

HOUSE BILL 1781

L6, M4

8lr3593

By: **Delegate S. Howard**

Introduced and read first time: February 28, 2018

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Land Use – Change to Zoning Classification – Limitation**

3 FOR the purpose of specifying that a finding by a certain legislative body that a certain
4 activity associated with agritourism or agritainment takes place on a property is not
5 sufficient justification for the legislative body to grant a certain amendment to
6 change the zoning classification for certain properties; and generally relating to
7 changes to zoning classifications.

8 BY repealing and reenacting, without amendments,

9 Article – Land Use

10 Section 4–204(a) and (b)(1)

11 Annotated Code of Maryland

12 (2012 Volume and 2017 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Land Use

15 Section 4–204(b)(2)

16 Annotated Code of Maryland

17 (2012 Volume and 2017 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Land Use**

21 4–204.

22 (a) Zoning regulations and boundaries may be amended or repealed.

23 (b) (1) If the purpose and effect of a proposed map amendment is to change a
24 zoning classification, the legislative body shall make findings of fact that address:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) population change;
- 2 (ii) the availability of public facilities;
- 3 (iii) present and future transportation patterns;
- 4 (iv) compatibility with existing and proposed development for the
5 area;
- 6 (v) the recommendation of the planning commission; and
- 7 (vi) the relationship of the proposed amendment to the local
8 jurisdiction's plan.

9 (2) (I) [The] **SUBJECT TO SUBPARAGRAPH (II) OF THIS**
10 **PARAGRAPH, THE** legislative body may grant the amendment to change the zoning
11 classification based on a finding that there was:

12 [(i)] 1. a substantial change in the character of the neighborhood
13 where the property is located; or

14 [(ii)] 2. a mistake in the existing zoning classification.

15 (II) **A FINDING BY THE LEGISLATIVE BODY THAT A COMMERCIAL**
16 **OR AN INDUSTRIAL ACTIVITY ASSOCIATED WITH AGRITOURISM OR AGRITAINMENT**
17 **TAKES PLACE ON A PROPERTY IS NOT SUFFICIENT JUSTIFICATION FOR THE**
18 **LEGISLATIVE BODY TO GRANT AN AMENDMENT TO CHANGE THE ZONING**
19 **CLASSIFICATION FOR:**

20 1. **THE PROPERTY;**

21 2. **A PROPERTY ADJACENT TO THE PROPERTY; OR**

22 3. **A PROPERTY IN CLOSE PROXIMITY TO THE PROPERTY.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2018.