

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2011 Legislative Session**

Bill No. CB-1-2011

Chapter No. 1

Proposed and Presented by Council Members Olson and Lehman

Introduced by Council Members Olson, Lehman and Turner

Co-Sponsors _____

Date of Introduction March 29, 2011

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 making clarifying amendments to the County law regarding the exercise of
5 certain powers of the District Council by municipal corporations

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, 2010 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 Section 27-924 of the Zoning Ordinance of
16 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,
17 be and the same is hereby repealed and reenacted with the following amendments: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.

1 **Sec. 27-924. Powers of Municipalities.**

2 (a) **General.**

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

9 (2) [T] In exercising authority in a revitalization overlay zone with respect to
 10 departures from design and landscaping standards, parking and loading standards, sign design
 11 standards, and variances for lot size, setback, and similar requirements, the municipality may not
 12 impose any standard or requirement stricter than those standards or requirements set forth in [the
 13 Zoning Ordinance] this Subtitle. In all other cases, the municipality may not impose any
 14 standard or requirement different from those standards or requirements set forth in this Subtitle.

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

17 (4) (A) (i) A municipal ordinance enacted under this Section shall allow for an
 18 appeal to the Circuit Court as provided under Subparagraph (B). The municipal ordinance shall
 19 provide that, before exercising the right of appeal under Subparagraph (B) a party of record shall
 20 first appeal an action of the governing body of a municipal corporation under this section to the
 21 District Council for review on the record if the action concerns certification, revocation and
 22 revision of nonconforming uses.

23 (ii) On review, the District Council may:

- 24 1. By majority vote of its members, approve the action of the
 25 municipal corporation; or
- 26 2. By a vote of at least six of its members, approve with conditions
 27 or overrule the action of the municipal corporation.

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

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

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

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

10 (b) **Procedures.**

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

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

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

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

21 (c) After the municipal ordinance is approved by the District Council, the municipality
22 retains the right to elect not to exercise the power to approve variances and departures if it
23 provides 60 days' notice of its intent to do so to the Clerk of the County Council and to the
24 residents of the municipality. If the municipality chooses not to retain such powers, the
25 provisions of the Zoning Ordinance will automatically apply within the municipality.
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SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (45) calendar days after its adoption.

Adopted this 3rd day of May, 2011.

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: _____
Ingrid M. Turner
Chair

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.