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COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

Legislative Session

1992

Bill No. _____ CB-92-

1992

Chapter No.

81

Proposed and Presented by _____ Council Member

Castaldi

Introduced by _____ Council Member

Castaldi

Co-Sponsors

Date of Introduction _____ October 27,

1992

ZONING BILL

AN ORDINANCE concerning

Variances

FOR the purpose of authorizing Zoning Hearing Examiners to finally decide variances in conjunction with Special Exception applications, to authorize the Planning Board to grant a variance in conjunction with a minor amendment to a Special Exception, to limit the Board of Zoning Appeals' authority in

such cases, and to specify that variances granted in conjunction with Special Exceptions are applicable only to the structure or use.

BY repealing and reenacting with amendments:

Sections 27-229,
27-312,
27-316, and
27-325,

The Zoning Ordinance of Prince George's County, Maryland,
being also
SUBTITLE 27. ZONING.
The Prince George's County Code
(1991 Edition).

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 27-229, 27-312, 27-316, and 27-325 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 3. ADMINISTRATION.

DIVISION 5. APPEALS AND VARIANCES.

Subdivision 1. Board of Zoning Appeals.

Sec. 27-229. Powers and duties.

* * * *

(b) The Board of Zoning Appeals shall not have the power or duty to:

* * * *

(21) Grant a variance for any pending or existing Special Exception, [for an adaptive use of a Historic Site before any required Special Exception is approved for such use] unless in the grant of the Special Exception the final decision did not consider the need for a variance;

PART 4. SPECIAL EXCEPTIONS.

DIVISION 1. ADMINISTRATIVE PROCEDURES.

Subdivision 7. Zoning Hearing Examiner.

Sec. 27-312. Authority of Zoning Hearing Examiner in Special Exception cases.

(a) The Zoning Hearing Examiner shall have the authority to approve or deny an application for Special Exception or variance in accordance with the following:

(1) The Zoning Hearing Examiner shall have all the authority, discretion, and power given the District Council in this Part and in Part 3, Division 5, Subdivision 2 , in the absence of a provision to the contrary.

(2) The Zoning Hearing Examiner's decision on an application for Special Exception shall be final thirty (30) days after filing the written decision, except:

(A) Where timely appeal has been made to the District Council pursuant to Section 27-131;

(B) In those cases described in [Part 3, Division 5, Subdivision 2, and] Sections 27-132(c)(1)(d) [,] and 27-301[, and 27-316]. For these cases the Zoning Hearing Examiner shall transmit specific findings of fact, conclusions of law, and a recommended disposition of the case to the District Council for final decision;

(C) In any case where, within thirty (30) days after receipt of the Zoning Hearing Examiner's decision, the District Council, upon its own motion and by a majority vote of the full Council, elects to make the final decision on the case itself; or

(D) If the applicant, all persons of record, and the People's Zoning Counsel waive (in writing) their right of appeal, and the District Council, by majority vote of the full Council, has waived its right to make the final decision on the case pursuant to Subparagraph (C), above. For these cases, the Zoning Hearing Examiner may direct that the decision become effective immediately, unless it is a case referred to in Subparagraph (B), above.

(3) With respect to any Special Exception or variance case finally decided by him, the Zoning Hearing Examiner shall possess:

(A) The authority to approve site plan amendments in accordance with Section 27-324;

(B) The authority to grant extensions of time in accordance with Section 27-326; and

(C) The reconsideration powers given the District Council in Subdivision 11 below.

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Subdivision 8. District Council.

Sec. 27-316. Variances in conjunction with Special Exception approval.

(a) The District Council may grant variances from the strict application of this Subtitle in conjunction with its approval of a Special Exception (or revised site plan) in accordance with Part 3, Division 5, Subdivision 2, of this Subtitle. Variances granted under the authority of this Section are applicable only to the structure or use the variance was granted in conjunction with.

Subdivision 10. Amendments of Approved Special Exceptions.

Sec. 27-325. Minor changes.

(a) Minor changes, in general

(1) The Planning Board is authorized to grant the minor changes covered by 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 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.

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SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect on December 31, 1992.

Adopted this 24th day of November, 1992.

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

BY:

Richard J. Castaldi
Chairman

ATTEST:

Joyce T. Sweeney
Acting 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.