

**Department of Legislative Services**  
Maryland General Assembly  
2018 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

House Bill 391

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

Environment and Transportation

Education, Health, and Environmental Affairs

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**Prince George's County and Montgomery County - Special Exception Hearings -  
Required Notice  
PG/MC 102-18**

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This bill – under provisions relating to granting of special exceptions and variances to the zoning laws in Montgomery and Prince George’s counties – requires the board of appeals, the district council, or an administrative office or agency to provide notice of a hearing for a special exception to all parties of record, as defined in local law. This requirement is in addition to any other notice requirement that may apply.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** None. The bill can be implemented with existing resources.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Under provisions applicable in Montgomery and Prince George’s counties, a district council may adopt zoning laws that authorize the board of appeals, the district council, or an administrative office or agency designated by the district council to grant special exceptions and variances to the zoning laws on conditions that are necessary to carry out State land use law applicable in the counties. Any such zoning law adopted must contain appropriate standards and safeguards to ensure that any special exception or

variance that is granted is consistent with the general purposes and intent of the zoning laws.

The county councils of Montgomery and Prince George's counties are the district councils for the portion of the Metropolitan-Washington Regional District located in the respective counties. The Metropolitan-Washington Regional District consists of (1) the entire area of Montgomery County, subject to certain limitations (relating to certain municipalities not subject to the planning and zoning authority of the county, unless by agreement, and other municipalities that have certain, limited planning and zoning authority) and (2) the entire area of Prince George's County, except for the City of Laurel as it existed on July 1, 2013.

**Background:** Special exceptions are generally uses that are allowed, under a zoning ordinance, in certain zones after additional review and subject to conditions. The Prince George's County Planning Department's citizen's handbook (*Citizen's Handbook: Planning, Zoning, and Development Review in Prince George's County*) gives, as an example of a special exception, a commercial-home occupation being allowed in a residential zone if it meets specific conditions.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Montgomery and Prince George's counties; Department of Legislative Services

**Fiscal Note History:** First Reader - March 9, 2018  
mm/lgc Third Reader - March 28, 2018  
Revised - Amendment(s) - March 28, 2018

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