

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

2021 Legislative Session

Bill No. CB-079-2021

Chapter No. _____

Proposed and Presented by The Chair (by request --- Planning Board)

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Public Hearing Sign Postings

3 For the purpose of amending the public hearing sign posting requirements.

4 BY repealing and reenacting with amendments:

5 Sections 27-125.02, 27-125.03, 27-135, 27-213, 27-231, 27-244,

6 27-305, 27-546.14, 27-588,

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 (2019 Edition, 2020 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 27-125.02, 27-125.03, 27-135,
15 27-213, 27-231, 27-244, 27-305, 27-546.14, 27-588 of the Zoning Ordinance of Prince George's
16 County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same
17 are hereby repealed and reenacted with the following amendments:

18 **SUBTITLE 27. ZONING.**

19 **PART 3. ADMINISTRATION.**

20 **DIVISION 1. GENERAL ZONING PROCEDURES.**

SUBDIVISION 1. GENERAL.

Sec. 27-125.02. Fee Regulations.

* * * * *

(m) Other related fees; refunds.

(1) Sign posting fees.

(A) In addition to the filing fee, a fee of Thirty Dollars (\$30.00) shall be paid for posting each public notice sign, except as provided below.

(B) Where the application involves a public utility right-of-way, the fee shall be Thirty Dollars (\$30.00) each for the first four (4) signs, plus Five Dollars (\$5.00) for each sign over four (4).

(C) The Department of Permitting, Inspections, and Enforcement shall not be required to pay a sign posting fee for any application or petition filed.

(D) An applicant shall not be required to pay a sign-posting fee for any application for a Special Exception to establish a church.

(E) No sign posting fee shall be required for Planning Board hearings.

* * * * *

Sec. 27-125.03. Public Hearings Signs.

(a) Posting, in general.

(1) The applicant shall post the required public notice sign(s) for all public hearings conducted by the Planning Board, Board of [Zoning] Appeals and Zoning Hearing Examiner. Signs for [posting] Planning Board hearings shall be prepared by the applicant. Signs for Board of Appeals hearings shall be provided by the Board of Appeals. Signs for hearings before the Zoning Hearing Examiner, for applications not filed with the Planning Board, shall be provided by the Zoning Hearing Examiner. [shall be provided by the Board of Appeals where applicable,] All signs shall meet the size and layout requirements provided by the applicable hearing body and shall include the following information:

- (A) The word "Hearing" prominently displayed;
- (B) The application number;
- (C) The date, time and place of the public hearing;
- (D) A phone number, prominently displayed, to call for additional information; and
- (E) The website address of the Planning Department to obtain additional information.

1 * * * * *
2 (b) **Posting, Planning Director administrative approvals.**

3 (1) [Signs for] The applicant shall post the required public notice sign(s) for all applications
4 which the Planning Director is authorized to approve administratively. [shall comply with and
5 are subject to all requirements in (a), except (a)(1).]

6 (2) Signs for such applications shall be provided by the applicant in accordance with the
7 Planning Board’s size and layout requirements, and shall have the following:

- 8 (A) The title, "Notice: Right to Request Public Hearing";
- 9 (B)The type of minor site plan change or limited departure from design standards
- 10 proposed in the application;
- 11 (C) The application number;
- 12 (D) The request, or a description of its scope and nature;
- 13 (E) A clear statement that the Director will act on the application without a public hearing
- 14 unless a hearing is requested by a certain date, which shall be at least twenty (20) days after the
- 15 date of first posting;
- 16 (F) A clear statement that any person interested has a right to review the application and
- 17 request a public hearing or submit written comments; and
- 18 (G) Instructions how to request a hearing or submit written comments and how to obtain
- 19 additional information.

20 * * * * *

21 **SUBDIVISION 3. DISTRICT COUNCIL.**

22 **27-135. Reconsideration and amendment of decisions.**

23 * * * * *

24 (c) The District Council may (for good cause) amend any condition imposed or site plan
25 approved (excluding Comprehensive Design Zone Basic Plans or R-P-C Zone Official Plans)
26 upon the request of the applicant without requiring a new application to be filed, if the
27 amendment does not constitute an enlargement or extension.

28 (1) In the case of an amendment of a condition (imposed as part of the approval of the
29 zoning case), the request shall be directed, in writing, to the District Council, and shall state the
30 reasons therefore. Before the Council amends a condition, the Zoning Hearing Examiner shall
31 hold a public hearing on the request, in accordance with Section 27-129, and shall notify all

1 parties of record (including all parties of record on the original application and any amendments
 2 thereto) in the same manner as required for an original application. The [Planning Board]
 3 Applicant shall post a sign on the subject property, setting forth the date, time, and place of the
 4 hearing, in the same manner as required for an original application. After the close of the hearing
 5 record, the Zoning Hearing Examiner shall file a written recommendation with the District
 6 Council. Any person of record may appeal the recommendation of the Zoning Hearing Examiner
 7 within fifteen (15) days of the filing of the Zoning Hearing Examiner's decision with the District
 8 Council. If appealed, all persons of record may testify before the District Council. Persons
 9 arguing shall adhere to the District Council's Rules of Procedure, and argument shall be limited
 10 to thirty (30) minutes for each side, and to the record of the hearing.

11 (2) Where a site plan has been approved by the Council, the applicant may request an
 12 amendment to the site plan in the form of an application filed with the Planning Board. The
 13 Technical Staff shall analyze the proposed amendment, taking into consideration the
 14 requirements of this Subtitle. The staff shall submit (for the record) a recommendation. This
 15 recommendation, along with the proposed amendment, shall be transmitted by the Technical
 16 Staff directly to the District Council. The Zoning Hearing Examiner shall hold a public hearing
 17 on the request, in accordance with Section 27-129, and shall notify all parties of record
 18 (including all parties of record on the original application and any amendments thereof) in the
 19 same manner as required for an original application. The [Planning Board] Applicant shall post a
 20 sign on the subject property, setting forth the date, time, and place of the hearing, in the same
 21 manner as required for an original application. After the close of the hearing record, the Zoning
 22 Hearing Examiner shall file a written recommendation with the District Council. Any person of
 23 record may appeal the recommendation of the Zoning Hearing Examiner within fifteen (15) days
 24 of the filing of the Zoning Hearing Examiner's recommendation with the District Council. If
 25 appealed, all persons of record may testify before the District Council. Persons arguing shall
 26 adhere to the District Council's Rules of Procedure, and argument shall be limited to thirty (30)
 27 minutes for each side, and to the record of the hearing.

28 * * * * *

29 **SUBTITLE 27. ZONING.**

30 **PART 3. ADMINISTRATION.**

31 **DIVISION 2. ZONING MAP AMENDMENTS.**

SUBDIVISION 4. M-X-T AND M-X-C ZONES.

27-213. Map Amendment approval; amendments.

* * * * *

(g) Amendments to a Preliminary Development Plan.

* * * * *

(2) Secondary Amendments.

* * * * *

[(D) In addition to the filing fee, a fee of Thirty Dollars (\$30.00) shall be paid for the posting of each public notice sign to be posted by the Planning Board. No part of a fee shall be refunded or waived, unless the Planning Board determines that one of the following applies:

(i) The fee was paid by mistake, and the applicant has requested (in writing) a refund.

(ii) The application is withdrawn prior to posting the sign. In this case the entire sign posting fee shall be refunded.]

[(E)] (D) The open space network is designed to preserve the most sensitive and valuable environmental features;

[(F)] (E) The character of the land within the development is suitable for the uses proposed;

[(G)] (F) The proposed development plan incorporates design and planning techniques which will make it compatible with existing and proposed development in the vicinity; and

[(H)] (G) The amount of land proposed to be used for commercial activities is adequate to serve the residents of the community.

* * * * *

SUBTITLE 27. ZONING.

PART 3. ADMINISTRATION.

DIVISION 5. APPEALS AND VARIANCES.

SUBDIVISION 3. BOARD OF [ZONING] APPEALS.

27-231. Procedures.

* * * * *

(c) Fees.

(1) The appellant shall pay the Clerk of the Board all expenses of the appeal, including the

1 cost estimated by the Clerk for sending notices and advertising. An application fee shall also be
2 paid to the Clerk in accordance with the fee schedule of Section 27-125.02. [A separate fee for
3 the cost of public notice signs shall be paid to the Maryland-National Capital Park and Planning
4 Commission in accordance with the fee schedule of Section 27-125.02.] The fees are
5 nonrefundable unless (upon request of the appellant) the Board finds that the fee was paid by
6 mistake. All fees must be paid at the time of filing, except as provided.

7 * * * * *

8 **SUBTITLE 27. ZONING.**

9 **PART 3. ADMINISTRATION.**

10 **DIVISION 6. NONCONFORMING BUILDINGS, STRUCTURES AND USES.**

11 **SUBDIVISION 1. GENERAL REQUIREMENTS AND PROCEDURES.**

12 **Sec. 27-244 Certification.**

13 * * * * *

14 (c) **Notice.**

15 (1) Notice of the proposed application shall be provided by the applicant in accordance
16 with Section 27-125.01 of this Subtitle.

17 (2) The following notice provisions shall not apply to uses that, with the exception of
18 parking in accordance with Section 27-549, occur solely within an enclosed building.

19 (3) The [Planning Board] Applicant shall post the property with a durable sign(s) within
20 ten (10) days of acceptance of the application and accompanying documentation. The signs(s)
21 shall provide notice of the application; the nature of the nonconforming use for which the permit
22 is sought; a date, at least twenty (20) days after posting, by which written comments and/or
23 supporting documentary evidence relating to the commencing date and continuity of such use,
24 and/or a request for public hearing from a party of interest will be received; and instructions for
25 obtaining additional information. [Requirements regarding posting fees, the number, and the
26 location of signs shall conform to the requirements set forth in Subsection (f), below.]

27 * * * * *

28 **SUBTITLE 27. ZONING.**

29 **PART 4. SPECIAL EXCEPTIONS.**

30 **DIVISION 1. ADMINISTRATIVE PROCEDURES.**

31 **SUBDIVISION 3. NOTICE.**

1 **[Sec. 27-305. Public Hearings Signs.**

2 The Planning Board shall post the property with a durable sign at least sixty (60) days prior to
3 the scheduled hearing date. Signs shall be posted in accordance with Section 27-142.01.]

4 **SUBTITLE 27. ZONING.**

5 **PART 10. MIXED USE ZONES.**

6 **DIVISION 2. SPECIFIC MIXED-USE ZONES.**

7 **SUBDIVISION 3. M-UTC ZONE (MIXED-USE TOWN CENTER).**

8 **Sec. 27-546.14. Amendments to Development Plan.**

9 * * * * *

10 (b) Secondary amendments.

11 * * * * *

12 [(5) In addition to the filing fee, a fee of Thirty Dollars (\$30.00) shall be paid for the
13 posting of each public notice sign to be posted by the Planning Board. No part of a fee shall be
14 refunded or waived, unless the Planning Board determines that one of the following applies:

15 (A) The fee was paid by mistake, and the applicant has requested (in writing) a
16 refund.

17 (B) The application is withdrawn prior to posting the sign. In this case the entire sign
18 posting fee shall be refunded.]

19 [(6)](5) The District Council may, by Resolution, initiate a secondary amendment to an
20 approved Development Plan, including, but not limited to:

21 (A) An amendment proposal to repeal any requirement within the M-U-TC
22 Development Plan, for an M-U-TC Zone within one-half mile of an existing Metro station, for
23 review of development applications by a M-U-TC Design Review Committee; or

24 (B) An amendment proposal to incorporate a requirement within the M-U-TC
25 Development Plan, for an M-U-TC Zone within one-half mile of an existing Metro station, to
26 authorize, by motion, an election to review by the District Council as to any proposal for
27 development within the respective M-U-TC Zone Development Plan.

28 [(7)](6) The Planning Board shall review the requested secondary amendment for
29 compliance with this Section and shall follow the same procedure required for the Conceptual
30 Site Plan approval as found in Sections 27-276(a)(1), (3), (4), (5), (6); 27-276(c)(1), (2); and 27-
31 276(d). Review by the District Council shall follow the procedures in Section 27-280.

1 (i) The fee was paid by mistake, and the applicant has requested (in writing) a
2 refund; or

3 (ii) The application is withdrawn prior to posting the signs. In this case the entire sign
4 posting fee shall be refunded.]

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

Adopted this ____ day of _____, 2021.

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: _____
Calvin S. Hawkins, II
Chair

ATTEST:

Donna J. Brown
Acting 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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