L1, L5 6lr0829

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: Smith
Typed by: Susanne
Stored – 10/22/15
Proofread by _____
Checked by _____

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

A BILL ENTITLED

AN ACT concerning

Prince George's County – Land Use Permit Review – Consolidation

PG/MC 110–16

FOR the purpose of consolidating the review of certain permits for land use in Prince George's County in the Prince George's County Department of Permits, Inspections, and Enforcement; providing for mandatory exclusive review of certain permits by the Department and not by the Maryland–National Capital Park and Planning Commission or a unit of the Commission; providing for certain reviews and appeals of certain permit reviews in certain manners; providing that certain zoning and subdivision conditions be reviewed by the Department; providing for the construction of this Act; providing for the application of this Act; defining a certain term; and generally relating to review of permits for land use in Prince George's County.

BY renumbering
Article – Land Use
Section 14–101(k) through (q), respectively
to be Section 14–101(l) through (r), respectively
Annotated Code of Maryland
(2012 Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets] indicate matter deleted from existing law.

Article – Land Use
Section 14–101(a), 20–513, and 20–515
Annotated Code of Maryland
(2012 Volume and 2015 Supplement)

BY adding to
Article – Land Use
Section 14–101(k), 22–217, 23–109, and 25–214
Annotated Code of Maryland
(2012 Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,
Article – Land Use
Section 17–212(c) and 20–202(a) and (b)(1)
Annotated Code of Maryland
(2012 Volume and 2015 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 14–101(k) through (q), respectively, of Article – Land Use of the Annotated Code of Maryland be renumbered to be Section(s) 14–101(l) through (r), respectively.

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

Article – Land Use

14–101.

(a) In this division the following words have the meanings indicated.

(K) "PERMIT DEPARTMENT" MEANS THE PRINCE GEORGE'S COUNTY DEPARTMENT OF PERMITS, INSPECTIONS, AND ENFORCEMENT.

17–212.

(c) (1) The Commission may not rename any street or renumber any house located in a municipal corporation in Prince George's County unless the proposed change is approved by the legislative body of the municipal corporation.

(2) (i) Any party aggrieved by the refusal of a municipal corporation to approve a proposed change may appeal to the Prince George's County Council.

(ii) After public hearing and on a finding of need for public health, safety, and welfare, the County Council by resolution may authorize the change notwithstanding the objections of the municipal corporation.

(iii) The resolution shall require the affirmative vote of two–thirds of all the members of the County Council.

(3) IN THE PORTION OF THE REGIONAL DISTRICT LOCATED IN PRINCE GEORGE'S COUNTY, THE PERMIT DEPARTMENT CONDUCTS AN ADDRESS REVIEW UNDER § 25–214 OF THIS ARTICLE.

20–202.

(a) (1) [Subject] **EXCEPT AS PROVIDED IN § 25–214 OF THIS ARTICLE AND SUBJECT** to paragraph (2) of this subsection, a county planning board:

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

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

1. planning;

2. zoning;

3. subdivision;

4. assignment of street names and house numbers; and

5. any related matter.

(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] EXCEPT AS PROVIDED IN § 25–214 OF THIS ARTICLE, A** 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 the county planning board's respective county government or any unit of the county government.

20–513.

(a) (1) (i) The County Council may provide for the issuance of permits for the construction, repair, or remodeling of buildings.

(ii) A person may not construct, repair, or remodel a building without obtaining a permit and paying a fee established by the County Council.

(2) The County Council shall:

(i) regulate uniformly the construction, improvement, and demolition of buildings;

(ii) regulate the size of bricks and thickness of walls that are used in houses to be built;

(iii) provide for the entry into and examination of all buildings, lots, yards, enclosures, boats, and vehicles in order to determine their condition for health, cleanliness, and safety;

(iv) 1. provide for the taking down and removal of buildings, walls, structures, or superstructures that are or may become dangerous; or

2. require owners to move the buildings, walls, structures, or superstructures or put them in a safe and sound condition at their own expense;

(v) regulate the building and maintenance of party walls, partitions, fences, parapet walls, fire walls, smoke flues, fireplaces, hot–air flues, boilers, kettles, smokestacks, and stove pipes;

(vi) regulate the storage of gasoline and other combustibles or explosives in any structure listed in item (v) of this paragraph;

(vii) regulate the safe construction, inspection, and repair of private and public buildings;

(viii) regulate, limit, or prohibit the construction of wooden or frame buildings and remove the buildings at the owner's expense, when constructed or not removed;

(ix) regulate the height, construction, and inspection of new buildings;

(x) regulate the limits in which steps, porticoes, bay windows, or other structural ornaments may be added to houses fronting on a highway, street, avenue, lane, or alley;

(xi) regulate the materials used and the manner of installing electric wiring or piping or laying conduit in any building;

(xii) regulate the location, manner of installation, size, and area per lot of all advertising structures and restrict the projection of advertising structures over public property;

(xiii) adopt and enforce all necessary rules or regulations over public property; and

(xiv) impose fines and penalties for violations of rules or regulations adopted under this paragraph.

(b) (1) A local law is not valid or effective until it is adopted by the County Council at a regular meeting and recorded in the records of the County Council.

(2) Before adopting any local law under this section, the County Council shall publish notice of the date, place, and time, in a newspaper of general circulation in the part of the regional district affected by the local law, of the meeting of the County Council at which the local law is to be presented for adoption.

(3) The notice shall:

(i) state that the meeting will include a hearing on the proposed local law at which all persons will be given an opportunity to express the person's views on the proposed local law;

(ii) 1. briefly indicate the nature of the local law to be adopted, amended, or repealed; or

2. if a complete and comprehensive building code is to be considered for adoption, provide a statement to that effect; and

(iii) be published at least once each week for 2 consecutive weeks before the date of the meeting, but the County Council may provide for more extensive notification.

(c) (1) (i) After local laws are adopted, the County Council shall record the local laws in a book kept for that purpose in the office of the County Council.

(ii) When the local laws are recorded under this paragraph, all persons are deemed to have notice of the local laws and no actual notice need be proven.

(2) (i) The County Council shall print a sufficient number of copies of the adopted and recorded local laws for general distribution.

1 (ii) If it is necessary to prove the existence of the local laws in any
2 judicial proceeding, a printed copy is prima facie evidence of the existence.

3 (d) (1) The County Council may wholly or partly amend any local law adopted
4 under this section.

5 (2) Amendments are valid and effective when recorded as provided in
6 subsection (c) of this section.

7 (e) The County Council may exempt a municipal corporation or special taxing
8 district in the regional district from local laws adopted under this section if the County
9 Council determines that the building regulations and enforcement in the municipal
10 corporation or special taxing district are as adequate and equally effective as the local laws
11 adopted by the County Council.

12 (f) (1) The County Council, in addition to the remedies provided for by this
13 subtitle and Title 27 of this article, may provide for the enforcement of the local laws
14 adopted under this section by applying to the Circuit Court for Prince George's County for
15 an injunction.

16 (2) A violation of the local laws is sufficient cause in itself for the issuance
17 of an injunction when applied for, and no further cause need be alleged or shown.

18 (g) (1) A building code adopted under this section shall be enforced by the
19 officers designated in the county charter or county code.

20 (2) All fees and penalties are governed by the law applicable to a charter
21 county.

22 20–515.

23 The county or a unit of the county responsible for issuing grading permits shall place
24 conditions on a grading permit issued under Subtitle 4, Division 3 of the Prince George's
25 County Code (2007 Edition) if:

26 (1) the permit involves at least 10 acres of land in the county portion of the
27 regional district; and

(2) the county or the unit finds there is or would be an adverse effect, as a result of noise or traffic, on the safety, health, or welfare of the residents in the immediate area of the land that is the subject of the grading permit.

22–217.

IN THE PORTION OF THE REGIONAL DISTRICT LOCATED IN PRINCE GEORGE'S COUNTY, THE PERMIT DEPARTMENT CONDUCTS THE REVIEW OF ZONING AND CONDITIONS OF APPROVAL UNDER § 25–214 OF THIS ARTICLE.

23–109.

IN THE PORTION OF THE REGIONAL DISTRICT LOCATED IN PRINCE GEORGE'S COUNTY, THE PERMIT DEPARTMENT CONDUCTS THE REVIEW OF SUBDIVISION AND CONDITIONS OF APPROVAL UNDER § 25–214 OF THIS ARTICLE.

25–214.

(A) THIS SECTION APPLIES ONLY IN THE PORTION OF THE REGIONAL DISTRICT LOCATED IN PRINCE GEORGE'S COUNTY.

(B) (1) (I) NOTWITHSTANDING ANY PUBLIC LOCAL LAW OR ANY OTHER PUBLIC GENERAL LAW, INCLUDING MUNICIPAL DELEGATION UNDER § 25–301 OF THIS TITLE, AN APPLICATION FOR A PERMIT LISTED IN PARAGRAPH (2) OF THIS SUBSECTION SHALL BE REVIEWED SOLELY BY THE PERMIT DEPARTMENT, AND NOT BY THE COMMISSION OR A UNIT OF THE COMMISSION.

(II) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF THE COMMISSION OVER OTHER AREAS OF LAND USE SUCH AS SITE PLAN REVIEW.

(2) PERMITS FOR THE FOLLOWING LAND USE FUNCTIONS AND AREAS ARE SUBJECT TO MANDATORY REVIEW UNDER THIS SECTION:

(I) ZONING, INCLUDING MAP AMENDMENTS, SPECIAL EXCEPTIONS, CONCEPTUAL SITE PLANS, COMPREHENSIVE DESIGN PLANS,

DETAILED SITE PLANS, SPECIFIC DESIGN PLANS, OTHER RELATED PLANS, AND CONDITIONS OF APPROVAL;

(II) SUBDIVISION, INCLUDING PRELIMINARY PLANS, FINAL PLATS, AND CONDITIONS OF APPROVAL;

(III) PUBLIC AND PRIVATE RECREATIONAL AMENITIES, PARK DEVELOPMENT, TRAIL REVIEW, AND OTHER MATTERS RELATED TO DEVELOPMENT OF RECREATIONAL FACILITIES OR AMENITIES;

(IV) TRAFFIC REVIEW, INCLUDING ROAD IMPROVEMENTS SUBJECT TO COUNTY OR LOCAL JURISDICTION;

(V) NATURAL RESOURCE AND ENVIRONMENTAL PLANNING REVIEWS, INCLUDING FOREST CONSERVATION PLANS, SOIL ANALYSIS, FLOODPLAINS, AND WETLANDS;

(VI) HISTORIC REVIEW, HISTORIC WORK AREA PERMITS, AND CONDITIONS OF APPROVAL; AND

(VII) LANDSCAPING AND SIGNAGE.

(C) (1) AN AGGRIEVED PERSON MAY MAKE A REQUEST TO REVIEW A DECISION OF THE PERMIT DEPARTMENT UNDER THIS SECTION TO THE COUNTY BOARD OF APPEALS IN THE SAME MANNER AS IF THE DECISION WERE MADE BY A UNIT OF THE COMMISSION.

(2) AN AGGRIEVED PERSON MAY REQUEST ANY OTHER ADMINISTRATIVE OR JUDICIAL REVIEW OF A DECISION OF THE COUNTY BOARD OF APPEALS UNDER PARAGRAPH (1) OF THIS SUBSECTION IN ACCORDANCE WITH APPLICABLE LAW.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.