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COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

Legislative Session

1992

Bill No. _____ CB-33-

1992

Chapter No.

16

Proposed and Presented by The Chairman (by request -
MNCPPC)

Introduced by Council Members Castaldi, Wineland,

Del Giudice, Fletcher, Bell and
Casula

Co-Sponsors

Date of Introduction May 5,
1992

ZONING BILL

AN ORDINANCE concerning

Sectional Map Amendments

FOR the purpose of initiating and approving a Sectional Map
Amendment concurrently with the initiation and approval of an
Area Master Plan.

BY repealing and reenacting with amendments:

Sections 27-140,
27-225,
27-225.1,
27-225.2,
27-226,
27-642,
27-644,
27-645, and
27-646,

By adding:

Section 27-225.1.5.,

The Zoning Ordinance of Prince George's County, Maryland,
being also

SUBTITLE 27. ZONING.

The Prince George's County Code
(1991 Edition).

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 27-140, 27-225, 27-225.1, 27-225.2, 27-226, 27-642, 27-644, 27-645 and 27-646 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Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments: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 1. GENERAL ZONING PROCEDURES.

Subdivision 5. Basis for Zoning Decisions.

Sec. 27-140. Use of staff studies.

(a) Studies of any agency (or its staff) in the nature of land development plans, which have not been subjected to the requirements for the adoption and approval of a Master Plan, shall not be used as the basis for approval or disapproval of zoning cases. However, the Planning Board may consider the recommendations of a preliminary Master Plan, if prepared pursuant to the provisions of Section 27-225.1.5, prior to its approval by the District Council, when making a recommendation on a comprehensive design zone application. The Zoning Hearing Examiner, Planning Board, or District Council shall not be precluded[, however,] from considering any factual or empirical evidence contained in any [of these] staff studies.

DIVISION 4. SECTIONAL MAP AMENDMENT (SMA).

Subdivision 2. Procedures.

Sec. 27-225. Planning Board procedures.

(a) Requests for rezoning

(1) Within thirty (30) days after the initiation resolution has been adopted, any person may request that specific zones (except Comprehensive Design Zones) be considered for specific properties during the Sectional Map Amendment process. If the optional Planning Board procedures (Sections 27-

225.1 or 27-225.1.5) are used, there is no need for such requests to be filed and this Subsection does not apply.

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**Sec. 27-225.1. Optional Planning Board procedures[.],
initiation when Area Master Plan is approved.**

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(b) Preparation of Zoning Map

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(2) The proposed Sectional Map Amendment shall include the [following] information[:] required in Section 27-225(c) (2).

[(A) A description of the area covered;

(B) The boundaries of the proposed zoning classifications. The boundaries shall be described on a map by either:

(i) Lot, block, and subdivision divisions;

(ii) Streets, streams, or other topographic land-marks; or

(iii) Bearings and distances (in feet);

(C) Indications of where the proposed zones are different from existing zones; and

(D) The scale of all maps and a north arrow.]

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Sec. 27-225.2. Planning Board/Department of Environmental Resources procedures.

(a) Pending building permit applications

(1) The Clerk of the Council shall notify the Director of the Department of Environmental Resources and the Planning Board of the approval of an Area Master Plan that includes a Zoning Proposal that was prepared pursuant to the provisions of Section 27-225.1, or the Director of the Department of Environmental Resources upon the transmittal of a proposed Sectional Map Amendment from the Planning Board to the District Council pursuant to the provisions of Section 27-225 or Section 27-225.1.5. The Planning Board or its authorized representative shall postpone recommendations for building permit applications, and the Department of Environmental Resources shall postpone the issuance of building permits, for land within the area of the proposed Sectional Map Amendment, when the lot or parcel of land on which construction is proposed is in a Commercial or Industrial Zone, was proposed by the Planning Board for a less intense zone in which the proposed use is not permitted, is undeveloped, and has been in the same zone for more than ten (10) years. Building permit applications shall not be processed or issued until after final action by the District Council on the Sectional Map Amendment. This Subsection shall not apply to a lot or parcel of land for which a grading permit has been issued by Prince George's County, sediment and erosion control devices have been installed by the permittee, and site grading

activities have been initiated by the permittee.

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Sec. 27-226. District Council procedures.

(a) Pending Zoning Map Amendment applications

(1) After the proposed Sectional Map Amendment has been transmitted to the District Council, or upon adoption of a preliminary plan pursuant to the provisions of Section 27-645(c) using the optional Planning Board procedures (Section 27-225.1 or Section 27-225.1.5), the Clerk of the Council shall so notify the Zoning Hearing Examiner. The Hearing Examiner shall postpone processing any pending Zoning Map Amendment applications within the area of the proposed Sectional Map Amendment until after final action by the District Council on the Sectional Map Amendment. Any application pending before the District Council in this area shall immediately be remanded to the Office of the Zoning Hearing Examiner.

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(b) Public hearing

(1) Public hearing requirement

(A) The District Council shall hold a hearing on a proposed Sectional Map Amendment. If the proposed Sectional Map Amendment is prepared pursuant to the provisions of Section 27-225.1.5, the hearing shall be a joint public hearing with the District Council and the Planning Board in accordance with

Section 27-644(c).

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(2) Notice of hearing

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(C)When not authorized for processing under the optional Planning Board procedures described in Section 27-225.1 or Section 27- 225.1.5, notice shall also be sent to all property owners in accordance with the requirements and procedures of Section 27-225(e) (2).

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(f) Approval

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(2) The District Council shall take final action at any time within sixty (60) days after the final hearing on the Sectional Map Amendment. Final action shall take place not later than seven (7) months from the time the Sectional Map Amendment is received from the Planning Board or from the date of the initiation of a Sectional Map Amendment processed under the optional Planning Board procedures in Section 27-225.1. If no final action is taken within this period, the Sectional Map Amendment shall be deemed disapproved. If the Sectional Map

Amendment is processed under the optional Planning Board procedures in Section 27-225.1.5, the District Council shall take final action on the proposed Sectional Map Amendment in accordance with Sec. 27-646.

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**PART 13. AREA MASTER PLANS,
GENERAL PLAN, FUNCTIONAL MASTER PLANS,
AND PLANNING AREAS.**

DIVISION 2. PROCEDURES.

Sec. 27-642. Public and municipal participation.

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(b) Public forum

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(2) At least thirty (30) days notice of the forum shall be published at least once in the County's newspapers of record.

In addition, for any Area Master Plan or amendment thereof initiated after December 16, 1983, the Planning Board shall obtain from the Office of Assessments and Taxation a listing of the owners of land within the boundaries of the plan, and shall arrange to have written notice of the public forum mailed to all listed property owners. This notice shall include a statement advising that[,] either: after approval of the plan by the District Council, a Sectional Map Amendment for the area could

result in rezoning of this property, which could affect property values and property taxes; or a Sectional Map Amendment for the area will be approved concurrently with the approval of the plan by the District Council, which could result in rezoning of this property, which could affect property values and property taxes.

The notice shall state that the forum record will remain open fifteen (15) calendar days. In addition to the published notice, the appropriate local and countywide civic and business organizations, other organizations known to have a special interest in a particular plan, and each municipality whose territorial boundaries are within or abut the area affected shall be invited and encouraged to participate in the forum. The public forum notice and invitation shall request comments for proposed changes in land use, zoning, or any other subjects pertinent to planning and development in the subject area. The purpose of the mailing is for informational purposes only. The failure of the Planning Board to send, or the addressee to receive, the notice shall not invalidate the adoption or approval of the plan.

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Sec. 27-644. Preliminary plan.

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(c) **Public hearing**

(1) Requirement

(A) The District Council and the Planning Board shall conduct at least one (1) joint public hearing on the published preliminary plan and, if included, the proposed Sectional Map Amendment prepared pursuant to the provisions of Section 27-225.1.5 within six (6) months from the date permission to print is granted.

(2) **Notice**

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(C) The Planning Board shall also obtain from the Office of Assessments and Taxation a listing of the owners of land within the boundaries of the preliminary plan, and shall arrange to have written notice of the hearing mailed to all listed property owners. This notice shall provide owners with information, such as the boundaries of the area involved, the time and place of the hearing, and how to obtain additional information, and shall invite them to comment on the plan. The notice shall also include a statement advising that[,] either: after approval of the plan by the District Council, a Sectional Map Amendment for the area could result in rezoning, which could affect property values and property taxes; or a Sectional Map Amendment for the area will be approved concurrently with the approval of the plan by the District Council, which could result in rezoning of the property, and could affect property values and property taxes. The purpose of this mailing is for informational purposes only. The failure of the Planning Board

to send, or the property owner to receive, the notice shall not invalidate the adoption or approval of the plan.

(3) **Referral**

(A) At least thirty (30) days prior to the public hearing, a copy of the preliminary plan shall be transmitted to the County Executive and each municipality whose territorial boundaries are within or abut the area affected by the plan. At the same time, the preliminary plan shall be made available for public distribution. If the preliminary plan includes a proposed Sectional Map Amendment prepared pursuant to the provisions of Section 27-225.1.5, it shall be transmitted to the County Executive and to each municipality located within the area of the proposed Sectional Map Amendment or within one-half (1/2) mile of that area. The County Executive and those municipalities shall be advised to refer their comments on the proposed Sectional Map Amendment to the Planning Board and the District Council at the scheduled joint public hearing.

(B) The municipalities shall be invited to testify at the public hearing and to submit written comments on the plan and, if included, the proposed Sectional Map Amendment, prior to or during the public hearing.

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Sec. 27-645. Adoption by Planning Board.

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(c) Planning Board action

(1) The Planning Board (or Commission) shall adopt the preliminary plan, or adopt the plan with amendments based on the record, within six (6) months of the joint public hearing, and shall transmit the adopted plan and the analysis to the District Council within sixty (60) days of adoption. If the adopted plan includes a Sectional Map Amendment prepared pursuant to the provisions of Section 27-225.1.5, the Planning Board shall transmit the Sectional Map Amendment it endorsed concurrently with, and as part of, the adopted plan to the District Council. Transmitted with the resolution shall be the proposed Zoning Map, which shall be based upon the recommendations contained in the adopted plan.

(2) A copy of the adopted plan shall be transmitted to the County Executive and to each municipality whose territorial boundaries are within or abut the area affected by the plan. If the adopted plan includes a Sectional Map Amendment prepared pursuant to the provisions of Section 27- 225.1.5, it shall be transmitted to the County Executive and to each municipality located within the area of the Sectional Map Amendment or within one-half (1/2) mile of that area.

(d) Pending Zoning Map Amendment applications

(1) Upon adoption of a preliminary plan that includes a Zoning Proposal that was processed pursuant to the provisions of Section 27-225.1 or that includes a Sectional Map Amendment prepared pursuant to the provisions of Section 27-225.1.5, the

acceptance and processing of Zoning Map Amendment applications within the subject planning area(s) shall be postponed in accordance with the provisions of Sections 27-225.1 (f), 27-225.1.5(f), and 27-226 (a).

Sec. 27-646. Approval by District Council.

(a) **Public hearing**

(1) Within three (3) months following receipt of the adopted plan and, if included, a Sectional Map Amendment, endorsed by the Planning Board, the District Council shall decide whether to conduct an additional joint public hearing with the Planning Board on the adopted plan and, if included, the Sectional Map Amendment.

(2) If the District Council considers amendments to the adopted plan and, if included, a Sectional Map Amendment, not based on testimony or evidence received prior to the close of the hearing record, at least one (1) additional joint public hearing shall be held with the Planning Board on the amendments.

All proposed amendments shall be referred to the Planning Board for its written comments, which shall be submitted to the Council prior to its action on the amendments.

(3) If an additional joint public hearing is held on an adopted plan and, if included, a Sectional Map Amendment, notice of the hearing shall be given by the Clerk of the Council in the same manner as that prescribed for a preliminary plan (Section 27-644(c)(2)). All property owners, affected municipalities, and the County Executive shall be invited to

submit comments in the same manner as prescribed for the preliminary plan (Section 27-644(c)(3)). The failure of the County Executive to present comments or recommendations prior to the close of the public hearing record shall be presumed to indicate no objections to the amendments. The Planning Board shall make copies of the adopted plan available for the public hearing.

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(c) District Council action

(1) Within three (3) months following receipt of the adopted plan or, if there is an additional joint public hearing, within six (6) months of the decision to hold an additional joint public hearing, the District Council shall:

(A) Approve the adopted plan and, if included, the Sectional Map Amendment as submitted by the Planning Board;

(B) Approve the adopted plan and, if included, the Sectional Map Amendment with amendments based upon the record (this approval shall not require readoption by the Planning Board); or

(C) Disapprove the adopted plan and, if included, the Sectional Map Amendment.

(2) If the District Council disapproves the adopted plan and, if included, the Sectional Map Amendment, it shall be returned to the Planning Board for further consideration. The specific reasons for the disapproval shall also be sent to the

Planning Board. The Planning Board shall reconsider the adopted plan and, if included, the Sectional Map Amendment and resubmit them for consideration by the Council in accordance with the procedures of Sections 27-644(b) through 27-646, above.

(3) The failure of the District Council to take action on the adopted plan and, if included, the Sectional Map Amendment, within three (3) months following receipt of the adopted plan or, if there is an additional joint public hearing within six (6) months of the decision to hold an additional joint public hearing, shall constitute disapproval of the adopted plan and, if included, the Sectional Map Amendment.

(4) The approval of a new or amended plan and, if included, the Sectional Map Amendment, shall be by a majority vote of the full Council.

(d) Building permits

(1) Upon approval of an Area Master Plan that includes a Zoning Proposal [that was] prepared pursuant to the provisions of Section 27-225.1 or a Sectional Map Amendment prepared pursuant to the provisions of Section 27-225.1.5, building permit application recommendations by the Planning Board and issuance of building permits by the Department of Environmental Resources within the subject planning area(s) shall be postponed in accordance with the provisions of Section 27-225.2, when the lot or parcel on which construction is proposed:

(A) Is currently in a Commercial or Industrial Zone;

(B) Was proposed by the Planning Board for a less

intense zone in which the proposed use is not permitted;

(C) Is not developed; and

(D) Has been in the same zone for more than ten (10)

years.

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SECTION 2. BE IT FURTHER 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 Section 27-225.1.5 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 4. SECTIONAL MAP AMENDMENT (SMA).

Subdivision 2. Procedures.

Sec. 27-225.1.5. Optional Planning Board procedures, initiation concurrent with Area Master Plan.

(a) Authorization

(1) The Planning Board may be authorized to prepare a Sectional Map Amendment by a resolution of the District Council initiating a Sectional Map Amendment concurrently with the initiation of an Area Master Plan by the Commission or Planning Board. The date of initiation of the Sectional Map Amendment shall be the date of the initiation of the Area Master Plan by

the Commission or Planning Board with the concurrence of the District Council, or any date after the initiation date of the Area Master Plan and prior to the date that the Planning Board grants permission to print the preliminary Area Master Plan.

(b) Preparation of a Zoning Map.

(1) The Planning Board shall prepare a proposed Zoning Map, which shall be based upon the recommendations contained in the preliminary plan, concurrently with, and as part of, the Area Master Plan, unless documented to be in conflict with County laws or policies established elsewhere.

(2) The proposed Sectional Map Amendment shall include the information required in Section 27-225(c)(2).

(c) Comprehensive Design Zone reconsideration.

(1) Comprehensive Design Zone applications within pending Sectional Map Amendment areas, which have already been considered by the Planning Board (but not yet decided by the District Council), may be reconsidered by the Planning Board for the purposes of incorporating them into the Sectional Map Amendment.

(d) Action and transmittal

(1) The Planning Board shall transmit the Sectional Map Amendment it endorsed as part of the adopted Area Master Plan in accordance with Section 27-645(c).

(e) Notice

(1) The Planning Board shall notify all owners of land within the boundaries of the Sectional Map Amendment in

accordance with Sec. 27- 644(c).

(f) Pending Zoning Map Amendment applications.

(1) The Planning Board shall process pending Zoning Map Amendment cases in accordance with Section 27-225.1(f).

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect on the date of its adoption.

Adopted this 26th day of May, 1992.

OF
COUNTY,
GEORGE'S COUNTY COUNCIL OF PRINCE
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S
MARYLAND

BY:

Richard J. Castaldi
Chairman

ATTEST:

Joyce T. Sweeney
Acting 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.