

SENATE BILL 584

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1998 Regular Session
8lr2476
CF 8lr6156

By: **Senators Bromwell, Collins, Fry, Stone, Jimeno, and Sfikas**
Introduced and read first time: February 6, 1998
Assigned to: Finance

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 June 1, 1998.