

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

October 11, 2016

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

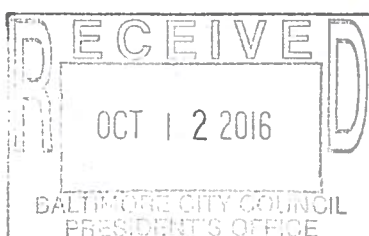
Re: City Council Bill 16-0730 – Conditional Use – Amending Ordinance
01-236

Dear Mr. President and City Council Members:

The Law Department has reviewed City Council Bill 16-0730 for form and legal sufficiency. The bill repeals Ordinance 01-236, which approved a conditional use for 4615 Park Heights Ave to allow for a substance abuse treatment facility. This bill amends that conditional use to allow for 32 additional beds to the residential substance abuse treatment facility and to clarify that while no outpatient program may be conducted on the site to provide services to the general public, patients from the operator's other facilities may be transported to and from this site to receive treatment as necessary. There is no legal impediment to this increase.

Pursuant to the City Zoning Code, a bill concerning a conditional use is classified as a "legislative authorization." ZC § 16-101. Legislative authorizations require that certain procedures be followed in the bill's passage. Specifically, certain notice requirements apply to the introduction of the bill. See ZC § 16-203. The bill must be referred to certain City agencies, which are obligated to review the bill in a specified manner. See ZC §§ 16-301, 16-302 & 16-304. Additional public notice and hearing requirements also apply to the bill. See ZC § 16-402. Finally, certain limitations on the City Council's ability to amend the bill apply. See ZC § 16-403.

Assuming all the procedural requirements are met, the Law Department will approve the bill for form and legal sufficiency.



Sincerely,

Elena R. DiPietro

Elena R. DiPietro
Chief Solicitor

cc: David Ralph, Acting City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Victor Tervalo, Chief Solicitor
Hilary Ruley, Chief Solicitor
Jennifer Landis, Assistant Solicitor