

TEXT AMENDMENTS TO COUNCIL BILL 12-152

TITLE 5. APPLICATIONS AND AUTHORIZATIONS

(1st Reader Copy)

Proposed by: Various

{To be offered to the Land Use and Transportation Committee}

{DLR GENERAL NOTE FOR INTERIM: During the interim period between enactment and effective date, careful re-review of this subtitle and of cross-references to this subtitle is strongly urged.}

Amendment No. 1 {§ 5-201}

On page 86, strike lines 8 and 9, in their entireties, and substitute:

“§ 5-201. INTRODUCTION OF PROPOSED AUTHORIZATION.

(A) INTRODUCTION BY ORDINANCE

A MEMBER OF THE CITY COUNCIL MAY INTRODUCE A PROPOSED ORDINANCE TO EXPRESSLY APPROVE, AUTHORIZE, OR AMEND:

- (1) A MAJOR VARIANCE;**
- (2) A CONDITIONAL USE;**
- (3) A TEXT AMENDMENT;**
- (4) A MAP AMENDMENT;**
- (5) AN EDUCATIONAL CAMPUS MASTER PLAN;**
- (6) A HOSPITAL GENERAL DEVELOPMENT PLAN;**
- (7) AN AREA OF SPECIAL SIGN CONTROL; OR**
- (8) A PLANNED UNIT DEVELOPMENT.**

(B) INTRODUCTION BY APPLICATION.

(1) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, A PERSON MUST FILE AN APPLICATION UNDER THIS SUBSECTION TO REQUEST:

(I) A MINOR VARIANCE;

(II) A MAJOR VARIANCE THAT, AT THE TIME OF FILING, IS NOT THE SUBJECT OF LEGISLATION BEFORE THE CITY COUNCIL;

(III) A CONDITIONAL USE THAT, AT THE TIME OF FILING, IS NOT THE SUBJECT OF LEGISLATION BEFORE THE CITY COUNCIL;

(IV) A USE PERMIT;

(V) A ZONING APPEAL; AND

(VI) A ZONING CONSULTATION.”;

and, in line 11 and line 15, strike “(1)” and “(2)”, respectively, and substitute “(2)” and “(3)”, respectively; and, in line 15, strike “ZONING TEXT AMENDMENT OR”; and, strike lines 20 through 23, in their entireties; and, on page 86, in line 24, and on page 87, in line 3 and line 26, strike “(B)”, “(C)”, and “(D)”, respectively, and substitute “(C)”, “(D)”, and “(E)”, respectively; and, on page 87, in line 28, strike “ZONING APPLICATIONS” and substitute “APPLICATIONS”.

{NOTE FOR INTERIM: Need to consider whether and where “design review” (and any other omitted actions) fit into subsections (a) and (b) of this section. Cf. § 4-404(1) and the sole reference in subsection (e)(1) of this section.}

Amendment No. 2 {§§ 5-202 and 5-205}

On page 88, in line 5, before “APPLICATIONS”, strike “ZONING”; and, in line 13, strike “SCHEDULED HEARING” and substitute “DATE SCHEDULED FOR THE HEARING TO BE HELD UNDER THIS SUBTITLE”; and, on the same page, strike lines 22 through 24, in their entireties; and, in line 25 and line 29, strike “(B)” and “(C)”, respectively, and substitute “(A)” and “(B)”, respectively; and, in line 26, after “APPLICATION”, insert “FOR A VARIANCE OR A CONDITIONAL USE”; and, in the same line, strike “ZONING”; and, strike beginning with “FOR A” at the end of line 26 through “CONDITIONAL USE” in line 27.

Amendment No. 3 {§§ 5-301 through 5-303}

On page 89, at the end of line 6, after “FROM”, strike “THE” and substitute “CERTAIN”; and, in line 7, strike “OF THE LETTER”; and, in line 18, strike “AND NO OTHERS”; and, on page 90, strike lines 4 and 5, in their entirety, and substitute:

“(2) UNLESS LEGISLATION HAS BEEN INTRODUCED TO APPROVE A VARIANCE BY ORDINANCE, THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY GRANT OR DENY ANY APPLICATION FOR A MAJOR VARIANCE.”;

and, on page 90, strike lines 6 through 18, in their entirety, and substitute:

“§ 5-303. REVIEW OF VARIANCE APPLICATIONS.

(A) DETERMINATIONS BY ZONING ADMINISTRATOR.

THE ZONING ADMINISTRATOR MUST DETERMINE:

(1) WHETHER THE APPLICATION IS FOR A MINOR VARIANCE OR A MAJOR VARIANCE; AND

(2) WHICH CITY AGENCIES AND OFFICIALS, IF ANY, SHOULD BE ASKED TO REVIEW THE APPLICATION AND SUBMIT WRITTEN REPORTS AND RECOMMENDATIONS ON IT.

(B) NOTICE OF FINDINGS.

(1) THE ZONING ADMINISTRATOR MUST INFORM THE APPLICANT OF THE DETERMINATION MADE UNDER SUBSECTION (A)(1) OF THIS SECTION.

(2) IF THE ZONING ADMINISTRATOR DETERMINES THE APPLICATION IS FOR A MAJOR VARIANCE, THE ZONING ADMINISTRATOR MUST INFORM THE APPLICANT THAT:

(I) A MAJOR VARIANCE CAN BE GRANTED BY ORDINANCE OR BY THE BOARD OF MUNICIPAL AND ZONING APPEALS;

(II) THE APPLICANT MAY REQUEST THE CITY COUNCIL TO INTRODUCE AN ORDINANCE TO GRANT THE MAJOR VARIANCE;

(III) IN THE ABSENCE OF LEGISLATION TO APPROVE A MAJOR VARIANCE BY ORDINANCE, THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY GRANT OR DENY THE MAJOR VARIANCE; AND

(IV) THE APPLICANT MAY APPEAL THE DECISION OF THE ZONING ADMINISTRATOR AND THAT THE APPEAL MUST BE FILED WITHIN 30 DAYS OF THE ZONING ADMINISTRATOR’S DECISION.

(3) THE ZONING ADMINISTRATOR MUST FORWARD AN APPLICATION DETERMINED TO BE A MAJOR VARIANCE TO THE BOARD OF MUNICIPAL AND ZONING APPEALS.”.

Amendment No. 4 {§ 5-304}

On page 90, in line 21, strike “COMPLETE”; and, on page 91, in line 2, strike beginning with “IF” through “APPLICANT” and substitute “THE APPLICANT”; and, in line 3, before “DECISION”, strike “THAT” and substitute “THE ZONING ADMINISTRATOR’S”.

Amendment No. 5 {§ 5-305}

On page 91, after line 5, insert:

“(A) REVIEW STANDARDS.

THE BOARD OF MUNICIPAL AND ZONING APPEALS OR THE CITY COUNCIL, AS THE CASE MAY BE, MUST EVALUATE THE REQUEST FOR A VARIANCE, BASED ON THE EVIDENCE PRESENTED AT A PUBLIC HEARING, IN ACCORDANCE WITH THE STANDARDS IN § 5-308 {“APPROVAL STANDARDS”} OF THIS SUBTITLE.

(B) PROCEDURES BEFORE THE BMZA.”;

and, in line 6, strike the subsection designator “(A)” and substitute the paragraph designator “(1)”; and, in line 7, line 9, and line 13, strike the paragraph designators “(1)”, “(2)”, and “(3)”, respectively, and substitute the subparagraph designators “(I)”, “(II)”, and “(III)”, respectively; and, in line 13, strike the subsection designator “(B)” and substitute the paragraph designator “(2)”; and, in line 14, line 18, and line 20, strike the paragraph designators “(1)”, “(2)”, and “(3)”, respectively, and substitute the subparagraph designators “(I)”, “(II)”, and “(III)”; and, on the same page 91, strike lines 22 through 25, in their entirety; and, in line 26, strike the subsection designator “(D)” and substitute the paragraph designator “(3)”; and, at the start of line 27, insert the new subparagraph designator “(I)”; and, in line 29, before “THE BOARD”, insert the new subparagraph designator “(II)”; and, after line 30, insert:

“(4) CESSATION OF BMZA PROCEDURES.

(I) ALL ACTIONS AND OTHER PROCEDURES TAKEN UNDER THIS SUBSECTION MUST IMMEDIATELY CEASE IF:

(A) THE BOARD OF MUNICIPAL AND ZONING APPEALS HAS NOT RENDERED A WRITTEN DECISION UNDER THIS SUBSECTION; AND

(B) THE CITY COUNCIL HAS REFERRED TO THE BOARD A BILL TO APPROVE THE VARIANCE BY ORDINANCE.

(II) ON THIS CESSATION OF PROCEDURES, THE APPLICATION IS DEEMED TO BE VOLUNTARILY WITHDRAWN BY THE APPLICANT.

(C) LEGISLATIVE LIMITATION.

NO LEGISLATION MAY BE INTRODUCED TO APPROVE A MAJOR VARIANCE AFTER THE BOARD OF ZONING APPEALS HAS RENDERED A WRITTEN DECISION ON AN APPLICATION INVOLVING THE SAME SUBJECT MATTER.”.

Amendment No. 6 {§§ 5-306 through 5-308}

On page 91, in line 33, and on page 92, in line 4, line 12, line 17, and line 24, in each instance, after “ADMINISTRATOR”, strike “OR” and substitute a comma; and, on page 91, in line 34, and on page 92, in line 4, line 13, line 18, and line 24, in each instance, after “APPEALS,”, insert “OR THE CITY COUNCIL.”; and, on page 92, in line 4, line 13, and line 24, in each instance, before “BOARD”, insert “THE”.

Amendment No. 7 {§§ 5-402 and 5-403}

On page 94, strike lines 1 through 4, in their entirety, and substitute “**§ 5-402.** **{RESERVED}**”; and, on page 94, in line 5, strike “**SUBMISSIONS AND REFERRALS**” and substitute “**REFERRALS**”; and, on the same page, strike lines 6 through 8, in their entirety, and substitute:

“(A) SECTION APPLICABLE TO CB APPROVALS.

THIS SECTION APPLIES TO APPLICATIONS FOR CONDITIONAL USES THAT REQUIRE APPROVAL BY THE BOARD OF MUNICIPAL AND ZONING APPEALS.”;

and, in line 10, strike “THE APPLICATION” and substitute “AN APPLICATION FOR CONDITIONAL-USE APPROVAL BY THE BOARD OF MUNICIPAL AND ZONING APPEALS”; and, in line 11, after “BOARD”, strike “OF MUNICIPAL AND ZONING APPEALS”.

Amendment No. 8 {§§ 5-404 and 5-405}

On page 94, in line 21, strike “**ACTION BY BMZA**” and substitute “ACTIONS TAKEN”; and, after line 21, insert:

“(A) REVIEW STANDARDS.

THE BOARD OF MUNICIPAL AND ZONING APPEALS OR THE CITY COUNCIL, AS THE CASE MAY BE, MUST EVALUATE THE REQUEST FOR A CONDITIONAL USE, BASED ON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, IN ACCORDANCE WITH THE STANDARDS IN § 5-406 {“APPROVAL STANDARDS”} OF THIS SUBTITLE.

(B) PROCEDURES BEFORE THE BMZA.”;

and, in line 22, strike the subsection designator “(A)” and substitute the paragraph designator “(1)”; and, in line 23, line 25, line 27, and line 29, strike the paragraph designators “(1)”, “(2)”, “(3)” and “(4)”, respectively, and substitute “(I)”, “(II)”, “(III)” and “(IV)”, respectively; and, in line 32, strike the subsection designator “(B)” and substitute the paragraph designator “(2)”; and, on page 94, in line 33, and on page 95 in line 3 and line 5, strike the paragraph designators “(1)”, “(2)”, and “(3)”, respectively, and substitute “(I)”, “(II)”, and “(III)”, respectively; and, on page 94, strike lines 7 through 10, in their entireties; and, in line 11, strike the subsection designator “(D)” and substitute the paragraph designator “(3)”; and, at the start of line 17, insert the new paragraph designator “(1)”; and, at the end of the same line, after “APPEALS”, insert “OR THE CITY COUNCIL, AS THE CASE MAY BE.”; and, after line 20, insert:

“(2) ANY CONDITION IMPOSED UNDER THIS SUBSECTION MUST BE REASONABLY RELATED AND ROUGHLY PROPORTIONAL TO THE EXPECTED IMPACT OF THE CONDITIONAL USE.”.

Amendment No. 9 {§ 5-406}

On page 95, at the start of line 29, strike “THE” and substitute “NEITHER THE”; and, in the same line, strike “MAY NOT” and substitute “NOR THE CITY COUNCIL, AS THE CASE MAY BE, MAY”; and, at the end of line 36, strike “OR” and substitute “AND”; and, on page 96, after “APPEALS”, insert “OR THE CITY COUNCIL, AS THE CASE MAY BE.”.

Amendment No. 10 {Subtitle 5}

Strike beginning on page 98, line 24, through page 105, line 10, in their entirety, and substitute:

“SUBTITLE 5. LEGISLATIVE AUTHORIZATIONS

§ 5-501. “LEGISLATIVE AUTHORIZATION” DEFINED.

IN THIS CODE, “LEGISLATIVE AUTHORIZATION” MEANS ANY ORDINANCE THAT:

- (1) AMENDS THE TEXT OF THIS CODE, EXCEPT AS PROVIDED IN § 5-502 {“EXCEPTION FOR CORRECTIVE BILLS”} OF THIS SUBTITLE; OR
- (2) APPROVES, AUTHORIZES, OR AMENDS A PRIOR APPROVAL OR AUTHORIZATION RELATING TO ONE OR MORE SPECIFIC PROPERTIES, INCLUDING:
 - (I) A VARIANCE;
 - (II) A CONDITIONAL USE;
 - (III) A MAP AMENDMENT;
 - (IV) AN EDUCATIONAL CAMPUS MASTER PLAN;
 - (V) A HOSPITAL GENERAL DEVELOPMENT PLAN;
 - (VI) AN AREA OF SPECIAL SIGN CONTROL; AND
 - (VII) A PLANNED UNIT DEVELOPMENT.

§ 5-502. SCOPE OF SUBTITLE.

(A) IN GENERAL.

THIS SUBTITLE APPLIES TO ALL LEGISLATIVE AUTHORIZATIONS CREATED UNDER AUTHORITY OF THIS CODE.

(B) EXCEPTION FOR CORRECTIVE BILLS.

THIS SUBTITLE DOES NOT APPLY TO ANY TEXT AMENDMENT THAT:

- (1) CONSISTS ONLY OF A CHANGE IN PUNCTUATION, GRAMMAR, OR SPELLING;
AND

(2) DOES NOT IN ANY WAY ALTER THE SUBSTANCE OF THIS CODE.

§ 5-503. {RESERVED}

§ 5-504. REFERRALS.

ONCE A BILL PROPOSING A LEGISLATION AUTHORIZATION HAS BEEN INTRODUCED, THE CITY COUNCIL MUST REFER THE BILL TO THE FOLLOWING FOR THEIR WRITTEN REPORTS AND RECOMMENDATIONS:.

- (1) THE BOARD OF MUNICIPAL AND ZONING APPEALS;
- (2) THE PLANNING COMMISSION;
- (3) THE DEPARTMENT OF TRANSPORTATION; AND
- (4) ANY OTHER AGENCIES THAT THE CITY COUNCIL PRESIDENT SPECIFIES.

§ 5-505. {RESERVED}

§ 5-506. PROCEDURES ON REFERRAL.

(A) PLANNING COMMISSION.

(1) PUBLIC HEARING.

THE PLANNING COMMISSION MUST CONSIDER THE REFERRED BILL IN A PUBLIC HEARING. NOTICE OF THE PUBLIC HEARING MUST BE GIVEN IN ACCORDANCE WITH TITLE 5, SUBTITLE 6 {"NOTICES"} OF THIS CODE. EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION {SUBSECTION (E)(2) OF THIS SECTION?}, THE HEARING MUST BE CONCLUDED NO MORE THAN 60 DAYS FROM THE COMMISSION'S RECEIPT OF THE REFERRED BILL.

(2) REVIEW STANDARDS.

THE PLANNING COMMISSION MUST EVALUATE THE BILL IN ACCORDANCE WITH THE STANDARDS IN § 5-508 {"APPROVAL STANDARDS"} OF THIS SUBTITLE.

(3) WRITTEN RECOMMENDATIONS – REQUIRED.

WITHIN 15 DAYS OF THE CLOSE OF THE PUBLIC HEARING, THE PLANNING COMMISSION MUST:

- (I) ISSUE ITS WRITTEN REPORT AND RECOMMENDATIONS; AND

(II) FORWARD ITS REPORT AND RECOMMENDATIONS, TOGETHER WITH ALL AGENCY REPORTS AND RECOMMENDATIONS RECEIVED, TO THE APPLICANT AND TO THE CITY COUNCIL’S EXECUTIVE SECRETARY.

(4) WRITTEN RECOMMENDATIONS – OPTIONS.

(I) FOR A TEXT AMENDMENT, THE PLANNING COMMISSION MAY RECOMMEND APPROVAL, AMENDMENT, OR DENIAL OF THE APPLICATION.

(II) FOR A MAP AMENDMENT, THE PLANNING COMMISSION MAY RECOMMEND:

(A) APPROVAL OR DENIAL OF THE APPLICATION;

(B) AN ALTERNATIVE ZONING DESIGNATION THAN THAT APPLIED FOR;
OR

(C) THE REMOVAL OR ADDITION OF PROPERTIES FROM THE APPLICATION.

(B) BMZA.

WITHIN 30 DAYS OF THE BILL’S INTRODUCTION, THE BOARD OF MUNICIPAL AND ZONING APPEALS MUST SUBMIT ITS WRITTEN REPORT AND RECOMMENDATION TO THE CITY COUNCIL, WITH A COPY TO THE ZONING ADMINISTRATOR.

(C) DOT FOR POSSIBLE TRAFFIC MITIGATION.

WITHIN 15 BUSINESS DAYS THE BILL’S INTRODUCTION, CITY COUNCIL MUST REFER THE BILL AND ALL ACCOMPANYING DOCUMENTS TO THE DIRECTOR OF TRANSPORTATION FOR REVIEW AND, IF REQUIRED, TRAFFIC MITIGATION, AS PROVIDED IN § 5-201(D) {“INTRODUCTION: TRAFFIC MITIGATION”} OF THIS TITLE, IF:

(1) TRAFFIC-MITIGATION REQUIREMENTS HAVE NOT ALREADY BEEN COMPLIED WITH IN ACCORDANCE WITH THIS CODE OR THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE; AND

(2) THE PROPOSED LEGISLATIVE AUTHORIZATION:

(I) IS FOR PROPERTY IN A TRAFFIC-MITIGATION ZONE DESIGNATED IN BUILDING CODE § 3805 AND INVOLVES 10 OR MORE DWELLING UNITS;

(II) INVOLVES 15,000 SQ. FT. OR MORE OF GROSS FLOOR AREA; OR

(III) INVOLVES 50 OR MORE DWELLING UNITS.

(D) OTHER AGENCIES.

WITHIN 30 DAYS OF THE BILL'S INTRODUCTION, ANY OTHER AGENCIES TO WHICH THE BILL MIGHT HAVE BEEN REFERRED MUST SUBMIT THEIR WRITTEN REPORTS AND RECOMMENDATIONS TO THE CITY COUNCIL, WITH A COPY TO THE ZONING ADMINISTRATOR.

(E) AGENCY FAILURE TO REPORT.

(1) IF AN AGENCY FAILS TO SUBMIT ITS WRITTEN REPORT AND RECOMMENDATIONS WITHIN THE PERIOD SPECIFIED BY THIS SECTION, THE CITY COUNCIL MAY PROCEED WITHOUT THAT REPORT AND RECOMMENDATIONS.

(2) HOWEVER, THE APPLICANT MAY WAIVE THIS TIME LIMIT AND CONSENT TO AN EXTENSION OF THE REPORTING PERIOD BY GIVING WRITTEN NOTICE OF THE WAIVER AND CONSENT TO THE PRESIDENT OF THE CITY COUNCIL, WITH COPIES TO THE BOARD OF MUNICIPAL AND ZONING APPEALS, THE PLANNING COMMISSION, AND THE ZONING ADMINISTRATOR.

§ 5-507. ACTION BY CITY COUNCIL.

(A) COMMITTEE HEARING.

(1) THE BILL MUST BE CONSIDERED AT A PUBLIC HEARING OF A COMMITTEE OF THE CITY COUNCIL, TO BE HELD WITHIN 90 DAYS OF THE INTRODUCTION. NOTICE OF THE PUBLIC HEARING MUST BE GIVEN IN ACCORDANCE WITH TITLE 5, SUBTITLE 6 {"NOTICES"}.

(2) THE COMMITTEE MUST EVALUATE THE BILL IN ACCORDANCE WITH THE STANDARDS IN § 5-508 {"APPROVAL STANDARDS"} OF THIS SUBTITLE.

(B) COUNCIL OPTIONS.

THE CITY COUNCIL MAY APPROVE, AMEND, OR DISAPPROVE ANY LEGISLATIVE AUTHORIZATION.

(C) REHEARING ON AMENDMENT.

(1) EXCEPT AS OTHERWISE SPECIFIED IN THIS SUBSECTION, WHENEVER A LEGISLATIVE AUTHORIZATION IS AMENDED:

(I) ANOTHER PUBLIC HEARING MUST BE HELD ON THE BILL AS AMENDED;
AND

(II) THE REQUIREMENTS OF THIS SUBTITLE FOR NOTICE AND FOR AGENCY
REPORTS APPLY TO THE ADDITIONAL HEARING.

(2) AN ADDITIONAL HEARING IS NOT REQUIRED FOR:

(I) AN AMENDMENT THAT CONSISTS ONLY OF A CHANGE IN PUNCTUATION,
GRAMMAR, OR SPELLING AND DOES NOT IN ANY WAY ALTER THE
SUBSTANCE OF THE ORDINANCE;

(II) ANY OTHER AMENDMENT THAT DOES NOT IN ANY WAY ALTER THE
SUBSTANCE OF THE ORDINANCE;

(III) AN AMENDMENT PROPOSED IN AND APPROVED BY COMMITTEE; OR

(IV) AN AMENDMENT TO A COMPREHENSIVE REZONING IF, FOR AT LEAST 14
DAYS BEFORE ANY VOTE IS TAKEN ON THE AMENDMENT, A
DESCRIPTION OF THE AMENDMENT:

(A) HAS BEEN PROVIDED TO THE DEPARTMENT OF LEGISLATIVE
REFERENCE AND TO THE DEPARTMENT OF PLANNING AND BY
THEM MADE AVAILABLE FOR INSPECTION AND COPYING BY THE
PUBLIC; AND

(B) HAS BEEN POSTED ON THE DEPARTMENT OF PLANNING'S
WEBSITE.

(D) FAILURE TO APPROVE.

A BILL PROPOSING A LEGISLATIVE AUTHORIZATION IS CONSIDERED TO HAVE
FAILED AND THE APPLICATION DENIED IF THE CITY COUNCIL FAILS TO ACT
FINALLY ON THE BILL WITHIN 12 MONTHS FROM THE EARLIER OF:

(1) THE DATE ON WHICH THE LAST OF THE REQUIRED AGENCY REPORTS AND
RECOMMENDATIONS IS RECEIVED; AND

(2) THE LAST DAY OF THE AGENCY REPORTING PERIOD, AS SET BY THIS
SECTION.

§ 5-508. APPROVAL STANDARDS.

(A) IN GENERAL.

LEGISLATIVE AUTHORIZATIONS MUST BE EVALUATED BY THE PLANNING COMMISSION AND THE CITY COUNCIL IN ACCORDANCE WITH THE STANDARDS SET FORTH IN THIS SECTION.

(B) MAP AMENDMENTS.

(1) REQUIRED FINDINGS.

AS REQUIRED BY THE STATE LAND USE ARTICLE, THE CITY COUNCIL MAY APPROVE THE LEGISLATIVE AUTHORIZATION BASED ON A FINDING THAT THERE WAS EITHER:

- (I) A SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD WHERE THE PROPERTY IS LOCATED; OR
- (II) A MISTAKE IN THE EXISTING ZONING CLASSIFICATION.

(2) REQUIRED FINDINGS OF FACT.

IN MAKING THE DETERMINATION REQUIRED BY SUBSECTION (B)(1) OF THIS SECTION, THE CITY COUNCIL MUST ALSO MAKE FINDINGS OF FACT THAT ADDRESS:

- (I) POPULATION CHANGES;
- (II) THE AVAILABILITY OF PUBLIC FACILITIES;
- (III) PRESENT AND FUTURE TRANSPORTATION PATTERNS;
- (IV) COMPATIBILITY WITH EXISTING AND PROPOSED DEVELOPMENT FOR THE AREA;
- (V) THE RECOMMENDATIONS OF THE CITY AGENCIES AND OFFICIALS; AND
- (VI) THE PROPOSED AMENDMENT'S CONSISTENCY WITH THE CITY'S COMPREHENSIVE MASTER PLAN.

(3) ADDITIONAL STANDARDS – GENERAL.

ADDITIONAL STANDARDS THAT MUST BE CONSIDERED FOR MAP AMENDMENTS ARE:

- (I) EXISTING USES OF PROPERTY WITHIN THE GENERAL AREA OF THE PROPERTY IN QUESTION;
- (II) THE ZONING CLASSIFICATION OF OTHER PROPERTY WITHIN THE GENERAL AREA OF THE PROPERTY IN QUESTION;
- (III) THE SUITABILITY OF THE PROPERTY IN QUESTION FOR THE USES PERMITTED UNDER ITS EXISTING ZONING CLASSIFICATION; AND
- (IV) THE TREND OF DEVELOPMENT, IF ANY, IN THE GENERAL AREA OF THE PROPERTY IN QUESTION, INCLUDING CHANGES, IF ANY, THAT HAVE TAKEN PLACE SINCE THE PROPERTY IN QUESTION WAS PLACED IN ITS PRESENT ZONING CLASSIFICATION.

(4) ADDITIONAL STANDARDS – REZONING FROM MI DISTRICT.

- (I) TO REZONE LAND FROM THE MARITIME INDUSTRIAL (“MI”) DISTRICT TO ANY OTHER ZONING DISTRICT, THE PLANNING COMMISSION MUST FIND THAT THE PROPOSED AMENDMENT:
 - (A) WOULD BE CONSISTENT WITH THE CITY’S COMPREHENSIVE MASTER PLAN;
 - (B) WOULD NOT IMPEDE, DIMINISH, OR PRECLUDE TRANSPORTATION ACCESS INTO OR OUT OF THE MARITIME INDUSTRIAL DISTRICT;
 - (C) WOULD NOT RESULT IN OR ENCOURAGE A LOSS OF EXISTING DEEP WATER ASSETS OF THE MARITIME INDUSTRIAL DISTRICT;
 - (D) WOULD NOT RESULT IN CHANGES TO THE ECONOMIC VIABILITY OF ADJACENT MARITIME INDUSTRIAL LAND USES DUE TO THE ENCROACHMENT OF NON-COMPATIBLE USES;
 - (E) WOULD NOT REDUCE OR IMPEDE CURRENT OR FUTURE MARITIME INDUSTRIAL ECONOMIC DEVELOPMENT GROWTH IN THE MARITIME INDUSTRIAL DISTRICT;

(F) WOULD ESTABLISH AN ADEQUATE PHYSICAL SEPARATION THAT WILL BUFFER NON-INDUSTRIAL LAND USES FROM MARITIME INDUSTRIAL USES; AND

(G) WOULD ADHERE WITH FEDERAL AND STATE LAWS REGARDING HOMELAND SECURITY, GENERALLY, AND PORT SAFETY, SPECIFICALLY.

(II) IF AN APPLICATION IS FILED TO REZONE PROPERTY FROM THE MARITIME INDUSTRIAL DISTRICT, THE DIRECTOR OF PLANNING MUST NOTIFY THE MARYLAND PORT ADMINISTRATION AND ANY ADJACENT PROPERTY OWNERS OF THE APPLICATION. AT LEAST 30 DAYS BEFORE THE PLANNING COMMISSION HEARINGS ON THE APPLICATION, THE DIRECTOR OF PLANNING MUST SEEK AN OPINION FROM THE MARYLAND PORT ADMINISTRATION ON THE APPLICATION OF THE CRITERIA LISTED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(C) TEXT AMENDMENTS.

STANDARDS THAT MUST BE CONSIDERED FOR TEXT AMENDMENTS ARE:

(1) THE AMENDMENT'S CONSISTENCY WITH THE CITY'S COMPREHENSIVE MASTER PLAN;

(2) WHETHER THE AMENDMENT WOULD PROMOTE THE PUBLIC HEALTH, SAFETY, AND WELFARE;

(3) THE AMENDMENT'S CONSISTENCY WITH THE INTENT AND GENERAL REGULATIONS OF THIS CODE;

(4) WHETHER THE AMENDMENT WOULD CORRECT AN ERROR OR OMISSION, CLARIFY EXISTING REQUIREMENTS, OR EFFECT A CHANGE IN POLICY; AND

(5) THE EXTENT TO WHICH THE AMENDMENT WOULD CREATE NONCONFORMITIES.

§ 5-509. CHART OF AMENDMENT PROCESS.

FIGURE 5-509: AMENDMENT PROCESS SUMMARIZES THE PROCESS BY WHICH LEGISLATIVE AUTHORIZATIONS MAY BE APPROVED.”.

Amendment No. 11 {Subtitle 6}

On page 105, in line 12, strike “CITY COUNCIL –”; and, in line 19, strike “READ” and substitute “REVIEWED”; and, in line 23, after “FOR”, insert “THE CREATION OR MODIFICATION OF A PLANNED UNIT DEVELOPMENT AND FOR”; and, in lines 23 to 25 and in lines 30 to 31, in each instance, strike beginning with “, A CHANGE” through “DEVELOPMENT”; and, on page 107, in line 7, strike “BMZA –”; and, in line 9, after “ZONING”, insert “APPEALS OR THE CITY COUNCIL, AS THE CASE MAY BE.”; and, on page 108, in line 7, strike “ZONING ADMINISTRATOR –”; and, on page 109, strike beginning with “THE” at the start of line 11 through the comma in line 12, and substitute “ADDITIONAL”; and, in line 12, after “FOR”, strike “ALL”; and, in line 13, after “CODE”, insert “MAY BE PROVIDED”; and, in line 14, strike “ZONING MATTER” and substitute “LEGISLATIVE AUTHORIZATION”; and, in the same line, after “INVALID”, insert “OR VOID”.

Amendment No. 12 {Subtitle 7}

On page 109, in line 7, strike “PERMIT” and substitute “PERMITS”.

Amendment No. 13 {Subtitle 8}

Strike beginning on page 110, line 11, through page 111, line 3, in their entirety, and substitute:

“SUBTITLE 8. ZONING CONSULTATIONS

§ 5-801. PURPOSE.

THE CONSULTATION PROCESS PROVIDED FOR BY THIS SUBTITLE RECOGNIZES THAT THE PROVISIONS OF THIS CODE, THOUGH DETAILED AND EXTENSIVE, CANNOT AS A PRACTICAL MATTER ADDRESS EVERY SPECIFIC ZONING ISSUE. THIS PROCESS IS THUS INTENDED TO ASSIST IN CLARIFYING THE PURPOSE AND INTENT OF THE PROVISIONS OF THIS CODE. IT IS NOT INTENDED, HOWEVER, TO PERMIT ADDING TO OR CHANGING THE ESSENTIAL CONTENT OF THIS CODE.

§ 5-802. WHO MAY REQUEST.

THE FOLLOWING MAY REQUEST A CONSULTATION WITH THE ZONING ADMINISTRATOR TO ASSIST IN CLARIFYING PROVISIONS OF THIS CODE:

- (1) THE OWNER OF ANY PROPERTY IN THE CITY;
- (2) ANY PERSON EXPRESSLY AUTHORIZED BY A PROPERTY OWNER IN WRITING; OR

(3) ANY COUNCILMEMBER OR OTHER OFFICIAL OF CITY GOVERNMENT.

§ 5-803. PROCEDURE.

ON REQUEST UNDER § 5-802, THE ZONING ADMINISTRATOR:

(1) MUST REVIEW THE REQUEST; AND

(2) MAY:

(I) ASK FOR ADDITIONAL INFORMATION;

(II) PROVIDE THE CONSULTATION REQUESTED; AND

(III) PROVIDE A WRITTEN SUMMARY OF THE CONSULTATION RESULTS.

§ 5-804. NON-BINDING STATUS OF CONSULTATIONS.

(A) IN GENERAL.

ZONING CONSULTATIONS ARE MEANT TO PROVIDE ADVISORY INFORMATION ABOUT THE APPLICATION OF THE ZONING CODE. RESULTS OF A CONSULTATION ARE NOT BINDING ON THE ZONING ADMINISTRATOR, THE BOARD OF MUNICIPAL AND ZONING APPEALS, THE PLANNING COMMISSION, OR THE MAYOR AND CITY COUNCIL WHEN ADDRESSING QUESTIONS THAT ARISE UNDER THIS CODE.

(B) DISCLAIMER.

ALL WRITTEN SUMMARIES OF CONSULTATIONS MUST INCLUDE THE FOLLOWING STATEMENT:

“THE RESULTS OF ANY ZONING CODE CONSULTATION PROVIDED UNDER THIS SUBTITLE ARE ADVISORY ONLY AND ARE NOT BINDING ON THE ZONING ADMINISTRATOR, THE BOARD OF MUNICIPAL AND ZONING APPEALS, THE PLANNING COMMISSION, OR THE MAYOR AND CITY COUNCIL WHEN MAKING DECISIONS ON MATTERS WITHIN THE SCOPE OF THEIR AUTHORITY UNDER THE ZONING CODE OR ANY PROVISION OF FEDERAL, STATE, OR LOCAL LAW OR REGULATION.