
By: **Delegate Getty**

Introduced and read first time: February 3, 2000

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Agricultural Land Preservation - Easements - Dwelling House**

3 FOR the purpose of authorizing a landowner to construct a principal dwelling on
4 Maryland agricultural land subject to an easement under certain conditions;
5 prohibiting a landowner from subdividing a dwelling from the property covered
6 by the easement; and generally relating to agricultural land preservation.

7 BY repealing and reenacting, with amendments,
8 Article - Agriculture
9 Section 2-513(b)
10 Annotated Code of Maryland
11 (1999 Replacement Volume and 1999 Supplement)

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

14 **Article - Agriculture**

15 2-513.

16 (b) (1) Except as otherwise provided in this section, a landowner, whose land
17 is subject to an easement, may not use the land for any commercial, industrial, or
18 residential purpose.

19 (2) Except as provided in paragraph [(5)] (6) of this subsection, on
20 written application, the Foundation shall release free of easement restrictions only
21 for the landowner who originally sold an easement, 1 acre or less for the purpose of
22 constructing a dwelling house for the use only of that landowner or child of the
23 landowner subject to the following conditions:

24 (i) The total number of lots allowed to be released under this
25 section, except as provided in paragraph [(5)] (6) of this subsection, may not exceed
26 10 lots of 1 acre or less at a maximum of not more than 1 lot for each 20 acres or
27 portion thereof.

1 (ii) The resulting density on the property may not exceed the
2 density allowed under zoning of the property before the Foundation purchased the
3 easement.

4 (iii) The landowner shall pay the State for any acre or portion
5 released at the price per acre that the State paid the owner for the easement.

6 (iv) Before any conveyance or release, the landowner and the child,
7 if there is a conveyance to a child, shall agree not to subdivide further for residential
8 purposes any acreage allowed to be released. The agreement shall be recorded among
9 the land records where the land is located and shall bind all future owners.

10 (v) After certifying that the landowner or child of the landowner
11 has met the conditions provided in subparagraphs (i) through (iv) of this paragraph,
12 the Foundation shall issue a preliminary release which shall:

13 1. Become final when the Foundation receives and certifies a
14 nontransferable building permit in the name of the landowner or child of the
15 landowner for construction of a dwelling house; or

16 2. Become void upon the death of the person for whose
17 benefit the release was intended if the Foundation has not yet received a building
18 permit as provided in this subparagraph.

19 (vi) Any release or preliminary release issued under this paragraph
20 shall include a statement of the conditions under which it was issued, a certification
21 by the Foundation that all necessary conditions for release or preliminary release
22 have been met, and copies of any pertinent documents.

23 (vii) Any release, preliminary release, building permit, or other
24 document issued or submitted in accordance with this paragraph shall be recorded
25 among the land records where the land is located and shall bind all future owners.

26 (viii) The Foundation may not restrict the ability of a landowner who
27 originally sold an easement to acquire a release under this paragraph beyond the
28 requirements provided in this section.

29 (3) A landowner may construct housing for tenants fully engaged in
30 operation of the farm, but this construction may not exceed 1 tenant house per 100
31 acres. The land on which a tenant house is constructed may not be subdivided or
32 conveyed to any person. In addition, the tenant house may not be conveyed separately
33 from the original parcel.

34 (4) Except as provided in paragraph [(5)] (6) of this subsection, on
35 request to the Foundation, an owner may exclude from the easement restrictions 1
36 acre per each single dwelling, which existed at the time of the sale of the easement, by
37 a land survey and recordation provided at the expense of the owner. However, before
38 any exclusion is granted, an owner shall agree with the Foundation not to subdivide
39 further for residential purposes any acreage allowed to be released. This agreement

1 shall be recorded among the land records where the land is located and shall bind all
2 future owners.

3 (5) ON WRITTEN APPLICATION TO THE FOUNDATION BY THE
4 LANDOWNER AND THE FOUNDATION'S APPROVAL OF A LOCATION FOR THE
5 DWELLING, A LANDOWNER MAY CONSTRUCT A DWELLING ON THE LAND IF:

6 (I) THE PROPERTY COVERED BY THE EASEMENT CONTAINS 50
7 ACRES OR MORE;

8 (II) NO DWELLING EXISTED ON THE PROPERTY COVERED BY THE
9 EASEMENT AT THE TIME OF SALE OF THE EASEMENT;

10 (III) THE PROPERTY COVERED BY THE EASEMENT HAS NOT BEEN
11 PREVIOUSLY SUBDIVIDED SINCE THE TIME OF SALE OF THE EASEMENT;

12 (IV) THE LANDOWNER PAYS BACK THE PRICE PAID FOR 1 ACRE OF
13 THE EASEMENT; AND

14 (V) THE DWELLING CONSTRUCTED UNDER THESE CONDITIONS
15 MAY NOT BE SUBDIVIDED FROM THE PROPERTY COVERED BY THE EASEMENT.

16 (6) (i) The restrictions of paragraphs (2) and (4) of this subsection
17 concerning maximum lot sizes are altered so that the maximum lot size is 2 acres if:

18 1. Regulations adopted by the Department of the
19 Environment require a minimum lot size for a dwelling house of not less than 2 acres
20 in areas where there is less than 4 feet of unsaturated and unconsolidated soil
21 material below the bottom of an on-site sewage disposal system or in areas located
22 within 2,500 feet of the normal water level of an existing or proposed water supply
23 reservoir; or

24 2. Regulations adopted by the jurisdiction in which the land
25 is situated require that a lot for a dwelling house be larger than 1 acre.

26 (ii) For exclusions provided under paragraph (4) of this subsection,
27 the landowner shall pay the State for any acre or portion released in excess of the 1
28 acre per single dwelling that existed at the time of easement.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2000.