

HOUSE BILL 247

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(PRE-FILED)

6lr0182

CF 6lr0181

By: **Chair, Environment and Transportation Committee (By Request – Departmental – Critical Area Commission)**

Requested: September 30, 2025

Introduced and read first time: January 14, 2026

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Chesapeake and Atlantic Coastal Bays Critical Area Protection Program –**
3 **Variances – Alterations**

4 FOR the purpose of altering certain standards and requirements for variances from land
5 use requirements under the Chesapeake and Atlantic Coastal Bays Critical Area
6 Protection Program; and generally relating to variances under the Chesapeake and
7 Atlantic Coastal Bays Critical Area Protection Program.

8 BY repealing and reenacting, without amendments,

9 Article – Natural Resources

10 Section 8-1808(d)(1)

11 Annotated Code of Maryland

12 (2023 Replacement Volume and 2025 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Natural Resources

15 Section 8-1808(d)(3) and (5)

16 Annotated Code of Maryland

17 (2023 Replacement Volume and 2025 Supplement)

18 BY adding to

19 Article – Natural Resources

20 Section 8-1808(d)(10)

21 Annotated Code of Maryland

22 (2023 Replacement Volume and 2025 Supplement)

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

24 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Natural Resources

2 8-1808.

3 (d) (1) In this subsection, "unwarranted hardship" means that, without a
4 variance, an applicant would be denied reasonable and significant use of the entire parcel
5 or lot for which the variance is requested.

15 (iii) If the variance request is based on conditions or circumstances
16 that are the result of actions by the applicant, a local jurisdiction shall consider that fact.

17 (IV) WHEN REQUESTING A VARIANCE FOR A NEW ACCESSORY
18 STRUCTURE OR USE, A REBUTTABLE PRESUMPTION EXISTS THAT AN EXISTING
19 ACCESSORY STRUCTURE OR USE ON THE PARCEL OR LOT DEMONSTRATES
20 REASONABLE AND SIGNIFICANT USE.

21 (v) A LOCAL JURISDICTION MAY NOT ACCEPT AN APPLICATION
22 FOR A VARIANCE TO:

15 (II) THE APPLICANT MAY MAKE A COMPARISON UNDER
16 SUBPARAGRAPH (I)3 OF THIS PARAGRAPH ONLY TO OTHER PROPERTIES OR
17 STRUCTURES THAT:

1. ARE LOCATED IN THE CRITICAL AREA:

4. ARE SIMILARLY SITUATED: AND

24 **5. IF LOCATED IN A MODIFIED BUFFER AREA, WERE**
25 **DEVELOPED IN ACCORDANCE WITH REQUIREMENTS FOR MODIFIED BUFFER AREAS**
26 **UNDER THE LOCAL JURISDICTION'S CRITICAL AREA PROGRAM.**

27 (10) A LOCAL BOARD OF APPEALS SHALL:

30 (II) GRANT DEFERENCE TO THE ADMINISTRATIVE OFFICER'S
31 FINDINGS OF FACT

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2026.