Md. LOCAL GOVERNMENT Code Ann. § 4-415

Statutes current through legislation effective October 1, 2020

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§ 4-415. *Annexation plan*

(a) In general. --In addition to, but not as part of, an annexation resolution, the legislative body of the municipality shall adopt an *annexation plan* for the area to be annexed.

(b) Annexations before October 1, 2009. --Except as provided in subsection (e) of this section, for an annexation that began before October 1, 2009, the *annexation plan* shall:

(1)contain a description of the land use pattern proposed for the area to be annexed, which may include a county master plan already in effect for the area;

(2)describe the schedule to extend each municipal service performed in the municipality at the time of the annexation to the area to be annexed;

(3)describe the general methods by which the municipality anticipates financing the extension of municipal services to the area to be annexed; and

(4)be presented so as to demonstrate the available land for public facilities that may be considered reasonably necessary for the proposed use, including facilities for schools, water or sewage treatment, libraries, recreation, or fire or police services.

(c) Annexations on or after October 1, 2009. --Except as provided in subsection (e) of this section, for annexation that begins on or after October 1, 2009, the *annexation plan* shall be consistent with the municipal growth element of the comprehensive plan of the municipality.

(d) When annexation begins. --For purposes of subsections (b) and (c) of this section, an annexation begins when a proposal for annexation is initiated by:

(1)resolution under § 4-403 of this subtitle; or

(2)petition under § 4-404 of this subtitle.

(e) Extension for inclusion of municipal growth element. --

(1) On or after October 1, 2009, a municipality may submit an *annexation plan* under subsection (b) of this section if the municipality is granted an extension for the inclusion of a municipal growth element under § 3-304 of the Land Use Article.

(2) After the expiration of a final extension granted under § 3-304 of the Land Use Article for the inclusion of a municipal growth element, an *annexation plan* shall be submitted in accordance with subsection (c) of this section.

(f) Copies of *annexation plan*. --At least 30 days before the public hearing on an annexation resolution required under § 4-406 of this subtitle, a copy of the *annexation plan* shall be provided to:

(1)the governing body of any county in which the municipality is located;

(2)the Department of Planning; and

(3)any regional or State planning agency with jurisdiction in the county.

(g) Consideration at hearing on annexation resolution; effect of amendment. --

(1) The ***annexation plan*** shall be open to public review and discussion at the public hearing on the annexation resolution.

(2) An amendment to the ***annexation plan*** does not:

(i)amend the proposed annexation resolution; or

(ii)cause a reinitiation of the annexation procedure then in process.

History

An. Code 1957, art. 23A, § 19(o);   2013, ch. 119, § 2.

Annotations

Notes

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 23A, § 19(o).

In subsection (b)(4) of this section, the reference to fire or police "services" is added for clarity.

In subsection (d)(2) of this section, the former reference to "written" petition is deleted as implicit in the reference to a "petition".

In the introductory language of subsection (f) and in subsection (g)(1) of this section, the references to the hearing "on [an] annexation resolution" are added for clarity.

In subsection (g)(2) of this section, the former references to the ***annexation plan*** not "in any way" amending the annexation resolution or "serv[ing] in any manner" to cause a reinitiation of the annexation procedure are deleted as surplusage.

In subsection (g)(2)(i) of this section, the reference to the "proposed" annexation resolution is added for clarity.

DEFINED TERMS:

"County"	§ 1-101
"Governing body"	§ 1-101
"Municipality"	§ 1-101
"State"	§ 1-101

Case Notes

ZONING CLASSIFICATIONS INCLUDABLE IN ANNEXATION RESOLUTION. --The fixing of zoning classifications for newly annexed property is properly includable in a resolution providing for annexation by a municipality which has an authorized planning and zoning commission and where such municipality has otherwise complied with the requirements of this article and Article 66B of the Code. Beshore v. Town of Bel Air, 237 Md. 398, 206 A.2d 678 (1965).

The assignment of zoning classifications is a proper "condition" or "circumstance" of annexation which may be accomplished in the annexation resolution. Beshore v. Town of Bel Air, 237 Md. 398, 206 A.2d 678 (1965).

To require a municipality to annex and then later zone, in separate proceedings, would appear to be illogical and wasteful when the requirements of both this article and Article 66B can be satisfied in one proceeding. Beshore v. Town of Bel Air, 237 Md. 398, 206 A.2d 678 (1965).

One seeking annexation may require a particular zoning classification as a condition of his agreeing finally to annexation. Mayor of Rockville v. Brookeville Tpk. Constr. Co., 246 Md. 117, 228 A.2d 263 (1967).

CONSENT REQUIREMENT. --Court of Appeals of Maryland held that the 25 percent consent requirement of Md. Code Ann., Local Gov. § 4-403(b)(2) was not applicable to the owners of tax-exempt properties. Town of Forest Heights v. Maryland-National Capital Park & Planning Comm'n, 463 Md. 469, 205 A.3d 1067 (2019).

Research References & Practice Aids

USER NOTE:

For more generally applicable notes, see notes under the first section of this part, subtitle, title, division or article.

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