

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2023 Legislative Session

Bill No. CB-002-2023

Chapter No. 33

Proposed and Presented by Council Members Dernoga, Ivey, Burroughs, Blegay, Oriadha, Olson

Introduced by Council Members Dernoga, Ivey, Burroughs, Blegay, Oriadha and Olson

Co-Sponsors _____

Date of Introduction January 31, 2023

ZONING BILL

1 AN ORDINANCE concerning

2 Administration—Procedures—Legislative Amendments

3 For the purpose of amending the procedures for public notice, review, consideration, and
4 approval of legislative amendments to the text of the Zoning Ordinance of Prince George’s
5 County.

6 BY repealing and reenacting with amendments:

7 Sections 27-3407 and 27-3501,

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

9 being also

10 SUBTITLE 27. ZONING.

11 The Prince George's County Code

12 (2019 Edition; 2022 Supplement).

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
14 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
15 District in Prince George's County, Maryland, that Sections 27-3407 and 27-3501 of the Zoning
16 Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's
17 County Code, be and the same are hereby repealed and reenacted with the following
18 amendments:

19 SUBTITLE 27. ZONING.

20 PART 3. ADMINISTRATION.

SECTION 27-3400. STANDARD REVIEW PROCEDURES.

Sec. 27-3407. Scheduling of Hearing and Public Notice.

(a) Public Hearing Scheduling

(1) The scheduling of public hearings for applications subject to a public hearing in accordance with Section 27-3500, Legislative Amendments, Area Master Plans, and Sectional Map Amendment Review Procedures and Decision Standards, and Section 27-3600, Application-Specific Review Procedures and Decision Standards, shall be as follows:

(A) The District Council, BOA, Planning Board, or ZHE are responsible for scheduling their respective public hearings. Each 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.

(B) The Clerk of the Council shall schedule public hearings conducted by the District Council (see Section 27-3500, Legislative Amendments, Area Master Plans, and Sectional Map Amendment Review Procedures and Decision Standards, and Section 27-3600, Application-Specific Review Procedures and Decision Standards), and

(C) Public hearings shall be scheduled so there is sufficient time for any required Technical Staff Report to be prepared and distributed in accordance with Section 27-3406(c)(1), Technical Staff Report, and for public notification in accordance with Section 27-3407(b) below.

(b) Public Notice

(1) Generally

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

* * * * *

(8) Notice of Planning Board Hearing for Legislative Amendment.

Upon preparation of a Legislative Amendment, the Planning Board shall schedule a public hearing within thirty (30) calendar days and provide public notice twenty-one (21) calendar days prior to the Planning Board hearing. The notice and copy of the proposed Legislative Amendment shall be transmitted by electronic mail to every organization registered pursuant to Subsection (b)(3) of this Section, and to any person or organization registered pursuant to Section 27-3402(d) of this Subtitle. The notice shall contain instructions on how to

1 obtain an electronic version of its Technical Staff Report on the proposed legislation.

2 **SECTION 27-3500. LEGISLATIVE AMENDMENTS, AREA MASTER PLANS, AND**
 3 **SECTIONAL MAP AMENDMENT REVIEW PROCEDURES AND DECISION**
 4 **STANDARDS.**

5 **Sec. 27-3501. Legislative Amendment.**

6 [(a) Form of Zoning Bills

7 All legislative amendments shall be introduced as bills. All zoning bills shall be identified as
 8 such in the heading of the bill. The enacting clause shall identify the District Council as the
 9 "County Council of Prince George's County, Maryland, sitting as the District Council."]

10 [(b) Rules of Procedure]

11 [(1) Where not otherwise provided by law, the Rules of Procedure for the Prince George's
 12 County Council shall be applicable when the District Council acts on Zoning Ordinance
 13 legislative amendments to the local zoning laws. Zoning Ordinance legislative amendments shall
 14 not be governed by provisions of the Rules of Procedure establishing effective dates for other
 15 bills.]

16 [(2) An amendment of a proposed legislative amendment to the local zoning laws does not have
 17 to be re-advertised, and no additional public hearing has to be held, provided the amendment
 18 falls within the action possible by the District Council under the original advertisement of the
 19 subject matter of the zoning bill.]

20 [(c) Notice of Public Hearing

21 Before the County Council of Prince George's County, sitting as the District Council for that
 22 portion of the Maryland-Washington Regional District within Prince George's County, may
 23 adopt a legislative amendment to the local zoning laws for the County, the Council shall conduct
 24 a duly advertised public hearing on the proposed law or amendment. The Council shall provide
 25 public notice of the time and place of the public hearing in at least one (1) newspaper of general
 26 circulation in the Regional District within Prince George's County, i.e., within the designated
 27 newspapers of record for the County, at least fourteen (14) calendar days prior to the scheduled
 28 public hearing on a proposed Zoning bill.]

29 [(d) Referral to Planning Board

30 Proposed legislative amendments to the local zoning laws of the County shall be transmitted to
 31 the Planning Board by the Clerk of the Council and, thereafter, respective notice of the date,

1 time, and location of the public hearing scheduled as to the proposed Zoning bill. Within five (5)
 2 days of the date of referral, the Planning Board shall submit comments and a recommendation as
 3 to the proposed zoning legislation to the Clerk of the Council. The respective standing committee
 4 of the County Council shall not schedule a public work session on the proposed legislative
 5 amendment to the local zoning laws prior to the conclusion of the five-day referral period. If the
 6 Planning Board is not in session within the prescribed referral timeframe, then the Planning
 7 Director may submit a recommendation on the proposed zoning legislation on behalf of Planning
 8 Board. The failure by the Planning Board to submit comments on a pending legislative
 9 amendment to the local zoning laws shall constitute a Planning Board recommendation of
 10 approval. Comments received on referral as to proposed zoning legislation shall be posted online
 11 for public access by the respective standing committee of the Council.]

12 [(e) Adoption

13 The adoption of a legislative amendment to the local zoning laws of Prince George's County
 14 shall be by majority of the full Council. Upon adoption, a copy of the adopted bill shall be
 15 transmitted to the Planning Board by the Clerk of the Council. The effective date of a legislative
 16 amendment to the local zoning laws may be the date of the enactment or a later date established
 17 in the legislation.]

18 [(f) Reconsideration

19 After the effective date of the bill, the District Council shall only reconsider a Zoning Ordinance
 20 amendment by introducing a new zoning bill.]

21 **(a) General**

22 This Section establishes a uniform mechanism to amend the text of this Ordinance.

23 **(b) Applicability**

24 A legislative amendment shall be initiated to change the text of this Ordinance. All
 25 legislative amendments shall be introduced as bills. All zoning bills shall be identified as such in
 26 the heading of the bill. The enacting clause shall identify the District Council as the "County
 27 Council of Prince George's County, Maryland, sitting as the District Council."

28 **(c) Legislative Amendment Procedure**

29 This Subsection identifies additions or modifications to the standard review procedures in
 30 Sec. 27-3400, Standard Review Procedures, that apply to a text amendment.

31 **(1) Initiation of a Legislative Amendment**

1 A legislative amendment shall only be initiated by:

2 (A) A member of the District Council, or

3 (B) The Chair of the Council, at the request of the Planning Board.

4 **(2) Preparation**

5 (A) Unless otherwise directed by the Council, within twenty-one (21) calendar
 6 days, the Council’s Legislative Counsel shall prepare the proposed amendment in consultation
 7 with the Planning Director, and shall provide the resultant draft legislative amendment to the
 8 clerk of the council for transmittal to the planning director.

9 (B) Within fourteen (14) calendar days of transmittal by the Clerk, the Planning
 10 Director shall issue a Technical Staff Report. The Technical Staff Report shall include, but is not
 11 limited to whether, analysis of the extent to which the proposed amendment:

12 (i) Is consistent with the goals, policies and strategies of Plan Prince
 13 George’s 2035 (or any successor General Plan), area master plans, sector plans, functional
 14 master plans, and any other applicable approved plans;

15 (ii) Addresses a demonstrated community need;

16 (iii) Is consistent with the purpose and intent of the zones in this Ordinance,
 17 or would improve compatibility among uses and ensure efficient development within the County;

18 (iv) is consistent with the implementation of the strategies and priority
 19 recommendations of the Prince George’s County Climate Action Plan;

20 (v) Is consistent with other related State and local laws and regulations; and

21 (vi) Would avoid creating significantly adverse impacts on the natural
 22 environment, including but not limited to water, air, noise, stormwater management, wildlife,
 23 vegetation, wetlands, and the natural functioning of the environment.

24 (C) In addition, the Technical Staff Report shall contain an independent,
 25 non-substantive assessment of the technical drafting conventions of the proposed legislative
 26 amendment, in order to ensure consistency with the legislative style and conventions of the
 27 current Zoning Ordinance.

28 (D) Within thirty (30) days of the date of the transmittal by the Clerk, excluding
 29 days when the Planning Board is in recess, the Planning Board shall hold a public hearing and
 30 make comments on the proposed legislative amendment. At the hearing, the Planning Board
 31 shall, following its Rules of Procedure, consider the proposed legislative amendment, the

1 Technical Staff Report, and any public comments (as appropriate), and make a recommendation,
 2 on the proposed amendment in accordance with subsection (d), Legislative Amendment Decision
 3 Standards. The proposed legislative amendment and Planning Board recommendation shall be
 4 immediately transmitted to the Clerk of the Council for inclusion on a County Council agenda.

5 **(3) Public Notice and Hearing**

6 Required (See Sec. 27-3407(b)(8), Scheduling Hearings and Public Notice.

7 **(4) Review and Decision by Decision-Making Body or Official**

8 Required (See Sec. 27-3409, Review and Decision by Decision-Making Body or
 9 Official).

10 (A)The proposed legislative amendment shall be presented as a Council Bill
 11 subject to following the Rules of Procedure for the Prince George's County Council.

12 (B) After the public hearing, the District Council may, by majority vote of the full
 13 Council, make a decision on the proposed legislative amendment. In the case of any substantive
 14 amendments to the proposed legislative amendment, such changes shall be transmitted to the
 15 Planning Board for review and comment prior to the Council’s decision whether to enact the
 16 legislative amendment.

17 (C) The Clerk of the County Council shall transmit a copy of the adopted
 18 legislative amendment to the Planning Board.

19 **(d) Legislative Amendment Decision Standards**

20 The advisability of amending the text of this Ordinance is a matter committed to the
 21 legislative discretion of the County Council sitting as the District Council and is not controlled
 22 by any one factor. Within each zone listed in the Classes of Zones (Section 27-4102), the district
 23 council may regulate the construction, alteration, and uses of buildings and structures and the
 24 uses of land, including surface, subsurface, and air rights. The provisions for each zone shall be
 25 uniform for each class or kind of development throughout the zone, and no legislative
 26 amendment may create different standards for a subset of properties within a zone, unless such
 27 standards are necessary to implement development policies within the applicable Area Master
 28 Plan, Sector Plan, development policies of the General Plan, or other approved development
 29 district; however, any differentiation of a subset of properties within a zone shall be reasonable
 30 and based upon the public policy to be served.

31 SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five

1 (45) calendar days after its adoption.

Adopted this 20th day of June, 2023.

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

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.