

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2021 Legislative Session**

Bill No. CB-098-2021

Chapter No. 53

Proposed and Presented by Council Members Glaros, Harrison, Hawkins, Taveras, Turner,
Davis and Franklin

Introduced by Council Members Glaros, Harrison, Hawkins, Taveras, Turner, Davis,
and Franklin

Co-Sponsors _____

Date of Introduction October 12, 2021

ZONING BILL

1 AN ORDINANCE concerning

2 The Zoning Ordinance of Prince George’s County

3 For the purpose of reconciling certain terms, procedures, and other language of the new Zoning
4 Ordinance, being Chapter 27, 2018 Laws of Prince George's County, and adopted as CB-13-
5 2018 Attachment A on October 23, 2018; revising certain procedures and regulations; and
6 adding clarification language to effectuate successful implementation and met the County’s goals
7 for a new, modern, streamlined Zoning Ordinance.

8 BY repealing and reenacting with amendments:

9 Sections 27-1607, 27-1703, 27-1704, 27-1903, 27-2100, 27-2201, 27-
10 2300, 27-2400, 27-2500, 27-3200, 27-3301, 27-3302, 27-3303, 27-3304, 27-3305, 27-3306, 27-
11 3308, 27-3309, 27-3401, 27-3403, 27-3404, 27-3406, 27-3407, 27-3408, 27-3412, 27-3413, 27-
12 3414, 27-3416, 27-3417, 27-3419, 27-3502, 27-3503, 27-3601, 27-3602, 27-3603, 27-3604, 27-
13 3605, 27-3608, 27-3611, 27-3613, 27-3614, 27-3615, 27-3616, 27-4202, 27-4205, 27-4303, 27-
14 4402, 27-5101, 27-5102, 27-5201, 27-5203, 27-5303, 27-5401, 27-5402, 27-6104, 27-6105, 27-
15 6206, 27-6305, 27-6306, 27-6307, 27-6408, 27-6500, 27-6903, 27-61001, 27-61003, 27-61101,
16 27-61506, 27-7102, 27-7104, 27-7200, 27-7201, 27-7202, 27-7203, 27-7204, 27-7205, 27-7206,
17 27-7300, 27-7301, 27-7302, 27-7400, 27-7401, 27-7402, 27-7403, 27-7404, 27-7405, 27-7406,
18 27-7407, 27-7500, 27-7501, 27-7600, 27-7700, 27-7701, 27-7702, 27-7703, 27-7800, 27-7801,

1 27-7802, 27-7803, 27-8101, and 27-8301,

2 The Zoning Ordinance of Prince George's County, Maryland,

3 being also

4 SUBTITLE 27. ZONING.

5 The Prince George's County Code

6 (2019 Edition, 2020 Supplement).

7 BY adding:

8 Sections 27-11000, 27-11001, 27-3620 and 27-5103,

9 The Zoning Ordinance of Prince George's County, Maryland

10 being also

11 SUBTITLE 27. ZONING.

12 The Prince George's County Code

13 (2019 Edition, 2020 Supplement).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 15 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
 16 District in Prince George's County, Maryland, that Sections 27-1607, 27-1703, 27-1704, 27-
 17 1903, 27-2100, 27-2201, 27-2300, 27-2400, 27-2500, 27-3200, 27-3301, 27-3302, 27-3303, 27-
 18 3304, 27-3305, 27-3306, 27-3308, 27-3309, 27-3401, 27-3403, 27-3404, 27-3406, 27-3407, 27-
 19 3408, 27-3412, 27-3413, 27-3414, 27-3416, 27-3417, 27-3419, 27-3502, 27-3503, 27-3601, 27-
 20 3602, 27-3603, 27-3604, 27-3605, 27-3608, 27-3611, 27-3613, 27-3614, 27-3615, 27-3616, 27-
 21 4202, 27-4205, 27-4303, 27-4402, 27-5101, 27-5102, 27-5201, 27-5203, 27-5303, 27-5401, 27-
 22 5402, 27-6104, 27-6105, 27-6206, 27-6305, 27-6306, 27-6307, 27-6408, 27-6500, 27-6903, 27-
 23 61001, 27-61003, 27-61101, 27-61506, 27-7102, 27-7104, 27-7200, 27-7201, 27-7202, 27-7203,
 24 27-7204, 27-7205, 27-7206, 27-7300, 27-7301, 27-7302, 27-7400, 27-7401, 27-7402, 27-7403,
 25 27-7404, 27-7405, 27-7406, 27-7407, 27-7500, 27-7501, 27-7600, 27-7700, 27-7701, 27-7702,
 26 27-7703, 27-7800, 27-7801, 27-7802, 27-7803, 27-8101, and 27-8301 of the Zoning Ordinance
 27 of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County
 28 Code, be and the same are hereby repealed and reenacted with the following amendments:

29 **SUBTITLE 27. ZONING.**

30 **PART 27-1 GENERAL PROVISIONS**

31 * * * * *

27-1607. Property conveyed by the State for the University of Maryland

(a) This section applies to property owned by the State for University of Maryland as conveyed by the State to a private person. It does not apply to property rezoned within twenty-four (24) months of State conveyance to a private person, as provided in Section 27-1604, Conveyance of Public Land in the ROS Zone to Another Public Entity; [or] property conveyed from the University of Maryland (or the State of Maryland as title owner for the University of Maryland) which is zoned RSF-65, lies adjacent to an existing residential subdivision, and is restricted in the conveyance to thirty (30) or fewer lots[.]; or land conveyed from the University or Maryland (or the State of Maryland as title owner for the University of Maryland) consisting of land zoned either RMF-48 and RSF-65 or RMF-48, RSF-65, or RMF-20 wholly or partly within one half mile of a Purple Line Light Rail Station at the time of conveyance (or within two (2) years prior to the conveyance).

* * * * *

Sec. 27-1700 Transitional Provisions

* * * * *

Sec. 27-1703. Applications Pending Prior to the Effective Date of this Ordinance

(a) Any development application, including a permit application or an application for zoning classification, that is filed and accepted prior to the effective date of this Ordinance may be reviewed and decided in accordance with the Zoning Ordinance and Subdivision Regulations in existence at the time of the acceptance of said application. An application for zoning classification decided after the effective date of this Ordinance must result in a zone set forth within this Ordinance.

(b) Development applications submitted and accepted as complete before ___ [insert the effective date of this Ordinance] shall be processed in good faith and shall comply with the time frames for review, approval, and completion as is established in the Zoning Ordinance and Subdivision Regulations in existence at the time of the submission and acceptance of the application [, not to exceed a period of two (2) calendar years after the effective date of this Ordinance]. If the application fails to comply with the required time frames, it shall expire and future development shall be subject to the requirements of this Ordinance.

(c) If the development application is approved, the development approval or permit shall remain valid for the period of time specified in the Zoning Ordinance under which the

1 application was reviewed and approved. Extensions of time available under the [old] prior
2 Zoning Ordinance and Subdivision Regulations remain available. If the approval is for a
3 Conceptual Site Plan (CSP), special permit, Comprehensive Sketch Plan, or Conceptual Design
4 Plan (CDP), the approved CSP, special permit, Comprehensive Sketch Plan, or CDP shall remain
5 valid for twenty (20) years from the effective date of this Ordinance, and shall not be subject to
6 the indefinite time period of validity under the Zoning Ordinance under which it was approved.

7 (d) Until and unless the period of time under which the development approval or permit
8 remains valid expires, the project may proceed to the next steps in the approval process
9 (including any subdivision steps that may be necessary) and continue to be reviewed and decided
10 under the Zoning Ordinance and Subdivision Regulations under which it was approved.

11 (e) Once constructed pursuant to a development application or permit approved under the
12 prior Zoning Ordinance or Subdivision Regulations, all [the project] buildings, uses, structures,
13 or site features will be legal and not nonconforming and shall be exempt from the provisions of
14 this Ordinance until they are required or elect to file a site plan or other development application
15 (not to include any application for a change in occupancy or change in ownership). In order to
16 maintain its not nonconforming status, properties and uses which were formerly in a Commercial
17 Zone, Industrial Zone, the M-X-T Zone, or the M-U-I Zone, or the M-U-I Zone as of [insert the
18 effective date of this Ordinance] shall adhere to the procedures set forth in section 27-3620,
19 Certification of Nonconforming Use. [shall be “deemed conforming” and shall be subject to the
20 same rules as other conforming uses, structures, and site features under this Ordinance.]

21 (f) An applicant may elect at any stage of the development review process to have the
22 proposed development reviewed under this Ordinance.

23 (g) Notwithstanding Sections 27-1703(a) through (f), above, any pending Conceptual Site
24 Plan (CSP) or Detailed Site Plan (DSP) application incorporating a request to change the
25 boundary of an approved Transit District Overlay Zone (TDOZ) or Development District
26 Overlay Zone (DDOZ) or change the underlying zones in a TDOZ or DDOZ must result in a
27 zone set forth within this Ordinance. Any pending CSP or DSP application seeking only to
28 change the list of allowed uses, building height restrictions, and/or parking standards may
29 continue to be processed and is not subject to the tolling procedures specified in Part 19 of the
30 prior Zoning Ordinance.

1 (h) Any ongoing Functional Master Plan, Area Master Plan, or Sector Plan initiated under
2 the prior Zoning Ordinance may proceed to be prepared, adopted, and approved under the
3 Zoning Ordinance regulations under which such plan(s) were initiated.

4 * * * * *

5 **Sec. 27-1704. Projects Which Received Development or Permit Approval Prior to the**
6 **Effective Date of this Ordinance.**

7 (a) Except for a zoning map amendment (ZMA) of any type, development approvals or
8 permits of any type approved under this Subtitle or Subtitle 24 of this Code prior to ___ [*insert*
9 *effective date of this Ordinance*] remain valid for the period of time specified in the Zoning
10 Ordinance or Subdivision Regulations under which the project was approved. Extensions of time
11 which were available in the Zoning Ordinance or Subdivision Regulations under which it was
12 approved shall remain available. If the approval is for a CSP, special permit, Comprehensive
13 Sketch Plan, or CDP, it shall remain valid for [ten] twenty years from ___ [*insert effective date*
14 *of this Ordinance*], and shall not be subject to the indefinite time period of validity under the
15 Zoning Ordinance under which it was approved, except for a CSP as to a Waterfront
16 Entertainment Complex use, which shall remain valid indefinitely. In addition, a Basic Plan
17 approved prior to the effective date of this Ordinance is grandfathered and can be amended. In
18 addition, the text of this Subsection shall control over any other provision of this Section.

19 (b) Until and unless the period of time under which the development approval or permit
20 remains valid expires, the project may proceed to the next steps in the approval process
21 (including any subdivision steps that may be necessary) and continue to be reviewed and decided
22 under the Zoning Ordinance and Subdivision Regulations under which it was approved. For
23 purposes of this Subsection, a property which has obtained approval of a stormwater
24 management concept plan and a grading permit in accordance with Subtitle 32 of this Code, for
25 which no development approval pursuant to the Zoning Ordinance or Subdivision Regulations is
26 required, may proceed to obtain a building permit under the Zoning Ordinance in effect at the
27 time the Subtitle 32 approvals were obtained.

28 * * * * *

29 (d) Once constructed, the [project] buildings, uses, structures, or site features [shall be
30 “deemed conforming” and] will be legal and not nonconforming and shall be exempt from the
31 provisions of this Ordinance until they are required or elect to file a site plan or other

1 development application under this Ordinance (not to include any application for a change in
 2 occupancy or a change in ownership). This provision shall expressly subject to the provisions of
 3 Subsection (e) of this Section. No illegal building, use, structure, or site features as of [insert the
 4 effective date of this Ordinance] will be deemed not nonconforming. Legal nonconforming uses
 5 certified under the prior Zoning Ordinance will continue to maintain their certified legal
 6 nonconforming status. [shall be subject to the same rules as other nonconforming uses,
 7 structures, signs, and other features under the Zoning Ordinance. Under no circumstance shall
 8 an] No illegal use, structure, sign, or other feature as of the effective date of the Zoning
 9 Ordinance is nonconforming and may not be certified or considered to be nonconforming. In
 10 order to maintain its not nonconforming status, properties and uses which were formerly in a
 11 Commercial Zone, Industrial Zone, the M-X-T Zone, or the M-U-I Zone as of [insert the
 12 effective date of this ordinance] may have a discontinuance of day-to-day operation for a period
 13 of less than three (3) years. Properties and uses in all other zones as of [insert the effective date of
 14 this ordinance] shall adhere to the procedures set forth in Section 27-3620, Certification of
 15 Nonconforming Use. [be “deemed conforming.” Special exception uses approved pursuant to the
 16 requirements of the prior Zoning Ordinance and before the effective date of this Subtitle, shall
 17 not be deemed a conforming use. Instead, such uses shall be classified as nonconforming,
 18 pursuant to Part 27-7, Nonconforming Buildings, Structures, Uses, Lots and Signs of this
 19 Subtitle, unless said use meets all applicable requirements and standards set forth in this
 20 Ordinance.] Special exception uses approved pursuant to the requirements of the prior Zoning
 21 Ordinance and before the effective date of this Subtitle shall be subject to the following:

22 (1) If the use is also a special exception in this Ordinance, then the use may continue
 23 in effect as a special exception, and all applicable requirements, standards, and conditions of
 24 approval for that special exception shall still apply. Such uses may be modified subject to the
 25 provisions of this Ordinance.

26 (2) If the use is prohibited in this Ordinance, then the use may continue as a
 27 nonconforming use subject to the provisions of Part 27-7, Nonconforming Buildings, Structures,
 28 Uses, Lots, and Signs.

29 (3) If the use is permitted in accordance with this Ordinance without approval of a
 30 special exception, the previously approved special exception shall continue in full force and
 31 effect, including all associated conditions of approval.

1 (e) Subsequent revisions or amendments to development approvals or permits
2 “grandfathered” under the provisions of this Section shall be reviewed and decided under the
3 Zoning Ordinance under which the original development approval or permit was approved. [, for
4 a period not to exceed two (2) calendar years after the effective date of this Ordinance] unless the
5 applicant elects to have the proposed revision or amendment reviewed under this Ordinance.

6 (f) An applicant may elect at any stage of the development review process to have the
7 proposed development reviewed under this Ordinance.

8 (g) With the exception of a Basic Plan, A property which has been rezoned through a
9 zoning map amendment processed prior to the effective date of this Ordinance – but which does
10 not also have a subsequent entitlement application filed and accepted for processing prior to the
11 effective date of this Ordinance – must wait and develop pursuant to the applicable regulations of
12 its newly assigned zone approved through the Countywide Sectional Map Amendment process.

13 * * * * *

14 (j) Property in the LMUTC Zone may proceed to develop in accordance with the
15 guidelines[, and standards[, and procedures] of the specific Mixed-Use Town Center
16 Development Plan in which the property is located. Except as modified by Section 27-4205(e) of
17 this Ordinance, [T]the procedures of the Zoning Ordinance in existence prior to the effective date
18 of this Ordinance, including procedures relating to variance approvals, shall also apply to
19 property in the LMUTC Zone as appropriate.

20 * * * * *

21 **Sec. 27-1900 Development Pursuant to Prior Ordinance**

22 * * * * *

23 **27-1902. Purpose and Intent**

24 Notwithstanding the provisions set forth within this Part, the District Council finds that there is a
25 need to retain certain procedures, regulations, zones, uses, and/or other aspects embodied within
26 the prior Zoning Ordinance (being also Subtitle 27, Prince George’s County Code, 2019 Edition,
27 2020 Supplement) for purposes of sustaining and/or minimizing wholesale abandonment, for
28 [good cause, qualified]-proposals for the development of land in Prince George’s County.

29 In approving CB-013-2018, it is the intent of the District Council to prospectively implement the
30 provisions of this Subtitle in furtherance of the orderly growth and development of land, as well
31 as the protection of the public health, safety, morals, and general welfare of citizens and

1 residents, in Prince George’s County. However, based on significant public testimony received
 2 during consideration of this Ordinance, the Council recognizes that such immediate, wholesale
 3 implementation of this Subtitle may not be feasible or appropriate in all circumstances.

4 Accordingly, the purpose of this Section is to provide, for a [discrete and] limited time period, a
 5 process to apply the requirements of the prior Zoning Ordinance (Subtitle 27, Prince George’s
 6 County Code, 2019 Ed., 2020 Supplement) [, to certain proposals for development, subject to
 7 qualifying criteria and procedures recited below].

8 **27-1903. Applicability**

9 (a) Development proposals for property within the LCD, LMXC, and LMUTC zones are
 10 ineligible for application of the prior Zoning Ordinance. All development proposed in the zones
 11 set forth in this Section shall develop in accordance with the requirements of this Ordinance,
 12 unless subject to the Transitional Provisions set forth in Sec. 27-1700, Transitional Provisions, of
 13 this Subtitle.

14 (b) Notwithstanding procedures specified in Sections 27-548.09.01 and 27-548.26 of the
 15 prior Zoning Ordinance, development proposals within a Transit District Overlay Zone (TDOZ)
 16 or Development District Overlay Zone (DDOZ) may not include requests to change the
 17 boundary of the approved TDOZ or DDOZ or change the underlying zones.

18 (c) Development proposals or permit applications of any type for properties in all other
 19 zones of the County may [apply for permission to] utilize the prior Zoning Ordinance or
 20 Subdivision Regulations for development of the subject property.

21 (d) Notwithstanding the abrogation provisions in Section 27-1901, if an application that
 22 elects to utilize the prior ordinance is filed and accepted within 2 years from the effective date of
 23 this ordinance, the development project shall be reviewed in accordance with the Zoning
 24 Ordinance and Subdivision Regulations in existence at the time of the acceptance of a
 25 development application.

26 (e) Once approved, development applications that utilize the prior Zoning Ordinance shall
 27 be considered “grandfathered” and subject to the provisions set forth in Section 27-1704 of this
 28 Subtitle.

29 **27-1904. Procedures**

30 In order to proceed with development under the prior Zoning Ordinance, the following
 31 procedures shall apply:

1 (a) The applicant shall schedule and participate in a pre-application conference,
2 notwithstanding the requirements of Section 27-3401(b), Applicability.

3 (b) The applicant shall provide a statement of justification which shall explain why the
4 Applicant has elected not to develop a specific property pursuant to the provisions of this Zoning
5 Ordinance. [the following information, on the appropriate form:]

6 [(1) A statement of justification, which shall demonstrate why it is not feasible to
7 develop a specific property pursuant to the provisions of this Zoning Ordinance;]

8 [(2) A proposed phasing plan for the proposed development, as appropriate; a project
9 schedule setting forth a proposed schedule of major milestones and potential application
10 approval and entitlement sequence for the development as required pursuant to the prior
11 Ordinance; and]

12 [(3) Any other relevant materials or information requested by the Planning Director or
13 authorized designee.]

14 (c) [Unless otherwise prohibited by law, the Planning Director shall grant the applicant’s
15 request and provide written notice to same within fifteen (15) days of the applicant’s submission
16 of all information required in Subsection (b), above.]

17 [(d)] The Planning Director shall submit quarterly reports to the District Council as to
18 the development applications proceeding under the prior Ordinance.

19 * * * * *

20 **PART 27-2 INTERPRETATION AND DEFINITIONS**

21 **Sec. 27-2100 Interpretations and Rules of Construction**

22 The interpretations and rules of construction contained in this Part shall apply to this entire
23 Subtitle, and to the wording of any conditions placed on any final decision made in accordance
24 with this Subtitle, such as conditions placed on the approval of zoning cases. As such, words and
25 phrases are to be interpreted as follows:

26 * * * * *

27 (h) Time computation: in computing periods of time, the day of the act (after which the
28 designated period of time begins to run) is not to be included. The last day of the period
29 computed is to be included unless:

30 (1) It is a Saturday, Sunday, or County legal holiday, in which case the period runs
31 until the end of the next day that is neither a Saturday, Sunday, nor County legal holiday; or

1 (2) The act is the filing of a paper in a court or County office, and the offices on the
2 last day of the period are:

3 (A) Not open;

4 (B) Closed for a part of that day, in which event the period runs until the end of
5 the next day that is neither a Saturday, Sunday, nor County legal holiday; or

6 (C) Not open the entire day during ordinary business hours. When the time is
7 more than seven (7) days, intermediate Saturdays, Sundays, and County legal holidays shall be
8 considered as other days. If the period of time is seven (7) days or less, intermediate Saturdays,
9 Sundays, and County legal holidays shall not be counted.

10 (D) Notwithstanding Subsections (1) and (2), herein, where County offices
11 provide for electronic or drop box filings, absent a showing of good cause, the last day of the
12 period computed is included whether the County office is open, closed for part of the day, or not
13 open the entire day. When the time is more than seven (7) days, intermediate Saturdays,
14 Sundays, and County legal holidays shall be considered as other days. If the period of time is
15 seven (7) days or less, intermediate Saturdays, Sundays, and County legal holidays shall not be
16 counted.

17 * * * * *

18 (z) The word "preceding" means next before.

19 (aa) Any document required to be submitted in writing pursuant to this Subtitle may be
20 submitted electronically; however, the decision-making body or official reserves the right to also
21 request hard copies of any document.

22 * * * * *

23 **Sec. 27-2200 Measurement and Exceptions of Intensity and Dimensional Standards**

24 * * * * *

25 **27-2201. Measurement**

26 * * * * *

27 **(i) Building Height**

28 (1) The vertical distance between an approved "Street" grade at a point at the middle
29 of the front of the "Building" to either:

30 (A) The highest point of roof surface of a flat roof;

31 (B) The deck line of a mansard roof; or

1 (C) The average height between the eaves and ridge of a gable, hip, or gambrel
2 roof.

3 (2) If a "Building" is located on a terrace, the height above the "Street" grade may be
4 increased by the height of the terrace but not over five (5) feet. If the "Building" is set back from
5 the "Street Line" thirty-five (35) feet or more, the "Building Height" is measured from the
6 average elevation of the finished ground surface along the side of the "Building" facing the
7 "Front of the Lot." On a "Through Lot," the side of the "Building" (facing the "Front of the Lot")
8 which has the lowest elevation shall be used.

9 (3) For the purposes of the MIO Zone, height shall be measured from the base of a
10 “Structure” to the highest point of any part of that “Structure,” including, but not limited to,
11 antennae, towers, poles, monopoles, or satellite dishes.

12 * * * * *

13 **(I) Accessory Structures and Buildings**

14 The location of accessory structures and buildings on lots shall conform to the regulations
15 of Section 27-5202(c).

16 * * * * *

17 **Sec. 27-2300 [Boundaries of Zones**

18 In determining the boundaries of any zone shown on the Zoning Map, the following rules shall
19 apply:

20 (a) Zone boundary lines follow the center lines of a street, railroad, alley rights-of-way, or
21 lot lines (or lines parallel or perpendicular to the lot lines), unless the boundary lines are fixed by
22 dimensions on the Zoning Map.

23 (b) Where zone boundaries are indicated as approximately following street, railroad, or
24 alley lines (existing or proposed), the center lines of these street, railroad, or alley rights-of-way
25 shall be considered the boundaries.

26 (c) Where a street or alley right-of-way and a railroad right-of-way abut each other, the
27 boundary line between the two rights-of-way shall be considered the zone boundary. In those
28 cases where a railroad right-of-way is abutted on both sides by a street, the center line of the
29 railroad right-of-way shall be considered the zone boundary. Each right-of-way shall be
30 considered to be in the zoning category of the land immediately abutting that right-of-way.

31 (d) Where zone boundaries approximately follow lot lines and are no more than 10 feet

1 from these lines, the lot lines shall be considered the boundaries.

2 (e) Where property is unsubdivided, or where a zone boundary divides a lot, the location
3 of the boundary, unless it is indicated by dimensions shown on the Zoning Map, shall be scaled
4 to the nearest foot on the Zoning Map.

5 (f) If any portion of a public street, alley, right-of-way, or easement shall ever be privately
6 owned or not used for a public purpose, the center line of the street, alley, right-of-way, or
7 easement shall be considered the zone boundary line when the zoning categories are not the same
8 on both sides of the street, alley, right-of-way, or easement. The land, and any building,
9 structure, or use, which is located within this street, alley, right-of-way, or easement, shall be
10 subject to all of the regulations of this Subtitle which apply within the abutting zone.

11 (g) If any portion of a public street, alley, right-of-way, or easement, or land shown as such
12 on the Zoning Map, shall ever be privately owned or not used for a public purpose, the center
13 line of the street, alley, right-of-way, or easement shall be considered the zone boundary line
14 when the zoning categories are not the same on both sides of the street, alley, right-of-way, or
15 easement. The land, and any building, structure, or use, which is located within this street, alley,
16 right-of-way, or easement, shall be subject to all of the regulations of this Subtitle which apply
17 within the abutting zone.

18 (h) If property has been specifically withheld from rezoning in order to provide for the
19 future construction, widening, realignment, or relocation of public streets or transit routes, the
20 center line of the right-of-way shall be considered the zone boundary. The area withheld shall be
21 considered as having been included in the Zoning Map Amendment. This shall not affect the
22 application of the permit control procedures of Section 27-3617, Authorization of Permit Within
23 Proposed Right-of-Way (ROW).

24 (i) The boundaries of a Transit District Overlay Zone shall be as shown on the approved
25 Transit District Development Plan

26 (j) The boundaries of the Military Installation Overlay (MIO) Zone shall be fixed by
27 dimensions on the Official Zoning Map and shall reflect the boundaries of the safety zones, noise
28 contours, height surfaces, and other impact areas identified by the most recent Air Installation
29 Compatible Use Zone ("AICUZ") Study, as amended from time to time, for Joint Base Andrews.

30 **Sec. 27-2400] Order of Approvals**

31 [Unnless] Unless otherwise provided in this Subtitle, the following order of approvals shall be

1 observed:

2 (1) Zoning;

3 (2) Preliminary plan of subdivision (minor or major);

4 (3) Detailed site plan;

5 (4) Final plat of subdivision (minor or major), except that a final plat of subdivision (minor
6 or major) may be approved prior to a detailed site plan if technical staff determines that the site
7 plan approval will not affect final plat approval;

8 (5) Grading, building, and use and occupancy permits.

9 **Sec. 27-2400 Principal Use Classification**

10 **(a) Purpose**

11 This Section is intended to provide a systematic framework for identifying, describing,
12 categorizing, consolidating, and distinguishing land uses in a way that makes it easier to
13 determine whether a particular use, activity, or combination of activities should be considered a
14 form or example of a use listed as an allowable principal use in the use tables in Section 27-
15 5101, Principal Use Tables. This Section is also intended to provide descriptions of the Principal
16 Use Categories in which specific principal use types are classified by this Ordinance.

17 **(b) Structure of Principal Use Classification System**

18 The following three-tiered hierarchy of use classifications, use categories, and use types is
19 provided to organize uses listed in Section 27-5101, Principal Use Tables.

20 **(1) Principal Use Classifications**

21 Principal Use Classifications are very broad and general (e.g., Rural and Agricultural
22 Uses; Residential Uses; Public, Civic, and Institutional Uses; Commercial Uses, and Industrial
23 Uses).

24 **(2) Principal Use Categories**

25 (A) Principal Use Categories represent major subgroups of the principal use
26 classifications that have common functional, product, or physical characteristics, such as the type
27 and amount of activity, type of occupants or users/customers, or operational characteristics. For
28 example, the Commercial Use Classification is divided into multiple use categories, including
29 Eating or Drinking Establishment Uses and Visitor Accommodation Uses.

30 (B) Each use category is described in Subsections (c) through (g), below, in
31 terms of the common characteristics of included uses, examples of common use types included

1 in the category, and, for a number of principal use categories, exceptions—i.e., those uses that
 2 might appear to fall within the use category, but are included in another use category.

3 **(3) Principal Use Types**

4 Principal Use Types identify specific principal land uses whose characteristics are
 5 considered to fall within the various use categories. For example, bars, lounges, small-scale
 6 alcohol production facilities, and restaurants are use types within the Eating or Drinking
 7 Establishment Use Category. Each use type is defined in Section 27-2500, Definitions. While the
 8 Residential and Public, Civic, and Institutional principal use classifications tend to include
 9 relatively specific and well-defined principal use types, the Commercial and Industrial use
 10 classifications tend to include broader use types, reflecting the wider range and ever-growing
 11 variety of commercial and industrial uses in the County.

12 **(c) Descriptions of Rural and Agricultural Principal Use Categories**

13 **(1) Agriculture/Forestry Uses**

14 The Agriculture/Forestry Uses category includes use types related to: the production of
 15 field crops, fruits, vegetables, ornamental and flowering plants, and the breeding, raising, or
 16 keeping of livestock, poultry, swine, bees, fish, shellfish, or other animals for food or other
 17 marketable products. The Agriculture/Forestry Uses category also includes forestry or
 18 silvicultural activities related to the planting, management, protection, and harvesting of trees for
 19 timber or other forest products. Use types include but are not limited to: agriculture and forestry;
 20 the keeping of horses or ponies; other agricultural uses; community gardens; and similar uses.
 21 This use category does not include the processing of animal or plant products for wholesale
 22 purposes off the site of where the agricultural product is grown or raised, which is generally
 23 considered a manufacturing use type.

24 **(2) Agriculture/Forestry-Related Uses**

25 The Agriculture/Forestry-Related Uses category includes use types that provide
 26 support and services to agricultural and forestry uses, or are otherwise closely related to
 27 agricultural or forestry production in their form and function. Use types include but are not
 28 limited to: equestrian centers; riding stables; farm machinery and implement sales and rental (or
 29 repair); farm supply sales; farm markets; farm-based alcohol production; food hubs; agricultural
 30 research facilities; rural corporate retreats; sawmills; and similar uses.

31 **(3) Open Space Uses**

1 The Open Space Uses category includes use types focusing on open space areas largely
2 devoted to natural landscaping and outdoor recreation, and tending to have few structures. Use
3 types include but are not limited to: parks (including recreational and natural area parks);
4 greenways; arboretums and botanical gardens; and similar uses. This use category does not
5 include athletic fields, golf courses, golf driving ranges, or other primarily outdoor recreational
6 uses (categorized in the Recreation/Entertainment Uses category).

7 **(d) Descriptions of Residential Principal Use Categories**

8 **(1) Household Living Uses**

9 The Household Living Uses category includes use types that provide for the residential
10 occupancy of a dwelling unit by a single family. Tenancy is generally arranged on a month-to-
11 month or longer basis. Use types include but are not limited to: single-family detached
12 dwelling; two-family dwellings; three-family dwellings; multifamily dwellings; townhouse
13 dwelling, live-work dwellings; artist residential studios; and mobile home dwellings. This use
14 category does not include residential use types that generally involve some level of managed
15 personal care for a larger number of residents (e.g., assisted living facilities or boarding houses),
16 which are categorized in the Group Living Uses category.

17 **(2) Group Living Uses**

18 The Group Living Uses category includes use types providing for the residential
19 occupancy of a group of living units by persons who typically do not constitute a single family
20 (but not always) and may receive some level of personal care. Individual living units often
21 consist of a single room or group of rooms without cooking and eating facilities (even though
22 some do have such facilities), but unlike a hotel or motel, are generally occupied on a monthly or
23 longer basis. Use types may include but are not limited to: assisted living facilities; group
24 residential facilities; boarding or rooming houses; convents or monasteries; fraternity or sorority
25 houses; and similar uses. Although continuing care retirement communities include household
26 living uses (e.g., dwellings) and health care uses (e.g., nursing homes), they are categorized as a
27 group living use because of their focus on the present or future provision of personal care to
28 senior citizens and their integration of various uses as a single cohesive development. This use
29 category does not include use types where persons generally occupy living units for periods of
30 less than 30 days (e.g., hotel or motels), which are categorized in the Visitor Accommodation
31 Uses category. It also does not include use types where residents or inpatients are routinely

1 provided more than modest health care services (e.g., nursing homes), which are categorized in
 2 the Health Care Uses category, or commercial recreation facilities, which are categorized in the
 3 Recreation/Entertainment Uses category.

4 **(e) Descriptions of Public, Civic, and Institutional Principal Use Categories**

5 **(1) Communication Uses**

6 The Communication Uses category includes uses and facilities providing regional or
 7 community-wide communications services, such as wireless communications, radio and
 8 television broadcasting, and newspaper or magazine publishing. Services may be publicly or
 9 privately provided and may include on-site personnel. Use types include but are not limited to:
 10 towers and antennas for wireless communications; broadcasting studios; newspaper or magazine
 11 publishing facilities; and similar uses.

12 **(2) Community Service Uses**

13 The Community Service Uses category includes use types of a public, nonprofit, or
 14 charitable nature providing a local service (e.g., child care, cultural, recreational, counseling,
 15 training, religious) directly to people of the community. Generally, such uses provide ongoing
 16 continued service on-site or have employees at the site on a regular basis. The category generally
 17 does not include uses with a residential component. Use types include but are not limited to:
 18 adult day care facilities; child care centers; community centers/facilities; noncommercial or
 19 public cultural facilities (e.g., libraries or museums); nonprofit free-lending library;
 20 eleemosynary or philanthropic institutions; emergency services facilities; places of worship; or
 21 similar uses. This use category does not include private or commercial health clubs or
 22 recreational facilities (categorized in the Recreation/Entertainment Uses category), counseling in
 23 an office setting (categorized in the Office Uses category), or passenger terminals for public
 24 transportation services (categorized in the Transportation Use category).

25 **(3) Educational Uses**

26 The Education Uses category includes use types such as private schools (including
 27 charter schools and academies) at the elementary, middle, or high school level that provide State-
 28 mandated basic education or a comparable equivalent. This use category also includes colleges,
 29 universities, and other institutions of higher learning such as vocational or trade schools that
 30 offer courses of general or specialized study leading to a degree or certification, and water-
 31 dependent research facilities (operated by government or an educational institution).

1 **(4) Health Care Uses**

2 The Health Care Uses category includes use types providing a variety of health care
 3 services, including surgical or other intensive care and treatment, various types of medical
 4 treatment, nursing care, preventative care, diagnostic and laboratory services, and physical
 5 therapy. Care may be provided on an inpatient, overnight, or outpatient basis. Use types include
 6 but are not limited to: hospitals; nursing or care home facilities; medical/dental offices and labs;
 7 methadone treatment centers; and similar uses. This use category does not include assisted living
 8 facilities, which focus on providing personal care rather than medical care to residents and are
 9 categorized in the Group Living Uses category.

10 **(5) Transportation Uses**

11 The Transportation Uses category includes use types providing for the landing and
 12 takeoff of airplanes and helicopters, including loading and unloading areas, associated aircraft
 13 sales, repair, fuel sales, and flight instruction uses. It also includes passenger terminals for public
 14 transportation services. Use types include but are not limited to: airports and airstrips; passenger
 15 stations/terminal for ground transportation services (e.g., buses, light rail, trains); park and ride
 16 facilities; parking facilities (as a principal use); transit stations or terminals; and similar uses.
 17 This use category does not include transit-related infrastructure such as bus stops and bus
 18 shelters (deemed minor utilities under the Utility Uses category).

19 **(6) Utility Uses**

20 The Utility Uses category includes both major utilities, which are infrastructure
 21 services that provide regional or community-wide service, and minor utilities, which are
 22 infrastructure services that need to be located in or near where the service is provided. Large-
 23 scale solar energy collection systems and large-scale wind energy conversion systems that
 24 constitute a principal use of a lot are included as a special type of major utility use. Services may
 25 be publicly or privately provided and may include on-site personnel.

26 **(f) Descriptions of Commercial Principal Use Categories**

27 **(1) Adult Uses**

28 The Adult Uses category includes use types that sell, distribute, or present material or
 29 feature performances or other activities emphasizing the depiction or display of specified sexual
 30 activities. Use types include adult book or video stores (distinguished by being largely devoted to
 31 selling, renting, or presenting media emphasizing sexually explicit content) and adult

1 entertainment.

2 **(2) Animal Care Uses**

3 The Animal Care Uses category is characterized by use types related to the provision of
4 medical services, general care, and boarding services for household pets and domestic animals.
5 Use types include but are not limited to: animal shelters; kennels (that provide boarding); pet
6 grooming establishments; veterinary hospitals or clinics; and similar uses.

7 **(3) Business Support Service Uses**

8 The Business Support Service Uses category includes use types primarily providing
9 routine business support functions for the day-to-day operations of other businesses and
10 households. Use types include but are not limited to: business service centers; conference or
11 training centers; data processing facilities; day labor services; employment agencies; parcel
12 services; qualified data centers; telephone call centers; travel agencies; and similar uses.

13 **(4) Eating or Drinking Establishment Uses**

14 The Eating or Drinking Establishment Uses category consists of establishments
15 primarily engaged in the preparation and serving of food or beverages for on- or off-premises
16 consumption. Use types include but are not limited to: small-scale alcohol production facilities;
17 restaurants; quick-service restaurants; establishments primarily engaged in selling food or
18 beverages for on-site consumption that also provide live entertainment on a limited basis; and
19 similar uses.

20 **(5) Funeral and Mortuary Uses**

21 The Funeral and Mortuary Services Uses category consists of establishments that
22 provide services related to the death of a human being. Use types include but are not limited to:
23 cemeteries or crematories; funeral homes; mortuaries; and similar uses.

24 **(6) Office Uses**

25 The Office Uses category includes buildings that house activities conducted in an
26 office setting, usually with limited contact with the general public, and generally focusing on the
27 provision of business services, professional services (e.g., lawyers, accountants, engineers,
28 architects), or financial services (e.g., lenders, brokerage houses, tax preparers). Use types
29 include but are not limited to: general business and professional offices; counseling in an office
30 setting; office parks; contractor's offices; and similar uses. This use category does not include
31 offices that are a component of or accessory to a principal use in another use category, such as

1 administrative government services (categorized in the Community Service Uses category),
 2 medical/dental offices (categorized in the Health Care Uses category), or banks or other financial
 3 institutions (categorized in the Retail Sales and Service Uses category).

4 **(7) Personal Service Uses**

5 The Personal Services Uses category consists of establishments primarily engaged in
 6 the provision of frequent or recurrent needed services of a personal nature. Use types include but
 7 are not limited to: art, photography, music, dance, or martial arts studios or schools; fortune
 8 telling establishments; model studios; personal grooming or well-being services; personal
 9 laundry or dry cleaning services; massage establishments; personal or household goods repair
 10 establishments; personal travel or information services; and similar uses.

11 **(8) Recreation/Entertainment Uses**

12 The Recreational/Entertainment Uses category includes use types providing indoor or
 13 outdoor facilities for recreation or entertainment-oriented activities by patrons or members. Use
 14 types include but are not limited to: amusement parks; arenas, stadiums, or amphitheaters;
 15 cinemas or movie theatres; country clubs; golf courses; golf driving ranges; nightclubs;
 16 performance arts centers; racetracks; recreation facilities, indoor (amusement arcades,
 17 amusement centers, aquatic centers or natatoriums, archery or baseball batting ranges, health
 18 clubs, miniature golf courses, recreation courts, skating facilities, swimming pools, and similar
 19 uses); recreation facilities, outdoor (archery or baseball batting ranges, athletic fields, miniature
 20 golf courses, swimming pools, and similar uses); shooting ranges; commercial recreation
 21 facilities; private clubs or lodges, or community-oriented associations; and waterfront
 22 entertainment/retail complexes. It does not include recreational facilities that are accessory to
 23 parks (categorized in the Open Space Uses category), or that are reserved for use by a particular
 24 residential development's residents and their guests (e.g., community swimming pools and other
 25 recreation facilities).

26 **(9) Retail Sales and Service Uses**

27 The Retail Sales and Service Uses category includes use types involved in the sale,
 28 rental, and incidental servicing of goods and commodities that are generally delivered or
 29 provided on the premises to a consumer. Use types include but are not limited to: banks or
 30 financial institutions; check cashing businesses; consumer goods establishments; farmers'
 31 markets; food and market halls; grocery stores and food markets; lawn care or pest control

1 services; manufactured or modular home sales; pawnshops; swimming pool sales and service
 2 establishments; and tattoo or body piercing establishments. This use category does not include
 3 sales or service establishments related to vehicles (categorized in the Vehicle Services and Sales
 4 Uses category), establishments primarily selling supplies to contractors or retailers (categorized
 5 in the Wholesale Uses category), the provision of financial, professional, or business services in
 6 an office setting (categorized in the Office Uses category), uses providing recreational or
 7 entertainment opportunities (categorized in the Recreation/Entertainment Uses category or Open
 8 Space Uses category), uses that provide personal services (categorized in the Personal Services
 9 Uses category), or uses involving the sales, distribution, or presentation of materials or activities
 10 featuring specific sexual activities or nudity (categorized in the Adult Uses category).

11 **(10) Vehicle Sales and Service Uses**

12 The Vehicle Sales and Service Uses category includes use types involving the direct
 13 sales and servicing of motor vehicles (including automobiles, trucks, motorcycles, and
 14 recreational vehicles, as well as trailers—whether for personal transport, commerce, or
 15 recreation). Use types include but are not limited to: commercial vehicle repair and maintenance;
 16 commercial vehicle sales and rentals; commercial fuel depots; gas stations; personal vehicle
 17 repair and maintenance; personal vehicle sales and rentals; taxi or limousine service facilities;
 18 vehicle equipment and supplies sales and rentals; vehicle paint and finishing shops; and vehicle
 19 and trailer storage yards and similar uses.

20 **(11) Visitor Accommodation Uses**

21 The Visitor Accommodation Uses category includes use types providing lodging units
 22 or rooms for short-term stays of typically less than 30 days for rent, lease, or interval occupancy.
 23 Use types include but are not limited to: bed and breakfast establishments as accessory to single-
 24 family dwellings, recreational campgrounds; country inns; hotels or motels; and similar uses.
 25 This use category does not include boarding or rooming houses, which are generally occupied
 26 for tenancies of a month or longer, and thus categorized in the Group Living Uses category.

27 **(12) Water-Related Uses**

28 The Water-Related Uses category includes use types involving the direct sales and
 29 servicing of boats and other consumer watercraft, whether for recreation, commerce, or personal
 30 transport. Use types include but are not limited to: boat sales, rental, service, or repair; boat
 31 storage yards; marinas; waterfront boat fuel sales; and similar uses.

1 **(g) Descriptions of Industrial Principal Use Categories**

2 **(1) Extraction Uses**

3 The Extraction Uses category is characterized by activities related to the extraction of
4 naturally occurring materials. Use types include but are not limited to: sand and gravel wet
5 processing and surface mining. This use category does not include facilities for the drop-off or
6 collection, or temporary holding, of household or business recyclables.

7 **(2) Industrial Services Uses**

8 The Industrial Service Uses category includes use types involving the repair or
9 servicing of industrial, business, or consumer machinery equipment, products, or by-products.
10 Firms that service consumer goods do so by mainly providing a centralized source of services for
11 separate retail outlets. Contractors and building maintenance services and similar uses perform
12 services off-site. Few customers visit the site. The category also includes use types involving the
13 storage or movement of goods. Use types include but are not limited to: dry cleaning, laundry, or
14 carpet cleaning plants; fuel oil or bottled gas distribution establishments; general industrial
15 services; heavy equipment sales, rental, servicing, or storage; landscaping contractor's
16 businesses; machine shops; metal-working, welding, plumbing, or gas, steam, or water pipe
17 fitting; photographic processing plants; printing or similar reproduction facilities; research and
18 development facilities; small engine repair shops; septic tank services; slaughterhouses;
19 contractor's yards; tank farms; and similar uses. The category also includes industrial parks.

20 **(3) Manufacturing Uses**

21 The Manufacturing Uses category includes use types involved in the manufacturing,
22 processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-
23 finished and are generally made for the wholesale market, made for transfer to other plants, or
24 made to order for firms or consumers. This use category includes light and heavy manufacturing
25 use types, based on the general extent of off-site impacts and extent of outdoor storage. The
26 processing of animal or plant products for wholesale or retail sale purposes off the site of where
27 the agricultural product is grown or raised is also considered a manufacturing use. Goods are
28 generally not displayed or sold on-site, but if so, such sales are a subordinate part of total sales.
29 Relatively few customers come to the site. Use types include but are not limited to: alcohol
30 production facilities (large-scale); concrete batching or asphalt mixing plants; concrete or brick
31 products manufacturing; fisheries activities; food processing or beverage bottling;

1 manufacturing, assembly, or fabrication, heavy; and manufacturing, assembly, or fabrication,
 2 light.

3 **(4) Warehouse and Freight Movement Uses**

4 The Warehouse and Freight Movement Uses category includes use types involving the
 5 storage or movement of goods for themselves or other firms or businesses. Goods are generally
 6 delivered to other firms or the ultimate consumer, except for some will-call pickups. There is
 7 little on-site sales activity with the customer present. Use types include but are not limited to:
 8 cold storage plants (including frozen food lockers); consolidated storage (e.g., mini-storage
 9 facilities); distribution warehouses (used primarily for temporary storage pending distribution in
 10 response to customer orders); motor freight facilities; outdoor storage (as a principal use);
 11 storage warehouses (used for storage by retail stores such as furniture and appliance stores);
 12 warehouse storerooms; truck or freight terminals; or similar uses. This use category does not
 13 include contractor's yards (categorized in the Industrial Services Use category), solid waste
 14 transfer stations, or storage of solid or liquid wastes (categorized in the Resource Recovery and
 15 Waste Management Uses category).

16 **(5) Resource Recovery and Waste Management Uses**

17 The Resource Recovery and Waste Management Uses category includes use types
 18 receiving solid or liquid wastes from others for on-site disposal, storage, processing, or transfer
 19 to another location for processing or disposal, or uses that manufacture or produce goods or
 20 energy from the composting of organic material or reuse, recycling, or processing of scrap or
 21 waste material. This use category also includes use types that receive hazardous wastes from
 22 others. Use types include but are not limited to: composting facilities; recycling plants; Class 3
 23 fills; landfills, sanitary; landfills, rubble; recycling collection centers; and similar uses. This use
 24 category does not include wastewater treatment plants and potable water treatment plants
 25 (categorized as a major utility facility in the Utility Uses category).

26 **(6) Wholesale Uses**

27 The Wholesale Uses category includes use types involved in the sale, lease, or rent of
 28 products primarily intended for industrial, institutional, or commercial businesses. The uses
 29 emphasize on-site sales or order-taking and often include display areas. Businesses may or may
 30 not be open to the general public, but sales to the general public are limited. Products may be
 31 picked up on-site or delivered to the customer. Use types include but are not limited to:

wholesale plant nurseries and showrooms; wholesale sale or rental of machinery equipment, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail-order houses; establishments primarily selling supplies to contractors or retailers; wholesalers of food, clothing, plants and landscaping materials, auto parts, and building hardware; and similar uses. This use category does not include uses primarily involving sales to the general public or on a membership basis (uses categorized in the Retail Sales and Service Uses category), or uses primarily involving storage of goods with little on-site business activity (uses categorized in the Warehouse and Freight Movement Uses category).

* * * * *

Sec. 27-2500 Definitions

The following words, terms, and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this Section.

* * * * *

Abrasives and asbestos products manufacturing

The manufacturing or repair of abrasive grinding wheels or other products created incorporating abrasive materials, or asbestos textiles, building materials, and insulating materials.

* * * * *

Adaptive reuse of a historic site

The adaptation of a building designated as a Historic Site by the Historic Preservation Commission for a use not allowed within the existing zone in order to encourage the preservation of buildings important to Prince George’s County heritage or which have distinctive architectural and environmental characteristics.

* * * * *

Antenna

An apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to FCC authorization for the provision of wireless service and any commingled information services. Such apparatus include, but are not limited to, directional antennas, such as panels, microwave dishes, satellite dishes, and omnidirectional antennas, such as whips.

* * * * *

Airfield, airpark, airport, or airstrip [, heliport, or helistop, private]

A place where aircraft may take off or land, discharge or receive cargo or passengers, be repaired or serviced, take on fuel, or be stored, including Accessory Uses which are commonly associated with these facilities. These terms refer to any public use, general aviation airport licensed by the Maryland Aviation Administration, but not to airports with military or air carrier traffic.

* * * * *

Airport, medium

An airport having one or more of the following:

- (A) Runway length 2,650 feet or more, up to 4,000 feet;
- (B) One or more flight training schools; or
- (C) Aircraft based there weighing up to 12,500 pounds.

Airport, small

An airport having all of the following:

- (A) Ownership by a County or State public agency;
- (B) Runway length under 2,650 feet;
- (C) No flight training schools; and
- (D) No aircraft based there weighing more than 8,500 pounds.

* * * * *

Apartment housing for elderly or physically handicapped families

A facility providing for the residential occupancy of a dwelling unit and serving the needs of elderly families or physically handicapped families with tenancy generally arranged on a month-to-month or longer basis. For the purposes of this use, the term “elderly family” means a family which is included with age restrictions in conformance with the Federal Fair Housing Act and “physically handicapped family” means a family in which the head of the family, or his/her dependent, is physically disabled.

* * * * *

Application or development application

The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by this Ordinance and the District Council, Board of Appeals, or Planning Director as part of the review of a permit or development approval.

* * * * *

1 **Assisted living facility**

2 A facility that provides living and sleeping facilities and care to four (4) [or more] to eight (8)
3 individuals who, because of advanced age or physical or mental disability, require intermittent
4 assistance in performing the activities of daily living, which may include the supervision and/or
5 administration of medication, in a protective environment. Such care includes, but is not limited
6 to, meal preparation, laundry services, housekeeping, personal observation and direction in the
7 activities of daily living, transportation for routine social and medical appointments, and the
8 availability of a responsible adult for companionship or nonclinical counseling. The use does not
9 include a nursing or care home or group residential facility.

10 * * * * *

11 **Build-to line**

12 A line that runs along perpendicular the entire width of a lot, from the street right-of-way (ROW)
13 to the front building façade on a lot, along which a building must be constructed.

14 * * * * *

15 **Building height**

16 (A) The vertical distance between an approved "Street" grade at a point at the middle of the
17 front of the "Building" to either:

- 18 (i) The highest point of roof surface of a flat roof;
- 19 (ii) The deck line of a mansard roof; or
- 20 (iii) The average height between the eaves and ridge of a gable, hip, or gambrel roof.

21 (B) If a "Building" is located on a terrace, the height above the "Street" grade may be increased
22 by the height of the terrace but not over five (5) feet. If the "Building" is set back from the
23 "Street Line" thirty-five (35) feet or more, the "Building Height" is measured from the average
24 elevation of the finished ground surface along the side of the "Building" facing the "Front of the
25 Lot." On a "Through Lot," the side of the "Building" (facing the "Front of the Lot") which has
26 the lowest elevation shall be used.

27 (C) For the purposes of the MIO Zone, height shall be measured from the base of a "Structure"
28 to the highest point of any part of that "Structure," including, but not limited to, antennae,
29 towers, poles, monopoles, or satellite dishes.

30 * * * * *

31 **Bulk storage of gasoline**

1 A facility for the storage and distribution of gasoline, gasohol, and similar petroleum-based
2 products typically consisting of above-ground and underground storage tanks and distribution
3 pipelines.

4 * * * * *

5 **Business advancement and food access infill**

6 A development which combines a [food or beverage store] grocery store or food market not
7 exceeding 40,000 square feet of gross floor area; a consolidated storage facility; and which may
8 include an eating or drinking establishment or any other use that is permitted by right in the CGO
9 Zone. Business advancement and food access infill shall not include combination retail or gas
10 station uses. [The proposed development must be part of a revitalization project; and the
11 development meets the criteria of Part 5.]

12 * * * * *

13 **Catering or food processing for off-site consumption**

14 An establishment that specializes in the preparation of food or beverages for delivery and
15 consumption at off-site locations.

16 * * * * *

17 **Cement manufacturing**

18 A facility for the manufacture of cement and cement-related products.

19 * * * * *

20 **College or university**

21 [An] A private institution offering a program of post-secondary education and instruction leading
22 to associate, baccalaureate, or higher degrees, and that is approved by the Maryland Higher
23 Education Commission and accredited by a national association of colleges and universities.

24 * * * * *

25 **Collocated telecommunications antenna**

26 One of multiple wireless telecommunications antennas placed or located on the same wireless
27 telecommunications tower or other structure.

28 * * * * *

29 **Commercial vehicle repair and maintenance**

1 Establishments, excluding vehicle paint finishing shops, that repair, install, or maintain the
2 mechanical components or the bodies of large trucks, mass transit vehicles, large construction or
3 agricultural equipment, or commercial boats.

4 * * * * *

5 **Congregate Living Facility**

6 A residential facility for [four (4)] nine (9) to twenty (20) elderly or physically handicapped
7 residents, within which sheltered care services are provided, which may include, but need not be
8 limited to, living and sleeping facilities, meal preparation, laundry services, housekeeping,
9 personal observation and direction in the activities of daily living, transportation for routine
10 social and medical appointments, and the availability of a responsible adult for companionship or
11 nonclinical counseling. The term shall not include an [A]adult [D]day [C]care [C]center,
12 [H]hospital, [N]nursing or [C]care [H]home, [F]family" or [G]group [R]residential [F]facility as
13 defined elsewhere in this Subtitle. [A Congregate Living Facility shall comply with the licensing
14 and other regulatory requirements of Subtitle 12, Division 7, of this Code.]

15 * * * * *

16 **Conversion of a single-family detached dwelling to add a maximum of two (2) additional**
17 **dwelling units**

18 The conversion of an existing single-family detached dwelling to add a maximum of two (2)
19 additional dwelling units.

20 * * * * *

21 **Country Inn**

22 A "building" having historical, architectural, or cultural significance, or the appearance of it,
23 within which is provided (for compensation) lodging or food service for transient guests in a
24 historical, scenic, or pastoral atmosphere. A bed-and-breakfast inn; boardinghouse; private
25 dormitory; fraternity or sorority house; restaurant; restaurant, quick-service; or rooming house
26 shall not be considered a country inn.

27 * * * * *

28 **Day care center for children**

29 An establishment in which a program is operated that is designed to provide care and activities
30 for nine (9) or more children not located in a dwelling unit, or thirteen (13) or more children in a
31 dwelling unit, on a regular schedule (more than once a week). This term shall not include

1 ["family day care,"] recreational program, before- and after-school," "private school" or "small
2 group child care center."

3 * * * * *

4 **Development Application**

5 See "Application or Development Application."

6 * * * * *

7 **Elderly housing [(single-family attached dwellings)]**

8 For purposes of this Subtitle, elderly housing is defined as housing for older persons as provided
9 in Title 42 USC, Section 3607B and the regulations issued thereunder, and intended for and
10 solely occupied by persons sixty-two (62) years of age and older.

11 * * * * *

12 **Employment agency**

13 An establishment primarily engaged in finding jobs for people seeking them and finding people
14 to fill particular jobs offered by employers.

15 * * * * *

16 **Firewood display and sales**

17 The display for retail sale of wood cut and dried to serve as fuel.

18 * * * * *

19 **Food and beverage distribution at wholesale**

20 A facility for the storing or distribution of treated or prepared food or beverage products at
21 wholesale, but not including the slaughtering of small or large livestock or confined animal
22 feeding operations (food processing), or for the placing of soft drinks, juice, water, milk,
23 alcoholic beverages, or other liquids into bottles or cans for shipment (beverage bottling).

24 **Food and beverage store**

25 A use providing the retail sales of food, beverages, and sundries primarily for home
26 consumption, and may include food or beverage preparation.]

27 **Food market**

28 A food market is an establishment that offers specialty food, beverage, or sundry products at
29 retail, such as meat, seafood, produce, artisanal goods, baked goods, pasta, cheese, confections,
30 coffee, tea, soft drinks, and other specialty food or beverage products, and may also offer
31 additional food and non-food commodities related or complementary to the specialty food

1 products. A food market may sell beer and wine for consumption off the premises with the
2 appropriate State of Maryland beverage license. The term “food market” includes the term “food
3 or beverage store” from the prior Zoning Ordinance excepting full-service grocery stores, which
4 are classified as “grocery store” in this Ordinance, and food markets associated with gas stations,
5 which are part of the definition of “gas station” in this Ordinance

6 **Food and market hall**

7 Commercial establishments consisting of three or more individually-licensed businesses within
8 an enclosed building where food and/or beverages may be consumed on the premises, taken out,
9 or delivered, and which may also include small retail venues and/or temporary market stalls, of
10 up to thirty percent of the gross floor area of the use. Food and/or beverage uses shall comprise a
11 minimum of sixty percent of the gross floor area of the use. Patrons may be served while seated
12 and pay after eating, or orders may be made at a walk-up window, counter, machine, or
13 remotely, and payment made prior to food consumption. Characteristics of food and market halls
14 include, but are not limited to: shared entrance/lobby areas; compartmentalized spaces for
15 individually-licensed businesses; craft retail and locally-made products such as, but not limited
16 to, apothecary, clothing, and furniture; art shows; maker space for craft artisans; shared eating
17 areas, shared restrooms, and shared “back of house” areas (e.g. storage, dishwashing, food
18 preparation); live entertainment; artistic performances; and artistic instruction. Each
19 compartmentalized space may have access to the exterior of the building, along with outdoor
20 dining and seating areas, which may be shared with other businesses within the establishment.
21 Any use operating as a food hall use or market hall use or could be construed as a food hall or
22 market hall under this Subtitle that was in operation on or before January 1, 2020, may continue
23 operations in accordance with the provisions of this Subtitle. The term “food and market hall”
24 shall not include an integrated shopping center, flea market, or farmers’ market.

25 * * * * *

26 **Functional Master Plan**

27 The approved plan for one of the various elements of the General Plan, such as transportation,
28 schools, libraries, hospitals, health centers, parks and other open spaces, police stations, fire
29 stations, utilities, or historic preservation. A Functional Master Plan amends the current General
30 Plan, and is amended by any newly approved Area Master Plan or Sector Plan, or a new General
31 Plan.

* * * * *

[Garden center (as accessory to an agricultural use)

Structures or an area of land located on land used for agriculture that is used for the display and sale of nursery stock or garden supplies. This use does not include a temporary "wayside stand."]

* * * * *

Health campus

A harmonious, balanced mix of medical, residential, and limited commercial uses, and which are necessary to meet the needs of the campus.

* * * * *

Heavy armament fabrication

A facility for the fabrication of heavy armaments ranging from man-portable rockets, missiles, and machine guns to motorized and mechanized armaments, weapons designed for ship, aircraft, or permanent emplacement, and similar armaments.

* * * * *

[Heliport

A facility designed to accommodate all phases of helicopter operations, with space for a terminal and the loading, unloading, service, and storage of helicopters, including accessory uses commonly associated with an airport terminal.]

* * * * *

Home improvements

Modifications customarily made to dwellings for the purpose of enlargement, alteration, or addition.

Home occupation

Any occupation or enterprise for gain or profit carried on in a dwelling unit and which meets the criteria of Section 27-5203(b)(6), Home Occupation. The following uses are permitted as a home occupation accessory to a dwelling unit, subject to restrictions in the definitions of those uses, and with additional restrictions as indicated:

(A) Instruction that involves a single instructor and not more than 5 students at any one time;

1 (B) General clerical work (such as typing, envelope or flyer preparation or mailing,
2 bookkeeping, and the like), with no more than 2 nonresident employees on the premises at any
3 time;

4 (C) Retail businesses involving only door-to-door, home party, or mail- order sales, with
5 temporary storage of merchandise permitted prior to delivery;

6 (D) The practice of electrolysis (the destruction of hair roots with an electric current);

7 (E) The practice of taxidermy;

8 (F) Nail salons, beauty parlors and barber shops of 2 or fewer chairs;

9 (G) Catering businesses limited to food preparation for off-premises delivery, with no more
10 than 1 nonresident employee and 1 customer on the premises at any time. The business shall be
11 on property of at least 10 contiguous acres and may be in the dwelling unit or in an accessory
12 building subordinate to the dwelling in size and use;

13 (H) Cottage food preparation;

14 (I) The creation, production, and storage within the dwelling unit and accessory buildings,
15 for sale at another location, of tangible objects of art or craft items, works in progress, and
16 supplies and materials; and

17 (J) The practice of acupuncture.

18 The following uses are not permitted as a home occupation accessory to a dwelling unit:

19 (A) Fortunetelling;

20 (B) Nursing or care homes, adult day care centers, congregate living facilities, group
21 residential facilities, or hospitals;

22 (C) Tourist homes;

23 (D) Nail salons, beauty parlors, or barber shops of more than 2 chairs;

24 (E) Businesses, trades, offices, or enterprises which use more than 2 commercial vehicles,
25 alter the residential appearance of the dwelling, or adversely impact the residential character of
26 the neighborhood; and

27 (F) Wholesale dealers' display, storage or repair of vehicles.”

28 * * * * *

29 **Hotel**

30 A building which contains six (6) or more guest rooms, none of which have entrances from
31 outside the building,” and where (for compensation) temporary lodging is provided. A bed and

1 breakfast, boarding or rooming house, fraternity or sorority house, motel, or private dormitory
 2 [motel, fraternity or sorority house, dormitory private, or boarding or rooming house] shall not
 3 be considered a hotel. [A hotel shall not be considered a bed-and-breakfast.]

4 * * * * *

5 **Liquid gas storage**

6 A facility for the storage and distribution of liquid natural gas, liquid petroleum gas, and similar
 7 liquid gases typically consisting of above-ground and underground storage tanks and distribution
 8 pipelines.

9 * * * * *

10 **Manufacturing, artisan or maker**

11 An establishment primarily engaged in manufacturing uses that involve the creation of art or
 12 goods from raw or previously prepared materials. Such uses may include assembly of component
 13 parts and the creation of products for sale to the wholesale or retail markets or directly to
 14 consumers. Such uses are wholly confined within an enclosed building, do not include
 15 processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors,
 16 fumes, dust, glare, odor, or vibration. This use type does not include other manufacturing uses
 17 specifically listed in the principal use tables. Examples include, but are not limited to, painting;
 18 sculpture; photography; music composition and production; dance; traditional and fine
 19 craftsmanship; writing; film or animation production; dance; traditional and fine craftsmanship;
 20 writing; film or animation production; metal work; glass or ceramic work; jewelry, leader, or
 21 apparel production; and similar methods to produce artwork or goods.

22 * * * * *

23 **Manufacturing, assembly, or fabrication, heavy**

24 An establishment primarily engaged in manufacturing uses that include, but are not limited to:
 25 the manufacture or assembly of machinery, equipment, instruments, vehicles, appliances,
 26 communications equipment, computer or electronic equipment, precision items and other
 27 electrical items; manufacture of metaling; manufacture of fertilizers; manufacture of soap; the
 28 processing of food and related products; [abrasives and asbestos product manufacturing; cement
 29 manufacturing; lumber mills,] pulp and paper mills, and the manufacture of other wood
 30 products.]; and manufacture of paper paperboard products; and electric power generation plants.]

1 This use type does not include other manufacturing uses specifically listed in the principal use
 2 tables, or the manufacture of acids, ammunition, insecticides, or batteries.

3 **Manufacturing, assembly, or fabrication, light**

4 An establishment primarily engaged in manufacturing uses that involve the mechanical
 5 transformation predominantly of previously prepared materials into new products, including
 6 assembly of component parts and the creation of products for sale to the wholesale or retail
 7 markets or directly to consumers. Such uses are wholly confined within an enclosed building, do
 8 not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke,
 9 vapors, fumes, dust, glare, odor, or vibration. This use type does not include other manufacturing
 10 uses specifically listed in the principal use tables. Examples include, but are not limited to:
 11 computer design and development; apparel production; sign making; assembly of pre-fabricated
 12 parts; container fabrication; manufacture of electric, electronic, or optical instruments or devices;
 13 manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments;
 14 manufacture, processing, and packing of cosmetics; [and] manufacture of components, jewelry,
 15 clothing, trimming decorations;[,] and any similar item.

16 * * * * *

17 **Medical or dental office or lab**

18 A medical or dental office is a small-scale facility or office where patients are admitted for
 19 examination and treatment by one or more physicians, dentists, or other health practitioners on a
 20 short-term basis. The use includes the offices of physicians, dentists, chiropractors, optometrists,
 21 podiatrists, audiologists, speech pathologists, physical therapists, acupuncturists, psychologists,
 22 and other health practitioners. It also includes facilities providing short-term outpatient care and
 23 treatment (which may or may not be overnight), such as urgent care centers, kidney dialysis
 24 centers, ambulatory surgical clinics, outpatient pain therapy clinics, biofeedback centers, sleep
 25 disorder clinics, family planning clinics, community health clinics, and health maintenance
 26 organization (HMO) medical clinics, and hospice facilities. Such facilities that provide overnight
 27 care and treatment may include sleeping rooms for care workers and members of patients'
 28 families. This use does not include hospitals or blood/tissue collection centers, drug or alcohol
 29 treatment facilities, or massage establishments.

30 Medical or dental labs are facilities and offices for performing services to provide information or
 31 materials for use in the diagnosis, prevention, or treatment of a disease or a medical or dental

1 condition. Such services include, but are not limited to, the examination of bodily fluids or
2 tissues and the production or repair of prosthetic dentures, bridges, or other dental appliances.

3 They may be a part of doctor’s or dentist’s offices.

4 **Medical/residential campus**

5 A place that primarily serves the needs of the retirement-aged community intended to provide a
6 balance of residential dwellings and amenities and medical services. A medial/residential campus
7 may include commercial or service-oriented uses to serve the needs of residents.

8 **[Medium airport**

9 See Airport, medium.]

10 * * * * *

11 **Modular classroom**

12 A compensatory education modular classroom which is used exclusively for the purpose of
13 providing educational services to private school students pursuant to Title 1 of the Elementary
14 and Secondary Education Act of 1965, 20 U.S.C., Section 2701 et seq. 28 (Title 1).

15 **[Monopole**

16 A wireless communication or radio antenna or pylon consisting of a single pole or rod.]

17 * * * * *

18 **Motel**

19 (A) A building or group of buildings which:

- 20 (i) Is not over two (2) stories high;
- 21 (ii) Contains six (6) or more guest rooms in each building;
- 22 (iii) Has separate outside entrances for each guest room; and
- 23 (iv) Is to be used primarily for motor vehicle transients.

24 (B) The term includes auto court and motor lodge but does not include bed and
25 breakfast or hotel, or tourist home (as accessory to a dwelling). [tourist cabin camp, "hotel, or
26 tourist home. A motel shall not be considered a bed-and-breakfast inn.]

27 * * * * *

28 **Nursery and garden center**

29 Structures or an area of land used for the display and sale of nursery stock or garden supplies.

30 * * * * *

1 **Nursery garden center (as accessory to an agricultural use)**

2 Structures or an area of land located on land used for agriculture that is used for the display and
3 sale of nursery stock or garden supplies. This use does not include a temporary wayside stand.

4 * * * * *

5 **Paper and paperboard products**

6 A facility used for the fabrication of products made from paper, paperboard, and similar
7 materials originating from pressed plant fibers.

8 **Paper recycling collection center**

9 A facility used for the collection, storage, and shipping of recyclable paper and paper products.

10 * * * * *

11 **Parking lot drive aisle**

12 A vehicular accessway located within an off-street parking or vehicular use area which serves
13 individual parking stalls and driveways. Parking lot drive aisles are not streets and are not subject
14 to any standards for streets in this Subtitle, except that primary drive aisles shall be designed in
15 accordance with Section 27-6304(i)(1).

16 * * * * *

17 **Parking of commercial vehicles**

18 A site where commercial vehicles having a manufacturer’s gross vehicle weight specification of
19 greater than 17,000 pounds may be parked for short- and long-term storage.

20 * * * * *

21 **Personal grooming or well-being services**

22 Uses including, but not limited to, a beauty salon or barbershop, a massage establishment, a nail
23 care establishment, or saunas and steam baths. This term does not include a health club or a pet
24 grooming establishment.

25 * * * * *

26 **Personal vehicle repair and maintenance**

27 Establishments, excluding vehicle paint finishing shops, that repair, install, or maintain the
28 mechanical components or the bodies of autos, small trucks or vans, motorcycles, motor homes,
29 or recreational vehicles including recreational boats or that wash, clean, or otherwise protect the
30 exterior or interior surfaces of these vehicles.

31 * * * * *

1 **Place of worship**

2 A [lot or] building, structure, or area of land[, together with its accessory buildings and uses,]
3 where people regularly assemble to conduct religious worship, ceremonies, rituals, and related
4 education. [The structure and its accessory buildings and uses are maintained and controlled by a
5 religious body.] Places of worship include chapels, churches, mosques, shrines, synagogues,
6 tabernacles, temples, and other similar religious places of assembly.

7 * * * * *

8 **Private dormitory**

9 A building not owned or operated by a college or university that contains bedrooms primarily for
10 students attending a college or university. Bedrooms may be arranged around a common area
11 with a kitchen which is shared by individuals renting the bedrooms, or along a hall which
12 provides access to a common kitchen space. Bedrooms shall be rented on an annual basis or for
13 an academic semester or summer term. Accessory uses may include fitness facilities, pools,
14 parking areas, and similar facilities. A boarding or rooming house is not a private dormitory, nor
15 is rental of single-family homes to students.

16 **Private school**

17 An educational institution that offers a program of high school, middle school (or junior high
18 school), elementary school (including kindergarten, pre-kindergarten, pre-kindergarten – 8, or
19 nursery school), or academy instruction meeting State requirements for a school. Such uses
20 include classrooms, laboratories, auditoriums, libraries, cafeterias, before- and after-school care,
21 athletic facilities, dormitories, and other facilities that further the educational mission of the
22 institution.

23 * * * * *

24 **Public utility uses or structures, major**

25 A structure or facility that is a relatively major component of an infrastructure system providing
26 community- or region-wide utility services. Examples of major public utility uses or structures
27 include potable water treatment plants, water towers, wastewater treatment plants, solid waste
28 facilities, gas compressor stations, and electrical substations. This use does not include
29 telecommunications facilities, monopoles, or towers; or antennas.

30 **Public utility uses or structures, minor**

1 A structure or facility that by itself is a relatively minor component of an infrastructure system
2 providing community- or region-wide utility services and that needs to be in or near the
3 neighborhood or use type where the service is provided. Examples of minor utility facilities
4 include water and sewage pipes and pump stations, stormwater pipes and retention/detention
5 facilities, telephone lines and local exchanges, electric lines and transformers, gas transmission
6 pipes and valves, and CATV lines. A privately owned small wireless facility as defined in this
7 Subtitle is a minor public utility use or structure. This use does not include telecommunications
8 facilities, monopoles, or towers; or antennas.

9 * * * * *

10 **Qualified data center**

11 As defined in Section 11-239 of the Tax—General Article, Annotated Code of Maryland, as
12 amended from time to time, being also a building or group of buildings used to house computer
13 systems, computer storage equipment, and associated infrastructure that businesses or other
14 organizations use to organize, process, store, and disseminate large amounts of data, which may
15 be a co-located or hosting data center where equipment, space and bandwidth are available to
16 lease to multiple customers, or an enterprise data center owned and operated by the company it
17 supports.

18 * * * * *

19 **Recreational program, before- and after-school**

20 Supervised recreation (not operated by a public agency) for children (three (3) to sixteen (16)
21 years of age) during regularly scheduled periods not exceeding two (2) hours daily before school
22 classes begin and four (4) hours daily after the normal school closing time, which is operated in a
23 community-oriented facility, such as a place of worship, service club, school, or civic association
24 building.

25 * * * * *

26 **Recycling of non-ferrous metal**

27 A facility providing for the recycling of metals and alloys that contain little to no iron or steel
28 into bundles or pallets for distribution to manufacturers that will re-use the metal in new
29 products. Smelting or re-casting metals on-site is also permitted.

30 * * * * *

31 **[School, private elementary, middle, or high**

1 An educational institution that offers a program of high school, middle school (or junior high
2 school), elementary school (including kindergarten, pre-kindergarten, pre-kindergarten – 8, or
3 nursery school), or academy instruction meeting State requirements for a school. Such uses
4 include classrooms, laboratories, auditoriums, libraries, cafeterias, after-school care, athletic
5 facilities, dormitories, and other facilities that further the educational mission of the institution.]

6 * * * * *

7 **[Small airport**

8 See "Airport, small."]

9 **Small engine repair shop**

10 An establishment primarily engaged in the maintenance and repair of small engines—i.e., low-
11 power internal combustion engines (gasoline/petrol) or electric engines. Equipment repaired
12 includes, but is not limited to, chainsaws, string trimmers, leaf blowers, snow blowers, lawn
13 mowers, wood chippers, and go-karts.

14 **Small wireless facility**

15 A facility that meets the definition of Small Wireless Facility in Subtitle 5A, Division 2 and
16 complies with the Design Manual for Small Wireless Facilities.

17 * * * * *

18 **Storage warehouse**

19 A facility used for storage by retail stores such as furniture and appliance stores.

20 * * * * *

21 **Subdivision**

22 See Section 24-2300, Definitions, of Subtitle 24: Subdivision Regulations.

23 * * * * *

24 **Temporary recyclables collection**

25 A facility or site used for the temporary collection and storage of recyclable materials.

26 * * * * *

27 **Tourist home (as accessory to a dwelling)**

28 A use accessory to a dwelling or building containing not more than nine (9) guest rooms where
29 (for compensation) lodging or meals are provided for transient guests. For purposes of this
30 Subtitle, a tourist home is not a home occupation, bed-and-breakfast inn, hotel, private
31 dormitory, or fraternity or sorority house.

1 **Tower, pole, or monopole**

2 A wireless communication or radio guyed tower (vertical towers anchored by guy wires), lattice
3 tower (vertical self-supporting towers, not guyed, with three or more sides consisting of open-
4 frame supports), single pole or rod or whose sole or primary purpose is to support and elevate
5 above the ground wireless telecommunications antennas and associated equipment and network
6 components attached or mounted on the tower, and including any ground-based accessory
7 structures used to house associated equipment.

8 * * * * *

9 **Use, accessory**

10 The use of a "building," "structure," or land which:

11 (A) Is subordinate to, customarily incidental to, and ordinarily found in association with, a
12 principal "use," which it serves. (When a specific "structure" or "use" is allowed in the Principal
13 or Accessory Tables of Uses in Part 5, Use Regulations, of this Subtitle, the "structure" or "use"
14 need not be customarily incidental to, or ordinarily found in association with, the principal
15 "use");

16 (B) Is subordinate in purpose, area (except in the case of a cemetery that is accessory to a
17 church, convent, or monastery, provided both uses were existing as of January 1, 1991), floor
18 area, intensity, and extent to, and located on the same "lot" with, the principal "use", except that
19 a "tourist home" as an "accessory use" need only be subordinate to the principal "dwelling" use
20 in purpose and number of nights used as a "tourist home" "accessory use" over a calendar year;

21 and

22 (C) Does not change the character of the principal "use."

23 [Unless otherwise specifically permitted, an accessory use in a residential dwelling in a
24 Residential zone shall be limited to twenty percent (20%) of the gross floor area of the dwelling.]

25 * * * * *

26 **Vehicle and trailer rental display**

27 The display for rental purposes of motor vehicles (except dump trucks), trailers, boats, camping
28 trailers, or other vehicles.

29 * * * * *

30 **Vehicle paint finishing shop**

31 Uses that apply paint to the exterior or interior surfaces of vehicles by spraying, dipping, flow-

1 coating, or other similar means.

2 * * * * *

3 **Vehicle sales and rentals, commercial**

4 Uses that provide for the sale or rental of large trucks, mass transit vehicles, large construction or
5 agricultural equipment, or other similar vehicles.

6 **Vehicle sales and rentals, personal**

7 Uses that provide for the storage and display for sale of any vehicle, which may also include the
8 rental of vehicles. This use does not include commercial vehicles.

9 * * * * *

10 **Vehicle towing or wrecker [service] storage yard**

11 An establishment operated for the purpose of temporary storage on-site of wrecked or inoperable
12 motor vehicles. If an establishment regularly stores inoperable vehicles for more than 90 days,
13 stacks vehicles, or portions of the vehicles are dismantled or removed for sale, it is considered a
14 junkyard or vehicle salvage yard.

15 * * * * *

16 **Vocational or trade school**

17 A [public or] private school offering vocational or trade instruction—such as teaching of trade or
18 industrial skills, clerical or data processing, barbering or hair dressing, computer or electronic
19 technology, or artistic skills—to students and that operates in buildings or structures or on
20 premises on land leased or owned by the educational institution for administrative purposes and
21 meets the State requirements for a vocational training facility. Such uses include classrooms,
22 laboratories, auditoriums, libraries, cafeterias, and other facilities that further the educational
23 mission of the institution.

24 * * * * *

25 **Waterfront boat fuel sales**

26 The sale and dispensing of fuel directly to boats from a waterfront lot.

27 * * * * *

28 **[Wireless telecommunications tower, monopole**

29 A single, vertical self-supporting pole-type structure, tapering from base to top, whose sole or
30 primary purpose is to support and elevate above the ground wireless telecommunications
31 antennas and associated equipment and network components attached or mounted on the tower,

1 and including any ground-based accessory structures used to house associated equipment.

2 **Wireless telecommunications tower, other**

3 A guyed tower (vertical towers anchored by guy wires) or lattice tower (vertical self-supporting
4 towers, not guyed, with three or more sides consisting of open-frame supports), whose sole or
5 primary purpose is to support and elevate above the ground wireless telecommunications
6 antennas and associated equipment and network components attached or mounted on the tower,
7 and including any ground-based accessory structures used to house associated equipment.]

8 * * * * *

9 Zoning case

10 Any Zoning Ordinance matter designated to be heard before the Zoning Hearing Examiner by
11 this Subtitle.

12 * * * * *

13

PART 27-3 ADMINISTRATION

Sec. 27-3200. Summary Table of Development Review Responsibilities.

Table 27-3200: Summary of Development Review Responsibilities, identifies the types of development applications authorized by this Ordinance.

Table 27-3200: Summary of Development Review Responsibilities								
D = Decision R = Recommendation C = Comment A = Appeal E = Election I = Initiation (If Other Than Applicant) < > = Public Hearing Required [10]								
Procedure	Review and Decision-Making Bodies							
	District Council	Planning Board	Board of Appeals	Zoning Hearing Examiner	Planning Director	DPIE Director	Historic Preservation Commission	Municipalities
Comprehensive Plans								
Comprehensive Plans and Amendments (General Plan, Functional Master Plans, Area Master Plans, and Sector Plans)	I <D> [1]	I <R> [1]			R		R [3]	
Minor Plan Amendments	I <D> [1]	I <R> [1]			R		R [3]	
Sectional Map Amendment (SMA)	I <D>	<R>			R		C [3]	R
Amendments and Planned Developments								
Legislative Amendment	I <D>	C		C				
Zoning Map Amendment (ZMA)	<D> [2]	<R> [2]		<R>	R		C [3]	R
Planned Development (PD) Zoning Map Amendment	<D>	<R>		<R>	R		C [3]	R
Chesapeake Bay Critical Area Overlay Zoning Map Amendment	I <D>	I <R> [8]		<R> [8]	R		C [3]	R
Special Exceptions								
Special Exception	<A>/ <E>			<D>	R		C [3]	
Minor Change to Approved Special Exception				D [4]	D [4]			D [5]
Site Plans								
Detailed Site Plan	<A>/ <E>	<D>			R		C [3]	
Minor Amendment to Approved Detailed Site Plan					D			
Expedited Transit-Oriented Development Site Plan	<A>/ <E>	<D>			R		C [3]	

Table 27-3200: Summary of Development Review Responsibilities								
D = Decision R = Recommendation C = Comment A = Appeal E= Election I = Initiation (If Other Than Applicant) < > = Public Hearing Required [10]								
Procedure	Review and Decision-Making Bodies							
	District Council	Planning Board	Board of Appeals	Zoning Hearing Examiner	Planning Director	DPIE Director	Historic Preservation Commission	Municipalities
Permits and Certifications								
Sign Permit		R [7]	<A>		R	D		
Temporary Use Permit		R [7], [9]	<A>		R [9]	D		
Use and Occupancy Permit		R [7]	<A>		R	D		
Zoning Certification					D			
Grading Permit		R [7]	<A>		R	D		
Building Permit		R [7]	<A>		R	D		
Relief Procedures								
Variance	<D> [6]	<D> [6]	<D>	<D> [6]	R		C [3]	D [5]
Departure								
Minor Departure		<A>			D			D [5]
Major Departure	<A>/<E>	<D>		<D> [6]	R		C [3]	D [5]
Alternative Compliance	<D> [6]	<D> [6]	[<A>]	<D> [6]	D			D [5]
Validation of Permit Issued in Error	<D>[2]			<R>		R	C [3]	
Administrative Appeals			<A>			D		
Enforcement Procedures								
Zoning Enforcement, Generally			<A>			I		
Revocation or Modification of Approved Special Exception				<D>	R	I		
Other Procedures								
Authorization of Permit Within Proposed Right-of-Way (ROW)	<D>[2]			<R>			C [3]	
Certification of Nonconforming Use (Administrative)	<A>/<E>			<R> [11]	D			
Certification of Nonconforming Use	<A>/<E>			<R>	D			
Revocation of Certification of Nonconforming Use	<D>							
NOTES:								

Table 27-3200: Summary of Development Review Responsibilities								
D = Decision R = Recommendation C = Comment A = Appeal E= Election I = Initiation (If Other Than Applicant) < > = Public Hearing Required [10]								
Procedure	Review and Decision-Making Bodies							
	District Council	Planning Board	Board of Appeals	Zoning Hearing Examiner	Planning Director	DPIE Director	Historic Preservation Commission	Municipalities
<p>[1] At least one joint public hearing may be required by the District Council and the Planning Board.</p> <p>[2] The District Council, [Zoning Hearing Examiner,] or Planning Board elects whether to conduct an <u>evidentiary hearing or oral argument</u> for each application.</p> <p>[3] The Historic Preservation Commission makes a recommendation or comment only if the subject land or an abutting parcel contains a historic resource or historic site identified on the <i>Approved Historic Sites and Districts Plan</i>.</p> <p>[4] Depending on the minor change proposed, the ZHE or the Planning Director is authorized to approve the minor change.</p> <p>[5] A municipality is only authorized to make a decision on the identified development application when it has been expressly authorized to do so in this Ordinance by the District Council, in accordance with State and County law.</p> <p>[6] The Planning Director forwards a recommendation on a variance request to the review board who is reviewing the [development] <u>parent</u> application for which the request for variance is made. Such requests accompany the [development] <u>parent</u> application. The review board considers the request for variance concurrent with the decision on the [development] <u>parent</u> application.</p> <p>[7] The Planning Director is the Planning Board's authorized representative for recommendations on sign, temporary use, grading, use and occupancy, and building permits.</p> <p>[8] The Zoning Hearing Examiner would only make a recommendation and hold a public hearing on an applicant-driven Chesapeake Bay Critical Area Overlay (CBCAO) Zoning Map Amendment application. The Planning Board may choose whether or not to hold a public hearing on an applicant-driven CBCAO Zoning Map Amendment, and shall hold a public hearing for any other CBCAO Zoning Map Amendment.</p> <p>[9] Temporary use permits shall be referred to the Planning Board or its authorized representative for its comments and recommendations, if any, for any property in the Safety Zones of the Military Installation Overlay (MIO) Zone; properties subject to Subtitle 25 of the County Code of Ordinance; and properties within the Chesapeake Bay Critical Area Overlay (CBCAO) Zone.</p> <p>[10] Public hearing, evidentiary hearing, or oral argument hearing.</p> <p>[11] The ZHE holds an evidentiary hearing only when an appeal of the Planning Director's decision has been filed or the District Council elected to review the application on its own motion.</p>								

1
2
3

* * * * *

1 **Sec. 27-3300 Advisory and Decision-Making Bodies**

2 **27-3301. District Council**

3 **(a) Generally**

4 The County Council of Prince George's County is the District Council for that portion of
5 the Maryland-Washington Regional District located in Prince George's County. They shall be
6 called in this Ordinance "District Council."

7 **(b) Duties of the District Council**

8 To exercise its authority in accordance with State law, the District Council shall have the
9 following powers and duties under this Ordinance:

10 (1) The District Council makes the final decision on the following:

11 (A) Comprehensive plans and amendments (Section 27-3502);

12 (B) Legislative amendments (Section 27-3501);

13 (C) Sectional map amendments (Section 27-3503);

14 (D) Zoning map amendments (ZMA) (Section 27-3601);

15 (E) Planned development (PD) Zoning Map amendments (Section 27-3602);

16 (F) Chesapeake Bay Critical Area Overlay (CBCAO) Zoning Map amendments
17 (Section 27-3603);

18 (G) Validations of permits issued in error (Section 27-3615); and

19 (H) Variances, alternative compliance, and major departures, when associated
20 with another application identified in this Subsection (parent application) that the District
21 Council decides.

22 (2) To hear and decide appeals, elect to review, and decide the following:

23 (A) Special exceptions and revocations (Section 27-3604);

24 (B) Detailed site plans (Section 27-3605(d));

25 (C) Certification of nonconforming use and revocations (Section [27-7200] 27-
26 3620); [and]

27 (D) Variances, alternative compliance, and major departures, when associated
28 with another application identified in this Subsection (parent application) that another body
29 decides.

30 (E) Expedited Transit-Oriented Development Site Plan Applications (Section
31 27-3621).

1 (3) Establishes or delegates responsibility to establish a schedule of fees and a
2 collection procedure for applications for development approvals and permits reviewed under this
3 Ordinance. The schedule of fees may be altered only by the District Council. (See Section 27-
4 8301, Fee Regulations).

5 (4) To evaluate, in accordance with State law, at least every 6 years whether
6 approved Area Master Plans or Sector Plans should be amended, and to provide the reasons for
7 the decision in writing. If any part of a planning area is scheduled more than once in a five-year-
8 period, the specific reasons shall be provided in a resolution.

9 (5) To establish timetables for consideration of comprehensive plans for all of the
10 Regional District in the County.

11 **(c) Postponement of Council Actions**

12 (1) Whenever the District Council is required to take action on or has the option to
13 review a matter within a time limit specified in this Subtitle, the calculation of the time limit
14 shall be postponed during the period that the Council is prohibited from taking action pursuant to
15 the provisions of the Land Use Article of the Annotated Code of Maryland, and the months of
16 August and December when the Council is in recess; or in the event the Council fails or is unable
17 to meet due to the cancellation of a scheduled Council session due to a weather emergency, or
18 other declared state of emergency, in which event the time shall be extended to the next regularly
19 scheduled date on which the District Council meets.

20 (2) This Section only applies to the District Council. It does not affect the Zoning
21 Hearing Examiner, Planning Board, or any other person or agency, except to the extent that
22 Council action is postponed.

23 **(d) Virtual Hearings**

24 Upon notification, the District Council may hold the entire hearing or a portion of the
25 hearing virtually and provide for virtual public participation. Notice and procedures for the
26 hearing shall be in accordance with the District Council Rules of Procedure.

27 **27-3302. Prince George's County Planning Board (Planning Board)**

28 **(a) Duties of the Planning Board**

29 To exercise its authority in accordance with State law, the Planning Board shall have the
30 following powers and duties under this Ordinance or as delegated by the District Council:

31 (1) To review and make recommendations to the District Council on the following:

- 1 (A) Comprehensive plans and amendments (Section 27-3502);
- 2 (B) Sectional map amendments (Section 27-3503);
- 3 (C) Zoning map amendments (ZMA) (Sec. 27-3601);
- 4 (D) Planned development (PD) Zoning Map amendments (Section 27-3602); and
- 5 (E) Chesapeake Bay Critical Area Overlay (CBCAO) Zoning Map amendments
- 6 (Section 27-3603).

7 (2) To review and comment on legislative amendments (Section 27-3500).

8 (3) To review and decide applications for the following:

- 9 (A) Detailed site plans (Section 27-3605(d));
- 10 (B) Major departures (Section 27-3614(e));
- 11 (C) Variances, when associated with another application identified in this

12 Subsection (parent application) that the Planning Board decides; [and]

13 (D) Alternative compliance to landscaping associated with a site plan (see
14 Landscape Manual)[.]; and

15 (E) Expedited transit-oriented development site plan applications (Section 27-
16 3621).

17 (4) To hear and decide appeals from the following:

- 18 (A) [Minor detailed site plans (Section 27-3605);
- 19 (B)] Minor departures (Section 27-3614);
- 20 [(C)] **(B)** Alternative compliance decisions made by the Planning Director (see

21 Landscape Manual); and

22 [(D)] **(C)** Recommendations made by an LMUTC Design Review Committee.

23 (5) To administer oaths to witnesses at evidentiary hearings.

24 (6) To confirm nominations for membership on LMUTC Design Review
25 Committees.

26 * * * * *

27 **27-3303. Board of Appeals (BOA)**

28 **(a) Powers and Duties**

29 The BOA shall have the following powers and duties under this Ordinance:

1 (1) To review and decide variances (Section 27-3613), except variances associated
2 with other entitlement applications, and variances for lot area, setback, and similar requirements
3 that are delegated to a municipality.

4 (2) To hear and decide appeals where it is alleged that, in the administration of this
5 Subtitle, there is error in the refusal of a building or use and occupancy permit, or in any other
6 decision of the Department of Permitting, Inspections, and Enforcement, the Planning Board, or
7 any other person or body authorized to administer this Subtitle;

8 (3) To reverse, affirm, or modify any decision upon which the appeal is made;

9 (4) To review and decide security exemption plans for fences and walls (Section 27-
10 6610, Security Exemption Plan);

11 [(2)] (5) To hear and decide appeals for the following:

- 12 (A) Sign permits (Section 27-3606);
- 13 (B) Temporary use permits (Section 27-3607);
- 14 (C) Use and occupancy permits (Section 27-3608);
- 15 (D) Grading permits (Section 27-3610);
- 16 (E) Building permits (Section 27-3611); and
- 17 (F) Zoning enforcement (Part 27-8).

18 [(3)] (6) To compel the attendance of witnesses at hearings; and

19 [(4)] (7) To administer oaths to witnesses.

20 (8) To hold an entire hearing or a portion of a hearing virtually and provide for virtual
21 participation. Notice and procedures for the hearing shall be in accordance with the District
22 Council Rules of Procedure.

23 * * * * *
24 **27-3304. Zoning Hearing Examiner (ZHE)**

25 * * * * *

26 (b) **Powers and Duties**

27 The ZHE shall have the following powers and duties under this Ordinance:

- 28 (1) To review and make recommendations on the following:
 - 29 (A) Zoning map amendments (ZMA) (Section 27-3601);
 - 30 (B) Planned Development (PD) zoning map amendments (Section 27-3602);

- 1 (C) Chesapeake Bay Critical Area Overlay (CBCAO) zoning map amendments
- 2 (Section 27-3603);
- 3 (D) Validations of permits issued in error (Section 27-3615);
- 4 (E) Authorizations of permits within proposed rights-of-way (Section 27-3617);
- 5 [and]

6 (F) Certification of nonconforming use (administrative) (Section 27-3620); and

7 (G) Any other case for which the District Council directs that a hearing be held

8 by the Zoning Hearing Examiner.

9 (2) To review and decide:

- 10 (A) Special exceptions (Section 27-3604);
- 11 (B) Minor changes to approved special exceptions (Section 27-3604(i));
- 12 (C) Variances and major departures associated with a special exception;
- 13 (D) Alternative compliance to landscaping associated with a special exception
- 14 (see Landscape Manual); [and]
- 15 (E) Petitions for revocation or modification of Special Exceptions, and the
- 16 accompanying revocation of use and occupancy permits (Section 27-3604(j))[.]; and
- 17 (F) Zoning enforcement hearings (Section 27-8204(e)).

18 (3) To compel the attendance of witnesses at evidentiary hearings and issue

19 subpoenas for documents.

20 (4) To administer oaths to witnesses.

21 (5) To conduct public hearings subject to all the requirements and restrictions

22 imposed by law upon the District Council.

23 (6) To perform any other functions that are delegated to it by State law or this

24 Ordinance.

25 * * * * *

26 **27-3305. Planning Director**

27 (a) **Powers and Duties**

28 The Planning Director shall have the following powers and duties under this Ordinance:

29 (1) To review and make recommendations to the District Council, Planning Board,

30 BOA, ZHE, and/or DPIE on the following:

- 31 (A) Comprehensive plans and amendments (Section 27-3501);

- 1 **(B)** Sectional map amendments (Section 27-3503);
- 2 **(C)** Zoning map amendments (ZMA) (Section 27-3600);
- 3 **(D)** Planned Development (PD) zoning map amendments (Section 27-3602);
- 4 **(E)** Chesapeake Bay Critical Area Overlay (CBCAO) zoning map amendments
- 5 (Section 27-3603);
- 6 **(F)** Special exceptions (Section 27-3604);
- 7 **(G)** Detailed site plans (Section 27-3605(d));
- 8 **(H)** Sign permits (Section 27-3606);
- 9 **(I)** Use and occupancy permits (Section 27-3608);
- 10 **(J)** Grading permits (Section 27-3610);
- 11 **(K)** Building permits (Section 27-3611);
- 12 **(L)** Variances associated with a parent application (Section 27-3613);
- 13 **(M)** Major departures (Section 27-3614(e)); [and]
- 14 **(N)** Development applications in the LMUTC Zone[.]; and
- 15 **(O)** Expedited transit-oriented development site plan applications (Section 27-
- 16 3621).

17 **(2)** To review and decide the following:

- 18 **(A)** Zoning certifications (Section 27-3609);
- 19 **(B)** Interpretation (text, uses, and Zoning Map) (Section 27-3612);
- 20 **(C)** Minor departures (Section 27-3614(e));
- 21 **(D)** Certification of nonconforming uses (Section [27-7200] 27-3620);
- 22 **(E)** Minor changes to approved special exceptions (Section 27-3604(i));
- 23 **(F)** Minor amendments to approved detailed site plans (Section 27-
- 24 3605(d)(11)(B)); [and]
- 25 **(G)** Alternative compliance to landscaping associated with a permit (see
- 26 Landscape Manual); and
- 27 **(H)** To review and decide security exemption plans for exterior lighting (Section
- 28 27-6709, Security Exemption Plan).

29 **(3)** To make administrative corrections to the Official Zoning Map and

30 comprehensive plans.

1 (4) To establish development application requirements for development approvals
2 and permits, other than fees.

3 (5) To ensure that applications for development approvals and permits are processed
4 and reviewed in accordance with this Ordinance.

5 (6) To maintain the Official Zoning Map and other such records and official materials
6 in accordance with this ordinance.

7 (7) To make available at the Planning Director’s office, upon reasonable request and
8 during normal business hours, copies of all development applications, staff reports, and materials
9 submitted, at a reasonable cost where permitted.

10 * * * * * * * *

11 **27-3306. Department of Permitting, Inspections, and Enforcement Director (DPIE**
12 **Director)**

13 **(a) Powers and Duties**

14 In accordance with State law, the DPIE Director shall have the following powers and duties
15 under this Ordinance:

16 (1) To review and make recommendations to the appropriate decision-making body
17 or official on the following:

18 (A) Revocation or modification of approved special exception (Section 27-
19 3604); and

20 (B) Validations of permits issued in error (Section 27-3615).

21 (2) To review and decide the following:

22 (A) Sign permits (Section 27-3606);

23 (B) Temporary use permits (Section 27-3607);

24 (C) Use and occupancy permits (Section 27-3608);

25 (D) Grading permits (Section 27-3610); and

26 (E) Building permits (Section 27-3611).

27 (3) To enforce all provisions of this Ordinance in accordance with Part 27-8:
28 Enforcement.

29 (4) To receive complaints from persons who allege that violations of this Ordinance
30 have occurred, to properly investigate such complaints, and to initiate action to prevent, enjoin,
31 abate, or remove such violations, in accordance with Part 27-8: Enforcement, and State law.

(b) Permit Referral

(1) Every application for a grading, building, or use and occupancy permit shall be referred by the DPIE Director to the Planning Director or Planning Board for comments or recommendations, if any, with respect to:

(A) The requirements of this Subtitle, Subtitle 24, Subtitle 25, the Regional District Act, and any conditions placed on the property in a zoning or subdivision matter; and

(B) Conformance with any approved Detailed Site Plan, Chesapeake Bay Critical Area Conservation Plan, or any other site or development plan applicable to development of the property.

(2) No permit shall be recommended for approval by the Planning Board until after the expiration of the specified appeal period from a Planning Board decision concerning the subject property of the permit, unless the right of appeal has been waived; nor shall any permit be recommended for approval during the pendency of any appeal to, or review by, the District Council.

(3) This subsection shall not apply to:

(A) Temporary use permits issued in accordance with Section 27-3607, Temporary Use Permit, except in cases of property in the Safety Zones of the MIO Zone, properties subject to Subtitle 25, and properties within the Chesapeake Bay Critical Area; and

(B) Permits of a minor nature as specified in Section 27-3611(f), Permits of a Minor Nature. This exception shall not apply to any property which is located within a historic district or listed on the Functional Master Plan for historic preservation as a historic resource, properties subject to Subtitle 25, or properties within the Chesapeake Bay Critical Area.

(4) Any comments or recommendations of the Planning Director or Planning Board to the Director of the Department of Permitting, Inspections, and Enforcement regarding applications for grading, building, or use and occupancy permits are advisory only and shall not be a prerequisite for the issuance of grading, building, or use and occupancy permits.

* * * * *

27-3308. Municipalities

* * * * *

(b) Delegated Authority to Municipalities

* * * * *

1 (2) **General**

2 (A) The thresholds, extent, and standards for departures shall not exceed those
3 established in this Subsection and the Landscape Manual.

4 (B) The municipality may not impose any standard or requirement stricter than
5 or materially different from those thresholds and standards in this Subsection.

6 (C) Notwithstanding any other law, the legislative body of a municipal
7 corporation, by local law, may authorize the erection of a fence that exceeds the height
8 restrictions or limitations otherwise required by State, Regional, or County zoning laws or
9 agencies exercising zoning and planning jurisdiction over the municipal corporation.

10 (D) The procedural regulations adopted by the municipality shall be set forth in a
11 municipal ordinance.

12 [(D)] (E) The municipal ordinance shall provide that any person aggrieved by its
13 decision, who was a party to the proceeding before it, may appeal to the Circuit Court, which
14 shall have the power to affirm the decision of the municipality or, if the decision is not in
15 accordance with law, to remand the matter or to modify or reverse the decision.

16 * * * * *

17 **27-3309. People’s Zoning Counsel**

18 * * * * *

19 (b) **Powers and Duties**

20 (1) To protect the public interest and achieve a full and fair presentation of relevant
21 issues, the People's Zoning Counsel shall have the right to appear on behalf of the interests of the
22 public in general, to defend any duly enacted General Plan, Area Master Plan or Sector Plan, or
23 Functional Master Plan, or comprehensive zoning maps as adopted by the District Council, and
24 in any matter involving zoning reclassification or any special exception (Section 27-3604). The
25 People's Zoning Counsel may appear before:

26 (A) The Zoning Hearing Examiner or the District Council (for oral argument
27 hearings or evidentiary hearings) if the matter involves a zoning case; or

28 (B) The Board of Appeals if the matter involves a variance (Section 27-3613)[.];
29 or

30 (C) The Planning Board if the matter involves a Planned Development (PD)
31 [Zone, a Neighborhood Conservation Overlay Zone, or a Transit-Oriented/Activity Center

1 Zone.] Zoning Map Amendment or a Zoning Map Amendment (ZMA) proposing one of the
 2 Transit-Oriented/Activity Center base zones.

3 * * * * *

4 **27-3400 Standard Review Procedures**

5 * * * * *

6 **27-3401. Pre-Application Conference**

7 This Section sets forth the standard procedures that generally apply to the review of development
 8 applications under this Ordinance. Not all procedures in this Section apply to every development
 9 application. Section 27-3600, Application-Specific Review Procedures and Decision Standards,
 10 identifies, for a specific type of development application, which standard procedures are
 11 required, including any additions or modifications that apply.

12 **27-3401. Pre-Application Conference**

13 **(a) General**

14 A pre-application conference provides an opportunity for:

15 (1) The applicant to determine the submission requirements, procedures, and
 16 standards applicable to an anticipated development application; and

17 (2) Staff to become familiar with, and offer the applicant preliminary comments
 18 about the scope, features, and impacts of the proposed development as it relates to the standards
 19 in this Ordinance.

20 **(b) Applicability**

21 (1) A pre-application conference is required before any of the following development
 22 applications are submitted, unless waived by the Planning Director because development
 23 proposed in the application is sufficiently straightforward that the applicant does not need
 24 additional staff input on the application:

25 (A) Zoning map amendments (ZMA) (Section 27-3600);

26 (B) Planned development (PD) Zoning Map amendments (Section 27-3602);

27 (C) Chesapeake Bay Critical Area Overlay (CBCAO) zoning map amendments
 28 (Section 27-3603)

29 (D) Special exceptions (Section 27-3604);

30 (E) Detailed site plans (Section 27-3605(d)); [and]

31 (F) Major departures (Section 27-3614(e))[.]; and

1 (G) Development pursuant to prior Ordinance (Section 27-1904).

2 (2) A pre-application conference is optional for any other type of development
3 application.

4 * * * * * * *

5 **27-3403. Application Submittal**

6 Development applications shall be submitted in accordance with the requirements of this
7 Section.

8 * * * * * * *

9 **(f) Application Submittal and Notice**

10 (1) All development applications, except those identified [in Section 27-3403(f)(2)]
11 below, shall be submitted to the Planning Director, along with the fees required for the
12 application.

13 (A) The following development applications shall be submitted to the District
14 Council, along with the fees required for the application:

15 (i) Authorization of permit within proposed right-of-way (ROW) (Section
16 27-3617); and

17 (ii) Reconsideration and amendment of decision.

18 (B) The following development applications shall be submitted to the Board of
19 Appeals, along with the fees required for the application:

20 (i) Variances (Section 27-3613);

21 (ii) Appeals to the Board of Appeals (Section 27-3616);

22 (iii) Zoning enforcement actions (Part 27-8); and

23 (iv) Extension of zoning violation grace periods (Section 27-8207).

24 [(2)] (C)The following development applications shall be submitted to the DPIE
25 Director, along with the fees required for the application:

26 [(A)] (i) Sign permits (Section 27-3606);

27 [(B)] (ii) Temporary use permits (Section 27-3607);

28 [(C)] (iii) Use and occupancy permits (Section 27-3608);

29 [(D)] (iv) Grading permits (Section 27-3610);

30 [(E)] (v) Building permits (Section 27-3611); and

31 [(F)] (vi) Validations of permits issued in error (Section 27-3615).

1 (D) The following development applications shall be submitted to the Zoning Hearing
2 Examiner, along with the fees required for the application:

3 (i) Expedited Enforcement Procedures (Section 27-8204)

4 [(3)] (2) The applicant shall obtain an application number from the Commission
5 before sending an informational notice of application submittal. This information notice shall
6 contain at least the following: the application number; a description of the property and its
7 location; the nature of the applicant’s request; the justification statement, if required with the
8 application; the Commission department, with telephone number, to obtain more information
9 about the application after it is filed; a statement to recipients that the applicant will meet, to
10 explain the application; an applicant telephone number and email address, for persons willing to
11 meet; an explanation of the procedures and the necessity for becoming a person of record in the
12 pending application; and a statement that no government agency has reviewed the application. A
13 municipality, civic association, or other party entitled to an informational mailing may request a
14 copy of the site plan from the applicant. Information mailings required by this Section are in
15 addition to all postings and notices required by law.

16 * * * * * * * *

17 **Sec. 27-3404. Determination of Completeness.**

18 * * * * * * * *

19 **(c) Notice of Completeness**

20 (1) When the District Council, Planning Director, BOA, or DPIE Director, as
21 appropriate, determines an application has been filed in proper form and is ready to be
22 determined complete, the [Director] appropriate body shall notify the applicant in writing,
23 preferably by e-mail. When applicable, [T] the name and contact information of the staff member
24 assigned to the application shall be included in the notice.

25 (2) The applicant shall notify in writing and via first class mail municipalities, civic
26 associations, any governed special taxing district, and other persons entitled to receive
27 informational mailings that the application is ready to be accepted. When applicable, [T] the
28 name and contact information of the staff member assigned to the application shall be included
29 in the notice.

30 (3) The District Council, BOA, Planning Director, or DPIE Director, as appropriate,
31 shall not formally determine an application as complete or begin processing the application until

1 after the applicant has filed an affidavit in the record to document completion of a written notice
2 of acceptance to municipalities, civic associations, any governed special taxing district, and other
3 persons entitled to receive informational mailings.

4 (4) The applicant shall notify in writing via first class mail municipalities, civic
5 associations, any governed special taxing district, and other parties entitled to receive
6 information mailings that the application has been deemed complete. When applicable, [T] the
7 name and contact information of the staff member assigned to the application shall be included
8 in the notice.

9 ~~[(4)]~~ (5) Within a reasonable time after an application is determined complete by the
10 Planning Director, BOA, or DPIE Director, as appropriate, the Director shall so advise the
11 Zoning Hearing Examiner of all cases requiring a hearing by his/her office.

12 * * * * *

13 **27-3406. Staff Review and Action**

14 **(a) Staff Review and Opportunity to Revise Application**

15 (1) When the development application is determined complete, or is processed in
16 accordance with Section 27-3404(b)(2) above, the Planning Director, Clerk of the Council, or
17 DPIE Director, whichever the application was submitted to, shall distribute it to all appropriate
18 Planning staff, County staff, the Subdivision and Development Review Committee, and other
19 municipal and public agencies, as appropriate, for review and comment.

20 (2) If the development application is a detailed site plan, the application shall be
21 referred to the Prince George’s County Police Department for review and comment. The Police
22 Department may comment on issues relevant to their mission, including opportunities to
23 implement crime-prevention measures, and to enhance the safety and security of residents,
24 employees, and other users of a project through implementation of the principles of Crime
25 Prevention Through Environmental Design (CPTED).

26 (3) The Planning Director or DPIE Director, as appropriate, shall then review the
27 application, along with the relevant support material, and any comments. If deficiencies in
28 complying with applicable standards are identified, the Planning Director or DPIE Director, as
29 appropriate, shall notify the applicant of those deficiencies and provide the applicant a
30 reasonable opportunity to discuss the deficiencies and revise the application to address them, in
31 accordance with Section 27-3405(a), Amending an Application.

1 **27-3407. Scheduling of Hearings and Public Notice**

2 * * * * *

3 **(b) Public Notice**

4 **(1) Generally**

5 Notification shall be provided for all required public hearings on applications in accordance with Table 27-3407(b): Required Public
 6 Notice, all other provisions of this Subsection, and the Maryland Land Use Article.

7

Table 27-3407(b): Required Public Notice			
	Required Timing and Specific Recipients [1]		
Application Type	Mail [5]	Legal Advertisement	Posting
Comprehensive Plans			
Comprehensive Plans and Amendments (General Plan, Functional Master Plans, Area Master Plans, and Sector Plans)	30 days prior to the hearing(s), to: <ul style="list-style-type: none"> All owners of land for which a change in zoning is proposed, if a sectional map amendment is included; [2] Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the plan or amendment; and Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the proposed land subject to the plan or amendment. 	30 days prior to the joint hearing(s)	No requirement
Minor Plan Amendments	30 days prior to the hearing(s), to: <ul style="list-style-type: none"> All owners of land for which a change in zoning is proposed, if a sectional map amendment is included; [2] Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the plan or amendment; and Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the proposed land subject to the plan or amendment. 	30 days prior to the joint hearing(s)	No requirement
Amendments and Planned Developments			
Sectional Map Amendment	30 days prior to the District Council hearing, to: <ul style="list-style-type: none"> All owners of land for which a change in 	30 days prior to the hearing	No requirement

Table 27-3407(b): Required Public Notice			
	Required Timing and Specific Recipients [1]		
Application Type	Mail [5]	Legal Advertisement	Posting
	zoning is proposed[.]; [2] 60 days prior to the District Council hearing, to: <ul style="list-style-type: none"> Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the map amendment; and Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the map amendment. 		
Planning Board Hearing	30 days prior to the [District Council] hearing, to: <ul style="list-style-type: none"> All owners of land for which a change in zoning is proposed; [2] Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the map amendment; and Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the map amendment. 	30 days prior to the hearing	No requirement
Zoning Map Amendment (ZMA) Planned Development (PD) Zoning Map Amendment	30 days prior to the District Council hearing, to: <ul style="list-style-type: none"> The applicant(s); and [All owners of land for which a change in zoning is proposed; [2] All owners of land abutting the land subject to the application;] All persons of record[, and all other persons who requested (in writing) a copy of the Technical Staff Report; Registered civic associations that identified the geographical area in which the site is located as part of their represented areas,] 60 days prior to the District Council hearing, to: <ul style="list-style-type: none"> Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the application; and Any governed special taxing districts lying, wholly or in part, within, or within 1 mile 	<u>No requirement for Zoning Map Amendment</u> 30 days prior to the hearing for <u>Planned Development (PD) Zoning Map Amendment</u> <u>No requirement of District Council hearings</u>	<u>No requirement for Zoning Map Amendment</u> 30 days prior to the hearing for <u>Planned Development (PD) Zoning Map Amendment</u> <u>No requirement of District Council hearings</u>

Table 27-3407(b): Required Public Notice			
Required Timing and Specific Recipients [1]			
Application Type	Mail [5]	Legal Advertisement	Posting
	of, the boundaries of the land subject to the application.		
Planning Board Hearing	30 days prior to the [District Council] hearing, to: <ul style="list-style-type: none"> • The applicant(s); • [All owners of land for which a change in zoning is proposed; [2]] • All owners of land abutting the land subject to the application; • All persons of record, and all other persons who requested (in writing) a copy of the Technical Staff Report; • Registered civic associations that identified the geographical area in which the site is located as part of their represented areas; • Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the application; and • Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the application. 	No requirement for Zoning Map Amendment 30 days prior to the hearing for Planned Development (PD) Zoning Map Amendment	No requirement for Zoning Map Amendment 30 days prior to the hearing for Planned Development (PD) Zoning Map Amendment
ZHE Hearing	30 days prior to the [District Council] hearing, to: <ul style="list-style-type: none"> • The applicant(s); • [All owners of land for which a change in zoning is proposed; [2] • All owners of land abutting the land subject to the application;] • All persons of record[, and all other persons who requested (in writing) a copy of the Technical Staff Report; • Registered civic associations that identified the geographical area in which the site is located as part of their represented areas;] • Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the application; and • Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to 	No requirement for Zoning Map Amendment 30 days prior to the hearing for Planned Development (PD) Zoning Map Amendment	No requirement for Zoning Map Amendment 30 days prior to the hearing for Planned Development (PD) Zoning Map Amendment

Table 27-3407(b): Required Public Notice			
		Required Timing and Specific Recipients [1]	
Application Type	Mail [5]	Legal Advertisement	Posting
	the application.		
Chesapeake Bay Critical Area Overlay (CBCAO) Zoning Map Amendment			
Planning Board Hearing	<p>30 days prior to the hearing, to:</p> <ul style="list-style-type: none"> All owners of land within the boundaries of the proposed overlay zones; All persons of record, and all other persons who requested (in writing) a copy of the Technical Staff Report; Registered civic associations that identified the geographical area in which the site is located as part of their represented areas; Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the proposed overlay zones; and Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the proposed overlay zones. <p>60 days prior to the hearing, to:</p> <ul style="list-style-type: none"> All public agencies and municipalities with operational or planning responsibilities within the boundaries of the proposed overlay zones; and The Historic Preservation Commission, if any land within or abuts the proposed overlay zones is an identified historic resource or historic site. [3] 	30 days prior to the hearing	<p>[30 days prior to the hearing]</p> <p><u>30 days prior to the hearing for property owner-initiated requests</u></p> <p><u>No requirement for other CBCAO Zoning Map Amendments</u></p>
ZHE Hearing (Only Held for Applicant-Requested CBCAO Zoning Map Amendments)	30 days prior to the hearing to persons of record	No requirement	30 days prior to the hearing
District Council Hearing	<ul style="list-style-type: none"> 30 days prior to the hearing, to: All owners of land and any municipality lying, wholly or in part, within, or within one mile of, the boundaries of the proposed overlay zones; and Persons of record. 	[30 days prior to the hearing] <u>No requirement</u>	[30 days prior to the hearing] <u>No requirement</u>
Use Permits			
Special Exception	<p>30 days prior to the hearing, to persons of record:</p> <ul style="list-style-type: none"> Parties of record; Registered civic associations that identified the geographical area in which the site is located as part of their represented areas; 	No requirement	30 days prior to the hearing

Table 27-3407(b): Required Public Notice			
Required Timing and Specific Recipients [1]			
Application Type	Mail [5]	Legal Advertisement	Posting
	<ul style="list-style-type: none"> • Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and • Every municipality located within one mile of the land subject to the application.] 		
Minor Changes to Approved Special Exception	Application decision only, to: <ul style="list-style-type: none"> • Parties of record; • Clerk of the Council; and • Every municipality located within one mile of the land subject to the application. 	No requirement	14 days following determination of completeness; may be waived by Planning Director pursuant to Section 27-3604(i)(1)r
Site Plans			
Detailed Site Plan			
Planning Board Hearing	30 days prior to the hearing, to: <ul style="list-style-type: none"> • Parties of record; • Registered civic associations that identified the geographical area in which the site is located as part of their represented areas; • Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and Every municipality located within one mile of the land subject to the application.	No requirement	30 days prior to the hearing
District Council Hearing	<u>30 days prior to the hearing to persons of record</u>	<u>No requirement</u>	<u>No requirement</u>
Expedited Transit-Oriented Development Site Plan			
Planning Board Hearing	30 days prior to the hearing, to: <ul style="list-style-type: none"> • Parties of record; • <u>Registered civic associations that identified the geographical area in which the site is located as part of their represented areas;</u> • <u>Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and</u> <u>Every municipality located within one mile of the land subject to the application.</u>	<u>No requirement</u>	<u>30 days prior to the hearing</u>
District Council Hearing	<u>7 days prior to the hearing to persons of record</u>	<u>No requirement</u>	<u>No requirement</u>
Minor Amendment to an Approved Detailed Site Plan	No requirement	No requirement	15 days prior to date of Planning Director's decision
Relief Procedures			
Variance			

Table 27-3407(b): Required Public Notice				
		Required Timing and Specific Recipients [1]		
Application Type		Mail [5]	Legal Advertisement	Posting
	Planning Board Hearing	Notice shall be the same as that required for the companion (parent) application.	Notice shall be the same as that required for the companion (parent) application.	Notice shall be the same as that required for the companion (parent) application.
	ZHE Hearing	Notice shall be the same as that required for the companion (parent) application.	Notice shall be the same as that required for the companion (parent) application.	Notice shall be the same as that required for the companion (parent) application.
	BOA Hearing	15 days prior to the hearing, to: <ul style="list-style-type: none"> • The applicant; • Owners of all lands abutting or opposite the land subject to the application; [4] and • Any municipality in whose boundaries the property is located. 	No requirement	15 days prior to the hearing
Departure				
	Minor Departure	Appeal only: 14 days prior to the appeal hearing, to: <ul style="list-style-type: none"> • Parties of record; • Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and • Every municipality located within one mile of the land subject to the application. 	No requirement	15 days prior to date of Planning Director's decision
	Major Departure	14 days prior to the <u>Planning Board</u> hearing, to: <ul style="list-style-type: none"> • Parties of record; • Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and • Every municipality located within one mile of the land subject to the application. 14 days prior to the <u>District Council</u> hearing, to: <ul style="list-style-type: none"> • <u>Parties of record</u> 	No requirement	30 days prior to the hearing <u>Except: when associated with a companion (parent) application, notice shall be the same as that required for the companion (parent) application.</u>
	Validation of Permits Issued in Error	14 days prior to the hearing, to: <ul style="list-style-type: none"> • Parties of record; • Registered civic associations that identified the geographical area in which the site is located as part of their represented areas; • Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and • Every municipality located within one mile of the land subject to the application. 	No requirement	30 days prior to the hearing
	Appeal to BOA	[14] 15 days prior to the hearing, to:	No requirement	No requirement

Table 27-3407(b): Required Public Notice			
	Required Timing and Specific Recipients [1]		
Application Type	Mail [5]	Legal Advertisement	Posting
	<ul style="list-style-type: none"> • Appellant; • Property owner and applicant, if different; • Owners of all lands abutting or opposite the land subject to the application; [4] and • Any municipality in whose boundaries the property is located. 		
Election by District Council	14 days prior to the hearing, to parties of record	No requirement	No requirement
Other Procedures			
Authorization of Permit Within Proposed Right-of-Way	30 days prior to the ZHE hearing, to: <ul style="list-style-type: none"> • The applicant; and • Any municipality in whose boundaries the property is located.] 	30 days prior to the <u>ZHE</u> [District Council] hearing	30 days prior to the <u>ZHE</u> hearing
Certificate of Nonconforming Use	[No requirement]	[No requirement]	[Within 10 days after application determined complete. See Section 27-7200]
<u>District Council</u>	30 days prior to the hearing, to: <ul style="list-style-type: none"> • The applicant; and • <u>Persons of record</u> 	<u>No requirement</u>	<u>No requirement</u>
<u>Zoning Hearing Examiner</u>	30 days prior to the hearing, to: <ul style="list-style-type: none"> • The applicant; and • <u>Persons of record</u> 	<u>No requirement</u>	<u>Within 10 days after application determined complete.</u>
Revocation or Modification of Approved Special Exception	The DPIE Director petition of revocation of an approved special exception shall be sent to: <ul style="list-style-type: none"> • The landowner(s) and applicant, if different; • Parties of record; • Registered civic associations that identified the geographical area in which the site is located as part of their represented areas; and • Every municipality located within one mile of the land subject to the application. 30 days prior to the <u>ZHE</u> hearing, to: <ul style="list-style-type: none"> • Parties of record; • Registered civic associations that identified the geographical area in which the site is located as part of their represented areas; • Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and • Every municipality located within one mile of 	No requirement	30 days prior to the <u>ZHE</u> hearing

Table 27-3407(b): Required Public Notice

Required Timing and Specific Recipients [1]			
Application Type	Mail [5]	Legal Advertisement	Posting
	the land subject to the application.]		
<p>NOTES:</p> <p>[1] Time periods are minimum time periods unless otherwise stated.</p> <p>[2] This mailed notice is for informational purposes only. The adoption or approval of the sectional map amendment or comprehensive plan shall not be invalidated by the failure to receive the mailed notice.</p> <p>[3] On the <i>Adopted and Approved Historic Sites and Districts Plan of Prince George's County, Maryland</i>.</p> <p>[4] Measured at right angles to the intervening street or streets from the land subject to the application.</p> <p>[5] For cases appealed to the District Council or when the District Council elects to review a case, the Clerk of the Council shall only send notice to persons of record associated with the case.</p>			

1
2

* * * * *

(6) Posted Notice

Where required by Table 27-3407(b): Required Public Notice, the applicant shall ensure notice is posted as follows:

(A) Number, Dimensions, and Orientation

Posted notice signs shall be displayed as follows:

(i) If the site subject to the application has frontage on one or more improved streets, there shall be one sign posted for each 1,000 feet, or fraction thereof, of frontage on each street. The sign(s) shall be posted on the site near the street right-of-way, and oriented to maximize their visibility to motorists. When more than one sign is required to be posted along a street, the signs shall, where practicable, be evenly spaced along the street.

(ii) The posted notice sign(s) shall be singled-sided if the site occupies frontage on a cul-de-sac, at the end of a dead-end street, or on a one-way street. The sign(s) shall be oriented to maximize their visibility to motorists.

(iii) The posted notice sign(s) shall be double-sided if the site occupies frontage on a street that is visible to two-way traffic. These sign(s) shall be configured in a "V" shape, at a 45-degree angle, and oriented to maximize their visibility to motorists.

(iv) If the site does not have frontage on an improved public street, then one sign shall be placed on the land subject to the application. The sign shall be near the boundary of the site and visible from adjoining land. Another sign shall be placed near to, and visible from, the improved portion of the nearest, most-traveled street. This sign shall indicate it is not on the land subject to the application.

(v) If the placement of any sign on the land subject to the application is not visible to motorists from adjoining streets, the Planning Director may require placement of additional signs, as needed, to ensure that notice about the application and public hearing is accessible to the general public.

(B) Display and Maintenance of Posted Notice

(i) All signs shall be posted and displayed for a continuous period of time (see Table 27-3407(b): Required Public Notice).

(ii) The sign(s) shall be durable, conspicuous, and legible for the length of the required posting period.

1 (iii) The applicant is responsible for the reasonable maintenance of all
2 signs. If a sign is removed, falls down, or is otherwise not properly located on the site subject to
3 the application, or in the right-of-way, for any portion of the required posting period, the
4 applicant shall repost the sign.

5 (iv) The applicant shall remove the signs from the site within 15 days after
6 the public hearing on the application.

7 (v) The person posting the sign shall file a written affidavit of posting in
8 the record. A close-up, legible photograph of each posted sign and additional long-distance
9 photographs depicting the signs and unique, identifiable features of the land subject to the
10 application shall also be submitted and included in the record for the case.

11 (vi) The applicant shall inspect the sign(s) at least one time no later than the
12 15th day of posting to ensure that the signs are maintained. The person conducting the inspection
13 shall file in the record a written affidavit of the sign's condition. For Planning Board hearings,
14 [A] a combined posting and inspection affidavit shall be filed at least 14 days prior to the
15 hearing. For BOA hearings, an affidavit of posting shall be filed with the BOA the day of the
16 hearing.

17 (vii) Any unauthorized person removing, destroying, defacing, obstructing,
18 or otherwise interfering with a posted sign (directly or indirectly) is in violation of this
19 Ordinance and subject to any penalties provided by this Ordinance and State law. Interference
20 with a posted sign shall in no way delay or invalidate the application.

21 **(7) Notice of District Council Final Decisions**

22 **(A) Notice of Decision**

23 The notice of final decision, findings, conclusions, and votes of the District
24 Council in any zoning case shall be mailed or electronically provided to all persons of record and
25 any public agency processing the application. For purposes of this Subtitle, reconsideration of
26 the final decision shall be filed within thirty (30) days after the date of service of the Notice of
27 Final Decision by the Clerk of the Council.

28 **(B) Reconsideration and Amendment of Decisions**

29 (i) With the exception of special exceptions and legislative amendments,
30 which shall be as provided for in their respective sections of this Ordinance, once a final decision
31 has been made by the District Council, the decision may be reconsidered upon a written request

1 filed by either the applicant or other person of record within thirty (30) days after the date of
 2 service of the Notice of Final Decision by the Clerk of the Council if, based on the written
 3 request, the Council finds that there may have been an error in reaching the final decision that
 4 was caused by fraud, surprise, mistake, or inadvertence. The person of record filing the request
 5 for reconsideration shall, upon filing the request, send a copy to all other persons of record.

6 (aa) If the District Council determines there may be grounds for
 7 reconsideration of their final decision, the Clerk of the Council shall schedule an evidentiary
 8 hearing on the request.

9 (bb) After the hearing, the District Council shall first vote to
 10 reconsider their final decision and, if an affirmative motion is adopted, vote on a new decision.

11 **(c) Deferral of Application**

12 **(1) Request for Deferral**

13 An applicant may request in writing that the District Council's or Planning Board's
 14 consideration of an application at a public hearing be deferred at any time prior to the public
 15 hearing.

16 **(2) Decision on Request Submitted Prior to Public Notification**

17 **(A)** If public notice in accordance with Section 27-3407(b) above, has not been
 18 provided, the District Council, Planning Board, or Planning Director may grant the request for
 19 good cause.

20 **(B)** If a deferral is granted, the date of the public hearing at which the
 21 application will be heard shall be set at the time the deferral is granted.

22 **(3) Decision on Request Submitted After Public Notification**

23 **(A)** If public notification in accordance with Section 27-3407(b) above, has been
 24 provided, the request for deferral shall be placed on the public hearing agenda on the date the
 25 application is to be considered and acted upon by the District Council, Planning Board, or
 26 Planning Director.

27 **(B)** The District Council, Planning Board, or Planning Director may approve the
 28 request for deferral, for good cause.

29 **(C)** If a deferral is granted, the date of the public hearing at which the
 30 application will be heard shall be set at the time the deferral is granted. The applicant may be
 31 subject to additional application fees to defray the additional costs of processing the application.

1 [(4) BOA (See Section 3413, Evidentiary Hearings)

2 (5) ZHE (See Section 3412 Evidentiary Hearings)]

3 **27-3408. Review and Recommendation by Advisory Board or Official**

4 If a development application is subject to a recommendation by an advisory board or
5 official (either the Planning Board or ZHE, in accordance with Section 27-3500, Legislative
6 Amendments, Area Master Plans, and Sectional Map Amendment Review Procedures and
7 Decision Standards and Section 27-3600, Application-Specific Review Procedures and Decision
8 Standards, unless stated to the contrary in those Sections), the advisory board or official shall
9 review and act on the application in accordance with the requirements in this Subsection.

10 **(a) General**

11 The advisory board or official shall hold any required public hearing on the application, as
12 appropriate. At the hearing, the advisory board or official shall consider the application, relevant
13 support materials, the Technical Staff Report, and any public comments, and then recommend
14 one of the decisions authorized for the particular type of application, based on the decision
15 standards applicable for the application type, as set forth in Sec. 27-3500, Legislative
16 Amendments, Area Master Plans, and Sectional Map Amendment Review Procedures and
17 Decision Standards, and Sec. 27-3600, Application-Specific Review Procedures and Decision
18 Standards.

19 **(b) Timing**

20 The advisory board or official shall take action within any time period specified in this Part
21 for the type of application; otherwise, if time periods are not specified, action shall be taken as
22 promptly as reasonably possible [in consideration of the interests of the applicant, affected
23 parties, and citizens of the County].

24 * * * * *

25 **27-3412. Evidentiary Hearing (Planning Board and ZHE)**

26 **(a) Generally**

27 (1) This Section applies where an evidentiary hearing is required in accordance with
28 Section 27-3600, Application-Specific Review Procedures and Decision Standards for the
29 following types of development applications:

- 30 (A) Zoning map amendments (ZMA);
- 31 (B) Planned development (PD) Zoning Map amendments;

- (C) CBCAO Zoning Map amendments;
- (D) Special exceptions;
- (E) Detailed site plans;
- (F) Variances;
- (G) Major departures;
- (H) Validations of permits issued in error;
- (I) Authorizations within proposed rights-of-way; and
- (J) Appeals.

[(2) If a provision of this Section is inconsistent with a provision of the Maryland Land Use Code, the provision of the Maryland Land Use Code applies.]

(b) Limitation of Time

The time for presenting cases by parties shall generally be limited to one (1) hour for each side. For good cause, the Planning Board or Zoning Hearing Examiner, as appropriate, may grant additional time.

(c) Order of Presentation

(1) The order of presenting evidentiary cases shall be as follows:

- (A) Staff presentation (for Planning Board hearings)
- [(A)] (B) Applicant’s case;
- [(B)] (C) Opposition’s case;
- [(C)] (D) Rebuttal by applicant;
- [(D)] (E) Surrebuttal by opposition;
- [(E)] (F) Public agency comments and examination;
- [(F)] (G) Summation by opposition;
- [(G)] (H) Summation by applicant.

* * * * *

(m) Reconsideration

(1) The Planning Board’s or Zoning Hearing Examiner’s decision, as may be appropriate, may be reconsidered on request filed by either the applicant or other person of record within 30 days after the date of notice of the final decision. [Such reconsiderations may only occur within 30 days from the date of the decision.] If the Planning Board or Zoning Hearing Examiner, as appropriate, does not grant the request for reconsideration within 30 days

1 following receipt of the request, the request is denied.

2 (2) The [Planning Board or] Zoning Hearing Examiner[, as appropriate,] may only
3 reconsider the decision if[, in furtherance of substantial public interest,] it finds that an error in
4 reaching the original decision was caused by fraud, surprise, mistake, or inadvertence[, or other
5 good cause.]

6 (3) The Planning Board shall reconsider the decision in accordance with its Rules of
7 Procedure.

8 (4) The party filing the request for reconsideration of the case shall, upon filing the
9 request, send a copy to all other persons of record, the applicant (if the applicant is not a person
10 of record), and all municipalities within one mile of the land subject to the application.

11 [(4)] (5) If the Planning Board or Zoning Hearing Examiner, as appropriate,
12 determines there is grounds to reconsider their final decision, it shall schedule a hearing on the
13 request.

14 [(5)] (6) After the hearing, the Planning Board [or Zoning Hearing Examiner, as
15 appropriate,] shall first vote to reconsider their final decision and, if an affirmative motion is
16 adopted, vote on a new decision.

17 [(6)] (7) After the close of the hearing record, the Planning Board or Zoning Hearing
18 Examiner, as appropriate, shall file a new decision or recommendation.

19 * * * * *
20 **27-3413. Evidentiary Hearing (BOA)**

21 * * * * *

22 (c) Fees

23 (1) The appellant shall pay the Board Administrator all expenses of the appeal,
24 including the cost estimated by the Administrator for sending notices and advertising. An
25 application fee shall also be paid to the Administrator in accordance with Section 27-8300, Fees.
26 A separate fee for the cost of public notice signs shall be paid to [the Maryland-National Capital
27 Park and Planning Commission] Prince George’s County, Maryland in accordance with Section
28 27-8300, Fees. The fees are nonrefundable unless (upon request of the appellant) the Board finds
29 that the fee was paid by mistake. All fees must be paid at the time of filing, except as provided.

30 (2) In lieu of the fee the appellant may submit an affidavit claiming that payment of
31 the fee would be an extreme financial hardship. The hardship may only be claimed by a natural

1 person. The affidavit shall contain the information required by the County Director of Finance
 2 and any other pertinent facts which the appellant feels are necessary.

3 (3) Upon filing the affidavit, the Administrator shall transmit it to the Director of
 4 Finance (or his designee) who shall (within ten (10) working days) determine whether payment
 5 of the fee is an extreme financial hardship on the appellant. Should the Director find that
 6 hardship does not exist, the appellant shall be required to pay the fees before the appeal may be
 7 heard by the Board.

8 * * * * *

9 **(d) Notice of hearing**

10 (1) At least fifteen (15) days' notice of the date, time and place of the hearing shall be
 11 sent by certified mail to the appellant, to the agency whose decision is the subject of the appeal,
 12 and to the owners of abutting property (including those properties directly across a street, alley,
 13 or stream).

14 (2) In the case of a request to grant additional time to cease a violation, notice shall
 15 also be sent to the Zoning Enforcement Officer who shall also notify all persons who have made
 16 written or oral complaints concerning the violation.

17 (3) When the property is located within the boundaries of an incorporated
 18 municipality, notice of the time and place of the hearing shall be sent to the municipality at least
 19 fifteen (15) days prior to the date of the hearing. The municipality may waive the fifteen (15) day
 20 period for either all appeals or any one appeal.

21 (4) The Board may send notice of the hearing to other interested persons,
 22 organizations, or agencies.

23 (5) All notices shall contain:

24 (A) The name of the appellant;

25 (B) The date, time, and place of the hearing; and

26 (C) A brief statement describing the specific nature of the appeal.

27 [(6) The Board may require additional notice of hearings by at least one (1)
 28 advertisement in the three (3) County newspapers of record. The advertisement shall appear not
 29 less than five (5) days prior to the date of the hearing and shall contain the same information as is
 30 required in the written notices. The cost of the advertisement shall be paid by the appellant.]

31 [(7)] (6) [Except for appeals not involving variances in a Residential Zone, t] All

1 variances must be posted. Other zoning appeals are posted only in Nonresidential base zones.
2 Administrative appeals do not require posting. The appellant shall post the property with a
3 durable sign at least fifteen (15) days prior to the scheduled hearing date. The sign shall be
4 provided by the Board of Zoning Appeals and posted in accordance with this Section.

5 [(8)] (7) All signs posted shall be conspicuous and legible for at least fifteen (15) days
6 prior to the hearing.

7 [(9)] (8) The appellant shall file an affidavit with the Board of Appeals stating that the
8 required sign(s) was posted on the property in accordance with the procedures of this Subsection,
9 and that the sign remained on the property for the fifteen (15) consecutive days preceding the
10 hearing.

11 [(10)] (9) Notices of variance requests from Chesapeake Bay Critical Area Overlay
12 Zone requirements concerning property within the Chesapeake Bay Critical Area Overlay Zones,
13 shall be heard and, as appropriate, approved by the Planning Board.

14 [(11)] (10) Notices of variance requests concerning requirements applicable to cluster
15 developments, except home improvements as defined in Section 27-2500, Definitions, shall be
16 sent to the Planning Director for review and comment within five (5) days of filing with the
17 Board of Zoning Appeals.

18 * * * * *

19 **(g) Referral to Agencies**

20 Cases may be referred to any department or official who has processed or commented on an
21 application, for the purpose of clarifying, updating, or completing the record. Unless otherwise
22 provided in the referral, the agency or department shall respond within [21 calendar days for
23 minor cases and] 30 calendar days [for major cases,] or it shall be presumed to have no
24 comment on the application.

25 * * * * *

26 **27-3416. Notification**

27 (a) Within 30 days after a final decision on the following development applications, the
28 Planning Director, DPIE Director, or Clerk of the Council shall notify the applicant and any
29 persons of record of the decision, in writing, by first-class mail, postage prepaid. The date of the
30 notice shall be stated in the mailing. A copy of the decision shall be made available to the public
31 on the Planning Department’s, DPIE’s, or District Council website and in the Planning

1 Department, DPIE, or District Council offices during normal business hours, as appropriate:

- 2 (1) Minor amendments to detailed site plans (Section 27-3605(d)(11)(B))
- 3 (2) Sign permit (Section 27-3606);
- 4 (3) Temporary use permit (Section 27-3607);
- 5 (4) Use and occupancy permit (Section 27-3608);
- 6 (5) Zoning certification (Section 27-3609);
- 7 (6) Interpretation (Section 27-3612);
- 8 (7) Validation of permit issued in error (Section 27-3615);
- 9 (8) Authorization of permit within proposed right-of-way (ROW) (Section 27-3617);

10 and

- 11 (9) Certification of nonconforming use (Section [27-7200] 27-3620).

12 (b) Unless otherwise noted in Section 27-3500, Legislative Amendments, Area Master
 13 Plans, and Sectional Map Amendment Review Procedures and Decision Standards, and Section
 14 27-3600, Application-Specific Review Procedures and Decision Standards, within thirty (30)
 15 days after a final decision on the following, when the Planning Director has responsibility to
 16 provide notification, the Planning Director [or Clerk of the Council] shall notify the applicant
 17 and all persons of record of the decision, in writing, by first-class mail, postage prepaid. The date
 18 of the notice shall be stated in the mailing. The Planning Director [or Clerk of the Council] shall
 19 make a copy of the decision available to all persons of record, municipalities within one mile of
 20 the land subject to the application, and all owners of land adjacent to, across the street from, on
 21 the same block as, and within 500 feet of the land subject to the application, and make a copy of
 22 the decision available to the public on the Planning Department's website and in the Planning
 23 Department office [respective websites of the Planning Department and District Council and in
 24 the Planning Department and District Council's offices] during normal business hours. Where
 25 the Clerk of the Council has responsibility to provide notification of final decisions on the
 26 following, the Clerk shall notify all persons of record of the decision, in writing, by first-class
 27 mail, postage prepaid and make a copy of the decision available to all persons of record:

- 28 (1) Comprehensive plans and amendments (Section 27-3501);
- 29 (2) Sectional map amendments (Section 27-3503);
- 30 (3) Zoning map amendment (ZMA) (Section 27-3601);
- 31 (4) Planned development (PD) Zoning Map amendment (Section 27-3602);

1 (5) Chesapeake Bay Critical Area Overlay zoning map amendment (CBCAO)
2 (Section 27-3603);

3 (6) Detailed site plan (Section 27-3605(d));

4 (7) Variances associated with a parent application (Section 27-3613);

5 (8) Minor departure (Section 27-3614(c)); and

6 (9) Major departure (Section 27-3614(e)).

7 [(c) Within 30 days after a final decision on the following development applications, the
8 Clerk of the Council shall notify the applicant and all persons of record of the decision, in
9 writing, and shall make a copy of the decision available to all persons of record, municipalities
10 within one mile of the land subject to the application, and all owners of land adjacent to, across
11 the street from, on the same block as, and within 500 feet of the land subject to the application,
12 and make a copy of the decision available to the public on the respective websites of the
13 Planning Department and District Council and in the Planning Department and District Council's
14 offices during normal business hours:]

15 [(1) (10) Special exception (Section 27-3604); and

16 [(2) (11) Minor change to approved special exception (Section 27-3604(i)).

17 [(d) (c) Within 30 days after a final decision on the following development applications,
18 the Board of Appeals (BOA) shall notify the applicant and all persons of record of the decision,
19 in writing, by first-class mail, postage paid. The date of the notice shall be stated in the mailing.
20 The Planning Director or Clerk of the Council shall [: of the decision, in writing, and shall make
21 a copy of the decision available to all persons of record, municipalities within one mile of the
22 land subject to the application, and all owners of land adjacent to, across the street from, on the
23 same block as, and within 500 feet of the land subject to the application, and] make a copy of the
24 decision available to the public on the [Planning Department's] Board of Appeals' website and in
25 the [Planning Department] office[s] during normal business hours:

26 (1) Variances not associated with a parent application (Section 27-3613); and

27 (2) Appeals to BOA (Section 27-3616).

28 (d) After the conclusion of any hearing held by the Zoning Hearing Examiner, the Zoning
29 Hearing Examiner shall prepare and mail or provide electronically all persons of record a written
30 decision containing specific findings of basic facts, conclusions of law, and either a
31 recommended disposition of the case or a final decision. This decision shall be filed with the

1 District Council at this same time.

2 (e) Within seven (7) days after a final decision on an expedited transit-oriented
3 development application, the Planning Board shall send written notice of the Planning Board's
4 decision, including a copy of the decision, to the Clerk of the Council, all persons of record, and
5 the applicant.

6 * * * * *

7 **27-3417. Appeal**

8 Any appeal of a decision on an application shall be in accordance with [State law and Section
9 27-3500, Legislative Amendments, Area Master Plans, and Sectional Map Amendment Review
10 Procedures and Decision Standards, and] Section 27-3600, Application-Specific Review
11 Procedures and Decision Standards.

12 * * * * *

13 **27-3419. Examination and Copying of Application/Other Documents.**

14 (a) Each development application (including all materials filed with the application)
15 accepted as complete or processed in accordance with Section 27-3404(b)(2), and any Technical
16 Staff Report prepared in accordance with Section 27-3406(c)(1), Technical Staff Report, shall be
17 published on the Planning Board website.

18 (b) At any time, upon reasonable request and during normal business hours, any person
19 may examine a development application, a Technical Staff Report, and materials submitted for
20 an application in the Planning Director's, DPIE Director's, BOA's, or Clerk of the Council's
21 office, as appropriate. Any individual who personally appears at the office of the custodian of the
22 materials may [obtain copies free of charge] receive copies at a reasonable cost where permitted;
23 copies pertaining to Zoning Map Amendment applications are free of charge. Copies of such
24 materials shall be made available at a reasonable cost if requested to be mailed.

25 * * * * *

26 **Sec. 27-3500 Legislative Amendments, Master Plans, and Sectional Map Amendment**
27 **Review and Decision Standards**

28 * * * * *

29 **27-3502. General Plan, Functional Master Plans, Area Master Plans, and Sector Plans**

30 * * * * *

31 **(d) Preparation**

1 (1) In preparing the General Plan, Area Master Plan, Sector Plan, or Functional
2 Master Plan, or an amendment to an Area Master Plan, Sector Plan, or Functional Master Plan,
3 (hereinafter staff draft plan), and potential concurrent sectional map amendment (with either an
4 Area Master Plan or Sector Plan only), if appropriate, the Planning Director shall coordinate
5 efforts with appropriate Federal, State, and County agencies.

6 (2) After completion of the staff draft plan, the Planning Director shall forward the
7 plan, and sectional map amendment, if included, to the Planning Board for its review. The plan,
8 and amendment, if included, shall be made available for public review and copying in the office
9 of the Planning Director, and placed on the M-NCPPC website.

10 (3) A copy of the staff draft plan, and proposed sectional map amendment, if
11 included, shall be transmitted to the County Executive and each municipality whose territorial
12 boundaries are within or are located within one mile of that area. The County Executive and the
13 municipalities shall be advised to refer their comments on the staff draft plan, and sectional map
14 amendment, if included, to the Planning Board at the scheduled public hearing(s). Each
15 municipality shall have 60 days to provide its recommendation on any proposed rezoning for
16 property within its corporate boundary. The failure of the County Executive to submit comments
17 or a recommendation prior to the close of the public hearing record shall be presumed to indicate
18 no objection.

19 (4) The Planning Board shall grant permission to print the staff draft plan not more
20 than eight (8) months after the District Council directs its preparation.

21 (5) If issues arise during the preparation of the staff draft plan which the Planning
22 Board believes sufficient analysis would result in an extension beyond the eight (8) months
23 preparation time, the issues shall be brought to the attention of the District Council. If the District
24 Council concurs, they shall grant an appropriate amount of time to perform the additional
25 analysis.

26 * * * * *

27 **(h) Post-Decision Actions**

28 **(1) Final Adoption**

29 After approval of a General Plan, Area Master Plan, Sector Plan, or Functional Master
30 Plan by the District Council, the full Commission of the M-NCPPC shall take action to adopt the
31 plan, and if a concurrent sectional map amendment is included, certify the zoning map.

1 (2) Publication and Filing

2 After the Commission’s final adoption and approval of the approved plan, the
3 Commission shall publish the approved plan and make it available to the public. In addition, an
4 attested copy of every approved plan or sectional map amendment, if adopted, shall be certified
5 by the Planning Board and filed with the Clerk of the Circuit Court for Prince George's County.

6 (3) Amendments

7 An amendment of a comprehensive plan that exceeds the parameters of Subsection [27-
8 3502(h)(3) above] 27-3502(i), below, may only be reviewed in accordance with the procedures
9 and standards established for its original approval.

10 (4) Evaluate Whether to Amend Area Master Plans or Sector Plans

11 At least every six (6) years, the District Council shall evaluate, in accordance with
12 State law, whether approved Area Master Plans or Sector Plans should or should not be
13 amended, and provide the reasons for the decision in writing.

14 (5) Review and Evaluate General Plan

15 The General Plan shall be reviewed and evaluated within two (2) years of the
16 completion of each decennial census.

17 (i) **Minor Plan Amendment**

18 * * * * *

19 (2) A minor plan amendment may be utilized to advance defined public objectives,
20 and shall be limited to:

21 (A) A geographic area which is not more than fifty (50) percent of the applicable
22 plan area, and not limited to a single parcel of land or landowner; and

23 (B) Specific issues regarding public planning objectives; or

24 (C) An action to correct errors in the text or maps in the applicable plan.

25 (3) In no instance, however, shall a minor amendment process be used to:

26 (A) Rezone any land;

27 (B) Change a General Plan center designation;

28 (C) Make any amendment that would require major transportation or public
29 facilities analysis or revised water and sewer classification[.]; or

30 (D) Amend the County’s growth boundary.

1 (4) The Resolution initiating a minor amendment shall set forth the objectives
2 required in Section 27-3502(i)(3) above, and specify the purpose and scope of the proposed
3 amendment, and identify the date of the joint public hearing on the amendment.

4 (5) Following the joint public hearing, the Board shall take action on the proposed
5 minor plan amendment to adopt, adopt with amendments, remand, or disapprove the minor plan
6 amendment.

7 (6) The Planning Board shall transmit the adopted minor plan amendment and a
8 technical staff report analyzing the minor plan amendment within [forty-five (45)] one hundred
9 twenty (120) days of the date of the joint public hearing.

10 * * * * *

11 **Sec. 27-3503 Sectional Map Amendment (SMA)**

12 * * * * *

13 **(a) Applicability**

14 * * * * *

15 **(4) Prohibited Rezonings Via Sectional Map Amendments**

16 A map amendment to the following zones shall not be established through a sectional
17 map amendment:

- 18 (A) [The NCO Zone;
- 19 (B)] The CBCAO Zone;
- 20 [(C)](B) The APAO Zone;
- 21 [(D)](C) A PD zone;
- 22 [(E)](D) The RMH, LCD, LMXC, and LMUTC zones; or
- 23 [(F)](E) If the land subject to the proposed amendment is wholly or partially

24 within the Safety Zones of the MIO Zone, the following zones:

- 25 (i) Any Transit-Oriented/Activity Center base zone;
- 26 (ii) The RMF-12, RMF-20, RMF-48, CGO, CN, or CS zones;
- 27 (iii) A more-intense residential zone than the current residential zone on the
28 property;

29 [(G)](iv) If land is classified in a Rural and Agricultural or Residential
30 base zone, a more intense Rural and Agricultural or Residential base zone; or

1 **[H](v)** The ROS Zone, if the land subject to the proposed amendment is
2 not publicly-owned, unless the landowner has requested or consented, in writing, to the
3 amendment.

4 * * * * * * *

5 **Sec. 27-3600 Application-Specific Review Procedures and Decision Standards**

6 * * * * * * *

7 **27-3601 Zoning Map Amendment (ZMA)**

8 * * * * * * *

9 **(b) Applicability**

10 The procedures and standards of this Section apply to any amendment to the Official
11 Zoning Map that involves a specific parcel of land (commonly known as a "rezoning").

12 (1) Under no circumstance shall a zoning map amendment be approved to reclassify
13 lands wholly or partially within the Safety Zones of the MIO Zone into the following zones: any
14 Transit-Oriented/Activity Center base zone, any Planned Development (PD) zone, or the RMF-
15 12, RMF-20, RMF-48, IE, CGO, CN, or CS zones.

16 (2) Under no circumstance shall a zoning map amendment be approved to reclassify
17 lands to any of the following zones: RMH, LCD, LMXC, or LMUTC.

18 (3) No application shall be filed requesting more than one zone.

19 * * * * * * *

20 **(d) Zoning Map Amendment Submittal Requirements**

21 (1) The zoning map amendment application shall be submitted to the Planning
22 Director by the owner of the property or his authorized representative.

23 (2) Zoning map amendment plats and site plans shall be prepared by a licensed
24 professional engineer, architect, landscape architect, or land use planner.

25 (3) Upon filing the application, the applicant shall pay to the Planning Board a fee to
26 help defray the costs related to processing the application.

27 (4) If more than 1 drawing is used, all drawings shall be at the same scale (where
28 feasible).

29 (5) A zoning map amendment application shall include the following:

30 * * * * * * *

1 (C) Four copies of the zoning map page on which the property is located, plotted to scale
2 and outlined in red;

3 (D) A vicinity map;

4 (E) [A zoning sketch map with the subject property outlined in red;

5 (F)] A copy of the applicant’s informational mailing letter, list of addresses, and signed
6 affidavit of mailing;

7 [(G)](F) Any required State Ethics Commission affidavits;

8 [(H)](G) A statement of justification detailing the legal basis by which the requested
9 amendment can be approved, and any factual reasons showing why approval of the request will
10 not be detrimental to the public health, safety, and welfare; and

11 [(I)](H) Any other pertinent information deemed necessary by the District Council,
12 Zoning Hearing Examiner, or Planning Board.

13 * * * * *

14 **27-3602. Planned Development (PD) Map Amendment**

15 (a) **Planned Development (PD) Map Amendment Submittal Requirements**

16 (1) The PD map amendment application shall be submitted to the Planning Director
17 by the owner of the property or his authorized representative.

18 (2) PD map amendment plats and site plans shall be prepared by a licensed
19 professional engineer, architect, landscape architect, or land use planner.

20 (3) Upon filing the application, the applicant shall pay to the Planning Board a fee to
21 help defray the costs related to processing the application.

22 (4) If more than 1 drawing is used, all drawings shall be at the same scale (where
23 feasible).

24 (5) A PD map amendment application shall include the following:

25 * * * * *

26 (C) Four copies of the zoning map page on which the property is located, plotted
27 to scale and outlined in red;

28 (D) A vicinity map;

29 (E) [A zoning sketch map with the subject property outlined in red;

30 (F)] A copy of the applicant’s informational mailing letter, list of addresses, and
31 signed affidavit of mailing;

1 (G)](F) Any required State Ethics Commission affidavits;

2 [(H)](G) A statement of justification detailing the legal basis by which the
3 requested amendment can be approved, and any factual reasons showing why approval of the
4 request will not be detrimental to the public health, safety, and welfare;

5 [(I)](H) A proposed PD Basic Plan and proposed PD Conditions of Approval
6 addressing all requirements and standards set forth in Section 27-4300, Planned Development
7 Zones; and

8 [(J)](I) Any other pertinent information deemed necessary by the District
9 Council, Zoning Hearing Examiner, or Planning Board.

10 * * * * *

11 **Sec. 27-3603. Chesapeake Bay Critical Area Overlay (CBCAO) Zoning Map Amendment**

12 * * * * *

13 **(c) CBCAO Zoning Map Amendment Procedure**

14 * * * * *

15 **(3) Staff Review and Action**

16 See Section 27-3406, Staff Review and Action.

17 (A) After staff review and evaluation of the application, the Planning Director
18 shall prepare a Technical Staff Report, which shall include a recommendation, on the
19 application, including comments from the Critical Area Commission.

20 (B) The Technical Staff Report, along with the proposed CBCAO Zoning Map
21 amendment and zone boundaries, shall be made available for public review sixty (60) days prior
22 to the Planning Board public hearing.

23 * * * * *

24 **(6) Review and Decision by Decision-Making Body or Official**

25 See Section 27-3409, Review and Decision by Decision Making Body or Official.

26 (A) The District Council shall conduct a public hearing on the amendment in
27 accordance with Section 27-3412, Evidentiary Hearing, within sixty (60) days of receipt of the
28 Planning Board recommendation, and render a final decision in accordance with Section 27-
29 3603(d), CBCAO Zoning Map Amendment Decision Standards.

30 (B) The District Council may propose and approve changes to the amendment,
31 including any changes in the underlying base zones, except that no land within the Resource

1 Conservation Overlay Zone of the CBCAO zone may be amended to a Nonresidential base zone;
2 Transit-Oriented/Activity Center base zone or Planned Development zone; the RMH, LCD,
3 LMXC, or LMUTC zones; or the MU-PD zone.

4 * * * * *

5 **Sec. 27-3604. Special Exception**

6 * * * * *

7 **(e) Required Findings**

8 (1) A special exception may only be approved if:

9 (A) The proposed use and site plan are in harmony with the purpose of this
10 Subtitle;

11 (B) The proposed use is in conformance with all the applicable requirements and
12 regulations of this Subtitle;

13 (C) The proposed use will not substantially impair the integrity of any validly
14 approved Area Master Plan, Sector Plan, or Functional Master Plan, or, in the absence of an Area
15 Master Plan, Sector Plan, or Functional Master Plan, the General Plan;

16 (D) The proposed use will not adversely affect the health, safety, or welfare of
17 residents or workers in the area;

18 (E) The proposed use will not be detrimental to the use or development of
19 adjacent properties or the general neighborhood; and

20 (F) The proposed site plan is in conformance with an approved Type 2 Tree
21 Conservation Plan; and

22 (G) The proposed site plan demonstrates the preservation and/or restoration of
23 the regulated environmental features in a natural state to the fullest extent possible in accordance
24 with the requirements of Subtitle 24: Subdivision Regulations.

25 * * * * *

26 **Sec. 27-3605. Detailed Site Plan.**

27 **(a) Applicability**

28 (1) Detailed site plan approval is required prior to the issuance of a building permit
29 for any development, unless exempted in accordance with Section 27-3605(a)(2) below.

30 (2) Unless associated with a parent application, [T] the following types of
31 development are exempt from the requirements of detailed site plan review but shall be required

1 to file for all other appropriate permits and demonstrate compliance with the regulations of this
2 Zoning Ordinance:

- 3 (A) Permits for alteration with no increase in the gross floor area;
- 4 (B) Permits for additions or alterations of residential dwelling units on land
5 owned by a cooperative housing corporation;
- 6 (C) Canopies attached to a building and freestanding canopies;
- 7 (D) Fences and walls;
- 8 (E) Decks, gazebos, patios, or other improvements typically associated with
9 residential development;
- 10 (F) Generators or other mechanical equipment for operation of permitted uses
11 on-site;
- 12 (G) Routine repair and maintenance;
- 13 (H) Signage;
- 14 (I) Resurfacing, restriping, or adding landscaping and/or stormwater
15 management facilities to existing parking and loading facilities;
- 16 (J) Restoration or reconstruction of a nonconforming building or structure (a
17 special exception shall be required to restore or reconstruct a nonconforming building or
18 structure);
- 19 (K) Changes in use or occupancy and/or ownership, including but not limited to
20 exemptions contained in Section 27-3608(b)(2);
- 21 (L) All uses in the Agriculture/Forestry Uses Category and the Open Space Uses
22 Category;
- 23 (M) Construction, expansion, or alteration of single-family detached, two-family,
24 and/or three-family dwelling;
- 25 (N) Construction, expansion, or alteration of townhouse and/or multifamily
26 dwelling development of less than ten (10) units;
- 27 (O) Construction, expansion, or alteration of nonresidential development
28 consisting of less than a total of twenty-five thousand (25,000) square feet of gross floor area;
29 and
- 30 (P) Construction, expansion, or alteration of mixed-use development with less
31 than ten thousand (10,000) square feet of gross floor area and/or less than ten (10) dwelling units.

* * * * *

27-3608. Use and Occupancy Permit

(a) General

This Section provides a uniform mechanism for the review of proposed development prior to issuance of a building permit or other permit that allows development to occur, to ensure it complies with this Ordinance and any conditions of approval imposed as part of any required development approvals or permits.

(b) Applicability

(1) Unless exempted in accordance with Section 27-3608(b)(2) below, a use and occupancy permit shall be approved in accordance with the procedures and standards of this Section, prior to any of the following development activities:

- (A) Use of a building, structure, or land;
- (B) Conversion of a building, structure, or land from one use to another use;
- (C) Construction of a building or structure, or placement of a new use on land;
- (D) Conversion of a single-family detached dwelling to include additional dwelling units;
- (E) Changes in ownership or tenancy (except changes in residential tenancy), regardless of whether the use has changed; [or]
- (F) Establishment of any home occupation[.] or
- (G) Establishment of any before- and after-school recreational program.

(2) The following development is exempted from the requirements of this Section:

- (A) Development in the Agriculture/Forestry Uses and the Open Spaces Uses Principal Use Categories (except cemeteries);
- (B) Single-family dwellings (other than a new single-family dwelling) used for a single family; and
- (C) Accessory uses (except for home occupation, before- and after-school recreational program, and tourist home).

(3) Unless otherwise specified in this Ordinance, any proposed use shall obtain any other applicable County, municipal, State, or Federal permits.

(c) Use and Occupancy Permit Submittal Requirements

1 **(1)** Applications for use and occupancy permits shall be filed in duplicate on forms
2 provided by the Department of Permitting, Inspections, and Enforcement.

3 **(2)** No application for a use and occupancy permit shall be accepted by the
4 Department of Permitting, Inspections, and Enforcement unless all of the information required
5 on the forms and accompanying plans has been furnished by the applicant.

6 **(3)** Each application for a use and occupancy permit shall be accompanied by
7 duplicate copies of a plat or site plan, drawn to scale, showing:

8 **(A)** The lot on which the building is proposed to be erected or used, including lot
9 dimensions, lot and block numbers, and subdivision name (if any);

10 **(B)** Names and widths of abutting streets;

11 **(C)** Locations, gross floor area, dimensions, height and setbacks of existing and
12 proposed buildings and other structures on the lot;

13 **(D)** The proposed use of buildings and other structures for which the permit is
14 requested;

15 **(E)** North arrow and scale of the plan;

16 **(F)** The layout (drawn to scale) of off-street parking and loading areas, and a
17 parking and loading schedule showing parking and loading requirements (and how they are met)
18 for all uses on the property;

19 **(G)** Elevation drawings of all building facades;

20 **(H)** Any other documentation or drawings necessary to demonstrate compliance
21 with the standards and regulations of any pertinent use-specific standards (see Part 27-5, Use
22 Regulations) and any application development standards contained in Part 27-6, Development
23 Standards;

24 **(I)** A landscape plan showing all landscaping, buffering, and screening of the
25 proposed development, pursuant to the provisions of the Landscape Manual; and

26 **(J)** Any other information which the Director of the Department of Permitting,
27 Inspections, and Enforcement determines is necessary.

28 **(4)** If the use and occupancy permit involves a commercial or industrial use,
29 including such uses where permitted in Rural and Agricultural zones, Residential zones, [mixed-
30 use zones, and comprehensive design zones,] Transit -Oriented/Activity Center base and PD
31 zones, and the LCD, LMXC, and LMUTC zones, located within the boundaries of a

1 municipality, notice that the application has been accepted for filing shall be provided to the
2 municipal government.

3 **(d) Use and Occupancy Permit Procedure**

4 This Subsection identifies additions or modifications to the standard review procedures in
5 Section 27-3400, Standard Review Procedures, that apply to development applications for a use
6 and occupancy permit. Figure 27-36089(c) identifies key steps in the use and occupancy permit
7 procedure.

8 * * * * *

9 **(1) Application Submittal**

10 See Section 27-3404, Application Submittal and 27-3608(c), Use and Occupancy
11 Permit Submittal Requirements. Applications for use and occupancy permits shall be submitted
12 to the DPIE Director.

13 **(2) Determination of Completeness**

14 See Section 27-3404, Determination of Completeness. The DPIE Director determines
15 whether the application is complete.

16 **(3) Staff Review and Action**

17 See Section 27-3406, Staff Review and Action.

18 **(A)** After staff review and evaluation of the application, and referral to the
19 Planning Director for comment, the DPIE Director shall make a decision on an application for a
20 use and occupancy permit in accordance with the standards in Section 27-3608(e), Use and
21 Occupancy Permit Decision Standards. The decision shall be one of the following:

- 22 **(i)** Approve the application as submitted;
- 23 **(ii)** Approve the application subject to conditions of approval; or
- 24 **(iii)** Disapprove the application.

25 **(B)** If the application is denied, a written statement shall be included with the
26 application stating the reasons why the application does not comply with the decision standards.

27 **(C)** If the application involves a commercial or industrial use including such
28 uses where permitted in Rural and Agricultural zones, Residential zones, Transit-
29 Oriented/Activity Center base and PD zones, and the LCD, LMXC, and LMUTC zones located
30 within the boundaries of a municipality, the DPIE Director shall provide notice, in writing, to the

1 municipality, that the application has been submitted and is being reviewed in accordance with
2 the requirements of this [Subs]Section.

3 * * * * *

4 **27-3611. Building Permit**

5 * * * * *

6 **(c) Building Permit Submittal Requirements**

7 (A) Applications for building permits shall be filed in duplicate on forms provided by
8 the Department of Permitting, Inspections, and Enforcement.

9 (B) No application for a building permit shall be accepted by the Department of
10 Permitting, Inspections, and Enforcement unless all of the information required on the forms and
11 accompanying plans has been furnished by the applicant.

12 (C) Each application for a building permit shall be accompanied by duplicate copies
13 of a plat or site plan, drawn to scale, showing:

14 (i) The lot on which the building is proposed to be erected or used, including lot
15 dimensions, lot and block numbers, and subdivision name (if any);

16 (ii) Names and widths of abutting streets;

17 (iii) Locations, gross floor area, dimensions, height and setbacks of existing and
18 proposed buildings and other structures on the lot;

19 (iv) The proposed use of buildings and other structures for which the permit is
20 requested;

21 (v) North arrow and scale of the plan;

22 (vi) The layout (drawn to scale) of off-street parking and loading areas, and a
23 parking and loading schedule showing parking and loading requirements (and how they are met)
24 for all uses on the property;

25 (vii) Elevation drawings of all building facades;

26 (viii) Any other documentation or drawings necessary to demonstrate compliance
27 with the standards and regulations of any pertinent use-specific standards (see Part 27-5, Use
28 Regulations) and any application development standards contained in Part 27-6, Development
29 Standards;

30 (ix) A landscape plan showing all landscaping, buffering, and screening of the
31 proposed development, pursuant to the provisions of the Landscape Manual; and

1 (x) Any other information which the DPIE Director determines is necessary.

2 (D) If the building permit involves a commercial or industrial use, including such uses
3 where permitted in Rural and Agricultural zones, [r]Residential zones, [mixed-use zones, and
4 comprehensive design zones,] Transit-Oriented/Activity Center base and PD zones, and the
5 LCD, LMXC, and LMUTC zones, located within the boundaries of a municipality, notice that
6 the application has been accepted for filing shall be provided to the municipal government.

7 * * * * *

8 (f) **Permits of a Minor Nature**

9 Permits of a minor nature shall not require referral to the Planning Board or Planning
10 Director for review and comment. Permits of a minor nature shall be approved by the District
11 Council upon the recommendation of the Planning Board and the Director of the Department of
12 Permitting, Inspections, and Enforcement, and shall be maintained on a list available for public
13 inspection in each of these offices. Any permits issued pursuant to these provisions shall not be
14 subject to the requirements of this Subtitle. This exception shall not apply to any property which
15 is located within a historic district or listed on the Functional Master Plan for historic
16 preservation as a historic resource; properties subject to Subtitle 25 of the County Code; or
17 properties within the Chesapeake Bay Critical Area Overlay (CBCAO) Zone.

18 Permits of a minor nature consist of:

- 19 (1) Boilers and/or mechanical equipment located inside buildings.
- 20 (2) Replacement and installation of windows and pedestrian doors, excluding bay,
21 bow, and commercial customer service windows.
- 22 (3) Replacement in kind and/or removal of underground tanks (water, gas, or oil)
23 except within the Chesapeake Bay Critical Area.
- 24 (4) Building siding without expansion of exterior walls.
- 25 (5) Roofing and weatherproofing without increasing height of building.
- 26 (6) Interior alteration of single-, two-, and three-family dwelling units with no change
27 in use.
- 28 (7) Restoration of single-family detached dwellings after fire or flood damage, or
29 repair of general deterioration, including pedestrian entrances, with no expansion of exterior
30 walls or roof.
- 31 (8) Removal of interior partitions with no change of use.

1 (9) All interior life-safety improvements, exterior life-safety improvements with no
 2 expansion of exterior walls or roof, and fire escapes and other means of emergency egress, all
 3 with no change in use.

4 (10) Alterations or additions which are being made in order to comply with the
 5 Maryland Accessibility Code, (Maryland Building Code for the Handicapped, Code of Maryland
 6 Regulations, Section .05.02.02) except within the Chesapeake Bay Critical Area Overlay
 7 (CBCAO) Zone.

8 (11) Trailers used exclusively by the County Police Department in commercial parking
 9 lots for which the permit shall automatically expire when the trailer is vacated by the Police
 10 Department.

11 (12) Commercial and residential satellite dishes not exceeding eighteen (18) inches in
 12 diameter.

13 (13) Steps and ground level patios (except within the Chesapeake Bay Critical Area
 14 Overlay (CBCAO) Zone).

15 (14) Residential fences (maximum six feet) that are not subject to detailed site plan
 16 (minor or major), Chesapeake Bay Critical Area Conservation Plan, or any other type of site
 17 plan; do not include or abut a property with a designated historic resource; and are not subject to
 18 utility easements, storm drain or surface drainage easements, or floodplain easements.

19 (15) Sheds that do not otherwise require a building permit except within the
 20 Chesapeake Bay Critical Area Overlay (CBCAO) Zone.

21 (16) All stadium wayfinding signs located within parking areas at a stadium.

22 (17) Minor Residential Permits (except within the Chesapeake Bay Critical Area
 23 Overlay (CBCAO) Zone):

24 (A) Bay windows.

25 (B) Decks.

26 (C) External steps.

27 (D) Masonry barbecue grills.

28 (E) Patios.

29 (F) Swimming Pools.

30 (G) Fences on sites that are subject to detailed site plan (minor or major),
 31 Chesapeake Bay Critical Area Conservation Plan, or other type of site plan (excluding special

1 exceptions); include or abut a property with a designated historic resource; or that are subject to
2 utility easements, storm drain or surface drainage easements, or flood plain easements.

3 * * * * *

4 **27-3613. Variance**

5 **(a) General**

6 This Section establishes a uniform mechanism to allow certain variances from the
7 dimensional standards (such as height, yard setback, and lot area) and certain development
8 standards of this Ordinance (Part 27-6: Development Standards) when their strict application
9 would result in unnecessary hardship.

10 **(b) Applicability**

11 **(1)** The procedures and standards in this Section apply to the review of and decision
12 on applications for a variance from the following standards.

13 **(A)** The intensity and dimensional standards in Part 27-4: Zones and Zone
14 Regulations;

15 **(B)** [To hear and decide appeals where it is alleged that, in the administration of
16 this Subtitle, there is error in the refusal of a building or use and occupancy permit, or any other
17 decision of the DPIE Director, the Planning Board, or any other person or body authorized to
18 administer this Subtitle; and

19 **(C)** The private sidewalks and private street tree standards in the Planned
20 Development (PD) zones specified in Section 27-4300, Planned Development Zones.

21 **(2)** Variances are not allowed for requests to:

22 **(A)** Amend the text of this Ordinance or the Official Zoning Map;

23 **(B)** Permit a use in a zone where it is prohibited;

24 **(C)** Eliminate the requirement that a special exception be granted for a use;

25 **(D)** Amend or deviate from the use-specific standards in Section 27-5102,
26 Requirements for Permitted Principal Uses, Section 27-5203, Standards Specific to Accessory
27 Uses and Structures, Section 27-5303, Standards Specific to Temporary Uses and Structures, and
28 Section 27-5400, Special Exception Standards.

29 **(E)** Waive or modify any procedural requirements or application submission
30 fees;

31 **(F)** Waive or modify any condition(s) of approval specifically imposed as part

1 of the approval for a development approval or permit;

2 (G) Waive a specific finding required to be made in taking action on any
3 development approval or permit in accordance with this Ordinance;

4 (H) Seek any change to the standards of this Zoning Ordinance which may be
5 requested and granted in accordance with a minor departure or major departure, or minor
6 administrative waiver or modification, in accordance with Section 27-3614, Departure (Minor
7 and Major), nor any change to the standards specified in that Section that may exceed the
8 maximum departure (minor or major) percentage from standard which may be granted by the
9 Planning Director or Planning Board ;

10 (I) Grant a variance denied by the District Council or the ZHE;

11 (J) Grant additional time for a use for which a use and occupancy permit has not
12 been issued;

13 (K) Waive or modify any requirements of the CBCA (except where permitted in
14 Subtitle 5B of the Prince George’s County Code), APA, or MIO overlay zones;

15 (L) Grant a variance from any of the requirements of Subtitle 5B of the County
16 Code;

17 (M) Grant a variance from lot size, setback, or similar requirements within the
18 corporate limits of a Municipal Corporation, if this authority has been delegated to a
19 municipality by the District Council;

20 (N) Grant a variance from any provision of this Subtitle applicable to, required
21 by, or concerning an adult entertainment use;

22 (O) Grant a variance concerning residential density which would result in an
23 increase in the maximum allowable number of dwelling units in a zone; and

24 (P) Grant a variance to any specific standards or requirements applicable to the
25 LCD, LMXC, or LMUTC zones.

26 (Q) Hear and decide upon an appeal from a decision of the Planning Board in
27 connection with the approval of a Detailed Site Plan;

28 (R) Grant a variance which is of a greater degree than a variance granted by the
29 District Council, where the variance granted by the Council is of less degree than requested from
30 the Council, provided:

31 (i) There has been no intervening Zoning Ordinance text amendment which

1 changes the nature of the variance request;

2 (ii) The Council has not erred in considering the original variance request; or

3 (iii) The proposed use has not changed from the one considered by the

4 Council;

5 (S) Grant a variance to any minimum net lot area requirement which would
 6 allow the recording of a subdivision plat for two (2) or more lots which have less than the
 7 minimum net lot area for the zone in which the property is located, unless the Planning Board
 8 approves a subdivision plat subject to the granting of the variance;

9 (T) Grant a variance to any minimum net lot area requirement which would
 10 allow development on each of two (2) or more abutting lots in the same ownership that could be
 11 combined or resubdivided to conform to the minimum net lot area requirements of the zone in
 12 which the property is located, unless the Planning Board approves a subdivision plat subject to
 13 the granting of the variance;

14 (U) Consider any application requesting additional time to cease a violation, if
 15 filed after the thirty (30) day appeal period on a zoning violation notice has expired and through
 16 such time that the case is pending in court on a civil citation relating to the violation notice;

17 (V) Grant a variance from requirements set forth in the Landscape Manual or
 18 any other provision of this Subtitle concerning landscaping, buffering, or screening;

19 (W) Consider any application requesting additional time to cease a violation
 20 involving a solid waste transfer station; and

21 (X) Grant a variance to any requirement concerning the keeping of animals or
 22 poultry (other than customary household pets).

23 (3) Development applications for a variance shall be reviewed and decided in one of
 24 the following ways:

25 (A) The review board or official (District Council, Planning Board, ZHE, or
 26 Planning Director) responsible for making a decision on a parent application (e.g., a special
 27 exception or detailed site plan) for which a variance is required shall concurrently review and
 28 make a decision on the parent application and the variance application.

29 (B) If a variance application is not required to be submitted with a parent
 30 application, the variance application shall be reviewed and decided by the BOA.

31 (4) Variances that comply with and are approved in accordance with the procedures

1 and standards of this Section are allowed in the NCO zones.

2 * * * * *

3 **(c) Variance Procedure**

4 * * * * *

5 **(10) Post-Decision Actions**

6 **(A) Effect of Approval**

7 Approval of a variance authorizes only the particular regulatory relief approved. It
8 does not exempt the applicant from the responsibility to obtain all other development approvals
9 and permits required by this Ordinance and any other applicable laws, and does not indicate that
10 the development for which the variance is granted should receive other development approvals
11 or permits, unless the relevant and applicable portions of this Ordinance or any other applicable
12 laws are met.

13 **(B) Lapse of Approval**

14 A variance allowing the construction of a building or structure shall not be valid
15 for more than the validity period of the parent application or two years, whichever is longer,
16 unless a building permit for the construction of the building or structure is obtained within this
17 period, and the construction is started and proceeds to completion in accordance with the terms
18 of the decision and the building permit.

19 **(C) Refiling**

20 If the District Council, Planning Board, Board of Appeals, or Zoning Hearing
21 Examiner denies an appeal involving a variance, no further appeal covering the same specific
22 subject on the same property shall be filed within the following twelve (12) month period. If the
23 second appeal is also denied, no other subsequent appeals covering the same specific subject on
24 the same property shall be filed within each eighteen (18) month period following the respective
25 denial.

26 * * * * *

27 **27-3614. Departure (Minor and Major)**

28 **(a) General**

29 This Section provides a uniform mechanism to allow departures from certain dimensional
30 or development standards of this Ordinance in specific circumstances, in order to better
31 accomplish the purposes of this Ordinance.

(b) Applicability

This Section establishes two types of departures: minor departures and major departures. It also addresses minor administrative changes, waivers, or modifications to specific development standards contained in Part 27-6, Development Standards.

(1) Minor Departures

Minor departures are decided by the Planning Director. Minor departures may be requested and granted for the standards identified in Table 27-3614(b)(1): Minor Departures, up to the limits set forth in the table. A variance (see Section 27-3613, Variance) may not be requested for a minor change for which a minor departure may be requested in accordance with this Section. Minor departures may be granted to make minor changes to approved PD Basic Plans.

Table 27-3614(b)(1): Minor Departures		
STANDARD	MAXIMUM DEPARTURE (PERCENTAGE DEPARTURE FROM STANDARD)	
	TRANSIT-ORIENTED/ACTIVITY CENTER BASE AND PLANNED DEVELOPMENT ZONES AND BASE AND PLANNED DEVELOPMENT ZONES INSIDE THE CAPITAL BELTWAY	ALL OTHER ZONES
Block design standards in Section 27-6206(k), Block Design	40	30
Vehicle stacking spaces standards in Table 27-6206(m)(1)(A): Minimum Stacking Spaces for Drive-Through Facilities and Related Uses, in Section 27-6206(m), Vehicle Stacking Space	40	30
Numerical standards in Section 27-6304(i), Large Vehicular Use Areas (300 or More Spaces)	20	30
Off-street parking standards in Section 27-6305(a): Minimum Number of Off-Street Parking Spaces, in Section 27-6305, Off-Street Parking Space Standards	30	20
Numerical standards in Section 27-6306: Dimensional Standards for Parking Spaces and Aisles, in Section 27-6306, Dimensional Standards for Parking Spaces and Aisles	30 (1)	20 (1)
Numerical standards in Section 27-6310, Loading Area Standards	30	20
Location of off-street parking in Section 27-6903(b), Location of Off-Street Parking, in the Multifamily, Townhouse, and Three-Family Form and Design Standards	20	30
Numeric building length standards in Section 27-6903(d), Maximum Building Length, in the Multifamily, Townhouse, and Three-Family Form and Design	20	30

Table 27-3614(b)(1): Minor Departures		
STANDARD	MAXIMUM DEPARTURE (PERCENTAGE DEPARTURE FROM STANDARD)	
	TRANSIT-ORIENTED/ACTIVITY CENTER BASE AND PLANNED DEVELOPMENT ZONES AND BASE AND PLANNED DEVELOPMENT ZONES INSIDE THE CAPITAL BELTWAY	ALL OTHER ZONES
Standards		
Numeric building façade standards in Section 27-6903c, Building Facades, in the Multifamily, Townhouse, and Three-Family Form and Design Standards	20	30
Numerical building façade/transparency standards in Section 27-6903(g), Building Façade Fenestration/Transparency, in the Multifamily, Townhouse, and Three-Family Form and Design Standards	20	30
Numerical offsets in Section 27-61002(d), Façade Articulation, in the Nonresidential and Mixed-Use Form and Design Standards	20	30
Numerical building façade fenestration/transparency standards in Section 27-61002(f), Building Façade Fenestration/Transparency, in the Nonresidential and Mixed-Use Form and Design Standards	20	30
Location of off-street parking in Section 27-61003(e), Off-Street Parking Location Standards, in the Large Retail Form and Design Standards	30	20
Numerical buffer width standards in Section 27-61303(a)(2), Buffer Width, in the Agricultural Compatibility Standards	No Departure	30
Numerical standards in Section 27-61504, General Standards, in the Signage standards	20	30
Numerical standards in Section 27-61505, Standards for Specific Sign Types, in the Signage standards	20	30
Numerical standards in Section 27-61506, Standards for Special Purpose Signs, in the Signage standards	20	30
Numerical standards in Section 27-61507, Standards for Temporary Signs, in the Signage standards	20	30
NOTES:		
(1) Minimum dimensional standards for parking spaces shall not be reduced below the requirements established for compact parking spaces.		

(2) Major Departures

Major departures are decided by the Planning Board. Major departures may be requested for the standards identified in Table 27-3614(b)(2): Major Departures, up to the limits set forth in the table. A variance (see Section 27-3613, Variance) may not be requested for a deviation for which a major departure may be requested in accordance with this Subsection. Major departures may not be granted to make changes to approved PD Basic Plans. Instead,

1 applicants seeking such changes may only amend the approved PD Basic Plan in accordance
 2 with the procedures and standards established for its original approval (see Section 27-3602,
 3 Planned Development (PD) Zoning Map Amendment).

Table 27-3614(b)(2): Major Departures		
Standard	Maximum Departure (percentage from standard)	
	Transit-Oriented/Activity Center Base Zones and Base Zones Inside the Interstate Capital Beltway	All Other Base Zones
Vehicle stacking spaces in Table 27-6206(m)(1)(A): Minimum Stacking Spaces for Drive-Through Facilities and Related Uses, in Section 27-6206(m), Vehicle Stacking Space	70	50
Off-street parking standards in Section 27-6305(a): Minimum Number of Off-Street Parking Spaces, in Section 27-6305, Off-Street Parking Space Standards	70	50
Numerical standards in Section 27-6310, Loading Area Standards	70	50
Location of Off-street parking in Section 27-6903(b), Location of Off-Street Parking, in the Multifamily, Townhouse, and Three-Family Form and Design Standards	No Departure	50
Numeric building length standards in Section 27-6903(d), Maximum Building Length, in the Multifamily, Townhouse, and Three-Family Form and Design Standards	No Departure	40
Numerical building façade standards in Section 27-6903(e), Building Facades, in the Multifamily, Townhouse, and Three-Family Form and Design Standards	No Departure	50
Numerical offsets in Section 27-61002(d), Façade Articulation, in the Nonresidential and Mixed-Use Form and Design Standards	No Departure	50
Location of off-street parking in Section 27-61003(e), Off-Street Parking Location Standards, in the Large Retail Form and Design Standards	No Departure	40
Numerical buffer width standards in Section 27-61303(a)(2), Buffer Width, in the Agricultural Compatibility Standards	No Departure	50
Relief from the standards of the Landscape Manual where compliance is not possible and there is no feasible proposal for alternative compliance that can be approved	100	100
All standards in Section 27-4204(b), Standards Applicable to all Transit-Oriented/Activity Center Base Zones	100	Not Applicable
Standards or guidelines specified in any <u>Mixed-Use Town Center Development Plan (LMUTC Zone Only)</u>	<u>Not Applicable</u>	<u>100</u>

4 **(3) Departures Approved by the District Council or ZHE**

1 **(A) District Council**

2 When a departure associated with a parent application is pending before the
3 District Council, the Council may approve any departure listed in Table 27-3614(b)(1): Minor
4 Departures, or Table 27-3614(b)(2): Major Departures, with the exception of the standards for
5 which departures are prohibited. In action on such departure requests, the Council may approve
6 any amount of departure from said standard and is not constrained by the maximum percentages
7 otherwise applicable as set forth in these tables.

8 **(B) ZHE**

9 When a departure associated with a parent application is pending before the ZHE,
10 the ZHE may approve any departure listed in Table 27-3614(b)(1): Minor Departures, or Table
11 27-3614(b)(2): Major Departures, with the exception of the standards for which departures are
12 prohibited.

13 * * * * * * *

14 **(e) Major Departure Procedure**

15 This Subsection identifies additions or modifications to the standard review procedures in
16 Section 27-3400, Standard Review Procedures, that apply to applications for a major departure.
17 Figure 27-3614(e) identifies key steps in the major departure procedure.

18 * * * * * * *

19 **(1) Pre-Application Conference**

20 See Section 27-3401, Pre-Application Conference.

21 **(2) Pre-Application Neighborhood Meeting**

22 See Section 27-3402, Pre-Application Neighborhood Meeting.

23 **(3) Application Submittal**

24 See Section 27-2403, Application Submittal. At the discretion of the Planning
25 Director, development applications for major departures may be processed and reviewed
26 concurrently with parent development applications required by this Ordinance for development
27 of a project (e.g., special exception or detailed site plan).

28 **(4) Determination of Completeness**

29 See Section 27-3404, Determination of Completeness.

30 **(5) Staff Review and Action**

1 See Section 27-3406, Staff Review and Action. After staff review and evaluation of
2 the application, the Planning Director shall prepare a Technical Staff Report, which shall include
3 a recommendation, on the application.

4 **(6) Scheduling Public Hearing and Public Notice**

5 See Section 27-3407, Scheduling of Hearings and Public Notice.

6 **(7) Review and Decision by Decision-Making Body or Official**

7 See Section 2-3409, Review and Decision by Decision Making Body or Official. The
8 Planning Board shall conduct a public hearing on the application in accordance with Section 27-
9 3412, Evidentiary Hearing, and make a decision in accordance with Section 27-3614(f),
10 Departure (Minor and Major) Decision Standards. The Planning Board's decision shall be by
11 resolution and shall set forth the Planning Board's findings of fact and conclusions to support the
12 decision. The decision shall be to:

- 13 (A) Approve the major departure;
- 14 (B) Approve the major departure, subject to conditions of approval; or
- 15 (C) Disapprove the major departure.

16 **(8) Conditions of Approval**

17 Allowed (see Section 27-3415, Conditions of Approval).

18 **(9) Notification**

19 See Section 27-3416, Notification.

20 **(10) Appeal**

21 The relief available to an applicant from the decision of the Planning Board on an
22 application for a major departure, that is not being reviewed concurrently within a parent
23 development application, is to the Circuit Court.

24 * * * * *

25 **27-3615. Validation of Permit Issued in Error**

26 * * * * *

27 **(d) Validation of Permit Issued in Error Procedure**

28 This Subsection identifies additions or modifications to the standard review procedures in
29 Section 27-3400, Standard Review Procedures, that apply to applications for validation of a
30 permit issued in error. Figure 27-3615(c) identifies key steps in the validation of permit issued in
31 error procedure.

1 **Figure 27-3615(c): Validation of Permit Issued in Error Procedure (Illustrative)**



2
3 **(1) [Pre-Application Neighborhood Meeting**

4 See Section 27-3402, Pre-Application Neighborhood Meeting).

5 **(2)] Application Submittal**

6 See Section 27-3403, Application Submittal. An application for a validation of permit
7 shall be submitted to the DPIE Director.

8 **[(3)] (2) Determination of Completeness**

9 See Section 27-3404, Determination of Completeness. The DPIE Director shall
10 determine whether the application is complete.

11 **[(4)] (3) Staff Review and Action**

12 See Section 27-3406, Staff Review and Action. The DPIE Director shall prepare [the
13 Technical Staff Report] a presentation of facts pertaining to the application in coordination with
14 the Planning Director[, with referrals to applicable departments and agencies]. The DPIE
15 Director shall forward the application[, and any accompanying material[, and the Technical
16 Staff Report] to the ZHE.

17 **[(5)] (4) Scheduling Public Hearing and Public Notice**

18 See Section 27-3407, Scheduling of Hearings and Public Notice.

[(6)] (5) Review and Recommendation by Advisory Board or Official

See Section 27-3408, Review and Recommendation by Advisory Board or Official.

(A) The ZHE shall conduct a public hearing on the application in accordance with Section 27-3412, Evidentiary Hearing. After the hearing is concluded, the ZHE shall make a decision on the application based on Section 27-3615(e), Validation of Permit Issued in Error Decision Standards. The decision shall contain specific findings of basic facts, conclusions of law, and a recommended decision, and shall constitute the record on the matter.

(B) The ZHE shall serve upon all persons of record a copy of the written decision.

[(7)] (6) Review and Decision by Decision-Making Body or Official

See Section 27-3409, Review and Decision by Decision-Making Body or Official)

(A) The District Council shall conduct an Oral Argument hearing on the application in accordance with Section 3414; Oral Argument Hearing, and render a final decision in accordance with Section 27-3615(e), Validation of Permit Issued in Error Decision Standards, based on the record. Persons of record may not introduce evidence not already in the record.

(B) The Council may, however, either upon written request by a person of record or upon its own motion, remand a case to the ZHE to reopen the record to receive and evaluate additional evidence. In addition, the Council may take judicial notice of any evidence contained in the record of any earlier phase of the approval process relating to all or a portion of the same land, including the approval of a preliminary plat of subdivision.

[(8)] (7) Conditions of Approval

Allowed (see Section 27-3415, Conditions of Approval).

[(9)] (8) Notification

See Section 27-3416, Notification.

[(10)] (9) Post-Decision Actions

An approved validation of a permit issued in error authorizes the applicant to undertake the uses, development, or activities authorized in the permit, as modified by the final decision of the District Council. Any building, structure, or use, for which a permit issued in error has been validated by the District Council in accordance with this Subsection shall be deemed a nonconforming building or structure, or a certified nonconforming use, unless otherwise specified by the Council when it validates the permit. The nonconforming building or structure,

1 or certified nonconforming use, shall be subject to all of the provisions of [Section 27-7200] Part
 2 27-7, Nonconforming Buildings, Structures, Uses, Lots, and Signs.

3 * * * * *

4 **27-3616. Appeal to Board of Appeals (BOA).**

5 **(a) General**

6 This Section establishes a uniform mechanism for appeal to the Board of Appeals (BOA)
 7 from an action or decision of the Planning Director or DPIE Director.

8 **(b) Applicability**

9 Appeals to the BOA may be taken by any person aggrieved by:

10 **(1) A denial of:**

- 11 **(A)** A sign permit (Section 27-3606);
- 12 **(B)** A temporary use permit (Section 27-3607);
- 13 **(C)** A use and occupancy permit (Section 27-3608);
- 14 **(D)** A grading permit (Section 27-3610);or
- 15 **(E)** A building permit (Section 27-3611).

16 **(2) A zoning enforcement action (Part 27-8);**

17 **(3) Errors in the refusal of a building or use and occupancy permit, or in any other**
 18 **decision of the Department of Permitting, Inspections, and Enforcement or any other person or**
 19 **body authorized to administer this Subtitle, where an appeal is not otherwise provided for.**

20 **(c) Appeal to BOA Submittal Requirements and Fees**

21 **(1)** Appeals may be made by any person who alleges that they are aggrieved by the
 22 refusal of a permit, by the issuance of a zoning violation notice, or other decision made in
 23 administering this Subtitle, except for a civil citation issued in accordance with Subtitle 28: Civil
 24 Monetary Fines or Penalties, of the County Code. For purposes of this subsection, "issuance of a
 25 zoning violation" means the earlier of the date of posting, the date of personal service, or if
 26 mailed, the date that the notice was postmarked.

27 **(2)** Appeals involving a variance shall be filed with the [Board] BOA only after the
 28 Department of Permitting, Inspections, and Enforcement refuses to issue a building or use and
 29 occupancy permit, or after it is alleged that the permit has been issued in error. The [Board] BOA
 30 may waive this requirement and allow the filing of the appeal prior to any action on the permit.

31 **(3)** Written appeals and requests to grant additional time to cease a violation shall be

1 made by letter filed with the [Clerk of the Board] Board Administrator.

2 (4) Appeals and requests to grant additional time to cease a violation shall be
3 numbered sequentially, docketed, and scheduled to be heard by the [Board] BOA. The schedule
4 shall be posted at least seven (7) days prior to the hearing date.

5 (5) The appellant shall pay the [Clerk of the Board] Board Administrator all expenses
6 of the appeal, including the cost estimated by the [Clerk] Administrator for sending notices and
7 advertising. [An application fee shall also be paid to the Clerk.] Any and all fees shall be made
8 payable to "PGC" through the Board Administrator. A separate fee for the cost of public notice
9 signs shall be paid to Prince George's County, Maryland. The fees are nonrefundable unless
10 (upon request of the appellant) the [Board] BOA finds that the fee was paid by mistake. All fees
11 must be paid at the time of filing, except as provided.

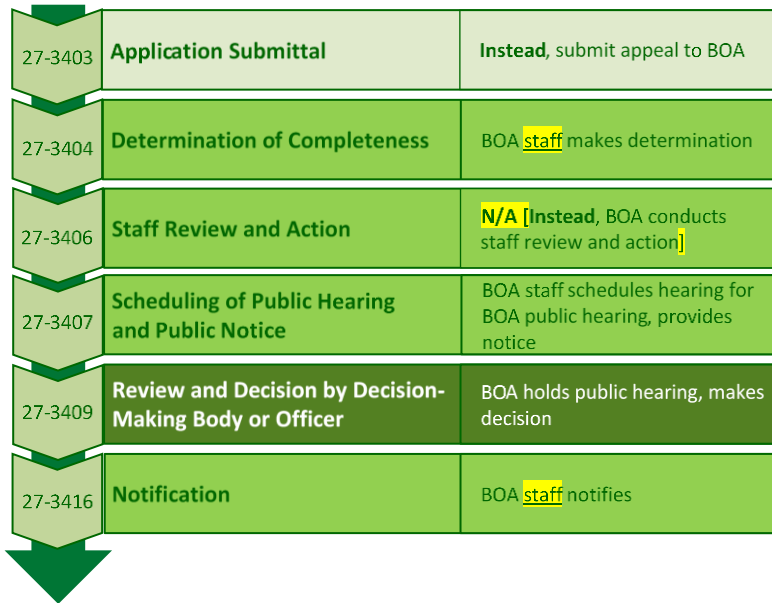
12 (6) In lieu of the fee the appellant may submit an affidavit claiming that payment of
13 the fee would be an extreme financial hardship. The hardship may only be claimed by a natural
14 person. The affidavit shall contain the information required by the County Director of Finance
15 and any other pertinent facts which the appellant feels are necessary.

16 (7) Upon filing the affidavit, the [Clerk] Administrator shall transmit it to the
17 Director of Finance (or his designee) who shall (within 10 working days) determine whether
18 payment of the fee is an extreme financial hardship on the appellant. Should the Director find
19 that hardship does not exist, the appellant shall be required to pay the fees before the appeal may
20 be heard by the [Board] BOA.

21 **(d) Appeal to BOA Procedure**

22 This Subsection identifies additions or modifications to the standard review procedures in
23 Section 27-3400, Standard Review Procedures, that apply to appeals to the BOA. Figure 27-
24 3616(c) identifies key steps in the procedure for appeal to the BOA.

1 **Figure 27-3616(c): Appeal to BOA Procedure (Illustrative)**



2
3 **(1) Application Submittal**

4 Applications for appeals shall be submitted to the BOA.

5 (A) Appeals may be made by any person (known in this Part as the "appellant")
6 alleging they are aggrieved by the denial of a permit, interpretation, zoning certification, or
7 enforcement action as identified in Section 27-3616(b) above.

8 (B) Appeals on a permit denial, interpretation, zoning certification, or
9 enforcement action shall specify the grounds for the appeal and shall be submitted to the BOA,
10 within 30 days after receipt of notice of the decision being appealed.

11 **(2) Determination of Completeness**

12 See Section 27-3404, Determination of Completeness. The determination that the
13 appeal application is complete shall be made by the BOA staff.

14 **(3) Staff Review and Action**

15 [The BOA conducts the staff review, and submits the staff review along with a copy of the
16 application, interpretation, or enforcement action and the record upon which the decision,
17 interpretation, or action appealed from is made] This subsection is not applicable to the BOA.

18 **(4) Scheduling Public Hearing and Public Notice**

19 See Section 27-3407, Scheduling of Hearings and Public Notice. In addition, in the
20 case of a request to grant additional time to cease a violation, notice shall also be sent to the
21 Zoning Enforcement Officer, who shall notify all persons who have made written or oral

1 complaints concerning the violation.

2 **(5) Review and Decision by Decision-Making Body or Official**

3 (A) Before making its decision on any appeal, or a request to grant additional
4 time to cease a violation, the BOA shall hold a public hearing in accordance with Section 27-
5 3412, Evidentiary Hearing. After the conclusion of the hearing, the BOA shall make a decision
6 on the appeal in accordance with Section 27-3616(e), Appeal to BOA Decision Standards. The
7 decision shall be one of the following:

- 8 (i) Affirmation of the action or decision, in whole or in part;
- 9 (ii) Modification of the action or decision, in whole or in part; or
- 10 (iii) Reversal of the action or decision, in whole or in part.

11 (B) The decision of the BOA shall include a statement of the findings of fact and
12 conclusions that support the decision. The resolution, or a copy of it, shall form part of the
13 minutes or other record of the BOA.

14 [(C) The BOA’s decision on an appeal is final 30 days after filing the written
15 decision.]

16 **(6) Notification**

17 See Section 27-3416, Notification, except BOA notifies.

18 **(e) Appeal to BOA Decision Standards**

19 The BOA may [modify or] reverse, affirm, or modify a decision, interpretation, or action
20 appealed, on finding substantial competent evidence in the record that:

- 21 (1) An error was made in determining whether a standard was met. The record shall
22 indicate that an error in judgment occurred or facts or provisions in this Ordinance were misread
23 in determining whether the particular standard was or was not met;
- 24 (2) The decision is based on a standard not contained in this Ordinance or other
25 applicable County ordinances or regulations; or
- 26 (3) The decision, interpretation, or action violates County, State, or Federal law.

27 * * * * *

28 **PART 27-4 ZONES AND ZONE REGULATIONS**

29 * * * * *

30 **Sec. 27-4200 Base Zones**

31 * * * * *

1 **27-4202. Residential Base Zones**

2 * * * * *

3 **(a) General Purposes of Residential Base Zones**

4 The Residential base zones established in this Section are intended to provide a
5 comfortable, healthy, safe, and pleasant environment in which to live and recreate. More
6 specifically, they are intended to:

7 (1) Provide appropriately located lands for residential development that are consistent with
8 the goals and policies of the General Plan and the applicable Area Master Plan or Sector Plan;

9 (2) Ensure adequate light, air, privacy, and open space for each dwelling, and protect
10 residents from the negative effects of noise, excessive population density, flooding, and other
11 significant adverse environmental impacts;

12 (3) Ensure protection from fires, explosions, toxic fumes and substances, and other public
13 safety hazards;

14 (4) Provide for residential housing choice, affordability, and diversity with varying
15 housing densities, types, and designs;

16 (5) Provide for safe and efficient vehicular, bicycle, and pedestrian access and circulation,
17 and neighborhoods that promote multiple forms of mobility;

18 (6) Provide for the public services and facilities needed to serve residential development;

19 (7) Protect the existing character of lands in the residential zones from incompatible
20 development;

21 (8) Accommodate new infill development and redevelopment that is consistent with the
22 context and the character of the residential zone in which it is located; and

23 (9) Promote sustainable development in terms of energy efficiency and conservation,
24 greenhouse gas reductions, food security, materials recycling, and similar sustainability goals.

25 * * * * *

26

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(a) Residential Estate (RE) Zone

* * * * *

(2) Intensity and Dimensional Standards

Standard[1]	Agricultural Uses	Single-Family Detached Dwelling	Other Uses	NOTES: du/ac = dwelling units per acre; sf = square feet; ft = feet
Density, max. (du/ac of net lot area)	No requirement	1.08	No requirement	[1] See measurement rules and allowed exceptions in Section 27-2200, Measurement and Exceptions of Intensity and Dimensional Standards.
Net lot area, min. (sf)	2 ac	40,000 [sf]	40,000 [sf]	[2] On corner lot, min. side yard depth alongside street = 25 ft. 6
1 Lot width, min. (ft)	50	120 [4]	50	[3] May be increased for certain purposes by approval of a special exception pursuant to Section 27-3604, Special Exception, and may be increased to forty (40) feet with approval of a Special Exception, if the building is used for agricultural purposes and is erected on property (used for agriculture) containing at least five (5) acres.
Lot frontage (width) at front street line, min. (ft)	40	70	40	[4] If the lot is served by an individual well or sewerage system, the min. width shall be 150 ft.
Lot coverage, max. (% of net lot area)	20	20	60	
2 Front yard depth, min. (ft)	25	25	25	
3 Side yard depth, min. (ft) [2]	17	17	17	
4 Rear yard depth, min. (ft)	25	25	25	
5 Principal structure height, max. (ft)	35	35	35	
Accessory structure height, max. (ft) [3]	15	15	15	

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(b) Residential, Rural (RR) Zone

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(2) Intensity and Dimensional Standards

Standard[1]	Single-Family Detached Dwelling	Other Uses	NOTES: du/ac = dwelling units per acre; sf = square feet; ft = feet
Density, max. (du/ac of net lot area)	2.17	No requirement	[1] See measurement rules and allowed exceptions in Section 27-2200, Measurement and Exceptions of Intensity and Dimensional Standards.
Net lot area, min. (sf)	20,000	20,000	[2] On corner lot, min. side yard depth alongside street = 25 ft. 6
1 Lot width, min. (ft)	80 [4]	100	[3] May be increased for certain purposes by approval of a special exception pursuant to Section 27-3604, Special Exception, and may be increased to forty (40) feet with approval of a Special Exception, if the building is used for agricultural purposes and is erected on property (used for agriculture) containing at least five (5) acres.
Lot frontage (width) at front street line, min. (ft)	70	70	[4] Minimum 100 ft of the lot is not served by a public or other approved water supply system.
Lot coverage, max. (% of net lot area)	25	60	
2 Front yard depth, min. (ft)	25	25	
3 Side yard depth, min. (ft) [2]	8	8	
4 Rear yard depth, min. (ft)	20	20	
5 Principal structure height, max. (ft)	40	40	
Accessory structure height, max. (ft) [3]	15	15	

* * * * *

(e) Residential, Single-Family Attached (RSF-A) Zone

* * * * *

(2) Intensity and Dimensional Standards

Standard[1]	Single-Family Detached Dwelling	Two-Family Dwelling	Three-Family Dwelling	Townhouse Dwelling	Other Uses	NOTES: du/ac = dwelling units per acre; sf = square feet; ft = feet
Density, max. (du/ac of net lot area)	8.70	32.66	12.44	16.33	No requirement	[1] See measurement rules and allowed exceptions in Section 27-2200, Measurement and Exceptions of Intensity and Dimensional Standards. [2] Applicable to the lot coverage of the development lot as a whole rather than individual lots under townhouse units. [3] On corner lot, min. side yard depth alongside street = 25 ft. 6 [4] Applicable to the buildings on the edges of the development lot as a whole. Within the development lot as a whole, a minimum separation of 8 feet is required between buildings.
Net lot area, min. (sf)	5,000	No requirement	No requirement	No requirement	6,500	[5] Applicable to the individual lots under townhouse units. The minimum lot width for the development lot as a whole shall be 100 ft.
1 Lot width, min. (ft)	50	60	40	20 [5]	45	[6] May be increased for certain purposes by approval of a special exception pursuant to Section 27-3604, Special Exception. Height may not exceed 2 stories.
Lot frontage (width) at front street line, min. (ft)	40	48	32	16	36	[7] <u>May be reduced to 0 feet when a 20-foot-wide or wider alley is provided, or to a range between 5 and 10 feet when an alley less than 20 feet in width is provided.</u>
Lot coverage, max. (% of net lot area)	40	45 [2]	40 [2]	45 [2]	60	
2 Front yard depth, min. (ft)	15	15	15	15	15	
3 Side yard depth, min. (ft) [3]	8	8 [4]	8 [4]	8 [4]	8	
4 Rear yard depth, min. (ft)	20	20 [7]	20	20 [7]	20	
5 Principal structure height, max. (ft)	40	50	40	50	40	
Accessory structure height, max. (ft) [6]	25	25	25	25	25	

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(g) Residential, Multifamily-20 (RMF-20) Zone

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(2) Intensity and Dimensional Standards

Standard[1]	Two-Family Dwelling	Three-Family Dwelling	Townhouse Dwelling	Multifamily Dwelling	Other Uses	NOTES: du/ac = dwelling units per acre; sf = square feet; ft = feet
Density, max. (du/ac of net lot area)	40.00	14.00	20.00	20.00	No requirement	[1] See measurement rules and allowed exceptions in Section 27-2200, Measurement and Exceptions of Intensity and Dimensional Standards. [2] 80 ft on corner lots. 6 [3] Applicable to the lot coverage of the development lot as a whole rather than individual lots under townhouse units.
Net lot area, min. (sf)	No requirement	No requirement	No requirement	7,500	7,500	[4] Applicable to buildings on the edges of the development lot as a whole. Within the development lot as a whole, a minimum separation of 8 feet is required between buildings. [5] On corner lot, min. side yard depth alongside street = 15 ft. 7 [6] 80 ft where net lot area ≥ 4 acres.
1 Lot width, min. (ft)	60 [2]	60 [2]	20 [7]	60 [2]	60 [2]	[7] Applicable to the individual lots under townhouse units. The minimum lot width for the development lot as a whole shall be 100 ft.
Lot frontage (width) at front street line, min. (ft)	48	48	[48] <u>16</u>	48	48	[8] May be increased for certain purposes by approval of a special exception pursuant to Section 27-3604, Special Exception.
Lot coverage, max. (% of net lot area)	35 [3]	35 [3]	40 [3]	40	60	
Green area, min. (% of net lot area)	No requirement	No requirement	50	60	No requirement	
2 Front yard depth, min. (ft)	15	15	15	15	0	
3 Side yard depth, min. (ft)	8 [4]	8 [4]	8 [4]	8 [5]	8 [5]	
4 Rear yard depth, min. (ft)	20	20	20	20	20	
5 Principal structure height, max. (ft) [6]	50	50	50	50	40	
Accessory structure height, max. (ft) [7]	15	15	15	15	15	

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1 **27-4205. Other Base Zones**

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3 **(c) Legacy Comprehensive Design (LCD) Zone**

4 **(1) Purpose**

5 The purpose of the Legacy Comprehensive Design (LCD) Zone is to recognize
6 comprehensive design zones established prior to ___ [*insert effective date of new Zoning*
7 *Ordinance*] for which a Basic Plan, Comprehensive Design Plan (CDP), or Specific Design Plan
8 (SDP) was approved prior to ___ [*insert effective date of new Zoning Ordinance*].

9 **(2) Establishment of Legacy Comprehensive Design (LCD) Zone**

10 The LCD Zone includes all lands located within the following Comprehensive Design
11 zones on ___ [*insert effective date of new Zoning Ordinance*] for which a Basic Plan, CDP, or
12 SDP was approved prior to ___ [*insert effective date of new Zoning Ordinance*], if either 1) the
13 land in the zone is fully developed in accordance with the approved Basic Plan, CDP, or SDP
14 prior to ___ [*insert effective date of new Zoning Ordinance*], or 2) the approved Basic Plan,
15 CDP, or SDP remains valid in accordance with Sec. 27-1700, Transitional Provisions, on ___
16 [*insert effective date of new Zoning Ordinance*]:

- 17 (A) The Major Activity Center (M-A-C) Zone;
- 18 (B) The Local Activity Center (L-A-C) Zone;
- 19 (C) The Employment and Institutional Area (E-I-A) Zone;
- 20 (D) The Residential Urban Development (R-U) Zone;
- 21 (E) The Residential Medium Development (R-M) Zone;
- 22 (F) The Residential Suburban Development (R-S) Zone;
- 23 (G) The Village-Medium (V-M) Zone;
- 24 (H) The Village-Low (V-L) Zone; and
- 25 (I) The Residential Low Development (R-L) Zone.

26 **(3) Legacy Comprehensive Design (LCD) Zone Standards and Permitted Uses**

27 Development within the LCD Zone shall comply with the applicable approved Basic
28 Plan, CDP, and SDP, and with the standards applicable in the zone listed in subsections (2)(A)
29 through (2)(I) above in which the development was located prior to ___ [*insert effective date of*
30 *new Zoning Ordinance*], in accordance with Sec. 27-1700, Transitional Provisions. Uses
31 permitted in the LCD Zone shall comply with the uses permitted in the zone listed in subsections

1 2(A) through 2(I) above in which the development was located prior to ____ [*insert effective*
 2 *date of new Zoning Ordinance*].

3 **(4) Transition Upon Invalidation of Approved Plans**

4 If prior to land in the LCD Zone being fully developed in accordance with an approved
 5 Comprehensive Design Plan and Specific Design Plan, the Comprehensive Design Plan or
 6 Specific Design Plan become invalid (see Sec. 27-1700, Transitional Provisions), the land shall
 7 immediately be placed in the RR Zone until the District Council approves a Zoning Map
 8 Amendment for the property. No applications for development approvals or permits shall be
 9 accepted, reviewed, or acted upon in accordance with Division 27-3: Administration, in the
 10 period of time prior to the District Council's decision on a Zoning Map Amendment (ZMA)
 11 application.

12 **(d) Legacy Mixed-Use Community (LMXC) Zone**

13 **(1) Purpose**

14 The purpose of the Legacy Mixed-Use Community (LMXC) Zone is to recognize
 15 Mixed-Use Community (M-X-C) Zones established prior to ____ [*insert effective date of new*
 16 *Zoning Ordinance*] for which a Comprehensive Sketch Plan, Preliminary Plan of Subdivision,
 17 Final Development Plan, or Detailed Site Plan was approved prior to ____ [*insert effective date of*
 18 *new Zoning Ordinance*].

19 **(2) Establishment of Legacy Mixed-Use Community (LMXC) Zone**

20 The LMXC Zone includes all lands located within the Mixed-Use Community (M-X-
 21 C) Zone on ____ [*insert effective date of new Zoning Ordinance*] for which a Comprehensive
 22 Sketch Plan, Preliminary Plan of Subdivision, Final Development Plan, or Detailed Site Plan was
 23 approved prior to ____ [*insert effective date of new Zoning Ordinance*], if either 1) the land in the
 24 zone is fully developed in accordance with the approved Comprehensive Sketch Plan,
 25 Preliminary Plan of Subdivision, Final Development Plan, or Detailed Site Plan prior to ____
 26 [*insert effective date of new Zoning Ordinance*], or 2) the approved Comprehensive Sketch Plan,
 27 Preliminary Plan of Subdivision, Final Development Plan, or Detailed Site Plan remains valid in
 28 accordance with Sec. 27-1700, Transitional Provisions, on ____ [*insert effective date of new*
 29 *Zoning Ordinance*].

30 **(3) Legacy Mixed-Use Community (LMXC) Zone Standards and Permitted Uses**

31 Development within the LMXC Zone shall comply with the applicable approved

1 Comprehensive Sketch Plan, Preliminary Plan of Subdivision, Final Development Plan, or
 2 Detailed Site Plan, and with the standards applicable in the M-X-C Zone as it existed on ____
 3 [*insert effective date of new Zoning Ordinance*], in accordance with Sec. 27-1700, Transitional
 4 Provisions. Uses permitted in the LMXC Zone shall comply with the uses permitted in the M-X-
 5 C Zone as it existed on ____ [*insert effective date of new Zoning Ordinance*].

6 **(4) Transition Upon Invalidation of Approved Plans**

7 If prior to land in the LMXC Zone being fully developed in accordance with an
 8 approved Comprehensive Sketch Plan, Preliminary Plan of Subdivision, Final Development
 9 Plan, or Detailed Site Plan, the Comprehensive Sketch Plan, Preliminary Plan of Subdivision,
 10 Final Development Plan, or Detailed Site Plan becomes invalid (see Sec. 27- 1700, Transitional
 11 Provisions), the land shall immediately be placed in the RSF-65 Zone until the District Council
 12 approves a Zoning Map Amendment for the property. No applications for development
 13 approvals or permits shall be accepted, reviewed, or acted upon in accordance with Division 27-
 14 3, Administration, in the period of time prior to the District Council’s decision on a Zoning Map
 15 amendment (ZMA) application.

16 **(e) Legacy Mixed-Use Town Center (LMUTC) Zone**

17 **(1) Purpose**

18 The purpose of the Legacy Mixed-Use Town Center (LMUTC) Zone is to recognize
 19 Mixed-Use Town Center (M-U-TC) Zones established prior to ____ [*insert effective date of new*
 20 *Zoning Ordinance*].

21 **(2) Establishment of Legacy Mixed-Use Town Center (LMUTC) Zone**

22 The LMUTC Zone includes all lands located within the Mixed-Use Town Center (M-
 23 U-TC) Zone on ____ [*insert effective date of new Zoning Ordinance*].

24 **(3) Legacy Mixed-Use Town Center (LMUTC) Zone Standards and Permitted**

25 **Uses**

26 Development within the LMUTC Zone shall comply with the applicable Mixed-Use
 27 Town Center Development Plan. Development within the LMUTC Zone shall also comply with
 28 any applicable and valid Conceptual Site Plan, Preliminary Plan of Subdivision, Special Permit,
 29 permit issued in conformance with the Town Center Development Plan, Special Exception, or
 30 Detailed Site Plan, in accordance with [Sec.]Section 27-1700, Transitional Provisions, and uses
 31 permitted in the LMUTC Zone shall comply with the uses permitted in the specific Mixed-Use

1 Town Center in which the property was located prior to ____ [*insert effective date of new Zoning*
 2 *Ordinance*].

3 **(4) Legacy Mixed-Use Town Center (LMUTC) Design Review Committee**

4 Each LMUTC includes a local design review committee that is advisory to the
 5 Planning Board. These design review committees shall be reestablished pursuant to the
 6 requirements of Section 27-3310, LMUTC Design Review Committee following ____ [*insert*
 7 *effective date of new Zoning Ordinance*]. This requirement, and the establishment and
 8 membership of the LMUTC design review committees, shall supersede any design review
 9 committee membership guidelines, rules of establishment, and regulations contained in any
 10 Mixed-Use Town Center Development Plan and the regulations of the prior Zoning Ordinance.

11 **(5) Legacy Mixed-Use Town Center (LMUTC) Review Procedures**

12 The following LMUTC application review procedures supersede the procedures
 13 specified in any Mixed-Use Town Center Development Plan and the regulations of the prior
 14 Zoning Ordinance.

15 **(A) Application Submittal and Review**

16 **(i)** All applications for any proposed building permit, use and occupancy
 17 permit, sign permit, special permit, or, where previously delegated by the District Council to a
 18 Mixed-Use Town Center design review committee, other development applications (such as
 19 special exceptions or detailed site plans), shall be submitted to the Planning Director or DPIE
 20 Director.

21 **(aa)** For the purposes of this Subsection and the LMUTC Zone, “use
 22 and occupancy permit” shall refer to one of:

23 **(I)** Construction of a building or structure for placement of a
 24 new use on land;

25 **(II)** Conversion of a single-family detached dwelling unit to
 26 include additional dwelling units; or

27 **(III)** Development of any accessory building or structure on a
 28 lot.

29 **(bb)** Other development that may require approval of a use and
 30 occupancy permit, including a change in the use or tenancy of an existing building or the
 31 conversion of a building, structure, or land from one use to another use, shall not require review

1 and recommendation by the LMUTC Design Review Committee.

2 (ii) All applications shall be referred to the Planning Director for review,
3 recommendation, and preparation of a Technical Staff Report describing the application and
4 making a recommendation to the LMUTC Design Review Committee. The Planning Director
5 shall refer the application to the applicable LMUTC Design Review Committee within 10
6 business days of receipt.

7 (B) LMUTC Design Review Committee Recommendation

8 (i) The LMUTC Design Review Committee shall review the application
9 for consistency with the applicable Mixed-Use Town Center Development Plan, and shall
10 schedule a meeting to discuss the application within 30 business days of receipt of the
11 application from the Planning Director. Following review of the application, the LMUTC Design
12 Review Committee shall immediately vote to make a recommendation to the DPIE Director,
13 which shall consist of one of the following:

14 (aa) Recommend approval;

15 (bb) Recommend approval with conditions;

16 (cc) Recommend disapproval; or

17 (dd) Recommend remanding the application to the applicant with
18 specific, written revisions necessary to meet the requirements of the applicable Mixed-Use Town
19 Center Development Plan.

20 (I) Any applications that are remanded to the applicant may
21 only be remanded once, and may only be resubmitted once by the applicant for re-review of the
22 application.

23 (II) Requested revisions associated with a recommendation of
24 remanding the application to the applicant may only consist of revisions that will bring a
25 noncompliant application into compliance with the mandatory standards of the applicable
26 Mixed-Use Town Center Development Plan.

27 (ii) Once an application is recommended for approval or approval with
28 conditions, the chairman of the LMUTC Design Review Committee shall affix the official stamp
29 of approval to the submitted application and transmit the application and supporting material to
30 the DPIE Director for action. Copies of the stamped application and supporting material shall
31 also be sent to the Planning Director and the applicant within 3 business days of the Committee's

1 vote on the application. Failure to submit stamped plans to the DPIE Director within 3 business
2 days of the Committee’s vote on the application constitutes a recommendation of approval.

3 (C) Departures from a Mixed-Use Town Center Development Plan

4 The Planning Board is authorized to allow departures from the strict application
5 of any standard or guideline approved in a Mixed-Use Town Center Development Plan in
6 accordance with the procedures set forth in Section 27-3614(e), Major Departure Procedure.

7 (D) Appeal

8 An applicant may appeal the recommendation of the LMUTC Design Review
9 Committee for disapproval or approval with conditions that an applicant is not in agreement with
10 to the Planning Board by filing [a notice of appeal within 30 days of the mailing of the
11 Committee’s vote on the application.] a detailed site plan application pursuant to Section 27-
12 3605, Detailed Site Plan.

13 (6) Transition Upon Inaction

14 Any property classified in the LMUTC Zone for which a development application has
15 not been submitted to and approved by the Planning Board, Planning Director, or DPIE Director
16 for a period of 10 years following _____ [insert effective date of new Zoning Ordinance] shall
17 immediately be placed in new zoning categories as follows:

18 (A) Property in the Brentwood, Mount Rainier, or Riverdale Park LMUTC Zones
19 shall be placed in the NAC Zone.

20 (B) Property in the Suitland LMUTC Zone shall be placed in the RTO-L Zone, in
21 the edge area.

22 Such properties shall remain in the new zoning categories until and unless the District
23 Council approves a Zoning Map Amendment for the property, or a new Sectional Map
24 Amendment is approved, and shall no longer be subject to the pertinent Mixed-Use Town Center
25 Development Plan, LMUTC regulations, and review by the LMUTC Design Review Committee.
26 Once rezoned to the NAC or RTO-L zones, such properties may immediately proceed to develop
27 in accordance with this Zoning Ordinance.

28 * * * * *

29 **27-4300 Planned Development Zones**

30 * * * * *

31 **27-4303. Transit-Oriented/Activity Center Planned Development Zones**

(a) Neighborhood Activity Center Planned Development (NAC-PD) Zone

* * * * *

(2) Use Standards

The specific principal, accessory, and temporary uses allowed in an individual NAC-PD Zone shall be established in the PD Basic Plan (see Section 27-4301(d), General Standards for All Planned Development Zones). Uses shall be consistent with the applicable Area Master Plan or Sector Plan, and the purposes of the NAC-PD Zone.

[Approximately two-thirds of the gross floor area in the zone shall be provided for residential development at build-out. In addition, there shall be a minimum of two different residential housing types, each consisting of approximately one-quarter of the dwelling units in the zone at build-out.]

* * * * *

(4) Other Standards

	A NAC-PD Zone may only be located on lands within:
Location Standards	<ul style="list-style-type: none"> • A Neighborhood Center as designated on the Growth Policy Map in the General Plan, as may be amended from time to time; • The Innovation Corridor as designated on the Strategic Investment Map in the General Plan; or • Along that portion of US 1 located south of the Innovation Corridor to the border with Washington, D.C.
Use Mixing	The zone [shall] <u>should</u> be designed to provide a mix of residential and nonresidential uses to allow residents to meet more of their daily needs within the zone. [In addition, provision of a variety of housing options shall occur in the zone.]

* * * * *

(b) Town Activity Center Planned Development (TAC-PD) Zone

* * * * *

(4) Other Standards

Location Standards	A TAC-PD Zone may only be located on lands within a Town Center as designated on the Growth Policy Map in the General Plan or the applicable Area Master Plan or Sector Plan, as may be amended from time to time.
Use Mixing	The zone [shall] <u>should</u> be designed to provide a mix of uses. The integration of residential and nonresidential uses is strongly encouraged to allow residents to meet more of their daily needs within the zone. [In addition, provision of a variety of housing options shall occur within the zone.]

* * * * *

(c) Local Transit-Oriented Planned Development (LTO-PD) Zone

* * * * *

(2) Use Standards

The specific principal, accessory, and temporary uses allowed in an individual LTO-PD Zone shall be established in the PD Basic Plan (see Section 27-4301(d), General Standards for All Planned Development Zones). Uses shall be consistent with the applicable Area Master Plan or Sector Plan, and the purposes of the LTO-PD Zone.

[A minimum of one-quarter of the gross floor area in the zone shall be provided for

1 residential development, at build-out. In addition, there shall be a minimum of three different
 2 residential housing types, each consisting of a minimum of 20 percent of the dwelling units in
 3 the zone at build-out.

4 A minimum of one-half of the gross floor area in the zone shall be provided for
 5 nonresidential development, at build-out.]

6 * * * * *

7 **(4) Other Standards**

Location Standards	An LTO-PD Zone may only be located on lands designated: <ul style="list-style-type: none"> • Within a Local Transit Center on the Growth Policy Map in the General Plan or the applicable Area Master Plan or Sector Plan, as may be amended from time to time. • That portion of the Innovation Corridor as designated on the Strategic Investment Map in the General Plan or the applicable Area Master Plan or Sector Plan, as may be amended from time to time; or • Along that portion of US 1 located south of the Innovation Corridor to the border with Washington, D.C.
Use Mixing	The zone [shall] <u>should</u> be designed to provide a mix of uses. The integration of residential and nonresidential uses is [required] <u>strongly encouraged</u> to allow residents to meet more of their daily needs within the zone. [In addition, provision of a variety of housing options shall occur within the zone.]

8 * * * * *

9 **(d) Regional Transit-Oriented Planned Development (RTO-PD) Zone**

10 * * * * *

11 **(2) Use Standards**

12 The specific principal, accessory, and temporary uses allowed in an individual RTO-
 13 PD Zone shall be established in the PD Basic Plan (see Section 27-4301(d), General Standards
 14 for All Planned Development Zones). Uses shall be consistent with the applicable Area Master
 15 Plan or Sector Plan, and the purposes of the RTO-PD Zone.

16 [A minimum of 15 percent of the gross floor area in the zone shall be provided for
 17 residential development at build-out. In addition, there shall be a minimum of three different
 18 residential housing types, each consisting of a minimum of one quarter of the dwelling units in
 19 the zone, at build-out.

20 A minimum of one-half of the gross floor area in the zone shall be provided for
 21 nonresidential development, at build-out.]

22 * * * * *

23 **(4) Other Standards**

Location Standards	An RTO-PD Zone may only be located on lands: <ul style="list-style-type: none"> • Within a Regional Transit District as designated on the Growth Policy Map in the General Plan, as may be amended from time to time; or • Within that portion of the Innovation Corridor as designated on the Strategic Investment Map in the General Plan, as may be amended from time to time, located within that portion of the City of College Park between the Capital Beltway/I-95, south to the city's southern boundary.
Use Mixing	The zone [shall] <u>should</u> be designed to provide a mix of uses. The integration of residential and nonresidential uses is [required] <u>strongly encouraged</u> to allow residents to meet more of their daily needs within the zone. [In addition, provision of a variety of

housing options shall occur within the zone.]

27-4400 Overlay Zones

27-4402. Policy Area Overlay Zones

(b) Aviation Policy Area Overlay (APAO) Zones

(2) Delineation of APAO Zones

The area encompassed by the various Aviation Policy Area Overlay Zones, as shown as inset maps to the Zoning Map, shall be defined in accordance with the descriptions in the following Table 27-4402(b)(2):

Table: Error! Reference source not found.

APA-1 (Runway Protection) Zone

A trapezoidal area extending outward from the ends of the airport runway. The zone is centered on the extended centerline of the runway, starting 200 feet beyond the end of the runway and extending another 1,000 feet along the extended centerline. Its width extends 125 feet to each side of the extended runway centerline at the start and 225 feet to each side of the extended centerline at the zone’s farthest point from the runway. There is an APA-1 Zone at each end of the runway comprising approximately eight acres, for a total area of approximately 16 acres for the runway.

APA-2 (Inner Safety) Zone

A rectangular area extending outward from the end of the APA-1 Zone at the ends of the airport runway. The zone is centered on and parallel to the extended centerline of the airport runway, extending a distance of 1,500 feet beyond the APA-1 Zone and 225 feet to each side of the extended runway centerline. There is an APA-2 Zone at each end of the runway comprising approximately 16 acres, for a total area of approximately 32 acres for the runway. (The dimensions for APA-2 Zones at the Freeway Airport are different due to permanent restrictions on the airport traffic pattern caused by the PEPCO 500 kv electric transmission lines west of the airport.)

APA-3S (Small Airport Inner Turning Area) Zone

A rectangular area on each side of the APA-1 and APA-2 Zones at the ends of the runway at small airports (as defined in Section **Error! Reference source not found.**, **Error! Reference source not found.**). The outer boundary of each APA-3S Zone is defined by the extension of the boundary of the APA-5 Zone (which run 500 feet on either side of, and parallel to, the runway centerline) for a distance of 2,700 feet beyond the end of the runway. There is an APA-3S Zone at each end of the runway comprising approximately 17 acres, for a total area of

Table: Error! Reference source not found.

approximately 34 acres for the runway.

APA-3M (Medium Airport Inner Turning Area) Zone

A pie-shaped area, exclusive of the APA-1 and APA-2 Zones, at the ends of the runway at medium airports (as defined in Section **Error! Reference source not found.**, **Error! Reference source not found.**). A 90 degree angle forms the zone’s boundary closest to each end of the airport runway. The zone extends outward at 45 degrees on each side of the extended centerline of the runway to form a sector with an arc radius length of 2,500 feet. There is an APA-3M Zone at each end of the runway comprising approximately 90 acres, for a total area of approximately 180 acres for the runway. (The dimensions and total acreage for APA-3M Zones at the Freeway Airport are different due to permanent restrictions on the airport traffic pattern caused by the PEPCO 500 kv electric transmission lines west of the airport.)

APA-4 (Outer Safety Area) Zone

A rectangular area extending outward from the end of the APA-2 Zone at the ends of the airport runway. The zone is centered on and parallel to the extended centerline of the airport runway, extending a distance of 2,500 feet beyond the APA-2 Zone and 225 feet to each side of the extended runway centerline. There is an APA-4 Zone at each end of the runway comprising approximately 26 acres, for a total area of approximately 52 acres for the runway.

APA-5 (Sideline Safety Area) Zone

Defined by two lines on either side of, parallel to, and 500 feet from the centerline of the airport runway, between the APA-3 Zones at each end of the runway. Due to varying runway lengths, the acreage of each APA-5 Zone differs at each airport, ranging from 73 to 90 acres.

APA-6 (Traffic Pattern Area) Zone

An oblong area with rounded ends, extending 5,000 feet from each point along the centerline of the airport runway—excluding areas within APA-1 through APA-5 Zones. (The dimensions and total acreage for APA-6 Zones at the Freeway Airport are different due to permanent restrictions on the airport traffic pattern caused by the PEPCO 500 kv electric transmission lines west of the airport.)

[Airport Medium

- An airport having one or more of the following:
- (A) Runway length 2,650 feet or more, up to 4,000 feet;
 - (B) One or more flight training schools; or
 - (C) Aircraft based there weighing up to 12,500 pounds.

Airport Small

- An airport having all of the following:
- (A) Ownership by a County or State public agency;
 - (B) Runway length under 2,650 feet;
 - (C) No flight training schools; and
 - (D) No aircraft based there weighing more than 8,500 pounds.]

* * * * *

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(9) Cessation of Airport Operations

1 Should an airport permanently cease operations and is no longer licensed for public use
2 by the Maryland Aviation Administration (MAA), the standards of this Section shall no longer
3 apply.

4 * * * * * * * *

5 **(c) Military Installation Overlay (MIO) Zone**

6 * * * * * * * *

7 **(3) Applicability of MIO Zone Regulations**

8 * * * * * * * *

9 **(C) Exemptions**

10 The provisions of this Section do not apply to the following:

11 * * * * * * * *

12 **(iii)** Areas of Prince George's County defined by the [2009 Joint Base
13 Andrews Naval Air Facility Washington Joint Land Use Study] most recent Air Installation
14 Compatible Use Zone Study (AICUZ), as amended from time to time by the Department of
15 Defense, as Imaginary Surfaces "C" (part of the Approach-Departure Clearance Surface) and "F"
16 (Outer Horizontal Surface).

17 * * * * * * * *

18 **(5) Modified Performance, Intensity, and Development Standards in the MIO**
19 **Zone**

20 Irrespective of the standards applicable in the underlying base zone, development in the MIO
21 Zone shall be subject to the following modified or additional performance, intensity, and
22 development standards.

23 * * * * * * * *

24 **(B) Height Standards**

25 **(i)** For purposes of the MIO Zone, heights shall be determined by
26 measuring the vertical distance from the mean elevation of the finished grade at the base of a
27 structure to the highest point of any part of the structure, including, but not limited to, antennas,
28 towers, poles, monopoles, or satellite dishes.

29 **(ii)** No development, structure, or alteration of the land shall exceed the
30 height established by the Impact Map for Height.

31 **(iii)** At the time of building permit, a licensed engineer or qualified

1 professional of competent expertise shall certify that structures do not exceed the height
2 established by the Impact Map for Height, utilizing the formulae and methodology set forth in
3 Subsection (iv) below (see Figure 27-4402(c)(5)(B): Height).

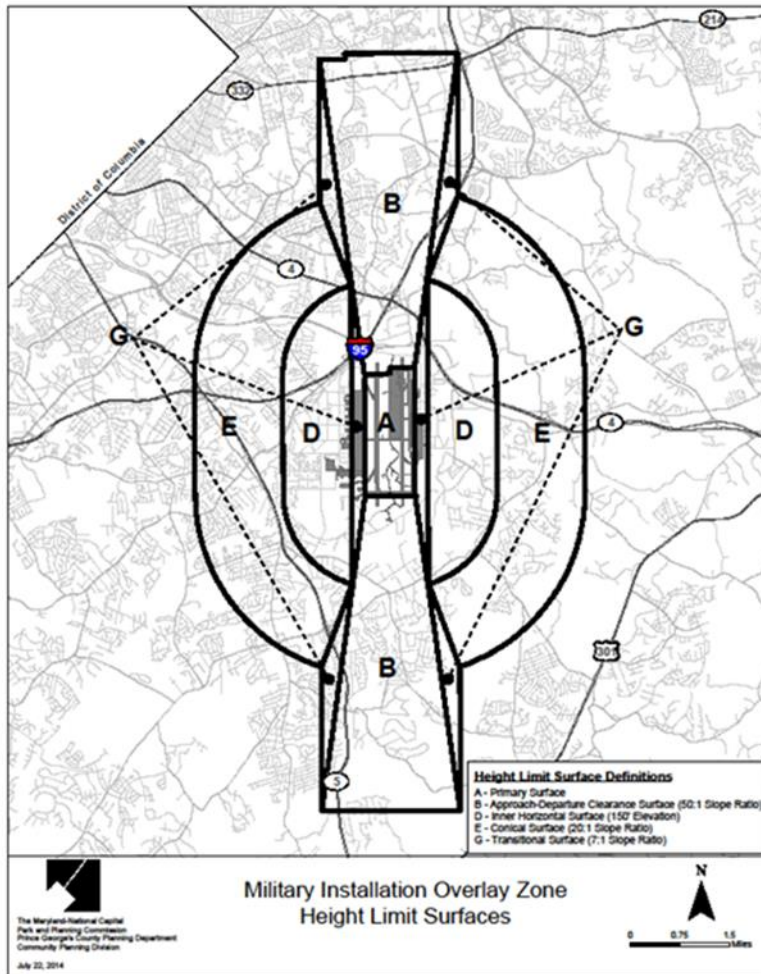
4 (iv) The Planning Board shall verify certification of height using the
5 following formulae:

6 (aa) Military Installation Overlay Zone height formulae are based
7 upon the highest elevation of the subject property in relation to the elevation of the runways at
8 Joint Base Andrews, which are 274 feet above sea level.

9 (bb) The figures calculated through the measurements in Subsections
10 (I) through (IV) below should add the difference in elevation between the runways at Joint Base
11 Andrews and the highest elevation on the subject property: properties lower than 274 feet in
12 elevation should add this difference in elevation; properties higher than 274 feet in elevation
13 should subtract this difference in elevation to determine the maximum height:

14 (I) Surface A (Primary Surface): No structures permitted in
15 this imaginary surface area symmetrically centered on the runway, extending 200 feet beyond
16 each runway end and 1,000 feet on each side of the runway centerline.

17 **Figure 27-4402(c)(5)(B): Height**



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(II) Surface B (Approach-Departure Clearance Surface):

Structures in this area shall not exceed a height (in feet) equivalent to 10 feet less than the height derived by dividing the distance between Surface A and nearest boundary of the subject property[, divided] by 50. No structure shall exceed a height of 500 feet (elevation 774 feet) in this area.

(III) Surface D (Inner Horizontal Surface): Structures inside this area shall not exceed a height of 150 feet (elevation of 424 feet) in this area.

(IV) Surface E (Conical Surface): Structures shall not exceed a height (in feet) equivalent to the total of the following equation:

- a. Subtotal: Measure the distance from the centerline of the nearest runway, or, if the subject property is beyond the end of the runway, measure the distance as perpendicular to a tangential arc from the runway end, to the subject property's boundary nearest the runway. Subtract 7,500 feet from this distance to obtain the subtotal.

1 **b.** Total: Divide the subtotal by 20, then add 150 feet
2 to determine the sum. The maximum structure height for purposes of this Subsection shall be the
3 sum of this equation or 500 feet, whichever is less.

4 **(V)** Surface G (Transitional Surface 7:1): Structures between
5 the edge of Approach-Departure Clearance surface (B) and the edge of Inner Horizontal surface
6 (D) or the Conical surface (E) shall not exceed a height (in feet) equivalent to the total of the
7 following equation:

8 **a.** Subtotal 1: The distance between a point on the
9 extended edge of the approach-departure end of primary surface (A) measured perpendicular to a
10 point on the nearest edge of the subject property, divided by 50.

11 **b.** Subtotal 2: The distance between a point on the
12 nearest edge of the subject property measured perpendicular to a point on the nearest edge of the
13 approach-departure surface (B), divided by 7.

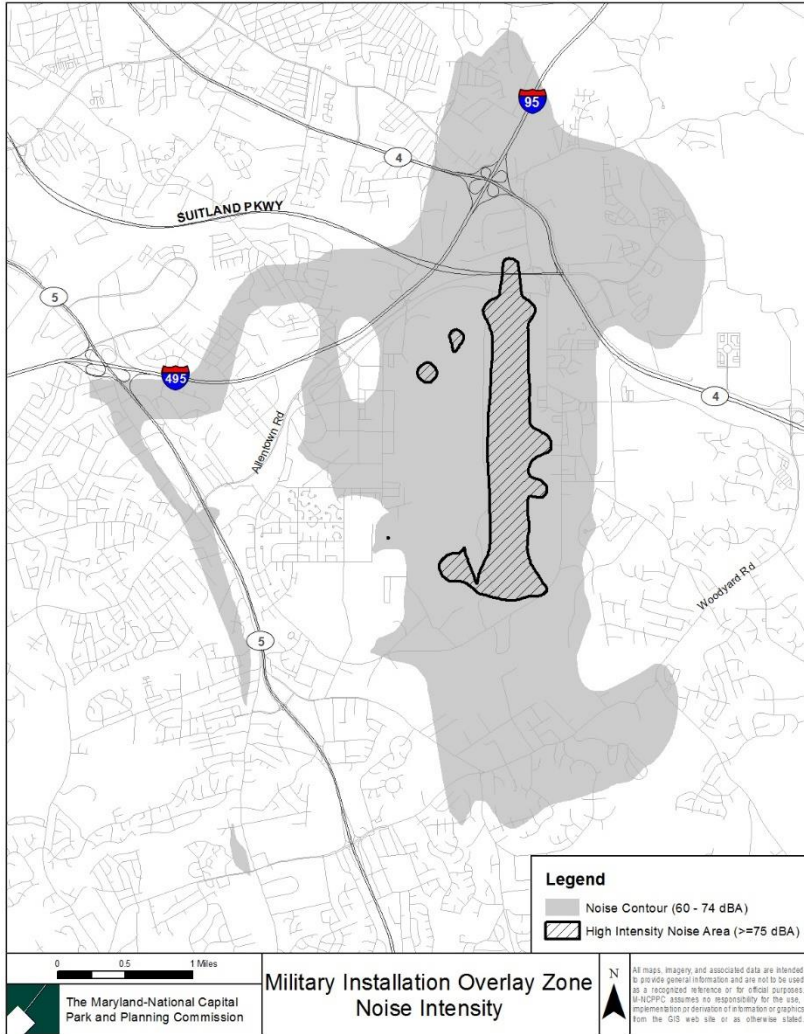
14 **c.** Add Subtotals 1 and 2 to obtain the maximum
15 structure height.

16 * * * * * * *

17 **(C) Noise Standards**

18 **(i)** Noise Intensity Contours in the MIO Zone are established by the most
19 current Air Installation Compatible Use Zone Study ("AICUZ") on file in the Clerk of the
20 District Council's office and are identified in the Impact Map represented as Figure 27-
21 4402(c)(5)(C): Noise Intensity.

22 **Figure 27-4402(c)(5)(C): Noise Intensity**



1
 2 (ii) Interiors of all new residential construction within the Noise Intensity
 3 Contours, including additions, must be certified to 45 dBA Ldn or less by an Acoustical
 4 Engineer or qualified professional of competent expertise.

5 (iii) Uses in High Intensity Noise Areas

6 (aa) The issuance of permits authorizing any construction within the
 7 High Intensity Noise Area shall be subject to Section 27-4402(c)(5)(C)(ii), above, and the
 8 following additional restrictions:

9 (I) At the time of building permit, if a non-residential use is
 10 required by Subtitle 4: Building, to provide noise level reduction within the interior of a building,
 11 such noise reduction must be certified by an Acoustical Engineer or qualified professional of
 12 competent expertise.

13 (II) New use and occupancy permits for nonresidential uses

1 which do not otherwise include new construction can be issued provided that the use and
2 occupancy permit site plan contains a note specifying that the property is located in a High
3 Intensity Noise Area.

4 * * * * *

5 **(6) Referrals to Joint Base Andrews**

6 (A) Building permits, use and occupancy permits, and development applications
7 subject to this Subsection **Error! Reference source not found.** located partially or completely in
8 the MIO Zone for uses which may produce noise, smoke, dust, excessive light, electromagnetic
9 interference and vibrations which potentially impact base operations, shall be referred to Joint
10 Base Andrews for their review and written comment.

11 (B) All building permits, use and occupancy permits, and development
12 applications subject to this Subsection **Error! Reference source not found.** where a proposed
13 structure is wholly or partially located in the Northern Clear Zone (see Figure 27-4402(c)(4)(C):
14 Accident Potential/Clear Zones North and South) shall be referred to Joint Base Andrews for
15 their review and written comment.

16 (C) All building permits, use and occupancy permits, and development
17 applications subject to this Subsection 27-4402(c) located partially or completely in the MIO
18 Zone for a use that includes prohibited activities identified in Subsection 27-4402(c)(5)(A)(v)
19 shall be referred to Joint Base Andrews for their review and comment.

20 (D) All building permits, use and occupancy permits, and development
21 applications subject to this Subsection **Error! Reference source not found.** located partially or
22 completely in the MIO Zone for a structure, grading of land, or landfill that may exceed the
23 height limitations identified in Subsection 27-4402(c)(5)(B) shall be referred to Joint Base
24 Andrews for their review and comment.

25 (E) It shall be incumbent upon Joint Base Andrews to ensure that any written
26 comments are received by the appropriate body within [sixty (60)] thirty (30) days of the date of
27 the referral to Joint Base Andrews. The appropriate body shall not deny an application solely due
28 to failure to receive written comment from Joint Base Andrews.

29 * * * * *

30 **PART 27-5 USE REGULATIONS**

31 * * * * *

1 **Sec. 27-5100 Principal Uses**

2 * * * * *

3 **27-5101. Principal Use Tables**

4 * * * * *

5 **27-5102. Requirements for Permitted Principal Uses**

6 **(a) General**

7 (1) Standards for a specific principal use shall apply to the particular individual
8 principal use regardless of the zone in which it is located or the review procedure by which it is
9 approved, unless otherwise specified in this Ordinance. This Section sets forth and consolidates
10 the standards for all principal uses for which a reference to this Section is provided in the "Use-
11 Specific Standards" column of the principal use tables in Section 27-5101, Principal Use Tables,
12 [and in the same order as they are listed in the tables.] These standards may be modified by other
13 applicable standards or requirements in this Ordinance.

14 * * * * *

15 **(c) Residential Uses**

16 * * * * *

17 **(2) Group Living Uses**

18 * * * * *

19 **[(E) Planned Retirement Community**

20 A planned retirement community may be permitted, subject to the following criteria:

21 **(i) Findings for Approval**

22 **(aa) The DPIE Director shall find that:**

23 **(I)** The proposed use will serve the needs of the retirement-
24 aged community;

25 **(II)** The proposed use will not adversely affect the character of
26 the surrounding residential community; and

27 **(ii) Site Plan**

28 In addition to the requirements of this Subsection 27-5102(c)(2)(E), the site plan shall set forth
29 the proposed traffic circulation patterns.

30 **(iii) Regulations**

31 **(aa)** Regulations restricting the height of structures, lot size and

1 coverage, frontage, setbacks, density, dwelling unit types, and other requirements of the specific
2 zone in which the use is proposed shall not apply to uses and structures provided for in this
3 Subsection. The dimensions and percentages shown on the approved site plan shall constitute the
4 regulations for a given special exception.

5 **(bb)** The subject property shall contain at least twelve (12) contiguous
6 acres.

7 **(cc)** The average number of dwelling units per acre shall not exceed
8 eight (8) for the gross tract area.

9 **(dd)** In the CGO Zone, townhouses shall comply with the following
10 design guidelines:

11 **(I)** Open space areas, particularly areas separating the rears of
12 buildings containing townhouses, should retain, to the extent possible, single or small groups of
13 mature trees. In areas where trees are not proposed to be retained, the applicant shall demonstrate
14 to the satisfaction of the Planning Board or the District Council, as applicable, that specific site
15 conditions warrant the clearing of the area. Preservation of individual trees should take into
16 account the viability of the trees after the development of the site.

17 **(II)** Groups of townhouses should not be arranged on curving
18 streets in long, linear strips. Where feasible, groups of townhouses should be at right angles to
19 each other, and should facilitate a courtyard design. In a more urban environment, consideration
20 should be given to fronting the units on roadways.

21 **(III)** Recreational facilities should be separated from dwelling
22 units through techniques such as buffering, differences in grade, or preservation of existing trees.
23 The rears of buildings, in particular, should be buffered from recreational facilities.

24 **(IV)** To convey the individuality of each unit, the design of
25 abutting units should avoid the use of repetitive architectural elements and should employ a
26 variety of architectural features and designs such as roofline, window and door treatments,
27 projections, colors, and materials. In lieu of this individuality guideline, creative or innovative
28 product design may be utilized.

29 **(V)** To the extent feasible, the rears of townhouses should be
30 buffered from public rights-of-way and parking lots. Each application shall include a visual
31 mitigation plan that identifies effective buffers between the rears of townhouses abutting public

1 rights-of-way and parking lots. Where there are no existing trees, or the retention of existing
 2 vegetation is not practicable, landscaping, berming, fencing, or a combination of these
 3 techniques may be used. Alternatively, the applicant may consider designing the rears of
 4 townhouse buildings such that they have similar features to the fronts, such as reverse gables,
 5 bay windows, shutters, or trim.

6 (VI) Attention should be given to the aesthetic appearance of the
 7 offsets of buildings.

8 (iv) **Uses**

9 (aa) The planned retirement community shall include a community
 10 center or meeting area, and other recreational facilities which the DPIE Director finds are
 11 appropriate. These recreational facilities shall only serve the retirement community. The scope of
 12 the facilities shall reflect this fact. The DPIE Director may only permit a larger facility which
 13 serves more than the retirement community if the facility is harmoniously integrated with the
 14 retirement community and the surrounding neighborhood. All recreational facilities shall be
 15 constructed prior to, or concurrent with, the construction of the residential units, or in accordance
 16 with a schedule approved by the DPIE Director.

17 (bb) Retail commercial uses, medical uses, health care facilities, and
 18 other uses which are related to the needs of the community may be permitted.

19 (v) **Residents' Age**

20 (aa) Age restrictions in conformance with the Federal Fair Housing
 21 Act shall be set forth in covenants submitted with the application and shall be approved by the
 22 DPIE Director, and filed in the land records at the time the final subdivision plat is recorded.

23 (vi) **Recreational Facilities**

24 (aa) Covenants guaranteeing the perpetual maintenance of
 25 recreational facilities, and the community's right to use the facilities, shall be submitted with the
 26 application. The covenants shall be approved by the DPIE Director, and shall be filed in the land
 27 records at the time the subdivision plat is recorded. If the recreational facilities are to be part of a
 28 condominium development, a proposed condominium declaration showing the recreational
 29 facilities as general common elements shall be approved by the DPIE Director, and shall be
 30 recorded (pursuant to Title II of the Real Property Article of the Annotated Code of Maryland) at
 31 the time the subplat is recorded.]

1 * * * * *

2 **(d) Public, Civic, and Institutional Uses**

3 **(1) Communication Uses**

4 **(A) [Wireless Telecommunications Tower, monopole or Wireless**
5 **Telecommunications Tower, other**

6 **(i)** The maximum height of the tower shall be 199 feet when located on
7 public property and 150 feet when located on any other property.

8 **(ii)** The tower shall be set back from all property lines and dwelling units a
9 distance equal to or exceeding the height of the tower (measured from its base)—except that the
10 minimum setback may be reduced to the extent that a registered engineer certifies that the tower
11 is designed to fall within a smaller fall zone.

12 **(iii)** The tower shall not be used to support lights or signs other than those
13 required for aircraft warning or other safety purposes. To the extent allowed by the Federal
14 Aviation Administration (FAA), any required lighting shall not include use of strobe lights for
15 nighttime lighting and shall be oriented so as not to project directly onto any surrounding
16 residentially-zoned property.

17 **(iv)** The tower shall be designed and constructed or installed to minimize,
18 to the extent technologically feasible, any potential signal interference with public safety
19 communications and the usual and customary transmission or reception of radio and television
20 service enjoyed on adjoining properties.

21 **(v)** Except where otherwise required by State or Federal regulations, the
22 tower and any associated structures shall be painted or constructed of materials and neutral
23 colors designed to reduce visual obtrusiveness and blend into the surrounding environment.

24 **(vi)** The tower and associated structures shall be maintained in good
25 condition, order, and repair so that they do not endanger the life or property of any person and
26 retain their original characteristics. Any graffiti or other unauthorized materials inscribed on the
27 tower or associated structure shall be removed or covered in a manner substantially similar to
28 and consistent with the original exterior finish.

29 **(vii)** The tower (including any guy anchor supports) and any associated
30 ground-based equipment buildings shall be enclosed by security fencing and locked gates that
31 are at least eight feet high and have anti-climbing devices, and shall provide warning signs at

1 each vehicular access point to the site. The fencing shall be fully screened from adjacent streets
2 by landscaping material in accordance with Section 27-6500, Landscaping.

3 (viii) Any telecommunication equipment building related to the tower shall
4 have no more than 560 square feet of gross floor area and shall be screened by means of opaque
5 landscaping and/or berming in accordance with Section 27-6500, Landscaping.

6 (ix) No signage or advertising shall be affixed to the tower, support
7 structure, ground-based equipment building, or security fencing other than signs warning against
8 trespassing ("No Trespassing") or high voltage danger ("High Voltage – Danger") and one sign
9 no greater than three square feet in area that identifies the owner of the tower.

10 (x) A new tower greater than 180 feet in height shall be designed and
11 constructed with excess capacity to accommodate at least three additional collocation sites; a
12 new tower 180 feet or less in height shall be designed and constructed with excess capacity to
13 accommodate at least two additional collocation sites. The owners of a new telecommunications
14 tower shall permit other telecommunications providers to collocate antennas and associated
15 equipment on the tower, subject to mutually agreeable terms and conditions negotiated between
16 the parties.

17 (xi) If use of the tower is discontinued for a continuous period of six
18 months, the County shall deem it abandoned and provide the owner a written notice of
19 abandonment stating that the owner has 90 days from the date of receipt of the notice to either
20 resume use of the tower or file a notice of termination with the County. The owner shall remove
21 the tower within 180 days after a notice of termination is filed with the County. On removing an
22 abandoned tower, the owner shall restore the site of the tower to as good a condition as existed
23 before construction or installation of the tower, unless otherwise instructed by the County.

24 (xii) The County shall process all applications for a wireless
25 telecommunications tower in a timely manner in accordance with the review procedures in Part
26 27-3, Administration, and shall make a decision on such applications within a reasonable period
27 of time after the application is submitted and determined complete, taking into account the nature
28 and scope of the application. Specifically, the County shall decide all applications for collocation
29 of a telecommunications facility on an existing telecommunications tower or other existing
30 structure within 60 days after acceptance of a complete application, and shall decide applications
31 for telecommunications towers within 150 days after acceptance of a complete application.

1 (xiii) The tower shall comply with the standards and regulations of the
2 Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and
3 any other agency of the State or Federal government with the authority to regulate
4 telecommunications facilities.]

5 **Antenna**

6 (i) Any telecommunication equipment building related to the antenna shall
7 have no more than 560 square feet of gross floor area and shall be screened by means of opaque
8 landscaping and/or berming in accordance with Section 27-6500, Landscaping.

9 (v) Antennae associated with small wireless facilities within the public
10 right-of-way are exempt from the regulations of this Subsection and instead are subject to the
11 requirements of Subtitle 5A, Cable Television and Telecommunications, of the County Code.

12 * * * * *

13 (e) **Commercial Uses**

14 * * * * *

15 (2) **Adult Uses**

16 * * * * *

17 **(B) Adult Book or Video Store**

18 (i) The subject structure shall be located at least one thousand (1,000) feet
19 from any property in a Rural and Agricultural or Residential base zone; property proposed to be
20 used for residential purposes on an approved Basic Plan for the LCD Zone or any approved
21 detailed site plan; or property on which a school, library, park, playground, recreational facility,
22 day care center for children, or church has been built, and at least five hundred (500) feet from
23 another adult book store and/or adult video store.

24 (ii) An adult book store and/or adult video store lawfully operating is not
25 rendered a nonconforming use by the subsequent location of a residence within one thousand
26 (1,000) feet of the adult book store and/or adult video store or the subsequent location of a
27 school, library, park, playground, recreational facility, day care center for children, church,
28 within one thousand (1,000) feet of the adult book store and/or adult video store, or the
29 subsequent location of another adult book store and/or adult video store within five hundred
30 (500) feet; however, if the adult book store and/or adult video store ceases operation for a period
31 of one hundred eighty (180) calendar days or more regardless of any intent to resume operation.

1 it may not recommence operation in that location.

2 (iii) The distance stated in Subsection (ii) shall be measured as follows:

3 (aa) If the property with the adult book store and/or adult video store
 4 adjoins or is in the vicinity of any property on which a residence, school, library, park,
 5 playground, recreational facility, day care center for children, church, or another adult book store
 6 and/or adult video store has been built, then the distance shall be measured along street or right-
 7 of-way lines from the front door or main entrance of the structure used for adult book store or
 8 adult video store purposes to the front door or main entrance of the residence, school, library, or
 9 other use, as just stated.

10 (bb) If the property with the adult book store and/or Adult Book Store
 11 adjoins or is in the vicinity of undeveloped property which is in a Rural and Agricultural or
 12 Residential base zone or is proposed to be used for residential purposes on an approved Basic
 13 Plan for the LCD Zone or any approved detailed site plan, then the distance shall be measured in
 14 a straight line from the front door or main entrance of the structure used for adult book store
 15 and/or adult video store purposes to the nearest point of the boundary line of the undeveloped
 16 property in a Rural and Agricultural or Residential base zone or proposed for the LCD Zone or
 17 any approved detailed site plan as just stated.

18 (iv) Outdoor display of merchandise is prohibited.

19 (v) The proprietor, owner, or personnel of the adult book store and/or adult
 20 video store shall prohibit access to the premises by any person who is under eighteen (18) years
 21 of age.

22 (vi) All windows, doors, and other apertures shall be blackened or
 23 obstructed to prevent anyone outside the establishment from viewing its interior.

24 (vii) Advertising shall be limited to one business sign, as provided for in
 25 Section 27-61500, Signage.

26 (viii) The hours of operation of the adult book store and/or or adult video
 27 store shall not extend beyond 12:00 A.M. and shall not begin before 9:00 A.M.

28 (ix) An application for an adult book store and/ or adult video store use and
 29 occupancy permit shall be approved or denied by the Department of Permitting, Inspections, and
 30 Enforcement within fourteen (14) business days of the date that the application is accepted by the
 31 Department of Permitting, Inspections, and Enforcement.

1 (x) Upon receipt, the Department of Permitting, Inspections, and
2 Enforcement shall refer the application to the Maryland-National Capital Park and Planning
3 Commission. The Maryland-National Capital Park and Planning Commission shall review the
4 application and shall provide an approval or denial regarding zoning compliance as part of the
5 application. Such determination shall be transmitted from the Maryland-National Capital Park
6 and Planning Commission to the Department of Permitting, Inspections, and Enforcement within
7 five (5) business days from the date of Maryland-National Capital Park and Planning
8 Commission's receipt of the application from the Department of Permitting, Inspections, and
9 Enforcement.

10 (xi) In the event that the Department of Permitting, Inspections, and
11 Enforcement denies an application, the Department of Permitting, Inspections, and Enforcement
12 shall, in writing, state the reasons for the denial, and a copy of such decision shall be sent by first
13 class mail to the address provided by the applicant.

14 (xii) If the Department of Permitting, Inspections, and Enforcement fails to
15 render a timely decision pursuant to the terms of this section, then the Department of Permitting,
16 Inspections, and Enforcement shall be deemed to have approved or consented to the approval of
17 the adult book store and/or adult video store use and occupancy permit.

18 (xiii) An applicant may appeal to the Board of Zoning Appeals from a final
19 decision of the Building Official for an adult book store and/or adult video store use and
20 occupancy permit pursuant to Section 4-121 of the County Code.

21 (xiv) Termination of Use and Occupancy Permit

22 (aa) Where a use and occupancy permit has been issued for a use
23 other than as an adult book store and/or adult video store, as defined in Section 27-2500,
24 Definitions, and the property is being utilized as an adult book store and/or adult video store, all
25 use and occupancy permits for the property shall be deemed abandoned and shall automatically
26 terminate.

27 (bb) Notice of abandonment and termination shall be mailed to the
28 applicant by first class mail to the address provided by the applicant to the Department of
29 Permitting, Inspections, and Enforcement.

30 (C) Adult Entertainment

31 (i) The hours of operation shall be limited to 5:00 p.m. to 3:00 a.m.

1 (ii) The establishment shall be located at least 1,000 feet from any school,
2 any Rural and Agricultural or Residential base zone or land used for residential purposes on an
3 approved Basic Plan for the LCD Zone or any approved detailed site plan, and any other building
4 or use providing adult entertainment.

5 (iii) All windows, doors, and other apertures shall be blackened or
6 obstructed so as to prevent anyone outside the establishment from viewing its interior.

7 (iv) The proprietor, owner, or personnel of the establishment shall prohibit
8 access to the premises by any person who is under 18 years old.

9 * * * * * * *

10 **(3) Animal Care Uses**

11 * * * * * * *

12 **(D) Kennel on a Lot Having a Net Area of 20,000 Sq. Ft. or Less**

13 (i) Those parts of structures in which animals are boarded shall be fully
14 enclosed and sufficiently insulated so no unreasonable noise or odor can be detected off the
15 premises.

16 (ii) All boarded animals shall be kept within a totally-enclosed part of the
17 structures between the hours of 10:00 p.m. and 8:00 a.m.

18 (iii) Any open exercise runs or pens shall be at least 75 feet from any lot line,
19 with a Type B bufferyard provided between the run or pen and the property line, in accordance
20 with the Landscape Manual.

21 **(E) Kennel on a Lot Having a Net Area of More than 20,000 Sq. Ft.**

22 (i) In the AG Zone, the subject property shall contain at least ten (10)
23 contiguous acres.

24 (ii) Those parts of structures in which animals are boarded shall be fully
25 enclosed and sufficiently insulated so no unreasonable noise or odor can be detected off the
26 premises.

27 (iii) All boarded animals shall be kept within a totally-enclosed part of the
28 structures between the hours of 10:00 p.m. and 8:00 a.m.

29 (iv) Any open exercise runs or pens shall be at least 75 feet from any lot line,
30 with a Type B bufferyard provided between the run or pen and the property line, in accordance
31 with the Landscape Manual.

* * * * *

(4) Business Support Service Uses

* * * * *

(B) Qualified Data Center

(i) A Qualified Data Center shall include a site plan with any building permit application.

(ii) Qualified Data Centers shall be exempt from detailed site plan approval.

(iii) Qualified Data Centers shall not be permitted in designated Regional Transit Districts, Local Transit Centers (Local), Neighborhood Centers (Local), or Campus Centers (Local) as designated by the County's Plan 2035 General Plan, as may be amended from time to time. Notwithstanding this requirement, Qualified Data Centers may be permitted in the Bowie MARC Campus Center, as may be amended from time to time.

(iv) Qualified Data Centers shall comply with the following standards. Where the following standards may conflict with any other standard of this Ordinance, including any requirements of Part 27-6: Development Standards, these standards shall control:

(aa) Principal Building Facades

(I) For the purposes of this Section, principal building facades shall be defined as all exterior building facades that face public rights-of-way or existing residential development.

(II) Principal building facades shall include at least two (2) of the following design elements applied cohesively to the entirety of the face: changes in building height; building step-backs or recesses; fenestration; and/or changes in building material, pattern, texture, color, or use of accent materials. When a building has more than one principal building façade, such principal building facades shall be consistent in terms of design, materials, details, and treatment.

(bb) All exterior lighting shall be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and properties.

(cc) Regulations concerning the net lot area, lot coverage and green area, lot width/frontage, yards, building height, intensity, accessory buildings, and other similar requirements for uses in the CGO Zone shall not apply. Instead, the minimum green area shall be

1 10 percent, the minimum front yard setback shall be 25 feet, the minimum side and rear yards
 2 shall be 20 feet, and the building height shall not exceed 35 feet. In addition, the applicant may
 3 propose these regulations on the site plan to be reviewed by DPIE and M-NCPPC staff and
 4 approved by DPIE.

5 (dd) Security fencing shall be effectively screened by a minimum depth of
 6 40 feet of vegetation from all abutting residential properties and public rights-of-way. Security
 7 fencing shall not exceed 10 feet in height.

8 (ee) The requirements of the Landscape Manual shall apply.

9 (ff) The minimum number of required off-street parking spaces shall be
 10 equal to the minimum number of parking spaces required for "distribution warehouse" by
 11 Section 27-6305(a), Minimum Number of Off-Street Parking Spaces, and the minimum number
 12 of required off-street loading spaces shall be equal to the minimum number of loading spaces
 13 required for "warehouse and freight movement uses (except consolidated storage)" by Section
 14 27-6310(a).

15 (gg) Regulations pertaining to signage shall be the same as those applicable
 16 to uses in the IE Zone as required by Section 27-61500, Signage, of this Ordinance.

17 (hh) Driveways for ingress and egress shall be identified on the site plan and
 18 shall be located so as not to endanger pedestrians or create traffic hazards.

19 (ii) The applicant shall submit an acoustical study prepared by a
 20 professional acoustical engineer that demonstrates the use will not violate the maximum
 21 allowable noise levels (dBA) set forth in Subtitle 19 of this Code.

22 (v) In the RR Zone, the following additional requirements shall apply:

23 (aa) A qualified data center shall be located on land with a minimum
 24 acreage of 25 acres in size, at least 4,000 feet from a regional park, and the use shall be within a
 25 structure that is at least 300 feet from any residential use.

26 (bb) At least 30 days prior to submitting a building permit application, the
 27 applicant shall provide an informational mailing of the proposed application for a qualified data
 28 center permit to all adjoining property owners, registered civic associations and homeowners
 29 associations for the area within the respective Councilmanic District, as well as all municipalities
 30 within one (1) mile of the site proposed for development of the use. The informational mailing
 31 shall at least include the permit application number; a description of the property and its location;

1 the nature of the applicant's request; the applicant's telephone number, mailing address, and e-
2 mail address and a statement from the applicant inviting comment about the application; and
3 DPIE's telephone number, mailing address, and e-mail address, to obtain more information
4 and/or submit public comment about the application after it is filed. The applicant shall obtain
5 the list of addresses and compliance affidavit from the Maryland-National Capital Park and
6 Planning Commission. The applicant shall provide the affidavit to DPIE as proof of compliance
7 with this informational mailing requirement as a prerequisite to acceptance of the application.
8 The failure of a person or entity above to receive the informational mailing shall not be a basis
9 for denial of the permit for a qualified data center.

10 **(5) Eating or Drinking Establishment Uses**

11 * * * * *

12 **(D) Shared Commercial Kitchen**

13 **(i)** Shared commercial kitchens shall be approved by the Prince George’s
14 County Health Department before a use and occupancy permit may be issued.

15 **(ii)** Shared commercial kitchens may only be permitted in Rural and
16 Agricultural and Residential base zones if the subject property also includes a place of worship,
17 private school, private club or lodge, or indoor recreation facility.

18 * * * * *

19 **(6) Funeral and Mortuary Service Uses**

20 **(A) Funeral Parlor or Undertaking Establishment**

21 **(i)** The minimum side and rear yard setbacks shall be at least fifty (50) feet each
22 when the subject property adjoins land in any Rural and Agricultural or Residential base zone, or
23 land proposed to be used for residential purposes in an approved Basic Plan in the LCD Zone or
24 any approved detailed site plan;

25 **(ii)** If the subject property is located in a Rural and Agricultural or Residential
26 base zone, it shall contain at least one and one-half (1 1/2) contiguous acres;

27 **(iii)** The use shall not depreciate the value of neighboring properties;

28 **(iv)** The use shall not adversely affect the character of neighboring properties;

29 and

30 **(v)** The use shall not create undue traffic congestion.

31 * * * * *

1 **[(6)](7) Personal Service Uses**

2 * * * * * * * *

3 **[(C) Racetrack, Pari-mutuel**

4 A pari-mutuel racetrack (for horse racing) may be permitted, subject to the
5 following:

6 (i) The subject property shall contain at least one hundred (100)
7 contiguous acres;

8 (ii) A racetrack may be used for any of the following:

9 (aa) Temporary living accommodations, such as trailer pads, mobile
10 homes, and utility hookups, which are used during the permitted racing season by employees,
11 horsemen, owners, or other persons employed in connection with the racetrack, and their
12 families, for not more than two hundred eighteen (218) cumulative days per calendar year;

13 (bb) One (1) circus and one (1) fair per calendar year (in addition to
14 benefit functions and performances permitted below), not to exceed a twenty (20) calendar-day
15 period for each;

16 (cc) Trade shows, such as automobile, boat, agricultural, and science
17 shows; exhibitions such as art, handicraft, or antique shows; auctions, flea markets, fashion
18 shows, beauty pageants;

19 (dd) Dog, cat, horse shows, and rodeos;

20 (ee) Government-sponsored events and educational conferences;

21 (ff) Benefit functions (including but not limited to carnivals and
22 bazaars) sponsored and managed by charitable, patriotic, fraternal, educational, religious,
23 political, or civic organizations that are local to or serve Prince George's County;

24 (gg) Dinner theaters;

25 (hh) Tennis, handball, and other racquet facilities; horse boarding and
26 horse riding instruction, track meets, and jousting tournaments; and

27 (ii) Accessory buildings and uses.

28 (D) (C) Recreational or Entertainment Establishment of a Commercial Nature with a
29 Video Lottery Facility

30 * * * * * * * *

31 **[(E)] (D) Rifle, Pistol, or Skeet Shooting Range**

* * * * *

[(F)] (E) Skating Facility

(i) Any accessory eating or drinking use shall be entirely integrated within the skating facility, and shall not have access from the exterior of the skating facility.

(ii) The skating facility shall be wholly enclosed, and shall include special noise attenuation measures on all walls facing adjoining land in a Rural and Agricultural or Residential base zone or used for residential purposes.

* * * * *

[(G)] (F) Swimming Pool (Outdoor)

(i) Any outdoor swimming pool (including the apron, filtering and pumping equipment, and buildings) shall be located at least:

(aa) 75 feet from land in a Rural and Agricultural or Residential base zone, or land containing an existing or approved Residential use; and

(bb) 25 feet from land in a Nonresidential zone, or land containing an existing or approved Commercial or Industrial use; and

* * * * *

[(7)](8) Recreation/Entertainment Uses

* * * * *

[(8)](9) Retail Sales and Service Uses

* * * * *

(E) Farmers' Market

(i) Vehicular access to the subject property shall not be by means of streets internal to subdivisions for single-family detached dwellings.

(ii) Stalls, sales tables, and any other outdoor facilities related to the market shall be located at least 25 feet from any abutting street.

(iii) Items for sale shall not be displayed or stored within customer pathways.

(iv) Before issuance of a permit for the market, it shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.

(v) The market shall have a manager authorized to direct the operations of all participating vendors during all hours of operation.

1 (vi) Accessory wholesaling is permitted, but shall be limited to 25 percent of the gross
2 floor area of the market.

3 (vii) The market shall be operated only within the hours specified in the development
4 approval or permit to which the market is subject.

5 (vii) A farmer’s market vendor which cooks food on-site utilizing a propane or other
6 heated cooking surface must:

7 (aa) Secure a current year proof of review from the Fire/EMS Department
8 for a NFPA-701; and

9 (bb) Secure a current year proof of review from the Fire/EMS Department
10 for propane gas, if used. Current year proof of review must be displayed at all markets where
11 vendor is cooking food on-site.

12 (viii) Vendors that do not use heating sources or open flame or cook food on-site at the
13 Farmer's Market are not required to have a NFPA-701-compliant tent. Such vendors must be
14 located a minimum of ten (10) feet from vendors utilizing a heated cooking surface.

15 (ix) Market managers are responsible for ensuring that tents at a farmer's market are
16 weighted with at least 24 pounds anchoring each leg of the tent.

17 (x) Third party electrical or structural inspections are required for farmer's market
18 vendors if generators are used that are required to be grounded per manufacturing specifications
19 or if other temporary structures other than tents (i.e. stages and platforms) are used at the market
20 or if an individual tent is larger than 400 square feet.

21 **[(9)](10) Vehicle Sales and Service Uses**

22 * * * * *

23 **(D) Commercial Vehicle Sales and Rental and Personal Vehicle Sales and Rental**

24 **(i) Private Automobile or Other Motor Vehicle Auction**

25 * * * * *

26 (jj) Auctions shall be screened to block visibility from public rights-of-way
27 and Rural and Agricultural or Residential base zones in accordance with the following standards,
28 which shall not apply to publicly owned residential property:

29 (I) In addition to the landscaping requirements found in the
30 Landscape Manual, new screening installed to meet the requirements of this provision shall
31 consist of a solid, sight-tight (opaque) wall or fence at least six feet high or an evergreen screen

1 consisting of trees at least eight feet high, planted in a ten-foot-wide landscape strip. Trees within
 2 an evergreen screen shall be planted eight feet on center in a staggered pattern and have a
 3 minimum diameter of four feet when planted to achieve a sight-tight screen. Any fence or wall
 4 may be constructed as a panelized metal wall system applied to a minimum 2X4 frame with 4X4
 5 support posts, provided that the panelized metal is a minimum 29-gauge steel or similar material
 6 with a corrosive-resistant coating (such as a baked-on enamel finish) that is brown or green in
 7 color. The fence or wall may not be constructed of slatted chain link, or unsupported and/or
 8 untreated corrugated metal, fiberglass or sheet metal.

9 **(II)** Any fences or walls shall be located behind a planted landscape
 10 strip as prescribed in the Landscape Manual.

11 **(III)** Screening installed pursuant to the requirements of the
 12 Landscape Manual or an approved site plan on adjacent property in a Rural and Agricultural or
 13 Residential base zone shall satisfy the requirements of this Section.

14 **(IV)** Any fencing installed along property boundaries not visible from
 15 an existing public right-of-way or a Rural and Agricultural or Residential base zone shall be
 16 enclosed by a black, vinyl-clad, chain-link fence or other material not prohibited by provision (jj)
 17 above.

18 **(kk)** Ingress and egress driveway aprons shall have a minimum width of 30
 19 feet and shall be paved with concrete and meet the commercial driveway standards of SHA,
 20 DPW&T, or those of the applicable municipality. Drive aisles for internal circulation shall have a
 21 minimum width of 22 feet and shall be paved with concrete, asphalt, or asphalt millings surface.

22 **(ll)** Paved surfaces shall be maintained in good repair.

23 **(mm)** Dust-control measures shall be used on the site.

24 **(nn)** Disposal of all fluids and other materials shall be accomplished in a
 25 manner that complies with all County, State, and Federal regulations.

26 **(oo)** All lighting shall be directed away from adjoining properties.

27 **(pp)** If an amplified public address system is utilized for the auction's sales
 28 activities, the sales activities shall be within a wholly enclosed building or located at least 500
 29 feet from any land within a Rural and Agricultural or Residential base zone. If outside an
 30 enclosed building, use of an amplified public address system shall be limited to the hours of 9
 31 a.m. to 6 p.m. for a maximum of three days per week.

* * * * *

(E) Taxi or Limousine Service Facility

- (i) No dismantling or demolition of vehicles shall take place on the premises.
- (ii) In the CGO Zone and in the Transit-Oriented/Activity Center base and PD

zones, [no] vehicle storage[, repair, or servicing] is not permitted.

* * * * *

[(10)](11) Visitor Accommodation Uses

* * * * *

(B) Hotel or Motel

- (i) [The proposed use shall be located in an area which is or is to be developed with a concentration of industrial or office uses.
- (ii) The proposed use shall have frontage on, and direct vehicular access to, a street with a right-of-way width of at least seventy (70) feet.

[(iii)] (ii) The proposed use may include any of the following accessory uses. All accessory uses, and their square footages, shall be shown on the approved site plan. Notwithstanding any other requirement of this Subtitle, these accessory uses shall be permitted without obtaining a separate [special exception] approval:

- (aa) Entertainment establishment;
- (bb) Gift shop;
- (cc) Beauty shop;
- (dd) Barber shop;
- (ee) Auditorium;
- (ff) Recreational uses;
- (gg) Sauna, public spa, or steam room;
- (hh) Solarium;
- (ii) Valet shop;
- (jj) Similar retail stores and consumer goods establishments;
- (kk) Restaurant;
- (ll) Meeting facilities; and
- (mm) Lobby and registration area.

[(iv)] (iii) In reviewing the application, the Director of DPIE shall pay

1 particular attention to surrounding existing and proposed land uses and the compatibility of the
2 hotel or motel and its accessory uses with the surrounding area.

3 * * * * *

4 **[(11)](12) Water-Related Uses**

5 **(A) Boat Sales, Rental, Service, or Repair**

6 (i) Discarded parts resulting from any repair work shall be removed
7 promptly from the premises.

8 (ii) Boat replacement parts and accessories shall be stored either inside the
9 main structure or in a wholly enclosed accessory building used solely for storage.

10 (iii) The use shall be designed so that service bays are not directly visible
11 from an adjoining street.

12 (iv) Boats may not be stored as a source of parts. Boats that are repaired
13 and awaiting removal may be stored for no more than 30 consecutive days.

14 **(B) Boat Storage Yard**

15 (i) In the Limited Development Activity (LDO) Zone, a boat storage yard
16 is allowed [as a special exception] only if it is noncommercial.

17 * * * * *

18 **(f) Industrial Uses**

19 * * * * *

20 **[(3) Industrial Service Uses**

21 **(A) Landscaping Contractor’s Business**

22 (i) Minimum net lot area shall be five acres.

23 (ii) The subject property shall front on and have direct vehicular
24 access to an existing street with sufficient capacity to accommodate the type and amount of
25 traffic to be generated by the business.

26 (iii) Vehicular access to the subject property shall not be by means of
27 streets internal to residential subdivisions.

28 (iv) All business operations (except the outdoor growing of nursery
29 stock) shall be located at least 200 feet from any abutting land in any Residential zone, or land
30 approved for a residential use, and shall be screened from the view of the abutting residential
31 zoning or use in accordance with the Landscape Manual.

1 (v) Outdoor storage of equipment and materials (except nursery
2 stock) shall not be visible from a street.

3 (4)] (3) **Manufacturing Uses**

4 (A) **Concrete or Brick Products Manufacturing**

5 (i) Use components and other parts of the operation having the
6 potential for generating adverse noise, dust, or vibration impacts shall be located at least:

7 (aa) 300 feet from the boundary lines of the subject property
8 adjoining any land in any Rural and Agricultural or Residential base zone, Transit-
9 Oriented/Activity Center base or PD zone, or the CGO Zone, or from land approved for
10 residential or commercial use; and

11 (bb) 100 feet from the boundaries of the subject property
12 adjoining any land in the IE of IH Zones, or from land approved for industrial use.

13 (ii) Other fixed installations of the use (including automobile
14 parking, settling ponds, and office uses) shall be located at least 100 feet from the boundaries of
15 the subject property adjoining any land in any Rural and Agricultural or Residential base zone, or
16 from land approved for residential use on an approved Basic Plan for the LCD Zone or any
17 approved detailed site plan.

18 * * * * *

19 (D) **Fertilizer Manufacturing**

20 (i) All operations shall be confined to the interior of a wholly
21 enclosed building;

22 (ii) There shall be no outside storage of either raw materials or
23 finished products; and

24 (iii) An impact statement shall be submitted explaining:

25 (aa) The scope of the operation;

26 (bb) The provisions for control of noxious odors;

27 (cc) The pollution control measures to be taken; and

28 (dd) The compatibility of the use with the surrounding area.

29 [(5)] (4) **Warehouse and Freight Movement Uses**

30 (A) **Consolidated Storage**

31 (i) The subject property shall front on and have direct vehicular

1 access to an existing street with sufficient capacity to accommodate the type and amount of
2 traffic expected to be generated by the use.

3 (ii) The exterior and architectural façade of the building shall be
4 compatible with the prevailing architecture and appearance of other development in the
5 surrounding neighborhood.

6 (iii) No entrances to individual consolidated storage units shall be
7 visible from a street or from adjoining land in any Rural and Agricultural or Residential base
8 zone, Transit-Oriented/Activity Center base or PD zone, or the CN, CS, or CGO [Z] zones, or
9 from land approved for a residential or commercial use.

10 * * * * *

11 (C) Warehouse Showroom

12 (i) Maximum total floor area shall not exceed 100,000 square feet;

13 (ii) Maximum floor area ratio (FAR) of the warehouse showroom
14 shall not exceed 0.36.

15 (iii) The warehouse showroom shall be located at least 275 feet from
16 any land in any Rural and Agricultural or Residential base zone or land approved for a residential
17 use on an approved Basic Plan for the LCD Zone or any approved detailed site plan.

18 * * * * *

19 [(6)] (5) Resource Recovery and Waste Management Uses

20 * * * * *

21 Sec. 27-5200 Accessory Uses and Structures

22 27-5201. Designation of Accessory Uses and Structures

23 The Accessory Use/Structure Tables in this Section use the following abbreviations to designate
24 whether and how an accessory use or structure is allowed in a particular zone:

A "P" under a base zone column indicates that the use or structure is permitted as an accessory use or structure in the zone, subject to Section **Error!**
p **Reference source not found., Error! Reference source not found.**, any referenced use-specific standards, and all other applicable requirements of this Ordinance.

SE	<p>An "SE" under a base zone column indicates that the use or structure is permitted as an accessory use or structure in the zone only on approval of a special exception in accordance with Section Error! Reference source not found., Error! Reference source not found., subject to Section Error! Reference source not found., Error! Reference source not found., [any referenced use-specific standards,] and all other applicable requirements of this Ordinance.</p>
A	<p>An "A" under a Planned Development (PD) zone column indicates that the use or structure is permitted as an accessory use or structure in the zone, subject to Section Error! Reference source not found., Error! Reference source not found., any referenced use-specific standards, and all other applicable requirements of this Ordinance—unless the PD Basic Plan/PD Conditions of Approval approved for the zone expressly identifies the use or structure as prohibited.</p>
X	<p>An "X" under a base or Planned Development (PD) zone column indicates that the use or structure is prohibited as an accessory use or structure in the zone.</p>
X	<p>An "X" under an overlay zone column indicates that the use or structure is prohibited as an accessory use or structure in the overlay zone, irrespective of whether it is allowed in the underlying base zone.</p>
SE*	<p>An SE* in an overlay zone column indicates that, irrespective of whether it is a permitted use in the underlying base zone, the use or structure is permitted as an accessory use or structure in the zone only on approval of a special exception in accordance with Error! Reference source not found., Error! Reference source not found., subject to Section Error! Reference source not found., Error! Reference source not found., [any referenced use-specific standards,] and all other applicable requirements of this Ordinance.</p>
p*	<p>A P* in an overlay zone column indicates that, irrespective of whether it is prohibited or allowed only as a special exception in the underlying base zone, the use or structure is permitted as a permitted accessory use or structure in the zone, subject to Section Error! Reference source not found., Error! Reference source not found., any referenced use-specific standards, and all other applicable regulations of this Ordinance.</p>

A blank cell in the overlay zone column means that the use or structure is permitted if also permitted in the underlying base zone.

[All uses not listed are prohibited.]

(1) Review for Compliance with this Section and Any Use Specific Standards

Although accessory uses (except for home occupation and before- and after-school recreational program) are exempt from the need to obtain a use and occupancy permit (see Section 27-3608(b)(2)(C)), a proposed accessory use shall be reviewed for compliance with this Section when it is proposed and prior to its development if the accessory use is part of an application for a detailed site plan (see Section 27-3605), special exception (see Section 27-3604), or a building permit (see Section 27-3611).

* * * * *

27-5202. General Standards for All Accessory Uses and Structures

(a) Permitting Requirements

While exempt from the need to obtain a use and occupancy permit (except home occupation and before- and after-school recreational program), unless otherwise specified in this Ordinance, any accessory use or structure shall obtain any other applicable County, municipal, State, or Federal permits.

* * * * *

27-5203. Standards Specific to Accessory Uses and Structures

(a) General

(1) Standards for a specific accessory use or structure shall apply to the particular individual accessory use or structure regardless of the zone in which it is located or the review procedure by which it is approved, unless otherwise specified in this Ordinance. This Section sets forth and consolidates the standards for all accessory uses and structures for which a reference to this Section is provided in the "Use-Specific Standards" column of the accessory use/structure tables in Sections 27-5201(b), 27-5201(c), 27-5201(d), and 27-5201(e), and in the same order as they are listed in the table. These standards may be modified by other applicable standards or requirements in this Ordinance.

(2) Unless otherwise specifically permitted, an accessory use in a residential dwelling in a Rural and Agricultural or Residential base zone shall be limited to twenty percent (20%) of the gross floor area of the dwelling.

1 (b) Standards for Specific Accessory Uses and Structures

2 * * * * *

3 (9) Outdoor Storage (as an Accessory Use)

4 (A) Within the Transit-Oriented/Activity Center base and PD zones, outdoor
5 storage areas shall be located to the rear of the development’s principal building(s). In other
6 zones, outdoor storage areas shall be located to the side or rear of the development’s principal
7 structure(s).

8 (B) Where an outdoor storage area stores goods intended for sale or resale, such
9 goods shall be limited to those sold on the premise in conjunction with the principal use of the
10 lot.

11 (C) Flammable liquids or gases in excess of 1,000 gallons shall be stored
12 underground.

13 (D) No materials shall be stored in areas intended for vehicular or pedestrian
14 circulation.

15 (E) Outdoor storage areas shall be enclosed with either a wall made of masonry
16 material consistent with that of the primary building(s) on the lot, or a wood or vinyl fence (or a
17 combination of such a masonry wall and metal fencing). The height of the wall or fence shall be
18 sufficient to screen stored materials from view from public street rights-of-way, private streets,
19 public sidewalks, and any adjoining residential development.

20 * * * * *

21 (15) Swimming Pool (as an Accessory Use)

22 (A) In the RE, RR, RSF-95, RSF-65, and RSF-A zones, an outdoor swimming
23 pool shall be enclosed by a fence at least six feet high (which may be met by a railing attached to
24 an above-grade pool).

25 (B) An outdoor swimming pool accessory to a single-family dwelling may be
26 located in a required side or rear yard except that it shall be set back at least eight feet from the
27 rear lot line and five feet from all side lot lines.

28 (C) An outdoor swimming pool accessory to a use other than a single-family
29 dwelling shall meet the minimum yard depth requirements for a principal building (not for
30 accessory structures) and any applicable locational standards in Subsections (D) and (E) below.

31 (D) An outdoor swimming pool accessory to a residential development or

1 subdivision is subject to the following additional standards:

2 (i) The pool shall be for the sole use of the development's or subdivision's
3 residents, and their guests.

4 (ii) The pool (including the apron, filtering and pumping equipment, and
5 buildings) shall be located at least:

6 (aa) 75 feet from adjoining land in a Rural and Agricultural or
7 Residential base zone or land approved for a residential use on an approved Basic Plan for the
8 LCD Zone or any approved detailed site plan;

9 (bb) 25 feet from adjoining land in a Nonresidential zone or adjoining
10 land approved for a commercial or industrial use; and

11 (cc) 125 feet from an existing dwelling on adjoining land.

12 (iii) The use of any public address or other loudspeaker system for an outdoor
13 swimming pool shall be restricted to that necessary for safety purposes, and shall not be used for
14 the playing of music or other entertainment.

15 (E) In the RR Zone, an outdoor swimming pool accessory to a hotel or motel is
16 subject to the following additional standards:

17 (i) The pool shall be for the sole use of hotel or motel guests.

18 (ii) The subject property shall have an area of at least five acres.

19 (iii) The subject property shall have frontage of at least 200 feet on, and
20 vehicular access to, a street with a right-of-way width of at least 120 feet.

21 (iv) If the subject property abuts land that is developed, or approved to be
22 developed, for residential purposes, a substantial, sightly fence at least six feet high shall be
23 constructed and maintained along that part of the property line abutting the residential land;

24 (v) No building, structure, or parking area shall be located less than:

25 (aa) 50 feet from adjoining land in a Rural and Agricultural or Residential
26 base zone or adjoining land approved for a residential use on an approved Basic Plan for the
27 LCD Zone or any approved detailed site plan.

28 (bb) 25 feet from adjoining land in a Nonresidential zone or adjoining land
29 approved for a commercial or industrial use;

30 (cc) 200 feet from an existing dwelling on adjoining land; and

31 (dd) 150 feet from any adjoining street or public right-of-way.

* * * * *

(17) Tourist home (as accessory to a dwelling)

(A) The tourist home shall be an accessory use to a principal use as a dwelling, which principal Use is permitted (P) or allowable (A), subject to District Council approval of allowable uses in the approval of a PD Basic Plan and PD Conditions of Approval, in the Principal Use Tables;

(B) The tourist home may be located in a principal building or an accessory building;

(C) The tourist home shall be rented for no more than thirty (30) consecutive days and no more than a total of ninety (90) days, if not occupied by the owner or no more than one hundred eighty (180) days if occupied by the owner, over a single calendar year;

(D) The number of occupants using the tourist home at any one time shall not exceed eight (8) guests at any one time and there shall not be more than three (3) guests per bedroom;

(E) The owner of the property hosting the tourist home obtains and maintains the appropriate and required licenses from the Department of Permitting, Inspections, and Enforcements and other applicable license authorities; and

(F) The owner of the property hosting the tourist home shall collect and remit all applicable taxes.

* * * * *

27-5300 Temporary Uses and Structures

* * * * *

27-5303. Standards Specific to Temporary Uses and Structures

* * * * *

(b) Standards for Specific Temporary Uses and Structures

* * * * *

(3) Farmers' Market (as a temporary use)

(A) The market shall operate only with written permission from the owner of the property on which it is located.

(B) A farmers' market shall operate for no more than 106 calendar days in any one calendar year.

1 (C) A farmers' market shall be open only during the times identified in the
2 Temporary Use Permit.

3 (D) Except as provided in Subsection (E) below, a farmer's market shall only be
4 located on the open area or parking lot of private or publicly owned property.

5 (E) The market may operate inside a public or privately owned building during
6 the months of December through March for a period not to exceed a total of 30 days.

7 (F) The market shall provide adequate ingress, egress, and off-street parking
8 areas. Vehicular access to the subject property shall not be by means of streets internal to
9 subdivisions for single-family detached dwellings.

10 (G) Market sales shall be limited to the retail sale of agriculture, aquaculture, and
11 horticulture products produced by the vendors; foods prepared by the vendor, and incidental
12 sales of crafts or similar home-made products made by the vendors.

13 (H) Items for sale shall not be displayed or stored within customer pathways.

14 (I) The market shall have an established set of operating rules addressing the
15 governance structure of the market, hours of operation, and maintenance and security
16 requirements and responsibilities.

17 (J) The market shall have a manager authorized to direct the operations of all
18 participating vendors during all hours of operation.

19 (K) A farmer's market vendor which cooks food on-site utilizing a propane or
20 other heated cooking surface must:

21 (i) Secure a current year proof of review from the Fire/EMS Department
22 for a NFPA-701; and

23 (ii) Secure a current year proof of review from the Fire/EMS Department
24 for propane gas, if used. Current year proof of review must be displayed at all markets where
25 vendor is cooking food on-site.

26 (L) Vendors that do not use heating sources or open flame or cook food on-site
27 at the Farmer's Market are not required to have a NFPA-701-compliant tent. Such vendors must
28 be located a minimum of ten (10) feet from vendors utilizing a heated cooking surface.

29 (M) Market managers are responsible for ensuring that tents at a farmer's market
30 are weighted with at least 24 pounds anchoring each leg of the tent.

31 (N) Third party electrical or structural inspections are required for farmer's

1 market vendors if generators are used that are required to be grounded per manufacturing
2 specifications or if other temporary structures other than tents (i.e. stages and platforms) are used
3 at the market or if an individual tent is larger than 400 square feet.

4 * * * * *

5 **(4) Firewood Display and Sales**

6 (A) The Temporary Use Permit shall be valid for no more than four months in
7 any 12-month period and shall not be renewable.

8 (B) The firewood shall be neatly stacked, and the property shall be kept clean
9 and free from debris.

10 (C) The immediate area within which firewood is displayed or sold shall not be
11 enclosed.

12 (D) In any Rural and Agricultural or Residential base zone or land approved for
13 a residential use on an approved Basic Plan for the LCD Zone or any approved detailed site plan,
14 the sales area shall be located at least 25 feet from any street line.

15 (E) No power-driven log cutting or splitting devices shall be used in connection
16 with the use.

17 (F) In any [Commercial or Industrial Z] Nonresidential Zone or land approved
18 for commercial or industrial use, the sales area shall be located at least ten feet from any street
19 line, and shall not encroach upon any required landscaped area.

20 * * * * *

21 **(7) Modular Classroom**

22 (A) One modular classroom, not exceeding 700 square feet of gross floor area,
23 may be located on the premises of the school whose students are receiving instruction under Title
24 1.

25 (B) The Temporary Use Permit shall initially be valid for no more than three
26 years. The DPIE Director may grant written extensions of this time period for up to two years per
27 extension. The modular classroom shall be removed from the premises upon the earlier of:

28 (i) The expiration of the permit; or

29 (ii) The cessation of the educational services provided under Title 1 for a
30 period exceeding 100 consecutive days.

1 (C) The modular classroom shall not be located in a front yard and its
2 installation shall not cause the removal of any existing trees.

3 (D) The modular classroom shall be set back at least 25 feet from adjoining land
4 in any Rural and Agricultural or Residential base zone or land approved for a residential use on
5 an approved Basic Plan for the LCD Zone or any approved detailed site plan.

6 * * * * *

7 (9) **Seasonal Decorations Display and Sales**

8 (A) A Temporary Use Permit shall be valid for no more than 3 months.

9 (B) Except for bona fide nonprofit groups or organizations, in any Rural and
10 Agricultural or Residential base zone or land approved for a residential use on an approved Basic
11 Plan for the LCD Zone or any approved detailed site plan, the display/sales area shall be located
12 at least 25 feet from an existing street line and from any adjacent lot lines.

13 (C) Adequate measures shall be taken to ensure that the use will not adversely
14 affect the health and safety of residents or workers in the area, and will not be detrimental to the
15 use or development of adjacent properties or the general neighborhood.

16 * * * * *

17 **Sec. 27-5400 Special Exception Standards**

18 **27-5401. General**

19 **(a) Required Findings**

20 In addition to the required findings for the approval of a special exception specified in
21 Section 27-3604(e), Required Findings, all special exception applications shall comply with
22 Subsections (b) and (c), below, and all regulations applicable to the proposed use(s) as specified
23 in Section 27-5402, Additional Requirements for Specific Special Exception Uses.

24 **[(a)](b) Setbacks**

25 All setbacks shall be measured from the boundary line of the land for which the special
26 exception is requested or approved, regardless of whether this boundary line is a lot, property,
27 street, or other line. This Section applies to all setback requirements of this Subtitle which are
28 specifically applicable to the special exception use.

29 **[(b)](c) Landscaping, Buffering, and Screening**

30 (1) All landscaping required for a special exception, including any amendments to
31 landscaping, buffering, and screening requirements which may be proposed by the applicant,

1 shall be approved at the same time the special exception is approved. A special exception shall
2 comply with the Landscape Manual through the approval of a landscape plan. The District
3 Council may require additional landscaping, screening, or buffering if it determines that the
4 amount required by the Landscape Manual is insufficient to adequately protect adjacent uses.

5 (2) Amendments to landscaping, buffering, and screening required in an approved
6 special exception shall be made in accordance with Section 27-3604(i), Changes to Approved
7 Special Exceptions: Minor Changes.

8 * * * * *

9 **27-5402. Additional Requirements for Specific Special Exception Uses**

10 * * * * *

11 **(f) [Airport, Airpark, Airfield, Airstrip, Heliport, Helistop, Private]**

12 **Airfield, Airpark, Airport, or Airstrip**

13 (1) A [private] airfield, airpark, airport, [airfield,] airstrip, [heliport, helistop,] or
14 similarly designed area for the landing and taking off of aircraft may be permitted, subject to the
15 following:

16 (A) The land area proposed for the use shall be sufficient to meet the Federal
17 Aviation Administration's requirements for the class of facility proposed;

18 (B) There are no existing or proposed flight obstructions which are located
19 outside the proposed facility and which fall within the approach zone to any of the proposed
20 runways or landing strips;

21 (C) If air rights or easements have been acquired from the owners of adjacent
22 properties in which approach zones fall, satisfactory evidence of them shall be submitted with
23 the application;

24 (D) Structures shall be located at least one hundred (100) feet from any boundary
25 line of the subject property;

26 (E) An airstrip [or helistop] shall contain no terminal, storage, or repair/service
27 facilities; and

28 (F) An airport applicant shall demonstrate that the airport will not create
29 conflicts on adjacent properties, pursuant to the Aviation Policy Area regulations in Section 27-
30 4402(b), Aviation Policy Area Overlay (APAO) Zones.

31 (2) In addition to the requirements of Section 27-3604(c), Special Exception

1 Submittal Requirements, the site plan shall show the location and height of all structures, trees,
2 and overhead wires located within airport approach surfaces, as defined in Federal Aviation
3 Regulations Part 77. The site plan shall also show such things as the proposed topography,
4 grading, drainage, and water and sewerage facilities.

5 * * * * *

6 **(i) Asphalt Mixing Plant**

7 **(1)** An asphalt mixing plant (including the mixing of hot asphalt with aggregates, and
8 the storage of materials) may be permitted, subject to the criteria below.

9 **(A)** Mixing plant components and other parts of the operation having the
10 potential for generating adverse impacts (including cold feed systems, drying systems, mixing
11 units, dust collection systems, asphalt circulation systems, asphalt storage tanks, hot mix storage
12 bins, exhaust systems, material stock piles, and truck parking areas) shall be located at least three
13 hundred (300) feet from the boundaries of the subject property adjoining any land in any Rural
14 and Agricultural, Residential, or Commercial [Z]zone (or land proposed to be used for residential
15 or commercial purposes in a Transit-Oriented/Activity Center base or Planned Development
16 zone) and one hundred (100) feet from the boundaries of the subject property adjoining any land
17 in any Industrial Zone (or land proposed to be used for industrial purposes in a Transit-
18 Oriented/Activity Center base or Planned Development Zone). Other fixed installations
19 (including automobile parking and office uses) shall be located at least one hundred (100) feet
20 from the boundaries of the subject property adjoining any land in any Rural and Agricultural or
21 Residential base [Z]zone (or land proposed to be used for residential purposes in a Transit-
22 Oriented/Activity Center base or Planned Development Zone).

23 * * * * *

24 **(p) Commercial Recreational Attraction**

25 * * * * *

26 **(2)** Commercial recreational attractions may be permitted, subject to the following criteria:

27 **(A) Standards**

28 **(i)** The subject property shall have an area of at least two hundred fifty (250)
29 contiguous acres. Notwithstanding the above, as long as there are one hundred (100) contiguous
30 acres remaining under an approved special exception, the use may continue to operate pursuant
31 to the approved special exception regardless of the ownership or zoning of the property. For the

1 purpose of this Section, land separated by any rights-of-way or easements shall be considered
2 contiguous;

3 (ii) The property shall have frontage on, and direct vehicular access to, a street
4 with sufficient capacity to accommodate the traffic generated by the project. If the street is one
5 which is not yet built, the street must be funded for completion prior to the issuance of a use and
6 occupancy permit. The applicant shall submit a traffic analysis indicating the anticipated traffic
7 volume expected to be generated by the project, and the impact of the traffic upon external
8 streets and the on-site network of driveways;

9 (iii) Any place or structure used for exhibition, education, entertainment, dining,
10 recreation, or other purpose involving patron assembly, and any maintenance or service building
11 shall be located at least one hundred (100) feet from adjoining land in any Rural and Agricultural
12 or Residential zone, or land proposed to be used for residential purposes on an approved Basic
13 Plan for the LCD Zone or any approved detailed site plan, fifty (50) feet from adjoining land in
14 any other zone, and twenty-five (25) feet from any abutting street, unless the District Council
15 finds that, due to conditions in the area, these setbacks are unnecessary and the buffer yard
16 requirement in the Landscape Manual would be sufficient. If the structure or place is located
17 within two hundred (200) feet of land in any Rural and Agricultural or Residential zone, or land
18 proposed to be used for residential purposes in a Transit-Oriented/Activity Center base or
19 Planned Development zone, there shall be no public entrance to it from the side facing the
20 residential land. Notwithstanding the above, when a portion of a property subject to the special
21 exception site plan (or detailed site plan) is rezoned to any [r] Rural and Agricultural or
22 Residential base zone, or land proposed to be used for residential purposes on an approved Basic
23 Plan for the LCD Zone or any approved detailed site plan, any improvement, use, or structure
24 already constructed or shown on the detailed site plan may continue in operation or be
25 constructed as shown on the site plan;

26 (iv) Areas reserved for the display of animals in their natural or similar
27 environment shall be enclosed by two (2) fences. The innermost fence shall be located at least
28 thirty (30) feet from adjoining land in a Rural and Agricultural or Residential [Z]zone, or land
29 proposed to be used for residential purposes in a Transit-Oriented/Activity Center or Planned
30 Development zone;

31 (v) All perimeter areas shall be landscaped and buffered in accordance with the

1 provisions of the Landscape Manual. The applicant shall demonstrate that the proposed
2 perimeter buffering will provide a reasonable sound barrier for all adjacent uses. If the buffer
3 required by the Landscape Manual is determined to be inadequate, additional buffering may be
4 required.

5 (vi) At least fifty percent (50%) of the site shall be devoted to open space; and

6 (vii) The regulations restricting the height and lot coverage of buildings and
7 structures, and the location and height of accessory buildings (specified in the zone in which the
8 commercial recreational attraction is to be located), shall not apply to uses or structures provided
9 for in this Section. The dimensions and percentages shown on the approved site plan shall
10 constitute the regulations for development under a given special exception.

11 (B) **Parking**

12 (i) The number of parking spaces required shall be determined by the District
13 Council and shall be based upon the uses shown on the proposed site plan. All of the parking
14 spaces required shall be located entirely on the site. The number of spaces provided may be
15 modified by the Council as more experience with a particular project is gained; and

16 (ii) Any off-street parking area shall be located at least one hundred (100) feet
17 from any adjoining land in a Rural and Agricultural or Residential base [Z]zone, or land
18 proposed to be used for residential purposes on an approved Basic Plan for the LCD Zone or any
19 approved detailed site plan, and at least twenty-five (25) feet from any other adjoining land or
20 street. Notwithstanding the above, when a portion of a property subject to the special exception
21 site plan is rezoned to any Rural and Agricultural or Residential base zone, or land proposed to
22 be used for residential purposes on an approved Basic Plan for the LCD Zone or any approved
23 detailed site plan, any off-street parking area already constructed or shown on the detailed site
24 plan may continue or be constructed as shown on the site plan.

25 * * * * *

26 (r) **Concrete Batching Plant**

27 (1) A concrete batching plant (including the batching and mixing of cement with
28 sand, aggregates, and water; the storage of natural materials; and the mixing of materials in
29 trucks) may be permitted, subject to the criteria, below.

30 (A) Mixing plant components and other parts of the operation having the
31 potential for generating adverse impacts (including conveying systems, concrete mixers,

weighing hoppers, batching equipment, aggregate bins, truck mixing areas, truck wash-out facilities, and truck parking areas) shall be located at least three hundred (300) feet from the boundary lines of the subject property adjoining any land in any Rural and Agricultural, Residential, or Commercial base [Z]zone (or land proposed to be used for residential or commercial purposes in a Transit-Oriented/Activity Center base or Planned Development zone), and one hundred (100) feet from the boundaries of the subject property adjoining any land in any Industrial base [Z]zone (or land proposed to be used for industrial purposes in a Transit-Oriented/Activity Center base or Planned Development zone). Other fixed installations (including automobile parking, settling ponds, and office uses) shall be located at least one hundred (100) feet from the boundaries of the subject property adjoining any land in any Rural and Agricultural or Residential base [Z]zone (or land proposed to be used for residential purposes in a Transit-Oriented/Activity Center base or Planned Development zone).

* * * * *

(s) Concrete Recycling Facility

(1) A concrete recycling facility may be permitted, subject to the criteria below.

(A) Concrete recycling facility components and other parts of the operation having the potential for generating adverse noise, dust, or vibration impacts shall be located at least three hundred (300) feet from the boundary lines of the subject property adjoining any land in any Rural and Agricultural, Residential, or Commercial base [Z]zone (or land proposed to be used for residential or commercial purposes in a Transit-Oriented/Activity Center base or Planned Development zone), and one hundred (100) feet from the boundaries of the subject property adjoining any land in any Industrial base [Z]zone (or land proposed to be used for industrial purposes in a Transit-Oriented/Activity Center base or Planned Development zone). Other fixed installations (including automobile parking, settling ponds, and office uses) shall be located at least one hundred (100) feet from the boundaries of the subject property adjoining any land in any Rural and Agricultural or Residential base [Z]zone (or land proposed to be used for residential purposes in a Transit-Oriented/Activity Center base or Planned Development zone).

* * * * *

(u) Consolidated Storage

(1) Consolidated storage may be permitted, subject to the following:

(A) The application shall be accompanied by:

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- (i) An impact statement explaining:
 - (aa) The nature and scope of the operation; and
 - (bb) The type and amount of traffic expected to be generated;
- (ii) A description (graphic and narrative) of the proposed architectural facade of the building.

(B) The subject property shall have frontage on, and direct vehicular access to, an existing street with sufficient capacity to accommodate the type and amount of traffic expected to be generated by the use;

(C) The use shall be appropriate, given the nature of development in the neighborhood;

(D) The District Council shall find that:

- (i) There is a need for the public in the surrounding area.

(E) The exterior and architectural facade of the building shall be compatible with the prevailing architecture and appearance of other development in the surrounding neighborhood;

(F) Beginning June 23, 1988, no entrances to individual consolidated storage units shall be visible from a street or from adjoining land in any Rural and Agricultural, Residential, or Commercial base [Z]zone (or land proposed to be used for residential or commercial purposes on an approved Basic Plan for the LCD Zone or any approved detailed site plan);

* * * * *

(bb) Funeral Parlor or Undertaking Establishment

(1) A funeral parlor or undertaking establishment may be permitted subject to the following:

(A) The minimum side and rear yard setbacks shall be at least fifty (50) feet each, when adjoining land in any Rural and Agricultural or Residential base zone, or land proposed to be used for residential purposes on an approved Basic Plan for the LCD Zone or any approved detailed site plan;

(B) If the subject property is located in a Rural and Agricultural or Residential base zone, it shall contain at least one and one-half (1 1/2) contiguous acres;

(C) The use shall not depreciate the value of neighboring properties;

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(D) The use shall not adversely affect the character of neighboring properties;

and

(E) The use shall not create undue traffic congestion.

* * * * *

(ff) Health Campus

(1) A health campus may be permitted, subject to the following:

(A) General Requirements

(i) The subject property shall be suitable for the integration of a hospital and other medical facilities with any proposed residences, services, and recreational facilities.

(B) Special Requirements

(i) The subject property shall contain at least twenty-five (25) contiguous acres, except as provided in paragraph (E), below;

(ii) The subject property shall have frontage on, and direct vehicular access to, a street with sufficient capacity to accommodate the traffic generated by the campus;

(iii) All buildings and structures shall be located at least:

(aa) Fifty (50) feet from all adjoining property lines (except street lines); and

(bb) Twenty-five (25) feet from all adjoining street lines;

(iv) All off-street parking and loading facilities shall be located at least:

(aa) Fifty (50) feet from any adjoining land in a Rural and Agricultural or Residential base [Z]zone, or land proposed to be used for residential purposes on an approved Basic Plan for the LCD Zone or any approved detailed site plan;

(bb) Six (6) feet from any adjoining street; and

(cc) Ten (10) feet from any other land than that in (aa) and (bb), above;

* * * * *

(hh) Hotel or Motel

* * * * *

(2) In the RR Zone, a motel (which may include an accessory swimming pool or public spa for the sole use of transient guests) may be permitted, subject to the following:

(A) The subject property shall contain at least five (5) acres;

1 **(B)** The lot shall have frontage of at least two hundred (200) feet on and
2 vehicular access to a street with a right-of-way width of at least one hundred twenty (120) feet;

3 **(C)** If the subject property abuts land which is or is to be developed for
4 residential purposes, a substantial, sightly fence at least six (6) feet high shall be constructed and
5 maintained along that part of the property line abutting the residential land;

6 **(D)** No building, structure, or parking area shall be located less than:

7 **(i)** Fifty (50) feet from the street line or land in a Rural and Agricultural or
8 Residential base [Z]zone, or land proposed to be used for residential purposes on an approved
9 Basic Plan for the LCD Zone or any approved detailed site plan;

10 **(ii)** Twenty-five (25) feet from land in a Nonresidential base [Z]zone, or
11 land proposed to be used for commercial or industrial purposes on an approved Basic Plan for
12 the LCD Zone or any approved detailed site plan;

13 * * * * * * * *

14 **(kk) Landscaping Contractor's Business**

15 **(1)** A landscaping contractor's business may be permitted, subject to the following:

16 **(A)** The subject property shall contain at least twenty-five (25) contiguous acres.
17 The District Council may reduce this area requirement to no less than five (5) contiguous acres
18 provided:

19 **(i)** In addition to the justification statement, the applicant files an impact
20 statement explaining the scope of the business, including without limitation, the number of
21 employees, the number and type of trucks and other vehicles and the provisions to protect
22 adjoining and adjacent residential properties from noise, vibration, visual, odor, or other adverse
23 effects; and

24 **(ii)** The District Council determines, from the impact statement and
25 evidence in the record, that landscaping, screening, buffering, green area, or special conditions
26 on the subject property will adequately protect adjoining and adjacent residential properties.

27 **(B)** The subject property shall have frontage on, and direct vehicular access to,
28 an existing street with sufficient capacity to accommodate the type and amount of traffic to be
29 generated by the business;

30 **(C)** Vehicular access to the subject property shall not be by means of streets
31 internal to residential subdivisions;

1 (D) All business operations (except the outdoor growing of nursery stock) shall
2 be located at least two hundred (200) feet from any abutting land in any Rural and Agricultural
3 or Residential base [Z]zone, or land proposed to be used for residential purposes on an approved
4 Basic Plan for the LCD Zone or any approved detailed site plan. The District Council may waive
5 this setback requirement if it determines that the buffer yard required in the Landscape Manual
6 will adequately protect abutting residential land. These operations shall be screened from the
7 view of the abutting residential land in accordance with the Landscape Manual; and

8 (E) Outdoor storage of equipment and materials (except nursery stock) shall not
9 be visible from a street.

10 * * * * *

11 (mm) **Massage Establishment**

12 (1) A massage establishment may be permitted, subject to the following:

13 (A) The structure in which the use is proposed shall be located at least one
14 thousand (1,000) feet from any land in any Rural and Agricultural or Residential base [Z]zone,
15 land proposed to be used for residential purposes on an approved Basic Plan for the LCD Zone
16 or any approved detailed site plan, or any school, library, park, recreational facility, or place of
17 worship.

18 (nn) **Medical Cannabis Dispensary**

19 (1) The boundaries of property used as a medical cannabis dispensary shall be:

20 (A) [Within one-half (1/2) mile of a Metrorail Line station, as measured from the
21 center of the transit station platform;

22 (B) At least [five hundred (500)] three hundred (300) feet from any property in
23 the AR, RE, RR, RSF-95, or RSF-65 zones;

24 (C) At least five hundred (500) feet from any land owned by the Maryland-
25 National Capital Park and Planning Commission, unless the land has no recreational facilities
26 within 500 feet of the dispensary property or there is a regulated stream or a County master plan
27 roadway with a functional transportation classification as arterial or higher separating the
28 recreational facilities from the property;

29 (D) At least five hundred (500) feet from any school land uses; and

30 (E) At least one (1) mile from any other medical cannabis dispensary use.

31 (2) [A medical cannabis dispensary shall be located within five hundred (500) feet of

1 a medical facility.

2 (3) Minimum parking requirements for a medical cannabis dispensary shall be at least
 3 equivalent to the minimum parking requirements for a medical practitioner's office/medical
 4 clinic.

5 [(4)] (3) Medical cannabis dispensary is not permitted as an accessory use.

6 [(5)] (4) Outdoor signage shall be limited to building mounted signs and
 7 advertisement for cannabis or cannabis products is prohibited.

8 **(oo) Medical/Residential Campus**

9 (1) A medical/residential campus for retirement-aged persons may be permitted,
 10 subject to the following:

11 **(A) General Requirements**

12 (i) The campus shall primarily serve needs of the retirement-aged
 13 community. Age restrictions in conformance with the Federal Fair Housing Act shall be set forth
 14 in covenants submitted with the application and shall be approved by the District Council and
 15 filed in the land records at the time the final subdivision plat is recorded;

16 (ii) The campus shall achieve a balanced residential/medical environment
 17 which is unique to the neighborhood in which it is located, and which cannot be achieved
 18 through the use of conventional zoning proposals;

19 (iii) Residences shall be functionally, physically, and architecturally
 20 integrated with service and recreational/activity centers;

21 (iv) Medical services (if any) shall be conveniently located for the
 22 residents; and

23 (v) Commercial or service-oriented uses shall be grouped together, and
 24 shall be located near the population being served.

25 **(B) Specific Requirements**

26 (i) The subject property shall contain at least twenty-five (25) contiguous
 27 acres;

28 (ii) The site shall have frontage on, and direct vehicular access to, an
 29 existing street with sufficient capacity to accommodate any traffic generated by the campus;

30 (iii) All buildings, structures, off-street parking compounds, and loading
 31 areas shall be located at least:

1 (aa) One hundred (100) feet from any adjoining land in a Rural and
2 Agricultural and Residential base [Z]zone, or land proposed to be used for residential purposes
3 on an approved Basic Plan for the LCD Zone or any approved detailed site plan;

4 (bb) Fifty (50) feet from all other adjoining property lines (except
5 street lines); and

6 (cc) Twenty-five (25) feet from all adjoining street lines;

7 * * * * *

8 (pp) **Methadone Treatment Centers**

9 (1) A methadone treatment center may be permitted, subject to the following:

10 (A) The subject structure shall be located at least one thousand (1,000) feet
11 from any Rural and Agricultural or Residential base zone, land proposed to be used for
12 residential purposes on an approved Basic Plan for the LCD Zone, approved detailed site plan, or
13 property associated with any of the following: school, library, park, playground, or recreational
14 facility;

15 * * * * *

16 (aaa) **Public Utility Use or Structure**

17 (1) A public utility use or structure may be permitted, subject to the following:

18 (A) The use, at the location selected, is necessary for public convenience and
19 service, and cannot be supplied with equal public convenience if located elsewhere;

20 (B) Public utility buildings and structures in any Rural and Agricultural or
21 Residential base [Z]zone, or on land proposed to be used for residential purposes in the RMH
22 Zone shall (whenever feasible) have the exterior appearance of residential buildings;

23 (C) Overhead lines, poles, radio or television transmitter towers, and other
24 towers shall not be located in airport approach areas; and

25 (D) In Rural and Agricultural or Residential base [Z]zones, or on land proposed
26 to be used for residential purposes on an approved Basic Plan for the LCD Zone or any approved
27 detailed site plan, telephone, radio, or television transmission towers shall be set back (from the
28 boundary line of the special exception) a distance equal to its height (measured from its base)
29 plus fifty (50) feet.

30 * * * * *

31 (fff) **Sand and Gravel Wet-Processing**

1 (1) Wet-processing of sand and gravel (including only washing, screening,
2 classifying, crushing, and stockpiling of natural materials), may be permitted, subject to the
3 criteria below:

4 (A) The subject property shall contain at least fifty (50) contiguous acres. This
5 minimum acreage requirement may be waived by the District Council, provided the property has
6 direct vehicular access to an existing four (4) lane highway.

7 (B) Initially, the special exception shall be valid for twenty (20) years, unless the
8 District Council grants some lesser time period. Extensions of specific periods may be granted if
9 a new special exception application is filed and no substantial adverse impact is found in the
10 continuation of the use. When the subject property is in a Rural and Agricultural or Residential
11 base zone, extensions of time may be granted only where the area surrounding the property is not
12 substantially developed with incompatible uses.

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14 (iii) Skating Facility

15 (1) A skating facility may be permitted, subject to the following:

16 (A) The use is proposed on a site comprising at least five (5) gross acres;

17 (B) The main building on the site shall be set back at least one hundred (100)
18 feet from all property lines;

19 (C) All required parking shall be provided on-site, unless off-site parking on an
20 abutting lot is provided;

21 (D) Any ancillary restaurant shall be entirely integrated within the skating
22 facility, and shall not have access from the exterior of the skating facility; and

23 (E) The skating facility shall be wholly enclosed. Special noise attenuation
24 measures shall be considered on all walls facing land in a Rural and Agricultural or Residential
25 base zone or land used for residential purposes on an approved Basic Plan for the LCD Zone or
26 any approved detailed site plan.

27 * * * * *

28 (mmm) Tower, Pole, or Monopole

29 (1) A tower, pole, or monopole for the support of an antenna (electronic, radio,
30 television, transmitting, or receiving) may be permitted, subject to the following:

(A) In the Nonresidential base zones, and for land in a Rural and Agricultural or Residential base zone owned by a public entity, the structure shall generally be set back from all property lines and dwelling units a distance equal to the height of the structure (measured from its base). The District Council may reduce the setback to no less than one-half (1/2) the height of the structure based on certification from a registered engineer that the structure will meet the applicable design standards for wind loads of the Electronic Industries Association (EIA) for Prince George's County. In the Rural and Agricultural and Residential base zones, on privately owned land, the structure shall be set back from all property lines and dwelling units a distance equal to the height of the structure (measured from its base);

* * * * *

(ppp) Fertilizer Manufacturing

(i) All operations shall be confined to the interior of a wholly enclosed building;

(ii) There shall be no outside storage of either raw materials or finished products; and

(iii) An impact statement shall be submitted explaining:

(aa) The scope of the operation;

(bb) The provisions for control of noxious odors;

(cc) The pollution control measures to be taken; and

(dd) The compatibility of the use with the surrounding area.

PART 27-6. DEVELOPMENT STANDARDS.

Sec. 27-6100 Applicability

* * * * *

27-6104. Applicability of Development Standards

Table 27-6104: Applicability of Development Standards, identifies the development standards Sections that apply to development activities in the County. When a Section is identified as applicable, the proposed development shall comply with the standards of that Section. Where the general standards within this Division conflict with specific use standards specified in this Subtitle, the standards applicable to the specific use shall apply. Refer to Section 27-6105, Timing of Review, to determine when the development standards apply to, and are reviewed with, the proposed development. Development thresholds identified in the table are cumulative

1 from the initial approved development. For example, a nonresidential building originally
2 approved for 50,000 square feet of gross floor area may expand to a total of 74,999 square feet,
3 after which any additional future expansions subject the building to the 50 percent expansion
4 threshold and compliance with additional development standards.

Table Error! Reference source not found.: Applicability of Development Standards

✓ = Section Applies

Development Threshold	Roadway Access, Mobility, and Circulation (Sec. 27-6200)	Off-Street Parking and Loading (Sec. 27-6300)	Open Space Set-Asides (Sec. 27-6400)	Landscaping (Sec. 27-6500)	Fences and Walls (Sec. 27-6600)	Exterior Lighting (Sec. 27-6700)	Environmental Protection and Noise Controls (Sec. 27-6800)	Multifamily, Townhouse, and Three-Family Form and Design Standards (Sec. 27-6900) [(Sec. 27-6903)]	Nonresidential and Mixed-Use Form and Design Standards (Sec. 27-61000)	Industrial Form and Design Standards (Sec. 27-61100)	Neighborhood Compatibility Standards (Sec. 27-61200)	Agricultural Compatibility Standards (Sec. 27-61300)	Urban Agriculture Compatibility Standards (Sec. 27-61400) [(Sec. 27-61403)]	Signage (Sec. 27-61500)	Green Building Standards (Sec. 27-61600)
	Expansion or alteration of any other type of dwelling		✓	✓				✓				✓			
Construction of any nonresidential or mixed-use building	✓	✓	✓			✓	✓		✓		✓	✓	✓		
Expansion or alteration of existing nonresidential or mixed-use buildings that increase the building's gross floor area by 50 percent or more	✓	✓	✓			✓	✓		✓		✓				
Expansion or alteration of existing nonresidential or mixed-use buildings that increase the building's gross floor area by less than 50 percent		✓					✓				✓				
Construction of any industrial building	✓	✓	✓			✓	✓			✓	✓	✓	✓		
Expansion or alteration of existing industrial buildings that increase the building's gross floor area by 50 percent or more	✓	✓	✓			✓	✓			✓	✓				
Expansion or alteration of existing industrial buildings that increase the building's gross floor area by less than 50 percent		✓					✓				✓				
Issuance of an initial use and occupancy permit for a building		✓				✓	✓								

Table Error! Reference source not found.: Applicability of Development Standards

✓ = Section Applies

Development Threshold	Roadway Access, Mobility, and Circulation (Sec. 27-6200)	Off-Street Parking and Loading (Sec. 27-6300)	Open Space Set-Asides (Sec. 27-6400)	Landscaping (Sec. 27-6500)	Fences and Walls (Sec. 27-6600)	Exterior Lighting (Sec. 27-6700)	Environmental Protection and Noise Controls (Sec. 27-6800)	Multifamily, Townhouse, and Three-Family Form and Design Standards (Sec. 27-6900) [(Sec. 27-6903)]	Nonresidential and Mixed-Use Form and Design Standards (Sec. 27-61000)	Industrial Form and Design Standards (Sec. 27-61100)	Neighborhood Compatibility Standards (Sec. 27-61200)	Agricultural Compatibility Standards (Sec. 27-61300)	Urban Agriculture Compatibility Standards (Sec. 27-61400) [(Sec. 27-61403)]	Signage (Sec. 27-61500)	Green Building Standards (Sec. 27-61600)
Issuance of a use and occupancy permit for uses which are not associated with buildings or where there is no building on the subject property.		✓				✓	✓				✓				
Changes in use or occupancy and/or ownership that result in no increase to the intensity of the use		✓													
Changes in use or occupancy and/or ownership that result in an increase to the intensity of the use		✓				✓	✓				✓				
Any development associated with a grading permit		[✓]					✓								
Conversion of office building(s) to residential dwellings		✓	✓			✓	✓								
Issuance of a building permit for buildings or structures not otherwise identified in this table. [1]	✓	✓	✓			✓	✓	✓	✓	✓	✓	✓	✓		

NOTES:
 [1] If a building permit is the only application needed for a proposed development prior to construction, the building permit will be reviewed for compliance with all Sections of this Part as may be applicable. If a building permit is submitted subsequent to a preceding development approval, the building permit application will be checked for compliance with any conditions of approval that may be established by the preceding approvals.

27-6105. Timing of Review

Unless otherwise exempted, including the provisions of Section 27-6104, review for compliance with the standards of this Part shall occur during review of the appropriate development application as specified below.

* * * * *

(g) Use and Occupancy Permit.

A use and occupancy permit is approved in association with a building permit or after construction has occurred. As such, only factors directly associated with the use need to be reviewed prior to issuance. These include any use-specific standards that may apply to the use and the following Sections of this Part:

- (1) Section 27-6300, Off-Street Parking and Loading
- (2) Section 27-6500, Landscaping
- (3) Section 27-6700, Exterior Lighting
- (4) Section 27-6800, Environmental Protection and Noise Controls
- (5) Section 27-61200, Neighborhood Compatibility Standards
- (6) [Section 27-61300, Agricultural Compatibility Standards
- (7) Section 27-61400, Urban Agriculture Compatibility Standards
- (8) Section 27-61500, Signage

When a proposed new use would be expected to have a different intensity than a prior use, there may be a need to re-evaluate the potential impacts of the proposed use. Table 27-6104: Applicability of Development Standards, identifies the Sections of this Part that are applicable in these situations.

(h) Grading Permit

A grading permit is approved in association with a building permit or a use and occupancy permit, and is usually necessary before any development can be realized, but is considered a separate development activity that is not subject to most of the development standards of this Part. A grading permit is reviewed for compliance with [Section 27-6300, Off-Street Parking and Loading and Section] 27-6800, Environmental Protection and Noise Controls.

* * * * *

Sec. 27-6200 Roadway Access, Mobility, and Circulation

* * * * *

1 **27-6206. Vehicular Access and Circulation**

2 * * * * *

3 **(f) Connectivity Standards for Single-Family (Attached and Detached) Residential**
4 **Development**

5 **(1) Minimum Connectivity Index Score Required**

6 New single-family residential subdivisions processed with a preliminary plan of major
7 subdivision shall achieve an internal street connectivity index score in accordance with Table 27-
8 6206(f)(1): Minimum Street Connectivity Index.

Table 27-6206(f)(1): Minimum Street Connectivity Index	
Zone Where Development is Proposed	Minimum Connectivity Index Score
Located in Residential and Planned Development Zones	1.50
Located in Nonresidential and Transit-Oriented/Activity Center Zones	1.40

9 **(2) Connectivity Index Score Calculation**

10 [The connectivity index for a development is calculated by dividing its links by its
11 nodes. Figure 27-6206(f)(2): Street Connectivity Index, provides an example of how to calculate
12 the connectivity index. Nodes exist at street intersections and cul-de-sac heads within the
13 development. Links are stretches of road that connect nodes, alleys, stub streets, and pedestrian
14 connections pursuant to Section 27-6206(g) below. Links external to the development that
15 connect to nodes associated with the development shall be included in the index calculation. In
16 addition, any nodes immediately adjacent to the development but outside of its site property,
17 such as intersections that provide access to the development through an entry street or driveway,
18 will be included in the index calculation, as will all links attached to that node. In the diagram,
19 there are 36 links and 21 nodes; therefore the connectivity index is 1.71 (36/21 = 1.71).]

20 The connectivity index for a development is calculated by dividing its links by its nodes.
21 Figure 27-6206(f)(2): Street Connectivity Index, provides an example of how to calculate the
22 connectivity index.

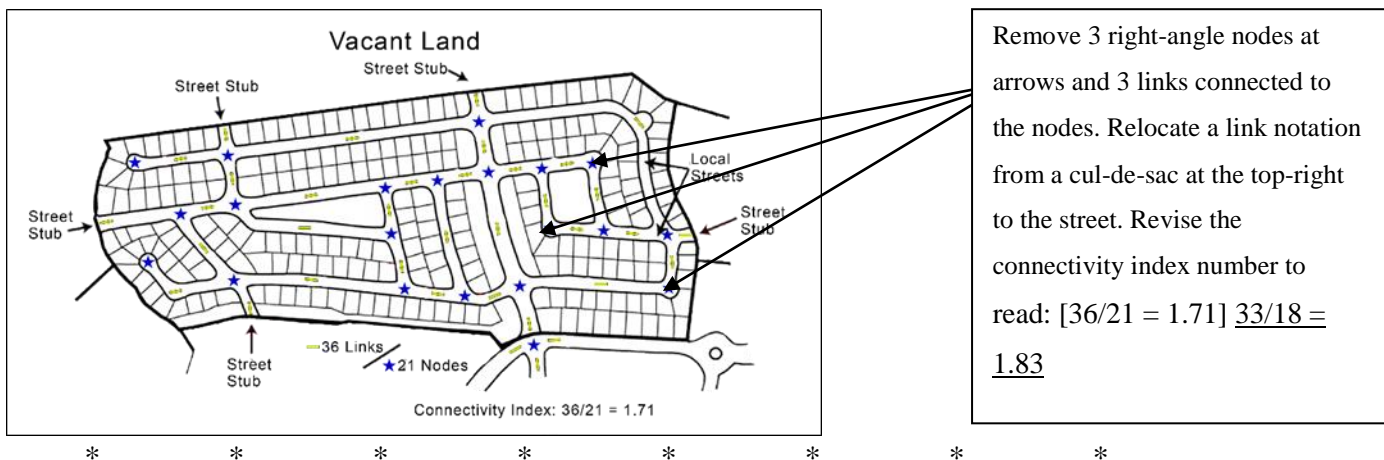
23
24 Nodes exist at street intersections, including any intersections to access streets immediately
25 adjacent to the development but outside of its site property, such as intersections that provide
26 access to the development through an entry street or driveway; traffic circles/roundabouts; street

1 intersections with alleys that serve as the only vehicular access to residential dwellings; trail
 2 intersections where two or more trails intersect; and cul-de-sac heads within the development.

3
 4 Links are stretches of road that connect nodes, stub streets, and pedestrian connections
 5 pursuant to Section 27-6206(g) below. Any alley that serves as the only vehicular access to
 6 residential dwellings shall also count as a link. Other alleys do not count as links. For purposes
 7 of this Subsection, stub streets shall stub at the property line to count a link. Any stub street fully
 8 internal to the development and which does not touch the property line (and therefore will not
 9 constitute a future street connection) does not count as a link. Links external to the development
 10 that connect to nodes associated with the development shall be included in the index calculation,
 11 as shall all links attached to nodes providing access to the development.

12
 13 In the diagram, there are 33 links and 18 nodes; therefore the connectivity index is 1.83
 14 (33/18 = 1.83).

15 **Figure 27-6206(f)(2): Street Connectivity Index**



16 * * * * *

17 **(k) Block Design**

18 **(1) Block Length**

19 Where blocks are used in the Transit-Oriented/Activity Center base and PD zones and the MU-
 20 PD Zone, block length shall be at least 200 feet, but no more than 800 feet. In all other zones
 21 block length shall be at least 200 feet, but no more than 1,000 feet in length. The Planning
 22 Director (or DPIE Director if any streets forming/abutting the block are public streets) may allow
 23 modifications from these block length standards on determining that:

- (A) Environmental or topographic constraints exist;
- (B) The site has an irregular shape;
- (C) A longer block will reduce the number of railroad grade or water body crossings; or
- (D) Longer blocks will result in less traffic through residential subdivisions from adjoining businesses or areas.

* * * * *

(m) Vehicle Stacking Space

(1) For Drive-through and Related Uses

(A) Required Number of Stacking Spaces

In addition to meeting the off-street parking standards in Table 27-6305(a): Minimum Number of Off-Street Parking Spaces, uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service facility shall provide at least the minimum number of stacking spaces established in Table 27-6206(m)(1)(A): Minimum Stacking Spaces for Drive-Through Facilities and Related Uses.

Table 27-6206(m)(1)(A): Minimum Stacking Spaces for Drive-Through Facilities and Related Uses		
Use or Activity [1]	Minimum Number of Stacking Spaces	Measured From
Bank or financial Institution, with drive-through service or with automated teller machine (ATM) as an accessory use	3 per lane	Teller window or teller machine
Gas station	1	Each end of the outermost gas pump island
Gated driveway (for any principal use)	3	Gate
Nursing or care home	3	Building entrance
Recycling collection center	3 per bay	Bay entrance
Personal Vehicle Repair and Maintenance, specifically with car wash and auto detailing, automatic	6 per bay	Bay entrance
Personal Vehicle Repair and Maintenance, specifically with car wash and auto detailing, self-service	2 per bay	Bay entrance
Consumer goods establishment, with drive-through service	4 per lane	Window
All personal service uses with drive-through service	4 per lane	Window
Personal Vehicle Repair and Maintenance, specifically with oil change/lubrication shop	3 per bay	Bay entrance
Restaurant, quick-service, with drive-through service [2]	6	Order box
School, private, not located in the [RTO, LTO, TAC or NAC] <u>RTO-H, RTO-L, RTO-PD, LTO, LTO-PD, TAC, TAC-PD, NAC, or NAC-PD</u> zones	6 spaces	Primary Building entrance, if this is the primary location for student pick-up/drop-off
	8 spaces	Designated student waiting area, if this is the primary location for student pick-up/drop-off

Table 27-6206(m)(1)(A): Minimum Stacking Spaces for Drive-Through Facilities and Related Uses							
Use or Activity [1]				Minimum Number of Stacking Spaces		Measured From	
Other				Uses not specifically listed are determined by the Planning Director based on standards for comparable uses, or alternatively based on a parking demand study			
NOTES: [1] See Part 27-5: Use Regulations. [2] Restaurants with drive-through service shall provide at least four additional stacking spaces between the order box and the pick-up window.							

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Sec. 27-6300 Off-Street Parking and Loading

27-6305. Off-Street Parking Space Standards

(a) Minimum Number of Off-Street Parking Spaces

Except as otherwise provided for multiple use developments (see Section 27-6305(c) below), new development or a change in use or expansion shall provide the minimum number of off-street parking spaces in accordance with Table 27-6305(a), Minimum Number of Off-Street Parking Spaces, based on the principal use(s) involved and the extent of development. Interpretation of the off-street parking space standards for uses with variable parking demands or unlisted uses is provided in Section 27-6305(b), Unlisted Uses.

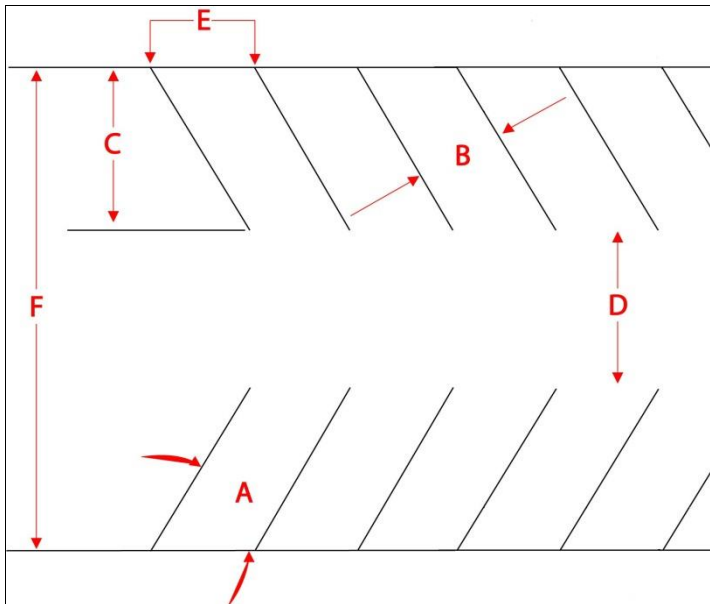
27-6306. Dimensional Standards for Parking Spaces and Aisles

(a) General

Except as otherwise provided in Section 27-6306(b) below, standard vehicle parking spaces and parking lot aisles shall comply with the minimum dimensional standards established in Table 27-6306(a), Minimum Dimensional Standards for Parking Spaces and Aisles. See Figure 27-6306(a).2: Measurement of Parking Space and Aisle Dimension.

Table 27-6306(a).1: Minimum Dimensional Standards for Parking Spaces and Aisles [1]					
Parking Angle (degrees)	Stall Width (ft)	Stall Depth Perpendicular to Curb (ft)	Aisle Width (ft) [2]	Stall Length along Curb (ft)	Double Row + Aisle, Curb to Curb (Ft)
A	B	C	D	E	F
Residential, Public, Civic, and Institutional, and Commercial Uses ONLY					
0 (parallel parking)	8	8	11	22	27
45	9	19	12	13	50
60	9	20	15	10	50
90	9	18	22	9	58
<u>Compact Spaces</u>	<u>8</u>	<u>16</u>	<u>11</u>	<u>16</u>	<u>27</u>
NOTES: [1] Refer to Figure 27-6306(a).2, below, for illustrations showing how dimensions for parking spaces and aisles in various configurations (A-F) are measured. [2] For one-way traffic. Aisles for two-way traffic shall be at least 22 feet wide (for all parking angles). The Planning Director may approve an aisle width less than the minimum on determining that the aisle is sufficiently wide to allow vehicles to conveniently maneuver through the parking area and access each parking space without driving through any other parking space.					

1 **Figure 27-6306(a).2: Measurement of Parking Space and Aisle Dimensions**



2
3 **(b) Smaller Parking Spaces for Tandem Parking and Certain Uses**

4 The dimensions of off-street parking stalls may be reduced to a width of eight feet and a
5 depth/length of 18 feet per vehicle where the parking stalls are:

- 6 (1) Used for tandem parking (see Section 27-6307(g), Valet and Tandem Parking); or

1 (2) Located within a development containing exclusively industrial services uses,
2 manufacturing and production uses, or warehouse and freight movement uses.

3 (c) **Vertical Clearance**

4 All off-street parking spaces shall have a minimum overhead clearance of 7 feet for vehicle
5 parking, with a minimum overhead clearance of 8.5 feet for van-accessible parking.

6 (d) **Compact Parking Spaces**

7 (1) Up to one-half (1/2) of the required number of parking spaces in any parking lot
8 may be compact car spaces. Any parking spaces provided in any lot, in excess of the number
9 required, may also be compact car spaces.

10 (2) All compact car spaces shall be marked as such.

11 **27-6307. Off-Street Parking Alternatives**

12 (a) **General; Alternative Parking Plan**

13 (1) An alternative parking plan that proposes alternatives to providing the minimum
14 number of off-street parking spaces required by Table 27-6305(a): Minimum Number of Off-
15 Street Parking Spaces, may be submitted with a development application for a detailed site plan
16 (Section 27-3605), temporary use permit (Section 27-3607), use and occupancy permit (Section
17 27-3608), or building permit (Section 27-3611) and may be approved by the Planning Board, the
18 Planning Director, or the DPIE Director, whichever is the decision-maker on the application, in
19 accordance with the standards listed below.

20 * * * * *

21 **Sec. 27-6400 Open Space Set-Asides**

22 * * * * *

23 **27-6408. Ownership, Management, and Maintenance of Open Space Set-Asides**

24 (a) Open space set-asides required by this Ordinance or by Subtitle 24, Subdivisions, shall
25 be managed and maintained in compliance with all applicable provisions of Maryland law. To
26 the extent not inconsistent with Maryland law, such open space set-asides shall be managed and
27 maintained as permanent open space through one or more of the following options:

28 (1) Conveyance of open space set-aside areas to a property owners' or homeowners'
29 association that holds the land in common ownership; [and will be responsible for managing and
30 maintaining the land for its intended open space purposes, in perpetuity;]

31 (2) Conveyance of open space set-aside areas to a third-party beneficiary such as an

1 environmental, historical, or civic organization, a municipality, or M-NCPPC, that is organized
2 for, capable of, and willing to accept responsibility for managing and maintaining the land; [for
3 its intended open space purposes, in perpetuity;]

4 (3) Establishment of easements or covenants; [on those parts of individually-owned
5 lots including open space set-aside areas that require the areas to be managed consistent with the
6 land’s intended open space purposes and prohibit any inconsistent future development, in
7 perpetuity;] or

8 (4) If public stormwater management facilities are treated as site amenities, through
9 stormwater management easements.

10 (b) All options involving private ownership of open space set-aside areas shall include
11 deed restrictions, covenants, or other legal instruments that ensure continued use of the land for
12 its intended open space purposes, in perpetuity, and provide for the continued and effective
13 management, operation, and maintenance of the land and facilities.

14 (c) Responsibility for managing and maintaining open space set-asides rests with the
15 owner of the land of the open space set-asides. Failure to maintain open space set-asides in
16 accordance with this Section and the development approval or permit shall be a violation of this
17 Ordinance.

18 * * * * *

19 **Sec. 27-6500 Landscaping**

20 All development shall comply with the requirements of the Prince George’s County
21 Landscape Manual, which is incorporated herein by reference, and made a part of this Ordinance
22 with the same force and effect as the regulations set forth herein.

23 * * * * *

24 **Sec. 27-6900 Multifamily, Townhouse, and Three-Family Form and Design Standards**

25 * * * * *

26 **27-6903. Multifamily, Townhouse, and Three-Family Form and Design Standards**

27 * * * * *

28 (e) **Building Facades**

29 For all multifamily, townhouse, and three-family buildings, except as noted in Section 27-
30 6903(e)(3) below:

31 (1) Façades of all buildings subject to these standards that face a street shall

1 incorporate wall offsets, in the form of projections or recesses in the façade plane, spaced no
2 more than 50 feet apart (see Figure 27-6903(e)(1): Changes in Building Façade), unless the
3 applicant provides a design of similar or superior quality.

4 **Figure 27-6903(e)(1): Changes in Building Façade**



5
6 (2) Wall offsets shall have a minimum depth of two feet.

7 (3) In addition to wall offsets, street-facing [front] façades of multifamily,
8 townhouse, and three-family buildings [dwellings] shall provide a minimum of three of the
9 following design features for each residential [unit] building fronting onto a public street (see
10 Figure 27-6903(e)(3): Examples of Front Façades):

- 11 (A) One or more dormer windows or cupolas;
- 12 (B) A recessed entrance;
- 13 (C) A covered porch;
- 14 (D) Pillars, posts, or columns next to the doorway;
- 15 (E) One or more bay windows projecting at least twelve inches from the façade
- 16 plane;
- 17 (F) Eaves projecting at least six inches from the façade plane;
- 18 (G) Raised corniced parapets over the entrance door;
- 19 (H) Multiple windows with a minimum four-inch-wide trim;
- 20 (I) Integrated planters that incorporate landscaped areas or places for sitting; or
- 21 (J) Roof form and line changes consistent with the wall offsets.

22 * * * * *

23 **(h) Materials**

24 For all multifamily, townhouse, and three-family buildings:

1 (1) Primary façade materials shall not change at outside corners, but extend along any
2 side façade that is visible from a street. In all instances the extension shall be a minimum of 20
3 feet, with the exception that materials may change where side or rear wings meet the main body
4 of the structure.

5 (2) Material changes shall occur along a horizontal line or where two forms meet. It
6 is acceptable, however, that change of materials occur as accents around windows, doors,
7 cornices, at corners, or as a repetitive pattern. See Figure 27-6903(h): Example of Building
8 Façade, Roof, Fenestration/Transparency, and Materials Requirements for Multifamily Building.

9 (3) Townhouse development shall conform with the building material requirements
10 set forth in Section 27-61203(d), Building Materials, of this Subtitle.

11 **Figure 27-6903(h): Example of Building Façade, Roof, Fenestration/Transparency and**
12 **Materials Requirements for Multifamily Building**



Remove “-“ from
“multi-family”

13 * * * * *
14 * * * * *

15 **Sec. 27-61000 Nonresidential and Mixed-Use Form and Design Standards**

16 **27-61001. Purpose and Intent.**

17 The purpose and intent of these nonresidential and mixed-use form and design standards are to
18 ensure a minimum quality of form and design for commercial and mixed-use development
19 [outside the Transit-Oriented/Activity Center zones,] in a way that results in greater

1 predictability during the development review process. More specifically, the purposes of this
2 Section are to:

3 (a) Encourage the establishment of a stronger sense of place with vibrant commercial and
4 mixed-use development;

5 (b) Encourage a more pedestrian-friendly environment through attention to human-scale
6 design and site features to limit large, bulky buildings with few architectural details;

7 (c) Foster greater compatibility between adjacent residential and nonresidential
8 development;

9 (d) Limit the impacts of automobile-oriented development in commercial and mixed-use
10 areas; and

11 (e) Improve the physical appearance of the County generally.

12 * * * * *

13 **27-61003. Large Retail Establishment Form and Design Standards.**

14 * * * * *

15 (e) **Off-Street Parking Location Standards**

16 (1) Unless more restrictive requirements are established elsewhere in this Ordinance,
17 development outside the Capital Beltway may only locate up to 50 percent of the surface parking
18 between the front façade and the street it faces. The remaining surface parking shall, to the
19 maximum extent practicable, be located to the side or rear of the building.

20 (2) Inside the Capital Beltway, and to the maximum extent practicable, development
21 shall be configured to locate[d] all required surface off-street parking to the side or rear of the
22 front façade of the building.

23 (3) Off-street surface parking lots with 300 or more spaces shall be organized into a
24 series of parking bays surrounded by buildings, landscaping, or accessways designed to appear
25 as streets. (see Figure 27-61003(e): Large Retail Parking Lot with Over 300 Spaces.)

26 (4) Notwithstanding the provisions of Subsections (1), (2), or (3) above, if any part of
27 a parcel containing a large retail use is located within 660 feet of a heavy rail transit station:

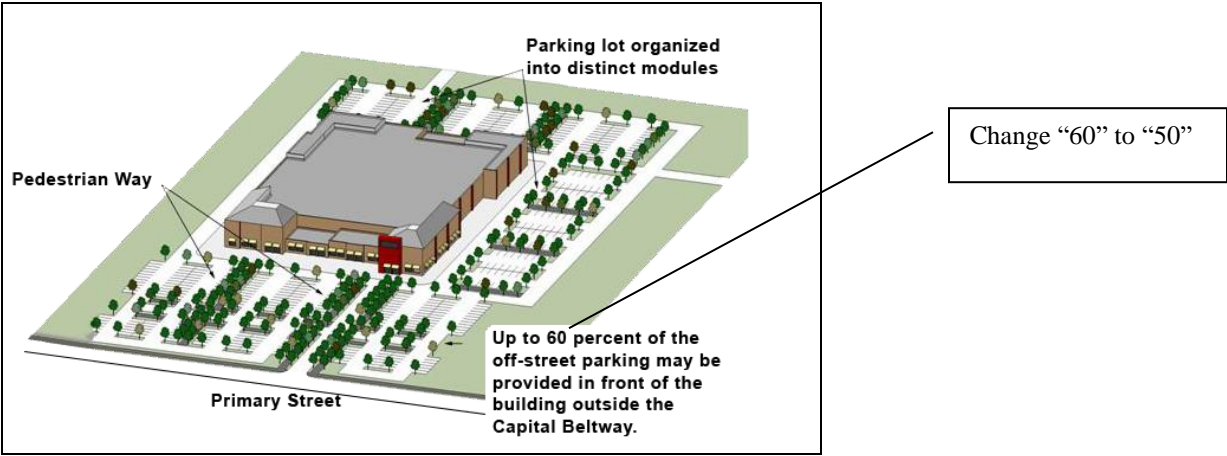
28 (A) At least 50 percent of parking for the large retail use shall be located in a
29 parking structure; and

30 (B) The building facade containing the primary pedestrian entrance to the large
31 retail use shall also contain at least one additional direct pedestrian entrance per 100 linear feet of

1 building facade leading directly from outside the structure to the large retail use or to another
2 primary use located in the same structure.
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Figure 27-61003(e): Large Retail Parking Lot with Over 300 Spaces



* * * * *

Sec. 27-61100 Industrial Form and Design Standards

27-61101. Purpose and Intent

The purpose and intent of these industrial form and design standards are to ensure a minimum quality of form and design for all types of industrial development [outside the Transit-Oriented/Activity Center base and Planned Development zones,] in a way that results in greater predictability during the development review process. More specifically, the purposes of this Section are to:

- (a) Recognize that the form and design of industrial development is based on the function of the uses within the development;
- (b) Minimize industrial development’s potential negative impacts on adjacent land uses;
- (c) Improve the appearance of industrial development; and
- (d) Increase the predictability of outcomes for industrial development during the development review process.

* * * * *

Sec. 27-61500 Signage

* * * * *

27-61506. Standards for Special Purpose Signs

* * * * *

(e) Institutional Sign

An institutional sign for a Community Service Use, Educational Use, or Health Care Use is allowed if it complies with the following standards:

- (1) Number (maximum): one per street the property fronts on (must face street frontage).
- (2) Area (maximum for each sign): 48 square feet.
- (3) Height (maximum): eight feet above finished grade at base of sign.
- (4) Setback (minimum): 15 feet from adjoining land in any Rural and Agricultural or Residential base zone (or land proposed to be used for residential purposes).
- (5) Type allowed: freestanding or building wall sign.

* * * * *

PART 27-7 NONCONFORMING BUILDINGS, STRUCTURES, USES, LOTS, AND SIGNS

Sec. 27-7100 General Requirements and Procedures

* * * * *

27-7102. Continuation

(a) Any nonconforming building, structure, or use may be continued, repaired, or maintained. It may not be altered, enlarged, or extended except in accordance with this Part.

(b) In order for a nonconforming use to continue, a use and occupancy permit must be issued identifying the use as nonconforming, and the use must be certified in accordance with Section [27-7200, Certification.] 27-3620, Certification of Nonconforming Use. In addition, a nonconforming surface mining operation located within a Chesapeake Bay Critical Area Overlay Zone may only continue if it meets the criteria set forth in Section 27-5402(jjj), Surface Mining.

* * * * *

27-7104. Alteration, Extension, or Enlargement

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(b) Exemptions

* * * * *

(14) Conveyance to a Governmental Agency for Public Use

(A) In the event that a conveyance of land to a governmental agency for public use pursuant to Subtitle 24, Subdivision Regulations, of this Code increases the nonconformity of an existing nonconforming use, such use does not require a special exception for any alteration, extension, or enlargement of the nonconforming use. Increases in nonconformity may include:

1 (i) A reduction in net lot area of the property which is the subject of the
2 nonconforming use;

3 (ii) An increase in density;

4 (iii) A reduction in green area;

5 (iv) An increase in lot coverage;

6 (v) A reduction of building setback from any new property line resulting
7 from the conveyance; and/or

8 (vi) A change that impacts any other design requirement or specification or
9 which creates or increases any nonconformity of the buildings, structures or use.

10 (B) Upon completion of the conveyance, the owner shall be required to submit a
11 revised nonconforming use site plan reflecting the changes which result from the conveyance,
12 which shall be recertified by the Planning Board’s authorized representative.

13 * * * * * * *

14 **[Sec.27-7200 Certification**

15 **27-7201. In General**

16 A nonconforming use may only continue if a use and occupancy permit identifying the use as
17 nonconforming is issued after the Planning Board (or Planning Director) or the District Council
18 certifies the use is nonconforming and is not illegal (except as provided for in Section 27-7302,
19 Validation of Permits Issued in Error). Any person making use of or relying upon the
20 certification that is violating or has violated any conditions thereof, or that the use for which the
21 certification was granted is being, or has been exercised contrary to the terms or conditions of
22 such approval shall be grounds for revocation proceedings in accordance with this Code.

23 **27-7202. Application for Use and Occupancy Permit**

24 (a) The applicant shall file for a use and occupancy permit in accordance with Section 27-
25 3608, Use and Occupancy Permit, of this Subtitle.

26 (b) Along with the application and accompanying plans, the applicant shall provide the
27 following:

28 (1) Documentary evidence, such as tax records, business records, public utility
29 installation or payment records, and sworn affidavits, showing the commencing date and
30 continuous existence of the nonconforming use;

1 (2) Evidence that the nonconforming use has not ceased to operate for more than one
 2 hundred eighty (180) consecutive calendar days between the time the use became nonconforming
 3 and the date when the application is submitted, or that conditions of nonoperation for more than
 4 one hundred eight (180) consecutive calendar days were beyond the applicant's and/or owner's
 5 control, were for the purpose of correcting Code violations, or were due to the seasonal nature of
 6 the use;

7 (3) Specific data showing:

8 (A) The exact nature, size, and location of the building, structure, and use;

9 (B) A legal description of the property; and

10 (C) The precise location and limits of the use on the property and within any
 11 building it occupies;

12 (4) A copy of a valid use and occupancy permit issued for the use prior to the date
 13 upon which it became a nonconforming use, if the applicant possesses one.

14 (5) In the case of outdoor advertising signs, the requirements of Section 27-
 15 7202(b)(2), above, are not applicable. Documentary evidence, including but not limited to deeds,
 16 tax records, business records, approved plats or development plans, permits, public utility
 17 installation or payment records, photographs, and sworn affidavits, showing that the outdoor
 18 advertising sign was constructed prior to and has operated continuously since January 1, 2002.

19 **27-7203. Notice**

20 (a) Notice of the proposed application shall be provided by the applicant in accordance
 21 with Section 3402(c)(2), Pre- Application Neighborhood Meeting, of this Subtitle.

22 (b) The following notice provisions shall not apply to uses that, with the exception of
 23 parking in accordance with Section 27-6300, Off-Street Parking and Loading, occur solely
 24 within an enclosed building.

25 (c) The Planning Board shall post the property with a durable sign(s) within ten (10) days
 26 of acceptance of the application and accompanying documentation. The sign(s) shall provide
 27 notice of the application; the nature of the nonconforming use for which the permit is sought; a
 28 date, at least twenty (20) days after posting, by which written comments and/or supporting
 29 documentary evidence relating to the commencing date and continuity of such use, and/or a
 30 request for public hearing from a party of interest will be received; and instructions for obtaining

1 additional information. Requirements regarding posting fees, the number and the location of
2 signs shall conform to the requirements set forth in Subsection 27-7206(c) below.

3 **27-7204. Administrative Review**

4 (a) Except for outdoor advertising signs, if a copy of a valid use and occupancy permit is
5 submitted with the application, where applicable a request is not submitted for the Planning
6 Board to conduct a public hearing, and, based on the documentary evidence presented, Planning
7 Director is satisfied as to the commencing date and continuity of the nonconforming use, the
8 Planning Director shall recommend certification of the use as nonconforming for the purpose of
9 issuing a new use and occupancy permit identifying the use as nonconforming, upon finding,
10 within the administrative record for the application, that the use to be certified as nonconforming
11 has no outstanding Code violations with the Department of Permitting, Inspections, and
12 Enforcement regarding the property other than failure to have a use and occupancy permit. This
13 recommendation shall not be made prior to the specified date on which written comments and/or
14 requests for public hearing are accepted.

15 (b) For outdoor advertising signs, if satisfactory documentary evidence described in
16 Section 27-7202(b)(5) is received, the Planning Director shall recommend certification of the use
17 as nonconforming for the purpose of issuing applicable permits and certifying the use as
18 nonconforming. This recommendation shall not be made prior to the specified date on which
19 written comments and/or requests for public hearing are accepted.

20 (c) Following a recommendation of certification of the use as nonconforming, the
21 Planning Director shall notify the District Council of the recommendation. Electronic notice of
22 the recommendation for certification shall also be made by the Planning Director not later than
23 seven (7) calendar days after the date of the recommendation. The Planning Director shall also
24 publish the development activity report on the Planning Department's website.

25 (d) If the District Council does not elect to review the recommendation within thirty (30)
26 days of receipt of the recommendation as authorized by Section 27-7205, District Council
27 Review, below, the representative shall certify the use as nonconforming.

28 (e) Subsections (c) and (d), above, and Section 27-7205, District Council Review, below,
29 shall not apply to uses that, with the exception of parking in accordance with Section 27-6300,
30 Off-Street Parking and Loading, occur solely within an enclosed building.

31 **27-7205. District Council Review**

1 (a) The District Council may, on its own motion, vote to review the Planning Director's
2 recommendation, for the purpose of determining whether the use should be certified as
3 nonconforming, within thirty (30) days of receipt of the recommendation.

4 (b) If the District Council decides to review the proposed certification, the Clerk of the
5 Council shall notify the Planning Board of the Council's decision. Within seven (7) calendar
6 days after receiving this notice, the Planning Board shall transmit to the Council all materials
7 submitted to it in connection with the application.

8 (c) The Zoning Hearing Examiner shall conduct a public hearing on the application. The
9 Zoning Hearing Examiner shall make the same findings required for administrative review or
10 approval by the Planning Board required in this Section, as well as any other applicable
11 prescriptions regulating the proposed use specified within any other applicable Subtitle of this
12 Code.

13 (d) The Zoning Hearing Examiner shall file a written recommendation with the District
14 Council within thirty (30) days after the close of the hearing record.

15 (e) Any person of record may appeal the recommendation of the Zoning Hearing Examiner
16 within fifteen (15) days of the filing of the Zoning Hearing Examiner's recommendation with the
17 District Council. If appealed, all persons of record may testify before the District Council.

18 (f) Persons arguing shall adhere to the District Council's Rules of Procedure, and
19 argument shall be limited to thirty (30) minutes for each side, and to the record of the hearing.

20 (g) The District Council shall affirm the certification only if it finds that a nonconforming
21 use exists and has continuously operated, and upon finding, within the administrative record for
22 the application, that the use to be certified as nonconforming has no outstanding Code violations
23 with the Department of Permitting, Inspections, and Enforcement regarding the property, other
24 than failure to have a use and occupancy permit.

25 (h) The District Council shall make its decision within forty-five (45) days from the filing
26 of the Zoning Hearing Examiner's recommendation. Failure of the Council to take action within
27 this time shall constitute a decision to certify the use.

28 **27-7206. Planning Board Review**

29 **(a) Required Hearing**

30 If a copy of a valid use and occupancy permit is not submitted with the application, if the
31 documentary evidence is not satisfactory to the Planning Director to prove the commencing date

1 or continuity of the use, or if a public hearing has been requested by any party of interest
2 challenging the commencing date and/or continuity of the use, the Planning Board shall conduct
3 a public hearing on the application for the purpose of determining whether the use should be
4 certified as nonconforming.

5 **(b) Application for Certification**

6 Whenever the Planning Board will hold a hearing on the certification of the use as
7 nonconforming, the applicant shall complete the appropriate form provided by the Planning
8 Board.

9 **(c) Notice**

10 At least seven (7) calendar days prior to the public hearing, the Planning Board shall send
11 written notice of the date, time, and place of the hearing to the applicant and to all persons of
12 record.

13 **(d) Planning Board Action**

14 (1) The Planning Board may decide to either grant or deny certification of the use as
15 nonconforming. If it decides to certify that a nonconforming use actually exists and has
16 continuously operated and upon finding, within the administrative record for the application, that
17 the use to be certified as nonconforming has no outstanding Code violations with the Department
18 of Permitting, Inspections, and Enforcement regarding the property, other than failure to have a
19 use and occupancy permit.

20 (2) The recommendation of the Planning Board shall be in the form of a resolution
21 adopted at a regularly scheduled public meeting. The resolution shall set forth findings of fact
22 and conclusions of law in support of the Planning Board's recommendation.

23 (3) The Planning Board shall send a copy of the resolution to all persons of record.

24 **(e) District Council Election to Review; Appeal of Planning Board's**
25 **Recommendation**

26 (1) The recommendation of the Planning Board may be appealed by any person of
27 record to the District Council by filing an appeal with the Clerk of the Council. In addition, and
28 notwithstanding any appeal of the Planning Board's recommendation filed by a person of record,
29 the District Council may, on its own motion, vote to review the Planning Board's
30 recommendation for the purpose of making a final decision as to whether the use should be
31 certified as nonconforming.

1 (2) The appeal shall be filed, or District Council vote to review the Planning Board
 2 recommendation shall occur, within thirty (30) calendar days after the resolution of the Planning
 3 Board was mailed. If no appeal is filed, and the District Council does not elect to review the
 4 recommendation of Planning Board within thirty (30) calendar days after the resolution of the
 5 Planning Board is mailed, the Planning Board's recommendation shall become the final decision
 6 as to the application to certify the use as nonconforming.

7 (3) Before the District Council makes a decision on the application, it shall hold a
 8 public hearing.

9 (4) The Council may decide to affirm, reverse, or modify the recommendation of the
 10 Planning Board. The decision of the Council shall be based on the record made before the
 11 Planning Board. No new evidence shall be entered into the record of the case unless it is
 12 remanded to the Planning Board and a rehearing is ordered.

13 **(f) Applicability**

14 This Section shall not apply to nonconforming buildings or structures occupied by
 15 conforming uses. (See Section 27-7103)

16 **Sec. 27-7300 Revocation of Certification**

17 **27-7301. In General**

18 (a) Upon a petition filed by the Director of the Department of Permitting, Inspections, and
 19 Enforcement (or his designee), or upon its own motion, the Planning Board shall hold a public
 20 hearing to determine whether the certification of a nonconforming use should be revoked.

21 (b) The Planning Board shall revoke the certification if it finds that either:

22 (1) There was fraud or misrepresentation in obtaining the certification;

23 (2) A certified nonconforming use has been discontinued for a period of one hundred
 24 eight (180) or more consecutive calendar days, unless the conditions of nonoperation were
 25 beyond the control of the owner or hold of the use and occupancy period; or

26 (3) Any applicable requirements of Section 27-7200, Certification, have not been
 27 met.

28 (c) The Planning Board shall notify the Director of the Department of Permitting,
 29 Inspections, and Enforcement (or his designee) of a revocation. The Director, in turn, shall
 30 revoke the use and occupancy permit for the nonconforming use.

(d) The decision of the Planning Board may be appealed to the District Council in the same manner as an original certification. (See Section 27-7206(e)).

27-7302. Validation of Permits Issued in Error

Any building, structure, or use, for which a permit issued in error has been validated by the District Council in accordance with Section 27-3615, Validation of Permit Issued in Error, shall be deemed a nonconforming building or structure, or a certified nonconforming use, unless otherwise specified by the Council when it validates the permit. The nonconforming building or structure, or certified nonconforming use, shall be subject to all of the provisions of this Part.]

* * * * *

Sec. 27-7[4]200 Additional Requirements for Specific Nonconforming Uses

* * * * *

27-7[4]201. Junk Yards and Salvage Yards

* * * * *

27-7[4]202. Adult book or video stores

* * * * *

27-7[4]203. Eating or Drinking Establishment[s] Uses

(a) In addition to being certified as a nonconforming use, any use in the [e]Eating or [d]Drinking [e]Establishment Uses principal use category permitting live entertainment or patron dancing, with hours of operation that extend beyond 11:00 P.M., and with parking abutting land used for residential purposes, except hotel lounges, may only continue subject to the requirements of this Section and to any other applicable requirements of this Part.

(b) The purpose of this Section is to prevent and control detrimental effects upon neighboring properties.

(c) All certified nonconforming uses in the Eating or Drinking Establishment Uses principal use category [eating or drinking establishments] described in Subsection (a), above, shall meet the following requirements:

(1) A sight-tight fence or wall, at least six (6) feet in height, shall be located along the perimeter of all abutting residential property; and

(2) The property shall be maintained in accordance with all applicable provisions of the County Code.

* * * * *

1 **27-7[4]204. Massage Establishments**

2 * * * * *

3 **27-7[4]205. Mobile Homes and Trailer Camps (Mobile Home Parks)**

4 * * * * *

5 **27-7[4]206. Pawnshops**

6 * * * * *

7 **27-7[4]207. Model Studios**

8 * * * * *

9 **Sec. 27-7[5]300 Nonconforming Structures – Special Procedures**

10 **27-7[5]301. Nonconforming Multifamily Dwellings**

11 * * * * *

12 **Sec. 27-7[6]400 Nonconforming Lots of Record**

13 [Nonconforming lots recorded prior to the effective date of this Ordinance shall be subject to the
14 provisions applicable to “Nonconforming Lots” set forth within the prior Zoning Ordinance,
15 being also Subtitle 27, Prince George’s County Code (2015 Ed., 2017 Supp.).]

16 **27-7401. Purpose**

17 This Section establishes rules for lots of record that were platted prior to [insert the effective
18 date of this Ordinance], but that do not meet the dimensional standards of the zone in which they
19 are located.

20 **27-7402. Generally**

21 (a) Any nonconforming lot that has come into conformity with this Ordinance shall not
22 again be changed to a nonconforming lot by action of the landowner.

23 (b) Any nonconforming lot or any part of the lot that is nonconforming based on
24 dimensional standards, shall not be modified to increase the nonconformity.

25 **27-7403. Development of Nonconforming Lots**

26 **(a) Use of Nonconforming Lots**

27 Nonconforming lots shall be subject to the standards of Table 27-7403(a): Development of
28 Nonconforming Lots.

Table 27-7403(a): Development of Nonconforming Lots

Standard	Transit-Oriented/ Activity Center Zones (including those inside the Capital Beltway)	All other zones inside Capital Beltway	All other Zones outside Capital Beltway
Residential Zones:			
Nonconforming lot, whether or not compliance with the dimensional standards is possible	One single-family dwelling unit is allowed		
Non-Residential Zones:			
If the nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except the lot is smaller than the required minimums in the zone, then the lot may be used as proposed. However, no use that requires a greater lot size than the established minimum lot size for a particular zone is permitted on a nonconforming lot.	This rule applies even when the adjacent lots are under common ownership.	This rule applies only if the lots are not under common ownership.	This rule applies only if the lots are not under common ownership.
When the use proposed for a nonconforming lot conforms in all other respects but cannot comply with the applicable setback standards	A variance must be approved.	A variance must be approved.	A or variance must be approved.

(b) Common Ownership

Where any nonconforming adjoining lots are held in common ownership on or after [insert the effective date of this Ordinance], they shall not be sold, consolidated or transferred to eliminate the common ownership unless they are sold, consolidated or transferred so as to create a conforming lot or lots, where possible, or if not possible, another nonconforming lot but to a lesser extent than the first lot.

27-7404. Governmental Acquisition of Land

(a) Applicability

This Section applies to conforming lots that are subject to governmental acquisition of part of the lot for a public purpose that results in the lot becoming nonconforming as to the dimensional standards of the zone in which it is located.

(b) Development Standards

Such lots shall be deemed conforming if:

(1) The use is permitted, or any required special exception is approved;

(2) The development proposed complies with the dimensional standards of the

applicable zone, to the maximum extent practicable;

1 (3) The development complies with Part 27-6: Development Standards, to the
2 maximum extent practicable;

3 (4) The development complies with all other standards and requirements of this
4 Ordinance; and

5 (5) The development is designed and located in a way that is compatible with
6 surrounding development.

7 **27-7405. Change of Nonconforming Lot**

8 The boundaries, shape, or size of a nonconforming lot shall be modified through a boundary
9 adjustment or the assembly of multiple lots through a resubdivision in accordance with Subtitle
10 24: Subdivision Regulations, of the County Code, if the boundary adjustment or lot assembly
11 results in the lot becoming more conforming.

12 * * * * * * * *

13 **Sec. 27-7[7]500 Nonconforming Signs**

14 **27-7[7]501. Alteration**

15 * * * * * * * *

16 **27-7[7]502. Illegal Signs**

17 * * * * * * * *

18 **27-7[7]503. Signs for Nonconforming Businesses in Rural and Agricultural and**
19 **Residential Zones**

20 * * * * * * * *

21 **Sec. 27-7[8]600 Other Nonconformities**

22 **27-7[8]601. Purpose**

23 * * * * * * * *

24 **27-7[8]602. Continuance of Other Nonconformities**

25 * * * * * * * *

26 **27-7[8]603. Exclusion of Previously Existing Uses**

27 * * * * * * * *

28 **PART 27-8 ENFORCEMENT**

29 **Sec. 27-8100 Use and Occupancy Permits**

30 **27-8101. Generally**

31 **[(a) None of the following activities shall take place unless a use and occupancy permit**

1 certifying compliance with this Subtitle has been issued for the activity by the Building
2 Inspector:

3 (1) Use of a building, structure, or land;

4 (2) Conversion of a building, structure, or land from one use to another use;

5 (3) Medical practitioner's, insurance sale, and real estate sales offices;

6 (4) Conversion of a single-family detached dwelling to include additional dwelling
7 units (by Special Exception);

8 (b) Use and occupancy permits shall not be required for the following:

9 (1) Single-family dwelling (other than a new home-family dwelling used for a single
10 family;

11 (2) Agricultural uses;

12 (3) Accessory uses (except where a specific use is allowed as accessory to another
13 use); or

14 (4) Home occupations for which no permit is specifically required, unless requested
15 by the applicant.]

16 [(c)] (a) All use of the property shall be in conformance with the temporary use permit or
17 the use and occupancy permit, including the accompanying plans.

18 [(d)] (b) When an occupant vacates premises, and a different [occupany] occupancy
19 assumes possession of such premises, the new [occupany] occupancy is required to obtain a use
20 and occupancy permit, regardless of whether the use has changed.

21 [(e)] (c) No temporary use permit shall be issued except in accordance with the procedures
22 of Section 27-3607, Temporary Use Permit.

23 [(f)] (d) No use and occupancy permit shall be issued by the Department of Permitting,
24 Inspections, and Enforcement until after the expiration of the specified appeal period from a
25 Planning Board decision concerning the subject property of the permit, unless the right of appeal
26 has been waived; nor shall any permit be issued during the pendency of any appeal to, or review
27 by, the District Council.

28 [(g)] (e) The Chief of Police and the Fire Chief are authorized to direct the Police
29 Department and the Fire/Emergency Medical Services Department, respectively, to take all
30 immediate reasonable and necessary action to cease and desist the operation of any activity
31 requiring a temporary use permit or use and occupancy permit when such permit has not been

1 issued.

2 [(h)] (f) The Chief of Police, the Fire Chief, and the Director of the Department of
3 Permitting, Inspections, and Enforcement are authorized to direct the Police Department, the
4 Fire/Emergency Medical Services Department, and the Department of Permitting, Inspections,
5 and Enforcement, respectively, to take all immediate and necessary action to cease and desist the
6 operation of any activity requiring a temporary use permit or a use and occupancy permit when
7 such permit has been issued and is not in compliance with the provisions of this Part and all
8 applicable temporary and use and occupancy provisions of the Zoning Ordinance.

9 [(i)] (g) The Chief of Police and the Fire Chief are authorized to direct the Police
10 Department and the Fire/Emergency Medical Services Department respectively, to take all
11 immediate reasonable and necessary action to cease and desist the operation of any activity
12 requiring a temporary use permit or use and occupancy permit when the activity is found to
13 present an imminent danger and threat to the health, safety, and welfare of the public by not
14 doing so, that there are no other mitigating actions to be taken to resolve the imminent danger
15 and threat to the health, safety, and welfare of the public, and that there are no other reasonable
16 means of preventing further danger and threat to the health, safety, and welfare of the public
17 resulting from the continuation of the activity.

18 [(j)] (h) Immediate reasonable and necessary action shall include, but not be limited to:
19 entering the building, structure, and land; securing the building, structure, and land; removing the
20 occupants of the building, structure, and land; padlocking the building, structure, and land; and
21 preventing the use and occupancy of the building, structure, and land.

22 [(k)] (i) Actions taken pursuant to Sections 27-8101(g), (h), and (i), above, shall remain
23 in force and effect unless amended or vacated by a decision of the Zoning Hearing Examiner in
24 accordance with Section 27-8204(g) or by a decision of a court of competent jurisdiction.

25 * * * * *

26 **Sec. 27-8300 Fees**

27 **27-8301. Fee Regulations**

28 * * * * *

29 **(a) In General**

1 A [check or money order] payment instrument covering all applicable fees shall accompany
2 the application, made payable to Prince George’s County, Maryland or the Maryland-National
3 Capital Park and Planning Commission [, unless otherwise provided.]

4 * * * * *

5 **(d) Special Exceptions**

6 (1) The following table describes the fee ratings, H (high), M (medium), and L (low),
7 for various special exceptions in the Zoning Ordinance. The ratings for the special exceptions are
8 indicative of the time and effort necessary for the review of the specific application.

9 * * * * *

10 **(I) Other Related Fees; Refunds**

11 * * * * *

12 **(4) Refunds and Waivers**

13 (A) No part of a fee shall be refunded or waived unless the Planning Board,
14 Board of Appeals, or Zoning Hearing Examiner, as applicable determines that one (1) of the
15 following applies:

16 (i) The fee was paid by mistake, and the applicant has requested (in
17 writing) a refund.

18 (ii) The application is filed by (or on behalf of) any department or agency
19 of the County, or any municipal, State, or Federal government, except as otherwise provided.

20 **(iii) Filing Fee (Original Application)**

21 (aa) A request to withdraw[n] an application is received in proper
22 form prior to the release of the Technical Staff Report. In this case, fifty percent (50%) of the
23 filing fee shall be refunded.

24 (bb) A request to withdraw an application is received in proper form
25 after the public release of the Technical Staff report. In this case, twenty-five percent (25%) of
26 the filing fee shall be refunded.

27 (iv) An error was made on an approved application through governmental
28 action, and the filing of an additional application is necessary to correct the error. In this case, all
29 fees may be refunded.

30 (v) An application is filed and property rezoned because of a clear mistake
31 by a governmental agency in the adoption of a Sectional Map Amendment. In this case, the

1 Council may direct the refunding of all fees.

2 (vi) Sign Posting Fee

3 (aa) The application is withdrawn prior to the posting of the sign. In
4 this case, the entire sign posting fee shall be refunded.

5 (bb) The application is withdrawn after the posting of the sign(s). In
6 this case no portion of the sign posting fee shall be refunded.

7 (B) The refund provisions of [s]Subparagraph 27-8301(1)(3)(B)(iii), above, shall
8 not apply to:

9 (i) Any application which is for property within the boundaries of a
10 Sectional Map Amendment and the application was pending upon transmittal of the Sectional
11 Map Amendment to the District Council (provided the Sectional Map Amendment is approved
12 by the District Council); or

13 (ii) Any portion of property subject to a Zoning Map Amendment
14 application which has been withdrawn and then added by amendment to another application on
15 adjoining land. That portion of the property which was withdrawn (but not added to the other
16 application) shall be entitled to a refund under the provisions of subparagraph 27-
17 8301(1)(3)(B)(iii), above.

18 * * * * *

19

1 SECTION 2. BE IT FURTHER ENACTED by the County Council of Prince George's
2 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
3 Regional District in Prince George's County, Maryland, that Sections 27-11000, 27-11001, 27-
4 3620, 27-3621, and 27-5103 of the Zoning Ordinance of Prince George's County, Maryland,
5 being also Subtitle 27 of the Prince George's County Code, be and the same are hereby added:

6 **SUBTITLE 27. ZONING.**

7 **PART 27-1 GENERAL PROVISIONS**

8 * * * * *

9 **Sec. 27-11000. Regulations Applicable in All Zones**

10 **27-11001. Prohibited Uses.**

11 **(a)** The following uses are prohibited in all zones:

12 **(1)** The display or sale of drug paraphernalia.

13 **(A)** "Drug Paraphernalia" means all equipment, products, and materials of any
14 kind which are used in planting, propagating, cultivating, growing, harvesting, manufacturing,
15 compounding, converting, producing, processing, preparing, testing, analyzing, packaging,
16 repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise
17 introducing into the human body a controlled dangerous substance in violation of Subheading
18 Health-Controlled Dangerous Substances, Article 27, Annotated Code of Maryland. "Drug
19 Paraphernalia" includes:

20 **(i)** Kits used in planting, propagating, cultivating, growing, or harvesting
21 of any species of plant which is a controlled dangerous substance or from which a controlled
22 dangerous substance can be derived;

23 **(ii)** Kits used in manufacturing, compounding, converting, producing,
24 processing, or preparing controlled dangerous substances;

25 **(iii)** Isomerization devices used in increasing the potency of any species of
26 plant which is a controlled dangerous substance;

27 **(iv)** Testing equipment used in identifying or analyzing the strength,
28 effectiveness, or purity of controlled dangerous substances;

29 **(v)** Scales and balances used in weighing or measuring controlled
30 dangerous substances;

1 (vi) Dilutants and adulterants, such as quinine hydrochloride, mannitol,
 2 mannite, dextrose, and lactose, used in cutting controlled dangerous substances;

3 (vii) Separation gins and sifters used in cleaning or refining marijuana;

4 (viii) Blenders, bowls, containers, spoons, and mixing devices used in
 5 compounding controlled dangerous substances;

6 (ix) Capsules, balloons, envelopes, and other containers used in packaging
 7 small quantities of controlled dangerous substances;

8 (x) Containers and other objects used in storing or concealing controlled
 9 dangerous substances;

10 (xi) Hypodermic syringes, needles, and other objects used in parenterally
 11 injecting controlled dangerous substances into the human body;

12 (xii) Objects used for ingesting, inhaling, or otherwise introducing
 13 marijuana, cocaine, hashish, or hashish oil into the human body, such as:

14 (aa) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes,
 15 with or without screens, permanent screens, hashish heads, or punctured metal bowls;

16 (bb) Water pipes;

17 (cc) Carburetion tubes and devices;

18 (dd) Smoking and carburetion masks;

19 (ee) Roach clips (meaning objects used to hold burning material, such
 20 as a marijuana cigarette, that has become too small or too short to be held in the hand);

21 (ff) Miniature cocaine spoons and cocaine vials;

22 (gg) Chamber pipes;

23 (hh) Carburetor pipes;

24 (ii) Electric pipes;

25 (jj) Air-driven pipes;

26 (kk) Chilams;

27 (ll) Bongs; and

28 (mm) Ice pipes or chillers.

29 (B) In determining whether an object is drug paraphernalia, a court or other
 30 authority shall consider, in addition to all other logically relevant factors, the following:

- 1 (i) Statements by an owner or by anyone in control of the object
2 concerning its use;
- 3 (ii) Prior convictions (if any) of an owner or anyone in control of the
4 object, under any State or Federal law relating to any controlled dangerous substance;
- 5 (iii) The proximity of the object, in time and space, to a direct violation of
6 Subheading Health-Controlled Dangerous Substances, Article 27, Annotated Code of Maryland;
- 7 (iv) The proximity of the object to controlled dangerous substances;
- 8 (v) The existence of any residue of controlled dangerous substances on the
9 object;
- 10 (vi) Direct or circumstantial evidence of the intent of an owner, or of
11 anyone in control of the object, to deliver it to persons whom he knows, or should reasonably
12 know, intend to use the object to facilitate a violation of Subheading Health-Controlled
13 Dangerous Substances, Article 27, Annotated Code of Maryland. The innocence of an owner, or
14 of anyone in control of the object, as to a direct violation of that Subheading shall not prevent a
15 finding that the object is used as drug paraphernalia;
- 16 (vii) Instructions, oral or written, provided with the object concerning its
17 use;
- 18 (viii) Descriptive materials accompanying the object which explain or depict
19 its use;
- 20 (ix) National and local advertising concerning its use;
- 21 (x) The manner in which the object is displayed for sale;
- 22 (xi) Whether the owner, or anyone in control of the object, is a legitimate
23 supplier of similar or related items to the community, such as a licensed distributor or dealer of
24 tobacco products;
- 25 (xii) Direct or circumstantial evidence of the ratio of sales of the object to
26 the total sales of the business enterprise;
- 27 (xiii) The existence and scope of legitimate uses for the object in the
28 community; or
- 29 (xiv) Expert testimony concerning its use.

1 (C) The definitions contained in Article 27, Section 277, Annotated Code of
2 Maryland, are a part of this Section to the same extent as if they were fully described in the
3 Section.

4 (2) Hydraulic fracturing uses, including the storage, treatment, transfer, production
5 materials, support activities, and the disposal of flow back, wastewater, or drill cuttings
6 generated by hydraulic fracturing activities in the County, for purposes of preventing detrimental
7 economic, environmental, and health effects of the use for the protection of the public safety,
8 health, and welfare of the citizens and residents of the County.

9 (3) The business of buying of the following items within a guest room of a hotel,
10 motel, tourist home, or tourist camp, or from any vehicle parked on any lot, or permitting the
11 business by the owner or managing agent of the property;

12 (A) Gold, silver, or platinum, in pure or alloyed form, including coins,
13 silverware, and silver-plated items;

14 (B) Jewelry, precious and semiprecious stones, and pearls;

15 (C) Philatelic material;

16 (D) Binoculars, watches, and cameras;

17 (E) Television sets, radio and stereo equipment, and musical instruments; and

18 (F) Office machines.

19 (4) Prisons, detention centers, and corrections facilities, unless owned or operated by
20 Prince George's County.

21 (5) "Fly ash landfill," which means any landfill, fill, or other site that includes the
22 disposal, deposit, or storage of fly ash. "fly ash" in this Subtitle means any residue, refuse, or
23 waste, including any bottom ash, fly ash, coal ash, or any other coal combustion byproducts
24 (CCB), derived in the burning of coal. A fly ash landfill shall not be included in any sanitary
25 landfill, rubble fill, or any other use allowed in any zone in Prince George's County.

26
27 Editor's note— Section 2 of CB-83-2020 (DR-2) provides that the Department of Permitting,
28 Inspections, and Enforcement and any other authorized County agency is directed to ensure on
29 an ongoing basis that any existing fly ash landfill is in full compliance with any applicable
30 zoning approvals and any applicable federal, state, and local laws.

31 * * * * * * *

PART 27-3 ADMINISTRATION**27-3620. Certification of Nonconforming Use****(a) General**

This Section provides a uniform mechanism for the review and certification of all nonconforming uses under this Ordinance.

(b) Applicability

(1) A nonconforming use may only continue if a use and occupancy permit identifying the use as nonconforming is issued after the Planning Director or the District Council certifies the use is nonconforming and is not illegal (except as provided for in Section 27-3615(d)(10)).

(2) Unless exempted in accordance with Section 27-3620(b)(3) below, certification of a nonconforming use under this Ordinance may only be approved in accordance with the procedures and standards of this Section, prior to its development or redevelopment.

(3) The following development is exempted from the requirements of this Section:

(i) Certain nonconforming structures pursuant to Section 27-7300;

(ii) Nonconforming signs, except that outdoor advertising signs shall be subject to this Section (see Section 27-7500);

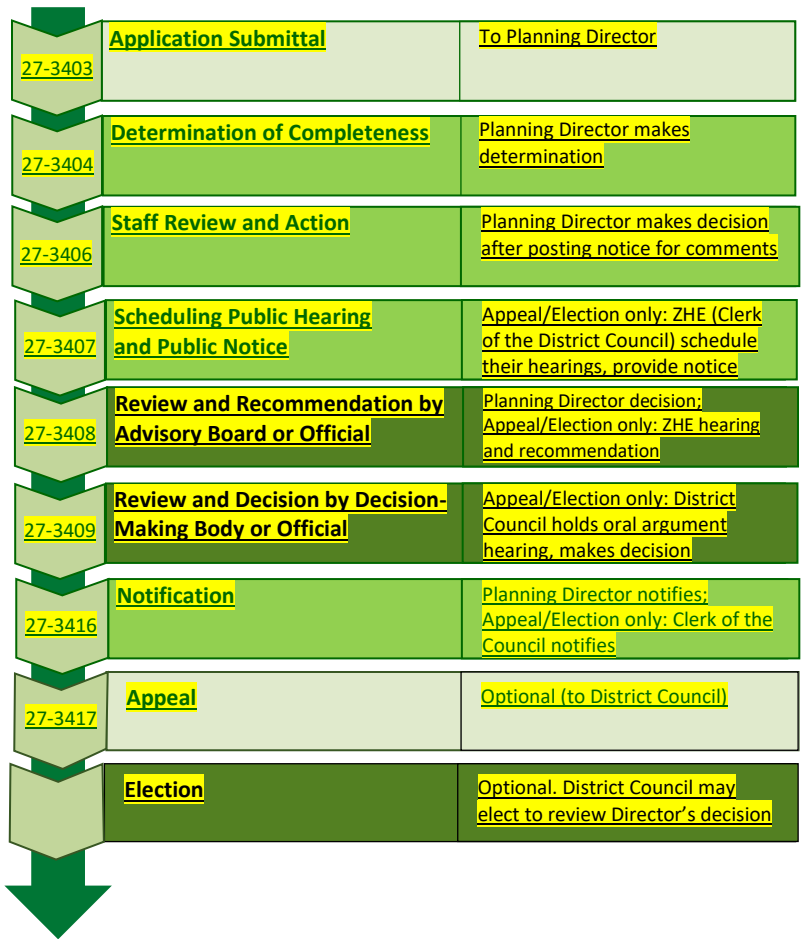
(iii) Nonconforming lots of record (see Section 27-7400); and

(iv) Other nonconformities pursuant to Section 27-7600.

(c) Certification of Nonconforming Use Procedure

This Subsection identifies additions or modifications to the standard review procedures in Section 27-3400, Standard Review Procedures, that apply to applications to certify a nonconforming use. Figure 27-3620(c) identifies key steps in the certification procedure.

Figure 27-3620(c): Certification of Nonconforming Use Procedure (Illustrative)



(1) Application Submittal

(A) See Section 27-3403, Application Submittal. The applicant shall first file for a use and occupancy permit in accordance with Section 27-3608, Use and Occupancy Permit, of this Subtitle and shall submit this application to the Planning Director.

(B) Along with the application and accompanying plans, the applicant shall provide the following:

(i) Documentary evidence, such as tax records, business records, public utility installation or payment records, and sworn affidavits, showing the commencing date and continuous existence of the nonconforming use;

(ii) Evidence that the nonconforming use has not ceased to operate for more than 180 consecutive calendar days between the time the use became nonconforming and the date when the application is submitted, or that conditions of nonoperation for more than 180 consecutive calendar days were beyond the applicant's and/or owner's control, were for the purpose of correcting Code violations, or were due to the seasonal nature of the use;

(iii) Specific data showing:

(aa) The exact nature, size, and location of the building, structure, and use;

(bb) A legal description of the property; and

(cc) The precise location and limits of the use on the property and within any building it occupies.

(iv) A copy of a valid use and occupancy permit issued for the use prior to the date upon which it became a nonconforming use, if the applicant possesses one.

(v) In the case of outdoor advertising signs, the requirements of Section 27-3620(c)(1)(B)(ii), above, are not applicable. Documentary evidence, including but not limited to deeds, tax records, business records, approved plats or development plans, permits, public utility installation or payment records, photographs, and sworn affidavits, showing that the outdoor advertising sign was constructed prior to and has operated continuously since January 1, 2002.

(2) Determination of Completeness

See Section 27-3404, Determination of Completeness. The Planning Director determines whether the application is complete.

(3) Staff Review and Action

See Section 27-3406, Staff Review and Action.

(A) In addition, and before the Planning Director makes a decision on the application, the applicant shall post the property subject to the application with a durable sign(s) that can be readily seen from any existing public right-of-way(s) adjoining the property, within ten days of acceptance. The sign(s) shall provide notice of the application, the nature of the nonconforming use for which the certification is sought, a date, at least 20 days after posting, by which written comments and/or supporting documentary evidence relating to the commencing date and continuity of such nonconforming use will be received and accepted from the public by the Planning Director, and instructions for obtaining additional information about the application. This posting requirement shall not apply to uses that, with the exception of parking in accordance with Section 27-6300, Off-Street Parking and Loading, occur solely within an enclosed building.

1 (B) Except for outdoor advertising signs, after staff review and evaluation of the
2 application, notice of the application is posted in accordance with Subsection (A) above, and
3 sufficient time has lapsed for receipt of comments from the public on the application, the
4 Planning Director shall make a decision on an application in accordance with the standards in
5 Section 27-3620(d), Certification of Nonconforming Use Decision Standards. The decision shall
6 be one of the following:

7 (i) Approve the application as submitted; or

8 (ii) Disapprove the application.

9 (C) The Planning Director shall not make a decision for approval of the
10 application prior to the specified date on which written comments and/or requests for public
11 hearing are accepted.

12 (D) For outdoor advertising signs, if satisfactory documentary evidence
13 described in Section 27-3620(c)(1)(B)(v) is received, the Planning Director shall approve
14 certification of the use as nonconforming for the purpose of issuing applicable permits and
15 certifying the use as nonconforming. This approval shall not be made prior to the specified date
16 on which written comments and/or requests for public hearing are accepted.

17 (E) If the application is disapproved, a written statement shall be included with
18 the application stating the reasons why the application does not comply with the decision
19 standards.

20 (F) Following a decision, the Planning Director shall notify the District Council
21 and the applicant of the decision. Electronic notice of the decision shall also be made by the
22 Planning Director not later than 7 calendar days after the date of the decision. The Planning
23 Director shall also publish the development activity report on the Planning Department's website.

24 (G) If no appeal of the Planning Director's decision has been filed; or if the
25 District Council does not elect to review the decision as authorized by Section 27-3620(c)(5),
26 below; within thirty (30) days of receipt of the decision by the Planning Director, the Planning
27 Director shall certify the use as nonconforming if the decision had been for approval, and shall
28 disapprove the application if the decision had been for disapproval.

29 (H) Subsections (F) and (G), above, and Section 27-3620(c)(5), Appeal and
30 Election, below, shall not apply to uses that, with the exception of parking in accordance with
31 Section 27-6300, Off-Street Parking and Loading, occur solely within an enclosed building.

1 **(4) Notification**

2 See Section 27-3415, Notification, for public hearing notification, if any public
3 hearings are required. See Subsection 27-3620(c)(3), above, for notification pertaining to
4 administrative procedures involving Planning Director decisions.

5 **(5) Appeal, Election, and Public Hearings**

6 Optional (see Section 27-3416, Appeal).

7 (A) The applicant or any aggrieved person may appeal the Planning Director's
8 decision on an application for a certification of nonconforming use, by filing a notice of appeal
9 with the Clerk of the Council within 30 days of the Planning Director's mailing of the decision.

10 (B) In addition, the District Council may, on its own motion, elect to review the
11 Planning Director's decision on the certificate of nonconforming use, within 30 days of receiving
12 notice of the Planning Director's decision.

13 (C) If an appeal is filed or the District Council decides to review the Planning
14 Director's decision, the Clerk of the Council shall notify the Planning Director of the Council's
15 decision. Within seven (7) calendar days after receiving this notice, the Planning Director shall
16 transmit to the District Council the application and all written materials and other evidence
17 related to its review, and any additional information or explanatory material deemed appropriate.
18 This shall constitute the record on appeal or election review.

19 (D) The ZHE shall conduct a public hearing in accordance with Section 27-3412,
20 Evidentiary Hearing, on the application. The ZHE shall make the same findings required for
21 administrative review and decision by the Planning Director required in this Section, as well as
22 any other applicable prescriptions regulating the proposed use specified within any other
23 applicable Subtitle of this Code.

24 (E) The ZHE shall file a written recommendation with the District Council
25 within thirty (30) days after the close of the hearing record. Any person of record may appeal the
26 recommendation of the Zoning Hearing Examiner within fifteen (15) days of the filing of the
27 Zoning Hearing Examiner's recommendation with the District Council. If appealed, all persons
28 of record may testify before the District Council.

29 (F) Upon receipt of the ZHE's recommendation, the Clerk of the Council shall
30 schedule and provide notice of a District Council oral argument hearing in accordance with

1 Section 27-3414, Oral Argument Hearing, on the appeal to the appellant, the applicant, and any
2 persons of record a minimum of thirty (30) days before the date of the hearing.

3 (G) The District Council shall make its decision within forty-five (45) days from
4 the filing of the Zoning Hearing Examiner's recommendation. The District Council shall render a
5 final decision based on the decision standards in Section 27-3616(d), below. The District Council
6 shall provide its decision in writing, stating the reasons for its action. Failure of the Council to
7 take action within this time shall constitute a decision to certify the use.

8 (H) The District Council may modify or reverse the decision of the Planning
9 Director on appeal or election to review if the decision is not supported by substantial evidence,
10 is arbitrary and capricious, or is predicated on an error of law.

11 (I) The Clerk of the Council shall mail copies of the District Council's decision
12 to all persons of record and the Planning Director, within a reasonable period of time after the
13 decision.

14 **(6) Post-Decision Actions**

15 (A) Development of the land subject to a certification of nonconforming use
16 shall comply with the approved certification of nonconforming use, Part 27-7: Nonconforming
17 Buildings, Structures, Uses, Lots, and Signs, and all other relevant provisions of this Ordinance.

18 (B) Following certification of nonconforming use, the concurrent application for
19 a use and occupancy permit that was submitted with the application for certification of
20 nonconforming use shall be forwarded to the DPIE Director for approval and issuance. The use
21 and occupancy permit shall identify the use as nonconforming. Any person making use of or
22 relying upon the certification that is violating or has violated any conditions thereof, or that the
23 use for which the certification was granted is being, or has been exercised contrary to the terms
24 or conditions of such approval shall be grounds for revocation proceedings in accordance with
25 this Section.

26 **(7) Revocation of Certification**

27 (A) Upon an application filed by the DPIE Director, or upon its own motion, the
28 Planning Board may conduct a public hearing to determine whether an approved certification of
29 a nonconforming use should be revoked. The landowners subject to the potential revocation and
30 all persons of record shall be given notice of the hearing within a reasonable period of time prior
31 to the hearing.

1 (B) The Planning Board shall revoke the certification if it finds that either:

2 (i) There was fraud or misrepresentation in obtaining the certification; or

3 (ii) A certified nonconforming use has been discontinued for a period of
 4 180 or more consecutive days, unless the conditions of non-operation were beyond the control of
 5 the owner or holder of the use and occupancy permit; or

6 (iii) Any applicable requirements of Section 27-3620, Certification of
 7 Nonconforming Use, have not been met.

8 (C) The Planning Board shall notify the DPIE Director of a revocation. The
 9 DPIE Director, in turn, shall revoke the use and occupancy permit for the nonconforming use.

10 (D) The decision of the Planning Board may be appealed to the District Council
 11 in the same manner as an original certification (see Section 27-3620, Certification of
 12 Nonconforming Use).

13 **(d) Certification of Nonconforming Use Decision Standards**

14 An application for a certification of nonconforming use shall be approved upon finding
 15 that:

16 (1) The applicant demonstrates the development is a nonconforming use and has
 17 submitted sufficient evidence as to the commencing date and continuity of the nonconforming
 18 use; and

19 (2) The use to be certified as nonconforming has no outstanding Code violations with
 20 the Department of Permitting, Inspections, and Enforcement regarding the property other than
 21 failure to have a use and occupancy permit.

22 **27-3621. Expedited Transit-Oriented Development Review**

23 **(a) Applicability**

24 Applicants may seek expedited detailed site plan review and approval in accordance with
 25 this Section for projects when:

26 (1) The subject property has greater than fifty percent (50%) of its net lot area located
 27 within a one-half mile radius of a constructed WMATA Metrorail station as measured from the
 28 center of the transit station platform, or

29 (2) The subject property is located entirely within the Bowie State Maryland Area
 30 Regional Commuter (“MARC”) Station Local Center as designated on the Growth Policy Map in
 31 the General Plan, as may be amended from time to time.

1 (3) The proposed development shall consist of at least one building that includes two
2 (2) or more stories with habitable or leasable space above grade.

3 **(b) Submittal Requirements**

4 See Section 27-3605(c), Submittal Requirements. In addition:

5 (1) Any development application filed pursuant to this Section shall be prominently
6 designated as an "Expedited Transit-Oriented Development Site Plan Application," and eligible
7 applications shall be so designated as "SEEKING EXPEDITED REVIEW" in bold capital letters
8 and in a prominent location on at least the first page of the application at the time of filing of the
9 application.

10 (2) Expedited transit-oriented development projects for which a preliminary plan of
11 subdivision (minor or major) is required may file a preliminary plan application concurrently
12 with an expedited transit-oriented development site plan application.

13 **(c) Expedited Transit-Oriented Development Review Procedure**

14 This Subsection identifies additions or modifications to the standard review procedures in
15 Section 27-3400, Standard Review Procedures, that apply to expedited transit-oriented
16 development site plan applications. Figure 27-3621(c) identifies key steps in the expedited
17 transit-oriented development review procedure.

18 **Figure 27-3621(c): Expedited Transit-Oriented Development Review Procedure**
19 **(Illustrative)**

27-3401	Pre-Application Conference	Required
27-3402	Pre-Application Neighborhood Meeting	Required
27-3403	Application Submittal	To Planning Director
27-3404	Determination of Completeness	Planning Director makes determination
27-3406	Staff Review and Action	Planning Director prepares Technical Staff Report
27-3407	Scheduling Public Hearing and Public Notice	Planning Board schedules hearing, provides notice
27-3409	Review and Decision by Decision-Making Body or Official	Planning Board holds public hearing, makes decision (conditions allowed)
27-3416	Notification	Planning Board notifies
27-3417	Appeal	Optional (to District Council)



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(1) Pre-Application Conference

See Section 27-3401, Pre-Application Conference. In addition, notification of this pre-application conference shall be provided to the Clerk of the Council, as well as every municipality located within one (1) mile of the applicant's property.

(2) Pre-Application Neighborhood Meeting

See Section 27-3402, Pre-Application Neighborhood Meeting

(3) Application Submittal

See Section 27-3403, Application Submittal

(4) Determination of Completeness

When an expedited transit-oriented development application for detailed site plan approval is filed with the Planning Board, the Planning Director shall have five (5) working days to review, provide written comments, and accept or reject the application. In the event that the Planning Director rejects an application, it shall state the basis for the rejection in writing and list the deficiencies that must be corrected prior to the application being accepted.

1 **(5) Staff Review and Action**

2 **(A) Review by the Department of Permitting, Inspections, and Enforcement**

3 Review of expedited transit-oriented development site plan applications by the
 4 Department of Permitting, Inspections, and Enforcement, as prescribed by Subtitle 32 of this
 5 Code, shall be expedited. Notwithstanding any other requirement in this Code, an expedited
 6 transit-oriented development site plan application may be filed with the Planning Board thirty
 7 (30) days after the stormwater management concept plan for the project is filed with the
 8 Department of Permitting, Inspections, and Enforcement. The Planning Board may not approve
 9 an expedited transit-oriented development site plan application without an approved stormwater
 10 management concept plan for the project in accordance with Subtitle 32 of this Code.

11 **(B) Review by Other County Agencies**

12 All County agencies with responsibility for permit review for an expedited transit-
 13 oriented development project shall make such review the highest priority in their staffs'
 14 permitting work responsibilities and shall comport with the expedited development review and
 15 permitting provisions of this Section. Permits may be staged to enable specific phases of
 16 expedited transit-oriented development projects to proceed while concurrent review for future
 17 phases is ongoing.

18 **(C) Review by the Planning Department**

19 Expedited transit-oriented development site plan applications shall take highest
 20 priority in the work program of the Planning Department staff.

21 **(6) Scheduling Public Hearing and Public Notice**

22 See Section 27-3407, Scheduling of Hearings and Public Notice.

23 **(7) Review and Decision by Decision-Making Body or Official**

24 Applying the requirements of this Section and other applicable requirements of this
 25 Subtitle, the Planning Board shall adopt a resolution of approval, disapproval, or approval with
 26 conditions (the "Planning Board's decision") on an expedited transit-oriented development site
 27 plan application within sixty (60) days after an application is accepted. If the Planning Board's
 28 decision does not occur within sixty (60) days of application acceptance, the expedited transit-
 29 oriented development site plan application shall be deemed to be approved, unless the project has
 30 not received an approved stormwater management concept plan in accordance with Subtitle 32
 31 of the Code. The month of August and the period between and inclusive of December 20 and

1 January 3 shall not be included in calculating this sixty (60) day period. The applicant may (in
 2 writing to the Planning Board), in advance of the expiration of the period, waive the sixty (60)
 3 day requirement to provide for some longer specified review period for the application of this
 4 subsection. If the expedited transit-oriented development site plan application has not received
 5 an approved stormwater management concept plan in accordance with Subtitle 32 of the Code by
 6 the expiration of the sixty (60) day review period in, without a Planning Board decision being
 7 made, and the applicant has not extended the sixty (60) day review period, the expedited transit-
 8 oriented development site plan application shall be deemed disapproved.

9 **(8) Conditions of Approval**

10 Allowed (See Section 27-3415, Conditions of Approval).

11 **(9) Notification**

12 See Section 27-3416, Notification. The Planning Board shall send written notice of the
 13 Planning Board's decision, including a copy of the decision, to the Clerk of the Council, all
 14 persons of record, and the applicant within seven (7) calendar days after the date of the Planning
 15 Board's decision.

16 **(10) Appeal and Election**

17 Optional (see Section 27-3417, Appeal).

18 (A) Within thirty (30) calendar days after the date of the notice of the Planning
 19 Board's decision on an expedited transit-oriented development site plan application, the District
 20 Council may vote to review the Planning Board's decision on its own motion, or an applicant or a
 21 person of record may appeal the Planning Board's decision to the District Council by filing a
 22 written appeal with the Clerk of the Council.

23 (B) An appeal by an applicant or a person of record shall specify the error which
 24 is claimed to have been committed by the Planning Board and shall also specify those portions of
 25 the record relied upon to support the error alleged. A copy of the appeal shall be sent by the
 26 submitter to all persons of record (by regular mail), and a certificate of service shall accompany
 27 the submission to the Clerk.

28 (C) If, within thirty (30) calendar days after the date of the notice of the Planning
 29 Board's decision, the District Council has not elected to review the Planning Board's decision and
 30 no appeal has been filed by a person of record or the applicant, the Planning Board's decision on
 31 the expedited transit-oriented development site plan application shall be deemed to be affirmed

1 by the District Council.

2 (D) The Clerk of the Council shall notify (and may do so by electronic transmission)
3 the Planning Board of the review decision or appeal, if any. The Planning Board shall transmit
4 (and may do so by electronic transmission) to the District Council, within seven (7) calendar
5 days of receipt of the notice from the Clerk, the expedited transit-oriented development site plan
6 application, the official list of persons of record, and all written evidence and any other materials
7 used in the consideration of the application by the Planning Board.

8 (E) The District Council shall hold a public hearing on the review or appeal within
9 twenty-one (21) calendar days after the decision to review or the filing of an appeal from the
10 Planning Board's decision on an expedited transit-oriented development site plan application. A
11 person of record or an applicant that has appealed a Planning Board's decision to the District
12 Council pursuant to this Section may also withdraw their appeal in writing to the Clerk of the
13 Council (by regular mail or hand delivery) at any time prior to notice being issued for the public
14 hearing and, provided the District Council has also not elected to review the Planning Board's
15 decision on the application, the Planning Board's decision on the expedited transit-oriented
16 development site plan application shall be deemed to be affirmed by the District Council so long
17 as the review and appeal period has expired.

18 (F) The Clerk of the Council shall send written notice to all parties of record of the
19 appeal or the District Council's election to review the decision of the Planning Board including
20 notice of the public hearing, not later than ten (10) calendar days prior to any public hearing on
21 the review.

22 (G) Within seven (7) calendar days after the close of the District Council's public
23 hearing on review of the Planning Board's decision on an expedited transit-oriented development
24 site plan application, the Council shall approve, approve with conditions, or disapprove the
25 application filed pursuant to this Section or the Planning Board's decision shall be deemed to be
26 affirmed. The District Council shall state the reasons for its action in writing. Where the District
27 Council approves an expedited transit-oriented development site plan application, the District
28 Council shall make the same findings required for the Planning Board decision. In the event no
29 final action is taken by the District Council within twenty-eight (28) calendar days after the date
30 that the District Council elects to review the Planning Board's decision or the date an appeal
31 from the Planning Board's decision is filed, the Planning Board's decision on the application shall

1 be deemed to be affirmed. The months of August and December shall not be considered for the
2 purpose of calculating the time for consideration or final action by the District Council on an
3 application filed pursuant to this Section.

4 (H) Copies of the District Council decision on an expedited transit-oriented
5 development site plan application shall be sent to all parties of record, the applicant, and the
6 Planning Board.

7 **(d) Expedited Transit-Oriented Development Decision Standards**

8 An expedited transit-oriented development site plan may only be approved upon a finding that all
9 of the following standards are met:

10 (1) The proposed development represents a reasonable alternative for satisfying the
11 applicable standards of this Subtitle, without requiring unreasonable costs and without detracting
12 substantially from the utility of the proposed development for its intended use;

13 (2) The proposed development complies with all conditions of approval in any
14 development approvals and permits to which the expedited transit-oriented development site plan
15 is subject;

16 (3) The proposed development demonstrates the preservation and/or restoration of the
17 regulated environmental features in a natural state, to the fullest extent possible, in accordance
18 with the requirements of Section 24-4303(D)(5) of Subtitle 24: Subdivision Regulations;

19 (4) Proposed development located within a Planned Development (PD) zone shall be
20 in conformance with the PD Basic Plan and PD Conditions of Approval that apply to that
21 development;

22 (5) The proposed development conforms to an approved Tree Conservation Plan, if
23 applicable; and

24 * * * * *

25 **PART 27-5 USE REGULATIONS**

26 **27-5103. Prohibited Commercial Use of Residential Property**

27 (a) The Zoning Ordinance generally restricts residential properties to residential and
28 compatible accessory uses. Commercial uses on residential properties are limited to those
29 expressly permitted by Section 27-5105(c), Principal Use Table for Rural and Agricultural, and
30 Residential Base Zones. While residents are entitled to enjoy the use of their property consistent
31 with the applicable regulations, in order to ensure and protect the enjoyment, character and value

1 of residential neighborhoods and buildings, the provisions herein are established.

2 (b) The District Council finds the increasing use of residential properties for parties, events,
3 assemblies, or gatherings open to the public in return for payment of a cover charge or the sale of
4 goods or services is adversely impacting the surrounding residential neighborhoods with
5 increasing criminal activity, noise, and traffic, and by inhibiting ingress and egress for vehicles,
6 including emergency vehicles, in these residential neighborhoods. The District Council is
7 charged with balancing the rights of its citizens under the Federal and State constitutions to
8 peaceful assembly, free expression, religious freedom, and other rights with the right of quiet
9 enjoyment and protection of the inherent characteristics of property in dedicated Residential
10 Zones.

11 (c) Prohibited commercial use of residential property in this section shall mean any
12 occupancy of residential property for the purpose of holding commercial parties, events,
13 assemblies, or gatherings on the premises.

14 (d) Use of residential property shall be deemed commercial and not permitted, except as
15 otherwise provided for in the Zoning Ordinance, if:

16 (1) The owner, lessee, resident, or any occupier of the property receives payment or
17 other consideration, e.g., goods, property or services, in excess of One Hundred Dollars
18 (\$100.00) per party or event for the commercial use of the property, including payment by any
19 means, direct or indirect, including security deposits;

20 (2) Goods, property, or services are offered for sale or sold on or at the property, during
21 use of the property; however, this subsection shall not apply if:

22 (A) All goods, property, or services offered are donated to or for charitable,
23 religious or political organizations or candidates for public office, that have received 501(c)(3) or
24 other tax exempt status under the U.S. Internal Revenue Code, as amended, or in accordance
25 with applicable election laws;

26 (B) All of the proceeds from sales are directly payable and paid to charitable,
27 religious or political organizations or candidates for public office, that have received 501(c)(3) or
28 other tax exempt status under the U.S. Internal Revenue Code, as amended, or in accordance
29 with applicable election laws. An organization or candidate may reimburse donors for goods or
30 property donated; or

31 (C) The sale is of the property itself or personal property of the owner, lessee,

1 occupier, or resident (excluding personal property owned by a business).

2 (3) Use of the property by attendees requires an admittance or membership fee or a
 3 donation, excluding donations directly payable and paid by attendees to charitable, religious or
 4 political organizations or candidates for public office, that have received 501(c)(3) or other tax
 5 exempt status under the U.S. Internal Revenue Code, as amended, or in accordance with
 6 applicable election laws; or

7 (4) There is any advertising that promotes the occupancy or use of the residential
 8 property for the purpose of holding commercial parties, events, assemblies, or gatherings.
 9 Advertising includes, but is not limited to, traditional media, newspaper, magazines, flyers,
 10 handbills, television commercial, radio advertisement, outdoor advertising, direct mail, blogs or
 11 social media, including electronic mail, websites or text messages.

12 (e) Exemptions. Notwithstanding the previous subsection, this Section does not apply to:

13 (1) The open showing of residential property to the public by a licensed real estate
 14 agent, the owner, lessee, or resident, for the purpose of promoting the sale or lease of the subject
 15 property, provided that no sale or display of goods, property or services by sponsoring businesses
 16 unrelated to the sale or lease of the property transpires, or:

17 (2) Any use in the RMF-12, RMF-20, or RMF-48 zones, Nonresidential zones, Transit-
 18 Oriented/Activity Center base and PD zones, or the MU-PD Zone.

19 (f) Any police officer or inspector may enforce this Section by:

20 (1) Issuing an immediate order to cease and desist the prospectively planned prohibited
 21 activity to the owner, lessee, resident or occupier of the property, and posting the front door of
 22 the property, subject to the right of any aggrieved party within five (5) business days to request
 23 an expedited hearing before the Chief of Police or the Director of the Prince George's County
 24 Department of Permitting, Inspections and Enforcement, or their respective designees, of the
 25 cease and desist order issued by the officer or inspector; or

26 (2) Issuing a Five Hundred Dollar (\$500) civil fine for each offense. No violation
 27 notice need be issued prior to the issuance of the civil citation, notwithstanding any other
 28 provision of the Zoning Ordinance or County Code to the contrary.

29 (g) Any decision of the Chief of Police or the Director of the Prince George's County
 30 Department of Permitting, Inspections and Enforcement, or their respective designees, issued
 31 under this Section may be appealed by an aggrieved party within five (5) business days of receipt

1 of the decision to the Board of Appeals.

2 (h) Any person who violates the prescriptions of this Section shall be deemed guilty of a
3 misdemeanor and, upon conviction, shall be subject to a fine not to exceed One Thousand
4 Dollars (\$1,000.00) or incarceration up to six (6) months in jail, or both such fine and
5 imprisonment.

6 * * * * *

7 SECTION 3. BE IT FURTHER ENACTED that the Clerk of the Council and Legislative
8 Officer are hereby authorized, during the codification of this Ordinance, to make certain clerical
9 corrections to the tabulation of the provisions of Section 27-3700, herein, and to insert the
10 general purposes of the residential zones, as necessary.

11 SECTION 4. BE IT FURTHER ENACTED that the provisions of Section 27-5201(b),
12 Accessory Use/Structure Table for Rural and Agricultural, and Residential Base Zones; Section
13 27-5201(c), Accessory Use/Structure Table for Nonresidential, Transit-Oriented/Activity Center,
14 and Other Base Zones; Section 27-5201(d), Accessory Use/Structure Table for Planned
15 Development Zones; and Section 27-5201(e), Accessory Use/Structure Table for Overlay Zones,
16 attached hereto as Attachment A and incorporated as if set forth fully herein, shall have the same
17 force and effect as the revisions approved in this Ordinance.

18 SECTION 5. BE IT FURTHER ENACTED that the provisions of Table 27-6305(a):
19 Minimum Number of Off-Street Parking Spaces, attached hereto as Attachment B and
20 incorporated as if set forth fully herein, shall have the same force and effect as the revisions
21 approved in this Ordinance.

22 SECTION 6. BE IT FURTHER ENACTED that the provisions of Table 27-8301(d):
23 Special Exception Fees, attached hereto as Attachment C and incorporated as if set forth fully
24 herein, shall have the same force and effect as the revisions approved in this Ordinance.

25 SECTION 7. BE IT FURTHER ENACTED that the provisions of this Ordinance are
26 hereby declared to be severable; and, in the event that any section, subsection, paragraph,
27 subparagraph, sentence, clause, phrase, or word of this Ordinance is declared invalid or
28 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall
29 not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs,
30 subsections, or sections of this Ordinance, since the same would have been enacted without the
31 incorporation in this Ordinance of any such invalid or unconstitutional word, phrase, clause,

1 sentence, paragraph, subparagraph, subsection, or section.

2 SECTION 8. BE IT FURTHER ENACTED that this Ordinance shall take effect on the
3 effective date of the Countywide Sectional Map Amendment (“CMA”).

Adopted this 16th day of November, 2021.

COUNTY COUNCIL OF PRINCE GEORGE’S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE’S COUNTY,
MARYLAND

BY: _____
Calvin S. Hawkins, II
Council Chair

ATTEST:

Donna J. Brown
Clerk of the Council

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.