

HOUSE BILL 1138

L5

9lr0655

By: **Montgomery County Delegation and Prince George's County Delegation**
Introduced and read first time: February 13, 2009
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–Washington Regional District – Prince George's County – General**
3 **Plan and Local Master Plans**

4 **MC/PG 106–09**

5 FOR the purpose of requiring the Maryland–National Capital Park and Planning
6 Commission, at certain intervals, to initiate and adopt a general plan for the
7 development of the portion of the Maryland–Washington Regional District that
8 is located in Prince George's County and certain local master plans for certain
9 areas in the portion of the Maryland–Washington Regional District that is
10 located in Prince George's County; and generally relating to a general plan and
11 certain local master plans for certain areas in the portion of the
12 Maryland–Washington Regional District located in Prince George's County.

13 BY repealing and reenacting, with amendments,
14 Article 28 – Maryland–National Capital Park and Planning Commission
15 Section 7–108(a) and (b)
16 Annotated Code of Maryland
17 (2003 Replacement Volume and 2008 Supplement)

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

20 **Article 28 – Maryland–National Capital Park and Planning Commission**

21 7–108.

22 (a) (1) (I) At the direction of the district council for Prince George's
23 County or the district council for Montgomery County, as the case may be, hereinafter
24 referred to in this section as the “appropriate district council”, the Commission shall
25 initiate and adopt a general plan for the development of that portion of the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Maryland–Washington Regional District located in each county and, from time to
2 time, shall initiate and adopt amendments thereto.

3 (II) NOTWITHSTANDING THE PROVISIONS OF
4 SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSION SHALL INITIATE
5 AND ADOPT, IN THE YEAR FOLLOWING EACH DECENNIAL CENSUS, A GENERAL
6 PLAN FOR THE DEVELOPMENT OF THAT PORTION OF THE
7 MARYLAND–WASHINGTON REGIONAL DISTRICT LOCATED IN PRINCE
8 GEORGE’S COUNTY.

9 (2) The general plan and amendments shall contain the Commission’s
10 recommendations for such development, together with such descriptive or supporting
11 material as the appropriate district council may direct, or the Commission shall
12 determine to be necessary and feasible.

13 (3) The appropriate district council, pursuant to the procedures set
14 forth in this section, may direct the Commission to prepare the general plan, or
15 amendments thereto, based on studies and the consideration of such elements, factors,
16 and conditions as the following:

17 (i) Existing and forecasted population, including population
18 distribution and other appropriate characteristics;

19 (ii) Existing and forecasted amount, type, intensity, general
20 location, and characteristics of commercial, industrial, and public sector facilities, and
21 employment related thereto;

22 (iii) Existing and forecasted type, amount, need and location of
23 major public services, facilities, and utilities;

24 (iv) Staging or scheduling of development and capital
25 improvements, and the fiscal or economic impact of same;

26 (v) Existing and forecasted transportation needs, facilities,
27 routes, and systems;

28 (vi) Existing and forecasted needs and demand for housing, and
29 the amount, type, quality, and general location of housing;

30 (vii) Existing land uses, forecasts of land absorption rates or
31 markets, and analyses of the amount, general location, and interrelationships among
32 different categories of land use;

33 (viii) Physical resources and conditions including, but not limited
34 to, topography, soils, geology and mineral deposits, hydrology and waterways,
35 wetlands and shorelines, water and air quality, climate, noise, open spaces, scenic

1 areas, vegetation, forests, agricultural lands, fisheries, wildlife and wildlife habitats,
2 and other areas of environmental or ecological importance or sensitivity;

3 (ix) Sites, structures, areas, or settings of archeological,
4 historical, architectural, cultural, or scenic value or significance;

5 (x) Extent and general location of physically blighted or
6 deteriorated areas and factors related thereto;

7 (xi) Evaluation of the probable consequences of major
8 recommendations of the plan on the general physical and social environment and
9 population of the regional district;

10 (xii) Estimates of the probable consequences on public revenues
11 and expenditures of major recommendations of the plan; and

12 (xiii) Any other matter, element, factor, or condition determined
13 by the district council or Commission to be necessary and feasible to the preparation
14 or presentation of the general plan.

15 (4) The appropriate district councils may provide, to the extent
16 necessary and feasible:

17 (i) That the Commission shall consider various alternative
18 concepts of growth or development in preparing the general plan, and shall
19 appropriately describe the alternatives so considered; and

20 (ii) That the general plan shall include such chapters or sections
21 as may be necessary to contain and explain its recommendations with respect to any
22 element, factor, or condition set forth in this paragraph and paragraph (3) of this
23 subsection.

24 (5) The general plan may be amended, extended, added to, or revised
25 from time to time by the initiation and adoption of appropriate amendments to it by
26 the Commission. Any functional master plan, local area master plan, or any
27 amendment thereto shall be an amendment to the general plan if so designated by the
28 appropriate district council.

29 (6) The material in paragraphs (3) and (4) of this subsection shall be
30 considered as guidelines concerning the basis, contents, and considerations of the
31 general plan, functional master plans, local area master plans, or any amendment
32 thereto, and the plans or any amendments thereto shall not be deemed null and void,
33 inapplicable or inoperative on the ground that the basis, contents, or considerations
34 thereof are not consistent with this article; provided that nothing in this subsection
35 shall prevent, in a judicial review on the record of a governmental action concerning
36 development, consideration of the reasonableness of a plan or its appropriateness and
37 completeness in relation to the governmental action and review.

1 (b) (1) The appropriate district council shall provide for its county,
2 pursuant to the procedures set forth in this section, to the extent necessary and
3 feasible:

4 (i) That the Commission shall initiate and adopt, and the
5 district council shall approve and from time to time amend a map showing the entire
6 area of that county within the regional district, divided into local planning areas. Prior
7 to the approval or amendment of the map, the district council shall consult with the
8 Commission with respect to the boundaries of the local planning areas located wholly
9 or partially within that county and, in the event of disagreement as to boundaries, the
10 decision of the district council shall prevail within the area of its jurisdiction;

11 (ii) That, in accordance with the work program and budget
12 adopted by the county council of that county, the Commission shall initiate and adopt,
13 and from time to time may amend or revise, a local master plan for each planning
14 area, any part thereof, or any combination of contiguous planning areas;

15 (iii) That a local master plan may include recommendations for
16 zoning, staging of development and public improvements, and public services relative
17 to the implementation of the plan;

18 (iv) That a local master plan shall be based upon and include in
19 greater detail, but need not be limited to, the same factors, elements, and conditions as
20 contained in the general plan and amendments thereto; and

21 (v) That a local master plan or any amendment thereto, adopted
22 hereafter, shall show on a map contained within the plan, the boundary of the area
23 within which it applies.

24 (2) A local master plan or any amendment thereto shall be, upon
25 adoption by the Commission and approval by the appropriate district council, an
26 amendment to the general plan if so designated by that district council.

27 (3) Any plan adopted prior to the approval of, or any amendment to,
28 the planning area map shall continue in force and shall not be invalidated by the fact
29 that its boundaries do not correspond to the boundaries as shown on the planning area
30 map.

31 **(4) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF**
32 **THIS SUBSECTION, THE COMMISSION SHALL INITIATE AND ADOPT, AT LEAST**
33 **ONCE EVERY 7 YEARS, A LOCAL MASTER PLAN FOR EACH PLANNING AREA, ANY**
34 **PART THEREOF, OR ANY COMBINATION OF CONTIGUOUS PLANNING AREAS IN**
35 **THE PORTION OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT**
36 **LOCATED IN PRINCE GEORGE'S COUNTY.**

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