

SENATE BILL 671

L6

3lr1505

By: ~~Senator Conway~~ Senators Conway and Dyson

Introduced and read first time: February 1, 2013

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 26, 2013

CHAPTER _____

1 AN ACT concerning

2 **Land Use – Local Comprehensive Planning and Zoning Cycle**

3 FOR the purpose of requiring that, in certain years, a certain annual planning report
4 contain a certain narrative on the implementation status of a certain
5 comprehensive plan; increasing the time period of the comprehensive planning
6 and zoning cycles of certain local jurisdictions to better coincide with the release
7 of United States decennial census data; requiring the Department of Planning
8 along with the Maryland Association of Counties and the Maryland Municipal
9 League to create a certain transition schedule to increase the time period of the
10 comprehensive planning cycle of certain local jurisdictions that adopt a
11 comprehensive plan; requiring a certain transition schedule to coincide, to the
12 extent practicable, with the release of United States decennial census data;
13 requiring a certain transition schedule to allow, to the extent practicable, a local
14 jurisdiction to access certain data at the beginning of the comprehensive plan
15 review process; requiring the Department to submit a proposed transition
16 schedule to the Senate Education, Health, and Environmental Affairs
17 Committee and the House Environmental Matters Committee on or before a
18 certain date; requiring certain local jurisdictions to incorporate certain growth
19 tiers into a comprehensive plan according to a certain schedule notwithstanding
20 certain provisions of this Act; requiring a local jurisdiction to make a certain
21 statement regarding the failure to adopt a growth tier under certain
22 circumstances; providing that certain growth tiers are not considered adopted
23 for certain purposes under certain circumstances; providing that this Act does
24 not prohibit a local jurisdiction from amending its comprehensive plan, certain
25 laws, or certain ordinances or regulations at any time; making conforming

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 changes; and generally relating to the comprehensive planning and zoning
2 cycles of local jurisdictions.

3 BY repealing and reenacting, with amendments,
4 Article – Land Use
5 Section 1–207, 1–416, 1–417, 1–509, 3–301, and 3–303
6 Annotated Code of Maryland
7 (2012 Volume)

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

10 **Article – Land Use**

11 1–207.

12 (a) In this section, “planning commission” includes a planning commission or
13 board established under:

- 14 (1) Title 2 of this article;
15 (2) Division II of this article; or
16 (3) Article 25A of the Code.

17 (b) On or before July 1 of each year, a planning commission shall prepare,
18 adopt, and file an annual report for the previous calendar year with the legislative
19 body.

20 (c) The annual report shall:

21 (1) index and locate on a map any changes in development patterns
22 that occurred during the period covered by the report, including:

- 23 (i) land use;
24 (ii) transportation;
25 (iii) community facilities patterns;
26 (iv) zoning map amendments; and
27 (v) subdivision plats;

28 (2) state whether the changes under item (1) of this subsection are
29 consistent with:

- 1 (i) each other;
- 2 (ii) the recommendations of the last annual report;
- 3 (iii) the adopted plans of the local jurisdiction;
- 4 (iv) the adopted plans of all adjoining local jurisdictions; and
- 5 (v) the adopted plans of State and local jurisdictions that have
6 responsibility for financing or constructing public improvements necessary to
7 implement the local jurisdiction's plan;
- 8 (3) contain statements and recommendations for improving the
9 planning and development process within the local jurisdiction;
- 10 (4) state which local laws or regulations have been adopted or changed
11 to implement the visions in § 1-201 of this subtitle as required under § 1-417 of this
12 title or § 3-303 of this article; [and]

13 (5) contain the measures and indicators required under § 1-208(c) of
14 this subtitle; AND

15 (6) ~~IN THE FIFTH YEAR~~ AT LEAST ONCE WITHIN THE 5-YEAR
16 PERIOD AFTER THE ADOPTION OR REVIEW BY THE LOCAL JURISDICTION OF A
17 COMPREHENSIVE PLAN UNDER PART II OF SUBTITLE 4 OF THIS TITLE OR
18 UNDER TITLE 3 OF THIS ARTICLE, CONTAIN A NARRATIVE ON THE
19 IMPLEMENTATION STATUS OF THE COMPREHENSIVE PLAN, INCLUDING:

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

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

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

30 (IV) IDENTIFICATION OF ANY STATE OR FEDERAL LAWS,
31 REGULATIONS, OR REQUIREMENTS THAT HAVE IMPEDED LOCAL SMART
32 GROWTH INITIATIVES IDENTIFIED IN THE COMPREHENSIVE PLAN AND
33 RECOMMENDATIONS TO REMOVE ANY IMPEDIMENTS;

1 **(V) FUTURE LAND USE CHALLENGES AND ISSUES; AND**

2 **(VI) SCHEDULED, PLANNED, AND POTENTIAL UPDATES TO**
3 **THE COMPREHENSIVE PLAN.**

4 (d) The legislative body shall review the annual report and direct that any
5 appropriate and necessary studies and other actions be undertaken to ensure the
6 continuation of a viable planning and development process.

7 (e) The local jurisdiction shall make the annual report available for public
8 inspection.

9 (f) (1) The local jurisdiction shall mail a copy of the report to the
10 Secretary of Planning.

11 (2) The Department of Planning may comment on the report.

12 1-416.

13 (a) At least once every **[6] 10** years, each planning commission shall review
14 the comprehensive plan and, if necessary, revise or amend the comprehensive plan to
15 include all:

16 (1) the elements required under Part II of this subtitle; and

17 (2) the visions set forth in § 1-201 of this title.

18 (b) The planning commission may prepare comprehensive plans for one or
19 more geographic sections or divisions of the local jurisdiction if the plan for each
20 geographic section or division is reviewed and, if necessary, revised or amended at
21 least once every **[6] 10** years.

22 1-417.

23 (a) At least once every **[6] 10** years, which corresponds to the comprehensive
24 plan revision process under § 1-416 of this subtitle, a charter county shall ensure the
25 implementation of the visions, the development regulations element, and the sensitive
26 areas element of the plan.

27 (b) A charter county shall ensure that the implementation of the
28 requirements of subsection (a) of this section are achieved through the adoption of
29 applicable:

30 (1) zoning laws; and

- 1 (2) local laws governing:
- 2 (i) planned development;
- 3 (ii) subdivision; and
- 4 (iii) other land use provisions that are consistent with the
5 comprehensive plan.

6 1–509.

7 (a) A local jurisdiction that adopts growth tiers shall incorporate the tiers
8 into the comprehensive plan or an element of the plan:

9 (1) when the local jurisdiction conducts the [6-year] **10-YEAR** review
10 of the plan under § 1–416(a) or § 3–301(a) of this article; and

11 (2) in accordance with the requirements of this section.

12 (b) If a local jurisdiction does not incorporate all of the growth tiers
13 authorized under this section into the comprehensive plan or an element of the plan,
14 the local jurisdiction shall state that a tier is not adopted.

15 3–301.

16 (a) At least once every [6] **10** years, each planning commission shall review
17 the comprehensive plan and, if necessary, revise or amend the comprehensive plan to
18 include all:

19 (1) the elements required under Subtitle 1 of this title; and

20 (2) the visions set forth in § 1–201 of this article.

21 (b) The planning commission may prepare comprehensive plans for one or
22 more geographic sections or divisions of the local jurisdiction if the plan for each
23 geographic section or division is reviewed and, if necessary, revised or amended at
24 least once every [6] **10** years.

25 3–303.

26 (a) At least once every [6] **10** years, which corresponds to the comprehensive
27 plan revision process under § 3–301 of this subtitle, a local jurisdiction shall ensure
28 the implementation of the visions, the development regulations element, and the
29 sensitive areas element of the plan.

1 (b) A local jurisdiction shall ensure that the implementation of the
2 requirements of subsection (a) of this section are achieved through the adoption of
3 applicable:

4 (1) zoning laws;

5 (2) planned development ordinances and regulations;

6 (3) subdivision ordinances and regulations; and

7 (4) other land use ordinances and regulations that are consistent with
8 the comprehensive plan.

9 SECTION 2. AND BE IT FURTHER ENACTED, That:

10 (a) The Department of Planning along with the Maryland Association of
11 Counties and the Maryland Municipal League shall create a schedule to transition the
12 comprehensive planning cycle of each local jurisdiction that adopts a comprehensive
13 plan from a 6-year cycle to a 10-year cycle.

14 (b) The transition schedule shall, to the extent practicable:

15 (i) coincide with the release of data from the United States decennial
16 census; and

17 (ii) allow a local jurisdiction access to the census data at the beginning
18 of the local jurisdiction's comprehensive plan review process.

19 (c) The Department of Planning shall submit a proposed transition schedule
20 to the Senate Education, Health, and Environmental Affairs Committee and the
21 House Environmental Matters Committee on or before December 1, 2015.

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

23 (a) Notwithstanding § 1-509 of the Land Use Article, as enacted by this Act,
24 a local jurisdiction that, as of the effective date of this Act, has not incorporated the
25 growth tiers under Title 1, Subtitle 5 of the Land Use Article into the comprehensive
26 plan shall incorporate the growth tiers at the time that the local jurisdiction was
27 scheduled to conduct its 6-year review of the comprehensive plan in accordance with §
28 1-509 of the Land Use Article as it was in effect on July 1, 2012.

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

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

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

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

6 SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take
7 effect October 1, 2013.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.