prince George's County, Maryland,				
20	bein	g also				

1	SUBTITLE 27. ZONING.						
2	The Prince George's County Code						
3	(1995 Edition, 1996 Supplement).						
4	SECTION 1. BE IT ENACTED by the County Council of Prince George's County,						
5	Maryland, sitting as the District Council for that part of the Maryland-Washington Regional						
6	District in Prince George's County, Maryland, that Sections 27-144, 27-150, 27-160, 27-166, 27-						
7	180, 27-186, 27-198.05, 27-200, 27-206, 27-213.06, 27-213.12, 27-239.01, 27-239.02, 27-244,						
8	27-275, 27-284, 27-296, 27-304, 27-305, 27-324, 27-325, 27-516, 27-525, and 27-588 of the						
9	Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince						
10	George's County Code, be and the same are hereby repealed and reenacted with the following						
11	amendments:						
12	SUBTITLE 27. ZONING.						
13	PART 3. ADMINISTRATION.						
14	DIVISION 2. ZONING MAP AMENDMENTS						
15	Subdivision 1. Conventional Zones.						
16	Sec. 27-144. Fees.						
17	* * * * * * * * *						
18	[(d) Information mailing fee.						
19	(1) In addition to the filing fee, the applicant shall pay the amount determined						
20	necessary by the Planning Board to cover the certified mailing costs for the informational						
21	mailing required by Section 27-150.]						
22	* * * * * * * * *						
23	Sec. 27-150. Notice.						
24	* * * * * * * * *						
25	(c) A notice shall be sent in accordance with Section 27-125.01 [Within thirty (30) days						
26	after an application is filed, the Planning Board shall send a letter regarding the pending						
27	application by certified mail to all adjoining property owners, including those properties directly						
28	across a street, alley, or stream. The letter shall include the applicant's and owner's names and						
29	addresses, the application number, property description and location, and the nature of the						
30	request. It shall also advise where to obtain additional information regarding the application and						
31	the hearing].						

1	* *	*	*	*	*	*	*	*	
2			Sub	division 2.	R-P-C Z	one.			
3	Sec. 27-160. F	ees.							
4	* *	*	*	*	*	*	*	*	
5	[(d) Infor	mational m	ailing fee.						
6	(1)	In addition to	o the filing	fee, the ap	plicant sha	all pay the	amount de	termined	
7	necessary by th	e Planning H	Board to co	ver the cer	tified mail	ing costs f	or the infor	rmational	
8	mailing require	d by Section	27-166.]						
9	* *	*	*	*	*	*	*	*	
10	Sec. 27-166. N	lotice.							
11	* *	*	*	*	*	*	*	*	
12	(c) Infor	mational m	ailing.						
13	(1)	A notice sha	ll be sent in	n accordan	ce with Se	ction 27-12	25.01 [Wit	hin thirty (3	0)
14	days after an ap	oplication is	filed, the P	lanning Bo	oard shall s	end a lette	r regarding	the pending	g
15	application by	certified mai	l to all adjo	oining prop	erty owner	rs, includii	ng those pro	operties dire	ectly
16	across a street,	alley, or stre	am. The le	etter shall i	nclude the	applicant'	s and owne	er's names aı	nd
17	addresses, the a	application n	umber, pro	perty desc	ription and	location,	and the nat	ure of the	
18	request. It shal	l also advise	where to o	btain addi	tional info	rmation re	garding the	application	and
19	the hearing.]								
20	* *	*	*	*	*	*	*	*	
21	Subdivisi	on 3. Comp	orehensive	Design Z	one.				
22	Sec. 27-180. F	ees.							
23	* *	*	*	*	*	*	*	*	
24	[(d) Infor	rmational m	ailing fee.						
25	(1)	In addition to	o the filing	fee, the ap	plicant sha	all pay the	amount de	termined	
26	necessary by th	e Planning F	Board to co	ver the cer	tified mail	ing costs f	or the infor	mational	
27	mailing require	ed by Section	27-186.]						
28	* *	*	*	*	*	*	*	*	
29	Sec. 27-186. N	lotice.							
30	* *	*	*	*	*	*	*	*	

(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.]

* * * * * * * * * *

Subdivision 3A. M-U-TC Zone.

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

* * * * * * * * *

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

* * * * * * * * *

(5) Fees.

* * * * * * * * *

- [(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

1	advise where to obtain additional information regarding the application and the hearing.	
2	(B) The mailing is for informational purposes only. The inadvertent failure of	
3	the Planning Board to send, or a property owner to receive, the mailing shall not invalidate the	
4	final action of the application.]	
5	* * * * * * * *	
6	Subdivision 4. M-X-T and M-X-C Zones.	
7	Sec. 27-200. Fees.	
8	* * * * * * * *	
9	[(d) Informational mailing fee.	
10	(1) In addition to the filing fee, the applicant shall pay the amount determined	
11	necessary by the Planning Board to cover the certified mailing costs for the informational	
12	mailing required by Section 27-206.]	
13	* * * * * * * * *	
14	Sec. 27-206. Notice.	
15	* * * * * * * * *	
16	(c) Informational mailing.	
17	(1) A notice shall be sent in accordance with Section 27-125.01 [Within thirty (30)	
18	days after an application is filed, the Planning Board shall send a letter regarding the pending	
19	application by certified mail to all adjoining property owners, including those properties directl	У
20	across a street, alley, or stream. The letter shall include the applicant's and owner's names and	
21	addresses, the application number, property description and location, and the nature of the	
22	request. It shall also advise where to obtain additional information regarding the application an	d
23	the hearing.	
24	(2) The mailing is for informational purposes only. The inadvertent failure of the	
25	Planning Board to send, or a property owner to receive, the mailing shall not invalidate the fina	1
26	action on the application.]	
27	* * * * * * * *	
28	Subdivision 5. Transit District Overlay Zone.	
29	Sec. 27-213.06. Amendment of approved Transit District Overlay Zone.	
30	* * * * * * * *	

1	(D) Pri	mary Ameno	ments Ap	pucation.					
2	* *	*	*	*	*	*	*	*	
3	(4)	Fees.							
4	* *	*	*	*	*	*	*	*	
5		[(C) Inform	ational ma	iling fee.					
6		(i) In	n addition t	o the filing	fee, the ap	plicant sha	all pay the	amount	
7	determined n	ecessary by th	e Planning	Board to c	over the ce	ertified mai	ling costs	for the	
8	informationa	l mailing requ	ired by par	agraph (5),	below.]				
9	(5)	Information	al mailing.						
10		(A) A notice	ce shall be	sent in acco	ordance wi	th Section	27-125.01	[Within th	iirty
11	(30) days after	er an applicati	on is filed,	the Plannir	ng Board sh	nall send a	letter rega	rding the	
12	pending appl	ication by cert	tified mail	to all adjoir	ning proper	ty owners,	including	those prope	erties
13	directly acros	ss a street, alle	y, or strear	n and each	municipali	ty if any p	art of the p	property in t	he
14	application is	s located withi	n the muni	cipal bound	laries, or is	located w	ithin one (1) mile of th	ne
15	municipality.	. The letter sh	all include	the applica	nt's and ov	vner's name	es and add	resses, the	
16	application n	umber, proper	ty descript	ion and loc	ation, and	the nature of	of the requ	est. It shall	also
17	advise where	to obtain add	itional info	rmation reg	garding the	application	n and the l	nearing.	
18			_			·		rtent failure	
19	_	Board to send		erty owner	to receive,	the mailing	g shall not	invalidate t	he
20		of the applicati	_						
21	* *	*	*	*	*	*	*	*	
22		Subdivisio		•	•		·		
23		12. Amendm			•			·	S.
24	* *	*	*	*	*	*	*	*	
25		ormational m							(20)
26	(1)	A notice sha					<u>.</u>	•	
27	•	application is		· ·			0 0		_
28	11	y certified ma		01 1	•			•	•
29		et, alley, or stre							na
30		e application r	-		-				, on d
31	request. It sh	nall also advis	e where to	odiain addi	uonai intoi	manon reg	garding the	application	ı and

1	the hea	ring.								
2		(2) T	he mailing i	is for infor	mational p	ourposes or	nly. The in	advertent 1	failure of the	
3	Plannii	ng Board t	to send, or a	property	owner to r	eceive, the	mailing sh	ıall not inv	alidate the fir	ıal
4	action	on the app	olication.]							
5	*	*	*	*	*	*	*	*	*	
6			DIV	ISION 5.	APPEA	LS AND V	ARIANC	ES.		
7			Subdi	vision 3.	Departure	s from De	sign Stand	lards.		
8	Sec. 27	7-239.01.	Departure	s from De	sign Stan	dards.				
9	*	*	*	*	*	*	*	*	*	
10	(t) Proced	lures.							
11	*	*	*	*	*	*	*	*	*	
12		(2) F	iling fees.							
13	*	*	*	*	*	*	*	*	*	
14		(3) H	earing.							
15	*	*	*	*	*	*	*	*	*	
16		(I	B) Addition	nal notice	may be giv	ven, as dete	ermined by	the Planni	ing Board.	
17		((C) A notice	e shall be s	sent in acc	ordance wi	th Section	27-125.01	. [After an	
18	applica	ation is file	ed, the Plan	ning Board	d shall sen	d a letter re	egarding th	e pending	application b	У
19	certifie	ed mail to	each munic	ipality if a	ny part of	the propert	ty in the ap	plication is	s located with	nin
20	the mu	nicipal bo	undaries.]							
21	*	*	*	*	*	*	*	*	*	
22				Subdi	vision 4.	Special Pe	rmits.			
23	Sec. 27	7-239.02.	Special Per	rmits.						
24	(2) Proced	lures.							
25		(1) A	pplication.							
26	*	*	*	*	*	*	*	*	*	
27		(0	C) A notice	e shall be s	sent in acc	ordance wi	th Section	27-125.01	. [The application in the content of	ınt
28									and all adjoin	_
29		•			_			•	compliance w	
30	_		-			of those m	unicipalitie	es and prop	perty owners	so
31	notifie	d shall be	included wi	ith the app	lication.]					

1	* * * * * * * * *
2	DIVISION 6. NONCONFORMING BUILDINGS, STRUCTURES, AND USES.
3	Subdivision 1. General Requirements and Procedures.
4	Sec. 27-244. Certification.
5	* * * * * * * * *
6	(c) Notice.
7	* * * * * * * * *
8	(3) A notice shall be sent in accordance with Section 27-125.01. [If the property
9	which is the subject of the application is located within a municipality, the Planning Board shall
10	notify the municipality of the application within ten (10) days of acceptance of the application
11	and accompanying documentation.]
12	* * * * * * * * *
13	DIVISION 9. SITE PLANS.
14	Subdivision 2. Requirements for Conceptual Site Plans.
15	Sec. 27-275. Referral.
16	(a) Referral.
17	(1) Prior to taking action on the Conceptual Site Plan, the Planning Board shall refer
18	the Plan to the Historic Preservation Commission (Part 14), when appropriate, and to all of those
19	agencies which the Planning Board deems appropriate to review and comment on the Conceptual
20	Site Plan. In general, the agencies will include all of those whose action is likely to have a
21	substantive effect on the plan under review. The Planning Board shall maintain a list of referral
22	agencies.
23	(b) Informational Mailing.
24	(1) A notice shall be sent in accordance with Section 27-125.01.
25	Subdivision 3. Requirements for Detailed Site Plans.
26	Sec. 27-284. Referral.
27	(a) Referral
28	(1) Prior to taking action on the Detailed Site Plan, the Planning Board shall refer the
29	Plan to the Historic Preservation Commission (Part 14), when appropriate, and to all of those
30	agencies which the Planning Board deems appropriate, for review and comment on the Detailed
31	Site Plan. In general, the agencies will include all of those whose action is likely to have a

1	substa	intive effec	ct on the pl	an under re	eview. The	e Planning	Board shal	l maintain	a list of refe	erral
2	agenc	ies.								
3	<u>(</u>	b) Inform	ational Ma	uiling						
4		<u>(1)</u> A	notice sha	ıll be sent i	n accordar	nce with Se	ection 27-12	<u> 25.01.</u>		
5	*	*	*	*	*	*	*	*	*	
6				PART 4	. SPECIA	AL EXCEI	PTIONS.			
7			DIVIS	SION 1. A	DMINIST	RATIVE	PROCED	URES.		
8				Sub	division 1	. Applicat	ions.			
9	Sec. 2	7-296. Ap	plication	form and	contents.					
10	*	*	*	*	*	*	*	*	*	
11	((c) Other	submissio	n require	ments.					
12		(1) A	long with	the applica	tion, the ap	pplicant sha	all submit t	he followi	ng:	
13	*	*	*	*	*	*	*	*	*	
14		[((L) A list of	containing	the names	and addres	ses of each	municipal	ity if any pa	art of
15	the pr	operty in the	he applicat	ion is locat	ed within	the municip	pal bounda	ries, or is l	ocated with	in
16	one (1) mile of t	he municip	ality, and	a set of pre	addressed	envelopes	or mailing	labels.]	
17	*	*	*	*	*	*	*	*	*	
18				\$	Subdivisio	n 3. Notic	e.			
19	Sec. 2	7-304. No	otice of pu	blic hearir	ıg.					
20	(a) Within	a reasonal	ble time aft	ter an appli	ication is a	ccepted by	the Planni	ng Board, th	ne
21	Plann	ing Board	(or its desi	gnee) shall	so advise	the Zoning	Hearing E	xaminer.	The Planning	ng
22	Board	shall also	notify (by	certified m	nail) each n	nunicipalit	y if any par	t of the pro	operty in the	3
23	applic	ation is lo	cated withi	n the muni	cipal boun	daries, or i	s located w	rithin one (1) mile of th	ne
24	munic	cipality.] A	After design	nating a da	te for the p	ublic heari	ng, the Zoi	ning Hearii	ng Examine	r
25	shall 1	notify the a	applicant, a	ll other per	rsons of rec	cord, any n	nunicipality	within wh	nich the prop	perty
26	is loca	ated, each	municipalit	ty located v	within one	(1) mile of	the subjec	t property,	and the	
27	Plann	ing Board	of the hear	ing date.						
28	*	*	*	*	*	*	*	*	*	
29	Sec. 2	7-305. Po	sting.							
30	*	*	*	*	*	*	*	*	*	
31	((h) Inform	ational ma	iling.						

1	(1) A notice shall be sent in accordance with Section 27-125.01. [Within thirty (30)
2	days after an application is filed, the Planning Board shall send a letter regarding the pending
3	application by certified mail to all adjoining property owners, including those properties directly
4	across a street, alley, or stream. The letter shall include the applicant's and owner's names and
5	addresses, the application number, property description and location, and the nature of the
6	request. It shall also advise where to obtain additional information regarding the application and
7	the hearing.]
8	Subdivision 10. Amendments of Approved Special Exceptions.
9	Sec. 27-324. Major changes.
10	(a) The District Council may (for good cause) amend any imposed condition or approved
11	site plan without requiring a new application if the amendment does not constitute an
12	enlargement or extension of a Special Exception use.
13	* * * * * * * * *
14	(3) A notice shall be sent in accordance with Section 27-125.01.
15	[(3)] <u>(4)</u> * * * * * * * Sec.
16	27-325. Minor changes.
17	(a) Minor changes, in general.
18	* * * * * * * * *
19	(4) A notice shall be sent in accordance with Section 27-125.01.
20	* * * * * * * * *
21	PART 8. COMPREHENSIVE DESIGN ZONES.
22	DIVISION 4. COMPREHENSIVE DESIGN PLANS AND SPECIFIC DESIGN PLANS
23	Subdivision 1. Comprehensive Design Plans.
24	Sec. 27-516. Filing.
25	* * * * * * * * *
26	(c) A notice shall be sent in accordance with Section 27-125.01.
27	* * * * * * * * *
28	Subdivision 2. Specific Design Plans.
29	Sec. 27-525. Filing.
30	* * * * * * * * *
31	(c) A notice shall be sent in accordance with Section 27-125.01.

1	* * * * * * * * * *
2	PART 11. OFF-STREET PARKING AND LOADING.
3	DIVISION 4. EXCLUSIONS, WAIVERS, AND DEPARTURES.
4	Sec. 27-588. Departures from number of parking and loading spaces required.
5	* * * * * * * * *
6	(b) Procedures.
7	* * * * * * * * *
8	(4) Notice .
9	* * * * * * * * *
10	(C) <u>Informational mailing.</u>
11	(i) A notice shall be sent in accordance with Section 27-125.01.
12	* * * * * * * * *
13	SECTION 2. BE IT FURTHER ENACTED that Section 27-125.01 of the Zoning
14	Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's
15	County Code, be and the same is hereby added:
16	SUBTITLE 27. ZONING.
17	PART 3. ADMINISTRATION.
18	DIVISION 1. GENERAL ZONING PROCEDURES.
19	Subdivision 1. General.
20	Sec. 27-125.01. Informational mailing.
21	(a) Informational mailing.
22	(1) Within seven (7) days after an application is accepted, the applicant shall send a
23	notice (by certified mail) regarding the pending application to all adjoining property owners,
24	including those properties directly across a street, alley, or stream and any municipality located
25	within one (1) mile of the property. The letter shall indicate the application number, property
26	description and location, and the nature of the request. It shall also advise where to obtain
27	additional information regarding the application and the hearing.
28	(2) The person mailing the notice shall file a written affidavit under oath in the reco
29	to certify that the notices were mailed and the date of the mailing. The affidavit shall include a
30	list of the municipalities and the names and addresses of the adjoining property owners sent the
31	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:

<u>Underscoring</u> indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.