

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND****SITTING AS THE DISTRICT COUNCIL****2000 Legislative Session**

Bill No. \_\_\_\_\_ CB-88-2000

Chapter No. \_\_\_\_\_ 69

Proposed and Presented by \_\_\_\_\_ Council Member Maloney

Introduced by \_\_\_\_\_ Council Member Maloney

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_ October 17, 2000

**ZONING BILL**

1 AN ORDINANCE concerning

2 Minor Changes to Special Exception Site Plans

3 For the purpose of making all Planning Board approvals of minor changes to special exception  
4 site plans for gas stations and drive-in or fast-food restaurants appealable to or subject to review  
5 by the District Council.

6 BY repealing and reenacting with amendments:

7 Section 27-325,

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 (1999 Edition).

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 Section 27-325 of the Zoning Ordinance of  
16 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,  
17 be and the same is repealed and reenacted with the following amendments:

**SUBTITLE 27. ZONING.****PART 4. SPECIAL EXCEPTIONS.****DIVISION 1. ADMINISTRATIVE PROCEDURES.**

**Subdivision 10. Amendments of Approved Special Exceptions.**

**Sec. 27-325. Minor changes.**

**(a) Minor changes, in general.**

(1) The Planning Board is authorized to grant the minor changes covered by this Section, and any variance requested in conjunction with the minor change. The minor change request shall be in the form of an application filed with the Planning Board. The contents of the application shall be determined by the Planning Board. Along with filing the application, the applicant shall submit a revised site plan, and shall pay a fee in accordance with Section 27-297. The Planning Board shall hold a hearing on the request in accordance with the Rules of Procedure established by the Planning Board. The Planning Board shall give notice of the hearing in a manner determined by the Planning Board. The Planning Board's decision shall be in the form of a resolution. A copy of the resolution shall be sent to all persons of record and the Clerk of the Council.

(2) If the change is approved, the revised site plan shall be made a part of the record of the original application.

(3) The revised site plan shall comply with all applicable requirements of this Subtitle, and with any conditions, relating to the use, imposed in the approval of the Special Exception or of any applicable Zoning Map Amendment, subdivision plat, or variance.

(4) A notice shall be sent in accordance with Section 27-125.01.

**(b) Less than five (5) acres in size.**

(1) Changes of site plans for property of less than five (5) acres may be permitted by the Planning Board, provided that either of the following two (2) situations exists:

**(A) Situation No. 1.**

(i) There is a proposed increase in gross floor area of a building or in land area covered by a structure other than a building (over that approved on the original site plan) which is not greater than ten percent (10%) of the gross floor area or covered land area or five hundred (500) square feet, whichever is less (see Figure 40); or

(ii) There is a proposed relocation (in any direction) of any improvement (approved on the original site plan) which is not greater than ten percent (10%) of the distance to the boundary line of the Special Exception property or twenty (20) feet, whichever is less (see Figure 41).

(B) Situation No. 2.

(i) There is a proposed change in the design of a parking lot or loading area; or

(ii) There is a proposed change in a landscape plan.

(c) **Five (5) or more acres in size.**

(1) Changes of site plans for property of greater than five (5) acres may be permitted by the Planning Board, provided that either of the following two (2) situations exists:

(A) Situation No. 1.

(i) There is a proposed increase in gross floor area of a building or in land area covered by a structure other than a building (over that approved on the original site plan) which is not greater than fifteen percent (15%) of the gross floor area or covered land area (see Figure 40); or

(ii) There is a proposed relocation (in any direction) of any improvement (approved on the original plan) which is not greater than fifteen percent (15%) of the distance to the boundary line of the Special Exception property or twenty (20) feet, whichever is less (see Figure 41).

(B) Situation No. 2.

(i) There is a proposed change in the design of a parking lot or loading area; or

(ii) There is a proposed change in a landscape plan.

\* \* \* \* \*

(f) **Changes of gas station site plans.**

(1) Changes of a site plan for an approved gas station may be permitted under the site plan amendment procedures in Section 27-324. [by] T[t]he Planning Board [for] may permit the following modifications, under the procedures in this subsection:

(A) The enlargement or relocation of pump islands;

(B) The addition of one (1) pump island;

(C) The addition, relocation, or modification of a fence, kiosk, island shelter, island canopy, storage area, trash enclosure, vending area, or lavatory facility;

(D) The addition, relocation, or modification of an accessory building used solely for the storage of automotive replacement parts or accessories. The accessory building

1 shall be wholly enclosed. The building shall either be constructed of brick (or another building  
 2 material similar in appearance to that of the main structure) and placed on a permanent  
 3 foundation, or it shall be entirely surrounded with screening material. Screening shall consist of  
 4 a wall, fence, or sight-tight landscaping material, which shall be at least as high as the accessory  
 5 building. The type of screening shall be approved as a part of the minor change.

6 (E) Any situation described in subsection (b) or (c).

7 (2) The Planning Board's decision shall be sent to all persons of record in the hearing  
 8 before the Planning Board, and to the District Council. This decision may be appealed to the  
 9 District Council upon petition by any person of record. The petition shall be filed with the Clerk  
 10 of the Council within thirty (30) days after the date of the notice of the Planning Board's  
 11 decision. The District Council may vote to review the Planning Board's decision on its own  
 12 motion within thirty (30) days after the date of the notice. The Clerk of the Council shall notify  
 13 the Planning Board of any appeal or review decision. Within seven (7) calendar days after  
 14 receiving this notice, the Planning Board shall transmit to the District Council a copy of all  
 15 written evidence and materials submitted for consideration by the Planning Board, a transcript of  
 16 the public hearing on the revised plan, and any additional information or explanatory material  
 17 deemed appropriate. The District Council shall schedule a public hearing on the appeal or  
 18 review. The Council shall give at least fourteen (14) calendar days notice of the hearing to all  
 19 persons of record and the Planning Board, all of whom shall be entitled to appear at the hearing.  
 20 Testimony at the hearing shall be limited to the facts and information contained within the record  
 21 made at the hearing before the Planning Board. Within sixty (60) days after the close of the  
 22 Council's hearing, the Council shall affirm, reverse, or modify the decision of the Planning  
 23 Board, or return the revised plan to the Planning Board to take further testimony or reconsider its  
 24 decision. Where the Council approves a revised site plan, it shall make the same findings which  
 25 are required to be made by the Planning Board. If the Council fails to act within the specified  
 26 time, the Planning Board's decision is automatically affirmed. The Council shall give its  
 27 decision, in writing, stating the reasons for its action. Copies of the decision shall be sent to all  
 28 persons of record and the Planning Board.

29 \* \* \* \* \*

1           (i) **Changes of drive-in and fast-food restaurant site plans.**

2           (1) Changes of a site plan for an approved drive-in or fast-food restaurant may be  
3 permitted under the site plan amendment procedures in Section 27-324. [by] T[t]he Planning  
4 Board [for] may permit the following modifications, under the procedures in this subsection:

5                   (A) The addition, relocation, or modification of a freezer on the sides or rear of  
6 the restaurant building;

7                   (B) The addition, relocation, or modification of gross floor area in order to  
8 provide rest rooms to serve the physically handicapped;

9                   (C) The addition, relocation, or modification of vestibules above and around  
10 points of access to the restaurant building; or

11                   (D) The addition, relocation, or modification of a fence, storage area, or trash  
12 enclosure.

13                   (E) Any situation described in subsection (b) or (c).

14           (2) The Planning Board's decision (resolution) shall be sent to all persons of record in  
15 the hearing before the Planning Board and to the District Council. This decision may be  
16 appealed to the District Council upon petition of any person of record. The petition shall be filed  
17 with the Clerk of the Council within thirty (30) days after the date of the notice of the Planning  
18 Board's decision. The District Council may vote to review the Planning Board's decision on its  
19 own motion within thirty (30) days after the date of the notice. The Clerk of the Council shall  
20 notify the Planning Board of any appeal or review decision. Within seven (7) calendar days after  
21 receiving this notice, the Planning Board shall transmit to the District Council a copy of the file  
22 on the proposed revision, all written evidence and materials submitted for consideration by the  
23 Planning Board, a transcript of the public hearing on the revised plan, and any additional  
24 information or explanatory material deemed appropriate. The District Council shall schedule a  
25 public hearing on the appeal or review. The Clerk of the Council shall give at least fourteen (14)  
26 calendar days notice of the hearing to all persons of record and the Planning Board, all of whom  
27 shall be entitled to appear at the hearing. Testimony at the hearing shall be limited to the facts  
28 and information contained within the record made at the hearing before the Planning Board.  
29 Within sixty (60) days after the close of the Council's hearing, the Council shall affirm, reverse,  
30 or modify the decision of the Planning Board, or return the revised plan to the Planning Board to  
31 take further testimony or reconsider its decision. Where the Council approves a revised site plan,

1 it shall make the same findings that are required to be made by the Planning Board. If the  
2 Council fails to act within the specified time, the Planning Board's decision is automatically  
3 affirmed. The Council shall give its decision in writing, stating the reasons for its action. Copies  
4 of the decision shall be sent to all persons of record and the Planning Board.

5 \* \* \* \* \*

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

Adopted this 14th day of November, 2000.

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: \_\_\_\_\_  
Dorothy F. Bailey  
Chair

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.