
CITY OF BALTIMORE

BRANDON M. SCOTT,
Mayor



DEPARTMENT OF LAW
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July 31, 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 24-0561 - Repeal of Ordinance 99-573, as Amended by
Ordinance 00-093 – Planned Unit Development — 4221 Shannon Drive

The Law Department has reviewed Mayor and City Council Bill 24-561 for form and legal sufficiency. The bill would repeal Ordinance 99-573, as amended by Ordinance 00-093, which designated certain property located at 4221 Shannon Drive a Planned Unit Development; and provide for a special effective date.

A repeal of a PUD without a replacement has no legal impediment because Maryland Courts have said that for floating zones, such as a PUD, the legislative body must have “a little more than a scintilla of evidence” to support its decision to repeal, and the decision will be upheld if it is not “arbitrary, capricious or illegal.” *Rockville Crushed Stone, Inc. v. Montgomery County*, 78 Md. App. 176, 191 (1989) (citations omitted); accord *Richmarr Holly Hills v. Am. PCS, L.P.*, 117 Md. App. 607, 639 (1997); see also *Lingle v. Chevron U.S.A. Inc.*, 544 U.S. 528, 543 (2005); *MLC Auto., LLC v. Town of S. Pines*, 532 F.3d 269, 281 (4th Cir. 2008).

In 2019, the City amended its zoning laws to require the Mayor and City Council to find as follows when deciding whether to repeal a PUD:

(1) the repeal of the planned unit development is in the public interest; and (2) the approved final development plan of the planned unit development:

- (i) has been substantially completed;
- (ii) is no longer necessary in light of the property’s underlying zoning; (iii) is no longer consistent with the City's Master Plan; or
- (iv) has been abandoned by the property owner.

City Code, Art. 32, § 13-205.

As there are no legal impediments to this bill, the Law Department can approve it for form and legal sufficiency

Very truly yours,



Ashlea Brown
Chief Solicitor

cc: Ebony Thompson, City Solicitor
Stephen Salsbury, Deputy Solicitor
Nina Themelis, MOGR
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