

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 1141
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Comprehensive Plans - Plan Elements” and substitute “Local Government Planning”; in line 5, strike “and approved”; in line 7, after “areas;” insert “altering the circumstances under which certain areas shall be considered priority funding areas; providing for the designation of priority funding areas by certain local governments;”; in line 8, strike “comprehensive plans and plan elements” and substitute “local government planning”; and after line 18, insert:

“BY repealing and reenacting, with amendments,

Article - State Finance and Procurement

Section 5-7B-02 and 5-7B-03

Annotated Code of Maryland

(2006 Replacement Volume)”.

AMENDMENT NO. 2

On page 2, in line 3, strike “and”; in line 4, after “(5)” insert “AGRICULTURAL AND FOREST LANDS INTENDED FOR RESOURCE PROTECTION OR CONSERVATION; AND

(6)”;

in line 29, in each instance, strike the bracket; in line 32, strike “AND”; and strike lines 33 and 34 in their entirety.

On page 3, in line 21, strike the second “AND”; and strike lines 22 and 23 in their entirety.

On page 4, in line 3, after “development;” insert “AND”; and strike beginning with “; AND” in line 7 down through “RESOURCES” in line 9.

(Over)

On page 6, in line 33, in each instance, strike the bracket; and in line 36, strike “AND”.

On page 7, strike lines 1 and 2 in their entirety; in line 20, after “REQUIREMENTS;” insert “AND”; in line 23, strike the second “AND”; and strike in their entirety lines 24 and 25.

On page 8, in line 7, after “development;” insert “AND”; and strike beginning with “; AND” in line 11 down through “RESOURCES” in line 13.

AMENDMENT NO. 3

On page 10, after line 20, insert:

“Article - State Finance and Procurement

5-7B-02.

The following areas shall be considered priority funding areas under this subtitle:

(1) a municipal corporation, including Baltimore City, except THAT:

(I) those areas annexed by a municipal corporation after January 1, 1997 BUT BEFORE OCTOBER 1, 2006, shall satisfy the requirements relating to density and service by water and sewer set forth in § 5-7B-03 of this subtitle; AND

(II) THOSE AREAS ANNEXED BY A MUNICIPAL CORPORATION AFTER SEPTEMBER 30, 2006, SHALL SATISFY ALL OF THE REQUIREMENTS SET FORTH IN § 5-7B-03 OF THIS SUBTITLE;

(2) a designated neighborhood, as defined in § 6-301 of the Housing and Community Development Article;

(3) an enterprise zone as designated under Article 83A, § 5-402 of the Code, or by the United States government;

(4) a certified heritage area as defined in §§ 13-1101 and 13-1111 of the Financial Institutions Article that is located within a locally designated growth area;

(5) those areas of the State located between Interstate Highway 495 and the District of Columbia;

(6) those areas of the State located between Interstate Highway 695 and Baltimore City; and

(7) an area designated by the governing body of a county OR MUNICIPAL CORPORATION under § 5-7B-03 of this subtitle.

5-7B-03.

(a) (1) The governing body of a county OR OF A MUNICIPAL CORPORATION may designate priority funding areas as provided in this section.

(2) The governing bodies of two or more ADJOINING counties, TWO OR MORE MUNICIPAL CORPORATIONS, OR ANY COMBINATION OF ADJOINING COUNTIES AND MUNICIPAL CORPORATIONS may designate, as provided in this section and in accordance with the regulations adopted by the Department of Planning, a priority funding area that combines two or more contiguous areas located in each of the [counties] LOCAL GOVERNMENTS.

(b) (1) An area zoned or, if applicable, classified by January 1, 1997 principally for industrial use may be designated as a priority funding area.

(2) An area zoned or, if applicable, classified after January 1, 1997, as industrial may be designated as a priority funding area if the area is served by a public or community sewer system.

(c) (1) An area where the principal uses of the area are for employment may be designated as a priority funding area if:

(i) the area is served by public or community sewer systems; or

(ii) public or community sewer systems are planned in the approved 10-year water and sewer plan.

(2) An area zoned or, if applicable, classified after January 1, 1997 as industrial, or where the principal uses are for employment, in addition to meeting the criteria set forth in

(Over)

paragraph (1) of this subsection, shall be located within a locally designated growth area.

(d) (1) A community in existence prior to January 1, 1997 that is within a locally designated growth area may be designated as a priority funding area if the community:

(i) is served by a public or community sewer system and in that part of the community designated by the local government for residential use or development:

1. there is an average density of at least 2.0 units per acre; or
2. if a portion of the community is undeveloped, the permitted average density is not less than 2.0 units per acre; or

(ii) except as provided in paragraph (2) of this subsection, is served by a public or community water system and in that part of the community designated by the local government for residential use or development there is an average density of at least 2.0 units per acre.

(2) (i) The provisions of paragraph (1)(ii) of this subsection do not apply to mobile home parks or communities with less than 10 units.

(ii) Funding for a growth-related project under paragraph (1)(ii) of this subsection is to be provided only if the project serves to maintain the character of the community and does not serve to increase the growth capacity of the community except for limited peripheral or in-fill development.

(3) (i) If an existing community receives a public or community sewer system, an area beyond the periphery of the developed portion of the existing community may be designated as a priority funding area if the development of the area beyond the periphery:

1. has a permitted average density of at least 3.5 units per acre;
 2. the area is served by a public or community sewer system.
- and

(ii) The Department of the Environment may provide funding for a sewer system in an existing community beyond the periphery of the developed portion of the community if the expansion has a permitted average density of at least 3.5 units per acre.

(e) An area, other than an existing community under subsection (d) of this section, may be designated as a priority funding area if:

(1) the area:

(i) is within a locally designated growth area of the [county] LOCAL GOVERNMENT; and

(ii) is planned to be served under the approved 10-year water and sewer plan;

(2) the designation represents a long-term development policy for promoting an orderly expansion of growth and an efficient use of land and public services; and

(3) in that part of the area designated by the local government for residential use or development, there is permitted an average density of not less than 3.5 units per acre.

(f) (1) A rural village may be designated as a priority funding area under this section if:

(i) the village is designated in the county comprehensive plan as of July 1, 1998; and

(ii) the boundary of the priority funding area is the periphery of the developed portion of the village as of July 1, 1998.

(2) Funding for a growth-related project under this subtitle is to be provided only if the project serves to maintain the character of the community and does not serve to increase the growth capacity of the village except for limited peripheral or in-fill development.

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(g) The designation by a county, MUNICIPAL CORPORATION, or [counties] MULTIPLE LOCAL GOVERNMENTS AS PROVIDED IN SECTION (A)(2) OF THIS SECTION, of a priority funding area under this section shall be based on:

(1) an analysis of the capacity of land areas available for development, including in-fill and redevelopment; and

(2) an analysis of the land area needed to satisfy demand for development at densities consistent with the master plan.

(h) For the purposes of this section, average density shall be calculated based on the total acreage of all parcels in the area for which the principal permitted use is residential, excluding land:

(1) (i) dedicated for public use by easement in perpetuity or fee acquisition;
or

(ii) dedicated recreational use;

(2) subject to an agricultural easement under § 2-508 of the Agriculture Article;

(3) subject to an agricultural easement under a county agricultural land preservation program certified under § 5-408 of this title;

(4) used for cemetery purposes;

(5) identified by a local government as:

(i) 1. streams and their buffers;

2. 100-year flood plains;

3. habitats of threatened and endangered species; and

4. steep slopes; and

(ii) on which development is prohibited by local law or ordinance; or

(6) identified by a local government as delineated nontidal wetlands on which development is prohibited by State or local law or ordinance.”