

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Preliminary

PG/MC 104-18

(Prince George's County Delegation and Montgomery
County Delegation)

**Montgomery County - Damascus - Zoning and Land Use Jurisdiction on
Incorporation PG/MC 104-18**

This proposed bill, which is contingent on the area of Montgomery County known as Damascus becoming incorporated as a municipality, grants the Town of Damascus concurrent jurisdiction to enforce the county zoning laws within its boundaries. A two-thirds majority vote of both the Montgomery County district council and the county planning board is required to take any action relating to zoning within the town that is contrary to a resolution of the mayor and town council. A two-thirds majority vote of the county planning board is required to take any action relating to land use planning within the town that is contrary to a resolution of the mayor and the town council.

If the Department of Legislative Services does not receive information concerning the adoption of a municipal charter for the area of Montgomery County known as Damascus by December 31, 2028, the bill terminates.

Fiscal Summary

State Effect: The bill does not directly affect State finances.

Local Effect: The bill does not directly affect local government finances.

Small Business Effect: None.

Analysis

Current Law: The Town of Kensington and the City of Takoma Park have certain, limited planning and zoning authority within their respective boundaries, in the same manner that this bill grants such authority to the Town of Damascus (upon Damascus becoming incorporated as a municipality). There are also municipalities in Montgomery County that are not subject to the planning and zoning authority of the county, unless an agreement is established between the county and municipality: Barnesville; Brookeville; Gaithersburg; Laytonsville; Rockville; Poolesville; and Washington Grove.

Elsewhere in Montgomery County, the zoning powers vested by State land use law in a municipality or the council of a municipality within the Montgomery County portion of the Metropolitan-Washington Regional District are construed to be vested exclusively in the Montgomery County district council (the Montgomery County Council, when acting on planning and zoning matters). Aside from the municipalities identified above, a municipality in the Montgomery County portion of the regional district may not exercise any planning, zoning, or subdivision power unless expressly authorized in State law. The Metropolitan-Washington Regional District consists of the entire area of Montgomery County, subject to certain limitations (relating to the above-identified municipalities), and the entire area of Prince George's County, except for the City of Laurel as it existed on July 1, 2013. The Montgomery County district council, along with the Maryland -National Capital Park and Planning Commission (the five Montgomery County members of which make up the county planning board), implements the county's planning and zoning authority within the county's portion of the regional district.

Background: Damascus is a community within Montgomery County and a census designated place, with a population of approximately 15,000. (A census designated place is a geographic area similar to a municipality, delineated by the U.S. Census Bureau for statistical purposes to provide data for a settled concentration of population that is identifiable by name but is not legally incorporated under the laws of the state in which it is located.)

Additional Information

Prior Introductions: None.

Cross File: Unavailable at this time.

Information Source(s): Montgomery County; Maryland-National Capital Park and Planning Commission; U.S. Census Bureau; Department of Legislative Services

Fiscal Note History:
md/lgc

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