

**CITY OF BALTIMORE  
COUNCIL BILL 06-0336  
(First Reader)**

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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

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Baltimore Development Corporation

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Multi-Property Rezoning**

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

8 BY repealing and reordaining, with amendments

9 Article - Zoning

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

11 Baltimore City Revised Code

12 (Edition 2000)

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

15 **Baltimore City Revised Code**

16 **Article – Zoning**

17 **Title 16. Legislative Authorizations and Amendments**

18 **§ 16-101. Definitions.**

19 (a) *In general.*

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

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

1 (b) *Legislative authorization.*

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

4 (1) a change in the zoning classification of any property;

5 (2) a conditional use; or

6 (3) a Planned Unit Development.

7 (c) *MULTI-PROPERTY REZONING.*

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

9 (1) IS INITIATED BY A UNIT OF CITY GOVERNMENT; AND

10 (2) PROPOSES CHANGES IN THE ZONING CLASSIFICATIONS OF 2 OR MORE CONTIGUOUS  
11 PROPERTIES.

12 (d) [(c)] *Zoning legislation.*

13 “Zoning legislation” means:

14 (1) any legislative authorization; and

15 (2) any amendment to this article.

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

17 (A) *SCOPE OF SECTION.*

18 THIS SECTION DOES NOT APPLY TO A RECLASSIFICATION OF PROPERTY THAT IS OR WAS A  
19 SUBJECT OF A PROPOSED MULTI-PROPERTY REZONING.

20 (B) *REAPPLICATION WAITING PERIOD.*

21 A bill proposing a change in the zoning classification of any property may not be  
22 introduced at any time within 12 months after the City Council has denied [that] THE  
23 same reclassification of the same property on the merits.

24 **§ 16-202. Introductory statement of intent.**

25 (A) *SCOPE OF SECTION.*

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

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

2 On introduction of a bill proposing a legislative authorization, the applicant must submit  
3 a written statement that informs the City Council, the agencies to which the proposed  
4 ordinance is referred, and the public of the changes sought and intended uses.

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

6 The statement must contain, at a minimum:

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

14 **§ 16-203. Public notice of introduction.**

15 (A) *SCOPE OF SECTION.*

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

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

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

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

21 When the bill proposing the legislative authorization has been introduced, the  
22 Department of Legislative Reference must notify the applicant of the introduction and of  
23 the posting requirement.

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

25 The notice must be posted:

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

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

2 (1) The Director of Legislative Reference must prepare and supply the sign on which the  
3 notice is to be posted.

4 (2) Subject to the approval of the Board of Estimates, the Director may charge a fee for  
5 the sign and its installation.

6 **§ 16-305. Required considerations — rezonings.**

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

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

11 **§ 16-402. Public notice and hearing.**

12 (a) *Hearing required.*

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

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

17 (2) all agency reports will be read.

18 (b) *Public notice – IN GENERAL.*

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

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

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

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

27 (i) by posting [at a place] IN CONSPICUOUS PLACES within the SUBJECT AREA  
28 OR district, as the Department of Planning designates; and

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

1 (C) *PUBLIC NOTICE – TIMING.*

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

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

6 (D) [(c)] *Responsibility for notice.*

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.

- 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 THE AREA AFFECTED BY THE  
7 PROPOSED AMENDMENT, AS THE DEPARTMENT OF PLANNING DESIGNATES; AND
- 8 (III) BY FIRST CLASS MAIL TO EACH PERSON WHO APPEARS ON THE TAX RECORDS OF  
9 THE CITY AS AN OWNER OF PROPERTY SUBJECT TO THE AMENDMENT.
- 10 (4) THE REQUIREMENTS OF THIS SUBTITLE FOR AGENCY REPORTS DO NOT APPLY TO THE  
11 AMENDMENT OR THE ADDITIONAL HEARING.

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

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