

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2004 Legislative Session

Bill No. CB-10-2004
Chapter No. 5
Proposed and Presented by Council Members Knotts, Dean, Peters, Harrington and Exum
Introduced by Council Members Knotts, Dean, Peters, Harrington and Exum
Co-Sponsors _____
Date of Introduction March 16, 2004

ZONING BILL

1 AN ORDINANCE concerning

2 People's Zoning Counsel

3 For the purpose of amending the appointment procedure for the People's Zoning Counsel,
4 providing for the role of Deputy People's Zoning Counsel, and amending the compensation
5 provisions.

6 BY repealing and reenacting with amendments:

7 Sections 27-137, 27-138, 27-139 and 27-139.01,

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 (1999 Edition, 2002 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 27-137, 27-138, 27-139 and 27-
16 139.01 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of
17 the Prince George's County Code, be and the same are hereby repealed and reenacted with the
18 following amendments:

SUBTITLE 27. ZONING.

PART 3. ADMINISTRATION.

DIVISION 1. GENERAL ZONING PROCEDURES.

Subdivision 4. People's Zoning Counsel.

Sec. 27-137. Appointment.

(a) The [County Executive shall (subject to confirmation by the Council)] County Council shall appoint one or more attorneys to serve as People's Zoning Counsel and Deputy People's Zoning Counsel, pursuant to Section 322 of the County Charter, for [a term] terms of four (4) years. Preference shall be given to persons who are residents of Prince George's County.

(b) An individual appointed as People's Zoning Counsel or Deputy People's Zoning Counsel may be removed from office for cause by the affirmative vote of not less than two-thirds (2/3) of the members of the full Council.

(c) [The] An individual appointed as People's Zoning Counsel or Deputy People's Zoning Counsel may not represent any client in any matter involving any land use case brought pursuant to Subtitles 24 or 27 in Prince George's County nor be a principal in a firm which does so.

(d) At the end of a term, an individual appointed as People's Zoning Counsel or Deputy People's Zoning Counsel shall continue to serve until a successor is appointed and qualified.

Sec. 27-138. Qualifications.

[The] Any person appointed shall be a member in good standing of the Maryland bar, have substantial experience in land use law and procedure, and be actively engaged in the practice or teaching of law for at least five (5) years prior to the date of appointment.

Sec. 27-139. Compensation and support.

The compensation of the People's Zoning Counsel and Deputy People's Zoning Counsel shall be contained in the annual budget of the County. Payment shall be made upon approval of the Chairman of the Council. The People's Zoning Counsel and Deputy People's Zoning Counsel shall be provided the clerical and other assistance prescribed in the budget.

Sec. 27-139.01. Powers and duties.

(a) To protect the public interest and achieve a full and fair presentation of relevant issues, the People's Zoning Counsel shall have the right to appear on behalf of the interests of the public in general, to defend any duly enacted General Plan, Master Plan, or comprehensive zoning maps as adopted by the District Council, and in any matter involving zoning reclassification or any

1 Special Exception. The People's Zoning Counsel may appear before:

2 (1) The Zoning Hearing Examiner or the District Council ([solely] for oral argument
3 hearings or evidentiary hearings) if the matter involves a zoning case;

4 (2) The Planning Board if the matter involves a Comprehensive Design Plan,
5 Development District Overlay Zone or a Transit District Overlay Zone; or

6 (3) The Board of Appeals if the matter involves a variance.

7 (b) The People's Zoning Counsel may prosecute an application before any state or federal
8 court for injunctive or other relief incidental thereto, to enjoin violation of any zoning map or
9 Master Plan or as specifically authorized by the District Council.

10 (c) To participate in any proceeding under Subsection (a), the People's Zoning Counsel
11 shall file a notice of intention to participate. After the notice is filed, the People's Zoning
12 Counsel is entitled to all notices provided to parties of record and may participate by making
13 motions, introducing evidence, examining witnesses, cross-examining witnesses, filing
14 exceptions and making arguments as the law and evidence in the case may warrant. The
15 People's Zoning Counsel shall provide a copy of the notice of intention to participate to all
16 persons who are then parties of record to the matter. In the People's Zoning Counsel's
17 discretion, the Counsel may withdraw from, or decline to participate in, any proceeding in which
18 the Counsel may participate in under Subsection (a). The People's Zoning Counsel is not liable
19 to any person for participating in, or declining to participate in, any proceeding.

20 (d) The People's Zoning Counsel shall have in each appearance all rights of counsel for a
21 party of record, including, but not limited to the right to file and prosecute an appeal to the courts
22 as an aggrieved party to promote and protect the health, safety, and welfare of the community.

23 (e) The Deputy People's Zoning Counsel shall act for the People's Zoning Counsel at the
24 direction of the People's Zoning Counsel or when the People's Zoning Counsel is unable to
25 serve.

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take on the date of its adoption.

Adopted this 27th day of April, 2004.

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: _____
Tony Knotts
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.