
CITY OF BALTIMORE

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Mayor



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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
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