

CITY OF BALTIMORE  
STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW  
GEORGE A. NILSON, City Solicitor  
101 City Hall  
Baltimore, Maryland 21202

March 29, 2011

The Honorable President and Members  
of the Baltimore City Council  
Attn: Karen Randle, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202



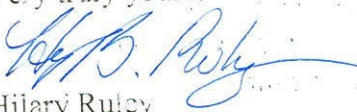
Re: City Council Bill 10-0478 – Zoning – Multi-purpose Neighborhood Center

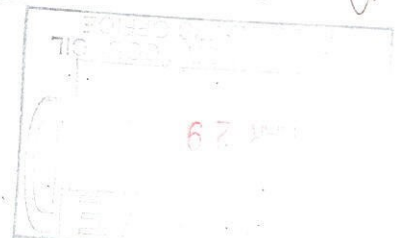
Dear President and City Council Members:

The Law Department has reviewed City Council Bill 10-0478 for form and legal sufficiency. The bill would change the definition of a “multi-purpose neighborhood center” in the City’s Zoning Code to exclude rooming houses, rooming units, service centers, housing centers, and boarding facilities or transitional housing for 20 or more people. The resulting impact on the code is unclear and confusing.

This change appears to preclude certain facilities from seeking a conditional use permit as a multi-purpose neighborhood center for certain zoning areas. See, e.g., Zoning Code, §§4-203 (R-1); 5-204 (O-R); 6-206 (B-1). The manner in which the bill does this, however, is confusing. Of the three “exclusions” in the bill, Rooming Houses and Service and Housing Centers are already separate uses under the code, while the use described in the third exclusion is not defined in either the bill or the code. To the extent the bill intends to prevent the grant of a conditional use permit to any multi-purpose neighborhood center with residential services, it does so incompletely, if at all. The bill makes it unclear whether facilities that provide both residential and non-residential services would be permitted in a particular zoning district. In addition, it is unclear how this bill will impact the ability of certain types of transitional housing to locate in residential districts, in general. Although this change will not operate retroactively to void any previously issued conditional use permit for a multi-purpose neighborhood center, it is uncertain if any future expansion or change in such a conditional use to include a residential component will be allowed if the existing conditional use is in an area that would have permitted the residential component. “A statute must be ‘sufficiently explicit to inform those who are subject to it what conduct on their part will render them liable to its penalties,’ otherwise the enactment is void-for-vagueness.” *McFarlin v. State*, 409 Md. 391, 410-11 (2009) (citations omitted). As such, the Law Department is unable to approve this bill for form and legal sufficiency.

Very truly yours,

  
Hilary Rulcy  
Assistant Solicitor



cc: Hon. James B. Kraft, Councilmember 1<sup>st</sup> District  
George Nilson, City Solicitor  
Angela C. Gibson, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor  
Ashlea Brown, Assistant Solicitor  
Victor Tervalá, Assistant Solicitor