



Legislation Details (With Text)

File #: 17-0093 **Version:** 0 **Name:** Zoning - Appeals to Zoning Board - Corrective
Type: Ordinance **Status:** Enacted
File created: 7/17/2017 **In control:** City Council
On agenda: **Final action:** 5/18/2018
Enactment date: **Enactment #:** 18-136

Title: 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)

Indexes: Appeals, Corrective, Zoning

Code sections:

Attachments: 1. 17-0093~1st Reader, 2. Planning 17-0093, 3. BMZA 17-0093, 4. DOT 17-0093, 5. Law 17-0093, 6. 17-0093~3rd Reader, 7. Completed File_17-0093

Date	Ver.	Action By	Action	Result
6/4/2018	0	Mayor	Signed by Mayor	
5/14/2018	0	City Council	Approved and Sent to the Mayor	
5/7/2018	0	City Council	3rd Reader, for final passage	
5/7/2018	0	Land Use & Transportation Committee	Recommended Favorably	
5/2/2018	0	Land Use & Transportation Committee	Recommended Favorably	Pass
4/5/2018	0	Land Use & Transportation Committee	Advertising	
3/26/2018	0	Land Use & Transportation Committee	Scheduled for a Public Hearing	
7/20/2017	0	The City Council	Refer to Planning Commission	
7/20/2017	0	The City Council	Refer to Dept. of Transportation	
7/20/2017	0	The City Council	Refer to City Solicitor	
7/20/2017	0	The City Council	Refer to Board of Municipal and Zoning Appeals	
7/17/2017	0	City Council	Assigned	
7/17/2017	0	City Council	Introduced	

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.

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

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.