

(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 **Land Use - Planning Commissions and Boards of Zoning Appeals - Notice of**
3 **Time, Place, and Agenda**

4 FOR the purpose of requiring certain planning commissions and boards of zoning
5 appeals to publish notice of the time and place of certain meetings together with
6 a summary of the proposed agenda for the meeting at certain intervals over a
7 certain time period; providing that when the agenda contains an item that, by
8 law, must be decided by the planning commission or board of zoning appeals
9 within a certain period, the period is stayed for a certain time period; and
10 generally relating to the publication of notice of time, place, and agenda of
11 meetings of planning commissions and boards of zoning appeals.

12 BY repealing and reenacting, with amendments,
13 Article 66B - Land Use
14 Section 1.02 and 2.13
15 Annotated Code of Maryland
16 (2003 Replacement Volume and 2005 Supplement)

17 BY adding to
18 Article 66B - Land Use
19 Section 1.04
20 Annotated Code of Maryland
21 (2003 Replacement Volume and 2005 Supplement)

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

24 **Article 66B - Land Use**

25 1.02.

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

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

2 (1) § 1.00(j) (Definition of "sensitive areas");

3 (2) § 1.01 (Visions);

4 (3) § 1.03 (Charter county - Comprehensive plans);

5 (4) § 1.04 (PLANNING COMMISSIONS AND BOARDS OF ZONING APPEALS -
6 NOTICE OF TIME, PLACE, AND AGENDA);

7 (5) § 4.01(b)(2) (Regulation of bicycle parking);

8 [(5)] (6) § 5.03(d) (Easements for burial sites);

9 [(6)] (7) § 7.02 (Civil penalty for zoning violation);

10 [(7)] (8) § 10.01 (Adequate Public Facilities Ordinances);

11 [(8)] (9) § 11.01 (Transfer of Development Rights);

12 [(9)] (10) § 12.01 (Inclusionary Zoning);

13 [(10)] (11) Except in Montgomery County or Prince George's County, §
14 13.01 (Development rights and responsibilities agreements); and

15 [(11)] (12) For Baltimore County only, § 14.02.

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

18 1.04.

19 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EXCEPT IN
20 EMERGENCY CIRCUMSTANCES, A PLANNING COMMISSION OR BOARD OF ZONING
21 APPEALS SHALL PUBLISH IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION
22 IN THE LOCAL JURISDICTION ONCE EACH WEEK FOR 2 SUCCESSIVE WEEKS:

23 (1) NOTICE OF THE TIME AND PLACE OF EACH MEETING THAT IS OPEN
24 TO THE PUBLIC; AND

25 (2) A SUMMARY OF THE PROPOSED AGENDA FOR THE MEETING.

26 (B) THE PLANNING COMMISSION OR BOARD OF ZONING APPEALS SHALL
27 PUBLISH THE FIRST NOTICE OF THE MEETING AT LEAST 15 DAYS BEFORE THE
28 MEETING.

29 (C) IF THE AGENDA CONTAINS AN ITEM THAT, BY LAW, MUST BE DECIDED BY
30 THE PLANNING COMMISSION OR BOARD OF ZONING APPEALS WITHIN A CERTAIN
31 PERIOD, THAT PERIOD SHALL BE STAYED FOR UP TO 30 DAYS TO ALLOW FOR THE
32 PUBLIC NOTICE REQUIRED UNDER THIS SECTION.

1 2.13.

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

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

5 (1) § 1.00(j) (Definition of "sensitive areas");

6 (2) § 1.01 (Visions);

7 (3) § 1.03 (Charter county - Comprehensive plans);

8 (4) § 1.04 (PLANNING COMMISSIONS AND BOARDS OF ZONING APPEALS -
9 NOTICE OF TIME, PLACE, AND AGENDA);

10 (5) § 4.01(b)(2) (Regulation of bicycle parking);

11 [(5)] (6) § 5.03(d) (Easements for burial sites);

12 [(6)] (7) § 7.02 (Civil penalty for zoning violation);

13 [(7)] (8) § 10.01 (Adequate Public Facilities Ordinances);

14 [(8)] (9) § 11.01 (Transfer of Development Rights);

15 [(9)] (10) § 12.01 (Inclusionary Zoning); and

16 [(10)] (11) § 13.01 (Development Rights and Responsibilities Agreements).

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2006.