

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

May 12, 2010

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 10-0456 – Planned Unit Development – Designation –
Mt. Vernon Hill

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 10-0456 for form and legal sufficiency. The bill would approve the application of Terra Nova Ventures, LLC, contract purchaser of properties located at 2980, 2981, 2990, 3000, 3030 and 3100 Falls Road, to have the properties designated an Industrial Planned Unit Development, and would approve the Development Plan submitted by the applicant.

Section 3 of the bill provides a “high quality liquor store” as an allowed use. This term is not used in the Table of Zoning Uses, and is therefore subject to interpretation, and may be found void for vagueness. A law must be “sufficiently explicit to inform those who are subject to it what conduct on their part will render them liable to its penalties,” otherwise, the enactment is void-for-vagueness. *Galloway v. State*, 365 Md. 599, 614 (2001). To avoid these potential challenges, the bill should be amended to use the term “liquor store,” as referenced in the Table of Zoning Uses.

Subject to the above amendment, the bill is consistent with Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code, which provide general and specific requirements for Industrial Planned Unit Developments. Accordingly, the Law Department approves Council Bill 10-0456 for form and legal sufficiency.

Sincerely,


Terese M. Brown
Assistant Solicitor

F/A

cc: The Honorable Belinda Conaway
George Nilson, City Solicitor

MAY 19

Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor
Hilary Ruley, Assistant Solicitor
Ashlea Brown, Special Solicitor

**Amendments to Council Bill 10-0456
(First Reader Copy)**

By: Law Department
{To be offered to the Land Use and Transportation Committee}

Amendment No. 1

On page 3, in line 25 delete “high quality liquor store” and replace it with “liquor store”