

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

ANDRE M. DAVIS, City Solicitor
101 City Hall
Baltimore, Maryland 21202

June 5, 2018

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 18-0187 – Zoning – Use regulation – Live Entertainment

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 18-0187 for form and legal sufficiency. The bill clarifies that, in certain circumstances, the Mayor and City Council may approve a conditional use for live entertainment, and provides that live entertainment in the C-4 zoning district requires conditional use approval by ordinance of the Mayor and City Council.

A bill that authorizes a text amendment is 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. Finally, certain limitations on the City Council’s ability to amend the bill apply. *See* Art. 32 § 5-507. The following standards must be considered in the passage of a text amendment: 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 the zoning 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. § 5-508 (c).

Assuming all the above requirements are met, the Law Department will approve the bill for form and legal sufficiency

Sincerely,

Ashlea H. Brown
Assistant Solicitor

cc: Andre Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Victor K. Tervala, Chief Solicitor