

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

January 17, 2014

The Honorable President and Members
of the Baltimore City Council
Attn: Karen Randle, Executive Secretary
Room 409, City Hall
§Baltimore, Maryland 21202

Re: City Council Bill 13-0286 – Conditional Use Convalescent, Nursing, and Rest Home – 5124 Greenwich Avenue

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 13-0286 for form and legal sufficiency. The bill permits the establishment, maintenance, and operation of a Convalescent, Nursing and Rest Home at 5124 Greenwich Avenue.

The property is zoned R-5. The conditional uses that require approval by ordinance in an R-5 zone include convalescent, nursing, and rest home. City Zoning Code (“ZC”), § 4-804. This bill is the required legislative authorization for this type of use in this zone. 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 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.

As required by The Zoning Code §16-301, the bill was referred to the Planning Commission. The Planning Commission made recommendations based on the required findings to support the approval of this conditional use. *See* Planning Commission Report on CC 13-0286 and ZC §§ 16-304, 14-204 and 14-205. In addition, the Planning Commission, as authorized by §14-103, recommends the use be subject to the condition that it be limited to 50 beds.

Assuming all the procedural requirements are met and the required findings and considerations are approved by the City Council, the Law Department will approve the bill for form and legal sufficiency.

Sincerely yours,

Elena DiPietro
Elena DiPietro
Chief Solicitor



F/Comments

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Hilary Ruley, Chief Solicitor
Victor Tervalo, Chief Solicitor
Jennifer Landis, Assistant Solicitor