

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor

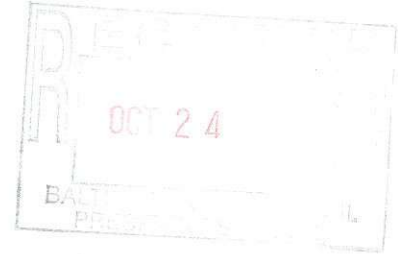


DEPARTMENT OF LAW

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

October 24, 2013

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



Re: City Council Bill 13-0246 – Planned Unit Development –
Designation – Whitehall Cotton Mill

Dear Mr. President and City Council Members:

The Law Department has reviewed City Council Bill 13-0246 for form and legal sufficiency. The bill approves the application of Terra Nova Ventures, LLC, contract purchaser of certain property located at 3300 Clipper Mill Road, to have that property designated an Industrial Planned Unit Development. It also approves the Development Plan submitted by the applicant.

To be lawful, the proposed PUD “must be compatible with the surrounding neighborhood, it must further the purposes of the proposed reclassification, and special precautions [must] be applied to insure that there will be no discordance with existing uses.” *Bigenho v. Montgomery County Council*, 248 Md. 386, 391 (Md. 1968). The report by the Planning Commission generally indicates that proposed changes satisfy this legal standard. The Law Department further notes that the bill appears consistent with Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code, which provide general and specific requirements for Industrial PUDs.

The Report of the Planning Commission recommends that Council Bill 13-0246 be amended as outlined in the Staff Report, attached to the Planning Commission’s bill report. The Law Department has reviewed these proposals. If the City Council adopts the proposed amendments, the Law Department will approve them as legally sufficient.

Pursuant to the City Zoning Code (“ZC”), a bill concerning a PUD is classified as a “legislative authorization.” ZC § 16-101. Legislative authorizations require that certain procedures be followed in the bill’s passage. Specifically, certain notice requirements apply to the bill’s introduction. *See* ZC § 16-203. The bill must be referred to certain City agencies, which are obligated to review the bill in a specified manner. *See* ZC §§ 16-301, 16-302 & 16-303. Additional public notice and hearing requirements also apply to the bill. *See* ZC § 16-402. Certain limitations on the City Council’s ability to amend the

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bill apply. *See* ZC § 16-403. Finally, the bill requires a Third Reading holdover before final passage by the Council. *See* ZC § 16-404.

Assuming all the procedural requirements are met, the Law Department will approve the bill for form and legal sufficiency.

Sincerely,



Victor K. Tervala
Assistant Solicitor

13cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor
Hilary Ruley, Assistant Solicitor
Jennifer Landis, Assistant Solicitor