

HOUSE BILL 49

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EMERGENCY BILL

71r0433

CF 71r0434

By: **Delegates Oaks and Rosenberg**

Introduced and read first time: January 19, 2007

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Communications Towers – Zoning and Other Regulatory Approval – Adjacent**
3 **Local Jurisdiction**

4 FOR the purpose of prohibiting a local jurisdiction from granting zoning or other
5 regulatory approval to a communications tower located within a certain
6 distance from another local jurisdiction unless that communications tower
7 satisfies the zoning and other regulatory requirements of each local jurisdiction;
8 prohibiting a local jurisdiction from granting zoning or other regulatory
9 approval to a communications tower subject to this Act unless the person
10 seeking approval of the tower submits a certain written statement of approval
11 from a certain adjacent local jurisdiction; requiring a local jurisdiction to
12 consider a request for a certain written statement of approval of a certain
13 communications tower according to established policies and procedures
14 governing approval of communications towers in the jurisdiction; making this
15 Act an emergency measure; providing for the application of this Act; and
16 generally relating to zoning and other regulatory approval for communications
17 towers.

18 BY repealing and reenacting, with amendments,
19 Article 66B – Land Use
20 Section 1.02 and 2.13
21 Annotated Code of Maryland
22 (2003 Replacement Volume and 2006 Supplement)

23 BY adding to
24 Article 66B – Land Use

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 4.01(b)(3)
2 Annotated Code of Maryland
3 (2003 Replacement Volume and 2006 Supplement)

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

6 **Article 66B – Land Use**

7 1.02.

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

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

11 (1) § 1.00(j) (Definition of “sensitive areas”);

12 (2) § 1.01 (Visions);

13 (3) § 1.03 (Charter county – Comprehensive plans);

14 (4) § 4.01(b)(2) (Regulation of bicycle parking);

15 **(5) § 4.01(B)(3) (APPROVAL OF COMMUNICATIONS TOWERS);**

16 [(5)] **(6)** § 5.03(d) (Easements for burial sites);

17 [(6)] **(7)** § 7.02 (Civil penalty for zoning violation);

18 [(7)] **(8)** § 10.01 (Adequate Public Facilities Ordinances);

19 [(8)] **(9)** § 11.01 (Transfer of Development Rights);

20 [(9)] **(10)** § 12.01 (Inclusionary Zoning);

21 [(10)] **(11)** Except in Montgomery County or Prince George’s County, §
22 13.01 (Development rights and responsibilities agreements); and

23 [(11)] **(12)** For Baltimore County only, § 14.02.

1 (c) This section supersedes any inconsistent provision of Article 28 of the
2 Code.

3 2.13.

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

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

7 (1) § 1.00(j) (Definition of “sensitive areas”);

8 (2) § 1.01 (Visions);

9 (3) § 1.03 (Charter county – Comprehensive plans);

10 (4) § 4.01(b)(2) (Regulation of bicycle parking);

11 **(5) § 4.01(B)(3) (APPROVAL OF COMMUNICATIONS TOWERS);**

12 ~~[(5)] (6)~~ § 5.03(d) (Easements for burial sites);

13 ~~[(6)] (7)~~ § 7.02 (Civil penalty for zoning violation);

14 ~~[(7)] (8)~~ § 10.01 (Adequate Public Facilities Ordinances);

15 ~~[(8)] (9)~~ § 11.01 (Transfer of Development Rights);

16 ~~[(9)] (10)~~ § 12.01 (Inclusionary Zoning); and

17 ~~[(10)] (11)~~ § 13.01 (Development Rights and Responsibilities
18 Agreements).

19 4.01.

20 (b) **(3) (I) A LOCAL JURISDICTION MAY NOT GRANT ZONING OR**
21 **OTHER REGULATORY APPROVAL TO A COMMUNICATIONS TOWER PROPOSED**
22 **FOR A LOCATION THAT IS 500 YARDS OR LESS FROM THE BOUNDARY OF**
23 **ANOTHER LOCAL JURISDICTION, UNLESS THAT COMMUNICATIONS TOWER**
24 **SATISFIES THE RELEVANT ZONING AND OTHER REGULATORY REQUIREMENTS**
25 **OF EACH OF THE LOCAL JURISDICTIONS.**

1 **(II) A LOCAL JURISDICTION MAY NOT GRANT ZONING OR**
2 **OTHER REGULATORY APPROVAL TO A COMMUNICATIONS TOWER SUBJECT TO**
3 **SUBPARAGRAPH (I) OF THIS PARAGRAPH UNLESS THE PERSON SEEKING**
4 **APPROVAL OF THE TOWER SUBMITS A WRITTEN STATEMENT FROM EACH OTHER**
5 **LOCAL JURISDICTION THAT IS 500 YARDS OR LESS FROM THE PROPOSED TOWER**
6 **CONFIRMING THAT THE TOWER SATISFIES THE ZONING AND OTHER**
7 **REGULATORY REQUIREMENTS OF THAT JURISDICTION.**

8 **(III) A LOCAL JURISDICTION SHALL CONSIDER A REQUEST**
9 **FOR A WRITTEN STATEMENT UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH**
10 **IN ACCORDANCE WITH THE ESTABLISHED POLICIES AND PROCEDURES**
11 **GOVERNING ZONING AND OTHER REGULATORY APPROVAL OF PROPOSED**
12 **COMMUNICATIONS TOWERS IN THE JURISDICTION.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
14 construed to apply retroactively and shall be applied to and interpreted to affect any
15 application for approval of a communications tower by a local jurisdiction that is
16 pending or filed on or after the date this Act was introduced in the General Assembly.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
18 measure, is necessary for the immediate preservation of the public health or safety,
19 has been passed by a yea and nay vote supported by three-fifths of all the members
20 elected to each of the two Houses of the General Assembly, and shall take effect from
21 the date it is enacted.