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**CITY OF BALTIMORE**

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Mayor



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June 4, 2025

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

Re: City Council Bill 25-0054 – Zoning – W-2 Overlay District – Amendment

Dear President and City Council Members:

The Law Department reviewed City Council Bill 25-0054 for form and legal sufficiency. The bill would amend the text of Section 12-904(b) and Table 12-903(4) of the City Zoning Code in Article 32 for the purpose of changing the view corridor requirements in the W-2 Overlay District. Table 12-903(4) relates to the Middle Branch Waterfront Area, which appears to be the only W-2 District in the Zoning Code. The Waterfront Districts in Tables 12-903(1)-(3) are W-1 Overlay Districts.

The City Council must consider the following when evaluating changes to the text of the City's Zoning Code:

- (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).

The Planning Report analyzed Council Bill 25-0054 as a map amendment. Therefore, the Report analyzed the amendments in accordance with the standards set forth in Section 5-508(b) of Article 32. The City Council may approve a map amendment if it finds a substantial change in the character of the neighborhood where the property is located, or mistake in the existing zoning classification. Baltimore City Code, Art. 32, § 5-508(b)(1). The City Council is required to make the following findings of fact in determining whether to permit rezoning based on mistake or change in the character of the neighborhood:

- (i) population change;
- (ii) the availability of public facilities;
- (iii) the present and future transportation patterns;
- (iv) compatibility with existing and proposed development for the area;

- (v) the recommendations of the Planning Commission and the Board [of Municipal and Zoning Appeals]; and
- (vi) the relationship of the proposed amendment to Baltimore City's plan.

Md. Code, Land Use, § 10-304(b)(1); Baltimore City Code, Art. 32, § 5-508(b)(2).

Article 32 of the City Code requires the Council to consider the following additional factors:

- (i) existing uses of property within the general area of the property in question;
- (ii) the zoning classification of other property within the general area of the property in question;
- (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
- (iv) the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.

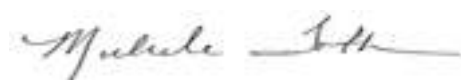
Baltimore City Code, Art. 32, § 5-508(b)(3).

A map amendment involves a change in the zoning classification of a particular property. This change in the zoning classification is known as piecemeal zoning. A text amendment is not a piecemeal zoning, as it does not change the assigned zoning classification of any parcel but rather changes the requirements for a particular zone. *See MBC Realty, LLC v. Mayor of Balt.*, 192 Md. App. 218, 238 (2010). Council Bill 25-0054 does not seek to change the zoning designation of a property. The bill adjusts the view corridor requirements for an existing zoning designation, namely the W-2 Overlay District. Therefore, the applicable standards for analysis of the amendment in Council Bill 25-0054 are in Section 5-508(c) of Article 32 set out above. Amending the text of the Zoning Code is not a quasi-judicial action and does not require findings of fact. "Legislative revision of the language of a zoning ordinance by means of a text amendment is in the nature of a legislative action, and therefore is comparable to original zoning and comprehensive zoning." *Id.* at 236. The criteria set out in Section 5-508(c) are standards for consideration by the City Council in evaluating whether to amend the text of the Zoning Code.

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 the procedural requirements are met, the Law Department can approve the bill for form and legal sufficiency.

Very truly yours,



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