
By: **Delegates Kopp, Weir, Bronrott, Goldwater, Heller, Hubbard, and Pitkin**
Introduced and read first time: February 11, 2000
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Growth Management - Transportation and Community Facilities -**
3 **Adequacy**

4 FOR the purpose of requiring that certain demands projected in the land use element
5 of certain comprehensive plans be within certain capacities for certain
6 transportation and community facilities; requiring that certain facilities in the
7 transportation element of certain comprehensive plans be consistent with a
8 certain plan; allowing certain applications for certain developments to be
9 approved only if certain transportation facilities exist or are consistent with
10 certain programs; applying this Act to local jurisdictions, including charter
11 counties; providing for the application of this Act; and generally relating to
12 growth management and adequacy of transportation and community facilities.

13 BY repealing and reenacting, with amendments,
14 Article 66B - Zoning and Planning
15 Section 3.05(a)(1) and 7.03
16 Annotated Code of Maryland
17 (1998 Replacement Volume and 1999 Supplement)

18 BY adding to
19 Article 66B - Zoning and Planning
20 Section 10.02
21 Annotated Code of Maryland
22 (1998 Replacement Volume and 1999 Supplement)

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

25 **Article 66B - Zoning and Planning**

26 3.05.

27 (a) It shall be the function and duty of the commission to make and approve a
28 plan which shall be recommended to the local legislative body for adoption and which

1 shall serve as a guide to public and private actions and decisions to insure the
2 development of public and private property in appropriate relationships and which
3 shall include any areas outside of its boundaries which, in the commission's judgment,
4 bear relation to the planning responsibilities of the commission. The elements of the
5 plan may be expressed in words, graphics, or other appropriate form. They shall be
6 interrelated and each element shall describe how it relates to each of the other
7 elements and to the statement of objectives, principles, policies, and standards.

8 (1) The plan shall contain at a minimum the following elements:

9 (i) A statement of goals and objectives, principles, policies, and
10 standards which shall serve as a guide for the development and economic and social
11 well-being of the jurisdiction;

12 (ii) A land use plan element which shall show proposals for the
13 most appropriate and desirable patterns for the general location, character, extent,
14 and interrelationship of the manner in which the community should use its public
15 and private land at specified times as far into the future as is reasonable. Such land
16 use may include, without being limited to, public and private, residential, commercial,
17 industrial, agricultural, and recreational land uses. THE DEMANDS PROJECTED BY
18 THAT LAND USE ON TRANSPORTATION INFRASTRUCTURE AND ON PUBLICLY
19 FUNDED COMMUNITY FACILITIES MUST BE FULLY WITHIN THE CAPACITY ALLOWED
20 BY THE TRANSPORTATION INFRASTRUCTURE INCLUDED IN ITEM (III) OF THIS
21 PARAGRAPH AND BY THE COMMUNITY FACILITIES INCLUDED IN ITEM (IV) OF THIS
22 PARAGRAPH;

23 (iii) A transportation plan element which shall show proposals for
24 the most appropriate and desirable patterns for the general location, character, and
25 extent of the channels, routes, and terminals for transportation facilities,
26 CONSISTENT WITH THE MARYLAND TRANSPORTATION PLAN DEVELOPED UNDER §
27 2-103.1 OF THE TRANSPORTATION ARTICLE, and for the circulation of persons and
28 goods at specified times as far into the future as is reasonable. The transportation
29 plan element shall also provide for bicycle and pedestrian access and travelways. An
30 estimate of the probable utilization of any proposed improvement shall be included.
31 Such channels, routes, travelways, and terminals may include, without being limited
32 to, all types of highways or streets, bicycle ways, sidewalks, railways, waterways,
33 airways, routings for mass transit, and terminals for people, goods, and vehicles
34 related to highways, airways, waterways, and railways;

35 (iv) A community facilities plan element which shall show proposals
36 for the most appropriate and desirable patterns for the general location, character,
37 and extent of public and semipublic buildings, land, and facilities for specified times
38 as far into the future as is reasonable. Such facilities may include, without being
39 limited to, parks and recreation areas, schools and other educational and cultural
40 facilities, libraries, churches, hospitals, social welfare and medical facilities,
41 institutions, fire stations, police stations, jails, or other public office or administrative
42 facilities;

1 (v) If current geological information is available, a mineral
2 resources plan element that:

3 1. Identifies undeveloped land that should be kept in its
4 undeveloped state until the land can be used to provide or assist in providing a
5 continuous supply of minerals, as defined in § 15-801(i) of the Environment Article;

6 2. Identifies appropriate post-excavation uses for this land
7 that are consistent with the county's land planning process;

8 3. Incorporates land use policies and recommendations for
9 regulations to balance mineral resource extraction with other land uses and, to the
10 extent feasible, to prevent the preemption of mineral resources extraction by other
11 uses; and

12 4. Has been reviewed by the Department of the Environment
13 to determine whether the proposed plan is consistent with the programs and goals of
14 the Department;

15 (vi) An element which shall contain the planning commission's
16 recommendation for land development regulations to implement the plan and which
17 encourages the following:

18 1. Streamlined review of applications for development,
19 including permit review and subdivision plat review within the areas designated for
20 growth in the plan;

21 2. The use of flexible development regulations to promote
22 innovative and cost-saving site design and protect the environment; and

23 3. Economic development in areas designated for growth in
24 the plan through the use of innovative techniques;

25 (vii) Recommendations for the determination, identification, and
26 designation of areas within the county which are of critical State concern; and

27 (viii) A sensitive area element that contains goals, objectives,
28 principles, policies, and standards designed to protect, from the adverse effects of
29 development, sensitive areas, including the following:

30 1. Streams and their buffers;

31 2. 100-year floodplains;

32 3. Habitats of threatened and endangered species; and

33 4. Steep slopes.

1 7.03.

2 (a) Except as provided in [§§ 3.05(a)(1)(iii), (v), (vi),] §§ 3.05(A)(1)(II) THROUGH
3 (VI) and (viii), (4), and (b), 3.06(b) and (c), 4.01(a)(2), 4.09, 5.03(d), 7.01(c), 10.01, 10.02,
4 11.01, 12.01, and 13.01 of this article, and subject to subsection (b) of this section, this
5 article does not apply to the chartered counties of Maryland. This section supersedes
6 § 7.02 of this article and any inconsistent provision of Article 28 of the Code.

7 (b) Section 13.01 of this article does not apply to Montgomery County or
8 Prince George's County.

9 10.02.

10 (A) IN THIS SECTION, LEVELS OF SERVICE ARE THOSE PROVIDED IN THE
11 "HIGHWAY CAPACITY MANUAL", SPECIAL REPORT 209 (THIRD EDITION, 1994) OF THE
12 TRANSPORTATION RESEARCH BOARD OF THE NATIONAL ACADEMY OF SCIENCES.

13 (B) A LOCAL JURISDICTION MAY ONLY APPROVE AN APPLICATION FOR
14 DEVELOPMENT IF TRANSPORTATION FACILITIES SUFFICIENT TO SUPPORT THE
15 TRANSPORTATION DEMANDS FOR STATE-FUNDED TRANSPORTATION
16 INFRASTRUCTURE THAT ARE PROJECTED TO OCCUR IN ANY COUNTY BECAUSE OF
17 THE PROPOSED DEVELOPMENT:

18 (1) EXIST; OR

19 (2) ARE CONSISTENT WITH THE TRANSPORTATION ELEMENT
20 DEVELOPED AND APPROVED UNDER § 3.05(A)(1)(II) OF THIS ARTICLE AND LISTED IN:

21 (I) THE HIGHWAY CONSTRUCTION PROGRAM PREPARED UNDER §
22 8-613 OF THE TRANSPORTATION ARTICLE FOR EACH AFFECTED COUNTY; OR

23 (II) THE CONSOLIDATED TRANSPORTATION PROGRAM UNDER §
24 2-103.1 OF THE TRANSPORTATION ARTICLE.

25 (C) FOR PURPOSES OF THIS SECTION, A TRANSPORTATION FACILITY THAT IS A
26 ROAD OR HIGHWAY IS SUFFICIENT IF IT IS PROJECTED TO OPERATE FOR THE NEXT
27 20 YEARS AT A LEVEL OF SERVICE OF D OR BETTER AT ALL HOURS.

28 (D) NOTWITHSTANDING SUBSECTIONS (B) AND (C) OF THIS SECTION, IF A
29 TRANSPORTATION FACILITY THAT IS A ROAD OR HIGHWAY IS PROJECTED TO
30 OPERATE AT A LEVEL OF SERVICE OF E OR F WITHOUT THE PROPOSED
31 DEVELOPMENT, THE LOCAL JURISDICTION MAY NOT APPROVE THE DEVELOPMENT
32 IF THE PROPOSED DEVELOPMENT IS PROJECTED TO RESULT IN MORE THAN A
33 MINIMAL FURTHER DEGRADATION OF OPERATION OF THE ROAD OR HIGHWAY.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
35 construed only prospectively and may not be applied or interpreted to have any effect
36 on or application to any local comprehensive plan, master plan, sector plan, or
37 implementing ordinance or policy, or to any State development policy, the

1 development, implementation, enactment, or amendment of which begins before the
2 effective date of this Act.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2000.