

# SENATE BILL 671

L6

(3lr1505)

## ENROLLED BILL

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

Introduced by ~~Senator Conway~~ Senators Conway and Dyson

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.

\_\_\_\_\_  
President.

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

1 AN ACT concerning

#### 2 **Land Use – Local Comprehensive Planning and Zoning Cycle**

3 FOR the purpose of requiring that, in certain years, a certain annual planning report  
4 contain a certain narrative on the implementation status of a certain  
5 comprehensive plan; increasing the time period of the comprehensive planning  
6 and zoning cycles of certain local jurisdictions to better coincide with the release  
7 of United States decennial census data; requiring the Department of Planning  
8 along with the Maryland Association of Counties and the Maryland Municipal  
9 League to create a certain transition schedule to increase the time period of the  
10 comprehensive planning cycle of certain local jurisdictions that adopt a  
11 comprehensive plan; requiring a certain transition schedule to coincide, to the  
12 extent practicable, with the release of United States decennial census data;  
13 requiring a certain transition schedule to allow, to the extent practicable, a local  
14 jurisdiction to access certain data at the beginning of the comprehensive plan  
15 review process; requiring the Department to submit a proposed transition

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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.

*Italics* indicate opposite chamber/conference committee amendments.



1 schedule to the Senate Education, Health, and Environmental Affairs  
 2 Committee and the House Environmental Matters Committee on or before a  
 3 certain date; requiring certain local jurisdictions to incorporate certain growth  
 4 tiers into a comprehensive plan according to a certain schedule notwithstanding  
 5 certain provisions of this Act; ~~requiring a local jurisdiction to make a certain~~  
 6 ~~statement regarding the failure to adopt a growth tier under certain~~  
 7 ~~circumstances~~; providing that certain growth tiers are not considered adopted  
 8 for certain purposes under certain circumstances; *providing for a certain*  
 9 *construction of this Act; requiring a local jurisdiction to comply with certain*  
 10 *provisions of law concerning growth tiers except under certain circumstances;*  
 11 *providing that this Act does not prohibit a local jurisdiction from amending its*  
 12 *comprehensive plan, certain laws, or certain ordinances or regulations at any*  
 13 *time*; making conforming changes; and generally relating to the comprehensive  
 14 planning and zoning cycles of local jurisdictions.

15 BY repealing and reenacting, with amendments,  
 16 Article – Land Use  
 17 Section 1–207, 1–416, 1–417, 1–509, 3–301, and 3–303  
 18 Annotated Code of Maryland  
 19 (2012 Volume)

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

22 **Article – Land Use**

23 1–207.

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

- 26 (1) Title 2 of this article;
- 27 (2) Division II of this article; or
- 28 (3) Article 25A of the Code.

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

32 (c) The annual report shall:

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

- 35 (i) land use;

- 1 (ii) transportation;
- 2 (iii) community facilities patterns;
- 3 (iv) zoning map amendments; and
- 4 (v) subdivision plats;

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

- 7 (i) each other;
- 8 (ii) the recommendations of the last annual report;
- 9 (iii) the adopted plans of the local jurisdiction;
- 10 (iv) the adopted plans of all adjoining local jurisdictions; and
- 11 (v) the adopted plans of State and local jurisdictions that have  
 12 responsibility for financing or constructing public improvements necessary to  
 13 implement the local jurisdiction’s plan;

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

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

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

21 **(6) ~~IN THE FIFTH YEAR~~ AT LEAST ONCE WITHIN THE 5-YEAR**  
 22 **PERIOD AFTER THE ADOPTION OR REVIEW BY THE LOCAL JURISDICTION OF A**  
 23 **COMPREHENSIVE PLAN UNDER PART II OF SUBTITLE 4 OF THIS TITLE OR**  
 24 **UNDER TITLE 3 OF THIS ARTICLE, CONTAIN A NARRATIVE ON THE**  
 25 **IMPLEMENTATION STATUS OF THE COMPREHENSIVE PLAN, INCLUDING:**

26 **(I) A SUMMARY OF THE DEVELOPMENT TRENDS**  
 27 **CONTAINED IN THE PREVIOUS ANNUAL REPORTS FILED DURING THE PERIOD**  
 28 **COVERED BY THE NARRATIVE;**

1                    (II) THE STATUS OF COMPREHENSIVE PLAN  
 2 IMPLEMENTATION TOOLS SUCH AS ~~ZONING AND ORDINANCES~~ *COMPREHENSIVE*  
 3 *REZONING* TO CARRY OUT THE PROVISIONS OF THE COMPREHENSIVE PLAN;

4                    (III) IDENTIFICATION OF ANY *SIGNIFICANT* CHANGES TO  
 5 EXISTING PROGRAMS, ZONING ORDINANCES, REGULATIONS, ~~OR~~ FINANCING  
 6 PROGRAMS, *OR STATE REQUIREMENTS* NECESSARY TO ACHIEVE THE VISIONS  
 7 AND GOALS OF THE COMPREHENSIVE PLAN DURING THE REMAINING PLANNING  
 8 TIMEFRAME;

9                    (IV) IDENTIFICATION OF ANY STATE OR FEDERAL LAWS,  
 10 REGULATIONS, OR REQUIREMENTS THAT HAVE IMPEDED LOCAL ~~SMART~~  
 11 ~~GROWTH INITIATIVES IDENTIFIED IN~~ *IMPLEMENTATION OF THE*  
 12 COMPREHENSIVE PLAN AND RECOMMENDATIONS TO REMOVE ANY  
 13 IMPEDIMENTS;

14                    (V) FUTURE LAND USE CHALLENGES AND ISSUES; AND

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

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

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

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

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

25 1-416.

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

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

30            (2) the visions set forth in § 1-201 of this title.

31            (b) The planning commission may prepare comprehensive plans for one or  
 32 more geographic sections or divisions of the local jurisdiction if the plan for each

1 geographic section or division is reviewed and, if necessary, revised or amended at  
2 least once every ~~[6]~~ **10** years.

3 1-417.

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

8 (b) A charter county shall ensure that the implementation of the  
9 requirements of subsection (a) of this section are achieved through the adoption of  
10 applicable:

11 (1) zoning laws; and

12 (2) local laws governing:

13 (i) planned development;

14 (ii) subdivision; and

15 (iii) other land use provisions that are consistent with the  
16 comprehensive plan.

17 1-509.

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

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

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

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

26 3-301.

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

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

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

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

6 3–303.

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

11 (b) A local jurisdiction shall ensure that the implementation of the  
12 requirements of subsection (a) of this section are achieved through the adoption of  
13 applicable:

14 (1) zoning laws;

15 (2) planned development ordinances and regulations;

16 (3) subdivision ordinances and regulations; and

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

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

20 (a) The Department of Planning along with the Maryland Association of  
21 Counties and the Maryland Municipal League shall create a schedule to transition the  
22 comprehensive planning cycle of each local jurisdiction that adopts a comprehensive  
23 plan from a 6–year cycle to a 10–year cycle.

24 (b) The transition schedule shall, to the extent practicable:

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

27 (ii) allow a local jurisdiction access to the census data at the beginning  
28 of the local jurisdiction’s comprehensive plan review process.

29 (c) The Department of Planning shall submit a proposed transition schedule  
30 to the Senate Education, Health, and Environmental Affairs Committee and the  
31 House Environmental Matters Committee on or before December 1, 2015.

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

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

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

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

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

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

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

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

25           SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take  
26 effect October 1, 2013.