
By: **Delegates Owings, Schisler, Baldwin, Minnick, James, McClenahan,
Parrott, Weir, Glassman, Love, Cadden, Malone, D'Amato, Boschert,
Giannetti, Boutin, Kach, Moe, Brown, Leopold, Crouse, Riley, Benson,
Cane, Dembrow, and Rudolph**

Introduced and read first time: February 8, 2002

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Land Use - Planning Commissions - Plan Elements**

3 FOR the purpose of requiring certain public officials to furnish certain information to
4 certain individuals and organizations; requiring planning commissions to
5 prepare and make a certain report available under a certain circumstance;
6 requiring certain plans to relate to projected land uses for a certain period;
7 requiring a land use plan element to include certain goals and objectives;
8 requiring a community facilities plan element to include certain information;
9 requiring commissions to provide public access to certain information; specifying
10 the application of this Act to certain local jurisdictions, including charter
11 counties; specifying a certain prospective application of this Act; and generally
12 relating to certain land use plan elements and certain requirements applicable
13 to planning commissions.

14 BY repealing and reenacting, with amendments,
15 Article 66B - Land Use
16 Section 1.02
17 Annotated Code of Maryland
18 (1998 Replacement Volume and 2001 Supplement)
19 (As enacted by Chapter 337 of the Acts of the General Assembly of 2001)

20 BY repealing and reenacting, with amendments,
21 Article 66B - Land Use
22 Section 3.04(a) and 3.05(a)(2) and (4) and (d)
23 Annotated Code of Maryland
24 (1998 Replacement Volume and 2001 Supplement)

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

1

Article 66B - Land Use

2 1.02.

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

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

6 (1) § 1.00(j) (Definition of "sensitive areas");

7 (2) § 1.01 (Visions);

8 (3) § 1.03 (Charter county - Comprehensive plans);

9 (4) § 4.01(b)(2) (Regulation of bicycle parking);

10 (5) § 5.03(d) (Easements for burial sites);

11 (6) § 7.02 (Civil penalty for zoning violation);

12 (7) § 10.01 (Adequate Public Facilities Ordinances);

13 (8) § 11.01 (Transfer of Development Rights);

14 (9) § 12.01 (Inclusionary Zoning);

15 (10) Except in Montgomery County or Prince George's County, § 13.01
16 (Development rights and responsibilities agreements); and

17 (11) For Baltimore County only, § 14.02.

18 (c) THE FOLLOWING SECTIONS OF THIS ARTICLE APPLY TO A COUNTY,
19 INCLUDING A CHARTER COUNTY, AND A MUNICIPAL CORPORATION THAT EXERCISES
20 ZONING AND PLANNING AUTHORITY AND HAS WATER OR SEWER FACILITIES IN ITS
21 JURISDICTION:

22 (1) § 3.04(A)(2) AND (3) (INFORMATION FURNISHED BY PUBLIC OFFICIALS
23 AND A PLANNING COMMISSION REPORT); AND

24 (2) § 3.05(A)(2)(I), (4)(II), AND (IX) THROUGH (XIII), AND (D) (LAND USE
25 PLAN ELEMENTS AND COMMISSIONS POWERS AND DUTIES).

26 (D) This section supersedes any inconsistent provision of Article 28 of the
27 Code.

28 3.04.

29 (a) (1) A planning commission may accept and use gifts and public or
30 private grants for the exercise of its functions.

1 (2) [On a planning commission's request] NOTWITHSTANDING ANY
 2 OTHER PROVISION OF LAW AND UPON THE REQUEST OF A PRIVATE CITIZEN,
 3 PLANNING COMMISSION, PUBLIC UTILITY COMPANY, OR A CIVIC, EDUCATIONAL,
 4 PROFESSIONAL, OR OTHER ORGANIZATION, all public officials shall furnish to the
 5 [commission] REQUESTING INDIVIDUAL OR ORGANIZATION within a reasonable time
 6 ALL available information that the [commission] INDIVIDUAL OR ORGANIZATION
 7 may require [for its program] IN ORDER TO ENHANCE UNDERSTANDING OR TO
 8 IMPLEMENT THE PLAN.

9 (3) UPON PREPARATION OR REVISION OF A PLAN, INCLUDING ONE OR
 10 MORE OF THE ELEMENTS REQUIRED UNDER § 3.05(A) OF THIS TITLE OR THE VISIONS
 11 SET FORTH UNDER § 1.01 OF THIS ARTICLE, A PLANNING COMMISSION SHALL
 12 PREPARE AND MAKE AVAILABLE TO THE PUBLIC A REPORT CONTAINING ALL
 13 FINDINGS, ANALYSIS, SUPPORTING DATA, DESCRIPTIONS OF THE METHODOLOGIES,
 14 AND ANY OTHER INFORMATION UPON WHICH THE COMMISSION RELIED IN THE
 15 PREPARATION OR REVISION OF THE PLAN.

16 (4) In the performance of their functions, a planning commission, its
 17 members, its officers, and its employees may enter on any land and make
 18 examinations and surveys.

19 [(4)] (5) A planning commission shall have the powers necessary to
 20 enable it to fulfill its functions, promote planning, and execute the purposes of this
 21 article.

22 3.05.

23 (a) (2) The plan shall:

24 (i) Serve as a guide to public and private actions and decisions to
 25 insure the development of public and private property in appropriate relationships TO
 26 THE LAND USE NEEDS PROJECTED FOR THE PLAN PERIOD; and

27 (ii) Include any areas outside of the boundaries of the plan which,
 28 in the planning commission's judgment, bear relation to the planning responsibilities
 29 of the commission.

30 (4) The plan shall contain at a minimum the following elements:

31 (i) A statement of goals and objectives, principles, policies, and
 32 standards, which shall serve as a guide for the development and economic and social
 33 well-being of the local jurisdiction;

34 (ii) A land use plan element, which SHALL:

35 1. [Shall propose] PROPOSE the most appropriate and
 36 desirable patterns for the general location, character, extent, and interrelationship of
 37 the uses of public and private land DURING THE PLAN PERIOD AND AT OTHER
 38 SPECIFIED TIMES, on a schedule that extends as far into the future as is reasonable;
 39 and

1 B. To the extent feasible, to prevent the preemption of
2 mineral resources extraction by other uses; and

3 4. Has been reviewed by the Department of the Environment
4 to determine whether the proposed plan is consistent with the programs and goals of
5 the Department;

6 (vi) An element which shall contain the planning commission's
7 recommendation for land development regulations to implement the plan and which
8 encourages the following:

9 1. Streamlined review of applications for development,
10 including permit review and subdivision plat review within the areas designated for
11 growth in the plan;

12 2. The use of flexible development regulations to promote
13 innovative and cost-saving site design and protect the environment; and

14 3. Economic development in areas designated for growth in
15 the plan through the use of innovative techniques;

16 (vii) Recommendations for the determination, identification, and
17 designation of areas within the county that are of critical State concern; [and]

18 (viii) A sensitive area element that contains goals, objectives,
19 principles, policies, and standards designed to protect sensitive areas from the
20 adverse effects of development;

21 (IX) PROJECTIONS FOR POPULATION, NUMBER OF HOUSEHOLDS,
22 AND RATES OF EMPLOYMENT FOR EACH YEAR OF THE PLAN;

23 (X) AN ESTIMATE OF THE NUMBER OF RESIDENTIAL DWELLING
24 UNITS AND THE OFFICE, COMMERCIAL, AND INDUSTRIAL SPACE NEEDS ASSOCIATED
25 WITH THE POPULATION, NUMBER OF HOUSEHOLDS, AND RATES OF EMPLOYMENT
26 PROJECTED FOR THE PLAN PERIOD;

27 (XI) A COMPREHENSIVE INVENTORY OF THE PUBLIC AND PRIVATE
28 LANDS WITHIN THE BOUNDARIES OF THE PLAN THAT ARE ELIGIBLE FOR
29 DEVELOPMENT OR REDEVELOPMENT DURING THE PLAN PERIOD THAT:

30 1. ESTIMATES THE DEVELOPMENT POTENTIAL OF VACANT
31 LAND AND THE REDEVELOPMENT POTENTIAL OF IMPROVED LAND;

32 2. CONSIDERS FACTORS THAT WOULD AFFECT THE
33 DEVELOPMENT OR REDEVELOPMENT POTENTIAL OF LAND, IN WHOLE OR IN PART,
34 INCLUDING ZONING, PROTECTED ENVIRONMENTAL FEATURES AND SPECIES,
35 HISTORIC STRUCTURES, EASEMENTS, SPECIAL DESIGNATIONS, DEED RESTRICTIONS,
36 COVENANTS, OVERLAY DISTRICTS, BULK REGULATIONS, LOCAL OPEN SPACE
37 REQUIREMENTS, DESIGN CRITERIA, SUBDIVISION REGULATIONS, THE ADEQUACY OF

1 PUBLIC SERVICES, AND HAZARDOUS MATERIALS AND OTHER CONDITIONS
2 REGULATED BY FEDERAL, STATE, OR LOCAL LAW; AND

3 3. CONTAINS AN ESTIMATE OF:

4 A. THE NUMBER OF RESIDENTIAL DWELLING UNITS THAT
5 VACANT LAND IN RESIDENTIAL ZONING CLASSIFICATIONS CAN REASONABLY BE
6 EXPECTED TO ACCOMMODATE DURING THE PLAN PERIOD;

7 B. THE AMOUNT OF THE GROSS FLOOR AREA THAT VACANT
8 LAND IN COMMERCIAL, OFFICE, OR INDUSTRIAL ZONING CLASSIFICATIONS CAN
9 REASONABLY BE EXPECTED TO ACCOMMODATE DURING THE PLAN PERIOD;

10 C. THE NUMBER OF RESIDENTIAL DWELLING UNITS OR THE
11 GROSS FLOOR AREA OF COMMERCIAL, OFFICE, OR INDUSTRIAL SPACE THAT CAN
12 REASONABLY BE EXPECTED TO BE ACCOMMODATED THROUGH REDEVELOPMENT OF
13 IMPROVED LAND DURING THE PLAN PERIOD; AND

14 D. THE AMOUNT OF PUBLIC AND PRIVATE LAND IN EACH
15 ZONING CLASSIFICATION THAT CAN REASONABLY BE EXPECTED TO BE USED FOR
16 PUBLIC OR INSTITUTIONAL USES DURING THE PLAN PERIOD, INCLUDING UTILITIES,
17 GOVERNMENT FUNCTIONS, SCHOOLS, PLACES OF WORSHIP, PARKS, OPEN SPACE,
18 RECREATIONAL AREAS, AND INFRASTRUCTURE SUCH AS ROADS, MASS TRANSIT
19 FACILITIES, AND PARKING;

20 (XII) A COMPARATIVE ANALYSIS OF THE FINDINGS, PROJECTION
21 ESTIMATES, AND OTHER INFORMATION ASSEMBLED OR GENERATED UNDER THE
22 REQUIREMENTS OF ITEMS (IX) THROUGH (XI) OF THIS PARAGRAPH; AND

23 (XIII) A HOUSING PLAN ELEMENT THAT CONTAINS GOALS, OBJECTIVES,
24 PRINCIPLES, POLICIES, AND STANDARDS DESIGNED TO MEET THE HOUSING NEEDS
25 ASSOCIATED WITH THE POPULATION, NUMBERS OF HOUSEHOLDS, AND RATES OF
26 EMPLOYMENT PROJECTED FOR THE PLAN PERIOD.

27 (d) (1) The commission shall have THE power AND DUTY to [promote]:

28 (I) PROMOTE public interest in and understanding of the plan; AND

29 (II) PROVIDE PUBLIC ACCESS TO THE INFORMATION RELIED UPON
30 IN PREPARATION OR REVISION OF THE PLAN.

31 (2) The commission shall consult with public officials and agencies,
32 public utility companies, civic, educational, professional, and other organizations, and
33 citizens about [protecting] PREPARING, REVISING, or executing the plan.

34 SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this
35 Act shall be construed to apply only prospectively and may not be applied or
36 interpreted to have any effect on or application to any local comprehensive plan,
37 master plan, sector plan, or implementing ordinance or policy, or to any State

1 development policy, the enactment, amendment, or revision of which occurs before the
2 effective date of this Act.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2002.