

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2025, Legislative Day No. 14

Bill No. 65-25

Mr. David Marks, Councilman

By the County Council, September 2, 2025

A BILL
ENTITLED

AN ACT concerning

Historical and Architectural Preservation – Appeals

FOR the purpose of permitting a certain decision of the Landmarks Preservation Commission to be appealed to the County Board of Appeals; requiring the Board of Appeals to issue a decision with a statement of grounds and facts; establishing that the decision of the Board of Appeals is final and that the proceedings provided for are exclusive; and generally relating to County Landmarks and Historical and Architectural Preservation.

BY repealing and re-enacting, with amendments

Section 32-7-501

Article 32 – Planning, Zoning, and Subdivision Control

Title 7 – Historical and Architectural Preservation

Subtitle 5 – Appeals and Enforcement

Baltimore County Code, 2015

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

3
4 ARTICLE 32 – PLANNING, ZONING, AND SUBDIVISION CONTROL

5 Title 7 – Historic and Architectural Preservation

6 Subtitle 5 – Appeals and Enforcement
7

8 § 32-7-501. Appeal from Commission Decision.

9 (A) EXCEPT UNDER SUBSECTION (B) OF THIS SECTION, a decision, order,
10 recommendation, or other finding made by the Commission under Subtitle 2 or Subtitle 3 may
11 not be appealed to the County Board of Appeals.

12 (B) (1) WITHIN 30 DAYS AFTER A DECISION OF THE COMMISSION UNDER
13 § 32-7-302(F) OF THE CODE THAT A PROPERTY DOES NOT MEET THE ELIGIBILITY
14 CRITERIA FOR PLACEMENT ON THE PRELIMINARY COUNTY LANDMARKS LIST,
15 ANY PERSON AGGRIEVED BY THE DECISION MAY APPEAL TO THE COUNTY
16 BOARD OF APPEALS.

17 (2) ANY APPEAL TO THE BOARD OF APPEALS SHALL BE ON THE
18 RECORD.

19 (3) (I) THE BOARD OF APPEALS MAY:
20 1. REMAND THE CASE TO THE COMMISSION;
21 2. AFFIRM THE DECISION OF THE COMMISSION; OR
22 3. REVERSE OR MODIFY THE DECISION OF THE
23 COMMISSION IF A FINDING, CONCLUSION, OR DECISION OF THE COMMISSION:

1 A. EXCEEDS THE STATUTORY AUTHORITY OR
2 JURISDICTION OF THE COMMISSION;
3 B. RESULTS FROM AN UNLAWFUL PROCEDURE;
4 C. IS AFFECTED BY ANY OTHER ERROR OF LAW;
5 D. SUBJECT TO SUBPARAGRAPH (II) OF THIS
6 SUBSECTION, IS UNSUPPORTED BY COMPETENT, MATERIAL, AND SUBSTANTIAL
7 EVIDENCE IN LIGHT OF THE ENTIRE RECORD AS SUBMITTED; OR
8 E. IS ARBITRARY OR CAPRICIOUS.

9 (II) THE UNAVAILABILITY OF A RECORDING OF THE
10 COMMISSION HEARING IS NOT GROUNDS FOR REVERSAL OF THE DECISION OF
11 THE COMMISSION.

12 (4) THE DECISION OF THE COUNTY BOARD OF APPEALS UNDER THIS
13 SUBSECTION IS FINAL AND MAY NOT BE APPEALED.

14 (5) THE PROCEEDINGS PROVIDED BY THIS SECTION ARE EXCLUSIVE.
15

16 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by
17 the affirmative vote of five members of the County Council, shall take effect 14 days from the
18 date of its enactment.