

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

November 2, 2011

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

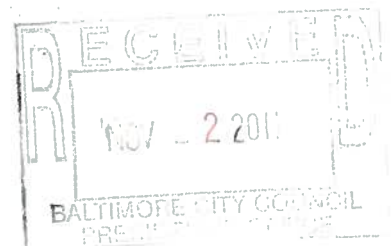
Re: City Council Bill 11-0761– Planned Unit Development – Designation –
BCP PUD

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 11-0761 for form and legal sufficiency. The bill would authorize a new business planned unit development in the Canton area of the City. Companion bills 11-0758, 11-0759 and 11-0760 provide respectively for the necessary changes to the underlying urban Renewal Plan, the rezoning of certain properties and the removal of the parcel which composes the BCP PUD from the existing Canton Crossing Industrial PUD. The creation of the new BCP PUD in City Council Bill 761 will allow for the development of the property for commercial uses.

Section 5 of the bill requires that when reviewing plans for final design approval, the Planning Commission may take into consideration proposed uses that have different peak parking characteristics that complement each other, so that the parking spaces provided may reasonably be shared by proposed uses, and an excess of parking is not provided by strict cumulation of the parking requirements of the Zoning Code. Although the Planning Commission may provide input on this issue, Section 9-124 of the Zoning Code provides that off-street parking in a Planned Unit Development must be provided in accordance with the requirements of Title 10 {"Off-Street Parking Regulations"} of this article, as they apply to the underlying district.. Although Planning may consider the parking characteristics of the various uses and make a recommendation, the required parking must ultimately comply with Sections 9-124 or a variance must be requested under Zoning Code Sec. 15-501. A variance can either be granted in the PUD ordinance (amendment would be required to accomplish) or requested later from either the BMZA or the Mayor and City Council by a separate ordinance. In order for the variance to be granted, the procedures and requirements of the Zoning Code must be met including the findings required in Subtitle 15, Part II and Title 16.

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Subject to the preceding discussion of the parking requirements, the bill is consistent with Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code, which provide general and specific requirements for Business Planned Unit Developments. Accordingly, the Law Department approves Council Bill 11-0761 for form and legal sufficiency.

Sincerely yours,



Elena R. DiPietro
Chief Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Hilary Ruley, Assistant Solicitor
Ashlea Brown, Assistant Solicitor
Victor Tervalá, Assistant Solicitor