

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 11-0767

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

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: December 5, 2011

AN ORDINANCE CONCERNING

Board of Municipal and Zoning Appeals – Public Hearings

FOR the purpose of ~~requiring the minutes of the Board of Municipal and Zoning Appeals to include, on each question, the Board's findings of fact and its decision;~~ requiring notice of public hearings by the Board to be posted on the subject property; requiring the Board to decide a matter within ~~30~~ 75 days of the hearing; requiring the Board to schedule certain public hearings to start after a certain time; requiring all voting sessions to be open to the public; precluding Board members from participating at a hearing unless they are physically present; precluding Board members from voting on a matter unless they were physically present at the hearing on the matter and are physically present at the voting session; and generally relating to hearings by the Board of Municipal and Zoning Appeals.

BY repealing and reordaining, with amendments

Article - Zoning

Section(s) 2-113(b), 2-114(a) and (d), and 2-115

Baltimore City Revised Code

(Edition 2000)

BY adding

Article - Zoning

Section(s) 2-114(e)

Baltimore City Revised Code

(Edition 2000)

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

Baltimore City Revised Code

Article – Zoning

Title 2. Administration; Authorizations

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

Council Bill 11-0767

Subtitle 1. General Administration

§ 2-113. Meetings.

(b) Minutes.

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

(1) the members present; and

(2) on each question[.];

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

~~(II) THE BOARD'S DECISION; AND~~

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

§ 2-114. Public hearings.

(a) Scheduling, notices, decision.

The Board must:

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

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

(3) give public notice of the hearing;

(4) REQUIRE THE APPLICANT, APPELLANT, OR OTHER PERSON INITIATING THE HEARING TO POST THE SUBJECT PROPERTY, AT LEAST ~~45~~ 21 DAYS BEFORE THE HEARING, WITH A NOTICE OF THE TIME, PLACE, AND PURPOSE OF THE HEARING; and

(5) [(4)] decide the matter within [a reasonable time after] ~~30~~ 75 DAYS OF the hearing.

(d) Hearings to be public.

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

(2) ~~IN ANY AT LEAST ONCE IN EVERY 2 CALENDAR MONTH MONTHS, DURING WHICH THE BOARD CONDUCTS ONE OR MORE PUBLIC HEARINGS, AT LEAST ONE 1 SESSION OF HEARINGS MUST BE SCHEDULED TO BEGIN AFTER 5 P.M.~~

(E) MEMBERS' PRESENCE REQUIRED TO PARTICIPATE.

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

Council Bill 11-0767

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 under
9 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.

Council Bill 11-0767

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City