

Bill No.: _____
Requested: _____
Committee: _____

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

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County and Prince George’s County – Zoning and Land Use –**
3 **Fairness in Zoning**

4 **MC/PG 117–25**

5 FOR the purpose of providing that, in Prince George’s County, the planning board’s
6 authority over zoning and subdivision matters is not exclusive and may be subject to
7 review by the district council under certain circumstances; altering the jurisdiction
8 of the Prince George’s County Planning Board over certain local functions and
9 certain mandatory referrals; altering, in Prince George’s County, the standing
10 requirements for filing a request for judicial review of certain decisions of the district
11 council to the circuit court; altering the standing requirements for filing an appeal
12 from a certain judgment of the circuit court to the Appellate Court of Maryland;
13 prohibiting a member of the district council from voting on an appeal to the Appellate
14 Court of Maryland under certain circumstances; repealing the standing
15 requirements for requesting the district council in Prince George’s County to review
16 the decision of the zoning hearing examiner or the county planning board under
17 certain circumstances; altering, in Prince George’s County, the time frame within
18 which a zoning hearing examiner shall take action on a certain zoning matter
19 remanded back from the district council; providing that a certain approval shall
20 expire at a certain time; prohibiting, in Prince George’s County, the district council
21 from amending the zoning laws or zoning classification of certain property in a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 certain manner; and generally relating to zoning and planning powers in the
2 Maryland–Washington Regional District in Prince George’s County.

3 BY repealing and reenacting, with amendments,
4 Article – Land Use
5 Section 20–202(a) and (b), 20–302, 22–407(a) and (f), and 25–213
6 Annotated Code of Maryland
7 (2012 Volume and 2024 Supplement)

8 BY repealing and reenacting, without amendments,
9 Article – Land Use
10 Section 22–406 and 25–101
11 Annotated Code of Maryland
12 (2012 Volume and 2024 Supplement)

13 BY repealing
14 Article – Land Use
15 Section 25–212
16 Annotated Code of Maryland
17 (2012 Volume and 2024 Supplement)

18 BY adding to
19 Article – Land Use
20 Section 25–214 and 25–215
21 Annotated Code of Maryland
22 (2012 Volume and 2024 Supplement)

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

25 **Article – Land Use**

26 20–202.

27 (a) (1) **(I)** Subject to **SUBPARAGRAPH (II) OF THIS PARAGRAPH AND**
28 paragraph (2) of this subsection, a county planning board:

1 [(i)] 1. is responsible for planning, subdivision, and zoning
2 functions that are primarily local in scope; and

3 [(ii)] 2. shall exercise, within the county planning board’s
4 jurisdiction, the following powers:

5 [1.] A. planning;

6 [2.] B. zoning;

7 [3.] C. subdivision;

8 [4.] D. assignment of street names and house numbers;
9 and

10 [5.] E. any related matter.

11 (ii) 1. IN PRINCE GEORGE’S COUNTY:

12 A. THE AUTHORITY OF THE COUNTY PLANNING BOARD
13 OVER ZONING AND SUBDIVISION MATTERS, BOTH LOCAL AND GENERAL, IS NOT
14 EXCLUSIVE AND SHALL BE SUBJECT TO REVIEW AND FINAL ACTION BY THE DISTRICT
15 COUNCIL; BUT

16 B. ANY REVIEW AND FINAL ACTION IS LIMITED TO THE
17 MATTER THAT IS BROUGHT BEFORE THE DISTRICT COUNCIL.

18 2. NOTHING IN THIS SUBPARAGRAPH AUTHORIZES THE
19 DISTRICT COUNCIL TO REVIEW MATTERS THAT ARE OTHERWISE BEYOND ITS
20 JURISDICTION AS PROVIDED IN THIS ARTICLE.

21 (2) The functions under paragraph (1) of this subsection do not include the
22 regional planning functions of the Commission relating to or affecting the regional district
23 as a planning unit.

24 (b) (1) [A county planning board] **THE MONTGOMERY COUNTY PLANNING**
25 **BOARD** has exclusive jurisdiction over:

1 (i) local functions, including:

2 1. the administration of subdivision regulations;

3 2. the preparation and adoption of recommendations to the
4 district council with respect to zoning map amendments; and

5 3. the assignment of street names and house numbers in the
6 regional district; and

7 (ii) mandatory referrals made in accordance with Subtitle 3, Part I
8 of this title by:

9 1. the [county planning board's respective county]
10 **MONTGOMERY COUNTY** government or any unit of the county government; **OR**

11 2. **THE COUNTY BOARD OF EDUCATION, A MUNICIPAL**
12 **CORPORATION OR SPECIAL TAXING DISTRICT, OR A PUBLICLY OWNED OR**
13 **PRIVATELY OWNED PUBLIC UTILITY.**

14 (2) The [Montgomery County Planning Board has exclusive jurisdiction
15 over a mandatory referral made in accordance with Subtitle 3, Part I of this title by the
16 County Board of Education, a municipal corporation or special taxing district, or a publicly
17 owned or privately owned public utility] **PRINCE GEORGE'S COUNTY PLANNING**
18 **BOARD HAS JURISDICTION OVER:**

19 (I) **LOCAL FUNCTIONS, INCLUDING:**

20 1. **THE ADMINISTRATION OF SUBDIVISION**
21 **REGULATIONS;**

22 2. **THE PREPARATION AND ADOPTION OF**
23 **RECOMMENDATIONS TO THE DISTRICT COUNCIL WITH RESPECT TO ZONING MAP**
24 **AMENDMENTS, DETAILED SITE PLANS, COMPREHENSIVE DESIGN PLANS, AND**
25 **SPECIFIC DESIGN PLANS; AND**

26 3. **THE ASSIGNMENT OF STREET NAMES AND HOUSE**
27 **NUMBERS IN THE REGIONAL DISTRICT; AND**

1 **(II) MANDATORY REFERRALS MADE IN ACCORDANCE WITH**
2 **SUBTITLE 3, PART I OF THIS TITLE BY THE PRINCE GEORGE’S COUNTY**
3 **GOVERNMENT OR ANY UNIT OF THE COUNTY GOVERNMENT.**

4 20–302.

5 (a) The Commission has exclusive jurisdiction over mandatory referrals made
6 under this part from the United States or the State, or any unit of the United States or the
7 State.

8 (b) [A county planning board] **THE PRINCE GEORGE’S COUNTY PLANNING**
9 **BOARD** has [exclusive] jurisdiction over a mandatory referral under this part by the
10 [county planning board’s respective] **PRINCE GEORGE’S COUNTY PLANNING BOARD’S**
11 county government or any unit of the county government.

12 (c) The Montgomery County Planning Board has exclusive jurisdiction over a
13 mandatory referral under this part by:

14 **(1) THE MONTGOMERY COUNTY PLANNING BOARD’S COUNTY**
15 **GOVERNMENT OR ANY UNIT OF THE COUNTY GOVERNMENT; AND**

16 **(2)** the county board of education, a municipal corporation or special taxing
17 district, or a publicly owned or privately owned public utility.

18 22–406.

19 This part applies only in Prince George’s County.

20 22–407.

21 (a) (1) Judicial review of any final decision of the district council, including an
22 individual map amendment or a sectional map amendment, may be requested by [any
23 person or entity that is aggrieved by the decision of the district council and is]:

24 (i) [a municipal corporation, governed special taxing district, or
25 person in the county] **A PERSON OR MUNICIPAL CORPORATION THAT APPEARED AT**
26 **THE HEARING IN PERSON, BY ATTORNEY, OR IN WRITING;**

1 (ii) **A PERSON WHO RESIDES WITHIN 1 MILE OF THE PROPERTY**
2 **THAT IS THE SUBJECT OF THE DECISION OR RESIDES IN THE MUNICIPAL**
3 **CORPORATION WHERE THE PROPERTY THAT IS THE SUBJECT OF THE DECISION IS**
4 **LOCATED; OR**

5 **(III)** a civic or homeowners association representing property owners
6 affected by the final decision[;

7 (iii) the owner of the property that is the subject of the decision; or

8 (iv) the applicant].

9 (2) A petition for judicial review under this subsection shall be filed in the
10 Circuit Court for Prince George’s County within 30 days after service of the final decision
11 by the district council.

12 (3) Copies of the petition shall be served on the district council and all other
13 persons of record in accordance with the Maryland Rules.

14 (4) The filing of the petition does not stay enforcement of the final decision
15 of the district council, but the district council may stay enforcement of its final decision or
16 the reviewing court may order a stay on terms it considers proper.

17 (f) **[(1) A final judgment of the circuit court may be appealed to the Appellate**
18 **Court of Maryland by:**

19 (i) the district council;

20 (ii) the applicant; or

21 (iii) any aggrieved party to the circuit court proceedings.]

22 **(1) ANY PARTY TO THE PROCEEDING IN THE CIRCUIT COURT MAY**
23 **APPEAL THE FINAL JUDGMENT OF THE CIRCUIT COURT TO THE APPELLATE COURT**
24 **OF MARYLAND.**

1 (2) **(I)** [Each] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**
2 **THIS PARAGRAPH, EACH** member of the district council is entitled to vote on whether the
3 district council shall appeal to the Appellate Court of Maryland, regardless of whether the
4 member participated in the hearing on the matter or in the decision.

5 **(II)** **A MEMBER OF THE DISTRICT COUNCIL MAY NOT VOTE**
6 **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IF THE MEMBER PREVIOUSLY**
7 **RECUSED THEMSELVES FROM PARTICIPATING IN THE HEARING ON THE MATTER OR**
8 **IN THE DECISION.**

9 25–101.

10 This title applies only in Prince George’s County.

11 [25–212.

12 In Prince George’s County, a person may make a request to the district council for
13 the review of a decision of the zoning hearing examiner or the county planning board only
14 if:

15 (1) the person is an aggrieved person that appeared at the hearing before
16 the zoning hearing examiner or county planning board in person, by an attorney, or in
17 writing; and

18 (2) the review is expressly authorized under this division.]

19 25–213.

20 In Prince George’s County, when the district council is hearing a zoning matter that
21 has been appealed from a decision of a zoning hearing examiner, the district council:

22 (1) may remand the zoning matter back to the zoning hearing examiner
23 [only one time]; and

24 (2) shall specify that the zoning hearing examiner take action within [30]
25 **100** days after the matter is remanded [and relevant information is received from the
26 applicant or the district council].

1 **25-214.**

2 (A) IN THIS SECTION, “APPROVAL” INCLUDES:

3 (1) AN ACTION BY THE PLANNING BOARD, DISTRICT COUNCIL, OR
4 OTHER COUNTY PERMITTING DEPARTMENT ON AN APPLICATION FOR:

5 (I) A ZONING SPECIAL EXCEPTION;

6 (II) A ZONING VARIANCE; OR

7 (III) A CONDITIONAL ZONING USE;

8 (2) A DEVELOPMENT OR SUBDIVISION APPROVAL REQUIRED TO BE
9 OBTAINED FROM THE PLANNING BOARD OR DISTRICT COUNCIL, INCLUDING:

10 (I) A SITE PLAN APPROVAL;

11 (II) A DEVELOPMENT PLAN APPROVAL; OR

12 (III) ANY OTHER DEVELOPMENT OR SUBDIVISION APPROVAL
13 AUTHORIZED OR REQUIRED BY THIS ARTICLE OR LOCAL LAW; OR

14 (3) ANY OTHER APPROVAL BY, OR AGREEMENT WITH, THE COUNTY
15 PLANNING BOARD OR DISTRICT COUNCIL THAT IS ASSOCIATED WITH AN
16 APPLICATION FOR DEVELOPMENT OR SUBDIVISION APPROVAL.

17 (B) BEGINNING WITH APPROVALS ISSUED ON JULY 1, 2025, AN APPROVAL
18 SHALL EXPIRE ON THE LATER OF THE PERIOD ESTABLISHED BY THE COUNTY OR 10
19 YEARS AFTER THE DATE THE APPROVAL WAS ISSUED.

20 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
21 as follows:

22 **Article – Land Use**

23 **25-215.**

1 **NOTWITHSTANDING ANY OTHER LAW, THE DISTRICT COUNCIL MAY NOT**
2 **AMEND THE TEXT OR MAP OF THE ZONING LAW OR THE ZONING CLASSIFICATION OF**
3 **PROPERTY THAT IS CURRENTLY USED AS, OR ITS IMMEDIATE FORMER USE WAS AS,**
4 **AN AIRPORT IN ORDER TO PERMIT THE CONSTRUCTION OF MULTIFAMILY**
5 **RESIDENTIAL DWELLINGS ON THE PROPERTY.**

6 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be
7 construed to apply only prospectively and may not be applied or interpreted to have any
8 effect on or application to any property for which a building permit to construct multifamily
9 residential dwellings has been issued before the effective date of this Act.

10 SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General
11 Assembly that § 22–202(b)(2) of the Land Use Article, as enacted by Section 1 of this Act,
12 abrogate the holding by the Supreme Court of Maryland in County Council of Prince
13 George’s County v. Zimmer Development Company, 444 Md. 490 (2015).

14 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July
15 1, 2025.