

## **Comprehensive Plan – Preparation and Approval Process**

### **Plan preparation.**

- (a) In general. --
  - (1) A planning commission shall prepare a plan by carefully and comprehensively surveying and studying:
    - (i) the present conditions and projections of future growth of the local jurisdiction; and
    - (ii) the relation of the local jurisdiction to neighboring jurisdictions.
  - (2) A planning commission shall make the plan with the general purpose of guiding and accomplishing the coordinated, adjusted, and harmonious development of the local jurisdiction and its environs.
  - (3) The plan shall serve as a guide to public and private actions and decisions to ensure the development of public and private property in appropriate relationships.
- (b) Scope and purposes of plan. --
  - (1) In accordance with present and future needs, a plan shall promote:
    - (i) good civic design and arrangement;
    - (ii) a healthy and convenient distribution of population; the health, safety, and general welfare of the local jurisdiction; and
    - (iii) efficiency and economy in the development process.
  - (2) A plan shall:
    - (i) include any areas outside the boundaries of the plan that, in the planning commission's judgment, relate to the planning responsibilities of the commission; and provide for:
      1. transportation needs;
      2. the promotion of public safety;
      3. light and air;
      4. the conservation of natural resources;
      5. the prevention of environmental pollution;
      6. the wise and efficient expenditure of public funds;
      7. adequate public utilities; and
      8. an adequate supply of other public requirements.
- (c) Implementation of visions. -- In addition to the requirements for the plan under Subtitle 1 of this title, a planning commission shall implement through the plan the visions set forth in § 1-201 of this article.
- (d) Promotion. --
  - (1) A planning commission may promote public interest in and understanding of the plan.
  - (2) A planning commission shall consult with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens about protecting or executing the plan.

### **Recommendation for adoption.**

- (a) In general. --
  - (1) A planning commission shall:
    - (i) make and approve a plan; and

- (ii) recommend the plan to the legislative body for adoption.
- (2) A planning commission may recommend adoption of:
  - (i) the whole plan;
  - (ii) successive parts of the plan, which correspond to geographic sections or divisions of the local jurisdiction; and
  - (iii) an amendment to the plan.
- (b) Expression of elements. --
  - (1) The elements of the plan may be expressed in words, graphics, or any other appropriate form.
  - (2) The elements of the plan shall be interrelated and each element shall describe how it relates to each of the other elements.

### **Plan development.**

- (a) Creation. --
  - (1) When a local jurisdiction initially implements the zoning powers under this division, the planning commission shall recommend the boundaries of the original districts and zones and appropriate regulations to be enforced in the districts and zones.
  - (2) The planning commission shall make a preliminary report on the proposed districts, zones, and regulations and hold at least one public hearing on the preliminary report before submitting its final report to the legislative body.
  - (3) The legislative body may not hold a public hearing or take action until it receives the final report of the planning commission.
- (b) Public hearing required. --
  - (1) A planning commission shall hold at least one public hearing before the commission recommends the adoption of a plan or any part or amendment to a plan.
  - (2) The planning commission shall publish at least one notice of the time and place of the hearing in a newspaper of general circulation in the local jurisdiction.
- (c) Recommended plan copies. -- At least 60 days before the public hearing, the planning commission shall provide copies of the recommended plan and amendments to the plan to:
  - (1) adjoining jurisdictions; and
  - (2) State units, regional units, and local jurisdictions responsible for financing or constructing public improvements necessary to implement the plan.
- (d) Comments. -- The planning commission shall include in its report to the legislative body the recommendation of each unit and jurisdiction that comments on the plan.
- (e) Voting. --
  - (1) A majority of the planning commission, by resolution, shall approve the plan or any part of or amendment to the plan.
  - (2) The resolution shall refer expressly to the text, map, and other matter that the commission intends to form the whole or part of the plan.
  - (3) The action taken shall be recorded on the map, plan, text, or other matter by the identifying signature of:
    - (i) the chair of the planning commission; or
    - (ii) the secretary of the commission.

(f) Attested copy. -- An attested copy of the plan or part of the plan shall be certified to the legislative body.

**Plan adoption, modification, remand, disapproval; public hearings.**

- (a) In general. -- Each local jurisdiction shall adopt a plan that includes:
- (1) the elements required under Subtitle 1 of this title; and
  - (2) the visions set forth in § 1-201 of this article.
- (b) Adoption of regulations. --
- (1) Except as provided in paragraph (2) of this subsection, only a legislative body that has adopted a plan may adopt regulations implementing the visions stated in § 1-201 of this article in the plan.
  - (2) This subsection does not limit the Department of Planning from exercising any authority granted under the State Finance and Procurement Article.
- (c) Adoption, modification, remand, disapproval; public hearings. --
- (1) Subject to paragraph (2) of this subsection, a legislative body may adopt, modify, remand, or disapprove:
    - (i) the whole plan or part of the plan;
    - (ii) a plan for one or more geographic sections or divisions of the local jurisdiction; or
    - (iii) an amendment to the plan.
  - (2) The legislative body may hold a public hearing before remanding or disapproving and shall hold a public hearing before adopting or modifying:
    - (i) the whole plan or part of the plan;
    - (ii) a plan for one or more geographic sections or divisions of the local jurisdiction; or
    - (iii) an amendment to the plan.
  - (3) The planning commission shall hold a public hearing before submitting a new recommended plan to the legislative body, if the legislative body remands or disapproves:
    - (i) the whole plan or part of the plan;
    - (ii) a plan for one or more geographic sections or divisions of the local jurisdiction; or
    - (iii) an amendment to the plan.
  - (4)
    - (i) The recommendation of the planning commission shall be considered approved if the legislative body fails to approve, modify, remand, or disapprove the recommended plan in accordance with paragraph (1) of this subsection within 90 days after the date that the planning commission certifies an attested copy of the recommended plan to the legislative body in accordance with § 3-203(f) of this subtitle.
    - (ii) Notwithstanding subparagraph (i) of this paragraph, if the legislative body determines that there are exigent circumstances so that the legislative body is unable to act in accordance with paragraph (1) of this subsection, by resolution the legislative body may extend the deadline in subparagraph (i) of this paragraph for no more than one 60-day extension.

**Municipal growth element.**

- (a) Development. --
  - (1) When developing a municipal growth element of the comprehensive plan, a municipal corporation shall consult with the counties in which the municipal corporation is located.
  - (2) A municipal corporation shall provide a copy of a municipal growth element to the counties in which the municipal corporation is located before approval of the element.
- (b) Comment. --
  - (1) The municipal corporation shall accept comments from the counties for 30 days after providing a copy of the municipal growth element to the counties in which the municipal corporation is located.
  - (2) Within 30 days following the close of the comment period under paragraph (1) of this subsection, the counties and the municipal corporation shall meet and confer regarding the municipal growth element.
  - (3) On request of either party, the county and the municipal corporation shall employ an appropriate mediation and conflict resolution service to facilitate the meeting and conferral under this subsection.
- (c) Joint planning agreement. --
  - (1) A municipal corporation and the counties in which the municipal corporation is located may enter into a joint planning agreement in order to coordinate implementation of a municipal growth element.
  - (2) A joint planning agreement shall consider the municipal growth element required under Subtitle 1 of this title.

**Plan revision.**

- (a) Periodic review. -- At least once every 10 years, each planning commission shall review the comprehensive plan and, if necessary, revise or amend the comprehensive plan to include all:
  - (1) the elements required under Subtitle 1 of this title; and
  - (2) the visions set forth in § 1-201 of this article.
- (b) Geographic section or division. -- The planning commission may prepare comprehensive plans for one or more geographic sections or divisions of the local jurisdiction if the plan for each geographic section or division is reviewed and, if necessary, revised or amended at least once every 10 years.

**Recommendation to officials.**

To implement the plan, the planning commission shall periodically recommend to the appropriate public officials:

- (1) programs for public structures, improvements, and land acquisitions; and
- (2) financing programs.

**Periodic review; implementation.**

- (a) Required review. -- At least once every 10 years, which corresponds to the comprehensive plan revision process under § 3-301 of this subtitle, a local jurisdiction shall ensure the implementation of the visions, the development regulations element, and the sensitive areas element of the plan.

(b) Implementation. -- A local jurisdiction shall ensure that the implementation of the requirements of subsection (a) of this section are achieved through the adoption of the following applicable implementation mechanisms that are consistent with the comprehensive plan:

- (1) zoning laws;
- (2) planned development ordinances and regulations;
- (3) subdivision ordinances and regulations; and
- (4) other land use ordinances and regulations.

**Deadline.**

(a) In general. -- Subject to subsection (b) of this section, a local jurisdiction shall include in its comprehensive plan any plan element required under Subtitle 1 of this title in accordance with the review schedule for the local jurisdiction under § 3-303 of this subtitle.

(b) Extension. -- On request of a local jurisdiction and for good cause, the Department of Planning may extend the deadline under subsection (a) of this section for that local jurisdiction by no more than two 6-month extensions.

(c) Limitation on noncompliance. -- A local jurisdiction that is not in compliance with this section after the deadline under subsection (a) of this section or after the expiration of any extension granted under subsection (b) of this section, may not change the zoning classification of a property until that local jurisdiction has complied with this section.