

HOUSE BILL 1206

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2000 Regular Session
0lr1735

By: **Delegate Schisler**

Introduced and read first time: February 11, 2000

Assigned to: Environmental Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 14, 2000

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 to the list of visions to be implemented by certain planning
5 commissions in the development and implementation of land use policy; adding
6 to the State Growth, Resource Protection, and Planning Policy the policy of
7 having adequate public facilities and infrastructure available in certain growth
8 areas; providing for the prospective application of this Act; and generally
9 relating to Smart Growth, policy visions, and land use policy in the State.

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

15 BY repealing and reenacting, without amendments,
16 Article 66B - Zoning and Planning
17 Section 7.03
18 Annotated Code of Maryland
19 (1998 Replacement Volume and 1999 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - State Finance and Procurement
22 Section 5-7A-01
23 Annotated Code of Maryland

1 (1995 Replacement Volume and 1999 Supplement)

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

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

5 3.06.

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

19 (b) In addition to the requirements of subsection (a) of this section, the
20 commission shall implement the following visions through the plan described in §
21 3.05 of this article:

22 (1) Development is concentrated in suitable areas;

23 (2) Sensitive areas are protected;

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

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

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

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

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

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

35 (c) (1) Except as provided in paragraph (2) of this subsection, the authority
36 to adopt regulations concerning the implementation of subsection (b) of this section in

1 a plan shall be vested solely in the legislative body of the jurisdiction that has adopted
2 the plan.

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

7 7.03.

8 (a) Except as provided in §§ 3.05(a)(1)(iii), (v), (vi), and (viii), (4), and (b),
9 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
10 article, and subject to subsection (b) of this section, this article does not apply to the
11 chartered counties of Maryland. This section supersedes § 7.02 of this article and any
12 inconsistent provision of Article 28 of the Code.

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

15 **Article - State Finance and Procurement**

16 5-7A-01.

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

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

19 (2) sensitive areas shall be protected;

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

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

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

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

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

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

32 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall be
33 construed only prospectively and may not be applied or interpreted to have any effect
34 on or application to any local comprehensive plan, master plan, sector plan, or

1 implementing ordinance or policy, or to any State development policy, the
2 development, implementation, enactment, or amendment of which begins before the
3 effective date of this Act.

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