

Department of Legislative Services  
Maryland General Assembly  
2021 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 516 (Montgomery County Delegation and Prince George's  
County Delegation)

Environment and Transportation

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Bicounty Agencies – Prince George’s County – Use and Occupancy Permits –  
Notice Requirements  
MC/PG 107-21

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This bill prohibits the Maryland-National Capital Park and Planning Commission (M-NCPPC) from making recommendations relating to zoning requirements for a use and occupancy permit unless the permit application contains a statement that (1) identifies whether the subject property is part of a common ownership community; and (2) for a property that is part of a common ownership community, the applicant has delivered a copy of the application to the governing body of the common ownership community. The bill applies only to Prince George’s County.

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Fiscal Summary

**State Effect:** None.

**Local Effect:** None. The bill does not materially affect the operations or finances of either Prince George’s County or M-NCPPC.

**Small Business Effect:** None.

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Analysis

**Current Law:** M-NCPPC is a bi-county agency serving Montgomery and Prince George’s counties that was empowered by the State in 1927 to acquire and administer a regional system of parks within the Maryland-Washington Metropolitan District and administer a general plan for the physical development of the area.

Per section 20-503 of the Land Use Article, a district council may provide for (1) the issuance of use and occupancy permits and (2) a process to raise a zoning question before the preparation of all structural specifications of a building or structure that may be required for a complete building permit. In Prince George's County, the county council, by local law may provide for the referral of some or all building permit applications to M-NCPPC for review and recommendation as to zoning requirements.

### *Planning and Zoning in Prince George's County*

Planning and zoning functions in Prince George's County are administered by multiple entities, including the Prince George's County Planning Board (made up of the 5 Prince George's County members of the 10-member M-NCPPC) and its Planning Department staff; the district council; the Office of the Zoning Hearing Examiner; and the Board of Zoning Appeals.

The Planning Board, Planning Department, district council, and zoning hearing examiner all have a role in the approval of zoning map amendments applicable to single parcels of land. The zoning hearing examiner, however, holds the official county zoning hearings (the record for which includes the Planning Department's technical staff report and the Planning Board's recommendation) and makes a decision on the application that is forwarded to the district council, which takes the final action on the application. The district council's action may be appealed to circuit court. The county government can also initiate broader rezoning of geographic areas through "sectional map amendments." Applications for special exceptions (for the use of a property) are processed in a similar manner as zoning map amendments for single parcels of land, although the zoning hearing examiner makes the final decision, which may be appealed to the district council. Variances (allowing for relief from strict application of certain zoning requirements) are authorized by the Board of Zoning Appeals, and the Planning Board and district council may also grant variances associated with development applications on which they take final action.

Some developments can be subject to an in-depth review process called "site plan review" as a result of a requirement in the county's zoning ordinance, or as a condition of a preliminary plan (initial step in the subdivision process), special exception, or zoning map amendment approval. The Planning Board holds public hearings on site plan reviews and may approve, approve with conditions, or deny the site plan. The board's decision can be appealed to the district council, or the district council may, on its own motion, choose to review the decision.

## **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Prince George's County; Maryland-National Capital Park and Planning Commission; Department of Legislative Services

**Fiscal Note History:** First Reader - April 2, 2021

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