

CITY OF BALTIMORE  
STEPHANIE RAWLINGS-BLAKE, Mayor



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

June 27, 2014

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

**Re: City Council Bill 14-0374 – Planned Unit Development –  
Amendment – Loyola College Athletic Complex**

Dear Mr. President and City Council Members:

The Law Department has reviewed City Council Bill 14-0374 for form and legal sufficiency. The bill approves certain amendments to the Development Plan of the Planned Unit Development (“PUD”) for the Loyola College Athletic Complex.

With the exception of certain minor modifications, every deviation from a PUD must be processed and approved, under Title 9 of the Zoning Code of Baltimore City (ZC), as a new application. ZC §9-118(a). To be lawful, the proposed changes to the PUD cannot make the PUD incompatible with the surrounding neighborhood or negate the purposes for which the PUD was originally created. *See Maryland Overpak Corp. v. Mayor and City Council of Baltimore*, 396 Md. 16, 30-31 (2006) (“[A] PUD partakes more of the characteristics of a conditional use than any other zoning construct or mechanism recognized in Baltimore City . . . . The hallmarks examined for their approval generally are compatibility with a Master Plan, conformance to regulatory criteria, and an examination of potential deleterious effects vis-a-vis adjacent property and uses.”). According to the Staff Report from the Planning Department, the proposed changes satisfy this legal standard. *See Report at 2.* The Law Department further notes that the bill appears to be consistent with Title 9, Subtitles 1 and 2 of the Zoning Code, which provide general and specific requirements for Residential PUDs.

Certain procedural requirements apply to this bill because an amendment to a Planned Unit Development is deemed a “legislative authorization.” ZC §§16-101(c)(3); 16-101(d). Specifically, special notice requirements apply to the bill’s introduction and the bill must be referred to certain City agencies, which are obligated to review it in a specified manner. *See ZC §§16-203, 16-301, 16-303.* Additional public notice and hearing requirements apply to the bill, including advertising the time, place and subject of the hearing in a paper of general circulation for 15 days and posting the property conspicuously with this same information.

*See Md. Code, Land Use, §10-303; ZC §16-402. Finally, certain limitations on the City Council's ability to amend the bill apply, including a Third Reading hold-over before final passage by the Council. See ZC §§16-403, 16-404. As the bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for amending the Loyola College Athletic Complex Planned Unit Development has been met, and assuming all procedural requirements are met, the Law Department approves the bill for form and legal sufficiency.*

Sincerely,



Jennifer Landis  
Special Assistant Solicitor

cc: George Nilson, City Solicitor  
Angela C. Gibson, Mayor's Legislative Liaison  
Elena DiPietro, Chief, General Counsel Division  
Hilary Ruley, Chief Solicitor  
Victor Tervalá, Chief Solicitor