
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 **Prince George's County - Municipal Corporations - Planning Authority**

3 **PG/MC 17-96**

4 FOR the purpose of authorizing the governing bodies of certain municipal corporations
5 in the Maryland-Washington Regional District in Prince George's County to elect
6 to regulate certain aspects of planning within the boundaries of themunicipal
7 corporations; requiring certain municipal corporations to submit a certain
8 resolution to the Maryland-National Capital Park and Planning Commission and to
9 the Prince George's County district council in order to make a certain election;
10 prohibiting the Commission, the Prince George's Planning Board, and the Prince
11 George's County district council from regulating certain aspects of planning in
12 certain circumstances; exempting certain municipal corporations fromcertain
13 zoning law provisions; providing that the Commission, the Prince George's County
14 Planning Board, and the Prince George's County district council shall retain
15 authority over certain planning matters in certain circumstances; authorizing certain
16 municipal corporations to adopt, amend, and modify certain plans, maps,
17 ordinances, regulations, guidelines, and standards in certain circumstances;
18 requiring certain municipal corporations to prepare local master plans in certain
19 circumstances; providing for a delayed effective date; and generallyrelating to the
20 authority of municipal corporations in the Maryland-Washington Regional District
21 in Prince George's County to regulate planning.

22 BY adding to

23 Article 28 - Maryland-National Capital Park and Planning Commission
24 Section 7-105.1 and 7-108.2
25 Annotated Code of Maryland
26 (1993 Replacement Volume and 1995 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

28 MARYLAND, That the Laws of Maryland read as follows:

1 Article 28 - Maryland-National Capital Park and Planning Commission

2 7-105.1.

3 (A) THIS SECTION APPLIES TO A MUNICIPAL CORPORATION IN PRINCE
4 GEORGE'S COUNTY WITHIN THE BOUNDARIES OF THE MARYLAND-WASHINGTON
5 REGIONAL DISTRICT THAT:

6 (1) HAS A POPULATION OF AT LEAST 10,000 BASED ON THE MOST
7 RECENT U.S. CENSUS REPORT;

8 (2) HAS A PLANNING BOARD;

9 (3) HAS A PLANNING DEPARTMENT THAT HAS BEEN IN EXISTENCE FOR
10 AT LEAST 3 YEARS PRIOR TO ANY ELECTION UNDER SUBSECTION (B) OF THIS
11 SECTION; AND

12 (4) ELECTS TO REGULATE PLANNING AS PROVIDED IN SUBSECTION (B)
13 OF THIS SECTION.

14 (B) (1) THE GOVERNING BODY OF A MUNICIPAL CORPORATION MAY ELECT
15 TO REGULATE:

16 (I) THE HEIGHT, BULK, AND SIZE OF BUILDINGS AND OTHER
17 STRUCTURES;

18 (II) THE PERCENTAGE OF A LOT THAT MAY BE OCCUPIED;

19 (III) OFF-STREET PARKING;

20 (IV) THE SIZE OF LOTS, YARDS, COURTS, AND OTHER OPEN SPACES;

21 (V) POPULATION DENSITY; OR

22 (VI) THE LOCATION AND USE OF BUILDINGS, SIGNS, AND
23 STRUCTURES FOR TRADE, INDUSTRY, RESIDENCE, RECREATION, AND OTHER
24 PURPOSES.

25 (2) TO MAKE AN ELECTION UNDER THIS SUBSECTION, THE GOVERNING
26 BODY OF THE MUNICIPAL CORPORATION SHALL SUBMIT TO THE COMMISSION AND
27 TO THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL A CERTIFIED COPY OF THE
28 MUNICIPAL CORPORATION'S RESOLUTION THAT SPECIFIES THE ASPECTS OF
29 PLANNING LISTED IN PARAGRAPH (1) OF THIS SUBSECTION THAT THE MUNICIPAL
30 CORPORATION ELECTS TO REGULATE.

31 (3) TO THE EXTENT OF ANY ELECTION MADE UNDER PARAGRAPH (1)
32 OF THIS SUBSECTION, THE GOVERNING BODY SHALL HAVE THE AUTHORITY TO
33 REGULATE OVER THE ENTIRE AREA WITHIN THE BOUNDARIES OF THE MUNICIPAL
34 CORPORATION.

35 (C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, TO THE
36 EXTENT OF ANY ELECTION BY A MUNICIPAL CORPORATION UNDER SUBSECTION (B)
37 OF THIS SECTION:

1 (1) THE COMMISSION, THE PRINCE GEORGE'S COUNTY PLANNING
2 BOARD, AND THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL MAY NOT
3 EXERCISE AUTHORITY OVER THOSE ASPECTS OF PLANNING THAT THE MUNICIPAL
4 CORPORATION ELECTS TO REGULATE; AND

5 (2) SECTIONS 7-115, 7-116, 7-117, 7-118, 7-119, 8-101, 8-102, 8-104, 8-108, 8-109,
6 AND 8-110 OF THIS ARTICLE DO NOT APPLY WITHIN THE BOUNDARIES OF THE
7 MUNICIPAL CORPORATION.

8 (D) (1) THE COMMISSION AND THE PRINCE GEORGE'S COUNTY DISTRICT
9 COUNCIL SHALL RETAIN THE AUTHORITY AND OBLIGATION TO INITIATE AND
10 ADOPT:

11 (I) A GENERAL PLAN OF DEVELOPMENT AS PROVIDED IN §
12 7-108(A) OF THIS TITLE; AND

13 (II) FUNCTIONAL MASTER PLANS AS PROVIDED IN § 7-108(C) OF
14 THIS TITLE.

15 (2) THE COMMISSION, THE PRINCE GEORGE'S COUNTY PLANNING
16 BOARD, AND THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL SHALL RETAIN
17 THE AUTHORITY AND OBLIGATION TO APPROVE BUILDING PERMITS AS PROVIDED
18 IN §§ 8-118, 8-119, AND 8-119.1 OF THIS ARTICLE.

19 (E) WHEN THE GOVERNING BODY OF A MUNICIPAL CORPORATION
20 CONSIDERS AN APPLICATION FOR A PRELIMINARY PLAN OF SUBDIVISION, THE
21 GOVERNING BODY SHALL SUBMIT ITS PROPOSED APPLICATION TO THE
22 COMMISSION AND THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL FOR REVIEW
23 AND COMMENT WITH RESPECT TO ADEQUACY OF PUBLIC FACILITIES. THE
24 COMMISSION AND THE DISTRICT COUNCIL SHALL HAVE 30 DAYS TO REVIEW AND
25 PROVIDE WRITTEN COMMENTS. IF THE COMMISSION OR DISTRICT COUNCIL
26 RECOMMENDS, THE GOVERNING BODY SHALL REQUIRE PUBLIC FACILITY
27 DEDICATIONS, RESERVATIONS, IMPROVEMENTS, OR MONETARY CONTRIBUTIONS IN
28 ORDER TO ACHIEVE ADEQUATE PUBLIC FACILITIES WITHIN AND OUTSIDE OF THE
29 BOUNDARIES OF THE MUNICIPAL CORPORATION.

30 (F) (1) THE GOVERNING BODY OF A MUNICIPAL CORPORATION SHALL
31 INITIALLY ADOPT, AS A BASIS FOR ITS AUTHORITY, ALL EXISTING APPROVED AND
32 ADOPTED COUNTY PLANS, ZONING MAPS, PLANNING AND ZONING ORDINANCES,
33 PLANNING AND ZONING REGULATIONS, GENERAL PLAN, MASTER PLANS, AND
34 SUBTITLES 24 AND 27 OF THE PRINCE GEORGE'S COUNTY CODE.

35 (2) AFTER COMPLYING WITH THE PROVISIONS OF PARAGRAPH (1) OF
36 THIS SUBSECTION, THE GOVERNING BODY MAY AMEND OR MODIFY THE PLANS,
37 MAPS, ORDINANCES, REGULATIONS, GUIDELINES, AND STANDARDS IN ANY
38 RESPECT, PROVIDED THAT BEFORE THE GOVERNING BODY MAY ADOPT AN
39 AMENDMENT OR MODIFICATION, THE GOVERNING BODY SHALL:

40 (I) HOLD A PUBLIC HEARING FOLLOWING PUBLICATION IN A
41 NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPAL CORPORATION AT
42 LEAST 30 DAYS PRIOR TO THE HEARING; AND

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1 (II) TRANSMIT THE TEXT OF THE PROPOSED AMENDMENT OR
2 MODIFICATION TO THE COMMISSION AND THE PRINCE GEORGE'S COUNTY DISTRICT
3 COUNCIL FOR COMMENTS AT LEAST 30 DAYS PRIOR TO THE PUBLIC HEARING.

4 (G) (1) IF, AT THE TIME THE GOVERNING BODY OF A MUNICIPAL
5 CORPORATION MAKES AN ELECTION UNDER SUBSECTION (B) OF THIS SECTION, THE
6 PLANNING BOARD OR THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL HAS
7 ISSUED A FINAL APPROVAL OF A PRELIMINARY SUBDIVISION PLAT OR DETAILED
8 SITE PLAN FOR ANY PROPERTY WITHIN THE BORDERS OF THE MUNICIPAL
9 CORPORATION, FURTHER PROCEEDINGS WITH RESPECT TO THE PROPERTY SHALL
10 BE GOVERNED UNDER THE STANDARDS AND RULES THAT WOULD BE APPLICABLE
11 IF THE GOVERNING BODY HAD NOT MADE AN ELECTION UNDER SUBSECTION (B) OF
12 THIS SECTION.

13 (2) HOWEVER, THE GOVERNING BODY OF THE MUNICIPAL
14 CORPORATION SHALL BE RESPONSIBLE FOR ADMINISTERING THOSE STANDARDS
15 AND RULES TO THE EXTENT OF THE ELECTION UNDER SUBSECTION (B) OF THIS
16 SECTION.

17 7-108.2.

18 (A) THE GOVERNING BODY OF A MUNICIPAL CORPORATION THAT MAKES AN
19 ELECTION UNDER § 7-105.1(B) OF THIS TITLE SHALL INITIATE AND ADOPT A LOCAL
20 MASTER PLAN.

21 (B) (1) THE LOCAL MASTER PLAN MAY INCLUDE:

22 (I) RECOMMENDATIONS FOR ZONING;

23 (II) STAGING OF DEVELOPMENT AND PUBLIC IMPROVEMENTS;
24 AND

25 (III) PUBLIC SERVICES RELATED TO THE IMPLEMENTATION OF THE
26 PLAN.

27 (2) THE LOCAL MASTER PLAN MAY INCLUDE RECOMMENDATIONS FOR
28 FUTURE DEVELOPMENT FOR AREAS EXTENDING 1 MILE BEYOND THE MUNICIPAL
29 BOUNDARIES. THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL SHALL CONSIDER
30 THE RECOMMENDATIONS. HOWEVER, THE DISTRICT COUNCIL SHALL RETAIN ALL
31 ITS PLANNING AUTHORITY OUTSIDE OF THE MUNICIPAL BOUNDARIES.

32 (3) A LOCAL MASTER PLAN SHALL BE BASED ON AND INCLUDE AT A
33 MINIMUM THE SAME FACTORS, ELEMENTS, AND CONDITIONS THAT ARE CONTAINED
34 IN THE GENERAL PLAN AND RELATED AMENDMENTS.

35 (C) (1) WITHIN 30 DAYS OF THE ADOPTION OR APPROVAL OF A LOCAL
36 MASTER PLAN OR AMENDMENT BY THE GOVERNING BODY OF A MUNICIPAL
37 CORPORATION, A CERTIFIED COPY OF THE LOCAL MASTER PLAN OR AMENDMENT
38 SHALL BE SUBMITTED TO THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL FOR
39 APPROVAL.

40 (2) THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL SHALL
41 APPROVE OR DISAPPROVE THE LOCAL MASTER PLAN OR AMENDMENT WITHIN 90

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1 DAYS. IF THE DISTRICT COUNCIL FAILS TO TAKE ACTION WITHIN 90 DAYS, THE
2 LOCAL MASTER PLAN SHALL BE DEEMED TO HAVE BEEN APPROVED.

3 (3) THE DISTRICT COUNCIL SHALL APPROVE THE LOCAL MASTER PLAN
4 OR AMENDMENT UNLESS THE DISTRICT COUNCIL FINDS, WHEN TAKING INTO
5 CONSIDERATION MUNICIPAL FACILITIES AND SERVICES, THAT A PARTICULAR
6 ASPECT OF THE LOCAL MASTER PLAN OR AMENDMENT DEMONSTRATES A
7 SIGNIFICANT REGIONAL IMPACT CONTRARY TO REQUIREMENTS OF THE GENERAL
8 PLAN OR ANY FUNCTIONAL PLAN WITH RESPECT TO TRANSPORTATION OR OTHER
9 PUBLIC FACILITIES.

10 (4) THE DISTRICT COUNCIL MAY NOT DISAPPROVE A LOCAL MASTER
11 PLAN UNLESS AT LEAST TWO-THIRDS OF ALL DISTRICT COUNCIL MEMBERS
12 DISAPPROVE THE LOCAL MASTER PLAN.

13 (5) IF THE DISTRICT COUNCIL DISAPPROVES ANY LOCAL MASTER PLAN,
14 THE DISTRICT COUNCIL SHALL SUBMIT ITS FINDINGS TO THE MUNICIPAL
15 CORPORATION SPECIFYING:

16 (I) THE REASONS WHY THE LOCAL MASTER PLAN RESULTS IN A
17 REGIONAL IMPACT THAT IS CONTRARY TO A GENERAL PLAN OR FUNCTIONAL PLAN;
18 AND

19 (II) THE PROVISIONS OF THE GENERAL PLAN OR FUNCTIONAL
20 PLAN WITH WHICH THE LOCAL MASTER PLAN IS INCOMPATIBLE.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 January 1, 1997.