

SENATE BILL 584

Unofficial Copy  
R2

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

---

Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 10, 1998

---

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; 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)

1 Preamble

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

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

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

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

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

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

26 WHEREAS, After passage by the General Assembly on February 25, 1997,  
27 Governor Glendening signed into law Chapters 1 and 2 of the Laws of Maryland of  
28 1997 identical bills which begin the implementation of several of the Port Land Use  
29 Task Force recommendations and which establish two programs designed to make it  
30 easier to redevelop contaminated properties in Maryland, including property in the  
31 vicinity of the Port of Baltimore; and

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

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

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

3 **Article - Transportation**

4 SUBTITLE 5. PORT LAND USE DEVELOPMENT.

5 6-501.

6 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
7 INDICATED.

8 (B) "ADVISORY COUNCIL" MEANS THE PORT LAND USE DEVELOPMENT ZONE  
9 ADVISORY COUNCIL.

10 (C) "BROWNFIELDS SITES" MEANS:

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

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

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

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

26 6-502.

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

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

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

30 (I) THE SECRETARY OF THE MARYLAND DEPARTMENT OF  
31 TRANSPORTATION OR THE SECRETARY'S DESIGNEE, WHO SHALL BE THE  
32 CHAIRPERSON OF THE ADVISORY COUNCIL;

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

1 (III) THE DIRECTOR OF THE MARYLAND OFFICE OF PLANNING OR  
2 THE DIRECTOR'S DESIGNEE;

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

4 (V) THE COUNTY EXECUTIVE OF BALTIMORE COUNTY OR THE  
5 EXECUTIVE'S DESIGNEE; AND

6 (VI) THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY OR THE  
7 EXECUTIVE'S DESIGNEE.

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

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

11 (II) ONE MEMBER TO REPRESENT THE ENVIRONMENTAL  
12 COMMUNITY;

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

15 (IV) ONE MEMBER TO REPRESENT THE DEVELOPMENT COMMUNITY  
16 OR INVESTMENT COMMUNITY; AND

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

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

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

22 6-503.

23 (A) THERE IS A PORT LAND USE DEVELOPMENT OFFICE IN THE MARYLAND  
24 PORT ADMINISTRATION OF THE DEPARTMENT. THE OFFICE IS RESPONSIBLE FOR  
25 THE COORDINATION OF A PORT LAND USE DEVELOPMENT ZONE AS DEFINED IN §  
26 6-501(E) OF THIS SUBTITLE.

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

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

1 6-504.

2 (A) THE ADVISORY COUNCIL, WITH THE ASSISTANCE OF THE PORT LAND USE  
3 DEVELOPMENT OFFICE, SHALL COORDINATE EFFORTS AMONG EXISTING PROGRAMS  
4 WITHIN THE STATE AND LOCAL GOVERNMENTS TO INVIGORATE LAND  
5 DEVELOPMENT IN AND AROUND THE PORT OF BALTIMORE. IN CARRYING OUT THIS  
6 DUTY, THE ADVISORY COUNCIL SHALL:

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

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

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

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

17 (III) EXPECTATIONS, PLANS, AND CONCERNS OF BUSINESS,  
18 RESIDENTIAL, AND ENVIRONMENTAL COMMUNITIES RELATED TO THE ZONE AND  
19 PORT LAND REDEVELOPMENT EFFORTS;

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

24 (4) FACILITATE ACCESS TO AVAILABLE FINANCIAL INCENTIVES AND  
25 EXPLORE INNOVATIVE FINANCING PROGRAMS FOR EXISTING AS WELL AS NEW  
26 BUSINESSES INTERESTED IN FURTHERING THE REDEVELOPMENT OF AVAILABLE  
27 ZONE PROPERTIES;

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

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

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

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

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

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