



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

LEGISLATIVE COMMENT

DATE: July 10, 2020

TO: The Honorable Todd M. Turner, Council Chair
Jackie Brown, Committee Director, PHED Committee

THRU: Rhonda L. Weaver, County Attorney

THRU: Joseph C. Ruddy, Deputy County Attorney

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

RE: CB-40-2020

The Office of Law reviewed the above referenced **Bill** and finds it to be in proper legislative form. The Office of Law believes potential legal impediments exist within this bill as currently drafted. We share the same concerns outlined in the Maryland-National Capital Park and Planning Commission Planning Board's Memo.

Comment:

The 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 138 to Section 27-441) appears to be drafted for a specific parcel contained within the R-E zone. As currently drafted this bill allows eating or drinking establishment uses (excluding drive-through services) in the R-E zone which is a prohibited use in the R-E Zone and contrary to the R-E Zone's stated purpose.