

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor

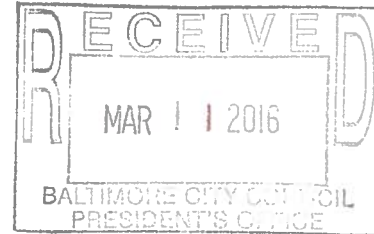


DEPARTMENT OF LAW

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

March 11, 2016

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 15-0601 – Rezoning – 609-611 South Caroline Street

Dear President and City Council Members:

The Law Department has been asked to review City Council Bill 15-0601 for form and legal sufficiency. The bill changes the zoning for the property known as 609-611 South Caroline Street from the B-1-2 Zoning District to the M-3 Zoning District.

In reviewing this bill, the Law Department became aware that the Planning Department discovered a mistake relating to this property's zoning classification. In 2006 an ordinance was introduced that would rezone several properties from M-3 to B-1-2. One of the properties was 609-611 South Caroline Street. This particular property, however, was intentionally stricken from the bill's text, but the zoning map accompanying the bill did not record the change. The bill subsequently was adopted, along with the incorrect zoning map designation. Thus, 609-611 South Caroline Street was not rezoned then or at any subsequent time. Today the property remains in the M3 Zoning District, although the current zoning map mistakenly shows the property in the B-1-2 Zoning District.

The Law Department notes that the Planning Department has issued a report concerning this bill ("Report"). The Report recommends the bill's amendment to revise the incorrect zoning map. Specifically, the amendment would correctly show the property as being located in the M-3 Zoning District, rather than in the B-1-2 zoning district. The proposed amendments include recitals that recount the error, along with the specific changes needed to correct the mapping error.

No findings of fact are required for this bill because correcting an error is not a rezoning *per se*. While a rezoning would require findings of fact to be lawful, *see* Md. Code, Land Use Article, §10-304, a mere correction of a mistake does not.

Assuming the bill is amended as proposed, the Law Department will approve the bill for form and legal sufficiency.

Fau w/Ahead

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Victor K. Tervala". The signature is stylized with a large initial "V" and a long horizontal stroke.

Victor K. Tervala  
Chief Solicitor

cc: George Nilson, City Solicitor  
Angela C. Gibson, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor, Opinions & Advice  
Hilary Ruley, Chief Solicitor  
Jennifer Landis, Assistant Solicitor