

ADMINISTRATIVE PRACTICE  
for the  
PRINCE GEORGE'S COUNTY  
PLANNING DEPARTMENT

Approved by the Prince George's County Planning Board  
PGCPB Resolution No. 08-71

Effective: January 1, 1981  
Amended: September 22, 1983  
July 3, 1986  
August 5, 1993  
October 7, 1993  
February 10, 2005  
May 15, 2008

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SECTION 1 – Purpose

The purpose of this practice is to provide guidelines and instructions for planning staff administration of the Prince George's County Planning Board Rules of Procedure, pursuant to the Maryland Administrative Procedure Act, State Government Article, Sections, 10-201 through 10-216 of the Annotated Code of Maryland. This practice applies to all development review applications filed pursuant to the Zoning Ordinance or Subdivision Regulations which require public hearings and final decisions made by the Planning Board, and which may be appealed to a court of law, or to the District Council solely on the basis of the record made before the Planning Board. It also applies to all other cases heard by the Planning Board for the purpose of making formal recommendations for consideration by the Zoning Hearing Examiner or District Council.

SECTION 2 – Applications Processing

Applications shall be accepted, evaluated and scheduled for Planning Board hearings in accordance with the procedures described in the *Process Guidelines for Development Review Applications*. These guidelines, which may be amended from time to time as approved by the Planning Board, are authorized by Prince George's County Planning Board Resolution No. 08-71.

SECTION 3 – Notice

The applicant is responsible for posting and maintaining the required public hearing sign(s) on the subject property at least 30 continuous days prior to the Planning Board's hearing, in the accordance with the general location and legibility requirements specified in Section 27-125.03 of the Zoning Ordinance. Hearing signs shall be prepared by staff and released to applicants for posting no less than 31 days prior to the hearing. The signs shall be removed by the applicant within 15 days after the hearing.

SECTION 4 - Preliminary Action

a. Official File

Staff shall maintain a file of all document, maps, exhibits and other material submitted or prepared for consideration of the application. This file shall be open for public inspection at reasonable time during regular office hours, except when needed by staff to prepare reports and recommendations for Board consideration.

Upon request, copies of materials within the file will be made by staff at cost. The existing climate of responsiveness to public information requests shall be maintained, but a reasonable time period to produce such copies (up to one or two days in unusual circumstances) may be established by staff, as necessary.

b. Hearing Information

At the start of hearing, and before the public discussion begins, staff shall present a brief introduction to the case, including an explanation of the purpose of the hearing, a simplified description of the major material submitted to the file in advance of the hearing, and any other pertinent information. Following this introduction, staff shall present its findings and recommendation in accordance with the order of presentation outline in the Planning Board Rules of Procedure (Section 11).

c. Report Format

In most cases, staff reports shall include a recommendation for approval, or denial, or approval with conditions and/or amendments. To the maximum extent possible, staff recommendations shall be supported by expressed reasons which can be related to the appropriate provisions of the relevance ordinance. Each staff report may include a draft Planning Board resolution the accords with the staff recommendation.

SECTION 5 - Testimony by the Staff

When called upon to testify by the presiding officer, staff shall state name and position within the Prince George's County Planning Department.

SECTION 6 - Cross Examination

Planning staff should be prepared to answer questions of other witnesses if so requested by the presiding officer, and should do so, albeit with discretion. Whenever testimony is presented that seems misleading, inaccurate or inadequate to establish a property and balanced factual record, the staff may request permission of the presiding officer to offer clarifying testimony.

SECTION 7 - Recess to another time and place

Planning staff shall announce or post such recess action as the Board directs.

SECTION 8 - Evidence

No staff action needed.

SECTION 9 - Closing the Record

Planning staff shall continue to arrange for a full transcript to be taken of the hearing for Comprehensive Design Plans. The Planning Board technical writer/editors shall take minutes, backed up by tapes which shall be kept at least as long as the 30-day appeal period after Board action for all other matter listed in SECTION 1.

After Planning Board action on the case, staff shall maintain the file on record for at least the appropriate time period as outlined in Administrative Practices pertaining to Records Administration.

#### SECTION 10 - Ex Parte Communication

Once an application is filed, Planning Board staff shall refrain from initiating discussion with Board members on the substance of the case, but may bring to the Board's attention such scheduling or other administrative aspects as seem necessary and appropriate.

In some cases, the Planning Board may seek to achieve a final decision somewhere between the position recommended by the staff and that of the applicant or other parties. In these situations, the Board may remand the issue to the staff with general instructions to hold further meeting among affected parties, and to return with a consensus position or an additional report. In these situations, staff shall ask for any necessary clarifying instructions during the hearing and refrain from seeking additional guidance on other occasions until hearing is resumed.

#### SECTION 11 - Reconsideration

Staff shall exercise judgment and initiative where appropriate in connection with placing items for reconsideration on the Planning Board Agenda.

#### SECTION 12 - Order of Presentations

Staff shall ensure that other public agencies are properly notified of hearing dates and that special invitations to testify are issued in a timely manner.

If the Planning Board permits staff to rebut any statement made by parties, staff should focus its effort on relating the given testimony to the original staff recommendation. If any of the testimony is significantly new in evidence or persuasive argument, staff should so state and indicate to what extent it would prefer to see its original recommendation amended to take this into account. On the other hand, if staff is unconvinced that any of the testimony warrants a change in the original recommendation, it should also so state, and give reasons, to the maximum extent possible within the time limitations, why the original recommendation remains valid.

#### SECTION 13 - Rules, Changes, and Supplements

If at any time staff becomes aware of significant problems created by this practice, or the Planning Board Rules of Procedure, or of significant opportunities for improvement, it should communicate directly with the Division Chief and/or the Planning Director. If changes are warranted they should be brought to the attention of the Planning Board for approval.