
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW

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July 1, 2025

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 25-0063 – Zoning Administrator – Transfer to Department of Planning

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 25-0063 for form and legal sufficiency. The bill amends Article 32 of the City Code to transfer the Office of Zoning Administrator from the Department of Housing and Community Development (“DHCD”) to the Department of Planning. The bill also amends Subtitle 2 of Article 13 of the City Code to include certain duties of DHCD imposed by previous ordinances that have not migrated to that Subtitle. The Law Department has reviewed and discussed these amendments and the relevant ordinances with the Department of Legislative Reference (“DLR”) and defers to DLR’s judgment as to the necessity of these inclusions.

The City Charter vests the executive power of the City in the Mayor, the City Administrator, and the departments, commissions and boards provided for in the Charter and in other law. City Charter, Art. VII, § 1(a). “Consistent with the Charter, and subject to the supervision of a superior municipal officer or agency, a department, officer, commission, board or other municipal agency provided for in the Charter shall perform additional duties and possess additional powers, as may be prescribed by ordinance.” City Charter, Art. VII, § 2. This bill is an appropriate ordinance to bring the Office of Zoning Administrator under the auspices of the Charter-created Department of Planning. *See* City Charter, Art. VII, § 70 (establishing the Department of Planning).

Procedural Requirements

Because this bill amends the text of the City’s Zoning Code, the City Council must consider the following:

- (1) the amendment’s consistency with the City’s Comprehensive Master Plan;
- (2) whether the amendment would promote the public health, safety, and welfare;
- (3) the amendment’s consistency with the intent and general regulations of this Code;

(4) whether the amendment would correct an error or omission, clarify existing requirements, or effect a change in policy; and

(5) the extent to which the amendment would create nonconformities.

Baltimore City Code, Art. 32, § 5-508(c).

Furthermore, any bill that authorizes a change in the text of the Zoning Code is a “legislative authorization,” which requires that certain procedures be followed in the bill’s passage, including a public hearing. Baltimore City Code, Art. 32, §§ 5-501; 5-507; 5-601(a). Certain notice requirements apply to the bill. Baltimore City Code, Art. 32, §§ 5-601(b)(1), (c), (e). The bill must be referred to certain City agencies, which are obligated to review the bill in a specified manner. Baltimore City Code, Art. 32, §§ 5-504, 5-506. Finally, certain limitations on the City Council’s ability to amend the bill apply. Baltimore City Code, Art. 32, § 5-507(c).

Assuming all procedural requirements are followed, the Law Department approves the bill for form and legal sufficiency.

Sincerely,



Jeffrey Hochstetler
Chief Solicitor

cc: Ebony Thompson, Acting City Solicitor
Ty’lor Schnella, Mayor’s Office of Government Relations
Hilary Ruley, Chief Solicitor, General Counsel Division
Ashlea Brown, Chief Solicitor
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