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16 May 2022

Hon. Sharon Green Middleton, Chair
Hon. Odette Ramos, Member
Economic and Community Development Committee
Baltimore City Council
VIA E-MAIL

Re: Bill 21-0113 - Need for Opportunity to be Heard on Modifications to All Titles

Dear Committee Chair Middleton and Committee Member Ramos:

Last week, Committee Staff informed me that, at the time the Committee's hearing on Bill 21-0113 was recessed on March 1, 2022, the bill had already been fully heard, and interested parties and citizens will have no further opportunity to present oral testimony. However, the hearing was recessed after Planning's initial presentation of its proposed amendments to Title 1, and oral testimony was on that portion only. Planning's numerous proposed "modifications" to the other Titles, including changes not proposed in Bill 21-0113, had not yet been presented. It was clear that the bill was not fully heard on that day, and that the hearing was recessed with the expectation that it would be reconvened to hear Planning's proposed amendments to the remaining Titles.

Unfortunately, on May 10, 2022 when Planning presented its proposed changes to Titles 2-5 and its rationale for each one, other interested parties and citizens were denied the opportunity to be heard on those proposals.

The adoption of proposed zoning regulations is governed by State Code, which imposes a public hearing requirement under **Land Use Article 10-303, Zoning Regulations – Procedure; public hearings**. Under 10-303(b)(1), the City Council must hold "at least one public hearing on a proposed zoning regulation or boundary at which parties in interest and citizens have an opportunity to be heard." In other words, each of the **numerous proposed zoning regulations** requested by Planning must be subjected to a hearing. Interested parties and citizens must have an opportunity to be heard on each of Planning's proposed "modifications," not just those proposed for Title 1.

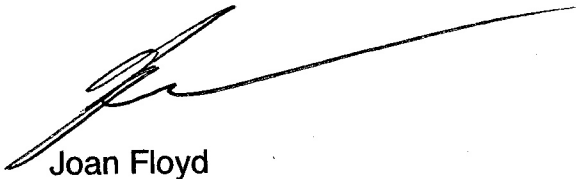
While Planning has the right to have its proposals heard by the Committee, those who may disagree with those proposals also have the right to be heard. Others must be given the opportunity to be heard when Planning lays out its case for each of its proposed Zoning Code amendments. Committee Staff's position, that oral testimony

was correctly cut off before Planning presented Titles 2 et seq., fails to appreciate the need for due process. Interested parties and citizens cannot be required to anticipate, and to respond in advance, to whatever rationale Planning later articulates for each of its proposals in Bill 21-0113 as well as its desired amendments to those proposals.

Planning was heard by the Committee on Titles 2-5 on May 10, 2022; others must now be given their opportunity to be heard.

Accommodating public testimony on Titles 2-5, and on the remaining Titles after Planning has been heard on those proposals, will not only comply with the hearing requirement of State law; doing so will give the Committee the benefit of informed oral testimony by interested parties and citizens who view Planning's proposals from a different perspective.

Sincerely,

A handwritten signature in black ink, appearing to be 'Joan Floyd', with a long horizontal flourish extending to the right.

Joan Floyd