

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**SITTING AS THE DISTRICT COUNCIL****1998 Legislative Session**

Bill No. _____ CB-41-1998

Chapter No. _____ 35

Proposed and Presented by _____ Council Members Scott and Hendershot

Introduced by _____ Council Member Scott and Hendershot

Co-Sponsors _____

Date of Introduction _____ May 12, 1998

ZONING BILL

1 AN ORDINANCE concerning

2 Health Campus - Site Plans

3 For the purpose of establishing a procedure for amendments to special exception site plans for
4 buildings and uses serving health campuses.

5 BY repealing and reenacting with amendments:

6 Section 27-362,

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 (1995 Edition, 1997 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 Section 27-362 of the Zoning Ordinance of
15 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,
16 be and the same is hereby repealed and reenacted with the following amendments:**17 SUBTITLE 27. ZONING.****18 PART 4. SPECIAL EXCEPTIONS.****19 DIVISION 3. ADDITIONAL REQUIREMENTS FOR SPECIFIC SPECIAL
20 EXCEPTIONS.**

1 **Sec. 27-362. Health campus.**

2 * * * * *

3 (6) **Amendment of site plan.**

4 (A) Notwithstanding other provisions of this Subtitle concerning revision of site
5 plans, requests to amend a site plan for a health campus shall only be approved by the District
6 Council and in accordance with this paragraph[.] 27-362(a)(6), provided however that the
7 Planning Board is authorized to grant minor changes to the site plan approved by the District
8 Council pursuant to Section 27-314 for and upon which health campuses are located. Such
9 amendments to site plans may be permitted provided that either of the following two (2)
10 situations exist:

11 (i) Situation No. 1.

12 (a) There is a proposed increase in gross floor area of a building or in
13 land area covered by a structure other than a building (over that approved on the original or
14 amended site plan) which is not greater than ten percent (10%) of the gross floor area or covered
15 land area or 500 square feet, whichever is less (see Figure 40); or

16 (b) There is a proposed relocation (in any direction) of any
17 improvement (approved on the original or amended plan) which is not greater than ten percent
18 (10%) of the distance to the boundary line of the special exception or twenty (20) feet, which is
19 less (see Figure 41).

20 (ii) Situation No. 2.

21 (a) There is a proposed expansion or addition of a parking lot or
22 parking garage; or

23 (b) There is a proposed change in a landscape plan.

24 (B) The minor change request shall be in the form of an application filed with the
25 Planning Board. The contents of the application shall be determined by the Planning Board.
26 Along with filing the application, the application shall submit an amended site plan, and
27 Statement of Justification. The Planning Board shall:

28 (1) Hold a hearing on the request in accordance with the Rules of Procedure
29 established by the Planning Board;

30 (2) Give notice of the hearing in a manner determined by the Planning Board which
31 shall include notice to all persons of record and any municipality within a one-half (1/2) mile of

1 the property.

2 (3) Send a copy of the application to any municipality within a one-half (1/2) mile of
3 the property;

4 (4) Make its decision in the form of a resolution; and

5 (5) Send a copy of the resolution to all persons of record, any municipality within a
6 one-half (1/2) mile of the property, and the Clerk of the Council.

7 (C) The Planning Board's decision to amend a site plan may be appealed to the District
8 Council upon petition by any person of record. The petition shall specify the error which is
9 claimed to have been committed by the Planning Board and shall also specify those portions of
10 the record relied upon to support the error alleged. The petition shall be filed with the Clerk of
11 the Council within thirty (30) days after the date of the notice of the Planning Board's decision.
12 The District Council may vote to review the Planning Board's decision on its own motion within
13 thirty (30) days after the date of the notice.

14 (1) The Clerk of the Council shall notify the Planning Board of any appeal or review
15 decision. Within seven (7) calendar days after receiving this notice, the Planning Board shall
16 transmit to the District Council a copy of the amended site plan, all written evidence and
17 materials submitted for consideration by the Planning Board, a transcript of the public hearing on
18 the site plan, and any additional information or explanatory material deemed appropriate.

19 (2) Within forty-five (45) days, the District Council shall schedule a public hearing
20 on the appeal or review. The Clerk of the Council shall give at least fourteen (14) calendar days
21 notice of the hearing to all persons of record and the Planning Board, all of whom shall be
22 entitled to appear at the hearing. Testimony at the hearing shall be limited to the facts and
23 information contained within the record made at the hearing before the Planning Board.

24 (3) Within sixty (60) days after the close of the Council's hearing, the Council shall
25 affirm, reverse, or modify the decision of the Planning Board, or return the amended site plan to
26 the Planning Board to take further testimony or reconsider its decision. Where the Council
27 approves an amended site plan, it shall make the same findings which are required to be made by
28 the Planning Board.

29 (4) The Council shall give its decision in writing, stating the reasons for its action.
30 Copies of the decision shall be sent to all persons of record, and the Planning Board.

31 [(B)](D) Requests to amend the approved site plan in all instances other than

1 those described in paragraph 6(A) above shall be filed concurrently with the Clerk of the Council
 2 and the office of the Planning Board. [After] Upon receipt of the request by the Clerk, the Office
 3 of the Zoning Hearing Examiner, shall schedule a public hearing, which shall occur not less than
 4 sixty (60), nor more than one hundred twenty (120), days after receipt of the request. The
 5 request shall be reviewed by the Technical Staff, taking into consideration the requirements of
 6 this Subtitle. The Technical Staff shall submit its recommendations to the Zoning Hearing
 7 Examiner within sixty (60) calendar days from the date of filing. The public hearing shall be
 8 conducted by the Zoning Hearing Examiner at which time the applicant, the Planning Board,
 9 Technical Staff, and members of the public may comment on the proposed amendment. The
 10 hearing shall be conducted in accordance with Section 27-129. Notice of the public hearing shall
 11 be published at least one (1) time in the County newspapers of record. The notice shall appear at
 12 least thirty (30), but not more than sixty (60), days prior to the public hearing date. The property
 13 shall be posted with a sign in the same manner as required for original applications. Notice shall
 14 be sent to any municipality having the subject property within its boundaries, and to all persons
 15 of record in the original Special Exception and any previously approved amendments. After the
 16 close of the hearing record, the Zoning Hearing Examiner shall file a written recommendation
 17 with the District Council.

18 (C) All persons of record shall be given at least ten (10) days written notice by
 19 the Clerk of the Council of the date and time of the District Council's consideration of the matter.
 20 Any person of record may appeal the recommendation of the Zoning Hearing Examiner within
 21 fifteen (15) days of the filing of the Zoning Hearing Examiner's recommendation with the
 22 District Council. If appealed, all persons of record may testify before the District Council.
 23 Persons arguing shall adhere to the District Council's Rules of Procedure, and argument shall be
 24 limited to thirty (30) minutes for each side, and to the record of the hearing.

25 (D) All amendments shall be in conformance with the purposes, regulations, and
 26 standards of this section.

27 (E) The approved amended site plan shall become the official site plan, as if it
 28 had been approved as a part of the original application for a Special Exception.

29 (F) The revised site plan shall comply with all applicable requirements of this
 30 Subtitle, and with any conditions, relating to the use, imposed by the District Council or Planning
 31 Board, in the approval of the building or use.

1 (G) When a minor change is approved by the Planning Board, any requirements
2 or conditions deemed necessary to protect adjacent properties and the general neighborhood may
3 be added.

4 * * * * * * *

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

 Adopted this 9th day of June, 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:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.