

Part 1: General Provisions

CB-013-2019 (DR-2) has not yet taken effect and is subject to revisions via further legislative action of the Council.

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1 **Part 27-1 GENERAL PROVISIONS**

2 **Sec. 27-1100 Title**

3 This Subtitle is known as the Zoning Ordinance of Prince George's
4 County, Maryland, and may be known in this Subtitle as "this
5 Ordinance."

6 **Sec. 27-1200 Authority**

7 **27-1201. General**

8 (a) The District Council is authorized to adopt this Ordinance
9 in accordance with:

- 10 (1) Division II of the Land Use Article of the Maryland Code;
- 11 (2) The statewide visions for growth, Division I of the Land
12 Use Article of the Maryland Code, § 1-201;
- 13 (3) All other provisions of Division I of the Land Use Article
14 of the Maryland Code that apply to charter counties set
15 out in § 1-401;
- 16 (4) The Maryland Priority Funding Areas legislation,
17 Maryland Code State Finance and Procurement, Division
18 I, Title 5, Subtitle 7B;
- 19 (5) The Maryland Rural Legacy Program, Maryland Code
20 Natural Resources, Title 5, Subtitle 9A; and
- 21 (6) All other relevant laws of the State of Maryland.

22 **27-1202. Reference to State or Federal Laws**

23 Whenever any provision of this Ordinance refers to or cites a section
24 of the Maryland Code or any Federal statute, and that section is later

25 amended, this Ordinance shall be deemed to refer to the amended
26 section.

27 **Sec. 27-1300 General Purpose and Intent**

28 The purposes of the Zoning Ordinance are to:

- 29 (a) Protect and promote the health, safety, morals, comfort,
30 convenience, and welfare of the present and future
31 inhabitants of the County;
- 32 (b) Implement the General Plan, Area Master Plans, Sector
33 Plans, and Functional Master Plans;
- 34 (c) Promote the conservation, creation, and expansion of
35 communities that will be developed with adequate public
36 facilities and services;
- 37 (d) Guide the orderly growth and development of the County,
38 while recognizing the needs of agriculture, housing,
39 industry, and business;
- 40 (e) Support pedestrian-friendly, higher-intensity, mixed-use
41 development in the appropriate locations, including
42 support and emphasis upon a framework for multi-modal
43 forms of mobility for pedestrians, bicyclists, transit users,
44 and motorists;
- 45 (f) Support redevelopment and infill development within
46 established areas of the County;
- 47 (g) Provide adequate light, air, and privacy;
- 48 (h) Encourage economic development activities that provide
49 desirable employment and a broad, protected tax base;
- 50 (i) Ensure a high level of quality development in general, for
51 the benefit of all citizens and residents, throughout the
52 County;

- 1 (j) Promote the most beneficial relationship between the 29 27-1402. Development shall not occur except in accordance
2 uses of land and buildings and protect landowners from 30 with the requirements of this Ordinance and all other
3 adverse impacts of adjoining development; 31 applicable County, State, and Federal ordinances,
4 (k) Protect the established character of residential 32 laws, statutes, and regulations.
5 communities and neighborhoods; 33 27-1403. Development undertaken without required
6 (l) Protect the County from fire, flood, panic, and other 34 development approvals or permits is a violation of
7 dangers; 35 this Ordinance.
8 (m) Provide sound, sanitary housing in a suitable and healthy 36 27-1404. With the exception of the Official Zoning Map, all
9 living environment within the economic reach of all 37 photographs, maps, drawings, and other graphics in
10 County residents; 38 this Ordinance are for illustrative purposes only.
11 (n) Prevent the overcrowding of land; 39 27-1405. Except as expressly stated to the contrary, the
12 (o) Protect the rural character of the County in designated, 40 provisions of this Ordinance do not apply to:
13 appropriate locations; 41 (a) Development of land owned and used by the County and
14 (p) Ensure the provision of open space to protect scenic 42 development of land owned by municipalities within the
15 beauty and the natural features of the County, as well as 43 County;
16 provide adequate recreational space; 44 (b) Development of land owned and used by the Maryland-
17 (q) Protect against undue noise, and air and water pollution, 45 National Capital Park and Planning Commission (M-
18 and to encourage the preservation of stream valleys, 46 NCPPC), the Washington Metropolitan Area Transit
19 steep slopes, lands of natural beauty, dense forests, scenic 47 Authority (WMATA), and the Washington Suburban
20 vistas, and other similar features; and 48 Sanitary Commission (WSSC);
21 (r) Protect and conserve the agricultural industry and natural 49 (c) Development of land owned and used by the State of
22 resources. 50 Maryland, unless State law authorizes local regulation by
51 this Ordinance;
23 **Sec. 27-1400 Applicability and Jurisdiction** 52 (d) Development owned and used by the government of the
53 United States, its agencies, departments, or corporate
24 **27-1401.** This Ordinance applies to the development of any 54 services, to the full extent required by law;
25 land in the Maryland-Washington Regional District in 55 (e) Development of a public use by a government or public
26 Prince George's County, Maryland, unless expressly 56 entity, when that development is subject to Mandatory
27 exempted by Section 27-1405 or by another specific 57 Referral Review; and
28 Section, Subsection, or paragraph of this Ordinance.

1 (f) Any building used exclusively for residential purposes, 31
2 containing not more than three dwelling units, and 32
3 constructed prior to November 29, 1949, shall be 33
4 permitted to continue to be used for residential purposes, 34
5 and shall not be required to meet the dimensional and 35
6 intensity standards set forth in the zone in which it is 36
7 located. Any alteration, enlargement, or extension of such 37
8 a building after November 29, 1949 shall conform to the 38
9 setback, yard, and height regulations of the zone in which 39
10 it is located at the time it is or was constructed.. 40

11 **27-1406.** All Federal, State, and local governments (including 41
12 municipalities), and public and private utilities are 42
13 required to submit proposed projects for a 43
14 Mandatory Referral review and approval in 44
15 accordance with Sections 20-301-305 of the Land 45
16 Use Article. Such Mandatory Referral review shall 46
17 follow the Planning Department's *Adopted Uniform* 47
18 *Standards for Mandatory Referral Review*. 48

19 **27-1407.** Unless stated otherwise, the standards and 49
20 requirements of this Ordinance are minimum 50
21 requirements. 51

22 **Sec. 27-1500 Relationship with Other**
23 **Laws, Covenants, or Deeds**

24 **27-1501. Conflicts with Provisions of Adopted**
25 **Codes or Ordinances**

26 (a) Whenever any provision of this Ordinance imposes a 56
27 greater requirement or a higher standard than is required 57
28 in any State or Federal statute or other County ordinance 58
29 or regulation, the provisions of this Ordinance control, 59
30 unless preempted by State or Federal law. 60

(b) Whenever any provision of a State or Federal statute or 31
other County ordinance or regulation imposes a greater 32
requirement or a higher standard than required by this 33
Ordinance, the State, Federal, or other County statute 34
controls. 35

(c) When there is a conflict between an overlay zone and an 36
underlying base zone, the provisions of the overlay zone 37
apply, unless expressly stated to the contrary in this 38
Ordinance. When there is a conflict between provisions of 39
two or more applicable overlay zones, the more restrictive 40
provisions apply, unless otherwise expressly stated in this 41
Ordinance. 42

(d) When it is possible to implement, administer, or construe 43
a particular provision of this Ordinance in more than one 44
way, it shall be implemented, administered, or construed 45
in a way that eliminates or minimizes conflicts with other 46
provisions of this Ordinance in a way that is consistent 47
with State and Federal case law. 48

49 **27-1502. Conflicts with State or Federal Law**

50 If the provisions of this Ordinance are inconsistent or conflict with the 50
51 laws or regulations of the State or Federal government, the more 51
52 restrictive provision shall control, to the extent permitted by law. The 52
53 more restrictive provision is the one that imposes greater restrictions 53
54 or burdens, or more stringent controls. 54

55 **27-1503. Relationship with Easements,**
56 **Covenants, Deed Restrictions, and**
57 **Other Agreements**

(a) It is not the intent of this Ordinance or the County to 58
interfere with or annul private easements, covenants, 59
deed restrictions, or other agreements. Additionally, the 60

1 County does not monitor or enforce private easements, 32
2 covenants, and restrictions. However, it may inquire into 33
3 private easements and restrictions in reviewing 34
4 development applications in order to ensure compliance 35
5 with this Ordinance and other County requirements. 36

6 (b) Private easements, covenants, and restrictions 37
7 notwithstanding, all development, unless expressly 38
8 exempted by this Ordinance, shall comply with the 39
9 requirements of this Ordinance. 40

10 **Sec. 27-1600 Official Zoning Map**

11 **27-1601. Establishment**

12 (a) Land subject to this Ordinance is divided into the various 46
13 base, Planned Development, and overlay zones 47
14 established in Part 27-4: Zones and Zone Regulations. The 48
15 location and boundaries of the zones are shown on a set 49
16 of maps, entitled "Zoning Map of the Maryland- 50
17 Washington Regional District in Prince George's County, 51
18 Maryland." This map is referred to as the "Official Zoning 52
19 Map." The Official Zoning Map, including all its notations, 53
20 is incorporated herein by reference and made part of this 54
21 Ordinance. The Official Zoning Map shall be the final 55
22 authority as to the status of zone classifications of land in 56
23 the County. In case of any dispute regarding the zone 57
24 classification of land, the original map adopted with the 58
25 ordinance applying the original zone classification 59
26 rezoning the land shall control. 60

27 (b) In accordance with prescriptions of State law applicable to 60
28 the zoning classifications of land in that portion of the 61
29 Maryland-Washington Regional District within Prince 62
30 George's County, the Clerk of the Council shall maintain 63
31 and be the custodian as to the official zoning maps of

Prince George's County. With respect to any electronic
map or layer within the County's Geographic Information
System ("GIS"), however, it is the intent of this Subtitle to
delegate such duty to the Maryland-National Capital Park
and Planning Commission ("M-NCPPC"), for the purpose
of maintaining an accurate, publicly available electronic
version of the Official Zoning Map and to record same
onto permanent media in furtherance of protecting the
digital integrity of the document. In the event that minor
drafting or other clerical errors or omissions are identified
within the GIS mapping system, then the Planning Director
may correct such minor errors or omissions, provided that
the Director issues a written statement of justification to
the Clerk of the Council and District Council as to the
subject correction prior to making said change. The
Planning Director shall not make any substantive
amendments or changes to the electronic maps without
specific authority conferred by the District Council or
pursuant to express authority set forth in this Subtitle.

(c) In determining the boundaries of any zone shown on the
Zoning Map, the following rules shall apply:

- (1) Zone boundary lines follow the center lines of street,
railroad, or alley rights-of-way, and lot lines (or line
parallel or perpendicular to the lot lines), unless the
boundary lines are fixed by dimensions on the Zoning
Map.
- (2) Where zone boundaries are indicated as approximately
following street, railroad, or alley lines (existing or
proposed), the center lines of these street, railroad, or
alley rights-of-way shall be considered the boundaries.
- (3) Where a street or alley right-of-way and a railroad right-
of-way abut each other, the boundary line between the

1 two (2) rights-of-way shall be considered the zone 34
2 boundary. In those cases where a railroad right-of-way 35
3 is abutted on both sides by a street, the center line of 36
4 the railroad right-of-way shall be considered the zone 37
5 boundary. Each right-of-way shall be considered to be in 38
6 the zoning category of the property immediately 39
7 abutting that right-of-way. 40
8 **(4)** Where zone boundaries approximately follow lot lines 41
9 and are not more than ten (10) feet from these lines, the 42
10 lot lines shall be considered the boundaries. 43
11 **(5)** Where property is unsubdivided, or where a zone 44
12 boundary divides a lot, the location of the boundary, 45
13 unless it is indicated by dimensions shown on the Map, 46
14 shall be scaled to the nearest foot on the Zoning Map. 47
15 **(6)** If any portion of a public street, alley, right-of-way, or 48
16 easement shall ever be privately owned or not used for 49
17 a public purpose, the center line of the street, alley, 50
18 right-of-way, or easement shall be considered the zone 51
19 boundary line when the zoning categories are not the 52
20 same on both sides of the street, alley, right-of-way, or 53
21 easement. The land, and any building, structure, or use, 54
22 which is located within this street, alley, right-of-way, or 55
23 easement, shall be subject to all of the regulations of 56
24 this Subtitle which apply within the abutting zone. 57
25 **(7)** If any portion of a public street, alley, right-of-way, or 58
26 easement, or land shown as such on the Zoning Map, 59
27 shall ever be privately owned or not used for a public 60
28 purpose, the center line of the street, alley, right-of-
29 way, or easement shall be considered the zone
30 boundary line when the zoning categories are not the
31 same on both sides of the street, alley, right-of-way, or
32 easement. The land, and any buildings, structures, or
33 uses which are located within this street, alley, right-of-

way, or easement, shall be subject to all of the regulations of this Subtitle which apply within the abutting zone.

- (8)** If a property has been specifically withheld from zoning in order to provide for the future construction, widening, realignment, or relocation of public streets or transit routes, the center line of the right-of-way shall be considered the zone boundary. The area withheld shall be considered as having been included in the Zoning Map Amendment.

27-1602. Zone Classification of Annexed Land

- (a)** Any lands annexed into the Regional District shall immediately be placed in the RR zone until a zoning map amendment (ZMA) for the land is adopted by the District Council.
- (b)** Within six months of the effective date of the annexation, the Planning Board shall conduct an evaluation of the annexed land, surrounding land uses, and zoning patterns and an analysis of conformance to the applicable Area Master Plan or Sector Plan, as appropriate, and shall recommend a zone classification for the annexed land to the District Council.
- (c)** The District Council shall take action on the Planning Board's recommendation on a zone classification for the annexed land as promptly as reasonably possible in consideration of the interests of the landowner(s), affected parties, and citizens of the County.

1 **27-1603. Property Conveyed by the United States**
2 **of America or by the State of Maryland.**

3 (a) Property conveyed in fee simple by the United States of
4 America or the State of Maryland shall immediately be
5 placed in the Reserved Open Space (ROS) Zone until the
6 District Council approves a Zoning Map Amendment for
7 the property.

8 (b) This Section does not apply to property conveyed by: the
9 Maryland-National Capital Park and Planning Commission
10 or by the State for the University of Maryland, where an
11 application for another zone is filed before recording of
12 the deed of conveyance.

13 (c) Property conveyed by the State or the United States shall
14 be placed in the zoning classification which applied before
15 State or Federal ownership, if (and only if) the property
16 was rezoned by Zoning Map Amendment approved within
17 twenty-four (24) months of the conveyance.

18 **27-1604. Conveyance of Public Land in the ROS**
19 **Zone to Another Public Entity**

20 (a) Upon notification by a public entity of intent to acquire
21 land classified in the ROS Zone which is owned by another
22 public entity, the land shall immediately revert to its
23 zoning classification prior to its designation to the ROS
24 Zone.

25 (b) The public entity receiving notification of an intent to
26 acquire land classified in the ROS Zone shall notify the
27 Planning Board. The Planning Board shall note the
28 reverted zoning category on the Zoning Map, and transmit
29 notification of such notation to the Clerk of the District
30 Council. For the purposes of this Section, an amendment

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of the zoning map shall not be subject to the requirements
of Section 0, 27-3601 Zoning Map Amendment (ZMA).

(c) If the land is not conveyed to a public entity, the zoning
classification shall immediately revert to the ROS Zone,
and the Planning Board shall note the reversion on the
Zoning Map in accordance with Subsection (a), above.

**27-1605. Land Conveyed by the Prince George's
County Housing Authority, the Revenue
Authority of Prince George's County, or
the Redevelopment Authority of Prince
George's County**

(a) No less than six (6) months prior to the development or
redevelopment of any land that is owned by the Prince
George's County Housing Authority, the Revenue
Authority of Prince George's County, or the
Redevelopment Authority of Prince George's County, the
zoning of the land shall be reviewed by the District
Council. The District Council may find that either the
existing zoning is appropriate and no zoning change is
necessary or the existing zoning is inappropriate. If the
District Council finds that the zoning is inappropriate, the
District Council shall promptly schedule a review in
accordance with Subsection (b).

(b) The review shall be conducted at a public hearing
advertised in accordance with Section 27-3407,
Scheduling of Hearings and Public Notice. The Technical
Staff shall prepare an impact study that sets forth the
effects of the proposed development or redevelopment
on the general neighborhood. In determining the proper
zoning for the subject property the District Council shall
consider:

- 1 **(1)** The relationship of the proposed development or 30
2 redevelopment to the General Plan, Master Plan, 31
3 Functional Master Plan, or other plan or policy 32
4 document approved by the Council; and 33
5 **(2)** The impact of the proposed development or 34
6 redevelopment on the area affected. 35
7 **(c)** Once the District Council has made a decision in its review 36
8 of the property, that decision shall be final and may not be 37
9 reviewed again under the procedures described in 38
10 Subsections (a) and (b). 39

11 **27-1606. Land conveyed to the Maryland-**
12 **National Capital Park and Planning**
13 **Commission** 40

14 Any land conveyed to the Maryland-National Capital Park and 41
15 Planning Commission after July 1, 2002 and consisting of more than 42
16 seventy five (75) acres shall be placed immediately in the Reserved 43
17 Open Space (ROS) Zone until a Zoning Map Amendment for the land 44
18 has been approved by the District Council. 45

19 **27-1607. Property conveyed by the State for the**
20 **University of Maryland** 46

21 **(a)** This section applies to property owned by the State for 47
22 University of Maryland as conveyed by the State to a 48
23 private person. It does not apply to property rezoned 49
24 within twenty-four (24) months of State conveyance to a 50
25 private person, as provided in Section 27-1604, 51
26 Conveyance of Public Land in the ROS Zone to Another 52
27 Public Entity or property conveyed from the University of 53
28 Maryland (or the State of Maryland as title owner for the 54
29 University of Maryland) which is zoned RSF-65, lies 55

adjacent to an existing residential subdivision, and is
restricted in the conveyance to thirty (30) or fewer lots.

(b) For property to be conveyed to a private purchaser by the
State for the University of Maryland, the purchaser or
State of Maryland may file a Zoning Map Amendment
application (as described in Section 0, 27-3601
Zoning Map Amendment (ZMA)) directly with the District
Council, at any time before the recording of the deed of
conveyance. If no application is filed, then the property
shall be placed in the ROS Zone, as provided in Section 27-
1604, Conveyance of Public Land in the ROS Zone to
Another Public Entity.

(c) Applications filed under this Section shall be processed as
follows:

- (1)** Applicants shall comply with all pre-application
informational mailing requirements in Section 27-3407,
Scheduling of Hearings and Public Notice.
- (2)** Before an application is filed with the District Council,
the applicant shall submit to (and have accepted by) the
Technical Staff all application materials, together with
the filing fee, for a Zoning Map Amendment.
- (3)** Within seventy (70) days of the date of filing, the
Technical Staff shall file with the Clerk of the Council a
report on the application, with findings and conclusions,
recommending approval, approval with conditions,
disapproval, or remand for further review to the
Technical Staff or, if further evidence is required, to the
Zoning Hearing Examiner.
- (4)** The Technical Staff may recommend and the District
Council may approve an amendment under this Section
only on the following findings:

- 1 (A) The proposed amendment is found to be in
2 general conformance with the applicable Area
3 Master Plan or Sector Plan map, or the General
4 Plan map, or with the principles and
5 recommendations in the text of the applicable
6 Area Master Plan or Sector Plan or the General
7 Plan. In making this finding, staff and Council may
8 consider the Master Plan adopted for the
9 University of Maryland.
- 10 (B) Development proposed by the applicant or
11 permitted in the proposed zoning classification is
12 found not incompatible, as to land uses, visual or
13 noise or environmental effects, or traffic to be
14 generated, with adjoining properties or others in
15 the neighborhood, as they are currently (at
16 application time) zoned or used.
- 17 (5) Within ninety (90) days of the date of filing, the District
18 Council shall review the application in a public hearing,
19 where exhibits (but not sworn testimony) may be
20 introduced into the record. For hearings under this
21 Section only, but not for other Zoning Map Amendment
22 applications, the applicant shall post the subject
23 property at least thirty (30) days prior to the hearing
24 before the District Council, giving notice as required in
25 Section 27-3407, Scheduling of Hearings and Public
26 Notice, for Examiner hearings.
- 27 (6) The District Council may approve the rezoning, with or
28 without conditions; may approve a less intense zone,
29 with or without conditions; may deny the application; or
30 may remand it to the Technical Staff or, if further
31 evidence is required, to the Zoning Hearing Examiner.

32 **Sec. 27-1700 Transitional Provisions**

33 **27-1701. Effective Date**

34 This Ordinance shall become effective on ___ [*insert the effective*
35 *date of this Ordinance*], and repeals and replaces Subtitle 27. Zoning,
36 Prince George's County Code, 2015 Edition, as amended from time to
37 time.

38 **27-1702. Violations Continue**

39 Any violation of the prior Zoning Ordinance continues to be a
40 violation under this Zoning Ordinance and is subject to Part 27-8:
41 Enforcement, unless the development complies with the express
42 terms of this Ordinance. This Section shall not relieve any person of
43 liability for any fines or penalties owing or claimed to be owing under
44 the prior Zoning Ordinance.

45 **27-1703. Applications Pending Prior to the** 46 **Effective Date of this Ordinance**

- 47 (a) Any development application, including an application for
48 zoning classification, that is filed and accepted prior to the
49 effective date of this Ordinance may be reviewed and
50 decided in accordance with the Zoning Ordinance in
51 existence at the time of the acceptance of said
52 application. An application for zoning classification
53 decided after the effective date of this Ordinance must
54 result in a zone set forth within this Ordinance.
- 55 (b) Development applications submitted and accepted as
56 complete before ___ [*insert the effective date of this*
57 *Ordinance*] shall be processed in good faith and shall
58 comply with the time frames for review, approval, and
59 completion as is established in the Zoning Ordinance in
60 existence at the time of the submission and acceptance of

1 the application, not to exceed a period of two (2) calendar
2 years after the effective date of this Ordinance. If the
3 application fails to comply with the required time frames,
4 it shall expire and future development shall be subject to
5 the requirements of this Ordinance.

6 **(c)** If the development application is approved, the
7 development approval or permit shall remain valid for the
8 period of time specified in the Zoning Ordinance under
9 which the application was reviewed and approved.
10 Extensions of time available under the old Zoning
11 Ordinance remain available. If the approval is for a
12 Conceptual Site Plan (CSP), special permit, Comprehensive
13 Sketch Plan, or Conceptual Design Plan (CDP), the
14 approved CSP, special permit, Comprehensive Sketch
15 Plan, or CDP shall remain valid for twenty (20) years, and
16 shall not be subject to the indefinite time period of validity
17 under the Zoning Ordinance under which it was approved.

18 **(d)** Until and unless the period of time under which the
19 development approval or permit remains valid expires,
20 the project may proceed to the next steps in the approval
21 process (including any subdivision steps that may be
22 necessary) and continue to be reviewed and decided
23 under the Zoning Ordinance and Subdivision Regulations
24 under which it was approved.

25 **(e)** Once constructed, the project shall be “deemed
26 conforming” and shall be subject to the same rules as
27 other conforming uses, structures, and site features under
28 this Ordinance.

29 **(f)** An applicant may elect at any stage of the development
30 review process to have the proposed development
31 reviewed under this Ordinance.

32 **27-1704. Projects Which Received Development**
33 **or Permit Approval Prior to the**
34 **Effective Date of this Ordinance**

35 **(a)** Except for a zoning map amendment (ZMA) of any type,
36 development approvals or permits of any type approved
37 under this Subtitle or Subtitle 24 of this Code prior to ____
38 [*insert effective date of this Ordinance*] remain valid for
39 the period of time specified in the Zoning Ordinance or
40 Subdivision Regulations under which the project was
41 approved. Extensions of time which were available in the
42 Zoning Ordinance or Subdivision Regulations under which
43 it was approved shall remain available. If the approval is
44 for a CSP, special permit, Comprehensive Sketch Plan, or
45 CDP, it shall remain valid for ten years from ____ [*insert*
46 *effective date of this Ordinance*], and shall not be subject
47 to the indefinite time period of validity under the Zoning
48 Ordinance under which it was approved, except for a CSP
49 as to a Waterfront Entertainment Complex use, which
50 shall remain valid indefinitely. In addition, a Basic Plan
51 approved prior to the effective date of this Ordinance is
52 grandfathered and can be amended. In addition, the text
53 of this Subsection shall control over any other provision of
54 this Section.

55 **(b)** Until and unless the period of time under which the
56 development approval or permit remains valid expires,
57 the project may proceed to the next steps in the approval
58 process (including any subdivision steps that may be
59 necessary) and continue to be reviewed and decided
60 under the Zoning Ordinance and Subdivision Regulations
61 under which it was approved.

62 **(c)** If the development approval or permit expires or is
63 revoked (i.e., for failure to comply with the terms and

- 1 conditions of approval), any subsequent development of 33
2 the land shall be subject to the procedures and standards 34
3 of this Ordinance. The Planning Director shall report to the 35
4 County Council, at intervals no less than quarterly, a 36
5 report of all development activity within the County. 37
- 6 **(d)** Once constructed, the project shall be “deemed 38
7 conforming” and shall be subject to the same rules as 39
8 other conforming uses, structures, signs, and other 40
9 features under the Zoning Ordinance. Under no 41
10 circumstance shall an illegal use, structure, sign, or other 42
11 feature as of the effective date of the Zoning Ordinance 43
12 be “deemed conforming.” Special exception uses 44
13 approved pursuant to the requirements of the prior 45
14 Zoning Ordinance and before the effective date of this 46
15 Subtitle, shall not be deemed a conforming use. Instead, 47
16 such uses shall be classified as nonconforming, pursuant 48
17 to Part 27-7, Nonconforming Buildings, Structures, Uses, 49
18 Lots, and Signs of this Subtitle, unless said use meets all 50
19 applicable requirements and standards set forth in this 51
20 Ordinance. 52
- 21 **(e)** Subsequent revisions or amendments to development 53
22 approvals or permits “grandfathered” under the 54
23 provisions of this Section shall be reviewed and decided 55
24 under the Zoning Ordinance under which the original 56
25 development approval or permit was approved, for a 57
26 period not to exceed two (2) calendar years after the 58
27 effective date of this Ordinance unless the applicant elects
28 to have the proposed revision or amendment reviewed 59
29 under this Ordinance. 60
- 30 **(f)** An applicant may elect at any stage of the development 61
31 review process to have the proposed development 62
32 reviewed under this Ordinance. 63
64
- (g)** A property which has been rezoned through a zoning map amendment processed prior to the effective date of this Ordinance – but which does not also have a subsequent entitlement application filed and accepted for processing prior to the effective date of this Ordinance – must wait and develop pursuant to the applicable regulations of its newly assigned zone approved through the Countywide Sectional Map Amendment process.
- (h)** Property in the LCD Zone may proceed to develop in accordance with the standards and procedures of the Zoning Ordinance in existence prior to the effective date of this Ordinance, subject to the terms and conditions of the development approvals which it has received.
- (i)** Property in the LMXC Zone may proceed to develop in accordance with the standards and procedures of the Zoning Ordinance in existence prior to the effective date of this Ordinance, subject to the terms and conditions of the development approvals which it has received.
- (j)** Property in the LMUTC Zone may proceed to develop in accordance with the guidelines, standards, and procedures of the specific Mixed-Use Town Center Development Plan in which the property is located. The procedures of the Zoning Ordinance in existence prior to the effective date of this Ordinance, including procedures relating to variance approvals, shall also apply to property in the LMUTC Zone as appropriate.
- (k)** If a building permit authorized by an approved special exception was issued prior to October 16, 1975, existing development may continue and new development may proceed in accordance with that special exception approval, regardless of whether there is an approved application in the record. A graphic illustration of the

1 actual development pursuant to the approval is
2 considered the application.

- 3 (I) Property which was in the M-X-T Zone may proceed to
4 develop in accordance with the standards and procedures
5 of the prior Zoning Ordinance and this Section, subject to
6 the terms and conditions of the development approvals it
7 has received.

8 **Sec. 27-1800 Severability**

9 If any provision of this Zoning Ordinance is decided by the courts to
10 be unconstitutional or invalid, that decision does not affect the
11 validity of this Ordinance other than the part decided to be
12 unconstitutional or invalid.

13 **Sec. 27-1900 Development Pursuant to** 14 **Prior Ordinance**

15 **27-1901. Abrogation**

16 The provisions of this Section shall be abrogated, and of no further
17 force and effect after two (2) years after the effective date of this
18 Ordinance, absent further extension by legislative act of the District
19 Council.

20 **27-1902. Purpose and Intent**

21 Notwithstanding the provisions set forth within this Part, the District
22 Council finds that there is a need to retain certain procedures,
23 regulations, zones, uses, and/or other aspects embodied within the
24 prior Zoning Ordinance (being also Subtitle 27, Prince George's
25 County Code, 2015 Edition, 2017 Supplement) for purposes of
26 sustaining and/or minimizing wholesale abandonment, for good
27 cause, qualified proposals for the development of land in Prince
28 George's County.

29 In approving CB-013-2018, it is the intent of the District Council to
30 prospectively implement the provisions of this Subtitle in furtherance
31 of the orderly growth and development of land, as well as the
32 protection of the public health, safety, morals, and general welfare
33 of citizens and residents, in Prince George's County. However, based
34 on significant public testimony received during consideration of this
35 Ordinance, the Council recognizes that such immediate, wholesale
36 implementation of this Subtitle may not be feasible or appropriate in
37 all circumstances. Accordingly, the purpose of this Section is to
38 provide, for a discrete and limited time period, a process to apply the
39 requirements of the prior Zoning Ordinance (Subtitle 27, Prince
40 George's County Code, 2015 Ed., 2017 Supp.), to certain proposals
41 for development, subject to qualifying criteria and procedures
42 recited below.

43 **27-1903. Applicability**

- 44 (a) Development proposals for property within the LCD,
45 LMXC, and LMUTC zones are ineligible for application of
46 the prior Zoning Ordinance. All development proposed in
47 the zones set forth in this Section shall develop in
48 accordance with the requirements of this Ordinance,
49 unless subject to the Transitional Provisions set forth in
50 Section Sec. 27-1700, Transitional Provisions, of this
51 Subtitle.

- 52 (b) Development proposals for properties in all other zones of
53 the County may apply for permission to utilize the prior
54 Zoning Ordinance for development of the subject
55 property.

56 **27-1904. Procedures**

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

- 1 **(a)** The applicant shall schedule and participate in a pre-
2 application conference, notwithstanding the
3 requirements of Section 27-3401(b), Applicability.
- 4 **(b)** The applicant shall provide the following information, on
5 the appropriate form:
- 6 **(1)** A statement of justification, which shall demonstrate
7 why it is not feasible to develop a specific property
8 pursuant to the provisions of this Zoning Ordinance;
- 9 **(2)** A proposed phasing plan for the proposed
10 development, as appropriate; a project schedule setting
11 forth a proposed schedule of major milestones and
12 potential application approval and entitlement
13 sequence for the development as required pursuant to
14 the prior Ordinance; and
- 15 **(3)** Any other relevant materials or information requested
16 by the Planning Director or authorized designee.
- 17 **(c)** Unless otherwise prohibited by law, the Planning Director
18 shall grant the applicant’s request and provide written
19 notice to same within fifteen (15) days of the applicant’s
20 submission of all information required in Subsection (b),
21 above.
- 22 **(d)** The Planning Director shall submit quarterly reports to the
23 District Council as to the development applications
24 proceeding under the prior Ordinance.

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