CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor

DEPARTMENT OF LAW

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

November 8, 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 12-0145 – Zoning – Conditional Use Conversion of 2-Family Dwelling Unit to a 3-Family Dwelling Unit in the R-8 Zoning District – 1427 McCulloh Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 12-0145 for form and legal sufficiency. The bill permits the conversion of a 2-family dwelling unit to a 3-family dwelling unit at 1427 McCulloh Street, which is in the R-8 Zoning district. Conversions from 2 to 3 family dwelling units are permitted in R-8 only by ordinance. Zoning Code ("ZC"), § 3-305(b)(3). This is the requisite ordinance to permit this change, for which there are no legal impediments. There are, however, certain procedures that must be followed for any conditional use, as well as for conversions to multi-family dwelling units. *See* ZC §§ 14-208; 16-101(b)(2), 16-101(d)(1) (conditional use is a type of legislative authorization); 16-203, 16-402 (notice and posting requirements); 16-301 *et. seq.* (referral to certain City agencies, which are obligated to review the bill in a specified manner); 16-403, 16-404 (limitations on the City Council's ability to amend the bill, including a Third Reading hold-over before final passage); *see also* Md. Code, Art. 66B, § 2.04(b)(2)(i).

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

Very truly yours,

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Assistant Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor
Ashlea Brown, Assistant Solicitor
Victor Tervala, Assistant Solicitor