

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #17-0075/ ZONING – LEGISLATIVE AUTHORIZATIONS – CORRECTIVE

CITY of
BALTIMORE

MEMO



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

DATE: June 16, 2017

At its regular meeting of June 15, 2017, the Planning Commission considered City Council Bill #17-0075, for the purpose of deleting a Council-hearing deadline that fails to account for the required procedures and time-frames for seeking and obtaining preliminary agency reviews and reports to the Council; providing for a special effective date; and generally relating to Council procedures for bills proposing legislative authorizations.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #17-0075 and adopted the following resolution; seven members being present (seven in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #17-0075 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: Mr. Pete Hammen, Chief Operating Officer
 Mr. Jim Smith, Chief of Strategic Alliances
 Ms. Karen Stokes, Mayor's Office
 Mr. Colin Tarbert, Mayor's Office
 Mr. Kyron Banks, Mayor's Office
 Council President Bernard C. "Jack" Young
 The Honorable Edward Reisinger, Council Rep. to Planning Commission
 Mr. David Tanner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Sharon Daboin, DHCD
 Mr. Patrick Fleming, DOT
 Ms. Elena DiPietro, Law Dept.
 Ms. Natawna Austin, Council Services
 Mr. Francis Burnszynski, PABC



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

June 15, 2017

REQUEST: City Council Bill # 17-0075 – Zoning – Corrective:

For the purpose of deleting a Council-hearing deadline that fails to account for the required procedures and time-frames for seeking and obtaining preliminary agency reviews and reports to the Council; providing for a special effective date; and generally relating to Council procedures for bills proposing legislative authorizations.

RECOMMENDATION: Approval

STAFF: Eric Tiso

INTRODUCED BY: Council President Young, and Councilmembers Cohen, Costello, Pinkett, Bullock, Reisinger, Stokes, Burnett, and Middleton

HISTORY

- Ordinance #16-581 (CCB #12-0152), dated December 5, 2016, established a new Article 32 – *Zoning*, which repealed and replaced the prior 1971 zoning code.
- Ordinance #17-015 (CCB #17-0021), dated June 5, 2017, legalized and corrected Ordinance #16-581.

ANALYSIS

Background: After a number of years of effort to establish a comprehensive replacement of the Zoning Code, it was approved as Ord. #16-581 on December 5, 2016. Given the volume of work done on the bill leading up to its enactment at the close of the session, there was not sufficient time for the staff of various commenting agencies to review and help ensure the various amendments would be sufficient, would achieve what was intended, and would be clear and easy to understand. As a result, corrections were necessary, and they were made by Ord. #17-015. This corrective bill will fix a scheduling flaw in Article 32 – *Zoning* §5-507(a)(1), by striking the requirement for the City Council to hear Legislative Authorizations bills in a public hearing within 90 days of introduction:

§ 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"}].

Given the realities of how these bills are referred to agencies for comments, the 90 day time limit to schedule the bill for a committee hearing is not practically reasonable. Below is a timeline for a hypothetical example, using actual dates:

- June 5, 2017 – Legislative authorization bill introduction
- June 20, 2017 – Planning Commission agenda meeting for July 6, 2017 meeting
- July 6, 2017 – Planning Commission meeting
- July 17, 2017 – Next available Council meeting to announce a committee hearing, assuming posting property on the same day as announcement for 30 days
- August 17, 2017 – soonest date after posting falls after the August 16, 2017 Council meeting, leaving the next Council meeting on Sept 11, 2017, which is more than the 90 days allowed.

The example outline above shows that even an aggressive attempt to move a bill through the process on the next immediate date for each step is still likely to miss the 90 day requirement. While there are some calendar alignments where that would not necessarily be true, it is unlikely to be practically possible, which is the reason for deleting that requirement.

Staff believes that these changes correct errors in the final Ordinance, and that it corrects a flaw in timing for the review of legislative authorizations. For that reason, staff recommends approval.

Community: Notice of this action was sent to 2,256 subscribers through GovDelivery (98% delivery rate).



Thomas J. Stosur
Director