

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor

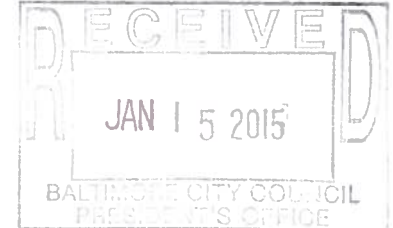


DEPARTMENT OF LAW

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

January 15, 2015

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



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Attn: Natawna Austin
Executive Secretary

Re: City Council Bill 14-0434 - Zoning – Conditional Use – Amending
Ordinance 06-353

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 14-0334, which amends Ordinance 06-353 to increase the maximum number of residents allowed in the operation of a convalescent, nursing, and rest home (assisted living) on the property known as 3617-19 Seven Mile Lane.

We note that the Planning Department is seeking to amend the bill by imposing three additional conditions on the use of the property; namely, the attachment of a site plan, a concept landscape plan, and a building elevation plan, all of which would be made part of the ordinance. The Zoning Code permits the Mayor and City Council to “impose on the establishment, location, construction, maintenance, and operation of the conditional use any conditions, restrictions, or limitations...necessary or desirable to: (i) reduce or minimize any effect of the use on other properties in the neighborhood; (ii) secure compliance with the standards and requirements of this title; and (iii) better carry out the intent and purposes of” the Zoning Code. ZC, § 14-103. The recommended conditions appear intended to reduce or minimize the effect of the use on neighboring properties. Therefore, the recommended conditions satisfy the Zoning Code requirements and are lawful.

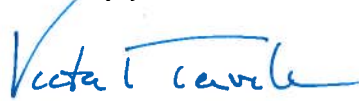
The Law Department notes, however, that since each of the three plans are being attached and made part of the ordinance, if the Planning Commission wishes to change any of the three plans in the future, it will require an amendment to the ordinance. If the Planning Commission wishes to make changes to any of these three plans without the approval of the City Council in the form of an amended ordinance, the above plans should not be made part of the ordinance.

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 the above procedural requirements are satisfied, the Law Department will approve the bill for form and legal sufficiency.

Sincerely yours,



Victor K. Tervala
Chief Solicitor

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