

Maryland Code, Land Use § 3-102 et seq.

Comprehensive Plan – Required Elements

Note that the text below reflects only the primary code provisions that apply to Washington Grove’s Comprehensive Plans. Note the date; certain provisions may have been revised, removed or superseded.

[The full text of the applicable code is available here.](#)

(a)(1) The planning commission for a local jurisdiction shall include in the comprehensive plan the following elements:

- (i) a community facilities element;
- (ii) an area of critical State concern element;
- (iii) a goals and objectives element;
- (iv) a housing element;
- (v) a land use element;
- (vi) a development regulations element;
- (vii) a sensitive areas element;
- (viii) a transportation element; and
- (ix) a water resources element.

(2) If current geological information is available, the plan shall include a mineral resources element.

(3) The plan for a municipal corporation that exercises zoning authority shall include a municipal growth element.

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(b)(2)(a) The development regulations element shall include the planning commission's recommendation for land development regulations to implement the plan.

(b) Purpose. -- The development regulations element shall encourage:

(1) the use of flexible development regulations to promote innovative and cost-saving site design and protect the environment; and

(2) within the areas designated for growth in the plan:

- (i) economic development through the use of innovative techniques; and
- (ii) streamlined review of applications for development, including permit review and subdivision plat review.

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Sensitive areas element.

(a) In general. -- A sensitive areas element shall include the goals, objectives, principles, policies, and standards designed to protect sensitive areas from the adverse effects of development.

(b) Statewide forest resource inventory. -- Beginning October 1, 2013, the Department of Natural Resources shall provide a statewide forest resource inventory to local jurisdictions

at least every 5 years, to be available for the local comprehensive plan review by local jurisdictions required under §§ 1-416(a) and 3-301(a) of this article.

(c) Review. -- Before the plan is adopted, the Department of the Environment and the Department of Natural Resources shall review the sensitive areas element to determine whether the proposed plan is consistent with the programs and goals of the departments.

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#### Transportation element

(a) In general. -- The transportation element may include all types of:

- (1) airways;
- (2) highways or streets;
- (3) railways;
- (4) waterways;
- (5) routings for mass transit; and
- (6) terminals for individuals, goods, and vehicles related to airways, highways, railways, and waterways.

(b) Required contents. -- The transportation element shall:

- (1) propose, on a schedule that extends as far into the future as is reasonable, the most appropriate and desirable patterns for:
  - (i) the general location, character, and extent of channels, routes, and terminals for transportation facilities; and
  - (ii) the circulation of individuals and goods;
- (2) provide for bicycle and pedestrian access and travelways; and
- (3) include an estimate of the use of any proposed improvement.

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#### Water resources element.

(a) In general. -- Considering available data provided by the Department of the Environment, the water resources element shall identify:

- (1) drinking water and other water resources that will be adequate for the needs of existing and future development proposed in the land use element of the plan; and
- (2) suitable receiving waters and land areas to meet stormwater management and wastewater treatment and disposal needs of existing and future development proposed in the land use element of the plan.

(b) Review and technical assistance. -- The Department of the Environment shall:

- (1) provide, on request of a local jurisdiction, technical assistance on the development of the water resources element; and
- (2) review the water resources element to determine whether the proposed plan is consistent with the programs and goals of the Department reflected in the general water resources program required under § 5-203 of the Environment Article.

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#### ~~Mineral resources element.~~

(a) In general. -- The mineral resources element shall identify:

(1) undeveloped land that should be kept in its undeveloped state until the land can be used to assist in providing a continuous supply of minerals, as defined in § 15-801(i) of the Environment Article; and

(2) appropriate post-excitation uses for the land that are consistent with the county's land planning process.

(b) Required considerations. -- A mineral resources element shall incorporate land use policies and recommendations for regulations:

(1) to balance mineral resource extraction with other land uses; and

(2) to the extent feasible, to prevent the preemption of mineral resources extraction by other uses.

(c) Review. -- Before the plan is adopted, the Department of the Environment shall review the mineral resources element to determine whether the proposed plan is consistent with the programs and goals of the Department.

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Community facilities element.

(a) In general. -- On a schedule that extends as far into the future as is reasonable, a community facilities element shall propose the most appropriate and desirable patterns for the general location, character, and extent of public and semipublic buildings, land, and facilities.

(b) Permissive contents. -- A community facilities element may include:

(1) places of worship;

(2) fire stations;

(3) hospitals;

(4) institutions;

(5) jails;

(6) libraries;

(7) parks and recreation areas;

(8) police stations;

(9) schools and other educational facilities;

(10) cultural facilities;

(11) social welfare and medical facilities; and

(12) other public office or administrative facilities.

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Areas of critical state concern element.

The areas of critical State concern element shall include the planning commission's recommendations for the determination, identification, and designation of areas within the local jurisdiction that are of critical State concern.

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Goals and objectives element.

(a) In general. -- The goals and objectives element shall include a statement of goals and objectives, principles, policies, and standards.

(b) Purpose. -- The statement shall serve as a guide for the development and economic and social well-being of the local jurisdiction.

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Land use element.

(a) In general. -- On a schedule that extends as far into the future as is reasonable, the land use element shall propose the most appropriate and desirable patterns for the general location, character, extent, and interrelationship of the uses of public and private land.

(b) Permissive contents. -- The land use element may include the following public and private land uses:

- (1) agricultural;
- (2) commercial;
- (3) forestry, in accordance with § 5-101 of the Natural Resources Article;
- (4) industrial;
- (5) recreational; and
- (6) residential.

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Municipal growth element.

(a) In general. -- The municipal growth element shall include:

- (1) the municipal corporation's:
  - (i) future municipal growth areas outside the existing corporate limits;
  - (ii) past growth patterns;
  - (iii) capacity of land areas available for development, redevelopment, and in-fill;
- (2) the land area needed to satisfy demand for development at densities consistent with long-term development policy;
- (3) the relationship of the long-term development policy to a vision of the municipal corporation's future character;
- (4) rural buffers and transition areas;
- (5) protection of sensitive areas that could be impacted by development planned within the proposed municipal growth area;
- (6) population growth projections;
- (7) public services and infrastructure needed to accommodate growth within the proposed municipal growth areas, including those necessary for:
  - (i) libraries;
  - (ii) recreation;
  - (iii) water and sewerage facilities;
  - (iv) public safety, including emergency medical response;
  - (v) stormwater management systems sufficient to ensure water quality both inside and outside the proposed municipal growth area; and

- (vi) public schools sufficient to accommodate student population consistent with State rated capacity standards established by the Interagency Commission on School Construction;
- (8) any burden on services and infrastructure for which the municipal corporation would be responsible for development in areas near to and outside of the proposed municipal growth area; and
- (9) anticipated financing mechanisms to support necessary public services and infrastructure.
- (b) Technical assistance. -- On request of a municipal corporation, the Department of Planning shall provide technical assistance for the purposes of developing the municipal growth element of the comprehensive plan.

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~~Fisheries element.~~

- (a) Designation of tidal waters. -- The planning commission of a county that is located on the tidal waters of the State shall designate in the comprehensive plan areas on or near the tidal waters for:
  - (1) loading, unloading, and processing finfish and shellfish; and
  - (2) docking and mooring commercial fishing boats and vessels.
- (b) Required criteria. -- The areas designated under subsection (a) of this section shall be geographically located to:
  - (1) facilitate the commercial harvesting of finfish and shellfish; and
  - (2) ensure reasonable access to the waterways of the State by commercial watermen.

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Housing element.

- (a) Definitions. --
  - (1) In this section the following words have the meanings indicated.
  - (2) "Area median income" has the meaning stated in § 4-1801 of the Housing and Community Development Article.
  - (3) "Low-income housing" means housing that is affordable for a household with an aggregate annual income that is below 60% of the area median income.
  - (4) "Workforce housing" has the meaning stated in § 4-1801 of the Housing and Community Development Article.
- (b) Components. -- A housing element may include goals, objectives, policies, plans, and standards.
- (c) Element to address needs. -- A housing element shall address the need for affordable housing within the local jurisdiction, including:
  - (1) workforce housing; and
  - (2) low-income housing.

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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;
- (iii) the health, safety, and general welfare of the local jurisdiction; and
- (iv) 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

(ii) 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.

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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.

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#### 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.

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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.

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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.

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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.

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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.

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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.

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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.