

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2009, Legislative Day No. 9

Bill No. 41-09

---

Mr. Joseph Bartenfelder, Chairman  
By Request of County Executive

---

By the County Council, May 4, 2009

---

A BILL  
ENTITLED

AN ACT concerning

Hearing Officer Review

FOR the purpose of authorizing the Hearing Officer to remand a certain concept plan to the Planning Board; and generally relating to the authority to remand certain matters to the Planning Board.

BY repealing and re-enacting, with amendments

Section 32-4-246

Article 32 - Planning, Zoning and Subdivision Control

Title 4 - Development

Baltimore County Code 2003

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE  
2 COUNTY, MARYLAND that Section 32-4-246 of Article 32 - Planning, Zoning and Subdivision  
3 Control, Title 4 - Development, of the Baltimore County Code 2003 be and it is hereby repealed

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter stricken from existing law.  
~~Strike out~~ indicates matter stricken from bill.  
Underlining indicates amendments to bill.

1 and re-enacted, with amendments, to read as follows:

2 **§32-4-246. HEARING OFFICER REVIEW.**

3 *Authority of the Hearing Officer.*

4 (A) The Hearing Officer, within 20 days after receipt and review of the report of the Planning Board  
5 shall:

6 (1) Deny the concept plan only upon a finding that the decision of the Planning Board under  
7 § 32-4-245 constitutes an abuse of the Planning Board's discretion or are unsupported by the  
8 documentation and evidence presented to the Board; or

9 (2) In the absence of a finding under (1), approve the concept plan.

10 [(3)] (B) The decision of the Hearing Officer is subject to the appeal provisions of § 32-4-281.

11 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE HEARING OFFICER  
12 MAY REMAND THE CONCEPT PLAN TO THE PLANNING BOARD AT ANY TIME.

13 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by the  
14 affirmative vote of five members of the County Council, shall take effect on June 15, 2009 and shall  
15 apply retroactively to any concept plan that was approved prior to the effective date of this Act.