

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

Introduced and read first time: February 7, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Maryland-National Capital Park and Planning**
3 **Commission - Zoning Appeals**
4 **MC/PG 125-05**

5 FOR the purpose of altering the conditions under which certain persons may petition
6 for review of a final decision of the district council for Prince George's County;
7 repealing the requirement for the district council to serve its final decision at its
8 hearing; altering the scope of appeal available for certain judgments;
9 authorizing a district council member who did not participate in a final decision
10 to vote on whether the district council should appeal a certain judgment; making
11 stylistic changes; and generally relating to zoning in Prince George's County.

12 BY repealing and reenacting, with amendments,
13 Article 28 - Maryland-National Capital Park and Planning Commission
14 Section 8-106(e) and (j)
15 Annotated Code of Maryland
16 (2003 Replacement Volume and 2004 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 8-106.

21 (e) (1) In Prince George's County, any incorporated municipality located in
22 Prince George's County, any person or taxpayer in Prince George's County, any civic
23 or homeowners association representing property owners affected by a final district
24 council decision, and[, if aggrieved,] the applicant may have judicial review of any
25 final decision of the district council.

26 (2) (I) Proceedings for review shall be instituted by filing a petition in
27 the Circuit Court [of] FOR Prince George's County within 30 days after THE

1 DISTRICT COUNCIL'S service of [the] ITS final decision [of the district council, which
2 may].

3 (II) THE FINAL DECISION SHALL be served [upon] ON all persons of
4 record [at the district council's hearing].

5 (3) Copies of the petition shall be served on the district council and all
6 other persons of record in the manner provided by the rules of court.

7 (4) (I) The filing of the petition does not stay [enforcement] THE
8 EFFECT of the district council's decision[;].

9 (II) [but the] THE district council may [do so] STAY THE EFFECT
10 OF ITS DECISION, or the reviewing court may order a stay [upon] ON terms [it
11 deems] THAT THE COURT CONSIDERS proper.

12 (j) (1) In Prince George's County, the district council[, the applicant,] or
13 any OTHER party to the circuit court review [who is an aggrieved party] may secure
14 a review of any final judgment [of the Prince George's County Circuit Court] under
15 this title by appeal to the Court of Special Appeals.

16 (2) The appeal shall be taken in the SAME manner [provided by law for
17 appeals from law courts] AS in other civil cases.

18 (3) [Each] A DISTRICT COUNCIL member [of the district council in
19 Prince George's County is entitled to] MAY vote on whether the district council
20 [shall] SHOULD appeal [to the Court of Special Appeals, regardless of whether]
21 EVEN IF the member [participated in the hearing on the matter or in the] DID NOT
22 PARTICIPATE IN THE DISTRICT COUNCIL'S FINAL decision.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2005.