
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 - Prince George's County -**
3 **Zoning Regulations**
4 **PG/MC 16-96**

5 FOR the purpose of providing that in Prince George's County the district council shall
6 require certain procedures in their zoning regulations for the approval of zoning
7 map amendments, special exceptions, and optional parking plans in certain
8 circumstances; making stylistic changes; and generally relating to the authority of
9 the district council in Prince George's County over zoning regulations in Prince
10 George's County.

11 BY repealing and reenacting, with amendments,
12 Article 28 - Maryland-National Capital Park and Planning Commission
13 Section 8-104(a) and 8-110(a)
14 Annotated Code of Maryland
15 (1993 Replacement Volume and 1995 Supplement)

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

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

19 8-104.

20 (a) (1) After duly advertised public hearing each district council from time to
21 time may amend its regulations or any regulation, including the maps or any map, in
22 accordance with procedures established in the respective zoning ordinances. The
23 procedures and ordinances may include, but not be limited to: [(1)] (I) procedures
24 limiting the times during which amendments may be adopted; [(2)] (II) provisions for
25 hearings and preliminary determinations by an examiner, board or other agency; [(3)]
26 (III) procedures for quorums, number of votes required to enact amendments and
27 variations or increases therein based upon such factors as master plans, recommendations
28 of the hearing examiner, planning board, municipality, or other body, and petitions of
29 abutting property owners, and the evidentiary value which may be accorded to any or all
30 of these; and [(4)] (IV) procedures for hearing, notice, costs, and fees, amendment of
31 applications, stenographic records, reverter, lapse, and reconsideration de novo of
32 undeveloped zoning amendments. The existing provisions of the Regional District Law

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1 and of the ordinances enacted by the respective district councils relating to the foregoing
2 matters shall remain in full force and effect unless or until specifically superseded or
3 amended in accordance with the power and authority granted herein, but no such
4 amendment may be made by a district council, in a year in which the council is elected,
5 after the 31st day of October and until the newly elected council is duly qualified and has
6 taken office.

7 (2) In Montgomery County[,] all applications which seek a zoning
8 classification, either euclidean or floating, other than that which is indicated to be
9 appropriate or suitable in the text or on the land use map of an adopted master plan,
10 approved by the district council, under the provisions of § 7-108(e) of this article, shall be
11 granted only by the affirmative vote of 6 members of the district council. If the application
12 for reclassification is recommended for approval by the Commission or if the application
13 is for a zoning classification created after the approval of the masterplan by the council,
14 then an affirmative vote of 5 members of the district council is required to grant the
15 application or applications. In all other cases, an application may not be granted except
16 by affirmative vote of at least 5 members of the district council.

17 (3) IN PRINCE GEORGE'S COUNTY THE DISTRICT COUNCIL SHALL
18 REQUIRE:

19 (I) A TWO-THIRDS VOTE OF ALL MEMBERS OF THE DISTRICT
20 COUNCIL TO APPROVE A ZONING MAP AMENDMENT IF THE ZONING MAP
21 AMENDMENT IS CONTRARY TO AN APPROVED MASTER PLAN;

22 (II) A TWO-THIRDS VOTE OF ALL MEMBERS OF THE DISTRICT
23 COUNCIL TO APPROVE A ZONING MAP AMENDMENT OR A SPECIAL EXCEPTION IF
24 THE ZONING MAP AMENDMENT OR SPECIAL EXCEPTION IS CONTRARY TO THE
25 RECOMMENDATION OF A MUNICIPAL CORPORATION THAT HAS ANY PORTION OF
26 THE LAND SUBJECT TO THE ZONING MAP AMENDMENT OR SPECIAL EXCEPTION
27 WITHIN THE MUNICIPAL BOUNDARIES; AND

28 (III) A TWO-THIRDS VOTE OF ALL MEMBERS OF THE DISTRICT
29 COUNCIL AND A FOUR-FIFTHS VOTE OF ALL MEMBERS OF THE PLANNING BOARD
30 TO APPROVE AN OPTIONAL PARKING PLAN IF THE OPTIONAL PARKING PLAN IS
31 CONTRARY TO THE RECOMMENDATION OF A MUNICIPAL CORPORATION THAT HAS
32 ANY PORTION OF THE LAND SUBJECT TO THE OPTIONAL PARKING PLAN WITHIN THE
33 MUNICIPAL BOUNDARIES.

34 8-110.

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

42 (2) In Prince George's County[,] the district council shall provide for the
43 appeal of decisions of the zoning hearing examiner in special exception and variance cases

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1 to the district council. HOWEVER, IF A SPECIAL EXCEPTION IS CONTRARY TO THE
2 RECOMMENDATION OF A MUNICIPAL CORPORATION THAT HAS ANY PORTION OF
3 THE PROPERTY SUBJECT TO THE SPECIAL EXCEPTION WITHIN THE MUNICIPAL
4 BOUNDARIES, THE DISTRICT COUNCIL SHALL REQUIRE A TWO-THIRDS VOTE OF
5 ALL DISTRICT COUNCIL MEMBERS TO APPROVE THE SPECIAL EXCEPTION.

6 (3) The decisions of the administrative office or agency in Montgomery
7 County shall be subject to an appeal to either the board of appeals or other administrative
8 body as may be designated by the district council. In either county, the appeal shall follow
9 that procedure which may from time to time be determined by the district council. The
10 district council also may authorize the board of zoning appeals to interpret the zoning
11 maps or pass upon disputed questions of lot lines or district boundary lines or similar
12 questions as they arise in the administration of the regulations.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 1996.