

No. 41

(House Joint Resolution 3)

House Joint Resolution requesting the Governor of Maryland to appoint a Commission of persons to review and revise RECOMMEND REVISION OF the State zoning and planning laws.

WHEREAS, Article 66B of the Annotated Code contains the State zoning and planning laws, which were adopted in 1927 by Chapter 705 of the Acts of that year, and

WHEREAS, In the nearly 40 years which have elapsed since 1927, the art of planning has become refined and well established and the art and law of zoning has undergone a tremendous change, and

WHEREAS, While it is the feeling of zoning and planning administrators that the existing Maryland laws are, as a whole, adequate, there are many parts of the laws which are inadequate and in need of clarification, and

Whereas, Some of the portions of Article 66B which ought to be reviewed include the following:

1. Sections 1 through 9A of Article 66B, which are applicable only within Baltimore City, contain language which is duplicated in later portions of the Article and these provisions ought to be combined to remove the duplication.

2. The definitions found in Section 10 of Article 66B are confusing and ought to be recast, particularly in the definition of "municipality" which includes towns as well as counties.

3. Section 15 relating to general powers and duties ought to be rewritten to more clearly express current planning terminology and concepts.

4. The procedure in Section 17 for adoption of a master plan should be more explicit. A number of states require, in addition, the adoption of a comprehensive plan.

5. All of Title 2, "Zoning," is, for the most part, unclear and difficult to comprehend. The powers granted need not be changed radically, but the language and the procedures ought to be more clearly defined. Questions have arisen of the usefulness of interim ordinances and of the extent of municipal jurisdiction outside of corporate limits.

6. The functions and powers of the Board of Zoning Appeals ought to be refined.

7. There ought to be a clarification of jurisdiction as between municipalities and counties for the adoption of subdivision regulations.

8. Title 4 of the Article, "Buildings on Mapped Streets," is seldom used in Maryland but with some modifications it contains useful procedures, and

WHEREAS, Several other states, including Indiana and West Virginia, have adopted modern planning and zoning laws which are explicit in procedure and jurisdictional control, and offer a flexibility that local jurisdictions may utilize to arrive at satisfactory solutions