

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND****SITTING AS THE DISTRICT COUNCIL****2006 Legislative Session**

Bill No. \_\_\_\_\_ CB-23-2006

Chapter No. \_\_\_\_\_ 19

Proposed and Presented by \_\_\_\_\_ Council Member Dernoga

Introduced by \_\_\_\_\_ Council Members Dernoga and Hendershot

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_ June 20, 2006

**ZONING BILL**

1 AN ORDINANCE concerning

2 Conveyances of Land by the State of Maryland

3 For the purpose of restating and clarifying the process for reclassifying property conveyed by the

4 State for the University of Maryland as previously enacted by CB-31-2005 and CB-50-2005.

5 BY repealing and reenacting with amendments:

6 Sections 27-113 and 27-113.04,

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

8 being also

9 SUBTITLE 27. ZONING.

10 The Prince George's County Code

11 (2003 Edition, 2005 Supplement).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,

13 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional

14 District in Prince George's County, Maryland, that Sections 27-113 and 27-113.04 of the Zoning

15 Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's

16 County Code, be and the same are hereby repealed and reenacted with the following

17 amendments:

18 **SUBTITLE 27. ZONING.**19 **PART 2. GENERAL.**20 **DIVISION 3. ZONING AND ZONING MAP.**

**Sec. 27-113. Property conveyed by the United States of America or by the State of Maryland.**

(a) [Any land which is] Property conveyed in fee simple by the United States of America or [by] the State of Maryland shall immediately be placed in the Reserved Open Space (R-O-S) Zone until the District Council approves a Zoning Map Amendment for the [land has been approved by the District Council] property.

(b) This Section [shall] does not apply to [land] property conveyed [from] by the Maryland-National Capital Park and Planning Commission [or land conveyed from the University of Maryland (or the State of Maryland as title owner for the University of Maryland) which is zoned R-55, lies adjacent to an existing residential subdivision, and is restricted in the conveyance to 30 or fewer lots] or by the State for the University of Maryland, where an application for another zone is filed before recording of the deed of conveyance.

(c) Property conveyed by the State or the United States shall be placed in the zoning classification which applied before State or Federal ownership, if (and only if) the property was rezoned by Zoning Map Amendment approved within twenty-four (24) months of the conveyance.

**Sec. 27-113.04. Property conveyed by the State for the University of Maryland.**

(a) This Section applies only to property owned by the State for the University of Maryland and conveyed by the State to a private person. It does not apply to property rezoned within twenty-four (24) months of State conveyance to a private person, as provided in Section 27-113 or property conveyed from the University of Maryland (or the State of Maryland as title owner for the University of Maryland) which is zoned R-55, lies adjacent to an existing residential subdivision, and is restricted in the conveyance to 30 or fewer lots.

(b) For property to be conveyed to a private purchaser by the State for the University of Maryland, the purchaser or State of Maryland may file a Zoning Map Amendment application (as described in Part 3, Division 2) directly with the District Council, at any time before the recording of the deed of conveyance. If no application is filed, then the property shall be placed in the R-O-S Zone, as provided in Section 27-113.

(c) Applications filed under this Section shall be processed as follows:

(1) Applicants shall comply with all pre-application informational mailing requirements in Part 3, Division 1.

(2) Before an application is filed with the District Council, the applicant shall submit to (and have accepted by) the Technical Staff all application materials, together with the filing fee, for a Zoning Map Amendment.

(3) Within seventy (70) days of the date of filing, the Technical Staff shall file with the Clerk of the Council a report on the application, with findings and conclusions, recommending approval, approval with conditions, disapproval, or remand for further review to the Technical Staff or, if further evidence is required, to the Zoning Hearing Examiner.

(4) The Technical Staff may recommend and the District Council may approve an amendment under this Section only on the following findings:

(A) The proposed amendment is found to be in general conformance with the applicable Master Plan map, or the General Plan map, or with the principles and recommendations in the text of the applicable Master Plan or the General Plan. In making this finding, staff and Council may consider the Master Plan adopted for the University of Maryland.

(B) Development proposed by the applicant or permitted in the proposed zoning classification is found not incompatible, as to land uses, visual or noise or environmental effects, or traffic to be generated, with adjoining properties or others in the neighborhood, as they are currently (at application time) zoned or used.

(5) Within ninety (90) days of the date of filing, the District Council shall review the application in a public hearing, where exhibits (but not sworn testimony) may be introduced into the record. For hearings under this Section only, but not for other Zoning Map Amendment applications, the applicant shall post the subject property at least thirty (30) days prior to the hearing before the District Council, giving notice as required in Part 3, Division 1, for Examiner hearings.

(6) The District Council may approve the rezoning, with or without conditions; may approve a less intense zone, with or without conditions; may deny the application; or may remand it to the Technical Staff or, if further evidence is required, to the Zoning Hearing Examiner.

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (45) calendar days after its adoption.

Adopted this 18th day of July, 2006.

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: \_\_\_\_\_  
Thomas E. Dernoga  
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.

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