

File No. 83883

March 29, 1949

Mr. John J. Lang
Deputy Director, Planning Commission
Municipal Office Building
Baltimore - 2, Maryland

Dear Mr. Lang:

You have requested an opinion of this office concerning the validity of two ordinances, namely, Ordinance No. 1194, introduced February 28, 1949, and Ordinance No. 1043, introduced November 29, 1948. You ask whether the first Ordinance mentioned is valid in view of certain restrictive provisions contained therein, and whether the second ordinance would be valid if there were incorporated therein proposed amendments of the Planning Commission which were submitted therewith.

This office has today rendered an opinion on the validity of Ordinance No. 1109, introduced January 24, 1949, stating that the restrictive provisions therein would not render the ordinance invalid. Inasmuch as the restrictions involved in Ordinance No. 1109 are the same as those contained in Ordinance No. 1194, you will perceive that this office is of the opinion that the restrictions contained in Ordinance No. 1194 do not render that ordinance invalid.

An examination has been made of the amendments proposed by the Planning Commission with respect to Ordinance No. 1043. In view of the nature and extent of the proposed amendments, it is difficult to ascribe to them the promotion of the health, safety, morals and general welfare which is necessary to sustain the validity of such restrictive provisions. It is consequently the opinion of this office that the amendments to Ordinance No. 1043, if accepted in their entirety, would render the Ordinance invalid.

Very truly yours,

/s/ THOMAS N. BIDDISON
City Solicitor

/s/ HAMILTON O'DUNNE
Assistant City Solicitor

HO'D/db