

CITY OF BALTIMORE
STEPHANIE RAWLINGS-BLAKE, Mayor



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

October 6, 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

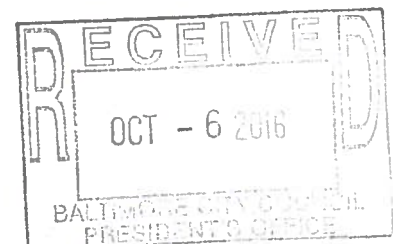
Re: City Council Bill 16-0725– Urban Renewal – Carroll Camden -
Amendment

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 16-0725 for form and legal sufficiency. The bill amends the Urban Renewal Plan for Carroll Camden to change the allowable land use and proposed development for an existing disposition lot, to add a new disposition lot to the Plan, and to revise certain exhibits to reflect these changes in the Plan. The bill also waives certain content and procedural requirements, makes the provisions of this Ordinance severable, provides for the application of this Ordinance in conjunction with certain other ordinances, and provides for an immediate effective date.

Article 13, Section 2-6(g)(1) of the Baltimore City Code (BCC) requires that any change to an Urban Renewal Plan be made by ordinance. As this is the appropriate mechanism for making changes to the Plan, the Law Department approves the bill for form and legal sufficiency.

The Law Department notes, however, that on page 2, lines 13 and 17, "Retail" is listed as a use under "Proposed Development." It appears that very limited "retail" use is currently permitted in an M-2 zone. See ZC § 7-206(49) and (61). Since zoning changes may not be made through an Urban Renewal plan alone, any future development proposing a type of retail not currently permitted would require a rezoning bill. See BCC, Article 13 § 2-1(c)(3) and § 2-6(d)(7) (any zoning change proposed by an urban renewal plan must be approved by an ordinance pursuant to the Land Use Article of the Maryland Annotated Code); *Donnelly v. Mayor and City Council of Baltimore*, 279 Md. 660, 665 (1977) (requirement that any change in zoning embodied in an urban renewal plan is to be approved by separate ordinance in accordance with procedures governing zoning ordinances assures that urban renewal schemes will not be utilized to enact zoning changes).



Sincerely,

A handwritten signature in black ink, appearing to read "J. Landis".

Jennifer Landis
Assistant Solicitor

cc: David Ralph, Acting City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalá, Chief Solicitor
Hilary Ruley, Chief Solicitor
Nancy Ray, Department of Legislative Reference