

INTER-OFFICE MEMORANDUM PRINCE GEORGE'S COUNTY, MARYLAND

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

FROM: Maurene Epps McNeil,
Chief Zoning Hearing Examiner

DATE: June 1, 2021

RE: CB- 32-2021

Thank you for the opportunity to provide the following comment on the above referenced bill.

The language on page 2, line 6 should be revised to "every municipality that ... is adjacent". That same sentence should include an "and" after the semi-colon.

The existing law already requires that a notice be sent pursuant to Section 27-125.01 of the Zoning Ordinance. This Section provides as follows:

Sec. 27-125.01. - Informational mailing; civic association registration.

(a) Informational mailings with applications.

- (1) This Section applies in the following applications and any others for which this Subtitle requires informational mailings: Zoning Map Amendments (Division 2 of this Part), Comprehensive and Specific Design Plans, Conceptual and Detailed Site Plans, Special Exceptions and Revision of Site Plans for Special Exceptions, Special Permits, Variances and Chesapeake Bay Critical Area Conservation Plans filed in conjunction with other applications requiring public hearings by the Planning Board or District Council, Nonconforming Use Certifications, Departures from Sign or Design Standards, and Departures from the required number of Parking and Loading Spaces. It applies to private applications to amend those zones, plans, permits, and departures; to amend the M-U-TC, T-D-O, or D-D-O Zone; to approve or amend the M-U-I Zone; and to amend conditions imposed by the Planning Board or District Council. It applies to all applications to amend an

Aviation Policy Area or a Chesapeake Bay Critical Area Overlay Zone. It applies to all applications for Zoning Map Amendments and site plans filed in accordance with the procedures specified for the Urban Centers and Corridor Nodes Development and Zoning Code (Subtitle 27A). It does not apply to District Council initiated plans and studies for the M-U-TC, T-D-O, or D-D-O Zone, to Special Exception revocation petitions filed by the Department of Permitting, Inspections, and Enforcement, or to applications which the Planning Director is authorized to approve administratively.

- (2) At least thirty (30) days before the Commission accepts an application, the applicant shall send by first class mail an informational mailing to all adjoining property owners, including owners whose properties lie directly across a street, alley, or stream and, if the application consists of a Detailed Site Plan, Specific Design Plan, or Special Exception application, to the Prince George's Chamber of Commerce and the Greater Prince George's Business Roundtable. The applicant shall send notice of application filing to every person of record in a previous zoning, site plan or other application listed in subsection (a)(1) above within ten (10) years of filing the current application. At the same time and in the same manner, the applicant shall send an informational mailing to every municipality located within one (1) mile of the applicant's property and to all civic associations registered with the Commission for the area which includes the property.
 - (3) The applicant shall obtain an application number from the Commission before sending the informational mailing. It shall contain at least the following: the application number; a description of the property and its location; the nature of the applicant's request; the justification statement, if required with the application; the Commission department, with telephone number, to obtain more information about the application after it is filed; a statement to recipients that the applicant will meet, to explain the application; an applicant telephone number, for persons wishing to meet; an explanation of the procedures and the necessity for becoming a person-or-record in the pending application and a statement that no government agency has reviewed the application. A municipality, civic association, or other person entitled to an informational mailing may request a copy of the site plan from the applicant.
 - (4) With the application, the applicant shall file an affidavit of mailing. The affidavit shall give the names and addresses of all persons sent informational mailings and the dates when they were sent.
 - (5) Before an application is accepted, the Commission shall determine that the applicant has complied with this Section. A municipality, civic association, or other person entitled to an informational mailing may waive the requirement, and an applicant's filing of a signed waiver constitutes its compliance with the requirement, for the person signing. At any time after the Commission accepts an application, a determination that a person entitled did not receive a required informational mailing may not be a basis for invalidating a final action on the application.
 - (6) The informational mailings required by this Section are in addition to all postings and notices required by law.
- (b) **Notice of application acceptance.**
- (1) When the Commission determines an application has been filed in proper form and is ready to be formally accepted, it shall notify the applicant in writing, preferably by e-mail. The name and contact information of the staff member assigned to the application shall be included in the notice.
 - (2) The applicant shall notify in writing and via first class mail municipalities, civic associations and other persons entitled to receive informational mailings that the application is ready to be accepted. The name and contact information of the staff member assigned to the application shall be included in the notice.
 - (3) The Commission shall not formally accept applications for processing until after the applicant has filed an affidavit in the record to document completion of the written notice of acceptance to municipalities, civic associations and other persons entitled to receive informational mailings.
- (c) **Civic association registration.**

- (1) Every civic association which maintains a registration with the Commission in accordance with this Section is entitled to informational mailings, for all applications within the association's defined geographical area.
 - (2) As to civic associations, an applicant complies with this Section by sending informational mailings to the associations maintaining registrations with the Commission for the geographical area which includes the applicant's property.
 - (3) To obtain a registration, a civic association shall provide the following to the Commission: its name; the names, street addresses and e-mail addresses of all its officers; the number of members (individuals or households); the geographical area it represents and is interested in, by a description acceptable to the Commission; the name, street address, e-mail address, and daytime telephone number of the individual, the association designee, who is to receive informational mailings in the initial registration period; and the initial registration's effective dates, which may run from date of first registration to December 31 of the following year.
 - (4) Associations may represent overlapping geographical areas. However, for the purpose of obtaining informational mailings, an association may not represent an area extending beyond two adjoining Council Districts. In addition, the officers of an association must retain their primary residence within the association's delineated area of interest. The Commission may decline registration of any association which purports to represent an area of unreasonable description or otherwise does not meet the requirements of this Section.
 - (5) For a watershed protection group that is registered as a Section 501(c)(3) environmental organization, the group may designate an area consisting of the watershed whose protection is the purpose of the organization if the officers of the organization maintain their primary residence within such watershed.
- (6) An association may correct or update registration information at any time. In addition, the Commission will send notice to registered associations no later than January 31 of each year to solicit updated information and confirm that the associations want to continue receiving informational mailings.

Given the existing language in Section 27-125.01, the language in the bill is redundant and/or vague. I apologize for not being able to provide substitute language without further information as to the sponsors' concerns.