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**CITY OF BALTIMORE**

**BRANDON M. SCOTT**  
Mayor



**DEPARTMENT OF LAW**  
EBONY M. THOMPSON, CITY SOLICITOR  
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BALTIMORE, MD 21202

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August 27, 2025

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 25-0074 – Repeal of Ordinance 06-222 – Planned Unit Development –  
1100 Wicomico Street

Dear President and City Council Members:

The Law Department has reviewed Mayor and City Council Bill 25-0074 for form and legal sufficiency. The bill would repeal Ordinance 06-222, which designated certain property located at 1100 Wicomico Street an Industrial 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.

Baltimore City Code, Art. 32, § 13-205.

The Planning Commission Report notes that “[d]uring the Transform comprehensive rezoning, the property was rezoned from M-2-2 to IMU-1...and [b]ecause the uses intended by the creation of the PUD are now available in the current IMU-1 zoning district by right, the PUD is no longer

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

Sincerely,

A handwritten signature in black ink, appearing to read 'DLuckey', is positioned above the typed name.

Desiree Luckey  
Assistant Solicitor

cc: Ebony Thompson, City Solicitor  
Hilary Ruley, Chief Solicitor  
Jeff Hochstetler, Chief Solicitor  
Ashlea Brown, Chief Solicitor  
Michelle Toth, Assistant Solicitor