
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
EBONY THOMPSON
ACTING CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

January 10, 2024

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 23-0433 – Planned Unit Development – Amendment –
North Charles Village

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 23-0433 for form and legal sufficiency. The Bill would approve an amendment to the Development Plan of the North Charles Village Planned Unit Development (“PUD”). Specifically, the bill would approve an amendment to the Development Plan to modify the allowable height of a certain structure within the PUD.

Amendments to previously approved PUDs are categorized as either engineering corrections, minor changes, or major changes in accordance with Subtitle 4 of Title 13 of Article 32 of the City Code and must follow the corresponding approval procedure. City Code, Art. 32 § 13-102(b). This amendment seeks changes that would be characterized as major and therefore an ordinance is needed to approve them. Art. 32, § 13-403(b). Section 5-201 of Article 32 authorizes a member of the City Council to introduce a proposed ordinance to expressly approve, authorize, or amend a PUD. Art. 32, § 5-201(a)(8).

The general approval standards applicable to new PUDs are also applicable to PUD amendments. *See* Art. 32 § 13-203 (explaining that the conditional use standards of §§ 5-405(a) and 5-406 apply when reviewing a PUD, setting forth a number of additional factors that must be considered, and detailing required findings). Generally, the City Council may approve the amendment to the PUD if the change is compatible with the Master Plan, conforms to district regulations, and potential detrimental effects are examined with regard to adjacent property and uses. *Id. See also Maryland Overpak Corp. v. Mayor and City Council of Baltimore*, 395 Md. 16, 30-31 (2006).

The Planning Commission staff report does not appear to contain an analysis of the factors or the findings required by Art. 32, Section 13-203. Accordingly, such analysis and findings should be established by the Council during the hearing in order for this amendment to be lawful.

Additionally, procedural requirements apply. Any bill that authorizes a change in a PUD is a “legislative authorization,” which requires that certain procedures be followed in the bill’s passage, including a public hearing. Art. 32, §§ 5-501(2)(vii), 5-507, 5-601(a). Certain notice requirements also apply to the bill. Art. 32, § 5-601(b). Moreover, the bill must be referred to certain City agencies, which are obligated to review the Bill in a specified manner. Art. 32, §§ 5-504, 5-506. Also, certain limitations on the City Council’s ability to amend the Bill apply. Art. 32, § 5-507(c).

Assuming the procedural requirements and approval standards in Art. 32, Section 13-203 are met as discussed above, the Law Department can approve the bill for form and legal sufficiency with the amendments proposed by the Planning Commission.

Very truly yours,



Jeffrey Hochstetler
Chief Solicitor

cc: Ebony Thompson, Acting City Solicitor
Nina Themelis, Mayor’s Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Ashlea Brown, Chief Solicitor
Michelle Toth, Assistant Solicitor
Teresa Cummings, Assistant Solicitor