

SENATE BILL 415

Unofficial Copy
L6
SB 684/02 - EHE

2003 Regular Session
3r1393

By: **Senator Pinsky**

Introduced and read first time: January 31, 2003

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Zoning - Construction Permits - Large Retail Stores**

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

7 BY repealing and reenacting, with amendments,
8 Article 66B - Land Use
9 Section 1.02 and 2.13
10 Annotated Code of Maryland
11 (1998 Replacement Volume and 2002 Supplement)

12 BY adding to
13 Article 66B - Land Use
14 Section 4.10
15 Annotated Code of Maryland
16 (1998 Replacement Volume and 2002 Supplement)

17 BY adding to
18 Article 28 - Maryland-National Capital Park and Planning Commission
19 Section 8-128
20 Annotated Code of Maryland
21 (1997 Replacement Volume and 2002 Supplement)

22 Preamble

23 WHEREAS, Maryland encourages smart growth and planning; and

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

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

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

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

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

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

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

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

16 **Article 66B - Land Use**

17 1.02.

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

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

21 (1) § 1.00(j) (Definition of "sensitive areas");

22 (2) § 1.01 (Visions);

23 (3) § 1.03 (Charter county - Comprehensive plans);

24 (4) § 4.01(b)(2) (Regulation of bicycle parking);

25 (5) § 5.03(d) (Easements for burial sites);

26 (6) § 7.02 (Civil penalty for zoning violation);

27 (7) § 10.01 (Adequate Public Facilities Ordinances);

28 (8) § 11.01 (Transfer of Development Rights);

29 (9) § 12.01 (Inclusionary Zoning);

30 (10) Except in Montgomery County or Prince George's County, § 13.01
31 (Development rights and responsibilities agreements); [and]

- 1 (11) For Baltimore County only, § 14.02; AND
2 (12) § 7.06 (RETAIL STORES OVER 120,000 SQUARE FEET).
3 (c) This section supersedes any inconsistent provision of Article 28 of the
4 Code.

5 2.13.

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

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

- 9 (1) § 1.00(j) (Definition of "sensitive areas");
10 (2) § 1.01 (Visions);
11 (3) § 1.03 (Charter county - Comprehensive plans);
12 (4) § 4.01(b)(2) (Regulation of bicycle parking);
13 (5) § 5.03(d) (Easements for burial sites);
14 (6) § 7.02 (Civil penalty for zoning violation);
15 (7) § 10.01 (Adequate Public Facilities Ordinances);
16 (8) § 11.01 (Transfer of Development Rights);
17 (9) § 12.01 (Inclusionary Zoning); [and]
18 (10) § 13.01 (Development Rights and Responsibilities Agreements); AND
19 (11) § 7.06 (RETAIL STORES OVER 120,000 SQUARE FEET).

20 4.10.

21 (A) IN THIS SECTION, "FOOD PRODUCTS" INCLUDES SOFT DRINKS OR OTHER
22 CARBONATED BEVERAGES, CANDY, AND CONFECTIONARY ITEMS.

23 (B) IF 20,000 OR MORE SQUARE FEET OF THE STORE WILL BE DEVOTED TO THE
24 SALE OF FOOD PRODUCTS FOR CONSUMPTION OFF-PREMISES, A PLANNING
25 COMMISSION MAY NOT APPROVE A PERMIT TO CONSTRUCT A LARGE RETAIL STORE
26 OVER 120,000 SQUARE FEET.

Article 28 - Maryland-National Capital Park and Planning Commission

2 8-128.

3 (A) IN THIS SECTION, "FOOD PRODUCTS" INCLUDES SOFT DRINKS OR OTHER
4 CARBONATED BEVERAGES, CANDY, AND CONFECTIONARY ITEMS.

5 (B) IF 20,000 OR MORE SQUARE FEET OF THE STORE WILL BE DEVOTED TO THE
6 SALE OF FOOD PRODUCTS FOR CONSUMPTION OFF-PREMISES, A DISTRICT COUNCIL
7 IN EITHER COUNTY MAY NOT APPROVE A PERMIT TO CONSTRUCT A LARGE RETAIL
8 STORE OVER 120,000 SQUARE FEET.

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

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2003.