

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

June 10, 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 11-0699 - Zoning - Planned Unit Developments-
Variances

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 11-0699 for form and legal sufficiency. The bill amends the City's Zoning Code to expand the instances in which variances may be granted by ordinance. Currently, a variance may be granted in an ordinance that authorizes a conditional use. This bill would amend the Zoning Code to allow the granting of a variance in any ordinance authorizing a Planned Unit Development ("PUD") or in any ordinance modifying either a PUD or a conditional use.

The City's Zoning Code must be amended in order to allow for these changes because Section 2.08(c)(2) of Article 66B of the Maryland Code requires the City's general zoning ordinance (*i.e.* the Zoning Code) to specify when the City Council is allowed to grant variances, special exceptions or conditional uses. Md Code, Art. 66B, §2.08(c)(2).

The City Council may want to consider amending Section 15-302 of the Zoning Code to be clear that that procedure used to grant variances in ordinances for conditional uses will be the same for these additional types of ordinances in which a conditional use can be granted.

Any amendment to the City's Zoning Code requires advertisement by publication in a newspaper of general circulation in the City at least 15 days before the hearing. *See* Md Code, Art. 66B, §2.04(b)(2)(i); Zoning Code of Baltimore City, §§16-101(d)(2); 16-402(b)(1); 16-402(c)(2). In addition, any Zoning Legislation, such as this bill, requires a Third Reading hold-over before final passage by the Council. *See* Zoning Code of Baltimore City, §16-404(b).

F/Comments

Assuming this bill was properly advertised and is held-over before Third Reading, the Law Department approves it for form and legal sufficiency.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Hilary Ruley", written in a cursive style.

Hilary Ruley
Assistant Solicitor

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