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

Introduced and read first time: February 9, 2006

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Maryland-National Capital Park and Planning**  
3 **Commission - Text Amendments of Zoning Regulations - Conditions for**  
4 **Approval**  
5 **PG/MC 103-06**

6 FOR the purpose of requiring a certain number of votes for the district council of  
7 Prince George's County to approve a text amendment of certain zoning  
8 regulations; imposing certain conditions before the district council may approve  
9 a text amendment of certain zoning regulations; and generally relating to text  
10 amendments of zoning regulations in Prince George's County.

11 BY repealing and reenacting, with amendments,  
12 Article 28 - Maryland-National Capital Park and Planning Commission  
13 Section 8-104(a)  
14 Annotated Code of Maryland  
15 (2003 Replacement Volume and 2005 Supplement)

16 BY adding to  
17 Article 28 - Maryland-National Capital Park and Planning Commission  
18 Section 8-104(g)  
19 Annotated Code of Maryland  
20 (2003 Replacement Volume and 2005 Supplement)

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

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

24 8-104.

25 (a) (1) After duly advertised public hearing each district council from time  
26 to time may amend its regulations or any regulation, including the maps or any map,  
27 in accordance with procedures established in the respective zoning ordinances. The

1 procedures and ordinances may include, but not be limited to: (i) procedures limiting  
2 the times during which amendments may be adopted; (ii) provisions for hearings and  
3 preliminary determinations by an examiner, board or other agency; (iii) procedures  
4 for quorums, number of votes required to enact amendments and variations or  
5 increases therein based upon such factors as master plans, recommendations of the  
6 hearing examiner, planning board, municipality, or other body, and petitions of  
7 abutting property owners, and the evidentiary value which may be accorded to any or  
8 all of these; and (iv) procedures for hearing, notice, costs, and fees, amendment of  
9 applications, stenographic records, reverter, lapse, and reconsideration de novo of  
10 undeveloped zoning amendments. The existing provisions of the Regional District  
11 Law and of the ordinances enacted by the respective district councils relating to the  
12 foregoing matters shall remain in full force and effect unless or until specifically  
13 superseded or amended in accordance with the power and authority granted herein,  
14 but no such amendment may be made by a district council, in a year in which the  
15 council is elected, after the 31st day of October and until the newly elected council is  
16 duly qualified and has taken office.

17           (2)       In Montgomery County all applications which seek a zoning  
18 classification, either euclidean or floating, other than that which is indicated to be  
19 appropriate or suitable in the text or on the land use map of an adopted master plan,  
20 approved by the district council, under the provisions of § 7-108(e) of this article,  
21 shall be granted only by the affirmative vote of 6 members of the district council. If  
22 the application for reclassification is recommended for approval by the Commission or  
23 if the application is for a zoning classification created after the approval of the master  
24 plan by the council, then an affirmative vote of 5 members of the district council is  
25 required to grant the application or applications. In all other cases, an application  
26 may not be granted except by affirmative vote of at least 5 members of the district  
27 council.

28           (3)       In Prince George's County the district council shall require:

29                   (i)       A two-thirds vote of all members of the district council to  
30 approve a zoning map amendment if the zoning map amendment is contrary to an  
31 approved master plan;

32                   (ii)       A two-thirds vote of all members of the district council to  
33 approve a zoning map amendment or a special exception if the zoning map  
34 amendment or special exception is contrary to the recommendation of a municipal  
35 corporation that has any portion of the land subject to the zoning map amendment or  
36 special exception within the municipal boundaries; [and]

37                   (iii)       A two-thirds vote of all members of the district council and a  
38 four-fifths vote of all members of the planning board to approve an optional parking  
39 plan if the optional parking plan is contrary to the recommendation of a municipal  
40 corporation that has any portion of the land subject to the optional parking plan  
41 within the municipal boundaries; AND

42                   (IV)       AN AFFIRMATIVE VOTE OF SEVEN MEMBERS OF THE DISTRICT  
43 COUNCIL TO APPROVE A TEXT AMENDMENT OF THE ZONING ORDINANCE.

1 (G) IN PRINCE GEORGE'S COUNTY, BEFORE THE DISTRICT COUNCIL MAY  
2 APPROVE A TEXT AMENDMENT OF THE ZONING ORDINANCE, THE DISTRICT  
3 COUNCIL:

4 (1) SHALL IDENTIFY THE PROPERTIES THAT WOULD HAVE A CHANGE IN  
5 LAND USE CLASSIFICATION AS A RESULT OF THE TEXT AMENDMENT; AND

6 (2) SHALL GIVE THE OWNERS OF ADJOINING PROPERTIES, THE USE OF  
7 WHICH WOULD CHANGE AS A RESULT OF THE TEXT AMENDMENT, NOTICE OF THE  
8 PROPOSED AMENDMENT AND AN OPPORTUNITY FOR A HEARING.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2006.