

CITY OF BALTIMORE

BRANDON M. SCOTT

Mayor



DEPARTMENT OF LAW

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January 6, 2026

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 25-0101 – Repeal of Ordinances 86-711 and 92-147 Planned Unit Development – Mount Clare Junction

Dear President and City Council Members:

The Law Department has reviewed Mayor and City Council Bill 25-0101 for form and legal sufficiency. The bill would repeal Ordinances 86-711 and 92-147 Planned Unit Development – Mount Clare Junction, which designated certain properties as a Business 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 (4<sup>th</sup> 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 “[t]he original development plan, approved in 1986, was substantially built by the end of 1987.” It also states that during the last comprehensive rezoning, the development parcels were all rezoned C-3, which permits all existing uses or conditional uses. The report concludes that because “the uses intended by the creation of the PUD are now largely available in the current C-3 zoning district by right, the PUD is no longer necessary.” Baltimore City Code, Art. 32, § 13-205(2)(ii).

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

Sincerely,



Desireé Luckey  
Assistant Solicitor

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