

HOUSE BILL 409

L6

3lr1697
CF SB 443

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

Introduced and read first time: January 28, 2013

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2013

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of ~~altering the time period of a local government's comprehensive~~
5 ~~planning and zoning cycle~~ requiring that, in certain years, a certain annual
6 planning report contain a certain narrative on the implementation status of a
7 certain comprehensive plan; increasing the time period of the comprehensive
8 planning and zoning cycles of certain local jurisdictions to better coincide with
9 the release of United States decennial census data; requiring ~~certain planning~~
10 ~~commissions to include in a certain annual report information on the~~
11 ~~implementation status of a certain comprehensive plan; altering certain time~~
12 ~~frames for certain planning commissions to review certain comprehensive plans~~
13 ~~and to implement certain elements of certain comprehensive plans; requiring~~
14 the Department of Planning along with the Maryland Association of Counties,
15 and the Maryland Municipal League, ~~and the Maryland Department of~~
16 ~~Planning to form a certain stakeholders group to create a certain transition~~
17 ~~schedules for each local government that drafts a comprehensive plan~~ schedule
18 to increase the time period of the comprehensive planning cycle of certain local
19 jurisdictions that adopt a comprehensive plan; requiring a certain transition
20 ~~schedules, to the extent practicable,~~ schedule to coincide, to the extent
21 practicable, with the release of ~~certain data from the~~ United States decennial
22 census data; requiring a certain transition schedule to allow, to the extent
23 practicable, a local jurisdiction to access certain data at the beginning of the
24 comprehensive plan review process; requiring ~~a certain stakeholder group to~~

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 ~~submit a proposed transition schedule to certain committees of the General~~
 2 ~~Assembly~~ the Department to submit a proposed transition schedule to the
 3 Senate Education, Health, and Environmental Affairs Committee and the
 4 House Environmental Matters Committee on or before a certain date; requiring
 5 certain local jurisdictions to incorporate certain growth tiers into a
 6 comprehensive plan according to a certain schedule notwithstanding certain
 7 provisions of this Act; requiring a local jurisdiction to make a certain statement
 8 regarding the failure to adopt a growth tier under certain circumstances;
 9 providing that certain growth tiers are not considered adopted for certain
 10 purposes under certain circumstances; providing that this Act does not prohibit
 11 a local jurisdiction from amending its comprehensive plan, certain laws, or
 12 certain ordinances or regulations at any time; making conforming changes; and
 13 generally relating to ~~local government~~ the comprehensive planning and zoning
 14 cycles of local jurisdictions.

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

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

22 **Article – Land Use**

23 1–207.

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

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

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

32 (c) The annual report shall:

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

- 35 (i) land use;

- 1 (ii) transportation;
- 2 (iii) community facilities patterns;
- 3 (iv) zoning map amendments; and
- 4 (v) subdivision plats;
- 5 (2) state whether the changes under item (1) of this subsection are
6 consistent with:
- 7 (i) each other;
- 8 (ii) the recommendations of the last annual report;
- 9 (iii) the adopted plans of the local jurisdiction;
- 10 (iv) the adopted plans of all adjoining local jurisdictions; and
- 11 (v) the adopted plans of State and local jurisdictions that have
12 responsibility for financing or constructing public improvements necessary to
13 implement the local jurisdiction's plan;
- 14 (3) contain statements and recommendations for improving the
15 planning and development process within the local jurisdiction;
- 16 (4) state which local laws or regulations have been adopted or changed
17 to implement the visions in § 1-201 of this subtitle as required under § 1-417 of this
18 title or § 3-303 of this article; [and]
- 19 (5) contain the measures and indicators required under § 1-208(c) of
20 this subtitle; AND
- 21 **(6) ~~FOR THE FIFTH YEAR~~ AT LEAST ONCE WITHIN THE 5-YEAR**
22 **PERIOD AFTER THE ADOPTION DATE OF OR REVIEW BY THE LOCAL**
23 **JURISDICTION'S COMPREHENSIVE PLAN JURISDICTION OF A COMPREHENSIVE**
24 **PLAN UNDER PART II OF SUBTITLE 4 OF THIS TITLE OR UNDER TITLE 3 OF THIS**
25 **ARTICLE, CONTAIN A NARRATIVE OF ON THE IMPLEMENTATION STATUS OF THE**
26 **COMPREHENSIVE PLAN, INCLUDING:**
- 27 **(I) A SUMMARY OF THE DEVELOPMENT TRENDS**
28 **CONTAINED IN THE PREVIOUS ANNUAL REPORTS FILED DURING THE PERIOD**
29 **COVERED BY THE NARRATIVE;**

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

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

8 (IV) IDENTIFICATION OF ANY STATE OR FEDERAL LAWS,
 9 REGULATIONS, OR REQUIREMENTS THAT HAVE IMPEDED LOCAL SMART
 10 GROWTH INITIATIVES IDENTIFIED IN THE COMPREHENSIVE PLAN AND
 11 RECOMMENDATIONS TO REMOVE ANY IMPEDIMENTS;

12 (V) FUTURE LAND USE CHALLENGES AND ISSUES; AND

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

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

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

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

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

23 1-416.

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

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

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

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

1 1-417.

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

6 (b) A charter county shall ensure that the implementation of the
7 requirements of subsection (a) of this section are achieved through the adoption of
8 applicable:

9 (1) zoning laws; and

10 (2) local laws governing:

11 (i) planned development;

12 (ii) subdivision; and

13 (iii) other land use provisions that are consistent with the
14 comprehensive plan.

15 1-509.

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

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

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

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

24 3-301.

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

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

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

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

5 3–303.

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

10 (b) A local jurisdiction shall ensure that the implementation of the
 11 requirements of subsection (a) of this section are achieved through the adoption of
 12 applicable:

13 (1) zoning laws;

14 (2) planned development ordinances and regulations;

15 (3) subdivision ordinances and regulations; and

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

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

19 (a) ~~The Department of Planning along with the Maryland Association of~~
 20 ~~Counties, and the Maryland Municipal League, and the Maryland Department of~~
 21 ~~Planning shall form a stakeholders group to create a transition schedule for each to~~
 22 ~~transition the comprehensive planning cycle of each local government jurisdiction that~~
 23 ~~drafts adopts a comprehensive plan to convert their comprehensive planning cycle~~
 24 ~~from a 6-year cycle to a 10-year cycle.~~

25 (b) The transition schedule shall, to the extent practicable;

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

28 (ii) allow a local jurisdiction access to ~~that~~ the census data at
 29 the beginning of the local jurisdiction's comprehensive plan review process.

30 (c) ~~On or before December 1, 2015, the stakeholders group~~ The Department
 31 of Planning shall submit a proposed transition schedule, ~~in accordance with § 2-1246~~
 32 ~~of the State Government Article,~~ to the Senate Education, Health, and Environmental
 33 Affairs Committee and the House Environmental Matters Committee on or before
 34 December 1, 2015.

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

2 (a) Notwithstanding § 1-509 of the Land Use Article, as enacted by this Act,
3 a local jurisdiction that, as of the effective date of this Act, has not incorporated the
4 growth tiers under Title 1, Subtitle 5 of the Land Use Article into the comprehensive
5 plan shall incorporate the growth tiers at the time that the local jurisdiction was
6 scheduled to conduct its 6-year review of the comprehensive plan in accordance with §
7 1-509 of the Land Use Article as it was in effect on July 1, 2012.

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

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

12 (2) the growth tiers will not be considered as adopted for purposes of §
13 9-206 of the Environment Article.

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.