

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 901

(Senator Miller)

Education, Health, and Environmental Affairs

Environmental Matters

**Maryland-National Capital Park and Planning Commission - Prince George's
County - Site Plan Approval Authority**

This bill expands the authority of the Prince George's County Council, sitting as the District Council, to review final decisions of the Planning Board on detailed site plan approvals for development projects, subject to a specified timeframe.

The bill takes effect June 1, 2011.

Fiscal Summary

State Effect: None.

Local Effect: Altering site plan approval authority in Prince George's County will not materially affect the county government or the Maryland-National Capital Park and Planning Commission (M-NCPPC).

Small Business Effect: None.

Analysis

Bill Summary: The bill authorizes the Prince George's County Council, sitting as the District Council, to review a final decision of the Prince George's County Planning Board to approve or disapprove a detailed site plan, subject to the following timeframe: (1) within 30 days after the Planning Board's final decision, the District Council must decide whether to review the final decision; (2) within 70 days after deciding to review a final decision, the District Council must hold a review hearing, unless this time period is extended for up to 45 additional days at the decision of the District Council or on request

of the applicant; and (3) within 60 days after the review hearing, the District Council must issue a final decision.

In addition, a party of record may appeal to the District Council a final decision of the Planning Board on a detailed site plan. The District Council may revoke a delegation of site plan approval authority to the Planning Board for the purpose of delegating site plan approval authority to a municipality in the Maryland-Washington Regional District.

Current Law/Background:

Maryland-National Capital Park and Planning Commission

M-NCPPC was established in 1927 and has jurisdiction over parks and land use planning in most of Montgomery and Prince George's counties. The commission is governed by Article 28 of the Annotated Code of Maryland. The commission prepares and administers a general plan for the physical development of the Maryland-Washington Regional District, an area that encompasses almost all of Montgomery and Prince George's counties. In addition, the commission is charged with acquiring and maintaining a system of parks within the metropolitan district in the two counties. The commission also operates a recreation system for Prince George's County. The commission is funded primarily through various property taxes authorized under Article 28 of the Annotated Code of Maryland and imposed by Montgomery and Prince George's counties. In addition, enterprise fund operations are supported by various service fees and charges.

M-NCPPC has 10 members with 5 members each from Montgomery and Prince George's counties, each with four-year terms.

Planning and Zoning in Prince George's County

Planning and zoning functions in Prince George's County are administered by multiple entities, including the Prince George's County Planning Board (made up of the 5 Prince George's County members of the 10-member M-NCPPC) and its Planning Department staff; the District Council (the County Council, when acting on planning and zoning matters); the Office of the Zoning Hearing Examiner; and the Board of Zoning Appeals.

The Planning Board, Planning Department, District Council, and Zoning Hearing Examiner all have a role in the approval of zoning map amendments applicable to single parcels of land. The Zoning Hearing Examiner, however, holds the official county zoning hearings (the record for which includes the Planning Department's technical staff report and the Planning Board's recommendation) and makes a decision on the

application that is forwarded to the District Council, which takes the final action on the application. The District Council's action may be appealed to the circuit court. The county government can also initiate broader rezoning of geographic areas through "sectional map amendments." Applications for special exceptions (for the use of a property) are processed in a similar manner as zoning map amendments for single parcels of land, though the Zoning Hearing Examiner makes the final decision, which may be appealed to the District Council. Variances (allowing for relief from strict application of certain zoning requirements) are authorized by the Board of Zoning Appeals and the Planning Board and District Council may also grant variances associated with development applications they take final action on.

Some developments can be subject to an in-depth review process called "site plan review" as a result of a requirement in the county's zoning ordinance, or as a condition of a preliminary plan (initial step in the subdivision process), special exception, or zoning map amendment approval. The Planning Board holds public hearings on site plan reviews and may approve, approve with conditions, or deny the site plan. The board's decision can be appealed to the District Council, or the District Council may, on its own motion, choose to review the decision.

Additional Information

Prior Introductions: None.

Cross File: HB 614 (Montgomery County Delegation and Prince George's County Delegation) - Environmental Matters.

Information Source(s): Prince George's County, Maryland-National Capital Park and Planning Commission, Department of Legislative Services

Fiscal Note History: First Reader - March 1, 2011
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