
By: **Delegates Cryor, Barkley, Dumais, Feldman, King, Stern, and Taylor**

Introduced and read first time: February 11, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Zoning - Accessory Use - Notice**

3 FOR the purpose of requiring each local legislative body to establish notification and
4 public hearing requirements for an accessory use that exceeds a certain height
5 on properties zoned primarily for agricultural or residential use; and generally
6 relating to zoning and accessory uses in residential and agricultural areas.

7 BY repealing and reenacting, with amendments,
8 Article 66B - Land Use
9 Section 1.02 and 2.13
10 Annotated Code of Maryland
11 (2003 Replacement Volume and 2004 Supplement)

12 BY adding to
13 Article 66B - Land Use
14 Section 4.10
15 Annotated Code of Maryland
16 (2003 Replacement Volume and 2004 Supplement)

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

19 **Article 66B - Land Use**

20 1.02.

21 (a) Except as provided in this section, this article does not apply to charter
22 counties.

23 (b) The following sections of this article apply to a charter county:

24 (1) § 1.00(j) (Definition of "sensitive areas");

25 (2) § 1.01 (Visions);

1 (3) § 1.03 (Charter county - Comprehensive plans);

2 (4) § 4.01(b)(2) (Regulation of bicycle parking);

3 (5) § 4.10 (ACCESSORY USE NOTICE);

4 [(5)] (6) § 5.03(d) (Easements for burial sites);

5 [(6)] (7) § 7.02 (Civil penalty for zoning violation);

6 [(7)] (8) § 10.01 (Adequate Public Facilities Ordinances);

7 [(8)] (9) § 11.01 (Transfer of Development Rights);

8 [(9)] (10) § 12.01 (Inclusionary Zoning);

9 [(10)] (11) Except in Montgomery County or Prince George's County, §
10 13.01 (Development rights and responsibilities agreements); and

11 [(11)] (12) For Baltimore County only, § 14.02.

12 (c) This section supersedes any inconsistent provision of Article 28 of the
13 Code.

14 2.13.

15 (a) Except as provided in subsection (b) of this section, §§ 3.01 through 8.15 of
16 this article do not apply in Baltimore City.

17 (b) The following sections of this article apply to Baltimore City:

18 (1) § 1.00(j) (Definition of "sensitive areas");

19 (2) § 1.01 (Visions);

20 (3) § 1.03 (Charter county - Comprehensive plans);

21 (4) § 4.01(b)(2) (Regulation of bicycle parking);

22 (5) § 4.10 (ACCESSORY USE NOTICE);

23 [(5)] (6) § 5.03(d) (Easements for burial sites);

24 [(6)] (7) § 7.02 (Civil penalty for zoning violation);

25 [(7)] (8) § 10.01 (Adequate Public Facilities Ordinances);

26 [(8)] (9) § 11.01 (Transfer of Development Rights);

27 [(9)] (10) § 12.01 (Inclusionary Zoning); and

28 [(10)] (11) § 13.01 (Development Rights and Responsibilities Agreements).

1 4.10.

2 EACH LOCAL LEGISLATIVE BODY SHALL ESTABLISH NOTIFICATION AND
3 PUBLIC HEARING REQUIREMENTS FOR A PROPOSED ACCESSORY USE THAT
4 INVOLVES A STRUCTURE MORE THAN 20 FEET HIGH ON A PROPERTY THAT IS ZONED
5 PRIMARILY FOR AGRICULTURAL OR RESIDENTIAL USE.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2005.