
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 **Maryland-National Capital Park and Planning Commission - Prince**
3 **George's County - Subdivision Appeal**
4 **PG/MC 100-02**

5 FOR the purpose of providing that certain actions of the Maryland-National Capital
6 Park and Planning Commission relating to subdivision of land in Prince
7 George's County may be appealed only to the circuit court; providing certain
8 procedures for certain appeals; providing for further appeal in certain
9 circumstances; making stylistic changes; and generally relating to subdivision
10 regulations and the Maryland-National Capital Park and Planning
11 Commission.

12 BY repealing and reenacting, with amendments,
13 Article 28 - Maryland-National Capital Park and Planning Commission
14 Section 7-116(g) and 7-117
15 Annotated Code of Maryland
16 (1997 Replacement Volume and 2001 Supplement)

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

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

20 7-116.

21 (g) (1) A final action by the Commission on any application for the
22 subdivision of land within 30 days after the action is taken by the Commission, may
23 be appealed by any person aggrieved by the action, or by any person, municipality,
24 corporation or association, whether or not incorporated, which has appeared at the
25 hearing in person, by attorney or in writing to the circuit court for the county which
26 may affirm or reverse the action appealed from, or remand it to the Commission for
27 further consideration.

1 (2) (I) IN PRINCE GEORGE'S COUNTY, A FINAL ACTION OF THE
2 COMMISSION ON ANY APPLICATION FOR THE SUBDIVISION OF LAND MAY NOT BE
3 APPEALED TO THE DISTRICT COUNCIL BUT MAY BE APPEALED ONLY TO THE CIRCUIT
4 COURT OF PRINCE GEORGE'S COUNTY IN ACCORDANCE WITH THIS SUBSECTION.

5 (II) THE DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY MAY
6 PARTICIPATE IN AN APPEAL UNDER THIS SUBSECTION AS A PARTY, AS AN
7 INTERESTED PERSON, OR AS OTHERWISE REQUIRED OR AUTHORIZED BY THE COURT.

8 (III) NOTHING IN THIS SUBSECTION PRECLUDES REVIEW OF THE
9 FINAL DECISION OF THE CIRCUIT COURT OF PRINCE GEORGE'S COUNTY BY THE
10 COURT OF SPECIAL APPEALS OR THE COURT OF APPEALS.

11 (3) When an appeal is filed the procedures described in [§ 8-105(b)] §§
12 8-105(B) AND 8-106(C) THROUGH (K), RESPECTIVELY, of this article shall [be
13 applicable] APPLY to the Commission and other parties as [is] appropriate.

14 7-117.

15 The Commission shall approve or disapprove a subdivision plat within 30 days
16 after its submission. Otherwise the plat shall be deemed to have been approved, and
17 a certificate to that effect shall be issued by the Commission upon demand. In Prince
18 George's County, each office to which a preliminary subdivision plan is referred shall
19 return one copy of the plan to the planning board within 30 days with comments
20 noted on it. If the reply is not made within 30 days by any office to whom referred, the
21 plan shall be deemed to be approved by it. In Prince George's County, the Commission
22 shall approve or disapprove a preliminary subdivision plan within 70 days after its
23 submission, excluding the month of August and the period between December 20 and
24 January 3 when calculating this 70-day period. Otherwise, the preliminary
25 subdivision plan shall be deemed to have been approved, and a certificate to that
26 effect shall be issued by the Commission upon demand. The applicant for the
27 Commission's approval may waive either or both of these requirements and consent to
28 the extension of the periods. However, in Prince George's County, no such waiver may
29 be for a period greater than the original period allowed for approval of the plat or
30 preliminary plan. The ground of disapproval of any plat shall be stated upon the
31 records of the Commission. Any plat submitted to the Commission shall contain the
32 name and address of a person to whom notice of hearing may be sent. No plat may be
33 sent by mail to the address not less than five days before the date fixed therefor. In
34 his application, however, the applicant may waive the hearing and notice, and the
35 approval of any plat exactly as submitted by the applicant is a waiver of the hearing
36 and notice. The subdivision regulations may include provisions for notice to owners of
37 properties that would be substantially affected by approval of any subdivision plat
38 and for public hearings on the applications [and may include provisions for an appeal
39 to the district council from a decision approving or disapproving a subdivision plat].

40 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
41 October 1, 2002.