

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2018 Legislative Session**

Bill No. CB-27-2018

Chapter No. 27

Proposed and Presented by Council Members Davis and Franklin

Introduced by Council Members Davis, Franklin and Turner

Co-Sponsors _____

Date of Introduction July 24, 2018

ZONING BILL

1 AN ORDINANCE concerning

2 Comprehensive Design Zones - Specific Design Plans - Procedures

3 For the purpose of amending the Zoning Ordinance to authorize the administrative approval of
4 certain limited, minor revisions and limited departures from design standard requirements for
5 specific design plans by the Planning Director.

6 BY repealing and reenacting with amendments:

7 Section 27-530,

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 (2015 Edition, 2017 Supplement).

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 Section 27-530 of the Zoning Ordinance of
16 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,
17 be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 8. COMPREHENSIVE DESIGN ZONES.

DIVISION 4. COMPREHENSIVE DESIGN PLANS AND SPECIFIC DESIGN PLANS.

SUBDIVISION 2. SPECIFIC DESIGN PLANS.

Sec. 27-530. Amendments.

(a) All amendments of approved Specific Design Plans shall be made in accordance with the provisions of this Division for initial approval, except as set forth below.

(b) [The Planning Director (or designee) may approve a minor amendment in the location of structures shown on an approved Specific Design Plan due to an engineering necessity if the Planning Director finds that:

(1) It is in keeping with the architectural and site design characteristics of the approved Specific Design Plan; and

(2) It does not increase the floor area ratio.] The Planning Director is authorized to approve limited minor amendments administratively, without public hearing, to an approved Specific Design Plan, in accordance with the requirements of this subsection.

(1) The Planning Director may approve a minor amendment upon written finding that the proposed amendment is in keeping with the design characteristics of the approved Specific Design Plan and is limited in scope and nature, to include the following:

(A) An increase of no more than ten percent (10%) in the gross floor area of a building;

(B) An increase of no more than ten percent (10%) in the land area covered by a structure other than a building;

(C) The redesign of parking or loading areas;

(D) The redesign of a landscape plan;

(E) New or alternative architectural plans that are equal or superior to those originally approved, in terms of overall size and quality;

(F) Changes required by engineering necessity to grading, utilities, stormwater management, or related plan elements; or

(G) Changes to any other plan element determined by the Planning Director to have minimal effect on the overall design, layout, quality, or intent of the approved Specific Design Plan.

(2) The Planning Director is not authorized to administratively approve minor amendments that:

(A) Add or delete a land use, as uses are shown on the approved plan;

1 (B) Relocate significantly an approved land use;

2 (C) Increase the density or intensity of uses shown on the approved plan;

3 (D) Grant variances;

4 (E) Modify conditions, considerations, or other requirements imposed by the
 5 Planning Board or District Council in any case; or

6 (F) Otherwise waive any other requirement of this Subtitle not authorized by this
 7 Section.

8 (3) Before approving a minor amendment, the Planning Director shall make all
 9 findings, in writing, that the Planning Board would be required to make if the Planning Board
 10 reviewed the application.

11 (4) The applicant's property shall be posted within ten (10) days of the Planning
 12 Director's acceptance of filing of the application. Posting shall be in accordance with Part 3,
 13 Division 1 of this Subtitle, including Section 27-125.03(b) of this Subtitle. On and after the first
 14 day of posting, the application may not be amended unless the revised application is posted as if
 15 a new application.

16 (5) The Planning Director may waive posting after determining, in writing, that the
 17 proposed minor change is so limited in scope and nature that it will have no appreciable impact
 18 on adjacent property.

19 (6) If a written request for public hearing is not submitted within the posted time
 20 period, then the Planning Director may act on the application. The Planning Director's approval
 21 or denial shall constitute final action on the application, subject to any authorized appeal filed
 22 pursuant to the requirements set forth within Subsection (d) of this Section. Electronic notice of
 23 any approval or denial as to the application shall be made by the Planning Director not later than
 24 seven (7) calendar days after the date of the Director's approval. The Planning Director shall
 25 also publish the development activity report on the Planning Department's website.

26 (7) If a timely hearing request is submitted, or if the Planning Director declines to
 27 consider the application, then the application shall be treated as if re-filed as an application for
 28 review by the Planning Board on the date of that event. The applicant, Planning Director, and
 29 Technical Staff shall then follow the procedures applicable to Planning Board review of the
 30 application.

1 (c) A minor amendment to an approved Specific Design Plan for the purpose of making
 2 home improvements may be requested by a homeowner (or authorized representative) and
 3 approved by the Planning Director (or designee), in accordance with the following procedures:

4 (1) Filing. The applicant shall submit a site plan and any other material deemed
 5 necessary to properly detail the requested modifications.

6 (2) Fee. At the time the application is filed, the applicant shall pay a fee to cover the
 7 costs of processing the request. The fee shall be established by the Planning Board. In cases of
 8 financial hardship, the fee may be waived by the Planning Board.

9 (3) Criteria for granting minor amendments. A minor amendment may only be granted
 10 if the requested modifications:

11 (A) Are located within the approved Comprehensive Design Plan building lines
 12 and setbacks or any approved amendments to the Comprehensive Design Plan;

13 (B) Are in keeping with the architectural and site design characteristics of the
 14 approved Specific Design Plan; and

15 (C) Will not substantially impair the intent, purpose, or integrity of the approved
 16 Comprehensive Design Plan.

17 (d) Appeal.

18 (1) The decision of the Planning Director (or designee) may be appealed to the
 19 Planning Board. Application for appeal may be made when it is claimed that the true intent of the
 20 Comprehensive and Specific Design Plans or of this Subtitle have been incorrectly interpreted or
 21 applied. Notice of such appeal shall be in writing and filed within thirty (30) days after the
 22 decision is rendered by the Planning Director.

23 (2) Hearing. The Planning Board shall conduct a hearing pursuant to its Rules of
 24 Procedure.

25 (3) Findings.

26 (A) The Planning Board may grant the minor amendment in accordance with the
 27 criteria set forth in Subsections (b) and (c), above.

28 (B) The Planning Board shall approve, approve with modification, or disapprove
 29 the requested amendments, and shall state its reasons for the action. The Planning Board's
 30 decision (resolution) on the minor amendment shall be sent to all persons of record in the hearing
 31 before the Planning Board.

1 (e) In the event that a minor amendment requires an amendment of both the approved
2 Comprehensive Design Plan and Specific Design Plan, the amendment shall be combined and
3 processed in accordance with the provisions of Section 27-524.

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

Adopted this 4th day of September , 2018.

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: _____
Dannielle M. Glaros
Chair

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.