
By: **Senator Astle**

Introduced and read first time: March 3, 2006

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Local Government - Adequate Public Facilities Legislation - Requirements**
3 **for Ordinance Adopted by a Municipal Corporation**

4 FOR the purpose of providing that until a municipal corporation adopts, implements,
5 and enforces certain adequate public facilities legislation, the municipal
6 corporation shall be governed by certain county adequacy of public facilities
7 legislation; requiring an adequacy of public facilities ordinance adopted by a
8 municipal corporation to make provision for the impact of growth or
9 development on certain specified matters in the county; providing for the
10 application of this Act; providing that existing obligations or contract rights may
11 not be impaired by this Act; and generally relating to the requirements for an
12 adequate public facilities ordinance adopted by a municipal corporation.

13 BY repealing and reenacting, without amendments,
14 Article 66B - Land Use
15 Section 10.01
16 Annotated Code of Maryland
17 (2003 Replacement Volume and 2005 Supplement)

18 BY adding to
19 Article 66B - Land Use
20 Section 10.02
21 Annotated Code of Maryland
22 (2003 Replacement Volume and 2005 Supplement)

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

25 **Article 66B - Land Use**

26 10.01.

27 (a) To encourage the preservation of natural resources or the provision of
28 affordable housing and to facilitate orderly development and growth, a local

1 jurisdiction that exercises authority granted by this article may enact, and is
2 encouraged to enact, ordinances or laws providing for or requiring:

3 (1) The planning, staging, or provision of adequate public facilities and
4 affordable housing;

5 (2) Off-site improvements or the dedication of land for public facilities
6 essential for a development;

7 (3) Moderately priced dwelling unit programs;

8 (4) Mixed use developments;

9 (5) Cluster developments;

10 (6) Planned unit developments;

11 (7) Alternative subdivision requirements that:

12 (i) Meet minimum performance standards set by the local
13 jurisdiction; and

14 (ii) Reduce infrastructure costs;

15 (8) Floating zones;

16 (9) Incentive zoning; and

17 (10) Performance zoning.

18 (b) Notwithstanding any other provision of law, a local legislative body that
19 exercises authority granted by this article may enact ordinances or laws providing for
20 the transfer, with or without consideration, of real property belonging to the local
21 jurisdiction to a public or private entity, to use in developing or preserving affordable
22 housing.

23 (c) The authority provided under this section is not intended to limit a local
24 jurisdiction's authority to:

25 (1) Exercise any planning and zoning powers not expressly authorized
26 under this section; or

27 (2) Adopt other methods to:

28 (i) Facilitate orderly development and growth;

29 (ii) Encourage the preservation of natural resources; or

30 (iii) Provide affordable housing.

1 10.02.

2 (A) UNTIL A MUNICIPAL CORPORATION ADOPTS, IMPLEMENTS, AND
3 ENFORCES ADEQUATE PUBLIC FACILITIES LEGISLATION AS AUTHORIZED BY § 10.01
4 OF THIS SUBTITLE, THE MUNICIPAL CORPORATION SHALL BE GOVERNED BY THE
5 ADEQUATE PUBLIC FACILITIES LEGISLATION OF THE COUNTY IN WHICH THE
6 MUNICIPAL CORPORATION IS LOCATED.

7 (B) AN ADEQUATE PUBLIC FACILITIES ORDINANCE ADOPTED BY A MUNICIPAL
8 CORPORATION SHALL MAKE PROVISION FOR THE IMPACT OF ANY DEVELOPMENT OR
9 GROWTH WITHIN THE MUNICIPAL CORPORATION ON:

10 (1) PUBLIC SCHOOLS OR LIBRARIES LOCATED IN THE COUNTY THAT
11 WILL SERVE THAT DEVELOPMENT OR GROWTH WITHIN THE MUNICIPAL
12 CORPORATION; AND

13 (2) STREETS, ROADS, AND HIGHWAYS LOCATED IN THE COUNTY
14 ADJACENT TO THE MUNICIPAL CORPORATION THAT WILL BE AFFECTED BY THAT
15 DEVELOPMENT OR GROWTH WITHIN THE MUNICIPAL CORPORATION.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
17 construed to apply retroactively and shall be applied to and interpreted to affect any
18 county adequate public facilities legislation enacted before October 1, 2006.

19 SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding Section
20 2 of this Act, an obligation or contract right existing before the effective date of this
21 Act may not be impaired in any way by this Act.

22 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2006.