

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 751
(Delegate Schindler)
Environment and Transportation

Municipalities - Annexed Land - Land Use and Density

This bill alters the standard used to determine the extent to which a municipality may allow development of annexed land for different and higher density uses, within five years of annexation, without express approval of the county. Under the bill, a municipality may not allow development, under those circumstances, for land uses substantially different or at substantially higher density than could be granted under land use recommendations in the comprehensive plan of the county or municipality (under current law, the use or density is instead evaluated against the zoning classification of the county).

Fiscal Summary

State Effect: The bill does not directly affect State finances.

Local Effect: Counties and municipalities may be affected, as discussed below.

Small Business Effect: Potential meaningful.

Analysis

Current Law:

Municipal Annexation

A municipality may enlarge its boundaries by annexation of land, subject to various criteria and procedures established in Title 4, Subtitle 4 of the Local Government Article, including adoption of an annexation plan (a plan for providing municipal services to the annexed area) and enactment of an annexation resolution.

Development After Annexation

If an area is annexed to a municipality that has planning and zoning authority at the time of annexation, the municipality has exclusive jurisdiction over planning, subdivision control, and zoning in the area annexed. However, without the express approval of the county commissioners or county council of the county in which the municipality is located, for five years after an annexation by a municipality, the municipality may not allow development of the annexed land for land uses substantially different than the authorized use, or at a substantially higher density, not exceeding 50%, than could be granted for the proposed development, in accordance with the zoning classification of the county applicable at the time of the annexation.

Comprehensive Plan – Municipal Growth Element

Local jurisdictions that exercise planning and zoning authority are required to enact, adopt, amend, and execute a comprehensive plan that must contain certain elements, including, for a municipality, a municipal growth element, which addresses the municipality's future growth and related infrastructure.

Local Fiscal Effect: Counties and municipalities may be meaningfully affected to the extent the bill allows municipalities, within five years of annexation of land, to authorize development uses and densities that are not otherwise possible, as a result of those uses and densities being evaluated, under the bill, against the land use recommendations in the municipality's comprehensive plan rather than, under current law, against the county's zoning classification for the land. Municipalities may benefit to the extent developments allowed under the bill help to achieve municipal objectives for growth and economic/community development. Counties, however, may be negatively affected to the extent the higher density growth on recently annexed land places an unplanned burden on surrounding county infrastructure or services.

Small Business Effect: Small businesses may meaningfully benefit from development of annexed land by a municipality that otherwise does not occur, or occurs later, in the absence of the bill.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Baltimore, Carroll, Harford, Queen Anne's, and St. Mary's counties; Maryland Association of Counties; City of Salisbury; Towns of Bel Air and Riverdale Park; Maryland Municipal League; Maryland Department of Planning; Department of Legislative Services

Fiscal Note History: First Reader - February 18, 2025
rh/sdk

Analysis by: Joanne E. Tetlow

Direct Inquiries to:

(410) 946-5510

(301) 970-5510