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CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG  
Mayor



DEPARTMENT OF LAW  
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July 1, 2019

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 19-0346 – Repeal of Ordinance 96-032 –New Lexington  
Terrace Planned Unit Development

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0346 for form and legal sufficiency. The bill would repeal the existing Planned Unit Development ("PUD") for New Lexington Terrace Planned Unit Development.

A repeal of a PUD without a replacement has no legal impediments because for floating zones, such as a PUD, Maryland Courts have said that the legislative body must have "a little more than a scintilla of evidence" to support its decision and that decision must not be "arbitrary, capricious or illegal." *Rockville Crushed Stone, Inc. v. Montgomery County*, 78 Md. App. 176, 190 (1989) (citations omitted); *accord Richmarr Holly Hills v. Am. PCS, L.P.*, 117 Md. App. 607, 639 (1997); *see also MLC Auto., LLC v. Town of S. Pines*, 532 F.3d 269, 281 (4<sup>th</sup> Cir. 2008)(citing *Nectow v. City of Cambridge*, 277 U.S. 183, 187-88 (1928)); *Lingle v. Chevron U.S.A. Inc.*, 544 U.S. 528, 543 (2005)).

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

Very truly yours,

Hilary Ruley  
Chief Solicitor

cc: Andre M. Davis, City Solicitor  
Jeffrey Amoros, Mayor's Office of Government Relations  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Victor Tervalá, Chief Solicitor  
Ashlea Brown, Assistant Solicitor