

(PRE-FILED)

By: **Senator Brinkley**
Requested: September 8, 2003
Introduced and read first time: January 14, 2004
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Smart Growth - Priority Funding Areas - Rural Counties**

3 FOR the purpose of authorizing the governing body of a rural county to designate
4 certain areas within the county as priority funding areas if the areas meet
5 certain criteria; defining a certain term; and generally relating to priority
6 funding areas in rural counties.

7 BY repealing and reenacting, with amendments,
8 Article - State Finance and Procurement
9 Section 5-7B-01(f) and (g) and 5-7B-03
10 Annotated Code of Maryland
11 (2001 Replacement Volume and 2003 Supplement)

12 BY adding to
13 Article - State Finance and Procurement
14 Section 5-7B-01(f)
15 Annotated Code of Maryland
16 (2001 Replacement Volume and 2003 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article - State Finance and Procurement
19 Section 5-7B-01(a)
20 Annotated Code of Maryland
21 (2001 Replacement Volume and 2003 Supplement)

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

24 **Article - State Finance and Procurement**

25 5-7B-01.

26 (a) In this subtitle the following words have the meanings indicated.

1 (F) "RURAL COUNTY" MEANS A COUNTY IN WHICH A MAJORITY OF THE TOTAL
2 ACREAGE IS DEVOTED TO FARMING OR SIMILAR AGRICULTURAL PURPOSES.

3 [(f)] (G) "Rural village" means a rural village, village center, or other
4 unincorporated area that is primarily residential, including an area with historic
5 qualities, that is located in an otherwise rural or agricultural area and for which new
6 growth, if any, would derive primarily from in-fill development or limited peripheral
7 expansion.

8 [(g)] (H) "Technical assistance" means the provision of advice, consultation,
9 training, information, or design, or architectural, organizational, or management
10 assistance.

11 5-7B-03.

12 (a) (1) The governing body of a county may designate priority funding areas
13 as provided in this section.

14 (2) The governing bodies of two or more counties may designate, as
15 provided in this section and in accordance with the regulations adopted by the
16 Department of Planning, a priority funding area that combines two or more
17 contiguous areas located in each of the counties.

18 (b) (1) An area zoned or, if applicable, classified by January 1, 1997
19 principally for industrial use may be designated as a priority funding area.

20 (2) An area zoned or, if applicable, classified after January 1, 1997, as
21 industrial may be designated as a priority funding area if the area is served by a
22 public or community sewer system.

23 (c) (1) An area where the principal uses of the area are for employment may
24 be designated as a priority funding area if:

25 (i) the area is served by public or community sewer systems; or

26 (ii) public or community sewer systems are planned in the approved
27 10-year water and sewer plan.

28 (2) An area zoned or, if applicable, classified after January 1, 1997 as
29 industrial, or where the principal uses are for employment, in addition to meeting the
30 criteria set forth in paragraph (1) of this subsection, shall be located within a locally
31 designated growth area.

32 (d) (1) A community in existence prior to January 1, 1997 that is within a
33 locally designated growth area may be designated as a priority funding area if the
34 community:

35 (i) is served by a public or community sewer system and in that
36 part of the community designated by the local government for residential use or
37 development:

1 [(3)] (III) in that part of the area designated by the local government for
2 residential use or development, there is permitted an average density of not less than
3 3.5 units per acre; OR

4 (2) THE AREA:

5 (I) IS LOCATED IN A RURAL COUNTY;

6 (II) HAS A TOTAL POPULATION OF LESS THAN 6,000 RESIDENTS;
7 AND

8 (III) IS SOLELY DEPENDENT ON GROUNDWATER SOURCES FOR ITS
9 COMMUNITY WATER SYSTEM.

10 (f) (1) A rural village may be designated as a priority funding area under
11 this section if:

12 (i) the village is designated in the county comprehensive plan as of
13 July 1, 1998; and

14 (ii) the boundary of the priority funding area is the periphery of the
15 developed portion of the village as of July 1, 1998.

16 (2) Funding for a growth-related project under this subtitle is to be
17 provided only if the project serves to maintain the character of the community and
18 does not serve to increase the growth capacity of the village except for limited
19 peripheral or in-fill development.

20 (g) The designation by a county or counties of a priority funding area under
21 this section shall be based on:

22 (1) an analysis of the capacity of land areas available for development,
23 including in-fill and redevelopment; and

24 (2) an analysis of the land area needed to satisfy demand for
25 development at densities consistent with the master plan.

26 (h) For the purposes of this section, average density shall be calculated based
27 on the total acreage of all parcels in the area for which the principal permitted use is
28 residential, excluding land:

29 (1) (i) dedicated for public use by easement in perpetuity or fee
30 acquisition; or

31 (ii) dedicated recreational use;

32 (2) subject to an agricultural easement under § 2-508 of the Agriculture
33 Article;

34 (3) subject to an agricultural easement under a county agricultural land
35 preservation program certified under § 5-408 of this title;

- 1 (4) used for cemetery purposes;
- 2 (5) identified by a local government as:
- 3 (i) 1. streams and their buffers;
- 4 2. 100-year flood plains;
- 5 3. habitats of threatened and endangered species; and
- 6 4. steep slopes; and
- 7 (ii) on which development is prohibited by local law or ordinance; or
- 8 (6) identified by a local government as delineated nontidal wetlands on
- 9 which development is prohibited by State or local law or ordinance.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take

11 effect October 1, 2004.