

hearings thereon before submitting its final report, and the City Council shall not hold its public hearings or take action until it has received the final report of such commission. If a board of zoning appeals already exists, it may be appointed as the zoning commission.]

EXPLANATION: Article 66B, § 2.07 requires the appointment of a zoning commission in Baltimore City to make initial recommendations concerning zoning districts. This section is now obsolete and staff recommends its repeal.

4.05.

[(d) The territorial planning and zoning jurisdiction of the planning and zoning commission of any incorporated town of Talbot County shall include all land located within the corporate boundaries of said town, and territorial planning and zoning jurisdiction of the planning and zoning commission of Talbot County shall include all land lying outside of the corporate boundaries of any incorporated town of Talbot County. The planning and zoning commission of any incorporated town of Talbot County shall have territorial planning and zoning jurisdiction over all land lying within one mile of its corporate boundaries at such time as the incorporated town shall have approved and adopted a master plan and zoning ordinances for such area, at which such time the authority of the planning and zoning commission of Talbot County over such land shall be divested, provided that any incorporated town of Talbot County may waive planning and zoning jurisdiction over any land lying within one mile of its corporate boundaries. If the corporate limits of any incorporated town of Talbot County shall be extended at any time after June 1, 1971, planning and zoning jurisdiction of such town shall apply only within the corporate boundaries defined by such extension and not to all land lying within one mile of such extended boundaries which land shall remain under the jurisdiction of the planning and zoning commission of Talbot County. After June 1, 1971, the planning and zoning commission of any incorporated town of Talbot County must give no less than seven (7) days' notice to, and consult with, the planning and zoning commission of Talbot County concerning any proposed changes in the existing planning and/or zoning of land lying within one mile of the corporate boundaries of any such incorporated town, jurisdiction over which such land the planning and zoning commission of the town has previously acquired under the terms of this section.]

EXPLANATION: Article 66B, § 4.05(d), concerning the planning and zoning authority of municipal corporations located within Talbot County, has been held unconstitutional under Article XI-E, § 1 of the Constitution. See Gordon v. Commissioners of St. Michaels, 278 Md. 128 (1976). The Constitution permits the General Assembly to enact legislation affecting the "... incorporation, organization, government, or affairs of any ... municipal corporation only by general laws which in their terms and in their effect apply alike to all municipal corporations in one or more [class]". The General Assembly has elected to treat all municipal corporations in the State as a single class. See Article 23A, § 10 of the Code. Staff recommends this subsection be repealed.

Article – Education

4-202.