

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor

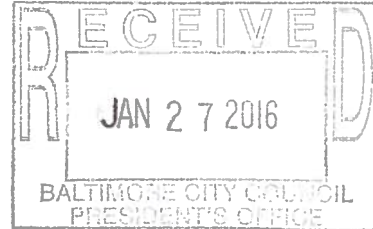


DEPARTMENT OF LAW

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

January 27, 2016

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



Re: City Council Bill 15-0543 – Planned Unit Development –  
Amendment 1 – Whitehall Cotton Mill

Dear Mr. President and City Council Members:

The Law Department has reviewed City Council Bill 15-0543 for form and legal sufficiency. The bill approves certain amendments to the Development Plan of the Planned Unit Development (“PUD”) for the Whitehall Cotton Mill.

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). The proposed changes appear to satisfy this legal standard. The Law Department further notes that the bill appears consistent with Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code, which provide general and specific requirements for Industrial 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 notes that the Planning Commission is seeking to amend the bill to reduce a 10,000 square foot limitation to a 6,500 square foot limitation applicable to the development of a restaurant on the premises. The Law Department sees no legal impediment to this amendment or in to the passage of the bill.

Fav w/ Comm

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

Sincerely,

A handwritten signature in black ink, appearing to read "Victor K. Tervala". The signature is written in a cursive style with a prominent horizontal stroke across the middle.

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