

# SENATE BILL 671

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By: **Senator Conway**

Introduced and read first time: February 1, 2013

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

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 narrative on the implementation status of a certain comprehensive  
5 plan; increasing the time period of the comprehensive planning and zoning  
6 cycles of certain local jurisdictions to better coincide with the release of United  
7 States decennial census data; requiring the Department of Planning along with  
8 the Maryland Association of Counties and the Maryland Municipal League to  
9 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  
16 schedule to the Senate Education, Health, and Environmental Affairs  
17 Committee and the House Environmental Matters Committee on or before a  
18 certain date; making conforming changes; and generally relating to the  
19 comprehensive planning and zoning cycles of local jurisdictions.

20 BY repealing and reenacting, with amendments,  
21 Article – Land Use  
22 Section 1–207, 1–416, 1–417, 1–509, 3–301, and 3–303  
23 Annotated Code of Maryland  
24 (2012 Volume)

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

27 **Article – Land Use**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 1–207.

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

4 (1) Title 2 of this article;

5 (2) Division II of this article; or

6 (3) Article 25A of the Code.

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

10 (c) The annual report shall:

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

13 (i) land use;

14 (ii) transportation;

15 (iii) community facilities patterns;

16 (iv) zoning map amendments; and

17 (v) subdivision plats;

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

20 (i) each other;

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

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

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

24 (v) the adopted plans of State and local jurisdictions that have  
25 responsibility for financing or constructing public improvements necessary to  
26 implement the local jurisdiction’s plan;

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

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

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

6 **(6) IN THE FIFTH YEAR AFTER THE ADOPTION OR REVIEW BY THE**  
7 **LOCAL JURISDICTION OF A COMPREHENSIVE PLAN UNDER PART II OF**  
8 **SUBTITLE 4 OF THIS TITLE OR UNDER TITLE 3 OF THIS ARTICLE, CONTAIN A**  
9 **NARRATIVE ON THE IMPLEMENTATION STATUS OF THE COMPREHENSIVE PLAN.**

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

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

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

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

18 1–416.

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

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

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

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

28 1–417.

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

1 (b) A charter county shall ensure that the implementation of the  
2 requirements of subsection (a) of this section are achieved through the adoption of  
3 applicable:

4 (1) zoning laws; and

5 (2) local laws governing:

6 (i) planned development;

7 (ii) subdivision; and

8 (iii) other land use provisions that are consistent with the  
9 comprehensive plan.

10 1–509.

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

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

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

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

19 3–301.

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

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

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

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

29 3–303.

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

5           (b)    A local jurisdiction shall ensure that the implementation of the  
6 requirements of subsection (a) of this section are achieved through the adoption of  
7 applicable:

8                   (1)    zoning laws;

9                   (2)    planned development ordinances and regulations;

10                  (3)    subdivision ordinances and regulations; and

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

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

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

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

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

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

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

26           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2013.