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**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**SITTING AS THE DISTRICT COUNCIL**

Legislative Session \_\_\_\_\_ 1991 \_\_\_\_\_

Bill No. \_\_\_\_\_ CB-15-1991 \_\_\_\_\_

Chapter No. \_\_\_\_\_

Proposed and Presented by Council Members Casula  
\_\_\_\_\_ and Castaldi \_\_\_\_\_

Introduced by Council Members Casula and Castaldi  
\_\_\_\_\_

Co-Sponsors \_\_\_\_\_

Date of Introduction March 19, 1991 \_\_\_\_\_

**ZONING BILL**

AN ORDINANCE concerning

Sectional Map Amendment Process

FOR the purpose of deleting revisory petitions for a Sectional Map Amendment, leaving the legal remedy of an appeal to the Circuit Court as exists for piecemeal rezonings.

BY repealing:

Section 27-228,

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

being also

SUBTITLE 27. ZONING.

The Prince George's County Code

(1987 Edition, 1989 Supplement).

SECTION 1. BE IT ENACTED by the 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, that Section 27-228 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Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same is hereby repealed:

**SUBTITLE 27. ZONING.**

**PART 3. ADMINISTRATION.**

**DIVISION 4. SECTIONAL MAP AMENDMENT (SMA).**

**Sec. 27-228. Reserved. [Revising the Sectional Map Amendment.]**

(a) In general

(1) After approval of a Sectional Map Amendment, the District Council, upon finding fraud or mistake, may revise the action in accordance with the procedures of this Section. The Council shall require information (including a description of any specific property involved) which is sufficient to justify making a different decision on the Sectional Map Amendment.

(b) Petition for revision

(1) The District Council may only revise the Sectional Map Amendment if a written petition is filed with the Council by the Planning Board, the Council itself, or any person who claims he was aggrieved by the action of the Council.

(2) The petition must be filed with the Clerk of the Council within six (6) months after the date of the final action on the Sectional Map Amendment.

(3) The petition shall set forth the specific facts on

which the petition is based, and the name and address of the owner of any specific property described in the petition.

(c) Principal Counsel

(1) After receiving the petition, the Clerk of the Council shall transmit the petition to the Principal Counsel to the District Council (or an authorized representative) for a legal opinion on the question of fraud or mistake.

(2) The Principal Counsel to the District Council (or an authorized representative) shall advise the Council on whether there is a reasonable basis for reviewing the Sectional Map Amendment because of fraud or mistake.

(d) Council procedures

(1) If the Principal Counsel to the District Council (or an authorized representative) advises that there is a reasonable basis for revision, the Council may (by a majority vote of the full Council) adopt a revisory Ordinance or Resolution with respect to the Sectional Map Amendment. On the other hand, the Council shall order a denial of the petition where there is no basis for revision because of fraud or mistake.

(2) Prior to the adoption of a revisory Ordinance or Resolution a public hearing shall be held on the matter. The hearing shall be advertised once a week for at least two (2) successive weeks in the three (3) County newspapers of record. The notice shall set forth the date, time, place, and purpose of the hearing, and shall contain a copy of the Ordinance or Resolution, or

a brief summary of it.

(3) The testimony at the hearing shall be limited to testimony on the contents of the record; evidence related to the clarification of ambiguities; evidence on fraud; and evidence which may have been omitted from the original record because of fraud or mistake.

(4) If the revisory Ordinance or Resolution changes the zoning classification of a property, it shall affect only the property set forth in the Ordinance or Resolution. Any subsequent rights of appeal shall be limited to that property and no others within the area of the Sectional Map Amendment.

(5) The failure of the Council to revise a Sectional Map Amendment under this Section shall not prejudice any subsequent Zoning Map Amendment application considered.

(6) The Council shall not consider a petition for revision on any property which is the subject of an appeal to the Circuit Court from the action on the Sectional Map Amendment (provided the property is specifically identified in the appeal).]

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect on the thirtieth day of June, 1991.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

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: \_\_\_\_\_

Richard J. Castaldi  
Chairman

ATTEST:

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Maurene W. Epps  
Acting Clerk of the Council

KEY:

Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.