

(PRE-FILED)

By: **Delegate Smigiel**
 Requested: August 29, 2005
 Introduced and read first time: January 11, 2006
 Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Planning Commissions and Boards of Zoning Appeals - Members -**
 3 **Residency Requirement**

4 FOR the purpose of requiring that members of certain planning commissions and
 5 boards of zoning appeals must maintain a primary residence in the area over
 6 which the planning commission or board of zoning appeals has jurisdiction while
 7 serving as members of the planning commission or board of zoning appeals;
 8 providing for the application of this Act; and generally relating to residency
 9 requirements for members of planning commissions and boards of zoning
 10 appeals.

11 BY repealing and reenacting, with amendments,
 12 Article 66B - Land Use
 13 Section 1.02 and 2.13
 14 Annotated Code of Maryland
 15 (2003 Replacement Volume and 2005 Supplement)

16 BY adding to
 17 Article 66B - Land Use
 18 Section 1.04
 19 Annotated Code of Maryland
 20 (2003 Replacement Volume and 2005 Supplement)

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

23 **Article 66B - Land Use**

24 1.02.

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

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

- 1 (1) § 1.00(j) (Definition of "sensitive areas");
- 2 (2) § 1.01 (Visions);
- 3 (3) § 1.03 (Charter county - Comprehensive plans);
- 4 (4) § 1.04 (PLANNING COMMISSIONS AND BOARDS OF ZONING APPEALS -
- 5 RESIDENCY REQUIREMENT);
- 6 (5) § 4.01(b)(2) (Regulation of bicycle parking);
- 7 [(5)] (6) § 5.03(d) (Easements for burial sites);
- 8 [(6)] (7) § 7.02 (Civil penalty for zoning violation);
- 9 [(7)] (8) § 10.01 (Adequate Public Facilities Ordinances);
- 10 [(8)] (9) § 11.01 (Transfer of Development Rights);
- 11 [(9)] (10) § 12.01 (Inclusionary Zoning);
- 12 [(10)] (11) Except in Montgomery County or Prince George's County, §
- 13 13.01 (Development rights and responsibilities agreements); and
- 14 [(11)] (12) For Baltimore County only, § 14.02.

15 (c) This section supersedes any inconsistent provision of Article 28 of the
 16 Code.

17 1.04.

18 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHILE SERVING AS A
 19 MEMBER OF A PLANNING COMMISSION OR BOARD OF ZONING APPEALS, THE
 20 MEMBER MUST MAINTAIN A PERMANENT RESIDENCE WITHIN THE AREA OVER
 21 WHICH THE PLANNING COMMISSION OR BOARD OF ZONING APPEALS HAS
 22 JURISDICTION.

23 2.13.

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

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

- 27 (1) § 1.00(j) (Definition of "sensitive areas");
- 28 (2) § 1.01 (Visions);
- 29 (3) § 1.03 (Charter county - Comprehensive plans);

1 (4) § 1.04 (PLANNING COMMISSIONS AND BOARDS OF ZONING APPEALS -
2 RESIDENCY REQUIREMENT);

3 (5) § 4.01(b)(2) (Regulation of bicycle parking);

4 [(5)] (6) § 5.03(d) (Easements for burial sites);

5 [(6)] (7) § 7.02 (Civil penalty for zoning violation);

6 [(7)] (8) § 10.01 (Adequate Public Facilities Ordinances);

7 [(8)] (9) § 11.01 (Transfer of Development Rights);

8 [(9)] (10) § 12.01 (Inclusionary Zoning); and

9 [(10)] (11) § 13.01 (Development Rights and Responsibilities Agreements).

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
11 construed to apply only prospectively and may not be applied or interpreted to have
12 any effect on or application to any member of a planning commission or board of
13 zoning appeals who is a member of the planning commission or board of zoning
14 appeals before the effective date of this Act, but the provisions of this Act concerning
15 residency requirements for members of planning commissions or boards of zoning
16 appeals shall take effect for members who are appointed or reappointed on or after
17 the effective date of this Act.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2006.