

HOUSE BILL 1419

M3, L1

9lr3326
CF SB 563

By: **Delegate Turner**

Introduced and read first time: March 4, 2019

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Zoning – Special Exceptions – Construction or Operation of Landfills**

3 FOR the purpose of requiring a local governing body, on application by a property owner
4 for a certain special exception to construct or operate a landfill, to require the
5 preparation of an environmental justice analysis at the expense of the property
6 owner; requiring an environmental justice analysis prepared under this Act to
7 include certain descriptions and assessments; defining a certain term; providing for
8 the application of this Act; providing that a certain catchline is not law and may not
9 be considered to have been enacted as part of this Act; and generally relating to
10 zoning and the construction or operation of landfills.

11 BY repealing and reenacting, with amendments,
12 Article – Land Use
13 Section 1–401 and 10–103
14 Annotated Code of Maryland
15 (2012 Volume and 2018 Supplement)

16 BY adding to
17 Article – Land Use
18 Section 4–213
19 Annotated Code of Maryland
20 (2012 Volume and 2018 Supplement)

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

23 **Article – Land Use**

24 1–401.

25 (a) Except as provided in this section, this division does not apply to charter

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 counties.

2 (b) The following provisions of this division apply to a charter county:

3 (1) this subtitle, including Parts II and III (Charter county –
4 Comprehensive plans);

5 (2) § 1–101(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”,
6 and “Sensitive area”);

7 (3) § 1–201 (Visions);

8 (4) § 1–206 (Required education);

9 (5) § 1–207 (Annual report – In general);

10 (6) § 1–208 (Annual report – Measures and indicators);

11 (7) Title 1, Subtitle 3 (Consistency);

12 (8) Title 1, Subtitle 5 (Growth Tiers);

13 (9) § 4–104(b) (Limitations – Bicycle parking);

14 (10) § 4–208 (Exceptions – Maryland Accessibility Code);

15 (11) § 4–210 (Permits and variances – Solar panels);

16 (12) § 4–211 (Change in zoning classification – Energy generating systems);

17 (13) § 4–212 (Agritourism);

18 (14) **§ 4–213 (SPECIAL EXCEPTIONS – LANDFILLS);**

19 **(15) § 5–102(d) (Subdivision regulations – Burial sites);**

20 **[(15)] (16) § 5–104 (Major subdivision – Review);**

21 **[(16)] (17) Title 7, Subtitle 1 (Development Mechanisms);**

22 **[(17)] (18) Title 7, Subtitle 2 (Transfer of Development Rights);**

23 **[(18)] (19) except in Montgomery County or Prince George’s County, Title**
24 **7, Subtitle 3 (Development Rights and Responsibilities Agreements);**

25 **[(19)] (20) Title 7, Subtitle 4 (Inclusionary Zoning);**

1 ~~[(20)]~~ **(21)** § 8–401 (Conversion of overhead facilities);

2 ~~[(21)]~~ **(22)** for Baltimore County only, Title 9, Subtitle 3 (Single–County
3 Provisions – Baltimore County);

4 ~~[(22)]~~ **(23)** for Frederick County only, Title 9, Subtitle 10 (Single–County
5 Provisions – Frederick County);

6 ~~[(23)]~~ **(24)** for Howard County only, Title 9, Subtitle 13 (Single–County
7 Provisions – Howard County);

8 ~~[(24)]~~ **(25)** for Talbot County only, Title 9, Subtitle 18 (Single–County
9 Provisions – Talbot County); and

10 ~~[(25)]~~ **(26)** Title 11, Subtitle 2 (Civil Penalty).

11 (c) This section supersedes any inconsistent provision of Division II of this article.

12 **4–213. SPECIAL EXCEPTIONS – LANDFILLS.**

13 **(A) IN THIS SECTION, “LANDFILL” INCLUDES A RUBBLE LANDFILL.**

14 **(B) ON APPLICATION BY A PROPERTY OWNER FOR A SPECIAL EXCEPTION TO**
15 **CONSTRUCT OR OPERATE A LANDFILL IN AN AREA ZONED FOR RESIDENTIAL USE,**
16 **THE LOCAL GOVERNING BODY SHALL REQUIRE THE PREPARATION OF AN**
17 **ENVIRONMENTAL JUSTICE ANALYSIS AT THE EXPENSE OF THE PROPERTY OWNER.**

18 **(C) AN ENVIRONMENTAL JUSTICE ANALYSIS PREPARED UNDER THIS**
19 **SECTION SHALL INCLUDE:**

20 **(1) A DESCRIPTION AND DEMOGRAPHIC PROFILE OF THE**
21 **SURROUNDING NEIGHBORHOOD;**

22 **(2) A DESCRIPTION OF THE ACTUAL OR POTENTIAL ADVERSE**
23 **ENVIRONMENTAL IMPACTS TO LAND, AIR, AND WATER RESOURCES WITHIN A 2–MILE**
24 **RADIUS OF THE LANDFILL OR PROPOSED LANDFILL;**

25 **(3) A DESCRIPTION OF THE ACTUAL OR POTENTIAL ADVERSE HUMAN**
26 **HEALTH IMPACTS TO THE INDIVIDUALS WHO LIVE OR WORK WITHIN A 2–MILE**
27 **RADIUS OF THE LANDFILL OR PROPOSED LANDFILL;**

28 **(4) A DESCRIPTION OF THE ACTUAL OR POTENTIAL ECONOMIC**
29 **IMPACTS TO THE INDIVIDUALS WHO LIVE OR WORK WITHIN A 2–MILE RADIUS OF THE**

1 LANDFILL OR PROPOSED LANDFILL; AND

2 (5) AN ASSESSMENT OF THE CUMULATIVE IMPACT TO THE
3 ENVIRONMENT AND HEALTH OF THE SURROUNDING COMMUNITY THAT WILL
4 RESULT FROM THE CONSTRUCTION OR OPERATION OF THE LANDFILL WHEN ADDED
5 TO THE EFFECTS OF OTHER PAST, PRESENT, AND REASONABLY FORESEEABLE LAND
6 USES WITHIN A 2-MILE RADIUS OF THE LANDFILL OR PROPOSED LANDFILL.

7 10–103.

8 (a) Except as provided in this section, this division does not apply to Baltimore
9 City.

10 (b) The following provisions of this division apply to Baltimore City:

11 (1) this title;

12 (2) § 1–101(m) (Definitions – “Priority funding area”);

13 (3) § 1–101(o) (Definitions – “Sensitive area”);

14 (4) § 1–201 (Visions);

15 (5) § 1–206 (Required education);

16 (6) § 1–207 (Annual report – In general);

17 (7) § 1–208 (Annual report – Measures and indicators);

18 (8) Title 1, Subtitle 3 (Consistency);

19 (9) Title 1, Subtitle 4, Parts II and III (Home Rule Counties –
20 Comprehensive Plans; Implementation);

21 (10) § 4–104(b) (Limitations – Bicycle parking);

22 (11) § 4–205 (Administrative adjustments);

23 (12) § 4–207 (Exceptions – Maryland Accessibility Code);

24 (13) § 4–210 (Permits and variances – Solar panels);

25 (14) § 4–211 (Change in zoning classification – Energy generating systems);

26 (15) **§ 4–213 (SPECIAL EXCEPTIONS – LANDFILLS)**

- 1 **(16)** § 5–201(d) (Subdivision regulations – Burial sites);
- 2 **[(16)] (17)** Title 7, Subtitle 1 (Development Mechanisms);
- 3 **[(17)] (18)** Title 7, Subtitle 2 (Transfer of Development Rights);
- 4 **[(18)] (19)** Title 7, Subtitle 3 (Development Rights and Responsibilities
- 5 Agreements);
- 6 **[(19)] (20)** Title 7, Subtitle 4 (Inclusionary Zoning); and
- 7 **[(20)] (21)** Title 11, Subtitle 2 (Civil Penalty).

8 SECTION 2. AND BE IT FURTHER ENACTED, That the catchline contained in
9 this Act is not law and may not be considered to have been enacted as part of this Act.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2019.