

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2017 Legislative Session**

Bill No. CB-94-2017

Chapter No. 66

Proposed and Presented by Council Member Glaros

Introduced by Council Members Glaros, Lehman and Turner

Co-Sponsors _____

Date of Introduction October 10, 2017

ZONING BILL

1 AN ORDINANCE concerning

2 Zoning Procedures--Notification Requirements--Administrative Review of Applications

3 For the purpose of imposing a new electronic notice requirement for certain applications

4 authorized in the Zoning Ordinance for administrative review and disposition by the Planning

5 Board, Planning Director, or respective authorized representative.

6 BY repealing and reenacting with amendments:

7 Sections 27-125.03, 27-125.04, 27-244, 27-279, and 27-289,

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, 2016 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 Sections 27-125.03, 27-125.04, 27-244,
16 27-279, and 27-289 of the Zoning Ordinance of Prince George's County, Maryland, being also
17 Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and
18 reenacted with the following amendments:

19 **SUBTITLE 27. ZONING.**

20 **PART 3. ADMINISTRATION.**

DIVISION 1. GENERAL ZONING PROCEDURES.

SUBDIVISION 1. GENERAL.

Sec. 27-125.03. Public hearing signs.

* * * * *

(b) Posting, Planning Director administrative approvals.

(1) Signs posted for applications which the Planning Director is authorized to approve administratively shall comply with and are subject to all requirements in (a), except (a)(1).

(2) Signs for such applications shall have the following:

(A) The title, "Notice: Right to Request Public Hearing";

(B) The type of minor site plan change or limited departure from design standards proposed in the application;

(C) The application number;

(D) The request, or a description of its scope and nature;

(E) A clear statement that the Director will act on the application without a public hearing unless a hearing is requested by a certain date, which shall be at least twenty (20) days after the date of first posting;

(F) A clear statement that any person interested has a right to review the application and request a public hearing or submit written comments; and

(G) Instructions how to request a hearing or submit written comments and how to obtain additional information.

(3) Where the Planning Director is authorized to approve an application administratively, in addition to the required posting, the Director shall also give electronic notice of the application not later than seven (7) calendar days after the application is filed and accepted. The electronic notice shall contain the same information required for signs posted pursuant to Section 27-125.03(b)(2) of this Subtitle, as applicable.

Sec. 27-125.04. Notice.

(a) Notice of Acceptance.

(1) Within a reasonable time after an application is accepted by the Planning Board, the Board shall so advise the Zoning Hearing Examiner of all cases requiring a hearing by his/her office.

(2) Within ten (10) days after the end of each month, the Planning Board shall

1 provide a list of all applications filed during that month, including those applications authorized
2 for administrative review and/or disposition pursuant to this Subtitle, arranged according to
3 Councilmanic District. The list shall set forth the name of the applicant, the size and description
4 of the property, and the existing and proposed zoning classifications of the property. The
5 Planning Board shall publish the report on the Planning Board website. Any person may request,
6 in writing, a copy of the report sent by first class mail. A reasonable fee may be charged to cover
7 the costs of postage and copying.

8 (3) One (1) copy of the list described in this Subsection shall be mailed by the
9 Planning Board on a subscription basis without charge to every municipality as well as a
10 homeowners, neighborhood, civic, or similar association.

11 * * * * *

12 **PART 3. ADMINISTRATION.**

13 **DIVISION 6. BUILDING, GRADING, AND USE AND OCCUPANCY PERMITS.**

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

15 **Sec. 27-244. Certification.**

16 * * * * *

17 **(c) Notice.**

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

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

28 **(d) Administrative review.**

29 (1) Except for outdoor advertising signs, if a copy of a valid use and occupancy permit
30 is submitted with the application, where applicable a request is not submitted for the Planning
31 Board to conduct a public hearing, and, based on the documentary evidence presented, the

1 Planning Board's authorized representative is satisfied as to the commencing date and continuity
2 of the nonconforming use, the representative shall recommend certification of the use as
3 nonconforming for the purpose of issuing a new use and occupancy permit identifying the use as
4 nonconforming. This recommendation shall not be made prior to the specified date on which
5 written comments and/or requests for public hearing are accepted.

6 (2) For outdoor advertising signs, if satisfactory documentary evidence described in
7 Section 27-244(b)(2)(E) is received, the Planning Board's authorized representative shall
8 recommend certification of the use as nonconforming for the purpose of issuing applicable
9 permits and certifying the use as nonconforming. This recommendation shall not be made prior
10 to the specified date on which written comments and/or requests for public hearing are accepted.

11 (3) Following a recommendation of certification of the use as nonconforming, the
12 Planning Board's authorized representative shall notify the District Council of the
13 recommendation. Electronic notice of the recommendation for certification shall also be made by
14 the Planning Board's authorized representative not later than seven (7) calendar days after the
15 date of the recommendation. The Planning Director shall also publish the development activity
16 report on the Planning Department's website.

17 (4) If the District Council does not elect to review the recommendation within thirty
18 (30) days of receipt of the recommendation as authorized by Subsection (e), below, the
19 representative shall certify the use as nonconforming.

20 (5) Subsections (3) and (4), above, and Subsection (e), below, shall not apply to uses
21 that, with the exception of parking in accordance with Section 27-549, occur solely within an
22 enclosed building.

23 * * * * *

24 **DIVISION 9. SITE PLANS.**

25 **SUBDIVISION 3. REQUIREMENTS FOR CONCEPTUAL SITE PLANS.**

26 **Sec. 27-279. Amendment.**

27 (a) **General.**

28 An application to amend a Conceptual Site Plan shall be filed with the Planning Board
29 by the owner or authorized owner representative. No amendment of a Conceptual Site Plan shall
30 be permitted without the approval of the Planning Board or Planning Director, as provided in this
31 Section. The Director may authorize staff to take any action the Director may take under this

1 Section.

2 (b) **Amendment, Planning Board.**

3 All requirements for the filing and review of an original Conceptual Site Plan shall
4 apply to an amendment. The Planning Board shall follow the same procedures and make the
5 same findings.

6 (c) **Limited minor amendment, Planning Director.**

7 (1) The Planning Director is authorized to approve limited minor amendments
8 administratively, without public hearing, to approved Conceptual Site Plans.

9 (2) The Director may approve minor amendments if limited in scope and nature, and
10 only if they do not:

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

12 (B) Relocate significantly an approved land use;

13 (C) Alter significantly an approved circulation plan; or

14 (D) Increase the density or intensity of uses shown on the approved site plan.

15 (3) Before approving a minor amendment, the Director shall make all findings the
16 Planning Board would be required to make, if it reviewed the application.

17 (4) The Director is not authorized to waive requirements in this Subtitle, grant
18 variances, or modify conditions, considerations, or other requirements imposed by the Planning
19 Board or District Council in any case.

20 (5) The applicant's property shall be posted within ten (10) days of the Director's
21 acceptance of filing of the application. Posting shall be in accordance with Part 3, Division 1. On
22 and after the first day of posting, the application may not be amended.

23 (6) If a written request for public hearing is not submitted within the posted time
24 period, then the Director may act on the application. The Director's approval concludes all
25 proceedings. Electronic notice of approval as to the application shall be made by the Director not
26 later than seven (7) calendar days after the date of the Director's approval. The Planning
27 Director shall also publish the development activity report on the Planning Department's
28 website.

29 (7) If the Director denies the application or a timely hearing request is submitted, then the
30 application shall be treated as re-filed on the date of that event. The applicant, Director, and
31 Technical Staff shall then follow the procedures for Planning Board review of the application.

SUBDIVISION 3. REQUIREMENTS FOR DETAILED SITE PLANS.

Sec. 27-289. Amendments.

(a) General.

An application to amend a Detailed Site Plan shall be filed with the Planning Board by the owner or authorized owner representative. No amendment of a Detailed Site Plan shall be permitted without the approval of the Planning Board or Planning Director, as provided in this Section. The Director may authorize staff to take any action the Director may take under this Section.

(b) Amendment, Planning Board.

All requirements for the filing and review of an original Detailed Site Plan shall apply to an amendment. The Planning Board shall follow the same procedures and make the same findings.

(c) Limited minor amendment, Planning Director.

(1) The Planning Director is authorized to approve limited minor amendments administratively, without public hearing, to approved Detailed Site Plans.

(2) The Director may approve only the following minor amendments, if limited in scope and nature:

- (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 site plan.

(3) Before approving a minor amendment, the Director shall make all findings the Planning Board would be required to make, if it reviewed the application.

1 (4) The Director is not authorized to waive requirements in this Subtitle, grant
2 variances, or modify conditions, considerations, or other requirements imposed by the Planning
3 Board or District Council in any case.

4 (5) The applicant's property shall be posted within ten (10) days of the Director's
5 acceptance of filing of the application. Posting shall be in accordance with Part 3, Division 1. On
6 and after the first day of posting, the application may not be amended.

7 (6) The Director may waive posting after determining, in writing, that the proposed
8 minor change is so limited in scope and nature that it will have no appreciable impact on
9 adjacent property.

10 (7) If a written request for public hearing is not submitted within the posted time
11 period, then the Director may act on the application. The Director's approval concludes all
12 proceedings. Electronic notice of approval as to the application shall be made by the Director
13 not later than seven (7) calendar days after the date of the Director's approval. The Planning
14 Director shall also publish the development activity report on the Planning Department's
15 website.

16 (8) If the Director denies the application or a timely hearing request is submitted, then
17 the application shall be treated as re-filed on the date of that event. The applicant, Director, and
18 Technical Staff shall then follow the procedures for Planning Board review of the application.

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

Adopted this 14th day of November, 2017.

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: _____
Derrick Leon Davis
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.