

Chapter 596

(Senate Bill 541)

AN ACT concerning

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

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

BY repealing and reenacting, with amendments,

Article – Land Use

Section 10–404

Annotated Code of Maryland

(2012 Volume and 2016 Supplement)

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

Article – Land Use

10–404.

(a) The Board may:

(1) hear and decide appeals when:

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

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

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

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

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

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

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

(1) variances;

(2) special exceptions; or

(3) conditional uses.

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

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

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

Approved by the Governor, May 25, 2017.