

**INTER-OFFICE MEMORANDUM**  
**PRINCE GEORGE'S COUNTY, MARYLAND**  
**ZONING HEARING EXAMINER OFFICE**

TO: Jackie Brown, Director  
Planning, Housing, and Economic Development Committee

FROM: Maurene Epps McNeil  
Chief Zoning Hearing Examiner

DATE: March 14, 2023

RE: CB-26-2023

Thank you for the opportunity to provide comment on this legislation that will amend the Zoning Ordinance to require an applicant to hold a neighborhood pre-application meeting (“meeting”) prior to filing a Use and Occupancy permit application with the Department of Permitting, Inspections and Enforcement (“DPIE”).

The revised Zoning Ordinance included the requirement for such meetings prior to the acceptance of certain zoning applications to ensure that residents in the area had advance notice of an owner’s intent to develop on their property or rezone their property.

As noted in the Planning Board comment on this bill, a use and occupancy permit is the last approval needed before the property will be utilized in a manner that has already been approved by the appropriate administrative body. Moreover, Subtitle 4 of the Prince George’s County Code requires DPIE to ensure that any permit issued by it is in full prior compliance with the Zoning Ordinance and any other applicable provision of the Prince George’s County Code, and that it prepare a use and occupancy verification letter that any building is compliant with applicable provisions of law. (See, Prince George’s County Code, Sections 4-118, 4-345 and 4-346)

The bill would arguably give neighbors the false sense that the type of use could be prevented at the permit stage which is not the case – by the time of Use and Occupancy permit approval the use sought has already been determined to be permitted in the Zoning Ordinance **and** DPIE has double checked that there is no further legal impediment to issuance of the permit. If the sponsor believes further notification should occur Subtitle 4 could be amended to state that the Building Official will provide notification to the following persons or entities listed in Section 27-3402 that have registered with MNCPPC for informational notices:

- Any municipality in which the land subject to the application is located, and every municipality located within one mile of the land subject to the application, and any municipal planning department;
- All civic associations registered in accordance with Section 27-3402(d), Civic Association or Resident Registration; and

- All adjacent landowners (including owners whose land lies directly across a street, alley, or stream from the land subject to the application being reviewed).

The language should clarify that failure to receive the notice will not invalidate the issuance of the permit.

This notice would not result in attempts to unreasonably prevent a use that is permitted but would allow an opportunity for anyone that might have a valid basis to appeal/challenge the issuance ( e.g., the building being too close to their property) to do so.