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CF12-0460

ITEM 1, PLUM 4/24/12

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**STATEMENT of J.H. McQUISTON on
ZONING CODE REVISION**

Honorable Chairman and Members of the Committee:

There is no doubt that the City must harmonize Councilmembers' intentions regarding developments and the restrictions placed on the City by the State Constitution and Laws.

Increasing lawsuits over development disputes cut the City's services for lack of remaining funds.

Off-the-cuff or unreasoned deviations from Code restrictions encourage disrespect for City laws of all kinds.

Morale disappears if the conscientious work of City Planners hired for their expertise is not respected.

The foregoing means this City must review the Zoning Code with respect to Zoning requirements in State Law, determine if the present Code contains optimum requirements for safety and livability for the City and its planned future, and make necessary amendments which will restore confidence-in and obedience-to the result.

However, the budget as proposed by this Item does not harmonize with the Mayor's Budget for FY 2011-12 as set forth in Blue Book page 404 (Item 13). The amount therein for the FY (total cost) is only \$478,662.

The Item states that Planning "will request funding from the Construction Services Trust Fund for contractual services to provide technical expertise for the project." This comment denigrates Planning's professionalism as well as putting into dispute the amount (\$990,000) requested in this Committee for the "first year".

Moreover, because the Zoning Code and the Council are at-odds, can the City with its finances being squeezed mightily afford a 5-year wait to get the two in harmony, so as to reduce the unfortunate and expensive litigation the various controversies spawn?

I think not. This Committee must accede to a better, faster utilization of City resources. **It must insist on what the Council enacted into law, what Constitution Article 1 Section 7(b) imposes on the City, but divert resources engaged in patchwork- disrespect into affirmative-amendment of City Code.**

But a fee lawful only for providing the service rendered for the fee cannot be used for another purpose without its becoming an unauthorized "tax" per Article 13 C & D, requiring a vote of the electors. The City must not foment further litigation by the unwise diversion of a "fee" to work not directly related to the fee.

Respectfully submitted,

c: Interested parties

J. H. McQuiston