

**CITY OF BALTIMORE
COUNCIL BILL 23-0402
(First Reader)**

Introduced by: Councilmember Schleifer, Costello

Introduced and read first time: June 12, 2023

Assigned to: Rules and Legislative Oversight Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Board of Municipal and Zoning Appeals, Office of Equity and Civil Rights

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Board of Municipal and Zoning Appeals – Consent Agenda – Establishment**

3 FOR the purpose of requiring that the Board of Municipal and Zoning Appeals establish a consent
4 agenda at certain public hearings; establishing certain standards for the consent agenda; and
5 defining a certain related term.

6 BY repealing and re-ordinating, with amendments

7 Article 32 - Zoning
8 Section 3-202(g)
9 Baltimore City Code
10 (Edition 2000)

11 BY adding

12 Article 32 - Zoning
13 Section 1-304(n-1)
14 Baltimore City Code
15 (Edition 2000)

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

18 **Baltimore City Code**

19 **Article 32. Zoning**

20 **Title 1. General Provisions**

21 **Subtitle 3. Definitions**

FORMAT ONLY

13JUN23

DEP'T OF LEGISLATIVE REFERENCE

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

1 **§ 1-304. “Chimney” to “Day-care center: Child”.**

2 (N-1) *CONSENT AGENDA.*

3 “CONSENT AGENDA” MEANS 1 OR MORE MATTERS GROUPED AS A SINGLE ITEM ON A
4 MEETING OR HEARING CALENDAR THAT ARE PRESENTED FOR A VOTE WITHOUT DEBATE
5 OR AMENDMENT.

6 **Title 3. Outline of Code Administration**

7 **Subtitle 2. Administrative Agencies and Officials**

8 **§ 3-202. Board of Municipal and Zoning Appeals.**

9 (g) *Public hearings – Scheduling, notices, decision.*

10 (1) The Board of Municipal and Zoning Appeals must:

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

13 (II) [(2)] give public notice of the hearing in accordance with Title 5 of this Code;
14 [and]

15 (III) [(3)] require the applicant, appellant, or other person initiating the hearing to
16 post the subject property with a notice of the time, place, and purpose of the
17 hearing, as follows:

18 (A) [(i)] for a hearing on a variance or conditional use, as provided in
19 § 5-602 {“BMZA – Major variances; conditional uses} of this
20 Code; and

21 (B) [(ii)] in all other cases, at least 21 days before the hearing[.]; AND

22 (IV) ESTABLISH A SEPARATE CONSENT AGENDA AT EVERY PUBLIC HEARING, AS
23 FOLLOWS:

24 (A) EVERY APPLICATION, APPEAL, OR OTHER MATTER FOR WHICH THERE IS
25 NO COMMUNITY OPPOSITION SHALL BE PLACED ON THE CONSENT
26 AGENDA;

27 (B) EVERY CONSENT AGENDA ITEM SHALL BE INDEPENDENTLY REVIEWED
28 BY THE BOARD OF MUNICIPAL AND ZONING APPEALS FOR
29 COMPLIANCE AND CONFORMANCE WITH THE TECHNICAL REQUIREMENT
30 NECESSARY FOR FILING OF SUCH APPLICATION, APPEAL, OR OTHER
31 MATTER; AND

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1 (C) EVERY CONSENT AGENDA ITEM THAT COMPLIES WITH ITEM (B) OF THIS
2 SUBPARAGRAPH SHALL BE APPROVED BY THE BOARD OF MUNICIPAL
3 AND ZONING APPEALS WITHOUT ANY INDEPENDENT SCRUTINY OF THE
4 BOARD OF THE TECHNICAL LEGAL REVIEW REQUIREMENTS THAT
5 WOULD OTHERWISE TYPICALLY APPLY TO THE REQUISITE APPLICATION,
6 APPEAL, OR OTHER MATTER, IF IT WERE TO BE CONTESTED.

7 (2) IT IS THE EXPRESS INTENT OF THIS SUBSECTION THAT EVERY UNCONTESTED
8 APPLICATION, APPEAL, OR OTHER MATTER THAT IS PROPERLY FILED WITH THE BOARD
9 OF MUNICIPAL AND ZONING APPEALS SHALL BE APPROVED BY THE BOARD.

10 **SECTION 2. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30th day
11 after the date it is enacted.