

HOUSE BILL 1025

L5, L1

6lr0801

By: **Prince George's County Delegation and Montgomery County Delegation**
Introduced and read first time: February 11, 2016
Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Land Use – Zoning Powers and Review**

3 **PG/MC 111–16**

4 FOR the purpose of providing for the review of certain zoning matters by the district council
5 in Prince George's County in a certain manner; providing that certain authority of
6 the county planning board over certain zoning matters in the portion of the regional
7 district located in Prince George's County is not exclusive and is subject to review
8 and final decision by the district council in certain manners; providing that certain
9 zoning powers within the portion of the regional district located in Prince George's
10 County are vested in and may only be exercised by the district council; and generally
11 relating to land use authority and decisions in Prince George's County.

12 BY repealing and reenacting, without amendments,
13 Article – Land Use
14 Section 20–202
15 Annotated Code of Maryland
16 (2012 Volume and 2015 Supplement)

17 BY adding to
18 Article – Land Use
19 Section 22–109 and 22–124
20 Annotated Code of Maryland
21 (2012 Volume and 2015 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Land Use
24 Section 22–120
25 Annotated Code of Maryland
26 (2012 Volume and 2015 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Land Use**

4 20–202.

5 (a) (1) Subject to paragraph (2) of this subsection, a county planning board:

6 (i) is responsible for planning, subdivision, and zoning functions
7 that are primarily local in scope; and

8 (ii) shall exercise, within the county planning board’s jurisdiction,
9 the following powers:

- 10 1. planning;
- 11 2. zoning;
- 12 3. subdivision;
- 13 4. assignment of street names and house numbers; and
- 14 5. any related matter.

15 (2) The functions under paragraph (1) of this subsection do not include the
16 regional planning functions of the Commission relating to or affecting the regional district
17 as a planning unit.

18 (b) (1) A county planning board has exclusive jurisdiction over:

19 (i) local functions, including:

- 20 1. the administration of subdivision regulations;
- 21 2. the preparation and adoption of recommendations to the
22 district council with respect to zoning map amendments; and
- 23 3. the assignment of street names and house numbers in the
24 regional district; and

25 (ii) mandatory referrals made in accordance with Subtitle 3, Part I
26 of this title by the county planning board’s respective county government or any unit of the
27 county government.

28 (2) The Montgomery County Planning Board has exclusive jurisdiction
29 over a mandatory referral made in accordance with Subtitle 3, Part I of this title by the

1 County Board of Education, a municipal corporation or special taxing district, or a publicly
2 owned or privately owned public utility.

3 (c) (1) Subject to paragraph (2) of this subsection, the Montgomery County
4 Planning Board shall:

5 (i) review the annual capital budgets of the county and future
6 capital budget projections; and

7 (ii) submit recommendations to the county council.

8 (2) The county government shall have sole responsibility for the
9 preparation of the capital budgets and programs of public works.

10 (d) Each county planning board shall:

11 (1) meet from time to time with its respective county council; and

12 (2) perform surveys, studies, and other planning duties the county council
13 assigns to the county planning board.

14 **22-109.**

15 **NOTWITHSTANDING § 20-202 OF THIS ARTICLE, IN PRINCE GEORGE'S**
16 **COUNTY, A FINAL ADMINISTRATIVE DECISION BY THE DISTRICT COUNCIL IN A**
17 **ZONING MATTER SHALL BE BASED ON ITS REVIEW OF THE ADMINISTRATIVE**
18 **RECORD, UNLESS LOCAL LAW EXPRESSLY PROVIDES OTHERWISE.**

19 **22-120.**

20 (A) [Within] **SUBJECT TO SUBSECTION (B) OF THIS SECTION, WITHIN** the
21 regional district, any power granted to a planning commission or board of appeals under
22 Division I of this article shall be construed as vested exclusively in and may be exercised
23 only by:

24 (1) the Commission; or

25 (2) the board of appeals created or authorized by this title.

26 (B) **NOTWITHSTANDING § 20-202 OF THIS ARTICLE, WITHIN THE PORTION**
27 **OF THE REGIONAL DISTRICT LOCATED IN PRINCE GEORGE'S COUNTY, ANY ZONING**
28 **POWER GRANTED TO A PLANNING COMMISSION OR BOARD OF APPEALS UNDER**
29 **DIVISION I OF THIS ARTICLE SHALL BE CONSTRUED AS VESTED IN AND MAY BE**
30 **EXERCISED ONLY BY THE DISTRICT COUNCIL.**

31 **22-124.**

1 **(A) THIS SECTION APPLIES IN THE PORTION OF THE REGIONAL DISTRICT**
2 **LOCATED IN PRINCE GEORGE'S COUNTY, NOTWITHSTANDING § 20-202 OF THIS**
3 **ARTICLE.**

4 **(B) (1) THE AUTHORITY OF THE COUNTY PLANNING BOARD OVER ZONING**
5 **MATTERS, BOTH GENERAL AND LOCAL, AND ZONING APPLICATIONS FOR**
6 **DEVELOPMENT IS NOT EXCLUSIVE.**

7 **(2) IN A ZONING CASE, THE AUTHORITY OF THE COUNTY PLANNING**
8 **BOARD IS LIMITED TO THE PREPARATION AND ADOPTION OF A RECOMMENDATION**
9 **TO THE DISTRICT COUNCIL FOR A FINAL DECISION BY THE DISTRICT COUNCIL.**

10 **(3) IN ANY OTHER ZONING MATTER, THE AUTHORITY OF THE COUNTY**
11 **PLANNING BOARD IS SUBJECT TO REVIEW AND FINAL DECISION BY THE DISTRICT**
12 **COUNCIL.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
14 1, 2016.