

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

House Bill 658 (Delegate Taylor)

Environmental Matters

Growth Management - Land Use Definitions and Controls

This bill addresses land use practices and the means by which they are carried out in local jurisdictions.

Fiscal Summary

State Effect: None. The bill would not materially alter State operations or finances.

Local Effect: Local government expenditure increase. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Minimal.

Fiscal Analysis

Bill Summary: The major provisions of the bill include the following:

- establishes new statutory definitions for “adaptive re-use variance,” “comprehensive zoning,” “specific rezoning,” and “principal permitted use with conditions”;
- redefines “area variance” and “special exception” to harmonize case law with sound planning practice;
- applies the seven visions for land use, as articulated in the Resource Protection and Planning Act of 1992 (Chapter 437), to all land use activities of a local jurisdiction;
- allows a local legislative body to adopt general guidelines for the local planning commission to use in developing a comprehensive plan;
- maintains the six-year review cycle for plans and implementing ordinances established under the 1992 Planning Act;

- requires that locally prepared plans, including locally derived elements of State capital planning processes, be consistent with the comprehensive plan;
- allows a local legislative body to amend zoning regulations by comprehensive zoning or specific rezoning;
- enables a local legislative body to authorize the use of “administrative adjustments” to handle routine area variances and special exceptions;
- updates provisions on local boards of appeals, including the size of the boards, applicable ethics provisions, and expanded jurisdiction; and
- applies the seven visions, the comprehensive plan elements, and the six-year review cycle to all jurisdictions, whether they operate under Article 66B (Zoning and Planning), or are chartered counties.

Background: This bill is the result of the work done by the Planning and Zoning Subcommittee of the Economic Growth, Resource Protection, and Planning Commission in an attempt to modernize Article 66B and enable effective land use in Maryland into the next century.

Article 66B has not been thoroughly reviewed since 1970 and much of its structure and language are taken directly from U.S. Department of Commerce model legislation that dates to the 1920s.

Local Effect: The bill allows for greater uniformity in the land use regulations throughout the State by providing all jurisdictions more flexibility in determining land use processes within their respective jurisdictions. The bill would not have a significant impact on any of the State’s charter counties as they already have the zoning and land use authority that the bill provides under Article 28 of the Code. A local government that is not currently operating under the land use guidelines provided for in the bill could incur increased costs associated with creating a new comprehensive plan. It should also be noted that local jurisdictions are already required to review and update their comprehensive plans every six years. The bill does not change this requirement.

For illustrative purposes, Kent, Washington, and Worcester counties report that they could incur increased expenditures. These increases could be from \$30,000 to \$100,000. However, the extent of any increase depends on the complexity of any plan updates and modifications and cannot be reliably estimated at this time.

Information Source(s): Maryland Department of Agriculture (Maryland Agricultural Land Preservation Foundation); Maryland Department of the Environment; Maryland Office of Planning; Maryland Department of Transportation (Mass Transit Administration,

State Highway Administration); Allegany, Kent, Prince George's, Washington, and Worcester counties

Fiscal Note History: First Reader - March 5, 1999

ncs/jr

Analysis by: Mike Sanelli

Direct Inquiries to:

John Rixey, Coordinating Analyst

(410) 946-5510

(301) 970-5510