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COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

Legislative Session _____ 1991 _____

Bill No. _____ CB-1-1991 _____

Chapter No. _____ 2 _____

Proposed and Presented by _____ Council Members Casula,

Castaldi, Bell, and Wineland _____

Introduced by _____ Council Members Casula, Castaldi, Bell

and Wineland _____

Co-Sponsors _____

Date of Introduction _____ February 19, 1991 _____

ZONING BILL

AN ORDINANCE concerning

Reconsideration and Amendment of Decisions

FOR the purpose of clarifying procedures for reconsideration and amendment of decisions.

BY repealing and reenacting with amendments:

Sections 27-135, and
27-327,

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

being also

SUBTITLE 27. ZONING.

The Prince George's County Code

(1987 Edition, 1989 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, Maryland, that Sections 27-135 and 27-327 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 3. ADMINISTRATION.

DIVISION 1. GENERAL ZONING PROCEDURES.

Subdivision 1. General.

Sec. 27-135. Reconsideration and amendment of decisions.

(a) Reconsiderations and site plan amendments for Special Exceptions shall be as provided for in Part 4. All others are governed by this section (except Zoning Ordinance text amendments).

(b) Once a final decision has been made, the decision may be reconsidered upon request filed by either the applicant or a person of record within thirty (30) days of the final decision if, based on the written request, the Council finds that an error in reaching the final decision was caused by fraud, surprise, mistake, or inadvertence. [Prior to amending any decision, a public hearing shall be held on the matter by the District Council. All persons of record shall be notified in the same manner as required for an original application. The Planning Board shall post a sign on the subject property, setting forth the date, time, and place of the hearing, in the same manner as required for an original application.

(c)] The District Council may (for good cause) amend any condition imposed or site plan approved ([not including] excluding Comprehensive Design Zone Basic Plans or R-P-C Zone Official Plans) upon the request of the applicant without requiring a new application to be filed, if the amendment does not constitute an enlargement or extension.

(1) In the case of an amendment of a condition (imposed as part of the approval of the zoning case) or reconsideration of a final decision, the [amendment] request shall be directed, in writing, to the District Council. The Council shall hold a public hearing on the request (in the case of reconsideration, after a finding of fraud, surprise, mistake, or inadvertence) and notify all parties of record (including all parties of record on the original application and any amendments thereof) in the same manner as required for an original application. The Planning Board shall post a sign on the subject property, setting forth the date, time, and place of the hearing, in the same manner as required for an original application.

(2) [In the case of an amendment of] Where a site plan has been approved by the Council, the [amendment] applicant may request [shall be] an amendment to the site plan in the form of an application filed with the Planning Board. The Technical Staff shall analyze the proposed amendment, taking into consideration the requirements of this Subtitle. The staff shall submit (for the record) a recommendation. This recommendation, along with the proposed amendment, shall be transmitted by the Technical Staff

directly to the District Council. The District Council shall hold a public hearing on the request and notify all parties of record (including all parties of record on the original application and any amendments thereof) in the same manner as required for an original application. The Planning Board shall post a sign on the subject property, setting forth the date, time, and place of the hearing, in the same manner as required for an original application.

(c) An applicant may request the amendment of any Comprehensive Design Zone Basic Plan or R-P-C Zone Official Plan, as set forth in Sections 27-197 and 27-158.

PART 4. SPECIAL EXCEPTIONS.

DIVISION 1. ADMINISTRATIVE PROCEDURES.

Subdivision 11. Reconsideration.

Sec. 27-327. Reconsideration of final decision.

(a) Once a final decision on a Special Exception application has been made, the decision may be reconsidered upon [a finding] request filed by either the applicant or a person of record within thirty (30) days of the final decision, if, based on the written request, the Council finds that an error in reaching the final decision was made that was caused by fraud, surprise, mistake, or inadvertence.

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SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect on the date of its adoption.

Adopted this 26th day of March, 1991.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE

DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: _____
Richard J. Castaldi
Chairman

ATTEST:

Maurene W. Epps
Acting Clerk of the Council

KEY:

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