

SENATE BILL 541

L2

7lr2992
CF HB 447

By: **Senator Conway (By Request – Baltimore City Administration)**

Introduced and read first time: February 1, 2017

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 14, 2017

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Board of Municipal and Zoning Appeals – Appeals Authority**

3 FOR the purpose of limiting the authority of the Baltimore City Board of Municipal and
4 Zoning Appeals to hear and decide certain appeals to instances when the Board is
5 authorized to hear and decide the appeals by the Mayor and City Council of
6 Baltimore City by local law or the Charter of Baltimore City; stating that this Act
7 does not prohibit an administrative official or unit from making a certain decision
8 when authorized by the Mayor and City Council of Baltimore City by local law or the
9 Charter of Baltimore City; establishing that this Act does not alter or impair the
10 right to appeal provided for under certain provisions of law; and generally relating
11 to Baltimore City zoning.

12 BY repealing and reenacting, with amendments,
13 Article – Land Use
14 Section 10–404
15 Annotated Code of Maryland
16 (2012 Volume and 2016 Supplement)

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

19 **Article – Land Use**

20 10–404.

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) The Board may:

2 (1) hear and decide appeals when:

3 (I) it is alleged that there was an error in any order, requirement,
4 decision, or determination made by an administrative official or unit under this title or any
5 local law adopted under this title; AND

6 (II) **THE BOARD IS AUTHORIZED BY THE MAYOR AND CITY**
7 **COUNCIL OF BALTIMORE CITY BY LOCAL LAW OR THE CHARTER OF BALTIMORE**
8 **CITY;**

9 (2) hear and decide special exceptions or conditional uses on which the
10 Board is required to act under a local law;

11 (3) authorize on appeal in specific cases a variance from the terms of a local
12 law;

13 (4) approve buildings and uses limited as to location by any regulation
14 adopted under a local law; and

15 (5) when acting on a zoning application, consider the availability of public
16 facilities in the area, including schools and flood plain facilities, under regulations adopted
17 under a local law.

18 (b) If authorized by the general zoning laws of Baltimore City, this subtitle does
19 not prevent the Mayor and City Council of Baltimore City from granting by local law:

20 (1) variances;

21 (2) special exceptions; or

22 (3) conditional uses.

23 (C) **NOTHING IN THIS SUBTITLE PROHIBITS AN ADMINISTRATIVE OFFICIAL**
24 **OR UNIT FROM MAKING A DECISION UNDER THIS TITLE OR ANY LOCAL LAW ADOPTED**
25 **UNDER THIS TITLE WHEN AUTHORIZED BY THE MAYOR AND CITY COUNCIL OF**
26 **BALTIMORE CITY BY LOCAL LAW OR THE CHARTER OF BALTIMORE CITY.**

27 (D) **THIS SECTION DOES NOT ALTER OR IMPAIR THE RIGHT TO APPEAL**
28 **PROVIDED FOR UNDER THIS SUBTITLE.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 ~~October~~ June 1, 2017.