

HB0409/410119/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 409
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Local Governments –”; in the same line, strike “Cycles” and substitute “Cycle”; strike beginning with “altering” in line 3 down through “cycle” in line 4 and substitute “requiring that, in certain years, a certain annual planning report contain a certain narrative on the implementation status of a certain comprehensive plan; increasing the time period of the comprehensive planning and zoning cycles of certain local jurisdictions”; strike beginning with “certain” in line 5 down through “requiring” in line 9 and substitute “the Department of Planning along with”; in line 10, strike the first comma and substitute “and”; strike beginning with the second comma in line 10 down through “group” in line 11; in line 11, after “create” insert “a”; in line 12, strike “schedules for each local government that drafts a comprehensive plan” and substitute “schedule to increase the time period of the comprehensive planning cycle of certain local jurisdictions that adopt a comprehensive plan”; in line 13, before “certain” insert “a”; in the same line, strike “schedules, to the extent practicable,” and substitute “schedule”; in the same line, after “coincide” insert “, to the extent practicable,”; in line 14, strike “certain data from the”; in the same line, after “census” insert “data; requiring a certain transition schedule to allow, to the extent practicable, a local jurisdiction to access certain data at the beginning of the comprehensive plan review process”; strike beginning with “a” in line 14 down through “Assembly” in line 16 and substitute “the Department to submit a proposed transition schedule to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee”; in line 16, after “date;” insert “requiring certain local jurisdictions to incorporate certain growth tiers into a comprehensive plan according to a certain schedule notwithstanding certain provisions of this Act; requiring a local jurisdiction to make a certain statement regarding the failure to adopt a growth tier under certain circumstances; providing that certain growth tiers are not considered adopted for certain purposes under certain”

(Over)

circumstances; providing that this Act does not prohibit a local jurisdiction from amending its comprehensive plan, certain laws, or certain ordinances or regulations at any time; making conforming changes;; in line 17, strike “local government” and substitute “the”; and in the same line, after “cycles” insert “of local jurisdictions”.

AMENDMENT NO. 2

On page 3, in line 6, strike “FOR THE FIFTH YEAR” and substitute “AT LEAST ONCE WITHIN THE 5-YEAR PERIOD”; in the same line, strike “DATE OF” and substitute “OR REVIEW BY”; in line 7, strike “JURISDICTION’S COMPREHENSIVE PLAN” and substitute “JURISDICTION OF A COMPREHENSIVE PLAN UNDER PART II OF SUBTITLE 4 OF THIS TITLE OR UNDER TITLE 3 OF THIS ARTICLE”; in the same line, strike “OF” and substitute “ON”; and in line 8, after “PLAN” insert “, INCLUDING:”

(I) A SUMMARY OF THE DEVELOPMENT TRENDS CONTAINED IN THE PREVIOUS ANNUAL REPORTS FILED DURING THE PERIOD COVERED BY THE NARRATIVE;

(II) THE STATUS OF COMPREHENSIVE PLAN IMPLEMENTATION TOOLS SUCH AS ZONING AND ORDINANCES TO CARRY OUT THE PROVISIONS OF THE COMPREHENSIVE PLAN;

(III) IDENTIFICATION OF ANY CHANGES TO EXISTING PROGRAMS, ZONING ORDINANCES, REGULATIONS, OR FINANCING PROGRAMS NECESSARY TO ACHIEVE THE VISIONS AND GOALS OF THE COMPREHENSIVE PLAN DURING THE REMAINING PLANNING TIMEFRAME;

(IV) IDENTIFICATION OF ANY STATE OR FEDERAL LAWS, REGULATIONS, OR REQUIREMENTS THAT HAVE IMPEDED LOCAL SMART

GROWTH INITIATIVES IDENTIFIED IN THE COMPREHENSIVE PLAN AND
RECOMMENDATIONS TO REMOVE ANY IMPEDIMENTS;

(V) FUTURE LAND USE CHALLENGES AND ISSUES; AND

(VI) SCHEDULED, PLANNED, AND POTENTIAL UPDATES TO
THE COMPREHENSIVE PLAN”.

AMENDMENT NO. 3

On page 5, in line 14, after “The” insert “Department of Planning along with the”; in the same line, strike the first comma and substitute “and”; in the same line, strike the second comma; in line 15, strike “and the Maryland Department of Planning”; in the same line, strike “form a stakeholders group to”; in line 16, strike “transition”; in the same line, strike “for each” and substitute “to transition the comprehensive planning cycle of each”; in the same line, strike “government” and substitute “jurisdiction”; in the same line, strike “drafts” and substitute “adopts”; strike beginning with “to” in line 16 down through the first “cycle” in line 17; in line 18, strike the second comma and substitute “:

(i);

in line 19, after “census” insert a semicolon; in the same line, before “allow” insert:

“(ii)”;

in line 20, strike “that” and substitute “the census”; in line 22, strike “On or before December 1, 2015, the stakeholders group” and substitute “The Department of Planning”; strike beginning with the comma in line 23 down through the first comma in line 24; and in line 25, after “Committee” insert “on or before December 1, 2015”.

(Over)

AMENDMENT NO. 3

On page 5, after line 25, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) Notwithstanding § 1-509 of the Land Use Article, as enacted by this Act, a local jurisdiction that, as of the effective date of this Act, has not incorporated the growth tiers under Title 1, Subtitle 5 of the Land Use Article into the comprehensive plan shall incorporate the growth tiers at the time that the local jurisdiction was scheduled to conduct its 6-year review of the comprehensive plan in accordance with § 1-509 of the Land Use Article as it was in effect on July 1, 2012.

(b) If a local jurisdiction does not incorporate all of the growth tiers into the comprehensive plan or an element of the plan in accordance with this section:

(1) the local jurisdiction shall state that a growth tier is not adopted;
and

(2) the growth tiers will not be considered as adopted for purposes of § 9-206 of the Environment Article.

SECTION 4. AND BE IT FURTHER ENACTED, That nothing in this Act prohibits a local jurisdiction from amending its comprehensive plan, zoning laws, or any other land use ordinance or regulation at any time.”;

and in line 26, strike “3.” and substitute “5.”.