

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 708

(Montgomery County Delegation and Prince George's
County Delegation)

Environmental Matters

Education, Health, and Environmental Affairs

**Montgomery County - Maryland-National Capital Park and Planning
Commission - Town of Kensington
MC/PG 112-07**

This bill authorizes the Town of Kensington to have concurrent jurisdiction with the Montgomery County district council and planning board in enforcing the Montgomery County zoning ordinances within its boundaries. A two-thirds majority vote of both the Montgomery County planning board and the district council is necessary to override any zoning action and a two thirds majority vote of the Montgomery County planning board is required to override any land use action within Kensington that is contrary to a resolution of the Mayor and Town Council.

Fiscal Summary

State Effect: None.

Local Effect: Granting Kensington the authority to have concurrent jurisdiction in enforcing Montgomery County zoning ordinances would not materially impact local government finances.

Small Business Effect: None.

Analysis

Current Law: The Town of Kensington lies within the Maryland-Washington Regional District and thus planning and zoning decisions are generally within the jurisdiction of

the district council and the planning board for Montgomery County. The Montgomery County Council sits as the district council for that part of the regional district lying within Montgomery County. Similarly, those members of the Maryland-National Capital Park and Planning Commission from Montgomery County sit as the county planning board.

Generally, the Montgomery County district council has the authority to adopt or amend a zoning ordinance and zoning ordinance maps for the county. Accordingly, it may regulate such issues as the location, height, bulk, and size of buildings; frontages; size of lots; density and distribution of population; the location and uses of buildings and structures and units for trade, industry, residence, and other purposes; and the uses of land.

The Montgomery County planning board is generally responsible for planning, platting, and zoning functions primarily local in scope. These functions include, but are not limited to, the administration of subdivision regulations; the preparation and adoption of recommendations to the district council regarding zoning map amendments; and the assignment of street names and house numbers within the regional district. In addition, to the extent authorized by county law, ordinance, or resolution, the Montgomery County planning board may administer and enforce any adopted growth police or forest conservation program and provide staffing assistance on matter relating to promoting historic preservation.

The City of Takoma Park has concurrent jurisdiction in enforcing Montgomery County zoning ordinances within its boundary. This bill would grant similar authority to the Town of Kensington. Seven municipalities in Montgomery County (Barnesville, Brookeville, Gaithersburg, Laytonsville, Poolesville, Rockville, and Washington Grove) lie outside of the Maryland-Washington Regional District and thus have independent planning and zoning authority.

Background: As of July 1, 2005, the Town of Kensington had a population of 1,920. The town is governed by a mayor and four council members. Kensington advises that it currently enforces zoning ordinances as they pertain to residential development, but it does not enforce commercial zoning ordinances. This bill would give the town the authority to do so.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County, Town of Kensington, Maryland-National Capital Park and Planning Commission, U.S. Census Bureau, Department of Legislative Services

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ncs/hlb

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