

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1257

(Delegate McIntosh, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

Land Use - Clarifications and Corrections

This bill makes various changes to the Land Use Article in response to issues identified by the Land Use Article Review Committee during the code revision process.

The bill takes effect July 1, 2013.

Fiscal Summary

State Effect: The bill does not directly affect State finances.

Local Effect: The bill is not expected to have a material, direct impact on local government finances.

Small Business Effect: None.

Analysis

Bill Summary: The bill:

- addresses standards for the removal of members, designation of alternate members, and other issues relating to specified commissions and boards;
- requires a planning commission's annual report to state whether changes in development patterns are consistent with specified *approved*, rather than *adopted*, plans;

- requires a planning commission to include a fisheries element in the county's comprehensive plan in specified charter and code counties located on tidal waters of the State;
- applies a provision requiring specified visions to be implemented through a charter county's comprehensive plan elements to code counties;
- ensures that consistency between a jurisdiction's comprehensive plan and implementation mechanisms is required for all implementation mechanisms;
- requires a jurisdiction's comprehensive plan to include all required plan elements as of each six-year comprehensive plan review;
- requires copies of a recommended comprehensive plan and amendments to the plan to be provided to regional units responsible for financing or constructing public improvements necessary to implement the plan;
- replaces a reference to "buildings and other structures" with "property" with respect to conserving the value of "property" when a legislative body adopts zoning regulations;
- replaces references to "avoid[ing] an undue concentration of population" with "properly manag[ing] growth and development" with respect to zoning and subdivision regulations;
- recognizes that a transfer of development rights program operates in conjunction with programs for preservation of open space and agricultural land and other development management programs and techniques;
- amends language with respect to conditions and limitations in municipal annexation agreements and a public principal's authority to enter into a development rights and responsibilities agreement for property that is the subject of municipal annexation;
- specifies that judicial review of a map amendment in the Maryland-Washington Regional District applies to both individual and sectional map amendments;
- requires the Prince George's County Planning Board to approve or disapprove a preliminary subdivision plan within 70 days after the *complete plan application* is submitted to the board;

- clarifies procedures for judicial review of a subdivision approval in Montgomery and Prince George’s counties;
- allows the Maryland-National Capital Park and Planning Commission (M-NCPPC) to reissue or renew its tax anticipation notes at an interest rate the commission determines to be advantageous as opposed to the same or a greater interest rate; and
- makes changes to various other provisions relating to (1) mediation over a municipal growth element of a comprehensive plan; (2) the negotiation of the sale of subdivided lots; (3) adequate public facilities waiver reporting; (4) a definition of the term “road” under M-NCPPC provisions; (5) M-NCPPC’s annual financial report; (6) the subpoena power of M-NCPPC’s merit system board; (7) the naming of streets and numbering of houses in the Maryland-Washington Regional District; and (8) a reference to the governing body of Prince George’s County.

Current Law/Background: Chapter 426 of 2012 (HB 1290) established the Land Use Article, revising, restating, and recodifying the laws of the State that relate to land use. The revision was 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 Land Use Article as a whole governs the establishment and implementation of land use mechanisms by local governments in their jurisdictions.

The primary purposes of code revision are modernization and clarification, and every effort is made to ensure that proposed revisions conform as nearly as possible to the intent of the General Assembly. In some instances, however, the Land Use Article Review Committee and its staff used revisor’s notes to call the General Assembly’s attention to policy issues that were beyond the purview of the revision process and were not addressed in the revised article. This bill addresses a number of those issues.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Planning; Judiciary (Administrative Office of the Courts); Maryland-National Capital Park and Planning Commission; Howard, Montgomery, and Prince George’s counties; Baltimore City; Department of Legislative Services

Fiscal Note History: First Reader - February 27, 2013
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