

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

ZONING HEARING EXAMINER OFFICE

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October 5, 2020

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

FROM: Maurene Epps McNeil
Chief Zoning Hearing Examiner

Re: CB- 80 and CB-83-2020

I thank you for the opportunity to comment on the following bills.

CB-80-2020

This bill is defining "contractor's yard" and permitting it under certain circumstances in the R-R Zone.

A quick review of the Zoning Ordinance reveals that a "Contractor's office (general)" is permitted by right or by special exception, "as a permanent use, including the businesses of siding, flooring, roofing, plumbing, air conditioning, heating, painting, carpentry, electrical work, landscaping, and the like, with buildings and uses accessory to the business (as well as the office)" and allows this to include indoor and outdoor storage of materials or equipment. (See, Sections 27- 461 (b)(3) and 27-473 (b)(3)). In the R-R Zone, and most of the residential zones, a "Contractor's office..., construction yard or shed, storage building (in connection with a construction project) as a temporary use" is permitted by right or by special exception. Additionally, a "Contractor's Office, which may include wholly-enclosed storage, as a permanent use" is permitted in the R-R Zone.

The definition on page 2 of the bill may render many of the existing Contractor Offices nonconforming, at least to the extent that any outdoor storage is included. I would suggest that the definition in the table be added to Section 27-101.01(a) and that a new subsection be added to Section 27-441(b)(1) (Commercial) to permit "the outdoor storage and maintenance of construction equipment and other materials customarily required in the building trade by a construction contractor" to be allowed pursuant to the provisions set forth in the footnote.

CB-83-2020

This bill is prohibiting one form of sanitary landfill -the fly ash fill-in all zones. I would suggest that the legislative history for the bill include a discussion as to why this particular type of fill should be excluded as this would bolster the rational relationship of the bill to the furtherance of the public health, safety and welfare.

The bill is silent as to any existing fly ash fills. However, any existing use would generally be allowed to continue as a nonconforming use, if certified as such and if legally in existence at the time this bill takes effect.