

HOUSE BILL 1206

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M3

2000 Regular Session
(01r1735)

ENROLLED BILL

-- Environmental Matters/Economic and Environmental Affairs --

Introduced by **Delegate Schisler**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Smart Growth - Visions - Adequate Public Facilities**

3 FOR the purpose of adding a new vision relating to adequate public facilities and
4 infrastructure under the control of the county or municipal corporation to the list
5 of visions to be implemented by certain planning commissions in the
6 development and implementation of land use policy; adding to the State Growth,
7 Resource Protection, and Planning Policy the policy of having adequate public
8 facilities and infrastructure available in certain growth areas; providing for the
9 prospective application of this Act; and generally relating to Smart Growth,
10 policy visions, and land use policy in the State.

11 BY repealing and reenacting, with amendments,
12 Article 66B - Zoning and Planning
13 Section 3.06
14 Annotated Code of Maryland
15 (1998 Replacement Volume and 1999 Supplement)

1 BY repealing and reenacting, without amendments,
2 Article 66B - Zoning and Planning
3 Section 7.03
4 Annotated Code of Maryland
5 (1998 Replacement Volume and 1999 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article - State Finance and Procurement
8 Section 5-7A-01
9 Annotated Code of Maryland
10 (1995 Replacement Volume and 1999 Supplement)

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

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

14 3.06.

15 (a) In the preparation of the plan the commission shall make careful and
16 comprehensive surveys and studies of present conditions and future growth of the
17 jurisdiction, and with due regard to its relation to neighboring territory. The plan
18 shall be made with the general purpose of guiding and accomplishing the coordinated,
19 adjusted, and harmonious development of the jurisdiction, and its environs which
20 will, in accordance with present and future needs, best promote health, safety, morals,
21 order, convenience, prosperity, and general welfare, as well as efficiency and economy
22 in the process of development; including among other things, adequate provisions for
23 traffic, the promotion of public safety, adequate provision for light and air,
24 conservation of natural resources, the prevention of environmental pollution, the
25 promotion of the healthful and convenient distribution of population, the promotion of
26 good civic design and arrangement, wise and efficient expenditure of public funds,
27 and the adequate provision of public utilities and other public requirements.

28 (b) In addition to the requirements of subsection (a) of this section, the
29 commission shall implement the following visions through the plan described in §
30 3.05 of this article:

31 (1) Development is concentrated in suitable areas;

32 (2) Sensitive areas are protected;

33 (3) In rural areas, growth is directed to existing population centers and
34 resource areas are protected;

35 (4) Stewardship of the Chesapeake Bay and the land is a universal ethic;

36 (5) Conservation of resources, including a reduction in resource
37 consumption, is practiced;

1 (6) To assure the achievement of paragraphs (1) through (5) of this
2 subsection, economic growth is encouraged and regulatory mechanisms are
3 streamlined; [and]

4 (7) ADEQUATE PUBLIC FACILITIES AND INFRASTRUCTURE UNDER THE
5 CONTROL OF THE COUNTY OR MUNICIPAL CORPORATION ARE AVAILABLE OR
6 PLANNED IN AREAS WHERE GROWTH IS TO OCCUR; AND

7 (8) Funding mechanisms are addressed to achieve these visions.

8 (c) (1) Except as provided in paragraph (2) of this subsection, the authority
9 to adopt regulations concerning the implementation of subsection (b) of this section in
10 a plan shall be vested solely in the legislative body of the jurisdiction that has adopted
11 the plan.

12 (2) This subsection does not limit the Office of Planning, the State
13 Economic Growth, Resource Protection, and Planning Commission, or any
14 subcommittee of the Commission, from exercising any authority granted under the
15 State Finance and Procurement Article.

16 7.03.

17 (a) Except as provided in §§ 3.05(a)(1)(iii), (v), (vi), and (viii), (4), and (b),
18 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
19 article, and subject to subsection (b) of this section, this article does not apply to the
20 chartered counties of Maryland. This section supersedes § 7.02 of this article and any
21 inconsistent provision of Article 28 of the Code.

22 (b) Section 13.01 of this article does not apply to Montgomery County or
23 Prince George's County.

24 **Article - State Finance and Procurement**

25 5-7A-01.

26 The State Economic Growth, Resource Protection, and Planning Policy is that:

27 (1) development shall be concentrated in suitable areas;

28 (2) sensitive areas shall be protected;

29 (3) in rural areas, growth shall be directed to existing population centers
30 and resource areas shall be protected;

31 (4) stewardship of the Chesapeake Bay and the land shall be a universal
32 ethic;

33 (5) conservation of resources, including a reduction in resource
34 consumption, shall be practiced;

1 (6) to encourage the achievement of paragraphs (1) through (5) of this
2 subsection, economic growth shall be encouraged and regulatory mechanisms shall be
3 streamlined; [and]

4 (7) ADEQUATE PUBLIC FACILITIES AND INFRASTRUCTURE ARE
5 AVAILABLE OR PLANNED IN AREAS WHERE GROWTH IS TO OCCUR; AND

6 (8) funding mechanisms shall be addressed to achieve this policy.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
8 construed only prospectively and may not be applied or interpreted to have any effect
9 on or application to any local comprehensive plan, master plan, sector plan, or
10 implementing ordinance or policy, or to any State development policy, the
11 development, implementation, enactment, or amendment of which begins before the
12 effective date of this Act.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2000.