

# HOUSE BILL 1143

L3, L5

9lr0658  
CF 9lr1323

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By: **Montgomery County Delegation and Prince George's County Delegation**  
Introduced and read first time: February 13, 2009  
Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Prince**  
3 **George's County District Council – Delegation of Powers**

4 **MC/PG 108–09**

5 FOR the purpose of requiring the Prince George's County District Council of the  
6 Maryland–National Capital Park and Planning Commission to allow the  
7 governing body of a municipal corporation to exercise certain powers of the  
8 district council, subject to certain limitations.

9 BY repealing and reenacting, with amendments,  
10 Article 28 – Maryland–National Capital Park and Planning Commission  
11 Section 8–112.4  
12 Annotated Code of Maryland  
13 (2003 Replacement Volume and 2008 Supplement)

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

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

17 8–112.4.

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

20 (b) (1) Subject to paragraphs (2) and (3) of this subsection, the district  
21 council [may provide that] **SHALL ALLOW** the governing body of a municipal  
22 corporation [may] **TO** exercise the powers of the district council in regard to:

23 (i) Design standards;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (ii) Parking and loading standards;
- 2 (iii) Sign design standards;
- 3 (iv) Variances for lot size, setback requirements, and similar  
4 requirements;
- 5 (v) Landscaping requirements;
- 6 (vi) Certification, revocation, and revision of nonconforming  
7 uses;
- 8 (vii) Minor changes to approved special exceptions;
- 9 (viii) Vacation of municipal rights-of-way; and
- 10 (ix) All detailed site plans, except for detailed site plans:
- 11 1. Where the zone requires detailed site plan approval  
12 by the district council;
- 13 2. That are required as a condition of approval of a  
14 zoning map amendment or preliminary plan of subdivision;
- 15 3. For which the approval of a conceptual site plan or a  
16 preliminary plan of cluster subdivision is required; or
- 17 4. That are required for designated parcels as a specific  
18 condition of a sectional map amendment.
- 19 (2) When exercising authority delegated under paragraph (1) of this  
20 subsection, the governing body of a municipal corporation shall be subject to the  
21 substantive and procedural requirements and standards established by the district  
22 council.
- 23 (3) When exercising authority delegated under paragraph (1) of this  
24 subsection, the governing body of a municipal corporation may not impose any  
25 standard or requirement different from standards or requirements that would apply  
26 had the district council not delegated its authority to the municipal corporation.
- 27 (c) (1) Except as provided in paragraph (2) of this subsection, any party of  
28 record to an action of the governing body of a municipal corporation under this section  
29 shall have the same right of appeal to the circuit court as the party would have if the  
30 action had been taken by the district council.
- 31 (2) (i) Before exercising the right of appeal under paragraph (1) of  
32 this subsection, a party of record shall first appeal an action of the governing body of a

1 municipal corporation under this section to the district council for review on the record  
2 if the action concerns:

3 1. Certification, revocation, and revision of  
4 nonconforming uses; or

5 2. Detailed site plans.

6 (ii) On review, the district council may:

7 1. By majority vote of its members, approve the action of  
8 the municipal corporation; or

9 2. By a vote of at least six of its members, approve with  
10 conditions or overrule the action of the municipal corporation.

11 (iii) A person aggrieved by the action of the district council under  
12 this paragraph may appeal to the circuit court.

13 (iv) For purposes of an appeal to the circuit court under  
14 subparagraph (iii) of this paragraph, the municipal corporation whose action is  
15 affected by the action of the district council shall be considered an aggrieved person.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2009.