



Prince George's County, Maryland
Inter-Office Memorandum
Office of Law

LEGISLATIVE COMMENT

DATE: March 31, 2021

TO: Robert J. Williams, Jr., Council Administrator
COW Committee

THRU: Rhonda L. Weaver, County Attorney

THRU: Joseph C. Ruddy, Deputy County Attorney

FROM: Amanda Denison, Associate County Attorney

RE: CB-23-2021

The Office of Law has reviewed the above referenced **bill** as it was **presented** on **March 16, 2021** and finds a potential impediment to its enactment.

CB-23-2021 appears to be a spot zoning legislation. When reviewing potential zoning legislation, the Office of Law looks to ensure that the following criteria do not apply because if they do, there is a potential legal impediment due to spot zoning. Spot zones have the following characteristics:

1. The area of land is small in comparison to the districts surrounding the parcel in question.
 - a. Here the parcel in question appears to be a specific address and therefore a single parcel among the entire zone.
2. The proposed land use will permit a different classified use that is inconsistent with the surrounding area.
 - a. Here, the proposed legislation would permit land within the I3 zone to be used as if it were within the I2 zone under a vague and undefined "legislative basis."

3. The proposed legislation would confer a special benefit to property owners not commonly enjoyed by owners of similar property.
 - a. Here, the proposed legislation would confer a benefit to the property owner of the targeted address only.
4. The new zoning conflicts with the existing master plan and future land use maps.
 - a. Here, as stated in the Park and Planning analysis, there are a number of conflicting matters, one of which is parking requirements throughout other zones.

Authorities:

MBC Realty, LLC v. Mayor and City Council of Baltimore, 2004, 864 A.2d 218, 160 Md.App. 376

Trustees of McDonogh Ed. Fund and Institute v. Baltimore County, 1960, 158 A.2d 637, 221 Md. 550

Hewitt v. County Com'rs of Baltimore County, 1959, 151 A.2d 144, 220 Md. 48.

MNCPP Planning Board Votes Letter and Analysis, CB-23-2021, March 25, 2021.