

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2019 Legislative Session

Bill No. CB-55-2019

Chapter No. 31

Proposed and Presented by Council Member Glaros

Introduced by Council Member Glaros, Streeter, Dernoga and Hawkins

Co-Sponsors _____

Date of Introduction October 15, 2019

ZONING BILL

1 AN ORDINANCE concerning

2 Appeals and Variances

3 For the purpose of amending the criteria for granting appeals involving variances.

4 BY repealing and reenacting with amendments:

5 Section 27-230,

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

7 being also

8 SUBTITLE 27. ZONING.

9 The Prince George's County Code

10 (2015 Edition, 2018 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
12 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
13 District in Prince George's County, Maryland, that Section 27-230 of the Zoning Ordinance of
14 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,
15 be and the same is hereby repealed and reenacted with the following amendments:

16 **SUBTITLE 27. ZONING.**

17 **PART 3. ADMINISTRATION.**

18 **DIVISION 5. APPEALS AND VARIANCES.**

19 **SUBDIVISION 2. BOARD OF ZONING APPEALS.**

20 **Sec. 27-230. Criteria for granting appeals involving variances.**

1 (a) A variance may only be granted when the District Council, Zoning Hearing
2 Examiner, Board of Appeals, or the Planning Board as applicable, finds that:

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

5 (2) The strict application of this Subtitle will result in peculiar and unusual practical
6 difficulties to, or exceptional or undue hardship upon, the owner of the property; and

7 (3) The variance will not substantially impair the intent, purpose, or integrity of the
8 General Plan or Master Plan.

9 (b) Variances from the requirements of Subtitle 5B of this Code for property located
10 within the Chesapeake Bay Critical Area Overlay Zones shall only be approved by the Planning
11 Board where an appellant demonstrates that provisions have been made to minimize any adverse
12 environmental impact of the variance and where the Prince George's County Planning Board has
13 found, in addition to the findings set forth in Subsection (a), that:

14 (1) Special conditions or circumstances exist that are peculiar to the subject land or
15 structure and that a literal enforcement of the Critical Area Program would result in unwarranted
16 hardship which is defined as a circumstance where without a variance, an applicant would be
17 denied reasonable and significant use of the entire parcel or lot for which the variance is
18 requested;

19 (2) A literal interpretation of the provisions of the Critical Area Program and related
20 ordinances would deprive the applicant of rights commonly enjoyed by other properties in
21 similar areas within the Critical Area;

22 (3) The granting of a variance would not confer upon an applicant any special
23 privilege that would be denied by Critical Area Program to other lands or structures within the
24 Critical Area;

25 (4) The variance request is not based upon conditions or circumstances which are the
26 result of actions by the applicant, nor does the request arise from any condition relating to land or
27 building use, either permitted or nonconforming, on any neighboring property;

28 (5) The granting of a variance would not adversely affect water quality or adversely
29 impact fish, wildlife, or plant habitat within the Critical Area, and that the granting of the
30 variance would be in harmony with the general spirit and intent of the State Critical Area Law
31 and the County Critical Area Program;

1 (6) The development plan would minimize adverse impacts on water quality resulting
2 from pollutants discharged from structures, conveyances, or runoff from surrounding lands;

3 (7) All fish, wildlife, and plant habitat in the designated critical areas would be
4 protected by the development and implementation of either on-site or off-site programs;

5 (8) The number of persons, their movements and activities, specified in the
6 development plan, are in conformity to established land use policies and would not create any
7 adverse environmental impact; and

8 (9) The growth allocations for Overlay Zones within the County would not be
9 exceeded by the granting of the variance.

10 (c) For properties in the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where
11 the applicant proposes development of multifamily dwellings and also proposes that the
12 percentage of dwelling units accessible to the physically handicapped and aged will be increased
13 above the minimum number of units required by Subtitle 4 of the Prince George's County Code,
14 the Board of Appeals may consider this increase over the required number of accessible units in
15 making its required findings.

16 (d) Notwithstanding (a) above, a variance is not required for a reduction of up to ten (10)
17 percent to the building setback and lot coverage requirements if the subject property is within a
18 County designated Historic District and the variance is needed to be consistent with Historic
19 District Design Guidelines.
20

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

Adopted this 19th day of November , 2019.

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: _____
Todd M. Turner
Chair

ATTEST:

Donna J. Brown
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.