

## Authority for Planning

The State of Maryland entrusts local jurisdictions with land use planning authority. Article 66B of the Maryland Annotated Code delegates planning and land use regulatory authority to all non-charter counties and all incorporated municipalities outside of Montgomery and Prince George's Counties, as well as specifically identified towns within these two jurisdictions (Barnesville, Brookeville, Gaithersburg, Laytonsville, Poolesville, Rockville, Washington Grove, and Laurel). This statute enables local government to guide growth and development; outlines the responsibilities, roles, and functions of the planning commission; and sets the "ground rules" for operations. Article 25A delegates planning and land use regulator powers to six charter counties (Anne Arundel, Baltimore, Harford, Howard, Talbot, and Wicomico). Article 28 applies to Montgomery and Prince George's Counties and to all incorporated towns within those two counties not covered by Article 66B.

## Key Maryland Laws Governing Planning

In addition to becoming familiar with Article 66B, local government officials should be aware of three key Maryland statutes that govern land use planning.

### 1992 Planning Act

The 1992 Economic Growth, Resource Protection, and Planning Act articulates the State's growth policy through seven visions (the General Assembly added an eighth vision in 2000) centered on concentrating development in suitable areas, protecting sensitive areas, and establishing funding mechanisms to achieve the visions. The Act also requires local jurisdictions to address these same visions in their comprehensive plans. All local jurisdictions, with few exceptions, incorporated these visions into their comprehensive plans on or before July 1, 1997. Under the Act, local governments are required to review, and if necessary, update their plans once every six years.

The Economic Growth, Resource Protection, and Planning policy is codified in §5-7A-01 of the State Finance and Procurement Article of the Annotated Code. The visions are codified in §3.06(b) of Article 66B of the Annotated Code of Maryland.

The following are the eight visions.

1. Development is concentrated in suitable areas.
2. Sensitive areas are protected.
3. In rural areas, growth is directed to existing population centers and resource areas are protected.
4. Stewardship of the Chesapeake Bay and the land is a universal ethic.
5. Conservation of resources, including a reduction in resource consumption, is practiced.
6. To assure the achievement of items (1) through (5) of this section, economic growth is encouraged and regulatory mechanisms are streamlined.
7. Adequate public facilities and infrastructure under the control of the county or municipal corporation are available or planned in areas where growth is to occur.
8. Funding mechanisms are addressed to achieve these Visions.

### 1997 Priority Funding Areas Act

The 1997 Priority Funding Areas Act directs State funding for growth-related infrastructure to Priority Funding Areas (PFAs), providing a geographic focus for State investment in growth. PFAs are existing communities and places where local governments want State funding for future growth. Growth-related projects include most State programs that encourage growth and development such as highways, sewer and water construction, economic development assistance, and State leases or construction of new office facilities. The Act legislatively designated certain areas as PFAs - municipalities (as they existed on January 1, 1997), Baltimore City, areas inside the Baltimore and Capital Beltways, Department of Housing and Community Development Designated Neighborhoods - and established criteria for locally designated PFAs. The criteria include permitted density, water and sewer availability, and designation as a growth area in the comprehensive plan.