

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

**1996 Legislative Session**

Bill No. \_\_\_\_\_ CB-99-1996  
Chapter No. \_\_\_\_\_ 67  
Proposed and Presented by \_\_\_\_\_ Council Member Maloney  
Introduced by \_\_\_\_\_ Council Members Maloney and Estep  
Co-Sponsors \_\_\_\_\_  
Date of Introduction \_\_\_\_\_ October 22, 1996

**ZONING BILL**

AN ORDINANCE concerning

District Council Procedures

For the purpose of permitting the District Council to consider evidence included in the record of an earlier phase of the approval process.

BY repealing and reenacting with amendments:

Sections 27-131, 27-141, 27-239.01, 27-280, 27-290,  
27-523, 27-546.05, 27-546.06, and 27-588,

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

SUBTITLE 27. ZONING.

The Prince George's County Code  
(1995 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 27-131, 27-141, 27-239.01, 27-280, 27-290, 27-523, 27-546.05, 27-546.06, 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Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments:

**SUBTITLE 27. ZONING.**

**PART 3. ADMINISTRATION.**

**DIVISION 1. GENERAL ZONING PROCEDURES.**

**Subdivision 3. District Council.**

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

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**(f) New evidence.**

(1) Persons of record may not introduce evidence not already in the record. The Council may, however, either upon written request by a person of record or upon its own motion, remand a case to the Zoning Hearing Examiner for the purpose of reopening the record to receive and evaluate additional evidence. (See Section 27-133.) 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.

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**Subdivision 5. Basis for Zoning Decisions.**

**Sec. 27-141. Based on record.**

The final decision in any zoning case shall be based only on the evidence in the record, and shall be supported by specific written findings of basic facts and conclusions. 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 5. APPEALS AND VARIANCES.**

**Subdivision 3. Departures from Design Standards.**

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

\* \* \* \* \*

**(b) Procedures.**

\* \* \* \* \*

(11) 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.

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## **DIVISION 9. SITE PLANS.**

### **Subdivision 2. Requirements for Conceptual Site Plans.**

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

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(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.

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### **Subdivision 3. Requirements for Detailed Site Plans.**

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

\* \* \* \* \*

(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.

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## **PART 8. COMPREHENSIVE DESIGN ZONES.**

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

#### **Subdivision 1. Comprehensive 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.

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

### **Subdivision 2. M-X-C (Mixed Use Community).**

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

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

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(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.

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

\* \* \* \* \*

**(e) Appeal.**

\* \* \* \* \*

(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.

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

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

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

\* \* \* \* \*

**(b) Procedures.**

\* \* \* \* \*

**(9) 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.

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SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (45) calendar days after its adoption.

Adopted this 19th day of November, 1996.

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:

Stephen J. Del Giudice  
Chairman

ATTEST:

Joyce T. Sweeney  
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.