

CHAPTER 440

(House Bill 1138)

AN ACT concerning

Maryland–Washington Regional District – Prince George’s County – General Plan and ~~Local~~ Area Master Plans

MC/PG 106–09

FOR the purpose of requiring the Maryland–National Capital Park and Planning Commission, at certain intervals, to ~~initiate and adopt a~~ review the general plan for the development of the portion of the Maryland–Washington Regional District that is located in Prince George’s County and certain local master plans for certain areas in the portion of the Maryland–Washington Regional District that is located in Prince George’s County; requiring the Prince George’s District Council, at certain intervals, to consider whether amendments should be made to the area master plan for the development of the portion of the Maryland–Washington Regional District that is located in Prince George’s County; requiring a certain decision of the District Council to be in writing and include certain information; and generally relating to a general plan and certain ~~local~~ area master plans for certain areas in the portion of the Maryland–Washington Regional District located in Prince George’s County.

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

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

Article 28 – Maryland–National Capital Park and Planning Commission

7–108.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

development, consideration of the reasonableness of a plan or its appropriateness and completeness in relation to the governmental action and review.

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 7, 2009.