

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor

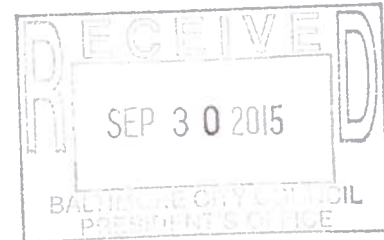


DEPARTMENT OF LAW

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

September 30, 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 15-0503 – Zoning -- Conditional Use Second-hand Store- 2412 East Monument Street

Dear Mr. President and City Council Members:

The Law Department has reviewed City Council Bill 15-0503 for form and legal sufficiency. The bill permits the establishment, maintenance, and operation of a second-hand store on the property known as 2412 East Monument Street.

The subject property is zoned B-2-2 (Community Business District). The conditional uses that require the enactment of an ordinance in a B-2-2 zone include "Second-hand stores." Zoning Code of Baltimore City ("ZC") § 6-309(12a). A conditional use is the subject of this proposed ordinance; accordingly, the proposed ordinance satisfies the above requirements.

The Bill is also subject to the requirements of Titles 14 (Conditional Uses) of the Zoning Code. The Law Department 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.

Finally, 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 apply to the bill, *see* ZC § 16-402, as do certain limitations on the City Council's ability to amend the bill. *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

For w/comm



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