HOUSE BILL 1266

L5 5 lr 1010 HB 1104/24 - ENT

By: Montgomery County Delegation and Prince George's County Delegation

Introduced and read first time: February 7, 2025 Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2025

CHAPTER

1 AN ACT concerning

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2 Montgomery County and Prince George's County - Zoning and Land Use - Fairness in Zoning

Task Force to Study Land Use Issues in Prince George's County - Establishment

5 MC/PG 117–25

FOR the purpose of providing that, in Prince George's County, the planning board's authority over zoning and subdivision matters is not exclusive and may be subject to review by the district council under certain circumstances; altering the jurisdiction of the Prince George's County Planning Board over certain local functions and certain mandatory referrals; altering, in Prince George's County, the standing requirements for filing a request for judicial review of certain decisions of the district council to the circuit court; altering the standing requirements for filing an appeal from a certain judgment of the circuit court to the Appellate Court of Maryland: prohibiting a member of the district council from voting on an appeal to the Appellate Court of Maryland under certain circumstances; repealing the standing requirements for requesting the district council in Prince George's County to review the decision of the zoning hearing examiner or the county planning board under certain circumstances; altering, in Prince George's County, the time frame within which a zoning hearing examiner shall take action on a certain zoning matter remanded back from the district council; providing that a certain approval shall expire at a certain time; prohibiting, in Prince George's County, the district council from amending the zoning laws or zoning classification of certain property in a certain manner; and generally relating to zoning and planning powers in the Maryland-Washington Regional District establishing the Task Force to Study Land

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.



$\frac{1}{2}$			in Prince George's County to study certain land use matters in Prince unty; and generally relating to the Task Force to Study Land Use Issues
3	in Pri	nce Ge	eorge's County.
4	BY repealin	g and	reenacting, with amendments,
5	Artiel	e - La	nd Use
6	Section	n 20-	202(a) and (b), 20–302, 22–407(a) and (f), and 25–213
7			Code of Maryland
8			ne and 2024 Supplement)
9	BY repealin	g and i	reenacting, without amendments,
10	-	_	nd Use
11			106 and 25–101
12			Code of Maryland
13			re and 2024 Supplement)
10	(2012	-vorum	те апа 2021 зарртетного)
14	BY repealing	_	1.77
15			nd Use
16		n 25-1	
17			Code of Maryland
18	$\frac{(2012)}{(2012)}$	Volun	ne and 2024 Supplement)
19	BY adding t	₽	
20	Artiel	e - La	nd Use
21	Section	n 25-2	214 and 25–215
22	Annot	tated (Code of Maryland
23			ne and 2024 Supplement)
	`		
24			. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
25	That the La	ws of 1	Maryland read as follows:
26	<u>(a)</u>	There	e is a Task Force to Study Land Use Issues in Prince George's County.
27	<u>(b)</u>	The T	Cask Force consists of the following members:
28 29	Chair's desig	<u>(1)</u> gnee;	the Chair of the Prince George's County Senate Delegation, or the
30 31	Chair's desig	<u>(2)</u> gnee;	the Chair of the Prince George's County House Delegation, or the
32 33	designee;	<u>(3)</u>	the Chair of the Prince George's County Council, or the Chair's
34 35	designee;	<u>(4)</u>	the Chair of the Prince George's County Planning Board, or the Chair's

$\frac{1}{2}$	the Presider	<u>(5)</u> nt's des		resident of the Prince George's County Municipal Association, or
3 4	Inspections	(6) and E		nember of the Prince George's County Department of Permitting, nent, appointed by the Prince George's County Executive; and
5 6	George's Con	<u>(7)</u> unty S		ollowing members, appointed jointly by the chairs of the Prince and House delegations:
7			<u>(i)</u>	one member of a civic association in Prince George's County;
8			<u>(ii)</u>	one member of the public;
9 10	issues in Pri	ince G	<u>(iii)</u> eorge's	one member of a nonprofit organization with expertise in housing County;
11 12	certified by	<u>Prince</u>	<u>(iv)</u> Georg	two members of the building industry, one of whom must be e's County as a minority business enterprise; and
13 14	county, inclu	uding z	(v) zoning.	two nonvoting members with expertise in land use issues in the
15	<u>(c)</u>	The T	Task Fo	orce shall elect a chair from among its voting members.
16	<u>(d)</u>	The N	<u>Maryla</u>	nd Department of Planning shall provide staff for the Task Force.
17	<u>(e)</u>	A me	mber o	f the Task Force:
18		<u>(1)</u>	may 1	not receive compensation as a member of the Task Force; but
19 20	Travel Regu			citled to reimbursement for expenses under the Standard State covided in the State budget.
21 22	<u>(f)</u> indicated.	<u>(1)</u>	<u>(i)</u>	In this subsection the following words have the meanings
23			<u>(ii)</u>	"Approval" includes:
24 25 26 27		ment	on an a	1. an action by the Prince George's County Planning Board, e Prince George's County Department of Permitting, Inspections application for a zoning special exception, a zoning variance, or a
28 29 30 31	<u>a developme</u>	nt pla	n appr	2. a development or subdivision approval required to be planning board or district council, including a site plan approval, oval, or any other development or subdivision approval authorized Use Article or local law; or

1 2 3	3. any other approval by or agreement with the county planning board or district council that is associated with an application for development or subdivision approval.
4 5	(iii) "District council" has the meaning stated in § 14–101(f)(1) of the Land Use Article, with respect to the Prince George's County Council.
6	(2) The Task Force shall:
7	(i) study:
8	1. the current role of the Prince George's County Planning Board in the exercise of its powers enumerated in § 20–202 of the Land Use Article;
10 11 12 13	2. to what extent, if any, the Prince George's County Planning Board should retain exclusive jurisdiction over the powers described in item 1 of this item and whether the district council should have jurisdiction to review and issue final decisions regarding any of those powers;
14 15	<u>3.</u> <u>whether any changes should be made to the list of persons</u> <u>that have standing to:</u>
16 17	A. seek judicial review of a final decision of the district council under § 22–407(a) of the Land Use Article; and
18 19	B. appeal to the Appellate Court of Maryland a final judgment of the circuit court under § 22–407(f) of the Land Use Article;
20 21 22 23	4. whether any changes should be made to the standing requirements to make a request to the district council for review of a decision of a zoning hearing examiner or the county planning board as described in § 25–212 of the Land Use Article;
24 25 26 27	5. the adequacy of the current procedures described in § 25–213 of the Land Use Article regarding what actions the district council may take when hearing a zoning matter that has been appealed from a decision of a zoning hearing examiner;
28 29 30	6. the expiration processes, if any, for approvals, as defined in paragraph (1) of this subsection, and whether any changes should be made to those processes; and
31 32 33 34	7. whether the district council should or should not, for purposes of permitting the construction of multifamily residential dwellings, be able to amend the text or map of the zoning law or the zoning classification of property that is currently used as, or in its immediate former use was used as, an airport; and

$\frac{1}{2}$	(ii) make recommendations on whether any changes should be made, including legislatively, to address the issues studied under item (i) of this paragraph.
3 4 5 6	(3) In studying the issues described under paragraph (2)(i)1 and 2 of this subsection, the Task Force shall consider the Supreme Court of Maryland holding in County Council of Prince George's County v. Zimmer Development Company, 444 Md. 490 (2015) and its impact on Prince George's County.
7 8 9 10 11	(g) On or before December 1, 2026, the Task Force shall report its findings and recommendations to the Prince George's County Executive, the Prince George's County Council, and, in accordance with § 2–1257 of the State Government Article, the General Assembly and the members of the Prince George's County Delegation to the General Assembly.
12	Article - Land Use
13	20-202.
14 15	(a) (1) (I) Subject to SUBPARAGRAPH (II) OF THIS PARAGRAPH AND paragraph (2) of this subsection, a county planning board:
16 17	(i) 1. is responsible for planning, subdivision, and zoning functions that are primarily local in scope; and
18 19	{(ii)} 2. shall exercise, within the county planning board's jurisdiction, the following powers:
20	[1.] A. planning;
21	[2.] B. zoning;
22	[3.] C. subdivision;
23 24	[4.] D. assignment of street names and house numbers;
25	[5.] E. any related matter.
26	(II) 1. IN PRINCE GEORGE'S COUNTY:
27 28	A. THE AUTHORITY OF THE COUNTY PLANNING BOARD OVER ZONING AND SUBDIVISION MATTERS, BOTH LOCAL AND GENERAL, IS NOT
29 30	EXCLUSIVE AND SHALL BE SUBJECT TO REVIEW AND FINAL ACTION BY THE DISTRICT COUNCIL; BUT

1	B. ANY REVIEW AND FINAL ACTION IS LIMITED TO THE
2	MATTER THAT IS BROUGHT BEFORE THE DISTRICT COUNCIL.
3	2. Nothing in this subparagraph authorizes the
4	DISTRICT COUNCIL TO REVIEW MATTERS THAT ARE OTHERWISE BEYOND ITS
5	JURISDICTION AS PROVIDED IN THIS ARTICLE.
6	(2) The functions under paragraph (1) of this subsection do not include the
7	regional planning functions of the Commission relating to or affecting the regional district
8	as a planning unit.
9	(b) (1) [A county planning board] THE MONTGOMERY COUNTY PLANNING
10	BOARD has exclusive jurisdiction over:
10	BOMED has exclusive jurisdiction over.
11	(i) local functions, including:
12	1. the administration of subdivision regulations;
13	2. the preparation and adoption of recommendations to the
14	district council with respect to zoning map amendments; and
15	3. the assignment of street names and house numbers in the
$\frac{10}{16}$	regional district; and
10	regionar ansuren, ana
17	(ii) mandatory referrals made in accordance with Subtitle 3, Part I
18	of this title by:
	·
19	1. the [county planning board's respective county]
20	MONTGOMERY COUNTY government or any unit of the county government; OR
21	2. THE COUNTY BOARD OF EDUCATION, A MUNICIPAL
22	CORPORATION OR SPECIAL TAXING DISTRICT, OR A PUBLICLY OWNED OR
23	PRIVATELY OWNED PUBLIC UTILITY.
24	(2) The [Montgomery County Planning Board has exclusive jurisdiction
25 26	over a mandatory referral made in accordance with Subtitle 3, Part I of this title by the
26	County Board of Education, a municipal corporation or special taxing district, or a publicly
27	owned or privately owned public utility] PRINCE GEORGE'S COUNTY PLANNING
28	BOARD HAS JURISDICTION OVER:
29	(I) LOCAL FUNCTIONS, INCLUDING:
43	(1) LOUIL TUNG HOUS, INCLUDING.
30	1. THE ADMINISTRATION OF SUBDIVISION
31	REGULATIONS;

1	2. THE PREPARATION AND ADOPTION OF
2	RECOMMENDATIONS TO THE DISTRICT COUNCIL WITH RESPECT TO ZONING MAP
3	AMENDMENTS, DETAILED SITE PLANS, COMPREHENSIVE DESIGN PLANS, AND
4	SPECIFIC DESIGN PLANS; AND
5	3. THE ASSIGNMENT OF STREET NAMES AND HOUSE
6	NUMBERS IN THE REGIONAL DISTRICT; AND
U	Nombelio III III Medicivili distinici; in d
7	(II) MANDATORY REFERRALS MADE IN ACCORDANCE WITH
8	SUBTITLE 3, PART I OF THIS TITLE BY THE PRINCE GEORGE'S COUNTY
9	GOVERNMENT OR ANY UNIT OF THE COUNTY GOVERNMENT.
U	GOVERNMENT ON THAT OF THE GOODITH GOVERNMENT.
10	20-302.
11	(a) The Commission has exclusive jurisdiction over mandatory referrals made
12	under this part from the United States or the State, or any unit of the United States or the
13	State.
14	(b) [A county planning board] THE PRINCE GEORGE'S COUNTY PLANNING
15	BOARD has [exclusive] jurisdiction over a mandatory referral under this part by the
16	[county planning board's respective] PRINCE GEORGE'S COUNTY PLANNING BOARD'S
17	county government or any unit of the county government.
Τ,	country government of any anit of the country government.
18	(c) The Montgomery County Planning Board has exclusive jurisdiction over a
19	mandatory referral under this part by:
10	manadory referrar ander one part by
20	(1) THE MONTGOMERY COUNTY PLANNING BOARD'S COUNTY
21	GOVERNMENT OR ANY UNIT OF THE COUNTY GOVERNMENT; AND
4 1	GOVERNMENT ON THE COUNTY GOVERNMENT, THE
22	(2) the county board of education, a municipal corporation or special taxing
23	district, or a publicly owned or privately owned public utility.
20	district, of a publicly owned of privately owned public definey.
24	22-406.
24	22-100,
25	This part applies only in Prince George's County.
20	This part applies only in Finice George's County.
26	$\frac{22-407}{2}$
20	22-101.
27	(a) (1) Indicial regions of any final decision of the district council including an
	(a) (1) Judicial review of any final decision of the district council, including an
28	individual map amendment or a sectional map amendment, may be requested by [any
29	person or entity that is aggrieved by the decision of the district council and is]:
20	
30	(i) [a municipal corporation, governed special taxing district, or
31	person in the county] A PERSON OR MUNICIPAL CORPORATION THAT APPEARED AT
32	THE HEARING IN PERSON, BY ATTORNEY, OR IN WRITING;

$1 \\ 2$	(ii) A PERSON WHO RESIDES WITHIN 1 MILE OF THE PROPERTY 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.
4.0	
12 13	(3) Copies of the petition shall be served on the district council and all other persons of record in accordance with the Maryland Rules.
19	persons of record in accordance with the maryiand itules.
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.
1 =	
17 18	(f) I(1) A final judgment of the circuit court may be appealed to the Appellate Court of Maryland by:
10	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
$\frac{23}{24}$	OF MARYLAND.
25	(2) (I) [Each] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF
26	THIS PARAGRAPH, EACH-member of the district council is entitled to vote on whether the
27	district council shall appeal to the Appellate Court of Maryland, regardless of whether the
28	member participated in the hearing on the matter or in the decision.
00	(II) A MEMBER OF THE DISTRICT COUNCIL MAY NOT WORK
29	(II) A MEMBER OF THE DISTRICT COUNCIL MAY NOT VOTE
30	UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IF THE MEMBER PREVIOUSLY

1 2	RECUSED THEMSELVES FROM PARTICIPATING IN THE HEARING ON THE MATTER OR IN THE DECISION.
3	25-101.
4	This title applies only in Prince George's County.
5	[25-212.
6	In Prince George's County, a person may make a request to the district council for
7	the review of a decision of the zoning hearing examiner or the county planning board only
8	if:
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9	(1) the person is an aggrieved person that appeared at the hearing before
0	the zoning hearing examiner or county planning board in person, by an attorney, or in
1	writing; and
12	(2) the review is expressly authorized under this division.
า	or olo
13	25-213.
4	In Prince George's County, when the district council is hearing a zoning matter that
5	has been appealed from a decision of a zoning hearing examiner, the district council:
	has been appeared from a decision of a zoning hearing examiner, the district council.
16	(1) may remand the zoning matter back to the zoning hearing examiner
7	fonly one timel; and
8	(2) shall specify that the zoning hearing examiner take action within [30]
9	100 days after the matter is remanded [and relevant information is received from the
20	applicant or the district council.
	-
21	25-214.
າດ	(A) IN THIS GEOTION "ADDROVAL" INCLUDES.
22	(A) IN THIS SECTION, "APPROVAL" INCLUDES:
23	(1) AN ACTION BY THE PLANNING BOARD, DISTRICT COUNCIL, OR
24	OTHER COUNTY PERMITTING DEPARTMENT ON AN APPLICATION FOR:
14	OTHER COUNTY I ERWITTING DELTARIMENT ON AN ALTERCATION FOR.
25	(I) A ZONING SPECIAL EXCEPTION;
	(-)
26	(II) A ZONING VARIANCE; OR
27	(HI) A CONDITIONAL ZONING USE;
28	(2) A DEVELOPMENT OR SUBDIVISION APPROVAL REQUIRED TO BE
29	OBTAINED FROM THE PLANNING BOARD OR DISTRICT COUNCIL, INCLUDING:

1	(I) A SITE PLAN APPROVAL;
2	(H) A DEVELOPMENT PLAN APPROVAL; OR
3	(HI) ANY OTHER DEVELOPMENT OR SUBDIVISION APPROVAL
4	AUTHORIZED OR REQUIRED BY THIS ARTICLE OR LOCAL LAW; OR
5	(3) ANY OTHER APPROVAL BY, OR AGREEMENT WITH, THE COUNTY
6	PLANNING BOARD OR DISTRICT COUNCIL THAT IS ASSOCIATED WITH AN
7	APPLICATION FOR DEVELOPMENT OR SUBDIVISION APPROVAL.
8	(B) BEGINNING WITH APPROVALS ISSUED ON JULY 1, 2025, AN APPROVAL
9	SHALL EXPIRE ON THE LATER OF THE PERIOD ESTABLISHED BY THE COUNTY OR 10
0	YEARS AFTER THE DATE THE APPROVAL WAS ISSUED.
1	SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
12	as follows:
13	Article - Land Use
4	25 215.
15	NOTWITHSTANDING ANY OTHER LAW, THE DISTRICT COUNCIL MAY NOT
6	AMEND THE TEXT OR MAP OF THE ZONING LAW OR THE ZONING CLASSIFICATION OF
1 7	PROPERTY THAT IS CURRENTLY USED AS, OR ITS IMMEDIATE FORMER USE WAS AS,
8	AN AIRPORT IN ORDER TO PERMIT THE CONSTRUCTION OF MULTIFAMILY
9	RESIDENTIAL DWELLINGS ON THE PROPERTY.
20	SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be
	construed to apply only prospectively and may not be applied or interpreted to have any
22	effect on or application to any property for which a building permit to construct multifamily
23	residential dwellings has been issued before the effective date of this Act.
24	SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General
25	Assembly that § 22-202(b)(2) of the Land Use Article, as enacted by Section 1 of this Act,
26	abrogate the holding by the Supreme Court of Maryland in County Council of Prince
27	George's County v. Zimmer Development Company, 444 Md. 490 (2015).
28	SECTION $\frac{5}{2}$. AND BE IT FURTHER ENACTED, That this Act shall take effect
29	July October 1, 2025. It shall remain effective for a period of 1 year and 3 months and, at
30	the end of December 31, 2026, this Act, with no further action required by the General
31	Assembly, shall be abrogated and of no further force and effect.