

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL  
2022 Legislative Session**

Bill No. CB-092-2022

Chapter No. \_\_\_\_\_

Proposed and Presented by Council Members Hawkins and Franklin

Introduced by Council Members Hawkins, Franklin, Streeter, and Harrison

Co-Sponsors \_\_\_\_\_

Date of Introduction September 20, 2022

**ZONING BILL**

1 AN ORDINANCE concerning

2 Zoning—Administration—Decision-Making Bodies—District Council—Application-Specific  
3 Review Procedures and Standards

4 For the purpose of revising the application review procedures for zoning applications decided by  
5 the District Council in Prince George’s County.

6 BY repealing and reenacting with amendments:

7 Sections 27-3200, 27-3301, 27-2407, 27-2412, 27-3414,  
8 27-3604, 27-3605, 27-3618, and 27-3619,  
9 The Zoning Ordinance of Prince George's County, Maryland,  
10 being also

11 **SUBTITLE 27. ZONING.**

12 The Prince George's County Code  
13 (2019 Edition; 2021 Supplement).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
15 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional  
16 District in Prince George's County, Maryland, that Sections 27-3200, 27-3301, 27-2407, 27-  
17 2412, 27-3414, 27-3604, 27-3605, 27-3618, and 27-3619 of the Zoning Ordinance of Prince  
18 George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and  
19 the same are hereby repealed and reenacted, with the following amendments:

20 **SUBTITLE 27. ZONING.**

**PART 27-3. ADMINISTRATION.**

**SECTION 27-3200. SUMMARY TABLE OF DEVELOPMENT REVIEW**

**RESPONSIBILITIES.**

**Sec. 27-3200. Summary Table of Development Review Responsibilities.**

Table 27-3200: Summary Table of Development Review Responsibilities, identifies the types of development applications authorized by this Ordinance.

Table 27-3200: Summary of Development Review Responsibilities								
D = Decision R = Recommendation C = Comment A = Appeal E= Election I = Initiation (If Other Than Applicant) < > = Public Hearing Required (10)								
Procedure	Review and Decision-Making Bodies							Municipality
	District Council	Planning Board	Board of Appeals	Zoning Hearing Examiner	Planning Director	DPIE Director	Historic Preservation Commission	
1.								
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Comprehensive Plans								
<b>Comprehensive Plans and Amendments (General Plan, Functional Master Plans, Area Master Plans, and Sector Plans)</b>	I <D> (1)	I <R> (1)			R		R (3)	
<b>Minor Plan Amendments</b>	I <D> (1)	I <R> (1)			R		R (3)	
<b>Sectional Map Amendment (SMA)</b>	I <D>	<R>			R		C (3)	R
Amendments and Planned Developments								
<b>Legislative Amendment</b>	I <D>	C		C				
<b>Zoning Map Amendment (ZMA)</b>	<D> (2)	<R> (2)		<R>	R		C (3)	R
<b>Planned Development (PD) Zoning Map Amendment</b>	<D>	<R>		<R>	R		C (3)	R
<b>Chesapeake Bay Critical Area Overlay Zoning Map Amendment</b>	I <D>	I <R> (8)		<R> (8)	R		C (3)	R
Special Exceptions								
<b>Special Exception</b>	<A> / <E>			<D>	R		C (3)	
<u>Minor Change to Approved Special Exception</u>				D (4)	D (4)			D (5)

**Table 27-3200: Summary of Development Review Responsibilities**

D = Decision R = Recommendation C = Comment A = Appeal E= Election  
 I = Initiation (If Other Than Applicant) < > = Public Hearing Required (10)

Procedure	Review and Decision-Making Bodies							Municipality
	District Council	Planning Board	Board of Appeals	Zoning Hearing Examiner	Planning Director	DPIE Director	Historic Preservation Commission	
<b>Site Plans</b>								
<b>Detailed Site Plan</b>	<A> / <E>	<D>			R		C (3)	
<u>Minor Amendment to Approved Detailed Site Plan</u>					D			
<b>Expedited Transit-Oriented Development Site Plan</b>	<A> [/ <E>]	<D>			R		C (3)	
<b>Permits and Certifications</b>								
<b>Sign Permit</b>		R (7)	<A>		R	D		
<b>Temporary Use Permit</b>		R (7), (9)	<A>		R (9)	D		
<b>Use and Occupancy Permit</b>		R (7)	<A>		R	D		
<b>Zoning Certification</b>					D			
<b>Grading Permit</b>		R (7)	<A>		R	D		
<b>Building Permit</b>		R (7)	<A>		R	D		
<b>Relief Procedures</b>								
<b>Variance</b>	<D> (6)	<D> (6)	<D>	<D> (6)	R		C (3)	D (5)
<b>Departure</b>								
<u>Minor Departure</u>		<A>			D			D (5)
<u>Major Departure</u>	<A> [/ <E>]	<D>		<D> (6)	R		C (3)	D (5)
<b>Alternative Compliance</b>	<D> (6)	<D> (6)		<D> (6)	D			D (5)
<b>Validation of Permit Issued in Error</b>	<D> (2)			<R>		R	C (3)	
<b>Administrative Appeals</b>			<A>			D		
<b>Enforcement Procedures</b>								
<b>Zoning Enforcement, Generally</b>			<A>			I		
<b>Revocation or Modification of Approved Special Exception</b>				<D>	R	I		
<b>Other Procedures</b>								
<b>Authorization of Permit Within Proposed Right-of-Way (ROW)</b>	<D> (2)			<R>			C (3)	
<b>Certification of Nonconforming Use (Administrative)</b>	<A> [/ <E>]			<R> (11)	D			
<b>Certification of Nonconforming Use</b>	<A> [/ <E>]			<R>	D			
<b>Revocation of Certification of Nonconforming Use</b>	<D>							

**NOTES:**

- (1) At least one joint public hearing may be required by the District Council and the Planning Board.
- (2) The District Council or Planning Board elects whether to conduct an evidentiary hearing or oral argument for each application.
- (3) The Historic Preservation Commission makes a recommendation or comment only if the subject land or an abutting parcel contains a historic resource or historic site identified on the *Approved Historic Sites and Districts Plan*.
- (4) Depending on the minor change proposed, the ZHE or the Planning Director is authorized to approve the minor change.
- (5) A municipality is only authorized to make a decision on the identified development application when it has been expressly authorized to do so in this Ordinance by the District Council, in accordance with State and County law.
- (6) The Planning Director forwards a recommendation on a variance request to the review board who is reviewing the parent application for which the request for variance is made. Such requests accompany the parent application. The review board considers the request

**Table 27-3200: Summary of Development Review Responsibilities**

D = Decision R = Recommendation C = Comment A = Appeal E= Election  
 I = Initiation (If Other Than Applicant) < > = Public Hearing Required (10)

Procedure	Review and Decision-Making Bodies							Municipality
	District Council	Planning Board	Board of Appeals	Zoning Hearing Examiner	Planning Director	DPIE Director	Historic Preservation Commission	

for variance concurrent with the decision on the parent application.

(7) The Planning Director is the Planning Board’s authorized representative for recommendations on sign, temporary use, grading, use and occupancy, and building permits.

(8) The Zoning Hearing Examiner would only make a recommendation and hold a public hearing on an applicant-driven Chesapeake Bay Critical Area Overlay (CBCAO) Zoning Map Amendment application. The Planning Board may choose whether or not to hold a public hearing on an applicant-driven CBCAO Zoning Map Amendment, and shall hold a public hearing for any other CBCAO Zoning Map Amendment.

(9) Temporary use permits shall be referred to the Planning Board or its authorized representative for its comments and recommendations, if any, for any property in the Safety Zones of the Military Installation Overlay (MIO) Zone; properties subject to Subtitle 25 of the County Code of Ordinances; and properties within the Chesapeake Bay Critical Area Overlay (CBCAO) Zone.

(10) Public hearing, evidentiary hearing, or oral argument hearing.

(11) The ZHE holds an evidentiary hearing only when an appeal of the Planning Director’s decision has been filed [or the District Council elected to review the application on its own motion] or the District Council is required by law to review the application.

**SECTION 27-3300. ADVISORY AND DECISION-MAKING BODIES.**

**Sec. 27-3301. District Council.**

\* \* \* \* \*

**(b) Duties of the District Council**

(1) The District Council makes the final decision on the following:

(A) Comprehensive plans and amendments (Section 27-3502);

(B) Legislative amendments (Section 27-3501);

(C) Sectional map amendments (Section 27-3503);

(D) Zoning map amendments (ZMA) (Section 27-3601);

(E) Planned Development (PD) zoning map amendments (Section 27-3602);

(F) Chesapeake Bay Critical Area Overlay (CBCAO) zoning map amendments

(Section 27-3603);

(G) Validations of permits issued in error (Section 27-3615); [and]

(H) Variances, alternative compliance, and major departures, when associated

with another application identified in this Subsection (parent application) that the District Council decides ; and

(I) Any application processed under the Transitional Provisions of this Subtitle (Section 27-1700, et seq.).

(2) To hear and decide appeals [, elect to review,] and reviews of applications required by law, and decide the following:

(A) Special exceptions and revocations (Section 27-3604);

(B) Detailed site plans (Section 27-3605(d));

(C) Certification of nonconforming use and revocations (Section 27-3618);

(D) Variances, alternative compliance, and major departures, when associated with another application identified in this Subsection (parent application) that another body decides; and

(E) Expedited Transit-Oriented Development Site Plan Applications (Section 27-3619).

\* \* \* \* \*

**SECTION 27-3400. STANDARD REVIEW PROCEDURES.**

**Sec. 27-3407. Scheduling of Hearings and Public Notice.**

\* \* \* \* \*

**(b) Public Notice**

(1) Generally

Notification shall be provided for all required public hearings on applications in accordance with Table 27-3407(b): Required Public Notice, all other provisions of this Section, and the Maryland Land Use Article.

Table 27-3407(b): Required Public Notice	
Application Type	Required Timing and Specific Recipients (1)
	<b>Comprehensive Plans</b>
<b>Comprehensive Plans and Amendments</b> ( <b>General Plan, Functional Master Plans, Area Master Plans, and Sector Plans</b> )	30 days prior to the hearing(s), to: <ul style="list-style-type: none"> <li>• All <u>owners</u> of land for which a change in zoning is proposed, if a sectional map amendment is included; (2)</li> <li>• Any <u>municipality</u> lying, wholly or in part,</li> </ul>
	<ul style="list-style-type: none"> <li>• 30 days prior to the joint hearing(s)</li> </ul>

	<p>within, or within 1 mile of, the boundaries of the land subject to the plan or amendment; and</p> <ul style="list-style-type: none"> <li>• Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the proposed land subject to the plan or amendment.</li> </ul>	
<p><b>Minor Plan Amendments</b></p>	<p>30 days prior to the hearing(s), to:</p> <ul style="list-style-type: none"> <li>• All owners of land for which a change in zoning is proposed, if a sectional map amendment is included; (2)</li> <li>• Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the plan or amendment; and</li> <li>• Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the proposed land subject to the plan or amendment.</li> </ul>	<ul style="list-style-type: none"> <li>• 30 days prior to the joint hearing(s)</li> </ul>
<p><b>Amendments and Planned Developments</b></p>		
<p><b>Sectional Map Amendment</b></p>	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>
<p><b>District Council</b></p>	<p>30 days prior to the District Council hearing, to:</p> <ul style="list-style-type: none"> <li>• All owners of land for which a change in zoning is proposed. (2)</li> </ul> <p>60 days prior to the District Council hearing, to:</p> <ul style="list-style-type: none"> <li>• Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the map amendment; and</li> </ul>	<p>30 days prior to the hearing</p>

	<ul style="list-style-type: none"> <li>Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the map amendment.</li> </ul>	
<p><b>Planning Board Hearing</b></p>	<p>30 days prior to the hearing, to:</p> <ul style="list-style-type: none"> <li>All owners of land for which a change in zoning is proposed; (2)</li> <li>Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the map amendment; and</li> <li>Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the map amendment.</li> </ul>	<p>30 days prior to the hearing</p>
<p><b>Zoning Map Amendment (ZMA) Planned Development (PD) Zoning Map Amendment</b></p>		
<p><b>District Council</b></p>	<p>30 days prior to the District Council hearing, to:</p> <ul style="list-style-type: none"> <li>The applicant(s); and</li> <li>All <u>persons</u> of record.</li> </ul> <p>60 days prior to the District Council hearing, to:</p> <ul style="list-style-type: none"> <li>Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the application; and</li> <li>Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the application.</li> </ul>	<p>No requirement of District Council hearings</p>
<p><b>Planning Board Hearing</b></p>	<p>30 days prior to the hearing, to:</p> <ul style="list-style-type: none"> <li>The applicant(s);</li> <li>All owners of land <u>abutting</u> the land subject to the application;</li> </ul>	<p>No requirement for Zoning Map Amendment</p> <ul style="list-style-type: none"> <li>30 days prior to the hearing for Planned Development (PD) Zoning Map Amendment</li> </ul>

	<ul style="list-style-type: none"> <li>• All persons of record, and all other persons who requested (in writing) a copy of the Technical Staff Report;</li> <li>• Registered civic associations that identified the geographical area in which the site is located as part of their represented areas;</li> <li>• Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the application; and</li> <li>• Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the application.</li> </ul>	
<p><b>ZHE Hearing</b></p>	<p>30 days prior to the hearing, to:</p> <ul style="list-style-type: none"> <li>• The applicant(s);</li> <li>• All owners of land abutting the land subject to the application;</li> <li>• All persons of record, and all other persons who requested (in writing) a copy of the Technical Staff Report;</li> <li>• Registered civic associations that identified the geographical area in which the site is located as part of their represented areas;</li> <li>• Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the application; and</li> </ul> <p>Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the</p>	<p>No requirement for Zoning Map Amendment</p> <p>30 days prior to the hearing for Planned Development (PD) Zoning Map Amendment</p>



	boundaries of the land subject to the application.	
<b>Chesapeake Bay Critical Area Overlay (CBCAO) Zoning Map Amendment</b>		
<b>District Council Hearing</b>	30 days prior to the hearing, to Persons of record.	No requirement
<b>Planning Board Hearing</b>	<p>30 days prior to the hearing, to:</p> <ul style="list-style-type: none"> <li>• All owners of land within the boundaries of the proposed overlay zones;</li> <li>• All persons of record, and all other persons who requested (in writing) a copy of the Technical Staff Report;</li> <li>• Registered civic associations that identified the geographical area in which the site is located as part of their represented areas;</li> <li>• Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the proposed overlay zones; and</li> <li>• Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the proposed overlay zones.</li> </ul> <p>60 days prior to the hearing, to:</p> <ul style="list-style-type: none"> <li>• All public agencies and municipalities with operational or planning responsibilities within the boundaries of the proposed overlay zones; and</li> <li>• The <u>Historic Preservation Commission</u>, if any land within or abuts the proposed overlay zones is an identified historic resource or historic site. (3)</li> </ul>	<ul style="list-style-type: none"> <li>• 30 days prior to the hearing</li> </ul>

**ZHE Hearing (Only Held for Applicant-Requested CBCAO Zoning Map Amendments)**

**Use Permits**

<p><b>Special Exception</b></p>	<ul style="list-style-type: none"> <li>• 30 days prior to the hearing, to persons of record</li> </ul>	<ul style="list-style-type: none"> <li>• No requirement</li> </ul>
<p><b>Minor Changes to Approved Special Exception</b></p>	<p>Application decision only, to:</p> <ul style="list-style-type: none"> <li>• Parties of record;</li> <li>• Clerk of the Council; and</li> </ul> <p>Every municipality located within one mile of the land subject to the application.</p>	<p>No requirement</p>

**Site Plans**

<p><u>Detailed Site Plan</u></p>	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>
<p><b>Planning Board Hearing</b></p>	<p>30 days prior to the hearing, to:</p> <ul style="list-style-type: none"> <li>• Parties of record;</li> <li>• Registered civic associations that identified the geographical area in which the site is located as part of their represented areas;</li> <li>• Owners of land adjoining, across the <u>street</u> from, on the same <u>block</u> as, or within 500 feet of the land subject to the application; and</li> </ul> <p>Every municipality located within one mile of the land subject to the application.</p>	<p>No requirement</p>
<p><b>District Council Hearing</b></p>	<p>30 days prior to the hearing to persons of record</p>	<p>No requirement</p>

**Expedited Transit-Oriented Development Site Plan**

	<p><b>Planning Board Hearing</b></p>
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<b>District Council Hearing</b>	7 days prior to the hearing to persons of record	No requirement
<b>Minor Amendment to an Approved Detailed Site Plan</b>	No requirement	No requirement
<b>Relief Procedures</b>	•	•
<u>Variance</u>		
<b>Planning Board Hearing</b>	<ul style="list-style-type: none"> <li>• Notice shall be the same as that required for the companion (parent) application.</li> </ul>	<ul style="list-style-type: none"> <li>• Notice shall be the same as that required for application.</li> </ul>
<b>ZHE Hearing</b>	<ul style="list-style-type: none"> <li>• Notice shall be the same as that required for the companion (parent) application.</li> </ul>	<ul style="list-style-type: none"> <li>• Notice shall be the same as that required for application.</li> </ul>
<b>BOA Hearing</b>	<p>15 days prior to the hearing, to:</p> <ul style="list-style-type: none"> <li>• The applicant;</li> <li>• Owners of all lands abutting or opposite the land subject to the application; (4) and</li> <li>• Any municipality in whose boundaries the property is located.</li> </ul>	<ul style="list-style-type: none"> <li>• No requirement</li> </ul>
<u>Departure</u>	•	•

<p><b>Minor Departure</b></p>	<p><b>Appeal only:</b> 14 days prior to the appeal hearing, to:</p> <ul style="list-style-type: none"><li>• Parties of record;</li><li>• Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and</li></ul> <p>Every municipality located within one mile of the land subject to the application.</p>	<p>No requirement</p>
<p><b>Major Departure</b></p>		
<p><b>Validation of Permits Issued in Error</b></p>	<p>14 days prior to the hearing, to:</p> <ul style="list-style-type: none"><li>• Parties of record;</li><li>• Registered civic associations that identified the geographical area in which the site is located as part of their represented areas;</li><li>• Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject</li></ul>	<ul style="list-style-type: none"><li>• No requirement</li></ul>

	<p>to the application; and</p> <ul style="list-style-type: none"> <li>• Every municipality located within one mile of the land subject to the application.</li> </ul>	
<p><b>Appeal to BOA</b></p>		
[Election by District Council]	<ul style="list-style-type: none"> <li>• [14 days prior to the hearing, to parties of record]</li> </ul>	<ul style="list-style-type: none"> <li>• [No requirement]</li> </ul>
Other Procedures	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>
Authorization of Permit Within Proposed Right-of-Way	<p>30 days prior to the ZHE hearing, to:</p> <ul style="list-style-type: none"> <li>• The applicant</li> </ul>	<ul style="list-style-type: none"> <li>• 30 days prior to the ZHE hearing</li> </ul>
<p>1. <b>Certificate of <u>Nonconforming Use</u></b></p>		
<p><b>District Council</b></p>		
	<p>30 days prior to the hearing, to:</p> <ul style="list-style-type: none"> <li>• The applicant; and</li> </ul> <p>Persons of record</p>	
<p><b>Zoning Hearing Examiner</b> Revocation or Modification of Approved Special Exception</p>	<p>The <u>DPIE Director</u> petition of revocation of an approved special exception shall be sent to:</p> <ul style="list-style-type: none"> <li>• The landowner(s) and applicant, if different;</li> <li>• Parties of record;</li> <li>• Registered civic associations that identified the geographical area</li> </ul>	<p>No requirement</p>

in which the site is located as part of their represented areas; and

- Every municipality located within one mile of the land subject to the application.

30 days prior to the ZHE hearing, to:

Parties of record

NOTES:

- (1) Time periods are minimum time periods unless otherwise stated.
- (2) This mailed notice is for informational purposes only. The adoption or approval of the sectional map amendment or comprehensive plan amendment is subject to the approval of the District Council.
- (3) On the *Adopted and Approved Historic Sites and Districts Plan of Prince George's County, Maryland*.
- (4) Measured at right angles to the intervening street or streets from the land subject to the application.
- (5) For cases appealed to the District Council or when the District Council [elects] is required by law to review a case, the Clerk of the Council shall only send notice to persons of record associated with the case.

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**Sec. 27-3412. Evidentiary Hearing (Planning Board and ZHE).**

\* \* \* \* \*

**(f) Transcripts.**

A complete transcript containing all record testimony (including exhibits by reference) shall be prepared in each evidentiary case, except for those special exceptions which may be finally decided by the Zoning Hearing Examiner. A transcript shall be prepared in these cases when an appeal or a request for oral argument is filed, or where the District Council [elects] is required by law to make the final decision.

\* \* \* \* \*

**Sec. 27-3414. Oral Argument Hearing.**

\* \* \* \* \*

**(c) Council Action**

(1) The District Council shall consider the exception or appeal at the time it takes final action on the case.

(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 exception are not filed and the Council must make the final decision.

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**(h) District Council Hearing Procedures.**

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**(6) Jurisdiction**

(A) Except in certain zoning applications, the District Council shall exercise original jurisdiction when deciding an appeal to the District Council [, or when the Council elects to review] ; or any required review of a disposition recommendation of the Zoning Hearing Examiner [, or a] or decision of the Planning Board.

(B) For any appeal or required review of a decision made by the Zoning Hearing Examiner or the Planning Board, the Council may, based on the record, approve, approve with conditions, remand, or deny the application.

**SECTION 27-3600. APPLICATION-SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS.**

**Sec. 27-3604. Special Exception.**

\* \* \* \* \*

**(d) Special Exception Procedure**

This Subsection identifies additions or modifications to the standard review procedures in Section 27-3400, Standard Review Procedures, that apply to development applications for a special exception. Figure 27-3604(c) identifies key steps in the special exception procedure.

**Figure 27-3604(c): Special Exception Procedure (Illustrative)**

<a href="#">27-3401</a>	Pre-Application Conference	Required
<a href="#">27-3402</a>	Pre-Application Neighborhood Meeting	Required
<a href="#">27-3403</a>	Application Submittal	To Planning Director, concept plan required
<a href="#">27-3404</a>	Determination of Completeness	Planning Director makes determination
<a href="#">27-3406</a>	Staff Review and Action	Planning Director prepares Technical Staff Report
<a href="#">27-3407</a>	Scheduling Public Hearing and Public Notice	ZHE schedules hearing, provides notice

**Figure 27-3604(c): Special Exception  
Procedure (Illustrative)**

?	<a href="#">27-3409</a>	Review and Decision by Decision-Making Body or Officer	ZHE holds public hearing, makes decision (conditions allowed)
?	<a href="#">27-3416</a>	Notification	ZHE notifies
?	<a href="#">27-3417</a>	Appeal	Optional (to District Council)
?		[Election]	[Optional. District Council may elect to review ZHE's decision]

(10) Appeal and Election

Optional (see Section 27-3417, Appeal).

(A) The applicant or any aggrieved person of record may appeal the ZHE's decision by filing a notice of appeal with the District Council within 30 days of the decision.

(B) The ZHE's decision on a special exception application shall be reviewed by the District Council if the ZHE's decision conflicts with the recommendation of a municipality in which any portion of the land subject to the application is located.

(C) [In addition, the District Council may, on its own motion, elect to review the ZHE's decision on the special exception, within 30 days of the mailing of notice of the ZHE's decision, in accordance with Section 27-3605(d)(9), Notification.]

[(D)] The ZHE shall transmit to the District Council the special exception application hearing record within seven days after the appeal is filed, or the review is required in accordance with Subsection 27-3604(d)(10)(B), above [, or the District Council elects to review the ZHE's decision in accordance with subsection 27-3604(d)(10)(C), above]. This shall constitute the record on appeal or election to review.

[(E)] (D) The Clerk of the Council shall schedule and provide notice of the public hearing on the appeal or [election to] review, as appropriate, in accordance with Section 27-3407, Scheduling of Hearings and Public Notice.

[(F)] (E) The District Council shall hold a public hearing in accordance with Section 27-3414, Oral Argument Hearing, within 70 days after the ZHE transmits the



1 hearing record. The District Council may extend the time to hold a hearing for up to 45  
2 additional days, on its own motion, or on request of the appellant or a party of record.

3 [(G)] (F) Within 60 days after the close of the hearing, the District  
4 Council shall render a final decision.

5 [(H)] (G) If the District Council fails to act within the specified time, the  
6 ZHE’s decision is automatically affirmed.

7 [(I)] (H) If the decision is reviewed in accordance with Subsection 27-  
8 3604(d)(10)(B), above, approval of the special exception shall require a two-thirds majority vote  
9 of the full Council.

10 [(J)] (I) The District Council may remand the matter to the ZHE, once, in  
11 accordance with State law.

12 [(K)] (J) The District Council shall provide its decision in writing, stating  
13 the reasons for its action. Copies of the decision shall be sent to all persons of record and the  
14 ZHE.

15 \* \* \* \* \*

16 **Sec. 27-3605. Detailed Site Plans.**

17 \* \* \* \* \*

18 **(d) Detailed Site Plan Procedure**

19 This Subsection identifies additions or modifications to the standard review procedures in  
20 Section 27-3400, Standard Review Procedures, that apply to development applications for a  
21 detailed site plan. Figure 27-3605(d) identifies key steps in the detailed site plan procedure.

Figure 27-3605(d): Detailed Site Plan Procedure (Illustrative)			
?	<a href="#">27-3401</a>	Pre-Application Conference	Required
?	<a href="#">27-3402</a>	Pre-Application Neighborhood Meeting	Required
?	<a href="#">27-3403</a>	Application Submittal	To Planning Director

**Figure 27-3605(d): Detailed Site Plan  
Procedure (Illustrative)**

?	<a href="#">27-3404</a>	<b>Determination of Completeness</b>	<b>Planning Director makes determination</b>
?	<a href="#">27-3406</a>	<b>Staff Review and Action</b>	<b>Planning Director prepares Technical Staff Report</b>
?	<a href="#">27-3407</a>	<b>Scheduling Public Hearing and Public Notice</b>	<b>Planning Board schedules hearing, provides notice</b>
?	<a href="#">27-3409</a>	<b>Review and Decision by Decision-Making Body or Official</b>	<b>District Council holds public hearing, makes decision (conditions allowed)</b>
?	<a href="#">27-3416</a>	<b>Notification</b>	<b>Planning Board notifies</b>
?	<a href="#">27-3417</a>	<b>Appeal</b>	<b>Optional (to District Council)</b>
?		<b>[Election]</b>	<b>[Optional. District Council may elect to review Planning Board's decision]</b>

\* \* \* \* \*

(10) Appeal and Election

Optional (see Section 27-3417, Appeal).

(A) The applicant or any aggrieved person may appeal the Planning Board's decision to the District Council, by filing a notice of appeal with the Clerk of the Council within thirty (30) days of the mailing of notice of the Planning Board's decision, in accordance with Section 27-3605(d)(9), Notification.

(B) [In addition, the District Council may, on its own motion, elect to review the Planning Board's decision on the detailed site plan, within thirty (30) days of the mailing of notice of the Planning Board's decision, in accordance with Section 27-3605(d)(9), Notification.]

[(C)] The Planning Board shall transmit to the District Council within seven (7) calendar days after the appeal is filed, or the District Council elects to review the Planning Board's decision, the detailed site plan application and all material and evidence submitted for consideration by the Planning Board, a transcript of the public hearing on the application, and any additional information or explanatory material deemed appropriate. This shall constitute the record on appeal or election to review.

1 [(D)] (C) The Clerk of the Council shall schedule and provide notice of  
2 an oral argument hearing on the appeal or [election to] required review in accordance with  
3 Section 27-3407, Scheduling of Hearings and Public Notice.

4 [(E)] (D) The District Council shall hold a public hearing in accordance  
5 with Section 27-3414, Oral Argument Hearing. Within sixty (60) days of the date the appeal  
6 petition is filed or the District Council [elects to] required review the detailed site plan  
7 application, the District Council shall affirm, reverse, or modify the decision of the Planning  
8 Board, or remand the detailed site plan application one time to the Planning Board to take further  
9 testimony, and/or consider specific issues that are expressly stated in writing in the remand order  
10 and based on the record. The Planning Board’s action on the remand request shall become part of  
11 the record on appeal. The Council’s decision on the appeal shall be based on the record on appeal  
12 or [election] required review, and be in accordance with the standards in Subsection 27-  
13 3605(d)(10)(F), below.

14 [(F)] (E) For detailed site plan applications remanded to the Planning  
15 Board by the District Council, the Planning Board shall approve, approve with modifications, or  
16 disapprove the detailed site plan within sixty (60) days of the transmittal date of the notice of  
17 remand by the Clerk of the Council. The month of August and the period between and inclusive  
18 of December 20 and January 3 shall not be included in calculating this sixty (60) day period.

19 [(G)] (E) If the Council fails to act within the time limits in Subsection  
20 27-3605(d)(10)(E), above, the Planning Board's decision is automatically affirmed.

21 [(H)] (G) The Council shall provide its decision in writing, stating the  
22 reasons for its action. Copies of the decision shall be sent by the Clerk of the Council to all  
23 persons of record and the Planning Board.

24 **Sec. 27-3618. Certification of Nonconforming Use.**

25 \* \* \* \* \*

26 **(c) Certification of Nonconforming Use Procedure**

27 This Subsection identifies additions or modifications to the standard review procedures in  
28 Section 27-3400, Standard Review Procedures, that apply to applications to certify a  
29 nonconforming use. Figure 27-3620(c) identifies key steps in the certification procedure.

**Figure 27-3618(c): Certification of Nonconforming Use Procedure (Illustrative)**

?	<a href="#">27-3403</a>	Application Submittal	To Planning Director
?	<a href="#">27-3404</a>	Determination of Completeness	Planning Director makes determination
?	<a href="#">27-3406</a>	Staff Review and Action	Planning Director makes decision after posting notice for comments
?	<a href="#">27-3407</a>	Scheduling Public Hearing and Public Notice	Appeal/Election only: ZHE (Clerk of the District Council) schedule their hearings, provide notice
?	<a href="#">27-3408</a>	Review and Recommendation by Advisory Board or Official	Planning Director decision; Appeal/Election only: ZHE hearing and recommendation
?	<a href="#">27-3409</a>	Review and Decision by Decision-Making Body or Official	Appeal/Election only: District Council holds oral argument hearing, makes decision
?	<a href="#">27-3416</a>	Notification	Planning Director notifies; Appeal/Election only: Clerk of the Council notifies
?	<a href="#">27-3417</a>	Appeal	Optional (to District Council)
		[Election]	[Optional. District Council may elect to review Director's decision]

1 \* \* \* \* \*

2 (5) Appeal, Election, and Public Hearings

3 Optional (see Section 27-3416, Appeal).

4 (A) The applicant or any aggrieved person may appeal the Planning

5 Director's decision on an application for a certification of nonconforming use, by filing a notice

1 of appeal with the Clerk of the Council within 30 days of the Planning Director's mailing of the  
2 decision.

3 (B) [In addition, the District Council may, on its own motion, elect to  
4 review the Planning Director's decision on the certificate of nonconforming use, within 30 days  
5 of receiving notice of the Planning Director's decision.]

6 [(C)] (B) If an appeal is filed or the District Council [decides to] is  
7 required to review the Planning Director's decision, the Clerk of the Council shall notify the  
8 Planning Director of the Council's decision. Within seven (7) calendar days after receiving this  
9 notice, the Planning Director shall transmit to the District Council the application and all written  
10 materials and other evidence related to its review, and any additional information or explanatory  
11 material deemed appropriate. This shall constitute the record on appeal or election review.

12 [(D)] (C) The ZHE shall conduct a public hearing in accordance with  
13 Section 27-3412, Evidentiary Hearing, on the application. The ZHE shall make the same findings  
14 required for administrative review and decision by the Planning Director required in this Section,  
15 as well as any other applicable prescriptions regulating the proposed use specified within any  
16 other applicable Subtitle of this Code.

17 [(E)] (D) The ZHE shall file a written recommendation with the District  
18 Council within thirty (30) days after the close of the hearing record. Any person of record may  
19 appeal the recommendation of the Zoning Hearing Examiner within fifteen (15) days of the filing  
20 of the Zoning Hearing Examiner's recommendation with the District Council. If appealed, all  
21 persons of record may testify before the District Council.

22 [(F)] (E) Upon receipt of the ZHE's recommendation, the Clerk of the  
23 Council shall schedule and provide notice of a District Council oral argument hearing in  
24 accordance with Section 27-3414, Oral Argument Hearing, on the appeal to the appellant, the  
25 applicant, and any persons of record a minimum of thirty (30) days before the date of the  
26 hearing.

27 [(G)] (F) The District Council shall make its decision within forty-five  
28 (45) days from the filing of the Zoning Hearing Examiner's recommendation. The District  
29 Council shall render a final decision based on the decision standards in Section 27-3618(d),  
30 below. The District Council shall provide its decision in writing, stating the reasons for its action.  
31 Failure of the Council to take action within this time shall constitute a decision to certify the use.

1 [(H)] (G) The District Council may modify or reverse the decision of the  
2 Planning Director on appeal or [election to] required review if the decision is not supported by  
3 substantial evidence, is arbitrary and capricious, or is predicated on an error of law.

4 [(I)] (H) The Clerk of the Council shall mail copies of the District  
5 Council’s decision to all persons of record and the Planning Director, within a reasonable period  
6 of time after the decision.

7 \* \* \* \* \*

8 **Sec. 27-3619. Expedited Transit-Oriented Development Review.**

9 \* \* \* \* \*

10 (c) **Expedited Transit-Oriented Development Review Procedure**

11 This Subsection identifies additions or modifications to the standard review procedures in  
12 Section 27-3400, Standard Review Procedures, that apply to expedited transit-oriented  
13 development site plan applications. Figure 27-3621(c) identifies key steps in the expedited  
14 transit-oriented development review procedure.

15 \* \* \* \* \*

16 (10) Appeal [and Election] or Required Review

17 Optional (see Section 27-3417, Appeal).

18 (A) Within thirty (30) calendar days after the date of the notice of the  
19 Planning Board's decision on an expedited transit-oriented development site plan application,  
20 [the District Council may vote to review the Planning Board's decision on its own motion, or] an  
21 applicant or a person of record may appeal the Planning Board's decision to the District Council  
22 by filing a written appeal with the Clerk of the Council.

23 (B) An appeal by an applicant or a person of record shall specify the error  
24 which is claimed to have been committed by the Planning Board and shall also specify those  
25 portions of the record relied upon to support the error alleged. A copy of the appeal shall be sent  
26 by the submitter to all persons of record (by regular mail), and a certificate of service shall  
27 accompany the submission to the Clerk.

28 (C) If, within thirty (30) calendar days after the date of the notice of the  
29 Planning Board's decision, [the District Council has not elected to review the Planning Board's  
30 decision and] no appeal has been filed by a person of record or the applicant, and no further  
31 review of the application by the District Council is required by law, the Planning Board's

1 decision on the expedited transit-oriented development site plan application shall be deemed to  
2 be affirmed by the District Council.

3 (D) The Clerk of the Council shall notify (and may do so by electronic  
4 transmission) the Planning Board of the [review decision or] appeal or required review, if any.  
5 The Planning Board shall transmit (and may do so by electronic transmission) to the District  
6 Council, within seven (7) calendar days of receipt of the notice from the Clerk, the expedited  
7 transit-oriented development site plan application, the official list of persons of record, and all  
8 written evidence and any other materials used in the consideration of the application by the  
9 Planning Board.

10 (E) The District Council shall hold a public hearing on the required  
11 review or appeal within twenty-one (21) calendar days after [the decision to review or] notice of  
12 required review or the filing of an appeal from the Planning Board's decision on an expedited  
13 transit-oriented development site plan application. A person of record or an applicant that has  
14 appealed a Planning Board's decision to the District Council pursuant to this Section may also  
15 withdraw their appeal in writing to the Clerk of the Council (by regular mail or hand delivery) at  
16 any time prior to notice being issued for the public hearing and [, provided the District Council  
17 has also not elected to review the Planning Board's decision on the application,] the Planning  
18 Board's decision on the expedited transit-oriented development site plan application shall be  
19 deemed to be affirmed by the District Council so long as the required review and appeal period  
20 has expired.

21 (F) The Clerk of the Council shall send written notice to all parties of  
22 record of the appeal or the District Council's election to review the decision of the Planning  
23 Board including notice of the public hearing, not later than ten (10) calendar days prior to any  
24 public hearing on the review.

25 (G) Within seven (7) calendar days after the close of the District Council's  
26 public hearing on review of the Planning Board's decision on an expedited transit-oriented  
27 development site plan application, the Council shall approve, approve with conditions, or  
28 disapprove the application filed pursuant to this Section or the Planning Board's decision shall be  
29 deemed to be affirmed. The District Council shall state the reasons for its action in writing.  
30 Where the District Council approves an expedited transit-oriented development site plan  
31 application, the District Council shall make the same findings required for the Planning Board

1 decision. In the event no final action is taken by the District Council within twenty-eight (28)  
2 calendar days after the date that the District Council elects to review the Planning Board's  
3 decision or the date an appeal from the Planning Board's decision is filed, the Planning Board's  
4 decision on the application shall be deemed to be affirmed. The months of August and December  
5 shall not be considered for the purpose of calculating the time for consideration or final action by  
6 the District Council on an application filed pursuant to this Section.

7 (H) Copies of the District Council decision on an expedited transit-  
8 oriented development site plan application shall be sent to all parties of record, the applicant, and  
9 the Planning Board.

10 \* \* \* \* \*



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

Adopted this 25<sup>th</sup> day of October, 2022.

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: \_\_\_\_\_  
Calvin S. Hawkins, II  
Chair

ATTEST:

\_\_\_\_\_  
Donna J. Brown  
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.