

HOUSE BILL 409

L6

(3lr1697)

ENROLLED BILL

— *Environmental Matters/Education, Health, and Environmental Affairs* —

Introduced by **Delegates McIntosh, Bobo, Frush, Healey, Hubbard, Lafferty, Pendergrass, Sophocleus, and Stein**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Land Use – ~~Local Governments~~ Comprehensive Planning and Zoning ~~Cycles~~**
3 **Cycle**

4 FOR the purpose of ~~altering the time period of a local government's comprehensive~~
5 ~~planning and zoning cycle~~ requiring that, in certain years, a certain annual
6 planning report contain a certain narrative on the implementation status of a
7 certain comprehensive plan; increasing the time period of the comprehensive
8 planning and zoning cycles of certain local jurisdictions to better coincide with
9 the release of United States decennial census data; requiring ~~certain planning~~
10 commissions to include in a certain annual report information on the
11 implementation status of a certain comprehensive plan; altering certain time
12 frames for certain planning commissions to review certain comprehensive plans
13 and to implement certain elements of certain comprehensive plans; requiring
14 the Department of Planning along with the Maryland Association of Counties;

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.

Italics indicate opposite chamber/conference committee amendments.



~~and the Maryland Municipal League, and the Maryland Department of Planning to form a certain stakeholders group to create a certain transition schedules for each local government that drafts a comprehensive plan schedule to increase the time period of the comprehensive planning cycle of certain local jurisdictions that adopt a comprehensive plan; requiring a certain transition schedules, to the extent practicable, schedule to coincide, to the extent practicable, with the release of certain data from the United States decennial census data; requiring a certain transition schedule to allow, to the extent practicable, a local jurisdiction to access certain data at the beginning of the comprehensive plan review process; requiring a certain stakeholder group to submit a proposed transition schedule to certain committees of the General Assembly~~ the Department to submit a proposed transition schedule to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee on or before a certain date; requiring certain local jurisdictions to incorporate certain growth tiers into a comprehensive plan according to a certain schedule notwithstanding certain provisions of this Act; ~~requiring a local jurisdiction to make a certain statement regarding the failure to adopt a growth tier under certain circumstances; providing that certain growth tiers are not considered adopted for certain purposes under certain circumstances; providing for a certain construction of this Act; requiring a local jurisdiction to comply with certain provisions of law concerning growth tiers except under certain circumstances; providing that this Act does not prohibit a local jurisdiction from amending its comprehensive plan, certain laws, or certain ordinances or regulations at any time; making conforming changes; and generally relating to local government the comprehensive planning and zoning cycles of local jurisdictions.~~

BY repealing and reenacting, with amendments,
 Article – Land Use
 Section 1–207, 1–416, 1–417, 1–509, 3–301, and 3–303
 Annotated Code of Maryland
 (2012 Volume)

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

Article – Land Use

1–207.

(a) In this section, “planning commission” includes a planning commission or board established under:

- (1) Title 2 of this article;
- (2) Division II of this article; or

1 (3) Article 25A of the Code.

2 (b) On or before July 1 of each year, a planning commission shall prepare,
3 adopt, and file an annual report for the previous calendar year with the legislative
4 body.

5 (c) The annual report shall:

6 (1) index and locate on a map any changes in development patterns
7 that occurred during the period covered by the report, including:

8 (i) land use;

9 (ii) transportation;

10 (iii) community facilities patterns;

11 (iv) zoning map amendments; and

12 (v) subdivision plats;

13 (2) state whether the changes under item (1) of this subsection are
14 consistent with:

15 (i) each other;

16 (ii) the recommendations of the last annual report;

17 (iii) the adopted plans of the local jurisdiction;

18 (iv) the adopted plans of all adjoining local jurisdictions; and

19 (v) the adopted plans of State and local jurisdictions that have
20 responsibility for financing or constructing public improvements necessary to
21 implement the local jurisdiction's plan;

22 (3) contain statements and recommendations for improving the
23 planning and development process within the local jurisdiction;

24 (4) state which local laws or regulations have been adopted or changed
25 to implement the visions in § 1–201 of this subtitle as required under § 1–417 of this
26 title or § 3–303 of this article; **[and]**

27 (5) contain the measures and indicators required under § 1–208(c) of
28 this subtitle; **AND**

1 **(6) ~~FOR THE FIFTH YEAR~~ AT LEAST ONCE WITHIN THE 5-YEAR**
 2 **PERIOD AFTER THE ADOPTION ~~DATE OF~~ OR REVIEW BY THE LOCAL**
 3 **JURISDICTION'S ~~COMPREHENSIVE PLAN~~ JURISDICTION OF A COMPREHENSIVE**
 4 **PLAN UNDER PART II OF SUBTITLE 4 OF THIS TITLE OR UNDER TITLE 3 OF THIS**
 5 **ARTICLE, CONTAIN A NARRATIVE ~~OF~~ ON THE IMPLEMENTATION STATUS OF THE**
 6 **COMPREHENSIVE PLAN, INCLUDING:**

7 **(I) A SUMMARY OF THE DEVELOPMENT TRENDS**
 8 **CONTAINED IN THE PREVIOUS ANNUAL REPORTS FILED DURING THE PERIOD**
 9 **COVERED BY THE NARRATIVE;**

10 **(II) THE STATUS OF COMPREHENSIVE PLAN**
 11 **IMPLEMENTATION TOOLS SUCH AS ~~ZONING AND ORDINANCES~~ COMPREHENSIVE**
 12 **REZONING TO CARRY OUT THE PROVISIONS OF THE COMPREHENSIVE PLAN;**

13 **(III) IDENTIFICATION OF ANY *SIGNIFICANT* CHANGES TO**
 14 **EXISTING PROGRAMS, ZONING ORDINANCES, REGULATIONS, ~~OR~~ FINANCING**
 15 **PROGRAMS, *OR STATE REQUIREMENTS* NECESSARY TO ACHIEVE THE VISIONS**
 16 **AND GOALS OF THE COMPREHENSIVE PLAN DURING THE REMAINING PLANNING**
 17 **TIMEFRAME;**

18 **(IV) IDENTIFICATION OF ANY STATE OR FEDERAL LAWS,**
 19 **REGULATIONS, OR REQUIREMENTS THAT HAVE IMPEDED LOCAL ~~SMART~~**
 20 **GROWTH ~~INITIATIVES IDENTIFIED IN~~ *IMPLEMENTATION OF THE***
 21 **COMPREHENSIVE PLAN AND RECOMMENDATIONS TO REMOVE ANY**
 22 **IMPEDIMENTS;**

23 **(V) FUTURE LAND USE CHALLENGES AND ISSUES; AND**

24 **(VI) ~~SCHEDULED, PLANNED, AND~~ *A SUMMARY OF ANY***
 25 **POTENTIAL UPDATES TO THE COMPREHENSIVE PLAN.**

26 (d) The legislative body shall review the annual report and direct that any
 27 appropriate and necessary studies and other actions be undertaken to ensure the
 28 continuation of a viable planning and development process.

29 (e) The local jurisdiction shall make the annual report available for public
 30 inspection.

31 (f) (1) The local jurisdiction shall mail a copy of the report to the
 32 Secretary of Planning.

33 (2) The Department of Planning may comment on the report.

1 (a) At least once every **[6] 10** years, each planning commission shall review
2 the comprehensive plan and, if necessary, revise or amend the comprehensive plan to
3 include all:

4 (1) the elements required under Part II of this subtitle; and

5 (2) the visions set forth in § 1–201 of this title.

6 (b) The planning commission may prepare comprehensive plans for one or
7 more geographic sections or divisions of the local jurisdiction if the plan for each
8 geographic section or division is reviewed and, if necessary, revised or amended at
9 least once every **[6] 10** years.

10 1–417.

11 (a) At least once every **[6] 10** years, which corresponds to the comprehensive
12 plan revision process under § 1–416 of this subtitle, a charter county shall ensure the
13 implementation of the visions, the development regulations element, and the sensitive
14 areas element of the plan.

15 (b) A charter county shall ensure that the implementation of the
16 requirements of subsection (a) of this section are achieved through the adoption of
17 applicable:

18 (1) zoning laws; and

19 (2) local laws governing:

20 (i) planned development;

21 (ii) subdivision; and

22 (iii) other land use provisions that are consistent with the
23 comprehensive plan.

24 1–509.

25 (a) A local jurisdiction that adopts growth tiers shall incorporate the tiers
26 into the comprehensive plan or an element of the plan:

27 (1) when the local jurisdiction conducts the **[6–year] 10–YEAR** review
28 of the plan under § 1–416(a) or § 3–301(a) of this article; and

29 (2) in accordance with the requirements of this section.

1 (b) If a local jurisdiction does not incorporate all of the growth tiers
2 authorized under this section into the comprehensive plan or an element of the plan,
3 the local jurisdiction shall state that a tier is not adopted.

4 3-301.

5 (a) At least once every [6] 10 years, each planning commission shall review
6 the comprehensive plan and, if necessary, revise or amend the comprehensive plan to
7 include all:

8 (1) the elements required under Subtitle 1 of this title; and

9 (2) the visions set forth in § 1-201 of this article.

10 (b) The planning commission may prepare comprehensive plans for one or
11 more geographic sections or divisions of the local jurisdiction if the plan for each
12 geographic section or division is reviewed and, if necessary, revised or amended at
13 least once every [6] 10 years.

14 3-303.

15 (a) At least once every [6] 10 years, which corresponds to the comprehensive
16 plan revision process under § 3-301 of this subtitle, a local jurisdiction shall ensure
17 the implementation of the visions, the development regulations element, and the
18 sensitive areas element of the plan.

19 (b) A local jurisdiction shall ensure that the implementation of the
20 requirements of subsection (a) of this section are achieved through the adoption of
21 applicable:

22 (1) zoning laws;

23 (2) planned development ordinances and regulations;

24 (3) subdivision ordinances and regulations; and

25 (4) other land use ordinances and regulations that are consistent with
26 the comprehensive plan.

27 SECTION 2. AND BE IT FURTHER ENACTED, That:

28 (a) The Department of Planning along with the Maryland Association of
29 Counties, and the Maryland Municipal League, and the Maryland Department of
30 Planning shall form a stakeholders group to create a transition schedule for each to
31 transition the comprehensive planning cycle of each local government jurisdiction that

1 ~~drafts~~ adopts a comprehensive plan ~~to convert their comprehensive planning cycle~~
2 from a 6-year cycle to a 10-year cycle.

3 (b) The transition schedule shall, to the extent practicable;

4 (i) coincide with the release of data from the United States
5 decennial census; and

6 (ii) allow a local jurisdiction access to ~~that~~ the census data at
7 the beginning of the local jurisdiction's comprehensive plan review process.

8 (c) ~~On or before December 1, 2015, the stakeholders group~~ The Department
9 of Planning shall submit a proposed transition schedule, ~~in accordance with § 2-1246~~
10 ~~of the State Government Article,~~ to the Senate Education, Health, and Environmental
11 Affairs Committee and the House Environmental Matters Committee on or before
12 December 1, 2015.

13 SECTION 3. AND BE IT FURTHER ENACTED, That:

14 (a) ~~Notwithstanding~~ If a local jurisdiction chooses to adopt growth tiers
15 under Title 1, Subtitle 5 of the Land Use Article, and notwithstanding § 1-509 of the
16 Land Use Article, as enacted by this Act, a local jurisdiction that, as of the effective
17 date of this Act, has not incorporated the growth tiers under Title 1, Subtitle 5 of the
18 Land Use Article into the comprehensive plan shall incorporate the growth tiers at the
19 time that the local jurisdiction was scheduled to conduct its 6-year review of the
20 comprehensive plan in accordance with § 1-509 of the Land Use Article as it was in
21 effect on July 1, 2012.

22 (b) If a local jurisdiction adopts a growth tier but does not incorporate all of
23 the growth tiers tier into the comprehensive plan or an element of the plan in
24 accordance with this section:

25 (1) ~~the local jurisdiction shall state that a growth tier is not adopted;~~
26 ~~and~~

27 (2) ~~the growth tiers section, the growth tier will not be considered as~~
28 ~~adopted for purposes of § 9-206 of the Environment Article.~~

29 (c) This Act may not be construed as requiring a local jurisdiction to adopt,
30 amend, or repeal growth tiers under Title 1, Subtitle 5 of the Land Use Article.

31 (d) Except as provided in subsection (a) of this section, a local jurisdiction
32 shall comply with Title 1, Subtitle 5 of the Land Use Article when adopting growth
33 tiers.

1 SECTION 4. AND BE IT FURTHER ENACTED, That nothing in this Act
 2 prohibits a local jurisdiction from amending its comprehensive plan, zoning laws, or
 3 any other land use ordinance or regulation at any time.

4 SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take
 5 effect October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.