

Chapter 90

(Senate Bill 901)

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Prince George’s County – Site Plan Approval Authority

FOR the purpose of ~~prohibiting~~ authorizing the County Council for Prince George’s County, sitting as the district council, ~~from reviewing~~ to review decisions by the Prince George’s County Planning Board to approve or disapprove certain site plans ~~except under certain circumstances~~; authorizing a party of record to appeal certain decisions by the Planning Board to the district council; requiring the district council to decide whether to conduct a certain review within a certain number of days; requiring the district council to conduct a certain review hearing within a certain number of days unless that period of time is extended in certain circumstances; requiring the district council to issue a certain decision within a certain number of days; prohibiting the district council from revoking certain delegations of approval authority made to the Planning Board by a certain date; authorizing the district council to revoke certain delegations of approval authority for the purpose of delegating that authority to the governing bodies of certain municipal corporations; and generally relating to site plan approval in Prince George’s County.

BY adding to

Article 28 – Maryland–National Capital Park and Planning Commission
Section 8–129
Annotated Code of Maryland
(2010 Replacement Volume)

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

Article 28 – Maryland–National Capital Park and Planning Commission

8–129.

(A) (1) (I) ~~EXCEPT AS PROVIDED IN PARAGRAPH (2)~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COUNTY COUNCIL FOR PRINCE GEORGE’S COUNTY, SITTING AS A DISTRICT COUNCIL, MAY NOT REVIEW A FINAL DECISION OF THE PRINCE GEORGE’S COUNTY PLANNING BOARD TO APPROVE OR DISAPPROVE A DETAILED SITE PLAN.

~~(2)~~ **(II)** A PARTY OF RECORD MAY APPEAL TO THE DISTRICT COUNCIL A FINAL DECISION BY THE PLANNING BOARD TO APPROVE OR DISAPPROVE A SITE PLAN.

(2) **(I)** THE DISTRICT COUNCIL SHALL DECIDE WHETHER TO REVIEW THE FINAL APPROVAL OR DISAPPROVAL OF A DETAILED SITE PLAN UNDER PARAGRAPH (1) OF THIS SUBSECTION WITHIN 30 DAYS FROM THE DATE THE FINAL APPROVAL OR DISAPPROVAL WAS ISSUED.

(II) **1.** EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, IF THE DISTRICT COUNCIL DECIDES TO REVIEW AN APPROVAL OR A DISAPPROVAL UNDER THIS PARAGRAPH, THE DISTRICT COUNCIL SHALL HOLD A REVIEW HEARING WITHIN 70 DAYS FROM THE DATE THE DISTRICT COUNCIL ISSUES THE DECISION TO CONDUCT A REVIEW.

2. THE TIME FOR HOLDING A REVIEW HEARING UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH MAY BE EXTENDED FOR UP TO 45 ADDITIONAL DAYS AT THE DECISION OF THE DISTRICT COUNCIL OR ON REQUEST OF THE APPLICANT.

(III) THE DISTRICT COUNCIL SHALL ISSUE A FINAL DECISION WITHIN 60 DAYS AFTER THE DATE OF THE REVIEW HEARING.

~~(B)~~ ~~(1)~~ ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE COUNTY COUNCIL FOR PRINCE GEORGE'S COUNTY, SITTING AS A DISTRICT COUNCIL, MAY NOT REVOKE A DELEGATION OF AUTHORITY OVER SITE PLAN APPROVAL MADE TO THE PRINCE GEORGE'S COUNTY PLANNING BOARD ON OR BEFORE JANUARY 1, 2011.~~

~~(2)~~ THE DISTRICT COUNCIL MAY REVOKE A DELEGATION OF SITE PLAN APPROVAL AUTHORITY TO THE PLANNING BOARD ONLY FOR THE PURPOSE OF DELEGATING APPROVAL AUTHORITY OVER DETAILED SITE PLANS TO THE GOVERNING BODY OF A MUNICIPAL CORPORATION IN THE MARYLAND-WASHINGTON REGIONAL DISTRICT UNDER § 8-112.4(B)(1)(IX) OF THIS TITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011.

Approved by the Governor, April 12, 2011.