

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2012 Legislative Session

Bill No. _____ CB-84-2012 _____

Chapter No. _____

Proposed and Presented by Council Members Franklin, Davis, Harrison and Turner

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Special Exceptions

3 For the purpose of establishing time limits during the special exception review process and making
 4 clarifying amendments.

5 BY repealing and reenacting with amendments:

6 Sections 27-132(d), 27-302, and 27-312,

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

8 being also

9 SUBTITLE 27. ZONING.

10 The Prince George's County Code

11 (2011 Edition).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 13 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
 14 District in Prince George's County, Maryland, that Sections 27-132(d), 27-302, and 27-312 of the
 15 Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince
 16 George's County Code, be and the same are hereby repealed and reenacted with the following
 17 amendments:

SUBTITLE 27. ZONING.

PART 3. ADMINISTRATION.

DIVISION 1. GENERAL ZONING PROCEDURES.

SUBDIVISION 3. DISTRICT COUNCIL.

Sec. 27-132 . District Council hearing procedures.

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(d) Time limits on final action.

(1) A motion for final action in any zoning matter before the District Council which fails to obtain the required majority shall be set aside, and it or any other motion for final action may be subsequently considered within the following time periods:

(A) In a zoning case not finally decided by the Zoning Hearing Examiner, other than a special exception, the Council shall make its decision finally disposing of the application within one hundred twenty (120) days after the Zoning Hearing Examiner files his decision with the Clerk of the Council, or within one hundred fifty (150) days if oral argument is requested.

(B) In a Special Exception, the Council shall make its decision finally disposing of the application within sixty (60) days after the Zoning Hearing Examiner files his decision with the Clerk of the Council or within ninety (90) days if oral argument is requested.

~~[(B)]~~ (C) In any other zoning matter (except Zoning Ordinance text amendments), the District Council shall make its decision finally disposing of the application within sixty (60) days after it first considers the matter, unless otherwise provided.

~~[(C)]~~ (D) The District Council may take final action in any zoning case immediately after the Zoning Hearing Examiner's decision has been filed, if all persons of record and the People's Zoning Counsel waive (in writing) their rights to file exceptions and request oral argument as provided for in Section 27-131(a)(1)(B) or (C).

(2) If the District Council fails to render a final decision in accordance with the time limit and voting requirements of this Section, the application shall be considered to have been denied, unless otherwise specified in this Subtitle. This shall not be applicable to the adoption of text amendments.

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SUBTITLE 27. ZONING.

PART 4. SPECIAL EXCEPTIONS.

DIVISION 1. ADMINISTRATIVE PROCEDURES.

SUBDIVISION 2. HEARING DATE.

Sec. 27-302. Hearing date established.

(a) The Zoning Hearing Examiner shall establish the date of the public hearing to be held in accordance with Part 3 of this Subtitle. The public hearing shall be held within one hundred thirty-five (135) days of acceptance of the application by the Planning Board, unless waived by the applicant.

(b) The Zoning Hearing Examiner shall establish the date of the public hearing for an adaptive use of a Historic Site not less than one hundred twenty (120) days after the date upon which the application was filed.

SUBTITLE 27. ZONING.

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 shall render a decision (or recommendation) within one hundred ten (110) days of the close of the hearing record.

[(2)](3) 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 Sections 27-132(c)(1)(D) and 27-301. 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)] (4) 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.

(b) The Zoning Hearing Examiner does not have the authority granted to the District Council under Subdivision 12 of this Division.

(c) The Zoning Hearing Examiner does not have the authority to grant or deny an application for Special Exception for an adaptive reuse of a surplus public school.

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

Adopted this ____ day of _____, 2012.

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: _____
Andrea C. Harrison
Chair

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.