L6 6lr3522 CF SB 366

By: Delegates Aumann and West

Introduced and read first time: February 10, 2016 Assigned to: Environment and Transportation

A BILL ENTITLED

4	A TAT		•
1	AN	\mathbf{ACT}	concerning
_	,	1101	COLLECTION

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Land Use - 1	Denartment o	of Planning -	- Permit for	Develonmen	t Projects
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- FOR the purpose of requiring a person that undertakes a certain development project to apply to the Department of Planning for a permit; requiring the Department to provide an opportunity for public comment on the permit application; requiring the Department to take certain factors into consideration when reviewing the permit application; requiring the Department to adopt certain regulations; providing for the application of this Act; and generally relating to development projects.
- 9 BY repealing and reenacting, with amendments,
- 10 Article Land Use
- 11 Section 1–401 and 10–103
- 12 Annotated Code of Maryland
- 13 (2012 Volume and 2015 Supplement)
- 14 BY adding to
- 15 Article Land Use
- Section 1–601 to be under the new subtitle "Subtitle 6. Miscellaneous"
- 17 Annotated Code of Maryland
- 18 (2012 Volume and 2015 Supplement)
- 19 BY repealing and reenacting, without amendments,
- 20 Article Transportation
- 21 Section 8–725(e)
- 22 Annotated Code of Maryland
- 23 (2015 Replacement Volume and 2015 Supplement)
- 24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 25 That the Laws of Maryland read as follows:

26 Article – Land Use



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1
     1-401.
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                  Except as provided in this section, this division does not apply to charter
           (a)
 3
     counties.
 4
           (b)
                  The following provisions of this division apply to a charter county:
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                                                                        III
                  (1)
                        this
                               subtitle,
                                          including
                                                      Parts
                                                                  and
                                                                              (Charter
                                                                                         county
 6
     - Comprehensive plans);
 7
                  (2)
                        § 1–101(l), (m), and (o) (Definitions – "Plan", "Priority funding area",
     and "Sensitive area");
 8
 9
                  (3)
                        § 1–201 (Visions);
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                  (4)
                        § 1–206 (Required education);
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                        § 1–207 (Annual report – In general);
                  (5)
12
                  (6)
                        § 1–208 (Annual report – Measures and indicators);
                        Title 1, Subtitle 3 (Consistency);
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                  (7)
14
                        Title 1, Subtitle 5 (Growth Tiers);
                  (8)
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                  (9)
                        § 1–601 (DEVELOPMENT PROJECT PERMIT);
                  (10) § 4–104(b) (Limitations – Bicycle parking);
16
                               § 4–208 (Exceptions – Maryland Accessibility Code);
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                  [(10)] (11)
                  [(11)] (12)
18
                               § 4–210 (Permits and variances – Solar panels);
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                  [(12)] (13)
                               § 5–102(d) (Subdivision regulations – Burial sites);
20
                  [(13)] (14)
                               § 5–104 (Major subdivision – Review);
21
                  [(14)] (15)
                              Title 7, Subtitle 1 (Development Mechanisms);
22
                  [(15)] (16)
                               Title 7, Subtitle 2 (Transfer of Development Rights);
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Except in Montgomery County or Prince George's County, Title

25 [(17)] (18) Title 7, Subtitle 4 (Inclusionary Zoning);

7, Subtitle 3 (Development Rights and Responsibilities Agreements);

[(16)] **(17)**

- 1 [(18)] (19) § 8–401 (Conversion of overhead facilities); 2 [(19)] (20) For Baltimore County only, Title 9, Subtitle 3 (Single-County Provisions – Baltimore County); 3 4 [(20)] (21) For Howard County only, Title 9, Subtitle 13 (Single-County Provisions – Howard County); 5 6 [(21)] (22) For Talbot County only, Title 9, Subtitle 18 (Single-County 7 Provisions – Talbot County); and 8 [(22)] (23) Title 11, Subtitle 2 (Civil Penalty). 9 (c) This section supersedes any inconsistent provision of Division II of this article. SUBTITLE 6. MISCELLANEOUS. 10 1-601.11 A PERSON SHALL APPLY TO THE DEPARTMENT OF PLANNING FOR A 12 13 PERMIT IF THE PERSON UNDERTAKES A DEVELOPMENT PROJECT THAT: 14 **(1) (I)** INVOLVES THE CONSTRUCTION OF A TOTAL OF 50 OR MORE 15 SURFACE PARKING SPACES; OR 16 WILL RESULT IN A TOTAL OF 50 OR MORE SURFACE PARKING (II)17 SPACES WHEN COMBINED WITH EXISTING SURFACE PARKING SPACES; AND 18 **(2)** IS LOCATED WITHIN ONE-HALF MILE OF A SCENIC BYWAY, AS DEFINED IN § 8-725 OF THE TRANSPORTATION ARTICLE. 19 20 THE DEPARTMENT OF PLANNING SHALL PROVIDE AN OPPORTUNITY 21 FOR PUBLIC COMMENT ON THE PERMIT APPLICATION. IN REVIEWING THE PERMIT APPLICATION, THE DEPARTMENT OF 22 23PLANNING SHALL CONSIDER: 24**(1)** THE IMPACT THE DEVELOPMENT PROJECT WILL HAVE ON THE
- 26 **(2)** ANY COMMENTS RECEIVED DURING THE PUBLIC COMMENT 27 PERIOD; AND

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SURROUNDING COMMUNITY;

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1 OTHER FACTORS THE **DEPARTMENT OF PLANNING (3)** 2 CONSIDERS NECESSARY. THE DEPARTMENT OF PLANNING SHALL ADOPT REGULATIONS TO 3 4 CARRY OUT THIS SECTION. 5 10-103.6 (a) Except as provided in this section, this division does not apply to Baltimore 7 City. 8 (b) The following provisions of this division apply to Baltimore City: 9 (1) this title; § 1–101(m) (Definitions – "Priority funding area"); 10 (2)§ 1–101(o) (Definitions – "Sensitive area"); 11 (3) 12 § 1–201 (Visions); **(4)** 13 (5)§ 1–206 (Required education); § 1–207 (Annual report – In general); 14 (6) § 1–208 (Annual report – Measures and indicators); 15 (7)16 (8)Title 1, Subtitle 3 (Consistency); 17 Title 1, Subtitle 4, Parts II and III (Home Rule Counties (9)18 - Comprehensive Plans; Implementation); § 1–601 (DEVELOPMENT PROJECT PERMIT); 19 (10)20 (11) § 4–104(b) (Limitations – Bicycle parking); 21[(11)] **(12)** § 4–205 (Administrative adjustments); 22[(12)] **(13)** § 4–207 (Exceptions – Maryland Accessibility Code); 23 [(13)] **(14)** § 4–210 (Permits and variances – Solar panels); [(14)] (15) § 5–201(d) (Subdivision regulations – Burial sites); 24

[(15)] (16) Title 7, Subtitle 1 (Development Mechanisms);

7	8–725.	
6		Article - Transportation
5	[(19)] (20)	Title 11, Subtitle 2 (Civil Penalty).
4	[(18)] (19)	Title 7, Subtitle 4 (Inclusionary Zoning); and
2 3	[(17)] (18) Agreements);	Title 7, Subtitle 3 (Development Rights and Responsibilities
1	[(16)] (17)	Title 7, Subtitle 2 (Transfer of Development Rights);

- 8 (e) "Scenic byway" means a transportation corridor designated by the 9 Administration as having special scenic, historic, recreational, cultural, archaeological, or 10 natural qualities that have been recognized as such through legislation or some other 11 official declaration.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.