

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2004 Legislative Session

Bill No. _____ CB-76-2004

Chapter No. _____

Proposed and Presented by _____ Council Member Bland

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Master Plan Procedures in the Rural Tier

3 For the purpose of amending Master Plan preparation, adoption, and approval provisions as they
 4 apply in the Rural Tier, as defined and modified in the General Plan; further providing that
 5 during initial Rural Tier Master Plan preparation and approval, no permits may be issued within
 6 the Rural Tier; and making related amendments to the Zoning Ordinance.

7 BY repealing and reenacting with amendments:

8 Sections 27-641 and 27-642,

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

10 being also

11 SUBTITLE 27. ZONING.

12 The Prince George's County Code

13 (1999 Edition, 2002 Supplement).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 15 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
 16 District in Prince George's County, Maryland, that Sections 27-641 and 27-642 of the Zoning
 17 Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's
 18 County Code, be and the same are hereby repealed and reenacted with the following
 19 amendments:

SUBTITLE 27. ZONING.

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

DIVISION 2. PROCEDURES.

Sec. 27-641. Initiation.

(a) The Commission or Planning Board may initiate a new or amended General Plan, Functional Master Plan, or Area Master Plan, with the concurrence of the District Council. Initiation shall [be in accordance with] conform to the [approved] Commission's planning schedule and budget [of the Commission].

(b) [In the case of an] For a plan amendment, the Council's authorization shall specify the area of the plan to be covered.

(c) [In the case of] For an Area Master Plan, the Planning Board shall, with the concurrence of the District Council, initiate a new plan by resolution not later than six (6) years after the adoption of the previous Sectional Map Amendment.

(d) For the Rural Tier Master Plan, the Planning Board, with the concurrence of the District Council, shall initiate a new Master Plan or plan amendment by resolution, as provided in this Division, to make the Rural Tier Master Plan consistent with General Plan amendments affecting or concerning the Rural Tier.

Sec. 27-642. Public and municipal participation.

(a) **Informational brochure.**

(1) Upon initiation of [the plan] a Master Plan, an informational brochure shall be prepared by the Planning Board. The brochure shall contain the following:

- (A) Delineation of the subject area;
- (B) The status of existing plans;
- (C) Development problems and issues affecting the area;
- (D) Maps of the area (for Area Master Plans only) showing:
 - (i) Existing zoning;
 - (ii) Existing land use;
 - (iii) Existing public facilities; and
 - (iv) Public facilities which are included, or anticipated to be included, in a

Capital Improvement Program of the Federal, State, or County government; and

(E) Other information which the Council or Planning Board believes is appropriate.

(F) A public participation program proposed for the formulation of the plan.

(b) **Public forum.**

* * * * *

(c) **Public participation program.**

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(d) **Public facility and minor plan amendments; Rural Tier Master Plan approval and amendments.**

(1) This Section shall not apply to minor public facility and minor plan amendments (including related map or text changes) that do not directly modify the entire subject area of an existing plan[, except that,]. But where [the] a Development District Overlay Zone is located in whole or in part within a municipality, no plan amendment shall be approved [without first considering] until the Council considers the municipality's recommendation [of the municipality].

(2) The provisions above for Master Plans generally shall not apply to approval or amendment of the Rural Tier Master Plan. The procedures for Rural Tier Master Plan preparation, adoption, approval, and amendment shall be as follows:

(A) After the District Council approves a General Plan amendment which affects or concerns the Rural Tier, the Council may adopt a resolution initiating proceedings to approve or amend the Rural Tier Master Plan. If a resolution is adopted, the Planning Director shall give notice by first-class mail to all registered citizens associations within the Rural Tier of the initiation of approval or amendment proceedings for the Rural Tier Master Plan.

(B) Within 90 days of adoption of the resolution initiating Master Plan proceedings, the Planning Board shall transmit to the Clerk of the Council the Board's adopted text and maps for amendments to the Rural Tier Master Plan, to bring the plan into conformance with General Plan amendments and otherwise to advance the objective of preserving the character of the Rural Tier.

(C) Within 10 days of receipt of the adopted Rural Tier Master Plan amendments from the Planning Board, the Clerk of the Council shall give 30 days' notice of a District Council public hearing on the amendments.

1 (D) At the public hearing, the Council shall receive and consider testimony
 2 and other evidence on the Planning Board's adopted amendments. Within 60 days of the
 3 hearing, the Council shall:

4 (i) Approve those amendments which advance General Plan goals and
 5 policies and the objective of rural character preservation; or

6 (ii) Remand the matter with the proposed amendments to the Planning
 7 Board, to consider specific issues.

8 (E) After Council approval of the Rural Tier Master Plan or amendment to the
 9 plan, the plan shall be implemented by the Planning Board and District Council, until it is again
 10 amended in proceedings following the requirements of this Section.

11 (F) From the date of adoption of the Council Resolution initiating the
 12 preparation of the Rural Tier Master Plan, for a period of 300 days, or until the Master Plan has
 13 been adopted and approved, whichever date is earlier, no grading or building permits shall be
 14 issued for properties within the Rural Tier.

15 SECTION 2. BE IT FURTHER ENACTED that from the date of adoption of the Council
 16 Resolution initiating the preparation of the Rural Tier Master Plan, for a period of 300 days, or
 17 until the Master Plan has been adopted and approved, whichever date is earlier, no grading or
 18 building permits shall be issued for properties within the Rural Tier

19 SECTION 3 BE IT FURTHER ENACTED that if any sentence, clause, section, provision,
 20 or part of this Act is held illegal, invalid, unconstitutional, or unenforceable, such illegality,
 21 invalidity, unconstitutionality, or unenforceability shall not affect or impair any of the remaining
 22 sentences, clauses, sections, provisions, or parts of the Act. It is hereby declared to be the intent
 23 of the District Council that this Act would have been adopted as if such illegal, invalid,
 24 unconstitutional, or unenforceable sentence, clause, section, provision, or part had not been
 25 included.

26 SECTION 4. BE IT FURTHER ENACTED that this Ordinance shall take effect 45
 27 calendar days after its adoption.

Adopted this _____ day of _____, 2004.

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: _____
Tony Knotts
Chairman

ATTEST:

Redis C. Floyd
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.