

Article 28 – Maryland–National Capital Park and Planning Commission

8–101.

(b) (1) In this subsection, the term “zoning classification of agricultural open space” means a zoning classification in which uses are limited to those permissible in the agricultural open space portion of an agricultural preservation development under § 27–445.01 of the Prince George’s County Code (1991 Edition, as amended).

(2) Except as otherwise provided in § 8–126 of this subtitle, each district council, respectively, in accordance with the conditions and procedures specified in this article, may by ordinance adopt and amend the text of the zoning ordinance and may by resolution or ordinance adopt and amend the map or maps accompanying the zoning ordinance text to regulate, in the portion of the regional district lying within its county, (i) the location, height, bulk, and size of buildings, other structures, and units therein, building lines, minimum frontages, depths and areas of lots, and percentages of lots which may be occupied; (ii) the size of lots, yards, courts, and other open spaces; (iii) the erection of temporary stands and structures; (iv) the density and distribution of population; (v) the location and uses of buildings and structures and units therein for trade, industry, residence, recreation, agriculture, public activities, and other purposes; and (vi) the uses of land, including surface, subsurface, and air rights therein, for building, trade, industry, residence, recreation, agriculture, forestry, or other purposes.

(3) The powers granted by this subsection include the power to establish a program for the transfer of development rights.

(4) No regulation may prohibit the use of any land by the owner of such land or the holder of any easement or right therein or the owner’s or holder’s tenant for farming, other agricultural uses exclusively, or within Prince George’s County, for the purposes of storing natural or artificial gas at a level below 500 feet from the surface of the earth.

(5) The County Council for Montgomery County, sitting as a district council, may not receive an application for a zoning map amendment upon the same land which has been the subject of a previous zoning application for map amendment filed after June 1, 1965, for the same zoning classification upon which there was a decision on the merits unless 36 months have expired since the filing of the application for the previous zoning map amendment upon which there was a decision on the merits. Further, an application for a zoning map amendment filed with the County Council for Montgomery County, sitting as a district council, shall set forth the names of all persons having a substantial interest in the subject property of the application, such substantial interest to include all those persons with a share in such property amounting to five percent or more whether held in an individual or corporate capacity of the full cash value of such property exclusive of all mortgages, deeds of trust, liens and encumbrances. It shall also set forth the names of all contract purchasers and all those persons holding a mortgage, a deed of trust, or an option to purchase the property. However, the foregoing time limitation and name requirement do not apply to applications filed by the district council or by the Commission.