

J. D. Steele, Esquire, Chairman, Commission on City Plan (cont'd)

after the words "which will require", etc., limit the scope of the rules and regulations promulgated pursuant to that section. If one considers, however, Section 264E, as well as Article 66B, Section 26 of Flack's Annotated Code of Maryland (part of the Enabling Act of 1933), it would seem that the portion of Section 264C after the words "which will require", are not intended to be limitations upon the scope of the rules and regulations promulgated and published by the Commission.

Section 264E requires the Commission -

"in formulating and adopting rules and regulations in respect to subdivisions of land, and in approving or disapproving Subdivision Plans . . ."

to give consideration to -

"the congestion of population, inadequate housing facilities, lack of light and air and the spread of disease,"

and Article 66B, Section 26 indicates that the General Assembly intended that the regulations governing the subdivision of land should contain regulations in regard to "minimum width and area of lots". This, of course, is necessary "for the avoidance of congestion of population", which is not only specifically mentioned in the Enabling Act, but is also mentioned in Section 264E(c) of the Charter Amendment.

Although the matter is not entirely free from doubt, I incline to the view that the Commission on City Plan has the power to incorporate in its rules and regulations, in respect to subdivision of land, appropriate provisions regulating the minimum width and area of lots in such subdivisions.

I am of the opinion that it is necessary for the Commission on City Plan to promulgate and to publish any rule or regulation in regard to minimum width and area of lots, pursuant to the provisions of the Charter Amendment, before it can disapprove any Subdivision Plans for non-conformity with such a rule or regulation.

Very truly yours,

(signed) CHARLES C. G. EVANS

City Solicitor

CCOR/EBB