

INTER-OFFICE MEMORANDUM
PRINCE GEORGE'S COUNTY, MARYLAND

ZONING HEARING EXAMINER OFFICE

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September 7, 2021

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

FROM: Maurene Epps McNeil
Chief Zoning Hearing Examiner

Re: CB-48-2021 DR 2

This draft of CB-48 has added a revision to the setback requirements for Gas Stations. However, the purpose clause notes that the bill will be **including** a minimum distance from residential uses. This language is inaccurate. The current law already provides that the **subject property** be a minimum of 300 feet from residential uses, so the bill is not **including** this criteria. Instead the bill is changing the measurement to be from the "nearest gas pump" to "structures used as a residence."

I don't see any legal problem with changing the points measured but I do believe the purpose clause must be revised to accurately reflect that the bill is not including a minimum distance but is revising the measurement criteria for that distance. I think the change from "residential uses" to "structures used as a residence" is mostly wordsmithing especially since "residential uses" is not currently defined; accordingly, while that change could be added to the purpose clause it isn't necessary to do so.

I suggest that the purpose clause on Page 1 be revised as follows:

For the purpose of amending the definition of Gas Station uses in the Zoning Ordinance, amending the Special Exception requirement that Gas Stations include a minimum distance from residential uses, and adding a requirement that the Gas Station provide at least two (2) electric vehicle charging stations.

