

SENATE BILL 87

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2000 Regular Session
0lr1037
CF 0lr1198

By: **Senator Baker**

Introduced and read first time: January 13, 2000

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Zoning and Planning - Code Counties - Administrative Adjustments, Special**
3 **Exceptions, and Conditional Uses**

4 FOR the purpose of authorizing the local legislative body of a code home rule county
5 to designate the county planning director or another designee to grant
6 administrative adjustments, special exceptions, or conditional uses to certain
7 land use restrictions in accordance with certain criteria and procedures;
8 requiring the local legislative body to consult with certain entities in developing
9 and adopting certain criteria and procedures; authorizing appeals of
10 administrative adjustments, special exceptions, and conditional uses under
11 certain circumstances; and generally relating to administrative adjustments,
12 special exceptions, and conditional uses in zoning and planning in the code home
13 rule counties.

14 BY adding to
15 Article 66B - Zoning and Planning
16 Section 4.05(h)
17 Annotated Code of Maryland
18 (1998 Replacement Volume and 1999 Supplement)

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

21 **Article 66B - Zoning and Planning**

22 4.05.

23 (H) (1) THIS SUBSECTION APPLIES TO A CODE COUNTY AS DEFINED UNDER
24 ARTICLE 25B, § 1 OF THE CODE.

25 (2) THE LOCAL LEGISLATIVE BODY MAY AUTHORIZE THE PLANNING
26 DIRECTOR OR OTHER DESIGNEE TO GRANT:

1 (I) ADMINISTRATIVE ADJUSTMENTS FROM THE HEIGHT, SETBACK,
2 BULK, PARKING, LOADING, DIMENSIONAL, AREA, OR SIMILAR REQUIREMENTS OF
3 THE ZONING ORDINANCE; AND

4 (II) SPECIAL EXCEPTIONS AND CONDITIONAL USES IN
5 ACCORDANCE WITH THE STANDARDS IN EFFECT IN THE COUNTY.

6 (3) THE LOCAL LEGISLATIVE BODY SHALL CONSULT WITH THE
7 PLANNING COMMISSION AND THE BOARD OF APPEALS IN DEVELOPING CRITERIA
8 AND PROCEDURES FOR ADMINISTRATIVE ADJUSTMENTS, SPECIAL EXCEPTIONS, OR
9 CONDITIONAL USES UNDER THIS SUBSECTION.

10 (4) THE LOCAL LEGISLATIVE BODY SHALL ADOPT THE CRITERIA AND
11 PROCEDURES AFTER REASONABLE PUBLIC NOTICE, PUBLIC HEARING, AND
12 OPPORTUNITY FOR REVIEW AND COMMENT BY THE PUBLIC.

13 (5) CRITERIA FOR ADMINISTRATIVE ADJUSTMENTS SHALL INCLUDE:

14 (I) STANDARDS FOR ACTIONS ON REQUESTS;

15 (II) STANDARDS FOR CLASSES OF DEVELOPMENT ELIGIBLE FOR
16 ADMINISTRATIVE ADJUSTMENTS; AND

17 (III) MAXIMUM VARIATION FROM A ZONING REQUIREMENT
18 ALLOWABLE UNDER AN ADMINISTRATIVE ADJUSTMENT.

19 (6) PROCEDURES FOR ADMINISTRATIVE ADJUSTMENTS, SPECIAL
20 EXCEPTIONS, OR CONDITIONAL USES MAY INCLUDE:

21 (I) APPLICATIONS;

22 (II) NOTICE TO THE PUBLIC AND PARTIES IN INTEREST;

23 (III) OPPORTUNITY FOR PUBLIC HEARING;

24 (IV) TAKING OF TESTIMONY AND EVIDENCE; AND

25 (V) DECISION MAKING.

26 (7) A DECISION ON AN APPLICATION FOR AN ADMINISTRATIVE
27 ADJUSTMENT, SPECIAL EXCEPTION, OR CONDITIONAL USE SHALL INCLUDE
28 WRITTEN FINDINGS OF FACT.

29 (8) THE LOCAL LEGISLATIVE BODY MAY PROVIDE, BY ORDINANCE OR
30 OTHER ADOPTED PROCEDURE, FOR THE APPEAL TO THE BOARD OF APPEALS OF A
31 DECISION TO APPROVE OR DENY AN ADMINISTRATIVE ADJUSTMENT, SPECIAL
32 EXCEPTION, OR CONDITIONAL USE.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2000.