

HOUSE BILL 1257

L6

3lr2131

By: **Delegates McIntosh, Bobo, Healey, Lafferty, and Niemann**

Introduced and read first time: February 8, 2013

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2013

CHAPTER _____

1 AN ACT concerning

2 **Land Use – Clarifications and Corrections**

3 FOR the purpose of clarifying certain provisions of law relating to zoning, planning,
4 subdivision, and other land use laws of the State; altering the contents of a
5 certain annual report to refer to approved rather than adopted plans; requiring
6 certain counties on the tidal waters of the State to designate certain areas for
7 certain purposes; clarifying that code counties as well as charter counties shall
8 adopt certain visions and may adopt certain regulations; clarifying a certain
9 requirement of consistency with the plan for certain zoning laws and other local
10 laws; altering a certain deadline concerning inclusion of certain plan elements
11 and the consequences of failing to include them in the plan; prohibiting ~~a~~
12 ~~member of a legislative body from serving as a member of a certain planning~~
13 ~~commission~~ an ex officio member of a planning commission from voting on
14 certain questions; clarifying the method of appointment process for a vacancy on
15 a planning commission; requiring certain local jurisdictions to appoint one or
16 more alternate members of a planning commission or a board of appeals;
17 altering the grounds and procedures for removing a member of a planning
18 commission or certain boards of appeals; requiring a planning commission to
19 provide a copy of certain documents to certain regional units; authorizing a
20 county and a municipal corporation to employ an appropriate mediation and
21 conflict resolution service for certain purposes; authorizing the inclusion of and
22 notice for certain conditions and limitations in a certain annexation agreement;
23 altering certain purposes for certain zoning regulations and subdivision
24 regulations; altering a certain prohibition on the negotiation for sale of certain
25 lots in certain unapproved subdivisions; requiring a certain report on certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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



1 restrictions to include certain information concerning certain waivers; clarifying
2 the relationship between the purposes of a program for the transfer of
3 development rights with certain other development management programs and
4 techniques; clarifying the authority of a public principal in negotiating certain
5 agreements in connection with a development rights and responsibilities
6 agreement; providing for the removal of a member of a historic district
7 commission or historic preservation commission in a certain manner; requiring
8 a certain annual financial report of the Maryland–National Capital Park and
9 Planning Commission to be audited rather than certified in a certain manner;
10 altering the scope of a certain exemption concerning certain property owned for
11 certain purposes by a member of the Commission; altering the standard for
12 issuance of a certain subpoena by the Commission’s merit system board;
13 authorizing the Commission to name, rename, number, and renumber certain
14 roads and properties in the Maryland–Washington Regional District;
15 authorizing the Commission to issue or renew certain tax anticipation notes at a
16 certain interest rate; specifying that certain procedures concerning certain
17 amendments are applicable to both individual map amendments and sectional
18 map amendments in the regional district; clarifying the start of a certain review
19 period for a preliminary subdivision plan in Prince George’s County; clarifying
20 the procedure to be followed in connection with a petition for judicial review of
21 an action of a county planning board in the regional district; correcting obsolete
22 nomenclature; making conforming changes; altering a certain definition; and
23 generally relating to land use.

24 BY repealing and reenacting, with amendments,

25 Article – Land Use

26 Section 1–207(c)(2), 1–415, 1–417, 1–418, 2–102, 3–203(c), 3–206(b)(3), 3–303,
27 3–304, 4–103, 4–202, 4–302, 5–102(c)(5), 5–301(a), 7–104(b), 7–201,
28 7–302, 8–202(d), 10–302(2)(vi), 10–403, 14–101(m), 15–115, 15–120(b)(2),
29 16–108(a), 17–212(a), 18–112, 18–208(b), 22–402(a)(1), 22–407(a)(1),
30 23–104(c)(1)(vii), 23–205(b)(1), and 23–401

31 Annotated Code of Maryland
32 (2012 Volume)

33 BY adding to

34 Article – Land Use

35 Section 1–412 and 8–202(d)

36 Annotated Code of Maryland
37 (2012 Volume)

38 BY repealing and reenacting, without amendments,

39 Article – Land Use

40 Section 23–205(a)

41 Annotated Code of Maryland
42 (2012 Volume)

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

3 **Article – Land Use**

4 1–207.

5 (c) The annual report shall:

6 (2) state whether the changes under item (1) of this subsection are
7 consistent with:

8 (i) each other;

9 (ii) the recommendations of the last annual report;

10 (iii) the [adopted] APPROVED plans of the local jurisdiction;

11 (iv) the [adopted] APPROVED plans of all adjoining local
12 jurisdictions; and

13 (v) the [adopted] APPROVED plans of State and local
14 jurisdictions that have responsibility for financing or constructing public
15 improvements necessary to implement the local jurisdiction's plan;

16 1–412.

17 **(A) THIS SECTION APPLIES ONLY TO A CHARTER COUNTY OR A CODE**
18 **COUNTY THAT WAS REQUIRED BEFORE ADOPTING HOME RULE TO DESIGNATE IN**
19 **THE COMPREHENSIVE PLAN AREAS ON OR NEAR THE TIDAL WATERS OF THE**
20 **STATE UNDER § 3–113 OF THIS ARTICLE.**

21 ~~(A)~~ **(B) THE PLANNING COMMISSION OF A CHARTER COUNTY THAT IS**
22 **LOCATED ON THE TIDAL WATERS OF THE STATE SHALL DESIGNATE IN THE**
23 **COMPREHENSIVE PLAN AREAS ON OR NEAR THE TIDAL WATERS FOR:**

24 **(1) LOADING, UNLOADING, AND PROCESSING FINFISH AND**
25 **SHELLFISH; AND**

26 **(2) DOCKING AND MOORING COMMERCIAL FISHING BOATS AND**
27 **VESSELS.**

28 ~~(B)~~ **(C) THE AREAS DESIGNATED UNDER SUBSECTION ~~(A)~~ (B) OF THIS**
29 **SECTION SHALL BE GEOGRAPHICALLY LOCATED TO:**

1 **(1) FACILITATE THE COMMERCIAL HARVESTING OF FINFISH AND**
 2 **SHELLFISH; AND**

3 **(2) ENSURE REASONABLE ACCESS TO THE WATERWAYS OF THE**
 4 **STATE BY COMMERCIAL WATERMEN.**

5 1-415.

6 (a) The planning commission of a charter county **OR CODE COUNTY** shall
 7 implement the visions set forth in § 1-201 of this title through the comprehensive plan
 8 elements required under Part II of this subtitle.

9 (b) The legislative body of a charter county **OR CODE COUNTY** that has
 10 adopted a comprehensive plan under Part II of this subtitle may adopt regulations
 11 implementing the visions set forth in § 1-201 of this title in the plan.

12 1-417.

13 (a) At least once every 6 years, which corresponds to the comprehensive plan
 14 revision process under § 1-416 of this subtitle, a charter county shall ensure the
 15 implementation of the visions, the development regulations element, and the sensitive
 16 areas element of the plan.

17 (b) A charter county shall ensure that the implementation of the
 18 requirements of subsection (a) of this section are achieved through the adoption of
 19 **THE FOLLOWING** applicable **IMPLEMENTATION MECHANISMS THAT ARE**
 20 **CONSISTENT WITH THE COMPREHENSIVE PLAN:**

21 (1) zoning laws; and

22 (2) local laws governing:

23 (i) planned development;

24 (ii) subdivision; and

25 (iii) other land use provisions [that are consistent with the
 26 comprehensive plan].

27 1-418.

28 (a) Subject to subsection (b) of this section, [on or before October 1, 2009,] a
 29 charter county shall include in its comprehensive plan any plan element that is
 30 required under Part II of this subtitle **IN ACCORDANCE WITH THE REVIEW**
 31 **SCHEDULE FOR THE LOCAL JURISDICTION UNDER § 1-417 OF THIS SUBTITLE.**

1 (b) On request of a charter county and for good cause, the Department of
 2 Planning may extend the deadline under subsection (a) of this section for that charter
 3 county by no more than two 6-month extensions.

4 (c) A charter county that is not in compliance with this section after [October
 5 1, 2009,] **THE DEADLINE UNDER SUBSECTION (A) OF THIS SECTION** or after the
 6 expiration of any extension granted under subsection (b) of this section, may not
 7 change the zoning classification of a property until that charter county has complied
 8 with this section.

9 2-102.

10 (a) (1) Except as otherwise provided in this division, a planning
 11 commission established under this subtitle shall consist of three, five, or seven
 12 members.

13 (2) ~~One member of the planning commission may be a~~ ~~A~~ member of
 14 the legislative body~~, who serves as an ex officio member concurrent with the~~
 15 member's legislative term~~].~~ ~~MAY NOT BE A MEMBER OF THE PLANNING~~
 16 ~~COMMISSION.~~

17 **(3) (I) AN EX OFFICIO MEMBER OF A PLANNING COMMISSION**
 18 **MAY NOT VOTE ON ANY QUESTION IN THE RESULT OF WHICH THE EX OFFICIO**
 19 **MEMBER HAS AN IMMEDIATE PERSONAL OR FINANCIAL INTEREST.**

20 **(II) WHEN AN EX OFFICIO MEMBER ABSTAINS FROM VOTING**
 21 **ON A QUESTION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE EX**
 22 **OFFICIO MEMBER SHALL DISCLOSE THE RECUSAL.**

23 (b) (1) Except as otherwise provided in paragraph (2) of this subsection,
 24 the members of a planning commission shall be appointed by:

25 (i) the legislative body; or

26 (ii) the person designated as the appointing authority in the
 27 local law establishing the planning commission.

28 (2) If there is a single elected local executive, the members of a
 29 planning commission shall be appointed by the local executive and confirmed by the
 30 legislative body.

31 (c) (1) The term of a member of a planning commission ~~other than an ex~~
 32 ~~officio member~~ is:

33 (i) 5 years; or

1 (ii) until the member's successor takes office.

2 (2) The terms of the members of a planning commission shall be
3 staggered.

4 (d) (1) [After a public hearing, a] **A** legislative body may remove a
5 member of a planning commission for:

6 (i) [inefficiency] **INCOMPETENCE**;

7 (ii) [neglect of duty] **MISCONDUCT**; or

8 (iii) [malfeasance in office] **IN THE SAME MANNER AS FOR A**
9 **MEMBER OF A STATE BOARD OR COMMISSION:**

10 **1. FAILURE TO ATTEND MEETINGS UNDER § 8-501**
11 **OF THE STATE GOVERNMENT ARTICLE; OR**

12 **2. CONVICTION OF A CRIME IN ACCORDANCE WITH §**
13 **8-502 OF THE STATE GOVERNMENT ARTICLE.**

14 (2) [A] **THE** legislative body [that removes a member of a planning
15 commission shall file a written statement of the reasons for the removal] **SHALL**
16 **PROVIDE TO THE MEMBER:**

17 **(I) A WRITTEN STATEMENT OF CHARGES STATING THE**
18 **GROUND FOR REMOVAL; AND**

19 **(II) AN OPPORTUNITY FOR A PUBLIC HEARING TO CONTEST**
20 **THE CHARGES.**

21 (e) If a vacancy occurs during the term of an appointed member, the vacancy
22 shall be filled for the unexpired term [by the:

23 (1) legislative body; or

24 (2) person designated as the appointing authority in the ordinance
25 establishing the commission] **IN THE SAME MANNER AS IS REQUIRED FOR**
26 **APPOINTMENT UNDER SUBSECTION (B) OF THIS SECTION.**

27 (f) (1) [In a municipal corporation, the] **THE** legislative body may
28 designate one **OR MORE** alternate [member] **MEMBERS** to sit on the planning
29 commission in the absence of any member of the commission.

1 (2) If an alternate member is absent, the legislative body may
2 designate a temporary alternate member to sit on the planning commission.

3 3-203.

4 (c) At least 60 days before the public hearing, the planning commission shall
5 provide copies of the recommended plan and amendments to the plan to:

6 (1) adjoining jurisdictions; and

7 (2) State [units] **UNITS, REGIONAL UNITS**, and local jurisdictions
8 responsible for financing or constructing public improvements necessary to implement
9 the plan.

10 3-206.

11 (b) (3) On request of either party, the county and the municipal
12 corporation shall employ [the Mediation and Conflict Resolution Office of the
13 Maryland court system] **AN APPROPRIATE MEDIATION AND CONFLICT**
14 **RESOLUTION SERVICE** to facilitate the meeting and conferral under this subsection.

15 3-303.

16 (a) At least once every 6 years, which corresponds to the comprehensive plan
17 revision process under § 3-301 of this subtitle, a local jurisdiction shall ensure the
18 implementation of the visions, the development regulations element, and the sensitive
19 areas element of the plan.

20 (b) A local jurisdiction shall ensure that the implementation of the
21 requirements of subsection (a) of this section are achieved through the adoption of
22 **THE FOLLOWING** applicable **IMPLEMENTATION MECHANISMS THAT ARE**
23 **CONSISTENT WITH THE COMPREHENSIVE PLAN:**

24 (1) zoning laws;

25 (2) planned development ordinances and regulations;

26 (3) subdivision ordinances and regulations; and

27 (4) other land use ordinances and regulations [that are consistent
28 with the comprehensive plan].

29 3-304.

30 (a) Subject to subsection (b) of this section, [on or before October 1, 2009,] a
31 local jurisdiction shall include in its comprehensive plan any plan element required

1 under Subtitle 1 of this title **IN ACCORDANCE WITH THE REVIEW SCHEDULE FOR**
2 **THE LOCAL JURISDICTION UNDER § 3-303 OF THIS SUBTITLE.**

3 (b) On request of a local jurisdiction and for good cause, the Department of
4 Planning may extend the deadline under subsection (a) of this section for that local
5 jurisdiction by no more than two 6-month extensions.

6 (c) A local jurisdiction that is not in compliance with this section after
7 [October 1, 2009,] **THE DEADLINE UNDER SUBSECTION (A) OF THIS SECTION** or
8 after the expiration of any extension granted under subsection (b) of this section, may
9 not change the zoning classification of a property until that local jurisdiction has
10 complied with this section.

11 4-103.

12 (a) When zoning or rezoning land under this division, a legislative body may
13 impose any additional conditions or limitations that the legislative body considers
14 appropriate to improve or protect the general character and design of:

15 (1) the land and improvements being zoned or rezoned; or

16 (2) the surrounding or adjacent land and improvements.

17 (b) A municipal corporation may include in an annexation agreement
18 **CONDITIONS AND** limitations on the use of land and density of development
19 otherwise allowed in the zoning district where the land is located.

20 (c) When zoning or rezoning land under this division, to ensure conformity
21 with the intent and purpose of this division and of the local jurisdiction's zoning law, a
22 legislative body may retain the power to approve or disapprove:

23 (1) the design of buildings, construction, landscaping, or other
24 improvements; and

25 (2) changes made or to be made on the land being zoned or rezoned.

26 (d) The powers provided in this section shall apply only if the legislative body
27 adopts a local law that includes:

28 (1) enforcement procedures; and

29 (2) requirements for adequate notice of:

30 (i) public hearings; and

31 (ii) **conditions AND LIMITATIONS** sought to be imposed.

1 4-202.

2 (a) The legislative body shall adopt zoning regulations:

3 (1) in accordance with the plan;

4 (2) with reasonable consideration for, among other things, the
5 character of the district or zone and its suitability for particular uses; and

6 (3) with a view to conserving the value of [buildings and other
7 structures] **PROPERTY** and encouraging orderly development and the most
8 appropriate use of land.

9 (b) The zoning regulations shall be designed to:

10 (1) control street congestion;

11 (2) promote health, public safety, and general welfare;

12 (3) provide adequate light and air;

13 (4) promote the conservation of natural resources;

14 (5) prevent environmental pollution;

15 (6) [avoid an undue concentration of population] **PROPERLY MANAGE**
16 **GROWTH AND DEVELOPMENT**; and

17 (7) promote or facilitate adequate transportation, water, sewerage,
18 schools, recreation, parks, and other public facilities.

19 4-302.

20 (a) A board of appeals consists of at least three members.

21 (b) A member of a board of appeals shall be appointed by the local executive
22 and confirmed by the legislative body.

23 (c) The term of office of a member of a board of appeals is 3 years.

24 (d) **(1)** A member of a board of appeals may be removed[:

25 (1) for cause;

26 (2) on written charges; and

1 (3) after a public hearing] **BY THE LOCAL EXECUTIVE FOR:**

2 (I) **INCOMPETENCE;**

3 (II) **MISCONDUCT; OR**

4 (III) **IN THE SAME MANNER AS FOR A MEMBER OF A STATE**
5 **BOARD OR COMMISSION:**

6 1. **FAILURE TO ATTEND MEETINGS UNDER § 8-501**
7 **OF THE STATE GOVERNMENT ARTICLE; OR**

8 2. **CONVICTION OF A CRIME IN ACCORDANCE WITH §**
9 **8-502 OF THE STATE GOVERNMENT ARTICLE.**

10 (2) **THE LOCAL EXECUTIVE SHALL PROVIDE TO THE MEMBER:**

11 (I) **A WRITTEN STATEMENT OF CHARGES STATING THE**
12 **GROUND FOR REMOVAL; AND**

13 (II) **AN OPPORTUNITY FOR A PUBLIC HEARING TO CONTEST**
14 **THE CHARGES.**

15 (e) The appointing authority shall appoint a new member to fill the
16 unexpired term of any member who leaves a board of appeals.

17 (f) (1) A legislative body shall designate one **OR MORE** alternate
18 [member] **MEMBERS** for the board of appeals who may sit on the board when another
19 member of the board is absent or recused.

20 (2) When [the] **AN** alternate member is absent or recused, the
21 legislative body may designate a temporary alternate.

22 5-102.

23 (c) The subdivision regulations may include provisions for the purposes of:

24 (5) [avoiding inappropriate population congestion] **PROPERLY**
25 **MANAGING GROWTH AND DEVELOPMENT;**

26 5-301.

27 (a) (1) Except as otherwise provided in §§ 9-603, 9-806, 9-1004, 9-1605,
28 9-1606, and 9-1607 of this article, an owner or agent of an owner of land located
29 within a subdivision may not transfer, sell, **OR** agree to [sell, or negotiate to] sell land

1 by reference to, exhibition of, or other use of a plat of a subdivision before the plat has
2 been:

3 (i) approved by the planning commission; and

4 (ii) recorded or filed in the office of the appropriate county clerk.

5 (2) A person who violates this subsection is subject to a civil penalty of
6 not less than \$200 and not exceeding \$1,000 for each violation.

7 (3) Each lot or parcel transferred or sold or agreed [or negotiated] to
8 be sold in violation of this subsection is a separate violation.

9 7-104.

10 (b) (1) If an adequate public facility law has resulted in a restriction
11 within a priority funding area, on or before July 1 every 2 years, a local jurisdiction
12 shall report on the restriction to the Department of Planning.

13 (2) The report shall include:

14 (i) the location of the restriction;

15 (ii) the type of infrastructure affected by the restriction;

16 (iii) the proposed resolution of the restriction, if available;

17 (iv) the estimated date for the resolution of the restriction, if
18 available;

19 (v) if a restriction was lifted, the date the restriction was lifted;

20 [and]

21 (vi) the local law or resolution that lifted the restriction;

22 (VII) ANY WAIVER OF THE RESTRICTION THAT WAS
23 PROPOSED; AND

24 (VIII) ANY WAIVER OF THE RESTRICTION THAT WAS
25 IMPLEMENTED.

26 7-201.

27 A legislative body that exercises authority granted by this division may
28 establish a program for the transfer of development rights to:

1 (1) encourage the preservation of natural resources; and

2 (2) facilitate orderly growth and development in the State **IN**
3 **CONJUNCTION WITH PROGRAMS FOR PRESERVATION OF OPEN SPACE AND**
4 **AGRICULTURAL LAND AND OTHER DEVELOPMENT MANAGEMENT PROGRAMS**
5 **AND TECHNIQUES.**

6 7–302.

7 (a) Subject to §§ 7–303 through 7–305 of this subtitle, the local governing
8 body of a local jurisdiction may:

9 (1) by local law, establish procedures and requirements for the
10 consideration and execution of agreements; and

11 (2) delegate all or part of the authority established under the local law
12 to a public principal within the jurisdiction of the local governing body.

13 (b) The public principal may:

14 (1) execute agreements for real property located within the
15 jurisdiction of the local governing body with a person having a legal or equitable
16 interest in the real property, **INCLUDING PROPERTY THAT IS THE SUBJECT OF**
17 **ANNEXATION OF LAND TO A MUNICIPAL CORPORATION;** and

18 (2) include a federal, State, or local government or unit as an
19 additional party to the agreement.

20 8–202.

21 **(D) (1) A MEMBER OF A COMMISSION MAY BE REMOVED BY THE**
22 **APPOINTING AUTHORITY FOR:**

23 **(I) INCOMPETENCE;**

24 **(II) MISCONDUCT; OR**

25 **(III) IN THE SAME MANNER AS FOR A MEMBER OF A STATE**
26 **BOARD OR COMMISSION:**

27 **1. FAILURE TO ATTEND MEETINGS UNDER § 8–501**
28 **OF THE STATE GOVERNMENT ARTICLE; OR**

29 **2. CONVICTION OF A CRIME IN ACCORDANCE WITH §**
30 **8–502 OF THE STATE GOVERNMENT ARTICLE.**

1 1. filed promptly in the office of the Board; and

2 2. open to the public.

3 14–101.

4 (m) “Road” includes a highway, freeway, boulevard, parkway, street, avenue,
5 lane, alley, viaduct, bridge, **TRAIL, BICYCLE PATH**, and any other way or part of a
6 way.

7 15–115.

8 (a) (1) The Commission shall prepare an annual financial report.

9 (2) The annual financial report shall:

10 (i) include the financial statements of the Commission; and

11 (ii) be [certified] **AUDITED** by an independent certified public
12 accountant.

13 (3) The Commission shall make the [certified] **AUDITED** annual
14 financial report available for distribution to the public.

15 (b) (1) After the audit is completed, the Commission shall publish a
16 summary financial report consisting of a combined statement of revenues and
17 expenditures for all funds:

18 (i) in at least one newspaper of general circulation published in
19 Montgomery County; and

20 (ii) 1. in the newspapers officially designated by the Prince
21 George’s County government as newspapers of record; or

22 2. in the absence of a designation of a newspaper of
23 record, in at least one newspaper of general circulation published in Prince George’s
24 County.

25 (2) The publication of the summary financial report shall carry
26 appropriate references to the Commission’s [certified] **AUDITED** annual financial
27 report.

28 15–120.

29 (b) (2) This subsection does not apply to or include:

1 (i) an interest or investment in land geographically remote
2 from the land involved in the decision;

3 (ii) the ownership of [a recorded single-family lot on which the
4 commissioner actually resides] **REAL PROPERTY ON WHICH THE COMMISSIONER**
5 **MAINTAINS A PRIMARY RESIDENCE**; or

6 (iii) a possibility of reverter, a mortgage, or other security
7 interest in real property not otherwise described in this subsection.

8 16–108.

9 (a) If the board determines that the testimony of a witness is [essential]
10 **APPROPRIATE** for the proper consideration of a case before the board, the board may
11 issue a subpoena to the witness to appear at a proceeding the board conducts in
12 accordance with this subtitle.

13 17–212.

14 (a) The Commission may:

15 (1) except as provided in subsection (c) of this section, name and
16 rename any street or highway and number and renumber the houses in the
17 [metropolitan] **REGIONAL** district if each new number or change of number is
18 reported to the owner or occupant of the building for the purpose of:

19 (i) correcting mistakes;

20 (ii) removing confusion because of a duplication of street names;
21 and

22 (iii) securing a uniformity of street names and numbering of
23 houses;

24 (2) place or have placed new numbers on the buildings or premises
25 and proper signs indicating the names of streets and highways; and

26 (3) appropriate and expend as much of any surplus from fees for
27 building permits issued in each county as is necessary to pay for the expenses in
28 carrying out this section.

29 18–112.

30 The Commission shall prepare and submit a 6-year capital improvements
31 program:

1 (1) before November 1 of each odd-numbered calendar year to the
2 County Executive and County Council of Montgomery County; and

3 (2) before January 15 of each calendar year to the [county governing
4 body] **COUNTY EXECUTIVE AND COUNTY COUNCIL** of Prince George's County.

5 18-208.

6 (b) The Commission may reissue or renew its tax anticipation notes at [the
7 same or a greater] **AN** interest rate **THAT THE COMMISSION DETERMINES TO BE**
8 **ADVANTAGEOUS**.

9 22-402.

10 (a) (1) Judicial review of a final action of the district council on an
11 application for [a] **AN INDIVIDUAL MAP AMENDMENT OR A SECTIONAL** map
12 amendment may be requested by:

13 (i) a person aggrieved by the action; or

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

16 22-407.

17 (a) (1) Judicial review of a final decision of the district council
18 amendment, **INCLUDING AN INDIVIDUAL MAP AMENDMENT OR A SECTIONAL MAP**
19 **AMENDMENT**, may be requested by:

20 (i) any municipal corporation, governed special taxing district,
21 or person in the county;

22 (ii) any civic or homeowners association representing property
23 owners affected by the final decision; or

24 (iii) if aggrieved, the applicant for the zoning map amendment.

25 23-104.

26 (c) (1) Subject to paragraph (2) of this subsection and subsection (d) of
27 this section, the subdivision regulations may include provisions for:

28 (vii) the [avoidance of undue population congestion] **PROPER**
29 **MANAGEMENT OF GROWTH AND DEVELOPMENT**;

30 23-205.

1 (a) This section applies only in Prince George's County.

2 (b) (1) The county planning board shall approve or disapprove a
3 preliminary subdivision plan within 70 days after the COMPLETE plan APPLICATION
4 is submitted to the county planning board.

5 23-401.

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

8 (i) a person aggrieved by the action; or

9 (ii) a person or municipal corporation that appeared at the
10 hearing in person, by attorney, or in writing.

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

13 (3) The court may:

14 (i) affirm or reverse the action; or

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

17 (b) (1) If a petition for judicial review is filed under this section, [the
18 procedures under § 22-402(b) of this article apply to the county planning board and
19 other parties as appropriate] **A COPY OF THE PETITION SHALL BE SERVED ON THE
20 COUNTY PLANNING BOARD IN ACCORDANCE WITH MARYLAND RULE 7-202(D).**

21 (2) **ON RECEIVING A COPY OF THE PETITION, THE COUNTY
22 PLANNING BOARD SHALL:**

23 (I) **PROMPTLY GIVE NOTICE OF THE PETITION TO ALL
24 PARTIES TO THE PROCEEDING BEFORE IT; AND**

25 (II) **WITHIN 30 DAYS AFTER THE FILING OF THE PETITION,
26 FILE WITH THE CIRCUIT COURT:**

27 1. **THE ORIGINALS OR CERTIFIED COPIES OF ALL
28 PAPERS AND EVIDENCE PRESENTED TO THE COUNTY PLANNING BOARD IN THE
29 PROCEEDING BEFORE IT; AND**

1 **2. A COPY OF ITS OPINION AND RESOLUTION**
2 **DECIDING THE APPLICATION.**

3 **(3) ANY PARTY TO THE PROCEEDING IN THE CIRCUIT COURT**
4 **AGGRIEVED BY THE JUDGMENT OF THE COURT MAY APPEAL FROM THE**
5 **JUDGMENT TO THE COURT OF SPECIAL APPEALS.**

6 **(4) THE REVIEW PROCEEDINGS PROVIDED BY THIS SECTION ARE**
7 **EXCLUSIVE.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 July 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.