

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2003 Legislative Session

Bill No. _____ CB-19-2003
 Chapter No. _____ 31
 Proposed and Presented by Council Members Harrington, Dernoga, Knotts, and Peters
 Introduced by Council Members Harrington, Dernoga, Knotts, Peters, Shapiro and Dean
 Co-Sponsors _____
 Date of Introduction June 17, 2003

ZONING BILL

1 AN ORDINANCE concerning

2 People's Zoning Counsel

3 For the purpose of amending the powers and duties of the People's Zoning Counsel and
 4 amending the qualifications and term of office.

5 BY repealing, reenacting with amendments, and renumbering:

6 Sections 27-136, 27-137, 27-138 and 27-139,

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

8 being also

9 SUBTITLE 27. ZONING.

10 The Prince George's County Code

11 (1999 Edition, 2002 Supplement).

12 BY adding:

13 Sections 27-136, 27-139.02, and 27-139.03,

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

15 being also

16 SUBTITLE 27. ZONING.

17 The Prince George's County Code

18 (1999 Edition, 2002 Supplement).

19 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 20 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional

District in Prince George's County, Maryland, that Sections 27-136, 27-137, 27-138 and 27-139 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed, reenacted with the following amendments, and renumbered:

SUBTITLE 27. ZONING.

PART 3. ADMINISTRATION.

DIVISION 1. GENERAL ZONING PROCEDURES.

Subdivision 4. People's Zoning Counsel.

Sec. 27-137[6]. Appointment.

(a) The County Executive shall (subject to confirmation by the Council) appoint one or more attorneys to serve as People's Zoning Counsel, pursuant to Section 322 of the County Charter, for a term of [five (5)] four years. Preference shall be given to persons who are residents of Prince George's County.

(b) An individual appointed as 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 individual appointed as People's Zoning Counsel may not represent any client in any matter involving land use in Prince George's County.

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

Sec. 27-138[7]. Qualifications.

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

Sec. 27-139[8]. Compensation and support.

The compensation of the People's Zoning Counsel shall be contained in the annual budget of the County. The People's Zoning Counsel shall be provided the clerical and other assistance prescribed in the budget.

Sec. 27-[139]139.01. Powers and duties.

[(a) **Zoning cases.**

1 (1) It shall be the duty of the People's Zoning Counsel to appear at all hearings on
 2 zoning cases (before the Council and Zoning Hearing Examiner) for the purpose of protecting
 3 the public interest and insuring the compilation of a complete record.

4 (2) The People's Zoning Counsel may summon, examine, and cross-examine
 5 witnesses, introduce documentary evidence into the record, file exceptions, and make argument
 6 to the Hearing Examiner or the Council as the law and the evidence in the case may warrant.

7 **(b) Comprehensive Design Plans.**

8 (1) The People's Zoning Counsel shall participate in the review of all Comprehensive
 9 Design Plans filed with the Planning Board and its staff, for the purpose of protecting the public
 10 interest and insuring the compilation of a complete record on needed public facilities.

11 (2) The People's Zoning Counsel may summon, examine, and cross-examine
 12 witnesses before the Planning Board during its consideration of a Comprehensive Design Plan,
 13 and may introduce documentary evidence into the record.

14 (3) Within fourteen (14) days after the Planning Board files its decision on a
 15 Comprehensive Design Plan with the Clerk of the Council, the People's Zoning Counsel shall file
 16 with the Clerk an opinion as to the public facilities needs and the extent to which the
 17 Comprehensive Design Plan conforms with the approved Basic Plan.]

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

23 (1) The Zoning Hearing Examiner or the District Council (solely for oral
 24 argument) if the matter involves a zoning case;

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

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

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

31 (c) To participate in any proceeding under subsection (a), the People's Zoning Counsel

1 shall file a notice of intention to participate. After the notice is filed, the People's Zoning
 2 Counsel is entitled to all notices provided to parties of record and may participate by making
 3 motions, introducing evidence, examining witnesses, cross-examining witnesses, filing
 4 exceptions and making arguments as the law and evidence in the case may warrant. The
 5 People's Zoning Counsel shall provide a copy of the notice of intention to participate to all
 6 persons who are then parties of record to the matter. In the People's Zoning Counsel's
 7 discretion, the Counsel may withdraw from, or decline to participate in, any proceeding in which
 8 the Counsel may participate in under subsection (a). The People's Zoning Counsel is not liable
 9 to any person for participating in, or declining to participate in, any proceeding.

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

13 SECTION 2. BE IT FURTHER ENACTED by the County Council of Prince George's
 14 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
 15 Regional District in Prince George's County, Maryland, that Sections 27-136, 27-139.02, and
 16 27-139.03 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27
 17 of the Prince George's County Code, be and the same is hereby added:

18 **SUBTITLE 27. ZONING.**

19 **PART 3. ADMINISTRATION.**

20 **DIVISION 1. GENERAL ZONING PROCEDURES.**

21 **Subdivision 4. People's Zoning Counsel.**

22 **Sec. 27-136. Purpose.**

23 Informed public actions on land use matters require a full exploration of often complex
 24 factual and legal issues. An independent People's Counsel can protect the public interest and
 25 promote a full and fair presentation of relevant issues in administrative proceedings in order to
 26 achieve balanced records upon which sound land use decisions can be made. In addition, a
 27 People's Counsel who provides technical assistance to citizens and citizen organizations will
 28 encourage effective participation in, and increase public understanding of and confidence in, the
 29 County land use process.

30 **Sec. 27-139.02. Education of the Public.**

31 (a) Without becoming a party to any judicial or administrative proceeding, and subject to

1 available time and resources, the People's Zoning Counsel may provide technical assistance to
 2 any person about a proceeding described in Section 27-139(a). When providing technical
 3 assistance, the People's Zoning Counsel must inform the recipient that the People's Counsel is
 4 not acting and cannot act as a personal attorney for the recipient.

5 (b) The People's Zoning Counsel shall be available to any civic association, homeowners
 6 association or other similar group to speak about land use law and procedures in Prince George's
 7 County.

8 **Sec. 27-139.03. Annual Report.**

9 The People's Zoning Counsel must annually report to the District Council on the activities
 10 of the Office.

11 SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect on
 12 August 29, 2003

Adopted this 29th day of July, 2003.

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: _____
 Peter A. Shapiro
 Chair

ATTEST:

 Redis C. Floyd
 Clerk of the Council

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

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