

SUBTITLE 27. ZONING.

PART 3. ADMINISTRATION.

DIVISION 5. APPEALS AND VARIANCES.

Subdivision 1. Board of Zoning Appeals.

Sec. 27-229. Powers and duties.

(b) The Board of Zoning Appeals shall not have the power or duty to:

* * * * *

(35) Grant a variance to Section 27-424(a) regarding fencing around outdoor swimming pools;

(36) Grant a variance to any requirement in Section 27-461(b) or 27-462(b) concerning the keeping of animals or poultry (other than customary household pets) on commercial lots under 20,000 square feet.

PART 6. COMMERCIAL ZONES.

DIVISION 3. USES PERMITTED.

Sec. 27-461. Uses permitted.

(b) TABLE OF USES I.

USE	ZONE					
	C-O	C-A	C-S-C	C-W	C-M	C-R-C
(1) COMMERCIAL:						
* * * * *	*	*	*	*	*	*
(7) Resource Production/Recovery:						
Agricultural use	[P]	[P]	[P]	[P]	[P]	[X]
<u>A. Other than animal or poultry raising</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>B. Animal or poultry raising (other than customary household pets)</u>						
<u>i. on lots 20,000 square feet or more</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>ii. on lots under 20,000 square feet</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>
<u>iii. on lots under 20,000 square feet adjoining occupied residentially-zoned property³⁸</u>	<u>X</u>	<u>X</u>	<u>X</u>	<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	X	SE	X
* * * * *	*	*	*	*	*	*

38 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 ¹	10 ^{2,3,4}
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 ^{2,3,4} or the buffer required in the Landscape Manual, whichever is greater
Rear yard	25 ^{2,3,4} 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 ^{2,3,4} or the buffer required in the Landscape Manual, whichever is greater
Rear yard	25 ^{2,3,4} 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 ^{3,4}

(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

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: _____
Ronald V. Russell
Chairman

ATTEST:

Joyce T. Sweeney
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.