

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**SITTING AS THE DISTRICT COUNCIL**  
**1998 Legislative Session**

Bill No. \_\_\_\_\_ CB-33-1998  
 Chapter No. \_\_\_\_\_ 21  
 Proposed and Presented by \_\_\_\_\_ Council Member Scott  
 Introduced by \_\_\_\_\_ Council Member Scott  
 Co-Sponsors \_\_\_\_\_  
 Date of Introduction \_\_\_\_\_ April 21, 1998

**ZONING BILL**

1 AN ORDINANCE concerning

2 Municipal Corporations

3 For the purpose of establishing criteria for the delegation of certain police powers by the District  
 4 Council to Municipal Corporations.

5 BY repealing and reenacting with amendments:

6 Sections 27-229, 27-587, 27-588 and 27-612,

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

8 being also

9 SUBTITLE 27. ZONING.

10 The Prince George's County Code

11 (1995 Edition, 1996 Supplement).

12 BY adding:

13 Section 27-924

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

15 being also

16 SUBTITLE 27. ZONING.

17 The Prince George's County Code

18 (1995 Edition, 1996 Supplement).

19 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
 20 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional

District in Prince George's County, Maryland, that Sections 27-229, 27-587, 27-588 and 27-612 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments:

**SUBTITLE 27. ZONING.**

**PART 2. GENERAL.**

**DIVISION 5. APPEALS AND VARIANCES.**

**Subdivision 1. Board of Zoning Appeals.**

**Sec. 27-229. Powers and duties.**

\* \* \* \* \*

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

\* \* \* \* \*

(30) Grant a variance from lot size, setback, or similar requirements in a Revitalization Overlay District, or within the corporate limits of a Municipal Corporation, if this authority has been delegated to a municipality by the District Council;

\* \* \* \* \*

**PART 11. OFF-STREET PARKING AND LOADING.**

**DIVISION 4. EXCLUSIONS, WAIVERS, AND DEPARTURES.**

**Sec. 27-587. Departures from Design Standards.**

(a) Authorization.

(1) In order to accomplish the purposes of this Part, the Design Standards (Division 2, Subdivision 2; and Division 3, Subdivision 2) shall normally be complied with. A departure from these Design Standards may be permitted by the Planning Board, in accordance with the provisions of Section 27-239.01, or by a municipality if this authority has been delegated by the District Council to a Municipal Corporation or through the establishment of a Revitalization Overlay District.

**Sec. 27-588. Departures from number of parking and loading spaces required.**

(a) Authorization.

(1) In order to accomplish the purposes of this Part, the numbers of off-street parking and loading spaces required by Sections 27-568 and 27-582 shall generally be provided. A departure from these minimum numbers of spaces may be permitted by the Planning Board, in

1 accordance with this section, or by a municipality if this authority has been delegated by the  
 2 District Council to a Municipal Corporation or through the establishment of a Revitalization  
 3 Overlay District.

4 \* \* \* \* \*

## 5 **PART 12. SIGNS.**

### 6 **DIVISION 2. ADMINISTRATION.**

#### 7 **Subdivision 4. Departures from Design Standards.**

#### 8 **Sec. 27-612. Authorization.**

9 (a) Except for the signs exempt from permit requirements set forth in Section 27-602,  
 10 departures from the design standards may be permitted by the Planning Board, in accordance  
 11 with the provisions of Section 27-239.01, or by a municipality if this authority has been  
 12 delegated by the District Council to a Municipal Corporation or through the establishment of a  
 13 Revitalization Overlay District.

14 \* \* \* \* \*

15 SECTION 2. BE IT FURTHER ENACTED by the County Council of Prince George's  
 16 County, Maryland, sitting as the District Council for that part of the Maryland-Washington  
 17 Regional District in Prince George's County, Maryland, that Section 27-924 of the Zoning  
 18 Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's  
 19 County Code, be and the same is hereby added:

#### 20 **SUBTITLE 27. ZONING.**

### 21 **PART 17. [REVITALIZATION OVERLAY DISTRICTS.]**

#### 22 **DELEGATION OF AUTHORITY.**

#### 23 **DIVISION 1. [GENERAL.] REVITALIZATION OVERLAY DISTRICTS.**

##### 24 **Subdivision 1. General.**

25 \* \* \* \* \*

#### 26 **[DIVISION 2. PROCEDURES.]**

##### 27 **Subdivision 2. Procedures.**

28 \* \* \* \* \*

#### 29 **[DIVISION 3. MUNICIPALITIES.]**

##### 30 **Subdivision 3. Municipalities.**

\* \* \* \* \*

[DIVISION 4. PLANNING BOARD.]

Subdivision 4. Planning Board.

\* \* \* \* \*

DIVISION 2. MUNICIPAL CORPORATIONS.

Sec. 27-924. Powers of Municipalities.

(a) General

(1) An incorporated municipality may enact an ordinance which sets forth procedural regulations governing any or all of the following: departures from design and landscaping standards, parking and loading standards, sign design standards, and variances for lot size, setback and similar requirements for land within the corporate boundaries of the municipality.

(2) The municipality may not impose any standard or requirement stricter than those standards or requirements set forth in the Zoning Ordinance.

(3) The procedural regulations adopted by the municipality shall be set forth in a municipal ordinance.

(4) The municipal ordinance shall provide that any person aggrieved by its decision who was a party to the proceeding before it may appeal to the circuit court which shall have the power to affirm the decision of the municipality, or, if the decision is not in accordance with law, to remand the matter or to modify or reverse the decision.

(b) Procedures

(1) Prior to adopting the ordinance, the municipality shall hold a duly advertised public hearing.

(2) The District Council shall hold a public hearing on the proposed municipal ordinance within sixty (60) days of its receipt. Notice of the time, date and place of the hearing shall be published at least one (1) time in the County newspapers of record, at least fourteen (14) days prior to the hearing date.

(3) Failure of the District Council to adopt the municipal ordinance shall be considered a disapproval thereof.

(4) The provisions of the Zoning Ordinance shall continue to apply within the municipality unless and until the District Council approves the proposed municipal ordinance.

(c) After the municipal ordinance is approved by the District Council, the municipality

1 retains the right to elect not to exercise the power to approve variances and departures if it  
2 provides 60 days' notice of its intent to do so to the Clerk of the County Council and to the  
3 residents of the municipality. If the municipality chooses not to retain such powers, the  
4 provisions of the Zoning Ordinance will automatically apply within the municipality.

5 SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five  
6 (45) calendar days after its adoption.

Adopted this 12th day of May, 1998.

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: \_\_\_\_\_  
Ronald V. Russell  
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.