

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor

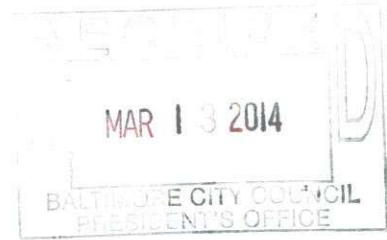


DEPARTMENT OF LAW

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

March 13, 2014

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



Re: City Council Bill 14-0326 – Planned Unit Development –
Amendment 5 – York Road and Belvedere Avenue

Dear Mr. President and City Council Members:

The Law Department has reviewed City Council Bill 14-0326 for form and legal sufficiency. The bill approves certain amendments to the Development Plan of the Planned Unit Development (“PUD”) for York Road and Belvedere Avenue.

To be lawful, the proposed changes to the PUD cannot make the PUD incompatible or discordant with the surrounding neighborhood or negate the purposes for which the PUD was originally created. *Bigenho v. Montgomery County Council*, 248 Md. 386, 391 (1968). According to the report by the Planning Commission, the proposed changes satisfy this legal standard. The Law Department further notes that the bill appears consistent with Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code, which provide general and specific requirements for Business PUDs.

Pursuant to the City Zoning Code (“ZC”), a bill concerning a PUD is classified as a “legislative authorization.” ZC § 16-101. Legislative authorizations require that certain procedures be followed in the bill’s passage. Specifically, certain notice requirements apply to the bill’s introduction. *See* ZC § 16-203. The bill must be referred to certain City agencies, which are obligated to review the bill in a specified manner. *See* ZC §§ 16-301, 16-302 & 16-303. Additional public notice and hearing requirements also apply to the bill. *See* ZC § 16-402. Certain limitations on the City Council’s ability to amend the bill apply. *See* ZC § 16-403. Finally, the bill requires a Third Reading holdover before final passage by the Council. *See* ZC § 16-404.

The Law Department seeks a clarifying amendment after line 4 on page 3. The provisions in lines 1 through 4 allow tenants to sell food, alcoholic beverages, and merchandise at special events. The Law Department wants an amendment to add after the

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word “event” the following: “, provided the necessary licenses and permits have been acquired.”

Assuming the amendment is made and all the procedural requirements are met, the Law Department will approve the bill for form and legal sufficiency.

Sincerely,



Victor K. Tervala
Chief Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor’s Legislative Liaison
Elena DiPietro, Chief, Opinions & Advice
Hilary Ruley, Chief Solicitor
Jennifer Landis, Assistant Solicitor