

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**SITTING AS THE DISTRICT COUNCIL**  
**2001 Legislative Session**

Bill No. \_\_\_\_\_ CB-42-2001  
 Chapter No. \_\_\_\_\_  
 Proposed and Presented by \_\_\_\_\_ Chairman Ronald V. Russell  
 Introduced by \_\_\_\_\_  
 Co-Sponsors \_\_\_\_\_  
 Date of Introduction \_\_\_\_\_

**ZONING BILL**

1 AN ORDINANCE concerning

2 Special Exceptions

3 For the purpose of amending the standards for the expiration of Special Exceptions.

4 BY repealing and reenacting with amendments:

5 Sections 27-319, and 27-328

6 The Zoning Ordinance of Prince George's County, Maryland,

7 being also

8 SUBTITLE 27. ZONING.

9 The Prince George's County Code

10 (1999 Edition, 2000 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
 12 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional  
 13 District in Prince George's County, Maryland, that Sections 27-319 and 27-328 of the Zoning  
 14 Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's  
 15 County Code, be and the same are hereby repealed and reenacted with the following  
 16 amendments:

**SUBTITLE 27. ZONING.**

**PART 4. SPECIAL EXCEPTIONS.**

**DIVISION 1. ADMINISTRATIVE PROCEDURES.**

**Subdivision 9. Special Exception Approval.**

**Sec. 27-319. Effect of site plan approval.**

(a) Development and use shall be in accordance with the approved site plan, except as provided in this Subdivision and Subdivision 10, below. Except when specifically noted elsewhere, the site plan requirement of this Part shall take precedence over any other site plan provisions which would apply to that property.

(b) In the case of site plans for public utility power transmission line rights-of-way, towers, poles, conduits, pipelines, and similar facilities, minor deviations in route (from that shown on an approved site plan) may be made at the convenience of the affected property owners.

(c) If a building permit authorized by an approved Special Exception was issued prior to October 16, 1975, existing development may continue and new development may proceed in accordance with that permit, regardless of whether there is an approved site plan in the record. A graphic illustration of the resultant actual development pursuant to the permit shall be considered the site plan.

(d) In the case where there is no approved site plan in the record and no building permit has been issued, a permit may be issued for development and use in accordance with the current provisions of this Subtitle applicable to the use. A graphic illustration of the resultant actual development pursuant to the permit shall be considered the site plan.

(e) All enlargements, alterations, revisions, and extensions shall be in accordance with the provisions of Subdivision 10, below, except as provided in this Section.

(f) Notwithstanding any of the above, in the case of a commercial recreational attraction, when a portion of the property subject to an approved Special Exception site plan (either conceptual or detailed site plan) is conveyed to a new owner, any improvements, uses, or structures in existence, in operation, or shown on an approved site plan (either conceptual or detailed site plan) for the property conveyed may continue pursuant to that site plan without any requirement to obtain approval of an alteration or revision of the overall site plan, provided said improvements, uses, or structures are able to function independently of the balance of the site plan property which is not conveyed. The approved Special Exception site plan for the balance of the property which is not conveyed shall be extinguished if any improvements, uses, or structures cannot function independently of the site plan property conveyed to the new owner, except as provided for hereinafter. If any part of an existing singular improvement, use, or structure is partially located on the site plan property conveyed to the new owner and partially on

1 the balance of the property which is not conveyed, that improvement, use, or structure shall  
2 continue to operate pursuant to the previously approved Special Exception site plan (either  
3 conceptual or detailed site plan), provided the owners of both properties enter into an appropriate  
4 legal arrangement allowing the use of the property not conveyed on which the existing  
5 improvement, use, or structure is partially located to the new owner of the Special Exception site  
6 plan property which is conveyed. To continue the operation, or prior to the construction of any  
7 improvement, use, or structure described above, the new owner shall obtain a new use and  
8 occupancy permit, the application for which shall contain the site plan for the portion of the  
9 property conveyed, including all existing improvements, uses, and structures, already constructed  
10 or shown, and the revised boundaries, and a copy of the appropriate legal arrangement to use any  
11 portion of the property not conveyed on which any improvement, use, or structure shown on the  
12 site plan (either conceptual or detailed site plan) is partially located. This site plan shall be  
13 approved by the Planning Board or its designee as being identical to the existing, approved  
14 Special Exception, with the exception of the boundaries of the property. Once approved, this site  
15 plan shall serve as the approved Special Exception site plan. Nothing in this Subsection shall be  
16 deemed to eliminate the requirements for approval of, and development in conformance with, the  
17 site plans required by Section 27-342. If the new owner of the Special Exception site plan  
18 property subsequently acquires fee simple title to the balance of the original Special Exception  
19 property, then the original Special Exception site plan for that portion of the property not  
20 originally conveyed may be reinstated in its original form. This reinstatement may be  
21 accomplished by the new owner filing for approval by the Planning Board or its designee a site  
22 plan which shows the entire Special Exception property (both the portion originally acquired by  
23 the new owner as well as the balance of the original property subsequently acquired). This site  
24 plan shall show all boundaries of the consolidated Special Exception property and shall show the  
25 improvements, uses, or structures originally approved on that portion of the property  
26 subsequently acquired. This site plan shall be approved provided the consolidated Special  
27 Exception property is under single ownership, and the area and configuration of the property  
28 remain unchanged from that shown on the original Special Exception site plan. Once approved,  
29 this site plan shall serve as the approved Special Exception site plan.

30 (g) The Special Exception shall expire three (3) years after the date of approval, unless all  
31 necessary permits for construction or operation of the Special Exception have been issued.

**Subdivision 12. Revocation or modification**

**Sec. 27-328. Revocation or modification of approved Special Exception.**

(a) The Director of the Department of Environmental Resources may petition the District Council to revoke, modify, suspend, or impose additional conditions on an approved Special Exception, for the reasons specified in Subsection (e) of this Section. The petition shall include pertinent facts and conclusions, and a recommended action. The Director shall transmit a copy of the petition to the Planning Board at the time of its submission to the District Council. The Director shall also transmit a copy of the petition, by certified mail, to the property owner(s), and to the applicant if different from the property owner. A copy of the petition shall also be transmitted by first class mail to each municipality, if any part of the property is located within the municipal boundaries or is located within one (1) mile of the municipality, and to civic associations located in the vicinity of the property.

(b) Within ninety (90) days of receipt of the petition, the Zoning Hearing Examiner shall conduct a public hearing on the petition in accordance with the notice and hearing requirements of Subdivisions 2, 3, 5, and 7 of this Division. All persons of record at the time the Special Exception was approved shall be included in the required notification. At least thirty (30) days prior to the public hearing, the original Special Exception file, along with all pertinent information relating to the petition, shall be available for public examination in the office of the Zoning Hearing Examiner.

(c) Not later than ten (10) days prior to the Examiner's hearing, the Planning Board or Technical Staff may submit a recommendation or other material for the record.

(d) The Examiner may hold the record open for up to sixty (60) days following the conclusion of the hearing. Within thirty (30) days of the closing of the record, the Examiner shall file a decision.

(e) After the Examiner's decision has been filed, subject to the provisions of Subdivision 8 of this Division, the District Council may revoke, modify, suspend, or impose additional conditions on a Special Exception when it finds that[:

(1)] [T] the provisions in the approval of the Special Exception have not been complied with[; or

1           (2) The approved Special Exception has not been used for any two (2) year period  
2 after the date of the original approval, except where the conditions of nonuse are beyond control  
3 of the grantee of the Special Exception].

4           (f) The District Council may (in conjunction with the revocation or modification) order  
5 any use and occupancy permit issued for the Special Exception use to be revoked or modified.

6           (g) Revocation of a Special Exception shall constitute revocation of any variances granted  
7 for the use by the Council.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2001

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.