

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

Senate Bill 302

(Senator Jones-Rodwell)(By Request - Baltimore City
Administration)

Education, Health, and Environmental Affairs

Environmental Matters

Baltimore City - Zoning Requirements - Administrative Adjustments

This bill authorizes the Mayor and City Council of Baltimore to authorize the planning director or another designee to grant administrative adjustments from several types of local requirements in a zoning ordinance enacted by the city, including (1) height; (2) setback; (3) bulk; (4) parking; (5) loading, dimensional, or area; or (6) similar requirements. Specified requirements apply to the criteria and procedures established by the city for administrative adjustments as well as the process followed by the city in developing the criteria and procedures. The bill does not authorize the city to permit an administrative adjustment to State or local requirements that are intended to protect environmentally sensitive areas.

Fiscal Summary

State Effect: None.

Local Effect: Baltimore City expenditures decrease by \$2,000 annually, beginning in FY 2013, due to reduced expenses of the Board of Municipal and Zoning Appeals.

Small Business Effect: Potential minimal.

Analysis

Current Law/Background:

Zoning in Baltimore City, Generally

To promote the health, security, general welfare, and morals of the community, the Mayor and the City Council of Baltimore are authorized to regulate and restrict, for trade, industry, residence, or other purpose (1) the height, number of stories, and size of buildings and other structures; (2) the percentage of a lot that may be occupied; (3) off-street parking; (4) the size of yards, courts, and other open spaces; (5) the density of population; and (6) the location and use of buildings, signs, structures, and land. The mayor and the city council must provide for the manner in which regulations, restrictions, and the boundaries of districts are determined, established, enforced, and periodically amended.

Zoning activities are handled by the Baltimore City Department of Planning, which is currently in the process of rewriting the city's zoning code. The Baltimore City Board of Municipal and Zoning Appeals hears and determines all zoning appeals in the city. State law authorizes the board to, among other things (1) hear and decide special exceptions to the terms of an ordinance on which the board is required to act under the ordinance; and (2) authorize a variance from the terms of an ordinance. However, if otherwise authorized by the general zoning ordinance, State law does not prohibit the mayor and city council from granting variances, special exceptions, or conditional uses by ordinance.

Administrative Adjustments

Except in Baltimore City and in charter counties, Article 66B specifically authorizes a local legislative body to authorize the planning director or another designee to grant administrative adjustments from several requirements in a zoning ordinance enacted by the local legislative body, including (1) height; (2) setback; (3) bulk; (4) parking; (5) loading, dimensional, or area requirements; or (6) similar requirements. Local governments may not, however, authorize administrative adjustments to State or local requirements intended to protect environmentally sensitive areas.

Before developing criteria and procedures for administrative adjustments, the local legislative body is required to consult with the planning commission and the board of appeals and meet specified public participation requirements. State law outlines requirements for such criteria and procedures.

Local Fiscal Effect: Baltimore City expenditures are expected to decrease by approximately \$2,000 annually, beginning in fiscal 2013, as a result of a small reduction in the workload and expenses of the Board of Municipal and Zoning Appeals once authority for administrative adjustments is enacted in the new city zoning code. The city does not expect to enact the new zoning code until fiscal 2013.

Additional Information

Prior Introductions: None.

Cross File: HB 237 (Delegate Anderson)(By Request - Baltimore City Administration) and Delegate Rosenberg - Environmental Matters.

Information Source(s): Baltimore City, Maryland Department of Planning, Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2011
ncs/lgc

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510