
CITY OF BALTIMORE

BRANDON M. SCOTT,
Mayor



DEPARTMENT OF LAW
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December 15, 2023

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 23-0467 – Repeal of Ordinance 10-397 – 25th Street Station Planned Unit Development

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 23-0467 for form and legal sufficiency. The bill would repeal the ordinance that enacted the 25th Street Station Planned Unit Development (“PUD”).

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).

When deciding whether to repeal a PUD, the Mayor and City Council must find as follows:

- (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 "Hilary Ruley".

Hilary Ruley
Chief Solicitor

cc: Ebony Thompson, Acting City Solicitor
Nina Themelis, Mayor's Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Jeff Hochstetler, Chief Solicitor
Ashlea Brown, Chief Solicitor
D'ereka Bolden, Assistant Solicitor
Michelle Toth, Assistant Solicitor
Teresa Cummings, Assistant Solicitor