
By: **Senators Pinsky, Della, and Exum**
Introduced and read first time: February 1, 2002
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Zoning - Construction Permits - Retail Stores Over 120,000 Square Feet**

3 FOR the purpose of prohibiting planning commissions from approving permits to
4 construct large retail stores over a certain size; providing for the application of
5 this Act; and generally relating to the prohibition of certain retail stores over a
6 certain size.

7 BY repealing and reenacting, with amendments,
8 Article 66B - Land Use
9 Section 1.02
10 Annotated Code of Maryland
11 (1998 Replacement Volume and 2001 Supplement)
12 (As enacted by Chapter 337 of the Acts of the General Assembly of 2001)

13 BY repealing and reenacting, with amendments,
14 Article 66B - Land Use
15 Section 2.13
16 Annotated Code of Maryland
17 (1998 Replacement Volume and 2001 Supplement)

18 BY adding to
19 Article 66B - Land Use
20 Section 4.10
21 Annotated Code of Maryland
22 (1998 Replacement Volume and 2001 Supplement)

23 BY adding to
24 Article 28 - Maryland-National Capital Park and Planning Commission
25 Section 8-128
26 Annotated Code of Maryland
27 (1997 Replacement Volume and 2001 Supplement)

1 Preamble

2 WHEREAS, Maryland encourages smart growth and planning; and

3 WHEREAS, Maryland should encourage mixed use development opportunities
4 to promote combined residential, retail, employment, and entertainment centers; and

5 WHEREAS, Large retail stores over 120,000 square feet present unique
6 challenges for local government; and

7 WHEREAS, Large retail stores over 120,000 square feet require a significantly
8 higher commitment of police, fire, and public safety resources as opposed to smaller
9 neighborhood stores; and

10 WHEREAS, Large retail stores over 120,000 square feet create more traffic
11 congestion and pollution that tend to strain local streets and highways; and

12 WHEREAS, Large retail stores over 120,000 square feet must generate
13 significant moneys from sales tax revenues to offset the added costs to local
14 government; and

15 WHEREAS, Large retail stores over 120,000 square feet are regional in nature
16 and attract shoppers from a wide region which is contrary to the goal of providing a
17 supply of convenience retail activities to serve local neighborhoods; and

18 WHEREAS, Large retail stores over 120,000 square feet are not pedestrian or
19 mass transit oriented; now, therefore,

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");

28 (2) § 1.01 (Visions);

29 (3) § 1.03 (Charter county - Comprehensive plans);

30 (4) § 4.01(b)(2) (Regulation of bicycle parking);

31 (5) § 5.03(d) (Easements for burial sites);

32 (6) § 7.02 (Civil penalty for zoning violation);

- 1 (7) § 10.01 (Adequate Public Facilities Ordinances);
- 2 (8) § 11.01 (Transfer of Development Rights);
- 3 (9) § 12.01 (Inclusionary Zoning);
- 4 (10) Except in Montgomery County or Prince George's County, § 13.01
- 5 (Development rights and responsibilities agreements); [and]
- 6 (11) For Baltimore County only, § 14.02; AND
- 7 (12) § 7.06 (RETAIL STORES OVER 120,000 SQUARE FEET).

8 (c) This section supersedes any inconsistent provision of Article 28 of the

9 Code.

10 2.13.

11 (a) Except as provided in subsection (b) of this section, §§ 3.01 through 8.15 of

12 this article do not apply in Baltimore City.

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

- 14 (1) § 1.00(j) (Definition of "sensitive areas");
- 15 (2) § 1.01 (Visions);
- 16 (3) § 1.03 (Charter county - Comprehensive plans);
- 17 (4) § 4.01(b)(2) (Regulation of bicycle parking);
- 18 (5) § 5.03(d) (Easements for burial sites);
- 19 (6) § 7.02 (Civil penalty for zoning violation);
- 20 (7) § 10.01 (Adequate Public Facilities Ordinances);
- 21 (8) § 11.01 (Transfer of Development Rights);
- 22 (9) § 12.01 (Inclusionary Zoning); [and]
- 23 (10) § 13.01 (Development Rights and Responsibilities Agreements); AND
- 24 (11) § 7.06 (RETAIL STORES OVER 120,000 SQUARE FEET).

25 4.10.

26 A PLANNING COMMISSION MAY NOT APPROVE A PERMIT TO CONSTRUCT A

27 LARGE RETAIL STORE OVER 120,000 SQUARE FEET.

1 **Article 28 - Maryland-National Capital Park and Planning Commission**

2 8-128.

3 A DISTRICT COUNCIL IN EITHER COUNTY MAY NOT APPROVE A PERMIT TO
4 CONSTRUCT A LARGE RETAIL STORE OVER 120,000 SQUARE FEET.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
6 construed to apply only prospectively and may not be applied or interpreted to have
7 any effect on or application to any permits to construct large retail stores over 120,000
8 square feet that are approved before the effective date of this Act.

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