

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**SITTING AS THE DISTRICT COUNCIL**  
**2004 Legislative Session**

Bill No. CB-1-2004  
Chapter No. 9  
Proposed and Presented by Council Member Harrington  
Introduced by Council Members Harrington, Shapiro, Dernoga, Exum, Peters, Knotts  
and Dean  
Co-Sponsors \_\_\_\_\_  
Date of Introduction April 13, 2004

**ZONING BILL**

1 AN ORDINANCE concerning

2 Notice

3 For the purpose of amending the notice provisions for various applications.

4 BY repealing and repealing and reenacting with amendments:

5 Sections 27-125.01, 27-125.03, 27-131, 27-133, 27-135, 27-150;  
6 27-157, 27-158, 27-166, 27-176, 27-186, 27-195, 27-197, 27-206,  
7 27-213, 27-213.04, 27-213.12, 27-213.13, 27-231, 27-239.01,  
8 27-239.02, 27-242, 27-244, 27-245, 27-247, 27-280, 27-290, 27-295,  
9 27-295.04, 27-304, 27-324, 27-325, 27-327, 27-342, 27-362, 27-374,  
10 27-398, 27-433, 27-460.01, 27-520, 27-523, 27-524, 27-532,  
11 27-532.02, 27-546.05, 27-546.06, 27-585, and 27-588,

12 The Zoning Ordinance of Prince George's County, Maryland,  
13 being also

14 SUBTITLE 27. ZONING.

15 The Prince George's County Code  
16 (1999 Edition, 2002 Supplement).

17 BY adding:

18 Section 27-125.04,

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

being also

## SUBTITLE 27. ZONING.

The Prince George's County Code  
(1999 Edition, 2002 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 27-125.01, 27-125.03, 27-131, 27-133, 27-135, 27-150, 27-157, 27-158, 27-166, 27-176, 27-186, 27-195, 27-197, 27-206, 27-213, 27-213.04, 27-213.12, 27-213.13, 27-231, 27-239.01, 27-239.02, 27-242, 27-244, 27-245, 27-247, 27-280, 27-290, 27-295, 27-295.04, 27-304, 27-324, 27-325, 27-327, 27-342, 27-362, 27-374, 27-398, 27-433, 27-460.01, 27-520, 27-523, 27-524, 27-532, 27-532.02, 27-546.05, 27-546.06, 27-585, and 27-588, 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Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and repealed and reenacted with the following amendments:

## SUBTITLE 27. ZONING.

### PART 3. ADMINISTRATION.

#### DIVISION 1. GENERAL ZONING PROCEDURES.

##### SUBDIVISION 1. GENERAL.

#### **Sec. 27-125.01. Informational mailing; civic association registration.**

##### **(a) Informational mailings with applications.**

(1) This Section applies in the following cases, and any others for which this Subtitle requires informational mailings: Zoning Map Amendments (Division 2 of this Part), Comprehensive and Specific Design Plans, Conceptual and Detailed Site Plans, Special Exceptions and Special Exception site plan changes, Special Permits, nonconforming use certifications, departures from sign or design standards, and departures from the required number of parking and loading spaces. It applies to private applications to amend those zones, plans, permits, and departures; to amend the M-U-TC, T-D-O, or D-D-O Zone; to approve or amend the M-U-I Zone; and to amend conditions imposed by the Planning Board or District Council. It applies to all applications to amend an Aviation Policy Area or a Chesapeake Bay Critical Area Overlay Zone[, and to Special Exception revocation petitions filed by the Department of Environmental Resources]. It does not apply to [the initial applications] District Council

1 initiated plans and studies for the M-U-TC, T-D-O, or D-D-O Zone, to Special Exception  
 2 revocation petitions filed by the Department of Environmental Resources or to applications  
 3 which the Planning Director is authorized to approve administratively.

4 (2) At least thirty (30) but no more than ninety (90) days before the Commission  
 5 accepts an application, the applicant shall send by certified mail an informational mailing to all  
 6 adjoining property owners, including owners whose properties lie directly across a street, alley,  
 7 or stream and to prior parties of record entitled to receive notification of new applications  
 8 pursuant to Sections 27-276(a)(2), 27-285(a)(2), 27-304(b), 27-520(b), 27-546.05(d), 27-  
 9 546.06(d) and 27-527.01. At the same time and in the same manner, the applicant shall send an  
 10 informational mailing to every municipality located within one (1) mile of the applicant's  
 11 property and to all civic associations registered with the Commission for the area which includes  
 12 the property.

13 (3) The applicant shall obtain an application number from the Commission before  
 14 sending the informational mailing. It shall contain at least the following: the application  
 15 number; a description of the property and its location; the nature of the applicant's request; the  
 16 justification statement, if required with the application; the Commission department, with  
 17 telephone number, to obtain more information about the application after it is filed; a statement  
 18 to recipients that the applicant will meet, to explain the application; an applicant telephone  
 19 number, for persons wishing to meet; an explanation of how to become a person of record in the  
 20 case and a statement that no government agency has reviewed the application. A municipality,  
 21 civic association, or other person entitled to an informational mailing may request a copy of the  
 22 site plan from the applicant.

23 \* \* \* \* \*

#### 24 **Sec. 27-125.03. Sign for posting.**

##### 25 (a) **Posting, in general.**

26 (1) The applicant shall post the required public notice sign(s) for all public hearings  
 27 conducted by the Planning Board, Zoning Hearing Examiner and District Council. Signs for  
 28 posting shall be provided by the Planning Board, or Board of Appeals where applicable, and  
 29 shall have (at least) the following information:

30 (A) The title of "Hearing";

31 (B) The type of application;

- (C) The application number;
- (D) The request;
- (E) Date, time, and place of the public hearing;
- (F) A phone number for additional information.

(2) If the property has frontage on one (1) or more improved streets, there shall be one (1) sign posted for each one thousand (1,000) feet (or fraction) of frontage on each street. The sign(s) shall be posted on the property near the street right-of-way, so as to be visible from the improved portion of the street. When more than one (1) sign is required to be posted along a street, the signs shall, where practicable, be evenly spaced along the street.

(3) If the property does not have frontage on an improved public street, then one (1) sign shall be placed on the property. This sign shall be near the boundary of the property and visible from an adjoining property. Another sign shall be placed near to, and visible from, the improved portion of the nearest, most-traveled street. This sign shall indicate it is not on the subject property.

(4) For Planning Board, Zoning Hearing Examiner and District Council hearings  
[A]all signs shall be posted for a period of at least 30 days prior to the hearing date. The signs  
 shall be durable, and they shall be conspicuous and legible for the length of the required posting period. The Planning Board may establish more specific sign posting standards, if necessary.

(5) The applicant shall be responsible for reasonable maintenance of all signs. In the event a sign is removed, falls down, or otherwise is not on the property or in the right-of-way during the pendency of and until the date of the hearing, or until the end of the required posting period, it shall be the responsibility of the applicant to repost the sign.

(6) The person posting the sign shall file a written statement in the record of posting. A photograph of each posted sign shall also be submitted and included in the record file for the case. The applicant shall inspect the sign at least one time [a week during the posting period] no later than the fifteenth day of posting to ensure that required signs are maintained. The person conducting the inspection shall file in the record a written statement of the sign's condition.

(7) Any unauthorized person removing, destroying, defacing, obstructing, or otherwise interfering with a posted sign (directly or indirectly) shall be subject to the penalties provided by law.

\* \* \* \* \*

**SUBDIVISION 3. DISTRICT COUNCIL.**

**Sec. 27-131. Oral argument and appeals from Zoning Hearing Examiner's decision.**

**(a) Authorization.**

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

(A) An appeal from the Zoning Hearing Examiner's decision in a special exception case finally decided by the Zoning Hearing Examiner;

(B) Exceptions to the Zoning Hearing Examiner's decision in any other zoning case; or

(C) A request for oral argument before the District Council on either (A) or (B), 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 Examiner. Those portions of the record relied upon to support the claim shall be specified.

**(c) [Time for] Council action.**

(1) The District Council shall consider the exception or appeal at the time it takes final action on the case. [If the exception or appeal is accompanied by a request for oral argument, the Council shall grant the request and give at least ten (10) days notice of the date, time and place of argument to all persons of record.]

(2) The District Council may conduct oral argument in those zoning cases which the District Council elects to review and in those zoning cases in which an appeal or exceptions are not filed and the Council must make the final decision. [The Council shall give at least ten (10) days notice of the date, time, and place of argument to all persons of record.]

\* \* \* \* \*

**Sec. 27-133. Remand.**

**(a) In general.**

(1) Within the time specified for final decision, the District Council may remand any zoning case heard by the Zoning Hearing Examiner back to the Examiner for clarification or for additional testimony. The Council may also remand any Zoning Map Amendment or Special Exception for a de novo proceeding where there is good cause. Where additional testimony is taken upon remand, there shall be a new or revised decision from the Office of Zoning Hearing Examiner, which shall be subject to Section 27-131.

**(b) Request.**

(1) When a request for oral argument is filed pursuant to the provisions of Section 27-131, any person of record may file a request for remand. The request shall be submitted (in writing) to the Clerk of the District Council not later than sixty (60) days after the Zoning Hearing Examiner has filed his decision on the case and at least fourteen (14) days prior to the scheduled argument. The request shall set forth the reasons for the remand. The person making the request shall send, by first class mail, a copy of the request to all persons of record. A certificate of service shall accompany the submission to the Clerk.

(2) The District Council shall schedule argument on the requested remand prior to argument on the merits of the case[, and shall give at least ten (10) days' written notice of the date, time, and place of such argument to all persons of record.]

(3) Argument shall be restricted to the reasons for which the remand was requested and the need therefor. Argument shall also be limited to fifteen (15) minutes for each side, unless extended by the Chairman of the Council.

\* \* \* \* \*

**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 by the District Council, the decision may be reconsidered upon a written request filed by either the applicant or other person of record within thirty (30) days of the final decision if, based on the written request, the Council finds that there may have been an error in reaching the final decision that was caused by fraud, surprise, mistake,

1 or inadvertence. The person of record filing the request for reconsideration shall, upon filing the  
2 request, send a copy to all other persons of record.

3 (1) If the District Council determines there may be grounds for reconsideration of  
4 their final decision, the Clerk of the Council shall schedule an evidentiary hearing on the request.  
5 [All persons of record shall be given at least ten (10) days written notice of the date, time, and  
6 place of the District Council's consideration of the matter.]

7 (2) After hearing, the District Council shall first vote to reconsider their final decision  
8 and, if an affirmative motion is adopted, vote on a new decision.

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

13 (1) In the case of an amendment of a condition (imposed as part of the approval of the  
14 zoning case), the request shall be directed, in writing, to the District Council, and shall state the  
15 reasons therefore. Before the Council amends a condition, the Zoning Hearing Examiner shall  
16 hold a public hearing on the request, in accordance with Section 27-129, and shall notify all  
17 parties of record (including all parties of record on the original application and any amendments  
18 thereto) in the same manner as required for an original application. The Planning Board shall  
19 post a sign on the subject property, setting forth the date, time, and place of the hearing, in the  
20 same manner as required for an original application. After the close of the hearing record, the  
21 Zoning Hearing Examiner shall file a written recommendation with the District Council. [All  
22 persons of record shall be given at least ten (10) days written notice by the Clerk of the Council  
23 of the date and time of the District Council's consideration of the matter.] Any person of record  
24 may appeal the recommendation of the Zoning Hearing Examiner within fifteen (15) days of the  
25 filing of the Zoning Hearing Examiner's decision with the District Council. If appealed, all  
26 persons of record may testify before the District Council. Persons arguing shall adhere to the  
27 District Council's Rules of Procedure, and argument shall be limited to thirty (30) minutes for  
28 each side, and to the record of the hearing.

29 (2) Where a site plan has been approved by the Council, the applicant may request an  
30 amendment to the site plan in the form of an application filed with the Planning Board. The  
31 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 Zoning Hearing Examiner shall hold a public hearing on the request, in accordance with Section 27-129, and shall 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. After the close of the hearing record, the Zoning Hearing Examiner shall file a written recommendation with the District Council. [All persons of record shall be given at least ten (10) days written notice by the Clerk of the Council of the date and time of the District Council's consideration of the matter.] 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.

(d) 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.

## **DIVISION 2. ZONING MAP AMENDMENTS.**

### **SUBDIVISION 1. CONVENTIONAL ZONES.**

#### **Sec. 27-150. [Notice.] Reserved.**

##### **[(a) Notice of public hearing.]**

(1) Within a reasonable time after an application is accepted by the Planning Board, the Board shall so advise the Zoning Hearing Examiner. The Planning Board shall also notify (by certified mail) each municipality if any part of the property in the application is located within the municipal boundaries, or is located within one (1) mile of the municipality. After designating a date for the public hearing, the Examiner shall notify the applicant, all other persons of record, any municipality within which the property is located, any municipality within one (1) mile of the subject property, and the Planning Board of the hearing date.

(2) Notice of the date, time, and place of the hearing, and a description of the property and the zone requested, shall be published by the Clerk of the Council (or the Office of

the Zoning Hearing Examiner) at least two (2) times in the newspapers of record. The first notice shall be published at least thirty (30), but not more than sixty (60), days prior to the date of the hearing.

(b) **Posting.**

(1) The Planning Board shall post the property with a durable sign at least sixty (60) days prior to the scheduled hearing date. Signs shall be posted in accordance with Section 27-142.01.

(c) **General publication.**

(1) Within ten (10) days after the end of each month, the Planning Board shall provide a list of all Map Amendment applications filed during that month, arranged according to Election 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 Board shall make the list available free of charge (on an individual and subscription basis) but may establish a fee for mailing the list to cover the costs of postage and handling.

(2) One copy of the list described in this Subsection shall be mailed by the Planning Board on a subscription basis without charge to every municipality as well as a homeowners, neighborhood, civic, or similar association.]

**Sec. 27-157. Map Amendment approval.**

\* \* \* \* \*

(c) **Noncompliance with conditions.**

(1) 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:

- (A) Annul the Map Amendment;
- (B) Revoke a use and occupancy permit;
- (C) Institute appropriate civil or criminal proceedings; or
- (D) Institute any other action necessary to obtain compliance.

(2) Before the Council annuls an approved conditional Zoning Map Amendment, the Zoning Hearing Examiner shall hold a public hearing, in accordance with Section 27-129, and transmit a written recommendation on the matter. The following procedures shall be followed:

(A) A petition shall be filed with the Clerk of the Council by the Director of the Department of Environmental Resources (or his designee) requesting the Council to annul the

1 Zoning Map Amendment. The petition shall state the reasons for the request. At the same time,  
2 a copy of the petition shall be sent to the Planning Board.

3 (B) The Planning Board shall submit a written recommendation on the petition  
4 to the Council.

5 [(C) The Office of the Zoning Hearing Examiner shall publish a notice containing  
6 the date, time, and place of the public hearing, a description of the subject property, and a  
7 description of the petition request.

8 (D) The notice shall be published two (2) times in at least the three (3)  
9 newspapers of record. The first notice shall be published at least thirty (30), but not more than  
10 sixty (60), days prior to the scheduled date of the hearing. A copy of the notice shall be sent to  
11 the Planning Board and all persons of record.

12 (E) Upon receiving the notice, the Planning Board shall post the property  
13 described in the petition with a sign at least thirty (30) days prior to the scheduled hearing date.  
14 The sign shall contain the detailed information which is appropriate to the petition. It shall be  
15 posted in the same manner as for Zoning Map Amendment applications (see Section 27-150(b)).

16 (F) The Planning Board shall be responsible for reasonable maintenance of the  
17 sign.]

18 [(G)] (C) After the close of the hearing record, the Zoning Hearing Examiner  
19 shall file a written recommendation with the District Council.

20 [(H) All persons of record shall be given at least ten (10) days written notice by  
21 the Clerk of the Council of the date and time of the District Council's consideration of the  
22 matter.]

23 [(I)] (D) Any person of record may appeal the recommendation of the Zoning  
24 Hearing Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner's  
25 recommendation with the District Council. If appealed, all persons of record may testify before  
26 the District Council.

27 [(J)] (E) Persons arguing shall adhere to the District Council's Rules of  
28 Procedure, and argument shall be limited to thirty (30) minutes for each side, and to the record of  
29 the hearing.

30 \* \* \* \* \*

**SUBDIVISION 2. R-P-C ZONE.**

**Sec. 27-158. In general.**

\* \* \* \* \*

(C) Amendments of an Official Plan (or portion of it) may be approved by the Planning Board when the amendment does not involve a change in any zoning subcategory shown on the adopted Official Plan, and the property was originally reclassified to the R-P-C Zone between January 1, 1969, and October 17, 1989. In this case the applicant shall submit a new Official Plan to the Planning Board for review, and shall pay a fee to the Planning Board to offset the cost of the review. The fee shall be the same as would be applied to a Conceptual Site Plan (Section 27-273(c)). The proposed amended Official Plan shall not increase the density approved by the Official Plan and must be found compatible with the surrounding property including existing land in the R-P-C Zone.

(D) The following procedures shall apply to the requests for amendments authorized in subparagraph (C), above:

(i) The request shall be in writing.

(ii) The request shall be accompanied by the proposed amendment of the Official Plan showing the land area involved, points of ingress and egress, parking layout (if applicable), and all other improvements proposed on the property.

(iii) The proposed amendment shall be reviewed by the Technical Staff, which shall make a recommendation to the Planning Board.

(iv) The Planning Board shall hold a public hearing on the request, after which it shall take action on the proposed amendment.

(v) The Planning Board shall approve, approve with modification, or disapprove the proposed amendment of the Official Plan and shall state its reasons for the action.

(vi) The Planning Board's decision shall be embodied in a resolution adopted at a regularly scheduled public meeting, a copy of which shall be sent to all persons of record (in the Official Plan amendment hearing) and the District Council.

(vii) The Planning Board's decision may be appealed to the District Council upon petition of any person of record. The petition shall be filed with the Clerk of the Council within thirty (30) days after the date of the notice of the Planning Board's decision. The District

Council may vote to review the Planning Board's decision on its own motion within thirty (30) days after the date of the notice.

(viii) The Clerk of the Council shall notify the Planning Board of any appeal or review decision. Within seven (7) calendar days after receiving this notice, the Planning Board shall transmit to the District Council a copy of the proposed Official Plan amendment, all written evidence and materials submitted for consideration by the Planning Board, a transcript of the public hearing on the proposed Plan amendment, and any additional information or explanatory material deemed appropriate.

(ix) The District Council shall schedule a public hearing on the appeal or review. [The Clerk of the Council shall give at least fourteen (14) calendar days' notice of the hearing to all persons of record and the Planning Board, all of whom shall be entitled to appear at the hearing.] Testimony at the hearing shall be limited to the facts and information contained within the record made at the hearing before the Planning Board.

(x) Within sixty (60) days after the close of the Council's hearing, the Council shall affirm, reverse, or modify the decision of the Planning Board, or return the proposed Official Plan amendment to the Planning Board to take further testimony or reconsider its decision. If the Council fails to act within the specified time, the Planning Board's decision is automatically affirmed.

\* \* \* \* \*

**Sec. 27-166. [Notice]. Reserved.**

**[(a) Notice of public hearing.]**

(1) Within a reasonable time after an application is accepted by the Planning Board, the Board shall so advise the Zoning Hearing Examiner. The Planning Board shall also notify (by certified mail) each municipality if any part of the property in the application is located within the municipal boundaries, or is located within one (1) mile of the municipality. After designating a date for the public hearing, the Examiner shall notify the applicant, all other persons of record, any municipality within which the property is located, any municipality located within one (1) mile of the subject property, and the Planning Board of the hearing date.

(2) Notice of the date, time, and place of the hearing, and a description of the property and the zone requested, shall be published by the Clerk of the Council (or the Office of the Zoning Hearing Examiner) at least two (2) times in the newspapers of record. The first

notice shall be published at least thirty (30), but not more than sixty (60), days prior to the date of the hearing.

**(b) Posting.**

(1) The Planning Board shall post the property with a durable sign at least sixty (60) days prior to the scheduled hearing date. Signs shall be posted in accordance with Section 27-142.01.

**(c) General publication.**

(1) Within ten (10) days after the end of each month, the Planning Board shall provide a list of all Map Amendment applications filed during the month, arranged according to Election 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 Board shall make the list available free of charge (on both an individual and subscription basis), but may establish a fee for mailing the list to cover the costs of postage and handling.

(2) One copy of the list described in this Subsection shall be mailed by the Planning Board on a subscription basis without charge to every municipality as well as a homeowners, neighborhood, civic, or similar association.]

**Sec. 27-176. Map Amendment approval.**

\* \* \* \* \*

**(d) Noncompliance with conditions.**

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

- (A) Annul the Map Amendment;
- (B) Revoke a use and occupancy permit;
- (C) Institute appropriate civil or criminal proceedings; or
- (D) Institute any other action necessary to obtain compliance.

(2) Before the District Council annuls an approved conditional Zoning Map Amendment, the Zoning Hearing Examiner shall hold a public hearing, in accordance with Section 27-129, and transmit a written recommendation on the matter. The following procedures shall be followed:

(A) A petition shall be filed with the Clerk of the Council by the Director of the Department of Environmental Resources (or his designee) requesting the Council to annul the

1 Zoning Map Amendment. The petition shall state the reasons for the request. At the same time,  
2 a copy of the petition shall be sent to the Planning Board.

3 (B) The Planning Board shall submit a written recommendation on the petition  
4 to the Council.

5 [(C) The Office of the Zoning Hearing Examiner shall publish a notice containing  
6 the date, time, and place of the public hearing, a description of the subject property, and a  
7 description of the petition request.

8 (D) The notice shall be published two (2) times in at least the three (3)  
9 newspapers of record. The first notice shall be published at least thirty (30), but not more than  
10 sixty (60), days prior to the scheduled date of the hearing. A copy of the notice shall be sent to  
11 the Planning Board and all persons of record.

12 (E) Upon receiving the notice, the Planning Board shall post the property  
13 described in the petition with a sign at least thirty (30) days prior to the scheduled hearing date.  
14 The sign shall contain the detailed information which is appropriate to the petition. It shall be  
15 posted in the same manner as for Zoning Map Amendment applications (see Section 27-165(b)).

16 (F) The Planning Board shall be responsible for reasonable maintenance of the  
17 sign.]

18 [(G)] (C) After the close of the hearing record, the Zoning Hearing Examiner  
19 shall file a written recommendation with the District Council.

20 [(H) All persons of record shall be given at least ten (10) days written notice by  
21 the Clerk of the Council of the date and time of the District Council's consideration of the  
22 matter.]

23 [(I)] (D) Any person of record may appeal the recommendation of the Zoning  
24 Hearing Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner's  
25 recommendation with the District Council. After the close of the hearing record, the Zoning  
26 Hearing Examiner shall file a written recommendation with the District Council. If appealed, all  
27 persons of record may testify before the District Council.

28 [(J)] (E) Persons arguing shall adhere to the District Council's Rules of  
29 Procedure, and argument shall be limited to thirty (30) minutes for each side, and to the record of  
30 the hearing.

31 \* \* \* \* \*

**SUBDIVISION 3. COMPREHENSIVE DESIGN ZONES.**

\* \* \* \* \*

**Sec. 27-186. [Notice.] Reserved.**

**[(a) Notice of public hearing.**

(1) Within a reasonable time after an application is accepted by the Planning Board, the Board (or its designee) shall so advise the Zoning Hearing Examiner. The Planning Board shall also notify (by certified mail) each municipality if any part of the property in the application is located within the municipal boundaries, or is located within one (1) mile of the municipality. After designating a date for the public hearing, the Examiner shall notify the applicant, all other persons of record, any municipality within which the property is located, each municipality located within one (1) mile of the subject property, and the Planning Board of the hearing date.

(2) Notice of the date, time, and place of the hearing, and a description of the property and the zone requested, shall be published by the Clerk of the Council (or the Office of the Zoning Hearing Examiner) at least two (2) times in the newspapers of record. The first notice shall be published at least thirty (30), but not more than sixty (60), days prior to the date of the public hearing.

**(b) Posting.**

(1) The Planning Board shall post the property with a durable sign at least sixty (60) days prior to the scheduled hearing date. Signs shall be posted in accordance with Section 27-142.01.

(2) Any unauthorized person removing, destroying, defacing, obstructing, or otherwise interfering with a posted sign (directly or indirectly) shall be subject to the penalties provided by law.]

**Sec. 27-195. Map Amendment approval.**

\* \* \* \* \*

**(d) Noncompliance with conditions.**

(1) 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:

- (A) Annul the Map Amendment;
- (B) Revoke a use and occupancy permit;
- (C) Institute appropriate civil or criminal proceedings; or

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

2 (2) Before the District Council annuls an approved conditional Zoning Map  
3 Amendment, the Zoning Hearing Examiner shall hold a public hearing, in accordance with  
4 Section 27-129, and transmit a written recommendation on the matter. The following procedures  
5 shall be followed:

6 (A) A petition shall be filed with the Clerk of the Council by the Director of the  
7 Department of Environmental Resources (or his designee) requesting the Council to annul the  
8 Zoning Map Amendment. The petition shall state the reasons for the request. At the same time,  
9 a copy of the petition shall be sent to the Planning Board.

10 (B) The Planning Board shall submit a written recommendation on the petition  
11 to the District Council.

12 [(C) The Office of the Zoning Hearing Examiner shall publish a notice containing  
13 the date, time, and place of the public hearing, a description of the subject property, and a  
14 description of the written request.

15 (D) The notice shall be published two (2) times in at least the three (3)  
16 newspapers of record. The first notice shall be published at least thirty (30), but not more than  
17 sixty (60), days prior to the scheduled date of the hearing. A copy of the notice shall be sent to  
18 the Planning Board and all persons of record.

19 (E) Upon receiving the notice, the Planning Board shall post the property  
20 described in the petition with a sign at least thirty (30) days prior to the scheduled date. The sign  
21 shall contain the detailed information which is appropriate to the petition. It shall be posted in  
22 the same manner as for Zoning Map Amendment applications (see Section 27-186(b)).

23 (F) The Planning Board shall be responsible for reasonable maintenance of the  
24 sign.]

25 [(G)] (C) After the close of the hearing record, the Zoning Hearing Examiner  
26 shall file a written recommendation with the District Council.

27 [(H) All persons of record shall be given at least ten (10) days written notice by  
28 the Clerk of the Council of the date and time of the District Council's consideration of the  
29 matter.]

30 [(I)] (D) Any person of record may appeal the recommendation of the Zoning  
31 Hearing Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner's

1 recommendation with the District Council. If appealed, all persons of record may testify before  
2 the District Council.

3 [(J)] (E) Persons arguing shall adhere to the District Council's Rules of  
4 Procedure, and argument shall be limited to thirty (30) minutes for each side, and to the record of  
5 the hearing.

6 (e) **Approval of a zone different from that requested.**

7 (1) The District Council may approve a less intense zone than that requested by the  
8 applicant for any part of the property involved in the application.

9 (2) If the subject property is located within the boundaries of a municipality, a less  
10 intense zone may only be approved if there was testimony on the less intense zone before the  
11 Zoning Hearing Examiner, and an opportunity given for the municipality to make a  
12 recommendation. If there was no such testimony or opportunity, the application shall be  
13 remanded to the Zoning Hearing Examiner for this purpose (Section 27-133). Upon remand, the  
14 Hearing Examiner shall notify all persons of record and any municipality in which the property  
15 is located. The Hearing Examiner shall conduct such further hearings if the case warrants.

16 **Sec. 27-197. Amendment of approved Basic Plan.**

17 \* \* \* \* \*

18 (b) An amendment of an approved Basic Plan which results in dividing a single approved  
19 Basic Plan into two (2) or more separate Basic Plans may be approved by the District Council  
20 where significant changes in circumstances with regard to the approved Basic Plan have created  
21 practical difficulties for the applicant to the extent that, unless the Basic Plan is amended to  
22 separate a specified amount of land area, the applicant will be unable to proceed to the  
23 Comprehensive Design Plan phase. An amendment will not be granted where the practical  
24 difficulty is self-created or self-imposed, or where the applicant had knowledge of, and control  
25 over, the changing circumstances and the problems bringing about the practical difficulty at the  
26 time the Basic Plan was approved. The following procedures shall apply to consideration of any  
27 such amendment in lieu of the requirements of Subsection (c), below:

28 (1) The applicant shall file the request in triplicate with the Clerk of the Council. The  
29 petition shall be accompanied by a new reproducible copy of the proposed new Basic Plan  
30 graphic showing how the Basic Plan is to be divided and any other proposed revisions, three (3)  
31 copies of the proposed new Basic Plan Text if any, and the names and addresses of the current

1 owners of the property separated by the proposed amendment. The Clerk's office shall advise  
2 the applicant in writing that the Technical Staff has found that the request is complete.

3 (2) The Clerk of the Council shall refer copies of the request and accompanying  
4 documents to the Planning Board and to the People's Zoning Counsel. The Planning Board and  
5 the People's Zoning Counsel shall submit any comments which they have on the request to the  
6 District Council, the Zoning Hearing Examiner, the petitioner, and all persons of record in the  
7 original Zoning Map Amendment application. The comments shall be submitted not later than  
8 sixty (60) days after the date the petition is referred, unless such deadline is waived in writing by  
9 the applicant.

10 (3) Within one hundred twenty (120) days after referral of the petition to the Planning  
11 Board and People's Zoning Counsel, the Zoning Hearing Examiner shall conduct a public  
12 hearing on the petition. The hearing shall be held in accordance with Section 27-129. The  
13 hearing shall not be held until after the sixty (60) day review period has expired, unless both the  
14 Planning Board and People's Zoning Counsel have submitted their comments.

15 (4) In approving the petition, the applicant shall establish, and the District Council  
16 shall find, that:

17 (A) The approval of the amended Basic Plan will not result in a change in land  
18 area, or an increase in land use density or intensity, for the overall area included in the original,  
19 approved Basic Plan;

20 (B) The approval of the amended Basic Plan will not significantly impair the  
21 character of the original, approved Basic Plan with respect to land uses, density ranges, unit  
22 types, circulation, accessibility, public facilities, public benefit features, and open space;

23 (C) The proposed amended Basic Plan conforms to the requirements of Section  
24 27-195(b);

25 (D) The separate Basic Plans that result will be capable of standing by  
26 themselves as individual, cohesive developments;

27 (E) Any staging of development that was required in the approval of the original  
28 Basic Plan, and that is still appropriate, is included as part of the amended Basic Plan; and

29 (F) No owner of any land which is included in the original, approved Basic Plan  
30 will, by the approval of the proposed amended Basic Plan, be denied reasonable use of his  
31 property.

1           [(5) The Office of the Zoning Hearing Examiner shall notify all persons of record  
2 (including those in the original application), and owners of land separated by the proposed  
3 amendment, of the hearing by regular mail. Notice shall be mailed not less than fifteen (15), nor  
4 more than twenty-one (21), days prior to the scheduled public hearing. Further advance notice of  
5 the public hearing shall be given by the Office of the Zoning Hearing Examiner in accordance  
6 with the provisions of Section 27-186(a)(3).]

7           [[6)] (5) Within thirty (30) days from the close of the hearing record, the Zoning  
8 Hearing Examiner shall file a written recommendation with the District Council, unless such  
9 deadline is waived in writing by the applicant.

10           [(7) All persons of record shall be given at least ten (10) days written notice by the  
11 Clerk of the Council of the date and time of the District Council's consideration of the matter.]

12           [[8)] (6) Any person of record may appeal the recommendation of the Zoning  
13 Hearing Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner's  
14 recommendation with the District Council. If appealed, all persons of record may testify before  
15 the District Council.

16           [(9)] (7) Persons arguing shall adhere to the District Council's Rules of Procedure,  
17 and argument shall be limited to thirty (30) minutes for each side, and to the record of the  
18 hearing.

19           [[10)] (8) If the Council does not act within forty-five (45) days of the filing of the  
20 written recommendation, the petition shall be considered to have been denied.

21           (c) If an amendment of an approved Basic Plan does not involve a change in land area or  
22 an increase in land use density or intensity, the Plan may be amended by the Council in  
23 accordance with the following procedures:

24           (1) The applicant shall file the request (in triplicate) with the Clerk of the Council.  
25 The petition shall be accompanied by a new reproducible copy of the proposed new Basic Plan  
26 (graphic only) or three (3) copies of the proposed new Basic Plan Text (as necessary depending  
27 on the amendment proposed). The Clerk's office shall advise the applicant (in writing) that the  
28 Technical Staff has found that the request is complete.

29           (2) The Clerk of the Council shall refer copies of the request and accompanying  
30 documents to the Planning Board and to the People's Zoning Counsel. The Planning Board and  
31 the People's Zoning Counsel shall submit any comments which they have on the request to the

1 Council, the Zoning Hearing Examiner, the petitioner, and all persons of record in the original  
 2 Zoning Map Amendment application. The comments shall be submitted not later than sixty (60)  
 3 days after the date the Clerk refers the petition to them, unless such deadline is waived in writing  
 4 by the applicant.

5 (3) Within one hundred twenty (120) days after referral of the petition to the Planning  
 6 Board and People's Zoning Counsel, the Zoning Hearing Examiner shall conduct a public  
 7 hearing on the petition. The hearing shall be held in accordance with Section 27-129. The  
 8 hearing shall not be held until after the sixty (60) day review period has expired, unless both the  
 9 Planning Board and People's Zoning Counsel have submitted their comments.

10 [(4) The Office of the Zoning Hearing Examiner shall notify all persons of record  
 11 (including those of the original application) of the hearing by regular mail. The notice shall be  
 12 mailed not less than fifteen (15), nor more than twenty-one (21), days prior to the scheduled  
 13 public hearing. Further advance notice of the public hearing shall be given by the Office of the  
 14 Zoning Hearing Examiner, in accordance with the provisions of Section 27-186(a)(3).]

15 [(5)] (4) Within thirty (30) days from the close of the hearing record, the Zoning  
 16 Hearing Examiner shall file a written recommendation with the District Council, unless such  
 17 deadline is waived in writing by the applicant.

18 [(6) All persons of record shall be given at least ten (10) days written notice by the  
 19 Clerk of the Council of the date and time of the District Council's consideration of the matter.]

20 [(7)] (5) Any person of record may appeal the recommendation of the Zoning  
 21 Hearing Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner's  
 22 recommendation with the District Council. If appealed, all persons of record may testify before  
 23 the District Council.

24 [(8)] (6) Persons arguing shall adhere to the District Council's Rules of Procedure,  
 25 and argument shall be limited to thirty (30) minutes for each side, and to the record of the  
 26 hearing.

27 [(9)] (7) In approving the petition, the District Council shall find that the  
 28 requirements of Section 27-195(b) have been met. If the Council does not act within forty-five  
 29 (45) days of the filing of the written recommendation, the petition shall be considered to have  
 30 been denied.

**SUBDIVISION 4. M-X-T AND M-X-C ZONES.**

**Sec. 27-206. [Notice.] Reserved.**

**[(a) Notice of public hearing.**

(1) Within a reasonable time after an application is accepted by the Planning Board, the Board shall so advise the Zoning Hearing Examiner. The Planning Board shall also notify (by certified mail) each municipality if any part of the property in the application is located within the municipal boundaries, or is located within one (1) mile of the municipality. After designating a date for the public hearing, the Examiner shall notify the applicant, all other persons of record, any municipality within which the property is located, each municipality located within one (1) mile of the subject property, and the Planning Board of the hearing date.

(2) Notice of the date, time, and place of the hearing, and a description of the property and the zone requested, shall be published by the Clerk of the Council (or the Office of the Zoning Hearing Examiner) at least two (2) times in the newspapers of record. The first notice shall be published at least thirty (30), but not more than sixty (60), days prior to the date of the hearing.

**(b) Posting.**

(1) The Planning Board shall post the property with a durable sign at least sixty (60) days prior to the scheduled hearing date. Signs shall be posted in accordance with Section 27-142.01.]

\* \* \* \* \*

**Sec. 27-213. Map Amendment approval; amendments.**

\* \* \* \* \*

**(d) Noncompliance with conditions.**

(1) 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:

- (A) Annul the Map Amendment;
- (B) Revoke a use and occupancy permit;
- (C) Institute appropriate civil or criminal proceedings; or
- (D) Institute any other action necessary to obtain compliance.

(2) Before the District Council annuls an approved conditional Zoning Map Amendment, the Zoning Hearing Examiner shall hold a public hearing[, in accordance with

1 Section 27-129,] and transmit a written recommendation on the matter. The following  
2 procedures shall be followed:

3 (A) A petition shall be filed with the Clerk of the Council by the Director of the  
4 Department of Environmental Resources (or his designee) requesting the Council to annul the  
5 Zoning Map Amendment. The petition shall state the reasons for the request. At the same time,  
6 a copy of the petition shall be sent to the Planning Board.

7 (B) The Planning Board shall submit a written recommendation on the petition  
8 to the Council.

9 (C) The Office of the Zoning Hearing Examiner shall publish a notice containing  
10 the date, time, and place of the public hearing, a description of the subject property, and a  
11 description of the petition request.

12 [(D) The notice shall be published at least two (2) times in the three (3)  
13 newspapers of record. The first notice shall be published at least thirty (30), but not more than  
14 sixty (60), days prior to the scheduled date of the hearing. A copy of the notice shall be sent to  
15 the Planning Board and all persons of record.

16 (E) Upon receiving the notice, the Planning Board shall post the property  
17 described in the petition with a sign at least thirty (30) days prior to the scheduled hearing date.  
18 The sign shall contain the detailed information which is appropriate to the petition. It shall be  
19 posted in the same manner as for Zoning Map Amendment applications (see Section 27-206(b)).

20 (F) The Planning Board shall be responsible for reasonable maintenance of the  
21 sign.]

22 [(G)] (D) After the close of the hearing record, the Zoning Hearing Examiner  
23 shall file a written recommendation with the District Council.

24 [(H) All persons of record shall be given at least ten (10) days written notice by  
25 the Clerk of the Council of the date and time of the District Council's consideration of the  
26 matter.]

27 [(I)] (E) Any person of record may appeal the recommendation of the Zoning  
28 Hearing Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner's  
29 recommendation with the District Council. If appealed, all persons of record may testify before  
30 the District Council.

1                    [(J)] (F) Persons arguing shall adhere to the District Council's Rules of  
2 Procedure, and argument shall be limited to thirty (30) minutes for each side, and to the record of  
3 the hearing.

4                    \*                    \*                    \*                    \*                    \*                    \*                    \*                    \*

5                    **SUBDIVISION 5. TRANSIT DISTRICT OVERLAY ZONE.**

6                    **Sec. 27-213.04. Specific Planning Board procedures.**

7                    (a) Notice.

8                    (1) The Planning Board shall release the proposed Transit District Overlay Zoning  
9 Map Amendment for public inspection at least sixty (60) days prior to its scheduled public  
10 hearing. Written notice of the hearing shall be mailed to all property owners within the  
11 boundaries of the proposed Transit District, and to any municipality lying (wholly or in part)  
12 within the proposed District, or within one (1) mile of the proposed boundary. [Notice of the  
13 date, time, and place of the hearing shall be published at least one (1) time in the County  
14 newspapers of record, at least thirty (30) days prior to the hearing date.] At least sixty (60) days  
15 prior to the scheduled hearing date, a copy of the proposal shall be sent to all public agencies and  
16 municipalities with operational or planning responsibilities within the boundaries of the proposed  
17 Transit District Overlay Zone; and to the Historic Preservation Commission, if any property  
18 within the proposed District is an identified historic resource on the Adopted and Approved  
19 Historic Sites and Districts Plan of Prince George's County, Maryland.

20                    \*                    \*                    \*                    \*                    \*                    \*                    \*                    \*

21                    **SUBDIVISION 6. CHESAPEAKE BAY CRITICAL AREA OVERLAY ZONES.**

22                    **Sec. 27-213.12. Amendment of approved Chesapeake Bay Critical Area Overlay Zones.**

23                    \*                    \*                    \*                    \*                    \*                    \*                    \*                    \*

24                    **[(d) Notice of public hearing.**

25                    (1) Within a reasonable time after an application is accepted by the Planning Board,  
26 the Planning Board (or its designee) shall so advise the Zoning Hearing Examiner. The Planning  
27 Board shall also notify (by certified mail) each municipality if any part of the property in the  
28 application is located within the municipal boundaries, or is located within one (1) mile of the  
29 municipality. After designating a date for the public hearing, the Zoning Hearing Examiner shall  
30 notify the applicant, all other persons of record, any municipality within which the property is

located, any municipality within one (1) mile of the subject property, and the Planning Board of the hearing date.

(2) Notice of the date, time, and place of the hearing, and a description of the property and the zone requested, shall be published by the Clerk of the Council (or the Office of Zoning Hearing Examiner) at least two (2) times in the newspapers of record. The first notice shall be published at least thirty (30), but not more than sixty (60), days prior to the date of hearing.

(3) The Planning Board shall post the property with a durable sign at least sixty (60) days prior to the scheduled hearing date. Signs shall be posted in accordance with Section 27-142.01.]

\* \* \* \* \*

**Sec. 27-213.13. Map amendment approval.**

\* \* \* \* \*

**(d) Noncompliance with conditions.**

(1) 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:

- (A) Annul the Map Amendment;
- (B) Revoke a grading, building, or use and occupancy permit;
- (C) Institute appropriate civil or criminal proceedings; or
- (D) Institute any other action necessary to obtain compliance.

(2) Before the District Council annuls an approved conditional Zoning Map Amendment for a Chesapeake Bay Critical Area Overlay Zone, the Zoning Hearing Examiner shall hold a public hearing, in accordance with Section 27-129, and transmit a written recommendation on the matter. The following procedures shall be followed:

\* \* \* \* \*

[(C) The Office of the Zoning Hearing Examiner shall publish a notice containing the date, time, and place of the public hearing, a description of the subject property, and a description of the petition request.

(D) The notice shall be published two (2) times in at least the three (3) newspapers or record. The first notice shall be published at least thirty (30), but not more than

sixty (60), days prior to the scheduled date of the hearing. A copy of the notice shall be sent to the Planning Board and all persons of record.

(E) Upon receiving the notice, the Planning Board shall post the property described in the petition with a sign at least thirty (30) days prior to the scheduled hearing date. The sign shall contain the detailed information which is appropriate to the petition. It shall be posted in the same manner as for Zoning Map Amendment applications (see Section 27-213.12(e)).

(F) The Planning Board shall be responsible for reasonable maintenance of the sign.]

[(G)] (C) After the close of the hearing record, the Zoning Hearing Examiner shall file a written recommendation with the District Council.

[(H)] All persons of record shall be given at least ten (10) days written notice by the Clerk of the Council of the date and time of the District Council's consideration of the matter.]

[(I)] (D) 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.

[(J)] (E) 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.

\* \* \* \* \*

## **DIVISION 5. APPEALS AND VARIANCES.**

### **SUBDIVISION 2. BOARD OF ZONING APPEALS.**

#### **Sec. 27-231. Procedures.**

\* \* \* \* \*

#### **(d) Notice of public hearing.**

(1) At least [seven (7)] fifteen (15) days notice of the date, time and place of the hearing shall be sent by certified mail to the appellant, to the agency whose decision is the subject of the appeal, and to the owners of abutting property (including those properties directly across a street, alley, or stream).

(7) When the subject property is not in a Residential Zone, the appellant shall post the property with a durable sign at least fifteen (15) days prior to the scheduled hearing date. The sign shall be provided by the Board of Zoning Appeals and posted in accordance with Section [27-142.01] 27-125.03(a).

#### **SUBDIVISION 4. DEPARTURES FROM DESIGN STANDARDS.**

##### **Sec. 27-239.01. Departures from Design Standards.**

#### **(2) Hearing.**

(A) Prior to making a decision on a Departure from Design Standards, the Planning Board shall hold a public hearing on the matter. The Planning Board shall determine the procedures under which the hearing will be held.

#### **[(3) Notice.**

(A) The property shall be posted with at least one (1) sign giving notice of the hearing. The contents of the sign and the number of signs required shall be determined by the Planning Board.

(B) Additional notice may be given, as determined by the Planning Board.]

#### **(10) Appeal.**

(C) The District Council shall schedule a public hearing on the appeal or review. The hearing shall be held in accordance with Section 27-132 (District Council hearing procedures). [The Clerk of the Council shall give at least fourteen (14) calendar days notice of the hearing to all persons of record and the Planning Board, all of whom shall be entitled to appear at the hearing. Testimony at the hearing shall be limited to the facts and information contained within the record made at the hearing before the Planning Board. 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.]

**SUBDIVISION 5. SPECIAL PERMITS.**

**Sec. 27-239.02. Special Permits.**

**(a) Procedures.**

\* \* \* \* \*

**[(3) Notice.**

(A) The applicant shall send (by certified mail) notice of the hearing at least fourteen (14) days before the scheduled hearing date to any municipality within which the site is located and all owners of abutting properties (including those directly across the street, alley, or stream).

(B) The property shall be posted with at least one (1) sign giving notice of the hearing. The contents of the sign and the number of signs required shall be determined by the Planning Board.

(C) Additional notice may be given, as determined by the Planning Board.]

\* \* \* \* \*

**DIVISION 6. NONCONFORMING BUILDINGS, STRUCTURES, AND USES.**

**SUBDIVISION 1. GENERAL REQUIREMENTS AND PROCEDURES.**

**Sec. 27-242. Alteration, extension, or enlargement.**

\* \* \* \* \*

**(3) Gas stations.**

\* \* \* \* \*

(F) The Planning Board's decision on the requested modification shall be sent to all persons of record in the hearing before the Planning Board, and to the District Council. This decision may be appealed to the District Council upon petition by any person of record. The petition shall be filed with the Clerk of the Council within thirty (30) days after the date of the notice of the Planning Board's decision. The District Council may vote to review the Planning Board's decision on its own motion within thirty (30) days after the date of the notice. The Clerk of the Council shall notify the Planning Board of any appeal of review decision. Within seven (7) days after receiving this notice, the Planning Board shall transmit to the District Council all written evidence and materials submitted for consideration by the Planning Board, a transcript of the public hearing on the revised plan, and any additional information or explanatory material deemed appropriate. The District Council shall schedule a public hearing on the appeal or

1 review. The Council shall give at least [fourteen (14)] thirty (30) calendar days notice of the  
 2 hearing to all persons of record and the Planning Board, all of whom shall be entitled to appear at  
 3 the hearing. Testimony at the hearing shall be limited to the facts and information contained  
 4 within the record made at the hearing before the Planning Board. Within sixty (60) days after the  
 5 close of the Council's hearing, the Council shall affirm, reverse, or modify the decision of the  
 6 Planning Board, or return the modification request to the Planning Board to take further  
 7 testimony or reconsider its decision. Where the Council approves a modification, it shall make  
 8 the same findings which are required to be made by the Planning Board. If the Council fails to  
 9 act within the specified time, the Planning Board's decision is automatically affirmed. The  
 10 Council shall give its decision in writing, stating the reasons for its action. Copies of the  
 11 decision shall be sent to all persons of record and the Planning Board.

12 (4) **Drive-in and fast-food restaurants.**

13 \* \* \* \* \*

14 (E) The Planning Board's decision (resolution) on the requested modification  
 15 shall be sent to all persons of record in the hearing before the Planning Board and to the District  
 16 Council. This decision may be appealed to the District Council upon petition of any person of  
 17 record. The petition shall be filed with the Clerk of the Council within thirty (30) days after the  
 18 date of the notice of the Planning Board's decision. The District Council may vote to review the  
 19 Planning Board's decision on its own motion within thirty (30) days after the date of the notice.  
 20 The Clerk of the Council shall notify the Planning Board of any appeal or review decision.  
 21 Within seven (7) days after receiving this notice, the Planning Board shall transmit to the District  
 22 Council a copy of the file on the proposed revision, all written evidence and materials submitted  
 23 for consideration by the Planning Board, a transcript of the public hearing on the revised plan,  
 24 and any additional information or explanatory material deemed appropriate. The District  
 25 Council shall schedule a public hearing on the appeal or review. The Clerk of the Council shall  
 26 give at least [fourteen (14)] thirty (30) calendar days notice of the hearing to all persons of record  
 27 and the Planning Board, all of whom shall be entitled to appear at the hearing. Testimony at the  
 28 hearing shall be limited to the facts and information contained within the record made at the  
 29 hearing before the Planning Board. Within sixty (60) days after the close of the Council's  
 30 hearing, the Council shall affirm, reverse, or modify the decision of the Planning Board, or return  
 31 the modification request to the Planning Board to take further testimony or reconsider its

1 decision. Where the Council approves a modification, it shall make the same findings that are  
 2 required to be made by the Planning Board. If the Council fails to act within the specified time,  
 3 the Planning Board's decision is automatically affirmed. The Council shall give its decision in  
 4 writing, stating the reasons for its action. Copies of the decision shall be sent to all persons of  
 5 record and the Planning Board.

6 \* \* \* \* \*

7 **Sec. 27-244. Certification.**

8 \* \* \* \* \*

9 (e) **District Council review.**

10 \* \* \* \* \*

11 (3) The Zoning Hearing Examiner shall [schedule] conduct a public hearing[, to be  
 12 held in accordance with Section 27-129,] on the application. [The Office of the Zoning Hearing  
 13 Examiner shall give at least fourteen (14) calendar days' notice of the hearing in the newspapers  
 14 of record, and, if the property which is the subject of the application is located within a  
 15 municipality, the Office of the Zoning Hearing Examiner shall give at least fourteen (14) days  
 16 notice to the municipality.]

17 (4) The Zoning Hearing Examiner shall file a written recommendation with the  
 18 District Council within thirty (30) days after the close of the hearing record.

19 [(5) All persons of record shall be given at least ten (10) days written notice by the  
 20 Clerk of the Council of the date and time of the District Council's consideration of the matter.]

21 \* \* \* \* \*

22 (f) **Planning Board review.**

23 \* \* \* \* \*

24 (A) Whenever the Planning Board will hold a hearing on a certification of the  
 25 use as nonconforming, the applicant shall complete the appropriate form provided by the  
 26 Planning Board.

27 [(3) Notice of public hearing.

28 (A) Upon receipt of an application, and at least thirty (30) days prior to the  
 29 scheduled hearing date, the Planning Board shall post the property with a durable sign. Signs  
 30 shall be posted in accordance with Section 27-142.01.]

31 \* \* \* \* \*

(5) Appeal of Planning Board's decision.

{(C) Before the District Council makes a decision on the appeal, it shall hold a public hearing. [Notice of the date, time, and place of the hearing shall be sent to all persons of record and the Planning Board at least seven (7) calendar days before the hearing.]

**Sec. 27-245. Revocation of certification.**

(a) Upon a petition filed by the Director of the Department of Environmental Resources (or his designee), or upon its own motion, the Planning Board shall hold a public hearing to determine whether the certification of a nonconforming use should be revoked. [At least seven (7) calendar days prior to the hearing, the Planning Board shall send written notice of the date, time, and place of the hearing to the property owner and all persons of record.]

**SUBDIVISION 2. ADDITIONAL REQUIREMENTS FOR SPECIFIC NONCONFORMING USES.**

**Sec. 27-247. Junk yards and automobile salvage yards.**

(4) Notice of public hearing.

(A) The Zoning Hearing Examiner shall designate a date for the public hearing and shall notify the applicant of the date.

[(B) The Clerk of the Council (or the Office of the Zoning Hearing Examiner) shall publish a notice of the hearing date at least thirty (30) days prior to the hearing, at least one (1) time in the County newspapers of record. The notice shall contain:

- (i) The date, time, and place of the hearing;
- (ii) A description and location of the property; and
- (iii) A description of the nature of the request.]

**DIVISION 9. SITE PLANS.**

**SUBDIVISION 2. REQUIREMENTS FOR CONCEPTUAL SITE PLANS.**

**Sec. 27-280. Appeal of Planning Board's decision.**

(b) The Clerk of the Council shall notify the Planning Board of any appeal or review decision. Within seven (7) calendar days after receiving this notice, the Planning Board shall transmit to the District Council a copy of the Conceptual Site Plan, all written evidence and materials submitted for consideration by the Planning Board, a transcript of the public hearing on the Plan, and any additional information or explanatory material deemed appropriate.

(c) The District Council shall schedule a public hearing on the appeal or review. [The Clerk of the Council shall give at least fourteen (14) calendar days notice of the hearing to the applicant, all persons of record, and the Planning Board, all of whom shall be entitled to appear at the hearing. Testimony at the hearing shall be limited to the facts and information contained within the record made at the hearing before the Planning Board. 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.]

\* \* \* \* \*

### **SUBDIVISION 3. REQUIREMENTS FOR DETAILED SITE PLANS.**

#### **Sec. 27-290. Appeal of Planning Board's decision.**

(a) The Planning Board's decision on a Detailed Site Plan may be appealed to the District Council upon petition by any person of record. The petition shall specify the error which is claimed to have been committed by the Planning Board and shall also specify those portions of the record relied upon to support the error alleged. The petition shall be filed with the Clerk of the Council within thirty (30) days after the date of the notice of the Planning Board's decision. The District Council may vote to review the Planning Board's decision on its own motion within thirty (30) days after the date of the notice. A copy of the petition 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.

\* \* \* \* \*

(c) The District Council shall schedule a public hearing on the appeal or review. [The Clerk of the Council shall give at least fourteen (14) calendar days notice of the hearing to all persons of record and the Planning Board, all of whom shall be entitled to appear at the hearing. Testimony at the hearing shall be limited to the facts and information contained within the record made at the hearing before the Planning Board. 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.]

\* \* \* \* \*

**DIVISION 11. APPROVAL OF PUBLIC BUILDINGS AND USES, AND BUILDINGS AND USES ON COUNTY-OWNED LAND.**

**Sec. 27-295. Procedures.**

**(a) Method of approval.**

\* \* \* \* \*

(C) The District Council may approve by resolution, after a public hearing, buildings and uses, serving public health purposes, and off-site signs related thereto, on land owned by Prince George's County, Maryland, upon which hospitals or health centers are located, after its review of a site plan and an impact study that sets forth the effects of the use and all buildings, off-site signs, and structures on the general neighborhood.

(i) The Clerk of the Council shall notify all persons of record of the hearing by regular mail in accordance with Section 27-125.04. [The notice shall be mailed not less than fifteen (15), nor more than twenty-one (21), days prior to the scheduled public hearing.]

\* \* \* \* \*

(2) The minor change 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 Statement of Justification. The Planning Board shall determine whether to hold a public hearing or to designate its authorized representative to grant approval of the minor change application without a hearing. If the Planning Board designates its authorized representative to grant approval without a hearing, the authorized representative shall send a copy of the application, at the time of its acceptance, and the final decision on the application, to any municipality within [a 1/2] one mile of the property. If the Planning Board elects to hold a hearing, it shall provide notice of the hearing to all persons of record in accordance with Section 27-125.04 [on the request, the Planning Board shall:

(A) Hold a hearing on the request in accordance with the Rules of Procedure established by the Planning Board;

(B) Give notice of the hearing in a manner determined by the Planning Board and shall include notice to all persons of record and any municipality within a 1/2 mile of the property;

(C) Send a copy of the application to any municipality within a 1/2 mile of the property;

(D) Make its decision in the form of a resolution; and

(E) Send a copy of the resolution to all persons of record, any municipality within a 1/2 mile of the property, and the Clerk of the Council].

\* \* \* \* \*

## **DIVISION 12. APPROVAL OF OPPORTUNITY HOUSING BUILDINGS AND USES.**

### **Sec. 27-295.04. Procedures.**

\* \* \* \* \*

[(2) The Clerk of the Council shall notify all persons of record of the hearing by regular mail. The notice shall be mailed not less than fifteen (15), nor more than twenty-one (21), days prior to the scheduled public hearing.]

\* \* \* \* \*

## **PART 4. SPECIAL EXCEPTIONS.**

### **DIVISION 1. ADMINISTRATIVE PROCEDURES.**

#### **SUBDIVISION 3. NOTICE.**

### **Sec. 27-304. [Notice of public hearing] Reserved.**

[(a) Within a reasonable time after an application is accepted by the Planning Board, the Planning Board (or its designee) shall so advise the Zoning Hearing Examiner. After designating a date for the public hearing, the Zoning Hearing Examiner shall notify the applicant, all other persons of record, any municipality within which the property is located, each municipality located within one (1) mile of the subject property, and the Planning Board of the hearing date.

(b) Anyone who was a person of record in any Zoning Map Amendment or Special Exception as described in Part 2, Division 2, and Part 3 of this Subtitle, respectively, or other zoning matters pertaining to the property, as of January 1, 1994, but not more than ten (10) years prior to the filing of the application, shall be sent notice of the filing of the application. This notice shall inform the person of record in the previous application(s) of the procedure for becoming a person of record in the pending application and the necessity for becoming a person

1 of record in the pending application in order to maintain standing to participate. The failure of  
 2 the previous person of record to receive the notice shall not invalidate the approval of the Special  
 3 Exception. As used herein, the term "other zoning matters" shall be limited to Conceptual Site  
 4 Plans, Detailed Site Plans, Comprehensive Design Plans, Specific Design Plans, Comprehensive  
 5 Sketch Plans, and Final Development Plans.

6 (c) Notice of the date, time, and place of the hearing, and a description of the property and  
 7 the Special Exception use requested, shall be published by the Clerk of the Council (or the Office  
 8 of the Zoning Hearing Examiner) at least two (2) times in the newspapers of record. The first  
 9 notice shall be published at least thirty (30), but not more than sixty (60), days prior to the date  
 10 of the hearing.

11 (d) In the case of an application for public utility power transmission line rights-of-way,  
 12 towers, poles, conduits, pipelines, and similar facilities, the applicant shall notify (by certified  
 13 mail) all actual owners of record of the properties which are the subject of the application. The  
 14 notice shall contain the filing date, application number, and the place for public inspection of the  
 15 application and related documents. At least seven (7) days prior to the public hearing, the  
 16 applicant shall also notify (by certified mail) these owners of the date, time, and place of the  
 17 hearing.]

#### 18 **SUBDIVISION 10. AMENDMENTS OF APPROVED SPECIAL EXCEPTIONS.**

##### 19 **Sec. 27-324. Major changes.**

20 (a) The District Council may (for good cause) amend any imposed condition or approved  
 21 site plan without requiring a new application if the amendment does not constitute an  
 22 enlargement or extension of a Special Exception use.

23 (1) In the case of an amendment of a condition (imposed as a part of the approval of a  
 24 Special Exception), the amendment request shall be directed (in writing) to the District Council  
 25 and filed with the Clerk of the Council. The Zoning Hearing Examiner shall hold a public  
 26 hearing on the request, in accordance with Section 27-129[, and notify all persons of record  
 27 (including all persons of record of the original application and any amendments thereof) in the  
 28 same manner as required for an original application]. The Technical Staff shall analyze the  
 29 proposed amendment and submit a report to the Zoning Hearing Examiner at least fourteen (14)  
 30 days prior to the public hearing. [The Planning Board shall post a sign on the subject property,  
 31 setting forth the date, time, and place of the hearing, in the same manner as required for an

1 original application; except in the case of an amendment request for a commercial recreational  
 2 attraction, the posting shall be at least thirty (30) days prior to the scheduled hearing.] After the  
 3 close of the hearing record, the Zoning Hearing Examiner shall file a written recommendation  
 4 with the District Council. [All persons of record shall be given at least ten (10) days written  
 5 notice by the Clerk of the Council of the date and time of the District Council's consideration of  
 6 the matter.] Any person of record may appeal the recommendation of the Zoning Hearing  
 7 Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner's  
 8 recommendation with the District Council. If appealed, all persons of record may testify before  
 9 the District Council. Persons arguing shall adhere to the District Council's Rules of Procedure,  
 10 and argument shall be limited to thirty (30) minutes for each side, and to the record of the  
 11 hearing.

12 (2) In the case of an amendment of an approved Special Exception site plan, the  
 13 amendment request shall be in the form of an application filed with the Planning Board. The  
 14 contents of the application shall be determined by the Planning Board. Along with filing the  
 15 application, the applicant shall submit a revised site plan and shall pay [a] the required fee [in  
 16 accordance with Section 27-297]. The Technical Staff shall analyze the proposed amendment,  
 17 taking into consideration the requirements of this Subtitle, and shall submit (for the record) a  
 18 recommendation. The recommendation and the proposed amendment shall be transmitted by the  
 19 Technical Staff directly to the Zoning Hearing Examiner and the District Council at least  
 20 fourteen (14) days prior to the public hearing on the request held by the Zoning Hearing  
 21 Examiner in accordance with Section 27-129. [The Zoning Hearing Examiner shall notify all  
 22 persons of record (including all persons of record in the original application and any amendments  
 23 thereof) in the same manner as required for an original application. The Planning Board shall  
 24 post a sign on the subject property, setting forth the date, time, and place of the hearing, in the  
 25 same manner as required for an original application.] After the close of the hearing record, the  
 26 Zoning Hearing Examiner shall file a written recommendation with the District Council. [All  
 27 persons of record shall be given at least ten (10) days written notice by the Clerk of the Council  
 28 of the date and time of the District Council's consideration of the matter.] Any person of record  
 29 may appeal the recommendation of the Zoning Hearing Examiner within fifteen (15) days of the  
 30 filing of the Zoning Hearing Examiner's recommendation with the District Council. If appealed,  
 31 all persons of record may testify before the District Council. Persons arguing shall adhere to the

1 District Council's Rules of Procedure, and argument shall be limited to thirty (30) minutes for  
2 each side, and to the record of the hearing.

3 (b) The District Council may permit the amendment of a site plan for a public utility use or  
4 structure (approved in accordance with Section 27-397) without requiring a new application if  
5 the Council finds that the amendment is necessary for the public convenience and service, and  
6 will not have an adverse impact on the area and adjacent property. The amendment may be an  
7 enlargement or extension of a building or structure but may not be an increase in total area or  
8 change in the configuration of the property. In this latter case, the request to amend shall be in  
9 the form of a Special Exception application filed with the Planning Board, in the same manner as  
10 required for an original application. The Technical Staff shall analyze the proposed amendment,  
11 taking into consideration the requirements of this Subtitle, and shall submit (for the record) a  
12 recommendation. The recommendation and the proposed amendment shall be transmitted by the  
13 Technical Staff directly to the Zoning Hearing Examiner and the District Council. The Zoning  
14 Hearing Examiner shall hold a public hearing on the request, in accordance with Section 27-  
15 129[, and notify all persons of record (including all persons of record in the original application  
16 and any amendments thereof) in the same manner as required for an original application. The  
17 Planning Board shall post a sign on the subject property, setting forth the date, time, and place of  
18 the hearing, in the same manner as required for an original application]. After the close of the  
19 hearing record, the Zoning Hearing Examiner shall file a written recommendation with the  
20 District Council. [All persons of record shall be given at least ten (10) days written notice by the  
21 Clerk of the Council of the date and time of the District Council's consideration of the matter.]  
22 Any person of record may appeal the recommendation of the Zoning Hearing Examiner within  
23 fifteen (15) days of the filing of the Zoning Hearing Examiner's recommendation with the  
24 District Council. If appealed, all persons of record may testify before the District Council.  
25 Persons arguing shall adhere to the District Council's Rules of Procedure, and argument shall be  
26 limited to thirty (30) minutes for each side, and to the record of the hearing.

27 **Sec. 27-325. Minor changes.**

28 (a) **Minor changes, in general.**

29 (1) The Planning Board and Planning Director are authorized to approve minor  
30 changes to site plans for approved Special Exceptions, as provided in this Section. The Director  
31 may authorize staff to take any action the Director may take under this Section.

(2) The Planning Board is authorized to grant the minor changes listed in this Section, 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 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 [a]the required fee [in accordance with Section 27-297]. The Planning Board shall hold a hearing on the request in accordance with the Rules of Procedure established by the Planning Board. [The Planning Board shall give notice of the hearing in a manner determined by the Planning Board.] The Planning Board's decision shall be in the form of a resolution. A copy of the resolution shall be sent to all persons of record and the Clerk of the Council.

\* \* \* \* \*

(c) **Limited minor changes, Planning Director.**

\* \* \* \* \*

(4) The applicant's property shall be posted within ten (10) days of the Director's acceptance of filing of the application. Posting shall be in accordance with Section 27-125.03 [Part 3, Division 1]. On and after the first day of posting, the application may not be amended.

\* \* \* \* \*

(f) **Changes of gas station site plans.**

\* \* \* \* \*

(2) The Planning Board's decision shall be sent to all persons of record in the hearing before the Planning Board, and to the District Council. This decision may be appealed to the District Council upon petition by any person of record. The petition shall be filed with the Clerk of the Council within thirty (30) days after the date of the notice of the Planning Board's decision. The District Council may vote to review the Planning Board's decision on its own motion within thirty (30) days after the date of the notice. The Clerk of the Council shall notify the Planning Board of any appeal or review decision. Within seven (7) calendar days after receiving this notice, the Planning Board shall transmit to the District Council a copy of all written evidence and materials submitted for consideration by the Planning Board, a transcript of the public hearing on the revised plan, and any additional information or explanatory material deemed appropriate. The District Council shall schedule a public hearing on the appeal or review. [The Council shall give at least fourteen (14) calendar days notice of the hearing to all

persons of record and the Planning Board, all of whom shall be entitled to appear at the hearing.]  
 Testimony at the hearing shall be limited to the facts and information contained within the record  
 made at the hearing before the Planning Board. Within sixty (60) days after the close of the  
 Council's hearing, the Council shall affirm, reverse, or modify the decision of the Planning  
 Board, or return the revised plan to the Planning Board to take further testimony or reconsider its  
 decision. Where the Council approves a revised site plan, it shall make the same findings which  
 are required to be made by the Planning Board. If the Council fails to act within the specified  
 time, the Planning Board's decision is automatically affirmed. 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 and the Planning Board.

\* \* \* \* \*

(i) **Changes of drive-in and fast-food restaurant site plans.**

\* \* \* \* \*

(2) The Planning Board's decision shall be sent to all persons of record in the hearing  
 before the Planning Board and to the District Council. This decision may be appealed to the  
 District Council upon petition of any person of record. The petition shall be filed with the Clerk  
 of the Council within thirty (30) days after the date of the notice of the Planning Board's  
 decision. The District Council may vote to review the Planning Board's decision on its own  
 motion within thirty (30) days after the date of the notice. The Clerk of the Council shall notify  
 the Planning Board of any appeal or review decision. Within seven (7) calendar days after  
 receiving this notice, the Planning Board shall transmit to the District Council a copy of the file  
 on the proposed revision, all written evidence and materials submitted for consideration by the  
 Planning Board, a transcript of the public hearing on the revised plan, and any additional  
 information or explanatory material deemed appropriate. The District Council shall schedule a  
 public hearing on the appeal or review. [The Clerk of the Council shall give at least fourteen  
 (14) calendar days notice of the hearing to all persons of record and the Planning Board, all of  
 whom shall be entitled to appear at the hearing.] Testimony at the hearing shall be limited to the  
 facts and information contained within the record made at the hearing before the Planning Board.  
 Within sixty (60) days after the close of the Council's hearing, the Council shall affirm, reverse,  
 or modify the decision of the Planning Board, or return the revised plan to the Planning Board to  
 take further testimony or reconsider its decision. Where the Council approves a revised site plan,

it shall make the same findings that are required to be made by the Planning Board. If the Council fails to act within the specified time, the Planning Board's decision is automatically affirmed. 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 and the Planning Board.

\* \* \* \* \*

# **SUBDIVISION 11. RECONSIDERATION.**

## **Sec. 27-327. Reconsideration of final decision.**

\* \* \* \* \*

(b) Prior to reconsidering a decision, a public hearing shall be held on the matter by whomever made the final decision (Zoning Hearing Examiner or District Council).

(1) If the District Council determines there may be grounds for reconsideration of their final decision, the Clerk of the Council shall schedule an evidentiary hearing on the request. [All persons of record shall be given at least ten (10) days written notice of the date, time, and place of the District Council's consideration of the matter.]

(A) After hearing, the District Council shall first vote to reconsider their final decision and, if an affirmative motion is adopted, vote on a new decision.

(2) If the Zoning Hearing Examiner determines there may be grounds for reconsideration of a decision of the Zoning Hearing Examiner that became final, the Zoning Hearing Examiner shall conduct a public hearing in accordance with Section 27-129. [The Zoning Hearing Examiner shall give twenty (20) days written notice to all persons of record in the case of the date, time, and place of the hearing.]

(A) After the close of the hearing record, the Zoning Hearing Examiner shall file a written recommendation with the District Council. [All persons of record shall be given at least ten (10) days written notice by the Clerk of the Council of the date and time of the District Council's consideration of the matter.]

# **DIVISION 3. ADDITIONAL REQUIREMENTS FOR SPECIFIC SPECIAL EXCEPTIONS.**

## **Sec. 27-342. Commercial recreation attraction.**

\* \* \* \* \*

(9) **Amendment of site plan.**

\* \* \* \* \*

(B) Requests to amend the approved site plan shall be filed concurrently with the Clerk of the Council and the office of the Planning Board. After receipt of the request by the Clerk, the Office of the Zoning Hearing Examiner shall schedule a public hearing, which shall occur not less than sixty (60), nor more than one hundred twenty (120), days after receipt of the request. The request shall be reviewed by the Technical Staff, taking into consideration the requirements of this Subtitle. The Technical Staff shall submit its recommendations to the Zoning Hearing Examiner at least two (2) working days before the date of the public hearing. The public hearing shall be conducted by the Zoning Hearing Examiner, at which time the applicant, Planning Board, Technical Staff, and members of the public may comment on the proposed amendments. The hearing shall be conducted in accordance with Section 27-129. [Notice of the public hearing shall be published at least one (1) time in the County newspapers of record. The notice shall appear at least thirty (30), but not more than sixty (60), days prior to the scheduled public hearing date.] The property shall be posted with a sign in the same manner as required for original applications. [Notice shall be sent to any municipality having the subject property within its boundaries, and to all persons of record in the original Special Exception and any previously approved amendments.] After the close of the hearing record, the Zoning Hearing Examiner shall file a written recommendation with the District Council.

(C) [All persons of record shall be given at least ten (10) days written notice by the Clerk of the Council of the date and time of the District Council's consideration of the matter.] 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.

\* \* \* \* \*

**Sec. 27-362. Health campus.**

\* \* \* \* \*

(B) The minor change 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 an amended site plan and Statement

1 of Justification. The Planning Board shall [:] conduct a public hearing and notice shall be  
 2 provided in the same manner as for the original application.

3 (i) Hold a hearing on the request in accordance with the Rules of  
 4 Procedure established by the Planning Board;

5 (ii) Give notice of the hearing in a manner determined by the Planning  
 6 Board which shall include notice to all persons of record and any municipality within a one-half  
 7 (1/2) mile of the property;

8 (iii) Send a copy of the application to any municipality within a one-half  
 9 (1/2) mile of the property;

10 (iv) Make its decision in the form of a resolution; and

11 (v) Send a copy of the resolution to all persons of record, any municipality  
 12 within a one-half (1/2) mile of the property, and the Clerk of the Council.]

13 (C) The Planning Board's decision to amend a site plan may be appealed to the  
 14 District Council upon petition by any person of record. The petition shall specify the error which  
 15 is claimed to have been committed by the Planning Board and shall also specify those portions of  
 16 the record relied upon to support the error alleged. The petition shall be filed with the Clerk of  
 17 the Council within thirty (30) days after the date of the notice of the Planning Board's decision.  
 18 The District Council may vote to review the Planning Board's decision on its own motion within  
 19 thirty (30) days after the date of the notice.

20 (i) The Clerk of the Council shall notify the Planning Board of any appeal  
 21 or review decision. Within seven (7) calendar days after receiving this notice, the Planning  
 22 Board shall transmit to the District Council a copy of the amended site plan, all written evidence  
 23 and materials submitted for consideration by the Planning Board, a transcript of the public  
 24 hearing on the site plan, and any additional information or explanatory material deemed  
 25 appropriate.

26 (ii) Within forty-five (45) days, the District Council shall schedule a public  
 27 hearing on the appeal or review. [The Clerk of the Council shall give at least fourteen (14)  
 28 calendar days notice of the hearing to all persons of record and the Planning Board, all of whom  
 29 shall be entitled to appear at the hearing.] Testimony at the hearing shall be limited to the facts  
 30 and information contained within the record made at the hearing before the Planning Board.

31 \* \* \* \* \*

(D) Requests to amend the approved site plan in all instances other than those described in paragraph 6(A), above, shall be filed concurrently with the Clerk of the Council and the office of the Planning Board. Upon receipt of the request by the Clerk, the Office of the Zoning Hearing Examiner shall schedule a public hearing, which shall occur not less than sixty (60), nor more than one hundred twenty (120), days after receipt of the request. The request shall be reviewed by the Technical Staff, taking into consideration the requirements of this Subtitle. The Technical Staff shall submit its recommendations to the Zoning Hearing Examiner within sixty (60) calendar days from the date of filing. The public hearing shall be conducted by the Zoning Hearing Examiner, at which time the applicant, the Planning Board, Technical Staff, and members of the public may comment on the proposed amendment. The hearing shall be conducted in accordance with Section 27-129. [Notice of the public hearing shall be published at least one (1) time in the County newspapers of record. The notice shall appear at least thirty (30), but not more than sixty (60), days prior to the public hearing date.] The property shall be posted with a sign in the same manner as required for original applications. [Notice shall be sent to any municipality having the subject property within its boundaries, and to all persons of record in the original Special Exception and any previously approved amendments.] After the close of the hearing record, the Zoning Hearing Examiner shall file a written recommendation with the District Council.

(E) [All persons of record shall be given at least ten (10) days written notice by the Clerk of the Council of the date and time of the District Council's consideration of the matter.] 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.

\* \* \* \* \*

**(7) Optional method of amending site plan.**

\* \* \* \* \*

(D) The application may be approved administratively by the Planning Director, subject to appeal to the Planning Board, but no further administrative appeal is allowed. [When the application is filed, the subject lots or parcels shall be posted and all owners of contiguous

properties shall be notified by first-class mail.] Notification and posting shall be provided in the same manner as for the original application. Any person who requests it shall be registered as a person of record and given written notice by first-class mail of the Planning Director's final decision. An appeal to the Planning Board may be filed with the Planning Director by any person of record, within thirty (30) days of the mailing of notice of the decision. The Planning Board shall hear and decide the appeal within sixty (60) days of its filing.

\* \* \* \* \*

**Sec. 27-374. Medical/residential campus.**

(a) A medical/residential campus for retirement-aged persons may be permitted, subject to the following:

\* \* \* \* \*

**(6) Amendment of site plan.**

\* \* \* \* \*

(B) Requests to amend the approved site plan shall be filed concurrently with the Clerk of the Council and the office of the Planning Board. After receipt of the request by the Clerk, the Office of the Zoning Hearing Examiner shall schedule a public hearing, which shall occur not less than sixty (60), nor more than one hundred twenty (120), days after receipt of the request. The request shall be reviewed by the Technical Staff, taking into consideration the requirements of this Subtitle. The Technical Staff shall submit its recommendations to the Zoning Hearing Examiner within sixty (60) calendar days from the date of filing. The public hearing shall be conducted by the Zoning Hearing Examiner, in accordance with Section 27-129, at which time the applicant, Planning Board, Technical Staff, and members of the public may comment on the proposed amendments. [Notice of the public hearing shall be published at least one (1) time in the County newspapers of record. The notice shall appear at least thirty (30), but not more than sixty (60), days prior to the scheduled public hearing date.] The property shall be posted with a sign in the same manner as required for original applications. [Notice shall be sent to any municipality having the subject property within its boundaries, and to all persons of record in the original Special Exception and any previously approved amendments.] After the close of the hearing record, the Zoning Hearing Examiner shall file a written recommendation with the District Council. [All persons of record shall be given at least ten (10) days written notice by the Clerk of the Council of the date and time of the District Council's consideration of the matter.]

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.

\* \* \* \* \*

**Sec. 27-398. Racetracks, pari-mutuel.**

(a) A pari-mutuel racetrack (for horse racing) may be permitted, subject to the following:

(1) The subject property shall contain at least one hundred (100) contiguous acres;

(2) A racetrack may be used for any of the following:

(A) Temporary living accommodations, such as trailer pads, mobile homes, and utility hookups, which are used during the permitted racing season by employees, horsemen, owners, or other persons employed in connection with the racetrack, and their families, for not more than two hundred eighteen (218) cumulative days per calendar year;

(B) One (1) circus and one (1) fair per calendar year (in addition to benefit functions and performances permitted below), not to exceed a twenty (20) calendar-day period for each;

(C) Trade shows, such as automobile, boat, agricultural, and science shows; exhibitions such as art, handicraft, or antique shows; auctions, flea markets, fashion shows, beauty pageants;

(D) Dog, cat, horse shows, and rodeos;

(E) Government-sponsored events and educational conferences;

(F) Benefit functions (including but not limited to carnivals and bazaars) sponsored and managed by charitable, patriotic, fraternal, educational, religious, political, or civic organizations that are local to or serve Prince George's County;

(G) Dinner theaters;

(H) Tennis, handball, and other racquet facilities; horse boarding and horse riding instruction, track meets, and jousting tournaments; and

(I) Accessory buildings and uses.

(3) The Zoning Enforcement Officer shall investigate all complaints about uses and shall forward a report on them (with or without recommendation) to the District Council. The

District Council may, after giving notice to the property owner and following a public hearing held by the Zoning Hearing Examiner in accordance with Section 27-129, revoke, suspend, modify, or impose conditions upon any of the uses granted, upon a finding that the use adversely affects the health or safety of the residents or workers in the area or is detrimental to the use or development of adjacent properties or the general neighborhood. The following procedures shall apply:

(A) After the close of the hearing record, the Zoning Hearing Examiner shall file a written recommendation with the District Council.

[(B)] All persons of record shall be given at least ten (10) days written notice by the Clerk of the Council of the date and time of the District Council's consideration of the matter.

[(C)] (B) 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.

[(D)] (C) 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.

## **PART 5. RESIDENTIAL ZONES.**

### **DIVISION 2. SPECIFIC RESIDENTIAL ZONES.**

#### **Sec. 27-433. R-T Zone (Townhouse).**

\* \* \* \* \*

##### **(h) Minimum area for the development.**

(1) No group of attached dwellings shall be located on a parcel of land containing less than two (2) acres.

(2) The District Council may (when approving the zoning) permit a reduction in this minimum area in order to permit the redevelopment of a deteriorated or obsolescent single-family residential area, or to promote the development of small-scale attached dwelling areas in an attractive, efficient manner. If no rezoning is involved (such as townhouses to be developed in the R-18 Zone in accordance with the R-T Zone), the Council may still permit the reduction if requested (in writing) by the owner of the property.

\* \* \* \* \*

(6) The Zoning Hearing Examiner shall hold a public hearing on the matter in accordance with Part 3, Division 1, Subdivision 2, of this Subtitle.

(7) The Zoning Hearing Examiner shall designate a date for the public hearing and shall notify the applicant of the date.

[(8) The Clerk of the Council (or the Office of the Zoning Hearing Examiner) shall publish a notice of the hearing at least thirty (30) days prior to the hearing date, at least one (1) time in the County newspapers of record.

(9) The notice shall contain:

(A) The date, time, and place of the hearing;

(B) A description and location of the property; and

(C) A description of the nature of the request.

[(10)] (8) The District Council shall decide upon the request in accordance with the procedures for oral argument and Council hearings contained in Part 3, Division 1, Subdivision 3, of this Subtitle.

[(11)] (9) For the request to be approved, the applicant shall establish, and the District Council shall find, that:

(A) The request is for the redevelopment of a deteriorated or obsolescent single-family or multifamily residential area, or will promote the development of small-scale attached dwelling areas in an attractive, efficient manner; and

(B) The integrity of the Area Master Plan or General Plan is preserved.

[(12)] (10) In approving the requested reduction in area, the Council may impose reasonable conditions.

\* \* \* \* \*

## **PART 6. COMMERCIAL ZONES.**

### **DIVISION 2. SPECIFIC COMMERCIAL ZONES.**

#### **Sec. 27-460.01. C-R-C Zone (Commercial Regional Center).**

##### **(e) Reversion.**

(1) All property in the C-R-C Zone which has not received approval of a Detailed Site Plan by the date which is seven (7) years subsequent to the date that the property was placed in the C-R-C Zone shall automatically revert back to the classification to which it was zoned prior to being placed in the C-R-C Zone.

(2) The District Council may grant extensions of the seven (7) year requirement for approval of a Detailed Site Plan upon application by the property owner or his designee filed and determined by the District Council prior to the expiration of the seven (7) year period. Prior to granting any such extension the District Council shall conduct an evidentiary hearing with notice of the public hearing to be:

[(A)] Advertised in the County newspapers of record at least thirty (30) days before the scheduled hearing date;

[(B)] (A) Mailed to the owners of all land lying within one (1) mile of the boundaries of the subject C-R-C Zone as listed in the records of the Office of Assessments and Taxation;

[(C)] (B) Mailed to all municipalities and civic associations within a two (2) mile distance of all boundaries of the C-R-C Zone; and

[(D)] (C) Posted on the subject property.

(3) Prior to granting an extension, the District Council shall find that:

(A) Development of the property has been pursued with appropriate diligence;

(B) Factors beyond the control of the property owner or the developer have precluded approval of a Detailed Site Plan with the seven (7) year period; and

\* \* \* \* \*

#### **DIVISION 4. COMPREHENSIVE DESIGN PLANS AND SPECIFIC DESIGN PLANS.**

##### **SUBDIVISION 1. COMPREHENSIVE DESIGN PLANS.**

##### **Sec. 27-520. [Notice of public hearing] Reserved.**

[(a)] The Planning Board shall schedule a public hearing on the Comprehensive Design Plan. Notice of the date, time, and place of the hearing shall be published at least one (1) time in the County newspapers of record. This notice shall be published at least thirty (30), but not more than thirty-eight (38), days before the date of the public hearing.

(b) Anyone who was a person of record in any Zoning Map Amendment or Special Exception as described in Part 2, Division 2, and Part 3 of this Subtitle, respectively, or other zoning matters pertaining to the property, as of January 1, 1994, but not more than ten (10) years prior to the filing of the application, shall be sent notice of the filing of the application. This notice shall inform the person of record in the previous application(s) of the procedure for becoming a person of record in the pending application and the necessity for becoming a person

of record in the pending application in order to maintain standing to participate. The failure of the previous person of record to receive the notice shall not invalidate the approval of the Comprehensive Design Plan. As used herein, the term "other zoning matters" shall be limited to Comprehensive Design Plans and Specific Design Plans.]

**Sec. 27-523. Appeal.**

\* \* \* \* \*

(c) The District Council shall schedule a public hearing on the appeal or review. [The Clerk of the Council shall give at least fourteen (14) calendar days notice of the hearing to all persons of record and the Planning Board, all of whom shall be entitled to appear at the hearing.] Testimony at the hearing shall be limited to the facts and information contained within the record made at the hearing before the Planning Board. 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.

\* \* \* \* \*

**Sec. 27-524. Amendments.**

\* \* \* \* \*

(3) Public Hearing.

(A) The Planning Board shall conduct a public hearing on the requested amendments.

[(B) Notice.

(i) Not less than fifteen (15) days' notice shall be provided in accordance with the Planning Board's Rules of Procedure.

(ii) When the property is located within the boundaries of an incorporated municipality, notice of the time and place of the hearing shall be sent to the municipality at least fifteen (15) days prior to the date of the hearing.]

\* \* \* \* \*

(4) Appeal of Planning Board Decision.

(A) The Planning Board's decision may be appealed to the District Council upon petition of any person of record. The petition shall be filed with the Clerk of the Council within thirty (30) days after the date of the notice of the Planning Board's decision. The District

Council may vote to review the Planning Board's decision on its own motion within thirty (30) days after the date of the notice.

(B) The Clerk of the Council shall notify the Planning Board of any appeal or review decision. Within seven (7) days after receiving this notice, the Planning Board shall transmit to the District Council a copy of the file on the proposed revisions, all written evidence and materials submitted for consideration by the Planning Board, a transcript of the public hearing on the minor amendment, and any additional information or explanatory material deemed appropriate.

(C) The District Council shall schedule a public hearing on the appeal or review. [The Clerk of the Council shall give at least fourteen (14) calendar days notice of the hearing to all persons of record and the Planning Board, all of whom shall be entitled to appear at the hearing.] Testimony at the hearing shall be limited to the facts and information contained within the record made at the hearing before the Planning Board.

\* \* \* \* \*

### **SUBDIVISION 3. COMBINED BASIC, COMPREHENSIVE DESIGN, AND SPECIFIC DESIGN PLANS.**

#### **Sec. 27-532. Combined application for Basic, Comprehensive Design, and Specific Design Plan approval.**

(a) An applicant for a Comprehensive Design Zone may elect to submit a reproducible copy of a Comprehensive Design Plan, or reproducible copies of a Comprehensive Design Plan and a Specific Design Plan, for consideration concurrently with the application for Zoning Map Amendment and the accompanying Basic Plan, in accordance with the following:

(1) Any Comprehensive Design Plan submitted pursuant to this Section shall conform to the requirements of Section 27-518. The Comprehensive Design Plan shall be considered by the Planning Board in accordance with Subdivision 1, above, except as follows:

(A) Concurrent consideration of preliminary plats of subdivision shall not be permitted;

(B) The Planning Board shall conduct its public hearing on the Comprehensive Design Plan at the same time as the public hearing on the Zoning Map Amendment application and the accompanying Basic Plan. [Notice of the hearing shall be given by the Planning Board in accordance with Sections 27-186(a)(2) and 27-186(b)(4)]. The Planning Board's decision on

the Comprehensive Design Plan shall be transmitted to the District Council together with its recommendation on the Zoning Map Amendment application and Basic Plan;

\* \* \* \* \*

(2) Any Specific Design Plan submitted pursuant to this Section shall conform to the requirements of Section 27-527. The Specific Design Plan shall be considered by the Planning Board in accordance with Subdivision 2, above, except as follows:

(A) Concurrent consideration of preliminary plats of subdivision shall not be permitted;

(B) The Planning Board shall conduct a public hearing on the Specific Design Plan at the same time as the public hearing on the Zoning Map Amendment application and the accompanying Basic Plan and Comprehensive Design Plan. [Notice of the hearing shall be given by the Planning Board in accordance with Sections 27-186(b)(2) and 27-186(b)(4)]. The Planning Board's decision on the Specific Design Plan shall be transmitted to the District Council together with its recommendation on the Zoning Map Amendment application and the Basic Plan, and its decision on the Comprehensive Design Plan;

#### **DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.**

##### **Sec. 27-532.02. Arenas (stadiums).**

\* \* \* \* \*

(k) [Notice.

(1) Notice of the date, time, and place of the hearing shall be sent to all persons of record, any municipality within which the property is located, and any municipality located within one (1) mile of the property.

(l) Posting.

(1) A sign or signs shall be placed on the subject property in accordance with the general locational and legibility requirements specified in Section 27-150 of this Subtitle, at least fifteen (15) days prior to the hearing on the Specific Design Plan.

(m)] Technical staff report.

(1) The technical staff shall analyze the request, and shall forward its comments and recommendations to the District Council. These comments and recommendations shall be available for examination at least fourteen (14) calendar days prior to the evidentiary hearing.

[(n)] (l) District Council decision.

(1) After the close of the record, the District Council shall take action on the application. The decision of the District Council shall be based on the record, and shall be embodied in an ordinance adopted at a regularly scheduled public meeting;

(2) The District Council shall give written notice of its decision to all persons of record; and

(3) The provisions for reconsideration set forth in Section 27-135 shall not be applicable to a Specific Design Plan for an arena (stadium) in the Comprehensive Design Zones.

## **PART 10. MIXED USE ZONES.**

### **SUBDIVISION 2. M-X-C (MIXED USE COMMUNITY).**

#### **Sec. 27-546.05. Comprehensive Sketch Plan.**

\* \* \* \* \*

#### **(e) Appeal.**

(1) The Planning Board's decision on a Comprehensive Sketch Plan may be appealed to the District Council upon petition by any person of record. The petition shall be filed with the Clerk of the Council within thirty (30) days after the date of the notice of the Planning Board's decision. The District Council may vote to review the Planning Board's decision on its own motion within thirty (30) days after the date of the notice.

(2) The Clerk of the Council shall notify the Planning Board of any appeal or review decision. Within seven (7) calendar days after receiving this notice, the Planning Board shall transmit to the District Council a copy of the Comprehensive Sketch Plan, all written evidence and materials submitted for consideration by the Planning Board, a transcript of the public hearing on the Comprehensive Sketch Plan, and any additional information or explanatory material deemed appropriate.

(3) The District Council shall schedule a public hearing on the appeal or review. [The Clerk of the Council shall give at least fourteen (14) calendar days notice of the hearing to all persons of record and the Planning Board, all of whom shall be entitled to testify at the hearing.] Testimony at the hearing shall be limited to the facts and information contained within the record made at the hearing before the Planning Board. 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.

**Sec. 27-546.06. Final Development Plan.**

**(e) Appeal.**

(1) The Planning Board's decision on a Final Development Plan may be appealed to the District Council upon petition by any person of record. The petition shall be filed with the Clerk of the Council within thirty (30) days after the date of the notice of the Planning Board's decision. The District Council may vote to review the Planning Board's decision on its own motion within thirty (30) days after the date of the notice.

(2) The Clerk of the Council shall notify the Planning Board of any appeal or review decision. Within seven (7) calendar days after receiving this notice, the Planning Board shall transmit to the District Council a copy of the Final Development Plan, all written evidence and materials submitted for consideration by the Planning Board, a transcript of the public hearing on the Final Development Plan, and any additional information or explanatory material deemed appropriate.

(3) The District Council shall schedule a public hearing on the appeal or review. [The Clerk of the Council shall give at least fourteen (14) calendar days notice of the hearing to all persons of record and the Planning Board, all of whom shall be entitled to appear at the hearing.] Testimony at the hearing shall be limited to the facts and information contained within the record made at the hearing before the Planning Board. 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.

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

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

**Sec. 27-585. Waivers in designated areas.**

**(a) Parking Authority/Parking Districts.**

(1) Any of the requirements of this Part may be waived by the District Council for any land within a Parking District (defined in Subtitle 2, Division 27, of this Code) upon written request by the Prince George's County Parking Authority. The Parking Authority shall

1 reasonably show that the parking needs can be met and that the overall purposes of this Part will  
2 still be fulfilled.

3 (2) Prior to the District Council making a decision, the Zoning Hearing Examiner  
4 shall:

5 (A) Obtain and review the comments of the Prince George's County Parking  
6 Authority and the Planning Board; and

7 (B) Conduct a public hearing in accordance with Section 27-129. [Notice of the  
8 hearing shall be given not less than thirty (30) days prior to the hearing date by publication at  
9 least once in the County's newspapers of record.]

10 (3) After the close of the hearing record, the Zoning Hearing Examiner shall file a  
11 written recommendation with the District Council. [All persons of record shall be given at least  
12 ten (10) days written notice by the Clerk of the Council of the date and time of the District  
13 Council's consideration of the matter.] Any person of record may appeal the recommendation of  
14 the Zoning Hearing Examiner within fifteen (15) days of the filing of the Zoning Hearing  
15 Examiner's decision with the District Council. If appealed, all persons of record may testify  
16 before the District Council. Persons arguing shall adhere to the District Council's Rules of  
17 Procedures, and argument shall be limited to thirty (30) minutes for each side, and to the record  
18 of the hearing.

19 (4) The District Council's action shall be embodied in a resolution which shall specify  
20 the geographical limits affected by the waiver.

21 (b) **Other areas.**

22 (1) The District Council may exclude any area in the County from the requirements  
23 of this Part (for all, or certain specified, uses) upon finding that:

24 (A) Other parking or loading facilities are available in the vicinity which provide  
25 a satisfactory, permanent alternative; and

26 (B) Either:

27 (i) Providing parking lots or loading spaces is impractical because of the  
28 lack of sufficient vacant land located within a reasonable distance; or

29 (ii) In a residential neighborhood, lot sizes are generally too small to  
30 permit the parking of vehicles or loading spaces in accordance with this Part.

1 (2) Prior to the District Council making a decision, the Zoning Hearing Examiner  
2 shall:

3 (A) Obtain and review the recommendation of the Planning Board; and

4 (B) Conduct a public hearing in accordance with Section 27-129. [Notice of the  
5 public hearing shall be given not less than thirty (30) days prior to the hearing date by  
6 publication at least once in the County's newspapers of record].

7 (3) After the close of the hearing record, the Zoning Hearing Examiner shall file a  
8 written recommendation with the District Council. [All persons of record shall be given at least  
9 ten (10) days written notice by the Clerk of the Council of the date and time of the District  
10 Council's consideration of the matter.] Any person of record may appeal the recommendation of  
11 the Zoning Hearing Examiner within fifteen (15) days of the filing of the Zoning Hearing  
12 Examiner's decision with the District Council. If appealed, all persons of record may testify  
13 before the District Council. Persons arguing shall adhere to the District Council's Rules of  
14 Procedures, and argument shall be limited to thirty (30) minutes for each side, and to the record  
15 of the hearing.

16 (4) The District Council's action shall be embodied in a resolution which shall specify  
17 the geographical limits of the area excluded from the parking requirements. The resolution shall  
18 also indicate whether the exclusion is applicable to all uses or if it is only applicable to certain  
19 specified uses.

20 (c) **U-L-I Optional Parking Plan.**

21 (1) In the U-L-I Zone, the Planning Board may approve an Optional Parking Plan  
22 which may reduce the minimum parking and loading schedules and design standards required by  
23 Part 11 upon a determination that:

24 (A) Providing parking lots and loading spaces in strict compliance with Part 11  
25 is impractical because of the lack of sufficient vacant land located within a reasonable distance;  
26 and

27 (B) A combination of shared off-street parking agreements, public parking lots  
28 and controlled on-street parking (subject to appropriate authorization from State, County, or  
29 municipal government) will be adequate to serve the designated area; and

30 (C) Modified parking and loading design standards are necessary to maximize  
31 the use of off-street locations and to allow on-street parking and loading alternatives.

(2) Prior to making its decision, the Planning Board shall[:

(A) Obtain and review the recommendation of any municipality within which the site is located [; and

(B) Conduct] and conduct a public hearing[, ] . [notice of which shall be given not less than 30 days prior to the hearing date by publication at least once in the County's newspapers of record.]

(3) The Planning Board's action shall be embodied in a resolution and shall specify the geographical limits of the area included in the Parking Plan and whether any properties are to be specifically excluded from the Plan.

(4) The Planning Board may only approve an Optional Parking Plan contrary to the recommendation of a municipality containing any portion of the subject land within its boundaries upon the affirmative vote of four-fifths (4/5) of the members of the full Board.

(5) The Planning Board's decision may be appealed to the District Council upon petition of any person of record. The petition shall be filed with the Clerk of the Council within thirty (30) calendar days after the date of the notice of the Planning Board's decision. The District Council may vote to review the Planning Board's decision on its own motion within thirty (30) days after the date of the notice.

(6) Prior to making its decision, the District Council shall[:

(A) Obtain and review the recommendation of any municipality within which the site is located [; and

(B) Conduct] and conduct a public hearing[, ] . [notice of which shall be given not less than thirty (30) days prior to the hearing date by publication at least once in the County's newspapers of record.]

(7) The District Council may only approve an Optional Parking Plan contrary to the recommendation of a municipality containing any portion of the subject land within its boundaries upon the affirmative vote of two-thirds (2/3) of the members of the full Council.

(8) Only those businesses which choose to participate in an Optional Parking Plan will be included in the Plan. Any other businesses will be subject to all applicable provisions of Part 11.

\* \* \* \* \*

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

\* \* \* \* \*

**[(4) Notice.**

**(A) Notice of public hearing.**

(i) Notice of the date, time, and place] of the hearing shall be sent to all persons of record, any municipality within which the subject property is located, and each municipality located within one (1) mile of the subject property. Other than posting (see subparagraph (B), below), additional notice may be provided by the Planning Board.

**(B) Posting.**

(i) The Planning Board shall post the property with a durable sign at least fifteen (15) days prior to the scheduled hearing date. Signs shall be posted in accordance with Section 27-142.01.]

\* \* \* \* \*

**(9) Appeal.**

(A) The Planning Board's decision may be appealed to the District Council upon petition of any person of record. The petition shall be filed with the Clerk of the Council within thirty (30) calendar days after the date of the notice of the Planning Board's decision. The District Council may vote to review the Planning Board's decision on its own motion within thirty (30) days after the date of the notice.

(B) The Clerk of the Council shall notify the Planning Board of any appeal or review decision. Within seven (7) calendar days after receiving this notice, the Planning Board shall transmit to the District Council a copy of the file on the proposed departure from Design Standards, all written evidence and materials submitted for consideration by the Planning Board, a transcript of the public hearing on the proposed departure, and any additional information or explanatory material deemed appropriate.

(C) The District Council shall schedule a public hearing on the appeal or review. The hearing shall be held in accordance with Section 27-132 (District Council hearing procedures). [The Clerk of the Council shall give at least fourteen (14) calendar days notice of the hearing to all persons of record and the Planning Board, all of whom shall be entitled to appear at the hearing.] Testimony at the hearing shall be limited to the facts and information contained within the record made at the hearing before the Planning Board. 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.

\* \* \* \* \*

SECTION 2. BE IT ENACTED by the County Council of Prince George's County, Maryland, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, Maryland, that Section 27-125.04 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same is hereby added:

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

#### **PART 3. ADMINISTRATION.**

#### **DIVISION 1. [GENERAL ZONING] PROCEDURES.**

#### **SUBDIVISION 1. GENERAL.**

#### **Sec. 27-125.04. Notice.**

##### **(a) Notice of Acceptance.**

(1) Within a reasonable time after an application is accepted by the Planning Board, the Board shall so advise the Zoning Hearing Examiner of all cases requiring a hearing by his/her office.

(2) Within ten (10) days after the end of each month, the Planning Board shall provide a list of all applications filed during that month, 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 Board shall make the list available free of charge (on an individual and subscription basis) but may establish a fee for mailing the list to cover the costs of postage and handling.

(3) One copy of the list described in this Subsection shall be mailed by the Planning Board on a subscription basis without charge to every municipality as well as a homeowners, neighborhood, civic, or similar association.

##### **(b) Notice of Hearing.**

(1) The Planning Board, Zoning Hearing Examiner and District Council shall mail written notice of the date, time, and place of the public hearing on any application, as provided in other parts of this Subtitle, to all persons of record at least thirty (30) days prior to the hearing.

1     The application number, description of the property and the applicant's request shall also be  
2     included in the notice.

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

Adopted this 18th day of May, 2004.

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: \_\_\_\_\_  
Tony Knotts  
Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.