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By: **Delegate Shank**  
Introduced and read first time: February 6, 2002  
Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Zoning - Application for Zoning Change - Notice to Easement Holders**

3 FOR the purpose of requiring owners of certain property adjacent to property  
4 burdened by certain easements to give notice to the holders of the easements of  
5 a proposed zoning change; requiring owners of certain property adjacent to  
6 property owned purchased through Project Open Space to give notice to the  
7 owner of the Project Open Space land of a proposed zoning change; specifying  
8 the form of notice to be given; defining a certain term; and generally relating to  
9 notice of zoning changes.

10 BY repealing and reenacting, with amendments,  
11 Article 66B - Land Use  
12 Section 1.02 and 2.13  
13 Annotated Code of Maryland  
14 (1998 Replacement Volume and 2001 Supplement)

15 BY adding to  
16 Article 66B - Land Use  
17 Section 7.06  
18 Annotated Code of Maryland  
19 (1998 Replacement Volume and 2001 Supplement)

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

22 **Article 66B - Land Use**

23 1.02.

24 (a) Except as provided in this section, this article does not apply to charter  
25 counties.

26 (b) The following sections of this article apply to a charter county:

27 (1) § 1.00(j) (Definition of "sensitive areas");

- 1 (2) § 1.01 (Visions);
- 2 (3) § 1.03 (Charter county - Comprehensive plans);
- 3 (4) § 4.01(b)(2) (Regulation of bicycle parking);
- 4 (5) § 5.03(d) (Easements for burial sites);
- 5 (6) § 7.02 (Civil penalty for zoning violation);
- 6 (7) § 10.01 (Adequate Public Facilities Ordinances);
- 7 (8) § 11.01 (Transfer of Development Rights);
- 8 (9) § 12.01 (Inclusionary Zoning);
- 9 (10) Except in Montgomery County or Prince George's County, § 13.01  
10 (Development rights and responsibilities agreements); [and]
- 11 (11) For Baltimore County only, § 14.02; AND
- 12 (12) § 7.06 (NOTICE TO EASEMENT HOLDERS).
- 13 (c) This section supersedes any inconsistent provision of Article 28 of the  
14 Code.
- 15 2.13.
- 16 (a) Except as provided in subsection (b) of this section, §§ 3.01 through 8.15 of  
17 this article do not apply in Baltimore City.
- 18 (b) The following sections of this article apply to Baltimore City:
- 19 (1) § 1.00(j) (Definition of "sensitive areas");
- 20 (2) § 1.01 (Visions);
- 21 (3) § 1.03 (Charter county - Comprehensive plans);
- 22 (4) § 4.01(b)(2) (Regulation of bicycle parking);
- 23 (5) § 5.03(d) (Easements for burial sites);
- 24 (6) § 7.02 (Civil penalty for zoning violation);
- 25 (7) § 10.01 (Adequate Public Facilities Ordinances);
- 26 (8) § 11.01 (Transfer of Development Rights);
- 27 (9) § 12.01 (Inclusionary Zoning); [and]
- 28 (10) § 13.01 (Development Rights and Responsibilities Agreements); AND

1 (11) § 7.06 (NOTICE TO EASEMENT HOLDERS).

2 7.06.

3 (A) IN THIS SECTION, "EASEMENT" MEANS:

4 (1) A RURAL LEGACY PROGRAM EASEMENT;

5 (2) A MARYLAND AGRICULTURAL LAND PRESERVATION EASEMENT;

6 (3) A PERPETUAL CONSERVATION EASEMENT; OR

7 (4) ANY OTHER EASEMENT HELD BY A FEDERAL, STATE, OR LOCAL LAND  
8 CONSERVATION OR HISTORIC PRESERVATION EASEMENT PROGRAM.

9 (B) IN ADDITION TO ANY NOTICE REQUIREMENTS UNDER STATE OR LOCAL  
10 LAW, AN OWNER OF PROPERTY FOR WHICH A ZONING CHANGE IS PROPOSED THAT IS  
11 ADJACENT TO PROPERTY BURDENED BY AN EASEMENT OR THAT IS ADJACENT TO  
12 PROPERTY PURCHASED UNDER PROJECT OPEN SPACE SHALL:

13 (1) MAIL NOTICE OF THE PROPOSED ZONING CHANGE TO EACH PERSON  
14 IDENTIFIED IN THE COUNTY TAX RECORDS AS A HOLDER OF AN EASEMENT AND TO  
15 EACH OWNER OF ADJACENT PROPERTY PURCHASED UNDER PROJECT OPEN SPACE;  
16 AND

17 (2) POST NOTICE OF THE PROPOSED ZONING CHANGE ON THE  
18 PROPERTY TO WHICH THE PROPOSED ZONING CHANGE APPLIES.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2002.