
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
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April 18, 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 24-0511 – Repeal of Ordinance 01-284 – Home Depot at Reisterstown Plaza Planned Unit Development

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 24-0511 for form and legal sufficiency. The bill would repeal the prior the ordinance that established the Planned Unit Development for Home Depot at Reisterstown Plaza.

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,



Hilary Ruley
Chief Solicitor

cc: Ebony Thompson, City Solicitor
Nina Themelis, Mayor's Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Ashlea Brown, Chief Solicitor
Michelle Toth, Assistant Solicitor