

HOUSE BILL 919

L6

5lr1841
CF SB 551

By: **Delegates Lafferty, Afzali, Anderton, Barkley, Beidle, Beitzel, Carr, Cassilly, Fennell, Fraser-Hidalgo, Frush, Gilchrist, Healey, Holmes, Jacobs, Krebs, Krimm, Lam, Lisanti, Mautz, McIntosh, McMillan, Otto, Pena-Melnyk, Platt, S. Robinson, Shoemaker, Valentino-Smith, Vogt, A. Washington, and K. Young**

Introduced and read first time: February 13, 2015

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Land Use – Plans – Development and Adoption**

3 FOR the purpose of authorizing the legislative body of a local jurisdiction to adopt, modify,
4 or disapprove a certain plan or part of a plan, a plan for one or more geographic
5 sections or divisions of the local jurisdiction, or an amendment or extension of or
6 addition to the plan; requiring the legislative body to hold a public hearing before
7 taking certain actions; requiring a certain planning commission to hold a public
8 hearing before submitting a new recommended plan under certain circumstances;
9 providing that a certain recommendation of a planning commission shall be
10 considered approved if the legislative body of a certain local jurisdiction fails to take
11 action on the recommendation within a certain time period; authorizing the
12 legislative body of a local jurisdiction, by resolution, to extend a certain deadline for
13 a certain period of time if the legislative body makes a certain determination; and
14 generally relating to the development and adoption of certain land use plans.

15 BY repealing and reenacting, with amendments,
16 Article – Land Use
17 Section 3–204 and 3–205
18 Annotated Code of Maryland
19 (2012 Volume and 2014 Supplement)

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

22 **Article – Land Use**

23 3–204.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Each local jurisdiction shall adopt a plan that includes:

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

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

4 (b) (1) Except as provided in paragraph (2) of this subsection, only a legislative
5 body that has adopted a plan may adopt regulations implementing the visions stated in §
6 1–201 of this article in the plan.

7 (2) This subsection does not limit the Department of Planning from
8 exercising any authority granted under the State Finance and Procurement Article.

9 **(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A**
10 **LEGISLATIVE BODY MAY ADOPT, MODIFY, OR DISAPPROVE:**

11 **(I) THE WHOLE PLAN OR PART OF THE PLAN;**

12 **(II) A PLAN FOR ONE OR MORE GEOGRAPHIC SECTIONS OR**
13 **DIVISIONS OF THE LOCAL JURISDICTION; OR**

14 **(III) AN AMENDMENT OR EXTENSION OF OR ADDITION TO THE**
15 **PLAN.**

16 **(2) THE LEGISLATIVE BODY SHALL HOLD A PUBLIC HEARING BEFORE**
17 **ADOPTING OR MODIFYING:**

18 **(I) THE WHOLE PLAN OR PART OF THE PLAN;**

19 **(II) A PLAN FOR ONE OR MORE GEOGRAPHIC SECTIONS OR**
20 **DIVISIONS OF THE LOCAL JURISDICTION; OR**

21 **(III) AN AMENDMENT OR EXTENSION OF OR ADDITION TO THE**
22 **PLAN.**

23 **(3) THE PLANNING COMMISSION SHALL HOLD A PUBLIC HEARING**
24 **BEFORE SUBMITTING A NEW RECOMMENDED PLAN TO THE LEGISLATIVE BODY, IF**
25 **THE LEGISLATIVE BODY DISAPPROVES:**

26 **(I) THE WHOLE PLAN OR PART OF THE PLAN;**

27 **(II) A PLAN FOR ONE OR MORE GEOGRAPHIC SECTIONS OR**
28 **DIVISIONS OF THE LOCAL JURISDICTION; OR**

1 (III) AN AMENDMENT OR EXTENSION OF OR ADDITION TO THE
2 PLAN.

3 (4) (I) THE RECOMMENDATION OF THE PLANNING COMMISSION
4 SHALL BE CONSIDERED APPROVED IF THE LEGISLATIVE BODY FAILS TO ACT IN
5 ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION WITHIN 90 DAYS AFTER
6 THE DATE THE RECOMMENDATION IS SUBMITTED.

7 (II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS
8 PARAGRAPH, IF THE LEGISLATIVE BODY DETERMINES THAT THERE ARE EXIGENT
9 CIRCUMSTANCES SO THAT THE LEGISLATIVE BODY IS UNABLE TO ACT IN
10 ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, BY RESOLUTION THE
11 LEGISLATIVE BODY MAY EXTEND THE DEADLINE IN SUBPARAGRAPH (I) OF THIS
12 PARAGRAPH FOR NO MORE THAN ONE 90-DAY EXTENSION.

13 3-205.

14 (a) This section applies only to a local jurisdiction where the legislative body has
15 adopted a whole plan or a plan for one or more geographic sections or divisions of the local
16 jurisdiction.

17 (b) A publicly or privately owned street, square, park, or other public way, ground,
18 or open space, a public building or structure, or a public utility may not be authorized or
19 constructed in the local jurisdiction or in a geographic section of the local jurisdiction until
20 the planning commission has approved the location, character, and extent of the
21 development as consistent with the plan.

22 (c) (1) The planning commission shall communicate its decision and the
23 reasons for its decision to the legislative body or to the body that has jurisdiction over the
24 financing of the public way, ground, space, building, structure, or utility.

25 (2) The submission to the planning commission shall be considered
26 approved if the planning commission fails to act on the submission within 60 days after the
27 date it was submitted.

28 (3) The legislative body or other body having jurisdiction may overrule the
29 decision of the planning commission by a recorded vote of at least two-thirds of its entire
30 membership.

31 [(d) (1) The legislative body may adopt:

32 (i) the whole plan;

33 (ii) a plan for one or more geographic sections or divisions of the local
34 jurisdiction; or

1 (iii) an amendment or extension of or addition to the plan.

2 (2) The recommendation of the planning commission shall be considered
3 approved if the legislative body fails to act within 60 days after the date the
4 recommendation is submitted.]

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2015.