

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2009

CHAPTER _____

1 AN ACT concerning

2 **Maryland-Washington Regional District - Prince George's County - General**
3 **Plan and ~~Local~~ Area 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~~ review the general plan
7 for the development of the portion of the Maryland-Washington Regional
8 District that is located in Prince George's County and certain local master plans
9 for certain areas in the portion of the Maryland-Washington Regional District
10 that is located in Prince George's County; requiring the Prince George's District
11 Council, at certain intervals, to consider whether amendments should be made
12 to the area master plan for the development of the portion of the
13 Maryland-Washington Regional District that is located in Prince George's
14 County; requiring a certain decision of the District Council to be in writing and
15 include certain information; and generally relating to a general plan and certain
16 ~~local~~ area master plans for certain areas in the portion of the
17 Maryland-Washington Regional District located in Prince George's County.

18 BY repealing and reenacting, with amendments,
19 Article 28 - Maryland-National Capital Park and Planning Commission
20 Section 7-108(a) and (b)
21 Annotated Code of Maryland
22 (2003 Replacement Volume and 2008 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

4 7–108.

5 (a) (1) (I) At the direction of the district council for Prince George’s
6 County or the district council for Montgomery County, as the case may be, hereinafter
7 referred to in this section as the “appropriate district council”, the Commission shall
8 initiate and adopt a general plan for the development of that portion of the
9 Maryland–Washington Regional District located in each county and, from time to
10 time, shall initiate and adopt amendments thereto.

11 (II) NOTWITHSTANDING THE PROVISIONS OF
12 SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSION SHALL ~~INITIATE~~
13 ~~AND ADOPT, IN THE YEAR FOLLOWING REVIEW, 2 YEARS AFTER EACH~~
14 ~~DECENNIAL CENSUS OF THE UNITED STATES, A~~ THE GENERAL PLAN FOR THE
15 DEVELOPMENT OF THAT PORTION OF THE
16 MARYLAND–WASHINGTON REGIONAL DISTRICT LOCATED IN PRINCE
17 GEORGE’S COUNTY.

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

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

26 (i) Existing and forecasted population, including population
27 distribution and other appropriate characteristics;

28 (ii) Existing and forecasted amount, type, intensity, general
29 location, and characteristics of commercial, industrial, and public sector facilities, and
30 employment related thereto;

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

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

35 (v) Existing and forecasted transportation needs, facilities,
36 routes, and systems;

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

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

6 (viii) Physical resources and conditions including, but not limited
7 to, topography, soils, geology and mineral deposits, hydrology and waterways,
8 wetlands and shorelines, water and air quality, climate, noise, open spaces, scenic
9 areas, vegetation, forests, agricultural lands, fisheries, wildlife and wildlife habitats,
10 and other areas of environmental or ecological importance or sensitivity;

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

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

15 (xi) Evaluation of the probable consequences of major
16 recommendations of the plan on the general physical and social environment and
17 population of the regional district;

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

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

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

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

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

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

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

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

13 (i) That the Commission shall initiate and adopt, and the
 14 district council shall approve and from time to time amend a map showing the entire
 15 area of that county within the regional district, divided into local planning areas. Prior
 16 to the approval or amendment of the map, the district council shall consult with the
 17 Commission with respect to the boundaries of the local planning areas located wholly
 18 or partially within that county and, in the event of disagreement as to boundaries, the
 19 decision of the district council shall prevail within the area of its jurisdiction;

20 **(II) 1. NOTWITHSTANDING THE PROVISIONS OF ITEM (I)**
 21 **OF THIS PARAGRAPH, THAT, EVERY 6 YEARS, THE PRINCE GEORGE'S COUNTY**
 22 **DISTRICT COUNCIL SHALL CONSIDER WHETHER TO AMEND THE AREA MASTER**
 23 **PLAN IN THAT PORTION OF THE MARYLAND-WASHINGTON REGIONAL**
 24 **DISTRICT LOCATED IN PRINCE GEORGE'S COUNTY; AND**

25 **2. THAT THE DECISION OF THE PRINCE GEORGE'S**
 26 **COUNTY DISTRICT COUNCIL REGARDING WHETHER TO AMEND THE AREA**
 27 **MASTER PLAN SHALL BE IN WRITING AND SHALL INCLUDE THE REASONS FOR**
 28 **THE DECISION;**

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

33 ~~(iii)~~ **(IV)** That a local master plan may include
 34 recommendations for zoning, staging of development and public improvements, and
 35 public services relative to the implementation of the plan;

36 ~~(iv)~~ **(V)** That a local master plan shall be based upon and
 37 include in greater detail, but need not be limited to, the same factors, elements, and
 38 conditions as contained in the general plan and amendments thereto; and

1 ~~(v)~~ (VI) That a local master plan or any amendment thereto,
2 adopted hereafter, shall show on a map contained within the plan, the boundary of the
3 area within which it applies.

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

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

11 ~~(4) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF
12 THIS SUBSECTION, THE COMMISSION SHALL INITIATE AND ADOPT, AT LEAST
13 ONCE EVERY 7 YEARS, A LOCAL MASTER PLAN FOR EACH PLANNING AREA, ANY
14 PART THEREOF, OR ANY COMBINATION OF CONTIGUOUS PLANNING AREAS IN
15 THE PORTION OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
16 LOCATED IN PRINCE GEORGE'S COUNTY.~~

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.