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CITY OF BALTIMORE

CATHERINE E. PUGH,  
Mayor



DEPARTMENT OF LAW  
ANDRE M. DAVIS, CITY SOLICITOR  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

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March 26, 2019

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

Attn: Natawna B. Austin,  
Executive Secretary

Re: City Council Bill 18-0277 – Zoning - IMU Industrial Mixed-Use Zoning  
Districts

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 18-0277 for form and legal sufficiency. The bill establishes a new IMU-2 Industrial Mixed-Use Zoning District and specifies the permitted and conditional uses allowed in that district. The bill also renames the current “IMU” Industrial Mixed-Use Zoning District to be known as the “IMU-1” Industrial Mixed-Use Zoning District.

The Law Department does not see any legal impediments to the adoption of the bill as drafted. CB 18-0277 authorizes a text amendment to the City’s zoning code. The zoning code defines a text amendment 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, § 5-601. 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. Certain limitations on the City Council’s ability to amend the bill apply. *See* Art. 32 § 5-507. Finally, in order to adopt a text amendment, certain standards must be considered. Specifically:

- (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.

Art. 32 § 5-508. The Planning Commission's report does not discuss the application of these standards. While no "findings of fact" are needed to approve the bill, the City Council is required to consider these standards. To assist in this process, the Law Department recommends that the Planning Department engage the committee members in a discussion about these standards at the bill's public hearing.

Assuming all the procedural requirements are met, the Law Department is prepared to approve the bill for form and legal sufficiency.

Sincerely,



Victor K. Tervala  
Chief Solicitor

cc: Andre M. Davis, City Solicitor  
Karen Stokes, Director, Mayor's Office of Government Relations  
Jeffrey Amoros, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Hilary Ruley, Chief Solicitor  
Ashlea Brown, Assistant City Solicitor