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HB 710/96 - CGM

1997 Regular Session
7r0248

By: Montgomery County and Prince George's County Delegations

Introduced and read first time: January 31, 1997

Assigned to: Commerce and Government Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 17, 1997

CHAPTER ____

1 AN ACT concerning

2 **Prince George's County - Zoning - Municipal Corporations**
3 **MC/PG 3-97**

4 FOR the purpose of authorizing the District Council for Prince George's County to
5 provide that certain zoning powers of the District Council may be exercised by the
6 governing body of a municipal corporation within the Maryland-Washington
7 Regional District in Prince George's County under certain conditions; providing
8 that the exercise of certain powers by the governing body of a municipal corporation
9 does not affect certain rights of appeal to the circuit court; limiting the scope of
10 certain delegated authority; and generally relating to the authorized delegation of
11 certain zoning powers to municipal corporations within the Maryland-Washington
12 Regional District in Prince George's County.

13 BY repealing and reenacting, without amendments,
14 Article 28 - Maryland-National Capital Park and Planning Commission
15 Section 8-112.3
16 Annotated Code of Maryland
17 (1993 Replacement Volume and 1996 Supplement)

18 BY adding to
19 Article 28 - Maryland-National Capital Park and Planning Commission
20 Section 8-112.4
21 Annotated Code of Maryland
22 (1993 Replacement Volume and 1996 Supplement)

2

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

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

4 8-112.3.

5 (a) This section applies to revitalization overlay zones created by the District
6 Council for Prince George's County.

7 (b) (1) Subject to paragraphs (2) and (3) of this subsection, for any portion of a
8 revitalization overlay zone situated within a municipal corporation, the District Council
9 may provide that the governing body of the municipal corporation may exercise the
10 powers of the District Council in regard to:

11 (i) Design standards;

12 (ii) Parking and loading standards;

13 (iii) Sign design standards;

14 (iv) Variances for lot size, setback requirements, and similar
15 requirements; and

16 (v) Landscaping requirements.

17 (2) When exercising powers delegated to it by the District Council, the
18 governing body of a municipal corporation shall be subject to the substantive and
19 procedural requirements and standards established by the District Council for a
20 revitalization overlay zone.

21 (3) (i) When exercising authority delegated under paragraph (1) of this
22 subsection, the governing body of a municipal corporation may not impose any standard
23 or requirement different than standards or requirements that would apply had the
24 District Council not delegated its authority to the municipal corporation.

25 (ii) A delegation under paragraph (1) of this subsection may not
26 impede a development that meets requirements set by the District Council for the
27 revitalization overlay zone.

28 (c) For any portion of a revitalization overlay zone not within a municipal
29 corporation, the District Council may provide that the power to approve departures from
30 parking and loading standards, design standards, and any variance from the zoning
31 ordinance may be exercised by the planning board.

32 (d) Any party to an action of the governing body of a municipal corporation or the
33 planning board under this section shall have the same right of appeal to the circuit court
34 as the party would have if the action had been taken by the District Council.

35 8-112.4.

36 (A) THIS SECTION APPLIES TO ANY LAND WITHIN THE CORPORATE LIMITS OF
37 A MUNICIPAL CORPORATION IN THE MARYLAND-WASHINGTON REGIONAL
38 DISTRICT IN PRINCE GEORGE'S COUNTY.

3

1 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE DISTRICT
2 COUNCIL MAY PROVIDE THAT THE GOVERNING BODY OF A MUNICIPAL
3 CORPORATION MAY EXERCISE THE POWERS OF THE DISTRICT COUNCIL IN REGARD
4 TO:

5 (I) DESIGN STANDARDS;

6 (II) PARKING AND LOADING STANDARDS;

7 (III) SIGN DESIGN STANDARDS;

8 (IV) VARIANCES FOR LOT SIZE, SETBACK REQUIREMENTS, AND
9 SIMILAR REQUIREMENTS; AND

10 (V) LANDSCAPING REQUIREMENTS.

11 (2) WHEN EXERCISING AUTHORITY DELEGATED UNDER PARAGRAPH
12 (1) OF THIS SUBSECTION, THE GOVERNING BODY OF A MUNICIPAL CORPORATION
13 SHALL BE SUBJECT TO THE SUBSTANTIVE AND PROCEDURAL REQUIREMENTS AND
14 STANDARDS ESTABLISHED BY THE DISTRICT COUNCIL.

15 (3) WHEN EXERCISING AUTHORITY DELEGATED UNDER PARAGRAPH
16 (1) OF THIS SUBSECTION, THE GOVERNING BODY OF A MUNICIPAL CORPORATION
17 MAY NOT IMPOSE ANY STANDARD OR REQUIREMENT DIFFERENT FROM
18 STANDARDS OR REQUIREMENTS THAT WOULD APPLY HAD THE DISTRICT COUNCIL
19 NOT DELEGATED ITS AUTHORITY TO THE MUNICIPAL CORPORATION.

20 (C) ANY PARTY TO AN ACTION OF THE GOVERNING BODY OF A MUNICIPAL
21 CORPORATION UNDER THIS SECTION SHALL HAVE THE SAME RIGHT OF APPEAL TO
22 THE CIRCUIT COURT AS THE PARTY WOULD HAVE IF THE ACTION HAD BEEN TAKEN
23 BY THE DISTRICT COUNCIL.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 1997.