

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

ANDRE M. DAVIS, City Solicitor
101 City Hall
Baltimore, Maryland 21202

March 12, 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 19-0321 – Zoning – Modifications to Approved Final
Development Plans

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0321 for form and legal sufficiency. The bill amends Section 13-403 of Article 32 (Zoning) of the City Code to clarify that an ordinance to make a major change to a PUD does not necessarily need to repeal the whole PUD and reenact it again with the amended language. Rather, it can simply be an ordinance suggesting the amendment. There is no legal impediment to this change.

In reviewing this text amendment, the Council must consider the following standards:

- (1) the amendment's consistency with the City's Comprehensive Master Plan;
- (2) whether the amendment would promote the public health, safety, and welfare;
- (3) the amendment's consistency with the intent and general regulations of this Code;
- (4) whether the amendment would correct an error or omission, clarify existing requirements, or effect a change in policy; and
- (5) the extent to which the amendment would create nonconformities.

Baltimore City Code, Art. 32, § 5-508(c).

Since the bill authorizes a change in the text of the Zoning Code (Article 32 of the Baltimore City Code), it is a "legislative authorization." Baltimore City Code, Art. 32, § 5-501. Legislative authorizations require that certain procedures be followed in the bill's passage, including a public hearing. Baltimore City Code, Art. 32, § 5-601(a). Certain notice requirements apply to the bill. Baltimore City Code, Art. 32, §§ 5-601(b)(1), (c), (e). 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. Assuming all the procedural requirements are met, the Law Department will approve the bill for form and legal sufficiency.

Very truly yours,

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Chief Solicitor

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