

Department of Legislative Services  
Maryland General Assembly  
2000 Session

FISCAL NOTE

House Bill 603 (Delegate Walkup. *et al.*)

Commerce and Government Matters

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**Zoning and Planning - Code Counties - Administrative Adjustments, Special Exceptions, and Conditional Uses**

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This bill addresses the authority to grant administrative adjustments, special exceptions, and conditional uses to zoning ordinances in code home rule counties.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Potential meaningful impact in jurisdictions choosing to implement the authority.

**Small Business Effect:** Minimal.

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**Analysis**

**Bill Summary:** This bill authorizes a local legislative body of a code home rule county to authorize the planning director or other designee to grant: (1) administrative adjustments from specified requirements of the zoning ordinance; and (2) special exceptions and conditional uses in accordance with the standards in effect in the county. The bill requires the local legislative body to: (1) consult with the planning commission and the board of appeals in developing criteria and procedures for such variances; and (2) adopt the criteria and procedures after reasonable public notice, public hearing, and opportunity for public review and comment.

The bill also identifies the required criteria for administrative adjustments, identifies procedures that may be used for administrative adjustments, special exceptions, and

conditional uses, and requires that a decision on an application include written findings of fact. The bill also authorizes a local legislative body to provide, by ordinance or other adopted procedure, for the appeal of a decision to the board of appeals.

**Current Law:** The authority to grant an administrative adjustment, special exception, or conditional use to a zoning ordinance in a code home rule county lies with the board of appeals, with specified exceptions. In Charles and Washington counties, which operate under the commission form of government, the local legislative body has the authority to authorize the planning director or other designee to grant administrative adjustments to specified requirements of the zoning ordinances.

**Background:** Five counties (Allegany, Caroline, Kent, Queen Anne's, and Worcester counties) operate under the code home rule form of government. In Kent County in recent years, there has been an increase in the number of applications for zoning variances. Kent County believes that a significant number of those applications could be handled by the planning director, but under code home rule, the board of appeals must grant such variances.

**Local Fiscal Effect:** If a code home rule county chooses to use the authority enabled by the bill, the fiscal impact will vary depending on the extent to which the authority is used. In 1996, the Board of Zoning Appeals in Kent County reviewed 73 zoning cases. Kent County advises that the bill is expected to reduce the number of zoning cases before the Board of Zoning Appeals by 25% to 50%. For each application for a zoning variance, the applicant currently pays a \$250 fee. However, the county's costs to review the application before the Board of Zoning Appeals can total \$300 to \$400. The Kent County Planning Director advises that administrative hearings are expected to cost only \$80 per hearing, and application fees will be reduced accordingly. Kent County also advises that this bill will reduce county expenditures for board member and attorneys fees by an estimated \$8,100 annually. The bill is also anticipated to expedite the authorization of variances in that county.

Allegany, Caroline, Queen Anne's, and Worcester counties report that the bill will have a minimal fiscal impact, if any. Both Caroline and Queen Anne's counties advise that they will most likely choose not to implement the authority because the number of hearings before the boards of appeals is not excessive in those counties.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 87 (Senator Baker) - Economic and Environmental Affairs.

**Information Source(s):** Allegany, Caroline, Kent, Queen Anne's, and Worcester counties; Maryland Office of Planning; Department of Legislative Services

**Fiscal Note History:** First Reader - February 22, 2000

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