

CITY OF BALTIMORE
STEPHANIE RAWLINGS-BLAKE, Mayor



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

October 11, 2016

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

Re: City Council Bill 16-0733 – Repeal of Ordinance 77-501 – Loch Raven
Blvd and Argonne Dr. Planned Unit Development

Dear Mr. President and City Council Members:

The Law Department has reviewed City Council Bill 16-0733 for form and legal sufficiency. The bill repeals Ordinance 77-501, which designated certain properties as a Residential Planned Unit Development known as Loch Raven Blvd. and Argonne Dr. Planned Unit Development. The bill has an immediate effective date.

The Law Department notes that upon repeal of the PUD that has been fully or partially developed pursuant to the development plan, the uses and structures in the affected area, in some instances, may be considered non-conforming uses. The legal disposition of non-conforming uses and structures are regulated by Article 13 of the Baltimore City Zoning Code. The Article places restrictions on changes in the uses and structures designated as non-conforming. Parties are encouraged to review the Article to determine the legal constraints on property development following the repeal of the PUD.

Section 16-401 of the Zoning Code provides that zoning legislation may not be placed on the 2nd reader agenda until reports have been received from the Planning Commission and the BMZA unless the time for responding has expired. Under §16-302, the Planning Commission and the BMZA have 100 days from introduction to submit a report. Neither entity has submitted a report on this bill but the time period to respond does not expire until November 24, 2016. Section 16-402 requires that the committee must conduct a hearing at which all agency reports will be read. If the committee proceeds with its hearing on October 13, 2016, without the Planning Commission and BMZA reports, it will have to conduct another hearing at which those reports are read unless it does not move the bill until after the 100 day reporting period expires.



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Absent the reports of the Planning Commission and the BMZA, the Law Department cannot determine if the procedural requirements have been met. Accordingly, it cannot approve Council Bill 16-0733 for form and legal sufficiency at this time

Sincerely,



Elena R. DiPietro
Chief Solicitor

cc: David Ralph, Acting City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Victor Tervalá, Chief Solicitor
Hilary Ruley, Chief Solicitor
Jennifer Landis, Assistant Solicitor