

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2009 Legislative Session**

Bill No. CB-41-2009

Chapter No. _____

Proposed and Presented by Council Member Dernoga

Introduced by Council Members Dernoga and Olson

Co-Sponsors _____

Date of Introduction October 20, 2009

ZONING BILL

1 AN ORDINANCE concerning
2 Maryland –National Capital Park and Planning Commission – Prince George’s County District
3 Council – Delegation of Powers

4 For the purpose of allowing the governing body of a municipal corporation to exercise certain
5 powers of the district council, subject to certain limitations.

6 BY repealing and reenacting with amendments:

7 Section 27-924

8 The Zoning Ordinance of Prince George's County, Maryland,
9 being also

10 SUBTITLE 27. ZONING.

11 The Prince George's County Code
12 (2007 Edition, 2008 Supplement).

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
14 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
15 District in Prince George's County, Maryland, that Sections 27-924 and 27-925 of the Zoning
16 Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's
17 County Code, be and the same are hereby repealed and reenacted with the following
18 amendments:

19 **SUBTITLE 27. ZONING.**

20 **PART 17. DELEGATION OF AUTHORITY.**

DIVISION 2. MUNICIPAL CORPORATIONS.

Sec. 27-924. Powers of Municipalities.

(a) General.

(1) An incorporated municipality may enact an ordinance which sets forth procedural regulations governing any or all of the following: departures from design and landscaping standards, parking and loading standards, sign design standards, and variances for lot size, setback, and similar requirements for land within the corporate boundaries of the municipality[.], alternative compliance from landscaping requirements, certification, revocation, and revision of nonconforming uses, and minor changes to approved special exceptions.

(2) The municipality may not impose any standard or requirement stricter than those standards or requirements set forth in the Zoning Ordinance.

(3) The procedural regulations adopted by the municipality shall be set forth in a municipal ordinance.

(4) (A) (i) The municipal ordinance shall provide that before exercising the right of appeal under Subparagraph (B), a party of record shall first appeal an action of the governing body of a municipal corporation under this section to the District Council for review on the record,

(ii) On review, the district council may:

1. By majority vote of its members, approve the action of the municipal corporation; or

2. By a vote of at least six of its members, approve with conditions or overrule the action of the municipal corporation.

(iii) A person aggrieved by the action of the District Council under this paragraph may appeal to the Circuit Court.

(iv) For purposes of an appeal to the circuit court under subparagraph (iii) of this paragraph, the municipal corporation whose action is affected by the action of the District Council shall be considered an aggrieved person.

(B) The municipal ordinance shall further provide that any person aggrieved by its decision who was a party to the proceeding before it may appeal to the Circuit Court which shall have the power to affirm the decision of the municipality or, if the decision is not in accordance with law, to remand the matter or to modify or reverse the decision.

1 (5) The municipal ordinance shall not apply to any variance requests over which the
2 District Council has retained jurisdiction pursuant to Section 27-239.03 of the Code.

3 **(b) Procedures.**

4 (1) Prior to adopting the ordinance, the municipality shall hold a duly advertised
5 public hearing.

6 (2) The District Council shall hold a public hearing on the proposed municipal
7 ordinance within sixty (60) days of its receipt. Notice of the time, date and place of the hearing
8 shall be published at least one (1) time in the County newspapers of record, at least fourteen (14)
9 days prior to the hearing date.

10 (3) Failure of the District Council to adopt the municipal ordinance shall be
11 considered a disapproval thereof.

12 (4) The provisions of the Zoning Ordinance shall continue to apply within the
13 municipality unless and until the District Council approves the proposed municipal ordinance.

14 (c) After the municipal ordinance is approved by the District Council, the municipality
15 retains the right to elect not to exercise the power to approve variances and departures if it
16 provides 60 days' notice of its intent to do so to the Clerk of the County Council and to the
17 residents of the municipality. If the municipality chooses not to retain such powers, the
18 provisions of the Zoning Ordinance will automatically apply within the municipality.

19 SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five
20 (45) calendar days after its adoption.

Adopted this ____ day of _____, 2009.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: _____
Marilynn M. Bland
Chairperson

ATTEST:

Redis C. Floyd
Clerk of the Council

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.