# COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND SITTING AS THE DISTRICT COUNCIL

# **2001 Legislative Session**

Bill No.	CB-71-2001
Chapter No.	52
Proposed and Presented b	council Members Shapiro and Maloney
Introduced by	Council Members Shapiro and Maloney
Co-Sponsors	
Date of Introduction	October 9, 2001
	ZONING BILL
AN ORDINANCE concer	ning
	Agricultural Uses in Commercial Zones
For the purpose of requirir	g special exceptions for the keeping of animals or poultry on
commercial lots under 20,0	000 square feet; providing that all such uses are prohibited and must
cease if on lots under 20,0	00 square feet which abut occupied residential property; establishing
setback requirements for the	ne keeping of animals or poultry on commercial lots; and prohibiting
the Board of Appeals from	granting variances to these requirements.
BY repealing and reenacting	ng with amendments:
S	Sections 27-229(b), 27-461(b), and 27-462(b),
7	The Zoning Ordinance of Prince George's County, Maryland,
t	being also
S	SUBTITLE 27. ZONING.
ר	The Prince George's County Code
(	1999 Edition, 2000 Supplement).
SECTION 1. BE IT	ENACTED by the County Council of Prince George's County,
Maryland, sitting as the Di	strict Council for that part of the Maryland-Washington Regional
District in Prince George's	County, Maryland, that Sections 27-229(b), 27-461(b), and 27-462(b)
of the Zoning Ordinance o	f Prince George's County, Maryland, being also Subtitle 27 of the
Prince George's County Co	ode, be and the same are repealed and reenacted with the following
amendments:	

1	SUBTITLE 27. ZONING.						
2	PART 3. ADMINISTRATION.						
3	DIVISION 5. APPEALS AND VARIANCES.						
4	Subdivision 1. Board of Zoning Appeals.						
5	Sec. 27-229. Powers and duties.						
6	(b) The Board of Zoning Appeals shall not have the power or duty to:						
7	* * * * * * * *						
8	(35) Grant a variance to Section 27-424(a) regarding fencing around outdoor						
9	swimming pools;						
10	(36) Grant a variance to any requirement in Section 27-461(b) or 27-462(b) concerning						
11	the keeping of animals or poultry (other than customary household pets) on commercial lots						
12	under 20,000 square feet.						
13	PART 6. COMMERCIAL ZONES.						
14	DIVISION 3. USES PERMITTED.						

## Sec. 27-461. Uses permitted.

## (b) TABLE OF USES I.

	ZONE					
USE	C-O	C-A	C-S-C	C-W	С-М	C-R-C
(1) COMMERCIAL:						
* * * * * * * *	*	*	*	*	*	*
(7) Resource Production/Recovery:						
Agricultural use	[P]	[P]	[P]	[P]	[P]	[X]
A. Other than animal or poultry raising	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
B. Animal or poultry raising (other than customary household pets)						
i. on lots 20,000 square feet or more	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
ii. on lots under 20,000 square feet	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>
iii. on lots under 20,000 square feet adjoining occupied residentially- zoned property <sup>38</sup>	<u>X</u>	<u>X</u>	X	<u>X</u>	<u>X</u>	<u>X</u>
Sand and gravel wet-processing	SE	SE	SE	X	SE	X
Surface mining	SE	SE	SE	Х	SE	X
* * * * * * * *	*	*	*	*	*	*

All such uses in existence on September 1, 2001, may not be certified as nonconforming uses and must cease operations, with removal of all animal or poultry facilities, by February 1, 2002.

#### **DIVISION 4. REGULATIONS.**

### Sec. 27-462. Regulations.

(b) Table I - SETBACKS (Minimum in Feet for All Structures). (See Figure 5.)

#### ALL COMMERCIAL ZONES

From Street <sup>1</sup>	10 <sup>2,3<u>.4</u></sup>		
From side lot line of adjoining land in any Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan):			
Side yard	12 <sup>2,3,4</sup> or the buffer required in the Landscape Manual, whichever is greater		
Rear yard	25 <sup>2,3,4</sup> or the buffer required in the Landscape Manual, whichever is greater		
From rear lot line of adjoining land in any Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan):			
Side yard	12 <sup>2,3,4</sup> or the buffer required in the Landscape Manual, whichever is greater		
Rear yard	25 <sup>2,3,4</sup> or the buffer required in the Landscape Manual, whichever is greater		
From adjoining land in any nonresidential zone	None, except where building is 30 feet high (or higher), a distance equal to 1/3 the total building height, or the buffer required in the Landscape Manual, whichever is greater <sup>3.4</sup>		

(CB-1-1989; CB-8-1990)

- 1 For this regulation, a street shall mean a right-of-way line, as shown on the current approved Master Plan, Functional Master Plan of Transportation or General Plan, Prince George's County Capital Improvement Program, or Maryland State Five (5) Year Highway Construction Program, whichever indicates the greatest right of way width. Any other street shall be deemed to have a right-of-way width of at least seventy (70) feet.
- **2** Plus an additional set back equal to one third (1/3) of the total building height if the building is thirty (30) or more feet high.
- **3** Towers, poles, and antennae and supporting structures, excluding guy wires, shall be set back one-half (1/2) foot for each foot of structure height. (CB-8-1990; CB-123-1994)
- 4 If a building or structure is used for the housing or sale of animals or poultry, it shall be set back at least 25 feet from the street and from all lot lines, unless the Landscape Manual requires a larger buffer area.

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (45) calendar days after its adoption.

Adopted this 19th day of November, 2001

[Brackets] indicate language deleted from existing law.

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

ВУ	Ronald V. Russell Chairman
ATTEST:	
Joyce T. Sweeney	
Clerk of the Council	
KEY: Underscoring indicates language added to e	existing law.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.