

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 06-0336

Introduced by: The Council President
At the request of: The Administration (Department of Planning)
Introduced and read first time: February 6, 2006
Assigned to: Land Use and Transportation Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: May 1, 2006

AN ORDINANCE CONCERNING

Multi-Property Rezonings

FOR the purpose of establishing special requirements governing legislative consideration of certain multi-property rezonings; defining certain terms; correcting, clarifying, and conforming certain language; and generally relating to statements for, public notice of, hearings on, and amendments to multi-property rezonings and other legislative authorizations.

BY repealing and reordaining, with amendments

Article - Zoning

Section(s) 16-101, ~~6-201~~ 16-201 through 16-203, 16-305(b), 16-402, and 16-403

Baltimore City Revised Code

(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Revised Code

Article – Zoning

Title 16. Legislative Authorizations and Amendments

§ 16-101. Definitions.

(a) *In general.*

In this title, the following words have the meanings indicated.

(b) *Legislative authorization.*

“Legislative authorization” means any ordinance that approves, authorizes, or amends a prior approval or authorization relating to specific property, including:

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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- 1 (1) a change in the zoning classification of any property;
- 2 (2) a conditional use; or
- 3 (3) a Planned Unit Development.

4 (C) *MULTI-PROPERTY REZONING.*

5 “MULTI-PROPERTY REZONING” MEANS ANY LEGISLATIVE AUTHORIZATION THAT:

- 6 (1) IS INITIATED BY A UNIT OF CITY GOVERNMENT; AND
- 7 (2) PROPOSES CHANGES IN THE ZONING CLASSIFICATIONS OF 2 OR MORE CONTIGUOUS
- 8 PROPERTIES.

9 (D) [(c)] *Zoning legislation.*

10 “Zoning legislation” means:

- 11 (1) any legislative authorization; and
- 12 (2) any amendment to this article.

13 **§ 16-201. Reapplication for previously denied rezoning.**

14 (A) *SCOPE OF SECTION.*

15 THIS SECTION DOES NOT APPLY TO A RECLASSIFICATION OF PROPERTY THAT IS OR WAS A

16 SUBJECT OF A PROPOSED MULTI-PROPERTY REZONING.

17 (B) *REAPPLICATION WAITING PERIOD.*

18 A bill proposing a change in the zoning classification of any property may not be

19 introduced at any time within 12 months after the City Council has denied [that] THE

20 same reclassification of the same property on the merits.

21 **§ 16-202. Introductory statement of intent.**

22 (A) *SCOPE OF SECTION.*

23 THIS SECTION DOES NOT APPLY TO A PROPOSED MULTI-PROPERTY REZONING.

24 (B) [(a)] *Statement required.*

25 On introduction of a bill proposing a legislative authorization, the applicant must submit

26 a written statement that informs the City Council, the agencies to which the proposed

27 ordinance is referred, and the public of the changes sought and intended uses.

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1 (C) [(b)] *Contents.*

2 The statement must contain, at a minimum:

- 3 (1) a summary of all changes sought for the property;
- 4 (2) a description of all intended uses of the property;
- 5 (3) the date the property was purchased and the applicable land record reference;
- 6 (4) a description of any contract that is contingent on the proposed legislative
7 authorization and the names and addresses of the parties to that contract; and
- 8 (5) the identity of all principals for whom the applicant is acting as an agent,
9 including the names of the majority stockholders of any corporation.

10 **§ 16-203. Public notice of introduction.**

11 (A) *SCOPE OF SECTION.*

12 THIS SECTION DOES NOT APPLY TO A PROPOSED MULTI-PROPERTY REZONING.

13 (B) [(a)] *Posting required.*

14 The applicant for a legislative authorization must post notice of the requested
15 authorization as specified in this section.

16 (C) [(b)] *Notice to applicant.*

17 When the bill proposing the legislative authorization has been introduced, the
18 Department of Legislative Reference must notify the applicant of the introduction and of
19 the posting requirement.

20 (D) [(c)] *Where and when to post.*

21 The notice must be posted:

- 22 (1) in a conspicuous place on the property in question,
- 23 (2) for at least 30 days, beginning within 1 week of the notice of introduction.

24 (E) [(d)] *Form and contents; fee.*

- 25 (1) The Director of Legislative Reference must prepare and supply the sign on which the
26 notice is to be posted.
- 27 (2) Subject to the approval of the Board of Estimates, the Director may charge a fee for
28 the sign and its installation.

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1 **§ 16-305. Required considerations — rezonings.**

2 (b) *Change to be in public interest.*

3 The Board and the Planning Commission may not recommend the adoption of a proposed
4 change in zoning classification unless they find that the adoption of the change is in the
5 public interest and not solely for the interest of [the] AN applicant.

6 **§ 16-402. Public notice and hearing.**

7 (a) *Hearing required.*

8 For a bill proposing any zoning legislation, the committee to which the bill has been
9 referred must conduct a hearing at which:

10 (1) the parties in interest and the general public will have an opportunity to be heard;
11 and

12 (2) all agency reports will be read.

13 (b) *Public notice – IN GENERAL.*

14 [At least 15 days' notice] NOTICE of the time, place, and subject of the hearing must be
15 given by each of the following methods, as applicable:

16 (1) for all zoning legislation, by publication in a newspaper of general circulation in
17 the City;

18 (2) for any legislative authorization, OTHER THAN A MULTI-PROPERTY REZONING, by
19 posting IN A CONSPICUOUS PLACE on the property in question; and

20 (3) for any MULTI-PROPERTY REZONING OR ANY change in the boundaries of a zoning
21 district:

22 (i) by posting [at a place] IN CONSPICUOUS PLACES within AND AROUND THE
23 PERIMETER OF the SUBJECT AREA OR district, as the Department of
24 Planning designates; and

25 (ii) by first class mail to [the persons] EACH PERSON who [appear] APPEARS on
26 the tax records of the City as [owners] AN OWNER of [the properties
27 subject to the change] PROPERTY WITHIN THE SUBJECT AREA OR DISTRICT.

28 (c) *PUBLIC NOTICE – TIMING.*

29 (1) FOR A MULTI-PROPERTY REZONING, THE NOTICE MUST BE GIVEN AT LEAST 30 DAYS
30 BEFORE THE HEARING.

31 (2) FOR ALL OTHER ZONING LEGISLATION, THE NOTICE MUST BE GIVEN AT LEAST 15 DAYS
32 BEFORE THE HEARING.

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1 (D) PUBLIC NOTICE – BOUNDARY DESCRIPTION.

2 FOR A MULTI-PROPERTY REZONING, THE NOTICES REQUIRED BY THIS SECTION MUST
3 INCLUDE A DRAWING OR DESCRIPTION OF THE BOUNDARIES OF THE AREA AFFECTED BY
4 THE PROPOSED REZONING.

5 ~~(D) [(c)] Responsibility for notice.~~

6 (E) PUBLIC NOTICE – RESPONSIBILITY.

7 The notices required by this section must be given by and at the expense of THE
8 FOLLOWING:

9 (1) [in the case of] FOR a bill proposing any legislative authorization, OTHER THAN A
10 MULTI-PROPERTY REZONING, the applicant for that authorization;

11 (2) FOR A MULTI-PROPERTY REZONING, THE MAYOR AND CITY COUNCIL OF
12 BALTIMORE; and

13 (3) [(2)] in all other cases, the City Council.

14 **§ 16-403. Amendments.**

15 (a) *Rehearing required.*

16 [(1)] Except as OTHERWISE specified in [subsection (b) of] this section, whenever a bill
17 proposing any zoning legislation is amended after the public hearing[,]:

18 (1) another public hearing must be held on the bill as amended[.]; AND

19 (2) [The] THE requirements of this subtitle for notice and for reading of agency
20 reports apply to [any] THE additional hearing [required by this section].

21 (b) [Exception] *EXCEPTIONS – GENERAL.*

22 An additional hearing is not required for:

23 [(1)] an amendment made in Committee; or]

24 (1) [(2) any] AN amendment that consists only of a change in punctuation, grammar,
25 or spelling and does not in any way alter the substance of the ordinance; OR

26 (2) EXCEPT FOR A MULTI-PROPERTY REZONING, AN AMENDMENT MADE IN
27 COMMITTEE.

28 (c) *EXCEPTIONS – MULTI-PROPERTY REZONINGS.*

29 (1) THIS SUBSECTION APPLIES TO ANY AMENDMENT, OTHER THAN A TECHNICAL
30 CORRECTION AS DESCRIBED IN SUBSECTION (B)(1) OF THIS SECTION, TO A BILL
31 PROPOSING A MULTI-PROPERTY REZONING.

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1 (2) ANOTHER PUBLIC HEARING MUST BE HELD WITH RESPECT TO ALL PROPERTIES SUBJECT
2 TO THE AMENDMENT.

3 (3) AT LEAST 15 DAYS' NOTICE OF THE TIME, PLACE, AND SUBJECT OF THE ADDITIONAL
4 HEARING MUST BE GIVEN AS FOLLOWS:

5 (I) BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY;

6 (II) BY POSTING IN CONSPICUOUS PLACES WITHIN AND AROUND THE PERIMETER OF
7 THE AREA AFFECTED BY THE PROPOSED AMENDMENT, AS THE DEPARTMENT OF
8 PLANNING DESIGNATES; AND

9 (III) BY FIRST CLASS MAIL TO EACH PERSON WHO APPEARS ON THE TAX RECORDS OF
10 THE CITY AS AN OWNER OF PROPERTY SUBJECT TO THE AMENDMENT.

11 (4) THE REQUIREMENTS OF THIS SUBTITLE FOR AGENCY REPORTS DO NOT APPLY TO THE
12 AMENDMENT OR THE ADDITIONAL HEARING.

13 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
14 are not law and may not be considered to have been enacted as a part of this or any prior
15 Ordinance.

16 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
17 after the date it is enacted.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City