

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

2022 Legislative Session

Bill No. CB-068-2022

Chapter No. 44

Proposed and Presented by The Chairman (by request—Planning Board)

Introduced by Council Members Hawkins, Harrison, Streeter, Turner, Glaros, Franklin Medlock

Co-Sponsors _____

Date of Introduction September 20, 2022

ZONING BILL

1 AN ORDINANCE concerning

2 The Zoning Ordinance of Prince George's County—Omnibus Corrective Bill

3 For the purpose of reconciling certain terms, procedures, and other language of the new Zoning

4 Ordinance, being Chapter 27, 2018 Laws of Prince George's County, and adopted as CB-13-

5 2018 Attachment A on October 23, 2018; revising certain procedures and regulations; and

6 adding clarification language to effectuate successful implementation and met the County's goals

7 for a new, modern, streamlined Zoning Ordinance.

8 BY repealing and reenacting with amendments:

9 Sections 27-1703, 27-1704, 27-1903, 27-1904, 27-2201,

10 27-2500, 27-3502, 27-3503, 27-3604, 27-3605, 27-3613,

11 27-3614, 27-4202, 27-4203, 27-4205, 27-4301, 27-5101,

12 27-5102, 27-5202, 27-5402, 27-6100, 27-6305, 27-61002,

13 27-61003, 27-61506, and 27-8301,

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

15 being also

16 SUBTITLE 27. ZONING.

17 The Prince George's County Code

18 (2019 Edition; 2021 Supplement).

19 BY adding:

20 Sections 27-1705, 27-11002 and 27-11003,

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

SUBTITLE 27. ZONING.

The Prince George's County Code
(2019 Edition; 2021 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 27-1703, 27-1704, 27-1903, 27-1904, 27-2201, 27-2500, 27-3502, 27-3503, 27-3604, 27-3605, 27-3613, 27-3614, 27-4202, 27-4203, 27-4205, 27-4301, 27-5101, 27-5102, 27-5202, 27-5402, 27-6100, 27-6305, 27-61002, 27-61003, 27-61506, and 27-8301 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of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 27-1 GENERAL PROVISIONS

SECTION 27-1700 TRANSITIONAL PROVISIONS

* * * * *

Sec. 27-1703. Applications Pending Prior to the Effective Date of this Ordinance

* * * * *

(h) Any ongoing Functional Master Plan, Area Master Plan, or Sector Plan, and any ongoing Sectional Map Amendment, initiated under the prior Zoning Ordinance may proceed to be prepared, adopted, and approved under the Zoning Ordinance regulations under which such plan(s) and Sectional Map Amendment(s) were initiated.

* * * * *

Sec. 27-1704. Projects Which Received Development or Permit Approval Prior to the Effective Date of this Ordinance.

* * * * *

(e) Subsequent revisions or amendments to development approvals or permits “grandfathered” under the provisions of this Section shall be reviewed and decided under the Zoning Ordinance under which the original development approval or permit was approved, unless the applicant elects to have the proposed revision or amendment reviewed under this Ordinance.

Notwithstanding the requirements of Sections 27-289 and 27-325 of the prior Zoning Ordinance

2019 Edition, 2021 Supp.), revisions or amendments to such “grandfathered” development approvals or permits may construct one or more electric vehicle charging stations subject to the review and approval of the DPIE Director.

* * * * *

(j) Property in the LMUTC Zone may proceed to develop in accordance with the guidelines and standards of the specific Mixed-Use Town Center Development Plan in which the property is located. Except as modified by Section 27-4205(e) of this Ordinance, the procedures of the Zoning Ordinance in existence prior to the effective date of this Ordinance, including procedures relating to variance approvals and secondary amendments, shall also apply to property in the LMUTC Zone as appropriate.

* * * * *

SECTION 27-1900 DEVELOPMENT PURSUANT TO PRIOR ORDINANCE

* * * * *

27-1903. Applicability

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

(b) Notwithstanding procedures specified in Sections 27-548.09.01 and 27-548.26 of the prior Zoning Ordinance, development proposals within a Transit District Overlay Zone (TDOZ) or Development District Overlay Zone (DDOZ) may not include requests to change the boundary of the approved TDOZ or DDOZ or change the underlying zones.

(c) Development proposals or permit applications of any type for properties in all other zones of the County may utilize the prior Zoning Ordinance or Subdivision Regulations for development of the subject property.

(d) Notwithstanding the abrogation provisions in Section 27-1901, if an application that elects to utilize the prior ordinance is filed and accepted within 2 years from the effective date of this ordinance, the development project shall be reviewed in accordance with the prior Zoning Ordinance and Subdivision Regulations[in existence at the time of the acceptance of a development application].

(e) Once approved, development applications that utilize the prior Zoning Ordinance shall be considered “grandfathered” and subject to the provisions set forth in Section 27-1704 of this Subtitle.

27-1904. Procedures

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

(a) [T] If the development proposal will require an evidentiary hearing before the Planning Board, the applicant shall schedule and participate in a pre-application conference. [, notwithstanding the requirements of Section 27-3401(b), Applicability.]

* * * * *

PART 27-2 INTERPRETATION AND DEFINITIONS

**SECTION 27-2200 MEASUREMENT AND EXCEPTIONS OF INTENSITY AND
DIMENSIONAL STANDARDS**

27-2201. Measurement

* * * * *

(g) Lot Coverage

Lot coverage (expressed as a percentage of net lot area) shall be determined by measuring the total horizontal land area of the lot (in acres or square feet) covered by all buildings, covered structures, and areas used for vehicular access and parking of vehicles; dividing that coverage area by the net lot area (see Section 27-2201(a) above); and multiplying the result by 100.

* * * * *

(k) Yard Depth

(1) Generally

The depth of the front, corner side, side, and rear yard on a lot shall be determined by measuring the horizontal distance along a straight line extending at a right angle from the lot’s front, corner side, side, or rear lot line (as appropriate) to the foundation of the nearest structure on the lot. (see Figure 27-2201(c): Lot Dimensions.) The area defined by a minimum yard depth and the lot line from which it measured is a required front, corner side, side, or rear yard (as appropriate). [Allowable encroachments into required yards shall be ignored when measuring setbacks.]

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SECTION 27-2400 PRINCIPAL USE CLASSIFICATION

* * * * *

(g) Descriptions of Industrial Principal Use Categories

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(4) Warehouse and Freight Movement Uses

The Warehouse and Freight Movement Uses category includes use types involving the storage or movement of goods for themselves or other firms or businesses. Goods are generally delivered to other firms or the ultimate consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Use types include but are not limited to: cold storage plants (including frozen food lockers); consolidated storage (e.g., mini-storage facilities); distribution warehouses (used primarily for temporary storage pending distribution in response to customer orders); motor freight facilities; outdoor storage (as a principal use); storage warehouses (used for storage by retail stores such as furniture and appliance stores); [warehouse storerooms;] truck or freight terminals; or similar uses. This use category does not include contractor's yards (categorized in the Industrial Services Use category), solid waste transfer stations, or storage of solid or liquid wastes (categorized in the Resource Recovery and Waste Management Uses category).

* * * * *

SECTION 27-2500 DEFINITIONS

The following words, terms, and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this Section.

* * * * *

Area Master Plan

A planning document that serves as a guide for future development. An Area Master Plan includes the entirety of one or more planning areas. It combines policy statements, goals, strategies, standards, maps, and data relative to the past, present, and future trends of a particular area (such as population, housing, economic, social patterns, land use, water resources, transportation facilities, and other public facility conditions and trends). [An Area Master Plan amends the County's General Plan. (see Section 27-3502, General Plan, Functional Master Plans, Area Master Plans, and Sector Plans.)] For transitional purposes, the term Area Master Plan shall include any transit district development plan approved prior to the effective date of this Zoning Ordinance.

* * * * *

Assisted living facility

A facility that provides living and sleeping facilities and care to four (4) or more [to eight (8)] individuals who, because of advanced age or physical or mental disability, require intermittent assistance in performing the activities of daily living, which may include the supervision and/or administration of medication, in a protective environment. Such care includes, but is not limited to, meal preparation, laundry services, housekeeping, personal observation and direction in the activities of daily living, transportation for routine social and medical appointments, and the availability of a responsible adult for companionship or nonclinical counseling. The use does not include a nursing or care home or group residential facility.

* * * * *

Day

The period of time between midnight and the following midnight. A "Day" is a calendar day, unless otherwise specified.

* * * * *

Functional Master Plan

The approved plan for one of the various elements of the General Plan, such as transportation, schools, libraries, hospitals, health centers, parks and other open spaces, police stations, fire stations, utilities, or historic preservation. [A Functional Master Plan amends the current General Plan, and is amended by any newly approved Area Master Plan or Sector Plan, or a new General Plan.]

* * * * *

Gas station

A building or lot where gasoline or other similar fuel, stored only in underground tanks, is dispensed directly to users of motor vehicles. The following activities are permitted as accessory uses to a gas station:

(A) Sales and servicing of spark plugs, batteries, and distributors and distributor parts; tune-ups;

(B) Tire servicing and repair, but not recapping or regrooving;

(C) Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;

(D) Washing and polishing, and sale of automotive washing and polishing materials;

- 1 (E) Greasing, lubrication, and radiator flushing;
- 2 (F) Minor servicing and repair of carburetors, fuel, oil and water pumps and lines, and
- 3 minor engine adjustments not involving removal of the head or crank case or racing the engine;
- 4 (G) Emergency wiring repairs;
- 5 (H) Adjusting and repairing brakes;
- 6 (I) Retail sale of convenience items such as cold drinks, packaged foods, tobacco, prepared
- 7 foods, and similar convenience goods;
- 8 (J) Retail sale of road maps and other informational material to customers; [and]
- 9 (K) Provision of restroom facilities[.];and
- 10 (L) Electric vehicle charging stations.

11 Services allowed at a gas station do not include major chassis or body work; repair of
 12 transmissions or differentials; machine shop work; straightening of body parts; or painting,
 13 welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent
 14 greater than normally found in gas stations.

15 * * * * *

16 Home Occupation

17 Any occupation or enterprise for gain or profit carried on in a dwelling unit and which meets the
 18 criteria of Section 27-5203(b)(6), Home Occupation. The following uses are permitted as a home
 19 occupation accessory to, incidental to, and secondary to a dwelling unit, subject to restrictions in
 20 the definitions of those uses, and with additional restrictions as indicated:

21 (A) Instruction that involves a single instructor and not more than 5 students at any one
 22 time;

23 (B) General clerical work (such as typing, envelope or flyer preparation or mailing,
 24 bookkeeping, and the like), with no more than 2 nonresident employees on the premises at any
 25 time;

26 (C) Retail businesses involving only door-to-door, home party, or mail- order sales, with
 27 temporary storage of merchandise permitted prior to delivery;

28 (D) The practice of electrolysis (the destruction of hair roots with an electric current);

29 (E) The practice of taxidermy;

30 (F) Nail salons, beauty parlors and barber shops of 2 or fewer chairs;

(G) Catering businesses limited to food preparation for off-premises delivery, with no more than 1 nonresident employee and 1 customer on the premises at any time. The business shall be on property of at least 10 contiguous acres and may be in the dwelling unit or in an accessory building subordinate to the dwelling in size and use;

(H) Cottage food preparation;

(I) The creation, production, and storage within the dwelling unit and accessory buildings, for sale at another location, of tangible objects of art or craft items, works in progress, and supplies and materials; [and]

(J) The practice of acupuncture[.];

(K) Pet grooming services; and

(L) Offices for accountants, architects, attorneys, clergymen, engineers, medical practitioners, and similar professions.

* * * * *

Lot coverage

The percentage of a lot which is covered by all "buildings," [(including covered porches)] covered structures, and areas for vehicular access and parking of vehicles.

* * * * *

Lot, through

[Any "lot" other than a "corner lot."] Either an "interior lot" fronting on two (2) or more "streets," or a "corner lot" fronting on three (3) or more "streets."

* * * * *

Storage warehouse

[A facility used for storage by retail stores such as furniture and appliance stores.] A facility primarily engaged in the storage of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

* * * * *

[Warehouse storerooms]

[A facility primarily engaged in the storage of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.]

* * * * *

PART 27-3 ADMINISTRATION

SECTION 27-3500 LEGISLATIVE AMENDMENTS, MASTER PLANS, AND SECTIONAL MAP AMENDMENT REVIEW PROCEDURES AND DECISION STANDARDS

27-3502. General Plan, Functional Master Plans, Area Master Plans, and Sector Plans

* * * * *

(j) Relationship Between the General Plan, Functional Master Plans, Area Master Plans, and Sector Plans

(1) When General Plan amendments and Functional Master Plans (and amendments thereof) are approved after the adoption and approval of Area Master Plans or Sector Plans, the Area Master Plans or Sector Plans shall be amended only to the extent specified by the District Council in the resolution of approval.

(2) Any Functional Master Plan (or amendment), Area Master Plan, or Sector Plan shall be an amendment of the General Plan unless otherwise stated by the District Council.

(3) Any Area Master Plan or Sector Plan may designate, delete, or amend General Plan center or policy area designations or the County's growth boundary. These actions shall constitute amendments to the General Plan unless otherwise stated by the District Council.

* * * * *

27-3503. Sectional Map Amendment (SMA)

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(b) Sectional Map Amendment Procedure

This Subsection identifies additions or modifications to the standard review procedures in Section 27-3400, Standard Review Procedures, that apply to development applications for a sectional map amendment.

* * * * *

(4) Review and Recommendation by Planning Board

Required (see Section 27-3408, Review and Recommendation by Advisory Board or Official, except:

(A) If the proposed sectional map amendment is prepared and reviewed concurrently with an Area Master Plan or Sector Plan, the Planning Board shall hold a joint public hearing

with the District Council in accordance with Section 27-3502, General Plan, Functional Master Plans, Area Master Plans, and Sector Plans, in-lieu of a separate public hearing.

(B) Within forty-five (45) days of the date of the [joint] Planning Board's public hearing, the Planning Board shall make a recommendation on the proposed sectional map amendment in accordance with Section 27-3503(b)(5), Sectional Map Amendment Decision Standards. The Planning Board's recommendation shall be by resolution. If the Planning Board recommends changes to the underlying zone of property within the Safety Zones of the MIO Zone, whether or not the recommended change is based on public testimony, a statement of justification shall be included describing how the proposed reclassification complies with the purposes of the MIO Zone, reflects the latest Air Installation Compatibility Use Zone Study, as amended from time to time by the Department of Defense, and is consistent with the applicable Area Master Plan or Sector Plan.

* * * * *

SECTION 27-3600 APPLICATION-SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS

* * * * *

27-3604. Special Exception

* * * * *

(f) Changes to Approved Special Exceptions: In General

(A) No use allowed as a special exception, and no building or structure used in connection with that use, shall be erected, enlarged, altered, or extended beyond the limits authorized in the approval of the special exception, unless provided for in this Section.

(B) If a use other than one allowed by special exception is proposed for property on which there is an existing approved special exception use, and if the other use involves any changes to improvements shown on the approved site plan for the special exception use, the site plan must still be revised in accordance with this Section in order for the special exception use to continue.

(C) Changes to approved special exceptions solely to add one or more electric vehicle charging stations shall not require the filing and approval of new applications and may be reviewed and approved by the DPIE Director. Following approval by the DPIE Director, the applicant shall submit a copy of the revised special exception site plan to the Office of the ZHE for inclusion in the record.

27-3605. Detailed Site Plan

(a) Applicability

(1) Detailed site plan approval is required prior to the issuance of a building permit for any development, unless exempted in accordance with Section 27-3605(a)(2) below.

(2) Unless associated with a parent application, the following types of development are exempt from the requirements of detailed site plan review but shall be required to file for all other appropriate permits and demonstrate compliance with the regulations of this Zoning Ordinance:

(A) Permits for alteration with no increase in the gross floor area;

(B) Permits for additions or alterations of residential dwelling units on land owned by a cooperative housing corporation;

(C) Canopies attached to a building and freestanding canopies;

(D) Fences and walls;

(E) Decks, gazebos, patios, or other improvements typically associated with residential development;

(F) Generators or other mechanical equipment for operation of permitted uses on-site;

(G) Routine repair and maintenance;

(H) Signage;

(I) Resurfacing, restriping, or adding landscaping and/or stormwater management facilities to existing parking and loading facilities;

(J) Restoration or reconstruction of a nonconforming building or structure (a special exception shall be required to restore or reconstruct a nonconforming building or structure);

(K) Changes in use or occupancy and/or ownership, including but not limited to exemptions contained in Section 27-3608(b)(2);

(L) All uses in the Agriculture/Forestry Uses and the Open Space Uses Principal Use Categories;

(M) Construction, expansion, or alteration of single-family detached, two-family, and/or three-family dwelling;

(N) Construction, expansion, or alteration of townhouse and/or multifamily dwelling development of less than ten (10) units;

(O) Construction, expansion, or alteration of nonresidential development consisting of less than a total of twenty-five thousand (25,000) square feet of gross floor area; [and]

(P) Construction, expansion, or alteration of mixed-use development with less than ten thousand (10,000) square feet of gross floor area and/or less than ten (10) dwelling units[.];
and

(Q) Construction of one or more electric vehicle charging stations.

* * * * *

(d) Detailed Site Plan Procedure

This Subsection identifies additions or modifications to the standard review procedures in Section 27-3400, Standard Review Procedures, that apply to development applications for a detailed site plan. Figure 27-3605(d) identifies key steps in the detailed site plan procedure.

* * * * *

(11) Post-Decision Actions

(A) Effect of Approval

After a detailed site plan is approved, the applicant may:

(i) Apply for subdivision approval in accordance with Subtitle 24: Subdivision Regulations, if subdivision approval is required and has not occurred; and

(ii) Apply for any other development approvals or permits required by this Ordinance and the County Code.

(B) Minor Amendments to Approved Detailed Site Plans

(i) The Planning Director may approve minor amendments to approved detailed site plans in accordance with this Subsection, Table 27-3407(b): Required Public Notice, and Section 27-3605(e), Detailed Site Plan Decision Standards.

(ii) Minor amendments to approved detailed site plans are limited to the following:

(aa) An increase of up to ten (10) percent in the gross floor area of a building over the life of the development approval;

(bb) An increase of up to ten (10) percent in the land area covered by a structure other than a building;

(cc) The redesign of parking or loading areas due to either changes required by engineering necessity to grading, utilities, stormwater management, or related plan elements, or changes that result in more efficient parking lot design or improve the pedestrian accessways

1 within the parking lot;

2 (dd) The redesign of a landscape plan due to changes required by engineering
3 necessity to grading, utilities, stormwater management, or related plan elements, or changes that
4 increase protection of existing tree canopy, increase the landscaping on the site, or improve
5 stormwater management or water quality;

6 (ee) New or alternative architectural plans that are equal or superior to those
7 originally approved, in terms of overall quality;

8 (ff) Other changes required by engineering necessity to grading, utilities,
9 stormwater management, or related plan elements; or

10 (gg) Changes to any plan element requested by PEPCO or any other similar
11 utility provider if the amendment is necessary for the efficient and safe installation of the utility
12 or infrastructure.

13 (iii) Notwithstanding Subsections (i) and (ii), above, the DPIE Director may approve
14 minor amendments to approved detailed site plans if the proposed amendments are limited solely
15 to the construction of one or more electric vehicle charging stations. Public notice is not required
16 for this limited minor amendment. Following approval by the DPIE Director, the applicant shall
17 submit a copy of the revised detailed site plan to the Planning Director for inclusion in the
18 record.

19 * * * * *

20 **27-3613. Variance**

21 * * * * *

22 **(d) Variance Decision Standards**

23 A variance may only be granted when the review board or official, as appropriate, finds that:

24 [(1) A specific parcel of land has exceptional narrowness, shallowness, or shape,
25 exceptional topographic conditions, or other extraordinary situations or conditions;]

26 [(2) The strict application of this Ordinance will result in peculiar and unusual practical
27 difficulties to, or exceptional or undue hardship upon, the owner of the property; and]

28 [(3) The variance will not substantially impair the intent, purpose, or integrity of the
29 General Plan or applicable Area Master Plan or Sector Plan.]

30 (1) A specific parcel of land is physically unique and unusual in a manner different from
31 the nature of surrounding properties with respect to exceptional narrowness, shallowness, shape,

exceptional topographic conditions, or other extraordinary conditions peculiar to the specific parcel (such as historical significance or environmentally sensitive features);

(2) The particular uniqueness and peculiarity of the specific property causes a zoning provision to impact disproportionately upon that property, such that strict application of the provision will result in peculiar and unusual practical difficulties to the owner of the property;

(3) Such variance is the minimum reasonably necessary to overcome the exceptional physical conditions;

(4) Such variance can be granted without substantial impairment to the intent, purpose and integrity of the General Plan or any Functional Master Plan, Area Master Plan, or Sector Plan affecting the subject property;

(5) Such variance will not substantially impair the use and enjoyment of adjacent properties; and

(6) A variance may not be granted if the practical difficulty is self-inflicted by the owner of the property.

* * * * *

27-3614. Departure (Minor and Major)

(a) General

This Section provides a uniform mechanism to allow departures from certain dimensional or development standards of this Ordinance in specific circumstances, in order to better accomplish the purposes of this Ordinance.

(b) Applicability

This Section establishes two types of departures: minor departures and major departures. It also addresses minor administrative changes, waivers, or modifications to specific development standards contained in PART 27-6: Development Standards.

(1) Minor Departures

Minor departures are decided by the Planning Director. Minor departures may be requested and granted for the standards identified in Table 27-3614(b)(1): Minor Departures, up to the limits set forth in the table. A variance (see Section 27-3613, Variance) may not be requested for a minor change for which a minor departure may be requested in accordance with this Section. Minor departures may be granted to make minor changes to approved PD Basic Plans.

| Table 27-3614(b)(1): Minor Departures | | |
|---|---|-----------------|
| Standard | Maximum Departure (percentage departure from standard) | |
| | Transit-Oriented/Activity Center Base and Planned Development Zones and Base and Planned Development Zones Inside the Capital Beltway | All Other Zones |
| Block design standards in Section 27-6206(k), Block Design | 40 | 30 |
| Vehicle stacking spaces standards in Table 27-6206(m)(1)(A): Minimum Stacking Spaces for Drive-Through Facilities and Related Uses, in Section 27-6206(m), Vehicle Stacking Space | 40 | 30 |
| Numerical standards in Section 27-6304(i), Large Vehicular Use Areas (300 or More Spaces) | 20 | 30 |
| Off-street parking standards in Section 27-6305(a): Minimum Number of Off-Street Parking Spaces, in Section 27-6305, Off-Street Parking Space Standards | 30 | 20 |
| Numerical standards in Section 27-6306, Dimensional Standards for Parking Spaces and Aisles, in Section 27-6306, Dimensional Standards for Parking Spaces and Aisles | 30 (1) | 20 (1) |
| Numerical standards in Section 27-6310, Loading Area Standards | 30 | 20 |
| Location of off-street parking in Section 27-6903(b), Location of Off-Street Parking, in the Multifamily, Townhouse, and Three-Family Form and Design Standards | 20 | 30 |
| Numeric building length standards in 27-6903(d), Maximum Building Length, in the Multifamily, Townhouse, and Three-Family Form and Design Standards | 20 | 30 |
| Numeric building façade standards in Section 27-6903(e), Building Façades, in the Multifamily, Townhouse, and Three-Family Form and Design Standards | 20 | 30 |
| Numerical building façade/transparency standards in Section 27-6903(g), Building Façade Fenestration/Transparency, in the Multifamily, Townhouse, and Three-Family Form and Design Standards | 20 | 30 |
| Numerical offsets in Section 27-61002(d), Façade Articulation, in the Nonresidential and Mixed-Use Form and Design Standards | 20 | 30 |
| Numerical building façade fenestration/transparency standards in Section 27-61002(f), Building Façade Building Façade Fenestration/Transparency, in the Nonresidential and Mixed-Use Form and Design Standards | 20 | 30 |
| Location of off-street parking in Section 27-61003(e), Off-Street Parking Location Standards, in the Large Retail Form and Design Standards | 30 | 20 |
| Numerical buffer width standards in Section 27-61303(a)(2), Buffer Width, in the Agricultural Compatibility Standards | No Departure | 30 |
| Numerical standards in Section 27-61504, General Standards, in the Signage standards | 20 | 30 |
| Numerical standards in Section 27-61505, Standards for Specific Sign Types, in the Signage standards | 20 | 30 |
| Numerical standards in Section 27-61506, Standards for Special Purpose Signs, in the Signage standards | 20 | 30 |
| Numerical standards in Section 27-61507, Standards for Temporary Signs, in the Signage standards | 20 | 30 |

Where not otherwise specified, any departure necessary to ensure Neighborhood Compatibility Standards control in the event of conflict with other standards of this Ordinance per Section 27-61202(c), Conflict, in the Neighborhood Compatibility Standards

30

30

NOTES:

(1) Minimum dimensional standards for parking spaces shall not be reduced below the requirements established for compact parking spaces.

(2) Major Departures

Major departures are decided by the Planning Board. Major departures may be requested for the standards identified in Table 27-3614(b)(2): Major Departures, up to the limits set forth in the table. A variance (see Section 27-3613, Variance) may not be requested for a deviation for which a major departure may be requested in accordance with this Subsection. Major departures may not be granted to make changes to approved PD Basic Plans. Instead, applicants seeking such changes may only amend the approved PD Basic Plan in accordance with the procedures and standards established for its original approval (see Section 27-3602, Planned Development (PD) Zoning Map Amendment).

Table 27-3614(b)(2): Major Departures

| Standard | Maximum Departure (percentage from standard) | |
|--|--|----------------------|
| | Transit-Oriented/Activity Center Base Zones and Base Zones Inside the Interstate Capital Beltway | All Other Base Zones |
| Vehicle stacking spaces in Table 27-6206(m)(1)(A): Minimum Stacking Spaces for Drive-Through Facilities and Related Uses, in Section 27-6206(m), Vehicle Stacking Space | 70 | 50 |
| Off-street parking standards in Section 27-6305(a): Minimum Number of Off-Street Parking Spaces, in Section 27-6305, Off-Street Parking Space Standards | 70 | 50 |
| Numerical standards in Section 27-6310, Loading Area Standards | 70 | 50 |
| Location of Off-street parking in Section 27-6903(b), Location of Off-Street Parking, In the Multifamily, Townhouse, and Three-Family Form and Design Standards | No Departure | 50 |
| Numeric building length standards in Section 27-6903(d), Maximum Building Length, in the Multifamily, Townhouse, and Three-Family Form and Design Standards | No Departure | 40 |
| Numerical building façade standards in Section 27-6903(e), Building Façades, in the Multifamily, Townhouse, and Three -Form and Design Standards | No Departure | 50 |
| Numerical offsets in Section 27-61002(d), Façade Articulation, in the Nonresidential and Mixed -Form and Design Standards | No Departure | 50 |
| Location of off-street parking in Section 27-61003(e), Off-Street Parking Location Standards, in the Large Retail Form and Design Standards | No Departure | 40 |
| Numerical buffer width standards in Section 27-61303(a)(2), Buffer Width, in the Agricultural Compatibility Standards | No Departure | 50 |
| Relief from the standards of the Landscape Manual where compliance is | 100 | 100 |

| | | |
|---|----------------|----------------|
| not possible and there is no feasible proposal for alternative compliance that can be approved | | |
| All standards in Section 27-4204(b), Standards Applicable to all Transit-Oriented/Activity Center Base Zones | 100 | Not Applicable |
| Standards or guidelines specified in any Mixed-Use Town Center Development Plan (LMUTC Zone Only) | Not Applicable | 100 |
| <u>Where not otherwise specified, any departure necessary to ensure Neighborhood Compatibility Standards control in the event of conflict with other standards of this Ordinance per Section 27-61202(c), Conflict, in the Neighborhood Compatibility Standards</u> | <u>100</u> | <u>100</u> |

* * * * *

PART 27-4 ZONES AND ZONE REGULATIONS

SECTION 27-4200 BASE ZONES

* * * * *

27-4202. Residential Base Zones

* * * * *

(f) Residential, Single-Family Attached (RSF-A) Zone

* * * * *

(2) Intensity and Dimensional Standards

| Standard[1] | Single-Family Detached Dwelling | Two-Family Dwelling | Three-Family Dwelling | Townhouse Dwelling | Other Uses | NOTES: du/ac = dwelling units per acre; sf = square feet; ft = feet [1] See measurement rules and allowed exceptions in Section 27-2200, Measurement and Exceptions of Intensity and Dimensional Standards. [2] Applicable to the lot coverage of the development lot as a whole rather than individual lots under townhouse units. [3] On corner lot, min. side yard depth alongside street = 25 ft. 6 [4] Applicable to the buildings on the edges of the development lot as a whole. Within the development lot as a whole, a minimum separation of 8 feet is required between buildings. [5] Applicable to the individual lots under townhouse units. The minimum lot width for the development lot as a whole shall be 100 ft. [6] May be increased for certain purposes by approval of a special exception pursuant to Section 27-3604, Special Exception. Height may not exceed 2 stories. [7] May be reduced to 0 feet when a 20-foot-wide or wider alley is provided, or to a range between 5 and 10 feet when an alley less than 20 feet in width is provided. <u>[8] May be reduced to 20 feet when building vertically stacked dwelling units</u> <u>[9] May be reduced to 16 feet when building vertically stacked dwelling units.</u> |
|--|---------------------------------------|------------------------|--------------------------|-----------------------|----------------|---|
| Density, max. (du/ac of net lot area) | 8.70 | 32.66 | 12.44 | 16.33 | No requirement | |
| Net lot area, min. (sf) | 5,000 | No requirement | No requirement | No requirement | 6,500 | |
| 1 Lot width, min. (ft) | 50 | 60 [8] | 40 | 20 [5] | 45 | |
| Lot frontage (width) at front street line, min. (ft) | 40 | 48 [9] | 32 | 16 | 36 | |
| Lot coverage, max. (% of net lot area) | 40 | 45 [2] | 40 [2] | 45 [2] | 60 | |
| 2 Front yard depth, min. (ft) | 15 | 15 | 15 | 15 | 15 | |
| 3 Side yard depth, min. (ft) [3] | 8 | 8 [4] | 8 [4] | 8 [4] | 8 | |
| 4 Rear yard depth, min. (ft) | 20 | 20 [7] | 20 | 20 [7] | 20 | |
| 5 Principal structure height, max. (ft) | 40 | 50 | 40 | 50 | 40 | |
| Accessory structure height, max. (ft) [6] | 25 | 25 | 25 | 25 | 25 | |

* * * * *

(g) Residential, Multifamily-12 (RMF-12) Zone

* * * * *

(2) Intensity and Dimensional Standards

| Standard[1] | Single-Family Detached Dwelling | Two-Family Dwelling | Three-Family Dwelling | Townhouse Dwelling | Multifamily Dwelling | Other Uses | NOTES: du/ac = dwelling units per acre; sf = square feet; ft = feet |
|--|---------------------------------------|------------------------|--------------------------|-----------------------|-------------------------|-------------------|--|
| Density, max. (du/ac of net lot area) | 8.70 | 24.00 | 10.00 | 12.00 | 12.00 | No requirement | [1] See measurement rules and allowed exceptions in Section 27-2200, Measurement and Exceptions of Intensity and Dimensional Standards. [2] 100 ft on corner lots. 6 [3] Applicable to the building coverage of the development lot as a whole rather than individual lots under townhouse units. [4] Applicable to buildings on the edges of the development lot as a whole. Within the development lot as a whole, a minimum separation of 8 feet is required between buildings. [5] On corner lot, min. side yard depth alongside street = 15 ft. 7 [6] Applicable to the individual lots under townhouse units. The minimum lot width for the development lot as a whole shall be 100 ft. [7] May be increased for certain purposes by approval of a special exception pursuant to Section 27-3604, Special Exception. [8] <u>May be reduced to 20 feet when building vertically stacked dwelling units.</u> [9] <u>May be reduced to 16 feet when building vertically stacked dwelling units.</u> |
| Net lot area, min. (sf) | 5,000 | No requirement | No requirement | No requirement | 9,000 | 14,000 | |
| 1 Lot width, min. (ft) | 50 | 60 [2][8] | 60 [2] | 20 [2][6] | 75 [2] | 45 | |
| Lot frontage (width) at front street line, min. (ft) | 40 | 48 [9] | 48 | 16 | 60 | 60 | |
| Lot coverage, max. (% of net lot area) | 30 | 35 [3] | 35 [3] | 35 [3] | 35 | 20 | |
| Green area, min. (% of net lot area) | No Requirement | No Requirement | No Requirement | 50 | 50 | 70 | |
| 2 Front yard depth, min. (ft) | 15 | 15 | 15 | 15 | 15 | 20 | |
| 3 Side yard depth, min. (ft) | 8 | 8 [4] | 8 [4] | 8 [4] | 8 [5] | 8 [5] | |
| 4 Rear yard depth, min. (ft) | 20 | 20 | 20 | 20 | 20 | 20 | |
| 5 Principal structure height, max. (ft) | 40 | 50 | 40 | 50 | 50 | 40 | |
| Accessory structure height, max. (ft) [7] | 15 | 15 | 15 | 15 | 15 | 15 | |
| * * * * * | | | | | | | |

(h) Residential, Multifamily-20 (RMF-20) Zone

* * * * *

(2) Intensity and Dimensional Standards

| Standard[1] | Two-Family Dwelling | Three-Family Dwelling | Townhouse Dwelling | Multifamily Dwelling | Other Uses | NOTES: du/ac = dwelling units per acre; sf = square feet; ft = feet |
|--|---------------------|-----------------------|--------------------|----------------------|----------------|---|
| Density, max. (du/ac of net lot area) | 40.00 | 14.00 | 20.00 | 20.00 | No requirement | [1] See measurement rules and allowed exceptions in Section 27-2200, Measurement and Exceptions of Intensity and Dimensional Standards. [2] 80 ft on corner lots. 6 [3] Applicable to the lot coverage of the development lot as a whole rather than individual lots under townhouse units. |
| Net lot area, min. (sf) | No requirement | No requirement | No requirement | 7,500 | 7,500 | [4] Applicable to buildings on the edges of the development lot as a whole. Within the development lot as a whole, a minimum separation of 8 feet is required between buildings. [5] On corner lot, min. side yard depth alongside street = 15 ft. 7 [6] 80 ft where net lot area ≥ 4 acres. |
| 1 Lot width, min. (ft) | 60 [2][9] | 60 [2] | 20 [7] | 60 [2] | 60 [2] | [7] Applicable to the individual lots under townhouse units. The minimum lot width for the development lot as a whole shall be 100 ft. |
| Lot frontage (width) at front street line, min. (ft) | 48 [10] | 48 | 16 | 48 | 48 | [8] May be increased for certain purposes by approval of a special exception pursuant to Section 27-3604, Special Exception. |
| Lot coverage, max. (% of net lot area) | 35 [3] | 35 [3] | 40 [3] | 40 | 60 | [9] <u>May be reduced to 20 feet when building vertically stacked dwelling units.</u> [10] <u>May be reduced to 16 feet when building vertically stacked dwelling units.</u> |
| Green area, min. (% of net lot area) | No requirement | No requirement | 50 | 60 | No requirement | |
| 2 Front yard depth, min. (ft) | 15 | 15 | 15 | 15 | 0 | |
| 3 Side yard depth, min. (ft) | 8 [4] | 8 [4] | 8 [4] | 8 [5] | 8 [5] | |
| 4 Rear yard depth, min. (ft) | 20 | 20 | 20 | 20 | 20 | |
| 5 Principal structure height, max. (ft) [6] | 50 | 50 | 50 | 50 | 40 | |
| Accessory structure height, max. (ft) [[7]] 8 | 15 | 15 | 15 | 15 | 15 | |

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27-4203. Nonresidential Base Zones

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(b) Commercial, Neighborhood (CN) Zone

* * * * *

(2) Intensity and Dimensional Standards

| Standard[1] | Single-Family Detached Dwelling | Two-Family Dwelling | Townhouse Dwelling, including “Dwelling, Live-Work” uses | Multifamily Dwelling [2] | Other Uses |
|---|---------------------------------------|------------------------|---|-----------------------------|-------------------|
| Density, max. (du/ac of net lot area) | 9.00 | 24.00 | 12.00 | 12.00 | No requirement |
| Net lot area, min. (sf) | 4,000 | No requirement | No requirement | 9,000 | No requirement |
| ① Lot width, min. (ft) | 50 | 50 [4] | 20 | 75 | 50 |
| Lot coverage, max. (% of net lot area) | 60 | 65 [3] | 65 [3] | 65 | 65 |
| ② Front yard depth, min. (ft) | 10 | No requirement | No requirement | No requirement | No requirement |
| ③ Side yard depth, min. (ft) | 5 | No requirement | No requirement | No requirement | No requirement |
| ④ Rear yard depth, min. (ft) | 15 | 15 | 15 | 20 | 20 |
| ⑤ Principal structure height, max. (ft) | 35 | 50 | 50 | 50 | 50 |

NOTES: du/ac = dwelling units per acre; sf = square feet; ft = feet

[1] See measurement rules and allowed exceptions in Section, **Error! Reference source not found.**

[2] The standards in this column apply to multifamily dwellings as stand-alone development. Dwelling units above ground-level nonresidential development shall be subject to the maximum density standard in this column, but otherwise to the standards for Other Uses.

[3] Applicable to the lot coverage of the development lot as a whole rather than individual lots under townhouse units.

[4] May be reduced to 20 feet when building vertically stacked dwelling units.

* * * * *

27-4205. Other Base Zones

* * * * *

(c) Legacy Comprehensive Design (LCD) Zone

(1) Purpose

The purpose of the Legacy Comprehensive Design (LCD) Zone is to recognize comprehensive design zones established prior to April 1, 2022 for which a Basic Plan, Comprehensive Design Plan (CDP), or Specific Design Plan (SDP) was approved prior to April 1, 2022 or for lands that were subject to a Zoning Map Amendment (ZMA) and Basic Plan for a comprehensive design zone that was pending prior to April 1, 2022, and was approved pursuant to Section 27-1700, Transition Provisions, after April 1, 2022.

(2) Establishment of Legacy Comprehensive Design (LCD) Zone

The LCD Zone includes all lands located within the following [C]comprehensive [D]design zones on April 1, 2022, for which a Basic Plan, CDP, or SDP was approved prior to April 1, 2022, if either 1) the land in the zone is fully developed in accordance with the approved Basic Plan, CDP, or SDP prior to April 1, 2022, or 2) the approved Basic Plan, CDP, or SDP remains valid in accordance with Section 27-1700, Transitional Provisions, on April 1, 2022:

- (A) The Major Activity Center (M-A-C) Zone;
- (B) The Local Activity Center (L-A-C) Zone;
- (C) The Employment and Institutional Area (E-I-A) Zone;
- (D) The Residential Urban Development (R-U) Zone;
- (E) The Residential Medium Development (R-M) Zone;
- (F) The Residential Suburban Development (R-S) Zone;
- (G) The Village-Medium (V-M) Zone;
- (H) The Village-Low (V-L) Zone; and
- (I) The Residential Low Development (R-L) Zone.

The LCD Zone shall also include all lands that were subject to a Zoning Map Amendment (ZMA) for one of the above listed comprehensive design zones that was pending prior to April 1, 2022 and was approved for rezoning for which a Basic Plan was approved pursuant to Section 27-1700, Transitional Provisions, after April 1, 2022, as the appropriate replacement zone to the prior comprehensive design zones.

(3) Legacy Comprehensive Design (LCD) Zone Standards and Permitted Uses

Development within the LCD Zone shall comply with the applicable approved Basic Plan, CDP, and SDP, and with the standards applicable in the zone listed in Subsections (2)(A) through (2)(I) above in which the development was located prior to its placement in the LCD Zone, [in which the development was located prior to April 1 2022,] in accordance with Section 27-1700, Transitional Provisions. Uses permitted in the LCD Zone shall comply with the uses permitted in the zone listed in Subsections 2(A) through 2(I) above in which the development was located prior to its placement in the LCD Zone. [April 1, 2022.]

* * * * *

(e) Legacy Mixed-Use Town Center (LMUTC) Zone

* * * * *

(3) Legacy Mixed-Use Town Center (LMUTC) Zone Standards and Permitted Uses

Development within the LMUTC Zone shall comply with the applicable Mixed-Use Town Center Development Plan. Development within the LMUTC Zone shall also comply with any applicable and valid Conceptual Site Plan, Preliminary Plan of Subdivision, Special Permit, permit issued in conformance with the Town Center Development Plan, Special Exception, or Detailed Site Plan, in accordance with Section 27-1700, Transitional Provisions, and uses permitted in the LMUTC Zone shall comply with the uses permitted in the specific Mixed-Use Town Center, as may be amended from time to time, in which the property was located prior to April 1, 2022.

* * * * *

SECTION 27-4300 PLANNED DEVELOPMENT ZONES

27-4301. GENERAL PROVISIONS FOR ALL PLANNED DEVELOPMENT ZONES

* * * * *

(d) General Standards for All Planned Development Zones

* * * * *

(2) Development Standards

The development standards in Part 27-6: Development Standards and the Landscape Manual, shall apply to all development in each PD zone. Development standards (but not the Landscape Manual; modifications to the Landscape Manual may only be made pursuant to Alternative Compliance or a major departure) may be modified as indicated in Table 27-4301(d)(2): Modification of Development Standards, if consistent with the relevant Area Master

Plan or Sector Plan, the purposes and requirements of the individual PD zone, and any other applicable requirements of this Ordinance. To the extent a standard in Part 27-6: Development Standards, conflicts with a standard in Section 27-4302, Residential Planned Development Zones; Section 27-4303, Transit-Oriented/Activity Center Planned Development Zones; or Section 27-4304, Other Planned Development Zones, the standard in Section 27-4302, Section 27-4303, or Section 27-4304 shall apply.

| Table 27-4301(d)(2): Modification of Development Standards | |
|---|---|
| Standard | Means of Modifying |
| General Site Layout (Part [24-3]24-4: Subdivision Standards; Sec. 27-6200, Roadway Access, Mobility, and Circulation.) | PD Basic Plan |
| Roadway Access, Mobility, and Circulation (Sec. 27-6200) | PD Basic Plan |
| Off-Street Parking and Loading (including bicycle parking) (Sec. 27-6300) | Alternative Parking Plan PD Basic Plan |
| Open Space Set-Asides (Sec. 27-6400) | Modifications Prohibited |
| Landscaping (Sec. 27-6500) | Modifications Prohibited |
| Fences and Walls (Sec. 27-6600) | PD Basic Plan |
| Exterior Lighting (Sec. 27-6700) | PD Basic Plan |
| Environmental Protection and Noise Controls (floodplain management, environmental features, stormwater, erosion and sedimentation, CBCAO protections, wetlands, noise) (Sec. 27-6800) | Modifications Prohibited |
| Multifamily, Townhouse, and Three-Family Form and Design (Sec. 27-6900) | PD Basic Plan |
| Nonresidential and Mixed-Use Form and Design (Sec. 27-61000) | PD Basic Plan |
| Industrial Form and Design (Sec. 27-61100) | PD Basic Plan |
| Neighborhood Compatibility (Sec. 27-61200) | PD Basic Plan |
| Agricultural Compatibility (Sec. 27-61300) | Modifications Prohibited, if Compatibility Standards are Applicable |
| Urban Agriculture Compatibility (Sec. 27-61400) | Modifications Prohibited, if Compatibility Standards are Applicable |
| Signage (Sec. 27-61500) | PD Basic Plan |
| Green Building (Sec. 27-61600) | Modifications Prohibited |

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PART 27-5 USE REGULATIONS

SECTION 27-5100 PRINCIPAL USES

* * * * *

27-5101. Principal Use Tables

* * * * *

(c) Principal Use Table for Rural and Agricultural, and Residential Base Zones**Table 27-5101(c): Principal Use Table for Rural and Agricultural, and Residential Base Zones**

P = Permitted by Right SE = Allowed only with approval of a Special Exception X = Prohibited

| Principal Use Category | Principal Use Type | Rural and Agricultural Base Zones | | | Residential Base Zones | | | | | | | | Use-Specific Standards |
|-------------------------|--|-----------------------------------|----|----|------------------------|----|--------|--------|-------|--------|--------|--------|--------------------------------------|
| | | ROS | AG | AR | RE | RR | RSF-95 | RSF-65 | RSF-A | RMF-12 | RMF-20 | RMF-48 | |
| | | * | * | * | * | * | * | * | * | * | | | |
| Residential Uses | | | | | | | | | | | | | |
| | | * | * | * | * | * | * | * | * | * | | | |
| Group Living Uses | Apartment housing for elderly or physically handicapped families | X | X | X | X | SE | SE | SE | SE | [SE] P | [SE] P | [SE] P | Refer to special exception standards |
| | | * | * | * | * | * | * | * | * | * | | | |
| Industrial Uses | | | | | | | | | | | | | |
| | | * | * | * | * | * | * | * | * | * | | | |
| Industrial Service Uses | Contractor's yard, photographic processing plant | X | X | X | X | X | X | X | X | X | X | X | |
| | Dry-cleaning, laundry, or carpet-cleaning plant | X | X | X | X | X | X | X | X | X | X | X | |
| | Fuel oil or bottled gas distribution | X | X | X | X | X | X | X | X | X | X | X | |
| | | * | * | * | * | * | * | * | * | * | | | |
| | | * | * | * | * | * | * | * | * | * | | | |

(d) Principal Use Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones**Table 27-5101(d): Principal Use Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones**

P = Permitted by Right SE = Allowed only with approval of a Special Exception X = Prohibited

| Principal Use Category | Principal Use Type | Nonresidential Base Zones | | | | | Transit-Oriented/Activity Center Base Zones | | | | | | | | Other Base Zones | Use-Specific Standards |
|------------------------|--------------------|---------------------------|----|-----|----|----|---|------|------|------|------|-------|------|-------|------------------|------------------------|
| | | | | | | | NAC | TAC | | LTO | | RTO-L | | RTO-H | | |
| | | CN | CS | CGO | IE | IH | | Core | Edge | Core | Edge | Core | Edge | Core | Edge | |
| | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | |

Table 27-5101(d): Principal Use Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones

P = Permitted by Right SE = Allowed only with approval of a Special Exception X = Prohibited

| Principal Use Category | Principal Use Type | Nonresidential Base Zones | | | | | Transit-Oriented/Activity Center Base Zones | | | | | | | | Other Base Zones | Use-Specific Standards | |
|------------------------------------|--|---------------------------|----|--------|-------|----|---|-------|-------|-------|-------|-------|-------|-------|------------------|------------------------|---|
| | | | | | | | NAC | TAC | | LTO | | RTO-L | | RTO-H | | | |
| | | CN | CS | CGO | IE | IH | | Core | Edge | Core | Edge | Core | Edge | Core | Edge | | RMH |
| Residential Uses | | | | | | | | | | | | | | | | | |
| | | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * |
| Group Living Uses | Apartment housing for elderly or physically handicapped families | X | X | [SE] P | X | X | [X] P | [X] P | [X] P | [X] P | [X] P | [X] P | [X] P | [X] P | [X] P | X | Refer to special exception standards |
| | | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * |
| Commercial Uses | | | | | | | | | | | | | | | | | |
| | | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * |
| Funeral and Mortuary Services Uses | Cemetery or crematory | X | SE | X | X | SE | X | X | X | X | X | X | X | X | X | X | Refer to special exception standards |
| | Funeral parlor or undertaking establishment | X | SE | SE | [X] P | X | X | X | X | X | X | X | X | X | X | X | 27-5102(e)(6)(A) and refer [Refer] to special exception standards |
| | All other funeral and mortuary uses | X | SE | SE | SE | X | X | X | X | X | X | X | X | X | X | X | Refer to special exception standards |
| | | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * |
| Industrial Uses | | | | | | | | | | | | | | | | | |
| | | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * |
| Industrial Service Uses | Contractor’s yard, photographic processing plant | X | P | X | P | P | X | X | X | X | X | X | X | X | X | X | |
| | Dry-cleaning, laundry, or carpet-cleaning plant | X | P | X | P | P | X | X | X | X | X | X | X | X | X | X | |
| | Fuel oil or bottled gas distribution | X | X | X | P | P | X | X | X | X | X | X | X | X | X | X | |
| | | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * | * |

(e) Principal Use Table for Planned Development Zones

| Table 27-5101(e): Principal Use Table for Planned Development Zones | | | | | | | | | | |
|--|--|---------------------------|--------|--------|--------|--------|-------|-------|--------------------------------------|--|
| A = Permitted, unless the District Council prohibits the use in the PD Basic Plan SE = Allowed only with the approval of a Special Exception X = Prohibited | | | | | | | | | | |
| Principal Use Category | Principal Use Type | Planned Development Zones | | | | | | | Use-Specific Standards | |
| | | R-PD | NAC-PD | TAC-PD | LTO-PD | RTO-PD | MU-PD | IE-PD | | |
| | | * | * | * | * | * | * | * | | |
| Residential Uses | | | | | | | | | | |
| | | * | * | * | * | * | * | * | | |
| Group Living Uses | Apartment housing for elderly or physically handicapped families | [SE] A | [X] A | [X] A | [SE] A | [SE] A | [X] A | X | Refer to special exception standards | |
| | | * | * | * | * | * | * | * | | |
| Industrial Uses | | | | | | | | | | |
| | | * | * | * | * | * | * | * | | |
| Industrial Service Uses | Contractor's yard, photographic processing plant | X | X | X | X | X | X | X | | |
| | Dry-cleaning, laundry, or carpet-cleaning plant | X | X | X | X | X | X | X | | |
| | Fuel oil or bottled gas distribution | X | X | X | X | X | X | X | | |
| | | * | * | * | * | * | * | * | | |

(f) Principal Use Table for Overlay Zones

| Table 27-5101(f): Principal Use Table for Overlay Zones | | | | | | | | | | | | | | | |
|--|--|-----------------|-----|-----|------------|-------|--------|--------|-------|-------|---------------|-----|----|------------------------|--------------------------------------|
| A blank cell means the use is allowed only if allowed in underlying base zone X = Prohibited, irrespective of treatment by underlying base zone SE* = Allowed only with approval of a Special Exception, irrespective of treatment by underlying base zone P* = Permitted by right, irrespective of treatment by underlying base zone | | | | | | | | | | | | | | | |
| Principal Use Category | Principal Use Type | CBCAO Zones [1] | | | APAO Zones | | | | | | MIO Zones [2] | | | Use Specific Standards | |
| | | RCO | LDO | IDO | APA-1 | APA-2 | APA-3S | APA-3M | APA-4 | APA-5 | APA-6 | APZ | CZ | | HINA |
| * * * * * | | | | | | | | | | | | | | | |
| Residential Uses | | | | | | | | | | | | | | | |
| * * * * * | | | | | | | | | | | | | | | |
| Group Living Uses | Apartment housing for elderly or physically handicapped families | | | | | | | | | | | X | X | | Refer to special exception standards |
| * * * * * | | | | | | | | | | | | | | | |
| Industrial Uses | | | | | | | | | | | | | | | |
| * * * * * | | | | | | | | | | | | | | | |
| Industrial Service Uses | Contractor’s yard, photographic processing plant | X | X | | | | | | | | | | | | |
| | Dry-cleaning, laundry, or carpet-cleaning plant | X | X | | | | | | | | | | | | |
| | Fuel oil or bottled gas distribution | X | X | | | | | | | | | X | X | | |
| * * * * * | | | | | | | | | | | | | | | |
| NOTES: [1] Section 27-5102(e)(1), General CBAO Zone Use Standard Modifications, contains additional standards for uses in the CBCAO Zone. [2] Section 27-4402(c)(4), Modified Use Standards for MIO Zone, contains additional standards for uses in the MIO Zone. | | | | | | | | | | | | | | | |

SECTION 27-5100 PRINCIPAL USES

27-5102. Requirements for Permitted Principal Uses

(b) Agricultural Uses

(1) Agriculture/Forestry Uses

(A) Community Garden

(i) Accessory structures shall be limited to sheds for the storage of tools, greenhouses, and similar structures.

(ii) Areas used for communal composting shall be limited to ten percent of the area of the parcel.

(iii) Perimeter fences, including trellises, are allowed in community gardens, up to eight feet in height, subject to the standards in Section 27-6600, Fences and Walls.

[(iv) Before issuance of a permit for a community garden, the applicant shall establish and file with the DPIE Director a set of operating rules addressing the governance structure of the garden, hours of operation, assignment of garden plots, and maintenance and security requirements and responsibilities.]

(e) Commercial Uses

(5) Eating or Drinking Establishment Uses

(C) Catering or Food Processing for Off-Site Consumption

(i) [This is] In the Rural and Agricultural and Residential base zones, this use may only be permitted as an accessory to a place of worship, private club or lodge, or private school subject to the issuance of a use and occupancy permit and other permits as may be necessary.

(ii) All catering and food processing activities shall occur within a facility duly authorized for commercial food preparation.

(10) Vehicle Sales and Service Uses

* * * * *

(B) Gas Station

(i) The subject property shall have at least 150 feet of frontage on, and direct vehicular access to, a street with a right-of-way width of at least 70 feet.

(ii) Driveways shall be at least 30 feet wide unless a lesser width is allowed for a one-way driveway by the Maryland State Highway Administration, the County Department of Public Works and Transportation, or the relevant municipal public works department, whichever is applicable.

(iii) On a corner lot, a driveway may begin at a point not less than 20 feet from the point of curvature (PC) of the curb return or the point of curvature of the edge of paving at an intersection without curb and gutter.

(iv) Driveways shall be defined by curbing.

(v) Gasoline pumps and other service appliances shall be set back at least 25 feet from the street right-of-way.

(vi) The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited.

(vii) No storage or parking space shall be offered for rent.

(viii) Canopies over gas pumps shall have a maximum clearance height of 15 feet above grade except where State or Federal law requires higher clearance.

(ix) The nearest gas pump on the subject property shall be located at least three hundred (300) feet from any lot on which a school, outdoor playground, library, hospital, or a structure used as a residence is located.

(x) At least two (2) Level 3 or DC fast charger electric vehicle charging stations must be provided on-site for public use. Any special exception or detailed site plan application filed prior to January 1, 2022, and approved, shall not be subject to this provision and shall be deemed a conforming use.

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SECTION 27-5200 ACCESSORY USES AND STRUCTURES

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27-5202. General Standards for All Accessory Uses and Structures

(a) Permitting Requirements

While exempt from the need to obtain a use and occupancy permit (except home occupation and before- and after-school recreational program), unless otherwise specified in this Ordinance, any accessory use or structure shall obtain any other applicable County, municipal, State, or Federal permits.

(b) Relationship to Principal Use or Structure

(1) Except as otherwise expressly allowed in this Ordinance, an accessory use or structure shall not be established or constructed before the establishment or construction of the principal use or structure it serves.

(2) If the principal use or structure served by the accessory use or structure is destroyed or removed, the accessory use or structure shall no longer be allowed.

(c) Location of Accessory Uses and Structures

(1) Except as otherwise expressly allowed in this Ordinance, an accessory use or structure shall not be located within any platted or recorded easement or over any known utility, or in an area designated as a fire lane or emergency access route on an approved site plan.

(2) No accessory structures shall be located within a perimeter buffer except a screening fence or wall in accordance with the Landscape Manual.

(3) No accessory structure shall impede the access to or function of a vehicle use area.

(4) Unless otherwise provided in Section 27-5203, Standards Specific to Accessory Uses and Structures[.];

(A) [no]No accessory structure shall be located in a required front yard or corner lot side yard[.]; and

(B) Accessory structures (including coops, runs, pens, hutches, and the like) used for housing or sale of animals or fowl shall be set back a minimum of 25 feet from side or rear lot lines and a minimum of 50 feet from any dwelling on an adjoining lot.

(5) Unless otherwise provided in Section 27-5203, Standards Specific to Accessory Uses and Structures, accessory uses or structures may be located in a required side yard or rear yard, provided an accessory structure, other than a fence or wall, that is more than ten feet in height is set back from the nearest side or rear lot line one foot for every foot (or fraction thereof) the structure's height exceeds ten feet.

(6) Unless otherwise provided in Subparagraphs (4) or (5) above, or Section 27-5203,

Standards Specific to Accessory Uses and Structures, accessory uses and structures shall comply with the minimum yard depth standards and structure height limits applicable in the zone where the structure is located.

* * * * *

SECTION 27-5400 SPECIAL EXCEPTION STANDARDS

* * * * *

27-5402. Additional Requirements for Specific Special Exception Uses

* * * * *

(h) Apartment Housing for Elderly or Physically [Disabled] Handicapped Families.

(1) Apartment housing and related facilities for elderly or physically [disabled] handicapped families may be permitted within and on the property associated with an existing building, which was formerly used for a public school that has been declared surplus by the government entity which owns (owned) it (known as a surplus public school building), subject to the following:

(A) In addition to the requirements of Section 27-3604(c), Special Exception Submittal Requirements, the site plan shall show the density, and the type and total number of dwelling units proposed;

(B) The District Council shall find that the subject property is suitable for the type of development proposed, and is of sufficient size to properly accommodate the proposed number of dwelling units;

(C) Recreational and social amenities for the residents may be provided, if shown on the site plan and approved by the District Council; and

(D) The height, lot coverage, density, frontage, yard, and green area requirements, including restrictions on the location and height of accessory buildings, as specified for the zone in which the use is proposed, shall not apply to uses or structures provided for in this Section. The dimensions, percentages, and density shown on the approved site plan shall constitute the regulations for development under a given special exception.

(2) Apartment housing and related facilities for elderly or physically disabled families may be permitted within a building other than a surplus public school building, subject to the following:

(A) The owner of the property shall record among the Land Records of Prince George's County a Declaration of Covenants which establishes that the premises will be solely occupied by elderly or disabled families for a fixed term of not less than twenty (20) years. The covenants shall run to the benefit of the Maryland-National Capital Park and Planning Commission;

(B) [In the RMF-20 and RMF-48 zones, the following shall apply:

(i) The owner shall be a private, nonprofit organization;

(ii) In addition to the requirements of Section 27-3604(c), Special Exception Submittal Requirements, the site plan shall show the density, type, and total number of dwelling units proposed. The minimum net lot area may be reduced and density may exceed that normally permitted in the applicable zone, provided that:

(aa) The net lot area shall not be less than fifty percent (50%) of the minimum net lot area normally required in the zone; and

(bb) The density shall not be greater than twice that normally allowed in the zone;

(C) In the CGO Zone, the following shall apply:

(i) The subject property shall contain at least two (2) contiguous acres, and shall not contain more than forty-eight (48) dwelling units per acre of net lot area. The density may be increased by one (1) unit per acre for each one thousand (1,000) square feet of indoor space available for common use by the residents for social, recreational, or educational purposes. The indoor space shall be shown on the site plan;

(ii) Not less than fifty percent (50%) of the net lot area shall be devoted to green area; and

(iii) The District Council shall find that existing development and uses in the neighborhood (particularly on adjacent properties) will not adversely affect the proposed development;

(D) In the RR, RSF-95, and RSF-65 zones, the following shall apply:

(i) The requirements of paragraphs (A), (B), (C), and (D) of Subsection (1), above, shall be met; and

(ii) The District Council shall find that the proposed use:

(aa) Will serve the needs of the elderly families or physically disabled families; and

(bb) Will not adversely affect the character of the surrounding residential community. The District Council shall consider the lot size, height of the building, lot coverage of all buildings on the property, setbacks from surrounding properties, street frontage, and sufficiency of green area when determining the proposed development's effect on surrounding residential communities.

[(3) For the purposes of this Section, the term "elderly family" means a family which is included within age restrictions in conformance with the Federal Fair Housing Act and "physically disabled family" means a family in which the head of the family, or his dependent, is physically disabled. A person shall be considered physically disabled if he has a physical impairment which:

(A) Is expected to be of continued and indefinite duration;

(B) Substantially impedes the ability to live independently; and

(C) Is of a nature that the ability could be improved by more suitable housing conditions.]

* * * * *

(cc) Gas Station

(1) A gas station may be permitted, subject to the following:

(A) The subject property shall have at least one hundred and fifty (150) feet of frontage on and direct vehicular access to a street with a right-of-way width of at least seventy (70) feet;

(B) The nearest gas pump on the subject property shall be located at least three hundred (300) feet from any lot on which a school, outdoor playground, library, [or] hospital, or a structure used as a residence is located;

(C) The use shall not include the display and rental of cargo trailers, trucks, or similar uses, except as a special exception in accordance with the provisions of Section 27-5402(nnn), Vehicle and Trailer Rental Display;

(D) The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited;

(E) Access driveways shall be not less than thirty (30) feet wide unless a lesser width

is allowed for a one-way driveway by the Maryland State Highway Administration or the County Department of Permitting, Inspections, and Enforcement, whichever is applicable, and shall be constructed in compliance with the minimum standards required by the County Road Ordinance or Maryland State Highway Administration regulations, whichever is applicable. In the case of a corner lot, a driveway may begin at a point not less than twenty (20) feet from the point of curvature (PC) of the curb return or the point of curvature of the edge of paving at an intersection without curb and gutter. A driveway may begin or end at a point not less than twelve (12) feet from the side or rear lot line of any adjoining lot;

(F) Access driveways shall be defined by curbing;

(G) A sidewalk at least five (5) feet wide shall be provided in the area between the building line and the curb in those areas serving pedestrian traffic;

(H) Gasoline pumps and other service appliances shall be located at least twenty-five (25) feet behind the street line;

(I) Repair service shall be completed within forty-eight (48) hours after the vehicle is left for service. Discarded parts resulting from any work shall be removed promptly from the premises. Automotive replacement parts and accessories shall be stored either inside the main structure or in an accessory building used solely for the storage. The accessory building shall be wholly enclosed. The building shall either be constructed of brick (or another building material similar in appearance to the main structure) and placed on a permanent foundation, or it shall be entirely surrounded with screening material. Screening shall consist of a wall, fence, or sight-tight landscaping material, which shall be at least as high as the accessory building. The type of screening shall be shown on the landscape plan.

(J) Details on architectural elements such as elevation depictions of each facade, schedule of exterior finishes, and description of architectural character of proposed buildings shall demonstrate compatibility with existing and proposed surrounding development.

(K) At least two (2) Level 3 or DC fast charger electric vehicle charging stations must be provided on-site for public use. Notwithstanding Section 27-1700, Transitional Provisions, any special exception or detailed site plan application filed prior to January 1, 2022, and approved, shall not be subject to this provision and shall be deemed a conforming use.

* * * * *

PART 27-6 DEVELOPMENT STANDARDS

SECTION 27-6100 APPLICABILITY

* * * * *

27-6103. General Exemptions

The following types of development are exempt from Part 27-6, Development Standards but shall comply with any other pertinent requirements of this Subtitle, including, but not limited to, any use-specific standards which may apply to a use and the dimensional and intensity standards which may apply to a zone:

* * * * *

(g) Permits of a minor nature, which currently consist of the following:

(1) Boilers and/or mechanical equipment located inside buildings.

(2) Replacement and installation of windows and pedestrian doors, excluding bay, bow, and commercial customer service windows.

(3) Replacement in kind and/or removal of underground tanks (water, gas, or oil) except within the Chesapeake Bay Critical Area.

(4) Building siding without expansion of exterior walls or increase of gross floor area.

(5) Roofing and weatherproofing without increasing the height of the building.

(6) Interior alteration of one-, two-, and three-family dwelling units with no change in use.

(7) Restoration of one-family detached dwellings after fire or flood damage, or repair of general deterioration, including pedestrian entrances, with no expansion of exterior walls or roof.

(8) Removal of interior partitions with no change of use.

(9) All interior life-safety improvements, exterior life-safety improvements with no expansion of exterior walls or roof, and fire escapes and other means of emergency egress, all with no change in use.

(10) Alterations or additions which are being made in order to comply with the Maryland Accessibility Code, (Maryland Building Code for the Handicapped, Code of Maryland Regulations, Section 05.02.02) except within the Chesapeake Bay Critical Area.

(11) Trailers used exclusively by the County Police Department in commercial parking lots for which the permit shall automatically expire when the trailer is vacated by the Police Department.

(12) Commercial and residential satellite dishes not exceeding inches in diameter.

(13) Steps and ground level patios (except within the Chesapeake Bay Critical Area).

(14) [Residential fences (maximum six feet in height) that are not subject to detailed site plan, Chesapeake Bay Critical Area Conservation Plan, or any other type of site plan; do not include or abut a property with a designated historic resource; and are not subject to utility easements, storm drain or surface drainage easements, or floodplain easements.

(15)] Sheds that do not otherwise require a building permit except within the Chesapeake Bay Critical Area.

(16)] (15) All stadium wayfinding signs located within parking areas at a stadium.
 [(h) Certain permits of a minor residential nature. These permits shall be subject to review by the Director of the Department of Permitting, Inspections, and Enforcement for conformance to the requirements of this Subtitle, Subtitle 24, the Land Use Article of the Maryland Annotated Code, and any conditions placed on the property in a zoning or subdivision matter; and for conformance to any approved site or development plan applicable to development of the property. Minor residential permits currently consist of the following:

(1) Bay windows

(2) Decks

(3) External steps

(4) Masonry barbeque grills

(5) Patios

(6) Swimming Pools

(7) Fences on sites that are subject to detailed site plan, Chesapeake Bay Critical Area Conservation Plan or other type of site plan (excluding special exception); include or abut property with a designated historic resource; or that are subject to utility easements, storm drain or surface drainage easements, or floor plain easements.]

* * * * *

SECTION 27-6300 OFF-STREET PARKING AND LOADING

* * * * *

(d) Maximum Number of Off-Street Parking Spaces

The maximum number of off-street parking spaces allowed is listed in Table 27-6305(d):
 Maximum Number of Off-Street Parking Spaces. Existing parking areas in excess of this maximum shall not be required to remove excess parking.

Table 27-6305(d): Maximum Number of Off-Street Parking Spaces

| Zone | Use | Maximum Number of Parking Spaces Allowed as a Percentage of Minimum (1)(2) | |
|--|---|--|-----------------------------|
| | | Inside the Capital Beltway | Outside the Capital Beltway |
| Transit-Oriented/Activity Center base and PD zones | See Section 27-4204(b)(1)(E)(ii), Maximum Off-Street Vehicle Parking Spaces | | |
| | Any use listed under the Commercial use classification | 125 percent | 140 percent |
| All other base zones | Mixed-use development | 125 percent | |
| | All other uses | No requirement | No requirement |
| NOTES: | | | |
| (1) Each percentage listed is the percentage of the minimum number of parking spaces required in accordance with Table 27-6305(a): Minimum Number of Off-Street Parking Spaces. The maximum number of allowed spaces shall be rounded down to the nearest whole number. Parking spaces in structured parking facilities do not count toward the maximum allowed. | | | |
| (2) In the event there is no minimum number of parking spaces required by Table 27-6305(a): Minimum Number of Off-Street Parking Spaces, the maximum amount of off-street parking spaces allowed shall not exceed 1.0 spaces for every 150 sq. ft. of the first 3,000 sq. ft. of gross floor area (GFA) plus an additional 1.0 spaces for every 200 sq. ft. of GFA above the first 3,000 sq. ft. | | | |
| * | * | * | * |

27-6305. Off-Street Parking Space Standards

* * * * *

(h) Parking of Vehicles Owned or Used by the Occupants of the Premises or Their Bona Fide Guests

(1) Private passenger vehicles shall be permitted in all zones.

(2) The parking of the following vehicles shall be permitted in the ROS, AG, AR, RE, RR, RSF-65, RSF-95, and RMH Zones subject to the provisions of this Subsection:

(A) Boats;

(B) Boat trailers;

(C) Camping trailer (unoccupied), not to exceed one per lot or parcel; and/or

(D) Not more than 1 commercial vehicle:

(i) If parked on the premises, having a maximum manufacturer's gross vehicle weight specification of up to 8,500 pounds, no advertising (other than a firm name or similar designation not exceeding 4 inches high), and excluding vehicles exceeding 300 cubic feet of load space, stake platform trucks, dump trucks, crane or tow trucks, and vehicles with dual rear axles; or

(ii) The commercial vehicle does not exceed a maximum manufacturer's gross vehicle weight specification of 17,000 pounds, and which may include unlimited advertising on the side of the vehicle, and shall be parked within a wholly enclosed private parking garage.

* * * * *

SECTION 27-61000 NONRESIDENTIAL AND MIXED-USE FORM AND DESIGN STANDARDS

* * * * *

27-61002. Nonresidential and Mixed-Use Form and Design Standards

Development subject to this Section shall comply with the following standards.

* * * * *

(d) Maximum Building Footprints for Single-Tenant Buildings

Maximum building footprints for single-tenant buildings featuring a use in the Retail Sales and Service Uses principal use category in the Transit-Oriented/Activity Center base and PD zones are listed according to the zone in which the building is located in Table 27-61002(d)(1):

Maximum Building Footprints for Single-Tenant Retail Buildings in the Transit-

Oriented/Activity Center Base and PD Zones.

**Table 27-61002(d)(1): Maximum Building Footprints for
Single-Tenant Retail Buildings in the Transit-
Oriented/Activity Center Base and PD Zones**

| <u>Zone</u> | <u>Maximum Building Footprint (square feet)</u> |
|--------------|---|
| <u>NAC</u> | <u>50,000</u> |
| <u>TAC</u> | <u>75,000</u> |
| <u>LTO</u> | <u>75,000</u> |
| <u>RTO-L</u> | <u>50,000</u> |
| <u>RTO-H</u> | <u>40,000</u> |

[(d)] (e) Façade Articulation

* * * * *

[(e)] (f) Façade Materials

* * * * *

[(f)] (g) Building Façade Fenestration/Transparency

* * * * *

[(g)] (h) Roofs

* * * * *

[(h)] (i) Location of Off-Street Parking

* * * * *

[(i)] (j) Loading, Service, and Equipment Areas

* * * * *

27-61003. Large Retail Establishment Form and Design Standards

* * * * *

(c) Façades and Massing

(1) [Maximum building footprints in the Transit-Oriented/Activity Center base and PD zones are listed according to the zone in which the building is located in Table 27-61003(c)(1): Maximum Building Footprints in the Transit-Oriented/Activity Center Base and PD Zones.

**Table 27-61003(c)(1): Maximum Building Footprints in the
Transit-Oriented/Activity Center Base and PD Zones**

| <u>Zone</u> | <u>Maximum Building Footprint (square feet)</u> |
|-------------|---|
| NAC | 50,000 |
| TAC | 75,000 |
| LTO | 75,000 |
| RTO-L | 50,000 |
| RTO-H | 40,000 |

(2)] To reduce their perceived mass and scale, buildings shall incorporate two or more of the following design elements on each façade facing a street:

- (A) Variations in roof form and parapet heights;
- (B) Pronounced wall offsets that are at least two feet deep;
- (C) Distinct changes in texture and color of wall surfaces;
- (D) Ground level arcades and second floor galleries or balconies;
- (E) Protected and recessed entries; and
- (F) Vertical accents or focal points.

[(3)] (2) Side building walls that do not face a street and exceed 30 feet in length shall have façade-articulating elements such as columns and/or changes in plane, texture, or masonry pattern. (see Figure [27-61003(c)(3)] 27-61003(c)(2): Large Retail Building Entrances and Massing.)

Figure [27-61003(c)(3)] 27-61003(c)(2): Large Retail Building Entrances and Massing



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SECTION 27-61500 SIGNAGE

* * * * *

27-61506. Standards for Special Purpose Signs

* * * * *

(g) Digital Billboard

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Except in Residential base and planned development zones, Transit-Oriented/Activity Center base and planned development zones, and the MU-PD zone, a digital billboard may be erected in place of a nonconforming billboard in accordance with the following standards:

* * * * *

(13) Notwithstanding the requirements of Section 27-3407, Scheduling of Hearings and Public Notice, at least thirty (30) days before an application is determined complete, the applicant shall send by first class mail an informational mailing to all adjoining property owners including owners whose properties lie directly across a street, alley, or stream; every municipality located within one (1) mile of the applicant's property; and to all associations registered with the Planning Director for the area which includes the property.

(A) At any time after an application is determined complete and accepted for processing, a determination that a person entitled did not receive a required informational mailing may not be the basis for invalidating a final action on the application.

PART 27-8 ENFORCEMENT

SECTION 27-8300 FEES

27-8301. Fee Regulations

* * * * *

(j) Zoning Certification [and Buildable Lot] Letters

* * * * *

(l) Zoning Ordinance Interpretations

The fee shall be Four Hundred Eighty Dollars (\$480) for each application for a Zoning Ordinance interpretation.

(m) Authorization of Permit within Proposed Right-of-Way

The fee shall be Five Hundred Dollars (\$500) for each application for authorization of a permit within a proposed right-of-way.

(n) Validation of Permit Issued in Error

The fee shall be One Hundred Dollars (\$100) for each application for the validation of a permit issued in error.

(o) Other Related Fees; Refunds

* * * * *

SECTION 2. BE IT FURTHER 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 27-1705, 27-11002 and 27-11003 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 added:

SUBTITLE 27. ZONING.**PART 27-1 GENERAL PROVISIONS****SECTION 27-1700. TRANSITIONAL PROVISIONS.**

* * * * *

Sec. 27-1705. Temporary Authorization for Outdoor Seating.**(a) Findings**

(1) In furtherance of local recovery efforts resulting from the COVID-19 health crisis, the District Council finds critical need to create and implement an expedited administrative process to authorize certain uses in the Eating or Drinking Establishment Uses Principal Use Category to offer newly created or expanded outdoor seating on adjacent exterior space or shared exterior space in Prince George's County.

(2) The District Council anticipates that a significant number of otherwise existing lawful eating and drinking uses located in the County will apply for immediate authorization to provide outdoor seating or expand outdoor seating areas for customers despite the fact that said outdoor seating may not have been included on their applicable detailed site plan, special exception site plan, or similar site plan such as, but not limited to, specific design plans and permit site plans.

(3) This Zoning Ordinance and the prior Zoning Ordinance, as may be applicable, require eating and drinking establishment uses to specify any outdoor seating areas on its approved detailed site plan, special exception site plan, or similar site plan, to comply with all other provisions in the local zoning laws prior to issuance of a use and occupancy permit to commence operations of the use, and to operate the establishment in compliance with the provisions of the approved detailed site plan, special exception site plan, or similar site plan and use and occupancy permit at all times.

(b) Regulations

(1) Until April 1, 2024, all provisions of this Subtitle and of the prior Zoning Ordinance (for such projects subject to the transitional provisions of Section 27-1700 or which are using the provisions of Section 27-1900), including but not limited to the provisions concerning site plan conformance, minimum setbacks, and minimum parking, shall be suspended and not subject to violation or enforcement action to allow for Prince George's County to authorize outdoor dining to otherwise existing lawful uses in the Eating and Drinking Establishment Uses Principal Use Category on adjacent exterior space or shared exterior space in Prince George's County, after compliance with all regulations stated in this Subsection and so long as the establishment remains in compliance with the regulations stated herein.

(2) The DPIE Director shall establish and administer an expedited administrative process to authorize otherwise existing lawful uses in the Eating and Drinking Establishment Uses Principal Use Category on adjacent exterior space or shared exterior space in Prince George's County, after compliance with all regulations stated in this Subsection and so long as the establishment remains in compliance with the regulations stated herein.

(c) Enforcement

(1) Any lawful use in the Eating and Drinking Establishment Uses Principal Use Category that is authorized to offer newly created or expanded outdoor dining must comply with

all State and County laws and regulations with the exception of the laws of this Subtitle suspended herein.

(2) Notwithstanding any provision of this Subtitle or Subtitle 28, Civil Monetary Fines or Penalties, of the County Code, Prince George's County may rescind forthwith any approval granted to an otherwise existing lawful use in the Eating and Drinking Establishment Uses Principal Use Category to offer any newly created or expanded outdoor seating for failure to comply with any State or County laws or regulations and any requirement stated herein.

(3) The enforcement of the requirements herein and all other State and County laws and regulations for uses in the Eating and Drinking Establishment Uses Principal Use Category shall be performed as required by State or County laws and regulations, with the assistance of Prince George's County law enforcement as needed.

* * * * *

SECTION 27-11000. REGULATIONS APPLICABLE IN ALL ZONES

* * * * *

Sec. 27-11002. Front Yards of Dwellings

(a) No parking space, parking area, or parking surface other than a driveway no wider than its associate garage, carport, or other parking structure may be built in the front yard of a dwelling, except a "dwelling, townhouse" or "dwelling, multifamily", in the area between the front street line and the sides of the dwelling.

(b) Structures built before January 1, 2004, not in compliance with Subsection (a), above, shall not be deemed nonconforming.

Sec. 27-11003. Decks, Porches, and Balconies

(a) Decks, porches (screened or unscreened), stoops, or exterior stairways may extend up to five feet into any required yard, except those decks and porches on a dwelling, townhouse; dwelling, two-family; or dwelling, three-family may extend to a rear lot line that abuts permanent open space or to within three (3) feet of a rear lot line that abuts another Rural and Agricultural or Residential lot. Any stairs leading to the deck or porch shall be located at least three (3) feet from the rear lot line.

(b) Open balconies and fire escapes on a dwelling, multifamily may extend up to five feet into any required minimum yard.

SECTION 3. BE IT FURTHER ENACTED that the provisions of this Ordinance are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Ordinance, since the same would have been enacted without the incorporation in this Ordinance of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

SECTION 4. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (45) calendar days after its adoption.

Adopted this 25th day of October, 2022.

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: _____
Calvin S. Hawkins, II
Chair

ATTEST:

Donna J. Brown
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.