



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Prince George's County Planning Department
Community Planning Division

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June 22, 2023

MEMORANDUM

TO: Prince George's County Planning Board

VIA: Suzann M. King, Acting Planning Director *smk*
Derick Berlage, Acting Deputy Planning Director of Operations *db*
David Warner, Esq., Principal Counsel, Office of the General Counsel *DW*
Tony Felts, AICP, Division Chief, Community Planning Divisions *TF*

FROM: Kierre McCune, Supervisor, Master Plans and Studies Section, Community Planning Division *KM*
Thomas Lester, Planner III, Master Plans and Studies Section, Community Planning Division *TEL*

SUBJECT: **Proposed Bowie-Mitchellville and Vicinity Sectional Map Amendment – Section 27-3503(a)(5)(B) Nonconforming Use Zoning Analysis**

Per Section 27-3503(a)(5)(B) of the Zoning Ordinance, the Planning Board shall identify properties where the proposed zoning would create a nonconforming use at the time of adoption of the sectional map amendment. The section also states that the Planning Board shall provide written justification supporting the zoning if that zoning has significant public benefit based on facts peculiar to the subject property and the immediate neighborhood. This analysis shall occur at the time of transmittal of the endorsed SMA to the District Council. The attached analysis fulfills the requirement outlined in the zoning ordinance.

Enclosure:
Attachment 1: Section 27-3503(a)(5)(B) Nonconforming Use Zoning Analysis

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Summary of Section 27-3503(a)(5)(B)

Section 27-3503(a)(5)(B) of the Zoning Ordinance states that the Planning Board shall identify properties where the proposed zoning would create a nonconforming use and that the Planning Board shall provide written justification supporting the zoning if that zoning has significant public benefit based on facts peculiar to the subject property and the immediate neighborhood.

A nonconforming use is defined by the Zoning Ordinance as the use of any building, structure, or land which is not in conformance with a requirement of the zone in which is it located as it specifically applies to the use and not the other standards regarding the physical requirements of the zone.

Affected Properties

The following properties listed in the Proposed Bowie-Mitchellville and Vicinity Sectional Map Amendment are being proposed to a zone that does not allow the current use, creating a nonconforming use. However, there is significant public benefit to rezone these properties as proposed.

- 7704 Laurel Bowie Road (Tax ID 1578863)
- Zug Road (Tax ID 1658145)
- 12950 Railroad Avenue (Tax ID 1652965)
- 8333 Zug Road (Tax ID 1667997)
- 18509 Central Avenue (Tax ID 0725820)

Change Number	Current Zone	Proposed Zone	Address	Lot/Parcel	Tax Account(s)	Existing Land Use
ZC 21	AG	ROS	7704 Laurel Bowie Road	Parcel 36	1578863	Golf Course
Discussion: Rezoning the subject properties to ROS will create a nonconforming use because a Golf Course is prohibited in the ROS zone. This property is currently owned by the City of Bowie, a public entity that is not subject to zoning laws. Rezoning this property will ensure that if the property were to be sold by the City of Bowie to a private entity that the private entity would be subject to the zoning and any development that would occur on the property would be low density and preserve the open space in the surrounding low-density neighborhood. This recommendation is supported by the master plan under strategies LU 1.1 and CZ 1.1.						

Change Number	Current Zone	Proposed Zone	Address	Lot/Parcel	Tax Account(s)	Existing Land Use
ZC 23	IE	CGO	Zug Road	Parcel 218	1658145	Contractor's Yard
ZC 23	IE	CGO	12950 Railroad Avenue	Parcel 251	1652965	Contractor's Yard
ZC 23	IE	CGO	8333 Zug Road	Parcel 271	1667997	Contractor's Yard

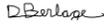
Discussion: Rezoning the subject properties to CGO will create a nonconforming use because a Contractor's Yard is prohibited in the CGO zone. Rezoning this property will ensure that the desired land use of arts-and-entertainment-related uses and makerspaces is permitted. This is imperative for the future state designation of Old Town Bowie as an arts and entertainment district. This recommendation is supported by the master plan under strategies LU 15.1 and CZ 10.1.

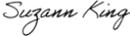
Change Number	Current Zone	Proposed Zone	Address	Lot/Parcel	Tax Account(s)	Existing Land Use
ZC 115	AG	ROS	18509 Central Avenue	Parcel 20	0725820	Solar Energy Systems, Large-Scale

Discussion: Rezoning the subject properties to ROS will create a nonconforming use because a Solar Energy Systems, Large-Scale is prohibited in the ROS zone. This property is currently owned by the City of Bowie, a public entity that is not subject to zoning laws. Rezoning this property will ensure that if the property were to be sold by the City of Bowie to a private entity that the private entity would be subject to the zoning and that any development that would occur on the property would be low density and preserve the open space in the surrounding low-density neighborhood. This recommendation is supported by the master plan under strategies LU 1.1 and CZ 1.1.

Signature: 
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BMVSMA Staff to PB Memo Section 27-3503(a)(5)(B) Zoning Analysis

Final Audit Report

2023-06-18

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