

SENATE BILL 302

L2

11r0562
CF HB 237

By: **Senator Jones–Rodwell (By Request – Baltimore City Administration)**

Introduced and read first time: January 31, 2011

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Zoning Requirements – Administrative Adjustments**

3 FOR the purpose of clarifying the applicability to Baltimore City of certain provisions
4 related to administrative adjustments to certain zoning requirements; and
5 generally relating to administrative adjustments to zoning requirements in
6 Baltimore City.

7 BY repealing and reenacting, with amendments,
8 Article 66B – Land Use
9 Section 2.13
10 Annotated Code of Maryland
11 (2010 Replacement Volume)

12 BY repealing and reenacting, without amendments,
13 Article 66B – Land Use
14 Section 4.05(d)
15 Annotated Code of Maryland
16 (2010 Replacement Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article 66B – Land Use**

20 2.13.

21 (a) Except as provided in subsection (b) of this section, §§ 3.01 through 8.15
22 of this article do not apply in Baltimore City.

23 (b) The following sections of this article apply to Baltimore City:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (1) § 1.00(j) (Definition of “sensitive areas”);
- 2 (2) § 1.01 (Visions);
- 3 (3) § 1.02 (Consistency with comprehensive plans);
- 4 (4) § 1.04 (Charter county – Comprehensive plans);
- 5 (5) § 3.02(h) (Planning Commission – Education);
- 6 (6) § 3.09 (Annual report – Preparation and filing);
- 7 (7) § 3.10 (Annual report – Smart Growth goals, measures, and
8 indicators);
- 9 (8) § 4.01(b)(2) (Regulation of bicycle parking);
- 10 (9) § 4.04(c) (Exceptions related to the Maryland Accessibility Code);
- 11 (10) **§ 4.05(D) (ADMINISTRATIVE ADJUSTMENTS TO ZONING**
12 **REQUIREMENTS);**
- 13 **(11) § 4.07(i) (Board of Appeals – Education);**
- 14 **[(11)] (12) § 5.03(d) (Easements for burial sites);**
- 15 **[(12)] (13) § 7.02 (Civil penalty for zoning violation);**
- 16 **[(13)] (14) § 10.01 (Adequate Public Facilities Ordinances);**
- 17 **[(14)] (15) § 11.01 (Transfer of Development Rights);**
- 18 **[(15)] (16) § 12.01 (Inclusionary Zoning); and**
- 19 **[(16)] (17) § 13.01 (Development Rights and Responsibilities**
20 **Agreements).**

21 4.05.

22 (d) (1) A local legislative body may authorize the planning director or
23 another designee to grant administrative adjustments from the following
24 requirements in a zoning ordinance enacted by the local legislative body:

- 25 (i) Local height requirements;
- 26 (ii) Local setback requirements;

- 1 (iii) Local bulk requirements;
- 2 (iv) Local parking requirements;
- 3 (v) Local loading, dimensional, or area requirements; or
- 4 (vi) Similar local requirements.

5 (2) Before developing criteria and procedures for administrative
6 adjustments under this subsection, the local legislative body shall:

7 (i) Consult with the planning commission and the board of
8 appeals; and

9 (ii) Provide:

- 10 1. Reasonable public notice of the proposed criteria and
11 procedures;
- 12 2. An opportunity for public hearing; and
- 13 3. An opportunity for public review and comment.

14 (3) The criteria for an administrative adjustment shall include:

15 (i) Standards for actions on requests;

16 (ii) Standards for the classes of development that are eligible for
17 an administrative adjustment; and

18 (iii) The maximum variation from a zoning requirement that is
19 allowed under an administrative adjustment.

20 (4) Procedures for administrative adjustments may include:

21 (i) Applications;

22 (ii) Notice to the public and to the parties in interest;

23 (iii) An opportunity for public hearing;

24 (iv) An opportunity for the taking of testimony and evidence;
25 and

26 (v) Decision making.

27 (5) A decision on an application for an administrative adjustment
28 shall include written findings of fact.

1 (6) By the enactment of an ordinance or the adoption of a procedure, a
2 local legislative body may authorize the appeal to the board of appeals of a decision to
3 approve or deny an administrative adjustment.

4 (7) Nothing in this subsection is intended to authorize a local
5 government to permit an administrative adjustment to State or local requirements
6 that are intended to protect environmentally sensitive areas, such as streams, slopes,
7 wetlands, natural heritage areas, or critical areas.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2011.