

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 294 (Senator Sydnor)
Education, Energy, and the Environment

Comprehensive Plan - Implementation and Review in Priority Funding Areas

This bill repeals a definition of “consistent with” that is applicable in priority funding areas (PFAs) with respect to whether a local jurisdiction’s adoption of zoning and other specified local laws under specified circumstances is consistent with the jurisdiction’s comprehensive plan. In the absence of the repealed definition, a more stringent definition applies, that requires consistency with land uses and densities or intensities in the plan.

Fiscal Summary

State Effect: The bill is not anticipated to have a direct, material effect on State finances.

Local Effect: The bill is not anticipated to have a direct, material effect on local government finances.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary/Current Law:

Changes Made by the Bill (Bill Summary/Current Law)

Under current law and under the bill, at least once every 10 years, a local jurisdiction must ensure the implementation of the visions, the development regulations element, and the sensitive areas element of the local jurisdiction’s comprehensive plan. The local jurisdiction must ensure such implementation 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.

Under current law, in a PFA, “consistent with,” under the above provisions, means the action taken will further, and not be contrary to, the following items in the plan: (1) policies; (2) timing of the implementation of the plan; (3) timing of development; (4) timing of rezoning; and (5) development patterns. The bill repeals this definition.

Under current law, in areas other than PFAs, “consistent with,” means an action taken must further, and not be contrary to, the following items in the plan: (1) policies; (2) timing of the implementation of the plan; (3) timing of development; (4) timing of rezoning; (5) development patterns; (6) land uses; and (7) densities or intensities. Under the bill, this definition applies in PFAs.

Local Government Comprehensive Plans (Current Law)

The Maryland Department of Planning (MDP) describes a comprehensive plan as “a document, officially adopted by the local governing body, which spells out the manner in which a municipality, county, or sub-area of a county must develop.” Local jurisdictions are required to enact, adopt, amend, and execute a comprehensive plan in accordance with State law. Certain elements must be included in a comprehensive plan and additional permissive elements may be included. A comprehensive plan also must include and implement specified visions stated in the law. At least once every 10 years, the planning commission of a local jurisdiction must review the comprehensive plan and, if necessary, revise or amend the plan to include all required elements and the specified visions. A planning commission may prepare comprehensive plans for one or more geographic sections or divisions of the local jurisdiction if each plan is reviewed and, if necessary, revised or amended at least once every 10 years.

Priority Funding Areas (Current Law)

Chapter 759 of 1997 established that State spending on certain growth-related activities must be directed to PFAs. Growth-related projects include most State programs that encourage or support growth and development, such as highways, sewer and water construction, economic development assistance, and State leases or construction of new office facilities. PFAs include all municipalities that existed in the State in 1997; areas inside the Washington Beltway and the Baltimore Beltway; and areas designated as enterprise zones, neighborhood revitalization areas, heritage areas, and certain industrial areas. Areas that were annexed by a municipality after 1997 may also be designated PFAs, as long as the areas satisfy specified requirements in statute generally related to density, water and sewer access, and other related factors.

PFA's were established to (1) preserve existing communities; (2) make the most efficient and effective use of taxpayer dollars for infrastructure by targeting State resources to build on past investments; and (3) reduce development pressure on critical farmland and natural resource areas by encouraging projects in already developed areas.

A map of the State's PFA's can be found on [MDP's website](#).

Small Business Effect: To the extent the bill reduces flexibility for developers to have higher density/intensity and multiuse projects approved within a PFA that are not consistent with land uses and/or densities/intensities in the local comprehensive plan, small businesses involved in such development may be meaningfully affected.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Kent, Montgomery, Washington, and Worcester counties; Maryland Association of Counties; City of Salisbury; Maryland Municipal League; towns of Bel Air, Leonardtown, and Riverdale Park; Maryland Department of Planning; NAIOP (Maryland Chapter); Maryland Building Industry Association; Department of Legislative Services

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km/sdk

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