
CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG,
Mayor



DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

October 22, 2019

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 19-0430 – Repeal of Ordinance 16-580– Northwood
Commons Planned Unit Development

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0430 for form and legal sufficiency. The bill would repeal the prior Ordinance 16-580 that established the Planned Unit Development for Northwood Commons. There are no legal impediments to this repeal. The Land Use Art. of the Md. Ann.Code, §10-304(a) provides that the “Mayor and City Council of Baltimore City may amend or repeal zoning regulations and boundaries.” Pursuant to this authority, the Mayor and City Council enacted §13-403 of the City’s Zoning law regarding changes to planned unit developments. That provision states (b) A major change requires: (1) the repeal of the ordinance that approved the planned unit development; and (2) introduction and enactment of an ordinance to approve a new planned unit development and PUD master plan. “Major change” includes “a change in the boundaries of the planned unit development. See §13-403(a)(4). Termination of a PUD is the ultimate change in the boundaries of a PUD as those boundaries are completely removed.

In addition, with respect to floating zones, such as a PUD, Maryland Courts have said that the legislative body must have “a little more than a scintilla of evidence” to support its decision and that decision must not be “arbitrary, capricious or illegal.” *Rockville Crushed Stone, Inc. v. Montgomery County*, 78 Md. App. 176, 190 (1989)(citations omitted); *accord Richmarr Holly Hills v. Am. PCS, L.P.*, 117 Md. App. 607, 639 (1997); *see also MLC Auto., LLC v. Town of S. Pines*, 532 F.3d 269, 281 (4th Cir. 2008)(citing *Nectow v. City of Cambridge*, 277 U.S. 183, 187-88 (1928)); *Lingle v. Chevron U.S.A. Inc.*, 544 U.S. 528, 543 (2005)).

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This bill is an appropriate exercise of the City Council's authority. The Law Department, therefore, approves the bill for form and legal sufficiency.

Sincerely yours,



Elena R. DiPietro
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Nicholas Blendy, Mayor's Office of Government Relations
Matthew Stegman, Mayor's Office of Government Relations
Kaylin Young, President's Legislative Director
Hilary Ruley, Chief Solicitor
Victor Tervalá, Chief Solicitor
Ashlea Brown, Assistant Solicitor
Natwana Austin, Executive Secretary
Avery Aisensstark