

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

October 27, 2016

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

Re: City Council Bill 16-0759 - Zoning - Conditional Use Second-hand Store -
4418 Edmondson Avenue

Dear Mr. President and City Council Members:

The Law Department has reviewed City Council Bill 16-0759 for form and legal sufficiency. The bill permits the establishment, maintenance, and operation of a second-hand store on the property known as 4418 Edmondson Avenue.

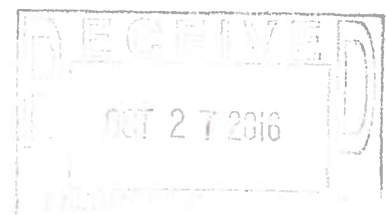
The subject property is zoned B-2-1 (Community Business District). The conditional uses that require the enactment of an ordinance in a B-2-1 zone include "Second-hand stores." Zoning Code of Baltimore City ("ZC") § 6-309(12a). A conditional use is the subject of this proposed ordinance; accordingly, the proposed ordinance satisfies the above requirements.

The Bill is also subject to the requirements of Titles 14 (Conditional Uses) of the Zoning Code. The Law Department notes that the Report of the Planning Commission ("Report") provides findings of fact that would support the authorization of this conditional use. *See Report at 2-3.*

Finally, 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 apply to the bill, *see ZC § 16-402*, as do certain limitations on the City Council's ability to amend the bill. *See ZC § 16-403.* Assuming all the procedural requirements are met, the Law Department approves the bill for form and legal sufficiency.

Sincerely yours,

Victor K. Tervala
Chief Solicitor



Fav w/ comments

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