
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 - Land Use Regulation - Delegation to Municipal**
3 **Corporations**
4 **MC/PG 118-05**

5 FOR the purpose of authorizing the Prince George's County Council, sitting as the
6 district council, to delegate certain land use powers to the governing body of a
7 municipal corporation in the Maryland-Washington Regional District in Prince
8 George's County under certain circumstances; requiring a party of record to
9 appeal to the district council before appealing to the circuit court certain actions
10 of the governing body of a municipal corporation under certain circumstances;
11 authorizing the district council to take certain actions by certain votes on review
12 of certain actions of the governing body of a municipal corporation under certain
13 circumstances; authorizing a person aggrieved by the action of the district
14 council to appeal to the circuit court under certain circumstances; providing that
15 a municipal corporation shall be considered an aggrieved person for certain
16 appeals under certain circumstances; making stylistic changes; and generally
17 relating to the delegation by the district council of Prince George's County of
18 land use powers to municipal corporations in the county.

19 BY repealing and reenacting, with amendments,
20 Article 28 - Maryland-National Capital Park and Planning Commission
21 Section 8-112.4
22 Annotated Code of Maryland
23 (2003 Replacement Volume and 2004 Supplement)

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

Article 28 - Maryland-National Capital Park and Planning Commission

8-112.4.

(a) This section applies to any land within the corporate limits of a municipal corporation in the Maryland-Washington Regional District in Prince George's County.

(b) (1) Subject to [paragraph] PARAGRAPHS (2) AND (3) of this subsection, the district council may provide that the governing body of a municipal corporation may exercise the powers of the district council in regard to:

(i) Design standards;

(ii) Parking and loading standards;

(iii) Sign design standards;

(iv) Variances for lot size, setback requirements, and similar requirements; [and]

(v) Landscaping requirements;

(VI) CERTIFICATION, REVOCATION, AND REVISION OF NONCONFORMING USES;

(VII) MINOR CHANGES TO APPROVED SPECIAL EXCEPTIONS;

(VIII) VACATION OF MUNICIPAL RIGHTS-OF-WAY; AND

(IX) DETAILED SITE PLANS, EXCEPT FOR DETAILED SITE PLANS:

1. WHERE ANY ADDITIONAL APPROVAL IS REQUIRED AND THE GOVERNING BODY OF THE MUNICIPAL CORPORATION DOES NOT HAVE THE AUTHORITY TO GRANT THE ADDITIONAL APPROVAL;

2. THAT ARE REQUIRED AS A CONDITION OF APPROVAL OF A ZONING MAP AMENDMENT OR PRELIMINARY PLAN OF SUBDIVISION; OR

3. FOR WHICH THE APPROVAL OF A CONCEPTUAL SITE PLAN OR A PRELIMINARY PLAN OF CLUSTER SUBDIVISION IS REQUIRED.

(2) When exercising authority delegated under paragraph (1) of this subsection, the governing body of a municipal corporation shall be subject to the substantive and procedural requirements and standards established by the district council.

(3) When exercising authority delegated under paragraph (1) of this subsection, the governing body of a municipal corporation may not impose any standard or requirement different from standards or requirements that would apply had the district council not delegated its authority to the municipal corporation.

1 (c) (1) [Any] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
2 SUBSECTION, ANY party OF RECORD to an action of the governing body of a municipal
3 corporation under this section shall have the same right of appeal to the circuit court
4 as the party would have if the action had been taken by the district council.

5 (2) (I) BEFORE EXERCISING THE RIGHT OF APPEAL UNDER
6 PARAGRAPH (1) OF THIS SUBSECTION, A PARTY OF RECORD SHALL FIRST APPEAL AN
7 ACTION OF THE GOVERNING BODY OF A MUNICIPAL CORPORATION UNDER THIS
8 SECTION TO THE DISTRICT COUNCIL FOR REVIEW ON THE RECORD IF THE ACTION
9 CONCERNS:

10 1. CERTIFICATION, REVOCATION, AND REVISION OF
11 NONCONFORMING USES; OR

12 2. DETAILED SITE PLANS.

13 (II) ON REVIEW, THE DISTRICT COUNCIL MAY:

14 1. BY MAJORITY VOTE OF ITS MEMBERS, APPROVE THE
15 ACTION OF THE MUNICIPAL CORPORATION; OR

16 2. BY A VOTE OF AT LEAST SIX OF ITS MEMBERS, APPROVE
17 WITH CONDITIONS OR OVERRULE THE ACTION OF THE MUNICIPAL CORPORATION.

18 (III) A PERSON AGGRIEVED BY THE ACTION OF THE DISTRICT
19 COUNCIL UNDER THIS PARAGRAPH MAY APPEAL TO THE CIRCUIT COURT.

20 (IV) FOR PURPOSES OF AN APPEAL TO THE CIRCUIT COURT UNDER
21 SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE MUNICIPAL CORPORATION WHOSE
22 ACTION IS AFFECTED BY THE ACTION OF THE DISTRICT COUNCIL SHALL BE
23 CONSIDERED AN AGGRIEVED PERSON.

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