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CITY OF BALTIMORE

BRANDON M. SCOTT  
Mayor



DEPARTMENT OF LAW  
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June 9, 2022

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

Re: City Council Bill 21-0156 – Zoning Conditional Use Parking Lot – 1207 and 1209 East 43<sup>rd</sup> Street and 1204 Springfield Avenue

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0156 for form and legal sufficiency. The bill would authorize an off-street parking lot at 1207 and 1209 East 43<sup>rd</sup> Street and 1204 Springfield Avenue. Permission for the parking area is being requested by the League for People with Disabilities, Inc.

The properties proposed for off-street parking are in the R-5 Zoning District. In an R-5 District, the permitted and conditional uses are listed in Zoning Table 9-301. City Code, Art. 32, § 9-301. The table lists off-street parking lots as conditional uses in R-5 subject to approval by ordinance. City Code, Art. 32, Tb. 9-301. Section 14-331 of the Zoning Code provides six additional requirements for off street lots: cannot be used for loading or vehicle repair, the only buildings allowed are attendant shelters of no more than 10 feet high and 200 square feet, must be screened from view, free from debris and must comply with the Zoning Code's sign restrictions. City Code, Art. 32, § 14-331(b).

Since a conditional use is needed, the Zoning Code requires that the City Council find the following facts:

- (1) the establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, or welfare;
- (2) the use would not be precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization would not be contrary to the public interest; and
- (4) the authorization would be in harmony with the purpose and intent of this Code.

City Code, Art. 32, §§ 5-404(a); 5-406(a). These findings must be guided by 14 required considerations:

- (1) the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;
- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;
- (3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;
- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;
- (5) accessibility of the premises for emergency vehicles;
- (6) accessibility of light and air to the premises and to the property in the vicinity;
- (7) the type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;
- (8) the preservation of cultural and historic landmarks and structures;
- (9) the character of the neighborhood;
- (10) the provisions of the City's Comprehensive Master Plan;
- (11) the provisions of any applicable Urban Renewal Plan;
- (12) all applicable standards and requirements of this Code;
- (13) the intent and purpose of this Code; and
- (14) any other matters considered to be in the interest of the general welfare.

City Code, Art. 32, §§ 5-406(b); 5-404(a) (review in accordance with standards in Section 5-406).

The City Council must consider this bill at a scheduled public hearing where it will make the appropriate findings of fact. Baltimore City Code, Art. 32, §§ 5-404(a); 5-406; 5-507; 5-602. The Law Department notes that the Planning Commission's Report ("Report") provides facts that the City Council may reference in its review. The Report also recommends amending the bill to include conditions on the maintenance of the parking lot.

Certain procedural requirements apply to this bill because a conditional use is considered a "legislative authorization." Baltimore City Code, Art. 32, § 5-501(2)(ii). Specifically, notice requirements apply to the bill, and the bill must be referred to certain City agencies which are obligated to review the bill in specified manner. Baltimore City Code, Art. 32, §§ 5-504, 5-506, 5-602. Finally, certain limitations on the City Council's ability to amend the bill apply. Baltimore City Code, Art. 32, § 5-507(c).

The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for a conditional use has been met. Assuming the required findings are made at the hearing and all procedural requirements are met, the Law Department can approve the bill for form and legal sufficiency.

Very truly yours,



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Chief Solicitor

cc: James L. Shea, City Solicitor  
Matthew Stegman, Mayor's Office of Government Relations  
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