

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

June 13, 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 12-0054– Zoning – Conversion of Single-Family  
Dwellings - Coldstream Homestead Montebello Urban Renewal Area

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 12-0054 for form and legal sufficiency. The bill would prohibit the conversion of buildings used for single-family dwellings in the Coldstream Homestead Montebello Urban Renewal Area, unless expressly authorized in the Urban Renewal Plan for that Area.

The bill adds to section 3-305 of the Zoning Code which authorizes conversion of single or two family dwellings in certain districts by the Board if certain conditions are met. The bill adds the following language: This subsection does not apply to the Coldstream Homestead Montebello Urban Renewal Area, except to the extent expressly authorized in the Urban Renewal Plan for that area.

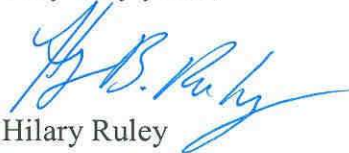
Although an alternative approach could be legally sufficient, the bill as drafted presents a conflict with state law. Section 2.02 of Article 66B of the Maryland Code requires that “all regulations adopted by the Mayor and City Council of Baltimore ...shall be uniform for each class or kind of development throughout each district.” In other words, the procedure and conditions for obtaining approval by the Board for a conversion must be the same for each type of district (*e.g.* everywhere in R-8) regardless of whether it is in an urban renewal area. The bill as drafted would treat conversions in this urban renewal plan differently than those in the rest of the zoning district.

The City Council could be authorized to make the procedure and conditions for approval of conversion of single-family dwellings more limited, so long as those restrictions are the same for each type of district across the City. For example, the City Council could amend the zoning code to prohibit the conversion of single or two family dwellings in additional districts.

Although the bill as drafted is not legally sufficient, the Law Department could approve an alternative approach consistent with this report.



Very truly yours,



Hilary Ruley  
Assistant Solicitor

cc: The Honorable Mary Pat Clarke, City Councilmember  
The Honorable Robert Curran, City Councilmember  
George Nilson, City Solicitor  
Angela C. Gibson, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor  
Ashlea Brown, Assistant Solicitor  
Victor Tervalá, Assistant Solicitor