

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

October 24, 2013



Honorable President and Members
of the City Council of Baltimore
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Attn: Karen Randle
Executive Secretary

Re: City Council Bill 13-0225 – Zoning – Conditional Use Parking,
Open Off-Street Parking Area – 6308 Belair Road

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 13-0225 for form and legal sufficiency. The bill permits the establishment, maintenance, and operation of a parking, open off-street area on the properties known as 6308 Belair Road.

The subject property is zoned B-2-2 (Community Business District). The conditional uses that require the enactment of an ordinance in a B-2-2 zone are those in an B-1 zone. City Zoning Code (“ZC”) § 6-306. The conditional uses that require the enactment of an ordinance in a B-1 zone include an open off-street parking area for 3 or more vehicles. ZC § 6-209 (3).

The Report of the Planning Commission recommends that Council Bill 13-0225 be amended as outlined in the Staff Report, attached to the Planning Commission’s bill report. To date, the Law Department has not seen the actual language of the proposed amendments. Nonetheless, the amendments in concept do not appear to present any legal obstacle to their adoption.

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

F/A

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, and that no fee is to be charged for parking, the Law Department will approve the bill for form and legal sufficiency.

Sincerely yours,



Victor K. Tervala
Assistant Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor
Hilary Ruley, Assistant Solicitor
Jennifer Landis, Assistant Solicitor