

HB0080/553925/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 80
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “adjacent” and substitute “contiguous”; strike beginning with “exempting” in line 5 down through “cap;” in line 7; in line 8, after “law” insert “, subject to certain exceptions”; strike beginning with “authorizing” in line 8 down through “development” in line 16 and substitute “adding the use of project labor agreements as a scoring preference for projects financed by the Transit-Oriented Development Capital Grant and Revolving Loan Fund”; in line 19, after “(g)” insert “and 7-501(a) and (i)”; and in line 24, strike “4-104” and substitute “1-401(b), 4-104, and 10-103(b)”.

On page 2, strike in their entirety lines 1 through 10, inclusive; strike in their entirety lines 16 through 26, inclusive; in line 29, strike “7-1203(c) and 7-1204(a)” and substitute “7-1204(b)(2)”; and strike in their entirety lines 32 through 37, inclusive.

AMENDMENT NO. 2

On page 3, after line 8, insert:

“1-401.

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

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

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

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- (3) § 1–201 (Visions);
- (4) § 1–206 (Required education);
- (5) § 1–207 (Annual report – In general);
- (6) § 1–208 (Annual report – Measures and indicators);
- (7) Title 1, Subtitle 3 (Consistency);
- (8) Title 1, Subtitle 5 (Growth Tiers);
- (9) § 4–104(c) (Limitations – **[Bicycle parking] PARKING**);
- (10) § 4–104(d) (Limitations – Manufactured homes and modular dwellings);
- (11) § 4–104(E) (LIMITATIONS – MIXED–USE DEVELOPMENT);**
- (12) § 4–104(F) (LIMITATIONS – STATE–OWNED LAND FOR TRANSPORTATION USE);**
- (13) § 4–104(H) (PRIORITY – TRANSIT–ORIENTED DEVELOPMENT);**
- [11] (14) § 4–208 (Exceptions – Maryland Accessibility Code);**
- [12] (15) § 4–210 (Permits and variances – Solar panels);**
- [13] (16) § 4–211 (Change in zoning classification – Energy generating systems);**

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[(14)] (17) § 4–212 (Agritourism);

[(15)] (18) § 4–213 (Alcohol production);

[(16)] (19) § 4–214 (Agricultural alcohol production);

[(17)] (20) § 4–215 (Pollinator–friendly vegetation management);

[(18)] (21) § 5–102(d) (Subdivision regulations – Burial sites);

[(19)] (22) § 5–104 (Major subdivision – Review);

[(20)] (23) Title 7, Subtitle 1 (Development Mechanisms);

[(21)] (24) Title 7, Subtitle 2 (Transfer of Development Rights);

[(22)] (25) except in Montgomery County or Prince George’s County,
Title 7, Subtitle 3 (Development Rights and Responsibilities Agreements);

[(23)] (26) Title 7, Subtitle 4 (Inclusionary Zoning);

[(24)] (27) Title 7, Subtitle 5 (Housing Expansion and Affordability);

[(25)] (28) § 8–401 (Conversion of overhead facilities);

[(26)] (29) for Baltimore County only, Title 9, Subtitle 3 (Single–County
Provisions – Baltimore County);

[(27)] (30) for Frederick County only, Title 9, Subtitle 10 (Single–County
Provisions – Frederick County);

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[(28)] (31) for Howard County only, Title 9, Subtitle 13 (Single-County Provisions – Howard County);

[(29)] (32) for Talbot County only, Title 9, Subtitle 18 (Single-County Provisions – Talbot County); and

[(30)] (33) Title 11, Subtitle 2 (Civil Penalty).”;

strike line 10 in its entirety and substitute “(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “MIXED-USE” HAS THE MEANING STATED IN § 7-501 OF THIS ARTICLE.

(3) “MODULAR DWELLING” MEANS A BUILDING ASSEMBLY OR SYSTEM OF”;

and in lines 12, 14, and 16, strike “(1)”, “(2)”, and “(3)”, respectively, and substitute “(I)”, “(II)”, and “(III)”, respectively.

AMENDMENT NO. 3

On page 4, in lines 6 and 25, in each instance, after “**BODY**” insert “OR OTHER LOCAL AGENCY WITH LAND USE AUTHORITY”; in line 8, strike “**0.5**” and substitute “0.25”; in the same line, after “**STATION**” insert “THAT RECEIVES AT LEAST HOURLY SERVICE ON AVERAGE FROM 8:00 A.M. UNTIL 6:00 P.M. MONDAY THROUGH FRIDAY”; strike beginning with “**A**” in line 21 down through “**STATION**” in line 23 and substitute “A LOCAL JURISDICTION’S ZONING REGULATIONS SHALL ALLOW MIXED-USE DEVELOPMENT ON LAND DESIGNATED FOR RESIDENTIAL USE OR APPROPRIATE COMMERCIAL USE FOR MIXED-USE DEVELOPMENT WITHIN 0.5 MILES OF A RAIL TRANSIT STATION THAT RECEIVES AT LEAST HOURLY SERVICE”

ON AVERAGE FROM 8:00 A.M. UNTIL 6:00 P.M. MONDAY THROUGH FRIDAY"; in line 25, strike "ADJACENT" and substitute "CONTIGUOUS"; in the same line, after the first "A" insert "RAIL"; in the same line, after "STATION" insert "THAT RECEIVES AT LEAST HOURLY SERVICE ON AVERAGE FROM 8:00 A.M. UNTIL 6:00 P.M. MONDAY THROUGH FRIDAY"; strike beginning with "LOCAL" in line 25 down through "TRANSPORTATION" in line 27 and substitute "LIMITATIONS OR RESTRICTIONS ON LAND USE CLASSIFICATION, HEIGHT, OR SETBACK, OR ANY SIMILAR REQUIREMENTS IF THE LAND IS SUBJECT TO A TRANSIT-ORIENTED DEVELOPMENT PLAN APPROVED BY THE DEPARTMENT OF TRANSPORTATION AND DEVELOPED IN COORDINATION WITH THE LOCAL JURISDICTION"; and after line 27, insert:

"(G) SUBSECTIONS (E) AND (F) OF THIS SECTION MAY NOT BE CONSTRUED TO ALTER THE LAND USE AUTHORITY OF A LOCAL JURISDICTION GOVERNING:

(1) ENVIRONMENTAL OR NATURAL RESOURCES CONCERNS;

(2) PUBLIC HEALTH AND SAFETY CONSIDERATIONS; OR

(3) ADEQUATE PUBLIC FACILITIES ORDINANCES.

(H) (1) A LEGISLATIVE BODY OR OTHER LOCAL AGENCY WITH LAND USE AUTHORITY SHALL PRIORITIZE THE PROCESSING AND APPROVAL OF ANY SITE PLAN OR PERMIT FOR A DESIGNATED TRANSIT-ORIENTED DEVELOPMENT AS DESCRIBED IN TITLE 7, SUBTITLE 1 OF THE TRANSPORTATION ARTICLE.

(2) (I) EXCEPT AS OTHERWISE REQUIRED BY STATE LAW, A LOCAL GOVERNMENT MAY NOT REQUIRE THAT A PROJECT UNDER SUBSECTION (E) OR (F) OF THIS SECTION BE REVIEWED AT MORE THAN TWO PUBLIC HEARINGS BEFORE EACH OF THE FOLLOWING:

(Over)

1. THE LOCAL GOVERNING BODY; AND

2. THE PLANNING COMMISSION.

(II) EXCEPT AS OTHERWISE REQUIRED BY STATE LAW, A LOCAL GOVERNMENT MAY NOT REQUIRE THAT A PROJECT UNDER SUBSECTION (E) OR (F) OF THIS SECTION BE REVIEWED AT MORE THAN ONE PUBLIC HEARING BEFORE EACH OF THE FOLLOWING:

1. A HISTORIC DISTRICT COMMISSION OR HISTORIC PRESERVATION COMMISSION; AND

2. THE BOARD OF APPEALS.

7-501.

(a) In this subtitle the following words have the meanings indicated.

(i) (1) "Mixed-use" means any combination of a residential use with a recreational, office, dining, or retail use.

(2) "Mixed-use" does not mean any combination of a residential use with an industrial or hazardous use.

10-103.

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

(1) this title;

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- (2) § 1–101(m) (Definitions – “Priority funding area”);
- (3) § 1–101(o) (Definitions – “Sensitive area”);
- (4) § 1–201 (Visions);
- (5) § 1–206 (Required education);
- (6) § 1–207 (Annual report – In general);
- (7) § 1–208 (Annual report – Measures and indicators);
- (8) Title 1, Subtitle 3 (Consistency);
- (9) Title 1, Subtitle 4, Parts II and III (Home Rule Counties – Comprehensive Plans; Implementation);
- (10) § 4–104(c) (Limitations – [Bicycle parking] **PARKING**);
- (11) § 4–104(d) (Limitations – Manufactured homes and modular dwellings);
- (12) § 4–104(E) (LIMITATIONS – MIXED–USE DEVELOPMENT);
- (13) § 4–104(F) (LIMITATIONS – STATE–OWNED LAND FOR TRANSPORTATION USE);
- (14) § 4–104(H) (PRIORITY – TRANSIT–ORIENTED DEVELOPMENT);
- ~~(12)~~ (15) § 4–205 (Administrative adjustments);

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[(13)] (16) § 4–207 (Exceptions – Maryland Accessibility Code);

[(14)] (17) § 4–210 (Permits and variances – Solar panels);

[(15)] (18) § 4–211 (Change in zoning classification – Energy generating systems);

[(16)] (19) § 4–215 (Pollinator–friendly vegetation management);

[(17)] (20) § 5–102(d) (Subdivision regulations – Burial sites);

[(18)] (21) Title 7, Subtitle 1 (Development Mechanisms);

[(19)] (22) Title 7, Subtitle 2 (Transfer of Development Rights);

[(20)] (23) Title 7, Subtitle 3 (Development Rights and Responsibilities Agreements);

[(21)] (24) Title 7, Subtitle 4 (Inclusionary Zoning);

[(22)] (25) Title 7, Subtitle 5 (Housing Expansion and Affordability); and

[(23)] (26) Title 11, Subtitle 2 (Civil Penalty).”.

AMENDMENT NO. 4

On pages 4 through 6, strike in their entirety the lines beginning with line 28 on page 4 through line 7 on page 6, inclusive.

On page 6, in line 10, after “(L)” insert “(1)”; and after line 11, insert:

“(2) TO THE EXTENT OTHERWISE REQUIRED BY LAW, THE FOLLOWING PROVISIONS OF THIS DIVISION APPLY TO A TRANSIT-ORIENTED DEVELOPMENT UNDER TITLE 7 OF THE TRANSPORTATION ARTICLE:

(I) § 11-205 OF THIS SUBTITLE (“COLLUSION”);

(II) § 11-205.1 OF THIS SUBTITLE (“FALSIFICATION, CONCEALMENT, ETC., OF MATERIAL FACTS”);

(III) TITLE 12, SUBTITLE 4 OF THIS ARTICLE (“POLICIES AND PROCEDURES FOR EXEMPT UNITS”);

(IV) § 13-219 OF THIS ARTICLE (“REQUIRED CLAUSES – NONDISCRIMINATION CLAUSE”);

(V) TITLE 14, SUBTITLE 3 OF THIS ARTICLE (“MINORITY BUSINESS PARTICIPATION”), TO THE EXTENT PRACTICABLE AND PERMITTED BY THE UNITED STATES CONSTITUTION;

(VI) § 15-113 OF THIS ARTICLE (“LIQUIDATED DAMAGES POLICIES AND REPORTING”);

(VII) TITLE 17, SUBTITLE 1 OF THIS ARTICLE (“SECURITY FOR CONSTRUCTION CONTRACTS”);

(VIII) TITLE 17, SUBTITLE 2 OF THIS ARTICLE (“PREVAILING WAGE RATES – PUBLIC WORK CONTRACTS”); AND

(IX) TITLE 18 OF THIS ARTICLE (“LIVING WAGE”).

(Over)

Article – Transportation

7–1204.

(b) (2) The Smart Growth Subcabinet established under § 9–1406 of the State Government Article may establish:

(i) Different eligibility requirements and objective scoring standards for different types of financial assistance; and

(ii) Scoring preferences for applications that demonstrate that the proposed project will:

1. Enhance access to transit for low–income and minority residents of the local jurisdiction;

2. Enhance access to transit in areas with affordable housing and a diversity of job and educational opportunities; [or]

3. Encourage development around underdeveloped and underutilized transit stations in transit–oriented developments; OR

4. USE PROJECT LABOR AGREEMENTS TO PROMOTE PROJECT EFFICIENCY, COST CONTROL, ENHANCED WORKER SAFETY, A SKILLED WORKFORCE, AND LABOR HARMONY.”.

AMENDMENT NO. 5

On pages 6 through 9, strike in their entirety the lines beginning with line 12 on page 6 through line 6 on page 9, inclusive.