

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor

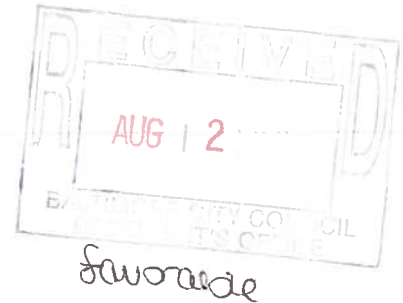


DEPARTMENT OF LAW

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

August 12, 2013

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 13-0231 – Conditional Use Housing for the Elderly –
1600 North Chester Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 13-0231 for form and legal sufficiency. The bill permits the establishment, maintenance, and operation of housing for the elderly at 1600 North Chester Street.

This property is zoned R-7 (General Residence District) and B-3-2 (Community Commercial). *See* Plat. The conditional uses that require approval by ordinance in an R-7 zone include housing for the elderly. City Zoning Code, §4-1004(2). Similarly, in a B-3-2 zone, housing for the elderly requires a conditional use granted by ordinance. City Zoning Code, §§6-409(1); 6-309(1); 6-209(2). This bill is the required legislative authorization for this type of housing in these zones.

Additionally, housing for the elderly in the B-3-2 zoning district requires a minimum lot area of 245 square feet per efficiency unit or 370 square feet per other dwelling unit. City Zoning Code, §6-411(c)(2). “The floor area ratio for housing for the elderly in a B-3-2 District may not exceed 3.0.” City Zoning Code, §6-413(c)(2).

Finally, certain procedures must be followed for any conditional use. *See* ZC §§14-208; 16-101(c)(2), 16-101(d)(1) (conditional use is a type of legislative authorization); 16-203, 16-402 (notice and posting requirements); 16-301 *et. seq.* (referral to certain City agencies, which are obligated to review the bill in a specified manner); 16-403, 16-404 (limitations on the City Council’s ability to amend the bill, including a Third Reading hold-over before final passage); *see also* Md. Code, Land Use, §10-303.

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Assuming the area and procedural requirements are met, the Law Department approves the bill and Planning's requested amendments for form and legal sufficiency.

Very truly yours,



Hilary Ruley
Assistant Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor
Victor Tervalá, Assistant Solicitor
Jennifer Landis, Assistant Solicitor