

(PRE-FILED)

By: **Delegate Smigiel**
 Requested: August 29, 2005
 Introduced and read first time: January 11, 2006
 Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Board of Appeals or Zoning Actions - Appeals to Courts**

3 FOR the purpose of applying certain provisions of law regarding appeals of certain
 4 decisions of a board of appeals or certain zoning actions to charter counties;
 5 granting standing to certain consumer groups and civic groups to appeal a
 6 decision of a board of appeals or certain zoning actions to a certain circuit court;
 7 and generally relating to appeals from decisions of a board of appeals or certain
 8 zoning actions.

9 BY repealing and reenacting, with amendments,
 10 Article 66B - Land Use
 11 Section 1.02, 2.09(a), and 4.08(a)
 12 Annotated Code of Maryland
 13 (2003 Replacement Volume and 2005 Supplement)

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

16 **Article 66B - Land Use**

17 1.02.

18 (a) Except as provided in this section, this article does not apply to charter
 19 counties.

20 (b) The following sections of this article apply to a charter county:

- 21 (1) § 1.00(j) (Definition of "sensitive areas");
- 22 (2) § 1.01 (Visions);
- 23 (3) § 1.03 (Charter county - Comprehensive plans);
- 24 (4) § 4.01(b)(2) (Regulation of bicycle parking);

1 (5) § 4.08 (APPEALS TO COURTS);

2 (6) § 5.03(d) (Easements for burial sites);

3 [(6)] (7) § 7.02 (Civil penalty for zoning violation);

4 [(7)] (8) § 10.01 (Adequate Public Facilities Ordinances);

5 [(8)] (9) § 11.01 (Transfer of Development Rights);

6 [(9)] (10) § 12.01 (Inclusionary Zoning);

7 [(10)] (11) Except in Montgomery County or Prince George's County, §
8 13.01 (Development rights and responsibilities agreements); and

9 [(11)] (12) For Baltimore County only, § 14.02.

10 (c) This section supersedes any inconsistent provision of Article 28 of the
11 Code.

12 2.09.

13 (a) (1) [An appeal to the Circuit Court of Baltimore City may be filed jointly
14 or severally by any person, taxpayer, or officer, department, board, or bureau of the
15 City aggrieved by:

16 (i) A decision of the Board of Municipal and Zoning Appeals; or

17 (ii) A zoning action by the City Council.] ANY OF THE FOLLOWING
18 PERSONS MAY, JOINTLY OR SEVERALLY, APPEAL A DECISION OF THE BOARD OF
19 MUNICIPAL AND ZONING APPEALS OR A ZONING ACTION BY THE CITY COUNCIL TO
20 THE CIRCUIT COURT OF BALTIMORE CITY:

21 (I) A PERSON, TAXPAYER, OR OFFICER, DEPARTMENT, BOARD, OR
22 BUREAU OF THE CITY AGGRIEVED BY THE DECISION OR ACTION; OR

23 (II) ANY CONSUMER GROUP OR CIVIC GROUP.

24 (2) A person filing an appeal shall comply with Title 7, Chapter 200 of
25 the Maryland Rules.

26 (3) This subsection does not change the existing standards for review of
27 any zoning action.

28 4.08.

29 (a) (1) Any of the following persons may, jointly or severally, appeal a
30 decision of a board of appeals or a zoning action of a local legislative body to the circuit
31 court of the county:

32 (i) A person aggrieved by the decision or action;

- 1 (ii) Any taxpayer; [or]
- 2 (iii) ANY CONSUMER GROUP OR CIVIC GROUP; OR
- 3 (IV) Any officer, department, board, or bureau of the local
- 4 jurisdiction.

5 (2) The appeal shall be taken in accordance with Title 7, Chapter 200 of
6 the Maryland Rules.

7 (3) This subsection does not change the existing standards for the review
8 of a zoning action.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2006.