

**CITY OF BALTIMORE
COUNCIL BILL 11-0284R
(Resolution)**

Introduced by: Councilmembers Stokes, Branch, Kraft, Conaway
Introduced and read first time: May 9, 2011
Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable
Adopted: July 18, 2011

A COUNCIL RESOLUTION CONCERNING

1 Informational Hearing - Board of Municipal and Zoning Appeals Practices and Procedures

2 FOR the purpose of directing the Chair and Director of the Board of Municipal and Zoning
3 Appeals to appear before the Council to discuss the Board's current practices, procedures,
4 and regulations; evaluate what changes to these practices may be necessary; and determine
5 how to keep the public better informed about how the Board operates.

6 Recitals

7 Baltimore's Zoning Code embodies many of the most important decisions our community
8 has made about the nature and shape of our City. These laws determine what property owners
9 may do with their land, where various types of activities and businesses can be found, and much
10 of what we are entitled to expect from our neighbors.

11 In order to provide for the flexibility necessary to meet the needs of Baltimore's large and
12 diverse population, the Zoning Code does not try to definitively answer every possible land use
13 question that could possibly arise. Instead, it establishes general guidelines and then allows the
14 Board of Municipal and Zoning Appeals (BMZA) to apply those guidelines in particular cases.
15 In a very real sense, it is the BMZA that ultimately decides what Baltimore looks like today and
16 in the future.

17 Unfortunately - although the Zoning Code itself is publically available, widely debated in
18 neighborhood meetings, and amended as the need arises - many citizens do not have a clear
19 understanding of how the rules in the Zoning Code are applied to the reality on the ground by the
20 BMZA. The procedures and practices of the BMZA in general are too often seen as inscrutable
21 and unknown, its internal regulations governing the zoning appeals process are not widely
22 distributed, and there is a perception that past BMZA decisions are not looked to as precedents
23 when similar issues arise. All of this leads to a feeling in some parts of the community that the
24 BMZA's actions are inconsistent and unpredictable. This feeling increases the sense of
25 alienation from their government that too many of Baltimore's citizens already have.

26 Today, as the City works with community groups throughout Baltimore to finalize the first
27 comprehensive update of the Zoning Code in decades, it is more important than ever for
28 Baltimoreans to feel confident that the priorities promoted by that Code will be consistently and

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter stricken by amendment.

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1 coherently translated into results on the ground by the BMZA. Now is therefore an opportune
2 time to review the BMZA's practices and procedures to ensure that going forward these practices
3 and procedures are consistent, comprehensible to citizens, and widely understood.

4 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the Chair
5 and Director of the Board of Municipal and Zoning Appeals are directed to appear before the
6 Council to discuss the Board's current practices, procedures, and regulations; evaluate what
7 changes to these practices may be necessary; and determine how to keep the public better
8 informed about how the Board operates.

9 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Chair and
10 Director of the Board of Municipal and Zoning Appeals, the Mayor, and the Mayor's Legislative
11 Liaison to the City Council.