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COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

Legislative Session _____ 1990 _____

Bill No. _____ CB-123-1990 _____

Chapter No. _____

Proposed and Presented by Council Members Casula,

Castaldi, Bell, and Wineland

Introduced by Council Members Casula, Castaldi, Bell, and

Wineland

Co-Sponsors _____

Date of Introduction October 16, 1990

ZONING BILL

AN ORDINANCE concerning

Reconsideration and Amendment of Conditions

FOR the purpose of clarifying procedures for reconsideration and amendment of conditions.

BY repealing and reenacting with amendments:

Section 27-135,

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

being also

SUBTITLE 27. ZONING.

The Prince George's County Code

(1987 Edition, 1989 Supplement).

SECTION 1. BE IT ENACTED by the 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, that Section 27-135 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 3. ADMINISTRATION.

DIVISION 1. GENERAL ZONING PROCEDURES.

Subdivision 1. General.

Sec. 27-135. Reconsideration and amendment of decisions.

(a) Reconsiderations and site plan amendments for Special Exceptions shall be as provided for in Part 4. All others are governed by this section (except Zoning Ordinance text amendments).

(b) Once a final decision has been made, the decision may be reconsidered upon request filed by either the applicant or a party of record within thirty (30) days of the final decision if, based on the written request, the Council finds that an error in reaching the final decision was caused by fraud, surprise, mistake, or inadvertence. [Prior to amending any decision, a public hearing shall be held on the matter by the District Council. All persons of record shall be notified in the same manner as required for an original application. The Planning Board shall post a sign on the subject property, setting forth the date, time, and place of the hearing, in the same manner as required for an original application.

(c)] The District Council may (for good cause) amend any

condition imposed or site plan approved ([not including] excluding Comprehensive Design [Zone Basic Plans] or R-P-C Zones [Official Plans]) upon the request of the applicant without requiring a new application to be filed, if the amendment does not constitute an enlargement or extension.

(1) In the case of an amendment of a condition (imposed as part of the approval of the zoning case) or reconsideration, the [amendment] request shall be directed, in writing, to the District Council. The Council shall hold a public hearing on the request (in the case of reconsideration, after a finding of fraud, surprise, mistake, or inadvertence) and notify all parties of record (including all parties of record on the original application and any amendments thereof) in the same manner as required for an original application. The Planning Board shall post a sign on the subject property, setting forth the date, time, and place of the hearing, in the same manner as required for an original application.

(2) [In the case of an amendment of] Where a site plan has been approved by the Council, the [amendment] applicant may request [shall be] an amendment to the site plan in the form of an application filed with the Planning Board. The Technical Staff shall analyze the proposed amendment, taking into consideration the requirements of this Subtitle. The staff shall submit (for the record) a recommendation. This recommendation, along with the proposed amendment, shall be transmitted by the Technical Staff directly to the District Council. The District Council shall hold a public hearing on the request and notify all parties of record

(including all parties of record on the original application and any amendments thereof) in the same manner as required for an original application. The Planning Board shall post a sign on the subject property, setting forth the date, time, and place of the hearing, in the same manner as required for an original application.

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect on the date of its adoption.

Adopted this _____ day of _____, 1990.

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: _____
Jo Ann T. Bell
Chairman

ATTEST:

Jean M. Schmuhl, CMC
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.