

HOUSE BILL 1059

L5, L3
HB 892/12 – ENV

4lr0872

By: **Prince George’s County Delegation and Montgomery County Delegation**
Introduced and read first time: February 7, 2024
Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George’s County – Qualifying Municipal Corporation – Land Use**

3 **PG/MC 105–24**

4 FOR the purpose of authorizing a governing body of a qualifying municipal corporation by
5 resolution to exercise the powers of the Prince George’s County Planning Board, the
6 zoning hearing examiner for Prince George’s County, or the District Council for
7 Prince George’s County to make specified land use decisions; subjecting the exercise
8 of those powers to the substantive and procedural requirements and standards
9 established in the Prince George’s County zoning law; providing for judicial review
10 of certain actions; and generally relating to land use in Prince George’s County.

11 BY repealing and reenacting, with amendments,
12 Article – Land Use
13 Section 22–119
14 Annotated Code of Maryland
15 (2012 Volume and 2023 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Land Use
18 Section 25–101 and 25–301
19 Annotated Code of Maryland
20 (2012 Volume and 2023 Supplement)

21 BY adding to
22 Article – Land Use
23 Section 25–304
24 Annotated Code of Maryland
25 (2012 Volume and 2023 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

2 **Article – Land Use**

3 22–119.

4 (a) (1) Except as provided in paragraphs (2) and (3) of this subsection **AND §**
5 **25–304 OF THIS ARTICLE**, within the regional district, the zoning powers vested by
6 Division I of this article in a municipal corporation or the council of a municipal corporation
7 within the regional district shall be construed to be vested exclusively in the appropriate
8 district council.

9 (2) A municipal corporation in Prince George’s County has concurrent
10 jurisdiction with Prince George’s County to enforce zoning laws in the boundaries of the
11 municipal corporation.

12 (3) The power to enforce zoning laws for the City of Takoma Park and the
13 Town of Kensington is as provided in §§ 24–201 and 24–202 of this article, respectively.

14 (b) Before exercising the authority granted by this section, a municipal
15 corporation in Prince George’s County shall enter into a written agreement with the district
16 council concerning:

17 (1) the method by which the county will be advised of citations issued by a
18 municipal inspector;

19 (2) the responsibility of the municipal corporation or the county to
20 prosecute violations cited by the municipal corporation;

21 (3) the disposition of fines imposed for violations cited by the municipal
22 corporation;

23 (4) the resolution of disagreements between the municipal corporation and
24 the county about the interpretation of zoning laws; and

25 (5) any other matter that the district council considers necessary for the
26 proper exercise of the authority granted by this section.

27 25–101.

28 This title applies only in Prince George’s County.

29 25–301.

30 (a) Except as otherwise provided in this section, the district council may provide
31 that the governing body of a municipal corporation may exercise the powers of the district
32 council as specified in this subtitle.

1 (b) When exercising authority delegated under subsection (c) or (d) of this section,
2 the governing body of a municipal corporation:

3 (1) shall be subject to the substantive and procedural requirements and
4 standards established by the district council; and

5 (2) may not impose:

6 (i) with respect to general delegation under subsection (c) of this
7 section, a different requirement or standard than the requirements or standards that would
8 apply if the district council had not delegated its authority to the municipal corporation; or

9 (ii) with respect to delegation in a revitalization overlay zone under
10 subsection (d) of this section, a stricter requirement or standard than the requirements or
11 standards that would apply if the district council had not delegated its authority to the
12 municipal corporation.

13 (c) (1) This subsection applies to land in a municipal corporation in the
14 regional district.

15 (2) The district council may delegate to the governing body of a municipal
16 corporation the powers of the district council regarding:

17 (i) design standards;

18 (ii) parking and loading standards;

19 (iii) sign design standards;

20 (iv) lot size variances and setback and similar requirements;

21 (v) landscaping requirements;

22 (vi) certification, revocation, and revision of nonconforming uses;

23 (vii) minor changes to approved special exceptions;

24 (viii) vacation of municipal rights-of-way; and

25 (ix) except as provided in paragraph (3) of this subsection, all
26 detailed site plans.

27 (3) The authority to delegate with regard to detailed site plans does not
28 apply to detailed site plans:

29 (i) for a zone that requires detailed site plan approval by the district

1 council;

2 (ii) that are required as a condition of approval of a zoning map
3 amendment or a preliminary plan of subdivision;

4 (iii) for which the approval of a conceptual site plan or a preliminary
5 plan of cluster subdivision is required; or

6 (iv) that are required for designated parcels as a specific condition of
7 a sectional map amendment.

8 (d) (1) This subsection applies to a revitalization overlay zone created by the
9 district council.

10 (2) For any portion of a revitalization overlay zone in a municipal
11 corporation, the district council may delegate to the governing body of a municipal
12 corporation the powers of the district council regarding:

13 (i) design standards;

14 (ii) parking and loading standards;

15 (iii) sign design standards;

16 (iv) lot size variances and setback and similar requirements; and

17 (v) landscaping requirements.

18 (3) The delegation of powers under paragraph (2) of this subsection may
19 not impede a development that meets the requirements the district council sets for the
20 revitalization overlay zone.

21 (4) For any portion of a revitalization overlay zone not within a municipal
22 corporation, the district council may authorize the county planning board to approve:

23 (i) departures from parking and loading standards;

24 (ii) departures from design standards; and

25 (iii) any variance from the zoning laws.

26 **25-304.**

27 (A) IN THIS SECTION, "QUALIFYING MUNICIPAL CORPORATION" MEANS A
28 MUNICIPAL CORPORATION IN THE REGIONAL DISTRICT IN THE COUNTY THAT HAS A
29 POPULATION OF AT LEAST 15,000 ACCORDING TO THE MOST RECENT UNITED

1 STATES CENSUS.

2 (B) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A
3 GOVERNING BODY OF A QUALIFYING MUNICIPAL CORPORATION MAY BY
4 RESOLUTION EXERCISE THE POWERS OF THE COUNTY PLANNING BOARD, THE
5 ZONING HEARING EXAMINER FOR THE COUNTY, OR THE DISTRICT COUNCIL TO MAKE
6 LAND USE DECISIONS RELATING TO ANY LAND WITHIN THE CORPORATE LIMITS OF
7 THE MUNICIPAL CORPORATION.

8 (2) WHEN EXERCISING THE POWERS AUTHORIZED UNDER
9 PARAGRAPH (1) OF THIS SUBSECTION, THE GOVERNING BODY OF A QUALIFYING
10 MUNICIPAL CORPORATION SHALL BE SUBJECT TO THE SUBSTANTIVE AND
11 PROCEDURAL REQUIREMENTS AND STANDARDS ESTABLISHED IN THE COUNTY
12 ZONING LAW, INCLUDING THE REGULATIONS AND MAPS.

13 (3) THE POWERS GRANTED UNDER THIS SECTION DO NOT AUTHORIZE
14 A GOVERNING BODY OF A QUALIFYING MUNICIPAL CORPORATION TO:

15 (I) AMEND THE COUNTY ZONING LAW; OR

16 (II) ADOPT A MUNICIPAL ZONING LAW.

17 (4) WITHIN 30 DAYS AFTER THE DATE OF ADOPTION OF A
18 RESOLUTION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE GOVERNING BODY
19 OF A QUALIFYING MUNICIPAL CORPORATION SHALL SUBMIT A COPY OF THE
20 RESOLUTION TO THE DISTRICT COUNCIL.

21 (C) A PARTY OF RECORD TO AN ACTION OF A GOVERNING BODY OF A
22 QUALIFYING MUNICIPAL CORPORATION UNDER THIS SECTION MAY SEEK JUDICIAL
23 REVIEW OF THE FINAL DECISION OF THE GOVERNING BODY TO THE CIRCUIT COURT
24 FOR PRINCE GEORGE'S COUNTY.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2024.