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By: **Delegate Franchot**

Introduced and read first time: February 25, 2002

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Land Use - Density Bonuses - Energy Efficient Homes**

3 FOR the purpose of requiring all local legislative bodies that exercise land use  
4 authority, including all charter counties and Baltimore City, to enact ordinances  
5 or laws that encourage construction of energy efficient homes and that award  
6 density bonuses to construct housing units which meet prescribed energy  
7 efficiency standards; providing that the authority granted under this Act is in  
8 addition to any other zoning and planning powers; and generally relating to  
9 density bonuses for the construction of energy efficient homes.

10 BY repealing and reenacting, with amendments,  
11 Article 66B - Land Use  
12 Section 2.13; and 12.01 to be under the amended subtitle "Density Bonuses"  
13 Annotated Code of Maryland  
14 (1998 Replacement Volume and 2001 Supplement)

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

21 BY adding to  
22 Article 66B - Land Use  
23 Section 12.02 and 12.03  
24 Annotated Code of Maryland  
25 (1998 Replacement Volume and 2001 Supplement)

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

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**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) § 12.02 (DENSITY BONUSES);

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

18 [(11)] (12) For Baltimore County only, § 14.02.

19 (c) This section supersedes any inconsistent provision of Article 28 of the  
20 Code.

21 2.13.

22 (a) Except as provided in subsection (b) of this section, §§ 3.01 through 8.15 of  
23 this article do not apply in Baltimore City.

24 (b) The following sections of this article apply to Baltimore City:

25 (1) § 1.00(j) (Definition of "sensitive areas");

26 (2) § 1.01 (Visions);

27 (3) § 1.03 (Charter county - Comprehensive plans);

28 (4) § 4.01(b)(2) (Regulation of bicycle parking);

- 1 (5) § 5.03(d) (Easements for burial sites);  
2 (6) § 7.02 (Civil penalty for zoning violation);  
3 (7) § 10.01 (Adequate Public Facilities Ordinances);  
4 (8) § 11.01 (Transfer of Development Rights);  
5 (9) § 12.01 (Inclusionary Zoning); [and]  
6 (10) § 12.02 (DENSITY BONUSSES); AND  
7 (11) § 13.01 (Development Rights and Responsibilities Agreements).

8 [Inclusionary Zoning] DENSITY BONUSSES  
9 12.01.

10 [(a)] To promote the creation of housing that is affordable to persons and  
11 families who have low or moderate incomes, a local legislative body that exercises  
12 authority granted by this article may enact ordinances or laws that:

13 (1) Impose inclusionary zoning and award density bonuses to create  
14 affordable housing units; and

15 (2) Impose restrictions on the use, cost, and resale of housing that is  
16 created under this subtitle to ensure that the purposes of this subtitle are carried out.

17 [(b)] The authority granted under this subtitle is in addition to any other zoning  
18 and planning powers.]

19 12.02.

20 A LOCAL LEGISLATIVE BODY THAT EXERCISES AUTHORITY GRANTED BY THIS  
21 ARTICLE SHALL ENACT ORDINANCES OR LAWS THAT:

22 (1) ENCOURAGE CONSTRUCTION OF ENERGY EFFICIENT HOMES; AND

23 (2) AWARD DENSITY BONUSSES TO CONSTRUCT HOUSING UNITS WHICH  
24 MEET PRESCRIBED ENERGY EFFICIENCY STANDARDS.

25 12.03.

26 THE AUTHORITY GRANTED UNDER THIS SUBTITLE IS IN ADDITION TO ANY  
27 OTHER ZONING AND PLANNING POWERS.

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