

DR-4

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

Legislative Session _____ 1991 _____

Bill No. _____ CB-78-1991 _____

Chapter No. _____ 65 _____

Proposed and Presented by Council Member Mills

Introduced by _____ Council Member Mills _____

Co-Sponsors _____

Date of Introduction _____ October 29, 1991 _____

ZONING BILL

AN ORDINANCE concerning

Nonconforming Uses

FOR the purpose of amending the procedures for certification of a nonconforming use.

BY repealing and reenacting with amendments:

Sections 27-240 and
27-244,

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

being also

SUBTITLE 27. ZONING.

The Prince George's County Code

(1987 Edition, 1990 Supplement).

SECTION 1. BE IT ENACTED by the 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, that Sections 27-240 and 27-244 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 3. ADMINISTRATION.

DIVISION 6. NONCONFORMING BUILDINGS,
STRUCTURES, AND USES.

Subdivision 1. General Requirements and Procedures.

Sec. 27-240. Definitions.

* * * * *

(b) For the purposes of this Subdivision, "party of interest" shall be defined as any person having personal knowledge of the subject property or the proposed nonconforming use, any person having a current or previous financial interest in the subject property or the proposed nonconforming use, or any person living or owning property within one (1) mile from the subject property.

Sec. 27-244. Certification.

(a) In general

(1) A nonconforming use may only continue if a use and occupancy permit identifying the use as nonconforming is issued after the Planning Board (or its authorized representative), or the District Council, certifies that the use is really nonconforming and not an illegal use (except as provided for in Section 27-246 and Subdivision 2 of this Division).

* * * * *

(c) Notice

(1) The following notice provisions shall not apply to uses that, with the exception of parking in accordance with Section 27-549, occur solely within an enclosed building.

(2) The Planning Board shall post the property with a durable sign(s) within ten (10) days of acceptance of the application and accompanying documentation. The signs(s) shall provide notice of the application; the nature of the nonconforming use for which the permit is sought; a date, at least twenty (20) days after posting, by which written comments and/or supporting documentary evidence relating to the commencing date and continuity of such use, and/or a request for public hearing from a party of interest will be received; and instructions for obtaining additional information. Requirements regarding posting fees, the number, and the location of signs shall conform to the requirements set forth in Subsection (f), below.

(3) If the property which is the subject of the application is located within a municipality, the Planning Board shall notify the municipality of the application within ten (10) days of acceptance of the application and accompanying documentation.

(d) Administrative review

(1) If a copy of a valid use and occupancy permit is submitted with the application [and], where applicable a request is not submitted for the Planning Board to conduct a public hearing,

and, based on the documentary evidence presented, the Planning Board's authorized representative is satisfied as to the commencing date and continuity of the nonconforming use, the representative [may certify] shall recommend certification of the use as nonconforming for the purpose of issuing a new use and occupancy permit identifying the use as nonconforming. This recommendation shall not be made prior to the specified date on which written comments and/or requests for public hearing are accepted.

(2) Following a recommendation of certification of the use as nonconforming, the Planning Board's authorized representative shall notify the District Council of the recommendation.

(3) If the District Council does not elect to review the recommendation within thirty (30) days of receipt of the recommendation as authorized by Subsection (e), below, the representative shall certify the use as nonconforming.

(4) Subsections (2) and (3), above, and Subsection (e), below, shall not apply to uses that, with the exception of parking in accordance with Section 27-549, occur solely within an enclosed building.

(e) District Council review

(1) The District Council may, on its own motion, vote to review the Planning Board representative's recommendation, for the purpose of determining whether the use should be certified as nonconforming, within thirty (30) days of receipt of the recommendation.

(2) If the District Council decides to review the

proposed certification, the Clerk of the Council shall notify the Planning Board of the Council's decision. Within seven (7) calendar days after receiving this notice, the Planning Board shall transmit to the Council all materials submitted to it in connection with the application.

(3) The District Council shall schedule a public hearing on the application. The Clerk of the Council shall give at least fourteen (14) calendar days' notice of the hearing in the newspapers of record, and if the property which is the subject of the application is located within a municipality, the Clerk of the Council shall give at least fourteen (14) days notice to the municipality.

(4) The District Council shall affirm the certification only if it finds that a nonconforming use exists and has continuously operated.

(5) The District Council shall make its decision within thirty (30) days after the close of the hearing. Failure of the Council to take action within thirty (30) days of the close of the hearing shall constitute a decision to certify the use.

[(d)] (f) Planning Board review

(1) Required hearing

(A) If a copy of a valid use and occupancy permit is not submitted with the application, [or] if the documentary evidence submitted is not satisfactory to the Planning Board's authorized representative to prove the commencing date or continuity of the use, or if a public hearing has been requested by any party of

interest challenging the commencing date and/or continuity of the use, the Planning Board shall conduct a public hearing on the application for the purpose of determining whether the use should be certified as nonconforming.

* * * * *

[(e)] (g) Applicability

(1) This Section shall not apply to nonconforming buildings or structures occupied by conforming uses.

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect on December 31, 1991.

Adopted this 26th day of November, 1991.

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: _____
Richard J. Castaldi
Chairman

ATTEST:

Maurene W. Epps
Acting 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.