

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

March 19, 2012

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

Re: City Council Bill 12-0013 – Rezoning – 2801-2841 Remington
Avenue

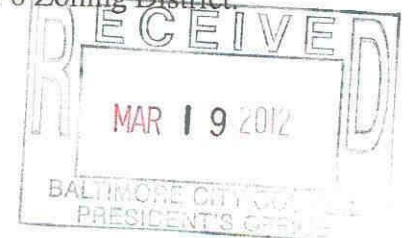
Dear President and City Council Members:

The Law Department has reviewed City Council Bill 12-0013 for form and legal sufficiency. The bill would change the zoning for the properties known as 2801-2841 Remington Avenue from the B-3-2 Zoning District to the R-7 Zoning District.

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. Code, Art. 66B, §2.05(a)(2)(i). 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. Md. Code, Art. 66B, §2.05(a)(2)(ii). The recommendations of the Planning Commission and the Board of Municipal Zoning Appeal must be based on certain considerations outlined in the City Code. *See* Baltimore City Zoning Code, §16-305.

The Law Department notes that the Report of the Planning Commission ("Report") provides detailed findings of fact for each of the above 6 categories. It also reports that a substantial change in the character of the neighborhood has occurred. If the City Council, after its investigation of the facts, agrees that a substantial change in the character of the neighborhood has occurred and that facts identical or similar to those described in the Report apply, the Council may lawfully approve Council Bill 12-0013.

The Law Department further notes that the Report recommends an amendment. The bill, as drafted, seeks to rezone the subject properties from the B-3-2 Zoning District to the R-7 Zoning District. The Report recommends rezoning to the R-8 Zoning District. FLA

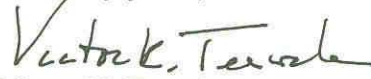


The Law Department points out that the same facts appear to apply in either case, except that the R-8 zoning designation is more compatible with the Comprehensive Master Plan, according to the Report. For these reasons, if the amendment is adopted by the City Council, the Law Department will approve it.

Certain procedural requirements apply to this bill beyond those listed above. Specifically, special notice requirements apply to the bill's introduction. *See* City Zoning Code ("ZG") § 16-203. The bill must be referred to certain City agencies, which are obligated to review the bill in a specified manner. *See* ZG §§ 16-301, 16-302 & 16-304. Additional public notice and hearing requirements apply. *See* ZG § 16-402. Finally, certain limitations on the City Council's ability to amend the bill apply. *See* ZG § 16-403.

As 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, and assuming the legal standard is met and all other procedural requirements are satisfied, the Law Department approves 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
Ashlea Brown, Assistant Solicitor