

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor

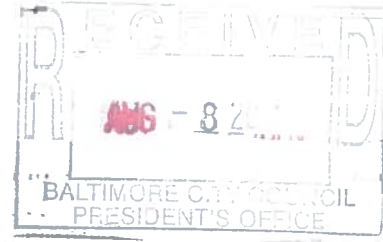


DEPARTMENT OF LAW

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

August 8, 2014

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



Attn: Natawna Austin
Executive Secretary

Re: City Council Bill 14-0360 - Zoning – Conditional Use Banquet Hall and
Dance Hall – 720 Mapleton Avenue

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 14-0360 for form and legal sufficiency. The bill permits the establishment, maintenance, and operation of a banquet hall and dance hall on the property known as 720 Mapleton Avenue.

The subject property is zoned B-3-2 (Community Commercial District). The conditional uses that require the enactment of an ordinance in a B-3 zone include banquet halls and dance halls. City Zoning Code ("ZC"), §§ 6-409, 6-309(4) and 6-309(9). A conditional use is the subject of this proposed ordinance; accordingly, the proposed ordinance satisfies the above requirements.

We note that the Planning Commission's report on the bill ("Report") recommends imposing four conditions on the use of the property. 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 are operational in nature. They 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.

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

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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