
By: Montgomery County and Prince George's County Delegations

Introduced and read first time: January 31, 1997

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Regional District - Prince George's County - Express Powers - Planning and Zoning**
3 **MC/PG 15-97**

4 FOR the purpose of allowing the exercise of certain powers relating to planning and
5 zoning in certain portions of the Maryland-Washington Regional District in Prince
6 George's County; prohibiting the exercise of certain powers by certain municipal
7 corporations; providing for the continuity of certain provisions under certain
8 circumstances; providing for the application of this Act; and generally relating to
9 planning and zoning in the Maryland-Washington Regional District.

10 BY repealing and reenacting, with amendments,
11 Article 25A - Chartered Counties of Maryland
12 Section 5(X)
13 Annotated Code of Maryland
14 (1996 Replacement Volume)

15 BY repealing and reenacting, with amendments,
16 Chapter 614 of the Acts of the General Assembly of 1959
17 Section 2

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

20 **Article 25A - Chartered Counties of Maryland**

21 5.

22 The following enumerated express powers are granted to and conferred upon any
23 county or counties which hereafter form a charter under the provisions of Article XI-A of
24 the Constitution, that is to say:

25 (X)

26 (1) (i) To enact local laws, for the protection and promotion of public safety,
27 health, morals, and welfare, relating to zoning and planning, including:

2

1 1. The power to provide for the right of appeal of any matter arising
2 under such planning and zoning laws to the circuit court, except as is provided in § 5(U)
3 of this article. Any decision of the circuit court may be appealed to the Court of Special
4 Appeals; and

5 2. The power to establish a program for the transfer of development
6 rights.

7 (ii) To provide by ordinance that a violation of a zoning law or regulation
8 enacted under this section may be a civil zoning violation. The violation shall be enforced
9 as provided in Article 66B, § 7.01(c) of the Code.

10 (2) (i) It has been and shall continue to be the policy of this State that the
11 orderly development and use of land and structures requires comprehensive regulation
12 through implementation of planning and zoning controls.

13 (ii) It has been and shall continue to be the policy of this State that planning
14 and zoning controls shall be implemented by local government.

15 (iii) To achieve the public purposes of this regulatory scheme, the General
16 Assembly recognizes that local government action will displace or limit economic
17 competition by owners and users of property.

18 (iv) It is the policy of the General Assembly and of this State that
19 competition and enterprise shall be so displaced or limited for the attainment of the
20 purposes of the State policy for implementing planning and zoning controls as set forth in
21 this article and elsewhere in the public local and public general law.

22 (v) The powers granted to the county pursuant to this paragraph shall not
23 be construed:

24 1. To grant to the county powers in any substantive area not
25 otherwise granted to the county by other public general or public local law;

26 2. To restrict the county from exercising any power granted to the
27 county by other public general or public local law or otherwise;

28 3. To authorize the county or its officers to engage in any activity
29 which is beyond their power under other public general law, public local law, or
30 otherwise; or

31 4. To preempt or supersede the regulatory authority of any State
32 department or agency under any public general law.

33 (3) (I) THE POWERS CONFERRED IN THIS SECTION MAY BE EXERCISED IN
34 THE PORTION OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT LYING
35 WITHIN PRINCE GEORGE'S COUNTY BY THE ADOPTION OR AMENDMENT OF A
36 CHARTER UNDER ARTICLE XI-A OF THE CONSTITUTION, TO THE EXTENT THAT THE
37 CHARTER OR AMENDMENT DOES NOT EXPRESSLY CONFLICT WITH A PARTICULAR
38 PROVISION OF ANY PUBLIC GENERAL LAW OR WITH ANY PROVISION OF ARTICLES
39 23A AND 28 OF THE CODE THAT APPLIES TO MUNICIPAL CORPORATIONS.

1 (II) THIS SECTION MAY NOT BE CONSTRUED TO CONFER THE POWER TO
2 PLAN OR ZONE ON ANY MUNICIPALITY LOCATED WITHIN THE PORTION OF THE
3 MARYLAND-WASHINGTON REGIONAL DISTRICT LYING WITHIN PRINCE GEORGE'S
4 COUNTY THAT MAY NOT EXERCISE THAT POWER UNDER ARTICLES 23A AND 28 OF
5 THE CODE. THIS SECTION DOES NOT MODIFY, LIMIT, OR DIMINISH THE POWER OF
6 ANY MUNICIPAL CORPORATION THAT MAY EXERCISE THAT POWER UNDER
7 ARTICLES 23A AND 28 OF THE CODE.

8 **Chapter 614 of the Acts of 1959**

9 SECTION 2. AND BE IT FURTHER ENACTED, That in so far as the provisions
10 of this sub-section may be inconsistent with or contrary to the provisions of the
11 Maryland-Washington Regional District Act, as enacted by Chapter 992 of the Acts of
12 1943 and any amendments thereto, the provisions of this sub-section shall have no
13 application IN THE PORTION OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
14 LYING WITHIN MONTGOMERY COUNTY so long as such District Act is in force and
15 effect and nothing contained herein shall be deemed or construed to affect the validity, or
16 operative effect, IN THE PORTION OF THE MARYLAND-WASHINGTON REGIONAL
17 DISTRICT LYING WITHIN MONTGOMERY COUNTY, of said Chapter 992 of the Acts of
18 1943 as amended, which established city and regional planning in Montgomery and Prince
19 George's counties within the limits of the Maryland-Washington Regional District as said
20 District is now or shall hereafter be defined by law.

21 SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act may be
22 construed prospectively only, and may not be construed to affect the validity of an
23 otherwise valid classification or reclassification of property made before October 1, 1997.

24 SECTION 3. AND BE IT FURTHER ENACTED, That except as expressly
25 provided to the contrary in this Act, any transaction affected by or flowing from any
26 statute here amended, and validly entered into before the effective date of this Act, and
27 every right, duty, or interest following from it remains valid after the effective date of this
28 Act and may be terminated, completed, consummated, or enforced pursuant to law.

29 SECTION 4. AND BE IT FURTHER ENACTED, That all plans, including
30 comprehensive plans, master plans, functional plans, district or sector plans, and all
31 zoning provisions, subdivision provisions, land use controls, regulations, procedures,
32 applications, permits, and proceedings, relating to land use in Prince George's County
33 that are in effect as of the effective date of this Act, shall continue in effect unless and
34 until amended or repealed by action of the appropriate body of the Prince George's
35 County government.

36 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 October 1, 1997.