

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 1055 (Delegate Cryor, *et al.*)
Environmental Matters

Zoning - Accessory Use - Notice

This bill requires a local legislative body to establish notification and public hearing requirements for an accessory use involving a structure that exceeds 20 feet in height on properties zoned primarily for agricultural or residential use. The bill does not specify the notification and public hearing requirements.

Fiscal Summary

State Effect: None.

Local Effect: Potential minimal increase in local government expenditures. Revenues would not be affected. **This bill imposes a mandate on a local unit of local government.**

Small Business Effect: None.

Analysis

Current Law: It is State policy that the orderly development and use of land and structures requires comprehensive regulation through the implementation of planning and zoning control, and planning and zoning controls are implemented by local governments. To provide for the health, safety, morals, or general welfare of the community, local legislative bodies are authorized to regulate and restrict, for trade, industry, residences, and other purposes, the height, number of stories, and size of buildings and other structures, as well as other planning and zoning parameters.

Background: In general, accessory use requirements affect secondary structures, including outbuildings, swimming pools, and sheds; the uses of which are incidental to that of the main structure.

Legislative Services is aware of one incidence in which residents in Montgomery County were upset over the installation of private amateur radio towers near Poolesville. The county treated the application as one for an accessory use, and due to local regulations, an application for accessory use does not require public notice or a hearing.

Local Fiscal Effect: The development of public notification and hearing requirements for an accessory use that involves a structure that is higher than 20 feet may increase local government expenditures by a minimal amount. These expenditures would depend on the requirements set by the local legislative body as well as the number of applications for accessory use higher than 20 feet. While some jurisdictions may be able to absorb the cost of implementing these regulations, others might pass the costs along to the applicants. In most instances, however, the cost to the local government is expected to be minimal.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Planning, Montgomery County, Caroline County, Calvert County, Howard County, Baltimore City, Department of Legislative Services

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mam/hlb

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