

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor

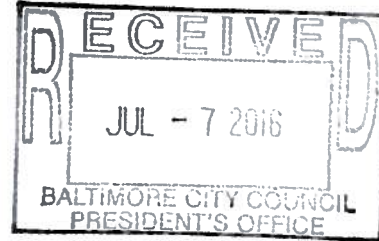


DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

July 6, 2016

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



Re: City Council Bill 16-0676 – Planned Unit Development –
Amendment 1 – Montgomery Park Business Center

Dear Mr. President and City Council Members:

The Law Department has reviewed City Council Bill 16-0676 for form and legal sufficiency. The bill proposes to amend to amend the Development Plan of the Planned Unit Development (“PUD”) for the Montgomery Park Business Center to modify the sign regulation provision to allow an additional rooftop tenant identification sign and to modify the square footage requirement that must be occupied to qualify for a rooftop identification sign within the PUD.

To be lawful, the proposed changes to the PUD cannot make the PUD incompatible or discordant with the surrounding neighborhood or negate the purposes for which the PUD was originally created. *Bigenho v. Montgomery County Council*, 248 Md. 386, 391 (1968). The proposed changes appear to satisfy this legal standard. The Law Department further notes that the bill appears consistent with Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code, which provide general and specific requirements for Industrial PUDs provided the signs satisfy §11-416 below.

Pursuant to § 9-125, signs in a Planned Unit Development must comply with the requirements of Title 11 {“Sign Regulations”} of this article, as they apply to the underlying district. In an M-2-2 zoning district, pursuant to §11-416, non-illuminated or indirectly or directly illuminated nameplates, business signs, and identification signs are allowed as follows:

<i>District</i>	<i>Area Factor(a)</i>	<i>Projection(b)</i>	<i>Height extension above roof line when attached to building</i>	<i>Height for free-standing(h)</i>
M-2	3	4 ft. (c)(d)	20 ft.	36 ft. (g)

F

(a) The total permitted area of all signs is the product in square feet of multiplying the lineal feet of the length of the building facing the front lot line by the area factor. Where the building wall fronts on 2 or more streets, the sign area for each street is computed separately. Also, where a building covers less than 200 square feet of lot area, or a use is operated on the lot without a building, then the total area of all signs may not exceed an area factor of 1 for each foot of street frontage, computed separately for each street on which the lot adjoins. In no case may signs permitted under this section exceed a combined area of 500 square feet on any lot in B-1 Districts. Notwithstanding the above provisions, the total permitted area of all signs for a video lottery facility is not subject to the area factor set forth above. The total permitted area of all signs for a video lottery facility may not exceed 15,000 square feet.

(b) Maximum projection across a street line.

(c) Except a canopy or awning that contains no sign other than an identification sign that is (i) placed flat against a face of the canopy or awning and (ii) does not extend beyond any edge of the face. Also, except a marquee accessory to a hotel, motel, theater, or convention hall that advertises events scheduled or taking place in the building.

(d) Except that signs designating public parking facilities may project up to 5 feet across a street line.

(e) Not to exceed 1 sign for each street frontage of the lot.

(f) In no case may the sign exceed an area of 80 square feet.

(g) In no case may the sign exceed an area of 140 square feet.

(h) Such free standing sign permitted only: (i) as a shopping center identification sign; or (ii) subject to approval by ordinance as a conditional use, for a non-conforming drive-in restaurant, without a drive-through window, but not exceeding 1 free-standing sign with a maximum area of 60 square feet and a maximum height of 16 feet.

Pursuant to the City Zoning Code ("ZC"), a bill concerning a PUD is classified as a "legislative authorization." ZC § 16-101. Legislative authorizations require that certain procedures be followed in the bill's passage. Specifically, certain notice requirements apply to the bill's introduction. *See* ZC § 16-203. The bill must be referred to certain City agencies, which are obligated to review the bill in a specified manner. *See* ZC §§ 16-301, 16-302 & 16-303. Additional public notice and hearing requirements also apply to the bill. *See* ZC § 16-402. Certain limitations on the City Council's ability to amend the bill apply. *See* ZC § 16-403. Finally, the bill requires a Third Reading holdover before final passage by the Council. *See* ZC § 16-404.

Assuming all the procedural requirements and signage size and placement requirements are met, the Law Department will approve the bill for form and legal sufficiency.

Sincerely,



Elena R. DiPietro
Chief Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Victor K. Tervalo, Chief Solicitor
Hilary Ruley, Chief Solicitor
Jennifer Landis, Assistant Solicitor