

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE
Revised

Senate Bill 208 (The President. *et al.*)
(Administration)

Economic and Environmental Affairs

**Smart Codes - Models and Guidelines - Infill Development and Smart
Neighborhoods**

This Administration bill requires the Office of Planning to: (1) draft model land-use codes for infill development and smart neighborhood development; (2) draft guidelines to provide local governments with information on innovative planning and implementation techniques to encourage and facilitate infill development and smart neighborhood development; (3) circulate the models and guidelines to other State agencies and departments; and (4) work with local governments, State agencies, and departments to develop incentives to encourage the voluntary adoption and implementation of these models and guidelines by local governments. The bill does not change local authority with respect to planning, zoning, and subdivision.

The bill takes effect July 1, 2000.

Fiscal Summary

State Effect: The bill's requirements could be handled with existing budgeted resources.

Local Effect: Potential impact for some local jurisdictions that choose to adopt the models and guidelines, depending on the extent to which they are adopted and the effect of any incentives to do so.

Small Business Effect: A small business impact statement was not provided by the Administration in time for inclusion in this fiscal note. A revised fiscal note will be issued when the Administration's assessment becomes available.

Analysis

Bill Summary: The bill defines “infill development” as new development on vacant, bypassed, and underutilized lands within existing developed areas. The bill defines “smart neighborhood development” as a comprehensively planned, compact mixed use development that integrates residential, commercial, open space, and public uses.

Current Law: The Office of Planning is not currently required to develop such models and guidelines. However, the basic mission of the Office of Planning involves these types of activities.

Background: Following a conference on “Smart Codes” in May 1999, the Department of Housing and Community Development and the Office of Planning convened a Smart Codes Strategy Group to discuss impediments to smart growth development caused by Maryland’s existing construction codes and development regulations. The Governor appointed a steering committee from among those members to recommend innovative ways to strengthen Maryland’s existing communities. One of the recommendations made by the steering committee was to direct the Office of Planning to develop two smart growth model ordinances to promote infill and compact mixed-use development. The committee recommended that the ordinances be voluntary for local governments, but that the State provide incentives to local governments to adopt them. The committee recommended that the models create overlay zones to: (1) establish procedures and standards for infill development and comprehensively planned, mixed-use projects within priority funding areas; (2) allow for flexible lot sizes, building heights, and building setbacks; (3) promote the use of open space and landscape improvement; and (4) provide flexible requirements for parking and roadway design. This bill is a result of the committee’s recommendations.

Local Fiscal Effect: To the extent that a local government chooses to adopt the models and guidelines developed pursuant to the bill, expenditures could increase for some jurisdictions. Until the models and guidelines are developed, however, any such increase in costs cannot be reliably estimated. Costs could be minimal if only limited additional training is needed. However, the bill requires the Office of Planning to develop incentives to encourage the adoption of the models and guidelines by local governments. Because the incentives are to be developed in the future, their effect on a given jurisdiction, if any, cannot be predicted. Legislative Services advises, however, that any incentives could outweigh any increased administrative costs for local governments choosing to implement the models.

Additional Information

Prior Introductions: None.

Cross File: HB 285 (The Speaker, *et al.*) - Environmental Matters.

Information Source(s): Maryland Office of Planning; Department of Housing and Community Development; Office of Administrative Hearings; Anne Arundel, Dorchester, Montgomery, and Prince George's counties; City of Hagerstown; Town of La Plata; Department of Legislative Services

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