

SENATE BILL 584

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1998 Regular Session
(8lr2476)

ENROLLED BILL
-- Finance/Commerce and Government Matters --

Introduced by **Senators Bromwell, Collins, Fry, Stone, Jimeno, and Sfikas**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

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~~ certain reports; providing for the
10 effective date of this Act; defining certain terms; and generally relating to port
11 land use development.

12 BY renumbering

13 Article - Transportation
14 Section 6-501 and 6-502 and the subtitle "Subtitle 5. Liberal Construction;
15 Penalties", respectively
16 to be Section 6-601 and 6-602 and the subtitle "Subtitle 6. Liberal Construction;

1 Penalties", respectively
2 Annotated Code of Maryland
3 (1993 Replacement Volume and 1997 Supplement)

4 BY adding to
5 Article - Transportation
6 Section 6-501 through 6-504, inclusive, to be under the new subtitle "Subtitle 5.
7 Port Land Use Development"
8 Annotated Code of Maryland
9 (1993 Replacement Volume and 1997 Supplement)

10 Preamble

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

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

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

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

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

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

35 WHEREAS, After passage by the General Assembly on February 25, 1997,
36 Governor Glendening signed into law Chapters 1 and 2 of the Laws of Maryland of
37 1997 identical bills which begin the implementation of several of the Port Land Use
38 Task Force recommendations and which establish two programs designed to make it

1 easier to redevelop contaminated properties in Maryland, including property in the
2 vicinity of the Port of Baltimore; and

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

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

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

14 **Article - Transportation**

15 **SUBTITLE 5. PORT LAND USE DEVELOPMENT.**

16 6-501.

17 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

19 (B) "ADVISORY COUNCIL" MEANS THE PORT LAND USE DEVELOPMENT ZONE
20 ADVISORY COUNCIL.

21 (C) "BROWNFIELDS SITES" MEANS:

22 (1) ELIGIBLE PROPERTY AS DEFINED IN § 7-501(G) OF THE
23 ENVIRONMENT ARTICLE; AND

24 (2) PROPERTY WHERE THERE IS A RELEASE, DISCHARGE, OR
25 THREATENED RELEASE OF OIL, AS DEFINED IN § 4-401 OF THE ENVIRONMENT
26 ARTICLE.

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

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

1 6-502.

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

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

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

5 (I) THE SECRETARY OF THE MARYLAND DEPARTMENT OF
6 TRANSPORTATION OR THE SECRETARY'S DESIGNEE, WHO SHALL BE THE
7 CHAIRPERSON OF THE ADVISORY COUNCIL;

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

10 (III) THE DIRECTOR OF THE MARYLAND OFFICE OF PLANNING OR
11 THE DIRECTOR'S DESIGNEE;

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

13 (V) THE COUNTY EXECUTIVE OF BALTIMORE COUNTY OR THE
14 EXECUTIVE'S DESIGNEE; AND

15 (VI) THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY OR THE
16 EXECUTIVE'S DESIGNEE.

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

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

20 (II) ONE MEMBER TO REPRESENT THE ENVIRONMENTAL
21 COMMUNITY;

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

24 (IV) ONE MEMBER TO REPRESENT THE DEVELOPMENT COMMUNITY
25 OR INVESTMENT COMMUNITY; AND

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

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

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

1 6-503.

2 (A) THERE IS A PORT LAND USE DEVELOPMENT OFFICE IN THE MARYLAND
3 PORT ADMINISTRATION OF THE DEPARTMENT. THE OFFICE IS RESPONSIBLE FOR
4 THE COORDINATION OF A PORT LAND USE DEVELOPMENT ZONE AS DEFINED IN §
5 6-501(E) OF THIS SUBTITLE.

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

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

12 6-504.

13 (A) THE ADVISORY COUNCIL, WITH THE ASSISTANCE OF THE PORT LAND USE
14 DEVELOPMENT OFFICE, SHALL COORDINATE EFFORTS AMONG EXISTING PROGRAMS
15 WITHIN THE STATE AND LOCAL GOVERNMENTS TO INVIGORATE LAND
16 DEVELOPMENT IN AND AROUND THE PORT OF BALTIMORE. IN CARRYING OUT THIS
17 DUTY, THE ADVISORY COUNCIL SHALL:

18 (1) COMPLETE, MAINTAIN, AND DISSEMINATE AN INVENTORY OF
19 VACANT OR UNDERUTILIZED PROPERTY WITHIN THE ZONE THAT IS NOT NEEDED BY
20 THE MARYLAND PORT ADMINISTRATION FOR ITS OWN FUTURE USE, AND IS
21 THEREFORE AVAILABLE FOR REDEVELOPMENT;

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

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

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

28 (III) EXPECTATIONS, PLANS, AND CONCERNS OF BUSINESS,
29 RESIDENTIAL, AND ENVIRONMENTAL COMMUNITIES RELATED TO THE ZONE AND
30 PORT LAND REDEVELOPMENT EFFORTS;

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

35 (4) FACILITATE ACCESS TO AVAILABLE FINANCIAL INCENTIVES AND
36 EXPLORE INNOVATIVE FINANCING PROGRAMS FOR EXISTING AS WELL AS NEW
37 BUSINESSES INTERESTED IN FURTHERING THE REDEVELOPMENT OF AVAILABLE
38 ZONE PROPERTIES;

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

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

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

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

13 (B) THE PORT LAND USE DEVELOPMENT ZONE ADVISORY COUNCIL SHALL
14 MAKE AN INITIAL REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY BY JANUARY
15 1, 1999, ON ITS RECOMMENDATIONS FOR PROGRAMS AND ACTIVITIES THAT WILL
16 FURTHER ENHANCE DEVELOPMENT IN THE ZONE. THEREAFTER, BY DECEMBER 31
17 OF EACH YEAR THE ADVISORY COUNCIL SHALL SUBMIT AN ANNUAL REPORT OF ITS
18 ACTIVITIES DURING THAT CALENDAR YEAR, TOGETHER WITH ANY
19 RECOMMENDATIONS IT DESIRES TO PROPOSE, TO THE GOVERNOR AND THE
20 GENERAL ASSEMBLY.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 June 1, 1998.