

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor

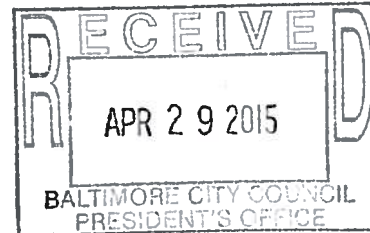


DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
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Baltimore, Maryland 21202

April 24, 2015

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



Re: City Council Bill 15-0473 – Rezoning – 31-35 North Fulton Avenue

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 15-0473 for form and legal sufficiency. The bill would change the zoning for 31-35 North Fulton Ave. from the R-9 zoning district to the B-2-2 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. Ann. Code, Land Use Art., §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. Md. Ann. Code, Land Use Art., §10-304(b)(1). 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 ("ZC"), §16-305.

The Law Department notes that the Report of the Planning Commission ("Report") provides findings of fact that would support this rezoning due to a substantial change in the character of the neighborhood. 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 15-0473.

It should be noted that the Planning Commission recommends that the property be rezoned to O-R-2 instead of B-2-2. If the Committee agrees with this change, it can adopt the Planning Commission's report as its findings of fact. If the Committee does not agree with the

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