

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL

1998 Legislative Session

Bill No. _____ CB-109-1998

Chapter No. _____ 73

Proposed and Presented by _____ Council Member Scott

Introduced by _____ Council Member Scott

Co-Sponsors _____

Date of Introduction _____ October 6, 1998

ZONING BILL

1 AN ORDINANCE concerning

2 Municipal Corporations

3 For the purpose of approving the ordinances of the City of Bowie and the City of Greenbelt to
 4 implement the delegation by the District Council of certain police powers to the Cities and to
 5 amend the scope of the delegation of powers to municipalities in general.

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 (1995 Edition, 1997 Supplement, as amended by CB-33-1998).

13 BY adding:

14 Section 27-925,

15 The Zoning Ordinance of Prince George's County, Maryland,

16 being also

17 SUBTITLE 27. ZONING.

18 The Prince George's County Code

19 (1995 Edition, 1997 Supplement, as amended by CB-33-1998).

SECTION 1. BE IT ENACTED by the 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, that Section 27-924 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

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.

(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) The municipal ordinance shall 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.

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

(b) Procedures.

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

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

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

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

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

SECTION 2. BE IT FURTHER ENACTED that Section 27-925 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same is hereby added:

SUBTITLE 27. ZONING.

PART 17. DELEGATION OF AUTHORITY.

DIVISION 2. MUNICIPAL CORPORATIONS.

Sec. 27-925. Approved ordinances.

(a) The District Council, having provided a public hearing and fully considered Ordinance Number 0-24-98 of the City of Bowie adopted on October 19, 1998, hereby approves the Ordinance in accordance with Section 27-924 of the Code.

(b) The District Council, having provided a public hearing and fully considered Ordinance Number 1173 of the City of Greenbelt adopted on October 26, 1998, hereby approves the Ordinance in accordance with Section 27-924 of the Code.

SECTION 3. BE IT FURTHER ENACTED that any case pending on the effective date of this legislation shall remain in the jurisdiction of the Board of Appeals or the Planning Board.

SECTION 4. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (45) calendar days after its adoption.

Adopted this 28th day of October, 1998.

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: _____
Ronald V. Russell
Chairman

ATTEST:

Joyce T. Sweeney
Clerk of the Council

KEY:
Underscoring indicates language added to existing law.

NOTE: City of Bowie Ordinance Number 0-24-98 and City of Greenbelt Ordinance Number 1173 are available in hard copy only.