

Chapter 674

(House Bill 1257)

AN ACT concerning

Land Use – Clarifications and Corrections

FOR the purpose of clarifying certain provisions of law relating to zoning, planning, subdivision, and other land use laws of the State; altering the contents of a certain annual report to refer to approved rather than adopted plans; requiring certain counties on the tidal waters of the State to designate certain areas for certain purposes; clarifying that code counties as well as charter counties shall adopt certain visions and may adopt certain regulations; clarifying a certain requirement of consistency with the plan for certain zoning laws and other local laws; altering a certain deadline concerning inclusion of certain plan elements and the consequences of failing to include them in the plan; prohibiting ~~a member of a legislative body from serving as a member of a certain planning commission~~ an ex officio member of a planning commission from voting on certain questions; clarifying the method of appointment process for a vacancy on a planning commission; requiring certain local jurisdictions to appoint one or more alternate members of a planning commission or a board of appeals; altering the grounds and procedures for removing a member of a planning commission or certain boards of appeals; requiring a planning commission to provide a copy of certain documents to certain regional units; authorizing a county and a municipal corporation to employ an appropriate mediation and conflict resolution service for certain purposes; authorizing the inclusion of and notice for certain conditions and limitations in a certain annexation agreement; altering certain purposes for certain zoning regulations and subdivision regulations; altering a certain prohibition on the negotiation for sale of certain lots in certain unapproved subdivisions; requiring a certain report on certain restrictions to include certain information concerning certain waivers; clarifying the relationship between the purposes of a program for the transfer of development rights with certain other development management programs and techniques; clarifying the authority of a public principal in negotiating certain agreements in connection with a development rights and responsibilities agreement; providing for the removal of a member of a historic district commission or historic preservation commission in a certain manner; requiring a certain annual financial report of the Maryland–National Capital Park and Planning Commission to be audited rather than certified in a certain manner; altering the scope of a certain exemption concerning certain property owned for certain purposes by a member of the Commission; altering the standard for issuance of a certain subpoena by the Commission's merit system board; authorizing the Commission to name, rename, number, and renumber certain roads and properties in the Maryland–Washington Regional District;

authorizing the Commission to issue or renew certain tax anticipation notes at a certain interest rate; specifying that certain procedures concerning certain amendments are applicable to both individual map amendments and sectional map amendments in the regional district; clarifying the start of a certain review period for a preliminary subdivision plan in Prince George's County; clarifying the procedure to be followed in connection with a petition for judicial review of an action of a county planning board in the regional district; correcting obsolete nomenclature; making conforming changes; altering a certain definition; and generally relating to land use.

BY repealing and reenacting, with amendments,

Article – Land Use

Section 1–207(c)(2), 1–415, 1–417, 1–418, 2–102, 3–203(c), 3–206(b)(3), 3–303, 3–304, 4–103, 4–202, 4–302, 5–102(c)(5), 5–301(a), 7–104(b), 7–201, 7–302, 8–202(d), 10–302(2)(vi), 10–403, 14–101(m), 15–115, 15–120(b)(2), 16–108(a), 17–212(a), 18–112, 18–208(b), 22–402(a)(1), 22–407(a)(1), 23–104(c)(1)(vii), 23–205(b)(1), and 23–401

Annotated Code of Maryland
(2012 Volume)

BY adding to

Article – Land Use

Section 1–412 and 8–202(d)

Annotated Code of Maryland
(2012 Volume)

BY repealing and reenacting, without amendments,

Article – Land Use

Section 23–205(a)

Annotated Code of Maryland
(2012 Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Land Use

1–207.

(c) The annual report shall:

(2) state whether the changes under item (1) of this subsection are consistent with:

(i) each other;

- (ii) the recommendations of the last annual report;
- (iii) the [adopted] **APPROVED** plans of the local jurisdiction;
- (iv) the [adopted] **APPROVED** plans of all adjoining local jurisdictions; and
- (v) the [adopted] **APPROVED** plans of State and local jurisdictions that have responsibility for financing or constructing public improvements necessary to implement the local jurisdiction's plan;

1-412.

(A) THIS SECTION APPLIES ONLY TO A CHARTER COUNTY OR A CODE COUNTY THAT WAS REQUIRED BEFORE ADOPTING HOME RULE TO DESIGNATE IN THE COMPREHENSIVE PLAN AREAS ON OR NEAR THE TIDAL WATERS OF THE STATE UNDER § 3-113 OF THIS ARTICLE.

~~(A)~~ **(B) THE PLANNING COMMISSION OF A CHARTER COUNTY THAT IS LOCATED ON THE TIDAL WATERS OF THE STATE SHALL DESIGNATE IN THE COMPREHENSIVE PLAN AREAS ON OR NEAR THE TIDAL WATERS FOR:**

(1) LOADING, UNLOADING, AND PROCESSING FINFISH AND SHELLFISH; AND

(2) DOCKING AND MOORING COMMERCIAL FISHING BOATS AND VESSELS.

~~(B)~~ **(C) THE AREAS DESIGNATED UNDER SUBSECTION ~~(A)~~ (B) OF THIS SECTION SHALL BE GEOGRAPHICALLY LOCATED TO:**

(1) FACILITATE THE COMMERCIAL HARVESTING OF FINFISH AND SHELLFISH; AND

(2) ENSURE REASONABLE ACCESS TO THE WATERWAYS OF THE STATE BY COMMERCIAL WATERMEN.

1-415.

(a) The planning commission of a charter county **OR CODE COUNTY** shall implement the visions set forth in § 1-201 of this title through the comprehensive plan elements required under Part II of this subtitle.

(b) The legislative body of a charter county **OR CODE COUNTY** that has adopted a comprehensive plan under Part II of this subtitle may adopt regulations implementing the visions set forth in § 1–201 of this title in the plan.

1–417.

(a) At least once every 6 years, which corresponds to the comprehensive plan revision process under § 1–416 of this subtitle, a charter county shall ensure the implementation of the visions, the development regulations element, and the sensitive areas element of the plan.

(b) A charter county shall ensure that the implementation of the requirements of subsection (a) of this section are achieved through the adoption of **THE FOLLOWING** applicable **IMPLEMENTATION MECHANISMS THAT ARE CONSISTENT WITH THE COMPREHENSIVE PLAN**:

- (1) zoning laws; and
- (2) local laws governing:
 - (i) planned development;
 - (ii) subdivision; and
 - (iii) other land use provisions [that are consistent with the comprehensive plan].

1–418.

(a) Subject to subsection (b) of this section, [on or before October 1, 2009,] a charter county shall include in its comprehensive plan any plan element that is required under Part II of this subtitle **IN ACCORDANCE WITH THE REVIEW SCHEDULE FOR THE LOCAL JURISDICTION UNDER § 1–417 OF THIS SUBTITLE**.

(b) On request of a charter county and for good cause, the Department of Planning may extend the deadline under subsection (a) of this section for that charter county by no more than two 6–month extensions.

(c) A charter county that is not in compliance with this section after [October 1, 2009,] **THE DEADLINE UNDER SUBSECTION (A) OF THIS SECTION** or after the expiration of any extension granted under subsection (b) of this section, may not change the zoning classification of a property until that charter county has complied with this section.

2–102.

(a) (1) Except as otherwise provided in this division, a planning commission established under this subtitle shall consist of three, five, or seven members.

(2) ~~One member of the planning commission may be a~~ ~~A member of the legislative body~~, who serves as an ex officio member concurrent with the member's legislative term] ~~MAY NOT BE A MEMBER OF THE PLANNING COMMISSION.~~

(3) (I) AN EX OFFICIO MEMBER OF A PLANNING COMMISSION MAY NOT VOTE ON ANY QUESTION IN THE RESULT OF WHICH THE EX OFFICIO MEMBER HAS AN IMMEDIATE PERSONAL OR FINANCIAL INTEREST.

(II) WHEN AN EX OFFICIO MEMBER ABSTAINS FROM VOTING ON A QUESTION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE EX OFFICIO MEMBER SHALL DISCLOSE THE RECUSAL.

(b) (1) Except as otherwise provided in paragraph (2) of this subsection, the members of a planning commission shall be appointed by:

- (i) the legislative body; or
- (ii) the person designated as the appointing authority in the local law establishing the planning commission.

(2) If there is a single elected local executive, the members of a planning commission shall be appointed by the local executive and confirmed by the legislative body.

(c) (1) The term of a member of a planning commission ~~other than an ex officio member~~ is:

- (i) 5 years; or
- (ii) until the member's successor takes office.

(2) The terms of the members of a planning commission shall be staggered.

(d) (1) [After a public hearing, a] ~~A~~ legislative body may remove a member of a planning commission for:

- (i) [inefficiency] **INCOMPETENCE**;

(ii) [neglect of duty] **MISCONDUCT**; or

(iii) [malfeasance in office] **IN THE SAME MANNER AS FOR A MEMBER OF A STATE BOARD OR COMMISSION:**

1. FAILURE TO ATTEND MEETINGS UNDER § 8-501 OF THE STATE GOVERNMENT ARTICLE; OR

2. CONVICTION OF A CRIME IN ACCORDANCE WITH § 8-502 OF THE STATE GOVERNMENT ARTICLE.

(2) [A] **THE** legislative body [that removes a member of a planning commission shall file a written statement of the reasons for the removal] **SHALL PROVIDE TO THE MEMBER:**

(I) A WRITTEN STATEMENT OF CHARGES STATING THE GROUNDS FOR REMOVAL; AND

(II) AN OPPORTUNITY FOR A PUBLIC HEARING TO CONTEST THE CHARGES.

(e) If a vacancy occurs during the term of an appointed member, the vacancy shall be filled for the unexpired term [by the:

(1) legislative body; or

(2) person designated as the appointing authority in the ordinance establishing the commission] **IN THE SAME MANNER AS IS REQUIRED FOR APPOINTMENT UNDER SUBSECTION (B) OF THIS SECTION.**

(f) (1) [In a municipal corporation, the] **THE** legislative body may designate one **OR MORE** alternate [member] **MEMBERS** to sit on the planning commission in the absence of any member of the commission.

(2) If an alternate member is absent, the legislative body may designate a temporary alternate member to sit on the planning commission.

3-203.

(c) At least 60 days before the public hearing, the planning commission shall provide copies of the recommended plan and amendments to the plan to:

(1) adjoining jurisdictions; and

(2) State [units] **UNITS, REGIONAL UNITS,** and local jurisdictions responsible for financing or constructing public improvements necessary to implement the plan.

3–206.

(b) (3) On request of either party, the county and the municipal corporation shall employ [the Mediation and Conflict Resolution Office of the Maryland court system] **AN APPROPRIATE MEDIATION AND CONFLICT RESOLUTION SERVICE** to facilitate the meeting and conferral under this subsection.

3–303.

(a) At least once every 6 years, which corresponds to the comprehensive plan revision process under § 3–301 of this subtitle, a local jurisdiction shall ensure the implementation of the visions, the development regulations element, and the sensitive areas element of the plan.

(b) A local jurisdiction shall ensure that the implementation of the requirements of subsection (a) of this section are achieved through the adoption of **THE FOLLOWING** applicable **IMPLEMENTATION MECHANISMS THAT ARE CONSISTENT WITH THE COMPREHENSIVE PLAN:**

- (1) zoning laws;
- (2) planned development ordinances and regulations;
- (3) subdivision ordinances and regulations; and
- (4) other land use ordinances and regulations [that are consistent with the comprehensive plan].

3–304.

(a) Subject to subsection (b) of this section, [on or before October 1, 2009,] a local jurisdiction shall include in its comprehensive plan any plan element required under Subtitle 1 of this title **IN ACCORDANCE WITH THE REVIEW SCHEDULE FOR THE LOCAL JURISDICTION UNDER § 3–303 OF THIS SUBTITLE.**

(b) On request of a local jurisdiction and for good cause, the Department of Planning may extend the deadline under subsection (a) of this section for that local jurisdiction by no more than two 6–month extensions.

(c) A local jurisdiction that is not in compliance with this section after [October 1, 2009,] **THE DEADLINE UNDER SUBSECTION (A) OF THIS SECTION** or

after the expiration of any extension granted under subsection (b) of this section, may not change the zoning classification of a property until that local jurisdiction has complied with this section.

4–103.

(a) When zoning or rezoning land under this division, a legislative body may impose any additional conditions or limitations that the legislative body considers appropriate to improve or protect the general character and design of:

- (1) the land and improvements being zoned or rezoned; or
- (2) the surrounding or adjacent land and improvements.

(b) A municipal corporation may include in an annexation agreement **CONDITIONS AND** limitations on the use of land and density of development otherwise allowed in the zoning district where the land is located.

(c) When zoning or rezoning land under this division, to ensure conformity with the intent and purpose of this division and of the local jurisdiction's zoning law, a legislative body may retain the power to approve or disapprove:

- (1) the design of buildings, construction, landscaping, or other improvements; and
- (2) changes made or to be made on the land being zoned or rezoned.

(d) The powers provided in this section shall apply only if the legislative body adopts a local law that includes:

- (1) enforcement procedures; and
- (2) requirements for adequate notice of:
 - (i) public hearings; and
 - (ii) **conditions AND LIMITATIONS** sought to be imposed.

4–202.

(a) The legislative body shall adopt zoning regulations:

- (1) in accordance with the plan;
- (2) with reasonable consideration for, among other things, the character of the district or zone and its suitability for particular uses; and

(3) with a view to conserving the value of [buildings and other structures] **PROPERTY** and encouraging orderly development and the most appropriate use of land.

(b) The zoning regulations shall be designed to:

- (1) control street congestion;
- (2) promote health, public safety, and general welfare;
- (3) provide adequate light and air;
- (4) promote the conservation of natural resources;
- (5) prevent environmental pollution;

(6) [avoid an undue concentration of population] **PROPERLY MANAGE GROWTH AND DEVELOPMENT;** and

(7) promote or facilitate adequate transportation, water, sewerage, schools, recreation, parks, and other public facilities.

4-302.

(a) A board of appeals consists of at least three members.

(b) A member of a board of appeals shall be appointed by the local executive and confirmed by the legislative body.

(c) The term of office of a member of a board of appeals is 3 years.

(d) **(1)** A member of a board of appeals may be removed[:

- (1) for cause;
- (2) on written charges; and
- (3) after a public hearing] **BY THE LOCAL EXECUTIVE FOR:**

(I) INCOMPETENCE;

(II) MISCONDUCT; OR

(III) IN THE SAME MANNER AS FOR A MEMBER OF A STATE BOARD OR COMMISSION:

1. FAILURE TO ATTEND MEETINGS UNDER § 8-501 OF THE STATE GOVERNMENT ARTICLE; OR

2. CONVICTION OF A CRIME IN ACCORDANCE WITH § 8-502 OF THE STATE GOVERNMENT ARTICLE.

(2) THE LOCAL EXECUTIVE SHALL PROVIDE TO THE MEMBER:

(I) A WRITTEN STATEMENT OF CHARGES STATING THE GROUNDS FOR REMOVAL; AND

(II) AN OPPORTUNITY FOR A PUBLIC HEARING TO CONTEST THE CHARGES.

(e) The appointing authority shall appoint a new member to fill the unexpired term of any member who leaves a board of appeals.

(f) (1) A legislative body shall designate one **OR MORE** alternate [member] **MEMBERS** for the board of appeals who may sit on the board when another member of the board is absent or recused.

(2) When [the] **AN** alternate member is absent or recused, the legislative body may designate a temporary alternate.

5-102.

(c) The subdivision regulations may include provisions for the purposes of:

(5) [avoiding inappropriate population congestion] PROPERLY MANAGING GROWTH AND DEVELOPMENT;

5-301.

(a) (1) Except as otherwise provided in §§ 9-603, 9-806, 9-1004, 9-1605, 9-1606, and 9-1607 of this article, an owner or agent of an owner of land located within a subdivision may not transfer, sell, **OR** agree to [sell, or negotiate to] sell land by reference to, exhibition of, or other use of a plat of a subdivision before the plat has been:

(i) approved by the planning commission; and

(ii) recorded or filed in the office of the appropriate county clerk.

(2) A person who violates this subsection is subject to a civil penalty of not less than \$200 and not exceeding \$1,000 for each violation.

(3) Each lot or parcel transferred or sold or agreed [or negotiated] to be sold in violation of this subsection is a separate violation.

7-104.

(b) (1) If an adequate public facility law has resulted in a restriction within a priority funding area, on or before July 1 every 2 years, a local jurisdiction shall report on the restriction to the Department of Planning.

(2) The report shall include:

(i) the location of the restriction;

(ii) the type of infrastructure affected by the restriction;

(iii) the proposed resolution of the restriction, if available;

(iv) the estimated date for the resolution of the restriction, if available;

(v) if a restriction was lifted, the date the restriction was lifted; [and]

(vi) the local law or resolution that lifted the restriction;

(VII) ANY WAIVER OF THE RESTRICTION THAT WAS PROPOSED; AND

(VIII) ANY WAIVER OF THE RESTRICTION THAT WAS IMPLEMENTED.

7-201.

A legislative body that exercises authority granted by this division may establish a program for the transfer of development rights to:

(1) encourage the preservation of natural resources; and

(2) facilitate orderly growth and development in the State **IN CONJUNCTION WITH PROGRAMS FOR PRESERVATION OF OPEN SPACE AND AGRICULTURAL LAND AND OTHER DEVELOPMENT MANAGEMENT PROGRAMS AND TECHNIQUES.**

7-302.

(a) Subject to §§ 7-303 through 7-305 of this subtitle, the local governing body of a local jurisdiction may:

(1) by local law, establish procedures and requirements for the consideration and execution of agreements; and

(2) delegate all or part of the authority established under the local law to a public principal within the jurisdiction of the local governing body.

(b) The public principal may:

(1) execute agreements for real property located within the jurisdiction of the local governing body with a person having a legal or equitable interest in the real property, **INCLUDING PROPERTY THAT IS THE SUBJECT OF ANNEXATION OF LAND TO A MUNICIPAL CORPORATION**; and

(2) include a federal, State, or local government or unit as an additional party to the agreement.

8-202.

(D) (1) A MEMBER OF A COMMISSION MAY BE REMOVED BY THE APPOINTING AUTHORITY FOR:

(I) INCOMPETENCE;

(II) MISCONDUCT; OR

(III) IN THE SAME MANNER AS FOR A MEMBER OF A STATE BOARD OR COMMISSION:

1. FAILURE TO ATTEND MEETINGS UNDER § 8-501 OF THE STATE GOVERNMENT ARTICLE; OR

2. CONVICTION OF A CRIME IN ACCORDANCE WITH § 8-502 OF THE STATE GOVERNMENT ARTICLE.

(2) THE APPOINTING AUTHORITY SHALL PROVIDE TO THE MEMBER:

(I) A WRITTEN STATEMENT OF CHARGES STATING THE GROUNDS FOR REMOVAL; AND

(II) AN OPPORTUNITY FOR A PUBLIC HEARING TO CONTEST THE CHARGES.

[(d)] (E) (1) Each local jurisdiction may designate one alternate member for the commission who may sit on the commission when any other member of the commission is absent.

(2) When the alternate member is absent, the local jurisdiction may designate a temporary alternate.

10-302.

Zoning regulations adopted by the Mayor and City Council of Baltimore City under this subtitle shall:

(2) be designed to:

(vi) [avoid an undue concentration of population] **PROPERLY MANAGE GROWTH AND DEVELOPMENT**; and

10-403.

(a) With the advice and consent of the City Council, the Mayor may provide for the appointment of a Board of Municipal and Zoning Appeals.

(b) (1) The Board shall consist of five members.

(2) (i) The term of a member of the Board is 4 years.

(ii) The terms of the members of the Board shall be staggered as provided on October 1, 2012.

(3) With the advice and consent of the City Council, the Mayor shall appoint an individual to fill the unexpired term of any member.

(4) **(I)** [On written charges and after a public hearing, the] **THE** Mayor may remove any member of the Board [for cause] **FOR:**

1. INCOMPETENCE;

2. MISCONDUCT; OR

3. IN THE SAME MANNER AS FOR A MEMBER OF A STATE BOARD OR COMMISSION:

A. FAILURE TO ATTEND MEETINGS UNDER § 8-501 OF THE STATE GOVERNMENT ARTICLE; OR

B. CONVICTION OF A CRIME IN ACCORDANCE WITH § 8-502 OF THE STATE GOVERNMENT ARTICLE.

(II) THE MAYOR SHALL PROVIDE TO THE MEMBER:

1. A WRITTEN STATEMENT OF CHARGES STATING THE GROUNDS FOR REMOVAL; AND

2. AN OPPORTUNITY FOR A PUBLIC HEARING TO CONTEST THE CHARGES.

(5) (I) THE MAYOR SHALL DESIGNATE ONE OR MORE ALTERNATE MEMBERS FOR THE BOARD WHO MAY SIT ON THE BOARD WHEN ANOTHER MEMBER OF THE BOARD IS ABSENT OR RECUSED.

(II) WHEN AN ALTERNATE MEMBER IS ABSENT OR RECUSED, THE MAYOR MAY DESIGNATE A TEMPORARY ALTERNATE.

(c) (1) The Board shall adopt rules in accordance with any local law adopted under this title.

(2) Meetings of the Board shall be:

(i) held at the call of the chair and at other times determined by the Board; and

(ii) open to the public.

(3) The chair of the Board or, in the chair's absence, the acting chair may administer oaths and compel the attendance of witnesses.

(4) The Board shall keep minutes of its proceedings, including the vote of each member on each question, or the member's absence or failure to vote.

(5) (i) The Board shall keep records of the examinations and other official actions of the Board.

(ii) The records of the Board shall be:

1. filed promptly in the office of the Board; and

2. open to the public.

14–101.

(m) “Road” includes a highway, freeway, boulevard, parkway, street, avenue, lane, alley, viaduct, bridge, **TRAIL, BICYCLE PATH**, and any other way or part of a way.

15–115.

(a) (1) The Commission shall prepare an annual financial report.

(2) The annual financial report shall:

(i) include the financial statements of the Commission; and

(ii) be **[certified] AUDITED** by an independent certified public accountant.

(3) The Commission shall make the **[certified] AUDITED** annual financial report available for distribution to the public.

(b) (1) After the audit is completed, the Commission shall publish a summary financial report consisting of a combined statement of revenues and expenditures for all funds:

(i) in at least one newspaper of general circulation published in Montgomery County; and

(ii) 1. in the newspapers officially designated by the Prince George’s County government as newspapers of record; or

2. in the absence of a designation of a newspaper of record, in at least one newspaper of general circulation published in Prince George’s County.

(2) The publication of the summary financial report shall carry appropriate references to the Commission’s **[certified] AUDITED** annual financial report.

15–120.

(b) (2) This subsection does not apply to or include:

(i) an interest or investment in land geographically remote from the land involved in the decision;

(ii) the ownership of [a recorded single-family lot on which the commissioner actually resides] **REAL PROPERTY ON WHICH THE COMMISSIONER MAINTAINS A PRIMARY RESIDENCE**; or

(iii) a possibility of reverter, a mortgage, or other security interest in real property not otherwise described in this subsection.

16–108.

(a) If the board determines that the testimony of a witness is [essential] **APPROPRIATE** for the proper consideration of a case before the board, the board may issue a subpoena to the witness to appear at a proceeding the board conducts in accordance with this subtitle.

17–212.

(a) The Commission may:

(1) except as provided in subsection (c) of this section, name and rename any street or highway and number and renumber the houses in the [metropolitan] **REGIONAL** district if each new number or change of number is reported to the owner or occupant of the building for the purpose of:

(i) correcting mistakes;

(ii) removing confusion because of a duplication of street names;
and

(iii) securing a uniformity of street names and numbering of houses;

(2) place or have placed new numbers on the buildings or premises and proper signs indicating the names of streets and highways; and

(3) appropriate and expend as much of any surplus from fees for building permits issued in each county as is necessary to pay for the expenses in carrying out this section.

18–112.

The Commission shall prepare and submit a 6-year capital improvements program:

(1) before November 1 of each odd-numbered calendar year to the County Executive and County Council of Montgomery County; and

(2) before January 15 of each calendar year to the [county governing body] **COUNTY EXECUTIVE AND COUNTY COUNCIL** of Prince George's County.

18–208.

(b) The Commission may reissue or renew its tax anticipation notes at [the same or a greater] **AN** interest rate **THAT THE COMMISSION DETERMINES TO BE ADVANTAGEOUS**.

22–402.

(a) (1) Judicial review of a final action of the district council on an application for [a] **AN INDIVIDUAL MAP AMENDMENT OR A SECTIONAL** map amendment may be requested by:

(i) a person aggrieved by the action; or

(ii) a person or municipal corporation that appeared at the hearing in person, by attorney, or in writing.

22–407.

(a) (1) Judicial review of a final decision of the district council amendment, **INCLUDING AN INDIVIDUAL MAP AMENDMENT OR A SECTIONAL MAP AMENDMENT**, may be requested by:

(i) any municipal corporation, governed special taxing district, or person in the county;

(ii) any civic or homeowners association representing property owners affected by the final decision; or

(iii) if aggrieved, the applicant for the zoning map amendment.

23–104.

(c) (1) Subject to paragraph (2) of this subsection and subsection (d) of this section, the subdivision regulations may include provisions for:

(vii) the [avoidance of undue population congestion] **PROPER MANAGEMENT OF GROWTH AND DEVELOPMENT**;

23–205.

(a) This section applies only in Prince George's County.

(b) (1) The county planning board shall approve or disapprove a preliminary subdivision plan within 70 days after the **COMPLETE** plan **APPLICATION** is submitted to the county planning board.

23–401.

(a) (1) Within 30 days after the county planning board takes final action on an application for subdivision approval, judicial review may be requested by:

(i) a person aggrieved by the action; or

(ii) a person or municipal corporation that appeared at the hearing in person, by attorney, or in writing.

(2) A petition for judicial review filed under this section may be made to the circuit court for the appropriate county.

(3) The court may:

(i) affirm or reverse the action; or

(ii) remand the action to the county planning board for further consideration.

(b) **(1)** If a petition for judicial review is filed under this section, [the procedures under § 22–402(b) of this article apply to the county planning board and other parties as appropriate] **A COPY OF THE PETITION SHALL BE SERVED ON THE COUNTY PLANNING BOARD IN ACCORDANCE WITH MARYLAND RULE 7–202(D).**

(2) ON RECEIVING A COPY OF THE PETITION, THE COUNTY PLANNING BOARD SHALL:

(I) PROMPTLY GIVE NOTICE OF THE PETITION TO ALL PARTIES TO THE PROCEEDING BEFORE IT; AND

(II) WITHIN 30 DAYS AFTER THE FILING OF THE PETITION, FILE WITH THE CIRCUIT COURT:

1. THE ORIGINALS OR CERTIFIED COPIES OF ALL PAPERS AND EVIDENCE PRESENTED TO THE COUNTY PLANNING BOARD IN THE PROCEEDING BEFORE IT; AND

2. A COPY OF ITS OPINION AND RESOLUTION DECIDING THE APPLICATION.

(3) ANY PARTY TO THE PROCEEDING IN THE CIRCUIT COURT AGGRIEVED BY THE JUDGMENT OF THE COURT MAY APPEAL FROM THE JUDGMENT TO THE COURT OF SPECIAL APPEALS.

(4) THE REVIEW PROCEEDINGS PROVIDED BY THIS SECTION ARE EXCLUSIVE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2013.

Approved by the Governor, May 16, 2013.