

HOUSE BILL 1116

L6

9lr2353
CF SB 878

By: **Delegates Lafferty, Ali, Barkley, Beidle, Bobo, Bronrott, Cane, Carr, V. Clagett, Conway, Costa, Frush, Gaines, Guzzone, Heller, Holmes, Hubbard, Hucker, Kullen, Manno, McHale, McIntosh, Mizeur, Montgomery, Morhaim, Niemann, Rosenberg, and Weir**

Introduced and read first time: February 13, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Smart Growth – Visions and Performance Standards**

3 FOR the purpose of altering the visions for certain land use plans; establishing certain
4 performance standards to measure the achievement of the visions; requiring a
5 certain plan to enable a local jurisdiction to meet certain performance standards
6 on or before a certain date; adding to the requirements for the elements of a
7 plan; requiring a local jurisdiction to demonstrate to the Department of
8 Planning on or before a certain date that the plan will achieve the performance
9 standards on or before a certain date; authorizing the Department of Planning
10 to grant certain extensions under certain circumstances; requiring the
11 Department of Planning to review the plan and any amendments within a
12 certain time period and to make a certain certification or finding; requiring the
13 Department of Planning to take certain actions, including granting a local
14 jurisdiction a certain extension to revise, readopt, and resubmit its plan to the
15 Department of Planning for certification under certain circumstances;
16 authorizing a certain local jurisdiction to seek a contested case hearing before
17 the Office of Administrative Hearings under a certain provision of law;
18 providing for the application of certain provisions of this Act; requiring that a
19 local jurisdiction be given priority with regard to the disbursement of certain
20 funding under certain circumstances; requiring a planning commission to follow
21 certain procedures in proposing and approving a plan; requiring a planning
22 commission to provide certain technical assistance under certain circumstances;
23 requiring the Department of the Environment to deny certain permits and
24 approvals under certain circumstances; requiring a planning commission to
25 include certain information in a certain annual report; requiring a local
26 legislative body to adopt certain regulations to achieve certain performance
27 standards; prohibiting the Department of the Environment from issuing certain
28 permits under certain conditions; altering the State Economic Growth, Resource

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Protection, and Planning Policy; requiring the Governor to establish certain
 2 procedures for review of State projects by a certain date; requiring a local
 3 government to make a certain certification to the Department of Planning
 4 regarding priority funding areas; defining a certain term; and generally relating
 5 to the visions and performance standards applicable to certain land use plans.

6 BY adding to
 7 Article 66B – Land Use
 8 Section 1.00(i), 3.05(g) and (h), and 3.07.1
 9 Annotated Code of Maryland
 10 (2003 Replacement Volume and 2008 Supplement)

11 BY repealing and reenacting, with amendments,
 12 Article 66B – Land Use
 13 Section 1.00(i), (j), (k), (l), and (m), 1.01, 3.05(a)(2) and (3) and (b)(1) and (2),
 14 3.07, 3.09, and 4.03
 15 Annotated Code of Maryland
 16 (2003 Replacement Volume and 2008 Supplement)

17 BY repealing and reenacting, without amendments,
 18 Article 66B – Land Use
 19 Section 3.05(a)(1)
 20 Annotated Code of Maryland
 21 (2003 Replacement Volume and 2008 Supplement)

22 BY repealing and reenacting, with amendments,
 23 Article – Environment
 24 Section 4–103(a), 4–204(a), and 9–324(a)
 25 Annotated Code of Maryland
 26 (2007 Replacement Volume and 2008 Supplement)

27 BY repealing and reenacting, with amendments,
 28 Article – State Finance and Procurement
 29 Section 5–7A–01, 5–7A–02(c), and 5–7B–08(a)
 30 Annotated Code of Maryland
 31 (2006 Replacement Volume and 2008 Supplement)

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

34 **Article 66B – Land Use**

35 1.00.

36 (I) **“PRIORITY FUNDING AREA” MEANS AN AREA DESIGNATED AS A**
 37 **PRIORITY FUNDING AREA UNDER TITLE 5, SUBTITLE 7B OF THE STATE**
 38 **FINANCE AND PROCUREMENT ARTICLE.**

1 [(i)] (J) “Regulation” means any rule of general applicability and future
2 effect, including any map or plan.

3 [(j)] (K) “Sensitive areas” includes:

4 (1) Streams, wetlands, and their buffers;

5 (2) 100–year flood plains;

6 (3) Habitats of threatened and endangered species;

7 (4) Steep slopes;

8 (5) Agricultural and forest lands intended for resource protection or
9 conservation; and

10 (6) Other areas in need of special protection, as determined in the
11 plan.

12 [(k)] (L) “Special exception” means a grant of a specific use that would not
13 be appropriate generally or without restriction and shall be based upon a finding that
14 certain conditions governing special exceptions as detailed in the zoning ordinance
15 exist, that the use conforms to the plan and is compatible with the existing
16 neighborhood.

17 [(1)] (M) (1) “Subdivision” means the division of a lot, tract, or parcel of
18 land into two or more lots, plats, sites, or other divisions of land for the immediate or
19 future purposes of selling the land or of building development.

20 (2) (i) “Subdivision” includes resubdivision.

21 (ii) As appropriate to the context, “subdivision” may include
22 either the process of resubdividing or the land or territory resubdivided.

23 [(m)] (N) “Variance” means a modification only of density, bulk, or area
24 requirements in the zoning ordinance that is:

25 (1) Not contrary to the public interest; and

26 (2) Specified by the local governing body in a zoning ordinance to avoid
27 a literal enforcement of the ordinance that, because of conditions peculiar to the
28 property and not any action taken by the applicant, would result in unnecessary
29 hardship or practical difficulty.

30 1.01.

1 (A) In addition to the requirements of § 3.05(c) of this article, a commission
2 shall implement the following visions through the plan described in § 3.05 of this
3 article, **AS MEASURED BY THE PERFORMANCE STANDARDS IN SUBSECTION (B) OF**
4 **THIS SECTION:**

5 [(1) Development is concentrated in suitable areas.

6 (2) Sensitive areas are protected.

7 (3) In rural areas, growth is directed to existing population centers
8 and resource areas are protected.

9 (4) Stewardship of the Chesapeake Bay and the land is a universal
10 ethic.

11 (5) Conservation of resources, including a reduction in resource
12 consumption, is practiced.

13 (6) To assure the achievement of items (1) through (5) of this section,
14 economic growth is encouraged and regulatory mechanisms are streamlined.

15 (7) Adequate public facilities and infrastructure under the control of
16 the county or municipal corporation are available or planned in areas where growth is
17 to occur.

18 (8) Funding mechanisms are addressed to achieve these visions.]

19 **(1) A HIGH QUALITY OF LIFE IS ACHIEVED BY CREATING**
20 **SUSTAINABLE COMMUNITIES THROUGH UNIVERSAL STEWARDSHIP OF THE**
21 **LAND, WATER, AND AIR AND PROTECTION OF THE ENVIRONMENT;**

22 **(2) RESIDENTS ARE ACTIVE PARTNERS IN THE PLANNING AND**
23 **IMPLEMENTATION OF COMMUNITY PLANNING INITIATIVES;**

24 **(3) GROWTH IS CONCENTRATED IN EXISTING POPULATION AND**
25 **BUSINESS CENTERS AND ADJACENT AREAS;**

26 **(4) EFFICIENT USE OF LAND AND TRANSPORTATION RESOURCES**
27 **AND PRESERVATION AND ENHANCEMENT OF NATURAL SYSTEMS, OPEN SPACES,**
28 **RECREATIONAL AREAS AND HISTORICAL, CULTURAL, AND ARCHAEOLOGICAL**
29 **RESOURCES ARE ENCOURAGED THROUGH COMMUNITY DESIGN THAT IS**
30 **CONSISTENT WITH EXISTING COMMUNITY CHARACTER AND THAT FOSTERS**
31 **COMPACT MIXED-USE, WALKABLE COMMUNITIES LOCATED NEAR PUBLIC**
32 **TRANSIT OPTIONS;**

1 **(5) POPULATION AND BUSINESS EXPANSION ARE**
2 **ACCOMMODATED IN AN ORDERLY, EFFICIENT, AND ENVIRONMENTALLY SOUND**
3 **MANNER BY PROVIDING GROWTH AREAS WITH SUFFICIENT INFRASTRUCTURE**
4 **AND WATER RESOURCES;**

5 **(6) THE SAFE, CONVENIENT, AFFORDABLE, AND EFFICIENT**
6 **MOVEMENT OF PEOPLE, GOODS, AND SERVICES BETWEEN AND WITHIN**
7 **POPULATION CENTERS IS FACILITATED BY A WELL-MAINTAINED, MULTI-MODAL**
8 **TRANSPORTATION SYSTEM;**

9 **(7) RESIDENTIAL OPTIONS ARE PROVIDED FOR RESIDENTS OF**
10 **ALL AGES AND INCOMES BY CREATING A RANGE OF HOUSING TYPES, DENSITIES,**
11 **AND SIZES IN HEALTHY, HIGH OPPORTUNITY COMMUNITIES, GIVING RESIDENTS**
12 **ACCESS TO EMPLOYMENT AND HIGH QUALITY EDUCATION;**

13 **(8) ECONOMIC DEVELOPMENT IS ENCOURAGED THROUGH THE**
14 **PROMOTION OF EMPLOYMENT OPPORTUNITIES FOR ALL INCOME LEVELS**
15 **WITHIN THE STATE'S NATURAL RESOURCES, PUBLIC SERVICES, AND PUBLIC**
16 **FACILITIES SECTORS;**

17 **(9) LAND AND WATER RESOURCES ARE CAREFULLY MANAGED TO**
18 **RESTORE AND MAINTAIN HEALTHY AIR AND WATER, NATURAL SYSTEMS, AND**
19 **LIVING RESOURCES;**

20 **(10) WATERWAYS, OPEN SPACE, NATURAL SYSTEMS, SCENIC**
21 **AREAS, FORESTS, AND AGRICULTURAL AREAS ARE CONSERVED;**

22 **(11) GOVERNMENT, BUSINESSES, AND RESIDENTS ARE**
23 **RESPONSIBLE FOR CREATING SUSTAINABLE COMMUNITIES BY COLLABORATING**
24 **TO BALANCE EFFICIENT GROWTH WITH RESOURCE PROTECTION; AND**

25 **(12) STRATEGIES, POLICIES, PROGRAMS, AND FUNDING ARE**
26 **INTEGRATED ACROSS THE LOCAL, REGIONAL, STATE, AND INTERSTATE LEVELS**
27 **TO ACHIEVE GROWTH AND DEVELOPMENT, RESOURCE CONSERVATION,**
28 **INFRASTRUCTURE, AND TRANSPORTATION GOALS.**

29 **(B) THE DEPARTMENT SHALL USE THE FOLLOWING PERFORMANCE**
30 **STANDARDS TO MEASURE IMPLEMENTATION OF THE VISIONS IN SUBSECTION**
31 **(A) OF THIS SECTION:**

32 **(1) (I) AT LEAST 80% OF NEW DEVELOPMENT OCCURS INSIDE**
33 **PRIORITY FUNDING AREAS; AND**

1 (II) NOT MORE THAN 5% OF NEWLY DEVELOPED ACRES
2 ARE:

3 1. INSIDE PRIORITY PRESERVATION AREAS; AND

4 2. LANDS OF HIGH ECOLOGICAL VALUE THAT HAVE
5 BEEN IDENTIFIED AS CONSERVATION PRIORITIES BY THE DEPARTMENT OF
6 NATURAL RESOURCES;

7 (2) LOCALLY GENERATED VEHICLE MILES TRAVELED PER CAPITA
8 ARE 11.2% BELOW 2005 LEVELS;

9 (3) AT LEAST 10% OF NEW HOUSING UNITS IN A LOCAL
10 JURISDICTION ARE AFFORDABLE TO HOUSEHOLDS EARNING 80% OR LESS THAN
11 THE AREA MEDIAN INCOME, AND ONE-THIRD OF THESE ARE AFFORDABLE TO
12 HOUSEHOLDS EARNING 50% OR LESS THAN THE AREA MEDIAN INCOME;

13 (4) AT LEAST 75% OF JOBS CREATED ARE LOCATED WITHIN A
14 PRIORITY FUNDING AREA AND ARE:

15 (I) WITHIN ONE-HALF OF A MILE FROM A PUBLIC TRANSIT
16 STOP OPERATING 7 DAYS PER WEEK;

17 (II) WITHIN AN ENTERPRISE ZONE, EMPOWERMENT ZONE,
18 DESIGNATED NEIGHBORHOOD, OR COMMUNITY LEGACY AREA; OR

19 (III) A COMBINATION OF ITEMS (I) AND (II) OF THIS ITEM;
20 AND

21 (5) WASTEWATER AND STORMWATER DISCHARGES FROM NEW
22 DEVELOPMENT DO NOT EXCEED THE ASSIMILATIVE CAPACITY OF THE LOCAL
23 WATER BODY.

24 3.05.

25 (a) (1) A planning commission shall make and approve a plan which the
26 commission shall recommend to the local legislative body for adoption.

27 (2) The plan shall:

28 (i) Serve as a guide to public and private actions and decisions
29 to insure the development of public and private property in appropriate relationships;
30 [and]

1 **(II) ENABLE THE LOCAL JURISDICTION TO MEET ALL THE**
2 **PERFORMANCE STANDARDS SET FORTH IN § 1.01(B) OF THIS ARTICLE ON OR**
3 **BEFORE OCTOBER 1, 2018; AND**

4 [(ii)] **(III)** Include any areas outside of the boundaries of the
5 plan which, in the planning commission's judgment, bear relation to the planning
6 responsibilities of the commission.

7 (3) (i) The elements of the plan may be expressed in words,
8 graphics, or any other appropriate form.

9 (ii) 1. The elements of the plan shall be interrelated.

10 2. Each element shall describe how it relates to each of
11 the other elements and to the statement of objectives, principles, policies, and
12 **ACHIEVEMENT OF THE PERFORMANCE STANDARDS SET FORTH IN § 1.01(B) OF**
13 **THIS ARTICLE.**

14 (b) (1) Each local jurisdiction shall adopt and include in its plan:

15 (i) All of the elements required in subsection (a) of this section
16 and all of the visions **AND PERFORMANCE STANDARDS** set forth in § 1.01 of this
17 article; and

18 (ii) If chosen under subsection (a)(6) of this section, a priority
19 preservation area element.

20 (2) At least once every 6 years, each planning commission shall review
21 and, if necessary, revise or amend the local plan to include:

22 (i) All of the elements required in subsection (a) of this section
23 and all of the visions **AND PERFORMANCE STANDARDS** set forth in § 1.01 of this
24 article; and

25 (ii) If chosen under subsection (a)(6) of this section, a priority
26 preservation area element.

27 **(G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS**
28 **SUBSECTION, A LOCAL JURISDICTION SHALL DEMONSTRATE TO THE**
29 **DEPARTMENT OF PLANNING ON OR BEFORE OCTOBER 1, 2012, THAT THE PLAN**
30 **ELEMENTS WILL ACHIEVE THE PERFORMANCE STANDARDS IN § 1.01(B) OF THIS**
31 **ARTICLE ON OR BEFORE OCTOBER 1, 2018.**

32 **(2) THE DEPARTMENT OF PLANNING MAY GRANT UP TO TWO**
33 **6-MONTH EXTENSIONS FROM THE DEADLINE TO DEMONSTRATE THAT THE PLAN**
34 **ELEMENTS ARE DESIGNED TO ACHIEVE THE PERFORMANCE STANDARDS UNDER**

1 PARAGRAPH (1) OF THIS SUBSECTION, ON REQUEST, TO A LOCAL JURISDICTION
2 THAT DEMONSTRATES GOOD CAUSE.

3 (3) THE DEPARTMENT OF PLANNING SHALL:

4 (I) REVIEW THE COMPREHENSIVE PLAN, INCLUDING ANY
5 AMENDMENTS, OF A LOCAL JURISDICTION WITHIN 60 DAYS AFTER ITS
6 ADOPTION BY THE LOCAL LEGISLATIVE BODY; AND

7 (II) 1. CERTIFY THAT THE PLAN, INCLUDING ANY
8 AMENDMENTS, WILL COMPLY WITH THE REQUIREMENTS OF § 1.01(B) OF THIS
9 ARTICLE ON OR BEFORE SEPTEMBER 30, 2018; OR

10 2. FIND THAT THE PLAN WILL NOT COMPLY WITH
11 THE REQUIREMENTS OF § 1.01(B) OF THIS ARTICLE ON OR BEFORE OCTOBER 1,
12 2018.

13 (4) IF THE DEPARTMENT OF PLANNING FINDS THAT A
14 COMPREHENSIVE PLAN ADOPTED BY A LOCAL LEGISLATIVE BODY, INCLUDING
15 ANY AMENDMENTS, WILL NOT COMPLY UNDER PARAGRAPH (3)(II)2 OF THIS
16 SUBSECTION, THE DEPARTMENT SHALL:

17 (I) IDENTIFY IN WRITING THE REASONS WHY THE PLAN
18 WILL NOT COMPLY;

19 (II) PROPOSE ALTERNATIVES TO BRING THE PLAN INTO
20 COMPLIANCE; AND

21 (III) GIVE THE LOCAL JURISDICTION 6 MONTHS TO MAKE
22 REVISIONS, ADOPT A NEW PLAN, AND RESUBMIT THE PLAN TO THE
23 DEPARTMENT FOR CERTIFICATION.

24 (5) AT THE CLOSE OF THE 6-MONTH PERIOD FOR MAKING
25 REVISIONS SET FORTH IN PARAGRAPH (4) OF THIS SUBSECTION, AND ANY
26 EXTENSIONS GRANTED BY THE DEPARTMENT OF PLANNING UNDER
27 PARAGRAPH (2) OF THIS SUBSECTION, A LOCAL JURISDICTION AGGRIEVED BY
28 THE DEPARTMENT'S FINDING UNDER THIS SUBSECTION MAY SEEK A
29 CONTESTED CASE HEARING BEFORE THE OFFICE OF ADMINISTRATIVE
30 HEARINGS UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT.

31 (6) THE REQUIREMENTS IN THIS SUBSECTION DO NOT APPLY TO
32 A LOCAL JURISDICTION THAT PROVIDES DOCUMENTATION TO THE
33 DEPARTMENT OF PLANNING THAT IT ISSUES LESS THAN 50 BUILDING PERMITS
34 IN A CALENDAR YEAR.

1 **(H) A LOCAL JURISDICTION SHALL BE GIVEN PRIORITY IN THE**
2 **DISBURSEMENT OF THE STATE FUNDING SET FORTH IN § 5-7B-01(C) OF THE**
3 **STATE FINANCE AND PROCUREMENT ARTICLE IF IT:**

4 **(1) HAS A CERTIFIED COMPREHENSIVE PLAN UNDER**
5 **SUBSECTION (G) OF THIS SECTION; OR**

6 **(2) DEMONSTRATES TO THE DEPARTMENT OF PLANNING THAT IT**
7 **HAS ACHIEVED THE PERFORMANCE STANDARDS SET FORTH IN § 1.01(B) OF**
8 **THIS ARTICLE.**

9 3.07.

10 (a) A planning commission may recommend adoption of:

11 (1) A whole plan;

12 (2) Successive parts of a plan, with parts that correspond to major
13 geographic sections or divisions of the local jurisdiction; and

14 (3) Any amendment to the plan.

15 (b) (1) Before recommending the adoption of the plan or any part or
16 amendment, a planning commission shall hold at least one public hearing.

17 (2) The planning commission shall publish once a notice of the time
18 and place of the hearing in a newspaper of general circulation in the local jurisdiction.

19 (c) At least 60 days prior to the public hearing, the planning commission
20 shall provide copies of the recommended plan and all amendments to the plan to:

21 (1) All adjoining planning jurisdictions; and

22 (2) All State and local jurisdictions that have responsibility for
23 financing or constructing public improvements necessary to implement the plan.

24 **(D) (1) THE DEPARTMENT OF PLANNING SHALL REVIEW THE PLAN**
25 **AND ANY AMENDMENTS AS SET FORTH UNDER § 3.05(G)(3) OF THIS SUBTITLE.**

26 **(2) ON REQUEST, THE DEPARTMENT OF PLANNING SHALL**
27 **PROVIDE TECHNICAL ASSISTANCE TO A LOCAL JURISDICTION TO DESIGN A**
28 **PLAN THAT WILL ACHIEVE THE PERFORMANCE STANDARDS SET FORTH IN §**
29 **1.01(B) OF THIS ARTICLE ON OR BEFORE OCTOBER 1, 2018.**

1 [(d)] (E) The planning commission shall include the recommendation of
2 each jurisdiction that comments on the plan's recommendations in the planning
3 commission's report to the local legislative body.

4 [(e)] (F) (1) The planning commission shall approve the plan or any part
5 or amendment of the plan by resolution of the commission carried by the affirmative
6 votes of not less than a majority of the commission membership.

7 (2) The resolution shall refer expressly to the text, map, and
8 descriptive, and other matter that the commission intends to form the whole or part of
9 the plan.

10 (3) The action taken shall be recorded on the map, plan, text or other
11 matter by the identifying signature of:

12 (i) The chairman of the planning commission;

13 (ii) The secretary of the commission; or

14 (iii) Both the secretary and the chairman.

15 [(f)] (G) An attested copy of the plan or part of the plan shall be certified to
16 the local legislative body.

17 **3.07.1.**

18 (A) **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IF THE**
19 **DEPARTMENT OF PLANNING DETERMINES THAT A LOCAL JURISDICTION WILL**
20 **FAIL TO MEET THE PERFORMANCE STANDARDS SET FORTH IN § 1.01(B) OF THIS**
21 **ARTICLE ON OR BEFORE OCTOBER 1, 2018, THE DEPARTMENT OF THE**
22 **ENVIRONMENT SHALL DENY THE FOLLOWING FOR PROJECTS IN THE LOCAL**
23 **JURISDICTION LOCATED OUTSIDE PRIORITY FUNDING AREAS UNTIL THE LOCAL**
24 **JURISDICTION ACHIEVES THE PERFORMANCE STANDARDS, OR ADOPTS A PLAN**
25 **DESIGNED TO ACHIEVE THE PERFORMANCE STANDARDS:**

26 (1) **A GENERAL DISCHARGE PERMIT FOR STORMWATER RELATED**
27 **TO CONSTRUCTION ACTIVITIES DISTURBING ONE OR MORE ACRES OF LAND,**
28 **AUTHORIZED UNDER § 9-324 OF THE ENVIRONMENT ARTICLE;**

29 (2) **AN INDIVIDUAL DISCHARGE PERMIT FOR THE DISCHARGE OF**
30 **STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITIES DISTURBING ONE**
31 **OR MORE ACRES OF LAND, AUTHORIZED UNDER § 9-324 OF THE ENVIRONMENT**
32 **ARTICLE;**

1 **(3) APPROVAL OF A STORMWATER MANAGEMENT PLAN FOR**
2 **DEVELOPMENT DISTURBING 40,000 SQUARE FEET OR MORE, AUTHORIZED**
3 **UNDER § 4-204 OF THE ENVIRONMENT ARTICLE;**

4 **(4) A GRADING PERMIT FOR DEVELOPMENT DISTURBING 40,000**
5 **SQUARE FEET OR MORE, AUTHORIZED UNDER § 4-103 OF THE ENVIRONMENT**
6 **ARTICLE; AND**

7 **(5) APPROVAL OF AN AMENDMENT TO A COUNTY WATER AND**
8 **SEWERAGE PLAN THAT WOULD FACILITATE THE EXTENSION OF PUBLIC OR**
9 **COMMUNITY WATER OR SEWER SERVICE.**

10 **(B) THE PROVISIONS IN SUBSECTION (A) OF THIS SECTION DO NOT**
11 **APPLY:**

12 **(1) IN THE CASE OF AN URGENT THREAT TO PUBLIC HEALTH OR**
13 **SAFETY; OR**

14 **(2) TO A LOCAL JURISDICTION THAT PROVIDES DOCUMENTATION**
15 **TO THE DEPARTMENT OF PLANNING THAT IT ISSUES LESS THAN 50 BUILDING**
16 **PERMITS IN A CALENDAR YEAR.**

17 3.09.

18 (a) A planning commission shall prepare, adopt, and file an annual report
19 with the local legislative body.

20 (b) The annual report shall:

21 (1) Index and locate on a map all changes in development patterns
22 which occurred during the period covered by the report, including land use,
23 transportation, community facilities patterns, zoning map amendments, and
24 subdivision plats;

25 (2) State whether these changes are or are not consistent with:

26 (i) Each other;

27 (ii) The recommendations of the last annual report;

28 (iii) The adopted plans of the local jurisdiction;

29 (iv) The adopted plans of all adjoining local jurisdictions; and

1 (v) The adopted plans of State and local jurisdictions that have
 2 responsibility for financing or constructing public improvements necessary to
 3 implement the local jurisdiction's plan; [and]

4 (3) **DOCUMENT THE DEGREE OF COMPLIANCE WITH THE**
 5 **PERFORMANCE STANDARDS SET FORTH IN § 1.01(B) OF THIS ARTICLE; AND**

6 (4) Contain statements and recommendations for **ACHIEVING THE**
 7 **PERFORMANCE STANDARDS SET FORTH IN § 1.01(B) OF THIS ARTICLE AND**
 8 improving the planning and development process within the local jurisdiction.

9 (c) The local legislative body shall review the annual report and direct that
 10 any appropriate and necessary studies and other actions be undertaken to insure the
 11 continuation of a viable planning and development process.

12 (d) (1) The annual report shall be made available for public inspection.

13 (2) A copy of the report shall be mailed to the Secretary of the
 14 Department of Planning.

15 4.03.

16 (a) The regulations adopted by a local legislative body shall be adopted:

17 (1) In accordance with the plan;

18 (2) With reasonable consideration for, among other things, the
 19 character of the district and its suitability for particular uses; and

20 (3) With a view to conserving the value of buildings and encouraging
 21 orderly development and the most appropriate use of land.

22 (b) The regulations shall be designed to:

23 (1) **ACHIEVE THE PERFORMANCE STANDARDS IN § 1.01(B) OF**
 24 **THIS ARTICLE;**

25 (2) Control congestion in the streets;

26 [(2)] (3) Secure the public safety;

27 [(3)] (4) Promote health and the general welfare;

28 [(4)] (5) Provide adequate light and air;

29 [(5)] (6) Promote the conservation of natural resources;

1 [(6)] (7) Prevent environmental pollution and avoid undue
2 concentration of population; and

3 [(7)] (8) Facilitate the adequate provision of transportation, water,
4 sewerage, schools, recreation, parks and other public requirements.

5 **Article – Environment**

6 4–103.

7 (a) (1) A county or municipality may issue grading and building permits
8 as provided by law.

9 (2) A grading or building permit may not be issued until the developer:

10 (i) Submits a grading and sediment control plan approved by:

11 1. The appropriate soil conservation district; or

12 2. A municipal corporation in Montgomery County that
13 is designated under paragraph (4) of this subsection; and

14 (ii) Certifies that all land clearing, construction, and
15 development will be done under the plan.

16 (3) Criteria for sediment control and the procedure for referring an
17 applicant to the appropriate soil conservation district shall be acceptable to the soil
18 conservation district and the Department of the Environment.

19 (4) A soil conservation district may delegate approval authority of a
20 grading and sediment control plan to a municipal corporation in Montgomery County
21 that:

22 (i) Has its own sediment control review provisions that are at
23 least as stringent as the provisions of the grading and sediment control plan of the soil
24 conservation district;

25 (ii) Issues sediment control permits; and

26 (iii) Meets the necessary performance standards established by
27 written agreement between the district and the municipal corporation.

28 **(5) A GRADING OR BUILDING PERMIT FOR A DISTURBANCE OF**
29 **40,000 SQUARE FEET OR MORE MAY NOT BE ISSUED IF PROHIBITED UNDER**
30 **ARTICLE 66B, § 3.07.1 OF THE CODE.**

31 4–204.

1 (a) (1) [After July 1, 1984, unless] **UNLESS** exempted, a person may not
2 develop any land for residential, commercial, industrial, or institutional use without
3 submitting a stormwater management plan to the county or municipality that has
4 jurisdiction, and obtaining approval of the plan from the county or municipality.

5 (2) A grading or building permit may not be issued for a property
6 unless:

7 (I) [a] **A** stormwater management plan has been approved that
8 is consistent with this subtitle; **AND**

9 (II) **ISSUANCE OF THE PERMIT IS NOT PROHIBITED UNDER**
10 **ARTICLE 66B, § 3.07.1 OF THE CODE.**

11 9-324.

12 (a) (1) [Subject] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
13 **SUBSECTION, AND SUBJECT** to the provisions of this section, the Department may
14 issue a discharge permit if the Department finds that the discharge meets:

15 [(1)] (I) All applicable State and federal water quality standards and
16 effluent limitations; and

17 [(2)] (II) All other requirements of this subtitle.

18 (2) **A DISCHARGE PERMIT MAY NOT BE ISSUED UNDER THIS**
19 **SECTION IF PROHIBITED UNDER ARTICLE 66B, § 3.07.1 OF THE CODE.**

20 **Article - State Finance and Procurement**

21 5-7A-01.

22 The State Economic Growth, Resource Protection, and Planning Policy is that:

23 [(1)] development shall be concentrated in suitable areas;

24 (2) sensitive areas shall be protected;

25 (3) in rural areas, growth shall be directed to existing population
26 centers and resource areas shall be protected;

27 (4) stewardship of the Chesapeake Bay and the land shall be a
28 universal ethic;

1 (5) conservation of resources, including a reduction in resource
2 consumption, shall be practiced;

3 (6) to encourage the achievement of paragraphs (1) through (5) of this
4 subsection, economic growth shall be encouraged and regulatory mechanisms shall be
5 streamlined;

6 (7) adequate public facilities and infrastructure are available or
7 planned in areas where growth is to occur; and

8 (8) funding mechanisms shall be addressed to achieve this policy.]

9 (1) **A HIGH QUALITY OF LIFE IS ACHIEVED BY CREATING**
10 **SUSTAINABLE COMMUNITIES THROUGH UNIVERSAL STEWARDSHIP OF THE**
11 **LAND, WATER, AND AIR AND PROTECTION OF THE ENVIRONMENT;**

12 (2) **RESIDENTS ARE ACTIVE PARTNERS IN THE PLANNING AND**
13 **IMPLEMENTATION OF COMMUNITY PLANNING INITIATIVES;**

14 (3) **GROWTH IS CONCENTRATED IN EXISTING POPULATION AND**
15 **BUSINESS CENTERS AND ADJACENT AREAS;**

16 (4) **EFFICIENT USE OF LAND AND TRANSPORTATION RESOURCES**
17 **AND PRESERVATION AND ENHANCEMENT OF NATURAL SYSTEMS, OPEN SPACES,**
18 **RECREATIONAL AREAS AND HISTORICAL, CULTURAL, AND ARCHAEOLOGICAL**
19 **RESOURCES ARE ENCOURAGED THROUGH COMMUNITY DESIGN THAT IS**
20 **CONSISTENT WITH EXISTING COMMUNITY CHARACTER AND THAT USES**
21 **COMPACT MIXED-USE, WALKABLE COMMUNITIES LOCATED NEAR TRANSIT**
22 **OPTIONS;**

23 (5) **POPULATION AND BUSINESS EXPANSION ARE**
24 **ACCOMMODATED IN AN ORDERLY, EFFICIENT, AND ENVIRONMENTALLY SOUND**
25 **MANNER BY PROVIDING GROWTH AREAS WITH SUFFICIENT INFRASTRUCTURE**
26 **AND WATER RESOURCES;**

27 (6) **THE SAFE, CONVENIENT, AFFORDABLE, AND EFFICIENT**
28 **MOVEMENT OF PEOPLE, GOODS, AND SERVICES BETWEEN AND WITHIN**
29 **POPULATION CENTERS IS FACILITATED BY A WELL-MAINTAINED, MULTI-MODAL**
30 **TRANSPORTATION SYSTEM;**

31 (7) **RESIDENTIAL OPTIONS ARE PROVIDED FOR RESIDENTS OF**
32 **ALL AGES AND INCOMES BY CREATING A RANGE OF HOUSING TYPES, DENSITIES,**
33 **AND SIZES IN HEALTHY, HIGH OPPORTUNITY COMMUNITIES, GIVING RESIDENTS**
34 **ACCESS TO EMPLOYMENT AND HIGH QUALITY EDUCATION;**

1 **(8) ECONOMIC DEVELOPMENT IS ENCOURAGED THROUGH THE**
2 **PROMOTION OF EMPLOYMENT OPPORTUNITIES FOR ALL INCOME LEVELS**
3 **WITHIN THE STATE'S NATURAL RESOURCES, PUBLIC SERVICES, AND PUBLIC**
4 **FACILITIES SECTORS;**

5 **(9) LAND AND WATER RESOURCES ARE CAREFULLY MANAGED TO**
6 **RESTORE AND MAINTAIN HEALTHY AIR AND WATER, NATURAL SYSTEMS, AND**
7 **LIVING RESOURCES;**

8 **(10) WATERWAYS, OPEN SPACE, NATURAL SYSTEMS, SCENIC**
9 **AREAS, FORESTS, AND AGRICULTURAL AREAS ARE CONSERVED;**

10 **(11) GOVERNMENT, BUSINESSES, AND RESIDENTS ARE**
11 **RESPONSIBLE FOR CREATING SUSTAINABLE COMMUNITIES BY COLLABORATING**
12 **TO BALANCE EFFICIENT GROWTH WITH RESOURCE PROTECTION; AND**

13 **(12) STRATEGIES, POLICIES, PROGRAMS, AND FUNDING ARE**
14 **INTEGRATED ACROSS THE LOCAL, REGIONAL, STATE, AND INTERSTATE LEVELS**
15 **TO ACHIEVE GROWTH AND DEVELOPMENT, RESOURCE CONSERVATION,**
16 **INFRASTRUCTURE, AND TRANSPORTATION GOALS.**

17 5-7A-02.

18 (c) By December 1, [1992] **2009**, the Governor shall establish procedures for
19 review of State projects under subsection (a) of this section, and each local jurisdiction
20 shall establish procedures for the review of local projects under subsection (b) of this
21 section, to:

22 (1) ensure that the projects are consistent with their respective policy
23 and plans; [and]

24 (2) **PRIORITIZE PROJECTS BASED ON THE CERTIFICATION OF**
25 **PLANS AS SET FORTH IN ARTICLE 66B, § 3.05(G)(3) OF THE CODE; AND**

26 (3) evaluate extraordinary circumstances under subsections (a)(2) and
27 (b)(2) of this section, respectively.

28 5-7B-08.

29 (a) To be eligible for funding for growth-related projects, a local government
30 or two or more county governments shall certify to the Department of Planning any
31 area designated by the local government or county governments as a priority funding
32 area under § 5-7B-03 of this subtitle, which shall be consistent with the local
33 comprehensive plan and the criteria set forth in § 5-7B-03 of this subtitle, **AND THE**
34 **VISIONS AND PERFORMANCE STANDARDS IN ARTICLE 66B, § 1.01 OF THE CODE.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2009.