

AMENDED ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,
AMENDING CHAPTER 190 "ZONING", ARTICLE I "REVITALIZATION OVERLAY
DISTRICT" BY RENAMING THE ARTICLE AND REPEALING AND REENACTING
§190-1 "PURPOSES", §190-4 "POWERS AND DUTIES OF THE CITY ADVISORY
PLANNING COMMISSION TO CONDUCT HEARINGS", §190-10 "DEPARTURES
FROM DESIGN STANDARDS", §190-11, "EXCEPTIONS TO THE COMMISSION'S
RECOMMENDATION REGARDING DEPARTURES" AND §190-16 "APPEAL";
ADDING §190-11 "CERTIFICATION, REVOCATION AND REVISION OF
NONCONFORMING USES", §190-12, "MINOR CHANGES TO APPROVED
SPECIAL EXCEPTIONS, IN GENERAL", §190-13, "MINOR CHANGES,
COMMISSION", §190-14, "LIMITED MINOR CHANGES, PLANNING DIRECTOR",
§190-15, "SPECIFIC CHANGES", §190-16 "ALTERNATIVE COMPLIANCE" AND
§190-19, "NOTIFICATION OF RESIDENTS"; REPEALING §190-2 "BOUNDARY";
RENUMBERING § 190-3, "DEFINITIONS", § 190-5 "CRITERIA FOR GRANTING
VARIANCES", § 190-6 "PROCEDURE FOR GRANTING VARIANCES; FILING;
FEES; PUBLIC HEARING", §190-7 "EXCEPTIONS TO THE COMMISSION'S
RECOMMENDATION REGARDING VARIANCES", §190-8 "VALIDITY PERIOD
REGARDING VARIANCES", §190-9 "REFILING VARIANCE REQUESTS";; AND
ARTICLE II, §190-13 "SIGNS", AND AMENDING CHAPTER 110 "FEES AND
PENALTIES" TO SET OR INCREASE FEES.

WHEREAS, pursuant to Md. Code Ann., Art. 23A, §2, the City of College Park, Maryland (hereinafter, the "City") has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the residents of the municipality; and

WHEREAS, the Mayor and Council have adopted a requirement, set out in Chapter 190 of the City Code, to exercise those zoning powers granted to it with respect to variances and departures in Article 28, §§8-112.3 and 112.4 and authorized by Prince George's County; and

WHEREAS, §112.4 has been amended to authorize additional areas of municipal zoning authority, subject to approval by the Prince George's County Council; and

WHEREAS, the Prince George's County Council has amended Section 27-924, "Powers of Municipalities" to include alternative compliance from landscaping standards, certification,

CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
CAPS	:Indicate matter added in amendment
[Brackets]	:Indicate matter deleted in amendment

revocation and revision of nonconforming uses, and minor changes to approved special exceptions among those areas in which a municipality may adopt an ordinance; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to include these three additional areas in the City's zoning authority; and

WHEREAS, the Mayor and Council have determined that it is appropriate to update the code to remove reference to a revitalization overlay district originally authorized in Article 28, §8-112.3 and to proceed under the authority of Article 28, 8-112.4.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland that the title of Chapter 190 "Zoning", Article I "Revitalization Overlay District" be, and is hereby, repealed and reenacted with amendments to read as follows:

Chapter 190 Zoning

Article I [~~Revitalization Overlay District~~] ZONING AUTHORITY

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, §190-1 "Purposes", be, and is hereby, repealed and reenacted with amendments to read as follows:

§190-1 Purposes

The purposes of this article are to [~~establish a revitalization overlay district within the City of College Park and to~~] create a process whereby the Mayor and Council may grant departures from design and landscaping standards, parking and loading standards and sign design standards, as well as variances from lot size, setback and any other requirements of the Prince George's County Zoning Ordinance from which a variance may be granted by the Prince

George's County COUNCIL AND Board of Appeals, in order to overcome deficiencies in the current zoning process, AND AUTHORIZE ALTERNATIVE COMPLIANCE FROM LANDSCAPING REQUIREMENTS, CERTIFICATION, REVOCATION AND REVISION OF NONCONFORMING USES, AND MINOR CHANGES TO APPROVED SPECIAL EXCEPTIONS, to remove obstacles which hinder development within the City and to promote community and economic revitalization by encouraging appropriate development within the City.

Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, §190- 2“Boundary”, be, and is hereby, repealed as follows:

§190-2 Boundary

~~The boundaries of the Revitalization Overlay District shall be continuous and coextensive with the boundaries of the City, as constituted on the effective date of this article.]~~

Section 4. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, §190-3 “Definitions”, be, and is hereby, renumbered to read as follows:

§190-[3]2 Definitions

* * * *

Section 5. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, §190-4 “Powers and duties of the City Advisory Planning Commission to conduct hearings”, be, and is hereby, repealed, renumbered and reenacted with amendments to read as follows:

§ 190-[4]3. Powers and duties of the City Advisory Planning Commission to conduct hearings.

A. The Commission shall conduct hearings for the following categories of requests with respect to property located within the [~~revitalization overlay district~~] CORPORATE LIMITS.

(1) Applications for variances from the strict application of the Prince George's County Zoning Ordinance with respect to lot size, setback and [~~any other requirements of the Prince George's County Zoning Ordinance from which a variance may be granted by the Prince George's County Board of Appeals~~], AND SIMILAR REQUIREMENTS FOR LAND WITHIN THE CORPORATE BOUNDARIES except that the Commission shall not have the power to hear and decide applications for variances filed in conjunction with a special exception, zoning case, site plan or other request where the district council has the sole authority to grant variances from the strict application of the Prince George's County Zoning Ordinance pursuant to § 27-239.03 of the Prince George's County Zoning Ordinance.

(2) Departures from design and landscaping standards of the Prince George's County Zoning Ordinance, Part 2, [~~General~~] Division 4, Regulations Applicable in all Zones, Subdivision 6, Landscaping, Buffering and Screening (§ 27-123), AND DIVISION 5 REGULATIONS ADOPTED BY REFERENCE, SUBDIVISION 1, LANDSCAPE MANUAL, SECTION 27-124.03 [~~THROUGH 125.05~~] AND THE PRINCE GEORGE'S LANDSCAPE MANUAL (2010 EDITION, AS AMENDED).

(3) Departures from parking and loading standards of the Prince George's County Zoning Ordinance, Part 11, Off-Street Parking and Loading, Division 2, Parking Facilities, Subdivision 2, Design Standards ([~~§§~~] SECTIONS 27-554 through [27-558] 27-566) AND SUBDIVISION 3 MINIMUM REQUIREMENTS (SECTIONS 27-568 THROUGH 574) and Division 3, Loading Facilities, Subdivision 2, Design Standards ([~~§§~~] SECTIONS 27-577 through 27-581).

(4) Departures from sign design standards of the Prince George's County Zoning Ordinance, Part 12, Signs, Division 3 (~~[[§§]~~ SECTIONS 27-613 through 27-~~[637]~~ 630.~~[1]~~ 2).

(5) CERTIFICATION, REVOCATION AND REVISION OF NON-CONFORMING USES, OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE, PART 3, DIVISION 6, NONCONFORMING BUILDINGS, STRUCTURES AND USES, SECTIONS 27-240-251.01.

(6) MINOR CHANGES TO APPROVED SPECIAL EXCEPTIONS, PRINCE GEORGE'S COUNTY ZONING ORDINANCE, PART 4, DIVISION 1, SUBDIVISION 10, SECTION 27-~~[235]~~ 325.

B. The Commission shall conduct a complete public hearing on the request, EXCEPT WITH RESPECT TO LIMITED MINOR CHANGES THAT THE PLANNING DIRECTOR IS AUTHORIZED TO APPROVE, subject to all the requirements and restrictions imposed by law upon the Mayor and Council. The Commission is empowered to swear witnesses and to issue subpoenas for witnesses and documents.

C. through D. * * * *

Section 6. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, §190-5 "Criteria for granting variances", §190-6 "Procedure for granting variances, §190-7 "Exceptions to the Commission's recommendation regarding variances", §190-8 "Validity period of decision regarding variances" and §190-9 "Refiling variance requests" be, and are hereby, renumbered to read as follows:

§ 190-~~5~~4. Criteria for granting variances. * * *

§ 190-~~6~~5. Procedure for granting variances; filing; fees; public hearing. * * *

§190-~~7~~6. Exceptions to the Commission's recommendation regarding variances. * * *

§190-~~8~~7. Validity period regarding variances. * * *

§190-[9]8. Refiling variance requests. * * *

Section 7. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, §190- 10“Departures from design standards”, be, and is hereby repealed, reenacted and renumbered to read as follows:

§190-[10] 9 Departures from design standards

A. A departure from the design standards contained in Part 11 and Part 12 of the Prince George's County Zoning Ordinance and the Prince George's County Landscape Manual may be permitted by the Commission in accordance with the provisions of this section. APPLICANTS SHALL ALSO COMPLY WITH SECTION 27-125.01 OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE.

B. Procedures.

(1) Application.

(a) All requests for a departure from design standards shall be in the form of an application filed with the Commission, EXCEPT THAT DEPARTURE APPLICATIONS THAT ARE IN CONJUNCTION WITH ANOTHER APPROVAL UPON WHICH THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL OR THE PRINCE GEORGE'S COUNTY PLANNING BOARD MUST MAKE A DECISION SHALL BE FILED AS REQUIRED UNDER THE COUNTY ZONING ORDINANCE. The Commission shall determine the contents of the application and shall provide the application form.

(b) Along with the application, the applicant shall submit the following:

[1] Ten copies of a site plan and other graphic illustrations which are considered necessary to indicate what is being proposed.

[2] Ten copies of a written statement by the applicant addressing the requirements of Subsection B(8) below. The applicant shall be responsible for providing all information that is necessary for the Commission to make its decision under Subsection B(7).

[3] A list of the names and addresses of the abutting property owners.

(2) Fees.

(a) Filing fees. Upon filing the application, the applicant shall pay to the Commission a filing fee to help defray the costs of processing the application as set forth in Chapter 110, Fees and Penalties, of the Code. The filing fee for a departure for a church or other place of worship shall not exceed \$100. A reduction in the fee may be permitted by the Commission when it finds that payment will cause undue hardship upon the applicant.

(b) Sign-posting fees.

[1] In addition to the filing fee, a sign-posting fee as set forth in Chapter 110 of the Code, Fees and Penalties, shall also be paid by the applicant to the Commission at the time the application is filed.

[2] When the application involves a utility right-of-way, the fee shall be \$30 each for the first four signs, plus \$5 for each sign over four.

[3] No part of a fee shall be refunded or waived unless the Commission determines that one of the following applies:

[a] The fee was paid by mistake, and the applicant has requested (in writing) a refund; or

[b] The application is withdrawn prior to posting the sign. In this case, the entire sign-posting fee shall be refunded.

(3) Hearing. Prior to making a recommendation on a departure from design standards, the Commission shall hold a public hearing on the matter. The Commission shall determine the procedures under which the hearing will be held.

(4) through (7) * * * *

(8) Required findings.

(a) A recommendation that a departure be granted shall be made by the Commission only upon the following findings:

[1] The purposes of the applicable provisions of the Prince George's County Zoning Ordinance will be equally well or better served by the applicant's proposal.

[2] The departure is the minimum necessary, given the specific circumstances of the request.

[3] ~~{The departure is necessary in order to alleviate circumstances which are unique to the site.~~

~~{4}~~ The departure is necessary to alleviate circumstances that are special to the subject use, given its nature at this location or alleviate circumstances which are prevalent in the district.

(b) For departures from sign design standards, the departure will not impair the visual, functional or environmental quality or integrity of the site or of the surrounding neighborhood.

(c) For departures from parking and loading standards, the Commission must also find that all methods for calculating spaces required (Division 2, Subdivision 3 and Division 3, Subdivision 3 of Part 11 of the Prince George's County Zoning Ordinance) have either been used or found to be impractical, and parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.

[1] IN MAKING ITS FINDINGS, THE COMMISSION SHALL GIVE CONSIDERATION TO THE FOLLOWING:

(I) THE PARKING AND LOADING CONDITIONS WITHIN THE GENERAL VICINITY OF THE SUBJECT PROPERTY, INCLUDING NUMBERS AND LOCATIONS OF AVAILABLE ON- AND OFF-STREET SPACES WITHIN FIVE HUNDRED (500) FEET OF THE SUBJECT PROPERTY;

(II) THE RECOMMENDATIONS OF AN AREA MASTER PLAN, OR COUNTY OR LOCAL REVITALIZATION PLAN, REGARDING THE SUBJECT PROPERTY AND ITS GENERAL VICINITY;

(III) THE RECOMMENDATIONS OF A MUNICIPALITY (WITHIN WHICH THE PROPERTY LIES) REGARDING THE DEPARTURE; AND

(IV) PUBLIC PARKING FACILITIES WHICH ARE PROPOSED IN THE COUNTY'S CAPITAL IMPROVEMENT PROGRAM WITHIN THE GENERAL VICINITY OF THE PROPERTY.

[2] IN MAKING ITS FINDINGS, THE PLANNING COMMISSION MAY GIVE CONSIDERATION TO THE FOLLOWING:

(I) PUBLIC TRANSPORTATION AVAILABLE IN THE AREA;

(II) ANY ALTERNATIVE DESIGN SOLUTIONS TO OFF-STREET FACILITIES WHICH MIGHT YIELD ADDITIONAL SPACES;

(III) THE SPECIFIC NATURE OF THE USE (INCLUDING HOURS OF OPERATION IF IT IS A BUSINESS) AND THE NATURE AND HOURS OF OPERATION OF OTHER (BUSINESS) USES WITHIN FIVE HUNDRED (500) FEET OF THE SUBJECT PROPERTY;

(IV) IN THE R-30, R-30C, R-18, R-18C, R-10A, R-10, AND R-H ZONES, WHERE DEVELOPMENT OF MULTIFAMILY DWELLINGS IS PROPOSED, WHETHER THE APPLICANT PROPOSES AND

DEMONSTRATES THAT THE PERCENTAGE OF DWELLING UNITS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED AND AGED WILL BE INCREASED OVER THE MINIMUM NUMBER OF UNITS REQUIRED BY SUBTITLE 4 OF THE PRINCE GEORGE'S COUNTY CODE.

(d) For a departure from a standard contained in the landscape manual the Commission shall find, in addition to the requirements in Subsection B(8)(a) above, that A PROPOSAL FOR ALTERNATIVE COMPLIANCE HAS BEEN DENIED BY THE PLANNING DIRECTOR PURSUANT TO § 190-16 BELOW AND THAT there is no feasible proposal for alternative compliance, as defined in the landscape manual, which would exhibit equal or better design characteristics.

(e) Facilities for the physically handicapped. A departure from the design standards for parking facilities for the physically handicapped shall not be granted.

C. Not less than 15 days after receipt of a recommendation of the Commission regarding a departure, a majority of the Mayor and Council may adopt the recommendation of the Commission by consent, unless within that fifteen-day period a Council member requests oral argument on the matter or exceptions and a request for oral argument is filed in accordance with § 190-1[+]0 below. Oral argument may only be requested by a Council member when a recommendation of the Commission is not unanimous or when it is alleged that the recommendation fails to comply with the criteria established herein. Oral argument shall be conducted in accordance with § 190-1[+]0. Failure of the Mayor and Council to act on the recommendation of the Commission within 60 days of the receipt thereof shall result in the denial of the request.

Section 8. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, §190- 11“Exceptions to the Commission’s recommendations regarding departures” be, and is hereby, repealed, renumbered and reenacted with amendments to read as follows:

§190-[11] 10 Exceptions to the Commission’s recommendation regarding departures.

A. Any person of record may file with the Mayor and Council within 15 calendar days after the notice of the Commission's recommendation exceptions to the Commission's recommendation and a request for oral argument before the Mayor and Council, under the circumstances set forth in§190-[10]9C.

B. through E. * * * *

Section 9. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, §190-11“Certification, revocation and revision of nonconforming uses” be, and is hereby, enacted to read as follows:

§190-11 CERTIFICATION, REVOCATION AND REVISION OF NONCONFORMING USES.

A. REVISION.

(1) APPLICATION – A CERTIFIED NONCONFORMING USE MAY BE ALTERED, ENLARGED OR EXTENDED, PROVIDED THAT THE ALTERATION, ENLARGEMENT OR EXTENSION CONFORMS TO THE BUILDING LINE SETBACK, YARD, AND HEIGHT REGULATIONS OF THE ZONE IN WHICH THE USE IS LOCATED AND A SPECIAL EXCEPTION IS NOT REQUIRED BY THE DISTRICT COUNCIL FOR PRINCE GEORGE’S COUNTY. THE SPECIFIC USES THAT MAY BE ALTERED, ENLARGED OR EXTENDED ARE SET OUT IN SECTION 27-242(B) OF THE PRINCE GEORGE’S COUNTY ZONING ORDINANCE.

(a) ALL REQUESTS FOR ALTERATION, EXTENSION OR ENLARGEMENT OF A CERTIFIED NONCONFORMING USE SHALL BE IN THE FORM OF AN APPLICATION FILED WITH THE COMMISSION. THE COMMISSION SHALL DETERMINE THE CONTENTS OF THE APPLICATION AND SHALL PROVIDE THE APPLICATION FORM.

- (b) ALONG WITH THE APPLICATION, THE APPLICANT SHALL SUBMIT TEN (10) COPIES OF A SITE PLAN AND OTHER DATA OR EXPLANATORY MATERIAL WHICH ARE CONSIDERED NECESSARY TO INDICATE WHAT IS BEING PROPOSED.

(2) FILING FEES.

- (a) UPON FILING THE APPLICATION, THE APPLICANT SHALL PAY TO THE CITY A FILING FEE AS ESTABLISHED BY COUNCIL TO HELP DEFRAID THE COSTS OF PROCESSING THE APPLICATION. A REDUCTION IN THE FEE MAY BE PERMITTED BY COMMISSION WHEN IT FINDS THAT PAYMENT WILL CAUSE UNDUE HARDSHIP UPON THE APPLICANT.

- (b) SIGN POSTING FEES.

- [1]. IN ADDITION TO THE FILING FEE, A SIGN POSTING FEE AS ESTABLISHED BY CITY COUNCIL FOR EACH SIGN REQUIRED SHALL BE PAID BY THE APPLICANT TO THE COMMISSION AT THE TIME THE APPLICATION IS FILED.

- [2]. NO PART OF A FEE SHALL BE REFUNDED OR WAIVED UNLESS THE COMMISSION DETERMINES THAT ONE (1) OF THE FOLLOWING CONDITIONS APPLIES:

- [I]. THE FEE WAS PAID BY MISTAKE, AND THE APPLICANT HAS REQUESTED (IN WRITING) A REFUND; OR

- [II]. THE APPLICATION HAS BEEN WITHDRAWN PRIOR TO POSTING THE SIGN. IN THIS CASE, THE ENTIRE SIGN POSTING FEE SHALL BE REFUNDED.

- (1) PUBLIC HEARING. PRIOR TO MAKING A RECOMMENDATION ON AN ALTERATION, EXTENSION OR ENLARGEMENT OF A CERTIFIED NONCONFORMING USE, THE COMMISSION SHALL HOLD A PUBLIC HEARING ON THE MATTER. THE COMMISSION SHALL DETERMINE THE PROCEDURES UNDER WHICH THE HEARING WILL BE HELD.

(2) NOTICE

- [1]. NOTICE OF THE DATE, TIME AND PLACE OF THE HEARING SHALL BE SENT TO ALL PERSONS OF RECORD. NOTICE OF THE DATE, TIME AND PLACE OF THE HEARING, AND A SITE PLAN DRAWN TO SCALE SHALL BE SENT TO THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION AND THE PRINCE GEORGE'S COUNTY COUNCIL SITTING AS THE DISTRICT COUNCIL.

- [2]. THE SUBJECT PROPERTY SHALL BE POSTED WITH AT LEAST ONE (1) DURABLE SIGN GIVING NOTICE OF THE

HEARING AT LEAST FIFTEEN (15) DAYS PRIOR TO THE SCHEDULED HEARING DATE. THE CONTENTS OF THE SIGN AND THE NUMBER OF SIGNS REQUIRED SHALL BE DETERMINED BY THE COMMISSION. ALL SIGNS POSTED MUST BE CONSPICUOUS AND LEGIBLE. THE APPLICANT SHALL BE RESPONSIBLE FOR POSTING ALL SIGNS AND FOR THE MAINTENANCE OF ALL SIGNS.

[3]. ADDITIONAL NOTICE MAY BE GIVEN, AS DETERMINED BY THE COMMISSION.

(5) COMMENTS AND RECOMMENDATIONS. IN ORDER TO HELP IT REACH A DECISION, THE COMMISSION MAY REQUEST THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, PRINCE GEORGE'S COUNTY, PRINCE GEORGE'S COUNTY COMMISSION, AND/OR THE STATE HIGHWAY ADMINISTRATION TO FURNISH COMMENTS OR RECOMMENDATIONS. THESE COMMENTS AND RECOMMENDATIONS SHALL BE AVAILABLE FOR PUBLIC EXAMINATION PRIOR TO THE PUBLIC HEARING.

(6) RECORD:

a. THE RECORD CREATED BEFORE THE COMMISSION SHALL INCLUDE, BUT NOT BE LIMITED TO:

- [1]. THE APPLICATION FORM AND ACCOMPANYING DATA;
- [2]. COMMENTS AND RECOMMENDATIONS (IF ANY) FROM THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, PRINCE GEORGE'S COUNTY, PRINCE GEORGE'S COUNTY PLANNING BOARD, AND THE STATE HIGHWAY ADMINISTRATION;
- [3]. ALL CORRESPONDENCE RELATIVE TO THE APPLICATION;
- [4]. ALL TESTIMONY AT THE PUBLIC HEARING; AND
- [5]. OTHER ITEMS WHICH THE COMMISSION DEEMS NECESSARY.

b. AT THE CONCLUSION OF THE PUBLIC HEARING, THE COMMISSION MAY CLOSE THE RECORD, OR MAY LEAVE THE RECORD OPEN (FOR A SPECIFIED TIME) FOR RECEIPT OF ADDITIONAL WRITTEN EVIDENCE.

(7) COMMISSION RECOMMENDATION:

- (a). AFTER THE CLOSE OF THE RECORD, THE COMMISSION SHALL TAKE ACTION ON THE REQUEST. THE RECOMMENDATION OF THE COMMISSION SHALL BE BASED ON THE RECORD, AND SHALL BE EMBODIED IN A RESOLUTION ADOPTED AT A PUBLIC MEETING, CONTAINING THE FINDINGS OF FACT AND CONCLUSIONS OF LAW FORMING THE BASIS FOR THE COMMISSION'S RECOMMENDATION.
- (b). THE COMMISSION SHALL WITHIN FIFTEEN (15) DAYS AFTER THE CLOSE OF THE RECORD GIVE WRITTEN NOTICE OF ITS RECOMMENDATION TO ALL PERSONS OF RECORD AND THE

MAYOR AND COUNCIL.

(8) A RECOMMENDATION THAT AN ALTERATION, EXTENSION OR ENLARGEMENT OF A CERTIFIED NONCONFORMING USE BE GRANTED SHALL BE MADE BY THE COMMISSION ONLY UPON THE FINDING THAT THE PURPOSES OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE WILL BE EQUALLY WELL OR BETTER SERVED BY THE APPLICANT'S PROPOSAL;

(9) NOT LESS THAN FIFTEEN (15) DAYS AFTER RECEIPT OF A RECOMMENDATION OF THE COMMISSION REGARDING AN ALTERATION, EXTENSION OR ENLARGEMENT OF A CERTIFIED NONCONFORMING USE, A MAJORITY OF THE CITY COUNCIL MAY ADOPT THE RECOMMENDATION OF THE COMMISSION BY CONSENT, UNLESS WITHIN THAT FIFTEEN (15) DAY PERIOD, A COUNCILMEMBER REQUESTS ORAL ARGUMENT ON THE MATTER OR EXCEPTIONS AND A REQUEST FOR ORAL ARGUMENT ARE FILED. ORAL ARGUMENT MAY ONLY BE REQUESTED BY A COUNCILMEMBER WHEN A RECOMMENDATION OF THE COMMISSION IS NOT UNANIMOUS OR WHEN IT IS ALLEGED THAT THE RECOMMENDATION FAILS TO COMPLY WITH THE CRITERIA ESTABLISHED HEREIN. FAILURE OF THE CITY COUNCIL TO ACT ON THE RECOMMENDATION OF THE COMMISSION WITHIN SIXTY (60) DAYS OF THE RECEIPT THEREOF SHALL RESULT IN THE DENIAL OF THE REQUEST.

(10) EXCEPTIONS BY A PARTY OF RECORD TO THE COMMISSION'S RECOMMENDATION REGARDING AN ALTERATION, EXTENSION OR ENLARGEMENT OF A NONCONFORMING USE MAY BE FILED IN ACCORDANCE WITH § 190-10.

B. CERTIFICATION

(1) IN GENERAL - A NONCONFORMING USE MAY ONLY CONTINUE IF A USE AND OCCUPANCY PERMIT IDENTIFYING THE USE AS NONCONFORMING IS ISSUED AFTER THE COMMISSION OR THE CITY COUNCIL CERTIFIES THAT THE USE IS NONCONFORMING AND NOT ILLEGAL. APPLICANTS SHALL COMPLY WITH SECTION 125.01 OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE.

(2) APPLICATION

(a). AN APPLICATION FOR CERTIFICATION OF A NONCONFORMING USE SHALL BE FILED WITH THE COMMISSION. THE COMMISSION SHALL DETERMINE THE CONTENTS OF THE APPLICATION AND SHALL PROVIDE THE APPLICATION FORM.

(b). ALONG WITH THE APPLICATION AND ACCOMPANYING PLANS, THE APPLICANT SHALL PROVIDE THE FOLLOWING:

[1] DOCUMENTARY EVIDENCE, SUCH AS TAX RECORDS, BUSINESS RECORDS, PUBLIC UTILITY INSTALLATION OR PAYMENT RECORDS, AND SWORN AFFIDAVITS, SHOWING THE COMMENCING DATE AND CONTINUOUS EXISTENCE OF THE NONCONFORMING USE;

[2] EVIDENCE THAT THE NONCONFORMING USE HAS NOT CEASED TO OPERATE FOR MORE THAN ONE HUNDRED EIGHTY (180) CONSECUTIVE CALENDAR DAYS BETWEEN THE TIME THE USE BECAME NONCONFORMING AND THE DATE WHEN THE APPLICATION IS SUBMITTED, OR THAT CONDITIONS OF NONOPERATION FOR MORE THAN ONE HUNDRED EIGHTY (180) CONSECUTIVE CALENDAR DAYS WERE BEYOND THE APPLICANT'S AND/OR OWNER'S CONTROL, WERE FOR THE PURPOSE OF CORRECTING CODE VIOLATIONS, OR WERE DUE TO THE SEASONAL NATURE OF THE USE;

[3] SPECIFIC DATA SHOWING THE EXACT NATURE, SIZE, AND LOCATION OF THE BUILDING, STRUCTURE OR USE; A LEGAL DESCRIPTION OF THE PROPERTY; AND THE PRECISE LOCATION AND LIMITS OF THE USE ON THE PROPERTY AND WITHIN ANY BUILDING IT OCCUPIES; AND

[4] A COPY OF A VALID USE AND OCCUPANCY PERMIT ISSUED FOR THE USE PRIOR TO THE DATE UPON WHICH IS BECAME A NONCONFORMING USE, IF THE APPLICANT POSSESSES ONE.

(3) NOTICE. – THE COMMISSION SHALL POST THE PROPERTY WITH A DURABLE SIGN(S) WITHIN TEN (10) DAYS OF ACCEPTANCE OF THE APPLICATION AND ACCOMPANYING DOCUMENTATION. THE SIGNS(S) SHALL PROVIDE NOTICE OF THE APPLICATION; THE NATURE OF THE NONCONFORMING USE FOR WHICH THE PERMIT IS SOUGHT; A DATE, AT LEAST TWENTY (20) DAYS AFTER POSTING, BY WHICH WRITTEN COMMENTS AND/OR SUPPORTING DOCUMENTARY EVIDENCE RELATING TO THE COMMENCING DATE AND CONTINUITY OF SUCH USE, AND/OR A REQUEST FOR PUBLIC HEARING FROM A PARTY OF INTEREST WILL BE RECEIVED; AND INSTRUCTIONS FOR OBTAINING ADDITIONAL INFORMATION. THIS SECTION DOES NOT APPLY TO USES THAT OCCUR SOLELY WITHIN AN ENCLOSED BUILDING, WITH THE EXCEPTION OF PARKING IN ACCORDANCE WITH SECTION 27-549 OF THE PRINCE GEORGE'S ZONING ORDINANCE.

(4) COMMISSION REVIEW – NO PUBLIC HEARING.

- (a) IF A COPY OF A VALID USE AND OCCUPANCY PERMIT IS SUBMITTED WITH THE APPLICATION, AND A REQUEST IS NOT SUBMITTED FOR THE COMMISSION TO CONDUCT A PUBLIC HEARING, AND, BASED ON THE DOCUMENTARY EVIDENCE PRESENTED, THE COMMISSION IS SATISFIED AS TO THE COMMENCING DATE AND CONTINUITY OF THE NONCONFORMING USE, THE COMMISSION SHALL RECOMMEND CERTIFICATION OF THE USE AS NONCONFORMING FOR THE PURPOSE OF ISSUING A NEW USE AND OCCUPANCY PERMIT IDENTIFYING THE USE AS NONCONFORMING. THIS RECOMMENDATION SHALL NOT BE MADE PRIOR TO THE SPECIFIED DATE ON WHICH WRITTEN COMMENTS AND/OR REQUESTS FOR PUBLIC HEARING ARE ACCEPTED.
 - (b) FOLLOWING A RECOMMENDATION OF CERTIFICATION OF THE USE AS NONCONFORMING, THE COMMISSION SHALL NOTIFY THE MAYOR AND CITY COUNCIL OF THE RECOMMENDATION.
 - (c) IF THE CITY COUNCIL DOES NOT ELECT TO REVIEW THE RECOMMENDATION WITHIN FIFTEEN (15) DAYS OF RECEIPT OF THE RECOMMENDATION AS AUTHORIZED BY SUBSECTION (5), BELOW, THE COMMISSION SHALL CERTIFY THE USE AS NONCONFORMING. COPIES OF THE RECOMMENDATION SHALL BE SENT TO ALL PERSONS OF RECORD, THE MARYLAND-NATIONAL CAPITAL PARK PLANNING COMMISSION AND THE PRINCE GEORGE'S COUNTY COUNCIL SITTING AS THE DISTRICT COUNCIL.
 - (d) SUBSECTIONS (B) AND (C), ABOVE, AND SUBSECTION (5), BELOW, SHALL NOT APPLY TO USES THAT, WITH THE EXCEPTION OF PARKING IN ACCORDANCE WITH SECTION 27-549 OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE, OCCUR SOLELY WITHIN AN ENCLOSED BUILDING.
- (5) CITY COUNCIL REVIEW.
- (a) THE CITY COUNCIL MAY, ON ITS OWN MOTION, VOTE TO REVIEW THE COMMISSION'S RECOMMENDATION, FOR THE PURPOSE OF DETERMINING WHETHER THE USE SHOULD BE CERTIFIED AS NONCONFORMING, WITHIN FIFTEEN (15) DAYS OF RECEIPT OF THE RECOMMENDATION.
 - (b) IF THE CITY COUNCIL DECIDES TO REVIEW THE PROPOSED CERTIFICATION, THE CLERK OF THE COUNCIL SHALL NOTIFY THE COMMISSION OF THE COUNCIL'S DECISION. WITHIN FOURTEEN (14) CALENDAR DAYS AFTER RECEIVING THIS NOTICE, THE COMMISSION SHALL TRANSMIT TO THE COUNCIL ALL MATERIALS SUBMITTED TO IT IN CONNECTION WITH THE APPLICATION.
 - (c) THE CITY COUNCIL SHALL CONDUCT A PUBLIC HEARING ON THE APPLICATION. THE CITY CLERK SHALL GIVE AT LEAST FOURTEEN (14) CALENDAR DAYS NOTICE OF THE HEARING TO ALL PERSONS OF RECORD AND THE COMMISSION. ORAL ARGUMENT SHALL BE

LIMITED TO THE FACTS AND INFORMATION WITHIN THE RECORD ~~[MADE AT THE HEARING]~~ BEFORE THE COMMISSION.

- (d) AFTER THE CLOSE OF THE COUNCIL'S HEARING, A MAJORITY OF THE CITY COUNCIL SHALL AFFIRM, REVERSE, OR MODIFY THE RECOMMENDATION OF THE COMMISSION, OR RETURN THE PROPOSED CERTIFICATION TO THE COMMISSION TO TAKE FURTHER TESTIMONY OR RECONSIDER ITS RECOMMENDATION.
 - (e) THE COUNCIL SHALL GIVE ITS DECISION IN WRITING, STATING THE REASONS FOR ITS ACTION. COPIES OF THE DECISION SHALL BE SENT TO ALL PERSONS OF RECORD, THE PLANNING BOARD, THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, AND THE PRINCE GEORGE'S COUNTY COUNCIL SITTING AS THE DISTRICT COUNCIL.
- (6) COMMISSION REVIEW – PUBLIC HEARING.
- (a) REQUIRED HEARING - IF A COPY OF A VALID USE AND OCCUPANCY PERMIT IS NOT SUBMITTED WITH THE APPLICATION, IF THE DOCUMENTARY EVIDENCE SUBMITTED IS NOT SATISFACTORY TO THE COMMISSION TO PROVE THE COMMENCING DATE OR CONTINUITY OF THE USE, OR IF A PUBLIC HEARING HAS BEEN REQUESTED BY ANY PARTY OF INTEREST CHALLENGING THE COMMENCING DATE AND/OR CONTINUITY OF THE USE, THE COMMISSION SHALL CONDUCT A PUBLIC HEARING ON THE APPLICATION FOR THE PURPOSE OF DETERMINING WHETHER THE USE SHOULD BE CERTIFIED AS NONCONFORMING.
 - (b) APPLICATION FOR CERTIFICATION - WHENEVER THE COMMISSION WILL HOLD A HEARING ON A CERTIFICATION OF THE USE AS NONCONFORMING, THE APPLICANT SHALL COMPLETE THE APPROPRIATE FORM PROVIDED BY THE COMMISSION.
 - (c) AT LEAST FOURTEEN (14) CALENDAR DAYS PRIOR TO THE PUBLIC HEARING, THE COMMISSION SHALL SEND WRITTEN NOTICE OF THE DATE, TIME, AND PLACE OF THE HEARING TO THE APPLICANT AND TO ALL PERSONS OF RECORD.
 - (d) COMMISSION ACTION.
 - [1] THE COMMISSION MAY DECIDE TO RECOMMEND TO EITHER GRANT OR DENY CERTIFICATION OF THE USE AS NONCONFORMING. IF IT DECIDES TO RECOMMEND THAT A NONCONFORMING USE ACTUALLY EXISTS AND HAS CONTINUOUSLY OPERATED, THE COMMISSION SHALL FIND THAT THE CONCLUSION IT REACHES IS SUPPORTED BY A PREPONDERANCE OF EVIDENCE.
 - [2]. THE DECISION OF THE COMMISSION SHALL BE IN THE FORM OF A RECOMMENDATION ADOPTED AT A REGULARLY SCHEDULED PUBLIC MEETING. THE RESOLUTION SHALL SET FORTH FINDINGS OF FACT AND CONCLUSIONS OF LAW IN SUPPORT OF THE COMMISSION'S DECISION.

[3] THE COMMISSION SHALL SEND A COPY OF THE RESOLUTION TO ALL PERSONS OF RECORD, THE MAYOR AND CITY COUNCIL, THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, AND THE PRINCE GEORGE'S COUNTY COUNCIL SITTING AS THE DISTRICT COUNCIL.

(E) NOT LESS THAN FIFTEEN (15) DAYS AFTER RECEIPT OF A RECOMMENDATION OF COMMISSION REGARDING CERTIFICATION, A MAJORITY OF THE CITY COUNCIL MAY ADOPT THE RECOMMENDATION OF THE COMMISSION BY CONSENT, UNLESS WITHIN THAT FIFTEEN (15) DAY PERIOD, A COUNCILMEMBER REQUESTS ORAL ARGUMENT ON THE MATTER OR EXCEPTIONS AND A REQUEST FOR ORAL ARGUMENT ARE FILED. ORAL ARGUMENT MAY ONLY BE REQUESTED BY A COUNCILMEMBER WHEN A RECOMMENDATION OF THE COMMISSION IS NOT UNANIMOUS OR WHEN IT IS ALLEGED THAT THE RECOMMENDATION FAILS TO COMPLY WITH THE CRITERIA ESTABLISHED HEREIN. PROCEDURE FOR THE COUNCIL REVIEW SHALL BE IN ACCORDANCE WITH § 190-10.

(F) EXCEPTIONS TO THE COMMISSION'S RECOMMENDATION REGARDING A CERTIFICATION MAY BE FILED BY ANY PARTY OF RECORD IN ACCORDANCE WITH § 190-10.

(G) A COPY OF THE FINAL RESOLUTION SHALL BE SENT TO ALL PERSONS OF RECORD, THE MAYOR AND CITY COUNCIL, THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, AND THE PRINCE GEORGE'S COUNTY COUNCIL SITTING AS THE DISTRICT COUNCIL.

(7) APPLICABILITY. - THIS SUB-SECTION SHALL NOT APPLY TO NONCONFORMING BUILDINGS OR STRUCTURES OCCUPIED BY CONFORMING USES.

C. REVOCATION OF CERTIFICATION.

(1) UPON A PETITION FILED BY THE PRINCE GEORGE'S COUNTY DIRECTOR OF ENVIRONMENTAL RESOURCES OR THE DIRECTOR OF PUBLIC SERVICES (OR HIS DESIGNEE), OR UPON ITS OWN MOTION, THE COMMISSION SHALL HOLD A PUBLIC HEARING TO DETERMINE WHETHER THE CERTIFICATION OF A NONCONFORMING USE SHOULD BE REVOKED. THE COMMISSION SHALL POST THE PROPERTY WITH AT LEAST ONE DURABLE SIGN GIVING NOTICE OF THE HEARING AT LEAST 15 DAYS PRIOR TO THE SCHEDULED HEARING DATE. THE CONTENTS OF THE SIGN

AND THE NUMBER OF SIGNS REQUIRED SHALL BE DETERMINED BY THE COMMISSION. ALL SIGNS POSTED MUST BE CONSPICUOUS AND LEGIBLE. THE APPLICANT IS RESPONSIBLE FOR THE MAINTENANCE OF ALL SIGNS. ADDITIONAL NOTICE MAY BE GIVEN, AS DETERMINED BY THE COMMISSION.

- (2) THE COMMISSION SHALL REVOKE THE CERTIFICATION IF IT FINDS THAT EITHER:
- (a) THERE WAS FRAUD OR MISREPRESENTATION IN OBTAINING THE CERTIFICATION;
 - (b) A CERTIFIED NONCONFORMING USE HAS BEEN DISCONTINUED FOR A PERIOD OF ONE HUNDRED EIGHTY (180) OR MORE CONSECUTIVE CALENDAR DAYS, UNLESS THE CONDITIONS OF NONOPERATION WERE BEYOND THE CONTROL OF THE OWNER OR HOLDER OF THE USE AND OCCUPANCY PERMIT; OR
 - (c) ANY APPLICABLE REQUIREMENTS OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE, PART 3, DIVISION T, SUBDIVISION 2, HAVE NOT BEEN MET.
- (3) THE COMMISSION SHALL NOTIFY THE DIRECTOR OF THE PUBLIC SERVICES DEPARTMENT (OR HIS DESIGNEE) AND THE PRINCE GEORGE'S COUNTY PLANNING BOARD OF A REVOCATION. THE DIRECTOR, IN TURN, SHALL REVOKE THE USE AND OCCUPANCY PERMIT FOR THE NONCONFORMING USE.
- (4) THE DECISION OF THE COMMISSION MAY BE APPEALED TO OR CONSIDERED BY THE CITY COUNCIL IN THE SAME MANNER AS AN ORIGINAL CERTIFICATION.

Section 10. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, §190-12 "Minor changes to approved special exceptions, in general" be, and is hereby, enacted to read as follows:

§190-12. MINOR CHANGES TO APPROVED SPECIAL EXCEPTIONS, IN GENERAL.

- A. THE COMMISSION AND THE DIRECTOR OF PLANNING, COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT ARE AUTHORIZED TO CONSIDER MINOR CHANGES TO SITE PLANS FOR APPROVED SPECIAL EXCEPTIONS, AS PROVIDED IN THIS SECTION AND §190-13, 14 AND 15. THE DIRECTOR MAY AUTHORIZE STAFF TO TAKE ANY ACTION THE DIRECTOR MAY TAKE UNDER THIS SECTION. APPLICANT SHALL ALSO COMPLY WITH SECTION 27-250.01 OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE.

- B. THE COMMISSION IS AUTHORIZED TO RECOMMEND THE MINOR CHANGES LISTED IN §190-13, AND ANY VARIANCE REQUESTED IN CONJUNCTION WITH THE MINOR CHANGE. THE MINOR CHANGE REQUEST SHALL BE IN THE FORM OF AN APPLICATION FILED WITH THE COMMISSION. THE CONTENTS OF THE APPLICATION SHALL BE DETERMINED BY THE COMMISSION. ALONG WITH FILING THE APPLICATION, THE APPLICANT SHALL SUBMIT A REVISED SITE PLAN, AND SHALL PAY THE REQUIRED FEE. THE COMMISSION SHALL HOLD A HEARING ON THE REQUEST IN ACCORDANCE WITH THE RULES OF PROCEDURE ESTABLISHED BY THE COMMISSION. THE COMMISSION'S RECOMMENDATION SHALL BE IN THE FORM OF A RESOLUTION. WITHIN FIFTEEN (15) DAYS OF THE DECISION, A COPY OF THE RESOLUTION SHALL BE SENT TO ALL PERSONS OF RECORD, AND TO THE MAYOR AND CITY COUNCIL.
- C. IF THE CHANGE IS FINALLY APPROVED, THE REVISED SITE PLAN SHALL BE MADE A PART OF THE RECORD OF THE ORIGINAL APPLICATION AND A COPY SHALL BE SENT TO THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION.
- D. THE REVISED SITE PLAN SHALL COMPLY WITH ALL APPLICABLE REQUIREMENTS OF THIS SECTION, AND WITH ANY CONDITIONS, RELATING TO THE USE, IMPOSED IN THE APPROVAL OF THE SPECIAL EXCEPTION OR OF ANY APPLICABLE ZONING MAP AMENDMENT, SUBDIVISION PLAT, OR VARIANCE.
- E. NOT LESS THAN FIFTEEN (15) DAYS AFTER RECEIPT OF A RECOMMENDATION OF COMMISSION REGARDING MINOR CHANGES TO SPECIAL EXCEPTIONS, A MAJORITY OF THE CITY COUNCIL MAY ADOPT THE RECOMMENDATION OF THE COMMISSION BY CONSENT, UNLESS WITHIN THAT FIFTEEN (15) DAY PERIOD, A COUNCILMEMBER REQUESTS ORAL ARGUMENT ON THE MATTER OR EXCEPTIONS AND A REQUEST FOR ORAL ARGUMENT ARE FILED. ORAL ARGUMENT MAY ONLY BE REQUESTED BY A COUNCILMEMBER WHEN A RECOMMENDATION OF THE COMMISSION IS NOT UNANIMOUS OR WHEN IT IS ALLEGED THAT THE RECOMMENDATION FAILS TO COMPLY WITH THE CRITERIA ESTABLISHED HEREIN. FAILURE OF THE CITY COUNCIL TO ACT ON THE RECOMMENDATION OF THE COMMISSION WITHIN SIXTY (60) DAYS OF THE RECEIPT THEREOF SHALL RESULT IN THE DENIAL OF THE REQUEST.

Section 11. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, §190-13“Minor changes, commission” be, and is hereby, enacted to read as follows:

§190-13. MINOR CHANGES, COMMISSION.

A. THE COMMISSION IS AUTHORIZED TO RECOMMEND THE FOLLOWING MINOR CHANGES:

- (1) AN INCREASE OF NO MORE THAN FIFTEEN PERCENT (15%) IN THE GROSS FLOOR AREA OF A BUILDING;
 - (2) AN INCREASE OF NO MORE THAN FIFTEEN PERCENT (15%) IN THE LAND AREA COVERED BY A STRUCTURE OTHER THAN A BUILDING;
 - (3) THE REDESIGN OF PARKING OR LOADING AREAS; OR
 - (4) THE REDESIGN OF A LANDSCAPE PLAN.
- B. THE COMMISSION IS FURTHER AUTHORIZED TO RECOMMEND THE MINOR CHANGES DESCRIBED IN SECTION 190-15.
- C. IN REVIEWING PROPOSED MINOR CHANGES, THE COMMISSION SHALL FOLLOW THE PROCEDURES IN SECTION 190-12.
- D. THE COMMISSION SHALL POST THE PROPERTY WITH AT LEAST ONE DURABLE SIGN GIVING NOTICE OF THE HEARING AT LEAST 15 DAYS PRIOR TO THE SCHEDULED HEARING DATE. THE CONTENTS OF THE SIGN AND THE NUMBER OF SIGNS REQUIRED SHALL BE DETERMINED BY THE COMMISSION. ALL SIGNS POSTED MUST BE CONSPICUOUS AND LEGIBLE. THE APPLICANT IS RESPONSIBLE FOR THE MAINTENANCE OF ALL SIGNS. ADDITIONAL NOTICE MAY BE GIVEN, AS DETERMINED BY THE COMMISSION.

Section 12. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, §190-14“Limited minor changes, Planning Director”, and is hereby, enacted to read as follows:

§190-14. LIMITED MINOR CHANGES, PLANNING DIRECTOR.

- A. THE DIRECTOR OF PLANNING, COMMUNITY AND ECONOMIC DEVELOPMENT IS AUTHORIZED TO RECOMMEND MINOR CHANGES ADMINISTRATIVELY, WITHOUT PUBLIC HEARING, IN CASES LISTED IN §190-13, BUT ONLY IF THE PROPOSED MINOR CHANGES ARE LIMITED IN SCOPE AND NATURE, INCLUDING AN INCREASE IN GROSS FLOOR AREA OR LAND COVERED BY A STRUCTURE OTHER THAN A BUILDING UP TO TEN PERCENT (10%). THE DIRECTOR SHALL DENY ANY ADMINISTRATIVE APPROVAL REQUEST PROPOSING SITE PLAN CHANGES WHICH WILL HAVE A SIGNIFICANT IMPACT ON ADJACENT PROPERTY.
- B. BEFORE RECOMMENDING APPROVAL OF A MINOR CHANGE, THE DIRECTOR SHALL MAKE ALL FINDINGS THE COMMISSION WOULD BE REQUIRED TO MAKE, IF IT REVIEWED THE APPLICATION.
- C. THE DIRECTOR IS NOT AUTHORIZED TO WAIVE REQUIREMENTS IN THE COUNTY OR CITY ZONING ORDINANCE, GRANT VARIANCES, OR MODIFY CONDITIONS, CONSIDERATIONS, OR OTHER REQUIREMENTS IMPOSED BY THE COMMISSION OR CITY COUNCIL IN ANY CASE.
- D. THE APPLICANT'S PROPERTY SHALL BE POSTED WITHIN TEN (10) DAYS OF THE DIRECTOR'S ACCEPTANCE OF FILING OF THE APPLICATION. ON

AND AFTER THE FIRST DAY OF POSTING, THE APPLICATION MAY NOT BE AMENDED. THE COMMISSION SHALL POST THE PROPERTY WITH AT LEAST ONE DURABLE SIGN GIVING NOTICE OF THE HEARING AT LEAST 15 DAYS PRIOR TO THE SCHEDULED HEARING DATE. THE CONTENTS OF THE SIGN AND THE NUMBER OF SIGNS REQUIRED SHALL BE DETERMINED BY THE COMMISSION. ALL SIGNS POSTED MUST BE CONSPICUOUS AND LEGIBLE. THE APPLICANT IS RESPONSIBLE FOR THE MAINTENANCE OF ALL SIGNS. ADDITIONAL NOTICE MAY BE GIVEN, AS DETERMINED BY THE COMMISSION.

- E. THE DIRECTOR MAY WAIVE POSTING AFTER DETERMINING, IN WRITING, THAT THE PROPOSED MINOR CHANGE IS SO LIMITED IN SCOPE AND NATURE THAT IT WILL HAVE NO APPRECIABLE IMPACT ON ADJACENT PROPERTY.
- F. IF POSTING IS WAIVED OR A WRITTEN REQUEST FOR PUBLIC HEARING IS NOT SUBMITTED WITHIN THE POSTED TIME PERIOD, THEN THE DIRECTOR MAY ACT ON THE APPLICATION. THE DIRECTOR'S APPROVAL CONCLUDES ALL PROCEEDINGS.
- G. IF THE DIRECTOR DENIES THE APPLICATION OR A TIMELY HEARING REQUEST IS SUBMITTED, THEN THE APPLICATION SHALL BE TREATED AS RE-FILED ON THE DATE OF THAT EVENT. THE APPLICATION SHALL THEN BE CONSIDERED UNDER THE PROCEDURES FOR COMMISSION REVIEW IN SECTION 190-12.

Section 13. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, §190-15“Specific changes” be, and is hereby, enacted to read as follows:

§190-15. SPECIFIC CHANGES

- A. CHANGES OF GOLF COURSE SITE PLANS. - CHANGES OF A SITE PLAN FOR AN APPROVED GOLF COURSE MAY BE PERMITTED BY THE COMMISSION OR DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT, IF AUTHORIZED, FOR ANY MODIFICATIONS OR ADDITIONS WHICH ARE FOUND TO BE IN ACCORDANCE WITH THE PURPOSES AND USES GENERALLY ASSOCIATED WITH GOLF COURSES, INCLUDING SWIMMING POOLS, TENNIS COURTS, AND CLUBHOUSES/RESTAURANTS. THE COMMISSION SHALL NOT APPROVE ANY USE PREVIOUSLY DISAPPROVED AS PART OF THE ORIGINAL SPECIAL EXCEPTION.
- B. CHANGES OF PARI-MUTUEL RACETRACK SITE PLANS - CHANGES OF A SITE PLAN FOR AN APPROVED PARI-MUTUEL RACETRACK MAY BE PERMITTED BY THE COMMISSION OR DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT, IF AUTHORIZED, FOR ANY MODIFICATIONS RELATED TO

RACETRACK ACTIVITIES, UPON SUBMITTAL OF A LETTER FROM THE MARYLAND RACING COMMISSION ADVISING THAT THE MODIFICATIONS HAVE BEEN DIRECTED OR APPROVED BY THE COMMISSION AND ARE NECESSARY TO BENEFIT RACING. THE COMMISSION SHALL NOT APPROVE ANY USE PREVIOUSLY DISAPPROVED AS PART OF THE ORIGINAL SPECIAL EXCEPTION.

C. CHANGES OF GAS STATION SITE PLANS. THE COMMISSION AND DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT MAY PERMIT THE FOLLOWING MODIFICATIONS UNDER THE PROCEDURES IN THIS SUBSECTION AND IN SECTIONS 190-12 AND 190-14:

- (1) THE ENLARGEMENT OR RELOCATION OF PUMP ISLANDS;
- (2) THE ADDITION OF ONE (1) PUMP ISLAND;
- (3) THE ADDITION, RELOCATION, OR MODIFICATION OF A FENCE, KIOSK, ISLAND SHELTER, ISLAND CANOPY, STORAGE AREA, TRASH ENCLOSURE, VENDING AREA, OR LAVATORY FACILITY;
- (4) THE ADDITION, RELOCATION, OR MODIFICATION OF AN ACCESSORY BUILDING USED SOLELY FOR THE STORAGE OF AUTOMOTIVE REPLACEMENT PARTS OR ACCESSORIES. THE ACCESSORY BUILDING SHALL BE WHOLLY ENCLOSED. THE BUILDING SHALL EITHER BE CONSTRUCTED OF BRICK (OR ANOTHER BUILDING MATERIAL SIMILAR IN APPEARANCE TO THAT OF THE MAIN STRUCTURE) AND PLACED ON A PERMANENT FOUNDATION, OR IT SHALL BE ENTIRELY SURROUNDED WITH SCREENING MATERIAL. SCREENING SHALL CONSIST OF A WALL, FENCE, OR SIGHT-TIGHT LANDSCAPING MATERIAL, WHICH SHALL BE AT LEAST AS HIGH AS THE ACCESSORY BUILDING. THE TYPE OF SCREENING SHALL BE APPROVED AS A PART OF THE MINOR CHANGE;
- (5) ANY AMENDMENT DESCRIBED IN SECTION 190-13

D. CHANGES OF ADAPTIVE REUSE OF SURPLUS PUBLIC SCHOOL SITE PLANS. CHANGES OF A SITE PLAN FOR AN APPROVED ADAPTIVE REUSE OF A SURPLUS PUBLIC SCHOOL MAY BE PERMITTED BY THE COMMISSION OR DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT, IF AUTHORIZED, FOR THE FOLLOWING MODIFICATIONS:

- (1) THE RELOCATION OR ADDITION OF PORCHES, PATIOS, DECKS, EXTERIOR STAIRWAYS, AND THE LIKE;
- (2) THE RELOCATION OR ADDITION OF ACCESSORY STORAGE BUILDINGS, PLAYGROUND EQUIPMENT, PICNIC AREAS, BARBECUE PITS, BICYCLE AND PEDESTRIAN WAYS, AND THE LIKE;
- (3) THE RELOCATION OR ADDITION OF DRIVEWAYS AND OFF-STREET PARKING LOTS AND LOADING AREAS;
- (4) THE RELOCATION OR ADDITION OF LANDSCAPING OR SCREENING AREAS;
- (5) THE RELOCATION OR ADDITION OF FENCES AND RETAINING WALLS; AND

- (6) THE RELOCATION OF FREESTANDING BUSINESS SIGNS.
- E. CHANGES OF MULTIFAMILY HOUSING FOR ELDERLY/HANDICAPPED SITE PLANS. – CHANGES OF A SITE PLAN FOR APPROVED MULTIFAMILY HOUSING FOR THE ELDERLY AND/OR HANDICAPPED MAY BE PERMITTED BY THE COMMISSION OR DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT, IF AUTHORIZED, IN ORDER TO INCREASE THE AMOUNT OF OFF-STREET PARKING. THE COMMISSION SHALL NOT APPROVE ANY CHANGE PREVIOUSLY PROPOSED AND SPECIFICALLY DISAPPROVED AS PART OF THE ORIGINAL SPECIAL EXCEPTION.
- F. CHANGES OF DRIVE-IN AND FAST-FOOD RESTAURANT SITE PLANS. - CHANGES OF A SITE PLAN FOR AN APPROVED DRIVE-IN OR FAST-FOOD RESTAURANT MAY BE PERMITTED UNDER THE SITE PLAN AMENDMENT PROCEDURES IN SECTION 27-324 OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE. THE COMMISSION MAY PERMIT THE FOLLOWING MODIFICATIONS UNDER THE PROCEDURES IN SECTIONS 190-12 AND 190-14 ABOVE:
- (1) THE ADDITION, RELOCATION, OR MODIFICATION OF A FREEZER ON THE SIDES OR REAR OF THE RESTAURANT BUILDING;
 - (2) THE ADDITION, RELOCATION, OR MODIFICATION OF GROSS FLOOR AREA IN ORDER TO PROVIDE REST ROOMS TO SERVE THE PHYSICALLY HANDICAPPED;
 - (3) THE ADDITION, RELOCATION, OR MODIFICATION OF VESTIBULES ABOVE AND AROUND POINTS OF ACCESS TO THE RESTAURANT BUILDING;
 - (4) THE ADDITION, RELOCATION, OR MODIFICATION OF A FENCE, STORAGE AREA, OR TRASH ENCLOSURE; OR
 - (5) ANY AMENDMENT DESCRIBED IN SECTION 190-13 ABOVE.
- G. CHANGES OF SITE PLANS FOR USES WITHIN A CHESAPEAKE BAY CRITICAL AREA OVERLAY ZONE. – CHANGES OF A SITE PLAN FOR AN APPROVED USE WITHIN A CHESAPEAKE BAY CRITICAL AREA OVERLAY ZONE MAY BE APPROVED BY THE COMMISSION, IF SUCH CHANGES ARE NECESSARY IN ORDER TO CONFORM TO THE APPROVED CONSERVATION PLAN AND CONSERVATION AGREEMENT. THE COMMISSION SHALL NOT APPROVE ANY CHANGE PREVIOUSLY PROPOSED AND SPECIFICALLY DISAPPROVED AS PART OF THE ORIGINAL SPECIAL EXCEPTION.
- H. CHANGES OF SITE PLANS NECESSITATED BY EROSION/SEDIMENT CONTROL OR STORMWATER MANAGEMENT REGULATIONS – CHANGES OF A SITE PLAN NOT OTHERWISE PROVIDED FOR IN THIS ARTICLE, FOR AN APPROVED USE FOR WHICH ON-SITE EROSION/SEDIMENT CONTROL OR STORMWATER MANAGEMENT FACILITIES ARE REQUIRED, MAY BE PERMITTED BY THE COMMISSION OR DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT, IF AUTHORIZED, PROVIDED THAT:
- (1) SUCH CHANGES ARE THE MINIMUM NECESSARY IN ORDER TO CONFORM TO THE APPROVED PLANS FOR THE REQUIRED

EROSION/SEDIMENT CONTROL OR STORMWATER MANAGEMENT FACILITIES AND DO NOT INCLUDE THE RELOCATION OF STORMWATER MANAGEMENT FACILITIES ONTO LAND NOT PROPOSED FOR DEVELOPMENT; AND

(2) THE AGENCY HAVING JURISDICTION OVER APPROVAL OF THOSE PLANS ADVISED THE COMMISSION THAT DEVELOPMENT IN ACCORDANCE WITH THE APPROVED SPECIAL EXCEPTION SITE PLAN WOULD RESULT IN A VIOLATION OF EROSION/SEDIMENT CONTROL OR STORMWATER MANAGEMENT REGULATIONS.

- I. CHANGES OF SITE PLANS FOR PUBLIC ELECTRIC UTILITY USES OR STRUCTURES. – THE COMMISSION OR DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT, IF AUTHORIZED, MAY PERMIT CHANGES TO A SITE PLAN FOR APPROVED PUBLIC ELECTRIC UTILITY USES OR STRUCTURES FOR THE ADDITION, RELOCATION, OR MODIFICATION OF FOUNDATIONS AND EQUIPMENT, INCLUDING GROUND WIRES, CONTROL HOUSES, AND ASSOCIATED STRUCTURES, WITHIN THE EXISTING FENCE LINE.

Section 14. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, §190-16“Alternative Compliance”, and is hereby, enacted to read as follows:

§190-16 ALTERNATIVE COMPLIANCE.

A. THE STANDARDS CONTAINED IN THE PRINCE GEORGE’S COUNTY LANDSCAPE MANUAL ARE INTENDED TO ENCOURAGE DEVELOPMENT WHICH IS ECONOMICALLY VIABLE AND ENVIRONMENTALLY SOUND. THE STANDARDS ARE NOT INTENDED TO BE ARBITRARY OR TO INHIBIT CREATIVE SOLUTIONS. PROJECT CONDITIONS MAY JUSTIFY APPROVAL OF ALTERNATIVE METHODS OF COMPLIANCE WITH STANDARDS. CONDITIONS MAY ARISE WHERE NORMAL COMPLIANCE IS IMPRACTICAL OR IMPOSSIBLE, OR WHERE MAXIMUM ACHIEVEMENT OF THE PURPOSES OF THIS MANUAL CAN ONLY BE OBTAINED THROUGH ALTERNATIVE COMPLIANCE. REQUESTS FOR ALTERNATIVE COMPLIANCE MAY BE APPROVED FOR ANY APPLICATION TO WHICH THE REQUIREMENTS OF THE PRINCE GEORGE’S COUNTY LANDSCAPE MANUAL APPLY, EXCEPT FOR APPLICATIONS FOR ALTERNATIVE COMPLIANCE FROM LANDSCAPING REQUIREMENTS THAT ARE IN CONJUNCTION WITH ANOTHER APPROVAL UPON WHICH THE PRINCE GEORGE’S COUNTY DISTRICT COUNCIL OR THE PRINCE GEORGE’S COUNTY PLANNING BOARD MAKE A DECISION, WHEN ONE OR MORE OF THE FOLLOWING CONDITIONS ARE PRESENT:

- (1) TOPOGRAPHY, SOIL, VEGETATION OR OTHER SITE CONDITIONS ARE SUCH THAT FULL COMPLIANCE IS IMPOSSIBLE OR IMPRACTICAL; OR IMPROVED ENVIRONMENTAL QUALITY WOULD RESULT FROM THE ALTERNATIVE COMPLIANCE.

(2) SPACE LIMITATIONS, UNUSUALLY SHAPED LOTS, AND PREVAILING PRACTICES IN THE SURROUNDING NEIGHBORHOOD INFILL SITES, AND FOR IMPROVEMENTS AND REDEVELOPMENT IN OLDER COMMUNITIES.

(3) CHANGE OF USE ON AN EXISTING SITE INCREASES THE BUFFER REQUIRED BY SECTION 4.7, BUFFERING AND COMPATIBLE USES, OF THE PRINCE GEORGE'S COUNTY LANDSCAPE MANUAL MORE THAN IT IS FEASIBLE TO PROVIDE.

(4) SAFETY CONSIDERATIONS MAKE ALTERNATIVE COMPLIANCE NECESSARY.

(5) AN ALTERNATIVE COMPLIANCE PROPOSAL IS EQUAL OR BETTER THAN NORMAL COMPLIANCE IN ITS ABILITY TO FULFILL THE DESIGN CRITERIA IN SECTION 3, LANDSCAPE ELEMENTS AND DESIGN CRITERIA, OF THE PRINCE GEORGE'S COUNTY LANDSCAPE MANUAL.

B. A PROPOSED ALTERNATIVE COMPLIANCE MEASURE MUST BE EQUALLY EFFECTIVE THAN NORMAL COMPLIANCE IN TERMS OF QUALITY, DURABILITY, HARDINESS, AND ABILITY TO FULFILL THE DESIGN CRITERIA IN SECTION 3 OF THE PRINCE GEORGE'S COUNTY LANDSCAPE MANUAL.

C. ALTERNATIVE COMPLIANCE SHALL BE LIMITED TO THE SPECIFIC PROJECT UNDER CONSIDERATION AND SHALL NOT ESTABLISH PRECEDENTS FOR APPROVAL IN OTHER CASES.

D. A REQUEST FOR ALTERNATIVE COMPLIANCE SHALL BE SUBMITTED TO THE DIRECTOR OF PLANNING, COMMUNITY AND ECONOMIC DEVELOPMENT (OR DESIGNEE) AT THE TIME THE APPLICATION IS SUBMITTED. THE COMMISSION SHALL POST THE PROPERTY WITH AT LEAST ONE DURABLE SIGN GIVING NOTICE OF THE APPLICATION AT LEAST 15 DAYS PRIOR TO THE DATE ON WHICH THE APPLICATION WILL BE CONSIDERED. THE CONTENTS OF THE SIGN AND THE NUMBER OF SIGNS REQUIRED SHALL BE DETERMINED BY THE COMMISSION. ALL SIGNS POSTED MUST BE CONSPICUOUS AND LEGIBLE. THE APPLICANT IS RESPONSIBLE FOR THE MAINTENANCE OF ALL SIGNS. NOTICE OF THE APPLICATION AND DATE UPON WHICH IT WILL BE CONSIDERED SHALL BE SENT, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE OWNERS OF ABUTTING PROPERTY (INCLUDING THOSE PROPERTIES DIRECTLY ACROSS A STREET, ALLEY OR STREAM). ANY REQUEST FOR A HEARING ON THE SAID APPLICATION MUST BE RECEIVED ON OR BEFORE THE DATE OF CONSIDERATION.

E. IN THE CASE OF THOSE APPLICATIONS FOR WHICH NO PUBLIC HEARING IS REQUIRED, THE DECISION OF THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT WILL BE FINAL, UNLESS AN APPEAL OF THE DECISION TO THE COMMISSION IS MADE WITHIN FIFTEEN (15) DAYS.

F. REQUESTS FOR ALTERNATIVE COMPLIANCE SHALL BE ACCOMPANIED BY SUFFICIENT WRITTEN, GRAPHIC AND/OR PHOTOGRAPHIC EXPLANATION AND JUSTIFICATION TO ALLOW APPROPRIATE EVALUATION AND DECISION. (SEE APPENDIX 1, ALTERNATIVE COMPLIANCE SUBMITTAL CHECKLIST).

G. IN A SITUATION WHERE COMPLIANCE WITH THE PRINCE GEORGE'S COUNTY

LANDSCAPE MANUAL IS NOT POSSIBLE, AND THERE IS NO FEASIBLE PROPOSAL FOR ALTERNATIVE COMPLIANCE WHICH IS, IN THE JUDGMENT OF THE DIRECTOR OF PLANNING, COMMUNITY AND ECONOMIC DEVELOPMENT (OR DESIGNEE), EQUALLY EFFECTIVE THAN NORMAL COMPLIANCE, THEN THE APPLICANT MAY SEEK RELIEF BY APPLYING FOR A DEPARTURE FROM DESIGN STANDARDS IN ACCORDANCE WITH §190-9.

H. APPEALS TO THE COMMISSION SHALL FOLLOW THE PROCEDURES ADOPTED BY THE COMMISSION AND MAY BE REVIEWED BY THE COUNCIL AS SET OUT IN §§190-9C AND 10.

Section 15. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, §190-16“Appeal” be, and is hereby, repealed, re-enacted and amended to read as follows:

§190-~~12~~17. APPEAL.

~~[Any person aggrieved by a decision of the Mayor and Council who was a person of record in the proceeding before it may appeal the decision to the circuit court for Prince George’s County, Maryland, which shall have the power to affirm the decision of the municipality or if the decision is not in accordance with law, to remand the matter to modify or reverse the decision.]~~

A. EXCEPT AS PROVIDED IN PARAGRAPH (B) OF THIS SUBSECTION, ANY PARTY OF RECORD TO AN ACTION OF THE ~~[GOVERNING BODY OF A MUNICIPAL CORPORATION]~~ MAYOR AND COUNCIL UNDER THIS SECTION SHALL HAVE THE SAME RIGHT OF APPEAL TO THE CIRCUIT COURT AS THE PARTY WOULD HAVE IF THE ACTION HAD BEEN TAKEN BY THE DISTRICT COUNCIL.

B. BEFORE EXERCISING THE RIGHT OF APPEAL UNDER PARAGRAPH A OF THIS SUBSECTION, A PARTY OF RECORD SHALL FIRST APPEAL AN ACTION OF THE GOVERNING BODY OF A MUNICIPAL CORPORATION UNDER THIS SECTION TO THE DISTRICT COUNCIL FOR REVIEW ON THE RECORD IF THE ACTION CONCERNS CERTIFICATION, REVOCATION, AND REVISION OF NONCONFORMING USES.

(1) ON REVIEW, THE DISTRICT COUNCIL MAY:

(a). BY MAJORITY VOTE OF ITS MEMBERS, APPROVE THE ACTION OF THE MUNICIPAL CORPORATION; OR

(b). BY A VOTE OF AT LEAST SIX OF ITS MEMBERS, APPROVE WITH CONDITIONS OR OVERRULE THE ACTION OF THE ~~[MUNICIPAL CORPORATION]~~

MAYOR AND COUNCIL.

(2) A PERSON AGGRIEVED BY THE ACTION OF THE DISTRICT COUNCIL UNDER THIS PARAGRAPH MAY APPEAL TO THE CIRCUIT COURT.

(3) FOR PURPOSES OF AN APPEAL TO THE CIRCUIT COURT UNDER SUBPARAGRAPH B OF THIS PARAGRAPH, [~~THE MUNICIPAL CORPORATION WHOSE ACTION IS AFFECTED BY THE ACTION OF THE DISTRICT COUNCIL~~] THE CITY SHALL BE CONSIDERED AN AGGRIEVED PERSON.

ARTICLE II GENERAL PROVISIONS

Section 16. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland that Chapter 190, "Zoning", Article II "General Provisions, §190-13 "Signs" be renumbered as follows:

§190-1[3]8 "Signs" * * * *

Section 17. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 190, "Zoning", Article II, "General Provisions" §190-19, "Notification of residents" be, and is hereby, enacted to read as follows:

§190-19. NOTIFICATION OF RESIDENTS

(1) THE DEPARTMENT OF PLANNING, COMMUNITY AND ECONOMIC DEVELOPMENT SHALL PROVIDE NOTICE OF AN APPLICATION FOR A ZONING ACTION REQUESTED UNDER THIS CHAPTER TO ANY CITY RESIDENT WHO REGISTERS WITH THE DEPARTMENT.

(2) TO REGISTER, A RESIDENT SHALL PROVIDE THE FOLLOWING TO THE DEPARTMENT OF PLANNING, COMMUNITY AND ECONOMIC DEVELOPMENT: NAME; STREET ADDRESS OR E-MAIL ADDRESS TO WHICH NOTICE SHOULD BE SENT; AND THE GEOGRAPHICAL AREA THAT THE RESIDENT WISHES TO RECEIVE NOTICE ABOUT. NOTICE SHALL BE SENT BY REGULAR OR EMAIL, AS DESIGNATED BY THE CITY RESIDENT.

Section 18. BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and

Council of the City of College Park, Maryland that Chapter 110 "Fees and Penalties", §110-1, "Fees and interests", be and is hereby repealed and reenacted with amendments as follows:

§110-1 Fees and interests.

The following enumerations are the current fees, rates, charges and interests applicable in the City of College Park:

Chapter/Section	Description	Fee/Interest
	* * * * *	
Ch. 190 Zoning		
§190- 6C 5	Variance application fees:	
	Existing dwelling	[\$100] \$200
	Residential new construction - SINGLE FAMILY AND DETACHED	[\$250] \$500
	Commercial property	[\$750] \$1500
	Any other purpose in all zones	[\$750] \$1500
	Public notice sign fees, per each sign:	
	Commercial or industrial property	\$10
§ 190- 10 9	Departure from design standards application fees:	
	Single-family residential	[\$50] \$100
	All others	[\$1,000] \$2,000
	[Public notice sign fees, per each sign:	
	Applications involving public	\$30, plus \$5 for
	rights of way over 4 in number	each sign
	All other applications	\$30]
§ 190-11	NON-CONFORMING USES	
	TWO DWELLING UNITS ON 1 LOT	\$100.00

	MOBILE HOME	\$100.00
	CHURCH	NO FEE
	ALL OTHERS	\$1,000.00
§ 190-12	MINOR CHANGES TO APPROVED SPECIAL EXCEPTIONS	
	DAY CARE FOR CHILDREN IN SINGLE FAMILY DWELLING	\$100.00
	CHURCH	NO FEE
	ALL OTHERS	\$1250
§ 190-16	ALTERNATIVE COMPLIANCE	\$250
SIGN POSTING FEES – EXCEPT AS OTHERWISE NOTED		
	PUBLIC NOTICE SIGN FEES, PER EACH SIGN:	
	APPLICATIONS INVOLVING PUBLIC RIGHTS-OF-WAY OVER 4 IN NUMBER	\$30, PLUS \$5 FOR EACH SIGN
	ALL OTHER APPLICATIONS	\$30

Section 19. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for 7:30 P.M. on the 26th day of April, 2011, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons

interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. As soon as practicable after adoption, the City Clerk shall have a fair summary of the Ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park and available at the City's offices. This Ordinance shall become effective twenty (20) days after its approval by the County Council for Prince George's County provided that a fair summary of this Ordinance is published at least once prior to the date of passage and once as soon as practical after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 8th day of February 2011.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 10th day of May 2011.

EFFECTIVE the _____ day of _____, 2011.

ATTEST:

**THE CITY OF COLLEGE PARK,
MARYLAND**

By: Janeen S. Miller
Janeen S. Miller, CMC, City Clerk

By: Andrew M. Fellows
Andrew M. Fellows, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Suellen M. Ferguson
Suellen M. Ferguson, City Attorney

