

# HOUSE BILL 1130

L6, L5

2lr0397

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By: **The Speaker (By Request – Department of Legislative Services – Code Revision)**

Introduced and read first time: February 10, 2012

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Land Use – Cross-References and Corrections**

3 FOR the purpose of correcting certain cross-references to the Land Use Article in the  
4 Annotated Code of Maryland; correcting certain errors and omissions in and  
5 relating to the Land Use Article; adding to a certain list of public general laws  
6 that may affect land use in certain local jurisdictions; defining a certain term;  
7 clarifying the application of certain provisions; making stylistic changes;  
8 providing for the termination of a certain provision of this Act, subject to a  
9 certain contingency; and generally relating to the Land Use Article and  
10 cross-references and corrections to it.

11 BY repealing and reenacting, with amendments,  
12 Article 2B – Alcoholic Beverages  
13 Section 9–103  
14 Annotated Code of Maryland  
15 (2011 Replacement Volume)

16 BY repealing and reenacting, with amendments,  
17 Article 23A – Corporations – Municipal  
18 Section 9(c)(2) and 19(o)(4) and (s)  
19 Annotated Code of Maryland  
20 (2011 Replacement Volume)

21 BY repealing and reenacting, with amendments,

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



- 1 Article 25 – County Commissioners  
2 Section 10J–1  
3 Annotated Code of Maryland  
4 (2011 Replacement Volume)
- 5 BY repealing and reenacting, with amendments,  
6 Article 25A – Chartered Counties of Maryland  
7 Section 5(X)(1)(ii) and (BB)  
8 Annotated Code of Maryland  
9 (2011 Replacement Volume)
- 10 BY repealing and reenacting, with amendments,  
11 Article – Courts and Judicial Proceedings  
12 Section 4–401(10)(ii), (v), and (xi)  
13 Annotated Code of Maryland  
14 (2006 Replacement Volume and 2011 Supplement)
- 15 BY repealing and reenacting, with amendments,  
16 Article – Economic Development  
17 Section 5–1303(d)(19)  
18 Annotated Code of Maryland  
19 (2008 Volume and 2011 Supplement)
- 20 BY repealing and reenacting, with amendments,  
21 Article – Environment  
22 Section 5–203.1(b)(2)(i), 9–505(a)(1), 9–506(a)(1)(ii), 9–1601(ee), 14–508(a)(9),  
23 and 15–804(a)  
24 Annotated Code of Maryland  
25 (2007 Replacement Volume and 2011 Supplement)
- 26 BY repealing and reenacting, with amendments,  
27 Article – Financial Institutions  
28 Section 13–1014(a)(3)(ii)1., 13–1101(g), and 13–1111(g)(8)(ii)1.  
29 Annotated Code of Maryland  
30 (2011 Replacement Volume and 2011 Supplement)
- 31 BY repealing and reenacting, with amendments,  
32 Article – Land Use  
33 Section 1–204(a) and 8–101(f) through (h)  
34 Annotated Code of Maryland  
35 (As enacted by Chapter \_\_\_\_\_ (H.B. 1290) of the Acts of the General Assembly of  
36 2012)
- 37 BY repealing and reenacting, without amendments,  
38 Article – Land Use  
39 Section 8–101(a)  
40 Annotated Code of Maryland

1           (As enacted by Chapter       (H.B. 1290) of the Acts of the General Assembly of  
2                                   2012)

3 BY adding to

4           Article – Land Use

5           Section 8–101(f)

6           Annotated Code of Maryland

7           (As enacted by Chapter       (H.B. 1290) of the Acts of the General Assembly of  
8                                   2012)

9 BY repealing and reenacting, with amendments,  
10       Article – Natural Resources  
11       Section 5–102.1(d)(2)(i) and (e) and 5–9B–04(b)(1)  
12       Annotated Code of Maryland  
13       (2005 Replacement Volume and 2011 Supplement)

14 BY repealing and reenacting, with amendments,  
15       Article – Natural Resources  
16       Section 8–1304(b) and 8–1808(d)  
17       Annotated Code of Maryland  
18       (2007 Replacement Volume and 2011 Supplement)

19 BY repealing and reenacting, with amendments,  
20       Article – Public Utilities  
21       Section 4–209(a) and 21–301(a)  
22       Annotated Code of Maryland  
23       (2010 Replacement Volume and 2011 Supplement)

24 BY repealing and reenacting, with amendments,  
25       Article – Real Property  
26       Section 3–108.1(a)(4) and (f)(1) and 4–110  
27       Annotated Code of Maryland  
28       (2010 Replacement Volume and 2011 Supplement)

29 BY repealing and reenacting, with amendments,  
30       Article – State Finance and Procurement  
31       Section 5–706 and 5–7B–01(e)  
32       Annotated Code of Maryland  
33       (2009 Replacement Volume and 2011 Supplement)

34 BY repealing and reenacting, with amendments,  
35       Article – State Government  
36       Section 15–821(c), 15–830, and 15–835(a)(1)  
37       Annotated Code of Maryland  
38       (2009 Replacement Volume and 2011 Supplement)

39 BY repealing and reenacting, with amendments,

1 Article – Tax – Property  
 2 Section 7–241(a) and 9–204(a)(3)  
 3 Annotated Code of Maryland  
 4 (2007 Replacement Volume and 2011 Supplement)

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

7 **Article 2B – Alcoholic Beverages**

8 9–103.

9 No license or permit under the provisions of this article shall be issued in  
 10 violation of any zoning rule or regulation as the same may from time to time exist  
 11 under and by virtue of any ordinance or ordinances passed pursuant to the authority  
 12 contained in [Article 66B of the Code, title “Land Use”,] **DIVISION I OF THE LAND**  
 13 **USE ARTICLE** or IN Chapter 599 of the Acts of the General Assembly of 1933.

14 **Article 23A – Corporations – Municipal**

15 9.

16 (c) (2) If the county expressly approves, the municipality, without regard  
 17 to the provisions of [Article 66B, § 4.05(a) of the Code] **§ 4–204 OF THE LAND USE**  
 18 **ARTICLE**, may place the annexed land in a zoning classification that permits a land  
 19 use or density different from the land use or density specified in the zoning  
 20 classification of the county or agency having planning and zoning jurisdiction over the  
 21 land prior to its annexation applicable at the time of the annexation.

22 19.

23 (o) (4) (i) A municipal corporation may submit an annexation plan in  
 24 accordance with paragraph (3)(ii) of this subsection, if on or after October 1, 2009, a  
 25 municipal corporation is granted an extension for the inclusion of a municipal growth  
 26 element in accordance with [Article 66B, § 3.05(f) of the Code] **§ 3–304 OF THE LAND**  
 27 **USE ARTICLE**.

28 (ii) After the expiration of a final extension granted under  
 29 [Article 66B, § 3.05(f) of the Code] **§ 3–304 OF THE LAND USE ARTICLE** for the  
 30 inclusion of a municipal growth element, an annexation plan shall be submitted in  
 31 accordance with paragraph (3)(iii) of this subsection.

32 (s) The powers granted to municipal corporations by Article XI–E of the  
 33 Constitution, by this article, and by [Article 66B of the Code] **DIVISION I OF THE**  
 34 **LAND USE ARTICLE**, shall not be deemed to authorize any municipal corporation,  
 35 either through procedures under this subheading or other changes in its charter, to

1 exercise planning (including subdivision control) and zoning jurisdiction or power  
 2 within any political subdivision in which such planning and zoning jurisdiction or  
 3 power, or either, is exercised by any State, regional or county agency or authority.  
 4 Except that where any area is annexed to a municipality authorized to have and  
 5 having then a planning and zoning authority, the said municipality shall have  
 6 exclusive jurisdiction over planning and zoning and subdivision control within the  
 7 area annexed; provided that nothing in this exception shall be construed or  
 8 interpreted to grant planning and zoning authority to a municipality not authorized to  
 9 exercise such authority at the time of such annexation.

10 **Article 25 – County Commissioners**

11 10J–1.

12 Except as provided in §§ 10–I(f) and 10J(c) of this article[, Article 66B, §§ 7.02  
 13 and 14.07(f) of the Code] **AND TITLE 11, SUBTITLE 2 AND § 9–1607 OF THE LAND**  
 14 **USE ARTICLE**, and notwithstanding any other provision of law to the contrary, in St.  
 15 Mary’s County, the County Commissioners may provide that:

16 (1) Violations of county ordinances and resolutions shall be punishable  
 17 as misdemeanors and enforced in the same manner and to the same extent as  
 18 municipal violations under Article 23A, § 3(a) of the Code; and

19 (2) Violations of county ordinances shall be prosecuted in the same  
 20 manner and to the same extent as set forth for municipal infractions in Article 23A, §  
 21 3(b) of the Code.

22 **Article 25A – Chartered Counties of Maryland**

23 5.

24 The following enumerated express powers are granted to and conferred upon  
 25 any county or counties which hereafter form a charter under the provisions of Article  
 26 XI–A of the Constitution, that is to say:

27 (X)

28 (1) (ii) To provide by ordinance that a violation of a zoning law or  
 29 regulation enacted under this section may be a civil zoning violation. The violation  
 30 shall be enforced as provided in [Article 66B, § 7.02 of the Code] **TITLE 11, SUBTITLE**  
 31 **2 OF THE LAND USE ARTICLE.**

32 (BB)

33 To enact laws generally for historic and landmark zoning and preservation or to  
 34 enact those laws in accordance with the provisions of [Article 66B, § 8.01 et seq.]

1 **TITLE 8 OF THE LAND USE ARTICLE**, or to enact such laws to be administered  
 2 generally by an Historic District Commission and to provide for appeals. The authority  
 3 conferred by this subsection shall be in addition to any existing charter provisions or  
 4 local law providing for planning and zoning.

5 **Article – Courts and Judicial Proceedings**

6 4–401.

7 Except as provided in § 4–402 of this subtitle, and subject to the venue  
 8 provisions of Title 6 of this article, the District Court has exclusive original civil  
 9 jurisdiction in:

10 (10) A proceeding for adjudication of:

11 (ii) A Commission infraction as defined in [Article 28, § 5–113 of  
 12 the Code] **§ 17–208 OF THE LAND USE ARTICLE**;

13 (v) A zoning violation for which a civil penalty has been  
 14 provided [pursuant to Article 66B, § 7.02 or Article 28, § 8–120(c) of the Code] **IN**  
 15 **ACCORDANCE WITH TITLE 11, SUBTITLE 2 OR § 20–526(C) OF THE LAND USE**  
 16 **ARTICLE**;

17 (xi) A subdivision violation for which a civil penalty has been  
 18 provided in accordance with [Article 66B, § 14.07(f) of the Code] **§ 9–1607 OF THE**  
 19 **LAND USE ARTICLE**;

20 **Article – Economic Development**

21 5–1303.

22 (d) The Secretary shall consider the following factors in determining whether  
 23 to designate an area as a BRAC Revitalization and Incentive Zone:

24 (19) the presence of sensitive areas, as defined in [Article 66B, § 1.00(j)  
 25 of the Code] **§ 1–101 OF THE LAND USE ARTICLE**;

26 **Article – Environment**

27 5–203.1.

28 (b) (2) The following are exempt from the application fees established  
 29 under paragraph (1) of this subsection:

30 (i) Regulated activities conducted by the State, a municipal  
 31 corporation, county, bicounty or multicounty agency under [Article 28 of the Code]

1 **DIVISION II OF THE LAND USE ARTICLE** or Division II of the Public Utilities  
2 Article, or a unit of the State, a municipal corporation, or a county;

3 9–505.

4 (a) In addition to the other requirements of this subtitle, each county plan  
5 shall:

6 (1) Provide for the orderly expansion and extension of the following  
7 systems in a manner consistent with all county and local comprehensive plans  
8 prepared under [§ 3.05 of Article 66B,] **TITLE 1, SUBTITLE 4, TITLE 3, OR TITLE 21**  
9 **OF THE LAND USE ARTICLE, ARTICLE 25A, § 5(X) of [Article 25A,] THE CODE,**  
10 **AND ARTICLE 25B, § 13 [of Article 25B, and § 7–108 of Article 28] of the Code:**

11 (i) Community water supply systems and multiuse water  
12 supply systems;

13 (ii) Community sewerage systems and multiuse sewerage  
14 systems; and

15 (iii) Solid waste disposal systems and solid waste acceptance  
16 facilities;

17 9–506.

18 (a) (1) Except as provided in paragraphs (2) and (3) of this subsection,  
19 before a county governing body may adopt a county plan or a revision or amendment  
20 to the county plan:

21 (ii) The county planning agency shall certify that the plan,  
22 revision, or amendment is consistent with the county comprehensive plan prepared  
23 under [Article 66B, § 3.05;] **TITLE 1, SUBTITLE 4 OR TITLE 3 OF THE LAND USE**  
24 **ARTICLE, Article 25A, § 5(X);] OF THE CODE, or Article 25B, § 13 of the Code.**

25 9–1601.

26 (ee) (1) “Person” means an individual, corporation, partnership,  
27 association, the State, any unit of the State, commission, special taxing district, or the  
28 federal government.

29 (2) “Person” does not include a county, municipal corporation,  
30 bi-county or multicounty agency under [Article 28 or 29 of the Code] **DIVISION II OF**  
31 **THE LAND USE ARTICLE OR DIVISION II OF THE PUBLIC UTILITIES ARTICLE,**  
32 housing authority under Division II of the Housing and Community Development  
33 Article, school board, community college, or any other unit of a county or municipal  
34 corporation.

1 14–508.

2 (a) Within 90 days following the completion of the public hearing under §  
3 14–507 of this subtitle, and after receiving the advisory comments and  
4 recommendations of the Secretaries of Natural Resources, Business and Economic  
5 Development, and Transportation and the Director of Planning, the Secretary shall  
6 decide whether to grant, grant conditionally, or deny the permit. The Secretary’s  
7 decision shall be in writing and based upon the economic and environmental  
8 statement, the public hearing record, and a determination that the applicant has  
9 shown satisfactorily that the facility:

10 (9) Would have no material adverse effect upon critical areas  
11 identified and designated pursuant to § 5–611 of the State Finance and Procurement  
12 Article and [Article 66B, § 3.05 of the Code] **TITLE 1, SUBTITLE 4 OR TITLE 3 OF**  
13 **THE LAND USE ARTICLE;**

14 15–804.

15 (a) The Department shall review mineral resources plan elements developed  
16 by local planning commissions under [Article 66B, § 3.05 of the Code] **§ 1–411 OR §**  
17 **3–107 OF THE LAND USE ARTICLE** to determine whether the proposed plan is  
18 consistent with the programs and goals of the Department.

19 **Article – Financial Institutions**

20 13–1014.

21 (a) Except as provided in subsection (b) of this section and notwithstanding  
22 any power vested in the Authority by this subtitle, the Authority may not make any  
23 expenditure until:

24 (3) The Mayor and City Council of the City of Cumberland:

25 (ii) Enact an ordinance that:

26 1. Consistent with [§§ 8.01 through 8.17 of Article 66B  
27 of the Code] **TITLE 8 OF THE LAND USE ARTICLE**, creates a Historic District  
28 Commission for portions of the Heritage Area within the City of Cumberland;

29 13–1101.

30 (g) (1) “Local plan” means the policies, statements, goals, and interrelated  
31 plans for private and public land use, transportation, and community facilities  
32 documented in texts and maps which constitute the guide for the area’s future  
33 development.



1           (2) “Local plan” includes a general plan, master plan, comprehensive  
 2 plan, community plan, and the like as adopted in accordance with [Article 66B, Titles  
 3 3 and 14 of the Code] **TITLE 1, SUBTITLE 4 OR TITLE 3 OF THE LAND USE**  
 4 **ARTICLE.**

5 13–1111.

6           (g) A management plan for a certified heritage area shall include:

7           (8) A description of the techniques or means for the preservation and  
 8 protection of the natural and cultural resources within the recognized heritage area,  
 9 including:

10                       (ii) If the plan proposes the enactment of one or more  
 11 ordinances to provide for one or more historic preservation commissions for specific  
 12 sites, structures, or districts within the recognized heritage area, provisions that:

13                               1. Are consistent with [Article 66B, §§ 8.01 through 8.17  
 14 of the Code] **TITLE 8 OF THE LAND USE ARTICLE;**

15   **Article – Land Use**

16 1–204.

17           (a) Other public general laws that may affect land use in a local jurisdiction  
 18 under this division, Division II of this article, or otherwise, include:

19                       (1) Article 23A, §§ 2(30) and (36), 9, 19, and 19A(e) of the Code;

20                       (2) Article 25, § 3 of the Code;

21                       (3) Article 25A, § 5 of the Code; [and]

22                       (4) Article 25B, § 13 of the Code; AND

23                       (5) **TITLE 8, SUBTITLE 18 OF THE NATURAL RESOURCES**  
 24 **ARTICLE.**

25 8–101.

26           (a) In this title the following words have the meanings indicated.

27           **(F) “PERSON” INCLUDES A UNIT OF LOCAL GOVERNMENT.**

28           **[(f)] (G) “Routine maintenance” means work that:**

1                   (1)   does not alter the exterior fabric or features of a site or structure;  
2 and

3                   (2)   has no material effect on the historical, archaeological, or  
4 architectural significance of the site or structure.

5           **[(g)] (H)**   “Site” means the location of:

6                   (1)   an event of historic significance; or

7                   (2)   a structure or ruin that possesses historic, archaeological, or  
8 cultural significance.

9           **[(h)] (I)**   (1)   “Structure” means a combination of material to form a  
10 construction that is stable.

11                   (2)   “Structure” includes:

12                           (i)   a building;

13                           (ii)   a stadium;

14                           (iii)   a reviewing stand;

15                           (iv)   a platform;

16                           (v)   staging;

17                           (vi)   an observation tower;

18                           (vii)   a radio tower;

19                           (viii)   a water tank or tower;

20                           (ix)   a trestle;

21                           (x)   a bridge;

22                           (xi)   a pier;

23                           (xii)   paving;

24                           (xiii)   a bulkhead;

25                           (xiv)   a wharf;

- 1                   (xv) a shed;
- 2                   (xvi) a coal bin;
- 3                   (xvii) a shelter;
- 4                   (xviii) a fence;
- 5                   (xix) a display sign that is visible or intended to be visible from a
- 6 public way; and
- 7                   (xx) a part of a structure.

**Article – Natural Resources**

9 5–102.1.

10           (d)    (2)   It is the intent of this subsection to:

11                   (i)    Encourage forestry practices in local comprehensive plans  
12 developed in accordance with [Article 66B, § 3.05 of the Code] **TITLE 1, SUBTITLE 4**  
13 **OR TITLE 3 OF THE LAND USE ARTICLE;** and

14           (e)    Since it is in the State and public interests to preserve the forest land  
15 base and other natural resources, a local government with planning and zoning  
16 powers shall support forestry by a reasonable exercise of these powers, including the  
17 consideration, development, and interpretation of planning and zoning requirements  
18 that beneficially impact the efficient and economic practice of forestry in a manner  
19 consistent with the local government’s implementation of the visions listed in [Article  
20 66B, § 1.01 of the Code] **§ 1–201 OF THE LAND USE ARTICLE.**

21 5–9B–04.

22           (b)    A sponsor may satisfy the requirements of subsection (a)(1) of this section  
23 with materials developed under or in conjunction with:

24                   (1)    The comprehensive plan for the jurisdiction reviewed and revised  
25 under [Article 66B, § 1.04(d) or § 4.09 of the Code] **§ 1–416 OR § 3–303 OF THE**  
26 **LAND USE ARTICLE;**

27 8–1304.

28           (b)    This power and authority is in addition to that which is stated in [Article  
29 28 of the Code] **DIVISION II OF THE LAND USE ARTICLE.**

30 8–1808.2.

1 (d) A bona fide intrafamily transfer from a parcel of land shall be a  
 2 subdivision of the parcel of land that is subject to local approval under [the  
 3 “Subdivision Control” subtitle of Article 66B of the Code, under Title 7 of Article 28 of  
 4 the Code,] **TITLE 5 OR TITLE 23 OF THE LAND USE ARTICLE** or under any  
 5 subdivision control provisions of a charter county.

6 **Article – Public Utilities**

7 4–209.

8 (a) With respect to the net capital costs associated with the relocation  
 9 underground of utility lines and facilities in connection with projects required by  
 10 [Article 66B, § 8.16 of the Code] **§ 8–401 OF THE LAND USE ARTICLE**, the  
 11 Commission shall:

12 (1) set the amount of the monthly surcharge required to support the  
 13 costs and determine which customers of the applicable utility are subject to the  
 14 surcharge;

15 (2) include in the rate base the related net capital costs; or

16 (3) adopt another method to apportion the costs appropriately.

17 21–301.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) (i) “District council” has the meaning [as provided in Article 28,  
 20 Title 8 of the Code] **STATED IN § 14–101 OF THE LAND USE ARTICLE**.

21 (ii) “District council” includes a designee or hearing officer  
 22 appointed by the district council.

23 (3) “Regional district” [means the Maryland–Washington Regional  
 24 District, as set forth in Article 28, Title 7 of the Code] **HAS THE MEANING STATED IN**  
 25 **§ 14–101 OF THE LAND USE ARTICLE**.

26 **Article – Real Property**

27 3–108.1.

28 (a) (4) “Subdivision approval” means approval required under subdivision  
 29 regulations adopted in Queen Anne’s County in accordance with [Article 66B of the  
 30 Code] **TITLE 5 OF THE LAND USE ARTICLE**.

1 (f) A person who is recording a plat shall submit, along with the plat, a  
2 written certificate that is signed by:

3 (1) A person authorized to certify subdivision approval under  
4 regulations concerning subdivisions adopted by the county or a municipal corporation  
5 under [Article 66B of the Code] **TITLE 5 OF THE LAND USE ARTICLE**, and which  
6 states that:

7 (i) Subdivision approval has been given; or

8 (ii) Subdivision approval is not required; or

9 4–110.

10 Notwithstanding [the provisions of § 5.06 of Article 66B, Annotated Code of  
11 Maryland,] **§ 5–302 OF THE LAND USE ARTICLE** or [of] any similar public local law  
12 or ordinance, every deed executed or recorded before June 1, 1974, conveying land in a  
13 subdivision a plat of which had not been approved by a planning commission is fully  
14 valid and effective according to its terms if the deed would have been valid and  
15 effective but for [the provisions of § 5.06, as enacted by § 1 of Chapter 672, Acts of  
16 1970,] **§ 5–302 OF THE LAND USE ARTICLE** or a similar public local law or  
17 ordinance.

## 18 **Article – State Finance and Procurement**

19 5–7B–01.

20 (e) “Locally designated growth area” means an area determined by the  
21 county to be suitable for development in compliance with [Article 66B, § 3.05 of the  
22 Code] **TITLE 1, SUBTITLE 4 OR TITLE 3 OF THE LAND USE ARTICLE**.

## 23 **Article – State Government**

24 15–821.

25 (c) (1) **(I)** In Montgomery County, an applicant for appointment or  
26 reappointment to the Maryland–National Capital Park and Planning Commission  
27 shall file the statement not later than 5 days before the interview conducted under  
28 [Article 28, § 2–114 of the Code] **§ 15–104 OF THE LAND USE ARTICLE**.

29 **(II)** The statement shall cover the 12–month period ending 60  
30 days before the day the statement is filed.

31 (2) **(I)** In Prince George’s County, an applicant for appointment to  
32 the Maryland–National Capital Park and Planning Commission shall file the

1 statement not later than 5 days before the confirmation hearing conducted under  
 2 [Article 28, § 2–101 of the Code] **§ 15–103 OF THE LAND USE ARTICLE.**

3 (II) The statement shall cover the 12–month period ending 60  
 4 days before the initial date set for the confirmation hearing.

5 15–830.

6 Notwithstanding any other provision of law, the provisions of [Article 28 of the  
 7 Code] **DIVISION II OF THE LAND USE ARTICLE** affecting that part of the  
 8 Maryland–Washington Regional District in Prince George’s County shall be carried  
 9 out consistent with the provisions of this Part IV.

10 15–835.

11 (a) (1) The Ethics Commission or any other aggrieved person may file a  
 12 petition for injunctive or other relief in the Circuit Court of Prince George’s County for  
 13 the purpose of requiring compliance with this Part IV, and may assert as error any  
 14 violation of this Part IV in [an appeal taken pursuant to the provisions of Article 28, §  
 15 8–106(e) of the Code] **JUDICIAL REVIEW REQUESTED UNDER § 22–407 OF THE**  
 16 **LAND USE ARTICLE.**

## 17 Article – Tax – Property

18 7–241.

19 (a) Subject to subsection (b) of this section, property reserved by the Charles  
 20 County Planning Commission under [Article 66B, § 5.03(b)(4) of the Code] **§ 9–805 OF**  
 21 **THE LAND USE ARTICLE** is not subject to property tax.

22 9–204.

23 (a) To qualify under this section, a structure shall:

24 (3) be designated under [Article 66B, § 2.12 or §§ 8.01 through 8.17,]  
 25 **TITLE 8, § 10–204, OR § 22–108 OF THE LAND USE ARTICLE**, Article 25A, § 5(X)  
 26 or (BB)[, or Article 28, § 8–101(c)] of the Code, or the charter powers of Baltimore City,  
 27 as:

28 (i) an architecturally compatible new structure that is located  
 29 in a historic district; or

30 (ii) a landmark.

31 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 32 read as follows:

1                                    **Article – State Finance and Procurement**

2     5–706.

3                    The Commission shall:

4                    (1)    assess and advise on the progress of State, regional, and local  
5     planning in Maryland in achieving the goals of the State economic growth, resource  
6     protection, and planning policy, as defined in § 5–7A–01 of this title;7                    (2)    make recommendations on the adequacy, coordination, and  
8     implementation of funding mechanisms and other State assistance for planning  
9     activities and infrastructure and land preservation needs, consistent with the State  
10    economic growth, resource protection, and planning policy;11                    (3)    promote planning coordination and interjurisdictional cooperation  
12    among the State and local jurisdictions and recommend mechanisms to facilitate  
13    voluntary joint planning;14                    (4)    advise on the content and preparation of the State development  
15    plan, State transportation plan, and State housing plan and the implementation of  
16    these plans, including the relationship of these plans with local land use plans;17                    (5)    promote and make recommendations regarding efficient and  
18    predictable model State and local development regulations to achieve the goals of the  
19    State economic growth, resource protection, and planning policy;20                    (6)    evaluate the continuing viability and effectiveness of the State and  
21    local government smart growth indicators contained in [Article 66B, § 3.10 of the  
22    Code] **§ 1–208 OF THE LAND USE ARTICLE**, and make recommendations for  
23    amendments or additions to the indicators;24                    (7)    review the reports of local jurisdictions on adequate public  
25    facilities development restrictions required by [Article 66B, § 10.01 of the Code]  
26    **TITLE 7, SUBTITLE 1 OF THE LAND USE ARTICLE**, and assess whether and to what  
27    extent adequate public facilities ordinances affect the achievement of the goals of the  
28    State economic growth, resource protection, and planning policy;29                    (8)    develop and assist in the implementation of educational and  
30    outreach programs about smart growth;31                    (9)    review periodically the educational requirements for members of  
32    planning boards and commissions and boards of appeals required by [Article 66B, §§  
33    3.02 and 4.07 of the Code] **§ 1–206 OF THE LAND USE ARTICLE**, and evaluate  
34    compliance rates for the members;

1           (10) make recommendations for changes in State law, regulations,  
2 policies, and procedures, if any, that the Commission believes are necessary to achieve  
3 the State's economic growth, resource protection, and planning policy; and

4           (11) serve as an advisory board to the Governor's Smart Growth  
5 Subcabinet, providing advice and guidance.

6           SECTION 3. AND BE IT FURTHER ENACTED, That § 5-706 of the State  
7 Finance and Procurement Article, as enacted by Section 2 of this Act, shall remain  
8 effective until the taking effect of the termination provisions specified in Section 3 of  
9 Chapter 488 and Section 3 of Chapter 489 of the Acts of the General Assembly of 2010.  
10 If those termination provisions take effect, § 5-706 of the State Finance and  
11 Procurement Article, as enacted by Section 2 of this Act, shall be abrogated and of no  
12 further force and effect. This Act may not be interpreted to have any effect on those  
13 termination provisions.

14           SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions  
15 of Section 3 of this Act, this Act shall take effect October 1, 2012.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.