

4. TO PREEMPT OR SUPERSEDE THE REGULATORY
AUTHORITY OF ANY STATE DEPARTMENT OR AGENCY UNDER ANY PUBLIC
GENERAL LAW.

Article 66B - Zoning and Planning

2.01.

(A) For the purpose of promoting the health, security, general welfare, and morals of the community, the mayor and city council of Baltimore City are hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, off-street parking, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, signs, structures, and land for trade, industry, residence, or other purposes.

(B) (1) IT HAS BEEN AND SHALL CONTINUE TO BE THE POLICY OF THIS STATE THAT THE ORDERLY DEVELOPMENT AND USE OF LAND AND STRUCTURES REQUIRES COMPREHENSIVE REGULATION THROUGH IMPLEMENTATION OF PLANNING AND ZONING CONTROLS.

(2) IT HAS BEEN AND SHALL CONTINUE TO BE THE POLICY OF THIS STATE THAT PLANNING AND ZONING CONTROLS SHALL BE IMPLEMENTED BY LOCAL GOVERNMENT.

(3) TO ACHIEVE THE PUBLIC PURPOSES OF THIS REGULATORY SCHEME, THE GENERAL ASSEMBLY RECOGNIZES THAT LOCAL GOVERNMENT ACTION WILL LIMIT FREE BUSINESS ENTERPRISE AND COMPETITION BY OWNERS AND USERS OF PROPERTY.

(4) IT IS THE POLICY OF THE GENERAL ASSEMBLY AND OF THIS STATE THAT COMPETITION AND ENTERPRISE SHALL BE SO LIMITED FOR THE ATTAINMENT OF THE PURPOSES OF THE STATE POLICY FOR IMPLEMENTING PLANNING AND ZONING CONTROLS AS SET FORTH IN THIS ARTICLE AND ELSEWHERE IN THE PUBLIC LOCAL AND PUBLIC GENERAL LAW.

(5) THE POWERS GRANTED TO THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY PURSUANT TO THIS SUBSECTION SHALL NOT BE CONSTRUED:

(I) TO GRANT TO THE MAYOR AND CITY COUNCIL POWERS IN ANY SUBSTANTIVE AREA NOT OTHERWISE GRANTED TO THE MAYOR AND CITY COUNCIL BY OTHER PUBLIC GENERAL OR PUBLIC LOCAL LAW;

(II) TO RESTRICT THE MAYOR AND CITY COUNCIL FROM EXERCISING ANY POWER GRANTED TO THE MAYOR AND CITY COUNCIL BY OTHER PUBLIC GENERAL OR PUBLIC LOCAL LAW OR OTHERWISE;

(III) TO AUTHORIZE THE MAYOR AND CITY COUNCIL OR ITS OFFICERS TO ENGAGE IN ANY ACTIVITY WHICH IS BEYOND THEIR POWER UNDER OTHER PUBLIC GENERAL LAW, PUBLIC LOCAL LAW, OR OTHERWISE; OR