

---

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

Introduced and read first time: February 11, 2000  
Assigned to: Commerce and Government Matters

---

A BILL ENTITLED

1 AN ACT concerning

2 **Takoma Park - Site Plan Review**  
3 **PG/MC 21-00**

4 FOR the purpose of authorizing the City of Takoma Park to conduct site plan reviews  
5 within its boundaries; providing a certain exception to the exclusive authority of  
6 the planning board of Montgomery County over certain actions concerning  
7 property in the City of Takoma Park; requiring a certain vote by the  
8 Montgomery County planning board to override certain decisions of the City of  
9 Takoma Park relating to site plan review; and generally relating to the City of  
10 Takoma Park and site plan reviews.

11 BY repealing and reenacting, without amendments,  
12 Article 28 - Maryland-National Capital Park and Planning Commission  
13 Section 7-117.2  
14 Annotated Code of Maryland  
15 (1997 Replacement Volume and 1999 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article 28 - Maryland-National Capital Park and Planning Commission  
18 Section 8-112 and 8-112.2  
19 Annotated Code of Maryland  
20 (1997 Replacement Volume and 1999 Supplement)

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

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

24 7-117.2.

25 (a) (1) (i) In Montgomery County, the subdivision regulations and zoning  
26 ordinance shall provide that, before any action is taken by the planning board on an  
27 application for a preliminary plan of subdivision or resubdivision, project plan, or site

1 plan review for property described in subparagraph (ii) of this paragraph, a copy of  
2 the application shall be referred promptly to the incorporated municipality for review  
3 and comment.

4 (ii) This subsection applies to property that:

5 1. Is located within the boundaries of an incorporated  
6 municipality as defined in § 8-104(c) of this article; or

7 2. Shares a common boundary line, or a portion of a common  
8 boundary line, with property lying entirely within the boundaries of an incorporated  
9 municipality.

10 (2) If the incorporated municipality elects to comment, the incorporated  
11 municipality shall promptly forward its written comments to the planning board.

12 (b) (1) In Montgomery County, on referral of a preliminary plan proposing  
13 the resubdivision of residentially zoned property lying within the boundaries of an  
14 incorporated municipality, the incorporated municipality shall initially determine  
15 whether to transmit a recommendation concerning the plan to the planning board.

16 (2) If the initial determination is to transmit a recommendation, the  
17 incorporated municipality, after providing reasonable public notice, shall hold a  
18 hearing before it transmits its recommendation to the planning board.

19 (3) The recommendation shall be in writing and shall include all  
20 pertinent findings of fact and conclusions of law supporting the recommendation,  
21 based on the record of the hearing.

22 (4) An incorporated municipality may recommend denial of a plan under  
23 this subsection only if it determines that the plan fails to comply with particular  
24 provisions of the subdivision regulations.

25 (5) If an incorporated municipality recommends denial of a plan, it shall  
26 also transmit a written record of the hearing to the planning board for inclusion in the  
27 record compiled by the planning board.

28 (6) An incorporated municipality shall be considered to have waived its  
29 right to make a recommendation under this subsection unless it transmits its written  
30 recommendation and complete record, if required, to the planning board within 45  
31 days of the delivery of the plan and application by the planning board.

32 (7) When an incorporated municipality recommends denial of a  
33 residential resubdivision application, a two-thirds majority vote of the members of  
34 the planning board then present and participating is required to override the  
35 recommendation of the incorporated municipality.

1 8-112.

2 (a) (1) Except as provided in paragraph (2) of this subsection and for the  
3 City of Takoma Park as provided in § 8-112.2 of this subtitle, within the regional  
4 district, the zoning powers vested by Article 66B of the Code in any municipality or  
5 council of any municipality within the regional district shall be construed to be vested  
6 exclusively in and may be exercised within their discretion only by the County  
7 Council of Montgomery County or the County Council of Prince George's County, each  
8 acting respectively as a district council.

9 (2) A municipal corporation in Prince George's County shall have  
10 concurrent jurisdiction with the County Council of Prince George's County to enforce  
11 zoning laws within its corporate limits.

12 (3) Before exercising the authority conferred by this section, a municipal  
13 corporation shall enter into a written agreement with the Prince George's County  
14 Executive concerning the method by which the county will be advised of citations  
15 issued by a municipal inspector, the responsibility of the municipal corporation or the  
16 county to prosecute violations cited by the municipal corporation, the disposition of  
17 fines imposed for violations cited by the municipal corporation, the resolution of  
18 disagreements between the municipal corporation and the county about the  
19 interpretation of the zoning laws, and any other matters that the County Executive  
20 deems necessary for the proper exercise of this authority.

21 (b) [Within] EXCEPT FOR THE CITY OF TAKOMA PARK AS PROVIDED IN §  
22 8-112.2 OF THIS SUBTITLE, WITHIN the regional district any power vested by Article  
23 66B of the Annotated Code of Maryland in any planning commission or board of  
24 appeals shall be construed to be vested exclusively in and may be exercised only by  
25 the Commission or the board of zoning appeals created or authorized by this title.

26 (c) Insofar as the provisions of Article 66B of the Annotated Code of Maryland  
27 may be inconsistent with or contrary to the provisions of this title, the provisions of  
28 Article 66B shall have no application within the regional district.

29 8-112.2.

30 (a) The City of Takoma Park shall have concurrent jurisdiction to enforce the  
31 Montgomery County zoning AND SITE PLAN REVIEW ordinances within its corporate  
32 limits.

33 (b) A two-thirds majority vote of both the planning board and the district  
34 council of Montgomery County is required to take any action relating to zoning within  
35 the City of Takoma Park that is contrary to a resolution of the Mayor and City  
36 Council of Takoma Park.

37 (c) A two-thirds majority vote of the planning board of Montgomery County is  
38 required to take any action relating to land use planning within the City of Takoma  
39 Park that is contrary to a resolution of the Mayor and City Council of Takoma Park.

1 (D) A TWO-THIRDS MAJORITY VOTE OF THE PLANNING BOARD OF  
2 MONTGOMERY COUNTY IS REQUIRED TO TAKE ANY ACTION RELATING TO SITE PLAN  
3 REVIEW THAT IS CONTRARY TO A DECISION OF THE PLANNING COMMISSION OR A  
4 RESOLUTION OF THE MAYOR AND CITY COUNCIL OF TAKOMA PARK.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2000.