

**Department of Legislative Services
Maryland General Assembly
2006 Session**

FISCAL AND POLICY NOTE

House Bill 87 (Delegate Smigiel)
Environmental Matters

**Land Use - Planning Commissions and Boards of Zoning Appeals - Notice of
Time, Place, and Agenda**

This bill requires a planning commission or board of zoning appeals to publish a notice of the time and place of each meeting that is open to the public along with a summary of the proposed meeting agenda in at least one newspaper once each week for two successive weeks. The first notice must be published at least 15 days prior to the meeting. If the agenda contains an item that is required by law to be decided within a certain time frame, the time frame must be postponed for up to 30 days to allow the commission time to publish the public notice of the meeting as required by this bill.

Fiscal Summary

State Effect: None.

Local Effect: Local government advertising expenditures could increase depending on the local jurisdiction's current practice for publishing meeting notices.

Small Business Effect: None.

Analysis

Current Law: Local zoning legislative bodies, except in charter counties, are required to publish notice of public hearings on zoning regulation, restriction, or boundary issues in at least one newspaper once each week for two weeks. The first notice must be published at least 14 days prior to the meeting. Baltimore City must publish notice of public hearings on the same issues at least 15 days prior to a hearing.

Background: Article 66B governs zoning and planning in the State. It has limited applicability to charter counties and Baltimore City. Local planning commissions consist of three, five, or seven members. The members of a planning commission are appointed by the local legislative body or by the person designated as the appointing power in the ordinance creating the commission.

Local planning commissions are required to develop and approve a plan that must: (1) be recommended to the local legislative body for adoption; and (2) serve as a guide to public and private actions and decisions relating to development. The plan, at a minimum, must contain a statement of goals and standards, a land use plan element, a transportation plan element, a community facilities plan element, a mineral resources plan element under specified conditions, recommendations for land development regulations, recommendations for the designation of areas of critical concern, and a sensitive area element. The plan may include other elements such as conservation elements and natural resources elements. For charter counties and Baltimore City, the plan must include a transportation plan element, a mineral resources plan element under specified circumstances, recommendations for land development regulations, and a sensitive areas element.

Local Fiscal Effect: Local government expenditures could increase for advertising depending on the local government's current practices regarding publication of meeting notices for planning commission meetings. Except in charter counties, local zoning boards are currently required by law to publish notice of meetings. However, the bill requires the notice 15 days in advance, instead of the current 14 days in advance. This change has no fiscal effect. Charter county expenditures could increase, depending on local practice, for publishing notice of both planning commission and zoning board meetings as neither is currently required.

In a survey of six local governments, three indicated that their expenses would not increase as they were currently meeting the requirements of the bill and three indicated that its advertising expenses would increase. The Town of Bel Air estimates that its expenditures could increase by \$2,000; Garrett County expenditures could increase by \$3,600; and the City of Westminster's expenditures could increase by \$5,400.

Additional Information

Prior Introductions: A similar bill affecting Cecil County only was introduced in the 2005 session but was withdrawn.

Cross File: None.

Information Source(s): Department of Planning, City of Westminster, Town of Bel Air, City of Salisbury, Montgomery County, Prince George's County, Garrett County, Dorchester County, Department of Legislative Services

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nas/ljm

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