City of Bowie
Regular City Council Meeting

Monday, January 6, 2025
Council Chambers - 8 p.m.

AGENDA

I. CALL MEETING TO ORDER

II. PLEDGE OF ALLEGIANCE

III. QUORUM

IV. AGENDA ADDITIONS/DELETIONS/AMENDMENTS

V. CITIZEN PARTICIPATION

VI. PRESENTATIONS

A. Presentation of Proclamation Honoring the Lambda Gamma Gamma Chapter of the Omega Psi Phi Fraternity, Inc. on the Occasion of their 40th Anniversary

VII. CITY BOARDS AND COMMITTEES

VIII. COUNCIL ANNOUNCEMENTS

IX. CITY MANAGER'S REPORT

X. CONSENT AGENDA

A. Adoption of Resolution R-1-25 Authorizing the Issuance of a Purchase Order to Brudis & Associates, Inc. for Task Order/RFP #5-08 in the Amount of $149,350.39 in Accordance with the Master Contract Approved on January 22, 2019

B. Adoption of Resolution R-2-25 Waiving the Competitive Bidding Requirements of Section 61 “Purchasing and Contracting” of the Charter of the City of Bowie and Awarding a Contract to Atlantic Machinery, Inc. in the Amount of $388,961 for the Purchase of One Street Sweeper, through a Contract Let by the Virginia Sheriff’s Association

C. Adoption of Resolution R-3-25 Awarding a Professional Services Contract to PPR Strategies, Inc. for the Development and Implementation of an Economic Development Marketing Strategy in an Amount Not to Exceed Fifty Thousand Dollars ($50,000.00)

D. Adoption of Resolution R-4-25 Authorizing the Issuance of a Purchase Order to McLaren Technical Services, Inc. for Task Order/RFP #9-04 in the Amount of $91,500 in Accordance with the Master Contract Approved on December 20, 2018

E. Adoption of Resolution R-5-25 To Award the Professional Services-Development Plan Review, Engineering, & Design Services to Frederick Ward Associates, Inc. and Authorizing the Issuance of a Purchase Order to Frederick Ward Associates, Inc. for Task Order #1 in the Amount of $162,000

F. Introduction of Ordinance O-1-25 Repealing in its Entirety and Re-Enacting with Amendments Chapter 26 “Zoning,” Article II “Municipal Zoning Authority” of the Code of the City of Bowie to Reflect Changes Required Due to the Prince George’s County Zoning Ordinance Rewrite and CB-015-2024, the Zoning Ordinance of Prince George’s County – Omnibus Bill

G. Introduction of Ordinance O-2-25 Amending the Adopted Budget for the Fiscal Year Beginning July 1, 2024 and Ending June 30, 2025, As Embodied in Ordinance O-4-24 and Amended by Ordinance O-7-24, to Appropriate Funds for the Following Projects and Grants: $185,000 for Additional Bulk Trash Collection, $389,000 for Funding for a Replacement Street Sweeper, $41,500 for Lowlift Pump Station Rehabilitation and $590,000 for Street Resurfacing.

XI. OLD BUSINESS

XII. NEW BUSINESS

A. Old Town Bowie Revitalization Update

B. Environmental Advisory Committee Annual Update

C. Detailed Site Plan DSP-20003-03, Chipotle at Mill Branch Crossing - Edward Gibbs, an attorney for Green Branch LLC, will present to Council the Detailed Site Plan DSP-20003-03, Chipotle at Mill Branch Crossing, for evaluation and approval.

D. Budget Guidance for FY 2026 - The Finance Department will provide trend information and major themes to City Council for the upcoming FY 2026 Budget process.

XIII. ADJOURNMENT

Note: The Ethics Commission has advised that under certain circumstances, members of the public may qualify as lobbyists when they testify before the City Council. If so, the Bowie Ethics Ordinance requires that certain information be filed with the Ethics Commission. Please review the information about lobbying that is provided with the City Clerk. If you have any questions about lobbying, please contact the Ethics Commission or the Assistant City Manager.

This meeting will be televised live on Verizon Channel 10 and Comcast Channel 71 and 996, repeated on 1/8/2025 and 1/11/2025 at 7:00 p.m., and web-streamed live.

For a closed-captioned version of the meeting video, please go to https://www.youtube.com/user/cityofbowiemd/playlists and select the 2025 Council Meetings list. Once the meeting video opens, be sure to click on “CC” button to turn on closed captioning.

NEXT REGULAR MEETING OF THE BOWIE CITY COUNCIL - TUESDAY, JANUARY 21, 2025 - COUNCIL CHAMBERS - 8:00 P.M.

Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: RFP/Task Order #5-08 Reconstruct 5th Street Design
Resolution R-1-25

DATE: 01/02/2025

On January 22, 2019, and February 20, 2019, the City entered into an Architect/Engineering Open End Agreement with Brudis & Associates, Inc. (BAI) of Columbia, MD, McLaren Technical Services, Inc. (McLaren) of Baltimore, MD, A. Morton Thomas & Associates, Inc. (AMT) of Rockville, MD and EBA Engineering, Inc. (EBA) of Laurel, MD for Category 5-Roadways/Bridges Design. Professional Services delivered through these Agreements are negotiated and procured on a Task Order basis as the City's needs arise.

On November 15, 2024, the Public Works Department advertised a Notice of Intent to Negotiate for RFP/Task Order #5-08 Reconstruct 5th Street Design under the Architect/Engineering Open End Agreement. For this project, the $100,000 cap on Proposals was removed. Proposals were accepted from BAI and McLaren which have Open End Professional Services Agreements with the City for Roadways/Bridges Design. For this task, the Proposal from BAI was selected based on cost, capacity to perform in a timely manner and understanding of the project.

In accordance with City Charter Section 61(b)(4), a total fee of $149,350.39 for the required services was negotiated. This fee includes the Base Task $122,380.31 and Construction Phase Services for $26,970.08. This is within the amount budgeted in the FY25 Streets Resurfacing Budget.

The Public Works Department recommends that Council authorize the issuance of a Purchase Order to BAI for Task Order/RFP #5-08 pursuant to the Master Contract approved on January 22, 2019.

I concur with the recommendation of the Public Works Department and request your approval of Resolution R-1-25.

ATTACHMENTS: 1. 20250106 - Resolution R-1-25

R-1-25

R E S O L U T I O N
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER TO
BRUDIS & ASSOCIATES, INC. FOR TASK ORDER/RFP #5-08
IN THE AMOUNT OF $149,350.39
IN ACCORDANCE WITH THE MASTER CONTRACT
APPROVED ON JANUARY 22, 2019

WHEREAS, on November 15, 2024, the Public Works Department advertised a Notice of Intent to Negotiate for RFP/Task Order #5-08 for the Reconstruct 5th Street Design; and

WHEREAS, an RFP was issued to four (4) firms which have open end professional services agreements with the City. These firms include Brudis & Associates, Inc. (BAI) of Columbia, MD, McLaren Technical Services, Inc. (McLaren) of Baltimore, MD, A. Morton Thomas & Associates, Inc. (AMT) of Rockville, MD and EBA Engineering, Inc. (EBA) of Laurel, MD; and

WHEREAS, for this project, the $100,000 cap on Proposals was removed. Proposals were accepted from BAI and McLaren which have Open End Professional Services Agreements with the City for Roadways/Bridges Design. For this task, the Proposal from BAI was selected based on cost, capacity to perform in a timely manner and understanding of the project; and

WHEREAS, in accordance with City Charter 61(b)(4) a total fee of $149,350.39 for the required services was negotiated. This fee includes the Base Task $122,380.31 and Construction Phase Services for $26,970.08. This is within the amount budgeted in the FY25 Streets Resurfacing Budget.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Bowie, Maryland that the Council authorizes the issuance of a Purchase Order to BAI for Task Order/RFP #5-08 pursuant to the Master Contract approved on January 22, 2019.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a Meeting on January 6, 2025.

ATTEST:

_____ _____
Awilda Hernandez, City Clerk Timothy J. Adams, Mayor

Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Waive Bidding for Replacement of Street Sweeper #216
Resolution R-2-25

DATE: 01/02/2025

The street sweeper truck, operated by the streets division of Public Works, is scheduled for replacement in FY2032. However, in October 2024, the street sweeper truck caught fire, and the Local Government Insurance Trust (LGIT) declared it a total loss.

The Public Works Department located a contract awarded by the Virginia Sheriff's Association, to Atlantic Machinery, Inc. (Contract #25-06-0711), including street sweeper trucks meeting the needs of the streets division. The cost of the street sweeper is $388,961.

The Department investigated whether better results might be obtained through a City-initiated competitive procurement process, by obtaining several quotations from local dealers. All the quoted prices received were significantly greater than the price offered under the Virginia Sheriff's Association contract. Therefore, in the Department's judgment, good cause exists under Section 61(b)(3) of the Charter to waive the competitive procurement requirements of Section 62. The waiver requires an affirmative vote of 2/3 of the Council.

The City has reserved $75,900 in the Equipment Acquisition and Replacement Fund for this acquisition. The purchase will require a transfer from the General Fund in the amount of $313,061 to fund the full purchase price of $388,961. If approved, staff will include the purchase price of $388,961 in the Emergency Ordinance scheduled for Council presentation on January 6, 2025.

In accordance with the City Charter Section 61, we are requesting that Council waive bidding requirements and allow for the issuance of a purchase order to Atlantic Machinery, Inc. in the amount of $388,961.

I concur with the above recommendation and request your approval of Resolution R-2-25.

ATTACHMENTS: 1. 20250106 - Resolution R-2-25

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
WAIVING THE COMPETITIVE BIDDING REQUIREMENTS OF SECTION 61 "PURCHASING AND CONTRACTING" OF THE CHARTER OF THE CITY OF BOWIE AND AWARDING A CONTRACT TO ATLANTIC MACHINERY, INC. IN THE AMOUNT OF $388,961 FOR THE PURCHASE OF ONE STREET SWEEPER, THROUGH A CONTRACT LET BY THE VIRGINIA SHERIFF'S ASSOCIATION

WHEREAS, a street sweeper truck, used by the streets division of the Public Works Department, was scheduled for replacement in FY2032; and

WHEREAS, the Public Works Department located a contract awarded by the Virginia Sheriff's Association, to Atlantic Machinery, Inc. (Contract #25-06-0711), including street sweeper trucks meeting the needs of the streets division; and

WHEREAS, the Department investigated whether better results might be obtained through a City-initiated competitive procurement process, by obtaining several quotations from local dealers; and

WHEREAS, all prices received were significantly greater than the price offered under the Virginia Sheriff's Association contract; and

WHEREAS, in the Department's judgment, good cause exists under Section 61(b)(3) of the Charter to waive the competitive procurement requirements of Section 62; and

WHEREAS, the waiver requires an affirmative vote of two-thirds of the Council; and

WHEREAS, the City has reserved $75,900 in the Equipment Acquisition and Replacement Fund for this acquisition. The purchase will require a transfer from the General Fund in the amount of $313,061 to fund the full purchase price of $388,961; and

WHEREAS, if approved, staff will include the purchase price of $388,961 in the Emergency Ordinance scheduled for Council presentation on January 6, 2025.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Bowie, Maryland, by at least two-thirds vote, that:

Section 1. The competitive bidding requirements of Section 61 of the Bowie City Charter are for good cause shown, hereby waived.

Section 2. The City Manager is hereby authorized to issue a purchase order to the said company for the above-mentioned equipment.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland, at a meeting on January 6, 2025, by a vote of at least two-thirds of the members of the Council.

ATTEST: **CITY OF BOWIE, MARYLAND**

_____ _____
Awilda Hernandez, City Clerk Timothy J. Adams, Mayor

Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Contract for Economic Development Marketing Strategy
Resolution R-3-25

DATE: 01/02/2025

Council requested an Economic Development Marketing Strategy be prepared for the City and budgeted $50,000 for the project in the City's FY 2025 approved budget. After discussion with Council, staff prepared a scope of work and a Request for Proposal (RFP). The City received four responses to the RFP. Each was evaluated by a four-member review team using these evaluation criteria: [15%] Qualifications and experience of the project team members; [15%] Technical capabilities as shown by examples of previous similar work; [20%] Vendor experience with economic development, commercial real estate, or community development marketing; [25%] Demonstrated understanding of the scope of work and proposed approach to the project; [25%] Total price.

PPR Strategies	$50,000
Retail Strategies	$150,000 ($50,000 per year for 3 years)
Streetsense	$50,000
Trajectory	$47,000

PPR Strategies, Inc. emerged as the company that submitted the most responsive and responsible proposal with consideration given to the items enumerated in Sec. 61 of the City Charter and the criteria established in the RFP. PPR Strategies, Inc. was chosen because it had the requisite experience and its cost proposal was within the parameters of the approved budget.

Staff recommends that the City Council award a contract to PPR Strategies, Inc. to develop and implement an Economic Development Marketing Strategy for the City of Bowie in an amount not to exceed Fifty Thousand Dollars ($50,000.00).

I request your approval of Resolution R-3-25.

ATTACHMENTS: 1. 20250106 - Resolution R-3-25

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
AWARDING A PROFESSIONAL SERVICES CONTRACT TO PPR STRATEGIES, INC. FOR THE DEVELOPMENT AND IMPLEMENTATION OF AN ECONOMIC DEVELOPMENT MARKETING STRATEGY IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS ($50,000.00)

WHEREAS, in 2024, the Council of the City of Bowie, Maryland ("City Council") asked staff to seek a consultant to develop an Economic Development Marketing Strategy for the City ("Project"), and specifically identified elements of the Project to be included in the scope of work; and

WHEREAS, in accordance with the City Council's direction, City staff developed and issued a Request for Proposals for the Project, in response to which it received four proposals; and

WHEREAS, after evaluating the proposals received, staff determined that PPR Strategies, Inc. provided the most responsive and responsible proposal with consideration given to factors such as the price, qualifications, experience and demonstrated understanding of the scope of work and proposed approach to the project, in accordance with City Charter, Sec. 61(b)(1); and

WHEREAS, the PPR Strategies, Inc proposal in the amount of Fifty Thousand Dollars ($50,000) is within the City's established budget for this Project; and

WHERAS, staff recommends that the City Council award the contract for the Project to PPR Strategies, Inc. in an amount not to exceed Fifty Thousand Dollars ($50,000.), and the City Council deems it to be in the best interest of the City to award the contract to PPR Strategies, Inc. as recommended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bowie, Maryland that a contract for the development and implementation of an Economic Development Marketing Strategy for the City is hereby awarded to PPR Strategies, Inc. in an amount not to exceed Fifty Thousand Dollars ($50,000.00), and the City Manager is hereby authorized to enter into an agreement with PPR Strategies Inc. as approved.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a Regular Meeting on January 6, 2025.

ATTEST: **THE CITY OF BOWIE, MARYLAND**

_____ _____

Awilda Hernandez, City Clerk Timothy J. Adams, Mayor

Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: RFP/Task Order #9-04 Replace Salt Building, Vehicle Storage Bay and Parking Design (A)
Resolution R-4-25

DATE: 01/02/2025

On December 20, 2018, and January 3, 2019, the City entered into an Architect/Engineering Open End Agreement with McLaren Technical Services, Inc. (McLaren) of Baltimore, MD, EBA Engineering, Inc. (EBA) of Laurel, MD and Rummel, Klepper & Kahl, LLP (RK&K) of Baltimore, MD for Category 9-Structural and Geotechnical (Design). Professional Services delivered through these Agreements are negotiated and procured on a Task Order basis as the City's needs arise.

On November 15, 2024, the Public Works Department advertised a Notice of Intent to Negotiate for RFP/Task Order #9-04 Replace Salt Building, Vehicle Storage Bay and Parking Design (A) under the Architect/Engineering Open End Agreement. Proposals were accepted from RK&K and McLaren which have Open End Professional Services Agreements with the City for Structural and Geotechnical (Design). For this task, the Proposal from McLaren was selected based on cost, capacity to perform in a timely manner and understanding of the project.

In accordance with City Charter Section 61(b)(4), a total fee of $91,500 for the required services was negotiated. This is within the amount budgeted in the FY25 CIP Budget for Public Works.

The Public Works Department recommends that Council authorize the issuance of a Purchase Order to McLaren for Task Order/RFP #9-04 pursuant to the Master Contract approved on December 20, 2018.

I concur with the recommendation of the Public Works Department and request your approval of Resolution R-4-25.

ATTACHMENTS: 1. 20250106 - Resolution R-4-25

R-4-25

R E S O L U T I O N
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER TO
MCLAREN TECHNICAL SERVICES, INC. FOR TASK ORDER/RFP #9-04
IN THE AMOUNT OF $91,500
IN ACCORDANCE WITH THE MASTER CONTRACT
APPROVED ON DECEMBER 20, 2018

WHEREAS, on November 15, 2024, the Public Works Department advertised a Notice of Intent to Negotiate for RFP/Task Order #9-04 Replace Salt Building, Vehicle Storage Bay and Parking Design (A); and

WHEREAS, an RFP was issued to three (3) firms which have open end professional services agreements with the City. These firms include McLaren Technical Services, Inc. (McLaren) of Baltimore, MD, EBA Engineering, Inc. (EBA) of Laurel, MD and Rummel, Klepper & Kahl, LLP (RK&K) of Baltimore, MD; and

WHEREAS, Proposals were accepted from RK&K and McLaren which have Open End Professional Services Agreements with the City for Structural and Geotechnical (Design). For this task, the Proposal from McLaren was selected based on cost, capacity to perform in a timely manner and understanding of the project; and

WHEREAS, in accordance with City Charter 61(b)(4) a total fee of $91,500 for the required services was negotiated. This is within the amount budgeted in the FY25 CIP Budget for Public Works.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Bowie, Maryland that the Council authorizes the issuance of a Purchase Order to McLaren for Task Order/RFP #9-04 pursuant to the Master Contract approved on December 20, 2018.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a Meeting on January 6, 2025.

ATTEST:

_____ _____
Awilda Hernandez, City Clerk Timothy J. Adams, Mayor

Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Professional Services-Development Plan Review, Engineering, & Design Services Resolution R-5-25

DATE: 01/02/2025

On December 18, 2024, the Public Works Department advertised a Notice of Intent to Negotiate with Frederick Ward Associates for an On Call Professional Services Agreement based on that Firm's qualifications, prior performance, and ability to maintain continuity of engineering support services. The Agreement will establish all contract requirements and labor rates for various engineering services that may be required by the City of Bowie. This Contract will be in effect through June 30, 2025, with four additional one-year options to renew.

The Public Works Department recommends awarding a Task Order for Development Plan Review in the amount of $162,000 under this Agreement. Frederick Ward has many years of experience with the City Code and City development standards necessary to carry out the required plan reviews. Sufficient funds are available in the Professional Services account in the Public Works Administration section of the FY25 Budget.

In accordance with City Charter Section 61(b)(4), we are requesting that Council authorize the City Manager to award the Development Plan Review Task Order to Frederick Ward Associates and issue a purchase order in an amount not to exceed $162,000.

I concur with the above recommendation and request your approval of Resolution R-5-25.

ATTACHMENTS: 1. 20250106 - Resolution R-5-25

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
TO AWARD THE
PROFESSIONAL SERVICES-DEVELOPMENT PLAN REVIEW, ENGINEERING, & DESIGN SERVICES TO
FREDERICK WARD ASSOCIATES, INC.
AND AUTHORIZING THE ISSUANCE OF A
PURCHASE ORDER TO FREDERICK WARD ASSOCIATES, INC.
FOR TASK ORDER #1 IN THE AMOUNT OF $162,000

WHEREAS, pursuant to Section 61(b)(4) of the City Charter, the Public Works Department advertised an Intent to Negotiate with Frederick Ward Associates on December 18, 2024, for an On Call Professional Services Agreement based on that Firm's qualifications, prior performance, and ability to maintain continuity of engineering support services; and

WHEREAS, this Agreement will establish all contract requirements and labor rates for various engineering services that may be required by the City of Bowie; and

WHEREAS, this Agreement will be in effect through June 30, 2025, with four additional one-year options to renew; and

WHEREAS, the Public Works Department recommends awarding a Task Order under this Agreement for Development Plan Review in the amount of $162,000; and

WHEREAS, additional Task Orders will be issued and negotiated as needed to provide engineering services for various projects throughout the City, as funded through the annual budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bowie, Maryland, that the Council authorizes the City Manager to award the Development Plan Review Task Order to Frederick Ward Associates, Inc. for professional services and issue a purchase order in an amount not to exceed $162,000.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a meeting on January 6, 2025.

ATTEST: **THE CITY OF BOWIE, MARYLAND**

Awilda Hernandez
City Clerk

Timothy J. Adams
Mayor

Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Chapter 26 "Zoning", Article II Municipal Zoning Authority
Ordinance O-1-25

DATE: 01/02/2025

Ordinance O-1-25 is a substantive amendment to the City Code, revising the Code to reflect the current, updated County zoning regulations related to the existing delegated authority granted to the City. Although the Prince George's County Council approved a new County Zoning Ordinance (known as the Zoning Ordinance Rewrite) in 2018, the Ordinance did not take effect until the effective date of the Countywide Map Amendment in 2022. The approved County Zoning Ordinance includes grandfathering provisions that allow applicants to choose to use the regulations of the old Zoning Ordinance or the new Zoning Ordinance until April 1, 2025. Ordinance O-1-25 was drafted to address the new standards and procedural requirements of the new County Zoning Ordinance. It will modernize Article II of Section 26 of the City Code. Staff elected to wait until final approval of the Omnibus Bill (CB-15-2024), which made additional revisions and clarifications to the new County Zoning Ordinance, before bringing forth a City Code amendment. If approved by City Council, the City Code revision will be submitted to the Prince George's County Council for their approval. County approval will be needed before O-1-25 can take effect.

Recommendation: It is recommended that Council INTRODUCE City Ordinance O-1-25 and schedule a public hearing on Tuesday, January 21, 2025.

ATTACHMENTS: 1. 20250106 - Ordinance O-1-25

AN ORDINANCE
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
REPEALING IN ITS ENTIRETY AND RE-ENACTING WITH AMENDMENTS CHAPTER 26 "ZONING," ARTICLE II "MUNICIPAL ZONING AUTHORITY" OF THE CODE OF THE CITY OF BOWIE TO REFLECT CHANGES REQUIRED DUE TO THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE REWRITE AND CB-015-2024, THE ZONING ORDINANCE OF PRINCE GEORGE'S COUNTY – OMNIBUS BILL

WHEREAS, pursuant to Md. Code Ann. Land Use Art. ("LU"), § 25-301, the Bowie City Council, as the governing body of the City of Bowie, may exercise certain powers delegated to it by the Prince George's County Council sitting as the District Council regarding design standards; parking and loading standards; sign design standards; lot size variances and setback and similar requirements; landscaping requirements; certification, revocation, and revision of nonconforming uses; minor changes to approved special exceptions; vacation of municipal rights-of-way; and certain detailed site plans; and

WHEREAS, the Prince George's County Council has, by virtue of §§ 27-924 and 27-925 of the Prince George's County Code, delegated certain authority to the City with respect to the exercise of the aforementioned powers; and

WHEREAS, pursuant to the foregoing authority, the City enacted Chapter 26, "Zoning"; and

WHEREAS, on October 23, 2018, the Prince George's County Council adopted a new Zoning Ordinance and Subdivision Regulations; and

WHEREAS, the Prince George's County Zoning Ordinance rewrite process culminated on November 29, 2021, when the Prince George's County Council unanimously adopted CR-136-2021 approving the Countywide Sectional Map Amendment ("SMA"). Under CR-136-2021, the County's new Zoning Ordinance, Subdivision Regulations, and Landscape Manual became effective on April 1, 2022; and

WHEREAS, Prince George's County Zoning Ordinance, Sec, 27-3308 "Municipalities", continues to allow for the delegation of authority to municipalities; and

WHEREAS, the Code of the City of Bowie, Chapter 26, Article II contains references to the prior Prince George's County Zoning Ordinance that must be updated to reflect the provisions of the new Zoning Ordinance.

Section 1: NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the City of Bowie, that Bowie City Code, Chapter 26 "Zoning," Article II "Municipal Zoning Authority" is hereby repealed in its entirety and re-enacted with amendments to read as follows:

ARTICLE II. MUNICIPAL ZONING AUTHORITY.

DIVISION 1. GENERAL.

SEC. 26-17. PURPOSE.

A. THE PURPOSE OF THIS ARTICLE IS TO CREATE PROCESSES WHEREBY THE CITY COUNCIL MAY REVIEW AND DECIDE THE FOLLOWING:

1. DEPARTURES (MINOR AND MAJOR) OF NUMERICAL DESIGN AND LANDSCAPING STANDARDS IN THE CITY FOR:
   (A) PARKING AND LOADING STANDARDS (SECTION 27-6206(K)[1]), BLOCK DESIGN; TABLE 27-6206(M)(1): MINIMUM STACKING SPACES FOR DRIVE-THROUGH FACILITIES AND RELATED USES; SECTION 27-6304(I), LARGE VEHICULAR USE AREAS (300 OR MORE SPACES); SECTION 27-6305, OFF-STREET PARKING SPACE STANDARDS; SECTION 27-6306, DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES; AND SECTION 27-6310, LOADING AREA STANDARDS;
   (B) SIGN DESIGN STANDARDS (SECTION 27-61505, STANDARDS FOR SPECIFIC SIGN TYPES; SECTION 27-61506, STANDARDS FOR SPECIAL PURPOSE SIGNS; AND SECTION 27-61507, STANDARDS FOR TEMPORARY SIGNS); AND
   (C) STANDARDS OF THE LANDSCAPE MANUAL (TABLE 27-3614 (B)(2));
2. ALTERNATIVE COMPLIANCE FROM THE LANDSCAPE MANUAL (TABLE 27 3614(B)(2));
3. CERTIFICATION, REVOCATION, AND REVISION OF NONCONFORMING USES (SECTION 27-3618 AND PART 27-7);
4. VARIANCES FOR LOT AREA, SETBACK, AND SIMILAR REQUIREMENTS, EXCEPT FOR THOSE VARIANCES FILED IN CONJUNCTION WITH A SPECIAL EXCEPTION, ZONING

[1] All references herein to Section 27-___ or to Table 27-___ are references to the Prince George's County Zoning Ordinance.

CASE, SITE PLAN OR OTHER REQUEST WHERE THE DISTRICT COUNCIL HAS THE SOLE AUTHORITY TO GRANT VARIANCES FROM THE STRICT APPLICATION OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE SECTION (27-3613);

5. MINOR CHANGES TO APPROVED SPECIAL EXCEPTIONS (SECTION 27-3604(I)); AND
6. SECURITY EXEMPTION PLANS FOR FENCES AND WALLS (SECTION 27-6610).

B. IN IMPLEMENTING THIS ARTICLE, IT IS THE INTENT OF THE CITY COUNCIL TO REMOVE OBSTACLES THAT HINDER DEVELOPMENT WITHIN THE CITY AND TO PROMOTE COMMUNITY AND ECONOMIC DEVELOPMENT VITALITY BY ENCOURAGING APPROPRIATE DEVELOPMENT WITHIN THE CITY.

SEC. 26-18. DEFINITIONS.

A. ADVISORY PLANNING BOARD: THE BOWIE ADVISORY PLANNING BOARD.

B. COMMISSION: THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION.

C. COUNCIL OR CITY COUNCIL: THE COUNCIL OF THE CITY OF BOWIE, MARYLAND.

D. COUNTY: PRINCE GEORGE'S COUNTY, MARYLAND.

E. DISTRICT COUNCIL: 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.

F. NONCONFORMING USE: THE USE OF ANY BUILDING, STRUCTURE, OR LAND WHICH IS NOT IN CONFORMANCE WITH A REQUIREMENT OF THE ZONE IN WHICH IT IS LOCATED (AS IT SPECIFICALLY APPLIES TO THE USE), PROVIDED THAT:

(1) THE REQUIREMENT WAS ADOPTED AFTER THE USE WAS LAWFULLY ESTABLISHED; OR

(2) THE USE WAS ESTABLISHED AFTER THE REQUIREMENT WAS ADOPTED AND THE DISTRICT COUNCIL HAS VALIDATED A BUILDING, USE AND OCCUPANCY, OR SIGN PERMIT ISSUED FOR IT IN ERROR.

G. PERSON OF RECORD (PARTY OF RECORD): THE OWNER, APPLICANT, AND CORRESPONDENT OF A PENDING APPLICATION, A CIVIC ASSOCIATION OR OTHER PERSON WHO, IN WRITING PRIOR TO THE CLOSE OF THE HEARING RECORD BEFORE THE ADVISORY PLANNING BOARD OR IN TESTIMONY BEFORE THE ADVISORY PLANNING BOARD REQUESTS TO BE MADE A PARTY TO THE PROCEEDING.

H. PLANNING DIRECTOR: THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND SUSTAINABILITY.

I. USE IS EITHER:

(1) THE PURPOSE FOR WHICH A BUILDING, STRUCTURE, OR LAND IS DESIGNED, ARRANGED, INTENDED, MAINTAINED OR OCCUPIED; OR

(2) ANY ACTIVITY, OCCUPATION, BUSINESS, OR OPERATION CARRIED ON IN, OR ON, A BUILDING, STRUCTURE OR PARCEL OF LAND.

J. ZONING VARIANCE HEARING BOARD: A HEARING BOARD CONSISTING OF AT LEAST THREE MEMBERS OF THE ADVISORY PLANNING BOARD ESTABLISHED TO CONDUCT PUBLIC HEARINGS ON VARIANCE APPLICATIONS AND RENDER DECISIONS ON BEHALF OF THE ADVISORY PLANNING BOARD.

SEC. 26-19. POWERS AND DUTIES OF THE BOWIE ADVISORY PLANNING BOARD, ZONING VARIANCE HEARING BOARD AND THE PLANNING DIRECTOR.

A. THE BOWIE ADVISORY PLANNING BOARD (INCLUDING THE ZONING VARIANCE HEARING BOARD FOR VARIANCES ONLY) SHALL HAVE THE AUTHORITY TO HEAR THE FOLLOWING CATEGORIES OF REQUESTS WITH RESPECT TO PROPERTY LOCATED WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF BOWIE AND TO MAKE RECOMMENDATIONS TO THE CITY COUNCIL REGARDING SAME:

1. DEPARTURES (MINOR AND MAJOR) OF NUMERICAL DESIGN AND LANDSCAPING STANDARDS IN THE MUNICIPALITY FOR:
   (A) PARKING AND LOADING STANDARDS (SECTION 27-6206(K)), BLOCK DESIGN; TABLE 27-6206(M)(1): MINIMUM STACKING SPACES FOR DRIVE-THROUGH FACILITIES AND RELATED USES; SECTION 27- 6304(I), LARGE VEHICULAR USE AREAS (300 OR MORE SPACES); SECTION 27-6305, OFF-STREET PARKING SPACE STANDARDS; SECTION 27-6306, DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES; AND SECTION 27-6310, LOADING AREA STANDARDS), AND
   (B) SIGN DESIGN STANDARDS (SECTION 27-61505, STANDARDS FOR SPECIFIC SIGN TYPES; SECTION 27-61506, STANDARDS FOR SPECIAL PURPOSE SIGNS; AND SECTION 27-61507, STANDARDS FOR TEMPORARY SIGNS);
2. CERTIFICATION, REVOCATION, AND REVISION OF NONCONFORMING USES (SECTION 27-3618 AND PART 27-7);
3. VARIANCES FOR LOT AREA, SETBACK, AND SIMILAR REQUIREMENTS (27-3613); AND
4. MINOR CHANGES TO APPROVED SPECIAL EXCEPTIONS (SECTION 27-3604 (I)).

B. THE PLANNING DIRECTOR SHALL HAVE THE AUTHORITY:
1. TO REVIEW AND DECIDE THE FOLLOWING:
   (A) MINOR DEPARTURES (SECTION 27-3614(E));
   (B) ALTERNATIVE COMPLIANCE FROM THE LANDSCAPE MANUAL (TABLE 27-3614 (B)(2);

(C) CERTIFICATION OF NONCONFORMING USES (SECTION 27-3618);

(D) VARIANCES FOR MINOR HOMEOWNER IMPROVEMENTS (SECTION 27-3613), AS PERMITTED UNDER THIS SECTION;

(E) MINOR CHANGES TO APPROVED SPECIAL EXCEPTIONS (SECTION 27-3604(1); AND,

(F) SECURITY EXEMPTION PLANS FOR FENCES AND WALLS (SECTION 27-6610, SECURITY EXEMPTION PLAN).

2. TO ESTABLISH DEVELOPMENT APPLICATION REQUIREMENTS FOR DEVELOPMENT APPROVALS AND PERMITS, OTHER THAN FEES.

3. TO ENSURE THAT APPLICATIONS FOR DEVELOPMENT APPROVALS AND PERMITS ARE PROCESSED AND REVIEWED IN ACCORDANCE WITH THIS ORDINANCE.

4. TO MAKE AVAILABLE AT THE PLANNING DIRECTOR'S OFFICE, UPON REASONABLE REQUEST AND DURING NORMAL BUSINESS HOURS, COPIES OF ALL DEVELOPMENT APPLICATIONS, STAFF REPORTS, AND MATERIALS SUBMITTED, AT A REASONABLE COST WHERE PERMITTED.

DIVISION 2. STANDARD REVIEW PROCEDURES.

SEC. 26-20. PRE-APPLICATION CONFERENCE

A. GENERAL

A PRE-APPLICATION CONFERENCE PROVIDES AN OPPORTUNITY FOR:

(1) THE APPLICANT TO DETERMINE THE SUBMISSION REQUIREMENTS, PROCEDURES, AND STANDARDS APPLICABLE TO AN ANTICIPATED DEVELOPMENT APPLICATION; AND

(2) STAFF TO BECOME FAMILIAR WITH, AND OFFER THE APPLICANT PRELIMINARY COMMENTS ABOUT THE SCOPE, FEATURES, AND IMPACTS OF THE PROPOSED DEVELOPMENT AS IT RELATES TO THE STANDARDS IN THIS ORDINANCE.

B. APPLICABILITY

(1) A PRE-APPLICATION CONFERENCE IS REQUIRED BEFORE ANY OF THE FOLLOWING DEVELOPMENT APPLICATIONS ARE SUBMITTED, UNLESS WAIVED BY THE PLANNING DIRECTOR BECAUSE DEVELOPMENT PROPOSED IN THE APPLICATION IS SUFFICIENTLY STRAIGHTFORWARD THAT THE APPLICANT DOES NOT NEED ADDITIONAL STAFF INPUT ON THE APPLICATION:

(A) MAJOR DEPARTURES (SECTION 27-3614(E)); AND

(B) CERTIFICATION, REVOCATION, AND REVISION OF NONCONFORMING USES (SECTION 27-3618 AND PART 27-7); AND

(C) MINOR CHANGES TO APPROVED SPECIAL EXCEPTIONS. (SECTION 27-3604);

(2) A PRE-APPLICATION CONFERENCE IS OPTIONAL FOR ANY OTHER TYPE OF DEVELOPMENT APPLICATION.

C. PROCEDURE

(1) SUBMISSION OF MATERIALS PRIOR TO CONFERENCE

BEFORE A PRE-APPLICATION CONFERENCE IS HELD, THE APPLICANT SHALL SUBMIT TO THE PLANNING DIRECTOR A NARRATIVE DESCRIBING THE SCOPE OF THE PROPOSED DEVELOPMENT, A CONCEPTUAL SITE DRAWING OF THE DEVELOPMENT PROPOSED IN THE APPLICATION, AND ANY OTHER INFORMATION REASONABLY REQUESTED BY THE PLANNING DIRECTOR.

(2) SCHEDULING

WITHIN FOURTEEN (14) DAYS AFTER RECEIPT OF A REQUEST FOR A PRE-APPLICATION CONFERENCE, THE PLANNING DIRECTOR SHALL SCHEDULE THE PRE-APPLICATION CONFERENCE AND NOTIFY THE APPLICANT OF THE CONFERENCE TIME AND LOCATION.

(3) CONFERENCE PROCEEDINGS

THE PLANNING DIRECTOR SHALL REVIEW THE MATERIALS SUBMITTED BY THE APPLICANT PRIOR TO THE CONFERENCE. AT THE CONFERENCE, THE PLANNING DIRECTOR SHALL SEEK ANY NEEDED CLARIFICATION FROM THE APPLICANT REGARDING THE PROPOSED APPLICATION AND IDENTIFY ANY CONCERNS, PROBLEMS, OR OTHER FACTORS THE APPLICANT SHOULD CONSIDER REGARDING THE PROPOSED APPLICATION.

D. EFFECT OF CONFERENCE

(1) THE PRE-APPLICATION CONFERENCE IS INTENDED TO FACILITATE THE APPLICATION REVIEW PROCESS. DISCUSSIONS AT THE PRE-APPLICATION CONFERENCE ARE NOT BINDING ON THE CITY, AND CONSEQUENTLY NO FINAL OR BINDING DECISION IS MADE AT A PRE-APPLICATION CONFERENCE.

(2) A PRE-APPLICATION CONFERENCE REQUEST DOES NOT CONSTITUTE THE FILING OF AN APPLICATION. PROCESSING TIMES FOR APPLICATION REVIEW DO NOT BEGIN UNTIL AN APPLICATION IS SUBMITTED AND DETERMINED TO BE COMPLETE.

SEC. 26-21. PRE-APPLICATION NEIGHBORHOOD MEETING

A. General

The pre-application neighborhood meeting is intended to inform owners and occupants of nearby lands about a proposed development application to be reviewed under City Code, Chapter 26, Article II, and to provide the applicant an opportunity to hear comments and concerns about the development proposal in order to resolve conflicts and outstanding issues, where possible. Pre-application neighborhood meetings are opportunities for informal communication between applicants and the landowners and occupants of nearby lands, and other residents affected by development proposals. Participation in any preliminary, pre-application neighborhood meeting is for informational purposes only. Any resultant participation and/or written summary of same shall not be part of the administrative record for any development application that may be filed and accepted.

B. Applicability

1. A pre-application neighborhood meeting is required before any of the following development applications are submitted:
   (a) Major departures ; and
   (b) Certification, revocation, and revision of nonconforming uses; and
   (c) Minor changes to approved special exceptions.
2. A pre-application neighborhood meeting may also be held at the applicant's option before the submission of any development application not identified above. Pre-application neighborhood meetings are particularly encouraged as opportunities for informal communication before submitting any application requiring a public hearing in accordance with Division 3 of this Article, Application-Specific Review Procedures and Decision Standards.
3. The informational mailings and meetings required by this Subsection are in addition to all postings and notices required by this Article II of this Chapter and State law.
4. If a development application is not accepted for review in accordance with the requirements of Section 26-22, Application Submittal, within one year of the date the pre-application neighborhood meeting is conducted, the applicant shall conduct a second pre-application neighborhood meeting in accordance with this Section.

Small Caps: Indicate language added to the City Code.

C. PROCEDURE

IF A PRE-APPLICATION NEIGHBORHOOD MEETING IS CONDUCTED, IT SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS:

1. MEETING LOCATION AND TIME

THE MEETING SHALL BE HELD AT OR AFTER 6:00 P.M. ON A WEEKDAY OR BETWEEN 10 A.M. AND 4 P.M. ON A WEEKEND, AT A LOCATION THAT IS CONVENIENT AND GENERALLY ACCESSIBLE TO NEIGHBORS RESIDING IN PROXIMITY TO THE LAND SUBJECT TO THE PROPOSED APPLICATION, OR MAY BE HELD VIRTUALLY, AS NECESSARY.

2. NOTIFICATION

(A) INFORMATIONAL MAILING

(I) THE APPLICANT SHALL MAIL NOTICE OF THE MEETING AT LEAST 30 DAYS BEFORE THE MEETING.

(II) NOTICE SHALL BE MAILED TO:

(AA) THE PLANNING DIRECTOR;

(BB) ALL PERSONS TO WHOM MAILED NOTICE OF A PUBLIC HEARING ON THE APPLICATION IS REQUIRED BY SEC. 26-26, SCHEDULING OF HEARINGS AND PUBLIC NOTICE;

(CC) ALL CIVIC ASSOCIATIONS REGISTERED IN ACCORDANCE WITH SUBSECTION D "CIVIC ASSOCIATION OR RESIDENT REGISTRATION" OF THIS SECTION; AND

(DD) ALL ADJACENT LANDOWNERS (INCLUDING OWNERS WHOSE LAND LIES DIRECTLY ACROSS A STREET, ALLEY, OR STREAM FROM THE LAND SUBJECT TO THE APPLICATION BEING REVIEWED).

(III) AS TO RESIDENTS, AN APPLICANT COMPLIES WITH THIS SECTION BY PROVIDING THE CITY WITH AN ELECTRONIC VERSION OF THE INFORMATIONAL MAILING MORE THAN THIRTY (30) DAYS BE- FORE THE CITY ACCEPTS AN APPLICATION. THE APPLICANT MAY ALSO NOTIFY ANY PERSON OR ENTITY REGISTERED IN ACCORDANCE WITH SUBSECTION (D)(2)(B) OF THIS SECTION. THE CITY SHALL BE RESPONSIBLE FOR EMAILING INFORMATIONAL MAILINGS TO RESIDENTS ON THE EMAIL REGISTRY.

(IV) A CIVIC ASSOCIATION ENTITLED TO AN INFORMATIONAL MAILING MAY WAIVE THE REQUIREMENT, AND AN APPLICANT'S FILING OF A SIGNED WAIVER CONSTITUTES ITS COMPLIANCE WITH THE MAILING REQUIREMENT, FOR THE ENTITY SIGNING.

(B) POSTED NOTIFICATION

THE APPLICANT SHALL ALSO POST NOTIFICATION OF THE PRE-APPLICATION NEIGHBORHOOD MEETING ON THE LAND THAT IS THE SUBJECT OF THE APPLICATION AT LEAST 30 DAYS BEFORE THE DATE FIXED FOR THE MEETING.

(C) NOTIFICATION CONTENTS

THE MAILED AND POSTED NOTIFICATIONS SHALL STATE THE TIME AND PLACE OF THE MEETING, THE PURPOSE OF THE MEETING, INCLUDE A CURRENT ZONING SKETCH MAP CLEARLY IDENTIFYING THE LAND AREA ASSOCIATED WITH THE DEVELOPMENT, SUMMARIZE THE GENERAL NATURE OF THE DEVELOPMENT PROPOSAL, AND THE TYPE OF DEVELOPMENT APPROVAL OR PERMIT SOUGHT. ADDITIONALLY, THE NOTICE SHALL INCLUDE THE APPLICATION NUMBER, CONTACT INFORMATION FOR THE CITY TO OBTAIN MORE INFORMATION ABOUT THE APPLICATION AFTER IT IS FILED, AN APPLICANT TELEPHONE NUMBER AND EMAIL ADDRESS FOR PERSONS WISHING TO MEET, AN EXPLANATION OF THE PROCEDURES AND THE NECESSITY FOR BECOMING A PERSON OF RECORD FOR THE PROPOSED APPLICATION, AND A STATEMENT THAT NO GOVERNMENT AGENCY HAS REVIEWED THE APPLICATION. DEVELOPER OR BUILDER INFORMATION SHALL BE PROVIDED IF DIFFERENT THAN THE APPLICANT.

3. CONDUCT OF MEETING AND SUMMARY

(A) GENERALLY

THE PRE-APPLICATION NEIGHBORHOOD MEETING SHALL BE OPEN TO THE PUBLIC. AT THE MEETING, THE APPLICANT SHALL EXPLAIN THE DEVELOPMENT PROPOSAL AND APPLICATION, INFORM ATTENDEES ABOUT THE APPLICATION REVIEW PROCESS, RESPOND TO REASONABLE QUESTIONS OR CONCERNS NEIGHBORS RAISE ABOUT THE PROPOSED APPLICATION, AND DISCUSS WAYS TO RESOLVE REASONABLE CONFLICTS OR CONCERNS.

(B) PROJECT MATERIALS

THE APPLICANT SHALL ENSURE THE FOLLOWING MATERIALS ARE AVAILABLE FOR REVIEW AND DISCUSSION AT THE PRE-APPLICATION NEIGHBORHOOD MEETING:

(I) A MAP OF THE PROPOSED DEVELOPMENT SITE CLEARLY INDICATING THE SITE LOCATION AND STREETS IN THE VICINITY;

(II) ILLUSTRATIONS DEPICTING THE LAYOUT AND DESIGN OF THE PROPOSED DEVELOPMENT, EXISTING CONDITIONS, AND THE NEIGHBORHOOD CONTEXT;

(III) A DEVELOPMENT FACT SHEET OR SUMMARY THAT INCLUDES, BUT IS NOT LIMITED TO, THE SIZE OF THE PROPOSED PROJECT, PROPOSED LAND USES, PROPOSED NUMBER OF DWELLING UNITS AND/OR AMOUNT OF GROSS SQUARE FOOTAGE, PROPOSED DENSITY AND INTENSITY OF THE PROJECT, PROPOSED BUILDING HEIGHTS, AND ANTICIPATED PARKING NEED;

(IV) INFORMATION EXPLAINING THE DEVELOPMENT REVIEW PROCESS AND HOW MEMBERS OF THE PUBLIC MAY PARTICIPATE; AND

(V) SIGN-IN SHEETS INCLUDING THE MEETING DATE AND TIME, MEETING ADDRESS, PROJECT ADDRESS, PROPERTY OWNER NAME, APPLICANT NAME AND CONTACT INFORMATION, AND SPACE FOR PARTICIPANTS TO INCLUDE THEIR NAME, ORGANIZATION, ADDRESS, PHONE NUMBER, AND EMAIL ADDRESS.

(C) WRITTEN SUMMARY OF MEETING

(I) THE APPLICANT SHALL PREPARE A WRITTEN SUMMARY OF THE PRE-APPLICATION NEIGHBORHOOD MEETING THAT INCLUDES A LIST OF THOSE INVITED TO THE MEETING, MEETING ATTENDEES AND/OR A COPY OF THE SIGN-IN SHEET, COPIES OF THE MATERIALS DISTRIBUTED OR MADE AVAILABLE FOR REVIEW DURING THE MEETING, AND ANY OTHER INFORMATION THE APPLICANT DEEMS APPROPRIATE.

(II) THE APPLICANT SHALL EMAIL A COPY OF THE WRITTEN SUMMARY OF THE PRE-APPLICATION NEIGHBORHOOD MEETING TO ALL ATTENDEES THAT HAVE PROVIDED AN EMAIL ADDRESS.

(III) IF THE APPLICANT COMPLIES WITH ALL THE REQUIREMENTS FOR THE PRE-APPLICATION NEIGHBORHOOD MEETING ESTABLISHED ABOVE, AND NO ONE ATTENDS THE MEETING, THE APPLICANT MAY STATE THIS IN THE

WRITTEN SUMMARY, AND DEMONSTRATING COMPLIANCE WITH THE RELEVANT SUBSECTIONS, HAS NO FURTHER OBLIGATIONS UNDER ARTICLE II OF THIS CHAPTER TO CONDUCT A PRE-APPLICATION NEIGHBORHOOD MEETING.

(D) CIVIC ASSOCIATION OR RESIDENT REGISTRATION

(I) ANY CIVIC ASSOCIATION THAT MAINTAINS A REGISTRATION WITH THE PRINCE GEORGE'S COUNTY PLANNING DIRECTOR IN ACCORDANCE WITH THIS SUBSECTION IS ENTITLED TO INFORMATIONAL MAILINGS AND E-MAILS, FOR ALL PRE-APPLICATION NEIGHBORHOOD MEETINGS WITHIN THE ASSOCIATION'S DEFINED GEOGRAPHICAL AREA.

(II) (AA) TO REGISTER TO OBTAIN NOTICE OF PRE-APPLICATION NEIGHBORHOOD MEETINGS, A CIVIC ASSOCIATION SHALL PROVIDE THE FOLLOWING TO THE PRINCE GEORGE'S COUNTY PLANNING DIRECTOR: ITS NAME; THE NAMES, STREET ADDRESSES, AND E-MAIL ADDRESSES OF ALL ITS OFFICERS; THE NUMBER OF MEMBERS (INDIVIDUALS OR HOUSE-HOLDS); THE GEOGRAPHICAL AREA IT REPRESENTS AND IS INTEREST-ED IN, BY A DESCRIPTION ACCEPTABLE TO THE PLANNING DIRECTOR; THE NAME, STREET ADDRESS, E-MAIL ADDRESS, AND DAYTIME TELEPHONE NUMBER OF THE INDIVIDUAL, THE ASSOCIATION DESIGNEE, WHO IS TO RECEIVE INFORMATIONAL MAILINGS IN THE INITIAL REGISTRATION PERIOD; AND THE INITIAL REGISTRATION'S EFFECTIVE DATES, WHICH MAY RUN FROM DATE OF FIRST REGISTRATION TO DECEMBER 31 OF THE FOLLOWING YEAR. TO CONTINUE TO RECEIVE NOTICE OF APPLICATIONS, AN ASSOCIATION SHALL RE-REGISTER EVERY TWO YEARS.

(BB) THE CITY SHALL ESTABLISH AND MAINTAIN AN EMAIL REGISTRY SO THAT ANY RESIDENT MAY RECEIVE THE SAME INFORMATIONAL MAILINGS AS A CIVIC ASSOCIATION. TO OBTAIN A REGISTRATION, A RESIDENT SHALL PROVIDE THE FOLLOWING INFORMATION TO THE CITY: NAME; STREET ADDRESS; EMAIL ADDRESS; AND, DAYTIME TELEPHONE NUMBER. THE CITY MAY DELETE REGISTRATIONS FOR WHICH AN EMAIL ADDRESS CEASES TO FUNCTION.

(3) ASSOCIATIONS MAY REPRESENT OVERLAPPING GEOGRAPHICAL AREAS.

(4) THE PLANNING DIRECTOR MAY DECLINE REGISTRATION OF ANY ASSOCIATION WHICH PURPORTS TO REPRESENT AN AREA OF UNREASONABLE DESCRIPTION OR OTHERWISE DOES NOT MEET THE REQUIREMENTS OF THIS SUBSECTION.

SMALL CAPS: Indicate language added to the City Code.

(5) A WATERSHED PROTECTION GROUP THAT IS REGISTERED AS A SECTION 501(C)(3) ENVIRONMENTAL ORGANIZATION MAY DESIGNATE AN AREA CONSISTING OF THE WATERSHED WHOSE PROTECTION IS THE PURPOSE OF THE ORGANIZATION IF THE OFFICERS OF THE ORGANIZATION MAINTAIN THEIR PRIMARY RESIDENCE WITHIN THE WATERSHED.

SEC. 26-22. APPLICATION SUBMITTAL

DEVELOPMENT APPLICATIONS SHALL BE SUBMITTED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(A) AUTHORITY TO FILE APPLICATIONS

(1) APPLICATIONS FOR DEVELOPMENT APPROVALS AND PERMITS SHALL BE SUBMITTED BY:

(A) THE LANDOWNER; OR

(B) ANY OTHER PERSON OR ENTITY HAVING A LEGAL INTEREST IN THE LAND UPON WHICH THE DEVELOPMENT IS PROPOSED, OR THEIR AUTHORIZED AGENT.

(2) APPLICANT IS NOT THE OWNER

IF THE APPLICANT IS NOT THE OWNER OF THE LAND, OR IS A CONTRACT PURCHASER OF THE LAND, THE APPLICANT SHALL SUBMIT A LETTER SIGNED BY THE OWNER CONSENTING TO THE SUBMITTAL OF THE APPLICATION.

(3) APPLICANT IS NOT THE SOLE OWNER

IF THE APPLICANT IS NOT THE SOLE OWNER OF THE LAND, A LETTER SIGNED BY ALL THE OTHER OWNERS CONSENTING TO OR JOINING IN THE APPLICATION FOR DEVELOPMENT APPROVAL OR PERMIT SHALL BE SUBMITTED, ALONG WITH OWNER NAMES, RESIDENT AND BUSINESS MAILING ADDRESSES, THEIR PERCENT OF OWNERSHIP, AND SIGNATURES.

(B) APPLICATION CONTENTS AND FORM

THE APPLICATION CONTENTS AND FORM SHALL COMPLY WITH REQUIREMENTS ESTABLISHED BY DIVISION 3 OF THIS ARTICLE, APPLICATION-SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS, AND THE PLANNING DIRECTOR.

(C) FEES

THE CITY COUNCIL SHALL ESTABLISH THE FEES REQUIRED FOR EACH TYPE OF DEVELOPMENT APPLICATION SUBMITTED UNDER ARTICLE II OF THIS CHAPTER, AS

APPROPRIATE. NO APPLICATION IS COMPLETE UNTIL ALL REQUIRED FEES ARE PAID IN FULL.

(D) SUBMISSION SCHEDULE

THE BOWIE ADVISORY PLANNING BOARD SHALL ESTABLISH THE SCHEDULE FOR APPLICATION SUBMISSION AND REVIEW, BY APPLICATION TYPE AND BY TIME FRAMES FOR REVIEW CONSISTENT WITH ANY DEADLINES IMPOSED BY STATE OR COUNTY LAW.

(E) SIMULTANEOUS PROCESSING OF APPLICATIONS

(1) CONCURRENT REVIEW OF TWO OR MORE OF THE SAME TYPE APPLICATION THAT PROPOSE DIFFERENT DEVELOPMENT ALTERNATIVES FOR THE SAME PARCEL OR DEVELOPMENT SITE IS PROHIBITED.

(2) WHENEVER TWO OR MORE FORMS OR DIFFERENT TYPES OF DEVELOPMENT APPLICATIONS ARE REQUIRED FOR THE SAME PARCEL OR DEVELOPMENT SITE, THE APPLICATIONS FOR THOSE DEVELOPMENT APPROVALS OR PERMITS MAY BE PROCESSED SIMULTANEOUSLY, SO LONG AS ALL APPLICABLE STATE AND LOCAL REQUIREMENTS ARE SATISFIED. SIMULTANEOUS PROCESSING OF APPLICATIONS MAY RESULT IN ADDITIONAL FEES TO THE APPLICANT.

(F) APPLICATION SUBMITTAL AND NOTICE

(1) ALL DEVELOPMENT APPLICATIONS SHALL BE SUBMITTED TO THE PLANNING DIRECTOR, ALONG WITH THE FEES REQUIRED FOR THE APPLICATION.

(2) THE APPLICANT SHALL OBTAIN AN APPLICATION NUMBER FROM THE PLANNING DEPARTMENT BEFORE SENDING AN INFORMATIONAL NOTICE OF APPLICATION SUBMITTAL. THIS INFORMATIONAL NOTICE SHALL CONTAIN AT LEAST THE FOLLOWING: THE APPLICATION NUMBER; A DESCRIPTION OF THE PROPERTY AND ITS LOCATION; THE NATURE OF THE APPLICANT'S REQUEST; THE JUSTIFICATION STATEMENT, IF REQUIRED WITH THE APPLICATION; IDENTIFY THE PLANNING DEPARTMENT, WITH TELEPHONE NUMBER, TO OBTAIN MORE INFORMATION ABOUT THE APPLICATION AFTER IT IS FILED; A STATEMENT TO RECIPIENTS THAT THE APPLICANT WILL MEET, TO EXPLAIN THE APPLICATION; AN APPLICANT TELEPHONE NUMBER AND EMAIL ADDRESS, FOR PERSONS WILLING TO MEET; AN EXPLANATION OF THE PROCEDURES AND THE NECESSITY FOR BECOMING A PERSON OF RECORD IN THE PENDING APPLICATION; AND A STATEMENT THAT NO GOVERNMENT AGENCY HAS REVIEWED THE APPLICATION. A CIVIC ASSOCIATION, OR OTHER PARTY ENTITLED TO AN INFORMATIONAL MAILING MAY REQUEST A COPY OF THE SITE PLAN FROM THE

APPLICANT. INFORMATION MAILINGS REQUIRED BY THIS SECTION ARE IN ADDITION TO ALL POSTINGS AND NOTICES REQUIRED BY LAW.

(G) FILING OF AFFIDAVITS

(1) ETHICS AFFIDAVIT

OWNERS, APPLICANTS, AGENTS, AND ANY OTHERS AS APPROPRIATE SHALL FILE AN AFFIDAVIT OR AFFIDAVITS RELATED TO PAYMENTS OR CONTRIBUTIONS TO A MEMBER OF THE CITY COUNCIL IN ACCORDANCE WITH STATE LAW.

(2) AFFIDAVIT OF MAILING

THE APPLICANT SHALL FILE AN AFFIDAVIT OF MAILING, WHICH SHALL GIVE THE NAMES AND ADDRESSES OF ALL PERSONS SENT INFORMATIONAL MAILINGS AND THE DATES WHEN THEY WERE SENT.

SEC. 26-23. DETERMINATION OF COMPLETENESS

A. GENERALLY

(1) UPON SUBMITTAL OF A DEVELOPMENT APPLICATION, THE PLANNING DIRECTOR SHALL DETERMINE IF THE APPLICATION IS COMPLETE WITHIN 15 BUSINESS DAYS. A COMPLETE APPLICATION IS ONE THAT:

(A) CONTAINS ALL APPLICATION CONTENT REQUIREMENTS ESTABLISHED FOR THE PARTICULAR TYPE OF APPLICATION IN ACCORDANCE WITH SECTION 26-22(B), APPLICATION CONTENTS AND FORM;

(B) IS IN THE FORM REQUIRED FOR THE PARTICULAR TYPE OF APPLICATION IN ACCORDANCE WITH SECTION 26-22(B), APPLICATION CONTENTS AND FORM;

(C) INCLUDES ALL REQUIRED AFFIDAVITS, SUCH AS THE APPLICANT'S AFFIDAVIT OF MAILING OF ANY REQUIRED INFORMATION NOTICES IN ACCORDANCE WITH SECTION 26-22(F), APPLICATION SUBMITTAL AND NOTICE;

(D) INCLUDES INFORMATION IN SUFFICIENT DETAIL TO EVALUATE THE APPLICATION TO DETERMINE WHETHER IT COMPLIES WITH THE APPROPRIATE SUBSTANTIVE STANDARDS OF THIS ORDINANCE; AND

(E) IS ACCOMPANIED BY THE FEES ESTABLISHED FOR THE PARTICULAR TYPE OF APPLICATION IN ACCORDANCE WITH SECTION 26-22(C) OF THIS CHAPTER.

(2) NO APPLICATION MAY BE DEEMED COMPLETE IF IT FAILS TO COMPLY WITH ANY OF THE ABOVE REQUIREMENTS.

B. APPLICATION INCOMPLETE

(1) IF IT IS DETERMINED THE APPLICATION IS INCOMPLETE, THE PLANNING DIRECTOR SHALL SEND WRITTEN NOTICE TO THE APPLICANT OF THE DEFICIENCIES, AND REVIEW OF THE APPLICATION SHALL NOT PROCEED. THE APPLICANT MAY CORRECT THE DEFICIENCIES AND RESUBMIT THE APPLICATION FOR COMPLETENESS DETERMINATION.

(2) NOTWITHSTANDING THE OTHER PROVISIONS OF THIS SUBSECTION, AFTER AN APPLICATION IS DETERMINED INCOMPLETE THREE TIMES, AN APPLICANT MAY REQUEST IN WRITING, AND THE PLANNING DIRECTOR SHALL PROCESS THE APPLICATION IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PART OF ARTICLE II OF THIS CHAPTER, EVEN THOUGH IT IS NOT CONSIDERED A COMPLETE APPLICATION.

C. NOTICE OF COMPLETENESS

(1) WHEN THE PLANNING DIRECTOR DETERMINES AN APPLICATION HAS BEEN FILED IN PROPER FORM AND IS READY TO BE DETERMINED COMPLETE, THE PLANNING DIRECTOR SHALL NOTIFY THE APPLICANT IN WRITING, PREFERABLY BY E-MAIL. WHEN APPLICABLE, THE NAME AND CONTACT INFORMATION OF THE STAFF MEMBER ASSIGNED TO THE APPLICATION SHALL BE INCLUDED IN THE NOTICE.

(2) THE APPLICANT SHALL NOTIFY, IN WRITING AND VIA FIRST CLASS MAIL, CIVIC ASSOCIATIONS, ANY GOVERNED SPECIAL TAXING DISTRICT, AND OTHER PERSONS ENTITLED TO RECEIVE INFORMATIONAL MAILINGS THAT THE APPLICATION IS READY TO BE ACCEPTED. WHEN APPLICABLE, THE NAME AND CONTACT INFORMATION OF THE STAFF MEMBER ASSIGNED TO THE APPLICATION SHALL BE INCLUDED IN THE NOTICE.

(3) THE PLANNING DIRECTOR SHALL NOT FORMALLY DETERMINE AN APPLICATION AS COMPLETE OR BEGIN PROCESSING THE APPLICATION UNTIL AFTER THE APPLICANT HAS FILED AN AFFIDAVIT IN THE RECORD TO DOCUMENT COMPLETION OF A WRITTEN NOTICE OF ACCEPTANCE TO CIVIC ASSOCIATIONS, ANY GOVERNED SPECIAL TAXING DISTRICT, AND OTHER PERSONS ENTITLED TO RECEIVE INFORMATIONAL MAILINGS.

(4) THE APPLICANT SHALL NOTIFY, IN WRITING VIA FIRST CLASS MAIL, CIVIC ASSOCIATIONS, ANY GOVERNED SPECIAL TAXING DISTRICT, AND OTHER PARTIES ENTITLED TO RECEIVE INFORMATION MAILINGS THAT THE APPLICATION HAS BEEN DEEMED COMPLETE. WHEN APPLICABLE, THE NAME AND CONTACT INFORMATION OF THE STAFF MEMBER ASSIGNED TO THE APPLICATION SHALL BE INCLUDED IN THE NOTICE.

D. APPLICATION COMPLETE

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(1) IF THE DEVELOPMENT APPLICATION IS DETERMINED COMPLETE OR IF THE APPLICANT HAS REQUESTED THAT THE APPLICATION BE PROCESSED IN ACCORDANCE WITH SECTION 26-23(B)(2) ABOVE, IT SHALL BE REVIEWED IN ACCORDANCE WITH THE PROCEDURES AND STANDARDS OF THIS ARTICLE.

(2) APPLICATIONS REVIEWED AND DECIDED BY THE CITY COUNCIL, ADVISORY PLANNING BOARD, PLANNING DIRECTOR, OR ZONING VARIANCE HEARING BOARD, SHALL BE REFERRED TO THE HISTORIC PRESERVATION COMMISSION AT THIS STAGE FOR COMMENT, IF THE DEVELOPMENT APPLICATION INCLUDES LAND WHICH CONTAINS OR ABUTS AN HISTORIC SITE, RESOURCE, OR DISTRICT IDENTIFIED ON THE ADOPTED AND APPROVED HISTORIC SITES AND DISTRICTS PLAN, AS SOON AS FEASIBLE AFTER THE APPLICATION IS SUBMITTED AND DETERMINED COMPLETE.

(3) ANY ESTABLISHED TIME FRAME FOR REVIEW OF THE APPLICATION STARTS ON THE DATE IT IS DETERMINED COMPLETE, OR THE DATE IT IS REQUESTED TO BE PROCESSED IN ACCORDANCE WITH SECTION 26-23(B)(2) ABOVE.

E. RECORD OF COMPLETE APPLICATIONS

(1) WITHIN 10 DAYS AFTER THE END OF EACH MONTH, THE PLANNING DIRECTOR SHALL PROVIDE A LIST OF ALL APPLICATIONS DETERMINED COMPLETE DURING THAT MONTH, INCLUDING THOSE APPLICATIONS AUTHORIZED FOR ADMINISTRATIVE REVIEW AND/OR DISPOSITION PURSUANT TO THIS ARTICLE. THE LIST SHALL SET FORTH THE NAME OF THE APPLICANT, THE SIZE AND DESCRIPTION OF THE PROPERTY, AND THE EXISTING ZONING CLASSIFICATIONS OF THE PROPERTY. THE PLANNING DIRECTOR SHALL PUBLISH THE REPORT ON THE CITY WEBSITE. ANY PERSON MAY REQUEST, IN WRITING, A COPY OF THE REPORT SENT BY FIRST CLASS MAIL. A REASONABLE FEE MAY BE CHARGED TO COVER THE COSTS OF POSTAGE AND COPYING.

(2) ONE COPY OF THE LIST DESCRIBED ABOVE SHALL BE MAILED BY THE PLANNING DIRECTOR ON A SUBSCRIPTION BASIS WITHOUT CHARGE TO ANY HOMEOWNERS, NEIGHBORHOOD, CIVIC, OR SIMILAR ASSOCIATION THAT HAS REGISTERED WITH THE PLANNING DIRECTOR.

SEC. 26-24. APPLICATION AMENDMENT OR WITHDRAWAL

AMENDING AN APPLICATION

(1) AN APPLICANT MAY REVISE A DEVELOPMENT APPLICATION AS FOLLOWS:

(A) AMENDMENTS CONCERNING EITHER (1) AN ERROR, OMISSION OF FACT, OR OTHER FACTUAL CHANGE OR (2) MADE BY THE APPLICANT IN DIRECT RESPONSE

TO AN ADVISORY OR DECISION-MAKING BODY RECOMMENDATION, IF THE AMENDMENT IS NOT COVERED BY SUBSECTIONS (B) OR (C), BELOW, ARE PERMITTED AT ANY TIME AFTER RECEIVING INITIAL STAFF REVIEW COMMENTS ON THE APPLICATION, OR UPON REQUESTING AND RECEIVING PERMISSION FROM AN ADVISORY OR DECISION-MAKING BODY AFTER THAT BODY HAS REVIEWED BUT NOT YET TAKEN ACTION ON THE APPLICATION.

(B) AMENDMENTS WHICH INVOLVE SUBSTANTIAL MODIFICATIONS TO THE ORIGINAL PROPOSAL SUCH AS CHANGING A SIGNIFICANT AREA OR CONFIGURATION SHALL CAUSE THE APPLICATION TO BE REVIEWED AGAIN IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE II OF THIS CHAPTER.

(C) AMENDMENTS CONCERNING A CHANGE IN A REQUESTED USE TYPE OR USE CATEGORY, WHERE APPROPRIATE, SHALL BE ACCOMPANIED BY A NEW (REVISED) JUSTIFICATION STATEMENT.

B. WITHDRAWAL OF APPLICATION

(1) WITHDRAWAL BY APPLICANT

AFTER AN APPLICATION HAS BEEN ACCEPTED AS COMPLETE FOR REVIEW, THE APPLICANT MAY WITHDRAW THE APPLICATION AT ANY TIME BY SUBMITTING A LETTER OF WITHDRAWAL TO THE PLANNING DIRECTOR, OR BY VERBALLY WITHDRAWING THE APPLICATION AT A PUBLIC HEARING FOR WHICH REVIEW OF THE APPLICATION IS SCHEDULED.

(2) WITHDRAWAL THROUGH INACTION

IF AN APPLICANT REQUESTS OR CAUSES CONTINUING POSTPONEMENT OF SUBMISSIONS OR ACTIONS REQUIRED TO COMPLETE THE APPLICATION REVIEW PROCESS, AND SUCH POSTPONEMENT CAUSES INACTION FOR SIX OR MORE MONTHS IN THE REVIEW OF THE APPLICATION, THE APPLICATION MAY BE CONSIDERED WITHDRAWN, AND THE PLANNING DIRECTOR SHALL NOTIFY THE APPLICANT IN WRITING.

(3) APPLICATION FEES REFUNDED

APPLICATION FEES MAY BE REFUNDED AT THE DISCRETION OF THE DECISION-MAKING BODY IF THE APPLICATION IS WITHDRAWN PRIOR TO THE FIRST PUBLIC HEARING ON THE APPLICATION. IN ALL OTHER INSTANCES, APPLICATION FEES WILL NOT BE REFUNDED.

SEC. 26-25. STAFF REVIEW AND ACTION

SMALL CAPS: Indicate language added to the City Code.

A. STAFF REVIEW AND OPPORTUNITY TO REVISE APPLICATION

(1) WHEN THE DEVELOPMENT APPLICATION IS DETERMINED COMPLETE, OR IS PROCESSED IN ACCORDANCE WITH SECTION 26-23(B)(2) ABOVE, THE PLANNING DIRECTOR SHALL DISTRIBUTE IT TO ALL APPROPRIATE PUBLIC AGENCIES FOR REVIEW AND COMMENT.

(2) THE PLANNING DIRECTOR SHALL THEN REVIEW THE APPLICATION, ALONG WITH THE RELEVANT SUPPORT MATERIAL, AND ANY COMMENTS. IF DEFICIENCIES IN COMPLYING WITH APPLICABLE STANDARDS ARE IDENTIFIED, THE PLANNING DIRECTOR SHALL NOTIFY THE APPLICANT OF THOSE DEFICIENCIES AND PROVIDE THE APPLICANT A REASONABLE OPPORTUNITY TO DISCUSS THE DEFICIENCIES AND REVISE THE APPLICATION TO ADDRESS THEM, IN ACCORDANCE WITH SECTION 26-24(A), AMENDING AN APPLICATION.

B. APPLICATION SUBJECT TO STAFF RECOMMENDATION

(1) STAFF REPORT

THE PLANNING DIRECTOR SHALL, FOLLOWING COMPLETION OF STAFF AND AGENCY REVIEW, PREPARE A STAFF REPORT THAT:

(A) ANALYZES WHETHER THE APPLICATION COMPLIES WITH APPLICABLE REVIEW STANDARDS;

(B) DELINEATES THE APPROXIMATE AREA OF THE NEIGHBORHOOD, EITHER ON THE OFFICIAL ZONING MAP, AN AERIAL PHOTOGRAPH, OR A SKETCH MAP, AS APPROPRIATE;

(C) DESCRIBES LAND USE AND ZONING IN THE NEIGHBORHOOD;

(D) RECOMMENDS ACTION ON THE APPLICATION, INCLUDING ANY RECOMMENDED CONDITIONS OF APPROVAL; AND,

(E) FOR DEVELOPMENT APPLICATIONS SUBJECT TO EVIDENTIARY HEARINGS, SUMMARIZES ANY WRITTEN COMMUNICATIONS RELEVANT TO THE REVIEW STANDARDS APPLICABLE FOR THE APPLICATION TYPE PROVIDED BY THOSE IN OPPOSITION AND BY THOSE IN SUPPORT, AND RECEIVED BY THE PLANNING DIRECTOR AT LEAST ONE (1) WEEK PRIOR TO THE PUBLICATION OF THE TECHNICAL STAFF REPORT. SUCH SUMMARY SHALL INCLUDE THE PLANNING DIRECTOR'S RESPONSE TO THE OBJECTIONS AND ARGUMENTS MADE BY THOSE IN OPPOSITION AND BY THOSE IN SUPPORT, AND SHALL BE MADE PART OF THE RECORD. IF THERE ARE OBJECTIONS AND ARGUMENTS MADE BY MULTIPLE PEOPLE OR ORGANIZATIONS IN OPPOSITION, THE PLANNING DIRECTOR SHALL

SUMMARIZE EACH SEPARATE ISSUE RAISED INSTEAD OF ADDRESSING EACH INDIVIDUAL PERSON OR ORGANIZATION. THE SUMMARY SHOULD ALSO COMMENT ON OBJECTIONS AND ARGUMENTS MADE BY THE OPPOSITION AND BY THOSE IN SUPPORT THAT, WHILE NOT RELEVANT TO THE REVIEW STANDARDS APPLICABLE TO THE APPLICATION TYPE, WOULD BE PERTINENT TO OTHER APPROVALS REQUIRED IN THE DEVELOPMENT PROCESS.

(2) DISTRIBUTION AND AVAILABILITY OF APPLICATION AND STAFF REPORT

(A) AFTER COMPLETION OF THE STAFF REPORT, THE PLANNING DIRECTOR SHALL TRANSMIT THE APPLICATION AND REPORT TO THE DECISION-MAKING BODY. THE PLANNING DIRECTOR SHALL ALSO PROVIDE THE APPLICANT A COPY OF THE STAFF REPORT AND MAKE A COPY OF THE REPORT AVAILABLE FOR EXAMINATION BY THE PUBLIC NO LESS THAN 2 WEEKS PRIOR TO THE SCHEDULED HEARING.

(B) ANY PERSON MAY REQUEST, IN WRITING, A COPY OF THE STAFF REPORT SENT BY FIRST CLASS MAIL. A REASONABLE FEE MAY BE CHARGED TO COVER THE COSTS OF POSTAGE AND COPYING. SUCH PERSONS SHALL BE SENT A COPY OF THE STAFF REPORT.

(C) APPLICATION SUBJECT TO DECISION BY PLANNING DIRECTOR

IF AN APPLICATION IS SUBJECT TO A FINAL DECISION BY THE PLANNING DIRECTOR AS SET FORTH IN DIVISION 3 OF THIS ARTICLE, THE PLANNING DIRECTOR SHALL MAKE A DECISION ON THE APPLICATION, CONSISTING OF ONE OF THE ALLOWED DECISIONS IN, AND BASED ON THE REVIEW STANDARDS IN DIVISION 3 OF THIS ARTICLE, APPLICATION-SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS, FOR THE SPECIFIC TYPE OF APPLICATION.

SEC. 26-26. SCHEDULING OF HEARINGS AND PUBLIC NOTICE

A. PUBLIC HEARING SCHEDULING

THE SCHEDULING OF PUBLIC HEARINGS FOR APPLICATIONS SUBJECT TO A PUBLIC HEARING IN ACCORDANCE WITH DIVISION 3 OF THIS ARTICLE, APPLICATION-SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS, SHALL BE AS FOLLOWS:

(1) THE PLANNING DIRECTOR SHALL ENSURE THAT THE HEARING ON THE APPLICATION IS SCHEDULED FOR A REGULARLY SCHEDULED MEETING OF THE BODY CONDUCTING THE HEARING, OR A MEETING SPECIALLY CALLED FOR THAT PURPOSE BY THAT BODY.

(2) PUBLIC HEARINGS SHALL BE SCHEDULED SO THERE IS SUFFICIENT TIME FOR ANY REQUIRED STAFF REPORT TO BE PREPARED AND DISTRIBUTED IN ACCORDANCE WITH SECTION 26-25(B)(1), STAFF REPORT, AND FOR PUBLIC NOTIFICATION IN ACCORDANCE WITH SECTION 26-26(B) BELOW.

B. PUBLIC NOTICE

(1) GENERALLY

NOTIFICATION SHALL BE PROVIDED FOR ALL REQUIRED PUBLIC HEARINGS ON APPLICATIONS IN ACCORDANCE WITH THE TABLE BELOW: REQUIRED PUBLIC NOTICE, ALL OTHER PROVISIONS OF THIS CHAPTER, AND THE MARYLAND LAND USE ARTICLE.

REQUIRED PUBLIC NOTICE, ALL OTHER PROVISIONS OF THIS CHAPTER AND THE MARYLAND LAND USE ARTICLE

APPLICATION TYPE	REQUIRED TIMING AND SPECIFIC RECIPIENTS	MAIL
MINOR CHANGES TO APPROVED SPECIAL EXCEPTION	APPLICATION DECISION ONLY, TO: ● PARTIES OF RECORD; AND ● CITY COUNCIL.	14 DAYS FOLLOWING DETERMINATION OF COMPLETENESS; MAY BE WAIVED BY PLANNING DIRECTOR IN ACCORDANCE WITH ARTICLE II OF THIS CHAPTER
MAJOR DEPARTURE	14 DAYS PRIOR TO THE ADVISORY PLANNING BOARD HEARING, TO: • PARTIES OF RECORD • 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 • 14 DAYS PRIOR TO THE ADVISORY PLANNING BOARD HEARING, TO: • PARTIES OF RECORD;	30 DAYS PRIOR TO THE HEARING EXCEPT: WHEN ASSOCIATED WITH A COMPANION (PARENT) APPLICATION, NOTICE SHALL BE THE SAME AS THAT REQUIRED FOR THE COMPANION (PARENT) APPLICATION.
NONCONFORMING USE	30 DAYS PRIOR TO THE HEARING, TO: • THE APPLICANT; AND PERSONS OF RECORD	WITHIN 10 DAYS AFTER APPLICATION DETERMINED COMPLETE.
VARIANCE HEARING	15 DAYS PRIOR TO THE HEARING, TO: • THE APPLICANT • OWNERS OF ALL LANDS ABUTTING OR OPPOSITE THE LAND SUBJECT TO THE APPLICATION; (4) AND	15 DAYS PRIOR TO THE HEARING

SMALL CAPS: Indicate language added to the City Code.

(2) CONTENT

ALL NOTICES REQUIRED BY THIS SECTION SHALL INCLUDE:

(A) THE DATE, TIME, AND PLACE OF THE PUBLIC HEARING ON THE APPLICATION;

(B) THE APPLICATION NUMBER AND THE TYPE OF APPLICATION BEING CONSIDERED;

(C) THE DESCRIPTION OF THE LAND TO INCLUDE THE SIZE AND ZONING OF THE PROPERTY;

(D) A SUMMARY OF THE APPLICANT'S REQUEST;

(E) A PHONE NUMBER AND E-MAIL ADDRESS, PROMINENTLY DISPLAYED, TO CALL OR E-MAIL FOR ADDITIONAL INFORMATION, ALONG WITH THE WEBSITE ADDRESS OF THE PLANNING DEPARTMENT, THE ADVISORY PLANNING BOARD, AND ZONING VARIANCE HEARING BOARD, AS APPROPRIATE;

(F) IF A PUBLIC HEARING IS REQUIRED, THE WORD "HEARING" SHALL BE PROMINENTLY DISPLAYED; AND

(G) A STATEMENT, CLEARLY DISPLAYED, THAT ANY MEMBER OF THE PUBLIC IS WELCOME TO ATTEND THE PUBLIC HEARING AND SPEAK EITHER IN SUPPORT OR OPPOSITION TO THE PUBLIC HEARING.

(3) REGISTRATION TO RECEIVE NOTICE

(A) ANY CIVIC OR NEIGHBORHOOD ORGANIZATION OR OTHER ORGANIZATION IN THE COUNTY MAY REGISTER WITH THE COUNTY PLANNING DIRECTOR TO RECEIVE NOTICE OF APPLICATIONS AND PUBLIC HEARINGS. REGISTRATION SHALL BE IN ACCORDANCE WITH PRINCE GEORGE'S COUNTY CODE, SEC. 27-3402(D).

(B) THE NOTICE SHALL BE TRANSMITTED BY ELECTRONIC MAIL, OR IF REQUESTED BY THE ORGANIZATION, BY MAIL.

(4) MAILED NOTICE

THE PLANNING DIRECTOR SHALL MAIL NOTICE AS REQUIRED IN SECTION 26-26(B)(1) ABOVE. THE FAILURE OF ANY PARTY TO RECEIVE THE MAILING SHALL NOT INVALIDATE ANY FINAL ACTION ON THE APPLICATION.

(5) POSTED NOTICE

WHERE REQUIRED BY THE TABLE IN SECTION 26-26(B)(1) ABOVE, THE CITY SHALL OBTAIN AND ERECT ALL POSTED NOTICE AS FOLLOWS:

(A) NUMBER, DIMENSIONS, AND ORIENTATION

POSTED NOTICE SIGNS SHALL BE DISPLAYED AS FOLLOWS:

(I) IF THE SITE SUBJECT TO THE APPLICATION HAS FRONTAGE ON ONE OR MORE IMPROVED STREETS, THERE SHALL BE ONE SIGN POSTED FOR EACH 500 FEET, OR FRACTION THEREOF, OF FRONTAGE ON EACH STREET. THE SIGN(S) SHALL BE POSTED ON THE SITE NEAR THE STREET RIGHT-OF-WAY, AND ORIENTED TO MAXIMIZE THEIR VISIBILITY TO MOTORISTS. WHEN MORE THAN ONE SIGN IS REQUIRED TO BE POSTED ALONG A STREET, THE SIGNS SHALL, WHERE PRACTICABLE, BE EVENLY SPACED ALONG THE STREET.

(II) THE POSTED NOTICE SIGN(S) SHALL BE SINGLED-SIDED IF THE SITE OCCUPIES FRONTAGE ON A CUL-DE-SAC, AT THE END OF A DEAD-END STREET, OR ON A ONE-WAY STREET. THE SIGN(S) SHALL BE ORIENTED TO MAXIMIZE THEIR VISIBILITY TO MOTORISTS.

(III) THE POSTED NOTICE SIGN(S) SHALL BE DOUBLE-SIDED IF THE SITE OCCUPIES FRONTAGE ON A STREET THAT IS VISIBLE TO TWO-WAY TRAFFIC. THESE SIGN(S) SHALL BE CONFIGURED IN A "V" SHAPE, AT A 45-DEGREE ANGLE, AND ORIENTED TO MAXIMIZE THEIR VISIBILITY TO MOTORISTS.

(IV) IF THE SITE DOES NOT HAVE FRONTAGE ON AN IMPROVED PUBLIC STREET, THEN ONE SIGN SHALL BE PLACED ON THE LAND SUBJECT TO THE APPLICATION. THE SIGN SHALL BE NEAR THE BOUNDARY OF THE SITE AND VISIBLE FROM ADJOINING LAND. 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 LAND SUBJECT TO THE APPLICATION.

(V) IF THE PLACEMENT OF ANY SIGN ON THE LAND SUBJECT TO THE APPLICATION IS NOT VISIBLE TO MOTORISTS FROM ADJOINING STREETS, THE PLANNING DIRECTOR MAY REQUIRE PLACEMENT OF ADDITIONAL SIGNS, AS NEEDED, TO ENSURE THAT NOTICE ABOUT THE APPLICATION AND PUBLIC HEARING IS ACCESSIBLE TO THE GENERAL PUBLIC.

(VI) POSTED NOTICE SIGNS SHALL BE A MINIMUM OF 44 INCHES BY 28 INCHES IN SIZE AND SHALL NOT EXCEED 72 INCHES IN WIDTH OR 48 INCHES IN HEIGHT.

(B) DISPLAY AND MAINTENANCE OF POSTED NOTICE

(I) ALL SIGNS SHALL BE POSTED AND DISPLAYED FOR A CONTINUOUS PERIOD OF TIME AS SET FORTH IN THE TABLE IN SECTION 26-26(B).

(II) THE SIGN(S) SHALL BE DURABLE, CONSPICUOUS, AND LEGIBLE FOR THE LENGTH OF THE REQUIRED POSTING PERIOD.

(III) THE APPLICANT IS RESPONSIBLE FOR THE REASONABLE MAINTENANCE OF ALL SIGNS. IF A SIGN IS REMOVED, FALLS DOWN, OR IS OTHERWISE NOT PROPERLY LOCATED ON THE SITE SUBJECT TO THE APPLICATION, OR IN THE RIGHT-OF-WAY, FOR ANY PORTION OF THE REQUIRED POSTING PERIOD, THE APPLICANT SHALL IMMEDIATELY NOTIFY THE PLANNING DIRECTOR FOR REPOSTING OF THE SIGN.

(IV) THE CITY SHALL REMOVE THE SIGNS FROM THE SITE WITHIN 15 DAYS AFTER THE PUBLIC HEARING ON THE APPLICATION.

(V) THE PERSON POSTING THE SIGN SHALL FILE A WRITTEN AFFIDAVIT OF POSTING IN THE RECORD. A CLOSE-UP, LEGIBLE PHOTOGRAPH OF EACH POSTED SIGN AND ADDITIONAL LONG-DISTANCE PHOTOGRAPHS DEPICTING THE SIGNS AND UNIQUE, IDENTIFIABLE FEATURES OF THE LAND SUBJECT TO THE APPLICATION SHALL ALSO BE SUBMITTED AND INCLUDED IN THE RECORD FOR THE CASE.

(VI) THE APPLICANT SHALL INSPECT THE SIGN(S) AT LEAST ONE TIME NO LATER THAN THE 15TH DAY OF POSTING TO ENSURE THAT THE SIGNS ARE MAINTAINED. THE PERSON CONDUCTING THE INSPECTION SHALL FILE IN THE RECORD A WRITTEN AFFIDAVIT OF THE SIGN'S CONDITION. AN AFFIDAVIT OF POSTING SHALL BE FILED WITH THE PLANNING DIRECTOR NO LATER THAN THE DAY OF THE HEARING.

(VII) ANY UNAUTHORIZED PERSON REMOVING, DESTROYING, DEFACING, OBSTRUCTING, OR OTHERWISE INTERFERING WITH A POSTED SIGN (DIRECTLY OR INDIRECTLY) IS IN VIOLATION OF ARTICLE II OF THIS CHAPTER AND SUBJECT TO ANY PENALTIES PROVIDED BY THE CITY CODE, THIS CHAPTER AND STATE LAW. INTERFERENCE WITH A POSTED SIGN SHALL IN NO WAY DELAY OR INVALIDATE THE APPLICATION.

SMALL CAPS: Indicate language added to the City Code.

(C) DEFERRAL OF APPLICATION

(1) REQUEST FOR DEFERRAL

AN APPLICANT MAY REQUEST IN WRITING THAT THE ADVISORY PLANNING BOARD'S CONSIDERATION OF AN APPLICATION AT A PUBLIC HEARING BE DEFERRED AT ANY TIME PRIOR TO THE PUBLIC HEARING.

(2) DECISION ON REQUEST SUBMITTED PRIOR TO PUBLIC NOTIFICATION

(A) IF PUBLIC NOTICE IN ACCORDANCE WITH SECTION 26-26(B) ABOVE, HAS NOT BEEN PROVIDED, THE PLANNING DIRECTOR MAY GRANT THE REQUEST FOR GOOD CAUSE.

(B) IF A DEFERRAL IS GRANTED, THE DATE OF THE PUBLIC HEARING AT WHICH THE APPLICATION WILL BE HEARD SHALL BE SET AT THE TIME THE DEFERRAL IS GRANTED.

(3) DECISION ON REQUEST SUBMITTED AFTER PUBLIC NOTIFICATION

(A) IF PUBLIC NOTIFICATION IN ACCORDANCE WITH SECTION 26-26(B) ABOVE, HAS BEEN PROVIDED, THE REQUEST FOR DEFERRAL SHALL BE PLACED ON THE PUBLIC HEARING AGENDA ON THE DATE THE APPLICATION IS TO BE CONSIDERED AND ACTED UPON BY THE CITY COUNCIL OR ADVISORY PLANNING BOARD.

(B) THE CITY COUNCIL OR ADVISORY PLANNING BOARD MAY APPROVE THE REQUEST FOR DEFERRAL, FOR GOOD CAUSE.

(C) IF A DEFERRAL IS GRANTED, THE DATE OF THE PUBLIC HEARING AT WHICH THE APPLICATION WILL BE HEARD SHALL BE SET AT THE TIME THE DEFERRAL IS GRANTED. THE APPLICANT MAY BE SUBJECT TO ADDITIONAL APPLICATION FEES TO DEFRAY THE ADDITIONAL COSTS OF PROCESSING THE APPLICATION.

SEC. 26-27. REVIEW AND RECOMMENDATION BY ADVISORY BOARD OR OFFICIAL

IF A DEVELOPMENT APPLICATION IS SUBJECT TO A RECOMMENDATION BY THE ADVISORY PLANNING BOARD OR PLANNING DIRECTOR, UNLESS OTHERWISE PROVIDED IN THIS ARTICLE, THE ADVISORY PLANNING BOARD, ZONING VARIANCE HEARING BOARD OR PLANNING DIRECTOR SHALL REVIEW AND ACT ON THE APPLICATION IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(A) GENERAL

(1) THE ADVISORY PLANNING BOARD, ZONING VARIANCE HEARING BOARD OR PLANNING DIRECTOR SHALL HOLD ANY REQUIRED PUBLIC HEARING ON THE APPLICATION, AS APPROPRIATE. AT THE HEARING, THE ADVISORY PLANNING BOARD OR PLANNING DIRECTOR SHALL CONSIDER THE APPLICATION, RELEVANT SUPPORTING MATERIALS, THE STAFF REPORT, AND ANY PUBLIC COMMENTS, AND THEN RECOMMEND ONE OF THE DECISIONS AUTHORIZED FOR THE PARTICULAR TYPE OF APPLICATION, BASED ON THE DECISION STANDARDS APPLICABLE FOR THE APPLICATION TYPE.

(2) WHEN RECOMMENDING A DECISION FOR A DEVELOPMENT APPLICATION SUBJECT TO AN EVIDENTIARY HEARING IN DIVISION 3, ARTICLE 2 OF THIS CHAPTER, THE ADVISORY PLANNING BOARD OR OFFICIAL SHALL INCLUDE A SUMMARY OF THE ORAL AND WRITTEN TESTIMONY SUBMITTED BY THOSE IN OPPOSITION AND BY THOSE IN SUPPORT THAT IS RELEVANT TO THE REVIEW STANDARDS APPLICABLE FOR THE APPLICATION TYPE. SUCH SUMMARY SHALL RESPOND TO THE OBJECTIONS AND ARGUMENTS MADE BY THOSE IN OPPOSITION AND BY THOSE IN SUPPORT, AND SHALL BE MADE A PART OF THE RECORD. THE SUMMARY SHOULD ALSO COMMENT ON OBJECTIONS AND ARGUMENTS MADE BY THE OPPOSITION AND BY THOSE IN SUPPORT THAT, WHILE NOT RELEVANT TO THE REVIEW STANDARDS APPLICABLE TO THE APPLICATION TYPE, WOULD BE PERTINENT TO OTHER APPROVALS REQUIRED IN THE DEVELOPMENT PROCESS.

(B) TIMING

THE ADVISORY PLANNING BOARD, ZONING VARIANCE HEARING BOARD OR PLANNING DIRECTOR SHALL TAKE ACTION WITHIN ANY TIME PERIOD SPECIFIED IN THIS ARTICLE FOR THE TYPE OF APPLICATION; OTHERWISE, IF TIME PERIODS ARE NOT SPECIFIED, ACTION SHALL BE TAKEN AS PROMPTLY AS REASONABLY POSSIBLE.

(C) CONDITIONS OF APPROVAL

IF PERMITTED FOR THE PARTICULAR TYPE OF APPLICATION, THE ADVISORY PLANNING BOARD, ZONING VARIANCE HEARING BOARD OR PLANNING DIRECTOR MAY RECOMMEND CONDITIONS OF APPROVAL.

SEC. 26-28. REVIEW AND DECISION BY DECISION-MAKING BODY OR OFFICIAL

THE DECISION-MAKING BODY OR OFFICIAL, UNLESS STATED OTHERWISE IN DIVISION 3 OF ARTICLE II HEREOF, SHALL REVIEW AND MAKE A FINAL DECISION ON THE APPLICATION IN ACCORDANCE WITH THE REQUIREMENTS IN THIS SECTION.

SMALL CAPS: Indicate language added to the City Code.

(A) GENERAL

(1) THE DECISION-MAKING BODY OR OFFICIAL SHALL HOLD ANY REQUIRED PUBLIC HEARING ON THE APPLICATION. AT THE HEARING, THE DECISION-MAKING BODY OR OFFICIAL SHALL CONSIDER THE APPLICATION, RELEVANT SUPPORT MATERIALS, THE STAFF REPORT, ANY RECOMMENDATIONS BY ADVISORY BOARDS OR OFFICIALS, AND ANY PUBLIC COMMENTS. THE BODY OR OFFICIAL SHALL THEN MAKE ONE OF THE DECISIONS AUTHORIZED FOR THE PARTICULAR TYPE OF APPLICATION, BASED ON THE REVIEW STANDARDS APPLICABLE FOR THE APPLICATION TYPE.

(2) WHEN RECOMMENDING A DECISION FOR A DEVELOPMENT APPLICATION SUBJECT TO AN EVIDENTIARY HEARING IN SECTION 26-29 OF THE CITY CODE, THE ADVISORY BOARD OR OFFICIAL SHALL INCLUDE A SUMMARY OF THE ORAL AND WRITTEN TESTIMONY SUBMITTED BY THOSE IN OPPOSITION AND BY THOSE IN SUPPORT THAT IS RELEVANT TO THE REVIEW STANDARDS APPLICABLE FOR THE APPLICATION TYPE. SUCH SUMMARY SHALL RESPOND TO THE OBJECTIONS AND ARGUMENTS MADE BY THOSE IN OPPOSITION AND BY THOSE IN SUPPORT, AND SHALL BE MADE A PART OF THE RECORD. THE SUMMARY SHOULD ALSO COMMENT ON OBJECTIONS AND ARGUMENTS MADE BY THE OPPOSITION AND BY THOSE IN SUPPORT THAT, WHILE NOT RELEVANT TO THE REVIEW STANDARDS APPLICABLE TO THE APPLICATION TYPE, WOULD BE PERTINENT TO OTHER APPROVALS REQUIRED IN THE DEVELOPMENT PROCESS.

(B) TIMING

THE DECISION-MAKING BODY OR OFFICIAL SHALL TAKE ACTION WITHIN ANY TIME SPECIFIED FOR THE TYPE OF APPLICATION; OTHERWISE, IT SHALL TAKE ACTION AS PROMPTLY AS REASONABLY POSSIBLE IN CONSIDERATION OF THE INTERESTS OF THE APPLICANT, AFFECTED PARTIES, AND RESIDENTS OF THE CITY.

(C) CONDITIONS OF APPROVAL

IF PERMITTED FOR THE PARTICULAR TYPE OF APPLICATION, THE DECISION-MAKING BODY OR OFFICIAL MAY IMPOSE CONDITIONS OF APPROVAL.

(D) REMAND

BEFORE MAKING ITS DECISION, THE DECISION-MAKING BODY OR OFFICIAL MAY REMAND THE APPLICATION, ONCE, TO AN ADVISORY BOARD OR OFFICIAL, AS APPLICABLE, FOR FURTHER CONSIDERATION OF THE ISSUES IDENTIFIED IN THE REMAND ORDER, WHICH SHALL BE BASED ON THE RECORD. WHENEVER THE DISTRICT

COUNCIL REMANDS AN APPLICATION FOR A NONCONFORMING USE, THE TIME FOR FILING SHALL RUN ANEW FROM THE DATE OF THE REMAND BY THE DISTRICT COUNCIL.

SEC. 26-29. EVIDENTIARY HEARING

A. GENERALLY

THIS SECTION APPLIES WHERE AN EVIDENTIARY HEARING IS REQUIRED FOR THE FOLLOWING TYPES OF DEVELOPMENT APPLICATIONS:

1. VARIANCES;
2. MAJOR DEPARTURES;
3. NONCONFORMING USES

B. LIMITATION OF TIME

PARTIES SHALL GENERALLY BE LIMITED TO ONE (1) HOUR FOR EACH SIDE. FOR GOOD CAUSE, THE ADVISORY PLANNING BOARD MAY GRANT ADDITIONAL TIME.

C. ORDER OF PRESENTATION

1. THE ORDER OF PRESENTING EVIDENTIARY CASES SHALL BE AS FOLLOWS:
   (A) STAFF PRESENTATION;
   (B) APPLICANT'S CASE;
   (C) OPPOSITION'S CASE;
   (D) REBUTTAL BY APPLICANT;
   (E) SURREBUTTAL BY OPPOSITION;
   (F) PUBLIC AGENCY COMMENTS AND EXAMINATION;
   (G) SUMMATION BY OPPOSITION;
   (H) SUMMATION BY APPLICANT.

2. IN ALL CASES (INCLUDING CASES REMANDED BY THE CITY COUNCIL OR DISTRICT COUNCIL FOR A NONCONFORMING USE), THE ORDER OR PRESENTATION MAY BE MODIFIED BY THE ADVISORY PLANNING BOARD AS THE NATURE OF THE CASE WARRANTS.

D. PARTICIPATION OF ADVISORY PLANNING BOARD

THE ADVISORY PLANNING BOARD SHALL RULE UPON PROCEDURAL MATTERS, QUESTIONS OF LAW, EVIDENCE, MOTIONS, OR OBJECTIONS, AND MAY LIMIT DEBATE. THE ADVISORY PLANNING BOARD MAY ASK QUESTIONS OF ANY WITNESS.

E. WITNESSES

1. ALL PERSONS WHO APPEAR TO TESTIFY IN AN EVIDENTIARY CASE SHALL BE SWORN. REASONABLE CROSS-EXAMINATION OF WITNESSES SHALL BE PERMITTED.
2. ALL SUBPOENAS SHALL BE SERVED IN THE MANNER PROVIDED BY THE MARYLAND RULES OF CIVIL PROCEDURE FOR SERVICE IN THE CIRCUIT COURTS OF THIS STATE. NO PERSON SHALL DISOBEY OR FAIL TO ANSWER A SUBPOENA. A WITNESS MAY BE EXCUSED FROM ATTENDANCE IF HE CAN SHOW THAT HIS PLACEMENT UNDER SUBPOENA WAS FRIVOLOUS OR OPPRESSIVE.

F. TRANSCRIPTS

A COMPLETE TRANSCRIPT CONTAINING ALL RECORD TESTIMONY (INCLUDING EXHIBITS BY REFERENCE) SHALL BE PREPARED IF AN APPEAL OR A REQUEST FOR ORAL ARGUMENT IS FILED, OR WHERE THE CITY COUNCIL ELECTS TO MAKE THE FINAL DECISION.

G. REFERRAL TO AGENCIES

CASES MAY BE REFERRED TO ANY DEPARTMENT OR OFFICIAL WHO HAS PROCESSED OR COMMENTED ON AN APPLICATION, FOR THE PURPOSE OF CLARIFYING, UPDATING, OR COMPLETING THE RECORD. UNLESS OTHERWISE PROVIDED IN THE REFERRAL, THE AGENCY OR DEPARTMENT SHALL RESPOND WITHIN 30 CALENDAR DAYS OR IT SHALL BE PRESUMED TO HAVE NO COMMENT ON THE APPLICATION.

H. CORRESPONDENCE AND COMMUNICATIONS

ALL CORRESPONDENCE RECEIVED AND COPIES OF CORRESPONDENCE SENT BY DEPARTMENTS OR OFFICIALS PROCESSING APPLICATIONS SHALL BE INCLUDED IN THE RECORD. THE SUBSTANCE OF ANY RELEVANT ORAL COMMUNICATIONS HELD BY STAFF WITH A PUBLIC AGENCY PROCESSING APPLICATIONS, REGARDING THE MERITS OF A PENDING EVIDENTIARY CASE, SHALL BE REDUCED TO WRITING AND INCLUDED IN THE RECORD OF THAT CASE.

I. PERSONS OF RECORD

THE ADVISORY PLANNING BOARD SHALL PREPARE A LIST OF PERSONS OF RECORD, WHICH SHALL BE MADE A PART OF THE RECORD.

J. CONTINUED AND RECESSED CASES

1. THE ADVISORY PLANNING BOARD MAY CONTINUE OR RECESS A CASE.
2. A CASE MAY BE CONTINUED FOR GOOD CAUSE AFTER IT HAS BEEN ADVERTISED FOR HEARING.

SMALL CAPS: Indicate language added to the City Code.

3. After a hearing has begun, a case may be recessed for the receipt of additional evidence and upon such conditions or limitations or subject to such additional requirements or hearings as due process may require.

4. If no new hearing date is set for a continued or recessed case at the time of continuance or recess, all parties of record shall be sent written notice of a new date at least twenty (20) days prior to the new hearing date.

5. Any person of record may request the continuance of a hearing under this Subsection. For minor revisions to special exceptions only, the Advisory Planning Board may continue a hearing if a required Staff Report has not been filed within 30 days of the scheduled hearing. If a continuance is granted for this reason, the Advisory Planning Board may not hear the case for at least 30 days after the Staff Report is filed.

K. Case Taken Under Advisement

Once a case has been fully heard, the Advisory Planning Board may take it under advisement to render a decision. Thereafter, no new evidence may be entered into the record, except:

(1) If good cause is shown why the evidence was not previously presented into the record; or

(2) The evidence is presented pursuant to a remand of the City Council; and

(3) All persons of record are afforded the opportunity to present evidence in rebuttal.

(4) Notwithstanding the above subparagraphs (1) through (3), the Advisory Planning Board may deny admission of additional evidence upon a finding that its probative value is outweighed by any cumulative effect, undue prejudice, or delay in the proceedings.

L. Reconsideration

(1) The Advisory Planning Board's decision may be reconsidered on request filed by either the applicant or other person of record within 30 days after the date of notice of the final decision. If the Advisory

PLANNING BOARD DOES NOT GRANT THE REQUEST FOR RECONSIDERATION WITHIN 30 DAYS FOLLOWING RECEIPT OF THE REQUEST, THE REQUEST IS DENIED.

(2) THE ADVISORY PLANNING BOARD MAY ONLY RECONSIDER THE DECISION IF IT FINDS THAT AN ERROR IN REACHING THE ORIGINAL DECISION WAS CAUSED BY FRAUD, SURPRISE, MISTAKE, OR INADVERTENCE.

(3) THE ADVISORY PLANNING BOARD'S RULES OF PROCEDURE SHALL GOVERN RECONSIDERATION OF ITS FINAL DECISIONS, BUT NO SUCH FINAL DECISION SHALL BE ELIGIBLE FOR RECONSIDERATION, BY WAIVER OF ITS RULES OR OTHERWISE, MORE THAN ONE YEAR FOLLOWING THE DATE OF THE PLANNING BOARD'S APPROVAL OF THE RESOLUTION MEMORIALIZING SUCH FINAL DECISION RECONSIDER THE DECISION IN ACCORDANCE WITH ITS RULES OF PROCEDURE.

(4) THE PARTY FILING THE REQUEST FOR RECONSIDERATION OF THE DECISION SHALL, UPON FILING THE REQUEST, SEND A COPY TO ALL OTHER PERSONS OF RECORD AND THE APPLICANT (IF THE APPLICANT IS NOT A PERSON OF RECORD).

(5) IF THE ADVISORY PLANNING BOARD DETERMINES THERE ARE GROUNDS TO RECONSIDER THEIR FINAL DECISION, IT SHALL SCHEDULE A HEARING ON THE REQUEST.

(6) AFTER THE CLOSE OF THE HEARING RECORD, THE ADVISORY PLANNING BOARD SHALL FILE A NEW DECISION OR RECOMMENDATION.

SEC. 26-30. EVIDENTIARY HEARING (ZONING VARIANCE HEARING BOARD)

A. IN GENERAL

BEFORE MAKING ITS DECISION ON ANY VARIANCE APPEAL, THE ZONING VARIANCE HEARING BOARD SHALL HOLD AN EVIDENTIARY HEARING ON THE MATTER.

B. FILING REQUIREMENTS

1. APPEALS INVOLVING A VARIANCE SHALL BE FILED WITH THE PLANNING DIRECTOR ONLY AFTER THE DEPARTMENT OF PERMITTING, INSPECTIONS, AND ENFORCEMENT REFUSES TO ISSUE A BUILDING PERMIT. THE PLANNING DIRECTOR MAY WAIVE THIS REQUIREMENT AND ALLOW THE FILING OF THE APPEAL PRIOR TO ANY ACTION ON THE PERMIT.

2. APPEALS AND REQUESTS TO GRANT ADDITIONAL TIME TO CEASE A VIOLATION SHALL BE PROVIDED BY THE APPLICANT. ALL INFORMATION REQUIRED ON THE DOCUMENTS SHALL BE FURNISHED BY THE APPELLANT. THE DOCUMENTS SHALL BE FILED WITH THE PLANNING DIRECTOR. THE PLANNING DIRECTOR SHALL NOT ACCEPT ANY DOCUMENT OR FORM WHICH IS INCOMPLETE.

C. FEES

1. AN APPLICATION FEE SHALL ALSO BE PAID TO THE PLANNING DIRECTOR IN ACCORDANCE WITH THE FEE SCHEDULE ESTABLISHED BY THE CITY COUNCIL. A SEPARATE FEE FOR THE COST OF PUBLIC NOTICE SIGNS SHALL BE PAID AS WELL. THE FEES ARE NONREFUNDABLE UNLESS (UPON REQUEST OF THE APPELLANT) THE ZONING VARIANCE HEARING BOARD FINDS THAT THE FEE WAS PAID BY MISTAKE. ALL FEES MUST BE PAID AT THE TIME OF FILING, EXCEPT AS PROVIDED.

2. IN LIEU OF THE FEE THE APPLICANT MAY SUBMIT AN AFFIDAVIT CLAIMING THAT PAYMENT OF THE FEE WOULD BE AN EXTREME FINANCIAL HARDSHIP. THE HARDSHIP MAY ONLY BE CLAIMED BY A NATURAL PERSON. THE AFFIDAVIT SHALL CONTAIN ANY PERTINENT FACTS WHICH THE APPELLANT FEELS ARE NECESSARY.

3. UPON FILING THE AFFIDAVIT, THE PLANNING DIRECTOR SHALL TRANSMIT IT TO THE ZONING VARIANCE HEARING BOARD WHO SHALL DETERMINE WHETHER PAYMENT OF THE FEE IS AN EXTREME FINANCIAL HARDSHIP ON THE APPELLANT. SHOULD THE ZONING VARIANCE HEARING BOARD FIND THAT HARDSHIP DOES NOT EXIST, THE APPELLANT SHALL BE REQUIRED TO PAY THE FEES BEFORE THE VARIANCE APPEAL MAY BE HEARD BY THE ZONING VARIANCE HEARING BOARD.

D. NOTICE OF HEARING

1. AT LEAST 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).

2. THE ZONING VARIANCE HEARING BOARD MAY SEND NOTICE OF THE HEARING TO OTHER INTERESTED PERSONS, ORGANIZATIONS, OR AGENCIES.

3. ALL NOTICES SHALL CONTAIN:

(A) THE NAME OF THE APPLICANT;

(B) THE DATE, TIME, AND PLACE OF THE HEARING; AND

(C) A BRIEF STATEMENT DESCRIBING THE SPECIFIC NATURE OF THE APPEAL.

4. ALL VARIANCES MUST BE POSTED. THE PLANNING DIRECTOR SHALL POST THE PROPERTY WITH A DURABLE SIGN AT LEAST FIFTEEN (15) DAYS PRIOR TO THE SCHEDULED HEARING DATE. THE SIGN SHALL BE POSTED IN ACCORDANCE WITH THIS SECTION.

5. ALL SIGNS POSTED SHALL BE CONSPICUOUS AND LEGIBLE FOR AT LEAST FIFTEEN (15) DAYS PRIOR TO THE HEARING.

6. THE PLANNING DIRECTOR SHALL FILE AN AFFIDAVIT WITH THE ZONING VARIANCE HEARING BOARD STATING THAT THE REQUIRED SIGN(S) WAS POSTED ON THE PROPERTY IN ACCORDANCE WITH THE PROCEDURES OF THIS SUBSECTION. THE

APPELLANT SHALL PROVIDE AN AFFIDAVIT CERTIFYING THAT THE SIGN POSTED BY THE PLANNING DIRECTOR REMAINED ON THE PROPERTY FOR THE FIFTEEN (15) CONSECUTIVE DAYS PRECEDING THE HEARING.

E. RULES OF PROCEDURE FOR HEARINGS AND OTHER MEETINGS

1. THE ZONING VARIANCE HEARING BOARD MAY ADOPT RULES OF PROCEDURE CONSISTENT WITH THE PROVISIONS OF THIS SUBTITLE.

2. THE ZONING VARIANCE HEARING BOARD SHALL KEEP MINUTES OF ITS PROCEEDINGS.

3. HEARINGS MAY BE ADJOURNED AND CONTINUED. IF THE DATE, TIME, AND PLACE OF THE CONTINUED HEARING IS PUBLICLY ANNOUNCED AT THE TIME OF THE ADJOURNMENT, NO FURTHER NOTICE OF THE CONTINUATION SHALL BE REQUIRED. IF THE DATE, TIME, AND PLACE IS NOT PUBLICLY ANNOUNCED AT THE TIME OF THE ADJOURNMENT, NOTICE SHALL BE GIVEN IN THE SAME MANNER AS WITH THE ORIGINAL HEARING.

4. ALL ACTIONS OF THE ZONING VARIANCE HEARING BOARD SHALL BE TAKEN BY RESOLUTION. EACH RESOLUTION SHALL CONTAIN A STATEMENT OF THE GROUNDS AND FINDINGS FORMING THE BASIS OF THE ACTION. THE TEXT OF THE RESOLUTION AND RECORD OF MEMBERS' VOTES SHALL BE INCORPORATED INTO THE MINUTES OR OTHER RECORDS OF THE CITY.

F. REQUEST FOR CONTINUANCE OF A VARIANCE

REQUEST MUST BE SUBMITTED IN WRITING TO THE PLANNING DIRECTOR NO LATER THAN 3:00 P.M. PRIOR TO THE SCHEDULED HEARING. APPELLANT MAY INCUR RE-ADVERTISEMENT FEES IF A NEW HEARING DATE IS NOT CONFIRMED AT THE TIME OF THE REQUEST.

SEC. 26-31. CONDITIONS OF APPROVAL

(A) GENERALLY

IF EXPLICITLY PERMITTED FOR THE PARTICULAR TYPE OF APPLICATION IN DIVISION 3 OF THIS ARTICLE, APPROVAL OF AN APPLICATION MAY BE SUBJECT TO CONDITIONS OF APPROVAL.

(B) LIMITATIONS ON CONDITIONS

ANY CONDITIONS OF APPROVAL SHALL BE EXPRESSLY SET FORTH IN THE APPROVAL, SHALL BE LIMITED TO CONDITIONS DEEMED NECESSARY TO ENSURE COMPLIANCE WITH THE REQUIREMENTS AND PARTICULAR STANDARDS OF THIS ORDINANCE, AND SHALL RELATE IN BOTH TYPE AND SCOPE TO THE ANTICIPATED IMPACTS OF THE PROPOSED DEVELOPMENT. WHEN A SPECIAL EXCEPTION IS APPROVED, ANY REQUIREMENTS FOR CONDITIONS DEEMED NECESSARY TO

PROTECT ADJACENT PROPERTIES AND THE GENERAL NEIGHBORHOOD MAY BE ADDED.

REQUIREMENTS

(1) CONDITIONS BECOME A PERMANENT PART OF THE DEVELOPMENT APPROVAL AND ARE BINDING AS LONG AS THE DEVELOPMENT APPROVAL REMAINS VALID.

(2) A CONDITION OF APPROVAL IMPOSED IS MANDATORY. FAILURE TO COMPLY WITH ANY CONDITION OF APPROVAL CONSTITUTES A VIOLATION OF THE CITY CODE, AND IS GROUNDS FOR THE CITY TO:

(A) ANNUL THE DEVELOPMENT APPROVAL;

(B) REVOKE A CITY PERMIT;

(C) INSTITUTE APPROPRIATE CIVIL OR CRIMINAL PROCEEDINGS IN ACCORDANCE WITH THE CITY CODE; OR

(D) INSTITUTE ANY OTHER ACTION NECESSARY TO OBTAIN COMPLIANCE.

SEC. 26-32. NOTIFICATION

UNLESS OTHERWISE PROVIDED IN ARTICLE II, DIVISION 3 OF THIS CHAPTER, WITHIN THIRTY (30) DAYS AFTER A FINAL DECISION, THE PLANNING DIRECTOR SHALL NOTIFY THE APPLICANT AND ALL PERSONS OF RECORD OF THE DECISION, IN WRITING, BY FIRST-CLASS MAIL, POSTAGE PREPAID. THE DATE OF THE NOTICE SHALL BE STATED IN THE MAILING. THE PLANNING DIRECTOR SHALL MAKE A COPY OF THE DECISION AVAILABLE TO ALL PERSONS OF RECORD AND ALL OWNERS OF LAND ADJACENT TO, ACROSS THE STREET FROM, ON THE SAME BLOCK AS, AND WITHIN 500 FEET OF THE LAND SUBJECT TO THE APPLICATION, AND MAKE A COPY OF THE DECISION AVAILABLE TO THE PUBLIC ON THE CITY WEBSITE AND IN THE DEPARTMENT OF PLANNING AND SUSTAINABILITY OFFICE DURING NORMAL BUSINESS HOURS.

SEC. 26-33. POST-DECISION ACTIONS

(A) EFFECT OF APPROVAL

(1) APPROVAL OF A DEVELOPMENT APPLICATION IN ACCORDANCE WITH THIS ARTICLE AUTHORIZES ONLY THE PARTICULAR USE, PLAN, OR OTHER SPECIFIC ACTIVITY APPROVED, AND NOT ANY OTHER DEVELOPMENT REQUIRING SEPARATE APPLICATION AND APPROVAL.

(2) APPROVAL OF A DEVELOPMENT APPLICATION IN ACCORDANCE WITH THIS ARTICLE INVALIDATES ANY PREVIOUSLY APPROVED DEVELOPMENT APPLICATION OF

THE SAME TYPE FOR THE SAME PROPERTY THAT WOULD OTHERWISE ALLOW A DEVELOPMENT ALTERNATIVE FOR THE SAME PROPERTY.

(3) IN THE EVENT THAT ONE DEVELOPMENT APPROVAL OR PERMIT IS A PREREQUISITE TO ANOTHER DEVELOPMENT APPROVAL OR PERMIT (E.G., VARIANCE APPROVAL PRIOR TO A DETAILED SITE PLAN APPROVAL), DEVELOPMENT MAY NOT TAKE PLACE UNTIL ALL REQUIRED APPROVALS OR PERMITS ARE OBTAINED. APPROVAL OF ONE DEVELOPMENT APPLICATION DOES NOT NECESSARILY GUARANTEE APPROVAL OF ANY SUBSEQUENT DEVELOPMENT APPLICATION.

(B) AMENDMENT

UNLESS OTHERWISE PROVIDED IN THIS ARTICLE, AN AMENDMENT OF A DEVELOPMENT APPROVAL OR PERMIT MAY ONLY BE REVIEWED IN ACCORDANCE WITH THE PROCEDURES AND STANDARDS ESTABLISHED FOR ITS ORIGINAL APPROVAL.

(C) LAPSE OF APPROVAL

(1) GENERALLY

DEVELOPMENT APPROVALS AND PERMITS EXPIRE AS PROVIDED IN ARTICLE II, DIVISION 3, APPLICATION-SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS, FOR EACH TYPE OF DEVELOPMENT APPROVAL OR PERMIT. IF NO EXPIRATION PERIOD IS PROVIDED FOR THE SPECIFIC TYPE OF DEVELOPMENT APPROVAL OR PERMIT, AND IF NO EXPIRATION PERIOD IS IMPOSED AS PART OF THE APPROVAL BY THE DECISION-MAKING BODY OR OFFICIAL, THE DEVELOPMENT APPROVAL OR PERMIT EXPIRES IF A USE AND OCCUPANCY PERMIT AUTHORIZING THE APPROVED DEVELOPMENT IS NOT OBTAINED WITHIN TWO YEARS AFTER THE EFFECTIVE DATE OF APPROVAL.

(2) CHANGE IN OWNERSHIP DOES NOT AFFECT RIGHTS

A CHANGE IN OWNERSHIP OF THE LAND THAT IS THE SUBJECT OF A DEVELOPMENT APPROVAL OR PERMIT DOES NOT AFFECT THE ESTABLISHED EXPIRATION TIME PERIOD FOR THE DEVELOPMENT APPROVAL OR PERMIT.

(3) EXTENSION

UNLESS OTHERWISE PROHIBITED BY THIS ARTICLE, A ONE-YEAR EXTENSION OF THE EXPIRATION TIME PERIOD FOR A SPECIFIC DEVELOPMENT APPROVAL OR PERMIT MAY BE GRANTED BY THE DECISION-MAKING BODY OR PERSON THAT GRANTED THE DEVELOPMENT APPROVAL OR PERMIT UPON

THE APPLICANT'S SUBMISSION OF A WRITTEN REQUEST FOR EXTENSION TO THE DECISION-MAKING BODY BEFORE THE EXPIRATION DATE, AND A SHOWING OF GOOD CAUSE.

(D) RESUBMITTING APPLICATION

(1) GENERALLY

(A) UNLESS OTHERWISE PROVIDED IN THIS ARTICLE, NO NEW APPLICATION FOR THE SAME DEVELOPMENT FOR WHICH AN APPLICATION WAS DENIED MAY BE FILED ON THE SAME LAND UNTIL TWO YEARS HAVE ELAPSED AFTER FINAL ACTION (INCLUDING APPELLATE REVIEW).

(B) THE OWNER OF LAND THAT IS THE SUBJECT OF A DEVELOPMENT APPLICATION THAT WAS DENIED, OR THE OWNER'S AUTHORIZED AGENT, MAY SUBMIT A WRITTEN REQUEST FOR WAIVER OF THE TIME LIMIT ESTABLISHED IN ABOVE, ALONG WITH A FEE TO DEFRAY THE COST OF PROCESSING THE REQUEST, TO THE PLANNING DIRECTOR, WHO SHALL TRANSMIT THE REQUEST TO THE DECISION-MAKING BODY. THE DECISION-MAKING BODY MAY GRANT A WAIVER OF THE TIME LIMIT ONLY ON A FINDING BY AT LEAST TWO-THIRDS OF ITS MEMBERSHIP OF ONE OR MORE OF THE FOLLOWING:

(I) THERE IS A SUBSTANTIAL CHANGE IN CIRCUMSTANCES RELEVANT TO THE ISSUES OR FACTS CONSIDERED DURING REVIEW OF THE APPLICATION THAT MIGHT REASONABLY AFFECT THE APPLICATION OF THE RELEVANT REVIEW STANDARDS TO THE DEVELOPMENT PROPOSED IN THE APPLICATION;

(II) NEW OR ADDITIONAL INFORMATION IS AVAILABLE THAT WAS NOT AVAILABLE AT THE TIME OF REVIEW THAT MIGHT REASONABLY AFFECT THE APPLICATION OF THE RELEVANT REVIEW STANDARDS TO THE DEVELOPMENT PROPOSED IN THE APPLICATION;

(III) THE NEW APPLICATION PROPOSED TO BE SUBMITTED IS NOT SUBSTANTIALLY THE SAME AS THE PRIOR APPLICATION; OR

(IV) THE FINAL DECISION ON THE APPLICATION WAS BASED ON A MATERIAL MISTAKE OF FACT.

SEC. 26-34. EXCEPTIONS TO THE ADVISORY PLANNING BOARD'S OR ZONING VARIANCE REVIEW BOARD'S RECOMMENDATION.

A. ANY PERSON OF RECORD MAY FILE WITH THE CITY COUNCIL, WITHIN FIFTEEN (15) CALENDAR DAYS AFTER WRITTEN NOTICE OF THE ZONING HEARING REVIEW BOARD'S RECOMMENDATION REGARDING A VARIANCE, OR THIRTY (30) DAYS AFTER RECEIPT OF A RECOMMENDATION OF THE ADVISORY PLANNING BOARD REGARDING ALL OTHER MATTERS, EXCEPTIONS TO THE BOARD'S RECOMMENDATION, AND A REQUEST FOR ORAL ARGUMENT BEFORE THE CITY COUNCIL.

B. THE CITY CLERK SHALL NOTIFY THE ZONING VARIANCE HEARING BOARD OR ADVISORY PLANNING BOARD OF ANY EXCEPTIONS AND/OR REQUESTS FOR ORAL ARGUMENT, AND WITHIN SEVEN (7) DAYS OF RECEIVING SAID NOTICE THE BOARD SHALL TRANSMIT TO THE CITY COUNCIL A COPY OF THE RECORD CREATED BY THE BOARD, INCLUDING BUT NOT LIMITED TO, ALL WRITTEN EVIDENCE AND MATERIALS SUBMITTED FOR CONSIDERATION BY THE BOARD. A TRANSCRIPT OF THE PUBLIC HEARING ON THE APPLICATION SHALL BE PREPARED AND TRANSMITTED IMMEDIATELY WHEN AVAILABLE.

C. THE CITY COUNCIL SHALL SCHEDULE ORAL ARGUMENT ON THE APPEAL. THE CITY CLERK SHALL GIVE AT LEAST SEVEN (7) CALENDAR DAYS' NOTICE OF THE HEARING TO ALL PERSONS OF RECORD AND THE ZONING VARIANCE HEARING BOARD OR ADVISORY PLANNING BOARD. ORAL ARGUMENT SHALL BE LIMITED TO THE FACTS AND INFORMATION WITHIN THE RECORD MADE BY THE HEARING BEFORE THE ZONING VARIANCE HEARING BOARD OR ADVISORY PLANNING BOARD.

D. AFTER THE CLOSE OF THE COUNCIL'S HEARING, THE MEMBERS OF THE CITY COUNCIL PRESENT AND VOTING SHALL ACCEPT, REJECT, OR MODIFY THE RECOMMENDATION OF THE ZONING VARIANCE HEARING BOARD OR ADVISORY PLANNING BOARD, OR RETURN THE APPLICATION TO THE BOARD TO TAKE FURTHER TESTIMONY OR RECONSIDER ITS RECOMMENDATION.

SEC. 26-35. FINAL DECISION OF THE CITY COUNCIL.

A. NOT LESS THAN FIFTEEN (15) DAYS AFTER RECEIPT OF A RECOMMENDATION OF THE ZONING VARIANCE HEARING BOARD REGARDING A VARIANCE OR WITHIN THIRTY (30) DAYS AFTER RECEIPT OF A RECOMMENDATION REGARDING ANY OTHER REQUEST UNDER THIS ARTICLE, A MAJORITY OF THE CITY COUNCIL MAY ADOPT THE RECOMMENDATION OF THE ZONING VARIANCE HEARING BOARD OR ADVISORY PLANNING BOARD BY CONSENT, UNLESS WITHIN THAT FIFTEEN (15) DAY PERIOD, A COUNCILMEMBER EITHER FILES WITH THE CITY CLERK A WRITTEN REQUEST FOR ORAL ARGUMENT ON THE MATTER OR MAKES A VERBAL REQUEST FOR SAME AT A CITY COUNCIL MEETING, OR EXCEPTIONS AND A REQUEST FOR ORAL

ARGUMENT ARE FILED. ORAL ARGUMENT MAY ONLY BE REQUESTED BY A COUNCILMEMBER WHEN AN ACTION OF THE ZONING VARIANCE HEARING BOARD OR ADVISORY PLANNING BOARD IS NOT UNANIMOUS OR WHEN IT IS ALLEGED THAT THE RECOMMENDATION FAILS TO COMPLY WITH THE CRITERIA ESTABLISHED HEREIN.

B. THE COUNCIL SHALL GIVE ITS DECISION IN WRITING, STATING THE REASONS FOR ITS ACTION. THE COUNCIL SHALL MAKE THE SAME FINDINGS THAT ARE REQUIRED TO BE MADE BY THE ZONING VARIANCE HEARING BOARD OR ADVISORY PLANNING BOARD FOR EACH APPLICATION IT CONSIDERS. COPIES OF THE DECISION SHALL BE SENT TO ALL PERSONS OF RECORD, THE ZONING VARIANCE HEARING BOARD OR ADVISORY PLANNING BOARD, THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION AND THE DISTRICT COUNCIL.

SEC. 26-36. APPEALS.

A. ANY PERSON AGGRIEVED BY A DECISION OF THE CITY COUNCIL REGARDING VARIANCES, DEPARTURES, ALTERNATIVE COMPLIANCE OR MINOR REVISIONS TO SPECIAL EXCEPTIONS WHO WAS A PARTY TO THE PROCEEDING BEFORE IT MAY APPEAL THE DECISION TO THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND WHICH SHALL HAVE THE POWER TO AFFIRM THE DECISION OF THE CITY COUNCIL, OR, IF THE DECISION IS NOT IN ACCORDANCE WITH THE LAW, TO REMAND THE MATTER OR TO MODIFY OR REVERSE THE DECISION.

B. ANY PERSON AGGRIEVED BY A DECISION OF THE CITY COUNCIL REGARDING CERTIFICATION, REVOCATION OR REVISION OF A NONCONFORMING USE WHO WAS A PERSON OF RECORD IN THE PROCEEDING BEFORE IT MAY APPEAL THE DECISION TO THE DISTRICT COUNCIL FOR REVIEW ON THE RECORD. ON REVIEW, THE DISTRICT COUNCIL MAY:

(1) BY MAJORITY VOTE OF ITS MEMBERS, APPROVE THE ACTION OF THE CITY; OR (2)BY A VOTE OF AT LEAST SIX OF ITS MEMBERS, APPROVE WITH CONDITIONS OR OVERRULE THE ACTION OF THE CITY.

C. ANY PERSON AGGRIEVED BY A DECISION OF THE DISTRICT COUNCIL WHO WAS A PERSON OF RECORD IN THE PROCEEDING BEFORE IT MAY APPEAL THE DECISION OF THE DISTRICT COUNCIL TO THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND. FOR PURPOSES OF AN APPEAL TO THE CIRCUIT COURT, THE CITY SHALL BE CONSIDERED AN AGGRIEVED PERSON.

DIVISION 3. APPLICATION-SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS

SEC. 26-37. APPLICATION-SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS

THIS DIVISION 3 ESTABLISHES, FOR EACH TYPE OF APPLICATION REVIEWED FOR A DEVELOPMENT APPROVAL UNDER ARTICLE II OF THIS CHAPTER , THE SPECIFIC REVIEW PROCEDURE AND DECISION STANDARDS THAT APPLY. THE FOLLOWING SECTIONS IDENTIFY, FOR EACH TYPE OF DEVELOPMENT APPLICATION:

(1) A GENERAL OVERVIEW OF THE TYPE OF DEVELOPMENT APPROVAL;
(2) IN WHAT SITUATIONS APPLICATION APPROVAL IS NECESSARY;
(3) THE STANDARD PROCEDURES THAT ARE REQUIRED, AND ANY APPLICABLE MODIFICATIONS OF OR ADDITIONS TO THE STANDARD PROCEDURES; AND
(4) THE STANDARDS FOR MAKING A DECISION ON THE APPLICATION.

SUBDIVISION 1. DEPARTURES (MINOR AND MAJOR).

SEC. 26-38. DEPARTURE (MINOR AND MAJOR)

A. GENERAL

THIS SECTION PROVIDES A UNIFORM MECHANISM TO ALLOW DEPARTURES FROM CERTAIN DIMENSIONAL OR DEVELOPMENT STANDARDS OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE IN SPECIFIC CIRCUMSTANCES, IN ORDER TO BETTER ACCOMPLISH THE PURPOSES OF THE ZONING ORDINANCE.

B. APPLICABILITY

THIS SECTION ESTABLISHES TWO TYPES OF DEPARTURES: MINOR DEPARTURES AND MAJOR DEPARTURES. IT ALSO ADDRESSES MINOR ADMINISTRATIVE CHANGES, WAIVERS, OR MODIFICATIONS TO SPECIFIC DEVELOPMENT STANDARDS CONTAINED IN PART 27-6 DEVELOPMENT STANDARDS.

(1) MINOR DEPARTURES

MINOR DEPARTURES ARE DECIDED BY THE PLANNING DIRECTOR. MINOR DEPARTURES MAY BE REQUESTED AND GRANTED FOR THE STANDARDS IDENTIFIED IN TABLE 26-38(B)(1) MINOR DEPARTURES, WHICH IS INCORPORATED HEREINBELOW, UP TO THE LIMITS SET FORTH IN THE TABLE. A VARIANCE (SEE SECTION 26-42 VARIANCE) MAY NOT BE REQUESTED FOR A MINOR CHANGE FOR

WHICH A MINOR DEPARTURE MAY BE REQUESTED IN ACCORDANCE WITH THIS SECTION.

TABLE 26-38(B)(1): MINOR DEPARTURES		
STANDARD	MAXIMUM DEPARTURE (PERCENTAGE DEPARTURE FROM STANDARD)	
	TRANSIT-ORIENTED/ACTIVITY CENTER BASE AND PLANNED DEVELOPMENT ZONES AND BASE AND PLANNED DEVELOPMENT ZONES INSIDE THE CAPITAL BELTWAY	ALL OTHER ZONES
BLOCK DESIGN STANDARDS IN SECTION 27-6206(K), BLOCK DESIGN	40	30
VEHICLE STACKING SPACES STANDARDS IN TABLE 27-6206(M)(1)(A): MINIMUM STACKING SPACES FOR DRIVE-THROUGH FACILITIES AND RELATED USES, IN SECTION 27-6206(M), VEHICLE STACKING SPACE	40	30
NUMERICAL STANDARDS IN SECTION 27-6304(I), LARGE VEHICULAR USE AREAS (300 OR MORE SPACES)	20	30
OFF-STREET PARKING STANDARDS IN SECTION 27-6305(A): MINIMUM NUMBER OF OFF-STREET PARKING SPACES, IN SECTION 27-6305, OFF-STREET PARKING SPACE STANDARDS	30	20
NUMERICAL STANDARDS IN SECTION 27-6306, DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES, IN SECTION 27-6306, DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES	30 (1)	20 (1)
NUMERICAL STANDARDS IN SECTION 27-6310, LOADING AREA STANDARDS	30	20
LOCATION OF OFF-STREET PARKING IN SECTION 27-6903(B), LOCATION OF OFF-STREET PARKING, IN THE MULTIFAMILY, TOWNHOUSE, AND THREE-FAMILY FORM AND DESIGN STANDARDS	20	30
NUMERIC BUILDING LENGTH STANDARDS IN 27-6903(D), MAXIMUM BUILDING LENGTH, IN THE	20	30

SMALL CAPS: Indicate language added to the City Code.

MULTIFAMILY, TOWNHOUSE, AND THREE-FAMILY FORM AND DESIGN STANDARDS		
NUMERIC BUILDING FAÇADE STANDARDS IN SECTION 27-6903(E), BUILDING FAÇADES, IN THE MULTIFAMILY, TOWNHOUSE, AND THREE-FAMILY FORM AND DESIGN STANDARDS	20	30
NUMERICAL BUILDING FAÇADE/TRANSPARENCY STANDARDS IN SECTION 27-6903(G), BUILDING FAÇADE FENESTRATION/TRANSPARENCY, IN THE MULTIFAMILY, TOWNHOUSE, AND THREE-FAMILY FORM AND DESIGN STANDARDS	20	30
NUMERICAL OFFSETS IN SECTION 27-61002(E), FAÇADE ARTICULATION, IN THE NONRESIDENTIAL AND MIXED-USE FORM AND DESIGN STANDARDS	20	30
NUMERICAL BUILDING FAÇADE FENESTRATION/TRANSPARENCY STANDARDS IN SECTION 27-61002(G), BUILDING FAÇADE BUILDING FAÇADE FENESTRATION/TRANSPARENCY, IN THE NONRESIDENTIAL AND MIXED-USE FORM AND DESIGN STANDARDS	20	30
LOCATION OF OFF-STREET PARKING IN SECTION 27-61003(E), OFF-STREET PARKING LOCATION STANDARDS, IN THE LARGE RETAIL FORM AND DESIGN STANDARDS	30	20
NUMERICAL BUFFER WIDTH STANDARDS IN SECTION 27-61303(A)(2), BUFFER WIDTH, IN THE AGRICULTURAL COMPATIBILITY STANDARDS	NO DEPARTURE	30
NUMERICAL STANDARDS IN SECTION 27-61504, GENERAL STANDARDS, IN THE SIGNAGE STANDARDS	20	30
NUMERICAL STANDARDS IN SECTION 27-61505, STANDARDS FOR SPECIFIC SIGN TYPES, IN THE SIGNAGE STANDARDS	20	30
NUMERICAL STANDARDS IN SECTION 27-61506, STANDARDS FOR SPECIAL PURPOSE SIGNS, IN THE SIGNAGE STANDARDS	20	30
NUMERICAL STANDARDS IN SECTION 27-61507, STANDARDS FOR TEMPORARY SIGNS, IN THE SIGNAGE STANDARDS	20	30

WHERE NOT OTHERWISE SPECIFIED, ANY DEPARTURE NECESSARY TO ENSURE NEIGHBORHOOD COMPATIBILITY STANDARDS CONTROL IN THE EVENT OF CONFLICT WITH OTHER STANDARDS OF THIS ORDINANCE PER SECTION 27-61202(C), CONFLICT, IN THE NEIGHBORHOOD COMPATIBILITY STANDARDS	30	30
NOTES: (1) MINIMUM DIMENSIONAL STANDARDS FOR PARKING SPACES SHALL NOT BE REDUCED BELOW THE REQUIREMENTS ESTABLISHED FOR COMPACT PARKING SPACES.		

(2) MAJOR DEPARTURES

MAJOR DEPARTURES ARE DECIDED BY THE ADVISORY PLANNING BOARD. MAJOR DEPARTURES MAY BE REQUESTED FOR THE STANDARDS IDENTIFIED IN TABLE 26-38(B)(2): MAJOR DEPARTURES, WHICH IS INCORPORATED HEREINBELOW, UP TO THE LIMITS SET FORTH IN THE TABLE. A VARIANCE (SEE SECTION 26-42, VARIANCE) MAY NOT BE REQUESTED FOR A DEVIATION FOR WHICH A MAJOR DEPARTURE MAY BE REQUESTED IN ACCORDANCE WITH THIS SUBSECTION.

Table 26-38(b)(2): Major Departures		
Standard	Maximum Departure (percentage from standard)	
	Transit-Oriented/Activity Center Base and Planned Development Zones and All other Base Zones Inside the Interstate Capital Beltway	All Other Base Zones
Vehicle stacking spaces in Table 27-6206(m)(1)(A): Minimum Stacking Spaces for Drive-Through Facilities and Related Uses, in Section 27-6206(m), Vehicle Stacking Space	70	50
Off-street parking standards in Section 27-6305(a): Minimum Number of Off-Street Parking Spaces, in Section 27-6305, Off-Street Parking Space Standards	70	50
Numerical standards in Section 27-6310, Loading Area Standards	70	50
Location of Off-street parking in Section 27-6903(b), Location of Off-Street Parking, In the Multifamily, Townhouse, and Three-Family Form and Design Standards	No Departure	50
Numeric building length standards in Section 27-6903(d), Maximum Building Length, in the Multifamily, Townhouse, and Three-Family Form and Design Standards	No Departure	40
Numerical building façade standards in Section 27-6903(e), Building Façades, in the Multifamily, Townhouse, and Three -Form and Design Standards	No Departure	50
Numerical offsets in Section 27-61002(e), Façade Articulation, in the Nonresidential and Mixed -Form and Design Standards	No Departure	50

Small Caps: Indicate language added to the City Code.

TABLE 26-38(B)(2): MAJOR DEPARTURES		
STANDARD	MAXIMUM DEPARTURE (PERCENTAGE FROM STANDARD)	
	TRANSIT-ORIENTED/ACTIVITY CENTER BASE AND PLANNED DEVELOPMENT ZONES AND ALL OTHER BASE ZONES INSIDE THE INTERSTATE CAPITAL BELTWAY	ALL OTHER BASE ZONES
LOCATION OF OFF-STREET PARKING IN SECTION 27-61003(E), OFF-STREET PARKING LOCATION STANDARDS, IN THE LARGE RETAIL FORM AND DESIGN STANDARDS	NO DEPARTURE	40
NUMERICAL BUFFER WIDTH STANDARDS IN SECTION 27-61303(A)(2), BUFFER WIDTH, IN THE AGRICULTURAL COMPATIBILITY STANDARDS	NO DEPARTURE	50
RELIEF FROM THE STANDARDS OF THE LANDSCAPE MANUAL WHERE COMPLIANCE IS NOT POSSIBLE AND THERE IS NO FEASIBLE PROPOSAL FOR ALTERNATIVE COMPLIANCE THAT CAN BE APPROVED	100	100
ALL STANDARDS IN SECTION 27-4204(B), STANDARDS APPLICABLE TO ALL TRANSIT-ORIENTED/ACTIVITY CENTER BASE ZONES	100	NOT APPLICABLE
STANDARDS OR GUIDELINES SPECIFIED IN ANY MIXED-USE TOWN CENTER DEVELOPMENT PLAN (LMUTC ZONE ONLY)	NOT APPLICABLE	100
WHERE NOT OTHERWISE SPECIFIED, ANY DEPARTURE NECESSARY TO ENSURE NEIGHBORHOOD COMPATIBILITY STANDARDS CONTROL IN THE EVENT OF CONFLICT WITH OTHER STANDARDS OF THIS ORDINANCE PER SECTION 27-61202(C), CONFLICT, IN THE NEIGHBORHOOD COMPATIBILITY STANDARDS	100	100

(C) DEPARTURE (MINOR AND MAJOR) SUBMITTAL REQUIREMENTS

(1) AN APPLICATION FORM FILED WITH THE PLANNING BOARD. THE ADVISORY PLANNING BOARD SHALL DETERMINE THE CONTENTS OF THE APPLICATION AND SHALL PROVIDE THE APPLICATION FORM.

(2) A SITE PLAN, AND OTHER GRAPHIC ILLUSTRATIONS WHICH ARE CONSIDERED NECESSARY TO INDICATE WHAT IS BEING PROPOSED;

(3) A JUSTIFICATION STATEMENT TELLING WHY AND HOW THE PROPOSED DESIGN SERVICES THE PURPOSES OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE BETTER THAN THE PRESCRIBED DESIGN STANDARDS; AND

(D) MINOR DEPARTURE PROCEDURE

THIS SUBSECTION IDENTIFIES ADDITIONS OR MODIFICATIONS TO THE STANDARD REVIEW PROCEDURES THAT APPLY TO APPLICATIONS FOR A MINOR DEPARTURE. FIGURE 26-38(D), WHICH IS SET FORTH BELOW, IDENTIFIES KEY STEPS IN THE MINOR DEPARTURE PROCEDURE

FIGURE 26-38(D): MINOR DEPARTURE PROCEDURE (ILLUSTRATIVE)

26-20	**PRE-APPLICATION CONFERENCE**	**OPTIONAL**
26-21	**PRE-APPLICATION NEIGHBORHOOD MEETING**	**OPTIONAL**
26-22	**APPLICATION SUBMITTAL**	**TO PLANNING DIRECTOR**
26-23	**DETERMINATION OF COMPLETENESS**	**PLANNING DIRECTOR MAKES DETERMINATION**
26-25	**STAFF REVIEW AND ACTION**	**PLANNING DIRECTOR MAKES DECISION (CONDITIONS ALLOWED)**
26-32	**NOTIFICATION**	**PLANNING DIRECTOR NOTIFIES**
26-38 (D)(8)	**APPEAL**	**OPTIONAL (TO PLANNING BOARD)**

(1) A PRE-APPLICATION CONFERENCE AND NEIGHBORHOOD MEETING

A PRE-APPLICATION AND NEIGHBORHOOD MEETING ARE OPTIONAL.

(2) APPLICATION SUBMITTAL

AT THE DISCRETION OF THE PLANNING DIRECTOR, DEVELOPMENT APPLICATIONS FOR MINOR DEPARTURES MAY BE PROCESSED AND REVIEWED CONCURRENTLY WITH PARENT DEVELOPMENT APPLICATIONS REQUIRED BY THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE FOR DEVELOPMENT OF A PROJECT (E.G., SPECIAL EXCEPTION OR DETAILED SITE PLAN).

(A) A DEPARTURE MAY BE REQUESTED IN CONJUNCTION WITH OTHER APPLICATION(S).

(B) IF A DEPARTURE APPLICATION IS SUBMITTED IN CONJUNCTION WITH ANOTHER APPLICATION, IT SHALL BE REVIEWED AND DECIDED PRIOR TO THE OTHER APPLICATION(S). FOR EXAMPLE, IF A DEPARTURE APPLICATION IS SUBMITTED IN CONJUNCTION WITH A DETAILED SITE PLAN APPLICATION (BECAUSE THE DEPARTURE IS NEEDED TO ACHIEVE THE PLAN FOR DEVELOPMENT IN THE DETAILED SITE PLAN), THE DEPARTURE APPLICATION SHALL BE REVIEWED AND DECIDED UPON PRIOR TO A DECISION ON THE DETAILED SITE PLAN APPLICATION, ALTHOUGH APPROVAL OF BOTH COULD OCCUR ON THE SAME DAY.

(3) DETERMINATION OF COMPLETENESS

SECTION 26-23, DETERMINATION OF COMPLETENESS SHALL GOVERN.

(4) STAFF REVIEW AND ACTION

SECTION 26-25, STAFF REVIEW AND ACTION SHALL GOVERN. THE PLANNING DIRECTOR SHALL REVIEW THE APPLICATION AND MAKE A DECISION IN ACCORDANCE WITH SECTION 26-38(F), DEPARTURE (MINOR AND MAJOR) DECISION STANDARDS. THE DECISION SHALL SET FORTH THE PLANNING DIRECTOR'S FINDINGS OF FACT AND CONCLUSIONS TO SUPPORT THE DECISION. THE DECISION SHALL BE TO:

(A) APPROVE THE MINOR DEPARTURE;

(B) APPROVE THE MINOR DEPARTURE, SUBJECT TO CONDITIONS; OR

(C) DISAPPROVE THE MINOR DEPARTURE.

(5) SCHEDULING PUBLIC HEARING AND PUBLIC NOTICE

THE APPLICANT SHALL ENSURE NOTICE IS POSTED ON THE SITE SUBJECT TO THE APPLICATION AT LEAST 15 DAYS PRIOR TO THE PLANNING DIRECTOR'S DECISION, IN ACCORDANCE WITH THE POSTED NOTICE REQUIREMENTS.

(6) CONDITIONS OF APPROVAL

SECTION 26-31, CONDITIONS OF APPROVAL SHALL GOVERN.

(7) NOTIFICATION

SECTION 26-32, NOTIFICATION, SHALL GOVERN.

(8) APPEAL

(A) THE ONLY RELIEF AVAILABLE TO THE APPLICANT IS AN APPEAL OF THE PLANNING DIRECTOR'S DECISION ON A MINOR DEPARTURE TO THE ADVISORY PLANNING BOARD BY FILING A NOTICE OF APPEAL WITH THE PLANNING BOARD WITHIN TEN DAYS OF THE DIRECTOR'S DECISION.

(B) THE PLANNING DIRECTOR SHALL TRANSMIT TO THE ADVISORY PLANNING BOARD AFTER THE APPEAL IS FILED, THE MINOR DEPARTURE APPLICATION AND ALL WRITTEN MATERIALS AND OTHER EVIDENCE RELATED TO ITS REVIEW, AND ANY ADDITIONAL INFORMATION OR EXPLANATORY MATERIAL DEEMED APPROPRIATE. THIS SHALL CONSTITUTE THE RECORD ON APPEAL.

(C) THE ADVISORY PLANNING BOARD SHALL SCHEDULE AND PROVIDE NOTICE OF A PUBLIC HEARING ON THE APPEAL AND CONDUCT A PUBLIC HEARING AFTER THE CLOSE OF THE HEARING, THE ADVISORY PLANNING BOARD SHALL RENDER A FINAL DECISION. THE ADVISORY PLANNING BOARD'S DECISION SHALL BE BASED ON THE STANDARDS IN SUBSECTION (F) BELOW.

(D) THE ADVISORY PLANNING BOARD MAY MODIFY OR REVERSE A DECISION OF THE PLANNING DIRECTOR ON FINDING, BASED ON CLEAR AND SUBSTANTIAL EVIDENCE IN THE RECORD, THAT:

(I) THE RECORD DEMONSTRATES THAT AN ERROR IN JUDGMENT OCCURRED OR FACTS OR PROVISIONS OF ARTICLE II OF THIS CHAPTER WERE MISREAD IN DETERMINING WHETHER THE PARTICULAR STANDARD WAS OR WAS NOT MET;

(II) THE DECISION IS NOT BASED ON STANDARDS CONTAINED IN SUBSECTION(F) BELOW, OR OTHER APPLICABLE COUNTY ORDINANCES OR REGULATIONS; OR

(III) THE DECISION VIOLATES COUNTY, STATE, OR FEDERAL LAW.

(E) THE DECISION OF THE ADVISORY PLANNING BOARD SHALL BE BY RESOLUTION AND SHALL INCLUDE A STATEMENT OF THE FINDINGS OF FACT AND CONCLUSIONS THAT SUPPORT THE DECISION. THE RESOLUTION, OR A COPY OF IT, SHALL FORM PART OF THE MINUTES OR OTHER RECORDS OF THE ADVISORY PLANNING BOARD.

(F) THE ADVISORY PLANNING BOARD'S DECISION ON AN APPEAL IS FINAL 30 DAYS AFTER FILING THE WRITTEN DECISION.

(G) THE ADVISORY PLANNING BOARD SHALL PROVIDE ITS DECISION IN WRITING, STATING THE REASONS FOR ITS ACTION. COPIES OF THE DECISION SHALL BE SENT TO ALL PERSONS OF RECORD, AND ANY MUNICIPALITY WITHIN ONE MILE OF THE SUBJECT PROPERTY (IF APPLICABLE), AND THE PLANNING DIRECTOR.

(9) POST-DECISION ACTIONS

(A) EFFECT OF APPROVAL

A MINOR DEPARTURE AUTHORIZES ONLY THE PARTICULAR REGULATORY RELIEF APPROVED. IT DOES NOT EXEMPT THE APPLICANT FROM THE RESPONSIBILITY TO OBTAIN ALL OTHER DEVELOPMENT APPROVALS AND PERMITS REQUIRED AND DOES NOT INDICATE THAT THE DEVELOPMENT FOR WHICH THE DEPARTURE IS GRANTED SHOULD RECEIVE OTHER DEVELOPMENT APPROVALS OR PERMITS UNLESS THE RELEVANT AND APPLICABLE PORTIONS ARTICLE II OF THIS CHAPTER OR ANY OTHER APPLICABLE LAWS ARE MET.

(B) LAPSE OF APPROVAL

A MINOR DEPARTURE ALLOWING THE CONSTRUCTION OF A BUILDING OR STRUCTURE SHALL NOT BE VALID FOR MORE THAN THE VALIDITY PERIOD OF THE DEVELOPMENT APPROVAL OR PERMIT WITH WHICH IT WAS CONSIDERED AND APPROVED.

(C) AMENDMENT

A MINOR DEPARTURE MAY BE AMENDED ONLY IN ACCORDANCE WITH THE PROCEDURES AND STANDARDS ESTABLISHED FOR ITS ORIGINAL APPROVAL.

(E) MAJOR DEPARTURE PROCEDURE

THIS SUBSECTION IDENTIFIES ADDITIONS OR MODIFICATIONS TO THE STANDARD REVIEW PROCEDURES IN DIVISION 2 OF THIS ARTICLE THAT APPLY TO APPLICATIONS FOR A MAJOR DEPARTURE. FIGURE 26-38(E), SET FORTH HEREINBELOW, IDENTIFIES KEY STEPS IN THE MAJOR DEPARTURE PROCEDURE.

FIGURE 26-38(E): MAJOR DEPARTURE PROCEDURE (ILLUSTRATIVE)

26-20	**PRE-APPLICATION CONFERENCE**	**REQUIRED**
26-21	**PRE-APPLICATION NEIGHBORHOOD MEETING**	**REQUIRED**
26-22	**APPLICATION SUBMITTAL**	**TO PLANNING DIRECTOR**
26-23	**DETERMINATION OF COMPLETENESS**	**PLANNING DIRECTOR MAKES DETERMINATION**
26-25	**STAFF REVIEW AND ACTION**	**PLANNING DIRECTOR PREPARES STAFF REPORT**
26-26	**SCHEDULING OF PUBLIC HEARING AND PUBLIC NOTICE**	**ADVISORY PLANNING BOARD SCHEDULES HEARING, PROVIDES NOTICE**
26-27 & 26-28	**REVIEW AND DECISION BY DECISION-MAKING BODY OR OFFICER**	**ADVISORY PLANNING BOARD HOLD PUBLIC HEARING, MAKES DECISION (CONDITIONS ALLOWED)**
26-32	**NOTIFICATION**	**PLANNING DIRECTOR NOTIFIES**
26-34	**EXCEPTIONS**	**TO CITY COUNCIL**

SMALL CAPS: Indicate language added to the City Code.

(1) PRE-APPLICATION CONFERENCE

SECTION 26-20, PRE-APPLICATION CONFERENCE, SHALL GOVERN.

(2) PRE-APPLICATION NEIGHBORHOOD MEETING

SECTION 26-21, PRE-APPLICATION NEIGHBORHOOD MEETING, SHALL APPLY.

(3) APPLICATION SUBMITTAL

SECTION 26-22, APPLICATION SUBMITTAL, SHALL GOVERN. AT THE DISCRETION OF THE PLANNING DIRECTOR, DEVELOPMENT APPLICATIONS FOR MAJOR DEPARTURES MAY BE PROCESSED AND REVIEWED CONCURRENTLY WITH PARENT DEVELOPMENT APPLICATIONS REQUIRED BY THIS ORDINANCE FOR DEVELOPMENT OF A PROJECT (E.G., SPECIAL EXCEPTION OR DETAILED SITE PLAN).

(4) DETERMINATION OF COMPLETENESS

SECTION 26-23, DETERMINATION OF COMPLETENESS, SHALL GOVERN.

(5) STAFF REVIEW AND ACTION

SECTION 26-25, STAFF REVIEW AND ACTION, SHALL GOVERN. AFTER STAFF REVIEW AND EVALUATION OF THE APPLICATION, THE PLANNING DIRECTOR SHALL PREPARE A STAFF REPORT, WHICH SHALL INCLUDE A RECOMMENDATION, ON THE APPLICATION.

(6) SCHEDULING PUBLIC HEARING AND PUBLIC NOTICE

SCHEDULING OF HEARINGS AND PUBLIC NOTICE SHALL BE CONDUCTED AS PROVIDED FOR IN ARTICLE II OF THIS CHAPTER

(7) REVIEW AND DECISION BY DECISION-MAKING BODY OR OFFICIAL

SECTION 26-27, REVIEW AND DECISION BY DECISION-MAKING BODY OR OFFICIAL, SHALL GOVERN. THE ADVISORY PLANNING BOARD SHALL CONDUCT A PUBLIC HEARING ON THE APPLICATION IN ACCORDANCE WITH THE REQUIREMENTS IN THIS ARTICLE FOR AN EVIDENTIARY HEARING, AND MAKE A DECISION IN ACCORDANCE WITH THE DEPARTURE (MINOR AND MAJOR) DECISION STANDARDS. THE ADVISORY PLANNING BOARD'S DECISION SHALL BE BY RESOLUTION AND SHALL SET FORTH THE ADVISORY PLANNING BOARD'S FINDINGS OF FACT AND CONCLUSIONS TO SUPPORT THE DECISION. THE DECISION SHALL BE TO:

(A) APPROVE THE MAJOR DEPARTURE;

(B) APPROVE THE MAJOR DEPARTURE, SUBJECT TO CONDITIONS OF APPROVAL; OR

(C) DISAPPROVE THE MAJOR DEPARTURE.

(8) CONDITIONS OF APPROVAL

SECTION 26-31, CONDITIONS OF APPROVAL, SHALL GOVERN.

(9) NOTIFICATION

SECTION 26-32, NOTIFICATION, SHALL GOVERN.

(10) APPEAL

THE RELIEF AVAILABLE TO AN APPLICANT FROM THE DECISION OF THE ADVISORY PLANNING BOARD ON AN APPLICATION FOR A MAJOR DEPARTURE IS TO THE CITY COUNCIL PER SECTION 26-34.

(11) POST-DECISION ACTIONS

(A) EFFECT OF APPROVAL

A MAJOR DEPARTURE AUTHORIZES ONLY THE PARTICULAR REGULATORY RELIEF APPROVED. IT DOES NOT EXEMPT THE APPLICANT FROM THE RESPONSIBILITY TO OBTAIN ALL OTHER DEVELOPMENT APPROVALS AND PERMITS REQUIRED BY THIS ORDINANCE, AND ANY OTHER APPLICABLE LAWS, AND DOES NOT INDICATE THAT THE DEVELOPMENT FOR WHICH THE DEPARTURE IS GRANTED SHOULD RECEIVE OTHER DEVELOPMENT APPROVALS OR PERMITS UNLESS THE RELEVANT AND APPLICABLE PORTIONS ARTICLE II OF THIS CHAPTER OR ANY OTHER APPLICABLE LAWS ARE MET.

(B) LAPSE OF APPROVAL

A MAJOR DEPARTURE ALLOWING THE CONSTRUCTION OF A BUILDING OR STRUCTURE SHALL NOT BE VALID FOR LONGER THAN THE EXPIRATION PERIOD OF THE DEVELOPMENT APPROVAL OR PERMIT WITH WHICH IT WAS CONSIDERED AND APPROVED.

(C) AMENDMENT

A MAJOR DEPARTURE MAY BE AMENDED ONLY IN ACCORDANCE WITH THE PROCEDURES AND STANDARDS ESTABLISHED FOR ITS ORIGINAL APPROVAL.

(F) DEPARTURE (MINOR AND MAJOR) DECISION STANDARDS

THE PLANNING DIRECTOR OR ADVISORY PLANNING BOARD, AS APPROPRIATE, MAY APPROVE A DEPARTURE (MINOR OR MAJOR) UPON A FINDING THAT THE APPLICANT DEMONSTRATES THE PROPOSED DEPARTURE COMPLIES WITH THE FOLLOWING:

(1) THE DEPARTURE FALLS WITHIN THE THRESHOLDS PROVIDED IN SECTION 26-38 ABOVE, FOR THE APPLICABLE TYPE OF DEPARTURE;

(2) THE DEPARTURE IS CONSISTENT WITH THE CHARACTER OF DEVELOPMENT ON SURROUNDING LAND, AND IS COMPATIBLE WITH SURROUNDING LAND USES;

(3) THE DEPARTURE:

(A) COMPENSATES FOR SOME UNUSUAL ASPECT OF THE SITE OR THE PROPOSED DEVELOPMENT THAT IS NOT SHARED BY LANDOWNERS IN GENERAL, AND

(B) SUPPORTS AN OBJECTIVE OR GOAL FROM THE PURPOSE AND INTENT STATEMENTS OF THE ZONE WHERE IT IS LOCATED, OR

(C) SAVES HEALTHY EXISTING TREES.

(4) THE DEPARTURE WILL NOT POSE A DANGER TO THE PUBLIC HEALTH OR SAFETY;

(5) ANY ADVERSE IMPACTS ARE MITIGATED, TO THE MAXIMUM EXTENT PRACTICABLE;

(6) THE SITE IS NOT SUBJECT TO A SERIES OF MULTIPLE, INCREMENTAL DEPARTURES THAT RESULT IN A REDUCTION IN EACH DEVELOPMENT STANDARD BY THE MAXIMUM ALLOWED OVER THE PREVIOUS TWENTY (20) YEARS. (RELEVANT DEVELOPMENT STANDARDS CANNOT BE REDUCED BEYOND THE MAXIMUM THRESHOLDS ALLOWED IN THIS SUBSECTION, THROUGH MORE THAN ONE DEPARTURE, OVER THE PREVIOUS TWENTY (20) YEARS); AND

(7) FOR A DEPARTURE FROM A STANDARD CONTAINED IN THE LANDSCAPE MANUAL, THE PLANNING BOARD SHALL FIND, IN ADDITION TO THE REQUIREMENTS ABOVE, THAT THERE IS NO FEASIBLE PROPOSAL FOR ALTERNATIVE COMPLIANCE, AS DEFINED IN THE LANDSCAPE MANUAL, WHICH WOULD EXHIBIT EQUALLY EFFECTIVE DESIGN CHARACTERISTICS.

SUBDIVISION 2. ALTERNATIVE COMPLIANCE FROM THE LANDSCAPE MANUAL.

SEC. 26-39. ALTERNATIVE COMPLIANCE FROM THE LANDSCAPE MANUAL.

A. THE STANDARDS CONTAINED IN THIS MANUAL ARE INTENDED TO ENCOURAGE DEVELOPMENT THAT IS ECONOMICALLY VIABLE AND ENVIRONMENTALLY SOUND. THE STANDARDS ARE NOT INTENDED TO BE ARBITRARY OR TO INHIBIT CREATIVE SOLUTIONS. PROJECT CONDITIONS MAY JUSTIFY APPROVAL OF ALTERNATIVE METHODS OF COMPLIANCE WITH THE STANDARDS. CONDITIONS MAY ARISE WHERE NORMAL COMPLIANCE IS IMPRACTICAL OR IMPOSSIBLE OR WHERE MAXIMUM ACHIEVEMENT OF THE PURPOSES CAN ONLY BE OBTAINED THROUGH ALTERNATIVE COMPLIANCE. REQUESTS FOR ALTERNATIVE COMPLIANCE MAY BE APPROVED FOR ANY APPLICATION WHEN ONE OR MORE OF THE FOLLOWING CONDITIONS ARE PRESENT:

(1) TOPOGRAPHY, SOIL, VEGETATION, OR OTHER SITE CONDITIONS ARE SUCH THAT FULL COMPLIANCE WITH THE REQUIREMENTS IS IMPOSSIBLE OR IMPRACTICAL AND IMPROVED ENVIRONMENTAL QUALITY WOULD RESULT FROM THE ALTERNATIVE COMPLIANCE.

(2) SPACE LIMITATIONS, UNUSUALLY SHAPED LOTS, PREVAILING PRACTICES IN THE SURROUNDING NEIGHBORHOOD, IN-FILL SITES, OR IMPROVEMENTS AND REDEVELOPMENT IN OLDER COMMUNITIES SUPPORT ALTERNATIVE COMPLIANCE.(3) CHANGE OF USE ON AN EXISTING SITE INCREASES THE BUFFER REQUIRED BY SECTION 4.7, BUFFERING INCOMPATIBLE USES, MORE THAN IT IS FEASIBLE TO PROVIDE.

(4) SAFETY CONSIDERATIONS MAKE ALTERNATIVE COMPLIANCE NECESSARY.

B. A PROPOSED ALTERNATIVE COMPLIANCE MEASURE MUST BE EQUALLY EFFECTIVE AS NORMAL COMPLIANCE IN TERMS OF QUALITY, DURABILITY, HARDINESS, AND ABILITY TO FULFILL THE DESIGN CRITERIA IN SECTION 3, LANDSCAPE ELEMENTS AND DESIGN CRITERIA.

C. ALTERNATIVE COMPLIANCE SHALL BE LIMITED TO THE SPECIFIC PROJECT UNDER CONSIDERATION AND SHALL NOT ESTABLISH PRECEDENTS FOR APPROVAL IN OTHER CASES.

D. A REQUEST FOR ALTERNATIVE COMPLIANCE SHALL BE SUBMITTED TO THE PLANNING DIRECTOR. THE DECISION OF THE PLANNING DIRECTOR WILL BE FINAL.

E. REQUESTS FOR ALTERNATIVE COMPLIANCE SHALL BE ACCOMPANIED BY SUFFICIENT WRITTEN, GRAPHIC, AND/OR PHOTOGRAPHIC EXPLANATION AND JUSTIFICATION TO ENABLE APPROPRIATE EVALUATION AND DECISION.

F. WHERE COMPLIANCE WITH THIS MANUAL IS NOT POSSIBLE AND THERE IS NO FEASIBLE PROPOSAL FOR ALTERNATIVE COMPLIANCE THAT IS, IN THE JUDGMENT OF THE PLANNING DIRECTOR OR APPROPRIATE DECISION-MAKING BODY OR OFFICIAL, EQUALLY EFFECTIVE AS

NORMAL COMPLIANCE, THEN THE APPLICANT MAY, IF APPROPRIATE, SEEK RELIEF BY APPLYING FOR A DEPARTURE.

SUBDIVISION 3. CERTIFICATION, REVOCATION AND REVISION OF NONCONFORMING USES.

SEC. 26-40. CERTIFICATION OF NONCONFORMING USE

(A) GENERAL

THIS SECTION PROVIDES A UNIFORM MECHANISM FOR THE REVIEW AND CERTIFICATION OF ALL NONCONFORMING USES UNDER THIS ORDINANCE.

(B) APPLICABILITY

(1) A NONCONFORMING USE MAY ONLY CONTINUE IF A USE AND OCCUPANCY PERMIT IDENTIFYING THE USE AS NONCONFORMING IS ISSUED AFTER THE PLANNING DIRECTOR OR THE DISTRICT COUNCIL CERTIFIES THE USE IS NONCONFORMING AND IS NOT ILLEGAL .

(2) CERTIFICATION OF A NONCONFORMING USE MAY ONLY BE APPROVED IN ACCORDANCE WITH THE PROCEDURES AND STANDARDS OF THIS SECTION, PRIOR TO ITS DEVELOPMENT OR REDEVELOPMENT.

(3) THE FOLLOWING DEVELOPMENT IS EXEMPTED FROM THE REQUIREMENTS OF THIS SECTION:

(A) NONCONFORMING BUILDINGS, STRUCTURES AND SITE ELEMENTS;

(B) NONCONFORMING SIGNS, EXCEPT THAT OUTDOOR ADVERTISING SIGNS SHALL BE SUBJECT TO THIS SECTION; AND

(C) NONCONFORMING LOTS OF RECORD (SEE SECTION 27-7400).

(C) CERTIFICATION OF NONCONFORMING USE PROCEDURE

THIS SUBSECTION IDENTIFIES ADDITIONS OR MODIFICATIONS TO THE STANDARD REVIEW PROCEDURES , THAT APPLY TO APPLICATIONS TO CERTIFY A NONCONFORMING USE.

(1) APPLICATION SUBMITTAL

(A) THE APPLICANT SHALL FIRST FILE FOR A USE AND OCCUPANCY PERMIT AND SHALL SUBMIT THIS APPLICATION TO THE PLANNING DIRECTOR.

(B) ALONG WITH THE APPLICATION AND ACCOMPANYING PLANS, THE APPLICANT SHALL PROVIDE THE FOLLOWING:

(I) DOCUMENTARY EVIDENCE, SUCH AS TAX RECORDS, BUSINESS RECORDS, PUBLIC UTILITY INSTALLATION OR PAYMENT RECORDS, AND SWORN AFFIDAVITS, SHOWING THE COMMENCING DATE AND CONTINUOUS EXISTENCE OF THE NONCONFORMING USE;

(II) EVIDENCE THAT THE NONCONFORMING USE HAS NOT CEASED TO OPERATE FOR MORE THAN 180 CONSECUTIVE CALENDAR DAYS BETWEEN THE TIME THE USE BECAME NONCONFORMING AND THE DATE WHEN THE APPLICATION IS SUBMITTED, OR THAT CONDITIONS OF NONOPERATION FOR MORE THAN 180 CONSECUTIVE CALENDAR DAYS WERE BEYOND THE APPLICANT'S AND/OR OWNER'S CONTROL, WERE FOR THE PURPOSE OF CORRECTING CODE VIOLATIONS, OR WERE DUE TO THE SEASONAL NATURE OF THE USE;

(III) SPECIFIC DATA SHOWING:

(AA) THE EXACT NATURE, SIZE, AND LOCATION OF THE BUILDING, STRUCTURE, AND USE;

(BB) A LEGAL DESCRIPTION OF THE PROPERTY; AND

(CC) THE PRECISE LOCATION AND LIMITS OF THE USE ON THE PROPERTY AND WITHIN ANY BUILDING IT OCCUPIES.

(IV) A COPY OF A VALID USE AND OCCUPANCY PERMIT ISSUED FOR THE USE PRIOR TO THE DATE UPON WHICH IT BECAME A NONCONFORMING USE, IF THE APPLICANT POSSESSES ONE.

(V) IN THE CASE OF OUTDOOR ADVERTISING SIGNS, THE REQUIREMENTS OF SUBSECTION (C)(1)(B)(II), ABOVE, ARE NOT APPLICABLE. DOCUMENTARY EVIDENCE, INCLUDING BUT NOT LIMITED TO DEEDS, TAX RECORDS, BUSINESS RECORDS, APPROVED PLATS OR DEVELOPMENT PLANS, PERMITS, PUBLIC UTILITY INSTALLATION OR PAYMENT RECORDS, PHOTOGRAPHS, AND SWORN AFFIDAVITS, SHOWING THAT THE OUTDOOR ADVERTISING SIGN WAS CONSTRUCTED PRIOR TO AND HAS OPERATED CONTINUOUSLY SINCE JANUARY 1, 2002.

(2) DETERMINATION OF COMPLETENESS

THE PLANNING DIRECTOR DETERMINES WHETHER THE APPLICATION IS COMPLETE.

(3) STAFF REVIEW AND ACTION

SMALL CAPS: Indicate language added to the City Code.

(A) IN ADDITION, AND BEFORE THE PLANNING DIRECTOR MAKES A DECISION ON THE APPLICATION, THE APPLICANT SHALL POST THE PROPERTY SUBJECT TO THE APPLICATION WITH A DURABLE SIGN(S) THAT CAN BE READILY SEEN FROM ANY EXISTING PUBLIC RIGHT-OF-WAY(S) ADJOINING THE PROPERTY, WITHIN TEN DAYS OF ACCEPTANCE. THE SIGN(S) SHALL PROVIDE NOTICE OF THE APPLICATION, THE NATURE OF THE NONCONFORMING USE FOR WHICH THE CERTIFICATION IS SOUGHT, A DATE, AT LEAST 20 DAYS AFTER POSTING, BY WHICH WRITTEN COMMENTS AND/OR SUPPORTING DOCUMENTARY EVIDENCE RELATING TO THE COMMENCING DATE AND CONTINUITY OF SUCH NONCONFORMING USE WILL BE RECEIVED AND ACCEPTED FROM THE PUBLIC BY THE PLANNING DIRECTOR, AND INSTRUCTIONS FOR OBTAINING ADDITIONAL INFORMATION ABOUT THE APPLICATION. THIS POSTING REQUIREMENT SHALL NOT APPLY TO USES THAT, WITH THE EXCEPTION OF PARKING IN ACCORDANCE WITH SECTION 27-6300, OFF-STREET PARKING AND LOADING, OCCUR SOLELY WITHIN AN ENCLOSED BUILDING.

(B) EXCEPT FOR OUTDOOR ADVERTISING SIGNS, AFTER STAFF REVIEW AND EVALUATION OF THE APPLICATION, NOTICE OF THE APPLICATION IS POSTED IN ACCORDANCE WITH SUBSECTION (A) ABOVE, AND SUFFICIENT TIME HAS LAPSED FOR RECEIPT OF COMMENTS FROM THE PUBLIC ON THE APPLICATION, THE PLANNING DIRECTOR SHALL MAKE A DECISION ON AN APPLICATION IN ACCORDANCE WITH THE CERTIFICATION OF NONCONFORMING USE DECISION STANDARDS. THE DECISION SHALL BE ONE OF THE FOLLOWING:

(I) APPROVE THE APPLICATION AS SUBMITTED; OR

(II) DISAPPROVE THE APPLICATION.

(C) THE PLANNING DIRECTOR SHALL NOT MAKE A DECISION FOR APPROVAL OF THE APPLICATION PRIOR TO THE SPECIFIED DATE ON WHICH WRITTEN COMMENTS AND/OR REQUESTS FOR PUBLIC HEARING ARE ACCEPTED.

(D) FOR OUTDOOR ADVERTISING SIGNS, IF SATISFACTORY DOCUMENTARY EVIDENCE IS RECEIVED, THE PLANNING DIRECTOR SHALL APPROVE CERTIFICATION OF THE USE AS NONCONFORMING FOR THE PURPOSE OF ISSUING APPLICABLE PERMITS AND CERTIFYING THE USE AS NONCONFORMING. THIS APPROVAL SHALL NOT BE MADE PRIOR TO THE

SPECIFIED DATE ON WHICH WRITTEN COMMENTS AND/OR REQUESTS FOR PUBLIC HEARING ARE ACCEPTED.

(E) IF THE APPLICATION IS DISAPPROVED, A WRITTEN STATEMENT SHALL BE INCLUDED WITH THE APPLICATION STATING THE REASONS WHY THE APPLICATION DOES NOT COMPLY WITH THE DECISION STANDARDS.

(F) FOLLOWING A DECISION, THE PLANNING DIRECTOR SHALL NOTIFY THE CITY COUNCIL AND THE APPLICANT OF THE DECISION. ELECTRONIC NOTICE OF THE DECISION SHALL ALSO BE MADE BY THE PLANNING DIRECTOR NOT LATER THAN 7 CALENDAR DAYS AFTER THE DATE OF THE DECISION.

(G) IF NO APPEAL OF THE PLANNING DIRECTOR'S DECISION HAS BEEN FILED; OR IF THE CITY COUNCIL DOES NOT ELECT TO REVIEW THE DECISION AS AUTHORIZED BELOW; WITHIN THIRTY (30) DAYS OF RECEIPT OF THE DECISION BY THE PLANNING DIRECTOR, THE PLANNING DIRECTOR SHALL CERTIFY THE USE AS NONCONFORMING IF THE DECISION HAD BEEN FOR APPROVAL, AND SHALL DISAPPROVE THE APPLICATION IF THE DECISION HAD BEEN FOR DISAPPROVAL.

(H) SUBSECTIONS (F) AND (G), ABOVE, AND SUBSECTION (C)(5) BELOW, SHALL NOT APPLY TO USES THAT, WITH THE EXCEPTION OF PARKING IN ACCORDANCE WITH OFF-STREET PARKING AND LOADING, OCCUR SOLELY WITHIN AN ENCLOSED BUILDING.

(4) NOTIFICATION

SEE SECTION 26-32 NOTIFICATION, FOR PUBLIC HEARING NOTIFICATION, IF ANY PUBLIC HEARINGS ARE REQUIRED. SEE SUBSUBSECTION (C)(3), ABOVE, FOR NOTIFICATION PERTAINING TO ADMINISTRATIVE PROCEDURES INVOLVING PLANNING DIRECTOR DECISIONS.

(5) APPEAL, ELECTION, AND PUBLIC HEARINGS

(A) THE APPLICANT OR ANY AGGRIEVED PERSON MAY APPEAL THE PLANNING DIRECTOR'S DECISION ON AN APPLICATION FOR A CERTIFICATION OF NONCONFORMING USE, BY FILING A NOTICE OF APPEAL WITH THE CITY COUNCIL WITHIN 30 DAYS OF THE PLANNING DIRECTOR'S MAILING OF THE DECISION.

(B) IN ADDITION, THE CITY COUNCIL MAY, ON ITS OWN MOTION, ELECT TO REVIEW THE PLANNING DIRECTOR'S DECISION ON THE CERTIFICATE OF

NONCONFORMING USE, WITHIN 30 DAYS OF RECEIVING NOTICE OF THE PLANNING DIRECTOR'S DECISION.

(C) IF AN APPEAL IS FILED OR THE CITY COUNCIL DECIDES TO REVIEW THE PLANNING DIRECTOR'S DECISION, THE CITY CLERK SHALL NOTIFY THE PLANNING DIRECTOR OF THE COUNCIL'S DECISION. WITHIN SEVEN (7) CALENDAR DAYS AFTER RECEIVING THIS NOTICE, THE PLANNING DIRECTOR SHALL TRANSMIT TO THE CITY COUNCIL THE APPLICATION AND ALL WRITTEN MATERIALS AND OTHER EVIDENCE RELATED TO ITS REVIEW, AND ANY ADDITIONAL INFORMATION OR EXPLANATORY MATERIAL DEEMED APPROPRIATE. THIS SHALL CONSTITUTE THE RECORD ON APPEAL OR ELECTION REVIEW.

(D) THE CITY COUNCIL SHALL MAKE ITS DECISION WITHIN FORTY-FIVE (45) DAYS FROM THE FILING OF THE PLANNING DIRECTOR'S RECOMMENDATION. THE CITY COUNCIL SHALL RENDER A FINAL DECISION BASED ON THE APPLICABLE DECISION STANDARDS. THE CITY COUNCIL SHALL PROVIDE ITS DECISION IN WRITING, STATING THE REASONS FOR ITS ACTION. FAILURE OF THE COUNCIL TO TAKE ACTION WITHIN THIS TIME SHALL CONSTITUTE A DECISION TO CERTIFY THE USE.

(E) THE CITY COUNCIL MAY MODIFY OR REVERSE THE DECISION OF THE PLANNING DIRECTOR ON APPEAL OR ELECTION TO REVIEW IF THE DECISION IS NOT SUPPORTED BY SUBSTANTIAL EVIDENCE, IS ARBITRARY AND CAPRICIOUS, OR IS PREDICATED ON AN ERROR OF LAW.

(F) THE CITY CLERK SHALL MAIL COPIES OF THE DISTRICT COUNCIL'S DECISION TO ALL PERSONS OF RECORD AND THE PLANNING DIRECTOR, WITHIN A REASONABLE PERIOD OF TIME AFTER THE DECISION.

(6) POST-DECISION ACTIONS

(A) DEVELOPMENT OF THE LAND SUBJECT TO A CERTIFICATION OF NONCONFORMING USE SHALL COMPLY WITH THE APPROVED CERTIFICATION OF NONCONFORMING USE, AND ALL RELEVANT PROVISIONS OF THIS ARTICLE AND THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE.

(B) FOLLOWING CERTIFICATION OF NONCONFORMING USE, THE CONCURRENT APPLICATION FOR A USE AND OCCUPANCY PERMIT THAT WAS SUBMITTED WITH THE APPLICATION FOR CERTIFICATION OF NONCONFORMING USE SHALL BE FORWARDED TO THE DPIE DIRECTOR FOR

APPROVAL AND ISSUANCE. THE USE AND OCCUPANCY PERMIT SHALL IDENTIFY THE USE AS NONCONFORMING. ANY PERSON MAKING USE OF OR RELYING UPON THE CERTIFICATION THAT IS VIOLATING OR HAS VIOLATED ANY CONDITIONS THEREOF, OR THAT THE USE FOR WHICH THE CERTIFICATION WAS GRANTED IS BEING, OR HAS BEEN EXERCISED CONTRARY TO THE TERMS OR CONDITIONS OF SUCH APPROVAL SHALL BE GROUNDS FOR REVOCATION PROCEEDINGS IN ACCORDANCE WITH THIS SECTION.

(7) REVOCATION OF CERTIFICATION

(A) UPON ITS OWN MOTION, THE ADVISORY PLANNING BOARD MAY CONDUCT A PUBLIC HEARING TO DETERMINE WHETHER AN APPROVED CERTIFICATION OF A NONCONFORMING USE SHOULD BE REVOKED. THE LANDOWNERS SUBJECT TO THE POTENTIAL REVOCATION AND ALL PERSONS OF RECORD SHALL BE GIVEN NOTICE OF THE HEARING WITHIN A REASONABLE PERIOD OF TIME PRIOR TO THE HEARING.

(B) THE ADVISORY PLANNING BOARD SHALL REVOKE THE CERTIFICATION IF IT FINDS THAT EITHER:

(I) THERE WAS FRAUD OR MISREPRESENTATION IN OBTAINING THE CERTIFICATION; OR

(II) A CERTIFIED NONCONFORMING USE HAS BEEN DISCONTINUED FOR A PERIOD OF 180 OR MORE CONSECUTIVE DAYS, UNLESS THE CONDITIONS OF NON-OPERATION WERE BEYOND THE CONTROL OF THE OWNER OR HOLDER OF THE USE AND OCCUPANCY PERMIT; OR

(III) ANY APPLICABLE REQUIREMENTS OF SECTION 26-40 CERTIFICATION OF NONCONFORMING USE, HAVE NOT BEEN MET.

(C) THE PLANNING BOARD SHALL NOTIFY THE PLANNING DIRECTOR OF A REVOCATION.

(D) THE DECISION OF THE ADVISORY PLANNING BOARD MAY BE APPEALED TO THE CITY COUNCIL IN THE SAME MANNER AS AN ORIGINAL CERTIFICATION.

(D) CERTIFICATION OF NONCONFORMING USE DECISION STANDARDS

AN APPLICATION FOR A CERTIFICATION OF NONCONFORMING USE SHALL BE APPROVED UPON FINDING THAT:

(1) THE APPLICANT DEMONSTRATES THE DEVELOPMENT IS A NONCONFORMING USE AND HAS SUBMITTED SUFFICIENT EVIDENCE AS TO THE COMMENCING DATE AND CONTINUITY OF THE NONCONFORMING USE; AND

(2) THE USE TO BE CERTIFIED AS NONCONFORMING HAS NO OUTSTANDING CITY OR COUNTY CODE VIOLATIONS WITH THE PRINCE GEORGE'S COUNTY DEPARTMENT OF PERMITTING, INSPECTIONS AND ENFORCEMENT REGARDING THE PROPERTY OTHER THAN FAILURE TO HAVE A USE AND OCCUPANCY PERMIT.

SEC. 26-41. RESERVED.

SUBDIVISION 4. VARIANCES

SEC. 26-42. VARIANCE

(A) GENERAL

THIS SECTION ESTABLISHES A UNIFORM MECHANISM TO ALLOW CERTAIN VARIANCES FROM DIMENSIONAL STANDARDS (SUCH AS HEIGHT, YARD SETBACK, AND LOT AREA) AND CERTAIN DEVELOPMENT STANDARDS OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE WHEN THEIR STRICT APPLICATION WOULD RESULT IN UNNECESSARY HARDSHIP.

(B) APPLICABILITY

(1) THE PROCEDURES AND STANDARDS IN THIS SECTION APPLY TO THE REVIEW OF AND DECISION ON APPLICATIONS FOR A VARIANCE FROM THE INTENSITY AND DIMENSIONAL STANDARDS IN PART 27-4: ZONES AND ZONE REGULATIONS OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE.

(2) VARIANCES ARE NOT ALLOWED FOR REQUESTS TO:

(A) AMEND THE TEXT OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE OR THE OFFICIAL ZONING MAP;

(B) PERMIT A USE IN A ZONE WHERE IT IS PROHIBITED;

(C) ELIMINATE THE REQUIREMENT THAT A SPECIAL EXCEPTION BE GRANTED FOR A USE;

(D) WAIVE OR MODIFY ANY PROCEDURAL REQUIREMENTS OR APPLICATION SUBMISSION FEES;

(E) WAIVE OR MODIFY ANY CONDITION(S) OF APPROVAL SPECIFICALLY IMPOSED AS PART OF THE APPROVAL FOR A DEVELOPMENT APPROVAL OR PERMIT;

(F) WAIVE A SPECIFIC FINDING REQUIRED TO BE MADE IN TAKING ACTION ON ANY DEVELOPMENT APPROVAL OR PERMIT IN ACCORDANCE WITH THIS ORDINANCE;

(G) SEEK ANY CHANGE TO THE STANDARDS OF THE PRINCE GEORGE'S ZONING ORDINANCE WHICH MAY BE REQUESTED AND GRANTED IN ACCORDANCE WITH A MINOR DEPARTURE OR MAJOR DEPARTURE, OR MINOR ADMINISTRATIVE WAIVER OR MODIFICATION, IN ACCORDANCE WITH SECTION 27-3614, DEPARTURE (MINOR AND MAJOR), NOR ANY CHANGE TO THE STANDARDS SPECIFIED IN THAT SECTION THAT MAY EXCEED THE MAXIMUM DEPARTURE (MINOR OR MAJOR) PERCENTAGE FROM STANDARD WHICH MAY BE GRANTED BY THE PLANNING DIRECTOR OR PLANNING BOARD;

(H) GRANT A VARIANCE DENIED BY THE DISTRICT COUNCIL OR THE ZHE;

(I) GRANT ADDITIONAL TIME FOR A USE FOR WHICH A USE AND OCCUPANCY PERMIT HAS NOT BEEN ISSUED;

(J) WAIVE OR MODIFY ANY REQUIREMENTS OF THE CBCA (EXCEPT WHERE PERMITTED IN SUBTITLE 5B OF THE PRINCE GEORGE'S COUNTY CODE), APA OR MIA OVERLAY ZONES;

(K) GRANT A VARIANCE FROM ANY OF THE REQUIREMENTS OF SUBTITLE 5B OF THE COUNTY CODE;

(L) GRANT A VARIANCE FROM ANY PROVISION OF THIS SUBTITLE APPLICABLE TO, REQUIRED BY, OR CONCERNING AN ADULT ENTERTAINMENT USE;

(M) GRANT A VARIANCE CONCERNING RESIDENTIAL DENSITY WHICH WOULD RESULT IN AN INCREASE IN THE MAXIMUM ALLOWABLE NUMBER OF DWELLING UNITS IN A ZONE;

(N) HEAR AND DECIDE UPON AN APPEAL FROM A DECISION OF THE PLANNING BOARD IN CONNECTION WITH THE APPROVAL OF A DETAILED SITE PLAN;

(O) GRANT A VARIANCE WHICH IS OF A GREATER DEGREE THAN A VARIANCE GRANTED BY THE DISTRICT COUNCIL, WHERE THE VARIANCE GRANTED BY THE COUNCIL IS OF LESS DEGREE THAN REQUESTED FROM THE COUNCIL, PROVIDED:

(I) THERE HAS BEEN NO INTERVENING ZONING ORDINANCE TEXT AMENDMENT WHICH CHANGES THE NATURE OF THE VARIANCE REQUEST;

(II) THE COUNCIL HAS NOT ERRED IN CONSIDERING THE ORIGINAL VARIANCE REQUEST; OR

(III) THE PROPOSED USE HAS NOT CHANGED FROM THE ONE CONSIDERED BY THE COUNCIL;

(P) GRANT A VARIANCE TO ANY MINIMUM NET LOT AREA REQUIREMENT WHICH WOULD ALLOW THE RECORDING OF A SUBDIVISION PLAT FOR TWO (2) OR MORE LOTS THAT HAVE LESS THAN THE MINIMUM NET LOT AREA FOR THE ZONE IN WHICH THE PROPERTY IS LOCATED, UNLESS THE PLANNING BOARD APPROVES A SUBDIVISION PLAT SUBJECT TO THE GRANTING OF THE VARIANCE;

(Q) GRANT A VARIANCE TO ANY MINIMUM NET LOT AREA REQUIREMENT WHICH WOULD ALLOW DEVELOPMENT ON EACH OF TWO (2) OR MORE ABUTTING LOTS IN THE SAME OWNERSHIP THAT COULD BE COMBINED OR RE-SUBDIVIDED TO CONFORM TO THE MINIMUM NET LOT AREA REQUIREMENTS OF THE ZONE IN WHICH THE PROPERTY IS LOCATED, UNLESS THE PLANNING BOARD APPROVES A SUBDIVISION PLAT SUBJECT TO THE GRANTING OF THE VARIANCE;

(R) GRANT A VARIANCE FROM REQUIREMENTS SET FORTH IN THE LANDSCAPE MANUAL OR ANY OTHER PROVISION OF THIS SUBTITLE CONCERNING LANDSCAPING, BUFFERING, OR SCREENING;

(S) CONSIDER ANY APPLICATION REQUESTING ADDITIONAL TIME TO CEASE A VIOLATION INVOLVING A SOLID WASTE TRANSFER STATION; AND

(T) GRANT A VARIANCE TO ANY REQUIREMENT CONCERNING THE KEEPING OF ANIMALS OR POULTRY (OTHER THAN CUSTOMARY HOUSEHOLD PETS);

(U) GRANT A VARIANCE TO THE MAXIMUM LOT COVERAGE OR MINIMUM GREEN AREA IN THE IE 1 ZONE AS OTHERWISE LIMITED BY SECTION 27-4203(E)(2)NOTE 6; AND

(V) NOTWITHSTANDING SECTION 27-3613(B)(1)A), VARIANCES ARE NOT ALLOWED FOR REQUESTS TO GRANT A VARIANCE FROM THE INTENSITY AND DIMENSIONAL STANDARDS IN PART 27-4: ZONES AND ZONE REGULATIONS FOR DEVELOPMENT APPLICATIONS PURSUANT TO SECTION 27-7403(A), USE OF NONCONFORMING LOTS, IF SUCH VARIANCE PETITIONS ARE BASED SOLELY ON THE PHYSICAL UNIQUENESS OR UNUSUALNESS, OR PARTICULAR UNIQUENESS OR UNUSUALNESS, OF A LOT SMALLER THAN THE MINIMUM LOT SIZE OF THE ZONE.

(3) APPLICATIONS FOR A VARIANCE SHALL BE REVIEWED AND DECIDED IN ONE OF THE FOLLOWING WAYS:

(A) IF A VARIANCE APPLICATION IS NOT REQUIRED TO BE SUBMITTED WITH A PARENT APPLICATION, THE VARIANCE APPLICATION SHALL BE REVIEWED AND DECIDED BY THE ZONING VARIANCE HEARING BOARD OR THE PLANNING DIRECTOR UNDER THE CIRCUMSTANCES IDENTIFIED IN (B) AND (C) BELOW.

(B) ZONING VARIANCE HEARING BOARD.

(I) THERE IS HEREBY ESTABLISHED A ZONING VARIANCE HEARING BOARD TO REVIEW AND RENDER DECISIONS ON APPLICATIONS FOR VARIANCES FROM THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE.

(II) COMPOSITION AND MEMBERSHIP. THE ZONING VARIANCE HEARING BOARD SHALL BE COMPOSED OF THREE MEMBERS OF THE BOWIE ADVISORY PLANNING BOARD WHO SHALL SERVE ON AN AD HOC BASIS. A QUORUM OF THE ZONING VARIANCE HEARING BOARD SHALL BE TWO MEMBERS.

(III) POWERS. THE ZONING VARIANCE HEARING BOARD SHALL HAVE THE AUTHORITY TO HEAR AND TO MAKE RECOMMENDATIONS TO THE CITY COUNCIL REGARDING APPLICATIONS FOR VARIANCES FROM THE STRICT APPLICATION OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE WITH RESPECT TO LOT SIZE, SETBACK AND SIMILAR REQUIREMENTS OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE FOR LAND WITHIN THE CORPORATE BOUNDARIES OF THE CITY, EXCEPT THAT THE BOARD SHALL NOT HAVE THE POWER TO HEAR AND DECIDE VARIANCE REQUESTS OVER WHICH THE DISTRICT COUNCIL HAS RETAINED JURISDICTION.

(IV) PROCEDURES. THE ZONING VARIANCE HEARING BOARD MAY GRANT A VARIANCE ONLY PURSUANT TO THE STANDARDS AND PROCEDURES SET FORTH IN SECTION 26-19A AND ARTICLE II, SUBDIVISION 4 OF THIS CHAPTER.

(C) THE PLANNING DIRECTOR MAY ISSUE A VARIANCE UNCONTESTED CASES AND IN CASES WHERE THE VARIANCE REQUESTED IS OF A MINIMAL NATURE, WHERE IN THE JUDGMENT OF THE PLANNING DIRECTOR THE APPLICANT OTHERWISE SATISFIES THE CRITERIA FOR THE GRANT OF A VARIANCE.

(C) PROCEDURES:

1. UPON A RESIDENT CONTACTING CITY STAFF REGARDING A POTENTIAL ZONING VARIANCE, CITY STAFF SHALL ARRANGE FOR A PRE-APPLICATION CONFERENCE TO REVIEW APPLICATION REQUIREMENTS AND DISCUSS THE POSSIBILITY FOR A PLANNING DIRECTOR LEVEL REVIEW.
2. UPON THE FILING OF A VARIANCE APPLICATION, THE PLANNING DIRECTOR MAY PROCESS THE APPLICATION ADMINISTRATIVELY, WITHOUT A PUBLIC HEARING, UNDER THE FOLLOWING CIRCUMSTANCES:
   (A) THE PLANNING DIRECTOR HAS DETERMINED THAT THE AMOUNT OF THE PROSPECTIVE REQUEST IS DE MINIMIS (INSIGNIFICANT); OR

(B) AN INFORMATIONAL MAILING AND SIGN POSTING OF THE PROPERTY HAVE BEEN COMPLETED BY THE CITY, AND 14 CALENDAR DAYS HAVE ELAPSED FROM THE DATE OF MAILING/POSTING, WITH NO OPPOSITION TO THE APPLICATION HAVING BEEN RECEIVED BY THE CITY. IF ANYONE CONTACTS THE PLANNING DEPARTMENT IN OPPOSITION TO THE VARIANCE APPLICATION, THE PLANNING DIRECTOR SHALL ISSUE A WRITTEN COMMUNICATION TO THE APPLICANT STATING THAT THE REQUEST IS NOT ELIGIBLE FOR PLANNING DIRECTOR LEVEL REVIEW.

3. ALL INFORMATIONAL MAILING NOTICES SHALL CONTAIN:
   (A) THE NAME OF THE APPLICANT AND ADDRESS OF THE SUBJECT PROPERTY;
   (B) A BRIEF STATEMENT DESCRIBING THE SPECIFIC NATURE OF THE VARIANCE APPLICATION;
   (C) A DEADLINE FOR SUBMITTING COMMENTS TO THE PLANNING DIRECTOR; AND,
   (D) A STATEMENT THAT THE VARIANCE APPLICATION WILL BE REVIEWED AS A PLANNING DIRECTOR LEVEL REVIEW APPLICATION, IF NO ONE OBJECTS BY THE DEADLINE.
4. AN APPLICATION FOR A VARIANCE SHALL BE MADE ON THE FORMS PROVIDED BY THE CITY. ALL INFORMATION REQUIRED ON THE FORMS SHALL BE FURNISHED BY THE APPLICANT AND ANY INCOMPLETE APPLICATIONS SHALL NOT BE ACCEPTED.
5. VARIANCE APPLICATIONS UNDERGOING PLANNING DIRECTOR LEVEL REVIEW SHALL BE NUMBERED SEQUENTIALLY. ALL SUCH CASES SHALL BE GIVEN THE PREFIX PDVAR, FOLLOWED BY A NUMBER/YEAR SIGNIFYING A UNIQUE APPLICATION. FOR EXAMPLE: PDVAR-1-2024, PDVAR-2-2024, ETC.
6. THE PLANNING DIRECTOR SHALL ANALYZE EACH APPLICATION AND ISSUE A MEMORANDUM OF FINDINGS AND CONCLUSIONS, ADDRESSING THE CRITERIA FOR GRANTING VARIANCES SPECIFIED IN SECTION 26-42(F) OF THE CITY CODE, ALONG WITH A DISPOSITION OF THE CASE. THE PROJECT CASE FILE EXISTING ON THE DATE OF ISSUANCE OF THE DECISION SHALL CONSTITUTE THE RECORD.
7. EACH DECISION OF THE PLANNING DIRECTOR SHALL BE NOTED IN THE WEEKLY CITY COUNCIL STATUS REPORT, TYPICALLY WITHIN ONE TO TWO WEEKS OF THE DATE OF DECISION.
8. A DECISION OF THE PLANNING DIRECTOR PERMITTING THE ERECTION OF A BUILDING OR STRUCTURE SHALL NOT BE VALID FOR MORE THAN TWO YEARS, UNLESS A BUILDING PERMIT FOR THE ERECTION OF THE BUILDING OR STRUCTURE IS OBTAINED WITHIN THIS

PERIOD AND THE CONSTRUCTION IS STARTED AND PROCEEDS TO COMPLETION IN ACCORDANCE WITH THE TERMS OF THE DECISION AND THE PERMIT.

(D) ADDITIONAL VARIANCE PROCEDURE

THIS SUBSECTION IDENTIFIES ADDITIONS OR MODIFICATIONS TO THE STANDARD REVIEW PROCEDURES THAT APPLY TO APPLICATIONS FOR A VARIANCE.

1. AN APPLICATION TO APPEAL FOR A VARIANCE SHALL BE SUBMITTED TO THE PLANNING DIRECTOR.
2. DETERMINATION OF COMPLETENESS

   THE PLANNING DIRECTOR SHALL DETERMINE IF THE APPLICATION IS COMPLETE.
3. STAFF REVIEW AND ACTION

   AFTER STAFF REVIEW AND EVALUATION OF THE APPLICATION, THE PLANNING DIRECTOR SHALL PREPARE A STAFF REPORT. THE REPORT SHALL INCLUDE A RECOMMENDATION ON THE APPLICATION.
4. SCHEDULING PUBLIC HEARING AND PUBLIC NOTICE

   THE PLANNING DIRECTOR OR ZONING VARIANCE HEARING BOARD SHALL BE RESPONSIBLE FOR SCHEDULING AND PUBLIC NOTICE OF THE HEARING.
5. REVIEW AND DECISION BY DECISION-MAKING BODY OR OFFICIAL

   THE ZONING VARIANCE HEARING BOARD OR PLANNING DIRECTOR SHALL REVIEW AND MAKE A DECISION ON THE VARIANCE APPLICATION. THE ZONING VARIANCE HEARING BOARD SHALL CONDUCT A PUBLIC HEARING ON THE APPLICATION IN ACCORDANCE WITH SECTION 26-29 EVIDENTIARY HEARING, AND THE ZONING VARIANCE HEARING BOARD OF PLANNING DIRECTOR SHALL MAKE A DECISION IN ACCORDANCE WITH SECTION 26-42(F), VARIANCE DECISION STANDARDS. THE DECISION SHALL BE BY RESOLUTION AND SHALL INCLUDE FINDINGS OF FACT AND CONCLUSIONS THAT SUPPORT THE DECISION. THE DECISION SHALL BE ONE OF THE FOLLOWING:

   (A) APPROVE THE APPLICATION AS SUBMITTED;

   (B) APPROVE THE APPLICATION SUBJECT TO CONDITIONS OF APPROVAL; OR

   (C) DISAPPROVE THE APPLICATION.
6. THE ZONING VARIANCE REVIEW BOARD'S DECISION IS FINAL 30 DAYS AFTER FILING THE WRITTEN DECISION.
7. CONDITIONS OF APPROVAL

AS A CONDITION OF APPROVAL, THE ZONING VARIANCE HEARING BOARD OR PLANNING DIRECTOR MAY ESTABLISH A TIME FRAME WITHIN WHICH THE DEVELOPMENT FOR WHICH THE VARIANCE IS REQUESTED SHALL BEGIN AND/OR BE COMPLETED. THE VARIANCE SHALL AUTOMATICALLY EXPIRE AND BE VOID UPON THE LAPSE OF THE ESTABLISHED TIME FRAME IF THE DEVELOPMENT FOR WHICH THE VARIANCE IS GRANTED IS NOT BEGUN AND/OR COMPLETED. ANY ESTABLISHED TIME FRAME SHALL NOT EXCEED TWO YEARS.

8. NOTIFICATION

THE PLANNING DIRECTOR SHALL PROVIDE NOTICE AS REQUIRED BY THIS ARTICLE.

9. POST-DECISION ACTIONS

(A) EFFECT OF APPROVAL

APPROVAL OF A VARIANCE AUTHORIZES ONLY THE PARTICULAR REGULATORY RELIEF APPROVED. IT DOES NOT EXEMPT THE APPLICANT FROM THE RESPONSIBILITY TO OBTAIN ALL OTHER DEVELOPMENT APPROVALS AND PERMITS REQUIRED, AND DOES NOT INDICATE THAT THE DEVELOPMENT FOR WHICH THE VARIANCE IS GRANTED SHOULD RECEIVE OTHER DEVELOPMENT APPROVALS OR PERMITS, UNLESS THE RELEVANT AND APPLICABLE PORTIONS OF THIS CHAPTER OR ANY OTHER APPLICABLE LAWS ARE MET

(B) LAPSE OF APPROVAL

A VARIANCE ALLOWING THE CONSTRUCTION OF A BUILDING OR STRUCTURE SHALL NOT BE VALID FOR MORE THAN THE VALIDITY PERIOD OF THE PARENT APPLICATION OR TWO YEARS, WHICHEVER IS LONGER, UNLESS A BUILDING PERMIT FOR THE CONSTRUCTION OF THE BUILDING OR STRUCTURE IS OBTAINED WITHIN THIS PERIOD, AND THE CONSTRUCTION IS STARTED AND PROCEEDS TO COMPLETION IN ACCORDANCE WITH THE TERMS OF THE DECISION AND THE BUILDING PERMIT.

(E) REFILING

IF THE CITY COUNCIL DENIES AN APPEAL INVOLVING A VARIANCE, NO FURTHER APPEAL COVERING THE SAME SPECIFIC SUBJECT ON THE SAME PROPERTY SHALL BE FILED WITHIN THE FOLLOWING TWELVE (12) MONTH PERIOD. IF THE SECOND APPEAL

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IS ALSO DENIED, NO OTHER SUBSEQUENT APPEALS COVERING THE SAME SPECIFIC SUBJECT ON THE SAME PROPERTY SHALL BE FILED WITHIN EACH EIGHTEEN (18) MONTH PERIOD FOLLOWING THE RESPECTIVE DENIAL

(F) VARIANCE DECISION STANDARDS

A VARIANCE MAY ONLY BE GRANTED WHEN THE BOARD OR PLANNING DIRECTOR, AS APPROPRIATE, FINDS THAT:

(1) A SPECIFIC PARCEL OF LAND IS PHYSICALLY UNIQUE AND UNUSUAL IN A MANNER DIFFERENT FROM THE NATURE OF SURROUNDING PROPERTIES WITH RESPECT TO EXCEPTIONAL NARROWNESS, SHALLOWNESS, SHAPE, EXCEPTIONAL TOPOGRAPHIC CONDITIONS, OR OTHER EXTRAORDINARY CONDITIONS PECULIAR TO THE SPECIFIC PARCEL (SUCH AS HISTORICAL SIGNIFICANCE OR ENVIRONMENTALLY SENSITIVE FEATURES);

(2) THE PARTICULAR UNIQUENESS AND PECULIARITY OF THE SPECIFIC PROPERTY CAUSES A ZONING PROVISION TO IMPACT DISPROPORTIONATELY UPON THAT PROPERTY, SUCH THAT STRICT APPLICATION OF THE PROVISION WILL RESULT IN PECULIAR AND UNUSUAL PRACTICAL DIFFICULTIES TO THE OWNER OF THE PROPERTY;

(3) SUCH VARIANCE IS THE MINIMUM REASONABLY NECESSARY TO OVERCOME THE EXCEPTIONAL PHYSICAL CONDITIONS;

(4) SUCH VARIANCE CAN BE GRANTED WITHOUT SUBSTANTIAL IMPAIRMENT TO THE INTENT, PURPOSE AND INTEGRITY OF THE GENERAL PLAN OR ANY FUNCTIONAL MASTER PLAN, AREA MASTER PLAN, OR SECTOR PLAN AFFECTING THE SUBJECT PROPERTY;

(5) SUCH VARIANCE WILL NOT SUBSTANTIALLY IMPAIR THE USE AND ENJOYMENT OF ADJACENT PROPERTIES; AND

(6) A VARIANCE MAY NOT BE GRANTED IF THE PRACTICAL DIFFICULTY IS SELF-INFLICTED BY THE OWNER OF THE PROPERTY.

SUBDIVISION 5. MINOR REVISIONS TO SPECIAL EXCEPTIONS

SEC. 26-43. MINOR REVISIONS TO SPECIAL EXCEPTIONS

(A) GENERAL

A USE DESIGNATED AS A SPECIAL EXCEPTION IN A PARTICULAR ZONE IS A USE THAT MAY BE APPROPRIATE IN THE ZONE, BUT BECAUSE OF ITS NATURE, EXTENT, AND EXTERNAL EFFECTS, REQUIRES SPECIAL CONSIDERATION OF ITS LOCATION, DESIGN, AND METHODS OF OPERATION BEFORE IT CAN BE DEEMED APPROPRIATE IN THE ZONE AND COMPATIBLE WITH ITS SURROUNDINGS. THIS SECTION ESTABLISHES A UNIFORM MECHANISM TO REVIEW SPECIAL EXCEPTIONS TO ENSURE THEY ARE APPROPRIATE FOR THE LOCATION AND ZONE WHERE THEY ARE PROPOSED.

(B) APPLICABILITY

THE PROCEDURES AND STANDARDS OF THIS SUBSECTION APPLY TO:

(1) ANY USE THAT IS DESIGNATED AS A SPECIAL EXCEPTION IN A ZONE IN SECTION 27-5101, PRINCIPAL USE TABLES; OR

(2) ANY OTHER DEVELOPMENT ACTIVITY THAT REQUIRES SPECIAL EXCEPTION REVIEW BY THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE.

(C) CHANGES TO APPROVED SPECIAL EXCEPTIONS: MINOR CHANGES

THE ADVISORY PLANNING BOARD OR PLANNING DIRECTOR MAY APPROVE MINOR CHANGES TO AN APPROVED SPECIAL EXCEPTION, IN ACCORDANCE WITH THE FOLLOWING:

(1) POSTED NOTICE

THE LAND SUBJECT TO THE MINOR CHANGE SHALL BE POSTED WITH NOTICE WITHIN FOURTEEN (14) DAYS OF THE DATE THE APPLICATION IS DETERMINED COMPLETE. THE PLANNING DIRECTOR MAY WAIVE POSTING AFTER DETERMINING, IN WRITING, THAT THE PROPOSED MINOR CHANGE IS SO LIMITED IN SCOPE AND NATURE THAT IT HAS NO APPRECIABLE IMPACT ON ADJACENT LANDS. ON AND AFTER THE FIRST DAY OF POSTING, THE APPLICATION MAY NOT BE AMENDED.

(2) CHANGES APPROVED BY ADVISORY PLANNING BOARD

(A) THE ADVISORY PLANNING BOARD MAY REVIEW AND APPROVE, APPROVE WITH CONDITIONS, OR DISAPPROVE THE FOLLOWING MINOR CHANGES:

(I) AN INCREASE OF NO MORE THAN FIFTEEN (15) PERCENT IN THE GROSS FLOOR AREA OF A BUILDING; OR

(II) AN INCREASE OF NO MORE THAN FIFTEEN (15) PERCENT IN THE LAND AREA COVERED BY A STRUCTURE OTHER THAN A BUILDING.

(B) THE ADVISORY PLANNING BOARD SHALL REVIEW AND MAKE A DECISION ON THE APPLICATION FOR MINOR CHANGE IN ACCORDANCE WITH THE REQUIRED FINDINGS.

(C) A COPY OF THE ADVISORY PLANNING BOARD'S DECISION SHALL BE SENT TO ALL PERSONS OF RECORD AND THE CITY CLERK.

(3) CHANGES APPROVED BY PLANNING DIRECTOR

(A) THE PLANNING DIRECTOR MAY REVIEW AND APPROVE, APPROVE WITH CONDITIONS, OR DISAPPROVE A MINOR CHANGE THAT INVOLVES:

(I) AN INCREASE IN GROSS FLOOR AREA OR LAND COVERED BY A STRUCTURE (OTHER THAN A BUILDING) UP TO TEN (10) PERCENT, IF THE CHANGE DOES NOT HAVE A SIGNIFICANT IMPACT ON ADJACENT LANDS;

(II) A MINOR CHANGE REQUIRED TO ALLOW FOR AN APPROVED SPECIAL EXCEPTION TO COMPLY WITH THE REQUIREMENTS OF SUBTITLE 32, DIVISION 2: GRADING, DRAINAGE AND EROSION AND SEDIMENT CONTROL, OF THE PRINCE GEORGE'S COUNTY CODE;

(III) NEW OR ALTERNATIVE ARCHITECTURAL PLANS THAT ARE EQUAL OR SUPERIOR TO THOSE ORIGINALLY APPROVED, IN TERMS OF OVERALL SIZE AND QUALITY;

(IV) CHANGES REQUIRED BY ENGINEERING NECESSITY TO GRADING, UTILITIES, STORMWATER MANAGEMENT, OR RELATED PLAN ELEMENTS;

(V) THE REDESIGN OF PARKING OR LOADING AREAS;

(VI) THE REDESIGN OF A LANDSCAPE PLAN; OR

(VII) CHANGES TO ANY OTHER PLAN ELEMENT DETERMINED BY THE PLANNING DIRECTOR TO HAVE MINIMAL EFFECT ON THE OVERALL DESIGN, LAYOUT, QUALITY, OR INTENT OF THE APPROVED SITE PLAN.

(B) THE PLANNING DIRECTOR SHALL REVIEW AND MAKE A DECISION ON THE APPLICATION FOR MINOR CHANGE IN ACCORDANCE WITH THE REQUIRED FINDINGS, AND SECTION 26-43(C)(3)(E) BELOW.

SMALL CAPS: Indicate language added to the City Code.

(C) WITH RESPECT TO THE MINOR CHANGE IDENTIFIED IN SECTION 26-43(C)(3)(II) ABOVE, THE PLANNING DIRECTOR SHALL REVIEW AND MAKE A DECISION ON THE APPLICATION FOR MINOR CHANGE IN ACCORDANCE WITH THE FOLLOWING STANDARDS:

(I) THE CHANGES ARE THE MINIMUM NECESSARY TO CONFORM TO THE APPROVED PLANS FOR THE REQUIRED EROSION/SEDIMENT CONTROL OR STORMWATER MANAGEMENT FACILITIES;

(II) THE CHANGES DO NOT INCLUDE THE RELOCATION OF STORMWATER MANAGEMENT FACILITIES ONTO LAND NOT PROPOSED FOR DEVELOPMENT; AND

(III) THE AGENCY OR MUNICIPALITY HAVING JURISDICTION OVER APPROVAL OF THE EROSION/SEDIMENT CONTROL OR STORMWATER MANAGEMENT PLANS HAVE ADVISED, IN WRITING, THAT DEVELOPMENT IN ACCORDANCE WITH THE APPROVED SPECIAL EXCEPTION WOULD RESULT IN A VIOLATION OF EROSION/SEDIMENT CONTROL OR STORMWATER MANAGEMENT REGULATIONS.

(D) A COPY OF THE PLANNING DIRECTOR'S DECISION SHALL BE SENT TO ALL PERSONS OF RECORD AND THE CITY CLERK.

(D) SPECIAL EXCEPTION SUBMITTAL REQUIREMENTS

(1) THE MINOR REVISION TO SPECIAL EXCEPTION APPLICATION SHALL BE SUBMITTED TO THE PLANNING DIRECTOR BY THE OWNER OF THE PROPERTY OR HIS AUTHORIZED REPRESENTATIVE.

(2) THE SPECIAL EXCEPTION SITE PLANS SHALL BE PREPARED BY A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND USE PLANNER.

(3) UPON FILING THE APPLICATION, THE APPLICANT SHALL PAY TO THE PLANNING BOARD A FEE TO HELP DEFRAY THE COSTS RELATED TO PROCESSING THE APPLICATION.

(4) IF MORE THAN 1 DRAWING IS USED, ALL DRAWINGS SHALL BE AT THE SAME SCALE (WHERE FEASIBLE).

(5) A SPECIAL EXCEPTION APPLICATION SHALL INCLUDE THE FOLLOWING:

(A) A SIGNED APPLICATION FORM, WHICH SHALL INCLUDE:

(I) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE APPLICANT, AND AN INDICATION OF THE APPLICANT'S STATUS AS CONTRACT PURCHASER, AGENT, OR OWNER;

(II) THE REQUESTED USE OF THE PROPERTY;

(III) THE STREET ADDRESS OF THE PROPERTY; NAME OF ANY MUNICIPALITY THE PROPERTY IS IN; NAME AND NUMBER OF THE ELECTION DISTRICT THE PROPERTY IS IN;

(IV) THE TOTAL AREA OF THE PROPERTY (IN EITHER ACRES OR SQUARE FEET);

(V) THE PROPERTY'S LOT AND BLOCK NUMBER, SUBDIVISION NAME, AND PLAT BOOK AND PAGE NUMBER, IF ANY; OR A DESCRIPTION OF ITS ACREAGE, WITH REFERENCE TO LIBER AND FOLIO NUMBERS;

(VI) THE NAME, ADDRESS, AND SIGNATURE OF EACH OWNER OF RECORD OF THE PROPERTY. APPLICATIONS FOR PROPERTY OWNED BY A CORPORATION MUST BE SIGNED BY THOSE OFFICERS EMPOWERED TO ACT FOR THE CORPORATION;

(VII) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE CORRESPONDENT;

(VIII) A STATEMENT LISTING THE NAME, AND THE BUSINESS AND RESIDENTIAL ADDRESSES, OF ALL INDIVIDUALS HAVING AT LEAST A 5 PERCENT FINANCIAL INTEREST IN THE PROPERTY OR THE CONTRACT PURCHASER(S);

(IX) IF ANY OWNER OR CONTRACT PURCHASER(S) IS A CORPORATION, A STATEMENT LISTING THE OFFICERS OF THE CORPORATION, THEIR BUSINESS AND RESIDENTIAL ADDRESSES, AND THE DATE ON WHICH THEY ASSUMED THEIR RESPECTIVE OFFICES. THIS STATEMENT SHALL ALSO LIST THE CURRENT BOARD OF DIRECTORS, THEIR BUSINESS AND RESIDENTIAL ADDRESSES, AND THE DATES OF EACH DIRECTOR'S TERM. AN OWNER THAT IS A CORPORATION LISTED ON A NATIONAL STOCK EXCHANGE SHALL BE EXEMPT FROM THE REQUIREMENT TO PROVIDE RESIDENTIAL ADDRESSES OF ITS OFFICERS AND DIRECTORS; AND

(X) IF THE OWNER OR CONTRACT PURCHASER(S) IS A CORPORATION (EXCEPT ONE LISTED ON A NATIONAL STOCK EXCHANGE), A

STATEMENT CONTAINING THE NAMES AND RESIDENTIAL ADDRESSES OF THOSE INDIVIDUALS OWNING AT LEAST FIVE PERCENT (5%) OF THE SHARES OF ANY CLASS OF CORPORATE SECURITY (INCLUDING STOCKS AND SERIAL MATURITY BONDS).

(B) A VICINITY MAP; A ZONING SKETCH MAP WITH THE SUBJECT PROPERTY OUTLINED IN RED;

(C) A COPY OF THE APPLICANT'S INFORMATIONAL MAILING LETTER, LIST OF ADDRESSES, AND SIGNED AFFIDAVIT OF MAILING;

ANY REQUIRED STATE ETHICS COMMISSION AFFIDAVITS;

(D) ONE COPY OF A SITE PLAN, WHICH SHALL INCLUDE THE FOLLOWING:

(I) LOCATION MAP, NORTH ARROW, AND SCALE;

(II) A PROPERTY BOUNDARY SURVEY, USING BEARINGS AND DISTANCES (IN FEET); AND EITHER THE SUBDIVISION LOT AND BLOCK, OR LIBER AND FOLIO NUMBERS, OUTLINED IN RED;

(III) ZONING CATEGORIES OF THE SUBJECT PROPERTY AND ALL ADJACENT PROPERTIES;

(IV) LOCATIONS AND TYPES OF MAJOR IMPROVEMENTS THAT ARE WITHIN 50 FEET OF THE SUBJECT PROPERTY AND ALL LAND USES ON ADJACENT PROPERTIES;

(V) AN APPROVED NATURAL RESOURCE INVENTORY;

(VI) STREET NAMES, RIGHTS-OF-WAY, AND PAVEMENT WIDTHS OF EXISTING STREETS AND INTERCHANGES WITHIN AND ADJACENT TO THE SITE;

(VII) EXISTING RIGHTS-OF-WAY AND EASEMENTS (SUCH AS RAILROAD, UTILITY, WATER, SEWER, ACCESS, AND STORM DRAINAGE) WITHIN AND ADJACENT TO THE SITE;

(VIII) A TYPE 2 TREE CONSERVATION PLAN PREPARED IN CONFORMANCE WITH DIVISION 2 OF SUBTITLE 25 AND THE WOODLAND AND WILDLIFE HABITAT CONSERVATION TECHNICAL MANUAL, OR A STANDARD LETTER OF EXEMPTION;

(IX) A STATEMENT OF JUSTIFICATION DETAILING:

(AA) HOW THE PROPERTY CONFORMS TO THE REQUIREMENTS OF THE ZONING ORDINANCE AND SUBDIVISION

REGULATIONS, AS APPLICABLE, INCLUDING ALL CONDITIONS OF APPROVAL IN ANY DEVELOPMENT APPROVALS AND PERMITS TO WHICH THE SPECIAL EXCEPTION IS SUBJECT;

(BB) HOW THE PROPOSED DESIGN PRESERVES AND RESTORES THE REGULATED ENVIRONMENTAL FEATURES IN A NATURAL STATE TO THE FULLEST EXTENT POSSIBLE, IN ACCORDANCE WITH THE REQUIREMENTS OF SUBTITLE 24: SUBDIVISION REGULATIONS OF THE PRINCE GEORGE'S COUNTY CODE;

(CC) HOW ANY LAND INTENDED FOR PUBLIC USE, BUT NOT PROPOSED TO BE IN PUBLIC OWNERSHIP, WILL BE HELD, OWNED, AND MAINTAINED FOR THE INDICATED PURPOSE (INCLUDING ANY PROPOSED COVENANTS OR OTHER DOCUMENTS); AND

(DD) HOW THE DEVELOPMENT PROPOSED IN THE SPECIAL EXCEPTION CAN EXIST AS A UNIT CAPABLE OF SUSTAINING AN ENVIRONMENT OF CONTINUING QUALITY AND STABILITY.

(X) AN APPROVED STORMWATER MANAGEMENT CONCEPT PLAN AND APPROVAL LETTER, AND ANY OTHER DOCUMENTATION RELATING TO ANY STORMWATER MANAGEMENT FACILITIES LOCATED OFF-SITE OF THE PROPOSED DEVELOPMENT BUT WHICH WILL SERVE THE PROPOSED DEVELOPMENT;

(XI) PROPOSED SYSTEM OF INTERNAL STREETS INCLUDING RIGHTS-OF-WAY AND PAVEMENT WIDTHS;

(XII) PROPOSED LOT LINES AND THE DIMENSIONS (INCLUDING BEARINGS AND DISTANCES, IN FEET) AND THE AREA OF EACH LOT;

(XIII) EXACT LOCATION AND SIZE OF ALL BUILDINGS, STRUCTURES, SIDEWALKS, PAVED AREAS, PARKING LOTS (INCLUDING STRIPING), AND DESIGNATION OF WASTE COLLECTION STORAGE AREAS; AND THE USE OF ALL BUILDINGS, STRUCTURES, AND LAND;

(XIV) PROPOSED GRADING, USING ONE- (1) OR TWO- (2) FOOT CONTOUR INTERVALS, AND ANY SPOT ELEVATIONS THAT ARE NECESSARY TO DESCRIBE HIGH AND LOW POINTS, STEPS, RETAINING WALL HEIGHTS, AND SWALES;

(XV) A LANDSCAPE PLAN PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE LANDSCAPE MANUAL SHOWING THE EXACT

LOCATION AND DESCRIPTION OF ALL PLANTS AND OTHER LANDSCAPING MATERIALS, INCLUDING SIZE (AT TIME OF PLANTING), SPACING, BOTANICAL AND COMMON NAMES (INCLUDING DESCRIPTION OF ANY PLANTS THAT ARE NOT TYPICAL OF THE SPECIES), AND PLANTING METHOD;

(XVI) EXACT LOCATION, SIZE, TYPE, AND LAYOUT OF ALL PROPOSED RECREATION FACILITIES;

(XVII) EXACT LOCATION AND TYPE OF SUCH ACCESSORY FACILITIES AS PATHS, WALKS, WALLS, FENCES (INCLUDING WIDTHS OR HEIGHT, AS APPROPRIATE), ENTRANCE FEATURES, AND GATEWAY SIGNS;

(XVIII) ARCHITECTURAL ELEVATIONS OF FACADES FOR ALL SIDES OF ALL PROPOSED BUILDINGS, PRELIMINARY FLOOR PLANS, AND OTHER ILLUSTRATIVE DRAWINGS, PHOTOGRAPHS, OR RENDERINGS DEEMED APPROPRIATE BY THE PLANNING DIRECTOR;

(XIX) A CIRCULATION PLAN IN ACCORDANCE WITH SECTION 27-6204, CIRCULATION PLAN OR SITE PLAN REQUIRED;

(XX) A PARKING PLAN IN ACCORDANCE WITH SECTION 27-6303, PARKING PLAN OR SITE PLAN REQUIRED;

(XXI) A LIGHTING PLAN, INCLUDING A PHOTOMETRIC PLAN, IN ACCORDANCE WITH SECTION 27-6703, LIGHTING PLAN;

(XXII) ANY REQUESTED SECURITY EXEMPTION PLANS IN ACCORDANCE WITH SECTION 27-6610, SECURITY EXEMPTION PLAN AND SECTION 27-6709, SECURITY EXEMPTION PLAN;

(XXIII) A NOISE STUDY PREPARED BY A QUALIFIED PROFESSIONAL TO DEMONSTRATE COMPLIANCE WITH SECTION 27-6810, NOISE CONTROL;

(XXIV) A SIGNAGE PLAN;

(XXV) IDENTIFICATION OF ALL PROPOSED GREEN BUILDING REQUIREMENTS IN ACCORDANCE WITH SECTION 27-61603, GREEN BUILDING STANDARDS; AND

(XXVI) ANY OTHER PERTINENT INFORMATION.

(E) SPECIAL EXCEPTION PROCEDURE

THIS SUBSECTION IDENTIFIES ADDITIONS OR MODIFICATIONS TO THE STANDARD REVIEW PROCEDURES THAT APPLY TO DEVELOPMENT APPLICATIONS FOR A SPECIAL EXCEPTION. FIGURE 26-43 IDENTIFIES KEY STEPS IN THE MINOR REVISION TO SPECIAL EXCEPTIONS PROCEDURE.

FIGURE 26-43: SPECIAL EXCEPTION PROCEDURE (ILLUSTRATIVE)

26-20	**PRE-APPLICATION CONFERENCE**	**REQUIRED**
26-21	**PRE-APPLICATION NEIGHBORHOOD MEETING**	**REQUIRED**
26-22	**APPLICATION SUBMITTAL**	**TO PLANNING DIRECTOR, CONCEPT PLAN REQUIRED**
26-23	**DETERMINATION OF COMPLETENESS**	**PLANNING DIRECTOR MAKES DETERMINATION**
26-43 (E)(5)	**STAFF REVIEW AND ACTION**	**PLANNING DIRECTOR PREPARES STAFF REPORT**
26-43 (E)(6)	**SCHEDULING PUBLIC HEARING AND PUBLIC NOTICE**	**ADVISORY PLANNING BOARD SCHEDULES HEARING, PROVIDES NOTICE**
26-43 (E)(7)	**REVIEW AND DECISION BY DECISION-MAKING BODY OR OFFICER**	**ADVISORY PLANNING BOARD HOLDS PUBLIC HEARING, MAKES DECISION (CONDITIONS ALLOWED)**
26-43 (E)(9)	**NOTIFICATION**	**PLANNING DIRECTOR NOTIFIES**
26-43 (E)(10)	**APPEAL**	**OPTIONAL (TO CITY COUNCIL)**
	ELECTION	**OPTIONAL. CITY COUNCIL MAY ELECT TO REVIEW ADVISORY PLANNING BOARD'S DECISION**

(1) PRE-APPLICATION CONFERENCE

SEE SECTION 26-20 PRE-APPLICATION CONFERENCE.

(2) PRE-APPLICATION NEIGHBORHOOD MEETING

SEE SECTION 26-21, PRE-APPLICATION NEIGHBORHOOD MEETING.

(3) APPLICATION SUBMITTAL

SEE SECTION 26-22, APPLICATION SUBMITTAL AND SECTION 26-43.D, SPECIAL EXCEPTION SUBMITTAL REQUIREMENTS. IN ADDITION, THE APPLICATION SHALL INCLUDE A SITE PLAN OF THE PROPOSED SPECIAL EXCEPTION.

(4) DETERMINATION OF COMPLETENESS

SEE SECTION 26-23, DETERMINATION OF COMPLETENESS.

(5) STAFF REVIEW AND ACTION

(A) AT LEAST THIRTY (30) DAYS PRIOR TO THE PUBLIC HEARING, THE ORIGINAL COPY OF THE APPLICATION, PLANS, MAPS, SPECIFICATIONS, STAFF REPORT, AND ALL OTHER DATA, MATERIALS, OR RECORD EVIDENCE (TO DATE) PERTAINING TO THE REQUESTED SPECIAL EXCEPTION SHALL BE SENT BY THE PLANNING DIRECTOR TO THE ADVISORY PLANNING BOARD.

(B) THE ORIGINAL APPLICATION FOR SPECIAL EXCEPTION, ALONG WITH ANY SUPPORT MATERIALS AND THE STAFF REPORT, SHALL BE MADE AVAILABLE FOR PUBLIC REVIEW AND COPYING AT LEAST 30 DAYS PRIOR TO THE PUBLIC HEARING.

(6) SCHEDULING PUBLIC HEARING AND PUBLIC NOTICE

(A) THE PLANNING DIRECTOR SHALL ESTABLISH THE DATE OF THE PUBLIC HEARING AND SEND THE REQUIRED PUBLIC NOTICE.

(B) REQUEST TO DELAY HEARING

(I) SHOULD THE ADVISORY PLANNING BOARD DETERMINE THAT IT IS IN THE PUBLIC INTEREST TO DELAY THE HEARING DATE ESTABLISHED BY THE PLANNING DIRECTOR, THE ADVISORY PLANNING BOARD MAY APPROVE THE DELAY AND NOTIFY THE APPLICANT AND PERSONS OF RECORD OF THE RE-DESIGNATED HEARING DATE.

(II) THE APPLICANT OR ANY PERSON OF RECORD MAY REQUEST THE CONTINUANCE OF A HEARING UNDER THIS SECTION. THE ADVISORY PLANNING BOARD SHALL GRANT A CONTINUANCE IF A REQUIRED STAFF REPORT HAS NOT BEEN FILED AT LEAST THIRTY (30) DAYS BEFORE THE SCHEDULED HEARING. IF A CONTINUANCE IS GRANTED FOR THIS REASON, THE ADVISORY PLANNING BOARD MAY NOT HEAR

THE CASE UNTIL AT LEAST THIRTY (30) DAYS AFTER THE STAFF REPORT HAS BEEN FILED.

(7) REVIEW AND DECISION BY ADVISORY PLANNING BOARD OR PLANNING DIRECTOR

AFTER THE RECEIPT OF THE STAFF REPORT, THE ADVISORY PLANNING BOARD OR PLANNING DIRECTOR SHALL PROVIDE NOTICE, SCHEDULE, AND CONDUCT AN EVIDENTIARY HEARING ON THE APPLICATION AND MAKE A DECISION IN ACCORDANCE WITH THE REQUIRED FINDINGS. THE DECISION SHALL BE IN WRITING AND SHALL INCLUDE WRITTEN FINDINGS OF MATERIAL FACTS AND CONCLUSIONS THAT SUPPORT ONE OF THE FOLLOWING DECISIONS:

(A) APPROVE THE APPLICATION AS SUBMITTED;

(B) APPROVE THE APPLICATION SUBJECT TO CONDITIONS OF APPROVAL; OR

(C) DISAPPROVE THE APPLICATION.

(8) CONDITIONS OF APPROVAL

ALLOWED (SEE SECTION 26-31, CONDITIONS OF APPROVAL).

(9) NOTIFICATION

SEE SECTION 26-32, NOTIFICATION.

(10) APPEAL AND ELECTION

(A) THE CITY COUNCIL SHALL HOLD A PUBLIC HEARING IN ACCORDANCE WITH SECTION 27-3414, ORAL ARGUMENT HEARING, WITHIN 70 DAYS AFTER THE ADVISORY PLANNING BOARD TRANSMITS THE HEARING RECORD. THE CITY COUNCIL MAY EXTEND THE TIME TO HOLD A HEARING FOR UP TO 45 ADDITIONAL DAYS, ON ITS OWN MOTION, OR ON REQUEST OF THE APPELLANT OR A PARTY OF RECORD.

(B) WITHIN 60 DAYS AFTER THE CLOSE OF THE HEARING, THE CITY COUNCIL SHALL RENDER A FINAL DECISION.

(C) IF THE CITY COUNCIL FAILS TO ACT WITHIN THE SPECIFIED TIME, THE ADVISORY PLANNING BOARD'S DECISION IS AUTOMATICALLY AFFIRMED.

(D) IF THE DECISION IS REVIEWED IN ACCORDANCE WITH SUBSECTION 26-43(E)(10)(B), ABOVE, APPROVAL OF THE SPECIAL EXCEPTION SHALL REQUIRE A TWO-THIRDS MAJORITY VOTE OF THE FULL COUNCIL.

(E) THE CITY COUNCIL MAY REMAND THE MATTER TO THE ADVISORY PLANNING BOARD, ONCE, IN ACCORDANCE WITH STATE LAW.

(F) THE CITY COUNCIL SHALL PROVIDE ITS DECISION IN WRITING, STATING THE REASONS FOR ITS ACTION. COPIES OF THE DECISION SHALL BE SENT TO ALL PERSONS OF RECORD AND THE ADVISORY PLANNING BOARD.

(11) POST-DECISION ACTIONS

(A) EFFECT

NO USE APPROVED AS A SPECIAL EXCEPTION IN ACCORDANCE WITH THIS SUBSECTION, AND NO BUILDING OR STRUCTURE USED IN CONNECTION WITH AN APPROVED SPECIAL EXCEPTION USE, SHALL BE ERECTED, ENLARGED, ALTERED, OR EXTENDED BEYOND THE TERMS AND CONDITIONS AUTHORIZED IN THE SPECIAL EXCEPTION APPROVAL, UNLESS PROVIDED FOR IN THIS SECTION.

(B) RECONSIDERATION OF FINAL DECISION

(I) ONCE A FINAL DECISION ON A MINOR REVISION TO A SPECIAL EXCEPTION APPLICATION HAS BEEN MADE, THE DECISION MAY BE RECONSIDERED UPON 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, WHOMEVER MADE THE FINAL DECISION (THE ADVISORY PLANNING BOARD OR CITY COUNCIL) FINDS THAT THERE MAY HAVE BEEN AN ERROR IN REACHING THE FINAL DECISION THAT WAS CAUSED BY FRAUD, SURPRISE, MISTAKE, OR INADVERTENCE. THE PERSON OF RECORD FILING THE REQUEST FOR RECONSIDERATION OF A SPECIAL EXCEPTION DECISION SHALL, UPON FILING THE REQUEST, SEND A COPY TO ALL OTHER PERSONS OF RECORD.

(II) PRIOR TO RECONSIDERING A DECISION, A PUBLIC HEARING SHALL BE HELD ON THE MATTER BY WHOMEVER MADE THE FINAL DECISION.

(AA) IF THE CITY COUNCIL DETERMINES THERE MAY BE GROUNDS FOR RECONSIDERATION OF THEIR FINAL DECISION,

THE CITY CLERK SHALL SCHEDULE AN EVIDENTIARY HEARING ON THE REQUEST.

(I) AFTER HEARING, THE CITY COUNCIL SHALL FIRST VOTE TO RECONSIDER THEIR FINAL DECISION AND, IF AN AFFIRMATIVE MOTION IS ADOPTED, VOTE ON A NEW DECISION.

(BB) IF THE ADVISORY PLANNING BOARD DETERMINES THERE MAY BE GROUNDS FOR RECONSIDERATION OF A DECISION, THE ADVISORY PLANNING BOARD SHALL CONDUCT A PUBLIC HEARING IN ACCORDANCE WITH SECTION 26-43(E)(6), SCHEDULING PUBLIC HEARING AND PUBLIC NOTICE.

(II) AFTER THE CLOSE OF THE HEARING RECORD, THE ADVISORY PLANNING BOARD SHALL FILE A WRITTEN RECOMMENDATION WITH THE CITY COUNCIL.

(III) ANY PERSON OF RECORD MAY APPEAL THE RECOMMENDATION OF THE ADVISORY PLANNING BOARD WITHIN FIFTEEN (15) DAYS OF THE FILING OF THE ADVISORY PLANNING BOARD'S DECISION WITH THE CITY COUNCIL. IF APPEALED, ALL PERSONS OF RECORD MAY TESTIFY BEFORE THE CITY COUNCIL. PERSONS ARGUING SHALL ADHERE TO THE CITY COUNCIL'S RULES OF PROCEDURE, AND ARGUMENT SHALL BE LIMITED TO THIRTY (30) MINUTES FOR EACH SIDE, AND TO THE RECORD OF THE HEARING.

(F) REQUIRED FINDINGS

(1) A MINOR REVISION TO A SPECIAL EXCEPTION MAY ONLY BE APPROVED IF:

(A) THE PROPOSED USE AND SITE PLAN ARE IN HARMONY WITH THE PURPOSE OF THE COUNTY ZONING ORDINANCE;

(B) THE PROPOSED USE IS IN CONFORMANCE WITH ALL THE APPLICABLE REQUIREMENTS AND REGULATIONS OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE;

SMALL CAPS: Indicate language added to the City Code.

(C) The proposed use shall be consistent with of the applicable Area Master Plan, Sector Plan, or Functional Master Plan for the subject property and its surrounding area;

(D) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;

(E) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and

(F) The proposed site plan is in conformance with an approved Type 2 Tree Conservation Plan; and

(G) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirements of the County Subdivision Regulations.

(g) Changes to Approved Special Exceptions: In General

(A) No use allowed as a special exception, and no building or structure used in connection with that use, shall be erected, enlarged, altered, or extended beyond the limits authorized in the approval of the special exception, unless provided for in this Section.

(B) If a use other than one allowed by special exception is proposed for property on which there is an existing approved special exception use, and if the other use involves any changes to improvements shown on the approved site plan for the special exception use, the site plan must still be revised in accordance with this Section in order for the special exception use to continue.

(C) Changes to approved special exceptions solely to add one or more electric vehicle charging stations shall not require the filing and approval of new applications and may be reviewed and approved by the Planning Director. Following approval by the Planning Director, the applicant shall submit a copy of the revised special exception site plan to the Department of Planning and Sustainability for inclusion in the record.

(h) Changes to Approved Special Exceptions: Alterations, Enlargements, Extensions, and Revisions

(A) ALL ALTERATIONS, ENLARGEMENTS, EXTENSIONS OR REVISIONS OF SPECIAL EXCEPTION USES (INCLUDING ENLARGEMENTS IN LAND AREA AND AREA OF IMPROVEMENTS, REVISIONS OF A SITE PLAN AND IN THE CONFIGURATION OF LAND AREA, AND EXTENSIONS OF TIME) SHALL REQUIRE THE FILING AND APPROVAL OF A NEW APPLICATION FOR THE APPLICABLE SPECIAL EXCEPTION USE, EXCEPT AS SPECIFICALLY PROVIDED FOR IN THIS SECTION.

(B) THE NEW APPLICATION SHALL INCLUDE THE ENTIRE LAND AREA COVERED BY THE ORIGINAL APPLICATION, UNLESS THE NEW APPLICATION IS ONLY FOR THE PURPOSE OF ADDING LAND NOT COVERED BY THE ORIGINAL APPLICATION. IN THIS CASE, THE NEW APPLICATION MAY INCLUDE ONLY THE LAND AREA BEING ADDED, PROVIDED THAT THE APPLICATION FULLY DEMONSTRATES THE RELATIONSHIP OF DEVELOPMENT SHOWN ON BOTH THE NEW AND ORIGINALLY APPROVED SITE PLANS.

SUBDIVISION 6. SECURITY EXEMPTION PLANS FOR FENCES AND WALLS

SEC. 26-44. 6610. SECURITY EXEMPTION PLANS FOR FENCES AND WALLS.

(A) A LANDOWNER IN NEED OF HEIGHTENED SECURITY MAY SUBMIT TO THE PLANNING DIRECTOR A SECURITY EXEMPTION PLAN PROPOSING A FENCE OR WALL TALLER THAN THOSE PERMITTED BY THIS SECTION, AN ELECTRIC FENCE, OR PROPOSING THE USE OF BARBED AND/OR RAZOR WIRE ATOP A FENCE OR WALL FOR SECURITY REASONS.

(B) THE PLANNING DIRECTOR MAY APPROVE OR APPROVE WITH CONDITIONS, THE SECURITY EXEMPTION PLAN, UPON FINDING ALL OF THE FOLLOWING:

(1) NEED FOR SAFETY OR SECURITY REASONS

THE CONDITION, LOCATION, OR USE OF THE LAND, OR THE HISTORY OF ACTIVITY IN THE AREA, INDICATES THE LAND OR ANY MATERIALS STORED OR USED ON IT ARE IN SIGNIFICANTLY GREATER DANGER OF THEFT OR DAMAGE THAN SURROUNDING LAND, OR REPRESENT A SIGNIFICANT HAZARD TO PUBLIC SAFETY WITHOUT:

(A) A TALLER FENCE OR WALL;

(B) AN ELECTRIC FENCE; OR

(C) USE OF BARBED AND/OR RAZOR WIRE ATOP A FENCE OR WALL.

(2) NO ADVERSE EFFECT

THE PROPOSED FENCE OR WALL WILL NOT HAVE A SIGNIFICANT ADVERSE EFFECT ON THE SECURITY, FUNCTIONING, APPEARANCE, OR VALUE OF ADJACENT LANDS OR THE SURROUNDING AREA AS A WHOLE.

(C) IF THE PLANNING DIRECTOR FINDS THE APPLICANT FAILS TO DEMONSTRATE COMPLIANCE WITH SECTIONS 26-44(B)(1) AND (B)(2) ABOVE, THE SECURITY PLAN SHALL BE DISAPPROVED.

(D) A PERSON AGGRIEVED BY THE DECISION OF THE PLANNING DIRECTOR MAY APPEAL THE PLANNING DIRECTOR'S DETERMINATION TO THE BOWIE ADVISORY PLANNING BOARD.

Section 2: BE IT FURTHER ORDAINED that prior to the adoption of this Ordinance, the Bowie City Council conducted a duly advertised public hearing on the _____ day of _____, 2025, as required by Sec. 27-3308(b)(3) of the Prince George's County Zoning Ordinance; and

Section 3: BE IT FURTHER ORDAINED that after the enactment of this Ordinance, the Ordinance shall be forwarded to the Prince George's County Council Sitting as the District Council ("District Council") for approval in accordance with Prince George's County Code, Subtitle 27 Zoning Ordinance, Part 27-3 Administration, Sec. 27-3308 Municipalities.

Section 4: BE IT FURTHER ORDAINED that, this Ordinance shall become effective upon its approval by the District Council, which shall be at least thirty (30) days after its enactment by the Council of the City of Bowie, Maryland, provided that a fair summary of this Ordinance is published at least once prior to the date of passage and at least once within ten (10) days after the date of passage in the newspaper having general circulation in the City.

INTRODUCED by the Council of the City of Bowie, Maryland, at a Regular Meeting on _____ ___, 2025.

PASSED by the Council of the City of Bowie, Maryland, at a Regular Meeting on _____ ___, 2025.

SMALL CAPS: Indicate language added to the City Code.

Awilda Hernandez
City Clerk

Timothy J. Adams, Mayor

Approved as to Form and Legal Sufficiency:

Elissa D. Levan, City Attorney

SMALL CAPS: Indicate language added to the City Code.

Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: An Ordinance Approving Supplemental Appropriations for the Annual Budget for Fiscal Year 2025
Ordinance O-2-25

DATE: 01/02/2025

Ordinance O-2-25 proposes to amend the City's Fiscal Year 2025 Annual Budget to provide additional appropriations for the following purposes:

The Solid Waste Department is requesting a supplemental ordinance to appropriate funding to bulk trash collection and disposal companies to collect bulk trash items from inside various condominium premises within the City. The dollar amount requested is $185,000.

Vehicle #216 was damaged by fire; the replacement Street Sweeper will cost $389,000 ($75,900 is currently reserved for its replacement.) Therefore, it is requested that an additional amount of $313,100 be appropriated from the General Fund balance for this street sweeper to make the FY2025 total $389,000. The insurance recovery for the vehicle was $216,106.

The City will resurface additional streets in FY2025. $590,000 is requested to fund additional street repair.

The total impact on the General Fund balance is $1,088,100 which will be offset by the insurance recovery of $216,106.

The Low lift pumping station rehabilitation project for the Water Division has additional services requested by the City that was not budgeted in FY2025. $41,500 is requested to complete the design project. Note: it was budgeted and approved in FY2024 but not completed.

CITY OF BOWIE
SUPPLEMENTAL BUDGET APPROPRIATION O-2-25
FOR FISCAL YEAR JULY 1, 2024 - JUNE 30, 2025

General Fund

Revenues				
01	48005		Appropriated Fund Balance	$1,088,100
			Total Revenues	$1,088,100
Expenditure Appropriation				
01330	51210		Disposal Fees	$ 185,000
01920	59015		Equipment Acquisition and Replacement Fund	313,100
01340	51250		Street Resurfacing	590,000
			Total Appropriations	$1,088,100

Equipment Acquisition and Replacement Fund

Revenues				
03	48005		Appropriated Fund Balance	$ 75,900
03	49010		Transfer From General Fund	313,100
			Total Revenues	$ 389,000
Expenditure Appropriation				
03301	57020		Public Works - Machinery and Equipment	$ 389,000
			Total Appropriations	$ 389,000

Water and Sewer Fund

Revenues				
20	48015		Appropriated Retained Earnings	$ 41,500
			Total Revenues	$ 41,500
Expenditure Appropriation				
20350	57015	21018	Improvements Other Than Buildings	$ 41,500
			Total Appropriations	$ 41,500

Council's approval of Ordinance O-2-25 providing supplemental appropriations for the annual budget for the fiscal year ending June 30,2025 is requested.

ATTACHMENTS: 1. 20250106 - Ordinance O-2-25

ORDINANCE

OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND AMENDING THE ADOPTED BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2024 AND ENDING JUNE 30, 2025, AS EMBODIED IN ORDINANCE O-4-24 AND AMENDED BY ORDINANCE O-7-24, TO APPROPRIATE FUNDS FOR THE FOLLOWING PROJECTS AND GRANTS: $185,000 FOR ADDITIONAL BULK TRASH COLLECTION, $389,000 FOR FUNDING FOR A REPLACEMENT STREET SWEEPER, $41,500 FOR LOWLIFT PUMP STATION REHABILITATION AND $590,000 FOR STREET RESURFACING.

WHEREAS, as required by the Local Government Article of the Annotated Code of Maryland and the Charter of the City of Bowie, the City Council of the City of Bowie, Maryland (hereinafter, "the City") adopted Ordinance No. O-4-24 to appropriate funds for the several objects and purposes for which the City intended to provide for the Fiscal Year beginning July 1, 2024, and ending June 30, 2025; and

WHEREAS, in accordance with Section 45 of the City Charter, no public money may be expended without having been appropriated by the City Council; and

WHEREAS, supplemental appropriations are necessary to reflect additional expenditures that were not included in Ordinances O-4-24 and amended by O-7-24; and

WHEREAS, it has become necessary to appropriate additional funding to increase the appropriation for the General Fund, Equipment Acquisition Fund and Water and Sewer Fund; and

WHEREAS, an additional appropriation of $185,000 for additional Bulk Trash Collection through the Solid Waste Department, a total of $389,000 to replace a street sweeper

truck (#216) that caught fire, $590,000 for street resurfacing and 41,500 for the final design of the Low Lift Pump Station Rehabilitation; and

WHEREAS, pursuant to Md. Code Ann., Local Gov't Article, § 5-205, the City may spend money for a purpose different from the purpose for which the money was appropriated or spend money not appropriated at the time of the annual levy if approved by a two-thirds vote of all the individuals elected to the Council; and

WHEREAS, City Charter, Sec. 12 "Procedure for enacting ordinances" requires that ordinances become effective at the expiration of thirty (30) calendar days following their passage by the Council.

Section 1: **NOW, THEREFORE, BE IT ORDAINED AND ENACTED,** by the Council of the City of Bowie, that the Budget for the Fiscal Year beginning July 1, 2024, ending June 30, 2025, as adopted by Ordinance O-4-24 and amended by O-7-24; is further amended as follows:

GENERAL FUND

ESTIMATED REVENUES

	***	
Appropriated Fund Balance	[$18,673,600]	$ 19,761,700
TOTAL REVENUES	[$84,006,000]	$ 85,094,100
	***	

APPROPRIATION BY ACTIVITY

	***	
Public Works - Solid Waste	[$ 8,776,100]	$ 8,961,100
Nondepartmental- Equipment Acquisition And Replacement Fund	[2,064,300]	2,377,400
Public Works - Streets Resurfacing	[9,373,900]	9,963,900
TOTAL APPROPRIATIONS	[$84,006,000]	$ 85,094,100
	***	

EQUIPMENT ACQUISITION AND REPLACEMENT FUND

ESTIMATED REVENUES

	***	
Appropriated Fund Balance	[$2,766,200]	$ 2,842,100
Transfer from General Fund	[2,064,300]	2,377,400
TOTAL REVENUES	[$5,305,600]	$ 5,694,600
	***	

APPROPRIATIONS

	***	
Public Works	[$1,335,300]	$ 1,724,300
TOTAL APPROPRIATIONS	[$5,305,600]	$ 5,694,600
	***	

WATER AND SEWER FUND

ESTIMATED REVENUES

	***	
Appropriated Retained Earnings	[$1,651,300]	$ 1,692,800
TOTAL REVENUES	[$17,540,000]	$ 17,581,500
	***	

APPROPRIATIONS

	***	
Water Division	[$8,689,800]	$ 8,731,300
TOTAL APPROPRIATIONS	[$17,540,000]	$ 17,581,500
	***	

Asterisks * * * : Indicate matter retained in existing law but omitted herein
[Brackets] : [Indicate matter deleted from existing law]

Section 2: BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF BOWIE, that, this Ordinance shall become effective thirty (30) days after its enactment by the Council of the City of Bowie, provided that it is adopted by a 2/3 vote of the members of the City Council and further provided that a fair summary of this Ordinance is published at least once prior to the date of passage and at least once within ten (10) days after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Council of the City of Bowie, Maryland, at a Regular Meeting on _____, 2025.

PASSED by the Council of the City of Bowie, Maryland, at a Regular Meeting on _____, 2025.

_____
Awilda Hernandez
City Clerk

_____
Timothy J. Adams
Mayor

Approved as to Form and Legal Sufficiency

_____
Elissa D. Levan
City Attorney

Asterisks * * * : Indicate matter retained in existing law but omitted herein
[Brackets] : [Indicate matter deleted from existing law]

Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Old Town Bowie Revitalization Update

DATE: 01/02/2025

The City's revitalization consultant and contractor, Mark Lawrence with Inncuvate Community Development Partners, will provide an update on his and the City's efforts to revitalize Old Town Bowie.

ATTACHMENTS: None

Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Environmental Priorities for the City

DATE: 01/02/2025

At its meeting on January 6, Council will hear from the Environmental Advisory Committee (EAC) Chair, John Teasdale, who will present the committee's annual update. The EAC voted unanimously to endorse the attached topics to pursue with City Council in the year ahead and beyond.

It is important to note that many of these ideas will require further work by the EAC with support from staff. This serves as a preliminary work plan for the Committee and a commitment to provide Council with ongoing communication about them in the months ahead.

ATTACHMENTS:
1. 20250106 - EAC FY2026 Priorities Narrative
2. 20250106 - EAC Council Presentation

FY2026 Environmental Advisory Committee Priorities

Bowie City staff have been proactive in advancing environmental initiatives. The relatively new positions of Sustainability Manager and Sustainability Planner have been instrumental in expediting these actions. The FY2024 State of the Environment Report outlines many accomplishments. Most of the actions associated with the Climate Action Plan (2020) and Sustainability Plan (2016) have been completed. Among many achievements, the following are noteworthy. A food waste drop-off site was launched at the Kenhill Center resulting in a Climate Leadership Award from the Metropolitan-Washington Council of Governments (COG). A 2.5-megawatt solar farm on City-owned property provides energy to the grid that credits energy to City accounts, with another 2.5-megawatt array expected to break ground in spring. City-owned solar panels generated over one million Kilowatt hours. The Electric Lawn Care Rebate Program gave out 299 rebates for purchases of electric lawn equipment. The Plant-One-Tree-on-Us program continued with 82 trees planted on residential lots, while the City planted 160 street trees and 45 park trees. The City was again recertified as a Community Wildlife Habitat by the National Wildlife Federation.

Although much has been accomplished, there is still much more to do. The trajectory of greenhouse gas emissions has not been reduced sufficiently for Bowie to realistically reach our 50% reduction target by 2030. There are still 12% of goals, 26% of strategies, and 37% of actions from the Sustainability Plan that were not addressed or met. EAC priority actions are listed below.

<u>FY2026 PRIORITIES</u>

1. **Initiate a program for co-collection of food waste with yard waste.** Food waste contributes to a significant proportion of city trash. It adds to greenhouse gas emissions released in the county landfill and costs the City a significant amount in tipping fees. Thus, diverting food waste from the trash disposal stream will have environmental as well as financial benefits to the City. A pilot program conducted in recent years demonstrates resident interest in participating in a curbside food waste pickup program. Co-collection of food waste with yard waste is the best approach for introducing a city-wide curbside pickup program for food waste. This would use current equipment, staff, and scheduling for collecting yard waste to also pick up food waste. Mixed food waste and yard waste are accepted at the County Organics Composting Facility with tipping fees priced at the same rate as yard waste only. This fee is considerably lower than trash tipping fees, thus potentially saving the City hundreds of thousands of dollars.
   FY2026 budget: We recommend providing sufficient funding in the Public Works Solid Waste budget to initiate a co-collection program.

2. **Continue the ecological landscaping pilot program at the Midwood Lane Stormwater Pond site.** Progress is being made at the Midwood Lane site, but additional steps are required to expand landscaping at this site as well as at other stormwater pond sites. Our goal is to establish an overall ecological landscaping program that can be applied to the management of all stormwater pond sites throughout the City.
   FY2026 budget: Include sufficient funding in the Public Works Stormwater Management budget to support the pilot project at the Midwood Lane pond and expand to the Spangler Lane stormwater pond site if feasible.

In addition, ecological landscaping principles should be incorporated, where possible, in the management of all city properties. As such, we recommend the following.

Develop a comprehensive Ecological Landscaping Plan. The City of Bowie is known for its well-kept turfgrass and colorful annual flower beds. We suggest that standard practices can be supplemented by the introduction of ecological landscaping principles and practices. This could add important ecological services and maintenance cost savings. Development of a comprehensive landscaping plan should not only address management of all outdoor properties but also create a plan for training and hiring staff knowledgeable in ecological landscaping requirements. The following initiatives should be addressed: reducing mowing and resource-intensive turf management wherever possible, creating gardens of mixed native perennials and colorful annuals that provide diversified habitats as well as natural beauty, and increasing the City tree canopy goal to 50% (in accordance with new COG guidelines).

3. **Complete a new Environmental Action Plan.** The current Sustainability Plan and Climate Action Plan are expiring. Several new approaches are needed to update these plans and take advantage of new technological developments. Consequently, a new plan is needed for taking bold action toward attaining the next level of sustainability. Two planning initiatives already in progress will contribute significantly to climate and sustainability planning.

   Energy Efficiency and Conservation Strategy. This recently completed and very detailed plan for upgrading the energy efficiency of all city buildings will be essential for reducing utility costs and lowering greenhouse gas emissions from city facilities. We recommend implementation of this plan and conducting necessary audits and upgrades according to the schedule outlined in this strategy. Attaining compliance with state-mandated Building Energy Performance Standards through retrofits to City Hall and the Kenhill Center will be essential.

   City of Bowie Smart City Framework. This framework is being developed by the IT Department as a work item in the approved 2024-2025 budget “to leverage digital technology, data analytics, and connected services to improve municipal efficiency, reduce environmental impact, foster community engagement, and support sustainable growth.” As such, EAC supports adoption and implementation of this plan because of the compelling compatibility between smart city and sustainable city objectives. Sustainability can be defined as the delivery of a product (city services in the context of a municipality) according to tripart requirements of economic viability, environmental stewardship, and social equity. We see smart city initiatives as closely aligned with sustainability because most objectives use technology to integrate delivery of city services in support of overall city sustainability objectives. It should be noted that communication is an important component of integration; thus, implementation of this plan will require enhanced communications between city departments and between city staff and residents.

FY2026 Priorities

Presented by the Environmental Advisory Committee

January 6, 2025

Priority #1

Initiate a program for co-collection of food waste with yard waste.

- Food waste makes up 24 percent of residential trash (EPA).
- Food waste costs the city a significant amount in tipping fees.
- Decomposition in the county landfill releases methane, an important greenhouse gas contributing to global warming.
- Decomposition by composting is a preferred solution.

Priority #1

Initiate a program for co-collection of food waste with yard waste.

There is considerable resident interest in a food waste collection program.

- 273 residents participate in a voluntary curbside pickup program.
- 8 tons of food scraps have been dropped off at the new Kenhill Center collection site since the program was initiated earlier in 2024.

Priority #1

Initiate a program for co-collection of food waste with yard waste.

Co-collection for composting is the most feasible approach

- Utilizes current trucks, staffing, and scheduling to pick up food scraps along with yard waste.
- Rollout in quadrants of city over a four-year period.
- County accepts food scraps with yard waste at the Organics Composting Facility at the same tipping fee as yard waste.
- Will require an initial investment in 32-gallon green carts.

Priority #1

Initiate a program for co-collection of food waste with yard waste.

Potential cost savings in tipping fees if every household participated

- Tipping fee for land-fill trash = $85 per ton ($95 in 2026)
- Tipping fee for yard waste = $25 per ton
- Difference = $60 per ton

- Trash land-filled per year = 20,000 tons
- Percent food waste = 24%
- Food waste land-filled = 4,800 tons
- Tipping fee cost saving

  $60 x 4,800 = $288,000

Priority #1

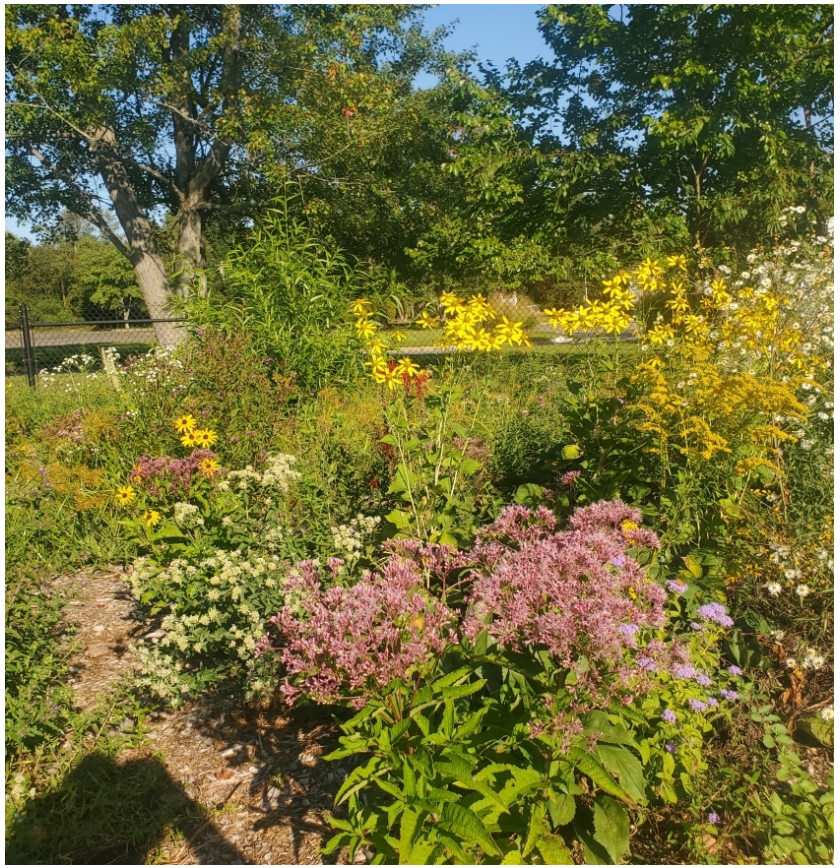
Initiate a program for co-collection of food waste with yard waste.

FY2026 budget recommendation

Fund the Public Works Solid Waste budget sufficiently to initiate a co-collection program in one quadrant of the city.

Priority #2
Continue the ecological landscaping pilot program at the Midwood Lane Stormwater Pond site.

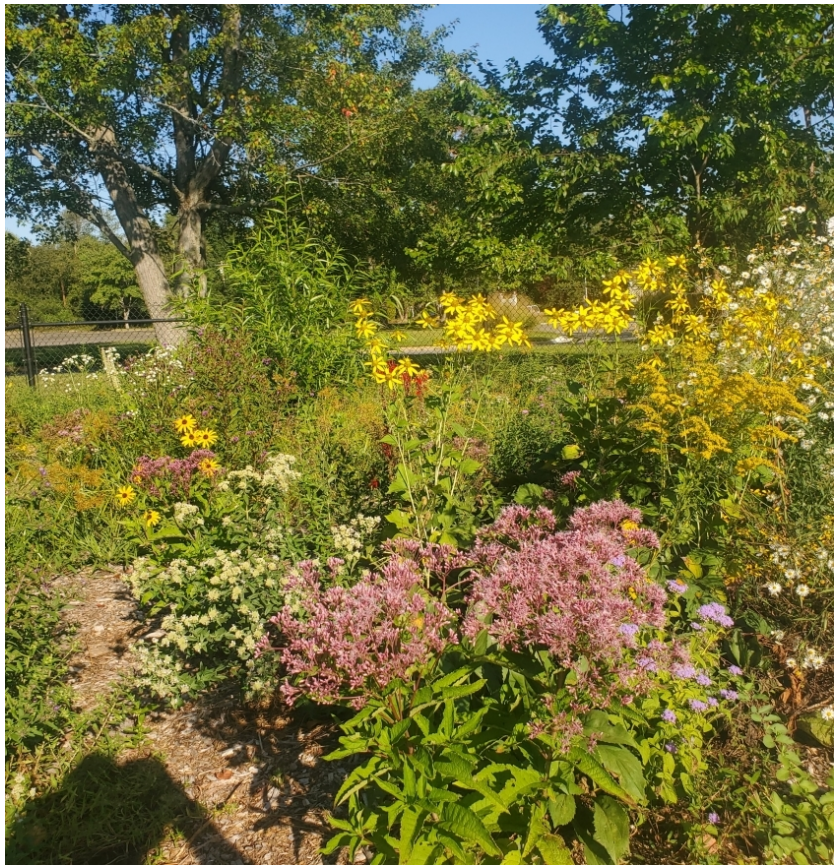
- Plantings in 2023 established well in 2024.
- Need sufficient funding in FY2026 Public Works Stormwater Management budget for expansion to include a more ecologically diverse landscape including herbs, shrubs, and trees.
- Provide a template for future ecological landscaping
  - in other stormwater ponds.
  - in other city properties.



Priority #2a

Develop a comprehensive city-wide Ecological Landscaping Plan

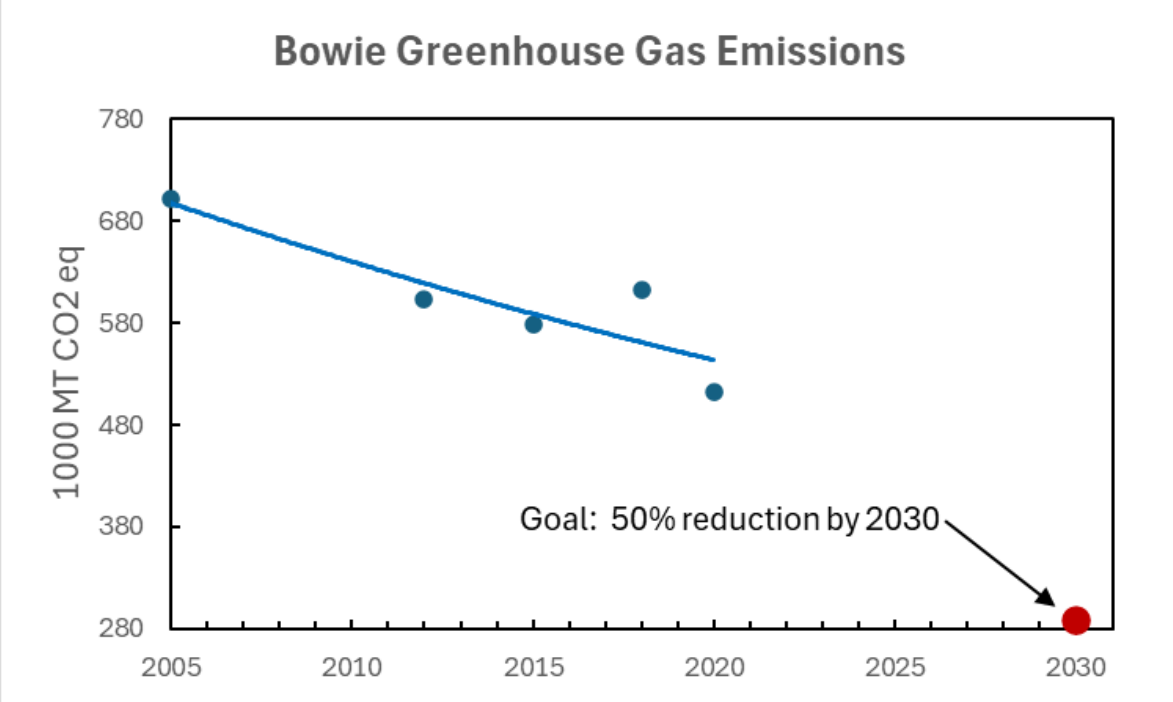
- City of Bowie is known for its well-kept turfgrass and colorful annual flower beds.
- Supplement with operational capability and trained staff to implement ecological landscaping practices.
- Potential benefits include
  - savings on turf-management expenses.
  - reduces greenhouse gas emissions.
  - provides ecological services.
- Comply with new Council of Governments urban tree canopy goal of 50%.



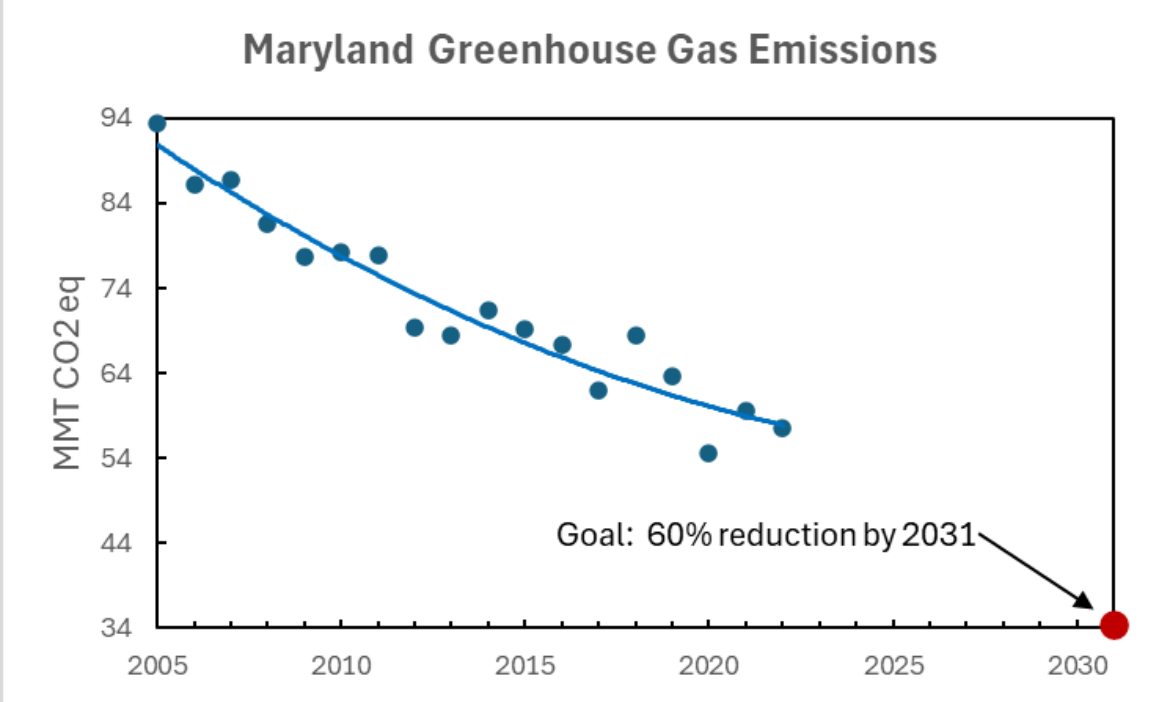
Priority #3
Complete climate action and sustainability planning in a consolidated “Environmental Action Plan”

- Current Sustainability Plan was created in 2016.
- Current Climate Action Plan will expire in 2025.
- Most objectives and actions of these plans have been implemented.
- New plans are needed to accommodate new realities and technologies.

Climate action planning for 2025 – 2030 will require <u>accelerated action</u> to meet greenhouse gas emissions goals



Metropolitan Washington Council of Governments data



EPA data

Energy Efficiency and Conservation Strategy

Presented by Loring Consulting Engineers to Council on December 2

- Provides important strategies to
  - achieve climate goals.
  - reduce utility costs.
- Begin with modest “operational” measures.
- Building Energy Performance Standards as mandated by the Maryland Climate Solutions Now Act of 2022 establish a challenging timetable.
- Timetable is compatible with the urgency of state climate action goals.

City of Bowie Smart City Framework

Under development by the IT Department

- Concepts of “smart cities” and “sustainable cities” are highly compatible.
- Smart city framework employs the integration of technology to achieve the goals of sustainability.
- Communication is at the heart of integration, including
  - communications between city departments.
  - communications between city staff and residents.

Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Detailed Site Plan DSP-20003-03, Chipotle at Mill Branch Crossing

DATE: 01/02/2025

I. Background and Proposal

The property forming the subject matter of this Detailed Site Plan application consists of approximately 0.86± acres of land located on the west side of Saint Lola Lane, south of its intersection with Saint Chesley Avenue. The property bears a street address of 3500- 3520 Saint Lola Lane, Bowie, Maryland 20716. It is also known as part of Outlots 8 and 9 as depicted on a plat of subdivision entitled Mill Branch Crossing and recorded among the Land Records of Prince George' s County, Maryland in Plat Book ME262, Plat 52. This property is also depicted on Tax Map 55, Grid E- 3.

The property is part of a larger development known as Mill Branch Crossing which is located in the northeast quadrant of the intersection of US 301 and Mill Branch Road. It is currently zoned CGO (Commercial, General Office) and it was previously zoned C-S-C (Commercial Shopping Center) under the prior Zoning Ordinance. This Detailed Site Plan proposes the development and construction of a Chipotle eating and drinking establishment with drive- thru service utilizing the provisions of the prior Zoning Ordinance. The owner is Green Branch LLC.

The applicant, Green Branch, LLC has filed an application for Detailed Site Plan approval under the prior Commercial Shopping Center (C-S-C) zoning for the 0.86-acre subject property. The Mill Branch Crossing property is located on the east side of US 301, approximately 1,500 feet north of Mill Branch Road, and the subject site is located on a portion of Outlots 8-9 (see Attachment #1). The development proposal includes a 2,335 square foot eating and drinking establishment with drive-thru (see Attachment #1). The current zoning is Commercial General Office (CGO).

A Statement of Justification was submitted for this application (see Attachment #1).

II. Analysis of Detailed Site Plan DSP-20003-02

Section 27-285(b)(1) of the County Zoning Ordinance requires that the following finding be made for a Detailed Site Plan to be approved by the County Planning Board:

The Planning Board may approve a Detailed Site Plan if it finds that the Plan represents a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. If it cannot make this finding, the Planning Board may disapprove the Plan.

Site design guidelines are set forth in Section 27-283 of the Zoning Ordinance and include parking, loading and circulation; lighting; grading; service areas; and, architecture. The DSP may be approved since it represents a reasonable alternative without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. Additionally, the use is permitted by right.

The Subdivision and Development Review Committee raised several comments with which City staff agrees. The Transportation Section of The Maryland-National Capital Park and Planning Commission (M-NCPPC) recommends a submission of a trip generation matrix detailing the approved and proposed development in comparison to the established trip cap. Also, would recommend two bike racks near the entrance to the building along with a detailed showing the inverted U-shaped design and a pedestrian and bicycle circulation plan for the site. Also, recommend submitting a truck turning exhibit demonstrating circulation through the site and parking schedule. The Urban Design Section of the Development Review Division recommends photometric plan updated to show the proposed building mounted lighting. Additionally, the Urban Design Section recommends providing wheel stops along the parking space. Also recommend the rear façade of the building should be broken up by providing either transparency via Windows or variation of building materials in addition to the currently proposed brick façade. Recommend the landscape plan to be updated to depict the boundaries of the applicable landscape schedule. Lastly, would like to recommend SOJ be updated to have an indication of the proposed loading times for the site. Staff recommends the following conditions for DSP-20003-03:

1. A minimum of two bike racks shall be provided near the entrance to the restaurant.
2. Trip generation matrix detailing the approved and proposed development in comparison to the established trip cap.

III. Outstanding Issues

- Provision of bike racks
- Trip Generation Matrix

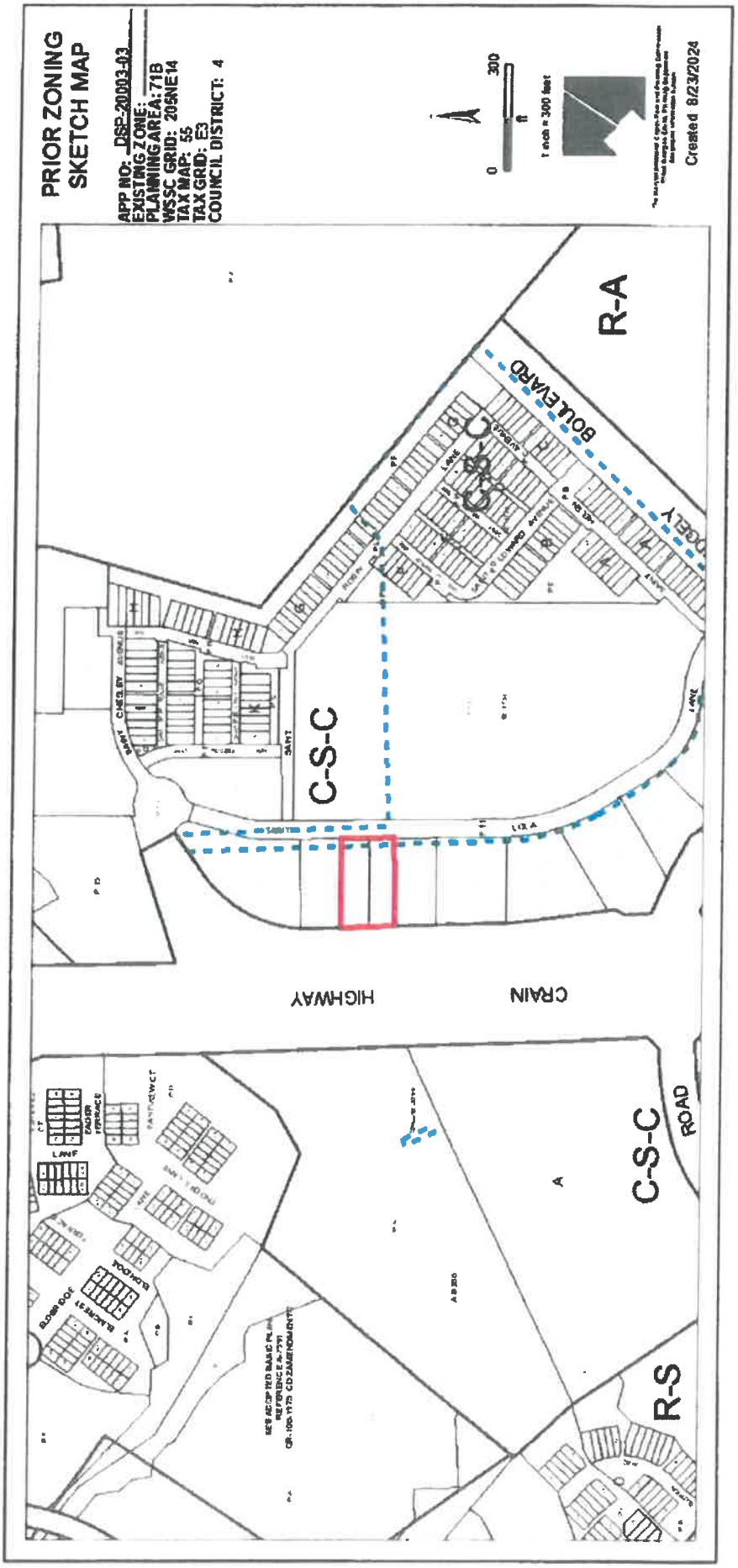
IV. Recommendation

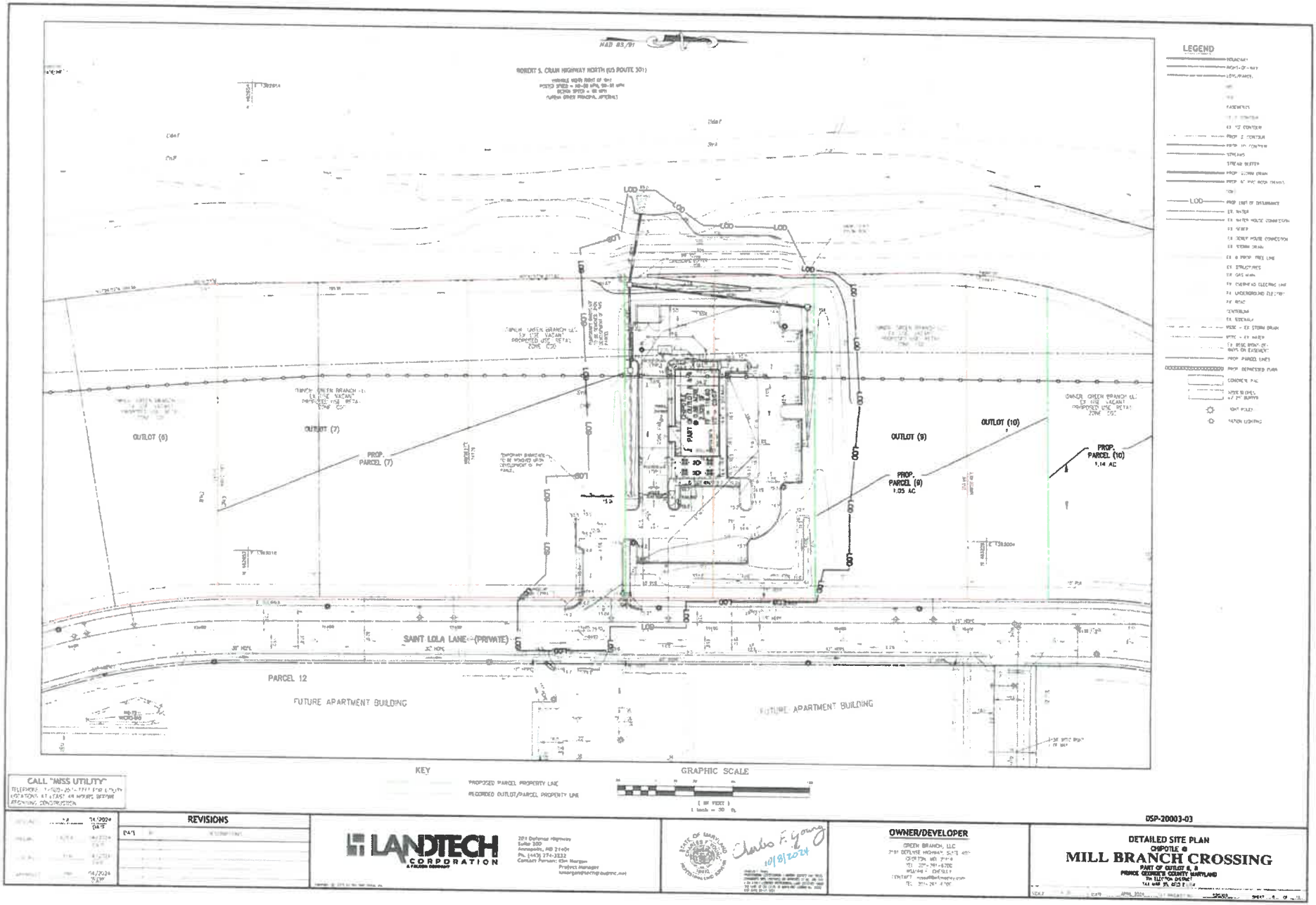
With the conditions set forth below, staff finds the Detailed Site Plan proposed for the Chipotle site at Mill Branch Crossing will meet the findings for approval set forth in Section 27-285(b). Specifically, the proposed Detailed Site Plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. Therefore, staff recommends **APPROVAL** of Detailed Site Plan DSP-20003-03, with the following conditions, which are intended to improve the site design and address conformance with the County Zoning Ordinance and City Development Review Guidelines:

1. A minimum of two bike racks shall be provided near the entrance to the restaurant.
2. Trip generation matrix detailing the approved and proposed development in comparison to the established trip cap

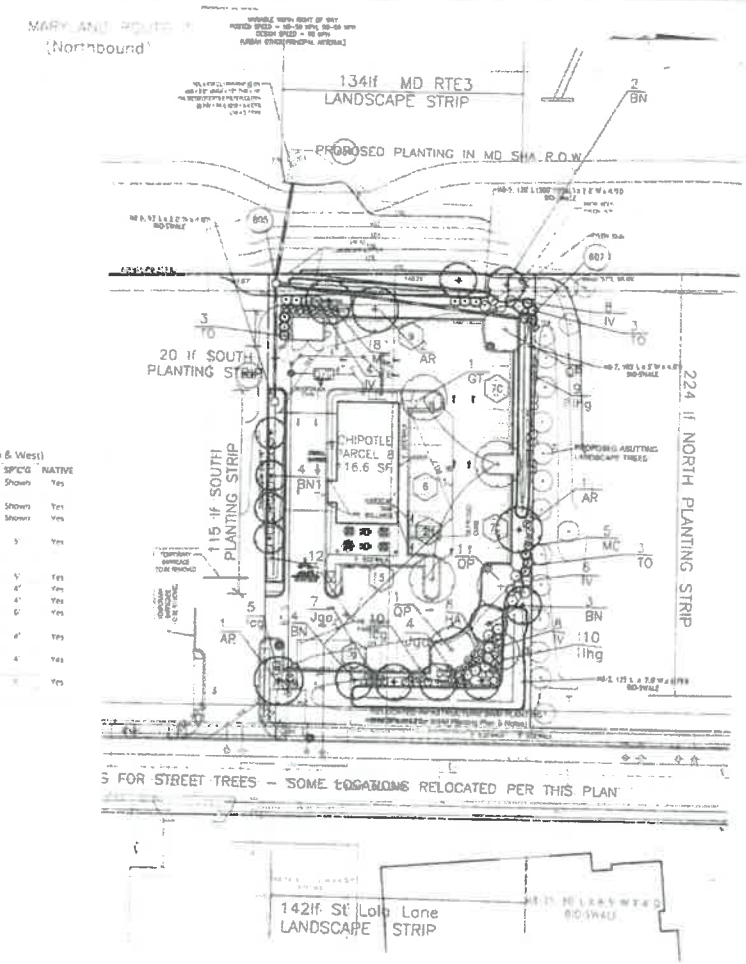
ATTACHMENTS: 1. 20250106 - Chipotle Package CCM 1-6

Attachment #1





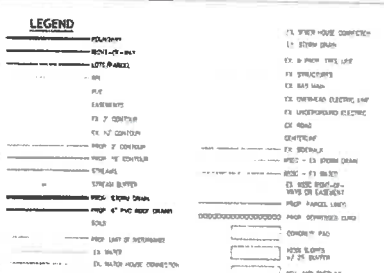
LEGEND
ROBERT S. CRAIN HIGHWAY NORTH (US ROUTE 301)
OUTLOT (6)
OUTLOT (7)
PROP. PARCEL (7)
OUTLOT (9)
OUTLOT (10)
PROP. PARCEL (9) 1.05 AC
PROP. PARCEL (10) 1.14 AC
SAINT LOLA LANE (PRIVATE)
PARCEL 12
FUTURE APARTMENT BUILDING
FUTURE APARTMENT BUILDING
KEY
PROPOSED PARCEL PROPERTY LINE
RECORDED OUTLOT/PARCEL PROPERTY LINE
GRAPHIC SCALE
CALL "MISS UTILITY"
REVISIONS
LANDTECH CORPORATION
OWNER/DEVELOPER
GREEN BRANCH, LLC
DSP-20003-03
DETAILED SITE PLAN
CHIPOTLE
MILL BRANCH CROSSING
PART OF OUTLOT 6, 8
PRINCE GEORGE'S COUNTY MARYLAND



LANDSCAPE PLAN

GRAPHIC SCALE

SCALE: 1" = 30'



PLANT LIST – PARCEL B – PERIMETER LANDSCAPE PLANTING STRIPS (North, East, South & West)

TYPE	KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	SPC'G	NATIVE
SHADE TREE +	AR	4	Acer rubrum 'Sun Valley'	Sun Valley Red Maple	2½" - 3" cal	B & B	Shown	Yes
	BN	7	Betula nigra	River Birch	2 ½ - 3" cal	B & B	Shown	Yes
	BN1 ++	4	Betula nigra (Single Trunk)	River Birch	2 ½ - 3" cal	B & B	Shown	Yes
		9	Thuja occidentalis 'Nigra'	Dark American Arborvitae	6-8' ht	Cont	5'	Yes
	TOTAL	24						
SHRUB	HA	8	Hydrangea arborescens	Smooth Hydrangea	18 -24", 3 gal	Cont	4'	Yes
	IG	12	Ilex glabra	Inkberry	18 -24", 3 gal	Cont	4'	Yes
	Ng	17	Ilex x 'China Girl'	China Girl Holly	18 -24", 3 gal	Cont	4'	Yes
	Iv	30	Ilex verticillata 'Winter Red' (include 3 males)	Winter Red Winterberry	18 -24" 3 gal	Cont	6'	Yes
	Ihg	23	Ilex x meserveae 'Henry's Garnet'	Henry's Garnet Ilex	18 -24" 3 gal	Cont	6'	Yes
	JGO	11	Juniperus virginiana 'Gray Owl'	Gray Owl Juniper	18 -24", 3 gal	Cont	4'	Yes
	MC	7	Morella cerifera	Southern Wax Myrtle	18 -24", 3 gal	Cont	6'	Yes
	TOTAL	108						

+ NOTE: Clear branching height must be a minimum of 7 ft or 60% of height

++ NOTE: BN1 River Birch to be single trunk

PLANT LIST – PARCEL B - INTERIOR TREES - PARKING

KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	SPC'G	NATIVE
GT	3	Gleditsia triacanthos var. inermis 'Skycole'	Skyline Honeylocust	2 ½ - 3" cal	B & B	Shown	Yes
QP	2	Quercus phellos	Willow Oak	2 ½ - 3" cal	B & B	Shown	Yes
TOTAL	5						

NOTE: Clear branching height must be a minimum of 7 ft or 60% of height

SCHEDULE 4.9-1
Perimeter Landscape Requirements

PARCEL B - INTERIOR PLANTING - PARKING

Shade Trees	small overstory trees provided 5 x 100	500	sq. ft. required
Ornamental Trees	small overstory trees provided 0 x 0	0	sq. ft. required
Evergreen Trees	small overstory trees provided 0 x 0	0	sq. ft. required
Shrubs	small overstory trees provided 0 x 0	0	sq. ft. required
Net developable area (sq. ft.)		5,000	sq. ft.

SCHEDULE 4.9-1
Perimeter Landscape Requirements

PARCEL B - LANDSCAPE PERIMETER PLANTING STRIPS

Percentage of canopy plant material required on each property			
Shade Trees	small overstory trees provided 20	100	% required
Ornamental Trees	small overstory trees provided 0	0	% required
Evergreen Trees	small overstory trees provided 108	60	% required
Shrubs	small overstory trees provided 0	0	% required
Net developable area (sq. ft.)		Yes	

NOTES

1. This plan is to be used for landscape purposes only.
2. All known utilities have been shown.
3. See plans by LANDTECH Corporation for any additional site information.
4. There are no historic features on site.
5. See plans by others for lighting details.

SHEET INDEX

L1 LANDSCAPE PLAN (SCALE 30)
L2 STORMWATER MANAGEMENT PLANTING PLANS (20 Scale), LANDSCAPE NOTES & DETAILS

CALL "MISS UTILITY"
TELEPHONE 1-800-257-7777 FOR U/G TV LOCATIONS AT LEAST 48 HOURS BEFORE BEGINNING CONSTRUCTION

DESIGNED	LW	04/2024 DATE
DRAWN	LW	04/2024 DATE
CHECKED	DS	04/2024 DATE
APPROVED	DS	04/2024 DATE

REVISIONS

DATE	BY	DESCRIPTIONS

LANDTECH CORPORATION
A PALADIN COMPANY
251 Defense Highway
Suite 300
Annapolis, MD 21401
Ph. (443) 274-5235
Fax (443) 274-5233
Contact Person: Kim Morgan
Project Manager
kmorgan@landtechgroup.net

DEBORAH SCHWAB
LANDSCAPE ARCHITECTURE

OWNER/DEVELOPER
GREEN BRANCH, LLC
3191 OFFICE HIGHWAY, SUITE 400
CROFTON, MD. 21114
TEL. 301-261-8700
WILLIAM F. CHESLEY
CONTACT: wchesley@chesley.com
TEL. 301-261-8700

LANDSCAPE & LIGHTING PLAN
CHIPOTLE @ MILL BRANCH CROSSING

FOR OUTLOT B
PRINCE GEORGE'S COUNTY MARYLAND
7th ELECTION DISTRICT
Tax MAP 55, GRID E3/E4

SCALE	30 SHOWN	DATE	AUGUST, 2024	PROJECT No.	23001	SHEET	1 OF 2

AMENDED
STATEMENT OF JUSTIFICATION

DETAILED SITE PLAN - DSP-20003-03

MILL BRANCH CROSSING
CHIPOTLE EATING AND DRINKING ESTABLISHMENT
WITH DRIVE-THRU SERVICE

OWNER/APPLICANT: GREEN BRANCH, LLC

Green Branch LLC
2191 Defense Highway, Suite 400
Crofton, Maryland 21114
Attn: William F. Chesley
Owner/Applicant

Edward C. Gibbs, Jr.
Gibbs and Haller
1300 Caraway Court, Suite 102
Largo, Maryland 20774
(301) 306-0033
egibbs@gibbshaller.com
Attorney for Applicant

Landtech Corporation
201 Defense Highway, Suite 200
Annapolis, MD 21401
Attn: Kim Morgan
Civil Engineer

& 17, Parcel 14 & Part of Parcel 11, Mill Branch Crossing, a Resubdivision of Part of Parcel A" and recorded among the Land Records of Prince George's County in Plat Book ME 262, Plat 52. A copy of this Final Plat of Subdivision is marked Exhibit "B" and attached hereto. The Property is also depicted on Tax Map 55, Grid E-3. Outlot 8 and Outlot 9 comprise a combined total of approximately 2.2441 acres. However, this Site Plan deals with approximately 0.86±acres (the "Property").

When the Preliminary Subdivision Plan for Mill Branch Crossing was filed, the entirety of the project was included. As approved, Mill Branch Crossing included multifamily residential units, residential townhomes, commercial retail space and a hotel. When the project went to Final Record Plat, it was not known how exactly the commercial lots would be laid out in final form. For that reason, all of the commercial lots were designated as Outlots. This allows the configuration and area of what will ultimately be the final iteration of the commercial lots to be revised at the time of Detailed Site Plan for those lots. In this instance, the Chipotle eating and drinking establishment will be located on part of Outlot 8 and part of Outlot 9. After approval of the Detailed Site Plan for Chipotle, a new Final Plat of Subdivision will be recorded and a new parcel number will be assigned. For that reason and at the recommendation of Urban Design staff, only the area

It is zoned AR (previously R-A) and is undeveloped. To the west across US 301 is an approximate 12.8 acre parcel of land zoned CGO (previously C-S-C). That property is improved with a WalMart. Immediately north of that property and also on the west side of US 301 is the Collington Plaza Shopping Center comprising approximately 12.71± acres and also zoned CGO (previously C-S-C). Farther to the north are the Covington townhomes, comprising approximately 4.30± acres and zoned LCD (previously R-U).

US 301 is a dualized major interstate highway consisting of a variable right-of-way width. Abutting the Property, US 301 consists of two through lanes both north and south divided by a median. There are also turn lanes and acceleration/deceleration lanes at the US 301/Mill Branch Road intersection. The intersection of Mill Branch Road and US 301 is signalized. The area may generally be said to be extensively developed along the west (southbound) lanes of US 301 as well as directly north of the Property. In general, the areas east and southeast are sparsely developed with the exception of the Mill Branch Estates subdivision located farther southwest on the south side of Mill Branch Road.

Despite the approval of large scale commercial development in Preliminary Plan 4-08052, the market demand for commercial retail space had changed dramatically. It became obvious that commercial development of that scale would not be feasible. Concurrent with the changing commercial retail climate, the County Council was considering the adoption of a new Zoning Ordinance. At the time, the Mill Branch Crossing property had been recommended to be placed in the CGO Zone. That zone permits a wide array of commercial uses. In addition, it permits residential townhomes at a density of up to 20 units per acre and multifamily residential units at a density of up to 48 units per acre.

In anticipation of this zoning reclassification, the owner approached the County Council with a request for it to consider a Zoning Text Amendment which would effectively allow the same uses to be permitted in the C-S-C Zone as were proposed to be permitted in the CGO Zone. As a result, the County Council adopted CB-45-2019 in November of 2019, a copy of which is filed with this application. That bill amends the Use Table in the C-S-C Zone to permit residential townhomes at a density not to exceed 20 units per acre and multifamily residential units at a density not to exceed 48 units per acre. A condition precedent to the use of the Text Amendment is that the property in question must comprise a minimum of 50 acres at the time of Preliminary Subdivision Plan

acres. As approved, DSP-20003 authorized development of 408 multifamily residential units and 190 townhouse units. Infrastructure to serve those residential units was also approved in DSP-20003, to include access points and internal private roadways, some of which will eventually serve the Property.

Subsequently, the Planning Board approved DSP-20003-01 on September 7, 2023, upon its adoption of PGCPB Resolution No. 2023-88. A copy of this approval Resolution is included in this submission. DSP-20003-01 had as its subject matter Outlot 15 as depicted on Exhibit "B" attached hereto. The applicant in DSP-20003-01 was Dash-In Food Stores, Inc., which operates gas stations with food and beverage stores around the country. Pursuant to DSP-20003-01, this land area was approved for a gas station and food and beverage store comprising 4,809 square feet. Dash-In also proposes a car wash at this site. However, a car wash is permitted by Special Exception in the C-S-C Zone and so it was not included in DSP-20003-01. A separate Special Exception application (SE-22006) is being processed for the proposed car wash.

DSP-20003-02 & DSP-20003-04

Two additional Detailed Site Plans are being filed concurrently with the instant application. Specifically, DSP-20003-02 proposes the development of a Popeye's eating and drinking establishment with drive-thru service on part of Outlot 9 and part

Preliminary Subdivision Plan (4-19050) pursuant to Section 24-128 of the prior Subdivision Regulations. The Mill Branch Crossing project will have two access points. The first access point will be a right-in/right-out access from US 301. This access point will intersect with a traffic circle within the development which connects to an internal private road to be known as Saint Chesley Avenue. The second point of access will come from Mill Branch Road at a circle and onto a private road to be known as Saint Ridgely Boulevard. Saint Ridgely Boulevard will run in a northeast direction from Mill Branch Road. Within the development, private roads will provide access to the lots. There will be two access points off of Saint Ridgely Boulevard. One will be known as Saint Lola Lane. Saint Lola Lane will act as a spine road running through the Mill Branch Crossing property and will essentially separate the commercial development to the west from the residential development to the east. Access to the Property will be gained via Saint Lola Lane, which is a 52-foot private roadway. A total of 45 parking spaces will be provided. This includes 26 standard parking spaces, 3 reserved spaces for pickup orders, 14 compact parking spaces and 2 handicapped parking spaces.

As noted above, access into the Chipotle restaurant will be achieved from either Mill Branch Road or from the right turn lane into the Mill Branch Crossing project from US 301. Utilizing either access point, vehicles will turn onto Saint Lola Lane. If

a single window where customers will pick up food that they have purchased via mobile order. After customers have picked up their order, they will proceed forward (east) to a stop sign. From there, they will turn right (south) toward the access driveway. At this point, they may turn left (east) toward Saint Lola Lane, or they may turn right (west) to access the future inline retail building.

COMPLIANCE WITH ZONING ORDINANCE STANDARDS

An eating or drinking establishment with drive-thru service is permitted in the prior C-S-C Zone subject to approval of a Detailed Site Plan. As noted above, a portion of the Property was also subject to CB-45-2019. However, CB-45-2019 applied only to residential development in the C-S-C Zone. As this application proposes only commercial development, the Applicant submits the criteria listed in CB-45-2019 are inapplicable to the instant application. Moreover, conformance with the criteria in CB-45-2019 was already found to have been met in DSP-20003.

DETAILED SITE PLANS - GENERAL PURPOSES

The purposes of Detailed Site Plans are set forth in Section 27-281. The General Purposes for Detailed Site Plans are set forth in Section 27-281(b). That section provides as follows:

B. To help fulfill the purposes of the zone in which the land is located;

The purposes of the C-S-C Zone are set forth in Section 27-454(a) of the Zoning Ordinance. That section provides as follows:

(a) Purposes.

(1) The purposes of the C-S-C Zone are:

(A) To provide locations for predominantly retail commercial shopping facilities;

The overall Mill Branch Crossing project will provide locations for retail shopping facilities. The Preliminary Subdivision Plan has approved almost 80,000 square feet of commercial retail space and a 150-room hotel. Pursuant to CB-45-2019 and DSP-20003, the residential uses being proposed are also expressly permitted of right. The instant proposal, for an eating and drinking establishment with drive-thru service, will serve local residents as well as visitors who will patronize the future commercial/retail offerings within the Mill Branch Crossing project.

(B) To provide locations for compatible institutional, recreational and service uses;

It is important to view the instant proposal within the context of the overall Mill Branch Crossing project. As noted above, the overall project will incorporate a mix of residential and commercial uses. Recreational amenities are provided within the residential component of the project. The need for any other

(F) To provide approval procedures that are easy to understand and consistent for all types of Detailed Site Plans.

The approval procedures as set forth in the Zoning Ordinance and which are applicable to this Detailed Site Plan are in fact easily understood and consistent.

DETAILED SITE PLANS - SPECIFIC PURPOSES

The Specific Purposes of Detailed Site Plans are set forth in Section 27-281(c) of the Zoning Ordinance. That section provides as follows:

(c) Specific Purposes.

(1) The specific purposes of Detailed Site Plans are:

(A) To show the specific location and delineation of buildings and structures, parking facilities, streets, green areas, and other physical features and land uses proposed for the site;

The locations of the proposed Chipotle building and all other improvements are in fact shown depicted on the various sheets of the Detailed Site Plan submittal package. This would also include architecture, parking facilities, access points, green areas, landscaping, recreational amenities and signage.

(B) To show specific grading, planting, sediment control, woodland conservation areas, regulated environmental features and storm water management features proposed for the site;

such things as private infrastructure, recreational amenities, etc. In addition, all roads within Mill Branch Crossing are private and must be maintained by property owners and tenants. Accordingly, a separate association has been established which is also governed by covenants and which will ensure maintenance of private roads and onsite utilities. Finally, an access easement was previously granted to the Maryland-National Capital Park and Planning Commission in order to provide vehicular access into the Green Branch Regional Park which is not yet constructed. That agreement provides certain construction financial responsibilities on the part of M-NCPPC as well as maintenance responsibilities for use of Ridgely Boulevard.

SECTION 27-283. - SITE DESIGN GUIDELINES.

(a) The Detailed Site Plan shall be designed in accordance with the same guidelines as required for a Conceptual Site Plan (Section 27-274).

SECTION 27-274. DESIGN GUIDELINES.

Section 27-274(a)(2) Parking, Loading and circulation.

The Site Design Guidelines provide guidance regarding the location of parking and loading facilities. These guidelines encourage the location of parking as near as possible to the uses they serve, generally placing parking on the side or rear of the structures, orienting loading docks away from major streets and from public view and separating loading areas from parking areas.

orient both lines of sight and physical activity internally and toward Saint Lola Lane.

Section 27-274(a)(5) Green Area.

Green area will be provided in accordance with the regulations in the C-S-C Zone applicable to the Property. All required setbacks, buffers and internal tree plantings are being provided as required pursuant to applicable Ordinance and Landscape Manual requirements. The result is to present visitors to the restaurant site with attractive and tranquil views.

Section 27-274(a)(6) Site and streetscape amenities.

The site has been designed to contribute to an attractive, coordinated development which will enhance the use and enjoyment of the site. Most significantly, the applicant will be providing all landscaping as required by the Landscape Manual. As noted earlier, the site has been laid out in such a manner as to orient activities to the north and east sides of the building. This provides an opportunity for patrons to have their experience oriented inward toward the development as opposed to creating viewsheds oriented to US 301. The trash dumpster is located in the southwest corner of the site abutting US 301. While some parking is located in the western portion of the site, no physical activity is oriented anywhere other than along the north and east sides of the building. A five foot wide sidewalk is located along the north and east sides of the building. In addition, an

Section 27-274(a)(9) Public spaces.

No public space system is proposed in conjunction with this project.

Section 27-274(a)(10) Architecture.

Architectural elevations have been provided as part of the Detailed Site Plan package. The building will incorporate trademark Chipotle architectural features which will include substantial glazing, brick exterior treatments, metal coping and aluminum wall panel systems. The building will feature an articulated façade so that the building does not present in a long straight façade lacking architectural interest. A parapet will be utilized at the top of the building in order to screen HVAC equipment which will be located on the roof.

DETAILED SITE PLANS - REQUIRED FINDINGS

This Detailed Site Plan must be approved by the Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission. The Planning Board must make required findings as set forth in Section 27-285(b) of the Zoning Ordinance. Those findings are as follows:

(b) Required findings.

(1) The Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its

grading, reforestation, woodland conservation, drainage, erosion and pollution discharge.

This Detailed Site Plan is not a Detailed Site Plan for Infrastructure. Infrastructure elements for the overall Mill Branch Crossing project were approved as part of DSP-20003. Thus, the Applicant submits this provision is inapplicable to the instant application.

(4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).

A Natural Resources Inventory (NRI-029-07/04) was approved on June 5, 2020 for the overall Mill Branch Crossing property. In addition, a Tree Conservation Plan (TCP-022-07) was approved on January 25, 2010 and TCP II-016-10 was approved on April 10, 2017. The Property does not contain any wetlands of special State concern. Further, the Property is not located within the Chesapeake Bay Critical Area. Non-tidal wetlands do exist on the Property and some impacts to these wetlands are proposed.[1] However, the impacts have previously been approved by the U.S. Army Corps of Engineers and the Maryland Department of the Environment. The review and approval by those agencies has authorized the proposed impacts and they have authorized 2.6 acres of wetland mitigation

[1] See PPS, General Note 14.

commercial/retail space which was approved in Preliminary Plan 4-19050. Therefore, the proposed use does not trigger any requirement for a new Preliminary Subdivision Plan.

4. **Development of this site shall be in conformance with the stormwater management concept plan for this project (01-0614-205NE14, once reapproved by the City of Bowie), and any subsequent revisions.**

All development will be in strict conformance with the approved Stormwater Management Concept Plan as approved by the City of Bowie.

5. **Prior to approval of a final plat, in accordance with the approved preliminary plan of subdivision, the final plat shall include the dedication of public utility easements (PUEs) along all public and private rights-of-way, unless a variation from the PUE requirement is obtained.**

A variation was approved as part of Preliminary Plan 4-19050 to exclude the 10' PUE which was required to be provided along the frontage of US Route 301 and Mill Branch Road. Instead, a 10' PUE is provided along one side of all internal roads. As can be seen on the Final Plat of Subdivision (Exhibit "B"), the 10' PUE is shown along the Property's frontage with Saint Lola Lane. This PUE is reflected on the Detailed Site Plan. Given that the Property is designated as an Outlot, a new Final Plat of Subdivision will need to be recorded following approval of this Detailed Site Plan. The new Final Plat will reflect the location of the 10' PUE in accordance with the Preliminary Plan and this Detailed Site Plan.

George's County Planning Board with the detailed site plan (DSP). Triggers for construction shall also be established at the time of DSP.

See above response to Condition 7.

18. **Total development within the subject property shall be limited to uses which generate no more than 909 AM peak-hour trips and 1,231 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

As noted above, the development being proposed in this Detailed Site Plan is in strict conformance with the development density approved in Preliminary Subdivision Plan 4-19050. The trip cap is not being exceeded and uses are not being proposed which would generate more trips than those which were approved.

20. **In conformance with the 2009 Approved Countywide Master Plan of Transportation, and the 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, and 74B,* the applicant and the applicant's heirs, successors, and/or assignees shall provide the following improvements, and provide an exhibit that depicts the following improvements, prior to acceptance of any detailed site plan:**

    a. **Bikeway signage and shared lane markings (e.g., "sharrow"), within the right-of-way, along the subject site's frontage of Mill Branch Road, unless modified with written correspondence by the Prince George's County Department of Permitting, Inspections and Enforcement, and/or the Maryland State Highway Administration, as appropriate.**

    b. **Minimum 5-foot-wide sidewalks along both sides of all internal roadways, public or private, excluding alleyways.**

    c. **Minimum 5-foot-wide sidewalks along the full lengths of proposed Roads A, D, and F.**

CONCLUSION

In view of all of the above, the Applicant submits that all relevant criteria for the approval of Detailed Site Plan DSP-20003-03 have been met and satisfied. The Applicant therefore requests that this Detailed Site Plan be approved as submitted.

Edward C. Gibbs, Jr., Esquire
Gibbs and Haller
1300 Caraway Court, Suite 102
Largo, Maryland 20774
(301) 306-0033
egibbs@gibbshaller.com
Attorney for the Applicant

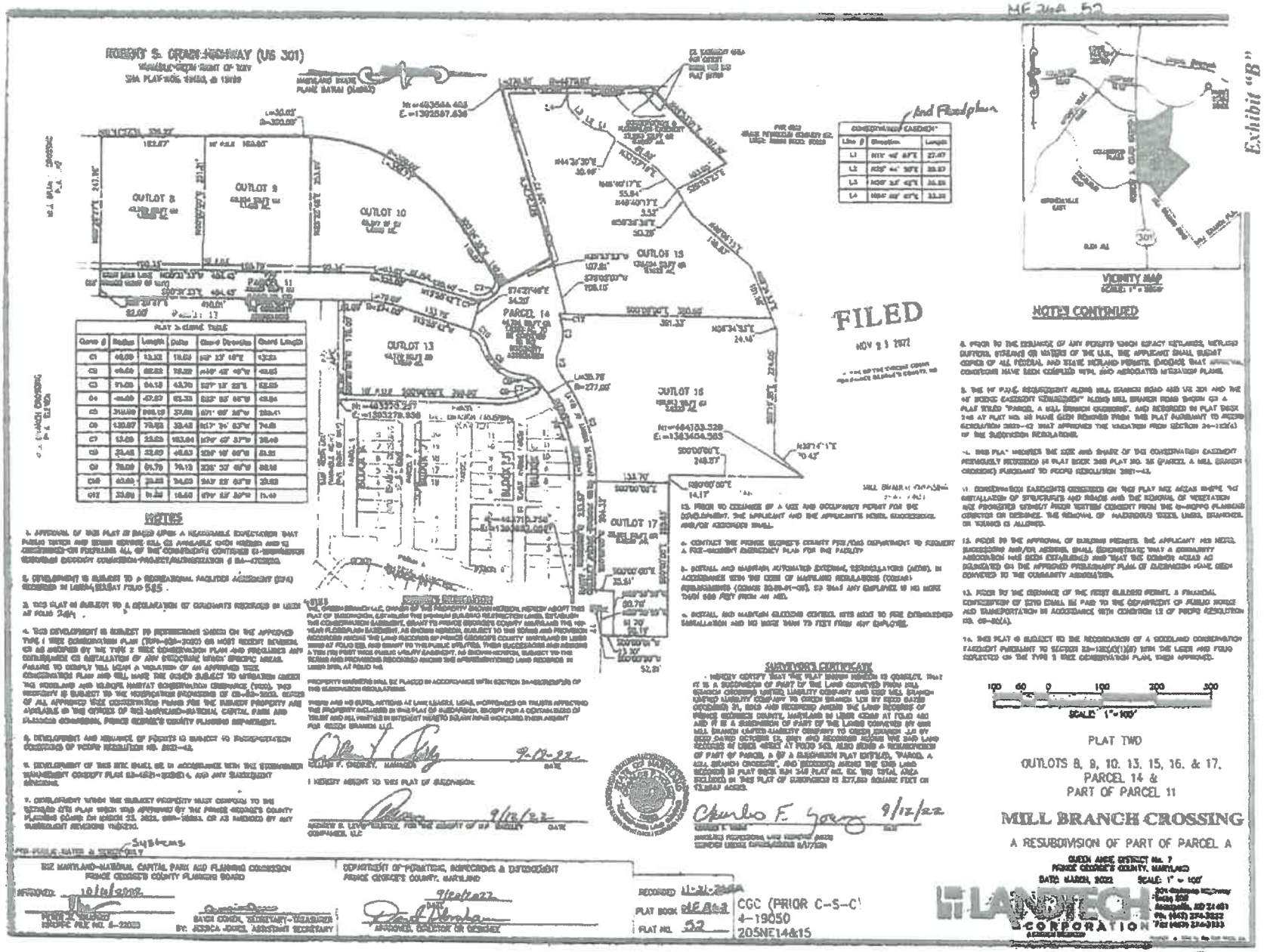
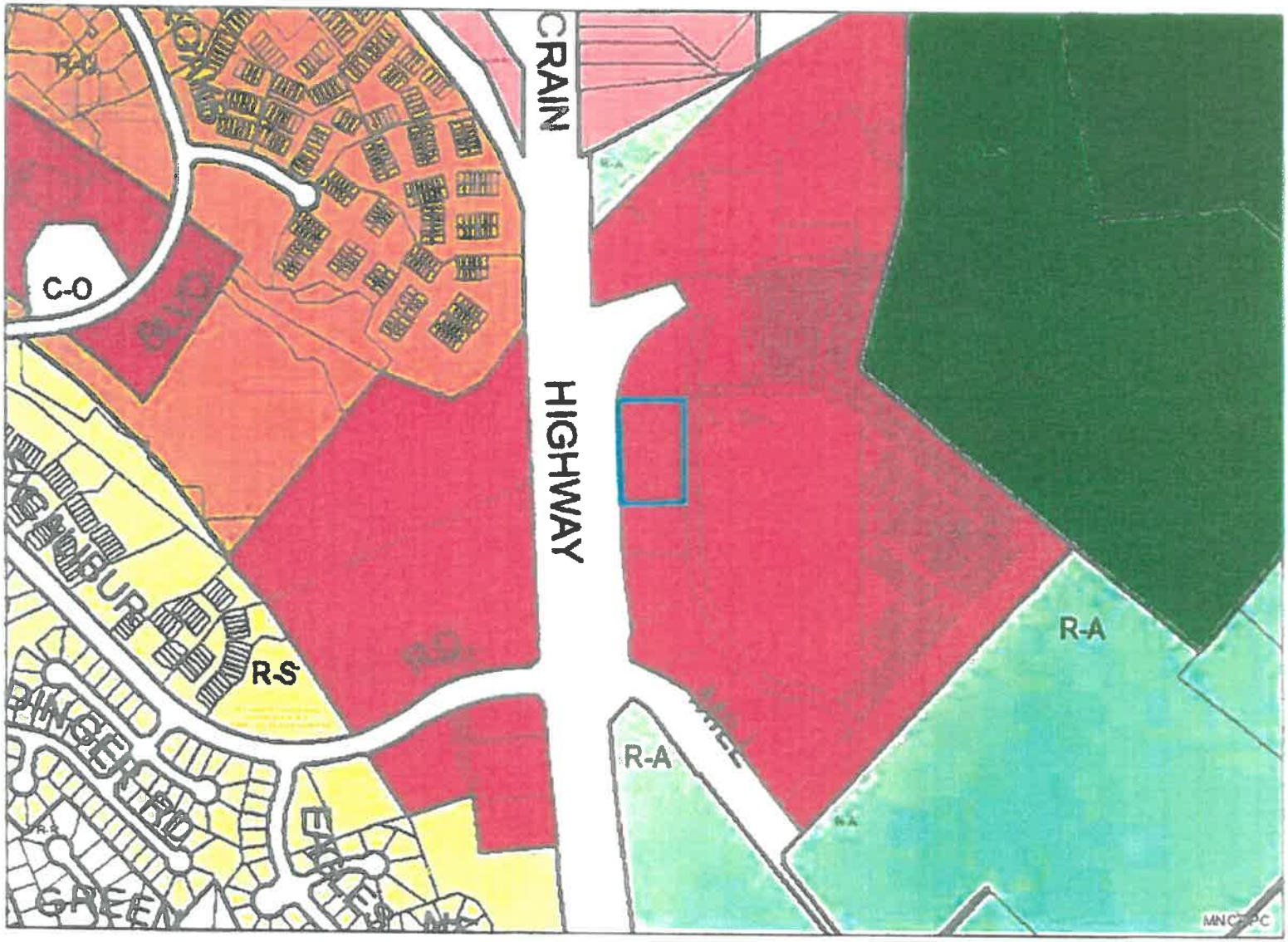

ROBERT S. CRAIN HIGHWAY (US 301)
OUTLOT 8
OUTLOT 9
OUTLOT 10
OUTLOT 13
OUTLOT 15
OUTLOT 16
OUTLOT 17
PARCEL 11
PARCEL 14
FILED
NOV 2 1 2022
VICINITY MAP
NOTES
NOTES CONTINUED
SURVEYOR'S CERTIFICATE
SCALE 1"=100'
PLAT TWO
OUTLOTS 8, 9, 10, 13, 15, 16, & 17,
PARCEL 14 &
PART OF PARCEL 11
MILL BRANCH CROSSING
A RESUBDIVISION OF PART OF PARCEL A
LANDTECH CORPORATION
CGC (PRIOR C-S-C)
4-19050
205NE14&15
Exhibit "B"

Exhibit "D"

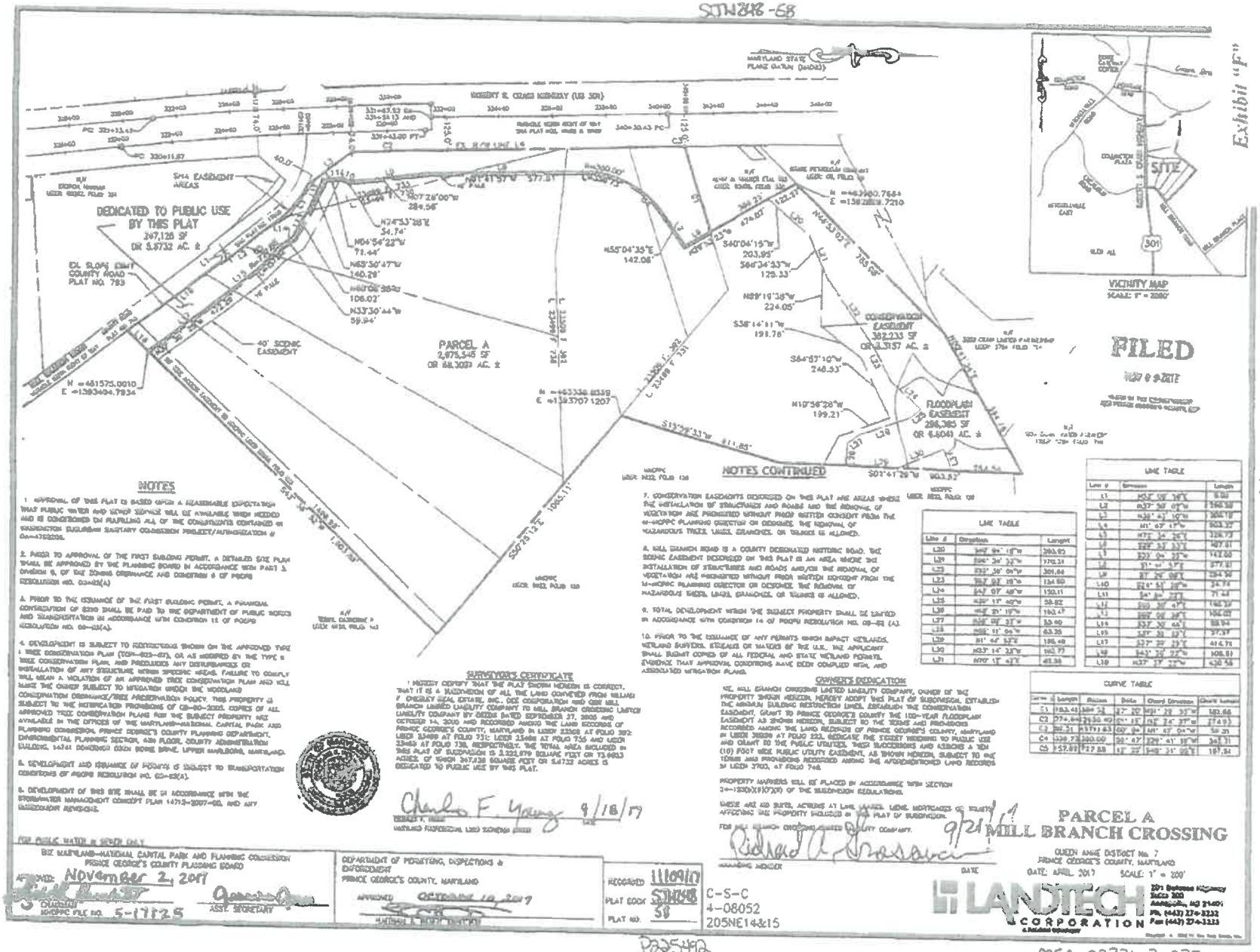
N

8.5X11_Landscape



Data provided by Prince George's County Planning Department - 1

SJW 218-68



NOTES

1. APPROVAL OF THIS PLAT IS BASED UPON A REASONABLE EXPECTATION THAT PUBLIC WATER AND SEWER SERVICE WILL BE AVAILABLE WHEN NEEDED AND IS CONDITIONED ON FULFILLING ALL OF THE CONDITIONS CONTAINED IN WASHINGTON SUBURBAN SANITARY COMMISSION PROJECT/AUTHORIZATION # 04-4702206.

2. PRIOR TO APPROVAL OF THE FIRST BUILDING PERMIT, A DETAILED SITE PLAN SHALL BE APPROVED BY THE PLANNING BOARD IN ACCORDANCE WITH PART 3, DIVISION 9, OF THE ZONING ORDINANCE AND CONDITION 8 OF PRIOR RESOLUTION NO. 03-245(A).

3. PRIOR TO THE ISSUANCE OF THE FIRST BUILDING PERMIT, A FINANCIAL CONTRIBUTION OF $2500 SHALL BE PAID TO THE DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION IN ACCORDANCE WITH CONDITION 12 OF PRIOR RESOLUTION NO. 03-245(A).

4. DEVELOPMENT IS SUBJECT TO RESTRICTIONS SHOWN ON THE APPROVED TYPE 1 TREE CONSERVATION PLAN (TCP1-033-07), OR AS MODIFIED BY THE TYPE II TREE CONSERVATION PLAN, AND PRECLUDES ANY DISTURBANCES OR INSTALLATION OF ANY STRUCTURE WITHIN SPECIMEN AREAS. FAILURE TO COMPLY WILL MEAN A VIOLATION OF AN APPROVED TREE CONSERVATION PLAN AND WILL MAKE THE OWNER SUBJECT TO INFRACTION UNDER THE WOODLAND CONSERVATION ORDINANCE/TREE PRESERVATION POLICY. THIS PROPERTY IS SUBJECT TO THE NOTIFICATION PROVISIONS OF CB-60-2005. COPIES OF ALL APPROVED TREE CONSERVATION PLANS FOR THE SUBJECT PROPERTY ARE AVAILABLE IN THE OFFICES OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, PRINCE GEORGE'S COUNTY PLANNING DEPARTMENT, ENVIRONMENTAL PLANNING SECTION, 4TH FLOOR, COUNTY ADMINISTRATION BUILDING, 14741 GOVERNOR ODEN BOWIE DRIVE, UPPER MARLBORO, MARYLAND.

5. DEVELOPMENT AND ISSUANCE OF PERMITS IS SUBJECT TO TRANSPORTATION CONDITIONS OF PRIOR RESOLUTION NO. 03-245(A).

6. DEVELOPMENT OF THIS SITE SHALL BE IN ACCORDANCE WITH THE STORMWATER MANAGEMENT CONCEPT PLAN 14713-2007-00, AND ANY SUBSEQUENT REVISIONS.

7. CONSERVATION EASEMENTS DESIGNED ON THIS PLAT ARE AREAS WHERE THE INSTALLATION OF STRUCTURES AND ROADS AND THE REMOVAL OF VEGETATION ARE PROHIBITED WITHOUT PRIOR WRITTEN CONSENT FROM THE M-NCPPC PLANNING DIRECTOR OR DESIGNEE. THE REMOVAL OF HAZARDOUS TREES, LIMBS, BRANCHES, OR TRUNKS IS ALLOWED.

8. MILL BRANCH ROAD IS A COUNTY DESIGNATED HISTORIC ROAD. THE SCENIC EASEMENT DESIGNED ON THIS PLAT IS AN AREA WHERE THE INSTALLATION OF STRUCTURES AND ROADS AND/OR THE REMOVAL OF VEGETATION ARE PROHIBITED WITHOUT PRIOR WRITTEN CONSENT FROM THE M-NCPPC PLANNING DIRECTOR OR DESIGNEE. THE REMOVAL OF HAZARDOUS TREES, LIMBS, BRANCHES, OR TRUNKS IS ALLOWED.

9. TOTAL DEVELOPMENT WITHIN THE SUBJECT PROPERTY SHALL BE LIMITED IN ACCORDANCE WITH CONDITION 14 OF PRIOR RESOLUTION NO. 03-245 (A).

10. PRIOR TO THE ISSUANCE OF ANY PERMITS WHICH IMPACT WETLANDS, WETLAND BUFFERS, STREAMS OR WATERS OF THE U.S., THE APPLICANT SHALL SUBMIT COPIES OF ALL FEDERAL AND STATE WETLAND PERMITS, EVIDENCE THAT APPROVAL CONDITIONS HAVE BEEN COMPLIED WITH, AND ASSOCIATED MITIGATION PLANS.

LINE TABLE		
Line #	Direction	Length
L20	S47° 54' 15"W	280.92
L29	S06° 36' 32"E	370.38
L23	S32° 38' 06"W	301.66
L24	S67° 23' 28"W	134.80
L25	S47° 07' 48"W	130.11
L26	N39° 17' 40"W	58.82
L28	N8° 21' 19"W	193.47
L27	N56° 08' 37"E	35.90
L38	N85° 11' 04"W	63.35
L29	S1° 44' 52"E	198.48
L30	N83° 14' 28"W	162.73
L31	N70° 13' 47"E	481.36

LINE TABLE		
Line #	Direction	Length
L1	N56° 58' 36"E	9.00
L2	N33° 58' 07"W	1560.58
L3	N38° 43' 10"W	2067.19
L4	N1° 07' 19"W	903.39
L5	N77° 34' 36"E	238.73
L6	S78° 32' 13"E	407.81
L7	S33° 04' 32"W	142.00
L8	S1° 41' 57"E	377.81
L9	S7° 26' 00"W	284.56
L10	S24° 53' 28"W	54.74
L11	S4° 54' 22"W	79.44
L12	S63° 30' 47"W	140.28
L13	S26° 29' 13"E	106.02
L14	N33° 30' 44"W	59.84
L15	S63° 30' 47"E	234.96
L16	S26° 29' 13"E	24.76
L17	S4° 54' 22"E	21.44
L18	S33° 30' 47"E	146.80
L19	S56° 29' 13"E	156.00
L21	S33° 30' 44"E	88.84
L22	S1° 41' 57"E	377.81
L32	S40° 04' 15"W	203.95
L33	S64° 34' 33"W	125.33
L34	N89° 19' 38"W	224.05
L35	S38° 14' 11"W	191.78
L36	S64° 57' 10"W	240.53
L37	N10° 56' 28"W	199.21
L38	S19° 29' 33"W	111.85
L39	S02° 41' 29"W	903.52

CURVE TABLE						
Curve #	Length	Radius	Delta	Chord Direction	Chord Length	
C1	183.48	1859.72	5° 39' 29"	N89° 29' 33"W	183.48	
C2	274.64	2150.40	7° 19' 03"	S0° 24' 37"W	274.51	
C3	280.21	11511.83	1° 23' 44"	S1° 47' 04"W	280.21	
C4	1328.73	2300.00	33° 05' 43"	S24° 41' 38"W	1310.31	
C5	257.89	717.89	20° 35' 00"	S48° 21' 26"E	256.51	

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON IS CORRECT, THAT IT IS A SUBDIVISION OF ALL THE LAND CONVEYED FROM WILLIAM F. OBERNY REAL ESTATE, INC., DEE CORPORATION AND DEE MILL BRANCH LIMITED LIABILITY COMPANY TO MILL BRANCH CROSSING LIMITED LIABILITY COMPANY BY DEEDS DATED SEPTEMBER 27, 2005 AND OCTOBER 14, 2005 AND RECORDED AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND IN LIBER 23468 AT FOLIO 302; LIBER 23469 AT FOLIO 731; LIBER 23466 AT FOLIO 736 AND LIBER 23465 AT FOLIO 738, RESPECTIVELY. THE TOTAL AREA INCLUDED IN THIS PLAT OF SUBDIVISION IS 2,922,676 SQUARE FEET OR 73.0453 ACRES, OF WHICH 247,128 SQUARE FEET OR 5.6732 ACRES IS DEDICATED TO PUBLIC USE BY THIS PLAT.

Charles F. Young 9/18/17
CHARLES F. YOUNG
MARYLAND PROFESSIONAL LAND SURVEYOR #21321

OWNER'S DEDICATION

WE, MILL BRANCH CROSSING LIMITED LIABILITY COMPANY, OWNER OF THE PROPERTY SHOWN HEREON, HEREBY ADOPT THIS PLAT OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, DEDICATE THE CONSERVATION EASEMENT, GRANT TO PRINCE GEORGE'S COUNTY THE 100-YEAR FLOODPLAIN EASEMENT AS SHOWN HEREON, SUBJECT TO THE RIGHTS AND PRIVILEGES RECORDED AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY, MARYLAND IN LIBER 38039 AT FOLIO 223, DEDICATE THE STREET WIDENING TO PUBLIC USE AND GRANT TO THE PUBLIC UTILITIES, THEIR SUCCESSORS AND ASSIGNS A TEN (10) FOOT WIDE PUBLIC UTILITY EASEMENT, AS SHOWN HEREON, SUBJECT TO THE TERMS AND PROVISIONS RECORDED AMONG THE AFOREMENTIONED LAND RECORDS IN LIBER 3703, AT FOLIO 748.

PROPERTY MARKERS WILL BE PLACED IN ACCORDANCE WITH SECTION 24-139(b)(6)(C)(ii) OF THE SUBDIVISION REGULATIONS.

THERE ARE NO SUITS, ACTIONS AT LAW, LIENS, LIENS, MORTGAGES OR ENCUMBRANCES AFFECTING THE PROPERTY INCLUDED IN THIS PLAT OF SUBDIVISION.

FOR MILL BRANCH CROSSING LIMITED LIABILITY COMPANY.

Richard A. Grossman 9/21/17
MANAGING MEMBER — DATE

FOR PUBLIC WATER & SEWER ONLY

BIZ MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
PRINCE GEORGE'S COUNTY PLANNING BOARD
APPROVED: November 2, 2017
CHAIRMAN — ASST. SECRETARY
M-NCPPC FILE NO. 5-17125

DEPARTMENT OF PERMITTING, INSPECTIONS & ENFORCEMENT
PRINCE GEORGE'S COUNTY, MARYLAND
APPROVED: OCTOBER 19, 2017
DIRECTOR, DEPARTMENT OF PERMITTING, INSPECTIONS & ENFORCEMENT

RECORDED: 11109/17
PLAT BOOK: SJW 218
PLAT NO.: 68

C-S-C
4-08052
205NE14&15

PARCEL A
MILL BRANCH CROSSING

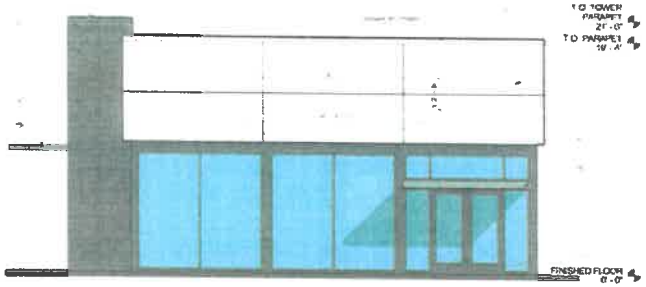
QUEEN ANNE DISTRICT No. 7
PRINCE GEORGE'S COUNTY, MARYLAND
DATE: APRIL 2017 SCALE: 1" = 200'

LANDTECH CORPORATION
A Professional Engineering Corporation
2291 Baltimore Highway, Suite 202, Annapolis, MD 21401
Ph. (443) 270-8232 Fax (443) 270-8233

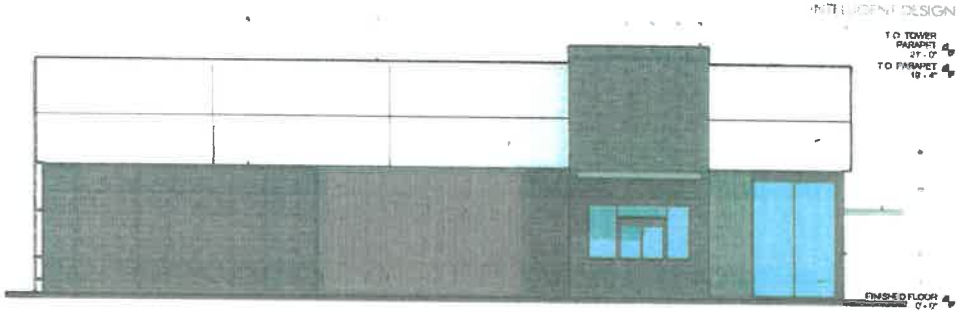
P225-42

MSA C2381-20239

Exhibit "F"



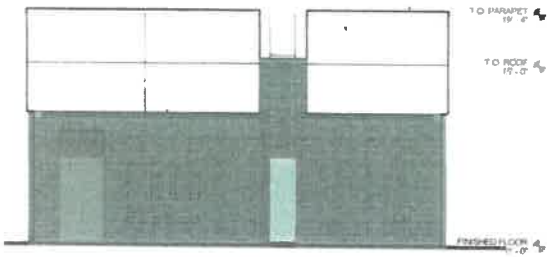
1 FRONT ELEVATION



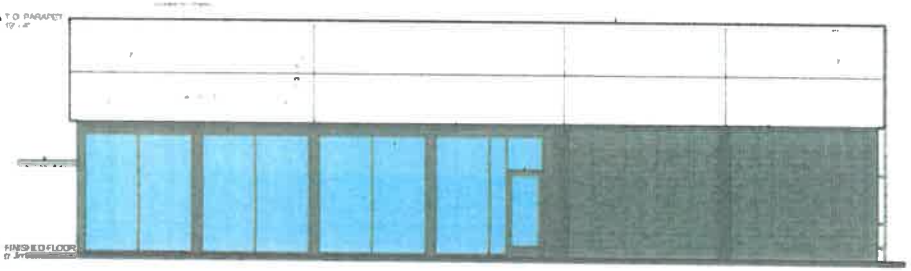
2 LEFT ELEVATION

EXTERIOR MATERIAL SCHEDULE

MARK	MANUFACTURER	DESCRIPTION	FINISH	COMMENTS



3 REAR ELEVATION



4 RIGHT ELEVATION

CHIPOTLE - SHELL BUILDING

PRINCE GEORGE'S COUNTY, MARYLAND

W.F. CHESLEY

BRASHEAR

DSP-20003-03

REVISIONS

LANDTECH CORPORATION

201 Defense Highway
Suite 200
Annapolis, MD 21401
ph. (443) 274-3232
Contact Person: Kim Morgan
Project Manager
kmorgan@landtechcorp.net

OWNER/DEVELOPER

GREEN BRANCH, LLC

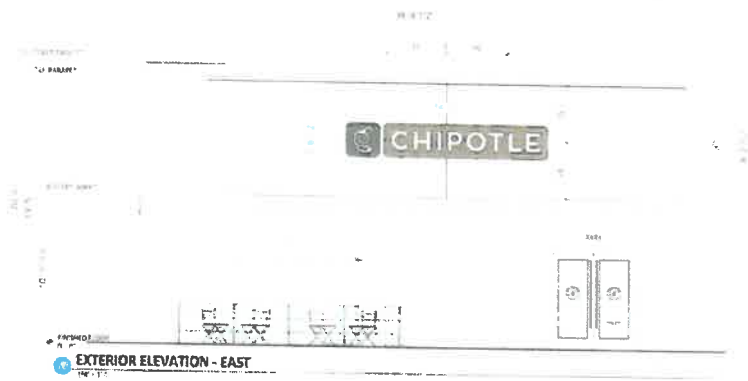
CHIPOTLE ELEVATION PLAN

CHIPOTLE @

MILL BRANCH CROSSING

PART OF OUTLOT B, B

PRINCE GEORGE'S COUNTY MARYLAND



EXTERIOR ELEVATION - EAST

broadwaynational

CHIPOTLE

Approved
Approved with Corrections
Rejected
Revise and Resubmit

Proposed total sqft 73.98
Building Signage
Sign A: B-3 channel letter wall sign 37.8 sqft
Sign B: A-3 channel letter wall sign 29.07 sqft
Chipotle Signage
Sign C: Clearance Bar 2.67 sqft
Sign D: Tenant announce sign 4.44 sqft

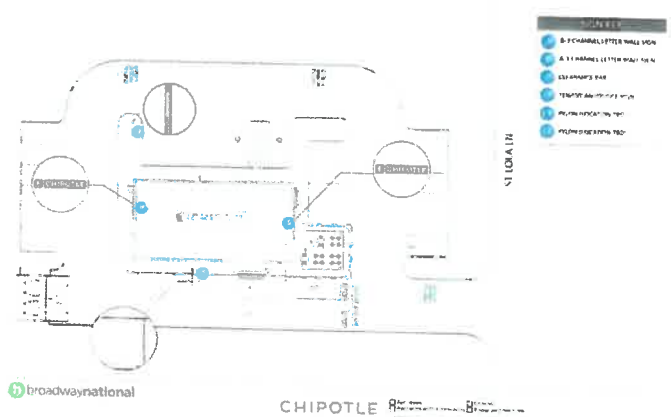
Building Signage							
Elevation	Elevation Dimensions	Wall Sign Code	Allowance	Proposed Signage	Sign Type	Sign Area (sq ft)	Relation to Permissible Total Sign Area
Front	19'46" H x 38.92' L	2 sq ft per linear ft	77.84 sq ft	Sign A (B-3 Channel Letters)	Wall Sign	37.8 sq ft	Proposed sign area for Sign A uses 48.5% of the total allowable area
Rear	19'46" H x 38.92' L			Sign B (A-3 Channel Letters)	Wall Sign	29.07 sq ft	Proposed sign area for Sign B uses 37.3% of the total allowable area.
						Proposed Total Signage: 66.87 sq ft	Proposed total signage uses 85.9% of the total 77.84 sq ft allowed for the entire building. No variance required for total area
Site signage							
				Sign C Clearance Bar	Non Building Sign	2.67 sq ft	
				Sign D. Tenant Announcement	Non Building Sign	4.44 sq ft	
						Proposed Total Signage: 7.11 sq ft	

EXTERIOR ELEVATION - WEST

broadwaynational

CHIPOTLE

Approved
Approved with Corrections
Rejected
Revise and Resubmit



broadwaynational

CHIPOTLE

REVISIONS	
DATE	DESCRIPTION

LANDTECH CORPORATION
A TRUCKER COMPANY

201 Defense Highway
Suite 200
Annapolis, MD 21401
Ph. (443) 274-3222
Contact Person: Elvis Morgan
Project Manager
kmorgan@techgroupinc.net

Charles F. Young
10/8/2024

OWNER/DEVELOPER
GREEN BRANCH, LLC

DSP-20003-03

CHIPOTLE SIGNAGE PLAN
CHIPOTLE ®
MILL BRANCH CROSSING
PART OF OUTLOT 9, B
PRINCE GEORGE'S COUNTY MARYLAND
TEN FELTON DISTRICT

Memorandum

TO: City Council

FROM: Alfred Lott, City Manager

SUBJECT: Budget Guidance for FY 2026

DATE: 01/02/2025

The Finance Department will provide trend information and major themes to City Council for the upcoming FY 2026 Budget process.

ATTACHMENTS: 1. 20250106 - Council Budget Guidance FY2026

Council Budget Guidance FY 2026

CITY OF BOWIE

January 6, 2025

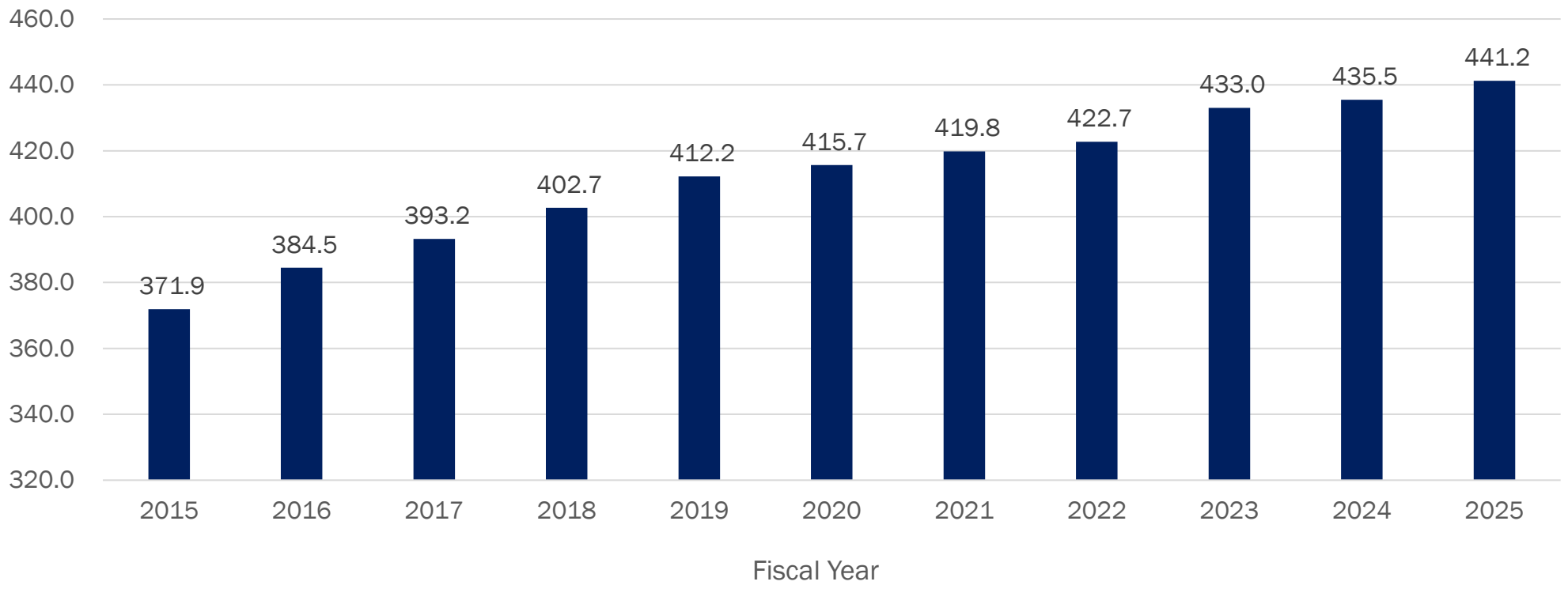
City's Success

- Exceeded fund balance policy of 25 percent of expenditures
- In FY2024 the General Balance increased by $1,890,637 (unaudited)
- Triple A Rating
- Constant Tax Rate over the last 14 years
- Robust core services
- Development of South Lake, Melford, and Mill Branch Crossing

Total Personnel

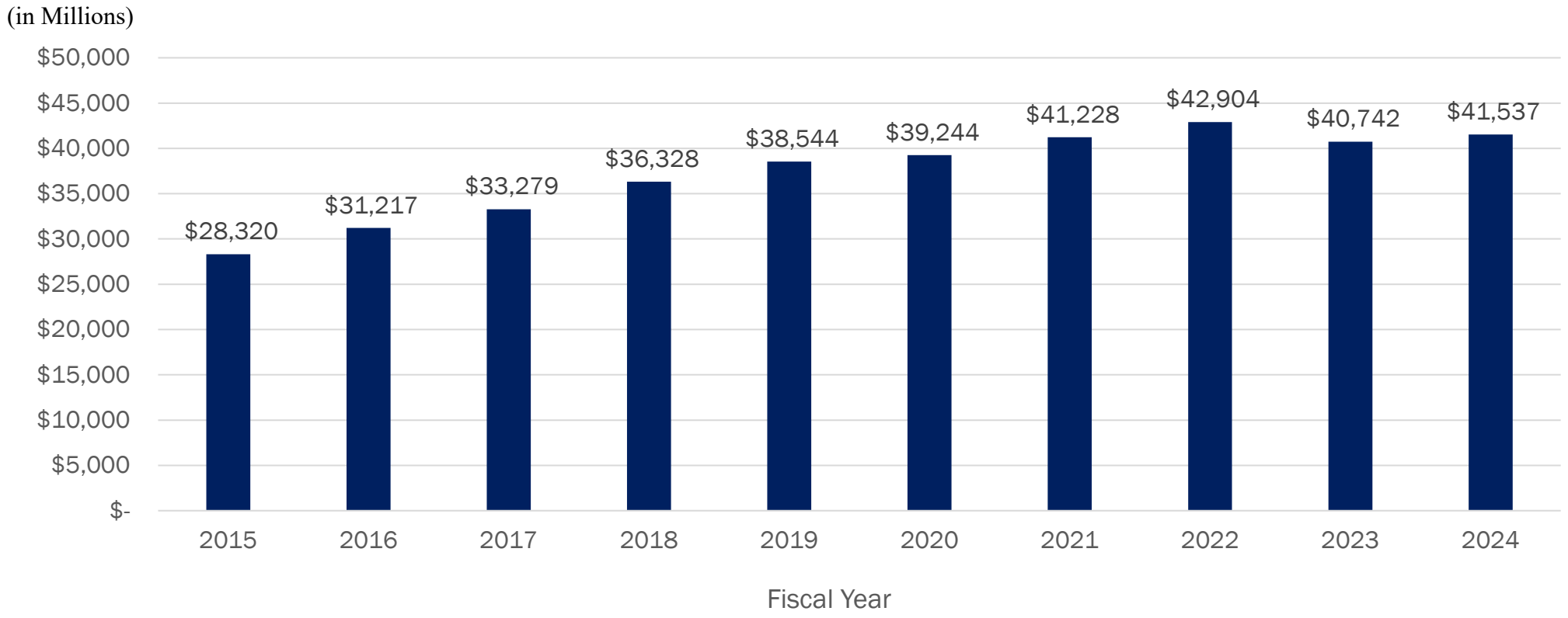
Authorized Full Time Equivalent (FTEs) - Budget Basis

Last Ten Years

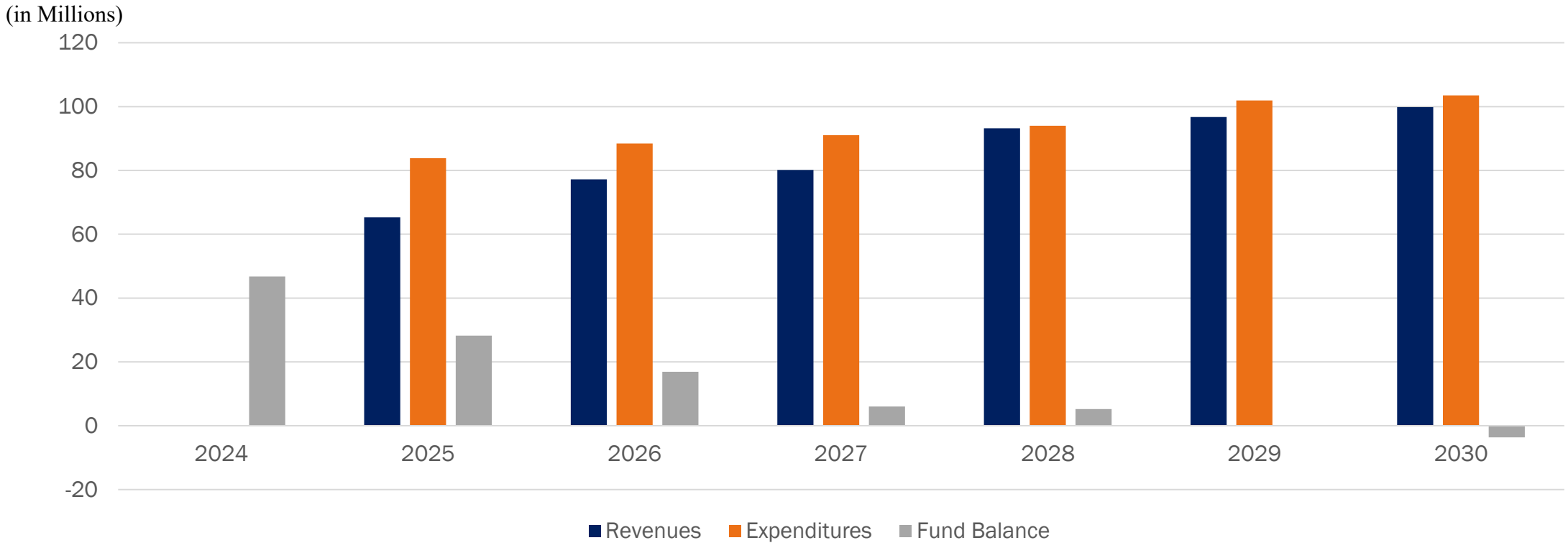


Total Personnel Services Cost

Last Ten Years



Current Trend General Fund Revenue, Expenditures and Fund Balance – With Proposed Tax Increases
FY2025 – FY2030



*No Real Property Tax increase for 14 years

Source: FY2025 Adopted Budget

Council / Management Responsibility

Balance Budget - The budget must be balanced, meaning the total of the anticipated revenues, including fund balance carried over from previous years, must equal or exceed the total of the proposed expenditures.

Meeting Purpose

- Establish a framework for FY2026 Budget
- Set budget priorities and parameters
- Emphasize importance of using the CIP as a strategic financing and project planning tool
- Consideration of long-term recurring operating costs when adding new Capital Projects
- Consideration of debt affordability
- Reevaluate the current property tax rate

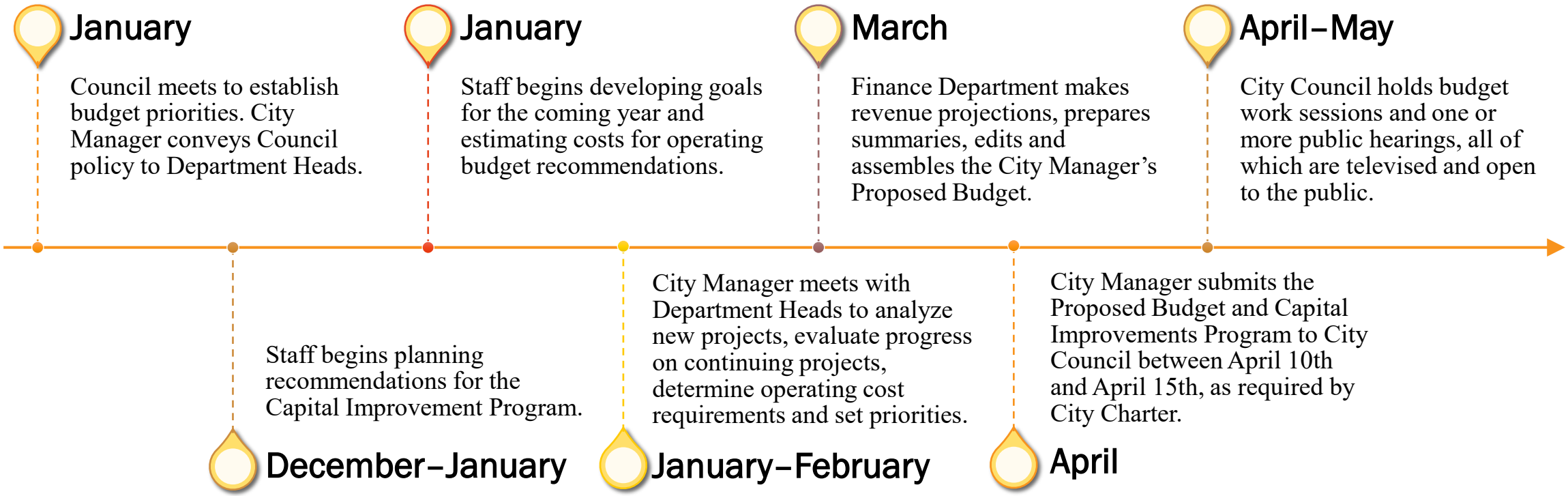
Budget Framework

- Re-affirm Core Services.
- Establish the Property Tax Rate for FY2026.
- Examine the need for new Capital Projects.
- Examine the funding strategy for Capital Projects Fund and Equipment Acquisition and Replacement Fund.
- Establish new Water and Sewer Rates.

Current Threats

- Human Capital
- Supply Chain
- Inflation Cost
- Declining Intergovernmental Revenues

Budget Development Schedule



FISCAL POLICIES

Fiscal Policies

- Capital Financing
- Debt Management
- Fund Balance
- Revenues and Expenditures
- Capital Projects

Capital Financing

The City will not use long-term borrowing to finance current operations or normal maintenance expenses.

City will maintain a high reliance on pay-as-you-go financing for its capital improvements.

Issue debt for major projects included in the Capital Project Program.

Debt Management

All debt issued will be repaid within a period not to exceed the expected useful life of the improvements financed by debt.

The City will maintain its tax-supported bonded debt at a level not to exceed 0.8 percent of the assessed valuation of taxable property within the City.

The ratio of debt service expenditures as a percent of General Fund revenues shall not exceed 10 percent.

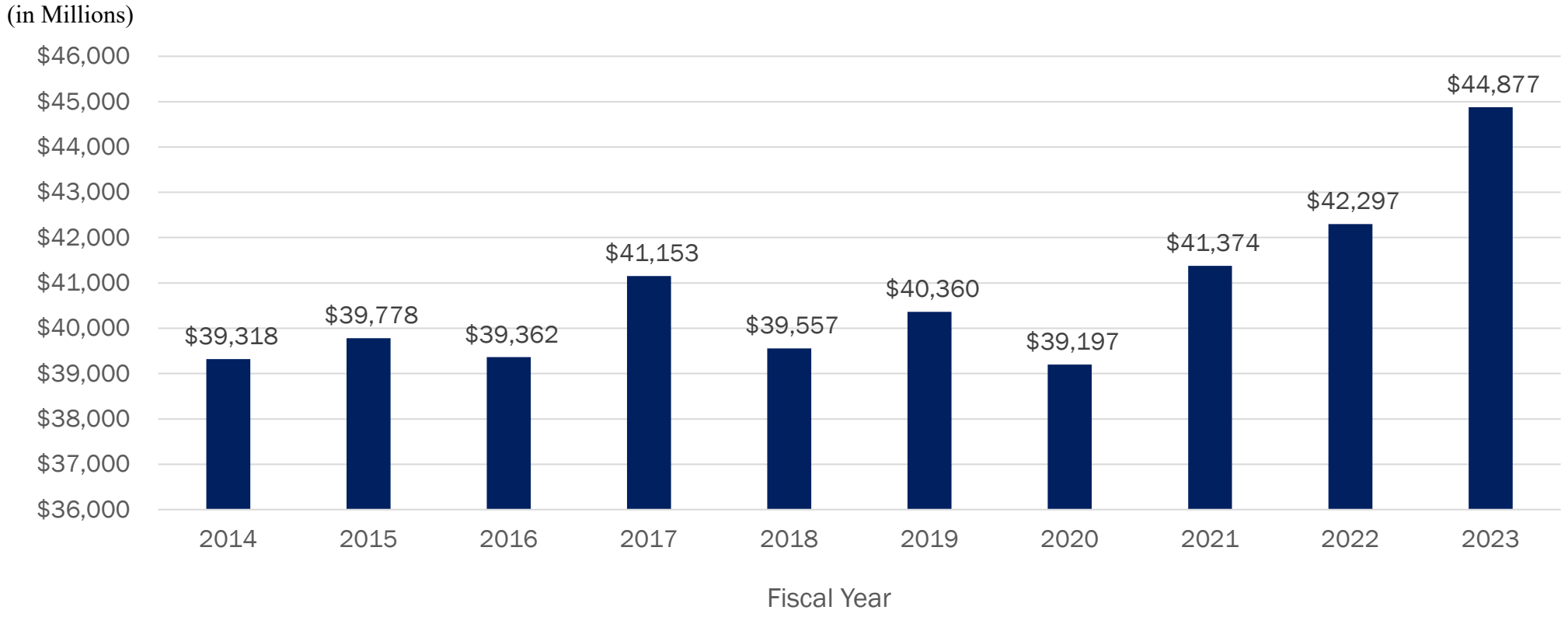
Fund Balance

- The City will maintain a fund balance in the General Fund and the Water and Sewer Fund at a level not less than 25 percent of annual expenditures.

- To the extent that fund balance in the General Fund exceeds the 25 percent level, the City will draw upon the fund balance to provide pay-as-you-go financing for capital projects or for other one-time capital items.

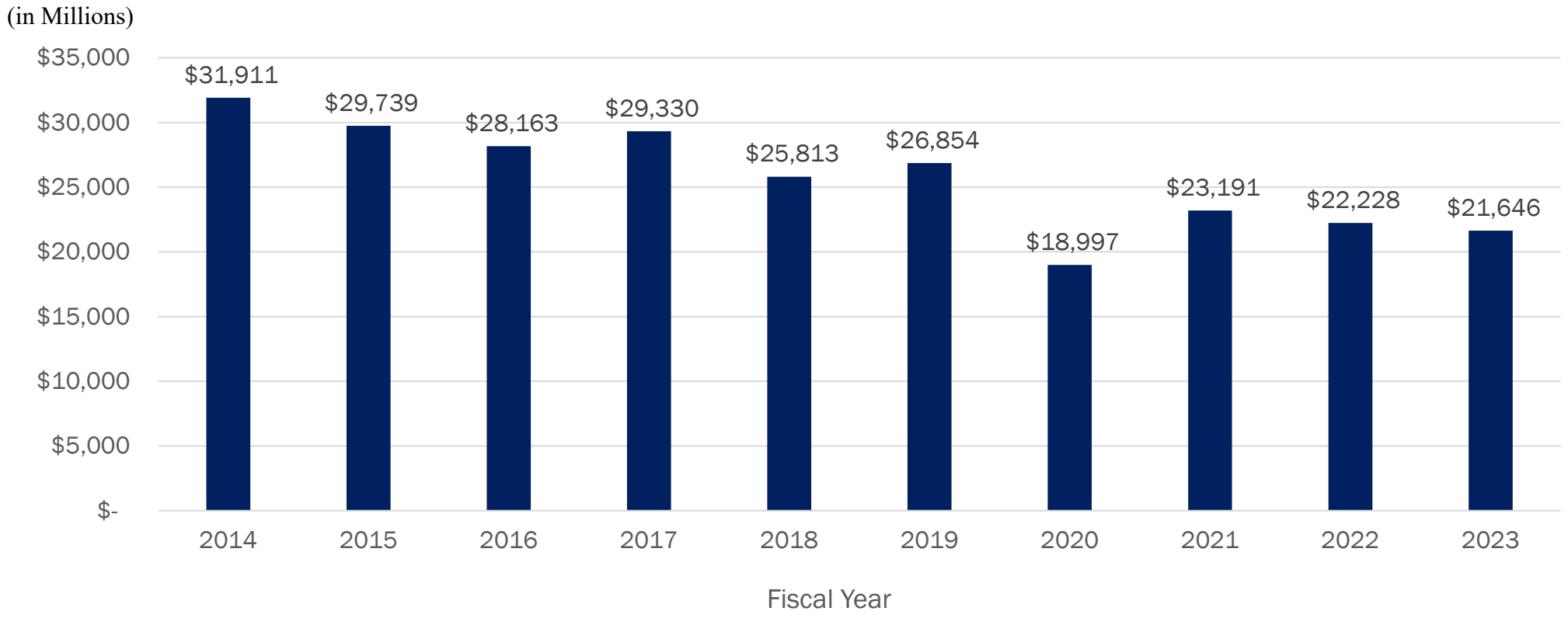
General Fund Balance

Last Ten Years

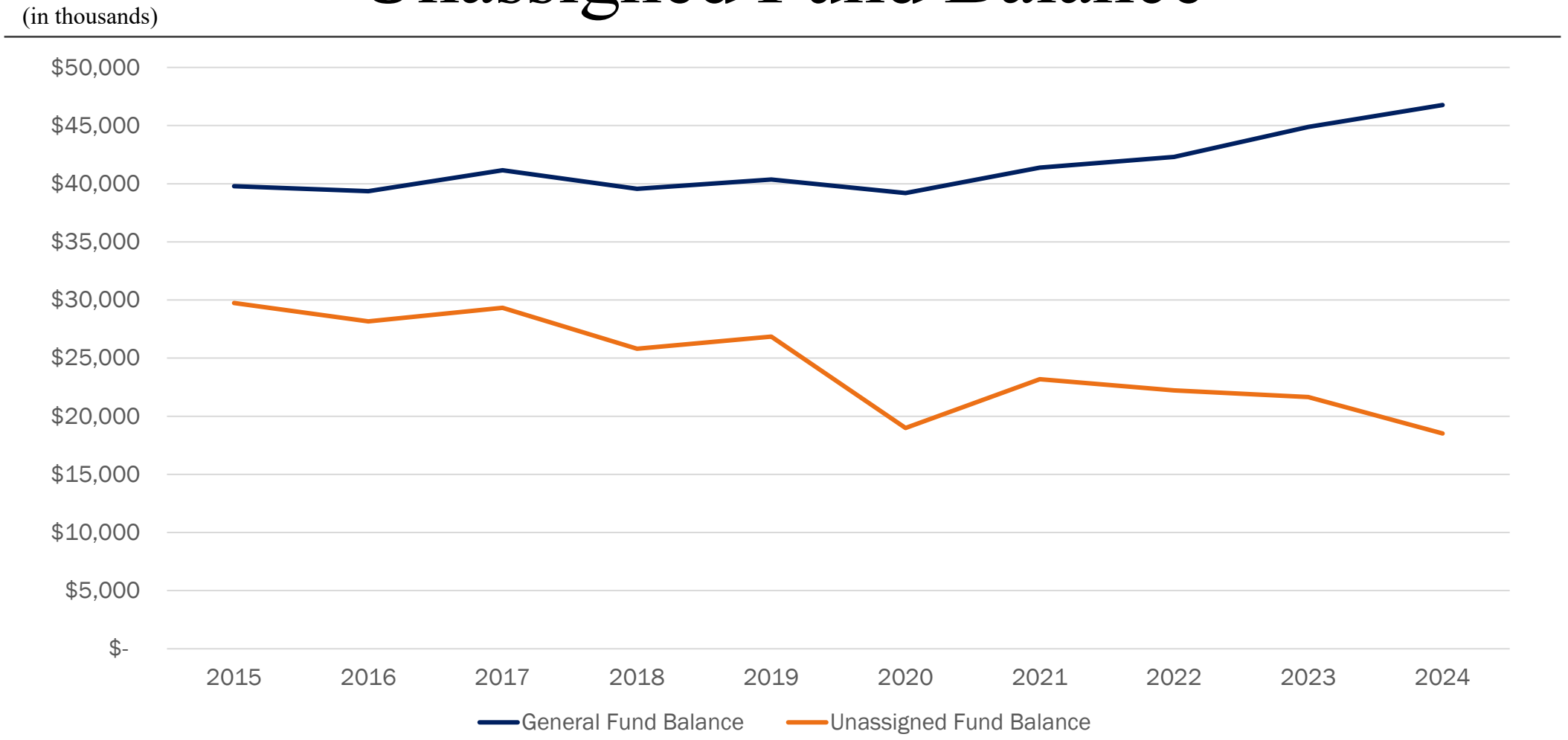


Unassigned Fund Balance

Last Ten Years



General Fund Balance
vs.
Unassigned Fund Balance



Fund Balance Policy

The City council adopted a policy to maintain the General Fund's fund balance at a level no lower than 25 percent of expenditures.

FY2024 General Fund Expenditures totaled $63,804,810

FY2024 Ending Fund Balance totaled $46,767,961

FY2024 Fund Balance percentage of expenditures were 73 percent.

* Unaudited

Revenue and Expenditures

The City will strive to adopt an annual General Fund budget in which recurring expenditures do not exceed recurring revenues.

A five-year projection of revenues and expenditures for the General and Water and Sewer Fund will be prepared each fiscal year to provide a long-range, strategic perspective for the annual budget process.

On an annual basis the City will set rates for the Water and Sewer Fund at levels which provide for self-sufficiency.

One-time nonrecurring revenues shall be used for financing capital projects. Examples of one-time revenues include, but are not limited to: proceeds from the sale of surplus property, capital grants and other infrequent, nonrecurring revenues.

The use of one-time revenues for financing ongoing operating expenditures is strongly discouraged.

Capital Project Hierarchy

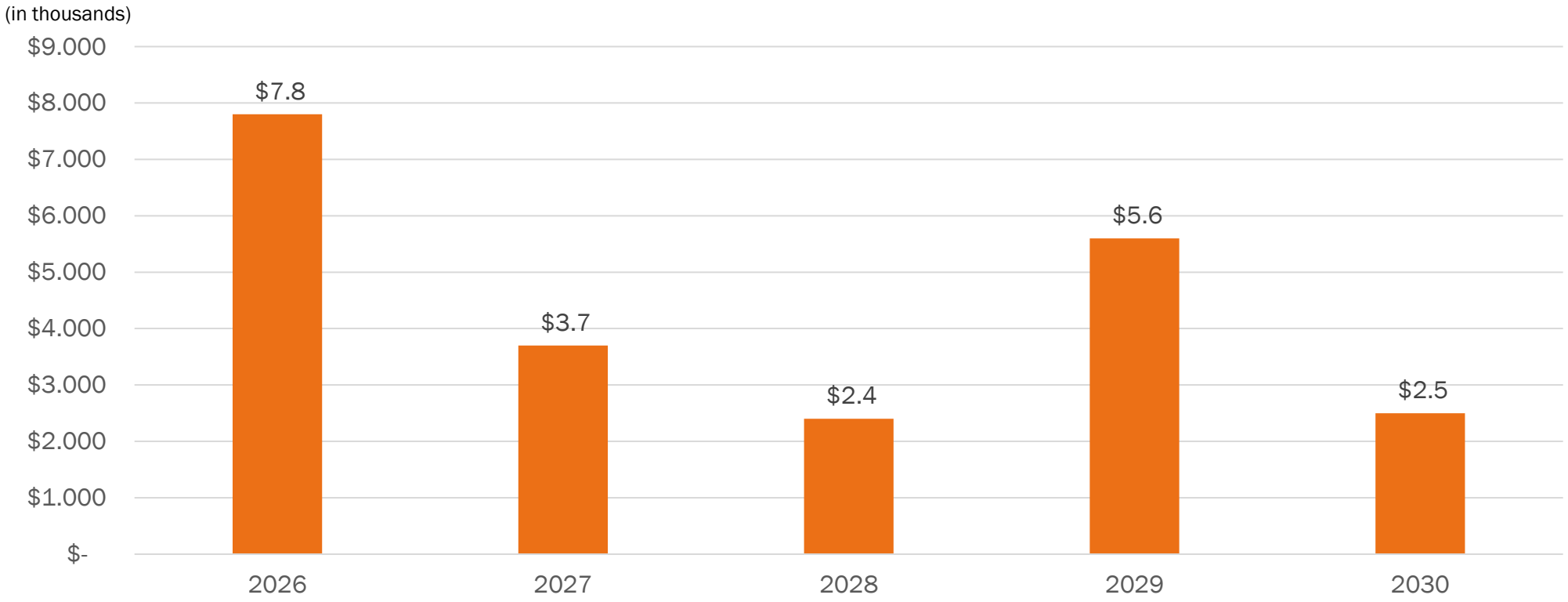
Capital projects will be approved in the following order:

- Mandates from Federal, State, and County governments.
- Improvements to City amenities that promote health and wellness.
- Restoration of aging infrastructure and buildings.
- New Projects.

Capital Project Spending

- **Set Priorities**
  - *EPA – Chesapeake Bay*
  - *Special Taxing Districts*
  - *Water/Sewer Pipe Recapitalization*
  - *Facilities Preventive Maintenance*
  - *Ice Arena/Basketball Courts/Golf Course*
  - *Set Moratorium on new projects*
- **Project Cancelations**
  - *Cost/benefit approach*
- **Funding**
  - *PAYGO (Pay as you go)*
  - *General obligation bonds*
  - *Federal and State Grants*
  - *Transfers from the General Fund*
  - *M-NCPPC*
  - *Prince George's County*

Scheduled CIP Transfers from the General Fund



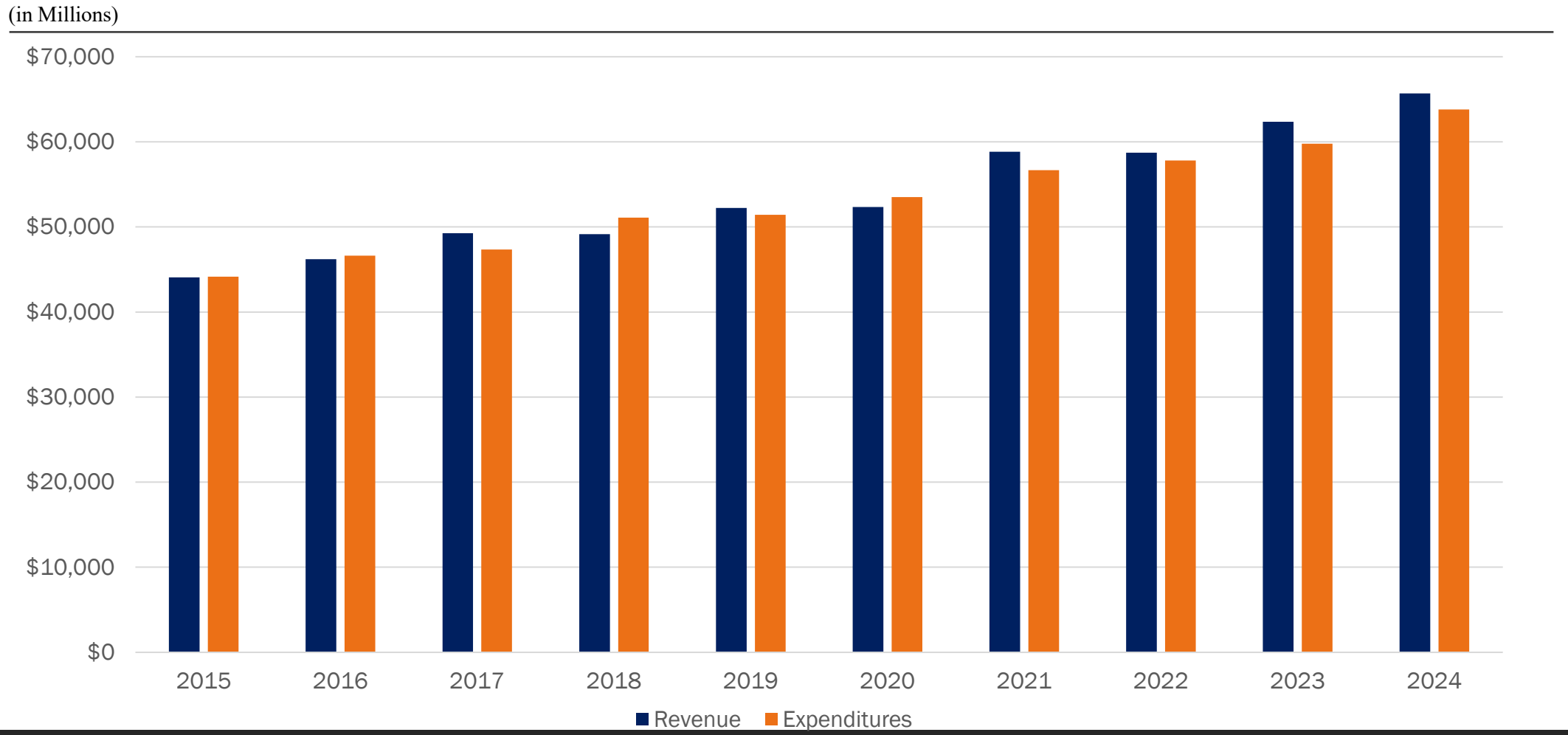
TRANSFERS FROM THE GENERAL FUND FOR CAPITAL IMPROVEMENT PROJECTS ARE NOT SUSTAINABLE.

Trends of Major Revenue Sources

(Last Ten Years)

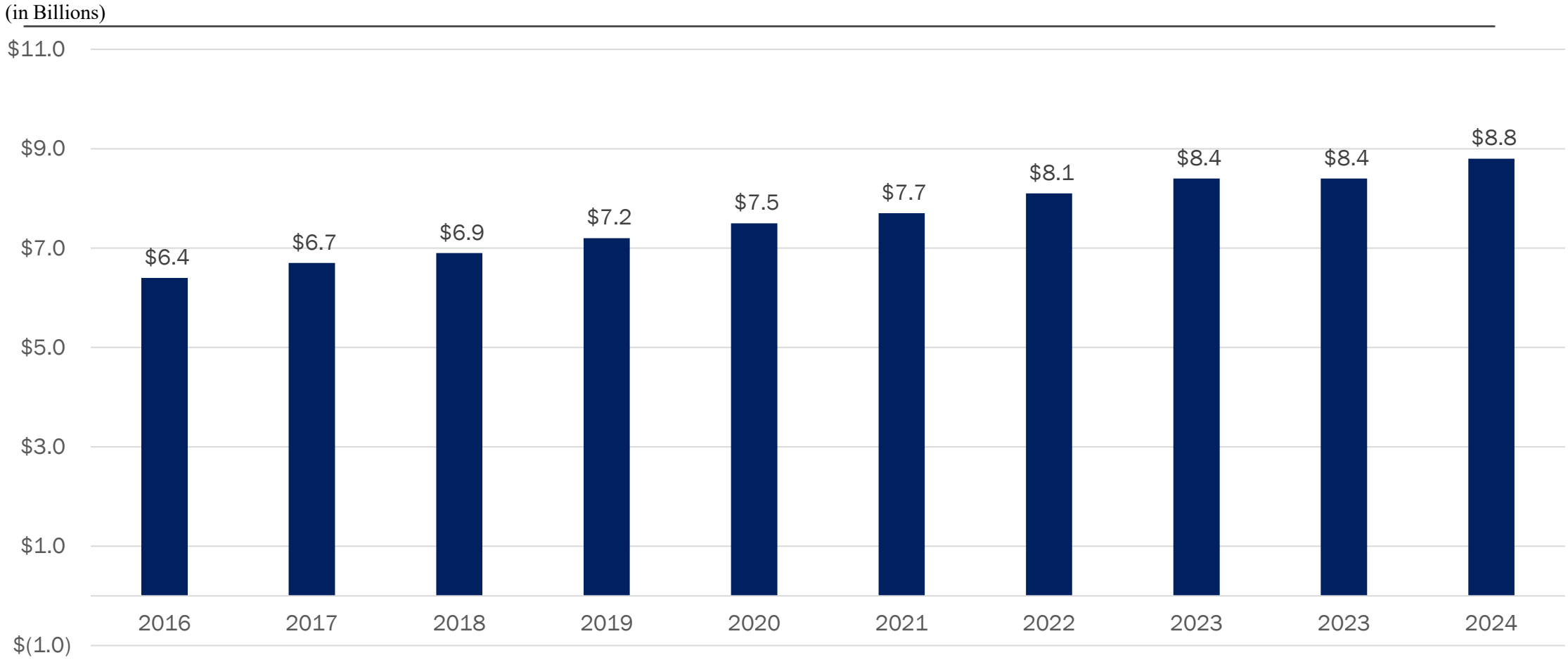
General Fund - Revenues and Expenditures

Last Ten Years

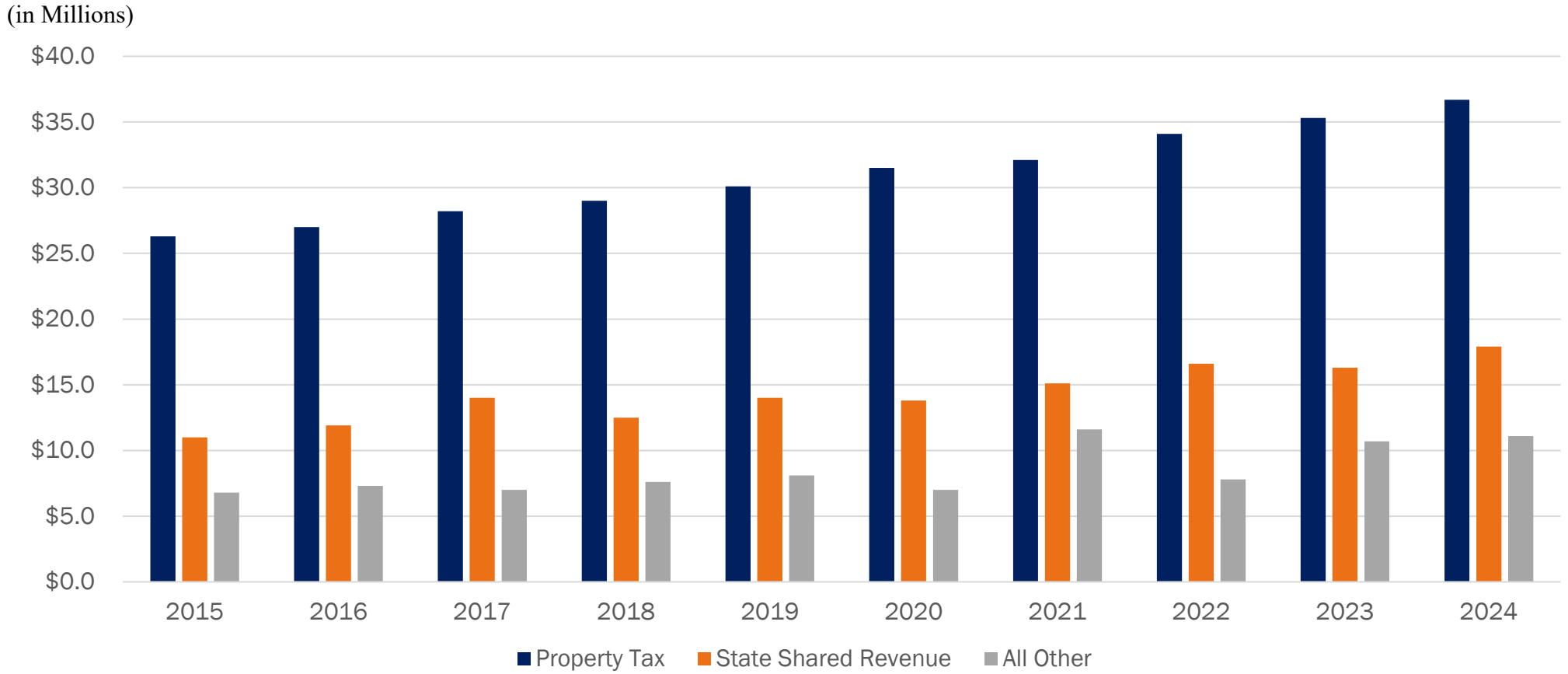


Assessed Value of Taxable Property

Last Ten Years



General Fund
Major Revenue Categories

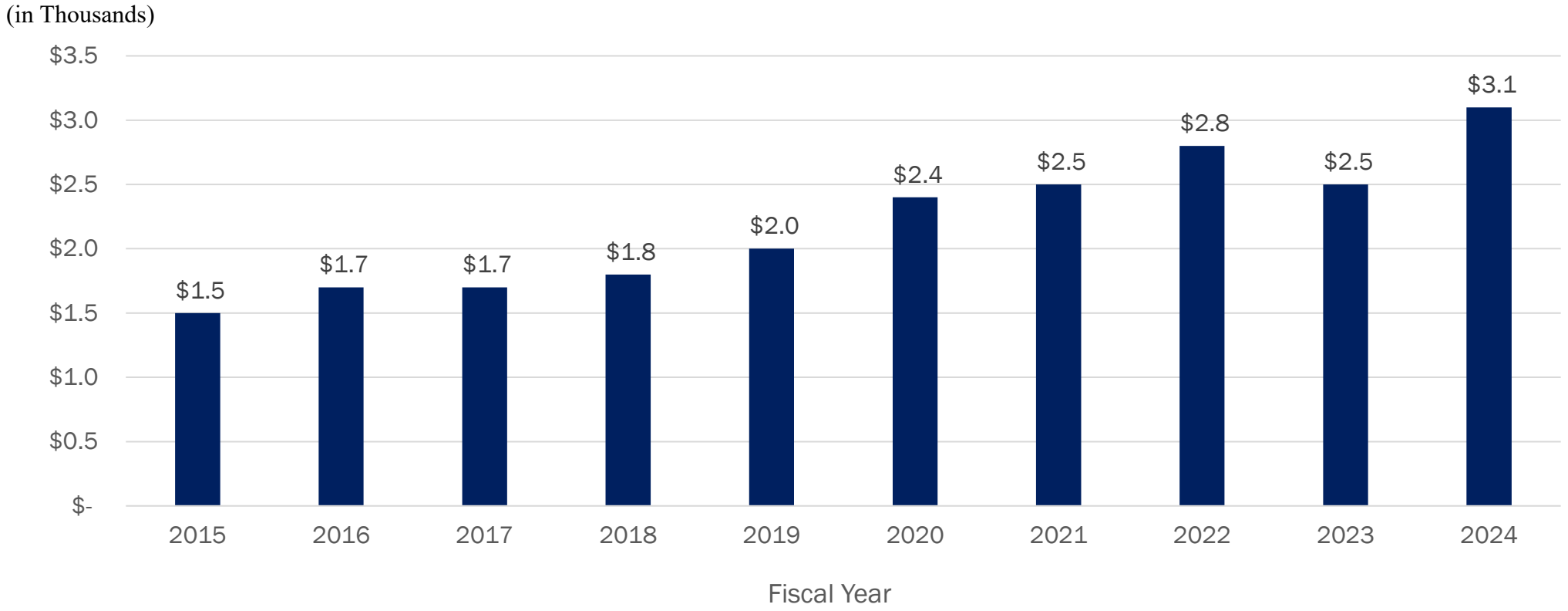


Income Taxes

Last Ten Years

Highway User Revenue

Last Ten Years



Revenue from Speed Camera Infractions

Last Ten Years

Budget Guidance

The City's financial position is strong, as demonstrated by affirmation of the City's Aaa rating from Moody's, AAA Standard and Poor's, and AAA Fitch Ratings. General Fund Balance and Unassigned Fund as a percentage of General Fund Expenditures.

- General Fund - Fund Balance
  $46,767,961 73%

- Unassigned Fund Balance
  $18,995,284 30%

Unaudited financial statement as of June 30, 2024

Percentage of current expenditures

Questions and Comments