

Introduced by: The Council President
At the request of: The Administration (Law Department)

Prepared by: Department of Legislative Reference

Date: July 3, 2017

Referred to: **LAND USE AND TRANSPORTATION** Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 17-0093

A BILL ENTITLED

AN ORDINANCE concerning

Zoning – Appeals to Zoning Board – Corrective

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

BY authority of

Article - Land Use
Section 10-404
Annotated Code of Maryland
(As amended by Ch. 596, Acts of 2017)

BY repealing and reordaining, with amendments

Article 32 - Zoning
Sections 3-202(l) and 19-301(a)
Baltimore City Code
(As amended by Ord. 17-015)

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

- | | |
|--|---|
| <input type="checkbox"/> Department of Public Works | <input type="checkbox"/> Baltimore City Public School System |
| <input type="checkbox"/> Department of Real Estate | <input checked="" type="checkbox"/> Baltimore Development Corporation |
| <input checked="" type="checkbox"/> Department of Recreation and Parks | <input type="checkbox"/> City Solicitor |
| <input type="checkbox"/> Department of Transportation | <input type="checkbox"/> Comptroller's Office |
| <input type="checkbox"/> Fire Department | <input type="checkbox"/> Department of Audits |
| <input type="checkbox"/> Health Department | <input type="checkbox"/> Department of Finance |
| <input type="checkbox"/> Mayor's Office of Employment Development | <input type="checkbox"/> Department of General Services |
| <input type="checkbox"/> Mayor's Office of Human Services | <input checked="" type="checkbox"/> Department of Housing and Community Development |
| <input type="checkbox"/> Mayor's Office of Information Technology | <input type="checkbox"/> Department of Human Resources |
| <input type="checkbox"/> Office of the Mayor | <input type="checkbox"/> Department of Planning |
| <input type="checkbox"/> Police Department | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |

Boards and Commissions

- | | |
|---|--|
| <input type="checkbox"/> Environmental Control Board | <input type="checkbox"/> Board of Estimates |
| <input type="checkbox"/> Fire & Police Employees' Retirement System | <input type="checkbox"/> Board of Ethics |
| <input type="checkbox"/> Labor Commissioner | <input checked="" type="checkbox"/> Board of Municipal and Zoning Appeals |
| <input type="checkbox"/> Parking Authority Board | <input type="checkbox"/> Comm. for Historical and Architectural Preservation |
| <input type="checkbox"/> Planning Commission | <input type="checkbox"/> Commission on Sustainability |
| <input type="checkbox"/> Wage Commission | <input type="checkbox"/> Employees' Retirement System |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |

CITY OF BALTIMORE
ORDINANCE **18** • 136
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.

Council Bill 17-0093

Subtitle 2. Administrative Agencies and Officials

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

(l) *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.

Council Bill 17-0093

Certified as duly passed this _____ day of ~~MAY 14 2018~~



President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of ~~MAY 14~~ 2018



Chief Clerk


Approved this 18 day of May, 2018



Mayor, Baltimore City

Approved For Form and Legal Sufficiency

This 16th Day of May 2018



Chief Solicitor

8/10/2014

2145 pm call

2145 pm call
2145 pm call

2145 pm call

2145 pm call
2145 pm call

2145 pm call

**BALTIMORE CITY COUNCIL
LAND USE AND TRANSPORTATION
VOTING RECORD**

DATE: May 2, 2018

BILL#: 17-0093

BILL TITLE: Zoning - Appeals to Zoning Board - Corrective

MOTION BY: Costello SECONDED BY: Mudlet

- FAVORABLE FAVORABLE WITH AMENDMENTS
 UNFAVORABLE WITHOUT RECOMMENDATION

| NAME | YEAS | NAYS | ABSENT | ABSTAIN |
|-------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Reisinger, Edward, Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Middleton, Sharon, Vice Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Clarke, Mary Pat | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Costello, Eric | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Dorsey, Ryan | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Pinkett, Leon | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Stokes, Robert | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| TOTALS | <u>6</u> | | <u>1</u> | |

CHAIRPERSON: [Signature]

COMMITTEE STAFF: Jennifer L. Coates, Initials: [Signature]

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100

<http://www.thedailyrecord.com>

Order #: 11531773

Case #:

Description:

CC 17-0093 ORDINANCE - Zoning - Appeals to Zoning Board -
Corrective

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

4/5/2018

Darlene Miller, Public Notice Coordinator
(Representative Signature)

BALTIMORE CITY COUNCIL PUBLIC HEARING ON BILL NO. 17-0093

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, May 2, 2018 at 1:05 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 17-0093.

CC 170093 ORDINANCE - Zoning - Appeals to Zoning Board - Corrective -

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

BY authority of

Article - Land Use
Section 10-404
Annotated Code of Maryland
(As amended by Ch. 596, Acts of 2017)

By repealing and recombining, with amendments

Article 32 - Zoning
Sections 3-202(f) and 10-301(a)
Baltimore City Code
(As amended by Ord. 17-015)

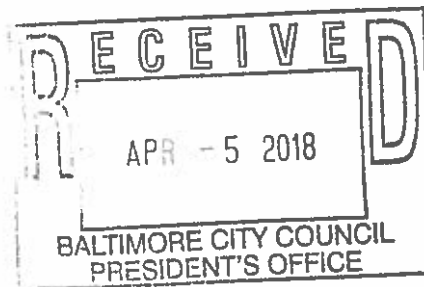
NOTE: This bill is subject to amendment by the Baltimore City Council.

Applicant: Baltimore City Law Department

For more information contact Committee Staff at (410) 396-1200.

EDWARD REISINGER,
Chair

ap5



The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100

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Baltimore City Code
(As amended by Ord. 17-015)

NOTE: This bill is subject to amendment by the Baltimore City Council.

Applicant: Baltimore City Law Department

For more information contact Committee Staff at (410) 396-1250.

EDWARD REISINGER,
Chair

ap5

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

Revised: 3/2818

TO: Larry Greene, Director, Office of Council Services

FROM: Jennifer L. Coates, Committee Staff, Land Use and Transportation Committee. Baltimore City Council

DATE: March 28, 2018

RE: INSTRUCTIONS FOR NOTICE OF A PUBLIC HEARING – MAP AMENDMENTS (REZONINGS); TEXT AMENDMENTS AND PLANNED UNIT DEVELOPMENTS

The Land Use and Transportation Committee has scheduled the following City Council Bill for a public hearing:

Bill: City Council Bill No. 17-0093

Date: Wednesday, May 2, 2018

Time: 1:05 p.m.

Place: City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street

At the expense of the applicant, notice of the public hearing must be provided in accordance with:

- **Article 32. Zoning § 5-601 – Map or Text Amendments; PUDs**

For helpful information about the notice requirements under Article 32 - Zoning (pages 127 – 128) see Attachment B. You are encouraged to access and review Article 32 using the web link below:

<http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf>

Wording for Sign and Newspaper Advertisement

The information that must be posted on a sign and in a newspaper advertisement appears between the double lines on the attached page (**See Attachment A**); the deadline date is indicated in BOLD letters at the top of Attachment A.

Newspaper Advertisement

You may choose any of the following newspapers for advertising purposes: The Daily Record, The Baltimore Sun; or the Afro-American.

Certification of Postings

Certification of the sign posting on the property, in duplicate, must be sent four (4) days prior to the hearing to:

Ms. Natawna Austin, Executive Secretary
Baltimore City Council
100 N. Holliday Street, Fourth Floor, Room 400
Baltimore, MD 21202

If the required certifications are not received as specified above, the public hearing will be cancelled without notice to the applicant.

Please note that ALL of these requirement MUST be met in order for your hearing to proceed as scheduled. If you have any questions regarding your notice requirements please contact:

Ms. Jennifer L. Coates, Committee Staff
Baltimore City Council,
Land Use and Transportation Committee
410-396-1260
Jennifer.Coates@baltimorecity.gov.

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE POSTED ON A SIGN ON THE PROPERTY **BY WEDNESDAY, APRIL 17, 2018**, AS DISCUSSED ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

BALTIMORE CITY COUNCIL

PUBLIC HEARING ON BILL NO. 17-0093

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CC 17-0093 ORDINANCE - **Zoning - Appeals to Zoning Board - Corrective**

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Sections 3-202(l) and 19-301(a)
Baltimore City Code
(As amended by Ord. 17-015)

NOTE: This bill is subject to amendment by the Baltimore City Council.

Applicant: Baltimore City Law Department

For more information contact Committee Staff at (410) 396-1260.

EDWARD REISINGER

Chair

SEND CERTIFICATION OF PUBLICATION TO:

Baltimore City Council
c/o Natawna B. Austin
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202

SEND BILL FOR THIS ADVERTISEMENT TO:

Larry E. Greene
Office of Council Services
100 N. Holliday Street, Room 415
Baltimore, MD 21202
(410) 396-7215

**ZONING
SUBTITLE 6 – NOTICES**

ARTICLE 32, § 5-601

§ 5-601. Map or text amendments; PUDs.

(a) Hearing required.

For a bill proposing a zoning map amendment, a zoning text amendment, or the creation or modification of a planned unit development, the City Council committee to which the bill has been referred must conduct a hearing at which:

- (1) the parties in interest and the general public will have an opportunity to be heard; and
- (2) all agency reports will be reviewed.

(b) Notice of hearing required.

Notice of the hearing must be given by each of the following methods, as applicable:

- (1) by publication in a newspaper of general circulation in the City;
- (2) for the creation or modification of a planned unit development and for a zoning map amendment, other than a comprehensive rezoning:
 - (i) by posting in a conspicuous place on the subject property; and
 - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned; and
- (3) for a comprehensive rezoning:
 - (i) by posting in conspicuous places within and around the perimeter of the subject area or district, as the Department of Planning designates; and
 - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of property within the subject area or district.

(c) Contents of notice.

The notice must include:

- (1) the date, time, place, and purpose of the public hearing;

(2) the address of the subject property or a drawing or description of the boundaries of the area affected by the proposed rezoning; and

(3) the name of the applicant.

(d) Number and manner of posted notices.

(1) For a zoning map amendment or the creation or modification of a planned unit development, the number and manner of posting is as follows:

- (i) for an individual property, at least 1 sign must be visible from each of the property's street frontages;
- (ii) for a comprehensive rezoning, a change in the boundaries of a zoning district, or the creation or modification of a planned unit development, at least 2 or more signs are required, as the Department of Planning designates;
- (iii) each sign must be posted at a prominent location, near the sidewalk or public right-of-way, so that it is visible to passing pedestrians and motorists;
- (iv) a window-mounted sign must be mounted inside the window glass and placed so that it is clearly visible to passing pedestrians and motorists; and
- (v) each sign must be at least 3 feet by 4 feet in size.

(2) Nothing in this subtitle prevents the voluntary posting of more notices than required by this subtitle.

(e) Timing of notices – In general.

The notice must be published, mailed, and, except as provided in subsection (f) of this section, posted:

- (1) at least 15 days before the public hearing; or
- (2) for a comprehensive rezoning, at least 30 days before the public hearing.

(f) Timing of notices – Posting for map amendment or PUDs.

For a zoning map amendment or the creation or modification of a planned unit development, the posted notice must be:

- (1) posted at least 30 days before the public hearing; and
- (2) removed within 48 hours after conclusion of the public hearing.

CITY OF BALTIMORE

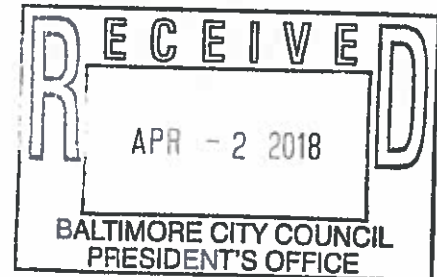
CATHERINE E. PUGH,
Mayor



DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

April 2, 2018

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202



Re: City Council Bill 17-0093– Zoning – Appeals to Zoning Board – Corrective

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0093 for form and legal sufficiency. The bill deletes certain court-imposed statutory provisions, since rendered inoperative by Ch. 596, Acts of 2017, and conforms the new Zoning Code (Article 32) to decades of City practice and procedures. The bill has an immediate effective date.

The City Charter contains a long-standing provision that prohibits decisions of the Planning Commission from being appealed to the Board of Municipal and Zoning Appeals. *See* City Charter, Art. VII, § 86. Given the prohibition, if any party is aggrieved by a decision of the Planning Commission, their avenue of appeal is to the Maryland courts. A 2016 court case, however, overturned the City's reliance on this Charter provision. The court held that State law required decisions of the Planning Commission to be appealable to the BMZA as well as to the courts. *See Viles v. Board of Municipal and Zoning Appeals*, 230 Md. App. 506 (2016)

The ruling raised a variety of City concerns, including the potential effect on the workload of the thinly-staffed BMZA. Given these concerns, the City sought legislative relief from the Maryland General Assembly in 2017. The City delegation introduced a bill that would allow appeals to the BMZA to be determined by local law and not State law. The effort was successful and the bill was signed into law as Chapter 596, Acts of 2017.

Before the State law was approved, however, a corrective bill to Transform Baltimore was approved by the Mayor and City Council. *See* Ord, 17-015. The corrective bill conformed the new Zoning Code (Article 32) to comply with the troublesome court order in *Viles*. Today Article 32 permits all administrative decisions involving the zoning code to be appealable to the BMZA.

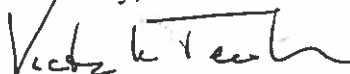
CB 17-0093, in seeking to remove provisions in the City zoning code that provide an automatic right of appeal to the BMZA, yields two positive effects. First, as noted above, the City Charter already prohibits decisions of the Planning Commission from being appealed to the

F

BMZA. Article 32, however, expressly permits those appeals. The passage of CB 17-0093 will eliminate the overt conflict between the City Charter and the zoning code. Second, rather than having all administrative zoning decisions be automatically appealable to the BMZA, CB 17-0093 would, in accordance with the new State law, allow only those decisions that have been designated by local law to be appealable to the BMZA. To that end we note that, other than decisions of the Zoning Administrator, no local law currently permits administrative decisions to be appealed to the BMZA.¹ Thus, the passage of CB 17-0093 will protect the BMZA from having to deal with a certain set of administrative appeals that, until the *Viles* ruling in 2016, had never been candidates for a BMZA appeal. In effect, the passage of CB 17-0093 would return the City to the state of affairs that existed prior to *Viles*.

As there is no legal impediment to the passage of this bill, the Law Department is prepared to approve the bill for form and legal sufficiency as drafted.


Sincerely,



Victor K. Tervala
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Ashlea Brown, Assistant Solicitor

¹ Administrative decisions involving site plans, environmentally sensitive areas, design plans and landscape plans, all of which are made by the Planning Director, are first appealable to the Planning Commission and then to the Maryland courts under the rules of Administrative Mandamus.

| | | | | |
|-------------|-----------------------|--|-------------------------------------|---|
| FROM | NAME & TITLE | THOMAS J. STOSUR, DIRECTOR | CITY of BALTIMORE MEMO |  |
| | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET | | |
| | SUBJECT | CITY COUNCIL BILL #17-0093/ ZONING – APPEALS TO ZONING BOARD – CORRECTIVE | | |

DATE:

TO

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

August 18, 2017

At its regular meeting of August 17, 2017, the Planning Commission considered City Council Bill #17-0093, for the purpose of deleting certain court-imposed statutory provisions, since rendered inoperative by Ch. 596, Acts of 2017, which direct persons aggrieved by land-use decisions of the Planning Commission (among certain other “authorized administrative officer[s] or unit[s]”) to appeal those decisions to the Board of Municipal and Zoning Appeals, rather than seeking their judicial review; conforming the new Zoning Code to decades of City practice and procedures that recognize the final-administrative status of Planning Commission decisions; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #17-0093 and adopted the following resolution; seven members being present (seven in favor):

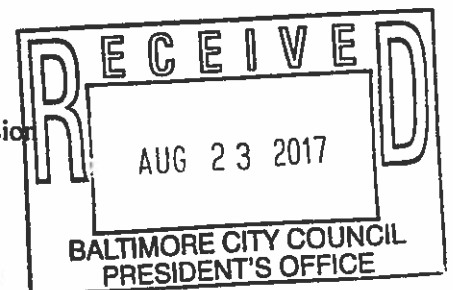
RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #17-0093 be passed by the City Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor’s Office
Mr. Colin Tarbert, Mayor’s Office
Mr. Kyron Banks, Mayor’s Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. William H. Cole IV, BDC
Mr. David Tanner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Mr. Patrick Fleming, DOT
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Ms. Natawna Austin, Council Services



F



*Catherine E. Pugh
Mayor*

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



*Thomas J. Stosur
Director*

August 17, 2017

REQUEST: City Council Bill #17-0093/ Zoning – Appeals to Zoning Board – Corrective:
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RECOMMENDATION: Approval

STAFF: Eric Tiso

INTRODUCED BY: The Council President, on behalf of The Administration (Law Department)

ANALYSIS

Background: The purpose of this corrective bill is to conform the Zoning Code to the changes made in the Annotated Code of Maryland, Ch. 596, Acts of 2017. Those changes modified the Land Use Article, §10-404(a)(1), which clarifies when the Board of Municipal and Zoning Appeals (BMZA) may hear and decide appeals by adding a new paragraph (II):

10-404.

(a) The Board may:

(1) hear and decide appeals when:

(I) it is alleged that there was an error in any order, requirement, decision, or determination made by an administrative official or unit under this title or any local law adopted under this title; AND

(II) **THE BOARD IS AUTHORIZED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY BY LOCAL LAW OR THE CHARTER OF BALTIMORE CITY; ...**

And also adding new paragraphs (c) and (d):

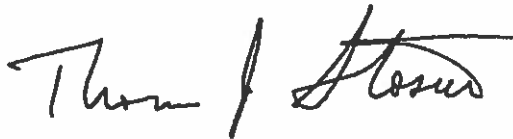
(C) NOTHING IN THIS SUBTITLE PROHIBITS AN ADMINISTRATIVE OFFICIAL OR UNIT FROM MAKING A DECISION UNDER THIS TITLE OR ANY LOCAL LAW ADOPTED UNDER THIS TITLE WHEN AUTHORIZED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY BY LOCAL LAW OR THE CHARTER OF BALTIMORE CITY.

(D) THIS SECTION DOES NOT ALTER OR IMPAIR THE RIGHT TO APPEAL PROVIDED FOR UNDER THIS SUBTITLE.

The avenue to appeal Planning Commission actions remains through judicial review in the courts, as has always been available, and this bill reinforces that this path remains. The changes in this bill conform to long-standing practice in Baltimore. Many of the actions of the Planning Commission are recommendations, such as to the City Council on legislative actions, which are not zoning decisions, and are therefore not heard by the BMZA on challenge.

Bill Effects: This bill strikes text in §3-202 {"Board of Municipal and Zoning Appeals."} in paragraph (l) referencing decisions "made or imposed under this Code by" and "or by some other authorized administrative officer or administrative unit" in those subparagraphs. Likewise, in Title 19 {"Prohibited Conduct; Enforcement; Administrative and Judicial Review"}, a reference to "or other authorized administrative officer or unit" is also deleted.

Notification: 2,291 individuals received e-mail notice of this action via GovDelivery.

A handwritten signature in black ink, appearing to read "Thomas J. Stosur". The signature is written in a cursive style with a large, sweeping initial "T".

Thomas J. Stosur
Director

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

DAVID C. TANNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

January 2, 2018

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

Re: City Council Bill No. 17-0093: Zoning – Appeals to Zoning Board - Corrective

Ladies and Gentlemen:

City Council Bill No. 17-0093 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 17-0093 is to delete certain court-imposed statutory provisions since rendered inoperative by Ch. 596, Acts of 2017, which directs persons aggrieved by the land-use decisions of the Planning Commission (among certain other "authorized administrative officer[s] or unit[s]") to appeal those decisions to the Board of Municipal and Zoning Appeals, rather than seeking judicial review; conforming the new Zoning Code to decades of City practice and procedure that recognize the final administrative status of Planning Commission decisions; and providing for a special effective date.

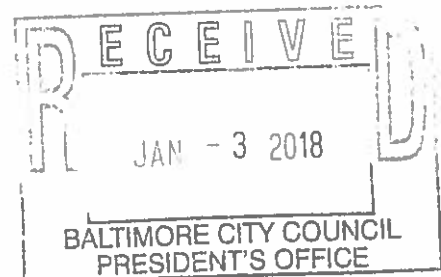
The BMZA has reviewed the legislation and recommends the passage of Bill Number 17-0093.


Sincerely,
David C. Tanner

David C. Tanner
Executive Director

DCT/djb

CC: Mayors Office of Council Relations
Legislative Reference



| | | | | |
|----------------------------|----------------------------------|--|---|---|
| F R O M | NAME & TITLE | Michelle Pourciau, Director | CITY of BALTIMORE M E M O |  |
| | AGENCY NAME & ADDRESS | Department of Transportation (DOT) 417 E Fayette Street, Room 527 | | |
| | SUBJECT | City Council Bill 17-0093 | | |

TO The Honorable President and
Members of the City Council
c/o Natawna Austin
Room 400 City Hall

December 22, 2017

I am herein reporting on City Council Bill 17-0093- Zoning - Appeals to Zoning Board - Corrective For the purpose of deleting certain court-imposed statutory provisions, since rendered inoperative by Ch. 596, Acts of 2017, which direct persons aggrieved by land-use decisions of the Planning Commission (among certain other "authorized administrative officer[s] or unit[s]") to appeal those decisions to the Board of Municipal and Zoning Appeals, rather than seeking their judicial review; conforming the new Zoning Code to decades of City practice and procedures that recognize the final-administrative status of Planning Commission decisions; and providing for a special effective date.

DOT supports this bill and respectfully requests a favorable report.

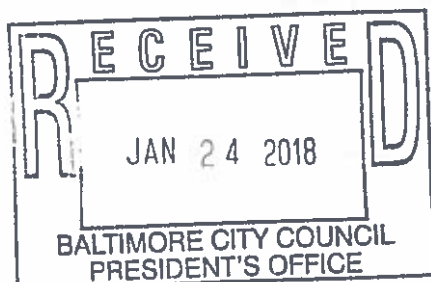
Respectfully,



Michelle Pourciau
Director

MP/lw

Cc: Kyron Banks, Mayor's Office




**CITY OF BALTIMORE
COUNCIL BILL 17-0093
(First Reader)**

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

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Appeals to Zoning Board – Corrective**

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

10 BY authority of

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

15 BY repealing and reordaining, with amendments

16 Article 32 - Zoning
17 Sections 3-202(l) and 19-301(a)
18 Baltimore City Code
19 (As amended by Ord. 17-015)

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

22 **Baltimore City Code**

23 **Article 32. Zoning**

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

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

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Land Use and Transportation Committee

Wednesday, May 2, 2018

1:05 PM

Du Burns Council Chamber, 4th floor, City Hall

17-0093

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

17-0093

Zoning - Appeals to Zoning Board - Corrective

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

Sponsors:

City Council President (Administration)

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Land Use and Transportation Committee

Wednesday, May 2, 2018

1:05 PM

Du Burns Council Chamber, 4th floor, City Hall

17-0093

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

- Present** 6 - Member Edward Reisinger, Member Sharon Green Middleton, Member Mary Pat Clarke, Member Eric T. Costello, Member Ryan Dorsey, and Member Robert Stokes Sr.
- Absent** 1 - Member Leon F. Pinkett III

ITEMS SCHEDULED FOR PUBLIC HEARING

17-0093

Zoning - Appeals to Zoning Board - Corrective

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

Sponsors: City Council President (Administration)

A motion was made by Member Costello, seconded by Member Middleton, that the bill be recommended favorably. The motion carried by the following vote:

- Yes:** 6 - Member Reisinger, Member Middleton, Member Clarke, Member Costello, Member Dorsey, and Member Stokes Sr.
- Absent:** 1 - Member Pinkett III

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

HEARING NOTES

Bill: 17-0093

Zoning - Appeals to Zoning Board - Corrective

Committee: Land Use and Transportation
Chaired By: Councilmember Edward Reisinger

Hearing Date: May 2, 2018
Time (Beginning): 1:20 PM
Time (Ending): 1:33 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: ~20
Committee Members in Attendance:
Reisinger, Edward, Chairman
Middleton, Sharon, Vice Chair
Clarke, Mary Pat
Costello, Eric
Dorsey, Ryan
Stokes, Robert

| | | | |
|--|---|-----------------------------|------------------------------|
| Bill Synopsis in the file? | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | <input type="checkbox"/> n/a |
| Attendance sheet in the file? | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | <input type="checkbox"/> n/a |
| Agency reports read? | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | <input type="checkbox"/> n/a |
| Hearing televised or audio-digitally recorded?..... | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | <input type="checkbox"/> n/a |
| Certification of advertising/posting notices in the file?..... | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | <input type="checkbox"/> n/a |
| Evidence of notification to property owners? | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | <input type="checkbox"/> n/a |
| Final vote taken at this hearing? | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | <input type="checkbox"/> n/a |
| Motioned by: | Councilmember Costello, Eric | | |
| Seconded by..... | Councilmember Middleton, Sharon, Vice Chair | | |
| Final Vote: | Favorable | | |

Major Speakers
(This is not an attendance record.)

- Mr. Eric Tiso, Planning Commission/Department of Planning
 - Mr. Victor Tervalo, Department of Law
 - Ms. Katelyn McCauley, Department of Transportation
 - Mr. Derrick Baumgardner, Board of Municipal Zoning Appeals
-

Major Issues Discussed

1. Councilman Reisinger read the bill's number, title and purpose.
 2. Mr. Eric Tiso testified in support of the Planning Commission's favorable report. He explained that the bill was introduced in response to new State law. Applicants who are dissatisfied with an administrative decision of the Planning Commission or Department of Planning can appeal to the courts.
 3. Mr. Victor Tervalo testified in support of the Law Department's favorable report. He indicated that the bill relates to administrative appeals made by the Planning Commission/Department of Planning. An applicant has the option of appealing to the court. The term "administrative appeal" is not defined in Article 32 – Zoning
 4. Ms. Katelyn McCauley testified in support of the Department of Transportation's favorable report.
 5. Mr. Derrick Baumgardner testified in support of the Board of Municipal Zoning Appeals favorable report.
 6. The committee voted to recommend a favorable report.
 7. The hearing was adjourned.
-

Further Study

Was further study requested?

Yes No

If yes, describe.

Committee Vote:

| | |
|------------------------------------|-----|
| Reisinger, Edward, Chairman..... | Yea |
| Middleton, Sharon, Vice Chair..... | Yea |
| Clarke, Mary Pat..... | Yea |
| Costello, Eric..... | Yea |
| Dorsey, Ryan..... | Yea |
| Stokes, Robert:..... | Yea |

Jennifer L. Coates, Committee Staff



Date: May 2, 2018

cc: Bill File OCS Chrono File



CITY OF BALTIMORE CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Land Use and Transportation Chairperson: Edward Reisinger
 Date: May 2, 2018 Time: 1:05 PM Place: Clarence "Du" Burns Chambers
 Subject: Ordinance - Zoning - Appeals to Zoning Board - Corrective CC Bill Number: 17-0093

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE

TESTIFY

| FIRST NAME | LAST NAME | ST. # | ADDRESS/ORGANIZATION NAME | ZIP | EMAIL ADDRESS | WHAT IS YOUR POSITION ON THIS BILL? | LOBBYIST: ARE YOU REGISTERED IN THE CITY |
|------------|-----------|-------|---------------------------|-------|-------------------------|-------------------------------------|--|
| | | | | | | FOR | AGAINST |
| John | Doe | 100 | North Charles Street | 21202 | Johndoenbmore@yahoo.com | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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(* NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730. FAX: 410-396-8483.

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Land Use and Transportation Committee

Wednesday, May 2, 2018

1:05 PM

Du Burns Council Chamber, 4th floor, City Hall

17-0093

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

17-0093

Zoning - Appeals to Zoning Board - Corrective

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

Sponsors:

City Council President (Administration)

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC



**BALTIMORE CITY COUNCIL
LAND USE AND TRANSPORTATION COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Land Use and Transportation Committee is to review and support responsible development and zoning initiatives to ensure compatibility with the aim of improving the quality of life for the diverse population of Baltimore City.

**The Honorable Edward Reisinger
Chairperson**

PUBLIC HEARING

Wednesday, May 2, 2018

1:05 PM

Clarence "Du" Burns Council Chambers

City Council Bill # 17-0093

Zoning - Appeals to Zoning Board - Corrective

CITY COUNCIL COMMITTEES

BUDGET AND APPROPRIATIONS

Eric Costello – Chair
Leon Pinkett – Vice Chair
Bill Henry
Sharon Green Middleton
Brandon M. Scott
Isaac “Yitzy” Schleifer
Shannon Sneed
Staff: Marguerite Currin

EDUCATION AND YOUTH

Zeke Cohen – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Kristerfer Burnett
Ryan Dorsey
Staff: Larry Greene

EXECUTIVE APPOINTMENTS

Robert Stokes – Chair
Kristerfer Burnett – Vice Chair
Mary Pat Clarke
Zeke Cohen
Isaac “Yitzy” Schleifer
Staff: Marguerite Currin

HOUSING AND URBAN AFFAIRS

John Bullock – Chair
Isaac “Yitzy” Schleifer – Vice Chair
Kristerfer Burnett
Bill Henry
Shannon Sneed
Zeke Cohen
Ryan Dorsey
Staff: Richard Krummerich

JUDICIARY AND LEGISLATIVE INVESTIGATIONS

Eric Costello – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Leon Pinkett
Edward Reisinger
Brandon Scott
Robert Stokes
Staff: Marguerite Currin

LABOR

Shannon Sneed – Chair
Robert Stokes – Vice Chair
Eric Costello
Bill Henry
Mary Pat Clarke
Staff: Samuel Johnson

LAND USE AND TRANSPORTATION

Edward Reisinger - Chair
Sharon Green Middleton – Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Leon Pinkett
Robert Stokes
Staff: Jennifer Coates

PUBLIC SAFETY

Brandon Scott – Chair
Ryan Dorsey – Vice Chair
Kristerfer Burnett
Shannon Sneed
Zeke Cohen
Leon Pinkett
Isaac “Yitzy” Schleifer
Staff: Richard Krummerich

TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair
Leon Pinkett – Vice Chair
Eric Costello
Edward Reisinger
Robert Stokes
Staff: Samuel Johnson
- Larry Greene (pension only)

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

BILL SYNOPSIS

Committee: Land Use and Transportation

Bill 17-0093

Zoning - Appeals to Zoning Board - Corrective

Sponsor: President Young - Department of Law

Introduced: June 17, 2017

Purpose:

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

Effective: Date of Enactment

Hearing Date/Time/Location: May 2, 2018 /1:05 p.m./Clarence "Du" Burns Chambers

Agency Reports

| | |
|---|--------------------|
| Planning Commission | Favorable/Amend |
| Board of Municipal and Zoning Appeals | Favorable |
| Department of Transportation | Favorable |
| Department of Law | Favorable/Comments |
| Department of Housing and Community Development | |
| Parking Authority of Baltimore City | Not Opposed |

Analysis

Current Law

- Article – Land Use; Section 10-404; Annotated Code of Maryland (As amended by Ch. 596, Acts of 2017) and
- Article 32 – Zoning; Section 5-201(a) and Table 9-301 (R-5); Baltimore City Revised Code (Edition 2000).

Background

The City Charter prohibits decisions of the Planning Commission from being appealed to the BMZA (Art VII, Section 86). The recently enacted Transform Baltimore Article 32 – Zoning Code, however, permits those appeals. Bill 17-0093 would correct the difference between the City's Charter and new Zoning Code.

Bill 17-0093 corrects language in Article 32 that permits all administrative decisions involving the Zoning Code to be appealable to the BMZA. The law, as it is currently written, complies with the related court case *Viles v. Board of Municipal Appeals*, 230, 230 Md. App 506(2016). That case, however, was rendered obsolete by a new state law Maryland General Assembly Senate Bill 541/Ch. 596, Acts of 2017 which became effective June 1, 2017. The new State law allows appeals to the BMZA to be determined by locally created laws and not State laws.

If approved, City Council Bill 17-0093 would delete certain court-ordered statutory land use provisions that have become obsolete due to the passage of Maryland General Assembly Senate Bill 541/Ch. 596, Acts of 2017. The new State law allows only those decisions that have been designated by local law to be appealable to the BMZA. The correction would align Article 32 – Zoning Code with the City Charter.

Additional Information

Fiscal Note: Not Available

Information Source(s): Agency reports

Analysis by: Jennifer L. Coates
Analysis Date: April 27, 2018



Direct Inquiries to: (410) 396-1260

**CITY OF BALTIMORE
COUNCIL BILL 17-0093
(First Reader)**

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

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Appeals to Zoning Board – Corrective**

3 FOR the purpose of deleting certain court-imposed statutory provisions, since rendered
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19 (As amended by Ord. 17-015)

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

22 **Baltimore City Code**

23 **Article 32. Zoning**

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

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

Council Bill 17-0093

Subtitle 2. Administrative Agencies and Officials

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

(l) *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.

**CITY OF BALTIMORE
COUNCIL BILL 17-0093
(First Reader)**

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

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

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

APPROVED FOR FORM
STYLE, AND TEXTUAL SUFFICIENCY

1-07/03/17

DEPT LEGISLATIVE REFERENCER

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____

Introduced by: The Council President
At the request of: The Administration (Law Department)

A BILL ENTITLED

AN ORDINANCE concerning

Zoning – Appeals to Zoning Board – Corrective

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

BY authority of

Article - Land Use
Section 10-404
Annotated Code of Maryland
(As amended by Ch. 596, Acts of 2017)

BY repealing and reordaining, with amendments

Article 32 - Zoning
Sections 3-202(l) and 19-301(a)
Baltimore City Code
(As amended by Ord. 17-015)

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

Baltimore City Code

Article 32. Zoning

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

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

Title 3. Outline of Code Administration

Subtitle 2. Administrative Agencies and Officials

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

(l) *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.

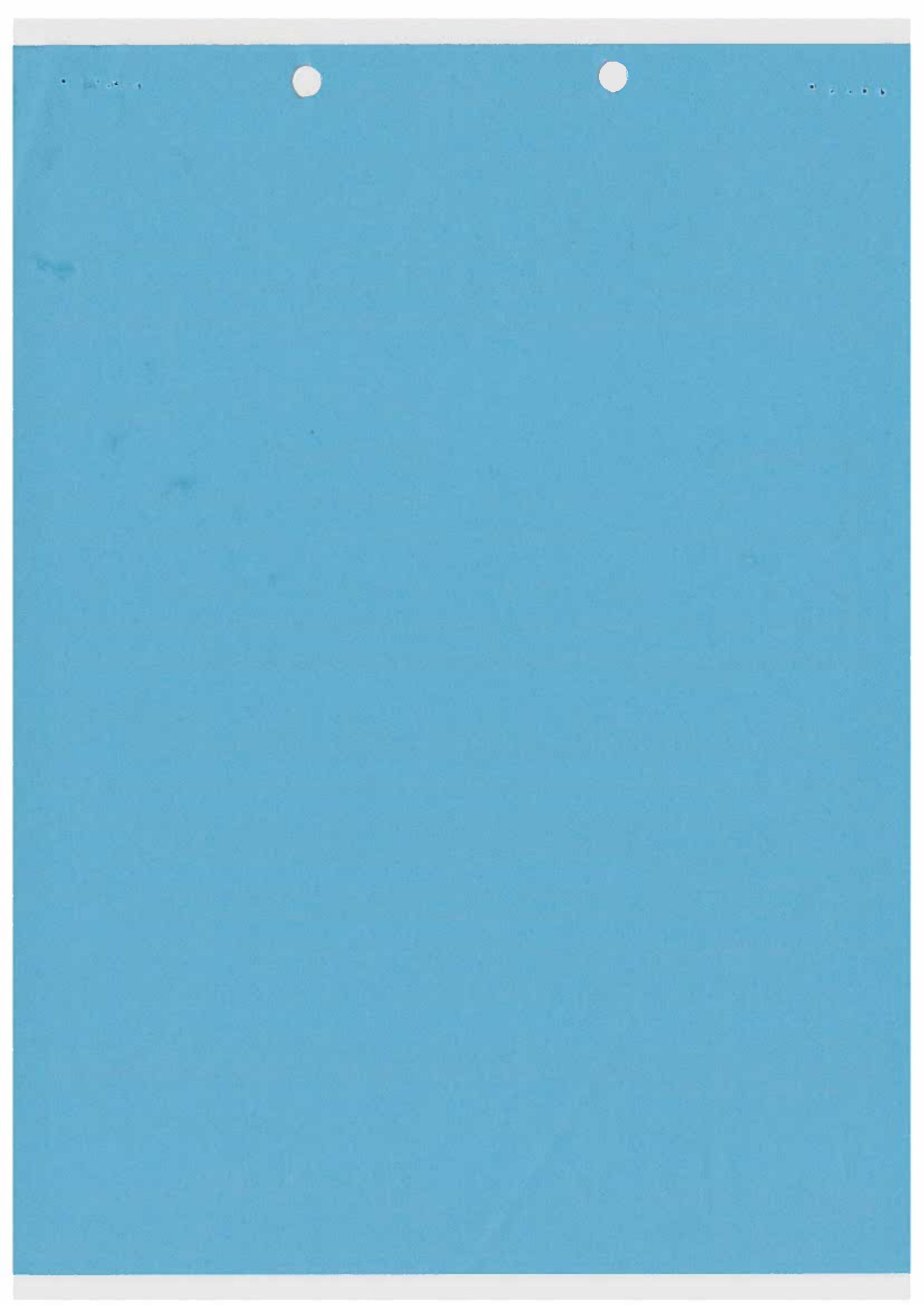
(a) *Who may appeal.*

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.



ACTION BY THE CITY COUNCIL

JUL 17 2017
20

FIRST READING (INTRODUCTION) _____

PUBLIC HEARING HELD ON May 2, _____ 20 18

COMMITTEE REPORT AS OF May 7, _____ 20 18

FAVORABLE _____ UNFAVORABLE _____ FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

Edward Reusy

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

MAY 07 2018
26

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

Bob DeSousa

President

Steven J. Deeri

Chief Clerk