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

Introduced and read first time: February 9, 2001
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Municipal Corporations - Planning Authority**
3 **MC/PG 128-01**

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 in 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 in certain
16 circumstances; authorizing certain municipal corporations to adopt, amend, and
17 modify certain plans, maps, ordinances, regulations, guidelines, and standards
18 in certain circumstances; requiring certain municipal corporations to prepare
19 local master plans in certain circumstances; providing for a delayed effective
20 date; and generally relating to the authority of municipal corporations in the
21 Maryland-Washington Regional District in Prince George's County to regulate
22 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 2000 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 SUBTITLE; AND

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

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) (1) WHEN THE GOVERNING BODY OF A MUNICIPAL CORPORATION
22 CONSIDERS AN APPLICATION FOR A PRELIMINARY PLAN OF SUBDIVISION, THE
23 GOVERNING BODY SHALL SUBMIT ITS PROPOSED APPLICATION TO THE COMMISSION
24 AND THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL FOR REVIEW AND
25 COMMENT WITH RESPECT TO ADEQUACY OF PUBLIC FACILITIES.

26 (2) THE COMMISSION AND THE DISTRICT COUNCIL SHALL HAVE 30 DAYS
27 TO REVIEW AND PROVIDE WRITTEN COMMENTS.

28 (3) IF THE COMMISSION OR DISTRICT COUNCIL RECOMMENDS, THE
29 GOVERNING BODY SHALL REQUIRE PUBLIC FACILITY DEDICATIONS, RESERVATIONS,
30 IMPROVEMENTS, OR MONETARY CONTRIBUTIONS IN ORDER TO ACHIEVE ADEQUATE
31 PUBLIC FACILITIES WITHIN AND OUTSIDE OF THE BOUNDARIES OF THE MUNICIPAL
32 CORPORATION.

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

38 (2) AFTER COMPLYING WITH THE PROVISIONS OF PARAGRAPH (1) OF
39 THIS SUBSECTION, THE GOVERNING BODY MAY AMEND OR MODIFY THE PLANS,

1 MAPS, ORDINANCES, REGULATIONS, GUIDELINES, AND STANDARDS IN ANY RESPECT,
2 PROVIDED THAT BEFORE THE GOVERNING BODY MAY ADOPT AN AMENDMENT OR
3 MODIFICATION, THE GOVERNING BODY SHALL:

4 (I) HOLD A PUBLIC HEARING FOLLOWING PUBLICATION IN A
5 NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPAL CORPORATION AT LEAST
6 30 DAYS PRIOR TO THE HEARING; AND

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

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

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

22 7-108.2.

23 (A) THE GOVERNING BODY OF A MUNICIPAL CORPORATION THAT MAKES AN
24 ELECTION UNDER § 7-105.1(B) OF THIS SUBTITLE SHALL INITIATE AND ADOPT A
25 LOCAL MASTER PLAN.

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

27 (I) RECOMMENDATIONS FOR ZONING;

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

29 (III) PUBLIC SERVICES RELATED TO THE IMPLEMENTATION OF THE
30 PLAN.

31 (2) (I) THE LOCAL MASTER PLAN MAY INCLUDE RECOMMENDATIONS
32 FOR FUTURE DEVELOPMENT FOR AREAS EXTENDING 1 MILE BEYOND THE
33 MUNICIPAL BOUNDARIES.

34 (II) THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL SHALL
35 CONSIDER THE RECOMMENDATIONS.

36 (III) THE DISTRICT COUNCIL SHALL RETAIN ALL ITS PLANNING
37 AUTHORITY OUTSIDE OF THE MUNICIPAL BOUNDARIES.

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

4 (C) (1) WITHIN 30 DAYS OF THE ADOPTION OR APPROVAL OF A LOCAL
5 MASTER PLAN OR AMENDMENT BY THE GOVERNING BODY OF A MUNICIPAL
6 CORPORATION, A CERTIFIED COPY OF THE LOCAL MASTER PLAN OR AMENDMENT
7 SHALL BE SUBMITTED TO THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL FOR
8 APPROVAL.

9 (2) (I) THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL SHALL
10 APPROVE OR DISAPPROVE THE LOCAL MASTER PLAN OR AMENDMENT WITHIN 90
11 DAYS.

12 (II) IF THE DISTRICT COUNCIL FAILS TO TAKE ACTION WITHIN 90
13 DAYS, THE LOCAL MASTER PLAN SHALL BE DEEMED TO HAVE BEEN APPROVED.

14 (3) THE DISTRICT COUNCIL SHALL APPROVE THE LOCAL MASTER PLAN
15 OR AMENDMENT UNLESS THE DISTRICT COUNCIL FINDS, WHEN TAKING INTO
16 CONSIDERATION MUNICIPAL FACILITIES AND SERVICES, THAT A PARTICULAR
17 ASPECT OF THE LOCAL MASTER PLAN OR AMENDMENT DEMONSTRATES A
18 SIGNIFICANT REGIONAL IMPACT CONTRARY TO REQUIREMENTS OF THE GENERAL
19 PLAN OR ANY FUNCTIONAL PLAN WITH RESPECT TO TRANSPORTATION OR OTHER
20 PUBLIC FACILITIES.

21 (4) THE DISTRICT COUNCIL MAY NOT DISAPPROVE A LOCAL MASTER
22 PLAN UNLESS AT LEAST TWO-THIRDS OF ALL DISTRICT COUNCIL MEMBERS
23 DISAPPROVE THE LOCAL MASTER PLAN.

24 (5) IF THE DISTRICT COUNCIL DISAPPROVES ANY LOCAL MASTER PLAN,
25 THE DISTRICT COUNCIL SHALL SUBMIT ITS FINDINGS TO THE MUNICIPAL
26 CORPORATION SPECIFYING:

27 (I) THE REASONS WHY THE LOCAL MASTER PLAN RESULTS IN A
28 REGIONAL IMPACT THAT IS CONTRARY TO A GENERAL PLAN OR FUNCTIONAL PLAN;
29 AND

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

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 January 1, 2002.