

HOUSE BILL 1348

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R2

1998 Regular Session  
8lr6156  
CF 8lr2476

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By: **Chairman, Commerce and Government Matters Committee**  
**(Departmental - Transportation)**

Introduced and read first time: February 24, 1998

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Port Land Use Development**

3 FOR the purpose of establishing a Port Land Use Development Zone and an Advisory  
4 Council for port land use development; providing for the appointment of  
5 members to the Advisory Council; providing for the terms and conditions of  
6 members on the Advisory Council; establishing the responsibilities and duties of  
7 the Advisory Council; creating a Port Land Use Development Office within the  
8 Maryland Department of Transportation; providing for the responsibilities and  
9 duties of the Office; requiring a certain report; defining certain terms; and  
10 generally relating to port land use development.

11 BY renumbering

12 Article - Transportation  
13 Section 6-501 and 6-502 and the subtitle "Subtitle 5. Liberal Construction;  
14 Penalties", respectively  
15 to be Section 6-601 and 6-602 and the subtitle "Subtitle 6. Liberal Construction;  
16 Penalties", respectively  
17 Annotated Code of Maryland  
18 (1993 Replacement Volume and 1997 Supplement)

19 BY adding to

20 Article - Transportation  
21 Section 6-501 through 6-504, inclusive, to be under the new subtitle "Subtitle 5.  
22 Port Land Use Development"  
23 Annotated Code of Maryland  
24 (1993 Replacement Volume and 1997 Supplement)

25 Preamble

26 WHEREAS, The Port of Baltimore has experienced major changes in land use  
27 during the past 25 years impacting the economies of Baltimore City, Eastern  
28 Baltimore County, and Northern Anne Arundel County; and

1 WHEREAS, As a result of the deindustrialization of Baltimore City, important  
2 tracts of water-dependent and water-accessible land have fallen fallow and with the  
3 abundance of greenfield suburban sites, there was little incentive to infill and  
4 redevelop urban waterfront properties once they became fallow; and

5 WHEREAS, The evolution of the Port of Baltimore's competitive strategy has  
6 dictated that a new port land use strategy be developed; and

7 WHEREAS, Governor Parris N. Glendening through his Smart Growth and  
8 Neighborhood Conservation initiatives, has reinforced State policy so as to preserve  
9 existing neighborhoods and agricultural, natural, and rural resources and to provide  
10 for investment in the revitalization of older neighborhoods and concentrated  
11 development; and

12 WHEREAS, In 1996, as part of the Smart Growth effort, Governor Parris N.  
13 Glendening established the Port Land Use Task Force to undertake an in-depth  
14 analysis and inventory of land, land uses, and the challenges facing effective  
15 redevelopment of these waterfront assets, including the study of environmental  
16 contamination, inconsistent zoning, variations in land use planning between  
17 jurisdictions, regulatory impediments to land reuse, capital availability, and existing  
18 economic development initiatives; and

19 WHEREAS, After studying the problems inhibiting port land development,  
20 the Task Force identified the need for an ongoing multijurisdictional advisory council  
21 to promote and manage port land use and development; and

22 WHEREAS, After passage by the General Assembly on February 25, 1997,  
23 Governor Glendening signed into law Chapters 1 and 2 of the Laws of Maryland of  
24 1997 identical bills which begin the implementation of several of the Port Land Use  
25 Task Force recommendations and which establish two programs designed to make it  
26 easier to redevelop contaminated properties in Maryland, including property in the  
27 vicinity of the Port of Baltimore; and

28 WHEREAS, The General Assembly has determined that there is a need for the  
29 creation of an Advisory Council and a Port Land Use Development Zone, to be the  
30 vehicle for reconciling the important environmental, economic, and local jurisdictional  
31 issues that need to be coordinated for any successful redevelopment; now, therefore,

32 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
33 MARYLAND, That Section(s) 6-501 and 6-502 and the subtitle "Subtitle 5. Liberal  
34 Construction; Penalties", respectively, of Article - Transportation of the Annotated  
35 Code of Maryland be renumbered to be Section(s) 6-601 and 6-602 and the subtitle  
36 "Subtitle 6. Liberal Construction; Penalties", respectively.

37 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
38 read as follows:

**Article - Transportation**

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## SUBTITLE 5. PORT LAND USE DEVELOPMENT.

3 6-501.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
5 INDICATED.

6 (B) "ADVISORY COUNCIL" MEANS THE PORT LAND USE DEVELOPMENT ZONE  
7 ADVISORY COUNCIL.

8 (C) "BROWNFIELDS SITES" MEANS ELIGIBLE PROPERTY AS DEFINED IN §  
9 7-501(G) OF THE ENVIRONMENT ARTICLE.

10 (D) "LAND ASSEMBLAGE" MEANS THE COMPILATION OF VACANT OR  
11 UNDERUTILIZED PROPERTY WITHIN THE PORT LAND USE DEVELOPMENT ZONE TO  
12 CREATE MORE VIABLE PROPERTY FOR SPECIFIC REDEVELOPMENT PROJECTS.

13 (E) "ZONE" MEANS THE PORT LAND USE DEVELOPMENT ZONE WHICH  
14 CONSISTS OF RESIDENTIALLY, COMMERCIALY, OR INDUSTRIALLY ZONED PROPERTY  
15 WITHIN THE IMMEDIATE INFLUENCE OF PORT ACTIVITY. THIS INCLUDES LAND  
16 DIRECTLY ON THE BALTIMORE HARBOR OR SERVING THE PORT OF BALTIMORE, AND  
17 ALL PUBLIC AND PRIVATE PROPERTIES WITHIN 3,000 FEET SURROUNDING THE  
18 PORT'S WATERFRONT, AND EXTENDS FROM BRANDON SHORES IN ANNE ARUNDEL  
19 COUNTY AROUND THE WATERFRONT TO MIDDLE RIVER IN BALTIMORE COUNTY.

20 6-502.

21 (A) THERE IS AN ADVISORY COUNCIL FOR PORT LAND USE DEVELOPMENT.

22 (B) THE ADVISORY COUNCIL IS COMPOSED OF THE FOLLOWING:

23 (1) SIX EX OFFICIO MEMBERS, TO INCLUDE:

24 (I) THE SECRETARY OF THE MARYLAND DEPARTMENT OF  
25 TRANSPORTATION OR THE SECRETARY'S DESIGNEE, WHO SHALL BE THE  
26 CHAIRPERSON OF THE ADVISORY COUNCIL;

27 (II) THE SECRETARY OF THE DEPARTMENT OF BUSINESS AND  
28 ECONOMIC DEVELOPMENT OR THE SECRETARY'S DESIGNEE;

29 (III) THE DIRECTOR OF THE MARYLAND OFFICE OF PLANNING OR  
30 THE DIRECTOR'S DESIGNEE;

31 (IV) THE MAYOR OF BALTIMORE CITY OR THE MAYOR'S DESIGNEE;

32 (V) THE COUNTY EXECUTIVE OF BALTIMORE COUNTY OR THE  
33 EXECUTIVE'S DESIGNEE; AND

1 (VI) THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY OR THE  
2 EXECUTIVE'S DESIGNEE.

3 (2) FIVE MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

4 (I) ONE MEMBER TO REPRESENT A MARITIME-RELATED BUSINESS  
5 WITH FACILITIES IN THE ZONE;

6 (II) ONE MEMBER TO REPRESENT THE ENVIRONMENTAL  
7 COMMUNITY;

8 (III) ONE MEMBER TO REPRESENT A RESIDENTIAL COMMUNITY  
9 LOCATED WITHIN OR CONTIGUOUS TO THE ZONE;

10 (IV) ONE MEMBER TO REPRESENT THE DEVELOPMENT COMMUNITY  
11 OR INVESTMENT COMMUNITY; AND

12 (V) ONE MEMBER TO REPRESENT THE GENERAL PUBLIC.

13 (C) EACH APPOINTED MEMBER SERVES FOR A TERM OF 2 YEARS AND UNTIL A  
14 SUCCESSOR IS APPOINTED.

15 (D) MEMBERS OF THE ADVISORY COUNCIL APPOINTED BY THE GOVERNOR  
16 ARE NOT ENTITLED TO COMPENSATION.

17 6-503.

18 (A) THERE IS A PORT LAND USE DEVELOPMENT OFFICE IN THE MARYLAND  
19 PORT ADMINISTRATION OF THE DEPARTMENT. THE OFFICE IS RESPONSIBLE FOR  
20 THE COORDINATION OF A PORT LAND USE DEVELOPMENT ZONE AS DEFINED IN §  
21 6-501(E) OF THIS SUBTITLE.

22 (B) THE OFFICE SHALL COORDINATE AND SUPPORT THE ACTIVITIES OF THE  
23 ADVISORY COUNCIL AND ESTABLISH A COLLABORATIVE EFFORT TO VIGOROUSLY  
24 MARKET PORT LAND USE DEVELOPMENT ZONE PROPERTIES FOR PORT-RELATED OR  
25 PORT-COMPATIBLE USES.

26 (C) THE OFFICE MAY BE AUGMENTED BY STAFF SUPPORT OF THE STATE  
27 AGENCIES AND LOCAL JURISDICTIONS INVOLVED.

28 6-504.

29 (A) THE ADVISORY COUNCIL, WITH THE ASSISTANCE OF THE PORT LAND USE  
30 DEVELOPMENT OFFICE, SHALL COORDINATE EFFORTS AMONG EXISTING PROGRAMS  
31 WITHIN THE STATE AND LOCAL GOVERNMENTS TO INVIGORATE LAND  
32 DEVELOPMENT IN AND AROUND THE PORT OF BALTIMORE. IN CARRYING OUT THIS  
33 DUTY, THE ADVISORY COUNCIL SHALL:

34 (1) COMPLETE, MAINTAIN, AND DISSEMINATE AN INVENTORY OF  
35 VACANT OR UNDERUTILIZED PROPERTY WITHIN THE ZONE THAT IS NOT NEEDED BY

1 THE MARYLAND PORT ADMINISTRATION FOR ITS OWN FUTURE USE, AND IS  
2 THEREFORE AVAILABLE FOR REDEVELOPMENT;

3 (2) COORDINATE THE DEVELOPMENT OF A MASTER PLAN FOR THE  
4 ZONE, WHICH SHALL CONSIDER:

5 (I) EXPECTATIONS, PLANS, AND PROGRAMS OF LOCAL  
6 JURISDICTIONS RELATED TO THE ZONE AND PORT LAND REDEVELOPMENT EFFORTS;

7 (II) EXPECTATIONS, PLANS, AND PROGRAMS OF STATE AGENCIES  
8 RELATED TO THE ZONE AND PORT LAND REDEVELOPMENT EFFORTS; AND

9 (III) EXPECTATIONS, PLANS, AND CONCERNS OF BUSINESS,  
10 RESIDENTIAL, AND ENVIRONMENTAL COMMUNITIES RELATED TO THE ZONE AND  
11 PORT LAND REDEVELOPMENT EFFORTS;

12 (3) RECOMMEND TO THE GOVERNOR ANY APPROPRIATE ACTIONS THAT  
13 MAY LEAD TO THE DEVELOPMENT AND REUSE OF BROWNFIELDS SITES WITHIN THE  
14 ZONE, TO INCLUDE THE USE OF ANY AVAILABLE FEDERAL, STATE, LOCAL, OR  
15 PRIVATE SECTOR FUNDS FOR BROWNFIELDS SITES ACTIVITIES;

16 (4) FACILITATE ACCESS TO AVAILABLE FINANCIAL INCENTIVES AND  
17 EXPLORE INNOVATIVE FINANCING PROGRAMS FOR EXISTING AS WELL AS NEW  
18 BUSINESSES INTERESTED IN FURTHERING THE REDEVELOPMENT OF AVAILABLE  
19 ZONE PROPERTIES;

20 (5) RECOMMEND TO THE GOVERNOR ANY APPROPRIATE USE OF TAX  
21 INCENTIVES AND ENTERPRISE AND FOREIGN TRADE ZONES NECESSARY TO ATTRACT  
22 BUSINESSES TO SITES IN THE ZONE;

23 (6) WORK WITH AND COORDINATE THE EFFORTS OF STATE AND LOCAL  
24 AUTHORITIES IN LAND ASSEMBLAGE ACTIVITIES DESIGNED TO RETURN TO  
25 PRODUCTIVE USE VACANT OR UNDERUTILIZED PUBLIC AND PRIVATE PROPERTIES  
26 WHICH WILL FACILITATE ECONOMIC DEVELOPMENT AND LAND REDEVELOPMENT  
27 EFFORTS IN THE ZONE;

28 (7) ESTABLISH ANY SUBCOMMITTEES NECESSARY TO CARRY OUT THE  
29 DUTIES OF THE ADVISORY COMMITTEE; AND

30 (8) PROVIDE SUCH OTHER ASSISTANCE AS MAY BE REQUIRED TO  
31 FURTHER THE PURPOSE OF THIS SUBTITLE.

32 (B) THE PORT LAND USE DEVELOPMENT ZONE ADVISORY COUNCIL SHALL  
33 REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY BY JANUARY 1, 1999, ON ITS  
34 RECOMMENDATIONS FOR PROGRAMS AND ACTIVITIES THAT WILL FURTHER  
35 ENHANCE DEVELOPMENT IN THE ZONE.

36 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
37 October 1, 1998.