

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

September 29, 2010

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 10-0500– Zoning Legislation – Amendments

Dear President and City Council Members:

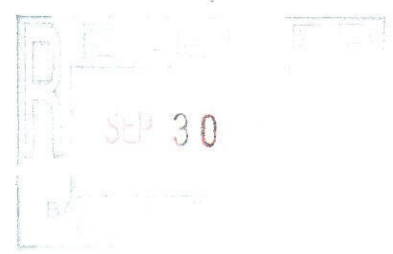
The Law Department has reviewed City Council Bill 10-0500 for form and legal sufficiency. The bill would change an exception to the rehearing requirement for zoning legislation. Currently, a bill proposing any zoning legislation (a change in the zoning classification of a property, a conditional use, a PUD, or any amendment to the Zoning Code itself) must be set for a second public hearing if the bill is amended after the first public hearing. Zoning Code, §§16-403; 16-101. However, the rehearing is not needed if the amendment “consists only of a change in punctuation, grammar, or spelling and does not in any way alter the substance of the ordinance.” Zoning Code, §16-403(b)(1). This bill would change the language in that section to: “consists only of a change in punctuation, grammar, spelling or that otherwise does not in any way alter the substance of the ordinance.”

Although the intent is to forego a second hearing for any non-substantive change (such as the removal of a sponsor’s name), the bill could be read to forego a hearing for *any* change in punctuation, grammar or spelling, even if those changes *are* substantive. This is due to the removal of the word “and” and the substitution of the word “or.” Some may read the word “otherwise” to modify “punctuation, grammar and spelling” so as to also require such changes not be substantive, but since it could be read either way, the Law Department recommends fixing the wording to clearly express the Council’s intent. One such fix could be:

An additional hearing is not required for:

- (1) an amendment that consists of only a change in punctuation, grammar, or spelling and does not in any way alter the substance of the ordinance; or
- (2) any other amendment that does not in any way alter the substance of the ordinance; or
- (3) except for multi-property rezoning . . .

F/A



As the bill is in accordance with the City's powers to modify its Zoning Code, the Law Department approves the bill for form and legal sufficiency.

Very truly yours,



Hilary Ruley
Assistant Solicitor

cc: Honorable Councilmember Bill Henry, 4th District
George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor
Ashlea Brown, Assistant Solicitor
Victor Tervalá, Assistant Solicitor