

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

1996 Legislative Session

Bill No. _____ CB-5-1996

Chapter No. _____ 1

Proposed and Presented by _____ Council Member Del Giudice

Introduced by _____ Council Member Del Giudice

Co-Sponsors

Date of Introduction _____ February 27, 1996

ZONING BILL

AN ORDINANCE concerning

Nonconforming Uses

For the purpose of clarifying that uses which are certified as nonconforming through a validation of a permit issued in error are subject to the same requirements as uses which are certified as nonconforming through a change in regulations.

BY repealing and reenacting with amendments:

Section 27-241(d),

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

SUBTITLE 27. ZONING.

The Prince George's County Code
(1991 Edition, 1994 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 Section 27-241(d) 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Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same is hereby repealed and reenacted with the following amendments: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. 27-241. Continuation.

* * * * *

(c) Continuous, day-to-day operation of a certified nonconforming use is required to maintain its nonconforming status. Discontinuance of day- to-day operation for a period of one hundred eighty (180) or more consecutive calendar days shall constitute abandonment of the use. No certified nonconforming use may be reestablished unless either:

(1) The case involves reconstruction, restoration, or reestablishment in accordance with Section 27-243; or

(2) The Planning Board determines (upon written request) that the conditions of nonoperation were beyond the control of the person who was in control of the property during the period of nonoperation. The Planning Board's determination shall be based on satisfactory evidence presented by the person making the request.

(d) The provisions of Subsection (c), above, do not apply to:

(1) Nonconforming buildings and structures occupied by conforming uses;

(2) Certified nonconforming surface mining operations that are not within a Chesapeake Bay Critical Area Overlay Zone; or

(3) Mobile home dwellings and trailer camps used in accordance with Section 27-250[; or]

[(4) Uses for which a permit issued in error has been validated by the Council in accordance with Section 27-258].

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect on the date of adoption.

Adopted this 26th day of March, 1996.

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:

Stephen J. Del Giudice
Chairman

ATTEST:

Joyce T. Sweeney
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.