

HOUSE BILL 390

L5, L6, L3

8lr0356

By: **Prince George's County Delegation and Montgomery County Delegation**
Introduced and read first time: January 24, 2018
Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Damascus – Zoning and Land Use Jurisdiction on**
3 **Incorporation**

4 **PG/MC 104–18**

5 FOR the purpose of granting the Town of Damascus concurrent jurisdiction to enforce
6 certain zoning laws within its boundaries; requiring a certain vote of the district
7 council and the county planning board for certain zoning action to be taken within
8 the Town of Damascus; requiring a certain vote of the county planning board for
9 certain land use planning action to be taken within the Town of Damascus; making
10 this Act subject to a certain contingency; and generally relating to zoning and land
11 use in Montgomery County.

12 BY adding to
13 Article – Land Use
14 Section 24–203
15 Annotated Code of Maryland
16 (2012 Volume and 2017 Supplement)

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

19 **Article – Land Use**

20 **24–203.**

21 **(A) THE TOWN OF DAMASCUS HAS CONCURRENT JURISDICTION TO**
22 **ENFORCE THE COUNTY ZONING LAWS WITHIN ITS BOUNDARIES.**

23 **(B) A TWO–THIRDS MAJORITY VOTE OF BOTH THE DISTRICT COUNCIL AND**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 THE COUNTY PLANNING BOARD IS REQUIRED TO TAKE ANY ACTION RELATING TO
2 ZONING WITHIN THE TOWN OF DAMASCUS THAT IS CONTRARY TO A RESOLUTION OF
3 THE MAYOR AND THE TOWN COUNCIL.

4 (C) A TWO-THIRDS MAJORITY VOTE OF THE COUNTY PLANNING BOARD IS
5 REQUIRED TO TAKE ANY ACTION RELATING TO LAND USE PLANNING WITHIN THE
6 TOWN OF DAMASCUS THAT IS CONTRARY TO A RESOLUTION OF THE MAYOR AND THE
7 TOWN COUNCIL.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on the
9 area of Montgomery County known as Damascus becoming incorporated as a municipality
10 under Article XI-E of the Maryland Constitution. If the Department of Legislative Services
11 does not receive information concerning the adoption of a municipal charter for the area of
12 Montgomery County known as Damascus in accordance with Section 4-214 of the Local
13 Government Article on or before December 31, 2028, this Act shall be null and void without
14 the necessity of further action by the General Assembly.

15 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of this
16 Act, this Act shall take effect October 1, 2018.