

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2018, Legislative Day No. 3

Bill No. 6-18

Mr. Tom Quirk, Councilman

By the County Council, February 5, 2018

A BILL
ENTITLED

AN ACT concerning

Administrative Hearings – Notice

FOR the purpose amending the notice requirements for certain zoning hearings and development plan hearings; providing for the applicability of the Act; and generally relating to the notice requirements for Administrative Hearings.

BY repealing and re-enacting, with amendments

Sections 32-3-302 (a) and (b) and 32-4-227(b)
Article 32 – Planning, Zoning, and Subdivision Control
Baltimore County Code, 2015

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Laws of Baltimore County read as follows:

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 ARTICLE 32 – PLANNING, ZONING, AND SUBDIVISION CONTROL

2
3 Title 3. Zoning

4 Subtitle 3. Variances

5 § 32-3-302. Same – Hearing Required; Notice.

6 (a) In general. Except as provided in § 32-3-303 of this subtitle, the Department of Permits,
7 Approvals and Inspections shall schedule a public hearing on a petition for a variance, [or]
8 SPECIAL HEARING, OR special exception for a date not less than [21] 30 days and not more
9 than [90] 120 days after the petition is accepted for filing.

10 (b) *Notice.*

11 (1) The Department of Permits, Approvals and Inspections shall ensure that notice of the
12 time and place of the hearing relating to the property under petition be provided:

13 (i) By REQUIRING THE PETITIONER AT PETITIONER’S EXPENSE TO
14 conspicuously ~~posting~~ POST TWO (2) SIGNS OF the notice on the property for a period of at
15 least 20 days before the date of the hearing, AND TO PROVIDE A CERTIFICATE OF POSTING
16 TO THE DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ON THE DATE
17 OF THE POSTING AND A SECOND CERTIFICATION OF POSTING WITHIN FIVE DAYS
18 OF THE HEARING. THE SIGNS SHALL MEASURE AT LEAST 24 INCHES BY 36 INCHES
19 IN SIZE AND BE PLACED WITHIN VIEW OF A PUBLIC ROAD WHERE POSSIBLE;

21 (ii) By REQUIRING THE PETITIONER AT PETITIONER’S EXPENSE TO
22 PLACE a notice in at least one newspaper of general circulation IN THE COUNTY at least 20
23 days before the hearing; and

1 (iii) By THE COUNTY posting notice on the county's internet website,
2 INCLUDING ON THE ZONING AND DEVELOPMENT HEARINGS CALENDAR AND THE
3 COMMUNITY UPDATE NEWSLETTER WEBPAGES, AT LEAST 15 DAYS BEFORE THE
4 HEARING.

5 (2) The notice shall provide:

6 (i) The address of the property under petition or, if not available, a description of
7 the property; and

8 (ii) The action requested by the petition.

9 (3) THE ADMINISTRATIVE LAW JUDGE MAY NOT CONSIDER THE PETITION
10 UNLESS NOTICE FOR THE PROPERTY UNDER PETITION HAS BEEN POSTED IN
11 ACCORDANCE WITH THIS SECTION.

12

13 Title 4. Development

14 Subtitle 2. Development Review and Approval Process

15 § 32-4-227. Hearing Officer's Hearing – General Requirements.

16 (b) *Notice.*

17 (1) At the direction of the county, notice of the date, time, and place of the Hearing
18 Officer's hearing shall be conspicuously posted on the lot, parcel, or tract that is the subject of the
19 Development Plan at least 20 working days before the hearing.

20 (2) The posting of the notice of the date, time, and place of the Hearing Officer's hearing
21 shall remain posted on the lot, parcel, or tract for at least 15 days before the hearing.

22 (3) NOTICE OF THE DATE, TIME, AND PLACE OF THE HEARING OFFICER'S
23 HEARING SHALL BE POSTED BY THE COUNTY ON THE COUNTY'S INTERNET

1 WEBSITE, INCLUDING ON THE ZONING AND DEVELOPMENT HEARINGS CALENDAR
2 AND THE COMMUNITY UPDATE NEWSLETTER WEBPAGES, AT LEAST 15 DAYS
3 BEFORE THE HEARING.

4 [(3)] (4) The Hearing Officer may not consider the Development Plan unless NOTICE
5 FOR the property subject to the plan has been posted in accordance with this section.

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7 SECTION 2. AND BE IT FURTHER ENACTED, that the requirements of this Act shall
8 not apply to any Zoning Petition or Hearing Officers Hearing filed and scheduled for a hearing
9 prior to the effective date of this Act.

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11 SECTION ~~2~~3. AND BE IT FURTHER ENACTED, that this Act, having been passed by
12 the affirmative vote of five members of the County Council, shall take effect on March 19, 2018.