

INTER-OFFICE MEMORANDUM
PRINCE GEORGE'S COUNTY, MARYLAND

ZONING HEARING EXAMINER OFFICE

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September 29, 2021

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

FROM: Maurene Epps McNeil
Chief Zoning Hearing Examiner

Re: CB-63-2021

I have reviewed the above referenced legislation and have the following comment.

The bill will amend the Building Code to allow the imposition of a \$250 fee for the issuance of a Letter of Zoning Compliance to individuals seeking such information. However, Section 27-125.02 (k) of the Zoning Ordinance allows the Planning Board to impose "a fee to help defray the costs related to processing" the request for a zoning certification or buildable lot letter. Moreover, the Regional District Act, found in the Maryland Annotated Code Land Use Article allows the County Council to provide for the referral of some or all building permit applications to the Commission for review and recommendation as to zoning requirements, but does not allow the Commission to approve the permit. See, Land Use Article, Sections 20-502 and 20-503.

If all of these provisions are read together, as required by general tenets of statutory construction, the fee imposed in the bill does not appear necessary and may be considered unjustifiable since a fee is supposed to relate to the work done and if the work is done under the provisions of the Zoning Ordinance (and a fee imposed for said work) there is no justification to also impose a fee under the Building Code for the same review.

I therefore recommend that the language on p. 3. line 75 be amended to delete Zoning and any reference to Subtitle 27 and only allow the issuance of a reasonable fee for a

letter as to compliance with the provisions of the Building Code or other related provisions of State or local law.