

HOUSE BILL 1266

L5
HB 1104/24 – ENT

5lr1010

By: **Montgomery County Delegation and Prince George's County Delegation**

Introduced and read first time: February 7, 2025

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2025

CHAPTER _____

1 AN ACT concerning

2 ~~Montgomery County and Prince George's County Zoning and Land Use~~
3 ~~Fairness in Zoning~~
4 Task Force to Study Land Use Issues in Prince George's County – Establishment

5 MC/PG 117-25

6 FOR the purpose of ~~providing that, in Prince George's County, the planning board's~~
7 ~~authority over zoning and subdivision matters is not exclusive and may be subject to~~
8 ~~review by the district council under certain circumstances; altering the jurisdiction~~
9 ~~of the Prince George's County Planning Board over certain local functions and~~
10 ~~certain mandatory referrals; altering, in Prince George's County, the standing~~
11 ~~requirements for filing a request for judicial review of certain decisions of the district~~
12 ~~council to the circuit court; altering the standing requirements for filing an appeal~~
13 ~~from a certain judgment of the circuit court to the Appellate Court of Maryland;~~
14 ~~prohibiting a member of the district council from voting on an appeal to the Appellate~~
15 ~~Court of Maryland under certain circumstances; repealing the standing~~
16 ~~requirements for requesting the district council in Prince George's County to review~~
17 ~~the decision of the zoning hearing examiner or the county planning board under~~
18 ~~certain circumstances; altering, in Prince George's County, the time frame within~~
19 ~~which a zoning hearing examiner shall take action on a certain zoning matter~~
20 ~~remanded back from the district council; providing that a certain approval shall~~
21 ~~expire at a certain time; prohibiting, in Prince George's County, the district council~~
22 ~~from amending the zoning laws or zoning classification of certain property in a~~
23 ~~certain manner; and generally relating to zoning and planning powers in the~~
24 ~~Maryland Washington Regional District~~ establishing the Task Force to Study Land

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Use Issues in Prince George's County to study certain land use matters in Prince George's County; and generally relating to the Task Force to Study Land Use Issues in Prince George's County.

~~BY repealing and reenacting, with amendments,
Article — Land Use
Section 20 — 202(a) and (b), 20 — 302, 22 — 407(a) and (f), and 25 — 213
Annotated Code of Maryland
(2012 Volume and 2024 Supplement)~~

~~BY repealing and reenacting, without amendments,
Article — Land Use
Section 22 — 406 and 25 — 101
Annotated Code of Maryland
(2012 Volume and 2024 Supplement)~~

~~BY repealing
Article — Land Use
Section 25 — 212
Annotated Code of Maryland
(2012 Volume and 2024 Supplement)~~

~~BY adding to
Article — Land Use
Section 25 — 214 and 25 — 215
Annotated Code of Maryland
(2012 Volume and 2024 Supplement)~~

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

(a) There is a Task Force to Study Land Use Issues in Prince George's County.

(b) The Task Force consists of the following members:

(1) the Chair of the Prince George's County Senate Delegation, or the
Chair's designee;

(2) the Chair of the Prince George's County House Delegation, or the
Chair's designee;

(3) the Chair of the Prince George's County Council, or the Chair's
designee;

(4) the Chair of the Prince George's County Planning Board, or the Chair's
designee;

1 (5) the President of the Prince George's County Municipal Association, or
2 the President's designee;

3 (6) one member of the Prince George's County Department of Permitting,
4 Inspections and Enforcement, appointed by the Prince George's County Executive; and

5 (7) the following members, appointed jointly by the chairs of the Prince
6 George's County Senate and House delegations:

7 (i) one member of a civic association in Prince George's County;

8 (ii) one member of the public;

9 (iii) one member of a nonprofit organization with expertise in housing
10 issues in Prince George's County;

11 (iv) two members of the building industry, one of whom must be
12 certified by Prince George's County as a minority business enterprise; and

13 (v) two nonvoting members with expertise in land use issues in the
14 county, including zoning.

15 (c) The Task Force shall elect a chair from among its voting members.

16 (d) The Maryland Department of Planning shall provide staff for the Task Force.

17 (e) A member of the Task Force:

18 (1) may not receive compensation as a member of the Task Force; but

19 (2) is entitled to reimbursement for expenses under the Standard State
20 Travel Regulations, as provided in the State budget.

21 (f) (1) (i) In this subsection the following words have the meanings
22 indicated.

23 (ii) "Approval" includes:

24 1. an action by the Prince George's County Planning Board,
25 the district council, or the Prince George's County Department of Permitting, Inspections
26 and Enforcement on an application for a zoning special exception, a zoning variance, or a
27 conditional zoning use;

28 2. a development or subdivision approval required to be
29 obtained from the county planning board or district council, including a site plan approval,
30 a development plan approval, or any other development or subdivision approval authorized
31 or required by the Land Use Article or local law; or

1 3. any other approval by or agreement with the county
2 planning board or district council that is associated with an application for development or
3 subdivision approval.

4 (iii) “District council” has the meaning stated in § 14–101(f)(1) of the
5 Land Use Article, with respect to the Prince George’s County Council.

6 (2) The Task Force shall:

7 (i) study:

8 1. the current role of the Prince George’s County Planning
9 Board in the exercise of its powers enumerated in § 20–202 of the Land Use Article;

10 2. to what extent, if any, the Prince George’s County
11 Planning Board should retain exclusive jurisdiction over the powers described in item 1 of
12 this item and whether the district council should have jurisdiction to review and issue final
13 decisions regarding any of those powers;

14 3. whether any changes should be made to the list of persons
15 that have standing to:

16 A. seek judicial review of a final decision of the district
17 council under § 22–407(a) of the Land Use Article; and

18 B. appeal to the Appellate Court of Maryland a final
19 judgment of the circuit court under § 22–407(f) of the Land Use Article;

20 4. whether any changes should be made to the standing
21 requirements to make a request to the district council for review of a decision of a zoning
22 hearing examiner or the county planning board as described in § 25–212 of the Land Use
23 Article;

24 5. the adequacy of the current procedures described in §
25 25–213 of the Land Use Article regarding what actions the district council may take when
26 hearing a zoning matter that has been appealed from a decision of a zoning hearing
27 examiner;

28 6. the expiration processes, if any, for approvals, as defined
29 in paragraph (1) of this subsection, and whether any changes should be made to those
30 processes; and

31 7. whether the district council should or should not, for
32 purposes of permitting the construction of multifamily residential dwellings, be able to
33 amend the text or map of the zoning law or the zoning classification of property that is
34 currently used as, or in its immediate former use was used as, an airport; and

(ii) make recommendations on whether any changes should be made, including legislatively, to address the issues studied under item (i) of this paragraph.

(3) In studying the issues described under paragraph (2)(i)1 and 2 of this subsection, the Task Force shall consider the Supreme Court of Maryland holding in County Council of Prince George's County v. Zimmer Development Company, 444 Md. 490 (2015) and its impact on Prince George's County.

(g) On or before December 1, 2026, the Task Force shall report its findings and recommendations to the Prince George's County Executive, the Prince George's County Council, and, in accordance with § 2-1257 of the State Government Article, the General Assembly and the members of the Prince George's County Delegation to the General Assembly.

~~Article — Land Use~~

~~20-202-~~

~~(a) (1) (I) Subject to SUBPARAGRAPH (II) OF THIS PARAGRAPH AND paragraph (2) of this subsection, a county planning board:~~

~~[(i)] 1. is responsible for planning, subdivision, and zoning functions that are primarily local in scope; and~~

~~[(ii)] 2. shall exercise, within the county planning board's jurisdiction, the following powers:~~

~~[1.] A. planning;~~

~~[2.] B. zoning;~~

~~[3.] C. subdivision;~~

~~[4.] D. assignment of street names and house numbers;~~

~~and~~

~~[5.] E. any related matter.~~

~~(II) 1. IN PRINCE GEORGE'S COUNTY:~~

~~A. THE AUTHORITY OF THE COUNTY PLANNING BOARD OVER ZONING AND SUBDIVISION MATTERS, BOTH LOCAL AND GENERAL, IS NOT EXCLUSIVE AND SHALL BE SUBJECT TO REVIEW AND FINAL ACTION BY THE DISTRICT COUNCIL; BUT~~

~~B. ANY REVIEW AND FINAL ACTION IS LIMITED TO THE
MATTER THAT IS BROUGHT BEFORE THE DISTRICT COUNCIL.~~

~~2. NOTHING IN THIS SUBPARAGRAPH AUTHORIZES THE
DISTRICT COUNCIL TO REVIEW MATTERS THAT ARE OTHERWISE BEYOND ITS
JURISDICTION AS PROVIDED IN THIS ARTICLE.~~

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

~~(b) (1) [A county planning board] THE MONTGOMERY COUNTY PLANNING
BOARD has exclusive jurisdiction over:~~

~~(i) local functions, including:~~

~~1. the administration of subdivision regulations;~~

~~2. the preparation and adoption of recommendations to the
district council with respect to zoning map amendments; and~~

~~3. the assignment of street names and house numbers in the
regional district; and~~

~~(ii) mandatory referrals made in accordance with Subtitle 3, Part I
of this title by:~~

~~1. the [county planning board's respective county]
MONTGOMERY COUNTY government or any unit of the county government; OR~~

~~2. THE COUNTY BOARD OF EDUCATION, A MUNICIPAL
CORPORATION OR SPECIAL TAXING DISTRICT, OR A PUBLICLY OWNED OR
PRIVATELY OWNED PUBLIC UTILITY.~~

~~(2) The [Montgomery County Planning Board has exclusive jurisdiction
over a mandatory referral made in accordance with Subtitle 3, Part I of this title by the
County Board of Education, a municipal corporation or special taxing district, or a publicly
owned or privately owned public utility] PRINCE GEORGE'S COUNTY PLANNING
BOARD HAS JURISDICTION OVER:~~

~~(i) LOCAL FUNCTIONS, INCLUDING:~~

~~1. THE ADMINISTRATION OF SUBDIVISION
REGULATIONS;~~

~~2. THE PREPARATION AND ADOPTION OF
RECOMMENDATIONS TO THE DISTRICT COUNCIL WITH RESPECT TO ZONING MAP
AMENDMENTS, DETAILED SITE PLANS, COMPREHENSIVE DESIGN PLANS, AND
SPECIFIC DESIGN PLANS; AND~~

~~3. THE ASSIGNMENT OF STREET NAMES AND HOUSE
NUMBERS IN THE REGIONAL DISTRICT; AND~~

~~(H) MANDATORY REFERRALS MADE IN ACCORDANCE WITH
SUBTITLE 3, PART I OF THIS TITLE BY THE PRINCE GEORGE'S COUNTY
GOVERNMENT OR ANY UNIT OF THE COUNTY GOVERNMENT.~~

~~20-302.~~

~~(a) The Commission has exclusive jurisdiction over mandatory referrals made
under this part from the United States or the State, or any unit of the United States or the
State.~~

~~(b) [A county planning board] THE PRINCE GEORGE'S COUNTY PLANNING
BOARD has [exclusive] jurisdiction over a mandatory referral under this part by the
[county planning board's respective] PRINCE GEORGE'S COUNTY PLANNING BOARD'S
county government or any unit of the county government.~~

~~(c) The Montgomery County Planning Board has exclusive jurisdiction over a
mandatory referral under this part by:~~

~~(1) THE MONTGOMERY COUNTY PLANNING BOARD'S COUNTY
GOVERNMENT OR ANY UNIT OF THE COUNTY GOVERNMENT; AND~~

~~(2) the county board of education, a municipal corporation or special taxing
district, or a publicly owned or privately owned public utility.~~

~~22-406.~~

~~This part applies only in Prince George's County.~~

~~22-407.~~

~~(a) (1) Judicial review of any final decision of the district council, including an
individual map amendment or a sectional map amendment, may be requested by [any
person or entity that is aggrieved by the decision of the district council and is]:~~

~~(i) [a municipal corporation, governed special taxing district, or
person in the county] A PERSON OR MUNICIPAL CORPORATION THAT APPEARED AT
THE HEARING IN PERSON, BY ATTORNEY, OR IN WRITING;~~

~~(ii) A PERSON WHO RESIDES WITHIN 1 MILE OF THE PROPERTY THAT IS THE SUBJECT OF THE DECISION OR RESIDES IN THE MUNICIPAL CORPORATION WHERE THE PROPERTY THAT IS THE SUBJECT OF THE DECISION IS LOCATED; OR~~

~~(iii) a civic or homeowners association representing property owners affected by the final decision;~~

~~(iii) the owner of the property that is the subject of the decision; or~~

~~(iv) the applicant];~~

~~(2) A petition for judicial review under this subsection shall be filed in the Circuit Court for Prince George's County within 30 days after service of the final decision by the district council.~~

~~(3) Copies of the petition shall be served on the district council and all other persons of record in accordance with the Maryland Rules.~~

~~(4) The filing of the petition does not stay enforcement of the final decision of the district council, but the district council may stay enforcement of its final decision or the reviewing court may order a stay on terms it considers proper.~~

~~(f) [(1) A final judgment of the circuit court may be appealed to the Appellate Court of Maryland by:~~

~~(i) the district council;~~

~~(ii) the applicant; or~~

~~(iii) any aggrieved party to the circuit court proceedings.];~~

~~(1) ANY PARTY TO THE PROCEEDING IN THE CIRCUIT COURT MAY APPEAL THE FINAL JUDGMENT OF THE CIRCUIT COURT TO THE APPELLATE COURT OF MARYLAND.~~

~~(2) (i) [Each] EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii) OF THIS PARAGRAPH, EACH member of the district council is entitled to vote on whether the district council shall appeal to the Appellate Court of Maryland, regardless of whether the member participated in the hearing on the matter or in the decision.~~

~~(ii) A MEMBER OF THE DISTRICT COUNCIL MAY NOT VOTE UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH IF THE MEMBER PREVIOUSLY~~

~~RECUSED THEMSELVES FROM PARTICIPATING IN THE HEARING ON THE MATTER OR
IN THE DECISION.~~

~~25-101.~~

~~This title applies only in Prince George's County.~~

~~[25-212.~~

~~In Prince George's County, a person may make a request to the district council for
the review of a decision of the zoning hearing examiner or the county planning board only
if:~~

~~(1) the person is an aggrieved person that appeared at the hearing before
the zoning hearing examiner or county planning board in person, by an attorney, or in
writing; and~~

~~(2) the review is expressly authorized under this division.]~~

~~25-213.~~

~~In Prince George's County, when the district council is hearing a zoning matter that
has been appealed from a decision of a zoning hearing examiner, the district council:~~

~~(1) may remand the zoning matter back to the zoning hearing examiner
[only one time]; and~~

~~(2) shall specify that the zoning hearing examiner take action within [30]
100 days after the matter is remanded [and relevant information is received from the
applicant or the district council].~~

~~25-214.~~

~~(A) IN THIS SECTION, "APPROVAL" INCLUDES:~~

~~(1) AN ACTION BY THE PLANNING BOARD, DISTRICT COUNCIL, OR
OTHER COUNTY PERMITTING DEPARTMENT ON AN APPLICATION FOR:~~

~~(I) A ZONING SPECIAL EXCEPTION;~~

~~(II) A ZONING VARIANCE; OR~~

~~(III) A CONDITIONAL ZONING USE;~~

~~(2) A DEVELOPMENT OR SUBDIVISION APPROVAL REQUIRED TO BE
OBTAINED FROM THE PLANNING BOARD OR DISTRICT COUNCIL, INCLUDING:~~

~~(I) A SITE PLAN APPROVAL;~~

~~(II) A DEVELOPMENT PLAN APPROVAL; OR~~

~~(III) ANY OTHER DEVELOPMENT OR SUBDIVISION APPROVAL
AUTHORIZED OR REQUIRED BY THIS ARTICLE OR LOCAL LAW; OR~~

~~(3) ANY OTHER APPROVAL BY, OR AGREEMENT WITH, THE COUNTY
PLANNING BOARD OR DISTRICT COUNCIL THAT IS ASSOCIATED WITH AN
APPLICATION FOR DEVELOPMENT OR SUBDIVISION APPROVAL.~~

~~(B) BEGINNING WITH APPROVALS ISSUED ON JULY 1, 2025, AN APPROVAL
SHALL EXPIRE ON THE LATER OF THE PERIOD ESTABLISHED BY THE COUNTY OR 10
YEARS AFTER THE DATE THE APPROVAL WAS ISSUED.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
as follows:~~

~~Article — Land Use~~

~~25-215.~~

~~NOTWITHSTANDING ANY OTHER LAW, THE DISTRICT COUNCIL MAY NOT
AMEND THE TEXT OR MAP OF THE ZONING LAW OR THE ZONING CLASSIFICATION OF
PROPERTY THAT IS CURRENTLY USED AS, OR ITS IMMEDIATE FORMER USE WAS AS,
AN AIRPORT IN ORDER TO PERMIT THE CONSTRUCTION OF MULTIFAMILY
RESIDENTIAL DWELLINGS ON THE PROPERTY.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be
construed to apply only prospectively and may not be applied or interpreted to have any
effect on or application to any property for which a building permit to construct multifamily
residential dwellings has been issued before the effective date of this Act.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General
Assembly that § 22-202(b)(2) of the Land Use Article, as enacted by Section 1 of this Act,
abrogate the holding by the Supreme Court of Maryland in County Council of Prince
George's County v. Zimmer Development Company, 444 Md. 490 (2015).~~

~~SECTION 5. 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
July October 1, 2025. It shall remain effective for a period of 1 year and 3 months and, at
the end of December 31, 2026, this Act, with no further action required by the General
Assembly, shall be abrogated and of no further force and effect.~~