



MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Alice Kennedy, Acting Housing Commissioner AK

Date: October 2, 2020

Re: City Council Bill 20-0570 Zoning - Railroad Rights-of-Way - Billboards

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 20-0570 for the purpose of authorizing, subject to limitations and requirements, the erection of new billboards within a railroad right-of-way or within a railroad facility that adjoins a railroad right-of-way; and correcting, conforming, and clarifying related language.

If enacted, City Council Bill 20-0570 would amend Section 17-406 of the Zoning Code to expand the areas in which new billboards can be permitted. Currently, a billboard may only be placed in a Special Signage District that must be established by the City Council and detailed plans must be approved by the Planning Commission. If approved, this law would allow a nearly unlimited number of new billboards to also be present “within a railroad right-of-way or within a railroad facility that adjoins a railroad right-of-way,” in or abutting, Heavy Industrial (I-2) districts and Maritime Industrial (MI) districts.

At its regular meeting of October 1, 2020, the Planning Commission did not concur with its planning staff recommendation of amendment and approval and instead recommended an unfavorable report to the City Council for Bill 20-0570. Planning Commission staff recommended several amendments in their staff report including; excluding metro-rail and Light-rail, clarifying the orientation of the billboards, clarifying the measurement methods and cross referencing the existing code regarding types of animation.

The Law Department recommends an amendment to this bill to provide a definition for “railroad right-of-way” and raised concerns about the preemption of federal law. However, they found that City Council Bill 20-0570 would not be a bar to the zoning code’s change of the permitted uses for this land. The Law Department further noted in their report that this legislation would severely limit the City’s ability to regulate billboards based on safety and aesthetics, and would allow for the proliferation of billboards in these railroad areas, free of almost any regulation.

DHCD **has no objection** to the passage of City Council Bill 20-0570, however recommends adoption of the Law Department’s and Planning Commission’s staff amendments to further clarify the legislation.

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cc: Mr. Blendy, Nicholas, *Mayor’s Office of Government Relations*