

Part 3: Administration

CB-013-2018 (DR-2) has not yet taken effect and is subject to revisions via further legislative action of the Council.

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1 **Part 27-3 ADMINISTRATION**

2 **Sec. 27-3100 General**

3 **27-3101.** This Part sets forth the review and approval
4 procedures for development applications.

5 **Sec. 27-3200 Summary Table of**
6 **Development Review**
7 **Responsibilities**

8 Table Sec. 27-3200: Summary of Development Review
9 Responsibilities, identifies the types of development applications
10 authorized by this Ordinance.

Table Sec. 27-3200: Summary of Development Review Responsibilities								
D = Decision R = Recommendation C = Comment A = Appeal E= Election I = Initiation (If Other Than Applicant) <> = Public Hearing Required [10]								
Procedure	Review and Decision-Making Bodies							
	District Council	Planning Board	Board of Appeals	Zoning Hearing Examiner	Planning Director	DPIE Director	Historic Preservation Commission	Municipalities
Comprehensive Plans								
Comprehensive Plans and Amendments (General Plan, Functional Master Plans, Area Master Plans, and Sector Plans)	I <D> [1]	I <R> [1]			R		R [3]	
Minor Plan Amendments	I <D> [1]	I <R> [1]			R		R [3]	
Sectional Map Amendment (SMA)	I <D>	<R>			R		C [3]	R
Amendments and Planned Developments								
Legislative Amendment	I <D>	C		C				
Zoning Map Amendment (ZMA)	<D> [2]	<R> [2]		<R>	R		C [3]	R
Planned Development (PD) Map Amendment	<D>	<R>		<R>	R		C [3]	R
Chesapeake Bay Critical Area Overlay Zoning Map Amendment	I <D>	I <R> [8]		<R> [8]	R		C [3]	R
Special Exceptions								
Special Exception	<A>/ <E>			<D>	R		C [3]	
Minor Change to Approved Special Exception				D [4]	D [4]			D [5]
Site Plans								
Detailed Site Plan	<A>/ <E>	<D>			R		C [3]	
Minor Amendment to Approved Detailed Site Plan					D			
Permits and Certifications								
Sign Permit		R [7]	<A>		R	D		
Temporary Use Permit		R [7], [9]	<A>		R [9]	D		
Use and Occupancy Permit		R [7]	<A>		R	D		
Zoning Certification					D			
Grading Permit		R [7]	<A>		R	D		
Building Permit		R [7]	<A>		R	D		

Table Sec. 27-3200: Summary of Development Review Responsibilities								
D = Decision R = Recommendation C = Comment A = Appeal E= Election I = Initiation (If Other Than Applicant) <> = Public Hearing Required [10]								
Procedure	Review and Decision-Making Bodies							
	District Council	Planning Board	Board of Appeals	Zoning Hearing Examiner	Planning Director	DPIE Director	Historic Preservation Commission	Municipalities
Relief Procedures								
Variance	<D> [6]	<D> [6]	<D>	<D> [6]	R		C [3]	D [5]
Departure								
Minor Departure		<A>			D			D [5]
Major Departure		<D>			R		C [3]	D [5]
Alternative Compliance	<D> [6]	<D> [6]	<A>	<D> [6]	D			D [5]
Validation of Permit Issued in Error	<D>			<R>		R	C [3]	
Administrative Appeals			<A>			D		
Enforcement Procedures								
Zoning Enforcement, Generally			<A>			I		
Revocation or Modification of Approved Special Exception				<D>	R	I		
Other Procedures								
Authorization of Permit Within Proposed Right-of-Way (ROW)	<D>			<R>			C [3]	
Certification of Nonconforming Use	<A>/<E>				D			
Revocation of Certification of Nonconforming Use	<D>							
NOTES:								
[1] At least one joint public hearing may be required by the District Council and the Planning Board.								
[2] The District Council, Zoning Hearing Examiner, or Planning Board elects whether to conduct a public hearing for each application.								
[3] The Historic Preservation Commission makes a recommendation or comment only if the subject land or an abutting parcel contains a historic resource or historic site identified on the <i>Approved Historic Sites and Districts Plan</i> .								
[4] Depending on the minor change proposed, the ZHE or the Planning Director is authorized to approve the minor change.								
[5] A municipality is only authorized to make a decision on the identified development application when it has been expressly authorized to do so in this Ordinance by the District Council, in accordance with State and County law.								
[6] The Planning Director forwards a recommendation on a variance request to the review board who is reviewing the development application for which the request for variance is made. Such requests accompany the development application. The review board considers the request for variance concurrent with the decision on the development application.								
[7] The Planning Director is the Planning Board's authorized representative for recommendations on sign, temporary use, grading, use and occupancy, and building permits.								

Table Sec. 27-3200: Summary of Development Review Responsibilities								
D = Decision R = Recommendation C = Comment A = Appeal E= Election I = Initiation (If Other Than Applicant) < > = Public Hearing Required [10]								
Procedure	Review and Decision-Making Bodies							
	District Council	Planning Board	Board of Appeals	Zoning Hearing Examiner	Planning Director	DPIE Director	Historic Preservation Commission	Municipalities
<p>[8] The Zoning Hearing Examiner would only make a recommendation and hold a public hearing on an applicant-driven Chesapeake Bay Critical Area Overlay (CBCAO) Zoning Map Amendment application. The Planning Board may choose whether or not to hold a public hearing on an applicant-driven CBCAO Zoning Map Amendment, and shall hold a public hearing for any other CBCAO Zoning Map Amendment.</p> <p>[9] Temporary use permits shall be referred to the Planning Board or its authorized representative for its comments and recommendations, if any, for any property in the Safety Zones of the Military Installation Overlay (MIO) Zone; properties subject to Subtitle 25 of the County Code of Ordinance; and properties within the Chesapeake Bay Critical Area Overlay (CBCAO) Zone.</p> <p>[10] Public hearing, evidentiary hearing, or oral argument hearing.</p>								

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Sec. 27-3300 Advisory and Decision-Making Bodies

27-3301. District Council

(a) Generally

The County Council of Prince George’s County is the District Council for that portion of the Maryland-Washington Regional District located in Prince George’s County. They shall be called in this Ordinance "District Council."

(b) Duties of the District Council

To exercise its authority in accordance with State law, the District Council shall have the following powers and duties under this Ordinance:

- (1)** The District Council makes the final decision on the following:
 - (A)** Comprehensive plans and amendments (Section 0);
 - (B)** Legislative amendments (Section 0);
 - (C)** Sectional map amendments (Section 27-3503);
 - (D)** Zoning map amendments (ZMA) (Section Sec. 27-3600);
 - (E)** Planned development (PD) map amendments (Section 27-3602);
 - (F)** Chesapeake Bay Critical Area Overlay (CBCAO) Zoning Map amendments (Section 27-3603);
 - (G)** Validations of permits issued in error (Section 27-3615); and

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- (H)** Variances, when associated with another application identified in this Subsection (parent application).
 - (2)** To hear and decide appeals, elect to review, and decide the following:
 - (A)** Special exceptions (Section 27-3604);
 - (B)** Detailed site plans (Section 27-3605(d));
 - (C)** Certification of nonconforming use (Section 27-7200); and
 - (D)** Variances, when associated with another application identified in this Subsection (parent application).
 - (3)** Establishes or delegates responsibility to establish a schedule of fees and a collection procedure for applications for development approvals and permits reviewed under this Ordinance. The schedule of fees may be altered only by the District Council. (See Section 27-8301, Fee Regulations).
 - (4)** To evaluate, in accordance with State law, at least every 6 years whether approved Area Master Plans or Sector Plans should be amended, and to provide the reasons for the decision in writing. If any part of a planning area is scheduled more than once in a five-year-period, the specific reasons shall be provided in a resolution.
 - (5)** To establish timetables for consideration of comprehensive plans for all of the Regional District in the County.
- (c) Postponement of Council Actions**
- (1)** Whenever the District Council is required to take action on or has the option to review a matter within a time

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1 limit specified in this Subtitle, the calculation of the time 30
2 limit shall be postponed during the period that the 31
3 Council is prohibited from taking action pursuant to the 32
4 provisions of the Land Use Article of the Annotated 33
5 Code of Maryland, and the months of August and
6 December when the Council is in recess; or in the event 34
7 the Council fails or is unable to meet due to the 35
8 cancellation of a scheduled Council session due to a 36
9 weather emergency, or other declared state of 37
10 emergency, in which event the time shall be extended 38
11 to the next regularly scheduled date on which the 39
12 Council meets. 40
13 (2) This Section only applies to the District Council. It does 41
14 not affect the Zoning Hearing Examiner, Planning Board, 42
15 or any other person or agency, except to the extent that 43
16 Council action is postponed. 44

17 **27-3302. Prince George’s County Planning Board** 45
18 **(Planning Board)** 46

19 **(a) Duties of the Planning Board** 47

20 To exercise its authority in accordance with State law, the 48
21 Planning Board shall have the following powers and duties under 49
22 this Ordinance or as delegated by the District Council: 50

23 (1) To review and make recommendations to the District 51
24 Council on the following: 52

25 (A) Comprehensive plans and amendments (Section 53
26 0); 54

27 (B) Sectional map amendments (Section 27-3503); 55
28 (C) Zoning map amendments (ZMA) (Section Sec. 27- 56
29 3600);

- (D) Planned development (PD) map amendments (Section 27-3602); and
 - (E) Chesapeake Bay Critical Area Overlay (CBCAO) Zoning Map amendments (Section 27-3603).
- (2) To review and comment on legislative amendments (Section 0).
- (3) To review and decide applications for the following:
- (A) Detailed site plans (Section 27-3605(d));
 - (B) Major departures (Section 27-3614(e));
 - (C) Variances, when associated with another application identified in this Subsection (parent application); and
 - (D) Alternative compliance to landscaping associated with a site plan (see Landscape Manual).
- (4) To hear and decide appeals from the following:
- (A) Minor detailed site plans (Sec.Section 27-3605(c));
 - (B) Minor departures (Section 27-3614(c));
 - (C) Alternative compliance decisions made by the Planning Director (see Landscape Manual); and
 - (D) Recommendations made by an LMUTC Design Review Committee.
- (5) To administer oaths to witnesses at evidentiary hearings.
- (6) To confirm nominations for membership on LMUTC Design Review Committees.

1 **27-3303. Board of Appeals (BOA)**

2 **(a) Powers and Duties**

3 To exercise the authority delegated to it by the District Council
4 in accordance with State law, the BOA shall have the following
5 powers and duties under this Ordinance:

6 **(1)** To review and decide variances (Section 27-3613),
7 except variances associated with other entitlement
8 applications, and variances for lot area, setback, and
9 similar requirements that are delegated to a
10 municipality.

11 **(2)** To hear and decide appeals for the following:

- 12 **(A)** Sign permits (Section 27-3606);
- 13 **(B)** Temporary use permits (Section 27-3607);
- 14 **(C)** Use and occupancy permits (Section 27-3608);
- 15 **(D)** Grading permits (Section 27-3610);
- 16 **(E)** Building permits (Section 27-3611); and
- 17 **(F)** Zoning enforcement (Part 27-8).

18 **(3)** To compel the attendance of witnesses at hearings.

19 **(4)** To administer oaths to witnesses.

20 **(b) Rules of Procedure for Hearings and Other**
21 **Meetings**

22 **(1)** The Board may adopt rules of procedure consistent with
23 the provisions of this Subtitle.

24 **(2)** The Board shall keep minutes of its proceedings.

25 **(3)** Hearings may be adjourned and continued. If the date,
26 time, and place of the continued hearing is publicly

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announced at the time of the adjournment, no further
notice of the continuation shall be required. If the date,
time, and place is not publicly announced at the time of
the adjournment, notice shall be given in the same
manner as with the original hearing.

(4) All actions of the Board shall be taken by resolution, in
which at least two (2) members must concur. Each
resolution shall contain a statement of the grounds and
findings forming the basis of the action. The text of the
resolution and record of members' votes shall be
incorporated into the minutes or other records of the
Board.

(c) Hearings

The Board of Appeals shall meet at such times as necessary. The
Chairman shall determine the time and place of all hearings. The
Board of Appeals shall have the authority to adopt rules and
regulations for the conduct of its meetings.

27-3304. Zoning Hearing Examiner (ZHE)

(a) Office of the Zoning Hearing Examiner

(1) In accordance with State law, the District Council
establishes the Office of the Zoning Hearing Examiner
(ZHE). The District Council shall appoint one or more
hearing examiners, as appropriate, to conduct
evidentiary hearings and make recommendations or
decisions in zoning cases as established in this Section.

(2) The ZHE shall:

- (A)** Be an attorney admitted to practice before the
highest Court in Maryland;
- (B)** Possess judicial temperament;

1	(C) Have at least five years of experience in	29	(A) Special exceptions (Section 27-3604);
2	administrative litigation; and	30	(B) Minor changes to approved special exceptions
3	(D) Demonstrate a knowledge of administrative and	31	(Section 27-3604(i));
4	zoning law practice and procedure by	32	(C) Variances associated with a special exception;
5	competitive written examination.	33	(D) Alternative compliance to landscaping
6	(3) After being appointed, ZHEs shall be considered within	34	associated with a special exception (see
7	the classified service of the County’s Personnel Law and	35	Landscape Manual); and
8	subject to the regulations of the system.	36	(E) Petitions for revocation or modification of
9	(4) A Chief ZHE shall be designated by the District Council to	37	Special Exceptions, and the accompanying
10	administer the Office of Zoning Hearing Examiner.	38	revocation of use and occupancy permits
11	(b) Powers and Duties	39	(Section 27-3604(j)).
12	The ZHE shall have the following powers and duties under this	40	(3) To compel the attendance of witnesses at evidentiary
13	Ordinance:	41	hearings.
14	(1) To review and make recommendations on the following:	42	(4) To administer oaths to witnesses.
15	(A) Zoning map amendments (ZMA) (Section Sec. 27-	43	(5) To perform any other functions that are delegated to it
16	3600);	44	by State law or this Ordinance.
17	(B) Planned development (PD) zoning map	45	(c) Timing of Action
18	amendments (Section 27-3602);	46	The ZHE shall issue a decision on a zoning case not more than
19	(C) Chesapeake Bay Critical Area Overlay (CBCAO)	47	100 days after the date of the last hearing held by the hearing
20	zoning map amendments (Section 27-3603);	48	examiner.
21	(D) Validations of permits issued in error (Section 27-	49	27-3305. Planning Director
22	3615);	50	(a) Powers and Duties
23	(E) Authorizations of permits within proposed	51	The Planning Director shall have the following powers and duties
24	rights-of-way (Section 27-3617); and	52	under this Ordinance:
25	(F) Any other case for which the District Council	53	(1) To review and make recommendations to Planning,
26	directs that a hearing be held by the Zoning	54	Board, BOA, ZHE, and/or DPIE on the following:
27	Hearing Examiner.		
28	(2) To review and decide:		

1	(A) Comprehensive plans and amendments (Section 0);	27	(E) Minor changes to approved special exceptions (Section 27-3604(i));
2		28	
3	(B) Sectional map amendments (Section 27-3503);	29	(F) Minor amendments to approved detailed site plans (Section 27-3605(d)(11)(B)); and
4	(C) Zoning map amendments (ZMA) (Section Sec. 27-3600);	30	
5		31	(G) Alternative compliance to landscaping associated with a permit (see Landscape Manual).
6	(D) Planned development (PD) map amendments (Section 27-3602);	32	
7		33	
8	(E) Chesapeake Bay Critical Area Overlay (CBCAO) Zoning Map amendments (Section 27-3603);	34	(3) To make administrative corrections to the Official Zoning Map and comprehensive plans.
9		35	
10	(F) Special exceptions (Section 27-3604);	36	(4) To establish development application requirements for development approvals and permits, other than fees.
11	(G) Detailed site plans (Section 27-3605(d));	37	
12	(H) Sign permits (Section 27-3606);	38	(5) To ensure that applications for development approvals and permits are processed and reviewed in accordance with this Ordinance.
13	(I) Use and occupancy permits (Section 27-3608);	39	
14	(J) Grading permits (Section 27-3610);	40	(6) To maintain the Official Zoning Map and other such records and official materials in accordance with this ordinance.
15	(K) Building permits (Section 27-3611);	41	
16	(L) Variances associated with a parent application (Section 27-3613);	42	(7) To make available at the Planning Director's office, upon reasonable request and during normal business hours, copies of all development applications, staff reports, and materials submitted, at a reasonable cost where permitted.
17		43	
18	(M) Major departures (Section 27-3614(e)); and	44	
19	(N) Development applications in the LMUTC Zone.	45	
20	(2) To review and decide the following:	46	
21	(A) Zoning certifications (Section 27-3609);	47	
22	(B) Interpretation (text, uses, and Zoning Map) (Section 27-3612);	48	
23		49	(b) Subdivision and Development Review Committee
24	(C) Minor departures (Section 27-3614(e));	50	The Subdivision and Development Review Committee may be established and operate under the direction of the Planning Director. The Subdivision and Development Review Committee may be staffed by M-NCPPC, County, State, and regional agencies, and municipal representatives to review and comment on the following applications under this Ordinance:
25	(D) Certificates of nonconforming uses (Section 27-7200.);	51	
26		52	(1) Detailed site plans (Section 27-3605(d)).
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		55	
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1 **27-3306. Department of Permitting, Inspections**
2 **and Enforcement Director (DPIE**
3 **Director)**

4 **(a) Powers and Duties**

5 In accordance with State law, the DPIE Director shall have the
6 following powers and duties under this Ordinance:

7 **(1)** To review and make recommendations to the
8 appropriate decision-making body or official on the
9 following:

10 **(A)** Validations of permits issued in error (Section 27-
11 3615).

12 **(2)** To review and decide the following:

13 **(A)** Sign permits (27-3606);

14 **(B)** Temporary use permits (Section 27-3607);

15 **(C)** Use and occupancy permits (Section 27-3608);

16 **(D)** Grading permits (Section 27-3610); and

17 **(E)** Building permits (Section 27-3611).

18 **(3)** To enforce all provisions of this Ordinance in accordance
19 with Part 27-8: Enforcement.

20 **(4)** To receive complaints from persons who allege that
21 violations of this Ordinance have occurred, to properly
22 investigate such complaints, and to initiate action to
23 prevent, enjoin, abate, or remove such violations, in
24 accordance with Part 27-8: Enforcement, and State law.

25 **27-3307. Historic Preservation Commission**

26 **(a) Powers and Duties**

27 The Historic Preservation Commission shall have the following
28 powers and duties under this Ordinance:

29 **(1)** To review and comment on area master plans and
30 sector plans, if the plan contains either a proposed
31 historic site or resource, or an historic site or resource
32 that is already identified on the *Approved Historic Sites*
33 *and Districts Plan*; and

34 **(2)** To review and comment on detailed site plan
35 applications and any development application reviewed
36 or decided by the District Council, Planning Board, or
37 ZHE if the development application includes land which
38 contains or abuts an historic site or resource identified
39 on the *Approved Historic Sites and Districts Plan*, as soon
40 as feasible after the application is submitted and
41 determined complete.

42 **27-3308. Municipalities**

43 **(a) Powers and Duties**

44 In accordance with State and County law, and only where
45 expressly authorized by the District Council, municipalities may
46 have the following powers and duties under this Ordinance:

47 **(1)** To review and make recommendations to the
48 appropriate advisory or decision-making body or
49 official on the following, only when land subject to the
50 proposed amendment(s) is located within the
51 boundaries of the affected municipal corporation:

52 **(A)** Sectional map amendments (Section 27-3503);

1	(B) Zoning map amendments (ZMA) (Section Sec. 27-	30	(i) Parking and loading standards (Section 27-
2	3600);	31	6206(k), Block Design; Table 27-6206(m)(1):
3	(C) Planned development (PD) map amendments	32	Minimum Stacking Spaces for Drive-Through
4	(Section 27-3602); and	33	facilities and Related Uses; Section 27-6304(i),
5	(D) Chesapeake Bay Critical Area Overlay (CBCAO)	34	Large Vehicular Use Areas (300 or More Spaces);
6	Zoning Map amendments (Section 27-3603).	35	Section 27-6305, Off-Street Parking Space
7	(2) To review and decide the following (when delegated	36	Standards; Section 27-6306, Dimensional
8	to the municipal corporation in accordance with	37	Standards for Parking Spaces and Aisles; and
9	Section 27-3308(b) below):	38	Section 27-6310, Loading Area Standards);
10	(A) Minor changes to approved special exceptions	39	(ii) Alternative compliance from landscaping
11	(Section 27-3604(i));	40	requirements (Landscape Manual); and
12	(B) Variances for lot area, setback, and similar	41	(iii) Sign design standards (Section 27-61505,
13	requirements that are delegated to the	42	Standards for Specific Sign Types; Section 27-
14	municipality (Section 27-3613);	43	61506, Standards for Special Purpose Signs; and
15	(C) Minor departures (Section 27-3614(c));	44	Section 27-61507, Standards for Temporary
16	(D) Major departures (Section 27-3614(e));	45	Signs).
17	(E) Alternative compliance with landscaping (see	46	(B) Certification, revocation, and revision of
18	Landscape Manual); Certification, revocation,	47	nonconforming uses;
19	and revision of nonconforming uses (Part 27-	48	(C) Variances for lot area, setback, and similar
20	7). Any other power or duty delegated to the	49	requirements; and
21	municipality by the District Council in accordance	50	(D) Minor changes to approved special exceptions.
22	with State and County law.	51	(2) General
23	(b) Delegated Authority to Municipalities	52	(A) The thresholds, extent, and standards for
24	(1) An incorporated municipality may enact an ordinance	53	departures shall not exceed those established in
25	which sets forth procedural regulations governing any	54	this Subsection and the Landscape Manual.
26	or all of the following:	55	(B) The municipality may not impose any standard or
27	(A) Departures (minor and major) of numerical	56	requirement stricter than or materially different
28	design and landscaping standards in the	57	from those thresholds and standards in this
29	municipality for:	58	Subsection.

1 (C) The procedural regulations adopted by the 32
2 municipality shall be set forth in a municipal 33
3 ordinance. 34
4 (D) The municipal ordinance shall provide that any 35
5 person aggrieved by its decision, who was a party 36
6 to the proceeding before it, may appeal to the 37
7 Circuit Court, which shall have the power to 38
8 affirm the decision of the municipality or, if the 39
9 decision is not in accordance with law, to remand 40
10 the matter or to modify or reverse the decision. 41
11 (3) Procedures 42

12 (A) Prior to adopting the ordinance, the municipality 43
13 shall hold a duly advertised public hearing. The 44
14 District Council shall also hold a public hearing on 45
15 the proposed municipal ordinance within 60 days 46
16 of its receipt. Notice of the time, date, and place 47
17 of the hearing shall be published at least one 48
18 time in the County newspapers of record, at least 49
19 14 days prior to the hearing date. Following the 50
20 District Council’s hearing, the Council may: 51

21 (i) By majority vote of its members, approve the 52
22 action of the municipality; or 53
23 (ii) By a vote of at least six of its members, approve 54
24 with conditions or overrule the action of the 55
25 municipality. 56

26 (B) Failure of the District Council to adopt the 57
27 municipal ordinance is considered a denial of the 58
28 municipal ordinance, and if it is denied, it shall be 59
29 considered invalid. 60

30 (C) The Zoning Ordinance continues to apply within 61
31 the municipality unless and until the District 62

Council approves the proposed municipal ordinance.

(D) After the municipal ordinance is approved by the District Council, the municipality retains the right to elect not to exercise the power to approve departures if it provides 60 days' notice of its intent not to do so to the Clerk of the Council and to the residents of the municipality. If the municipality chooses not to retain those powers, the provisions of this Subsection automatically apply within the municipality.

27-3309. People’s Zoning Counsel

(a) Overview and Intent

(1) Informed public actions on land use matters require a full exploration of often complex factual and legal issues. An independent People's Counsel can protect the public interest and promote a full and fair presentation of relevant issues in administrative proceedings in order to achieve balanced records upon which sound land use decisions can be made. In addition, a People's Counsel who provides technical assistance to citizens and citizen organizations will encourage effective participation in, and increase public understanding of and confidence in, the County land use process.

(2) Appointment:

(A) The County Council shall appoint one (1) or more attorneys to serve as People's Zoning Counsel and Deputy People's Zoning Counsel, pursuant to Section 322 of the County Charter, for terms of four (4) years. Preference shall be given to

1 persons who are residents of Prince George's 32
2 County. 33
3 (B) An individual appointed as People's Zoning 34
4 Counsel or Deputy People's Zoning Counsel may 35
5 be removed from office for cause by the 36
6 affirmative vote of not less than two-thirds (2/3) 37
7 of the members of the full Council. 38
8 (C) An individual appointed as People's Zoning 39
9 Counsel or Deputy People's Zoning Counsel may 40
10 not represent any client in any matter involving 41
11 any land use case brought pursuant to Subtitles 42
12 24 or 27 in Prince George's County nor be a 43
13 principal in a firm which does so. 44
14 (D) At the end of a term, an individual appointed as 45
15 People's Zoning Counsel or Deputy People's 46
16 Zoning Counsel shall continue to serve until a 47
17 successor is appointed and qualified. 48
18 (3) **Qualifications:** 49
19 Any person appointed shall be a member in good standing 50
20 of the Maryland bar, have substantial experience in land 51
21 use law and procedure, and be actively engaged in the 52
22 practice or teaching of law for at least five (5) years prior to 53
23 the date of appointment. 54
24 (4) **Compensation and Support:** 55
25 The compensation of the People's Zoning Counsel and 56
26 Deputy People's Zoning Counsel shall be contained in the 57
27 annual budget of the County. Payment shall be made upon 58
28 approval of the Chairman of the Council. The People's 59
29 Zoning Counsel and Deputy People's Zoning Counsel shall 60
30 be provided the clerical and other assistance prescribed in 61
31 the budget. 62
63

(b) Powers and Duties

- (1) To protect the public interest and achieve a full and fair presentation of relevant issues, the People's Zoning Counsel shall have the right to appear on behalf of the interests of the public in general, to defend any duly enacted General Plan, area master plan, sector plan, or functional master plan, or comprehensive zoning maps as adopted by the District Council, and in any matter involving zoning reclassification or any special exception (Section 27-3604). The People's Zoning Counsel may appear before:
 - (A) The Zoning Hearing Examiner or the District Council (for oral argument hearings or evidentiary hearings) if the matter involves a zoning case; and
 - (B) The Board of Appeals if the matter involves a variance (Section 27-3613); or
 - (C) The Planning Board if the matter involves a Planned Development (PD) Zone, a Neighborhood Conservation Overlay Zone, or a Transit-Oriented/Activity Center Zone.
- (2) The People's Zoning Counsel may prosecute an application before any state or federal court for injunctive or other relief incidental thereto, to enjoin violation of any zoning map or area master plan or sector plan, or as specifically authorized by the District Council.
- (3) To participate in any proceeding under Subsection (1), the People's Zoning Counsel shall file a notice of intention to participate. After the notice is filed, the People's Zoning Counsel is entitled to all notices provided to parties of record and may participate by

1 making motions, introducing evidence, examining 33
2 witnesses, cross-examining witnesses, filing exceptions, 34
3 and making arguments as the law and evidence in the 35
4 case may warrant. The People's Zoning Counsel shall 36
5 provide a copy of the notice of intention to participate
6 to all persons who are then parties of record to the
7 matter. In the People's Zoning Counsel's discretion, the
8 Counsel may withdraw from, or decline to participate in, 37
9 any proceeding in which the Counsel may participate in 38
10 under Subsection (1). The People's Zoning Counsel is not 39
11 liable to any person for participating in, or declining to 40
12 participate in, any proceeding. 41
13 (4) The People's Zoning Counsel shall have in each 42
14 appearance all rights of counsel for a party of record, 43
15 including, but not limited to the right to file and 44
16 prosecute an appeal to the courts as an aggrieved party 45
17 to promote and protect the health, safety, and welfare 46
18 of the community. 47
19 (5) The Deputy People's Zoning Counsel shall act for the 48
20 People's Zoning Counsel at the direction of the People's 49
21 Zoning Counsel or when the People's Zoning Counsel is 50
22 unable to serve. 51
23 (c) **Education of the Public:** 52
24 (1) Without becoming a party to any judicial or 53
25 administrative proceeding, and subject to available time 54
26 and resources, the People's Zoning Counsel may provide 55
27 technical assistance to any person about a proceeding 56
28 described in Section 27-3309(b)(1). When providing 57
29 technical assistance, the People's Zoning Counsel must 58
30 inform the recipient that the People's Counsel is not 59
31 acting and cannot act as a personal attorney for the 60
32 recipient.

(2) The People's Zoning Counsel shall be available to any civic association, homeowners association, or other similar group to speak about land use law and procedures in Prince George's County.

27-3310. LMUTC Design Review Committee

(a) General

Each LMUTC in the County shall include a local design review committee, advisory to the Planning Board, to review applications and make recommendations to the decision-making body. The procedures established in this Subsection for establishment and membership of the LMUTC design review committees supersede any procedures included in any Mixed-Use Town Center Development Plan and the previous Zoning Ordinance.

(b) Establishment, Membership, and Officers

(1) Composition

Each LMUTC design review committee shall consist of 7 members.

(2) Nomination and Confirmation

(A) The LMUTC Design Review Committees for the Brentwood, Mount Rainier, and Riverdale Park LMUTC zones shall be nominated by the respective legislative bodies of each municipal corporation and be confirmed by the Planning Board.

(B) The LMUTC Design Review Committee for the Suitland LMUTC Zone shall be nominated by the Councilmember representing the Councilmanic

1 District in which the Suitland LMUTC Zone lies,
2 and be confirmed by the Planning Board.

3 **(3) Eligibility**

4 **(A)** The term of service for LMUTC Design Review
5 Committee members shall be 2 years.
6 Committee members may serve up to an
7 additional 6 months while their successor is
8 nominated and confirmed.

9 **(B)** A minimum of 1 serving member on each LMUTC
10 Design Review Committee shall be a design
11 professional or demonstrate experience in the
12 fields of architecture, engineering, historic
13 preservation, or planning.

14 **(c) Powers and Duties**

15 Within the LMUTC Zone, LMUTC Design Review Committees
16 shall have the following powers and duties:

17 **(1)** To review and comment to the appropriate decision-
18 making body or official on the following:

19 **(A)** Building permits (Section 27-3611);

20 **(B)** Use and Occupancy permits (Section 27-3608);

21 **(C)** Sign permits (Section 27-3606);

22 **(D)** Special permits and other pertinent application
23 types found in the former Mixed-Use Town
24 Center Zone; and

25 **(E)** Any other application previously delegated to
26 the local design review committee for review and
27 comment by the District Council.

28 **Sec. 27-3400 Standard Review Procedures**

29 This Section sets forth the standard procedures that generally apply
30 to the review of development applications under this Ordinance. Not
31 all procedures in this Section apply to every development application.
32 Section Sec. 27-3600, Application-Specific Review Procedures and
33 Decision Standards, identifies, for a specific type of development
34 application, which standard procedures are required, including any
35 additions or modifications that apply.

36 **27-3401. Pre-Application Conference**

37 **(a) General**

38 A pre-application conference provides an opportunity for:

39 **(1)** The applicant to determine the submission
40 requirements, procedures, and standards applicable to
41 an anticipated development application; and

42 **(2)** Staff to become familiar with, and offer the applicant
43 preliminary comments about the scope, features, and
44 impacts of the proposed development as it relates to
45 the standards in this Ordinance.

46 **(b) Applicability**

47 **(1)** A pre-application conference is required before any of
48 the following development applications are submitted,
49 unless waived by the Planning Director because
50 development proposed in the application is sufficiently
51 straightforward that the applicant does not need
52 additional staff input on the application:

53 **(A)** Zoning map amendments (ZMA) (Section Sec. 27-
54 3600);

1	(B) Planned development (PD) zoning map	29
2	amendments (Section 27-3602);	30
3	(C) Chesapeake Bay Critical Area Overlay (CBCAO)	31
4	zoning zoning map amendments (Section 27-	32
5	3603)	33
6	(D) Special exceptions (Section 27-3604);	34
7	(E) Detailed site plans (Section 27-3605(d)); and	35
8	(F) Major departures (Section 27-3614(e)).	36
9	(2) A pre-application conference is optional for any other	37
10	type of development application.	38
11	(c) Procedure	39
12	(1) Submission of Materials Prior to Conference	40
13	Before a pre-application conference is held, the applicant	41
14	shall submit to the Planning Director a narrative describing	42
15	the scope of the proposed development, a conceptual site	43
16	drawing of the development proposed in the application,	44
17	and any other information reasonably requested by the	45
18	Planning Director.	46
19	(2) Scheduling	47
20	Within fourteen (14) days after receipt of a request for a	48
21	pre-application conference, the Planning Director shall	49
22	schedule the pre-application conference and notify the	50
23	applicant of the conference time and location.	51
24	(3) Conference Proceedings	52
25	The Planning Director shall review the materials submitted	53
26	by the applicant prior to the conference. At the conference,	54
27	the Planning Director shall seek any needed clarification	55
28	from the applicant regarding the proposed application and	56

identify any concerns, problems, or other factors the applicant should consider regarding the proposed application.

(d) Effect of Conference

(1) The pre-application conference is intended to facilitate the application review process. Discussions at the pre-application conference are not binding on the County, and consequently no final or binding decision is made at a pre-application conference.

(2) A pre-application conference request does not constitute the filing of an application. Processing times for application review do not begin until an application is submitted and determined to be complete in accordance with Section 27-3404, Determination of Completeness.

27-3402. Pre-Application Neighborhood Meeting

(a) General

The pre-application neighborhood meeting is intended to inform owners and occupants of nearby lands about a proposed development application to be reviewed under this Ordinance, and to provide the applicant an opportunity to hear comments and concerns about the development proposal in order to resolve conflicts and outstanding issues, where possible. Pre-application neighborhood meetings are opportunities for informal communication between applicants and the landowners and occupants of nearby lands, and other residents affected by development proposals. Participation in any preliminary, pre-application neighborhood meeting is for informational purposes only. Any resultant participation and/or written summary of same shall not be part of the administrative

1 record for any development application that may be filed and 30
2 accepted. 31
3 **(b) Applicability** 32
4 **(1)** A pre-application neighborhood meeting is required 33
5 before any of the following development applications 34
6 are submitted: 35
7 **(A)** Zoning map amendments (ZMA) (Section Sec. 27- 36
8 3600); 37
9 **(B)** Planned development (PD) map amendments 38
10 (Section 27-3602); 39
11 **(C)** Chesapeake Bay Critical Area Overlay (CBCAO) 40
12 Zoning map amendments (Section 27-3603); 41
13 **(D)** Special exceptions (Section 27-3604); 42
14 **(E)** Detailed site plans (Section 27-3605(d)); and 43
15 **(F)** Major departures (Section 27-3614(e)). 44
16 **(2)** A pre-application neighborhood meeting may also be 45
17 held at the applicant’s option before the submission of 46
18 any development application not identified in Section 47
19 27-3402(b)(2) above. Pre-application neighborhood 48
20 meetings are particularly encouraged as opportunities 49
21 for informal communication before submitting any 50
22 application requiring a public hearing in accordance 51
23 with Section 27-3600. .
24 **(3)** The informational mailings and meetings required by 52
25 this Subsection are in addition to all postings and notices 53
26 required by this Ordinance and State law. 54
27 **(4)** If a development application is not accepted for review 55
28 in accordance with the requirements of Section 27- 56
29 3403, Application Submittal, within one year of the date

the pre-application neighborhood meeting is
conducted, the applicant shall conduct a second pre-
application neighborhood meeting in accordance with
this Section.

(c) Procedure

If a pre-application neighborhood meeting is conducted, it shall
comply with the following requirements:

(1) Meeting Location and Time

The meeting shall be held at or after 6:00 p.m. on a weekday or
between 10 a.m. and 4 p.m. on a weekend, at a location that is
convenient and generally accessible to neighbors residing in
proximity to the land subject to the proposed application.

(2) Notification

(A) Informational Mailing

(i) The applicant shall mail notice of the meeting at
least 30 days before the meeting.

(ii) Notice shall be mailed to:

(aa) The Planning Director;

(bb) All persons to whom mailed notice of a
public hearing on the application is required
by Section 27-3407, Scheduling of Hearings
and Public Notice;

(cc) Any municipality in which the land subject
to the application is located, and every
municipality located within one mile of the
land subject to the application, and any
municipal planning department;

1	(dd) All civic associations registered in	32
2	accordance with Section 27-3402(d), Civic	33
3	Association or Resident Registration; and	34
4	(ee) All adjacent landowners (including owners	35
5	whose land lies directly across a street,	36
6	alley, or stream from the land subject to the	37
7	application being reviewed).	37
8	(iii) A civic association entitled to an informational	38
9	mailing may waive the requirement, and an	39
10	applicant’s filing of a signed waiver constitutes	40
11	its compliance with the mailing requirement, for	41
12	the entity signing.	42
13	(B) Posted Notification	44
14	The applicant shall also post notification of the pre-	45
15	application neighborhood meeting on the land subject	46
16	to the application at least 30 days before the date fixed	47
17	for the meeting.	48
18	(C) Notification Contents	49
19	The mailed and posted notifications shall state the	50
20	time and place of the meeting, the purpose of the	51
21	meeting, include a current zoning sketch map clearly	52
22	identifying the land area associated with the	53
23	development, summarize the general nature of the	54
24	development proposal, and the type of development	55
25	approval or permit sought. Additionally, the notice	56
26	shall include the application number, contact	57
27	information for the M-NCPPC to obtain more	58
28	information about the application after it is filed, an	59
29	applicant telephone number and email address for	60
30	persons wishing to meet, an explanation of the	60
31	procedures and the necessity for becoming a person	

of record for the proposed application, and a statement that no government agency has reviewed the application. Developer or builder information shall be provided if different than the applicant.

(3) Conduct of Meeting and Summary

(A) Generally

The pre-application neighborhood meeting shall be open to the public. At the meeting, the applicant shall explain the development proposal and application, inform attendees about the application review process, respond to reasonable questions or concerns neighbors raise about the proposed application, and discuss ways to resolve reasonable conflicts or concerns.

(B) Project Materials

The applicant shall ensure the following materials are available for review and discussion at the pre-application neighborhood meeting:

- (i)** A map of the proposed development site clearly indicating the site location and streets in the vicinity;
- (ii)** Illustrations depicting the layout and design of the proposed development, existing conditions, and the neighborhood context;
- (iii)** A development fact sheet or summary that includes, but is not limited to, the size of the proposed project, proposed land uses, proposed number of dwelling units and/or amount of gross square footage, proposed density and intensity

1	of the project, proposed building heights, and	32
2	anticipated parking need;	33
3	(iv) Information explaining the development review	34
4	process and how members of the public may	35
5	participate; and	36
6	(v) Sign-in sheets including the meeting date and	37
7	time, meeting address, project address, property	38
8	owner name, applicant name and contact	39
9	information, and space for participants to	40
10	include their name, organization, address, phone	41
11	number, and email address.	42
12	(C) Written Summary of Meeting	43
13	(i) The applicant shall prepare a written summary of	45
14	the pre-application neighborhood meeting that	46
15	includes a list of those invited to the meeting,	47
16	meeting attendees and/or a copy of the sign-in	48
17	sheet, copies of the materials distributed or	49
18	made available for review during the meeting,	50
19	and any other information the applicant deems	51
20	appropriate.	52
21	(ii) If the applicant complies with all the	53
22	requirements for the pre-application	54
23	neighborhood meeting established in	55
24	Subsections 27-3402(c)(1), 27-3402(c)(2),	56
25	and 27-3402(c)(3)(A), above, and no one attends	57
26	the meeting, the applicant may state this in the	58
27	written summary, and demonstrating	59
28	compliance with the relevant subsections, has	60
29	no further obligations under this ordinance to	61
30	conduct a pre-application neighborhood	62
31	meeting.	

(d) Civic Association or Resident Registration

- (1)** Any civic association that maintains a registration with the Planning Director in accordance with this Subsection is entitled to informational mailings and e-mails, for all pre-application neighborhood meetings within the association's defined geographical area.
- (2)** To register to obtain notice of pre-application neighborhood meetings, a civic association shall provide the following to the Planning Director: its name; the names, street addresses and e-mail addresses of all its officers; the number of members (individuals or households); the geographical area it represents and is interested in, by a description acceptable to the Planning Director; the name, street address, e-mail address, and daytime telephone number of the individual, the association designee, who is to receive informational mailings in the initial registration period; and the initial registration's effective dates, which may run from date of first registration to December 31 of the following year. To continue to receive notice of applications, an association shall re-register every two years.
- (3)** Associations may represent overlapping geographical areas. However, for the purpose of obtaining informational mailings, an association may not represent an area extending beyond two adjoining Council Districts.
- (4)** The Planning Director may decline registration of any association which purports to represent an area of unreasonable description or otherwise does not meet the requirements of this Subsection.

1	(5) A watershed protection group that is registered as a	29
2	Section 501(c)(3) environmental organization may	30
3	designate an area consisting of the watershed whose	31
4	protection is the purpose of the organization if the	32
5	officers of the organization maintain their primary	33
6	residence within the watershed.	
7	27-3403. Application Submittal	34
8	Development applications shall be submitted in accordance with the	35
9	requirements of this Subsection.	36
10	(a) Authority to File Applications	37
11	(1) Applications for development approvals and permits	38
12	shall be submitted by:	39
13	(A) The landowner; or	40
14	(B) Any other person or entity having a legal interest	41
15	in the land upon which the development is	42
16	proposed, or their authorized agent.	43
17	(2) Applicant is Not the Owner	44
18	If the applicant is not the owner of the land, or is a contract	45
19	purchaser of the land, the applicant shall submit a letter	46
20	signed by the owner consenting to the submittal of the	47
21	application.	48
22	(3) Applicant is Not the Sole Owner	49
23	If the applicant is not the sole owner of the land, a letter	50
24	signed by all the other owners consenting to or joining in	51
25	the application for development approval or permit shall be	52
26	submitted, along with owner names, resident and business	53
27	mailing addresses, their percent of ownership, and	54
28	signatures.	55

(b) Application Contents and Form

The application contents and form shall comply with requirements established by Section Sec. 27-3600, Application-Specific Review Procedures and Decision Standards, and the Planning Director.

(c) Fees

The District Council shall establish the fees required for each type of development application submitted under this Ordinance, as appropriate (see Section Sec. 27-8300, Fees). No application is complete until all required fees are paid in full.

(d) Submission Schedule

The Planning Director, Board of Appeals, Zoning Hearing Examiner, and any other body receiving applications shall establish the schedule for application submission and review, by application type and by time frames for review consistent with any deadlines imposed by State or County law.

(e) Simultaneous Processing of Applications

- (1)** Concurrent review of two or more of the same type application that propose different development alternatives for the same parcel or development site is prohibited.
- (2)** Whenever two or more forms or different types of development applications are required under this Ordinance for the same parcel or development site, the applications for those development approvals or permits may be processed simultaneously, so long as all applicable state and local requirements are satisfied. Simultaneous processing of applications may result in additional fees to the applicant.

1	(f) Application Submittal and Notice	31
2	(1) All development applications, except those identified in	32
3	Section 27-3403(f)(2) below, shall be submitted to the	33
4	Planning Director, along with the fees required for the	34
5	application.	35
6	(2) The following development applications shall be	36
7	submitted to the DPIE Director, along with the fees	37
8	required for the application:	38
9	(A) Sign permits (Section 27-3606);	39
10	(B) Temporary use permits (Section 27-3607);	40
11	(C) Use and occupancy permits (Section 27-3608);	41
12	(D) Grading permits (Section 27-3610);	42
13	(E) Building permits (Section 27-3611); and	43
14	(F) Validations of permits issued in error (Section 27-	44
15	3615).	45
16	(3) The applicant shall obtain an application number from	46
17	the Commission before sending an informational notice	47
18	of application submittal. This information notice shall	48
19	contain at least the following: the application number; a	49
20	description of the property and its location; the nature	50
21	of the applicant’s request; the justification statement, if	51
22	required with the application; the Commission	52
23	department, with telephone number, to obtain more	53
24	information about the application after it is filed; a	54
25	statement to recipients that the applicant will meet, to	55
26	explain the application; an applicant telephone number	56
27	and email address, for persons willing to meet; an	57
28	explanation of the procedures and the necessity for	58
29	becoming a person of record in the pending application;	59
30	and a statement that no government agency has	60

reviewed the application. A municipality, civic association, or other party entitled to an informational mailing may request a copy of the site plan from the applicant. Information mailings required by this Section are in addition to all postings and notices required by law.

(g) Filing of Affidavits

(1) Ethics Affidavit

Owners, applicants, agents, and any others as appropriate shall file an affidavit or affidavits related to payments or contributions to a member of the County Council or the County Executive in accordance with State law.

(2) Affidavit of Mailing

If the application is for one of the review procedures listed below, the applicant shall file an affidavit of mailing, which shall give the names and addresses of all persons sent informational mailings and the dates when they were sent:

- (A)** Zoning map amendment (ZMA) (Section Sec. 27-3600);
- (B)** Planned Development (PD) map amendment (Section 27-3602);
- (C)** Chesapeake Bay Critical Area Overlay (CBCAO) Zoning map amendment (Section 27-3603) and variances and Chesapeake Bay Critical Area Conservation Plans filed in conjunction with other applications requiring public hearings by the Planning Board or District Council;
- (D)** Special exceptions and minor changes to approved special exceptions (Section 27-3604); and

1	(E) Detailed site plan (Section 27-3605).	29
2	27-3404. Determination of Completeness	30
3	(a) Generally	31
4	(1) Upon submittal of a development application, the	32
5	District Council, BOA, Planning Director, or DPIE	33
6	Director, whichever the application was submitted to,	34
7	shall determine if the application is complete within 15	35
8	business days. A complete application is one that:	36
9	(A) Contains all application content requirements	37
10	established for the particular type of application	38
11	in accordance with Section 27-3403(b),	39
12	Application Contents and Form;	40
13	(B) Is in the form required for the particular type of	41
14	application in accordance with Section 27-	42
15	3403(b), Application Contents and Form;	43
16	(C) Includes all required affidavits, such as the	44
17	applicant's affidavit of mailing of any required	45
18	information notices in accordance with Section	46
19	27-3403(f), Application Submittal and Notice;	47
20	(D) Includes information in sufficient detail to	48
21	evaluate the application to determine whether it	49
22	complies with the appropriate substantive	50
23	standards of this Ordinance; and	51
24	(E) Is accompanied by the fees established for the	52
25	particular type of application in accordance with	53
26	Section 27-3403(c), Fees.	54
27	(2) No application may be deemed complete if it fails to	55
28	comply with any of the above requirements.	56

(b) Application Incomplete

- (1) If it is determined the application is incomplete, the District Council, BOA, Planning Director, or DPIE Director, as appropriate, shall send written notice to the applicant of the deficiencies, and review of the application shall not proceed. The applicant may correct the deficiencies and resubmit the application for completeness determination.
- (2) Notwithstanding the other provisions of this Subsection, after an application is determined incomplete three times, an applicant may request in writing, and the Planning Director or DPIE Director, as appropriate, shall process the application in accordance with the requirements of this Part, even though it is not considered a complete application.

(c) Notice of Completeness

- (1) When the District Council, Planning Director, BOA, or DPIE Director, as appropriate, determines an application has been filed in proper form and is ready to be determined complete, the Director shall notify the applicant in writing, preferably by e-mail. The name and contact information of the staff member assigned to the application shall be included in the notice.
- (2) The applicant shall notify in writing and via first class mail municipalities, civic associations, any governed special taxing district, and other persons entitled to receive informational mailings that the application is ready to be accepted. The name and contact information of the staff member assigned to the application shall be included in the notice.

1 **(3)** The District Council, BOA, Planning Director, or DPIE 33
2 Director, as appropriate, shall not formally determine an 34
3 application as complete or begin processing the 35
4 application until after the applicant has filed an affidavit 36
5 in the record to document completion of a written 37
6 notice of acceptance to municipalities, civic 38
7 associations, any governed special taxing district, and 39
8 other persons entitled to receive informational 40
9 mailings. The applicant shall notify in writing via first 41
10 class mail municipalities, civic associations, any 42
11 governed special taxing district, and other parties 43
12 entitled to receive information mailings that the 44
13 application has been deemed complete. The name and 45
14 contact information of the staff member assigned to the 46
15 application shall be included in the notice. 47

16 **(4)** Within a reasonable time after an application is 48
17 determined complete by the Planning Director, BOA, or 49
18 DPIE Director, as appropriate, the Director shall so 50
19 advise the Zoning Hearing Examiner of all cases 51
20 requiring a hearing by his/her office. 52

21 **(d) Application Complete** 53

22 **(1)** If the development application is determined complete 54
23 or if the applicant has requested that the application be 55
24 processed in accordance with Section 27-3404(b)(2) 56
25 above, it shall be reviewed in accordance with the 57
26 procedures and standards of this Subsection, this 58
27 Division, and this Ordinance. 59

28 **(2)** Applications reviewed and decided by the District 60
29 Council, Planning Board, BOA, or ZHE, shall be referred 61
30 to the Historic Preservation Commission at this stage for 62
31 comment, if the development application includes land 63
32 which contains or abuts an historic resource or historic 64

site identified on the *Adopted and Approved Historic Sites and Districts Plan*, as soon as feasible after the application is submitted and determined complete.

- (3)** The Historic Preservation Commission shall submit its comments for the record within 30 days prior to the first hearing on the application by an advisory board or official or, if no review by an advisory board or official is required, by the decision-making body or official. Failure of the Historic Preservation Commission to submit comments within this time period shall constitute no objection to the application.
- (4)** Any established time frame for review of the application starts on the date it is determined complete, or the date it is requested to be processed in accordance with Section 27-3404(b)(2) above.

(e) Record of Complete Applications

- (1)** Within 10 days after the end of each month, the Planning Director shall provide a list of all applications determined complete during that month, including those applications authorized for administrative review and/or disposition pursuant to this Subtitle, arranged according to Councilmanic District. The list shall set forth the name of the applicant, the size and description of the property, and the existing and proposed zoning classifications of the property. The Planning Director shall publish the report on the Planning Department website and shall transmit a copy to the ZHE and District Council. Any person may request, in writing, a copy of the report sent by first class mail. A reasonable fee may be charged to cover the costs of postage and copying.
- (2)** One copy of the list described above shall be mailed by the Planning Director on a subscription basis without

1	charge to every municipality as well as any	31
2	homeowners, neighborhood, civic, or similar association	32
3	that has registered with the Planning Director.	33
4	27-3405. Application Amendment or Withdrawal	34
5	(a) Amending an Application	35
6	(1) An applicant may revise a development application as	36
7	follows:	37
8	(A) Amendments concerning either (1) an error,	38
9	omission of fact, or other factual change or (2)	39
10	made by the applicant in direct response to an	40
11	advisory or decision-making body	41
12	recommendation, if the amendment is not	42
13	covered by Subsections (B) or (C), below, are	43
14	permitted at any time after receiving initial staff	44
15	review comments on the application, or upon	45
16	requesting and receiving permission from an	46
17	advisory or decision-making body after that body	47
18	has reviewed but not yet taken action on the	48
19	application.	49
20	(B) Amendments which involve substantial	50
21	modifications to the original proposal such as	51
22	changing a significant area or configuration shall	52
23	cause the application to be reviewed again in	53
24	accordance with the requirements of this Part.	54
25	(C) Amendments concerning a change in a	55
26	requested use type or use category, where	56
27	appropriate, shall be accompanied by a new	57
28	(revised) justification statement.	58
29	(2) After a case is transmitted to the ZHE, amendments may	59
30	be permitted subject to the discretion of the ZHE.	60

(b) Withdrawal of Application

(1) Withdrawal by Applicant

After an application has been accepted as complete for review, the applicant may withdraw the application at any time by submitting a letter of withdrawal to the Planning Director, DPIE Director, ZHE, or District Council, whichever the application was submitted to, or by verbally withdrawing the application at a public hearing for which review of the application is scheduled.

(2) Withdrawal through Inaction

- (A)** If an applicant requests or causes continuing postponement of submissions or actions required to complete the application review process, and such postponement causes inaction for six or more months in the review of the application, the application may be considered withdrawn, and the Planning Director or DPIE Director, whichever the application was submitted to, shall notify the applicant in writing.
- (B)** The ZHE shall dismiss any zoning case transmitted to the ZHE which has not reached public hearing by or within any of the following time periods, whichever is later:
 - (i)** Three years after the application was filed;
 - (ii)** Two years after final action on a sectional map amendment (Section 27-3503), if processing of the zoning case was postponed until after that final action; or
 - (iii)** Two years after an application was remanded by the District Council.

- 1 (C) The Zoning Hearing Examiner may (for good 34
2 cause) grant extensions of the time periods listed 35
3 above. More than one extension may be granted. 36
4 Each extension may not be for more than six 37
5 months. 38
6 (D) Procedures for ZHE Dismissal: 39
7 (i) The ZHE shall send written notice of the 40
8 proposed dismissal date to the applicant, the 41
9 owner, and correspondent, at their addresses of 42
10 record, at least 30 days prior to dismissal. 43
11 (ii) An order of dismissal by the Zoning Hearing 44
12 Examiner shall be in writing, and shall be filed 45
13 with the District Council. A copy of the order 46
14 shall be sent to the Planning Board and all 47
15 persons of record. 48
16 (iii) The order of dismissal shall terminate all 49
17 proceedings in the case, unless appealed by the 50
18 applicant or owner to the District Council within 51
19 30 days after the date of dismissal. Each appeal 52
20 shall be in writing and shall state specifically why 53
21 the case should not be dismissed. An appellant 54
22 shall give notice of his appeal to all persons sent 55
23 notice of the order. The District Council shall 56
24 consider the appeal within 90 days of its filing. 57
25 The Council shall give at least ten days notice of 58
26 the time and place of the meeting at which the 59
27 appeal will be considered. The notice shall be 60
28 sent to the appellant and all other persons who 61
29 were given notice of the order of dismissal. The 62
30 appellant shall have the opportunity to appear 63
31 before the Council to show why the case should
32 not be dismissed. The Council shall either uphold
33 the order of dismissal, or shall reverse the order

and remand the case to the ZHE for further processing.

(3) Application Fees Refunded

Application fees may be refunded at the discretion of the decision-making body, if the application is withdrawn prior to the first public hearing on the application. In all other instances, application fees will not be refunded.

27-3406. Staff Review and Action

(a) Staff Review and Opportunity to Revise Application

When the development application is determined complete, or is processed in accordance with Section 27-3404(b)(2) above, the Planning Director, Clerk of the Council, or DPIE Director, whichever the application was submitted to, shall distribute it to all appropriate Planning staff, County staff, the Subdivision and Development Review Committee, and other municipal and public agencies, as appropriate, for review and comment. The Planning Director or DPIE Director, as appropriate, shall then review the application, along with the relevant support material, and any comments. If deficiencies in complying with applicable standards are identified, the Planning Director or DPIE Director, as appropriate, shall notify the applicant of those deficiencies and provide the applicant a reasonable opportunity to discuss the deficiencies and revise the application to address them, in accordance with Section 27-3405(a), Amending an Application.

(b) Health Impact Assessments

Applications for detailed site plans (see Section 27-3605(d)) and Preliminary Plan of comprehensive plans prepared pursuant to Section 27-3502, General Plan, Functional Master Plans, Area Master Plans, and Sector Plans, shall be referred to the Prince George's County Health Department. The Health Department

1 shall perform a health impact assessment review of the 32
2 proposed development or staff draft identifying the potential 33
3 effects on the health of the population, and the distribution of 34
4 those effects within the population, including recommendations 35
5 for design components or plan policies to increase positive 36
6 health outcomes and minimize adverse health outcomes on the 37
7 community. 38

8 **(c) Application Subject to Staff Recommendation** 39

9 **(1) Technical Staff Report** 40

10 Except for variances decided by the BOA (Section 27-3613, 41
11 Variance) and appeals to the BOA (Section 27-3616, Appeal 42
12 to Board of Appeals), if an application is subject to a 43
13 decision by the District Council, Planning Board, or ZHE, or 44
14 BOA in accordance with Section Sec. 27-3200, Summary 45
15 Table of Development Review Responsibilities, the 46
16 Planning Director shall, following completion of staff and 47
17 agency review, prepare a Technical Staff Report that: 48

18 **(A)** Analyzes whether the application complies with 49
19 applicable review standards; 50

20 **(B)** Delineates the approximate area of the 51
21 neighborhood, either on the Official Zoning Map, 52
22 an aerial photograph, or a sketch map, as 53
23 appropriate; 54

24 **(C)** Describes land use and zoning in the 55
25 neighborhood; and 56

26 **(D)** Recommends action on the application, 57
27 including any recommended conditions of 58
28 approval. Where staff may recommend a zone 59
29 different than that requested, an analysis of the 60
30 alternative zone recommended shall be 61
31 included. 62
63

(2) Distribution and Availability of Application and Staff Report

- (A)** After completion of the Technical Staff Report, the Planning Director shall transmit the application and report to all advisory or decision-making bodies and persons that review or make a decision on the application in accordance with Section 27-3500 and Section 27-3600. The Planning Director shall also provide the applicant a copy of the Technical Staff Report and make a copy of the report available for examination by the public no less than 2 weeks prior to the scheduled Planning Board hearing and/or thirty (30) days prior to the ZHE hearing and in accordance with Section 27-3419, Examination and Copying of Application/Other Documents.
- (B)** Any person may request, in writing, a copy of the technical staff report sent by first class mail. A reasonable fee may be charged to cover the costs of postage and copying. Such persons shall be sent a copy of the technical staff report as provided in Table 27-3407(b): Required Public Notice.

(d) Application Subject to Decision by Planning Director or DPIE Director

If an application is subject to a final decision by the Planning Director or DPIE Director in accordance with Section 27-3600, the Planning Director or DPIE Director, as appropriate, shall make a decision on the application, consisting of one of the allowed decisions in, and based on the review standards in Section Sec. 27-3600, Application-Specific Review Procedures and Decision Standards, for the specific type of application.

1	27-3407. Scheduling of Hearings and Public	18	
2	Notice	19	
3	(a) Public Hearing Scheduling	20	Section 27-3400, Standard Review Procedures, Section 27-3500, Legislative Amendments, Master Plans, and Sectional Map Amendment Review Procedures and Decision Standards).
4	(1) The scheduling of public hearings for applications	21	
5	subject to a public hearing in accordance with Section	22	(C) Public hearings shall be scheduled so there is
6	27-3500 and Section 27-3600, Summary Table of	23	sufficient time for any required Technical Staff
7	Development Review Responsibilities, shall be as	24	Report to be prepared and distributed in
8	follows:	25	accordance with Section 27-3406(c)(1), Technical
9		26	Staff Report, and for public notification in
10	(A) The District Council, BOA, Planning Board, or ZHE	27	accordance with Section 27-3407(b) below.
11	are responsible for scheduling their respective	28	
12	public hearings. Each shall ensure that the	29	(b) Public Notice
13	hearing on the application is scheduled for a	30	
14	regularly scheduled meeting of the body	31	(1) Generally
15	conducting the hearing, or a meeting specially	32	Notification shall be provided for all required public
16	called for that purpose by that body.	33	hearings on applications in accordance with Table 27-
17		34	3407(b): Required Public Notice, all other provisions of this
	(B) The Clerk of the Council shall schedule public		Subsection, and the Maryland Land Use Article.
	hearings conducted by the District Council (see		

Table 27-3407(b): Required Public Notice			
	Required Timing and Specific Recipients [1]		
Application Type	Mail [5]	Legal Advertisement	Posting
Comprehensive Plans			
Comprehensive Plans and Amendments (General Plan, Functional Master Plans, Area Master Plans, and Sector Plans)	30 days prior to the hearing(s), to: <ul style="list-style-type: none"> • All owners of land for which a change in zoning is proposed, if a sectional map amendment is included; [2] • Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the plan or amendment; and • Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the proposed land subject to the plan or amendment. 	30 days prior to the joint hearing(s)	No requirement
Minor Plan Amendments	30 days prior to the hearing(s), to: <ul style="list-style-type: none"> • All owners of land for which a change in zoning is proposed, if a sectional map amendment is included; [2] • Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the plan or amendment; and • Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the proposed land subject to the plan or amendment. 	30 days prior to the joint hearing(s)	No requirement
Amendments and Planned Developments			
Sectional Map Amendment	30 days prior to the District Council hearing, to: <ul style="list-style-type: none"> • All owners of land for which a change in zoning is proposed; [2] 60 days prior to the District Council hearing, to: <ul style="list-style-type: none"> • Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the map amendment; and • Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the map amendment. 	30 days prior to the hearing	No requirement
Planning Board Hearing	30 days prior to the District Council hearing, to: <ul style="list-style-type: none"> • All owners of land for which a change in zoning is proposed; [2] • Any municipality lying, wholly or in part, within, or within 1 mile of, the 	30 days prior to the hearing	No requirement

Table 27-3407(b): Required Public Notice

Table 27-3407(b): Required Public Notice				
Application Type		Required Timing and Specific Recipients [1]		
		Mail [5]	Legal Advertisement	Posting
		boundaries of the land subject to the map amendment; and <ul style="list-style-type: none"> Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the map amendment. 		
Zoning Map Amendment (ZMA) Planned Development (PD) Map Amendment		30 days prior to the District Council hearing, to: <ul style="list-style-type: none"> The applicant; All owners of land for which a change in zoning is proposed; [2] All owners of land abutting the land subject to the application; All persons of record, and all other persons who requested (in writing) a copy of the Technical Staff Report; Registered civic associations that identified the geographical area in which the site is located as part of their represented areas; 60 days prior to the District Council hearing, to: <ul style="list-style-type: none"> Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the application; and Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the application. 	30 days prior to the hearing	30 days prior to the hearing
	Planning Board Hearing	30 days prior to the District Council hearing, to: <ul style="list-style-type: none"> The applicant; All owners of land for which a change in zoning is proposed; [2] All owners of land abutting the land subject to the application; All persons of record, and all other persons who requested (in writing) a copy of the Technical Staff Report; Registered civic associations that identified the geographical area in which the site is located as part of their represented areas; 	30 days prior to the hearing	30 days prior to the hearing

Table 27-3407(b): Required Public Notice				
		Required Timing and Specific Recipients [1]		
Application Type		Mail [5]	Legal Advertisement	Posting
		<ul style="list-style-type: none"> Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the application; and Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the application. 		
	ZHE Hearing	30 days prior to the District Council hearing, to: <ul style="list-style-type: none"> The applicant; All owners of land for which a change in zoning is proposed; [2] All owners of land abutting the land subject to the application; All persons of record, and all other persons who requested (in writing) a copy of the Technical Staff Report; Registered civic associations that identified the geographical area in which the site is located as part of their represented areas; Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the application; and Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the application. 	30 days prior to the hearing	30 days prior to the hearing
Chesapeake Bay Critical Area Overlay (CBCAO) Zoning Map Amendment				
	Planning Board Hearing	30 days prior to the hearing, to: <ul style="list-style-type: none"> All owners of land within the boundaries of the proposed overlay zones; All persons of record, and all other persons who requested (in writing) a copy of the Technical Staff Report; Registered civic associations that identified the geographical area in which the site is located as part of their represented areas; Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the proposed overlay zones; and 	30 days prior to the hearing	30 days prior to the hearing

Table 27-3407(b): Required Public Notice

Application Type		Required Timing and Specific Recipients [1]		
		Mail [5]	Legal Advertisement	Posting
		<ul style="list-style-type: none"> Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the proposed overlay zones. 60 days prior to the hearing, to: <ul style="list-style-type: none"> All public agencies and municipalities with operational or planning responsibilities within the boundaries of the proposed overlay zones; and The Historic Preservation Commission, if any land within or abuts the proposed overlay zones is an identified historic resource or historic site. [3] 		
	ZHE Hearing (Only Held for Applicant-Requested CBCAO Zoning Map Amendments)	30 days prior to the hearing to persons of record	No requirement	30 days prior to the hearing
	District Council Hearing	<ul style="list-style-type: none"> 30 days prior to the hearing, to: All owners of land and any municipality lying, wholly or in part, within, or within one mile of, the boundaries of the proposed overlay zones; and Persons of record. 	30 days prior to the hearing	30 days prior to the hearing
Use Permits				
	Special Exception	30 days prior to the hearing, to: <ul style="list-style-type: none"> Parties of record; Registered civic associations that identified the geographical area in which the site is located as part of their represented areas; Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and Every municipality located within one mile of the land subject to the application. 	No requirement	30 days prior to the hearing
	Minor Changes to Approved Special Exception	Application decision only, to: <ul style="list-style-type: none"> Parties of record; Clerk of the Council; and Every municipality located within one mile of the land subject to the application. 	No requirement	14 days following determination of completeness; may be waived by Planning Director pursuant to Section 27-3604(i)(1)
Site Plans				
	Detailed Site Plan	30 days prior to the hearing, to: <ul style="list-style-type: none"> Parties of record; Registered civic associations that identified the geographical area in which the site is located as part of their represented areas; 	No requirement	30 days prior to the hearing

Table 27-3407(b): Required Public Notice			
Application Type	Required Timing and Specific Recipients [1]		
	Mail [5]	Legal Advertisement	Posting
	<ul style="list-style-type: none"> Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and Every municipality located within one mile of the land subject to the application. 		
Minor Amendment to an Approved Detailed Site Plan	No requirement	No requirement	15 days prior to date of Planning Director's decision
Relief Procedures			
Variance			
Planning Board Hearing	Notice shall be the same as that required for the companion (parent) application.	Notice shall be the same as that required for the companion (parent) application.	Notice shall be the same as that required for the companion (parent) application.
ZHE Hearing	Notice shall be the same as that required for the companion (parent) application.	Notice shall be the same as that required for the companion (parent) application.	Notice shall be the same as that required for the companion (parent) application.
BOA Hearing	15 days prior to the hearing, to: <ul style="list-style-type: none"> The applicant; Owners of all lands abutting or opposite the land subject to the application; [4] and Any municipality in whose boundaries the property is located. 	No requirement	15 days prior to the hearing
Departure			
Minor Departure	Appeal only: 14 days prior to the appeal hearing, to: <ul style="list-style-type: none"> Parties of record; Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and Every municipality located within one mile of the land subject to the application. 	No requirement	15 days prior to date of Planning Director's decision
Major Departure	14 days prior to the hearing, to: <ul style="list-style-type: none"> Parties of record; Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and Every municipality located within one mile of the land subject to the application. 	No requirement	30 days prior to the hearing
Validation of Permits Issued in Error	14 days prior to the hearing, to: <ul style="list-style-type: none"> Parties of record; Registered civic associations that identified the geographical area in which the site is located as part of their represented areas; Owners of land adjoining, across the street from, on the 	No requirement	30 days prior to the hearing

Table 27-3407(b): Required Public Notice

Application Type	Required Timing and Specific Recipients [1]		
	Mail [5]	Legal Advertisement	Posting
	same block as, or within 500 feet of the land subject to the application; and <ul style="list-style-type: none"> • Every municipality located within one mile of the land subject to the application. 		
Appeal to BOA	14 days prior to the hearing, to: <ul style="list-style-type: none"> • Appellant; • Property owner and applicant, if different; • Owners of all lands abutting or opposite the land subject to the application; [4] and • Any municipality in whose boundaries the property is located. 	No requirement	No requirement
Election by District Council	14 days prior to the hearing, to parties of record	No requirement	No requirement
Other Procedures			
Authorization of Permit Within Proposed Right-of-Way	30 days prior to the ZHE hearing, to: <ul style="list-style-type: none"> • The applicant; and • Any municipality in whose boundaries the property is located. 	30 days prior to the District Council hearing	30 days prior to the hearing
Certificate of Nonconforming Use	No requirement	No requirement	Within 10 days after application determined complete. See Section 27-7200
Revocation or Modification of Approved Special Exception	The DPIE Director petition of revocation of an approved special exception shall be sent to: <ul style="list-style-type: none"> • The landowner(s) and applicant, if different; • Parties of record; • Registered civic associations that identified the geographical area in which the site is located as part of their represented areas; and • Every municipality located within one mile of the land subject to the application. 30 days prior to the hearing, to: <ul style="list-style-type: none"> • Parties of record; • Registered civic associations that identified the geographical area in which the site is located as part of their represented areas; • Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and • Every municipality located within one mile of the land subject to the application. 	No requirement	30 days prior to the hearing

NOTES:

[1] Time periods are minimum time periods unless otherwise stated.

Table 27-3407(b): Required Public Notice			
Application Type	Required Timing and Specific Recipients [1]		
	Mail [5]	Legal Advertisement	Posting
<p>[2] This mailed notice is for informational purposes only. The adoption or approval of the sectional map amendment or comprehensive plan shall not be invalidated by the failure to receive the mailed notice.</p> <p>[3] On the <i>Adopted and Approved Historic Sites and Districts Plan of Prince George's County, Maryland</i>.</p> <p>[4] Measured at right angles to the intervening street or streets from the land subject to the application.</p> <p>[5] For cases appealed to the District Council or when the District Council elects to review a case, the Clerk of the Council shall only send notice to persons of record associated with the case.</p>			

1

2	(2) Contents	22
3	All notices required by this Subsection shall include:	23
4	(A) The date, time, and place of the public hearing	24
5	on the application;	25
6	(B) The application number and the type of	26
7	application being considered;	27
8	(C) The description of the land subject to the	28
9	application;	29
10	(D) A summary of the applicant's request;	30
11	(E) A phone number and e-mail address,	31
12	prominently displayed, to call or e-mail for	32
13	additional information, along with the website	33
14	address of the Planning Department, the BOA,	34
15	the ZHE, and the District Council, as appropriate;	35
16	(F) If a public hearing is required, the word	36
17	"Hearing" shall be prominently displayed; and	37
18	(G) A statement, clearly displayed, that any member	38
19	of the public is welcome to attend the public	39
20	hearing and speak either in support or	40
21	opposition to the public hearing.	41
		42
		43
		44
		45

(3) Registration to Receive Notice
(A) Any civic or neighborhood organization or other organization in the County may register with the Planning Director to receive notice of applications and public hearings.
(B) To register to obtain notice of applications and public hearings, a civic or neighborhood organization or other organization in the County shall provide the following to the Planning Director: its name; the names, street addresses and e-mail addresses of all its officers; the number of members (individuals or households); the geographical area it represents and is interested in, by a description acceptable to the Planning Director; the name, street address, e-mail address, and daytime telephone number of the individual, the association designee, who is to receive informational mailings in the initial registration period; and the initial registration's effective dates, which may run from date of first registration to December 31 of the following year. To continue to receive notice of applications, an organization shall re-register every two years.

1	(C) The notice shall be transmitted by electronic mail	29	(ii) The posted notice sign(s) shall be singled-sided if	
2	or, if requested by the organization, by mail.	30	the site occupies frontage on a cul-de-sac, at the	
3	(4) Mailed Notice	31	end of a dead-end street, or on a one-way street.	
4	The Planning Director, DPIE Director, BOA, Planning Board,	32	The sign(s) shall be oriented to maximize their	
5	ZHE, or the Clerk of the Council, as appropriate, shall mail	33	visibility to motorists.	
6	notice (see Table 27-3407(b): Required Public Notice). The	34	(iii) The posted notice sign(s) shall be double-sided if	
7	failure of any party to receive the mailing shall not	35	the site occupies frontage on a street that is	
8	invalidate any final action on the application.	36	visible to two-way traffic. These sign(s) shall be	
9	(5) Notice by Legal Advertisement	37	configured in a "V" shape, at a 45-degree angle,	
10	The Clerk of the Council shall ensure notice is published at	38	and oriented to maximize their visibility to	
11	least once in a newspaper of record in accordance with the	39	motorists.	
12	Charter.	40	(iv) If the site does not have frontage on an improved	
13	(6) Posted Notice	41	public street, then one sign shall be placed on	
14	Where required by Table 27-3407(b): Required Public	42	the land subject to the application. The sign shall	
15	Notice, the applicant shall ensure notice is posted as	43	be near the boundary of the site and visible from	
16	follows:	44	adjoining land. Another sign shall be placed near	
17	(A) Number, Dimensions and Orientation	45	to, and visible from, the improved portion of the	
18	Posted notice signs shall be displayed as follows:	46	nearest, most-traveled street. This sign shall	
19	(i) If the site subject to the application has frontage	47	indicate it is not on the land subject to the	
20	on one or more improved streets, there shall be	48	application.	
21	one sign posted for each 1,000 feet, or fraction	49	(v) If the placement of any sign on the land subject	
22	thereof, of frontage on each street. The sign(s)	50	to the application is not visible to motorists from	
23	shall be posted on the site near the street right-	51	adjoining streets, the Planning Director may	
24	of-way, and oriented to maximize their visibility	52	require placement of additional signs, as	
25	to motorists. When more than one sign is	53	needed, to ensure that notice about the	
26	required to be posted along a street, the signs	54	application and public hearing is accessible to	
27	shall, where practicable, be evenly spaced along	55	the general public.	
28	the street.	56	(B) Display and Maintenance of Posted Notice	
		57	(i) All signs shall be posted and displayed for a	
		58	continuous period of time (see Table 27-3407(b):	
		59	Required Public Notice).	

1	(ii)	The sign(s) shall be durable, conspicuous, and legible for the length of the required posting period.	33 34 35
4	(iii)	The applicant is responsible for the reasonable maintenance of all signs. If a sign is removed, falls down, or is otherwise not properly located on the site subject to the application, or in the right-of-way, for any portion of the required posting period, the applicant shall repost the sign.	36 37 38 39 40 41
11	(iv)	The applicant shall remove the signs from the site within 15 days after the public hearing on the application.	42 43
14	(v)	The person posting the sign shall file a written affidavit of posting in the record. A close-up, legible photograph of each posted sign and additional long-distance photographs depicting the signs and unique, identifiable features of the land subject to the application shall also be submitted and included in the record for the case.	44 45 46 47 48 49 50 51
22	(vi)	The applicant shall inspect the sign(s) at least one time no later than the 15th day of posting to ensure that the signs are maintained. The person conducting the inspection shall file in the record a written affidavit of the sign's condition. A combined posting and inspection affidavit shall be filed at least 14 days prior to the hearing.	52 53 54 55 56 57 58
29	(vii)	Any unauthorized person removing, destroying, defacing, obstructing, or otherwise interfering with a posted sign (directly or indirectly) is in violation of this Ordinance and subject to any	59 60 61

penalties provided by this Ordinance and State law. Interference with a posted sign shall in no way delay or invalidate the application.

(c) Deferral of Application

(1) Request for Deferral

An applicant may request in writing that the District Council, Planning Board, consideration of an application at a public hearing be deferred at any time prior to the public hearing.

(2) Decision on Request Submitted Prior to Public Notification

- (A)** If public notice in accordance with Section 27-3407(b) above, has not been provided, the the District Council, Planning Board, or Planning Director may grant the request for good cause.
- (B)** If a deferral is granted, the date of the public hearing at which the application will be heard shall be set at the time the deferral is granted.

(3) Decision on Request Submitted After Public Notification

- (A)** If public notification in accordance with Section 27-3407(b) above, has been provided, the request for deferral shall be placed on the public hearing agenda on the date the application is to be considered and acted upon by the District Council, Planning Board, or Planning Director.
- (B)** The District Council, Planning Board, or Planning Director may approve the request for deferral, for good cause.

1 (C) If a deferral is granted, the date of the public 30
2 hearing at which the application will be heard 31
3 shall be set at the time the deferral is granted.
4 The applicant may be subject to additional 32
5 application fees to defray the additional costs of 33
6 processing the application. 34

7 (4) BOA (See Section 3413, Evidentiary Hearings) 35

8 (5) ZHE (See Section 3412 Evidentiary Hearings) 36

9 **27-3408. Review and Recommendation by** 37
10 **Advisory Board or Official** 38

11 If a development application is subject to a recommendation by an 40
12 advisory board or official (either the Planning Board or ZHE, in 41
13 accordance with Section 27-3500 and Section 27-3600, unless stated 42
14 to the contrary in Sections Sec. 27-3500, Legislative Amendments, 43
15 Master Plans, and Sectional Map Amendment Review Procedures and 44
16 Decision Standards, and Sec. 27-3600, Application-Specific 45
17 Review Procedures and Decision Standards, the advisory board or 46
18 official shall review and act on the application in accordance with the
19 requirements in this Subsection.General

20 (a) General 47

21 The decision making body or official shall hold any required 48
22 public hearing on the application, as appropriate. At the hearing, 49
23 the advisory board or official shall consider the application, 50
24 relevant support materials, the Technical Staff Report, and any 51
25 public comments, and then recommend one of the decisions 52
26 authorized for the particular type of application, based on the 53
27 decision standards applicable for the application type, as set 54
28 forth in Sections Sec. 27-3500, Legislative Amendments, Master 55
29 Plans, and Sectional Map Amendment Review Procedures and 56
57
58

Decision Standards, andSec. 27-3600, Application-Specific
Review Procedures and Decision Standards.

(b) Timing

The advisory board or official shall take action within any time
period specified in this Part for the type of application;
otherwise, if time periods are not specified, action shall be taken
as promptly as reasonably possible in consideration of the
interests of the applicant, affected parties, and citizens of the
County.

(c) Conditions of Approval

If permitted for the particular type of application in accordance
with Sections Sec. 27-3500, Legislative Amendments, Master
Plans, and Sectional Map Amendment Review Procedures and
Decision Standards, and Sec. 27-3600, Application-Specific
Review Procedures and Decision Standards, for the specific type
of application, the advisory body may recommend conditions of
approval in accordance with 27-3415, Conditions of Approval.

47 **27-3409. Review and Decision by Decision-**
48 **Making Body or Official**

49 If a development application is subject to a final decision by the
50 District Council, the Planning Board, the BOA, or the ZHE (see
51 Section Sec. 27-3200, Summary Table of Development Review
52 Responsibilities), the decision-making body or official, unless
53 stated otherwise in Sections Sec. 27-3500, Legislative
54 Amendments, Master Plans, and Sectional Map Amendment
55 Review Procedures and Decision Standards, and Sec. 27-3600,
56 Application-Specific Review Procedures and Decision Standards,
57 shall review and make a final decision on the application in
58 accordance with the requirements in this Subsection.

1 **(a) General**

2 The decision-making body or official shall hold any required
3 public hearing on the application. At the hearing, the decision-
4 making body or official shall consider the application, relevant
5 support materials, the Technical Staff Report, any
6 recommendations by advisory boards or officials, and any public
7 comments. The body or official shall then make one of the
8 decisions authorized for the particular type of application, based
9 on the review standards applicable for the application type, as
10 set forth in Sections Sec. 27-3500, Legislative Amendments,
11 Master Plans, and Sectional Map Amendment Review
12 Procedures and Decision Standards, and Sec. 27-3600,
13 Application-Specific Review Procedures and Decision Standards
14 Studies of any agency (or its staff) in the nature of land
15 development plans, which have not been subjected to the
16 requirements of the adoption and approval of an Area Master
17 Plan or Sector Plan, shall not be used as the basis for approval or
18 disapproval of zoning cases. However, the Planning Board may
19 consider the recommendations adopted Area Master Plan or
20 Sector Plan prior to its approval by the District Council, when
21 making a recommendation on a Planned Development (PD)
22 zoning map amendment application. The Zoning Hearing
23 Examiner, Planning Board, or District Council shall not be
24 precluded from considering any factual or empirical evidence
25 contained in any staff studies.

26 **(b) Timing**

27 The decision-making body or official shall take action within any
28 time specified in this Part for the type of application; otherwise
29 it shall take action as promptly as reasonably possible in
30 consideration of the interests of the applicant, affected parties,
31 and citizens of the County.

32 **(c) Conditions of Approval**

33 If permitted for the particular type of application in accordance
34 with Sections Sec. 27-3500, Legislative Amendments, Master
35 Plans, and Sectional Map Amendment Review Procedures and
36 Decision Standards, and Sec. 27-3600, Application-Specific
37 Review Procedures and Decision Standards, the decision-making
38 body or official may impose conditions of approval in
39 accordance with Section 27-3415, Conditions of Approval.

40 **(d) Remand**

41 Before making its decision, the decision-making body or official
42 may remand the application, once, to an advisory board or
43 official, as applicable, for further consideration of the issues
44 identified in the remand order, which shall be based on the
45 record. Whenever the District Council remands an application,
46 the time for filing shall run anew from the date of the remand
47 by the District Council.

48 **27-3410. Ex Parte Communications**

49 An applicant, an applicant’s agent, a person who is (or who may
50 become) a person of record, or anyone appearing on behalf of a
51 person of record in a decision, shall not communicate off the record
52 with any official or review board member conducting the hearing
53 concerning any pending application. The official or the review board
54 may, however, consider requests regarding scheduling.

55 **27-3411. General Public Hearing**

56 When a public hearing(s) is required in accordance with Section 27-
57 3500 and Section 27-3600, for the following type of development
58 applications, the public hearing(s) shall be conducted in accordance
59 with the Rules of Procedure of the advisory or decision-making body
60 conducting the hearing, any applicable requirements in Sections Sec.
61 27-3500, Legislative Amendments, Master Plans, and Sectional Map

1	Amendment Review Procedures and Decision Standards, and Sec. 27-	24
2	3600, Application-Specific Review Procedures and Decision	25
3	Standards, and State law:	26
4	(a) Legislative amendments;	27
5	(b) Comprehensive plan amendments; and	28
6	(c) Sectional map amendments;	29
7	27-3412. Evidentiary Hearing (Planning Board	30
8	and ZHE)	31
9	(a) Generally	32
10	(1) This Section applies where an evidentiary hearing is	33
11	required in accordance with Section 27-3600, for the	34
12	following types of development applications:	35
13	(A) Zoning map amendments (ZMA);	36
14	(B) Planned development (PD) map amendments;	37
15	(C) CBCAO Zoning Map amendments;	38
16	(D) Special exceptions;	39
17	(E) Detailed site plans;	40
18	(F) Variances;	41
19	(G) Major departures;	42
20	(H) Validations of permits issued in error;	43
21	(I) Authorizations within proposed rights-of-way;	44
22	and	45
23	(J) Appeals.	46
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(2) If a provision of this Section is inconsistent with a provision of the Maryland Land Use Code, the provision of the Maryland Land Use Code applies.

(b) Limitation of Time

The time for presenting cases by parties shall generally be limited to one (1) hour for each side. For good cause, the Planning Board or Zoning Hearing Examiner, as appropriate, may grant additional time.

(c) Order of Presentation

(1) The order of presenting evidentiary cases shall be as follows:

- (A)** Applicant’s case;
- (B)** Opposition’s case;
- (C)** Rebuttal by applicant;
- (D)** Surrebuttal by opposition;
- (E)** Public agency comments and examination;
- (F)** Summation by opposition;
- (G)** Summation by applicant.

(2) In all cases (including cases remanded by the District Council), the order or presentation may be modified by the Planning Board or Zoning Hearing Examiner as the nature of the case warrants.

(d) Participation of Planning Board or Zoning Hearing Examiner

The Planning Board or Zoning Hearing Examiner, as appropriate, shall rule upon procedural matters, questions of law, evidence, motions, or objections, and may limit debate. The

1	Planning Board or Zoning Hearing Examiner, as appropriate, may	29
2	ask questions of any witness.	30
3	(e) Witnesses	31
4	(1) All persons who appear to testify in a evidentiary case	32
5	shall be sworn. Reasonable cross-examination of	33
6	witnesses shall be permitted.	34
7	(2) All subpoenas shall be served in the manner provided by	35
8	the Maryland Rules of Civil Procedure for service in the	36
9	Circuit Courts of this State. No person shall disobey or	37
10	fail to answer the subpoena. A witness may be excused	38
11	from attendance if he can show that his placement	39
12	under subpoena was frivolous or oppressive.	40
13	(f) Transcripts	41
14	A complete transcript containing all record testimony (including	42
15	exhibits by reference) shall be prepared in each evidentiary case,	43
16	except for those special exceptions which may be finally decided	44
17	by the Zoning Hearing Examiner. A transcript shall be prepared	45
18	in these cases when an appeal or a request for oral argument is	46
19	filed, or where the District Council elects to make the final	47
20	decision.	48
21	(g) Referral to Agencies	49
22	Cases may be referred to any department or official who has	50
23	processed or commented on an application, for the purpose of	51
24	clarifying, updating, or completing the record. Unless otherwise	52
25	provided in the referral, the agency or department shall respond	53
26	within 21 calendar days for minor cases and 30 calendar days for	54
27	major cases, or it shall be presumed to have no comment on the	55
28	application.	

(h) Correspondence and Communications

All correspondence received and copies of correspondence sent by departments or officials processing applications shall be included in the record. The substance of any oral communications held with a public agency processing applications, regarding the merits of a pending evidentiary case, shall be reduced to writing and included in the record of that case.

(i) Persons of Record

The Planning Board or Zoning Hearing Examiner, as appropriate, shall prepare a list of persons of record, which shall be made a part of the record.

(j) Zoning Map Amendment Testimony

During an evidentiary public hearing on a pending Zoning Map Amendment, the Zoning Hearing Examiner may take testimony for a less intense zone than what is requested by the applicant if:

- (1)** The zone has been recommended by the Planning Board;
- (2)** The Planning Board has not made a recommendation and the zone has been recommended by the Technical Staff; or
- (3)** The application has been remanded pursuant to Section 0.

(k) Continued and Recessed Cases

- (1)** The Planning Board or Zoning Hearing Examiner, as appropriate, may continue or recess a case.

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|----|--|--|----|----------------------------|--|
| 1 | (2) | A case may be continued for good cause after it has | 32 | (B) | The evidence is presented pursuant to a remand |
| 2 | | been advertised for hearing. | 33 | | of the District Council; and |
| 3 | (3) | After a hearing has begun, a case may be recessed for | 34 | (C) | All persons of record are afforded the |
| 4 | | the receipt of additional evidence and upon such | 35 | | opportunity to present evidence in rebuttal. |
| 5 | | conditions or limitations or subject to such additional | 36 | (D) | Notwithstanding the above subparagraphs (A) |
| 6 | | requirements or hearings as due process may require. | 37 | | through (C), the Planning Board or Zoning |
| 7 | (4) | If no new hearing date is set for a continued or recessed | 38 | | Hearing Examiner, as may be appropriate, may |
| 8 | | case at the time of continuance or recess, all parties of | 39 | | deny admission of additional evidence upon a |
| 9 | | record shall be sent written notice of a new date at least | 40 | | finding that its probative value is outweighed by |
| 10 | | twenty (20) days prior to the new hearing date. | 41 | | any cumulative effect, undue prejudice, or delay |
| | | | 42 | | in the proceedings. |
| 11 | (5) | The Planning Board may request (in writing) that the | 43 | (m) Reconsideration | |
| 12 | | record be held open for not more than fourteen (14) | 44 | (1) | The Planning Board’s or Zoning Hearing Examiner’s |
| 13 | | days for the receipt of its recommendation on any given | 45 | | decision, as may be appropriate, may be reconsidered |
| 14 | | case. | 46 | | on request filed by either the applicant or other person |
| 15 | (6) | The People’s Zoning Counsel or any person of record | 47 | | of record. Such reconsiderations may only occur within |
| 16 | | may request the continuance of a hearing under this | 48 | | 30 days from the date of the decision. |
| 17 | | Subsection. For zoning map amendments and special | 49 | (2) | The Planning Board or Zoning Hearing Examiner, as |
| 18 | | exceptions only, the Zoning Hearing Examiner may | 50 | | appropriate, may only reconsider the decision if, in |
| 19 | | continue a hearing if a required Technical Staff Report | 51 | | furtherance of substantial public interest, it finds that an |
| 20 | | has not been filed within 30 days of the scheduled | 52 | | error in reaching the original decision was caused by |
| 21 | | hearing. If a continuance is granted for this reason, the | 53 | | fraud, surprise, mistake, inadvertence, or other good |
| 22 | | ZHE may not hear the case for at least 30 days after the | 54 | | cause. |
| 23 | | Technical Staff Report is filed. | 55 | (3) | The party filing the request for reconsideration of the |
| 24 | (l) Case Taken Under Advisement | | 56 | | case shall, upon filing the request, send a copy to all |
| 25 | (1) | Once a case has been fully presented, the Planning | 57 | | other persons of record, the applicant (if the applicant |
| 26 | | Board or Zoning Hearing Examiner, as appropriate, may | 58 | | is not a person of record), and all municipalities within |
| 27 | | take it under advisement to render a decision. | 59 | | one mile of the land subject to the application. |
| 28 | | Thereafter, no new evidence may be entered into the | 60 | (4) | If the Planning Board or Zoning Hearing Examiner, as |
| 29 | | record, except: | 61 | | appropriate, determines there is grounds to reconsider |
| 30 | (A) | If good cause is shown why the evidence was not | | | |
| 31 | | previously presented into the record; or | | | |

1	their final decision, it shall schedule a hearing on the	31
2	request.	32
3	(5) After the hearing, the Planning Board or Zoning Hearing	33
4	Examiner, as appropriate, shall first vote to reconsider	34
5	their final decision and, if an affirmative motion is	35
6	adopted, vote on a new decision.	36
7	(6) After the close of the hearing record, the Planning Board	37
8	or Zoning Hearing Examiner, as appropriate, shall file a	38
9	new decision or recommendation.	39
10	(n) Dismissal of Cases	40
11	(1) Applicability	41
12	The Zoning Hearing Examiner shall dismiss any case that it	42
13	has the power to hear that is withdrawn through inaction	43
14	in accordance with Section 27-3405(b)(2), Withdrawal	44
15	through inaction, or has not reached public hearing by or	45
16	within three years after the application was filed. Hearing	46
17	Examiner may (for good cause) grant extensions of that	47
18	time period. More than one extension may be granted.	48
19	Each extension may be for not more than six months.	49
20	(2) Order of Dismissal	50
21	An order of dismissal shall be in writing unless the	51
22	application is withdrawn through inaction. A copy of	52
23	the order shall be sent to all persons of record.	53
24	(A) Written Notice to Applicant	54
25	At least 30 days prior to dismissal, Zoning Hearing	55
26	Examiner, shall send written notice of the proposed	56
27	dismissal date to the applicant, the landowner,	57
28	municipalities within one mile of the land subject to	58
29	the application, and correspondent (at their addresses	59
30	of record).	60

(B) Appeals of Dismissal Notice

- (i)** The order of dismissal terminates all proceedings in the case, unless appealed by the applicant or owner within 30 days after the date of dismissal. If the Zoning Hearing Examiner is charged with issuing a recommendation, the appeal shall be filed with the review board charged with rendering a final decision. If the Zoning Hearing Examiner is the final decision maker, the Zoning Hearing Examiner shall treat the appeal as an application to reconsider its decision to dismiss the application.
- (ii)** Each appeal shall be in writing and shall state specifically why the case should not be dismissed. An appellant shall give notice of the appeal to all persons sent notice of the order.
- (iii)** The District Council shall consider the appeal within 90 days of its filing. The District Council shall give at least ten days notice of the time and place of the meeting at which the appeal or reconsideration will be considered. The notice shall be sent to the appellant and all other persons who were given notice of the order of dismissal.
- (iv)** The appellant shall have the opportunity to appear before the District Council to show why the case should not be dismissed.
- (v)** The District Council shall either uphold the order of dismissal, or shall reverse the order and remand the case to the Zoning Hearing Examiner for further processing, or (if the application is

1 treated as a reconsideration) shall hear the
2 application.

3 **27-3413. Evidentiary Hearing (BOA)**

4 **(a) In General**

5 Before making its decision on any appeal, or a request to grant
6 additional time to cease a violation, the Board shall hold an
7 evidentiary hearing on the matter.

8 **(b) Filing Requirements**

9 **(1)** Appeals may be made by any person (known in this Part
10 as the "appellant") who alleges that he is aggrieved by
11 the refusal of a permit, by the issuance of a zoning
12 violation notice, or other decision made in
13 administering this Subtitle, except for a civil citation
14 issued in accordance with Subtitle 28 of this Code. The
15 appellant shall notify the Board of the Appeal within five
16 (5) business days after the refusal of the permit,
17 issuance of the notice, or other decision. For purposes
18 of this subsection, "issuance of a zoning violation"
19 means the earlier of the date of posting, the date of
20 personal service, or if mailed, the date that the notice
21 was postmarked.

22 **(2)** Appeals involving a variance shall be filed with the Board
23 only after the Department of Permitting, Inspections,
24 and Enforcement refuses to issue a building or use and
25 occupancy permit, or after it is alleged that the permit
26 has been issued in error. The Board may waive this
27 requirement and allow the filing of the appeal prior to
28 any action on the permit.

29 **(3)** Appeals and requests to grant additional time to cease
30 a violation shall be provided by the Appellant. All

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information required on the documents shall be
furnished by the appellant. The documents shall be
filed with the Administrator of the Board. The
Administrator shall not accept any document or form
which is incomplete.

(4) Appeals and requests to grant additional time to cease
a violation shall be numbered sequentially, docketed,
and scheduled to be heard by the Board. The schedule
shall be posted conspicuously in public view at least five
(5) days prior to the hearing date.

(c) Fees

(1) The appellant shall pay the Administrator of the Board
all expenses of the appeal, including the cost estimated
by the Administrator for sending notices and
advertising. An application fee shall also be paid to the
Administrator in accordance with Section 8300, Fees.. A
separate fee for the cost of public notice signs shall be
paid to the Maryland-National Capital Park and Planning
Commission in accordance with Section 8300, Fees. The
fees are nonrefundable unless (upon request of the
appellant) the Board finds that the fee was paid by
mistake. All fees must be paid at the time of filing,
except as provided.

(2) In lieu of the fee the appellant may submit an affidavit
claiming that payment of the fee would be an extreme
financial hardship. The hardship may only be claimed by
a natural person. The affidavit shall contain the
information required by the County Director of Finance
and any other pertinent facts which the appellant feels
are necessary.

(3) Upon filing the affidavit, the Administrator shall
transmit it to the Director of Finance (or his designee)

- 1 who shall (within ten (10) working days) determine 30
2 whether payment of the fee is an extreme financial 31
3 hardship on the appellant. Should the Director find that 32
4 hardship does not exist, the appellant shall be required 33
5 to pay the fees before the appeal may be heard by the 34
6 Board. 35
- 7 **(d) Notice of hearing** 36
- 8 **(1)** At least fifteen (15) days' notice of the date, time and 37
9 place of the hearing shall be sent by certified mail to the 38
10 appellant, to the agency whose decision is the subject of 39
11 the appeal, and to the owners of abutting property 40
12 (including those properties directly across a street, alley, 41
13 or stream). 42
- 14 **(2)** In the case of a request to grant additional time to cease 43
15 a violation, notice shall also be sent to the Zoning 44
16 Enforcement Officer who shall also notify all persons 45
17 who have made written or oral complaints concerning 46
18 the violation. 47
- 19 **(3)** When the property is located within the boundaries of 48
20 an incorporated municipality, notice of the time and 49
21 place of the hearing shall be sent to the municipality at 50
22 least fifteen (15) days prior to the date of the hearing. 51
23 The municipality may waive the fifteen (15) day period 52
24 for either all appeals or any one appeal. 53
- 25 **(4)** The Board may send notice of the hearing to other 54
26 interested persons, organizations, or agencies. 55
- 27 **(5)** All notices shall contain: 56
- 28 **(A)** The name of the appellant; 58
29 **(B)** The date, time, and place of the hearing; and 59
60
- (C)** A brief statement describing the specific nature 30
of the appeal. 31
- (6)** The Board may require additional notice of hearings by 32
at least one (1) advertisement in the three (3) County 33
newspapers of record. The advertisement shall appear 34
not less than five (5) days prior to the date of the hearing 35
and shall contain the same information as is required in 36
the written notices. The cost of the advertisement shall 37
be paid by the appellant. 38
- (7)** Except for appeals not involving variances in a 39
Residential Zone, the appellant shall post the property 40
with a durable sign at least fifteen (15) days prior to the 41
scheduled hearing date. The sign shall be provided by 42
the Board of Zoning Appeals and posted in accordance 43
with this Section. 44
- (8)** All signs posted shall be conspicuous and legible for at 45
least fifteen (15) days prior to the hearing. 46
- (9)** The appellant shall file an affidavit with the Board of 47
Appeals stating that the required sign(s) was posted on 48
the property in accordance with the procedures of this 49
Subsection, and that the sign remained on the property 50
for the fifteen (15) consecutive days preceding the 51
hearing. 52
- (10)** Notices of variance requests from Chesapeake Bay 53
Critical Area Overlay Zone requirements concerning 54
property within the Chesapeake Bay Critical Area 55
Overlay Zones shall be heard and, as appropriate, 56
approved by the Planning Board. 57
- (11)** Notices of variance requests concerning requirements 58
applicable to cluster shall be sent to the Development 59
Review Division of the Planning Department for review 60

1 and comment within five (5) days of filing with the Board 30
2 of Zoning Appeals. 31
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4 **(e) Rules of procedure for hearings and other meetins** 32
5 **(1)** The Board may adopt rules of procedure consistent with 33
6 the provisions of this Subtitle. 34
7 **(2)** The Board shall keep minutes of its proceedings. 35
8 **(3)** Hearings may be adjourned and continued. If the date, 36
9 time, and place of the continued hearing is publicly 37
10 announced at the time of the adjournment, no further 38
11 notice of the continuation shall be required. If the date, 39
12 time, and place is not publicly announced at the time 40
13 of the adjournment, notice shall be given in the same 41
14 manner as with the original hearing. 42
15 **(4)** All actions of the Board shall be taken by resolution, in 43
16 which at least two (2) members must concur. Each 44
17 resolution shall contain a statement of the grounds and 45
18 findings forming the basis of the action. The text of the 46
19 resolution and record of members' votes shall be 47
20 incorporated into the minutes or other records of the 48
21 Board. 49
22 **(f) Request for continuance** 50
23 **(1) Variances** 51
24 Request must be submitted in writing to the Board 52
25 Administrator no later than 3:00 p.m. prior to the scheduled 53
26 hearing. Appellant may incur re-advertisement fees if a new 54
27 hearing date is not confirmed at the time of the request. 55
28 **(2) Appeals** 56
29 Request must be submitted in writing to the Board 57
Administrator no later than 3:00 p.m. prior to the scheduled 58

hearing. After the Board Administrator confirms the
continuance request with the appropriate County Agency, the
Board Chair will then make the determination of the
continuance request. Appellant may incur re-advertisement
fees for a new hearing date if not confirmed at the time of the
request.

27-3414. Oral Argument Hearing

(a) Authorization

With the exception of zoning cases for which an alternative
appeal process is otherwise specified, any person of record or
the People's Zoning Council may file with the District Council,
within thirty (30) days after the Zoning Hearing Examiner files
his written decision in a zoning case:

- (1)** An appeal from the Zoning Hearing Examiner's decision
in a special exception case finally decided by the Zoning
Hearing Examiner;
- (2)** Exceptions to the Zoning Hearing Examiner's decision in
any other zoning case; or
- (3)** A request for oral argument before the District Council
on either (1) or (2), above.

(b) Form and Content of Request

- (1)** Exceptions, appeals, and requests for oral argument
shall be submitted (in writing) to the Clerk of the District
Council. A copy shall be sent by the submitter to all
persons of record (by regular mail), and a certificate of
service shall accompany the submission to the Clerk.
- (2)** Exceptions, appeals, and requests for oral argument
shall be numbered in sequence and shall specify the
error which is claimed to have been committed by the

1 Examiner. Those portions of the record relied upon to 30
2 support the claim shall be specified. 31
3 **(c) Council Action** 32
4 **(1)** The District Council shall consider the exception or 33
5 appeal at the time it takes final action on the case. 34
6 **(2)** The District Council may conduct oral argument in those 35
7 zoning cases which the District Council elects to review 36
8 and in those zoning cases in which an appeal or 37
9 exception are not filed and the Council must make the 38
10 final decision. 39
11 **(d) Opposition Persons of Record** 40
12 When a request for oral argument is filed by a person of record, 41
13 all other persons of record may also make oral argument or 42
14 written submission in opposition. Copies of any written material 43
15 to be submitted in support of this opposition position shall be 44
16 filed with the Clerk of the Council (along with a certification of 45
17 service upon the persons requesting oral argument) no later 46
18 than five (5) days before the oral argument case. 47
19 **(e) Time Limitation for Speakers** 48
20 Oral argument at the hearing shall be limited to thirty (30) 49
21 minutes for each side, unless extended by the Chairman of the 50
22 Council. Persons wishing to give oral argument shall advise the 51
23 Clerk of the Council prior to the hearing. Prior to the hearing, the 52
24 Chairman shall divide the time, as deemed appropriate, and 53
25 advise the speakers accordingly. 54
26 **(f) New Evidence** 55
27 Persons of record may not introduce evidence not already in the 56
28 record. The Council may, however, either upon written request 57
29 by a person of record or upon its own motion, remand a case to

the Zoning Hearing Examiner for the purpose of reopening the
record to receive and evaluate additional evidence (see Section
27-3409(d), Remand). In addition, the Council may take judicial
notice of any evidence contained in the record of any earlier
phase of the approval process relating to all or a portion of the
same property, including the approval of a preliminary plat of
subdivision.

(g) Order of Presentation

- (1)** The order of presentation before the Council (unless
otherwise specified by the Chairman) shall be:
- (A)** Orientation by the Technical Staff and the
Principal Counsel to the District Council (or an
authorized representative);
 - (B)** Oral argument against the decision of the
Examiner;
 - (C)** Oral argument in favor of the decision of the
Examiner;
 - (D)** Rebuttal by those against the decision;
 - (E)** Rebuttal by those in favor of the decision.
- (2)** Oral argument shall be limited to persons of record, the
People's Zoning Counsel, and those individuals who
testified before the Zoning Hearing Examiner.

(h) District Council Hearing Procedures

(1) Conduct of Meetings

(A) Call to Order

- (i)** The Chairman shall take the chair at the day and
hour to which the District Council was adjourned
at its last sitting. On the appearance of a quorum,

1	the Chairman shall immediately call the	33	(ii)	The minutes may contain an explanation of a
2	members to order. In the absence of both the	34		member's absence only in the case of illness,
3	Chairman and Vice Chairman for ten (10)	35		personal emergency, or other County
4	minutes after the time set for the meeting, and	36		governmental business.
5	if a quorum is present, the District Council shall		(C)	Record of Vote
6	still convene. In this latter case the members	37	(i)	The vote, absention, or absence of each Council
7	shall designate a presiding officer.	38		member shall be recorded on every issue where
8	(ii) Not later than ten (10) minutes after the time set	39		a vote is taken.
9	for the meeting, the roll shall be called, and	40	(ii)	Members must be physically present at the
10	members shall signify their attendance by	41		District Council meeting at the time the vote is
11	responding. Following the roll call, the Chairman	42		taken in order to vote.
12	shall announce for the record (consistent with	43	(iii)	The Chairman shall promptly announce the
13	paragraph 27-3414(h)(1)(B)(ii), below)	44		results of every vote.
14	information he has received relating to the	45	(D)	Voting and Attendance Records
15	absence of any Council member from the		(i)	The Clerk shall maintain a voting and attendance
16	session.	46		log for each Council member on a form identified
17	(iii) In the absence of a quorum at ten (10) minutes	47		as "Voting and Attendance Record." The
18	after the time set for the meeting, the Clerk shall	48		following votes shall be by roll call, and shall be
19	record the names of the members present. This	49		reflected in the log:
20	record shall constitute the list of members	50	(aa)	Final action on zoning cases to be decided
21	present at the appointed time, and shall be in	51		by the Council;
22	lieu of the roll call prescribed in paragraph (ii),	52	(bb)	Remand of any zoning cases to the Zoning
23	above.	53		Hearing Examiner or Planning Board;
24	(iv) When a meeting of the District Council has been	54	(cc)	Any motion for reconsideration;
25	preceded by a meeting of the County Council on	55		(dd) Any District Council instructions for the
26	the same day, paragraphs (ii) and (iii), above,			preparation of findings of fact and
27	shall not apply.	56		conclusions, or other relative documents,
28	(B) Minutes	57		necessary for use by the Council in taking
29	(i) When paragraphs (ii) and (iii), above, applies, the	58		action.
30	Clerk shall enter into the minutes the record of	59		
31	attendance and the arrival time at the meeting	60		
32	of a member previously marked absent.	61		

1	(2) Quorum	32
2	The presence of a majority of the Council (excluding	33
3	vacancies) shall constitute a quorum to act on zoning case;	34
4	however, two-thirds (2/3) of the full Council shall constitute	35
5	a quorum to act on a final decision on any zoning case	36
6	requiring a favorable vote of two-thirds (2/3) of the full	37
7	Council.	38
8	(3) Voting Requirements	39
9	The voting requirements for action by the Council shall be	40
10	as follows:	41
11	(A) A majority vote of those members present and	42
12	voting shall be necessary to remand any zoning	43
13	map amendment or special exception	44
14	application to the office of the Zoning Hearing	45
15	Examiner or to the Planning Board (see Section	46
16	27-3409(d), Remand).	47
17	(B) A majority vote of the full Council shall be	48
18	necessary to take final action on any zoning case	49
19	or any other zoning matter, except where an	50
20	affirmative vote of two-thirds (2/3) of the full	51
21	District Council is required.	52
22	(C) The Council may only approve a zoning map	53
23	amendment which conflicts with the land use	54
24	proposals or requirements of either the map or	55
25	the text of an approved Area Master Plan or	56
26	Sector Plan upon the affirmative vote of two-	57
27	thirds (2/3) of the full Council.	58
28	(D) The Council may only approve a zoning map	59
29	amendment or special exception application	60
30	contrary to the recommendation of a	61
31	municipality containing the subject land within	62
		63

its boundaries upon the affirmative vote of two-thirds (2/3) of the members of the full Council.

(4) Time Limits on Final Action

- (A)** A motion for final action in any zoning matter before the District Council which fails to obtain the required majority shall be set aside, and it or any other motion for final action may be subsequently considered within the following time periods:
 - (i)** IN a zoning case not finally decided by the Zoning Hearing Examiner, the Council shall make its decision finally disposing of the application within one hundred twenty (120) days after the Zoning Hearing Examiner files his/her decision with the Clerk of the Council, or within one hundred fifty (150) days if oral argument is requested.
 - (ii)** In any other zoning matter (except legislative amendments), the District Council shall make its decision finally disposing of the application within sixty (60) days after it first considers the matter, unless otherwise provided.
 - (iii)** The District Council may take final action in any zoning case immediately after the Zoning Hearing Examiner's decision has been filed, if all persons of record and the People's Zoning Counsel waive (in writing) their rights to file exceptions and request oral argument as provided for in Sections 27-3414(a)(2) or 27-3414(a)(3)).
- (B)** If the District Council fails to render a final decision in accordance with the time limit and

1 voting requirements of this Section, the 31
2 application shall be considered to have been 32
3 denied, unless otherwise specified in this 33
4 Subtitle. This shall not be applicable to the 34
5 adoption of legislative amendments. 35

6 **(5) Subpoena Powers**

7 The District Council shall have the power to issue 36
8 subpoenas for witnesses and documents in all zoning cases. 37
9 The subpoenas shall be served in the manner provided by 38
10 the Maryland Rules of Civil Procedure for service in the 39
11 Circuit Courts of this State. No person shall disobey or fail 40
12 to answer the subpoena. A witness may be excused from 41
13 attendance if he can show that his placement under 42
14 subpoena was frivolous or oppressive. 43

15 **(6) Jurisdiction**

16 **(A)** Except in certain zoning applications, the District 44
17 Council shall exercise original jurisdiction when 45
18 deciding an appeal to the District Council, or 46
19 when the Council elects to review a disposition 47
20 recommendation of the Zoning Hearing 48
21 Examiner, or a decision of the Planning Board. 49

22 **(B)** For any appeal or review of a decision made by 50
23 the Zoning Hearing Examiner or the Planning 51
24 Board, the Council may, based on the record, 52
25 approve, approve with conditions, remand, or 53
26 deny the application. 54

27 **27-3415. Conditions of Approval**

28 **(a) Generally**

29 If explicitly permitted for the particular type of application (see 55
30 Sections Sec. 27-3500, Legislative Amendments, Master Plans, 56
57
58
59
60

and Sectional Map Amendment Review Procedures and
Decision Standards, and Sec. 27-3600, Application-Specific
Review Procedures and Decision Standards), approval of an
application may be subject to conditions of approval.

(b) Limitations on Conditions

Any conditions of approval shall be expressly set forth in the
approval, shall be limited to conditions deemed necessary to
ensure compliance with the requirements and particular
standards of this Ordinance, and shall relate in both type and
scope to the anticipated impacts of the proposed development.
When a Special Exception is approved, any requirements for
conditions deemed necessary to protect adjacent properties
and the general neighborhood may be added. Requirements

(1) Conditions become a permanent part of the
development approval or permit, and are binding as
long as the zone remains in effect (in the case of zoning
map amendments (ZMA)) or the development approval
or permit remains valid.

(2) A condition of approval imposed is mandatory. Failure
to comply with any condition of approval constitutes a
violation of this Ordinance, and is grounds for the
County to:

(A) Annul the development approval or permit,
including any zoning map amendment (ZMA);

(B) Revoke a permit;

(C) Institute appropriate civil or criminal
proceedings in accordance with Part 27-8:
Enforcement; or

(D) Institute any other action necessary to obtain
compliance.

1	27-3416. Notification	30	
2		31	
3	(a) Within 30 days after a final decision on the following	32	
4	development applications, the Planning Director, DPIE	33	
5	Director, or Clerk of the Council shall notify the applicant	34	
6	and any persons of record of the decision, in writing, by	35	
7	first-class mail, postage prepaid. The date of the notice	36	
8	shall be stated in the mailing. A copy of the decision shall	37	
9	be made available to the public on the Planning	38	
10	Department's, DPIE's, or District Council website and in	39	
11	the Planning Department, DPIE, or District Council offices	40	shall be stated in the mailing. The Planning Director or
	during normal business hours, as appropriate:	41	Clerk of the Council shall make a copy of the decision
12	(1) Minor amendments to detailed site plan (Section 27-	42	available to all persons of record, municipalities within
13	3605(d)(11)(B))	43	one mile of the land subject to the application, and all
14	(2) Sign permit (Section 27-3606);	44	owners of land adjacent to, across the street from, on the
15	(3) Temporary use permit (Section 27-3607);	45	same block as, and within 500 feet of the land subject to
16	(4) Use and occupancy permit (Section 27-3608);	46	the application, and make a copy of the decision available
17	(5) Zoning certification (Section 27-3609);	47	to the public on the respective websites of the Planning
18	(6) Interpretation (Section 27-3612);	48	Department and District Council and in the Planning
19	(7) Validation of permit issued in error (Section 27-3615);	49	Department and District Council's offices during normal
20	(8) Authorization of permit within proposed right-of-way	50	business hours:
21	(ROW) (Section 27-3617); and	51	
22	(9) Certification of nonconforming use (Section 27-7200).	52	(1) Comprehensive plans and amendments (Section 27-
23	(b) Unless otherwise noted in Section Sec. 27-3600,	53	3501);
24	Application-Specific Review Procedures and Decision	54	(2) Sectional map amendments (Section 27-3503);
25	Standards, within thirty (30) days after a final decision on	55	(3) Zoning map amendment (ZMA) (Section 0);
26	the following development applications, the Planning	56	(4) Planned development (PD) map amendment (Section
27	Director or Clerk of the Council shall notify the applicant	57	27-3602);
28	and all persons of record of the decision, in writing, by	58	(5) Chesapeake Bay Critical Area Overlay zoning map
29	first-class mail, postage prepaid. The date of the notice	59	amendment (CBCAO) (Section 27-3603);
			(6) Detailed site plan (Section 27-3605(d));
			(7) Variances associated with a parent application (Section
			27-3613);
			(8) Minor departure (Section 27-3614(c)); and
			(9) Major departure (Section 27-3614(e)).
			(c) Within 30 days after a final decision on the following
			development applications, the Clerk of the Council or
			Zoning Hearing Examiner (ZHE) shall notify the applicant
			and all persons of record of the decision, in writing, and
			shall make a copy of the decision available to all persons
			of record, municipalities within one mile of the land

1 subject to the application, and all owners of land adjacent
2 to, across the street from, on the same block as, and
3 within 500 feet of the land subject to the application, and
4 make a copy of the decision available to the public on the
5 respective websites of the Planning Department and
6 District Council and in the Planning Department and
7 District Council's offices during normal business hours:

- 8 **(1)** Special exception (Section 27-3604); and
9 **(2)** Minor change to approved special exception (Section
10 27-3604(i)).

11 **(d)** Within 30 days after a final decision on the following
12 development applications, the Board of Appeals (BOA)
13 shall notify the applicant of the decision, in writing, and
14 shall make a copy of the decision available to all persons
15 of record, municipalities within one mile of the land
16 subject to the application, and all owners of land adjacent
17 to, across the street from, on the same block as, and
18 within 500 feet of the land subject to the application, and
19 make a copy of the decision available to the public on the
20 Planning Department's website and in the Planning
21 Department offices during normal business hours:

- 22 **(1)** Variances not associated with a parent application
23 (Section 27-3613); and
24 **(2)** Appeals to BOA (Section 27-3616).

25 **27-3417. Appeal**

26 Any appeal of a decision on an application shall be in accordance with
27 State law and Sections Sec. 27-3500, Legislative Amendments,
28 Master Plans, and Sectional Map Amendment Review Procedures
29 and Decision Standards, and Sec. 27-3600, Application-Specific
30 Review Procedures and Decision Standards.

31 **27-3418. Post-Decision Actions**

32 **(a) Effect of Approval**

- 33 **(1)** Approval of a development application in accordance
34 with this Part authorizes only the particular use, plan, or
35 other specific activity approved, and not any other
36 development requiring separate application and
37 approval.
38 **(2)** Approval of a development application in accordance
39 with this Part invalidates any previously-approved
40 development application of the same type for the same
41 property that would otherwise allow a development
42 alternative for the same property.
43 **(3)** In the event that one development approval or permit
44 is a prerequisite to another development approval or
45 permit (e.g., variance approval prior to a detailed site
46 plan approval), development may not take place until all
47 required approvals or permits are obtained. Approval of
48 one development application does not necessarily
49 guarantee approval of any subsequent development
50 application.

51 **(b) Amendment**

52 Unless specified in the procedure for the particular type of
53 development application in Sections Sec. 27-3500, Legislative
54 Amendments, Master Plans, and Sectional Map Amendment
55 Review Procedures and Decision Standards, and Sec. 27-3600,
56 Application-Specific Review Procedures and Decision Standards,
57 an amendment of a development approval or permit may only
58 be reviewed in accordance with the procedures and standards
59 established for its original approval.

1	(c) Lapse of Approval	31	extension to the decision-making body before the
2	(1) Generally	32	expiration date, and a showing of good cause.
3	Development approvals and permits expire as provided in	33	(d) Resubmitting Application
4	Sections Sec. 27-3500, Legislative Amendments, Master	34	(1) Generally
5	Plans, and Sectional Map Amendment Review Procedures	35	(A) Unless otherwise stated for a specific application
6	and Decision Standards, and Sec. 27-3600, Application-	36	type in Sections Sec. 27-3500, Legislative
7	Specific Review Procedures and Decision Standards, for	37	Amendments, Master Plans, and Sectional Map
8	each type of development approval or permit. If no	38	Amendment Review Procedures and Decision
9	expiration period is provided for the specific type of	39	Standards, and Sec. 27-3600, Application-
10	development approval or permit, and if no expiration	40	Specific Review Procedures and Decision
11	period is imposed as part of the approval by the decision-	41	Standards, no new application for the same
12	making body or official, the development approval or	42	development for which an application was
13	permit expires if a use and occupancy permit authorizing	43	denied under this Ordinance may be filed on the
14	the approved development is not obtained within two	44	same land until two years have elapsed after final
15	years after the effective date of approval.	45	action (including appellate review).
16	(2) Change in Ownership Does Not Affect Rights	46	(B) The owner of land that is the subject of a
17	A change in ownership of the land that is the subject of a	47	development application that was denied, or the
18	development approval or permit does not affect the	48	owner's authorized agent, may submit a written
19	established expiration time period for the development	49	request for waiver of the time limit established
20	approval or permit.	50	in Subsection 27-3418(d)(1)(A) above, along with
21	(3) Extension	51	a fee to defray the cost of processing the request,
22	Unless stated to the contrary in Sections Sec. 27-3500,	52	to the Planning Director, who shall transmit the
23	Legislative Amendments, Master Plans, and Sectional Map	53	request to the decision-making body. The
24	Amendment Review Procedures and Decision Standards,	54	decision-making body may grant a waiver of the
25	and Sec. 27-3600, Application-Specific Review Procedures	55	time limit only on a finding by at least two-thirds
26	and Decision Standards, a one-year extension of the	56	of its membership of one or more of the
27	expiration time period for a specific development approval	57	following:
28	or permit may be granted by the decision-making body or	58	(i) There is a substantial change in circumstances
29	person that granted the development approval or permit	59	relevant to the issues or facts considered during
30	upon the applicant's submission of a written request for	60	review of the application that might reasonably
		61	affect the application of the relevant review

1 standards to the development proposed in the
 2 application;
 3 (ii) New or additional information is available that
 4 was not available at the time of review that
 5 might reasonably affect the application of the
 6 relevant review standards to the development
 7 proposed in the application;
 8 (iii) The new application proposed to be submitted is
 9 not substantially the same as the prior
 10 application; or
 11 (iv) The final decision on the application was based
 12 on a material mistake of fact.

13 **27-3419. Examination and Copying of**
 14 **Application/Other Documents**

15 (a) Each development application (including all materials filed
 16 with the application) accepted as complete or processed
 17 in accordance with Section 27-3404(b)(2), and any
 18 Technical Staff Report prepared in accordance with
 19 Section 27-3406(c)(1), Technical Staff Report, shall be
 20 published on the Planning Board website.
 21 (b) At any time, upon reasonable request and during normal
 22 business hours, any person may examine a development
 23 application, a Technical Staff Report, and materials
 24 submitted for an application in the Planning Director's,
 25 DPIE Director's, BOA's, or Clerk of the Council's office, as
 26 appropriate. Any individual who personally appears at the
 27 office of the custodian of the materials may receive copies
 28 free of charge. Copies of such materials shall be made
 29 available at a reasonable cost if requested to be mailed.

**Sec. 27-3500 Legislative Amendments,
 Master Plans, and Sectional
 Map Amendment Review
 Procedures and Decision
 Standards**

35 This Section establishes, for the preparation of the General Plan, area
 36 master plans, sector plans, and functional master plans; Sectional
 37 Map Amendments; and Legislative Amendments; the specific review
 38 procedure and decision standards that apply, (See Section Sec. 27-
 39 3200, Summary Table of Development Review Responsibilities). The
 40 following sections identify, for each type of development application:

- 41 (1) A general overview of the type of legislative function;
- 42 (2) In what situations legislative approval is necessary;
- 43 (3) The standard procedures in Section Sec. 27-3400,
 44 Standard Review Procedures, that are required, and any
 45 applicable modifications of or additions to the standard
 46 procedures; and
- 47 (4) The standards for making a decision on the application.

27-3501 Legislative Amendment

(b) Form of Zoning Bills

50 All legislative amendments shall be introduced as bills. All zoning
 51 bills shall be identified as such in the heading of the bill. The
 52 enacting clause shall identify the District Council as the "County
 53 Council of Prince George's County, Maryland, sitting as the
 54 District Council."

(c) Rules of Procedure

(1) Where not otherwise provided by law, the Rules of Procedure for the Prince George’s County Council shall be applicable when the District Council acts on Zoning Ordinance legislative amendments to the local zoning laws. Zoning Ordinance legislative amendments shall not be governed by provisions of the Rules of Procedure establishing effective dates for other bills.

(2) An amendment of a proposed legislative amendment to the local zoning laws does not have to be re-advertised, and no additional public hearing has to be held, provided the amendment falls within the action possible by the District Council under the original advertisement of the subject matter of the zoning bill.

(d) Notice of Public Hearing

Before the County Council of Prince George's County, sitting as the District Council for that portion of the Maryland-Washington Regional District within Prince George's County, may adopt a legislative amendment to the local zoning laws for the County, the Council shall conduct a duly advertised public hearing on the proposed law or amendment. The Council shall provide public notice of the time and place of the public hearing in at least one (1) newspaper of general circulation in the Regional District within Prince George's County, i.e., within the designated newspapers of record for the County, at least fourteen (14) calendar days prior to the scheduled public hearing on a proposed Zoning bill.

(e) Referral to Planning Board

Proposed legislative amendments to the local zoning laws of the County shall be transmitted to the Planning Board by the Clerk of the Council and, thereafter, respective notice of the date,

time, and location of the public hearing scheduled as to the proposed Zoning bill. Within five (5) days of the date of referral, the Planning Board shall submit comments and a recommendation as to the proposed zoning legislation to the Clerk of the Council. The respective standing committee of the County Council shall not schedule a public work session on the proposed legislative amendment to the local zoning laws prior to the conclusion of the five-day referral period. If the Planning Board is not in session within the prescribed referral timeframe, then the Planning Director may submit a recommendation on the proposed zoning legislation on behalf of Planning Board. The failure by the Planning Board to submit comments on a pending legislative amendment to the local zoning laws shall constitute a Planning Board recommendation of approval. Comments received on referral as to proposed zoning legislation shall be posted online for public access by the respective standing committee of the Council.

(f) Adoption

The adoption of a legislative amendment to the local zoning laws of Prince George’s County shall be by majority of the full Council. Upon adoption, a copy of the adopted bill shall be transmitted to the Planning Board by the Clerk of the Council. The effective date of a legislative amendment to the local zoning laws may be the date of the enactment or a later date established in the legislation.

(g) Reconsideration

After the effective date of the bill, the District Council shall only reconsider a Zoning Ordinance amendment by introducing a new zoning bill.

1	27-3502. General Plan, Functional Master Plans,	29	
2	Area Master Plans, and Sector Plans	30	encourage public participation, and the timeframes for
3	(a) General	31	preparation and approval of the plan. Such timeframes
4	This Section establishes a uniform mechanism to adopt and	32	may be revised by the District Council by resolution.
5	amend the General Plan, Area Master Plans, Sector Plans, and	33	(A) The Resolution shall designate the area involved.
6	Functional Master Plans.	34	Sectional Map Amendments, if included, shall be
7	(b) Applicability	35	limited to planning areas (or combinations of planning
8	These plans shall be adopted or amended in accordance with the	36	areas), municipalities, those areas subject to an Area
9	procedures and standards of this Subsection. An Area Master	37	Master Plan or Sector Plan, or areas subject to an
10	Plan or Sector Plan may include a sectional map amendment for	38	Urban Renewal Plan adopted by the County, or
11	concurrent review (see Section 27-3503, Sectional Map	39	adopted by a municipality and reviewed by the
12	Amendment (SMA)).	40	Planning Board.
13	(c) Procedure	41	(B) The Resolution and any descriptive data shall be
14	Initiation	42	available for public inspection at the office of the
15	(1) A General Plan, Area Master Plan, Sector plan, or	43	Planning Board.
16	Functional Master Plan, or an amendment to an	44	(C) The Resolution shall be advertised in the County
17	AreaMaster Plan, Sector Plan, or Functional Master	45	newspaper of record for at least two (2) successive
18	Plan, shall only be initiated by:	46	weeks after its adoption.
19	(A) The District Council, by directing the Planning	47	(3) In the case of amendment, the Council's authorization
20	Board to initiate the process to adopt or amend a	48	or Resolution shall specify the area of the plan to be
21	comprehensive plan, by resolution; or	49	covered.
22	(B) The Planning Board, with the written	50	(d) Preparation
23	authorization of the District Council, by resolution.	51	(1) In preparing the General Plan, Area Master Plan, Sector
24	(2) The District Council Resolution initiating a General Plan,	52	Plan, or Functional Master Plan, or an amendment to an
25	Area Master Plan, Sector Plan, or Functional Master	53	Area Master Plan, Sector Plan, or Functional Master
26	Pplan, or an amendment to an Area Master Plan, Sector	54	Plan, (hereinafter preliminary plan), and potential
27	Plan, or Functional Master Plan, shall include approved	55	concurrent sectional map amendment (with either an
28	concepts, goals, guidelines, and a public participation to	56	Area Master Plan or Sector Plan only), if appropriate, the
		57	Planning Director shall coordinate efforts with
		58	appropriate Federal, State, and County agencies.
		59	(2) After completion of the preliminary plan, the Planning
			Director shall forward the plan, and sectional map

1 amendment, if included, to the Planning Board for its 33
2 review. The plan, and amendment, if included, shall be 34
3 made available for public review and copying in the 35
4 office of the Planning Director, and placed on the M- 36
5 NCPPC website. 37
6 **(3)** A copy of the preliminary plan, and proposed sectional 38
7 map amendment, if included, shall be transmitted to the 39
8 County Executive and each municipality whose 40
9 territorial boundaries are within or are located within 41
10 one mile of that area. The County Executive and the 42
11 municipalities shall be advised to refer their comments 43
12 on the preliminary plan, and sectional map amendment, 44
13 if included, to the Planning Board at the scheduled 45
14 public hearing(s). Each municipality shall have 60 days 46
15 to provide its recommendation on any proposed 47
16 rezoning for property within its corporate boundary. 48
17 The failure of the County Executive to submit comments 49
18 or a recommendation prior to the close of the public 50
19 hearing record shall be presumed to indicate no 51
20 objection. 52
21 **(4)** The Planning Board shall grant permission to print 53
22 the preliminary plan not more than eight (8) months 54
23 after the District Council directs its preparation. 55
24 **(e) Scheduling Public Hearing and Public Notice** 56
25 Required (see Section 27-3407, Scheduling of Hearings and 57
26 Public Notice). 58
27 **(1)** The District Council and the Planning Board shall 59
28 conduct at least one joint public hearing on the 60
29 published preliminary plan and, if included, the 61
30 proposed sectional map amendment (with either an 62
31 Area Master Plan or Sector Plan only), after a minimum
32 of 30 days notice by publication in a newspaper of

general circulation in the County and on the County’s website.

(2) The Planning Board shall provide notice of the hearing(s) on the published preliminary plan, and proposed sectional map amendment, if included, in accordance with Section 27-3407, Scheduling of Hearings and Public Notice, except:

(A) The published notice shall also state:

(i) The subject matter of the hearing;

(aa) The procedures to be followed during the hearing;

(bb) The Affidavit and *Ex Parte* Disclosure requirements, and location of compliance forms, required by State law and the County Code; and

(cc) The period of time during which the hearing record will remain open following the joint public hearing shall not be less than 15 days.

(ii) The mailed notice shall also include:

(aa) An invitation to comment on the plan; and

(bb) A statement advising that either concurrently or after approval of an Area Master Plan or Sector Plan by the District Council, a sectional map amendment for the area could result in a rezoning of land which could affect property values and property taxes.

(iii) The mailed notice shall be for informational purposes only, and failure of the Planning Board to send, or the landowner to receive, the notice

1	shall not invalidate the adoption or approval of	33	(with either an Area Master Plan or Sector Plan only),
2	the preliminary plan, or sectional map	34	the Planning Board shall make a recommendation on
3	amendment, if included.	35	the sectional map amendment in accordance with
		36	Section 27-3503(b)(4), Review and Recommendation by
4	(f) Review and Recommendation by Planning Board	37	Planning Board. The Planning Board’s recommendation
		38	on the sectional map amendment shall be by resolution.
5	(1) The Planning Board shall hold public hearing(s) on the	39	(5) Before the adoption of the preliminary plan, the
6	preliminary plan, and proposed sectional map	40	Planning Board shall also submit its proposals for public
7	amendment, if included. At least one public hearing	41	facilities included in the plan to the District Council, the
8	shall be a joint hearing with the District Council on the	42	County Executive, and each municipality whose
9	preliminary plan and proposed sectional map	43	territorial boundaries are within or abut the area
10	amendment, if included, as required by Section 27-	44	affected by the plan for review and comment.
11	3502(e)(1), above.		
12	(2) The testimony received at the public hearing(s) shall be	45	(A) The purpose of this public facilities referral is to
13	made a part of the record. Exhibits introduced at any	46	identify inconsistencies between the preliminary
14	time prior to the close of the record shall be identified	47	plan and any existing or proposed State or
15	sequentially and maintained as part of the record. The	48	County facilities.
16	hearing record shall remain open for at least fifteen (15)	49	(B) Such proposals for public facilities shall include,
17	days following the hearing.	50	but not be limited to, roads, highways, parks and
		51	recreation facilities, or other public facilities.
18	(3) The Planning Board may permit the inclusion of	52	(C) The County Executive and District Council shall
19	additional evidence in the record, upon motion and	53	have sixty (60) days from the date of the referral
20	majority vote of the members present at any meeting or	54	to review the public facilities proposals, provide
21	work session on the plan. New evidence permitted to	55	written comments, and identify any
22	be presented orally at any meeting or work session shall	56	inconsistencies between the public facilities
23	not be considered as a part of the record unless	57	proposed in the adopted plan and any existing or
24	summarized in writing by the speaker and submitted for	58	proposed State or County facilities.
25	the record within the period of time specified by the		
26	Planning Board.	59	(D) In the event that any inconsistencies are
27	(4) Within three (3) months of the Joint Public Hearing, the	60	revealed, the District Council shall direct the
28	Planning Board may either adopt the preliminary plan or	61	Planning Board on how the inconsistencies shall
29	adopt the preliminary plan with amendments, remand	62	be eliminated or accommodated within the
30	the preliminary plan back to the Planning Director for	63	proposed plan prior to adoption by the Planning
31	further evaluation, or disapprove the preliminary plan.	64	Board.
32	If a sectional map amendment is also being considered		

- 1 sequentially and maintained as part of the record. The 33
 2 period of time during which the hearing record will 34
 3 remain open following the joint public hearing shall not 35
 4 be less than fifteen (15) days. 36
- 5 **(6)** The District Council may permit the inclusion of 37
 6 additional evidence in the record, upon motion and 38
 7 majority vote of the members present at any meeting or 39
 8 work session on the plan. New evidence permitted to 40
 9 be presented orally at any meeting or work session 41
 10 should be summarized in writing by the speaker and 42
 11 submitted for the record within the period of time 43
 12 specified by the Council. 44
- 13 **(7)** Within ninety (90) days following the final joint public 45
 14 hearing, the District Council, in accordance with Section 46
 15 27-3502(g)(11), and, if a sectional map amendment is 47
 16 included, Section 27-3503(b)(5), Sectional Map 48
 17 Amendment Decision Standards, shall: 49
- 18 **(A)** Approve the adopted plan, and the endorsed 50
 19 sectional map amendment, if included, as 51
 20 submitted by the Planning Board; 52
- 21 **(B)** Approve the adopted plan with changes, 53
 22 revisions or amendments based upon the record, 54
 23 and the endorsed sectional map amendment 55
 24 (with either an Area Master Plan or Sector Plan), 56
 25 if included, with changes, revisions or 57
 26 amendments (this shall not require re-adoption 58
 27 by the Planning Board); 59
- 28 **(C)** Remand the adopted plan and the endorsed 60
 29 sectional map amendment (with either an Area 61
 30 Master Plan or Sector Plan only), if included, back 62
 31 to the Planning Board, with specific direction for 63
 32 issues they should consider; or 64
- (D)** Disapprove the adopted plan, and the sectional 33
 map amendment (with either an Area Master 34
 Plan or Sector Plan only), if included. 35
- (8)** Approval of the adopted plan, and sectional map 36
 amendment (with either an Area Master Plan or Sector 37
 Plan only), if included, shall be by a majority of the full 38
 District Council, and shall be by resolution. 39
- (9)** If a concurrent sectional map amendment is included, a 40
 two-thirds majority vote of the full Council shall be 41
 required to approve any portion of the sectional map 42
 amendment that is contrary to the recommendation of 43
 a municipality concerning land within its boundaries. If 44
 the Council fails to obtain this two-thirds majority vote, 45
 the land may be rezoned to any alternate zone 46
 classification recommended by the municipality (in 47
 writing), provided that: 48
- (A)** The zone classification is consistent with an 49
 adopted and approved master plan or endorsed 50
 sector plan; or 51
- (B)** The zone classification is the same as the one 52
 existing on the land prior to the endorsed 53
 sectional map amendment. 54
- (10)** Failure of the District Council to take action on the 55
 adopted plan, and endorsed sectional map amendment 56
 (with either an Area Master Plan or Sector Plan only), if 57
 included, within the time periods established in the 58
 initiation resolution (as revised may be by subsequent 59
 resolutions) constitute denial of the adopted plan, and 60
 endorsed sectional map amendment, if included. 61
- (11)** A General Plan, Area Master Plan, sector plan, or 62
 Functional Master Plan should conform to the 63
 principles of orderly, comprehensive land use planning 64

1 and staged development. The advisability of approving 31
2 a General Plan, Area Master Plan, Sector Plan, or 32
3 Functional Master Plan, or minor plan amendment, is a 33
4 matter committed to the legislative discretion of the 34
5 District Council and is not controlled by any one factor. 35
6 Prior to the approval of a General Plan, Area Master 36
7 Plan, Sector Plan, or Functional Master plan, the District 37
8 Council shall consider all factors relevant to protecting 38
9 the health, safety, and welfare of the citizens of the 39
10 County. 40
11 **(h) Post-Decision Actions** 41
12 **(1) Final Adoption** 42
13 After approval of a General Plan, Area Master Plan or 43
14 Sector Plan, or Functional Master Plan by the District 44
15 Council, the full Commission of the M-NCPPC shall take 45
16 action to adopt the plan, and if a concurrent sectional 46
17 map amendment is included, certify the zoning map. 47
18 **(2) Publication and Filing** 48
19 After the Commission’s final adoption and approval of 49
20 the approved plan, the Commission shall publish the 50
21 approved plan and make it available to the public. In 51
22 addition, an attested copy of every approved plan or 52
23 sectional map amendment, if adopted, shall be 53
24 certified by the Planning Board and filed with the Clerk 54
25 of the Circuit Court for Prince George's County. 55
26 **(3) Amendments** 56
27 An amendment of a comprehensive plan that exceeds 57
28 the parameters of Section 27-3502(h)(3) above may 58
29 only be reviewed in accordance with the procedures 59
30 and standards established for its original approval. 60

(4) Evaluate Whether to Amend Area Master Plans or Sector Plans

At least every six (6) years, the District Council shall evaluate, in accordance with State law, whether approved Area Master Plans or Sector Plans should or should not be amended, and provide the reasons for the decision in writing.

(5) Review and Evaluate General Plan

The General Plan shall be reviewed and evaluated within two (2) years of the completion of each decennial census.

(i) Minor Plan Amendment

(1) Minor amendments of an Area Master Plan or Sector Plan, or Functional Master Plan may be initiated by the District Council upon adoption of a written resolution, or by the Planning Board with District Council approval by written resolution. At the time of initiation of a minor amendment process, a joint public hearing date shall be scheduled to occur within sixty (60) days. The same requirements in Section 27-3407, Scheduling of Hearings and Public Notice, that applied to the review and adoption of the plan shall apply to a minor amendment of the plan.

(2) A minor plan amendment may be utilized to advance defined public objectives, and shall be limited to:

- (A)** A geographic area which is not more than fifty (50) percent of the applicable plan area, and not limited to a single parcel of land or landowner;
- (B)** Specific issues regarding public planning objectives; or

1	the issuance of an Air Installation Compatibility Use Zone	28
2	Study, as amended from time to time, by the Department	29
3	of Defense.	30
4	(4) Prohibited Rezoning Via Sectional Map	31
5	Amendments	32
6	A map amendment to the following zones shall not be	33
7	established through a sectional map amendment:	34
8	(A) The NCO Zone;	35
9	(B) The CBCAO Zone;	36
10	(C) The APAO Zone;	37
11	(D) A PD zone;	38
12	(E) The RMH, LCD, LMXC, and LMUTC zones;	39
13	(F) If the land subject to the proposed amendment	40
14	is wholly or partially within the Safety Zones of	41
15	the MIO Zone, the following zones:	42
16	(i) Any Transit-Oriented/Activity Center base zone;	43
17	(ii) The RMF-12, RMF-20, RMF-48, CGO, CN, or CS	44
18	zones; or	45
19	(iii) A more-intense residential zone than the current	46
20	residential zone on the property.	47
21	(G) If land is classified in a Rural and Agricultural or	48
22	Residential zone, a more intense Rural and	49
23	Agricultural or Residential zone; or	50
24	(H) The ROS Zone, if the land subject to the proposed	51
25	amendment is not publicly-owned, unless the	52
26	landowner has requested or consented, in	53
27	writing, to the amendment.	54
		55
		56
		57
		58
		59

(5) Limitation on Zoning

No property may be zoned to a less intense category (see Section 27-4102(b)) if:

- (A)** The property has been zoned by zoning map amendment within five (5) years prior to the initiation of the sectional map amendment or during the period between initiation and transmittal to the District Council, and the property owner has not consented (in writing) to the zoning; or
- (B)** Based on existing physical development at the time of adoption of the sectional map amendment, the zoning would create a nonconforming use. This zoning may be approved, however, if there is a significant public benefit to be served by the zoning based on facts peculiar to the subject property and the immediate neighborhood. In recommending the zoning, the Planning Board shall identify these properties and provide written justification supporting the zoning at the time of transmittal. The failure of either the Planning Board or property owner to identify these properties, or a failure of the Planning Board to provide the written justification, shall not invalidate any District Council action in the approval of the sectional map amendment.

(b) Sectional Map Amendment Procedure

This Subsection identifies additions or modifications to the standard review procedures in Section Sec. 27-3400, Standard Review Procedures, that apply to development applications for a sectional map amendment.

1	(1) Initiation	32	Functional Master Plans, Area Master Plans, and Sector Plans.
2	(A) A sectional map amendment is only initiated by	33	(4) Review and Recommendation by Planning Board
3	resolution of the District Council authorizing and	34	Required (see Section 27-3408, Review and
4	directing the Planning Director to prepare a	35	Recommendation by Advisory Board or Official), except:
5	proposed amendment.	36	(A) If the proposed sectional map amendment is
6	(B) Within thirty (30) days after the initiation	37	prepared and reviewed concurrently with an
7	resolution has been adopted, any person may	38	Area Master Plan or Sector Plan, the Planning
8	request that specific zones (except those	39	Board shall hold a joint public hearing with the
9	prohibited in Section 27-3503(a)(4), Prohibited	40	District Council in accordance with Section 27-
10	Rezoning Via Sectional Map Amendments) be	41	3502, General Plan, Functional Master Plans,
11	considered for specific lands during the sectional	42	Area Master Plans, and Sector Plans, in-lieu of a
12	map amendment process.	43	separate public hearing.
13	(i) The requests shall be made on forms provided by	44	(B) Within forty-five (45) days of the date of the joint
14	the Planning Board and shall be available for	45	public hearing, the Planning Board shall make a
15	general public review.	46	recommendation on the proposed sectional map
16	(ii) Each request shall be accompanied by a	47	amendment in accordance with Section 27-
17	statement describing how the proposed zoning	48	3503(b)(5), Sectional Map Amendment Decision
18	change complies with the General Plan, the	49	Standards. The Planning Board's
19	applicable Area Master Plan or Sector Plan, or	50	recommendation shall be by resolution. If the
20	any adopted County staging policy or economic	51	Planning Board recommends changes to the
21	development program.	52	underlying zone of property within the Safety
22	(2) Preparation	53	Zones of the MIO Zone, whether or not the
23	The Planning Director shall prepare the proposed sectional	54	recommended change is based on public
24	map amendment for review in accordance with this	55	testimony, a statement of justification shall be
25	Section.	56	included describing how the proposed
26	(3) Scheduling Public Hearing and Public Notice	57	reclassification complies with the purposes of
27	Required (see Section 27-3407, Scheduling of Hearings and	58	the MIO Zone, reflects the latest Air Installation
28	Public Notice). In addition, if a sectional map amendment is	59	Compatibility Use Zone Study, as amended from
29	considered concurrently with an Area Master Plan or Sector	60	time to time by the Department of Defense, and
30	Plan, scheduling of public hearing(s) and public notice shall	61	is consistent with the applicable Area Master
31	be in accordance with Section 27-3502, General Plan,	62	Plan or Sector Plan.
32		63	

1	(C)	Within thirty (30) days of the adoption of the	33	installed by the permittee, and site grading
2		resolution, the Planning Board shall transmit the	34	activities have been initiated by the permittee.
3		endorsed sectional map amendment to the	35	(iii) The Zoning Hearing Examiner shall postpone
4		District Council, to each municipality located	36	processing pending zoning map amendment
5		either within the area of the endorsed sectional	37	(ZMA) applications within the area of the
6		map amendment or within one mile of that area,	38	proposed sectional map amendment until after
7		and to any governed special taxing district within	39	final sectional map amendment action by the
8		the area of the endorsed sectional map	40	District Council, and applications pending before
9		amendment.	41	the District Council in the area covered by the
10	(D)	Upon transmittal of an endorsed sectional map	42	proposed sectional map shall be remanded to
11		amendment to the District Council:	43	and held by the Examiner.
12	(i)	The Planning Board shall postpone accepting or	44	(5) Sectional Map Amendment Decision Standards
13		processing any zoning map amendment (ZMA)	45	(A) Sectional map amendments conform to the
14		applications within the area of the endorsed	46	principles of orderly, comprehensive land use
15		sectional map amendment until after final action	47	planning and staged development, and shall be
16		by the District Council on the endorsed sectional	48	based on the General Plan and applicable Area
17		map amendment.	49	Master Plans, Sector Plans, and Functional
18	(ii)	The Clerk of the Council shall notify the DPIE	50	Master Plans. The advisability of a sectional map
19		Director and Zoning Hearing Examiner of the	51	amendment is a matter committed to the
20		transmittal. DPIE shall postpone the processing	52	legislative discretion of the District Council and is
21		and issuance of building permits for land within	53	not controlled by any one factor. Prior to the
22		the area of the endorsed sectional map	54	approval of a sectional map amendment, the
23		amendment until after final action by the District	55	District Council shall consider the following:
24		Council on the sectional map amendment, if the	56	(i) The consistency of the proposed amendment
25		lot or parcel of land on which construction is	57	with any applicable master plans or sector plans;
26		proposed is in a nonresidential zone, was	58	(ii) The character of the area under review;
27		proposed by the Planning Board for a zone in	59	(iii) The suitability of particular uses;
28		which the proposed use is not permitted, and is	60	(iv) The protection of natural features in the area;
29		undeveloped. This Subsection shall not apply to	61	(v) The conservation of the value of buildings and
30		a lot or parcel of land for which a grading permit	62	communities;
31		has been issued by Prince George's County,		
32		sediment and erosion control devices have been		

1	(vi) The most appropriate use of land throughout the	31	
2	County;	32	
3	(vii) Any adopted current staging policy, or Capital	33	
4	Improvement or Economic Development	34	
5	Program;	35	
6	(viii) The environmental and economic impact upon	36	
7	both the area under review and the entire	37	
8	County;	38	
9	(ix) The protection of the health, safety, and general	39	
10	welfare of the citizens of the County; and	40	
11	(x) For land wholly or partially within, or proposed	41	
12	to be wholly or partially included within the MIO	42	
13	Zone:	43	
14	(aa) The changes to the Air Installation	44	
15	Compatible Use Zone Study that	45	
16	necessitates the map amendment; and	46	
17	(bb) The purposes of the MIO Zone.	47	
18	(B) In addition, for an amendment of the MIO Zone,	48	
19	the Impact Maps identifying the Height, Safety,	49	
20	and High Noise Zones shall reflect those in the	50	
21	most current Air Installation Compatible Use	51	
22	Zone Study (AICUZ), as amended from time to	52	
23	time.	53	
24	(6) Review and Decision by District Council	54	
25	Required (see Section 27-3409, Review and Decision by	55	
26	Decision-Making Body or Official), except the following	56	
27	procedures shall apply:	57	
28	(A) If the proposed sectional map amendment is	58	
29	prepared and reviewed concurrently with an	59	
30	Area Master Plan or Sector Plan, the District	60	
		61	
		62	

Council shall review and make a decision on the endorsed sectional map amendment in accordance with Section 27-3502, General Plan, Functional Master Plans, Area Master Plans, and Sector Plans, and Section 27-3503(b)(5), Sectional Map Amendment Decision Standards. Otherwise, within sixty (60) days following receipt of the Planning Board’s recommendation on the endorsed sectional map amendment, the District Council shall, by ordinance, and in accordance with Section 27-3503(b)(5), Sectional Map Amendment Decision Standards:

- (i)** Approve the sectional map amendment as submitted by the Planning Board;
 - (ii)** Approve the sectional map amendment, with amendments; or
 - (iii)** Disapprove the sectional map amendment.
- (B)** The District Council may approve the endorsed sectional map amendment with amendments that are not based on the record before the Planning Board, provided:
- (i)** The District Council's proposed amendments shall be referred to the Planning Board for the Board's written comments. The comments, if any, shall be submitted to the Council prior to the Council's action on the sectional map amendment.
 - (ii)** The District Council and Planning Board shall hold an additional joint public hearing, prior to approving the endorsed sectional map amendment. Notice of the hearing shall be given by the Clerk of the Council in the County

1	newspapers of record at least fifteen (15)	32
2	calendar days prior to the scheduled hearing.	33
3	Amendments proposed only to retain the	34
4	existing zone of land may be approved by the	35
5	Council without holding an additional public	36
6	hearing.	
7	(C) A two-thirds majority vote of the full Council	37
8	shall be required to approve any portion of the	38
9	amendment that is contrary to the	39
10	recommendation of a municipality concerning	40
11	land within its boundaries or a governed special	41
12	taxing district concerning land within its district.	42
13	If the Council fails to obtain this two-thirds	43
14	majority vote, the land may be rezoned to any	44
15	alternate zone recommended by the	45
16	municipality (in writing) if:	46
17	(i) The zone is consistent with the adopted and	47
18	approved master plan or sector plan; or	48
19	(ii) The zone is the same as the one existing on the	49
20	land prior to the sectional map amendment.	50
21	(D) Failure of the District Council to take action on an	51
22	endorsed sectional map amendment within the	52
23	time periods established in this Subsection shall	53
24	constitute denial of the endorsed sectional map	54
25	amendment.	55
26	(7) Post-Decision Actions	56
27	(A) Effect of Approval	57
28	The approval of a sectional map amendment shall	58
29	repeal and readopt with amendments that portion of	59
30	the Official Zoning Map encompassed by the sectional	60
31	map amendment.	61

(B) Designation on Official Zoning Map

If a sectional map amendment is adopted by the District Council, the Planning Director shall place the amendment on the Official Zoning Map within a reasonable period of time after its adoption.

(C) Resubmittal and Reconsideration

(i) Where a sectional map amendment is found by a court of competent jurisdiction to be invalid because of procedural defects in the advertising, processing, or approval, the District Council may (on its own motion) reconsider the sectional map amendment. The Council may then reapprove the sectional map amendment (including amendments) in accordance with the procedures which apply to the original approval.

(ii) Upon resubmission, the records of the previous hearings on the sectional map amendment shall be incorporated into the record of the new hearing.

(D) Revising the Sectional Map Amendment

(i) In General

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 District 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. The District Council shall not change its decision

1	unless additional information has been	32		
2	submitted to substantiate such action.	33		
3	(ii) Petition for Revision	34		
4	(aa) A written petition may be filed with the	35		
5	District Council by the Planning Board, the	36		
6	District Council itself, or any person who	37		
7	claims to have been aggrieved by the action	38		
8	of the District Council. The petition shall	39		(bb) Evidence of fraud on behalf of the District
9	include a map or survey plat which clearly	40		Council.
10	identifies the property at issue.	41		(iv) Principal Counsel Review
11	(bb) The petition must be filed with the Clerk of	42		(aa) After receiving the petition, the Clerk of the
12	the Council within thirty (30) days after the	43		Council shall transmit the petition to the
13	date of the final action on the sectional map	44		Principal Counsel to the District Council (or
14	amendment.	45		an authorized representative) for a legal
15	(cc) The petition shall set forth the specific facts	46		opinion on the question of fraud or mistake.
16	on which the petition is based, and the	47		(bb) The Principal Counsel to the District Council
17	name and address of the owner of any	48		(or an authorized representative) shall,
18	specific property described in the petition.	49		within thirty (30) days after the close of the
19	(iii) Criteria for Revision	50		filing period, advise the Council on whether
20	The District Council may only consider revising	51		there is a reasonable basis for reviewing the
21	the sectional map amendment for property that	52		sectional map amendment because of fraud
22	was reclassified to a zoning category other than	53		or mistake.
23	that which existed prior to the approval of the	54		(v) Council Procedures
24	sectional map amendment. Such consideration	55		(aa) If the Principal Counsel to the District
25	shall be based on the following criteria:	56		Council (or an authorized representative)
26	(aa) A factual error, which could not have been	57		advises that there is a reasonable basis to
27	corrected by the property owner, was	58		consider a revision, the Council may (by a
28	contained in the record of the sectional map	59		majority vote of the full Council) set the
29	amendment proceedings which may have	60		matter for public hearing on whether or not
30	caused an erroneous description of a	61		to adopt a revisory Ordinance or Resolution
31	specific property, and which is sufficient to	62		with respect to the sectional map
				amendment. If the Principal Counsel to the

1	District Council (or an authorized	34	original record because of fraud or mistake.
2	representative) advises that there is no	35	Other than evidence regarding a factual
3	reasonable basis to consider a revision, the	36	error, the District Council shall not consider
4	District Council shall order a denial of the	37	evidence which was discovered, or came
5	petition.	38	into existence after the adoption of the
6	(bb) Prior to the adoption of a revisory	39	sectional map amendment.
7	Ordinance or Resolution, a public hearing	40	(ff) If the revisory Ordinance or Resolution
8	shall be held on the matter. The hearing	41	changes the zoning classification of a
9	shall be scheduled to take place within sixty	42	property, it shall affect only the property set
10	(60) days following review by the Principal	43	forth in the Ordinance or Resolution. Any
11	Counsel to the District Council (or an	44	subsequent rights of appeal shall be limited
12	authorized representative).	45	to that property and no others within the
13	(cc) The hearing shall be advertised at least once	46	area of the sectional map amendment.
14	a week for two (2) successive weeks in the	47	(gg) The failure of the District Council to revise a
15	County newspapers of record. The notice	48	sectional map amendment under this
16	shall set forth the date, time, place, and	49	Section shall not prejudice any subsequent
17	purpose of the hearing, and shall contain a	50	zoning map amendment application
18	copy of the Ordinance or Resolution, or a	51	considered.
19	brief summary of it.	52	(hh) The District Council shall not consider a
20	(dd) A copy of the public hearing notice shall be	53	petition for revision on any property which
21	sent by first class mail to all persons of	54	is the subject of an appeal to the Circuit
22	record in the sectional map amendment	55	Court from the action on the sectional map
23	proceedings who are within the subject	56	amendment (provided the property is
24	neighborhood as defined by Technical Staff,	57	specifically identified in the appeal).
25	to the property owner, to the petitioner,	58	(ii) All hearings on revisory petitions shall be
26	and to any municipality located within one	59	held on a single date, or, where necessary,
27	mile of the subject property, at least	60	on consecutive working days until all
28	fourteen (14) days prior to the date of the	61	hearings have been held.
29	hearing.	62	(jj) The District Council shall issue its decision
30	(ee) The testimony at the hearing shall be	63	on all revisory petitions within five (5)
31	limited to testimony on the contents of the	64	months after the date of adoption of the
32	record; evidence of fraud; and evidence	65	sectional map amendment. A revisory
33	which may have been omitted from the		

1 petition not finally acted upon within this 29
2 time period shall be considered denied. 30

3 **Sec. 27-3600 Application-Specific Review**
4 **Procedures and Decision**
5 **Standards**

6 This Section establishes, for each type of application reviewed for a
7 development approval or permit under this Ordinance, the specific
8 review procedure and decision standards that apply, in accordance
9 with Section 27-3200, Summary Table of Development Review
10 Responsibilities. The following sections identify, for each type of
11 development application:

- 12 (1) A general overview of the type of development approval
13 or permit; 42
14 (2) In what situations application approval is necessary; 43
15 (3) The standard procedures in Section 27-3400, Standard 44
16 Review Procedures, that are required, and any 45
17 applicable modifications of or additions to the standard 46
18 procedures; and 47
19 (4) The standards for making a decision on the application. 48

20 **27-3601 Zoning Map Amendment (ZMA)**

21 **(b) General**

22 This Section establishes a uniform mechanism to amend the
23 Official Zoning Map to reclassify an area to a base or overlay
24 zone (only an applicant-initiated request to reclassify property
25 to the CBCAO Zone may follow this procedure. Any other
26 amendment to the CBCAO Zone is processed in accordance with
27 Section 27-3603, Chesapeake Bay Critical Area Overlay (CBCAO)
28 Zoning Map Amendment). 56

(c) Applicability

The procedures and standards of this Subsection apply to any
amendment to the Official Zoning Map that involves a specific
parcel of land (commonly known as a "rezoning").

- (1) Under no circumstance shall a zoning map amendment
be approved to reclassify lands wholly or partially within
the Safety Zones of the MIO Zone into the following
zones: any Transit-Oriented/Activity Center base zone,
any planned development (PD) zone, or the RMF-12,
RMF-20, RMF-48, IM, CGO, CN, or CS zones.
(2) Under no circumstance shall a zoning map amendment
be approved to reclassify lands to any of the following
zones: RMH, LCD, LMXT, or LMUTC.

(d) Zoning Map Amendment Submittal Requirements

- (1) The zoning map amendment application shall be
submitted to the Planning Director by the owner of the
property or his authorized representative.
(2) Zoning map amendment plats and site plans shall be
prepared by a licensed professional engineer, architect,
landscape architect, or land use planner.
(3) Upon filing the application, the applicant shall pay to the
Planning Board a fee to help defray the costs related to
processing the application.
(4) If more than 1 drawing is used, all drawings shall be at
the same scale (where feasible).
(5) A zoning map amendment application shall include the
following:
(A) A signed application form, which shall include:

1	(i) The name, address, and telephone number of	33		
2	the applicant, and an indication of the	34		stock exchange), a statement containing the
3	applicant's status as contract purchaser, agent,	35		names and residential addresses of those
4	or owner;	36		individuals owning at least five percent (5%) of
5	(ii) The street address of the property, name of any	37		the shares of any class of corporate security
6	municipality the property is in, and name and	38	(B) Four copies of an accurate plat, prepared, signed,	(including stocks and serial maturity bonds);
7	number of the Election District the property is in;	39	and sealed by a registered engineer or land	
8	(iii) The name, address, and signature of each owner	40	surveyor, which shall show:	
9	of record of the property. Applications for	41	(i) The present configuration of the property,	including bearings and distances (in feet) and the
10	property owned by a corporation must be signed	42	total area of the property (in either acres or	square feet);
11	by those officers empowered to act for the	43	(ii) The property's lot and block number, subdivision	name, and plat book and page number, if any; or
12	corporation;	44	a description of its acreage, with reference to	liber and folio numbers;
13	(iv) The name, address, and telephone number of	45	(iii) The names and owners of record, or subdivision	lot and block numbers, of adjoining properties;
14	the correspondent;	46	(iv) The name, location, distance to the center line,	and right-of-way width of all abutting streets. If
15	(v) A statement listing the name, and the business	47	the property is not located at the intersection of	2 streets, the distance to, and the name of, the
16	and residential addresses, of all individuals	48	nearest intersecting street shall be indicated;	
17	having at least a five percent (5%) financial	49	(v) A north arrow and scale (no smaller than 1 inch	equals 400 feet);
18	interest in the property or the contract	50	(vi) The total area of the property (in either square	feet or acres);
19	purchaser(s);	51	(vii) The location of all existing buildings on the	property; and
20	(vi) If any owner or contract purchaser(s) is a	52	(viii) The subject property outlined in red.	
21	corporation, a statement listing the officers of	53		
22	the corporation, their business and residential	54		
23	addresses, and the date on which they assumed	55		
24	their respective offices. This statement shall also	56		
25	list the current Board of Directors, their business	57		
26	and residential addresses, and the dates of each	58		
27	Director's term. An owner that is a corporation	59		
28	listed on a national stock exchange shall be	60		
29	exempt from the requirement to provide	61		
30	residential addresses of its officers and directors;	62		
31	(vii) If the owner or contract purchaser(s) is a			
32	corporation (except one listed on a national			

- 1 (C) Four copies of the zoning map page on which the
- 2 property is located, plotted to scale and outlined
- 3 in red;
- 4 (D) A vicinity map;
- 5 (E) A zoning sketch map with the subject property
- 6 outlined in red;
- 7 (F) A copy of the applicant’s informational mailing
- 8 letter, list of addresses, and signed affidavit of
- 9 mailing;
- 10 (G) Any required State Ethics Commission affidavits;
- 11 (H) A statement of justification detailing the legal
- 12 basis by which the requested amendment can be
- 13 approved, and any factual reasons showing why
- 14 approval of the request will not be detrimental
- 15 to the public health, safety, and welfare; and
- 16 (I) Any other pertinent information deemed
- 17 necessary by the District Council, Zoning Hearing
- 18 Examiner, or Planning Board.

(e) Zoning Map Amendment (ZMA) Procedure

20 This Subsection identifies additions or modifications to the
 21 standard review procedures in Section Sec. 27-3400, Standard
 22 Review Procedures, that apply to development applications for
 23 a zoning map amendment (ZMA). Figure Sec. 27-3600(d)
 24 identifies key steps in the (ZMA) procedure.

25 **Figure Sec. 27-3600(d): Zoning Map Amendment (ZMA) Procedure**
 26 **(Illustrative)**



27
 28 **(1) Pre-Application Conference**
 29 See Section 27-3401, Pre-Application Conference, except
 30 for applications submitted by the District Council, the
 31 Planning Board, or the Planning Director.

1	(2) Pre-Application Neighborhood Meeting	30	
2	See Section 27-3402, Pre-Application Neighborhood	31	
3	Meeting, except for applications submitted by the District	32	
4	Council, the Planning Board, or the Planning Director.	33	For any property owner-initiated application for a zoning
5	(3) Application Submittal	34	map amendment involving the Chesapeake Bay Critical
6	See Section 27-3403, Application Submittal.	35	Area Overlay (CBCAO) Zone, the Planning Director shall, at
7	(A) In addition, an application may be submitted by	36	least 30 days before the first public hearing:
8	the District Council, the Planning Board, or the	37	
9	Planning Director.	38	(A) Transmit to the District Council the amendment
10	(B) No parcel of land shall be the subject of two	39	application, plans, maps, specifications,
11	separate applications for a zoning map	40	Technical Staff Report, and all other data,
12	amendment (ZMA) at the same time. If two or	41	materials, and record evidence (to date)
13	more separate parcels of land are included in one	42	pertaining to the amendment; and
14	application, they must be adjoining. For the	43	
15	purposes of this Subsection, "adjoining" means	44	(B) Transmit to the Critical Area Commission for the
16	those parcels of land which abut or are separated	45	Chesapeake and Atlantic Coastal Bays a copy of
17	only by a public right-of-way, stream bed, or the	46	the amendment application, and the conceptual
18	like.	47	conservation plan for their initial review and
19	(4) Determination of Completeness	48	comment.
20	See Section 27-3404, Determination of Completeness.	49	
21	(5) Staff Review and Action	50	(6) Scheduling Public Hearing and Public Notice
22	See Section 27-3406, Staff Review and Action. After staff	51	See Section 27-3407, Scheduling of Hearings and Public
23	review and evaluation of the application, the Planning	52	Notice.
24	Director shall prepare a Technical Staff Report, which shall	53	
25	include a recommendation on the application. The	54	(7) Review and Recommendation by Advisory Board
26	Technical Staff Report shall be submitted and filed with the	55	or Official
27	ZHE at least 30 days before the scheduled hearing before	56	See Section 27-3408, Review and Recommendation by
28	the Planning Board or ZHE, whichever occurs first, or the	57	Advisory Board or Official.
29	matter shall be continued.	58	
		59	(A) The Planning Board shall decide whether it will
		60	hold a hearing on the application within 15 days
			after receipt of the Technical Staff Report, or at
			its first meeting after the release of the report if
			no meeting has occurred within the 15 days.
			(B) If the Planning Board decides not to conduct a
			hearing, the recommendation in the Technical
			Staff Report constitutes the Planning Board's
			recommendation, and the Planning Board shall
			transmit its decision to the ZHE.

1 **(C)** If the Planning Board decides to hear the matter, 34
 2 it shall set a hearing date which shall be at least 35
 3 30 days after its decision to hear the matter. 36
 4 **(i)** Prior to or at the Planning Board's hearing, the 37
 5 applicant and any other person may submit 38
 6 written responses to the Technical Staff Report, 39
 7 together with any supporting material. The 40
 8 responses shall become a part of the record that 41
 9 will be forwarded to the ZHE. 42
 10 **(ii)** At the hearing, the Planning Board shall, 43
 11 following their Rules of Procedure, consider the 44
 12 application, relevant support materials, the 45
 13 Technical Staff Report, applicant comments, and 46
 14 any public comments, and make a 47
 15 recommendation containing specific findings of 48
 16 basic facts and conclusions of law, by resolution, 49
 17 on the application in accordance with Section 50
 18 Sec. 27-3600(f), Zoning Map Amendment (ZMA) 51
 19 Decision Standards. The Planning Board shall 52
 20 transmit its resolution with recommendation to 53
 21 the ZHE. 54
 22 **(D)** After receipt of the Planning Board's decision not 55
 23 to conduct a hearing on the application (and 56
 24 Technical Staff Report recommendation), or 57
 25 resolution with recommendations, and at least 58
 26 thirty (30) days after the ZHE receives the 59
 27 Technical Staff Report, the ZHE shall hear the 60
 28 application at a public hearing and make a 61
 29 recommendation. The ZHE shall issue its 62
 30 decision not more than 100 days after the date 63
 31 of its last hearing on the application. The ZHE 64
 32 shall, following the ZHE's Rules of Procedure, 65
 33 consider the original application, relevant

support materials, the Technical Staff Report, the Planning Board's resolution, the applicant's and any party of record's testimony and materials, and any public comments. At the conclusion of the hearing, the ZHE shall make a recommendation on the application in accordance with Section Sec. 27-3600(f), Zoning Map Amendment (ZMA) Decision Standards.

(E) After the hearing is concluded and the record is closed, the ZHE shall prepare and serve upon all persons of record a written decision containing specific findings of basic facts, conclusions of law, and a recommended decision.

(8) Review and Decision by Decision-Making Body or Official

See Section 27-3409, Review and Decision by Decision-Making Body or Official.

(A) After receipt of the ZHE's recommendation, the District Council shall conduct a public hearing on the application in accordance with Section 27-3412, and render a final decision in accordance with Section Sec. 27-3600(f), Zoning Map Amendment (ZMA) Decision Standards. The District Council shall adopt written findings of material facts and conclusions.

(B) The District Council may approve a less intense zone than that requested by the applicant for any part of the land subject to the application.

If the subject property is located within the boundaries of a municipality, a less intense zone may only be approved if there was testimony on

1 the less intense zone before the Zoning Hearing 32
 2 Examiner, and an opportunity given for the 33
 3 municipality to make a recommendation. If 34
 4 there was no testimony or opportunity, the 35
 5 application shall be remanded to the Zoning 36
 6 Hearing Examiner for this purpose. Upon 37
 7 remand, the Hearing Examiner shall notify all 38
 8 persons of record and any municipality in which 39
 9 the property is located. The Hearing Examiner 40
 10 shall conduct further hearings if the case 41
 11 warrants. 42

12 (C) A two-thirds majority vote of the full Council 43
 13 shall be required to approve any portion of the 44
 14 amendment that is contrary to the 45
 15 recommendation of a municipality concerning 46
 16 land within its boundaries, the recommendation 47
 17 of a governed special taxing district concerning 48
 18 land within its district, or a zoning map 49
 19 amendment that is contrary to an approved Area 50
 20 Master Plan or Sector Plan. 51

21 **(9) Conditions of Approval** 52

22 Allowed (see Section 27-3415, Conditions of Approval). 53

23 (A) The following conditions of approval are 54
 24 allowed: 55

25 (i) Conditions that may be necessary to protect 56
 26 surrounding properties from adverse effects that 57
 27 might accrue from the proposed zoning map 58
 28 amendment (ZMA); or 59

29 (ii) Conditions that would further enhance the 60
 30 coordinated, harmonious, and systematic 61
 31 development of the regional district.

- (B) If conditions of approval are imposed, the applicant has ninety (90) days from the date of District Council’s decision to approve the conditions as part of the rezoning, to accept or reject the rezoning as conditionally approved. The applicant shall accept or reject the conditions in writing, to the Council.
- (C) If the applicant accepts the conditions, the Council shall enter an order acknowledging the acceptance and adopt the zoning map amendment (ZMA) by ordinance, at which time the Council's action is final.
- (D) Failure of the applicant to advise the Council about acceptance of the conditions is considered a rejection of the conditions.
- (E) If the conditions are rejected, the zoning map amendment (ZMA) will be denied and voided, and the land subject to the application will maintain its prior zone classification. If this occurs, the Council shall enter an order acknowledging the rejection, voiding its previous decision, and stating the land maintains its prior zone classification. This order shall be the final decision on the application.
- (F) All amendments that are approved subject to conditions shall be shown on the Official Zoning Map with the letter "C" after the application number.

(10) Notification

See Section 27-3416, Notification.

1	(11) Post-Decision Actions	32	
2	(A) Designation on Official Zoning Map	33	
3	If a zoning map amendment (ZMA) is adopted by the	34	requirements, and the use or construction
4	District Council, the Planning Director shall place the	35	authorized by the special exception has not
5	amendment on the Official Zoning Map within a	36	commenced or has ceased, the special exception
6	reasonable period of time after its adoption.	37	shall terminate, and all provisions of the new
7	Designation of a zone on the Official Zoning Map shall	38	zone shall apply to the use and development of
8	note the ordinance approving the zone classification.	39	the property.
9	(B) Effect on Special Exceptions	40	
10	When any land upon which a special exception has	41	(iv) If, at the time of the rezoning, the approved use
11	been approved is reclassified to a zoning category	42	is permitted in the new zone without approval of
12	different from that category in which it was classified	43	a special exception, the special exception shall
13	at the time the special exception was approved, the	44	terminate, and all provisions of the new zone
14	following shall apply:	45	shall apply to further use and development of
15	(i) If, at the time of the rezoning, the approved use	46	the property.
16	requires the approval of a special exception in	47	
17	the new zone, and the specific special exception	48	(C) Resubmitting Application
18	requirements governing the use are the same in	49	If the District Council wholly or partly denies an
19	both zones, the special exception, as approved,	50	application for a zoning map amendment (ZMA), the
20	shall remain in full force and effect.	51	following limitations apply instead of those in Section
21	(ii) If, at the time of the rezoning, the approved use	52	27-3418(d):
22	is not permitted in the new zone, or requires	53	
23	approval of a special exception with different	54	(i) No new zoning map amendment application may
24	requirements, and the use or construction	55	be filed on the same land until two (2) years have
25	authorized by the special exception has	56	elapsed after final action (including appellate
26	commenced and has not ceased, the special	57	review) on a previous application. After two (2)
27	exception shall not terminate and the use may	58	applications on the same land have been acted
28	continue as a nonconforming use.	59	upon, four (4) years must elapse before another
29	(iii) If, at the time of the rezoning, the approved use	60	application on the same land may be filed. No
30	is not permitted in the new zone, or requires	61	land shall be the subject of two (2) applications
31	approval of a special exception with different	62	for map amendment at the same time.
			(f) Zoning Map Amendment (ZMA) Decision Standards
			In determining whether to adopt or disapprove a proposed
			zoning map amendment (ZMA), the District Council may
			consider many factors. No amendment to the CBCA-O Zone shall
			be granted without the applicant demonstrating conformance

1	with the decision standards in Section 27-3603(d), CBCAO	27		
2	Zoning Map Amendment Decision Standards. No other zoning	28		
3	map amendment shall be granted without the applicant	29		
4	demonstrating either:	30		
5	(1) There has been a substantial change in the character of	31		(3) Upon filing the application, the applicant shall pay to the
6	the neighborhood; or	32		Planning Board a fee to help defray the costs related to
7	(2) There was a mistake in the original zone for the land	33		processing the application.
8	subject to the amendment which has never been the	34		(4) If more than 1 drawing is used, all drawings shall be at
9	subject of an adopted sectional map amendment; or	35		the same scale (where feasible).
10	(3) There was a mistake in the current sectional map	36		(5) A PD map amendment application shall include the
11	amendment.	37		following:
12	(g) Appeal	38		(A) A signed application form, which shall include:
13	The applicant or any aggrieved person of record may appeal file	39		(i) The name, address, and telephone number of
14	an action for judicial review with the Circuit Court within thirty	40		the applicant, and an indication of the
15	(30) days of the decision.	41		applicant's status as contract purchaser, agent,
16	(1)	42		or owner;
17	27-3602. Planned Development (PD) Map	43		(ii) The street address of the property, name of any
18	Amendment	44		municipality the property is in, and name and
19	(a) Planned Development (PD) Amendment Submittal	45		number of the Election District the property is in;
20	Requirements	46		(iii) The name, address, and signature of each owner
21	(1) The PD map amendment application shall be submitted	47		of record of the property. Applications for
22	to the Planning Director by the owner of the property or	48		property owned by a corporation must be signed
23	his authorized representative.	49		by those officers empowered to act for the
24	(2) PD map amendment plats and site plans shall be	50		corporation;
25	prepared by a licensed professional engineer, architect,	51		(iv) The name, address, and telephone number of
26	landscape architect, or land use planner.	52		the correspondent;
		53		(v) A statement listing the name, and the business
		54		and residential addresses, of all individuals
		55		having at least a five percent (5%) financial
		56		interest in the property or the contract
				purchaser(s);
				(vi) If any owner or contract purchaser(s) is a
				corporation, a statement listing the officers of
				the corporation, their business and residential

1	addresses, and the date on which they assumed	33	2 streets, the distance to, and the name of, the
2	their respective offices. This statement shall also	34	nearest intersecting street shall be indicated;
3	list the current Board of Directors, their business	35	(v) A north arrow and scale (no smaller than 1 inch
4	and residential addresses, and the dates of each	36	equals 400 feet);
5	Director's term. An owner that is a corporation	37	(vi) The total area of the property (in either square
6	listed on a national stock exchange shall be	38	feet or acres);
7	exempt from the requirement to provide	39	(vii) The location of all existing buildings on the
8	residential addresses of its officers and directors;	40	property; and
9	and	41	(viii) The subject property outlined in red.
10	(vii) If the owner or contract purchaser(s) is a	42	(C) Four copies of the zoning map page on which the
11	corporation (except one listed on a national	43	property is located, plotted to scale and outlined
12	stock exchange), a statement containing the	44	in red;
13	names and residential addresses of those	45	(D) A vicinity map;
14	individuals owning at least five percent (5%) of	46	(E) A zoning sketch map with the subject property
15	the shares of any class of corporate security	47	outlined in red;
16	(including stocks and serial maturity bonds).	48	(F) A copy of the applicant's informational mailing
17	(B) Four copies of an accurate plat, prepared, signed,	49	letter, list of addresses, and signed affidavit of
18	and sealed by a registered engineer or land	50	mailing;
19	surveyor, which shall show:	51	(G) Any required State Ethics Commission affidavits;
20	(i) The present configuration of the property,	52	(H) A statement of justification detailing the legal
21	including bearings and distances (in feet) and the	53	basis by which the requested amendment can be
22	total area of the property (in either acres or	54	approved, and any factual reasons showing why
23	square feet);	55	approval of the request will not be detrimental
24	(ii) The property's lot and block number, subdivision	56	to the public health, safety, and welfare;
25	name, and plat book and page number, if any; or	57	(I) A proposed PD Basic Plan and proposed PD
26	a description of its acreage, with reference to	58	Conditions of Approval addressing all
27	liber and folio numbers;	59	requirements and standards set forth in Section
28	(iii) The names and owners of record, or subdivision	60	Sec. 27-4300, Planned Development Zones; and
29	lot and block numbers, of adjoining properties;		
30	(iv) The name, location, distance to the center line,		
31	and right-of-way width of all abutting streets. If		
32	the property is not located at the intersection of		

1 (J) Any other pertinent information deemed
 2 necessary by the District Council, Zoning Hearing
 3 Examiner, or Planning Board.

4 **(b) Planned Development (PD) Map Amendment**
 5 **Procedure**

6 This Subsection identifies additions or modifications to the
 7 standard review procedures in Section Sec. 27-3400, Standard
 8 Review Procedures, that apply to development applications for
 9 a PD map amendment. Figure 27-3602(a) identifies key steps in
 10 the planned development map amendment procedure.

11 **Figure 27-3602(a): Planned Development (PD) Map Amendment**
 12 **Procedure (Illustrative)**



- 13
 14 **(1) Pre-Application Conference**
 15 See Section 27-3401, Pre-Application Conference.
 16 **(2) Pre-Application Neighborhood Meeting**
 17 See Section 27-3402, Pre-Application Neighborhood
 18 Meeting.

1	(3) Application Submittal	29	
2	See Section 27-3403, Application Submittal. In addition, a	30	
3	proposed PD Basic Plan and proposed PD Conditions of	31	
4	Approval addressing all requirements and standards set	32	
5	forth in Section Sec. 27-4300, Planned Development Zones,	33	(i) Whether the application complies with Section
6	shall be submitted as a part of the application.	34	27-3602(c), Planned Development (PD) Decision
7		35	Standards;
8	(4) Determination of Completeness		(ii) The need and justification for the PD zone;
9	See Section 27-3404, Determination of Completeness.	36	
10		37	(iii) The effect of the PD zone, if any, on the land
11	(5) Staff Review and Action	38	subject to the proposed PD and on surrounding
12	See Section 27-3406, Staff Review and Action. After staff	39	neighborhoods; and
13	review and evaluation of the application, the Planning	40	(iv) The relationship of the proposed PD zone to the
14	Director shall prepare a Technical Staff Report, which shall	41	purposes of this Ordinance, the General Plan,
15	include a recommendation on the application.	42	and the applicable Area Master Plan or Sector
16		43	Plan, with appropriate consideration as to
17	(6) Scheduling Public Hearing and Public Notice	44	whether the proposed PD zone will further the
18	See Section 27-3407, Scheduling of Hearings and Public	45	purposes of this Ordinance, the General Plan,
19	Notice.	46	and any applicable Area Master Plan or Sector
20		47	Plan.
21	(7) Review and Recommendation by Advisory Board	48	(B) After the receipt of the Planning Board’s
22	or Official	49	recommendation, the ZHE shall hear the case at
23	See Section 27-3408, Review and Recommendation by	50	a public hearing and make a recommendation.
24	Advisory Board or Official.	51	The ZHE shall issue its decision not more than
25		52	one hundred (100) days after the date of its last
26	(A) The Planning Board shall make a	53	hearing on the application. The ZHE shall,
27	recommendation on the application in	54	following the ZHE’s Rules of Procedure, consider
28	accordance with Section 27-3602(c), Planned	55	the original application, relevant support
	Development (PD) Decision Standards, and	56	materials, the Technical Staff Report, the
	transmit its recommendation to the ZHE. The	57	Planning Board’s recommendation, the
	Planning Board may suggest revisions to the PD	58	applicant’s and any party of record’s testimony
	Basic Plan and PD Conditions of Approval. The	59	and materials (if appropriate), and any public
	Planning Board’s recommendation shall address:	60	comments, as appropriate. At the conclusion of
			the hearing, the ZHE shall make a
			recommendation on the application in
			accordance with Section 27-3602(c), Planned
			Development (PD) Decision Standards.

CB-013-2018 (DR-2) has not yet taken effect and is subject to revisions via further legislative action of the Council.

1	(C) After the hearing is concluded, the ZHE shall	32	(ii) Remand the application back to the Planning
2	prepare and serve upon all persons of record a	33	Board for further consideration; or
3	written decision containing specific findings of	34	(iii) Disapprove the PD map amendment.
4	basic facts, conclusions of law, and a	35	(B) The approved PD Basic Plan and PD Conditions of
5	recommended decision.	36	Approval shall be the zoning text for the PD zone,
6	(8) Review and Decision by Decision-Making Body	37	and any subsequent development approval or
7	or Official	38	permit shall comply with the approved PD Basic
8	See Section 27-3409, Review and Decision by Decision-	39	Plan and PD Conditions of Approval, except that
9	Making Body or Official.	40	minor deviations shall be allowed in accordance
10	(A) After receipt of the ZHE's recommendation, the	41	with Section 27-3602(b)(11)(G), Minor
11	District Council shall conduct a public hearing on	42	Deviations.
12	the application in accordance with Section 27-	43	(C) The applicant has ninety (90) days from the date
13	3412, Evidentiary Hearing, and make a decision,	44	of District Council's decision to approve the
14	by majority vote, on the application in	45	conditions as part of the PD map amendment, to
15	accordance with Section 27-3602(c), Planned	46	accept or reject the conditions of approval. The
16	Development (PD) Decision Standards. A two-	47	applicant shall accept or reject the conditions in
17	thirds majority vote of the full Council shall be	48	writing, to the Council.
18	required to approve a planned development	49	(D) If the applicant accepts the conditions, the
19	map amendment that is contrary to the	50	Council shall enter an order acknowledging the
20	recommendation of a municipality concerning	51	acceptance, at which time the Council's action is
21	land within its boundaries, the recommendation	52	final.
22	of a governed special taxing district concerning	53	(E) Failure of the applicant to advise the Council
23	land within its district, or an amendment that is	54	about acceptance of the conditions of approval is
24	contrary to an approved Area Master Plan or	55	considered a rejection of the conditions.
25	Sector Plan. The District Council may direct	56	(F) If the conditions of approval are rejected, the PD
26	revisions to the PD Basic Plan and PD Conditions	57	map amendment will be denied and voided, and
27	of Approval. The District Council's decision shall	58	the land subject to the application will maintain
28	be one of the following:	59	its prior zone classification. If this occurs, the
29	(i) Adopt by ordinance the PD map amendment,	60	Council shall enter an order acknowledging the
30	including the PD Basic Plan and PD Conditions of	61	rejection, voiding its previous decision, and
31	Approval;	62	stating the land maintains its prior zone

1 classification. This order shall be the final 30
2 decision on the application. 31
3 (G) All amendments that are approved subject to 32
4 conditions shall be shown on the Official Zoning 33
5 Map with the letter "C" after the application 34
6 number. 35
7 (9) Conditions of Approval 36
8 Allowed (see Section 27-3415, Conditions of Approval). 37
9 (A) The following conditions of approval are 38
10 allowed: 39
11 (i) The conditions in Section 27-4301(d)(3), PD 40
12 Conditions of Approval; 41
13 (ii) Conditions that may be necessary to protect 42
14 surrounding properties from adverse effects that 43
15 might accrue from the proposed zoning map 44
16 amendment (ZMA); 45
17 (iii) Conditions that would further enhance the 46
18 coordinated, harmonious, and systematic 47
19 development of the regional district; and/or 48
20 (iv) Conditions that reflect amendments to the 49
21 development standards of this Zoning Ordinance 50
22 as may be proposed and approved in the PD 51
23 Basic Plan. 52
24 (10) Notification 53
25 See Section 27-3416, Notification. 54
26 (11) Post-Decision Actions 55
27 Once the PD zone is approved, the applicant must receive 56
28 approval of a detailed site plan (see Section 27-3605(d), 57
29 Detailed Site Plan Procedure) and major preliminary plan of 58
59
60
61

subdivision (see Subtitle 24: Subdivision Regulations), prior to development of the site, to ensure substantial compliance with the approved PD Basic Plan and PD Conditions of Approval.

(A) Effect of Approval

(i) Lands within an established PD zone shall be subject to the approved PD Basic Plan and PD Conditions of Approval. The PD Basic Plan and PD Conditions of Approval are binding on the land as an amendment to the Official Zoning Map. The applicant may apply for and obtain subsequent development approvals and permits necessary to implement the PD Basic Plan and PD Conditions of Approval in accordance with the applicable procedures and standards set forth in this Ordinance.

(ii) All development in an adopted PD zone shall receive approval of a detailed site plan (Section 27-3605(d), Detailed Site Plan Procedure) and major subdivision (see Subtitle 24: Subdivision Regulations) prior to development. Any permits or development approvals shall be in conformance with the PD Basic Plan and PD Conditions of Approval.

(B) Designation on Official Zoning Map

If a PD zone is adopted by the District Council, the Planning Director shall place the amendment on the Official Zoning Map within a reasonable period of time after its adoption. Designation of a PD zone on the Official Zoning Map shall note the ordinance adopting the PD zone classification, the PD Basic Plan, and the PD Conditions of Approval.

1	(C) Effect on Special Exceptions	33
2	When any land upon which a special exception has	34
3	been approved is reclassified to a zoning category	35
4	different from that category in which it was classified	36
5	at the time the special exception was approved, the	37
6	following shall apply:	38
7	(i) If, at the time of the rezoning, the approved use	39
8	requires the approval of a special exception in	40
9	the new zone, and the specific special exception	41
10	requirements governing the use are the same in	42
11	both zones, the special exception, as approved,	43
12	shall remain in full force and effect.	44
13	(ii) If, at the time of the rezoning, the approved use	45
14	is not permitted in the new zone, or requires	46
15	approval of a special exception with different	47
16	requirements, and the use or construction	48
17	authorized by the special exception has	49
18	commenced and has not ceased, the special	50
19	exception shall not terminate and the use may	51
20	continue as a nonconforming use.	52
21	(iii) If, at the time of the rezoning, the approved use	53
22	is not permitted in the new zone, or requires	54
23	approval of a special exception with different	55
24	requirements, and the use or construction	56
25	authorized by the special exception has not	57
26	commenced or has ceased, the special exception	58
27	shall terminate, and all provisions of the new	59
28	zone shall apply to the use and development of	60
29	the property.	61
30	(iv) If, at the time of the rezoning, the approved use	
31	is permitted in the new zone without approval of	
32	a special exception, the special exception shall	

terminate, and all provisions of the new zone shall apply to further use and development of the property.

(D) Resubmitting Application

If the District Council wholly or partly denies an application for a Planned Development (PD) map amendment, the following limitations apply instead of those in Section 27-3418(d):

- (i)** The District Council shall not act on a subsequent application for any portion of the same land within eighteen (18) months after the date of the first denial and within twenty-four (24) months after the date of any subsequent denial.
- (ii)** In any subsequent application for any portion of the same land and for the same zone classification, by the same applicant, the District Council may not base its findings solely on any fact or circumstance that was presented at the hearing on the prior application.
- (iii)** For purposes of this Subsection, "date of denial" means the date of the District Council's decision or, in the case of judicial review, the date of the final judgment of the Circuit Court.

(E) Completion of Necessary Agreements and Recordation

Prior to the submission of any subsequent development application having as its subject any land in the PD zone, the applicant shall file with the Land Records of Prince George's County, the following:

1	(i) Copies of the PD Basic Plan and PD Conditions of Approval; and	30		
2		31		
3	(ii) Any deed restrictions or other restrictive covenants required by the District Council in its approval of the PD zone, as well as any completed agreements with the County that are necessary for the County to become a party to the deed restrictions or other restrictive covenants.	32		(i) Changes that result in a decrease in the density or intensity of development approved for a specific parcel;
4		33		(ii) An increase in residential density for any specific parcel of ten (10) percent or less, if the total allowed density with the PD zone does not increase;
5		34		
6		35		(iii) A decrease in height;
7		36		(iv) A reduction of off-street parking spaces by up to ten percent if it can be demonstrated by a parking study that the parking spaces are not needed because of the unique features of the site;
8		37		(v) A reduction of off-street loading spaces by up to twenty (20) percent if it can be demonstrated that the off-street loading spaces are not needed because of the unique features of the site;
9		38		(vi) Minor modification to the parking lot design and circulation where it can be demonstrated that such minor adjustments will result in a more efficient and pedestrian-friendly parking lot design;
10	(F) Amendment	39		(vii) Minor modification to the off-street loading design where it can be demonstrated that such minor modifications will result in a more efficient off-street loading design;
11	Notwithstanding Section 27-3602(b)(11)(G), Minor Deviations, below, an amendment of an adopted PD zone, including the approved PD Basic Plan or PD Conditions of Approval, may only be approved in accordance with the procedures and standards established for its original approval.	40		(viii) A modification of design of facilities for amenities such as parks, gardens, or open spaces; or
12		41		(ix) A deviation specifically listed in the approved PD Conditions of Approval as a minor deviation not
13		42		
14		43		
15		44		
16		45		
17	(G) Minor Deviations	46		
18	After the establishment of a PD zone in accordance with Section 27-3602, Planned Development (PD) Map Amendment and the initial detailed site plan for the project, subsequent applications for development approvals and permits (e.g., detailed site plans or special exceptions) within a PD zone that include minor deviations from the approved PD Basic Plan or PD Conditions of Approval may be reviewed and decided by the Planning Director, without the need to amend the PD zone, if the Planning Director determines that such deviations consist of only the following:	47		
19		48		
20		49		
21		50		
22		51		
23		52		
24		53		
25		54		
26		55		
27		56		
28		57		
29		58		
		59		
		60		

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1 materially affecting the PD zone’s basic concept 28
2 or the designated general use of the land within 29
3 the zone. 30

4 **(c) Planned Development (PD) Decision Standards** 31

5 Prior to the approval of the PD zone, the applicant shall 32
6 demonstrate to the satisfaction of the District Council that the 33
7 entire development: 34

8 **(1)** Is in conformance with the General Plan, the applicable 35
9 Area Master Plan or Sector Plan, or any applicable 36
10 functional master plan; 37

11 **(2)** Meets the purposes of the proposed PD zone; 38

12 **(3)** Satisfies all applicable standards of the proposed PD 39
13 zone; and 40

14 **(4)** Will not adversely impact the surrounding properties.

15 **(d) Appeal**

16 See procedures in 27-3601(f)

17 **27-3603. Chesapeake Bay Critical Area Overlay**
18 **(CBCAO) Zoning Map Amendment**

19 **(a) General**

20 This Section establishes a uniform mechanism to amend the
21 Official Zoning Map to place land in the Chesapeake Bay Critical
22 Area Overlay (CBCAO) Zone in a way that complies with State
23 law, protects the sensitive environmental resources of the
24 Chesapeake Bay, and respects the rights of landowners.

25 **(b) Applicability**

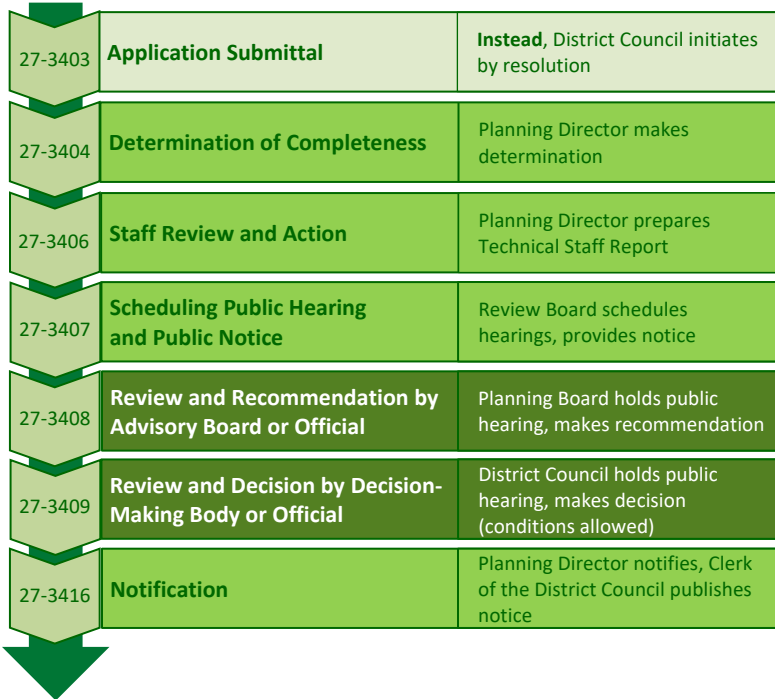
26 The procedures and standards of this Subsection apply to any
27 amendment to the Official Zoning Map that involves a

reclassification of land to the Chesapeake Bay Critical Area
Overlay (CBCAO) Zone initiated by the District Council or
Planning Board. An amendment initiated by the owner(s) of the
land shall be reviewed and decided in accordance with the
procedures in Section 0, 27-3601 Zoning Map Amendment
(ZMA), and the decision standards in Section 27-3603(d), CBCAO
Zoning Map Amendment Decision Standards.

(c) CBCAO Zoning Map Amendment Procedure

This Subsection identifies additions or modifications to the
standard review procedures in Section Sec. 27-3400, Standard
Review Procedures, that apply to applications for a CBCAO Zone
map amendment. Figure 27-3603(c) identifies key steps in the
CBCAO Zoning Map amendment procedure.

1 **Figure 27-3603(c): CBCAO Zoning Map Amendment Procedure**
 2 **(Illustrative)**



3
 4 **(1) Application Submittal**
 5 **(A)** The District Council, by resolution, or the
 6 Planning Board (with the concurrence, by
 7 resolution, of the District Council) may initiate a
 8 CBCAO Zoning Map amendment. The initiating
 9 resolution shall specify the land to be amended.
 10 **(B)** A request to change the boundaries or subzone
 11 of an approved CBCAO Zone may also be made,
 12 in the form of a zoning map amendment
 13 application, by the property owner. Such
 14 property owner-initiated requests shall be

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processed as a zoning map amendment (ZMA)
 pursuant to Section 0, 27-3601 Zoning
 Map Amendment (ZMA).

(C) If two or more separate parcels of land are
 included in one application, they shall be
 adjoining. For the purposes of this Subsection,
 "adjoining" includes those parcels of land which
 are separated only by a public right-of-way,
 stream bed, or the like.

(2) Determination of Completeness

See Section 27-3404, Determination of Completeness.

(3) Staff Review and Action

See Section 27-3406, Staff Review and Action.

(A) After staff review and evaluation of the
 application, the Planning Director shall prepare a
 Technical Staff Report, which shall include a
 recommendation, on the application, including
 comments from the Critical Area Commission.

(B) The Technical Staff Report, along with the
 proposed CBCAO Zoning Map amendment and
 zone boundaries, shall be made available for
 public review 60 days prior to the Planning Board
 public hearing.

(C) At least thirty (30) days prior to the public
 hearing, the original Map Amendment
 application file shall be available for public
 examination in the Office of the Clerk of the
 Council, and a copy of the file shall be available
 for public examination in the Planning Director's
 office. This file may be reviewed by anyone, and
 copies of its contents may be obtained for free

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1	by interested parties who show up in person at	32		
2	the Clerk’s office. Other interested parties may	33		
3	obtain coies of the file’s contents by mail at	34		
4	reasonable cost.	35		
5	(4) Scheduling Public Hearing and Public Notice	36		
6	See Section 27-3407, Scheduling of Hearings and Public	37		
7	Notice. In addition, the Planning Director shall, at least	38		
8	thirty (30) days before the Planning Board public hearing:	39		
9		40		
10	(A) Transmit to the District Council the amendment	41		
11	application, plans, maps, specifications,	42		
12	Technical Staff Report, and all other data,	43		
13	materials, and record evidence (to date)	44		
14	pertaining to the amendment; and	45		
15		46		
16	(B) Transmit to the Critical Area Commission for the	47		
17	Chesapeake and Atlantic Coastal Bays a copy of	48		
18	the amendment application, and the conceptual	49		
19	conservation plan for their initial review and	50		
20	comment.	51		
21	(5) Review and Recommendation of Advisory Board	52		
22	or Official	53		
23	See Section 27-3408, Review and Recommendation by	54		
24	Advisory Board or Official.	55		
25		56		
26	(A) The Planning Board shall hold a public hearing at	57		
27	least sixty (60) days following release of the	58		
28	Technical Staff Report for public review.	59		
29		60		
30	(B) Prior to or at the Planning Board's hearing, the	61		
31	applicant and any other person may submit	62		
	written responses to the Technical Staff Report,			
	together with any supporting material. The			
	responses shall become a part of the record that			
	will be forwarded to the District Council.			
			(C) At the conclusion of the hearing, the Planning	
			Board shall, following its Rules of Procedure,	
			make a recommendation, by resolution, on the	
			application, in accordance with Section 27-	
			3603(d), CBCAO Zoning Map Amendment	
			Decision Standards. The recommendation shall	
			be to either approve, approve with	
			modifications, or disapprove the application.	
			The Planning Board shall take action on the	
			application within forty-five (45) days after the	
			conclusion of the public hearing.	
			(D) Planning Board shall transmit its	
			recommendation, together with the original	
			application and all other record material	
			pertaining to the Zoning Map Amendment, to	
			the District Council within one hundred six (106)	
			calendar days of the release for public review.	
			(E) Upon recommending approval of an application	
			for growth allocation, the Planning Board shall	
			forward a copy of the Resolution to the Critical	
			Area Commission for the Chesapeake and	
			Atlantic Coastal Bays.	
			(6) Review and Decision by Decision-Making Body	
			or Official	
			See Section 27-3409, Review and Decision by Decision-	
			Making Body or Official.	
			(A) The District Council shall conduct a public	
			hearing on the amendment in accordance with	
			Section 27-3412, Evidentiary Hearing, within	
			sixty (60) days of receipt of the Planning Board	
			recommendation, and render a final decision in	

1	accordance with Section 27-3603(d), CBCAO	34	Chesapeake and Atlantic Coastal Bays for
2	Zoning Map Amendment Decision Standards.	35	approval. The notice of intent must include a
3	(B) The District Council may propose and approve	36	statement regarding how the provisions of
4	changes to the amendment, including any	37	Section 27-3603(d), CBCAO Zoning Map
5	changes in the underlying base zones, except	38	Amendment Decision Standards, are met and all
6	that no land within the Resource Conservation	39	of the components of the complete application
7	Overlay Zone of the CBCAO Zone may be	40	approved.
8	amended to a nonresidential base zone, Transit-	41	(F) Approval of the growth allocation by the District
9	Oriented/Activity Center base zone or planned	42	Council does not constitute approval of a
10	development zone, or the MU-PD Zone.	43	conservation plan. A separate conservation plan
11	(C) The Council shall take final action on the	44	application in conformance with Subtitle 5B of
12	amendment within thirty (30) days after the final	45	the County Code is required prior to permit
13	public hearing concludes, but not later than One	46	issuance.
14	hundred sixty (160) days after receipt of the	47	(7) Conditions of Approval
15	recommendations from the Planning Board. If	48	Allowed (see Section 27-3415, Conditions of Approval).
16	no final action is taken within this time period,	49	(A) Conditions of Approval shall be limited to the
17	the CBCAO amendment shall be deemed denied	50	following:
18	by the District Council.	51	(i) Protecting surrounding lands and lands within
19	(D) The District Council's approval of a CBCAO Zone	52	the CBCAO Zone from adverse effects which
20	amendment shall be by ordinance, and shall be	53	might accrue from the requested amendment;
21	by majority vote of the full Council. A two-thirds	54	or
22	majority vote of the full Council shall be required	55	(ii) Further enhancing the coordinated, harmonious,
23	to approve any portion of the amendment that is	56	and systematic development of land within the
24	contrary to the recommendation of a	57	CBCAO Zone, including the use of time
25	municipality concerning land within its	58	limitations for the commencement of
26	boundaries, or the recommendation of a	59	construction.
27	governed special taxing district concerning land	60	(B) The conditions of approval shall not waive or
28	within the district.	61	lessen the requirements of, or prohibit uses
29	(E) Upon approval of an application for growth	62	allowed in the CBCAO Zone.
30	allocation, the District Council shall within ten		
31	(10) working days after the date of issuance,		
32	forward a notice of intent to award growth		
33	allocation to the Critical Area Commission for the		

1	(C) All building plans shall list the conditions and	33
2	shall show how the proposed development	34
3	complies with them.	35
4	(D) If conditions of approval are imposed, the	36
5	applicant has ninety (90) days from the date of	37
6	Council's decision to accept or reject the	38
7	amendment as conditionally approved, by	39
8	written correspondence to the Council.	40
9	(E) If the applicant accepts the conditions, the	41
10	Council shall enter an order acknowledging the	42
11	acceptance and adopt the amendment, at which	43
12	time the Council's action is final. Failure of the	44
13	applicant to advise the Council about acceptance	45
14	of the conditions is considered a rejection of the	46
15	conditions.	47
16	(F) If the conditions are rejected, the amendment	48
17	shall be denied and voided, and the land subject	49
18	to the application will maintain its prior zone	50
19	classification. If this occurs, the Council shall	51
20	enter an order acknowledging the rejection,	52
21	voiding its previous decision, and stating the land	53
22	maintains its prior zone classification. This order	54
23	then becomes the final decision on the	55
24	application.	56
25	(G) All amendments which are approved subject to	57
26	conditions shall be shown on the Official Zoning	58
27	Map with the letter "C" after the application	59
28	number.	60
29	(8) Notification	61
30	See Section 27-3416, Notification. In addition, notice shall	62
31	be published by the Clerk of the Council at least one time in	63
32	the County newspaper of record, and shall be sent to the	

Planning Board, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, and any municipality lying, wholly or in part within, or within one mile of, the boundaries of the amended CBCAO Zone.

(9) Post-Decision Actions

(A) Designation on Official Zoning Map

If a Chesapeake Bay Critical Area Overlay (CBCAO) Zoning Map amendment is adopted by the District Council, the Planning Director shall place the amendment on the Official Zoning Map within a reasonable period of time after its adoption. Designation of a zone on the Official Zoning Map shall note the ordinance approving the zone classification.

(B) Effect on Special Exceptions

When any land upon which a special exception has been approved is reclassified to a zoning category different from that category in which it was classified at the time the special exception was approved, the following shall apply:

- (i)** If, at the time of the rezoning, the approved use requires the approval of a special exception in the new zone, and the specific special exception requirements governing the use are the same in both zones, the special exception, as approved, shall remain in full force and effect.
- (ii)** If, at the time of the rezoning, the approved use is not permitted in the new zone, or requires approval of a special exception with different requirements, and the use or construction authorized by the special exception has commenced and has not ceased, the special

1 exception shall not terminate and the use may 32
2 continue as a nonconforming use. 33
3 (iii) If, at the time of the rezoning, the approved use 34
4 is not permitted in the new zone, or requires 35
5 approval of a special exception with different 36
6 requirements, and the use or construction 37
7 authorized by the special exception has not 38
8 commenced or has ceased, the special exception 39
9 shall terminate, and all provisions of the new 40
10 zone shall apply to the use and development of 41
11 the property. 42
12 (iv) If, at the time of the rezoning, the approved use 43
13 is permitted in the new zone without approval of 44
14 a special exception, the special exception shall 45
15 terminate, and all provisions of the new zone 46
16 shall apply to further use and development of 47
17 the property. 48
18 (C) Resubmitting Application 49
19 If the District Council wholly or partly denies an 50
20 application for a Chesapeake Bay Critical Area Overlay 51
21 (CBCAO) Zoning Map amendment, the following 52
22 limitations apply instead of those in Section 27- 53
23 3418(d): 54
24 (i) The District Council shall not act on a subsequent 55
25 application for any portion of the same land
26 within eighteen (18) months after the date of the
27 first denial and within twenty-four (24) months
28 after the date of any subsequent denial.
29 (ii) In any subsequent application for any portion of
30 the same land and for the same zone
31 classification, by the same applicant, the District

Council may not base its findings solely on any fact or circumstance that was presented at the hearing on the prior application.

(iii) For purposes of this Subsection, "date of denial" means the date of the District Council's decision or, in the case of judicial review, the date of the final judgment of the Circuit Court.

(D) Noncompliance with Conditions

All conditions imposed shall be mandatory. The failure to comply with any condition shall constitute a zoning violation and shall be grounds for the Council to:

- (i) Annul the CBCAO Zoning Map Amendment;
- (ii) Revoke a grading, building, or use and occupancy permit;
- (iii) Institute appropriate civil or criminal proceedings; or
- (iv) Institute any other action necessary to obtain compliance.

Before the District Council annuls an approved conditional Zoning Map Amendment for a CBCAO Zone, the Zoning Hearing Examiner shall hold a public hearing and transmit a written recommendation on the matter. The following procedures shall be followed:

1	(i)	A petition shall be filed with the Clerk of the Council by the Director of the Department of Permitting, Inspections, and Enforcement (or his/her designee) requesting the Council to annul the Zoning Map Amendment. The petition shall state the reasons for the request. At the same time, a copy of the petition shall be sent to the Planning Board.	30
2			31
3			32
4			33
5			34
6			35
7			36
8			37
9	(ii)	The Planning Board shall submit a written recommendation on the petition to the Council.	38
10			39
11	(iii)	After the close of the hearing record, the Zoning Hearing Examiner shall file a written recommendation with the District Council.	40
12			41
13			42
14	(iv)	Any person of record may appeal the recommendation of the Zoning Hearing Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner's recommendation with the District Council. If appealed, all persons of record may testify before the District Council.	43
15			44
16			45
17			46
18			47
19			48
20	(v)	Persons arguing shall adhere to the District Council's Rules of Procedure, and argument shall be limited to thirty (30) minutes for each side, and to the record of the hearing.	49
21			50
22			51
23			52
24	(d) CBCAO Zoning Map Amendment Decision Standards		53
25			54
26	In determining whether to adopt or disapprove a proposed CBCAO Zone amendment, the District Council may consider many factors, but no amendment shall be granted without the following findings and considerations:		55
27			56
28			57
29			

(1) Zone Classification Standards

Prior to approving the CBCAO Zoning Map amendment, the Council shall make the following findings:

(A) Intense Development Overlay Zone

Land placed in the Intense Development Overlay Zone occupies a gross area of at least twenty (20) contiguous acres, or the entire upland portion of the CBCAO Zone within the boundary of a municipality, whichever is less, and exhibits at least one of the following characteristics:

- (i) A concentration of industrial, commercial, or institutional uses;
- (ii) Residential density equal to or greater than four dwelling units per gross acre;
- (iii) Existing water and sewer systems serving the area, and residential density greater than three dwelling units per gross acre; or
- (iv) Rights-of-way of existing roads having a Freeway or higher classification.

(B) Limited Development Overlay Zone

Land classified in the Limited Development Overlay Zone exhibits at least one of the following characteristics:

- (i) Residential density ranging from one dwelling unit per five gross acres up to four dwelling units per gross acre;
- (ii) Areas not dominated by agriculture, wetlands, forest, barren land, or surface water;

1	(iii) Areas having public water, public sewer, or both;	30
2	or	31
3	(iv) Areas possessing one or more characteristics of	32
4	land classified in the Intense Development	33
5	Overlay zone, regardless of the size of the area.	34
6	(C) Resource Conservation Overlay Zone	35
7	Land classified in the Resource Conservation Overlay	36
8	Zone exhibits at least one of the following	37
9	characteristics:	38
10	(i) Residential density of less than one dwelling unit	39
11	per five gross acres; or	40
12	(ii) Areas dominated by agriculture, wetland, forest,	41
13	barren land, or surface water.	42
14	(D) Generally	43
15	(i) Adequate attention has been paid to the	44
16	recommendations of any Area Master Plan or	45
17	Sector Plan, and the General Plan, which are	46
18	found to be applicable to land within the CBCAO	47
19	zones.	48
20	(ii) The Critical Area Commission for the Chesapeake	49
21	and Atlantic Coastal Bays has approved the	50
22	CBCAO Zone amendment.	51
23	(2) Map Amendment Standards	52
24	(A) Mistake rule	53
25	Except for changes to expand the boundaries of the	54
26	Intense Development and Limited Development	55
27	Overlay zones (Section 27-3603(d)(2)(B) below), no	56
28	application for the amendment of a CBCAO zone shall	57
29	be granted without the applicant demonstrating there	58
		59

was a mistake in the original zone classification or subsequent rezoning.

(B) Expansion of Intense Development and Limited Development Overlay Zones

Notwithstanding Section 27-3603(d)(2)(A) above, the boundaries of the Intense Development and Limited Development Overlay zones may be expanded within the CBCAO Zone in accordance with Subsections 27-3603(d)(2)(C) through 27-3603(d)(2)(E) below.

(C) Acreage

The maximum area of future additional Intense Development or Limited Development Overlay zones shall be five (5) percent of the total area designated as Resource Conservation Overlay zones at the time of adoption of the Official Zoning Map for the amendment. A maximum of fifty (50) percent of the permissible growth increment may be used to rezone a Resource Conservation Overlay Zone to another Chesapeake Bay Critical Area Overlay zone.

(D) Location

Expanded Intense Development or Limited Development Overlay zones may be approved subject to the following locational standards:

- (i)** New Intense Development Overlay zones shall:
 - (aa)** Be located in existing Limited Development Overlay Zones or contiguous to existing Intense Development Overlay zones;
 - (bb)** Be located at least three hundred (300) feet from tidal waters or tidal wetlands if the land was originally designated in the

1	Resource Conservation Overlay Zone,	31		
2	except for water-dependent uses; and	32		
3	(cc) Be located in a manner that minimizes	33		
4	impacts to the defined land uses of the	34		
5	Resource Conservation Overlay Zone as	35		
6	noted in Part 27-5: Use Regulations.	36		
7	(ii) New Limited Development Overlay zones shall	37		
8	be located:	38		
9	(aa) Contiguous to existing Limited	39		
10	Development Overlay zones or Intense	40		
11	Development Overlay zones;			
12	(bb) At least three hundred (300) feet from tidal	41		
13	waters or tidal wetlands if the land was	42		
14	originally designated in the Resource	43		
15	Conservation Overlay Zone, except for	44		
16	Water-Dependent Uses; and	45		
17	(cc) In a manner that minimizes impacts to the	46		
18	defined land uses of the Resource	47		
19	Conservation Overlay Zone as noted in Part	48		
20	27-5: Use Regulations.	49		
21	(E) Additional Considerations.	50		
22	The following factors shall be considered in reviewing	51		
23	map amendments or refinements involving the use of	52		
24	the growth allocation:	53		
25	(i) Consistency with the General Plan, all applicable	55		
26	Area Master Plans and Sector Plans, the current	56		
27	water and sewer plan, priority funding areas, and			
28	whether the growth allocation would implement	57		
29	the goals, objectives, policies, and strategies of	58		
30	the adopted plans.			
			(ii) For a map amendment or refinement involving a	
			new Limited Development Overlay, whether the	
			development is:	
			(aa) To be served by a public wastewater system	
			or septic system that uses the best available	
			nitrogen removal technology;	
			(bb) A completion of an existing subdivision;	
			(cc) An expansion of an existing business; or	
			(dd) Is to be developed using the conservation	
			subdivision option.	
			(iii) For a map amendment or refinement involving a	
			new Intense Development Overlay, whether the	
			development:	
			(aa) Will be served by a public wastewater	
			system;	
			(bb) Will have an allowed average density of at	
			least 3.5 units per acre as calculated under	
			Section 5-7B-03(h) of the State Finance	
			Procurement Article;	
			(cc) For a new Intense Development Overlay	
			that is greater than 20 acres, to be located	
			in a Priority Funding Area as described	
			under Section 5-7B-02(1) and 5-7B-03 of the	
			State Finance and Procurement Article; and	
			(dd) To have a demonstrable economic benefit	
			to the area.	
			(iv) The use of existing public infrastructure, where	
			practical;	

1 (v) Consistency with State and regional 30
2 environmental protection policies concerning 31
3 the protection of threatened and endangered 32
4 species and species in need of conservation that 33
5 may be located on- or off-site;
6 (vi) Impacts on a priority preservation area, as 34
7 defined under § 2-518 of the Agriculture Article;
8 (vii) Environmental impacts associated with 35
9 wastewater and stormwater management 36
10 practices and wastewater and stormwater 37
11 discharges to tidal waters, tidal wetlands, and 38
12 tributary streams; or 39
13 (viii) Environmental impacts associated with location 40
14 in a coastal hazard area or an increased risk of 41
15 severe flooding attributable to the proposed 42
16 development. 43
17 (F) Additional Requirements 44
18 Prior to developing land in an expanded CBCAO Zone, 45
19 the area shall be mapped and submitted to the 46
20 Chesapeake Bay Critical Area Commission for 47
21 informational purposes only. This submission shall 48
22 include an analysis of: 49
23 (i) The manner in which the proposed expansion 50
24 conforms to the locational criteria; 51
25 (ii) How the proposed expansion affects the total 52
26 growth allocation; and 53
27 (iii) How the proposed expansion will accommodate 54
28 the growth needs of municipalities impacted by 55
29 the CBCAO zones. 56
57
58

(e) Effect on Pending Applications
Approval of the CBCAO Zoning Map amendment constitutes final action on all pending such applications within the boundaries of the approved overlay zones.

27-3604. Special Exception

(a) General
A use designated as a special exception in a particular zone is a use that may be appropriate in the zone, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the zone and compatible with its surroundings. This Section establishes a uniform mechanism to review special exceptions to ensure they are appropriate for the location and zone where they are proposed.

(b) Applicability
(1) The procedures and standards of this Subsection apply to:
(A) Any use that is designated as a special exception in a zone in Section 27-4.202, Principal Use Tables; or
(B) Any other development activity that requires special exception review by this Ordinance.
(2) Any development for which a special exception is approved in accordance with this Subsection is not required to have a site plan reviewed and approved in accordance with Section 27-3605, Detailed Site Plan, since a site plan for the proposed development is reviewed and approved as part of the special exception application.

1	(3) Departures and variances associated with a special	29	(v) The property's lot and block number, subdivision
2	exception application may be reviewed and decided	30	name, and plat book and page number, if any; or
3	concurrent with the parent application.	31	a description of its acreage, with reference to
		32	liber and folio numbers;
4	(c) Special Exception Submittal Requirements	33	(vi) The name, address, and signature of each owner
5	(1) The special exception application shall be submitted to	34	of record of the property. Applications for
6	the Planning Director by the owner of the property or	35	property owned by a corporation must be signed
7	his authorized representative.	36	by those officers empowered to act for the
8	(2) The special exception site plans shall be prepared by a	37	corporation;
9	licensed professional engineer, architect, landscape	38	(vii) The name, address, and telephone number of
10	architect, or land use planner.	39	the correspondent;
11	(3) Upon filing the application, the applicant shall pay to the	40	(viii) A statement listing the name, and the business
12	Planning Board a fee to help defray the costs related to	41	and residential addresses, of all individuals
13	processing the application.	42	having at least a 5 percent financial interest in
14	(4) If more than 1 drawing is used, all drawings shall be at	43	the property or the contract purchaser(s);
15	the same scale (where feasible).	44	(ix) If any owner or contract purchaser(s) is a
16	(5) A special exception application shall include the	45	corporation, a statement listing the officers of
17	following:	46	the corporation, their business and residential
		47	addresses, and the date on which they assumed
18	(A) A signed application form, which shall include:	48	their respective offices. This statement shall also
19	(i) The name, address, and telephone number of	49	list the current Board of Directors, their business
20	the applicant, and an indication of the	50	and residential addresses, and the dates of each
21	applicant's status as contract purchaser, agent,	51	Director's term. An owner that is a corporation
22	or owner;	52	listed on a national stock exchange shall be
		53	exempt from the requirement to provide
23	(ii) The requested use of the property;	54	residential addresses of its officers and directors;
24	(iii) The street address of the property; name of any	55	and
25	municipality the property is in; name and	56	(x) If the owner or contract purchaser(s) is a
26	number of the Election District the property is in;	57	corporation (except one listed on a national
27	(iv) The total area of the property (in either acres or	58	stock exchange), a statement containing the
28	square feet);	59	names and residential addresses of those
		60	individuals owning at least five percent (5%) of

1	the shares of any class of corporate security	29	(viii) A Type 2 Tree Conservation Plan prepared in
2	(including stocks and serial maturity bonds).	30	conformance with Division 2 of Subtitle 25 and
3	(B) A vicinity map;	31	The Woodland and Wildlife Habitat Conservation
4	(C) A zoning sketch map with the subject property	32	Technical Manual, or a Standard Letter of
5	outlined in red;	34	Exemption;
6	(D) A copy of the applicant’s informational mailing	35	(ix) A statement of justification detailing;
7	letter, list of addresses, and signed affidavit of	36	(aa) How the property conforms to the
8	mailing;	37	requirements of the Zoning Ordinance and
9	(E) Any required State Ethics Commission affidavits;	38	Subdivision Regulations, as applicable,
10	(F) One copy of a site plan, which shall include the	39	including all conditions of approval in any
11	following;	40	development approvals and permits to
12	(i) Location map, north arrow, and scale;	41	which the special exception is subject;
13	(ii) A property boundary survey, using bearings and	42	(bb) How the proposed design preserves and
14	distances (in feet); and either the subdivision lot	43	restores the regulated environmental
15	and block, or liber and folio numbers, outlined in	44	features in a natural state to the fullest
16	red;	45	extent possible, in accordance with the
17	(iii) Zoning categories of the subject property and all	46	requirements of Subtitle 24: Subdivision
18	adjacent properties;	47	Regulations;
19	(iv) Locations and types of major improvements that	48	(cc) How any land intended for public use, but
20	are within 50 feet of the subject property and all	49	not proposed to be in public ownership, will
21	land uses on adjacent properties;	50	be held, owned, and maintained for the
22	(v) An approved Natural Resource Inventory;	51	indicated purpose (including any proposed
23	(vi) Street names, rights-of-way, and pavement	52	covenants or other documents); and
24	widths of existing streets and interchanges	53	(dd) How the development proposed in the
25	within and adjacent to the site;	54	special exception can exist as a unit capable
26	(vii) Existing rights-of-way and easements (such as	55	of sustaining an environment of continuing
27	railroad, utility, water, sewer, access, and storm	56	quality and stability.
28	drainage) within and adjacent to the site;	57	(x) An approved stormwater management concept
		58	plan and approval letter, and any other
		59	documentation relating to any stormwater
			management facilities located off-site of the

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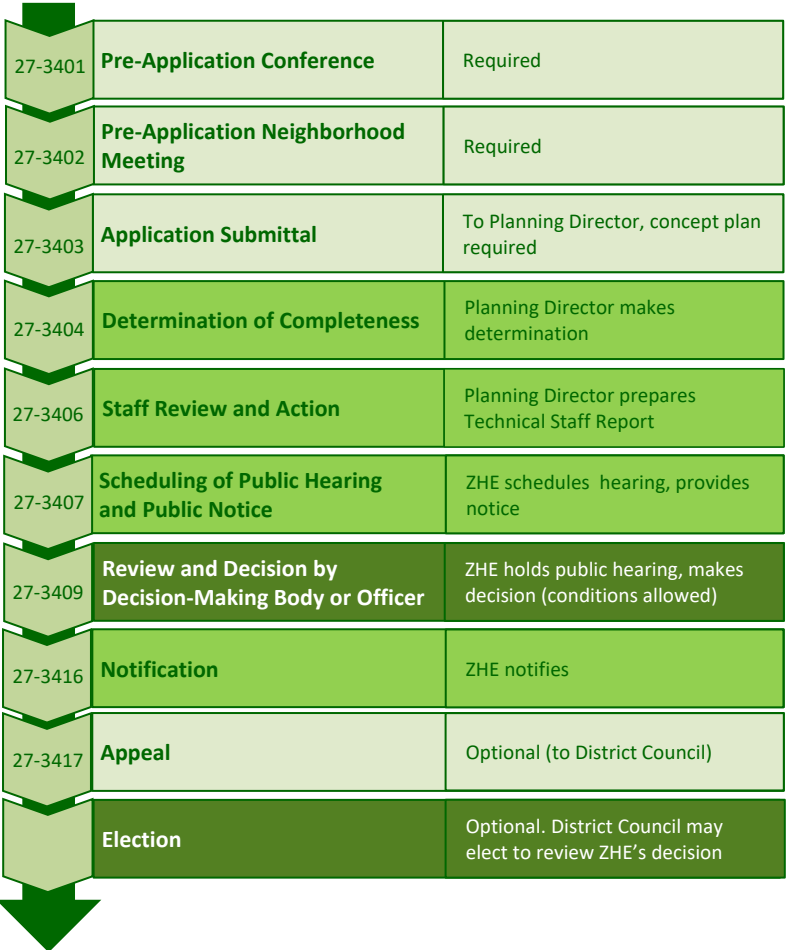
1	proposed development but which will serve the	31
2	proposed development;	32
3	(xi) Proposed system of internal streets including	33
4	rights-of-way and pavement widths;	34
5	(xii) Proposed lot lines and the dimensions (including	35
6	bearings and distances, in feet) and the area of	36
7	each lot;	37
8	(xiii) Exact location and size of all buildings,	38
9	structures, sidewalks, paved areas, parking lots	39
10	(including striping), and designation of waste	40
11	collection storage areas; and the use of all	41
12	buildings, structures, and land;	42
13	(xiv) Proposed grading, using one- (1) or two- (2) foot	43
14	contour intervals, and any spot elevations that	44
15	are necessary to describe high and low points,	45
16	steps, retaining wall heights, and swales;	46
17	(xv) A landscape plan prepared in accordance with	47
18	the provisions of the Landscape Manual showing	48
19	the exact location and description of all plants	49
20	and other landscaping materials, including size	50
21	(at time of planting), spacing, botanical and	51
22	common names (including description of any	51
23	plants that are not typical of the species), and	52
24	planting method;	52
25	(xvi) Exact location, size, type, and layout of all	53
26	proposed recreation facilities;	54
27	(xvii) Exact location and type of such accessory	55
28	facilities as paths, walks, walls, fences (including	56
29	widths or height, as appropriate), entrance	57
30	features, and gateway signs;	

(xviii) Architectural elevations of facades for all	
sides of all proposed buildings, preliminary floor	
plans, and other illustrative drawings,	
photographs, or renderings deemed appropriate	
by the Planning Director;	
(xix) A circulation plan in accordance with Section 27-	
6204;	
(xx) A parking plan in accordance with Section 27-	
6303;	
(xxi) A lighting plan, including a photometric plan, in	
accordance with Section 27-6703;	
(xxii) Any requested security exemption plans in	
accordance with Sections 27-6610 and 27-6709;	
(xxiii) A noise study prepared by a qualified	
professional to demonstrate compliance with	
Section 27-6810;	
(xxiv) A signage plan;	
(xxv) Identification of all proposed green building	
requirements in accordance with Section Sec.	
27-61600; and	
(xxvi) Any other pertinent information.	

(d) Special Exception Procedure

This Subsection identifies additions or modifications to the standard review procedures in Section Sec. 27-3400, Standard Review Procedures, that apply to development applications for a special exception. Figure 27-3604(c) identifies key steps in the special exception procedure.

1 **Figure 27-3604(c): Special Exception Procedure (Illustrative)**



2
 3 **(1) Pre-Application Conference**
 4 See Section 27-3401, Pre-Application Conference.

5
 6 **(2) Pre-Application Neighborhood Meeting**
 7 See Section 27-3402, Pre-Application Neighborhood Meeting.

8
 9 **(3) Application Submittal**
 10 See Section 27-3403, Application Submittal and Section 27-
 11 3604(c), Special Exception Submittal Requirements. In
 12 addition, the application shall include a site plan of the
 13 proposed special exception.

14 **(4) Determination of Completeness**
 15 See Section 27-3404, Determination of Completeness.

16 **(5) Staff Review and Action**
 17 See Section 27-3406, Staff Review and Action.

18 **(A)** At least thirty (30) days prior to the public
 19 hearing, the original copy of the application,
 20 plans, maps, specifications, Technical Staff
 21 Report, and all other data, materials, or record
 22 evidence (to date) pertaining to the requested
 23 special exception shall be sent by the Planning
 24 Board to the ZHE.

25 **(B)** The original application for special exception,
 26 along with any support materials and the
 27 Technical Staff Report, shall be made available
 28 for public review and copying at least 30 days
 29 prior to the public hearing in the office of the
 30 ZHE.

31 **(6) Scheduling Public Hearing and Public Notice**
 32 See Section 27-3407, Scheduling of Hearings and Public
 Notice. In addition:

1	(A)	The Zoning Hearing Examiner shall establish the	33	After the receipt of the Technical Staff Report, the ZHE shall
2		date of the public hearing for an adaptive use of	34	provide notice, schedule, and conduct an evidentiary
3		a Historic Site not less than one hundred twenty	35	hearing on the application in accordance with Section 27-
4		(120) days after the date upon which the	36	3412, Evidentiary Hearing, and make a decision in
5		application was filed.	37	accordance with Section 27-3604(e), Required Findings.
6	(B)	Request to Delay Hearing	38	The decision shall be in writing and shall include written
7	(i)	Should the Planning Board determine that it is in	39	findings of material facts and conclusions that support one
8		the public interest to delay the hearing date	40	of the following decisions:
9		established by the Zoning Hearing Examiner, the	41	(A) Approve the application as submitted;
10		Planning Board may request, prior to the	42	(B) Approve the application subject to conditions of
11		transmittal date (paragraph 27-3604(d)(5)(A),	43	approval; or
12		above), that the Zoning Hearing Examiner	44	(C) Disapprove the application.
13		approve the delay. The request shall be in writing	45	
14		and shall demonstrate good cause for the delay.	46	(8) Conditions of Approval
15		The Zoning Hearing Examiner may approve the	47	Allowed (see Section 27-3415, Conditions of Approval).
16		request (by administrative action) and notify the	48	(9) Notification
17		Planning Board and the applicant of the re-	49	See Section 27-3416, Notification, except ZHE notifies
18		designated hearing date.	50	instead of Planning Director.
19	(ii)	The People's Zoning Counsel or any person of	51	(10) Appeal and Election
20		record may request the continuance of a hearing	52	Optional (see Section 27-3417, Appeal).
21		under this Section. The Zoning Hearing Examiner	53	(A) The applicant or any aggrieved person of record
22		shall grant a continuance if a required Technical	54	may appeal the ZHE's decision by filing a notice
23		Staff Report has not been filed at least thirty (30)	55	of appeal with the District Council within 30 days
24		days before the scheduled hearing. If a	56	of the decision.
25		continuance is granted for this reason, the	57	(B) The ZHE's decision on a special exception
26		Zoning Hearing Examiner may not hear the case	58	application shall be reviewed by the District
27		until at least thirty (30) days after the Technical	59	Council if the ZHE's decision conflicts with the
28		Staff Report has been filed.	60	recommendation of a municipality in which any
29	(7)	Review and Decision by Zoning Hearing	61	portion of the land subject to the application is
30		Examiner		located.
31		See Section 27-3409, Review and Decision by Decision-		
32		Making Body or Official.		

1 (C) In addition, the District Council may, on its own 32
2 motion, elect to review the ZHE’s decision on the 33
3 special exception, within 30 days of the mailing 34
4 of notice of the ZHE’s decision, in accordance 35
5 with Section 27-3605(d)(9), Notification. 36
6 (D) The ZHE shall transmit to the District Council the 37
7 special exception application hearing record 38
8 within seven days after the appeal is filed, the 39
9 review is required in accordance with Subsection 40
10 27-3604(d)(10)(B), above, or the District Council 41
11 elects to review the ZHE’s decision in accordance 42
12 with subsection 27-3604(d)(10)(C), above. This 43
13 shall constitute the record on appeal or election 44
14 to review. 45
15 (E) The Clerk of the Council shall schedule and 46
16 provide notice of the public hearing on the 47
17 appeal or election to review, as appropriate, in 48
18 accordance with Section 27-3407, Scheduling of 49
19 Hearings and Public Notice. 50
20 (F) The District Council shall hold a public hearing in 51
21 accordance with Section 3414, Oral Argument 52
22 Hearing, within 70 days after the ZHE transmits 53
23 the hearing record. The District Council may 54
24 extend the time to hold a hearing for up to 45 55
25 additional days, on its own motion, or on request 56
26 of the appellant or a party of record. 57
27 (G) Within 60 days after the close of the hearing, the 58
28 District Council shall render a final decision. 59
29 (H) If the District Council fails to act within the 60
30 specified time, the ZHE’s decision is 61
31 automatically affirmed.

- (I) If the decision is reviewed in accordance with Subsection (10)(B), above, approval of the special exception shall require a two-thirds majority vote of the full Council.
- (J) The District Council may remand the matter to the ZHE, once, in accordance with State law.
- (K) The District Council shall provide its decision in writing, stating the reasons for its action. Copies of the decision shall be sent to all persons of record and the ZHE.

(11) Post-Decision Actions

- (A) Effect**
No use approved as a special exception in accordance with this Subsection, and no building or structure used in connection with an approved special exception use, shall be erected, enlarged, altered, or extended beyond the terms and conditions authorized in the special exception approval, unless provided for in this Section.
- (B) Tracking Procedures**
 - (i) Within a reasonable period of time after approval of a special exception, the Planning Director shall identify it on the Official Zoning Map.
 - (ii) If a special exception approval is nullified or expires, its nullification or expiration shall be noted on the Official Zoning Map and all other relevant County files, by the Planning Director.

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1	(C) Effect of Rezoning On Approved Special	34	
2	Exception	35	
3	When any land, or portion thereof, upon which a	36	plan (or detailed site plan) and any conditions
4	special exception has been approved is reclassified to	37	shall continue in full force and effect as to that
5	a zoning category different from that category in	38	portion of the property subject to the special
6	which it was classified at the time the special	39	exception site plan which remains in the zone
7	exception was approved, the following shall apply:	40	permitting the commercial recreational
8		41	attraction as a special exception use. Any
9	(i) If, at the time of the rezoning, the approved use	42	improvement, use, structure, screen, or buffer
10	requires approval of a special exception in the	43	located in whole or in part on the property
11	new zone, and the specific special exception	44	placed in the new zone may also continue to be
12	requirements governing the use are the same in	45	used in conjunction with the special exception
13	both zones, the special exception, as approved,	46	until that property is developed for another use
14	shall remain in full force and effect.	47	or removed from the approved special exception
15		48	site plan (or detailed site plan). However, if the
16	(ii) If, at the time of the rezoning, the approved use	49	new zone to which the commercial recreational
17	is not permitted in the new zone, or requires	50	attraction has been rezoned is subsequently
18	approval of a special exception with different	51	amended to permit the commercial recreational
19	requirements, and the use or construction	52	attraction by special exception, then the original
20	authorized by the special exception has	53	approved special exception, as well as the
21	commenced and has not ceased, the special	54	original special exception site plan (subject to
22	exception shall not terminate and the use may	55	any revisions which have been approved), shall
23	continue as a nonconforming use.	56	be deemed reinstated on the entire property
24	Notwithstanding the provisions of this Subtitle	57	provided:
25	relative to nonconforming uses, the use and	58	(aa) The entire property is under single
26	development authorized under this paragraph	59	ownership; and
27	shall be subject to Sections 27-3604(i), Changes	60	(bb) The area and configuration of the entire
28	to Approved Special Exception and 27-3604(j),	61	property remain unchanged.
29	Revocation or Modification of Approved Special	62	
30	Exception.	63	(iv) If, at the time of the rezoning, the approved use
31		64	is not permitted in the new zone, or requires
32	(iii) Notwithstanding any of the above, in the case of	65	approval of a special exception with different
33	a commercial recreational attraction if, at the	66	requirements, and the use or construction
	time of the rezoning, the commercial		authorized by the special exception has not
	recreational attraction is not permitted in the		commenced or has ceased, the special exception
	new zone, the approved special exception site		shall terminate, and all provisions of the new

1	zone shall apply to the use and development of	33	
2	the property.	34	
3	(v) If, at the time of the rezoning, the approved use	35	
4	is permitted in the new zone without approval of	36	
5	a special exception, the special exception shall	37	
6	terminate, and all provisions of the new zone	38	
7	shall apply to further use and development of	39	
8	the property.	40	
9	(vi) If a special exception is approved for property	41	
10	owned by the State or Federal Government in	42	
11	the AG Zone, the special exception shall remain	43	
12	valid upon placement of the property in the ROS	44	
13	Zone as a result of a conveyance of the property,	45	
14	and the special exception use shall remain	46	
15	applicable to the requirements of the AG Zone.	47	
16	(D) Effect of Legislative Amendment on Approved	48	
17	Special Exception	49	
18	(i) When an amendment to the text of the Zoning	50	
19	Ordinance is enacted that negates the need for a	51	
20	special exception which has previously been	52	
21	approved, the special exception shall terminate	53	
22	and all current provisions of the zone shall apply	54	
23	to further use and development of the property,	55	
24	in accordance with the procedures set forth	56	
25	below.	57	
26	(ii) If a special Exception is terminated pursuant to	58	
27	Subsection 27-3604(d)(11)(D)(i), above, an	59	
28	owner of property so affected may petition the	60	
29	Planning Director requesting that the special	61	
30	exception be officially nullified. Any such request		
31	shall be accompanied by a written statement		
32	setting forth the relevant facts supporting the		
			petition, as well as true-test copies of the
			approved special exception and site plan, and
			the legislative amendment terminating the
			special exception. Notwithstanding the above, if
			the Planning Director discovers through other
			review procedures that a special exception is no
			longer required for the property, the Director
			may initiate procedures for termination of the
			special exception.
			(aa) Upon the Planning Director's determination
			that a legislative amendment has
			terminated a special exception, the Director
			shall make a written finding setting forth
			the grounds upon which the determination
			is made.
			(bb) If the Planning Director finds that a special
			xception has not terminated, the applicant
			may file an appeal to the Planning Board
			within twenty (20) calendar days after the
			date of the Planning Director's action.
			(cc) Upon the approval of a request to nullify a
			special exception, by either the Planning
			Director or the Planning Board, said action
			shall be noted on the official zoning map for
			Prince George's County and in all of the files
			regarding nullified special exceptions
			maintained by either the Planning Board,
			the Zoning Hearing Examiner, or the District
			Council.

1	(E) Extension of Time Limit	31	(aa) If the District Council determines there may
2	(i) In order to extend a time limit which is imposed	32	be grounds for reconsideration of their final
3	in this Subtitle for a particular use, a new special	33	decision, the Clerk of the Council shall
4	exception must be approved.	34	schedule an evidentiary hearing on the
5	(ii) In order to extend a time limit which is imposed	35	request.
6	as a condition of a special exception approval, a	36	(I) After hearing, the District Council shall
7	new special exception application need not be	37	first vote to reconsider their final
8	filed. The extension may be approved in	38	decision and, if an affirmative motion is
9	accordance with the requirements and	39	adopted, vote on a new decision.
10	procedures of Section 27-3604(h), Changes to	40	(bb) If the Zoning Hearing Examiner determines
11	Approved Special Exceptions: Major Changes.	41	there may be grounds for reconsideration
12	(F) Reconsideration of Final Decision	42	of a decision of the Zoning Hearing
13	(i) Once a final decision on a special exception	43	Examiner that became final, the Zoning
14	application has been made, the decision may be	44	Hearing Examiner shall conduct a public
15	reconsidered upon request filed by either the	45	hearing in accordance with Section 27-
16	applicant or other person of record within thirty	46	3604(d)(6), Scheduling Public Hearing and
17	(30) days of the final decision, if, based on the	47	Public Notice.
18	written request, whomever made the final	48	(II) After the close of the hearing record,
19	decision (the Zoning Hearing Examiner or District	49	the Zoning Hearing Examiner shall file a
20	Council) finds that there may have been an error	50	written recommendation with the
21	in reaching the final decision that was caused by	51	District Council.
22	fraud, surprise, mistake, or inadvertence. The	52	(III) Any person of record may appeal the
23	person of record filing the request for	53	recommendation of the Zoning Hearing
24	reconsideration of a special exception decision	54	Examiner within fifteen (15) days of the
25	shall, upon filing the request, send a copy to all	55	filing of the Zoning Hearing Examiner's
26	other persons of record.	56	decision with the District Council. If
27	(ii) Prior to reconsidering a decision, a public	57	appealed, all persons of record may
28	hearing shall be held on the matter by whomever	58	testify before the District Council.
29	made the final decision (Zoning Hearing	59	Persons arguing shall adhere to the
30	Examiner or District Council).	60	District Council's Rules of Procedure,
		61	and argument shall be limited to thirty
		62	(30) minutes for each side, and to the
		63	record of the hearing.

1	(e) Required Findings	31		
2	(1) A special exception may be approved if:	32		
3	(A) The proposed use and site plan are in harmony	33		
4	with the purpose of this Subtitle;	34		
5	(B) The proposed use is in conformance with all the	35		
6	applicable requirements and regulations of this	36		
7	Subtitle;	37		
8	(C) The proposed use will not substantially impair	38		
9	the integrity of any validly approved Area Master	39		
10	Plan, Sector Plan, or Functional Master Plan, or,	40		
11	in the absence of an Area Master Plan, Sector	41		
12	Plan, or Functional Master Plan, the General	42		
13	Plan;	43		
14	(D) The proposed use will not adversely affect the	44		
15	health, safety, or welfare of residents or workers	45		
16	in the area;	46		
17	(E) The proposed use will not be detrimental to the	47		
18	use or development of adjacent properties or the	48		
19	general neighborhood; and	49		
20	(F) The proposed site plan is in conformance with an	50		
21	approved Type 2 Tree Conservation Plan; and	51		
22	(G) The proposed site plan demonstrates the	52		
23	preservation and/or restoration of the regulated	53		
24	environmental features in a natural state to the	54		
25	fullest extent possible in accordance with the	55		
26	requirements of Subtitle 24: Subdivision	56		
27	Regulations.	57		
28	(2) In addition to the above required findings, in a	58		
29	Chesapeake Bay Critical Area Overlay (CBCAO) Zone, a	59		
30	special exception shall not be granted:	60		
		61		
			(A) Where the existing lot coverage in the CBCAO	
			exceeds that allowed by this Subtitle, or	
			(B) Where granting the special exception would	
			result in a net increase in the existing lot	
			coverage in the CBCAO.	
			(f) Changes to Approved Special Exceptions: In	
			General	
			(A) No use allowed as a special exception, and no	
			building or structure used in connection with	
			that use, shall be erected, enlarged, altered, or	
			extended beyond the limits authorized in the	
			approval of the special exception, unless	
			provided for in this Section.	
			(B) If a use other than one allowed by special	
			exception is proposed for property on which	
			there is an existing approved special exception	
			use, and if the other use involves any changes to	
			improvements shown on the approved site plan	
			for the special exception use, the site plan must	
			still be revised in accordance with this Section in	
			order for the special exception use to continue.	
			(g) Changes to Approved Special Exceptions:	
			Alterations, Enlargements, Extensions, and	
			Revisions	
			(A) All alterations, enlargements, extensions or	
			revisions of special exception uses (including	
			enlargements in land area and area of	
			improvements, revisions of a site plan and in the	
			configuration of land area, and extensions of	
			time) shall require the filing and approval of a	
			new application for the applicable special	

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1	exception use, except as specifically provided for	33
2	in this Section.	34
3	(B) The new application shall include the entire land	35
4	area covered by the original application, unless	36
5	the new application is only for the purpose of	37
6	adding land not covered by the original	38
7	application. In this case, the new application may	39
8	include only the land area being added, provided	40
9	that the application fully demonstrates the	41
10	relationship of development shown on both the	42
11	new and originally approved site plans.	43
12	(C) Any use or activity approved as an adaptive reuse	44
13	of a surplus public school shall be limited to the	45
14	land area covered by the original application, and	46
15	no new application may be filed for the purpose	47
16	of adding land not covered by the original	48
17	application.	49
18	(h) Changes to Approved Special Exceptions: Major	50
19	Changes	51
20	(A) The District Council may (for good cause) amend	52
21	any imposed condition or approved site plan	53
22	without requiring a new application if the	54
23	amendment does not constitute an enlargement	55
24	or extension of a special exception use.	56
25	(i) In the case of an amendment of a condition	57
26	(imposed as a part of the approval of a special	58
27	exception), the amendment request shall be	59
28	directed (in writing) to the District Council and	60
29	filed with the Clerk of the Council. The Zoning	61
30	Hearing Examiner shall hold a public hearing on	62
31	the request, in accordance with Section 27-	63
32	3604(d)(6), Scheduling Public Hearing and Public	64
		65
		66

Notice. The Technical Staff shall analyze the proposed amendment and submit a report to the Zoning Hearing Examiner at least fourteen (14) days prior to the public hearing. After the close of the hearing record, the Zoning Hearing Examiner shall file a written recommendation with the District Council. Any person of record may appeal the recommendation of the Zoning Hearing Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner's recommendation with the District Council. If appealed, all persons of record may testify before the District Council. Persons arguing shall adhere to the District Council's Rules of Procedure, and argument shall be limited to thirty (30) minutes for each side, and to the record of the hearing.

- (ii)** In the case of an amendment of an approved special exception site plan, the amendment request shall be in the form of an application filed with the Planning Board. The contents of the application shall be determined by the Planning Board. Along with filing the application, the applicant shall submit a revised site plan and shall pay the required fee. The Technical Staff shall analyze the proposed amendment, taking into consideration the requirements of this Subtitle, and shall submit (for the record) a recommendation. The recommendation and the proposed amendment shall be transmitted by the Technical Staff directly to the Zoning Hearing Examiner and the District Council at least fourteen (14) days prior to the public hearing on the request held by the Zoning Hearing Examiner

1 in accordance with Section 27-3604(d)(6), 35
 2 Scheduling Public Hearing and Public Notice. 36
 3 After the close of the hearing record, the Zoning 37
 4 Hearing Examiner shall file a written 38
 5 recommendation with the District Council. Any 39
 6 person of record may appeal the 40
 7 recommendation of the Zoning Hearing 41
 8 Examiner within fifteen (15) days of the filing of 42
 9 the Zoning Hearing Examiner's recommendation 43
 10 with the District Council. If appealed, all persons 44
 11 of record may testify before the District Council. 45
 12 Persons arguing shall adhere to the District 46
 13 Council's Rules of Procedure, and argument shall 47
 14 be limited to thirty (30) minutes for each side, 48
 15 and to the record of the hearing. 49

16 **(B)** The District Council may permit the amendment 50
 17 of a site plan for a public utility use or structure 51
 18 (approved in accordance with Section 27- 52
 19 5402(aaa), Public Utility Use or Structure) 53
 20 without requiring a new application if the Council 54
 21 finds that the amendment is necessary for the 55
 22 public convenience and service, and will not have 56
 23 an adverse impact on the area and adjacent 57
 24 property. The amendment may be an 58
 25 enlargement or extension of a building or 59
 26 structure but may not be an increase in total area 60
 27 or change in the configuration of the property. In 61
 28 this latter case, the request to amend shall be in 62
 29 the form of a special exception application filed 63
 30 with the Planning Board, in the same manner as 64
 31 required for an original application. The 65
 32 Technical Staff shall analyze the proposed 66
 33 amendment, taking into consideration the 67
 34 requirements of this Subtitle, and shall submit

(for the record) a recommendation. The
 recommendation and the proposed amendment
 shall be transmitted by the Technical Staff
 directly to the Zoning Hearing Examiner and the
 District Council. The Zoning Hearing Examiner
 shall hold a public hearing on the request, in
 accordance with Section 27-3604(d)(6),
 Scheduling Public Hearing and Public Notice.
 After the close of the hearing record, the Zoning
 Hearing Examiner shall file a written
 recommendation with the District Council. Any
 person of record may appeal the
 recommendation of the Zoning Hearing
 Examiner within fifteen (15) days of the filing of
 the Zoning Hearing Examiner's recommendation
 with the District Council. If appealed, all persons
 of record may testify before the District Council.
 Persons arguing shall adhere to the District
 Council's Rules of Procedure, and argument shall
 be limited to thirty (30) minutes for each side,
 and to the record of the hearing.

(i) Changes to Approved Special Exceptions: Minor Changes

The ZHE, Planning Director, and any municipality to which such authority has been delegated may approve minor changes to an approved special exception, in accordance with the following (municipalities with delegated authority may approve any of the minor changes listed in Subsections 27-3604(i)(2) and 27-3604(i)(3), below):

(1) Posted Notice

The land subject to the minor change shall be posted with notice within fourteen (14) days of the date the application

1	is determined complete (see Section 27-3404,	31		
2	Determination of Completeness), in accordance with	32		percent, if the change does not have a significant
3	Section 27-3407(b)(6), Posted Notice. The Planning	33		impact on adjacent lands;
4	Director may waive posting after determining, in writing,	34	(ii)	A minor change required to allow for an
5	that the proposed minor change is so limited in scope and	35		approved special exception to comply with the
6	nature that it has no appreciable impact on adjacent lands.	36		requirements of Subtitle 32, Division 2: Grading,
7	On and after the first day of posting, the application may	37		Drainage and Erosion and Sediment Control, of
8	not be amended.			the County Code;
9		38	(iii)	New or alternative architectural plans that are
	(2) Changes Approved by ZHE	39		equal or superior to those originally approved, in
		40		terms of overall size and quality;
10	(A) The ZHE may review and approve, approve with	41	(iv)	Changes required by engineering necessity to
11	conditions, or disapprove the following minor	42		grading, utilities, stormwater management, or
12	changes:	43		related plan elements;
13	(i) An increase of no more than fifteen (15) percent	44	(v)	The redesign of parking or loading areas;
14	in the gross floor area of a building; or	45		
15	(ii) An increase of no more than fifteen (15) percent	46	(vi)	The redesign of a landscape plan; or
16	in the land area covered by a structure other	47		
17	than a building.	48	(vii)	Changes to any other plan element determined
18		49		by the Planning Director to have minimal effect
19	(B) The ZHE shall review and make a decision on the	50		on the overall design, layout, quality, or intent of
20	application for minor change in accordance with	51	(B)	The Planning Director shall review and make a
	Section 27-3604(e), Required Findings.	52		decision on the application for minor change in
21		53		accordance with Section 27-3604(e), Required
22	(C) A copy of the ZHE's decision shall be sent to all	54		Findings, and Section 27-3604(i)(3)(C) below.
23	persons of record, the Clerk of the Council, and	55	(C)	With respect to the minor change identified in
24	every municipality located within one mile of the	56		Section 27-3604(i)(3)(A)(ii) above, the Planning
	land subject to the application.	57		Director shall review and make a decision on the
25		58		application for minor change in accordance with
	(3) Changes Approved by Planning Director	59	(i)	the following standards:
26		60		
27	(A) The Planning Director may review and approve,			
28	approve with conditions, or disapprove a minor			
29	change that involves:			
30	(i) An increase in gross floor area or land covered by			
	a structure (other than a building) up to ten (10)			

1 erosion/sediment control or stormwater 31
2 management facilities; 32
3 (ii) The changes do not include the relocation of 33
4 stormwater management facilities onto land not 34
5 proposed for development; and 35
6 (iii) The agency or municipality having jurisdiction 36
7 over approval of the erosion/sediment control or 37
8 stormwater management plans have advised, in 38
9 writing, that development in accordance with 39
10 the approved special exception would result in a 40
11 violation of erosion/sediment control or 41
12 stormwater management regulations. 42
13 (D) A copy of the Planning Director’s decision shall 43
14 be sent to all persons of record, the Clerk of the 44
15 Council, and every municipality located within 45
16 one mile of the land subject to the application. 46
17 (4) All Other Changes 47
18 All other changes pertaining to approved special exceptions 48
19 shall require the filing and approval of a new application for 49
20 the applicable special exception use. 50
21 (j) Revocation or Modification of Approved Special 52
22 Exception 53
23 (1) Initiation 54
24 Any person of record may request that the DPIE 55
25 Director petition the District Council to revoke, 56
26 modify, suspend, or impose additional conditions on 57
27 an approved special exception, for the following 58
28 reasons: 59
29 (i) The provisions in the approved special exception 60
30 have not been complied with; or 61

(ii) The approved special exception has not been used for any two-year period after the date of the original approval, except where the conditions of nonuse are beyond the control of the grantee of the special exception.

The petition shall include pertinent facts and conclusions, and a recommended action.

(2) Procedure

(i) The DPIE Director shall transmit a copy of the petition to the Planning Director at the time of its submission to the ZHE. The DPIE Director shall also transmit a copy of the petition, by first-class mail, to the landowner(s), and to the applicant if different from the landowner. A copy of the petition shall also be transmitted by mail to each municipality, if any part of the land subject to the special exception is located within the municipal boundaries or is located within one mile of the municipality, and to civic associations that have selected the area as one of their areas of interest.

(ii) Within Ninety (90) days of receipt of the petition, the ZHE shall conduct a public hearing on the petition in accordance with the notice and hearing requirements of Section 27-3604, Special Exception. All persons of record at the time the special exception was approved shall be included in the required notification. At least thirty (30) days prior to the public hearing, the original special exception file, along with all pertinent information relating to the petition,

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1	shall be available for public examination in the	29	unless exempted in accordance with Section 27-
2	office of the ZHE.	30	3605(a)(2) below.
3	(iii) No later than ten (10) days prior to the ZHE's	31	(2) The following types of development are exempt from
4	hearing, the Planning Director may submit a	32	the requirements of detailed site plan review but shall
5	recommendation or other material for the	33	be required to file for all other appropriate permits and
6	record.	34	demonstrate compliance with the regulations of this
7	(iv) The ZHE may hold the record open for up to sixty	35	Zoning Ordinance:
8	(60) days following the conclusion of the hearing.	36	(A) Permits for alteration with no increase in the
9	Within thirty (30) days of the closing of the	37	gross floor area;
10	record, the ZHE shall file a decision.	38	(B) Permits for additions or alterations of residential
11	(v) The ZHE may (in conjunction with the revocation	39	dwelling units on land owned by a cooperative
12	or modification) order any use and occupancy	40	housing corporation;
13	permit or temporary use permit issued for the	41	(C) Canopies attached to a building and freestanding
14	special exception to be revoked or modified.	42	canopies;
15	(vi) Revocation of a special exception also	43	(D) Fences and walls;
16	constitutes revocation of any variances granted	44	(E) Decks, gazebos, patios, or other improvements
17	for the use.	45	typically associated with residential
18	(3) Conditions	46	development;
19	The ZHE may revoke, modify, suspend, or impose additional	47	(F) Generators or other mechanical equipment for
20	conditions on a special exception if the ZHE finds that the	48	operation of permitted uses on-site;
21	conditions in Section 27-3604(j)(1), above, apply.	49	(G) Routine repair and maintenance;
22	(4) Appeal	50	(H) Signage;
23	Any person of record may appeal the ZHE's decision to the	51	(I) Resurfacing, restriping, or adding landscaping
24	District Council within thirty (30) days of the decision.	52	and/or stormwater management facilities to
25	27-3605. Detailed Site Plan	53	existing parking and loading facilities;
26	(a) Applicability	54	(J) Restoration or reconstruction of a
27	(1) Detailed site plan approval is required prior to the	55	nonconforming building or structure (a special
28	issuance of a building permit for any development,	56	exception shall be required to restore or

1	reconstruct a nonconforming building or	31	
2	structure);	32	
3	(K) Changes in use or occupancy and/or ownership,	33	(3) Places of worship located on a lot between 1 and 2 acres
4	including but not limited to exemptions	34	in size shall require approval of a detailed site plan.
5	contained in Section 27-3608(b)(2);	35	
6	(L) All uses in the Agriculture/Forestry Uses	36	(4) The alteration, extension, or enlargement of
7	Category and the Open Space Uses Category;	37	Recreation/Entertainment and Community Service Uses
8	(M) Construction, expansion, or alteration of single-	38	associated with certified nonconforming multifamily
9	family detached, two-family, and/or three-family	39	dwellings, for the sole use of residents and their guests,
10	dwelling;	40	shall require approval of a detailed site plan.
11	(N) Construction, expansion, or alteration of	41	
12	townhouse and/or multifamily dwelling	42	(5) An applicant may submit a detailed site plan for
13	development of less than ten (10) units;	43	infrastructure in order to proceed with limited site
14	(O) Construction, expansion, or alteration of	44	improvements. These improvements must include
15	nonresidential development consisting of less	45	infrastructure which is essential to the future
16	than a total of twenty-five thousand (25,000)	46	development of the site, including streets, utilities, or
17	square feet of gross floor area; and	47	stormwater management facilities. Only those
18	(P) Construction, expansion, or alteration of mixed-	48	regulations, submittal requirements, and site design
19	use development with less than ten thousand	49	guidelines which are applicable shall be considered. The
20	(10,000) square feet of gross floor area and/or	50	Planning Board may also consider the proposal in light
21	less than ten (10) dwelling units.	51	of future requirements, such that the plan cannot
		52	propose any improvements which would hinder the
		53	achievement of the purposes of the zones, the purposes
		54	of this Part, or any conditions of previous approvals in
22	(b) Detailed Site Plans Generally		the future. The Planning Board shall also consider any
23	(1) Detailed site plans are reviewed and decided by the	55	recommendations by the Department of Permitting,
24	Planning Board in accordance with Section 27-3605(d),	56	Inspections, and Enforcement and the Prince George's
25	Detailed Site Plan Procedure. Appeals may be taken on	57	Soil Conservation District.
26	the Planning Board's decision to the District Council.	58	
27	(2) The initial development of property in a planned	59	(c) Submittal Requirements
28	development (PD) zone shall be subject to a detailed site	60	
29	plan, regardless of the amount of development	61	(1) The detailed site plan application shall be submitted to
30	proposed.	62	the Planning Director by the owner of the property or
			his authorized representative.
			(2) The detailed site plan shall be prepared by a licensed
			professional engineer, architect, landscape architect,
			land use planner, or other designee by the Planning
			Director.

1	(3) Upon filing the application, the applicant shall pay to the	31	(B) A vicinity map;
2	Planning Board a fee to help defray the costs related to	32	(C) A zoning sketch map with the subject property
3	processing the application.	33	outlined in red;
4	(4) If more than one (1) drawing is used, all drawings shall	34	(D) A copy of the applicant’s informational mailing
5	be at the same scale (where feasible).	35	letter, list of addresses, and signed affidavit of
6	(5) A detailed site plan application shall include the	36	mailing;
7	following (unless otherwise waived by the Planning	37	(E) Any required State Ethics Commission affidavits
8	Director):	38	(when accompanied by a variance);
9	(A) A signed application form, which shall include:	39	(F) One copy of a detailed site plan, which shall
10	(i) The name, address, and telephone number of	40	include the following:
11	the applicant, and an indication of the	41	(i) Location map, north arrow, and scale;
12	applicant's status as contract purchaser, agent,	42	(ii) A property boundary survey, using bearings and
13	or owner;	43	distances (in feet); and either the subdivision lot
14	(ii) The requested use of the property;	44	and block, or liber and folio numbers, outlined in
15	(iii) The street address of the property, name of any	45	red;
16	municipality the property is in, and name and	46	(iii) Zoning categories of the subject property and all
17	number of the Election District the property is in;	47	adjacent properties;
18	(iv) The total area of the property (in either acres or	48	(iv) Locations and types of major improvements that
19	square feet);	49	are within fifty (50) feet of the subject property
20	(v) The property's lot and block number, subdivision	50	and all land uses on adjacent properties;
21	name, and plat book and page number, if any; or	51	(v) An approved Natural Resource Inventory;
22	a description of its acreage, with reference to	52	(vi) Street names, rights-of-way, and pavement
23	liber and folio numbers.	53	widths of existing streets and interchanges
24	(vi) The name, address, and signature of each owner	54	within and adjacent to the site;
25	of record of the property. Applications for	55	(vii) Existing rights-of-way and easements (such as
26	property owned by a corporation must be signed	56	railroad, utility, water, sewer, access, and storm
27	by those officers empowered to act for the	57	drainage) within and adjacent to the site;
28	corporation; and	57	(viii) A Type 2 Tree Conservation Plan prepared in
29	(vii) The name, address, and telephone number of	58	conformance with Division 2 of Subtitle 25 and
30	the correspondent.	59	

1	The Woodland and Wildlife Habitat Conservation	32	(xi) Proposed system of internal streets including	32
2	Technical Manual, or a Standard Letter of	33	rights-of-way and pavement widths;	
3	Exemption;	34	(xii) Proposed lot lines and the dimensions (including	
4	(ix) A statement of justification detailing;	35	bearings and distances, in feet) and the area of	
5	(aa) How the property conforms to the	36	each lot;	
6	requirements of the Zoning Ordinance and	37	(xiii) Exact location and size of all buildings,	
7	Subdivision Regulations, as applicable,	38	structures, sidewalks, paved areas, parking lots	
8	including all conditions of approval in any	39	(including striping), and designation of waste	
9	development approvals and permits to	40	collection storage areas; and the use of all	
10	which the detailed site plan is subject;	41	buildings, structures, and land;	
11	(bb) How the proposed design preserves and	42	(xiv) Proposed grading, using one- or two-foot	
12	restores the regulated environmental	43	contour intervals, and any spot elevations that	
13	features in a natural state to the fullest	44	are necessary to describe high and low points,	
14	extent possible, in accordance with the	45	steps, retaining wall heights, and swales;	
15	requirements of Subtitle 24: Subdivision	46	(xv) A landscape plan prepared in accordance with	
16	Regulations;	47	the provisions of the Landscape Manual showing	
17	(cc) How any land intended for public use, but	48	the exact location and description of all plants	
18	not proposed to be in public ownership, will	49	and other landscaping materials, including size	
19	be held, owned, and maintained for the	50	(at time of planting), spacing, botanical and	
20	indicated purpose (including any proposed	51	common names (including description of any	
21	covenants or other documents); and	52	plants that are not typical of the species), and	
22	(dd) How the development proposed in the	53	planting method;	
23	detailed site plan can exist as a unit capable	54	(xvi) Exact location, size, type, and layout of all	
24	of sustaining an environment of continuing	55	proposed recreation facilities;	
25	quality and stability.	56	(xvii) Exact location and type of such accessory	
26	(x) An approved stormwater management concept	57	facilities as paths, walks, walls, fences (including	
27	plan and approval letter, and any other	58	widths or height, as appropriate), entrance	
28	documentation relating to any stormwater	59	features, and gateway signs;	
29	management facilities located off-site of the	60	(xviii) Architectural elevations of facades for all	
30	proposed development but which will serve the	61	sides of all proposed buildings, preliminary floor	
31	proposed development;	62	plans, and other illustrative drawings,	

- 1 photographs, or renderings deemed appropriate by the Planning Director;
 2
 3 **(xix)** A circulation plan in accordance with Section 27-
 4 6204;
 5 **(xx)** A parking plan in accordance with Section 27-
 6 6303;
 7 **(xxi)** A lighting plan, including a photometric plan, in
 8 accordance with Section 27-6703;
 9 **(xxii)** Any requested security exemption plans in
 10 accordance with Sections 27-6610 and 27-6709;
 11 **(xxiii)** A noise study prepared by a qualified
 12 professional to demonstrate compliance with
 13 Section 27-6810;
 14 **(xxiv)** A signage plan;
 15 **(xxv)** Identification of all proposed green building
 16 requirements in accordance with Section 27-
 17 61603; and
 18 **(xxvi)** Any other pertinent information.

19 **(d) Detailed Site Plan Procedure**

20 This Subsection identifies additions or modifications to the
 21 standard review procedures in Section Sec. 27-3400, Standard
 22 Review Procedures, that apply to development applications for
 23 a detailed site plan. Figure 27-3605(d) identifies key steps in the
 24 detailed site plan procedure.

25 **Figure 27-3605(d): Detailed Site Plan Procedure (Illustrative)**



26
 27
 28

(1) Pre-Application Conference

See Section 27-3401, Pre-Application Conference.

1	(2) Pre-Application Neighborhood Meeting	27	
2	See Section 27-3402, Pre-Application Neighborhood	28	
3	Meeting.	29	
4	(3) Application Submittal	30	
5	See Section 27-3403, Application Submittal.	31	
6		32	
7	(4) Determination of Completeness	33	
8	See Section 27-3404, Determination of Completeness.	34	
9		35	
10	(5) Staff Review and Action	36	
11	See Section 27-3406, Staff Review and Action. After staff	37	
12	review and evaluation of the application, the Planning	38	
13	Director shall prepare a Technical Staff Report, which shall	39	
14	include a recommendation on the application.	40	
15		41	
16	(6) Scheduling Public Hearing and Public Notice	42	
17	See Section 27-3407, Scheduling of Hearings and Public	43	
18	Notice.	44	
19		45	
20	(7) Review and Decision by Decision-Making Body	46	
21	or Official	47	
22	See Section 27-3409, Review and Decision by Decision-	48	
23	Making Body or Official.	49	
24		50	
25	(A) The Planning Board shall conduct a public	51	
26	hearing on the application in accordance with	52	
	Section 27-3412, Evidentiary Hearing, and make	53	
	a decision in accordance with Section 27-	54	
	3605(e), Detailed Site Plan Decision Standards.	55	
		56	
	(B) The decision shall be one of the following:	57	
		58	
	(i) Approve the detailed site plan;		
			(ii) Approve the detailed site plan, subject to
			conditions of approval; or
			(iii) Disapprove the detailed site plan.
			(C) The Planning Board's decision shall be by
			resolution. The resolution shall set forth the
			Planning Board's findings and conclusions upon
			which the decision is based.
			(D) The Planning Board shall approve, approve with
			modifications, or disapprove the detailed site
			plan within seventy (70) calendar days after the
			application is determined to be complete. The
			month of August and the period between and
			inclusive of December 20 and January 3 shall not
			be included in calculating this seventy (70)
			calendar day period. If no action is taken within
			seventy (70) calendar days, the detailed site plan
			shall be deemed to have been approved. The
			applicant may (in writing) extend the seventy
			(70) calendar day requirement to provide for
			some longer specified review period not to
			exceed forty-five (45) additional calendar days,
			or such other additional time period as
			determined by the applicant.
			(E) A detailed site plan approval shall not be
			included as a condition in a preliminary plan of
			subdivision unless so otherwise provided by law.
			When a detailed site plan is not required, the
			Planning Board may impose a limited
			development review as a condition of approval
			to a preliminary plan of subdivision.
			(8) Conditions of Approval
			Allowed (see Section 27-3415, Conditions of Approval).

1	(9) Notification	32	
2	See Section 27-3416, Notification). The Planning Board shall	33	
3	transmit written notice of its decision to all persons of	34	
4	record and the Clerk of the Council within seven days after	35	
5	the date of the Planning Board adopts its resolution.	36	
6	(10) Appeal and Election	37	
7	Optional (see Section 27-3417, Appeal).	38	
8		39	
9	(A) The applicant or any aggrieved person may	40	(D) The Clerk of the Council shall schedule and
10	appeal the Planning Board's decision to the	41	provide notice of an oral argument hearing on
11	District Council, by filing a notice of appeal with	42	the appeal or election to review in accordance
12	the Clerk of the Council within thirty (30) days of	43	with Section 27-3407, Scheduling of Hearings
13	the mailing of notice of the Planning Board's	44	and Public Notice.
14	decision, in accordance with Section 27-	45	
15	3605(d)(9), Notification .	46	(E) The District Council shall hold a public hearing in
16		47	accordance with Section 27-3414, Oral Argument
17	(B) In addition, the District Council may, on its own	48	Hearing. Within sixty (60) days of the date the
18	motion, elect to review the Planning Board's	49	appeal petition is filed or the District Council
19	decision on the detailed site plan, within thirty	50	elects to review the detailed site plan
20	(30) days of the mailing of notice of the Planning	51	application, the District Council shall affirm,
21	Board's decision, in accordance with Section 27-	52	reverse, or modify the decision of the Planning
22	3605(d)(9), Notification.	53	Board, or remand the detailed site plan
23		54	application one time to the Planning Board to
24	(C) The Planning Board shall transmit to the District	55	take further testimony, and/or consider specific
25	Council within seven (7) calendar days after the	56	issues that are expressly stated in writing in the
26	appeal is filed, or the District Council elects to	57	remand order and based on the record. The
27	review the Planning Board's decision, the	58	Planning Board's action on the remand request
28	detailed site plan application and all material and	59	shall become part of the record on appeal. The
29	evidence submitted for consideration by the	60	Council's decision on the appeal shall be based
30	Planning Board, a transcript of the public hearing	61	on the record on appeal or election review, and
31	on the application, and any additional	62	be in accordance with the standards in
	information or explanatory material deemed	63	Subsection 27-3605(d)(10)(F), below.
	appropriate. This shall constitute the record on	64	
	appeal or election to review.		(F) For detailed site plan applications remanded to
			the Planning Board by the District Council, the
			Planning Board shall approve, approve with
			modifications, or disapprove the detailed site
			plan within sixty (60) days of the transmittal date
			of the notice of remand by the Clerk of the
			Council. The month of August and the period
			between and inclusive of December 20 and
			January 3 shall not be included in calculating this
			sixty (60) day period.

1	(G) If the Council fails to act within the time limits in	29	(aa) An increase of up to ten (10) percent in the
2	Subsection 27-3605(d)(10)(E), above, the	30	gross floor area of a building over the life of
3	Planning Board's decision is automatically	31	the development approval;
4	affirmed.	32	
5	(H) The Council shall provide its decision in writing,	33	(bb) An increase of up to ten (10) percent in the
6	stating the reasons for its action. Copies of the	34	land area covered by a structure other than
7	decision shall be sent by the Clerk of the Council	35	a building;
8	to all persons of record and the Planning Board.	36	(cc) The redesign of parking or loading areas due
9	(11) Post-Decision Actions	37	to either changes required by engineering
		38	necessity to grading, utilities, stormwater
10	(A) Effect of Approval	39	management, or related plan elements, or
11	After a detailed site plan is approved, the applicant	40	changes that result in more efficient parking
12	may:	41	lot design or improve the pedestrian
13	(i) Apply for subdivision approval in accordance	42	accessways within the parking lot;
14	with Subtitle 24: Subdivision Regulations, if	43	(dd) The redesign of a landscape plan due to
15	subdivision approval is required and has not	44	changes required by engineering necessity
16	occurred; and	45	to grading, utilities, stormwater
17	(ii) Apply for any other development approvals or	46	management, or related plan elements, or
18	permits required by this Ordinance and the	47	changes that increase protection of existing
19	County Code.	48	tree canopy, increase the landscaping on
		49	the site, or improve stormwater
20	(B) Minor Amendments to Approved Detailed Site	50	management or water quality;
21	Plans	51	(ee) New or alternative architectural plans that
22	(i) The Planning Director may approve minor	52	are equal or superior to those originally
23	amendments to approved detailed site plans in	53	approved, in terms of overall quality;
24	accordance with this Subsection, Table 27-	54	(ff) Other changes required by engineering
25	3407(b): Required Public Notice, and Section 27-	55	necessity to grading, utilities, stormwater
26	3605(e), Detailed Site Plan Decision Standards.	56	management, or related plan elements; or
27	(ii) Minor amendments to approved detailed site	57	(gg) Changes to any plan element requested by
28	plans are limited to the following:	58	PEPCO or any other similar utility provider if
		59	the amendment is necessary for the
		60	efficient and safe installation of the utility or
			infrastructure.

CB-013-2018 (DR-2) has not yet taken effect and is subject to revisions via further legislative action of the Council.

1	(C) Amendment	30	(2) The proposed development complies with all conditions of approval in any development approvals and permits to which the detailed site plan is subject;
2	An amendment of an approved detailed site plan	31	
3	which exceeds the thresholds specified in Subsection	32	
4	27-3605(d)(11)(B), Minor Amendments to Approved	33	(3) The proposed development demonstrates the preservation and/or restoration of the regulated environmental features in a natural state, to the maximum extent practicable, in accordance with the requirements of Section 24-4303(D)(5) of Subtitle 24: Subdivision Regulations;
5	Detailed Site Plans, above, may only be reviewed in	34	
6	accordance with the procedures and standards	35	
7	established for its original approval.	36	
8	(D) Lapse of Approval	37	
9	(i) An approved detailed site plan is valid for six (6)	38	(4) Proposed development located within a Planned Development (PD) zone shall be in conformance with the PD Basic Plan and PD Conditions of Approval that apply to that development;
10	years.	39	
11	(aa) If construction has not begun at the end of	40	(5) The proposed development conforms to an approved Tree Conservation Plan, if applicable;
12	this period, the detailed site plan lapses and	41	
13	has no effect. For the purposes of this	42	(6) The development proposed in a detailed site plan for infrastructure complies with Part 27-6: Development Standards, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge; and
14	Subsection, construction is considered to	43	
15	have begun when all necessary excavation	44	
16	and piers and footings (of at least one	45	
17	building included in the plan) is completed.	46	
18	(ii) If the detailed site plan approval lapses, the	47	
19	applicant may resubmit an application for a	48	(7) Places of worship located on a lot between one (1) and two (2) acres in size shall also meet the following standards:
20	detailed site plan, which shall be reviewed as a	49	
21	new application.	50	(A) The minimum setback for all buildings shall be twenty-five (25) feet from each lot line;
22	(e) Detailed Site Plan Decision Standards	51	(B) When possible, there should be no parking or loading spaces located in the front yard; and
23	A detailed site plan may only be approved upon a finding that all	52	
24	of the following standards are met:	53	
25	(1) The proposed development represents a reasonable	54	
26	alternative for satisfying the applicable standards of this	55	
27	Subtitle, without requiring unreasonable costs and	56	
28	without detracting substantially from the utility of the	57	
29	proposed development for its intended use;	58	
		59	

1 (C) The maximum allowable lot coverage for the zone 29
 2 in which the use is proposed shall not be increased. 30

3 **27-3606. Sign Permit** 31

4 (a) **General** 32

5 This Section establishes a uniform mechanism for ensuring that 33
 6 all signs comply with the standards in Section Sec. 27-61500, 34
 7 Signage. 35

8 (b) **Applicability** 36

9 (1) The procedures and standards in this Subsection apply 37
 10 to the review of and decision on applications for sign 38
 11 permits. 39

12 (2) Unless exempted in accordance with Section 27- 40
 13 61502(b), Exemptions, or unless a sign permit is not 41
 14 required in accordance Section 27-61502(c), 42
 15 Exemptions from Sign Permits, approval of a sign permit 43
 16 is required before any sign is erected, installed, 44
 17 displayed, structurally altered, or otherwise changed.

18 (c) **Sign Permit Submittal Requirements**

19 (1) Except as provided in Section Sec. 27-61500, Signage, 20
 21 Signs shall not be displayed unless a permit has been 22
 22 issued by the Department of Permitting, Inspections, 23
 23 and Enforcement. 24

25 (2) An application for a sign permit shall be submitted on 26
 26 forms provided by the Department of Permitting, 27
 27 Inspections, and Enforcement. 28

28 (3) Each application shall be accompanied by plans, 29
 29 sketches, or photographs which indicate the following:

(A) Size and location of the sign;

(B) Design of the sign;

(C) Sign contents;

(D) Method of erecting the sign; and

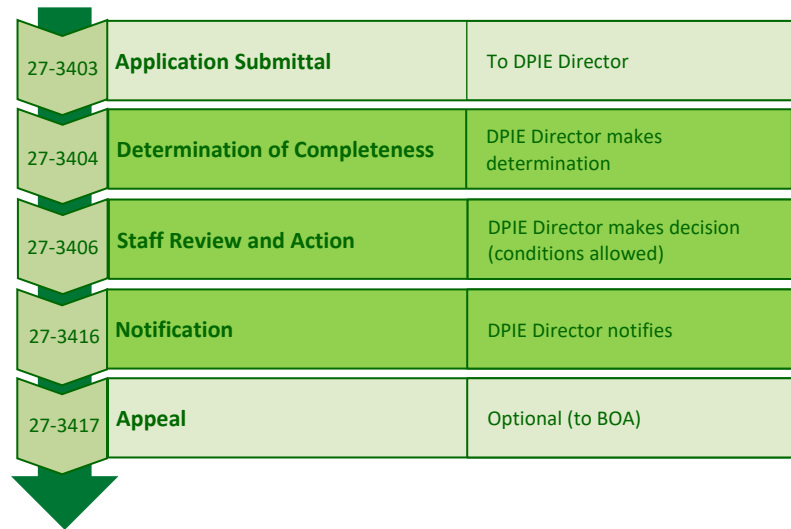
(E) Any other information the DPIE Director may require to ensure compliance with this Subtitle and any other regulations of the County.

(4) For freestanding signs, architectural drawings and design criteria shall also be provided.

(d) **Sign Permit Procedure**

This Subsection identifies additions or modifications to the standard review procedures in Section Sec. 27-3400, Standard Review Procedures, that apply to development applications for a sign permit. Figure 27-3606(c) identifies key steps in the sign permit procedure.

Figure 27-3606(c): Sign Permit Procedure (Illustrative)



1	(1) Application Submittal	31	
2	See Section 27-3403, Application Submittal. Applications	32	the sign permit, unless the right of appeal has been waived;
3	for sign permits shall be submitted to the DPIE Director.	33	nor shall any sign permit be recommended for approval
4		34	during the pendency of any appeal to, or review by, the
5	(2) Determination of Completeness	35	District Council.
6	See Section 27-3404, Determination of Completeness. The	36	
7	DPIE Director determines whether the application is	37	(4) Notification
8	complete.	38	See Section 27-3416, Notification.
9		39	
10	(3) Staff Review and Action	40	(5) Appeal
11	See Section 27-3406, Staff Review and Action. After staff	41	Optional (see Section 27-3417, Appeal). The applicant may
12	review and evaluation of the application, and referral to the	42	appeal the DPIE Director's decision on an application for a
13	Planning Director for comment, the DPIE Director shall	43	sign permit to the BOA in accordance with Section 27-3616,
14	review and make a decision on the application in	44	Appeal to Board of Appeals.
15	accordance with Section 27-3606(e), Sign Permit Decision	45	
16	Standards. The decision shall be one of the following:	46	(6) Post-Decision Actions
17		47	(A) Lapse of Approval
18	(A) Approve the application as submitted;	48	(i) If the work described in any sign permit has not
19	(B) Approve the application subject to conditions of	49	begun within six (6) months from the date of its
20	approval; or	50	approval, the sign permit shall expire and be
21	(C) Disapprove the application. If the application is	51	void.
22	denied, a written statement shall be included	52	(ii) Upon written application submitted by the
23	with the application stating the reasons why the	53	applicant at least thirty (30) days prior to the
24	application does not comply with the decision	54	expiration of an approved sign permit and upon
25	standards.	55	a showing of good cause, the DPIE Director may
26	No sign permit shall be issued until the application has been	56	grant one (1) extension of time, not to exceed six
27	referred to the Planning Board (or its authorized	57	(6) months.
28	representative) for review and recommendations with	58	(B) Revocation of Sign Permits
29	respect to the requirements of this Subtitle. Any permit	59	All sign permits are only licenses, and are revocable at
30	issued without this review and recommendation is invalid.		any time by the Director of the Department of
	No sign permit shall be recommended for approval until		Permitting, Inspections, and Enforcement for failure to
	after the expiration of the specified appeal period from a		meet any of the requirements of this Part. The failure
	Planning Board decision concerning the subject property of		to comply with any of the regulations, or a valid order

1 by the Director of the Department of Permitting,
 2 Inspections, and Enforcement, shall subject the owner
 3 or user of the sign to the penalties prescribed by Part
 4 27-8, Enforcement.

5 **(e) Sign Permit Decision Standards**

6 An application for a sign permit may only be approved upon a
 7 finding the applicant demonstrates the proposed sign complies
 8 with all applicable standards in Section Sec. 27-61500, Signage,
 9 all other relevant requirements of this Ordinance, and all
 10 development approvals and permits to which the proposed sign
 11 is subject.

12 **27-3607. Temporary Use Permit**

13 **(a) General**

14 This Section establishes a uniform mechanism for ensuring that
 15 proposed temporary uses comply with the standards in Section
 16 Sec. 27-5300, Temporary Uses and Structures.

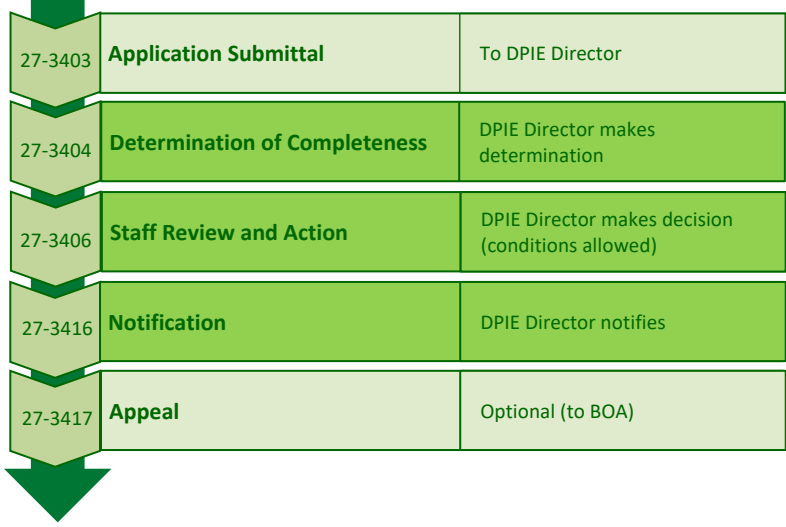
17 **(b) Applicability**

- 18 **(1)** The procedures and standards in this Subsection apply
 19 to the review of and decision on applications for
 20 temporary use permits.
- 21 **(2)** A temporary use permit is required prior to the
 22 establishment or commencement of any temporary use
 23 for which a temporary use permit is required in Section
 24 Sec. 27-5300, Temporary Uses and Structures.
- 25 **(3)** Unless otherwise specified in this Ordinance, any
 26 temporary use shall obtain any other applicable County,
 27 municipal, State, or Federal permits.

28 **(c) Temporary Use Permit Procedure**

29 This Subsection identifies additions or modifications to the
 30 standard review procedures in Section Sec. 27-3400, Standard
 31 Review Procedures, that apply to development applications for
 32 a temporary use permit. Figure 27-3607(c) identifies key steps in
 33 the temporary use permit procedure.

34 **Figure 27-3607(c): Temporary Use Permit Procedure (Illustrative)**



35
36 **(1) Application Submittal**

37 See Section 27-3403, Application Submittal. Applications
 38 for temporary use permits shall be submitted to the DPIE
 39 Director. In addition, an application for a temporary use
 40 permit for temporary sales trailers, temporary construction
 41 trailers and temporary office trailers shall include either a
 42 copy of an approved Type 2 Tree Conservation Plan
 43 showing the areas of disturbance proposed with the
 44 permit, or an approved letter of exemption in conformance
 45 with Division 2 of Subtitle 25: Woodland and Wildlife

1	Habitat Conservation Ordinance, of the County Code of	31
2	Ordinances, referencing the land subject to the application,	32
3	the proposed area of disturbance, and the proposed use.	33
4	(2) Determination of Completeness	34
5	See Section 27-3404, Determination of Completeness. The	35
6	DPIE Director determines whether the application is	36
7	complete.	37
8	(3) Staff Review and Action	38
9	See Section 27-3406, Staff Review and Action.	39
10	(A) After staff review and evaluation of the	40
11	application, the DPIE Director shall review and	41
12	make a decision on the application in accordance	42
13	with Section 27-3607(d), Temporary Use Permit	43
14	Decision Standards. The decision shall be one of	44
15	the following:	45
16	(i) Approve the application as submitted;	46
17	(ii) Approve the application subject to conditions of	47
18	approval; or	48
19	(iii) Disapprove the application. If the application is	49
20	denied, a written statement shall be included	50
21	with the application stating the reasons why the	51
22	application does not comply with the decision	52
23	standards.	53
24	(B) Temporary use permits shall be referred to the	54
25	Planning Board or its authorized representative	55
26	for its comments and recommendations, if any,	56
27	for any property in the Safety Zones of the	57
28	Military Installation Overlay (MIO) Zone;	
29	properties subject to Subtitle 25 of the County	
30	Code of Ordinances; and properties within the	

Chesapeake Bay Critical Area Overlay (CBCAO)
Zone.

(4) Conditions of Approval

Allowed (see Section 27-3415, Conditions of Approval).

(5) Notification

See Section 27-3416, Notification.

(6) Appeal

Optional (see Section 27-3417, Appeal). The applicant or aggrieved party may appeal the DPIE Director's decision on an application for a temporary use permit to the BOA in accordance with Section 27-3616, Appeal to Board of Appeals.

(7) Post-Decision Actions

(A) Lapse of Approval

A temporary use permit shall be effective beginning on the date specified in the permit approval, and shall remain effective for the period indicated on the permit.

(d) Temporary Use Permit Decision Standards

An application for a temporary use permit may only be approved upon a finding that:

- (1)** The application complies with all applicable standards in Section Sec. 27-5300, Temporary Uses and Structures;
- (2)** Any disturbance proposed will not violate the provisions of Division 2 of Subtitle 25: the Woodland and Wildlife Habitat Conservation Ordinance, of the County Code; and

1 (3) If the proposed temporary use is to be located in a 29
2 Safety Zone of the Military Installation Overlay Zone, the 30
3 temporary use conforms with the requirements of the 31
4 Military Installation Overlay Zone.

5 **27-3608. Use and Occupancy Permit** 32

6 (a) **General** 33

7 This Section provides a uniform mechanism for the review of 34
8 proposed development prior to issuance of a building permit or 35
9 other permit that allows development to occur, to ensure it 36
10 complies with this Ordinance and any conditions of approval 37
11 imposed as part of any required development approvals or 38
12 permits. 39

13 (b) **Applicability** 40

14 (1) Unless exempted in accordance with Section 27- 41
15 3608(b)(2) below, a use and occupancy permit shall be 42
16 approved in accordance with the procedures and 43
17 standards of this Subsection, prior to any of the 44
18 following development activities: 45

- 19 (A) Use of a building, structure, or land; 46
- 20 (B) Conversion of a building, structure, or land from 47
21 one use to another use; 48
- 22 (C) Construction of a building or structure, or 49
23 placement of a new use on land; 50
- 24 (D) Conversion of a single-family detached dwelling 51
25 to include additional dwelling units; 52
- 26 (E) Changes in ownership or tenancy (except 53
27 changes in residential tenancy), regardless of 54
28 whether the use has changed; or 55
56
57

(F) Establishment of any home-based business.

(2) The following development is exempted from the requirements of this Subsection:

- (A) Development in the Agriculture/Forestry Uses Category and the Open Spaces Uses Category (except cemeteries);
- (B) Single-family dwellings (other than a new single-family dwelling) used for a single family; and
- (C) Accessory uses (except for home-based business).

(3) Unless otherwise specified in this Ordinance, any proposed use shall obtain any other applicable County, municipal, State, or Federal permits.

(c) **Use and Occupancy Permit Submittal Requirements**

- (1) Applications for use and occupancy permits shall be filed in duplicate on forms provided by the Department of Permitting, Inspections, and Enforcement.
- (2) No application for a use and occupancy permit shall be accepted by the Department of Permitting, Inspections, and Enforcement unless all of the information required on the forms and accompanying plans has been furnished by the applicant.
- (3) Each application for a use and occupancy permit shall be accompanied by duplicate copies of a plat or site plan, drawn to scale, showing:
 - (A) The lot on which the building is proposed to be erected or used, including lot dimensions, lot and block numbers, and subdivision name (if any);
 - (B) Names and widths of abutting streets;

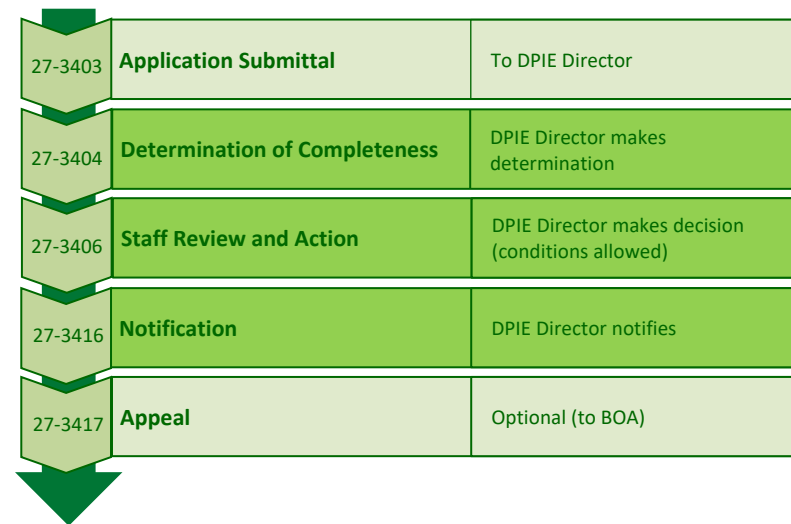
- 1 (C) Locations, gross floor area, dimensions, height and setbacks of existing and proposed buildings and other structures on the lot;
- 2
- 3
- 4 (D) The proposed use of buildings and other structures for which the permit is requested;
- 5
- 6 (E) North arrow and scale of the plan;
- 7
- 8 (F) The layout (drawn to scale) of off-street parking and loading areas, and a parking and loading schedule showing parking and loading requirements (and how they are met) for all uses on the property;
- 9
- 10
- 11
- 12 (G) Elevation drawings of all building facades;
- 13
- 14 (H) Any other documentation or drawings necessary to demonstrate compliance with the standards and regulations of any pertinent use-specific standards (see Part 27-5) and any application development standards contained in Part 27-6;
- 15
- 16
- 17
- 18 (I) A landscape plan showing all landscaping, buffering, and screening of the proposed development, pursuant to the provisions of the Landscape Manual; and
- 19
- 20
- 21
- 22 (J) Any other information which the Director of the Department of Permitting, Inspections, and Enforcement determines is necessary.
- 23
- 24
- 25 (4) If the use and occupancy permit involves a commercial or industrial use, including such uses where permitted in residential zones, mixed-use zones, and comprehensive design zones, located within the boundaries of a municipality, notice that the application has been accepted for filing shall be provided to the municipal government.
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(d) Use and Occupancy Permit Procedure

This Subsection identifies additions or modifications to the standard review procedures in Section Sec. 27-3400, Standard Review Procedures, that apply to development applications for a use and occupancy permit. Figure 27-3608(c) identifies key steps in the use and occupancy permit procedure.

Figure 27-3608(c): Use and Occupancy Permit Procedure (Illustrative)



(1) Application Submittal

See Section 27-3403, Application Submittal and 27-3608(c), Use and Occupancy Permit Submittal Requirements. Applications for use and occupancy permits shall be submitted to the DPIE Director.

(2) Determination of Completeness

See Section 27-3404, Determination of Completeness. The DPIE Director determines whether the application is complete.

1	(3) Staff Review and Action	31	
2	See Section 27-3406, Staff Review and Action.	32	
3		33	
4	(A) After staff review and evaluation of the	34	
5	application, and referral to the Planning Director	35	
6	for comment, the DPIE Director shall make a	36	
7	decision on an application for a use and	37	
8	occupancy permit in accordance with the	38	
9	standards in Section 27-3608(e), Use and	39	
10	Occupancy Permit Decision Standards. The	40	
11	decision shall be one of the following:	41	
12	(i) Approve the application as submitted;	42	
13	(ii) Approve the application subject to conditions of	43	
14	approval; or	44	
15	(iii) Disapprove the application.	45	
16	(B) If the application is denied, a written statement	46	
17	shall be included with the application stating the	47	
18	reasons why the application does not comply	48	
19	with the decision standards.	49	
20	(C) If the application involves a commercial or	50	
21	industrial use located within the boundaries of a	51	
22	municipality, the DPIE Director shall provide	52	
23	notice, in writing, to the municipality, that the	53	
24	application has been submitted and is being	54	
25	reviewed in accordance with the requirements of	55	
26	this Subsection.	56	
27	(D) If the building subject to the application is	57	
28	located partially or completely within the	58	
29	Military Installation Overlay (MIO) Zone:		
30	(i) The building permit application shall include a		
	certification that any proposed structures do not		
			exceed the height limit established by the Impact
			Map for Height in Section 27-4402(c)(5)(B),
			Height Standards.
		(ii)	Applications for buildings or structures located
			within the High Intensity Noise Area shall include
			the certifications set forth in Section 27-
			4402(c)(4)(B), High Intensity Noise Area.
		(iii)	Applications for buildings and structures located
			within Accident Potential Zones 1 and 2 must
			include a signed affidavit from the applicant
			acknowledging that the property lies within an
			Accident Potential Zone for Joint Base Andrews.
		(E)	If the application is for a use that allows
			entertainment to be held for an association, a
			club, a society, or another organization or the
			public, a copy of the permit or other notice of the
			issuance of the permit shall be transmitted to:
		(i)	The Board of License Commissioners;
		(ii)	The Chief of Police
		(iii)	The Chief of the Fire/EMS Department;
		(iv)	The Director of the Department of
			Environmental Resources; and
		(v)	If applicable, the municipal corporation in which
			the entertainment is to be held.
		(4) Conditions of Approval	
			Allowed (see Section 27-3415, Conditions of Approval).
		(5) Notification	
			See Section 27-3416, Notification.

(6) Appeal

Optional (see Section 27-3417, Appeal). The applicant may appeal the DPIE Director's decision on an application for a use and occupancy permit to the BOA in accordance with Section 27-3616, Appeal to Board of Appeals.

(7) Post-Decision Actions

Development of the land subject to a use and occupancy permit shall comply with the approved use and occupancy permit, any accompanying plans, and all conditions of approval.

(e) Use and Occupancy Permit Decision Standards

An application for a use and occupancy permit may only be approved upon a finding the applicant demonstrates the development proposed in the application complies with all relevant requirements of this Ordinance, all applicable conditions of approval, and all development approvals and permits to which the development is subject.

27-3609. Zoning Certification

(a) General

This Section establishes an optional mechanism by which the County can provide landowners written documentation of compliance with the use requirements of this Ordinance.

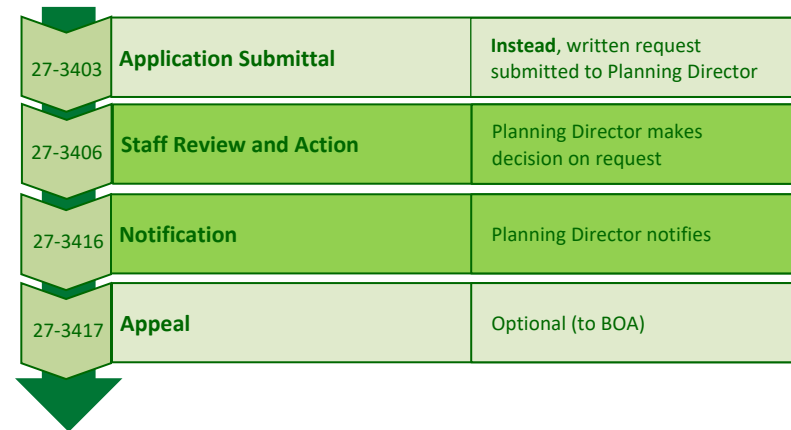
(b) Applicability

A zoning certification is an optional procedure that allows any landowner to request and obtain written confirmation from the Planning Director that a specific use (or uses) on a parcel of land is permitted in accordance with this Ordinance.

(c) Zoning Certification Procedure

This Subsection identifies additions or modifications to the standard review procedures in Section Sec. 27-3400, Standard Review Procedures, that apply to development applications for a zoning certification. Figure 27-3609(c) identifies key steps in the zoning certification procedure.

Figure 27-3609(c): Zoning Certification Procedure (Illustrative)



(1) Application Submittal

The applicant shall submit a written request to the Planning Director for a zoning certification that a specific use (or uses) on a parcel of land is permitted in accordance with this Ordinance.

(2) Staff Review and Action

See Section 27-3406, Staff Review and Action. After staff review and evaluation, the Planning Director shall make a decision on the request for a zoning certification in accordance with the standards in Section 27-3609(d), Zoning Certification Decision Standards. The decision shall be one of the following:

1 (A) Issuance of a written zoning certification stating
2 that a specific use (or uses) on a parcel of land is
3 permitted under this Ordinance; or
4 (B) Issuance of a letter to the applicant that a specific
5 use (or uses) on a parcel of land is not permitted
6 under this Ordinance. The letter shall also
7 include the reasons for noncompliance.
8 **(3) Notification**
9 See Section 27-3416, Notification.
10 **(4) Appeal**
11 Optional (see Section 27-3417, Appeal). The applicant may
12 appeal the Planning Director's decision on a zoning
13 certification to the BOA in accordance with Section 27-
14 3616, Appeal to Board of Appeals.
15 **(5) Post-Decision Actions**
16 A zoning certification does not expire, but it is limited by its
17 terms to the specific parcel of land referenced in the
18 certification. If this Ordinance is ever amended resulting in
19 the use no longer being allowed on the parcel of land, the
20 zoning certification shall automatically become null and
21 void.
22 **(d) Zoning Certification Decision Standards**
23 Prior to approving a zoning certification, the Planning Director
24 shall find that the specific use (or uses) on a parcel of land is
25 permitted in accordance with the requirements of this
26 Ordinance.

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27-3610. Grading Permit

(a) Grading permits shall be required in accordance with
Subtitle 32, Division 2: Grading, Drainage and Erosion and
Sediment Control, of the County Code.
(b) For land located within Priority Funding Areas of the
County and subject to a detailed site plan (see Section 27-
3605), a grading permit may be issued by DPIE authorizing
commencement of rough grading activities on the site
(including removal of utilities and structures, basic
excavation, and installation of temporary stormwater
controls) prior to approval of the detailed site plan,
provided:
(1) The detailed site plan application has been determined
complete in accordance with Section 27-3404,
Determination of Completeness;
(2) The land is exempt from the requirements of the
Woodland and Wildlife Habitat Conservation Ordinance
within Division 2, Subtitle 25 of the County Code; and
(3) The permittee provides documentation demonstrating
that the subject land contains no regulated
environmental features, as defined by Subtitle 24:
Subdivision Regulations, of the County Code, or the
grading permit proposes no disturbance to any such
features.
(c) Prior to the approval of a grading permit within the
Chesapeake Bay Critical Area Overlay Zone, a
Conservation Plan shall be submitted in accordance with
Subtitle 5B of the County Code for approval by the
Planning Board or its authorized representative. The
Planning Board shall approve the Conservation Plan prior
to the issuance of a grading permit, unless waived in

1	accordance with the provisions of Subtitle 5B of the	30
2	County Code.	31
3	(d) Where a Conservation Plan and Conservation Agreement	32
4	are required, the approved Conservation Agreement shall	33
5	be recorded among the land records of Prince George's	34
6	County prior to the issuance of a grading permit.	35
7	(e) Grading permit applications shall be reviewed and	36
8	decided in accordance with Subtitle 32, Division 2:	37
9	Grading, Drainage and Erosion and Sediment Control, of	38
10	the County Code, and Section 27-3610(f) below. Grading	39
11	permit applications shall be referred to the Planning Board	40
12	for comment before a decision is made on the application.	41
13	(f) DPIE shall not issue a grading permit:	42
14	(1) For land that is the subject of an approved preliminary	43
15	plan of subdivision, unless the permit is in conformance	44
16	with the approved preliminary plan; or	45
17	(2) Prior to the expiration of the specified appeal period	46
18	from a Planning Board decision concerning the subject	47
19	property of the permit, unless the right of appeal has	48
20	been waived, or during the pendency of any appeal to,	49
21	or review by, the District Council.	50
22	27-3611. Building Permit	51
23	(a) General	52
24	This Section establishes procedures regarding building permit	53
25	issuance to ensure compliance with Subtitle 4: Building, of the	54
26	County Code.	55
27	(b) Applicability	56
28	(1) Unless exempted in accordance with Subtitle 4:	57
29	Building, of the County Code, or Section 27-3611(b)(2)	58

below, prior to any of the following activities, a building permit issued for the activity by DPIE is required:

- (A)** Erecting a building or structure;
 - (B)** Enlarging, structurally altering, moving, or adding to an existing building or structure; or
 - (C)** Excavating for any building or structure.
- (2)** Buildings and structures which qualify for an agricultural assessment under the Tax Property Article of the Maryland Annotated Code, used exclusively for agricultural purposes on land used only for agriculture (except for farm tenant dwellings), are exempt from the building permit requirements in Section 27-3611(b)(1) above.
- (3)** For purposes of this Subsection, trailers (designed for human occupancy) and mobile homes used for business purposes in any nonresidential zone, and manufactured (or mobile home) dwellings, are "buildings."
- (4)** Prior to the approval of a building permit within the Chesapeake Bay Critical Area Overlay Zone, a Conservation Plan shall be submitted in accordance with Subtitle 5B for approval by the Planning Board or its authorized representative. The Planning Board shall approve the Conservation Plan prior to the issuance of a building permit, unless waived in accordance with the provisions of Subtitle 5B of the County Code.
- (5)** Where a Conservation Plan and Conservation Agreement are required, the approved Conservation Agreement shall be recorded among the land records of Prince George's County prior to the issuance of a building permit.

1	(6) Unless otherwise specified in this Ordinance, any	31	
2	proposed building or structure shall obtain any other	32	
3	applicable County, Municipal, State, or Federal permits.	33	
4	(c) Building Permit Submittal Requirements	34	
5	(A) Applications for building permits shall be filed in	35	
6	duplicate on forms provided by the Department	36	
7	of Permitting, Inspections, and Enforcement.	37	
8	(B) No application for a building permit shall be	38	
9	accepted by the Department of Permitting,	39	
10	Inspections, and Enforcement unless all of the	40	
11	information required on the forms and	41	
12	accompanying plans has been furnished by the	42	
13	applicant.	43	
14	(C) Each application for a building permit shall be	44	
15	accompanied by duplicate copies of a plat or site	45	
16	plan, drawn to scale, showing:	46	
17	(i) The lot on which the building is proposed to be	47	
18	erected or used, including lot dimensions, lot	48	
19	and block numbers, and subdivision name (if	49	
20	any);	50	
21	(ii) Names and widths of abutting streets;	51	
22	(iii) Locations, gross floor area, dimensions, height	52	
23	and setbacks of existing and proposed buildings	53	
24	and other structures on the lot;	54	
25	(iv) The proposed use of buildings and other	55	
26	structures for which the permit is requested;	56	
27	(v) North arrow and scale of the plan;	57	
28	(vi) The layout (drawn to scale) of off-street parking	58	
29	and loading areas, and a parking and loading	59	
30	schedule showing parking and loading	60	
			requirements (and how they are met) for all uses on the property;
			(vii) Elevation drawings of all building facades;
			(viii) Any other documentation or drawings necessary to demonstrate compliance with the standards and regulations of any pertinent use-specific standards (see Part 27-5) and any application development standards contained in Part 27-6;
			(ix) A landscape plan showing all landscaping, buffering, and screening of the proposed development, pursuant to the provisions of the Landscape Manual; and
			(x) Any other information which the Director of the Department of Permitting, Inspections, and Enforcement determines is necessary.
			(D) If the building permit involves a commercial or industrial use, including such uses where permitted in residential zones, mixed-use zones, and comprehensive design zones, located within the boundaries of a municipality, notice that the application has been accepted for filing shall be provided to the municipal government.
			(E) If the building is located partially or completely within the Military Installation Overlay Zone:
			(i) The building permit application shall include a certification, pursuant to Section 27- 4402(c)(5)(B)(iii), that any proposed structures do not exceed the height limit established by the Impact Map for Height in Section 27- 4402(c)(5)(B).

1	(ii) Applications for buildings or structures located	32
2	within the High Intensity Noise Area shall include	33
3	the certifications set forth in Section 27-	34
4	4402(c)(5)(C)(ii).	35
5	(iii) Applications for buildings and structures located	36
6	within Accident Potential Zones 1 and 2 must	37
7	include a signed affidavit from the applicant	38
8	acknowledging that the property lies within an	39
9	Accident Potential Zone for Joint Base Andrews.	40
10	(d) Building Permit Procedure and Decision Standards	41
11	(1) Building permit applications shall be reviewed and	42
12	decided in accordance with Subtitle 4: Building, of the	43
13	County Code and Section 27-3611(d)(2) below. With the	44
14	exception of permits specified in Section 27-3611(f)	45
15	below, building permit applications shall be referred to	46
16	the Planning Director for comment before a decision is	47
17	made on the application.	48
18	(2) DPIE shall not issue a building permit:	49
19	(A) For land that is not a record lot;	50
20	(B) For land within the area of an endorsed Sectional	51
21	Map Amendment (see Section 27-3503(b),	52
22	Sectional Map Amendment Procedure) until	53
23	after final action by the District Council on the	54
24	Sectional Map Amendment, if the lot or parcel of	55
25	land on which construction is proposed is in a	56
26	nonresidential zone, was proposed by the	57
27	Planning Board for a zone in which the proposed	58
28	use is not permitted, and is undeveloped; this	59
29	paragraph shall not apply to a lot or parcel of	60
30	land for which a grading permit has been issued	61
31	by Prince George's County, sediment and erosion	62
		63

control devices have been installed by the permittee, and site grading activities have been initiated by the permittee; or

- (C) Prior to the expiration of the specified appeal period from a Planning Board decision concerning the subject property of the permit, unless the right of appeal has been waived, or during the pendency of any appeal to, or review by, the District Council.

(e) Limitation on Zoning

- (1) No property may be zoned to a less intense category (see Section 27-4102(b)) if:

(A) The property has been zoned by zoning map amendment within five (5) years prior to the initiation of the sectional map amendment or during the period between initiation and transmittal to the District Council, and the property owner has not consented (in writing) to the zoning; or

(B) Based on existing physical development at the time of adoption of the sectional map amendment, the zoning would create a nonconforming use. This zoning may be approved, however, if there is a significant public benefit to be served by the zoning based on facts peculiar to the subject property and the immediate neighborhood. In recommending the zoning, the Planning Board shall identify these properties and provide written justification supporting the zoning at the time of transmittal. The failure of either the Planning Board or property owner to identify these properties, or a

1	failure of the Planning Board to provide the	30	(5) Roofing and weatherproofing without increasing height
2	written justification, shall not invalidate any	31	of building.
3	District Council action in the approval of the	32	(6) Interior alteration of one-, two-, and three-family
4	sectional map amendment.	33	dwelling units with no change in use.
5	(f) Permits of a Minor Nature	34	(7) Restoration of one-family detached dwellings after fire
6	Permits of a minor nature shall not require referral to the	35	or flood damage, or repair of general deterioration,
7	Planning Board or Planning Director for review and comment.	36	including pedestrian entrances, with no expansion of
8	Permits of a minor nature shall be approved by the District	37	exterior walls or roof.
9	Council upon the recommendation of the Planning Board and	38	(8) Removal of interior partitions with no change of use.
10	the Director of the Department of Permitting, Inspections, and	39	(9) All interior life-safety improvements, exterior life-safety
11	Enforcement, and shall be maintained on a list available for	40	improvements with no expansion of exterior walls or
12	public inspection in each of these offices. Any permits issued	41	roof, and fire escapes and other means of emergency
13	pursuant to these provisions shall not be subject to the	42	egress, all with no change in use.
14	requirements of this Subtitle. This exception shall not apply to	43	(10) Alterations or additions which are being made in order
15	any property which is located within a historic district or listed	44	to comply with the Maryland Accessibility Code,
16	on the functional master plan for historic preservation as a	45	(Maryland Building Code for the Handicapped, Code of
17	historic resource; properties subject to Subtitle 25 of the County	46	Maryland Regulations, Section .05.02.02) except within
18	Code; or properties within the Chesapeake Bay Critical Area	47	the Chesapeake Bay Critical Area Overlay (CBCAO) Zone.
19	Overlay (CBCAO) Zone.		(11) Trailers used exclusively by the County Police
20	Permits of a minor nature consist of:	48	Department in commercial parking lots for which the
21	(1) Boilers and/or mechanical equipment located inside	49	permit shall automatically expire when the trailer is
22	buildings.	50	vacated by the Police Department.
23	(2) Replacement and installation of windows and	51	(12) Commercial and residential satellite dishes not
24	pedestrian doors, excluding bay, bow, and commercial	52	exceeding eighteen (18) inches in diameter.
25	customer service windows.	53	(13) Steps and ground level patios (except within the
26	(3) Replacement in kind and/or removal of underground	54	Chesapeake Bay Critical Area Overlay (CBCAO) Zone).
27	tanks (water, gas, or oil) except within the Chesapeake	55	
28	Bay Critical Area.		
29	(4) Building siding without expansion of exterior walls.		

1 **27-3612. Interpretation (Text, Uses, and Zoning**
 2 **Map)**

3 **(a) General**

4 This Section establishes a uniform mechanism for rendering
 5 formal written interpretations of any provision of this
 6 Ordinance.

7 **(b) Applicability**

8 The Planning Director is responsible for making interpretations
 9 of all provisions of this Ordinance, including, but not limited to:

- 10 **(1)** Interpretations of the text;
- 11 **(2)** Interpretations of the zone boundaries;
- 12 **(3)** Interpretations of whether an unlisted use is
 13 comparable to a listed use or not, and should be allowed
 14 in a zone or prohibited in that zone; and
- 15 **(4)** Interpretations of compliance with a condition of
 16 approval.

17 **(c) Interpretation (Text, Uses, and Zoning Map)**
 18 **Procedure**

19 This Subsection identifies additions or modifications to the
 20 standard review procedures in Section Sec. 27-3400, Standard
 21 Review Procedures, that apply to applications for an
 22 interpretation (text, uses, and Zoning Map). Figure 27-3612(c)
 23 identifies key steps in the interpretation (text, uses, and Zoning
 24 Map) procedure.

25 **Figure 27-3612(c): Interpretation (Text, Uses, and Zoning Map)**
 26 **Procedure (Illustrative)**



27

28 **(1) Pre-Application Conference**

29 Optional (see Section 27-3401, Pre-Application
 30 Conference).

31 **(2) Application Submittal**

32 See Section 27-3403, Application Submittal. In addition, an
 33 application for a formal written interpretation may be
 34 initiated by the District Council, the Planning Board, or any
 35 person having a contractual interest in land in the County.

36 **(3) Determination of Completeness**

37 See Section 27-3404, Determination of Completeness.

1	(4) Staff Review and Action	29
2	See Section 27-3406, Staff Review and Action.	30
3	(A) The Planning Director shall review the request,	31
4	consult with the M-NCPPC Attorney and other	32
5	M-NCPPC and County staff, and render a formal	33
6	written interpretation in accordance with	34
7	Section 27-3612(d), Interpretation Decision	35
8	Standards. The interpretation shall be in a form	36
9	approved by the M-NCPPC Attorney and shall	37
10	constitute the formal written interpretation.	38
11	(B) A formal written interpretation shall be binding	39
12	on subsequent decisions by the Planning Director	40
13	and M-NCPPC and County staff in applying the	41
14	same provision(s) of this Ordinance.	42
15	(5) Notification	43
16	See Section 27-3416, Notification.	44
17	(6) Appeal	45
18	The applicant may appeal the Planning Director's decision	46
19	on an interpretation to the BOA in accordance with Section	47
20	27-3616, Appeal to Board of Appeals.	48
21	(7) Post-Decision Actions	49
22	(A) Effect of Approval	50
23	A written interpretation is binding on subsequent	51
24	decisions by the Planning Director or other M-NCPPC	52
25	or County administrative officials in applying the same	53
26	provision of this Ordinance or the Official Zoning Map	54
27	in the same circumstance, unless the interpretation is	55
28	modified in accordance with this Subsection, or the	56
		57

text of this Ordinance impacting the interpretation is amended.

(B) Tracking Interpretations

The Planning Director shall maintain a copy of all written interpretations in one document, which shall be available in the offices of the Planning Director for public inspection, during normal business hours, and place the written interpretation on M-NCPPC's website.

(C) Amendment of Formal Written Interpretations

The Planning Director may amend or repeal a formal written interpretation on the Director's own initiative, or upon a request for interpretation submitted in accordance with this Subsection, based upon new evidence or discovery of a mistake in the original interpretation, a change in State or Federal law, an amendment to this Ordinance, or any other provision of the County Code that relates to the original formal written interpretation.

(d) Interpretation Decision Standards

(1) Text Provisions

Interpretation of a provision's text, and its application shall be based on Section, Section Sec. 27-1500, Relationship with Other Laws, Covenants, or Deeds, and considerations including, but not limited to, the following:

- (A)** The plain meaning of the provision's wording, considering any terms specifically defined in Sec. 27-2500, Definitions, and the common and accepted usage of terms; and

1	(B) The purpose of the provision, as indicated by:	28
2	(i) Any purpose statement in the section(s) where	29
3	the text is located;	30
4	(ii) The provision’s context and consistency with	31
5	surrounding and related provisions;	32
6	(iii) Any legislative history related to the provision’s	33
7	adoption;	34
8	(iv) The general purposes served by this Ordinance,	35
9	as set forth in Section Sec. 27-1300, General	36
10	Purpose and Intent; and	37
11	(v) The applicable comprehensive plans.	38
12	(2) Unspecified Uses	39
13	Interpretation of whether an unspecified use is similar to a	40
14	use identified in Part 27-5, Tables 27-5101(c) through 27-	41
15	5101(f), or is prohibited in a zone, shall be based on	42
16	consistency with the General Plan and the applicable Area	43
17	Master Plan or Sector Plan.	44
18	(3) Zone Boundaries	45
19	Interpretation of zone boundaries shall be in accordance	46
20	with Section.	47
21	27-3613. Variance	48
22	(a) General	49
23	This Section establishes a uniform mechanism to allow certain	50
24	variances from the dimensional standards (such as height, yard	51
25	setback, and lot area) and certain development standards of this	52
26	Ordinance (Part 27-6: Development Standards) when their strict	53
27	application would result in unnecessary hardship.	54

(b) Applicability

- (1)** The procedures and standards in this Subsection apply to the review of and decision on applications for a variance from the following standards.
 - (A)** The intensity and dimensional standards in Part 27-4: Zones and Zone Regulations;
 - (B)** To hear and decide appeals where it is alleged that, in the administration of this Subtitle, there is error in the refusal of a building or use and occupancy permit, or any other decision of the DPIE Director, the Planning Board, or any other person or body authorized to administer this Subtitle; and
 - (C)** The private sidewalks and private street tree standards in the Planned Development (PD) zones specified in Section Sec. 27-4300, Planned Development Zones.
- (2)** Variances are not allowed for requests to:
 - (A)** Amend the text of this Ordinance or the Official Zoning Map;
 - (B)** Permit a use in a zone where it is prohibited;
 - (C)** Eliminate the requirement that a special exception be granted for a use;
 - (D)** Amend or deviate from the use-specific standards in Section 27-5102, Requirements for Permitted Principal Uses;
 - (E)** Waive or modify any procedural requirements or application submission fees;

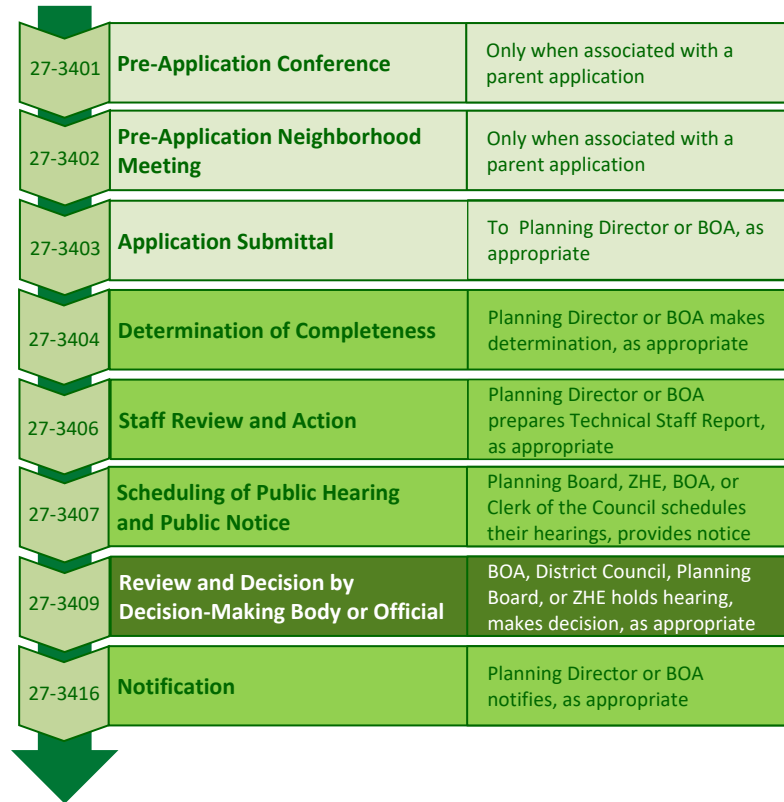
1	(F) Waive or modify any condition(s) of approval specifically imposed as part of the approval for a development approval or permit;	30 31 32	(N) Grant a variance from any provision of this Subtitle applicable to, required by, or concerning an adult entertainment use;
4	(G) Waive a specific finding required to be made in taking action on any development approval or permit in accordance with this Ordinance;	33 34 35 36	(O) Grant a variance concerning residential density which would result in an increase in the maximum allowable number of dwelling units in a zone; and
7	(H) Seek any change to the standards of this Zoning Ordinance which may be requested and granted in accordance with a minor departure or major departure, or minor administrative waiver or modification, in accordance with Section 27-3614, Departure (Minor and Major), nor any change to the standards specified in that Section that may exceed the maximum departure (minor or major) percentage from standard which may be granted by the Planning Director or Planning Board ;	37 38 39 40 41 42 43	(P) Grant a variance to any specific standards or requirements applicable to the Legacy Comprehensive Design Zone, Legacy Mixed-Use Community Zone, or Legacy Mixed-Use Town Center Zone.
18	(I) Grant a variance denied by the District Council;		(3) Development applications for a variance shall be reviewed and decided in one of the following ways:
19	(J) Grant additional time for a use for which a use and occupancy permit has not been issued;		
21	(K) Waive or modify an requirements of the CBCA, APA, or MIO overlay zones;		
23	(L) Grant a variance from any of the requirements of Subtitle 5B of the County Code;		
25	(M) Grant a variance from lot size, setback, or similar requirements within the corporate limits of a Municipal Corporation, if this authority has been delegated to a municipality by the District Council;		

- 1 **(A)** The review board or official (District Council,
 2 Planning Board, ZHE, or Planning Director)
 3 responsible for making a decision on a parent
 4 application (e.g., a special exception or detailed
 5 site plan) for which a variance is required shall
 6 concurrently review and make a decision on the
 7 parent application and the variance application.
- 8 **(B)** If a variance application is not required to be
 9 submitted with a parent application, the
 10 variance application shall be reviewed and
 11 decided by the BOA.
- 12 **(4)** Variances that comply with and are approved in
 13 accordance with the procedures and standards of this
 14 Subsection are allowed in the NCO zones.

15 **(c) Variance Procedure**

16 This Subsection identifies additions or modifications to the
 17 standard review procedures in Section Sec. 27-3400, Standard
 18 Review Procedures, that apply to applications for a variance.
 19 Figure 27-3613(c) identifies key steps in the variance procedure.

20 **Figure 27-3613(c): Variance Procedure (Illustrative)**



- 21
- 22 **(1) Pre-Application Conference**
- 23 Only when associated with a parent application (see
 24 Section 27-3401, Pre-Application Conference). Not
 25 applicable to variances heard by the BOA.
- 26 **(2) Pre-Application Neighborhood Meeting**
- 27 Only when associated with a parent application (see
 28 Section 27-3402, Pre-Application Neighborhood Meeting),
 29 except that owners of a single-family, two-family, three-
 30 family, or townhouse dwelling are not required to conduct

1 a pre-application neighborhood meeting for a proposed 27
2 variance pertaining to their dwelling or lot. Not applicable 28
3 to variances heard by the BOA. 29
4 **(3) Application Submittal** 30
5 See Section 27-3403, Application Submittal. An application 31
6 to appeal for a variance shall be submitted to the Planning 32
7 Director if the application is submitted in conjunction with 33
8 a parent application, or the BOA, in all other instances. 34
9 **(4) Determination of Completeness** 35
10 See Section 27-3404, Determination of Completeness. The 36
11 Planning Director shall determine if the application is 37
12 complete if it is submitted in conjunction with a parent 38
13 application. The BOA shall determine completeness in all 39
14 other instances. 40
15 **(5) Staff Review and Action** 41
16 See Section 27-3406, Staff Review and Action. After staff 42
17 review and evaluation of the application, the Planning 43
18 Director shall prepare a Technical Staff Report if the 44
19 application is submitted in conjunction with a parent 45
20 application. The report shall include a recommendation on 46
21 the application. 47
22 **(6) Scheduling Public Hearing and Public Notice** 48
23 See Section 27-3407, Scheduling of Hearings and Public 49
24 Notice. The review board or official responsible for 50
25 conducting the hearing on the application shall be 51
26 responsible for scheduling and public notice of the hearing. 52
53
54
55
56
57

(7) Review and Decision by Decision-Making Body or Official

See Section 27-3409, Review and Decision by Decision-Making Body or Official.

- (A)** The review board or official (District Council, Planning Board, or ZHE) responsible for making a decision on a parent application (e.g., a special exception or detailed site plan) for which a variance is required shall review and make a decision on the parent development application and the variance application concurrently. If a variance application is not submitted with a parent application, the variance application shall be reviewed and decided by the BOA. Any variance application submitted for property located in the Chesapeake Bay Critical Area Overlay (CBCAO) Zone shall be reviewed and decided by the Planning Board. The appropriate review board or official shall conduct a public hearing on the application in accordance with Section 27-3412, Evidentiary Hearing, and make a decision in accordance with Section 27-3613(d), Variance Decision Standards. The decision shall be by resolution and shall include findings of fact and conclusions that support the decision. The decision shall be one of the following:
 - (i)** Approve the application as submitted;
 - (ii)** Approve the application subject to conditions of approval; or
 - (iii)** Disapprove the application.

1	(B) The review board’s decision is final 30 days after	29
2	filing the written decision.	30
3	(8) Conditions of Approval	31
4	Allowed (see Section 27-3415, Conditions of Approval). As	32
5	a condition of approval, the review board or official may	33
6	establish a time frame within which the development for	34
7	which the variance is requested shall begin and/or be	35
8	completed. The variance shall automatically expire and be	36
9	void upon the lapse of the established time frame if the	37
10	development for which the variance is granted is not begun	38
11	and/or completed. Any established time frame shall not	39
12	exceed two years.	40
13	(9) Notification	41
14	See Section 27-3416, Notification, except either the	42
15	Planning Director or DPIE Director provide notice,	43
16	whichever processed the application.	44
17	(10) Post-Decision Actions	45
18	(A) Effect of Approval	46
19	Approval of a variance authorizes only the particular	47
20	regulatory relief approved. It does not exempt the	48
21	applicant from the responsibility to obtain all other	49
22	development approvals and permits required by this	50
23	Ordinance and any other applicable laws, and does not	51
24	indicate that the development for which the variance	52
25	is granted should receive other development	53
26	approvals or permits, unless the relevant and	54
27	applicable portions of this Ordinance or any other	55
28	applicable laws are met.	56
		57

(B) Lapse of Approval

A variance allowing the construction of a building or structure shall not be valid for more than the validity period of the parent application or two years, whichever is longer, unless a building permit for the construction of the building or structure is obtained within this period, and the construction is started and proceeds to completion in accordance with the terms of the decision and the building permit.

(d) Variance Decision Standards

A variance may only be granted when the review board or official, as appropriate, finds 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 this 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 the General Plan or applicable Area Master Plan or Sector Plan.

(e) Variance in CBCAO

For any variance application located in the Chesapeake Bay Critical Area Overlay (CBCAO) Zone, the variance may only be granted when the appellant demonstrates that provisions have been made to minimize any adverse environmental impact of the variance, and the Prince George’s County Planning Board

1 finds, in addition to the standards set forth in Subsection 27-
 2 3613(d), Variance Decision Standards, above, that:

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

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

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

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

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

30 (6) The development plan would minimize adverse
 31 impacts on water quality resulting from pollutants

32 discharged from structures, conveyances, or runoff
 33 from surrounding lands;

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

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

42 (9) The growth allocations for the CBCAO zones within the
 43 County would not be exceeded by the granting of the
 44 variance.

27-3614. Departure (Minor and Major)

(a) General

This Section provides a uniform mechanism to allow departures from certain dimensional or development standards of this Ordinance in specific circumstances, in order to better accomplish the purposes of this Ordinance.

(b) Applicability

This Subsection establishes two types of departures: minor departures and major departures. It also addresses minor administrative changes, waivers, or modifications to specific development standards contained in Part 27-6, Development Standards.

(1) Minor Departures

Minor departures are decided by the Planning Director. Minor departures may be requested and granted for the standards identified in Table 27-3614(b)(1): Minor

1 Departures, up to the limits set forth in the table. A variance
 2 (see Section 27-3613, Variance) may not be requested for a
 3 minor change for which a minor departure may be
 4 requested in accordance with this Subsection. Minor
 5 departures may be granted to make minor changes to
 6 approved PD Basic Plans.
 7

Table 27-3614(b)(1): Minor Departures		
Standard	Maximum Departure (percentage departure from standard)	
	Transit-Oriented/Activity Center Base and Planned Development Zones and Base and Planned Development Zones Inside the Capital Beltway	All Other Zones
Block design standards in Section 27-6206(k), Block Design	40	30
Vehicle stacking spaces standards in Table 27-6206(m)(1)(A): Minimum Stacking Spaces for Drive-Through Facilities and Related Uses, in Section 27-6206(m), Vehicle Stacking Space	40	30
Numerical standards in Section 27-6304(i), Large Vehicular Use Areas (300 or More Spaces)	20	30
Off-street parking standards in Section 27-6305(a): Minimum Number of Off-Street Parking Spaces, in Section 27-6305, Off-Street Parking Space Standards	30	20
Numerical standards in Section 27-6306, Dimensional Standards for Parking Spaces and Aisles, in Section 27-6306, Dimensional Standards for Parking Spaces and Aisles	30	20
Numerical standards in Section 27-6310, Loading Area Standards	30	20
Location of off-street parking in Section 27-6903(b), Location of Off-Street Parking, in the Multifamily,	20	30

Table 27-3614(b)(1): Minor Departures		
Standard	Maximum Departure (percentage departure from standard)	
	Transit-Oriented/Activity Center Base and Planned Development Zones and Base and Planned Development Zones Inside the Capital Beltway	All Other Zones
Townhouse, and Three-Family Form and Design Standards		
Numeric building length standards in 27-6903(d), Maximum Building Length, in the Multifamily, Townhouse, and Three-Family Form and Design Standards	20	30
Numeric building façade standards in Section 27-6903(e), Building Façades, in the Multifamily, Townhouse, and Three-Family Form and Design Standards	20	30
Numerical building façade/transparency standards in Section 27-6903(g), Building Façade Fenestration/Transparency, in the Multifamily, Townhouse, and Three-Family Form and Design Standards	20	30
Numerical offsets in Section 27-61002(d), Façade Articulation, in the Nonresidential and Mixed-Use Form and Design Standards	20	30
Numerical building façade fenestration/transparency standards in Section 27-61002(f), Building Façade Building Façade Fenestration/Transparency, in the Nonresidential and Mixed-Use Form and Design Standards	20	30
Location of off-street parking in Section 27-61003(e), Off-Street Parking Location Standards, in the Large Retail Form and Design Standards	30	20
Numerical buffer width standards in Section 27-61303(a)(2), Buffer Width, in the Agricultural Compatibility Standards	No Departure	30

Table 27-3614(b)(1): Minor Departures

Standard	Maximum Departure (percentage departure from standard)	
	Transit-Oriented/Activity Center Base and Planned Development Zones and Base and Planned Development Zones Inside the Capital Beltway	All Other Zones
Numerical standards in Section 27-61504, General Standards, in the Signage standards	20	30
Numerical standards in Section 27-61505, Standards for Specific Sign Types, in the Signage standards	20	30
Numerical standards in Section 27-61506, Standards for Special Purpose Signs, in the Signage standards	20	30
Numerical standards in Section 27-61507, Standards for Temporary Signs, in the Signage standards	20	30

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Table 27-3614(b)(2): Major Departures

Standard	Maximum Departure (percentage from standard)	
	Transit-Oriented/Activity Center Base Zones and Base Zones Inside the Interstate Capital Beltway	All Other Base Zones
Vehicle stacking spaces in Table 27-6206(m)(1)(A): Minimum Stacking Spaces for Drive-Through Facilities and Related Uses, in Section 27-6206(m), Vehicle Stacking Space	70	50
Off-street parking standards in Section 27-6305(a): Minimum Number of Off-Street Parking Spaces, in Section 27-6305, Off-Street Parking Space Standards	70	50
Numerical standards in Section 27-6310, Loading Area Standards	70	50
Location of Off-street parking in Section 27-6903(b), Location of Off-Street Parking, In the Multifamily, Townhouse, and Three-Family Form and Design Standards	No Departure	50
Numeric building length standards in Section 27-6903(d), Maximum Building Length, in the Multifamily, Townhouse, and Three-Family Form and Design Standards	No Departure	40
Numerical building façade standards in Section 27-6903(e), Building Façades, in the Multifamily, Townhouse, and Three - Form and Design Standards	No Departure	50
Numerical offsets in Section 27-61002(d), Façade Articulation, in the Nonresidential and Mixed -Form and Design Standards	No Departure	50
Location of off-street parking in Section 27-61003(e), Off-Street Parking Location Standards, in the Large Retail Form and Design Standards	No Departure	40
Numerical buffer width standards in Section 27-61303(a)(2), Buffer Width, in the Agricultural Compatibility Standards	No Departure	50

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(2) Major Departures

Major departures are decided by the Planning Board. Major departures may be requested for the standards identified in Table 27-3614(b)(2): Major Departures, up to the limits set forth in the table. A variance (see Section 27-3613, Variance) may not be requested for a deviation for which a major departure may be requested in accordance with this Subsection. Major departures may not be granted to make changes to approved PD Basic Plans. Instead, applicants seeking such changes may only amend the approved PD Basic Plan in accordance with the procedures and standards established for its original approval (see Section 27-3602, Planned Development (PD) Map Amendment).

CB-013-2018 (DR-2) has not yet taken effect and is subject to revisions via further legislative action of the Council.

Table 27-3614(b)(2): Major Departures		
Standard	Maximum Departure (percentage from standard)	
	Transit-Oriented/Activity Center Base Zones and Base Zones Inside the Interstate Capital Beltway	All Other Base Zones
Relief from the standards of the Landscape Manual where compliance is not possible and there is no feasible proposal for alternative compliance that can be approved	100	100
All standards in Section 27-4204(b), Standards Applicable to all Transit-Oriented/Activity Center Base Zones	100	Not Applicable

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(5) Minor Administrative Waivers or Modifications to Development Standards

In addition to minor and major departures, there are other provisions in this Ordinance that allow for minor administrative waivers or modifications to specific development standards by the Planning Director or DPIE Director. They are identified in Table 27-3614(b)(5), Minor Administrative Waivers or Modifications to Development Standards.

Table 27-3614(b)(5): Minor Administrative Waivers or Modifications to Development Standards		
Section	Minor Waiver, or Modification	Administrative Decision-maker
Section 27-6206(e)(2)	Decide requests to waive the cross-access requirements between development	Planning Director
Section 27-6206(f)(3)	Decide requests to modify the minimum street connectivity index score	Planning Director
Section 27-6206(k)(1)	Decide requests for modifications to the block length standards	DPIE Director if public streets are involved; Planning Director if all blocks incorporate private streets on all sides
Section 27-6207(a)(2)(C)	Decide requests to modify sidewalk requirements	Planning Director
Section 27-6207(b)(2)	Decide requests to waive or modify the pedestrian connectivity requirements	Planning Director
Section 27-6208(b)(2)	Decide requests to waive bicycle cross-access requirements	Planning Director
Section 27-6208(d)	Decide requests to waive bicycle access and circulation requirements	Planning Director
Section 27-6305(e)	Authorize modifications to required parking spaces for electric vehicle charging	Planning Director
Section 27-6307(a)	Decide requests for alternative parking plans	Decision-maker on the application (Planning Director,

(3) Departures Approved by the District Council

When a departure associated with a parent application is pending before the District Council, the Council may approve any departure listed in Table 27-3614(b)(1): Minor Departures, or Table 27-3614(b)(2): Major Departures, with the exception of the standards for which departures are prohibited. In action on such departure requests, the Council may approve any amount of departure from said standard and is not constrained by the maximum percentages otherwise applicable as set forth in these tables.

(4) Departures in the NCO Zones

Departures that comply with and are approved in accordance with the procedures and standards of this Subsection are allowed in the NCO zones.

Table 27-3614(b)(5): Minor Administrative Waivers or Modifications to Development Standards		
Section	Minor Waiver, or Modification	Administrative Decision-maker
		DPIE Director, Planning Board)
Section 27-6308(a)	Decide requests to modify parking requirements because of proximity to high-frequency transit stops	Planning Director
Section 27-6308(b)	Decide requests to modify parking based on a Transportation Demand Management Plan	Planning Director
Section 27-6308(c)	Decide requests to modify parking based on providing special facilities for bicycle commuters	Planning Director
Section 27-6308(d)	Decide requests for other types of alternative parking arrangements	Planning Director
Section 27-6610	Decide waiver requests for a Security Exemption Plan for fences and walls	Board of Appeals
Section 27-6709	Decide requests for a Security Exemption Plan for exterior lighting, which allows for some modifications to lighting requirements for security reasons	Planning Director
Section 27-61303(a)(2)(B)	Decide requests to modify the buffer width (by up to 20 percent) for an agricultural buffer	Planning Director

(c) Departure (Minor and Major) Submittal Requirements

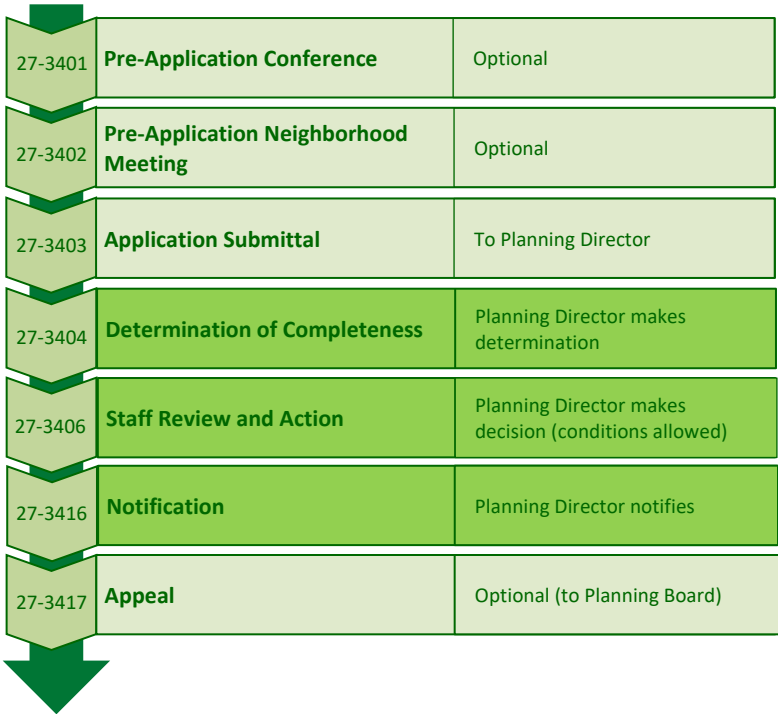
- (1) An application form filed with the Planning Board. The Planning Board shall determine the contents of the application and shall provide the application form.
- (2) A site plan, and other graphic illustrations which are considered necessary to indicate what is being proposed;
- (3) A justification statement telling why and how the proposed design services the purposes of this Subtitle better than the prescribed deisng standards; and

- (4) A list of the names and addresses of each municipality if any part of the property is located within the municipal boundaries.

(d) Minor Departure Procedure

This Subsection identifies additions or modifications to the standard review procedures in Section Sec. 27-3400, Standard Review Procedures, that apply to applications for a minor departure. Figure 27-3614(c) identifies key steps in the minor departure procedure

Figure 27-3614(c): Minor Departure Procedure (Illustrative)



1	(1) Pre-Application Conference	31	(5) Staff Review and Action
2	Optional (see Section 27-3401, Pre-Application	32	See Section 27-3406, Staff Review and Action. The Planning
3	Conference).	33	Director shall review the application and make a decision in
4	(2) Pre-Application Neighborhood Meeting	34	accordance with Section 27-3614(f), Departure (Minor and
5	Optional (see Section 27-3402, Pre-Application	35	Major) Decision Standards. The decision shall set forth the
6	Neighborhood Meeting).	36	Planning Director’s findings of fact and conclusions to
7	(3) Application Submittal	37	support the decision. The decision shall be to:
8	See Section 27-3403, Application Submittal. At the	38	(A) Approve the minor departure;
9	discretion of the Planning Director, development	39	(B) Approve the minor departure, subject to
10	applications for minor departures may be processed and	40	conditions; or
11	reviewed concurrently with parent development	41	(C) Disapprove the minor departure.
12	applications required by this Ordinance for development of	42	(6) Scheduling Public Hearing and Public Notice
13	a project (e.g., special exception or site plan (major or	43	The applicant shall ensure notice is posted on the site
14	minor)).	44	subject to the application at least 15 days prior to the
15	(A) A departure may be requested in conjunction	45	Planning Director’s decision, in accordance with the
16	with other application(s).	46	requirements of Section 27-3407(b)(6), Posted Notice.
17	(B) If a departure application is submitted in	47	(7) Conditions of Approval
18	conjunction with another application, it shall be	48	Allowed (see Section 27-3415, Conditions of Approval).
19	reviewed and decided prior to the other	49	(8) Notification
20	application(s). For example, if a departure	50	See Section 27-3416, Notification.
21	application is submitted in conjunction with a	51	(9) Appeal
22	detailed site plan application (because the	52	Optional (see Section 27-3417, Appeal).
23	departure is needed to achieve the plan for	53	(A) The only relief available to the applicant is an
24	development in the detailed site plan), the	54	appeal of the Planning Director’s decision on a
25	departure application shall be reviewed and	55	minor departure to the Planning Board by filing a
26	decided upon prior to a decision on the detailed	56	notice of appeal with the Planning Board within
27	site plan application, although approval of both	57	ten days of the Director’s decision.
28	could occur on the same day.		
29	(4) Determination of Completeness		
30	See Section 27-3404, Determination of Completeness.		

1 (B) The Planning Director shall transmit to the 33
2 Planning Board after the appeal is filed, the 34
3 minor departure application and all written 35
4 materials and other evidence related to its 36
5 review, and any additional information or 37
6 explanatory material deemed appropriate. This 38
7 shall constitute the record on appeal. 39
8 (C) The Planning Board shall schedule and provide 40
9 notice of a public hearing on the appeal in 41
10 accordance with Section 27-3407, Scheduling of 42
11 Hearings and Public Notice, and conduct a public 43
12 hearing in accordance with Section 27-3412, 44
13 Evidentiary Hearing. After the close of the 45
14 hearing, the Planning Board shall render a final 46
15 decision. The Planning Board's decision shall be 47
16 based on the standards in Section 27- 48
17 3614(d)(9)(D) below. 49
18 (D) The Planning Board may modify or reverse a 50
19 decision of the Planning Director on finding, 51
20 based on clear and substantial evidence in the 52
21 record, that: 53
22 (i) The record demonstrates that an error in 54
23 judgment occurred or facts or provisions in this 55
24 Ordinance were misread in determining 56
25 whether the particular standard was or was not 57
26 met; 58
27 (ii) The decision is not based on standards contained 59
28 in Section 27-3614(f), Departure (Minor and 60
29 Major) Decision Standards, or other applicable 61
30 County ordinances or regulations; or 62
31 (iii) The decision violates County, State, or Federal 63
32 law.

(E) The decision of the Planning Board shall be by resolution and shall include a statement of the findings of fact and conclusions that support the decision. The resolution, or a copy of it, shall form part of the minutes or other records of the Planning Board.
(F) The Planning Board's decision on an appeal is final 30 days after filing the written decision.
(G) The Planning Board shall provide its decision in writing, stating the reasons for its action. Copies of the decision shall be sent to all persons of record, the municipality within one mile of the subject property (if applicable), and the Planning Director.

(10) Post-Decision Actions

(A) Effect of Approval

A minor departure authorizes only the particular regulatory relief approved. It does not exempt the applicant from the responsibility to obtain all other development approvals and permits required by this Ordinance, and any other applicable laws, and does not indicate that the development for which the departure is granted should receive other development approvals or permits unless the relevant and applicable portions of this Ordinance or any other applicable laws are met.

(B) Lapse of Approval

A minor departure allowing the construction of a building or structure shall not be valid for more than the validity period of the development approval or permit with which it was considered and approved.

(C) Amendment

A minor departure may be amended only in accordance with the procedures and standards established for its original approval.

(e) Major Departure Procedure

This Subsection identifies additions or modifications to the standard review procedures in Section Sec. 27-3400, Standard Review Procedures, that apply to applications for a major departure. Figure 27-3614(e) identifies key steps in the major departure procedure.

Figure 27-3614(e): Major Departure Procedure (Illustrative)



(1) Pre-Application Conference

See Section 27-3401, Pre-Application Conference.

(2) Pre-Application Neighborhood Meeting

See Section 27-3402, Pre-Application Neighborhood Meeting.

1	(3) Application Submittal	30	(B) Approve the major departure, subject to conditions of approval; or
2	See Section 27-3403, Application Submittal. At the	31	
3	discretion of the Planning Director, development	32	(C) Disapprove the major departure.
4	applications for major departures may be processed and	33	
5	reviewed concurrently with parent development	34	(8) Conditions of Approval
6	applications required by this Ordinance for development of	35	Allowed (see Section 27-3415, Conditions of Approval).
7	a project (e.g., special exception or detailed site plan).	36	(9) Notification
8	(4) Determination of Completeness	37	See Section 27-3416, Notification.
9	See Section 27-3404, Determination of Completeness.	38	(10) Appeal
10	(5) Staff Review and Action	39	The relief available to an applicant from the decision of the
11	See Section 27-3406, Staff Review and Action. After staff	40	Planning Board on an application for a major departure is
12	review and evaluation of the application, the Planning	41	to the Circuit Court.
13	Director shall prepare a Technical Staff Report, which shall	42	(11) Post-Decision Actions
14	include a recommendation, on the application.	43	(A) Effect of Approval
15	(6) Scheduling Public Hearing and Public Notice	44	A major departure authorizes only the particular
16	See Section 27-3407, Scheduling of Hearings and Public	45	regulatory relief approved. It does not exempt the
17	Notice.	46	applicant from the responsibility to obtain all other
18	(7) Review and Decision by Decision-Making Body	47	development approvals and permits required by this
19	or Official	48	Ordinance, and any other applicable laws, and does
20	See Section 27-3409, Review and Decision by Decision-	49	not indicate that the development for which the
21	Making Body or Official. The Planning Board shall conduct a	50	departure is granted should receive other
22	public hearing on the application in accordance with	51	development approvals or permits unless the relevant
23	Section 27-3412, Evidentiary Hearing, and make a decision	52	and applicable portions of this Ordinance or any other
24	in accordance with Section 27-3614(f), Departure (Minor	53	applicable laws are met.
25	and Major) Decision Standards. The Planning Board's	54	(B) Lapse of Approval
26	decision shall be by resolution and shall set forth the	55	A major departure allowing the construction of a
27	Planning Board's findings of fact and conclusions to support	56	building or structure shall not be valid for longer than
28	the decision. The decision shall be to:	57	the expiration period of the development approval or
29	(A) Approve the major departure;		permit with which it was considered and approved.

CB-013-2018 (DR-2) has not yet taken effect and is subject to revisions via further legislative action of the Council.

1	(C) Amendment	29
2	A major departure may be amended only in	30
3	accordance with the procedures and standards	31
4	established for its original approval.	32
5	(f) Departure (Minor and Major) Decision Standards	33
6	The Planning Director or Planning Board, as appropriate, may	34
7	approve a departure (minor or major) upon a finding that the	35
8	applicant demonstrates the proposed departure complies with	36
9	the following:	37
10	(A) The departure falls within the thresholds	38
11	provided in Subsection 27-3614(b)(2), Major	39
12	Departures, above, for the applicable type of	40
13	departure;	41
14	(B) The departure is consistent with the character of	42
15	development on surrounding land, and is	43
16	compatible with surrounding land uses;	44
17	(C) The departure:	45
18	(i) Compensates for some unusual aspect of the site	46
19	or the proposed development that is not shared	47
20	by landowners in general, and	48
21	(ii) Supports an objective or goal from the purpose	49
22	and intent statements of the zone where it is	50
23	located, or	51
24	(iii) Saves healthy existing trees.	52
25	(D) The departure will not pose a danger to the	53
26	public health or safety;	54
27	(E) Any adverse impacts are mitigated, to the	55
28	maximum extent practicable;	56
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- (F)** The site is not subject to a series of multiple, incremental departures that result in a reduction in each development standard by the maximum allowed over the previous twenty (20) years. (Relevant development standards cannot be reduced beyond the maximum thresholds allowed in this Subection, through more than one departure, over the previous twenty (20) years); and
- (G)** For a departure from a standard contained in the Landscape Manual, the Planning Board shall find, in addition to the requirements above, that there is no feasible proposal for alternative compliance, as defined in the Landscape Manual, which would exhibit equally effective design characteristics.

27-3615. Validation of Permit Issued in Error

(a) General

This Section establishes a uniform mechanism for providing a way to resolve potential disputes relating to erroneously issued permits that would otherwise require an enforcement action. The further intent is to resolve these potential disputes in a way that balances landowner expectations and the requirements of this Ordinance so as to minimize the costs and expenses associated with enforcement actions to both the County and landowner.

(b) Applicability

This Subsection applies to any of the following permits that were issued in error:

- (1)** A building permit;

1	(2) A use and occupancy permit;	30
2	(3) A sign permit; or	31
3	(4) A County or municipal apartment license.	32
4	(c) Validation of Permit Issued in Error Submittal	33
5	Requirements	34
6	(1) An application for the validation shall be filed with the	35
7	Department of Permitting, Inspections, and	36
8	Enforcement.	37
9	(2) The application form shall be provided by the	38
10	Department of Permitting, Inspections, and	39
11	Enforcement and shall contain the information which	40
12	the DPIE Director deems is necessary to meet the	41
13	provisions of this Section.	42
14	(3) Along with the application, the applicant shall submit	43
15	the following:	44
16	(A) A statement listing the name, and the business	
17	and residential addresses, of all individuals	
18	having at least a five (5) percent financial interest	
19	in the property or the contract purchaser(s);	
20	(B) If any owner or contract purchaser(s) is a	
21	corporation, a statement listing the officers of	
22	the corporation, their business and residential	
23	addresses, and the date on which they assumed	
24	their respective offices. This statement shall also	
25	list the current Board of Directors, their business	
26	and residential addresses, and the dates of each	
27	Director's term. An owner that is a corporation	
28	listed on a national stock exchange shall be	
29	exempt from the requirement to provide	

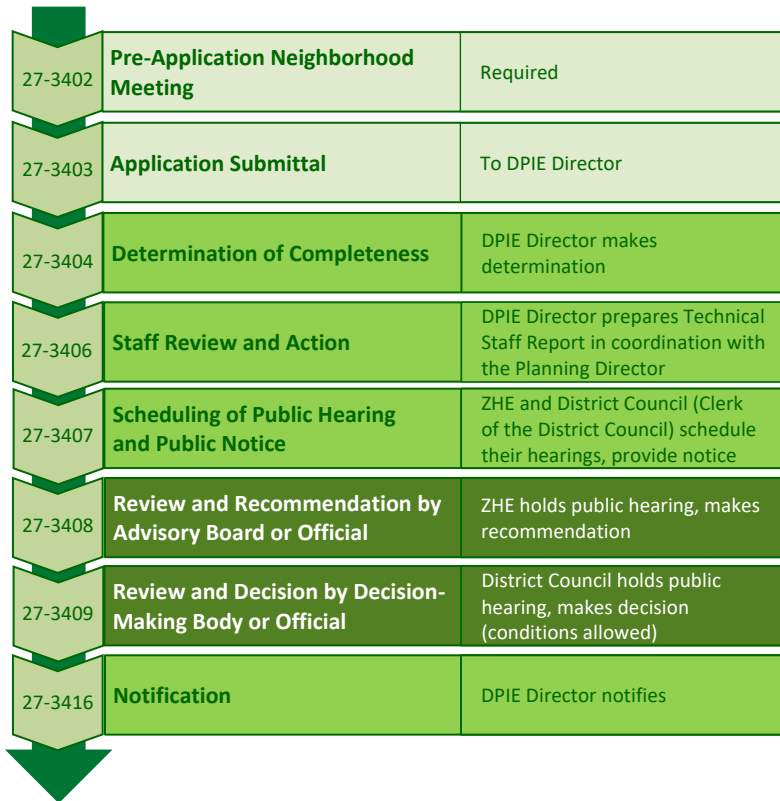
residential addresses of its officers and directors;
and

(C) If the owner or contract purchaser(s) 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).

(d) Validation of Permit Issued in Error Procedure

This Subsection identifies additions or modifications to the standard review procedures in Section Sec. 27-3400, Standard Review Procedures, that apply to applications for validation of a permit issued in error. Figure 27-3615(c) identifies key steps in the validation of permit issued in error procedure.

1 **Figure 27-3615(c): Validation of Permit Issued in Error Procedure**
 2 **(Illustrative)**



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- 4 **(1) Pre-Application Neighborhood Meeting**
- 5 See Section 27-3402, Pre-Application Neighborhood
- 6 Meeting).
- 7 **(2) Application Submittal**
- 8 See Section 27-3403, Application Submittal. An application
- 9 for a validation of permit shall be submitted to the DPIE
- 10 Director.

11 **(3) Determination of Completeness**

12 See Section 27-3404, Determination of Completeness. The

13 DPIE Director shall determine whether the application is

14 complete.

15 **(4) Staff Review and Action**

16 See Section 27-3406, Staff Review and Action. The DPIE

17 Director shall prepare the Technical Staff Report in

18 coordination with the Planning Director, with referrals to

19 applicable departments and agencies. The DPIE Director

20 shall forward the application, any accompanying material,

21 and the Technical Staff Report to the ZHE.

22 **(5) Scheduling Public Hearing and Public Notice**

23 See Section 27-3407, Scheduling of Hearings and Public

24 Notice.

25 **(6) Review and Recommendation by Advisory Board**
 26 **or Official**

27 See Section 27-3408, Review and Recommendation by

28 Advisory Board or Official.

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- 39 **(A)** The ZHE shall conduct a public hearing on the
- 40 application in accordance with Section 27-3412, Evidentiary Hearing. After the hearing is concluded, the ZHE shall make a decision on the application based on Section 27-3615(e), Validation of Permit Issued in Error Decision Standards. The decision shall contain specific findings of basic facts, conclusions of law, and a recommended decision, and shall constitute the record on the matter.
- (B)** The ZHE shall serve upon all persons of record a copy of the written decision.

1 **(7) Review and Decision by Decision-Making Body** 31
2 **or Official** 32
3 See Section 27-3409, Review and Decision by Decision- 33
4 Making Body or Official) 34
5 **(A)** The District Council shall conduct an Oral 35
6 Argument hearing on the application in 36
7 accordance with Section 3414; Oral Argument 37
8 Hearing, and render a final decision in 38
9 accordance with Section 27-3615(e), Validation 39
10 of Permit Issued in Error Decision Standards, 40
11 based on the record. Persons of record may not 41
12 introduce evidence not already in the record. 42
13 **(B)** The Council may, however, either upon written 43
14 request by a person of record or upon its own 44
15 motion, remand a case to the ZHE to reopen the 45
16 record to receive and evaluate additional 46
17 evidence. In addition, the Council may take 47
18 judicial notice of any evidence contained in the 48
19 record of any earlier phase of the approval 49
20 process relating to all or a portion of the same 50
21 land, including the approval of a preliminary plat 51
22 of subdivision. 52
23 **(8) Conditions of Approval** 53
24 Allowed (see Section 27-3415, Conditions of Approval). 54
25 **(9) Notification** 55
26 See Section 27-3416, Notification.
27 **(10) Post-Decision Actions**
28 An approved validation of a permit issued in error
29 authorizes the applicant to undertake the uses,
30 development, or activities authorized in the permit, as

modified by the final decision of the District Council. Any building, structure, or use, for which a permit issued in error has been validated by the District Council in accordance with this Subsection shall be deemed a nonconforming building or structure, or a certified nonconforming use, unless otherwise specified by the Council when it validates the permit. The nonconforming building or structure, or certified nonconforming use, shall be subject to all of the provisions of Section 27-7200.

(e) Validation of Permit Issued in Error Decision Standards

A validation of permit issued in error may only be approved if the applicant demonstrates by substantial competent evidence in the record that:

- (1) No fraud or misrepresentation occurred in obtaining the permit;
- (2) At the time of the permit's issuance, no appeal or controversy regarding its issuance was pending before any review body;
- (3) The applicant has acted in good faith on the permit approval, expending monies or incurring other obligations in reliance on the permit; and
- (4) The validation will not adversely affect the public interest or the health, safety, or welfare of County landowners and residents.

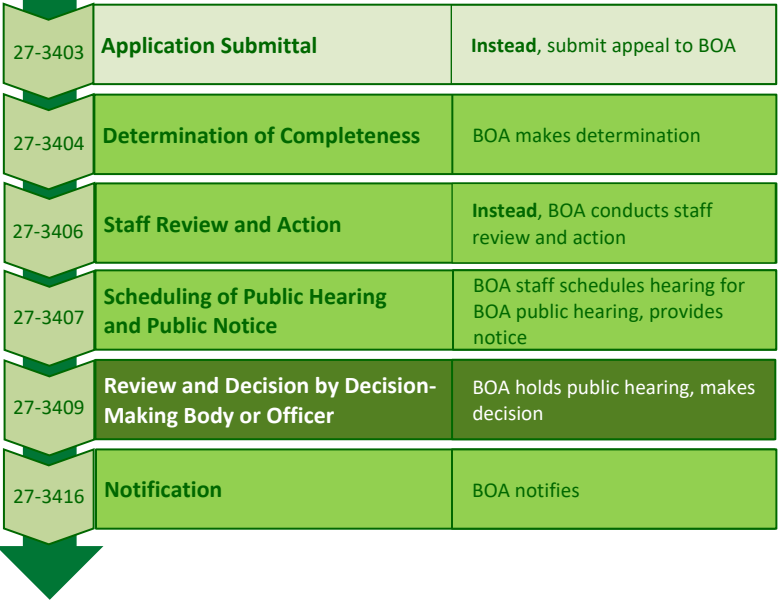
1	27-3616. Appeal to Board of Appeals (BOA)	28	
2	(a) General	29	
3	This Section establishes a uniform mechanism for appeal to the	30	
4	Board of Appeals (BOA) from an action or decision of the	31	
5	Planning Director or DPIE Director.	32	
6	(b) Applicability	33	
7	Appeals to the BOA may be taken by any person aggrieved by:	34	
8	(1) A denial of:	35	
9	(A) A sign permit (Section 27-3606);	36	
10	(B) A temporary use permit (Section 27-3607);	37	
11	(C) A use and occupancy permit (Section 27-3608);	38	
12	(D) A grading permit (Section 27-3610); or	39	
13	(E) A building permit (Section 27-3611).	40	
14	(2) A zoning enforcement action (Part 27-8).	41	
15	(c) Appeal to BOA Submittal Requirements and Fees	42	
16	(1) Appeals may be made by any person who alleges that	43	
17	they are aggrieved by the refusal of a permit, by the	44	
18	issuance of a zoning violation notice, or other decision	45	
19	made in administering this Subtitle, except for a civil	46	
20	citation issued in accordance with Subtitle 28 of the	47	
21	County Code. For purposes of this subsection, "issuance	48	
22	of a zoning violation" means the earlier of the date of	49	
23	posting, the date of personal service, or if mailed, the	50	
24	date that the notice was postmarked.	51	
25	(2) Appeals involving a variance shall be filed with the Board	52	
26	only after the Department of Permitting, Inspections,	53	
27	and Enforcement refuses to issue a building or use and	54	
		55	occupancy permit, or after it is alleged that the permit
		56	has been issued in error. The Board may waive this
		57	requirement and allow the filing of the appeal prior to
		58	any action on the permit.
		59	(3) Written appeals and requests to grant additional time to
			cease a violation shall be made by letter filed with the
			Clerk of the Board.
			(4) Appeals and requests to grant additional time to cease
			a violation shall be numbered sequentially, docketed,
			and scheduled to be heard by the Board. The schedule
			shall be posted at least seven (7) days prior to the
			hearing date.
			(5) The appellant shall pay the Clerk of the Board all
			expenses of the appeal, including the cost estimated by
			the Clerk for sending notices and advertising. An
			application fee shall also be paid to the Clerk. A separate
			fee for the cost of public notice signs shall be paid to the
			Maryland-National Capital Park and Planning
			Commission. The fees are nonrefundable unless (upon
			request of the appellant) the Board finds that the fee
			was paid by mistake. All fees must be paid at the time of
			filing, except as provided.
			(6) In lieu of the fee the appellant may submit an affidavit
			claiming that payment of the fee would be an extreme
			financial hardship. The hardship may only be claimed by
			a natural person. The affidavit shall contain the
			information required by the County Director of Finance
			and any other pertinent facts which the appellant feels
			are necessary.
			(7) Upon filing the affidavit, the Clerk shall transmit it to the
			Director of Finance (or his designee) who shall (within
			10 working days) determine whether payment of the

1 fee is an extreme financial hardship on the appellant. 15
 2 Should the Director find that hardship does not exist, 16
 3 the appellant shall be required to pay the fees before 17
 4 the appeal may be heard by the Board. 18

5 **(d) Appeal to BOA Procedure** 19

6 This Subsection identifies additions or modifications to the 20
 7 standard review procedures in Section Sec. 27-3400, Standard 21
 8 Review Procedures, that apply to appeals to the BOA. Figure 27- 22
 9 3616(c) identifies key steps in the procedure for appeal to the 23
 10 BOA. 24

11 **Figure 27-3616(c): Appeal to BOA Procedure (Illustrative)** 25



12 **(1) Application Submittal** 26

13 Applications for appeals shall be submitted to the BOA. 27

(A) Appeals may be made by any person (known in 28
 this Part as the "appellant") alleging they are 29
 aggrieved by the denial of a permit, 30
 interpretation, zoning certification, or 31
 enforcement action as identified in Section 27- 32
 3616(b) above. 33

(B) Appeals on a permit denial, interpretation, 34
 zoning certification, or enforcement action shall 35
 specify the grounds for the appeal and shall be 36
 submitted to the BOA, within 30 days after 37
 receipt of notice of the decision being appealed. 38

(2) Determination of Completeness 39

See Section 27-3404, Determination of Completeness. The 40
 determination that the appeal application is complete shall 41
 be made by the BOA. 42

(3) Staff Review and Action

The BOA conducts the staff review, and submits the staff 31
 review along with a copy of the application, interpretation, 32
 or enforcement action and the record upon which the 33
 decision, interpretation, or action appealed from is made 34
 to the BOA. 35

(4) Scheduling Public Hearing and Public Notice

See Section 27-3407, Scheduling of Hearings and Public 37
 Notice. In addition, in the case of a request to grant 38
 additional time to cease a violation, notice shall also be sent 39
 to the Zoning Enforcement Officer, who shall notify all 40
 persons who have made written or oral complaints 41
 concerning the violation. 42

1	(5) Review and Decision by Decision-Making Body	27
2	or Official	28
3	(A) Before making its decision on any appeal, or a	29
4	request to grant additional time to cease a	30
5	violation, the BOA shall hold a public hearing in	31
6	accordance with Section 27-3412, Evidentiary	32
7	Hearing. After the conclusion of the hearing, the	33
8	BOA shall make a decision on the appeal in	34
9	accordance with Section 27-3616(e), Appeal to	35
10	BOA Decision Standards. The decision shall be	36
11	one of the following:	37
12	(i) Affirmation of the action or decision, in whole or	38
13	in part;	39
14	(ii) Modification of the action or decision, in whole	40
15	or in part; or	41
16	(iii) Reversal of the action or decision, in whole or in	42
17	part.	43
18	(B) The decision of the BOA shall include a statement	44
19	of the findings of fact and conclusions that	45
20	support the decision. The resolution, or a copy of	46
21	it, shall form part of the minutes or other record	47
22	of the BOA.	48
23	(C) The BOA’s decision on an appeal is final 30 days	49
24	after filing the written decision.	50
25	(6) Notification	51
26	See Section 27-3416, Notification, except BOA notifies.	52
		53
		54
		55

(e) Appeal to BOA Decision Standards

The BOA may modify or reverse a decision, interpretation, or action appealed, on finding substantial competent evidence in the record that:

- (1)** An error was made in determining whether a standard was met. The record shall indicate that an error in judgment occurred or facts or provisions in this Ordinance were misread in determining whether the particular standard was or was not met;
- (2)** The decision is based on a standard not contained in this Ordinance or other applicable County ordinances or regulations; or
- (3)** The decision, interpretation, or action violates County, State, or Federal law.

27-3617. Authorization of Permit Within Proposed Right-of-Way (ROW)

(a) Applicability

(1) General

- (A)** A landowner may submit an application for authorization for a permit in accordance with this Subsection in any of the following instances:
 - (i)** The land that is the subject of the application is also the subject of a pending application for a special exception, detailed site plan, or departure (minor or major); or
 - (ii)** An application for issuance of a permit identified in Section 27-3617(a)(1)(A)(i) above above, is recommended for denial, and the recommendation for denial is not based on any

1 failure to comply with any requirements of this 32
2 Ordinance, the Regional District Act, or any 33
3 conditions of approval placed on the land in a 34
4 zoning case or subdivision plat approval. 35
5 (B) Along with the application, the applicant shall 36
6 submit the following: 37
7 (i) A statement listing the names and the business 38
8 and residential addresses of all individuals 39
9 having at least a five percent (5%) financial 40
10 interest in the subject property; 41
11 (ii) If any owner is a corporation, a statement listing 42
12 the officers of the corporation, their business 43
13 and residential addresses, and the date on which 44
14 they assumed their respective offices. The same 45
15 statement shall also list the current Board of 46
16 Directors, their business and residential 47
17 addresses, and the dates of each Director's term. 48
18 An owner that is a corporation listed on a 49
19 national stock exchange shall be exempt from 50
20 the requirement to provide residential 51
21 addresses of its officers and directors; and 52
22 (iii) If the owner is a corporation (except one listed 53
23 on a national stock exchange), a statement 54
24 containing the names and residential addresses 55
25 of those individuals owning at least five percent 56
26 (5%) of the shares of any class of corporate 57
27 security (including stocks and serial maturity 58
28 bonds). 59
29 (C) For the purposes of this Section, the term 60
30 "owner" shall include not only the owner of 61
31 record, but also any contract purchaser. 62
63

(D) Unless exempted in accordance with Section 27-3617(a)(2) below, above, authorization by the District Council in accordance with this Subsection is required prior to the issuance of a building permit or sign permit for any structure on land located within the right-of-way or acquisition lines of a proposed street, rapid transit route, or rapid transit facility, or proposed relocation or widening of an existing street, rapid transit route, or rapid transit facility, as shown on the General Plan, the functional master plan of transportation, any Area Master Plan or Sector Plan, and any Area Master Plan or Sector Plan adopted by the Planning Board but not yet approved by the District Council. (This shall not include an Area Master Plan or Sector Plan rejected by the Council.)

(2) Exemptions

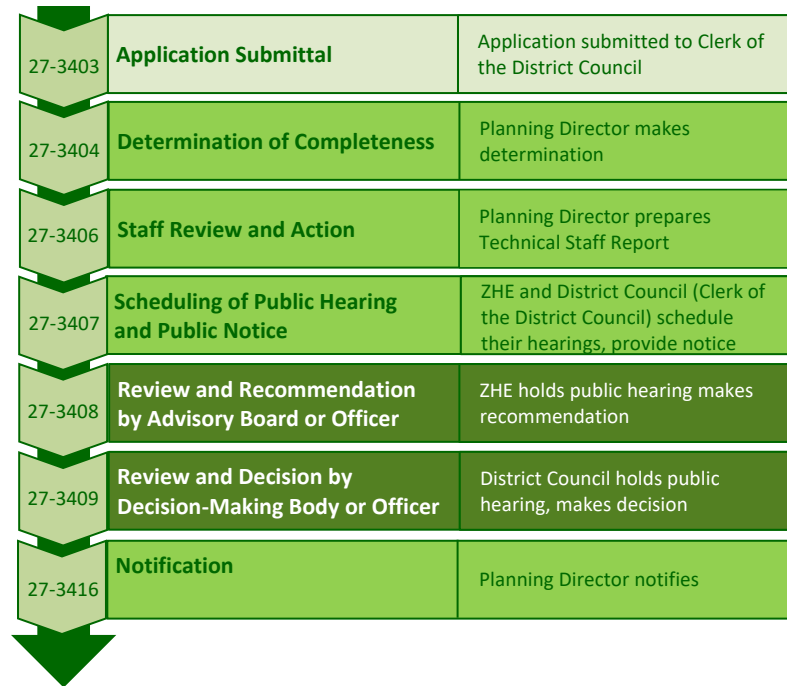
The following do not require authorization by the District Council in accordance with this Section:

- (A) Building permits for any structures on:
 - (i) Land which was in reservation but is now not in reservation, and has not been acquired and is not being acquired; or
 - (ii) Land which was subdivided after the adoption of the General Plan, a functional master plan of transportation, or an Area Master Plan or Sector Plan, but was not reserved or required to be dedicated for a street or rapid transit route or facility shown on the adopted plan;
- (B) A permit for the replacement of a legally erected sign if the replacement sign is otherwise in

1 conformance with this Ordinance, is not an
 2 intensification of signage for the subject land,
 3 and if the proposed transportation facility
 4 (street, rapid transit route, or rapid transit
 5 facility) is not fully funded for construction in the
 6 adopted County Capital Improvement Program
 7 or the current State Consolidated Transportation
 8 Program; and
 9 **(C)** A sign temporarily located within a proposed
 10 street right-of-way in accordance with Section
 11 27-61504(d), Signs Within Proposed Right-of-
 12 Way.

13 **(b) Authorization of Permit Within Proposed ROW**
 14 **Procedure**

15 **Figure 27-3617(b): Authorization of Permit Within Proposed ROW**
 16 **Procedure (Illustrative)**



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(1) Application Submittal

- (A)** Along with the application, the owner 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 same statement shall also list the current Board of Directors, their business and residential

1 addresses, and the dates of each Director's term. 31
2 An owner that is a corporation listed on a 32
3 national stock exchange shall be exempt from 33
4 the requirement to provide residential 34
5 addresses of its officers and directors; and 35
6 (iii) If the owner is a corporation (except one listed 36
7 on a national stock exchange), a statement 37
8 containing the names and residential addresses 38
9 of those individuals owning at least five percent 39
10 (5%) of the shares of any class of corporate 40
11 security (including stocks and serial maturity 41
12 bonds). 42
13 (2) For the purposes of (ii) and (iii), above, the term "owner" 43
14 shall include not only the owner of record, but also any 44
15 contract purchaser. 45
16 (3) **Determination of Completeness** 46
17 See Section 27-3404, Determination of Completeness). 47
18 (4) **Staff Review and Action** 48
19 (A) Copies of the request and any accompanying 49
20 material shall be forwarded by the Clerk of the 50
21 Council to the Office of the Zoning Hearing 51
22 Examiner, the Building Inspector, the Chairman 52
23 of the Planning Board, and the head of the 53
24 agency having jurisdiction over the construction 54
25 of any improvements within the right-of-way.
26 (B) The Clerk of the Council may require the 55
27 property owner to submit sufficient copies of the 56
28 request and any accompanying materials to the 57
29 Clerk, in order to make transmittals to agencies 58
30 as required by this Section. 59
60

(5) Scheduling Public Hearing and Public Notice

See Section 27-3407, Scheduling of Hearings and Public Notice).

(6) Review and Recommendation of Advisory Board or Official

See Section 27-3408, Review and Recommendation by Advisory Board or Official).

(A) The ZHE shall conduct a public hearing on the application in accordance with Section 27-3412, Evidentiary Hearing. After the hearing is concluded, the ZHE shall make a recommendation on the application based on Section 27-3617(c), Authorization of Permit Within Proposed ROW Decision Standards. The decision shall contain specific findings of basic facts, conclusions of law, and a recommended decision, which shall constitute the record on the matter.

(B) The ZHE shall serve upon all persons of record a copy of the written decision.

(7) Review and Decision by Decision-making Body or Official

See Section 27-3409, Review and Decision by Decision-Making Body or Official).

(A) The District Council shall conduct an Oral Argument Hearing on the application in accordance with Section 27-3414, Oral Argument Hearings, and its Rules of Procedure, and render a final decision in accordance with Section 27-3617(c), Authorization of Permit Within

1	Proposed ROW Decision Standards, based on the	29
2	record.	30
3	(B) The Council may, however, either upon written	31
4	request by a person of record or upon its own	32
5	motion, remand a case to the ZHE to reopen the	33
6	record to receive and evaluate additional	34
7	evidence.	35
8	(8) Conditions of Approval	36
9	Allowed (see Section 27-3415, Conditions of Approval). As	37
10	part of the conditions of approval, the Council may specify	38
11	the exact location, ground area, height, extent, and	39
12	character of the structure to be allowed.	40
13	(9) Notification	41
14	See Section 27-3416, Notification).	42
15	(10) Post Decision Actions	43
16	(A) Effect	44
17	An approved authorization for a Permit Within	45
18	Proposed ROW only authorizes the applicant to	46
19	undertake the specific development authorized in the	47
20	permit.	48
21	(B) Lapse of Approval	49
22	(i) An approved authorization for a Permit Within	50
23	Proposed ROW that was filed in connection with	51
24	a pending special exception, detailed site plan,	52
25	or departure (minor or major), shall be	53
26	automatically terminated if the special	54
27	exception, detailed site plan, or departure	55
28	(minor or major) is denied.	56
		57

- (ii) All permits for construction of the structure shall be obtained and construction must be proceeding in accordance with the permit within two (2) years of its approval, or the authorization for the permit shall automatically expire. The applicant may request and the Planning Director may grant, a one year extension for good cause.

(c) Authorization of Permit Within Proposed ROW Decision Standards

The District Council may only authorize a Permit Within Proposed ROW in accordance with this Subsection only if it finds there is competent substantial evidence that:

- (1) The entire property cannot yield a reasonable return to the landowner unless the permit is granted;
- (2) Reasonable justice and equity are served by issuing the permit;
- (3) The interest of the County is balanced with the interests of the landowner; and
- (4) The integrity of the General Plan, functional master plan of transportation, and any Area Master Plan or Sector Plan is preserved.

(d) Conditions Placed on Approval

If the Council authorizes the issuance of the permit, it shall specify the exact location, ground area, height, extent, and character of the structure to be allowed. The Council may also impose reasonable conditions which benefit the County.

(e) Validity

- (1) In the case of a request filed in connection with a pending site plan, as described in Subsection (b)(1),

1 above, the authorization for issuance of a permit shall
2 be automatically terminated if the application for a
3 special exception, detailed site plan, or departure
4 (minor or major) is denied.

5 **(2)** Where authorization for issuance of a permit has been
6 approved in connection with a pending site plan, the
7 authorization shall be valid for two (2) years. Within two
8 (2) years of the date of final approval of the request, a
9 permit must be obtained and construction must be
10 proceeding pursuant to the permit, or the authorization
11 shall be terminated. A one (1) year extension of the
12 validity period may be granted by the Planning Director
13 if the applicant is diligently proceeding towards issuance
14 of a permit.

15 **(f) Amendment**

16 An authorization of a Permit Within Proposed ROW may be
17 amended only in accordance with the procedures and standards
18 established for its original approval.

