

TJS

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #12-0019/ COMPREHENSIVE REZONINGS - AMENDMENTS

CITY of
BALTIMORE
MEMO



TO

DATE:

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

February 24, 2012

At its regular meeting of February 23, 2012, the Planning Commission considered City Council Bill #12-0019, for the purpose of excepting amendments to comprehensive rezoning bills from certain rules that govern amendments to multi-property rezoning bills; defining certain terms; and generally relating to the processing of comprehensive rezoning bills.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #12-0019 and adopted the following resolution; six members being present (five in favor and one abstain).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #12-0019 be passed by the City Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

- cc: Ms. Kaliopé Parthemos, Deputy Mayor
- Mr. Peter O'Malley, Chief of Staff
- Ms. Angela Gibson, Mayor's Office
- The Honorable Rochelle "Rikki" Spector, Council Rep. to Planning Commission
- Mr. David Tanner, BMZA
- Mr. Geoffrey Veale, Zoning Administration
- Mr. Nicholas Blendy, DHCD
- Ms. Barbara Zektick, DOT
- Ms. Elena DiPietro, Law Dept.
- Ms. Karen Randle, Council Services
- Mr. Larry Greene, Council Services



*Stephanie Rawlings-Blake
Mayor*

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



*Thomas J. Stosur
Director*

February 23, 2012

REQUEST: City Council Bill #12-0019 Comprehensive Rezoning – Amendments

For the purpose of excepting amendments to comprehensive rezoning bills from certain rules that govern amendments to multi-property rezoning bills; defining certain terms; and generally relating to the processing of comprehensive rezoning bills. (Citywide)

RECOMMENDATION: Approve

STAFF: Laurie Feinberg

PETITIONER: Administration

CONFORMITY TO PLANS

The Baltimore City's Comprehensive Master Plan, LIVE EARN PLAY LEARN recommended the development of a new Zoning Code to replace the current 1971 code. This bill is the first formal step toward adoption of the new code.

ANALYSIS

The Department of Planning has been working since 2008 in drafting a new Zoning Code. This process included, public meetings and discussion to hear concerns about the existing code, publication of a summary analysis of the existing code, and establishment of topical workgroups to hear input from interested citizens on topics such as housing, industry, the arts and business. A draft code was then developed which was released in June 2010, followed in November 2010 by preliminary maps, and a series of public meetings on both the maps and the draft code. Based on the comments received through this process, the draft was reviewed and revised and Version 2.0 was released in September 2011.

As we prepared to move towards with the introduction of the proposed new Zoning Code in the City Council, the Law Department raised a concern about the bill adoption process. The existing code sets the rules and procedures for adoption of zoning changes. The existing 1971 code did not provide for a process to adopt an entirely new code. City Council Bill #12-0019 was introduced on January 23, 2012 to provide for that process. This bill will amend the current code, creating a specific exception to excessively burdensome notification requirements when the City proposes zoning amendments. The exception will only apply to the adoption of the comprehensive city-wide rezoning.

The City must follow State enabling legislation, Article 66B, when providing for procedures regarding Zoning and Land Use. Section 2.04 of 66B speaks to the manner in which districts

and boundaries are established and amended. It requires one public hearing with at least a fifteen day notice published in a paper of general circulation, a similar notice shall be posted at a place designated by zoning authorities and notice by mail to persons who appeared on tax records as the owner. The City may also provide for additional requirements.

Under our current code, there are provisions for rezoning and multi-property rezoning. Multi-property rezoning is defined as a rezoning initiated by City government for the purpose of changing zoning on two or more contiguous properties. Based on this definition, a comprehensive rezoning of the City would fall under multi-property rezoning. This multi-property rezoning category was created in 2006 to handle a comprehensive rezoning of 2000 properties in the Fells Point area. It did not envision a City-wide rezoning and required re-advertising if any amendments are proposed to the bill.

There are 272,000 properties in Baltimore City and based on State and City law they all must receive notice by first class mail to the owner of record, in addition to the posting requirements and newspaper advertisement. This mailing will cost over \$50,000 if postcards are used and more for letters. Under the current code, comprehensive rezoning would require the above notification for the initial hearing and the same notice again for proposed amendments. This requirement would put the City in a continual notification loop that could be extremely expensive.

City Council Bill #12-0019 amends section 16-403 of the current code, to create an exception to the requirement regarding notice for amendments to a bill proposing a comprehensive rezoning.

The Planning Department is discussing with the City Council and the Law Department the best way to provide adequate notice of comprehensive rezoning in a user-friendly and affordable manner. It is our current plan to develop one postcard that will inform property owners of the first Planning Commission Hearing and the initial City Council hearing. That notice will inform property owners that there will be additional hearings scheduled for both bodies. It will provide a phone number and a web site where information on all subsequent hearings can be obtained. It will also inform the property owner that this is the only mailed notice they will receive.

Notice for City Council Bill 12-0019 was emailed or mailed to all major community associations and sent by email to our distribution list of 2500+ recipients of the Department newsletter, The Compass.



Thomas J. Stosur
Director