

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 654 (Montgomery County Delegation and Prince George's County Delegation)

Environmental Matters

Education, Health, and Environmental Affairs

Prince George's County - Land Use Regulation - Delegation to Municipal Corporations
MC/PG 118-05

This bill authorizes the district council of Prince George's County to delegate specified planning powers to municipalities within the county that fall within the Maryland-Washington Regional District. The bill establishes provisions regarding appeals of decisions of municipalities to the district council and circuit court.

Fiscal Summary

State Effect: Since it is assumed that this bill would apply in a limited number of cases, State finances should not be affected.

Local Effect: Although certain zoning and planning authority may be transferred to municipalities by the district council of Prince George's County, revenues and expenditures would not be materially affected.

Small Business Effect: Potential meaningful impact in municipalities that are delegated authority under this bill. Developers could experience additional time delays and/or costs if the bill results in an increase in the number of appeals.

Analysis

Bill Summary: The bill authorizes the district council of Prince George's County to delegate specified powers to municipalities within the county that fall within the Maryland-Washington Regional District including certification, revocation, and revision

of nonconforming uses; minor changes to approved special exceptions; vacation of municipal rights of way; and certain detailed site plans.

Furthermore, the bill establishes provisions regarding the appeals process for parties of record aggrieved by decisions of municipalities regarding land use regulation. If the action concerns certification, revocation, and revision of nonconforming uses or detailed site plans, before exercising the right of appeal, the party of record must first appeal the action of the municipal corporation to the district council. Upon review, the district council may approve the action of the municipal authority by a majority vote of the members of the district council, or it may overrule the action of the municipal corporation by a vote of at least six members. Parties aggrieved by an action of the district council may appeal to the circuit court.

Current Law: Generally, planning and zoning authority for Prince George's County lies with the Maryland-National Capital Park and Planning Commission (M-NCPPC) and the district council of Prince George's County. The district council may delegate zoning authority to municipal corporations for design standards; parking and loading standards; sign design standards; variances in lot size, setback, and similar requirements; and landscaping requirements. Any party to an action of the governing body of a municipal corporation shall have the same right of appeal to the circuit court as the party would have if the action had been taken by the district council.

Background: M-NCPPC is a bi-county agency empowered by the State in 1927 to acquire and administer a regional system of parks within the Maryland-Washington Regional District and administer a general plan for the physical development of the area. In 1970, M-NCPPC became responsible for managing the Prince George's County public recreation program.

There are currently 26 incorporated municipalities in Prince George's County that fall within the regional district. The City of Laurel is the only municipality excluded from the regional district.

Local Fiscal Effect: While the bill allows for the transfer by the district council of Prince George's County to municipal corporations of certain zoning and planning authority, it provides an appeal role for the district council of Prince George's County. Since the support agency for the district council of Prince George's County is M-NCPPC, commission staff would have a role in the review of projects brought before the district council. M-NCPPC advises that providing staff support for the district council for these appeals will be minimal and can be handled with existing resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Prince George's County, Maryland-National Capital Park and Planning Commission, Department of Legislative Services

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ncs/hlb

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