

jurisdiction over planning and zoning and subdivision control within the area annexed; provided nothing in this exception shall be construed or interpreted to grant planning and zoning authority or subdivision control to a municipality not authorized to exercise that authority at the time of such annexation; and further provided, that no municipality annexing land may for a period of five years following annexation, place that land in a zoning classification which permits a land use substantially different from the use for the land specified in the current and duly adopted master plan or plans or if there is no adopted or approved master plan, the adopted or approved general plan or plans of the county or agency having planning and zoning jurisdiction over the land prior to its annexation without the express approval of the board of county commissioners or county council of the county in which the municipality is located.

(2) IF THE COUNTY EXPRESSLY APPROVES, THE MUNICIPALITY, WITHOUT REGARD TO THE PROVISIONS OF ARTICLE 66B, § 4.05(A) OF THE CODE, MAY PLACE THE ANNEXED LAND IN A ZONING CLASSIFICATION THAT PERMITS A LAND USE SUBSTANTIALLY DIFFERENT FROM THE USE FOR THE LAND SPECIFIED IN THE CURRENT AND DULY ADOPTED MASTER PLAN OR GENERAL PLAN OF THE COUNTY OR AGENCY HAVING PLANNING AND ZONING JURISDICTION OVER THE LAND PRIOR TO ITS ANNEXATION.

Article 66B - Zoning and Planning

4.05.

(a) Such regulations, restrictions, and boundaries may from time to time be amended, supplanted, modified, or repealed. Where the purpose and effect of the proposed amendment is to change the zoning classification, the local legislative body shall make findings of fact in each specific case including, but not limited to, the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area, the recommendation of the planning commission, and the relationship of such proposed amendment to the jurisdiction's plan; and may grant the amendment based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification. A complete record of the hearing and the votes of all members of the local legislative body shall be kept.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1988.

Approved May 17, 1988.

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