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Amended  
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CLERK OF THE COUNCIL  
PRINCE GEORGE'S COUNTY MARYLAND

**ORDINANCE**

**OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND,  
AMENDING BOWIE CITY CODE CHAPTER 26, "ZONING", ARTICLE I "IN  
GENERAL" SECTION 26-2 "FENCES", TO IMPLEMENT THE ADDITIONAL  
AUTHORITY GRANTED BY PRINCE GEORGE'S COUNTY BY CB-1-2019  
TO ENACT A LOCAL ORDINANCE AUTHORIZING THE ERECTION OF  
FENCES THAT EXCEED HEIGHT LIMITATIONS OTHERWISE  
PRESCRIBED BY THE COUNTY'S ZONING ORDINANCE; TO MAKE  
VARIOUS CORRECTIVE AND CLARIFYING AMENDMENTS  
TO CHAPTER 26, ARTICLE II, "MUNICIPAL ZONING AUTHORITY";  
AND TO REPEAL CHAPTER 26, ARTICLE III, "SERVICE VOLUME  
STANDARDS FOR CITY STREETS"**

WHEREAS, pursuant to Md. Code Ann., Local Gov't Art. ("LG"), § 5-202, "General Authority of Municipalities", the City of Bowie (hereinafter, "the City") has the general authority, with certain limitations, to pass ordinances it may deem necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, pursuant to the foregoing authority, the City has enacted Chapter 26, "Zoning", Article III, "Service Volume Standards for City Streets", of the City Code; and

WHEREAS, pursuant to the foregoing authority and the further authority of Md. Code Ann. Land Use Art. ("LU"), § 25-303, the City may, for the purpose of preserving, improving, or protecting the general character and design of lands and improvements in the City, impose stricter or additional conditions, restrictions, or limitations than are otherwise required by applicable State and county zoning laws or additional conditions, restrictions, or limitations to fences, residential parking, and residential storage; and

**WHEREAS**, pursuant to the foregoing authority and the further authority of Md. Code Ann. Land Use Art. (“LU”), § 25-301, the City may exercise certain powers delegated by the Prince George’s County Council sitting as the District Council regarding design standards; parking and loading standards; sign design standards; lot size variances and setback and similar requirements; landscaping requirements; certification, revocation, and revision of nonconforming uses; minor changes to approved special exceptions; vacation of municipal rights-of-way; and certain detailed site plans; and

**WHEREAS**, the Prince George’s County Council has, by virtue of §§ 27-924 and 27-925 of the Prince George’s County Code, delegated certain authority to the City with respect to the exercise of the aforementioned powers; and

**WHEREAS**, pursuant to the foregoing authority, the City has enacted Chapter 26, “Zoning”; and

**WHEREAS**, the Prince George’s County Council has, by CB-01-2019, adopted on March 26, 2019, amended § 27-924 to the City to permit fences that exceed height limitations otherwise permitted by the County; and

**WHEREAS**, the City Council deems the public interest best served by implementing the authority conferred by CB-01-2019 through an amendment to Chapter 26, Article I, “Fences”, Section 26-2, “Fences”, to add new subsection “I”; and

**WHEREAS**, the City Council further deems the Service Volume Standards for City Streets to have fulfilled their function and to be unnecessary to the protection of the public interest in the future; and

**WHEREAS**, the City Council further deems additional minor clarifications and alterations to Chapter 26 of a clerical, administrative and grammatical nature to be necessary and appropriate.

**Section 1.** NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 26 “Zoning”, Article I, “In General”, Section 26-2 “Fences”, of the City Code, be amended as follows:

Sec. 26-2. Fences.

a) Purpose. It is the intent and purpose of this Section 26-2 to protect the public health, safety, morals and general welfare of the City and its residents by generally restricting the placement of fences on residential lots. Such restriction shall, among other things: Permit the rapid, free and unobstructed access to residences by emergency vehicles, personnel and equipment; allow for the unobstructed establishment, maintenance and creation of public rights-of-way along the streets and sidewalks in the City; prevent the obstruction or reduction, by man-made structures, of visibility at corners and intersections for drivers and pedestrians; add to the attractiveness and comfort of the residential district; create a better home environment in the City; preserve an area which is generally regarded by the public as pleasing to the eye; and preserve, improve and protect the general character of lands within the City and the improvements thereon.

\* \* \*

c) Front Yard Fences.

1) Except as hereinafter provided, fences are prohibited between the front building line of any residential dwelling and any publicly dedicated street, private street or parking area.

2) Notwithstanding the provisions of Subsection c)1) of this Section, front yard fences may be constructed beyond the front building line of those dwellings located in the Huntington Section of the City which were constructed prior to January 1, 1960, provided however, that said fences:

A. Shall not exceed four (4) feet in height;

B. Must be constructed of wood, cast iron or wire fencing materials, or other materials [which replicate fence types which were] THAT ARE consistent with historic guidelines as established by the City and, to the extent permitted by those guidelines, may incorporate stone and brick features; and

\* \* \*

f) All fences legally existing on the effective date of 0-19-92 which do not comply with this Section shall be deemed non-conforming uses. All fences which are erected

subsequent to the effective date of 0-19-92 that are intended to replace those fences deemed to be non-conforming uses shall conform to the requirements of this Section. A fence deemed to be a non-conforming use under this subsection [which] THAT has been removed or destroyed through no fault of [an] THE OWNER AND due to circumstances beyond THE OWNER'S CONTROL [the control of the owner] may be replaced or repaired in a manner substantially identical in all material respects to the fence so removed or destroyed. Consideration shall be given to the similarity of such factors as materials, height, length and fence location between the original fence and the replacement fence. Nothing contained in this subsection shall be construed to prohibit the maintenance and repair of a non-conforming fence as long as the fence is not changed in character and repairs are made with materials substantially the same as the materials requiring maintenance or repair.

\* \* \*

I) FENCES AND WALLS (INCLUDING RETAINING WALLS) MORE THAN SIX (6) FEET HIGH MAY NOT BE LOCATED IN ANY REQUIRED YARD AND SHALL MEET THE SETBACK REQUIREMENTS FOR MAIN BUILDINGS.

**Section 2.** **BE IT FURTHER ORDAINED AND ENACTED**, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 26 "Zoning", Article II, "Municipal Zoning Authority", Division 1, "General", Section 26-17, "Purposes", be and hereby is amended as follows:

Sec. 26-17. Purpose.

A. The purpose of this Article is to create processes whereby the City Council may:

A(1) Grant departures from design and landscaping standards, parking and loading standards, sign design standards, and the number of parking and loading spaces required;

B(2) Grant variances for lot size, setback and similar requirements of the Prince George's County Zoning ordinance for land within the City of Bowie;

C(3) Approve alternative compliance from THE landscaping requirements OF THE PRINCE GEORGE'S COUNTY LANDSCAPE MANUAL(SEC 27-123);

D(4) Authorize the certification, revocation and revision of nonconforming uses; and

E(5) Approve minor changes.

F(6) to approved special exceptions.

B. In implementing this Article, it is the intent of the City Council to overcome deficiencies in the current zoning process, to remove obstacles that hinder development within the City and to promote community and economic development vitality by encouraging appropriate development within the City.

**Section 3. BE IT FURTHER ORDAINED AND ENACTED**, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 26 “Zoning”, Article II, “Municipal Zoning Authority”, Division 1, “General”, Section 26-18, “Definitions”, be and hereby is amended as follows:

Sec. 26-18. Definitions.

A. Council or City Council: The Council of the City of Bowie, Maryland.

\* \* \*

F. Planning Director: The director of the City of Bowie Department of Planning and [Economic] COMMUNITY Development.

\* \* \*

**Section 4. BE IT FURTHER ORDAINED AND ENACTED**, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 26 “Zoning”, Article II, “Municipal Zoning Authority”, Division 1, “General”, Section 26-19, “Powers and duties of the Bowie Advisory Planning Board and the Planning Director”, be and hereby is amended as follows:

Sec. 26-19. Powers and Duties of the Bowie Advisory Planning Board and the Planning Director.

A. The Bowie Advisory Planning Board shall have the authority to hear the following categories of requests with respect to property located within the corporate boundaries of the City of Bowie and to make recommendations to the Bowie City Council regarding same:

(1) Applications for variances from the strict application of the Prince

George's County Zoning Ordinance with respect to lot size, setback and similar requirements of the Prince George's County Zoning Ordinance for land within the corporate boundaries of the City, except that the Advisory Planning Board shall not have the power to hear and decide variance requests over which the District Council has retained jurisdiction pursuant to Sec. 27-239.03 of the Prince George's County Code.

(2) Departures from Design and Landscaping Standards of the Prince George's County Zoning Ordinance set forth in Part 2, "General", Division 4, "Regulations Applicable in All Zones", Subdivision 6, "Landscaping, Buffering and Screening" (Sec. 27-123) and in Part 11, "Off-street Parking and Loading", Division 2, "Parking Facilities", Subdivision 2, "Design Standards" (Sec. 27-554 through 27-566), and Division 3, "Loading Facilities", Subdivision 2, "Design Standards" (Sec. 27-577 - 27-581).

(3) Departures from Parking and Loading Standards of the Prince George's County Zoning Ordinance, set forth in Part 11, "Off-street Parking and Loading", Division 2, "Parking Facilities", Subdivision 3, "Minimum Requirements" (Sec. 27-568), and Division 3, "Loading Facilities", Subdivision 3, "Minimum Requirements" (Sec. 27-582).

(4) Departures from Sign Design Standards of the Prince George's County Zoning Ordinance, Part 12 "Signs", Division 3 (Sec. 27-613 through 27-630).

(5) Alternative compliance from THE landscaping requirements OF THE LANDSCAPE MANUAL (27-123).

(6) Applications for certification, revocation and revision of nonconforming uses, as provided for in Prince George's County Zoning Ordinance, Part 3 "Administration," Division 6 "Nonconforming Buildings, Structures and Uses", Subdivision 1 "General Requirements and Procedures" (Sec. 27-244 and 27-245).

(7) Applications for minor changes to approved special exceptions, as provided for in Prince George's County Zoning Ordinance, Part 4 "Special Exceptions", DIVISION I, Subdivision 10 "Amendments of Approved Special Exceptions," (Sec. 27- 325).

B. The Planning Director shall have the authority to grant limited departures from the items enumerated in Subsection (A) above as provided [for] in this Article, [including requests for alternative compliance] IN ACCORDANCE WITH SECTION 26-33 OF THIS CHAPTER.

[C. The Advisory Planning Board shall conduct a complete public hearing on the requests specified in Subsection (A) of this Section, subject to all the requirements and restrictions imposed by law upon the City Council. The Advisory Planning Board is empowered to swear witnesses and to issue subpoenas for witnesses and documents.

D. In order to help it reach a decision, the Advisory Planning Board may request the Maryland-National Capital Park and Planning Commission, Prince George's County, Prince George's County Planning Board, and/or the State Highway Administration to furnish technical service, advice, data or factual evidence. These comments and recommendations shall be available for public examination prior to the public hearing.

E. Record:

The record created before the Advisory Planning Board shall include, but not be limited to:

(1) The application form and accompanying data;

- (2) City of Bowie Staff Report;
- (3) Affidavit of posting;
- (4) Comments and recommendations (if any) from the Maryland- National Capital Park and Planning Commission, Prince George's County, Prince George's County Planning Board, and the State Highway Administration;
- (5) All correspondence relative to the application;
- (6) All testimony at the public hearing; and
- (7) Other items which the Advisory Planning Board deems necessary.

F. Rules of procedure for hearings and other meetings.

(1) The Advisory Planning Board may adopt rules of procedure consistent with the provisions of this Article and the Prince George's County Zoning Ordinance.

(2) The Advisory Planning Board shall keep minutes of its proceedings.

(3) An applicant, or counsel representing the applicant, must be present at the hearing. A petitioner which is a corporation, limited liability company, or other business entity must be represented by counsel licensed to practice in the State of Maryland at any hearing before the Advisory Planning Board. Any non-attorney representative present at the hearing on behalf of the applicant (or any other person or entity) is not permitted to advocate.

(4) Hearings may be adjourned and continued. If the date, time, and place of the continued hearing publicly announced at the time of the adjournment, no further notice of the continuation shall be required. If the date, time, and place not publicly announced at the time of the adjournment, notice shall be given in the same manner as with the original hearing.

(5) At the conclusion of the public hearing, the Advisory Planning Board may close the record, or may leave the record open (for a specific time) for receipt of additional written evidence.

(6) After the close of the record, the Advisory Planning Board shall take action on the request. All actions of the Advisory Planning Board shall be based upon the record and shall be embodied in a resolution adopted at a public meeting. A majority of the members present and voting must concur in the resolution. Each resolution shall contain a statement of the findings of fact and conclusions of law forming the basis of the Advisory Planning Board's recommendation and shall contain a recommended disposition of the case. The text of the resolution and a record of each member's vote shall be incorporated into the minutes of the Advisory Planning Board. All such resolutions of the Advisory Planning Board shall be transmitted to all persons of record and the City Council within five (5) days of the date thereof.]

**Section 5.** BE IT FURTHER ORDAINED AND ENACTED, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 26 "Zoning", Article II, "Municipal Zoning Authority", Division 1, "General", Section 29-19A, "Procedures", be and hereby is added as follows:

SEC. 29-19A. PROCEDURES.

A. THE ADVISORY PLANNING BOARD OR THE PLANNING DIRECTOR SHALL CONDUCT A COMPLETE PUBLIC HEARING ON THE REQUESTS SPECIFIED IN SUBSECTION (A) OF THIS SECTION, SUBJECT TO ALL THE REQUIREMENTS AND RESTRICTIONS IMPOSED BY LAW UPON THE CITY COUNCIL. THE ADVISORY PLANNING BOARD IS EMPOWERED TO SWEAR WITNESSES AND TO ISSUE SUBPOENAS FOR WITNESSES AND DOCUMENTS.

B. THE ADVISORY PLANNING BOARD MAY REQUEST THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, THE COUNTY, PRINCE GEORGE'S COUNTY PLANNING BOARD, AND/OR THE STATE HIGHWAY ADMINISTRATION TO FURNISH TECHNICAL SERVICE, ADVICE, DATA OR FACTUAL EVIDENCE. THESE COMMENTS AND RECOMMENDATIONS SHALL BE AVAILABLE FOR PUBLIC EXAMINATION PRIOR TO THE PUBLIC HEARING.

C. THE RECORD CREATED BEFORE THE ADVISORY PLANNING BOARD SHALL INCLUDE, BUT NOT BE LIMITED TO:

- (1) THE APPLICATION FORM AND ACCOMPANYING DATA;
- (2) CITY OF BOWIE STAFF REPORT;
- (3) AFFIDAVIT OF POSTING;
- (4) COMMENTS AND RECOMMENDATIONS (IF ANY) FROM THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, THE COUNTY, PRINCE GEORGE'S COUNTY PLANNING BOARD, AND THE STATE HIGHWAY ADMINISTRATION;
- (5) ALL CORRESPONDENCE RELATIVE TO THE APPLICATION;
- (6) ALL TESTIMONY AT THE PUBLIC HEARING; AND
- (7) OTHER ITEMS WHICH THE ADVISORY PLANNING BOARD DEEMS NECESSARY.

D. RULES OF PROCEDURE FOR HEARINGS AND OTHER MEETINGS.

(1) THE ADVISORY PLANNING BOARD MAY ADOPT RULES OF PROCEDURE CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE AND THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE.

(2) THE ADVISORY PLANNING BOARD SHALL KEEP MINUTES OF ITS PROCEEDINGS.

(3) AN APPLICANT, OR COUNSEL REPRESENTING THE APPLICANT, MUST BE PRESENT AT THE HEARING. A PETITIONER WHICH IS A CORPORATION, LIMITED LIABILITY COMPANY, OR OTHER BUSINESS ENTITY MUST BE REPRESENTED BY COUNSEL LICENSED TO PRACTICE IN THE STATE OF MARYLAND AT ANY HEARING BEFORE THE ADVISORY PLANNING BOARD. ANY NON-ATTORNEY REPRESENTATIVE PRESENT AT THE HEARING ON BEHALF OF THE APPLICANT (OR ANY OTHER PERSON OR ENTITY) IS NOT PERMITTED TO ADVOCATE.

(4) HEARINGS MAY BE ADJOURNED AND CONTINUED. IF THE DATE, TIME, AND PLACE OF THE CONTINUED HEARING [IS] ARE PUBLICLY ANNOUNCED AT THE TIME OF THE ADJOURNMENT, NO FURTHER NOTICE OF THE CONTINUATION SHALL BE REQUIRED. IF THE DATE, TIME, AND PLACE [IS] ARE NOT PUBLICLY ANNOUNCED AT THE TIME OF THE ADJOURNMENT, NOTICE SHALL BE GIVEN IN THE SAME MANNER AS WITH THE ORIGINAL HEARING.

(5) AT THE CONCLUSION OF THE PUBLIC HEARING, THE ADVISORY PLANNING BOARD MAY CLOSE THE RECORD, OR MAY LEAVE THE RECORD OPEN (FOR A SPECIFIC TIME) FOR RECEIPT OF ADDITIONAL WRITTEN EVIDENCE.



(6) AFTER THE CLOSE OF THE RECORD, THE ADVISORY PLANNING BOARD SHALL TAKE ACTION ON THE REQUEST. ALL ACTIONS OF THE ADVISORY PLANNING BOARD SHALL BE BASED UPON THE RECORD AND SHALL BE EMBODIED IN A RESOLUTION ADOPTED AT A PUBLIC MEETING. A MAJORITY OF THE MEMBERS PRESENT AND VOTING MUST CONCUR IN THE RESOLUTION. EACH RESOLUTION SHALL CONTAIN A STATEMENT OF THE FINDINGS OF FACT AND CONCLUSIONS OF LAW FORMING THE BASIS OF THE ADVISORY PLANNING BOARD'S RECOMMENDATION AND SHALL CONTAIN A RECOMMENDED DISPOSITION OF THE CASE. THE TEXT OF THE RESOLUTION AND A RECORD OF EACH MEMBER'S VOTE SHALL BE INCORPORATED INTO THE MINUTES OF THE ADVISORY PLANNING BOARD. ALL SUCH RESOLUTIONS OF THE ADVISORY PLANNING BOARD SHALL BE TRANSMITTED TO ALL PERSONS OF RECORD, THE DISTRICT COUNCIL, AND THE CITY COUNCIL WITHIN FIVE (5) DAYS OF THE DATE THEREOF.

**Section 6.** BE IT FURTHER ORDAINED AND ENACTED, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 26 "Zoning", Article II, "Municipal Zoning Authority", Division 1, "General", Section 26-20, "Filing Fees", be and hereby is amended as follows:

Sec. 26-20. Filing Fees.

A. Upon filing an application, the applicant shall pay a filing fee to the City in an amount established by the City Council as may be amended from time to time, to help defray the costs of processing the application. [The filing fee for a variance for a church or other place of worship shall not exceed two hundred dollars (\$200.00). The filing fee for a departure for a church or other place of worship (operated as a permitted use in a building originally constructed as a one-family detached dwelling) shall not exceed one hundred dollars (\$100.00).] The applicant shall also pay a fee as established by the City for each public notice sign required. The filing and sign fees are non-refundable unless, following a request by the applicant, the Planning Director finds that the fees were paid by mistake. All fees must be paid at the time of filing, except as otherwise provided in this Article.

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**Section 7.** BE IT FURTHER ORDAINED AND ENACTED, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 26 "Zoning", Article II, "Municipal Zoning Authority", Division 1, "General" Section 26-21, "Informational Mailing; Civic Association Registration", be and hereby is amended as follows:

Sec. 26-21. Informational Mailing[; Civic Association Registration].

A. Informational mailings with applications.

(2) At least thirty (30) days [but no more than ninety (90) days] before the City accepts any such application, the applicant shall send by [certified]FIRST CLASS mail an informational mailing to all adjoining property owners, including owners whose properties lie directly across a street, alley, or stream [the]. THE applicant shall send notice of [application filing (“informational mailing”)] THE FILING OF SUCH APPLICATION to every person of record in a previous zoning, site plan or other application listed in subsection (a)(1) above [that involves the property which is the subject of the application that was filed] within ten (10) years of filing the current application. At the same time and in the same manner, the applicant shall send an informational mailing to the development review division of the Maryland-National Capital Park and Planning Commission and to all civic associations registered with the Maryland-National Capital Park and Planning Commission for the area [which] THAT includes the property.

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**Section 8.** **BE IT FURTHER ORDAINED AND ENACTED**, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 26 “Zoning”, Article II, “Municipal Zoning Authority”, Division 1, “General” Section 26-22, “Public Hearing Signs”, be and hereby is amended as follows:

Sec. 26-22. Public Hearing Signs.

[Posting, in general.]

A. The required public notice signs for all public hearings conducted by the Advisory Planning Board OR THE PLANNING DIRECTOR shall include the following information:

- (1) The word “hearing” prominently displayed;
- (2) The application number;
- [(3) The name of the applicant;
- (4) A brief statement describing the nature of the request;]
- ~~(5)~~(3) Date, time and place of the public hearing;
- ~~(6)~~(4) A phone number, prominently displayed, to call for additional information; and
- ~~(7)~~(5) The website address of the CITY planning department to obtain additional information.

B. There shall be one (1) sign posted for each one thousand (1,000) feet or fraction thereof of frontage on each improved street. The sign(s) shall be posted on the property near the street right-of-way and oriented to maximize their visibility to motorists. When more than one (1) sign is required to be posted along a street, the signs shall, where practicable, be evenly spaced along the street. The City of Bowie Planning Department shall be responsible for

erecting the required signs.

C. Signs shall be posted in the following manner:

(1) Single-sided if the property occupies frontage on a cul-de-sac, at the end of a dead-end street, or on a one-way street. The signs shall be oriented to maximize their visibility to motorists.

(2) Double-sided if the property occupies frontage on a street that is visible to two-way traffic. [These signs shall be configured in a “v” shape, at a 45- degree angle and oriented to maximize their visibility to motorists.]

D. If the property does not have frontage on an improved public street, one (1) sign shall be placed on the property, near the boundary of the property and be visible from an adjoining property. Another sign shall be placed near to, and be visible from, the improved portion of the nearest, most traveled street. In addition to the required information, this sign shall state that the sign is not on the subject property and that a property having no improved street frontage is the subject of the hearing.

E. If the placement of any sign on the subject property is not visible to motorists from adjoining streets, additional signs may be required at the discretion of the City Planning Director [or the chair of the Advisory Planning Board].

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**Section 9.** BE IT FURTHER ORDAINED AND ENACTED, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 26 “Zoning”, Article II, “Municipal Zoning Authority”, Division 2, “Variances” Section 26-25, “Criteria for Granting Variances”, be and hereby is amended as follows:

Sec. 26-25. Criteria for Granting Variances.

A. A variance from lot size, LOT COVERAGE, BUILDING setback and similar requirements of the Prince George's County Zoning Ordinance from which [a variance may be granted] A PROPERTY OWNER MAY OBTAIN A VARIANCE may only be granted upon a finding that:

(1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;

(2) The strict application of the County Zoning Ordinance will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and

(3) The variance will not substantially impair the intent, purpose, or integrity of any applicable[county general plan or county master plan] COUNTY'S GENERAL PLAN OR THE BOWIE AND VICINITY MASTER PLAN.

B. For properties in the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H zones, where the applicant proposes development of multifamily dwellings and also proposes that the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by subtitle 4 of the Prince George's County Code, the Advisory Planning Board may consider this increase over the required number of accessible units in making its required findings.

**Section 10. BE IT FURTHER ORDAINED AND ENACTED**, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 26 "Zoning", Article II, "Municipal Zoning Authority", Division 2, "Variances" Section 26-26, "Procedures for Granting Variances", be and hereby is amended as follows:

Sec. 26-26. Procedures for Granting Variances.

A. Filing requirements.

(1) Variance requests shall be made on the forms provided by the Advisory Planning Board. All information required on the forms shall be furnished by the applicant and the Advisory Planning Board shall not accept any form which is incomplete.

(2) Variance requests shall be numbered sequentially and scheduled to be heard by the Advisory Planning Board. The schedule shall be posted conspicuously in City Hall at least seven (7) days prior to the hearing date.

(3) Variance requests may be made by any person who alleges that he or she is aggrieved by the refusal of a building or use and occupancy permit, by the issuance of a zoning violation notice, or other decision made in administering the Prince George's County Zoning Ordinance if such decision relates to lot size, LOT COVERAGE, BUILDING setback or any similar requirements of the Prince George's County Zoning Ordinance from which a variance is permitted. Such person shall notify the Advisory Planning Board of the request within thirty (30) days after the refusal of the permit, issuance of the notice, or other decision. VARIANCE REQUESTS MAY BE FILED ONLY AFTER THE COUNTY DEPARTMENT OF PERMITS, INSPECTIONS AND ENFORCEMENT REFUSES ISSUANCE OF PERMIT OR ISSUES A ZONING VIOLATION NOTICE OR WHEN IT IS ALLEGED THAT A PERMIT HAS BEEN ISSUED IN ERROR. The Advisory Planning Board may waive the requirement and allow the filing of a variance prior to any action on a permit.

B. Notice of public hearing.

(1) At least fifteen (15) days notice of the date, time and place of the hearing shall be sent by the City by certified mail to the applicant, to any agency or department whose decision is the subject of the variance request and to the owners of abutting property (including those properties directly across a street, alley or stream).

(2) The Advisory Planning Board may send notice of the hearing to other interested persons, organizations, or agencies, and/or the state highway administration. The Advisory Planning Board shall send a notice of hearing and a site plan drawn to scale to the Maryland-National Capital Park and Planning Commission, the Prince George's County

Planning Board, and the District Council.

(3) All notices shall contain:

- a. The name of the applicant;
- b. The date, time and place of the hearing; and
- c. A brief statement describing the specific nature of the variance

request.

(4) The Advisory Planning Board may require additional notice of hearings by at least one (1) advertisement in a newspaper of general circulation in the city. Any such advertisement shall appear not less than five (5) days prior to the date of the hearing and shall contain the same information as is required in the written notices. The cost of the advertisement shall be paid by the applicant.

(5) The [Advisory Planning Board] DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT shall post the property with a durable sign at least fifteen (15) days prior to the scheduled hearing date, in accordance with Sec. 26-22 "Public Hearing Signs".

(6) All signs posted shall be durable, conspicuous and legible for at least fifteen (15) continuous days prior to the hearing.

C. THE PLANNING DIRECTOR MAY ISSUE A VARIANCE IN UNCONTESTED CASES AND IN CASES WHERE THE VARIANCE REQUESTED IS OF A MINIMAL NATURE, WHERE IN THE JUDGMENT OF THE PLANNING DIRECTOR THE APPLICANT OTHERWISE SATISFIES THE CRITERIA FOR THE GRANT OF A VARIANCE.

D. CITY PLANNING STAFF SHALL ANALYZE THE REQUEST AND SHALL FORWARD ITS COMMENTS AND RECOMMENDATIONS TO THE ADVISORY PLANNING BOARD. THESE COMMENTS AND RECOMMENDATIONS SHALL BE AVAILABLE FOR PUBLIC EXAMINATION AT LEAST SEVEN (7) DAYS PRIOR TO THE PUBLIC HEARING.

**Section 11.** BE IT FURTHER ORDAINED AND ENACTED, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 26 "Zoning", Article II, "Municipal Zoning Authority", Division 2, "Variances" Section 26-27, "Validity Period of Decision Granting Variances", be and hereby is amended as follows:

Sec. 26-27. Validity Period of Decision Granting Variances.

A. A decision of the City Council permitting the erection of a building or structure shall not be valid for more than two (2) years, unless a building permit for the erection of the building or structure in question is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.

B. A DECISION OF THE BOARD, PERMITTING THE USE OF A BUILDING STRUCTURE OR LAND, SHALL NOT BE VALID FOR MORE THAN TWO (2) YEARS, UNLESS THE USE IS

ESTABLISHED WITHIN THIS PERIOD. WHERE THE USE DEPENDS ON THE ERECTION OR ALTERATION OF A BUILDING, THE BOARD'S DECISION MAY BE VALID FOR MORE THAN TWO (2) YEARS, PROVIDED THAT:

(1) A BUILDING PERMIT FOR THE ERECTION OR ALTERATION IS OBTAINED WITHIN THE TWO (2) YEAR PERIOD AND THE WORK IS STARTED AND PROCEEDS TO COMPLETION IN ACCORDANCE WITH THE TERMS OF THE DECISION AND THE PERMIT; AND

(2) THE BOARD SPECIFIES A TIME PERIOD (NOT MORE THAN TWO (2) YEARS) WITHIN WHICH THE USE MUST BE ESTABLISHED AFTER THE COMPLETION OF CONSTRUCTION.

B(C) A decision of the City Council granting a variance from the screening requirements set forth in Sections 27-469(b)(3) and 27-470(b)(3) of the Prince George's County Zoning Ordinance shall not be valid for more than five (5) years.

**Section 12. BE IT FURTHER ORDAINED AND ENACTED**, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 26 "Zoning", Article II, "Municipal Zoning Authority", Division 3, "Departures and Alternative Compliance" Section 26-31, "Limited Departures from Design Standards and the Number of Parking and Loading Spaces Required", Validity Period of Decision Granting Variances", be and hereby is amended as follows:

Sec. 26-31. [Limited] Departures from Design Standards[ and the Number of Parking and Loading Spaces Required], SIGN DESIGN STANDARDS, AND LANDSCAPING STANDARDS.

A. A departure from the design standards contained in part 11 "Off-street Parking and Loading" and Part 12 "Signs" of the Prince George's County Zoning Ordinance or contained in the Prince George's County Landscape Manual may be permitted by the Advisory Planning Board or the City Planning Director, if authorized, in accordance with the provisions of this [Section]DIVISION.

B. Procedures.

(1) Application.

\* \* \*

(4) RECORD.

THE RECORD CREATED BEFORE THE ADVISORY PLANNING BOARD SHALL INCLUDE, BUT NOT BE LIMITED TO:

- a. THE APPLICATION FORM AND ACCOMPANYING DATA;
- b. CITY OF BOWIE STAFF REPORT;
- c. AFFIDAVIT OF POSTING;
- d. COMMENTS AND RECOMMENDATIONS (IF ANY) FROM THE MARYLAND- NATIONAL CAPITAL PARK AND PLANNING COMMISSION, THE COUNTY, PRINCE GEORGE'S COUNTY PLANNING BOARD, AND THE STATE HIGHWAY ADMINISTRATION;
- e. ALL CORRESPONDENCE RELATIVE TO THE APPLICATION;

- f. ALL TESTIMONY AT THE PUBLIC HEARING; AND
- g. OTHER ITEMS WHICH THE ADVISORY PLANNING BOARD DEEMS NECESSARY.

(4)(5) Required findings.

a. A recommendation that a departure be granted shall be made by the Advisory Planning Board only upon the following findings:

\* \* \*

c. In making its findings FOR PROPERTIES IN THE R-30, R-30C, R-18, R-18C, R-10A, R-10, AND R-H ZONES WHERE AN APPLICANT PROPOSES DEVELOPMENT OF MULTIFAMILY DWELLINGS AND ALSO PROPOSES THAT THE PERCENTAGE OF DWELLING UNITS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED AND AGED WILL BE INCREASED OVER THE MINIMUM NUMBER OF UNITS REQUIRED BY SUBTITLE 4 OF THE PRINCE GEORGE'S COUNTY CODE,

the Advisory Planning Board may give consideration to [the following:  
For properties in the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H zones, where an applicant proposes development of multifamily dwellings and also proposes that the percentage of dwelling units accessible to the physically handicapped and aged will be increased over the minimum number of units required by Subtitle 4 of the Prince George's County Code, the Advisory Planning Board may consider this] THE proposed increase in accessible units[ in making its required findings].

[d. In making its findings, the Advisory Planning Board shall give consideration to the following:

(i) The parking and loading conditions within the general vicinity of the subject property, including numbers and locations of available on-and-off street spaces within five hundred (500) feet of the subject property;

(ii) The recommendations of an area master plan, or county or local revitalization plan, regarding the subject property and its general vicinity;

(iii) Public parking facilities which are proposed in the county's capital improvement program within the general vicinity of the property.]

[e]D. Facilities for the physically handicapped.

A departure from the design standards for parking facilities for the physically handicapped shall not be granted unless an exemption from the requirements for the handicapped in the applicable building codes has been obtained from the state and county agencies responsible for administering those codes.

[f]E. Applicability of departures.

An approved departure shall only apply to the use specified in the application.

**Section 13.** BE IT FURTHER ORDAINED AND ENACTED, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 26 "Zoning", Article II, "Municipal Zoning Authority", Division 3, "Departures and Alternative Compliance" Section 26-32,

“Departures from the Number of Parking and Loading Spaces Required”, be and hereby is amended as follows:

Sec. 26-32. Departures from the MINIMUM Number of Parking and Loading Spaces Required.

A. A departure from the MINIMUM number of off-street parking and loading spaces required by the Prince George's County Zoning Ordinance, Sections 27-568 and 27- 582 may be permitted by the Advisory Planning Board or the City Planning Director, in accordance with the provisions of this Section.

B. Procedures.

(1) Application.

a. All requests for a departure from the MINIMUM number of off-street parking and loading spaces shall be in the form of an application filed with the Advisory Planning Board. The Advisory Planning Board shall determine the contents of the application and shall provide the application form.

\* \* \*

(4) Required findings.

\* \* \*

b. In making its findings, the Advisory Planning Board shall give consideration to the following:

(i) The parking and loading conditions within the general vicinity of the subject property, including numbers and locations of available on- and off-street spaces within five hundred (500) feet of the subject property;

(ii) The recommendations of [an area master plan, or county or local revitalization plan,] COUNTY'S GENERAL PLAN OR THE BOWIE AND VICINITY MASTER PLAN regarding the subject property and its general vicinity; AND

(iii) Public parking facilities [which] THAT are proposed in the county's capital improvement program within the general vicinity of the property.

\* \* \*

**Section 14.** BE IT FURTHER ORDAINED AND ENACTED, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 26 “Zoning”, Article II, “Municipal Zoning Authority”, Division 3, “Departures and Alternative Compliance” Section 26-33, “Limited



Departures from Design Standards and the Number of Parking and Loading Spaces Required”, be and hereby is amended as follows:

Sec. 26-33. Limited Departures from Design Standards and the Number of Parking and Loading Spaces Required.

A. The City Planning Director is authorized to approve administratively, without public hearing, limited departures from the design standards in Part 11 “Off- street Parking and Loading” and Part 12 “Signs” of the Prince George's County Zoning Ordinance, and the number of loading spaces required.

B. Limited departures may be approved for a maximum of ten percent (10%) of the standard DESIGN requirements[, and for]. FOR departures from the number of parking and loading spaces LIMITED DEPARTURES MAY BE APPROVED FOR A MAXIMUM OF TEN (10)% OF STANDARD REQUIREMENTS AND shall not exceed one hundred (100) parking spaces or one (1) loading space.

C. Before approving a limited departure, the Director shall make the findings required in Sec. 26-31 for departures from design standards and Sec. 26-32 for departures from parking and loading spaces in addition to all other findings the Advisory Planning Board would be required to make, if it reviewed the application.

D. [The] EXCEPT AS EXPRESSLY SET FORTH IN THIS CHAPTER, THE Director is not authorized to waive requirements in the Prince George's County Zoning Ordinance, grant variances, or modify conditions, considerations, or other requirements imposed by the Advisory Planning Board, the Prince George's County Planning Board, the Zoning Hearing Examiner for Prince George's County or District Council in any case.

E. The applicant's property shall be posted within ten (10) days of the PLANNING Director's acceptance of filing of the application. Posting shall be in accordance with the City Code. On and after the first day of posting, the application may not be amended.

F. If a written request for public hearing is not submitted within the posted time period, then the Director may act on the application. The PLANNING Director's approval concludes all proceedings.

G. If the PLANNING Director denies the application or a timely hearing request is submitted, then the application shall be treated as re-filed on the date of that event. The applicant, PLANNING Director, and City Staff shall then follow the procedures for Advisory Planning Board review in [(b)] SECTION 26-33 above.

**Section 15. BE IT FURTHER ORDAINED AND ENACTED**, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 26 “Zoning”, Article II, “Municipal

Zoning Authority”, Division 3, “Departures and Alternative Compliance” Section 26-34, “Alternative Compliance”, be and hereby is amended as follows:

Sec. 26-34. Alternative Compliance.

A. Purpose. The standards contained in the Prince George's County Landscape Manual are intended to encourage development [which] THAT is economically viable and environmentally [satisfying]SOUND. The standards are not intended to be arbitrary or to inhibit creative solutions. Project conditions may justify approval of alternative methods of compliance with standards. Conditions may arise where normal compliance is impractical or impossible, or where maximum achievement of the county's and City's objectives can only be obtained through alternative compliance.

B. Alternative compliance [for alternative compliance] from THE landscaping requirements OF THE PRINCE GEORGE'S COUNTY LANDSCAPE MANUAL(SEC 27-123) may be permitted by the Advisory Planning Board or the [City] Planning Director, if authorized, in accordance with the provisions of this Section.

C. Procedures.

(1) Application.

a. All requests for alternative compliance from THE landscaping requirements OF THE PRINCE GEORGE'S COUNTY LANDSCAPE MANUAL(SEC 27-123) shall be in the form of an application filed with the Advisory Planning Board. The Advisory Planning Board shall determine the contents of the application and shall provide the application form.

\* \* \*

(2) Staff report.

[If the request for alternative compliance is filed in conjunction with another application requiring Advisory Planning Board approval, City] Planning Staff shall analyze the request and shall forward its comments and recommendations to the PLANNING DIRECTOR OR Advisory Planning Board. These comments and recommendations shall be available for public examination at least seven (7) days prior to the public hearing.

D. Requests for alternative compliance will be accepted for any application to which the requirements of the Prince George's County Landscape Manual apply, except for applications for alternative compliance from THE landscaping requirements OF THE PRINCE GEORGE'S COUNTY LANDSCAPE MANUAL(SEC 27-123) that are in conjunction with another approval upon which the Prince George's County District Council or the Prince George's County Planning Board make a decision, when one or more of the following conditions are met:

(1) Topography, soil, vegetation or other site conditions are such that full compliance is impossible or impractical; or improved environmental quality would result from the alternative compliance.

\* \* \*

(5) An alternative compliance proposal is [equal] EQUIVALENT or better than normal compliance in its ability to fulfill the design criteria in Section 3 of the Prince George's County Landscape Manual.

a. A proposed alternative compliance measure must be [equal] EQUIVALENT or better than normal compliance in terms of quality, effectiveness, durability, hardiness, and ability to fulfill the design criteria in Section 3 of the Prince George's County Landscape Manual.

\* \* \*

e. In a situation where compliance with the Prince George's County Landscape Manual is not possible and there is no feasible proposal for alternative compliance which is, in the judgment of the Planning Director, or his designee, [equal] EQUIVALENT or better than normal compliance, then the applicant must apply for an appropriate departure from design standards in accordance with the requirements in Section 26-31.

**Section 16.** **BE IT FURTHER ORDAINED AND ENACTED**, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 26 “Zoning”, Article II, “Municipal Zoning Authority”, Division 4, “Certification, Revocation and Revision of Nonconforming uses” Section 26-36, “Alteration, Extension or Enlargement of Nonconforming Uses”, be and hereby is amended as follows:

Sec. 26-36. Alteration, Extension or Enlargement of Nonconforming Uses.

A. In general - Except as provided for in this Section, a certified nonconforming use may be altered, enlarged, or extended, provided that the alteration, enlargement, or extension conforms to the building line setback, yard, and height regulations of the zone in which the use is located; and a special exception is not required by the District Council.

B. Specific uses.

(1) Surface mining - A certified nonconforming use involving surface mining may be expanded to include the entire parcel of land (or acreage owned or leased at the time the use became nonconforming) upon which the removal operations were initially conducted, provided the initial use predates the adoption of the original zoning map for the area. This does not apply if the use is located in a one hundred (100) year floodplain or if the use is located within a Chesapeake Bay Critical Area Overlay Zone, which require a special exception under the Prince George's County Zoning Ordinance.

(2) [Structures] USES in floodplains - Existing nonconforming [buildings, structures, and] uses within a one hundred (100) year floodplain may be modified, but not enlarged or extended, to incorporate flood-proofing measures provided that: the measures do

not raise the level of the one hundred (100) year floodplain; and the measures are in conformance with Division 2 of Subtitle 4, "Building," of the Prince George's County Code, entitled "Construction or Changes in Floodplain Areas."

\* \* \*

(6) The alteration, extension, or enlargement of a nonconforming one-family detached dwelling may be permitted provided that:

a. The modification conforms to the requirements of [subparagraph (a), above] SUBSECTION (A) OF THIS SECTION;

k. New access or parking, if accompanied by a reduction of 30% or more in the number of bedrooms. Such improvements shall conform to any applicable regulations in [this subtitle]ANY APPLICABLE REQUIREMENT OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE.

\* \* \*

**Section 17.** **BE IT FURTHER ORDAINED AND ENACTED**, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 26 "Zoning", Article II, "Municipal Zoning Authority", Division 4, "Certification, Revocation and Revision of Nonconforming uses" Section 26-37, "Certification of Nonconforming Uses", be and hereby is amended as follows:

Sec. 26-37. Certification of Nonconforming Uses.

A. In general - a nonconforming use may only continue if a use and occupancy permit identifying the use as nonconforming is issued after the Advisory Planning Board (or its authorized representative) or the City Council certifies that the use is nonconforming and not illegal.

B. Application.

(1) An application for certification of a nonconforming use shall be filed with the Advisory Planning Board. The Advisory Planning Board shall determine the contents of the application and shall provide the application form.

(2) Along with the application and accompanying plans, the applicant shall provide the following:

a. Documentary evidence, such as tax records, business records, public utility installation or payment records, and sworn affidavits, showing the commencing date and continuous existence of the nonconforming use;

b. Evidence that the nonconforming use has not ceased to operate for more than one hundred eighty (180) consecutive calendar days between the time the use became

nonconforming and the date when the application is submitted, or that conditions of nonoperation for more than one hundred eighty (180) consecutive calendar days were beyond the applicant's and/or owner's control, were for the purpose of correcting code violations, or were due to the seasonal nature of the use;

c. Specific data showing the exact nature, size, and location of the building, structure or use; a legal description of the property; and the precise location and limits of the use on the property and within any building it occupies; and

d. A copy of a valid use and occupancy permit issued for the use prior to the date upon which it became a nonconforming use, if the applicant possesses one.

C. Notice. - The [Advisory Planning Board]CITY shall post the property with a durable sign(s) within ten (10) days of acceptance of the application and accompanying documentation. The signs(s) shall provide notice of the application; the nature of the nonconforming use for which the permit is sought; a date, at least twenty (20) days after posting, by which written comments and/or supporting documentary evidence relating to the commencing date and continuity of such use, and/or a request for public hearing from a party of interest will be received; and instructions for obtaining additional information. Requirements regarding posting fees, the number, and the location of signs shall conform to the requirements set forth in [subsection (f), below]SECTION 26-22 OF THIS CHAPTER. This Section does not apply to uses that occur solely within an enclosed building, with the exception of parking.

D. [Administrative] PLANNING DIRECTOR review.

(1) If a copy of a valid use and occupancy permit is submitted with the application, where applicable a request is not submitted for the Advisory Planning Board to conduct a public hearing, and, based on the documentary evidence presented, the [Advisory Planning Board's authorized representative] PLANNING DIRECTOR is satisfied as to the commencing date and continuity of the nonconforming use, the representative shall recommend certification of the use as nonconforming for the purpose of issuing a new use and occupancy permit identifying the use as nonconforming. This recommendation shall not be made prior to the specified date on which written comments and/or requests for public hearing are accepted.

(2) Following a recommendation of certification of the use as nonconforming, the he [Advisory Planning Board's authorized representative] PLANNING DIRECTOR shall notify the City Council of the recommendation.

(3) If the City Council does not elect to review the recommendation within thirty (30) days of receipt of the recommendation as authorized by [subsection (e), below]DIVISION 6 OF THIS ARTICLE, the representative shall certify the use as nonconforming. Copies of the recommendation shall be sent to all persons of record, the Maryland-National Capital Park and Planning Commission and the District Council.

(4) Subsections (2) and (3), above, and [subsection (e), below]DIVISION 6 OF THIS ARTICLE, shall not apply to uses that, with the exception of parking in accordance with Section 27- 549 of the Prince George's County Zoning Ordinance, occur solely within an enclosed building.

E. Advisory Planning Board review.

(1) Required hearing - If a copy of a valid use and occupancy permit is not

submitted with the application, if the documentary evidence submitted is not satisfactory to the Advisory Planning Board's authorized representative to prove the commencing date or continuity of the use, or if a public hearing has been requested by any party of interest challenging the commencing date and/or continuity of the use, the Advisory Planning Board shall conduct a public hearing on the application for the purpose of determining whether the use should be certified as nonconforming.

(2) Application for certification - Whenever the Advisory Planning Board will hold a hearing on a certification of the use as nonconforming, the applicant shall complete the appropriate form provided by the Advisory Planning Board.

(3) At least [fourteen (14)] SEVEN (7) calendar days prior to the public hearing, the [Advisory Planning Board] CITY shall send written notice of the date, time, and place of the hearing to the applicant and to all persons of record.

(4) Advisory Planning Board action.  
The Advisory Planning Board may decide to either grant or deny certification of the use as nonconforming. If it decides to certify that a nonconforming use actually exists and has continuously operated, the Advisory Planning Board shall find that the conclusion it reaches is supported by a preponderance of evidence.

F. Applicability. - This section shall not apply to nonconforming buildings or structures occupied by conforming uses.

[G. Additional requirements for junkyards and automobile salvage yards.

(1) All certified nonconforming junk yards and automobile salvage yards shall meet the following requirements:

a. The junk or automobile salvage yard shall be enclosed by a solid, light-tight, sightly wall or fence at least eight (8) feet high;

b. The wall or fence shall screen the enclosed area from public view;

c. The fence shall be maintained in a constant state of good repair; and

d. No sign shall be placed on the fence (except as permitted by Part 12 of the Prince George's County Zoning Ordinance).

(2) The requirements of subsection (1), above, shall apply to all nonconforming junk yards and vehicle salvage yards, regardless of any prior nonconforming use status.

(3) The fence (wall) requirements may be waived or modified by the City Council in accordance with the following procedures:

a. Application.

(i) The owner or operator of the junk yard shall make a written request to the City Council to waive or modify the requirements. The application shall be filed with the City Clerk.

(ii) Along with the application, the owner or operator shall submit the following:

(a) A statement listing the names, and the business and

residential addresses, of all individuals having at least a five percent (5%) financial interest in the subject property;

(b) If any owner is a corporation, a statement listing the officers of the corporation, their business and residential addresses, and the date on which they assumed their respective offices. The statement shall also list the current board of directors, their business and residential addresses, and the dates of each director's term. An owner that is a corporation listed on a national stock exchange shall be exempt from the requirement to provide residential addresses of its officers and directors;

(c) If the owner is a corporation (except one listed on a national stock exchange), a statement containing the names and residential addresses of those individuals owning at least five percent (5%) of the shares of any class of corporate security (including stocks and serial maturity bonds);

(iii) For the purposes of (a), (b), and (c), above, the term "owner" shall include not only the owner of record, but also any contract purchaser.

b. The city council shall designate a date for the public hearing and shall notify the applicant of the date.

c. Criteria for approval.

(i) The application may only be approved:

(a) For a fixed temporary period of time, which may be renewed; and following:

(b) If the purposes of this section are fulfilled.

(ii) In place of the fence, the council may permit any of the

(a) Screening by natural objects;

(b) Plantings on sides not facing traveled roads;

(c) A wire fence on sides where the adjacent properties are predominantly undeveloped; or

(d) A reduction in the fence requirements when the property is, or abuts, properties zoned 1-1 or 1-2.

H. Additional requirements for adult bookstores and/or adult video stores.

a. All certified nonconforming adult book stores and/or adult video stores shall meet the following requirements:

i. All windows, doors, and other apertures shall be blackened or obstructed so as to prevent anyone outside the establishment from viewing its interior;

ii. Advertising shall be limited to one (1) business sign, as provided for in Section 27-615 of the Prince George's County Zoning Ordinance;

iii. The proprietor, owner, or personnel of the establishment shall prohibit access to the premises by any person who is under eighteen (18) years old.

iv. All adult book stores and/or adult video stores have to obtain a use and occupancy permit as set forth in Section 27-904 of the Prince George's County Zoning Ordinance. In order to provide for a reasonable standard of amortization and to prevent an unreasonable loss, all certified nonconforming adult books stores and/or adult video stores may continue in operation until January 1, 2011, in accordance with the provisions of this subtitle.

I. Additional requirements for eating or drinking establishments.

a. In addition to being certified as a nonconforming use, an eating or drinking establishment permitting live entertainment or patron dancing, with hours of operation that extend beyond 11:00 p.m., and with parking abutting land used for residential purposes, except hotel lounges, may only continue subject to the requirements of this section and to any other applicable requirements of [city]THE County zoning ordinance.

b. All certified nonconforming eating or drinking establishments described in subsection (1), above, shall meet the following requirements:

i. A sight-tight fence or wall, at least six (6) feet in height, shall be located along the perimeter of all abutting residential property; and

ii. The property shall be maintained in accordance with all applicable provisions of the City Code and Prince George's County Code.

J. Additional requirements for massage establishments - All certified nonconforming massage establishments shall meet the following requirements:

a. All windows, doors, and other apertures shall be blackened or obstructed so as to prevent anyone outside the establishment from viewing its interior;

b. Advertising shall be limited to one (1) business sign, as provided for in Section 27-615 of the Prince George's County Zoning Ordinance;

c. The proprietor, owner, or personnel of the establishment shall prohibit access to the premises by any person who is under eighteen (18) years old.

d. A massage establishment may only continue if a special exception for a massage establishment is approved in accordance with the Prince George's County Zoning Ordinance.

K. Additional requirements for mobile homes and trailer camps (mobile home parks).

a. Mobile home dwellings.

a. A nonconforming mobile home used as a dwelling may continue, if the dwelling was legally in existence on November 24, 1975.

b. A building permit may be issued for a mobile home to be used as a dwelling provided that:

(i) The application for the permit was on file with the Department of Environmental Resources on November 23, 1975; and

(ii) All requirements applicable to the erection of a mobile home as of that date have been met.

c. A mobile home dwelling erected pursuant to the above permit shall be deemed a certified nonconforming use provided that:

(i) construction begins within six (6) months after the permit is issued; and permit.

(ii) construction proceeds to completion in accordance with the

b. Trailer camps (mobile home parks).

a. A trailer camp (mobile home park) legally in existence on November 24, 1975, shall be considered a nonconforming use.



b. A trailer camp shall be deemed a certified nonconforming use if a special exception for the camp was approved by the Prince George's County District Council prior to November 24, 1975.

c. In the case of a trailer camp identified in paragraph (b), above, building permits may be issued for all structures shown on the site plan. In addition, building permits for buildings to be used for storage of maintenance equipment and supplies not shown on the site plan may be issued. these storage buildings shall be subject to the requirements applicable to main buildings in the zone in which the camp is located.

L. Additional requirements for pawn shops - All certified nonconforming pawnshops shall meet the following requirements:

a. The proprietor, owner, or personnel of the pawnshop establishment shall not transact business with any person who is under eighteen (18) years old;

b. No parking of motor vehicles pledged as collateral shall be permitted on the subject property.

c. In the event that a certified nonconforming pawnshop is relocated to another location, the certification shall cease.

M. Additional requirements for model studios - All certified nonconforming model studios shall meet the following requirements:

a. Outdoor displays or advertising shall be limited to one (1) business sign, as provided for in Section 27-615 of the Prince George's County Zoning Ordinance; and

b. The proprietor, owner, or personnel of the establishment shall prohibit access to the premises by any person who is not yet eighteen (18) years old.

c. A model studio may continue only if a special exception for a model studio is approved in accordance with the Prince George's County Zoning Ordinance.]

**Section 18.** BE IT FURTHER ORDAINED AND ENACTED, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 26 "Zoning", Article II, "Municipal Zoning Authority", Division 4, "Certification, Revocation and Revision of Nonconforming uses" Section 26-37A "Additional Requirements for Specific Nonconforming Uses", be and hereby is added as follows:

26-37A. ADDITIONAL REQUIREMENTS FOR SPECIFIC NONCONFORMING USES.

A. JUNKYARDS AND AUTOMOBILE SALVAGE YARDS.

(1) ALL CERTIFIED NONCONFORMING JUNK YARDS AND AUTOMOBILE SALVAGE YARDS SHALL MEET THE FOLLOWING REQUIREMENTS:

(A) THE JUNK OR AUTOMOBILE SALVAGE YARD SHALL BE ENCLOSED BY A SOLID, LIGHT-TIGHT, SIGHTLY WALL OR FENCE AT LEAST EIGHT (8) FEET HIGH;

(B) THE WALL OR FENCE SHALL SCREEN THE ENCLOSED AREA FROM

PUBLIC VIEW;

(C) THE FENCE SHALL BE MAINTAINED IN A CONSTANT STATE OF GOOD

REPAIR; AND

(D) NO SIGN SHALL BE PLACED ON THE FENCE (EXCEPT AS PERMITTED BY PART 12 OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE).

(2) THE REQUIREMENTS OF SUBSECTION A.(1) SHALL APPLY TO ALL NONCONFORMING JUNK YARDS AND VEHICLE SALVAGE YARDS, REGARDLESS OF ANY PRIOR NONCONFORMING USE STATUS.

(3) THE PROPERTY OWNER MAY APPLY FOR A WAIVER OF THE FENCE OR WALL REQUIREMENTS AS FOLLOWS:

(A) THE OWNER OR OPERATOR OF THE JUNK YARD SHALL MAKE A WRITTEN REQUEST TO THE CITY COUNCIL TO WAIVE OR MODIFY THE REQUIREMENTS. THE APPLICATION SHALL BE FILED WITH THE CITY CLERK.

(B) ALONG WITH THE APPLICATION, THE OWNER OR OPERATOR SHALL SUBMIT THE FOLLOWING:

(i) A STATEMENT LISTING THE NAMES, AND THE BUSINESS AND RESIDENTIAL ADDRESSES, OF ALL INDIVIDUALS HAVING AT LEAST A FIVE PERCENT (5%) FINANCIAL INTEREST IN THE SUBJECT PROPERTY;

(ii) IF ANY OWNER IS A CORPORATION, A STATEMENT LISTING THE OFFICERS OF THE CORPORATION, THEIR BUSINESS AND RESIDENTIAL ADDRESSES, AND THE DATE ON WHICH THEY ASSUMED THEIR RESPECTIVE OFFICES. THE STATEMENT SHALL ALSO LIST THE CURRENT BOARD OF DIRECTORS, THEIR BUSINESS AND RESIDENTIAL ADDRESSES, AND THE DATES OF EACH DIRECTOR'S TERM. AN OWNER THAT IS A CORPORATION LISTED ON A NATIONAL STOCK EXCHANGE SHALL BE EXEMPT FROM THE REQUIREMENT TO PROVIDE RESIDENTIAL ADDRESSES OF ITS OFFICERS AND DIRECTORS;

(iii) IF THE OWNER IS A CORPORATION (EXCEPT ONE LISTED ON A NATIONAL STOCK EXCHANGE), A STATEMENT CONTAINING THE NAMES AND RESIDENTIAL ADDRESSES OF THOSE INDIVIDUALS OWNING AT LEAST FIVE PERCENT (5%) OF THE SHARES OF ANY CLASS OF CORPORATE SECURITY (INCLUDING STOCKS AND SERIAL MATURITY BONDS);

(C) FOR THE PURPOSES OF SUBSECTION A(3)(B) OF THIS SECTION, THE TERM "OWNER" SHALL INCLUDE NOT ONLY THE OWNER OF RECORD, BUT ALSO ANY CONTRACT PURCHASER.

(D). THE CITY COUNCIL SHALL DESIGNATE A DATE FOR A PUBLIC HEARING AND SHALL NOTIFY THE APPLICANT OF THE DATE.

(3) THE APPLICATION MAY ONLY BE APPROVED:

(i) FOR A FIXED TEMPORARY PERIOD OF TIME, WHICH MAY BE RENEWED; AND

(ii) IF THE PURPOSES OF THIS SECTION ARE FULFILLED.

(4) IN PLACE OF THE FENCE, THE COUNCIL MAY PERMIT ANY OF THE FOLLOWING:

(i) SCREENING BY NATURAL OBJECTS;

(iii) PLANTINGS ON SIDES NOT FACING TRAVELED ROADS;

(iv) A WIRE FENCE ON SIDES WHERE THE ADJACENT PROPERTIES ARE PREDOMINANTLY UNDEVELOPED; OR

(v) A REDUCTION IN THE FENCE REQUIREMENTS WHEN THE PROPERTY

IS, OR ABUTS, PROPERTIES ZONED 1-1 OR 1-2.

B. ADULT BOOKSTORES AND/OR ADULT VIDEO STORES.

ALL CERTIFIED NONCONFORMING ADULT BOOK STORES AND/OR ADULT VIDEO STORES SHALL MEET THE FOLLOWING REQUIREMENTS:

(1) ALL WINDOWS, DOORS, AND OTHER APERTURES SHALL BE BLACKENED OR OBSTRUCTED SO AS TO PREVENT ANYONE OUTSIDE THE ESTABLISHMENT FROM VIEWING ITS INTERIOR;

(2) ADVERTISING SHALL BE LIMITED TO ONE (1) BUSINESS SIGN, AS PROVIDED FOR IN SECTION 27-615 OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE;

(3) THE PROPRIETOR, OWNER, OR PERSONNEL OF THE ESTABLISHMENT SHALL PROHIBIT ACCESS TO THE PREMISES BY ANY PERSON WHO IS UNDER EIGHTEEN (18) YEARS OLD.

(4) ALL ADULT BOOK STORES AND/OR ADULT VIDEO STORES HAVE TO OBTAIN A USE AND OCCUPANCY PERMIT AS SET FORTH IN SECTION 27-904 OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE. IN ORDER TO PROVIDE FOR A REASONABLE STANDARD OF AMORTIZATION AND TO PREVENT AN UNREASONABLE LOSS, ALL CERTIFIED NONCONFORMING ADULT BOOKS STORES AND/OR ADULT VIDEO STORES MAY CONTINUE IN OPERATION UNTIL JANUARY 1, 2011, IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE.

C. ADDITIONAL REQUIREMENTS FOR EATING OR DRINKING ESTABLISHMENTS.

(1) IN ADDITION TO BEING CERTIFIED AS A NONCONFORMING USE, AN EATING OR DRINKING ESTABLISHMENT PERMITTING LIVE ENTERTAINMENT OR PATRON DANCING, WITH HOURS OF OPERATION THAT EXTEND BEYOND 11:00 P.M., AND WITH PARKING ABUTTING LAND USED FOR RESIDENTIAL PURPOSES, EXCEPT HOTEL LOUNGES, MAY ONLY CONTINUE SUBJECT TO THE REQUIREMENTS OF THIS SECTION AND TO ANY OTHER APPLICABLE REQUIREMENTS OF ]THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE.

(2) ALL CERTIFIED NONCONFORMING EATING OR DRINKING ESTABLISHMENTS DESCRIBED IN SUBSECTION (1), ABOVE, SHALL MEET THE FOLLOWING REQUIREMENTS:

(A) A SIGHT-TIGHT FENCE OR WALL, AT LEAST SIX (6) FEET IN HEIGHT, SHALL BE LOCATED ALONG THE PERIMETER OF ALL ABUTTING RESIDENTIAL PROPERTY; AND

(B) THE PROPERTY SHALL BE MAINTAINED IN ACCORDANCE WITH ALL APPLICABLE PROVISIONS OF THE CITY CODE AND PRINCE GEORGE'S COUNTY CODE.

D. ADDITIONAL REQUIREMENTS FOR MASSAGE ESTABLISHMENTS

ALL CERTIFIED NONCONFORMING MASSAGE ESTABLISHMENTS SHALL MEET THE FOLLOWING REQUIREMENTS:

(1) ALL WINDOWS, DOORS, AND OTHER APERTURES SHALL BE BLACKENED OR OBSTRUCTED SO AS TO PREVENT ANYONE OUTSIDE THE ESTABLISHMENT FROM VIEWING ITS INTERIOR;

(2) ADVERTISING SHALL BE LIMITED TO ONE (1) BUSINESS SIGN, AS PROVIDED FOR IN SECTION 27-615 OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE;

(3) THE PROPRIETOR, OWNER, OR PERSONNEL OF THE ESTABLISHMENT SHALL PROHIBIT ACCESS TO THE PREMISES BY ANY PERSON WHO IS UNDER EIGHTEEN (18) YEARS OLD.

(4) A MASSAGE ESTABLISHMENT MAY ONLY CONTINUE IF A SPECIAL EXCEPTION FOR A MASSAGE ESTABLISHMENT IS APPROVED IN ACCORDANCE WITH THE PRINCE GEORGE'S COUNTY

ZONING ORDINANCE.

E. ADDITIONAL REQUIREMENTS FOR MOBILE HOMES AND TRAILER CAMPS (MOBILE HOME PARKS).

(1) MOBILE HOME DWELLINGS.

(A) A NONCONFORMING MOBILE HOME USED AS A DWELLING MAY CONTINUE, IF THE DWELLING WAS LEGALLY IN EXISTENCE ON NOVEMBER 24, 1975.

(B) A BUILDING PERMIT MAY BE ISSUED FOR A MOBILE HOME TO BE USED AS A DWELLING PROVIDED THAT:

(i) THE APPLICATION FOR THE PERMIT WAS ON FILE WITH THE DEPARTMENT OF ENVIRONMENTAL RESOURCES ON NOVEMBER 23, 1975; AND

(ii) ALL REQUIREMENTS APPLICABLE TO THE ERECTION OF A MOBILE HOME AS OF THAT DATE HAVE BEEN MET.

(C) A MOBILE HOME DWELLING ERECTED PURSUANT TO THE ABOVE PERMIT SHALL BE DEEMED A CERTIFIED NONCONFORMING USE PROVIDED THAT:

(i) CONSTRUCTION BEGINS WITHIN SIX (6) MONTHS AFTER THE PERMIT IS ISSUED; AND PERMIT.

(ii) CONSTRUCTION PROCEEDS TO COMPLETION IN ACCORDANCE WITH THE

(2) TRAILER CAMPS (MOBILE HOME PARKS).

(A) A TRAILER CAMP (MOBILE HOME PARK) LEGALLY IN EXISTENCE ON NOVEMBER 24, 1975, SHALL BE CONSIDERED A NONCONFORMING USE.

(B) A TRAILER CAMP SHALL BE DEEMED A CERTIFIED NONCONFORMING USE IF A SPECIAL EXCEPTION FOR THE CAMP WAS APPROVED BY THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL PRIOR TO NOVEMBER 24, 1975.

(C) IN THE CASE OF A TRAILER CAMP IDENTIFIED IN PARAGRAPH (B), ABOVE, BUILDING PERMITS MAY BE ISSUED FOR ALL STRUCTURES SHOWN ON THE SITE PLAN. IN ADDITION, BUILDING PERMITS FOR BUILDINGS TO BE USED FOR STORAGE OF MAINTENANCE EQUIPMENT AND SUPPLIES NOT SHOWN ON THE SITE PLAN MAY BE ISSUED. THESE STORAGE BUILDINGS SHALL BE SUBJECT TO THE REQUIREMENTS APPLICABLE TO MAIN BUILDINGS IN THE ZONE IN WHICH THE CAMP IS LOCATED.

F. ADDITIONAL REQUIREMENTS FOR PAWN SHOPS

ALL CERTIFIED NONCONFORMING PAWN SHOPS SHALL MEET THE FOLLOWING REQUIREMENTS:

(1) THE PROPRIETOR, OWNER, OR PERSONNEL OF THE PAWN SHOP ESTABLISHMENT SHALL NOT TRANSACT BUSINESS WITH ANY PERSON WHO IS UNDER EIGHTEEN (18) YEARS OLD;

(2) NO PARKING OF MOTOR VEHICLES PLEDGED AS COLLATERAL SHALL BE PERMITTED ON THE SUBJECT PROPERTY.

(3) IN THE EVENT THAT A CERTIFIED NONCONFORMING PAWN SHOP IS RELOCATED TO ANOTHER LOCATION, THE CERTIFICATION SHALL CEASE.

G. ADDITIONAL REQUIREMENTS FOR MODEL STUDIOS - ALL CERTIFIED

NONCONFORMING MODEL STUDIOS SHALL MEET THE FOLLOWING REQUIREMENTS:

(1) OUTDOOR DISPLAYS OR ADVERTISING SHALL BE LIMITED TO ONE (1) BUSINESS SIGN, AS PROVIDED FOR IN SECTION 27-615 OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE; AND

(2) THE PROPRIETOR, OWNER, OR PERSONNEL OF THE ESTABLISHMENT SHALL PROHIBIT ACCESS TO THE PREMISES BY ANY PERSON WHO IS NOT YET EIGHTEEN (18) YEARS OLD. A MODEL STUDIO MAY CONTINUE ONLY IF A SPECIAL EXCEPTION FOR A MODEL STUDIO IS APPROVED IN ACCORDANCE WITH THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE.

**Section 19.** **BE IT FURTHER ORDAINED AND ENACTED**, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 26 “Zoning”, Article II, “Municipal Zoning Authority”, Division 4, “Certification, Revocation and Revision of Nonconforming Uses” Section 26-38 “Revocation and Revision of Nonconforming uses”, be and hereby is amended as follows:

Sec. 26-38. Revocation of Certification of Nonconforming Uses.

A. Upon a petition filed by the PLANNING Director of the COUNTY'S Department of [Environmental Resources]PERMITTING, INSPECTIONS AND ENFORCEMENT (or his OR HER designee), or upon its own motion, the Advisory Planning Board shall hold a public hearing to determine whether the certification of a nonconforming use should be revoked.

B. The Advisory Planning Board shall revoke the certification if it finds that either:  
(1) There was fraud or misrepresentation in obtaining the certification

(2) A certified nonconforming use has been discontinued for a period of one hundred eighty (180) or more consecutive calendar days, unless the conditions of nonoperation were beyond the control of the owner or holder of the use and occupancy permit; or

(3) Any applicable requirements of Section 26.37 have not been met.

C. The Advisory Planning Board shall notify the COUNTY'S Department of [Environmental Resources]PERMITTING, INSPECTIONS AND ENFORCEMENT (or his OR HER designee) and the Prince George's County Planning Board of a revocation. The director, in turn, shall revoke the use and occupancy permit for the nonconforming use.

D. The decision of the Advisory Planning Board may be appealed to the City Council in the same manner as an original certification.

**Section 20.** **BE IT FURTHER ORDAINED AND ENACTED**, by the Council of the

City of Bowie, Maryland that Bowie City Code Chapter 26 “Zoning”, Article II, “Municipal Zoning Authority”, Division 5, “Minor Changes to Approved Special Exceptions,” Section 26-41 “Minor Changes to Special Exceptions, in General”, be and hereby is amended as follows:

Sec. 26-41. Minor Changes to Special Exceptions, in General.

A. The Advisory Planning Board and Planning Director are authorized to approve minor changes to site plans for approved special exceptions, as provided in this [section] ARTICLE. The Director may authorize staff to take any action the Director may take under this [section] ARTICLE.

B. The Advisory Planning Board is authorized to grant the minor changes listed in this [section] ARTICLE, 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 Advisory Planning Board. The contents of the application shall be determined by the Advisory Planning Board. Along with filing the application, the applicant shall submit a revised site plan, and shall pay the required fee. The Advisory Planning Board shall hold a hearing on the request in accordance with the rules of procedure established by the Advisory Planning Board. The Advisory 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 City Clerk.

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

D. The revised site plan shall comply with all applicable requirements of [this section] OF THE PRINCE GEORGE’S COUNTY ZONING ORDINANCE, 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.

**Section 21.** **BE IT FURTHER ORDAINED AND ENACTED**, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 26 “Zoning”, Article II, “Municipal Zoning Authority”, Division 5, “Minor Changes to Approved Special Exceptions,” Section 26-438 “Limited Minor Changes to Special Exceptions, Planning Director”, be and hereby is amended as follows:

Sec. 26-43. Limited Minor Changes to Special Exceptions, Planning Director.

A. The Planning Director is authorized to approve minor changes administratively,

without public hearing, in cases listed in [(B)] SECTION 26-42 OF THIS CHAPTER, but only if the proposed minor changes are limited in scope and nature, including an increase in gross floor area or land covered by a structure other than a building up to ten percent (10%). The PLANNING Director shall deny any administrative approval request proposing site plan changes which will have a significant impact on adjacent property.

B. Before approving a minor change, the PLANNING Director shall make all findings the Advisory Planning Board would be required to make, if it reviewed the application.

C. EXCEPT AS SET FORTH IN THIS ARTICLE, THE [The] PLANNING Director is not authorized to waive requirements in the [City] PRINCE GEORGE'S COUNTY zoning ordinance, grant variances, or modify conditions, considerations, or other requirements imposed by the Advisory Planning Board or City Council in any case.

D. The applicant's property shall be posted within ten (10) days of the PLANNING Director's acceptance of filing of the application. On and after the first day of posting, the application may not be amended.

E. The PLANNING Director may waive posting after determining, in writing, that the proposed minor change is so limited in scope and nature that it will have no appreciable impact on adjacent property.

F. If posting is waived or a written request for public hearing is not submitted within the posted time period, then the Director may act on the application. The PLANNING Director's approval concludes all proceedings.

G. If the PLANNING Director denies the application or a timely hearing request is submitted, then the application shall be treated as re-filed on the date of that event. The applicant and Director shall then follow the procedures for Advisory Planning Board review in Section 26-41.

**Section 22. BE IT FURTHER ORDAINED AND ENACTED**, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 26 "Zoning", Article II, "Municipal Zoning Authority", Division 5, "Minor Changes to Approved Special Exceptions," Section 26-44, "Specific Changes", be and hereby is amended as follows:

Sec 26-44. Specific Changes.

A. Changes of golf course site plans. – Changes of a site plan for an approved golf course may be permitted by the Advisory Planning Board or Planning Director, if authorized, for any modifications or additions which are found to be in accordance with the purposes and uses generally associated with golf courses, including swimming pools, tennis courts, and clubhouses/restaurants. The Advisory Planning Board shall not approve any use previously disapproved as part of the original special exception.

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J. CHANGES OF PLANNED RETIREMENT COMMUNITY SITE PLANS.

(1) THE ADVISORY PLANNING BOARD MAY APPROVE THE FOLLOWING MODIFICATIONS, FOLLOWING THE PROCEDURES IN (A) ABOVE:

(a) CHANGES REQUIRED AS THE RESULT OF AN APPROVAL OF A PRELIMINARY PLAN OF SUBDIVISION;

(b) CHANGES REQUIRED BY ENGINEERING NECESSITY TO GRADING, UTILITIES, STORMWATER MANAGEMENT, OR RELATED PLAN ELEMENTS;

(c) NEW OR ALTERNATIVE ARCHITECTURAL PLANS THAT ARE EQUAL OR SUPERIOR TO THOSE ORIGINALLY APPROVED, IN TERMS OF THE QUALITY OF EXTERIOR BUILDING MATERIALS AND ARCHITECTURAL DETAIL; OR

(d) CHANGES TO ANY OTHER PLAN ELEMENT DETERMINED TO BE CONSISTENT WITH THE OVERALL DESIGN, LAYOUT, QUALITY, OR INTENT OF THE APPROVED SPECIAL EXCEPTION SITE PLAN.

(2) THE ADVISORY PLANNING BOARD'S DECISION SHALL BE SENT TO ALL PERSONS OF RECORD IN THE HEARING BEFORE THE BOARD, AND TO THE CITY COUNCIL. THIS DECISION MAY BE APPEALED TO THE CITY COUNCIL UPON PETITION BY ANY PERSON OF RECORD. THE PETITION SHALL BE FILED WITH THE PLANNING DIRECTOR WITHIN THIRTY (30) DAYS AFTER THE DATE OF THE NOTICE OF THE ADVISORY PLANNING BOARD'S DECISION. THE CITY COUNCIL MAY VOTE TO REVIEW THE ADVISORY PLANNING BOARD'S DECISION ON ITS OWN MOTION WITHIN THIRTY (30) DAYS AFTER THE DATE OF THE NOTICE. THE PLANNING DIRECTOR SHALL NOTIFY THE ADVISORY PLANNING BOARD OF ANY APPEAL OR REVIEW DECISION. WITHIN SEVEN (7) CALENDAR DAYS AFTER RECEIVING THIS NOTICE, THE ADVISORY PLANNING BOARD SHALL TRANSMIT TO THE CITY COUNCIL A COPY OF ALL WRITTEN EVIDENCE AND MATERIALS SUBMITTED FOR CONSIDERATION BY THE PLANNING BOARD AND A TRANSCRIPT OF THE PUBLIC HEARING ON THE REVISED PLAN. THE CITY COUNCIL SHALL SCHEDULE A PUBLIC HEARING ON THE APPEAL OR REVIEW. TESTIMONY AT THE HEARING SHALL BE LIMITED TO THE FACTS AND INFORMATION CONTAINED WITHIN THE RECORD MADE AT THE HEARING BEFORE THE ADVISORY PLANNING BOARD. WITHIN SIXTY (60) DAYS AFTER THE CLOSE OF THE COUNCIL'S HEARING, THE COUNCIL SHALL AFFIRM, REVERSE, OR MODIFY THE DECISION OF THE ADVISORY PLANNING BOARD, OR RETURN THE REVISED PLAN TO THE BOARD TO TAKE FURTHER TESTIMONY OR RECONSIDER ITS DECISION. WHERE THE CITY COUNCIL APPROVES A REVISED SITE PLAN, IT SHALL MAKE THE SAME FINDINGS THAT ARE REQUIRED TO BE MADE BY THE ADVISORY PLANNING BOARD. IF THE CITY COUNCIL FAILS TO ACT WITHIN THE SPECIFIED TIME, THE ADVISORY PLANNING BOARD'S DECISION IS AUTOMATICALLY AFFIRMED. THE CITY COUNCIL SHALL GIVE ITS DECISION, IN



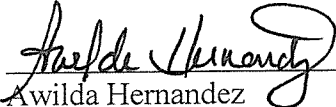
WRITING, STATING THE REASONS FOR ITS ACTION. COPIES OF THE DECISION SHALL BE SENT TO ALL PERSONS OF RECORD AND THE ADVISORY PLANNING BOARD.


**Section 23. BE IT FURTHER ORDAINED AND ENACTED**, by the Council of the City of Bowie, Maryland that Bowie City Code Chapter 26 “Zoning”, Article III, “Service Volume Standards for City Streets”, be and hereby is repealed in its entirety.

**Section 24. BE IT FURTHER ORDAINED** that this Ordinance shall become effective thirty (30) days after its enactment by the Council of the City of Bowie, Maryland or upon approval by the Prince George’s County Council whichever is later, provided that a fair summary of this Ordinance is published at least once prior to the date of passage and at least once within ten (10) days after the date of passage in a newspaper having general circulation in the City.


**INTRODUCED** by the Council of the City of Bowie, Maryland at a regular meeting on the 17 day of June, 2019.

**PASSED** by the Council of the City of Bowie, Maryland at a regular meeting on the 1 day of July, 2019.

  
\_\_\_\_\_  
Awilda Hernandez  
City Clerk

By:   
\_\_\_\_\_  
G. Frederick Robinson, Mayor

**APPROVED AS TO FORM AND SUFFICIENCY:**

  
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Elissa D. Levan, City Attorney