

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



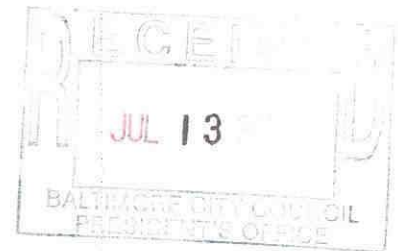
DEPARTMENT OF LAW

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

July 13, 2012

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 12-0025– Zoning – Conditional Use, Open Off-Street Parking Area – 1201-1207 Dundalk Avenue (to be known as 1201 Dundalk Avenue)

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 12-0025 for form and legal sufficiency. The bill permits the establishment, maintenance, and operation of a parking, open off-street area on the properties known as 1201-1207 Dundalk Avenue, which is to be known as 1201 Dundalk Avenue.

The subject property is zoned R-3 (Single Family Residence District). The conditional uses that require the enactment of an ordinance in an R-3 zone are those in an R-1 zone. City Zoning Code (“ZC”) § 4-604. The conditional uses that require the enactment of an ordinance in an R-1 zone include an open off-street parking area for 3 or more vehicles, *but only if no fee is to be charged for parking*. ZC § 4-204 (5). The Law Department notes, however, that Council Bill 12-0024 would change the zoning of this area from R-3 to B-2-2. If CB 12-0024 is approved, the restriction on the ability to charge a fee for parking would be removed because no similar restriction on open off-street parking operates in a B-2 District. Furthermore, in a B2 District, off-street parking is limited to four or more vehicles, not three or more vehicles as in an R-3 zone. *See* ZC § 6-306 (58).

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

F/Comments

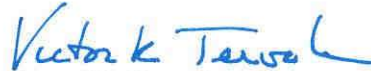
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referred to certain City agencies, which are obligated to review the bill in a specified manner. *See* ZC §§ 16-301, 16-302 & 16-304. Additional public notice and hearing requirements also apply to the bill. *See* ZC § 16-402. Finally, certain limitations on the City Council's ability to amend the bill apply. *See* ZC § 16-403.

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Assuming all the procedural requirements are met, the Law Department will approve the bill for form and legal sufficiency.

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