

## Chapter 444

### (Senate Bill 302)

AN ACT concerning

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

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

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

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

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

#### **Article 66B – Land Use**

2.13.

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

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

- (1) § 1.00(j) (Definition of “sensitive areas”);
- (2) § 1.01 (Visions);
- (3) § 1.02 (Consistency with comprehensive plans);
- (4) § 1.04 (Charter county – Comprehensive plans);

- (5) § 3.02(h) (Planning Commission – Education);
- (6) § 3.09 (Annual report – Preparation and filing);
- (7) § 3.10 (Annual report – Smart Growth goals, measures, and indicators);
- (8) § 4.01(b)(2) (Regulation of bicycle parking);
- (9) § 4.04(c) (Exceptions related to the Maryland Accessibility Code);
- (10) **§ 4.05(D) (ADMINISTRATIVE ADJUSTMENTS TO ZONING REQUIREMENTS);**
- (11) § 4.07(i) (Board of Appeals – Education);
- [(11)] **(12)** § 5.03(d) (Easements for burial sites);
- [(12)] **(13)** § 7.02 (Civil penalty for zoning violation);
- [(13)] **(14)** § 10.01 (Adequate Public Facilities Ordinances);
- [(14)] **(15)** § 11.01 (Transfer of Development Rights);
- [(15)] **(16)** § 12.01 (Inclusionary Zoning); and
- [(16)] **(17)** § 13.01 (Development Rights and Responsibilities Agreements).

## 4.05.

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

- (i) Local height requirements;
- (ii) Local setback requirements;
- (iii) Local bulk requirements;
- (iv) Local parking requirements;
- (v) Local loading, dimensional, or area requirements; or

(vi) Similar local requirements.

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

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

(ii) Provide:

1. Reasonable public notice of the proposed criteria and procedures;

2. An opportunity for public hearing; and

3. An opportunity for public review and comment.

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

(i) Standards for actions on requests;

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

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

(4) Procedures for administrative adjustments may include:

(i) Applications;

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

(iii) An opportunity for public hearing;

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

(v) Decision making.

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

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

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

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

**Approved by the Governor, May 19, 2011.**