

HOUSE BILL 1620

L6

8lr3336

By: **Delegate Dwyer**

Rules suspended

Introduced and read first time: March 14, 2008

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Local Jurisdictions – Zoning and Land Use Procedures**

3 FOR the purpose of providing that a person may request a letter from a local
4 jurisdiction detailing the zoning and permissible land uses of a property;
5 requiring local jurisdictions to issue a certain letter within a certain period of
6 time; providing that a zoning classification stated in a certain letter is binding
7 on a local jurisdiction until the governing body of the local jurisdiction changes
8 the zoning classification or permissible land uses of the property; prohibiting
9 local jurisdictions from retroactively changing the zoning classification or
10 permissible land uses of a property; prohibiting governing bodies of local
11 jurisdictions from requiring, as a condition for the issuance of a building permit
12 or a grading permit, the owner of property to designate a part of the property as
13 open space, a conservation area, or a deeded right-of-way of a local jurisdiction;
14 prohibiting local jurisdictions from accepting or acting on an anonymously
15 submitted zoning complaint against a person; requiring local jurisdictions to
16 disclose the name of a person who files a zoning complaint to the owner of the
17 property that is the subject of the complaint; prohibiting local jurisdictions from
18 fining more than one person for a single zoning offense; prohibiting a certain
19 provision from being construed to allow a local jurisdiction to fine a husband
20 and a wife who jointly own property for a single zoning offense; stating the
21 intent of the General Assembly as to certain provisions of this Act; providing for
22 the application of this Act; and generally relating to zoning and land use
23 procedures.

24 BY repealing and reenacting, with amendments,
25 Article 66B – Land Use
26 Section 1.02 and 2.13
27 Annotated Code of Maryland
28 (2003 Replacement Volume and 2007 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article 66B – Land Use
3 Section 7.06 and 7.07
4 Annotated Code of Maryland
5 (2003 Replacement Volume and 2007 Supplement)

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

8 **Article 66B – Land Use**

9 1.02.

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

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

13 (1) § 1.00(j) (Definition of “sensitive areas”);

14 (2) § 1.01 (Visions);

15 (3) § 1.03 (Charter county – Comprehensive plans);

16 (4) § 4.01(b)(2) (Regulation of bicycle parking);

17 (5) § 5.03(d) (Easements for burial sites);

18 (6) § 7.02 (Civil penalty for zoning violation);

19 (7) § 10.01 (Adequate Public Facilities Ordinances);

20 (8) § 11.01 (Transfer of Development Rights);

21 (9) § 12.01 (Inclusionary Zoning);

22 (10) Except in Montgomery County or Prince George’s County, § 13.01
23 (Development rights and responsibilities agreements);

24 (11) For Baltimore County only, § 14.02; [and]

25 (12) For Howard County only, § 14.06.1; **AND**

26 **(13) §§ 7.06 AND 7.07.**

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

1 2.13.

2 (a) Except as provided in subsection (b) of this section, §§ 3.01 through 8.15
3 of 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) § 4.01(b)(2) (Regulation of bicycle parking);

9 (5) § 5.03(d) (Easements for burial sites);

10 (6) § 7.02 (Civil penalty for zoning violation);

11 (7) § 10.01 (Adequate Public Facilities Ordinances);

12 (8) § 11.01 (Transfer of Development Rights);

13 (9) § 12.01 (Inclusionary Zoning); [and]

14 (10) § 13.01 (Development Rights and Responsibilities Agreements);

15 **AND**

16 (11) §§ **7.06 AND 7.07.**

17 **7.06.**

18 (A) (1) **A PERSON MAY REQUEST A LETTER FROM A LOCAL**
19 **JURISDICTION DETAILING THE ZONING AND PERMISSIBLE LAND USES OF A**
20 **PROPERTY.**

21 (2) **A LOCAL JURISDICTION SHALL ISSUE A LETTER UNDER**
22 **PARAGRAPH (1) OF THIS SUBSECTION WITHIN 10 DAYS AFTER RECEIVING THE**
23 **REQUEST.**

24 (3) **A ZONING CLASSIFICATION STATED IN A LETTER SENT IN**
25 **ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION IS BINDING ON THE**
26 **GOVERNING BODY OF THE LOCAL JURISDICTION UNTIL THE GOVERNING BODY**
27 **CHANGES THE ZONING CLASSIFICATION OR PERMISSIBLE USES OF THE**
28 **PROPERTY.**

1 **(B) A LOCAL JURISDICTION MAY NOT CHANGE RETROACTIVELY THE**
2 **ZONING CLASSIFICATION OR PERMISSIBLE USES OF A PROPERTY.**

3 **(C) THE GOVERNING BODY OF A LOCAL JURISDICTION MAY NOT**
4 **REQUIRE, AS A CONDITION FOR THE ISSUANCE OF A BUILDING PERMIT OR A**
5 **GRADING PERMIT, THE OWNER OF PROPERTY TO DESIGNATE A PART OF THE**
6 **PROPERTY AS OPEN SPACE, A CONSERVATION AREA, OR A DEEDED**
7 **RIGHT-OF-WAY OF THE LOCAL JURISDICTION.**

8 **7.07.**

9 **(A) (1) THE GENERAL ASSEMBLY DECLARES THAT PENALIZING A**
10 **PERSON FOR THE USE OF REAL PROPERTY OWNED BY THE PERSON WITHOUT**
11 **AFFORDING THE PERSON AN OPPORTUNITY TO CONFRONT THE PERSON'S**
12 **ACCUSER DISREGARDS WELL-ESTABLISHED PRINCIPLES OF DUE PROCESS.**

13 **(2) A LOCAL JURISDICTION MAY NEITHER ACCEPT NOR ACT ON**
14 **AN ANONYMOUSLY SUBMITTED ZONING COMPLAINT AGAINST A PERSON.**

15 **(3) A LOCAL JURISDICTION SHALL DISCLOSE THE NAME OF A**
16 **PERSON WHO FILES A ZONING COMPLAINT TO THE OWNER OF THE PROPERTY**
17 **THAT IS THE SUBJECT OF THE COMPLAINT.**

18 **(B) (1) THE GENERAL ASSEMBLY DECLARES THAT PUNISHING**
19 **MULTIPLE PERSONS WHO RESIDE TOGETHER FOR A SINGLE ZONING VIOLATION**
20 **CONTRAVENES PRINCIPLES OF EQUAL PROTECTION UNDER THE LAW.**

21 **(2) A LOCAL JURISDICTION MAY NOT FINE MORE THAN ONE**
22 **PERSON FOR A SINGLE ZONING OFFENSE.**

23 **(3) THIS SUBSECTION MAY NOT BE CONSTRUED TO ALLOW A**
24 **LOCAL JURISDICTION TO FINE A HUSBAND AND A WIFE WHO JOINTLY OWN**
25 **PROPERTY FOR A SINGLE ZONING OFFENSE.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2008.