

DATE: February 18, 2025

BILL NO.: House Bill 751

TITLE: Municipalities - Annexed Land - Land Use and Density

COMMITTEE: House Environment and Transportation Committee

Letter of Information

Description of Bill:

House Bill 751 alters the restrictions on development in newly annexed land. It permits municipalities to gain the approval for new developments deemed “substantially different” than current land use on annexed land based on the county or municipality’s land use recommendations, rather than the zoning ordinances. In addition, with approval from the county, the annexed land may be placed in a different zoning classification that allows for substantially different land use or density than previously outlined in the county’s land use recommendations.

Background and Analysis:

In 2006, House Bill 1141 passed into law, changing the rules for how municipalities could develop annexed land. House Bill 1141 was passed in order to ensure municipalities were engaging with smart growth planning principles and to promote longer-term growth and development planning among counties and municipalities. As a result, current legislation requires municipalities to gain the express approval of county leadership to develop annexed land in a “significantly different” way than it was zoned previously or wait five years to begin said developments.

Reverting this legislation back to pre-2006 language would have counties approve of significantly different developments on annexed municipal land based on land use recommendations in the comprehensive plans of the county or municipality. The change from relying on current zoning ordinances to land use recommendations would loosen the restrictions on the capacity for development in annexed land.

Often, municipalities will incorporate new land in order to support population growth and develop housing that differs from what the area is currently zoned. Low-density, single-family housing is common for pre-existing residential zones in Maryland, but as housing demand grows, zoning for high density, multi-family housing will more comfortably support projected population growth in the state, as well as in individual municipalities. If creating more high-density, multi-family housing is outlined in a county or municipality’s land use recommendations, regardless of zoning ordinances, House Bill 751 ensures municipalities will have fewer barriers to creating developments in annexed land that may differ from current zoning.

House Bill 751 would revert current law to allow for significantly different land use in newly annexed municipal land based on land use recommendation in comprehensive plans, not current zoning ordinances. Its passage would give municipalities more oversight over their development while allowing counties to ensure smart growth principles are continuing to be met overall. It ensures that where the work has been done to properly plan for development, fewer obstacles exist to the construction of more housing.