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By: **Montgomery County and Prince George's County Delegations**

Introduced and read first time: February 12, 1999

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Municipal Corporations - Planning Authority**  
3 **MC/PG 15-99**

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

23 BY adding to  
24 Article 28 - Maryland-National Capital Park and Planning Commission  
25 Section 7-105.1 and 7-108.2  
26 Annotated Code of Maryland  
27 (1997 Replacement Volume and 1998 Supplement)

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

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

7-105.1.

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

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

(2) HAS A PLANNING BOARD;

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

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

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

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

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

(III) OFF-STREET PARKING;

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

(V) POPULATION DENSITY; OR

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

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

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

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

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

8 (2) SECTIONS 7-115, 7-116, 7-117, 7-118, 7-119, 8-101, 8-102, 8-104, 8-108,  
9 8-109, AND 8-110 OF THIS ARTICLE DO NOT APPLY WITHIN THE BOUNDARIES OF THE  
10 MUNICIPAL CORPORATION.

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

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

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

17 (2) THE COMMISSION, THE PRINCE GEORGE'S COUNTY PLANNING  
18 BOARD, AND THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL SHALL RETAIN THE  
19 AUTHORITY AND OBLIGATION TO APPROVE BUILDING PERMITS AS PROVIDED IN §§  
20 8-118, 8-119, AND 8-119.1 OF THIS ARTICLE.

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

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

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

1 (I) HOLD A PUBLIC HEARING FOLLOWING PUBLICATION IN A  
2 NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPAL CORPORATION AT LEAST  
3 30 DAYS PRIOR TO THE HEARING; AND

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

7 (G) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF, AT THE TIME  
8 THE GOVERNING BODY OF A MUNICIPAL CORPORATION MAKES AN ELECTION UNDER  
9 SUBSECTION (B) OF THIS SECTION, THE PLANNING BOARD OR THE PRINCE GEORGE'S  
10 COUNTY DISTRICT COUNCIL HAS ISSUED A FINAL APPROVAL OF A PRELIMINARY  
11 SUBDIVISION PLAT OR DETAILED SITE PLAN FOR ANY PROPERTY WITHIN THE  
12 BORDERS OF THE MUNICIPAL CORPORATION, FURTHER PROCEEDINGS WITH  
13 RESPECT TO THE PROPERTY SHALL BE GOVERNED UNDER THE STANDARDS AND  
14 RULES THAT WOULD BE APPLICABLE IF THE GOVERNING BODY HAD NOT MADE AN  
15 ELECTION UNDER SUBSECTION (B) OF THIS SECTION.

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

19 7-108.2.

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

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

24 (I) RECOMMENDATIONS FOR ZONING;

25 (II) STAGING OF DEVELOPMENT AND PUBLIC IMPROVEMENTS; AND

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

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

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

36 (C) (1) WITHIN 30 DAYS OF THE ADOPTION OR APPROVAL OF A LOCAL  
37 MASTER PLAN OR AMENDMENT BY THE GOVERNING BODY OF A MUNICIPAL  
38 CORPORATION, A CERTIFIED COPY OF THE LOCAL MASTER PLAN OR AMENDMENT

1 SHALL BE SUBMITTED TO THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL FOR  
2 APPROVAL.

3           (2)       THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL SHALL APPROVE  
4 OR DISAPPROVE THE LOCAL MASTER PLAN OR AMENDMENT WITHIN 90 DAYS. IF THE  
5 DISTRICT COUNCIL FAILS TO TAKE ACTION WITHIN 90 DAYS, THE LOCAL MASTER  
6 PLAN SHALL BE DEEMED TO HAVE BEEN APPROVED.

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

14           (4)       THE DISTRICT COUNCIL MAY NOT DISAPPROVE A LOCAL MASTER  
15 PLAN UNLESS AT LEAST TWO-THIRDS OF ALL DISTRICT COUNCIL MEMBERS  
16 DISAPPROVE THE LOCAL MASTER PLAN.

17           (5)       IF THE DISTRICT COUNCIL DISAPPROVES ANY LOCAL MASTER PLAN,  
18 THE DISTRICT COUNCIL SHALL SUBMIT ITS FINDINGS TO THE MUNICIPAL  
19 CORPORATION SPECIFYING:

20                   (I)       THE REASONS WHY THE LOCAL MASTER PLAN RESULTS IN A  
21 REGIONAL IMPACT THAT IS CONTRARY TO A GENERAL PLAN OR FUNCTIONAL PLAN;  
22 AND

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

25       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 January 1, 2000.