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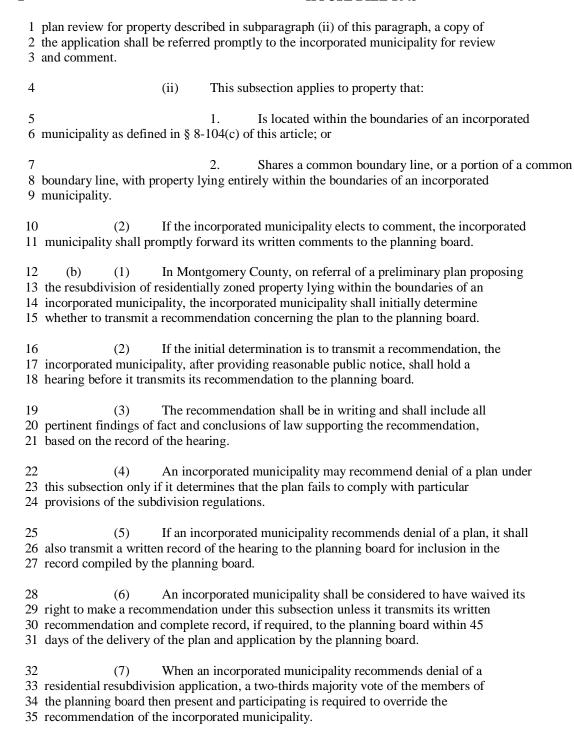
2000 Regular Session 0lr0535

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 3	Takoma Park - Site Plan Review PG/MC 21-00
4 5 6 7 8 9	FOR the purpose of authorizing the City of Takoma Park to conduct site plan reviews within its boundaries; providing a certain exception to the exclusive authority of the planning board of Montgomery County over certain actions concerning property in the City of Takoma Park; requiring a certain vote by the Montgomery County planning board to override certain decisions of the City of Takoma Park relating to site plan review; and generally relating to the City of Takoma Park and site plan reviews.
11 12 13 14 15	Section 7-117.2 Annotated Code of Maryland
16 17 18 19 20	Section 8-112 and 8-112.2 Annotated Code of Maryland
21 22	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
23	Article 28 - Maryland-National Capital Park and Planning Commission
24	7-117.2.
	(a) (1) (i) In Montgomery County, the subdivision regulations and zoning ordinance shall provide that, before any action is taken by the planning board on an application for a preliminary plan of subdivision or resubdivision, project plan, or site

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- 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.