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HB 383/95 - CGM

1996 Regular Session
I 6lr026

By: Prince George's County and Montgomery County Delegations

Introduced and read first time: February 1, 1996

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland-National Capital Park and Planning Commission - Montgomery County -**
3 **Zoning Regulations**
4 **PG/MC 8-96**

5 FOR the purpose of providing that, in Montgomery County, the District Council in its
6 zoning regulations may require that a specified minimum number of votes is
7 required for the board of appeals to adopt certain zoning resolutions relating to
8 special exceptions; authorizing the Council to enact certain voting requirements for
9 certain uses; and making stylistic changes.

10 BY repealing and reenacting, with amendments,
11 Article 28 - Maryland-National Capital Park and Planning Commission
12 Section 8-110
13 Annotated Code of Maryland
14 (1993 Replacement Volume and 1995 Supplement)

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

17 **Article 28 - Maryland-National Capital Park and Planning Commission**

18 8-110.

19 (a) (1) A district council in either county, in its zoning regulations, may provide
20 that the board of zoning appeals, the district council, or an administrative office or agency
21 designated by the district council, in appropriate cases and subject to appropriate
22 principles, standards, rules, conditions, and safeguards set forth in the regulations, may
23 either grant or deny, upon conditions as may be deemed necessary to carry out the
24 purposes of this article, special exceptions and variances to the provisions of the zoning
25 regulations in harmony with their general purposes and intent.

26 (2) (I) IN MONTGOMERY COUNTY, THE DISTRICT COUNCIL IN ITS
27 ZONING REGULATIONS MAY PROVIDE THAT THE AFFIRMATIVE VOTE OF:

28 1. AT LEAST FOUR MEMBERS OF THE BOARD OF APPEALS
29 ARE REQUIRED TO ADOPT A RESOLUTION THAT GRANTS, REVOKES, SUSPENDS,

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1 AMENDS, EXTENDS THE TIME IN WHICH TO IMPLEMENT, OR MODIFIES A SPECIAL
2 EXCEPTION; AND

3 2. A MAJORITY OF THE BOARD OF APPEALS IS REQUIRED
4 TO ADOPT A PROCEDURAL MOTION REGARDING A SPECIAL EXCEPTION
5 APPLICATION.

6 (II) IN EXERCISING ITS AUTHORITY UNDER THIS PARAGRAPH, THE
7 DISTRICT COUNCIL MAY ENACT, FOR ANY ZONE, DIFFERENT VOTING
8 REQUIREMENTS FOR DIFFERENT USES.

9 (3) In Prince George's County, the district council shall provide for the
10 appeal of decisions of the zoning hearing examiner in special exception and variance cases
11 to the district council.

12 (4) The decisions of the administrative office or agency in Montgomery
13 County shall be subject to an appeal to either the board of appeals or other administrative
14 body as may be designated by the district council. In either county, the appeal shall follow
15 that procedure which may from time to time be determined by the district council.

16 (5) The district council IN EITHER COUNTY also may authorize the board of
17 zoning appeals to interpret the zoning maps or pass upon disputed questions of lot lines
18 or district boundary lines or similar questions as they arise in the administration of the
19 regulations.

20 (b) In Montgomery County, notwithstanding any provision in Article 25A, § 5(U),
21 of the Annotated Code to the contrary, a decision by the county board of appeals on
22 applications for zoning variations or exceptions may be appealed within 30 days by any
23 person, municipality, corporation, or association, whether or not incorporated, which has
24 appeared at the hearing in person, by attorney, or in writing, to the circuit court for the
25 county, which may affirm or reverse the decision appealed from or remand it to the board
26 for further consideration for any reason, or dismiss the appeal as provided by law. Any
27 party to the proceedings in the circuit court may appeal from such decision to the Court
28 of Special Appeals. The review proceedings provided by this section are exclusive.

29 (c) (1) In Prince George's County, prior to any hearing by a zoning hearing
30 examiner and the district council concerning a request for a special exception for the
31 mining of sand or gravel, a report shall be prepared in accordance with this subsection.

32 (2) Any report required under paragraph (1) of this subsection shall:

33 (i) Be prepared by the Commission;

34 (ii) Comprehensively evaluate the request by analyzing the impact of
35 the proposed mining activities on the surrounding area, considering only the following
36 factors:

37 1. Noise;

38 2. Watershed and water quality;

39 3. Airshed and air quality;

3

1 4. Traffic and traffic safety; and

2 5. Any other environmental factors relating to the health,
3 safety, and welfare of the residents in the affected area; and

4 (iii) Be paid for by the applicant through a fee for the services
5 performed by the Commission, not to exceed \$8,000, in addition to the initial filing fee.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 June 1, 1996.