
By: **Delegate La Vay**
Introduced and read first time: February 7, 2002
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Smart Growth - Priority Funding Areas - State Funding for Transit Facility**
3 **Projects and Capital Improvements**

4 FOR the purpose of prohibiting the State from funding certain transit facility projects
5 or certain capital improvements within certain Smart Growth priority funding
6 areas unless certain local authorities have adopted certain zoning ordinances
7 that are applicable to certain development projects; requiring certain zoning
8 ordinances to change a certain zoning classification within a certain proximity
9 of certain transit facilities to a certain level; requiring the submission of certain
10 zoning ordinances for review by the Office of Smart Growth; defining certain
11 terms; and generally relating to State funding for certain transit facility projects
12 and certain capital improvements within certain Smart Growth priority funding
13 areas.

14 BY repealing and reenacting, with amendments,
15 Article - State Finance and Procurement
16 Section 5-7B-04
17 Annotated Code of Maryland
18 (2001 Replacement Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - State Finance and Procurement**

22 5-7B-04.

23 (a) Except as otherwise provided in this subtitle, beginning October 1, 1998,
24 the State may not provide funding for a growth-related project if the project is not
25 located within a priority funding area.

26 (b) In a priority funding area established under § 5-7B-03(c) or (e) of this
27 subtitle in which water and sewer service is planned, a commitment for funding for a
28 growth-related project shall be contingent upon nonstate funding for planned water
29 and sewer service moving forward in advance of or concurrent with the State funding.

1 (c) (1) A growth-related project may not be funded by the State in a
2 municipal corporation exercising zoning authority unless the municipal corporation
3 has first adopted residential development standards relating to public school
4 adequacy. These standards shall be substantially similar to:

5 (i) the State rated capacity standards established by the public
6 school interagency committee on school construction; or

7 (ii) the school capacity standards established in its county's
8 adequate public facilities ordinance.

9 (2) The requirement contained in paragraph (1) of this subsection does
10 not apply:

11 (i) in a municipal corporation exercising zoning authority located
12 in a county in which no adequate school capacity standards have been established by
13 the county governing body; or

14 (ii) to a residential development project where an impact fee has
15 been paid or other monetary or nonmonetary contributions have been provided that
16 defray the local cost of school construction attributable to the project.

17 (3) After October 1, 1997, prior to establishing or changing the school
18 capacity standards in a county's adequate public facilities ordinance, the county shall
19 confer with the governing bodies of the municipal corporations that exercise zoning
20 authority located within the county.

21 (4) For planning purposes, each county board of education shall annually
22 provide to the county and each municipal corporation exercising zoning authority in
23 the county:

24 (i) a list of projected student enrollments for a 5-year period for
25 each school serving students in or near that municipal corporation; and

26 (ii) information relating to the student capacity of each school.

27 (D) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
28 MEANINGS INDICATED.

29 (II) "MAJOR CAPITAL IMPROVEMENT" MEANS A NEW, EXPANDED,
30 OR SIGNIFICANTLY IMPROVED FACILITY THAT INVOLVES PLANNING,
31 ENVIRONMENTAL STUDIES, DESIGN, RIGHT-OF-WAY, CONSTRUCTION, OR PURCHASE
32 OF ESSENTIAL EQUIPMENT RELATED TO THE FACILITY.

33 (III) "TRANSIT FACILITY" MEANS A STATION, TERMINAL, OR
34 PARKING AREA, OR ANY COMBINATION OF THESE FACILITIES, THAT IS:

35 1. OWNED OR OPERATED BY THE MARYLAND TRANSIT
36 ADMINISTRATION OR THE WASHINGTON AREA TRANSIT AUTHORITY; AND

