

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

101 City Hall
Baltimore, Maryland 21202

March 30, 2017

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

Re: City Council Bill 17-0021 – Baltimore City Zoning Code - Legalization -
Corrections

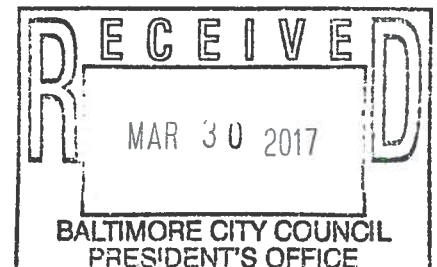
Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0021 and approves it for form and legal sufficiency. The bill performs two tasks: (1) It legalizes new City Code Article 32 as enacted by Ordinance 16-581; and (2) it amends Article 32 to correct various technical errors, omissions, and inconsistencies and corrects, clarifies and conforms various references and language. The bill provides for a special effective date.

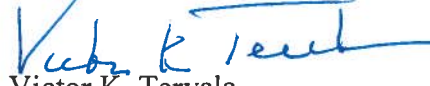
The Law Department notes that the legislative procedures applicable to this bill are not addressed by the current zoning code or Article 32. Article 32 has yet to take effect. Therefore, the legislative procedures contained in the Article do not apply to Council Bill 17-0021. The legislative procedures provided by the City's current zoning code apply only to "legislative authorizations" or "zoning legislation." See Baltimore City Zoning Code ("ZC"), Article 16 generally. Amendments to the text of Article 32, however, are neither "legislative authorizations" nor "zoning legislation" as defined by Article 16. See ZC § 16-101(c). The procedures applicable to the bill are found in State law, which require only a public hearing advertised for at least 15 days. MD. Land Use Art. § 10-303.

Council Bill 17-0021 primarily is a corrective bill in that it intends to correct technical errors, omissions, and inconsistencies as well as clarifying and conforming various Article 32 references and language. In reviewing the bill, if the City Council concludes that any of its provisions are more substantive in nature than corrective, those provisions can be struck and offered in subsequent legislation. The Law Department points out, however, that whether a bill amending the text of Article 32 is corrective in nature or substantive, until Article 32 becomes effective, the legislative process for either type of bill is identical.

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Sincerely,

A handwritten signature in blue ink, appearing to read "Victor K. Terval". The signature is written in a cursive style with a long horizontal stroke at the end.

Victor K. Terval
Chief Solicitor

cc: David Ralph, Acting City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Jennifer Landis, Assistant Solicitor