

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

Bill No. CB-054-2023

Chapter No. 48

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

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

Co-Sponsors _____

Date of Introduction July 5, 2023

ZONING BILL

1 AN ORDINANCE concerning

2 Administration—Standard Review Procedures—Summaries of Opposition Arguments and
3 Objections

4 For the purpose of requiring a summary of testimony in opposition and in support of proposed
5 development applications, as expressed through oral or written testimony submitted during
6 consideration of certain development applications pursuant to the Zoning Ordinance.

7 BY repealing and reenacting with amendments:

8 Sections 27-3406, 27-3408, and 27-3409,
9 The Zoning Ordinance of Prince George's County, Maryland,
10 being also

11 SUBTITLE 27. ZONING.

12 The Prince George's County Code
13 (2019 Edition; 2022 Supplement).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
15 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
16 District in Prince George's County, Maryland, that Sections 27-3406, 27-3408, and 27-3409 of
17 the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince
18 George's County Code, be and the same are hereby repealed and reenacted with the following
19 amendments:

SUBTITLE 27. ZONING.

PART 27-3. ADMINISTRATION.

SECTION 27-3400. STANDARD REVIEW PROCEDURES.

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27-3406. Staff Review and Action

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(c) Application Subject to Staff Recommendation

(1) Technical Staff Report

Except for variances decided by the BOA (Section 27-3613, Variance) and appeals to the BOA (Section 27-3616, Appeal to Board of Appeals), if an application is subject to a decision by the District Council, Planning Board, or ZHE in accordance with Section 27-3200, Summary Table of Development Review Responsibilities, the Planning Director shall, following completion of staff and agency review, prepare a Technical 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; [and]

(D) Recommends action on the application, including any recommended conditions of approval. Where staff may recommend a zone different than that requested, an analysis of the alternative zone recommended shall be included [.] ; and

(E) For development applications subject to evidentiary hearings in Sections 27-3412 and 27-3413 of this Code, 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

1 approvals required in the development process.

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3 **27-3408. Review and Recommendation by Advisory Board or Official**

4 If a development application is subject to a recommendation by an advisory board or
5 official (either the Planning Board or ZHE, in accordance with Section 27-3500, Legislative
6 Amendments, Area Master Plans, and Sectional Map Amendment Review Procedures and
7 Decision Standards and Section 27-3600, Application-Specific Review Procedures and Decision
8 Standards, unless stated to the contrary in those Sections), the advisory board or official shall
9 review and act on the application in accordance with the requirements in this Section.

10 **(a) General**

11 **(1)** The advisory board or official shall hold any required public hearing on the
12 application, as appropriate. At the hearing, the advisory board or official shall consider the
13 application, relevant support materials, the Technical Staff Report, and any public comments,
14 and then recommend one of the decisions authorized for the particular type of application, based
15 on the decision standards applicable for the application type, as set forth in Section 27-3500,
16 Legislative Amendments, Area Master Plans, and Sectional Map Amendment Review
17 Procedures and Decision Standards, and Section 27-3600, Application-Specific Review
18 Procedures and Decision Standards.

19 **(2)** When recommending a decision for a development application subject to an
20 evidentiary hearing in Sections 27-3412 or 27-3413 of this code, the advisory board or official
21 shall include a summary of the oral and written testimony submitted by those in opposition and
22 by those in support that is relevant to the review standards applicable for the application type.
23 Such summary shall respond to the objections and arguments made by those in opposition and by
24 those in support, and shall be made a part of the record. The summary should also comment on
25 objections and arguments made by the opposition and by those in support that, while not relevant
26 to the review standards applicable to the application type, would be pertinent to other approvals
27 required in the development process.

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29 **27-3409. Review and Decision by Decision-Making Body or Official**

30 If a development application is subject to a final decision by the District Council, the
31 Planning Board, the BOA, or the ZHE (see Section 27-3200, Summary Table of Development

1 Review Responsibilities), the decision-making body or official, unless stated otherwise in
2 Section 27-3500, Legislative Amendments, Area Master Plans, and Sectional Map Amendment
3 Review Procedures and Decision Standards, and Section 27-3600, Application-Specific Review
4 Procedures and Decision Standards, shall review and make a final decision on the application in
5 accordance with the requirements in this Section.

6 (a) **General**

7 (1) The decision-making body or official shall hold any required public hearing on the
8 application. At the hearing, the decision-making body or official shall consider the application,
9 relevant support materials, the Technical Staff Report, any recommendations by advisory boards
10 or officials, and any public comments. The body or official shall then make one of the decisions
11 authorized for the particular type of application, based on the review standards applicable for the
12 application type, as set forth in Section 27-3500, Legislative Amendments, Area Master Plans,
13 and Sectional Map Amendment Review Procedures and Decision Standards, and Section 27-
14 3600, Application-Specific Review Procedures and Decision Standards Studies of any agency (or
15 its staff) in the nature of land development plans, which have not been subjected to the
16 requirements of the adoption and approval of an Area Master Plan or Sector Plan, shall not be
17 used as the basis for approval or disapproval of zoning cases. However, the Planning Board may
18 consider the recommendations of the applicable adopted Area Master Plan or Sector Plan prior to
19 its approval by the District Council, when making a recommendation on a Planned Development
20 (PD) Zoning Map amendment application. The Zoning Hearing Examiner, Planning Board, or
21 District Council shall not be precluded from considering any factual or empirical evidence
22 contained in any staff studies.

23 (2) When making a final decision on a development application subject to evidentiary
24 hearing procedures in Sections 27-3412 or 27-3413, the decision-making body or official shall
25 include a summary of the oral and written testimony submitted by those in opposition and by
26 those in support that is relevant to the review standards applicable for the application type. Such
27 summary shall respond to the objections and arguments made by the opposition.

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

Adopted this 6th day of September, 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.