

# SENATE BILL 302

L2

11r0562  
CF HB 237

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

Introduced and read first time: January 31, 2011

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

4 (1) § 1.00(j) (Definition of “sensitive areas”);

5 (2) § 1.01 (Visions);

6 (3) § 1.02 (Consistency with comprehensive plans);

7 (4) § 1.04 (Charter county – Comprehensive plans);

8 (5) § 3.02(h) (Planning Commission – Education);

9 (6) § 3.09 (Annual report – Preparation and filing);

10 (7) § 3.10 (Annual report – Smart Growth goals, measures, and  
11 indicators);

12 (8) § 4.01(b)(2) (Regulation of bicycle parking);

13 (9) § 4.04(c) (Exceptions related to the Maryland Accessibility Code);

14 (10) **§ 4.05(D) (ADMINISTRATIVE ADJUSTMENTS TO ZONING**  
15 **REQUIREMENTS);**

16 (11) § 4.07(i) (Board of Appeals – Education);

17 [(11)] (12) § 5.03(d) (Easements for burial sites);

18 [(12)] (13) § 7.02 (Civil penalty for zoning violation);

19 [(13)] (14) § 10.01 (Adequate Public Facilities Ordinances);

20 [(14)] (15) § 11.01 (Transfer of Development Rights);

21 [(15)] (16) § 12.01 (Inclusionary Zoning); and

22 [(16)] (17) § 13.01 (Development Rights and Responsibilities  
23 Agreements).

24 4.05.

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

- 4 (i) Local height requirements;
- 5 (ii) Local setback requirements;
- 6 (iii) Local bulk requirements;
- 7 (iv) Local parking requirements;
- 8 (v) Local loading, dimensional, or area requirements; or
- 9 (vi) Similar local requirements.

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

- 12 (i) Consult with the planning commission and the board of  
13 appeals; and
- 14 (ii) Provide:
  - 15 1. Reasonable public notice of the proposed criteria and  
16 procedures;
  - 17 2. An opportunity for public hearing; and
  - 18 3. An opportunity for public review and comment.

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

- 20 (i) Standards for actions on requests;
- 21 (ii) Standards for the classes of development that are eligible for  
22 an administrative adjustment; and
- 23 (iii) The maximum variation from a zoning requirement that is  
24 allowed under an administrative adjustment.

25 (4) Procedures for administrative adjustments may include:

- 26 (i) Applications;
- 27 (ii) Notice to the public and to the parties in interest;

1 (iii) An opportunity for public hearing;

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

3 and

4 (v) Decision making.

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

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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.