
By: **Delegates Pitkin, Conroy, and Hubbard**
Introduced and read first time: February 12, 1999
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Smart Growth - Transferable Development Rights - Commercial Use**

3 FOR the purpose of requiring legislative bodies of certain counties and municipal
4 corporations to establish a program for the transfer of development rights which
5 includes the ability to transfer development rights from a commercial use to
6 another commercial use or other more intense use; and generally relating to
7 transferable development rights.

8 BY repealing and reenacting, without amendments,
9 Article 66B - Zoning and Planning
10 Section 7.03(a)
11 Annotated Code of Maryland
12 (1998 Replacement Volume)

13 BY repealing and reenacting, with amendments,
14 Article 66B - Zoning and Planning
15 Section 11.01
16 Annotated Code of Maryland
17 (1998 Replacement Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article 66B - Zoning and Planning**

21 7.03.

22 (a) Except as provided in §§ 3.05(a)(1)(iii), (v), (vi), and (viii), (4), and (b),
23 3.06(b) and (c), 4.01(a)(2), 4.09, 5.03(d), 7.01(c), 10.01, 11.01, 12.01, and 13.01 of this
24 article, and subject to subsection (b) of this section, this article does not apply to the
25 chartered counties of Maryland. This section supersedes § 7.02 of this article and any
26 inconsistent provision of Article 28 of the Code.

1 11.01.

2 (A) In order to encourage the preservation of natural resources and to
3 facilitate orderly growth and development in the State, the legislative body of a
4 county or municipal corporation, including Baltimore City, that exercises authority
5 granted by this article [may] SHALL establish a program for the transfer of
6 development rights.

7 (B) TO FACILITATE EFFORTS UNDER TITLE 5, SUBTITLE 7B OF THE STATE
8 FINANCE AND PROCUREMENT ARTICLE (GROWTH-RELATED PROJECTS AND
9 PRIORITY FUNDING AREAS), A PROGRAM ESTABLISHED UNDER THIS SECTION SHALL
10 INCLUDE THE AUTHORIZATION TO TRANSFER DEVELOPMENT RIGHTS FROM A
11 COMMERCIAL USE TO ANOTHER COMMERCIAL USE OR OTHER MORE INTENSE USE.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 1999.