
CITY OF BALTIMORE

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February 24, 2026

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 25-0117 – Zoning – Conditional Use Live Entertainment –
1421 Ridgely Street

Dear President and City Council Members:

The Law Department reviewed City Council Bill 25-0117 for form and legal sufficiency. The bill would permit, subject to certain conditions, the establishment, maintenance, and operation of the premises for live entertainment on the property known as 1421 Ridgely Street (Block 0839, Lot 004) in the C-4 Zoning District. The ordinance would take effect on the date of its enactment.

The bill contains a variance for off-street parking requirements that is not reflected in the title of the bill. Council Bill 25-0117 was introduced on November 10, 2025. The bill cites as authority Section 16-204 and Table 16-406 of Article 32 for the requested off-street parking variance. Section 16-204 was amended and Table 16-406 was repealed by Ordinance 25-064, which took effect on December 3, 2025. Off-street parking minimums were replaced by parking maximums. Parking maximums specified in new Table 16-204 may not be exceeded unless a structure has changed to a new use, prior to the change in use the structure had existing off-street parking spaces that would exceed the maximum set for the new use, and no additional parking spaces are added following the change in use. Baltimore City Code Art. 32, § 16-204(a). Accordingly, lines 10 and 22 on page 1 of Council Bill 25-0117 should be amended to refer to Table 16-204 rather than Table 16-406. It is up to the City Council to determine if a parking variance is still needed given the change in standards.

Additionally, Council Bill 25-0117 does not cite Section 5-406 of Article 32 of the Baltimore City Code in the authority section. Section 5-406 provides the standards for approval of a conditional use. Accordingly, line 9 of page 1 of the bill should be amended to include Section 5-406.

Conditional Use Standards

Live entertainment is permitted as a conditional use if approved by ordinance in the C-4 zoning district. Baltimore City Code, Art. 32, Zoning Table 10-301. It is the Planning Department's understanding that the Zoning Code should be read to permit live entertainment as a conditional

use by ordinance if the live entertainment is an accessory use to a restaurant or tavern since live entertainment as an accessory use is considered a subset of live entertainment as a primary use. In other words, the theory is that live entertainment as an accessory use is fine in all districts where live entertainment is generally permitted of right or as a conditional use (in the C-1-E, C3, C4 and C5 districts) as a primary or accessory use and that it is ONLY permitted as part of an accessory use if conditionally approved by the Zoning Board in the other districts (C1, C-1-VC and C2). This interpretation of Zoning Table 10-301 is not immediately apparent, and Section 14-319 of Article 32, which sets the use standards for live entertainment, does not discuss the interpretation of Table 10-301. Moreover, in Section 1-205 of the General Provisions section of the City Zoning Tables, it is stated that where no letter (a blank space) appears on the table or the use is not mentioned in the table then that use is not allowed within that zoning district. While CO (conditional use by ordinance) appears on Table 10-301 for live entertainment in the C-4 zoning district, no letter appears in the section of Table 10-301 for live entertainment as an accessory use.

It is not clear that a Court would interpret Table 10-301 to permit live entertainment as an accessory use in the C4 district. However, when a statute is ambiguous, Courts will read “the statute as a whole to ensure that no word, clause, sentence or phrase is rendered surplusage, superfluous, meaningless or nugatory.” *Neal v. Baltimore City Bd. of Sch. Commissioners*, 467 Md. 399, 415 (2020). The reading advocated by the Planning Commission gives effect to both lines in Table 10-301, although they could have been more clearly written by indicating in Table 10-301 that live entertainment as an accessory use matches the use designation for live entertainment as a primary use in the C-1-E, C3, C4 and C5 districts. A Court should give great weight to how the City has been interpreting its own statute. *See, e.g., Motor Vehicle Administration v. Illiano*, 390 Md. 265, 274-75 (2005) (“an administrative agency’s interpretation and application of the statute which the agency administers should ordinarily be given considerable weight by reviewing courts.”).

The conditional use approval for live entertainment in Council Bill 25-0117 appears to be as an accessory use, although the Planning Report does not address this issue. Both the Planning Report and the Statement of Intent indicate that the property is currently used as a brewery with a taproom and a carryout kitchen. The property is the site of Checkerspot Brewing Company. Thus, the current use of the property meets the definition for tavern in Section 1-314 (a) of Article 32 of the Baltimore City Zoning Code. A tavern is defined as: a business establishment that is devoted primarily to serving alcoholic beverages to the public for on-premises consumption; and might also serve food and sell alcoholic beverages for off-premises consumption. Baltimore City Code, Art. 32, § 1-314(a). Table 10-301 should be amended to clearly indicate that live entertainment, as an accessory use, is a permitted or conditional use in each of the commercial districts.

To approve a conditional use, the City Council must find:

1. the establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, or welfare;
2. the use would not be precluded by any other law, including an applicable Urban Renewal Plan;
3. the authorization would not be contrary to the public interest; and
4. the authorization would be in harmony with the purpose and intent of this Code.

Baltimore City Code, Art. 32, § 5-406(b). In making these findings, the City Council must be guided by fourteen “considerations” involving such things as the “nature of the surrounding area

and the extent to which the proposed use might impair its present and future development,” “the character of the neighborhood,” and “the resulting traffic patterns and adequacy of proposed off-street parking.” Baltimore City Code, Art. 32, § 5-406(a). In addition, Section 14-319 of Article 32 of the Baltimore City Code provides additional application requirements for those seeking conditional use approval for live entertainment (§ 14-319(a)) and specifies conditions that may be placed on an approved conditional use for live entertainment (§ 14-319(b)).

Council Bill 25-0117 contains a request for a variance from off-street parking requirements. The Zoning Administrator’s Opinion, citing to Zoning Table 16-406, states that if the off-street parking minimums required are not met a variance will be required. As noted above, Zoning Table 16-204 now specifies parking maximums that cannot be exceeded unless a property changes use, the spaces were provided in connection with the former use and exceed the maximum for the new use, and no parking spaces are added. Baltimore City Code, Art. 32, § 16-204(a)(2). The use of the property at 1421 Ridgely Street is not changing. According to the Planning Report the subject property is mostly occupied by the structure, “with a few parking spaces located in the front and side yards.” The parking maximum applicable to this property is 2 per 10 persons of fire-rated capacity if the principal use of the property is live entertainment. Baltimore City Code, Art. 32, Zoning Table 16-204. If the principal use of the property is a tavern, the applicable parking maximum is 2 per 1,000 sq. ft. of indoor public seating area. Baltimore City Code, Art. 32, Zoning Table 16-204. The Planning Report does not state how many parking spaces are available or discuss what the maximum number of parking spaces allowed would be under the applicable standard in Zoning Table 16-204. If the number of parking spaces does not exceed the applicable standard, then no variance is required. The presence of an unnecessary request for a variance does not affect the validity of the bill.

Variance Standards

To grant a variance, the City Council must find that, “because of the conditions peculiar to the property, including particular physical surroundings, shape, or topographical conditions of the specific structure or land involved” or “because of exceptional circumstances related to the specific structure or land involved,” a practical difficulty, as distinguished from a mere inconvenience, would result from a strict application of the law’s requirements. Baltimore City Code, Art. 32, § 5-308(a). The City Council must also make five other findings:

1. the practical difficulty is caused by the Code and has not been created by the intentional action or inaction of any person who has a present interest in the property;
2. the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property;
3. the variance will not:
 - (i) be injurious to the use and enjoyment of other property in the immediate vicinity; or
 - (ii) substantially diminish and impair property values in the neighborhood;
4. the variance is not precluded by and will not adversely affect:
 - (i) any Urban Renewal Plan;
 - (ii) the City's Comprehensive Master Plan; or
 - (iii) any Historical and Architectural Preservation District; and
5. the variance will not otherwise:
 - (i) be detrimental to or endanger the public health, safety, or welfare; or

(ii) be in any way contrary to the public interest.

Baltimore City Code, Art. 32, § 5-308(b). It is important to note that all of these criteria must be found, in addition to a finding of practical difficulty. Baltimore City Code, Art. 32, § 5-308(a). The City Council must evaluate a request for a variance based on evidence presented at a public hearing. Baltimore City Code, Art. 32, § 5-305(a).

Planning Commission Recommendations

The Planning Commission accepted the recommendation of its Planning Staff and recommended approval of Council Bill 25-0117. The site for the proposed live entertainment is a single-story industrial building located at 1421 Ridgely Street and is occupied by the Checkerspot Brewing Company. The site is located within the Carroll-Camden Urban Renewal Plan and the South Baltimore Gateway Master Plan area. The site is in a high-intensity commercial and industrial area. The property is bordered by CSX railroad tracks to the north and the Russell Street viaduct to the east. As stated in the Planning Report, “[t]hese pieces of infrastructure separate the site from any residential use, limiting the impact of the live entertainment use.”

The 2024 Comprehensive Master Plan for the City designates the subject property in the “Mixed Use: Predominantly Auto-Oriented Commercial group.” The Planning Report notes that the proposed use for live entertainment conforms to that designation.

The Planning Report states that there is sufficient space in the existing structure to accommodate live entertainment and the number of vehicles accessing the site is not expected to significantly increase. The site is bordered by transportation infrastructure and high-intensity commercial and industrial uses. Since the live entertainment will be confined to the interior of the structure it is not expected to impact future development in the area. No residential areas, schools, churches or other places of public gathering are in close proximity to the site. The addition of live entertainment will have no effect on accessibility for emergency vehicles or access to light and air for surrounding properties, and existing facilities and utilities remain adequate for the site. The Planning Report states that the use aligns with the Comprehensive Master Plan as an approvable conditional use and is not prohibited by the existing Carroll-Camden Urban Renewal Plan. The Planning Report notes that no reason has been identified that would render the conditional use detrimental to public health, safety, or welfare. The Planning Report contains an equity analysis and notes that the Citizens of Pigtown have submitted a letter in support of the proposed conditional use.

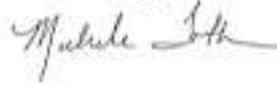
Hearing Requirements

Certain procedural requirements apply to this bill beyond those discussed above because an ordinance that authorizes a conditional use or a variance is considered a “legislative authorization.” Baltimore City Code, Art. 32, § 5-501(2)(i) and (ii). Specifically, notice requirements apply to the bill, and 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, 5-602. Finally, certain limitations on the City Council’s ability to amend the bill apply. Baltimore City Code, Art. 32, § 5-507.

The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standards have been met for a conditional use and for a

variance, if required. Assuming the required findings are made at the hearing, all procedural requirements are satisfied, and the bill is amended as required, the Law Department can approve the bill for form and legal sufficiency.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Michele Toth".

Michele M. Toth
Assistant Solicitor

cc: Ebony Thompson
Councilmember Porter
Ethan Hasiuk
Shamoyia Gardiner
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