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

Introduced and read first time: February 6, 2002
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Municipal Corporations - Planning Authority**
3 **PG/MC 116-02**

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 2001 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 IN 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 BEFORE ANY ELECTION BY THE MUNICIPAL CORPORATION 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 IN THE MUNICIPAL CORPORATION.

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

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

5 (2) SECTIONS 7-115, 7-116, 7-117, 7-118, 7-119, 8-101, 8-102, 8-104, 8-108,
6 8-109, AND 8-110 OF THIS ARTICLE DO NOT APPLY IN THE MUNICIPAL CORPORATION.

7 (D) (1) THE COMMISSION AND THE PRINCE GEORGE'S COUNTY DISTRICT
8 COUNCIL SHALL RETAIN THE AUTHORITY AND OBLIGATION TO DEVELOP AND
9 ADOPT:

10 (I) A GENERAL PLAN OF DEVELOPMENT AS PROVIDED IN § 7-108(A)
11 OF THIS SUBTITLE; AND

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

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

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

23 (2) THE COMMISSION AND THE DISTRICT COUNCIL SHALL HAVE 30 DAYS
24 TO REVIEW AND PROVIDE WRITTEN COMMENT.

25 (3) IF THE COMMISSION OR DISTRICT COUNCIL SO RECOMMENDS, THE
26 GOVERNING BODY SHALL REQUIRE PUBLIC FACILITY DEDICATIONS, RESERVATIONS,
27 IMPROVEMENTS, OR MONETARY CONTRIBUTIONS IN ORDER TO ACHIEVE ADEQUATE
28 PUBLIC FACILITIES IN AND OUTSIDE OF THE MUNICIPAL CORPORATION.

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

35 (2) AFTER COMPLYING WITH THE PROVISIONS OF PARAGRAPH (1) OF
36 THIS SUBSECTION, THE GOVERNING BODY MAY AMEND OR MODIFY THE PLANS,
37 MAPS, ORDINANCES, REGULATIONS, GUIDELINES, AND STANDARDS IN ANY RESPECT,
38 IF THE GOVERNING BODY, BEFORE ADOPTING THE AMENDMENT OR MODIFICATION:

1 (I) PUBLISHES A NOTICE OF PUBLIC HEARING IN A NEWSPAPER OF
2 GENERAL CIRCULATION IN THE MUNICIPAL CORPORATION AT LEAST 30 DAYS
3 BEFORE THE HEARING;

4 (II) TRANSMITS THE TEXT OF THE PROPOSED AMENDMENT OR
5 MODIFICATION TO THE COMMISSION AND THE PRINCE GEORGE'S COUNTY DISTRICT
6 COUNCIL FOR COMMENT AT LEAST 30 DAYS BEFORE THE PUBLIC HEARING; AND

7 (III) HOLDS THE PUBLIC HEARING.

8 (G) (1) IF, AT THE TIME THE GOVERNING BODY OF A MUNICIPAL
9 CORPORATION MAKES AN ELECTION UNDER SUBSECTION (B) OF THIS SECTION, THE
10 PLANNING BOARD OR THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL HAS
11 ISSUED A FINAL APPROVAL OF A PRELIMINARY SUBDIVISION PLAT OR DETAILED
12 SITE PLAN FOR ANY PROPERTY IN THE MUNICIPAL CORPORATION, FURTHER
13 PROCEEDINGS WITH RESPECT TO THE PROPERTY SHALL BE GOVERNED UNDER THE
14 STANDARDS AND RULES THAT WOULD HAVE APPLIED IF THE GOVERNING BODY HAD
15 NOT MADE AN 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 SUBTITLE SHALL DEVELOP AND ADOPT A
22 LOCAL 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) (I) THE LOCAL MASTER PLAN MAY INCLUDE RECOMMENDATIONS
29 FOR FUTURE DEVELOPMENT FOR AREAS EXTENDING 1 MILE BEYOND THE
30 MUNICIPAL BOUNDARIES.

31 (II) THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL SHALL
32 CONSIDER THE RECOMMENDATIONS.

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

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

4 (C) (1) WITHIN 30 DAYS AFTER THE GOVERNING BODY OF A MUNICIPAL
5 CORPORATION ADOPTS OR APPROVES A LOCAL MASTER PLAN OR AMENDMENT, THE
6 GOVERNING BODY SHALL SUBMIT A CERTIFIED COPY OF THE LOCAL MASTER PLAN
7 OR AMENDMENT 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 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, 2003.