
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
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May 4, 2026

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 26-0158 – Zoning – Data Centers – Moratorium

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 26-0158 for form and legal sufficiency. The bill would create a new use category called “data center” and would prohibit that use Citywide. If the City Council does not take further action on the topic within a year after enactment, the prohibition would sunset.

The bill would define “data center” as “a facility or portion of a facility: 1) that is used for remote storage, processing, and distribution of data; and 2) that is capable of using 10 megawatts or more of electricity.” The bill excludes a data center from the definition of “research and development facility.” If the intention is to exclude a “research and development facility” from the definition of “data center”, then that exclusion should be included in the definition of “data center”, instead of the inverse.

The City, in promoting the health, safety, and general welfare of the community, may, among other zoning powers, regulate “the location and use of buildings, signs, structures, and land.” Md. Code, Land Use (“LU”) § 10-202(6). The bill is an appropriate way of regulating the use of facilities that are expected to have an outsized impact on the electrical grid.

Procedural Requirements

Any bill that authorizes a change in the text of the Zoning Code is a “legislative authorization.” City Code, Art. 32, § 5-501(1). The City Council must consider the following standards 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.

City Code, Art. 32, § 5-508(c). The Planning Commission's report contains facts relevant to these standards.

Additionally, certain procedures must be followed in the bill's passage, including a public hearing. City Code, Art. 32, §§ 5-507; 5-601(a). Certain notice requirements apply to the bill. 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. City Code, Art. 32, §§ 5-504, 5-506. Finally, certain limitations on the City Council's ability to amend the bill apply. City Code, Art. 32, § 5-507(c).

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jeffrey Hochstetler', with a long horizontal flourish extending to the right.

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
Michelle Toth, Assistant Solicitor
Desireé Luckey, Assistant Solicitor