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

Introduced and read first time: February 7, 2005
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 24, 2005

CHAPTER _____

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:

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

2 8-106.

3 (e) (1) In Prince George's County, ~~any incorporated municipality located in~~
 4 ~~Prince George's County, any person or taxpayer in Prince George's County, any civic~~
 5 ~~or homeowners association representing property owners affected by a final district~~
 6 ~~council decision, and[, if aggrieved,] the applicant may have judicial review of any~~
 7 final decision of the district council MAY BE PETITIONED FOR JUDICIAL REVIEW TO
 8 THE CIRCUIT COURT:

9 (I) BY ANY PERSON AGGRIEVED BY THE ACTION; OR

10 (II) BY ANY OF THE FOLLOWING THAT HAS APPEARED AT THE
 11 HEARING IN PERSON OR IN WRITING:

12 1. COUNTY TAXPAYER;

13 2. MUNICIPAL CORPORATION;

14 3. CORPORATION; OR

15 4. CIVIC OR HOMEOWNERS ASSOCIATION.

16 (2) (I) Proceedings for review shall be instituted by filing a petition in
 17 the Circuit Court [of] FOR Prince George's County within 30 days after THE
 18 DISTRICT COUNCIL'S service of [the] ITS final decision [of the district council, which
 19 may].

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

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

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

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

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

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

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

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

