

**CITY OF BALTIMORE
ORDINANCE _____
Council Bill 17-0093**

Introduced by: The Council President
At the request of: The Administration (Law Department)
Introduced and read first time: July 17, 2017
Assigned to: Land Use and Transportation Committee

Committee Report: Favorable
Council action: Adopted
Read second time: May 7, 2018

AN ORDINANCE CONCERNING

1 **Zoning – Appeals to Zoning Board – Corrective**

2 FOR the purpose of deleting certain court-imposed statutory provisions, since rendered
3 inoperative by Ch. 596, Acts of 2017, which direct persons aggrieved by land-use decisions
4 of the Planning Commission (among certain other “authorized administrative officer[s] or
5 unit[s]”) to appeal those decisions to the Board of Municipal and Zoning Appeals, rather
6 than seeking their judicial review; conforming the new Zoning Code to decades of
7 City practice and procedures that recognize the final-administrative status of Planning
8 Commission decisions; and providing for a special effective date.

9 BY authority of
10 Article - Land Use
11 Section 10-404
12 Annotated Code of Maryland
13 (As amended by Ch. 596, Acts of 2017)

14 BY repealing and reordaining, with amendments
15 Article 32 - Zoning
16 Sections 3-202(l) and 19-301(a)
17 Baltimore City Code
18 (As amended by Ord. 17-015)

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 Code**

22 **Article 32. Zoning**

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

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.

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Subtitle 2. Administrative Agencies and Officials

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

(1) *Voting – Number of votes.*

The number of votes specified in the State Land Use Article is required for the Board to:

(1) reverse any order, requirement, decision, or determination [made or imposed under this Code by] OF the Zoning Administrator [or by some other authorized administrative officer or administrative unit]; or

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

Title 19. Prohibited Conduct; Enforcement; Administrative and Judicial Review

Subtitle 3. Administrative and Judicial Review

§ 19-301. Administrative appeals.

(a) *Who may appeal.*

A decision of the Zoning Administrator [or other authorized administrative officer or unit], including the issuance of a violation notice under Subtitle 2 {"Enforcement"} of this title, may be appealed to the Board of Municipal and Zoning Appeals by:

(1) any person aggrieved by the decision; or

(2) any officer or department, board, bureau, or other unit of the City affected by the decision.

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

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect when it is enacted.

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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