

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

April 15, 2014

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

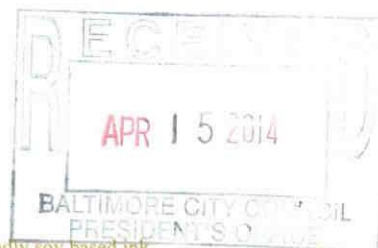
Re: City Council Bill 14-0336 – Zoning – Conversion of 1 or 2-Family
Dwellings

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 14-0336 for form and legal sufficiency. The bill specifies that conversions of 1- or 2-family dwellings for use by additional families must conform with the applicable principal-permitted-use bulk regulations for the district in which the building is located. It also clarifies that this conversion authority does not apply to districts in which only single-family dwellings are allowed.

Multi-family dwellings are permitted uses in various zoning districts, including in the R-7 and R-8 zoning districts. Prior to amendments to the Zoning Code in 2011 and 2012, the Board of Municipal and Zoning Appeals (“BMZA”) could allow conversions as a conditional use in certain zoning districts, including conversions in the R-7 and R-8 zoning districts. The amendments to Section 3-305 of the City Zoning Code (“ZC”), however, required conversions in these two zoning districts to be approved by the City Council as a conditional use ordinance. This change in the Zoning Code created confusion as to which bulk standards apply – the principal-permitted use bulk standards or the conditional use bulk standards. Council Bill 14-0336 clarifies that the principal-permitted use bulk standards apply to the dwellings and efficiency units involved.

The Law Department notes that the effective date of this bill is 30 days from the date it is enacted. We recommend the bill be amended to provide an immediate effective date. Furthermore, the Law Department recommends striking the phrase on Line 5, beginning with the word “clarifying” and ending on Line 6 with the word “allowed” because the bill does not clarify as the phrase suggests.

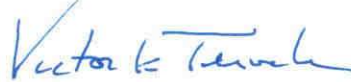


F/A

Under ZC Section 16-101(d) this bill is considered “zoning legislation.” As such, certain procedures apply to it; namely, ZC §§16-301, 16-302 (referral to certain City agencies, which are obligated to review the bill in a specified manner); ZC §16-401 (pre-requisite for second reading); ZC §16-402 (public notice and hearing); and ZC §16-403 (limitations on the City Council’s ability to amend the bill).

Assuming the required procedures are met and the recommended amendments made, the Law Department will approve this bill for form and legal sufficiency.

Very truly yours,



Victor K. Tervala
Chief Solicitor

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