

(PRE-FILED)

By: **Chairman, Environmental Matters Committee (By Request -  
Departmental - Agriculture)**

Requested: November 15, 2004

Introduced and read first time: January 12, 2005

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 1, 2005

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Agricultural Land Preservation Foundation - Local Land Use**

3 FOR the purpose of ~~requiring the approval of the Maryland Agricultural Land~~  
4 ~~Preservation Foundation before a county may approve certain activities or uses~~  
5 ~~on certain land under local land use regulations~~ clarifying the authority of a  
6 county to deny certain applications under certain local land use regulations  
7 under certain circumstances; and declaring the intent of the General Assembly.

8 BY adding to

9 Article - Agriculture

10 Section 2-513.1

11 Annotated Code of Maryland

12 (1999 Replacement Volume and 2004 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Agriculture**

16 2-513.1.

17 ~~(A) WITHOUT FOUNDATION APPROVAL, A COUNTY MAY NOT ISSUE ANY~~  
18 ~~APPROVAL UNDER LOCAL LAND USE REGULATIONS FOR:~~

19 ~~(+) A SUBDIVISION PLAT OR PLAN;~~

2 UNOFFICIAL COPY OF HOUSE BILL 78

1 ~~(2) A BUILDING PERMIT;~~

2 ~~(3) A CONDITIONAL USE OR SPECIAL EXCEPTION; OR~~

3 ~~(4) ANY OTHER USE OR ACTIVITY.~~

4 ~~(B) THIS SECTION APPLIES ONLY TO LAND SUBJECT TO A DISTRICT~~  
5 ~~AGREEMENT OR AGRICULTURAL LAND PRESERVATION EASEMENT CREATED UNDER~~  
6 ~~THIS SUBTITLE.~~

7 ~~(C) ANY COUNTY APPROVAL ISSUED IN VIOLATION OF THIS SECTION IS VOID.~~

8 (A) THIS SECTION APPLIES ONLY TO APPLICATIONS AFFECTING LAND  
9 ENCUMBERED BY A DISTRICT AGREEMENT OR DEED OF EASEMENT CREATED UNDER  
10 THIS SUBTITLE.

11 (B) IF THE FOUNDATION HAS NOT AUTHORIZED APPROVAL OF THE  
12 APPLICATION, A COUNTY MAY DENY AN APPLICATION FOR:

13 (1) A SUBDIVISION PLAT OR PLAN;

14 (2) A BUILDING PERMIT, EXCEPT FOR:

15 (I) IMPROVEMENTS OR ACCESSORIES TO AN EXISTING  
16 RESIDENCE; OR

17 (II) A FARM BUILDING OR STRUCTURE;

18 (3) A NONAGRICULTURAL CONDITIONAL USE OR SPECIAL EXCEPTION;  
19 OR

20 (4) ANY OTHER NONAGRICULTURAL USE OR ACTIVITY.

21 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the  
22 General Assembly that this Act is clarifying only and does not limit the authority of a  
23 county to grant or deny the applications enumerated in § 2-513.1(b) of the Agriculture  
24 Article, as enacted by Section 1 of this Act.

25 ~~SECTION 3.~~ AND BE IT FURTHER ENACTED, That this Act shall take  
26 effect October 1, 2005.