



## Legislation Details (With Text)

<b>File #:</b>	2014-0916	<b>Version:</b>	2
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed Finally
<b>File created:</b>	10/21/2014	<b>In control:</b>	Committee on Land Use and Economic Development
<b>On agenda:</b>		<b>Final action:</b>	12/2/2014
<b>Enactment date:</b>	12/2/2014	<b>Enactment #:</b>	24
<b>Effective date:</b>	12/4/2014		
<b>Title:</b>	Ordinance amending the Pittsburgh Code, Title One: Administrative, Article V: Chapter 153 - City Clerk, by adding a new section requiring an institution of a calendar control system to track all zoning legislation sent to the planning commission for report and recommendation.		
<b>Sponsors:</b>	Darlene M. Harris		
<b>Indexes:</b>	PGH. CODE ORDINANCES TITLE 01 - ADMINISTRATIVE		
<b>Code sections:</b>			
<b>Attachments:</b>	1. 2014-0916.doc, 2. 2014-0916 VERSION 2.doc		

Date	Ver.	Action By	Action	Result
12/5/2014	2	Mayor	Signed by the Mayor	
12/2/2014	2	City Council	Passed Finally	Pass
11/24/2014	2	Standing Committee	AMENDED	Pass
11/24/2014	2	Standing Committee	Affirmatively Recommended as Amended	Pass
11/19/2014	1	Standing Committee	Held in Committee	Pass
11/12/2014	1	Standing Committee	Held in Committee	Pass
10/29/2014	1	Standing Committee	Held in Committee	Pass
10/21/2014	1	City Council	Read and referred	

Ordinance amending the Pittsburgh Code, Title One: Administrative, Article V: Chapter 153 - City Clerk, by adding a new section requiring an institution of a calendar control system to track all zoning legislation sent to the planning commission for report and recommendation.

WHEREAS, the City Code requires that all legislative text amendments to the City Zoning Code, as proposed by the City Council, requires the City Planning Commission to review of said legislation, conduct a public hearing(s) and, to provide a report and recommendation to the City Council within ninety (90) days of receipt of said legislation; and,

WHEREAS, failure by the Planning Commission to do so within ninety (90) days results in the legislation being deemed denied by the Planning Commission and, as such is a de-facto negative recommendation: and,

WHEREAS, from time to time, legislation adding to or amending existing sections of the city's zoning code

that has been conveyed to the Department of Planning and the Planning Commission, have not been considered in a timely fashion, as required by city ordinance's ; and,

WHEREAS, the city code 922.05.D states, "Hearing and action by the Planning Commission. The Planning Commission may hold a public hearing on the application or may choose not to conduct a hearing. In any case, the Commission shall act to recommend approval or denial of the application within 90 days of the receipt of the completed application. Where the Commission fails to render its decision within the period required by this subsection, the decision shall be deemed to have been rendered in denial of the application unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in denial of the application because of the failure of the Commission to meet or render a decision as hereinabove provided, the City shall give public notice of said decision within 10 days, according to the provisions of Sec. 922.05.C. (Emphasis added); and,

WHEREAS, the City Code 922.05.E states, Hearing and action by City Council. City Council shall hold a public hearing on the Zoning Text or Map Amendment within 120 days of the Planning Commission's action on the application. After the public hearing, Council shall act to approve or deny the application, within 90 days of the Council hearing. In taking action, Council shall consider the criteria specified in Sec. 922.05.F. Where Council fails to render its decision within the period required by this subsection, or fails to hold the required public hearing within 120 days from the date of the Planning Commission's action, the decision shall be deemed to have been rendered in denial of the application unless the applicant has agreed in writing or on the record to an extension of time., When a decision has been rendered in denial of the application because of the failure of Council to meet or render a decision as hereinabove provided, the City shall give public notice of said decision within 10 days, according to the provisions of Sec. 922.05.C. Nothing in this subsection shall prejudice the right of any party opposing the application to urge that such a decision is erroneous (Emphasis added); and,

WHEREAS, the City Code 922.05.G states: Negative recommendation of Planning Commission. If the Planning Commission recommends disapproval of a Zoning Map or text amendment, approval of such an amendment by the City Council shall require an affirmative vote of no fewer than seven members (Emphasis added); and

WHEREAS, there have been, from time to time, instances wherein zoning legislation sent to the Planning Department has not been presented to the Planning Commission for action and, as a result, the Planning Commission and/or the Department of Planning has failed to provide timely notice of the progress of the legislation and/or the required notice of a deemed denial has not been provided to the public and/or the Council;

WHEREAS, all functions of government, particularly so with zoning, require strict adherence to the requirements as provided for in the City Code as they are vitally important to the orderly development of the city, preservation of citizens due process rights and, for the good of the legislative process.

**Now, therefore be it resolved that the Council of the City of Pittsburgh does hereby amend the City Code as follows:**

§ 153.02 Duties

The City Clerk shall be responsible for the due and faithful performance of all matters and things to be done and performed in the office of City Clerk. In addition the City Clerk shall:

- (a) Attend all the meetings and keep accurate minutes of all the proceedings of Council in books provided for that purpose;
  - (b) Have custody of all papers which may be presented to Council;
  - (c) Transmit papers from Council to a Committee of Council;
  - (d) File all papers in any matter on which final action may have been taken by Council;
  - (e) Record and file in his office all ordinances and resolutions, and publish all those requiring publication;
  - (f) Keep an index under appropriate headings of all actions of Council, referencing the date of such action and the docket and page in which a minute thereof shall have been made;
  - (g) Act as Clerk to all Committees of Council;
  - (h) Keep accurate minutes of all actions of the committees to which he or she shall be Clerk;
  - (i) Maintain an office in which he or she shall keep the books and papers in his or her custody and control, which shall be kept open during normal business hours;
  - (j) Edit, index and have bound annually sufficient copies of the Municipal Record to supply each member of Council, the Mayor and each director of a department with one copy of each and have additional copies for sale at the price set in accordance with Chapter 170;
  - (k) Have control of the Clerk's office and all matters pertaining thereto;
  - (l) To furnish all transcripts, orders and certificates called for by any person, and authenticate the same by his official signature under his or her seal; and
  - (m) To deposit monthly with the City Treasurer all revenues received from the sale of documents.
- (n) Develop and implement a calendar control system, **in cooperation with** the Director of Planning, in order to track all zoning **and historic designation** related legislation, **hearings and related actions** sent to the ~~Department of Planning~~ **Planning Commission and Historic Review Commission** in order to provide timely notice of all statutory deadlines related to required actions by the Planning Commission **and Historic Review Commission**, ~~and to provide:~~
- (1) ~~at least seven~~ (7) working days' notice of any pending deemed denial on the part of the Planning

~~Commission due to lack of action on the part of the Commission.~~

(2) ~~Notice of all public hearings scheduled at the Planning Commission;~~

(3) ~~Providing the Council with a written activity/progress report on all pending zoning legislation as submitted by the Director of Planning to the City Clerk no less than sixty-five (65) working days.~~

(a) ~~The Clerk shall send to the Planning Director notice that said report is due no less than ten (10) working days.~~

(4) ~~The Clerk shall provide copies of all said notices and activities to the Council~~

The Clerk and the Director of Planning shall provide to the Council a written copy of the aforesaid calendar control and notification process not less than ninety (90) days from the passage of this Ordinance. Prior to providing the Council with a written calendar control and notification process, the Clerk and the Director of City Planning shall take all necessary measures to fully inform the Council of the progress or lack thereof on pending zoning ordinances in order to preserve the integrity of the zoning process as called for in the City Code.