

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

May 16, 2012

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

Re: City Council Bill 12-0051 – Rezoning – 1220 South East Avenue

Dear President and City Council Members:

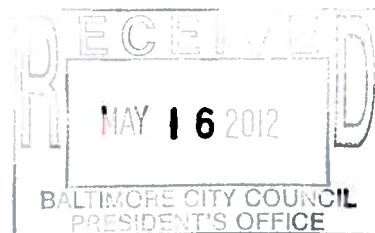
The Law Department has been asked to review City Council Bill 12-0051 for form and legal sufficiency. The bill changes the zoning for the property known as 1220 South East Avenue from the M-2-2 Zoning District to the R-8 Zoning District.

The City Council may permit such a rezoning if it finds facts sufficient to show either a mistake in the existing zoning classification or a substantial change in the character of the neighborhood. Md. Code, Art. 66B, §2.05(a)(2)(i). In evaluating whether the proposed rezoning meets this standard, the City Council is required to make findings of fact on the following matters: (1) population changes; (2) the availability of public facilities; (3) the present and future transportation patterns; (4) the compatibility with existing and proposed development; (5) the recommendations of the Planning Commission and the Board of Municipal Zoning Appeal; and (6) the relation of the proposed amendment to the City's plan. Md. Code, Art. 66B, §2.05(a)(2)(ii). The required recommendations of the Planning Commission and the Board of Municipal Zoning Appeal, as noted above, must be based on certain considerations outlined in the City Code. *See* Baltimore City Zoning Code, §16-305.

The Law Department notes that the Department of Planning has issued a report concerning this bill ("Report"). The Report establishes sufficient facts for granting the proposed rezoning. If the Council adopts the findings of the Report, or finds facts similar to those contained in the Report, the legal requirements for granting the rezoning would be met.

Certain procedural requirements must be satisfied before the Council may act to rezone the property, including public notice and hearing requirements. *See* Baltimore City Zoning Code, §§16-401 & 16-402. As 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 rezoning has been met, and assuming the legal standard is met and all other procedural requirements are satisfied, the Law Department approves the bill for form and legal sufficiency.

RCW



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
Ashlea Brown, Assistant Solicitor