

SENATE BILL 498

L1
SB 749/06 – EHE

71r2215

By: **Senator Brinkley**

Introduced and read first time: February 2, 2007

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Smart Growth – Priority Funding Areas – Rural Counties**

3 FOR the purpose of authorizing the governing body of a rural county to designate
4 certain areas within the county as priority funding areas if the areas meet
5 certain criteria; defining a certain term; and generally relating to priority
6 funding areas in rural counties.

7 BY repealing and reenacting, without amendments,
8 Article – State Finance and Procurement
9 Section 5–7B–01(a)
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2006 Supplement)

12 BY adding to
13 Article – State Finance and Procurement
14 Section 5–7B–01(f)
15 Annotated Code of Maryland
16 (2006 Replacement Volume and 2006 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – State Finance and Procurement
19 Section 5–7B–01(f) and (g) and 5–7B–03
20 Annotated Code of Maryland
21 (2006 Replacement Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – State Finance and Procurement**

4 5–7B–01.

5 (a) In this subtitle the following words have the meanings indicated.

6 **(F) “RURAL COUNTY” MEANS A COUNTY IN WHICH A MAJORITY OF THE**
7 **TOTAL ACREAGE IS DEVOTED TO FARMING OR SIMILAR AGRICULTURAL**
8 **PURPOSES.**

9 ~~[(f)]~~ **(G)** “Rural village” means a rural village, village center, or other
10 unincorporated area that is primarily residential, including an area with historic
11 qualities, that is located in an otherwise rural or agricultural area and for which new
12 growth, if any, would derive primarily from in-fill development or limited peripheral
13 expansion.

14 ~~[(g)]~~ **(H)** “Technical assistance” means the provision of advice, consultation,
15 training, information, or design, or architectural, organizational, or management
16 assistance.

17 5–7B–03.

18 (a) (1) The governing body of a county or of a municipal corporation may
19 designate priority funding areas as provided in this section.

20 (2) The governing bodies of two or more adjoining counties, two or
21 more municipal corporations, or any combination of adjoining counties and municipal
22 corporations may designate, as provided in this section and in accordance with the
23 regulations adopted by the Department of Planning, a priority funding area that
24 combines two or more contiguous areas located in each of the local governments.

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

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

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

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

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

6 (2) An area zoned or, if applicable, classified after January 1, 1997 as
7 industrial, or where the principal uses are for employment, in addition to meeting the
8 criteria set forth in paragraph (1) of this subsection, shall be located within a locally
9 designated growth area.

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

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

16 1. there is an average density of at least 2.0 units per
17 acre; or

18 2. if a portion of the community is undeveloped, the
19 permitted average density is not less than 2.0 units per acre; or

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

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

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

30 (3) (i) If an existing community receives a public or community
31 sewer system, an area beyond the periphery of the developed portion of the existing

1 community may be designated as a priority funding area if the development of the
2 area beyond the periphery:

3 1. has a permitted average density of at least 3.5 units
4 per acre; and

5 2. the area is served by a public or community sewer
6 system.

7 (ii) The Department of the Environment may provide funding
8 for a sewer system in an existing community beyond the periphery of the developed
9 portion of the community if the expansion has a permitted average density of at least
10 3.5 units per acre.

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

13 (1) (I) the area:

14 [(i)] 1. is within a locally designated growth area of the local
15 government; and

16 [(ii)] 2. is planned to be served under the approved 10-year
17 water and sewer plan;

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

21 [(3)] (III) in that part of the area designated by the local government
22 for residential use or development, there is permitted an average density of not less
23 than 3.5 units per acre; **OR**

24 (2) **THE AREA:**

25 (I) **IS LOCATED IN A RURAL COUNTY;**

26 (II) **HAS A TOTAL POPULATION OF LESS THAN 6,000**
27 **RESIDENTS; AND**

1 **(III) IS SOLELY DEPENDENT ON GROUNDWATER SOURCES**
2 **FOR ITS COMMUNITY WATER SYSTEM.**

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

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

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

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

13 (g) The designation by a county, municipal corporation, or multiple local
14 governments as provided in subsection (a)(2) of this section, of a priority funding area
15 under this section shall be based on:

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

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

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

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

25 (ii) dedicated recreational use;

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

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

1 (4) used for cemetery purposes;

2 (5) identified by a local government as:

3 (i) 1. streams and their buffers;

4 2. 100-year flood plains;

5 3. habitats of threatened and endangered species; and

6 4. steep slopes; and

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

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

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2007.