



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

LEGISLATIVE COMMENT

DATE: June 17, 2020

TO: Jackie Brown, Committee Directors
PHED Committee

THRU: Rhonda L. Weaver, County Attorney *Rhonda L. Weaver*

THRU: Joseph C. Ruddy, Deputy County Attorney *JCR*

FROM: **Sakinda L. Skinner**, Associate County Attorney *Sakinda Skinner*

RE: CB-38-2020

The Office of Law has reviewed the above referenced **bill**. The Office of Law believes a potential legal impediment exist within this bill as currently drafted. We believe this proposed bill can be perceived to violate the uniformity requirement. *See*, Md. Land Use Code Ann. Section 4-201(2)(i), which states: "Zoning regulations shall be uniform for each class or kind of development throughout each district or zone." The proposed bill (specifically footnote 135 to Section 27-441(b)) appears to be drafted for a specific parcel contained within the R-R and R-T Zones.

Additionally, as currently drafted this bill allows athletic fields (for profit and all others) to occur in the R-T Zone as a Permitted use. Section 27-411 of the Zoning Ordinance allows athletic fields (private nonprofit) Special Exception uses in the R-T Zone. It is the Office of Laws opinion that the Special Exception use should apply to both athletic fields (for profit and all others) and athletic fields (private nonprofit) in the R-T Zone. The bill should also clarify "all others" regarding the athletic field use listed in section (6) of the Use Table.

Lastly, the Office of Law recommends that the "For the purpose" clause mention both the R-R Zone and R-T Zone.

Recommendation

The Office of Law may update or amend its comments after receiving the Planning Board and Maryland-National Capital Park and Planning Commission's recommendations.