

**CITY OF BALTIMORE  
COUNCIL BILL 11-0767  
(First Reader)**

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Introduced by: Councilmembers Kraft, Stokes, Clarke, D'Adamo, Cole, President Young,  
Councilmembers Middleton, Conaway, Holton, Welch, Spector, Branch

Introduced and read first time: August 15, 2011

Assigned to: Judiciary and Legislative Investigations Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning  
Appeals, Planning Department

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Board of Municipal and Zoning Appeals – Public Hearings**

3 FOR the purpose of requiring the minutes of the Board of Municipal and Zoning Appeals to  
4 include, on each question, the Board's findings of fact and its decision; requiring notice of  
5 public hearings by the Board to be posted on the subject property; requiring the Board to  
6 decide a matter within 30 days of the hearing; requiring the Board to schedule certain public  
7 hearings to start after a certain time; requiring all voting sessions to be open to the public;  
8 precluding Board members from participating at a hearing unless they are physically present;  
9 precluding Board members from voting on a matter unless they were physically present at  
10 the hearing on the matter and are physically present at the voting session; and generally  
11 relating to hearings by the Board of Municipal and Zoning Appeals.

12 BY repealing and reordaining, with amendments

13 Article - Zoning  
14 Section(s) 2-113(b), 2-114(a) and (d), and 2-115  
15 Baltimore City Revised Code  
16 (Edition 2000)

17 BY adding

18 Article - Zoning  
19 Section(s) 2-114(e)  
20 Baltimore City Revised Code  
21 (Edition 2000)

22 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the**  
23 **Laws of Baltimore City read as follows:**

24 **Baltimore City Revised Code**

25 **Article – Zoning**

26 **Title 2. Administration; Authorizations**

27 ***Subtitle 1. General Administration***

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

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1 **§ 2-113. Meetings.**

2 (b) *Minutes.*

3 The Board must keep minutes of all its proceedings, indicating:

4 (1) the members present; and

5 (2) on each question[,]:

6 (I) THE BOARD'S FINDINGS OF FACT;

7 (II) THE BOARD'S DECISION; AND

8 (III) how each member voted or that the member was absent or failed to vote.

9 **§ 2-114. Public hearings.**

10 (a) *Scheduling, notices, decision.*

11 The Board must:

12 (1) fix a reasonable time and place for the public hearing of an application, appeal, or  
13 other matter;

14 (2) give notice of the hearing to the parties in interest;

15 (3) give public notice of the hearing;

16 (4) REQUIRE THE APPLICANT, APPELLANT, OR OTHER PERSON INITIATING THE HEARING  
17 TO POST THE SUBJECT PROPERTY, AT LEAST 45 DAYS BEFORE THE HEARING, WITH A  
18 NOTICE OF THE TIME, PLACE, AND PURPOSE OF THE HEARING; and

19 (5) [(4)] decide the matter within [a reasonable time after] 30 DAYS OF the hearing.

20 (d) *Hearings to be public.*

21 (1) All hearings of the Board must be open to the public.

22 (2) IN ANY CALENDAR MONTH DURING WHICH THE BOARD CONDUCTS ONE OR MORE  
23 PUBLIC HEARINGS, AT LEAST ONE SESSION OF HEARINGS MUST BE SCHEDULED TO  
24 BEGIN AFTER 5 P.M.

25 (E) *MEMBERS' PRESENCE REQUIRED TO PARTICIPATE.*

26 A BOARD MEMBER MUST BE PHYSICALLY PRESENT TO PARTICIPATE AT A HEARING.

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1 **§ 2-115. Voting.**

2 (a) *VOTING SESSIONS TO BE PUBLIC.*

3 ALL VOTING SESSIONS OF THE BOARD MUST BE OPEN TO THE PUBLIC.

4 (B) *NUMBER OF VOTES.*

5 The number of votes specified in State Code Article 66B is required for the Board to:

6 (1) reverse any order, requirement, decision, or determination of the Zoning  
7 Administrator; or

8 (2) decide in favor of the applicant on any matter on which it is required to pass  
9 under this article.

10 (C) *PRESENCE REQUIRED TO VOTE.*

11 A BOARD MEMBER MAY NOT VOTE ON A MATTER UNLESS THE BOARD MEMBER:

12 (1) WAS PHYSICALLY PRESENT AT THE PUBLIC HEARING ON THE MATTER: AND

13 (2) IS PHYSICALLY PRESENT AT THE VOTING SESSION.

14 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
15 are not law and may not be considered to have been enacted as a part of this or any prior  
16 Ordinance.

17 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th  
18 day after the date it is enacted.