

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 1290

(The Speaker)(By Request - Department of Legislative
Services - Code Revision)

Environmental Matters

Education, Health, and Environmental Affairs

Land Use

This code revision bill revises, restates, and recodifies the laws of the State that relate to land use. The new Land Use Article as a whole governs the establishment and implementation of land use mechanisms by local governments in their jurisdictions. Division I is derived from Article 66B – Land Use and contains statewide enabling authority and planning requirements and other provisions concerning land use in commission counties, municipal corporations, and Baltimore City. Division II is derived from Article 28 – Maryland-National Capital Park and Planning Commission (M-NCPPC) and contains provisions on M-NCPPC and on land use in Montgomery and Prince George’s counties.

Fiscal Summary

State Effect: None. The bill’s provisions are intended as nonsubstantive revisions, restatements, recodifications, and transfers of existing provisions, and there is no fiscal impact.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The Land Use Article consists of two divisions of 11 and 14 titles, respectively, as follows:

Division I. Single-Jurisdiction Planning and Zoning

This division contains provisions authorizing zoning, subdivision, planning, and related land use matters in commission counties, municipal corporations, and Baltimore City. It also includes statewide provisions relating to comprehensive planning that are applicable to charter and code home rule counties as well.

Title 1. Definitions; General Provisions.

This title contains definitions that apply to all of Division I. It also contains planning provisions that apply to charter and code home rule counties as well as to commission counties, municipal corporations, and Baltimore City.

Title 2. Planning Commissions.

This title concerns the establishment of planning commissions in commission counties and municipal corporations.

Title 3. Comprehensive Plan.

This title sets forth the requirements for the comprehensive plan in a commission county or municipal corporation.

Title 4. Zoning.

This title deals with the establishment of zoning and related procedures in commission counties and municipal corporations.

Title 5. Subdivision.

This title concerns the procedures for subdivision of land, plat approval, and the status of unapproved plats in commission counties and municipal corporations.

Title 6. Street Planning.

This title revises the procedures for commission counties and municipal corporations to use when planning for future roads and reserving property for them.

Title 7. Other Development Management Tools.

This title includes miscellaneous development mechanisms available in a variety of local jurisdictions.

Title 8. Historic Preservation.

This title establishes a framework for preservation of historic sites and structures in a commission county or municipal corporation.

Title 9. Single-County Provisions.

This title contains miscellaneous provisions relating to single counties other than Baltimore City.

Title 10. Baltimore City Zoning.

This title sets forth procedures and requirements for zoning in Baltimore City.

Title 11. Enforcement.

This title governs the enforcement of provisions of Division I.

Title 12. Reserved.

Title 13. Reserved.

Division II. Maryland-National Capital Park and Planning Commission

This division includes provisions relating to M-NCPPC, land use in Montgomery and Prince George's counties, and related programs and activities.

Title 14. Definitions; General Provisions.

This title contains definitions that apply to all of Division II. It also contains general provisions that apply throughout the metropolitan district and the regional district.

Title 15. Commission.

This title contains the general provisions that establish M-NCPPC and relate to its operations.

Title 16. Employment.

This title governs employment by the commission, including the merit system, collective bargaining, and related matters.

Title 17. Powers and Property.

This title revises the authority and procedures of the commission regarding property acquisition and construction in areas under its jurisdiction. It includes regulation of the use of commission property. It also includes provisions relating to the authority of the commission's park police.

Title 18. Finances.

This title revises provisions on the commission budget process, bonding, taxation, land acquisition financing, and payment procedures.

Title 19. Maryland-Washington Metropolitan District.

This title continues the metropolitan district and provides for commission authority in it. For purposes of clarity and simplicity, the metes and bounds descriptions of various parts of the metropolitan district are transferred to the Session Laws.

Title 20. Maryland-Washington Regional District.

This title continues the regional district and provides for its boundaries. The title establishes the county planning boards. It also revises several other provisions relating to the authority of the commission in the regional district.

Title 21. Regional District Plan.

This title provides for the development and implementation of the regional district plan, a comprehensive plan for that district, and its subsidiary plans.

Title 22. Zoning.

This title establishes the framework for zoning in the regional district. It covers adoption and amendment of zoning, boards of appeals, and judicial review.

Title 23. Subdivision.

This title concerns the procedures for subdivision of land, plat approval, and the status of unapproved plats in the regional district.

Title 24. Montgomery County Provisions.

This title contains provisions applicable only in Montgomery County.

Title 25. Prince George's County Provisions.

This title contains provisions applicable only in Prince George's County.

Title 26. Miscellaneous Provisions.

This title contains other miscellaneous provisions.

Title 27. Enforcement.

This title contains the general misdemeanor penalty applicable to violations of Division II. It also provides a specific penalty for interfering with access to a building or premises by certain commission personnel.

Obsolete Material

Obsolete material that might still have some effect is transferred to the Session Laws and other material is repealed outright.

Special Sections

The bill contains a number of standard uncodified sections common to code revision projects, primarily designed to protect the status of the revision as a bulk, nonsubstantive restatement of the former law.

Background: The Land Use Article is a product of the continuing revision of the Annotated Code of Maryland by the legal staff of the Office of Policy Analysis of the Department of Legislative Services. The first revised articles were enacted at the First Extraordinary Session of 1973, and, as of the date of the introduction in the General Assembly of the Land Use Article, 32 revised articles have become law: Agriculture, Business Occupations and Professions, Business Regulation, Commercial Law, Corporations and Associations, Correctional Services, Courts and Judicial Proceedings, Criminal Law, Criminal Procedure, Economic Development, Education, Election Law, Estates and Trusts, Family Law, Financial Institutions, Health – Environmental (now Environment), Health – General, Health Occupations, Housing and Community Development, Human Services, Insurance, Labor and Employment, Natural Resources, Public Safety, Public Utility Companies (now Public Utilities), Real Property, State Finance and Procurement, State Government, State Personnel and Pensions, Tax – General, Tax – Property, and Transportation.

Additional Comments: Every effort is made to ensure that a proposed revision conforms as nearly as possible to the intent of the General Assembly, and any issues involving the interpretation of an aspect of current law are highlighted in the appropriate revisor's note. In other instances, the staff and the Article Review Committee have used

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revisor's notes to call to the attention of the General Assembly fundamental policy issues that are beyond the purview of the revision process.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Legislative Services

Fiscal Note History: First Reader - March 7, 2012
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