
By: Prince George's County and Montgomery County Delegations

Introduced and read first time: February 1, 1996

Assigned to: Commerce and Government Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 15, 1996

CHAPTER ____

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

2

1 limiting the times during which amendments may be adopted; [(2)] (II) provisions for
2 hearings and preliminary determinations by an examiner, board or other agency; [(3)]
3 (III) procedures for quorums, number of votes required to enact amendments and
4 variations or increases therein based upon such factors as master plans, recommendations
5 of the hearing examiner, planning board, municipality, or other body, and petitions of
6 abutting property owners, and the evidentiary value which may be accorded to any or all
7 of these; and [(4)] (IV) procedures for hearing, notice, costs, and fees, amendment of
8 applications, stenographic records, reverter, lapse, and reconsideration de novo of
9 undeveloped zoning amendments. The existing provisions of the Regional District Law
10 and of the ordinances enacted by the respective district councils relating to the foregoing
11 matters shall remain in full force and effect unless or until specifically superseded or
12 amended in accordance with the power and authority granted herein, but no such
13 amendment may be made by a district council, in a year in which the council is elected,
14 after the 31st day of October and until the newly elected council is duly qualified and has
15 taken office.

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

26 (3) IN PRINCE GEORGE'S COUNTY THE DISTRICT COUNCIL SHALL
27 REQUIRE:

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

31 (II) A TWO-THIRDS VOTE OF ALL MEMBERS OF THE DISTRICT
32 COUNCIL TO APPROVE A ZONING MAP AMENDMENT OR A SPECIAL EXCEPTION IF
33 THE ZONING MAP AMENDMENT OR SPECIAL EXCEPTION IS CONTRARY TO THE
34 RECOMMENDATION OF A MUNICIPAL CORPORATION THAT HAS ANY PORTION OF
35 THE LAND SUBJECT TO THE ZONING MAP AMENDMENT OR SPECIAL EXCEPTION
36 WITHIN THE MUNICIPAL BOUNDARIES; AND

37 (III) A TWO-THIRDS VOTE OF ALL MEMBERS OF THE DISTRICT
38 COUNCIL AND A FOUR-FIFTHS VOTE OF ALL MEMBERS OF THE PLANNING BOARD
39 TO APPROVE AN OPTIONAL PARKING PLAN IF THE OPTIONAL PARKING PLAN IS
40 CONTRARY TO THE RECOMMENDATION OF A MUNICIPAL CORPORATION THAT HAS
41 ANY PORTION OF THE LAND SUBJECT TO THE OPTIONAL PARKING PLAN WITHIN THE
42 MUNICIPAL BOUNDARIES.

1 8-110.

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

9 (2) 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. HOWEVER, IF A SPECIAL EXCEPTION IS CONTRARY TO THE
12 RECOMMENDATION OF A MUNICIPAL CORPORATION THAT HAS ANY PORTION OF
13 THE PROPERTY SUBJECT TO THE SPECIAL EXCEPTION WITHIN THE MUNICIPAL
14 BOUNDARIES, THE DISTRICT COUNCIL SHALL REQUIRE A TWO-THIRDS VOTE OF
15 ALL DISTRICT COUNCIL MEMBERS TO APPROVE THE SPECIAL EXCEPTION.

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

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