

COUNTYWIDE SECTIONAL MAP AMENDMENT

Rezoning Request Packet

Prince George's County

September 2019

Countywide Sectional Map Amendment (CMA) Rezoning Request Packet

Table of Contents

Rezoning Request Packet Instructions 1

Countywide Sectional Map Amendment (CMA) Rezoning Request Form..... 2

Individual Applicant Affidavit..... 4

Agent Affidavit 6

Business Entity Affidavit 8

Ex Parte Disclosure Form..... 10

Countywide Sectional Map Amendment (CMA) Rezoning Request Packet

The Countywide Sectional Map Amendment (CMA) is the second phase of the Zoning Ordinance Rewrite project that will apply the new zones to properties in the County. The CMA covers all of Prince George's County except for the City of Laurel. The CMA will apply the new zoning regulations to land in the County and transition the existing zones to the most similar zones contained in the new Zoning Ordinance.

Pursuant to Section 27-1902(c) in Part 19 of the Prince George's County Zoning Ordinance, this request form is provided to allow any property owner or property owner's agent to request that an alternative zone be considered for their property/properties during the preparation of the CMA intended to implement the zones contained in the prospective Zoning Ordinance adopted by the Prince George's County Council, sitting as the District Council, on October 23, 2018.

Property owners or property owner's agents may request any specific zone contained in the new Zoning Ordinance, except Planned Development Zones and Overlay Zones. Zones included in the current Zoning Ordinance, also known as Subtitle 27 of the Prince George's County Code (2015 Ed., 2017 Supp.), may not be requested, and will not be approved through the CMA.

This rezoning request form, in-person testimony at the Joint Public Hearing on the CMA, and/or a statement for the official record, where your intent is to request or support intensifying the zone classification of your property, must be accompanied by a completed affidavit in accordance with the State Public Ethics Law, §§5-833 through 5-839, General Provisions Article, Annotated Code of Maryland. As required by law, the completed affidavit must be received by the Clerk of the Council at least thirty (30) days prior to the joint public hearing on the CMA. **Failure to file an affidavit may prohibit consideration of this rezoning request by the District Council.**

Additionally, communication concerning a pending zoning request between a property owner or agent and a member of the County Council or County Executive outside of the public hearing process is prohibited by law and must be disclosed (§5-836, General Provisions Article, Annotated Code of Maryland). An Ex Parte form must be filed by all parties regarding any such communication within five (5) days after the communication was made or received.

Affidavit and Ex Parte forms are included in this packet and are also available on the Maryland State Ethics Commission's website: <https://ethics.maryland.gov/local-government/forms/>. Questions concerning affidavit or Ex Parte requirements should be directed to the Clerk of the Council at 301-952-3600.

Completed forms must be delivered in person or mailed to the Clerk of the County Council (Prince George's County Administration Building, Room 2198, 14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772). Faxes or emails will not be accepted. Failure to file an affidavit may prohibit consideration of an intensification of zoning by the District Council.

Countywide Sectional Map Amendment (CMA) Rezoning Request Form

Property Owner Information

Property Owner(s)		Mailing Address Including City, State, and ZIP Code	
Email Address		Telephone	
Is the property owner(s) an individual or a business entity?			
Property Owner's Agent		Agent's Mailing Address Including City, State, and ZIP Code	
Email Address		Telephone	

Property Information

Property Address or location		Tax Account Number(s)	
Legal Description (Subdivision/Plat)		Tax Map/Grid	
Councilmanic District		Lot/Block/Parcel	
Other Pertinent Information			

Property Zoning Information

Current Zone <i>per the existing zoning Map</i>	Zone Proposed <i>per the Approved Guide to New Zones</i>	Zone Requested
Current Uses		

Provide a statement describing the basis for any disagreement with the application of the decision matrix as to the subject property (provide here or via separate attachment to this form):

Signature

Signature of the Person Submitting this Form

Name

*Name of the Person Submitting this Form
(print)*

Date of Signature

MM

DD

YY

STATE ETHICS COMMISSION
45 CALVERT STREET, 3RD FLOOR
ANNAPOLIS, MD 21401
410-260-7770
1-877-669-6085

This Form Is To Be Filed With:
CLERK OF THE COUNTY COUNCIL
COUNTY ADMINISTRATION BUILDING
ROOM 2198
UPPER MARLBORO, MD 20772
301-952-3600

Individual Applicant Affidavit

(Form PG 1)

General Information

The Prince George's County land use ethics law (General Provisions Article, §§ 5-833 to 5-839, Annotated Code of Maryland) ("Public Ethics Law") requires applicants to file this affidavit with applications filed with the District Council. This form should be submitted only by an individual who is: (i) a title owner or contract purchaser of land that is the subject of an application; (ii) a trustee who holds an interest in land that is the subject of an application, excluding a trustee described in a mortgage or deed of trust; or (iii) a holder of at least a 5% interest in a business entity that has an interest in the land that is the subject of an application, provided the individual has substantive involvement in directing the affairs of the business entity regarding the disposition of the land, or is engaged in substantive activities specifically pertaining to land development in Prince George's County as a regular part of the business entity's business activities. **In short, this form should be used whenever an individual, rather than a business entity¹, is required to file an affidavit as part of an application. All other applicants should file the Business Entity Applicant Affidavit (Form PG 2).**

In completing this form, you should also review §§ 5-833 to 5-839 of the Public Ethics Law. These provisions of the Public Ethics Law include the affidavit requirement, define applicants and agents, set out District Council member disqualification requirements, and specify ex parte disclosure procedures. Please note that a single application may result in the filing of one or more affidavits. For example, if the application involves a partnership, one or more partners may be required to file. As another example, if the applicant filer has a corporate interest attributable to him making the corporation also an applicant, then the corporation must file a Business Entity Applicant Affidavit. You may direct questions about the affidavit or other requirements of the Law to the State Ethics Commission office by phone, at 410-260-7770, or in writing, to the State Ethics Commission at the above address. Copies of the Public Ethics Law may be obtained at the Commission's website <http://ethics.maryland.gov/public-ethics-law/>. Additionally, there is a Special Ethics Law Memo on the Prince George's County land use ethics law at <http://ethics.maryland.gov/download/local-gov/local-gov-forms/PG%20County%20Zoning%20Memo.pdf> that contains additional filing information, including timing requirements.

Filing Deadline

You must file a signed original of this affidavit with the Clerk of the County Council no later than 30 days prior to the District Council's consideration of the application. You should file a supplemental affidavit as expeditiously as possible whenever a payment/contribution is made after the filing of the original affidavit and prior to the Council's consideration. Please note that under §5-835(a) of the Public Ethics Law, payments/contributions during the pendency of an application are generally prohibited.

Identifying Information

Name of Applicant _____ Case No. (where applicable)_____

Address of Applicant _____

Identity of the Property/
Subject of Application _____ Type of Application _____
(see §5-833(d))

¹Section 5-833 of the Public Ethics Law defines a business entity as a corporation, a general partnership, a joint venture, a limited liability company, a limited partnership or a sole proprietorship.

Applicant Payment/Contribution to Member Information (check or complete applicable blanks)

1. Was a payment/contribution made by the applicant to a treasurer or a continuing committee, either directly or through a political action committee (PAC), during the 36 months before the application filing or during the pendency of the application? ____ Yes ____ No

If the answer to #1 is yes, list below the name of the member or members and the date or dates of the payment/contribution:

<u>Name of Member</u>	<u>Date</u>
_____	_____
_____	_____
_____	_____
_____	_____

If the payment/contribution above was through a PAC, identify the PAC and the date of the transfer to the treasurer or continuing committee:

_____	_____
_____	_____

Solicitation and other Payment/Contribution Information

2. Did the applicant solicit a person or business entity to make a payment/contribution to a member during the 36 months before the application filing or during the pendency of the application? ____ Yes ____ No

If the answer to #2 above is yes, and a payment/contribution was made, list below the name of the member or members, the date or dates of the payment/contribution, and the name of the contributor:

<u>Name of Member</u>	<u>Date</u>	<u>Name of Contributor</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

3. Did a member of the applicant's household make a payment/contribution to a member during the 36 months before the application filing or during the pendency of the application? ____ Yes ____ No

If the answer to #3 above is yes, list below the name of the member or members, the date or dates of the payment/contribution, and the name of the household member who made the contribution/payment:

<u>Name of Member</u>	<u>Date</u>	<u>Name of Contributor</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

I hereby make oath or affirmation that the contents of this affidavit are true and correct to the best of my knowledge, information and belief.

Signature (original to be filed with the Clerk)

Date

Printed Name of Signer

Title of Signer (if applicable)

STATE ETHICS COMMISSION
45 CALVERT STREET, 3RD FLOOR
ANNAPOLIS, MD 21401
410-260-7770
1-877-669-6085

This Form Is To Be Filed With:
CLERK OF THE COUNTY COUNCIL
COUNTY ADMINISTRATION BUILDING
ROOM 2198
UPPER MARLBORO, MD 20772
301-952-3600

Agent Affidavit (Form PG 3)

General Information

The Prince George's land use ethics law (General Provisions Article, §§ 5-833 to 5-839, Annotated Code of Maryland) ("Public Ethics Law") requires agents involved in applications filed with the District Council to submit this affidavit. This includes the following: any individual, sole proprietorship, corporation, partnership or joint venture hired by an applicant for purposes relating to land that is subject to the application and who is an accountant, attorney, architect, engineer, land use or economic consultant, real estate agent or broker, or traffic consultant or engineer. In addition to those listed above, "agent" includes the following:

- for a corporation, officers, directors and majority stockholders that are regularly engaged in substantive land development activities in Prince George's County;
- for a partnership, any partner regularly engaged in substantive land development activities in Prince George's County; and
- for a joint venture, principal members regularly engaged in land development activities in Prince George's County.

Agents are not required to file negative affidavits. In accordance with § 5-835(d) of the Public Ethics Law, individuals or entities listed above are required to file affidavits if they meet the following criteria:

- the individual or entity has acted on behalf of the applicant with regard to the specific application, and has made or solicited a payment/contribution as disclosed below, or
- the individual or entity made a payment/contribution by prearrangement or in coordination with one or more applicants before becoming an agent, or
- the individual or entity made a payment/contribution before becoming an agent and acted as agent as to any other application during the 36-month period before the filing of the application.

In completing this form you should review §§ 5-833 to 5-839 of the Public Ethics Law. These provisions include the affidavit requirement, define applicants and agents, set out the District Council disqualification requirements, and specify the ex parte disclosure requirements. Agents should pay close attention to the sections of the Law that define agents, restrict contributions, and determine what must be disclosed. You may direct questions about the affidavit or other requirements of the Public Ethics Law to the State Ethics Commission by phone, 410-260-7770, or in writing to the above address. Copies of the Public Ethics Law may be obtained at the Commission's website <http://ethics.maryland.gov/public-ethics-law>. Additionally, there is a Special Ethics Law Memo on the Prince George's County land use ethics law at <http://ethics.maryland.gov/download/local-gov/local-gov-forms/PG%20County%20Zoning%20Memo.pdf>.

Timing of Filing

You must file a signed original of this affidavit with the Clerk of the County Council as expeditiously as possible after you become an agent required to file. When possible, you should file your agent affidavit with the application or 30 days prior to Council's consideration of an application, but, in any event, you must file it prior to Council's consideration. In accordance with § 5-835(a) of the Public Ethics Law, an agent may not make a payment/contribution to a member during the pendency of the application.

Identifying Information

Name of Agent _____

Address of Agent _____

Identity of Property/
Subject of Application _____

Identity of Client or Employer _____ Case No. (where applicable) _____

1. Agent Payment/Contribution to Member Information

A payment/contribution was made to a candidate or to a continuing committee, either directly or through a political action committee (PAC), during the 36 months before the application filing or during the pendency of the application to the member or members on the date or dates listed below:

<u>Name of Member</u>	<u>Date</u>
_____	_____
_____	_____
_____	_____
_____	_____

If the transfer was through PAC, identify the PAC and the date of the transfer to the candidate of continuing committee:

2. Solicited Payment/Contribution Information

An individual or business entity was solicited to make a payment/contribution to a treasurer or continuing political committee during the 36 months prior to the application or during the pendency of the application as listed below:

<u>Name of Member</u>	<u>Date</u>	<u>Name of Contributor</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

3. I hereby make oath or affirmation that the contents of this affidavit are true and correct to the best of my knowledge, information, and belief.

Signature (original to be filed with the Clerk)

Date

Printed Name of Signer

Title of Signer (if applicable)

STATE ETHICS COMMISSION
45 CALVERT STREET, 3RD FLOOR
ANNAPOLIS, MD 21401
410-260-7770
1-877-669-6085

This Form Is To Be Filed With:
CLERK OF THE COUNTY COUNCIL
COUNTY ADMINISTRATION BUILDING
ROOM 2198
UPPER MARLBORO, MD 20772
301-952-3600

Business Entity¹ Affidavit
(Form PG 2)

General Information

The Prince George's County land use ethics law (General Provisions Article, §§ 5-833 to 5-839, Annotated Code of Maryland) ("Public Ethics Law") requires this affidavit to be filed where a business entity is deemed to be an applicant in an application filed with the District Council. This can occur, for example, when a business entity is a title owner or contract purchaser of land that is the subject of an application, a trustee having an interest in the land (except those described in a mortgage or deed of trust), or the holder of 5 percent or more interest in an entity having an interest in the land (provided that it has substantive involvement in the disposition of the land, or substantive activities pertaining specifically to land development in Prince George's County). Applicant can also include a business entity in which a 5 percent or greater interest is held by another applicant.

In completing this form, you should also review §§ 5-833 to 5-839 of the Public Ethics Law. These provisions include the affidavit requirement, define applicants and agents, set out District Council member disqualification requirements, and specify ex parte disclosure procedures. Please note that there may be situations where there is more than one applicant involved, requiring one or more submissions of this form (or Form PG 1 Individual Applicant Affidavit). You may direct questions about the affidavit or other requirements of the Law to the State Ethics Commission office by phone, at 410-260-7770, or in writing, at the above address. Copies of the Public Ethics Law may be obtained at the Commission's website <http://ethics.maryland.gov/public-ethics-law/>. Additionally, there is a Special Ethics Law Memo on the Prince George's County land use ethics law at <http://ethics.maryland.gov/download/local-gov/local-gov-forms/PG%20County%20Zoning%20Memo.pdf>, that contains additional filing information, including timing requirements.

If the applicant business entity is a corporation listed on a national stock exchange or regulated by the Securities Exchange Commission, then its officers, its directors, or its shareholders having a 5 percent or greater interest in the corporation are required to file an affidavit **only if** these persons have made a payment or have solicited a payment as outlined in the Public Ethics Law **and** if the corporation itself completes Part B of the affidavit. If required to file, these persons will file the Individual Applicant Affidavit, Form PG 1.

Filing Deadline

You must file a signed original of this affidavit with the Clerk of the County Council no later than 30 days prior to the District Council's consideration of the application. You must file a supplemental affidavit as expeditiously as possible whenever a payment/contribution is made after the original affidavit was filed and prior to Council's consideration. Please note that under § 5-835(a) of the Public Ethics Law, payments/contributions during the pendency of an application are generally prohibited.

PART A. Business Entity Applicant

Identifying Information

Name of Applicant _____ Case No. (where applicable) _____

Address of Applicant _____

Identity of the Property/
Subject of Application _____

Type of Application _____
(see § 5-833(d))

¹Section 5-833 of the Public Ethics Law defines a business entity as a corporation, a general partnership, a joint venture, a limited liability company, a limited partnership or a sole proprietorship.

Applicant Payment/Contribution to Member Information (check or complete applicable blanks)

1. Was a payment/contribution made by the applicant to a treasurer or a continuing committee, either directly or through a political action committee (PAC), during the 36 months before the application was filed or during the pendency of the application? ____ Yes ____ No

If the answer to #1 above is yes, list below the name of the member or members and the date or dates of the payment/contribution:

<u>Name of Member</u>	<u>Date</u>
_____	_____
_____	_____
_____	_____
_____	_____

If the payment/contribution was through a PAC, identify the PAC and the date of the transfer to the treasurer or continuing committee:

_____	_____
_____	_____

Solicitation and other Payment/Contribution Information

2. Did the applicant solicit a person or business entity to make a payment/contribution to a member during the 36 months before the application filing or during the pendency of the application? ____ Yes ____ No

If the answer to #2 above is yes, and a contribution was made, list below the name of the member or members, the date or dates of the payment/contribution, and the name of the contributor:

<u>Name of Member</u>	<u>Date</u>	<u>Name of Contributor</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

PART B. Directors, Officers and Stockholders (see § 5-838(b)) (For Corporations Only)

***Note: For a corporation's application to be processed, this section must be completed in full (place a check at the beginning of each question to indicate the action has been completed).**

1. ____ All directors, officers, and stockholders with a 5 percent or greater interest have been notified of the disclosure requirement as provided in the Law and are identified as follows (list name and title – if the corporation has no directors, officers or stockholders with a 5 percent or greater interest, so state):

2. ____ Affidavits (Form PG 1 Individual Applicant Affidavit) from those individuals identified in question #1 above, who have made or solicited contributions and are therefore required to disclose, are either attached or on file with the Clerk of the County Council **OR** there are no individuals required to file affidavits.

I hereby make oath or affirmation that the contents of this affidavit are true and correct to the best of my knowledge, information and belief.

Signature (original to be filed with the Clerk)

Date

Printed Name of Signer

Title of Signer (Authorized to sign for the business entity)

STATE ETHICS COMMISSION
45 CALVERT STREET, 3RD FLOOR
ANNAPOLIS, MD 21401
410-260-7770
1-877-669-6085

This Form Is To Be Filed With:
CLERK OF THE COUNTY COUNCIL
COUNTY ADMINISTRATION BUILDING
ROOM 2198
UPPER MARLBORO, MD 20772
301-952-3600

Ex Parte Disclosure Form
(Form PG 4)

The Prince George's County land use ethics law (General Provisions Article, §§ 5-833 to 5-839, Annotated Code of Maryland) ("Public Ethics Law") requires an applicant, agent, Member of the County Council or County Executive who has an ex parte communication concerning a pending application to file this form with the Clerk of the County Council. You must file the form within 5 working days after the communication was made or received whichever is later. You must file this form if you communicate with a Member or the County Executive or where the County Executive or Member communicates with an applicant or agent. Each person who is a party to the communication must file a separate form for each communication. The Public Ethics Law also sets out other requirements that may apply to the filer's situation. You may direct any questions about the Ex Parte Disclosure Form to the State Ethics Commission office by phone, 410-260-7770, or in writing to the above address. Copies of the Public Ethics Law may be obtained at the Commission's website <http://ethics.maryland.gov/public-ethics-law/>. Additionally, there is a Special Ethics Law Memo on the Prince George's County land use ethics law at <http://ethics.maryland.gov/download/local-gov/local-gov-forms/PG%20County%20Zoning%20Memo.pdf>

Name of Filer _____

Address of Filer _____

Type of Filer (Applicant, Agent, Member, or County Executive) _____ Case No. (where applicable) _____

Communication Information

1. Identify below the name of the other party to the communication, that is, the individual (other than the filer) from whom or to whom the communication was made. State also the capacity of the individual as agent, applicant, member, or County Executive, and the date.

_____	_____	_____
Name of Individual	Capacity (Agent, Applicant, Member)	Date

2. Include on the lines below a summary of the content of the ex parte communication. Be specific as to substantive content, positions taken, issues raised or recommendations made. Identify the pending application. Attach a separate sheet if more space is needed.

I hereby make oath or affirmation that the contents of this form are true and correct to the best of my knowledge, information, and belief.

Signature of Filer (original to be filed with the Clerk)

Date

Printed Name of Filer