



March 7, 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 13-0271 – Planned Unit Development –  
Amendment 2 – New East Baltimore Community

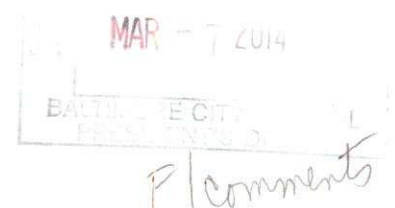
Dear Mr. President and City Council Members:

The Law Department has reviewed City Council Bill 13-0271 for form and legal sufficiency. The bill repeals Ordinance 11-418 and approves certain amendments to the Development Plan of the Planned Unit Development (“PUD”) of the New East Baltimore Community.

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.

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





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  
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