

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 1542

(Frederick County Delegation)

Environmental Matters

Education, Health, and Environmental
Affairs

Frederick County - Land Use or Zoning Ordinances - Amendments

This emergency bill authorizes an individual county commissioner in Frederick County to initiate a proposal for a text amendment to a county land use or zoning ordinance on the commissioner's own behalf or on behalf of any other individual, group, or organization.

Fiscal Summary

State Effect: None.

Local Effect: Frederick County could incur additional advertising costs for additional public hearings and potential personnel costs due to the consideration of additional text amendments.

Small Business Effect: Minimal.

Analysis

Current Law: Frederick County is governed by five county commissioners. Article 66B, which this bill amends, generally governs planning and zoning in the State, though it has limited applicability to charter counties. Local legislative bodies are given specified zoning authority and must provide for the manner in which regulations and restrictions and the boundaries of districts are determined, established, enforced, and periodically amended or repealed.

Background: In April 2007, the Frederick County Commissioners enacted an ordinance amending the county's subdivision rules and regulations, adequate public facilities ordinance, forest resource ordinance, and zoning ordinance to permit amendments to be initiated only by the county commissioners. Prior to the enactment of the ordinance, amendments to those ordinances or regulations generally could be proposed by other persons, groups, agencies, organizations, or the planning commission, depending on the ordinance or regulation. The county zoning ordinance, for example, allowed for a person to submit an application for a zoning text amendment and also provided for the county commissioners, the planning commission, or county staff to initiate a zoning text amendment.

The April 2007 ordinance states that the county commissioners believe that proposed amendments should have demonstrated support among the commissioners prior to formal initiation of a proposed amendment in order to conserve scarce meeting and staff time and enable the commissioners to better manage county priorities.

Local Fiscal Effect: Frederick County indicates that allowing an individual county commissioner to initiate a proposed text amendment would increase local expenditures for advertising public hearings and staff time. The cost associated with each text amendment is approximately \$7,000. The county indicates that due to the relative ease of introducing text amendments under the proposed legislation, an additional 25 to 35 text amendments could be proposed each year. This would increase county expenditures by \$175,000 to \$245,000 annually. Under the current process, a majority vote of the county commissioners is required in order for a text amendment to go to a public hearing.

Legislative Services advises that to the extent that existing county staff is used to handle the workload associated with processing additional text amendments, the increase in county expenditures would be minimal. The fiscal 2008 county budget includes \$2.3 million and 27 staff positions for the county's planning and zoning department.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Planning, Frederick County, Department of Legislative Services

Fiscal Note History: First Reader - March 18, 2008
mll/hlb

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