

WILLIAM DONALD SCHAEFER, Governor

BY repealing and reenacting, with without amendments,

Article 66B - Zoning and Planning  
Section ~~4-02~~ 4.05(a)  
Annotated Code of Maryland  
(1983 Replacement Volume and 1987 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 23A - Corporations - Municipal

9.

(c) (1) A municipal corporation which is subject to the provisions of Article XI-E of the Maryland Constitution may not amend its charter or exercise its powers of annexation, incorporation or repeal of charter as to affect or impair in any respect the powers relating to sanitation, including sewer, water and similar facilities, and zoning, of the Washington Suburban Sanitary Commission or of the Maryland-National Capital Park and Planning Commission. Except that where any area is annexed to a municipality authorized to have and having then a planning and zoning authority, the municipality shall have exclusive 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. ~~IF THIS EXPRESS-APPROVAL IS OBTAINED AND NOTWITHSTANDING~~

(2) IF THE COUNTY EXPRESSLY APPROVES, THE MUNICIPALITY, WITHOUT REGARD TO THE PROVISIONS OF ARTICLE 66B, § 4.05(A) OF THE CODE, THE MUNICIPALITY 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 IF THERE IS NO ADOPTED OR APPROVED MASTER PLAN, THE ADOPTED OR APPROVED GENERAL PLAN OF THE COUNTY OR AGENCY HAVING PLANNING AND ZONING JURISDICTION OVER THE LAND PRIOR TO ITS ANNEXATION.

Article 66B - Zoning and Planning