

HOUSE BILL 1621

L6

8lr3337

By: **Delegate Dwyer**

Rules suspended

Introduced and read first time: March 14, 2008

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Local Jurisdictions – Grading Permits, Building Permits, and Zoning Letters**
3 **– Rights**

4 FOR the purpose of providing that a person who is issued a grading permit, building
5 permit, or zoning letter by a local jurisdiction has the right to rely and act on
6 the permit or letter even if the permit or letter was issued in error; requiring
7 local jurisdictions to grant, within a certain time period, a variance to a person
8 to whom a grading or building permit or a zoning letter was issued in error;
9 prohibiting certain persons from appealing a certain decision of a local
10 jurisdiction to correct a certain grading or building permit or a certain zoning
11 letter; providing for the application of this Act; and generally relating to zoning.

12 BY repealing and reenacting, with amendments,
13 Article 66B – Land Use
14 Section 1.02 and 2.13
15 Annotated Code of Maryland
16 (2003 Replacement Volume and 2007 Supplement)

17 BY adding to
18 Article 66B – Land Use
19 Section 7.06
20 Annotated Code of Maryland
21 (2003 Replacement Volume and 2007 Supplement)

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

24 **Article 66B – Land Use**

25 1.02.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

4 (1) § 1.00(j) (Definition of “sensitive areas”);

5 (2) § 1.01 (Visions);

6 (3) § 1.03 (Charter county – Comprehensive plans);

7 (4) § 4.01(b)(2) (Regulation of bicycle parking);

8 (5) § 5.03(d) (Easements for burial sites);

9 (6) § 7.02 (Civil penalty for zoning violation);

10 (7) § 10.01 (Adequate Public Facilities Ordinances);

11 (8) § 11.01 (Transfer of Development Rights);

12 (9) § 12.01 (Inclusionary Zoning);

13 (10) Except in Montgomery County or Prince George’s County, § 13.01
14 (Development rights and responsibilities agreements);

15 (11) For Baltimore County only, § 14.02; [and]

16 (12) For Howard County only, § 14.06.1; **AND**

17 **(13) § 7.06.**

18 (c) This section supersedes any inconsistent provision of Article 28 of the
19 Code.

20 2.13.

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

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

24 (1) § 1.00(j) (Definition of “sensitive areas”);

25 (2) § 1.01 (Visions);

- 1 (3) § 1.03 (Charter county – Comprehensive plans);
- 2 (4) § 4.01(b)(2) (Regulation of bicycle parking);
- 3 (5) § 5.03(d) (Easements for burial sites);
- 4 (6) § 7.02 (Civil penalty for zoning violation);
- 5 (7) § 10.01 (Adequate Public Facilities Ordinances);
- 6 (8) § 11.01 (Transfer of Development Rights);
- 7 (9) § 12.01 (Inclusionary Zoning); [and]
- 8 (10) § 13.01 (Development Rights and Responsibilities Agreements);
- 9 **AND**
- 10 (11) **§ 7.06.**

11 **7.06.**

12 (A) **WHEN A LOCAL JURISDICTION ISSUES A GRADING PERMIT,**
13 **BUILDING PERMIT, OR ZONING LETTER, THE PERSON TO WHOM THE PERMIT OR**
14 **ZONING LETTER IS ISSUED HAS A RIGHT TO RELY AND ACT ON THAT PERMIT OR**
15 **ZONING LETTER EVEN IF THE PERMIT OR ZONING LETTER WAS ISSUED IN**
16 **ERROR.**

17 (B) **IF A LOCAL JURISDICTION ISSUES A GRADING PERMIT, BUILDING**
18 **PERMIT, OR ZONING LETTER IN ERROR, WITHIN 30 DAYS AFTER THE LOCAL**
19 **JURISDICTION DISCOVERS ITS ERROR, THE LOCAL JURISDICTION SHALL GRANT**
20 **A VARIANCE TO THE PERSON TO WHOM THE PERMIT OR ZONING LETTER WAS**
21 **ISSUED.**

22 (C) **WHEN A LOCAL JURISDICTION AGREES TO CORRECT A GRADING**
23 **PERMIT, BUILDING PERMIT, OR ZONING LETTER ISSUED IN ERROR, NO PERSON**
24 **OTHER THAN THE PERSON WHO REQUESTED THE CORRECTION MAY APPEAL**
25 **THE LOCAL JURISDICTION'S DECISION TO CORRECT THE ERROR.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2008.