

[(j)] (K) "Variance" means a modification only of density, bulk, or area requirements in the zoning ordinance where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property, and not the results of any action taken by the applicant, a literal enforcement of the ordinance would result in either, as specified by the local governing body in a zoning ordinance, unnecessary hardship or practical difficulty.

7.03.

(A) Except as provided in §§ 3.05(a)(1)(v), (vi), and (viii), (4), and (b), 3.06(b) and (c), 4.09, 5.03(e), 7.01(c), 10.01, 11.01, [and] 12.01, AND 13.01 of this article, AND SUBJECT TO SUBSECTION (B) OF THIS SECTION, this article does not apply to the chartered counties of Maryland. This section supersedes § 7.02 of this article and any inconsistent provision of Article 28 of the Code.

(B) SECTION 13.01 OF THIS ARTICLE DOES NOT APPLY TO MONTGOMERY COUNTY OR PRINCE GEORGE'S COUNTY.

SUBTITLE 13. DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENTS.

13.01.

(A) (1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "AGREEMENT" MEANS DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT.

(3) "COMMISSION" MEANS A PLANNING AND ZONING COMMISSION OR SIMILAR BODY.

(4) "GOVERNING BODY" MEANS THE LOCAL LEGISLATIVE BODY, THE LOCAL EXECUTIVE, OR OTHER ELECTED GOVERNMENTAL BODY THAT HAS ZONING POWERS UNDER THIS ARTICLE.

(5) "PUBLIC PRINCIPAL" MEANS THE GOVERNMENTAL ENTITY OF A JURISDICTION THAT HAS BEEN GRANTED THE AUTHORITY TO ENTER AGREEMENTS UNDER SUBSECTION (B)(1) OF THIS SECTION.

(B) (1) SUBJECT TO SUBSECTIONS (C) THROUGH (L) OF THIS SECTION, THE GOVERNING BODY OF A JURISDICTION MAY:

(I) BY ORDINANCE, ESTABLISH PROCEDURES AND REQUIREMENTS FOR THE CONSIDERATION AND EXECUTION OF AGREEMENTS; AND

(II) DELEGATE ALL OR PART OF THE AUTHORITY ESTABLISHED UNDER THE ORDINANCE TO A PUBLIC PRINCIPAL WITHIN THE JURISDICTION OF THE GOVERNING BODY.

(2) THE PUBLIC PRINCIPAL MAY: