

HOUSE BILL 935

L5

8lr0871

By: **Prince George's County Delegation and Montgomery County Delegation**
Introduced and read first time: February 6, 2008
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Prince**
3 **George's County – Zoning Text Amendments and Zoning Regulation**
4 **Amendments**

5 **PG/MC 117–08**

6 FOR the purpose of prohibiting the district council of Prince George's County from
7 establishing a certain set of zoning laws for a specific parcel of property by
8 making certain zoning text amendments or amendments to the zoning
9 regulations; requiring a zoning text amendment or amendments to the zoning
10 regulations of Prince George's County to be accompanied by a certain
11 description; authorizing a person in Prince George's County to bring an action
12 for declaratory judgment to enforce certain provisions; providing that certain
13 procedures for judicial review do not apply to a certain action for declaratory
14 judgment; and generally relating to zoning text amendments and amendments
15 to the zoning regulations in Prince George's County.

16 BY repealing and reenacting, without amendments,
17 Article 28 – Maryland–National Capital Park and Planning Commission
18 Section 8–102
19 Annotated Code of Maryland
20 (2003 Replacement Volume and 2007 Supplement)

21 BY adding to
22 Article 28 – Maryland–National Capital Park and Planning Commission
23 Section 8–102.1
24 Annotated Code of Maryland
25 (2003 Replacement Volume and 2007 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article 28 – Maryland–National Capital Park and Planning Commission

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 8–106(e)
2 Annotated Code of Maryland
3 (2003 Replacement Volume and 2007 Supplement)

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

6 **Article 28 – Maryland–National Capital Park and Planning Commission**

7 8–102.

8 For the purposes of such exercise of power, each district council may divide the
9 portion of the regional district lying within its county into districts and zones of
10 whatever number, shape or area it may determine. Within the districts and zones the
11 district council may regulate the erection, construction, reconstruction, alteration, and
12 uses of buildings and structures and the uses of land, including surface, subsurface,
13 and air rights therein. Both districts and zones may be created; all regulations shall be
14 uniform for each class or kind of building throughout any district or zone, but the
15 regulations in one district or zone may differ from those in another district or zone.

16 **8–102.1.**

17 (A) **THIS SECTION APPLIES ONLY IN PRINCE GEORGE’S COUNTY.**

18 (B) **THE DISTRICT COUNCIL IN PRINCE GEORGE’S COUNTY MAY NOT**
19 **ESTABLISH A SPECIAL SET OF ZONING LAWS FOR A SPECIFIC PARCEL OF**
20 **PROPERTY BY A ZONING TEXT AMENDMENT OR BY AMENDING THE ZONING**
21 **REGULATIONS TO DISTINGUISH A SPECIFIC PARCEL OF PROPERTY FROM OTHER**
22 **PROPERTIES IN A DISTRICT OR ZONE BY:**

23 (1) **USING SPECIAL EFFECTIVE DATES TO EXCLUDE PROPERTIES;**

24 (2) **REFERRING TO THE USE OF ADJOINING OR PROXIMATE**
25 **PROPERTY;**

26 (3) **REFERRING TO THE TYPE OR CHARACTER OF A STREET,**
27 **ROAD, OR HIGHWAY ADJACENT TO A PROPERTY;**

28 (4) **USING ACREAGE LIMITATIONS;**

29 (5) **LIMITING THE TYPE OF SERVICE OR USE THAT MAY BE**
30 **PROVIDED ON A PROPERTY;**

31 (6) **LIMITING THE SIZE OF BUILDINGS;**

32 (7) **REQUIRING A DETAILED SITE PLAN; OR**

1 **(8) CREATING A SPECIAL USE INTENDED TO APPLY ONLY TO ONE**
2 **PROPERTY.**

3 **(C) A ZONING TEXT AMENDMENT OR AN AMENDMENT TO THE PRINCE**
4 **GEORGE'S COUNTY ZONING REGULATIONS MUST BE ACCOMPANIED BY A BRIEF**
5 **AND ACCURATE DESCRIPTION SUFFICIENT TO INFORM THE PUBLIC AS TO**
6 **WHICH PROPERTIES ARE AFFECTED BY THE AMENDMENT.**

7 **(D) A PERSON IN PRINCE GEORGE'S COUNTY MAY BRING AN ACTION**
8 **FOR DECLARATORY JUDGMENT TO ENFORCE THE PROVISIONS OF THIS**
9 **SECTION.**

10 8-106.

11 **(e) (1)** In Prince George's County, any incorporated municipality located
12 in Prince George's County, any person or taxpayer in Prince George's County, any civic
13 or homeowners association representing property owners affected by a final district
14 council decision, and, if aggrieved, the applicant may have judicial review of any final
15 decision of the district council. Proceedings for review shall be instituted by filing a
16 petition in the Circuit Court of Prince George's County within 30 days after service of
17 the final decision of the district council, which may be served upon all persons of
18 record at the district council's hearing.

19 **(2)** Copies of the petition shall be served on the district council and all
20 other persons of record in the manner provided by the rules of court.

21 **(3)** The filing of the petition does not stay enforcement of the district
22 council's decision; but the district council may do so, or the reviewing court may order
23 a stay upon terms it deems proper.

24 **(4) THIS SUBSECTION DOES NOT APPLY TO AN ACTION FOR**
25 **DECLARATORY JUDGMENT BROUGHT TO ENFORCE THE PROVISIONS OF §**
26 **8-102.1 OF THIS TITLE.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2008.