

For Internal Use Only



**BALTIMORE CITY COUNCIL
WAYS AND MEANS
COMMITTEE**

Mission Statement

The Committee on Ways and Means (WM) is responsible for ensuring taxpayer dollars are expended prudently and equitably. WM will exercise regular oversight of the City's budget, expenditures, loans, and other financial matters. The committee's areas of jurisdiction include: budget & appropriations, taxation, financial services, consumer protection, audits, and the Comptroller's Office.

**The Honorable Eric T. Costello
Chairman**

PUBLIC HEARING

**TUESDAY, OCTOBER 12, 2021
10:00 AM**

VIRTUAL WEBEX MEETING

HEARING RECONVENES / WORKSESSION

Council Bill 21-0118

Area of Special Sign Control – Designation – North Harbor

CITY COUNCIL COMMITTEES

ECONOMIC AND COMMUNITY DEVELOPMENT (ECD)

Sharon Green Middleton, Chair
John Bullock – Vice Chair
Mark Conway
Ryan Dorsey
Antonio Glover
Odette Ramos
Robert Stokes
Staff: Jennifer Coates

WAYS AND MEANS (W&M)

Eric Costello, Chair
Kristerfer Burnett
Ryan Dorsey
Danielle McCray
Sharon Green Middleton
Isaac “Yitzy” Schleifer
Robert Stokes
Staff: Marguerite Currin

PUBLIC SAFETY AND GOVERNMENT OPERATIONS (SGO)

Mark Conway – Chair
Kristerfer Burnett
Zeke Cohen
Erick Costello
Antonio Glover
Phylicia Porter
Odette Ramos
Staff: Samuel Johnson

EDUCATION, WORKFORCE, AND YOUTH (EWY)

Robert Stokes – Chair
John Bullock
Zeke Cohen
Antonio Glover
Sharon Green Middleton
Phylicia Porter
James Torrence
Staff: Marguerite Currin

HEALTH, ENVIRONMENT, AND TECHNOLOGY (HET)

Danielle McCray – Chair
John Bullock
Mark Conway
Ryan Dorsey
Phylicia Porter
James Torrence
Isaac “Yitzy” Schleifer
Staff: Matthew Peters

RULES AND LEGISLATIVE OVERSIGHT (OVERSIGHT)

Isaac “Yitzy” Schleifer, Chair
Kristerfer Burnett
Mark Conway
Erick Costello
Sharon Green Middleton
Odette Ramos
James Torrence
Staff: Richard Krummerich



BILL SYNOPSIS

Committee: Ways and Means

Bill: 21-0118

Area of Special Sign Control – Designation – North Harbor

Sponsor: *President Mosby at the request of the Downtown Partnership of Baltimore*

Introduced: *August 16, 2021*

Purpose:

For the purpose of approving the application of Downtown Partnership of Baltimore to designate an Area of Special Sign Control known as the North Harbor District; and providing for a special effective date.

Effective: **On the date it is enacted.**

Agency Reports

Law Department	<i>Favorable/Comments</i>
Baltimore Development Corporation	<i>Favorable/Comments</i>
Board of Municipal and Zoning Appeals	<i>Defers to Planning Commission</i>
Downtown Partnership	<i>None as of this writing</i>
Department of Finance	<i>Does Not Oppose</i>
Planning Commission	<i>None as of this writing</i>
Department of Transportation	<i>No Objection</i>

Analysis

Current Law

Baltimore City Code – Article 32, Subtitle 5 - **AREAS OF SPECIAL SIGNAGE CONTROL** § 17-501 thru 17-505 – outlines the rules, regulations, and mandates for Special Signage.

§ 17-501

The City recognizes that certain commercial areas present a unique character that could be enhanced with the application of sign standards that depart from the requirements of this title. In these circumstances, these standards would be considered supportive of the commercial area. Under this subtitle, the Planning Commission may recommend, and the City Council may approve the designation of an area that meets certain criteria as an Area of Special Signage. The Planning Commission may then approve a specific Signage Plan for that Area of Special Signage Control.

Background

At the request of the Downtown Partnership of Baltimore, this bill, if enacted would designate an Area of Special Sign Control for certain properties in the North Harbor area of downtown Baltimore. *See attached map.*

In addition to the current law above, attached is the Law Department's report which outlines the:

- Application requirements
- General Process
- Required Findings of Fact, and
- Notice of the Required City Council Hearing

All are required before the Ordinance can move forward. *See attached report.*

Also note: On Tuesday, September 28, 2021, a hearing was called to order and was recessed shortly thereafter to allow for more research and/or work on the Ordinance. A **work session** will be held on Tuesday, October 5, 2021.

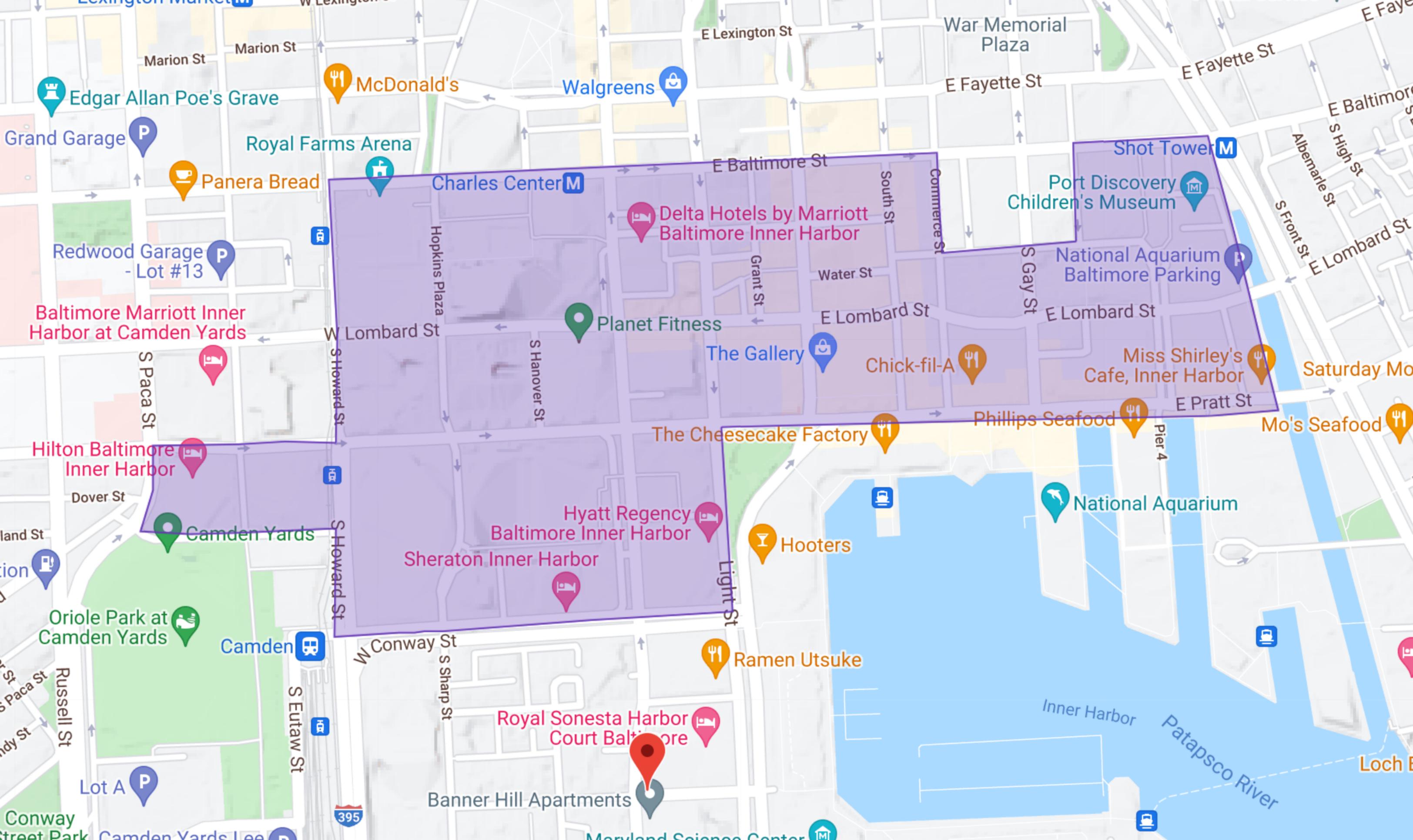
Additional Information

Fiscal Note: Per the Department of Finance, if enacted the Special Sign Control Designation will bring in additional revenue – *(See attached agency report)*

Information Source(s): City Code, Council Bill 21-0118, and all agency reports received as of this writing.

Analysis by: *Marguerite M. Currin*
Analysis Date: October 6, 2021

Direct Inquiries to: (443) 984-3485



Council Bill: 21-0118

AGENCY REPORTS

SEE ATTACHED

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
JAMES L. SHEA, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

September 2, 2021

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 21-0118 – Area of Special Sign Control – Designation –
North Harbor

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0118 for form and legal sufficiency. If enacted the bill would create an Area of Special Signage Control for certain designated properties in the North Harbor area downtown. Once the bill is passed, then the applicant can go to the Planning Commission for approval of a detailed Signage Plan for the proposed area. Baltimore City Code, Art. 32, § 17-504(a).

Application Requirements

An Area of Special Signage Control must be created by ordinance. Baltimore City Code, Art. 32, § 17-503(a). It is allowed only in certain zoning districts. Baltimore City Code, Art. 32, § 17-502(a). This bill confirms that the designated properties for the proposed Area of Special Signage Control are within zoning districts that are permitted to have such an area. The bill also confirms that the proposed Area of Special Signage Control has multiple properties with at least 600 linear feet of street frontage, which is either adjacent or directly across the street from each other, as is required by the Zoning Code. City Code, Art. 32, § 17-502(b).

General Process

A bill proposing an Area of Special Signage Control is treated as any other Legislative Authorization in Subtitle 5 of Title 5 of the City's Zoning Code, except that Sections 5-506(a)(2) and 5-508 do not apply. Baltimore City Code, Art. 32, § 17-503(a). Subtitle 5 of Title 5 of the Zoning Code requires that this bill be referred to the Board of Municipal and Zoning Appeals ("BMZA"), the Planning Commission and the Department of Transportation. Baltimore City Code, Art. 32, § 5-504. The Planning Commission must consider the bill in a public hearing that has met certain notice requirements and promptly transmit its report on the bill to the City Council. Baltimore City Code, Art. 32, § 5-506(a). The BMZA must also promptly report on this bill. Baltimore City Code, Art. 32, § 5-506(b).

Required Findings of Fact

The Planning Commission may recommend approval of the Area of Special Signage Control so long as it finds that the area will not increase traffic congestion or distraction, would not add to visual clutter and would not be incongruous to the existing or contemplated design of the area. Baltimore City Code, Art. 32, § 17-503(c)(1). The Planning Commission may not recommend approval if 51% of property owners inside the proposed Area of Special Signage Control object to its passage; although the Planning Commission must still find facts related to traffic, visual clutter and congruity. Baltimore City Code, Art. 32, § 17-503(c)(2).

Regardless of the findings by the Planning Commission, the Mayor and City Council may enact the ordinance so long as the City Council makes findings of fact that the area will not increase traffic congestion or distraction, would not add to visual clutter and would not be incongruous to the existing or contemplated design of the area. Baltimore City Code, Art. 32, § 17-503(b)(3).

Notice of the Required City Council Hearing

The City Council must also have a hearing on this bill. Baltimore City Code, Art. 32, § 5-507(a). The notice required for a hearing on a bill proposing an Area of Special Signage Control is the same as the notice required for a minor variance but with different content for the notice. Baltimore City Code, Art. 32, § 17-503(b)(2). The notice for an Area of Special Signage Control must provide the following:

- (i) date of the proposed Ordinance's introduction and its assigned bill number;
- (ii) date of hearing on the proposed Ordinance;
- (iii) the name and address of the applicant(s);
- (iv) the boundaries of the proposed area;
- (v) Planning Department contact information, at which the public can arrange to review the proposed Signage Plan; and
- (vi) a statement that any objections to the designation of the area as an Area of Special Signage Control should be given to the Director of Planning and the City Council.

City Code, Art. 32, § 5-603(b)(2).

These notices must be given by posting in a conspicuous place on the property. Baltimore City Code, Art. 32, § 5-603(a)(3). At least one sign must be visible from each street frontage. Baltimore City Code, Art. 32, § 5-603(c)(1)(i). Each of these signs must be "posted at a prominent location, near the sidewalk or public right-of-way, so that it is visible to passing pedestrians and motorists" and "a window-mounted sign must be mounted inside the window glass and placed so that it is clearly visible to passing pedestrians and motorists." Baltimore City Code, Art. 32, § 5-603(c)(1)(ii), (iii). Each sign must be at least 3 feet by 4 feet in size. Baltimore City Code, Art. 32, § 5-603(c)(1)(iv).

Although minor variances require that the signs be "posted at least 10 days before the Zoning Administrator makes a decision on the application; and (2) removed within 48 hours after

a written decision is issued,” that cannot happen for a bill proposing an Area of Special Signage Control because the Zoning Administrator does not make a decision on the application; the Mayor and City Council approves the application by enacting the ordinance. Baltimore City Code, Art. 32, § 17-503(a), (b)(2); Baltimore City Code, Art. 32, § 5-603(d). Therefore, it is unclear what duration is required for the signage posting. Although a minor variance requires posting for 10 days prior to the decision, other notices for zoning decisions made by ordinance require posting at least 15 or 21 or 30 days prior to the hearing depending on the type of zoning action. Baltimore City Code, Art. 32, § 5-601(e)(1) (15 days for text amendments); Baltimore City Code, Art. 32, § 5-601(e)(2) (30 days for comprehensive rezoning); Baltimore City Code, Art. 32, § 5-601(f)(1) (30 days for map amendment, or for PUDs). Obviously, if these signs were posted for 30 days prior to the hearing every possible duration requirement would be satisfied. It behooves the Council to amend the text of the Zoning Code in the future to make clear the duration required for posting a sign notifying of a City Council hearing on an application for an Area of Special Signage Control.

Assuming the procedural requirements discussed above are met and the City Council finds the required facts, the Law Department can approve the bill for form and legal sufficiency.

Very truly yours,



Hilary Ruley
Chief Solicitor

cc: James L. Shea, City Solicitor
Nina Themelis, Mayor’s Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalá, Chief Solicitor
Ashlea Brown, Assistant Solicitor

CITY OF BALTIMORE

BRANDON M. SCOTT, Mayor



**BOARD OF MUNICIPAL AND
ZONING APPEALS**

417 E. Fayette Street, Suite 922
Baltimore, Maryland 21202

September 23, 2021

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

Re: CC Bill #21-0118 – Area of Special Sign Control- Designation- North Harbor

Ladies and Gentlemen:

City Council Bill No. 21-0118 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 21-0118 is to approve the application of Downtown Partnership of Baltimore to designate an Area of Special Sign Control known as the North Harbor District; and to provide for a special effective date.

The BMZA is deferring its recommendation on the legislation to that of the report and recommendation of the Planning Commission.

Sincerely,

Kathleen Byrne

Kathleen Byrne
Acting Executive Director

CC: Mayor's Office of Council Relations
City Council President
Legislative Reference

FROM	NAME & TITLE	Robert Cename, Budget Director <i>R. Cename</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4774		
	SUBJECT	City Council Bill 21-0118 – Area of Special Sign Control – Designation – North Harbor		

DATE:

TO

The Honorable President and
Members of the City Council
City Hall, Room 400

September 24, 2021

Position: Does not Oppose

The Department of Finance is herein reporting on City Council Bill 21-0118 – Area of Special Sign Control – Designation – North Harbor, the purpose of which is to approve the application of Downtown Partnership of Baltimore to designate an Area of Special Sign Control known as the North Harbor District; and providing for a special effective date.

Background

The Downtown Partnership of Baltimore is asking to designate an Area of Special Sign Control (ASSC), which is intended to allow commercial and City-Owned properties in specific locations the ability to depart from the standard signage requirements described in the Zoning Code to better respond to their unique character in an area to be known as the North Harbor (NoHa) District, an area roughly bounded by South President Street, West Baltimore Street, Conway Street/Inner Harbor and Howard Street. The intent of this designation is to allow general advertising on signs in the ASSC which would include large scale digital signs on specific properties.

Once the designation of the area is complete the Signage Plan, which includes the specific locations, size, and type of signs would need to be approved by the Planning Commission. The Signage Plan may be revised in future years and will require approval of each subsequent revision. At the approval of the Signage Plan, properties may work with media companies to negotiate contracts and move forward with signage construction. Any City-owned properties will have to move through a formal Request for Proposal (RFP) process to procure a media company partnership.

The City is actively pursuing a city-wide Municipal advertising plan and a pilot program is currently moving through the RFP process for City-owned parking garages. This pilot program seeks to establish a media company partner for this subset of City-owned properties and launch the municipal advertising program, before expanding to additional City-owned property at a later stage.

Fiscal Impact

There is a tax on billboard advertising, which would be applied to signage within the boundaries of the ASSC. The annual amount of the tax imposed would be applied at a rate of \$15 per square foot of advertising imagery for an electronic outdoor advertising display that changes images more than once a day and \$5 per square foot of advertising imagery for any other outdoor advertising display.

The Signage Plan as proposed includes 15 digital signs in the area that will be designated an Area of Special Sign Control, all on privately owned properties. The estimated square footage of the 15 digital signs that

are proposed is 20,227, which equates to an estimated \$303,405 in annual revenue when all signs are operational.

Signage on City-owned properties would bring additional annual revenue, with the amount dependent on contracts these properties establish with media companies through the formal RFP process. Estimates provided by consultants to Downtown Partnership estimate that average annual revenue for two City-owned properties in the designation area, Hilton Inner Harbor and Hyatt Hotel Garage, would be approximately \$400,000. The Convention Center, also located in the ASSC designation area, has already been working towards digital signage on their façade supported by a loan from the City's Innovation Fund. It is not anticipated that the proposed legislation will intervene with the city-wide Municipal Advertising program or limit opportunities for increasing General Fund revenue.

Conclusion

The designation of the NoHa area as an Area of Special Sign Control and subsequent approval of the Signage Plan by the Planning Commission will lead to additional revenue for the City of Baltimore on an annual basis. The Department of Finance does not oppose the designation of an Area of Special Sign Control but defers to the Department of Planning on implementation.

For the reasons stated above, the Department of Finance does not oppose City Council Bill 21-0118.

cc: Henry Raymond
Matthew Stegman
Nina Themelis



MEMORANDUM

DATE: September 20, 2021
TO: Ways and Means Committee
FROM: Colin Tarbert, President and CEO 
POSITION: Support
SUBJECT: City Council Bill No. 21-0118
Area of Special Sign Control – Designation – North Harbor

INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill No. 20-0118 introduced by Councilmembers Costello and Stokes at the request of the Downtown Partnership of Baltimore.

PURPOSE

For the purpose of approving the application of Downtown Partnership of Baltimore to designate an Area of Special Sign Control known as the North Harbor District.

BRIEF HISTORY

The Baltimore City Zoning code provides for Areas of Special Signage Control for certain commercial areas that present a unique character that could be enhanced with the application of sign standards that depart from the typical signage requirements elsewhere in the Code. The process for approving an Area of Special Signage Control is essentially two parts: 1) designation of an area and its boundaries, and 2) the development of a Signage Plan for the designated area. This Ordinance would complete the first step of the process, and designate an area comprised of the Central Business District roughly bounded Howard St. (West), Baltimore Street (North), President Street (East) and Pratt Street (South), with some variation therein to include or exclude certain properties as appropriate.

BDC recognizes the value that an Area of Special Sign Control can bring to the area, and in particular would like to recognize the opportunity that it could provide to locally owned small businesses, including minority- and women-owned businesses who may not have the resources to obtain space on high-visibility signage on their own. The Downtown Partnership, through its IKE Kiosk and Downtown BOOST (Black-Owned and Occupied Storefront Tenancy) programs, has directly supported local businesses and, through its application for this signage area, stands to be an important advocate ensuring that these businesses can benefit from the increased signage opportunities the Area will provide.

City Council Bill No. 21-0118
Area of Special Sign Control – Designation – North Harbor
Page 2

While this Ordinance will establish the Area boundaries, the specifics of the Signage Plan will need to be developed in conjunction with multiple City agencies and local stakeholders. This step remains the most important aspect of the process to ensure that any new signage is part of a single vision that enhances the overall environment of the Area. BDC looks forward to engaging in that effort, and supports the establishment of the Area’s boundaries so that the process can begin.

FISCAL IMPACT

None

AGENCY POSITION

The Baltimore Development Corporation **Supports** City Council Bill No. 21-0118.

If you have any questions, please do not hesitate to contact Kimberly Clark at kclark@baltimoredevelopment.com.

cc: Nina Themelis

[DT]

F R O M	NAME & TITLE	Steve Sharkey, Director	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 21-0118		

TO: Mayor Brandon M. Scott
TO: Way and Means Committee
FROM: Department of Transportation
POSITION: **No Objection**
RE: Council Bill – 21-0118

DATE: 9/20/21

INTRODUCTION – Area of Special Sign Control - Designation - North Harbor

PURPOSE/PLANS – For the purpose of approving the application of Downtown Partnership of Baltimore to designate an Area of Special Sign Control known as the North Harbor District; and providing for a special effective date.

COMMENTS – Council Bill 21-0118 seeks to designate a new area of special sign control within Downtown Baltimore, to be known as North Harbor. Subtitle 5 of Title 5 of the City’s Zoning Code requires that Area of Special Sign Control ordinances be referred to the Board of Municipal and Zoning Appeals, the Planning Commission, and the Department of Transportation. DOT’s Right-of-Way Division will continue to review any proposed signage that extends into, overhead or otherwise impacts Baltimore City public right-of-way.

AGENCY/DEPARTMENT POSITION – The Department of Transportation foresees no significant direct fiscal or operational impact resulting from the advancement of Council Bill 21-0118. The Department of Transportation has **no objection** to Council Bill 21-0118.

If you have any questions, please do not hesitate to contact Liam Davis at Liam.Davis@baltimorecity.gov or at 410-545-3207.

Sincerely,

Steve Sharkey
Director

**CITY OF BALTIMORE
COUNCIL BILL 21-0118
(First Reader)**

Introduced by: Councilmembers Costello and Stokes
At the request of: Downtown Partnership of Baltimore
Address: 20 S. Charles St., Baltimore, MD, 21201, Attn: Shelonda Stokes, President
Telephone: 410-244-1030

Introduced and read first time: August 16, 2021

Assigned to: Ways and Means Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Baltimore Development Corporation,
Board of Municipal and Zoning Appeals, Downtown Partnership, Department of Finance,
Planning Commission, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Area of Special Sign Control - Designation - North Harbor**

3 FOR the purpose of approving the application of Downtown Partnership of Baltimore to designate
4 an Area of Special Sign Control known as the North Harbor District; and providing for a
5 special effective date.

6 BY authority of

7 Article - Zoning
8 Title 17, Subtitle 5
9 Baltimore City Revised Code
10 (Edition 2000)

11 **Recitals**

12 Downtown Partnership of Baltimore has applied to designate an Area of Special Sign Control
13 known as the “North Harbor District” in the area described as follows:

14 **North Harbor District**

15 Beginning at the point of the intersection of the of the center lines of Howard
16 Street and Conway; then, west along the center line of West Camden Street to the
17 point of South Paca intersection; then north along the center line of South Paca to
18 the point of Pratt Street intersection, then north along the center line of North
19 Howard Street to the point of East Baltimore Street Intersection, then east along
20 the center line of East Baltimore Street to the point of Commerce Street
21 Intersection, then south along the center line of Commerce Street to the point of
22 Water Street Intersection, then east along the center line of Water Street to the
23 point of S Frederick Street intersection, then north along the center line of S
24 Frederick Street to the E Baltimore Street intersection, then east along the center
25 line of E Baltimore Street to the point of the President Street intersection, then

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 21-0118

1 south along the center line of President Street to the point of the Pratt Street intersection,
2 then west along the Pratt Street including all parcels on Pratt Street to the point of the
3 Light street intersection, then south along the center line of Light Street to the point of
4 Conway intersection, then west along the center line to the intersection at Howard Street.

5 On August 2, 2021, representatives from Downtown Partnership of Baltimore met with the
6 Department of Planning for a preliminary conference to explain the scope and nature of the
7 proposed Area of Special Control and to begin the process to designate the North Harbor District
8 an Area of Special Control.

9 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That, in
10 accordance with Baltimore City Zoning Code § 17-503(b)(1), the area known as the “North
11 Harbor District” is an Area of Special Sign Control.

12 **SECTION 2. AND BE IT FURTHER ORDAINED,** That, in accordance with Baltimore City
13 Zoning Code § 17-504, the Applicant shall submit a signage plan for the North Harbor District
14 Area of Special Sign Control demonstrating that, in accordance with Baltimore City Zoning Code
15 § 17-502(a), all of the properties in the North Harbor District Area of Special Sign Control are
16 within permissible zones, and that, in accordance with Baltimore City Zoning Code § 17-502(b),
17 the North Harbor District Area of Special Sign Control has at least 600 linear feet of street
18 frontage, and that, in accordance with Baltimore City Zoning Code §§ 17-502(b)(2) and 17-
19 502(b)(3), the included block faces are either located directly across the street from each other or
20 adjacent to each other along the street and are in permissible zoning districts.

21 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on date it is
22 enacted.