

May 27, 2021

The Honorable Calvin S. Hawkins, II  
Chairman  
Prince George's County Council  
County Administration Building  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

Re: CB-32-2021 and CB-33-2021

Dear Chairman Hawkins:

Thank you for providing the Planning Board an opportunity to review and comment on proposed District Council legislation. During the May 27, 2021 Planning Board meeting, the following positions were adopted in accordance with the planning staff's recommendations on the proposed legislation. **A Planning Board Analysis of each bill is attached for your consideration and a brief excerpt from each report is provided below:**

***CB-32-2021** A bill for the purpose of amending the notice requirements for Certification of Non-Conforming uses.*

**Planning Board Recommendation: Oppose because the legislation is not needed.**  
(See Attachment 1 for full analysis)

While the Planning Board is always in support of providing public notification, we believe the proposed legislation is unnecessary and redundant. There are regulations under Section 27-125.01 (Informational mailing; civic association registration) that require informational mailings for certification of nonconforming use applications. The regulations require an applicant to send by first class mail an informational mailing to all adjoining property owners, owners whose properties lie directly across a street, alley, or stream, every person of record within 10 years of the current application, every municipality within one mile of the applicant's property and to all registered civic and homeowners' associations for the geographical area in which the applicant's property is located.

It should be noted that an association may represent overlapping geographic areas, but the area may not extend beyond two adjoining Council Districts. Current regulations address informational mailings. Therefore, the Planning Board does not believe this legislation is needed.

This legislation will impact all applications for certification of nonconforming uses throughout the County.

The adopted Zoning Ordinance retains the existing language for informational mailings for certification of nonconforming uses.

***CB-33-2021** A bill for the purpose of amending the definition for the use "Group Residential Facility" in the Zoning Ordinance.*

**Planning Board Recommendation: Support.**  
**(See Attachment 2 for full analysis)**

The bill amends the definition for "Group Residential Facility" to add the word "building" to the definition of the use. This legislation will impact a property located at 3000 Lottsford Vista Road Bowie, Maryland. The Planning Board believes the proposed legislation would expand the number and types of structures that would be permitted under the use. Permitting other structures to be re-used as group residential facilities will promote self-sufficiency for our dependent populations in the County.

This legislation will impact a property located at 3000 Lottsford Vista Road Bowie, Maryland with the tax identification number 1536937. In addition, this bill would impact any property that is defined as a building.

The adopted Zoning Ordinance includes a revised version of the definition for "Group Residential Facility" which incorporates more generalized terminology. The adopted Zoning Ordinance definition begins with the words "A residential facility operated by a responsible individual or organization....". The term "residential facility" is sufficiently broad and covers the terms "dwelling unit" and "foster home" listed under the current definition. In addition, the "residential facility" term can be interpreted to cover the conversion of an existing building into a group residential facility. Therefore, if CB-33-2021 is enacted, there is no need to revise the definition in the adopted Zoning Ordinance.

As always, Planning Department staff members are available to work with the Council and your legislative staff on any pertinent legislative matters. Please let us know if we may be of further assistance.

Should you have questions, please do not hesitate to contact the Office of the Planning Director at 301-952-3595. Thank you, again, for your consideration.

Sincerely,



Elizabeth M. Hewlett  
Chairman

Attachments

## **CB-32-2021 – Planning Board Analysis (Attachment 1)**

A bill to amend the notice requirements for certification of nonconforming uses.

**The Planning Board has the following comments for consideration by the District Council:**

### **Policy Analysis:**

The bill amends the informational mailing regulations to require notices for certification of nonconforming use applications to be sent to adjoining property owners, adjacent municipalities, registered civic and homeowners' associations.

While the Planning Board is always in support of providing public notification, we believe the proposed legislation is unnecessary. There are regulations under Section 27-125.01 (Informational mailing; civic association registration) that require informational mailings for certification of nonconforming use applications. The regulations require an applicant to send by first class mail an informational mailing to all adjoining property owners, owners whose properties lie directly across a street, alley, or stream, every person of record within 10 years of the current application, every municipality within one mile of the applicant's property and to all registered civic and homeowners' associations for the geographical area in which the applicant's property is located.

It should be noted that an association may represent overlapping geographic areas, but the area may not extend beyond two adjoining Council Districts. Current regulations address informational mailings. Therefore, the Planning Board does not believe this legislation is needed.

### **Impacted Property:**

This legislation will impact all applications for certification of nonconforming uses throughout the County.

### **Adopted Zoning Ordinance:**

The adopted Zoning Ordinance retains the existing language for informational mailings for certification of nonconforming uses.

Following discussion, the Planning Board voted to oppose CB-32-2021; the legislation is not needed.

## **CB-33-2021 – Planning Board Analysis (Attachment 2)**

A bill to amend the Zoning Ordinance to revise the definition for “Group Residential Facility”.

**The Planning Board has the following comments for consideration by the District Council:**

### **Policy Analysis:**

The bill amends the definition for “Group Residential Facility” to add the word “building” to the definition of the use. This legislation will impact a property located at 3000 Lottsford Vista Road Bowie, Maryland. The Planning Board believes the proposed legislation would expand the number and types of structures that would be permitted under the use. Permitting other structures to be re-used as group residential facilities will promote self-sufficiency for our dependent populations in the County.

### **Impacted Property:**

This legislation will impact a property located at 3000 Lottsford Vista Road Bowie, Maryland with the tax identification number 1536937. In addition, this bill would impact any property that is defined as a building.

### **Adopted Zoning Ordinance:**

The adopted Zoning Ordinance includes a revised version of the definition for "Group Residential Facility" which incorporates more generalized terminology. The adopted Zoning Ordinance definition begins with the words "A residential facility operated by a responsible individual or organization....". The term "residential facility" is sufficiently broad and covers the terms "dwelling unit" and "foster home" listed under the current definition. In addition, the “residential facility” term can be interpreted to cover the conversion of an existing building into a group residential facility. Therefore, if CB-33-2021 is enacted, there is no need to revise the definition in the adopted Zoning Ordinance.

Following discussion, the Planning Board voted to support CB-33-2021.