

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

2000 Legislative Session

Bill No. _____ CB-79-2000
 Chapter No. _____ 73
 Proposed and Presented by _____ Council Member Shapiro
 Introduced by _____ Council Member Shapiro
 Co-Sponsors _____
 Date of Introduction _____ October 24, 2000

ZONING BILL

1 AN ORDINANCE concerning

2 M-U-TC Zone and Sectional Map Amendments

3 For the purpose of permitting a proposed M-U-TC Zone or Sectional Map Amendment to be
 4 approved without a second District Council public hearing after transmittal by the Planning
 5 Board, under certain circumstances.

6 BY repealing and reenacting with amendments:

7 Sections 27-198.04(b), 27-226(c), and 27-646(a),

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

9 being also

10 SUBTITLE 27. ZONING.

11 The Prince George's County Code

12 (1999 Edition).

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 14 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
 15 District in Prince George's County, Maryland, that Sections 27-198.04(b), 27-226(c), and
 16 27-646(a) of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27
 17 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the
 18 following amendments:

19 **SUBTITLE 27. ZONING.**

20 **PART 3. ADMINISTRATION.**

DIVISION 2. ZONING MAP AMENDMENTS.

Subdivision 3A. M-U-TC Zone.

Sec. 27-198.04. Specific District Council procedures.

(b) Amendment of Planning Board proposal.

(1) Prior to taking final action, the District Council may propose amendments to the M-U-TC Zone recommended by the Planning Board. The Council shall hold another public hearing on the amendments within sixty (60) days of the first hearing, except as provided in subsection (b)(3) below. At least fifteen (15) days prior to the hearing, notice of the date, time, and place of the hearing on the proposed amendments shall appear at least one (1) time in the County newspapers of record. This same notice shall also be sent to all owners of land and any municipality lying (wholly or in part) within the proposed boundary, and to any municipality within one (1) mile of the proposed boundary.

(2) All proposed amendments shall be referred to the Planning Board when they are proposed. The Planning Board shall submit written comments to the Council prior to, or at the time of, the public hearing on the amendments.

(3) The District Council may amend the Planning Board's proposed M-U-TC Zone without an additional public hearing, where the amendments are only to exclude property from the proposed rezoning.

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DIVISION 4. SECTIONAL MAP AMENDMENT (SMA).

Subdivision 2. Procedures.

Sec. 27-226. District Council procedures.

(c) Amendments prior to final action.

(1) The District Council may propose amendments to the Sectional Map Amendment transmitted by the Planning Board at any time prior to final action. If amendments are proposed, the District Council shall, prior to approval of the Sectional Map Amendment, hold a public hearing, which shall be advertised in the three (3) County newspapers of record at least fifteen (15) calendar days prior to the scheduled hearing, giving notice of the date, time, and location thereof. Amendments proposed only to retain the existing zoning of property may be approved by the Council without holding an additional public hearing.

(2) If the Sectional Map Amendment is prepared pursuant to the provisions of Section

1 27-225.01.05, the District Council shall identify changes to the Sectional Map Amendment
 2 recommended by the Planning Board in their transmittal as amendments for the purposes of this
 3 public hearing requirement.

4 (3) Specific notice shall be sent by first class mail to all owners of land for which an
 5 amendment to the Sectional Map Amendment has been proposed by the District Council (or
 6 Planning Board change if prepared according to Section 27-225.01.05). This notice shall inform
 7 the property owner that a zoning change has been proposed for their property by the amendment,
 8 and provide information regarding the date, time, and place of the public hearing on the
 9 amendment. No notice is required if no public hearing will be held. This mailing is for
 10 informational purposes only. The failure of the Planning Board to send, or the property owner to
 11 receive, the mailing shall not invalidate the approval of the Sectional Map Amendment by the
 12 Council.

13 (4) A notice that amendments to the Sectional Map Amendment have been proposed
 14 shall be sent to all property owners in accordance with the requirements and procedures of
 15 Section 27-225(e)(2). No notice is required if no public hearing will be held.

16 (5) All of the District Council's proposed amendments shall be referred to the
 17 Planning Board for the Board's written comments. The comments, if any, shall be submitted to
 18 the Council prior to the Council's action on the amendments.

19 [(6) In the event that a proposed Sectional Map Amendment is disapproved by the
 20 District Council, the Zoning Hearing Examiner shall resume the processing of all postponed
 21 applications, and shall refile his decision with the District Council on any remanded application.]

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23 **PART 13. AREA MASTER PLANS, GENERAL PLAN, FUNCTIONAL MASTER** 24 **PLANS, AND PLANNING AREAS.**

25 **DIVISION 2. PROCEDURES.**

26 **Sec. 27-646. Approval by District Council.**

27 **(a) Public hearing.**

28 (1) Within three (3) months following receipt of the adopted plan and, if included, a
 29 Sectional Map Amendment, endorsed by the Planning Board, the District Council shall decide
 30 whether to conduct an additional joint public hearing with the Planning Board on the adopted
 31 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, at least one (1) additional joint public hearing shall be held with the Planning Board on the amendments. Amendments proposed only to retain the existing zoning of property may be approved by the Council without holding an additional public hearing.

(3) 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)](4) 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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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, 2000.

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: _____
Dorothy F. Bailey
Chair

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.