

cumbersome, and public testimony would be meaningless, since testimony at the public hearing would be limited to verification of the date of establishment and continuity of the use, and information regarding enlargement of the use. The City of Bowie supports the legislation, with an amendment that residents within 500 feet of the subject property be notified of a public hearing. The Municipal Association supports the legislation, with an amendment requiring notification of the filing of the application and of the date of the public hearing if the property lies within the municipal boundaries. The Chamber of Commerce opposes the legislation, since it would significantly lengthen the process when in most cases, there is not a problem. The Legislative Officer found the bill to be in proper legislative form.

Testifying regarding the legislation were: Mike Petrenko, representing the Planning Board, Stan Fetter, Kaleen Vaden and Charles Curtain, in support of the legislation, and Chip Reed, representing the Chamber of Commerce.

There was a discussion regarding the relevance of testimony pertaining to the enlargement of the use. Staff clarified that a nonconforming use may be intensified, but not enlarged, and testimony regarding enlargement is relevant to the granting of certification. The sponsor noted that this testimony will be received only if the citizens are aware of the application, through posting, and permitted to request a hearing, which they currently are not allowed to do. Certain committee members were also concerned that the legislation needed further technical review. For this reason, a proposal was made to hold the bill in Committee.

The legislation was reported out of committee with no recommendation, with the amendment proposed by the Municipal Association.

BACKGROUND INFORMATION/FISCAL IMPACT

(Includes reason for proposal, as well as any unique statutory requirements)

The process for certification of nonconforming uses does not currently include notification of area residents or the District Council. Also, the application is only reviewed by the Planning Board (and appealable to the District Council) when the documentary evidence submitted by the applicant to prove that the use is nonconforming, rather than illegal, is not satisfactory to the Planning Department staff charged with reviewing the application. Other interested parties have no role in the process. This legislation requires posting of the property and notification of the District Council, allows interested parties to request a hearing before the Planning Board, and provides the District Council the opportunity to review the recommendation made by the Planning Department staff if the Planning Board does not conduct a hearing.