
CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG
Mayor



DEPARTMENT OF LAW
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BALTIMORE, MD 21202

July 25, 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 19-0397 – Repeal of Ordinance 03-613 –University of
Maryland BioPark Planned Unit Development

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0397 for form and legal sufficiency. The bill would repeal the existing Planned Unit Development (“PUD”) for the University of Maryland BioPark Planned Unit Development.

A repeal of a PUD without a replacement has no legal impediments because for floating zones, such as a PUD, Maryland Courts have said that the legislative body must have “a little more than a scintilla of evidence” to support its decision and that decision must not be “arbitrary, capricious or illegal.” *Rockville Crushed Stone, Inc. v. Montgomery County*, 78 Md. App. 176, 190 (1989) (citations omitted); accord *Richmarr Holly Hills v. Am. PCS, L.P.*, 117 Md. App. 607, 639 (1997); see also *MLC Auto., LLC v. Town of S. Pines*, 532 F.3d 269, 281 (4th Cir. 2008)(citing *Nectow v. City of Cambridge*, 277 U.S. 183, 187-88 (1928)); *Lingle v. Chevron U.S.A. Inc.*, 544 U.S. 528, 543 (2005)).

As there are no legal impediments to this bill, the Law Department approves it for form and legal sufficiency.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Ashlea H. Brown", with a checkmark at the end.

Ashlea H. Brown
Assistant Solicitor

cc: Andre M. Davis, City Solicitor
Jeffrey Amoros, Mayor’s Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalá, Chief Solicitor
Ashlea Brown, Assistant Solicitor