

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

Bill No. _____ CB-33-1999
 Chapter No. _____
 Proposed and Presented by _____ Council Member Maloney
 Introduced by _____
 Co-Sponsors _____
 Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Variances

3 For the purpose of clarifying when variances may be granted for Special Exception uses,
 4 clarifying that variances may not be granted from requirements in Use Tables, and clarifying
 5 procedures and Ordinance language.

6 BY repealing and reenacting with amendments:

7 Sections 27-229(b), 27-235, 27-236, 27-239,

8 27-239.03 and 27-316,

9 The Zoning Ordinance of Prince George's County, Maryland,
 10 being also

11 SUBTITLE 27. ZONING.

12 The Prince George's County Code
 13 (1995 Edition, 1998 Supplement).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 15 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
 16 District in Prince George's County, Maryland, that Sections 27-229(b), 27-235, 27-236, 27-239,
 17 27-239.03, and 27-316 of the Zoning Ordinance of Prince George's County, Maryland, being
 18 also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and
 19 reenacted with the following amendments:

20 **SUBTITLE 27. ZONING.**

PART 3. ADMINISTRATION.

DIVISION 5. APPEALS AND VARIANCES.

Subdivision 1. Board of Zoning Appeals.

Sec. 27-229. Powers and Duties.

(b) The Board of Zoning Appeals shall not have the power or duty to:

* * * * *

(35) Grant a variance from an express Special Exception requirement in Part 4, Division 3, or in a Use Table.

* * * * *

Subdivision 2. Variances in Conjunction with Special Exception Approval.

Sec. 27-235. District Council authority.

The District Council may grant [appeals involving] variances from the strict application of this Subtitle [(known as variances) in conjunction with its approval of] when it approves a Special Exception or [subsequent] site plan amendment[.], but the Council may not grant a variance from an express Special Exception requirement in Part 4, Division 3, or in a Use Table. The Council shall [be governed by the provisions of] follow Section 27-230 when it grants [the] variances.

Sec. 27-236. Application.

(a) [Applicants for] Special Exception [who want the Council to consider a variance] applicants requesting variances shall submit a written [request for the] variance application to the [Office of the Zoning Hearing Examiner (or Clerk of the Council on a site plan amendment not heard by the Examiner) prior to] Planning Board at least twenty-one (21) days before the special exception hearing date.

(b) The [Hearing Examiner or Clerk (in the appropriate case)] Planning Board shall determine the form of the [request] variance application.

Sec. 27-239. Notice of hearing.

(a) The applicant shall send (by certified mail) notice of the hearing on the variance application at least [fourteen (14)] twenty-one (21) days before the scheduled hearing date to all owners of abutting property (including those properties directly across a street, alley, or stream) and all persons of record in the Special Exception proceedings.

(b) The notice shall contain:

1 (1) A copy of the [request] variance application; and

2 (2) The date, time, and place of the hearing[; and

3 (3) A brief statement describing the specific nature of the variance being requested].

4 (c) The District Council or Zoning Hearing Examiner may require the applicant to give
5 additional notice, whenever it [deems it] is deemed necessary and fair.

6 **Subdivision 5. Variances in Conjunction with Other Approvals.**

7 **Sec. 27-239.03. District Council and Planning Board authority.**

8 When the District Council or Planning Board makes a final decision in a zoning case[, site
9 plan, or other request,] or other case, the District Council or Planning Board shall have the sole
10 authority in that case to grant variances from the strict application of this Subtitle [in conjunction
11 with its approval]. Neither the District Council nor the Planning Board may grant a variance
12 from an express Special Exception requirement in Part 4, Division 3, or in a Use Table. The
13 Council and Planning Board shall [be governed by the provisions of] follow Section 27-230
14 when [it grants the variance] granting variances.

15 **PART 4. SPECIAL EXCEPTIONS.**

16 **DIVISION 1. ADMINISTRATIVE PROCEDURES.**

17 **Subdivision 8. District Council.**

18 **Sec. 27-316. Variances in conjunction with Special Exception approval.**

19 The District Council may grant variances from the strict application of this Subtitle [in
20 conjunction with its approval of] when it approves a Special Exception (or revised site plan) in
21 accordance with Part 3, Division 5, Subdivision 2, [of this Subtitle.] but the Council may not
22 grant a variance from an express Special Exception requirement in Part 4, Division 3, or in a Use
23 Table. [Variances] A variance granted under [the authority of] this section [are applicable]
24 applies only to the structure or use for which the variance was granted [in conjunction with].
25

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (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.