
CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG
Mayor



DEPARTMENT OF LAW
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BALTIMORE, MD 21202

October 19, 2020

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 20-0568 Planned Unit Development – Amendment –
Stadium Place

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 20-0568 for form and legal sufficiency. The bill would approve certain amendments to the Development Plan of the Stadium Place Planned Unit Development. Specifically, the amendment would revise the development plan to allow for the construction of a new childhood center and open-air pavilion and update language in the PUD to conform with the current zoning code. The amendment also increases the permitted restaurant space from 4,000 square feet to 8,000 square feet.

Amendments to previously approved planned unit developments are categorized as either engineering corrections, minor changes, or major changes in accordance with Subtitle 4 of Title 13 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. City Code, Art. 32, § 13-403(b).

When reviewing a PUD, certain approval standards apply. City Code, Art. 32 § 13-203 (the conditional use standards of §§ 5-405 (a) and 5-406 apply when reviewing a PUD). Generally, the City Council may approve the amendment to the PUD if the change is compatible with the Master Plan, conforms to regulatory criteria and potential detrimental effects are examined with regard to adjacent property and uses. *Maryland Overpak Corp. v. Mayor and City Council of Baltimore*, 395 Md. 16, 30-31 (2006) (holding that the City Council must conduct a quasi-judicial proceeding and find facts to support the statutory criteria).

While the staff report contains facts to support the conclusion that the changes are in the public interest and are compatible with existing uses, the facts should be supplemented at the hearing to better satisfy the approval standards cited above.

Additionally, any bill that authorizes a change in a Planned Unit Development is a “legislative authorization,” which requires that certain procedures be followed in the bill’s passage, including a public hearing. Baltimore City Code, Art. 32, §§ 5-501(2)(vii); 5-507; 5-601. Certain notice requirements apply to the bill. Baltimore City Code, Art. 32, §5-601. The bill must be referred to certain City agencies, which are obligated to review the bill in a specified manner. Baltimore City Code, Art. 32, §§ 5-504, 5-506. Finally, certain limitations on the City Council’s ability to amend the bill apply. Baltimore City Code, Art. 32, §5-507(c).

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

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Ashlea H. Brown', with a stylized, cursive script.

Ashlea H. Brown
Assistant Solicitor

cc: Dana Moore, Acting City Solicitor
Matthew Stegman, Mayor’s Office of Government Relations
Caylin Young, Legislative Director
Elena DiPietro, Chief Solicitor
Victor Tervalá, Chief Solicitor
Ashlea Brown, Assistant Solicitor