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CITY OF BALTIMORE

BRANDON M. SCOTT  
Mayor



DEPARTMENT OF LAW

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February 25, 2022

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 21-0113 – Zoning Code – Modifications

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0101 for form and legal sufficiency. The bill makes changes to certain provisions that, during the course of actively operating under the new Zoning Code, were discovered to be functionally impractical or otherwise in need of modification to abate previously unanticipated consequences. It specifies that certain applications under the Zoning Code be filed either with the Board of Municipal and Zoning Appeals or the Zoning Administrator and extends certain time limits for the Board to act. The bill authorizes the Zoning Administrator or the Board of Municipal and Zoning Appeals to deny an application under certain circumstances. It modifies the outdoor seating specifications, authorizes certain reviews by the Site Plan Review Committee, and authorizes that certain matters reviewed by the Site Plan Review Committee be approved by the Director of Planning. The bill modifies certain off-street parking requirements, clarifies and establishes certain exceptions to bicycle parking design standards, certain standards for long-term bicycle standards, and certain rules for certain circumstances involving signs. It provides for measurement methodologies for building frontages and allows electronic signs and painted/mural signs in residential districts, subject to conditional approval by the Board of Municipal and Zoning Appeals. The bill specifies a time period after which the authorization for a conditional sign expires and certain zoning district requirements. The also defines certain terms, corrects, clarifies and certain provisions.

This bill must satisfy the standards in the City Zoning Code, Article 32, § 5-508 related to text amendments. Pursuant to that provision, standards that must be considered for text amendments are:

- (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 this 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.

The Planning Commission Report, filed November 22, 2021, reviewed these standards and concluded each is satisfied with the bill. Assuming that appropriate notice of the bill was provided pursuant to the City Code's requirements found in Article 32, Subtitle 6, the Law Department sees no legal impediments to the adoption of this bill as drafted and is prepared to approve the bill for form and legal sufficiency.

Sincerely,

*Victor K. Tervala*

Victor K. Tervala  
Chief Solicitor

cc: James L. Shea, City Solicitor  
Nina Themelis, Mayor's Office of Government Relations  
Nikki Thompson, Director of Legislative Affairs  
Matthew Stegman, Director of Fiscal and Legislative Services  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Hilary Ruley, Chief Solicitor  
Ashlea Brown, Assistant Solicitor