
CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG
Mayor



DEPARTMENT OF LAW
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June 16, 2020

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 20-0494 - Conditional Use Banquet Hall – 5401 Belair Road

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 20-0494 for form and legal sufficiency. The bill permits, subject to certain conditions, the establishment, maintenance, and operation of a banquet Hall on the property known as 5401 Belair Road.

This property is zoned C-2, which, under the Zoning Code, requires banquet halls to be approved by ordinance. City Code, Art. 32, Table 10-301. Under the City Zoning Code, approval of a conditional use must be based on a finding that:

- (1) the establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, or welfare;
- (2) the use would not be precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization would not be contrary to the public interest; and
- (4) the authorization would be in harmony with the purpose and intent of this Code.

Art. 32, § 5-406(a).

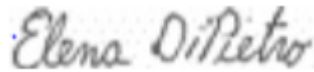
The Law Department notes that the Planning Commission's Report ("Report") indicates that the Planning staff has reviewed and commented that the "considerations" in Sec. 5-406 were reviewed and the Planning Staff found that the use meets the criteria for approval. Furthermore, the Report indicates that the Planning Commission found facts that would allow the conditional use to be granted; that is, facts required by Article 32, § 5-406(a). The Report does recite what the facts are that were relied on for this determination. **If the City Council, after reviewing those facts finds them sufficient to support the requirements of § 5-406(a), it may rely on**

the Report and any additional testimony to establish the necessary facts to lawfully approve this conditional use.

Law Department notes further that a bill that would authorize a conditional use is classified as a “legislative authorization.” Art. 32, § 5-501. Legislative authorizations require that certain procedures be followed in the bill’s passage. Specifically, certain notice requirements apply to the bill. *See* Art 32, § 5-602. The bill must be referred to certain City agencies, which are obligated to review the bill in a specified manner. *See* Art. 32, §§ 5-504, 5-506, 5-604. Finally, certain limitations on the City Council’s ability to amend the bill apply. *See* Art. 32 § 5-507.

In conclusion, if the City Council finds the necessary facts at the public hearing and all procedural requirements are met, the Law Department is prepared to approve the bill for form and legal sufficiency.

Sincerely yours,

A handwritten signature in cursive script that reads "Elena DiPietro".

Elena R. DiPietro
Chief Solicitor
Practice Group Chief

cc: Dana P. Moore, Acting City Solicitor
Nicholas Blendy, Mayor’s Office of Government Relations
Matthew Stegman, Mayor’s Office of Government Relations
Caylin Young, Council President’s Legislative Liaison
Victor Tervalá, Chief Solicitor
Hilary Ruley, Chief Solicitor
Ashlea Brown, Assistant Solicitor