
By: **Prince George’s County Delegation and Montgomery County Delegation**
Introduced and read first time: Assigned to:
Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George’s County – Qualifying Municipal Corporation – Land Use**

3

4 FOR the purpose of authorizing a governing body of a qualifying municipal corporation by
5 resolution to exercise the powers of the Prince George’s County Planning Board, the
6 zoning hearing examiner for Prince George’s County, or the District Council for
7 Prince George’s County to make specified land use decisions; subjecting the exercise
8 of those powers to the substantive and procedural requirements and standards
9 established in the Prince George’s County zoning law; providing for judicial review
10 of certain actions; and generally relating to land use in Prince George’s County.

11 BY repealing and reenacting, with amendments,
12 Article – Land Use
13 Section 22–119
14 Annotated Code of Maryland
15 (2012 Volume and 2024 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Land Use
18 Section 25–101 and 25–301
19 Annotated Code of Maryland
20 (2012 Volume and 2024 Supplement)

21 BY adding to
22 Article – Land Use
23 Section 25–304
24 Annotated Code of Maryland
25 (2012 Volume and 2024 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

That the Laws of Maryland read as follows:

Article –Land Use

23-102.

...

(c) A subdivision in a municipal corporation with subdivision authority under Division II of the Local Government Article that is in the regional district may be recorded in the land records of Montgomery County or Prince George’s County if:

(1) the subdivision plat has been submitted to and approved by the municipal corporation; and

(2) the appropriate official of the municipal corporation endorses an approval in writing on the plat.

(d) A QUALIFYING MUNICIPAL CORPORATION UNDER § 25-304 OF THIS ARTICLE SHALL EXERCISE SUBDIVISION APPROVAL AS PROVIDED BY SUBSECTION (c); HOWEVER, ANY SUBDIVISION PLAT APPROVED UNDER THIS SECTION SHALL ONLY BE RECORDED IN THE LAND RECORDS FOR PRINCE GEORGE’S.

(1) WHEN EXERCISING THE POWERS AUTHORIZED UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE GOVERNING BODY OF A QUALIFYING MUNICIPAL CORPORATION SHALL BE SUBJECT TO THE SUBSTANTIVE AND PROCEDURAL REQUIREMENTS AND STANDARDS ESTABLISHED IN THE COUNTY SUBDIVISION REGULATIONS EXCEPT IF THE REQUIREMENT OR STANDARD CONFLICTS WITH THE LAND USE ARTICLE.

23-401.

(a)

(1) Within 30 days after the county planning board **OR QUALIFYING MUNICIPAL CORPORATION** takes final action on an application for subdivision approval, judicial review may be requested by:

(i) a person aggrieved by the action;

(ii) in Montgomery County, a person or municipal corporation that appeared at the hearing in person, by attorney, or in writing; or

(iii) in Prince George's County, a municipal corporation that appeared at the hearing in person, by attorney, or in writing; **HOWEVER, A QUALIFYING MUNICIPAL CORPORATION THAT EXERCISED SUBDIVISION AUTHORITY SHALL NOT REQUEST JUDICIAL REVIEW FOR A SUBDIVISION DECISION WITHIN ITS CORPORATE LIMITS .**

(2) A petition for judicial review filed under this section may be made to the circuit court for the appropriate county.

(3) The court may:

(i) affirm or reverse the action; or

(ii) remand the action to the county planning board for further consideration.

(b)

(1) If a petition for judicial review is filed under this section, a copy of the petition shall be served on the county planning board in accordance with Maryland Rule 7-202(d).

(2) On receiving a copy of the petition, the county planning board shall:

(i) promptly give notice of the petition to all parties to the proceeding before it; and

(ii) within 30 days after the filing of the petition, file with the circuit court:

1. the originals or certified copies of all papers and evidence presented to the county planning board in the proceeding before it; and

2. a copy of its opinion and resolution deciding the application.

(3) Any party to the proceeding in the circuit court aggrieved by the judgment of the court may appeal from the judgment to the Appellate Court of Maryland.

(4) The review proceedings provided by this section are exclusive.

22-119.

(a)(1) Except as provided in paragraphs (2) and (3) of this subsection **AND § 25-304 OF THIS ARTICLE**, within the regional district, the zoning powers vested by Division I of this article in a municipal corporation or the council of a municipal corporation within the regional district shall be construed to be vested exclusively in the appropriate district council.

(2) A municipal corporation in Prince George's County has concurrent jurisdiction with Prince George's County to enforce zoning laws in the boundaries of the municipal corporation.

(3) The power to enforce zoning laws for the City of Takoma Park and the Town of Kensington is as provided in §§ 24–201 and 24–202 of this article, respectively.

(b) **EXCEPT FOR ZONING AND LAND USE AUTHORITY EXERCISED BY A QUALIFYING MUNICIPAL CORPORATION UNDER § 25-304 OF THIS ARTICLE**, before exercising the authority granted by this section, a municipal corporation in Prince George’s County shall enter into a written agreement with the district council concerning:

(1) the method by which the county will be advised of citations issued by a municipal inspector;

(2) the responsibility of the municipal corporation or the county to prosecute violations cited by the municipal corporation;

(3) the disposition of fines imposed for violations cited by the municipal corporation;

(4) the resolution of disagreements between the municipal corporation and the county about the interpretation of zoning laws; and

(5) any other matter that the district council considers necessary for the proper exercise of the authority granted by this section.

25–101.

This title applies only in Prince George’s County.

25–301.

(a) Except **FOR QUALIFYING MUNICIPAL CORPORATIONS UNDER § 25-304 OR** as otherwise provided in this section, the district council may provide that the governing body of a municipal corporation may exercise the powers of the district council as specified in this subtitle.

(b) When exercising authority delegated under subsection (c) or (d) of this section, the governing body of a municipal corporation:

(1) shall be subject to the substantive and procedural requirements and standards established by the district council; and

(2) may not impose:

(i) with respect to general delegation under subsection (c) of this section, a different requirement or standard than the requirements or standards that would apply if the district council had not delegated its authority to the municipal corporation; or

(ii) with respect to delegation in a revitalization overlay zone under subsection (d) of this section, a stricter requirement or standard than the requirements or

standards that would apply if the district council had not delegated its authority to the municipal corporation.

(c) (1) This subsection applies to land in a municipal corporation in the regional district.

(2) The district council may delegate to the governing body of a municipal corporation the powers of the district council regarding:

- (i) design standards;
- (ii) parking and loading standards;
- (iii) sign design standards;
- (iv) lot size variances and setback and similar requirements;
- (v) landscaping requirements;
- (vi) certification, revocation, and revision of nonconforming uses;
- (vii) minor changes to approved special exceptions;
- (viii) vacation of municipal rights-of-way; and
- (ix) except as provided in paragraph (3) of this subsection, all

detailed site plans.

(3) The authority to delegate with regard to detailed site plans does not apply to detailed site plans:

- (i) for a zone that requires detailed site plan approval by the district council;
- (ii) that are required as a condition of approval of a zoning map amendment or a preliminary plan of subdivision;
- (iii) for which the approval of a conceptual site plan or a preliminary plan of cluster subdivision is required; or

(iv) that are required for designated parcels as a specific condition of a sectional map amendment.

(d) (1) This subsection applies to a revitalization overlay zone created by the district council.

(2) For any portion of a revitalization overlay zone in a municipal corporation, the district council may delegate to the governing body of a municipal corporation the powers of the district council regarding:

- (i) design standards;
- (ii) parking and loading standards;
- (iii) sign design standards;
- (iv) lot size variances and setback and similar requirements; and
- (v) landscaping requirements.

(3) The delegation of powers under paragraph (2) of this subsection may not impede a development that meets the requirements the district council sets for the revitalization overlay zone.

(4) For any portion of a revitalization overlay zone not within a municipal corporation, the district council may authorize the county planning board to approve:

- (i) departures from parking and loading standards;
- (ii) departures from design standards; and
- (iii) any variance from the zoning laws.

25-302. Judicial Review

(a)

(1) Except as provided in subsection (b) of this section, any party of record to an action of the governing body of a municipal corporation exercised under § 25-301(c) of this subtitle **OR THE GOVERNING BODY OF A QUALIFYING MUNICIPAL CORPORATION EXERCISED UNDER § 25-304 OF THIS ARTICLE** shall have the same right to judicial review by the circuit court as the party would have if the district council had taken the action.

(2) Any party to an action of the governing body of a municipal corporation, **THE GOVERNING BODY OF A QUALIFYING MUNICIPAL CORPORATION UNDER § 25-304 OF THIS ARTICLE** or the county planning board exercised under § 25-301(d) of this subtitle shall have the same right to judicial review by the circuit court as the party would have if the district council had taken the action.

(b)

(1) With respect to an action taken under the general delegation authorized under § 25-301(c) of this subtitle, **OR EXERCISED UNDER § 25-304 OF THIS ARTICLE** before exercising the right to judicial review under subsection (a)(1) of this section, a party of record shall appeal the action of the governing body of the municipal corporation, **OR QUALIFYING MUNICIPAL CORPORATION** to the district council for review on the record if the action concerns:

- (i) certification, revocation, or revision of nonconforming uses; ~~[or]~~
- (ii) detailed site plans OR

(iii) IN THE CASE OF A QUALIFYING MUNICIPAL CORPORATION, WHEN EXERCISING THE POWERS OF THE COUNTY PLANNING BOARD, THE ZONING HEARING EXAMINER FOR THE COUNTY, OR THE DISTRICT COUNCIL TO MAKE LAND USE DECISIONS WITHIN THE CORPORATE LIMITS OF THE MUNICIPAL CORPORATION.

(2) On appeal, the district council may:

(i) approve the action of the municipal corporation by a majority vote of its members; or

(ii) approve the action of the municipal corporation with conditions or overrule the action by a vote of at least six members.

(3)

(i) A person aggrieved by the action of the district council under this subsection may request judicial review of the action by the circuit court.

(ii) The municipal corporation whose action is affected by the action of the district council shall be considered an aggrieved person.

25-304.

(A) IN THIS SECTION, "QUALIFYING MUNICIPAL CORPORATION" MEANS A MUNICIPAL CORPORATION IN THE REGIONAL DISTRICT IN THE COUNTY THAT EMPLOYS OR HAS UNDER CONTRACT A PLANNER UNDER ACTIVE CERTIFICATION BY THE AMERICAN INSTITUTE OF CERTIFIED PLANNERS.

(B) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A GOVERNING BODY OF A QUALIFYING MUNICIPAL CORPORATION MAY BY RESOLUTION EXERCISE THE POWERS OF THE COUNTY PLANNING BOARD, THE ZONING HEARING EXAMINER FOR THE COUNTY, OR THE DISTRICT COUNCIL TO MAKE LAND USE DECISIONS RELATING TO ANY LAND WITHIN THE CORPORATE LIMITS OF THE MUNICIPAL CORPORATION.

(2) WHEN EXERCISING THE POWERS AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE GOVERNING BODY OF A QUALIFYING MUNICIPAL CORPORATION SHALL BE SUBJECT TO THE SUBSTANTIVE AND PROCEDURAL REQUIREMENTS AND STANDARDS ESTABLISHED IN THE COUNTY ZONING LAW, INCLUDING THE REGULATIONS AND

MAPS.

(3) THE POWERS GRANTED UNDER THIS SECTION DO NOT AUTHORIZE A GOVERNING BODY OF A QUALIFYING MUNICIPAL CORPORATION TO:

(I) AMEND THE COUNTY ZONING LAW; OR

(II) ADOPT A MUNICIPAL ZONING LAW.

(4) WITHIN 30 DAYS AFTER THE DATE OF ADOPTION OF A RESOLUTION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE GOVERNING BODY OF A QUALIFYING MUNICIPAL CORPORATION SHALL SUBMIT A COPY OF THE RESOLUTION TO THE DISTRICT COUNCIL.

(C) A PARTY OF RECORD TO AN ACTION OF A GOVERNING BODY OF A QUALIFYING MUNICIPAL CORPORATION UNDER THIS SECTION MAY SEEK JUDICIAL REVIEW OF THE FINAL DECISION OF THE GOVERNING BODY TO THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.