

HOUSE BILL 409

L6

3lr1697
CF 3lr2427

By: **Delegates McIntosh, Bobo, Frush, Healey, Hubbard, Lafferty,
Pendergrass, Sophocleus, and Stein**

Introduced and read first time: January 28, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Land Use – Local Governments – Comprehensive Planning and Zoning Cycles**

3 FOR the purpose of altering the time period of a local government’s comprehensive
4 planning and zoning cycle to better coincide with the release of United States
5 decennial census data; requiring certain planning commissions to include in a
6 certain annual report information on the implementation status of a certain
7 comprehensive plan; altering certain time frames for certain planning
8 commissions to review certain comprehensive plans and to implement certain
9 elements of certain comprehensive plans; requiring the Maryland Association of
10 Counties, the Maryland Municipal League, and the Maryland Department of
11 Planning to form a certain stakeholders group to create certain transition
12 schedules for each local government that drafts a comprehensive plan; requiring
13 certain transition schedules, to the extent practicable, to coincide with the
14 release of certain data from the United States decennial census; requiring a
15 certain stakeholder group to submit a proposed transition schedule to certain
16 committees of the General Assembly on or before a certain date; and generally
17 relating to local government comprehensive planning and zoning cycles.

18 BY repealing and reenacting, with amendments,
19 Article – Land Use
20 Section 1–207, 1–416, 1–417, 1–509, 3–301, and 3–303
21 Annotated Code of Maryland
22 (2012 Volume)

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

25 **Article – Land Use**

26 1–207.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

9 (c) The annual report shall:

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

- 12 (i) land use;
- 13 (ii) transportation;
- 14 (iii) community facilities patterns;
- 15 (iv) zoning map amendments; and
- 16 (v) subdivision plats;

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

- 19 (i) each other;
- 20 (ii) the recommendations of the last annual report;
- 21 (iii) the adopted plans of the local jurisdiction;
- 22 (iv) the adopted plans of all adjoining local jurisdictions; and
- 23 (v) the adopted plans of State and local jurisdictions that have
24 responsibility for financing or constructing public improvements necessary to
25 implement the local jurisdiction’s plan;

26 (3) contain statements and recommendations for improving the
27 planning and development process within the local jurisdiction;

1 (4) state which local laws or regulations have been adopted or changed
2 to implement the visions in § 1–201 of this subtitle as required under § 1–417 of this
3 title or § 3–303 of this article; [and]

4 (5) contain the measures and indicators required under § 1–208(c) of
5 this subtitle; AND

6 **(6) FOR THE FIFTH YEAR AFTER THE ADOPTION DATE OF THE**
7 **LOCAL JURISDICTION’S COMPREHENSIVE PLAN, CONTAIN A NARRATIVE OF THE**
8 **IMPLEMENTATION STATUS OF THE COMPREHENSIVE PLAN.**

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

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

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

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

17 1–416.

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

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

22 (2) the visions set forth in § 1–201 of this title.

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

27 1–417.

28 (a) At least once every [6] 10 years, which corresponds to the comprehensive
29 plan revision process under § 1–416 of this subtitle, a charter county shall ensure the
30 implementation of the visions, the development regulations element, and the sensitive
31 areas element of the plan.

1 (b) A charter county 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; and

5 (2) local laws governing:

6 (i) planned development;

7 (ii) subdivision; and

8 (iii) other land use provisions that are consistent with the
9 comprehensive plan.

10 1-509.

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

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

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

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

19 3-301.

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

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

24 (2) the visions set forth in § 1-201 of this article.

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

29 3-303.

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

5 (b) A local jurisdiction shall ensure that the implementation of the
6 requirements of subsection (a) of this section are achieved through the adoption of
7 applicable:

8 (1) zoning laws;

9 (2) planned development ordinances and regulations;

10 (3) subdivision ordinances and regulations; and

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

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

14 (a) The Maryland Association of Counties, the Maryland Municipal League,
15 and the Maryland Department of Planning shall form a stakeholders group to create a
16 transition schedule for each local government that drafts a comprehensive plan to
17 convert their comprehensive planning cycle from a 6–year cycle to a 10–year cycle.

18 (b) The transition schedule shall, to the extent practicable, coincide with the
19 release of data from the United States decennial census and allow a local jurisdiction
20 access to that data at the beginning of the local jurisdiction’s comprehensive plan
21 review process.

22 (c) On or before December 1, 2015, the stakeholders group shall submit a
23 proposed transition schedule, in accordance with § 2–1246 of the State Government
24 Article, to the Senate Education, Health, and Environmental Affairs Committee and
25 the House Environmental Matters Committee.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2013.