

**CITY OF BALTIMORE
COUNCIL BILL 09-0307
(First Reader)**

Introduced by: Councilmembers Henry, Clarke, Welch, Kraft, Middleton, Curran, Conaway

Introduced and read first time: March 16, 2009

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Baltimore Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Administrative Appeals –**
3 **Planned Unit Developments – Enforcement**

4 FOR the purpose of providing that violations of a Planned Unit Development Plan are
5 enforceable as violations of the Zoning Code; clarifying that cancellation of a Development
6 or a Development Plan for noncompliance may be in whole or in part; and clarifying that
7 aggrieved persons may appeal a failure of the Zoning Administrator to act in a timely
8 manner.

9 BY repealing and reordaining, with amendments

10 Article - Zoning
11 Section(s) 9-119, 17-201, and 17-204
12 Baltimore City Revised Code
13 (Edition 2000)

14 BY repealing and reordaining, without amendments

15 Article - Zoning
16 Section(s) 17-202(a)
17 Baltimore City Revised Code
18 (Edition 2000)

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

21 **Baltimore City Revised Code**

22 **Article – Zoning**

23 **Title 9. Planned Unit Developments**

24 ***Subtitle 1. Overview; General Requirements***

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

Council Bill 09-0307

§ 9-119. Enforcement.

(a) *Noncompliance cause for cancellation.*

Failure to comply with the requirements set by or under authority of this title:

(1) CONSTITUTES A VIOLATION OF THIS ARTICLE, SUBJECT TO THE ENFORCEMENT PROCEEDINGS AND PENALTIES APPLICABLE TO VIOLATIONS OF THIS ARTICLE; AND

(2) is cause for canceling ALL OR PART OF the Planned Unit Development and Development Plan.

(b) *Notice.*

The Zoning Administrator must provide the owner or developer at least 15 days' notice to appear before the Zoning Administrator and answer to any charge of noncompliance.

(c) *Action by Administrator.*

If the Zoning Administrator finds the charges to be substantiated, and if the situation is not satisfactorily adjusted within a specified period set by the Zoning Administrator, the Zoning Administrator may:

(1) order cancellation of ALL OR PART OF the Planned Unit Development and Development Plan; and

(2) take any other action that is appropriate.

Title 17. Enforcement and Penalties

Subtitle 2. Administrative Appeals

§ 17-201. Who may appeal.

A decision of the Zoning Administrator, including the issuance a violation notice under Subtitle 1 of this title, OR THE FAILURE OF THE ZONING ADMINISTRATOR TO ACT WITHIN A TIMELY MANNER, may be appealed to the Board by:

(1) any person aggrieved by the decision OR FAILURE TO ACT; or

(2) any officer, department, board, or bureau of the City affected by the decision OR FAILURE TO ACT.

§ 17-202. When and how taken.

(a) *When taken.*

The notice of appeal must be filed as follows:

(1) in the case of a violation notice, within 10 working days of the date the notice was served; and

Council Bill 09-0307

1 (2) in the case of any other decision, within 10 working days of the date on which
2 notice of the decision was given.

3 **§ 17-204. Decision of Board.**

4 (a) *Board to issue.*

5 Without unreasonable delay, the Board must render its decision in writing, setting forth
6 its findings of fact and conclusions of law.

7 (b) *Board powers.*

8 (1) In exercising its powers of review, the Board:

9 (i) may reverse or affirm, wholly or in part, or modify the decision appealed
10 from;

11 (II) IN THE CASE OF AN APPEAL FROM A FAILURE TO ACT:

12 (A) MAY ORDER THE ZONING ADMINISTRATOR TO TAKE IMMEDIATE
13 ACTION ON THE MATTER IN DISPUTE; OR

14 (B) MAY HEAR AND DECIDE THE MATTER IN DISPUTE ON ITS OWN
15 INITIATIVE; and

16 (III) [(ii)] may make any order, requirement, decision, or determination as ought to
17 be made.

18 (2) For these purposes, the Board has all the powers conferred by this article on the
19 Zoning Administrator.

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

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