

2009 Smart, Green, and Growing Legislation

The Planning Visions

(SB 273/HB 294)



The Planning Visions bill replaces the State's eight existing planning visions with 12 new visions that address quality of life and sustainability, public participation, growth areas, community design, infrastructure, transportation, housing, economic development, environmental protection, resource conservation, stewardship, and implementation approaches. These new planning visions are the State's land use policy and a local jurisdiction is required to include the visions in the local comprehensive plan and implement them through zoning ordinances and regulations.

The bill also requires local jurisdictions to submit a report to the Maryland Department of Planning (MDP) every two years if an Adequate Public Facility Ordinance (APFO) results in a restriction in a Priority Funding Area (PFA). The first such report will be submitted by July 1, 2010. MDP, subsequently, is required to submit a report by January 1st every two years on the statewide impacts of APFOs.

Local jurisdiction reports on PFAs and APFOs must include information about the location of the restriction; infrastructure affected by the restriction; the proposed resolution of the restriction, if available; estimated date for resolving the restriction, if available; date a restriction was lifted, as applicable; and terms of the resolution that removed the restriction. A local jurisdiction's first report is due July 1, 2010.

MDP's report on the statewide impact of APFOs has to identify: (1) geographic areas and facilities within PFAs that do not meet local adequate public facility standards; and (2) scheduled or proposed improvements to facilities in local capital improvement programs. MDP's first report is due by January 1, 2011.

The bill authorizes local jurisdictions to establish Transfer of Development Rights (TDR) programs within PFAs and to assist a local jurisdiction in the purchase of land for public facilities in PFAs. Proceeds from the sale of these development rights must be used for land acquisition and public facility construction in the PFA. A "public facility" includes recreational facilities, transportation facilities and transit oriented development, and schools and educational facilities.

The effective date of the bill is **October 1, 2009**.

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Richard Eberhart Hall
Secretary

Matthew J. Power
Deputy Secretary