

Prince George's County Planning Department
Countywide Planning Division
Prince George's County Planning Department
Office of the Director

301-952-3650

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November 23, 2015

MEMORANDUM

TO: Fern Piret, Planning Director

VIA: Debra Borden, Principal Counsel, Office of the General Counsel **CB**

FROM: Chad Williams, LEED AP BD+C, Master Planner, Countywide Planning Division **CW**

SUBJECT: Administrative Correction to Overlay Zone Applicability Errors

In late October 2015, the Planning Department and Planning Board became aware of a technical error contained in all Development District Overlay Zone and Transit District Overlay Zone applicability sections approved during and after calendar year 2013. The following three plans are affected by this error:

- 2013 *Approved Greenbelt Metro Area and MD 193 Corridor Sector Plan and Sectional Map Amendment*
- 2014 *Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment*
- 2015 *Approved College Park-Riverdale Park Transit District Development Plan*

The nature of the technical error deals with an applicability statement that purports to address changes in the ownership of a nonconforming use, which reads: "Changes in ownership of a certified nonconforming use or a use that was lawful or could be certified as a legal nonconforming use on (the date of the plan's approval) shall be permitted subject to the provisions of Section 27-241" of the County Zoning Ordinance. Emphasis added.

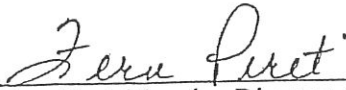
Section 27-241 of the Zoning Ordinance deals specifically with the continuation of non-conforming buildings, structures, or uses. The issue at hand is that this reference and applicability statement directly contradict the exemption for *legally existing* development, which states: "Until a detailed site plan is submitted, all buildings, structures, and uses, which were lawful or could be certified as a legal nonconforming use (on the date of the plan's approval), are exempt from the (development district/transit district) standards and from detailed site plan review and are not nonconforming." Emphasis added.

These applicability statements cannot stand together and are by their nature contradictory. One would not confer "not nonconforming" status on a use only to then subject it to the nonconforming

clauses of the Zoning Ordinance. The technical error lies with the nonconforming buildings, structures, and uses applicability statement.

To correct this technical error, the first sub-bullet under this particular applicability statement should be deleted from each of the afore-mentioned overlay zones. We request approval to correct this error. If granted, this errata sheet will complement hard copies of the Greenbelt Metro Area Sector Plan and Sectional Map Amendment (SMA). Since the final printed versions of the Southern Green Line Sector Plan and SMA and College Park-Riverdale Park Transit District Development Plan have not yet been finalized, this change will be incorporated before these documents go to the printer.

READ AND AGREED:



Fern Piret, Planning Director, M-NCPPC
Prince George's County Planning Department

11/24/15
Date

- c: Alan Hirsch, Division Chief, Development Review Division
Ivy A. Lewis, Division Chief, Community Planning Division
Teri Bond, Planning Supervisor, Community Planning Division
Whitney Chellis, Planning Supervisor, Development Review Division
Deborah Gallagher, Planning Supervisor, Development Review Division
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