
By: **Delegates Pitkin, Conroy, Frush, Guns, Hubbard, and Owings**
Introduced and read first time: February 11, 2000
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Smart Growth - Transferable Development Rights - Commercial and**
3 **Residential Uses**

4 FOR the purpose of requiring a program for the transfer of development rights
5 established by the local legislative bodies of certain counties and municipal
6 corporations to include the ability to transfer development rights from certain
7 existing uses to certain other uses in certain areas; and generally relating to
8 transferable development rights.

9 BY repealing and reenacting, without amendments,
10 Article 66B - Zoning and Planning
11 Section 7.03(a)
12 Annotated Code of Maryland
13 (1998 Replacement Volume and 1999 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article 66B - Zoning and Planning
16 Section 11.01
17 Annotated Code of Maryland
18 (1998 Replacement Volume and 1999 Supplement)

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

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

22 7.03.

23 (a) Except as provided in §§ 3.05(a)(1)(iii), (v), (vi), and (viii), (4), and (b),
24 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
25 article, and subject to subsection (b) of this section, this article does not apply to the
26 chartered counties of Maryland. This section supersedes § 7.02 of this article and any
27 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 establish a program for the transfer of development
6 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 SUBSECTION (A) OF
10 THIS SECTION SHALL INCLUDE THE AUTHORIZATION TO TRANSFER DEVELOPMENT
11 RIGHTS:

12 (1) FROM AN EXISTING COMMERCIAL USE TO ANOTHER COMMERCIAL
13 USE OR OTHER MORE INTENSE USE THAT IS LOCATED IN A PRIORITY FUNDING AREA;
14 AND

15 (2) FROM AN EXISTING RESIDENTIAL USE TO ANOTHER RESIDENTIAL
16 USE OR OTHER MORE INTENSE USE THAT IS LOCATED IN A PRIORITY FUNDING AREA.

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