
By: **Senators Hollinger, Pipkin, Astle, Conway, Dyson, Harris, and
Middleton, Middleton, and Colburn**

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CHAPTER _____

1 AN ACT concerning

2 **Annexation Planning and Procedures Act of 2006**
3 **Land Use - Local Government Planning**

4 ~~FOR the purpose of authorizing a county and a municipal corporation to enter into a~~
5 ~~joint planning agreement under certain circumstances; providing for the process~~
6 ~~by which a county and a municipal corporation may enter into a joint planning~~
7 ~~agreement; providing for the contents of a certain joint planning agreement;~~
8 ~~requiring a county and a municipal corporation to each designate certain~~
9 ~~representatives that are authorized and competent to discuss certain issues~~
10 ~~with regard to a certain joint planning agreement; requiring a county and a~~
11 ~~municipal corporation to create a certain meeting schedule under certain~~
12 ~~circumstances; requiring certain representatives to negotiate in good faith and~~
13 ~~share certain information regarding a certain joint planning agreement;~~
14 ~~requiring a county to provide a written response to a municipal corporation~~
15 ~~containing the reasons for disagreement over a joint planning agreement under~~
16 ~~certain circumstances; providing for mediation between a county and a~~
17 ~~municipal corporation when the parties do not agree on the contents of a certain~~
18 ~~joint planning agreement; requiring a county and a municipal corporation to~~
19 ~~enact ordinances to adopt a certain joint planning agreement under certain~~
20 ~~circumstances; prohibiting a county and a municipal corporation from enacting~~
21 ~~ordinances to adopt a certain joint planning agreement during a certain time~~
22 ~~period; requiring a county and a municipal corporation to send a copy of a~~
23 ~~certain joint planning agreement to the Department of Planning under certain~~
24 ~~circumstances; requiring a county and a municipal corporation to integrate a~~
25 ~~certain joint planning agreement into their respective comprehensive master~~
26 ~~plans under certain circumstances; providing for a time period during which a~~
27 ~~certain joint planning agreement shall be effective; authorizing a county and a~~

1 municipal corporation to agree on a process to amend a certain joint planning
2 agreement; prohibiting a municipal corporation that annexes land that is not
3 within a certain growth boundary from placing the land in a zoning
4 classification that permits a land use or density that is substantially different
5 from the land use or density in the current zoning classification during a certain
6 time period under certain circumstances; providing that if certain annexed land
7 is within a certain growth boundary a municipal corporation may place the
8 annexed land in a zoning classification that permits certain land uses or
9 densities under certain circumstances; providing that certain land annexed by a
10 municipal corporation is subject to the county adequate public facilities
11 ordinance under certain circumstances; authorizing certain persons who reside
12 within a certain distance outside an area proposed to be annexed and outside
13 the municipal corporation to petition a certain annexation resolution to a
14 referendum under certain circumstances; altering the ability of a county to
15 petition a certain annexation resolution to a referendum under certain
16 circumstances; altering to whom a referendum is submitted when a county
17 petitions an annexation resolution to a referendum under certain circumstances;
18 requiring a municipal corporation to enter into a certain annexation agreement
19 with certain persons under certain circumstances; providing that a certain
20 county is a party to a certain annexation agreement for certain purposes under
21 certain circumstances; providing for the contents of an annexation agreement;
22 repealing certain provisions relating to a certain outline for the extension of
23 services and public facilities; requiring a municipal corporation to provide a
24 certain annexation plan when enacting a certain annexation resolution under
25 certain circumstances; providing for the contents of a certain annexation plan;
26 providing that the annexation plan shall be open to public review and public
27 hearing; requiring the municipal corporation to provide a certain annexation
28 resolution, annexation agreement, and annexation plan to certain persons
29 within a certain period of time under certain circumstances; requiring a county
30 to pay for the expense of a certain referendum under certain circumstances;
31 requiring a county to amend its water and sewer plan to allow for the extension
32 of municipal water and sewer service to certain annexed land under certain
33 circumstances; providing for the construction of this Act; repealing a certain
34 obsolete provision; and generally relating to joint planning agreements entered
35 into by a county and a municipal corporation and municipal annexations.

36 FOR the purpose of requiring a planning commission in a county or municipal
37 corporation to include certain plan elements when developing a comprehensive
38 plan; providing for a certain process when developing a certain plan element;
39 requiring certain plan elements to be reviewed by the Department of the
40 Environment and the Department of Natural Resources; including certain lands
41 in certain areas; altering certain development requirements for annexed land;
42 requiring a certain annexation plan; requiring certain plan elements to be
43 included in certain comprehensive plans; providing for the process for including
44 certain plan elements in certain comprehensive plans; altering the
45 circumstances under which certain areas shall be considered priority funding
46 areas; providing for the designation of priority funding areas by certain local
47 governments; requiring that certain plan elements be updated on or before a
48 certain date; encouraging coordination on certain local planning issues;

1 establishing a Task Force on the Future for Growth and Development in
2 Maryland; providing for the membership and staffing of the Task Force;
3 providing that certain provisions of the Maryland Public Ethics Law do not
4 apply under certain circumstances to certain regulated lobbyists; requiring the
5 Task Force to study certain growth-related issues; requiring the Task Force to
6 submit a certain report on or before a certain date; providing for the
7 construction of this Act; and generally relating to local government planning.

8 ~~BY adding to~~
9 ~~Article 23A - Corporations - Municipal~~
10 ~~Section 6~~
11 ~~Annotated Code of Maryland~~
12 ~~(2005 Replacement Volume)~~

13 BY repealing and reenacting, with amendments,
14 Article 23A - Corporations - Municipal
15 Section 9(c) and 19(o)
16 Annotated Code of Maryland
17 (2005 Replacement Volume)

18 BY repealing and reenacting, without amendments,
19 Article 66B - Land Use
20 Section 1.00(a)
21 Annotated Code of Maryland
22 (2003 Replacement Volume and 2005 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article 66B - Land Use
25 Section 1.00(j), 1.03, and 3.05
26 Annotated Code of Maryland
27 (2003 Replacement Volume and 2005 Supplement)

28 BY repealing and reenacting, with amendments,
29 Article - State Finance and Procurement
30 Section 5-7B-02 and 5-7B-03
31 Annotated Code of Maryland
32 (2006 Replacement Volume)

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

1 Article 23A - Corporations - Municipal

2 6.

3 (A) (1) A MUNICIPAL CORPORATION MAY SUBMIT A WRITTEN REQUEST TO
4 THE COUNTY IN WHICH IT IS LOCATED TO ENTER INTO A JOINT PLANNING
5 AGREEMENT.

6 (2) THE REQUEST TO ENTER INTO A JOINT PLANNING AGREEMENT
7 SHALL INCLUDE:

8 (I) A DESCRIPTION OF PAST GROWTH PATTERNS OF THE
9 MUNICIPAL CORPORATION;

10 (II) AN ANALYSIS OF THE CAPACITY OF LAND AREAS AVAILABLE
11 FOR DEVELOPMENT WITHIN THE MUNICIPAL CORPORATION, INCLUDING IN-FILL
12 AND REDEVELOPMENT;

13 (III) A DESCRIPTION OF THE RELATIONSHIP OF THE JOINT
14 PLANNING AGREEMENT TO A LONG TERM DEVELOPMENT POLICY FOR PROMOTING
15 AN ORDERLY EXPANSION OF GROWTH AND AN EFFICIENT USE OF LAND AND PUBLIC
16 SERVICES;

17 (IV) AN ANALYSIS OF THE LAND AREA NEEDED TO SATISFY
18 DEMAND FOR DEVELOPMENT AT DENSITIES CONSISTENT WITH THE LONG TERM
19 DEVELOPMENT POLICY;

20 (V) A PROPOSAL FOR A GROWTH BOUNDARY BEYOND THE
21 EXISTING BORDERS OF THE MUNICIPAL CORPORATION WITHIN WHICH FUTURE
22 ANNEXATIONS ARE PLANNED;

23 (VI) A DESCRIPTION OF THE MANNER AND TIMING BY WHICH THE
24 NECESSARY PUBLIC SERVICES AND INFRASTRUCTURE WILL BE PROVIDED TO AREAS
25 WITHIN THE PROPOSED GROWTH BOUNDARY, INCLUDING THOSE NECESSARY FOR:

26 1. PUBLIC SCHOOLS, SUFFICIENT TO ACCOMMODATE
27 STUDENT POPULATION CONSISTENT WITH STATE RATED CAPACITY STANDARDS
28 ESTABLISHED BY THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION;

29 2. LIBRARIES;

30 3. PUBLIC SAFETY, INCLUDING EMERGENCY MEDICAL
31 RESPONSE;

32 4. WATER AND SEWERAGE FACILITIES;

33 5. STORM WATER MANAGEMENT SYSTEMS, SUFFICIENT TO
34 ASSURE WATER QUALITY BOTH INSIDE AND OUTSIDE OF THE PROPOSED GROWTH
35 BOUNDARY; AND

36 6. RECREATION;

1 (VII) ~~A PLAN FOR PROTECTING SENSITIVE AREAS, AS DEFINED IN~~
2 ~~ARTICLE 66B, § 1(J) OF THE CODE, THAT COULD BE IMPACTED BY DEVELOPMENT~~
3 ~~PLANNED WITHIN THE PROPOSED GROWTH BOUNDARY;~~

4 (VIII) ~~AN ANALYSIS OF ANY BURDEN ON SERVICES AND~~
5 ~~INFRASTRUCTURE FOR WHICH THE MUNICIPAL CORPORATION WOULD BE~~
6 ~~RESPONSIBLE FOR DEVELOPMENT IN AREAS PROXIMATE TO AND OUTSIDE THE~~
7 ~~PROPOSED GROWTH BOUNDARY; AND~~

8 (IX) ~~A DESCRIPTION OF THE RELATIONSHIP OF THE LONG TERM~~
9 ~~DEVELOPMENT POLICY TO A VISION OF THE MUNICIPAL CORPORATION'S FUTURE~~
10 ~~CHARACTER.~~

11 (3) ~~THE MUNICIPAL CORPORATION SHALL SEND A COPY OF THE~~
12 ~~REQUEST TO THE MARYLAND DEPARTMENT OF PLANNING.~~

13 (B) ~~WITHIN 30 DAYS AFTER THE REQUEST TO ENTER INTO A JOINT PLANNING~~
14 ~~AGREEMENT IS SUBMITTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS~~
15 ~~SECTION, THE COUNTY AND THE MUNICIPAL CORPORATION SHALL:~~

16 (1) ~~EACH DESIGNATE REPRESENTATIVES WHO ARE AUTHORIZED AND~~
17 ~~COMPETENT TO DISCUSS THE ITEMS LISTED IN SUBSECTION (A)(2) OF THIS SECTION;~~
18 ~~AND~~

19 (2) ~~CREATE A MEETING SCHEDULE THAT SCHEDULES AT LEAST 3~~
20 ~~MEETINGS WITHIN 60 DAYS FOLLOWING THE ESTABLISHMENT OF THE MEETING~~
21 ~~SCHEDULE, UNLESS THE COUNTY AND THE MUNICIPAL CORPORATION AGREE~~
22 ~~OTHERWISE.~~

23 (C) ~~THE REPRESENTATIVES FROM THE COUNTY AND THE MUNICIPAL~~
24 ~~CORPORATION SHALL NEGOTIATE IN GOOD FAITH AND SHARE INFORMATION~~
25 ~~NECESSARY TO DISCUSS THE ITEMS LISTED IN SUBSECTION (A)(2) OF THIS SECTION.~~

26 (D) (1) ~~IF THE COUNTY AND THE MUNICIPAL CORPORATION DO NOT AGREE~~
27 ~~ON A JOINT PLANNING AGREEMENT WITHIN 120 DAYS AFTER THE REQUEST TO~~
28 ~~ENTER INTO A JOINT PLANNING AGREEMENT IS SENT, THE MUNICIPAL~~
29 ~~CORPORATION MAY REQUEST THAT THE COUNTY PROVIDE TO THE MUNICIPAL~~
30 ~~CORPORATION A WRITTEN RESPONSE CONTAINING THE REASONS FOR~~
31 ~~DISAGREEMENT.~~

32 (2) ~~IF A MUNICIPAL CORPORATION REQUESTS A WRITTEN RESPONSE~~
33 ~~FROM A COUNTY CONTAINING THE REASONS FOR DISAGREEMENT, THE COUNTY~~
34 ~~SHALL PROVIDE THE WRITTEN RESPONSE WITHIN 14 DAYS AFTER RECEIVING THE~~
35 ~~REQUEST.~~

36 (E) (1) ~~IF THE COUNTY AND THE MUNICIPAL CORPORATION DO NOT AGREE~~
37 ~~ON A JOINT PLANNING AGREEMENT WITHIN 180 DAYS AFTER THE REQUEST TO~~
38 ~~ENTER INTO A JOINT PLANNING AGREEMENT IS SENT, AND EITHER PARTY DESIRES~~
39 ~~MEDIATION, THE PARTIES SHALL ENGAGE IN A MEDIATION PROCESS UNDER THE~~
40 ~~MARYLAND MEDIATION AND CONFLICT RESOLUTION OFFICE.~~

1 (2) ~~UNLESS THE COUNTY AND THE MUNICIPAL CORPORATION AGREE~~
 2 ~~OTHERWISE, THE COUNTY AND THE MUNICIPAL CORPORATION SHALL SHARE THE~~
 3 ~~COSTS OF THE MEDIATION EQUALLY.~~

4 (F) ~~THE JOINT PLANNING AGREEMENT SHALL:~~

5 (1) ~~REFLECT THE CONSIDERATION OF THE FACTORS LISTED IN~~
 6 ~~SUBSECTION (A)(2) OF THIS SECTION; AND~~

7 (2) ~~INCLUDE A DESCRIPTION AND MAP OF THE GROWTH BOUNDARY FOR~~
 8 ~~THE MUNICIPAL CORPORATION.~~

9 (G) (1) ~~THE JOINT PLANNING AGREEMENT SHALL BECOME EFFECTIVE ON~~
 10 ~~THE ENACTMENT OF ORDINANCES BY THE COUNTY AND THE MUNICIPAL~~
 11 ~~CORPORATION ADOPTING THE JOINT PLANNING AGREEMENT.~~

12 (2) ~~A COUNTY OR A MUNICIPAL CORPORATION MAY NOT ENACT AN~~
 13 ~~ORDINANCE ADOPTING A JOINT PLANNING AGREEMENT BETWEEN THE TIME OF A~~
 14 ~~GENERAL ELECTION FOR ALL MEMBERS OF THE GOVERNING BODY OF THE COUNTY~~
 15 ~~OR THE MUNICIPAL CORPORATION AND THE INSTALLATION OF MEMBERS ELECTED~~
 16 ~~AT THE ELECTION.~~

17 (3) ~~ON ENACTMENT OF THE ORDINANCES BY THE COUNTY AND THE~~
 18 ~~MUNICIPAL CORPORATION ADOPTING THE JOINT PLANNING AGREEMENT, THE~~
 19 ~~COUNTY AND THE MUNICIPAL CORPORATION SHALL:~~

20 (I) ~~JOINTLY SEND A COPY OF THE JOINT PLANNING AGREEMENT~~
 21 ~~TO THE MARYLAND DEPARTMENT OF PLANNING; AND~~

22 (H) ~~INTEGRATE THE JOINT PLANNING AGREEMENT INTO THE~~
 23 ~~COMPREHENSIVE MASTER PLANS OF BOTH THE COUNTY AND THE MUNICIPAL~~
 24 ~~CORPORATION THROUGH AMENDMENT OF THOSE PLANS.~~

25 (4) ~~A JOINT PLANNING AGREEMENT SHALL REMAIN IN EFFECT FOR 10~~
 26 ~~YEARS FROM THE DATE OF ADOPTION OR AS AGREED ON BY THE COUNTY AND THE~~
 27 ~~MUNICIPAL CORPORATION.~~

28 (H) (1) ~~THE COUNTY AND THE MUNICIPAL CORPORATION MAY AGREE ON A~~
 29 ~~PROCESS TO AMEND A JOINT PLANNING AGREEMENT.~~

30 (2) ~~IF A COUNTY AND MUNICIPAL CORPORATION AMEND A JOINT~~
 31 ~~PLANNING AGREEMENT, THE COUNTY AND MUNICIPAL CORPORATION SHALL~~
 32 ~~JOINTLY SEND A COPY OF THE AMENDMENT TO THE MARYLAND DEPARTMENT OF~~
 33 ~~PLANNING.~~

34 9.

35 (c) (1) A municipal corporation which is subject to the provisions of Article
 36 XI-E of the Maryland Constitution may not amend its charter or exercise its powers
 37 of annexation, incorporation or repeal of charter as to affect or impair in any respect

1 the powers relating to sanitation, including sewer, water and similar facilities, and
 2 zoning, of the Washington Suburban Sanitary Commission or of the
 3 Maryland-National Capital Park and Planning Commission. Except that where any
 4 area is annexed to a municipality authorized to have and having then a planning and
 5 zoning authority, the municipality shall have exclusive jurisdiction over planning and
 6 zoning and subdivision control within the area annexed; provided nothing in this
 7 exception shall be construed or interpreted to grant planning and zoning authority or
 8 subdivision control to a municipality not authorized to exercise that authority at the
 9 time of such annexation; and further provided, that no municipality annexing land
 10 ~~THAT IS NOT WITHIN A GROWTH BOUNDARY ADOPTED BY THE COUNTY AND THE~~
 11 ~~MUNICIPAL CORPORATION IN ACCORDANCE WITH § 6 OF THIS ARTICLE~~ may for a
 12 period of {five} ~~TEN~~ years following AN annexation, [place that land in a zoning
 13 classification which permits a land use substantially different from the use for the
 14 land specified in the current and duly adopted master plan or plans or if there is no
 15 adopted or approved master plan, the adopted or approved general plan or plans of
 16 the county or agency having planning and zoning jurisdiction over the land prior to its
 17 annexation] ~~DEVELOP THE ANNEXED LAND FOR A LAND USE OR AT A DENSITY~~
 18 ~~DIFFERENT FROM THE LAND USE OR DENSITY SPECIFIED IN THE ZONING~~
 19 ~~CLASSIFICATION OF THE COUNTY APPLICABLE AT THE TIME OF THE ANNEXATION~~
 20 PERMIT DEVELOPMENT OF THE ANNEXED LAND FOR LAND USES SUBSTANTIALLY
 21 DIFFERENT THAN THE USE AUTHORIZED, OR AT A SUBSTANTIALLY HIGHER, NOT TO
 22 EXCEED 50%, DENSITY THAN COULD BE GRANTED FOR THE PROPOSED
 23 DEVELOPMENT, IN ACCORDANCE WITH THE ZONING CLASSIFICATION OF THE
 24 COUNTY APPLICABLE AT THE TIME OF THE ANNEXATION without the express
 25 approval of the board of county commissioners or county council of the county in
 26 which the municipality is located.

27 (2) If the ~~ANNEXED LAND IS WITHIN A GROWTH BOUNDARY ADOPTED~~
 28 ~~BY THE COUNTY AND THE MUNICIPAL CORPORATION IN ACCORDANCE WITH § 6 OF~~
 29 ~~THIS ARTICLE OR IF THE~~ county expressly approves, the municipality, without regard
 30 to the provisions of Article 66B, § 4.05(a) of the Code, may place the annexed land in
 31 a zoning classification that permits a land use [substantially] ~~OR DENSITY~~ different
 32 from the ~~LAND~~ use [for the land] ~~OR DENSITY~~ specified in the [current and duly
 33 adopted master plan or general plan] ~~ZONING CLASSIFICATION~~ of the county or
 34 agency having planning and zoning jurisdiction over the land prior to its annexation
 35 ~~APPLICABLE AT THE TIME OF THE ANNEXATION.~~

36 (3) (f) ~~EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS~~
 37 ~~PARAGRAPH, IF THE ANNEXED LAND IS NOT WITHIN A GROWTH BOUNDARY~~
 38 ~~ADOPTED BY THE COUNTY AND THE MUNICIPAL CORPORATION IN ACCORDANCE~~
 39 ~~WITH § 6 OF THIS ARTICLE THE ANNEXED LAND IS SUBJECT TO ANY ADEQUATE~~
 40 ~~PUBLIC FACILITIES ORDINANCE THAT THE COUNTY MAY HAVE ENACTED PRIOR TO~~
 41 ~~THE ANNEXATION.~~

42 (H) ~~A COUNTY'S ADEQUATE PUBLIC FACILITIES ORDINANCE MAY~~
 43 ~~NOT APPLY TO LAND ANNEXED TO THE MUNICIPAL CORPORATION IF:~~

1 ~~1. THE ADEQUATE PUBLIC FACILITIES ORDINANCE IMPOSES~~
 2 ~~MORE STRINGENT STANDARDS BASED SOLELY ON WHETHER PROPERTY IS LOCATED~~
 3 ~~WITHIN A MUNICIPAL CORPORATION; OR~~

4 ~~2. THE COUNTY AND THE MUNICIPAL CORPORATION ENTER~~
 5 ~~INTO A WRITTEN AGREEMENT STATING THAT THE ADEQUATE PUBLIC FACILITIES~~
 6 ~~ORDINANCE DOES NOT APPLY TO THE AREA ANNEXED TO THE MUNICIPAL~~
 7 ~~CORPORATION.~~

8 19.

9 (a) The legislative body, by whatever name known, of every municipal
 10 corporation in this State may enlarge its corporate boundaries as provided in this
 11 subheading; but this power shall apply only to land:

12 (1) Which is contiguous and adjoining to the existing corporate area; and

13 (2) Which does not create any unincorporated area which is bounded on
 14 all sides by real property presently within the corporate limits of the municipality,
 15 real property proposed to be within the corporate limits of the municipality as a result
 16 of the proposed annexation, or any combination of such properties.

17 (b) ~~[(1)]~~ The proposal for change may be initiated by resolution regularly
 18 introduced into the legislative body of the municipal corporation, in accordance with
 19 the usual requirements and practices applicable to its legislative enactments, and
 20 also in conformity with the several requirements contained in subsections (b) and (c)
 21 of § 13 of this subtitle, but only after the legislative body has obtained the consent for
 22 the proposal from not less than 25 percent of the persons who reside in the area to be
 23 annexed and who are registered as voters in county elections and from the owners of
 24 not less than 25 percent of the assessed valuation of the real property located in the
 25 area to be annexed. The resolution shall describe by a survey of courses and distances,
 26 and may also describe by landmarks and other well-known terms, the exact area
 27 proposed to be included in the change, and shall contain complete and detailed
 28 provisions as to the conditions and circumstances applicable to the change in
 29 boundaries and to the residents and property within the area to be annexed.

30 ~~[(2) (i)]~~ The requirements of paragraph (1) for consent of resident voters
 31 and property owners do not apply if on or before January 1, 1983 the property to be
 32 annexed is:

33 1. Bounded on all sides by real property presently within the
 34 corporate limits of the municipality, and the entire area is to be included in the same
 35 annexation;

36 2. The size of the area does not exceed 1.5 percent of the
 37 present area of the municipal corporation; and

38 3. The number of residents in the area does not exceed 1
 39 percent of the population of the municipal corporation.

1 (ii) A resolution of annexation under this paragraph is not subject
2 to the referendum provisions of subsection (f) of this section.

3 (iii) The provisions of this paragraph shall be of no effect and may
4 not be exercised after June 30, 1984.]

5 (e) The proposal for change also may be initiated by a written petition signed
6 by not less than twenty-five per centum (25%) of the persons who reside in the area
7 to be annexed and who are registered as voters in county elections in the precinct or
8 precincts in which the territory to be annexed is located, and by the owners of not less
9 than twenty-five per centum (25%) of the assessed valuation of the real property
10 located in the area to be annexed. Upon the presentation of a petition to the
11 legislative body of the municipal corporation, the presiding officer thereof shall cause
12 to be made a verification of the signatures thereon and shall ascertain that the
13 persons signing the petition represent at least twenty-five per centum (25%) of the
14 persons who reside in the area to be annexed and who are registered as voters in
15 county elections in the precinct or precincts in which the territory to be annexed is
16 located, and the owners of twenty-five per centum (25%) of the assessed valuation of
17 the real property located in the area to be annexed. Upon verifying that the
18 requirements of this subsection have been complied with, the presiding officer of the
19 legislative body shall promptly cause to be introduced therein a resolution proposing
20 the change of boundaries as requested by the petition. The resolution in form and
21 content shall conform to the requirements of this section.

22 (d) After the introduction of the resolution into the legislative body of the
23 municipal corporation, the chief executive and administrative officer of the municipal
24 corporation shall cause a public notice thereof to be published not fewer than four
25 times or, if the total area of the proposed annexation is for 25 acres of land or less, not
26 fewer than two times, at not less than weekly intervals in a newspaper or newspapers
27 of general circulation in the municipal corporation and the area to be annexed, briefly
28 and accurately describing the proposed change and the conditions and circumstances
29 applicable. The public notices shall specify a time and place at which a public hearing
30 will be held by the legislative body on the resolution; the hearing shall be set for not
31 less than 15 days after the fourth publication of the notices or, if the total area of the
32 proposed annexation is for 25 acres of land or less, not less than 15 days after the
33 second publication of the notices, and shall be held either within the boundaries of the
34 municipal corporation or within the area to be annexed. The public hearing may be
35 continued or rescheduled for a subsequent time not to exceed 30 days from the day for
36 which the meeting was originally scheduled, or the day on which the hearing
37 commenced but was not completed. In the event of a continuation or rescheduling, a
38 single public notice shall be given at least seven days prior to the continued or
39 rescheduled date in a newspaper of general circulation in the municipal corporation
40 and in the area whose annexation is to be discussed, briefly and accurately describing
41 the property whose annexation is to be discussed, and specifying the day, time, and
42 place of the public hearing. Immediately upon the first publication of the public
43 notice, a copy of the public notice shall be provided to the governing body of the county
44 and any regional and State planning agencies having jurisdiction within the county.
45 Each of these agencies and jurisdictions shall have the first right to be heard at the
46 scheduled public hearing, after which the hearing shall be open to the general public.

1 (e) Following the public hearing, the legislative body may proceed to enact the
 2 resolution, in accordance with the usual requirements and practices applicable to its
 3 legislative enactments. The resolution shall not become effective until at least
 4 forty five (45) days following its final enactment.

5 (f) At any time within the 45 day period following the final enactment of the
 6 resolution, a number of persons equal to not less than 20 percent of the persons who
 7 reside in the area to be annexed and who are registered as voters in county elections
 8 in the precinct or precincts in which the territory to be annexed is located may, in
 9 writing, petition the chief executive and administrative officer of the municipal
 10 corporation for a referendum on the resolution. Upon the presentation of a petition to
 11 the officer, he shall cause to be made a verification of the signatures thereon and shall
 12 ascertain that the persons signing the petition represent at least 20 percent of the
 13 persons who reside in the area to be annexed and who are registered as voters in
 14 county elections in the precinct or precincts in which the territory to be annexed is
 15 located. Upon verifying that the requirements of this subsection have been complied
 16 with, the officer shall by proclamation suspend the effectiveness of the resolution,
 17 contingent upon the results of the referendum.

18 (g) At any time within the forty five (45) day period following the final
 19 enactment of the resolution, a number of persons equal to not less than twenty per
 20 centum (20%) of the qualified voters of the municipal corporation may, in writing,
 21 petition the chief executive and administrative officer of the municipal corporation for
 22 a referendum on the resolution. Upon the presentation of a petition to the officer, he
 23 shall cause to be made a verification of the signatures thereon and shall ascertain
 24 that the persons signing the petition represent at least twenty per centum (20%) of
 25 the qualified voters of the municipal corporation. Upon verifying that the
 26 requirements of this subsection have been complied with, the officer shall by
 27 proclamation suspend the effectiveness of the resolution, contingent upon the results
 28 of the referendum.

29 ~~(G-1) (1) EXCEPT FOR AN ANNEXATION BY A MUNICIPAL CORPORATION~~
 30 ~~THAT DOES NOT EXERCISE ZONING AUTHORITY, AT ANY TIME WITHIN 45 DAYS AFTER~~
 31 ~~THE FINAL ENACTMENT OF A RESOLUTION THAT ANNEXES LAND THAT IS NOT~~
 32 ~~WITHIN A GROWTH BOUNDARY ADOPTED BY THE COUNTY AND THE MUNICIPAL~~
 33 ~~CORPORATION IN ACCORDANCE WITH § 6 OF THIS ARTICLE, AND IF THE AREA~~
 34 ~~PROPOSED TO BE ANNEXED IS NOT SUBSTANTIALLY DEVELOPED FOR A LAND USE~~
 35 ~~AND AT A DENSITY AUTHORIZED BY THE ZONING ORDINANCE OF THE COUNTY~~
 36 ~~APPLICABLE AT THE TIME THE ANNEXATION RESOLUTION IS ADOPTED, A NUMBER~~
 37 ~~OF PERSONS EQUAL TO NOT LESS THAN 20% OF THE QUALIFIED VOTERS OF THE~~
 38 ~~COUNTY WHO RESIDE WITHIN 1 MILE OUTSIDE THE BOUNDARIES OF THE AREA TO~~
 39 ~~BE ANNEXED AND OUTSIDE THE MUNICIPAL CORPORATION MAY, IN WRITING,~~
 40 ~~PETITION THE CHIEF EXECUTIVE AND ADMINISTRATIVE OFFICER OF THE~~
 41 ~~MUNICIPAL CORPORATION FOR A REFERENDUM ON THE RESOLUTION.~~

42 ~~(2) ON THE PRESENTATION OF A PETITION TO THE OFFICER, THE~~
 43 ~~OFFICER SHALL VERIFY THE SIGNATURES ON THE PETITION AND ENSURE THAT THE~~
 44 ~~PETITION IS SIGNED BY THE REQUIRED NUMBER OF THE QUALIFIED VOTERS OF THE~~

1 COUNTY WHO RESIDE WITHIN 1 MILE OUTSIDE THE BOUNDARIES OF THE AREA TO
2 BE ANNEXED AND OUTSIDE THE MUNICIPAL CORPORATION.

3 (3) AFTER VERIFYING THAT THE REQUIREMENTS OF THIS SUBSECTION
4 HAVE BEEN COMPLIED WITH, THE OFFICER SHALL, BY PROCLAMATION, SUSPEND
5 THE EFFECTIVENESS OF THE RESOLUTION, CONTINGENT ON THE RESULTS OF THE
6 REFERENDUM.

7 (h) ~~[A] EXCEPT FOR AN ANNEXATION BY A MUNICIPAL CORPORATION THAT~~
8 ~~DOES NOT EXERCISE ZONING AUTHORITY, AT any time within the 45-day period~~
9 ~~following the final enactment of [the] A resolution THAT ANNEXES LAND THAT IS~~
10 ~~NOT WITHIN A GROWTH BOUNDARY ADOPTED BY A COUNTY AND THE MUNICIPAL~~
11 ~~CORPORATION IN ACCORDANCE WITH § 6 OF THIS ARTICLE AND IF THE AREA~~
12 ~~PROPOSED TO BE ANNEXED IS NOT SUBSTANTIALLY DEVELOPED FOR A LAND USE~~
13 ~~AND AT A DENSITY AUTHORIZED BY THE ZONING ORDINANCE OF THE COUNTY~~
14 ~~APPLICABLE AT THE TIME THE ANNEXATION RESOLUTION IS ADOPTED, the~~
15 ~~governing body of the county or counties in which the municipality is located, by at~~
16 ~~least a two-thirds majority vote, may petition in writing the chief executive and~~
17 ~~administrative officer of the municipal corporation for a referendum on the~~
18 ~~resolution. Upon verifying that there has been compliance with the requirements of~~
19 ~~this subsection, the officer by proclamation shall suspend the effectiveness of the~~
20 ~~resolution, contingent upon the results of the referendum.~~

21 (i) The chief executive and administrative officer of the city, town or village
22 shall set a date for the referendum on the ordinance or resolution, which shall be not
23 less than fifteen (15) days and not more than ninety (90) days from the publication of
24 notices therefor. Such notices shall be published twice at not less than weekly
25 intervals in a newspaper or newspapers of general circulation in the municipal
26 corporation and the area to be annexed. The notices shall specify the time and place
27 or places at which the referendum will be held; the place or places shall be within the
28 limits of the area to be annexed for the referendum within that area, and shall be
29 within the limits of the municipal corporation for the referendum in this latter place.

30 (j) ~~[On the date and at the places specified, the resolution proposing a change~~
31 ~~in the corporate boundaries of the municipal corporation shall be submitted to a~~
32 ~~referendum election of the qualified voters of the municipal corporation or of the~~
33 ~~persons who reside in the area to be annexed and who are registered as voters in~~
34 ~~county elections in the precinct or precincts in which the territory to be annexed is~~
35 ~~located, or both, depending upon whether a petition for referendum has been~~
36 ~~presented by the residents of the municipal corporation, or by the residents of the~~
37 ~~area proposed to be annexed or by both such sets of residents. The petition for~~
38 ~~referendum presented by the governing body of the county shall be acted upon in the~~
39 ~~same manner as a petition for referendum presented by the residents of the area~~
40 ~~proposed to be annexed. The ballots or the voting machines, as the case may be, shall~~
41 ~~contain a summary of the resolution, with suitable provision for the voter to indicate~~
42 ~~a choice for or against it.]~~

1 (1) ~~ON THE DAY AND AT THE PLACES SPECIFIED, THE RESOLUTION~~
2 ~~PROPOSING A CHANGE IN THE BOUNDARIES OF THE MUNICIPAL CORPORATION~~
3 ~~SHALL BE SUBMITTED TO A REFERENDUM ELECTION.~~

4 (2) ~~IF A PETITION FOR REFERENDUM HAS BEEN SUBMITTED BY~~
5 ~~QUALIFIED VOTERS OF THE MUNICIPAL CORPORATION, THE RESOLUTION~~
6 ~~PROPOSING A CHANGE IN THE BOUNDARIES OF THE MUNICIPAL CORPORATION~~
7 ~~SHALL BE SUBMITTED TO A REFERENDUM ELECTION OF THE QUALIFIED VOTERS OF~~
8 ~~THE MUNICIPAL CORPORATION.~~

9 (3) ~~IF A PETITION FOR REFERENDUM HAS BEEN SUBMITTED BY~~
10 ~~PERSONS WHO RESIDE IN THE AREA TO BE ANNEXED, THE RESOLUTION PROPOSING~~
11 ~~A CHANGE IN THE BOUNDARIES OF THE MUNICIPAL CORPORATION SHALL BE~~
12 ~~SUBMITTED TO A REFERENDUM ELECTION OF THE PERSONS WHO RESIDE IN THE~~
13 ~~AREA TO BE ANNEXED WHO ARE REGISTERED AS VOTERS IN COUNTY ELECTIONS IN~~
14 ~~THE PRECINCT OR PRECINCTS IN WHICH THE AREA TO BE ANNEXED IS LOCATED.~~

15 (4) ~~IF A PETITION FOR REFERENDUM HAS BEEN SUBMITTED BY~~
16 ~~QUALIFIED VOTERS OF THE MUNICIPAL CORPORATION AND BY PERSONS WHO~~
17 ~~RESIDE IN THE AREA TO BE ANNEXED, THE RESOLUTION PROPOSING A CHANGE IN~~
18 ~~THE BOUNDARIES OF THE MUNICIPAL CORPORATION SHALL BE SUBMITTED TO A~~
19 ~~REFERENDUM ELECTION OF BOTH THE QUALIFIED VOTERS OF THE MUNICIPAL~~
20 ~~CORPORATION AND THE PERSONS WHO RESIDE IN THE AREA TO BE ANNEXED WHO~~
21 ~~ARE REGISTERED AS VOTERS IN COUNTY ELECTIONS IN THE PRECINCT OR~~
22 ~~PRECINCTS IN WHICH THE AREA TO BE ANNEXED IS LOCATED.~~

23 (5) ~~IF A PETITION FOR REFERENDUM HAS BEEN SUBMITTED BY~~
24 ~~PERSONS WHO RESIDE WITHIN 1 MILE OUTSIDE THE BOUNDARIES OF THE AREA TO~~
25 ~~BE ANNEXED AND OUTSIDE THE MUNICIPAL CORPORATION, THE RESOLUTION~~
26 ~~PROPOSING A CHANGE IN THE BOUNDARIES OF THE MUNICIPAL CORPORATION~~
27 ~~SHALL BE SUBMITTED TO A REFERENDUM ELECTION OF THE PERSONS WHO RESIDE~~
28 ~~WITHIN 1 MILE OUTSIDE THE BOUNDARIES OF THE AREA TO BE ANNEXED AND~~
29 ~~OUTSIDE THE MUNICIPAL CORPORATION WHO ARE REGISTERED AS VOTERS IN~~
30 ~~COUNTY ELECTIONS IN THE PRECINCT OR PRECINCTS IN THAT AREA.~~

31 (6) ~~IF A PETITION FOR REFERENDUM HAS BEEN SUBMITTED BY THE~~
32 ~~GOVERNING BODY OF THE COUNTY, THE RESOLUTION PROPOSING A CHANGE IN THE~~
33 ~~BOUNDARIES OF THE MUNICIPAL CORPORATION SHALL BE SUBMITTED TO A~~
34 ~~REFERENDUM ELECTION OF THE QUALIFIED VOTERS OF THE MUNICIPAL~~
35 ~~CORPORATION.~~

36 (7) ~~THE BALLOTS OR THE VOTING MACHINES SHALL CONTAIN A~~
37 ~~SUMMARY OF THE RESOLUTION WITH SUITABLE PROVISION FOR THE VOTER TO~~
38 ~~INDICATE A CHOICE FOR OR AGAINST IT.~~

39 (k) ~~For the purposes of this section, in any instance in which there are fewer~~
40 ~~than twenty persons living in any area proposed to be annexed who are eligible to sign~~
41 ~~a petition and to participate in a referendum election under the provisions of this~~
42 ~~section, any person owning real property in the area proposed to be annexed (the word~~

1 "person" here including an association, the two or more joint owners of jointly owned
 2 property, a firm or corporation) shall have a right equal to that of a natural person to
 3 sign a petition or to participate in a referendum election.

4 (l) If only one petition for a referendum is filed and if a majority of the
 5 persons voting on the question in that referendum shall vote in favor of the proposal
 6 for change, the change shall become effective as proposed on the fourteenth day
 7 following the referendum. If two petitions for referendum are filed, the votes cast for
 8 the two referenda shall be tabulated separately, so as to show individually the
 9 tabulation of votes cast in the municipal corporation and in the area to be annexed. If
 10 in both tabulations, each being reckoned separately, a majority of the persons voting
 11 on the question shall vote in favor of the proposal for change, the change shall become
 12 effective as proposed on the fourteenth day following the referendum. In the event
 13 there are two referenda, unless there is such a favorable majority in both tabulations,
 14 reckoned separately, the proposal for change shall be void and of no further effect
 15 whatsoever.

16 (m) The provisions of this section shall authorize an increase in the area within
 17 any municipal corporation only as to land which is not then within the corporate
 18 limits of any other municipal corporation.

19 (n) The resolution to add to the corporate boundaries of a municipal
 20 corporation shall provide generally that the persons residing in the area to be
 21 annexed, and their property, shall be added to the corporate boundaries, generally
 22 subject or not subject, as the case may be, to the provisions of the charter of the
 23 municipal corporation; except that for stated periods and under specific conditions
 24 provision may be made for special treatment of the residents and property in the area
 25 to be annexed, as to rates of municipal taxation and as to municipal services and
 26 facilities. No change shall be made in these provisions for special treatment for stated
 27 periods and under specific conditions, except by resolution enacted in accordance with
 28 the provisions and requirements of this section.

29 (o) (1) ~~{In} EXCEPT FOR AN ANNEXATION BY A MUNICIPAL CORPORATION~~
 30 ~~THAT DOES NOT EXERCISE ZONING AUTHORITY, IN~~ addition to, but not as a part of
 31 the resolution, the legislative body of the municipal corporation shall, ~~IF THE AREA~~
 32 ~~PROPOSED TO BE ANNEXED IS NOT SUBSTANTIALLY DEVELOPED FOR A LAND USE~~
 33 ~~AND AT A DENSITY AUTHORIZED BY THE ZONING ORDINANCE OF THE COUNTY~~
 34 ~~APPLICABLE AT THE TIME THE ANNEXATION RESOLUTION IS INTRODUCED:~~

35 (i) ~~ENTER INTO AN ANNEXATION AGREEMENT WITH THE OWNERS~~
 36 ~~OR DEVELOPERS OF THE AREA PROPOSED TO BE ANNEXED; AND~~

37 (ii) [provide also a proposed outline for the extension of services
 38 and public facilities into] ~~FOR AN ANNEXATION OF LAND NOT WITHIN A GROWTH~~
 39 ~~BOUNDARY ADOPTED BY A COUNTY AND A MUNICIPAL CORPORATION IN~~
 40 ~~ACCORDANCE WITH § 6 OF THIS ARTICLE ADOPT AN ANNEXATION PLAN FOR~~ the area
 41 proposed to be annexed.

1 (2) ~~FOR AN ANNEXATION OF LAND WITHIN A GROWTH BOUNDARY~~
2 ~~ADOPTED BY A COUNTY AND A MUNICIPAL CORPORATION IN ACCORDANCE WITH § 6~~
3 ~~OF THIS ARTICLE, THE ANNEXATION AGREEMENT SHALL IMPLEMENT AND BE~~
4 ~~CONSISTENT WITH THE JOINT PLANNING AGREEMENT.~~

5 (3) ~~FOR AN ANNEXATION OF LAND NOT WITHIN A GROWTH BOUNDARY~~
6 ~~ADOPTED BY A COUNTY AND A MUNICIPAL CORPORATION IN ACCORDANCE WITH § 6~~
7 ~~OF THIS ARTICLE, THE ANNEXATION AGREEMENT SHALL:~~

8 (4) ~~IMPLEMENT AND BE CONSISTENT WITH THE ANNEXATION~~
9 ~~PLAN DESCRIBED IN PARAGRAPH (6) OF THIS SUBSECTION; AND~~

10 (4) ~~INCLUDE THE COUNTY AS A PARTY TO THE AGREEMENT.~~

11 (4) ~~UNLESS THE COUNTY AND THE MUNICIPAL CORPORATION AGREE~~
12 ~~OTHERWISE, A COUNTY'S PARTICIPATION IN AN ANNEXATION AGREEMENT SHALL BE~~
13 ~~LIMITED TO THE PROVISIONS OF THE ANNEXATION PLAN DESCRIBED IN~~
14 ~~PARAGRAPHS (6)(VI) AND (VII) OF THIS SUBSECTION.~~

15 (5) The [outline] ANNEXATION PLAN shall be open to public review and
16 discussion at the public hearing, but amendments to the [outline] ~~PLAN~~
17 ANNEXATION PLAN may not be construed in any way as an amendment to the
18 resolution, nor may they serve in any manner to cause a reinitiation of the annexation
19 procedure then in process.

20 (6) ~~THE ANNEXATION PLAN SHALL CONTAIN:~~

21 (I) ~~A DESCRIPTION OF THE PROPOSED LAND USE AND DENSITY~~
22 ~~FOR THE AREA TO BE ANNEXED;~~

23 (II) ~~A DESCRIPTION OF THE CONSISTENCY OF THE PROPOSED LAND~~
24 ~~USE AND DENSITY OF THE AREA TO BE ANNEXED WITH THE COUNTY'S~~
25 ~~COMPREHENSIVE MASTER PLAN AND ZONING CLASSIFICATION;~~

26 (III) ~~AN ANALYSIS OF THE CAPACITY OF LAND AREAS AVAILABLE~~
27 ~~FOR DEVELOPMENT WITHIN THE MUNICIPAL CORPORATION, INCLUDING IN-FILL~~
28 ~~AND REDEVELOPMENT;~~

29 (IV) ~~A DESCRIPTION OF THE RELATIONSHIP OF THE PLAN TO A~~
30 ~~LONG TERM DEVELOPMENT POLICY FOR PROMOTING AN ORDERLY EXPANSION OF~~
31 ~~GROWTH AND AN EFFICIENT USE OF LAND AND PUBLIC SERVICES;~~

32 (V) ~~AN ANALYSIS OF THE LAND AREA NEEDED TO SATISFY~~
33 ~~DEMAND FOR DEVELOPMENT AT DENSITIES CONSISTENT WITH THE LONG TERM~~
34 ~~DEVELOPMENT POLICY;~~

35 (VI) ~~A DESCRIPTION OF THE MANNER BY WHICH SENSITIVE AREAS,~~
36 ~~AS DEFINED IN ARTICLE 66B, § 1(J) OF THE CODE, THAT COULD BE IMPACTED BY~~
37 ~~DEVELOPMENT PLANNED WITHIN THE AREA TO BE ANNEXED WILL BE PROTECTED;~~
38 ~~AND~~

1 (VII) A DESCRIPTION OF THE MANNER BY WHICH THE NECESSARY
 2 PUBLIC SERVICES AND INFRASTRUCTURE WILL BE PROVIDED TO THE AREA TO BE
 3 ANNEXED, INCLUDING THOSE NECESSARY FOR:

- 4 1. PUBLIC SCHOOLS, SUFFICIENT TO ACCOMMODATE
 5 STUDENT POPULATION CONSISTENT WITH STATE RATED CAPACITY STANDARDS
 6 ESTABLISHED BY THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION;
- 7 2. LIBRARIES;
- 8 3. PUBLIC SAFETY, INCLUDING EMERGENCY MEDICAL
 9 RESPONSE;
- 10 4. WATER AND SEWERAGE FACILITIES;
- 11 5. STORMWATER MANAGEMENT FACILITIES, SUFFICIENT TO
 12 ASSURE WATER QUALITY BOTH INSIDE AND OUTSIDE OF THE BOUNDARIES OF THE
 13 MUNICIPAL CORPORATION; AND
- 14 6. RECREATION.

15 (7) (3) (I) A copy of the [outline] ANNEXATION RESOLUTION,
 16 ANNEXATION AGREEMENT AND, IF APPLICABLE, THE ANNEXATION PLAN shall be
 17 provided to the governing body of the county or counties in which the municipal
 18 corporation is located, THE MARYLAND DEPARTMENT OF PLANNING, and any regional
 19 and State planning agencies having jurisdictions within the county at least {30} 60
 20 days prior to the holding of the public hearing required by this section.

21 (II) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION,
 22 FOR ANNEXATIONS THAT BEGIN BEFORE OCTOBER 1, 2009, [The outline THE
 23 ANNEXATION PLAN shall contain a description of the land use pattern proposed for
 24 the area to be annexed, which may include any county master plan already in effect
 25 for the area. It shall be presented so as to demonstrate the available land for public
 26 facilities which may be considered reasonably to be necessitated by the proposed use,
 27 such as school sites, water or sewerage treatment facilities, libraries, recreation, fire
 28 or police. It shall contain also a statement describing the schedule for extending to the
 29 area to be annexed each municipal service performed within the municipality at the
 30 time of annexation and a statement as to the general methods by which the
 31 municipality anticipates to finance the extension of municipal services into the area
 32 to be annexed.}

33 (p) ~~The chief executive and administrative officer of a municipal corporation~~
 34 ~~which has enlarged its corporate boundaries under the provisions of this section shall~~
 35 ~~promptly send the annexation resolution with the new boundaries to the clerk or~~
 36 ~~similar official, to the clerk of the court in the county or counties in which the~~
 37 ~~municipal corporation is located, to the Department of Legislative Services as~~
 38 ~~provided in § 9A of this article, and for those municipalities lying within the regional~~
 39 ~~district, to the Maryland National Capital Park and Planning Commission. Each~~
 40 ~~such official shall hold the annexation resolution with the new boundaries on record~~
 41 ~~and shall make it available for public inspection during all normal business hours.~~

1 (†) (1) The mayor and council, by whatever name known, of every municipal
2 corporation is hereby authorized and empowered, by ordinance, resolution or
3 regulation, to make proper provision for conducting, and for tabulating the results of
4 any referendum to be held under the provisions of this section.

5 (2) The mayor and council of the municipal corporation shall pay in full
6 for the expenses of [any such referendum] A REFERENDUM BROUGHT UNDER
7 SUBSECTIONS (F), (G), OR (G-1) OF THIS SECTION.

8 (3) ~~THE COUNTY SHALL PAY IN FULL FOR THE EXPENSES OF A~~
9 ~~REFERENDUM BROUGHT BY THE COUNTY UNDER SUBSECTION (H) OF THIS SECTION.~~

10 (III) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION,
11 FOR ANNEXATIONS THAT BEGIN ON OR AFTER OCTOBER 1, 2009, THE ANNEXATION
12 PLAN SHALL BE CONSISTENT WITH THE MUNICIPAL GROWTH ELEMENT OF THE
13 COMPREHENSIVE PLAN OF THE MUNICIPAL CORPORATION.

14 (IV) FOR THE PURPOSES OF SUBPARAGRAPHS (II) AND (III) OF THIS
15 PARAGRAPH, AN ANNEXATION BEGINS IF:

16 1. A PROPOSAL FOR CHANGE IS INITIATED BY RESOLUTION
17 IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION; OR

18 2. A PROPOSAL FOR CHANGE IS INITIATED BY WRITTEN
19 PETITION IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

20 (4) (I) A MUNICIPAL CORPORATION MAY SUBMIT AN ANNEXATION
21 PLAN IN ACCORDANCE WITH PARAGRAPH (3)(II) OF THIS SUBSECTION, IF ON OR
22 AFTER OCTOBER 1, 2009, A MUNICIPAL CORPORATION IS GRANTED AN EXTENSION
23 FOR THE INCLUSION OF A MUNICIPAL GROWTH ELEMENT IN ACCORDANCE WITH
24 ARTICLE 66B, § 3.05(F) OF THE CODE.

25 (II) AFTER THE EXPIRATION OF A FINAL EXTENSION GRANTED
26 UNDER ARTICLE 66B, § 3.05(F) OF THE CODE FOR THE INCLUSION OF A MUNICIPAL
27 GROWTH ELEMENT, AN ANNEXATION PLAN SHALL BE SUBMITTED IN ACCORDANCE
28 WITH PARAGRAPH (3)(III) OF THIS SUBSECTION.

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

1 ~~(T) WHEN A MUNICIPAL CORPORATION ANNEXES LAND INSIDE A GROWTH~~
 2 ~~BOUNDARY ADOPTED BY THE COUNTY AND THE MUNICIPAL CORPORATION IN~~
 3 ~~ACCORDANCE WITH § 6 OF THIS ARTICLE AND PLANS TO EXTEND MUNICIPAL WATER~~
 4 ~~AND SEWER SERVICE TO THE AREA TO BE ANNEXED THROUGH FACILITIES OWNED~~
 5 ~~AND OPERATED BY THE MUNICIPAL CORPORATION, IF THE COUNTY'S WATER AND~~
 6 ~~SEWER PLAN DOES NOT YET ALLOW FOR THE EXTENSION OF WATER AND SEWER~~
 7 ~~SERVICE BY THE MUNICIPAL CORPORATION IN THE AREA ANNEXED, THE COUNTY~~
 8 ~~SHALL AMEND ITS COUNTY WATER AND SEWER PLAN IN ACCORDANCE WITH § 9-503~~
 9 ~~OF THE ENVIRONMENT ARTICLE TO AUTHORIZE THE EXTENSION OF MUNICIPAL~~
 10 ~~WATER AND SEWER SERVICE.~~

11 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be~~
 12 ~~construed to apply only prospectively and may not be applied or interpreted to have~~
 13 ~~any effect on or application to any annexation resolution that is enacted on or before~~
 14 ~~the effective date of this Act.~~

15 **Article 66B - Land Use**

16 1.00.

17 (a) In this article the following words have the meanings indicated, except
 18 where the context clearly indicates otherwise.

19 (j) "Sensitive areas" includes:

20 (1) Streams, WETLANDS, and their buffers;

21 (2) 100-year flood plains;

22 (3) Habitats of threatened and endangered species;

23 (4) Steep slopes; [and]

24 (5) AGRICULTURAL AND FOREST LANDS INTENDED FOR RESOURCE
 25 PROTECTION OR CONSERVATION; AND

26 (6) Other areas in need of special protection, as determined in the plan.

27 1.03.

28 (a) (1) When developing a comprehensive plan for a charter county, a
 29 planning commission shall include:

30 (i) A transportation plan element which shall:

31 1. Propose the most appropriate and desirable patterns for
 32 the general location, character, and extent of the channels, routes, and terminals for
 33 transportation facilities, and for the circulation of persons and goods on a schedule
 34 that extends as far into the future as is reasonable;

1 (IV) An element which contains the planning commission's
2 recommendation for land development regulations to implement the comprehensive
3 plan and which encourages:

4 1. Streamlined review of applications for development,
5 including permit review and subdivision plat review within the areas designated for
6 growth in the comprehensive plan;

7 2. The use of flexible development regulations to promote
8 innovative and cost-saving site design and protect the environment; and

9 3. Economic development in areas designated for growth in
10 the comprehensive plan through the use of innovative techniques; and

11 [(iv)] (V) A sensitive areas element that:

12 1. contains goals, objectives, principles, policies, and
13 standards designed to protect sensitive areas from the adverse effects of development;
14 AND

15 2. HAS BEEN REVIEWED BY THE DEPARTMENT OF THE
16 ENVIRONMENT AND THE DEPARTMENT OF NATURAL RESOURCES TO DETERMINE
17 WHETHER THE PROPOSED PLAN IS CONSISTENT WITH THE PROGRAMS AND GOALS
18 OF THE DEPARTMENTS.

19 (2) The channels, routes, travelways, and terminals required under
20 paragraph (1)(i) of this subsection may include all types of highways or streets, bicycle
21 ways, sidewalks, railways, waterways, airways, routings for mass transit, and
22 terminals for people, goods, and vehicles related to highways, airways, waterways,
23 and railways.

24 (3) The mineral resources plan element required under paragraph (1)(ii)
25 of this subsection shall be incorporated in:

26 (i) Any new comprehensive plan adopted after July 1, 1986 for all
27 or any part of a jurisdiction; and

28 (ii) Any amendment or addition that is adopted after July 1, 1986
29 to a comprehensive plan that was in effect on July 1, 1985.

30 (4) THE DEPARTMENT OF THE ENVIRONMENT SHALL PROVIDE, ON
31 REQUEST, TECHNICAL ASSISTANCE TO A LOCAL GOVERNMENT ON THE
32 DEVELOPMENT OF THE WATER RESOURCES ELEMENT OF THE COMPREHENSIVE
33 PLAN.

34 (b) (1) A planning commission shall include in its comprehensive plan all
35 elements required in subsection (a) of this section and the visions set forth in § 1.01 of
36 this article.

1 (2) At least once every 6 years, the planning commission shall review
2 and, if necessary, revise or amend a comprehensive plan to include all elements
3 required in subsection (a) of this section and the visions set forth in § 1.01 of this
4 article.

5 (3) If the comprehensive plan for each geographic section or division is
6 reviewed and, if necessary, revised or amended at least once every 6 years, the
7 planning commission may prepare comprehensive plans for one or more major
8 geographic sections or divisions of the local jurisdiction.

9 (c) (1) A planning commission shall implement the visions set forth in § 1.01
10 of this article through the comprehensive plan elements required under subsection (a)
11 of this section.

12 (2) A local legislative body that has adopted a comprehensive plan may
13 adopt regulations implementing the visions stated in § 1.01 of this article in a
14 comprehensive plan.

15 (d) On or before July 1, 1997, and subsequently at intervals of not more than
16 6 years which correspond to the comprehensive plan revision under subsection (b) of
17 this section, a charter county shall ensure that the implementation of the provisions
18 of the comprehensive plan that comply with § 1.01 of this article and subsection
19 (a)(1)(iii) and (iv) of this section are achieved through the adoption of:

20 (1) Applicable zoning ordinances and regulations;

21 (2) Planned development ordinances and regulations;

22 (3) Subdivision ordinances and regulations; and

23 (4) Other land use ordinances and regulations that are consistent with
24 the comprehensive plan.

25 (E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A CHARTER
26 COUNTY MUST INCLUDE ANY PLAN ELEMENT REQUIRED UNDER THIS SECTION IN
27 ITS COMPREHENSIVE PLAN ON OR BEFORE OCTOBER 1, 2009.

28 (2) ON A REQUEST BY A CHARTER COUNTY THAT SHOWS GOOD CAUSE
29 FOR EXTENDING THE TIME LIMIT TO COMPLY WITH PARAGRAPH (1) OF THIS
30 SUBSECTION, THE DEPARTMENT OF PLANNING MAY GRANT UP TO TWO 6-MONTH
31 EXTENSIONS TO THAT CHARTER COUNTY.

32 (3) A CHARTER COUNTY THAT IS NOT IN COMPLIANCE WITH PARAGRAPH
33 (1) OF THIS SUBSECTION AFTER OCTOBER 1, 2009, OR AFTER THE EXPIRATION OF ANY
34 EXTENSIONS GRANTED UNDER PARAGRAPH (2) OF THIS SUBSECTION, MAY NOT
35 CHANGE THE ZONING CLASSIFICATION OF A PROPERTY UNTIL THAT CHARTER
36 COUNTY COMPLIES WITH THE REQUIREMENTS OF THIS SUBSECTION.

1 3.05.

2 (a) (1) A planning commission shall make and approve a plan which the
3 commission shall recommend to the local legislative body for adoption.

4 (2) The plan shall:

5 (i) Serve as a guide to public and private actions and decisions to
6 insure the development of public and private property in appropriate relationships;
7 and

8 (ii) Include any areas outside of the boundaries of the plan which,
9 in the planning commission's judgment, bear relation to the planning responsibilities
10 of the commission.

11 (3) (i) The elements of the plan may be expressed in words, graphics,
12 or any other appropriate form.

13 (ii) 1. The elements of the plan shall be interrelated.

14 2. Each element shall describe how it relates to each of the
15 other elements and to the statement of objectives, principles, policies, and standards.

16 (4) The plan shall contain at a minimum the following elements:

17 (i) A statement of goals and objectives, principles, policies, and
18 standards, which shall serve as a guide for the development and economic and social
19 well-being of the local jurisdiction;

20 (ii) A land use plan element, which:

21 1. Shall propose the most appropriate and desirable patterns
22 for the general location, character, extent, and interrelationship of the uses of public
23 and private land, on a schedule that extends as far into the future as is reasonable;
24 and

25 2. May include public and private, residential, commercial,
26 industrial, agricultural, and recreational land uses;

27 (iii) A transportation plan element which shall:

28 1. Propose the most appropriate and desirable patterns for
29 the general location, character, and extent of the channels, routes, and terminals for
30 transportation facilities, and for the circulation of persons and goods on a schedule
31 that extends as far into the future as is reasonable;

32 2. Provide for bicycle and pedestrian access and travelways;
33 and

34 3. Include an estimate of the probable utilization of any
35 proposed improvement;

1 (iv) A community facilities plan element, which:

2 1. Shall propose the most appropriate and desirable patterns
3 for the general location, character, and extent of public and semipublic buildings,
4 land, and facilities on a schedule that extends as far into the future as is reasonable;
5 and

6 2. May include parks and recreation areas, schools and other
7 educational and cultural facilities, libraries, churches, hospitals, social welfare and
8 medical facilities, institutions, fire stations, police stations, jails, or other public office
9 or administrative facilities;

10 (v) If current geological information is available, a mineral
11 resources plan element that:

12 1. Identifies undeveloped land that should be kept in its
13 undeveloped state until the land can be used to provide or assist in providing a
14 continuous supply of minerals, as defined in § 15-801(i) of the Environment Article;

15 2. Identifies appropriate post-excavation uses for the land
16 that are consistent with the county's land planning process;

17 3. Incorporates land use policies and recommendations for
18 regulations;

19 A. To balance mineral resource extraction with other land
20 uses; and

21 B. To the extent feasible, to prevent the preemption of
22 mineral resources extraction by other uses; [and]

23 4. Has been reviewed by the Department of the Environment
24 to determine whether the proposed plan is consistent with the programs and goals of
25 the Department;

26 (VI) A WATER RESOURCES PLAN ELEMENT THAT:

27 1. IDENTIFIES DRINKING WATER AND OTHER WATER
28 RESOURCES THAT WILL BE ADEQUATE FOR THE NEEDS OF EXISTING AND FUTURE
29 DEVELOPMENT PROPOSED IN THE LAND USE ELEMENT OF THE PLAN, CONSIDERING
30 AVAILABLE DATA PROVIDED BY THE DEPARTMENT OF THE ENVIRONMENT;

31 2. IDENTIFIES SUITABLE RECEIVING WATERS AND LAND
32 AREAS TO MEET STORMWATER MANAGEMENT AND WASTEWATER TREATMENT AND
33 DISPOSAL NEEDS OF EXISTING AND FUTURE DEVELOPMENT PROPOSED IN THE LAND
34 USE ELEMENT OF THE PLAN, CONSIDERING AVAILABLE DATA PROVIDED BY THE
35 DEPARTMENT OF THE ENVIRONMENT; AND

36 3. HAS BEEN REVIEWED BY THE DEPARTMENT OF THE
37 ENVIRONMENT TO DETERMINE WHETHER THE PROPOSED PLAN IS CONSISTENT

1 WITH THE PROGRAMS AND GOALS OF THE DEPARTMENT REFLECTED IN THE
2 GENERAL WATER RESOURCES PROGRAM REQUIRED UNDER § 5-203 OF THE
3 ENVIRONMENT ARTICLE;

4 [(vi)] (VII) An element which shall contain the planning
5 commission's recommendation for land development regulations to implement the
6 plan and which encourages the following:

7 1. Streamlined review of applications for development,
8 including permit review and subdivision plat review within the areas designated for
9 growth in the plan;

10 2. The use of flexible development regulations to promote
11 innovative and cost-saving site design and protect the environment; and

12 3. Economic development in areas designated for growth in
13 the plan through the use of innovative techniques;

14 [(vii)] (VIII) Recommendations for the determination, identification,
15 and designation of areas within the county that are of critical State concern; and

16 [(viii)] (IX) A sensitive area element that:

17 1. contains goals, objectives, principles, policies, and
18 standards designed to protect sensitive areas from the adverse effects of development;
19 AND

20 2. HAS BEEN REVIEWED BY THE DEPARTMENT OF THE
21 ENVIRONMENT AND THE DEPARTMENT OF NATURAL RESOURCES TO DETERMINE
22 WHETHER THE PROPOSED PLAN IS CONSISTENT WITH THE PROGRAMS AND GOALS
23 OF THE DEPARTMENTS; AND

24 (X) FOR A MUNICIPAL CORPORATION THAT EXERCISES ZONING
25 AUTHORITY, A MUNICIPAL GROWTH ELEMENT, DEVELOPED IN ACCORDANCE WITH
26 SUBSECTION (E) OF THIS SECTION, WHICH SHALL INCLUDE CONSIDERATION OF:

27 1. ANTICIPATED FUTURE MUNICIPAL GROWTH AREAS
28 OUTSIDE THE EXISTING CORPORATE LIMITS OF THE MUNICIPAL CORPORATION;

29 2. PAST GROWTH PATTERNS OF THE MUNICIPAL
30 CORPORATION;

31 3. THE CAPACITY OF LAND AREAS AVAILABLE FOR
32 DEVELOPMENT WITHIN THE MUNICIPAL CORPORATION, INCLUDING IN-FILL AND
33 REDEVELOPMENT;

34 4. THE LAND AREA NEEDED TO SATISFY DEMAND FOR
35 DEVELOPMENT AT DENSITIES CONSISTENT WITH THE LONG-TERM DEVELOPMENT
36 POLICY;

1 5. PUBLIC SERVICES AND INFRASTRUCTURE NEEDED TO
 2 ACCOMMODATE GROWTH WITHIN THE PROPOSED MUNICIPAL GROWTH AREAS,
 3 INCLUDING THOSE NECESSARY FOR:

4 A. PUBLIC SCHOOLS, SUFFICIENT TO ACCOMMODATE
 5 STUDENT POPULATION CONSISTENT WITH STATE-RATED CAPACITY STANDARDS
 6 ESTABLISHED BY THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION;

7 B. LIBRARIES;

8 C. PUBLIC SAFETY, INCLUDING EMERGENCY MEDICAL
 9 RESPONSE;

10 D. WATER AND SEWERAGE FACILITIES;

11 E. STORMWATER MANAGEMENT SYSTEMS, SUFFICIENT TO
 12 ASSURE WATER QUALITY BOTH INSIDE AND OUTSIDE THE PROPOSED MUNICIPAL
 13 GROWTH AREA; AND

14 F. RECREATION;

15 6. ANTICIPATED FINANCING MECHANISMS TO SUPPORT
 16 NECESSARY PUBLIC SERVICES AND INFRASTRUCTURE;

17 7. RURAL BUFFERS AND TRANSITION AREAS;

18 8. ANY BURDEN ON SERVICES AND INFRASTRUCTURE FOR
 19 WHICH THE MUNICIPAL CORPORATION WOULD BE RESPONSIBLE FOR
 20 DEVELOPMENT IN AREAS PROXIMATE TO AND OUTSIDE THE PROPOSED MUNICIPAL
 21 GROWTH AREA;

22 9. PROTECTION OF SENSITIVE AREAS, AS DEFINED IN
 23 ARTICLE 66B, § 1.00(J) OF THE CODE, THAT COULD BE IMPACTED BY DEVELOPMENT
 24 PLANNED WITHIN THE PROPOSED MUNICIPAL GROWTH AREA;

25 10. POPULATION GROWTH PROJECTIONS; AND

26 11. THE RELATIONSHIP OF THE LONG-TERM DEVELOPMENT
 27 POLICY TO A VISION OF THE MUNICIPAL CORPORATION'S FUTURE CHARACTER.

28 (5) (i) The transportation element may include all types of highways
 29 and streets, bicycle ways, sidewalks, railways, waterways, airways, routings for mass
 30 transit, and terminals for people, goods, and vehicles related to highways, airways,
 31 waterways, and railways.

32 (ii) The mineral resources plan element shall be incorporated in:

33 1. Any new plan adopted after July 1, 1986 for all or any part
 34 of a local jurisdiction; and

1 (2) At least once every 6 years, each planning commission shall review
2 and if necessary revise or amend the local plan to include all of the elements required
3 in subsection (a) of this section and all of the visions set forth in § 1.01 of this article.

4 (3) If the plan for each geographic section or division is reviewed and, if
5 necessary, revised or amended at least once every 6 years, the planning commission
6 may prepare plans for one or more major geographic sections or divisions of the
7 jurisdiction.

8 (c) (1) In preparing a plan, a planning commission shall carefully and
9 comprehensively survey and study:

10 (i) Present conditions;

11 (ii) Projections of future growth of the local jurisdiction; and

12 (iii) The relation of the local jurisdiction to neighboring
13 jurisdictions.

14 (2) The planning commission shall make the plan with the general
15 purpose of guiding and accomplishing the coordinated, adjusted, and harmonious
16 development of the local jurisdiction and its environs.

17 (3) A plan shall promote, in accordance with present and future needs:

18 (i) The health, safety, morals, order, convenience, prosperity, and
19 the general welfare of the local jurisdiction; and

20 (ii) Efficiency and economy in the development process.

21 (4) A plan shall provide for:

22 (i) Transportation needs;

23 (ii) The promotion of public safety;

24 (iii) Light and air;

25 (iv) The conservation of natural resources;

26 (v) The prevention of environmental pollution;

27 (vi) The promotion of a healthful and convenient distribution of
28 population;

29 (vii) The promotion of good civic design and arrangement;

30 (viii) The wise and efficient expenditure of public funds;

31 (ix) Adequate public utilities; and

1 (x) An adequate supply of other public requirements.

2 (d) (1) The commission shall have power to promote public interest in and
3 understanding of the plan.

4 (2) The commission shall consult with public officials and agencies,
5 public utility companies, civic, educational, professional, and other organizations, and
6 citizens about protecting or executing the plan.

7 (E) (1) THE DEPARTMENT OF PLANNING SHALL PROVIDE, ON REQUEST,
8 TECHNICAL ASSISTANCE TO A MUNICIPAL CORPORATION FOR THE PURPOSES OF
9 DEVELOPING THE MUNICIPAL GROWTH ELEMENT OF THE COMPREHENSIVE PLAN.

10 (2) WHEN DEVELOPING THE MUNICIPAL GROWTH ELEMENT OF THE
11 COMPREHENSIVE PLAN, A MUNICIPAL CORPORATION SHALL CONSULT WITH THE
12 COUNTY, OR COUNTIES, IN WHICH THE MUNICIPAL CORPORATION IS LOCATED.

13 (3) A MUNICIPAL CORPORATION AND A COUNTY OR COUNTIES IN WHICH
14 THE MUNICIPAL CORPORATION IS LOCATED MAY ENTER INTO A JOINT PLANNING
15 AGREEMENT IN ORDER TO COORDINATE IMPLEMENTATION OF A MUNICIPAL
16 GROWTH ELEMENT.

17 (4) A JOINT PLANNING AGREEMENT SHALL CONSIDER THE MUNICIPAL
18 GROWTH ELEMENT REQUIRED UNDER SUBSECTION (A)(4)(X) OF THIS SECTION.

19 (5) PRIOR TO APPROVAL OF A MUNICIPAL GROWTH ELEMENT, A
20 MUNICIPAL CORPORATION SHALL:

21 (I) PROVIDE A COPY OF THE MUNICIPAL GROWTH ELEMENT TO
22 THE COUNTY, OR COUNTIES, IN WHICH THE MUNICIPAL CORPORATION IS LOCATED;
23 AND

24 (II) FOR 30 DAYS AFTER PROVIDING A COPY OF THE MUNICIPAL
25 GROWTH ELEMENT TO THE COUNTY OR COUNTIES, IN WHICH THE MUNICIPAL
26 CORPORATION IS LOCATED, THE MUNICIPAL CORPORATION SHALL ACCEPT
27 COMMENTS FROM THE COUNTY OR COUNTIES.

28 (6) (I) WITHIN 30 DAYS FOLLOWING THE CLOSE OF THE COMMENT
29 PERIOD FOR THE COUNTY OR COUNTIES UNDER PARAGRAPH (6) OF THIS
30 SUBSECTION, A COUNTY AND A MUNICIPAL CORPORATION SHALL MEET AND
31 CONFER REGARDING THE MUNICIPAL GROWTH ELEMENT.

32 (II) ON REQUEST OF EITHER PARTY, THE COUNTY AND MUNICIPAL
33 CORPORATION SHALL EMPLOY THE MEDIATION AND CONFLICT RESOLUTION OFFICE
34 TO FACILITATE THE REQUIREMENTS UNDER THIS PARAGRAPH.

35 (F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY OR A
36 MUNICIPAL CORPORATION MUST INCLUDE ANY PLAN ELEMENT REQUIRED UNDER
37 THIS SECTION IN ITS COMPREHENSIVE PLAN ON OR BEFORE OCTOBER 1, 2009.

1 (2) ON A REQUEST BY A COUNTY OR MUNICIPAL CORPORATION THAT
 2 SHOWS GOOD CAUSE FOR EXTENDING THE TIME LIMIT TO COMPLY WITH
 3 PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT OF PLANNING MAY GRANT
 4 UP TO TWO 6-MONTH EXTENSIONS TO THAT COUNTY OR MUNICIPAL CORPORATION.

5 (3) A COUNTY OR MUNICIPAL CORPORATION THAT IS NOT IN
 6 COMPLIANCE WITH PARAGRAPH (1) OF THIS SUBSECTION AFTER OCTOBER 1, 2009, OR
 7 AFTER THE EXPIRATION OF ANY EXTENSIONS GRANTED UNDER PARAGRAPH (2) OF
 8 THIS SUBSECTION, MAY NOT CHANGE THE ZONING CLASSIFICATION OF A PROPERTY
 9 UNTIL THAT COUNTY OR MUNICIPAL CORPORATION COMPLIES WITH THE
 10 REQUIREMENTS OF THIS SUBSECTION.

11 **Article - State Finance and Procurement**

12 5-7B-02.

13 The following areas shall be considered priority funding areas under this
 14 subtitle:

15 (1) a municipal corporation, including Baltimore City, except THAT:

16 (I) those areas annexed by a municipal corporation after January
 17 1, 1997 BUT BEFORE OCTOBER 1, 2006 shall satisfy requirements relating to density
 18 and service by water and sewer set forth in § 5-7B-03 of this subtitle; AND

19 (II) THOSE AREAS ANNEXED BY A MUNICIPAL CORPORATION
 20 AFTER SEPTEMBER 30, 2006, SHALL SATISFY ALL OF THE REQUIREMENTS SET FORTH
 21 IN § 5-7B-03 OF THIS SUBTITLE;

22 (2) a designated neighborhood, as defined in § 6-301 of the Housing and
 23 Community Development Article;

24 (3) an enterprise zone as designated under Article 83A, § 5-402 of the
 25 Code, or by the United States government;

26 (4) a certified heritage area as defined in §§ 13-1101 and 13-1111 of the
 27 Financial Institutions Article that is located within a locally designated growth area;

28 (5) those areas of the State located between Interstate Highway 495 and
 29 the District of Columbia;

30 (6) those areas of the State located between Interstate Highway 695 and
 31 Baltimore City; and

32 (7) an area designated by the governing body of a county OR MUNICIPAL
 33 CORPORATION under § 5-7B-03 of this subtitle.

1 5-7B-03.

2 (a) (1) The governing body of a county OR OF A MUNICIPAL CORPORATION
3 may designate priority funding areas as provided in this section.

4 (2) The governing bodies of two or more ADJOINING counties, TWO OR
5 MORE MUNICIPAL CORPORATIONS, OR ANY COMBINATION OF ADJOINING COUNTIES
6 AND MUNICIPAL CORPORATIONS may designate, as provided in this section and in
7 accordance with the regulations adopted by the Department of Planning, a priority
8 funding area that combines two or more contiguous areas located in each of the
9 [counties] LOCAL GOVERNMENTS.

10 (b) (1) An area zoned or, if applicable, classified by January 1, 1997
11 principally for industrial use may be designated as a priority funding area.

12 (2) An area zoned or, if applicable, classified after January 1, 1997, as
13 industrial may be designated as a priority funding area if the area is served by a
14 public or community sewer system.

15 (c) (1) An area where the principal uses of the area are for employment may
16 be designated as a priority funding area if:

17 (i) the area is served by public or community sewer systems; or

18 (ii) public or community sewer systems are planned in the approved
19 10-year water and sewer plan.

20 (2) An area zoned or, if applicable, classified after January 1, 1997 as
21 industrial, or where the principal uses are for employment, in addition to meeting the
22 criteria set forth in paragraph (1) of this subsection, shall be located within a locally
23 designated growth area.

24 (d) (1) A community in existence prior to January 1, 1997 that is within a
25 locally designated growth area may be designated as a priority funding area if the
26 community:

27 (i) is served by a public or community sewer system and in that
28 part of the community designated by the local government for residential use or
29 development:

30 1. there is an average density of at least 2.0 units per acre; or

31 2. if a portion of the community is undeveloped, the
32 permitted average density is not less than 2.0 units per acre; or

33 (ii) except as provided in paragraph (2) of this subsection, is served
34 by a public or community water system and in that part of the community designated
35 by the local government for residential use or development there is an average
36 density of at least 2.0 units per acre.

1 (2) (i) The provisions of paragraph (1)(ii) of this subsection do not
2 apply to mobile home parks or communities with less than 10 units.

3 (ii) Funding for a growth-related project under paragraph (1)(ii) of
4 this subsection is to be provided only if the project serves to maintain the character of
5 the community and does not serve to increase the growth capacity of the community
6 except for limited peripheral or in-fill development.

7 (3) (i) If an existing community receives a public or community sewer
8 system, an area beyond the periphery of the developed portion of the existing
9 community may be designated as a priority funding area if the development of the
10 area beyond the periphery:

11 1. has a permitted average density of at least 3.5 units per
12 acre; and

13 2. the area is served by a public or community sewer system.

14 (ii) The Department of the Environment may provide funding for a
15 sewer system in an existing community beyond the periphery of the developed portion
16 of the community if the expansion has a permitted average density of at least 3.5
17 units per acre.

18 (e) An area, other than an existing community under subsection (d) of this
19 section, may be designated as a priority funding area if:

20 (1) the area:

21 (i) is within a locally designated growth area of the [county]
22 LOCAL GOVERNMENT; and

23 (ii) is planned to be served under the approved 10-year water and
24 sewer plan;

25 (2) the designation represents a long-term development policy for
26 promoting an orderly expansion of growth and an efficient use of land and public
27 services; and

28 (3) in that part of the area designated by the local government for
29 residential use or development, there is permitted an average density of not less than
30 3.5 units per acre.

31 (f) (1) A rural village may be designated as a priority funding area under
32 this section if:

33 (i) the village is designated in the county comprehensive plan as of
34 July 1, 1998; and

35 (ii) the boundary of the priority funding area is the periphery of the
36 developed portion of the village as of July 1, 1998.

1 (2) Funding for a growth-related project under this subtitle is to be
2 provided only if the project serves to maintain the character of the community and
3 does not serve to increase the growth capacity of the village except for limited
4 peripheral or in-fill development.

5 (g) The designation by a county, MUNICIPAL CORPORATION, or [counties]
6 MULTIPLE LOCAL GOVERNMENTS AS PROVIDED IN SUBSECTION (A)(2) OF THIS
7 SECTION, of a priority funding area under this section shall be based on:

8 (1) an analysis of the capacity of land areas available for development,
9 including in-fill and redevelopment; and

10 (2) an analysis of the land area needed to satisfy demand for
11 development at densities consistent with the master plan.

12 (h) For the purposes of this section, average density shall be calculated based
13 on the total acreage of all parcels in the area for which the principal permitted use is
14 residential, excluding land:

15 (1) (i) dedicated for public use by easement in perpetuity or fee
16 acquisition; or

17 (ii) dedicated recreational use;

18 (2) subject to an agricultural easement under § 2-508 of the Agriculture
19 Article;

20 (3) subject to an agricultural easement under a county agricultural land
21 preservation program certified under § 5-408 of this title;

22 (4) used for cemetery purposes;

23 (5) identified by a local government as:

24 (i) 1. streams and their buffers;

25 2. 100-year flood plains;

26 3. habitats of threatened and endangered species; and

27 4. steep slopes; and

28 (ii) on which development is prohibited by local law or ordinance; or

29 (6) identified by a local government as delineated nontidal wetlands on
30 which development is prohibited by State or local law or ordinance.

31 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
32 encourages a municipal corporation and the county, or counties, in which the
33 municipal corporation is located to enter into a joint planning process to coordinate

1 the development of the municipal growth elements of the comprehensive plans that
2 are required under Article 66B, § 3.05 of the Code, as enacted by Section 1 of this Act.

3 SECTION 3. AND BE IT FURTHER ENACTED, That the General Assembly
4 encourages regional coordination among the local governments of two or more
5 adjoining counties, two or more municipal corporations, or any combination of
6 adjoining counties and municipal corporations to develop a regional long-term
7 growth policy.

8 SECTION 4. AND BE IT FURTHER ENACTED, That:

9 (a) There is a Task Force on the Future for Growth and Development in
10 Maryland.

11 (b) (1) The Task Force consists of the following members:

12 (i) two members of the House Environmental Matters Committee,
13 appointed by the Speaker of the House;

14 (ii) two members of the Senate Education, Health, and
15 Environmental Affairs Committee, appointed by the President of the Senate;

16 (iii) the Secretary of Planning, or the Secretary's designee;

17 (iv) the Secretary of the Environment, or the Secretary's designee;

18 (v) the Director of the University of Maryland's National Center for
19 Smart Growth, or the Director's designee;

20 (vi) four representatives of local government:

21 1. two designated by the Maryland Municipal League; and

22 2. two designated by the Maryland Association of Counties;

23 and

24 (vii) the following members, appointed by the Governor:

25 1. one representative of the environmental community;

26 2. one representative of the State Builders Association; and

27 3. one representative of the agricultural community.

28 (2) If the Governor appoints a regulated lobbyist to serve as a member of
29 the Task Force, the lobbyist:

30 (i) is not subject to § 15-504(d) of the State Government Article
31 with respect to that service; and

- 1 (ii) is not subject to § 15-703(f)(3) of the State Government Article
2 as a result of that service.
- 3 (c) From among its members, the Task Force shall elect the chair of the Task
4 Force.
- 5 (d) The Department of Planning shall provide staff for the Task Force.
- 6 (e) A member of the Task Force:
- 7 (1) may not receive compensation as a member of the Task Force; but
8 (2) is entitled to reimbursement for expenses under the Standard State
9 Travel Regulations, as provided in the State budget.
- 10 (f) The Task Force shall:
- 11 (1) study current land use policies and their impact on growth in the
12 State;
- 13 (2) study current trends and challenges for municipal corporations and
14 counties as they relate to growth, including population and demographic changes;
- 15 (3) analyze the capabilities of municipal corporations and counties to
16 plan for future growth and development;
- 17 (4) analyze the impacts of county development proximate to municipal
18 corporate limits on municipal infrastructure, water resources, and sensitive areas;
- 19 (5) analyze the impacts of municipal growth and development on county
20 infrastructure, water resources, and sensitive areas;
- 21 (6) identify regional growth and development issues;
- 22 (7) study mechanisms to facilitate joint planning to coordinate growth
23 and development between municipal corporations and counties; and
- 24 (8) examine the impact of §§ 1.03(e) and 3.05(f) of Article 66B of the Code
25 on a local government's ability to establish a floating zone on a property or grant
26 piecemeal rezoning of a specific property; and
- 27 (9) make recommendations to implement law or regulations that further
28 best management practices as they relate to future growth and development in the
29 State.
- 30 (g) On or before December 1, 2007, the Task Force shall report its findings and
31 recommendations to the Speaker of the House, the President of the Senate, the House
32 Environmental Matters Committee, the Senate Education, Health, and
33 Environmental Affairs Committee, and the Governor, in accordance with § 2-1246 of
34 the State Government Article.

1 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall be
2 construed to apply only prospectively and may not be applied or interpreted to have
3 any effect on or application to any annexation:

4 (a) that was initiated either by resolution, in accordance with § 19(b) of Article
5 23A of the Code, or by written petition, in accordance with § 19(c) of Article 23A of the
6 Code, before the effective date of this Act; and

7 (b) in which final enactment of the annexation resolution, as described in §
8 19(e) of Article 23A of the Code, will occur by January 1, 2007.

9 SECTION ~~3- 6.~~ AND BE IT FURTHER ENACTED, That this Act shall take
10 effect ~~June~~ October 1, 2006.