

Bill No.: \_\_\_\_\_  
Requested: \_\_\_\_\_  
Committee: \_\_\_\_\_

Drafted by: Johnston  
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By: **Prince George’s County Delegation and Montgomery County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Prince**  
3 **George’s County – Zoning Text Amendments and Zoning Regulation**  
4 **Amendments**

5 **PG/MC 117–08**

6 FOR the purpose of prohibiting the district council of Prince George’s County from  
7 establishing a certain set of zoning laws for a specific parcel of property by  
8 making certain zoning text amendments or amendments to the zoning  
9 regulations; requiring a zoning text amendment or amendments to the zoning  
10 regulations of Prince George’s County to be accompanied by a certain  
11 description; authorizing a person in Prince George’s County to bring an action  
12 for declaratory judgment to enforce certain provisions; providing that certain  
13 procedures for judicial review do not apply to a certain action for declaratory  
14 judgment; and generally relating to zoning text amendments and amendments  
15 to the zoning regulations in Prince George’s County.

16 BY repealing and reenacting, without amendments,  
17 Article 28 – Maryland–National Capital Park and Planning Commission  
18 Section 8–102  
19 Annotated Code of Maryland  
20 (2003 Replacement Volume and 2007 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



21 BY adding to  
22 Article 28 – Maryland–National Capital Park and Planning Commission  
23 Section 8–102.1  
24 Annotated Code of Maryland  
25 (2003 Replacement Volume and 2007 Supplement)

26 BY repealing and reenacting, with amendments,  
27 Article 28 – Maryland–National Capital Park and Planning Commission  
28 Section 8–106(e)  
29 Annotated Code of Maryland  
30 (2003 Replacement Volume and 2007 Supplement)

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

33 **Article 28 – Maryland–National Capital Park and Planning Commission**

34 8–102.

35 For the purposes of such exercise of power, each district council may divide the  
36 portion of the regional district lying within its county into districts and zones of  
37 whatever number, shape or area it may determine. Within the districts and zones the  
38 district council may regulate the erection, construction, reconstruction, alteration, and  
39 uses of buildings and structures and the uses of land, including surface, subsurface,  
40 and air rights therein. Both districts and zones may be created; all regulations shall be  
41 uniform for each class or kind of building throughout any district or zone, but the  
42 regulations in one district or zone may differ from those in another district or zone.

43 **8–102.1.**

44 **(A) THIS SECTION APPLIES ONLY IN PRINCE GEORGE’S COUNTY.**

45 **(B) THE DISTRICT COUNCIL IN PRINCE GEORGE’S COUNTY MAY NOT**  
46 **ESTABLISH A SPECIAL SET OF ZONING LAWS FOR A SPECIFIC PARCEL OF**  
47 **PROPERTY BY A ZONING TEXT AMENDMENT OR BY AMENDING THE ZONING**  
48 **REGULATIONS TO DISTINGUISH A SPECIFIC PARCEL OF PROPERTY FROM OTHER**  
49 **PROPERTIES IN A DISTRICT OR ZONE BY:**

- 50           **(1) USING SPECIAL EFFECTIVE DATES TO EXCLUDE PROPERTIES;**  
51           **(2) REFERRING TO THE USE OF ADJOINING OR PROXIMATE**  
52 **PROPERTY;**  
53           **(3) REFERRING TO THE TYPE OR CHARACTER OF A STREET,**  
54 **ROAD, OR HIGHWAY ADJACENT TO A PROPERTY;**  
55           **(4) USING ACREAGE LIMITATIONS;**  
56           **(5) LIMITING THE TYPE OF SERVICE OR USE THAT MAY BE**  
57 **PROVIDED ON A PROPERTY;**  
58           **(6) LIMITING THE SIZE OF BUILDINGS;**  
59           **(7) REQUIRING A DETAILED SITE PLAN; OR**  
60           **(8) CREATING A SPECIAL USE INTENDED TO APPLY ONLY TO ONE**  
61 **PROPERTY.**

62           **(c) A ZONING TEXT AMENDMENT OR AN AMENDMENT TO THE PRINCE**  
63 **GEORGE’S COUNTY ZONING REGULATIONS MUST BE ACCOMPANIED BY A BRIEF**  
64 **AND ACCURATE DESCRIPTION SUFFICIENT TO INFORM THE PUBLIC AS TO**  
65 **WHICH PROPERTIES ARE AFFECTED BY THE AMENDMENT.**

66           **(d) A PERSON IN PRINCE GEORGE’S COUNTY MAY BRING AN ACTION**  
67 **FOR DECLARATORY JUDGMENT TO ENFORCE THE PROVISIONS OF THIS**  
68 **SECTION.**

69 8–106.

70           **(e) (1) In Prince George’s County, any incorporated municipality located**  
71 **in Prince George’s County, any person or taxpayer in Prince George’s County, any civic**  
72 **or homeowners association representing property owners affected by a final district**  
73 **council decision, and, if aggrieved, the applicant may have judicial review of any final**  
74 **decision of the district council. Proceedings for review shall be instituted by filing a**  
75 **petition in the Circuit Court of Prince George’s County within 30 days after service of**

76 the final decision of the district council, which may be served upon all persons of  
77 record at the district council's hearing.

78           (2) Copies of the petition shall be served on the district council and all  
79 other persons of record in the manner provided by the rules of court.

80           (3) The filing of the petition does not stay enforcement of the district  
81 council's decision; but the district council may do so, or the reviewing court may order  
82 a stay upon terms it deems proper.

83           (4) **THIS SUBSECTION DOES NOT APPLY TO AN ACTION FOR**  
84 **DECLARATORY JUDGMENT BROUGHT TO ENFORCE THE PROVISIONS OF §**  
85 **8-102.1 OF THIS TITLE.**

86           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
87 October 1, 2008.