

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

Bill No. _____ CB-55-1999
Chapter No. _____ 42
Proposed and Presented by _____ Council Member Estepp
Introduced by _____ Council Member Estepp
Co-Sponsors _____
Date of Introduction _____ October 12, 1999

ZONING BILL

1 AN ORDINANCE concerning

2 District Council Remands

3 For the purpose of modifying remand procedures in zoning cases.

4 BY repealing and reenacting with amendments:

5 Section 27-133,

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

7 being also

8 SUBTITLE 27. ZONING.

9 The Prince George's County Code

10 (1995 Edition, 1998 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
12 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
13 District in Prince George's County, Maryland, that Section 27-133 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15 be and the same is hereby repealed and reenacted with the following amendments: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 1. GENERAL ZONING PROCEDURES.

19 Subdivision 3. District Council.
20

1 **Sec. 27-133. Remand.**

2 **(a) In general.**

3 (1) Within the time specified for final decision, the District Council may remand any
4 zoning case heard by the Zoning Hearing Examiner back to the Examiner for clarification or for
5 additional testimony. The Council may also remand any Zoning Map Amendment or Special
6 Exception for a de novo proceeding where there is good cause [and the applicant does not
7 object]. Where additional testimony is taken upon remand, there shall be a new or revised
8 decision from the Office of Zoning Hearing Examiner, which shall be subject to Section 27-131.

9 **(b) Request.**

10 (1) When a request for oral argument is filed pursuant to the provisions of Section 27-
11 131, any person of record may file a request for remand. The request shall be submitted (in
12 writing) to the Clerk of the District Council not later than sixty (60) days after the Zoning
13 Hearing Examiner has filed his decision on the case and at least fourteen (14) days prior to the
14 scheduled argument. The request shall set forth the reasons for the remand. The person making
15 the request shall send, by first class mail, a copy of the request to all persons of record. A
16 certificate of service shall accompany the submission to the Clerk.

17 (2) The District Council shall schedule argument on the requested remand prior to
18 argument on the merits of the case, and shall give at least ten (10) days' written notice of the
19 date, time, and place of such argument to all persons of record.

20 (3) Argument shall be restricted to the reasons for which the remand was requested
21 and the need therefor. Argument shall also be limited to fifteen (15) minutes for each side,
22 unless extended by the Chairman of the Council.

23 (4) At the conclusion of the argument, the District Council may either: remand the
24 case to the Zoning Hearing Examiner or to the Planning Board for de novo proceedings, citing
25 the reasons therefor; or deny the requested remand, and either conduct the scheduled oral
26 argument or direct the Clerk to schedule or reschedule oral argument on the merits of the case
27 and so notify all persons of record. The denial of a request for remand made pursuant to
28 Subsection (b) of this Section does not prohibit the District Council from subsequently
29 remanding a case pursuant to either Subsection (a) or Subsection (c) of this Section.

30 **(c) Remand de novo.**

31 (1) The District Council's order for a de novo proceeding shall be in writing.

[(2) If the applicant does not file a written objection within fifteen (15) days after receipt of the order, the] The application shall be remanded to the Planning Board[. The], and the time for a final decision shall begin to run anew from the date of the refiling of the application with the District Council (Section 27-132(d)).

[(3)] (2) Notwithstanding the requirements of Sections 27-145, 27-161, 27-181, 27-201, and 27-298, once the application has been remanded, it may be amended. Unless amendments or procedures are limited by the order of the District Council remanding the application, it shall be treated as a new application; however, if the application is subsequently withdrawn, the provisions of Sections 27-147, 27-163, 27-183, 27-203, and 27-300 (reapplication) shall apply.

[(4)] (3) In no case shall the remand order waive the requirement for a new Technical Staff Report.

[(5) Notwithstanding Section 27-132(d), if the applicant objects (in writing) to the remand de novo within fifteen (15) days, the Council shall have sixty (60) days from receipt of the written objection to make a final decision.]

(d) Time for final decision.

(1) Whenever the District Council remands an application, the time limits on final action shall begin to run anew from the date of refiling the application with the District Council in accordance with the provisions of Section 27-132(d).

* * * * *

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

Adopted this 23rd day of November, 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.