
By: Senator Dorman

Introduced and read first time: February 2, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland-Washington Regional District - Boundaries - Zoning Authority**

3 FOR the purpose of altering the boundaries of the Maryland-Washington Regional
4 District to exclude certain property in the City of Laurel as defined as of a certain
5 date; providing for the planning and zoning and subdivision control over land
6 included in the boundaries of the Maryland-Washington Regional District as
7 described in a certain statute; and generally relating to the boundaries of the
8 Maryland-Washington Regional District and the zoning authority over land in the
9 Maryland-Washington Regional District.

10 BY repealing and reenacting, with amendments,
11 Article 23A - Corporations - Municipal
12 Section 9(c) and 19(s)
13 Annotated Code of Maryland
14 (1994 Replacement Volume and 1995 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article 28 - Maryland-National Capital Park and Planning Commission
17 Section 7-103
18 Annotated Code of Maryland
19 (1993 Replacement Volume and 1995 Supplement)

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

22 **Article 23A - Corporations - Municipal**

23 9.

24 (c) (1) A municipal corporation which is subject to the provisions of Article
25 XI-E of the Maryland Constitution may not amend its charter or exercise its powers of
26 annexation, incorporation or repeal of charter as to affect or impair in any respect the
27 powers relating to sanitation, including sewer, water and similar facilities, and zoning, of
28 the Washington Suburban Sanitary Commission or of the Maryland-National Capital
29 Park and Planning Commission. Except that where any area is annexed to a municipality
30 authorized to have and having then a planning and zoning authority, the municipality
31 shall have exclusive jurisdiction over planning and zoning and subdivision control within

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

11 (2) If the county expressly approves, the municipality, without regard to the
12 provisions of Article 66B, § 4.05(a) of the Code, may place the annexed land in a zoning
13 classification that permits a land use substantially different from the use for the land
14 specified in the current and duly adopted master plan or general plan of the county or
15 agency having planning and zoning jurisdiction over the land prior to its annexation.

16 (3) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF THIS
17 SUBSECTION, THE REGIONAL COUNCIL AND THE MARYLAND-NATIONAL CAPITAL
18 PARK AND PLANNING COMMISSION SHALL HAVE EXCLUSIVE PLANNING AND
19 ZONING AND SUBDIVISION CONTROL OVER LAND THAT IS INCLUDED IN THE
20 BOUNDARIES OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT AS
21 DESCRIBED IN ARTICLE 28, § 7-103 OF THE CODE WHETHER OR NOT ALL OR PART OF
22 THE LAND MAY BE INCLUDED IN A MUNICIPAL CORPORATION THAT HAS PLANNING
23 AND ZONING AUTHORITY.

24 19.

25 (s) (1) The powers granted to municipal corporations by Article XI-E of the
26 Constitution, by this article, and by Article 66B (of the Code), shall not be deemed to
27 authorize any municipal corporation, either through procedures under this subheading or
28 other changes in its charter, to exercise planning (including subdivision control) and
29 zoning jurisdiction or power within any political subdivision in which such planning and
30 zoning jurisdiction or power, or either, is exercised by any State, regional or county
31 agency or authority. Except that where any area is annexed to a municipality authorized
32 to have and having then a planning and zoning authority, the said municipality shall have
33 exclusive jurisdiction over planning and zoning and subdivision control within the area
34 annexed; provided that nothing in this exception shall be construed or interpreted to
35 grant planning and zoning authority to a municipality not authorized to exercise such
36 authority at the time of such annexation.

37 (2) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF THIS
38 SUBSECTION, THE REGIONAL COUNCIL AND THE MARYLAND-NATIONAL CAPITAL
39 PARK AND PLANNING COMMISSION SHALL HAVE EXCLUSIVE PLANNING AND
40 ZONING AND SUBDIVISION CONTROL OVER LAND THAT IS INCLUDED IN THE
41 BOUNDARIES OF THE PRINCE GEORGE'S COUNTY PORTION OF THE
42 MARYLAND-WASHINGTON REGIONAL DISTRICT AS DESCRIBED IN ARTICLE 28, §
43 7-103 OF THE CODE WHETHER OR NOT ALL OR PART OF THE LAND MAY BE
44 INCLUDED IN A MUNICIPAL CORPORATION THAT HAS PLANNING AND ZONING
45 AUTHORITY.

3

1 **Article 28 - Maryland-National Capital Park and Planning Commission**

2 7-103.

3 (a) The entire area of Montgomery County is within the regional district, subject
4 to the provisions of § 7-105 of this title.

5 (b) The entire area of Prince George's County is within the regional district, with
6 the exception of the City of Laurel, as its corporate boundaries are defined as of July 1,
7 [1994] 1996. A municipal corporation within the areas added by this subsection to the
8 Maryland-Washington Regional District is not authorized, by means of an amendment to
9 its charter or otherwise, to exercise any of the powers relating to planning, subdivision
10 control, or zoning granted by the Maryland-National Capital Park and Planning
11 Commission or the County Council of Prince George's County. If this subsection for any
12 reason is held by any court of competent jurisdiction to be invalid, it is declared to be the
13 intention of the General Assembly that this subsection is severable and that the
14 remaining portions of this subsection would have been enacted without the invalid
15 portions.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 July 1, 1996.