

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: Wezik

Typed by: Fran

Stored – 10/31/18

Proofread by _____

Checked by _____

By: **Montgomery County Delegation and Prince George’s County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Planning and Zoning Authority – Municipal Corporations**

3 **MC/PG 103–18**

4 FOR the purpose of authorizing certain municipal corporations in Montgomery County to
5 have concurrent jurisdiction to enforce county zoning laws within the boundaries of
6 the municipal corporation under certain circumstances; requiring a certain vote of
7 both the district council of Montgomery County and the Montgomery County
8 Planning Board to take certain action relating to zoning within a municipal
9 corporation under certain circumstances; requiring a certain vote of the Montgomery
10 County Planning Board to take certain action relating to land use planning within a
11 municipal corporation under certain circumstances; providing for the application of
12 this Act; and generally relating to planning and zoning authority in Montgomery
13 County.

14 BY repealing and reenacting, without amendments,

15 Article – General Provisions

16 Section 5–209(a)

17 Annotated Code of Maryland

18 (2014 Volume and 2018 Supplement)

19 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Land Use
2 Section 22–119
3 Annotated Code of Maryland
4 (2012 Volume and 2018 Supplement)

5 BY repealing
6 Article – Land Use
7 Section 24–201 and 24–202 and the subtitle “Subtitle 2. Municipal Zoning – Specific
8 Municipalities”
9 Annotated Code of Maryland
10 (2012 Volume and 2018 Supplement)

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

13 **Article – General Provisions**

14 5–209.

15 (a) The Ethics Commission may exempt from this title or modify the
16 requirements of this title for a board, a member of a board, or a municipal corporation if
17 the Ethics Commission finds that, because of the nature of the board or the size of the
18 municipal corporation, the application of this title to that board, member, or municipal
19 corporation:

20 (1) would be an unreasonable invasion of privacy;

21 (2) would reduce significantly the availability of qualified individuals for
22 public service; and

23 (3) is not necessary to preserve the purposes of this title.

24 **Article – Land Use**

25 22–119.

26 (a) (1) Except as provided in paragraphs (2) and (3) of this subsection, within
27 the regional district, the zoning powers vested by Division I of this article in a municipal

1 corporation or the council of a municipal corporation within the regional district shall be
2 construed to be vested exclusively in the appropriate district council.

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

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

8 (3) (I) THIS PARAGRAPH APPLIES ONLY TO A MUNICIPAL
9 CORPORATION IN MONTGOMERY COUNTY THAT HAS NOT BEEN GRANTED AN
10 EXEMPTION UNDER § 5–209 OF THE GENERAL PROVISIONS ARTICLE.

11 (II) A MUNICIPAL CORPORATION IN MONTGOMERY COUNTY
12 HAS CONCURRENT JURISDICTION WITH MONTGOMERY COUNTY TO ENFORCE
13 ZONING LAWS WITHIN THE BOUNDARIES OF THE MUNICIPAL CORPORATION.

14 (III) A TWO–THIRDS MAJORITY VOTE OF BOTH THE DISTRICT
15 COUNCIL OF MONTGOMERY COUNTY AND THE MONTGOMERY COUNTY PLANNING
16 BOARD IS REQUIRED TO TAKE ANY ACTION RELATING TO ZONING WITHIN A
17 MUNICIPAL CORPORATION THAT IS CONTRARY TO A RESOLUTION OF THE MAYOR
18 AND COUNCIL OF THAT MUNICIPAL CORPORATION.

19 (IV) A TWO–THIRDS MAJORITY VOTE OF THE MONTGOMERY
20 COUNTY PLANNING BOARD IS REQUIRED TO TAKE ANY ACTION RELATING TO LAND
21 USE PLANNING WITHIN A MUNICIPAL CORPORATION THAT IS CONTRARY TO A
22 RESOLUTION OF THE MAYOR AND COUNCIL OF THAT MUNICIPAL CORPORATION.

23 (b) Before exercising the authority granted by this section, a municipal
24 corporation in Prince George’s County shall enter into a written agreement with the district
25 council concerning:

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

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

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

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

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

7 [Subtitle 2. Municipal Zoning – Specific Municipalities.]

8 [24–201.

9 (a) The Town of Kensington has concurrent jurisdiction to enforce the county
10 zoning laws within its boundaries.

11 (b) A two–thirds majority vote of both the district council and the county planning
12 board is required to take any action relating to zoning within the Town of Kensington that
13 is contrary to a resolution of the Mayor and Town Council.

14 (c) A two–thirds majority vote of the county planning board is required to take
15 any action relating to land use planning within the Town of Kensington that is contrary to
16 a resolution of the Mayor and Town Council.]

17 [24–202.

18 (a) The City of Takoma Park has concurrent jurisdiction to enforce the county
19 zoning laws within its boundaries.

20 (b) A two–thirds majority vote of both the district council and the county planning
21 board is required to take any action relating to zoning within the City of Takoma Park that
22 is contrary to a resolution of the Mayor and City Council.

23 (c) A two–thirds majority vote of the county planning board is required to take
24 any action relating to land use planning within the City of Takoma Park that is contrary
25 to a resolution of the Mayor and City Council.]

9lr0644

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2019.