

SENATE BILL 366

L6

6lr1821

By: **Senator Brochin**

Introduced and read first time: January 28, 2016

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Land Use – Department of Planning – Permit for Development Projects**

3 FOR the purpose of requiring a person that undertakes a certain development project to
4 apply to the Department of Planning for a permit; requiring the Department to
5 provide an opportunity for public comment on the permit application; requiring the
6 Department to take certain factors into consideration when reviewing the permit
7 application; requiring the Department to adopt certain regulations; providing for the
8 application of this Act; and generally relating to development projects.

9 BY repealing and reenacting, with amendments,
10 Article – Land Use
11 Section 1–401 and 10–103
12 Annotated Code of Maryland
13 (2012 Volume and 2015 Supplement)

14 BY adding to
15 Article – Land Use
16 Section 1–601 to be under the new subtitle “Subtitle 6. Miscellaneous”
17 Annotated Code of Maryland
18 (2012 Volume and 2015 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – Transportation
21 Section 8–725(e)
22 Annotated Code of Maryland
23 (2015 Replacement Volume and 2015 Supplement)

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

26 **Article – Land Use**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 1-401.

2 (a) Except as provided in this section, this division does not apply to charter
3 counties.

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

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

7 (2) § 1-101(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”,
8 and “Sensitive area”);

9 (3) § 1-201 (Visions);

10 (4) § 1-206 (Required education);

11 (5) § 1-207 (Annual report – In general);

12 (6) § 1-208 (Annual report – Measures and indicators);

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

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

15 (9) **§ 1-601 (DEVELOPMENT PROJECT PERMIT);**

16 **(10) § 4-104(b) (Limitations – Bicycle parking);**

17 **[(10)] (11) § 4-208 (Exceptions – Maryland Accessibility Code);**

18 **[(11)] (12) § 4-210 (Permits and variances – Solar panels);**

19 **[(12)] (13) § 5-102(d) (Subdivision regulations – Burial sites);**

20 **[(13)] (14) § 5-104 (Major subdivision – Review);**

21 **[(14)] (15) Title 7, Subtitle 1 (Development Mechanisms);**

22 **[(15)] (16) Title 7, Subtitle 2 (Transfer of Development Rights);**

23 **[(16)] (17) Except in Montgomery County or Prince George’s County, Title**
24 **7, Subtitle 3 (Development Rights and Responsibilities Agreements);**

25 **[(17)] (18) Title 7, Subtitle 4 (Inclusionary Zoning);**

1 [(18)] (19) § 8–401 (Conversion of overhead facilities);

2 [(19)] (20) For Baltimore County only, Title 9, Subtitle 3 (Single–County
 3 Provisions – Baltimore County);

4 [(20)] (21) For Howard County only, Title 9, Subtitle 13 (Single–County
 5 Provisions – Howard County);

6 [(21)] (22) For Talbot County only, Title 9, Subtitle 18 (Single–County
 7 Provisions – Talbot County); and

8 [(22)] (23) Title 11, Subtitle 2 (Civil Penalty).

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

10 **SUBTITLE 6. MISCELLANEOUS.**

11 **1–601.**

12 **(A) A PERSON SHALL APPLY TO THE DEPARTMENT OF PLANNING FOR A
 13 PERMIT IF THE PERSON UNDERTAKES A DEVELOPMENT PROJECT THAT:**

14 **(1) (I) INVOLVES THE CONSTRUCTION OF A TOTAL OF 50 OR MORE
 15 SURFACE PARKING SPACES; OR**

16 **(II) WILL RESULT IN A TOTAL OF 50 OR MORE SURFACE PARKING
 17 SPACES WHEN COMBINED WITH EXISTING SURFACE PARKING SPACES; AND**

18 **(2) IS LOCATED WITHIN ONE–HALF MILE OF A SCENIC BYWAY, AS
 19 DEFINED IN § 8–725 OF THE TRANSPORTATION ARTICLE.**

20 **(B) THE DEPARTMENT OF PLANNING SHALL PROVIDE AN OPPORTUNITY
 21 FOR PUBLIC COMMENT ON THE PERMIT APPLICATION.**

22 **(C) IN REVIEWING THE PERMIT APPLICATION, THE DEPARTMENT OF
 23 PLANNING SHALL CONSIDER:**

24 **(1) THE IMPACT THE DEVELOPMENT PROJECT WILL HAVE ON THE
 25 SURROUNDING COMMUNITY;**

26 **(2) ANY COMMENTS RECEIVED DURING THE PUBLIC COMMENT
 27 PERIOD; AND**

1 **(3) ANY OTHER FACTORS THE DEPARTMENT OF PLANNING**
 2 **CONSIDERS NECESSARY.**

3 **(D) THE DEPARTMENT OF PLANNING SHALL ADOPT REGULATIONS TO**
 4 **CARRY OUT THIS SECTION.**

5 10–103.

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

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

9 (1) this title;

10 (2) § 1–101(m) (Definitions – “Priority funding area”);

11 (3) § 1–101(o) (Definitions – “Sensitive area”);

12 (4) § 1–201 (Visions);

13 (5) § 1–206 (Required education);

14 (6) § 1–207 (Annual report – In general);

15 (7) § 1–208 (Annual report – Measures and indicators);

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

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

19 (10) **§ 1–601 (DEVELOPMENT PROJECT PERMIT);**

20 (11) § 4–104(b) (Limitations – Bicycle parking);

21 [(11)] (12) § 4–205 (Administrative adjustments);

22 [(12)] (13) § 4–207 (Exceptions – Maryland Accessibility Code);

23 [(13)] (14) § 4–210 (Permits and variances – Solar panels);

24 [(14)] (15) § 5–201(d) (Subdivision regulations – Burial sites);

25 [(15)] (16) Title 7, Subtitle 1 (Development Mechanisms);

