
CITY OF BALTIMORE

BRANDON M. SCOTT,
Mayor



DEPARTMENT OF LAW
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CITY SOLICITOR
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BALTIMORE, MD 21202

July 31, 2024

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 24-0573 -Repeal of Ordinance 04-824 – Planned Unit
Development — 1901 Light Street, 1921 Light Street, Bed of Johnson Street, and Block 1947, Lot 1

The Law Department has reviewed Mayor and City Council Bill 24-573 for form and legal sufficiency. The bill would repeal Ordinance 04-824, which designated certain property located at 6 1901 Light Street, 1921 Light Street, Bed of Johnson Street, and Block 1947, Lot 1 a Residential Planned Unit Development; and provide for a special effective date.

A repeal of a PUD without a replacement has no legal impediment because Maryland Courts have said that for floating zones, such as a PUD, the legislative body must have “a little more than a scintilla of evidence” to support its decision to repeal, and the decision will be upheld if it is not “arbitrary, capricious or illegal.” *Rockville Crushed Stone, Inc. v. Montgomery County*, 78 Md. App. 176, 191 (1989) (citations omitted); accord *Richmarr Holly Hills v. Am. PCS, L.P.*, 117 Md. App. 607, 639 (1997); see also *Lingle v. Chevron U.S.A. Inc.*, 544 U.S. 528, 543 (2005); *MLC Auto., LLC v. Town of S. Pines*, 532 F.3d 269, 281 (4th Cir. 2008).

In 2019, the City amended its zoning laws to require the Mayor and City Council to find as follows when deciding whether to repeal a PUD:

(1) the repeal of the planned unit development is in the public interest; and (2) the approved final development plan of the planned unit development:

- (i) has been substantially completed;
- (ii) is no longer necessary in light of the property’s underlying zoning; (iii) is no longer consistent with the City's Master Plan; or
- (iv) has been abandoned by the property owner.

City Code, Art. 32, § 13-205.

As there are no legal impediments to this bill, the Law Department can approve it for form and legal sufficiency

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Ashlea Brown', written over a horizontal line.

Ashlea Brown
Chief Solicitor

cc: Ebony Thompson, City Solicitor
Stephen Salsbury, Deputy Solicitor
Nina Themelis, MOGR
Elena DiPietro, Chief, General Counsel
Hilary Ruley
Michele Toth
Desiree Luckey