

HOUSE BILL 583

L1, N1

7lr3119
CF SB 421

By: **Delegates Valentino-Smith and Holmes**

Introduced and read first time: January 30, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Counties – Historic Preservation – Development Limitation**

3 FOR the purpose of providing that certain improvements to certain real property that is
4 adjacent to or abuts certain religious property in certain counties may be authorized
5 only if certain conditions are met, including provision for certain buffers,
6 improvements, approvals, covenants, and financial responsibilities; providing for the
7 application of this Act; defining a certain term; and generally relating to counties
8 and historic preservation.

9 BY repealing and reenacting, without amendments,
10 Article – Local Government
11 Section 10–301
12 Annotated Code of Maryland
13 (2013 Volume and 2016 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Local Government
16 Section 10–325
17 Annotated Code of Maryland
18 (2013 Volume and 2016 Supplement)

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

21 **Article – Local Government**

22 10–301.

23 This subtitle applies only to charter counties and code counties.

24 10–325.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) A county may enact laws for historic and landmark zoning and
2 preservation:

3 (i) generally;

4 (ii) in accordance with Title 8 of the Land Use Article; or

5 (iii) to be administered generally by a Historic District Commission.

6 (2) A law enacted under paragraph (1) of this subsection may provide for
7 appeals or judicial review.

8 (b) The authority conferred under this section is in addition to any charter
9 provision or local law that provides for planning and zoning.

10 (C) (1) IN THIS SUBSECTION, "RELIGIOUS PROPERTY" MEANS REAL
11 PROPERTY THAT:

12 (I) IS OWNED BY A RELIGIOUS INSTITUTION; AND

13 (II) HAS BEEN OCCUPIED CONTINUOUSLY BY ONE OR MORE
14 RELIGIOUS INSTITUTIONS SINCE THE 18TH CENTURY.

15 (2) THIS SUBSECTION APPLIES ONLY TO REAL PROPERTY THAT
16 ABUTS OR IS ADJACENT TO RELIGIOUS PROPERTY.

17 (3) AN IMPROVEMENT TO REAL PROPERTY MAY BE AUTHORIZED
18 ONLY IF:

19 (I) THERE IS A BUFFER OF AT LEAST 600 FEET BETWEEN THE
20 IMPROVEMENT AND RELIGIOUS PROPERTY;

21 (II) ALL CAPITAL PROJECTS PROPOSED BY THE COUNTY FOR
22 THE CONSOLIDATED TRANSPORTATION PLAN ADJACENT TO THE REAL PROPERTY
23 TO BE IMPROVED HAVE BEEN COMPLETED;

24 (III) ANY MUNICIPALITY WHERE THE REAL PROPERTY TO BE
25 IMPROVED IS LOCATED, OR TO WHICH THE REAL PROPERTY IS ADJACENT, AND THE
26 STATE HIGHWAY ADMINISTRATION, AS NEEDED, APPROVE THE IMPROVEMENT;

27 (IV) THE OWNER OF THE REAL PROPERTY TO BE IMPROVED
28 COVENANTS WITH THE OWNER OF THE RELIGIOUS PROPERTY THAT ANY BELLS OR
29 CHIMES ON THE RELIGIOUS PROPERTY MAY RING IN PERPETUITY IN THE SAME OR
30 SIMILAR MANNER THAT THEY HAVE PREVIOUSLY RUNG; AND

1 (V) THE OWNER OF THE REAL PROPERTY TO BE IMPROVED IS
2 FINANCIALLY RESPONSIBLE FOR ANY IMPROVEMENT THAT THE RELIGIOUS
3 PROPERTY MUST MAKE NECESSITATED BY THE IMPROVEMENT TO THE REAL
4 PROPERTY.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
6 1, 2017.