

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

IN THE MATTER OF KATHY BARTOLOMEO,
ET AL.

FOR JUDICIAL REVIEW OF THE
DECISION OF THE COUNTY COUNCIL OF
PRINCE GEORGE'S COUNTY, SITTING AS
THE DISTRICT COUNCIL

IN THE CASE OF COUNCIL BILL 15-2024 (CB-15-2024 – Draft 4) — An Ordinance Concerning the Zoning Ordinance of Prince George's County for the purpose of reconciling certain terms, procedures, and other language of the new Zoning Ordinance, being Chapter 27, 2019 Laws of Prince George's County; revising certain procedures and regulations; and adding clarification language to further effectuate successful implementation of the County's new, modern, streamlined Zoning Ordinance.

C-16-CV-24-003613**Hon. Stenise L. Rolle****PROPOSED ORDER/DECREE**

THIS MATTER COMES before the Court on a petition for judicial review, which asserted that the Prince George's County Council, sitting as the District Council ("District Council"), erred in passing Council Bill (CB)-15-2024, a local law amending the text and accompanying map of the text of the Zoning Ordinance for the County, because 1) the District Council violated the procedures for legislative zoning amendments set forth in the County's Zoning Ordinance when it enacted CB-15-2024, 2) the District Council's enactment of CB-15-2024 violated the one-subject and title clauses of Article III, Section 29 of the Maryland Constitution, and 3) the District Council violated Section 27-3501 of the County's Zoning Ordinance and Article III,

Section 33 of the Maryland Constitution when it approved Amendment 5 to CB-15-2024. In response, the District Council filed an Answer and a Motion to Dismiss, and a Supplemental Memorandum on standing, alleging that Petitioners lack property owner and taxpayer standing to maintain this action, or in the alternative, that Council did not exceed its legal boundaries when it enacted CB-15-2024. Petitioners filed an opposition to the District Council's Motion to Dismiss, and written replies to the District Council's Answer and Supplemental Memorandum on standing.

On February 28, 2025, and March 21, 2025, this Court heard oral arguments from the parties. Upon the conclusion of oral argument, this Court issued its ruling from the bench.

Accordingly, for the reasons stated on the record, it is this _____ day of June 2025, by the Circuit Court of Prince George's County, Maryland, hereby

ORDERED, that the District Council's Motion to Dismiss the petition on standing is DENIED because the appropriate doctrine for standing in this action is taxpayer standing, and in the alternative, even if taxpayer standing was not the appropriate doctrine for standing, Petitioners sufficiently allege property owner standing to maintain this action, and it is further

ORDERED, that the District Council's Amendment 5 to CB-15-2024, is REVERSED because it violates Section 27-3501(d) of the Zoning Ordinance which, among other things, prohibits a legislative amendment to create different standards for a subset of properties within a zone, and it is further

ORDERED, that the District Council's Amendment 15 to CB-15-2024 is REMANDED because it was a substantive amendment which required referral to the Planning Board, notice and a public hearing in accordance with Section 27-3501(c)(4) of the Zoning Ordinance, and it is further

ORDERED, that the District Council on remand shall only conduct a public hearing on Amendment 15 to CB-15-2024, and it is further

ORDERED, that CB-15-2024 is AFFIRMED on all remaining issues.

 06/27/2025 3:15:41 PM
Stenise Rolle

Hon. Stenise L. Rolle
Judge, Circuit Court for Prince George's
County, Maryland

Entered: Clerk, Circuit Court for
Prince George's County, MD
June 30, 2025