

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
1999 Legislative Session

Bill No. _____ CB-60-1999
 Chapter No. _____
 Proposed and Presented by _____ Council Member Maloney
 Introduced by _____
 Co-Sponsors _____
 Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Special Exceptions

3 For the purpose of amending the findings required to approve a Special Exception.

4 BY repealing and reenacting with amendments:

5 Sections 27-107.01 and 27-317,

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 (1995 Edition, 1998 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 27-107.01 and 27-317 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 15 County Code, be and the same are hereby repealed and reenacted with the following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 2. GENERAL.

DIVISION 1. DEFINITIONS.

20 **Sec. 27-107.01. Definitions.**

(a) Terms in the Zoning Ordinance are defined as follows:

* * * * *

(221.2) **Special Exception.** The grant of a specific use that would not be appropriate and which may be granted only upon a finding that certain conditions governing special exceptions, as detailed in the Zoning Ordinance, exist, that the use conforms to the text and the map of the general plan, area master plan, and functional master plans, and is compatible with the neighborhood in which the property is located.

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PART 4. SPECIAL EXCEPTIONS.

DIVISION 1. ADMINISTRATIVE PROCEDURES.

Sec. 27-317. Required findings.

(a) A Special Exception may [be approved if:] not be granted absent the findings required by this Subdivision. In making these findings, the District Council and the Zoning Hearing Examiner must take into account the adverse effects of the proposed Special Exception on nearby properties and the general neighborhood at the particular location proposed. The use must meet the standards and requirements established for the use in this Subtitle and be found compatible with the other uses in the neighborhood.

(b) A Special Exception may be granted when the Zoning Hearing Examiner, or, upon appeal, the District Council, finds, from a preponderance of the evidence in the record that the proposed use:

(1) Is a permissible Special Exception in the zone;

(2) Complies with the standards and requirements set forth for the use in this Subtitle.

The fact that an application for a Special Exception complies with all specific standards and requirements set forth herein does not create a presumption that the resulting development is compatible with surrounding land uses and, in and of itself is not sufficient to require the granting of the application;

(3) Will be consistent with the text and the map of any general plan, master plan, sector plan, or functional master plan, which has been adopted and approved;

(4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions, and similar use;

[(1) The proposed use and site plan are in harmony with the purpose of this Subtitle;

(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;

(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;

(4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;

(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and]

(5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties and the general neighborhood at the subject site, irrespective of any adverse effect the use might have if established elsewhere in the zone;

(6) Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination glare or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone;

(7) Will not, when evaluated in conjunction with existing and approved Special Exceptions in a neighboring single-family residential area, increase the number, intensity, or scope of Special Exception uses sufficiently to affect the area adversely or alter the predominantly single-family residential nature of the area;

(8) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors, or workers in the general neighborhood of the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone; and

[(6)] (9) The proposed site plan is in conformance with an approved Tree Conservation Plan.

(c) The applicant for a Special Exception has the burden of proof and the burden of going forward with evidence to show that the proposed use satisfies all applicable general and specific standards under this Subtitle.

(d) Any Special Exception granted under the provisions of this Part, which has not been established within one year after having been granted, shall be null and void without further action.

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

Adopted this _____ day of _____, 1999.

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: _____
M. H. Jim Estepp
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.