

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 – Qualifying Municipal**
3 **Corporation – Land Use**

4 **MC/PG 114–25**

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

14 BY repealing and reenacting, without amendments,
15 Article – General Provisions
16 Section 5–833(a)
17 Annotated Code of Maryland
18 (2019 Replacement Volume and 2024 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 – General Provisions
2 Section 5–833(l)
3 Annotated Code of Maryland
4 (2019 Replacement Volume and 2024 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article – Land Use
7 Section 22–119, 23–101, 23–102(c), 23–401(a), 25–301, and 25–302
8 Annotated Code of Maryland
9 (2012 Volume and 2024 Supplement)

10 BY adding to
11 Article – Land Use
12 Section 23–101 and 25–304
13 Annotated Code of Maryland
14 (2012 Volume and 2024 Supplement)

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

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

22 **Article – General Provisions**

23 5–833.

24 (a) In this part the following words have the meanings indicated.

25 (l) “Member” includes any candidate or person duly elected or appointed who
26 takes the oath of office as a member of:

27 **(1)** the County Council for Prince George’s County and who thereby serves
28 on the District Council; **OR**

1 **(2) THE GOVERNING BODY OF A MUNICIPAL CORPORATION IN PRINCE**
2 **GEORGE’S COUNTY AND WHO THEREBY SERVES ON THE GOVERNING BODY OF THE**
3 **MUNICIPAL CORPORATION.**

4 **Article – Land Use**

5 22–119.

6 (a) (1) Except as provided in paragraphs (2) and (3) of this subsection **AND §**
7 **25–304 OF THIS ARTICLE**, within the regional district, the zoning powers vested by
8 Division I of this article in a municipal corporation or the council of a municipal corporation
9 within the regional district shall be construed to be vested exclusively in the appropriate
10 district council.

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

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

16 (b) **(1) THIS SUBSECTION DOES NOT APPLY TO ZONING OR LAND USE**
17 **AUTHORITY EXERCISED BY A QUALIFYING MUNICIPAL CORPORATION UNDER §**
18 **25–304 OF THIS ARTICLE.**

19 **(2)** Before exercising the authority granted by this section, a municipal
20 corporation in Prince George’s County shall enter into a written agreement with the district
21 council concerning:

22 **[(1)] (I)** the method by which the county will be advised of citations
23 issued by a municipal inspector;

24 **[(2)] (II)** the responsibility of the municipal corporation or the county to
25 prosecute violations cited by the municipal corporation;

26 **[(3)] (III)** the disposition of fines imposed for violations cited by the
27 municipal corporation;

1 [(4)] (IV) the resolution of disagreements between the municipal
2 corporation and the county about the interpretation of zoning laws; and

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

5 **23-101.**

6 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (B) “COUNTY PLANNING BOARD” INCLUDES A QUALIFYING MUNICIPAL
9 CORPORATION, UNLESS CONTEXT REQUIRES OTHERWISE.

10 (C) “QUALIFYING MUNICIPAL CORPORATION” MEANS A MUNICIPAL
11 CORPORATION EXERCISING THE AUTHORITY OF THE PRINCE GEORGE’S COUNTY
12 PLANNING BOARD UNDER § 25-304 OF THIS ARTICLE.

13 **[23-101.] 23-101.1.**

14 This title does not apply to a good-faith division or partition of exclusively
15 agricultural land that is not made for development purposes.

16 **23-102.**

17 (c) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
18 SUBSECTION, A subdivision in a municipal corporation with subdivision authority under
19 Division II of the Local Government Article that is in the regional district may be recorded
20 in the land records of Montgomery County or Prince George’s County if:

21 [(1)] (I) the subdivision plat has been submitted to and approved by the
22 municipal corporation; and

23 [(2)] (II) the appropriate official of the municipal corporation endorses an
24 approval in writing on the plat.

25 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A
26 QUALIFYING MUNICIPAL CORPORATION SHALL EXERCISE SUBDIVISION APPROVAL

1 AS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

2 (II) ANY SUBDIVISION PLAT APPROVED BY A QUALIFYING
3 MUNICIPAL CORPORATION UNDER THIS SUBSECTION SHALL BE RECORDED ONLY IN
4 THE LAND RECORDS OF PRINCE GEORGE’S COUNTY.

5 (III) WHEN EXERCISING THE POWERS AUTHORIZED UNDER THIS
6 SUBSECTION, THE GOVERNING BODY OF A QUALIFYING MUNICIPAL CORPORATION
7 SHALL BE SUBJECT TO THE SAME SUBSTANTIVE AND PROCEDURAL REQUIREMENTS
8 AND STANDARDS ESTABLISHED IN THE COUNTY SUBDIVISION REGULATIONS,
9 UNLESS THE REQUIREMENT OR STANDARD CONFLICTS WITH THIS ARTICLE.

10 23–401.

11 (a) (1) Within 30 days after the county planning board takes final action on an
12 application for subdivision approval, judicial review may be requested by:

13 (i) a person aggrieved by the action;

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

16 (iii) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
17 SUBSECTION, in Prince George’s County, a municipal corporation that appeared at the
18 hearing in person, by attorney, or in writing.

19 (2) A QUALIFYING MUNICIPAL CORPORATION THAT EXERCISED
20 SUBDIVISION AUTHORITY MAY NOT REQUEST JUDICIAL REVIEW FOR A SUBDIVISION
21 DECISION WITHIN ITS CORPORATE LIMITS.

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

24 [(3)] (4) The court may:

25 (i) affirm or reverse the action; or

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

1 consideration.

2 25–101.

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

4 25–301.

5 (a) **(1) THIS SECTION DOES NOT APPLY TO A QUALIFYING MUNICIPAL**
6 **CORPORATION EXERCISING LAND USE DECISION-MAKING AUTHORITY UNDER §**
7 **25-304 OF THIS SUBTITLE.**

8 **(2)** Except as otherwise provided in this section, the district council may
9 provide that the governing body of a municipal corporation may exercise the powers of the
10 district council as specified in this subtitle.

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

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

15 (2) may not impose:

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

19 (ii) with respect to delegation in a revitalization overlay zone under
20 subsection (d) of this section, a stricter requirement or standard than the requirements or
21 standards that would apply if the district council had not delegated its authority to the
22 municipal corporation.

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

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

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

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

- 13 (i) for a zone that requires detailed site plan approval by the district
14 council;
- 15 (ii) that are required as a condition of approval of a zoning map
16 amendment or a preliminary plan of subdivision;
- 17 (iii) for which the approval of a conceptual site plan or a preliminary
18 plan of cluster subdivision is required; or
- 19 (iv) that are required for designated parcels as a specific condition of
20 a sectional map amendment.

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

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

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

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

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

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

17 25–302.

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

24 (2) Any party to an action of the governing body of a municipal corporation
25 or the county planning board exercised under § 25–301(d) of this subtitle **OR THE**

1 **GOVERNING BODY OF A QUALIFYING MUNICIPAL CORPORATION EXERCISED UNDER**
2 **§ 25–304 OF THIS SUBTITLE** shall have the same right to judicial review by the circuit
3 court as the party would have if the district council had taken the action.

4 (b) (1) With respect to an action taken under the general delegation authorized
5 under § 25–301(c) of this subtitle **OR UNDER POWERS EXERCISED UNDER § 25–304 OF**
6 **THIS SUBTITLE**, before exercising the right to judicial review under subsection (a)(1) of
7 this section, a party of record shall appeal the action of the governing body of the municipal
8 corporation to the district council for review on the record if the action concerns:

9 (i) certification, revocation, or revision of nonconforming uses; [or]

10 (ii) detailed site plans; **OR**

11 **(III) LAND USE DECISIONS MADE BY A QUALIFYING MUNICIPAL**
12 **CORPORATION EXERCISING THE POWERS OF THE COUNTY PLANNING BOARD, THE**
13 **ZONING HEARING EXAMINER FOR THE COUNTY, OR THE DISTRICT COUNCIL UNDER**
14 **§ 25–304 OF THIS SUBTITLE.**

15 (2) On appeal, the district council may:

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

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

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

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

24 **25–304.**

25 **(A) IN THIS SECTION, “QUALIFYING MUNICIPAL CORPORATION” MEANS A**
26 **MUNICIPAL CORPORATION IN THE REGIONAL DISTRICT IN THE COUNTY THAT**
27 **EMPLOYS OR HAS UNDER CONTRACT A PLANNER UNDER ACTIVE CERTIFICATION BY**

1 THE AMERICAN INSTITUTE OF CERTIFIED PLANNERS.

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

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

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

15 (I) AMEND THE COUNTY ZONING LAW; OR

16 (II) ADOPT A MUNICIPAL ZONING LAW.

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

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

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