

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



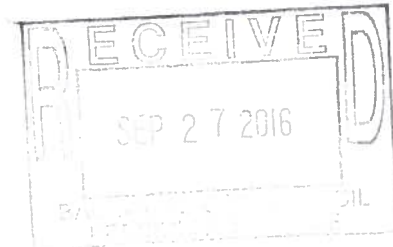
DEPARTMENT OF LAW

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

September 27, 2016

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

Attn: Natawna B. Austin  
Executive Secretary



Re: City Council Bill 16-0707 – Rezoning – 1410 North Monroe Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 16-0707 for form and legal sufficiency. The bill would change the zoning for 1410 North Monroe Street from the B-3-2 Zoning District to the M-2-1 Zoning District. A companion bill to 16-0707, 16-0708, will permit an amendment to the Rosemont Urban Renewal Plan to reflect this change in zoning.

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. Land Use Code Ann., §10-304(b)(2). 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. §10-304(b)(1). The recommendations of the Planning Commission and the Board of Municipal Zoning Appeals must be based on certain considerations outlined in the State and the City Codes. *See also* Md. Land Use Code Ann., §10-305; Zoning Code of Baltimore City ("ZC"), §16-305.

The Law Department notes that the Department of Planning has issued a Staff Report concerning this bill ("Report") which establishes sufficient facts for granting the proposed rezoning. *See* Report at 2-3. 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 apply to this bill beyond those listed above because a change in the zoning classification of a property is deemed a "legislative authorization." ZC §§16-101(c)(1); 16-101(d).

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Specifically, special notice requirements apply to the bill's introduction, including posting the property for 30 days within one week of the notice of introduction. *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 & 16-305. Additional public notice and hearing requirements apply to the bill, including advertising the time, place and subject of the hearing in a paper of general circulation for 15 days and posting the property conspicuously with this same information. *See* Md. Land Use Code Ann., §10-303; ZC §16-402. Finally, certain limitations on the City Council's ability to amend the bill after the public hearing apply, including a Third Reading hold-over before final passage by the Council. *See* ZC §§16-403, 16-404.

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. Assuming the legal standard is met and that all procedural requirements are satisfied, the Law Department approves the bill for form and legal sufficiency.

Sincerely,



Jennifer Landis  
Assistant Solicitor

cc: David Ralph, Acting City Solicitor  
Angela C. Gibson, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Hilary Ruley, Chief Solicitor  
Victor K. Tervalá, Chief Solicitor