L5, L1 6lr0801

Bill No.: _____
Requested: _____
Committee: _____

Drafted by: Smith
Typed by: Sumer
Stored – 10/21/15
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 – Zoning Powers and Review

PG/MC 111–16

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

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

BY adding to
Article – Land Use
Section 22–109 and 22–124

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

1 Annotated Code of Maryland
2 (2012 Volume and 2015 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Land Use
5 Section 22–120
6 Annotated Code of Maryland
7 (2012 Volume and 2015 Supplement)

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

10 **Article – Land Use**

11 20–202.

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

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

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

17 1. planning;

18 2. zoning;

19 3. subdivision;

20 4. assignment of street names and house numbers; and

21 5. any related matter.

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

(b) (1) 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.

(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.

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

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

(ii) submit recommendations to the county council.

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

(d) Each county planning board shall:

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

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

22–109.

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

22–120.

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

(1) the Commission; or

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

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

22–124.

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

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

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

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2016.