

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

August 27, 2015

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 15-0526 – Zoning -- Conditional Use Parking, Open
Off-Street Area - 4001-4005 Garrison Boulevard

Dear Mr. President and City Council Members:

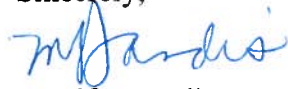
The Law Department has reviewed City Council Bill 15-0526 for form and legal sufficiency. The bill permits the establishment, maintenance, and operation of a Parking, open off-street area on the property known as 4001-4005 Garrison Boulevard.

The subject property is zoned R-5 (General Residence District). The conditional uses that require the enactment of an ordinance in an R-5 zone include “Parking, open off-street areas, other than accessory, for the parking of 3 or more motor vehicles – but only if no charge or fee is imposed for parking.” Zoning Code of Baltimore City (“ZC”) § 4-204(4); 4-504; 4-804. A conditional use is the subject of this proposed ordinance; accordingly, the ordinance satisfies the above requirements.

The Law Department also notes that the Report of the Planning Commission (“Report”) provides findings of fact that would support the authorization of this conditional use. *See* Report at 2-3. The Planning Commission has also recommended that a site plan be attached and incorporated as part of the conditions if the City Council were to approve this bill. So long as the City Council finds that the site plan meets the criteria in Section 14-103 of the Zoning Code, the Law Department would have no objection to the amendment.

Pursuant to the City Zoning Code, a bill concerning a conditional use is classified as a “legislative authorization.” ZC § 16-101. Legislative authorizations require that certain procedures be followed in the bill’s passage. Specifically, certain notice requirements apply to the introduction of the bill. *See* ZC § 16-203. The bill must be referred to certain City agencies, which are obligated to review the bill in a specified manner. *See* ZC §§ 16-301, 16-302 & 16-304. Additional public notice and hearing requirements also apply to the bill. *See* ZC § 16-402. Finally, certain limitations on the City Council’s ability to amend the bill apply. *See* ZC § 16-403. Assuming all the procedural requirements are met, the Law Department approves the bill for form and legal sufficiency.

Sincerely,



Jennifer Landis
Assistant Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Victor Tervalva, Chief Solicitor