
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

July 31, 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 24-0558 – Repeal of Ordinance 95-572, as Amended by
Ordinance 96-096 – Planned Unit Development – Lighthouse Point

Dear President and City Council Members:

The Law Department reviewed City Council Bill 24-0558 for form and legal sufficiency. The bill would repeal the prior ordinances that established and amended the Business Planned Unit Development (PUD) for Lighthouse Point. Repeal of the PUD has no impact on the grants and obligations described in the Pedestrian Promenade Easement Agreement and its amendments which are recorded in the land records of Baltimore City.

A PUD may only be repealed by ordinance enacted in accordance with the requirements of the Zoning Code. See City Code, Art. 32, § 13-201(d). To repeal a PUD the Maryland Courts have said that 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).

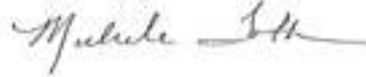
In order to repeal a PUD, the Planning Commission and the City Council must make the following findings:

- (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 the bill for form and legal sufficiency.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Michele M. Toth".

Michele M. Toth
Assistant Solicitor

cc: Stephen Salsbury
Nina Themelis
Tiffany Maclin
Elena DiPietro
Hilary Ruley
Ashlea Brown
Desireé Luckey