



Consultant's Comprehensive Review Draft for Prince George's County, Maryland



Zoning Ordinance Rewrite
September 2017



C L A R I O N

In Association with:

White & Smith
Spikowski Planning Associates

Design Collective

GB Place Making

Nelson/Nygaard

Mosaic Urban Partners

Justice & Sustainability Assoc.

The Planning and Design Center

Subtitle 27: Zoning Ordinance

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Clarion Associates

919.967.9188

101 Market Street, Suite D

Chapel Hill, NC 27516

www.clarionassociates.com

MEMORANDUM

TO: Prince George's County

FROM: Clarion Associates

DATE: September 20, 2017

RE: Comprehensive Review Draft of Zoning Ordinance and Subdivision Regulations

This Comprehensive Review Draft of the Zoning Ordinance and Subdivision Regulations marks a major milestone on Prince George's County's road toward 21st Century development regulations—regulations that will promote high-quality economic development, protect stable residential neighborhoods, and implement the vision of the County's future in the *Plan Prince George's 2035 (Plan 2035)* General Plan.

This draft constitutes the Consultant team and M-NCPPC staff proposals for a modern Zoning Ordinance and Subdivision Regulations. These recommendations have not been approved or endorsed by the County Council. The Council will not formally consider these recommendations until additional public input has been received on this Comprehensive Review Draft, and a legislative draft incorporating additional revisions based on this review is presented to the Council in early 2018.

In 2014, Prince George's County embarked on an effort to rewrite its development regulations. The effort was timely for several reasons.

- First, the current Zoning Ordinance and Subdivision Regulations had not been comprehensively updated in over 50 years. Instead, there had been countless amendments to the current regulations to address specific needs, resulting in conflicting provisions, a potpourri of different terminology, and a 1,200-plus-page set of regulations that are confusing, inconsistent, and difficult to use.
- Second, the County had just adopted *Plan Prince George 2035 (Plan 2035)*—a new General Plan that sets a new



and clear direction for the future. *Plan 2035* places a strong emphasis on supporting different types and levels of compact, transit-oriented, mixed-use, and pedestrian-oriented development at specific places. Other *Plan 2035* goals include supporting economic development, protecting the character of established neighborhoods, and supporting green building practices. These are goals which the current regulations are in many instances not equipped to handle.

The rewrite effort has taken approximately three and one-half years to this point, and has involved countless hours of work by many, and over 300 meetings. See table below.

	PHASE	TIMEFRAME
1	Public Outreach and Input	March – August 2014
2	Evaluation and Recommendations Report	August 2014 – March 2015
3	Drafting Zoning Ordinance and Subdivision Regulations	
	Module 1: Zones and Use Regulations	March – December 2015
	Module 2: Development Standards and APF Standards	January – June 2016
	Module 3: Procedures and Subdivision Regulations	June 2016 – February 2017
4	Comprehensive Review Draft	September 2017 – December 2017

The effort began in the spring of 2014 with six months of outreach and research. During this time, the Consultant team and M-NCPPC staff conducted numerous stakeholder interviews, convened three Countywide forums, met with a Zoning Advisory Panel, convened four focus groups with different groups of stakeholders and industries with common interests, met with the Planning Board, spoke with attorneys representing both developers and neighborhood groups, and met with most of the County Council members. Based on these efforts, as well as the Consultant team's individual evaluation of the regulations, an *Evaluation and Recommendations Report* was prepared. It served as a starting point for discussions about the changes that needed to be addressed in the rewritten regulations.

More specifically, the *Evaluation and Recommendations Report* recognizes that in spite of some strengths of the current regulations, Prince George's County has not been attracting the type of economic growth occurring in other counties in the Washington, D.C., region—or the type or quality of development called for in *Plan 2035*. The report goes on to identify the role zoning and subdivision has played in this, and what changes the County could make in the Zoning Ordinance and Subdivision Regulations to enable the County to live up to its potential as a premier place to work, play, and shop. Four major areas of improvement were identified. They are:

- **Making the Regulations More User-Friendly and Streamlined;**
- **Modernizing, Simplifying, and Consolidating the Zones and Zone Regulations;**
- **Implementing Key Goals, Policies, and Strategies of Plan 2035; and**
- **Modernizing the Regulations and Incorporating Best Practices.**

The report concluded with an Annotated Outline of the revised structure for the rewritten Zoning Ordinance and Subdivision Regulations, if the recommendations in the report were followed. The *Evaluation and Recommendations Report* was made available to the public in December 2014. This was followed by public meetings at three Countywide forums, as well as meetings with the Zoning Advisory Panel, the four focus groups, the Planning Board, and the County Council. The purpose of these meetings was to present and get input on the report and, ultimately, to receive direction from the County Council.

Based on this input and the direction provided by the County Council, revisions were made to the Annotated Outline, and the drafting of the regulations began in late 2014. In drafting the regulations, the Consultant team followed the structure set out in the Annotated Outline.

Because the regulations are significant in both length and complexity, the drafting was divided into three installments, or modules, as follows:

- **Module 1: Zones and Use Regulations;**
- **Module 2: Development Standards (and the Adequate Public Facility Standards in the Subdivision Regulations); and**
- **Module 3: Procedures (and the balance of the Subdivision Regulations).**

After each module was drafted, a Public Review Draft was released for public review and comment, and the Consultant team conducted three Countywide forums on each module, as well as meetings with the Zoning Advisory Panel, the focus groups, the Planning Board, and the County Council, to present the material and get input, and to receive direction from the County Council.

Based on the input received from M-NCPPC staff resulting from the outreach and community input outlined above, the Consultant has prepared this Comprehensive Review Draft for the public's consideration. It is a well-organized, and much more streamlined and user-friendly document, than the current regulations. Furthermore, it implements the County's other goals for the project:

- Supporting different types of and levels of walkable urbanism—compact, transit-oriented, mixed-use, and pedestrian-oriented development—at appropriate places;

- Promoting high-quality economic development;
- Enhancing community and municipal information and input opportunities on the development review process;
- Protecting the character of existing residential neighborhoods;
- Protecting the character of rural and agricultural lands;
- Supporting infill development that is consistent with its context;
- Protecting environmentally sensitive lands; and
- Supporting and encouraging green building practices.

After years of hard work by all involved, 300 meetings, much dialogue, and revisions to respond to input from the public and direction from the County Council, the finish line is in sight. For this reason, we encourage all involved to review this Comprehensive Review Draft and provide your input to the M-NCPPC project team, local elected officials, and the County Council by late 2017.

The end result will be an updated, modernized, and user-friendly set of development regulations that will make Prince George's County better for everyone.

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Division 1: General Provisions

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DIVISION 27-1 GENERAL PROVISIONS

Sec. 27-1.100 Title

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

Sec. 27-1.200 Authority

27-1.201. General

- A. The District Council is authorized to adopt this Ordinance in accordance with:
1. The Prince George's County Charter;
 2. Division II of the Land Use Article of the Maryland Code;
 3. The statewide visions for growth, Division I of the Land Use Article of the Maryland Code, § 1-201;
 4. All other provisions of Division I of the Land Use Article of the Maryland Code that apply to charter counties set out in § 1-401;
 5. The Maryland Priority Funding Areas legislation, Maryland Code State Finance and Procurement, Division I, Title 5, Subtitle 7B;
 6. The Maryland Rural Legacy Program, Maryland Code Natural Resources, Title 5, Subtitle 9A; and
 7. All other relevant laws of the State of Maryland.

27-1.202. Reference to State or Federal Laws

Whenever any provision of this Ordinance refers to or cites a section of the Maryland Code or any Federal statute, and that section is later amended, this Ordinance shall be deemed to refer to the amended section.

Sec. 27-1.300 General Purpose and Intent

This Ordinance is enacted to exercise the full range of authority available to the County in accordance with law to:

- 27-1.301.** Protect and promote the health, safety, comfort, convenience, and welfare of the present and future residents and businesses of the County;
- 27-1.302.** Implement the State's vision for development as provided in the Maryland Land Use Code; and
- 27-1.303.** Implement the General Plan, area master plans, sector plans, and functional master plans by:
- A. Guiding the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and businesses;
 - B. Supporting pedestrian-friendly, higher-intensity, mixed-use development in the appropriate locations;
 - C. Supporting and emphasizing a framework for multi-modal forms of mobility including options for pedestrians, bicyclists, transit users, and motorists;
 - D. Supporting redevelopment and infill in established areas that is consistent with the community's desired contexts;
 - E. Protecting the character of residential neighborhoods;

- F. Protecting the rural character of the County in appropriate locations;
- G. Facilitating economic growth and investment in new and innovative technologies and businesses;
- H. Supporting green building practices;
- I. Ensuring the provision of open space to protect scenic beauty and the natural features of the County, as well as to provide recreational space and light and air;
- J. Ensuring a high level of development quality within Prince George's County;
- K. Ensuring the protection of the County's environmental and natural resources, and encouraging the restoration and enhancement of these resources, when appropriate;
- L. Promoting the development of communities that will be served with adequate public facilities and services;
- M. Protecting the County from fire, flood, panic, and other dangers; and
- N. Providing sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents.

Sec. 27-1.400 Applicability and Jurisdiction

27-1.401. This Ordinance applies to the development of any land in the Maryland-Washington Regional District in Prince George's County, Maryland, unless expressly exempted by Sec. 27-1.405 or by another specific Section, Subsection, or paragraph of this Ordinance.

- 27-1.402.** Development shall not occur except in accordance with the requirements of this Ordinance and all other applicable County, State, and Federal ordinances, laws, statutes, and regulations.
- 27-1.403.** Development undertaken without required development approvals or permits is a violation of this Ordinance.
- 27-1.404.** With the exception of the Official Zoning Map, and the boundaries of the County's designated centers as incorporated in Division 9, all photographs, maps, drawings, and other graphics in this Ordinance are for illustrative purposes only.
- 27-1.405.** Except as expressly stated to the contrary, the provisions of this Ordinance do not apply to:
 - A. The County and development of land owned by municipalities within the County;
 - B. The Maryland-National Capital Park and Planning Commission (M-NCPPC), the Washington Metropolitan Area Transit Authority (WMATA), and the Washington Suburban Sanitary Commission (WSSC);
 - C. Development of land owned by the State of Maryland, unless State law authorizes local regulation by this Ordinance;
 - D. Development owned by the government of the United States, its agencies, departments, or corporate services, to the full extent required by law;
 - E. Development of a public use by a government or public entity, to the extent allowed by law; and
 - F. Residential buildings of three units or less constructed prior to November 29, 1949.

- 27-1.406.** All Federal, State, and local governments (including municipalities), and public and private utilities are required to submit proposed projects for a Mandatory Referral review and approval in accordance with Sections 20-301-305 of the Land Use Article. Such Mandatory Referral review shall follow the Planning Department's *Adopted Uniform Standards for Mandatory Referral Review*.
- 27-1.407.** Unless stated otherwise, the standards and requirements of this Ordinance are minimum requirements.

Sec. 27-1.500 Implement and be Consistent with General Plan

This Ordinance implements and is consistent with the County's General Plan and any applicable area master plan, sector plan, and functional master plan.

Sec. 27-1.600 Relationship with Other Laws, Covenants, or Deeds

27-1.601. Conflicts with Provisions of Adopted Codes or Ordinances

- A. Whenever any provision of this Ordinance imposes a greater requirement or a higher standard than is required in any State or Federal statute or other County ordinance or regulation, the provisions of this Ordinance control, unless preempted by State or Federal law.
- B. Whenever any provision of a State or Federal statute or other County ordinance or regulation imposes a greater requirement

or a higher standard than required by this Ordinance, the State, Federal, or other County statute controls.

- C. When there is a conflict between an overlay zone and an underlying base zone, the provisions of the overlay zone apply, unless expressly stated to the contrary in this Ordinance. When there is a conflict between provisions of two or more applicable overlay zones, the more restrictive provisions apply, unless otherwise expressly stated in this Ordinance.
- D. When it is possible to implement, administer, or construe a particular provision of this Ordinance in more than one way, it shall be implemented, administered, or construed in a way that eliminates or minimizes conflicts with other provisions of this Ordinance in a way that is consistent with State and Federal case law.

27-1.602. Conflicts with State or Federal Law

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

27-1.603. Relationship with Easements, Covenants, Deed Restrictions, and Other Agreements

- A. It is not the intent of this Ordinance or the County to interfere with or annul private easements, covenants, deed restrictions, or other agreements. Additionally, the County does not monitor or enforce private easements, covenants, and restrictions. However, it may inquire into private easements and restrictions in reviewing development applications in order

- to ensure compliance with this Ordinance and other County requirements.
- B. Private easements, covenants, and restrictions notwithstanding, all development, unless expressly exempted by this Ordinance, shall comply with the requirements of this Ordinance.

Sec. 27-1.700 Official Zoning Map

27-1.701. Establishment

- A. Land subject to this Ordinance is divided into the various base and overlay zones established in Division 27-4: Zones and Zone Regulations. The location and boundaries of the zones are shown on a set of maps, entitled "Zone Map of the Maryland-Washington Regional District in Prince George's County, Maryland." This map is referred to as the "Official Zoning Map." The Official Zoning Map, including all its notations, is incorporated herein by reference and made part of this Ordinance. The Official Zoning Map shall be the final authority as to the status of zone classifications of land in the County. In case of any dispute regarding the zone classification of land, the original map adopted with the ordinance applying the original zone classification rezoning the land shall control.
- B. The Planning Department shall maintain the Official Zoning Map in an electronic map layer in the County's Geographic Information System (GIS) data base maintained by the Maryland-National Capital Park and Planning Commission (M-NCPPC). The official copy of the electronic version of the Official Zoning Map shall be recorded onto permanent media to ensure the electronic information is protected.
- C. The Planning Director shall enter any change to the zone boundaries, zone names, or other matters shown on the
- Official Zoning Map. These changes shall be forwarded to the Clerk of the Council, along with a note as of the date of the amendment, which shall be incorporated onto the Official Zoning Map.
- D. Interpretations of the boundaries of the zones on the Official Zoning Map shall be made by the Planning Director (see Sec. 27-2.302.E, Interpretations of Uses Not Expressly Listed Made Available to Public). The interpretation of the Planning Director may be appealed to the Board of Zoning and Administrative Appeals (BZA) (see Sec. 27-3.519, Appeal to Board of Zoning and Administrative Appeals (BZA)).
- E. In the event that minor drafting or other clerical errors or omissions on the Official Zoning Map are identified, the Planning Director may correct such minor errors or omissions, provided the Planning Director shall issue a written statement of justification and shall not make any substantive changes (amendments), except in accordance with Sec. 27-3.500, Application-Specific Review Procedures and Decision Standards.
- F. If any portion of a public street, alley, right-of-way, or easement, or land shown as such on the Official Zoning Map, that is privately owned or not used for a public purpose, the center line of the street, alley, right-of-way, or easement shall be considered the zone boundary line when the zones are not the same on both sides of the street, alley, right-of-way, or easement. The land, and any buildings, structures, or uses that are located within this street, alley, right-of-way, or easement, shall be subject to all of the regulations of this Ordinance which apply within the zone in which it is located.

27-1.702. 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.

27-1.703. Land Conveyed by the United States or the State of Maryland

- A. Subject to the exception in Sec. 27-1.703.B below, land conveyed in fee simple by the United States or the State of Maryland shall immediately be classified by the County to the ROS Zone until the District Council approves a zone map amendment for the land in accordance with Sec. 27-3.503, Sectional Map Amendment (SMA), or Sec. 27-3.504, Zoning Map Amendment (ZMA).
- B. If land conveyed by the United States or State of Maryland was rezoned by a Sectional Map Amendment (see Sec. 27-3.503) or a Zoning Map Amendment (see Sec. Sec. 27-504) during the 24-month period immediately prior to the acquisition of the land by the United States or the State of Maryland, the land shall be

placed in the zone classification which applied before Federal or State ownership.

Sec. 27-1.800 Transitional Provisions

27-1.801. Effective Date

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

27-1.802. Violations Continue

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

27-1.803. Applications Pending Prior to [insert the effective date of this Ordinance]

- A. Except for a zoning map amendment (ZMA) of any type, any development application submitted and accepted as complete before [insert the effective date of this Ordinance], but still pending final action as of that date, shall be reviewed and decided in accordance with the Zoning Ordinance in existence at the time of the submission and acceptance of the application.
- B. Development applications submitted and accepted as complete before [insert the effective date of this Ordinance] shall be processed in good faith and shall comply

with the time frames for review, approval, and completion as is established in the Zoning Ordinance in existence at the time of the submission and acceptance of the application. If the application fails to comply with the required time frames, it shall expire and future development shall be subject to the requirements of this Ordinance.

- C. If the development application is approved, the development approval or permit shall remain valid for the period of time specified in the Zoning Ordinance under which the application was reviewed and approved. Extensions of time available under the old Zoning Ordinance remain available. If the approval is for a Conceptual Site Plan (CSP) or Conceptual Design Plan (CDP), the approved CSP or CDP shall remain valid for ten years, and shall not be subject to the indefinite time period of validity under the Zoning Ordinance under which it was approved.
- D. Until and unless the period of time under which the development approval or permit remains valid expires, the project may proceed to the next steps in the approval process and continue to be reviewed and decided under the Zoning Ordinance under which it was approved.
- E. Once constructed, the project shall be “deemed conforming” and shall be subject to the same rules as other conforming uses, structures, and site features under this Ordinance.
- F. An applicant may elect at any stage of the development review process to have the proposed development reviewed under this Ordinance.
- G. A development application for any type of zoning map amendment (ZMA) submitted and accepted but not approved prior to [insert the date of adoption of this Ordinance] may only be rezoned to a zone under this Ordinance.

27-1.804. Projects Which Received Development or Permit Approval Prior to [insert the effective date of this Ordinance]

- A. Except for a zoning map amendment (ZMA) of any type, development approvals or permits of any type approved prior to [insert effective date of this Ordinance] remain valid for the period of time specified in the Zoning Ordinance under which the project was approved. Extensions of time which were available in the Zoning Ordinance under which it was approved shall remain available. If the approval is for a CSP or CDP, it shall remain valid for ten years from the date the CSP or CDP was approved (and shall not be subject to the indefinite time period of validity under the Zoning Ordinance under which it was approved).
- B. Until and unless the period of time under which the development approval or permit remains valid expires, the project may proceed to the next steps in the approval process and continue to be reviewed and decided under the Zoning Ordinance under which it was approved.
- C. If the development approval or permit expires or is revoked (i.e., for failure to comply with the terms and conditions of approval), any subsequent development of the land shall be subject to the procedures and standards of this Ordinance.
- D. Once constructed, the project shall be “deemed conforming” and shall be subject to the same rules as other conforming uses, structures, signs, and site features under the Zoning Ordinance.

- E. An applicant may elect at any stage of the development review process to have the proposed development reviewed under this Ordinance.
- F. With the exception of properties located in the LCD zone, property which has been rezoned through a zoning map amendment (ZMA) approved prior to [redacted] *[insert the date of adoption of this Ordinance]*, but that did not obtain a special exception, conceptual site plan, detailed site plan, preliminary plan of subdivision, or building permit following the initial zoning map amendment, is not considered to be grandfathered for the purposes of developing in accordance with the standards and procedures of the Zoning Ordinance in existence at the time of the zoning map amendment (ZMA) approval. Instead, such property shall develop in accordance with the zone designation it receives from the Countywide Map Amendment, and is fully subject to the standards and procedures of this Ordinance and the Subdivision Regulations.
- G. Property in the LCD zone may proceed to develop in accordance with the standards and procedures of the Zoning Ordinance in existence at the time of the approval for the specific Comprehensive Design Zone in which the property was classified at the time of its rezoning, subject to the terms and conditions of the development approvals which it has received.
- H. 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 actual development pursuant to the approval is considered the application.

Sec. 27-1.900 Severability

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

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Division 2: Interpretation and Definitions

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DIVISION 27-2 INTERPRETATION AND DEFINITIONS

Sec. 27-2.100 General Rules for Interpretation

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance.

27-2.101. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Sec. 27-1.300, General Purpose and Intent, and the specific purpose statements set forth throughout this Ordinance. When a specific section of these regulations provides a different meaning than the general definition provided in Sec. 27-2.400, Terms and Uses Defined, the specific section's meaning and application of the term shall control.

27-2.102. Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied on as a complete and accurate description of all applicable regulations or requirements.

27-2.103. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or

similar language are intended to provide examples and are not exhaustive lists of all possibilities.

27-2.104. Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and the day of the event and including the last day in the determination. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the County, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the County. Unless the words "calendar days" are used, Saturdays, Sundays, and holidays observed by the County shall not be included.

27-2.105. References to Other Regulations/ Publications

Whenever reference is made to a resolution, ordinance, code, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, manual, resolution, ordinance, code, statute, regulation, or document, unless otherwise specifically stated.

27-2.106. Delegation of Authority

Any act authorized by this Ordinance to be carried out by a specific official of the County may be carried out by a professional-level designee of such official at the direction of the official.

27-2.107. Technical and Nontechnical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

27-2.108. Public Officials and Agencies

Except where specified otherwise, all public officials, bodies, and agencies to which references are made are to those in the Prince George's County government or to the Maryland-National Capital Park and Planning Commission (M-NCPPC).

27-2.109. Mandatory and Discretionary Terms

The words "shall," "must," "will" "shall not" and "may only" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.

27-2.110. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- A. "And" indicates that all connected items, conditions, provisions or events apply or are required;
- B. "Or" indicates that only one of the connected items, conditions, provisions, or events applies or is required; and
- C. "And/or" indicates that one or more of the connected items, conditions, provisions, or events apply or are required.

27-2.111. Tenses and Plurals

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

27-2.112. Term Not Defined

If a term used in this Ordinance is not defined in this article, the Planning Director as appropriate, shall have the authority to provide a definition based on the definitions used in accepted sources—including, but not limited to, A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions, published by the American Planning Association.

Sec. 27-2.200 Measurement and Exceptions of Intensity and Dimensional Standards

27-2.201. Measurement

A. Net Lot Area

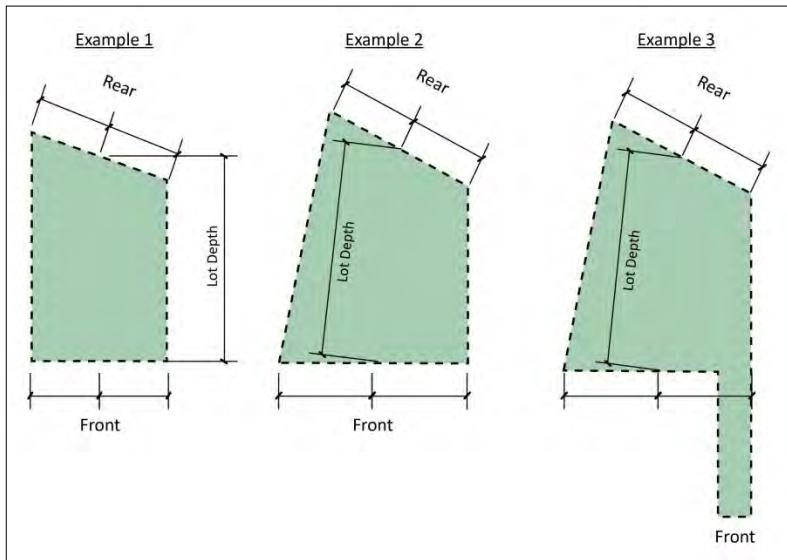
Net lot area shall be determined by measuring the total horizontal land area (in acres or square feet) within the lot lines of the lot, excluding public street or alley rights-of-way and private street or alley easements, and land lying within the 100-year floodplain. For purposes of determining net density, floor area ratio, or lot coverage, any part of the net lot area dedicated as recreation area, park, greenway, or other public open space in conjunction with a development approval in accordance with this Ordinance shall continue to be considered part of the net lot area of the development site.

B. Lot Depth

The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line of a lot. In the case of flag lots the width of the "pole" or portion of the lot only used for access to the remainder of the lot shall be ignored in

determining the midpoint of both the front and rear lot lines. (see Figure 27-2.201.B: Lot Depth Measurement Examples).

Figure 27-2.201.B: Lot Depth Measurement Examples



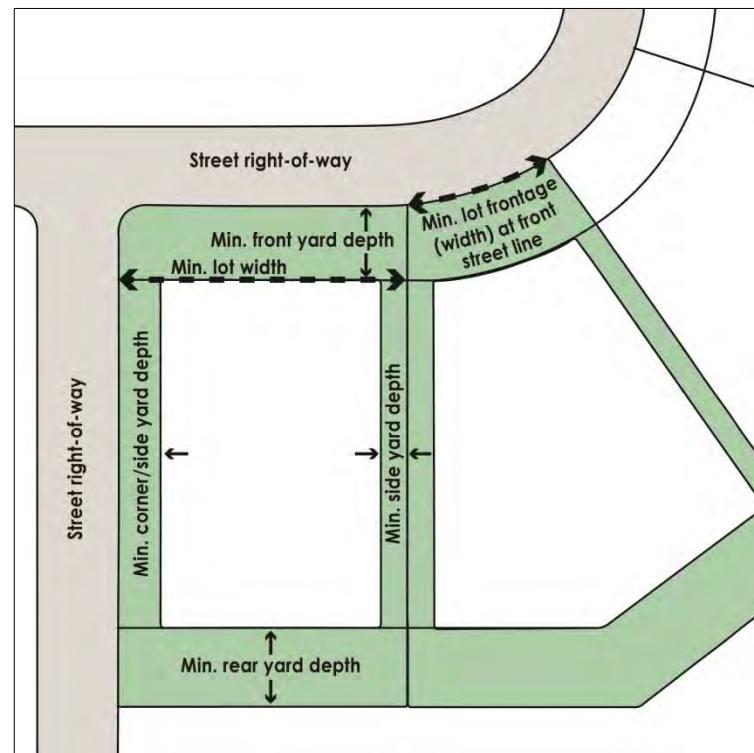
C. Lot Width

Lot width shall be determined by measuring the distance along a line delineating the minimum front setback applicable to the lot, between its intersections with the side lot lines, or for corner lots, between a corner side lot line and the opposite side lot line. (See Figure 27-2.201.C: Lot Dimensions.)

D. Lot Frontage (Width) at Front Street Line

Lot frontage (width) at the front street line shall be determined by measuring the distance of the front lot line. (See Figure 27-2.201.C: Lot Dimensions.)

Figure 27-2.201.C: Lot Dimensions



E. Net Density (Dwelling Units per Acre)

Net density (expressed as dwelling units per acre) shall be determined by dividing the total number of dwelling units located or proposed on a lot by the net lot area (see Sec. 27-2.201 above). If net lot area is measured in square feet, the result of this division shall be multiplied by 43,560. Net density standards apply only to residential development comprised of dwelling units.

F. Floor Area Ratio

Floor area ratio (FAR) shall be determined by measuring the gross floor area (in square feet) devoted to nonresidential uses on all floors of all buildings located or proposed on a lot by the net lot area (in square feet) (see Sec. 27-2.201.A above). FAR standards apply only to the Legacy MXT Zone and nonresidential development in all other zones.

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, areas used for vehicular access and parking, patios and walkways; dividing that coverage area by the net lot area (see Sec. 27-2.201.A above); and multiplying the result by 100.

H. Structure Height

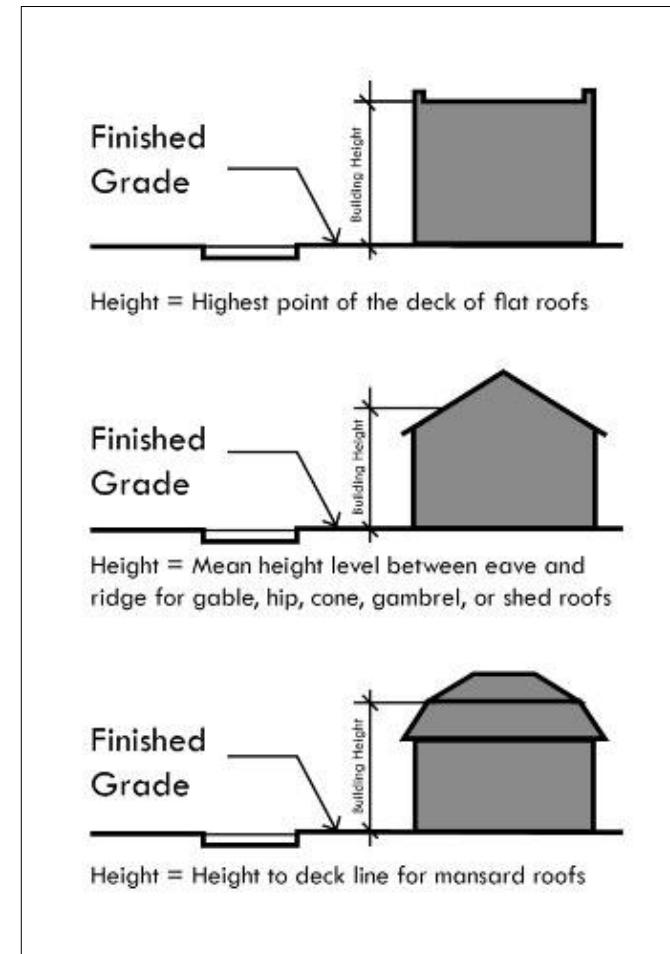
The height of a structure generally shall be determined by measuring the vertical distance from the average elevation of the finished grade at the base of the structure up to the highest point of the structure. Generally, structure height shall be measured from the average elevation of the finished grade at the base of the structure up to:

1. The deck for a flat roof;
2. The average height level between eaves and ridge for a gable, hip, cone, gambrel, or shed roof;
3. The deck line of a mansard roof; or
4. In the MIO Zone, the highest point of any part of the structure, including, but not limited to, antennae, towers, poles, monopoles, or satellite dishes.

(see Figure 27-2.201.H: General Height Measurement.)

Where those portions of a structure above a specified height are required to be step-backed an additional distance from the minimum yard depth, structure height shall be measured from the base of the structure's I/wall facing the relevant yard.

Figure 27-2.201.H: General Height Measurement



I. 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 (except accessory structures allowed to encroach in accordance with Section 27-2.203, Allowable Encroachments into Required Yards/Build-to Zones) on the lot. (see Figure 27-2.201.B: 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 (see Section 27-2.203, Allowable Encroachments into Required Yards/Build-to-Zones).

2. Front and Corner Side Yard Depths

a. Corner Lot

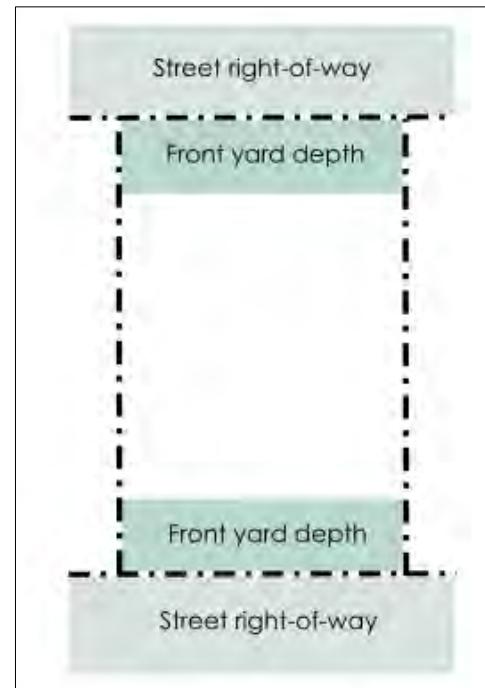
- i. On a corner lot, the front and corner side yard depth shall be measured—and the minimum front and corner side setback requirements applied—from the front or corner side lot line, as appropriate.
- ii. On a corner lot where the intersecting right-of-way boundaries are defined by a radius, the front and corner side setbacks shall be measured—and the minimum front and corner side yard depth requirements applied—from the front or corner side lot line, as appropriate, extended to form an intersecting angle with an

extension of the corner side or front lot line, as appropriate.

b. Through Lot

A through lot shall have a front yard along each of its parallel or nearly parallel street-fronting lot lines. (see Figure 27-2.201.I.2.b: Through Lot).

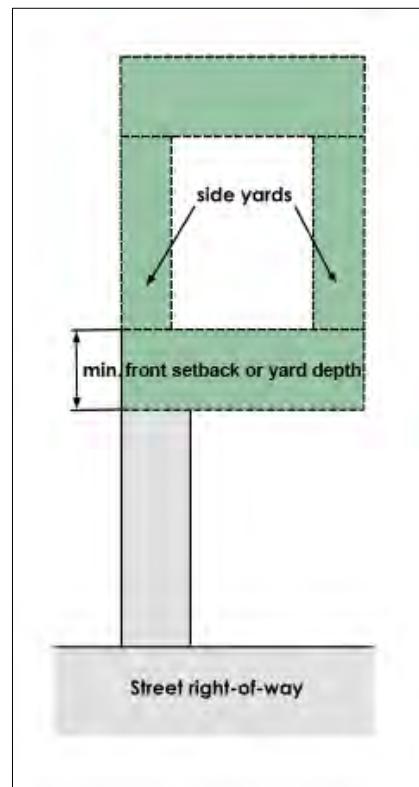
Figure 27-2.201.I.2.b: Through Lot



c. Flag Lot

On a flag lot, the front yard depth shall be measured within the "flag" portion of the lot, from the lot line delineating the base of that portion. (see Figure 27-2.201.I.2.c: Flag Lot Front Setback or Yard Depth).

Figure 27-2.201.I.2.c: Flag Lot Front Setback or Yard Depth

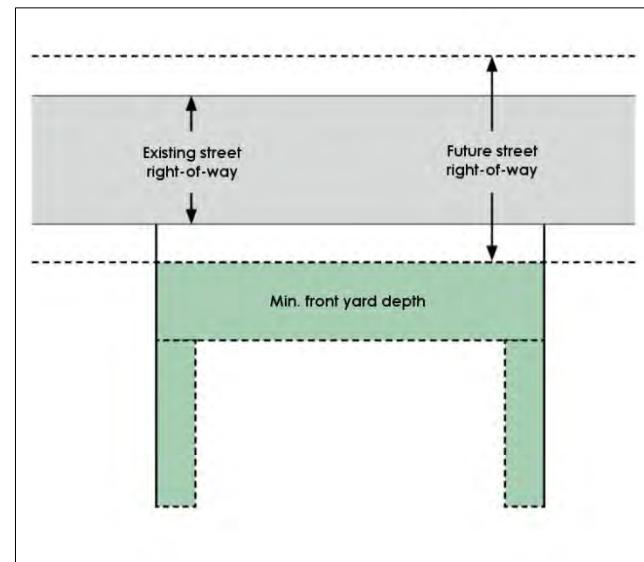


d. Measured from Future Street Right-of-Way

Where County-adopted plans call for the future widening of the street right-of-way abutting a lot and identify the future right-of-way boundary (e.g., by delineating the boundary or establishing its distance from the street's centerline), the front and corner side yard depths shall be measured—and the minimum front and corner yard depths requirements applied—from the future right-of-way boundary. (see

Figure 27-2.201.I.2.d: Setback Abutting Future Right-of-Way).

Figure 27-2.201.I.2.d: Setback Abutting Future Right-of-Way



27-2.202. Exceptions

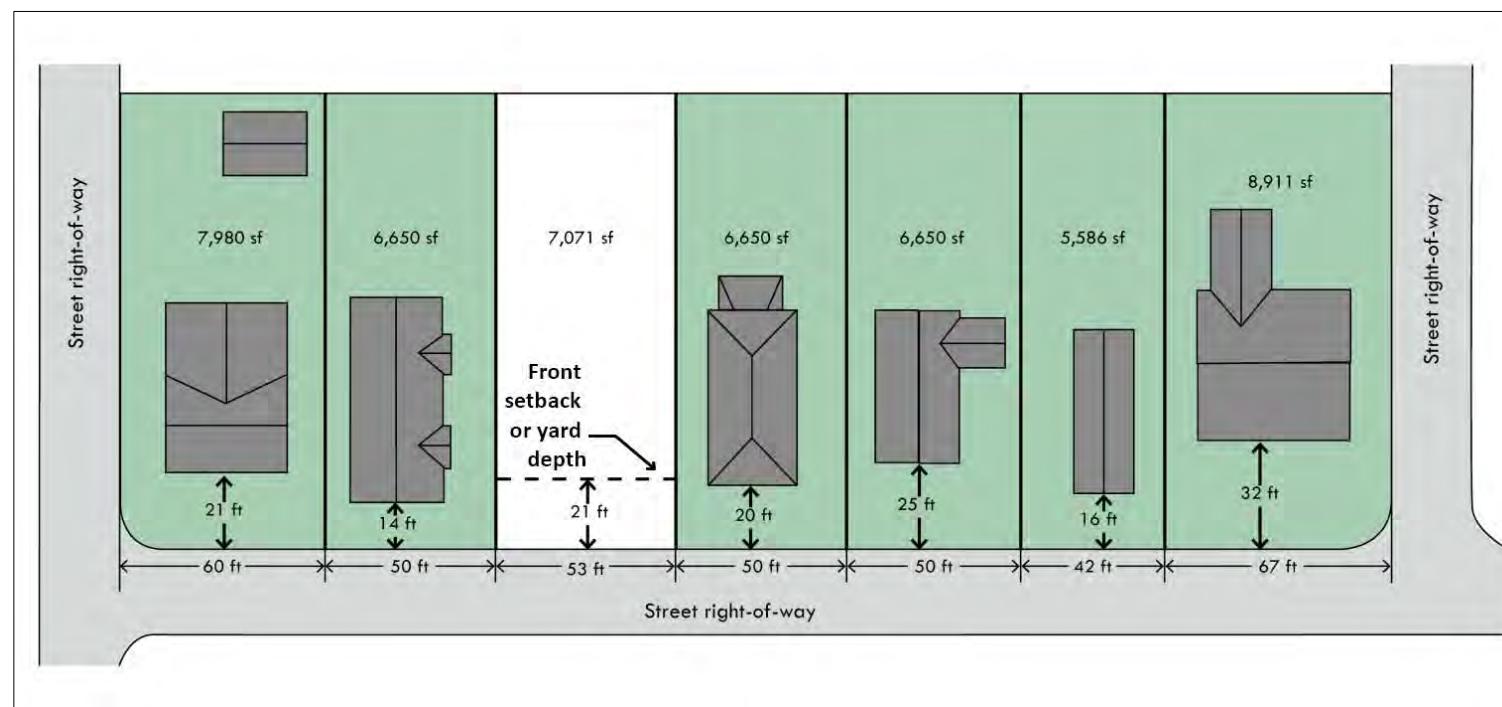
A. Reduction of Minimum Net Lot Area or Width to Block Face Average

If the average net area or width of existing lots located on the same block face and in the same zone is less than the minimum net lot area or minimum lot width (as appropriate) applied to a lot by the standards in Division 27-4: Zones and Zone Regulations, the minimum net lot area or minimum lot width (as appropriate) applicable to a lot on the block face shall be reduced to such average. Calculation of the average shall exclude any net lot area or width (as appropriate) that exceeds

the next largest net lot area or next widest lot width by more than 25 percent. (see Figure 27-2.202.A: Reduction of Minimum Lot Area, Lot Width, and Front Setback to Block Face Average.)

B. Reduction of Minimum Front Setbacks to Block Face Average

If the average front setback on improved lots located on the same block face and in the same zone is less than the minimum front setback applied to a lot by the standards in Division 27-4: Zones and Zone Regulations, the minimum front setback applicable to a lot on the block face shall be reduced to such average. Calculation of the average shall exclude any front setback that exceeds the next deepest setback by more than 15 feet. (see Figure 27-2.202.A: Reduction of Minimum Lot Area, Lot Width, and Front Setback or Yard Depth to Block Face Average).

Figure 27-2.202.A: Reduction of Minimum Lot Area, Lot Width, and Front Setback or Yard Depth to Block Face Average

C. Exceptions to Maximum Structure Height

Except within the MIO Zone, the maximum structure height limits established in Division 27-4: Zones and Zone Regulations, shall not apply to the following structures or structural elements:

1. Monuments, water towers, silos, granaries, barns, utility transmission towers, derricks, cooling towers, fire towers, and other similar structures not intended for human occupancy.

2. Spires, belfries, cupolas, domes, chimneys, elevator shaft enclosures, ventilators, skylights, mechanical equipment and appurtenances, and similar rooftop structures or structural elements not intended for human occupancy, provided they:
 - a. Cover not more than 25 percent of the roof area of the structure to which they are attached;
 - b. Comply with applicable screening requirements for mechanical equipment and appurtenances in Sec. Sec. 27-6.800; and

- c. Extend above the applicable maximum height limit by no more than 25 percent of the height limit (unless otherwise allowed in this Ordinance).
- 3. Ham radio antennas, roof-mounted satellite dishes, and television or radio antennas, provided they comply with height limits established for the specific use in Sec. 27-5.200, Principal Uses, and Sec. 27-5.300, Accessory Uses and Structures.
- 4. Roof-mounted small-scale solar energy collection systems, in accordance with the height standards in Sec. 27-5.304.B.25.
- 5. Small-scale wind energy conversion systems, in accordance with the height standards in Sec. 27-5.304.B.28, Wind Energy Conversion System, Small-Scale.
- 6. Telecommunication facilities, in accordance with the height standards in Sec. 27-5.203.D.1.a.

27-2.203. Allowable Encroachments into Required Yards/Build-to Zones

Every part of every required yard shall remain open and unobstructed from the ground to the sky except as otherwise allowed in Table 27-2.203, Allowable Encroachments into Required Yards, or allowed or limited by provisions elsewhere in this Ordinance. (see Figure 27-2.203: Allowable Encroachments into Required Yards).

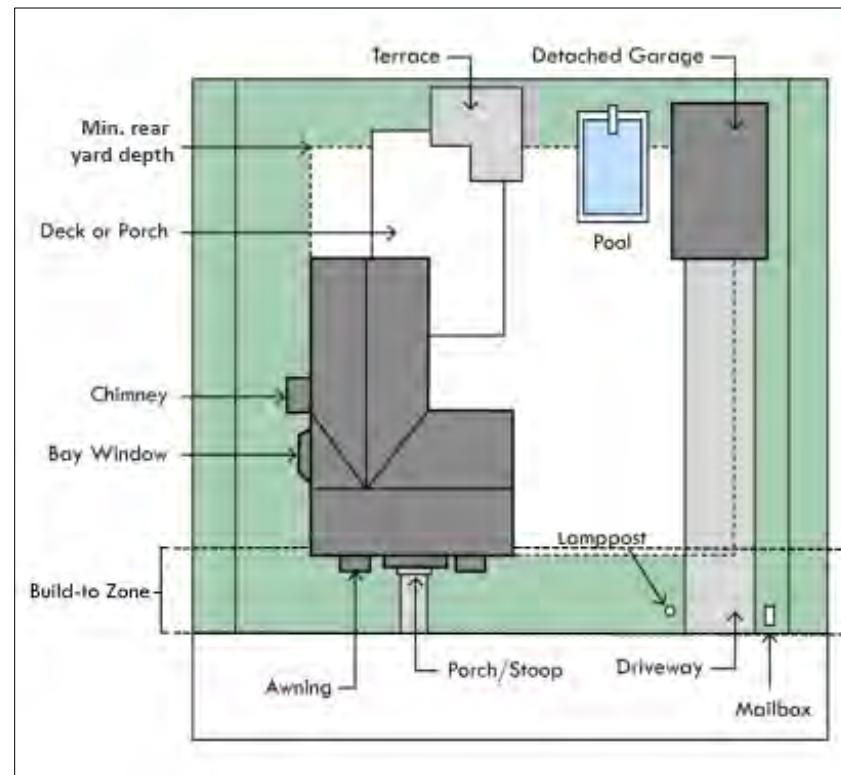
Table 27-2.203: Allowable Encroachments into Required Yards/Build-to Zones

Feature	Extent and Limitations of Encroachment
1. Open balconies and fire escapes	May extend up to five feet into any required minimum yard
2. Decks, porches (screened or unscreened), stoops, or exterior stairways	May extend up to five feet into any required minimum yard; decks and porches on a single-family attached dwelling may extend to a rear lot line that abuts permanent open space or to within 3 feet of a rear lot line that abuts another single-family attached dwelling lot, provided that any stairs leading to the deck or porch are at least 3 feet from the rear lot line
3. Bay windows	May extend up to three feet into any required minimum yard if the window is no more than 10 feet wide
4. Chimneys or fireplaces	
5. Moveable awnings	May extend up to three feet into any required minimum yard
6. Roof eaves and overhangs, or marquees	
7. Window sills or entablatures	May extend up to 18 inches into any required minimum yard
8. Patios or terraces, or walkways	May extend into or be located in any required minimum yard
9. Signs, projecting or free-standing	May extend into or be located in any required minimum yard in accordance with Sec. Sec. 27-6.1400, Signage
10. Driveways and parking areas	May be located in any minimum required yard unless restricted by other provisions in this Ordinance
10. Garages, detached	May extend into or be located in any required minimum side or rear yard, subject to the standards in Sec. 27-6.804.I
11. Flagpoles	May be located in any required yard if less than 20 feet high, set back from side and rear lot lines by at least ten feet, and set back from abutting street rights-of-way by a distance equal to the flagpole height
12. Lighting fixtures, projecting or free-standing (including lampposts)	May be located in any required minimum yard
13. Mailbox, freestanding	May be located in any required minimum yard
14. Fences or walls (including associated gates and arbors)	May be located in any required minimum yard, subject to the limitations in Sec. 27-6.500
15. Accessory structures other than those listed above	May be located in a required minimum side or rear yard, subject to the limitations in Sec. 27-5.300
16. Swimming pool	May be located in any required minimum yard, subject to the limitations in Sec. 27-5.300
17. Vegetation and landscaping	May be located in any required minimum yard

Table 27-2.203: Allowable Encroachments into Required Yards/Build-to Zones

Feature	Extent and Limitations of Encroachment
and minor ornamental yard or garden features such as retaining walls, fountains, ponds, birdbath, sculptures and similar landscaping features	

Figure 27-2.203: Allowable Encroachments into Required Yards/Build-to Zones



Sec. 27-2.300 Use Classifications and Interpretation

27-2.301. Principal Use Classification System

A. Purpose

This Subsection is intended to provide a systematic framework for identifying, describing, categorizing, consolidating, and distinguishing land uses in a way that makes it easier to determine whether a particular use, activity, or combination of activities should be considered a form or example of a use listed as an allowable principal use in the use tables in Sec. 27-5.202, Principal Use Tables, or is subject to other use-specific provisions in this Ordinance. This Subsection is also intended to guide interpretations of how a particular unlisted use should be categorized and to address future additions to the use tables.

B. Structure of Principal Use Classification System

The following three-tiered hierarchy of use classifications, use categories, and use types is provided to organize allowable uses listed in Sec. 27-5.202, Principal Use Tables, and the use-specific standards set out in Sec. 27-5.203, Standards Specific to Principal Uses.

1. Principal Use Classifications

Principal Use Classifications are very broad and general (e.g., Agricultural Uses, Residential Uses, Institutional Uses, Commercial Uses, and Industrial Uses).

2. Principal Use Categories

- a. Principal Use Categories represent major subgroups of the principal use classifications that have common

functional, product, or physical characteristics, such as the type and amount of activity, type of occupants or users/customers, or operational characteristics. For example, the Commercial Use Classification is divided into multiple use categories, including Eating or Drinking Establishment Uses and Visitor Accommodation Uses.

- b. Each use category is described in terms of the common characteristics of included uses (including common or typical accessory uses), examples of common use types included in the category, and, for a number of principal use categories, exceptions—i.e., those uses that might appear to fall within the use category, but are included in another use category.

3. Principal Use Types

Principal Use Types identify specific principal land uses whose characteristics are considered to fall within the various use categories. For example, bars, lounges, brewpubs, and restaurants are use types within the Eating or Drinking Establishment Use Category. Each use type is defined in Sec. 27-2.400, Terms and Uses Defined. While the Residential and Institutional principal use classifications tend to include relatively specific and well-defined principal use types, the Commercial and Industrial use classifications tend to include broader uses types, reflecting the wider range and ever-growing variety of commercial and industrial uses in the County.

C. Rural and Agricultural Principal Uses Classification

1. Agriculture/Forestry Uses

The Agriculture/Forestry Uses category includes use types related to: the production of field crops, fruits, vegetables, ornamental and flowering plants, and the breeding, raising, or keeping of livestock, poultry, swine, bees, fish, shellfish, or other animals for food or other marketable products. The Agriculture/Forestry Uses category also includes forestry or silvicultural activities related to the planting, management, protection, and harvesting of trees for timber or other forest products. Use types include: agriculture and forestry; the keeping of horses or ponies; other agricultural uses; community gardens; and similar uses. This use category does not include the processing of animal or plant products for wholesale or retail sale purposes off the site of where the agricultural product is grown or raised, which is generally considered an industrial manufacturing use type. Accessory uses may include offices, storage areas, barns, irrigation systems, and repair facilities related to the agricultural and forestry activities.

2. Agriculture/Forestry-Related Uses

The Agriculture/Forestry-Related Uses category includes use types that provide support and services to agricultural and forestry uses, or are otherwise closely related to agricultural or forestry production in their form and function. Use types include: equestrian centers; riding stables; farm machinery and implement sales and rental (or repair); farm supply sales; farm markets; farm wineries; farm distribution hubs; agricultural research facilities; rural corporate retreats; sawmills; and similar uses. Accessory uses may include offices, storage areas,

and retail sale of produce and meat on the site where it is raised.

3. Open Space Uses

The Open Space Uses category includes use types focusing on open space areas largely devoted to natural landscaping and outdoor recreation, and tending to have few structures. Use types include: parks (including recreational and natural area parks); greenways; arboretums and botanical gardens; cemeteries; and similar uses. This use category does not include athletic fields, golf courses, golf driving ranges, or other primarily outdoor recreational uses (categorized in the Recreation/Entertainment Uses category). Accessory uses may include caretaker's quarters, clubhouses, statuary, fountains, maintenance facilities, concessions, and parking.

D. Residential Uses Classification

1. Household Living Uses

The Household Living Uses category includes use types that provide for the residential occupancy of a dwelling unit by a single family. Tenancy is generally arranged on a month-to-month or longer basis. Use types include: single-family detached dwellings; two-family dwellings; three-family dwellings; multifamily dwellings; townhouse dwellings, live-work dwellings; artist residential studios; and manufactured home dwellings. This use category does not include residential use types that generally involve some level of managed personal care for a larger number of residents (e.g., assisted living facilities or boarding house), which are categorized in the Group Living Uses category. Accessory uses common to Household Living Uses include recreational activities, raising of domestic

pets, hobbies, swimming pools, and parking of the occupants' vehicles. Some accessory uses (e.g., home occupations) are subject to additional regulations (see Sec. 27-5.300, Accessory Uses and Structures).

2. Group Living Uses

The Group Living Uses category includes use types providing for the residential occupancy of a group of living units by persons who typically do not constitute a single family (but not always) and may receive some level of personal care. Individual living units often consist of a single room or group of rooms without cooking and eating facilities (even though some do have such facilities), but unlike a hotel/motel, are generally occupied on a monthly or longer basis. Use types include: assisted living facilities; group residential facilities; boarding or rooming houses; convents or monasteries; fraternity or sorority houses; and similar uses. Although continuing care retirement communities include household living uses (e.g., dwellings) and health care uses (e.g., nursing homes), they are categorized as a group living use because of their focus on the present or future provision of personal care to senior citizens and their integration of various uses as a single cohesive development. This use category does not include use types where persons generally occupy living units for periods of less than 30 days (e.g., hotel/motels), which are categorized in the Visitor Accommodation Uses category. It also does not include use types where residents or inpatients are routinely provided more than modest health care services (e.g., nursing homes), which are categorized in the Health Care Uses category. Accessory uses common to group living uses include recreational facilities, administrative offices, and food preparation and dining facilities.

E. Public, Civic, and Institutional Uses Classification

1. Communication Uses

The Communication Uses category includes uses and facilities providing regional or community-wide communications services, such as wireless communications, radio and television broadcasting, and newspaper or magazine publishing. Services may be publicly or privately provided and may include on-site personnel. Use types include: wireless telecommunication towers and antennas; broadcasting studios; newspaper or magazine publishing facilities; and similar uses. Accessory uses may include offices, monitoring, storage areas, or data transmission equipment.

2. Community Service Uses

The Community Service Uses category includes use types of a public, nonprofit, or charitable nature providing a local service (e.g., child care, cultural, recreational, counseling, training, religious) directly to people of the community. Generally, such uses provide ongoing continued service on-site or have employees at the site on a regular basis. The category does not include uses with a residential component. Use types include: adult day care facilities; child care centers; clubs or lodges of community-oriented associations; community centers/facilities; noncommercial or public cultural facilities (e.g., libraries or museums); eleemosynary or philanthropic institutions; emergency services facilities; places of worship; government administrative services facilities; government maintenance, storage, or distribution facilities; or similar uses. This use category does not include private or commercial health clubs or recreational facilities (categorized in the Recreation/Entertainment Uses

category), counseling in an office setting (categorized in the Office Use category), or passenger terminals for public transportation services (categorized in the Transportation Use category). Accessory uses may include offices, meeting areas, food preparation and dining areas, health and therapy areas, and indoor and outdoor recreational facilities.

3. Educational Uses

The Education Uses category includes use types such as public schools and private schools (including charter schools) at the elementary, middle, or high school level that provide State-mandated basic education or a comparable equivalent. This use category also includes colleges, universities, and other institutions of higher learning such as vocational or trade schools that offer courses of general or specialized study leading to a degree or certification, and water-dependent research facilities (operated by government or an educational institution). Accessory uses at schools may include offices, play areas, recreational and sport facilities, cafeterias, auditoriums, and before- or after-school day care. Accessory uses at colleges or universities may include offices, dormitories, food service, laboratories, health care facilities, recreational and sports facilities, theaters, meeting areas, maintenance facilities, and supporting commercial uses (e.g., eating or drinking establishments, bookstores).

4. Health Care Uses

The Health Care Uses category includes use types providing a variety of health care services, including surgical or other intensive care and treatment, various types of medical treatment, nursing care, preventative care, diagnostic and laboratory services, and physical

therapy. Care may be provided on an inpatient, overnight, or outpatient basis. Use types include: hospitals; nursing home facilities; medical/dental offices and labs; methadone treatment centers; and similar uses. This use category does not include assisted living facilities, which focus on providing personal care rather than medical care to residents, and are categorized in the Group Living Uses category. Accessory uses may include food preparation and dining facilities, recreation areas, offices, meeting rooms, teaching facilities, hospices, maintenance facilities, staff residences, and limited accommodations for patients' families.

5. Transportation Uses

The Transportation Uses category includes use types providing for the landing and takeoff of airplanes and helicopters, including loading and unloading areas, associated aircraft sales, repair, fuel sales, and flight instruction uses. It also includes passenger terminals for surface or water-based transportation. Use types include: airports or heliports; private airstrips; passenger stations/terminals for ground transportation services (e.g., buses, light rail, trains); park and ride facilities; parking facilities (as a principal use); transit stations or terminals; and similar uses. This use category does not include transit-related infrastructure such as bus stops and bus shelters (deemed minor utilities under the Utility Uses category). Accessory uses may include freight handling areas, concessions, offices, maintenance, limited storage, and fueling facilities.

6. Utility Uses

The Utility Uses category includes both major utilities, which are infrastructure services that provide regional or

community-wide service, and minor utilities, which are infrastructure services that need to be located in or near where the service is provided. Large-scale solar energy collection systems and large-scale wind energy conversion systems that constitute a principal use of a lot are included as a special type of major utility use. Services may be publicly or privately provided and may include on-site personnel. Accessory uses may include offices, monitoring, or storage areas.

F. Commercial Uses Classification

1. Adult Uses

The Adult Uses category includes use types that sell, distribute, or present material or feature performances or other activities emphasizing the depiction or display of specified sexual activities. Use types include adult book or video stores (distinguished by being largely devoted to selling, renting or presenting media emphasizing sexually explicit content) and adult entertainment.

2. Animal Care Uses

The Animal Care Uses category is characterized by use types related to the provision of medical services, general care, and boarding services for household pets and domestic animals. Use types include: animal shelters; kennels (that provide boarding); pet grooming establishments; veterinary hospitals or clinics; and similar uses.

3. Business Support Service Uses

The Business Support Service Uses category includes use types primarily providing routine business support functions for the day-to-day operations of other businesses and households. Use types include: business

service centers; conference or training centers; data processing facilities; day labor services; employment agencies; travel agencies; parcel services; telephone call centers; and similar uses.

4. Eating or Drinking Establishment Uses

The Eating or Drinking Establishment Uses category consists of establishments primarily engaged in the preparation and serving of food or beverages for on or off premises consumption. Use types include: brewpubs or microbreweries; restaurants; fast food restaurants, , and establishments primarily engaged in selling food or beverages for on-site consumption that also provide live entertainment on a limited basis, and similar uses. Accessory uses may include areas for outdoor seating, drive-through service facilities, facilities for live entertainment, and valet parking services.

5. Funeral and Mortuary Uses

The Funeral and Mortuary Services Uses category consists of establishments that provide services related to the death of a human being. Use types include: funeral homes; mortuaries; crematories; and similar uses.

6. Office Uses

The Office Uses category includes office buildings housing activities conducted in an office setting, usually with limited contact with the general public, and generally focusing on the provision of business services, professional services (e.g., lawyers, accountants, engineers, architects), or financial services (e.g., lenders, brokerage houses, tax preparers). Use types include: general business and professional offices; office parks; contractor's offices; and similar uses. This use category

does not include offices that are a component of or accessory to a principal use in another use category, such as administrative government services (categorized in the Community Service Uses category), medical/dental offices (categorized in the Health Care Uses category), or banks or other financial institutions (categorized in the Retail Sales and Service Uses category). Accessory uses may include cafeterias, recreational or fitness facilities, incidental commercial uses, or other amenities primarily for the use of employees in the business or office park.

7. Personal Service Uses

The Personal Services Uses category consists of establishments primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Use types include: art, photography, music, dance, or martial arts studios or schools; personal grooming or well-being services; personal laundry or dry cleaning services; personal or household goods repair establishments; personal travel or information services; and similar uses.

8. Recreation/Entertainment Uses

The Recreational/Entertainment Uses category includes use types providing indoor or outdoor facilities for recreation or entertainment-oriented activities by patrons or members. Use types include: amusement parks; arenas, stadiums, or amphitheaters; cinemas; country clubs; golf courses; golf driving ranges; nightclubs; performance arts centers; racetracks; recreation facilities, indoor (amusement arcades, amusement centers, aquatic centers or natatoriums, archery or baseball batting ranges, health clubs, miniature golf courses, recreation courts, skating facilities, swimming pools, and similar uses); recreation

facilities, outdoor (archery or baseball batting ranges, athletic fields, miniature golf courses, swimming pools, and similar uses); shooting ranges; and waterfront entertainment complexes. It does not include recreational facilities that are accessory to parks (categorized in the Open Space Uses category), or that are reserved for use by a particular residential development's residents and their guests (e.g., accessory community swimming pools and other recreation facilities). Accessory uses may include offices, concessions, snack bars, and maintenance facilities.

9. Retail Sales and Service Uses

The Retail Sales and Service Uses category includes use types involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer. Use types include: banks or financial institutions; check cashing businesses; consumer goods establishments; grocery stores and food markets; farmers' markets; lawn care or pest control services; manufactured or mobile home sales; pawnshops; swimming pool sales and service establishment; and tattoo or body piercing establishments. This use category does not include sales or service establishments related to vehicles (categorized in the Vehicle Services and Sales Uses category), establishments primarily selling supplies to contractors or retailers (categorized in the Wholesale Uses category), the provision of financial, professional, or business services in an office setting (categorized in the Office Uses category), uses providing recreational or entertainment opportunities (categorized in the Recreation/Entertainment Uses category), uses that provide personal services (categorized in the Personal

Services Uses category), or uses involving the sales, distribution, or presentation of materials or activities featuring specific sexual activities or nudity (categorized in the Adult Uses category). Accessory uses may include offices, storage of goods, assembly or repackaging of goods for on-site sale, concessions, ATM machines, and outdoor display of merchandise.

10. Vehicle Sales and Service Uses

The Vehicle Sales and Service Uses category includes use types involving the direct sales and servicing of motor vehicles (including automobiles, trucks, motorcycles, and recreational vehicles, as well as trailers—whether for personal transport, commerce, or recreation. Use types include: commercial vehicle repair and maintenance; commercial vehicle sales and rentals; commercial fuel depots; gas stations; personal vehicle repair and maintenance; personal vehicle sales and rentals; taxi or limousine service facilities; vehicle equipment and supplies sales and rentals; vehicle paint and finishing shops; and vehicle and trailer storage yard and similar uses. Accessory uses may include offices, sales of parts, maintenance facilities, outdoor display of merchandise, and vehicle storage.

11. Visitor Accommodation Uses

The Visitor Accommodation Uses category includes use types providing lodging units or rooms for short-term stays of typically less than 30 days for rent, lease, or interval occupancy. Use types include: campgrounds; country inns; hotels or motels; and similar uses. This use category does not include boarding or rooming houses, which are generally occupied for tenancies of a month or longer, and thus categorized in the Group Living Uses

category. Accessory uses may include pools and other recreational facilities, restaurants, bars, limited storage, laundry facilities, gift shops, supporting commercial activities, meeting facilities, and offices.

12. Water-Related Uses

The Water-Related Uses category includes use types involving the direct sales and servicing of boats and other consumer watercraft, whether for recreation, commerce, or personal transport. This use category also includes the following use types: boat sales, rental, service, or repair; boat storage yards; marinas; waterfront boat fuel sales; and similar uses. Accessory uses may include offices, sales of parts, maintenance facilities, and outdoor display of merchandise.

G. Industrial Uses Classification

1. Extraction Uses

The Extraction Uses category is characterized by activities related to the extraction of naturally occurring materials. Use types include sand and gravel wet processing and surface mining. This use category does not include facilities for the drop-off or collection, and temporary holding, of household or business recyclables (categorized as minor utility facilities in the Utility Uses category). Accessory uses may include offices, storage areas, and vehicle washing facilities.

2. Industrial Services Uses

The Industrial Service Uses category includes use types involving the repair or servicing of industrial, business, or consumer machinery equipment, products, or by-products. Firms that service consumer goods do so by mainly providing a centralized source of services for

separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers come to the site. The category also includes use types involving the storage or movement of goods. Use types include: dry cleaning, laundry, or carpet cleaning plants; fuel oil or bottled gas distribution establishments; general industrial services; heavy equipment sales, rental, servicing, or storage; landscaping contractor's businesses; machine shops; metal-working, welding, plumbing, or gas, steam, or water pipe fitting; photographic processing plants; printing or similar reproduction facilities; research and development facilities; small engine repair shops; septic tank services; slaughterhouses; contractor's yards; tank farms; and similar uses. The category also includes industrial parks. Accessory activities may include limited retail or wholesale sales, offices, parking, and storage.

3. Manufacturing Uses

The Manufacturing Uses category includes use types involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, made for transfer to other plants, or made to order for firms or consumers. This use category includes light and heavy manufacturing use types, based on the general extent of off-site impacts and extent of outdoor storage. Goods are generally not displayed or sold on-site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the site. Use types include: breweries, wineries, or distilleries; concrete batching or asphalt mixing plants; concrete or brick products manufacturing; fisheries activities; food processing or beverage bottling; manufacturing, assembly,

or fabrication, heavy; manufacturing, assembly, or fabrication, light; and woodworking. Accessory uses may include limited retail sales and wholesale sales, offices, eating or drinking establishments, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, and security and caretaker's quarters.

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: 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 Waste-Related Use category). Accessory uses include offices, truck fleet parking, outdoor storage, and maintenance areas.

5. Waste-Related Uses

The Waste-Related Uses category includes use types receiving solid or liquid wastes from others for on-site disposal, storage, processing, or transfer to another

location for processing or disposal, or uses that manufacture or produce goods or energy from the composting of organic material or reuse, recycling, or processing of scrap or waste material. This use category also includes use types that receive hazardous wastes from others. Use types include: composting facilities; recycling plants; Class 3 fills; landfills, sanitary; landfills, rubble; recycling collection centers; and similar uses. This use category does not include wastewater treatment plants and potable water treatment plants (categorized as a major utility facility in the Utility Uses category) or facilities for the drop-off or collection, and temporary holding, of household or business recyclables (categorized as minor utilities in the Utility Uses category). Accessory uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products.

6. Wholesale Uses

The Wholesale Uses category includes use types involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer. Use types include: wholesale plant nurseries and showrooms; wholesale sale or rental of machinery equipment, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail-order houses; wholesalers of food, clothing, plants and landscaping materials, auto parts, and building hardware; and similar uses. This use category does not include uses

primarily involving sales to the general public or on a membership basis (uses in the Retail Sales and Service Uses category), or uses primarily involving storage of goods with little on-site business activity (uses categorized in the Warehouse and Freight Movement Uses category). Accessory uses may include offices, product repair, warehouses, minor fabrication services, outdoor storage, greenhouses (for plant nurseries), and repackaging of goods.

27-2.302. Interpretation of Unlisted Uses and Zone Boundaries

A. Procedure for Interpreting Unlisted Uses and Zone Boundaries

The Planning Director may interpret the following in accordance with the procedures in Sec. 27-3.515, Interpretation (Text, Uses, and Zone Map):

1. Whether a principal use or accessory use or structure that is not expressly listed as allowed in Tables 27-5.202.C, 27-5.202.D, 27-5.202.E, 27-5.202.F, 27-5.302.B, 27-5.302.C, 27-5.302.D, 27-5.302.E, should be interpreted as allowed based on the standards in Sec. 27-2.302.B or 27-2.302.C below, as appropriate; and
2. The boundaries of any zone shown on the Official Zoning Map in accordance with Sec. 27-2.302.F, Rules of Interpretation of Zone Boundaries.

B. Criteria for Allowing Principal Uses not Expressly Listed

The Planning Director shall make an interpretation that a principal use that is not expressly listed in this Division's use classifications and definitions as a permitted use or special exception use is allowed as either a permitted or special

exception use upon finding: the nature, function, and duration of the use and the impact of allowing it in the zone is very similar to that of an allowed permitted or special exception use, and the use will be subject to the same use-specific standards or other standards as the respective permitted or special exception use.

The Planning Director shall not make such an interpretation if the use that is not expressly listed is novel and is different from any permitted or special exception use.

In making such interpretation, the Planning Director shall consider the relevant characteristics of the use that is not expressly listed with those of listed and defined use types and/or of the use categories described in this Division, the purpose and intent statements in this Ordinance concerning the zone (see Division 27-4: Zones and Zone Regulations), and the character of use types allowable in the zone. The relevant characteristics of the unlisted use that should be considered in making such an interpretation include, but are not limited to, the following:

1. Actual or projected characteristics of each activity likely to occur as part of the unlisted use;
2. The type, size, orientation, and nature of buildings, and structures devoted to each activity;
3. The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;
4. Vehicles used and their parking requirements, including the ratio of the number of spaces required per unit area or activity;
5. Transportation demands, including the volume and frequency of trips generated to and from the site, the split

of traffic volume among various means of transportation, and other characteristics of trips and traffic;

6. Relative amounts of sales from each activity;
7. The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building, and the predominant types of items stored;
8. Customer type for each activity;
9. How the use is advertised, including signage;
10. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;
11. Any special public utility requirements for serving the use, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
12. The impact on adjacent lands created by the use, which should not be greater than that of other use types allowed in the zone.

C. Criteria for Allowing Accessory Uses and Structures Not Expressly Listed

The Planning Director may only interpret a use or structure that is not expressly listed as an allowable accessory use or structure to a principal use allowed in a particular zone after finding that:

1. The use or structure is accessory to the principal use, in accordance with the definitions of "accessory use" and "accessory structure" in Sec. 27-2.300, Use Classifications

- and Interpretation, and the example accessory uses listed in Sec. 27-2.300's definition of the principal use or in the description of the relevant use category in Sec. 27-2.300, Use Classifications and Interpretation;
2. The nature, function, and potential impacts of the use or structure are so similar to those of uses or structures that are accessory to the principal use, or of accessory uses allowable in the zone, that the use or structure not expressly listed should be deemed allowable in the same manner as the similar accessory uses or structures;
 3. The use or structure is compatible with the character of the principal and accessory uses allowable in the zone; and
 4. Allowing the use or structure as an accessory use or structure is consistent with the purpose and intent statements in this Ordinance concerning the zone (see Division 27-4: Zones and Zone Regulations).

D. Effect of Allowing Uses Not Expressly Listed as Permitted Use or Special Exception Use

On interpreting a use or structure not expressly listed as allowed in a zone, and finding that the use or structure is likely to be common or would lead to confusion if it remains not expressly listed, the Planning Director may initiate an application for a text amendment to this Ordinance in accordance with Sec. 27-3.502, Text Amendment, to expressly list the use or structure, and define the use, in this Division and, as appropriate, list the use in Division 27-5 as a permitted or special exception principal use or accessory use/structure. Until final action is taken on the text amendment application, the interpretation of the Planning Director shall be binding and shall be maintained in the record of interpretations required by Sec. 27-2.312.

E. Interpretations of Uses Not Expressly Listed Made Available to Public

Within a reasonable period of time after the Planning Director interprets a use or structure that is not expressly listed in accordance with this Section, the interpretation shall be made available to the public in the office of the Planning Director during normal business hours, and placed on the Planning Department's web site.

F. Rules of Interpretation of Zone Boundaries

In determining the boundaries of any zone shown on the Official Zoning Map, the Planning Director shall use the following general rules of interpretation:

1. Zone boundary lines follow the center lines of a street, railroad, alley rights-of-way, or lot lines (or lines parallel or perpendicular to the lot lines), unless the boundary lines are fixed by dimensions on the Official 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 are 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 two rights-of-way is the zone boundary. If a railroad right-of-way is abutted on both sides by a street, the center line of the railroad right-of-way is the zone boundary. Each right-of-way is considered to be in the zone of the land immediately abutting that right-of-way.
4. Where zone boundaries approximately follow lot lines and are no more than 10 feet from these lines, the lot lines shall be the boundaries.

5. Zone boundaries indicated as following centerlines of rivers, streams, bays, lakes, or other water courses shall be construed to follow those centerlines.
6. Where land is not subdivided, or where a zone boundary divides a lot, the location of the boundary, unless it is indicated by dimensions shown on the Official Zoning Map, shall be scaled to the nearest foot.
7. If any portion of a public street, alley, right-of-way, or easement is transferred or conveyed so it is in private ownership, or is no longer used for a public purpose, the center line of the street, alley, right-of-way, or easement is the zone boundary line if the zones are not the same on both sides of the street, alley, right-of-way, or easement.
8. If land is specifically withheld from rezoning 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 is considered the zone boundary, and the area withheld is considered part of the rezoning. This shall not affect the application of the permit control procedures of Sec. 27-3.520, Authorization of Permit Within Proposed Right-of-Way (ROW).
9. If the specific location of a boundary cannot be determined from notation on the Official Zone, or in accordance with subsections 1-8, above, the boundary shall be determined by using the map's scale to determine the boundary's distance from other features shown on the map.
10. The boundaries of the Military Installation Overlay (MIO) Zone shall be fixed by dimensions on the Official Zoning Map and shall reflect the boundaries of the safety zones, noise contours, height surfaces, and other impact areas identified by the most recent Air Installation Compatible Use Zone ("AICUZ") Study, as amended from time to time, for Joint Base Andrews.
11. Where the actual locations of existing physical or natural features vary from those shown on the Official Zoning Map, or other circumstances not covered by this Subsection, the Planning Director shall have authority to interpret the zone boundaries in accordance with Sec. 27-3.515, Interpretation (Text, Uses, and Zone Map).

Sec. 27-2.400 Terms and Uses Defined

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

Abutting or adjoining

Touching and sharing a common point or line. This can include a parcel of land across a street four lanes or less, streams, rivers, and rail lines, if the zone boundary extends to the middle of the right-of-way of a street.

Accessible

Approachable, enterable, and usable by persons with disabilities.

Accessory structure

A structure subordinate and incidental to, and located on the same lot with, a principal structure and use, the use of which is customarily found in association with and is clearly incidental to the use of the principal structure or the land, and which is not attached by any part of a common wall or roof to the principal structure. (When a specific structure is identified in this Ordinance as accessory to another use or structure, the structure need not be customarily incidental to, or ordinarily found in association with, the principal use to qualify as an accessory structure).

Accessory use

A use of a structure or land that:

- (A) Is subordinate and customarily incidental to, and ordinarily found in association with, a principal use, which it serves; or is specifically identified in this Ordinance as accessory to another use;

- (B) Is subordinate to the principal use it serves in purpose, area, floor area, intensity, and extent;
- (C) Is located on the same lot with the principal use it serves; and
- (C) Does not change the character of the principal use it serves.

Off-premise signage shall not be considered an accessory use.

Adjacent

A parcel of land that shares all or part of a common lot line or boundary with another parcel of land.

Accident Potential Zone ("APZ")

APZ 1 begins at the outer end of the Clear Zone of the Military Installation Overlay (MIO) Zone and is 5,000 feet long and 3,000 feet wide. APZ 2 begins at the outer end of APZ 1 and is 7,000 feet long and 3,000 feet wide. The Accident Potential Zones for Joint Base Andrews are illustrated in Figure 27-4.402.C.4.c: Accident Potential/Clear Zones North and South.

Adult book or video store

Any commercial establishment that does not have a use and occupancy permit to operate as a movie theatre or nonprofit free-lending library, that either:

- (A) Has ten percent or more of its stock on the retail floor space of the premises to which the public is admitted, or has ten percent or more of its stock on display in the display space, in books, periodicals, photographs, drawings, sculpture, motion pictures, films, video cassettes, compact discs, digital video discs, digital video recorders or other visual representations which depict sadomasochistic abuse, sexual conduct, or sexual excitement as defined in Sec. 27-2.400; or

- (B) Has on the premises one or more mechanical devices for viewing such materials.

Adult day care facility

An establishment in which a program is operated that is designed to provide care and activities (during the daytime) for five or more adults (unrelated to the operator by blood, adoption, or marriage) who are members of a service population that, because of advanced age, or emotional, mental, physical, familial, or social conditions, need assistance in daytime activities. The term shall not include a nursing or care home, congregate living facility, school, private, eleemosynary or philanthropic institution, or group residential facility, or any sheltered workshop licensed as such by the United States Department of Labor.

Adult entertainment

Any exhibition, performance or dance of any type conducted in a premise where such exhibition, performance, or dance involves a person who:

- (A) Is unclothed or in such attire, costume or clothing as to expose to view any portion of the breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals with the intent to sexually arouse or excite another person; or
- (B) Touches, caresses or fondles the breasts, buttocks, anus, genitals or pubic region of another person, or permits the touching, caressing or fondling of his/her own breasts, buttocks, anus, genitals or pubic region by another person, with the intent to sexually arouse or excite another person.

Agriculture

The business, science and art of cultivating and managing the soil, composting (to include the composting of regionally generated sewer sludge pursuant to a permit issued by the State), growing,

harvesting, and selling crops, livestock and the products of forestry, horticulture, floriculture, viticulture, hydroponics, animal husbandry (i.e., breeding, raising, or managing livestock, including horses, poultry, fish, game, and fur-bearing animals), dairying, beekeeping and similar activities. Agriculture includes processing on the site of the farm where the agricultural product is grown or raised in the course of preparing the product for market, which may cause a change in the natural form or state of the product. The term "Agriculture" shall not include the commercial feeding of garbage or offal to animals, the slaughtering of livestock for marketing (except otherwise permitted by law) or the disposal of sludge except for fertilization of crops, horticultural products, or floricultural products in connection with an active agricultural operation or home gardening.

Agriculture research facility

A facility for the investigation, testing, and demonstration of agricultural products and processes, including biotechnical agriculture, veterinary, soil, plant and animal sciences.

Agritourism

A commercial enterprise that is intended to attract visitors and provide supplemental income for the owner of a working farm, and that is:

- (A) Offered to the public or invited groups;
- (B) Related to agriculture or natural resources; and
- (C) Incidental to the primary operation on the site.

Agritourism uses include, but are not limited to: equine activities, fishing, hunting, wildlife study, corn mazes, harvest festivals, barn dances, hayrides, roadside stands, farmer's markets, u-pick or pick-your-own operations, rent-a-tree operations, farm tours, wine tasting, educational classes related to agricultural products or skills, and accessory recreational activities provided for guests.

Agritourism includes the following in accordance with Sec. 27-5.304.B.1, Agritourism: picnics, equine facilities, party facilities, corporate retreats and weddings, and farm or ranch stays.

Air Installation Compatible Use Zone Study ("AICUZ")

A study performed and updated periodically by Air Force installations to assist local, regional, State, and Federal officials in the communities neighboring military air facilities, such as Joint Base Andrews, by promoting compatible development within areas subject to aircraft noise and accident potential; and protecting Air Force operational capability from the effects of land use that are incompatible with aircraft operations. The geography and extent of the Accident Potential Zones, the Clear Zones, the height surfaces and the noise contours are defined in this study.

Airport

A place where aircraft may take off or land, discharge or receive cargo or passengers, be repaired or serviced, take on fuel, or be stored, including "accessory uses" which are commonly associated with these facilities. These terms refer to any public use, general aviation airport licensed by the Maryland Aviation Administration, but not to airports with military or air carrier traffic.

Airport, medium

An airport having one or more of the following:

- (A) Runway length over 2,650 feet, up to 4,000 feet;
- (B) One or more flight training schools; or
- (C) Aircraft based there weighing up to 12,500 pounds.

Airport, small

An airport having all of the following:

- (A) Ownership by a County or State public agency;
- (B) Runway length under 2,650 feet;

- (C) No flight training schools; and
- (D) No aircraft based there weighing more than 8,500 pounds.

Airstrip, private

A place where aircraft may only take off or land, and discharge or receive cargo or passengers.

Aisle

The traveled way by which motor vehicles enter and depart parking and loading spaces.

Alley

A vehicular accessway that provides secondary access to the rear of a dwelling unit, of which the primary access to the front façade of the dwelling unit is from a public or private street.

Amateur ham radio antenna

An antenna, or any combination of a mast plus an attached or mounted antenna, that transmits noncommercial communications signals and is used by an amateur radio operator licensed by the Federal Communications Commission.

Amusement arcade

An indoor commercial establishment which provides, as the principal "use," amusement devices or games of skill or chance, such as pinball and video games. This term shall not include establishments where amusement devices and games are "accessory uses" which either do not involve more than fifteen percent of the gross floor area of the establishment or involve not more than two devices or games, whichever results in the greater number of games.

Amusement center

A commercially operated indoor facility providing a variety of amusement devices primarily including, but not limited to, play

equipment, television games, electromechanical games, small kiddie rides, and other similar devices, and which may include food service.

Amusement park

An outdoor facility designed for entertainment purposes which may include structures or buildings, motorized or non-motorized rides, games, booths for the conduct of sporting events or games, and constructed land features such as lakes, hills, or trails. Office, retail and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory uses.

Animal shelter

A facility used to house and care for stray, homeless, abandoned, or neglected animals that is owned, operated, or maintained by a public body or an established humane society or other private or nonprofit organization.

Appeal to Board of Zoning and Administrative Appeals

See Sec. 27-3.519, Appeal to Board of Zoning and Administrative Appeals (BZA).

Application or development application

The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by this Ordinance, the Applications Manual, and the Planning Director as part of the review on an application for a permit or development approval.

Applications Manual

A manual, prepared by the Planning Director, containing all requirements for application contents and forms, submission schedules, application fee information, and any other information the Planning Director determines is relevant to the submittal, review, and decision of development applications under this Ordinance.

Approach-Departure Clearance Surface

Within the Military Installation Overlay (MIO) Zone, the imaginary surfaces which are symmetrically centered on the extended runway centerline, beginning as an inclined plane (glide angle) 200 feet beyond each end of the primary surface, and extending for 50,000 feet. The slope of the approach departure clearance surface is 50:1 until it reaches an elevation of 500 feet above the established airfield elevation, illustrated on Figure 27-4.402.C.5.b: Height, as "B". It then continues horizontally at this elevation to a point 50,000 feet from the starting point, illustrated on Figure 27-4.402.C.5.b: Height, as "C." The width of this surface at the runway end is 2,000 feet, flaring uniformly to a width of 16,000 feet at the end point. The area identified in the 2007 Air Installation Compatible Use Zone Study and the 2009 Joint Land Use Study as "Imaginary Surface C" is not subject to the provisions of this Part.

Aquatic center or natatorium

A complex with facilities for water sports, including swimming pools.

Arboretum or botanical garden

A place where trees, shrubs, or other woody plants are grown, exhibited, or labeled for scientific, educational, or passive recreational purposes—but not including the harvest of plants or their produce.

Arcade

A series of arches supported by piers or columns.

Arch

A curved, semicircular opening in a wall.

Archery or baseball batting range, indoor

An enclosed or otherwise defined indoor area used for archers to practice the skill of archery or baseball, softball, or cricket players to practice the skill of batting.

Archery or baseball batting range

An outdoor area used for archers to practice the skill of archery or baseball or softball players to practice the skill of batting.

Architectural lighting

Exterior lighting that is designed to highlight structures, plantings, or significant architectural features directly or indirectly.

Area master plan

A planning document that guides the way an area in the County should be developed. An area master plan includes the entirety of one or more planning areas. It combines policy statements, goals, 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 Sec. 27-3.501, Comprehensive Plans and Amendments.) 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.

Arena, stadium, or amphitheater

A building or structure designed or intended for use for spectator sports, entertainment events, expositions, and other public gatherings. Such uses may or may not include lighting facilities for illuminating the field or stage area, concessions, parking facilities, and maintenance areas.

Art gallery

An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art.

Art, photography, music, dance, yoga, pilates, or martial arts studio or school

An establishment with space used for the production of—or instruction in—art, photography, music, dance, yoga, pilates, or the martial arts.

Artists' residential studios

A mixed-use community for artists comprised of one or more adjoining structures with working and living space restricted to artists, and with eight or more artist units. Artist units may be on any floor with nonresidential uses on the first floor. All structures and common areas are owned or controlled by a nonprofit corporation or association that restricts artist unit use and occupancy to artists and their families, and is responsible for maintenance of the structures and their continued use as artists' residential studios.

Assisted living facility

A facility that provides living and sleeping facilities and care to four or more 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 home facility" or "group residential facility."

Athletic field

A facility for the staging of amateur and/or professional sporting events, consisting of an open-air field and appropriate support facilities.

Automated teller machine (ATM)

A mechanized device operated by or on behalf of a bank or financial institution that allows customers to conduct automated banking or financial transactions. Where an ATM is provided at the site of a bank or financial institution for use by customers in motor vehicles, the ATM is considered a drive-through service accessory use. At other locations, an ATM may be considered a separate accessory use to the principal use(s) of the location.

Automatic change in display

For the purposes of Sec. 27-6.1400, Signage, a pre-programmed alteration in the appearance of a digital display.

Awning

A framed architectural feature that is attached to and supported from the wall of a building, and that is covered with canvas fabric, or other material as its primary surface, and that shields a doorway or window from sun or precipitation. An awning shall be considered a canopy.

Bait shop

An establishment primarily engaged in the retail sales of equipment and supplies used for fishing, including bait, fishing rods, hooks, lines, sinkers, floats, nets, etc.

Bank or other financial institution

An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. This use type does not include check cashing services or bail bond

brokers. Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service .

Bay window

A window or series of windows projecting outward from the main wall of a building and forming a bay or alcove in the inside of a room.

Beauty salon or barber shop

A facility that provides hair styling, hair coloring, nail care, facials, and other similar salon services. A beauty salon may also include a "day spa" that offers massage treatment or other services related to hygiene or body care, or similar services, but does not include a massage therapy establishment.

Bed and breakfast (as accessory to a single-family detached dwelling)

An owner-occupied single-family detached residential dwelling in which rooms are rented to paying guests on an overnight basis or no longer than two weeks in any one visit. A country inn, hotel, motel, fraternity or sorority house, or boarding or rooming house shall not be considered a bed and breakfast.

Beekeeping

The raising or producing of bees, beeswax, honey, and by-products.

Berm

An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses.

Beverage bottling

A facility for the placing of soft drinks, juice, water, milk, alcoholic beverages, or other liquids into bottles or cans for shipment (beverage bottling).

Bicycle sales or rental

An establishment engaged in the sales and/or rental of bicycles and which may offer bicycle servicing and repair.

Bike parking rack

A stationary fixture to which a bicycle can be supported upright, provide two points of contact, and be securely attached (typically using a bicycle lock) to prevent theft.

Bike share station

The component of a bike share system that consists of a bike parking rack where bicycles that are available for use as part of the bike share system are parked and available for use by users. Bike share stations are the most visible components of a bike share system. Bike share stations should be: conveniently located in areas of relatively high volumes of pedestrian traffic and in places that are easy for bicyclists to find. The bike share station should be designed and built consistent with the guidelines outlined in *Bike Share: Station Siting Guide*, by the National Association of City Transportation Officials (NACTO).

Bike share system

A public or quasi-public bicycle system, or bike-share scheme, that is a service to people who decide to participate (typically for a fee) in which bicycles are made available for shared use to individuals on a very short term basis at a bike share station. For many bike share systems, smartphone mapping applications show nearby stations with available bikes and open bike docks.

Block

The land lying within an area bounded on all sides by streets.

Block face

A specified side of a block.

Block length

The distance or length of a block.

Board of Zoning and Administrative Appeals

The Board of Zoning and Administrative Appeals (BZA) for Prince George's County established by the District Council in accordance with State law. See Sec. 27-3.304, Board of Zoning and Administrative Appeals (BZA). (Abbreviated as "BZA.")

Boarding or rooming house

A building or portion of which is used by its occupants to provide (for compensation) lodging (and meals) to four or more, but not exceeding nine, guests. A boardinghouse shall not be considered a bed-and-breakfast inn.

Boat sales, rental, service, or repair

A business primarily engaged in the display, sale, rental, repair, or maintenance of new or used boats, marine engines, or marine equipment.

Boat storage yard

A facility designated for the on-land storage of boats, other watercraft, and marine equipment in open or enclosed roof structures or on trailers, cradles, or boat stands.

Boathouse

A structure designed and used solely for the storage of boats or boating equipment and that is not used for human habitation.

Brewery, winery, or distillery

A brewery, winery, or distillery use is an establishment primarily engaged in brewing ale, beer, meads, malt liquors, and nonalcoholic beer (brewery), or in manufacturing or blending wines (winery), or in distilling and blending potable liquors, including mixing them with other ingredients (distillery). Accessory uses may include retail sales

of beverages produced on-site for take-away or on-premise consumption as allowed by State licensing laws. This use does not include brewpubs.

Brewpub or microbrewery

An establishment which brews ales, beers, meads, or similar beverages on site, and serves and sells those beverages on-site. Brewpubs may not brew more than 15,000 barrels of beverages (in total) annually.

Broadcasting studio

Commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings, except for accessory uses like antenna, broadcasting dishes, and related facilities.

Buffer

An area of natural or planted vegetation that is generally unoccupied by a building, structure, paving or the like, for the purposes of screening and softening the effects of development. A buffer shall not be used for recreation or parking. For the purposes of the CBCA-O Zone only, "buffer" has the definition included in Subtitle 5B of the County Code.

Building

A structure having a roof and used for the shelter, support, or enclosure of persons, animals, or property. Any part of a building is considered a separate building when:

- (A) It is entirely separated from all other parts by a wall extending from the lowest floor to the roof; and
- (B) It has no door or other opening directly to the other parts.

No vehicle originally designed as a means of conveyance shall be considered a building, regardless of whether wheels or other

devices to facilitate movement have been removed (except where otherwise specified in this Ordinance).

Any manufactured home or trailer designed for human occupancy and situated in a nonresidential base zone shall be considered a building if it is used for business purposes.

Building facade fenestration/transparency

The percentage of the street-level facade area comprised of transparent window or door openings.

Building footprint

The total area of a building measured at the building's outside walls at its ground plane.

Building mass

The form of a building that includes the exterior walls, projections, recesses, roof features, and any attachments or additions.

Building permit

See Subtitle 4: Building, of the County Code of Ordinances.

Building, accessory

A building subordinate to, and located on the same lot with, a principal building, and used for an accessory use.

Building, principal or primary

A building which is occupied by, or devoted to, a principal use. In determining whether a building is the principal or primary building,, the use of the entire parcel shall be considered. There may be more than one principal building on a parcel.

Build-to line

A line that runs along perpendicular the entire width of a lot, from the street right-of-way (ROW) to the front building façade on a lot, along which a building must be constructed.

Build-to zone

The area between the minimum and maximum build-to lines, that extends the entire width of the lot.

Bulbout

An extension of the sidewalk into the space of a cartway used for vehicle parking. Bulabouts may be used to narrow the roadway and provide additional pedestrian or landscaping space at key locations, and are often used at corners and at mid-block points. They enhance pedestrian safety by increasing the lateral separation between pedestrians and moving traffic, shortening crossing distances, slowing turning vehicles, and visually narrowing the roadway; they may also be used to provide space for the boarding and alighting of buses and other transit vehicles.

Bulk retailing

The sale of merchandise in large quantities, such as in unbroken cases or oversized containers, directly to ultimate consumers.

Business service center

An establishment primarily engaged in providing a range of office support services, such as document copying services, facsimile services, word processing services, on-site personal computer rental, and office product sales.

BZA

See "Board of Zoning and Administrative Appeals."

Campground

An outdoor facility designed for overnight accommodation of human beings in tents, cabins and shelters for recreation, education, naturalist, or vacation purposes. Office, retail, and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory structures.

Camping trailer

A vehicle originally sold to the consumer for recreational, travel, or vacation purposes, which is self-propelled or capable of being towed, and which provides facilities for temporary camping or sleeping. The term "camping trailer" includes a unit designed to be carried by an open pickup truck. The term "camping trailer" also includes travel trailers, campers, recreational vehicles, motor homes, truck campers, and similar vehicles.

Candela

The SI unit of luminous intensity. One candela is the luminous intensity, in a given direction, of a source that emits monochromatic radiation of frequency 540×10^{12} Hz and has a radiant intensity in that direction of 1/683 watt per steradian.

Canopy

A roof-like cover extending over an outdoor improvement (such as a sidewalk, a gasoline pump island, or the vehicular surface abutting a "drive-in" service window) for the sole purpose of sheltering persons or structures from sun or precipitation. A canopy is either freestanding, or attached to and projecting from the wall of a building. A canopy is supported only by columns or the wall of a building, and is unenclosed on all sides, except in the case of a projecting canopy where it abuts the building wall. A canopy shall not be considered a building or structure. An awning shall be considered a canopy.

Canopy, nonresidential

An accessory structure to a nonresidential principal use such as gas station or a drive-through facility that consists of a rigid horizontal roof-like structure made of fabric, metal, or other material supported by an attached building or columns or posts, is largely open along its sides, and is intended to provide shelter to people or motor vehicles, or as a decorative feature on a building wall.

Car wash

An establishment providing the exterior washing of vehicles where vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes. Interior cleaning and/or drying may be conducted manually by vehicle operator or on-site attendants.

Car wash (as accessory to a multifamily dwelling)

A structure within a multifamily development designed and intended for use by residents to wash, clean, and/or wax their motor vehicles.

Cartway

The traveled way of a street, typically the part of the street cross-section between vertical curbs (or between gutter pans if these are used) that consists of lanes for moving or turning vehicles, and if used, auxiliary lanes for bicycles and/or transit vehicles and space for on-street vehicle parking. If no curbs are used, the cartway consists of the paved surface of the street generally intended for vehicle travel and recovery.

Catering establishment

An establishment that specializes in the preparation of food or beverages for social events, such as weddings, banquets, parties, or other gatherings, with or without banquet facilities for these private pre-arranged occasions. These establishments are not open to impromptu attendance by the general public, and exclude adult entertainment.

Cemetery

A place used for the permanent interment of dead human bodies (or their cremated remains) or pet animal bodies (or their cremated remains). A memorial garden located on the premises of a place of

worship where only the ashes of deceased persons or pets may be scattered or placed, is not a cemetery.

Centerlines, streets and alleys

A line drawn along the center of a street or alley that is parallel to and equidistant from each edge of the street or alley right-of-way.

Certifying physician

For purposes of Sec. 27-5.203.B.1.b, Medical Cannabis Grower and/or Processor, a physician, as specified within Section 14-101(i) of the Health Occupations Article, Annotated Code of Maryland, who is registered with the Natalie M. LaPrade Medical Cannabis Commission.

Change of use

The change in the use of a structure or land. Change of use includes a change from one use type to another use type.

Check cashing business

An establishment that accepts or cashes, for compensation, a payment instrument regardless of the date of the payment instrument. This use does not include activities undertaken by:

- (A) Any bank, trust company, savings bank, savings and loan association, or credit union chartered under the laws of this State, another state, or the United States as long as that institution has a branch that accepts deposits in this State; or
- (B) Any subsidiary or affiliate of an institution described in part (A) above (generally those exempt under Section 12-103 of the Maryland Financial Institutions Code Annotated (as amended from time to time)).

Additionally, this use does not include a business:

- (A) For which a fee of up to 1.5 percent of the face amount of the payment instrument is charged per payment instrument, and are incidental to the retail sales of goods or services by the person that is providing the check cashing services;
- (B) In which a customer presents a payment instrument for the exact amount of a purchase; or
- (C) Involving foreign currency exchange services or the cashing of a payment instrument drawn on a financial institution other than a Federal, State, or other state financial institution.

Chesapeake Bay Critical Area

All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands maps, all State and private wetlands designated under the Annotated Code of Maryland, Title 16 of the Environmental Article; and all land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and heads of tides designated under the Annotated Code of Maryland, Title 16 of the Environmental Article, as indicated on approved Chesapeake Bay Critical Area Overlay Zoning Map Amendments (ZMA).

Chesapeake Bay Critical Area Overlay Zone Map Amendment

See Sec. 27-3.506, Chesapeake Bay Critical Area Overlay (CBCA-O) Zone Map Amendment. (Abbreviated as "CBCA-O Zone Map Amendment.")

Chicane

A traffic calming measure that involves offset curb extensions that deflect the path of moving vehicles with added horizontal curves in a street. They are used on streets to slow traffic for safety.

Chief of Police

The Chief of Police of the Prince George's County Police Department.

Child care center

An establishment in which a program is operated that is designed to provide care and activities for nine or more children not located in a dwelling unit, or 13 or more children in a dwelling unit, on a regular schedule (more than once a week). This term shall not include "family day care," or "large family day care."

Cinema

A motion picture theater that is a building or part of a building, and is devoted to showing motion pictures. This can also include an open lot or part of an open lot and auxiliary facilities devoted primarily to the showing of motion pictures on a paid admission basis to patrons seated on outdoor seats.

Circuit Court

The Circuit Court for Prince George's County.

Circus, carnival, fair, or other special event

Temporary activities or events conducted by civic, philanthropic, educational, or religious organizations, or activities of a business or organization that is not part of its daily activities and are open to the public. Such activities include, but are not limited to, circuses, carnivals, fairs, tent revivals, closeout sales, grand openings, and fundraising or membership drives.

Class 3 fill

The use of land for the spreading or depositing of Class 3 fill materials—including, without limitation: soils difficult to compact or with other than optimum moisture content; rock and similar irreducible materials, without limit as to size, provided no

detectable voids are formed into which overlying soils may later be washed; and topsoil, intermittently layered with nonorganic soil. Incidental fill operations associated with the development of subdivisions and other preliminary work of a developing site shall not be considered a Class 3 fill operation.

Clear Zone

Within the Military Installation Overlay (MIO) Zone, a corridor symmetrically centered on the runway centerline beginning at the end of the runway and extending outward 3,000 feet and which has a width of 3,000 feet (1,500 feet to either side of the runway centerline). The Clear Zones for Joint Base Andrews are illustrated in Figure 27-4.402.C.4.c: Accident Potential/Clear Zones North and South.

Clerk of the Council

The Clerk of the Prince George's County Council, sitting as the District Council for the Prince George's County portion of the Maryland-Washington Regional District.

Club or lodge or community-oriented associations

An establishment providing facilities for entertainment or recreation for only bona fide members and guests, and not operated for profit, excluding adult entertainment.

Clubhouse

A building or room used for social or recreational activities by members of a club (e.g., golf course clubhouse) or occupants of a residential or other development.

Cold storage plant

A facility primarily engaged in the cold processing and storage of chilled or frozen food products.

College or university

An institution offering a program of post-secondary education and instruction leading to associate, baccalaureate, or higher degrees, and that is approved by the Maryland Higher Education Commission and accredited by a national association of colleges and universities.

Collocated telecommunications antenna

One of multiple wireless telecommunications antennas placed or located on the same wireless telecommunications tower or other structure.

Combination retail

A department store that exceeds 75,000 square feet of which a minimum of 60 percent of the floor space is used as a department store, that also incorporates a drug store or pharmacy and a full line of groceries. This use does not include the principal uses of grocery store or food market, department store, drug store or pharmacy.

Commercial fuel depot

An unattended, automated fuel dispensing facility that dispenses fuel to businesses, organizations, and municipalities that maintain a fleet of vehicles. This use does not include any retail sale of gasoline to the general public and does not include any store sales, vehicle service, or vending operations.

Commercial vehicle repair and maintenance

Establishments, excluding vehicle paint finishing shops, that repair, install, or maintain the mechanical components or the bodies of large trucks, mass transit vehicles, large construction or agricultural equipment, or commercial boats.

Commercial vehicle sales and rentals

Uses that provide for the sale or rental of large trucks, mass transit vehicles, large construction or agricultural equipment, or other similar vehicles.

Common area

Land or facilities that are located within, or related to, a development, and that are designed for use by the residents (and guests) of, or workers in, the entire development or a designated part of the development. Common area does not include land or facilities which are individually owned or dedicated to public use. Common area remains in the ownership of a homeowners' or similar association.

Community center/facility

A place, building, area, or other facility used for providing social and recreational programs. The facility may be private or the facility may be open to the general public and designed to accommodate and serve significant segments of the community.

Community garden

Privately or publicly owned land devoted to the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person, household, family, or non-profit organization for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

Community recreation facility

A private recreational facility for use solely by the residents and guests of a particular residential development, including single-family residential subdivisions, multifamily, townhouse, and mixed use developments.

Composting facility

A facility where organic matter derived primarily off-site is processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

Composting, small-scale

An enclosed area that is designed for the purpose of converting household kitchen and yard waste into fertilizer.

Concrete batching or asphalt mixing plant

A facility in which concrete or asphalt or their ingredients or products are ground up, mixed, or otherwise prepared for use on-site or for transportation to a construction site ready to be poured.

Concrete or brick products manufacturing

An establishment primarily engaged in manufacturing concrete pipe, brick and block from a mixture of cement, water and aggregate.

Concrete recycling facility

A facility that processes concrete demolition material by crushing to remove reinforcing metals, if any, and to reduce the size of concrete material to a commercially usable size.

Conference or training center

A facility designed to accommodate fewer than 500 persons and used for conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory uses including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.

Conical Surface

Within the Military Installation Overlay (MIO) Zone, an inclined imaginary surface extending outward and upward from the outer periphery of the inner horizontal surface for a horizontal distance of 7,000 feet to a height of 500 feet above the established airfield elevation. The slope of the conical surface is 20:1. The conical surface connects the inner and outer horizontal surfaces, illustrated on Figure 27-4.402.C.5.b: Height, as "E."

Consolidated storage

A building or group of buildings divided into separate self-contained units or areas of 500 square feet or less that are offered for rent for self-service storage of household and personal property. The storage units or areas are designed to allow private access by the tenant for storing and removing personal property. Accessory uses may include leasing offices, outdoor storage of boats and recreational vehicles, incidental sales or rental of moving supplies and equipment, and living quarters for a resident manager or security guard. The rental of trucks or trailers is a separate principal use and not considered accessory to this use.

Construction-related office/yard

A temporary structure, facility, or space associated with the staging, management, and security of new construction—including an office building, security building, storage buildings, construction waste and recycling receptacles, temporary sanitation facilities, outdoor storage, and employee parking areas—and located on or adjacent to the construction site.

Consumer goods establishment

Establishments that sell at retail consumer goods, including but not limited to art galleries; bait shops; bicycle sales, rental, services, or repair; bulk retailing; catering establishments; combination retail; department stores; drug stores or pharmacies; home building and

garden supplies stores; monument or headstone sales establishments; taxidermies; and similar uses (e.g., floor covering stores, window treatment stores, camera stores, optical goods stores, shoe stores, luggage stores, jewelry stores, piece goods stores, and pet shops).

Continuing care retirement community

An integrated development that offers senior citizens a full continuum of housing options and assistance, ranging from fully independent dwelling units, to assistance with personal care in assisted living facilities, to long-term skilled nursing care in a nursing home facility.

Contractor's office

A building or portion of a building used by a building, heating, plumbing, electrical, or other development contractor both as an office and for the storage of a limited quantity of materials, supplies, and equipment inside the building. If outdoor storage of materials, supplies, or equipment is associated with the office, the use is considered a contractor's yard.

Contractor's yard

A lot or portion of a lot or parcel used for outdoor storage and maintenance of construction equipment and other materials and facilities customarily required in the building trade by a construction contractor.

Convenience store

A retail sales and service store with less than 5,000 square feet of floor area that primarily sells grocery or deli items and miscellaneous day-to-day goods, such as bottled drinks, candy, canned foods, bread, milk, cheese, tobacco products, beer, wine, papers and magazines, and general hardware articles. Fast food may be offered, but only as a secondary activity of the convenience store. A convenience store may also contain another principal use,

such as a restaurant if such other use is also permitted in the same zone. A convenience store shall not sell gas or have gas pumps.

Convent or monastery

A structure used for the purpose of housing persons on a permanent basis who constitute a religious community typically consisting of nuns, priests, monks, or other similar religious personnel. For the purpose of this definition, the terms convent and monastery are interchangeable and shall have the same meaning. Assembly for worship services may be conducted in conjunction with the convent or monastery use, but only for the residents of the convent or monastery.

Cool roof

Roofing product with high solar reflectance and thermal emittance properties. These properties help reduce electricity used for air conditioning by lowering roof temperatures on hot, sunny days.

Cornice

Any horizontal element, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

Country club

A chartered, nonprofit membership club catering primarily to its members, providing but not limited to one or more of the following recreational and social activities: golf, swimming, riding, outdoor recreation, club house, locker room, and pro shop.

Country inn

A building with an overall residential appearance, that has a visually historic and/or scenic and/or rural character, within which is provided for compensation lodging and/or food or beverage service for transient guests.. A boarding or rooming house, or fraternity or

sorority house shall not be considered a country inn. A country inn shall not be considered a bed-and-breakfast.

County

Prince George's County, Maryland.

Crematory

A facility containing furnaces for the reduction of dead bodies—either human or animal—to ashes by fire.

Cul-de-sac

A street having but one end open to traffic and the other end being permanently terminated by a vehicular turnaround.

Cultural facility

A facility for storing, using, loaning, and occasionally selling literary, historical, scientific, musical, artistic, or other reference materials (e.g., library), or for displaying or preserving objects of interest or providing facilities for one or more of the arts or sciences to the public (e.g., museum). Accessory uses include offices and storage facilities used by staff and meeting rooms.

Cupola

A domelike structure on top of a roof, often used as a lookout or to admit light and air.

Cutoff fixture, full

A light fixture constructed and installed in such a manner that all light emitted by it, either directly from the lamp (bulb) or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane of the fixture.

Data processing facility

An establishment primarily engaged in providing infrastructure (e.g., computer systems and associated components such as

telecommunications and storage systems) for data processing and storage, web hosting, application hosting, streaming services, and related services.

Day labor service

A business or an establishment that provides, or markets itself as providing, the temporary employment of persons where persons wait at the establishment on a daily basis for work assignments or transportation to work assignments. This definition specifically excludes those services placing employees primarily through telephone contacts that do not involve the waiting of prospective employees on the premises, whether for employment, transportation, or assignment.

Density, net

See Sec. 27-2.201.E.

Department of Permitting, Inspections, and Enforcement Director

The Director of the Prince George's County Department of Permitting, Inspections, and Enforcement. See Sec. 27-3.307, Department of Permitting, Inspections and Enforcement Director (DPIE Director). (Abbreviated as "DPIE Director").

Department store

A general merchandising store offering a variety of unrelated goods and services that may include clothing, housewares, body products, and specialty items.

Departure

A procedure in this Ordinance that allows minor changes from certain dimensional or development standards in specific circumstances, subject to specific limitations and standards in order to allow development that is consistent with the context in which it is located, while accomplishing the purposes of this Ordinance.

Detailed site plan

See Sec. 27-3.508, Detailed Site Plan (Minor and Major) . A detailed site plan is either a minor detailed site plan (see Sec. 27-3.508.C.1, Minor Detailed Site Plan) or a major detailed site plan (see Sec. 27-3.508.C.2, Major Detailed Site Plan).

Detailed site plan, major

See Sec. 27-3.508.C.2, Major Detailed Site Plan.

Detailed site plan, minor

See Sec. 27-3.508.C.1, Minor Detailed Site Plan.

Detailed site plan for infrastructure

A site plan that is prepared in order to proceed with limited site improvements. These improvements must include infrastructure which is essential to the future development of the site, including streets, utilities, or stormwater management facilities.

Development

Unless expressly exempted by this Ordinance, the following activities shall be considered development subject to this Ordinance:

- (A) Any construction, reconstruction, erection, installation, placement, relocation, demolition, or alteration in the size or external appearance of a structure;
- (B) Any establishment, re-establishment, or change in a use of a structure or land;
- (C) Any change in the intensity of the use of a structure or land, such as an increase in:
 - (1) The number of businesses, establishments, offices, dwelling units, or lodging units comprising the use;

- (2) The number of parking spaces or amount of impervious cover;
- (3) The number of products or services provided by the use;
- (4) The volume or characteristics of vehicular traffic generated by the use;
- (5) Noise levels, thermal conditions, or emissions of waste materials associated with the use;
- (6) The duration of a temporary or seasonal use;
- (D) Any alteration of the topography of land, such as mining, grading, ditching, extracting earth materials, dredging, excavation, filling, or deposition of soil;
- (E) Removal of vegetative cover, such as site clearing or the removal of specimen trees or significant stands of trees; or
- (F) The construction or extension of any utility service line or facility.

Unless part of a more extensive activity identified as development in the paragraph above, the following activities do not constitute development subject to this Ordinance:

- (A) The ordinary maintenance and repair of existing structures, where no activities identified as development in the paragraph above are involved;
- (B) The inspection, maintenance or repair of an existing transportation facility (roadway, walkway, railroad tracks, bus shelter, traffic control device, etc.) or an existing utility, stormwater management, or public service facility (pipe, cable, valve, catch basin, outlet, ditch, basin, bulk refuse container pad, etc.), if no substantial engineering redesign is involved;

- (C) The ordinary planting or maintenance of vegetative landscaping or gardens; and
- (D) A change in the ownership or form of ownership of any land or structure that does not involve the division of land into separate lots or parcels.

Development lot as a whole

The entire parcel proposed for a two-family, three-family, or townhouse development, containing all parcels proposed to be owned in common and all proposed individual lots under two-family, three-family, or townhouse units.'

Digital display

A sign that uses light emitting diodes (LEDs), charge coupled devices (CCDs), plasma or functionally equivalent technologies to display a series of still images, usually remotely programmable and changeable.

Direct illumination

Illumination by light sources that are effectively visible, either directly or through a translucent material, illuminating outward.

Distribution warehouse

A facility primarily engaged in the distribution of manufactured products, supplies, and equipment. It includes the temporary storage of such products, supplies, and equipment pending distribution.

District Council

The Prince George's County Council, sitting as the District Council for the Prince George's County portion of the Maryland-Washington Regional District. See Sec. 27-3.302, District Council.

Dog daycare facility

A facility where dogs may socialize and be groomed, trained, and/or exercised during the day, for compensation, but not kept overnight, or bred, sold, or let for hire.

Dog park

A park for domesticated dogs to exercise and play off-leash (many times with other dogs) in a controlled and fenced environment under the supervision of their owners.

DPIE

The Department of Permitting, Inspections, and Enforcement of Prince George's County, Maryland.

DPIE Director

See "Department of Permitting, Inspections, and Enforcement Director."

Drive-through service

A facility used to provide products or services to customers who remain in their vehicles, whether through a window or door in a building, a machine in a building or detached structure (e.g., ATM), or via a mechanical device (e.g., a pneumatic tube system). In addition to the pick-up window or door, drive-through service facilities also may include remote menu boards and ordering stations. Use types that commonly have drive-through service include banks, restaurants, specialty eating or drinking establishments, and drug stores.

Drug store or pharmacy

A retail store engaged in the filling and sale of prescription drugs and the sale of medical supplies, nonprescription medicines, and related goods and services. It may also sell nonmedical goods such as cosmetics, cards, and groceries such as food and household

items. Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service.

Dry-cleaning or laundry drop-off/pick-up establishment

A facility where retail customers drop off or pick up laundry or dry cleaning and where the cleaning processes may take place on site as long as all cleaning materials and chemicals and waste water is disposed of in compliance with all applicable permits and regulations.

Dry-cleaning, laundry, or carpet-cleaning plant

A facility engaged in cleaning fabrics, textiles, apparel, or other articles by immersion (and agitation) in water or volatile solvents.

Dwelling

A building used for living facilities for one or more families.

Dwelling unit

A building (or part of a building) used as a complete and independent living facility for only one family, which includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling, live-work

A structure or portion of a structure combining a residential dwelling unit for one or more persons with an integrated work space principally used by one or more of the dwelling unit residents.

Dwelling, manufactured home

A factory-built structure, transportable in one or more sections, that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. This includes any structure with respect to which the manufacturer voluntarily

files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.), as amended. This does not include travel trailers or recreation vehicles. The term manufactured home dwelling includes a "mobile home" as used by the prior Zoning Ordinance.

Dwelling, multifamily

A building other than a townhouse dwelling containing four or more dwelling units. Units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings. Multifamily dwellings include what are commonly called apartments, or condominium units, but not townhouse dwellings.

Dwelling, single-family detached

A single detached building on a lot, other than a manufactured home dwelling, that contains a single dwelling unit and that sits on a permanent foundation.

Dwelling, three-family

A building containing three dwelling units. Units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings.

Dwelling, townhouse

A building containing four or more dwelling units that are attached horizontally through, and entirely separated by, common walls, with each dwelling unit occupying space from the lowest floor to the roof of the building, and located on a separate "townhouse lot."

Dwelling, two-family

A building containing two dwelling units. Units may be located side by side in a horizontal configuration or stacked one above the other in a vertical, configuration, sharing common vertical solid walls extending from the grade to the roof, or horizontal floors and ceilings. The building typologies commonly referred to as two-over-two dwellings or stacked dwelling units are examples of two-family dwellings.

Eave

The projecting lower edges of a roof that overhangs the wall of a building.

Electric vehicle (EV) charging station (Level 1, 2, or 3)

A vehicle parking space served by an electrical component assembly or cluster of components assemblies (battery charging station) designed and intended to transfer electric energy by conductive or inductive means from the electric grid or other off-board electrical source to a battery or other energy storage device within a vehicle that operates, partially or exclusively, on electric energy.

A Level 1 charging station is a slow-charging station that typically operates on a 15- or 20-amp breaker on a 120-volt Alternating Current (AC) circuit.

A Level 2 charging station is a medium-speed-charging station that typically operates on a 40- to 100-amp breaker on a 208- or 240-volt Alternating Current circuit.

A level 3 charging station is an industrial grade charging station that operates on a high-voltage circuit to allow for fast charging.

Eleemosynary or philanthropic institution

Any facility operated by a private, nonprofit organization offering altruistic, religious, social, physical, recreational, emergency, or benevolent services, and that is not already specifically identified as

a use in this Ordinance. The organization shall not operate a business on the premises. The term does not include an adult day care center or group residential facility.

Emergency services facility

A facility for public services such as fire and police services, emergency medical services (EMS), emergency operation centers, and related administrative services.

Employment or travel agency

An establishment primarily engaged in finding jobs for people seeking them and finding people to fill particular jobs offered by employers (employment agency), or in providing travel arrangement and reservation services to the general public and commercial clients (travel agency).

Entertainment Establishment

A place of entertainment offering live performances (including, but not limited to, comedic and dramatic performances), live or recorded music, or similar activities and which may offer food and/or beverages for consumption on the premises. Operating hours may include daytime and evening hours. Dancing by patrons or others is more typically associated with nightclubs and is prohibited within "entertainment establishments." Performances related to the display of specified activities or nudity are classified as adult entertainment and prohibited within "entertainment establishments."

Equestrian center

A facility designed and intended for the instruction and display of equestrian skills—including, but not limited to, show jumping and dressage—and the hosting of events, competitions, exhibitions, or other displays of equestrian skills. Accessory uses include the caring for, breeding, boarding, dealing, selling, renting, riding, or training

equines. It includes barns, stables, rings, paddocks, or other related accessory structures.

Façade

The entire exterior wall of a building facing a lot line measured from the grade to the eave or highest point of a flat, gabled, or mansard roof. Facades may be on the front, side, or rear elevation of the building.

Fall zone

The area within which a wireless telecommunications support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

Family

An individual living alone as a single housekeeping unit in a dwelling unit, or any of the following, living together as a single housekeeping unit in a dwelling unit:

- (A) A group of individuals related by blood, marriage, adoption, or legal guardianship, including foster children;
- (B) A group of not more than five individuals who are not related by blood, marriage, adoption, or legal guardianship; or
- (C) Two unrelated individuals and their children.

Family child care home, large

The use of a residence to provide child care for nine to 12 children as a large family child care home that is registered by the State Department of Education in accordance with COMAR 13A.18.

Family child care home, small

The use of a residence to provide child care for up to eight children as a family child care home that is registered by the State

Department of Education in accordance with COMAR 13A.15, or that is specifically exempt from registration by COMAR 13A.15.02.

Farm brewery or distillery

A brewery or distillery located on a farm. A farm brewery is primarily engaged in brewing ale, beer, meads, malt liquors, and nonalcoholic beer (brewery), with an annual capacity of no greater than 1,000 barrels (30 gallons per barrel). A farm distillery distills and blends spirits from grain, potatoes, fruit, and the like, some of which typically is produced on the farm, usually in single batches. Accessory uses may include retail sales of beverages produced on-site for take-away or on-premise consumption as allowed by State licensing laws.

Farm distribution hub

A place where farmers can deliver agricultural products for pick-up by consumers or wholesalers, but not including a central place operated by a farm cooperative where farmers can deliver products for pick-up by consumers. Farm product distribution hub does not include such uses as stockyard, auction house, slaughterhouse, or cannery or other processing facility.

Farm market

A principal use that includes the sale of horticultural or agricultural products where at least 25 percent of the products sold are agricultural products produced on-site.

Farm supply sales and farm machinery/implement sales, rental, or repair

An establishment for the sale of plant seeds and bulbs, animal feed, fertilizer, herbicides and soil conditioners, fungicides and insecticides, and similar products to farmers; or for the sale, rental, and/or repair of equipment normally or routinely used on farms or gardens, and related parts, tools and accessories—but not of non-farm equipment or materials.

Farm tenant dwelling (as accessory to an agriculture use)

A single-family detached dwelling or dormitory (but not a multifamily dwelling) that is:

- (A) Not the principal residence of the property owner;
- (B) An "accessory building";
- (C) Located on land used exclusively for "Agriculture";
- (D) Owned by the same person who owns the agricultural land; and
- (E) Occupied by a tenant who derives a majority of his total income from working the agricultural land.

Farm winery

An agricultural processing facility located on a farm with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner manufactures wine and/or pomace brandy from fresh fruits or other agricultural products as allowable by State law. A farm winery includes crushing, fermenting and refermenting, bottling, blending, bulk and bottle storage, aging, shipping, receiving, laboratory equipment and maintenance facilities, administrative office functions and related agricultural tourism activities.

Farmers' market (as a principal use)

A collection of vendors using private or publicly owned property or property owned by a nonprofit organization for the sale of agricultural and horticultural products grown by the vendor, value-added items produced by the vendor from agricultural, horticultural, or forestry products, or for the sale of foods prepared by the vendor. If the farmers' market occurs regularly for all or most of the year, it is considered a principal use. If the farmers' market

occurs only occasionally or periodically for only a limited time during the year, it is considered a temporary use.

Farmers' market (as a temporary use)

A collection of vendors using private or publicly owned property or property owned by a nonprofit organization for the sale of agricultural and horticultural products grown by the vendor, value-added items produced by the vendor from agricultural, horticultural, or forestry products, or for the sale of foods prepared by the vendor. If the farmers' market occurs once every two weeks or more frequently for all or most of the year, it is considered a principal use. If the farmers' market occurs only occasionally or periodically for only a limited time period during the year, it is considered a temporary use. Operations generally meeting the definition of a temporary farmers' market, but that are open fewer than four days per year, shall be construed as a "garage or yard sale."

Faux window

An architectural feature that contains a recessed glass surface or other surface that mimics the appearance of a window. If glass is used, it does not have to be transparent and may be backed by a solid wall.

Fence or wall

A fence or wall is an erected freestanding barrier used to enclose (and protect) an area, restrict or prevent access to an area, to conceal or screen an area, and/or for decorative purposes. A fence may be open or solid and generally consists of wood, metal, concrete, or plastic posts connected by boards, rails, panels, wire, or mesh. A wall is generally solid and consists of masonry, stone, brick, tile, concrete, or plaster. A retaining wall is distinct and different from a wall under this Ordinance (see "Retaining wall"). Natural growth barriers such as hedges are not considered fences or walls.

Fenestration/Transparency

The design, location, and presence of windows and doors in a building. Where there are fenestration/transparency requirements, the window and door openings counting toward meeting this transparency requirement shall consist of glass that is relatively clear and non-reflective, with a minimum visible light transmittance of 0.65 and maximum visible light reflectance of 0.20.

Firewood display and sales

The display for retail sale of wood cut and dried to serve as fuel.

Fisheries activities

Commercial operations and structures for the raising, packaging, canning, freezing, or processing of fish, mollusks, or crustaceans, which may include related activities such as wholesale, retail sales, storage structures, and loading docks.

Flagpole and flag

A pole displaying a fabric, banner, or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision, corporate or commercial entity, institution, or other organizations.

Flea market

The temporary and occasional collection of vendors using stalls, booths, or tables on property owned by a public agency or a nonprofit organization for the sale of merchandise, collectibles, crafts, antiques, or other items, excluding automobiles, automobile parts, and nonportable household appliances. Operations generally meeting this definition, but which are open fewer than four days a year, shall be construed as a "garage or yard sale."

Flex space

A building with a flexible, open floor plan that is designed to be configured to house uses such as office, industrial service, light manufacturing, and warehousing uses.

Floodplain, One Hundred Year

That area which would be inundated by a flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Refer also to the requirements of Sec. 27-6.703, Floodplain Management.

Floor area ratio (FAR)

See Sec. 27-2.201.F.

Food and beverage distribution at wholesale

A facility for the storing or distribution of treated or prepared food or beverage products at wholesale, but not including the slaughtering of small or large livestock or confined animal feeding operations (food processing), or for the placing of soft drinks, juice, water, milk, alcoholic beverages, or other liquids into bottles or cans for shipment (beverage bottling).

Food processing

A facility for the slaughtering of small or large livestock or confined animal feeding operations (food processing). Footcandle

A unit of measure of the intensity of light falling on a surface. It is often defined as the amount of illumination the inside surface of a one-foot-radius sphere would be receiving if there were a uniform point source of one candela in the exact center of the sphere. One footcandle is equal to one lumen per square foot.

Forestry

The use of land whereby forests are tended, harvested for commercial purposes, and reforested either by natural or human reforestation, and where timber is cut and sorted on-site.

Forest Stand Delineation

A detailed accounting of woody vegetation, prepared in plan and document form, as required by Subtitle 25, Division 2, as explained in the publication, *The Woodland and Wildlife Habitat Conservation Technical Manual*.

Fortune telling establishment

An establishment primarily engaged in attempts to telling fortunes or predicting the future (for pay or voluntary contributions) by means of occult or psychic powers, faculties, or forces; necromancy, palmistry, psychology, psychic psychometry, spirits, medium-ship, seership, prophecy, cards, talismans, sorcery, charms, potions, magnetism, tea leaves, magic, numerology, mechanical devices, handwriting analyses, phrenology, character readings, or any other similar means.

Fraternity or sorority house

A building used for lodging by individuals who are members or affiliates of a fraternity or sorority while attending a college or university. It may include facilities for dining for the residents, employees, and guests of the residents. A fraternity or sorority house is not a boarding or rooming house, eleemosynary or philanthropic institution, group residential facility, or dwelling.

Front (or Primary) façade

The side or elevation of a structure that contains the structure's architectural front, or the portion of the structure facing the street from which the structure derives its street address.

Front street line

The boundary of a lot abutting the right-of-way of a primary street, from which the required setback or build-to zone is measured.

Fuel oil or bottled gas distribution

An establishment primarily engaged in the distribution of fuel oil or bottled gases such as propane or liquid petroleum for compensation.

Full cut-off lens

An artificial outdoor lighting fixture designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.

Functional master plan

The current 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.

Funeral home or mortuary

A building used for human funeral services. A funeral home may contain facilities for:

- (A) Embalming and other services used in the preparation of the dead for burial;
- (B) The display of the deceased;
- (C) The performance of ceremonies in connection with a funeral;
- (D) The performance of autopsies and similar surgical procedures;
- (E) The sale and storage of caskets, funeral urns, and other related funeral supplies; and
- (F) The storage of funeral vehicles.

A funeral home does not include facilities for cremation.

Gable

A triangular area of an exterior wall formed by two sloping roofs.

Garage or carport

A structure used or designed for the parking and storage of motor vehicles or boats. A garage is an enclosed building whereas a carport is a roofed structure open on one or more sides. Garages and carports are commonly attached to and considered part of a dwelling or other principal building, but may exist as a detached accessory structure.

Garage or yard sale

The temporary and occasional use of the garage or yard of a residential dwelling for the casual sale of miscellaneous items of personal property to the general public. They shall be limited to four times per year at each residential dwelling.

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 gasoline 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;

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

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

As provided in Sec. 27-5.202.B, Multiple Principal Uses, a development containing a gas station may also contain another principal use such as vehicle or trailer repair and maintenance, a food or beverage store, or an eating or drinking establishment if such other use is permitted in the same zone.

General industrial services

An establishment engaged in the repair or servicing of agriculture, industrial, business, or consumer machinery, equipment, products, or by-products. Firms that provide these services do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general

public, come to the site. Accessory activities may include retail sales, offices, and storage.

General Plan

The Prince George's County General Plan approved in accordance with State law.

Glare

The effect produced by a high intensity or insufficiently shielded light source that is significantly brighter than the level to which the eyes are adapted, causing annoyance, discomfort, or loss of visual performance or visibility of objects.

Glazing

The portion of an exterior building surface containing glass or windows.

Golf course

An area of land laid out for playing golf. A golf course may include accessory recreational facilities, such as driving ranges, putting greens, a country club, concessions for serving food and refreshments to members and guests, swimming pools, tennis and other racquet courts, horse shoe pits, picnic areas, and accessory facilities directly related to golf, may be included.

Golf driving range

A limited land area on which golf players do not walk, but onto which they drive golf balls from a common driving tee. Accessory uses may include a concessions stand, netting, exterior lighting fixtures, putting greens, as well as maintenance and outdoor storage areas. This use does not include a golf course.

Grading permit

See Subtitle 32, Division 2: Grading, Drainage and Erosion and Sediment Control, of the County Code of Ordinances.

Green area

An area of land associated with, and located on the same parcel of land as, a building for which it serves to provide light and air, or scenic, recreational, or similar purposes. Green area shall generally be available for use by the occupants of the building, but may include a limited amount of space to enhance the amenity of the development by providing landscaping features, screening for the benefit of people in neighboring areas, or a general appearance of openness. Green area may include lawns, decorative plantings, sculptures, wooded areas, landscaped areas covering structures that are not more than 12 feet above ground level, sidewalks and walkways, furniture, active and passive recreational areas, and water surfaces comprising not more than ten percent of the total green area. It shall not include parking lots or other vehicular surfaces, or accessory buildings, except as otherwise provided.

Green roof

A roof of a structure that is partially or completely covered with vegetated landscape built up from a series of layers. Green roofs are constructed for multiple reasons— as spaces for people to use, as architectural features, to add value to property or to achieve particular environmental benefits (for example, stormwater capture and retention, improved species diversity, insulation of a building against heat gain or loss, and energy conservation). Vegetation on green roofs is planted in a growing substrate (a specially designed soil substitution medium) that may range in depth from 50 millimeters to more than a meter, depending on the weight capacity of the structure's roof and the aims of the design.

Greenhouse or hoophouse

A structure, primarily of glass, in which temperature and humidity can be controlled for the cultivation or protection of plants. Hoophouses are similar to greenhouses, but are often temporary in nature and constructed of plastic.

Grocery store or food market

A grocery store is an establishment that offers a variety of unrelated, non-complementary food and non-food commodities, such as beverages, dairy, dry goods, fresh produce, meat, fish, and other perishable items, frozen foods, household products, and paper goods; may provide beer, wine, and/or liquor sales for consumption off the premises with the appropriate State of Maryland beverage license; may include a prescription pharmacy; may include a delicatessen and/or bakery, and prepare minor amounts of no food on site for immediate consumption; markets the majority of its merchandise at retail prices; and may have a restaurant as an accessory use.

A food market is an establishment that offers specialty food products at retail, such as meat, seafood, produce, artisanal goods, baked goods, pasta, cheese, confections, coffee, and other specialty food products, and may also offer additional food and non-food commodities related or complementary to the specialty food products. A food market may sell beer and wine for consumption off the premises with the appropriate State of Maryland beverage license.

Gross floor area (GFA)

The total number of square feet of floor area in a building, excluding garages and structured parking area, those portions of a basement used exclusively for storage or other areas used exclusively for a building's mechanical equipment,, and uncovered steps and porches, but including the total floor area of accessory buildings on the same lot. All horizontal measurements shall be made between the exterior faces of walls, columns, foundations, or other means of support or enclosure. It includes walkways or plazas within wholly enclosed shopping malls but does not include covered walkways or plazas in other shopping centers, or other areas covered solely by canopies. (Abbreviated as "GFA.")

Group residential facility

A residential facility operated by a responsible individual or organization that has a program designed to provide a supportive living arrangement for five or more individuals (unrelated to the operator by blood, adoption, or marriage) who are members of a service population that, because of age or emotional, mental, physical, familial, or social conditions, needs supervision.

This use includes facilities for developmentally disabled persons, drug dependent persons, alcoholic persons, juveniles, or persons whose welfare and adjustment within the community are dependent on support from the community.

The use does not include:

- (A) a hospital or nursing home facility;
- (B) an assisted living facility; or
- (C) an adult day care center.

A group residential facility for the mentally handicapped for up to eight residents shall be considered a single-family detached dwelling. A mentally handicapped population includes any individual with a primary disability as a result of mental retardation, mental illness, or mental disorder which impairs the person's cognitive ability to live independently (excluding addictive disorders resulting from substance abuse).

Health club

An indoor establishment, including saunas and steam baths, offering or providing facilities for, and instruction in, general health, physical fitness and controlled exercises such as, but not limited to, weight lifting, calisthenics and aerobic/slimnastic dancing, and massages.

Heavy equipment sales, rental, servicing, or storage

An establishment engaged in the display, sale, leasing, rental, servicing, or storage of heavy equipment of 12,000 or more pounds gross vehicular weight (GVW).

Helipad (as an accessory use)

A facility located on the roof of an office or other building (like a hospital) that accommodates the landing and take-off of helicopters.

Heliport

A facility designed to accommodate all phases of helicopter operations, with space for a terminal and the loading, unloading, service, and storage of helicopters, including accessory uses commonly associated with an airport terminal.

High Intensity Noise Areas

Areas within the Military Installation Overlay (MIO) Zone that are impacted by noise levels exceeding 74 dBA Ldn as established by Figure 27-4.402.C.5.c: Noise Intensity.

Highly Erodible Soils

Soils with an erodibility (K) factor greater than 0.35 as determined by the Prince George's Soil Conservation District.

Historic Preservation Commission

The Historic Preservation Commission for Prince George's County established in Division 3 of Subtitle 29, Historic Preservation Commission, of the County Code. See Sec. 27-3.308, Historic Preservation Commission.

Home-based business

A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling, is incidental and secondary to the

residential use of the lot and does not adversely and/or perceptively affect the character of the lot or surrounding area.

Examples of home-based businesses include, but are not limited to, the following: dog daycare facilities, offices of physicians, dentists, lawyers, architects, engineers, contractors, consultants, stock brokers, marketers, bookkeepers, real estate brokers, and insurance agents; electronic and offsite retail; studios of artists, and musicians; sewing, millinery, and dressmaking services; home services such as interior decorating, maintenance, landscaping; and personal services such as physical therapy by licensed individuals, hairdressing, pet grooming, and the like.

Home-based businesses do not include such businesses as: family child care homes and large family child care homes (which are separate accessory uses of homes), automotive repair and the like; any licensed or unlicensed practitioner who performs invasive procedures (acupuncture, tattooing, body piercing, and the like); restaurants, bars, social clubs and the like; animal kennels or hospitals and the like (other than dog day care facilities); or any other business that is clearly inappropriate or out of character for a residential area such that its location constitutes an adverse impact on neighboring residential properties.

Home garden

An on-site garden planted by an owner or occupant of a single-family dwelling unit for the purpose of growing vegetables or fruit for consumption by occupants of the home only.

Home improvements

Modifications customarily made to dwellings for the purposes of the enlargement or alteration of a building, or the addition of a fireplace, porch, deck, carport, patio, shed, garage, driveway, swimming pool, or similar structure.

Home, building, and garden supplies store

An establishment primarily engaged in retailing a general line of new home repair and improvement materials and supplies, such as lumber, plumbing goods, electrical goods, tools, house wares, hardware and lawn and garden supplies.

Hospital

An institution receiving inpatients and providing medical care on a 24-hours-per-day basis. The term includes general hospitals, sanitariums, and institutions in which service is limited to fields of specialization, such as cardiac, eye, ear, nose and throat, pediatric, orthopedic, skin, cancer, mental, tuberculosis, chronic disease, and obstetrics. The facilities may also include outpatient care, ambulatory care, offices of medical practitioners, adult day care, respite care, medical day care and day care for sick children, gift shops, restaurants, and other accessory uses. The term shall not include an adult day care center, assisted living facility, group residential facility, or nursing home facility.

Hotel or motel

A building or a group of buildings in which six or more sleeping units are offered to the public and intended primarily for use by transient persons or tourists on an overnight or short-term lodging basis. Such uses may include kitchenettes, microwaves, and refrigerators for each guest unit. Hotels and motels are considered synonymous uses. The use does not include a "boarding or rooming house" or "bed-and-breakfast."

Imaginary (Height Limit) Surfaces

The primary surface, approach-departure clearance surface, inner horizontal surface, outer horizontal surface, or transitional surface, individually or collectively, as defined within the Military Installation Overlay (MIO) Zone. According to CFR 77.25, an object that exceeds this imaginary surface is an Obstruction to Air Navigation.

Impact Maps

The geographic boundary of the three areas of constraint within the Military Installation Overlay (MIO) Zone, which are referenced as Figure 27-4.402.C.5.b: Height, Figure 27-4.402.C.5.c: Noise Intensity, and Figure 27-4.402.C.4.c: Accident Potential/Clear Zones North and South.

Ingress

Access or entry to a building or site.

Inner Horizontal Surface

Within the Military Installation Overlay (MIO) Zone, an imaginary surface that is an oval plane at a height of 150 feet above the established airfield elevation. The inner boundary intersects with the approach-departure clearance surface and the transitional surface. The outer boundary is formed by scribing arcs with a radius 7,500 feet from the centerline of each runway end and interconnecting these arcs with tangents, illustrated in Figure 27-4.402.C.5.b: Height, as "D."

Inside the Capital Beltway

For the purposes of this Zoning Ordinance, the area between Interstate 495 and Prince George's County's western boundary, inclusive of the corporate boundaries of the City of College Park, the City of Glenarden, and the Town of Forest Heights.

Interpretation (text, uses, and zone map)

See Sec. 27-3.515, Interpretation (Text, Uses, and Zone Map).

Junkyard or salvage yard

Any land or buildings used, in whole or in part, for the commercial collection, storage, and sale of waste paper, rags, scrap metal, bottles, or other abandoned, discarded, demolished, or worn-out materials, and including the storage and dismantling of motor

vehicles or machinery for parts; or for the collection and storage of recyclable materials (e.g., scrap metal, glass, tires) and the sorting and processing of such materials in preparation for shipment to others for use in manufacturing new products.

Keeping of horses or ponies

The use of land and structures to provide forage, shelter, and care to one or more horses or ponies.

Kennel

An establishment where a person engages in boarding, breeding, buying, grooming, letting for hire, training (for a fee), or selling dogs or cats, for which a license is required pursuant to Subtitle 3 of the County Code. This term does not include a pet grooming establishment or a dog day care facility.

Land clearing debris landfill

A solid waste management facility other than a construction and demolition debris disposal facility that is the final resting place for materials that normally result from land clearing and or land development operations for a construction project—including rocks, soils, trees, tree remains, and other vegetative matter, but not vegetative matter from lawn and landscape maintenance, right-of-way or easement maintenance, farming operations, nursery operations, or other sources not related to a construction project. This use is subject to State solid waste management regulations.

Landfill, rubble (construction and demolition debris) (as a principal use)

A solid waste management facility that is the final resting place for materials discarded from the construction, renovation, or demolition of a structure that is generally considered to be nonhazardous and not water soluble—including, but not limited to, steel, glass, brick, concrete, asphalt materials, pipe, gypsum wallboard, and lumber. A construction and demolition debris

disposal facility may also contain land clearing debris such as rocks, soil, trees, and other vegetative matter. These facilities are subject to State permitting requirements and regulations.

Landfill, rubble (construction and demolition debris) (as a temporary on-site use)

A solid waste management facility that is used for materials discarded from the on-site construction, renovation, or demolition of a structure that are generally considered to be nonhazardous and not water soluble—including, but not limited to, steel, glass, brick, concrete, asphalt materials, pipe, gypsum wallboard, and lumber. A construction and demolition debris disposal facility may also contain land clearing debris such as rocks, soil, trees, and other vegetative matter. These facilities are subject to State permitting requirements and regulations.

Landscape Manual

The document that promulgates the standards and criteria for developing landscaped, buffered, and screened areas in Prince George's County, and which is adopted and revised and amended from time to time by the District Council.

Landscaping contractor's business

A business engaged in the planning, installation, construction, planting, repair, and maintenance of gardens, lawns, shrubs, vines, bushes, trees and other decorative vegetation, including the grading and preparation of plots and areas of land for decorative treatment and arrangement, and the construction or installation of garden pools, fountains, pavilions, conservatories, hothouses, greenhouses, and drainage and sprinkler systems.

Large retail buildings

For the purposes of Sec. 27.5-900, Nonresidential and Mixed-Use Design and Form Standards, single-tenant buildings (including but not limited to those with a combination retail use) that have a gross

floor area of 75,000 square feet or more and devote 60 percent or more of the total floor area to retail sales activities.

Laundromat

An establishment where automatic washing machines, clothes dryers, or dry-cleaning machines are provided for use by the general public (or in the case of a laundromat accessory to a multifamily dwelling, manufactured home park, marina, or campground, by the occupants or patrons of those uses).

Lawn care or pest control service

An establishment primarily engaged in providing lawn care services (e.g., mowing, aeration, seeding, fertilizer, landscaping) or pest control services (e.g., inspection, extermination).

Limited fuel/oil/bottled gas distribution

The distribution, for compensation, of fuel oil or bottled gases such as propane or liquid petroleum in containers no greater than five gallons in volume.

Links

For purposes of establishing a score under the Street Connectivity Index (see Sec. 27-5.108 F. 2, Street Connectivity Index Score Calculation) a link represents the stretches of road that connect the nodes within the subdivision, links external to the subdivision that connect to nodes associated with the development, and the street stubs within the subdivision (serving as temporary dead-end streets).

Livestock

Animals commonly regarded as farm animals, including, but not limited to, cattle, horses, goats, pigs, llamas, ostriches or emus, and sheep, but excluding domestic animals such as dogs, cats, rabbits, parrots, and domestic fowl.

Lot

A designated area of land to be used, developed, or built upon as a unit (in accordance with this Ordinance), and having the minimum contiguous area required for a lot in the applicable zone and frontage on a public street, or private road, right-of-way, or easement approved in accordance with Subtitle 24. A lot shall be made up of one or more entire record lots.

Lot, corner

A lot which has two intersecting sides abutting on a public street, provided the interior angle at the intersection of the two sides is less than 135 degrees, and each public street serves more than two lots.

Lot, interior

A lot other than a corner lot with only one frontage on a street other than an alley.

Lot, record

An area of land designated as a separate parcel of land on a record plat, or on a legally recorded deed (to land for which no subdivision plat is required pursuant to the provisions of Subtitle 24) filed among the Land Records of Prince George's County, Maryland.

Lot, through

A lot other than a corner lot with frontage on more than one street other than an alley.

Lot coverage

See Sec. 27-2.201.G.

Lot line

A line bounding a lot.

Lot line, front

The line running along the front of a lot and separating it from the street. For the purposes of this definition, the front of a lot is any lot line which abuts a street, except the front of a corner lot is the shortest lot line that abuts a street, or, If the lot lines abutting streets are of equal length, the lot line that abuts the street having the longest frontages within the same block.

Lot line, interior side

A lot line not abutting a street and connecting the lot's front and rear lot lines.

Lot line, rear

A lot line connecting the lot's interior side lot lines, or an interior side lot line and a street side lot line, along the edge of the lot opposite its front lot line.

Lot line, street side

A lot line, other than a front lot line, separating the lot from an abutting public street right-of-way or private street easement. Generally, the street side lot line of a vacant lot is the longer of the lot lines abutting a street.

Lumen

A quantitative unit measuring the amount of light emitted by a light source.

Machine shop

A workshop where power-driven tools are used for making, finishing, or repairing machines or machine parts.

Major fraction thereof

When used in this Ordinance, major fraction thereof means a fraction one-half (0.50) or greater is rounded up to the next whole

number, and a fraction that is less than one-half (0.50) is rounded down to the next whole number.

Manufactured home as emergency housing

The temporary placement and use of a manufactured home dwelling to provide emergency replacement housing following the destruction or damage of a dwelling by a fire, hurricane, tornado, flooding, or other physical catastrophe and until the dwelling is repaired, reconstructed, or replaced with a permanent dwelling.

Manufactured home park

A residential development designed to accommodate manufactured home dwellings, together with various other facilities for the benefit and enjoyment of residents of the park. The use does not include a campground.

Manufactured or modular home sales

Land on which the primary use is the display and retail sale of manufactured home dwellings and/or modular homes.

Manufacturing, assembly, or fabrication, heavy

An establishment primarily engaged in manufacturing uses that include, but are not limited to: the manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; manufacture of metaling; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants. This use type does not include other manufacturing uses specifically listed in the principal use tables, or the manufacture of acids, ammunition, fertilizer, soap, insecticides, or batteries.

Manufacturing, assembly, or fabrication, light

An establishment primarily engaged in manufacturing uses that involve the mechanical transformation predominantly of previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. This use type does not include other manufacturing uses specifically listed in the principal use tables. Examples include, but are not limited to: computer design and development; apparel production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of cosmetics; and manufacture of components, jewelry, clothing, trimming decorations, and any similar item.

Marina

A waterfront facility which, for a fee, provides for the berthing, mooring, or water storage of boats. The use may include such facilities as major and minor boat repair; boat docks, piers, and slips; boat fueling; dry land boat maintenance and storage; pump-out stations; fishing piers; beaches; erosion control devices; boat ramps, lifts, and launching facilities; boat sales, including parts; restaurants; ship's store; sale of ice; car and boat trailer parking; laundromat; locker rooms; cabanas; bathhouse; public showers; outdoor playing courts; and picnic areas.

Massage establishment

Any establishment primarily engaged in the administering of massages for pay by a massage therapist duly licensed or certified

by the State of Maryland. This use does not include the following uses, which may include the administering of massages:

- (A) A hospital, nursing home facility, or medical clinic;
- (B) The office of a physician, surgeon, chiropractor, osteopath, podiatrist, or physical therapist duly licensed or certified by the State of Maryland;
- (C) A barber shop or beauty salon in which massages are administered only to the scalp, face, neck, hands, feet, or shoulders;
- (D) A volunteer fire department or volunteer rescue squad;
- (E) A nonprofit organization operating an educational, cultural, recreational, or athletic facility;
- (F) A facility for the welfare of the residents of the area; or
- (G) An establishment providing instruction in, and facilities for, controlled exercise, weight lifting, calisthenics, and general physical fitness, which occupies at least 5,000 square feet, of which not more than 5 percent of the space is used for massages; and whose gross income from massages is less than 15 percent of the total gross business income derived from physical fitness sales contracts at each business location.

Master plan

See Area master plan.

Maximum extent practicable

No feasible or practical alternative exists, as determined by the appropriate staff, and all possible efforts to comply with the standards or regulations, or minimize potential harmful or adverse impacts have been undertaken by the applicant. Economic

considerations may be taken into account but shall not be the overriding factor determining "maximum extent practicable."

Medical cannabis

Any product containing usable cannabis or usable medical cannabis finished product.

Medical cannabis dispensary

An entity licensed under Subtitle 33 of the Health – General Article, Annotated Code of Maryland, that acquires, possesses, repackages, processes, transfers, transports, sells, distributes, or dispenses products containing usable medical cannabis, related supplies, or related products, including tinctures, aerosols, oils, or ointments; or educational materials for use by a qualifying patient or caregiver.

Medical cannabis finished product

A product containing a medical cannabis concentrate or a medical cannabis-infused product packaged and labeled for release to a qualifying patient.

Medical cannabis grower and/or processor

A medical cannabis grower is an entity licensed under Subtitle 33 of the Health – General Article, Annotated Code of Maryland, that cultivates, manufactures, packages, processes, or distributes medical cannabis to licensed processors, licensed dispensaries, or registered independent testing laboratories. A medical cannabis processor is an entity licensed under Subtitle 33 of the Health – General Article, Annotated Code of Maryland, that transforms medical cannabis into another product or extract, and packages and labels medical cannabis.

Medical facility

For purposes of Sec. 27-5.203.B.1.b, Medical Cannabis Grower and/or Processor, a facility, office, or clinic where patients are examined or treated by physicians, including hospitals and

outpatient facilities, urgent care centers, physical therapy offices, and dentists, but does not include drug or alcohol treatment facilities, methadone treatment facilities, or massage therapy establishments.

Medical or dental clinic/office

A small-scale facility or office where patients are admitted for examination and treatment by one or more physicians, dentists, or other health practitioners on a short-term basis. The use includes the offices of physicians, dentists, chiropractors, optometrists, podiatrists, audiologists, speech pathologists, physical therapists, acupuncturists, psychologists, and other health practitioners. It also includes facilities providing short-term outpatient care and treatment (which may or may not be overnight), such as urgent care centers, kidney dialysis centers, ambulatory surgical clinics, outpatient pain therapy clinics, biofeedback centers, sleep disorder clinics, family planning clinics, community health clinics, and health maintenance organization (HMO) medical clinics, and hospice facilities. Such facilities that provide overnight care and treatment may include sleeping rooms for care workers and members of patients' families. This use does not include hospitals or blood/tissue collection centers, drug or alcohol treatment facilities, or massage therapy establishments.

Medical or dental lab

Facilities and offices for performing services to provide information or materials for use in the diagnosis, prevention, or treatment of a disease or a medical or dental condition. Such services include, but are not limited to, the examination of bodily fluids or tissues and the production or repair of prosthetic dentures, bridges, or other dental appliances. They may be a part of doctor's or dentist's offices.

Medium airport

See Airport, medium.

Zoning Ordinance

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Metal-working, welding, plumbing, or gas, steam, or water pipe fitting

An establishment primarily engaged in processing metals to create individual parts or assemblies, fabricating products by joining metals through welding, or installing or repairing piping or tubing systems that convey liquids, gas, steam, or water.

Methadone treatment center

An establishment licensed by the Federal Government and certified by the State of Maryland from which methadone, prescribed for the treatment of heroin addiction, is dispensed. This use does not include a drug store or medical clinic.

Military Installation Overlay Zone (MIO Zone) Area

A defined land area where regulations in Sec. 27-4.402.C, Military Installation Overlay Zone, modify zoning standards and requirements.

Miniature golf course (indoor)

An indoor recreational facility for the playing of a novelty version of golf with a putter, typically with artificial playing surfaces and theme-oriented obstacles such as bridges and tunnels.

Miniature golf course (outdoor)

An outdoor recreational facility for the playing of a novelty version of golf with a putter, typically with artificial playing surfaces and theme-oriented obstacles such as bridges and tunnels.

Minor deviation

A minor or very small change or modification from an approved PD Basic Plan or PD Conditions of Approval of a planned development, based on the standards established in Sec. 27-3.505.C.11.

Prince George's County, Maryland

Comprehensive Review Draft | September 2017

M-NCPCC

Abbreviation of Maryland-National Capital Park and Planning Commission.

Modular classroom

A compensatory education modular classroom which is used exclusively for the purpose of providing educational services to private school students pursuant to Title 1 of the Elementary and Secondary Education Act of 1965, 20 U.S.C., Section 2701 et seq. (Title 1).

Modular home

A home that is built in sections in a factory to conform to all state, County building codes, and then transported to the building site on truck beds, then joined together by contractors.

Monopole

A wireless communication or radio antenna or pylon consisting of a single pole or rod.

Monument or headstone sales establishment

An establishment primarily engaged in cutting, shaping, and finishing marble, granite, slate, and other stone, or engaged in buying or selling monuments or headstones for use in cemeteries or mausoleums.

Motor freight facility

A business operation with the primary purpose of the transfer, storage, and distribution of goods and materials and the distribution of goods and materials to another location for the purpose of resale or use at the place to which they are distributed. It involves use of tractor-trailer or tandem truck vehicles for the movement of goods. If the motor freight terminal contains no more than 15,000 square feet of floor area and has no more than 7 loading areas, it is

classified as a small motor freight terminal. All other motor freight terminals are classified as large motor freight terminals.

Mullion

A vertical element that forms a division between units of a window or door, that is sometimes used as decoration. When dividing adjacent window units, its primary purpose is to provide structural support to an arch or lintel above the window opening.

Municipality

An incorporated city or town.

Natural Resource Inventory

A plan and supporting documentation or letter as defined in Sec. 24-6.300, Definitions, Subdivision Regulations.

Nail care establishment

An establishment that primarily offers fingernail and toenail care services such as manicures, pedicures, and nail enhancements.

Neckdown

A traffic calming measure that narrows a street, either at an intersection or at a mid-block point and typically found in a residential neighborhood. It is intended to slow vehicular traffic and to increase the safety of pedestrians. On streets with two-way traffic, neckdowns may permit two vehicles in opposite directions to pass through the narrowed portion of the street or may be designed such that one vehicle must yield to the other.

Net lot area

See Sec. 27-2.201.A.

Newspaper/periodical publishing establishment

An establishment primarily involved in carrying out operations necessary for producing and distributing newspapers, including

gathering news; writing news columns, feature stories, and editorials; selling and preparing advertisements; and publishing of newspapers in print or electronic form. Not included are establishments primarily engaged in printing publications without publishing (categorized as manufacturing and production uses) or education or membership organizations incidentally engaged in publishing magazines or newsletters for distribution to their membership.

Newspapers of record

A County newspaper, designated as such by the District Council, in accordance with the requirements of the Charter of Prince George's County, Maryland.

Nightclub

A place of entertainment offering live performances, live or recorded music, and dancing. A nightclub may offer food and/or beverages for consumption on the premises. Performances related to the display of specified activities or nudity are categorized as adult entertainment and are prohibited within nightclubs.

Nit

For the purposes of Sec. 27-6.1400, Signage, a unit of illuminance equivalent to one candela per square meter (cd/m²).

Node

For purposes of establishing a score under the Street Connectivity Index (see Sec. 27-5.108 F. 2, Street Connectivity Index Score Calculation) a node represents street intersections and cul-de-sac heads within the subdivision.

Noise Contour

Within the Military Installation Overlay (MIO) Zone, one of the series of boundaries illustrated in Figure 27-4.402.C.5.c: Noise

Intensity, showing the increases in the intensity of noise as measured in Decibels (DBA Ldn).

Nonconforming lot of record

A record lot that was legally created before this Ordinance, or an amendment thereto, was adopted, that is rendered non-compliant with the dimensional standards in this Ordinance.

Nonconforming sign

A sign that was legally established before this Ordinance, or an amendment thereto, was adopted, that is rendered non-compliant with the signage standards in this Ordinance.

Nonconforming site feature

Any off-street parking, landscaping, screening of mechanical equipment, wall, or fence that was legally established before this Ordinance, or an amendment thereto, was adopted, that is rendered non-compliant with the standards in this Ordinance.

Nonconforming structure

A structure that was legally established before this Ordinance, or an amendment thereto, was adopted, that is rendered non-compliant with the dimensional standards of the zone in which it is located or any other standards in this Ordinance.

Nonconforming use

A use that was legally established before this Ordinance, or an amendment thereto, was adopted, that is rendered non-compliant with the use regulations in this Ordinance.

Nonconformity

A use, structure, lot, sign, or site feature that was legally established before this Ordinance, or an amendment thereto, was adopted, that is rendered non-compliant with this Ordinance.

Nontidal wetland

See Sec. 24-6.300, Definitions, Subdivision Regulations, for the definition.

Nursery and garden center (as accessory to an agricultural use)

Structures or an area of land located on land used for agriculture that is used for the display and sale of nursery stock or garden supplies. This use does not include a temporary "wayside stand."

Nursing home facility

A licensed institution providing comprehensive medical and nursing services for chronically ill, disabled, or convalescent patients who require supervised care on a 24-hour-per-day basis. Services are rendered by or under the supervision of a registered nurse or physician. The use includes facilities providing subacute level nursing care and restorative care. Accessory uses may include dining rooms and recreation and physical therapy facilities for residents, and offices and storage facilities for professional and supervisory staff. This use does not include assisted living facilities, where the focus is on providing personal care rather than medical care, or hospitals, where acute and specialized medical care is provided.

Office building, general business and professional

A building primarily consisting of offices used for conducting the affairs of various businesses, professions, services, nonprofit organizations, or government agencies—including administration, record keeping, clerical work, and similar business functions. Accessory uses may include uses intended to serve the daily needs of office employees, such as restaurants, coffee shops, newspapers, or candy stands.

Office park

A development containing a number of separate office buildings that is designed, constructed, and operated on an integrated and coordinated basis and under a uniform scheme of development.

Office trailer

The temporary use of a trailer or other manufactured structure as an office in conjunction with existing office space accessory to an industrial use during the time in which permanent office space facilities are being constructed on-site.

Opacity

A measurement indicating the degree of obscuration of light or visibility.

Other agricultural use

Any agricultural use that is not specifically listed in the principal use tables. Examples include, but are not limited to, aquaculture, hydroponics, and fungiculture.

Other wholesale use

Any establishment primarily engaged in selling goods, generally in large quantities, to other businesses for subsequent resale, and that is not specifically listed in the use tables. Such use generally includes facilities for storage and distribution of goods, and may include display areas.

Outdoor display of merchandise (as accessory to a retail sales use)

Outdoor display of merchandise is the placement of products or materials for sale or rental outside the entrance of a retail or wholesale sales establishment.

Outdoor seating (as accessory to an eating or drinking establishment)

Outdoor seating as accessory to an eating or drinking establishment is the provision of on-site outdoor seating areas by an eating or drinking establishment where food or beverages are served for consumption. The accessory use also may include outdoor seating areas on public sidewalks in front of the establishment.

Outdoor storage (as a principal use)

Outdoor storage as a principal use is the keeping, in an unroofed area, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours, where such storage is the principal use of a lot. This use does not include a junkyard or salvage yard or the display and storage of vehicles as part of an automobile, recreational vehicle, trailer, or truck sales or rental use.

Outdoor storage (as an accessory use)

Outdoor storage as an accessory use is the keeping, in an unroofed area on the site of a principal use, of any goods, material, merchandise, or vehicles associated with the principal use in the same place for more than 24 hours. This use does not include a junkyard or salvage yard or the display and storage of vehicles as part of an automobile, recreational vehicle, trailer, or truck sales or rental use.

Outer Horizontal Surface

Within the Military Installation Overlay (MIO) Zone, the imaginary surface located 500 feet above the established airfield elevation and extending outward from the outer periphery of the conical surface for a horizontal distance of 30,000 feet, illustrated in Figure 27-4.402.C.5.b: Height, as "F." The area identified in the 2007 Air Installation Compatible Use Zone Study and the 2009 Joint Land Use Study as "Imaginary Surface F" is not subject to the provisions of Sec. 27-4.402.C, Military Installation Overlay Zone.

Outparcel (Subdivision)

See Sec. 24-6.300, Definitions, of Subtitle 24: Subdivision Regulations.

Outparcel (Zoning)

A parcel that is part of a development located on the exterior of the development, generally adjacent to the street.

Outside the Capital Beltway

For the purposes of this Zoning Ordinance, all areas within Prince George's County that are not located between Interstate 495 and the County's western boundary or within the corporate boundaries of the City of College Park, the City of Glenarden, or the Town of Forest Heights.

Owner

The person in whom legal or equitable title rests. Owner means any part owner, joint owner, owner of a community or partnership interest, life tenant, tenant in common, tenant by the entirety, or joint tenant. Where the signature of an owner is required, the term owner includes anyone having clear written authority to act on behalf of the actual owner.

Parapet

A building façade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.

Parapet wall

A low protective or decorative wall or railing along the edge of a raised structure such as a roof or balcony.

Parcel or parcel of land

Any quantity of land capable of being described with such definiteness that its location and boundaries may be established

which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

Parcel services

A business establishment that provides goods and services to facilitate the transmittal and receipt of parcels and packages.

Park and ride facility

An off-street parking facility designed or intended to provide peripheral collection and storage of motor vehicles and bicycles to accommodate commuter traffic into or out of the community via a nearby transit station or terminal located within convenient walking distance of the facility. Accessory structure may include passenger shelters.

Park or greenway

A park consists of land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, including dog parks and excluding commercially operated amusement parks. A greenway is a linear park that links various parts of the community with facilities such as bicycle paths and footpaths.

Parking area

Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, garages, private driveways, and legally designated areas of public streets.

Parking bay

The parking module consisting of one row of parking spaces or stalls and the aisle from which motor vehicles enter and leave the spaces.

Parking Demand Study

An analysis of the total number of parking spaces required in order to accommodate the optimal number of vehicles for parking purposes by a particular use or site at any given time, including the parking requirements for all employees, occupants, clients, and visitors.

Parking facility (as a principal use)

An off-street, hard-surfaced, area—or a structure composed of one or more levels or floors—that is used exclusively for the temporary storage of motor vehicles. A structured parking facility may be completely below grade or partially or totally above grade, with levels either being open to the sides (deck) or enclosed (garage).

Parking facility (as an accessory use)

An off-street, hard-surfaced, area—or a structure composed of one or more levels or floors—that is used exclusively for the temporary storage of motor vehicles associated with the principal use of the lot (for residents, employees, customers, visitors, etc.). A structured parking facility may be completely below grade or partially or totally above grade, with levels either being open to the sides (deck) or enclosed (garage).

Parking lot drive aisle

A vehicular accessway located within an off-street parking or vehicular use area which serves individual parking stalls and driveways. Parking lot drive aisles are not streets and are not subject to the standards for streets in this Subtitle.

Parking space, handicapped accessible

A space designated for the parking or temporary storage of one motor vehicle in addition to the space necessary for the ingress and egress from the vehicle by a person with disabilities and any equipment needed for that purpose.

Parking space, off-street

A space that is designated for the parking or temporary storage of one motor vehicle located outside of a dedicated street right-of-way, vehicular travel way, or parking aisle.

Parking structure or structured parking

A building for short-term storage of motor vehicles, having two or more tiers or levels, that has open sides or is enclosed, with the top tier or level either roofed or not.

Parking, deferred

A portion of the required off-street parking associated with a use that is not installed at the time of construction, but delayed or deferred until a parking demand study can be completed to determine if the additional required parking is needed.

Parking, off-site

An off-street parking area provided on a different parcel than the use it is intended to serve.

Parking, shared

Off-street parking facilities shared by two or more uses that are in close proximity to one another and the parking area, and that have different operational characteristics such that use of the parking facilities by one use will not generally overlap with the use of the parking area by the other use(s).

Parking, tandem

A parking space within a group of two or more parking spaces arranged one behind the other.

Patio

An area, usually paved, adjoining a building - used as an area for outdoor dining or gathering.

Pawnshop

A business at which a person lends money on the deposit or pledge of tangible personal property or purchases tangible personal property on the condition of reselling the same to the seller at a stipulated price.

Performance arts center

One or more adjoining structures housing one or more of the following uses: theaters or performance space for dramatic, dance, or musical productions; museums or galleries for display or exhibition of any form of artwork; schools, training centers, or practice space for artists; and accessory office, storage, or workplace areas for any such uses. Accessory uses may also include other nonresidential uses serving center patrons.

Person

For purposes enforcing this Ordinance in accordance with Division 27-8: Enforcement, a "person" is any individual or natural person, legal entity, joint stock company, partnership, voluntary association, society, club, firm, company, corporation, business or other trust, two or more persons having a joint interest, civic association, municipality, government organization or entity, government official, or any other organization, whether or not legally incorporated. Persons subject to the remedies and penalties established in Division 27-8: Enforcement, for violating this Ordinance shall include the owner, tenant, or occupant of the land or structure that is in violation of this Ordinance and any other person who participates in, assists, directs, creates, or maintains a situation that constitutes an Ordinance violation, including but not limited to an architect, engineer, builder, contractor, or agent.

For all other purposes, "person" means any individual or natural person, legal entity, joint stock company, partnership, voluntary association, society, club, firm, company, corporation, business or other trust, civic association, municipality, government organization

or entity, or any other organization, whether or not legally incorporated.

Person of record (party of record)

In any zoning case, a person or party of record includes:

- (A) The owner, applicant, and correspondent; and
- (B) Any municipality, civic association, or other person which requests, by writing or testimony, to become a person or party of record on or before the date the Zoning Hearing Examiner takes the case under advisement.

In any sectional map amendment or other matter (under this Subtitle) not heard by the Zoning Hearing Examiner, a person or party of record includes the owner, applicant, and correspondent of a pending application; or a municipality, civic association, or other person which, in writing or in testimony before the District Council, Planning Board, or other body, requests to be made a person or party of record, prior to the closing of the hearing record on the matter.

Personal grooming or well-being services

A beauty salon or barbershop, a massage establishment, a nail care establishment, or saunas and steam baths. This term does not include a health club or a pet grooming establishment.

Personal laundry or dry-cleaning services

A laundromat or a dry-cleaning or laundry drop-off/pick-up establishment.

Personal or household goods repair establishment

An establishment primarily engaged in providing repair services for audiovisual equipment, bicycles, clocks, watches, jewelry, shoes, guns, canvas products, appliances, and office equipment—including tailors, locksmiths, and upholsterer services.

Personal travel or information services

A business principally engaged in providing travel arrangement and reservation services to the general public and not to commercial clients.

Personal vehicle repair and maintenance

Establishments, excluding vehicle paint finishing shops, that repair, install, or maintain the mechanical components or the bodies of autos, small trucks or vans, motorcycles, motor homes, or recreational vehicles including recreational boats or that wash, clean, or otherwise protect the exterior or interior surfaces of these vehicles.

Personal vehicle sales and rentals

Establishments that provide for the sale (including auctions) or rental of new or used autos, small trucks or vans, trailers, motorcycles, motor homes, or recreational vehicles. Typical examples include automobile dealers, auto malls, car rental agencies, and moving equipment rental establishments (e.g., U-Haul).

Pet grooming establishment

An establishment where a pet animal may be cleaned, styled or otherwise have its appearance maintained. This does not include day care or boarding facilities, such as a dog day care or kennel.

Photographic processing plant

A facility primarily engaged in the large-scale processing of photographic film into finished slides and prints.

Physically handicapped person

An individual who has a physical impairment that:

- (A) Is expected to be of long-continued or indefinite duration;

- (B) Substantially impedes the ability to move about and live independently; and
- (C) Is of such a nature that this ability could be improved by more suitable housing conditions, barrier-free design of buildings, and reserved, specially-designed parking facilities.

Pier, community or noncommercial docking facility

A pier or boat docking facility that is community-owned, and operated for the benefit of the residents of a riparian subdivision.

Pier, private

A privately owned platform extending from a shore over water and supported by piles or pillars, used to secure, protect, and provide access to boats.

Pilaster

A usually non-structural column used as ornamentation to give the appearance of a supporting column and to articulate an extent of wall, with only an ornamental function.

Place of worship

A structure, together with its accessory buildings and uses, where people regularly assemble to conduct religious worship, ceremonies, rituals, and related education. The structure and its accessory buildings and uses are maintained and controlled by a religious body. Places of worship include chapels, churches, mosques, shrines, synagogues, tabernacles, temples, and other similar religious places of assembly. Accessory uses may include administrative offices, classrooms, meeting rooms, schools, day care facilities, and cooking and eating facilities. A place of worship may include other uses that generally exist as principal uses—e.g., day care center, school, or recreational facility. Such uses are treated as principal uses and subject to the standards and limitations applicable to such uses.

Planned Development Map Amendment

See Sec. 27-3.505, Planned Development (PD) Map Amendment . (Abbreviated as "PD map amendment.")

Planning Board

The Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission. See Sec. 27-3.303, Prince George's County Planning Board (Planning Board).

Planning Director

The Planning Director of the Prince George's County Planning Department, or a designee. See Sec. 27-3.306, Planning Director.

Plaza

An open space at the intersection of streets or adjacent to structures, set aside for civic purposes and commercial activity, that may include parking, consisting of durable pavement, and formal landscaping or tree plantings.

Pocket Park

A small-scale open space, usually 1/4 of an acre or less in size, that is accessible to the general public and designed to meet a variety of needs and functions, such as small event space, play areas for children, gathering places, and picnic areas.

Porch

A covered but unenclosed projection from the main wall of a building that has a roof and may or may not use columns or other ground supports for structural purposes.

Primary drive aisle

An aisle in a parking lot that functions as a collector of circulating vehicles from the drive aisles directly serving perpendicular parking spaces and/or that connects directly to the property's access points to a public street.

Primary Surface

Within the Military Installation Overlay (MIO) Zone, an imaginary surface symmetrically centered on the runway, extending 200 feet beyond each runway end that defines the limits of the obstruction clearance requirements in the vicinity of the landing area. The width of the primary surface is 2,000 feet, or 1,000 feet on each side of the runway centerline, illustrated in Figure 27-4.402.C.5.b: Height, as "A."

Printing or similar reproduction facility

A commercial establishment primarily engaged in lithographic (offset), gravure, flexographic, screen, quick, digital, or other method of printing or reproduction on stock materials on a job order basis.

Private dormitory

A building not owned or operated by a college or university that contains bedrooms for students attending a college or university. Bedrooms may be arranged around a common area with a kitchen which is shared by students renting the bedrooms, or along a hall which provides access to a common kitchen space. Bedrooms shall be rented to the student on an annual basis or for an academic semester or summer term. Accessory uses may include fitness facilities, pools, parking areas, and similar facilities.

Public beach and public water-oriented recreational and educational area

The use of and development of public facilities on a public beach for recreational or educational purposes.

Qualifying patient

For purposes of Sec. 27-5.203.B.1.b, Medical Cannabis Grower and/or Processor, an individual who:

- (A) Lives in the State of Maryland, or during that time an individual is present in the State, is physically present in the State for the purpose of receiving medical care from a medical facility in the State;
- (B) Has been provided with a written certification by a certifying physician in accordance with a bona fide physician-patient relationship; and
- (C) If the person is younger than 18 years old, has a caregiver.

Racetrack

A facility consisting of a paved racetrack used primarily for the spectator-oriented sport of automobile and/or motorcycle racing. The facility may include seating, concession areas, related retail sales, and facilities for the temporary storage and preparation of racing automobiles and motorcycles.

Racetrack, Horse

A facility consisting of a racetrack for horses used primarily for the spectator-oriented sport of horseracing. The facility may include grandstands for seating, concession areas, related retail sales, and facilities for the temporary housing, grooming, and training of horses who are racing at the racetrack.

Rain garden

A planted depression that allows rainwater runoff from impervious surfaces like roofs, driveways, walkways, parking lots, and compacted lawn areas the opportunity to be collected in a single location and absorbed.

Rainwater cistern or barrel

A catchment device to capture rain water from a roof or other surface before it reaches the ground, which may be either above or below ground level.

Recreation courts (indoor)

An indoor structure used for holding court games (basketball, tennis, racquetball, squash, etc.). Accessory uses or structures may include a concession stand, netting, exterior lighting fixtures, public bathrooms, maintenance and storage areas, and spectator seating or stands.

Recreation courts (outdoor)

An outdoor area used for holding court games (basketball, tennis, racquetball, squash, etc.). Accessory uses or structures may include a concession stand, netting, exterior lighting fixtures, public bathrooms, maintenance and storage areas, and spectator seating or stands.

Recreation facility, indoor

A commercial establishment that provides indoor facilities for recreation or entertainment-oriented activities by patrons or members. Use types include: amusement arcades, amusement centers, aquatic centers or natatoriums, archery or baseball batting ranges, health clubs, miniature golf courses, recreation courts, skating facilities, swimming pools, and similar uses.

Recreation facility, outdoor

A commercial establishment that provides outdoor facilities for recreation or entertainment-oriented activities by patrons or members. Use types include: archery or baseball batting ranges, athletic fields, miniature golf courses, recreation courts, swimming pools, and similar uses.

Recreational or entertainment establishment of a commercial nature

An establishment which provides entertainment, recreation, or amusement for profit, (which may only include a "video lottery facility" in accordance with Sec. 27-5.203.E.7.e, Recreational or

Entertainment Establishment of a Commercial Nature with a Video Lottery Facility). This term shall include any indoor recreation facility principally used for rental to the general public for banquets, dances, and other similar events, if the facility is not sanctioned by another special exception or club or lodge or community-oriented associations. This term shall not include an amusement arcade, health club, or massage establishment.

Recycling collection center

A facility where recyclable materials are purchased or accepted from the public, then shipped or distributed to an appropriate facility for processing.

Recycling plant

Any establishment in which a finished product is broken down (excluding biological or chemical decomposition) with the intent of either making a new product or reusing the disassembled parts. Vehicle demolition, salvage, storage operations, electronic recycling facilities, and concrete recycling facilities are not included.

Regulated Environmental Features

See Sec. 24-6.300, Definitions, Subdivision Regulations, for the definition.

Regulated Stream

See Sec. 24-6.300, Definitions, Subdivision Regulations, for the definition.

Research and development

A facility primarily engaged in basic and applied research and development of experimental study, testing, or analysis of innovative ideas in the natural and medical sciences, engineering, or other technology-intensive fields. Examples include research and development of computer software, information systems, communication and transportation systems, geographic information

systems, multi-media and video technology, pharmaceuticals, and disease control.

Restaurant

An establishment where food and/or beverages are prepared, served, and consumed, and whose principal method of operation includes one or both of the following characteristics: (1) customers are normally provided with an individual menu and served their food and beverages by a restaurant employee at the same table or counter where the items are consumed; or (2) a cafeteria-type operation where food and beverages generally are consumed within the restaurant building. A restaurant may also provide on-site entertainment in the form of live performances or live or recorded music.

Restaurant, Fast Food

An eating or drinking establishment that has any one or more of the following characteristics:

- (A) A drive-through facility or walk-up window;
- (B) A service counter (including but not limited to a take-out restaurant) where all customers pay for their ordered items before consumption, except cafeterias primarily engaged in serving food and beverages for on-premises consumption are considered sit-down restaurants if take-out service is clearly incidental to the principal use.

Retail sales (as accessory to a manufacturing, warehouse, or wholesale use)

The offering of products associated with a manufacturing, warehouse, or wholesale use for retail sale to the general public on the premises of the manufacturing, warehouse, or wholesale use. An example is an outlet or seconds shop located at a manufacturing plant.

Retail sales (as accessory to a multifamily development)

Small-scale retail sales or service uses on the premises of a multifamily development use that offer convenience goods and other goods and services serving the day-to-day needs of residents and guests of the multifamily development. Such uses include a beauty salon or barbershop, small eating or drinking establishment, small food or beverage store, or florist.

Retaining wall

A structure designed and constructed to retain (hold back) any material (usually earth) and prevent it from sliding or eroding away. Retaining walls are used when there is a change in ground elevation that exceeds the angle of repose of the soil. Retaining walls shall be covered on their exterior by natural stone, brick, wall stone, or similar material.

Riding stable

An establishment where horses are boarded and cared for, where horses may be rented to the general public for riding, and where instruction in riding, jumping, and showing may be offered.

Right-of-way

Any land area that:

- (A) Has been dedicated to public use by a plat of subdivision or other instrument recorded in the land records of the County;
- (B) Has been deeded to or acquired by the County for road or transportation purposes;
- (C) Has been conveyed to a public agency by easement for public use for road or transportation purposes;

- (D) Has been declared by competent authority to be a public right-of-way through use or through prescriptive usage in accordance with Maryland law;
- (E) Is located along a County-maintained road and falls within the traveled way or the actively maintained shoulders and side ditches of the County-maintained road; or
- (F) Is contained in an easement or private right-of-way recorded in the land records of the County for ingress and egress, access, or terms of similar meaning.

Roof line

The top edge of the roof or the top of the parapet, whichever forms the top line of a building.

Rooming house

See boarding or rooming house.

Rural corporate retreat

A use, compatible with agriculture, horticulture, animal husbandry, and/or open space, which is engaged in the study, testing, design, invention, evaluation, or development of technologies, techniques, processes, or professional and consulting services, and education and training related to such advances and services. Rural corporate retreats may be utilized for basic and applied research services and education wherein the inquiry process is conducted in a manner similar to that of institutions of higher learning or management consulting firms. Rural corporate retreat facilities may include facilities for associated training programs, seminars, conferences, and related activities.

Sadomasochistic abuse

Flagellation or torture by or upon a human who is nude, or clad in undergarments, or in a revealing or bizarre costume, or the

condition of one who is nude or so clothed and is being fettered, bound, or otherwise physically restrained.

Safety Zones

Accident Potential Zone 1, Accident Potential Zone 2, and the Clear Zone, individually or collectively, as defined within the Military Installation Overlay (MIO) Zone and illustrated in Figure 27-4.402.C.4.c: Accident Potential/Clear Zones North and South.

Sand and gravel wet-processing

The process of crushing of mined sand or gravel material, screening the materials by size and washing them with the use of water sprays, and stockpiling and dewatering them.

Sanitary landfill

A facility where trash, garbage, construction debris, stumps, limbs, leaves and other solid waste is placed in layers, compacted, and covered with earth or other approved covering material at the end of each day's operation, under a State permit and regulations. This use does not include rubble (construction and demolition debris) landfill or a land clearing debris landfill.

Satellite dish antenna

A round or parabolic antenna and its supporting structure for the purposes of sending and/or receiving radio or electromagnetic signals.

Sawmill (as a principal use)

An operation or facility established for the purpose of sawing or planing of logs or trees.

Sawmill (as a temporary on-site use)

A temporary operation or facility established for the purpose of sawing or planing of logs or trees grown and harvested on the site.

School, elementary, middle, or high

An educational institution that offers a program of high school, middle school (or junior high school), and elementary school (including kindergarten, pre-kindergarten, pre-kindergarten – 8, or nursery school) instruction meeting State requirements for a school. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.

Searchlight

An apparatus containing a light and reflector on a swivel, for projecting a strong, far-reaching beam in any direction.

Seasonal decorations display and sales

A temporary business enterprise that is conducted primarily outdoors and offers for retail sale decorative items that are, by their nature, in particular demand during a relatively short peak season—including, but not limited to, Christmas trees, pumpkins, flowers, and fireworks.

Sectional map amendment

See Sec. 27-3.503, Sectional Map Amendment (SMA).

Sector plan

A comprehensive plan for the physical development of part of one or more planning areas, showing in detail planning features such as type, density and intensity of land uses, pedestrian traffic features, public facilities, and the relationship between the various uses to transportation, other public facilities and services, and amenities within the sector plan area, and where appropriate, to other areas. A sector plan amends the General Plan. (see Sec. 27-3.501, Comprehensive Plans and Amendments).

Septic tank service

An establishment primarily engaged in the pumping out and other maintenance of septic tanks.

Sewage dump station (as accessory to a campground or marina)

A facility for the collection and temporary storage of sewage from camping trailers or boats.

Sexual conduct

Human masturbation, sexual intercourse, or any touching of or contact with the genitals, pubic areas, or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex, or between humans and animals.

Sexual excitement

The condition of human male or female genitals, or the breasts of the female, when in a state of sexual stimulation, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity.

Shooting range

A structure or portion of land used for the discharge of firearms for recreational or training purposes.

Shopping center

A group of four or more nonresidential establishments that primarily consist of retail sales and services establishments and personal service uses, under single or multiple ownership, in one or more buildings, that is planned, constructed, and managed as a single entity, with:

- (A) Shared traffic circulation systems and off-street parking and loading areas;

- (B) Shared site features including but not limited to access, landscaping, pedestrian ways, and signage; and;
- (C) Coordinated form and building design.

Shopping center, integrated

For the purposes of Sec. 27-6.1400, Signage, a group of three or more retail stores planned and developed under a uniform development scheme and served by common and immediate off-street parking and loading facilities.

Shrub

A self-supporting woody perennial ranging in height from 6 inches to 20 feet. Shrubs are characterized by multi-stemmed growth habits and can be deciduous or evergreen.

Sidewalk

A paved area public right-of-way running parallel to the street for the purposes of pedestrian travel and to facilitate pedestrian access to nearby streets, buildings, and land.

Sidewalk pedestrian clearance zone

In the Transit-Oriented/Activity Center zones, the portion of the sidewalk primarily intended for the unobstructed movement of pedestrians, located between the sidewalk planting zone and the building façade.

Sign

Any letter, word, numeral, figure, design, projected image, picture, illustration, emblem, symbol, trademark, banner, pennant, or other device, whether illuminated or non-illuminated, which is used to announce, direct attention to, identify, advertise, or otherwise make anything known, including but not limited to realty, products, services, places, activities, persons institutions, performances, commodities, and business and organizations. Signs do not include

the flag or emblem of any nation; county, state, city, religious, fraternal, or civic organization decorations; or works of art which in no way identify a product or business.

Sign area or surface area

The entire area of a sign. It shall be measured by the square, rectangle, semicircle, or parallelogram thereof, and comprise the entire sign inclusive of any border or trim and all the elements of the matter displayed, but excluding the base or apron, supports and other structural members. All sides of a sign which are visible from any vantage point shall be measured in determining the area of a sign, except that if two sides are back-to-back or separated by an angle of 45 degrees or less, only the larger of two sides shall be measured.

If a building wall sign include letters, figures, designs, or other sign elements that are painted or mounted directly on the architectural face of a building with no border, trim, or other decorative wall work, the spaces between such elements shall not be considered part of the sign, and the sign area shall be calculated by reducing by 50 percent the area of the square, rectangle, semicircle, or parallelogram thereof which forms, or approximates, the perimeter of the sign elements.

Sign illumination, animated

Illumination of part or all of a sign drawing attention to a sign through an internal or external light source or neon illumination that exhibits changing intensities or colors. Animated illumination includes a sign on which the only copy that changes is the electronic indication of time, temperature, stock market, or similar information. Animated illumination does not include automatic changes in display for digital displays.

Sign illumination, static

Illumination drawing attention to a sign through an internal or external light source or neon illumination that does not change intensities or colors. Static illumination does not include digital displays.

Sign, address

A sign identifying the street number and/or name of the occupant of the property on which the sign is located.

Sign, building wall or roof

A sign attached parallel to, painted on the wall surface of, or erected on the outside wall, mansard roof structure, other roof structure, or parapet of any building or structure, which is supported by a wall, building, or structure, and which displays only one sign surface.

Sign, canopy

A sign which is a part of or attached to a canopy (see "Canopy").

Sign, changeable copy

A sign that is designed to accommodate the frequent changing of message copy (e.g., letters, numerals, graphics), whether through manual means (e.g., changing of attachable characters or graphics), mechanical means (e.g., rotation of sign face or sign panels), or electronic means (e.g., automatic switching of sign face or sign panels or of the message itself). Changeable copy signs include bulletin or reader boards, time and temperature signs, and electronic message signs.

Sign, construction identification

A sign which identifies the architects, engineers, contractors, and other individuals or firms directly involved with construction of development, the name of the building or development, the

intended purpose of the building or development, and/or the expected completion date.

Sign, directional

A sign that provides directional information, such as mileage, route number, or exit number, useful to the driver or traveler in locating the attraction or activity. A directional sign may not contain descriptive words or phrases or pictorial or photographic representations of the activity or its environs.

Sign, easel

A one-sided sign displayed outside a business by placement on a three- or four-legged easel-type supporting structure.

Sign, electronic

A sign that changes its message copy by means of light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the display area.

Sign, freestanding

A sign which is permanently affixed in or upon the ground and not attached to any building structure.

Sign, gateway

A freestanding sign located at the entrance to the site of a single-family residential subdivision, business or professional offices, or an integrated shopping center, that identifies the subdivision, offices, or shopping center.

Sign, illuminated

A sign that is illuminated by electric or other device mainly for clear visibility at night

Sign, monument

A freestanding sign constructed with a monument base with the monument base flush to the ground.

Sign, nonconforming

A sign that complied with the requirements of this Ordinance when it was erected, but does not currently comply with the standards of this Ordinance.

Sign, outdoor advertising (billboard)

A sign (including painted bulletin, poster panel, and digital billboard) which directs attention to a business, profession, commodity, service, the sale or rental of real estate, entertainment, event, or other activity conducted, sold, or offered elsewhere than upon the property on which the sign is located. A painted bulletin is an outdoor advertising sign having an area greater than 300 square feet. A poster panel is an outdoor advertising sign which generally has panels of poster paper attached to it, and an area not greater than 300 square feet. A digital billboard is an outdoor advertising sign utilizing a digital display.

Sign, political

A sign attracting attention to political candidates or political topics.

Sign, portable

Any sign that rests upon the ground, a structure, frame, building, or other surface, that can be moved around; such signs include but are not limited to the following: trailer signs, sandwich board signs, and sidewalk or curb signs.

Sign, projecting

A sign attached to and projecting out from a building face or wall, generally at a right angle to the building.

Sign, real estate

Any on-premise sign pertaining to the sale, rental, development, or lease of a lot or parcel of land, one or more structures, or a portion thereof, to which the sign is located.

Sign, real estate directional

A sign directing people to a lot or parcel of land, one or more structures, or a portion thereof, available for sale, rental, development, or lease.

Sign, sandwich board

A movable ground sign, not secured or attached to the surface or ground upon which it is located, that is constructed in such a manner as to form an "A" or tent-like shape.

Sign, temporary

A sign that can be used only for a designated period of time.

Sign, traffic

A sign indicating Federal, State, County, or Municipal regulations for automobile, truck, bicycle, and pedestrian movement.

Sign, window

A sign that is attached to, or painted on, a window so that it can be read from outdoors

Skating facility (indoor)

An indoor facility, the use of which is primarily devoted to ice skating or roller skating. The facility may also be used as a site for competitive events and as a practice and training facility. Accessory uses may include meeting rooms, training rooms, videotape rooms, a restaurant, a pro shop, a snack bar, and outdoor training fields.

Skating facility (outdoor)

An outdoor facility, the use of which is primarily devoted to ice skating or roller skating. The facility may also be used as a site for competitive events and as a practice and training facility. Accessory uses may include meeting rooms, training rooms, videotape rooms, a restaurant, a pro shop, a snack bar, and outdoor training fields.

Slaughterhouse

An establishment where animals are killed and prepared for food.

Slope

An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude (e.g., slope = 3:1 = 3 ft. horizontal to 1 ft. vertical).

Small airport

See "Airport, small."

Small engine repair shop

An establishment primarily engaged in the maintenance and repair of small engines—i.e., low-power internal combustion engines (gasoline/petrol) or electric engines. Equipment repaired includes, but is not limited to, chain saws, string trimmers, leaf blowers, snow blowers, lawn mowers, wood chippers, and go-karts.

Solar energy collection facility (large-scale)

A facility consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in water heating or space heating and cooling, and/or that collects solar energy and converts it into electricity. As a principal use, a solar energy collection system is designed to meet demands for a large area and is typically mounted on the ground.

Solar energy collection facility (small-scale)

A facility consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in water heating or space heating and cooling, and/or that collects solar energy and converts it into electricity. As an accessory use, a solar energy collection system is designed to primarily meet on-site demands (but may include transfer of excess electricity to an electric utility grid) and components are typically mounted on the roof(s) of principal or accessory structures, but may be mounted on other parts of structures, or on the ground.

Solid waste processing facility

A facility at which solid waste is sorted, reduced, compressed, shredded, compacted or composted for purposes of volume reduction or preparation for burning or land-filling.

Solid waste transfer station

A place or facility where solid wastes are taken from a transportation unit or collection vehicle and placed in another transportation unit or collection vehicle for transport to a solid waste acceptance facility. The movement or consolidation of solid waste at the point of generation is not a transfer station.

Spa

An above- or below-ground structure (together with all associated appurtenances) that is filled with water and used for immersion and soaking of the human body for relaxation or recreation.

Special Exception

See Sec. 27-3.507, Special Exception.

Splash pad

A recreation area, often in a public park or private residential development, for water play that typically includes sprinklers, fountains, nozzles, and other devices or structures that spray water, but leave little or no standing water, eliminating the need for lifeguards or other supervision.

Square

An open space that is defined by streets or buildings that is set aside for civic purposes, with landscaping consisting of paved walks, lawns, trees, and may contain civic buildings.

Stable, private

A building or land where horses are, sheltered, fed, or kept for personal use, accessory to a single-family detached dwelling.

Stacking lane

A portion of the vehicular use area on a site that is dedicated to the temporary storage or "standing" of vehicles engaged in drive-through use of the site or development. Parking or storage of vehicles is not permitted within the stacking/standing area.

Storage shed

A non-inhabitable accessory structure used or designed to be used to provide shelter for or storage of materials, or as a small workshop. Storage sheds may be enclosed or open and may be attached to a principal building or exist as a detached structure.

Street

A street is any of the following:

- (A) A public or dedicated right-of-way at least thirty (30) feet in width; or a private road, right-of-way, or easement along which development is authorized pursuant to this Ordinance, except for easements created under Sec. 27-

5.100, Roadway Access, Mobility, and Circulation to avoid potentially hazardous or dangerous traffic situations, or for right-of-way easements within a nonresidential development pursuant to Sec. 27-5.100, Roadway Access, Mobility, and Circulation; or

- (B) A proposed street right-of-way or widening shown on the applicable General Plan, area master plan, sector plan, or functional master plan; or in the current Capital Improvement Program or Maryland State Consolidated Transportation Program; or on a record plat; or
- (C) A public road designated by the Director of the Department of Public Works and Transportation shall be deemed a public street for the purpose of constructing a single-family detached dwelling, provided that:
- (1) The designated public road has a right-of-way width of at least thirty (30) feet; and
 - (2) No subdivision plat is required prior to development of the lot which abuts the designated public road.

Street connectivity index

For purposes of this Ordinance, a metric that evaluates the street connections in a single-family residential subdivision (see Sec. 27-5.108 F. Connectivity Standards for Single-Family Residential Development).

Street furniture

Objects such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, and fountains that have the potential for enlivening and giving variety to streets, sidewalks, plazas, squares, and other outdoor spaces open to, and used by, the public.

Street line

A line separating the street from abutting property. For the purpose of this definition a street is whichever of the following two groups of vehicular ways indicates the greatest right-of-way width:

- (A) A public or dedicated right-of-way at least 30 feet in width; or a private road right-of-way or easement along which development is authorized pursuant to Subtitle 24; or
- (B) A proposed street right-of-way or widening shown on the applicable General Plan or area master plan, or sector plan, or Functional Master Plan; or in the current Capital Improvement Program or Maryland Consolidated Transportation Program; or on a record plat.

Street stub

A street segment, usually relatively short in length, which terminates at the boundary of a subdivision or other development. The purpose of stub streets is to ultimately connect to abutting land when it is developed.

Street tree

A tree planted or existing within or along either side of a street right-of-way.

Street, temporary dead end

A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

Structure

Anything constructed, installed, or portable, the use of which requires a location on a parcel of land or site. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, industrial, or public, civic, or institutional purposes, either temporarily or permanently.

"Structure" also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, and advertising signs.

For purposes of Sec. 27-7.300, Nonconforming Structures, "structure" does not include off-street parking, landscaping, screening of mechanical equipment, and walls or fences.

Structure height

See Sec. 27-2.201.H.

Surface mining

The extraction of natural materials or deposits from the earth (such as sand, gravel, clay, rock, stone, earth, or topsoil).

Swimming pool (indoor) (as a principal use)

A man-made enclosure at least three feet deep at the deep end that is filled with water and used for wading or swimming, and that is operated for profit.

Swimming pool (outdoor) (as a principal use)

A man-made pool at least three feet deep at the deep end that is filled with water and used for wading or swimming, and that is operated for profit.

Swimming pool, commercial (as an accessory use)

A man-made enclosure at least three feet deep at the deep end that is filled with water and used for wading or swimming, and that is accessory to a commercial use.

Swimming pool, private

A man-made enclosure at least three feet deep at the deep end that is filled with water and used for wading or swimming, and that is:

- (A) Owned and maintained by an individual for the sole use of the owner's household and guests;

- (B) Located on a lot as an accessory use to the owner's residence; and
- (C) Not operated for profit or in connection with any business operated for profit.

Swimming pool sales and service establishment

An establishment primarily engaged in the sale, servicing, and/or repair of swimming pools.

Tank farm

A facility for storage of tanks which in total contain more than one million gallons of petrochemical or other hazardous material products.

Tanning salon

A facility specializing in cosmetic tanning using ultraviolet lights or chemical spraying.

Tattoo or body-piercing establishment

An establishment wherein designs, letters, figures, body piercing, or other marks are placed upon the skin of any person, using ink or other substances that result in the permanent coloration or piercing of the skin by means of use of needles or other instruments designed to contact or puncture the skin.

Taxi or limousine service facility

A service that offers transportation in passenger automobiles, vans, shuttles, or pedicabs to persons, including persons with disabilities, in return for remuneration. The business may include facilities for servicing, repairing, and fueling the taxicabs or limousines.

Taxidermy

An establishment engaged in the art of preparing and preserving the skins of animals and stuffing and mounting them in lifelike form.

Telephone call center

An establishment primarily engaged in answering telephone calls and relaying messages to clients or in initiating or receiving communications for telemarketing purposes, such as promoting clients' products or services, taking orders for clients, or soliciting contributions or providing information for clients.

Temporary classroom

A manufactured structure not permanently attached to the ground, used on a temporary basis in conjunction with a permanent school structure to provide educational classroom facilities for schools.

Temporary portable storage unit

A transportable unit designed and used primarily for temporary storage of building materials, household goods, personal items, and other materials for use on a limited basis.

Temporary real estate sales office/model

A dwelling, dwelling unit, or other marketable unit of a new development that is used for real estate sales or leasing activities associated with the development pending construction of the development and the initial sales of dwellings or units in the development.

Temporary shelter for commercial displays, sales, and services

A retail sales and service establishment's temporary use of a tent or trailer for promotional displays or sales promotional displays or sales, seasonal activities, income tax consultant's offices, carload sales of products, sidewalk sales, and demonstration of products in a parking lot.

Temporary use permit

See Sec. 27-3.510, Temporary Use Permit.

Text Amendment

See Sec. 27-3.502, Text Amendment.

Traffic calming device

A natural or constructed feature located within or adjacent to a street that is designed to reduce motorists' speed or vehicle volumes, while at the same time increasing safety for pedestrians and non-motorized vehicles.

Transient manufactured home or recreational vehicle residence

The temporary placement and use of a manufactured home dwelling or recreational vehicle to house a person employed by or otherwise associated with a principal use of the same lot for which the County levies an amusement tax.

Transit station or terminal

Any structure or transit facility that is primarily used as part of a transit system for the purpose of loading, unloading, or transferring of passengers or accommodating the movement of passengers from one mode of transportation to another.

Transitional Surface

Within the Military Installation Overlay (MIO) Zone, an imaginary surface that connects the primary surfaces, the clear zone surfaces, and the approach/departure clearance surfaces to the inner horizontal surface, conical surface, outer horizontal surface, or other transitional surfaces. The slope of the transitional surface is 7 to 1 outward and upward at right angles to the runway centerline, illustrated in Figure 27-4.402.C.5.b: Height, as "G."

Transportation Demand Management (TDM)

The application of strategies and policies to reduce travel demand of single-occupancy private vehicles, or to redistribute this demand in space or in time.

Tree canopy

The land area under the dripline of an existing tree or group of trees or the amount of credit provided for planting trees of a certain species and certain size at time of planting in conformance with the worksheet provided in *The Woodland and Wildlife Conservation Technical Manual*.

Tree Canopy Coverage

The combined area measured in square feet of the tree canopies of existing trees and trees planted in conformance with Subtitle 25, Division 3 and *The Woodland and Wildlife Conservation Technical Manual*. Tree canopy coverage requirements are measured using a percentage of the gross tract area.

Tree Conservation Plan

A site map that delineates woodland conservation areas and associated text that details the requirements, penalties, and/or mitigation in conformance with of Subtitle 25, Division 2, and the *Woodland and Wildlife Habitat Conservation Technical Manual*.

Tree, ornamental

A deciduous tree planted primarily for its ornamental value. May be any size at maturity, but will tend to be smaller than a shade tree.

Tree, shade

A deciduous (or rarely, an evergreen) tree planted primarily for its high crown of foliage or overhead canopy. A major shade tree at maturity reaches a height of at least 70 feet. A minor shade tree generally does not exceed a height of 40 feet.

Urban farm

Any one or combination of the following activities, when conducted by a non-profit organization or for-profit business in cooperation with the Prince George's Soil Conservation District and under an approved Farm Management Plan: the cultivation of fruits, vegetables, or flowers; composting; beekeeping; the raising of chickens; agricultural education; and, outside of the RSF-95 and RSF-65 zones, incidental sales. This definition explicitly excludes livestock. Accessory structures ordinarily found in association with an urban farm are permitted. The appearance and scale of all accessory structures shall be in compliance with the existing requirements of the zone.

Use and occupancy permit

See Sec. 27-3.511, Use and Occupancy Permit.

Utility easement

An easement which grants the right to install and maintain utilities including, but not limited to, water lines, sewer lines, storm sewer lines, electrical power lines, telephone lines, natural gas lines, and community antenna television systems.

Utility facility, major

A structure or facility that is a relatively major component of an infrastructure system providing community- or region-wide utility services. Examples of major utility facilities include potable water treatment plants, water towers, wastewater treatment plants, solid waste facilities, gas compressor stations, and electrical substations. This use does not include telecommunications facilities, monopolies, or towers.

Utility facility, minor

A structure or facility that by itself is a relatively minor component of an infrastructure system providing community- or region-wide

utility services and that needs to be in or near the neighborhood or use type where the service is provided. Examples of minor utility facilities include water and sewage pipes and pump stations, stormwater pipes and retention/detention facilities, telephone lines and local exchanges, electric lines and transformers, gas transmission pipes and valves, and CATV lines.

Validation of permit issued in error

See Sec. 27-3.518, Validation of Permit Issued in Error.

Variance

See Sec. 27-3.516, Variance.

Vehicle Equipment and Supplies Sales and Rentals

Establishments related to the sale, lease, or rental of new or used parts, tools, or supplies for the purpose of repairing or maintaining vehicles, including distribution of products from the same premises that sells, leases, or rents vehicles.

Vehicle or trailer storage yard

Storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles. "Vehicle storage" includes only the storage of operable vehicles.

Vehicle paint finishing shop

Uses that apply paint to the exterior or interior surfaces of vehicles by spraying, dipping, flow-coating, or other similar means.

Vehicle towing or wrecker service

An establishment operated for the purpose of temporary storage on-site of wrecked or inoperable motor vehicles. If an establishment regularly stores inoperable vehicles for more than 90 days, stacks vehicles, or portions of the vehicles are dismantled or removed for sale, it is considered a junkyard or salvage yard.

Vehicular use area

Areas used for the parking and circulation of automobiles, trucks, motorcycles, and bicycles. Vehicular use areas do not include individual driveways serving single-family detached residential development.

Veterinary hospital or clinic

A facility used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals and preventive care for healthy animals. Accessory uses may include animal grooming services, short-term boarding that is incidental to medical care or treatment, and limited retail sales of pet-related merchandise.

Video lottery facility

As set forth in Sections 9-1A-01(aa), 9-1A-01(w-2), and 9-1A-04(a)(11), State Government Article, Annotated Code of Maryland, a facility at which players play video lottery terminals and/or table games. A "video lottery facility" shall only be permitted in accordance with an approved site plan in accordance with Sec. 27-5.203.E.7.e, Recreational or Entertainment Establishment of a Commercial Nature with a Video Lottery Facility.

Video lottery operation license

As set forth in Sections 9-1A-01(bb) and 9-1A-04(a)(11), State Government Article, Annotated Code of Maryland, a license awarded by the Video Lottery Facility Location Commission and issued by the State Lottery and Gaming Control Commission to a person that allows players to operate video lottery terminals and/or table games.

Video lottery operator

As set forth in Section 9-1A-01(cc), State Government Article, Annotated Code of Maryland, a person licensed to operate a video lottery facility.

Video lottery terminal

As set forth in Section 9-1A-01(dd), State Government Article, Annotated Code of Maryland, video lottery terminal means:

- (A) A machine or other device, that, on insertion of a bill, coin, token, voucher, ticket, coupon, or similar item, or on payment of any consideration:
 - (i) is available to play or simulate the play of any game of chance in which the results, including the options available to the player, are randomly determined by the machine or other device; and
 - (ii) by the element of chance, may deliver or entitle the player who operates the machine or device to receive cash, premiums, merchandise, tokens, or anything of value, whether the payout is made automatically from the device or in any other manner.
- (B) "Video lottery terminal" includes a machine or device:
 - (i) that does not directly dispense money, tokens, or anything of value to winning players; and
 - (ii) described under paragraph (A) of this Subsection that uses an electronic credit system making the deposit of bills, coins, or tokens unnecessary.
- (C) "Video lottery terminal" does not include an authorized slot machine operated by an eligible organization under Title 12, Subtitle 3 of the Criminal Law Article, Annotated Code of Maryland.

Vocational or trade school

A public or private school offering vocational or trade instruction—such as teaching of trade or industrial skills, clerical or data processing, barbering or hair dressing, computer or electronic

technology, or artistic skills—to students and that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes and meets the State requirements for a vocational training facility. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, and other facilities that further the educational mission of the institution.

Wall pack

An exterior lighting device that is flush-mounted on a vertical wall surface.

Wall, retaining

A structure designed to resist the lateral displacement of soil or other materials in order to protect property or prevent erosion.

Warehouse showroom

An establishment that combines office and showroom uses with warehouse uses for the primary purpose of wholesale trade, display, and distribution of products.

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.

Waterfront entertainment/retail complex

A contiguous land assemblage fronting on the Potomac River and developed with an array of commercial, lodging, residential, recreational, entertainment, social, cultural, or similar uses which are interrelated by one or more themes.

Waterfront fuel sales

The sale and dispensing of fuel directly to boats from a waterfront lot.

Wayside stand

A temporary structure used for:

- (A) The sale of agricultural or other products produced on the premises, which may include the incidental sale of other products not produced on the premises; or
- (B) The sale of fruits, vegetables, or cut flowers not grown on the premises.

Wind energy conversion system (large-scale)

A facility consisting of one or more rotating wind turbines and related equipment that converts the kinetic energy in wind into mechanical energy. A large-scale wind energy conversion system has a rated capacity exceeding 100 kilowatts (kW).

Wind energy conversion system (small-scale)

A facility consisting of one or more rotating wind turbines and related equipment that converts the kinetic energy in wind into mechanical energy. A small-scale wind energy conversion system has a rated capacity of not more than 100 kilowatts (kW) and is intended to primarily reduce on-site consumption of utility power for a home or business.

Wing wall

Shorter walls that extend outwards from the front façade of a building used to divide the structure into different visual compartments, control pedestrian movement along the structure, or retain slopes.

Wireless telecommunications tower, monopole

A single, vertical self-supporting pole-type structure, tapering from base to top, whose sole or primary purpose is to support and elevate above the ground wireless telecommunications antennas and associated equipment and network components attached or mounted on the tower, and including any ground-based accessory structures used to house associated equipment.

Wireless telecommunications tower, other

A guyed tower (vertical towers anchored by guy wires) or lattice tower (vertical self-supporting towers, not guyed, with three or more sides consisting of open-frame supports), whose sole or primary purpose is to support and elevate above the ground wireless telecommunications antennas and associated equipment and network components attached or mounted on the tower, and including any ground-based accessory structures used to house associated equipment.

Woodworking

An establishment primarily engaged in millwork and other manufacturing of wood products, such as windows and doors, moldings, flooring. The use does not include cabinet or furniture manufacturing, which is considered a separate principal use.

Xeriscape landscaping

A landscaping method that utilizes water-conserving techniques such as the use of drought-tolerant plants, mulch, and efficient irrigation.

Yard

Open space located on the same lot with a structure (not including ground-level paved surfaces unless specifically noted), or use, between the structure or use (such as outdoor storage) and the nearest lot line or street line. All required yards shall be unoccupied

and unobstructed from the ground upward, except for landscaping, and accessory structures and uses as permitted elsewhere in this Ordinance. An alley shall not be considered a part of a yard.

Yard, front

Yard extending across the width of a lot, between the front street line and the nearest part of a main building (or its enclosed or covered projection). In a through lot, all yards abutting streets are front yards.

Yard, rear

Yard extending across the width of a lot, between the rear lot line and the nearest part of a principal building (or its enclosed or covered projection). A through lot has no rear yard.

Yard, side

Yard between the side lot line or side street line and the nearest part of a principal building (or its enclosed or covered projection), extending from the front yard to the rear yard or, in the absence of either of these yards, to the front street line and rear lot line. In the absence of a front street line, all yards are side yards. On a through lot, any yard that does not abut a street is a side yard.

ZHE

The Zoning Hearing Examiners (ZHEs) appointed by the District Council in accordance with State law, as appropriate, to conduct public hearings and make recommendations or decisions in zoning cases as established in this Ordinance. See Sec. 27-3.305, Zoning Hearing Examiner (ZHE).

Zoning certification

See Sec. 27-3.512, Zoning Certification

Zoning Hearing Examiner

See Sec. 27-3.305, Zoning Hearing Examiner (ZHE). (Abbreviated as "ZHE.")

Zoning Map Amendment (ZMA)

See Sec. 27-3.504, Zoning Map Amendment (ZMA).

Division 3: Administration

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DIVISION 27-3 ADMINISTRATION

Sec. 27-3.100 Purpose and Organization

27-3.101. This Division sets forth the review and approval procedures for development applications.

- A. Sec. 27-3.200, Summary Table of Development Review Responsibilities, provides a summary of the actions required of each advising and decision-making body and person for each type of development application.
- B. Sec. 27-3.300, Advisory and Decision-Making Bodies, describes the powers and duties of the various bodies and persons that review and make decisions on development applications.
- C. Sec. 27-3.400, Standard Review Procedures, describes procedures that generally apply to all development applications.
- D. Sec. 27-3.500, Application-Specific Review Procedures and Decision Standards, contains specific information for each type of development application, including applicable additions or modifications to the standard review procedures, and standards for making a decision on the application.

Sec. 27-3.200 Summary Table of Development Review Responsibilities

Table 27-3.200: Summary of Development Review Responsibilities, identifies the types of development applications authorized by this Ordinance. For each type of application, the table identifies the action required by the various advising or decision-making bodies or persons.

Table 27-3.200: Summary of Development Review Responsibilities

D = Decision R = Recommendation C = Comment A = Appeal E= Election I = Initiation (If Other Than Applicant) < > = Public Hearing Required

Procedure	Review and Decision-Making Bodies							
	District Council	Planning Board	Board of Zoning and Administrative Appeals	Zoning Hearing Examiner	Planning Director	DPIE Director	Historic Preservation Commission	Municipalities
Comprehensive Plans								
Comprehensive Plans and Amendments (General Plan, Functional Master Plans, Area Master Plans, and Sector Plans)	I <D> [1]	I <R> [1]			R		R [3]	
Amendments and Planned Developments								
Text Amendment	I <D>	C						
Sectional Map Amendment (SMA)	I <D>	<R>			R		C [3]	
Zoning Map Amendment (ZMA)	<D>	<R> [2]		<R>	R		C [3]	
Planned Development (PD) Map Amendment	<D>	<R>		<R>	R		C [3]	
Chesapeake Bay Critical Area Overlay Zone Map Amendment	I <D>	I <R>		<R>	R		C [3]	
Special Exceptions								
Special Exception	<A>/ <E>			<D>	R		C [3]	
Minor Change to Approved Special Exception				D [4]	D [4]			D [5]
Site Plans								
Minor Detailed Site Plan	<A>/ <E>	<A>			D			
Major Detailed Site Plan	<A>/ <E>	<D>			R		C [3]	
Minor Amendment to Approved Major Detailed Site Plan					D			
Permits and Certifications								
Sign Permit			<A>		R	D		
Temporary Use Permit			<A>			D		
Use and Occupancy Permit		R	<A>		R	D		
Zoning Certification			<A>		D			
Grading Permit		R	<A>		R	D		
Building Permit		R	<A>		R	D		

Table 27-3.200: Summary of Development Review Responsibilities

D = Decision R = Recommendation C = Comment A = Appeal E= Election I = Initiation (If Other Than Applicant) < > = Public Hearing Required

Procedure	Review and Decision-Making Bodies							
	District Council	Planning Board	Board of Zoning and Administrative Appeals	Zoning Hearing Examiner	Planning Director	DPIE Director	Historic Preservation Commission	Municipalities
Relief Procedures								
Interpretation (Text, Uses, and Zone Map)			<A>		D			
Variance	<D> [6]	<D> [6]	<D>		R		C[3]	D [5]
Departure								
Minor Departure		<A>			D			D [5]
Major Departure		<D>			R		C [3]	D [5]
Alternative Compliance	<D> [6]	<D> [6]	<A>		D			D [5]
Validation of Permit Issued in Error	<D>			<R>		R	C [3]	
Appeal to Board of Zoning and Administrative Appeals			<D>					
Enforcement Procedures								
Zoning Enforcement, Generally			<A>			I		
Other Procedures								
Authorization of Permit Within Proposed Right-of-Way (ROW)	<D>			<R>	R		C [3]	
Certification of Nonconforming Use	<A>/<E>				D			
Revocation of Certification of Nonconforming Use	<D>							
NOTES:								
[1] At least one joint public hearing held by the District Council and the Planning Board is required.								
[2] The Planning Board elects whether to conduct a public hearing for each application.								
[3] The Historic Preservation Commission makes a recommendation or comment only if the subject land or an abutting parcel contains a historic resource or historic site identified on the <i>Approved Historic Sites and Districts Plan</i> .								
[4] Depending on the minor change proposed, the ZHE or the Planning Director is authorized to approve the minor change.								
[5] A municipality is only authorized to make a decision on the identified development application when it has been expressly authorized to do so in this Ordinance by the District Council, in accordance with State and County law. The cities of Bowie, College Park, Greenbelt, and New Carrollton have been granted specific authorizations by the District Council. Future authorizations may only be authorized in accordance with this Ordinance.								
[6] The Planning Director forwards a recommendation on a variance request to the review board who is reviewing the development application for which the request for variance is made. Such requests accompany the development application. The review board considers the request for variance concurrent with the decision on the development application.								

Sec. 27-3.300 Advisory and Decision-Making Bodies

27-3.301. Purpose

This Section describes the powers of review bodies and officials for all development applications for development approvals and permits in Prince George's County.

27-3.302. District Council

A. Generally

The County Council of Prince George's County is the District Council for that portion of the Maryland-Washington Regional District located in Prince George's County. They shall be called in this Ordinance "District Council."

B. Duties of the District Council

To exercise its authority in accordance with State law, the District Council shall have the following powers and duties under this Ordinance:

1. To review and decide the following:

- a. Comprehensive plans and amendments (Sec. 27-3.501);**
- b. Text amendments (Sec. 27-3.502);**
- c. Sectional map amendments (Sec. 27-3.503);**
- d. Zoning map amendments (ZMA) (Sec. 27-3.504);**
- e. Planned development (PD) map amendments (Sec. 27-3.505);**

f. Chesapeake Bay Critical Area Overlay (CBCA-O) Zone map amendments (Sec. 27-3.506);

g. Validations of permits issued in error (Sec. 27-3.518); and

h. Variances, when associated with another application identified in this Subsection (parent application).

2. To hear and decide appeals on the following:

a. Special exceptions (Sec. 27-3.507);

b. Minor detailed site plans (Sec. 27-3.508.D);

c. Certification of a nonconforming use (Sec. 27-3.521); and

d. Variances, when associated with another application identified in this Subsection (parent application).

3. To elect to review and decide the following:

a. Special exceptions (Sec. 27-3.507);

b. Minor detailed site plans (Sec. 27-3.508.D);

c. Major detailed site plans (Sec. 27-3.508.E); and

d. Certification of nonconforming use (Sec. 27-3.521).

4. To establish or delegate responsibility to establish a schedule of fees and a collection procedure for applications for development approvals and permits reviewed under this Ordinance. The schedule of fees shall be placed in the Applications Manual, and may be altered only by the District Council.

5. To appoint and remove in accordance with State law members of the Board of Zoning and Administrative Appeals (BZA) and Zoning Hearing Examiner (ZHE).

6. To approve appointments or removals from the Planning Board by the County Executive, as provided in the Regional District Act.
7. To evaluate in accordance with State law, at least every 6 years whether approved area master plans or sector plans should be amended, and to provide the reasons for the decision in writing.
8. To establish timetables for consideration of comprehensive plans for all of the Regional District in the County.
9. To schedule review of area master plans for each planning area at least once every 6 years, and if any part of a planning area is scheduled more than once in a five-year-period, to provide the specific reasons in a resolution.
10. To take any other action not delegated to the BZA, ZHE, or any other body or person, within the District Council's authority, as it deems desirable and necessary to implement the provisions of this Ordinance.

27-3.303. Prince George's County Planning Board (Planning Board)

A. Generally

The Prince George's County Planning Board (Planning Board) is established in accordance with State law.

B. Duties of the Planning Board

To exercise its authority in accordance with State law, the Planning Board shall have the following powers and duties under this Ordinance:

1. To review and make recommendations to the District Council on the following:
 - a. Comprehensive plans and amendments (Sec. 27-3.501);
 - b. Sectional map amendments (Sec. 27-3.503);
 - c. Zoning map amendments (ZMA) (Sec. 27-3.504);
 - d. Planned development (PD) map amendments (Sec. 27-3.505); and
 - e. Chesapeake Bay Critical Area Overlay (CBCA-O) Zone map amendments (Sec. 27-3.506).
2. To review and comment on text amendments (Sec. 27-3.502).
3. To review and decide applications for the following:
 - a. Major detailed site plans (Sec. 27-3.508.E);
 - b. Major departures (Sec. 27-3.517.D); and
 - c. Variances, when associated with another application identified in this Subsection (parent application).
4. To hear and decide appeals from the following:
 - a. Minor detailed site plans (Sec. 27-3.508.D); and
 - b. Minor departures (Sec. 27-3.517.C).
5. To perform any other functions that are delegated to it by State law or this Ordinance.
6. To establish a schedule of fees and a collection procedure for applications for development approvals and permits reviewed under this Ordinance, as delegated by the District Council. The schedule of fees shall be placed in the

Applications Manual, and may be altered only by the District Council.

27-3.304. Board of Zoning and Administrative Appeals (BZA)

A. Establishment, Membership, and Officers

The Board of Zoning and Administrative Appeals (BZA) is established by the District Council in accordance with State law.

B. Powers and Duties

To exercise the authority delegated to it by the District Council in accordance with State law, the BZA shall have the following powers and duties under this Ordinance:

1. To review and decide variances (Sec. 27-3.516), except variances associated with other entitlement applications, and variances for lot area, setback, and similar requirements that are delegated to the following municipalities:
 - a. The City of Bowie;
 - b. The City of Greenbelt;
 - c. The City of College Park; and
 - d. The City of New Carrollton.
2. To hear and decide appeals initiated by the applicant from the following :
 - a. Sign permits (Sec. 27-3.509);
 - b. Temporary use permits (Sec. 27-3.510);
 - c. Use and occupancy permits (Sec. 27-3.511);

- d. Zoning certifications (Sec. 27-3.512);
 - e. Grading permits (Sec. 27-3.513);
 - f. Building permits (Sec. 27-3.514);
 - g. Interpretations (text, uses, and zone map) (Sec. 27-3.515); and
 - h. Zoning enforcement (Division 27-8).
3. To compel the attendance of witnesses at hearings
 4. To administer oaths to witnesses (the Chairperson or other officers of the Board):

C. Meetings

The BZA meetings and procedures shall be governed by regulations and supplemental rules of procedure adopted by the District Council, and State law.

27-3.305. Zoning Hearing Examiner (ZHE)

A. Office of the Zoning Hearing Examiner

1. In accordance with State law, the District Council establishes the Office of the Zoning Hearing Examiner (ZHE). The District Council shall appoint one or more hearing examiners, as appropriate, to conduct public hearings and make recommendations or decisions in zoning cases as established in this Section.
2. The ZHE shall:
 - a. Be an attorney admitted to practice before the highest Court in Maryland or the District of Columbia;
 - b. Possess judicial temperament;

- c. Have at least five years of experience in administrative litigation; and
 - d. Demonstrate a knowledge of administrative and zoning law practice and procedure by competitive written examination.
3. After being appointed, ZHEs shall be considered within the classified service of the County's Personnel Law and subject to the regulations of the system.
 4. A Chief ZHE shall be designated by the District Council to administer the Office of Zoning Hearing Examiner.

B. Powers and Duties

The ZHE shall have the following powers and duties under this Ordinance:

1. To prepare, review, and make recommendations on the following:
 - a. Zoning map amendments (ZMA) (Sec. 27-3.504);
 - b. Planned development map amendments (Sec. 27-3.505);
 - c. Chesapeake Bay Critical Area Overlay (CBCA-O) Zone map amendments (Sec. 27-3.506);
 - d. Validations of permits issued in error (Sec. 27-3.518); And
 - e. Authorizations of permits within proposed rights-of-way.
2. To review and decide:

- a. Special exceptions (Sec. 27-3.507);
- b. Minor changes to approved special exceptions (Sec. 27-3.507.E); and
- c. Variances associated with a special exception.

27-3.306. Planning Director

A. Generally

The Planning Director of the Prince George's County Planning Board (Planning Director) shall be appointed by and serve at the discretion of the Planning Board. The Planning Director supervises the day-to-day operations of the Planning Department, processes and reviews applications, and has authority to render decisions only where indicated in this Ordinance. The Planning Director may delegate any administrative, decision, or review authority under this Ordinance to any professional-level subordinate under the Director's supervisory authority.

B. Powers and Duties

In accordance with State law, and excepting actions that have been duly delegated to a municipality by the District Council, the Planning Director shall have the following powers and duties under this Ordinance:

1. To review and make recommendations to the appropriate advisory or decision-making body or official on the following:
 - a. Comprehensive plans and amendments (Sec. 27-3.501);
 - b. Sectional map amendments (Sec. 27-3.503);

- c. Zoning map amendments (ZMA) (Sec. 27-3.504);
 - d. Planned development (PD) map amendments (Sec. 27-3.505);
 - e. Chesapeake Bay Critical Area Overlay (CBCA-O) Zone map amendments (Sec. 27-3.506);
 - f. Special exceptions (Sec. 27-3.507);
 - g. Major detailed site plans (Sec. 27-3.508.E);
 - h. Sign permits (Sec. 27-3.509);
 - i. Use and occupancy permits (Sec. 27-3.511);
 - j. Grading permits (Sec. 27-3.513);
 - k. Building permits (Sec. 27-3.514);
 - l. Major departures (Sec. 27-3.517.D); And
 - m. Authorization of permits within proposed rights-of-way.
2. To review and decide the following:
- a. Minor detailed site plans (Sec. 27-3.508.D);
 - b. Zoning certifications (Sec. 27-3.512);
 - c. Interpretations (text, uses, and zone map) (Sec. 27-3.515);
 - d. Minor departures (Sec. 27-3.517.D);
 - e. Certificates of nonconforming uses (Sec. 27-3.521);
 - f. Minor changes to approved special exceptions (Sec. 27-3.507.E);
 - g. Minor amendments to approved major detailed site plans (Sec. 27-3.508.E.12.b); and
- h. Alternative compliance to landscaping associated with a permit or minor detailed site plan (see Landscape Manual).
 - 3. To make administrative corrections to the Official Zoning Map and comprehensive plans.
 - 4. To establish development application requirements for development approvals and permits, other than fees;
 - 5. To compile and amend as necessary the Applications Manual containing all requirements for application contents and forms, submission schedules, application fee information, and any other information the Planning Director determines is relevant to the submittal, review, and decision of development applications under this Ordinance.
 - 6. To ensure that applications for development approvals and permits are processed and reviewed in accordance with this Ordinance.
 - 7. To maintain the Official Zoning Map and other such records and official materials as may relate to the adoption, amendment, or administration of this Ordinance.
 - 8. To make available at the Planning Director's office, upon reasonable request and during normal business hours, copies of all development applications, staff reports, and materials submitted in support of or in opposition to an application, at a reasonable cost.

27-3.307. Department of Permitting, Inspections and Enforcement Director (DPIE Director)

A. Generally

The Department of Permitting, Inspections and Enforcement Director (DPIE Director) may delegate any administrative, decision, or review authority under this Ordinance to any professional-level subordinate under the DPIE Director's supervisory authority.

B. Powers and Duties

In accordance with State law, the DPIE Director shall have the following powers and duties under this Ordinance:

- 1.** To review and make recommendations to the appropriate decision-making body or official on the following:
 - a.** Variances (Sec. 27-3.516); and
 - b.** Validations of permits issued in error (Sec. 27-3.518).
- 2.** To review and decide the following:
 - a.** Sign permits (27-3.509);
 - b.** Temporary use permits (Sec. 27-3.510);
 - c.** Use and occupancy permits (Sec. 27-3.511);
 - d.** Grading permits (Sec. 27-3.513); and
 - e.** Building permits (Sec. 27-3.514).
- 3.** To enforce all provisions of this Ordinance in accordance with Division 27-8: Enforcement.
- 4.** To receive complaints from persons who allege that violations of this Ordinance have occurred, to properly

investigate such complaints, and to initiate action to prevent, enjoin, abate, or remove such violations, in accordance with Division 27-8: Enforcement, and State law.

27-3.308. Historic Preservation Commission

A. Generally

The Historic Preservation Commission is established by Division 3 of Subtitle 29, Historic Preservation Commission, of the County Code.

B. Powers and Duties

The Historic Preservation Commission shall have the following powers and duties under this Ordinance:

- 1.** To review and comment on area master plans and sector plans, if the plan contains either a proposed historic site or resource, or an historic site or resource that is already identified on the *Approved Historic Sites and Districts Plan*;
- 2.** To review and comment on any development application reviewed or decided by the District Council, Planning Board, or ZHE if the development application includes land which contains or abuts an historic site or resource identified on the *Approved Historic Sites and Districts Plan*, as soon as feasible after the application is submitted and determined complete; and
- 3.** To carry out all other powers conferred to the Historic Preservation Commission by Subtitle 29 of the County Code or other County Ordinances.

27-3.309. Municipalities

A. Generally

In accordance with State and County law, the cities of Bowie, College Park, Greenbelt, and New Carrollton have been authorized by the District Council to undertake certain review and decision-making responsibilities under this Ordinance. In the future, their authorities or the authorities of other municipalities in the County, may be expanded or reduced,

B. Powers and Duties

In accordance with State and County law, and only where expressly authorized by the District Council, municipalities may have the following powers and duties under this Ordinance:

1. To review and decide the following:
 - a. Minor changes to approved special exceptions (Sec. 27-3.507.E);
 - b. Variances for lot area, setback, and similar requirements that are delegated to the municipality (Sec.27-3.516);
 - c. Minor departures (Sec. 27-3.517.C);
 - d. Major departures (Sec. 27-3.517.D);
 - e. Alternative compliance with landscaping (see Landscape Manual); And
 - f. Any other power or duty delegated to the municipality by the District Council in accordance with State and County law.

Sec. 27-3.400 Standard Review Procedures

This Section sets forth the standard procedures that generally apply to the review of development applications under this Ordinance. Not all procedures in this Section apply to every development application. Each subsection in Sec. 27-3.500, Application-Specific Review Procedures and Decision Standards, identifies, for a specific type of development application, which standard procedures are required, including any additions or modifications that apply.

27-3.401. Pre-Application Conference

A. Purpose

A pre-application conference provides an opportunity for:

1. The applicant to determine the submission requirements, procedures, and standards applicable to an anticipated development application; and
2. Staff to become familiar with, and offer the applicant preliminary comments about the scope, features, and impacts of the proposed development as it relates to the standards in this Ordinance.

B. Applicability

1. A pre-application conference is required before any of the following development applications are submitted, unless waived by the Planning Director because development proposed in the application is sufficiently straightforward that the applicant does not need additional staff input on the application:
 - a. Zoning map amendments (ZMA) (Sec. 27-3.504);
 - b. Planned development (PD) map amendments (Sec. 27-3.505);

- c. Chesapeake Bay Critical Area Overlay (CBCA-O) Zone map amendments (Sec. 27-3.506);
 - d. Special exceptions (Sec. 27-3.507);
 - e. Major detailed site plans (Sec. 27-3.508.E); and
 - f. Major departures (Sec. 27-3.517.D).
2. A pre-application conference is optional for any other type of development application.

C. Procedure

1. Submission of Materials Prior to Conference

Before a pre-application conference is held, the applicant shall submit to the Planning Director a narrative describing the scope of the proposed development, a conceptual site drawing of the development proposed in the application, and any other information reasonably requested by the Planning Director.

2. Scheduling

Within a reasonable period of time after receipt of a request for a pre-application conference, the Planning Director shall schedule the pre-application conference and notify the applicant of the conference time and location.

3. Conference Proceedings

The Planning Director shall review the materials submitted by the applicant prior to the conference. At the conference, the Planning Director shall seek any needed clarification from the applicant regarding the proposed application, and identify any concerns, problems, or other factors the applicant should consider regarding the proposed application.

D. Effect of Conference

- 1. The pre-application conference is intended to facilitate the application review process. Discussions at the pre-application conference are not binding on the County, and consequently no final or binding decision is made at a pre-application conference.
- 2. A pre-application conference request does not constitute the filing of an application. Processing times for application review do not begin until an application is submitted and determined to be complete in accordance with Sec. 27-3.404, Determination of Completeness.

27-3.402. Pre-Application Neighborhood Meeting

A. Purpose

The purpose of the pre-application neighborhood meeting is to inform owners and occupants of nearby lands about a proposed development application to be reviewed under this Ordinance, and to provide the applicant an opportunity to hear comments and concerns about the development proposal in order to resolve conflicts and outstanding issues, where possible. Pre-application neighborhood meetings are opportunities for informal communication between applicants and the landowners and occupants of nearby lands, and other residents affected by development proposals.

B. Applicability

- 1. A pre-application neighborhood meeting is required before any of the following development applications are submitted:
 - a. Zoning map amendments (ZMA) (Sec. 27-3.504);

- b.** Planned development (PD) map amendments (Sec. 27-3.505);
 - c.** Chesapeake Bay Critical Area Overlay (CBCA-O) Zone map amendments (Sec. 27-3.506);
 - d.** Special exceptions (Sec. 27-3.507);
 - e.** Major detailed site plans (Sec. 27-3.508.E); and
 - f.** Major departures (Sec. 27-3.517.D).
- 2.** A pre-application neighborhood meeting may also be held at the applicant's option before the submission of any development application not identified in 27-3.402.B.2 above. Pre-application neighborhood meetings are particularly encouraged as opportunities for informal communication before submitting any application requiring a public hearing in accordance with Sec. 27-3.200, Summary Table of Development Review Responsibilities.
- 3.** The informational mailings and meetings required by this Subsection are in addition to all postings and notices required by this Ordinance and State law.
- 4.** If a development application is not submitted for review in accordance with the requirements of Sec. 27-3.403, Application Submittal, within one year of the date the pre-application neighborhood meeting is conducted, the applicant shall conduct a second pre-application neighborhood meeting in accordance with this Section. Upon written request of the applicant submitted within one year of the date the initial pre-application neighborhood meeting is conducted, the Planning Director may extend this time frame only for up to six months, for good cause.

C. Procedure

If a pre-application neighborhood meeting is conducted, it shall comply with the following requirements:

1. Meeting Location and Time

The meeting shall be held after 6:30 P.M. on a weekday or between 10 a.m. and 4 p.m. on a weekend, at a location that is convenient and generally accessible to neighbors residing in proximity to the land subject to the proposed application.

2. Notification

a. Informational Mailing

- i.** The applicant shall mail notice of the meeting with the information required by the Applications Manual at least 30 days before the meeting.
- ii.** Notice shall be mailed to:
 - (A)** The Planning Director;
 - (B)** All persons to whom mailed notice of a public hearing on the application is required by Sec. 27-3.407, Scheduling Public Hearing and Public Notice;
 - (C)** Any municipality in which the land subject to the application is located, and every municipality located within one mile of the land subject to the application;
 - (D)** All civic associations registered in accordance with Sec. 27-3.402.D, Civic Association or Resident Registration; and

- (E) All adjacent land owners (and in addition owners whose land lies directly across a street, alley, or stream from the land subject to the application being reviewed).
- iii. A civic association entitled to an informational mailing may waive the requirement, and an applicant's filing of a signed waiver constitutes its compliance with the mailing requirement, for the entity signing.

b. Posted Notification

The applicant shall also post notification of the pre-application neighborhood meeting on the land subject to the application at least 30 days before the date fixed for the meeting, in a form established by the Applications Manual.

c. Notification Contents

The mailed and posted notifications shall state the time and place of the meeting, the purpose of the meeting, include a current zoning sketch map clearly identifying the land area associated with the development, summarize the general nature of the development proposal, and the type of development approval or permit sought.

3. Conduct of Meeting and Summary

a. Generally

The pre-application neighborhood meeting shall be open to the public. At the meeting, the applicant shall explain the development proposal and application, inform attendees about the application review process, respond to any questions or concerns

neighbors raise about the proposed application, and discuss ways to resolve any conflicts or concerns.

b. Written Summary of Meeting

- i. The applicant shall prepare a written summary of the pre-application neighborhood meeting that includes a list of meeting attendees, a summary of issues related to the development proposal that were discussed, a compilation of attendee comments and responses, and any other information the applicant deems appropriate. The meeting summary shall be included with the application materials and made available to the public for inspection in accordance with 27-3.417, Examination and Copying of Application/Other Documents.
- ii. If the applicant complies with all the requirements for the pre-application neighborhood meeting established in subsections C.1, 2, and-3 a. above, and no one attends the meeting, the applicant may state this in the written summary, and demonstrating compliance with the relevant subsections, has no further obligations under this ordinance to conduct a pre-application neighborhood meeting. Response to Written Summary
- iii. Any person may submit to the Planning Director a written response to the applicant's meeting summary after the application is determined complete. The response may state the person's understanding of attendee comments, discuss issues related to the development proposal, and include any other information deemed

appropriate. All written responses to the applicant's summary of the neighborhood meeting shall be included with the application materials and made available to the public for inspection in accordance with Sec. 27-3.417, Examination and Copying of Application/Other Documents.

D. Civic Association or Resident Registration

1. Any civic association that maintains a registration with the Planning Director in accordance with this Subsection is entitled to informational mailings and e-mails, for all pre-application neighborhood meetings within the association's defined geographical area.
2. To register to obtain notice of pre-application neighborhood meetings, a civic association shall provide to the Planning Director the information required by the Applications Manual to ensure notification can be made. To continue to receive notice of applications, an association shall re-register every two years.
3. Associations may represent overlapping geographical areas. However, for the purpose of obtaining informational mailings, an association may not represent an area extending beyond two adjoining Council Districts.
4. The Planning Director may decline registration of any association which purports to represent an area of unreasonable description or otherwise does not meet the requirements of this Subsection.
5. For a watershed protection group that is registered as a Section 501l(3) environmental organization, the group may designate an area consisting of the watershed whose protection is the purpose of the organization if the officers

of the organization maintain their primary residence within the watershed.

27-3.403. Application Submittal

Development applications shall be submitted in accordance with the requirements of this Subsection.

A. Authority to File Applications

1. Applications for development approvals and permits shall be submitted by:
 - a. The land owner; or
 - b. Any other person or entity having a recognized property interest in the land upon which the development is proposed, or their authorized agent.

2. Applicant is Not the Owner

If the applicant is not the owner of the land, or is a contract purchaser of the land, a letter signed by the owner consenting to submission of the application is required.

3. Applicant is Not the Sole Owner

If the applicant is not the sole owner of the land, a letter signed by all the other owners consenting to or joining in the application for development approval or permit shall be submitted, along with owner names, resident and business mailing addresses, their percent of ownership, and signatures.

B. Application Contents and Form

The application contents and form shall comply with requirements established by the Planning Director in the Applications Manual.

C. Fees

The Planning Board shall establish the fees required for each type of development application submitted under this Ordinance, as appropriate. The fees shall be included in the Applications Manual. No application is complete until all required fees are paid in full.

D. Submission Schedule

The Planning Director shall establish the schedule for application submission and review, by application type and by time frames for review. The schedule shall be included in the Applications Manual.

E. Simultaneous Processing of Applications

1. Concurrent review of two or more of the same type application that propose different development alternatives for the same parcel or development site is prohibited.
2. Whenever two or more forms or different types of development applications are required under this Ordinance for the same parcel or development site, the applications for those development approvals or permits may, at the discretion of the Planning Director, be processed simultaneously, so long as all applicable state and local requirements are satisfied. Simultaneous processing of applications may result in additional fees to the applicant.

F. Application Submittal

1. All development applications, except those identified in Sec. 27-3.403.F.2 below, shall be submitted to the Planning Director, along with the fees required for the application.

2. The following development applications shall be submitted to the DPIE Director, along with the fees required for the application:
 - a. Sign permits (Sec. 27-3.509);
 - b. Temporary use permits (Sec. 27-3.510);
 - c. Use and occupancy permits (Sec. 27-3.511);
 - d. Grading permits (Sec. 27-3.513);
 - e. Building permits (Sec. 27-3.514); and
 - f. Validations of permits issued in error (Sec. 27-3.518).

G. Filing of Affidavit

If the application is identified in the Applications Manual as requiring the filing of an affidavit, the applicant, and any individual or business entity hired by the applicant for any purpose relating to the land, shall file an affidavit or affidavits disclosing whether or not any payment or contribution was made to a member of the County Council, including a candidate duly elected or appointed, during the 36-month period before the filing of the application, in accordance with the requirements set forth in the Applications Manual.

27-3.404. Determination of Completeness

A. Generally

1. Upon submittal of a development application, the Planning Director or DPIE Director, whichever the application was submitted to, shall determine if the application is complete within 15 business days. A complete application is one that:

- a. Contains all application content requirements established for the particular type of application in accordance with Sec. 27-3.403.B, Application Contents and Form, and the Applications Manual;
 - b. Is in the form required for the particular type of application in accordance with Sec. 27-3.403.B, Application Contents and Form, and the Applications Manual;
 - c. Includes information in sufficient detail to evaluate the application to determine whether it complies with the appropriate substantive standards of this Ordinance; and
 - d. Is accompanied by the fees established for the particular type of application in accordance with Sec. 27-3.403.C, Fees.
2. No application may be deemed complete if it fails to comply with any of the above requirements.

B. Application Incomplete

1. If it is determined the application is incomplete, the Planning Director or DPIE Director, as appropriate, shall send written notice to the applicant of the deficiencies, and review of the application shall not proceed. The applicant may correct the deficiencies and resubmit the application for completeness determination.
2. Notwithstanding the other provisions of this Subsection, after an application is determined incomplete three times, an applicant may request in writing, and the Planning Director or DPIE Director, as appropriate, shall process the application in accordance with the requirements of this Division, even though it is not considered a complete application.

C. Application Complete

1. If the development application is determined complete or if the applicant has requested that the application be processed in accordance with Sec. 27-3.404.B.2 above, it shall be reviewed in accordance with the procedures and standards of this Subsection, this Division, and this Ordinance.
2. Applications for minor detailed site plans and all applications reviewed and decided by the District Council, Planning Board, or ZHE, shall be referred to the Historic Preservation Commission at this stage for comment, if the development application includes land which contains or abuts an historic resource or historic site identified on the *Adopted and Approved Historic Sites and Districts Plan*, as soon as feasible after the application is submitted and determined complete.
3. The Historic Preservation Commission shall submit its comments for the record within 30 days prior to the first hearing on the application by an advisory board or official or, if no review by an advisory board or official is required, by the decision-making body or official. Failure of the Historic Preservation Commission to submit comments within this time period shall constitute no objection to the application.
4. Any established time frame for review of the application starts on the date it is determined complete, or the date it is requested to be processed in accordance with Sec. 27-3.404.B.2 above.

27-3.405. Application Amendment or Withdrawal

A. Amending an Application

1. An applicant may revise a development application as follows:
 - a. Amendments concerning either (1) an error, omission of fact, or other factual change or (2) made by the applicant in direct response to an advisory or decision-making body recommendation, if the amendment is not covered by subsections b. or c below, are permitted at any time after receiving initial staff review comments on the application, or upon requesting and receiving permission from an advisory or decision-making body after that body has reviewed but not yet taken action on the application.
 - b. Amendments which involve substantial modifications to the original proposal such as changing a significant area or configuration shall cause the application to be reviewed again in accordance with the requirements of this Division.
 - c. Amendments concerning a change in a requested use type or use category, where appropriate, shall be accompanied by a new (revised) justification statement.
2. Amendments are not permitted after a case is transmitted to the ZHE, unless the amendment is recommended by the Planning Director or the Planning Board.

B. Withdrawal of Application

1. Withdrawal by Applicant

After an application has been accepted as complete for review, the applicant may withdraw the application at any time by submitting a letter of withdrawal to the Planning Director or DPIE Director, whichever the application was submitted to, or by verbally withdrawing the application at a public hearing for which review of the application is scheduled.

2. Withdrawal through Inaction

If an applicant requests or causes continuing postponement of submissions or actions required to complete the application review process, and such postponement causes inaction for six or more months in the review of the application, the application may be considered withdrawn, and the Planning Director or DPIE Director, whichever the application was submitted to, shall notify the applicant in writing.

3. Application Fees Refunded

Application fees will be refunded at the discretion of the decision-making body, if the application is withdrawn prior to the first public hearing on the application. In all other instances, application fees will not be refunded.

27-3.406. Staff Review and Action

A. Staff Review and Opportunity to Revise Application

When the development application is determined complete, or is processed in accordance with Sec. 27-3.404.B.2 above, the Planning Director or DPIE Director, whichever the application was submitted to, shall distribute it to all appropriate Planning

staff, County staff, the Subdivision and Development Review Committee, and other municipal and public agencies, as appropriate, for review and comment. The Planning Director or DPIE Director, as appropriate, shall then review the application, along with the relevant support material, and any comments. If deficiencies in complying with applicable standards are identified, the Planning Director or DPIE Director, as appropriate, shall notify the applicant of those deficiencies and provide the applicant a reasonable opportunity to discuss the deficiencies and revise the application to address them, in accordance with Sec. 27-3.405.A, Amending an Application.

B. Application Subject to Staff Recommendation

1. Technical Staff Report

Except for appeals to the BZA (Sec. 27-3.519, Appeal to Board of Zoning and Administrative Appeals (BZA)), if an application is subject to a decision by the District Council, Planning Board, or ZHE, or BZA in accordance with Sec. 27-3.200, Summary Table of Development Review Responsibilities, the Planning Director shall, following completion of staff and agency review, prepare a Technical Staff Report that:

- a. Analyzes whether the application complies with applicable review standards;
- b. Delineates the approximate area of the neighborhood, either on the Official Zoning Map, an aerial photograph, or a sketch map, as appropriate;
- c. Describes land use and zoning in the neighborhood; and
- d. Recommends action on the application, including any recommended conditions of approval.

2. Distribution and Availability of Application and Staff Report

After completion of the Technical Staff Report, the Planning Director shall transmit the application and report to all advisory or decision-making bodies and persons that review or make a decision on the application in accordance with Sec. 27-3.200, Summary Table of Development Review Responsibilities. The Planning Director shall also provide the applicant a copy of the Technical Staff Report and make a copy of the report available for examination by the public in accordance with Sec. 27-3.417, Examination and Copying of Application/Other Documents, within a reasonable period of time before a public hearing or meeting at which the application is to be considered.

C. Application Subject to Decision by Planning Director or DPIE Director

If an application is subject to a final decision by the Planning Director or DPIE Director in accordance with Sec. 27-3.200, Summary Table of Development Review Responsibilities, the Planning Director or DPIE Director, as appropriate, shall make a decision on the application, consisting of one of the allowed decisions in, and based on the review standards in, Sec. 27-3.500, Application-Specific Review Procedures and Decision Standards, for the specific type of application.

27-3.407. Scheduling Public Hearing and Public Notice

A. Public Hearing Scheduling

1. The scheduling of public hearings for applications subject to a public hearing in accordance with Sec. 27-3.200,

Summary Table of Development Review Responsibilities, shall be as follows:

- a. The review board or official responsible for conducting the public hearing shall schedule public hearings conducted by the Planning Board or Zoning Hearing Examiner (ZHE). The review board or official shall ensure that the hearing on the application is scheduled for a regularly scheduled meeting of the body conducting the hearing, or a meeting specially called for that purpose by that body.
- b. The Clerk of the Council shall schedule public hearings conducted by the District Council.
- c. Public hearings shall be scheduled so there is sufficient time for any required Technical Staff Report to be prepared and distributed in accordance with

Sec. 27-3.406.B.1, Technical Staff Report, and for public notification in accordance with Sec. 27-3.407.B below.

B. Public Notice

1. Generally

Notification shall be provided for all required public hearings on applications in accordance with Table 27-3.407.B: Required Public Notice, all other provisions of this Subsection, and, the Maryland Land Use Code. Computation of the required time periods shall comply with Sec. 27-2.104, Computation of Time. The Applications Manual may establish more specific public notice standards, if appropriate.

Table 27-3.407.B: Required Public Notice

Application Type	Required Timing and Specific Recipients [1]		
	Mail	Publication	Posting
Comprehensive Plans			
Comprehensive Plans and Amendments (General Plan, Functional Master Plans, Area Master Plans, and Sector Plans)	30 days prior to the hearing(s), to: <ul style="list-style-type: none"> • All owners of land for which a change in zoning is proposed, if a sectional map amendment is included; [2] • Any municipality lying, lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the application; and • Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the proposed land subject to the application. 	30 days prior to the joint hearing(s)	No requirement
Amendments and Planned Developments			
Sectional Map Amendment	30 days prior to the District Council hearing to: <ul style="list-style-type: none"> • All owners of land for which a change in zoning is proposed; [2] • Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the 	30 days prior to the hearing	No requirement

Table 27-3.407.B: Required Public Notice

Application Type	Required Timing and Specific Recipients [1]		
	Mail	Publication	Posting
	<p>application; and</p> <ul style="list-style-type: none"> • Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the application. 		
Zoning Map Amendment (ZMA) Planned Development (PD) Map Amendment	<p>30 days prior to the District Council hearing to:</p> <ul style="list-style-type: none"> • All owners of land for which a change in zoning is proposed; [2] • All owners of land abutting the land subject to the application; • All persons of record, and all other persons who requested (in writing) a copy of the Technical Staff Report; • Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the land subject to the application; and • Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the proposed overlay zones. 	30 days prior to the hearing	30 days prior to the hearing
Chesapeake Bay Critical Area Overlay (CBCA-O) Zone Map Amendment			
Planning Board Hearing	<p>30 days prior to the hearing, to:</p> <ul style="list-style-type: none"> • All owners of land within the boundaries of the proposed overlay zones; • All persons of record, and all other persons who requested (in writing) a copy of the Technical Staff Report; • Any municipality lying, wholly or in part, within, or within 1 mile of, the boundaries of the proposed overlay zones; and • Any governed special taxing districts lying, wholly or in part, within, or within 1 mile of, the boundaries of the proposed overlay zones. <p>60 days prior to the hearing, to:</p> <ul style="list-style-type: none"> • All public agencies and municipalities with operational or planning responsibilities within the boundaries of the proposed overlay zones; and • The Historic Preservation Commission, if any land within or abuts the proposed overlay zones is an identified historic resource or 	30 days prior to the hearing	30 days prior to the hearing

Table 27-3.407.B: Required Public Notice

		Required Timing and Specific Recipients [1]		
Application Type		Mail	Publication	Posting
	ZHE Hearing	historic site. [3]		
	District Council Hearing	30 days prior to the hearing to persons of record 30 days prior to the hearing, to: <ul style="list-style-type: none">• All owners of land and any municipality lying, wholly or in part, within, or within one mile of, the boundaries of the proposed overlay zones; and• Persons of record.	No requirement 30 days prior to the hearing	30 days prior to the hearing 30 days prior to the hearing
Use Permits				
Special Exception		30 days prior to the hearing to: <ul style="list-style-type: none">• Parties of record;• Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and• Every municipality located within one mile of the land subject to the application.	No requirement	30 days prior to the hearing
Site Plans				
Minor Detailed Site Plan		Appeal only: 30 days prior to the hearing to: <ul style="list-style-type: none">• Parties of record;• Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and• Every municipality located within one mile of the land subject to the application.	No requirement	15 days prior to the date of Planning Director's decision
Major Site Plan		30 days prior to the hearing to: <ul style="list-style-type: none">• Parties of record;• Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and• Every municipality located within one mile of the land subject to the application.	No requirement	30 days prior to the hearing
Minor Amendment to an Approved Major Detailed Site Plan			No requirement	15 days prior to date of Planning Director's decision
Relief Procedures				
Variance		15 days prior to the hearing, to: <ul style="list-style-type: none">• The appellant;• Owners of all lands contiguous to or opposite the land subject to the application; [4] and• Any municipality in whose boundaries the property is located.	No requirement	15 days prior to the hearing
Departure				

Table 27-3.407.B: Required Public Notice

		Required Timing and Specific Recipients [1]		
Application Type		Mail	Publication	Posting
	Minor Departure	Appeal only: 14 days prior to the appeal hearing to: <ul style="list-style-type: none"> • Parties of record; • Owners of land adjoining, across the street from, on the same block as, or within 50 feet of the land subject to the application; and • Every municipality located within one mile of the land subject to the application. 	No requirement	15 days prior to date of Planning Director's decision
	Major Departure	14 days prior to the hearing to: <ul style="list-style-type: none"> • Parties of record; • Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and • Every municipality located within one mile of the land subject to the application. 	No requirement	30 days prior to the hearing
Validation of Permits Issued in Error		14 days prior to the hearing to: <ul style="list-style-type: none"> • Parties of record; • Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and • Every municipality located within one mile of the land subject to the application. 	No requirement	No requirement
Appeal to BZA		14 days prior to the hearing, to: <ul style="list-style-type: none"> • Appellant; • Owners of all lands contiguous to or opposite the land subject to the application; [4] and • Any municipality in whose boundaries the property is located. 	No requirement	No requirement
Election by District Council		30 days prior to the hearing to: <ul style="list-style-type: none"> • Parties of record; • Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and • Every municipality located within one mile of the land subject to the application. 	No requirement	No requirement
Other Procedures				
Authorization of Permit Within Proposed Right-of-Way		14 days prior to the ZHE hearing, to: <ul style="list-style-type: none"> • The applicant; and • Any municipality in whose boundaries the property is located. 	30 days prior to the District Council hearing	No requirement
Certificate of Nonconforming Use		No requirement	No requirement	Within 10 days after application determined complete. See Sec. 27-3.521.C.5.a

Table 27-3.407.B: Required Public Notice

Application Type	Required Timing and Specific Recipients [1]		
	Mail	Publication	Posting
NOTES:			
[1] Time periods are minimum time periods unless otherwise stated.			
[2] This mailed notice is for informational purposes only. The adoption or approval of the sectional map amendment or plan shall not be invalidated by the failure to send and/or receive the mailed notice.			
[3] On the <i>Adopted and Approved Historic Sites and Districts Plan of Prince George's County, Maryland</i> .			
[4] Measured at right angles to the intervening street or streets from the land subject to the application.			

2. Contents

All notices required by this Subsection shall include:

- a. The date, time, and place of the public hearing on the application;
- b. The application number, and the type of application being considered;
- c. The description of the land subject to the application;
- d. A summary of the applicant's request;
- e. A phone number and e-mail address, prominently displayed, to call or e-mail for additional information, along with the website address of the Planning Department;
- f. If a public hearing is required, the word "Hearing" shall be prominently displayed; and
- g. A statement, clearly displayed, that any member of the public is welcome to attend the public hearing and speak either in support or opposition to the public hearing.

3. Registration to Receive Notice

- a. Any person, civic or neighborhood organization, or other organization in the County may register with the Planning Director to receive notice of applications and public hearings.
- b. To register to obtain notice of applications and public hearings, a person or organization shall provide the Planning Director information in the form required by the Applications Manual to ensure notification can be made, along with a fee to defray the costs of notification. To continue to receive notice of applications and public hearings, a person or organization shall re-register every two years.
- c. The notice shall be transmitted by electronic mail or, if requested by the person or organization, by mail.

4. Mailed Notice

- a. The review board or official, or the Clerk of the Council, as appropriate, shall mail notice required by Table 27-3.407.B: Required Public Notice.
- b. The applicant shall provide the review board or official, or the Clerk of the Council, as appropriate,

mailing labels and stamps, with the names and mailing addresses for land owners required to be mailed notice as shown on the assessment rolls of the County, unless evidence to the contrary exists that the names and mailing addresses on the assessment roles are not correct.

5. Notice Published in a Newspaper

Where required by Table 27-3.407.B: Required Public Notice, the review board or official, or the Clerk of the Council, as appropriate, shall ensure notice is published at least once in a newspaper of general circulation in the County, or as otherwise required by Table 27-3.407.B and State law.

6. Posted Notice

Where required by Table 27-3.407.B: Required Public Notice, the applicant shall ensure notice is posted on the site subject to the application, in accordance with the requirements of this Subsection.

a. Number, Dimensions and Orientation

Posted notice signs shall be displayed as follows:

- i. If the site subject to the application has frontage on one or more improved streets, there shall be one sign posted for each 1,000 feet, or fraction thereof, of frontage on each street. The sign(s) shall be posted on the site near the street right-of-way, and oriented to maximize their visibility to motorists. When more than one sign is required to be posted along a street, the signs shall, where practicable, be evenly spaced along the street.

- ii. The posted notice sign(s) shall be singled-sided if the site occupies frontage on a cul-de-sac, at the end of a dead-end street, or on a one-way street. The sign(s) shall be oriented to maximize their visibility to motorists.
- iii. The posted notice sign(s) shall be double-sided if the site occupies frontage on a street that is visible to two-way traffic. These sign(s) shall be configured in a "V" shape, at a 45-degree angle, and oriented to maximize their visibility to motorists.
- iv. If the site does not have frontage on an improved public street, then one sign shall be placed on the land subject to the application. The sign shall be near the boundary of the site and visible from adjoining land. Another sign shall be placed near to, and visible from, the improved portion of the nearest, most-traveled street. This sign shall indicate it is not on the land subject to the application.
- v. If the placement of any sign on the land subject to the application is not visible to motorists from adjoining streets, the Planning Director may require placement of an additional sign, as needed, to ensure that notice about the application and public hearing is accessible to the general public.

b. Display and Maintenance of Posted Notice

- i. All signs shall be posted and displayed for a continuous period of time, as required in Table 27-3.407.B: Required Public Notice.

- ii. The sign(s) shall be durable, conspicuous and legible for the length of the required posting period.
- iii. The applicant is responsible for the reasonable maintenance of all signs. If a sign is removed, falls down, or is otherwise not properly located on the site subject to the application, or in the right-of-way, for any portion of the required posting period, the applicant shall repost the sign.
- iv. The applicant shall remove the signs from the site within 15 days after the public hearing on the application.
- v. The person posting the sign shall file a written statement in the record of posting. A close-up, legible photograph of each posted sign and additional long-distance photographs depicting the signs and unique, identifiable features of the land subject to the application shall also be submitted and included in the record for the case.
- vi. The applicant shall inspect the sign(s) at least one time no later than the 15th day of posting to ensure that the signs are maintained. The person conducting the inspection shall file in the record a written statement of the sign's condition. A combined posting and inspection affidavit shall be filed at least 14 days prior to the hearing.
- vii. Any unauthorized person removing, destroying, defacing, obstructing, or otherwise interfering with a posted sign (directly or indirectly) is in

violation of this Ordinance and subject to any penalties provided by this Ordinance and State law.

C. Deferral of Application

1. Request for Deferral

An applicant may request that a review board or official's consideration of an application at a public hearing be deferred at any time prior to the public hearing by submitting a written request for deferral to the Planning Director.

2. Decision on Request Submitted Prior to Public Notification

- a. If public notice in accordance with Sec. 27-3.407.B above, has not been provided, the Planning Director may grant the request for good cause.
- b. If a deferral is granted, the date of the public hearing at which the application will be heard shall be set at the time the deferral is granted, in accordance with timelines for deferrals set forth in the Applications Manual.

3. Decision on Request Submitted After Public Notification

- a. If public notification in accordance with Sec. 27-3.407.B above, has been provided, the request for deferral shall be placed on the public hearing agenda on the date the application is to be considered and acted upon by the review board or official.
- b. The review board or official may approve the request for deferral, for good cause.

- c. If a deferral is granted, the date of the public hearing at which the application will be heard shall be set in accordance with timelines for deferrals set forth in the Applications Manual, at the time the deferral is granted. The applicant may be subject to additional application fees to defray the additional costs of processing the application.

27-3.408. Review and Recommendation by Advisory Board or Official

If a development application is subject to a recommendation by an advisory board or official (either the Planning Board or ZHE, in accordance with Sec. 27-3.200, Summary Table of Development Review Responsibilities), unless stated to the contrary in Sec. 27-3.500, Application-Specific Review Procedures and Decision Standards, the advisory board or official shall review and act on the application in accordance with the requirements in this Subsection.

A. General

The advisory board or official shall hold any required public hearing on the application in accordance with Sec. 27-3.411, General Public Hearing, or Sec. 27-3.412, Quasi-Judicial Public Hearing, as appropriate. At the hearing, the advisory board or official shall consider the application, relevant support materials, the Technical Staff Report, and any public comments, and then recommend one of the decisions authorized for the particular type of application, based on the decision standards applicable for the application type, as set forth in Sec. 27-3.500, Application-Specific Review Procedures and Decision Standards.

B. Timing

The advisory board or official shall take action within any time period specified in this Division or the Applications Manual, for the type of application; otherwise, if time periods are not specified, action shall be taken as promptly as reasonably possible in consideration of the interests of the applicant, affected parties, and citizens of the County.

C. Conditions of Approval

If permitted for the particular type of application in accordance with Sec. 27-3.500, Application-Specific Review Procedures and Decision Standards, for the specific type of application, the advisory body may recommend conditions of approval in accordance with Sec. 27-3.413, Conditions of Approval.

27-3.409. Review and Decision by Decision-Making Body or Official

If a development application is subject to a final decision by the District Council, the Planning Board, the BZA, or the ZHE in accordance with Sec. 27-3.200, Summary Table of Development Review Responsibilities, the decision-making body or official, unless stated otherwise in Sec. 27-3.500, Application-Specific Review Procedures and Decision Standards, shall review and make a final decision on the application in accordance with the requirements in this Subsection.

A. General

The decision-making body or official shall hold any required public hearing on the application. At the hearing, the decision-making body or official shall consider the application, relevant support materials, the Technical Staff Report, any recommendations by advisory boards or officials, and any public comments. The body or official shall then make one of

the decisions authorized for the particular type of application, based on the review standards applicable for the application type, as set forth in Sec. 27-3.500, Application-Specific Review Procedures and Decision Standards.

B. Timing

The decision-making body or official shall take action within any time specified in this Division or the Applications Manual for the type of application; otherwise it shall take action as promptly as reasonably possible in consideration of the interests of the applicant, affected parties, and citizens of the County.

C. Conditions of Approval

If permitted for the particular type of application in accordance with Sec. 27-3.500, Application-Specific Review Procedures and Decision Standards, the decision-making body or official may impose conditions of approval in accordance with Sec. 27-3.413, Conditions of Approval.

D. Remand

Before making its decision, the decision-making body or official may remand the application to an advisory board or official, as applicable, for further consideration of the issues identified in the remand order, which shall be based on the record. If the application is remanded, any time limitations established by this Ordinance or State law for the decision shall continue to apply unless waived by the applicant.

27-3.410. Ex Parte Communications

An applicant, an applicant's agent, a person who is (or who may become) a person of record, or anyone appearing on behalf of a person of record in a decision, shall not communicate off the record

with any official or review board member conducting the hearing concerning any pending or proposed application. The official or the review board may, however, consider requests regarding scheduling.

27-3.411. General Public Hearing

When a public hearing(s) is required in accordance with Sec. 27-3.200, Summary Table of Development Review Responsibilities, for the following type of development applications, the public hearing(s) shall be conducted in accordance with the Rules of Procedure of the advisory or decision-making body conducting the hearing, any applicable requirements in Sec. 27-3.500, Application-Specific Review Procedures and Decision Standards, and State law:

- A. Comprehensive plan amendments;
- B. Text amendments; and
- C. Sectional map amendments;

27-3.412. Quasi-Judicial Public Hearing

A. Generally

1. This Section applies where a quasi-judicial public hearing is required in accordance with Sec. 27-3.200, Summary Table of Development Review Responsibilities, for the following types of development applications:
 - a. Zoning map amendments (ZMA);
 - b. Planned development (PD) map amendments;
 - c. CBCA-O Zone map amendments;
 - d. Special exceptions;
 - e. Major detailed site plans;

- f. Variances;
 - g. Major departures;
 - h. Validations of permits issued in error;
 - i. Authorizations within proposed rights-of-way; and
 - j. Appeals.
2. If a provision of this Section is inconsistent with a provision of the Maryland Land Use Code, the provision of the Maryland Land Use Code applies.

B. Limitation of Time

The time for presenting cases by parties of record shall generally be limited to one hour for each side. For good cause, the official or review board conducting the hearing may grant additional time.

C. Evidence

- 1. Testimony at the hearing is limited to facts and information that are relevant to the application under consideration.
- 2. The official or review board conducting the hearing may take judicial notice of any evidence to the extent permitted by Maryland law. This includes any evidence contained in the record of any earlier phase of the approval process relating to all or part of the same land being considered at the hearing.

D. Order of Presentation

The decision making official or body may establish the order of presentation in its rules of procedure.

E. Participation of Examiners

The official or review board conducting the hearing may:

- 1. Rule upon procedural matters, questions of law, evidence, motions, or objections;
- 2. Limit debate; and
- 3. Ask questions of any witness.

F. Witnesses

- 1. The decision making official or review board may establish rules for the presentation of testimony by witnesses. Reasonable cross-examination of witnesses is permitted.
- 2. If required, subpoenas shall be served in the manner provided by the Maryland Rules of Civil Procedure for service in the Circuit Courts of the State. No person shall disobey or fail to answer the subpoena. A witness may be excused from attendance if the witness can show that the placement under subpoena was frivolous or oppressive.

G. Transcripts

A complete transcript containing all record testimony (including exhibits by reference) shall be prepared for any appeal or matter which the District Council has elected to consider. All other cases may be transcribed.

H. Referral for Additional Information

Cases may be referred to any department or official who has processed or commented on an application, for the purpose of clarifying, updating, or completing the record. Unless otherwise provided in the referral, the agency or Department shall respond within 21 calendar days for minor cases and 30

calendar days for major cases, or it shall be presumed to have no comment on the application.

I. Correspondence and Communications

All Technical Staff Reports, correspondence received, and copies of correspondence sent by Departments or Officials processing applications shall be included in the record. The substance of any oral communication held with a department or official processing applications, regarding the merits of a pending case, shall be reduced to writing and included in the record of that case.

J. Persons of Record

The official or review board conducting the hearing shall prepare a list of persons of record, which shall be made a part of the record.

K. Continued and Recessed Cases

1. The official or review board conducting the hearing may continue a case.
2. A case may be continued for good cause after it has been advertised for hearing.
3. After a hearing has begun, a case may be continued for the receipt of additional evidence and upon such conditions or limitations or subject to such additional requirements or hearings as due process may require.
4. The People's Zoning Counsel or any person of record may request the continuance of a hearing under this Subsection. The official or review board conducting the hearing shall grant a continuance if a required Technical Staff Report has not been filed within 30 days of the scheduled hearing. If a continuance is granted for this

reason, the official or review board conducting the hearing may not hear the case for at least 30 days after the Technical Staff Report is filed.

5. If a new hearing date is not set for a continued case at the time of continuance, all parties of record shall be sent written notice of a new date at least 20 days prior to the new hearing date.

L. Case Taken Under Advisement

1. When a case is fully presented, the official or review board conducting the hearing may take it under advisement to render a decision. No new evidence may be entered into the record after this occurs, except:
 - a. If good cause is shown why the evidence was not previously presented into the record; or
 - b. The evidence is presented pursuant to a remand from any department or official with authority to consider an appeal or to make a final decision relating to the decision of the official or review board conducting the hearing; and
 - c. All persons of record are afforded the opportunity to present evidence in rebuttal.
2. The official or review board may disapprove admission of additional evidence if it finds that it:
 - a. Has little probative value to the outcome of the hearing; and
 - b. Would delay the proceedings.

M. Reconsideration

1. The official or review board's decision may be reconsidered on request filed by either the applicant or other person of record.
2. The official or review board may reconsider the decision only if, in furtherance of substantial public interest, it finds that an error in reaching the original decision was caused by fraud, surprise, mistake, inadvertence, or other good cause.
3. The party filing the request for reconsideration of the case shall, upon filing the request, send a copy to all other persons of record, the applicant (if the applicant is not a person of record), and all municipalities within one mile of the land subject to the application.
4. If the official or review board determines there is grounds to reconsider their final decision, it shall schedule a hearing on the request.
5. After the hearing, the official or review board shall first vote to reconsider their final decision and, if an affirmative motion is adopted, vote on a new decision.
6. After the close of the hearing record, the official or review board shall file a new decision or recommendation.

N. Dismissal of Cases

1. Applicability

The official or review board making the decision shall dismiss any case that it has the power to hear that is withdrawn through inaction in accordance with Sec. 27-3.405.B.2, Withdrawal through Inaction, or has not reached public hearing by or within three years after the application was filed. The official or review board may (for

good cause) grant extensions of that time period. More than one extension may be granted. Each extension may be for not more than six months.

2. Order of Dismissal

An order of dismissal shall be in writing unless the application is withdrawn through inaction. A copy of the order shall be sent to all persons of record.

a. Written Notice to Applicant

At least 30 days prior to dismissal, the official or review board conducting the hearing shall send written notice of the proposed dismissal date to the applicant, the landowner, municipalities within one mile of the land subject to the application, and correspondent (at their addresses of record).

b. Appeals of Dismissal Notice

- i. The order of dismissal terminates all proceedings in the case, unless appealed by the applicant or owner within 30 days after the date of dismissal. If the official or review board is charged with issuing a recommendation, the appeal shall be filed with the review board charged with rendering a final decision. If the official or review board is the final decision maker, the official or review board shall treat the appeal as an application to reconsider its decision to dismiss the application.
- ii. Each appeal shall be in writing and shall state specifically why the case should not be dismissed. An appellant shall give notice of the appeal to all persons sent notice of the order.

- iii. The appellate review board shall consider the appeal within 90 days of its filing. The appellate review board shall give at least ten days notice of the time and place of the meeting at which the appeal or reconsideration will be considered. The notice shall be sent to the appellant and all other persons who were given notice of the order of dismissal.
- iv. The appellant shall have the opportunity to appear before the appellate review board to show why the case should not be dismissed.
- v. The appellate review board shall either uphold the order of dismissal, or shall reverse the order and remand the case to the official or review board charged with conducting the hearing for further processing, or (if the application is treated as a reconsideration) shall hear the application.

27-3.413. Conditions of Approval

A. Generally

- 1. If explicitly permitted for the particular type of application in accordance with Sec. 27-3.500, Application-Specific Review Procedures and Decision Standards, approval of an application may be subject to conditions of approval; otherwise, approval of an application shall not be subject to conditions of approval.
- 2. Approval of sectional map amendments and Chesapeake Bay Critical Area Overlay (CBCA-O) Zone map amendments shall not be subject to conditions of approval.

B. Limitations on Conditions

Any conditions of approval shall be expressly set forth in the approval, shall be limited to conditions deemed necessary to ensure compliance with the requirements and particular standards of this Ordinance, and shall relate in both type and scope to the anticipated impacts of the proposed development.

C. Requirements

- 1. Conditions become a permanent part of the development approval or permit, and are binding as long as the zone remains in effect (in the case of zoning map amendments (ZMA)) or the development approval or permit remains valid.
- 2. A condition of approval imposed is mandatory. Failure to comply with any condition of approval constitutes a violation of this Ordinance, and is grounds for the County to:
 - a. Annul the development approval or permit, including any zoning map amendment (ZMA);
 - b. Revoke a permit;
 - c. Institute appropriate civil or criminal proceedings in accordance with Division 27-8: Enforcement; or
 - d. Institute any other action necessary to obtain compliance.

27-3.414. Notification

- A. Within 30 days after a final decision on the following development applications, the Planning Director or DPIE Director, whichever the application was submitted to, shall notify the applicant of the decision, in writing, and shall make a

copy of the decision available to the public on the Planning Department's or DPIE's website and in the Planning Department or DPIE offices during normal business hours, as appropriate:

1. Comprehensive plans and amendments (Sec. 27-3.501);
 2. Zoning map amendments (Sec. 27-3.503);
 3. Minor amendments to major detailed site plan Sec. 27-3.508.E.12.b)
 4. Sign permit (Sec. 27-3.509);
 5. Temporary use permit (Sec. 27-3.510);
 6. Use and occupancy permit (Sec. 27-3.511);
 7. Zoning certification (Sec. 27-3.512);
 8. Interpretation (Sec. 27-3.515);
 9. Validation of permit issued in error (Sec. 27-3.518);
 10. Authorization of permit within proposed right-of-way (ROW) (Sec. 27-3.520); and
 11. Certification of nonconforming use (Sec. 27-3.521).
- B. Within 30 days after a final decision on the following development applications, the Planning Director shall notify the applicant of the decision, in writing, and shall make a copy of the decision available to all persons of record, municipalities within one mile of the land subject to the application, and all owners of land adjacent to, across the street from, on the same block as, and within 500 feet of the land subject to the application, and make a copy of the decision available to the public on the Planning Department's website and in the Planning Department offices during normal business hours:
1. Zoning map amendment (ZMA) (Sec. 27-3.504);
- C. Within 30 days after a final decision on the following development applications, the Zoning Hearing Examiner (ZHE) shall notify the applicant of the decision, in writing, and shall make a copy of the decision available to all persons of record, municipalities within one mile of the land subject to the application, and all owners of land adjacent to, across the street from, on the same block as, and within 500 feet of the land subject to the application, and make a copy of the decision available to the public on the Planning Department's website and in the Planning Department offices during normal business hours:
2. Planned development map amendment (Sec. 27-3.505);
 3. Chesapeake Bay Critical Area Overlay zoning map amendment (ZMA) (Sec. 27-3.506);
 4. Minor detailed site plan (Sec. 27-3.508.D);
 5. Major detailed site plan (Sec. 27-3.508.E);
 6. Variance (Sec. 27-3.516);
 7. Minor departure (Sec. 27-3.517.C); and
 8. Major departure (Sec. 27-3.517.D).
- D. Within 30 days after a final decision on the following development applications, the Board of Zoning and Administrative Appeals (BZA) shall notify the applicant of the decision, in writing, and shall make a copy of the decision available to all persons of record, municipalities within one mile of the land subject to the application, and all owners of land adjacent to, across the street from, on the same block as, and within 500 feet of the land subject to the application, and

make a copy of the decision available to the public on the Planning Department's website and in the Planning Department offices during normal business hours:

1. Variances not associated with a parent application (Sec. 27-3.507); and
2. Appeals to BZA (Sec. 27-3.519).

27-3.415. Appeal

Any appeal of a decision on an application shall be in accordance with State law and Sec. 27-3.500, Application-Specific Review Procedures and Decision Standards.

27-3.416. Post-Decision Actions

A. Effect of Approval

1. Approval of a development application in accordance with this Division authorizes only the particular use, plan, or other specific activity approved, and not any other development requiring separate application and approval.
2. Approval of a development application in accordance with this Division invalidates any previously-approved development application of the same type for the same property that would otherwise allow a development alternative for the same property.
3. In the event that one development approval or permit is a prerequisite to another development approval or permit (e.g., variance approval prior to a detailed site plan approval), development may not take place until all required approvals or permits are obtained. Approval of one development application does not necessarily guarantee approval of any subsequent development application.

B. Amendment

Unless specified in the procedure for the particular type of development application in Sec. 27-3.500, Application-Specific Review Procedures and Decision Standards, an amendment of a development approval or permit may only be reviewed in accordance with the procedures and standards established for its original approval.

C. Lapse of Approval

1. Generally

Development approvals and permits expire as provided in Sec. Sec. 27-3.500, Application-Specific Review Procedures and Decision Standards, for each type of development approval or permit. If no expiration period is provided for the specific type of development approval or permit, and if no expiration period is imposed as part of the approval by the decision-making body or official, the development approval or permit expires if a use and occupancy permit authorizing the approved development is not obtained within two years after the effective date of approval.

2. Change in Ownership Does Not Affect Rights

A change in ownership of the land that is the subject of a development approval or permit does not affect the established expiration time period for the development approval or permit.

3. Extension

Unless stated to the contrary in Sec. 27-3.500, Application-Specific Review Procedures and Decision Standards, a one-year extension of the expiration time period for a specific development approval or permit may be granted by the decision-making body or person that granted the

development approval or permit upon the applicant's submission of a written request for extension to the decision-making body before the expiration date, and a showing of good cause.

D. Resubmitting Application

1. Generally

- a. Unless otherwise stated for a specific application type in Sec. 27-3.500, Application-Specific Review Procedures and Decision Standards, no new application for the same development for which an application was denied under this Ordinance may be filed on the same land until two years have elapsed after final action (including appellate review).
- b. The owner of land that is the subject of a development application that was denied, or the owner's authorized agent, may submit a written request for waiver of the time limit established in Subsection 27-3.416.D.1.a above, along with a fee to defray the cost of processing the request, to the Planning Director, who shall transmit the request to the decision-making body. The decision-making body may grant a waiver of the time limit only on a finding by at least two-thirds of its membership of one or more of the following:
 - i. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application that might reasonably affect the application of the relevant review standards to the development proposed in the application;

- ii. New or additional information is available that was not available at the time of review that might reasonably affect the application of the relevant review standards to the development proposed in the application;
- iii. The new application proposed to be submitted is not substantially the same as the prior application; or
- iv. The final decision on the application was based on a material mistake of fact.

27-3.417. Examination and Copying of Application/Other Documents

- A. Each development application (including all materials filed with the application) accepted as complete or processed in accordance with Sec. 27-3.404.B.2, and any Technical Staff Report prepared in accordance with Sec. 27-3.406.B.1, Technical Staff Report, shall be published on the Planning Board website.
- B. At any time, upon reasonable request and during normal business hours, any person may examine a development application, a Technical Staff Report, and materials submitted in support of or in opposition to an application in the Planning Director's, DPIE Director's, or BZA's office, as appropriate. Copies of such materials shall be made available at a reasonable cost.

Sec. 27-3.500 Application-Specific Review Procedures and Decision Standards

This Section establishes, for each type of application reviewed for a development approval or permit under this Ordinance, the specific review procedure and decision standards that apply, in accordance with Sec. 27-3.200, Summary Table of Development Review Responsibilities. The following sections identify, for each type of development application:

- The purpose of the type of development approval or permit;
- In what situations application approval is necessary;
- The standard procedures in Sec. 27-3.400, Standard Review Procedures, that are required, and any applicable modifications of or additions to the standard procedures; and
- The standards for making a decision on the application.

27-3.501. Comprehensive Plans and Amendments

A. Purpose

The purpose of this Subsection is to establish a uniform mechanism to adopt and amend comprehensive plans. Comprehensive plans consist of the General Plan, area master plans, sector plans, and functional master plans.

1. The General Plan is the Prince George's County General Plan approved in accordance with State law.
2. An area master plan amends the County's General Plan. It is a planning document that guides the way an area in the County should be developed. An area master plan includes the entirety of one or more planning areas. It combines

policy statements, goals, 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. 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.

3. A sector plan is a comprehensive plan for the physical development of part of one or more planning areas, showing in detail planning features such as the type, density and intensity of land uses, pedestrian traffic features, public facilities, and the relationship between the various uses to transportation, other public facilities and services, and amenities within the sector plan area, and where appropriate, to other areas. It may be approved as an amendment to an existing area master plan. A sector plan amends the General Plan.
4. A functional master plan is the current approved plan for one of the various elements of the General Plan, such as transportation, green infrastructure, schools, libraries, hospitals, health centers, parks and other open spaces, police stations, fire stations, utilities, or historic preservation.
5. A minor amendment to an approved area master plan, sector plan, or functional master plan may be initiated to incorporate necessary revisions pertaining to limited geographic areas, specific issues regarding public planning objectives, or to correct errors in the text or maps in the applicable plan.

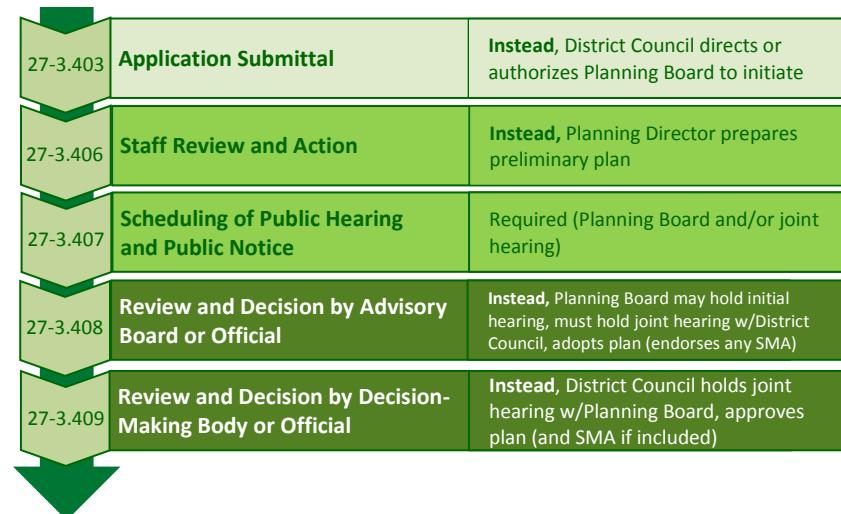
B. Applicability

Comprehensive plans shall be adopted or amended in accordance with the procedures and standards of this Subsection. An area master plan or sector plan may include a sectional map amendment for concurrent review (see Sec. 27-3.503, Sectional Map Amendment (SMA)).

C. Comprehensive Plan Procedure

This Subsection identifies additions or modifications to the standard review procedures in Sec. 27-3.400, Standard Review Procedures, that apply to a comprehensive plan, or an amendment to a plan. Figure 27-3.501.C identifies key steps in the comprehensive plan amendment procedure.

Figure 27-3.501.C: Comprehensive Plan Amendment Procedure



1. Pre-Application Conference

This standard review procedure is not applicable to this application type .

2. Pre-Application Neighborhood Meeting

This standard review procedure is not applicable to this application type .

3. Application Submittal

This standard review procedure is not applicable to this application type. Instead:

- a. A comprehensive plan, or an amendment, shall only be initiated by:
 - i. The District Council, by directing the Planning Board to initiate the process to adopt or amend a comprehensive plan, by resolution; or
 - ii. The Planning Board, with the written authorization of the District Council, by resolution.
- b. The District Council resolution initiating a comprehensive plan, or an amendment, shall include planning goals, and proposals to encourage public participation.
- c. In the case of amendment, the Council's authorization or resolution shall specify the area of the plan to be covered.

4. Determination of Completeness

This standard review procedure is not applicable to this application type.

5. Staff Review and Action

This standard review procedure is not applicable to this application type. Instead:

- a. In preparing the comprehensive plan or amendment (hereinafter staff draft plan), and potential concurrent sectional map amendment (with either an area master plan or sector plan only), if appropriate, the Planning Director shall coordinate efforts with appropriate Federal, State, and County agencies.
 - b. After completion of the staff draft plan, the Planning Director shall forward the plan, and sectional map amendment, if included, to the Planning Board for its review. The plan, and amendment, if included, shall be made available for public review and copying in the office of the Planning Director, and placed on the M-NCPBC's website.
 - c. A copy of the staff draft plan, and proposed sectional map amendment, if included, shall be transmitted to the County Executive and each municipality whose territorial boundaries are within or abut the area affected by the plan, or are located within one mile of that area. The County Executive and the municipalities shall be advised to refer their comments on the staff draft plan, and sectional map amendment, if included, to the Planning Board at the scheduled public hearing(s). The failure of the County Executive to submit comments or a recommendation prior to the close of the public hearing record shall be presumed to indicate no objection.
- 6. Scheduling Public Hearing and Public Notice**
- Required (see Sec. 27-3.407, Scheduling Public Hearing and Public Notice).
- a. The District Council and the Planning Board shall conduct at least one joint public hearing on the published staff draft plan and, if included, the proposed sectional map amendment (with either an area master plan or sector plan only), after a minimum of 30 days notice by publication in a newspaper of general circulation in the County and on the County's website.
 - b. The Planning Board shall provide notice of the hearing(s) on the published staff draft plan, and proposed sector map amendment, if included, in accordance with Sec. 27-3.407, Scheduling Public Hearing and Public Notice, except:
 - i. The published notice shall also state:
 - (A) The subject matter of the hearing;
 - (B) The procedures to be followed during the hearing;
 - (C) The Affidavit and *Ex Parte* Disclosure requirements, and location of compliance forms, required by State law, the Applications Manual, and the County Code;
 - (D) The period of time during which the hearing record will remain open following the joint public hearing shall not be less than 15 days.
 - ii. The mailed notice shall also include:
 - (A) An invitation to comment on the plan; and
 - (B) A statement advising that either concurrently or after approval of an area master plan or sector plan by the District Council, a sectional map amendment for the area could result in a rezoning of land

which could affect property values and property taxes.

- iii. The mailed notice shall be for informational purposes only, and failure of the Planning Board to send, or the landowner to receive, the notice shall not invalidate the adoption or approval of the staff draft plan, or sectional map amendment, if included.

7. Review and Recommendation by Advisory Board or Official

This standard review procedure is not applicable to this application type. Instead:

- a. The Planning Board shall hold public hearing(s) on the staff draft plan, and proposed sectional map amendment, if included. At least one public hearing shall be a joint hearing with the District Council on the adopted plan and endorsed sectional map amendment, if included, as required by subsection 6.a., above.
- b. The testimony received at the public hearing(s) shall be made a part of the record. Exhibits introduced at any time prior to the close of the record shall be identified sequentially and maintained as part of the record. The hearing record shall remain open for at least 15 days following the hearing.
- c. The Planning Board may permit the inclusion of additional evidence in the record, upon motion and majority vote of the members present at any meeting or work session on the plan. New evidence permitted to be presented orally at any meeting or work session shall not be considered as a part of the

record unless summarized in writing by the speaker and submitted for the record within the period of time specified by the Planning Board.

- d. After the conclusion of the public hearing(s) and the close of the record, the Planning Board may either adopt the staff draft plan or adopt the staff draft plan with amendments in accordance with Sec. 27-3.501.D, Comprehensive Plan Decision Standards, remand the staff draft plan back to the Planning Director for further evaluation, or disapprove the staff draft plan. If a sectional map amendment is also being considered (with either an area master plan or sector plan only), the Planning Board shall make a recommendation on the sectional map amendment in accordance with Sec. 27-3.503.D, Sectional Map Amendment Decision Standards. The Planning Board's recommendation on the sectional map amendment shall be by resolution.
- e. Before the adoption of the staff draft plan, the Planning Board shall also submit its proposals for public facilities included in the plan to the District Council, the County Executive, and each municipality whose territorial boundaries are within or abut the area affected by the plan for review and comment, within 10 days of the adoption of the Planning Board resolution.
 - i. The purpose of this public facilities referral is to identify inconsistencies between the staff draft plan and any existing or proposed State or County facilities.
 - ii. Such proposals for public facilities shall include, but not be limited to, roads, highways, parks

- and recreation facilities, or other public facilities.
- iii. The County Executive and District Council shall have 60 days from the date of the referral to review the public facilities proposals, provide written comments, and identify any inconsistencies between the public facilities proposed in the adopted plan and any existing or proposed State or County facilities.
- iv. In the event that any inconsistencies are revealed, the District Council shall direct the Planning Board on how the inconsistencies shall be eliminated or accommodated within the adopted plan prior to adoption I by the Planning Board.
- f. **The Planning Board shall transmit:**
- i. The adopted plan to the District Council within 30 days of adoption. If the adopted plan includes a sectional map amendment, the Planning Board shall transmit the endorsed sectional map amendment concurrently to the Council, with its recommendations; and
- ii. A copy of the resolution and the adopted plan and endorsed sectional map amendment, if included, to the County Executive and to each municipality whose territorial boundaries are within or abut the area affected by the plan or that is within one mile of that area.
- g. Upon transmittal to the District Council of an adopted plan which includes a proposal to change zones, or a proposed sectional map amendment, the Planning Board shall postpone accepting or processing any rezoning applications within the subject plan area (or area of the sectional map amendment, if applicable), until after final action by the District Council on the adopted plan or proposed sectional map amendment.
8. **Review and Decision by Decision-Making Body or Official**
- This standard review procedure is not applicable to this application type. Instead:
- a. Following receipt of the adopted plan and endorsed sectional map amendment (with either an area master plan or sector plan only), if appropriate, the District Council shall conduct a joint public hearing with the Planning Board on the adopted plan, and endorsed sectional map amendment, if included, as required by subsection 6.a., above. Notice of this hearing shall be given by the Clerk of the Council in the same manner as that prescribed for the initial hearing before the Planning Board.
- b. If the District Council considers amendments to the adopted plan that are not based on the record before the Planning Board, then at least one additional joint public hearing shall be held with the Planning Board on the amendments, and endorsed sectional map amendment, if included. Amendments based on the record before the Planning Board or proposed only to retain the existing zone classification on land (with either an area master plan or sector plan only) may be approved by the Council without holding an additional joint public hearing.

- c. If an additional joint public hearing is held, notice of the hearing shall be given by the Clerk of the Council in the same manner as that prescribed for the initial hearing before the Planning Board, except that the published notice shall also state that all landowners, each municipality whose territorial boundaries are within or abut the area affected by the plan, or are located within one mile of that area, and the County Executive are invited to submit comments on any amendments to the adopted plan. Failure of the County Executive to present comments or recommendations prior to the close of the public hearing record shall be presumed to indicate no objections to the amendments.
- d. All amendments proposed by the Council shall be referred to the Planning Board for its written comments, which shall be submitted to the Council following the joint public hearing on the amendments, but prior to its action on the amendments
- e. The testimony received at the public hearing(s) shall be made a part of the record. Exhibits introduced at any time prior to the close of the record shall be identified sequentially and maintained as part of the record. The period of time during which the hearing record will remain open following the joint public hearing shall not be less than 15 days.
- f. The District Council may permit the inclusion of additional evidence in the record, upon motion and majority vote of the members present at any meeting or work session on the plan. New evidence permitted to be presented orally at any meeting or work session shall not be considered as a part of the record unless summarized in writing by the speaker and submitted for the record within the period of time specified by the Council.
- g. Within 90 days following the final joint public hearing, the District Council, in accordance with Sec. 27-3.501.D, Comprehensive Plan Decision Standards, and, if a sectional map amendment is included, Sec. 27-3.503.D, Sectional Map Amendment Decision Standards, shall:
 - i. Approve the adopted plan, and, the endorsed sectional map amendment, if included, as submitted by the Planning Board;
 - ii. Approve the adopted plan with changes, revisions or amendments based upon the record, and the endorsed sectional map amendment (with either an area master plan or sector plan only), if included, with changes, revisions or amendments (this shall not require re-approval by the Planning Board); or
 - iii. Remand the adopted plan and the endorsed sectional map amendment, if included, back to the Planning Board, with specific direction for issues they should consider; or
 - iv. Disapprove the adopted plan, and the sectional map amendment (with either an area master plan or sector plan only), if included.
- h. Approval of the adopted plan, and sectional map amendment (with either an area master plan or sector plan only), if included, shall be by a majority of the full District Council, and shall be by resolution.

- i. If a concurrent sectional map amendment is included, a two-thirds majority vote of the full Council shall be required to approve any portion of the sectional map amendment that is contrary to the recommendation of a municipality concerning land within its boundaries. If the Council fails to obtain this two-thirds majority vote, the land may be rezoned to any alternate zone classification recommended by the municipality (in writing), provided that:
 - i. The zone classification is consistent with an adopted and approved master plan or endorsed sector plan; or
 - ii. The zone classification is the same as the one existing on the land prior to the endorsed sectional map amendment.
- j. Failure of the District Council to take action on the adopted plan, and endorsed sectional map amendment (with either an area master plan or sector plan only), if included, within the time periods established in this Subsection shall constitute denial of the adopted plan, and endorsed sectional map amendment, if included.

9. Conditions of Approval

This standard review procedure is not applicable to this application type.

10. Notification

This standard review procedure is not applicable to this application type.

11. Appeal

This standard review procedure is not applicable to this application type.

12. Post-Decision Actions

a. Final Adoption

After approval of a comprehensive plan by the District Council, the full Commission of the M-NCPPC shall take action to adopt the plan, and if a concurrent sectional map amendment is included, certify the zoning map amendment (ZMA).

b. Publication and Filing

After the Commission's final adoption and approval of the approved plan, the Commission shall publish the approved plan and make it available to the public. In addition, an attested copy of every approved plan or sectional map amendment, if adopted, shall be certified by the Planning Board and filed with the Clerk of the Circuit Court for Prince George's County.

c. Minor Plan Amendment

- i. Minor amendments of an area master plan, sector plan, or functional master plan may be initiated by the District Council upon adoption of a written resolution, or by the Planning Board with District Council approval by written resolution. At the time of initiation of a minor amendment process, a public hearing date shall be scheduled to occur within 60 days. The same requirements in Sec. 27-3.407, Scheduling Public Hearing and Public Notice, that applied

- to the review and adoption of the plan shall apply to a minor amendment of the plan.
- ii. A minor plan amendment may be utilized to advance defined public objectives, and shall be limited to:
- (A) A geographic area which is not more than 50 percent of the applicable plan area, and not limited to a single parcel of land or land owner; or
 - (B) Specific issues regarding public planning objectives; or
 - (C) An action to correct errors in the text or maps in the applicable plan.
- iii. In no instance, however, shall a minor amendment process be used to:
- (A) Rezone any land;
 - (B) Change a General Plan center designation;
 - (C) Make any amendment that would require major transportation or public facilities analysis; or
 - (D) Amend the County's growth boundary.
- iv. The resolution initiating a minor amendment shall set forth the findings required in Sec. 27-3.501.C.12.c.iii above, and specify the purpose and scope of the proposed amendment, and identify the date of the joint public hearing on the amendment.
- v. The Board must take action they should be able to adopt, adopt with amendments, remand, or disapprove the minor plan amendment.
- vi. The Planning Board shall transmit the adopted minor plan amendment and a technical staff report analyzing the minor plan amendment within 90 days of the date of the resolution of initiation.
- vii. The District Council shall, within 90 days of the Planning Board's transmittal, at a public meeting, approve, approve with revisions based solely on testimony received at the joint public hearing, or disapprove the minor plan amendment and adopt a resolution.
- viii. Failure of the District Council to approve or disapprove the minor plan amendment within 90 days of receipt of the Planning Board's recommendation shall constitute disapproval of the minor plan amendment.
- ix. After approval of a minor amendment by the District Council, the Planning Board shall publish the revisions to the plan made in the minor amendment along with the minor amendment, and make it available to the public. In addition, an attested copy of the minor amendment shall be certified by the Planning Board and filed with the Clerk of the Circuit Court for Prince George's County.

d. Amendments

An amendment of a comprehensive plan that exceeds the parameters of Sec. 27-3.501.C.12.c above may

only be reviewed in accordance with the procedures and standards established for its original approval.

e. Evaluate Whether to Amend Area Master Plans or Sector Plans

At least every 6 years, the District Council shall evaluate in accordance with State law, whether approved area master plans or sector plans should or should not be amended, and provide the reasons for the decision in writing.

f. Review and Evaluate General Plan

The General Plan shall be reviewed and evaluated within 2 years of the completion of each census.

D. Comprehensive Plan Decision Standards

A comprehensive plan should conform to the principles of orderly, comprehensive land use planning and staged development. The advisability of approving a comprehensive plan, or minor plan amendment, is a matter committed to the legislative discretion of the District Council and is not controlled by any one factor. Prior to the approval of a comprehensive plan, the District Council shall consider all factors relevant to protecting the health, safety, and welfare of the citizens of the County.

27-3.502. Text Amendment

A. Purpose

This purpose of this Subsection is to establish a uniform mechanism to amend the text of this Ordinance.

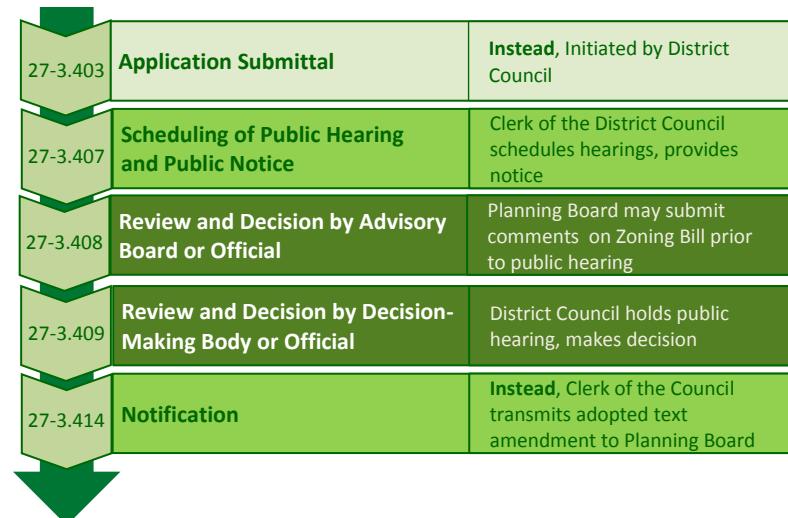
B. Applicability

A text amendment shall be initiated to change the text of this Ordinance. All text amendments shall be introduced as bills. All zoning bills shall be identified as such in the heading of the bill. The enacting clause shall identify the District Council as the "County Council of Prince George's County, Maryland, sitting as the District Council."

C. Text Amendment Procedure

This Subsection identifies additions or modifications to the standard review procedures in Sec. 27-3.400, Standard Review Procedures, that apply to a text amendment. Figure 27-3.502.C identifies key steps in the text amendment procedure.

Figure 27-3.502.C: Text Amendment Procedure



1. Pre-Application Conference

This standard review procedure is not applicable to this application type.

2. Pre-Application Neighborhood Meeting

This standard review procedure is not applicable to this application type.

3. Application Submittal

This standard review procedure is not applicable to this application type. Instead, a text amendment shall only be initiated by the District Council.

4. Determination of Completeness

This standard review procedure is not applicable to this application type.

5. Staff Review and Action

This standard review procedure is not applicable to this application type.

6. Scheduling Public Hearing and Public Notice

This standard review procedure is not applicable to this application type. Instead, notice of the public hearing shall be in accordance with the procedures required for bills introduced under Section 317 of the Prince George's County Charter.

7. Review and Recommendation by Advisory Board or Official

This standard review procedure is not applicable to this application type. When a Zoning Bill is introduced, a copy of the bill shall be transmitted to the Planning Board by the Clerk of the Council, along with a notice of the date, time, and place of the public hearing. The Board shall submit its comments on the bill prior to or at the public hearing. Failure to file its comments shall constitute a Planning Board recommendation of approval. At the

request of the Planning Board, the District Council may keep the record open for Board comments.

8. Review and Decision by Decision-Making Body or Official

This standard review procedure is not applicable to this application type. Instead, at the public hearing, the District Council shall, following the Rules of Procedure for the Prince George's District Council and by majority vote of the full Council, make a decision on the proposed text amendment. The public hearing shall not be held less than 14 business days after the introduction of the bill. The text amendment shall not be governed by provisions of the Rules of Procedure establishing effective dates for other bills. The decision shall be one of the following:

- a.** Adopt by ordinance the proposed text amendment;
- b.** Adopt by ordinance the proposed text amendment with revisions; or
- c.** Disapprove the proposed text amendment.

The effective date of a text amendment may be the date of the enactment or a later date established in the legislation.

9. Conditions of Approval

This standard review procedure is not applicable to this application type.

10. Notification

This standard review procedure is not applicable to this application type. Instead, upon adoption, the Clerk of the Council shall transmit a copy of the adopted text amendment to the Planning Board.

11. Post-Decision Actions

a. Effect of Approval

The effect of the adoption of a text amendment shall be as stated in the adopting ordinance.

b. Lapse of Approval

This standard review procedure is not applicable to this application type.

c. Reconsideration

After the effective date, the District Council shall only reconsider a text amendment by introducing a new Zoning Bill.

27-3.503. Sectional Map Amendment (SMA)

A. Purpose

The purpose of this Subsection is to establish a uniform mechanism to amend the Official Zoning Map through a sectional map amendment.

B. Applicability

1. Generally

A sectional map amendment shall be initiated to comprehensively rezone land within Prince George's County. Sectional map amendments shall be limited to planning areas, combinations of planning areas, portions of planning areas, or those areas subject to an area master plan or sector plan. In a sectional map amendment, land may be reclassified to any zone established in this Ordinance, except as provided in Sec. 27-3.503.B.4 below.

2. With Area Master Plan or Sector Plan

A sectional map amendment may be prepared and reviewed concurrently with an area master plan or a sector plan, in accordance with Sec. 27-3.501, Comprehensive Plans and Amendments.

3. Military Installation Overlay Zone (MIO Zone)

The Military Installation Overlay Zone (MIO Zone) shall be amended only in accordance with this Subsection following the issuance of an Air Installation Compatibility Use Zone Study, as amended from time to time, by the Department of Defense.

4. Prohibited Sectional Map Amendments

A map amendment to the following zones shall not be established through a sectional map amendment:

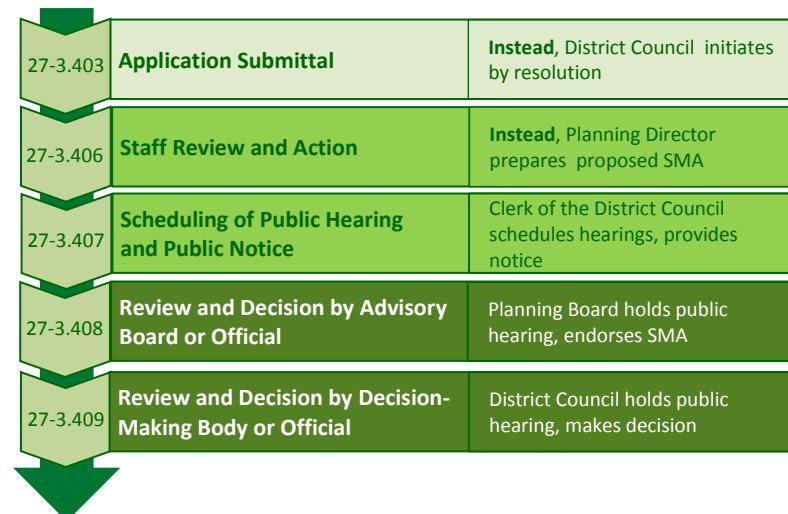
- a. The NCO Zone;
- b. The CBCA-O Zone;
- c. A PD zone;
- d. If the land subject to the proposed amendment is wholly or partially within the Safety Zones of the MIO Zone, the following zones: any Transit-Oriented/Activity Center base zone, or the RMF-12, RMF-20, RMF-48, IM, CGO, CN, or CS zones;
- e. If land is classified in a Rural and Agricultural or Residential zone, a more intense Rural and Agricultural or Residential zone;
- f. The ROS Zone, if the land subject to the proposed amendment is not publicly-owned, unless the landowner has requested or consented, in writing, to the amendment; or

- g. A less intense zone (see Sec. 27-3.102) if the land subject to the proposed amendment has been reclassified by a parcel specific zone map amendment within five years prior to the transmittal of the sectional map amendment to the District Council, and the landowner has not consented, in writing, to the amendment.

C. Sectional Map Amendment Procedure

This Subsection identifies additions or modifications to the standard review procedures in Sec. 27-3.400, Standard Review Procedures, that apply to development applications for a sectional map amendment. Figure 27-3.503.C identifies key steps in the sectional map amendment procedure.

Figure 27-3.503.C: Sectional Map Amendment Procedure



1. Pre-Application Conference

This standard review procedure is not applicable to this application type.

2. Pre-Application Neighborhood Meeting

This standard review procedure is not applicable to this application type.

3. Application Submittal

This standard review procedure is not applicable to this application type. Instead:

- a. A sectional map amendment is only initiated by resolution of the District Council authorizing and directing the Planning Director to prepare a proposed amendment.
- b. Within 30 days after the initiation resolution has been adopted, any person may request that specific zones (except those prohibited in Sec. 27-3.503.B.4, Prohibited Sectional Map Amendments) be considered for specific lands during the sectional map amendment process, unless the sectional map amendment is initiated by or reviewed concurrent with an adopted sector or master plan.

4. Determination of Completeness

This standard review procedure is not applicable to this application type.

5. Staff Review and Action

This standard review procedure is not applicable to this application type. Instead, the Planning Director shall prepare the proposed sectional map amendment for review in accordance with this Section. If the proposed

sectional map amendment amends lands located within the MIO Zone, the Planning Director shall prepare a Technical Staff Report that contains a statement of justification describing the following:

- a. The specific changes within the latest Air Installation Compatibility Use Zone Study, as amended from time to time by the Department of Defense, necessitating the amendment;
- b. If the proposed sectional map amendment would change the MIO Zone boundaries, how the proposed MIO Zone boundaries comply with the purposes of the MIO Zone as described in Sec. 27-4.402 C., Military Installation Overlay (MIO) Zone; and
- c. If the proposed sectional map amendment would change the underlying zone of property within the Safety Zones or High Intensity Noise Area of the MIO Zone, how the proposed change complies with the purposes of the MIO Zone as described in Sec. 27-4.402 C., Military Installation Overlay (MIO) Zone, and how the proposed change is consistent with the applicable area master plan or sector plan.

6. Scheduling Public Hearing and Public Notice

Required (see Sec. 27-3.407, Scheduling Public Hearing and Public Notice).

- a. In addition to the public notification requirements in Sec. 27-3.407, Scheduling Public Hearing and Public Notice, public notice shall include a notice of affidavit and *ex parte* disclosure and location of compliance forms, in accordance with State law and the Applications Manual.

- b. If a sectional map amendment is considered concurrently with an area master plan or a sector plan, scheduling of public hearing(s) and public notice shall be in accordance with Sec. 27-3.501, Comprehensive Plans and Amendments.

7. Review and Recommendation by Advisory Board or Official

Required (see Sec. 27-3.408, 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 Sec. 27-3.501, Comprehensive Plans and Amendments, in-lieu of a separate public hearing.
- b. After the conclusion of the public hearing and the close of the record, the Planning Board shall make a recommendation on the proposed sectional map amendment in accordance with Sec. 27-3.503.D, 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.

- c. Within 30 days of the adoption of the resolution, the Planning Board shall transmit the endorsed sectional map amendment to the District Council, to each municipality located either within the area of the endorsed sectional map amendment or within one mile of that area, and to any governed special taxing district within the area of the endorsed sectional map amendment.
- d. Upon transmittal of an endorsed sectional map amendment to the District Council:
 - i. The Planning Board shall postpone accepting or processing any zoning map amendment (ZMA) applications within the area of the endorsed sectional map amendment until after final action by the District Council on the endorsed sectional map amendment.
 - ii. The Clerk of the Council shall notify the Dpie Director of the transmittal. Dpie shall postpone the processing and issuance of building permits for land within the area of the endorsed sectional map amendment until after final action by the District Council on the sectional map amendment, if the lot or parcel of land on which construction is proposed is in a nonresidential zone, was proposed by the Planning Board for a zone in which the proposed use is not permitted, and is undeveloped. This Subsection shall not apply to a lot or parcel of land for which a grading permit has been issued by Prince George's

County, sediment and erosion control devices have been installed by the permittee, and site grading activities have been initiated by the permittee.

8. Review and Decision by Decision-Making Body or Official

Required (see Sec. 27-3.409, Review and Decision by Decision-Making Body or Official), except the following procedures shall apply:

- a. If the proposed sectional map amendment is prepared and reviewed concurrently with an area master plan or sector plan, the District Council shall review and make a decision on the endorsed sectional map amendment in accordance with Sec. 27-3.501, Comprehensive Plans and Amendments, and Sec. 27-3.503.D, Sectional Map Amendment Decision Standards. Otherwise, within 60 days following receipt of the Planning Board's recommendation on the endorsed sectional map amendment, the District Council shall, by ordinance, and in accordance with Sec. 27-3.503.D, Sectional Map Amendment Decision Standards:
 - i. Approve the sectional map amendment as submitted by the Planning Board;
 - ii. Approve the sectional map amendment, with amendments;
 - iii. Remand the matter back to the Planning Board with direction on what needs to be reconsidered and re-evaluated; or
 - iv. Disapprove the sectional map amendment.

- b.** The District Council may approve the endorsed sectional map amendment with amendments that are not based on the record before the Planning Board, provided:
- i.** The District Council's proposed amendments shall be referred to the Planning Board for the Board's written comments. The comments, if any, shall be submitted to the Council prior to the Council's action on the sectional map amendment.
 - ii.** The District Council shall hold an additional public hearing, prior to approving the endorsed sectional map amendment. Notice of the hearing shall be given by the Clerk of the Council in the same manner as that prescribed for the initial hearing before the District Council. Amendments proposed only to retain the existing zone of land may be approved by the Council without holding an additional public hearing.
- c.** A two-thirds majority vote of the full Council shall be required to approve any portion of the amendment that is contrary to the recommendation of a municipality concerning land within its boundaries or a governed special taxing district concerning land within its district. If the Council fails to obtain this two-thirds majority vote, the land may be rezoned to any alternate zone recommended by the municipality (in writing) if:
- i.** The zone is consistent with the adopted and approved master plan or sector plan; or
 - ii.** The zone is the same as the one existing on the land prior to the sectional map amendment.
- d.** Failure of the District Council to take action on an endorsed sectional map amendment within the time periods established in this Subsection shall constitute denial of the endorsed sectional map amendment.
- 9. Conditions of Approval**
- This standard review procedure is not applicable to this application type.
- 10. Notification**
- This standard review procedure is not applicable to this application type.
- 11. Post-Decision Actions**
- a. Effect of Approval**
- The approval of a sectional map amendment shall repeal and readopt with amendments that portion of the Official Zoning Map encompassed by the sectional map amendment.
- b. Lapse of Approval**
- This standard review procedure is not applicable to this application type.
- c. Designation on Official Zoning Map**
- If a sectional map amendment is adopted by the District Council, the Planning Director shall place the amendment on the Official Zoning Map within a reasonable period of time after its adoption.

d. Resubmittal and Reconsideration

- i. Where a sectional map amendment is found by a court of competent jurisdiction to be invalid because of procedural defects in the advertising, processing, or approval, the District Council may (on its own motion) reconsider the sectional map amendment. The Council may then reapprove the sectional map amendment (including amendments) in accordance with the procedures which apply to the original approval.
- ii. Upon resubmission, the records of the previous hearings on the sectional map amendment shall be incorporated into the record of the new hearing.

D. Sectional Map Amendment Decision Standards

1. Sectional map amendments conform to the principles of orderly, comprehensive land use planning and staged development, and shall be based on applicable area master plans, sector plans, and functional master plans. The advisability of a sectional map amendment is a matter committed to the legislative discretion of the District Council and is not controlled by any one factor. Prior to the approval of a sectional map amendment, the District Council shall consider the following:
 - a. The consistency of the proposed amendment with the General Plan and any applicable master plans or sector plans;
 - b. The character of the area under review;
 - c. The suitability of particular uses;

- d. The protection of natural features in the area;
- e. The conservation of the value of buildings and communities;
- f. The most appropriate use of land throughout the County;
- g. Any adopted current staging policy, or Capital Improvement or Economic Development Program;
- h. The environmental and economic impact upon both the area under review and the entire County;
- i. The protection of the health, safety, and general welfare of the citizens of the County; and
- j. For land wholly or partially within, or proposed to be wholly or partially included within the MIO Zone:
 - i. The changes to the Air Installation Compatible Use Zone Study that necessitates the map amendment; and
 - ii. The purposes of the MIO Zone.

2. In addition, for an amendment of the MIO Zone, the Impact Maps identifying the Height, Safety, and High Noise Zones shall reflect those in the most current Air Installation Compatible Use Zone Study (AICUZ), as amended from time to time.

27-3.504. Zoning Map Amendment (ZMA)**A. Purpose**

The purpose of the Subsection is to establish a uniform mechanism to amend the Official Zoning Map to reclassify an area to a base or overlay zone (except the CBCA-O Zone, which

is amended in accordance with Sec. 27-3.506, Chesapeake Bay Critical Area Overlay (CBCA-O) Zone Map Amendment).

B. Applicability

The procedures and standards of this Subsection apply to any amendment to the Official Zoning Map that involves a specific parcel of land (commonly known as a "rezoning"). Under no circumstance shall a zoning map amendment be approved to reclassify lands wholly or partially within the Safety Zones of the MIO Zone into the following zones: any Transit-Oriented/Activity Center base zone, or an RMF-12, RMF-20, RMF-48, IM, CGO, CN, or CS zone.

C. Zoning Map Amendment (ZMA) Procedure

This Subsection identifies additions or modifications to the standard review procedures in Sec. 27-3.400, Standard Review Procedures, that apply to development applications for a zoning map amendment (ZMA). Figure 27-3.504.C identifies key steps in the (ZMA) procedure.

Figure 27-3.504.C: Zoning Map Amendment (ZMA) Procedure



1. Pre-Application Conference

Required (see Sec. 27-3.401, Pre-Application Conference), except for applications submitted by the District Council, the Planning Board, or the Planning Director.

2. Pre-Application Neighborhood Meeting

Required (see Sec. 27-3.402, Pre-Application Neighborhood Meeting), except for applications submitted by the District Council, the Planning Board, or the Planning Director.

3. Application Submittal

Required (see Sec. 27-3.403, Application Submittal).

a. In addition, an application may be submitted by the District Council, the Planning Board, or the Planning Director.

b. No parcel of land shall be the subject of two separate applications for a zoning map amendment (ZMA) at the same time. If two or more separate parcels of land are included in one application, they must be adjoining. For the purposes of this Subsection, "adjoining" means those parcels of land which abut or are separated only by a public right-of-way, stream bed, or the like.

4. Determination of Completeness

Required (see Sec. 27-3.404, Determination of Completeness).

5. Staff Review and Action

Required (see Sec. 27-3.406, Staff Review and Action). After staff review and evaluation of the application, the Planning Director shall prepare a Technical Staff Report, which shall include a recommendation on the application. The Technical Staff Report shall be submitted and filed with the ZHE at least 30 days before the scheduled hearing before the Planning Board or ZHE, whichever occurs first, or the matter shall be continued.

6. Scheduling Public Hearing and Public Notice

Required (see Sec. 27-3.407, Scheduling Public Hearing and Public Notice). In addition to the public notification requirements in Sec. 27-3.407, Scheduling Public Hearing and Public Notice, public notice shall include a notice of affidavit and *ex parte* disclosure and location of compliance forms, in accordance with State law and the Applications Manual.

7. Review and Recommendation by Advisory Board or Official

Required (see Sec. 27-3.408, Review and Recommendation by Advisory Board or Official).

a. The Planning Board shall decide whether it will hold a hearing on the application within 15 days after receipt of the Technical Staff Report, or at its first meeting after the release of the report if no meeting has occurred within the 15 days.

b. If the Planning Board decides not to conduct a hearing, the recommendation in the Technical Staff Report constitutes the Planning Board's recommendation, and the Planning Board shall transmit its decision to the ZHE.

c. If the Planning Board decides to hear the matter, it shall set a hearing date which shall be at least 30 days after its decision to hear the matter.

i. Prior to or at the Planning Board's hearing, the applicant and any other person may submit written responses to the Technical Staff Report, together with any supporting material. The responses shall become a part of the record that will be forwarded to the ZHE.

- ii. At the hearing, the Planning Board shall, following their Rules of Procedure, consider the application, relevant support materials, the Technical Staff Report, applicant comments, and any public comments, and make a recommendation, by resolution, on the application in accordance with Sec. 27-3.504.D, Zoning Map Amendment (ZMA) Decision Standards. The Planning Board shall transmit its resolution with recommendation to the ZHE.
- d. After receipt of the Planning Board's decision not to conduct a hearing on the application (and Technical Staff Report recommendation), or resolution with recommendations, the ZHE shall hear the application at a public hearing and make a recommendation. The ZHE shall issue its decision not more than 100 days after the date of its last hearing on the application. The ZHE shall, following the ZHE's Rules of Procedure, consider the original application, relevant support materials, the Technical Staff Report, the Planning Board's resolution (if forwarded), the applicant's and any party of record's testimony and materials (if appropriate), and any public comments (if appropriate). At the conclusion of the hearing, the ZHE shall make a recommendation on the application in accordance with Sec. 27-3.504.D, Zoning Map Amendment (ZMA) Decision Standards.
- e. After the hearing is concluded, the ZHE shall prepare and serve upon all persons of record a written decision containing specific findings of basic facts, conclusions of law, and a recommended decision.

8. Review and Decision by Decision-Making Body or Official

Required (see Sec. 27-3.409, Review and Decision by Decision-Making Body or Official).

- a. After receipt of the ZHE's recommendation, the District Council shall conduct a public hearing on the application in accordance with Sec. 27-3.412, Quasi-Judicial Public Hearing, and render a final decision in accordance with Sec. 27-3.504.D, Zoning Map Amendment (ZMA) Decision Standards. The District Council shall adopt written findings of material facts and conclusions.
- b. The District Council may approve a less intense zone than that requested by the applicant for any part of the land subject to the application.
- c. A two-thirds majority vote of the full Council shall be required to approve any portion of the amendment that is contrary to the recommendation of a municipality concerning land within its boundaries, the recommendation of a governed special taxing district concerning land within its district, or a zoning map amendment that is contrary to an approved area master plan or sector plan.

9. Conditions of Approval

Allowed (see Sec. 27-3.413, Conditions of Approval).

- a. The following conditions of approval are allowed:
 - i. Conditions that may be necessary to protect surrounding properties from adverse effects that might accrue from the proposed zoning map amendment (ZMA); or

- ii. Conditions that would further enhance the coordinated, harmonious, and systematic development of the regional district.
- b. If conditions of approval are imposed, the applicant has 90 days from the date of District Council's decision to approve the conditions as part of the rezoning, to accept or reject the rezoning as conditionally approved. The applicant shall accept or reject the conditions in writing, to the Council.
- c. If the applicant accepts the conditions, the Council shall enter an order acknowledging the acceptance and adopt the zoning map amendment (ZMA) by ordinance, at which time the Council's action is final.
- d. Failure of the applicant to advise the Council about acceptance of the conditions is considered a rejection of the conditions.
- e. If the conditions are rejected, the zoning map amendment (ZMA) will be denied and voided, and the land subject to the application will maintain its prior zone classification. If this occurs, the Council shall enter an order acknowledging the rejection, voiding its previous decision, and stating the land maintains its prior zone classification. This order shall be the final decision on the application.
- f. All amendments that are approved subject to conditions shall be shown on the Official Zoning Map with the letter "C" after the application number.

10. Notification

Required (see Sec. 27-3.414, Notification).

11. Post-Decision Actions

a. Designation on Official Zoning Map

If a zoning map amendment (ZMA) is adopted by the District Council, the Planning Director shall place the amendment on the Official Zoning Map within a reasonable period of time after its adoption. Designation of a zone on the Official Zoning Map shall note the ordinance approving the zone classification.

b. Lapse of Approval

This standard review procedure is not applicable to this application type.

c. Resubmitting Application

If the District Council wholly or partly denies an application for a zoning map amendment (ZMA), the following limitations apply instead of those in Sec. 27-3.416.D:

- i. The District Council shall not act on a subsequent application for any portion of the same land within 18 months after the date of the first denial and within 24 months after the date of any subsequent denial.
- ii. In any subsequent application for any portion of the same land and for the same zone classification, by the same applicant, the District Council may not base its findings solely on any fact or circumstance that was presented at the hearing on the prior application.
- iii. For purposes of this Subsection, "date of denial" means the date of the District Council's decision

or, in the case of judicial review, the date of the final judgment of the Circuit Court.

D. Zoning Map Amendment (ZMA) Decision Standards

In determining whether to adopt or disapprove a proposed zoning map amendment (ZMA), the District Council may consider many factors. No amendment shall be granted without the applicant demonstrating either:

1. There has been a substantial change in the character of the neighborhood; or
2. There was a mistake in the original zone for the land subject to the amendment which has never been the subject of an adopted sectional map amendment; or
3. There was a mistake in the current sectional map amendment.

27-3.505. Planned Development (PD) Map Amendment

A. Purpose

Planned Developments are developments that are planned and developed under unified control and in accordance with more flexible standards and procedures in order to achieve innovative site design, improved appearance, greater compatibility of uses, increased preservation of natural and scenic features, improved service by community facilities, better functioning of vehicular access and circulation, and otherwise higher-quality development than could be achieved through base zone regulations. The purpose of this Subsection is to provide a uniform mechanism for amending the Official Zoning Map to establish any of the planned development zones established by this Ordinance.

B. Applicability

The procedures and standards in this Subsection apply to the review of applications to amend the Official Zoning Map to establish a planned development (PD) zone (see Sec. 27-4.300, Planned Development Zones), except a planned development map amendment is prohibited with the Safety Zone of the MIO Zone. A PD zone is established by an amendment to the Official Zoning Map to a PD zone that is defined by a PD Basic Plan and PD Conditions of Approval. Once the PD zone is approved, the applicant must receive approval of a major detailed site plan (see Sec. 27-3.508.E, Major Detailed Site Plan Procedure) and/or major subdivision (see Subtitle 24: Subdivision Regulations), prior to development of the site, to ensure substantial compliance with the approved PD Basic Plan and PD Conditions of Approval.

C. Planned Development (PD) Map Amendment Procedure

This Subsection identifies additions or modifications to the standard review procedures in Sec. 27-3.400, Standard Review Procedures, that apply to development applications for a PD map amendment. Figure 27-3.505.C identifies key steps in the planned development map amendment procedure.

Figure 27-3.505.C: Planned Development (PD) Map Amendment Procedure



1. Pre-Application Conference

Required (see Sec. 27-3.401, Pre-Application Conference).

2. Pre-Application Neighborhood Meeting

Required (see Sec. 27-3.402, Pre-Application Neighborhood Meeting).

3. Application Submittal

Required (see Sec. 27-3.403, Application Submittal). In addition, a proposed PD Basic Plan and proposed PD Conditions of Approval addressing all requirements and standards set forth in Sec. 27-4.300, Planned Development Zones, shall be submitted as a part of the application.

4. Determination of Completeness

Required (see Sec. 27-3.404, Determination of Completeness).

5. Staff Review and Action

Required (see Sec. 27-3.406, Staff Review and Action). After staff review and evaluation of the application, the Planning Director shall prepare a Technical Staff Report, which shall include a recommendation on the application.

6. Scheduling Public Hearing and Public Notice

Required (see Sec. 27-3.407, Scheduling Public Hearing and Public Notice). In addition to the public notification requirements in Sec. 27-3.407, Scheduling Public Hearing and Public Notice, public notice shall include a notice of affidavit and *ex parte* disclosure and location of compliance forms, in accordance with State law and the Applications Manual.

7. Review and Recommendation by Advisory Board or Official

Required (see Sec. 27-3.408, Review and Recommendation by Advisory Board or Official).

- a. The Planning Board shall make a recommendation on the application in accordance with Sec. 27-3.505.D, Planned Development (PD) Decision Standards, and

transmit its recommendation to the ZHE. The Planning Board may suggest revisions to the PD Basic Plan and PD Conditions of Approval. The Planning Board's recommendation shall address:

- i. Whether the application complies with Sec. 27-3.505.D, Planned Development (PD) Decision Standards;
 - ii. The need and justification for the PD zone;
 - iii. The effect of the PD zone, if any, on the land subject to the proposed PD and on surrounding neighborhoods; and
 - iv. The relationship of the proposed PD zone to the purposes of this Ordinance, the General Plan, and the applicable area master plan or sector plan, with appropriate consideration as to whether the proposed PD zone will further the purposes of this Ordinance, the General Plan, and any applicable area master plan or sector plan.
- b. After the receipt of the Planning Board's recommendation, the ZHE shall hear the case at a public hearing and make a recommendation. The ZHE shall issue its decision not more than 100 days after the date of its last hearing on the application. The ZHE shall, following the ZHE's Rules of Procedure, consider the original application, relevant support materials, the Technical Staff Report, the Planning Board's recommendation, the applicant's and any party of record's testimony and materials (if appropriate), and any public comments, as appropriate. At the conclusion of the hearing, the ZHE shall make a recommendation on the application

in accordance with Sec. 27-3.505.D, Planned Development (PD) Decision Standards.

- c. After the hearing is concluded, the ZHE shall prepare and serve upon all persons of record a written decision containing specific findings of basic facts, conclusions of law, and a recommended decision.

8. Review and Decision by Decision-Making Body or Official

Required (see Sec. 27-3.409, Review and Decision by Decision-Making Body or Official).

- a. After receipt of the ZHE's recommendation, the District Council shall conduct a public hearing on the application in accordance with Sec. 27-3.412, Quasi-Judicial Public Hearing, and make a decision, by majority vote, on the application in accordance with Sec. 27-3.505.D, Planned Development (PD) Decision Standards. A two-thirds majority vote of the full Council shall be required to approve a planned development map amendment that is contrary to the recommendation of a municipality concerning land within its boundaries, the recommendation of a governed special taxing district concerning land within its district, or an amendment that is contrary to an approved area master plan or sector plan. The District Council may suggest revisions to the PD Basic Plan and PD Conditions of Approval. The District Council's decision shall be one of the following:

- i. Adopt by ordinance the PD, including the PD Basic Plan and PD Conditions of Approval;
- ii. Remand the application back to the Planning Board for further consideration; or

- iii. Disapprove the PD.
- b. The approved PD Basic Plan and PD Conditions of Approval shall be the zoning text for the PD zone, and any subsequent development approval or permit shall comply with the approved PD Basic Plan and PD Conditions of Approval, except that minor deviations shall be allowed in accordance with Sec. 27-3.505.C.11.e, Minor Deviations.
- c. The applicant has 90 days from the date of District Council's decision to approve the conditions as part of the PD map amendment, to accept or reject the conditions of approval. The applicant shall accept or reject the conditions in writing, to the Council.
- d. If the applicant accepts the conditions, the Council shall enter an order acknowledging the acceptance, at which time the Council's action is final.
- e. Failure of the applicant to advise the Council about acceptance of the conditions of approval is considered a rejection of the conditions.
- f. If the conditions of approval are rejected, the PD map amendment will be denied and voided, and the land subject to the application will maintain its prior zone classification. If this occurs, the Council shall enter an order acknowledging the rejection, voiding its previous decision, and stating the land maintains its prior zone classification. This order shall be the final decision on the application.

9. Conditions of Approval

Allowed (see Sec. 27-3.413, Conditions of Approval).

- a. The following conditions of approval are allowed:

- i. The conditions in Sec. 27-4.301.E.3, Conditions of Approval.
- ii. Conditions that may be necessary to protect surrounding properties from adverse effects that might accrue from the proposed zoning map amendment (ZMA); or
- iii. Conditions that would further enhance the coordinated, harmonious, and systematic development of the regional district.

10. Notification

Required (see Sec. 27-3.414, Notification).

11. Post-Decision Actions

a. Effect of Approval

Lands within an established PD zone shall be subject to the approved PD Basic Plan and PD Conditions of Approval. The PD Basic Plan and PD Conditions of Approval are binding on the land as an amendment to the Official Zoning Map. The applicant may apply for and obtain subsequent development approvals and permits necessary to implement the PD Basic Plan and PD Conditions of Approval in accordance with the applicable procedures and standards set forth in this Ordinance. All development in an adopted PD zone shall receive approval of a major detailed site plan (Sec. 27-3.508.E, Major Detailed Site Plan Procedure) and/or major subdivision (see Subtitle 24: Subdivision Regulations), as appropriate, prior to development. Any permits or development approvals shall be in substantial conformance with the PD Basic Plan and PD Conditions of Approval.

b. Designation on Official Zone Map

If a PD zone is adopted by the District Council, the Planning Director shall place the amendment on the Official Zoning Map within a reasonable period of time after its adoption. Designation of a PD zone on the Official Zoning Map shall note the ordinance adopting the PD zone classification, the PD Basic Plan, and the PD Conditions of Approval.

c. Completion of Necessary Agreements and Recordation

Prior to the submission of any subsequent development application having as its subject any land in the PD zone, the applicant shall file with the Land Records of Prince George's County, the following:

- i. Copies of the PD Basic Plan and PD Conditions of Approval; and
- ii. Any deed restrictions or other restrictive covenants required by the District Council in its approval of the PD zone, as well as any completed agreements with the County that are necessary for the County to become a party to the deed restrictions or other restrictive covenants.

d. Amendment

Notwithstanding Sec. 27-3.505.C.11.e, Minor Deviations, below, an amendment of an adopted PD zone, including the approved PD Basic Plan or PD Conditions of Approval, may only be approved in accordance with the procedures and standards established for its original approval.

e. Minor Deviations

After the establishment of a PD zone in accordance with 27-3.505, Planned Development (PD) Map Amendment , subsequent applications for development approvals and permits (e.g., minor or major detailed site plans or special exceptions) within a PD zone that include minor deviations from the approved PD Basic Plan or PD Conditions of Approval may be reviewed and decided by the Planning Director, without the need to amend the PD zone, if the Planning Director determines that such deviations consist of only the following:

- i. Changes that result in a decrease in the density or intensity of development approved for a specific parcel;
- ii. An increase in residential density for any specific parcel of ten percent or less, if the total allowed density with the PD zone does not increase;
- iii. A decrease in height;
- iv. A modification of off-street parking spaces by up to ten percent if it can be demonstrated by a parking study that the parking spaces are not needed because of the unique features of the site;
- v. A modification of off-street loading spaces by up to 20 percent if it can be demonstrated that the off-street loading spaces are not needed because of the unique features of the site;
- vi. Minor modification to the parking lot design and circulation where it can be demonstrated

that such minor adjustments will result in a more efficient and pedestrian-friendly parking lot design;

- vii. Minor modification to the off-street loading design where it can be demonstrated that such minor modifications will result in a more efficient off-street loading design;
- viii. A modification of design of facilities for amenities such as parks, gardens, or open spaces; or
- ix. A deviation specifically listed in the approved PD Conditions of Approval as a minor deviation not materially affecting the PD zone's basic concept or the designated general use of the land within the zone.

f. Lapse of Approval

This standard review procedure is not applicable to this application type.

D. Planned Development (PD) Decision Standards

The advisability of adopting a PD zone is a matter committed to the legislative discretion of the District Council and is not controlled by any one factor. In determining whether to adopt or disapprove a PD zone, the District Council shall consider many factors, but shall ensure that the PD zone complies with the General Plan, any applicable area master plan or sector plan, and the standards for the proposed type of PD zone in Sec. 27-4.300, Planned Development Zones.

27-3.506. Chesapeake Bay Critical Area Overlay (CBCA-O) Zone Map Amendment

A. Purpose

The purpose of this Subsection is to establish a uniform mechanism to amend the Official Zoning Map to place land in the Chesapeake Bay Critical Area Overlay (CBCA-O) Zone in a way that complies with State law, protects the sensitive environmental resources of the Chesapeake Bay, and respects the rights of land owners.

B. Applicability

The procedures and standards of this Subsection apply to any amendment to the Official Zoning Map that involves a reclassification of land to the Chesapeake Bay Critical Area Overlay (CBCA-O) Zone, except an amendment initiated by the owner(s) of the land, which shall be reviewed and decided in accordance with the procedures in Sec. 27-3.504, Zoning Map Amendment, and the decision standards in Sec. 27-3.506.D, CBCA-O Zone Map Amendment Decision Standards.

C. CBCA-O Zone Map Amendment Procedure

This Subsection identifies additions or modifications to the standard review procedures in Sec. 27-3.400, Standard Review Procedures, that apply to applications for a CBCA-O Zone map amendment. Figure 27-3.506.C identifies key steps in the CBCA-O Zone map amendment procedure.

Figure 27-3.506.C: CBCA-O Zone Map Amendment Procedure

1. Pre-Application Conference

This standard review procedure is not applicable to this application type.

2. Pre-Application Neighborhood Meeting

This standard review procedure is not applicable to this application type.

3. Application Submittal

This standard review procedure is not applicable to this application type. Instead:

a. Only the District Council, by resolution, or the Planning Board (with the concurrence, by resolution, of the District Council) may initiate a CBCA-O Zone map amendment. The initiating resolution shall specify the land to be amended.

b. If two or more separate parcels of land are included in one application, they shall be adjoining. For the purposes of this Subsection, "adjoining" includes those parcels of land which are separated only by a public right-of-way, stream bed, or the like.

4. Determination of Completeness

Required (see Sec. 27-3.404, Determination of Completeness).

5. Staff Review and Action

Required (see Sec. 27-3.406, Staff Review and Action).

a. After staff review and evaluation of the application, the Planning Director shall prepare a Technical Staff Report, which shall include a recommendation, on the application.

b. If the Planning Board has initiated the application, the Technical Staff Report along with the proposed CBCA-O Zone map amendment and zone boundaries shall be made available for public review 60 days prior to the Planning Board public hearing. In all other instances, the Technical Staff Report shall be submitted and filed with the ZHE at least 30 days before the scheduled public hearing before the ZHE, or the matter shall be continued.

6. Scheduling Public Hearing and Public Notice

Required (see Sec. 27-3.407, Scheduling Public Hearing and Public Notice).

- a. In addition to the public notification requirements in Sec. 27-3.407, Scheduling Public Hearing and Public Notice, public notice shall include a notice of affidavit and *ex parte* disclosure and location of compliance forms, in accordance with State law and the Applications Manual.
- b. In addition, the Planning Director shall, at least 30 days before the Planning Board public hearing:
 - i. Transmit to the District Council the amendment application, plans, maps, specifications, Technical Staff Report, and all other data, materials, and record evidence (to date) pertaining to the amendment; and
 - ii. Transmit to the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays a copy of the amendment application, and the conceptual conservation plan for their initial review and comment.

7. Review and Recommendation of Advisory Board or Official

Required (see Sec. 27-3.408, Review and Recommendation by Advisory Board or Official).

- a. The Planning Board shall decide whether it will hold a public hearing on the application amendment within 15 days after receipt of the Technical Staff Report, or at its first meeting after the release of the report if no meeting has occurred within the 15 days.

- b. If the Planning Board decides not to conduct a hearing, the recommendation in the Technical Staff Report constitutes the Planning Board's recommendation.
- c. If the Planning Board decides to hear the application, it shall set a hearing date which shall be at least 30 days after deciding to hear the case.
- d. Prior to or at the Planning Board's hearing, the applicant and any other person may submit written responses to the Technical Staff Report, together with any supporting material. The responses shall become a part of the record that will be forwarded to the ZHE.
- e. At the conclusion of the hearing, the Planning Board shall, following its Rules of Procedure, make a recommendation, by resolution, on the application, in accordance with Sec. 27-3.506.D, CBCA-O Zone Map Amendment Decision Standards. The recommendation shall be to either approve, approve with modifications, or disapprove the application. The Planning Board shall take action on the application within 45 days after the conclusion of the public hearing.
- f. After the receipt of the Planning Board's decision to conduct a hearing on the application, or resolution with recommendations, the ZHE shall conduct a public hearing on the application in accordance with Sec. 27-3.412, Quasi-Judicial Public Hearing. The ZHE shall issue its decision not more than 100 days after the date its last hearing is concluded. The ZHE shall make a recommendation on the application in

accordance with Sec. 27-3.506.D, CBCA-O Zone Map Amendment Decision Standards.

- g. The ZHE shall prepare and serve upon all persons of record a written decision containing specific findings of basic facts, conclusions of law, and a recommended decision. The ZHE shall also transmit the same materials to the District Council.
- h. Upon the ZHE's transmittal to the District Council, both the Planning Board and the ZHE shall cease accepting and processing all zoning map amendment and special exception applications within the boundaries of the proposed CBCA-O Zone until final action on the application by the District Council.

8. Review and Decision by Decision-Making Body or Official

Required (see Sec. 27-3.409, Review and Decision by Decision-Making Body or Official).

- a. The District Council shall conduct a public hearing on the application in accordance with Sec. 27-3.412, Quasi-Judicial Public Hearing, within 60 days of receipt of the ZHE and Planning Board recommendation, and render a final decision in accordance with Sec. 27-3.506.D, CBCA-O Zone Map Amendment Decision Standards.
- b. The District Council may propose and approve changes to the amendment application, including any changes in the underlying base zones, except that no land within the Resource Conservation Overlay Zone of the CBCA-O Zone may be amended to a nonresidential or Transit-Oriented/Activity Center base zone, or the MU-PD Zone.

c. The Council shall take final action on the amendment application within 30 days after the final public hearing concludes, but not later than 160 days after receipt of the recommendations from the ZHE and Planning Board. If no final action is taken within this time period, the CBCA-O amendment shall be deemed denied by the District Council.

- d. The District Council's approval of a CBCA-O Zone amendment shall be by ordinance, and shall be by majority vote of the full Council. A two-thirds majority vote of the full Council shall be required to approve any portion of the amendment that is contrary to the recommendation of a municipality concerning land within its boundaries, or the recommendation of a governed special taxing district concerning land within the district.
- e. Upon approval of an application for growth allocation, the District Council shall within ten working days after the date of issuance, forward a notice of intent to award growth allocation to the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays for approval. The notice of intent must include a statement regarding how the provisions of Sec. 27-3.506.D, CBCA-O Zone Map Amendment Decision Standards, are met and all of the components of the complete application approved.
- f. Approval of the growth allocation by the District Council does not constitute approval of a conservation plan. A separate conservation plan application in conformance with Subtitle 5B of the County Code is required prior to approval of a conservation plan.

9. Conditions of Approval

Allowed (see Sec. 27-3.413, Conditions of Approval).

- a.** Conditions of Approval shall be limited to the following:
 - i.** Protecting surrounding lands and lands within the CBCA-O Zone from adverse effects which might accrue from the requested amendment; or
 - ii.** Further enhancing the coordinated, harmonious, and systematic development of land within the CBCA-O Zone, including the use of time limitations for the commencement of construction.
- b.** The conditions of approval shall not waive or lessen the requirements of, or prohibit uses allowed in the CBCA-O Zone.
- c.** All building plans shall list the conditions and shall show how the proposed development complies with them.
- d.** If conditions of approval are imposed, the applicant has 90 days from the date of Council's decision to accept or reject the amendment as conditionally approved, by written correspondence to the Council.
- e.** If the applicant accepts the conditions, the Council shall enter an order acknowledging the acceptance and adopt the amendment, at which time the Council's action is final. Failure of the applicant to advise the Council about acceptance of the conditions is considered a rejection of the conditions.

- f.** If the conditions are rejected, the amendment shall be denied and voided, and the land subject to the application will maintain its prior zone classification. If this occurs, the Council shall enter an order acknowledging the rejection, voiding its previous decision, and stating the land maintains its prior zone classification. This order then becomes the final decision on the application.
- g.** All amendments which are approved subject to conditions shall be shown on the Official Zoning Map with the letter "C" after the application number.

10. Notification

Required (see Sec. 27-3.414, Notification). In addition, notice shall be published by the Clerk of the Council at least one time in the County newspaper of record, and shall be sent to the Planning Board, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, and any municipality lying, wholly or in part within, or within one mile of, the boundaries of the amended CBCA-O Zone.

D. CBCA-O Zone Map Amendment Decision Standards

In determining whether to adopt or disapprove a proposed CBCA-O Zone amendment, the District Council may consider many factors, but no amendment shall be granted without the following findings and considerations:

1. Zone Classification Standards

Prior to approving the CBCA-O Zone map amendment, the Council shall make the following findings:

a. Intense Development Overlay Zone

Land placed in the Intense Development Overlay Zone occupies a gross area of at least 20 contiguous acres, or the entire upland portion of the CBCA-O Zone within the boundary of a municipality, whichever is less, and exhibits at least one of the following characteristics:

- i. A concentration of industrial, commercial, or institutional uses;
- ii. Residential density equal to or greater than four dwelling units per gross acre;
- iii. Existing water and sewer systems serving the area, and residential density greater than three dwelling units per gross acre; or
- iv. Rights-of-way of existing roads having a Freeway or higher classification.

b. Limited Development Overlay Zone

Land classified in the Limited Development Overlay Zone exhibits at least one of the following characteristics:

- i. Residential density ranging from one dwelling unit per five gross acres up to four dwelling units per gross acre;
- ii. Areas not dominated by agriculture, wetlands, forest, barren land, or surface water;
- iii. Areas having public water, public sewer, or both; or

- iv. Areas possessing one or more characteristics of land classified in the Intense Development Overlay zone, regardless of the size of the area.

c. Resource Conservation Overlay Zone

Land classified in the Resource Conservation Overlay Zone exhibits at least one of the following characteristics:

- i. Residential density of less than one dwelling unit per five gross acres; or
- ii. Areas dominated by agriculture, wetland, forest, barren land, or surface water.

d. Generally

- i. Adequate attention has been paid to the recommendations of any area master plans or sector plans, and the General Plan, which are found to be applicable to land within the CBCA-O zones.
- ii. The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays has approved the CBCA-O Zone amendment.

2. Map Amendment Standards**a. Mistake rule**

Except for changes to expand the boundaries of the Intense Development and Limited Development Overlay zones (Sec. 27-3.506.D.2.b below), no application for the amendment of a CBCA-O zone shall be granted without the applicant demonstrating there was a mistake in the original zone classification or subsequent rezoning.

b. Expansion of Intense Development and Limited Development Overlay Zones

Notwithstanding Sec. 27-3.506.D.2.a above, the boundaries of the Intense Development and Limited Development Overlay zones may be expanded within the CBCA-O Zone in accordance with Subsections 27-3.506.D.2.c through 27-3.506.D.2.e below.

c. Acreage

The maximum area of future additional Intense Development or Limited Development Overlay zones shall be five percent of the total area designated as Resource Conservation Overlay zones at the time of adoption of the Official Zoning Map for the amendment. A maximum of 50 percent of the permissible growth increment may be used to rezone a Resource Conservation Overlay Zone to another Chesapeake Bay Critical Area Overlay zone.

d. Location

Expanded Intense Development or Limited Development Overlay zones may be approved subject to the following locational standards:

i. New Intense Development Overlay zones shall:

- (A)** Be located in existing Limited Development Overlay Zones or contiguous to existing Intense Development Overlay zones;
- (B)** Be located at least 300 feet from tidal waters or tidal wetlands if the land was originally designated in the Resource Conservation Overlay Zone, except for water-dependent uses; and

(C) Be located in a manner that minimizes impacts to the defined land uses of the Resource Conservation Overlay as noted in Division 27-5: Use Regulations.

ii. New Limited Development Overlay zones shall be located:

(A) Contiguous to existing Limited Development Overlay zones or Intense Development Overlay zones;

(B) At least 300 feet from tidal waters or tidal wetlands if the land was originally designated in the Resource Conservation Overlay Zone, except for Water-Dependent Uses; and

(C) In a manner that minimizes impacts to the defined land uses of the Resource Conservation Overlay as noted in Division 27-5: Use Regulations.

e. Additional Considerations.

The following factors shall be considered in reviewing map amendments or refinements involving the use of the growth allocation:

- i.** Consistency with the General Plan, all applicable area master plans and sector plans, the current water and sewer plan, priority funding areas, and whether the growth allocation would implement the goals, objectives, policies, and strategies of the adopted plans;

- ii. For a map amendment or refinement involving a new Limited Development Overlay, whether the development is:
 - (A) To be served by a public wastewater system or septic system that uses the best available nitrogen removal technology;
 - (B) A completion of an existing subdivision;
 - (C) An expansion of an existing business; or
 - (D) Is to be developed using the conservation subdivision option;
- iii. For a map amendment or refinement involving a new Intense Development Overlay, whether the development:
 - (A) Will be served by a public wastewater system; and
 - (B) Will have an allowed average density of at least 3.5 units per acre as calculated under Sec. 5-7B-03(h) of the State Finance Procurement article; and
- iv. For a new Intense Development Overlay that is greater than 20 acres, to be located in a Priority Funding Area as described under Sec. 5-7B-02(1) and 5-7B-03 of the State Finance and Procurement article, whether the development is:
 - (A) To have a demonstrable economic benefit to the area;
 - (B) Using existing public infrastructure, where practical;
- (C) Consistent with State and regional environmental protection policies concerning the protection of threatened and endangered species and species in need of conservation that may be located on- or off-site;
- (D) To impact a priority preservation area, as defined under § 2-518 of the Agriculture Article;
- (E) To have environmental impacts associated with wastewater and stormwater management practices and wastewater and stormwater discharges to tidal waters, tidal wetlands, and tributary streams; and
- (F) To have environmental impacts associated with location in a coastal hazard area or an increased risk of severe flooding attributable to the proposed development.

E. Effect on Pending Applications

Approval of the CBCA-O Zone map amendment constitutes final action on all pending such applications within the boundaries of the approved overlay zones.

27-3.507. Special Exception

A. Purpose

A use designated as a special exception in a particular zone is a use that may be appropriate in the zone, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the zone and compatible with its surroundings. The purpose of this

Subsection is to establish a uniform mechanism to review special exceptions to ensure they are appropriate for the location and zone where they are proposed.

B. Applicability

1. The procedures and standards of this Subsection apply to:
 - a. Any use that is designated as a special exception in a zone in Sec.27-4.202, Principal Use Tables; or
 - b. Any other development activity that requires special exception review by this Ordinance.
2. Any development for which a special exception is approved in accordance with this Subsection is not required to have a site plan reviewed and approved in accordance with Sec.27-3.508, Detailed Site Plan (Minor and Major), since a site plan for the proposed development is reviewed and approved as part of the special exception application.

C. Special Exception Procedure

This Subsection identifies additions or modifications to the standard review procedures in Sec. 27-3.400, Standard Review Procedures, that apply to development applications for a special exception. Figure 27-3.507.C identifies key steps in the special exception procedure.

Figure 27-3.507.C: Special Exception Procedure



1. Pre-Application Conference

Required (see Sec. 27-3.401, Pre-Application Conference).

2. Pre-Application Neighborhood Meeting

Required (see Sec. 27-3.402, Pre-Application Neighborhood Meeting).

3. Application Submittal

Required (see Sec. 27-3.403, Application Submittal). In addition, the application shall include a concept plan of the proposed special exception.

4. Determination of Completeness

Required (see Sec. 27-3.404, Determination of Completeness).

5. Staff Review and Action

Required (see Sec. 27-3.406, Staff Review and Action).

a. After staff review and evaluation of the application, the Planning Director shall prepare a Technical Staff Report, which shall include a recommendation, on the application, and transmit it to the ZHE.

b. The original application for special exception, along with any support materials and the Technical Staff Report, shall be made available for public review and copying at least 30 days prior to the public hearing in the office of the ZHE. A copy of the application and any support materials shall also be made available for public review and copying 30 days prior to the public hearing in the office of the Planning Director.

6. Scheduling Public Hearing and Public Notice

Required (see Sec. 27-3.407, Scheduling Public Hearing and Public Notice).

7. Review and Recommendation by Advisory Board or Official

This standard review procedure is not applicable to this application type.

8. Review and Decision by Decision-Making Body or Official

Required (see Sec. 27-3.409, Review and Decision by Decision-Making Body or Official).

a. After the receipt of the Technical Staff Report, the ZHE shall provide notice, schedule, and conduct a public hearing on the application in accordance with Sec. 27-3.412, Quasi-Judicial Public Hearing, and make a decision in accordance with Sec. 27-3.507.D, Special Exception Decision Standards. The decision shall be in writing and shall include written findings of material facts and conclusions that support one of the following decisions:

- i. Approve the application as submitted;
- ii. Approve the application subject to conditions of approval; or
- iii. Disapprove the application.

b. The ZHE's decision on an application is final 30 days after filing the written decision.

9. Conditions of Approval

Allowed (see Sec. 27-3.413, Conditions of Approval).

10. Notification

Required (see Sec. 27-3.414, Notification), except ZHE notifies instead of Planning Director.

11. Appeal and Election

Optional (see Sec. 27-3.415, Appeal).

- a. If a case is appealed, the applicant or any aggrieved person may appeal the ZHE's decision by filing a notice of appeal with the District Council within 30 days of the decision.
- b. In accordance with Sec. 27-3.507.C.11.a above, the ZHE's decision on a special exception application shall be reviewed by the District Council if the ZHE's decision conflicts with the recommendation of a municipality in which any portion of the land subject to the application is located.
- c. In addition, the District Council may, on its own motion, elect to review the ZHE's decision on the special exception, within 30 days of the mailing of notice of the Planning Board's decision, in accordance with Sec. 27-3.508.E.10, Notification .
- d. The ZHE shall transmit to the District Council the special exception application hearing record within seven days after the appeal is filed, the review is required in accordance with subsection 11.b., above 27-3.507.C.11.b above. This shall constitute the record on appeal or election review.
- e. The Clerk of the Council shall schedule and provide notice of the public hearing on the appeal or election review, as appropriate, in accordance with Sec. 27-3.407, Scheduling Public Hearing and Public Notice. In addition to the public notification requirements in Sec. 27-3.407, Scheduling Public Hearing and Public Notice, public notice shall include a notice of affidavit and *ex parte* disclosure and location of compliance

forms, in accordance with State law and the Applications Manual.

- f. The District Council shall hold a public hearing in accordance with Sec. 27-3.412, Quasi-Judicial Public Hearing, within 70 days after the ZHE transmits the hearing record. The District Council may extend the time to hold a hearing for up to 45 additional days, on its own motion, or on request of the appellant or a party of record.
- g. Within 60 days after the close of the hearing, the District Council shall render a final decision. The decision shall be based on the standards in subsection 11.g. below.
- h. The District Council may only modify or reverse the decision on appeal if the decision is not supported by substantial evidence, is arbitrary and capricious, or is predicated on an error of law.
- i. If the District Council fails to act within the specified time, the ZHE's decision is automatically affirmed.
- j. If the decision is reviewed in accordance with subsection 11. B., above, approval of the special exception shall require a two-thirds majority vote of the full Council.
- k. The District Council may remand the matter to the ZHE in accordance with State law.
- l. The District Council shall provide its decision in writing, stating the reasons for its action. Copies of the decision shall be sent to all persons of record, the ZHE, and every municipality located within one mile of the land subject to the application.

12. Post-Decision Actions

a. Effect

No use approved as a special exception in accordance with this Subsection, and no building or structure used in connection with an approved special exception use, shall be erected, enlarged, altered, or extended beyond the terms and conditions authorized in the special exception approval.

b. Tracking Procedures

- i. Within a reasonable period of time after approval of a special exception, the Planning Director shall identify it on the Official Zoning Map.
- ii. If a special exception approval is ever nullified or expires, its nullification shall be noted on the Official Zoning Map and all other relevant County files, by the Planning Director.

c. Effect of Rezoning On Approved Special Exception

If land subject to an approved special exception is reclassified to a new zone that is different from the zone in which the special exception was approved, the following rules apply to the approved special exception:

- i. If the new zone requires approval of the special exception, and the specific special exception requirements in the new zone for the use are the same as the old zone, the approved special exception remains valid.

- ii. If a building permit has been approved for the special exception, and construction commenced, the special exception approval remains valid and shall be allowed to develop consistent with its conditions of approval. If it fails to comply with the requirements of the new zone, it shall be considered a nonconformity, and shall be subject to Division 27-7: Nonconformities.
- iii. If a building permit has not been issued and construction has not commenced on the approved special exception, the special exception use shall automatically expire, and development of the land shall comply with the requirements of the new zone.
- iv. If the land is rezoned to a PD zone and a building permit has not been approved for the special exception, the approved special exception automatically expires, and the development of the land shall comply with the terms and conditions of the PD zone.
- v. If the approved use is permitted in the new zone without approval of a special exception, the special exception shall terminate, and all provisions of the new zone shall apply to further use and development of the property.

d. Effect of Text Amendment on Approved Special Exception

If a text amendment is adopted that negates the need for an approved special exception, the approved special exception automatically expires,

and further development shall comply with the requirements of this amended Ordinance.

D. Special Exception Decision Standards

A special exception shall be approved only upon a finding that all of the following standards are met:

1. The proposed special exception complies with all applicable zone-specific standards in Division 27-4: Zones and Zone Regulations;
2. The proposed special exception complies with all applicable use-specific standards in Division 27-5: Use Regulations;
3. The proposed special exception complies with all applicable development and design standards in Division 27-6: Development Standards;
4. The proposed special exception is consistent with the character and intent of the base zone in which it will be located, as indicated in the zone purpose statement;
5. The proposed special exception will not have a substantial adverse impact on vehicular traffic or vehicular and pedestrian safety;
6. The proposed special exception will not have a substantial adverse impact on public health, safety, or welfare;
7. The proposed special exception is in harmony with the general purposes of this Ordinance;
8. The proposed special exception will not substantially impair the integrity of any validly approved area master plan, sector plan, or functional master plan, or, in the absence of an area master plan, sector plan, or functional master plan, the General Plan;

9. The proposed special exception will not be detrimental to the use or development of adjacent lands or the general neighborhood within which it is proposed to be located;
10. The proposed special exception conforms to an approved Type 2 Tree Conservation Plan;
11. The proposed special exception demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the maximum extent practicable in accordance with the requirements of Sec. 24-3.303(D)(5) of Subtitle 24: Subdivision Regulations; and
12. If any land subject to the application is located in the CBCA-O Zone, the existing lot coverage in the CBCA-O Zone does not exceed that allowed by this Ordinance, and approving the proposed special exception would not result in a net increase in the existing lot coverage in the CBCA-O Zone.

E. Minor Changes to Approved Special Exception

The ZHE and Planning Director may approve minor changes to an approved special exception, in accordance with the following:

1. Posted Notice

The land subject to the minor change shall be posted with notice within 14 days of the date the application is determined complete (see Sec. 27-3.404, Determination of Completeness), in accordance with Sec. 27-3.407.B.6, Posted Notice. The Planning Director may waive posting after determining, in writing, that the proposed minor change is so limited in scope and nature that it has no appreciable impact on adjacent lands. On and after the first day of posting, the application may not be amended.

2. Changes Approved by ZHE

- a. The ZHE may review and approve, approve with conditions, or disapprove the following minor changes:
 - i. An increase of no more than 15 percent in the gross floor area of a building; or
 - ii. An increase of no more than 15 percent in the land area covered by a structure other than a building.
- b. The ZHE shall review and make a decision on the application for minor change in accordance with Sec. 27-3.507.D, Special Exception Decision Standards.
- c. A copy of the ZHE's decision shall be sent to all persons of record, the Clerk of the Council, and every municipality located within one mile of the land subject to the application.

3. Changes Approved by Planning Director

- a. The Planning Director may review and approve, approve with conditions, or disapprove a minor change that involves:
 - i. An increase in gross floor area or land covered by a structure (other than a building) up to ten percent, if the change does not have a significant impact on adjacent lands;
 - ii. A minor change required to allow for an approved special exception to comply with the requirements of Subtitle 32, Division 2: Grading, Drainage and Erosion and Sediment Control, of the County Code;

- iii. New or alternative architectural plans that are equal or superior to those originally approved, in terms of overall size and quality;
 - iv. Changes required by engineering necessity to grading, utilities, stormwater management, or related plan elements;
 - v. The redesign of parking or loading areas;
 - vi. The redesign of a landscape plan; or
 - vii. Changes to any other plan element determined by the Planning Director to have minimal effect on the overall design, layout, quality, or intent of the approved site plan.
- b. The Planning Director shall review and make a decision on the application for minor change in accordance with Sec. 27-3.507.D, Special Exception Decision Standards, and Sec. 27-3.507.E.3.c below.
 - c. With respect to the minor change identified in Sec. 27-3.507.E.3.a.ii above, the Planning Director shall review and make a decision on the application for minor change in accordance with the following standards:
 - i. The changes are the minimum necessary to conform to the approved plans for the required erosion/sediment control or stormwater management facilities;
 - ii. The changes do not include the relocation of stormwater management facilities onto land not proposed for development; and
 - iii. The agency or municipality having jurisdiction over approval of the erosion/sediment control

- or stormwater management plans have advised, in writing, that development in accordance with the approved special exception would result in a violation of erosion/sediment control or stormwater management regulations.
- d. A copy of the Planning Director's decision shall be sent to all persons of record, the Clerk of the Council, and every municipality located within one mile of the land subject to the application.

27-3.508. Detailed Site Plan (Minor and Major)

A. Purpose

The purpose of this Subsection is to establish a uniform mechanism to ensure that the layout and general design of proposed development complies with the standards of this Ordinance and all other applicable County regulations.

B. Applicability

1. The procedures and standards in this Subsection apply to the review of and decision on applications for detailed site plan approval. Detailed site plan approval is required prior to the issuance of a use and occupancy permit for any development, unless exempted in accordance with Sec. 27-3.508.B.2 below.
2. The following types of development are exempt from the requirements of minor or major 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 or rehabilitation with no increase in the gross floor area;

- b. Permits for additions, alterations, or rehabilitation of residential dwelling units on land owned by a cooperative housing corporation that has at least 1,000 dwelling units;
- 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. Ordinary 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 27-2.511.B.2.;
- l. All uses in the Agriculture/Forestry Uses Category and the Open Space Uses Category;
- m. Construction, expansion, or alteration of single-family detached, single-family attached, two-family, and/or three-family dwellings;

- n. Construction, expansion, or alteration of townhouse and/or multifamily dwelling development of less than ten units;
 - o. Construction, expansion, or alteration of nonresidential development consisting of less than a total of 75,000 square feet of gross floor area;
 - p. Construction, expansion, or alteration of mixed-use development with less than 25,000 square feet of gross floor area and/or 25 dwelling units; and
 - q. Permits for grading that include the installation of infrastructure previously approved in a parent detailed site plan and preliminary plan of subdivision , and which is essential to the future development of the site, including streets, utilities, or stormwater management facilities.
- i. Construction, expansion, or alteration of townhouse and multifamily developments of between 10 units and 75 units;
 - ii. Construction, expansion, or alteration of nonresidential development between 75,000 and 150,000 square feet of gross floor area; and
 - iii. Construction, expansion, or alteration of mixed-use development between 25,000 and 250,000 square feet of gross floor area and between 25 and 90 dwelling units.
- c. An application for a minor detailed site plan that requires approval of a variance shall be reviewed and decided as a major detailed site plan.

2. Major Detailed Site Plan

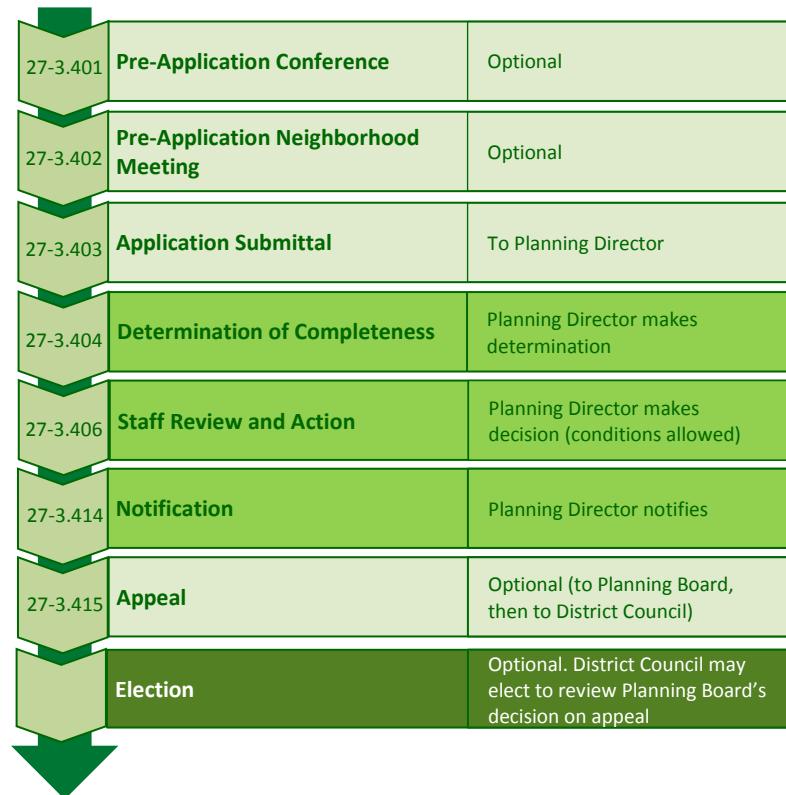
- a. Major detailed site plans are reviewed and decided by the Planning Board in accordance with Sec. 27-3.508.E, Major Detailed Site Plan Procedure. Appeals may be taken on the Planning Board's decision to the District Council.
- b. All development that is not subject to minor detailed site plan approval in accordance with Sec. 27-3.508.C.1.b above, or exempted in accordance with Sec. 27-3.508.B.2 above, shall receive major detailed site plan approval prior to the issuance of a use and occupancy permit.

D. Minor Detailed Site Plan Procedure

This Subsection identifies additions or modifications to the standard review procedures in Sec. 27-3.400, Standard Review Procedures, that apply to development applications for a minor

detailed site plan. Figure 27-3.508.D identifies key steps in the minor detailed site plan procedure.

Figure 27-3.508.D: Minor Detailed Site Plan Procedure



1. Pre-Application Conference

Optional (see Sec. 27-3.401, Pre-Application Conference).

2. Pre-Application Neighborhood Meeting

Optional (see Sec. 27-3.402, Pre-Application Neighborhood Meeting).

3. Application Submittal

Required (see Sec. 27-3.403, Application Submittal).

4. Determination of Completeness

Required (see Sec. 27-3.404, Determination of Completeness).

5. Staff Review and Action

Required (see Sec. 27-3.406, Staff Review and Action). After staff review and evaluation of the application, the Planning Director shall review the application and make a decision in accordance with Sec. 27-3.508.F, Detailed Site Plan (Minor and Major) Decision Standards. The decision shall be one of the following:

- a. Approve the application;
- b. Approve the application, subject to conditions of approval; or
- c. Disapprove the application.

6. Scheduling Public Hearing and Public Notice

This standard review procedure is not applicable to this application type. Instead, the applicant shall ensure notice is posted on the site subject to the application at least 15 days prior to the Planning Director's decision, in accordance with the requirements of Sec. 27-3.407.B.6, Posted Notice.

7. Review and Recommendation by Advisory Board or Official

This standard review procedure is not applicable to this application type.

8. Review and Decision by Decision-Making Body or Official

This standard review procedure is not applicable to this application type.

9. Conditions of Approval

Allowed (see Sec. 27-3.413, Conditions of Approval).

10. Notification

Required (see Sec. 27-3.414, Notification).

11. Appeal

Optional (see Sec. 27-3.415, Appeal).

a. Planning Board Appeal

- i. The applicant or any aggrieved person may appeal the Planning Director's decision on a minor detailed site plan by filing a notice of appeal with the Planning Board within ten days of the Planning Director's mailing of notice in accordance with 27-3.508.D.10, Notification .
- ii. The Planning Director shall transmit to the Planning Board after the appeal is filed, the minor detailed site plan application and all written materials and other evidence related to its review, and any additional information or explanatory material deemed appropriate. This shall constitute the record on appeal.
- iii. The Planning Board shall schedule and provide notice of a public hearing on the appeal in accordance with Sec. 27-3.407, Scheduling Public Hearing and Public Notice, and conduct a public hearing in accordance with Sec. 27-3.412,

Quasi-Judicial Public Hearing. The Planning Board shall hold a hearing within 70 days after the appeal is filed. The Planning Board may extend the time to hold a hearing for up to 45 additional days on its own motion or on request of the appellee. Within 60 days after the close of the hearing, the Planning Board shall render a final decision. The Planning Board's decision shall be in accordance with the standards in Sec. 27-3.508.D.11.c, Appeal and Election Standards.

- iv. The Planning Board shall provide its decision in writing, stating the reasons for its action. Copies of the decision shall be sent to all persons of record, municipalities within one mile of the land subject to the appeal, and the Planning Director.

b. District Council Appeal and Election

- i. After the Planning Board renders a decision on appeal, the applicant or any aggrieved person may appeal that decision to the District Council by filing a notice of appeal with the Clerk of the Council within ten days of the Planning Board's decision.
- ii. In addition, the District Council may, on its own motion, elect to review the Planning Board's decision on the minor detailed site plan, within 30 days of the mailing of notice of the Planning Board's decision.
- iii. The Planning Director shall immediately transmit to the District Council after the appeal or election review is filed, the minor detailed

- site plan application and all written materials and other evidence related to its review, and any additional information or explanatory material deemed appropriate. This shall constitute the record on appeal or election review.
- iv. The Clerk of Council shall schedule and provide notice of a public hearing on the appeal or election review in accordance with Sec. 27-3.407, Scheduling Public Hearing and Public Notice. In addition to the public notification requirements in Sec. 27-3.407, Scheduling Public Hearing and Public Notice, public notice shall include a notice of affidavit and *ex parte* disclosure and location of compliance forms, in accordance with State law and the Applications Manual.
- v. The District Council shall hold a hearing in accordance with Sec. 27-3.412, Quasi-Judicial Public Hearing, within 70 days after the filing of the notice of appeal or the election review. The District Council may extend the time to hold a hearing for up to 45 additional days on its own motion or on request of the applicant. Within 60 days after the close of the hearing, the District Council shall render a final decision. The Council's decision on the appeal shall be based on the record on appeal or election review, and be in accordance with the standards in Sec. 27-3.508.D.11.c, Appeal and Election Standards. The Council shall provide its decision in writing, stating the reasons for its action.
- vi. Copies of the decision shall be sent to all persons of record, municipalities within one mile of the land subject to the appeal, and the Planning Director.
- vii. If the District Council fails to act within the specified time, the Planning Board's decision is automatically affirmed.
- c. **Appeal and Election Standards**
- The Planning Board or District Council may modify or reverse the decision on appeal if the decision is not supported by substantial evidence, is arbitrary and capricious, or is predicated on an error of law.
- 12. Post-Decision Actions**
- a. **Effect of Approval**
- After a minor 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 and permits required by this Ordinance and the County Code.
- b. **Lapse of Approval**
- i. An approved minor detailed site plan is valid for six years. If construction has not occurred at the end of this period, the minor detailed site plan lapses and has no effect. For the purposes of this Subsection, "construction" is considered to

have begun when all necessary excavation and piers and footings (of at least one building included in the plan) is completed.

- ii. The Planning Director may approve one extension of time for a period of up to three years, for good cause, if the permittee submits a request prior to the time the minor detailed site plan will expire.
- iii. If the minor detailed site plan approval lapses, the applicant may resubmit an application for a minor detailed site plan, which shall be reviewed as a new application.

c. Amendment

An amendment of an approved minor detailed site plan may only be reviewed in accordance with the procedures and standards established for its original approval.

E. Major Detailed Site Plan Procedure

This Subsection identifies additions or modifications to the standard review procedures in Sec. 27-3.400, Standard Review Procedures, that apply to development applications for a major detailed site plan. Figure 27-3.508.E identifies key steps in the major detailed site plan procedure.

Figure 27-3.508.E: Major Detailed Site Plan Procedure



1. Pre-Application Conference

Required (see Sec. 27-3.401, Pre-Application Conference).

2. Pre-Application Neighborhood Meeting

Required (see Sec. 27-3.402, Pre-Application Neighborhood Meeting).

3. Application Submittal

Required (see Sec. 27-3.403, Application Submittal). A major detailed site plan application may be filed concurrent with a subdivision application (see Subtitle 24: Subdivision Regulations).

4. Determination of Completeness

Required (see Sec. 27-3.404, Determination of Completeness).

5. Staff Review and Action

Required (see Sec. 27-3.406, Staff Review and Action). After staff review and evaluation of the application, the Planning Director shall prepare a Technical Staff Report, which shall include a recommendation on the application.

6. Scheduling Public Hearing and Public Notice

Required (see Sec. 27-3.407, Scheduling Public Hearing and Public Notice), except that the Planning Board may waive any public notice requirements after determining, in writing, that the proposed major detailed site plan is so limited in scope and nature that it has no appreciable impact on adjacent lands, and the action conforms with State law.

7. Review and Recommendation by Advisory Board or Official

This standard review procedure is not applicable to this application type.

8. Review and Decision by Decision-Making Body or Official

Required (see Sec. 27-3.409, Review and Decision by Decision-Making Body or Official).

a. The Planning Board shall conduct a public hearing on the application in accordance with Sec. 27-3.412, Quasi-Judicial Public Hearing, and make a decision in accordance with Sec. 27-3.508.F, Detailed Site Plan (Minor and Major) Decision Standards.

b. The decision shall be one of the following:

- i. Approve the major detailed site plan;
- ii. Approve the major detailed site plan, subject to conditions of approval; or
- iii. Disapprove the major detailed site plan.

c. The Planning Board's decision shall be by resolution. The resolution shall set forth the Planning Board's findings and conclusions upon which the decision is based.

9. Conditions of Approval

Allowed (see Sec. 27-3.413, Conditions of Approval).

10. Notification

Required (see Sec. 27-3.414, Notification), except notification shall also be provided to the Clerk of the Council.

11. Appeal and Election

Optional (see Sec. 27-3.415, Appeal).

- a. The applicant or any aggrieved person may appeal the Planning Board's decision to the District Council, by filing a notice of appeal with the Clerk of the Council within 30 days of the mailing of notice of the Planning Board's decision, in accordance with Sec. 27-3.508.E.10, Notification .
- b. in addition, the District Council may, on its own motion, elect to review the Planning Board's decision on the major detailed site plan, within 30 days of the mailing of notice of the Planning Board's decision, in accordance with Sec. 27-3.508.E.10, Notification .
- c. The Planning Board shall transmit to the District Council within seven calendar days after the appeal is filed, or the District Council elects to review the Planning Board's decision, the major detailed site plan application and all material and evidence submitted for consideration by the Planning Board, a transcript of the public hearing on the application, and any additional information or explanatory material deemed appropriate. This shall constitute the record on appeal or election review.
- d. The Clerk of the Council shall schedule and provide notice of a public hearing on the appeal or election review in accordance with Sec. 27-3.407, Scheduling Public Hearing and Public Notice. In addition to the public notification requirements in Sec. 27-3.407, Scheduling Public Hearing and Public Notice, public notice shall include a notice of affidavit and *ex parte* disclosure and location of compliance forms, in accordance with State law and the Applications Manual.
- e. The District Council shall hold a hearing in accordance with Sec. 27-3.412, Quasi-Judicial Public Hearing, within 70 days of the date the notice of appeal or notice of election review is filed. The District Council may extend the time to hold a hearing for up to 45 additional days on its own motion or on request of the applicant. Within 60 days after the close of the hearing, the District Council shall render a final decision to affirm, reverse, or modify the decision of the Planning Board, or remand the major detailed site plan application to the Planning Board to take further testimony or consider or reconsider specific issues that are expressly stated in writing in the remand and based on the record. The Planning Board's action on the remand request shall become part of the record on appeal. In considering the remand, the District Council may only base its decision upon the issues that were remanded to the Planning Board. The Council's decision on the appeal shall be based on the record on appeal or election review, and be in accordance with the standards in subsection 11.f. below.
- f. The District Council may only reverse the action of the Planning Board if the Planning Board's decision is not supported by substantial evidence, is arbitrary and capricious, is discriminatory, or is predicated on an error of law.
- g. If the Council fails to act within the time limits in subsection 11.d. above, the Planning Board's decision is automatically affirmed.
- h. The Council shall provide its decision in writing, stating the reasons for its action. Copies of the decision shall be sent by the Clerk of the Council to all

persons of record, the Planning Board, municipalities within one mile of the land subject to the appeal, and the Planning Director.

12. Post-Decision Actions

a. Effect of Approval

After a major 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 Major Detailed Site Plans

- i. The Planning Director may approve minor amendments to approved major detailed site plans in accordance with this Subsection, Table 27-3.407.B: Required Public Notice, and Sec. 27-3.508.F, Detailed Site Plan (Minor and Major) Decision Standards.
- ii. Minor amendments to approved major detailed site plans shall only consist of the following:
 - (A) An increase of up to ten percent in the gross floor area of a building over the life of the development approval;

- (B) An increase of up to ten percent in the land area covered by a structure other than a building;
- (C) 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 within the parking lot;
- (D) The redesign of a landscape plan due to changes required by engineering necessity to grading, utilities, stormwater management, or related plan elements, or changes that increase protection of existing tree canopy, increase the landscaping on the site, or improve stormwater management or water quality;
- (E) New or alternative architectural plans that are equal or superior to those originally approved, in terms of overall quality;
- (F) Other changes required by engineering necessity to grading, utilities, stormwater management, or related plan elements;
- (G) Changes to any plan element requested by PEPCO or any other similar utility provider if the amendment is necessary for the efficient and safe installation of the utility or infrastructure; or
- (H) Changes to any other plan element determined by the Planning Director to

have minimal effect on the overall design, layout, quality, or intent of the approved detailed site plan.

c. Amendment

An amendment of an approved major detailed site plan which exceeds the thresholds specified in subsection 12. b. above, for a minor amendment, may only be reviewed in accordance with the procedures and standards established for its original approval.

d. Lapse of Approval

- i. An approved major detailed site plan is valid for six years.
 - (A) If construction has not begun at the end of this period, the major detailed site plan lapses and has no effect. For the purposes of this Subsection, construction is considered to have begun when all necessary excavation and piers and footings (of at least one building included in the plan) is completed.
 - (B) The Planning Director may approve one extension of time for a period of up to three years, for good cause, if the permittee submits a request prior to the time the major detailed site plan will expire.
- ii. If the major detailed site plan approval lapses, the applicant may resubmit an application for a major detailed site plan, which shall be reviewed as a new application.

F. Detailed Site Plan (Minor and Major) Decision Standards

A detailed site plan (minor or major) may only be approved upon a finding that all of the following standards are met:

1. The proposed development complies with Division 27-4: Zones and Zone Regulations;
2. The development and uses in the site plan comply with Division 27-5: Use Regulations;
3. The development proposed in the detailed site plan (minor and major) and its general layout and design comply with all applicable standards in Division 27-6: Development Standards;
4. The development proposed in the detailed site plan (minor and major) complies with all conditions of approval in any development approvals and permits to which the site plan is subject;
5. The development proposed in the detailed site plan (minor and major) can exist as a unit capable of sustaining an environment of continuing quality and stability;
6. The development proposed in the detailed site plan (minor and major) and its general layout and design comply with all applicable standards in Subtitle 24: Subdivision Regulations;
7. The development proposed in the detailed site plan (minor and major) demonstrates the preservation and/or restoration of the regulated environmental features in a natural state, to the maximum extent practicable, in accordance with the requirements of Sec. 24-3.303(C) of Subtitle 24: Subdivision Regulations;

8. The development in the detailed site plan (minor and major) conforms to an approved Tree Conservation Plan, if applicable;
9. The development in the detailed site plan (minor and major) is consistent with the applicable area master plan or sector plan, the Growth Policy Map as it relates to centers as approved in the General Plan in effect on ___ [insert effective date of this Ordinance], and applicable functional master plans, unless the decision-making body finds that events have occurred to render the relevant plan recommendations no longer appropriate or the District Council has not adopted the recommended zoning;
10. The development proposed in a detailed site plan (minor and major) for infrastructure complies with Division 27-6: Development Standards, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge; and
11. The development proposed in the detailed site plan (minor and major) is consistent with all other applicable standards of this Ordinance and the County Code.

27-3.509. Sign Permit

A. Purpose

The purpose of this Subsection is to establish a uniform mechanism for ensuring that all signs comply with the standards in Sec. 27-6.1400, Signage.

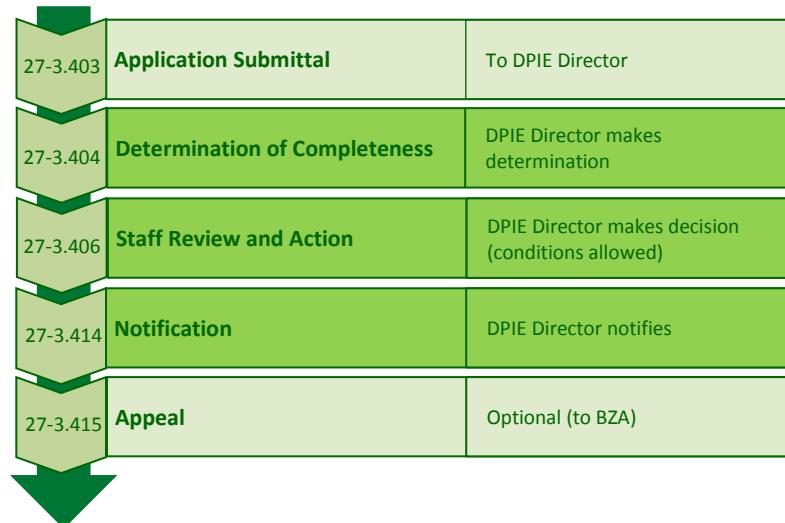
B. Applicability

1. The procedures and standards in this Subsection apply to the review of and decision on applications for sign permits.
2. Unless exempted in accordance with Sec. 27-6.1402.B, Exemptions, or unless a sign permit is not required in accordance Sec. 27-6.1403, Timing of Review, approval of a sign permit is required before any sign is erected, installed, displayed, structurally altered, or otherwise changed.

C. Sign Permit Procedure

This Subsection identifies additions or modifications to the standard review procedures in Sec. 27-3.400, Standard Review Procedures, that apply to development applications for a sign permit. Figure 27-3.509.C identifies key steps in the sign permit procedure.

Figure 27-3.509.C: Sign Permit Procedure



1. Pre-Application Conference

This standard review procedure is not applicable to this application type.

2. Pre-Application Neighborhood Meeting

This standard review procedure is not applicable to this application type.

3. Application Submittal

Required (see Sec. 27-3.403, Application Submittal). Applications for sign permits shall be submitted to the DPIE Director.

4. Determination of Completeness

Required (see Sec. 27-3.404, Determination of Completeness). The DPIE Director determines whether the application is complete.

5. Staff Review and Action

Required (see Sec. 27-3.406, Staff Review and Action). After staff review and evaluation of the application, and referral to the Planning Director for comment, the DPIE Director shall review and make a decision on the application in accordance with Sec. 27-3.509.D, Sign Permit Decision Standards. The decision shall be one of the following:

- a. Approve the application as submitted;
- b. Approve the application subject to conditions of approval; or
- c. Disapprove the application. If the application is denied, a written statement shall be included with the application stating the reasons why the

application does not comply with the decision standards.

6. Scheduling Public Hearing and Public Notice

This standard review procedure is not applicable to this application type.

7. Review and Recommendation by Advisory Board or Official

This standard review procedure is not applicable to this application type.

8. Review and Decision by Decision-Making Body or Official

This standard review procedure is not applicable to this application type.

9. Conditions of Approval

This standard review procedure is not applicable to this application type.

10. Notification

Required (see Sec. 27-3.414, Notification).

11. Appeal

Optional (see Sec. 27-3.415, Appeal). The applicant may appeal the DPIE Director's decision on an application for a sign permit to the BZA in accordance with Sec. 27-3.519, Appeal to Board of Zoning and Administrative Appeals (BZA).

12. Post-Decision Actions

a. Lapse of Approval

- i. If the work described in any sign permit has not begun within six months from the date of its approval, the sign permit shall expire and be void.
- ii. Upon written application submitted by the applicant at least 30 days prior to the expiration of an approved sign permit and upon a showing of good cause, the DPIE Director may grant one extension of time, not to exceed six months.

D. Sign Permit Decision Standards

An application for a sign permit shall be approved upon a finding the applicant demonstrates the proposed sign complies with all applicable standards in Sec. 27-6.1400, Signage, all other relevant requirements of this Ordinance, and all development approvals and permits to which the proposed sign is subject.

27-3.510. Temporary Use Permit

A. Purpose

The purpose of this Subsection is to establish a uniform mechanism for ensuring that proposed temporary uses comply with the standards in Sec. 27-5.400, Temporary Uses and Structures.

B. Applicability

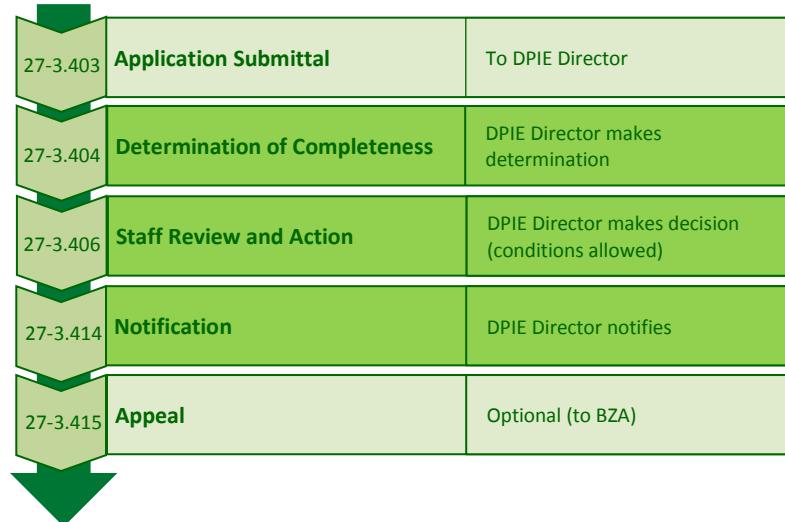
1. The procedures and standards in this Subsection apply to the review of and decision on applications for temporary use permits.

2. A temporary use permit is required prior to the establishment or commencement of any temporary use for which a temporary use permit is required in Sec. 27-5.400, Temporary Uses and Structures.

C. Temporary Use Permit Procedure

This Subsection identifies additions or modifications to the standard review procedures in Sec. 27-3.400, Standard Review Procedures, that apply to development applications for a temporary use permit. Figure 27-3.510.C identifies key steps in the temporary use permit procedure.

Figure 27-3.510.C: Temporary Use Permit Procedure



1. Pre-Application Conference

This standard review procedure is not applicable to this application type.

2. Pre-Application Neighborhood Meeting

This standard review procedure is not applicable to this application type.

3. Application Submittal

Required (see Sec. 27-3.403, Application Submittal). Applications for temporary use permits shall be submitted to the DPIE Director. In addition, an application for a temporary use permit for temporary sales trailers, temporary construction trailers and temporary office trailers shall include either a copy of an approved Type 2 Tree Conservation Plan showing the areas of disturbance proposed with the permit, or an approved letter of exemption in conformance with Division 2 of Subtitle 25: Woodland and Wildlife Habitat Conservation Ordinance, of the County Code of Ordinances, referencing the land subject to the application, the proposed area of disturbance, and the proposed use.

4. Determination of Completeness

Required (see Sec. 27-3.404, Determination of Completeness). The DPIE Director determines whether the application is complete.

5. Staff Review and Action

Required (see Sec. 27-3.406, Staff Review and Action). After staff review and evaluation of the application, the DPIE Director shall review and make a decision on the application in accordance with Sec. 27-3.510.D, Temporary Use Permit Decision Standards. The decision shall be one of the following:

- a. Approve the application as submitted;

- b. Approve the application subject to conditions of approval; or

- c. Disapprove the application. If the application is denied, a written statement shall be included with the application stating the reasons why the application does not comply with the decision standards.

6. Scheduling Public Hearing and Public Notice

This standard review procedure is not applicable to this application type.

7. Review and Recommendation by Advisory Board or Official

This standard review procedure is not applicable to this application type.

8. Review and Decision by Decision-Making Body or Official

This standard review procedure is not applicable to this application type.

9. Conditions of Approval

Allowed (see Sec. 27-3.413, Conditions of Approval).

10. Notification

Required (see Sec. 27-3.414, Notification).

11. Appeal

Optional (see Sec. 27-3.415, Appeal). The applicant or aggrieved party may appeal the DPIE Director's decision on an application for a temporary use permit to the BZA in accordance with Sec. 27-3.519, Appeal to Board of Zoning and Administrative Appeals (BZA).

12. Post-Decision Actions

a. Lapse of Approval

A temporary use permit shall be effective beginning on the date specified in the permit approval, and shall remain effective for the period indicated on the permit.

D. Temporary Use Permit Decision Standards

An application for a temporary use permit shall be approved upon a finding that:

1. The application complies with all applicable standards in Sec. 27-5.400, Temporary Uses and Structures;
2. Any disturbance proposed will not violate the provisions of Division 2 of Subtitle 25: the Woodland and Wildlife Habitat Conservation Ordinance, of the County Code; and
3. If the proposed temporary use is to be located in a Safety Zone of the Military Installation Overlay Zone, the temporary use conforms with the requirements of the Military Installation Overlay Zone.

27-3.511. Use and Occupancy Permit

A. Purpose

The purpose of this Subsection is to provide a uniform mechanism for the review of proposed development prior to issuance of a building permit or other permit that allows development to occur, to ensure it complies with this Ordinance and any conditions of approval imposed as part of any required development approvals or permits.

B. Applicability

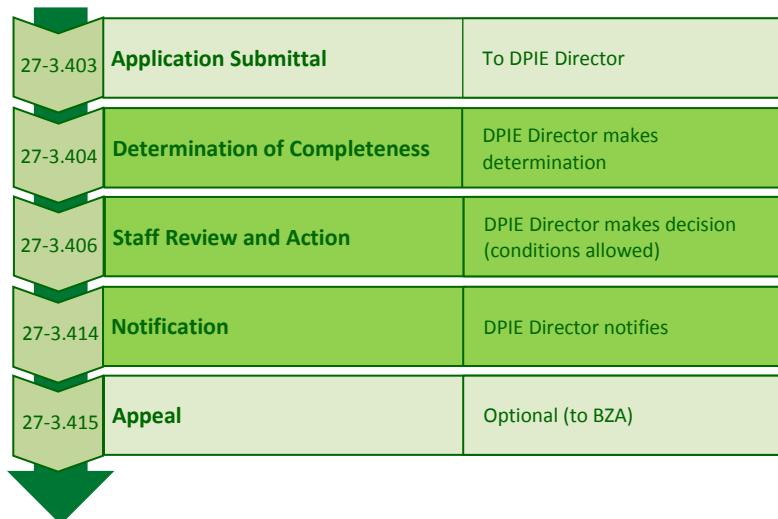
1. Unless exempted in accordance with Sec. 27-3.511.B.2 below, a use and occupancy permit shall be approved in accordance with the procedures and standards of this Subsection, prior to any of the following development activities:
 - a. Use of a building, structure, or land;
 - b. Conversion of a building, structure, or land from one use to another use;
 - c. Construction of a building or structure, or placement of a new use on land;
 - d. Conversion of a single-family detached dwelling to include additional dwelling units; or
 - e. Development of an accessory structure or use that has not received detailed site plan approval in accordance with Sec. 27-3.508, Detailed Site Plan (Minor and Major).
2. The following development is exempted from the requirements of this Subsection:
 - a. Development in the Agriculture/Forestry Uses Category and the Open Spaces Uses Category (except cemeteries); and
 - b. Home occupations for which no permit is required by this Ordinance.

C. Use and Occupancy Permit Procedure

This Subsection identifies additions or modifications to the standard review procedures in Sec. 27-3.400, Standard Review Procedures, that apply to development applications for a use

and occupancy permit. Figure 27-3.511.C identifies key steps in the use and occupancy permit procedure.

Figure 27-3.511.C: Use and Occupancy Permit Procedure



1. Pre-Application Conference

This standard review procedure is not applicable to this application type.

2. Pre-Application Neighborhood Meeting

This standard review procedure is not applicable to this application type.

3. Application Submittal

Required (see Sec. 27-3.403, Application Submittal). Applications for use and occupancy permits shall be submitted to the DPIE Director.

4. Determination of Completeness

Required (see Sec. 27-3.404, Determination of Completeness). The DPIE Director determines whether the application is complete.

5. Staff Review and Action

Required (see Sec. 27-3.406, Staff Review and Action).

- a. After staff review and evaluation of the application, and referral to the Planning Director for comment, the DPIE Director shall make a decision on an application for a use and occupancy permit in accordance with the standards in Sec. 27-3.511.D, Use and Occupancy Permit Decision Standards. The decision shall be one of the following:
 - i. Approve the application as submitted;
 - ii. Approve the application subject to conditions of approval; or
 - iii. Disapprove the application.
- b. If the application is denied, a written statement shall be included with the application stating the reasons why the application does not comply with the decision standards.
- c. If the application involves a commercial or industrial use located within the boundaries of a municipality, the DPIE Director shall provide notice, in writing, to the municipality, that the application has been submitted and is being reviewed in accordance with the requirements of this Subsection.

6. Scheduling Public Hearing and Public Notice

This standard review procedure is not applicable to this application type.

7. Review and Recommendation by Advisory Board or Official

This standard review procedure is not applicable to this application type.

8. Review and Decision by Decision-Making Body or Official

This standard review procedure is not applicable to this application type.

9. Conditions of Approval

Allowed (see Sec. 27-3.413, Conditions of Approval).

10. Notification

Required (see Sec. 27-3.414, Notification).

11. Appeal

Optional (see Sec. 27-3.415, Appeal). The applicant may appeal the Dpie Director's decision on an application for a use and occupancy permit to the BZA in accordance with Sec. 27-3.519, Appeal to Board of Zoning and Administrative Appeals (BZA).

12. Post-Decision Actions

Development of the land subject to a use and occupancy permit shall comply with the approved use and occupancy permit, any accompanying plans, and all conditions of approval.

D. Use and Occupancy Permit Decision Standards

An application for a use and occupancy permit shall be approved upon a finding the applicant demonstrates the development proposed in the application complies with all relevant requirements of this Ordinance, all applicable conditions of approval, and all development approvals and permits to which the development is subject.

27-3.512. Zoning Certification

A. Purpose

The purpose of this Subsection is to establish an optional mechanism by which the County can provide landowners written documentation of compliance with the use requirements of this Ordinance.

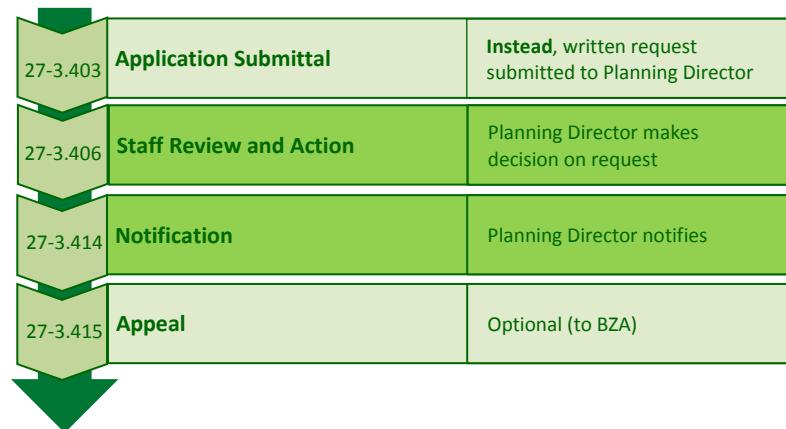
B. Applicability

A zoning certification is an optional procedure that allows any landowner to request and obtain written confirmation from the Planning Director that a specific use (or uses) on a parcel of land is permitted in accordance with this Ordinance.

C. Zoning Certification Procedure

This Subsection identifies additions or modifications to the standard review procedures in Sec. 27-3.400, Standard Review Procedures, that apply to development applications for a zoning certification. Figure 27-3.512.C identifies key steps in the zoning certification procedure.

Figure 27-3.512.C: Zoning Certification Procedure



1. Pre-Application Conference

This standard review procedure is not applicable to this application type.

2. Pre-Application Neighborhood Meeting

This standard review procedure is not applicable to this application type.

3. Application Submittal

This standard review procedure is not applicable to this application type. Instead, the applicant shall submit a written request to the Planning Director for a zoning certification that a specific use (or uses) on a parcel of land is permitted in accordance with this Ordinance.

4. Determination of Completeness

This standard review procedure is not applicable to this application type.

5. Staff Review and Action

Required (see Sec. 27-3.406, Staff Review and Action). After staff review and evaluation, the Planning Director shall make a decision on the request for a zoning certification in accordance with the standards in Sec. 27-3.512.D, Zoning Certification Decision Standards. The decision shall be one of the following:

- a. Issuance of a written zoning certification stating that a specific use (or uses) on a parcel of land is permitted under this Ordinance; or
- b. Issuance of a letter to the applicant that a specific use (or uses) on a parcel of land is not permitted under this Ordinance. The letter shall also include the reasons for noncompliance.

6. Scheduling Public Hearing and Public Notice

This standard review procedure is not applicable to this application type.

7. Review and Recommendation by Advisory Board or Official

This standard review procedure is not applicable to this application type.

8. Review and Decision by Decision-Making Body or Official

This standard review procedure is not applicable to this application type.

9. Conditions of Approval

This standard review procedure is not applicable to this application type.

10. Notification

Required (see Sec. 27-3.414, Notification).

11. Appeal

Optional (see Sec. 27-3.415, Appeal). The applicant may appeal the Planning Director's decision on a zoning certification to the BZA in accordance with Sec. 27-3.519, Appeal to Board of Zoning and Administrative Appeals (BZA).

12. Post-Decision Actions

A zoning certification does not expire, but it is limited by its terms to the specific parcel of land referenced in the certification. If this Ordinance is ever amended resulting in the use no longer being allowed on the parcel of land, the zoning certification shall automatically become null and void.

D. Zoning Certification Decision Standards

Prior to approving a zoning certification, the Planning Director shall find that the specific use (or uses) on a parcel of land is permitted in accordance with the requirements of this Ordinance.

27-3.513. Grading Permit

- A.** Grading permits shall be required in accordance with Subtitle 32, Division 2: Grading, Drainage and Erosion and Sediment Control, of the County Code of Ordinances.
- B.** For land located within Priority Funding Areas of the County and subject to a detailed site plan (minor or major) (see Sec. 27-3.508), a grading permit may be issued by DPLIE authorizing commencement of rough grading activities on the site (including removal of utilities and structures, basic excavation,

and installation of temporary stormwater controls) prior to approval of the detailed site plan (minor or major), provided:

- 1.** The detailed site plan application has been determined complete in accordance with Sec. 27-3.404, Determination of Completeness;
- 2.** The land is exempt from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance within Division 2, Subtitle 25 of the County Code; and
- 3.** The permittee provides documentation demonstrating that the subject land contains no regulated environmental features, as defined by Subtitle 24: Subdivision Regulations, of the County Code, or the grading permit proposes no disturbance to any such features.
- C.** Prior to the approval of a grading permit within the Chesapeake Bay Critical Area Overlay Zone, unless previously submitted prior to the approval of a preliminary plan of subdivision, a Conservation Plan shall be submitted in accordance with Subtitle 5B of the County Code for approval by the Planning Board or its authorized representative. The Planning Board shall approve the Conservation Plan prior to the issuance of a grading permit, unless waived in accordance with the provisions of Subtitle 5B of the County Code.
- D.** Where a Conservation Plan and Conservation Agreement are required, the approved Conservation Agreement shall be recorded among the land records of Prince George's County prior to the issuance of a grading permit, if not previously approved and recorded prior to final plat approval of subdivision.
- E.** Grading permit applications shall be reviewed and decided in accordance with Subtitle 32, Division 2: Grading, Drainage and Erosion and Sediment Control, of the County Code, and Sec.

27-3.513.F below. Grading permit applications shall be referred to the Planning Director for comment before a decision is made on the application.

F. DPIE shall not issue a grading permit:

1. For land that is the subject of an approved preliminary plan of subdivision, unless the permit is in conformance with the approved preliminary plan;
2. Prior to the expiration of the specified appeal period from a Planning Board decision concerning the subject property of the permit, unless the right of appeal has been waived, or during the pendency of any appeal to, or review by, the District Council; or
3. If a permit for infrastructure improvements including streets, utilities, or stormwater management facilities has not been issued for the land, except for an unsubdivided parcel of land that contains less than three acres, is located in a Residential base zone, and does not require detailed site plan approval in accordance with Sec. 27-3.508, Detailed Site Plan (Minor and Major) .

27-3.514. Building Permit

A. Purpose

The purpose of a building permit is to ensure compliance with Subtitle 4: Building, of the County Code.

B. Applicability

1. Unless exempted in accordance with Subtitle 4: Building, of the County Code, or Sec. 27-3.514.B.2 below, prior to any of the following activities, a building permit issued for the activity by DPIE is required:
 - a. Erecting a building or structure;

- b. Enlarging, structurally altering, moving, or adding to an existing building or structure; or

- c. Excavating for any building or structure.

2. Buildings and structures to be used exclusively for agricultural purposes on land used only for agriculture, except for farm tenant dwellings, are exempt from the building permit requirements in Sec. 27-3.514.B.1 above.
3. For purposes of this Subsection, trailers (designed for human occupancy) and mobile homes used for business purposes in any nonresidential zone, and mobile home dwellings, are "buildings."
4. Prior to the approval of a building permit within the Chesapeake Bay Critical Area Overlay Zone, unless previously submitted prior to the approval of a preliminary plan of subdivision, a Conservation Plan shall be submitted in accordance with Subtitle 5B for approval by the Planning Board or its authorized representative. The Planning Board shall approve the Conservation Plan prior to the issuance of a building permit, unless waived in accordance with the provisions of Subtitle 5B of the County Code.

- a. Where a Conservation Plan and Conservation Agreement are required, the approved Conservation Agreement shall be recorded among the land records of Prince George's County prior to the issuance of a building permit, if not previously approved and recorded prior to final plat approval of subdivision.

C. Building Permit Procedure and Decision Standards

1. Building permit applications shall be reviewed and decided in accordance with Subtitle 4: Building, of the County Code and Sec. 27-3.514.C.2 below. Building permit

applications shall be referred to the Planning Director for comment before a decision is made on the application.

2. DPIE shall not issue a building permit:

- a.** For land that is not a record lot;
- b.** For land within the area of an endorsed Sectional Map Amendment (see Sec. 27-3.503.C, Sectional Map Amendment Procedure) until after final action by the District Council on the Sectional Map Amendment, if the lot or parcel of land on which construction is proposed is in a nonresidential zone, was proposed by the Planning Board for a zone in which the proposed use is not permitted, and is undeveloped; this paragraph shall not apply to a lot or parcel of land for which a grading permit has been issued by Prince George's County, sediment and erosion control devices have been installed by the permittee, and site grading activities have been initiated by the permittee; or
- c.** Prior to the expiration of the specified appeal period from a Planning Board decision concerning the subject property of the permit, unless the right of appeal has been waived, or during the pendency of any appeal to, or review by, the District Council.

27-3.515. Interpretation (Text, Uses, and Zone Map)

A. Purpose

The purpose of this Subsection is to establish a uniform mechanism for rendering formal written interpretations of any provision of this Ordinance.

B. Applicability

The Planning Director is responsible for making interpretations of all provisions of this Ordinance, including, but not limited to:

- 1.** Interpretations of the text;
- 2.** Interpretations of the zone boundaries;
- 3.** Interpretations of whether an unlisted use is comparable to a listed use or not, and should be allowed in a zone or prohibited in that zone; and
- 4.** Interpretations of compliance with a condition of approval.

C. Interpretation (Text, Uses, and Zone Map) Procedure

This Subsection identifies additions or modifications to the standard review procedures in Sec. 27-3.400, Standard Review Procedures, that apply to applications for an interpretation (text, uses, and zone map). Figure 27-3.515.C identifies key steps in the interpretation (text, uses, and zone map) procedure.

Figure 27-3.515.C: Interpretation (Text, Uses, and Zone Map) Procedure



1. Pre-Application Conference

Optional (see Sec. 27-3.401, Pre-Application Conference).

2. Pre-Application Neighborhood Meeting

This standard review procedure is not applicable to this application type.

3. Application Submittal

Required (see Sec. 27-3.403, Application Submittal). In addition, an application for a formal written interpretation may be initiated by the District Council, the Planning Board, or any person having a contractual interest in land in the County.

4. Determination of Completeness

Required (see Sec. 27-3.404, Determination of Completeness).

5. Staff Review and Action

Required (see Sec. 27-3.406, Staff Review and Action).

- a. The Planning Director shall review the request, consult with the M-NCPPC Attorney and other M-NCPPC and County staff, and render a formal written interpretation in accordance with Sec. 27-3.515.D, Interpretation Decision Standards. The interpretation shall be in a form approved by the M-NCPPC Attorney and shall constitute the formal written interpretation.
- b. A formal written interpretation shall be binding on subsequent decisions by the Planning Director and M-NCPPC and County staff in applying the same provision(s) of this Ordinance.

6. Scheduling Public Hearing and Public Notice

This standard review procedure is not applicable to this application type.

7. Review and Recommendation by Advisory Board or Official

This standard review procedure is not applicable to this application type.

8. Review and Decision by Decision-Making Body or Official

This standard review procedure is not applicable to this application type.

9. Conditions of Approval

This standard review procedure is not applicable to this application type.

10. Notification

Required (see Sec. 27-3.414, Notification).

11. Appeal

The applicant may appeal the Planning Director's decision on an interpretation to the BZA in accordance with Sec. 27-3.519, Appeal to Board of Zoning and Administrative Appeals (BZA).

12. Post-Decision Actions

a. Effect of Approval

A written interpretation is binding on subsequent decisions by the Planning Director or other M-NCPCC or County administrative officials in applying the same provision of this Ordinance or the Official Zoning Map in the same circumstance, unless the interpretation is modified in accordance with this Subsection, or the text of this Ordinance is amended.

b. Tracking Interpretations

The Planning Director shall maintain a copy of all written interpretations in one document, which shall be available in the offices of the Planning Director for public inspection, during normal business hours, and place the written interpretation on the M-NCPCC's website.

c. Amendment of Formal Written Interpretations

The Planning Director may amend or repeal a formal written interpretation on the Director's own initiative, or upon a request for interpretation submitted in accordance with this Subsection, based upon new evidence or discovery of a mistake in the original interpretation, a change in State or Federal law, an amendment to this Ordinance, or any other provision of the County Code that relates to the original formal written interpretation.

D. Interpretation Decision Standards

1. Text Provisions

Interpretation of a provision's text, and its application shall be based on Sec. 27-2.100, General Rules for Interpretation, Sec. 27-1.600, Relationship with Other Laws, Covenants, or Deeds, and considerations including, but not limited to, the following:

- a.** The plain meaning of the provision's wording, considering any terms specifically defined in Sec. 27-2.300, Use Classifications and Interpretation, and Sec. 27-2.400, Terms and Uses Defined, and the common and accepted usage of terms; and
- b.** The purpose of the provision, as indicated by:
 - i.** Any purpose statement in the section(s) where the text is located;
 - ii.** The provision's context and consistency with surrounding and related provisions;
 - iii.** Any legislative history related to the provision's adoption;

- iv. The general purposes served by this Ordinance, as set forth in Sec. 27-1.300, General Purpose and Intent; and
- v. The applicable comprehensive plans.

2. Unspecified Uses

Interpretation of whether an unspecified use is similar to a use identified in Division 27-5, Tables 27-5.202.C through 27-5.202.F, and Sec. 27-2.300, Use Classifications and Interpretation, or is prohibited in a zone, shall be based on Sec. 27-2.302, Interpretation of Unlisted Uses and Zone Boundaries, and consistency with the General Plan and the applicable area master plan or sector plan.

3. Zone Boundaries

Interpretation of zone boundaries shall be in accordance with Sec. 27-2.302.F, Rules of Interpretation of Zone Boundaries.

27-3.516. Variance

A. Purpose

The purpose of this Subsection is to establish a uniform mechanism to allow certain variances from the dimensional standards (such as height, yard setback, and lot area) and certain development standards of this Ordinance (Division 27-6: Development Standards) when their strict application would result in unnecessary hardship.

B. Applicability

1. The procedures and standards in this Subsection apply to the review of and decision on applications for a variance from the following standards, unless a departure (minor or

major) may be requested in accordance with Sec. 27-3.517, Departure (Minor and Major):

- a. The dimensional standards in Division 27-4: Zones and Zone Regulations;
- b. The use specific standards in Sec. 27-5.203, Standards Specific to Principal Uses, to the extent they do not result in allowing a variance for a use that is prohibited in the zone ; and
- c. The following standards in Division 27-6: Development Standards:
 - i. Sec. 27-6.108.E.2, Cross Access Between Adjoining Developments;
 - ii. Sec. 27-6.108.F, Connectivity Standards for Single-Family Residential Development;
 - iii. Sec. 27-6.108.G, Pedestrian Connections;
 - iv. Sec. 27-6.108.N, Driveway Layout and Design;
 - v. Sec. 27-6.108.O, Vehicle Stacking Space;
 - vi. Sec. 27-6.206, Off-Street Parking Space Standards;
 - vii. Sec. 27-6.207, Dimensional Standards for Parking Spaces and Aisles;
 - viii. Sec. 27-6.211, Loading Area Standards;
 - ix. Numerical standards in Sec. 27-6.804, Multifamily, Townhouse, and Three-Family Form and Design Standards;
 - x. Numerical standards in Sec. 27-6.900, Nonresidential and Mixed-Use Form and Design Standards;

- xi. Numerical standards in Sec. 27-6.905, Large Retail Establishment Form and Design Standards; and
 - xii. Sec. 27-6.1204, Agricultural Compatibility Standards. and
2. Variances are not allowed for requests to:
- a. Amend the text of this Ordinance or the Official Zoning Map;
 - b. Permit a use in a zone where it is prohibited;
 - c. Waive or modify any procedural requirements or application submission fees;
 - d. Waive or modify any condition(s) of approval specifically imposed as part of the approval for a development approval or permit;
 - e. Waive a specific finding required to be made in taking action on any development approval or permit in accordance with this Ordinance; or
 - f. Grant additional time for a use for which a use and occupancy permit has not been issued.
 - g. Waive or modify an requirements of the CBCA, APA, or MIO overlay zones;
 - h. Grant a variance from any of the requirements of Subtitle 5B of the County Code;
 - i. Grant a variance from any provision of this Subtitle applicable to, required by, or concerning an adult entertainment use;
 - j. Grant a variance concerning residential density which would result in an increase in the maximum allowable number of dwelling units in a zone; and
 - k. Grant a variance to any requirements applicable to the Legacy Comprehensive Design Zone.
3. Development applications for a variance shall be reviewed and decided in one of the following ways:
- a. The review board or official (District Council, Planning Board, or ZHE) responsible for making a decision on a parent application (e.g., a special exception or major detailed site plan) for which a variance is required shall concurrently review and make a decision on the parent application and the variance application.
 - b. If a variance application is not required to be submitted with a parent application, the variance application shall be reviewed and decided by the BZA.
 - c. An application for a minor detailed site plan that requires approval of a variance shall be reviewed and decided as a major detailed site plan.
4. Variances that comply with and are approved in accordance with the procedures and standards of this Subsection are allowed in the NCO zones.
5. An incorporated municipality may enact an ordinance which sets forth regulations governing variances for lot area, setback, and other zone dimensional standards within the corporate boundaries of the municipality. The municipal ordinance shall comply with the requirements for municipal ordinances in Sec. 27-3.517.B.3, Departures by Municipalities

C. Variance Procedure

This Subsection identifies additions or modifications to the standard review procedures in Sec. 27-3.400, Standard Review Procedures, that apply to applications for a variance. Figure 27-3.516.C identifies key steps in the variance procedure.

Figure 27-3.516.C: Variance Procedure



1. Pre-Application Conference

Required (see Sec. 27-3.401, Pre-Application Conference).

2. Pre-Application Neighborhood Meeting

Required (see Sec. 27-3.402, Pre-Application Neighborhood Meeting), except that owners of a single-family, two-family, three-family, or townhouse dwelling are not required to conduct a pre-application neighborhood meeting for a proposed variance pertaining to their dwelling or lot.

3. Application Submittal

Required (see Sec. 27-3.403, Application Submittal). An application to appeal for a variance shall be submitted to the Planning Director if the application is submitted in conjunction with a parent application, or the BZA, in all other instances.

4. Determination of Completeness

Required (see Sec. 27-3.404, Determination of Completeness). The Planning Director shall determine if the application is complete if it is submitted in conjunction with a parent application. The BZA shall determine completeness in all other instances.

5. Staff Review and Action

Required (see Sec. 27-3.406, Staff Review and Action). After staff review and evaluation of the application, the Planning Director shall prepare a Technical Staff Report if the application is submitted in conjunction with a parent application. The BZA shall prepare a Technical Staff Report in all other instances. The report shall include a recommendation on the application.

6. Scheduling Public Hearing and Public Notice

Required (see Sec. 27-3.407, Scheduling Public Hearing and Public Notice). The review board or official responsible for conducting the hearing on the application shall be responsible for scheduling and public notice of the hearing.

7. Review and Recommendation by Advisory Board or Official

This standard review procedure is not applicable to this application type.

8. Review and Decision by Decision-Making Body or Official

Required (see Sec. 27-3.409, Review and Decision by Decision-Making Body or Official).

- a. The review board or official (District Council, Planning Board, or ZHE) responsible for making a decision on a parent application (e.g., a special exception or major detailed site plan) for which a variance is required shall review and make a decision on the parent development application and the variance application concurrently. If a variance application is not submitted with a parent application, the variance application shall be reviewed and decided by the BZA. The appropriate review board or official shall conduct a public hearing on the application in accordance with Sec. 27-3.412, Quasi-Judicial Public Hearing, and make a decision in accordance with Sec. 27-3.516.D, Variance Decision Standards. The decision shall be by resolution and shall include findings of fact and conclusions that

support the decision. The decision shall be one of the following:

- i. Approve the application as submitted;
 - ii. Approve the application subject to conditions of approval; or
 - iii. Disapprove the application.
- b. The review board's decision is final 30 days after filing the written decision.

9. Conditions of Approval

Allowed (see Sec. 27-3.413, Conditions of Approval). As a condition of approval, the review board or official may establish a time frame within which the development for which the variance is requested shall begin and/or be completed. The variance shall automatically expire and be void upon the lapse of the established time frame if the development for which the variance is granted is not begun and/or completed. Any established time frame shall not exceed four years.

10. Notification

Required (see Sec. 27-3.414, Notification), except either the Planning Director or Dpie Director provide notice, whichever processed the application.

11. Appeal

This standard review procedure is not applicable to this application type.

12. Election

- a. The District Council may, on its own motion, elect to review any Planning Board's decision on a variance, within 30 days of the mailing of notice of the Planning Board's decision.
- b. The Planning Board shall transmit to the District Council within seven calendar days after the District Council elects to review the Planning Board's decision, the variance application and all material and evidence submitted for consideration by the Planning Board, a transcript of the public hearing on the application, and any additional information or explanatory material deemed appropriate. This shall constitute the record on review.
- c. The Clerk of the Council shall schedule and provide notice of a public hearing on the election in accordance with Sec. 27-3.407, Scheduling Public Hearing and Public Notice. In addition to the public notification requirements in Sec. 27-3.407, Scheduling Public Hearing and Public Notice, public notice shall include a notice of affidavit and *ex parte* disclosure and location of compliance forms, in accordance with State law and the Applications Manual.
- d. The District Council shall hold a hearing in accordance with Sec. 27-3.412, Quasi-Judicial Public Hearing, within 70 days of the date the notice of election is filed. The District Council may extend the time to

hold a hearing for up to 45 additional days on its own motion or on request of the applicant. Within 60 days after the close of the hearing, the District Council shall render a final decision to affirm, reverse, or modify the decision of the Planning Board, or remand the variance application to the Planning Board to take further testimony or consider or reconsider specific issues that are expressly stated in writing in the remand and based on the record. The Planning Board's action on the remand request shall become part of the record on review. In considering the remand, the District Council may only base its decision upon the issues that were remanded to the Planning Board. The Council's decision on the election review shall be based on the record on appeal, and be in accordance with the standards in subsection 12. e.

- e. The District Council may only reverse the action of the Planning Board if the Planning Board's decision is not supported by substantial evidence, is arbitrary and capricious, is discriminatory, or is predicated on an error of law.
- f. If the Council fails to act within the time limits in subsection 12.d. above, the Planning Board's decision is automatically affirmed.
- g. The Council shall provide its decision in writing, stating the reasons for its action. Copies of the decision shall be sent by the Clerk of the Council to all persons of record, the Planning Board, municipalities within one mile of the land subject to the election review, and the Planning Director.

13. Post-Decision Actions

a. Effect of Approval

Approval of a variance authorizes only the particular regulatory relief approved. It does not exempt the applicant from the responsibility to obtain all other development approvals and permits required by this Ordinance and any other applicable laws, and does not indicate that the development for which the variance is granted should receive other development approvals or permits, unless the relevant and applicable portions of this Ordinance or any other applicable laws are met.

b. Lapse of Approval

Unless set out differently in the conditions of approval for a variance, a variance allowing the construction of a building or structure shall not be valid for more than two years, unless a building permit for the construction of the building or structure is obtained within this period, and the construction is started and proceeds to completion in accordance with the terms of the decision and the building permit.

D. Variance Decision Standards

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

1. A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;
2. The strict application of this Ordinance will result in peculiar and unusual practical difficulties to, or

exceptional or undue hardship upon, the owner of the property; and

3. The variance will not substantially impair the intent, purpose, or integrity of the General Plan or applicable area master plan or sector plan.

27-3.517. Departure (Minor and Major)

A. Purpose

This purpose of this Subsection is to provide a uniform mechanism to allow minor changes, or 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 Subsection establishes two types of departures: minor departures and major departures.

1. Minor Departures

Minor departures are decided by the Planning Director. Minor departures may be requested and granted for the standards identified in Table 27-3.517.B.1: Minor Departures, up to the limits set forth in the table. A variance (see Sec. 27-3. 516, Variance) may not be requested for a minor change for which a minor departure may be requested in accordance with this Subsection.

Table 27-3.517.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
Base zone dimensional standards	15	15
Block design standards in Sec. 27-6.108.K, Block Design	20	15
Vehicle stacking spaces standards in Table 27- 6.108.O.1.a: Minimum Stacking Spaces for Drive- Through Facilities and Related Uses, in Sec. 27- 6.108.O, Vehicle Stacking Space	20	15
Numerical standards in Sec. 27-6.205.I, Large Vehicular Use Areas (300 or More Spaces)	10	15
Off-street parking standards in Sec. 27-6.206.A: Minimum Number of Off-Street Parking Spaces, in Sec. 27-6.206, Off-street Parking Space Standards	15	10
Numerical standards in Sec. 27-6.207, Dimensional Standards for Parking Spaces and Aisles, in Sec. 27- 6.207, Dimensional Standards for parking Spaces and Aisles	15	10
Numerical standards in Sec. 27-6.211, Loading Area Standards	15	10
Location of off-street parking in Sec. 27-6.804.B, Location of Off-Street Parking, in the Multifamily, Townhouse, and Three Family Form and Design Standards	10	15
Numeric building length standards in 27-6.804.D, Maximum Building Length, in the Multifamily, Townhouse, and Three Family Form and Design Standards	10	15
Numeric building façade standards in Sec. 27-6.804.E, Building Façades, in the Multifamily, Townhouse, and Three family Form and Design Standards	10	15

Table 27-3.517.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
Numerical building façade/transparency standards in Sec. 27-6.804.G, Building Façade Fenestration/Transparency, in the Multifamily, Townhouse, and Three family Form and Design Standards	10	15
Numerical offsets in Sec. 27-6.904.C, Façade Articulation, in the Nonresidential and Mixed Use Form and Design Standards	10	15
Numerical building façade fenestration/transparency standards in Sec. 27-6.904.E, Building Façade Building Façade Fenestration/Transparency, in the Nonresidential and Mixed Use Form and Design Standards	10	15
Location of off-street parking in Sec. 27-6.905.E, Off- Street Parking Location Standards, in the Large Retail Form and Design Standards	15	10
Numerical buffer width standards in Sec. 27- 6.1204.A.2, Buffer Width, in the Agricultural Compatibility Standards	No Departure	15
Numerical standards in Sec. 27-6.1405, General Standards	10	15
Numerical standards in Sec. 27-6.1406, Standards for Specific Sign Types, in Signage	10	15
Numerical standards in Sec. 27-6.1407, Standards for Special Purpose Signs, in Signage	10	15
Numerical standards in Sec. 27-6.1408, Standards for Temporary Signs, in Signage	10	15

2. Major Departures

Major departures are decided by the Planning Board. Major departures may be requested for the standards identified in Table 27-3.517.B.2: Major Departures, up to the limits set forth in the table. A variance (see Sec. 27-3.516, Variance) may not be requested for a deviation for which a major departure may be requested in accordance with this Subsection.

Table 27-3.517.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
Base zone dimensional standards	35	25
Vehicle stacking spaces in Table 27-6.108.O.1.a: Minimum Stacking Spaces for Drive-Through Facilities and Related Uses, in Sec. 27-6.108.O, Vehicle Stacking Space	35	25
Off-street parking standards in Sec. 27-6.206.A: Minimum Number of Off-Street Parking Spaces, in Sec. 27-6.206, Off-street Parking Space Standards	35	25
Numerical standards in Sec. 27-6.211, Loading Area Standards	35	25
Location of Off-street parking in Sec. 27-6.804.B, Location of Off-Street Parking, In the Multifamily, Townhouse, and Three family Form and Design Standards	No Departure	25
Numeric building length standards in Sec. 27-6.804.D, Maximum Building Length, in the Multifamily, Townhouse, and Three Family Form and Design Standards	No Departure	20
Numerical building façade standards in Sec. 27-6.804.E, Building Façades, in the Multifamily, Townhouse, and Three Family Form and Design Standards	No Departure	25

Table 27-3.517.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
Numerical offsets in Sec. 27-6.904.C, Façade Articulation, in the Nonresidential and Mixed Use Form and Design Standards	No Departure	25
Location of off-street parking in Sec. 27-6.905.E, Off-Street Parking Location Standards, in the Large Retail Form and Design Standards	No Departure	20
Numerical buffer width standards in Sec. 27-6.1204.A.2, Buffer Width, in the Agricultural Compatibility Standards	No Departure	25

3. Departures by Municipalities

- a. An incorporated municipality may enact an ordinance which sets forth procedural regulations governing any or all of the following:
 - i. Departures of numerical design and landscaping standards in the municipality for:
 - (A) Parking and loading standards (Sec. 27-6.108.K, Block Design; Table 27-6.108.O.1.a: Minimum Stacking Spaces for Drive-Through facilities and Related Uses; Sec. 27-6.205.I, Large Vehicular Use Areas (300 or More Spaces); Sec. 27-6.206, Off-Street Parking Space Standards; Sec. 27-6.207, Dimensional Standards for Parking Spaces and Aisles; and Sec. 27-6.211, Loading Area Standards);

- (B) Alternative compliance from landscaping requirements (Landscape Manual); and
- (C) Sign design standards (Sec. 27-6.1406, Standards for Specific Sign Types; Sec. 27-6.1407, Standards for Special Purpose Signs; and Sec. 27-6.1408, Standards for Temporary Signs).
- ii. Certification, revocation, and revision of nonconforming uses; and
 - iii. Minor changes to approved special exceptions.
- b. The thresholds, extent, and standards for departures shall not exceed those established in this Subsection and the Landscape Manual.
- c. The municipality may not impose any standard or requirement stricter than or materially different from those thresholds and standards in this Subsection.
- d. The procedural regulations adopted by the municipality shall be set forth in a municipal ordinance.
- e. The municipal ordinance shall provide that any person aggrieved by its decision, who was a party to the proceeding before it, may appeal to the Circuit Court which shall have the power to affirm the decision of the municipality or, if the decision is not in accordance with law, to remand the matter or to modify or reverse the decision.
- f. Prior to adopting the ordinance, the municipality shall hold a duly advertised public hearing. The District Council shall also hold a public hearing on the

proposed municipal ordinance within 60 days of its receipt. Notice of the time, date, and place of the hearing shall be published at least one time in the County newspapers of record, at least 14 days prior to the hearing date. Following the District Council's hearing, the Council may:

- i. By majority vote of its members, approve the action of the municipality; or
 - ii. By a vote of at least six of its members, approve with conditions or overrule the action of the municipality.
- g. Failure of the District Council to adopt the municipal ordinance is considered a denial of the municipal ordinance, and if it is denied, it shall be considered invalid.
- h. The Zoning Ordinance continues to apply within the municipality unless and until the District Council approves the proposed municipal ordinance.
- i. After the municipal ordinance is approved by the District Council, the municipality retains the right to elect not to exercise the power to approve departures if it provides 60 days' notice of its intent not to do so to the Clerk of the Council and to the residents of the municipality. If the municipality chooses not to retain those powers, the provisions of this Subsection automatically apply within the municipality.

4. Departures in the NCO Zones

Departures that comply with and are approved in accordance with the procedures and standards of this Subsection are allowed in the NCO zones.

5. Minor Administrative Changes, Waivers, or Modifications to Development Standards

In addition to minor and major departures, there are other provisions in this Ordinance that allow for minor administrative changes, waivers, or modifications to specific development standards by the Planning Director or DPW&T Director. They are identified in Table 27-3.518.B.5: Minor Administrative Changes, Waivers, or Modifications to Development Standards.

Table 27-3.518.B.5: Minor Administrative Changes, Waivers, Modifications, or Alternative Compliance to Development Standards.

Section	Minor Change, Waiver, or Modification	Administrative Decision-maker
Sec. 27-6.108.E.2	Decide requests to waive the cross-access requirements between development	Planning Director
Sec. 27-6.108.F.3	Decide requests to reduce the minimum street connectivity index score	Planning Director
Sec. 27-6.512	Decide requests for a Security Exemption Plan for fences and walls	Planning Director
Sec. 27-6.610	Decide requests for a Security Plan for exterior lighting, which allows for some modifications to lighting requirements for security reasons	Planning Director
Sec. 27-6.1204.A.2.b	Decide requests to modify the buffer width (by up to 20 percent) for an agricultural buffer	Planning Director
Sec. 27-6.108.K.1	Decide requests for deviations to the block length standards	DPW&T Director
Sec. 27-6.110.B.2	Decide requests to waive bicycle cross-access requirements	DPW&T Director
Sec. 27-6.110.D	Decide requests to waive bicycle access and circulation requirements	DPW&T Director
Sec. 27-6.109.A.2.c	Decide requests to modify sidewalk requirements	DPW&T Director
Sec. 27-6.109.B.2	Decide requests to waive or modify the pedestrian connectivity requirements	DPW&T Director
Sec. 27-6.206.E	Authorize additional required parking spaces for electric vehicle charging	DPW&T Director

Table 27-3.518.B.5: Minor Administrative Changes, Waivers, Modifications, or Alternative Compliance to Development Standards.

Section	Minor Change, Waiver, or Modification	Administrative Decision-maker
Sec. 27-6.208.A	Decide requests for alternative parking plans	DPW&T Director
Sec. 27-6.209.A	Decide requests to reduce parking requirements because of proximity to high-frequency transit stops	DPW&T Director
Sec. 27-6.209.B	Decide requests to reduce parking based on a Transportation Demand Management Plan	DPW&T Director
Sec. 27-6.209.C	Decide requests to reduce parking based on providing special facilities for bicycle commuters	DPW&T Director
Sec. 27-6.209.D	Decide requests for other types of alternative parking arrangements	DPW&T Director
Landscape Manual	Decide requests for alternative compliance in accordance with Section 1.2 Alternative Compliance of the Landscape Manual	Planning Director

C. Minor Departure Procedure

This Subsection identifies additions or modifications to the standard review procedures in Sec. 27-3.400, Standard Review Procedures, that apply to applications for a minor departure. Figure 27-3.517.C identifies key steps in the minor departure procedure

Figure 27-3.517.C: Minor Departure Procedure



1. Pre-Application Conference

Optional (see Sec. 27-3.401, Pre-Application Conference).

2. Pre-Application Neighborhood Meeting

Optional (see Sec. 27-3.402, Pre-Application Neighborhood Meeting).

3. Application Submittal

Required (see Sec. 27-3.403, Application Submittal). At the discretion of the Planning Director, development

applications for minor departures may be processed and reviewed concurrently with parent development applications required by this Ordinance for development of a project (e.g., special exception or site plan (major or minor)).

- a. A departure may be requested in conjunction with other application(s).
- b. If a departure application is submitted in conjunction with another application, it shall be reviewed and decided prior to the other application(s). (For example, if a departure application is submitted in conjunction with a minor detailed site plan application (because the departure is needed to achieve the plan for development in the minor detailed site plan), the departure application shall be reviewed and decided upon prior to review of the minor detailed site plan application, although approval of both could occur on the same day).

4. Determination of Completeness

Required (see Sec. 27-3.404, Determination of Completeness).

5. Staff Review and Action

Required (see Sec. 27-3.406, Staff Review and Action). The Planning Director shall review the application and make a decision in accordance with Sec. 27-3.517.E, Departure (Minor and Major) Decision Standards. The decision shall set forth the Planning Director's findings of fact and conclusions to support the decision. The decision shall be to:

- a. Approve the minor departure;

- b.** Approve the minor departure, subject to conditions; or
- c.** Disapprove the minor departure.

6. Scheduling Public Hearing and Public Notice

This standard review procedure is not applicable to this application type. Instead, the applicant shall ensure notice is posted on the site subject to the application at least 15 days prior to the Planning Director's decision, in accordance with the requirements of Sec. 27-3.407.B.6, Posted Notice.

7. Review and Recommendation by Advisory Board or Official

This standard review procedure is not applicable to this application type.

8. Review and Decision by Decision-Making Body or Official

This standard review procedure is not applicable to this application type.

9. Conditions of Approval

Allowed (see Sec. 27-3.413, Conditions of Approval).

10. Notification

Required (see Sec. 27-3.414, Notification).

11. Appeal

Optional (see Sec. 27-3.415, Appeal).

- a.** The only relief available to the applicant is an appeal of the Planning Director's decision on a minor departure to the Planning Board by filing a notice of

appeal with the Planning Board within ten days of the Director's decision.

- b.** The Planning Director shall transmit to the Planning Board after the appeal is filed, the minor departure application and all written materials and other evidence related to its review, and any additional information or explanatory material deemed appropriate. This shall constitute the record on appeal.
- c.** The Planning Board shall schedule and provide notice of a public hearing on the appeal in accordance with Sec. 27-3.407, Scheduling Public Hearing and Public Notice, and conduct a public hearing in accordance with Sec. 27-3.412, Quasi-Judicial Public Hearing. After the close of the hearing, the Planning Board shall render a final decision. The Planning Board's decision shall be based on the standards in Sec. 27-3.517.C.11.d below.
- d.** The Planning Board may modify or reverse a decision of the Planning Director on finding, based on clear and substantial evidence in the record, that:
 - i.** The record demonstrates that an error in judgment occurred or facts or provisions in this Ordinance were misread in determining whether the particular standard was or was not met;
 - ii.** The decision is not based on standards contained in 27-3.517.E, Departure (Minor and Major) Decision Standards, or other applicable County ordinances or regulations; or

- iii. The decision violates County, State or Federal law.
- e. The decision of the Planning Board shall be by resolution and shall include a statement of the findings of fact and conclusions that support the decision. The resolution, or a copy of it, shall form part of the minutes or other records of the Planning Board.
- f. The Planning Board's decision on an appeal is final 30 days after filing the written decision.
- g. The Planning Board shall provide its decision in writing, stating the reasons for its action. Copies of the decision shall be sent to all persons of record, the municipality within one mile of the subject property (if applicable), and the Planning Director.

12. Post-Decision Actions

a. Effect of Approval

A minor departure authorizes only the particular regulatory relief approved. It does not exempt the applicant from the responsibility to obtain all other development approvals and permits required by this Ordinance, and any other applicable laws, and does not indicate that the development for which the departure is granted should receive other development approvals or permits unless the relevant and applicable portions of this Ordinance or any other applicable laws are met.

b. Lapse of Approval

A minor departure allowing the construction of a building or structure shall not be valid for more than

the expiration period of the development approval or permit with which it was considered and approved.

c. Amendment

A minor departure may be amended only in accordance with the procedures and standards established for its original approval.

D. Major Departure Procedure

This Subsection identifies additions or modifications to the standard review procedures in Sec. 27-3.400, Standard Review Procedures, that apply to applications for a major departure. Figure 27-3.517.D identifies key steps in the major departure procedure.

Figure 27-3.517.D: Major Departure Procedure**1. Pre-Application Conference**

Required (see Sec. 27-3.401, Pre-Application Conference).

2. Pre-Application Neighborhood Meeting

Required (see Sec. 27-3.402, Pre-Application Neighborhood Meeting).

3. Application Submittal

Required (see Sec. 27-3.403, Application Submittal). At the discretion of the Planning Director, development applications for major departures may be processed and reviewed concurrently with parent development applications required by this Ordinance for development of a project (e.g., special exception or detailed site plan (major or minor)).

4. Determination of Completeness

Required (see Sec. 27-3.404, Determination of Completeness).

5. Staff Review and Action

Required (see 27-3.406.B, Application Subject to Staff Recommendation). After staff review and evaluation of the application, the Planning Director shall prepare a Technical Staff Report, which shall include a recommendation, on the application.

6. Scheduling Public Hearing and Public Notice

Required (see Sec. 27-3.407, Scheduling Public Hearing and Public Notice).

7. Review and Recommendation by Advisory Board or Official

This standard review procedure is not applicable to this application type.

8. Review and Decision by Decision-Making Body or Official

Required (see Sec. 27-3.409, Review and Decision by Decision-Making Body or Official). The Planning Board shall conduct a public hearing on the application in

accordance with Sec. 27-3.412, Quasi-Judicial Public Hearing, and make a decision in accordance with Sec. 27-3.517.E, Departure (Minor and Major) Decision Standards. The Planning Board's decision shall be by resolution and shall set forth the Planning Board's findings of fact and conclusions to support the decision. The decision shall be to:

- a. Approve the major departure;
- b. Approve the major departure, subject to conditions of approval; or
- c. Disapprove the major departure.

9. Conditions of Approval

Allowed (see Sec. 27-3.413, Conditions of Approval).

10. Notification

Required (see Sec. 27-3.414, Notification).

11. Appeal

The relief available to an applicant from the decision of the Planning Board on an application for a major departure is to the Circuit Court.

12. Post-Decision Actions

a. Effect of Approval

A major departure authorizes only the particular regulatory relief approved. It does not exempt the applicant from the responsibility to obtain all other development approvals and permits required by this Ordinance, and any other applicable laws, and does not indicate that the development for which the departure is granted should receive other

development approvals or permits unless the relevant and applicable portions of this Ordinance or any other applicable laws are met.

b. Lapse of Approval

A major departure allowing the construction of a building or structure shall not be valid for longer than the expiration period of the development approval or permit with which it was considered and approved.

c. Amendment

A major departure may be amended only in accordance with the procedures and standards established for its original approval.

E. Departure (Minor and Major) Decision Standards

The Planning Director or Planning Board, as appropriate, may approve a departure (minor or major) upon a finding that the applicant demonstrates the proposed departure complies with the standards in Table 27-3.517.E: Departure Decision Standards, based on the type of departure as described in Sec. 27-3.517.B above:

Table 27-3.517.E: Departure Decision Standards

■ = standard applies		
Standard	Minor Departure-	Major Departure
The departure falls within the thresholds provided in subsection B for the applicable type of departure.	■	■
The departure is consistent with the character of development on surrounding land, and is compatible with surrounding land uses.	■	■
The departure:		
Compensates for some unusual aspect of the site or the proposed development that is not	■	■

Table 27-3.517.E: Departure Decision Standards**■ = standard applies**

Standard	Minor Departure-	Major Departure
shared by landowners in general, and		
Supports an objective or goal from the purpose and intent statements of the zone where it is located, or	■	■
Saves healthy existing trees.	■	■
The departure will not pose a danger to the public health or safety.	■	■
Any adverse impacts are mitigated, to the maximum extent practicable.	■	■
The site is not subject to a series of multiple, incremental departures that result in a reduction in each development standard by the maximum allowed over the previous 20 years. (Relevant development standards cannot be reduced beyond the maximum thresholds allowed in this Subsection, through more than one departure, over the previous 20 years.)	■	■

2. A use and occupancy permit;

3. A sign permit; or

4. An apartment license.

C. Validation of Permit Issued in Error Procedure

This Subsection identifies additions or modifications to the standard review procedures in Sec. 27-3.400, Standard Review Procedures, that apply to applications for validation of a permit issued in error. Figure 27-3.518.C identifies key steps in the validation of permit issued in error procedure.

27-3.518. Validation of Permit Issued in Error

A. Purpose

The purpose of this Subsection is to establish a uniform mechanism for providing a way to resolve potential disputes relating to erroneously issued permits that would otherwise require an enforcement action. The further intent is to resolve these potential disputes in a way that balances land owner expectations and the requirements of this Ordinance so as to minimize the costs and expenses associated with enforcement actions to both the County and land owner.

B. Applicability

This Subsection applies to any of the following permits that were issued in error:

1. A building permit;

Figure 27-3.518.C: Validation of Permit Issued in Error Procedure



1. Pre-Application Conference

Optional (see Sec. 27-3.401, Pre-Application Conference).

2. Pre-Application Neighborhood Meeting

Optional (see Sec. 27-3.402, Pre-Application Neighborhood Meeting).

3. Application Submittal

Required (see Sec. 27-3.403, Application Submittal). An application for a validation of permit shall be submitted to the DPIE Director.

4. Determination of Completeness

Required (see Sec. 27-3.404, Determination of Completeness). The DPIE Director shall determine whether the application is complete.

5. Staff Review and Action

Required (see Sec. 27-3.406, Staff Review and Action). The DPIE Director shall prepare the Technical Staff Report in coordination with the Planning Director. The DPIE Director shall forward the application, any accompanying material, and the Technical Staff Report to the ZHE.

6. Scheduling Public Hearing and Public Notice

Required (see Sec. 27-3.407, Scheduling Public Hearing and Public Notice).

7. Review and Recommendation by Advisory Board or Official

Required (see Sec. 27-3.408, Review and Recommendation by Advisory Board or Official).

- a. The ZHE shall conduct a public hearing on the application in accordance with Sec. 27-3.412, Quasi-Judicial Public Hearing. After the hearing is concluded, the ZHE shall make a decision on the application based on Sec. 27-3.518.D, Validation of Permit Issued in Error Decision Standards. The decision shall contain specific findings of basic facts,

conclusions of law, and a recommended decision, and shall constitute the record on the matter.

- b.** The ZHE shall serve upon all persons of record a copy of the written decision.

8. Review and Decision by Decision-Making Body or Official

Required (see Sec. 27-3.409, Review and Decision by Decision-Making Body or Official).

- a.** The District Council shall conduct a public hearing (including an oral argument) on the application in accordance with Sec. 27-3.412, Quasi-Judicial Public Hearing, and render a final decision in accordance with Sec. 27-3.518.D, Validation of Permit Issued in Error Decision Standards, based on the record. Persons of record may not introduce evidence not already in the record.
- b.** The Council may, however, either upon written request by a person of record or upon its own motion, remand a case to the ZHE to reopen the record to receive and evaluate additional evidence. In addition, the Council may take judicial notice of any evidence contained in the record of any earlier phase of the approval process relating to all or a portion of the same land, including the approval of a preliminary plat of subdivision.

c.

9. Conditions of Approval

Allowed (see Sec. 27-3.413, Conditions of Approval).

10. Notification

Required (see Sec. 27-3.414, Notification).

11. Post-Decision Actions

An approved validation of a permit issued in error authorizes the applicant to undertake the uses, development or activities authorized in the permit, as modified by the final decision of the District Council.

D. Validation of Permit Issued in Error Decision Standards

A validation of permit issued in error shall only be approved if the applicant demonstrates by substantial competent evidence in the record that:

- 1. No fraud or misrepresentation occurred in obtaining the permit;
- 2. At the time of the permit's issuance, no appeal or controversy regarding its issuance was pending before any review body;
- 3. The applicant has acted in good faith on the permit approval, expending monies or incurring other obligations in reliance on the permit; and
- 4. The validation will not adversely affect the public interest or the health, safety, or welfare of County landowners and residents.

27-3.519. Appeal to Board of Zoning and Administrative Appeals (BZA)

A. Purpose

The purpose of this Subsection is to establish a uniform mechanism for appeal to the Board of Zoning and

Administrative Appeals (BZA) from an action or decision of the Planning Director or Dpie Director.

B. Applicability

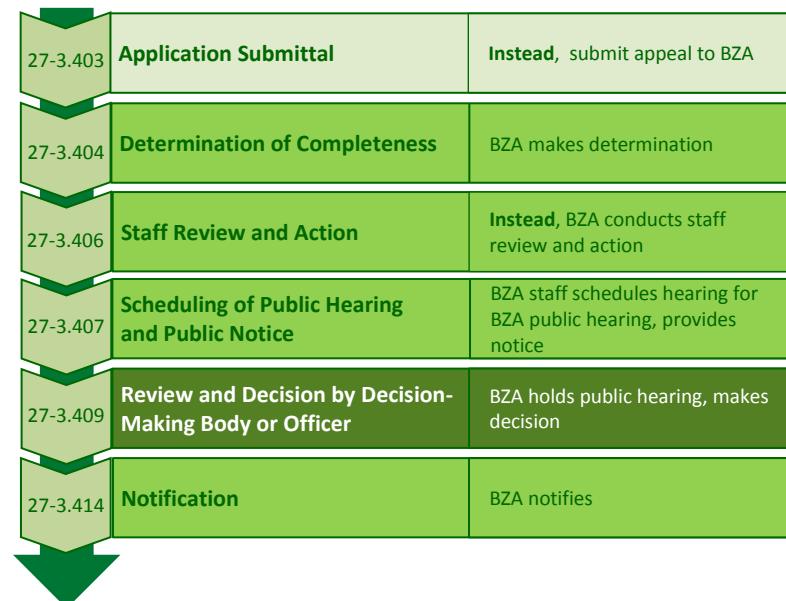
Appeals to the BZA may be taken by any person aggrieved by:

1. A denial of:
 - a. A sign permit (Sec. 27-3.509);
 - b. A temporary use permit (Sec. 27-3.510);
 - c. A use and occupancy permit (Sec. 27-3.511);
 - d. A grading permit (Sec. 27-3.513);
 - e. A building permit (Sec. 27-3.514); or
 - f. Alternative compliance.
2. An interpretation of the text of this Ordinance or the Official Zoning Map and zone boundaries(Sec. 27-3.515);
3. A decision on a zoning certification (Sec. 27-3.512); or
4. A zoning enforcement action (Division 27-8).

C. Appeal to BZA Procedure

This Subsection identifies additions or modifications to the standard review procedures in Sec. 27-3.400, Standard Review Procedures, that apply to appeals to the BZA. Figure 27-3.519.C identifies key steps in the procedure for appeal to the BZA.

Figure 27-3.519.C: Appeal to BZA Procedure



1. Pre-Application Conference

This standard review procedure is not applicable to this application type.

2. Pre-Application Neighborhood Meeting

This standard review procedure is not applicable to this application type.

3. Application Submittal

This standard review procedure is not applicable to this application type. Instead, applications for appeals shall be submitted to the BZA.

- a. Appeals may be made by any person (known in this Division as the "appellant") alleging they are aggrieved by the denial of a permit, interpretation,

zoning certification, or enforcement action as identified in Sec.27-3.519.B above.

- b.** Appeals on a permit denial, interpretation, zoning certification, or enforcement action shall specify the grounds for the appeal and shall be submitted to the BZA, within 30 days after receipt of notice of the decision being appealed.

4. Determination of Completeness

Required (see Sec. 27-3.404, Determination of Completeness). The determination that the appeal is perfected shall be made by the BZA.

5. Staff Review and Action

This standard review procedure is not applicable to this application type. Instead, the BZA conducts the staff review, and submits the staff review along with a copy of the application, interpretation, or enforcement action and the record upon which the decision, interpretation, or action appealed from is made to the BZA.

6. Scheduling Public Hearing and Public Notice

Required (see Sec. 27-3.407, Scheduling Public Hearing and Public Notice). In addition, in the case of a request to grant additional time to cease a violation, notice shall also be sent to the Zoning Enforcement Officer who shall notify all persons who have made written or oral complaints concerning the violation.

7. Review and Recommendation by Advisory Board or Official

This standard review procedure is not applicable to this application type.

8. Review and Decision by Decision-Making Body or Official

This standard review procedure is not applicable to this application type. Instead:

- a.** Before making its decision on any appeal, or a request to grant additional time to cease a violation, the BZA shall hold a public hearing in accordance with Sec. 27-3.412, Quasi-Judicial Public Hearing. After the conclusion of the hearing, the BZA shall make a decision on the appeal in accordance with Sec. 27-3.519.D, Appeal to BZA Decision Standards. The decision shall be one of the following:
 - i.** Affirmation of the action or decision, in whole or in part;
 - ii.** Modification of the action or decision, in whole or in part; or
 - iii.** Reversal of the action or decision, in whole or in part.
- b.** The decision of the BZA shall be by resolution and shall include a statement of the findings of fact and conclusions that support the decision. The resolution, or a copy of it, shall form part of the minutes or other record of the BZA.
- c.** The BZA's decision on an appeal is final 30 days after filing the written decision.

9. Conditions of Approval

This standard review procedure is not applicable to this application type.

10. Notification

Required (see Sec. 27-3.414, Notification), except BZA notifies.

11. Post-Decision Actions

This standard review procedure is not applicable to this application type.

D. Appeal to BZA Decision Standards

The BZA may modify or reverse a decision, interpretation, or action appealed, on finding substantial competent evidence in the record that:

1. An error was made in determining whether a standard was met. The record shall indicate that an error in judgment occurred or facts or provisions in this Ordinance were misread in determining whether the particular standard was or was not met;
2. The decision is based on a standard not contained in this Ordinance or other applicable County ordinances or regulations; or
3. The decision, interpretation, or action violates County, State, or Federal law.

27-3.520. Authorization of Permit Within Proposed Right-of-Way (ROW)**A. Purpose**

This Subsection establishes a uniform mechanism to review certain types of development within proposed rights-of-way in order to balance the public interest in providing adequate infrastructure to promote the general welfare and

accommodate new development, while respecting private property rights.

B. Applicability**1. General**

- a. A landowner may submit an application for authorization for a permit in accordance with this Subsection in any of the following instances:
 - i. The land that is the subject of the application is also the subject of a pending application for a special exception, site plan (minor or major), or departure (minor or major); or
 - ii. An application for issuance of a permit identified in Sec. 27-3.520.B.1.a.i above is recommended for denial, and the recommendation for denial is not based on any failure to comply with any requirements of this Ordinance, Subtitle 24: Subdivision Regulations, or any conditions of approval placed on the land.
- b. Unless exempted in accordance with Sec. 27-3.520.B.2 below, authorization by the District Council in accordance with this Subsection is required prior to the issuance of a building permit or sign permit for any structure on land located within the right-of-way or acquisition lines of a proposed street, rapid transit route, or rapid transit facility, or proposed relocation or widening of an existing street, rapid transit route, or rapid transit facility, as shown on the General Plan, the functional master plan of transportation, any area master plan or sector plan, and any area master plan or sector plan adopted by the Planning Board but not

yet approved by the District Council. (This shall not include an area master plan or sector plan rejected by the Council.)

2. Exemptions

The following do not require authorization by the District Council in accordance with this Section:

a. Building permits for any structures on:

- i. Land which was in reservation but is now not in reservation, and has not been acquired and is not being acquired; or
- ii. Land which was subdivided after the adoption of the General Plan, a functional master plan of transportation, or an area master plan or sector plan, but was not reserved or required to be dedicated for a street or rapid transit route or facility shown on the adopted plan;

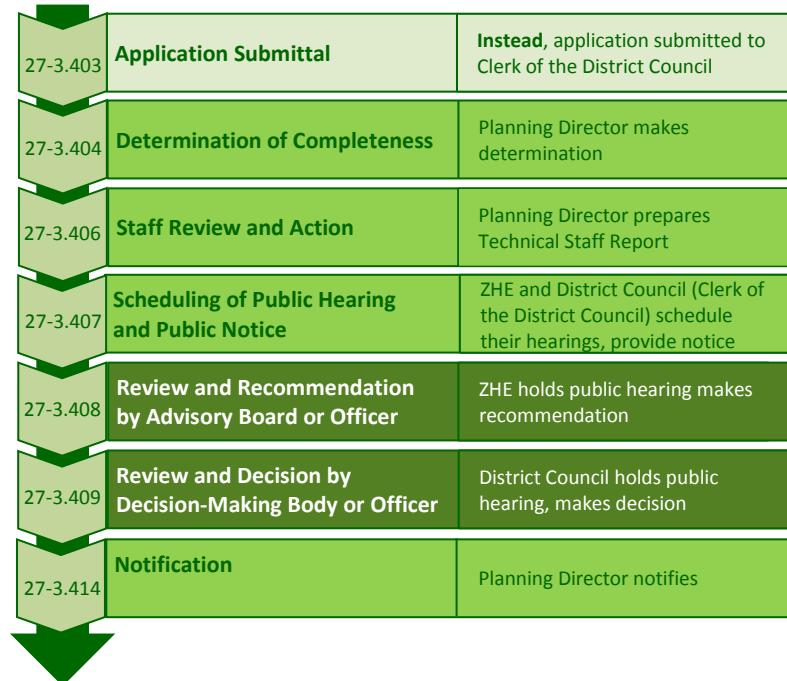
b. A permit for the replacement of a legally erected sign if the replacement sign is otherwise in conformance with this Ordinance, is not an intensification of signage for the subject land, and if the proposed transportation facility (street, rapid transit route, or rapid transit facility) is not fully funded for construction in the adopted County Capital Improvement Program or the current State Consolidated Transportation Program; and

c. A sign temporarily located within a proposed street right-of-way in accordance with Sec. 27-6.1405.D, Signs Within Proposed Right-of-Way.

C. Authorization of Permit Within Proposed ROW Procedure

This Subsection identifies additions or modifications to the standard review procedures in Sec. 27-3.400, Standard Review Procedures, that apply to applications for authorization of Permit Within Proposed ROW. Figure 27-3.520.C identifies key steps in the procedure for applications for authorization of Permit Within Proposed ROW.

Figure 27-3.520.C: Authorization of Permit Within Proposed ROW Procedure



1. Pre-Application Conference

This standard review procedure is not applicable to this application type.

2. Pre-Application Neighborhood Meeting

This standard review procedure is not applicable to this application type.

3. Application Submittal

This standard review procedure is not applicable to this application type. Instead, the application shall be filed with the Clerk of the Council, who shall forward it to the Planning Director. If an application is made following a recommendation of denial of a special exception, detailed site plan (minor or major), or departure (minor or major), the application shall be filed within 30 days after notice of the recommendation of denial is given.

4. Determination of Completeness

Required (see Sec. 27-3.404, Determination of Completeness).

5. Staff Review and Action

Required (see Sec. 27-3.406, Staff Review and Action), except, after preparation of the Technical Staff Report, the request and any accompanying material shall be forwarded to the ZHE, the Building Inspector, the Chairman of the Planning Board, and the head of the agency having jurisdiction over the construction of any improvements within the right-of-way subject to the application.

6. Scheduling Public Hearing and Public Notice

Required (see Sec. 27-3.407, Scheduling Public Hearing and Public Notice).

7. Review and Recommendation of Advisory Board or Official

Required (see Sec. 27-3.408, Review and Recommendation by Advisory Board or Official).

- a. The ZHE shall conduct a public hearing on the application in accordance with Sec. 27-3.412, Quasi-Judicial Public Hearing. After the hearing is concluded, the ZHE shall make a recommendation on the application based on Sec. 27-3.520.D, Authorization of Permit Within Proposed ROW Decision Standards. The decision shall contain specific findings of basic facts, conclusions of law, and a recommended decision, which shall constitute the record on the matter.
- b. The ZHE shall serve upon all persons of record a copy of the written decision.

8. Review and Decision by Decision-making Body or Official

Required (see Sec. 27-3.409, Review and Decision by Decision-Making Body or Official).

- a. The District Council shall conduct a public hearing (including an oral argument) on the application in accordance with Sec. 27-3.412, Quasi-Judicial Public Hearing, and its Rules of Procedure, and render a final decision in accordance with Sec. 27-3.520.D, Authorization of Permit Within Proposed ROW Decision Standards, based on the record.
- b. The Council may, however, either upon written request by a person of record or upon its own motion, remand a case to the ZHE to reopen the record to receive and evaluate additional evidence.

9. Conditions of Approval

Allowed (see Sec. 27-3.413, Conditions of Approval). As part of the conditions of approval, the Council may specify the exact location, ground area, height, extent, and character of the structure to be allowed.

10. Notification

Required (see Sec. 27-3.414).

11. Post Decision Actions

a. Effect

An approved authorization for Permit Within Proposed ROW only authorizes the applicant to undertake the specific development authorized in the permit.

b. Lapse of Approval

- i. An approved authorization for Permit Within Proposed ROW that was filed in connection with a pending special exception, detailed site plan (minor or major), or departure (minor or major), shall be automatically terminated if the special exception, detailed site plan (minor or major), or departure (minor or major) is denied.
- ii. All permits for construction of the structure shall be obtained and construction must be proceeding in accordance with the permit within two years of its approval, or the authorization for the permit shall automatically expire. The applicant may request and the Planning Director may grant, a one year extension for good cause.

D. Authorization of Permit Within Proposed ROW Decision Standards

The District Council shall authorize a Permit Within Proposed ROW in accordance with this Subsection only if it finds there is competent substantial evidence that:

1. The entire property cannot yield a reasonable return to the landowner unless the permit is granted;
2. Reasonable justice and equity are served by issuing the permit;
3. The interest of the County is balanced with the interests of the landowner; and
4. The integrity of the General Plan, functional master plan of transportation, and any applicable area master plan or sector plan is preserved.

E. Amendment

An authorization of a Permit Within Proposed ROW may be amended only in accordance with the procedures and standards established for its original approval.

27-3.521. Certificate of Nonconforming Use

A. Purpose

The purpose of this Subsection is to provide a uniform mechanism for the review and certification of all nonconforming uses under this Ordinance.

B. Applicability

1. Unless exempted in accordance with Sec. 27-3.521.B.2 below, certification of a nonconforming use under this

Ordinance shall be approved in accordance with the procedures and standards of this Subsection, prior to its development or redevelopment.

2. The following development is exempted from the requirements of this Subsection:
 - a. Nonconforming structures;
 - b. Nonconforming site features;
 - c. Nonconforming signs; and
 - d. Nonconforming lots of record.

C. Certification of Nonconforming Use Procedure

This Subsection identifies additions or modifications to the standard review procedures in Sec. 27-3.400, Standard Review Procedures, that apply to applications to certify a nonconforming use. Figure 27-3.521.C identifies key steps in the certification procedure.

Figure 27-3.521.C: Certification of Nonconforming Use Procedure



1. Pre-Application Conference

This standard review procedure is not applicable to this application type.

2. Pre-Application Neighborhood Meeting

This standard review procedure is not applicable to this application type.

3. Application Submittal

Required (see Sec. 27-3.403, Application Submittal). Applications for a certification of nonconforming use shall be submitted to the Planning Director.

4. Determination of Completeness

Required (see Sec. 27-3.404, Determination of Completeness). The Planning Director determines whether the application is complete.

5. Staff Review and Action

Required (see Sec. 27-3.406, Staff Review and Action).

- a. In addition, and before the Planning Director makes a decision on the application, the applicant shall post the property subject to the application with a durable sign(s) that can be readily seen from any existing public right-of-way(s) adjoining the property, within ten days of determining the application is complete. The sign(s) shall provide notice of the application, the nature of the nonconforming use for which the certification is sought, a date, at least 20 days after posting, by which written comments and/or supporting documentary evidence relating to the commencing date and continuity of such nonconforming use will be received and accepted from the public by the Planning Director, and instructions for obtaining additional information about the application.
- b. After staff review and evaluation of the application, notice of the application is posted in accordance with subsection a above, and sufficient time has lapsed for receipt of comments from the public on the application, the Planning Director shall make a decision on an application in accordance with the standards in Sec. 27-3.521.D, Certification of Nonconforming Use Decision Standards. The decision shall be one of the following:

- i. Approve the application as submitted; or

- ii. Disapprove the application.

- c. If the application is denied, a written statement shall be included with the application stating the reasons why the application does not comply with the decision standards.

6. Scheduling Public Hearing and Public Notice

This standard review procedure is not applicable to this application type.

7. Review and Recommendation by Advisory Board or Official

This standard review procedure is not applicable to this application type.

8. Review and Decision by Decision-Making Body or Official

This standard review procedure is not applicable to this application type.

9. Conditions of Approval

This standard review procedure is not applicable to this application type.

10. Notification

Required (see Sec. 27-3.414, Notification).

11. Appeal and Election

Optional (see Sec. 27-3.415, Appeal).

- a. The applicant or any person of record may appeal the Planning Director's decision on an application for a certification of nonconforming use, by filing a notice

- of appeal with the Clerk of the Council within 30 days of the Planning Director's mailing of the decision.
- b. In addition, the District Council may, on its own motion, elect to review the Planning Director's decision on the certificate of nonconforming use, within 30 days of the mailing of notice of the Planning Board's decision.
- c. The Planning Director shall immediately transmit to the District Council after the appeal or election review is filed, the application and all written materials and other evidence related to its review, and any additional information or explanatory material deemed appropriate. This shall constitute the record on appeal or election review.
- d. The Clerk of the Council shall schedule and provide notice of a public hearing on the appeal to the appellant, the applicant, and any persons of record a minimum of 30 days before the date of the hearing.
- e. The District Council shall hold a hearing in accordance with Sec. 27-3.412, Quasi-Judicial Public Hearing, within a reasonable period of time after the filing of the notice of appeal. Within 60 days after the close of the hearing, the District Council shall render a final decision based on the standards in subsection 11. f., below. The District Council shall provide its decision in writing, stating the reasons for its action.
- f. The District Council may modify or reverse the decision of the Planning Board on appeal or election review if the decision is not supported by substantial evidence, is arbitrary and capricious, or is predicated on an error of law.
- g. The Clerk of the Council shall mail copies of the decision to all persons of record and the Planning Director, within a reasonable period of time after the decision.

12. Post-Decision Actions

- a. Development of the land subject to a certification of nonconforming use shall comply with the approved certification of nonconforming use, Division 27-7: Nonconformities, and all other relevant provisions of this Ordinance.
- b. Revocation of Certification
- i. Upon an application filed by the Planning Director, or upon its own motion, the District Council may conduct a public hearing to determine whether an approved certification of a nonconforming use should be revoked. The landowners subject to the potential revocation and all persons of record shall be given notice of the hearing by the Clerk of the Council within a reasonable period of time prior to the hearing. The District Council shall revoke the certification if it finds that either:
- (A) There was fraud or misrepresentation in obtaining the certification; or
- (B) A certified nonconforming use has been discontinued for a period of 180 or more

consecutive days, unless the conditions of non-operation were beyond the control of the owner or holder of the certification.

- ii. The Clerk of the Council shall notify the Planning Director, the landowners, and all persons of record about the decision to revoke the certification within a reasonable period of time after the decision.
- iii. Upon receiving the notice of revocation, the Planning Director shall revoke the certification of nonconforming use.

D. Certification of Nonconforming Use Decision Standards

An application for a certification of nonconforming use shall be approved upon a finding the applicant demonstrates the development is a nonconforming use.

Division 4: Zones and Zone Regulations

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DIVISION 27-4 ZONES AND ZONE REGULATIONS

Sec. 27-4.100 General Provisions

27-4.101. Compliance with Zone Standards

Land in the County shall not be developed except in accordance with the zone regulations of this Division and all other regulations of this Ordinance—including, but not limited to: Division 27-5: Use Regulations, and Division 27-6: Development Standards.

27-4.102. Establishment of Zones

- A. Table 27-4.102, Establishment of Zones, sets out the zones established by this Ordinance. The boundaries of each of the zones are identified on the Zone Map.

Table 27-4.102: Establishment of Zones

Base Zones
Rural and Agricultural Base Zones
ROS: Reserved Open Space Zone
AG: Agriculture and Preservation Zone
AR: Agricultural-Residential Zone
Residential Zones
RE: Residential Estate Zone
RR: Rural Residential Zone
RSF-95: Residential, Single-Family – 95 Zone
RSF-65: Residential, Single-Family – 65 Zone
RSF-A: Residential, Single-Family – Attached Zone
RMF-12: Residential, Multifamily-12 Zone
RMF-20: Residential, Multifamily-20 Zone
RMF-48: Residential, Multifamily-48 Zone
Nonresidential Base Zones
CN: Commercial Neighborhood Zone
CGO: Commercial General and Office Zone

Table 27-4.102: Establishment of Zones

CS: Commercial Service Zone
IE: Industrial/Employment Zone
IH: Industrial, Heavy Zone
Transit-Oriented/Activity Center Base Zones
NAC: Neighborhood Activity Center Zone
TAC: Town Activity Center Zone
LTO: Local Transit-Oriented Zone
RTO-L: Regional Transit-Oriented – Low Intensity Zone
RTO-H: Regional Transit-Oriented – High Intensity Zone
Other Base Zones
RMH: Planned Mobile Home Community Zone
LCD: Legacy Comprehensive Design Zone
LMXT: Legacy Mixed-Use Transit Oriented Zone
LMUTC: Legacy Mixed-Use Town Center Zone
Planned Development Zones
Residential Planned Development Zones
R-PD: Residential Planned Development Zone
Transit-Oriented/Activity Center Planned Development Zones
NAC-PD: Neighborhood Activity Center Planned Development Zone
TAC-PD: Town Activity Center Planned Development Zone
LTO-PD: Local Transit-Oriented Planned Development Zone
RTO-PD: Regional Transit-Oriented Planned Development Zone
Other Planned Development Zones
MU-PD: Mixed-Use Planned Development Zone
IE-PD: Industrial/Employment Planned Development Zone
Overlay Zones
Policy Area Overlay Zones
CBCA: Chesapeake Bay Critical Area Overlay Zone
APA: Aviation Policy Area Overlay Zone
MIO: Military Installation Overlay Zone
Other Overlay Zones
NCO: Neighborhood Conservation Overlay Zone

- B. The order of intensity of zones is as follows, beginning with the least intense zone and progressing to the most intense:
1. ROS, AG, AR, RE, RR, RSF-95, RSF-65, RMH, RSF-A, R-PD, RMF-12, RMF-20, RMF-48, CN, LMUTC, NAC, CS, CGO, LCD, MU-PD, IE, IE-PD, IH, TAC, LMXT, LTO, RTO-L, RTO-H, NAC-PD, TAC-PD, LTO-PD, RTO-PD.

- C. A CBCA, APA, MIO, or NCO zone superimposed over any of the zones listed in subsection B above shall not be construed as to affect the intensity of the zone.

27-4.103. Classification of Zones

This Ordinance generally classifies land in the County in one of five base zones: Rural and Agricultural Zones; Residential Zones; Transit-Oriented/Activity Center Base Zones; Nonresidential Base Zones; and Other Base Zones. Land may be reclassified (rezoned) to another base zone, to one of the several planned development zones, or to one or more types of overlay zones. Land shall be classified or reclassified into a zone only in accordance with the procedures and requirements set forth in Sec. 27-3.504, Zoning Map Amendment.

27-4.104. Relationships Between Base and Overlay Zones

Standards governing development in an overlay zone shall apply in addition to or instead of the standards governing development in the underlying base zone or a planned development zone. Overlay zones may also provide a more flexible alternative to base zone standards. If the regulations governing an overlay zone expressly conflict with those governing an underlying base zone, the regulations governing the overlay zone shall control. If land is classified into multiple overlay zones and the regulations governing one overlay zone expressly conflict with those governing another overlay zone, the more restrictive regulations shall apply.

27-4.105. Relationships Between Base and Planned Development Zones

In certain instances, a landowner may request and the District Council may approve the reclassification of a base zone to a planned development zone. Generally, the planned development zone

allows more flexibility in the establishment of form, development, and design standards for development in the zone in return for more innovative and higher-quality development, as well as the provision of public benefits. In addition, the regulations controlling development of a planned development zone are subject to a Basic Plan for development of the site, as well as Conditions of Approval.

27-4.106. Organization of Zone Regulations

Zones may be base zones, planned development zones, or overlay zones. The regulations for each type of zone are organized as described below.

A. Base Zones

1. Regulations for each base zone consist of subsections that:
 - a. State the purpose of the zone;
 - b. Set out the intensity and dimensional standards applicable in the zone;
 - c. Reference potentially relevant development review procedures in Division 27-3; the principal, accessory, and temporary use tables and associated use-specific standards in Division 27-5; the development standards in Division 27-6; and any district-specific modifications of those standards; and
 - d. Set out any zone-specific modifications of use regulations and development standards.
2. Regulations for each base zone also include:
 - a. A schematic drawing of a development representative of the zone's physical character;
 - b. Photographs of building and land forms typical in the zone; and

- c. Perspective illustrations showing how the zone's intensity and dimensional standards apply to typical lot patterns and building forms.

These graphics are intended to illustrate the general character of the zone and do not necessarily reflect all the standards that may apply to a particular development.

B. Planned Development (PD) Zones

1. Regulations for the planned development zones set forth general provisions describing the general purpose of the planned development zones and general standards applicable to all planned development zones, followed by sections that specify standards applicable in each type of planned development zone.
2. Regulations for each type of planned development zone consist of subsections that:
 - a. State the purpose of the zone;
 - b. Reference the principal, accessory, and temporary use tables that apply, and associated use-specific standards in Division 27-5;
 - c. Identify the intensity and dimensional standards that are applicable in the zone or are to be addressed in the PD Basic Plan and PD Conditions of Approval for the zone; and
 - d. Identify development standards to be addressed in the PD Basic Plan and PD Conditions of Approval, and the means of modifying them (e.g., through an Alternative Landscaping Plan).

C. Overlay Zones

Regulations for the various overlay zones vary substantially in scope and detail, and thus vary in their organization. Regulations for each overlay zone set out the purpose of the zone and generally include standards that supplement those applied by the underlying base zone, though some overlay zones include requirements that modify or supersede standards otherwise applied by the underlying base zone.

Sec. 27-4.200 Base Zones

27-4.201. Rural and Agricultural Base Zones

A. General Purposes of Rural and Agricultural Base Zones

The Rural and Agricultural zones established in this Section are intended to maintain the rural and agricultural character and protect ecological heritage and environmentally sensitive lands of certain areas in the County. More specifically, the Rural and Agricultural zones are intended to:

1. Support and provide lands for agricultural, forestry, agribusiness, agritourism, agricultural support, and related uses important to the County's economy and the character of the County's Rural and Agricultural zones;
2. Preserve and protect the County's important natural resources, environmentally sensitive lands, and ecological heritage lands, while providing for their use and enjoyment;
3. Encourage agribusiness and tourism uses such as equestrian centers and boarding facilities, boutique or unique agribusiness, farmers' markets, retreat and training facilities, camps, heritage and rural tourism destinations, and bed and breakfast inns, and ensure they

- are compatible with the Rural and Agricultural character established in the zones;
4. Promote the use of conservation subdivisions as the preferred means of accommodating very low and low-density single-family development that preserves open space consistent with the Rural and Agricultural character of the zones;
 5. Ensure open spaces are designed to maximize preservation and protection of important natural and agricultural resources, to facilitate stormwater management and protect water quality, to maximize residents' exposure to open space, to maintain the visual character of scenic roads, to promote rehabilitation of degraded habitats, and protect ongoing agricultural activities and prime agricultural lands; and
 6. Provide and maintain infrastructure at levels of service that are compatible with the character and needs of the Rural and Agricultural zones.

B. Established Rural and Agricultural Base Zones

The Rural and Agricultural base zones established by this Ordinance are:

Table 27-4.201: Rural and Agricultural Base Zones

ROS: Reserved Open Space Zone

AG: Agriculture and Preservation Zone

AR: Agriculture Residential Zone

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C. Reserved Open Space (ROS) Zone

1. Purpose

The purpose of the Reserved Open Space (ROS) Zone is to provide lands that support and maintain the primary use of land for the preservation and protection of significant environmental features and functions. More specifically, the intent of the zone is to:

- Preserve and protect the County's important natural resources and ecological heritage lands while providing for their use and enjoyment;
- Ensure any new development is designed and laid out in ways that are compatible with preservation and protection of ecological heritage lands and other significant environmental features and functions.
- Ensure the infrastructure provided in the zone is consistent with its rural and open character.

Development allowed in the ROS Zone includes recreation and entertainment, visitor accommodation, resource extraction (under limited conditions), and supporting public facilities, consistent with the zone's primary purpose of preserving significant environmental features and maintaining the open and rural character. Single-family detached dwellings and limited group living uses are permitted to accommodate existing households.



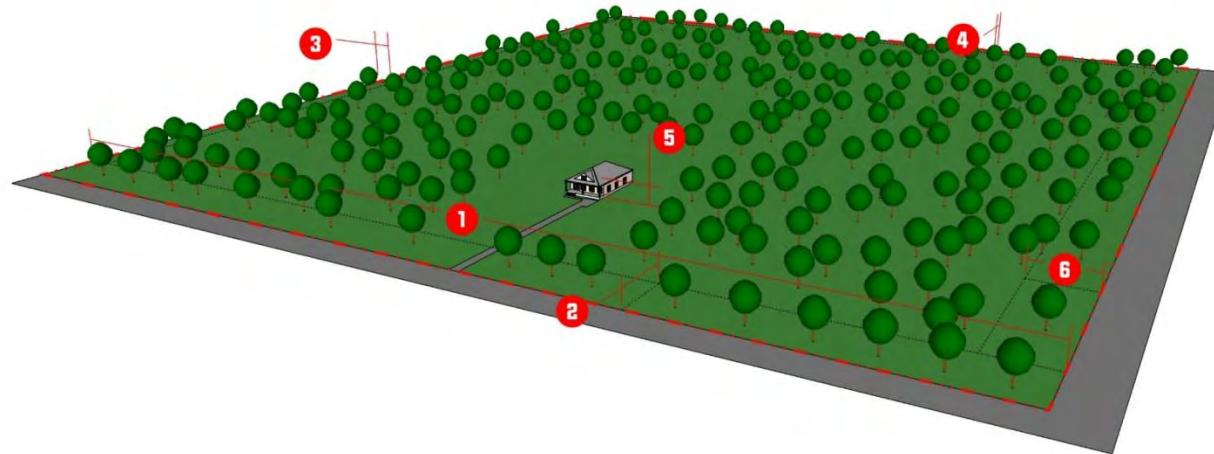
2. Use Standards

See use tables and use-specific standards in Division 27-5, Use Regulations, and any modified use standards for applicable overlay zones.



3. Intensity and Dimensional Standards

Standard[1]	Single-Family Detached Dwelling	Other Uses	
Density, max. (du/ac of net lot area)	0.05	No requirement	NOTES: du/ac = dwelling units per acre; sf = square feet; ft = feet
Net lot area, min. (ac) [2]	20.00	20.00	[1] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards.
① Lot width, min. (ft)	300	300	[2] Not applicable to land in public ownership.
Lot frontage (width) at front street line, min. (ft)	240	240	[3] On corner lot, min. side yard depth alongside street = 50 ft. ⑥
Lot coverage, max. (% of net lot area)	2	10	
② Front yard depth, min. (ft)	50	50	
③ Side yard depth, min. (ft) [3]	20	20	
④ Rear yard depth, min. (ft)	20	20	
⑤ Principal structure height, maximum (ft)	35	35	



4. References to Other Standards

Sec. 27-3.400 Standard Review Procedures	Sec. 27-6.300 Open Space Set-Asides	Sec. 27-6.1100 Neighborhood Compatibility Standards
Sec. 27-3.500 Application-Specific Review Procedures and Decision Standards	Sec. 27-6.400 Landscaping	Sec. 27-6.1200 Agricultural Compatibility Standards
Sec. 27-4.400 Overlay Zones	Sec. 27-6.500 Fences and Walls	Sec. 27-6.1300 Urban Farm Compatibility Standards
Sec. 27-5.200 Principal Uses	Sec. 27-6.600 Exterior Lighting	Sec. 27-6.1400 Signage
Sec. 27-5.300 Accessory Uses and Structures	Sec. 27-6.700 Environmental Protection and Noise Controls	Sec. 27-6.1500 Green Building Standards
Sec. 27-5.400 Temporary Uses and Structures	Sec. 27-6.800 Multifamily, Townhouse, and Three-Family Form and Design Standards	Sec. 27-6.1600 Green Building Incentives
Sec. 27-6.100 Roadway Access, Mobility, and Circulation	Sec. 27-6.900 Nonresidential and Mixed-Use Form and Design Standards	Division 27-2 Interpretation and Definitions
Sec. 27-6.200 Off-Street Parking and Loading	Sec. 27-6.1000 Industrial Form and Design Standards	Division 27-7 Nonconformities

D. Agriculture and Preservation (AG) Zone

1. Purpose

The purpose of the Agriculture and Preservation (AG) Zone is to:

- Provide lands for agriculture and forestry;
- Preserve and protect the County's important natural resources and ecological heritage lands while providing for their use and enjoyment;
- Provide for non-intensive recreational uses;
- Accommodate low-density single-family detached dwellings on lots greater than five acres in area, or within conservation subdivisions that are designed to protect resources and be consistent with agriculture and forestry; and
- Accommodate other low-intensity development consistent with the General Plan, Area Master Plans, and Sector Plans (where relevant).

Development allowed in the AG Zone includes resource protection, agriculture and forestry uses, agriculture and forestry-support uses, single-family detached dwellings, animal care, group living, recreation and entertainment, visitor accommodation, resource extraction (under limited circumstances), and supporting public facilities, consistent with the zone's open and rural character.



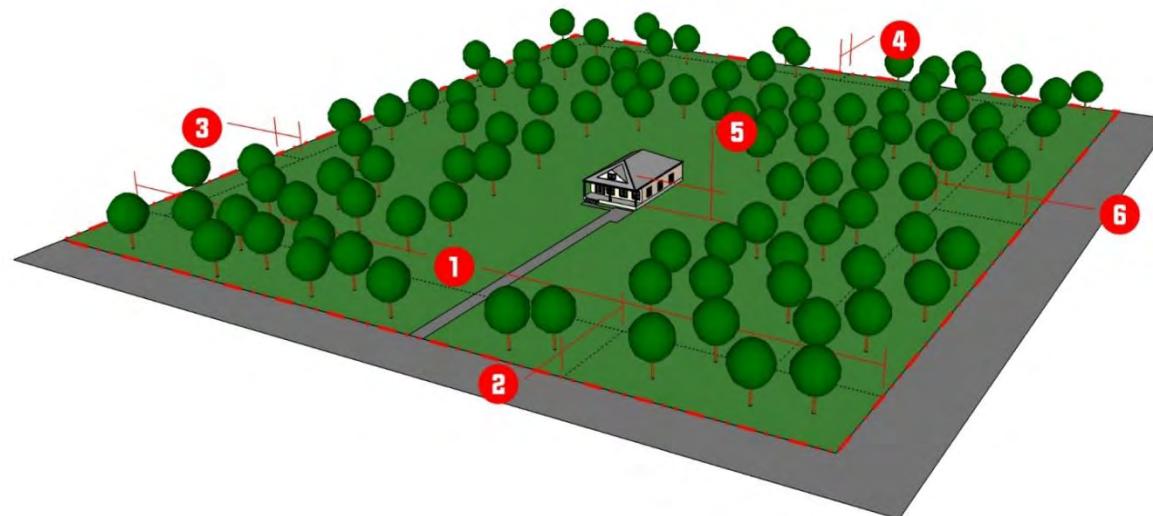
2. Use Standards

See use tables and use-specific standards in Division 27-5, Use Regulations, and any modified use standards for applicable overlay zones.



3. Intensity and Dimensional Standards

Standard[1]	Single-Family Detached Dwelling	Other Uses	NOTES: du/ac = dwelling units per acre; sf = square feet; ft = feet
Density, max. (du/ac of net lot area)	0.20	No requirement	[1] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards.
Net lot area, min. (ac)	5.00	5.00	
① Lot width, min. (ft)	300	300	[2] On corner lot, min. side yard depth alongside street = 50 ft. ⑥
Lot frontage (width) at front street line, min. (ft)	240	240	
Lot coverage, max. (% of net lot area)	5	10	
② Front yard depth, min. (ft)	50	50	
③ Side yard depth, min. (ft) [2]	20	20	
④ Rear yard depth, min. (ft)	20	20	
⑤ Principal structure height, maximum (ft)	35	35	



4. References to Other Standards

Sec. 27-3.400 Standard Review Procedures	Sec. 27-6.300 Open Space Set-Asides	Sec. 27-6.1100 Neighborhood Compatibility Standards
Sec. 27-3.500 Application-Specific Review Procedures and Decision Standards	Sec. 27-6.400 Landscaping	Sec. 27-6.1200 Agricultural Compatibility Standards
Sec. 27-4.400 Overlay Zones	Sec. 27-6.500 Fences and Walls	Sec. 27-6.1300 Urban Farm Compatibility Standards
Sec. 27-5.200 Principal Uses	Sec. 27-6.600 Exterior Lighting	Sec. 27-6.1400 Signage
Sec. 27-5.300 Accessory Uses and Structures	Sec. 27-6.700 Environmental Protection and Noise Controls	Sec. 27-6.1500 Green Building Standards
Sec. 27-5.400 Temporary Uses and Structures	Sec. 27-6.800 Multifamily, Townhouse, and Three-Family Form and Design Standards	Sec. 27-6.1600 Green Building Incentives
Sec. 27-6.100 Roadway Access, Mobility, and Circulation	Sec. 27-6.900 Nonresidential and Mixed-Use Form and Design Standards	Division 27-2 Interpretation and Definitions
Sec. 27-6.200 Off-Street Parking and Loading	Sec. 27-6.1000 Industrial Form and Design Standards	Division 27-7 Nonconformities

E. Agricultural-Residential (AR) Zone

1. Purpose

The purpose of the Agricultural Residential (AR) Zone is to provide lands to accommodate and maintain agricultural uses and low-density residential development, where agriculture is encouraged. This is accomplished in the zone by:

- Providing for agriculture as a primary use;
- Accommodating single-family detached dwellings on lots greater than or equal to two acres in area, or within conservation subdivisions that respect the natural features of the land and are designed to conform to the agricultural residential character of the zone.

Development allowed in the AR Zone includes agriculture and forestry uses, agriculture and forestry-support uses, single-family detached dwellings, animal care, group living, recreation and entertainment, visitor accommodation, resource extraction (under limited conditions), and supporting public facilities, consistent with the zone's agricultural residential character.



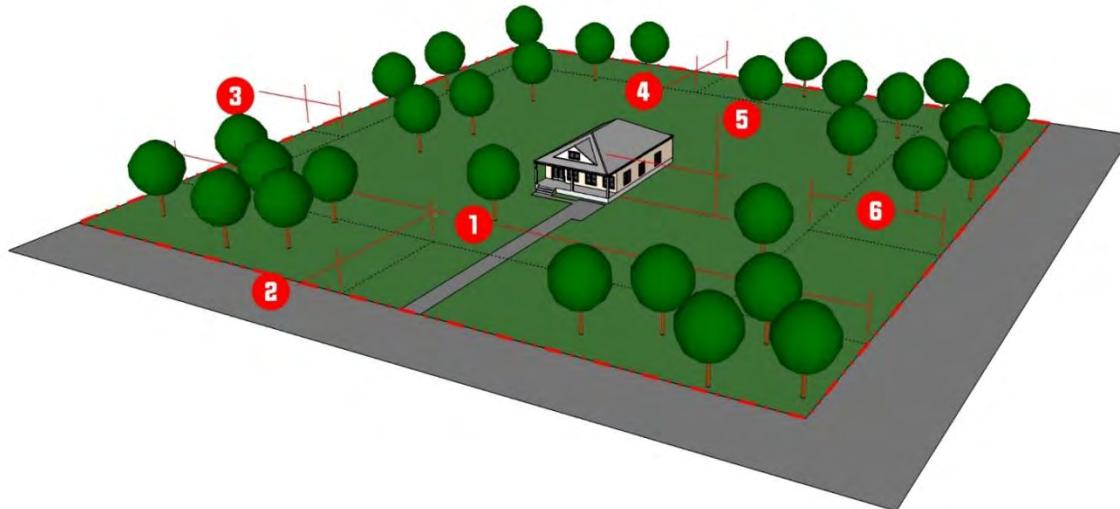
2. Use Standards

See use tables and use-specific standards in Division 27-5, Use Regulations, and any modified use standards for applicable overlay zones.



3. Intensity and Dimensional Standards

Standard[1]	Single-Family Detached Dwelling	Other Uses	NOTES: du/ac = dwelling units per acre; sf = square feet; ft = feet
Density, max. (du/ac of net lot area)	0.50	No requirement	[1] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards.
Net lot area, min. (ac)	2.00	2.00	
① Lot width, min. (ft)	150	150	[2] On corner lot, min. side yard depth alongside street = 50 ft. ⑥
Lot frontage (width) at front street line, min. (ft)	120	120	
Lot coverage, max. (% of net lot area)	10	50	
② Front yard depth, min. (ft)	50	50	
③ Side yard depth, min. (ft)[2]	17	17	
④ Rear yard depth, min. (ft)	35	35	
⑤ Principal structure height, maximum (ft)	50	50	



4. References to Other Standards

Sec. 27-3.400 Standard Review Procedures	Sec. 27-6.300 Open Space Set-Asides	Sec. 27-6.1100 Neighborhood Compatibility Standards
Sec. 27-3.500 Application-Specific Review Procedures and Decision Standards	Sec. 27-6.400 Landscaping	Sec. 27-6.1200 Agricultural Compatibility Standards
Sec. 27-4.400 Overlay Zones	Sec. 27-6.500 Fences and Walls	Sec. 27-6.1300 Urban Farm Compatibility Standards
Sec. 27-5.200 Principal Uses	Sec. 27-6.600 Exterior Lighting	Sec. 27-6.1400 Signage
Sec. 27-5.300 Accessory Uses and Structures	Sec. 27-6.700 Environmental Protection and Noise Controls	Sec. 27-6.1500 Green Building Standards
Sec. 27-5.400 Temporary Uses and Structures	Sec. 27-6.800 Multifamily, Townhouse, and Three-Family Form and Design Standards	Sec. 27-6.1600 Green Building Incentives
Sec. 27-6.100 Roadway Access, Mobility, and Circulation	Sec. 27-6.900 Nonresidential and Mixed-Use Form and Design Standards	Division 27-2 Interpretation and Definitions
Sec. 27-6.200 Off-Street Parking and Loading	Sec. 27-6.1000 Industrial Form and Design Standards	Division 27-7 Nonconformities

27-4.202. Residential Base Zones

A. General Purposes of Residential Base Zones

The Residential base zones established in this Section are intended to provide a comfortable, healthy, safe, and pleasant environment in which to live and recreate. More specifically, they are intended to:

1. Provide appropriately located lands for residential development that are consistent with the goals and policies of the General Plan and the applicable Area Master Plan or Sector Plan;
2. Ensure adequate light, air, privacy, and open space for each dwelling, and protect residents from the negative effects of noise, excessive population density, traffic congestion, flooding, and other significant adverse environmental impacts;
3. Ensure protection from fires, explosions, toxic fumes and substances, and other public safety hazards;
4. Provide for residential housing choice, affordability, and diversity with varying housing densities, types, and designs;
5. Provide for safe and efficient vehicular, bicycle, and pedestrian access and circulation, and neighborhoods that promote multiple forms of mobility;
6. Provide for the public services and facilities needed to serve residential development;
7. Protect the existing character of lands in the residential zones from incompatible development;
8. Accommodate new infill development and redevelopment that is consistent with its context and the character of the residential zone in which it is located; and
9. Promote sustainable development in terms of energy efficiency and conservation, greenhouse gas reductions, food security, materials recycling, and similar sustainability goals.

B. Established Residential Base Zones

The Residential base zones established by this Ordinance are:

Table 27-4.202: Residential Base Zones

RE: Residential Estate Zone

RR: Rural Residential Zone

RSF-95: Residential, Single-Family – 96 Zone

RSF-65: Residential, Single-Family – 65 Zone

RSF-A: Residential, Single-Family – Attached Zone

RMF-12: Residential, Multifamily-12 Zone

RMF-20: Residential, Multifamily-20 Zone

RMF-48: Residential, Multifamily-48 Zone

C. Residential Estate (RE) Zone

1. Purpose

The purpose of the Residential Estate (RE) Zone is to provide lands that allow for low-density single-family detached dwellings on lots greater than 40,000 square feet in area that may be developed in conjunction with rural uses in the form of subdivisions that:

- Establish a rural estate character;
- Respect the natural features of the land; and
- Conserve open spaces.

Development allowed in the RE Zone includes single-family detached dwellings, agricultural uses, group living, animal care, community service, recreation and entertainment, visitor accommodation, and resource extraction uses consistent with the zone's rural estate character; and supporting public facilities.



2. Use Standards

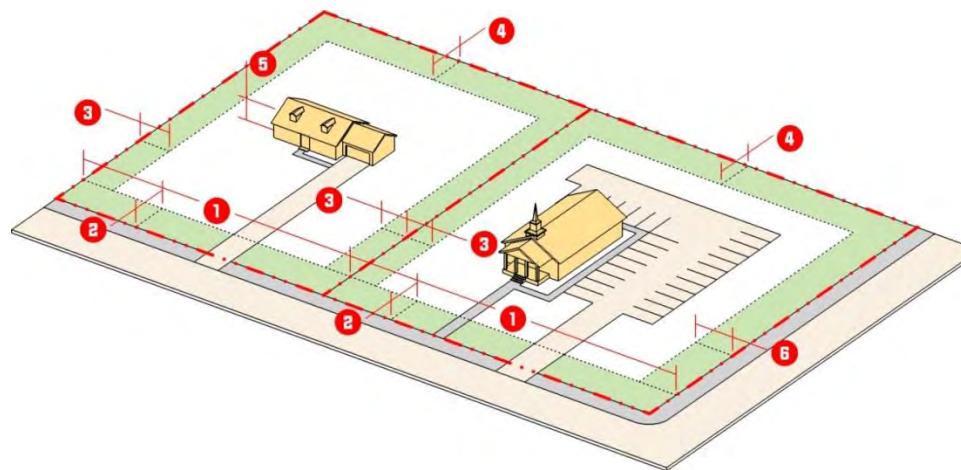
See use tables and use-specific standards in Division 27-5, Use Regulations, and any modified use standards for applicable overlay zones.



3. Intensity and Dimensional Standards

Standard[1]	Agricultural Use	Single-Family Detached Dwelling	Other Uses	NOTES: du/ac = dwelling units per acre; sf = square feet; ft = feet [1] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards. [2] On corner lot, min. side yard depth alongside street = 25 ft. 6
Density, max. (du/ac of net lot area)	No requirement	1.08	No requirement	
Net lot area, min.	2 ac	40,000 sf	40,000 sf	
① Lot width, min. (ft)	50	120	50	
Lot frontage (width) at front street line, min. (ft)	40	96	40	
Lot coverage, max. (% of net lot area)	20	20	60	
② Front yard depth, min. (ft)	25	25	25	
③ Side yard depth, min. (ft) [2]	17	17	17	
④ Rear yard depth, min. (ft)	25	25	25	
⑤ Principal structure height, maximum (ft)	35	35	35	

Single-Family Detached Dwellings and Agricultural and Other Uses



4. References to Other Standards

Sec. 27-3.400 Standard Review Procedures	Sec. 27-6.300 Open Space Set-Asides	Sec. 27-6.1100 Neighborhood Compatibility Standards
Sec. 27-3.500 Application-Specific Review Procedures and Decision Standards	Sec. 27-6.400 Landscaping	Sec. 27-6.1200 Agricultural Compatibility Standards
Sec. 27-4.400 Overlay Zones	Sec. 27-6.500 Fences and Walls	Sec. 27-6.1300 Urban Farm Compatibility Standards
Sec. 27-5.200 Principal Uses	Sec. 27-6.600 Exterior Lighting	Sec. 27-6.1400 Signage
Sec. 27-5.300 Accessory Uses and Structures	Sec. 27-6.700 Environmental Protection and Noise Controls	Sec. 27-6.1500 Green Building Standards
Sec. 27-5.400 Temporary Uses and Structures	Sec. 27-6.800 Multifamily, Townhouse, and Three-Family Form and Design Standards	Sec. 27-6.1600 Green Building Incentives
Sec. 27-6.100 Roadway Access, Mobility, and Circulation	Sec. 27-6.900 Nonresidential and Mixed-Use Form and Design Standards	Division 27-2 Interpretation and Definitions
Sec. 27-6.200 Off-Street Parking and Loading	Sec. 27-6.1000 Industrial Form and Design Standards	Division 27-7 Nonconformities

D. Rural Residential (RR) Zone

1. Purpose

The purpose of the Rural Residential (RR) Zone is to provide lands that allow for low-density single-family detached dwellings on lots greater than 20,000 square feet in area that may be developed in conjunction with rural uses in the form of subdivisions that:

- Establish a rural residential character;
- Respect the natural features of the land; and
- Conserve open spaces.

Development allowed in the RR Zone includes single-family detached and two-family dwellings, group living, animal care, community service, recreation and entertainment, visitor accommodation, and resource extraction uses consistent with the zone's rural residential character, and supporting public facilities.



2. Use Standards

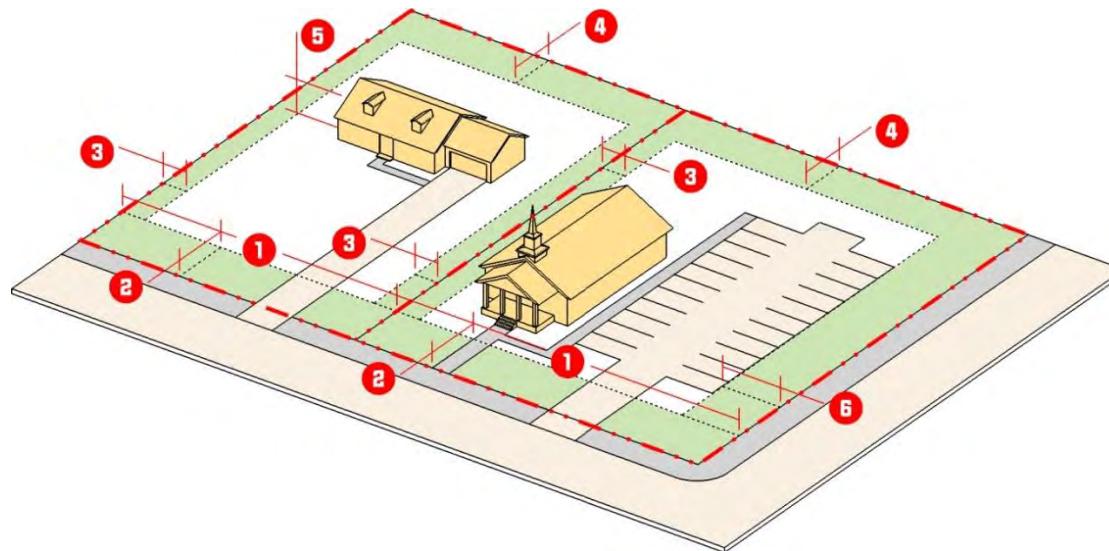
See use tables and use-specific standards in Division 27-5, Use Regulations, and any modified use standards for applicable overlay zones.



3. Intensity and Dimensional Standards

Standard[1]	Single-Family Detached Dwelling	Other Uses	NOTES: du/ac = dwelling units per acre; sf = square feet; ft = feet
Density, max. (du/ac of net lot area)	2.17	No requirement	[1] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards.
Net lot area, min. (sf)	20,000	20,000	[2] On corner lot, min. side yard depth alongside street = 25 ft. ⑥
① Lot width, min. (ft)	100	100	
Lot frontage (width) at front street line, min. (ft)	80	80	
Lot coverage, max. (% of net lot area)	25	60	
② Front yard depth, min. (ft)	25	25	
③ Side yard depth, min. (ft)[2]	8	8	
④ Rear yard depth, min. (ft)	20	20	
⑤ Principal structure height, maximum (ft)	40	40	

Single-Family Detached Dwellings and Other Uses



4. References to Other Standards

Sec. 27-3.400 Standard Review Procedures	Sec. 27-6.300	Open Space Set-Asides	Sec. 27-6.1100 Neighborhood Compatibility Standards
Sec. 27-3.500 Application-Specific Review Procedures and Decision Standards	Sec. 27-6.400	Landscaping	Sec. 27-6.1200 Agricultural Compatibility Standards
Sec. 27-4.400 Overlay Zones	Sec. 27-6.500	Fences and Walls	Sec. 27-6.1300 Urban Farm Compatibility Standards
Sec. 27-5.200 Principal Uses	Sec. 27-6.600	Exterior Lighting	Sec. 27-6.1400 Signage
Sec. 27-5.300 Accessory Uses and Structures	Sec. 27-6.700	Environmental Protection and Noise Controls	Sec. 27-6.1500 Green Building Standards
Sec. 27-5.400 Temporary Uses and Structures	Sec. 27-6.800	Multifamily, Townhouse, and Three-Family Form and Design Standards	Sec. 27-6.1600 Green Building Incentives
Sec. 27-6.100 Roadway Access, Mobility, and Circulation	Sec. 27-6.900	Nonresidential and Mixed-Use Form and Design Standards	Division 27-2 Interpretation and Definitions
Sec. 27-6.200 Off-Street Parking and Loading	Sec. 27-6.1000	Industrial Form and Design Standards	Division 27-7 Nonconformities

E. Residential, Single-Family - 95 (RSF-95) Zone

1. Purpose

The purpose of the Residential, Single-Family - 95 (RSF-95) Zone is to provide lands for primarily single-family detached dwellings on lots at least 9,500 square feet in area that are:

- Single-family residential in character;
- Pedestrian-oriented and well connected to surrounding lands;
- Respectful of the natural features of the land; and
- Compatible with surrounding lands.

Development allowed in the RSF-95 Zone includes single-family detached dwellings, limited institutional and recreation uses that support single-family development, and supporting public facilities.



2. Use Standards

See use tables and use-specific standards in Division 27-5, Use Regulations, and any modified use standards for applicable overlay zones.



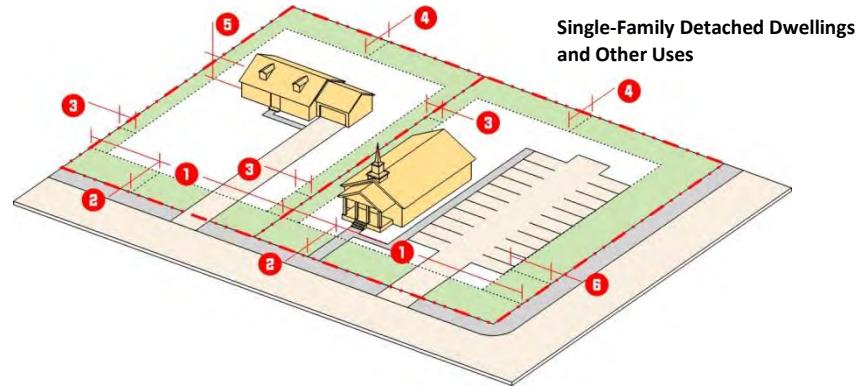
3. Intensity and Dimensional Standards

Standard[1]	Single-Family Detached Dwelling	Other Uses
Density, max. (du/ac of net lot area)	4.58	No requirement
Net lot area, min. (sf)	9,500	9,500
① Lot width, min. (ft)	75	75
Lot frontage (width) at front street line, min. (ft)	60	60
Lot coverage, max. (% of net lot area)	30	60
② Front yard depth, min. (ft)	25	25
③ Side yard depth, min. (ft)[2]	8	8
④ Rear yard depth, min. (ft)	20	20
⑤ Principal structure height, maximum (ft)	40	40

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

[1] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards.

[2] On corner lot, min. side yard depth alongside street = 25 ft. ⑥



4. References to Other Standards

Sec. 27-3.400 Standard Review Procedures	Sec. 27-6.300	Open Space Set-Asides	Sec. 27-6.1100 Neighborhood Compatibility Standards
Sec. 27-3.500 Application-Specific Review Procedures and Decision Standards	Sec. 27-6.400	Landscaping	Sec. 27-6.1200 Agricultural Compatibility Standards
Sec. 27-4.400 Overlay Zones	Sec. 27-6.500	Fences and Walls	Sec. 27-6.1300 Urban Farm Compatibility Standards
Sec. 27-5.200 Principal Uses	Sec. 27-6.600	Exterior Lighting	Sec. 27-6.1400 Signage
Sec. 27-5.300 Accessory Uses and Structures	Sec. 27-6.700	Environmental Protection and Noise Controls	Sec. 27-6.1500 Green Building Standards
Sec. 27-5.400 Temporary Uses and Structures	Sec. 27-6.800	Multifamily, Townhouse, and Three-Family Form and Design Standards	Sec. 27-6.1600 Green Building Incentives
Sec. 27-6.100 Roadway Access, Mobility, and Circulation	Sec. 27-6.900	Nonresidential and Mixed-Use Form and Design Standards	Division 27-2 Interpretation and Definitions
Sec. 27-6.200 Off-Street Parking and Loading	Sec. 27-6.1000	Industrial Form and Design Standards	Division 27-7 Nonconformities

F. Residential, Single-Family - 65 (RSF-65) Zone

1. Purpose

The purpose of the Residential, Single-Family - 65 (RSF-65) Zone is to provide lands for primarily single-family detached dwellings on lots at least 6,500 square feet in area that are:

- Single-family residential in character;
- Pedestrian-oriented and well connected to surrounding lands;
- Respectful of the natural features of the land; and
- Compatible with surrounding lands.

Development allowed in the RSF-65 Zone includes single-family detached dwellings, limited institutional and recreation uses that support single-family development, and supporting public facilities.



2. Use Standards

See use tables and use-specific standards in Division 27-5, Use Regulations, and any modified use standards for applicable overlay zones.



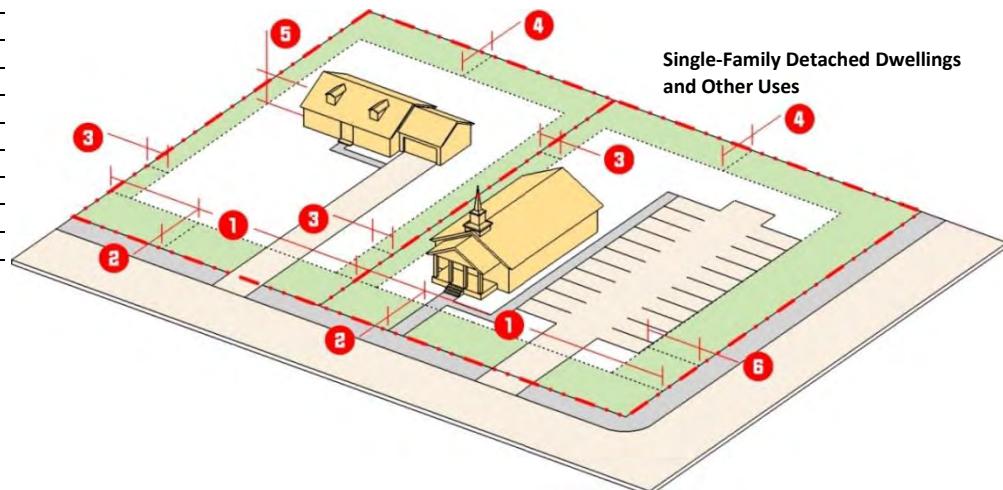
3. Intensity and Dimensional Standards

Standard[1]	Single-Family Detached Dwelling	Other Uses
Density, max. (du/ac of net lot area)	6.7	No requirement
Net lot area, min. (sf)	6,500	6,500
① Lot width, min. (ft)	65	45
Lot frontage (width) at front street line, min. (ft)	52	36
Lot coverage, max. (% of net lot area)	35	60
② Front yard depth, min. (ft)	25	25
③ Side yard depth, min. (ft)[2]	8	8
④ Rear yard depth, min. (ft)	20	20
⑤ Principal structure height, maximum (ft)	40	40

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

[1] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards.

[2] On corner lot, min. side yard depth alongside street = 25 ft. ⑥



4. References to Other Standards

Sec. 27-3.400 Standard Review Procedures	Sec. 27-6.300 Open Space Set-Asides	Sec. 27-6.1100 Neighborhood Compatibility Standards
Sec. 27-3.500 Application-Specific Review Procedures and Decision Standards	Sec. 27-6.400 Landscaping	Sec. 27-6.1200 Agricultural Compatibility Standards
Sec. 27-4.400 Overlay Zones	Sec. 27-6.500 Fences and Walls	Sec. 27-6.1300 Urban Farm Compatibility Standards
Sec. 27-5.200 Principal Uses	Sec. 27-6.600 Exterior Lighting	Sec. 27-6.1400 Signage
Sec. 27-5.300 Accessory Uses and Structures	Sec. 27-6.700 Environmental Protection and Noise Controls	Sec. 27-6.1500 Green Building Standards
Sec. 27-5.400 Temporary Uses and Structures	Sec. 27-6.800 Multifamily, Townhouse, and Three-Family Form and Design Standards	Sec. 27-6.1600 Green Building Incentives
Sec. 27-6.100 Roadway Access, Mobility, and Circulation	Sec. 27-6.900 Nonresidential and Mixed-Use Form and Design Standards	Division 27-2 Interpretation and Definitions
Sec. 27-6.200 Off-Street Parking and Loading	Sec. 27-6.1000 Industrial Form and Design Standards	Division 27-7 Nonconformities

G. Residential, Single-Family - Attached (RSF-A) Zone

1. Purpose

The purpose of the Residential, Single-Family - Attached (RSF-A) Zone is to provide lands for primarily two-family, three-family, and townhouse dwellings as medium-density, attached-unit residential development, as well as other types of development, in a form that supports residential living and walkability and is:

- Pedestrian-oriented and well-connected to surrounding lands;
- Respectful of the natural features of the land; and
- Compatible with surrounding lands.

Development allowed in the RSF-A Zone includes: two-family, three-family, and townhouse dwellings; small-lot single-family detached dwellings; live/work units; recreation/entertainment, personal services, and retail sales and services uses that support residential living and walkability; mixed-use development; and supporting public facilities.



2. Use Standards

See use tables and use-specific standards in Division 27-5, Use Regulations, and any modified use standards for applicable overlay zones.



3. Intensity and Dimensional Standards

Standard[1]	Single-Family Detached Dwelling	Two-Family Dwelling	Three-Family Dwelling	Townhouse Dwelling	Other Uses
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	40	20	45
Lot frontage (width) at front street line, min. (ft)	40	48	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	20	20	20
⑤ Principal structure height, maximum (ft)	40	40	40	50	40

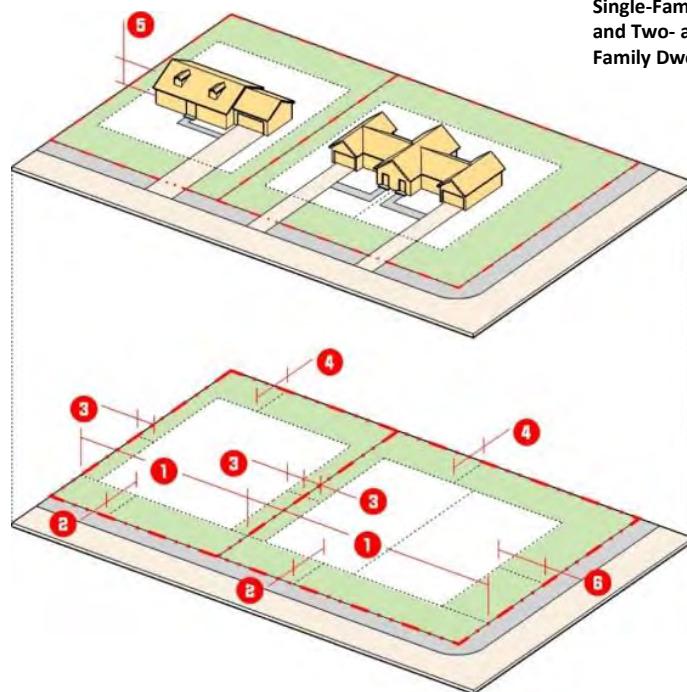
NOTES: du/ac = dwelling units per acre; sf = square feet; ft = feet

[1] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards.

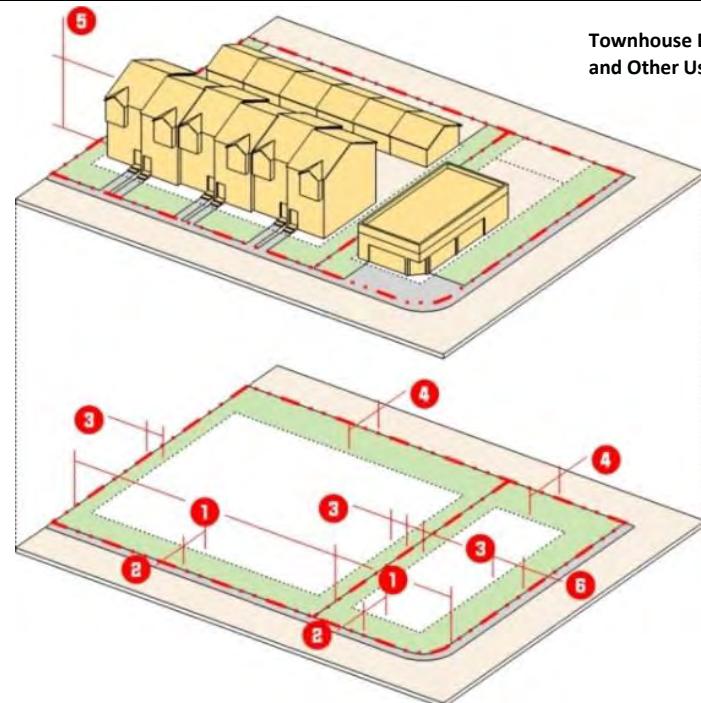
[2] Applicable to the lot coverage of the development lot as a whole rather than individual lots under townhouse units.

[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.



Single-Family Dwellings and Two- and Three-Family Dwellings



Townhouse Dwellings and Other Uses

Division 27-4 Zones and Zone Regulations

Sec. 27-4.200 Base Zones

27-4.202 Residential Base Zones

27-4.202.G Residential, Single-Family - Attached (RSF-A) Zone

4. References to Other Standards

Sec. 27-3.400 Standard Review Procedures	Sec. 27-6.300 Open Space Set-Asides	Sec. 27-6.1100 Neighborhood Compatibility Standards
Sec. 27-3.500 Application-Specific Review Procedures and Decision Standards	Sec. 27-6.400 Landscaping	Sec. 27-6.1200 Agricultural Compatibility Standards
Sec. 27-4.400 Overlay Zones	Sec. 27-6.500 Fences and Walls	Sec. 27-6.1300 Urban Farm Compatibility Standards
Sec. 27-5.200 Principal Uses	Sec. 27-6.600 Exterior Lighting	Sec. 27-6.1400 Signage
Sec. 27-5.300 Accessory Uses and Structures	Sec. 27-6.700 Environmental Protection and Noise Controls	Sec. 27-6.1500 Green Building Standards
Sec. 27-5.400 Temporary Uses and Structures	Sec. 27-6.800 Multifamily, Townhouse, and Three-Family Form and Design Standards	Sec. 27-6.1600 Green Building Incentives
Sec. 27-6.100 Roadway Access, Mobility, and Circulation	Sec. 27-6.900 Nonresidential and Mixed-Use Form and Design Standards	Division 27-7 Nonconformities
Sec. 27-6.200 Off-Street Parking and Loading	Sec. 27-6.1000 Industrial Form and Design Standards	Division 27-2 Interpretation and Definitions

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H. Residential, Multifamily-12 (RMF-12) Zone

1. Purpose

The general purpose of the RMF-12 Zone is to provide lands for attractive communities with a variety of medium-density residential dwelling types (up to 12 dwelling units per acre) in a form that supports residential living and walkability, and is:

- Proximate to growth centers or commercial corridors;
- Pedestrian-oriented and well-connected to nearby centers, commercial corridors, and surrounding developments;
- Adequately served by transportation systems, public utilities, and public facilities;
- Respectful of the natural features of the land; and
- Compatible with surrounding lands.

Development allowed in the RMF-12 Zone includes: multifamily, townhouse, three-family, two-family, and single-family detached dwellings; live/work units; recreation/entertainment, personal services, and retail sales and services uses that support residential living and walkability; mixed-use development; and supporting public facilities.



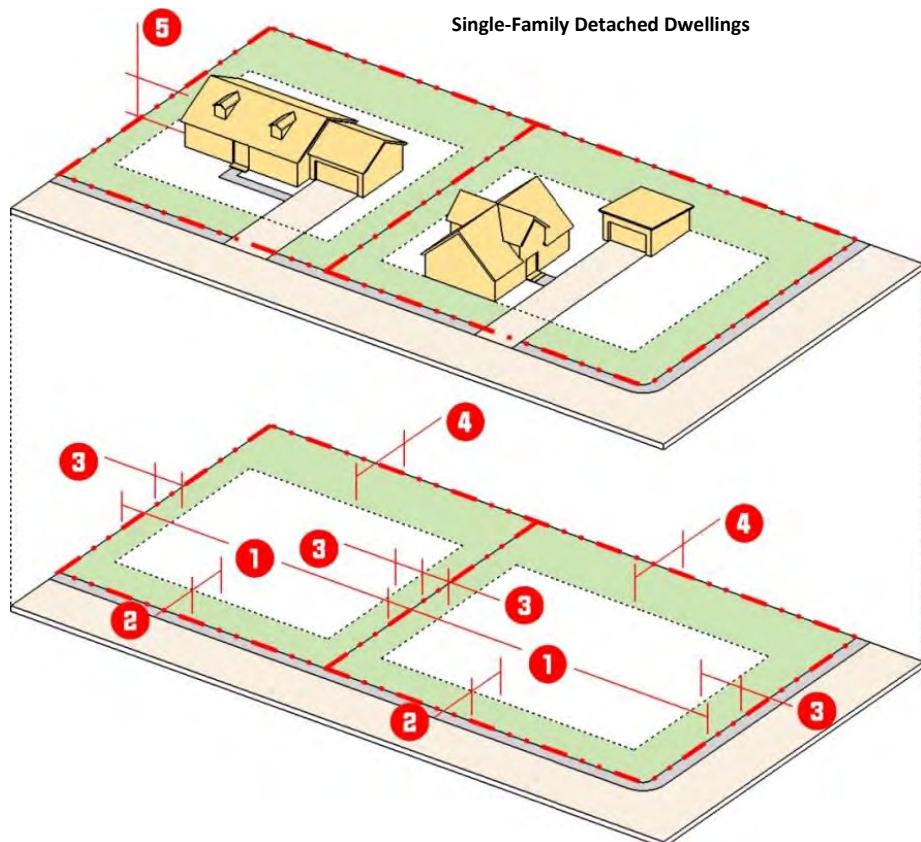
2. Use Standards

See use tables and use-specific standards in Division 27-5, Use Regulations, and any modified use standards for applicable overlay zones.

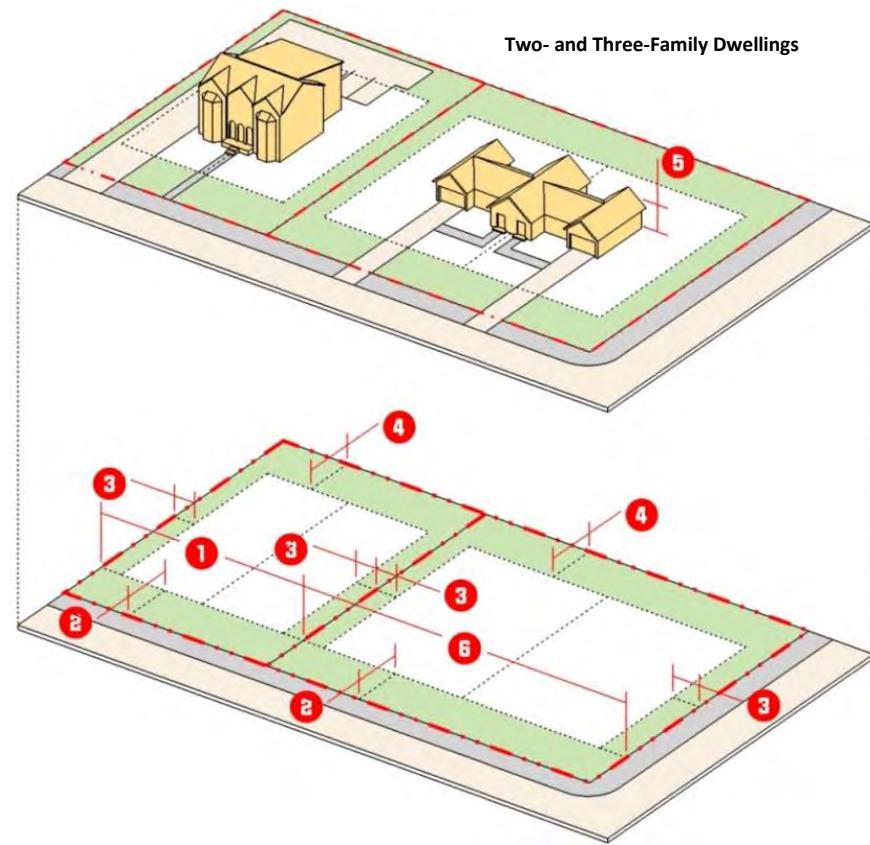


3. Intensity and Dimensional Standards

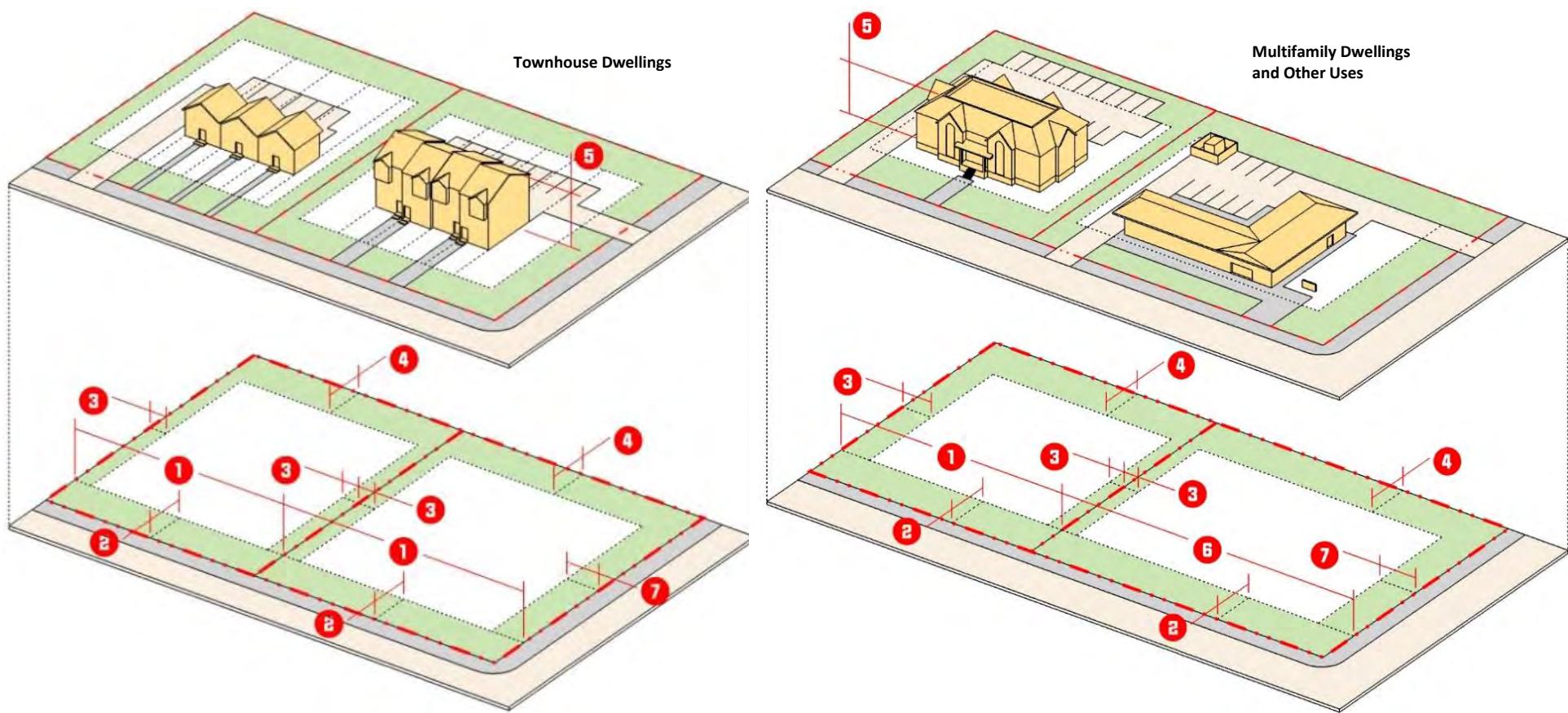
Standard[1]	Single-Family Detached Dwelling	Two-Family Dwelling	Three-Family Dwelling	Townhouse Dwelling	Multifamily Dwelling	Other Uses	NOTES: du/ac = dwelling units per acre; sf = square feet; ft = feet	
							[1] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards.	
Density, max. (du/ac of net lot area)	8.70	24.00	10.00	12.00	12.00	No requirement	[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.
Net lot area, min. (sf)	5,000	No requirement	No requirement	No requirement	9,000	14,000	[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.	
1 Lot width, min. (ft)	50	60[2]	60[2]	20[2]	75[2]	75[2]	[5] On corner lot, min. side yard depth alongside street = 15 ft. 7	
Lot frontage (width) at front street line, min. (ft)	40	48	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, maximum (ft)	40	40	40	50	50	40		



Single-Family Detached Dwellings



Two- and Three-Family Dwellings



4. References to Other Standards

Sec. 27-3.400 Standard Review Procedures	Sec. 27-6.300 Open Space Set-Asides	Sec. 27-6.1100 Neighborhood Compatibility Standards
Sec. 27-3.500 Application-Specific Review Procedures and Decision Standards	Sec. 27-6.400 Landscaping	Sec. 27-6.1200 Agricultural Compatibility Standards
Sec. 27-4.400 Overlay Zones	Sec. 27-6.500 Fences and Walls	Sec. 27-6.1300 Urban Farm Compatibility Standards
Sec. 27-5.200 Principal Uses	Sec. 27-6.600 Exterior Lighting	Sec. 27-6.1400 Signage
Sec. 27-5.300 Accessory Uses and Structures	Sec. 27-6.700 Environmental Protection and Noise Controls	Sec. 27-6.1500 Green Building Standards
Sec. 27-5.400 Temporary Uses and Structures	Sec. 27-6.800 Multifamily, Townhouse, and Three-Family Form and Design Standards	Sec. 27-6.1600 Green Building Incentives
Sec. 27-6.100 Roadway Access, Mobility, and Circulation	Sec. 27-6.900 Nonresidential and Mixed-Use Form and Design Standards	Division 27-7 Nonconformities
Sec. 27-6.200 Off-Street Parking and Loading	Sec. 27-6.1000 Industrial Form and Design Standards	Division 27-2 Interpretation and Definitions

I. Residential, Multifamily-20 (RMF-20) Zone

1. Purpose

The purpose of the Residential, Multifamily-20 (RMF-20) Zone is to provide lands for a variety of medium- to moderately-high-density residential development (up to 20 dwelling units per acre), along with other forms of development that support residential living and walkability that are:

- Proximate to centers, or in appropriate locations along commercial corridors;
- Respectful of the natural features of the land; and
- Compatible with surrounding lands.

Development allowed in the RMF-20 Zone includes: multifamily dwellings, townhouse dwellings, as well as two- and three-family dwellings; live/work units; recreation/entertainment, personal services, and retail sales and services uses that support residential living and walkability; mixed-use development; and supporting public facilities.



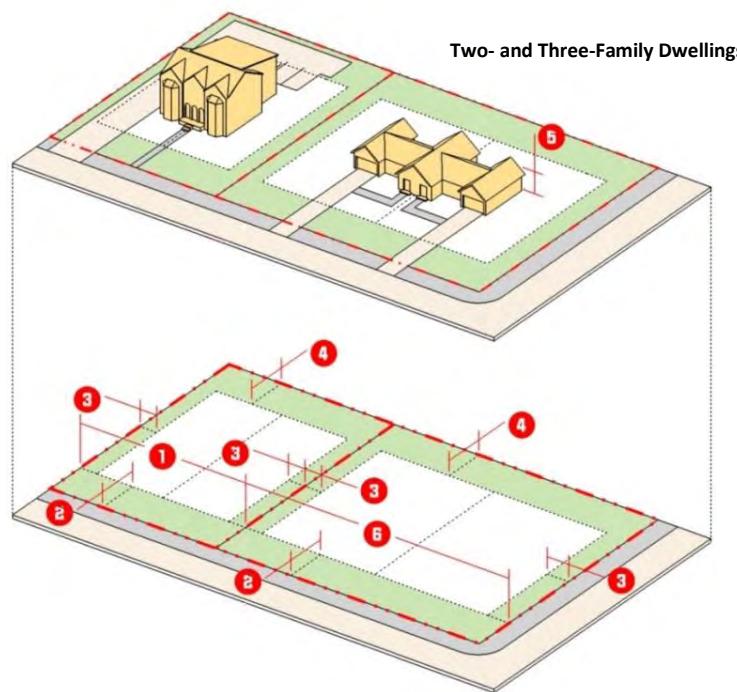
2. Use Standards

See use tables and use-specific standards in Division 27-5, Use Regulations, and any modified use standards for applicable overlay zones.

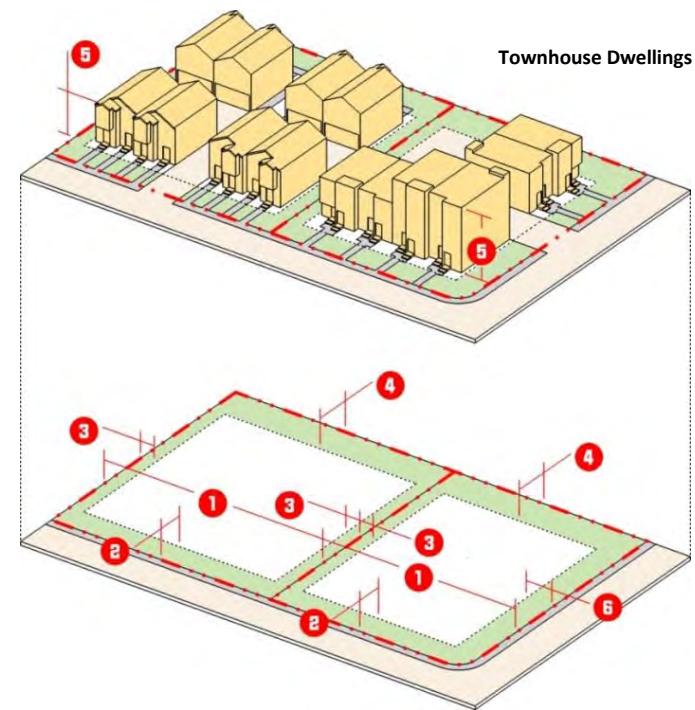


3. Intensity and Dimensional Standards

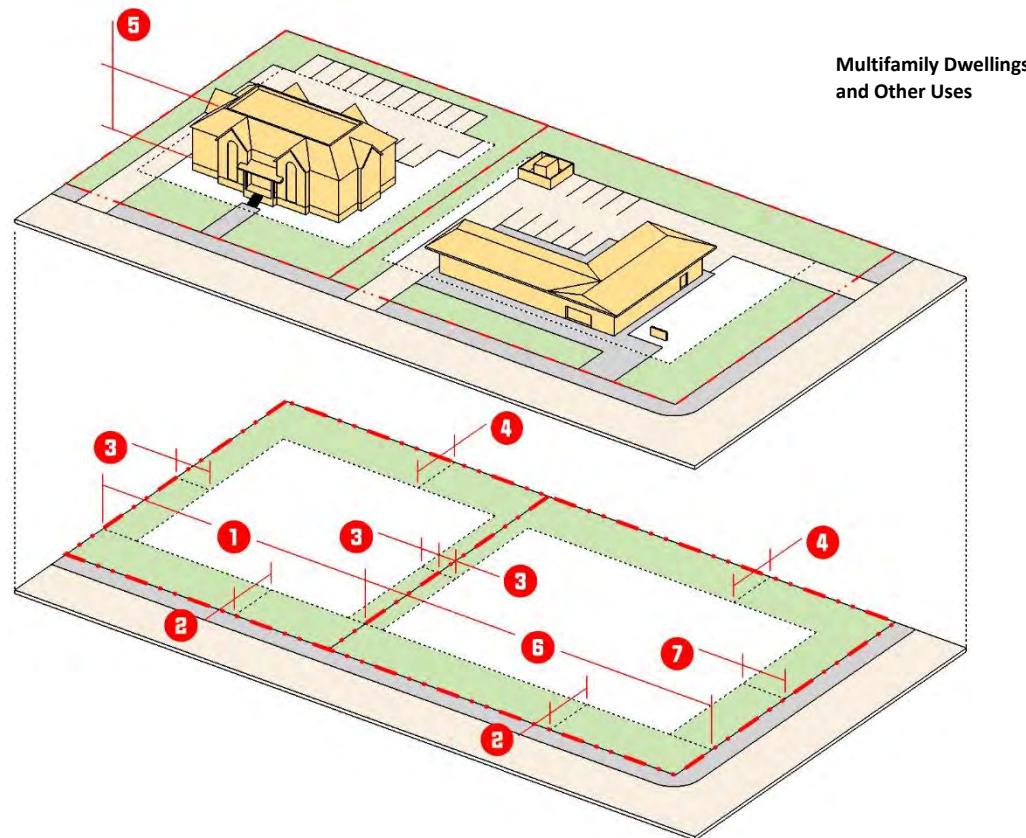
Standard[1]	Two-Family Dwelling	Three-Family Dwelling	Townhouse Dwelling	Multifamily Dwelling	Other Uses	NOTES: du/ac = dwelling units per acre; sf = square feet; ft = feet
Density, max. (du/ac of net lot area)	40.00	14.00	20.00	20.00	No requirement	[1] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards. [2] 80 ft on corner lots. 6
Net lot area, min. (sf)	No requirement	No requirement	No requirement	7,500	7,500	[3] Applicable to the lot coverage of the development lot as a whole rather than individual lots under townhouse units.
1 Lot width, min. (ft)	60[2]	60[2]	60[2]	60[2]	60[2]	[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.
Lot frontage (width) at front street line, min. (ft)	48	48	48	48	48	[5] On corner lot, min. side yard depth alongside street = 15 ft. 7
Lot coverage, max. (% of net lot area)	35[3]	35[3]	40 [3]	40	60	[6] 80 ft where net lot area ≥ 4 acres.
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, maximum (ft) [6]	50	50	50	50	40	



Two- and Three-Family Dwellings



Townhouse Dwellings



4. References to Other Standards

Sec. 27-3.400 Standard Review Procedures	Sec. 27-6.300 Open Space Set-Asides	Sec. 27-6.1100 Neighborhood Compatibility Standards
Sec. 27-3.500 Application-Specific Review Procedures and Decision Standards	Sec. 27-6.400 Landscaping	Sec. 27-6.1200 Agricultural Compatibility Standards
Sec. 27-4.400 Overlay Zones	Sec. 27-6.500 Fences and Walls	Sec. 27-6.1300 Urban Farm Compatibility Standards
Sec. 27-5.200 Principal Uses	Sec. 27-6.600 Exterior Lighting	Sec. 27-6.1400 Signage
Sec. 27-5.300 Accessory Uses and Structures	Sec. 27-6.700 Environmental Protection and Noise Controls	Sec. 27-6.1500 Green Building Standards
Sec. 27-5.400 Temporary Uses and Structures	Sec. 27-6.800 Multifamily, Townhouse, and Three-Family Form and Design Standards	Sec. 27-6.1600 Green Building Incentives
Sec. 27-6.100 Roadway Access, Mobility, and Circulation	Sec. 27-6.900 Nonresidential and Mixed-Use Form and Design Standards	Division 27-2 Interpretation and Definitions
Sec. 27-6.200 Off-Street Parking and Loading	Sec. 27-6.1000 Industrial Form and Design Standards	Division 27-7 Nonconformities

J. Residential, Multifamily-48 (RMF-48) Zone

1. Purpose

The purpose of the Residential, Multifamily-48 (RMF-48) Zone is to provide lands for a high-density multifamily development (up to 48 dwelling units per acre), along with other forms of development that support residential living and walkability that are:

- Primarily high-density residential in character and form;
- Proximate to centers (including transit centers), or in appropriate locations along commercial corridors;
- Respectful of the natural features of the land; and
- Compatible with surrounding lands.

Development allowed in the RMF-48 Zone includes: multifamily dwellings; live/work units; recreation/entertainment, personal services, and retail sales and services uses that support residential living and walkability; mixed-use development; and supporting public facilities.



2. Use Standards

See use tables and use-specific standards in Division 27-5, Use Regulations, and any modified use standards for applicable overlay zones.



3. Intensity and Dimensional Standards

Standard[1]	Multifamily Dwelling	Other Uses
Density, max. (du/ac of net lot area)	48.00	No requirement
Net lot area, min. (sf)	7,500	7,500
① Lot width, min. (ft)	75[2]	75[2]
Lot frontage (width) at front street line, min. (ft)	60	60
Lot coverage, max. (% of development lot as a whole)	60	60
② Front yard depth, min. (ft)	15	15
③ Side yard depth, min. (ft) (both yards total/either yard)[3]	8	8
④ Rear yard depth, min. (ft)	20	20
⑤ Principal structure height, max. (ft)	110[4][5]	110[5]

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

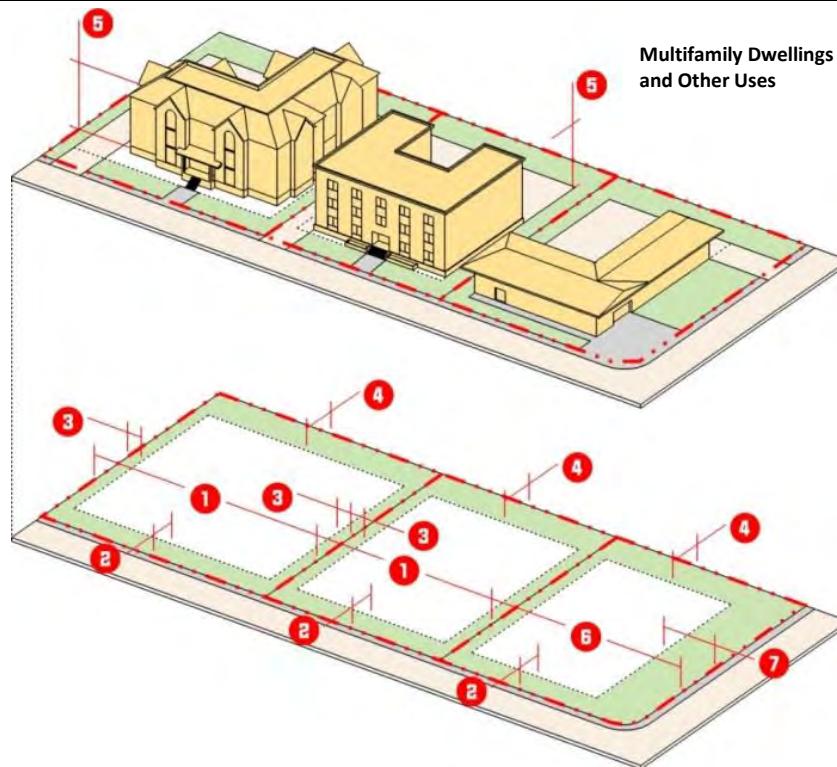
[1] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards.

[2] 100 ft on corner lots. ⑥

[3] On corner lot, min. side yard depth alongside street = 30 ft. ⑦

[4] At least 80% of buildings in the multifamily development must be ≥ 52 ft high.

[5] Provided those portions of the structure greater than 52 ft high are set back from the minimum front, side, and rear yard depths an additional 0.5 ft for each 1 ft (or major fraction thereof) the height of the portion exceeds 52 ft.



4. References to Other Standards

Sec. 27-3.400 Standard Review Procedures	Sec. 27-6.300 Open Space Set-Asides	Sec. 27-6.1100 Neighborhood Compatibility Standards
Sec. 27-3.500 Application-Specific Review Procedures and Decision Standards	Sec. 27-6.400 Landscaping	Sec. 27-6.1200 Agricultural Compatibility Standards
Sec. 27-4.400 Overlay Zones	Sec. 27-6.500 Fences and Walls	Sec. 27-6.1300 Urban Farm Compatibility Standards
Sec. 27-5.200 Principal Uses	Sec. 27-6.600 Exterior Lighting	Sec. 27-6.1400 Signage
Sec. 27-5.300 Accessory Uses and Structures	Sec. 27-6.700 Environmental Protection and Noise Controls	Sec. 27-6.1500 Green Building Standards
Sec. 27-5.400 Temporary Uses and Structures	Sec. 27-6.800 Multifamily, Townhouse, and Three-Family Form and Design Standards	Sec. 27-6.1600 Green Building Incentives
Sec. 27-6.100 Roadway Access, Mobility, and Circulation	Sec. 27-6.900 Nonresidential and Mixed-Use Form and Design Standards	Division 27-2 Interpretation and Definitions
Sec. 27-6.200 Off-Street Parking and Loading	Sec. 27-6.1000 Industrial Form and Design Standards	Division 27-7 Nonconformities

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27-4.203. Nonresidential Base Zones

A. General Purposes of Nonresidential Base Zones

The nonresidential base zones are established for the general purpose of ensuring there are lands in the County that provide a wide range of retail, office, service, employment, light industrial, heavy industrial, and related uses to meet the needs of County residents and the region, and more specifically to:

1. Provide appropriately located lands for the full range of business uses needed by the County's residents, businesses, and workers, consistent with the goals and policies of the General Plan and the applicable Area Master Plan or Sector Plan to support quality economic growth;
2. Strengthen the County's economic base, and provide employment opportunities close to home for County residents;
3. Create suitable environments for various types of businesses, and protect them from the adverse effects of incompatible development;
4. Create suitable environments for various types of mixed-use development, where business, office, retail, and residential development is designed and integrated in compatible ways;
5. Support the governmental activities taking place in the County;
6. Accommodate new infill development and redevelopment that is consistent with its context and the character of the nonresidential zone in which it is located;
7. Ensure nonresidential development is located and designed to protect and preserve the character of existing single-family zones and neighborhoods; and
8. Promote sustainable development that conserves energy and is energy-efficient, reduces the emission of greenhouse gases, provides physical and economic access to nutritious foods, employs sustainably-sourced and recycled materials, and meets similar sustainability goals.

The nonresidential base zones established by this Ordinance are:

Table 27-4.203: Nonresidential Base Zones

CN: Commercial Neighborhood Zone

CS: Commercial Service Zone

CGO: Commercial General and Office Zone

IE: Industrial/Employment Zone

IH: Industrial, Heavy Zone

B. Commercial Neighborhood (CN) Zone

1. Purpose

The purpose of the Commercial Neighborhood (CN) Zone is to provide lands for a range of small-scale, low-intensity retail and service commercial development that provides goods and services primarily serving the daily needs of residents of the immediately surrounding neighborhoods.

Zone standards are intended to ensure uses, development intensities, and development forms that are consistent with a pedestrian-friendly and neighborhood scale, traditional main street character, that are well-connected to and compatible with surrounding areas, and do not attract significant traffic from outside the surrounding neighborhoods.

Development allowed in the CN Zone includes retail sales and services, personal services, eating or drinking establishments, recreation and entertainment, offices, very limited vehicle sales and services, institutional uses, and supporting public facilities. Medium-density residential development is encouraged on the upper floors of nonresidential establishments, and may exist as stand-alone buildings when integrated into a horizontal mixed-use development.



2. Use Standards

See use tables and use-specific standards in Division 27-5, Use Regulations, and any modified use standards for applicable overlay zones.



3. Intensity and Dimensional Standards

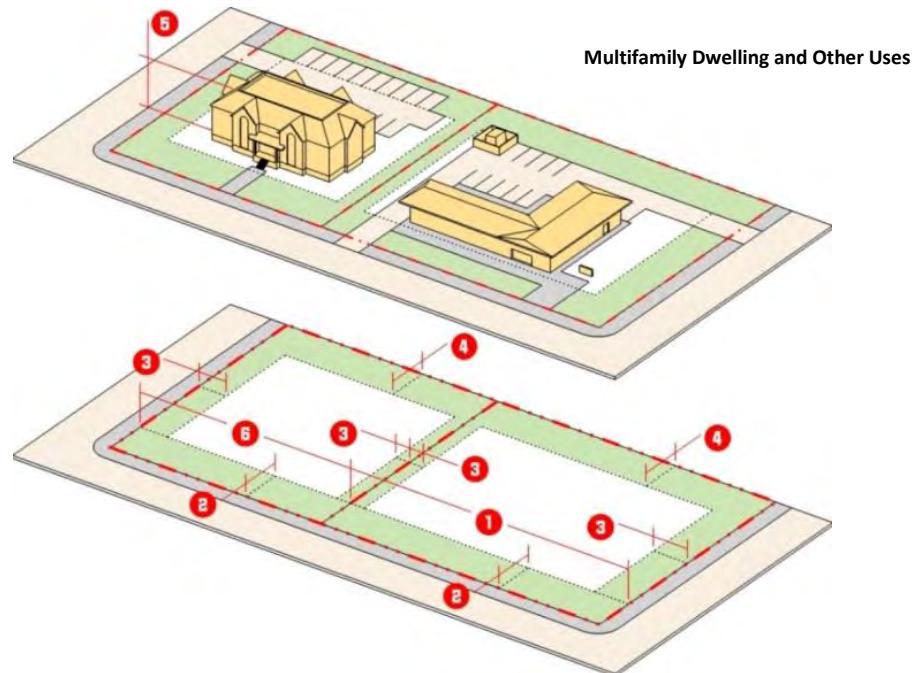
Standard[1]	Single-Family Detached Dwelling	Two-Family Dwelling	Townhouse Dwelling	Multifamily Dwelling[2]	Other Uses
Density, max. (du/ac of net lot area)	9.00	12.00	12.00	12.00	No requirement
Net lot area, min. (sf)	4,000	No requirement	No requirement	9,000	No requirement
① Lot width, min. (ft)	50	50	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, maximum (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 Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards.

[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. References to Other Standards

Sec. 27-3.400 Standard Review Procedures	Sec. 27-6.300 Open Space Set-Asides	Sec. 27-6.1100 Neighborhood Compatibility Standards
Sec. 27-3.500 Application-Specific Review Procedures and Decision Standards	Sec. 27-6.400 Landscaping	Sec. 27-6.1200 Agricultural Compatibility Standards
Sec. 27-4.400 Overlay Zones	Sec. 27-6.500 Fences and Walls	Sec. 27-6.1300 Urban Farm Compatibility Standards
Sec. 27-5.200 Principal Uses	Sec. 27-6.600 Exterior Lighting	Sec. 27-6.1400 Signage
Sec. 27-5.300 Accessory Uses and Structures	Sec. 27-6.700 Environmental Protection and Noise Controls	Sec. 27-6.1500 Green Building Standards
Sec. 27-5.400 Temporary Uses and Structures	Sec. 27-6.800 Multifamily, Townhouse, and Three-Family Form and Design Standards	Sec. 27-6.1600 Green Building Incentives
Sec. 27-6.100 Roadway Access, Mobility, and Circulation	Sec. 27-6.900 Nonresidential and Mixed-Use Form and Design Standards	Division 27-2 Interpretation and Definitions
Sec. 27-6.200 Off-Street Parking and Loading	Sec. 27-6.1000 Industrial Form and Design Standards	Division 27-7 Nonconformities

C. Commercial Service (CS) Zone

1. Purpose

The purpose of the Commercial Service (CS) Zone is to provide for a concentration of retail sales and services (including auto-oriented commercial uses), office, and eating or drinking establishments.

Development allowed includes retail sales and services (including higher-intensity and auto-oriented commercial uses), offices, eating or drinking establishments, mixed-use development, and supporting public facilities. Medium- to moderately high-density residential development is encouraged on the upper floors of nonresidential establishments, and may exist as stand-alone buildings when integrated into a horizontal mixed-use development.



2. Use Standards

See use tables and use-specific standards in Division 27-5, Use Regulations, and any modified use standards for applicable overlay zones.



3. Intensity and Dimensional Standards

	Multifamily Dwelling, Artists' Residential Studio, Live-Work Dwelling[2]	Other Uses
Standard[1]		
Density, max. (du/ac of net lot area)	20.00	No requirement
Net lot area, min. (sf)	7,500	5,000
① Lot width, min. (ft)	60[3]	50
Lot coverage, max. (% of net lot area)	40	No requirement
② Front yard depth, min. (ft) [4]	15	10
③ Side yard depth, min. (ft) [4]	8	0
④ Rear yard depth, min. (ft) [4]	20	0
⑤ Principal structure height, maximum (ft)	50	50

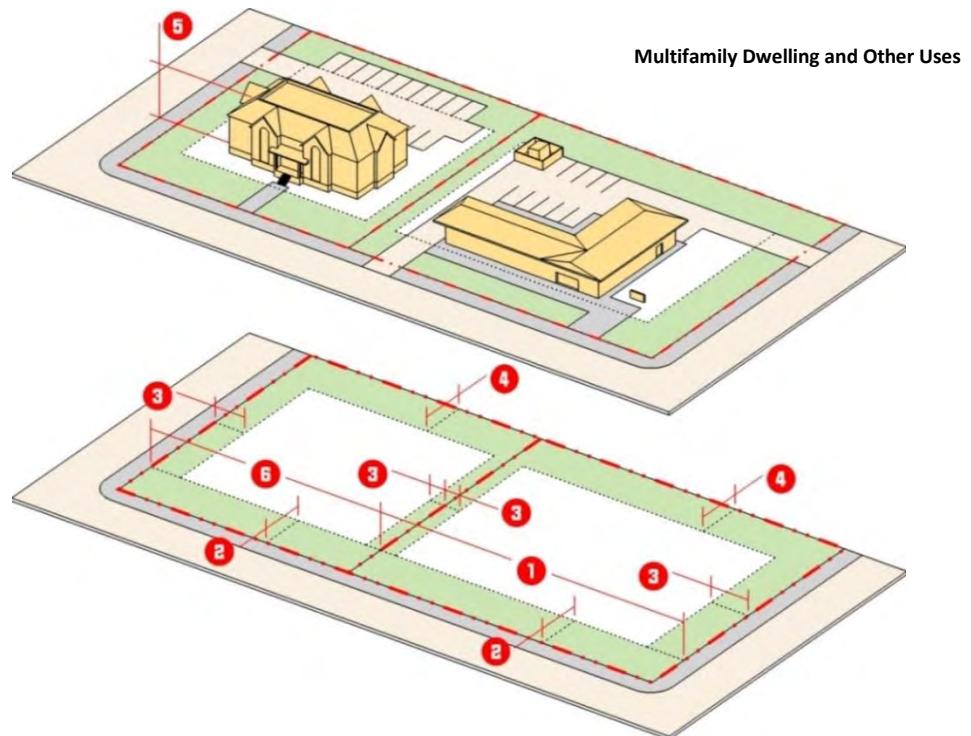
NOTES: du/ac = dwelling units per acre; sf = square feet; ft = feet

[1] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards.

[2] The standards in this column apply to multifamily dwellings, artists' residential studios, and live-work 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] 80 ft on corner lots ⑥.

[4] Provided those portions of the structure greater than 35 ft high are set back from the minimum front, side, and rear yard depths an additional 1 ft for each 2 ft (or major fraction thereof) the height of the portion exceeds 35 ft.



4. References to Other Standards

Sec. 27-3.400 Standard Review Procedures	Sec. 27-6.300 Open Space Set-Asides	Sec. 27-6.1100 Neighborhood Compatibility Standards
Sec. 27-3.500 Application-Specific Review Procedures and Decision Standards	Sec. 27-6.400 Landscaping	Sec. 27-6.1200 Agricultural Compatibility Standards
Sec. 27-4.400 Overlay Zones	Sec. 27-6.500 Fences and Walls	Sec. 27-6.1300 Urban Farm Compatibility Standards
Sec. 27-5.200 Principal Uses	Sec. 27-6.600 Exterior Lighting	Sec. 27-6.1400 Signage
Sec. 27-5.300 Accessory Uses and Structures	Sec. 27-6.700 Environmental Protection and Noise Controls	Sec. 27-6.1500 Green Building Standards
Sec. 27-5.400 Temporary Uses and Structures	Sec. 27-6.800 Multifamily, Townhouse, and Three-Family Form and Design Standards	Sec. 27-6.1600 Green Building Incentives
Sec. 27-6.100 Roadway Access, Mobility, and Circulation	Sec. 27-6.900 Nonresidential and Mixed-Use Form and Design Standards	Division 27-2 Interpretation and Definitions
Sec. 27-6.200 Off-Street Parking and Loading	Sec. 27-6.1000 Industrial Form and Design Standards	Division 27-7 Nonconformities

D. Commercial General and Office (CGO) Zone

1. Purpose

The purpose of the Commercial General and Office (CGO) Zone is to provide lands for a diverse range of business, civic, and mixed-use development, typically at major intersections where visibility and good access are important, in a form that supports connections and a balance between good automobile access and pedestrian-friendliness.

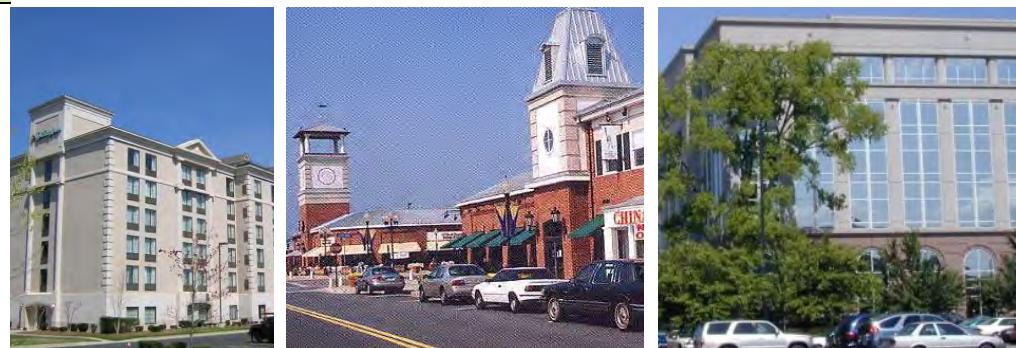
Development allowed in the CGO Zone includes retail sales and services, personal services, eating or drinking establishments, recreation and entertainment, offices, limited vehicle sales and services, institutional, commercial marine and water-oriented activities along waterfronts, mixed-use development (including residential), and supporting public facilities.

Development in the zone is encouraged to be configured as development with multiple uses, shared parking, and coordinated signage and landscaping. Higher-density residential development is encouraged on the upper floors of nonresidential establishments, and may exist as stand-alone buildings when integrated into a horizontal mixed-use development.



2. Use Standards

See use tables and use-specific standards in Division 27-5, Use Regulations, and any modified use standards for applicable overlay zones.



3. Intensity and Dimensional Standards

	Townhouse Dwelling	Multifamily Dwelling, Artists' Residential Studio, Live-Work Dwelling[2]	Other Uses
Standard[1]			
Density, max. (du/ac of net lot area)	20.00	48.00	No requirement
Net lot area, min. (sf)	No requirement	7,500	No requirement
① Lot width, min. (ft)	No requirement	50	No requirement
Lot coverage, max. (% of net lot area)	No requirement	70	No requirement
② Front yard depth, min. (ft)	10	10	0
③ Side yard depth, min. (ft)	8	8	0
④ Rear yard depth, min. (ft)	15	15	0
⑤ Principal structure height, maximum (ft) [3][4]	No requirement	86	No requirement

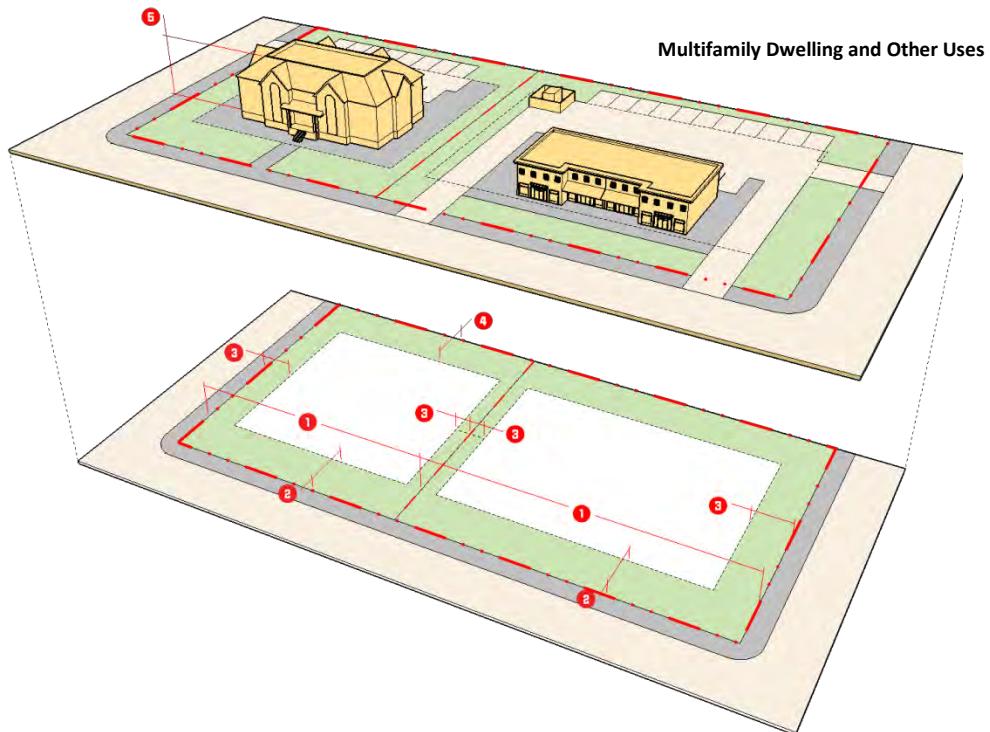
NOTES: du/ac = dwelling units per acre; sf = square feet; ft = feet

[1] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards.

[2] The standards in this column apply to multifamily dwellings, artists' residential studios, and live-work 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] Provided those portions of the structure greater than 50 ft high are set back from the minimum front, side, and rear yard depths an additional 0.5 ft for each 1 ft (or major fraction thereof) the height of the portion exceeds 50 ft.

[4] 110 ft for office buildings or mixed-use development consisting primarily of office uses.



4. References to Other Standards

Sec. 27-3.400 Standard Review Procedures	Sec. 27-6.300 Open Space Set-Asides	Sec. 27-6.1100 Neighborhood Compatibility Standards
Sec. 27-3.500 Application-Specific Review Procedures and Decision Standards	Sec. 27-6.400 Landscaping	Sec. 27-6.1200 Agricultural Compatibility Standards
Sec. 27-4.400 Overlay Zones	Sec. 27-6.500 Fences and Walls	Sec. 27-6.1300 Urban Farm Compatibility Standards
Sec. 27-5.200 Principal Uses	Sec. 27-6.600 Exterior Lighting	Sec. 27-6.1400 Signage
Sec. 27-5.300 Accessory Uses and Structures	Sec. 27-6.700 Environmental Protection and Noise Controls	Sec. 27-6.1500 Green Building Standards
Sec. 27-5.400 Temporary Uses and Structures	Sec. 27-6.800 Multifamily, Townhouse, and Three-Family Form and Design Standards	Sec. 27-6.1600 Green Building Incentives
Sec. 27-6.100 Roadway Access, Mobility, and Circulation	Sec. 27-6.900 Nonresidential and Mixed-Use Form and Design Standards	Division 27-2 Interpretation and Definitions
Sec. 27-6.200 Off-Street Parking and Loading	Sec. 27-6.1000 Industrial Form and Design Standards	Division 27-7 Nonconformities

E. Industrial/Employment (IE) Zone

1. Purpose

The purpose of the Industrial Employment (IE) Zone is to provide for a mix of employment, research and development, and light industrial development, with an expectation of high-quality design that is set apart from the high-traffic-generating commercial zones and residential communities.

Development allowed in the IE Zone includes office; light industrial; warehouse; research and development; light manufacturing, warehousing, and supporting activities; small-scale outdoor uses that can be operated with minimal adverse impacts on the environment and surrounding uses—as well as limited small-scale commercial uses (e.g., flex buildings and ancillary commercial uses serving zone businesses and their employees); and storage uses serving light industrial uses. Intensive forms of industrial development are prohibited, as well as outdoor manufacturing, processing, and storage.

In addition to an expectation for high-quality design, the zone includes standards to help ensure compatibility between development and nearby residential uses.



2. Use Standards

See use tables and use-specific standards in Division 27-5, Use Regulations, and any modified use standards for applicable overlay zones.



3. Intensity and Dimensional Standards

Standard[1]	Multifamily Dwelling, Artists' Residential Studio, Live-Work Dwelling[2]	Other Uses
Density, max. (du/ac of net lot area)	20.00	No requirement
Net lot area, min. (sf)	10,000	10,000
① Lot width, min. (ft)	75	75
Lot coverage, max. (% of net lot area)	45	45
Green area, min. (% of net lot area)	25	25
② Front yard depth, min. (ft)	10	10
③ Side yard depth, min. (ft) (both yards total)	20	20
④ Rear yard depth, min. (ft)	0	0
Building separation, min. (ft)	25 or height of taller building[3], whichever is greater	25 or height of taller building[3], whichever is greater
⑤ Principal structure height, maximum (ft)[4]	50	No requirement

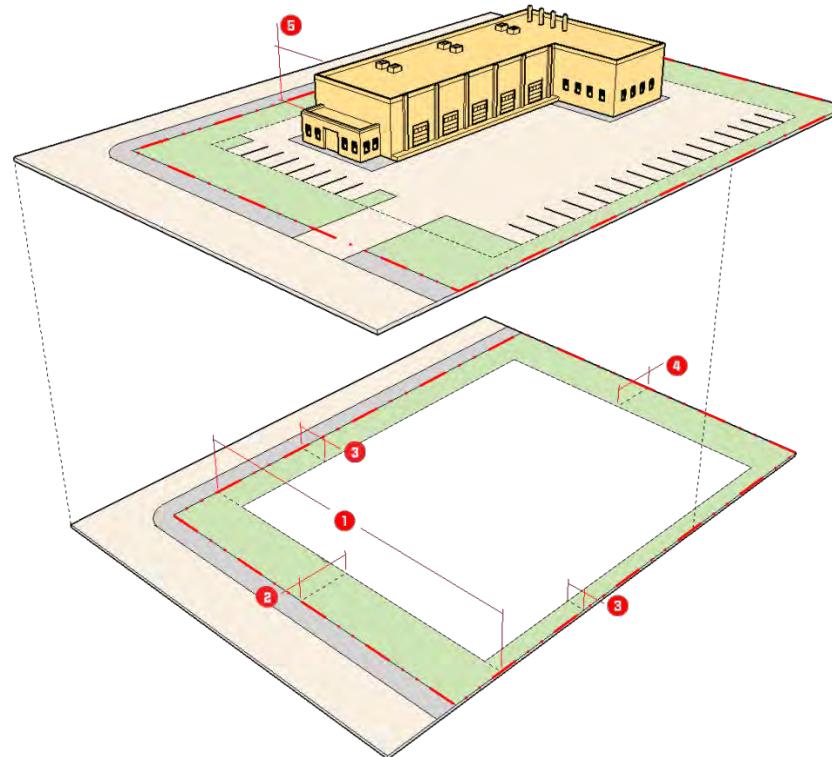
NOTES: du/ac = dwelling units per acre; sf = square feet; ft = feet

[1] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards.

[2] The standards in this column apply to multifamily dwellings, artists' residential studios, and live-work 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] Up to a distance of 150 ft.

[4] Provided those portions of the structure greater than 50 ft high are set back from the minimum front, side, and rear yard depths an additional 0.5 ft for each 1 ft (or major fraction thereof) the height of the portion exceeds 50 ft.



4. References to Other Standards

Sec. 27-3.400 Standard Review Procedures	Sec. 27-6.300 Open Space Set-Asides	Sec. 27-6.1100 Neighborhood Compatibility Standards
Sec. 27-3.500 Application-Specific Review Procedures and Decision Standards	Sec. 27-6.400 Landscaping	Sec. 27-6.1200 Agricultural Compatibility Standards
Sec. 27-4.400 Overlay Zones	Sec. 27-6.500 Fences and Walls	Sec. 27-6.1300 Urban Farm Compatibility Standards
Sec. 27-5.200 Principal Uses	Sec. 27-6.600 Exterior Lighting	Sec. 27-6.1400 Signage
Sec. 27-5.300 Accessory Uses and Structures	Sec. 27-6.700 Environmental Protection and Noise Controls	Sec. 27-6.1500 Green Building Standards
Sec. 27-5.400 Temporary Uses and Structures	Sec. 27-6.800 Multifamily, Townhouse, and Three-Family Form and Design Standards	Sec. 27-6.1600 Green Building Incentives
Sec. 27-6.100 Roadway Access, Mobility, and Circulation	Sec. 27-6.900 Nonresidential and Mixed-Use Form and Design Standards	Division 27-2 Interpretation and Definitions
Sec. 27-6.200 Off-Street Parking and Loading	Sec. 27-6.1000 Industrial Form and Design Standards	Division 27-7 Nonconformities

F. Industrial, Heavy (IH) Zone

1. Purpose

The purpose of the Industrial, Heavy (IH) Zone is to provide lands for intense industrial development that generally requires large sites, as well as industrial uses that are important for the County's economic growth but may impact adjoining lands. The uses generally involve greater potential for adverse off-site impacts on the environment and surrounding development (e.g., from dust, fumes, smoke, odors, noise, or vibration, or due to exterior movement of vehicles, materials, and goods).

Development allowed in the IH Zone includes heavy manufacturing, assembly, fabrication, processing, storage, research and development, or other large-scale industrial uses that require the significant movement of vehicles, materials, and goods with the potential for adverse environmental and visual impacts, and supporting uses and public facilities. The zone may also include vehicle service uses and other commercial uses that may be incompatible in other zones, as well as ancillary commercial uses serving zone businesses and their employees.

Standards are intended to encourage the reuse of existing industrial development. Zone development is intended to include buffers and the use of other mitigation techniques to ensure the heavy industry development mitigates potential impacts to surrounding neighborhoods.



2. Use Standards

See use tables and use-specific standards in Division 27-5, Use Regulations, and any modified use standards for applicable overlay zones.



3. Intensity and Dimensional Standards

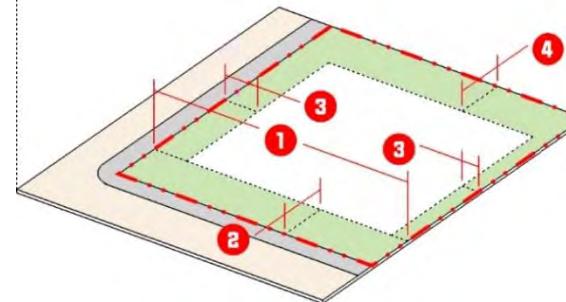
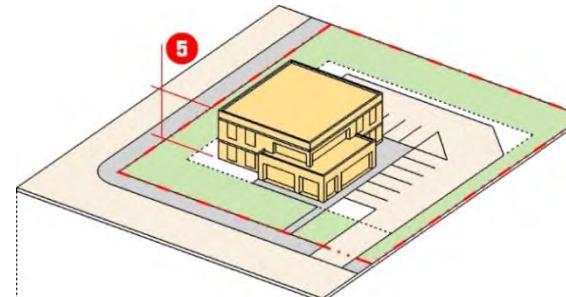
Standard[1]	Multifamily Dwelling, Artists' Residential Studio, Live-Work Dwelling[2]	Other Uses
Density, max. (du/ac of net lot area)	12.00	No requirement
Net lot area, min. (sf)	10,000	10,000
① Lot width, min. (ft)	75	75
Lot coverage, max. (% of net lot area)	No requirement	No requirement
Green area, min. (% of net lot area)	10	10
② Front yard depth, min. (ft)	25	25
③ Side yard depth, min. (ft) (both yards total)	30	30
④ Rear yard depth, min. (ft)	0	0
⑤ Principal structure height, maximum (ft) [3]	No requirement	No requirement

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

[1] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards.

[2] The standards in this column apply to multifamily dwellings, artists' residential studios, and live-work 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] Provided those portions of the structure greater than 50 ft high are set back from the minimum front, side, and rear yard depths an additional 0.5 ft for each 1 ft (or major fraction thereof) the height of the portion exceeds 35 ft.



4. References to Other Standards

Sec. 27-3.400 Standard Review Procedures	Sec. 27-6.300 Open Space Set-Asides	Sec. 27-6.1100 Neighborhood Compatibility Standards
Sec. 27-3.500 Application-Specific Review Procedures and Decision Standards	Sec. 27-6.400 Landscaping	Sec. 27-6.1200 Agricultural Compatibility Standards
Sec. 27-4.400 Overlay Zones	Sec. 27-6.500 Fences and Walls	Sec. 27-6.1300 Urban Farm Compatibility Standards
Sec. 27-5.200 Principal Uses	Sec. 27-6.600 Exterior Lighting	Sec. 27-6.1400 Signage
Sec. 27-5.300 Accessory Uses and Structures	Sec. 27-6.700 Environmental Protection and Noise Controls	Sec. 27-6.1500 Green Building Standards
Sec. 27-5.400 Temporary Uses and Structures	Sec. 27-6.800 Multifamily, Townhouse, and Three-Family Form and Design Standards	Sec. 27-6.1600 Green Building Incentives
Sec. 27-6.100 Roadway Access, Mobility, and Circulation	Sec. 27-6.900 Nonresidential and Mixed-Use Form and Design Standards	Division 27-7 Nonconformities
Sec. 27-6.200 Off-Street Parking and Loading	Sec. 27-6.1000 Industrial Form and Design Standards	Division 27-2 Interpretation and Definitions

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27-4.204. Transit-Oriented/Activity Center Base Zones

A. General Purposes of Transit-Oriented/Activity Center Base Zones

The transit-oriented/activity center base zones are intended to serve as focal points for a neighborhood or series of neighborhoods. They are more urban than the areas they serve, are walkable, and contain mixed-use development.

The transit-oriented/activity center base zones are made up of two regional transit-oriented zones—which are intended to be areas of intense urban development around major transit stations and the principal targets for the County's future planned growth and mixed-use development—and three other transit-oriented/activity center base zones—which are intended to provide alternative low- and moderate-density/intensity opportunities for walkable urbanism and transit-oriented development.

B. Established Transit-Oriented/Activity Center Base Zones

The transit-oriented/activity center base zones established by this Ordinance are:

Table 27-4.204: Transit-Oriented/Activity Center Base Zones

NAC: Neighborhood Activity Center Zone

TAC: Town Activity Center Zone

LTO: Local Transit-Oriented Zone

RTO-L: Regional Transit-Oriented - Low Intensity Zone

Table 27-4.204: Transit-Oriented/Activity Center Base Zones

RTO-H: Regional Transit-Oriented - High Intensity Zone

C. Standards Applicable to all Center Zones

1. Supplemental Development Standards

The following standards shall apply to development within the transit-oriented/activity center base zones and PD zones, unless they are modified subject to PD approval, in addition to the generally applicable development standards in Division 27-6: Development Standards, unless expressly stated otherwise.

a. Minimum Amount of Mixed-Use Development

- i. Except as exempted in accordance with subsection ii below, in the TAC, LTO, RTO-L, and RTO-H Core areas, five years after [insert effective date of the Ordinance], no development shall be approved unless a minimum of 18 percent of development, including and within $\frac{1}{4}$ mile of the site, consists of residential uses, and a minimum of 18 percent consists of non-residential uses. For the purpose of this provision, percentages shall be measured based on the floor area of the use, as a percentage of the overall constructed floor area of the development.
- ii. The body reviewing the development application may exempt a proposed development from this requirement if the applicant demonstrates, through

Division 27-4 Zones and Zone Regulations

Sec. 27-4.200 Base Zones

27-4.204 Transit-Oriented/Activity Center Base Zones

27-4.204.C Standards Applicable to all Center Zones

economic/market studies prepared by a qualified professional, that the market will not reasonably support the required mix of uses on or within $\frac{1}{4}$ mile of the site.

b. Connectivity

- i. The internal vehicular, bicycle, and pedestrian circulation systems of development shall be designed to allow vehicular, bicycle, and pedestrian cross-access between the internal system and any internal vehicular, bicycle, and pedestrian circulation systems of existing or allowable future development on adjoining lots.
- ii. Easements allowing vehicular, bicycle, or pedestrian cross-access between adjoining lots, along with agreements defining maintenance responsibilities of the property owners, shall be recorded in the land records of Prince George's County, Maryland.

c. Vehicular Access and Circulation

The location and design of curb-cuts shall comply with the standards in Table 27-4.204.C.1.c: Curb-Cut Standards: Transit-Oriented/Activity Center Zones.

Table 27-4.204.C.1.c: Curb Cut Standards: Transit-Oriented / Activity Center Zones

Zone	Minimum Distance from Street Intersection (ft)	Minimum Distance from Other Curb Cuts on same Block Face (ft)	Maximum Curb Cut Width (ft)
RTO	Curb-cuts allowed only if adequate parcel access cannot be provided by alleys or secondary street system. If curb-cuts are necessary, they shall be shared between sites and parcels to minimize their use (as appropriate), and shall comply with the curb-cut standards for the NAC, TAC and LTO Core area.		
NAC, TAC, and LTO Core area	50	100	24
TAC and LTO Edge areas	25	50	30

d. Pedestrian Access and Circulation

Sidewalks shall be provided on both sides of the street. Sidewalk widths shall comply with the standards in Table 27-4.204.C.1.d: Sidewalk Widths: Transit-Oriented/Activity Center Zones.

Table 27-4.204.C.1.d: Sidewalk Widths: Transit-Oriented / Activity Center Zones

Zone	Width (ft)	Sidewalk Pedestrian Clearance Zone Required?	Sidewalk Pedestrian Clearance Zone Minimum Width (ft)
RTO Core area	20 [1]	Yes	5
RTO Edge area			
LTO Core area	10 [2]	Yes	5
TAC Core area			

**Table 27-4.204.C.1.d: Sidewalk Widths:
 Transit-Oriented / Activity Center Zones**

Zone	Width (ft)	Sidewalk Pedestrian Clearance Zone Required?	Sidewalk Pedestrian Clearance Zone Minimum Width (ft)
NAC			
LTO Edge area	6 [2]	No requirement	No requirement
TAC Edge area			

NOTES:

- [1] This includes the street tree planting area.
- [2] Does not include street tree planting area.

- i. In addition:
 - (A) In the RTO, LTO, and TAC Core areas, a 5-foot deep by 8-foot wide street tree planting area shall be provided for the location of street trees, every 40-50 feet on center; and
 - (B) In the RTO, LTO, and TAC edge areas and the NAC, a sidewalk planting strip at least five feet wide between the sidewalk and the street shall be provided, with street trees planted between 40-50 feet on center.
- ii. At least one walkway shall be provided from an adjacent sidewalk to each pedestrian entrance required in Sec. 27-4.204.C.1.g.iii, Building Entrances.
- iii. Where a sidewalk, greenway path, or other walkway in the RTO, LTO, or NCO zones, or the Core area of the TAC zone, crosses a street, driveway, drive aisle, or parking lot, the crossing

shall be clearly marked with a change in paving material, color, or height, decorative bollards, or similar elements.

e. Off-Street Parking

i. Reduced Minimum Vehicle Parking Space Requirements

Development in the Core area of the RTO or LTO zones shall be exempt from the off-street vehicular parking standards in Sec 27-6.206.A, Minimum Number of Off-Street Vehicle Parking Spaces.

The minimum required number of off-street vehicle parking spaces for development in the Edge area of the RTO or LTO zones, the Core area of the TAC zone, and the NAC zone, shall be 50 percent of the minimum requirements in Sec. 27-6.206.A, Minimum Number of Off-Street Vehicle Parking Spaces.

ii. Maximum Off-Street Vehicle Parking Spaces

(A) In the Core area of the RTO or LTO zones, the maximum number of off-street vehicle parking spaces for development shall be 125 percent of the minimum requirements calculated in accordance with Sec. 27-6.206.A, Minimum Number of Off-Street Vehicle Parking Spaces. Spaces in structured parking facilities do not count toward the maximum allowed.

(B) In the Edge area of the RTO or LTO zones, and in the TAC and NAC zones, the maximum number of off-street vehicle parking spaces for development shall be 150 percent of the minimum requirements calculated in accordance with Sec. 27-6.206.A, Minimum Number of Off-Street Vehicle Parking Spaces. Spaces in structured parking facilities do not count toward the maximum allowed.

f. Arrangement and Design of Off-Street Vehicle Parking

i. Location

Within the RTO, LTO, or NAC zones, and in the Core area of the TAC zone, all proposed new or additional surface vehicle parking shall be located to the rear or side of the development's principal building(s), or in a parking structure built in accordance with Sec. 27-4.204.C.1.g.v., Parking Structures in the RTO Zone. Parking may, and is encouraged to be, provided along the street (on-street parking), subject to the approval of the appropriate operating agency (see Sec. 27-6.208.E, On-Street Parking).

ii. Break-Up of Large Parking Lots

Surface parking lots with more than 100 parking spaces shall be organized into smaller modules that contain 50 or fewer spaces each and are visually separated by buildings, pedestrian

walkways, or landscaped areas in accordance with the Landscape Manual.

iii. Pedestrian Walkways Through Parking Areas

All vehicle parking lots and structures containing more than 50 parking spaces shall provide clearly identified pedestrian routes between parking areas and the primary pedestrian entrance(s) to the building(s) served by the parking areas that are designed and located to minimize the interface between pedestrian routes and traffic circulation routes, and provide pedestrian walkways with direct pedestrian and ADA access to the primary building entrance(s).

iv. Bicycle Parking

Bicycle parking facilities required in accordance with Sec. 27-6.210, Bicycle Parking Standards, shall be located within 50 feet of the primary pedestrian entrance(s) to the development's principal building(s).

g. Building Form Standards

i. Building Placement in Build-To Zone

Where the façades of principal buildings face a street frontage and are required to be located within a build-to zone, the buildings shall be located such that the façades occupy a minimum percentage of the build-to zone along the street frontage. Minimum percentages are as shown as the minimum building width in the

build-to zone standards in the Intensity and Dimensional Standards tables for each transit-oriented/activity center zone.

ii. Building Massing and Scale

If the street-facing façade of a building is more than 60 feet wide, the perceived massing and scale of the building shall be reduced by incorporating at least three of the following design elements to create distinctive differences in façade design or composition, spaced no more than 60 feet apart:

- (A) Differences in roof form and parapet heights;
- (B) Recesses (at least one foot deep) and/or projections (not created by windows) in the wall plane ;
- (C) Distinct changes in texture and/or color of wall surfaces;
- (D) Pilasters that are at least eight inches deep and at least eight inches wide, that have a height equal to at least 80 percent of the façade's height;
- (E) Ground level arcades, awnings, or similar overhangs;
- (F) Second floor galleries/balconies;
- (G) Cornices;
- (H) Projected and recessed entries; or
- (I) Vertical accents or focal points.

iii. Building Entrances

- (A) Where the façade of a principal building abuts or faces a street frontage in the RTO, LTO, TAC, or NAC zone, at least one operable pedestrian entrance providing both ingress and egress shall be provided for every 150 feet, or major fraction thereof, along the façade. An angled entrance at the corner of the building may count toward satisfying this requirement on both sides of the entrance.
- (B) If a façade in the RTO, LTO, TAC, or NAC zone includes multiple tenant spaces, at least one such entrance shall be provided for each street-level tenant space that is at least 25 feet wide.
- (C) These required pedestrian entrances shall open directly to the street sidewalk without requiring pedestrians to pass through a garage, parking lot, or other non-pedestrian area.
- (D) All primary pedestrian entrances into principal buildings shall be clearly defined and emphasized using changes in the wall plane or façade material, lintels, pediments, pilasters, awnings, canopies, porches, or other additional architectural elements.

iv. Windows/Doors/ Transparency

(A) Where the façade of a principal building other than a single-family or two-family dwelling abuts or faces a street frontage or an adjoining public gathering space in the RTO, LTO, or NAC zones, and in the Core area of the TAC zone, a minimum percentage of the street-level façade area shall consist of transparent window or door openings to allow views of interior spaces and merchandise so as to enhance safety and create a more inviting environment for pedestrians. Minimum percentages are as shown as the minimum building façade fenestration/transparency standard in the Intensity and Dimensional Standards table for each individual transit-oriented/activity center zone.

(B) Window and door openings counting toward meeting this transparency requirement shall consist of glass that is relatively clear and non-reflective, with a minimum visible light transmittance of 0.65 and maximum visible light reflectance of 0.20.

v. Parking Structures in RTO Zone

In the RTO zone, where the street-level façade of a parking structure abuts or faces a street frontage, the structure shall be designed to accommodate retail sales and service uses, service-oriented office uses, or entertainment

uses to a depth of 30 feet along at least 60 percent of the width of such street-level façade—to provide visual interest and create pedestrian activity at the street level. In addition, the upper level façade of the parking structure shall be articulated through use of at least three of the following features:

- (A)** Windows or window-shaped openings;
- (B)** Masonry columns;
- (C)** Decorative wall insets or projections;
- (D)** Awnings;
- (E)** Changes in color or texture of exterior materials;
- (F)** Integrated vegetation (hanging or along trellises); and
- (G)** Similar features.

vi. Parking Structures in Other Transit-Oriented/Activity Center Zones

Where the façade of a parking structure abuts or faces a street frontage in the LTO or NAC zones, or the Core area of the TAC zone, the façade shall be articulated through use of at least three of the following features:

- (A)** Windows or window-shaped openings;
- (B)** Masonry columns;
- (C)** Decorative wall insets or projections;
- (D)** Awnings;

- (E) Changes in color or texture of exterior materials;
- (F) Integrated vegetation (hanging or along trellises); or
- (G) Similar features.

D. Neighborhood Activity Center (NAC) Zone

1. Purpose

The purpose of the Neighborhood Activity Center (NAC) Zone is to provide lands for lower-density, small-scale, mixed-use centers that are attractive to employers and employees, are well connected to transit, and serve the surrounding neighborhood. Such zones embody key elements of walkable urbanism, and are envisioned as walkable and bikeable areas that are well-connected to a regional transportation network through various transit options (e.g., rail transit stations/stops, local bus hubs/stops). They may be anchored by institutional uses and contain a mix of office and flex uses—with supporting retail, entertainment, and medical uses that serve local neighborhood needs. They also include low-rise and mid-rise multifamily dwellings, townhouse dwellings, and small-lot single-, two-, and three-family residential development. The vertical mixing of residential uses with nonresidential uses within a neighborhood-scale single project or building, with residential development on upper floors, is encouraged. The horizontal mixing of stand-alone neighborhood-scale residential developments and adjacent stand-alone nonresidential or mixed-use developments in the zone is also encouraged, provided the developments are well-integrated in terms of complementary uses, access and circulation, and compatible design.



2. Use Standards

See use tables and use-specific standards in Division 27-5, Use Regulations, and any modified use standards for applicable overlay zones.

3. Intensity and Dimensional Standards

Standard [1]	All Uses
① Block length, min. max. (ft)	200 600
Lot area, min. (sf)	5,000 [2]
② Lot width, min. (ft)	50 [3]
Density, min. max. (du/ac of net lot area) [4]	10.00 30.00
Floor area ratio (FAR), min. max. [5]	0.25 2.0
Lot coverage, min. max. (% of net lot area)	40 100
Build-to line, min. max. (ft) [6][7]	15 35
Building width in build-to zone, min. (% of lot width) [7][8]	60
③ Front yard depth, min. (ft.)	0
Side yard depth, min. (ft.)	0
Rear yard depth, min. (ft.)	0
Building façade fenestration/transparency, min. (% of street-level façade area)	Abutting or facing a street frontage or pedestrian way Facing a transit station or public gathering space 35
④ Principal structure height, min. max. (ft)	No requirement 50

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

[1] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards.

[2] 1,200 sf for townhouse lots, and 4,000 sf for single-family detached dwellings.

[3] 18 ft for townhouse lots.

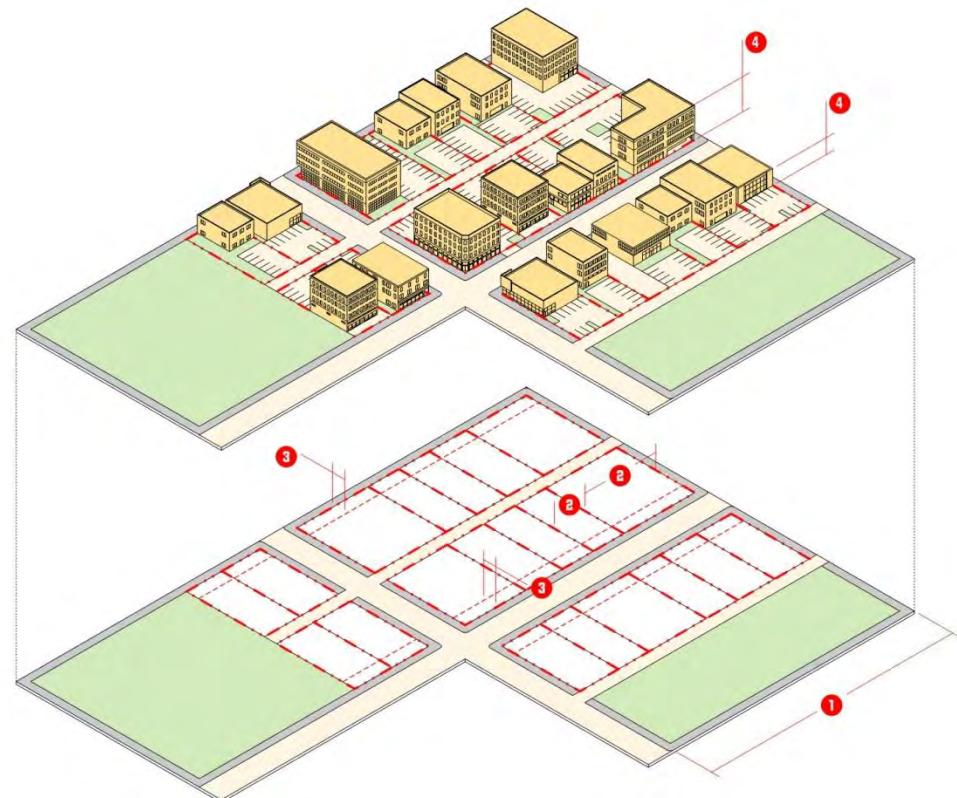
[4] Applicable to residential development and the residential component of mixed-use development.

[5] Applicable to nonresidential development and the nonresidential component of mixed-use development.

[6] The area between the minimum and maximum build-to lines that extends the width of the lot constitutes the build-to zone.

[7] Where existing buildings along street frontages are all located behind the build-to zone, such buildings may not be extended to the rear or side unless they are first extended frontwards to comply with the maximum build-to line standard and the minimum building width in the build-to zone standard.

[8] The remaining build-to zone width may be occupied by outdoor gathering spaces, walkways, landscaped areas, stormwater management facilities that use Environmental Site Design techniques, driveways (subject to Sec. 27-6.100), or surface parking (subject to Sec. 27-6.200).



Division 27-4 Zones and Zone Regulations

Sec. 27-4.200 Base Zones

27-4.204 Transit-Oriented/Activity Center Base Zones

27-4.204.D Neighborhood Activity Center (NAC) Zone

4. References to Other Standards

See development standards in Division 27-6: Development Standards(including those noted below) and any modified development standards for any overlay zones, subject to the supplemental development standards in Sec 27-4.204.C.1.

Sec. 27-3.400 Standard Review Procedures	Sec. 27-6.300 Open Space Set-Asides	Sec. 27-6.1100 Neighborhood Compatibility Standards
Sec. 27-3.500 Application-Specific Review Procedures and Decision Standards	Sec. 27-6.400 Landscaping	Sec. 27-6.1200 Agricultural Compatibility Standards
Sec. 27-4.400 Overlay Zones	Sec. 27-6.500 Fences and Walls	Sec. 27-6.1300 Urban Farm Compatibility Standards
Sec. 27-5.200 Principal Uses	Sec. 27-6.600 Exterior Lighting	Sec. 27-6.1400 Signage
Sec. 27-5.300 Accessory Uses and Structures	Sec. 27-6.700 Environmental Protection and Noise Controls	Sec. 27-6.1500 Green Building Standards
Sec. 27-5.400 Temporary Uses and Structures	Sec. 27-6.800 Multifamily, Townhouse, and Three-Family Form and Design Standards	Sec. 27-6.1600 Green Building Incentives
Sec. 27-6.100 Roadway Access, Mobility, and Circulation	Sec. 27-6.900 Nonresidential and Mixed-Use Form and Design Standards	Division 27-2 Interpretation and Definitions
Sec. 27-6.200 Off-Street Parking and Loading	Sec. 27-6.1000 Industrial Form and Design Standards	Division 27-7 Nonconformities

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E. Town Activity Center (TAC) Zone

1. Purpose

The purpose of the Town Activity Center (TAC) Zone is to provide lands for moderate-intensity, auto-accessible, mixed-use centers that serve larger areas of surrounding neighborhoods. They contain a mix of office, retail, entertainment, public and quasi-public, flex, and medical uses that serve community-wide needs. They also include residential development consisting of multifamily dwellings, townhouse dwellings, and small-lot single-, two-, and three-family dwellings. The vertical mixing of residential uses with nonresidential uses within a single project or building in the Core area of the TAC Zone, with residential development on upper floors, is strongly encouraged. The horizontal mixing of stand-alone moderate-scale residential developments and adjacent stand-alone nonresidential or mixed-use developments in the zone is also encouraged, provided the developments are well-integrated in terms of complementary uses, access and circulation, and compatible design.



2. Division of Zone into Core and Edge Areas

When land is zoned or rezoned to a TAC Zone, it shall be designated as part of the zone's Core area or part of its Edge area. The Core area shall include the land area that is the main focal point of the zone or a concentrated area of the zone's most intense development. The remainder of the zone shall be designated as the zone's Edge area, which is intended to accommodate less intense, more auto-oriented development with more of a residential mix and less emphasis on commercial development. The zone's Core area and Edge area shall be delineated on the Zoning Map in conjunction with the mapping of the TAC Zone.



3. Use Standards

See use tables and use-specific standards in Division 27-5, Use Regulations, and any modified use standards for applicable overlay zones.

4. Intensity and Dimensional Standards

Standard [1]	Core			Edge		
	All Uses	Nonresidential & Mixed-Use	Residential	All Uses	Nonresidential & Mixed-Use	Residential
① Block length, min. max. (ft)	200 600	400 800 [2]	400 800 [2]			
Lot area, min. (sf)	1,500[3]	3,000	5,000 [3]			
② Lot width, min. (ft)	20[4]	30	50 [4]			
Density, min. max. (du/ac of net lot area) [5]	15.00 80.00	5.00 60.00 [11]	5.00 60.00			
Floor area ratio (FAR), min. max. [6]	0.5 2.5	0.25 1.5	No requirement			
Lot coverage, min. max. (% of net lot area)	50 100	40 85	No requirement 75			
③ Build-to line, min. max. (ft) [7][8]	15 27	6 26 [2]	6 26 [2]			
Building width in build-to zone, min. (% of lot width) [8][9]	70	50	50			
④ Front yard depth, min. (ft)	0	0	10			
⑤ Side yard depth, min. (ft)	0	0	5 [10]			
Rear yard depth, min. (ft)	0	0	5			
Building façade fenestration/transparency min. (% of way)	Abutting or facing a street frontage or pedestrian street-level façade area	40	35	No requirement		
[6] Principal structure height, min. max. (ft)	Facing a public gathering space	35	35	No requirement		
NOTES: du/ac = dwelling units per acre; sf = square feet; ft = feet		24 80	No requirement 70	No requirement 70		

[1] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards.

[2] These standards do not apply in Edge areas that extend more than one-half mile beyond the Core area.

[3] 1,200 sf for townhouse lots.

[4] 18 ft for townhouse lots.

[5] Applicable to residential development and the residential component of mixed-use development.

[6] Applicable to nonresidential development and the nonresidential component of mixed-use development.

[7] The area between the minimum and maximum build-to lines that extends the width of the lot constitutes the build-to zone.

[8] Where existing buildings along a street frontage are all located behind the build-to zone, such buildings may not be extended to the rear or side unless they are first extended frontwards to comply with the maximum build-to line standard and the minimum building width in the build-to zone standard.

[9] The remaining build-to zone width may be occupied by outdoor gathering spaces, walkways, landscaped areas, stormwater management facilities that use Environmental Site Design techniques, driveways (subject to Sec. 27-6.100), or surface parking (subject to Sec. 27-6.200).

[10] Not applicable to townhouse lots except to the outside of end units.

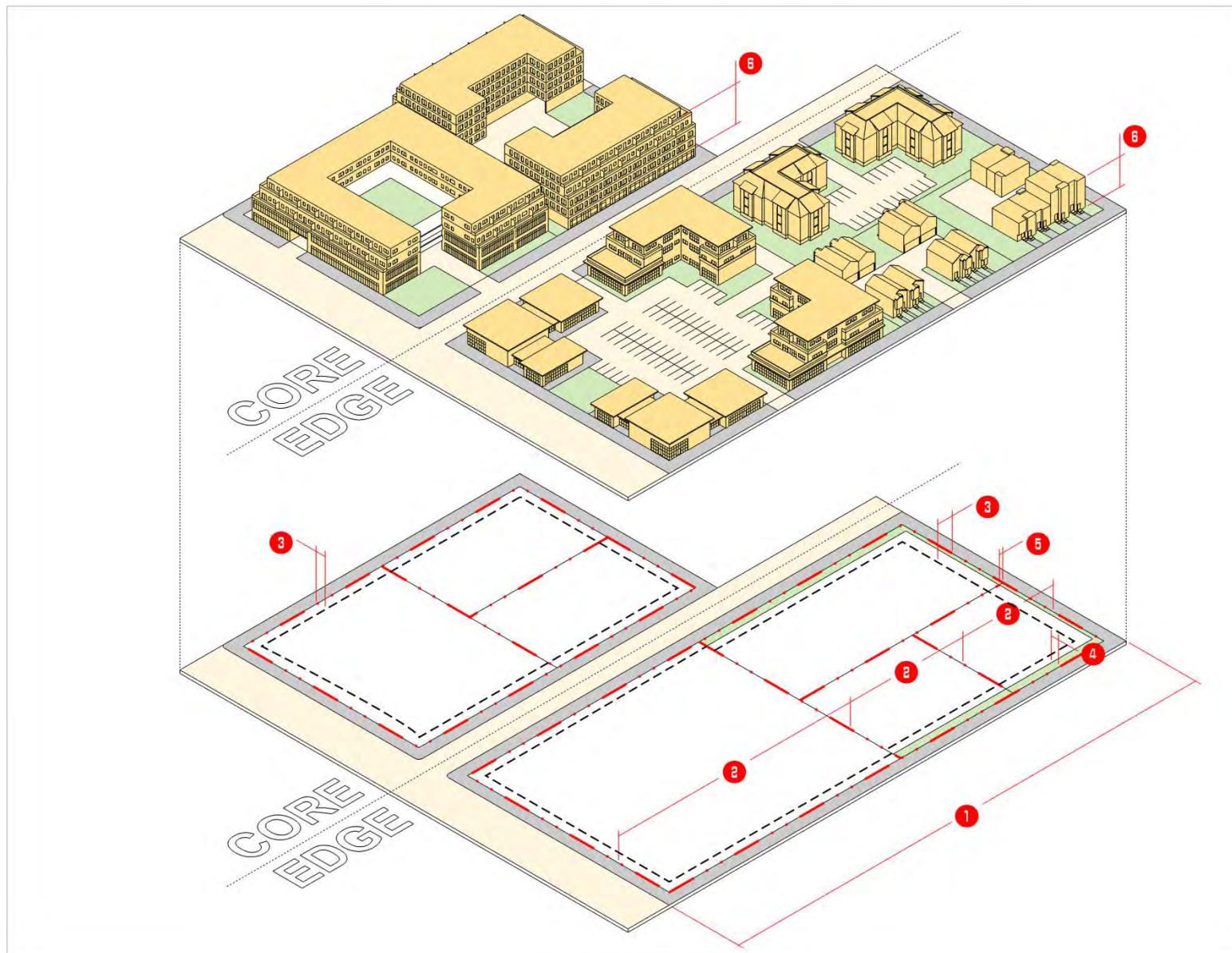
[11] Applies to the residential component of mixed-use development only.

Division 27-4 Zones and Zone Regulations

Sec. 27-4.200 Base Zones

27-4.204 Transit-Oriented/Activity Center Base Zones

27-4.204.E Town Activity Center (TAC) Zone



5. References to Other Standards

See development standards in Division 27-6: Development Standards, (including those noted below) and any modified development standards for any overlay zones, subject to the supplemental development standards in Sec. 27-4.204.C.1.

Sec. 27-3.400 Standard Review Procedures	Sec. 27-6.300 Open Space Set-Asides	Sec. 27-6.1100 Neighborhood Compatibility Standards
Sec. 27-3.500 Application-Specific Review Procedures and Decision Standards	Sec. 27-6.400 Landscaping	Sec. 27-6.1200 Agricultural Compatibility Standards
Sec. 27-4.400 Overlay Zones	Sec. 27-6.500 Fences and Walls	Sec. 27-6.1300 Urban Farm Compatibility Standards
Sec. 27-5.200 Principal Uses	Sec. 27-6.600 Exterior Lighting	Sec. 27-6.1400 Signage
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Sec. 27-5.400 Temporary Uses and Structures	Sec. 27-6.800 Multifamily, Townhouse, and Three-Family Form and Design Standards	Sec. 27-6.1600 Green Building Incentives
Sec. 27-6.100 Roadway Access, Mobility, and Circulation	Sec. 27-6.900 Nonresidential and Mixed-Use Form and Design Standards	Division 27-2 Interpretation and Definitions
Sec. 27-6.200 Off-Street Parking and Loading	Sec. 27-6.1000 Industrial Form and Design Standards	Division 27-7 Nonconformities

F. Local Transit-Oriented (LTO) Zone

1. Purpose

The purpose of the Local Transit-Oriented (LTO) Zone is to provide lands for moderate-intensity, vibrant, and transit-rich mixed-use centers. Such zones embody key elements of walkable urbanism, and are envisioned as walkable and bikeable areas that are well-connected to a regional transportation network through a range of transit options. They contain a mix of office, retail, entertainment, public and quasi-public, flex, and medical uses that serve neighborhood or community-wide needs. The vertical mixing of residential uses with nonresidential uses within a single project or building, with residential development on upper floors, is strongly encouraged. The horizontal mixing of stand-alone residential developments and adjacent stand-alone nonresidential or mixed-use developments in the zone is also encouraged, provided the developments are well-integrated in terms of complementary uses, access and circulation, and compatible design.



2. Division of Zone into Core and Edge Areas

When land is zoned or rezoned to a LTO Zone, it shall be designated as part of the zone's Core area or part of its Edge area. The Core area shall include land that is within convenient walking distance (generally about $\frac{1}{4}$ mile) of the existing or proposed transit station/stop, around which the zone is centered and otherwise has a high potential for higher-intensity, mixed-use, pedestrian-oriented, and transit-supportive development. The remainder of the zone shall be designated as the zone's Edge area, which is intended to accommodate less intense development with more of a residential mix and less emphasis on commercial development. The zone's Core area and Edge area shall be delineated on the Zoning Map in conjunction with the mapping of the LTO Zone.



3. Use Standards

See use tables and use-specific standards in Division 27-5, Use Regulations, and any modified use standards for applicable overlay zones.

4. Intensity and Dimensional Standards

Standard [1]	Core			Edge		
	All Uses	Nonresidential & Mixed-Use	Residential	All Uses	Nonresidential & Mixed-Use	Residential
① Block length, min. max. (ft)	200 600	400 800	400 800			
Lot area, min. max. (sf)	1,500[2]	3,000	5,000 [2]			
② Lot width, min. (ft)	20[3]	30	50 [3]			
Density, min. max. (du/ac of net lot area) [4]	20.00 60.00	10.00 40.00[10]	10.00 40.00			
Floor area ratio (FAR), min. max. [5]	0.5 3.0	0.25 2.0	No requirement			
Lot coverage, min. max. (% of net lot area)	65 100	50 90	No requirement 90			
③ Build-to line, min. max. (ft) [6][7]	15 27	11 31	11 31			
Building width in build-to zone, min. (% of lot width) [7][8]	70	50	50			
Front yard depth, min. (ft)	0	0	10			
Side yard depth, min. (ft)	0	0	5[9]			
Rear yard depth, min. (ft)	0	0	0			
Building façade fenestration/transparency, min. (% of street-level façade area)	Abutting or facing a street frontage or pedestrian way Facing a public gathering space	50 45	40 35	No requirement No requirement		
④ Principal structure height, min. max. (ft)	24 80	No requirement	70	No requirement	70	

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

[1] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards.

[2] 1,000 sf for townhouse lots.

[3] 16 ft for townhouse lots.

[4] Applicable to residential development and the residential component of mixed-use development.

[5] Applicable to nonresidential development and the nonresidential component of mixed-use development.

[6] The area between the minimum and maximum build-to lines that extends the width of the lot constitutes the build-to zone.

[7] Where existing buildings along a street frontage are all located behind a required build-to zone, such buildings may not be extended to the rear or side unless they are first extended frontwards to comply with the maximum build-to line standard and the minimum building width in the build-to zone standard.

[8] The remaining build-to zone width may be occupied by outdoor gathering spaces, walkways, landscaped areas, stormwater management facilities that use Environmental Site Design techniques, driveways (subject to Sec. Sec. 27-6.100), or surface parking (subject to Sec. Sec. 27-6.200).

[9] Not applicable to townhouse lots except to the outside of end units.

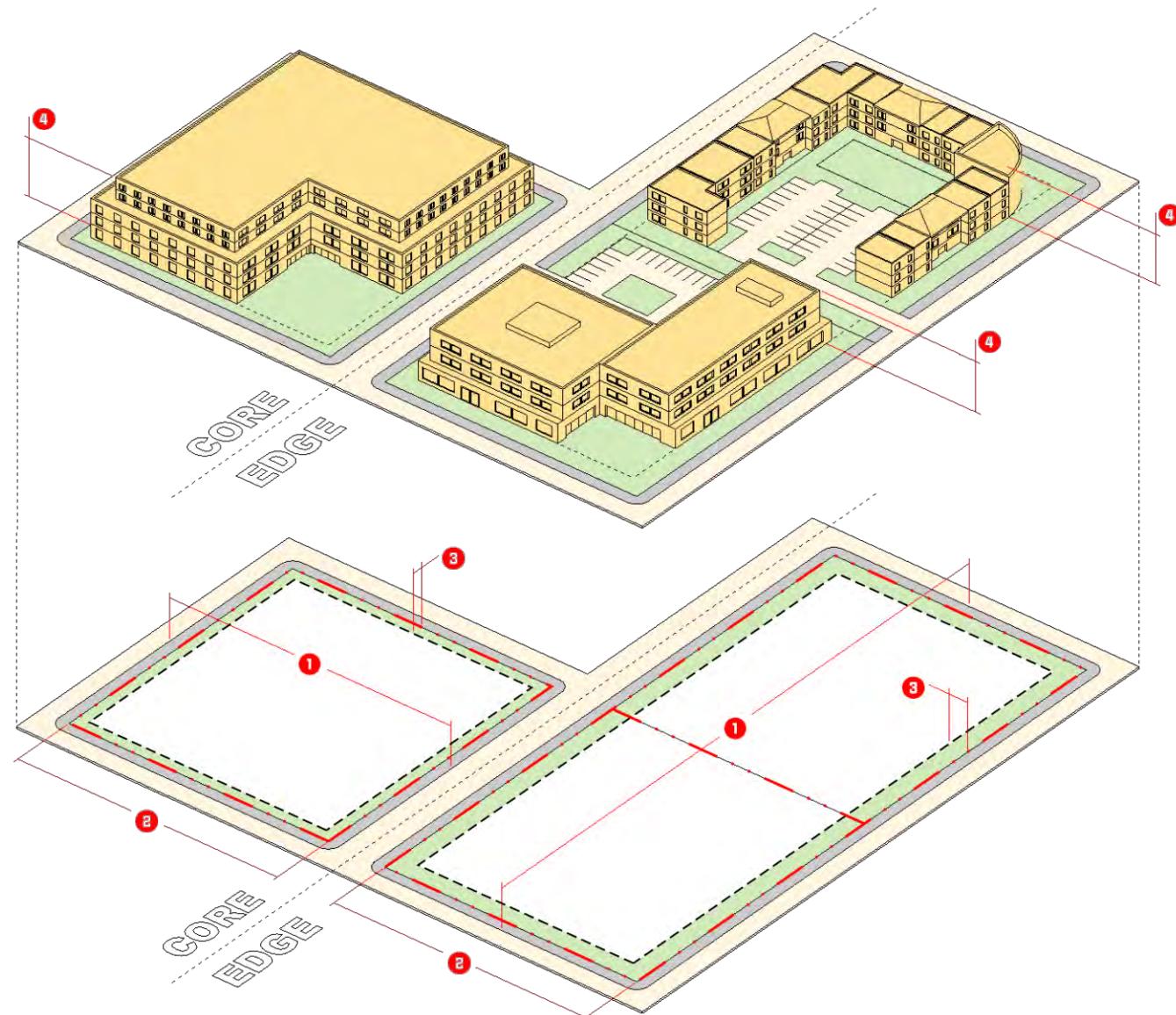
[10] Applies to the residential component of mixed-use development only.

Division 27-4 Zones and Zone Regulations

Sec. 27-4.200 Base Zones

27-4.204 Transit-Oriented/Activity Center Base Zones

27-4.204.F Local Transit-Oriented (LTO) Zone



5. References to Other Standards

See development standards in Division 27-6: Development Standards, (including those noted below) and any modified development standards for any overlay zones, subject to the supplemental development standards in Sec 27-4.204.C.1.

Sec. 27-3.400 Standard Review Procedures	Sec. 27-6.300 Open Space Set-Asides	Sec. 27-6.1100 Neighborhood Compatibility Standards
Sec. 27-3.500 Application-Specific Review Procedures and Decision Standards	Sec. 27-6.400 Landscaping	Sec. 27-6.1200 Agricultural Compatibility Standards
Sec. 27-4.400 Overlay Zones	Sec. 27-6.500 Fences and Walls	Sec. 27-6.1300 Urban Farm Compatibility Standards
Sec. 27-5.200 Principal Uses	Sec. 27-6.600 Exterior Lighting	Sec. 27-6.1400 Signage
Sec. 27-5.300 Accessory Uses and Structures	Sec. 27-6.700 Environmental Protection and Noise Controls	Sec. 27-6.1500 Green Building Standards
Sec. 27-5.400 Temporary Uses and Structures	Sec. 27-6.800 Multifamily, Townhouse, and Three-Family Form and Design Standards	Sec. 27-6.1600 Green Building Incentives
Sec. 27-6.100 Roadway Access, Mobility, and Circulation	Sec. 27-6.900 Nonresidential and Mixed-Use Form and Design Standards	Division 27-2 Interpretation and Definitions
Sec. 27-6.200 Off-Street Parking and Loading	Sec. 27-6.1000 Industrial Form and Design Standards	Division 27-7 Nonconformities

G. Regional Transit-Oriented (RTO-) Zones

1. Purpose

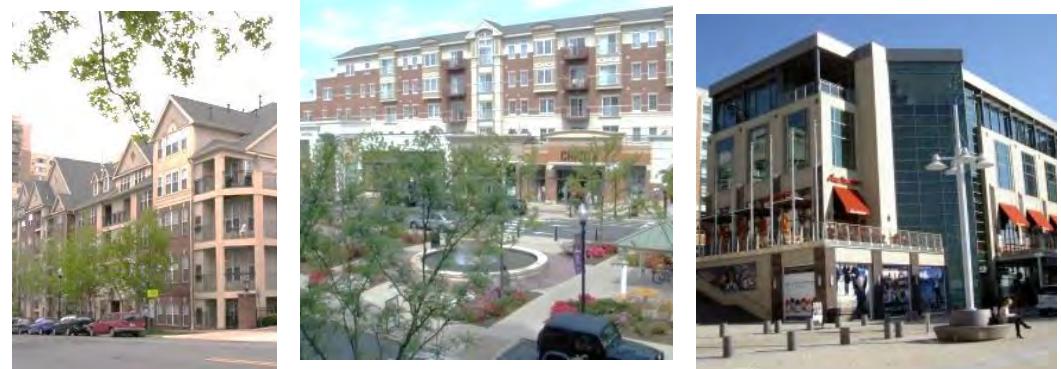
The purpose of the Regional Transit-Oriented (RTO-) Zones is to provide lands for high-intensity, vibrant, mixed-use centers that are intended to capture the majority of the County's future residential and employment growth and development. They embody key elements of walkable urbanism, and are envisioned as walkable and bikeable areas that are well-connected to a regional transportation network through a range of transit options. They contain a mix of office, retail, entertainment, public and quasi-public, flex, and medical uses that serve regional needs. They also include high-rise multifamily dwellings and townhouse dwellings.

The two Regional Transit-Oriented Zones differ primarily by development intensity and the range of uses allowed, with the Regional Transit-Oriented, High-Intensity (RTO-H) Zone accommodating higher intensity development and uses than the Regional Transit-Oriented, Lower-Intensity (RTO-L) Zone. The vertical mixing of residential uses with nonresidential uses within a single project or building, with residential development on upper floors, is strongly encouraged. The horizontal mixing of stand-alone residential developments and adjacent stand-alone nonresidential or mixed-use developments in the zone is also encouraged, provided the developments are well-integrated in terms of complementary uses, access and circulation, and compatible design.



2. Division of Zone into Core and Edge Areas

When land is zoned or rezoned to a RTO- Zone, it shall be designated as part of the zone's Core area or part of its Edge area. The Core area shall include land that is within convenient walking distance (generally about $\frac{1}{4}$ mile) of the existing or proposed transit station, if any, around which the zone is centered and otherwise has a high potential for high-intensity, mixed-use, pedestrian-oriented, and transit-supportive development. If there is no transit station the core area shall include land that is the focal point of development with high potential for high-intensity, mixed-use development. The remainder of the zone shall be designated as the zone's Edge area, which is intended to accommodate less intense development with more of a residential mix (e.g., townhouses and multifamily). The zone's Core area and Edge area shall be delineated on the Zoning Map in conjunction with the mapping of the RTO- Zone.



3. Use Standards

See use tables and use-specific standards in Division 27-5, Use Regulations, and any modified use standards for applicable overlay zones.

4. Intensity and Dimensional Standards

Standard [1]	Regional Transit-Oriented, Lower-Intensity (RTO-L) Zone			Regional Transit-Oriented, High-Intensity (RTO-H) Zone			
	Core		Edge	Core		Edge	
	All Uses	Nonresidential & Mixed-Use	Residential	All Uses	Nonresidential & Mixed-Use	Residential	
① Block length, min. max. (ft)	200 600	400 800	400 800	200 600	400 800	400 800	
Lot area, min. max. (sf)	1,500	3,000	5,000 [2]	1,500	3,000	5,000 [2]	
② Lot width, min. (ft)	20	30	50 [3]	20	30	50 [3]	
Density, min. max. (du/ac of net lot area) [4]	30.00 100.00	20.00 60.00[12]	20.00 60.00	30.00 120.00	20.00 80.00[12]	20.00 80.00	
Floor area ratio (FAR), min. max. [5]	1.0 4.0	0.25 2.5	No requirement	1.5 5.0	0.5 3.0	No requirement	
Lot coverage, min. max. (% of net lot area)	70 100	50 90	No requirement 80	70 100	50 90	No requirement 80	
③ Build-to line, min. max. (ft) [6][7]	20 30	15 27	15 35	20 30	15 27	15 35	
Building width in build-to zone, min. (% of lot width) [7][8]	80	70	40	80	70	40	
Front yard depth, min. (ft)	0	0	10	0	0	10	
Side yard depth, min. (ft)	0	0	5 [9]	0	0	5 [9]	
Rear yard depth, min. (ft)	0	0	0	0	0	0	
Building façade fenestration/transparency, min. (%) of street-level façade area)	Abutting or facing a street frontage or pedestrian way	50	50	No requirement	50	50	No requirement
	Facing a transit station or public gathering space	45	45	No requirement	45	45	No requirement
④ Principal structure height, min. max. (ft)	35 No requirement [10]	35 126 [10]	35 126 [10]	45 No requirement [11]	35 182 [11]	35 182 [11]	

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

[1] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards.

[2] 1,000 sf for townhouse lots.

[3] 16 ft for townhouse lots.

[4] Applicable to residential development and the residential component of mixed-use development.

[5] Applicable to nonresidential development and the nonresidential component of mixed-use development.

[6] The area between the minimum and maximum build-to lines that extends the width of the lot constitutes the build-to zone.

[7] Where existing buildings along a street frontage are all located behind the build-to zone, such buildings may not be extended to the rear or side unless they are first extended frontwards to comply with the maximum build-to line standard and the minimum building width in build-to zone standard.

[8] The remaining build-to zone width may be occupied by outdoor gathering spaces, walkways, landscaped areas, stormwater management facilities using Environmental Site Design techniques, driveways (subject to Sec. 27-6.100), or surface parking (subject to Sec. 27-6.200).

[9] Not applicable to townhouse lots except to the outside of end units.

[10] Provided those portions of the structure on the front façade greater than 50 ft high are set back from the minimum build-to line or front yard depth an additional 0.5 ft. for each 1 ft. (or major fraction thereof) the height of the portion exceeds 50 ft.

[11] Provided those portions of the structure on the front façade greater than 75 ft high are set back from the minimum build-to line or front yard depth an additional 0.5 ft. for each 2 ft. (or major fraction thereof) the height of the portion exceeds 75 ft.

[12] Applies to the residential component of mixed-use development only.

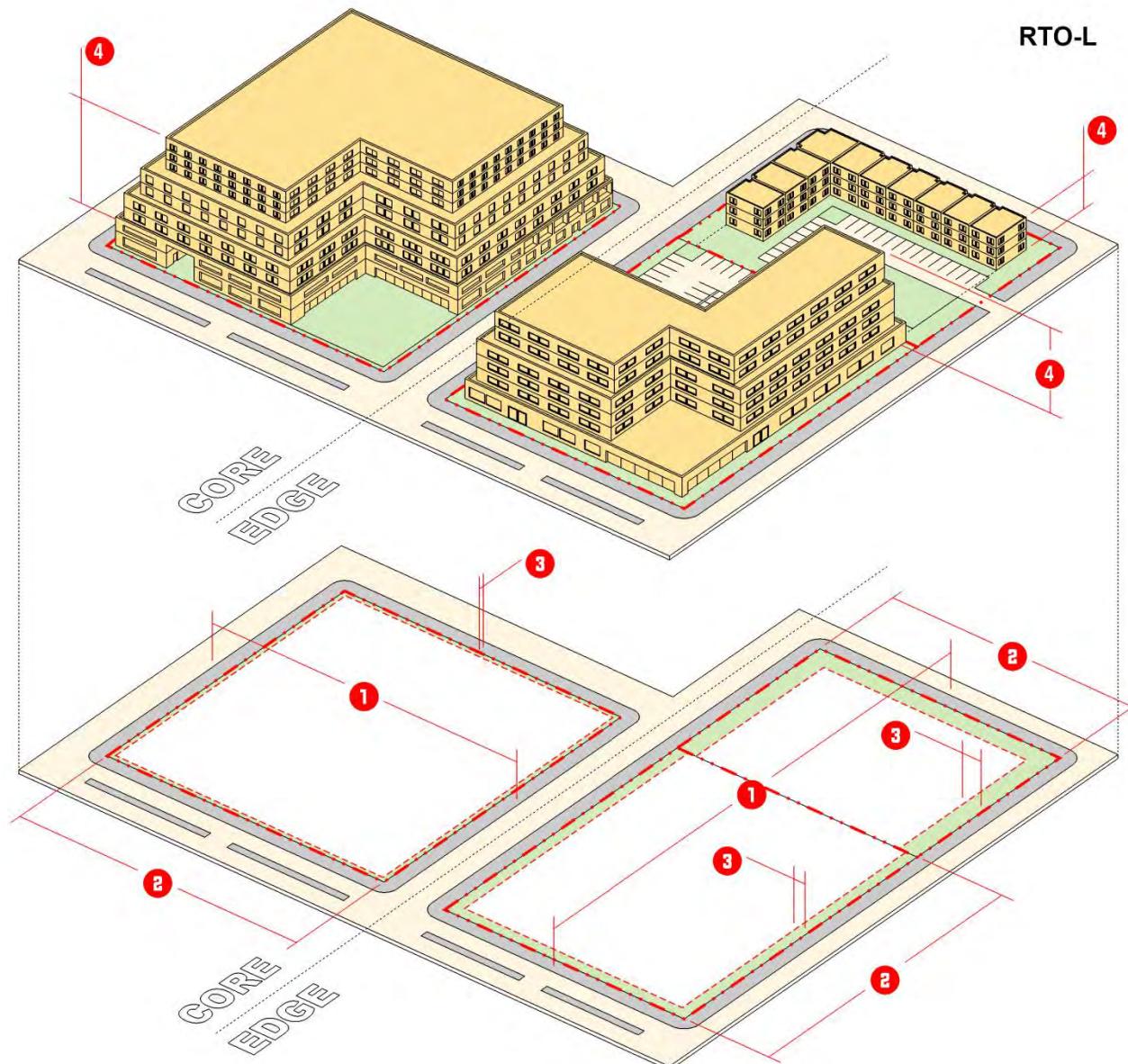
Division 27-4 Zones and Zone Regulations

Sec. 27-4.200 Base Zones

27-4.204 Transit-Oriented/Activity Center Base Zones

27-4.204.G Regional Transit-Oriented (RTO-) Zones





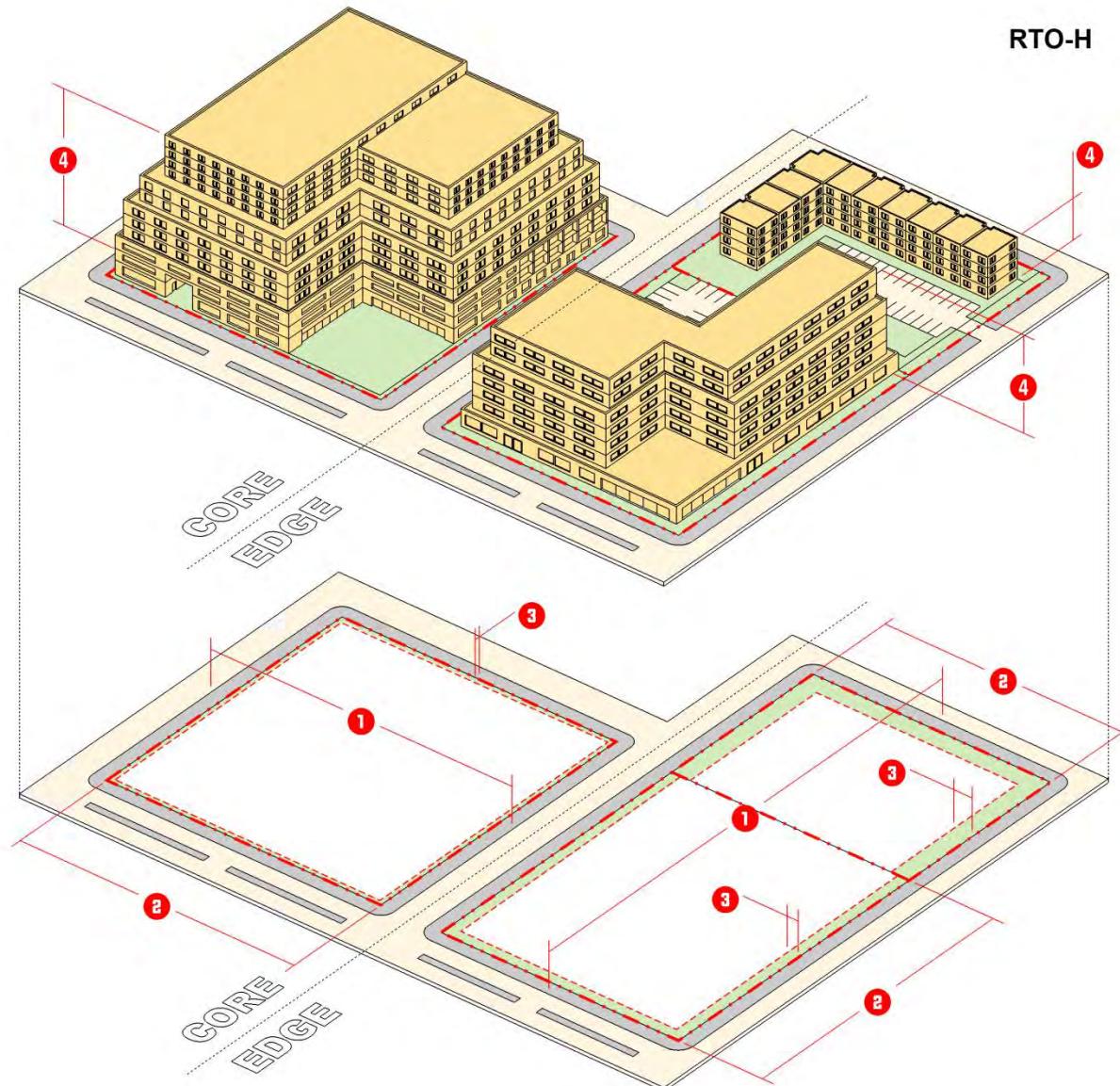
Division 27-4 Zones and Zone Regulations

Sec. 27-4.200 Base Zones

27-4.204 Transit-Oriented/Activity Center Base Zones

27-4.204.G Regional Transit-Oriented (RTO-) Zones





Division 27-4 Zones and Zone Regulations

Sec. 27-4.200 Base Zones

27-4.204 Transit-Oriented/Activity Center Base Zones

27-4.204.G Regional Transit-Oriented (RTO-) Zones

5. References to Other Standards

See development standards in Division 27-6: Development Standards, (including those noted below) and any modified development standards for any overlay zones, subject to the supplemental development standards in Sec 27-4.204.C.1.

Sec. 27-3.400 Standard Review Procedures	Sec. 27-6.300 Open Space Set-Asides	Sec. 27-6.1100 Neighborhood Compatibility Standards
Sec. 27-3.500 Application-Specific Review Procedures and Decision Standards	Sec. 27-6.400 Landscaping	Sec. 27-6.1200 Agricultural Compatibility Standards
Sec. 27-4.400 Overlay Zones	Sec. 27-6.500 Fences and Walls	Sec. 27-6.1300 Urban Farm Compatibility Standards
Sec. 27-5.200 Principal Uses	Sec. 27-6.600 Exterior Lighting	Sec. 27-6.1400 Signage
Sec. 27-5.300 Accessory Uses and Structures	Sec. 27-6.700 Environmental Protection and Noise Controls	Sec. 27-6.1500 Green Building Standards
Sec. 27-5.400 Temporary Uses and Structures	Sec. 27-6.800 Multifamily, Townhouse, and Three-Family Form and Design Standards	Sec. 27-6.1600 Green Building Incentives
Sec. 27-6.100 Roadway Access, Mobility, and Circulation	Sec. 27-6.900 Nonresidential and Mixed-Use Form and Design Standards	Division 27-2 Interpretation and Definitions
Sec. 27-6.200 Off-Street Parking and Loading	Sec. 27-6.1000 Industrial Form and Design Standards	Division 27-7 Nonconformities

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27-4.205. Other Base Zones

A. Zoning of Land to RMH Zone or LCD Zone Prohibited

A Zoning Map Amendment (ZMA) in accordance with Sec. 27-3.504, Zoning Map Amendment, or a Sectional Map Amendment (SMA) in accordance with Sec. 27-3.503, Sectional Map Amendment (SMA), shall not change the zoning classification of any land to the Planned Mobile Home Community (RMH) Zone or the Legacy Comprehensive Design (LCD) Zone.

B. Planned Mobile Home Community (RMH) Zone

1. Purpose

The purpose of the Planned Mobile Home Community (RMH) Zone is to accommodate mobile home communities existing on [insert effective date of new Zoning Ordinance]. It is intended that mobile home communities located in the RMH Zone:

- Include residences and related recreational, commercial, and other needed service facilities, adequate public facilities and services, and other amenities and privacy normally associated with planned, permanent residential areas;
- Respect the topographic and other environmental characteristics of the site on which they are located;
- Support comprehensive pedestrian and bicycle circulation networks, which promote direct access and are separated from vehicular roadways and link residential, commercial, and recreational areas;
- Permit different types of ownership of mobile homes and mobile home lots; and
- Mitigate potential adverse impacts on surrounding developments.



2. Use Standards	3. Intensity and Dimensional Standards [1]	
Uses allowed in the RMH Zone are identified in the use tables in Division 27-5, Use Regulations.		Standard [1]
		Density, max. (du/net lot area) 7.00
		Lot width, min. (ft.) 20
		Frontage on public street with a paving width \geq 36 ft, min. (ft.) [2] 100
		Lot coverage, max. (% of net lot area) 50
		Setbacks, min. (ft.) From public streets and rights-of-way 25 From internal private streets 20 From other buildings 20
		Principal structure height, max. (ft.) 35
		Accessory structure height, max. (ft.) 15
<p>Notes: sf = square feet; ft. = feet; du = dwelling unit; ac = acre</p> <p>[1] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards.</p> <p>[2] Each individual mobile home lot is not required to have frontage on a public street if it has frontage on a paved private internal roadway.</p>		
4. References to Other Standards		
Sec. 27-3.400 Standard Review Procedures	Sec. 27-6.300 Open Space Set-Asides	Sec. 27-6.1100 Neighborhood Compatibility Standards
Sec. 27-3.500 Application-Specific Review Procedures and Decision Standards	Sec. 27-6.400 Landscaping	Sec. 27-6.1200 Agricultural Compatibility Standards
Sec. 27-4.400 Overlay Zones	Sec. 27-6.500 Fences and Walls	Sec. 27-6.1300 Urban Farm Compatibility Standards
Sec. 27-5.200 Principal Uses	Sec. 27-6.600 Exterior Lighting	Sec. 27-6.1400 Signage
Sec. 27-5.300 Accessory Uses and Structures	Sec. 27-6.700 Environmental Protection and Noise Controls	Sec. 27-6.1500 Green Building Standards
Sec. 27-5.400 Temporary Uses and Structures	Sec. 27-6.800 Multifamily, Townhouse, and Three-Family Form and Design Standards	Sec. 27-6.1600 Green Building Incentives
Sec. 27-6.100 Roadway Access, Mobility, and Circulation	Sec. 27-6.900 Nonresidential and Mixed-Use Form and Design Standards	Division 27-2 Interpretation and Definitions
Sec. 27-6.200 Off-Street Parking and Loading	Sec. 27-6.1000 Industrial Form and Design Standards	Division 27-7 Nonconformities

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 [redacted] [insert effective date of new Zoning Ordinance] for which a Basic Plan, Comprehensive Design Plan (CDP), or Specific Design Plan (SDP) was approved prior to [redacted] [insert effective date of new Zoning Ordinance].

2. Establishment of Legacy Comprehensive Design (LCD) Zone

The LCD Zone includes all lands located within the following Comprehensive Design zones on [redacted] [insert effective date of new Zoning Ordinance] for which a Basic Plan, CDP, or SDP was approved prior to [redacted] [insert effective date of new Zoning Ordinance], if either 1) the land in the zone is fully developed in accordance with the approved Basic Plan, CDP, or SDP prior to [redacted] [insert effective date of new Zoning Ordinance], or 2) the approved Basic Plan, CDP, or SDP remains valid in accordance with Sec. 27-1.800, Transitional Provisions, on [redacted] [insert effective date of new Zoning Ordinance]:

- 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 (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.

3. Legacy Comprehensive Design (LCD) Zone Standards

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 [redacted] [insert effective date of new Zoning Ordinance], in accordance with Sec. 27-1.800, Transitional Provisions.

4. Transition Upon Invalidation of Approved Plans

If prior to land in the LCD Zone being fully developed in accordance with an approved CDP and SDP, the CDP and SDP become invalid (see Sec. 27-1.800, Transitional Provisions), the Planning Director shall initiate an amendment of the Zoning Map to classify the land in the RR Zone in accordance with Sec. 27-3.504, Zoning Map Amendment. No applications for development approvals or permits shall be accepted, reviewed, or acted upon in accordance with Division 27-3: Administration, in the period of time between the Planning Director's initiation of the Zoning Map amendment (ZMA) and the District Council's decision on the Zoning Map amendment (ZMA) application.

D. Legacy Mixed-Use Transportation Oriented (LMXT) Zone¹

1. Purpose

The purpose of the Legacy Mixed-Use Transportation Oriented (LMXT) Zone is to recognize Mixed-Use Transportation Oriented (M-X-T) Zones established prior to [redacted] [insert effective date of new Zoning Ordinance] for which a Conceptual Site Plan, preliminary plan of subdivision, or detailed site plan was approved prior to [redacted] [insert effective date of new Zoning Ordinance].

2. Establishment of Legacy Mixed-Use Transportation Oriented (LMXT) Zone

The LMXT Zone includes all lands located within the Mixed-Use Transportation Oriented (M-X-T) Zone on [redacted] [insert effective date of new Zoning Ordinance] for which a Conceptual Site Plan, preliminary plan of subdivision, or detailed site plan was approved prior to [redacted] [insert effective date of new Zoning Ordinance], if either 1) the land in the zone is fully developed in accordance with the approved

¹ The Legacy Mixed-Use Transportation Oriented (LMXT) Zone is included in the Comprehensive Review Draft in order to receive input from the public about carrying it forward in the rewritten Zoning Ordinance. If included, it would be applicable to property currently in the M-X-T Zone that has an approved and valid Conceptual Site Plan, preliminary plan of subdivision, or detailed site plan. Property currently in the M-X-T Zone that lacks these entitlements would be rezoned because they cannot qualify as legacy/grandfathered.

Clarion Associates and M-NCPPC staff believe a legacy M-X-T zone is unnecessary, primarily because there are a number of zones in the rewritten Ordinance that better achieve the same purposes as the Legacy M-X-T Zone (e.g., the Transit-Oriented/Activity Center Base (NAC, TAC, LTO, RTO-L, and RTO) and Planned Development (NAC-PD, TAC-PD, LTO-PD, and RTO-PD) Zones, and the MU-PD Zone), since they include much more specific development standards and requirements than the Legacy M-X-T Zone. Clarion and staff recommend that in the areas where the County wants to support walkable urbanism and mixed-use development, the best approach is to develop clear, objective development and form standards (that include the community's input and values), and once those standards are established, create efficient review procedures that provide landowners/developers, and the community and municipalities, reasonably certain outcomes. That is what the rewritten zones have done.

If a Legacy M-X-T Zone is included in the Zoning Ordinance, Clarion and staff strongly recommend that any property currently zoned M-X-T that is located in a Plan 2035 Center be rezoned to the corresponding Transit-Oriented/Activity Center Base Zone in the Countywide Map Amendment.

Conceptual Site Plan, preliminary plan of subdivision, or detailed site plan prior to [REDACTED] [insert effective date of new Zoning Ordinance], or 2) the approved Conceptual Site Plan, preliminary plan of subdivision, or detailed site plan remains valid in accordance with Sec. 27-1.800, Transitional Provisions, on [REDACTED] [insert effective date of new Zoning Ordinance].

3. Legacy Mixed-Use Transportation Oriented (LMXT) Zone Standards

Development within the LMXT Zone shall comply with the applicable approved Conceptual Site Plan, preliminary plan of subdivision, or detailed site plan, and with the standards applicable in the M-X-T Zone prior to [REDACTED] [insert effective date of new Zoning Ordinance], in accordance with Sec. 27-1.800, Transitional Provisions.

4. Transition Upon Invalidation of Approved Plans

If prior to land in the LMXT Zone being fully developed in accordance with an approved Conceptual Site Plan, preliminary plan of subdivision, or detailed site plan, the Conceptual Site Plan, preliminary plan of subdivision, or Detailed Site Plan becomes invalid (see Sec. 27-1.800, Transitional Provisions), the Planning Director shall initiate an amendment of the Zoning Map to classify the land to which the invalid plan applied in the RR Zone in accordance with Sec. 27-3.504, Zoning Map Amendment (ZMA). No applications for development approvals or permits for the land shall be accepted, reviewed, or acted upon in accordance with Division 27-3: Administration, in the period of time between the Planning Director's initiation of the Zoning Map amendment (ZMA) and the District Council's decision on the Zoning Map amendment (ZMA) application.

E. Legacy Mixed-Use Town Center (LMUTC) Zone²

1. Purpose

The purpose of the Legacy Mixed-Use Town Center (LMUTC) Zone is to recognize Mixed-Use Town Center (M-U-TC) Zones established prior to [redacted] [insert effective date of new Zoning Ordinance] for which a Conceptual Site Plan, preliminary plan of subdivision, or detailed site plan was approved prior to [redacted] [insert effective date of new Zoning Ordinance].

2. Establishment of Legacy Mixed-Use Town Center (LMUTC) Zone

The LMUTC Zone includes all lands located within the Mixed-Use Town Center (M-U-TC) Zone on [redacted] [insert effective date of new Zoning Ordinance] for which a Conceptual Site Plan, preliminary plan of subdivision, or detailed site plan was approved prior to [redacted] [insert effective date of new Zoning Ordinance], if either 1) the land in the zone is fully developed in accordance with the approved Conceptual Site Plan, preliminary plan of subdivision, or detailed site plan prior to [redacted] [insert effective date of new Zoning Ordinance], or 2) the approved Conceptual Site Plan, preliminary plan of subdivision, or detailed site plan remains valid in accordance with Sec. 27-1.800, Transitional Provisions, on [redacted] [insert effective date of new Zoning Ordinance].

² The Legacy Mixed-Use Town Center (LMUTC) Zone is included in this Comprehensive Review Draft in order to receive input from the public. Clarion Associates and M-NCPPC staff believe a Legacy MUTC zone is unnecessary, primarily because it is being replaced by other zoning tools that will more efficiently and effectively achieve the County's desired outcomes of walkable urbanism and mixed-use, transit-oriented development in appropriate locations. The zones in the rewritten Ordinance include the Transit-Oriented/Activity Center Base (NAC, TAC, LTO, RTO-L, and RTO-H) and Planned Development (NAC-PD, TAC-PD, LTO-PD, and RTO-PD) Zones, the NCO Zone, the MU-PD Zone, and possibly others (e.g., the General Commercial and Office (GCO) Zone or the Multifamily Residential (MFR) zones in limited instances and appropriate locations). For example, it is expected that the Riverdale Park, Brentwood, and Mount Rainier MUTCs would be rezoned NAC, and the Suitland MUTC would be rezoned RTO if there were no Legacy MUTC Zone.

One final difference with what is being proposed in the rewrite with respect to these proposed zones and the M-U-TC Zone is that the current practice of using a design review committee to review and provide input on many of the development approvals (e.g., special permits, special exceptions, detailed site plans, and other proposals) in the M-U-TC Zone is not included in any of the new base zones or the proposed planned development zones. This is recommended for several reasons. The primary reason is that subsequent reviews can be properly handled by the Planning Board or staff, and adding an additional layer of review (through a design review committee) can significantly dampen landowner/developer interest in developing.

If the Council decides to carry forward the Legacy MUTC Zone, it would be appropriate to add language in the transitional provisions that all revisions to existing M-U-TC development and any future applications in the Legacy MUTC zone would be reviewed and decided by the Planning Director in accordance with the given M-U-TC Development Plan in place for the location. In the areas where the County wants to support infill, walkable urbanism and transit-oriented, mixed use development, the best approach is to develop clear, objective development and form standards (that include the community's input and values), and once those standards are established, create efficient review procedures that provide landowners/developers, and the community and municipalities, reasonably certain outcomes, and that is what the rewritten zones are intended to achieve.

3. Legacy Mixed-Use Town Center (LMUTC) Zone Standards

Development within the LMUTC Zone shall comply, as determined by the Planning Director, with any applicable and valid Conceptual Site Plan, preliminary plan of subdivision, or detailed site plan, in accordance with Sec. 27-1.800, Transitional Provisions, and with the applicable Town Center Development Plan.

4. Transition Upon Invalidation of Approved Plans

If, prior to land in the LMUTC Zone being fully developed in accordance with an approved Conceptual Site Plan, preliminary plan of subdivision, or detailed site plan, the Conceptual Site Plan, preliminary plan of subdivision, or detailed site plan becomes invalid (see Sec. 27-1.800, Transitional Provisions), the Planning Director shall initiate an amendment of the Zoning Map to classify the land to which the invalid plan applied in the RR Zone in accordance with Sec. 27-3.504, Zoning Map Amendment (ZMA). No applications for development approvals or permits for the land shall be accepted, reviewed, or acted upon in accordance with Division 27-3: Administration, in the period of time between the Planning Director's initiation of the Zoning Map amendment (ZMA) and the District Council's decision on the Zoning Map amendment (ZMA) application.

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Sec. 27-4.300 Planned Development Zones

27-4.301. General Provisions for All Planned Development Zones

A. General Purposes of Planned Development Zones

The Planned Development (PD) zones are established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other County goals and objectives by:

1. Reducing the inflexibility of zone standards that sometimes results from strict application of the zone development, form, and design standards established in this Ordinance;
2. Allowing greater freedom and flexibility in selecting:
 - a. The form and design of development;
 - b. The ways by which pedestrians and traffic circulate;
 - c. How the development will be located and designed to respect the natural features of the land and protect the environment;
 - d. The location and integration of open space and civic space into the development; and
 - e. Design amenities.
3. Where appropriate, allowing greater freedom in providing a well-integrated mix of uses in the same development, including a mix of nonresidential development, housing types, lot sizes, and densities/intensities;

4. Allowing more efficient use of land, with coordinated and right-sized networks of streets and utilities;
5. Promoting development forms and patterns that respect the character of established surrounding neighborhoods and other types of land uses; and
6. Promoting development forms that respect and take advantage of a site's natural and man-made features, such as rivers, lakes, wetlands, floodplains, trees, historic features, and cultural and archeological resources.

B. Classification of Planned Development Zones

Land shall be classified into a PD zone only in accordance with the procedures and requirements set forth in Section 27-2-302 A, Planned Development Zone Map Amendments, and this Section.

C. Relationship to Existing Planned Development Zones

Lands designated in a PD Zone on [insert effective date of new Zoning Ordinance] are subject to the standards included within the previously adopted area master plan, sector plan, or transit district development plan applicable to the lands; development agreements; and development approvals. These developments may proceed subject to their original approvals in accordance with Sec. 27-1.800, Transitional Provisions. If the PD zone authorization expires, or a modification other than a minor modification of the zone is proposed, the provisions in this Ordinance shall apply.

D. Organization of Planned Development Zone Regulations

Sec. 27-4.301.E, General Standards for All Planned Development Zones, sets out general standards applicable to all types of PD zones. Sec 27-4.302 through Sec. 27-4.304 sets out for each of the different types of PD zones, a purpose

statement, a list of the types of form, intensity, dimensional, development, and design standards to be applied as part of the PD Basic Plan and Conditions of Approval, and references to applicable use and other standards.

E. General Standards for All Planned Development Zones

Before approving a PD zone classification, the District Council shall find that the application for the PD zone classification, as well as the PD Basic Plan and Conditions of Approval, comply with the following standards:

1. PD Basic Plan

The PD Basic Plan shall:

- a. Establish a statement of planning and development goals for the zone that is consistent with the General Plan and the applicable area master plan or sector plan and purposes of the PD Zone;
- b. Establish the specific principal, accessory, and temporary uses permitted in the zone. They shall be consistent with the Principal Use Tables, and the purposes of the particular type of PD zone, and be subject to applicable use-specific standards identified in the PD Basic Plan, and any additional limitations or requirements applicable to the particular type of PD zone;
- c. Establish the general location of each development area in the zone, its acreage, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity. The residential density and nonresidential intensity shall be consistent with the general purposes of the PD zone

and the specific requirements of the individual PD zone;

- d. Establish the dimensional standards that apply in the PD zone. The dimensional standards shall be consistent with the requirements of the individual PD zone, and its purposes;
- e. Where relevant, establish the standards and requirements that ensure development on the perimeter of the PD zone is designed and located to be compatible with the character of adjacent existing or approved development. Determination of compatible character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, form and design features, location and design of parking facilities, hours of operation, exterior lighting, siting of service areas, and any other standards deemed appropriate by the District Council;
- f. Establish the general location, amount, and type (whether designated for active or passive recreation) of open space, consistent with the purposes of the individual PD zone;
- g. Identify the general location of environmentally sensitive lands, resource lands, wildlife habitat, and waterway corridors, and ensure protection of these lands consistent with the purposes of the individual PD zone and the requirements of this Ordinance;
- h. Identify the general location of existing on-site and adjacent historic sites and districts and archeological and cultural resources;

- i. Identify the general on-site pedestrian circulation system, including any existing on-site and adjacent pedestrian circulation systems, and how it will connect to off-site pedestrian systems in ways that are consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;
 - j. Identify the general design and layout of the on-site transportation circulation system, including the general location of all public and private streets, existing or projected transit corridors, and how they interface with the pedestrian circulation system (pedestrian and bicycle pathways, and trails), and connect to existing and planned County and regional systems in a manner consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;
 - k. Identify the general location of on-site potable water and wastewater facilities, and how they will connect to existing and planned County and regional systems in a manner consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;
 - l. Identify the general location of on-site storm drainage facilities, and how they will connect to existing and planned County systems, in a manner consistent with the purposes of the individual PD zone, and the requirements of this Ordinance;
 - m. Identify the general location and layout of all other on-site and off-site public facilities serving the development (including any municipal public facilities, when the subject property is located within a municipality), and how they are consistent with the purposes of the individual PD zone. The other on-site and off-site public facilities considered shall include—but not limited to—parks, schools, and facilities for fire protection, police protection, EMS, stormwater management, and solid waste management;
 - n. Establish provisions addressing how transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;
 - o. Establish the development standards that will be applied to development in accordance with Sec. 27-4.301.E.2, Development Standards.
- 2. Development Standards**
- The development standards in Division 27-6: Development Standards, shall apply to all development in each PD zone, but development standards may be modified as indicated in Table 27-4.301.E.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 Division 27-6: Development Standards, conflicts with a standard in Sec. 27-4.302, Residential Planned Development Zones; Sec. 27-4.303, Transit-Oriented/Activity Center Planned Development Zones; or Sec. 27-4.304, Other Planned Development Zones, the standard in Sec. 27-4.302, Sec. 27-4.303, or Sec. 27-4.304 shall apply.

Table 27-4.301.E.2: Modification of Development Standards

Standard	Means of Modifying
General Site Layout (Division 24-3: Subdivision Standards; Sec. 27-6.100, Roadway Access, Mobility, and Circulation)	PD Basic Plan
Roadway Access, Mobility, and Circulation (Sec. 27-6.100)	PD Basic Plan
Off-Street Parking and Loading (including bicycle parking) (Sec. 27-6.200)	Alternative Parking Plan PD Basic Plan
Open Space Set-Asides (Sec. 27-6.300)	Modifications Prohibited
Landscaping (Sec. 27-6.400)	Landscape Plan PD Basic Plan
Fences and Walls (Sec. 27-6.500)	PD Basic Plan
Exterior Lighting (Sec. 27-6.600)	PD Basic Plan
Environmental Protection and Noise Controls (floodplain management, environmental features, stormwater, erosion and sedimentation, CBCA protections, wetlands, noise) (Sec. 27-6.700)	Modifications Prohibited
Multifamily, Townhouse, and Three-Family Form and Design (Sec. 27-6.800)	PD Basic Plan
Nonresidential and Mixed-Use Form and Design (Sec. 27-6.900)	PD Basic Plan
Industrial Form and Design (Sec. 27-6.1000)	PD Basic Plan
Neighborhood Compatibility (Sec. 27-6.1100)	PD Basic Plan
Agricultural Compatibility (Sec. 27-6.1200)	Modifications Prohibited, if Applicable
Urban Farm Compatibility (Sec. 27-6.1300)	Modifications Prohibited, if Applicable
Signage (Sec. 27-6.1400)	Alternative Sign Plan PD Basic Plan
Green Building (Sec. 27-6.1500)	Modifications Prohibited

3. Conditions of Approval

- a. The Conditions of Approval shall include, but not be limited to:
 - i. Conditions related to approval of the application for the PD zone classification;
 - ii. Conditions related to the approval of the PD Basic Plan, including any conditions related to

the form and design of development shown in the PD Basic Plan;

- iii. Provisions addressing how public facilities (transportation, potable water, wastewater, stormwater management, and other public facilities) will be provided to accommodate the proposed development, in accordance with any Certificate of Adequacy required under Subtitle 24: Subdivision Regulations. The provisions shall include but not be limited to:
 - (A) Recognition that the applicant/landowner will be responsible to design and construct or install required and proposed on-site and off-site public facilities in compliance with applicable municipal, County, State, and Federal regulations;
 - (B) The responsibility of the applicant/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable municipal, County, State, and Federal regulations;
- iv. Provisions related to environmental protection and monitoring (e.g., restoration of mitigation measures, annual inspection reports);
- v. Identification of community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the PD zone;

- vi. Identification of minor deviations not materially affecting the PD zone's basic concept or the designated general use of the land within the zone, that may be approved by the Planning Director in accordance with Sec. 27-3.505.C.11.e, Minor Deviations; and
 - vii. Any other provisions the District Council determines are relevant and necessary to the development of the planned development.
- b. All Conditions of Approval shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding lands.

4. Development Phasing Plan

If development in the PD zone is proposed to be phased, the PD Basic Plan shall include a development phasing plan that identifies the general sequence or phases in which the zone is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private), open space, and other amenities will be provided and timed, how development will be coordinated with the County's capital improvements program, and how environmentally sensitive lands will be protected and monitored.

5. Conversion Schedule

The PD Basic Plan may include a conversion schedule that identifies the extent to which one type of use may be converted to another type of use.

F. Minor Departure for PD Basic Plan

Even though an approved PD basic Plan is prohibited from seeking a major departure, where appropriate, an applicant of an approved PD Basic Plan may request a minor departure in accordance with the procedures and standards in Sec. 27-3.517.B Minor Departures.

27-4.302. Residential Planned Development Zones

The residential planned development zones established by this Ordinance are:

Table 27-4.302: Residential Planned Development Zones

R-PD: Residential Planned Development Zone

A. Residential Planned Development (R-PD) Zone

1. Purpose

The purpose of the Residential Planned Development (R-PD) Zone is to:

- Provide flexibility for the design of innovative, high-quality, planned residential communities that include a mix of residential use types along with a range of complementary and mutually supporting nonresidential land uses that serve the needs of the residents of the development;
- Ensure and support the development of comprehensive pedestrian and bicycle circulation networks, which are separated from vehicular roadways and link residential, commercial, open space, and recreation areas;
- Preserve and support well-integrated open spaces and recreation facilities for the use of the residents of the planned residential community; and
- Ensure the planned residential community respects the topographic and other environmental characteristics of the site on which it is located.

Zone regulations are intended to provide transitions to, and mitigation of potential adverse impacts on, surrounding developments.

Zone regulations also provide substantial flexibility with an expectation that minimum development quality will surpass that otherwise achievable through strict application of the Ordinance standards.



2. Use Standards

Uses allowed in an R-PD Zone are identified in the use tables in Division 27-5, Use Regulations. The specific principal, accessory, and temporary uses allowed in an individual R-PD Zone shall be established in the PD Basic Plan (see Sec. 27-4.301.E, General Standards for All Planned Development Zones). Uses shall be consistent with the relevant area master plan or sector plan, and the purposes of the R-PD zone.

3. Intensity and Dimensional Standards [1]

Standard [1]		
Density, min. (du/net lot area)	Continuing care retirement community	No requirement
All other uses		1.00
Density, max. (du/ net lot area)		
Net lot area, min. (sf)		
Lot width, min. (ft.)		To be established in
Lot coverage, max. (% of net lot area)		PD Basic Plan (see Sec.
Front yard depth, min. (ft.)		27-4.301.E)
Side yard depth, min. (ft.)		
Rear yard depth, min. (ft.)		
Principal structure height, max. (ft.)		
NOTES: sf = square feet; ft. = feet; du = dwelling unit; ac = acre		
[1] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards.		

4. Development Standards

The development standards in an R-PD Zone shall comply with Sec. 27-4.301.E.2, Development Standards.

5. Other Standards

Minimum Area Threshold	The minimum area for an R-PD zone is:	<ul style="list-style-type: none"> • 20 gross acres if the proposed gross density is less than 5 units an acre • 10 gross acres if the gross density is 5 to 8 units an acre • 5 gross acres if the gross density is greater than 8 units an acre
Location Standards	An R-PD Zone shall only be located in a Residential base zone.	
Street Access	Each lot and attached unit in the development shall have direct access to a street.	
Compatibility with Surrounding Development	See Sec.27-4.301.E.1.e.	

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27-4.303. Transit-Oriented/Activity Center Planned Development Zones

The Transit-Oriented/Activity Center Planned Development zones established by this Ordinance are:

Table 27-4.303: Transit-Oriented/Activity Center Planned Development Zones

NAC-PD: Neighborhood Activity Center Planned Development Zone

TAC-PD: Town Activity Center Planned Development Zone

LTO-PD: Local Transit-Oriented Planned Development Zone

RTO-PD: Regional Transit-Oriented Planned Development Zone

A. Neighborhood Activity Center Planned Development (NAC-PD) Zone

1. Purpose

The purpose of the Neighborhood Activity Center Planned Development (NAC-PD) Zone is to accommodate and promote the establishment of high-quality, vibrant, lower- to moderate-density mixed-use development that fosters economic development, reduces automobile dependency, supports walkable urbanism, and provides opportunities for alternative modes of travel. Zone standards are intended to provide use types and densities/intensities needed to support mixed-use and transit-supportive development (as appropriate). Zone standards are specifically intended to:

- Encourage a work, shop, live, and play environment that serves as an economic driver for the County's Neighborhood Centers;
- Include a well-integrated mix of complementary uses—including commercial, personal services, office, and recreation, where appropriate to support residential uses and serve the needs of the surrounding neighborhood;
- Provide multiple, direct, and safe vehicular, bicycle, and pedestrian connections between development;
- Incorporate buildings, open spaces, and other site elements that are arranged and designed to create an inviting, walkable, safe, interactive, and human-scale environment;
- Include distinctive and attractive public spaces that help create an identity and sense of place for the zone; and
- Provide a range of housing options.

Zone regulations are intended to provide transitions to, and mitigation of potential adverse impacts on, surrounding developments.

Zone regulations also provide substantial flexibility with an expectation that minimum development quality will surpass that otherwise achievable through strict application of the Ordinance standards.



2. Use Standards	3. Intensity and Dimensional Standards																																
<p>Uses allowed in an NAC-PD Zone are identified in the use tables in Division 27-5, Use Regulations. The specific principal, accessory, and temporary uses allowed in an individual NAC-PD Zone shall be established in the PD Basic Plan (see Sec. 27-4.301.E, General Standards for All Planned Development Zones). Uses shall be consistent with relevant area master plan or sector plan, and the purposes of the NAC-PD Zone.</p> <p>Approximately two-thirds of the gross floor area in the zone shall be provided for residential development at build-out. In addition, there shall be a minimum of two different residential housing types, each consisting of approximately one-quarter of the dwelling units in the zone at build-out.</p>	<table border="1"> <thead> <tr> <th data-bbox="992 254 1784 279">Standard [1]</th><th data-bbox="1784 254 2023 279">All Uses</th></tr> </thead> <tbody> <tr> <td data-bbox="992 279 1784 303">Block length, min. max. (ft)</td><td data-bbox="1784 279 2023 303">To be established in PD</td></tr> <tr> <td data-bbox="992 303 1784 328">Lot area, min. max. (sf.)</td><td data-bbox="1784 303 2023 328">Basic Plan (see Sec. 27-</td></tr> <tr> <td data-bbox="992 328 1784 352">Lot width, min. (ft)</td><td data-bbox="1784 328 2023 352">4.301.E)</td></tr> <tr> <td data-bbox="992 352 1784 376">Density, min. (du / net lot area) [2]</td><td data-bbox="1784 352 2023 376">10.00</td></tr> <tr> <td data-bbox="992 376 1784 401">Floor area ratio (FAR), min. [3]</td><td data-bbox="1784 376 2023 401">0.25</td></tr> <tr> <td data-bbox="992 401 1784 425">Lot coverage, min. max. (% of net lot area)</td><td data-bbox="1784 401 2023 425"></td></tr> <tr> <td data-bbox="992 425 1784 450">Density, max. (du / net lot area) [2]</td><td data-bbox="1784 425 2023 450"></td></tr> <tr> <td data-bbox="992 450 1784 474">Floor area ratio (FAR), max. [3]</td><td data-bbox="1784 450 2023 474"></td></tr> <tr> <td data-bbox="992 474 1784 499">Build-to line, min. max. (ft.) [4][5]</td><td data-bbox="1784 474 2023 499"></td></tr> <tr> <td data-bbox="992 499 1784 523">Building width in build-to zone, min. (% of lot width)</td><td data-bbox="1784 499 2023 523"></td></tr> <tr> <td data-bbox="992 523 1784 548">Front yard depth, min. (ft.)</td><td data-bbox="1784 523 2023 548"></td></tr> <tr> <td data-bbox="992 548 1784 572">Side yard depth, min. (ft.)</td><td data-bbox="1784 548 2023 572"></td></tr> <tr> <td data-bbox="992 572 1784 597">Rear yard depth, min. (ft.)</td><td data-bbox="1784 572 2023 597"></td></tr> <tr> <td data-bbox="992 597 1784 621">Building façade transparency, min. (%) of street-level façade area) [6]</td><td data-bbox="1784 597 2023 621">Abutting or facing a street frontage or pedestrian way</td></tr> <tr> <td data-bbox="992 621 1784 646">Principal structure height, max. (ft.)</td><td data-bbox="1784 621 2023 646">Facing a transit station or public gathering space</td></tr> </tbody> </table> <p>NOTES: sf = square feet; ft. = feet; du = dwelling unit; ac = acre</p> <p>[1] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards.</p> <p>[2] Applicable to residential development and the residential component of mixed-use development.</p> <p>[3] Applicable to nonresidential development and the nonresidential component of mixed-use development.</p> <p>[4] The area between the minimum and maximum build-to lines that extends the width of the lot, constitutes the build-to zone.</p> <p>[5] The remaining build-to zone width may be occupied by outdoor gathering spaces, walkways, landscaped areas, stormwater management facilities using LID or ESD techniques, or driveways (subject to Sec. Sec. 27-6.100).</p> <p>[6] Where existing buildings along a street frontage are all located behind the build-to zone, such buildings may not be extended to the rear or side unless they are first extended frontwards to comply with the maximum build-to line standard and the minimum building width in build-to zone standard.</p>	Standard [1]	All Uses	Block length, min. max. (ft)	To be established in PD	Lot area, min. max. (sf.)	Basic Plan (see Sec. 27-	Lot width, min. (ft)	4.301.E)	Density, min. (du / net lot area) [2]	10.00	Floor area ratio (FAR), min. [3]	0.25	Lot coverage, min. max. (% of net lot area)		Density, max. (du / net lot area) [2]		Floor area ratio (FAR), max. [3]		Build-to line, min. max. (ft.) [4][5]		Building width in build-to zone, min. (% of lot width)		Front yard depth, min. (ft.)		Side yard depth, min. (ft.)		Rear yard depth, min. (ft.)		Building façade transparency, min. (%) of street-level façade area) [6]	Abutting or facing a street frontage or pedestrian way	Principal structure height, max. (ft.)	Facing a transit station or public gathering space
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Building façade transparency, min. (%) of street-level façade area) [6]	Abutting or facing a street frontage or pedestrian way																																
Principal structure height, max. (ft.)	Facing a transit station or public gathering space																																

4. Development Standards

The development standards in an NAC-PD Zone shall comply with Sec. 27-4.301.E.2, Development Standards.

5. Other Standards

A NAC-PD Zone shall only be located on lands within:

- A Neighborhood Center as designated on the Growth Policy Map in the General Plan, as may be amended from time to time;
- The Innovation Corridor as designated on the Strategic Investment Map in the General Plan; or
- Along that portion of US 1 located south of the Innovation Corridor to the border with Washington DC.

Location Standards

The zone shall be designed to provide a mix of residential and nonresidential uses to allow residents to meet more of their daily needs within the zone. In addition, provision of a variety of housing options shall occur in the zone.

Vertical Mixing of Residential and Nonresidential Uses

The vertical mixing of residential uses with nonresidential uses within a single project or building, with residential development on upper floors, is encouraged.

Horizontal Mixing of Residential and Nonresidential

The horizontal mixing of stand-alone residential developments and adjacent stand-alone nonresidential or mixed-use developments in the zone is allowed, provided the developments are well-integrated in terms of complementary uses, access and circulation, and compatible design.

Shopping Centers

Shopping centers shall be a minimum of two stories (multistory).

Blocks and Alleys

The zone shall be laid out in blocks, streets, and alleys, to the maximum extent practicable.

Streets

Streets shall be organized according to a hierarchy based on function, capacity, and design speed. They should terminate at other streets within the development and connect to existing and projected through streets outside the development. Street stubs should be provided to adjacent open land to provide for future connections. Gated streets are prohibited.

Parking

- Along any street frontage, all proposed new or additional surface vehicle parking shall be located to the rear or side of the development's principal building(s) or in a parking structure.
- Surface parking lots with more than 100 parking spaces shall be organized into smaller modules that contain fewer spaces each and are visually separated by buildings or landscaped swales.
- All vehicle parking lots and structures shall provide clearly identified pedestrian routes between parking areas and the primary pedestrian entrance(s) to the building(s) served by the parking areas.

Sidewalks and Street Trees

- Sidewalks shall be located on both sides of every street with a planting strip between the street and the sidewalk, as established in the PD Basic Plan. Street trees shall be spaced between 40 and 50 feet on center.
- Sidewalks along street frontages shall be at least 10 feet wide and shall maintain a pedestrian "clear zone" that is at least 5 feet in width and unobstructed by any permanent or nonpermanent object.
- At least one walkway from an adjacent sidewalk shall be provided to each pedestrian entrance.
- Where a sidewalk, greenway path, or other walkway crosses a street, driveway, or drive aisle, the crossing shall be clearly marked with a change in paving material, color, or height, decorative bollards, or similar elements.

Connectivity

The internal vehicular, bicycle, and pedestrian circulation system shall be designed to allow vehicular, bicycle, and pedestrian cross-access between the internal system and any internal systems of adjoining lots, to the maximum extent practicable.

Building Configuration

- Public buildings and uses, including government facilities, cultural facilities, religious institutions, assembly uses, and schools, should serve as focal points and landmarks for the zone and are encouraged to be located on prominent sites.
- To the maximum extent practicable, buildings shall be used to define the street edge and the distinction between the public domain of the street and the private space of individual lots. To this end, buildings should have a fairly consistent setback alignment along the street frontage.
- Buildings should be designed with a common architectural vocabulary and landscaping to support that identity. The intent should not be to create a uniform appearance, but rather a distinct sense of place.

Transparency

Where the façade of a principal building other than a single-family detached or two-family dwelling abuts or faces a street frontage with a sidewalk, or a public gathering space, an appropriate percentage of the street-level façade area shall be comprised of transparent window or door openings to allow views of interior spaces and merchandise so as to enhance safety and create a more inviting environment for pedestrians.

Open Space Design

Open space should be designed in a hierarchy of formal and informal spaces and used to enhance activity and identity. Formal open spaces consist of squares, greens, common areas, or other park-like settings where people may gather. Such areas are bounded by streets and/or buildings. Informal open spaces are encouraged to be located throughout the zone, and take the form of walking paths, greenways, parks, passive recreation areas, and natural areas.

Compatibility with Surrounding Development

See Sec.27-4.301.E.1.e.

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B. Town Activity Center Planned Development (TAC-PD) Zone

1. Purpose

The purposes of the Town Activity Center Planned Development (TAC-PD) Zone is to accommodate and promote the establishment of high-quality, moderate-intensity activity center development, that while encouraging and supporting mixed-use and pedestrian-friendliness, is more auto-oriented in character. Zone standards are intended to provide the use types and densities/intensities that are needed to support mixed-use and activity center development. More specifically, zone standards are intended to:

- Encourage a live, work, shop, and play environment that serves as an economic driver for the County's Town Centers;
- Include a well-integrated mix of complementary uses—including commercial, residential, employment, recreational, and civic uses;
- Provide multiple, direct, and safe vehicular, bicycle, and pedestrian connections between the uses in the Core area, and to nearby areas;
- Incorporate buildings, open spaces, and other site elements that are arranged and designed to create an inviting, safe, interactive, and, in some locations, walkable environment;
- Include distinctive, attractive, and engaging public spaces that help create an identity and sense of place for the zone; and
- Provide a range of housing options.

Zone regulations are intended to provide transitions to, and mitigation of potential adverse impacts on, surrounding developments.

Zone regulations also provide substantial flexibility with an expectation that minimum development quality will surpass that otherwise achievable through strict application of the Ordinance standards.



2. Use Standards	3. Intensity and Dimensional Standards	Core [1]		Edge [1]	
		All Uses	Nonresidential & Mixed-Use	Residential	
Uses allowed in a TAC-PD Zone are identified in the use tables in Division 27-5, Use Regulations. The specific principal, accessory, and temporary uses allowed in an individual TAC-PD Zone shall be established in the PD Basic Plan (see Sec. 27-4.301.E, General Standards for All Planned Development Zones). Uses shall be consistent with the relevant area master plan or sector plan, and the purposes of the TAC-PD Zone.	Standard [2]				
	Block length, min. max. (ft.)				To be established in PD Basic Plan and PD Conditions of Approval (see Sec. 27-4.301.E)
	Lot area, min. max. (sf.)				
	Lot width, min. (ft.)				
	Density, min. (du/ net lot area) [3]	15.00		10.00 [8]	5.00
	Floor area ratio (FAR), min. [4]	0.50		0.25	No requirement
	Lot coverage, min. max. (% of net lot area)				
	Density, max. (du/ net lot area) [3]				
	Floor area ratio (FAR), max. [4]				
	Build-to line, min. max. (ft.) [5][6]				
	Building width in build-to zone, min. (% of lot width) [7]				
	Front yard depth, min. (ft.)				To be established in PD Basic Plan (see Sec. 27-4.301.E)
	Side yard depth, min. (ft.)				
	Rear yard depth, min. (ft.)				
	Building façade transparency, min. (%) of street-level façade area)	Abutting or facing a street frontage or pedestrian way Facing a transit station or public gathering space			
	Principal structure height, max. (ft.)				
Notes: sf = square feet; ft. = feet; du = dwelling unit; ac = acre [1] A Core area and an Edge area shall be established in the TAC-PD zone. The Core area should include the area within convenient walking distance (e.g., $\frac{1}{4}$ mile) of the main focal point of the zone or a concentrated area of the zone's most intense development. The Edge area should include that part of the zone surrounding the Core area. [2] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards. [3] Applicable to residential development and the residential component of mixed-use development. [4] Applicable to nonresidential development and the nonresidential component of mixed-use development. [5] The area between the minimum and maximum build-to lines that extends the width of the lot constitutes the build-to zone. [6] The remaining build-to zone width may be occupied by outdoor gathering spaces, walkways, landscaped areas, stormwater management facilities that use Environmental Site Design techniques, and driveways (subject to Sec. Sec. 27-6.100). [7] Where existing buildings along a street frontage are all located behind the build-to zone, such buildings may not be extended to the rear or side unless they are first extended frontwards to comply with the maximum build-to line standard and the minimum building width in build-to zone standard. [8] For the residential component of mixed-use development only.					

4. Development Standards

The development standards in a TAC-PD Zone shall comply with Sec. 27-4.301.E.2, Development Standards.

5. Other Standards

Location Standards	A TAC-PD Zone shall only be located on lands within a Town Center as designated on the Growth Policy Map in the General Plan, as may be amended from time to time.
Use Mixing	The zone shall be designed to provide a mix of uses. The integration of residential and nonresidential uses is strongly encouraged to allow residents to meet more of their daily needs within the zone. In addition, provision of a variety of housing options shall occur within the zone.
Vertical Mixing of Residential and Nonresidential Uses	The vertical mixing of residential uses with nonresidential uses within a single project or building, with residential development on upper floors, is strongly encouraged in the Core area.
Horizontal Mixing of Residential and Nonresidential	The horizontal mixing of stand-alone residential developments and adjacent stand-alone nonresidential or mixed-use developments in the zone is allowed and encouraged, provided the developments are well-integrated in terms of complementary uses, access and circulation, and compatible design.
Blocks and Alleys	The Core area of the zone shall be laid out in blocks, streets, and alleys. The Edge area should be laid out in blocks, streets, and alleys, to the maximum extent practicable.
Streets	Streets shall be organized according to a hierarchy based on function, capacity, and design speed. They should terminate at other streets within the development and connect to existing and projected through streets outside the development. Street stubs should be provided to adjacent open land to provide for future connections. Gated streets are prohibited.
Sidewalks and Street Trees	<ul style="list-style-type: none"> • Sidewalks shall be located on both sides of every street, with a planting strip between the street and the sidewalk, as established in the PD Basic Plan. Street trees shall be spaced between 40-50 feet on center. • Sidewalks shall be at least 10 feet wide along street frontages in the Core area, with a pedestrian "clear zone" for a minimum width of 5 feet that is unobstructed by any permanent or nonpermanent object. • Sidewalks shall be at least 6 feet wide along street frontages in the Edge area. • At least one walkway from an adjacent sidewalk shall be provided to each pedestrian entrance.
Connectivity	In the Core area, the internal vehicular, bicycle, and pedestrian circulation systems shall be designed to allow vehicular, bicycle, and pedestrian cross-access between the internal system and adjoining lots and development.
Parking Location	<ul style="list-style-type: none"> • In the Core area, all proposed new or additional surface vehicle parking shall be located to the rear or side of the development's principal building(s) or in a parking structure. • Surface parking lots with more than 100 parking spaces shall be organized into smaller modules that contain fewer spaces, each visually separated by buildings or landscaped swales. • All vehicle parking lots and structures shall provide clearly identified pedestrian routes between parking areas and the primary pedestrian entrance(s) to the building(s) served by the parking areas.
Building Configuration	<ul style="list-style-type: none"> • In the Core area, buildings should be used to define the street edge and the distinction between the public domain of the street and the private space of individual lots. To this end, buildings should have a consistent setback alignment along the street frontage. • In the Edge area, buildings should be used to define the street edge and the distinction between the public domain of the street and the private space of individual lots, as appropriate. • Buildings should be designed with a common architectural vocabulary and landscaping to support that identity. The intent should not be to create a uniform appearance, but rather a distinct sense of place.
Open Space Design	Open space should be designed in a hierarchy of formal and informal spaces and used to enhance activity and identity. Formal open spaces consist of squares, greens, common areas, or other park-like settings where people may gather. Such areas are bounded by streets and/or buildings. Informal open spaces are encouraged to be located throughout the zone, and take the form of walking paths, greenways, parks, passive recreation areas, and natural areas.
Compatibility with Surrounding Development	See Sec.27-4.301.E.1.e.

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C. Local Transit-Oriented Planned Development (LTO-PD) Zone

1. Purpose

The purpose of the Local Transit-Oriented Planned Development (LTO-PD) Zone is to accommodate and promote the establishment of high-quality, vibrant, moderate-intensity, mixed-use, transit-accessible development that will foster economic development, reduce automobile dependency, support walkable urbanism, and provide opportunities for alternative modes of travel. Zone standards are intended to provide the "critical mass" of use types and densities/intensities needed to support mixed use, transit-accessible development. Zone standards are specifically intended to:

- Encourage a work, shop, live, and play environment that serves as an economic driver for the County's Local Transit Centers;
- Include a well-integrated mix of complementary uses—including commercial, personal services, office, residential, and recreational;
- Provide multiple, direct, and safe vehicular, bicycle, and pedestrian connections between developments, and prioritize transit, pedestrian, and bicyclist access;
- Incorporate buildings, open spaces, and other site elements that are arranged and designed to create an inviting, walkable, safe, interactive, and human-scale environment;
- Include distinctive and attractive public spaces that help create an identity and sense of place for the zone; and
- Provide a range of housing options.

Zone regulations are intended to provide transitions to, and mitigation of potential adverse impacts on, surrounding developments.

Zone regulations also provide substantial flexibility with an expectation that minimum development quality will surpass that otherwise achievable through strict application of the Ordinance standards.



2. Use Standards		3. Intensity and Dimensional Standards		
Standard [2]		Core [1]		Edge [1]
		All Uses	Nonresidential & Mixed-Use	Residential
Block length, min. max. (ft.)				To be established in PD Basic Plan and PD Conditions of Approval (see Sec. 27-4.301.E)
Lot area, min. max. (sf.)				
Lot width, min. (ft.)				
Density, min. (du/ net lot area) [3]		10.00	10.00 [8]	10.00
Floor area ratio (FAR), min. [4]		0.50	0.25	No requirement
Lot coverage, min. max. (% of net lot area)				
Density, max. (du/ net lot area) [3]				
Floor area ratio (FAR), max. [4]				
Build-to-line, min. max. (ft.) [5][6]				
Building width in build-to zone, min. (% of lot width) [7]				
Front yard depth, min. (ft.)				To be established in PD Basic Plan (see Sec. 27-4.301.E)
Side yard depth, min. (ft.)				
Rear yard depth, min. (ft.)				
Building façade transparency, min. (% of street-level façade area)	Abutting or facing a street frontage or pedestrian way Facing a transit station or public gathering space			
Principal structure height, max. (ft.)				

NOTES: sf = square feet; ft = feet; du = dwelling unit; ac = acre

[1] A Core area and an Edge area shall be established in the LTO-PD zone. The Core area should include those areas within convenient walking distance (e.g., $\frac{1}{4}$ mile) of the transit station. The Edge area should include that part of the zone surrounding the Core area, but still within somewhat convenient walking distance (e.g., $\frac{1}{2}$ mile) of the transit station.

[2] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards.

[3] Applicable to residential development and the residential component of mixed-use development.

[4] Applicable to nonresidential development and the nonresidential component of mixed-use development.

[5] The area between the minimum and maximum build-to lines that extends the width of the lot constitutes the build-to zone.

[6] The remaining build-to zone width may be occupied by outdoor gathering spaces, walkways, landscaped areas, stormwater management facilities using Environmental Site Design techniques, and driveways (subject to Sec. Sec. 27-6.100).

[7] Where existing buildings along a street frontage are all located behind the build-to zone, such buildings may not be extended to the rear or side unless they are first extended frontwards to comply with the maximum build-to line standard and the minimum building width in the build-to zone standard.

[8] For the residential component of mixed-use development only.

4. Development Standards

The development standards in an LTO-PD Zone shall comply with Sec. 27-4.301.E.2, Development Standards.

5. Other Standards

An LTO-PD Zone shall only be located on lands designated:

Location Standards

- Within a Local Transit Center on the Growth Policy Map in the General Plan, as may be amended from time to time.
- That portion of the Innovation Corridor as designated on the Strategic Investment Map in the General Plan, as may be amended from time to time; or
- Along that portion of US 1 located south of the Innovation Corridor to the border with Washington DC.

Use Mixing

The zone shall be designed to provide a mix of uses. The integration of residential and nonresidential uses is required to allow residents to meet more of their daily needs within the zone. In addition, provision of a variety of housing options shall occur within the zone.

Vertical Mixing of Residential and Nonresidential Uses

The vertical mixing of residential uses with nonresidential uses within a single project or building, with residential development on upper floors, is strongly encouraged in the Core area and encouraged in the Edge area.

Horizontal Mixing of Residential and Nonresidential

The horizontal mixing of stand-alone residential developments and adjacent stand-alone nonresidential or mixed-use developments in the zone is allowed, provided the developments are well-integrated in terms of complementary uses, access and circulation, and compatible design.

Shopping Centers

Shopping centers shall be a minimum of two stories (multistory).

Blocks and Alleys

The zone should be laid out in blocks, streets, and alleys, to the maximum extent practicable.

Streets

Streets shall be organized according to a hierarchy based on function, capacity, and design speed. They should terminate at other streets within the development and connect to existing and projected through streets outside the development. Street stubs should be provided to adjacent open land to provide for future connections. Gated streets are prohibited.

- Sidewalks shall be located on both sides of every street, with a planting strip between the street and the sidewalk, as established in the PD Basic Plan. Street trees shall be spaced between 40-50 feet on center.

- Sidewalks shall be at least 10 feet wide along street frontages in the Core area, with a pedestrian "clear zone" a minimum width of 5 feet that is unobstructed by any permanent or nonpermanent object.

- Sidewalks shall be 6 feet in the Edge area.

- At least one walkway from an adjacent sidewalk shall be provided to each pedestrian entrance.

- Where a sidewalk, greenway path, or other walkway crosses a street, driveway, or drive aisle, the crossing shall be clearly marked with a change in paving material, color, or height, decorative bollards, or similar elements.

Sidewalks and Street Trees

The internal vehicular, bicycle, and pedestrian circulation systems shall be designed to allow vehicular, bicycle, and pedestrian cross-access between the internal system and adjoining lots and development, as well as to any nearby or adjacent transit station.

- In the Core area, public buildings and uses, including government facilities, cultural facilities, religious institutions, assembly uses, and schools, should serve as focal points and landmarks for the zone and are encouraged to be located on prominent sites.

- In the Core area, buildings shall be configured in relation to the site and other buildings so that building walls frame and enclose at least two of the following:

- The corners of street intersections or entry points into the development;

- A "main street" pedestrian and/or vehicle access corridor within the development site;

- Parking areas, public spaces, or other site amenities on at least three sides; or

- A plaza, pocket park, square, outdoor dining area, or other outdoor gathering space for pedestrians.

- In the Edge area, and where appropriate, buildings should be used to define the street edge. To this end, buildings should have a consistent setback alignment along the street frontage.

- Buildings should be designed with a common architectural vocabulary and landscaping to support that identity. The intent should not be to create a uniform appearance, but rather a distinct sense of place.

- All proposed new or additional surface vehicle parking shall be located to the rear or side of the development's principal building(s) or in a parking structure.

- Surface parking lots with more than 100 parking spaces shall be organized into smaller modules that contain fewer spaces each and are visually separated by buildings or landscaped swales.

- All vehicle parking lots and structures shall provide clearly identified pedestrian routes between parking areas and the primary pedestrian entrance(s) to the building(s) served by the parking areas.

Transparency	Where the façade of a principal building other than a single-family or two-family dwelling abuts or faces a street frontage, or an adjoining transit station or public gathering space, an appropriate percentage of the street-level façade area shall be comprised of transparent window or door openings to allow views of interior spaces and merchandise so as to enhance safety and create a more inviting environment for pedestrians.
Open Space Design	Open space should be designed in a hierarchy of formal and informal spaces and used to enhance activity and identity. Formal open spaces consist of squares, greens, common areas, or other park-like settings where people may gather. Such areas are bounded by streets and/or buildings. Informal open spaces are encouraged to be located throughout the zone, and take the form of walking paths, greenways, parks, passive recreation areas, and natural areas.
Compatibility with Surrounding Development	See Sec.27-4.301.E.1.e.

D. Regional Transit-Oriented Planned Development (RTO-PD) Zone

1. Purpose

The purpose of the Regional Transit-Oriented Planned Development (RTO-PD) Zone is to provide lands for the establishment of high-quality, vibrant, high-density, mixed-use, transit-accessible development that supports economic development, reduces automobile dependency, supports walkable urbanism, and provides opportunities for alternative modes of travel. The RTO-PD Zone is intended to capture the majority of the County's future residential and employment growth and development. It embodies key elements of walkable urbanism, and is envisioned as a walkable and bikeable place that is well-connected to a regional transportation network through a range of transit options. Zone standards are intended to provide the "critical mass" of use types and densities and intensities needed for intense, transit-supportive, mixed-use, transit-accessible development. Zone standards are specifically intended to:

- Encourage a dynamic live, work, shop, and play environment that serves as an economic driver for the County's Regional Transit Districts;
- Include a well-integrated mix of complementary uses—including office, retail, personal services, entertainment, public and quasi-public, flex, medical, lodging, eating or drinking establishments, residential, and recreational;
- Provide multiple, direct, and safe vehicular, bicycle, and pedestrian connections between developments, and prioritizes transit, pedestrian, and bicyclist access;
- Incorporate buildings, open spaces, and other site elements that are arranged and designed to create an inviting, walkable, safe, socially-interactive environment;
- Include distinctive and engaging public spaces that help create an identity and sense of place for the zone; and
- Provide a range of housing options.

Zone regulations are intended to provide transitions to, and mitigation of potential adverse impacts on, surrounding developments.

Zone regulations also provide substantial flexibility with an expectation that minimum development quality will surpass that otherwise achievable through strict application of the Ordinance standards.



2. Use Standards	3. Intensity and Dimensional Standards	Core [1]		Edge [1]	
		All Uses	Nonresidential & Mixed-Use	Residential	
Uses allowed in an RTO-PD Zone are identified in the use tables in Division 27-5, Use Regulations. The specific principal, accessory, and temporary uses allowed in an individual RTO-PD Zone shall be established in the PD Basic Plan (see Sec. 27-4.301.E, General Standards for All Planned Development Zones). Uses shall be consistent with the relevant area master plan or sector plan, and the purposes of the RTO-PD Zone.	Standard [2]				
A minimum of 15 percent of the gross floor area in the zone shall be provided for residential development at build-out. In addition, there shall be a minimum of three different residential housing types, each consisting of a minimum of one quarter of the dwelling units in the zone, at build-out.	Block length, min. max. (ft)				To be established in PD Basic Plan (see Sec. 27-4.301.E)
A minimum of one-half of the gross floor area in the zone shall be provided for nonresidential development, at build-out.	Lot area, min. max. (sf.)				
	Lot width, min. (ft)				
	Density, min. (du/ net lot area) [3]	30.00	20.00 [8]	20.00	
	Floor area ratio (FAR), min. [4]	1.00	0.25	No requirement	
	Density, min. (du/ net lot area) [3]				
	Floor area ratio (FAR), min. [4]				
	Lot coverage, min. max. (% of net lot area)				
	Build-to line, min. max. (ft.) [5][6]				
	Building width in build-to zone, min. (% of lot width) [7]				
	Front yard depth, min. (ft.)				
	Side yard depth, min. (ft.)				
	Rear yard depth, min. (ft.)				
	Building façade transparency, min. (% of street-level façade area)	Abutting or facing a street frontage or pedestrian way Facing a transit station or public gathering space			
	Principal structure height, max. (ft.)				
NOTES: sf = square feet; ft. = feet; du = dwelling unit; ac = acre					
[1] A Core and Edge area shall be established in the RTO-PD zone. The Core area should include those areas within convenient walking distance (e.g., $\frac{1}{4}$ mile) of the transit station. The Edge area should include that part of the zone surrounding the Core area, but still within somewhat convenient walking distance (e.g., $\frac{1}{2}$ mile) of the transit station.					
[2] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards.					
[3] Applicable to residential development and the residential component of mixed-use development.					
[4] Applicable to nonresidential development and the nonresidential component of mixed-use development.					
[5] The area between the minimum and maximum build-to lines that extends the length of the lot constitutes the build-to zone.					
[6] The remaining build-to zone width may be occupied by outdoor gathering spaces, walkways, landscaped areas, stormwater management facilities using Environmental Site Design techniques, and driveways (subject to Sec. Sec. 27-6.100).					
[7] Where existing buildings along a street frontage with a sidewalk are all located behind the build-to zone, such buildings may not be extended to the rear or side unless they are first extended frontwards to comply with the maximum build-to line standard and the minimum building width in build-to zone standard.					
[8] For the residential component of mixed-use development only.					

4. Development Standards

The development standards in an RTO-PD Zone shall comply with Sec. 27-4.301.E.2, Development Standards.

5. Other Standards

An RTO-PD Zone shall only be located on lands:

Location Standards

- Within a Regional Transit District as designated on the Growth Policy Map in the General Plan, as may be amended from time to time;
- Within that portion of the Innovation Corridor as designated on the Strategic Investment Map in the General Plan, as may be amended from time to time, located within that portion of the City of College Park between the Capital Beltway/I-95, south to the city's southern boundary.

Use Mixing

The zone shall be designed to provide a mix of uses. The integration of residential and nonresidential uses is required to allow residents to meet more of their daily needs within the zone. In addition, provision of a variety of housing options shall occur within the zone.

Vertical Mixing of Residential and Nonresidential Uses

The vertical mixing of residential uses with nonresidential uses within a single project or building, with residential development on upper floors, is strongly encouraged in the Core area and encouraged in the Edge area.

Horizontal Mixing of Residential and Nonresidential

The horizontal mixing of stand-alone residential developments and adjacent stand-alone nonresidential or mixed-use developments in the zone is allowed, provided the developments are well-integrated in terms of complementary uses, access and circulation, and compatible design.

Shopping Centers

Shopping centers shall be a minimum of two stories (multi-story).

Blocks and Alleys

The zone shall be laid out in blocks, streets, and alleys, to the maximum extent practicable.

Streets

Streets shall be organized according to a hierarchy based on function, capacity, and design speed. They should terminate at other streets within the development and connect to existing and projected through streets outside the development. Street stubs should be provided to adjacent open land to provide for future connections. Gated streets are prohibited.

- Sidewalks shall be located on both sides of every street, with a planting strip between the street and the sidewalk, as established in the PD Basic Plan. Street trees shall be spaced between 40-50 feet on center.

- Sidewalks shall be at least 15 feet wide along street frontages in the Core area, and at least 10 feet wide in the Edge area.

- Sidewalks shall maintain a pedestrian "clear zone" a minimum width of 5 feet that is unobstructed by any permanent or nonpermanent object.

- At least one walkway from an adjacent sidewalk shall be provided to each pedestrian entrance.

- Where a sidewalk, greenway path, or other walkway crosses a street, driveway, or drive aisle, the crossing shall be clearly marked with a change in paving material, color, or height, decorative bollards, or similar features.

Connectivity

The internal vehicular, bicycle, and pedestrian circulation systems shall be designed to allow vehicular, bicycle, and pedestrian cross-access between the internal system and adjoining lots and development, as well as to any nearby or adjacent transit station.

- In the Core area, public and quasi-public buildings and uses, including government facilities, cultural facilities, religious institutions, assembly uses, and schools, should serve as focal points and landmarks for the zone and are encouraged to be located on prominent sites.

- In the Core area, buildings shall be configured in relation to the site and other buildings so that building walls frame and enclose at least two of the following:

- The corners of street intersections or entry points into the development;

- A "main street" pedestrian and/or vehicle access corridor within the development site;

- Parking areas, public spaces, or other site amenities on at least three sides; or

- A plaza, pocket park, square, outdoor dining area, or other outdoor gathering space for pedestrians.

- In the Edge area, and where appropriate, buildings should be used to define the street edge and the distinction between the public domain of the street and the private space of individual lots. To this end, buildings should have a consistent, setback alignment along the street frontage.

- Buildings should be designed with a common architectural vocabulary. The intent should not be to create a uniform appearance, but rather a distinct sense of place.

- All proposed new or additional surface vehicle parking shall be located to the rear or side of the development's principal building(s) or in a parking structure.

- Surface parking lots with more than 100 parking spaces shall be organized into smaller modules that contain fewer spaces each and are visually separated by buildings or landscaped swales

- All vehicle parking lots and structures shall provide clearly identified pedestrian routes between parking areas and the primary pedestrian entrance(s) to the building(s) served by the parking areas

Transparency

Where the façade of a principal building other than a single-family or two-family dwelling abuts or faces a street frontage, or an adjoining transit station or public gathering space, an

appropriate minimum percentage of the street-level façade area shall be comprised of transparent window or door openings to allow views of interior spaces and merchandise so as to enhance safety and create a more inviting environment for pedestrians.

Open Space Design Open space should be designed in a hierarchy of formal and informal spaces and used to enhance activity and identity. Formal open spaces consist of squares, greens, common areas, or other park-like settings where people may gather. Such areas are bounded by streets and/or buildings. Informal open spaces are encouraged to be located throughout the zone, and take the form of walking paths, greenways, parks, passive recreation areas, and natural areas.

Compatibility with Surrounding Development See Sec.27-4.301.E.1.e.

27-4.304. Other Planned Development Zones

Other planned development zones established by this Ordinance are:

Table 27-4.304: Other Planned Development Zones

MU-PD: Mixed-Use Planned Development Zone

IE-PD: Industrial/Employment Planned Development Zone

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A. Mixed-Use Planned Development (MU-PD) Zone

1. Purpose

The purpose of the Mixed-Use Planned Development (MU-PD) Zone is to accommodate and promote the establishment of high-quality, mixed-use development that will foster economic development, reduce automobile dependency, support walkable and bikeable urbanism, and provide opportunities for alternative modes of travel. Zone standards are intended to provide the mix of uses and densities/intensities needed to support mixed-use development. Zone standards are specifically intended to accommodate and promote compact, pedestrian-friendly, mixed-use development that:

- Encourages a dynamic live, work, and play environment that serves as an economic driver for the County;
- Includes a well-integrated mix of complementary high-activity uses—including supportive commercial, residential, civic, recreation, and employment uses;
- Provides multiple, direct, and safe vehicular, bicycle, and pedestrian connections between the uses, and prioritizes transit, pedestrian, and bicyclist access;
- Incorporates buildings, open spaces, and other site elements that are arranged and designed to create an inviting, walkable, safe, socially-interactive, and human-scale environment;
- Includes distinctive, attractive, and engaging public spaces that help create an identity and sense of place for the zone;
- Provides a range of housing options;
- Permits a flexible response to the market and promotes economic vitality;
- Encourages innovation in the planning and design of new and infill development; and
- Implements County policies, as specified in approved area master plans and sector plans, for mixed-use development at appropriate locations to meet community needs.

Zone regulations are intended to provide transitions to, and mitigation of potential adverse impacts on surrounding developments.

Zone regulations also provide substantial flexibility with an expectation that minimum development quality will surpass that otherwise achievable through strict application of the Ordinance standards.



2. Use Standards	3. Intensity and Dimensional Standards																										
<p>Uses allowed in an MU-PD Zone are identified in the use tables in Division 27-5, Use Regulations. The specific principal, accessory, and temporary uses allowed in an individual MU-PD Zone shall be established in the PD Basic Plan (see Sec. 27-4.301.E, General Standards for All Planned Development Zones). Uses shall be consistent with the relevant area master plan or sector plan, and the purposes of the MU-PD Zone.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; padding-bottom: 2px;">Standard [1]</th><th style="text-align: right; padding-bottom: 2px;">All Uses</th></tr> </thead> <tbody> <tr> <td style="padding-top: 2px;">Lot area, min. max. (sf.)</td><td style="text-align: right; vertical-align: bottom;">To be established in PD Basic Plan and PD Conditions of Approval (see Sec. 27-4.301.E)</td></tr> <tr> <td style="padding-top: 2px;">Lot width, min. (ft.)</td><td style="text-align: right; vertical-align: bottom;">6.00</td></tr> <tr> <td style="padding-top: 2px;">Density, min. (du/ net lot area) [2]</td><td style="text-align: right; vertical-align: bottom;">0.50</td></tr> <tr> <td style="padding-top: 2px;">Floor area ratio (FAR), min. [3]</td><td style="text-align: right; vertical-align: bottom;">Density, max. (net lot area) [2]</td></tr> <tr> <td style="padding-top: 2px;">Floor area ratio (FAR), max. [3]</td><td style="text-align: right; vertical-align: bottom;">Floor area ratio (FAR), max. [3]</td></tr> <tr> <td style="padding-top: 2px;">Lot coverage, min. max. (% of net lot area)</td><td style="text-align: right; vertical-align: bottom;">To be established in PD Basic Plan (see Sec. 27-4.301.E)</td></tr> <tr> <td style="padding-top: 2px;">Front yard depth, min. (ft.)</td><td style="text-align: right; vertical-align: bottom;">Side yard depth, min. (ft.)</td></tr> <tr> <td style="padding-top: 2px;">Rear yard depth, min. (ft.)</td><td style="text-align: right; vertical-align: bottom;">Principal structure height, max. (ft.)</td></tr> <tr> <td style="padding-top: 2px;">Principal structure height, max. (ft.)</td><td style="text-align: right; vertical-align: bottom;">Notes: sf = square feet; ft. = feet; du = dwelling unit; ac = acre</td></tr> <tr> <td></td><td style="text-align: right; vertical-align: bottom;">[1] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards.</td></tr> <tr> <td></td><td style="text-align: right; vertical-align: bottom;">[2] Applicable to residential development and the residential component of mixed-use development.</td></tr> <tr> <td></td><td style="text-align: right; vertical-align: bottom;">[3] Applicable to nonresidential development and the nonresidential component of mixed-use development.</td></tr> </tbody> </table>	Standard [1]	All Uses	Lot area, min. max. (sf.)	To be established in PD Basic Plan and PD Conditions of Approval (see Sec. 27-4.301.E)	Lot width, min. (ft.)	6.00	Density, min. (du/ net lot area) [2]	0.50	Floor area ratio (FAR), min. [3]	Density, max. (net lot area) [2]	Floor area ratio (FAR), max. [3]	Floor area ratio (FAR), max. [3]	Lot coverage, min. max. (% of net lot area)	To be established in PD Basic Plan (see Sec. 27-4.301.E)	Front yard depth, min. (ft.)	Side yard depth, min. (ft.)	Rear yard depth, min. (ft.)	Principal structure height, max. (ft.)	Principal structure height, max. (ft.)	Notes: sf = square feet; ft. = feet; du = dwelling unit; ac = acre		[1] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards.		[2] Applicable to residential development and the residential component of mixed-use development.		[3] Applicable to nonresidential development and the nonresidential component of mixed-use development.
Standard [1]	All Uses																										
Lot area, min. max. (sf.)	To be established in PD Basic Plan and PD Conditions of Approval (see Sec. 27-4.301.E)																										
Lot width, min. (ft.)	6.00																										
Density, min. (du/ net lot area) [2]	0.50																										
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Front yard depth, min. (ft.)	Side yard depth, min. (ft.)																										
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	[3] Applicable to nonresidential development and the nonresidential component of mixed-use development.																										

4. Development Standards

The development standards in an MU-PD Zone shall comply with Sec. 27-4.301.E.2, Development Standards.

5. Other Standards

Minimum Area Threshold	The minimum area for an MU-PD Zone is 5 gross acres, unless the District Council finds a proposed zone of less than 5 gross acres is consistent with and achieves the purposes of the MU-PD Zone.
Location Standards	An MU-PD Zone may not be located within (1) any Rural and Agricultural Zone, (2) any Residential zone, or (3) land classified within a Neighborhood Center, a Town Center, a Local Transit Center, or a Regional Transit District as designated on the Growth Policy Map in the Plan Prince George's 2035 Approved General Plan, as may be amended from time to time.
Use Mixing	The zone shall be designed to provide a mix of uses. The integration of residential and nonresidential uses is strongly encouraged to allow residents to meet more of their daily needs within the zone. In addition, provision of a variety of housing options shall occur in the zone.
Vertical Mixing of Residential and Nonresidential Uses	The vertical mixing of residential uses with nonresidential uses within a single project or building, with residential development on upper floors, is strongly encouraged.
Horizontal Mixing of Residential and Nonresidential	The horizontal mixing of stand-alone residential developments and adjacent stand-alone nonresidential or mixed-use developments in the zone is allowed, provided the developments are well-integrated in terms of complementary uses, access and circulation, and compatible design.
Shopping Centers	Shopping centers shall be a minimum of two stories (multistory), and no building shall have a footprint that exceeds 50,000 sf.
Blocks and Alleys	The zone should be laid out in blocks, streets, and alleys, to the maximum extent practicable.
Streets	Streets shall be organized according to a hierarchy based on function, capacity, and design speed. They should terminate at other streets within the development and connect to existing and projected through streets outside the development. Street stubs should be provided to adjacent open land to provide for future connections. Gated streets are prohibited.
Parking Location	<ul style="list-style-type: none"> • Along any street frontage with a sidewalk, all proposed new or additional surface vehicle parking shall be located to the rear or side of the development's principal building(s), or in a parking structure. • All vehicle parking lots and structures shall provide clearly identified pedestrian routes between parking areas and the primary pedestrian entrance(s) to the building(s) served by the parking areas

Division 27-4 Zones and Zone Regulations

Sec. 27-4.300 Planned Development Zones

27-4.304 Other Planned Development Zones

27-4.304.A Mixed-Use Planned Development (MU-PD) Zone

Sidewalks and Street Trees	<ul style="list-style-type: none">• Sidewalks shall be located on both sides of every street, with a planting strip between the street and the sidewalk, as established in the PD Basic Plan. Street trees shall be spaced between 40-50 feet on center.• Sidewalks shall be at least 10 feet wide along street frontages, but may be increased in width as part of the approval of the PD Basic Plan and zone.• Sidewalks shall maintain a pedestrian "clear zone" a minimum width of 5 ft that is unobstructed by any permanent or nonpermanent object.• At least one walkway from an adjacent sidewalk shall be provided to each pedestrian entrance.
Building Configuration	<ul style="list-style-type: none">• Surface parking lots with more than 100 parking spaces shall be organized into smaller modules that contain fewer spaces, each visually separated by buildings or landscaped swales• To the maximum extent practicable, buildings should be used to define the street edge and the distinction between the public domain of the street and the private space of individual lots. Buildings should have a consistent setback alignment along the street frontage.• Buildings should be designed with a common architectural vocabulary and landscaping to support that identity. The intent should not be to create a uniform appearance, but rather a distinct sense of place.
Open Space Design	Open space should be designed in a hierarchy of formal and informal spaces and used to enhance activity and identity. Formal open spaces consist of squares, greens, common areas, or other park-like settings where people may gather. Such areas are bounded by streets and/or buildings. Informal open spaces are encouraged to be located throughout the zone, and take the form of walking paths, greenways, parks, passive recreation areas, and natural areas.
Compatibility with Surrounding Development	See Sec.27-4.301.E.1.e.

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B. Industrial/Employment Planned Development (IE-PD) Zone

1. Purpose

The purpose of the Industrial/Employment Planned Development (IE-PD) Zone is to accommodate and promote the establishment of a mix of high-quality non-retail employment, institutional (medical, educational, government, religious, and recreational), office, and limited retail uses that will foster economic growth and development. Zone standards are intended to provide use types and intensities and densities needed to support such development, along with the necessary support facilities like eating or drinking establishments, lodging, recreation facilities, and civic buildings. In addition, and to reduce automobile dependency and support walkable urbanism, zone standards allow and encourage limited residential and mixed-use development.

The zone encourages development of building forms that can be easily altered as the range of tenants and regional market for employment-related development evolves over time.

Zone regulations are intended to provide transitions to, and mitigation of potential adverse impacts on, surrounding developments.

Zone regulations also provide substantial flexibility with an expectation that minimum development quality will surpass that otherwise achievable through strict application of the Ordinance standards.



2. Use Standards	3. Intensity and Dimensional Standards																				
Uses allowed in an IE-PD Zone are identified in the use tables in Division 27-5, Use Regulations. The specific principal, accessory, and temporary uses allowed in an individual IE-PD Zone shall be established in the PD Basic Plan (see Sec. 27-4.301.E, General Standards for All Planned Development Zones). Uses shall be consistent with the relevant area master plan or sector plan, and the purposes of the IE-PD Zone.	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Standard [1]</th> <th style="width: 90%;">All Uses</th> </tr> </thead> <tbody> <tr> <td>Density, max. (du/ net lot area) [2]</td> <td style="text-align: right;">12.00</td> </tr> <tr> <td>Lot area, min. max. (sf.)</td> <td></td> </tr> <tr> <td>Lot width, min. (ft.)</td> <td></td> </tr> <tr> <td>Floor area ratio (FAR), min. max. [3]</td> <td></td> </tr> <tr> <td>Lot coverage, min. max. (% of net lot area)</td> <td style="text-align: right;">To be established in PD Basic Plan (see Sec. 27-4.301.E)</td> </tr> <tr> <td>Front yard depth, min. (ft.)</td> <td></td> </tr> <tr> <td>Side yard depth, min. (ft.)</td> <td></td> </tr> <tr> <td>Rear yard depth, min. (ft.)</td> <td></td> </tr> <tr> <td>Principal structure height, max. (ft.)</td> <td></td> </tr> </tbody> </table> <p>Notes: sf = square feet; ft = feet; du = dwelling unit; ac = acre [1] See measurement rules and allowed exceptions in Sec. 27-2.200, Measurement and Exceptions of Intensity and Dimensional Standards. [2] Applicable to residential development and the residential component of mixed-use development. [3] Applicable to nonresidential development and the nonresidential component of mixed-use development.</p>	Standard [1]	All Uses	Density, max. (du/ net lot area) [2]	12.00	Lot area, min. max. (sf.)		Lot width, min. (ft.)		Floor area ratio (FAR), min. max. [3]		Lot coverage, min. max. (% of net lot area)	To be established in PD Basic Plan (see Sec. 27-4.301.E)	Front yard depth, min. (ft.)		Side yard depth, min. (ft.)		Rear yard depth, min. (ft.)		Principal structure height, max. (ft.)	
Standard [1]	All Uses																				
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Front yard depth, min. (ft.)																					
Side yard depth, min. (ft.)																					
Rear yard depth, min. (ft.)																					
Principal structure height, max. (ft.)																					
4. Development Standards																					
The development standards in an IE-PD Zone shall comply with Sec. 27-4.301.E.2, Development Standards.																					
5. Other Standards																					
Minimum Area Threshold	The minimum area for an IE-PD Zone is 5 gross acres, unless the District Council finds a proposed zone of less than 5 gross acres is consistent with and achieves the purposes of the IE-PD Zone.																				
Location Standards	An IE-PD Zone shall only be located on lands designated within : (1) the Employment Areas on the Growth Policy Map of the General Plan, as may be amended from time to time, (2) the Industrial/Employment (IE) Zone, or (3) the Industrial Heavy (IH) Zone.																				
Street Access	Each lot and attached unit in the development shall have direct access to a public street.																				
Compatibility with Surrounding Development	See Sec.27-4.301.E.1.e.																				

Sec. 27-4.400 Overlay Zones

27-4.401. General

A. General Purpose of Overlay Zones

Overlay zones are superimposed over portions of one or more underlying base zones with the intent of supplementing generally applicable development regulations with additional development regulations that address special area-specific conditions, features, or plans while maintaining the character and purposes of the underlying zones. Some overlay zones include standards that modify or supersede standards applied by the underlying base zone (as indicated in the use tables and use-specific standards in Division 27-5, Use Regulations); otherwise the uses allowed or prohibited in overlay zones are the same as allowed or prohibited in the underlying zone.

B. Classification of Overlay Zones

Land shall be classified or reclassified into an overlay zone only in accordance with the procedures and requirements set forth in Sec. 27-3.504, Zoning Map Amendment (ZMA), this Section, and State law.

27-4.402. Policy Area Overlay Zones

A. Chesapeake Bay Critical Area Overlay (CBCAO) Zones

1. Purposes of CBCAO Zones

a. Resource Conservation Overlay (RCO) Zone

The purpose of the RCO Zone is to:

- i. Provide adequate breeding, feeding, and wintering habitats for wildlife populations that

require natural coastal environments along the tributaries of the Chesapeake Bay to sustain their populations;

- ii. Conserve, protect, and enhance the overall ecological values of the Chesapeake Bay Critical Area Overlay Zone, and its biological productivity and diversity;
- iii. Protect the land and water resource base necessary to support resource-oriented land uses such as agriculture, timber harvesting, or fisheries activities; and
- iv. Conserve existing woodlands and forests for the water-quality benefits they provide.

b. Limited Development Overlay (LDO) Zone

The purpose of the LDO Zone is to:

- i. Maintain and, if possible, improve the quality of runoff and groundwater entering the tributaries of the Chesapeake Bay;
- ii. Maintain existing areas of natural habitat; and
- iii. Accommodate additional low- or moderate-intensity development in accordance with the Conservation Manual.

c. Intense Development Overlay (IDO) Zone

The purpose of the IDO Zone is to:

- i. Accommodate existing residential, commercial, or industrial development;
- ii. Promote new residential, commercial, and industrial development in accordance with the

- modified standards for the IDO Zone and the Conservation Manual;
- iii. Conserve and enhance fish, wildlife, and plant habitats; and
 - iv. Improve the quality of runoff that enters the tributary streams of the Chesapeake Bay from development in the zone.

2. Applicability of CBCAO Zone Regulations

a. General

Unless exempted in accordance with Sec. 27-4.402.A.2.b below, all development in the Chesapeake Bay Critical Area Overlay Zones shall comply with the provisions of this Sec. 27-4.402.A and the relevant parts of Subtitle 5B, Chesapeake Bay Critical Area; Subtitle 24, Subdivision Regulations; and the Conservation Manual. Where the requirements of the Conservation Manual are more stringent than the requirements of this Subsection and other relevant requirements, the requirements of the Conservation Manual shall control.

b. Exemptions

- i. Notwithstanding the requirements of this Sec. 27-4.402.A, all buildable lots (except out lots) in a subdivision recorded on or before December 1, 1985 shall remain as buildable lots, regardless of lot area, if:
 - (A) The proposed development will minimize adverse impacts on water quality that result from pollutants that are discharged

from structures or conveyances or that have runoff from surrounding lands;

- (B) The applicant has identified fish, wildlife, and plant habitat that may be adversely affected by the proposed development and has designed the development to protect those identified habitats whose loss would substantially diminish the continued ability of populations of affected species to sustain themselves; and
 - (C) The lot area, frontage, and vehicular access comply with the requirements of the underlying base zone.
- ii. Property located within the Chesapeake Bay Critical Area Overlay Zones are exempt from the requirements for woodland conservation, tree preservation, and tree canopy coverage specified in Subtitle 25 of the Prince George's County Code.
 - iii. Notwithstanding the modified or additional density, impervious surface, and steep slope standards in Sec. 27-4.402.A.3 below, a legally established parcel of land recorded on or before December 1, 1985 that is not part of a recorded or approved subdivision may be developed with a single-family detached dwelling if:
 - (A) The proposed development will minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands; and

- (B)** The applicant has identified fish, wildlife, and plant habitat which may be adversely affected by the proposed development and has designed the development to protect those identified habitats whose loss would substantially diminish the continued ability of populations of affected species to sustain themselves.
- iv. All lots exempted by this Sec. 27-4.402.A.2.b shall be brought into conformance with the relevant requirements of Subtitle 5B, Chesapeake Bay Critical Area, to the reasonable extent practical, at the time of development.
- v. The lot area, frontage, and vehicular access for lots exempted by this Sec. 27-4.402.A.2.b shall conform to the requirements of the underlying base zone.
- vi. Development of lots exempted by this Sec. 27-4.402.A.2.b shall not count towards the growth allocation of the applicable individual Chesapeake Bay Critical Area Overlay Zone as set down in Subtitle 5B, Chesapeake Bay Critical Area.
- vii. Nothing in this Sec. 27-4.402.A.2.b may be interpreted as altering any requirements for development activities set out in the Water-Dependent Facilities Section or the Habitat Protection Areas Section of Subtitle 5B, Chesapeake Bay Critical Area.
- viii. All properties affected by the 2014 Critical Area Overlay Zone Sectional Map Amendment shall be grandfathered with respect to all legally existing buildings and impervious surface as of January 1, 2015.
- ix. Nothing in this Sec. 27-4.402.A may be interpreted as altering any requirements for development activities set out in the Water-Dependent Facilities Section or the Habitat Protection Areas of Subtitle 5B.
- c. Review for Compliance with CBCAO Zone Requirements**
- i. Review for compliance with the requirements of this Sec. 27-4.402.A (including its requirements for compliance with Subtitle 5B, Chesapeake Bay Critical Area, and the Conservation Manual) shall occur through review and approval of a conservation plan and conservation agreement that are submitted as part of an application for subdivision approval (see Subtitle 24, Subdivision Regulations) or if subdivision approval is not required, an application for a Grading Permit (see Sec. 27-3.513) or Building Permit (see Sec. 27-3.514), whichever is submitted and reviewed first.
- ii. Land disturbance or other development not subject to subdivision approval, a Grading Permit, or a Building Permit does not require approval of a conservation plan or conservation agreement, but shall comply with the requirements of this Subsection (including its requirements for compliance with Subtitle 5B, Chesapeake Bay Critical Area, and the Conservation Manual).

- iii. An approved conservation plan and conservation agreement shall be recorded among the Land Records of Prince George's County before approval of a Final Plat for the subdivision or issuance of a Grading Permit or Building Permit, as applicable.

3. Modified Use Standards for CBCAO Zones

Irrespective of the use standards applicable in the underlying base zone, development in a Chesapeake Bay Critical Area Overlay Zone shall be subject to modified or additional use standards listed in the use tables and use-specific standards set forth in Division 27-5, Use Regulations, as applicable to the particular Chesapeake Bay Critical Area Overlay Zone.

4. Modified Intensity and Development Standards for CBCAO Zones

Irrespective of the standards applicable in the underlying base zone, development in the Chesapeake Bay Critical Area Overlay Zones shall be subject to the modified or additional intensity and development standards in the following Table 27-4.402.A.4, Modified Intensity and Development Standards for CBCAO Zones, for the particular Chesapeake Bay Critical Area Overlay Zone.

Table 27-4.402.A.4, Modified Intensity and Development Standards for CBCAO Zones

Standard	Resource Conservation Overlay (RCO) Zone	Limited Development Overlay (LDO) Zone	Intense Development Overlay (IDO) Zone
Density, max.	1 du/20 ac net lot area ^{[1][2]}	4 du/ac of net lot area ^[3]	Same as in underlying base zone
Impervious surface coverage, max. (% of net lot area)	15 ^[4]	15 ^[4]	
Development on steep slopes	No development on slopes greater than 15% ^[5]	No development on slopes greater than 15% ^[5]	No requirement

NOTES:

[1] In this table, "du" = dwelling units and "ac" = acres. Net lot area may include private wetlands (as determined by an approved wetlands study) if the density on the upland portion of the parcel does not exceed one dwelling unit per eight net acres.

[2] Not applicable to lots created by intra-family transfers from parcels that were record parcels of land as of March 1, 1986, and are more than 7 but less than 60 gross acres in area, provided:

- A parcel with an area of more than 7, but less than 12, gross acres may be subdivided into no more than two lots.
- A parcel with an area more than 12 but less than 60 gross acres may be subdivided into no more than three lots.
- Lots created using the intra-family transfer shall be consistent with the standards and requirements of the underlying base zone.
- Lots created using the intra-family transfer may not be further subdivided.
- A deed for a lot created by a bona fide intra-family transfer shall contain a covenant stating that the lot is created subject to the provisions of this provision and may not be subsequently conveyed to any person other than a member of the owner's immediate family except under procedures established by the Department of Permitting, Inspections, and Enforcement and approved by the Commission and that assure that the lot was created as part of a bona fide intra-family transfer and not with the intent of subdividing the original parcel of land for purposes of ultimate commercial sale, and that the exception is warranted by:
- A change in circumstances has occurred since the original transfer was made that is not inconsistent with this provision; or
- Other circumstances that are consistent with this Section and with the Commission's criteria to maintain land areas necessary to support agriculture, forestry, open space, and natural habitats in resource conservation areas.

[3] Or the maximum density standard applicable in the underlying base zone, if less.

[4] May be increased to 25 % if any one of the following applies:

- The lot is ½ acre or less in area and either:

Table 27-4.402.A.4, Modified Intensity and Development Standards for CBCAO Zones

- Existed in its present configuration and was in residential use on or before December 1, 1985, and continues to be in the same residential use; or
- Existed in its present configuration and was in a Residential zone on or before December 1, 1985, is currently in a Residential zone, and is being developed with a single-family detached dwelling or additions or accessory structures;
- The lot is ¼ acre or less in area and developed for a nonresidential use on or before December 1, 1985; or
- The lot is 1 acre or less in area and part of a preliminary plat of subdivision approved after December 1, 1985, and the impervious area of the entire subdivision does not exceed 15 percent.

[5] Unless otherwise expressly allowed by the Conservation Manual.

B. Aviation Policy Area Overlay Zones

1. Purposes of APAO Zones

The purpose of the Aviation Policy Area Overlay Zones is to establish standards of safety and compatibility for the occupants of land in the immediate vicinity of airports with traffic patterns over land in Prince George's County. Such standards are intended to provide use, intensity and dimensional, and development standards that supplement or supersede other Ordinance regulations that might otherwise apply around the airports, as long as the airport is active and licensed for public use by the Maryland Aviation Administration (MAA). These Aviation Policy Area Overlay Zones and associated regulations benefit existing airport-area residents, future residents, nearby businesses, pilots, and airport operators by:

- a. Encouraging compatible land use around airports;
- b. Mitigating nuisances and hazards associated with airport operations;
- c. Protecting people and structures in critical areas surrounding airports;
- d. Ensuring the protection of airspace around airports, in accordance with the Federal Aviation Regulations (FAR) Part 77, Surfaces;
- e. Allowing landowners around airports reasonable use of their land;
- f. Disclosing the location of airports to prospective purchasers of land within an Aviation Policy Area Overlay Zone; and
- g. Providing landowners with flexibility to meet these regulations.

2. Delineation of APAO Zones

The area encompassed by the various Aviation Policy Area Overlay Zones, as shown as inset maps to the Zoning Map, shall be defined in accordance with the descriptions in the following Table 27-4.402.B.2:

Table 27-4.402.B.2: Delineation of APAO Zones

APA-1 (Runway Protection) Zone

A trapezoidal area extending outward from the ends of the airport runway. The zone is centered on the extended centerline of the runway, starting 200 feet beyond the end of the runway and extending another 1,000 feet along the extended centerline. Its width extends 125 feet to each side of the extended runway centerline at the start and 225 feet to each side of the extended centerline at the zone's farthest point from the runway. There is a an APA-1 Zone at each end of the runway comprising approximately eight acres, for a total area of approximately 16 acres for the runway.

APA-2 (Inner Safety) Zone

A rectangular area extending outward from the end of the APA-1 Zone at the ends of the airport runway. The zone is centered on and parallel to the extended centerline of the airport runway, extending a distance of 1,500 feet beyond the APA-2 Zone and 225 feet to each side of the extended runway centerline. There is an APA-2 Zone at each end of the runway comprising approximately 16 acres, for a total area of approximately 32 acres for the runway. (The dimensions for APA-2 Zones at the Freeway Airport are different due to permanent restrictions on the airport traffic pattern caused by the PEPCO 500 kv electric transmission lines west of the airport.)

APA-3S (Small Airport Inner Turning Area) Zone

A rectangular area on each side of the APA-1 and APA-2 Zones at the ends of the runway at small airports (as defined in Sec. 27-2.400, Terms and Uses Defined). The outer boundary of each APA-3S Zone is defined by the extension of the boundary of the APA-5 Zone (which run 500 feet on either side of, and parallel to, the runway centerline)

Table 27-4.402.B.2: Delineation of APAO Zones

for a distance of 2,700 feet beyond the end of the runway. There is an APA-3S Zone at each end of the runway comprising approximately 17 acres, for a total area of approximately 34 acres for the runway.

APA-3M (Medium Airport Inner Turning Area) Zone

A pie-shaped area, exclusive of the APA-1 and APA-2 Zones, at the ends of the runway at medium airports (as defined in Sec. 27-2.400, Terms and Uses Defined). A 90 degree angle forms the zone's boundary closest to each end of the airport runway. The zone extends outward at 45 degrees on each side of the extended centerline of the runway to form a sector with an arc radius length of 2,500 feet. There is an APA-3M Zone at each end of the runway comprising approximately 90 acres, for a total area of approximately 180 acres for the runway. (The dimensions and total acreage for APA-3M Zones at the Freeway Airport are different due to permanent restrictions on the airport traffic pattern caused by the PEPCO 500 kv electric transmission lines west of the airport.)

APA-4 (Outer Safety Area) Zone

A rectangular area extending outward from the end of the APA-2 Zone at the ends of the airport runway. The zone is centered on and parallel to the extended centerline of the airport runway, extending a distance of 2,500 feet beyond the APA-2 Zone and 225 feet to each side of the extended runway centerline. There is an APA-4 Zone at each end of the runway comprising approximately 26 acres, for a total area of approximately 52 acres for the runway.

APA-5 (Sideline Safety Area) Zone

Defined by two lines on either side of, parallel to, and 500 feet from the centerline of the airport runway, between the APA-3 Zones at each end of the runway. Due to varying runway lengths, the acreage of each APA-5 Zone differs at each airport, ranging from 73 to 90 acres.

APA-6 (Traffic Pattern Area) Zone

An oblong area with rounded ends, extending 5,000 feet from each point along the centerline of the airport runway—excluding areas within APA-1 through APA-5 Zones. (The dimensions and total

Table 27-4.402.B.2: Delineation of APAO Zones

acreage for APA-6 Zones at the Freeway Airport are different due to permanent restrictions on the airport traffic pattern caused by the PEPCO 500 kv electric transmission lines west of the airport.)

3. Applicability of APAO Zone Regulations

a. General

Unless exempted in accordance with Sec. 27-4.402.B.3.b below, all development in the Aviation Policy Area Overlay Zones shall comply with the provisions of this Sec. 27-4.402.B. If the standards and requirements of this Subsection conflict with the regulations in an underlying base zone, the regulations in this Subsection shall control.

b. Exemption

Development in existence on September 1, 2002, shall be exempt from the requirement of this Sec. 27-4.402.B, and shall not be considered nonconforming—provided that any changes of use or structural changes shall comply with all regulations of this Subsection.

c. Review for Compliance with APAO Zone Requirements

- i. Prior to issuance of a building permit in any of the APA-1, APA-2, APA-3S, APA-3M, and APA-5 zones, all new development and all existing development with a proposed increase in floor area greater than one thousand square feet shall be reviewed for compliance with the requirements of this Sec. 27-4.402.B in accordance with Subsection ii below.

- ii. For land within the APA-1, APA-2, APA3S, APA-3M, and APA-5 Zones, and except as otherwise provided in Sec. 27-4.402.B.3.c.v below, review for compliance with the requirements of this Sec. 27-4.402.B shall occur as part of the review and approval of an application for a Zoning Map Amendment (ZMA), special exception, or detailed site plan, as applicable.
- iii. For land within the APA-1, APA-2, APA-3S, APA-3M, and APA-5 Zones, an application reviewed for compliance with the requirements of this Subsection shall include a site plan that clearly identifies the height of all proposed structures and natural vegetation and delineates their location as measured from the closest runway end.
- iv. For land within the APA-4, APA-5, and APA-6 Zones, an application reviewed for compliance with the requirements of this Subsection shall demonstrate compliance with the height restrictions in this Subsection.
- v. Existing restrictions on aircraft operations at individual airports and the ability to impose and enforce new restrictions on the operation of aircraft may be taken into account in the review of development applications in any areas subject to the requirements of this Subsection.
- vi. Within a residential subdivision in the APA-2, APA-3S, APA-3M, or APA-5 Zone, where the plat was recorded before March 1, 2001, and included a condition requiring disclosure of a nearby airport, permits may be issued without detailed site plan review.

4. Modified Use Standards for APAO Zones

Irrespective of the use standards applicable in the underlying base zone, development in Aviation Policy Area Overlay Zones shall be subject to the modified or additional use standards listed in the use tables and use-specific standards set forth in Division 27-5, Use Regulations, as applicable to the particular Aviation Policy Area Overlay Zone.

5. Modified Intensity and Development Standards for APAO Zones

Irrespective of the standards applicable in the underlying base zone, development in Aviation Policy Area Overlay Zones shall be subject to the following modified or additional performance, intensity, and development standards.

a. General Performance Standards

- i. In all APAO Zones, development shall, to the greatest extent possible, not:
 - (A) Cause electrical interference with navigational signals or radio communications at the airport or with radio or electronic communications between the airport and aircraft;
 - (B) Emit fly ash, dust, vapor, gases, or particulate matter that may conflict with operation of the airport;
 - (C) Foster a substantial increase in bird population;
 - (D) Make it difficult for pilots to distinguish between airport lights and other lights, or

- impair pilot or ground operator visibility in the vicinity of an airport; or
- (E) Otherwise endanger the landing, taking off, or maneuvering of aircraft
- ii. In APA-1 and APA-2 Zones, above-ground storage of flammable materials or other hazardous substances is prohibited.
- b. Density and Floor Area**
- i. In APA-3S and APA-3M Zones, the overall density of residential development shall not exceed 0.5 dwelling units per acre in an APAO Zone mitigation subdivision approved in accordance with Sec. 27-4.402.B.8, APAO Zone Mitigation Residential Subdivisions, or 0.2 dwelling units per acre for any other development.
- ii. In APA-2, APA-3S, APA-3M, and APA-5 Zones, development on a lot shall not exceed a floor area ratio (FAR) of 0.25.
- iii. Irrespective of the above density and floor area limits, one dwelling unit may be located on any lot in the APA-2, APA-3S, APA-3M, and APA-5 Zones that was recorded before March 1, 2001.
- c. Height**
- i. In all APAO Zones, no structure or natural feature shall be constructed, altered, maintained, or allowed to grow so as to project or otherwise penetrate the airspace surfaces defined by Federal Aviation Regulations (FAR) Part 77, or the Code of Maryland, COMAR 11.03.05, Obstructions to Air Navigation, except as necessary and incidental to airport operations.
- ii. In the APA-4 and APA-6 Zones, no building permit may be approved for a structure higher than 50 feet unless the applicant demonstrates that the structure will not project or otherwise penetrate the airspace surfaces defined by FAR Part 77.
- d. Open Area**
- i. The purpose of these open area standards is to provide strategically located open areas under flight paths to allow for successful emergency landings without the airplane hitting or damaging an occupied structure, and to allow aircraft occupants to survive the landing without serious injury.
- ii. For purposes of this Sec. 27-4.402.B, open areas generally refer to land area occupied by stormwater management ponds, field crops, golf courses, pasture lands, streets, parking lots, and recreational facilities (such as ball parks or yards), if the area is relatively level and free of objects such as overhead lines and large trees and poles. Because a pilot's discretion in selecting an emergency landing site is reduced when the aircraft is at low altitude, open areas should be one or more contiguous acres in area.
- iii. Development shall retain open areas in accordance with the minimum standards in the following Table 27-4.402.B.5.d, for the particular APAO Zone.

Table 27-4.402.B.5.d: Minimum APAO Zone Open Area Retention (Percent of Net Lot Area)

APA-1	APA-2	APA-3S	APA-3M	APA-4	APA-5	APA-6
100[1]	50	20	20	30	No requirement	No requirement

NOTES:

[1] In accordance with FAA standards.

6. Notification Requirements

- a. The General Aviation Airport Environment Disclosure Notice, in a form approved by the Planning Board, shall be included as an addendum to the contract for sale of any residential land located within an APAO Zone.
- b. All development with an APAO Zone shall be subject to the following requirements:

i. Developments with a Homeowners Association

- (A) Prior to final plat approval (see Subtitle 24: Subdivision Regulations), the Declaration of Covenants of the homeowners' association documents shall include:
 - (1) The General Aviation Airport Environment Disclosure Notice; and
 - (2) Language notifying all future contract purchasers of lots and homes within the subdivision of the existence of a general aviation airport within approximately one mile of the subdivision.
- (B) At the time of purchase contract with home buyers, the contract purchaser shall

sign an acknowledgment of receipt of the Declaration of Covenants.

- (C) The liber and folio number of the recorded Declaration of Covenants shall be noted on the final plat.

ii. Developments without a Homeowners Association

- (A) A disclosure clause shall be placed on final plats and deeds for all lands that notifies prospective purchasers that the land has been identified as within approximately one mile of a general aviation airport.
- (B) The disclosure clause shall include the cautionary language from the General Aviation Airport Environment Disclosure Notice.

iii. Other Developments

For development within an APAO Zone that is not subject to Sec. 27-4.402.B.6.b.i or Sec. 27-4.402.B.6.b.ii above, an application to the Department of Permitting, Inspections, and Enforcement for a building or use and occupancy permit, if submitted by or on behalf of a prospective or contract purchaser, shall be accompanied by a copy of the General Aviation Airport Environment Disclosure Notice signed by the purchaser.

7. Relationship to Transfer of Development Rights Regulations

Land in the APA-1, APA-2, APA-3S, APA-3M, and APA-5 Zones that is subject to residential development restrictions should be a preferred sending area under applicable transfer of development rights provisions.

8. APAO Zone Mitigation Residential Subdivisions

The provisions in this paragraph apply to the subdivision or resubdivision of residentially-zoned land or residential development affected by the modified intensity and development standards of this Sec. 27-4.402.B.

a. Transfer of Density

- i. Except as otherwise provided in Sec. 27-4.402.B.8.a.ii below, the subdivision or resubdivision may relocate potential lots affected by the modified standards to other parts of the land or to other land in an APAO Zone. (An APAO Zone mitigation subdivision need not lie adjacent to or within the same APAO Zone as the affected land.)
- ii. Residentially-zoned land owned by the airport in an APA-1 or APA-5 Zone is considered an essential part of the airport operation and shall not qualify for transfer of residential density by an APAO Zone mitigation residential subdivision, lot size averaging subdivision, or cluster subdivision.

b. Review, Yield, and Design

- i. The maximum allowed number of residential lots allowed through approval of an APAO Zone

mitigation residential subdivision shall be determined by submission of a conceptual subdivision plan in accordance with Subtitle 24: Subdivision Regulations. (The conceptual plan may be submitted as a pre-preliminary plan or as part of a preliminary plat of subdivision.)

- ii. In reviewing the APAO Zone mitigation residential subdivision, all regulations that affect development density shall be considered and applied.
- iii. To the greatest extent possible, the APAO Zone mitigation residential subdivision shall be designed to accommodate the maximum development yield determined in the conceptual subdivision plan for compliance with appropriate APAO Zone restrictions and conformance with the character of the zone in which the subdivision is located, or as established by the applicable area master plan or sector plan.
- iv. The preliminary subdivision plat and the site plan shall establish the development regulations for each site, including without limitation, lot dimensions, lot coverage, and yard and setback requirements.

c. Exemption of Certain Resubdivisions from Adequate Public Facilities Requirements

If resubdivided solely to meet APAO Zone requirements, a preliminary or final plat approved on or prior to September 1, 2002, is exempt, at the time of resubdivision, from the adequate public facilities requirements of Subtitle 24: Subdivision Regulations.

C. Military Installation Overlay Zone

1. Introduction

- a. The 2009 Joint Base Andrews Naval Air Facility Washington Joint Land Use Study ("JLUS"), representing a partnership between Joint Base Andrews Naval Air Facility Washington ("Joint Base Andrews" or "the base"), Prince George's County and the local community, identifies land uses that impair, or are incompatible with, the mission of Joint Base Andrews. In addition, the JLUS identifies several impacts of air operations, such as noise and increased exposure to the potential for an air accident, which adversely affect the public safety, health, and welfare of communities surrounding Joint Base Andrews, including residential, commercial and employment areas. The JLUS recommends strategies to address the impacts resulting from incompatible land uses and base activities, including, but not limited to:
 - i. Downzoning impacted residential zones;
 - ii. Discouraging mixed-use zones to avoid intensification;
 - iii. The establishment of a Military Installation Overlay Zone.
- b. The Military Installation Overlay ("MIO") Zone establishes standards of use, design, and construction for development in the vicinity of Joint Base Andrews impacted by air operations at the base. These standards are intended to promote the health, safety, and welfare of existing and future base-area residents, workers, and surrounding uses while allowing Joint Base Andrews to fulfill its mission.

- c. The Military Installation Overlay Zone is based on three areas of constraint: noise, height, and accident potential. The MIO Zone identifies geographic areas where encroachment should be avoided, identifies prohibited uses, and creates standards for permitted uses that provide for compatibility between the activities at Joint Base Andrews and in the surrounding neighborhoods.
- d. The geographic extent of the Joint Base Andrews Impact Areas are established by the United States Department of Defense through the issuance of an Air Installation Compatible Use Zone Study ("AICUZ"). An AICUZ is a study performed and updated periodically by Air Force installations to assist local, regional, state, and federal officials in the communities neighboring military air facilities, such as Joint Base Andrews, by promoting compatible development within areas subject to aircraft noise and accident potential; and protecting Air Force operational capability from the effects of land use that are incompatible with aircraft operations. The geography and extent of the Accident Potential Zones, the Clear Zones, the height surfaces and the noise contours are defined in this study.

2. Purposes of MIO Zone

The purposes of the Military Installation Overlay Zone are to regulate the development and use of structures and property in order to promote land uses compatible with operations at Joint Base Andrews; to protect the safety and welfare of individuals in the area from the adverse impacts associated with high levels of noise from flight operations and the potential for aircraft accidents associated with proximity to Joint Base Andrews

operations. The intent of the regulations is to recognize the rights of individual property owners while reducing interference with the military operations at Joint Base Andrews.

3. Applicability of MIO Zone Regulations

a. General

- i. This Subsection applies to the review of all development approvals or permits in this Ordinance for land or structures located within the MIO Zone (see subsection b below), regardless of the underlying zone or other overlay zone(s), unless exempted by subsection c below. All development applications, including permits, not exempt from the requirements of the MIO Zone by subsection c below, shall be referred to the Planning Director for a determination of conformance with the requirements of the MIO Zone.
- ii. Where the requirements of the underlying zone are more restrictive than the requirements of the MIO Zone, the requirements of the underlying zone apply; otherwise the requirements of the MIO Zone apply.
- iii. Any use prohibited in the MIO Zone shall not be permitted as a principal, accessory, or temporary use within the MIO Zone.

b. Impact Areas

- i. The Impact Areas referenced in this Subsection establish the geographic boundaries of the MIO Zone where the requirements of this Subsection are in effect. The Impact Areas are those in the

most current Air Installation Compatible Use Zone Study (AICUZ), as amended from time to time, and are reflected in Figure 27-4.402.C.5.b: Height, Figure 27-4.402.C.5.c: Noise Intensity, and Figure 27-4.402.C.4.c: Accident Potential/Clear Zones North and South. The Official Impact Areas may only be amended by the District Council through a Sectional Map Amendment (SMA) following issuance of an Air Installation Compatible Use Zone (AICUZ) or equivalent study conducted by the Department of Defense for Joint Base Andrews.

- ii. Where a property is affected by more than one Impact Area, the requirements of all applicable Impact Areas apply. Where any Impact Area requirements conflict, the most stringent requirements shall control.
- iii. Where a property is split zoned by a boundary of the MIO Zone, only that portion of the property within the MIO Zone shall be required to meet the provisions of this Subsection 27-4.402.C.

c. Exemptions

The provisions of this Subsection do not apply to the following:

- i. Permits for any of the following:
 - (A) Changes in ownership, name, or occupancy, if there is no change of use;
 - (B) Ordinary maintenance;
 - (C) Grading or infrastructure improvements;

- (D) Alteration or rehabilitation with no increase in the gross floor area;
- (E) Public utility, or private utility for public use;
- (F) Fences or walls;
- (G) Signage;
- (H) Boilers and/or mechanical equipment located inside buildings;
- (I) Generators or other mechanical equipment for operation of permitted uses on-site;
- (J) Replacement and installation of windows and doors, excluding bay, bow, and commercial customer service windows;
- (K) Replacement in kind and/or removal of underground tanks (water, gas, or oil) except within the Chesapeake Bay Critical Area;
- (L) Building siding without expansion of exterior walls;
- (M) Roofing and weatherproofing without increasing height of building;
- (N) Interior alteration of single-family detached, two-family, or three-family dwelling unit with no change in use;
- (O) Restoration of single-family detached dwellings after fire or flood damage, or repair of general deterioration, including pedestrian entrances, with no expansion of exterior walls or roof;
- (P) Removal of interior partitions with no change of use;
- (Q) 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;
- (R) 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;
- (S) 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;
- (T) Commercial and residential satellite dishes not exceeding 18 inches in diameter;
- (U) Canopies attached to a building, or freestanding canopies;
- (V) Steps and ground level patios (except within the Chesapeake Bay Critical Area);
- (W) Decks, gazebos, patios, or other improvements typically associated with residential development;
- (X) Sheds that do not otherwise require a building permit except within the Chesapeake Bay Critical Area; and

- (Y) All stadium wayfinding signs located within parking areas at a stadium.
- ii. Permits issued pursuant to one of the following development approvals, provided that the application was approved prior to the date of classification of the property into the MIO Zone and the validity period for such approval has not expired:
- (A) A final plat of subdivision approved for single-family detached residential development;
 - (B) A preliminary plan of subdivision for development not otherwise requiring a detailed site plan (minor or major);
 - (C) A special exception for development not otherwise requiring a detailed site plan (minor or major);
 - (D) A detailed site plan (minor or major); or
 - (E) A Specific Design Plan.
- iii. Areas of Prince George's County defined by the 2009 Joint Base Andrews Naval Air Facility Washington Joint Land Use Study as Imaginary Surfaces "C" (part of the Approach-Departure Clearance Surface) and "F" (Outer Horizontal Surface).

d. Nonconforming Uses

The following uses shall be considered nonconforming uses if lawfully existing at the time of reclassification of the subject property to the MIO Zone:

- i. Any use in the High Intensity Noise Area that is prohibited in accordance with subsection 27-4.402.C.4.b, High Intensity Noise Area; and
- ii. Any use in the Accident Potential Zone (Accident Potential Zones 1 and 2) that is either:
 - (A) Prohibited in accordance with subsection 27-4.402.C.4.c, Accident Potential Zone (Accident Potential Zones 1 and 2); or
 - (B) A place of worship, eating or drinking establishment, or office use prohibited in the underlying base zone or another overlay zone in which it is located.

e. Nonconforming Structures

All existing structures within the Military Installation Overlay Zone whose height exceeds the height limits established by the Impact Map for Height are nonconforming structures.

4. Modified Use Standards for MIO Zone

Irrespective of the use standards applicable in the underlying base zone, development in the MIO Zone shall be subject to the modified or additional use standards listed in the use tables and use-specific standards set forth in Division 27-4, Use Regulations, as well as the following use standards.

a. Standards Applicable to Principal and Accessory Uses

The standards in subsections b through d below apply to principal and accessory or ancillary uses individually.

b. High Intensity Noise Area

To reduce the adverse impact of the noise of air operations on vulnerable populations, the following uses are prohibited in the High Intensity Noise Area (see Figure 27-4.402.C.5.c: Noise Intensity):

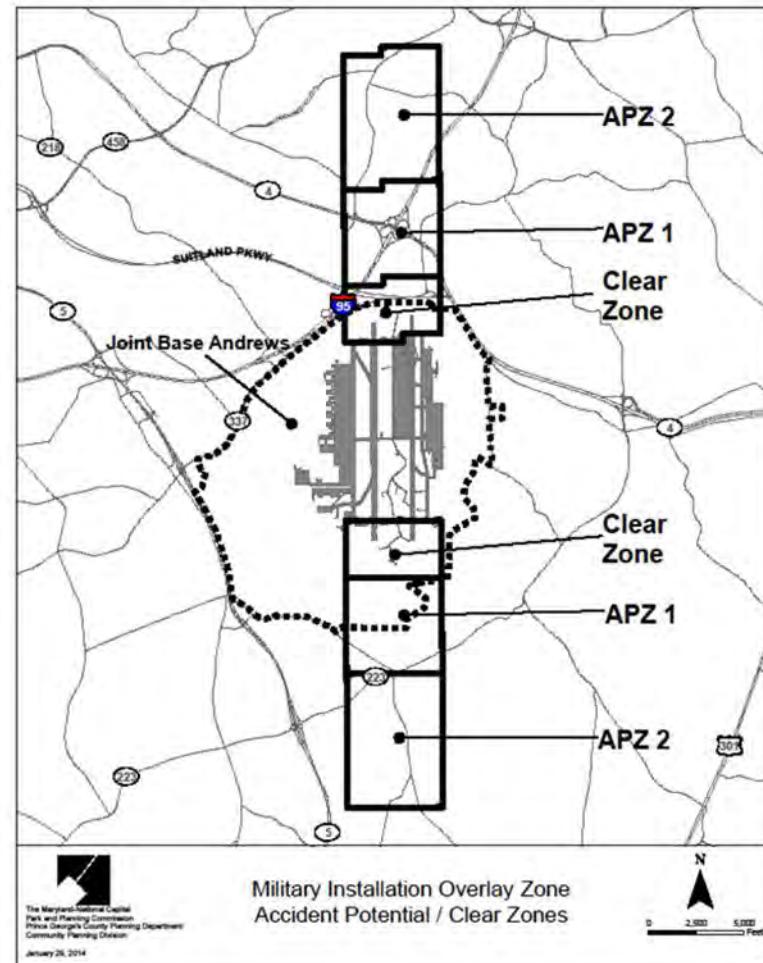
- i. Uses indicated as prohibited under the heading "HINA" in the use tables in Sec. 27-5.200, Sec. 27-5.300, and Sec. 27-5.400; and
- ii. Outdoor play areas, playgrounds, and before-and after-school recreational programs.

c. Accident Potential Zone (Accident Potential Zones 1 and 2)

In order to protect the public health, safety, and welfare of the communities surrounding Joint Base Andrews and to protect air operations at Joint Base Andrews, the following use standards apply in the Accident Potential Zone (Accident Potential Zones 1 and 2) (see Figure 27-4.402.C.4.c: Accident Potential/Clear Zones North and South):

- i. Uses indicated as prohibited under the heading "APZ" in the use tables in Sec. 27-5.200, Sec. 27-5.300, and Sec. 27-5.400 are prohibited in Accident Potential Zones 1 and 2.
- ii. New places of worship, eating or drinking establishment uses, and office uses, including new accessory permitted uses on the site of an existing principal use, shall comply with the following size restrictions:

Figure 27-4.402.C.4.c: Accident Potential/Clear Zones North and South



- (A) New places of worship shall not exceed 80 sanctuary seats or 6,000 square feet of gross floor area, whichever is greater.

- (B) New eating or drinking establishment uses or office uses located in the GCO, IE, or IH zones shall not exceed 6,000 square feet of gross floor area.
 - (C) New eating or drinking establishment uses or office uses located outside the GCO, IE, or IH zones shall not exceed 3,500 square feet of gross floor area.
 - (D) New office uses accessory to a permitted use located in the IE Zone or the IH Zone shall not exceed 0.15 FAR; all other new office uses shall not exceed 0.08 FAR.
- iii. Places of worship, eating or drinking establishment uses, and office uses existing at the time of reclassification of the subject property to the MIO Zone, are permitted and not nonconforming, if all of the following conditions apply:
- (A) The use is permitted in the underlying zone, including any applicable existing overlay zone; and
 - (B) The use had a valid use and occupancy permit on the date of the property's classification into the MIO Zone for a church or similar place of worship, eating or drinking establishment, or office.
- iv. Alterations, expansion, or extensions of places of worship, eating or drinking establishment uses, and office uses existing at the time of reclassification of the subject property to the MIO Zone may be permitted, subject to all of the following:
- (A) On the date the subject property was classified in the MIO Zone and at the time of application, the applicant shall have a valid use and occupancy permit for the use proposed for alteration, expansion, or extension;
 - (B) The use shall be located on property that is not within the boundaries of the Clear Zone of the MIO Zone;
 - (C) The use shall be located on property outside the Clear Zone and within Accident Potential Zone 1 or Accident Potential Zone 2 (see Figure 27-4.402.C.4.c: Accident Potential/Clear Zones North and South);
 - (D) The proposed altered, expanded, or extended use shall be the primary use of the property and limited to one of the following:
 - (1) Church or other place of worship;
 - (2) Eating or dining establishment; or
 - (3) Office.
 - (E) The proposed expansion shall not exceed the height limitations in subsection 27-4.402.C.5.b;
 - (F) The proposed expansion, and the sum total of all expansions, shall not exceed a 25 percent increase in gross floor area; and
 - (G) Prior to approval of a site plan, preliminary subdivision plan, building permit, or use and occupancy permit, the applicant shall

execute an affidavit acknowledging the property location within an Accident Potential Zone for Joint Base Andrews.

d. Clear Zone

In order to protect the public health, safety, and welfare of the communities surrounding Joint Base Andrews and to protect air operations at Joint Base Andrews, the following use standards apply in the Clear Zone (see Figure 27-4.402.C.4.c: Accident Potential/Clear Zones North and South):

- i. Uses indicated as prohibited under the heading "CZ" in the use tables in Sec. 27-5.200, Sec. 27-5.300, and Sec. 27-5.400 are prohibited in Clear Zone.
- ii. Office uses that exceed .08 Floor Area Ratio (FAR) are prohibited in the Clear Zone.

5. Modified Performance, Intensity, and Development Standards in the MIO Zone

Irrespective of the standards applicable in the underlying base zone, development in the MIO Zone shall be subject to the following modified or additional performance, intensity, and development standards.

a. General Performance Standards

In the MIO Zone, development shall, to the greatest extent possible, not:

- i. Release into the air any substance, such as steam, dust, or smoke which would impair visibility or otherwise interfere with the operation of aircraft;

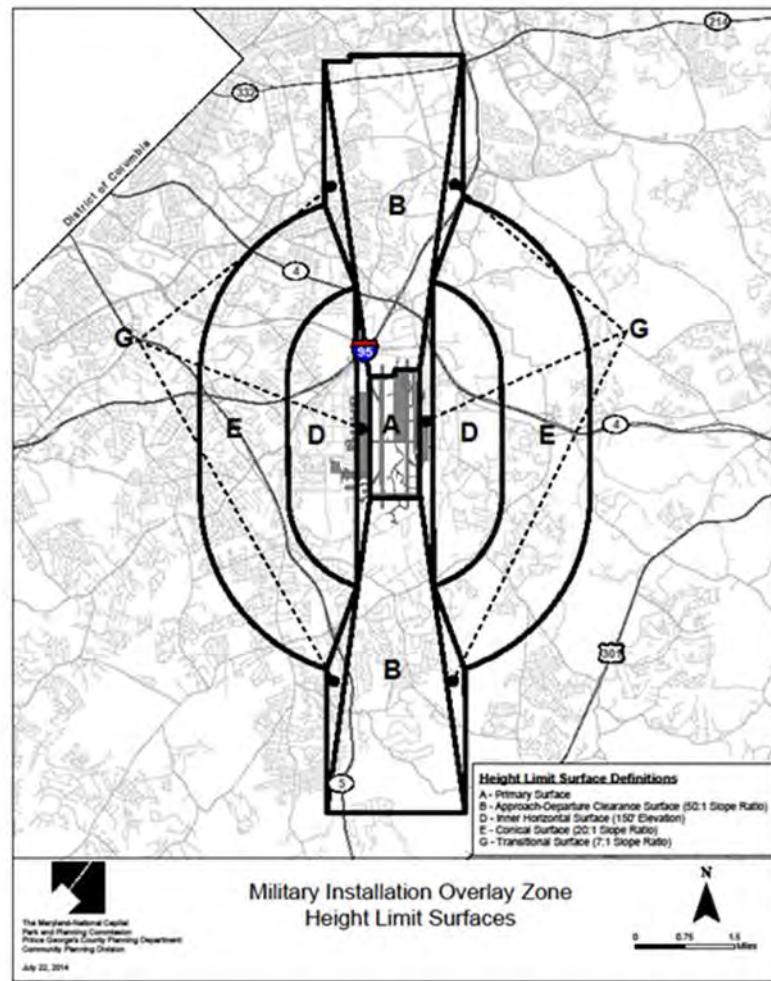
- ii. Produce light emissions, either direct or indirect (reflective), which would interfere with pilot vision;
- iii. Produce electrical emissions which would interfere with aircraft communication systems or navigation equipment;
- iv. Attract large numbers of birds; or
- v. Include the sales, handling, above-ground storage, refining, fabrication, or manufacturing of:
 - (A) Explosives, fireworks, or gunpowder;
 - (B) Fertilizers, pesticides, or insecticides;
 - (C) Petroleum products (other than gas station or vehicle repair and service station); or
 - (D) Other products constituting a potential hazard by fire, explosion, or other means, should an aircraft accident occur.

b. Height Standards

- i. For purposes of the MIO Zone, heights shall be determined by measuring the vertical distance from the mean elevation of the finished grade at the base of a structure to the highest point of any part of the structure, including, but not limited to, antennas, towers, poles, monopoles, or satellite dishes.
- ii. No development, structure, or alteration of the land shall exceed the height established by the Impact Map for Height.

- iii. At the time of building permit, a licensed engineer or qualified professional of competent expertise shall certify that structures do not exceed the height established by the Impact Map for Height, utilizing the formulae and methodology set forth in subsection iv below (see Figure 27-4.402.C.5.b: Height).
- iv. The Planning Board shall verify certification of height using the following formulae:
 - (A) Military Installation Overlay Zone height formulae are based upon the highest elevation of the subject property in relation to the elevation of the runways at Joint Base Andrews, which are 274 feet above sea level.
 - (B) The figures calculated through the measurements in subsections (4) through (8) below should add the difference in elevation between the runways at Joint Base Andrews and the highest elevation on the subject property: properties lower than 274 feet in elevation should add this difference in elevation; properties higher than 274 feet in elevation should subtract this difference in elevation to determine the maximum height:
 - (4) Surface A (Primary Surface): No structures permitted in this imaginary surface area symmetrically centered on the runway, extending 200 feet beyond each runway end and 1,000 feet on each side of the runway centerline.

Figure 27-4.402.C.5.b: Height



- (5) Surface B (Approach-Departure Clearance Surface): Structures in this area shall not exceed a height (in

feet) equivalent to the distance between Surface A and nearest boundary of the subject property, divided by 50. No structure shall exceed a height of 500 feet (elevation 774 feet) in this area.

- (6) Surface D (Inner Horizontal Surface): Structures inside this area shall not exceed a height of 150 feet (elevation of 424 feet) in this area.

- (7) Surface E (Conical Surface): Structures shall not exceed a height (in feet) equivalent to the total of the following equation:

a. Subtotal: Measure the distance from the centerline of the nearest runway, or, if the subject property is beyond the end of the runway, measure the distance as perpendicular to a tangential arc from the runway end, to the subject property's boundary nearest the runway. Subtract 7,500 feet from this distance to obtain the subtotal.

b. Total: Divide the subtotal by 20, then add 150 feet to determine the maximum structure height.

- (8) Surface G (Transitional Surface 7:1): Structures between the edge of Approach-Departure Clearance surface (B) and the edge of Inner

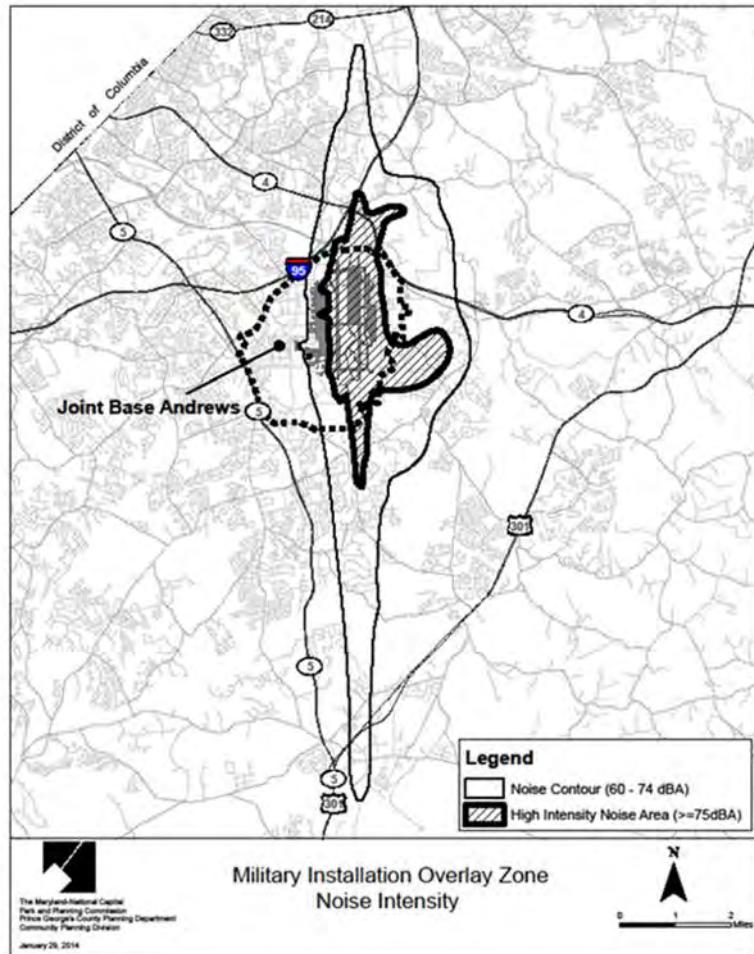
Horizontal surface (D) or the Conical surface (E) shall not exceed a height (in feet) equivalent to the total of the following equation:

- a. Subtotal 1: The distance between a point on the extended edge of the approach-departure end of primary surface (A) measured perpendicular to a point on the nearest edge of the subject property, divided by 50.
- b. Subtotal 2: The distance between a point on the nearest edge of the subject property measured perpendicular to a point on the nearest edge of the approach-departure surface (B), divided by 7.
- c. Add Subtotals 1 and 2 to obtain the maximum structure height.

c. Noise Standards

- i. Noise Intensity Contours in the MIO Zone are established by the most current Air Installation Compatible Use Zone Study ("AICUZ") on file in the Clerk of the District Council's office and are identified in the Impact Map represented as Figure 27-4.402.C.5.c: Noise Intensity.

Figure 27-4.402.C.5.c: Noise Intensity



- ii. Interiors of all new residential construction within the Noise Intensity Contours, including additions, must be certified to 45 dBA Ldn or less by an Acoustical Engineer or qualified professional of competent expertise.

iii. Uses in High Intensity Noise Areas

- (A) The issuance of permits authorizing any construction within the High Intensity Noise Area shall be subject to the following additional restrictions:
- (9) At the time of building permit, if a non-residential use is required by Subtitle 4 (Building Code) to provide noise level reduction within the interior of a building, such noise reduction must be certified by an Acoustical Engineer or qualified professional of competent expertise.
- (10) New use and occupancy permits for non-residential uses which do not otherwise include new construction can be issued provided that the use and occupancy permit site plan contains a note specifying that the property is located in a High Intensity Noise Area.

d. **Lighting Standards**

Development applications within the Safety Zones shall include a lighting plan that demonstrates compliance with all of the following standards:

- i. All lighting shall be fully shielded with cut-off, non-glare fixtures directed only onto the site;
- ii. All external lighting must be projected downward at an angle of no less than ten degrees below horizontal;

- iii. Buildings shall not use glass or other highly reflective materials on any surface angled above horizontal; and
- iv. Structures three stories or taller shall use non-reflective wall surfaces and windows.

6. Referrals to Joint Base Andrews

- a. Building permits, use and occupancy permits, and development applications subject to this Subsection located partially or completely in the MIO Zone for uses which may produce noise, smoke, dust, excessive light, electromagnetic interference and vibrations which potentially impact base operations, shall be referred to Joint Base Andrews for their review and written comment.
- b. All building permits, use and occupancy permits, and development applications subject to this Subsection where a proposed structure is wholly or partially located in the Northern Clear Zone (see Figure 27-4.402.C.4.c: Accident Potential/Clear Zones North and South) shall be referred to Joint Base Andrews for their review and written comment.
- c. All building permits, use and occupancy permits, and development applications subject to this Subsection 27-4.402.C located partially or completely in the MIO Zone for a use that includes prohibited activities identified in subsection 27-4.402.C.5.a.v shall be referred to Joint Base Andrews for their review and comment.
- d. All building permits, use and occupancy permits, and development applications subject to this Subsection located partially or completely in the MIO Zone for a

structure, grading of land, or landfill that may exceed the height limitations identified in subsection 27-4.402.C.5.b shall be referred to Joint Base Andrews for their review and comment.

- e. It shall be incumbent upon Joint Base Andrews to ensure that any written comments are received by the appropriate body in a timely manner within the established development review process. The appropriate body shall not deny an application solely due to failure to receive written comment from Joint Base Andrews.

27-4.403. Other Overlay Zones

A. Neighborhood Conservation Overlay (NCO) Zone

1. Purpose

The Neighborhood Conservation Overlay (NCO) Zone is established and intended to protect and preserve the unique development features and character of established neighborhoods throughout the County, and to promote new development that is compatible with the existing neighborhood character. The NCO Zone is a flexible tool that may be applied to multiple neighborhoods, each of which could have its own unique attributes.

2. Establishment of Individual NCO Zones

The District Council may establish individual NCO Zones in accordance with this Sec. 27-4.403.A and Sec. 27-3.504, Zoning Map Amendment, after approving a neighborhood plan for the neighborhood specifying the development context in the zone. Each zone shall comply with the standards in Sec. 27-4.403.A.4, General Development Standards for All NCO Zones. In establishing a new NCO

Zone, the District Council may also establish a unique set of development standards applicable to all development in the particular zone (see Sec. 27-4.403.A.5, Specific Neighborhood Conservation Overlay Zones).

3. Minimum Standards for Designation of an NCO Zone

The District Council may approve an application for designation of a NCO Zone only if:

- a. At least 65 percent of the land area within the proposed NCO Zone, not including street and other rights-of-way, is developed;
- b. Development patterns in the NCO Zone demonstrate an on-going effort to maintain or rehabilitate the character and physical features of existing buildings in the zone;
- c. There is existing or anticipated pressure for new development or redevelopment and new infill development within the zone;
- d. The area must possess one or more of the following distinctive features that create a cohesive identifiable setting, character, or association:
 - i. Scale, size, type of construction, or distinctive building materials;
 - ii. Lot layouts, setbacks, street layouts, alleys or sidewalks;
 - iii. Special natural or streetscape characteristics, such as creek beds, parks, gardens, or street landscaping;
 - iv. Land use patterns, including mixed or unique uses or activities; or

v. Abuts or links designated historic districts and/or historic sites.

- e. The development standards proposed to be applied to the zone will encourage the retention of the general character and appearance of existing development in the zone.

4. General Development Standards for All NCO Zones

a. Compliance with Underlying Zone Standards

These standards supplement the applicable development and zone-specific standards applicable in the underlying base zone and except as otherwise provided in Sec. 27-4.403.A.4.d.ii below, do not affect the use regulations applicable in the underlying zone.

b. Compliance with Approved Design and Development Standards

No permit for any new construction or expansion of an existing structure resulting in an increase in the gross square footage of the building of 15 percent or more may be issued until the Planning Director determines that the proposal complies with all design standards established for the NCO Zone where the land is located.

c. Conflict with Other Standards

In the case of conflict between the NCO Zone standards and any other standards of this Ordinance, the NCO Zone development standards shall control.

d. Zone-Specific Development Standards

- i. Each area designated as a NCO Zone shall identify, with specificity, the design standards

to be applied to all new construction and expansion of existing structures. Aspects of development that these design standards may include, but are not limited to, the following:

- (A) Lot size;
- (B) Location of proposed buildings or additions;
- (C) Setbacks or required yard depths;
- (D) Building height;
- (E) Building size (for principal and accessory structures);
- (F) Building orientation;
- (G) Exterior building materials and colors;
- (H) Building roof line and pitch;
- (I) Building foundation treatment;
- (J) Landscaping and screening;
- (K) Impervious surface cover;
- (L) Paving requirements or limitations;
- (M) Exterior lighting;
- (N) Required features on a front façade;
- (O) Neighborhood character and compatibility;
- (P) Views of or from specific locations;
- (Q) Riparian areas, wetland areas, or drainage patterns; and
- (R) Demolition of structures.

- ii. The District Council may approve additional design standards addressing aspects of development not listed above. The District Council may also prohibit use types within a NCO Zone.

5. Specific Neighborhood Conservation Overlay Zones

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Division 5: Use Regulations

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DIVISION 27-5 USE REGULATIONS

Sec. 27-5.100 General Provisions

Sec. 27-5.200, Principal Uses, identifies land uses allowed as the principal uses in the various zones and sets out the special standards that apply to a number of the allowable principal uses. Sec. 27-5.300, Accessory Uses and Structures, identifies land uses and structures commonly allowed as accessory to principal uses, sets out general standards applicable to all accessory uses and structures, and sets out special standards that apply to particular accessory uses and structures. Sec. 27-5.400, Temporary Uses and Structures, identifies land uses or structures allowed on a temporary basis, sets out general standards applicable to all temporary uses and structures, and sets out special standards that apply to particular temporary uses and structures.

Sec. 27-5.200 Principal Uses

27-5.201. General

A. Purpose

The purpose of this Section is to authorize the establishment and continuation of land uses that are allowed as the primary use(s) of a parcel—i.e., principal uses. This Section identifies the zones in which such principal uses are allowed, identifies what type of permit or review is required to establish them, and sets out any special standards applicable to particular principal uses. This Section is also intended to establish a hierarchy for organizing principal uses that reflects functional relationships among the various principal uses and that, in conjunction with Sec. 27-2.302, Interpretation of Unlisted Uses,

makes it easier to determine whether a particular proposed use is allowable as a principal use in a particular zone.

B. Organization and Applicability

Sec. 27-5.202, Principal Use Tables, contains tables listing allowable principal uses and showing whether each use is permitted or prohibited within the various zones, as well as the type of permit or approval by which the use may be allowed. Sec. 27-5.203, Standards Specific to Principal Uses, sets forth standards applicable to specific principal uses regardless of the zone in which they are allowed or the review procedure by which they are approved, unless expressly stated to the contrary. These standards may be modified by other applicable requirements in this Ordinance.

27-5.202. Principal Use Tables

A. Structure of Principal Use Tables

1. Organization and Classification of Principal Uses

The Principal Use Tables organize allowable principal uses with the following hierarchy of use classifications:

- a. Use Classifications are very broad and general (e.g., Rural and Agricultural Uses, Residential Uses, Public, Civic, and Institutional Uses, Commercial Uses, and Industrial Uses).
- b. Use Categories represent major subgroups of the use classifications that have common functional, product, or physical characteristics, such as the type and amount of activity, type of occupants or users/customers, or operational characteristics. For example, the Commercial Use Classification is divided into multiple use categories, including Eating or

Drinking Establishments, Office Uses, and Visitor Accommodation Uses.

- c. Use Types identify specific principal land uses whose characteristics are considered to fall within the various use categories. For example, food market and consumer goods establishment are use types within the Retail Sales and Service Use Category. Each use type is defined in Sec. 27-2.301, Principal Use Classification System. While the Residential and Public, Civic, and Institutional use classifications tend to include relatively specific and well-defined use types, the Commercial and Industrial use classifications tend to include broader uses types, reflecting the wider range and ever-growing variety of commercial and industrial uses existing in the community.

Classifying principal uses in this manner provides a systematic basis for determining whether a particular land use not expressly listed should be considered a form or example of a listed principal use, and for addressing future additions to the Principal Use Tables. See Sec. 27-2.301, Principal Use Classification System, for a description of the use classification system and Sec. 27-2.302, Interpretation of Unlisted Uses, for the procedures for using the system to interpret unlisted uses.

2. Designation of Principal Uses as Permitted

The Principal Use Tables in this Subsection use the following abbreviations to designate whether and how a principal use is allowed in a particular zone:

P	A "P" under a base zone column indicates that the use is allowable as a principal use in the zone, subject to any referenced use-specific standards and all other applicable regulations of this Ordinance.
SE	An "SE" under a base zone column indicates that the use is allowable as a principal use in the zone only on approval of a special exception in accordance with Sec. 27-3.507, Special Exception, and subject to any referenced use-specific standards and all other applicable regulations of this Ordinance.
A	An "A" under a planned development (PD) zone column indicates that the use is allowable as a principal use in the PD zone only if the PD Basic Plan/Conditions of Approval approved for the zone expressly identifies the use type as allowed, subject to any referenced use-specific standards and all other applicable regulations of this Ordinance.
X	An "X" under a base or planned development (PD) zone column indicates that the use is prohibited as a principal use in the zone.
X	An "X" under an overlay zone column indicates that the use is prohibited as a principal use in the overlay zone, irrespective of whether it is allowed in the underlying base zone. This designation applies only to overlay zones.
SE*	An SE* under an overlay zone column indicates that, irrespective of whether it is a permitted use in the underlying base zone, the use is allowable as a principal use in the overlay zone only on approval of a special exception in accordance with Sec. 27-3.507, Special Exception, and subject to any referenced use-specific standards and all other applicable regulations of this Ordinance.

P* A P* under an overlay zone column indicates that, irrespective of whether it is prohibited in the underlying base zone, the use is allowable as a permitted principal use in the overlay zone, subject to any referenced use-specific standards and all other applicable regulations of this Ordinance.

A blank cell under an overlay zone column indicates the use is allowed as a principal use in the overlay zone if it is allowed in the underlying base zone.

3. Reference to Use-Specific Standards

A particular use category or use type allowable as a principal use in a zone may be subject to additional standards that are specific to the particular use. The applicability of such use-specific standards is noted in the last column of the Principal Use Tables ("Use-Specific Standards") through a reference to standards in Sec. 27-5.203, Standards Specific to Principal Uses.

B. Multiple Principal Uses

1. A development may include:
 - a. A single principal use with one or more accessory uses that are customarily incidental and subordinate to the principal use (e.g., home occupation as accessory to a dwelling, or administrative offices as accessory to a school, retail sales, or manufacturing use); or
 - b. Multiple principal uses, none of which is necessarily customarily incidental or subordinate to another principal use (e.g., a place of worship combined with a school, a gas station combined with a convenience store, restaurant, or automotive repair use, or a flex

building housing retail, industrial service, and warehousing tenants).

2. A development with multiple principal uses shall include only those principal uses designated in the Principal Use Tables as allowed in the applicable zone. Each such principal use shall be subject to any use-specific standards applicable to the use, provided, a building that contains nonresidential uses on the ground floor and residential uses above the ground floor that are subject to different setback requirements (see Division 27-4, Zones and Zone Regulations), shall be subject to the least restrictive of the applicable setback requirements. Where dimensional standards that apply to the lot as a whole, such as lot width or minimum lot area, are different for each use, the most restrictive apply.

C. Principal Use Table for Rural and Agricultural, and Residential Base Zones

Table 27-5.202.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	
Rural and Agricultural Uses													
Agriculture/ Forestry Uses	Agriculture	P	P	P	P	P	X	X	X	X	X	X	
	Community garden	P	P	P	P	P	P	P	P	P	P	P	27-5.203.B.1.a
	Forestry	P	P	P	P	P	X	X	X	X	X	X	
	Keeping of horses or ponies	P	P	P	P	P	X	X	X	X	X	X	
	Medical cannabis grower and/or processor	X	P	P	X	X	X	X	X	X	X	X	27-5.203.B.1.b
	Urban farm	P	P	P	P	P	P	P	P	P	P	P	27-5.203.B.1.c
	All other agriculture/forestry uses	P	P	P	P	P	X	X	X	X	X	X	27-5.203.B.1
Agriculture/ Forestry Related Uses	Agriculture research facility	P	SE	SE	X	X	X	X	X	X	X	X	
	Equestrian center	P	P	P	SE	SE	X	X	X	X	X	X	
	Farm brewery or distillery	P	P	P	X	X	X	X	X	X	X	X	
	Farm distribution hub	P	P	P	SE	SE	X	X	X	X	X	X	
	Farm supply sales or farm machinery/implement sales, rental, or repair	P	P	P	SE	SE	X	X	X	X	X	X	
	Farm market	P	P	P	P	P	X	X	X	X	X	X	
	Farm winery	P	P	P	P	P	X	X	X	X	X	X	27-5.203.B.2.a
	Riding stable	P	P	P	P	P	X	X	X	X	X	X	
	Rural corporate retreat	SE	SE	SE			X	X	X	X	X	X	27-5.203.B.2.b
	Sawmill	SE	P	P	SE	SE	X	X	X	X	X	X	27-5.203.B.2.c
Open Space Uses	Arboretum or botanical garden, park or greenway, or public beach and public water-oriented recreational and educational area	P	P	P	P	P	P	P	P	P	P	P	27-5.203.B.3.a
	Cemetery	SE	P	P	SE	SE	SE	SE	SE	X	X	X	
Residential Uses													
Household Living Uses	Artists' residential studios	X	X	X	X	X	X	P	P	P	P	P	27-5.203.C.1.a
	Dwelling, live-work	X	X	X	X	X	X	P	P	P	P	P	27-5.203.C.1.b
	Dwelling, manufactured home	SE	SE	SE	SE	X	X	X	X	X	X	X	27-5.203.C.1.c
	Dwelling, multifamily	X	X	X	X	X	X	X	X	P	P	P	
	Dwelling, single-family detached	P	P	P	P	P	P	P	P	P	X	X	
	Dwelling, three-family	X	X	X	X	X	X	P	P	P	P	X	
	Dwelling, townhouse	X	X	X	X	X	X	P	P	P	P	X	
	Dwelling, two-family	X	X	X	X	X	X	P	P	P	P	X	
Group Living Uses	Manufactured home park	X	X	SE	X	X	X	X	X	X	X	X	27-5.203.C.1.e
	Assisted living facility ≤ 8 elderly or handicapped residents	P	P	P	P	P	P	P	P	P	P	P	
	Assisted living facility > 8 elderly or handicapped residents	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P	27-5.203.C.2.a
	Boarding or rooming house	X	X	X	X	X	X	P	P	P	P	X	

Table 27-5.202.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
	Continuing care retirement community	X	P	X	X	X	SE	SE	P	P	P	27-5.203.C.2.b
	Convent or monastery	P	P	P	P	P	P	P	P	P	P	
	Fraternity or sorority house	X	X	X	X	X	SE	SE	P	P	SE	
	Group residential facility	P	P	P	P	P	P	P	P	P	P	27-5.203.C.2.c
	Private dormitory	X	X	X	X	X	X	X	X	P	P	27-5.203.C.2.d
Public, Civic, and Institutional Uses												
Communication Uses	Broadcasting studio and newspaper/periodical publishing	X	X	X	X	X	X	X	X	X	X	
	Wireless telecommunications tower, monopole	P	P	P	P	P	P	P	P	P	P	27-5.203.D.1.a
	Wireless telecommunications tower, other	X	X	X	X	X	X	X	X	X	X	27-5.203.D.1.a
Community Service Uses	Adult day care facility	X	SE	SE	SE	SE	SE	SE	P	P	P	
	Child care center	SE	SE	SE	SE	SE	SE	SE	P	P	P	27-5.203.D.2.a
	Club or lodge or community-oriented associations	SE	SE	SE	SE	SE	SE	SE	SE	P	P	
	Community center/facility	SE	SE	SE	SE	SE	SE	SE	SE	P	P	
	Cultural facility	SE	SE	P	P	P	P	P	P	P	P	
	Eleemosynary or philanthropic institution	SE	SE	SE	SE	SE	SE	SE	SE	P	P	27-5.203.D.2.b
	Emergency services facility	P	P	P	P	P	P	P	P	P	P	
	Place of worship	P	P	P	P	P	P	P	P	P	P	27-5.203.D.2.c
Educational Uses	All other community service uses	P	P	P	P	P	P	P	P	P	P	
	College or university	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	27-5.203.D.3.a
	Elementary, middle, or high school	P	P	P	P	P	P	P	P	P	P	27-5.203.D.3.b
	Vocational or trade school	X	X	X	X	X	X	X	X	X	X	
Health Care Uses	Water-dependent research facility operated by a government or educational institution	SE	X	X	X	X	X	X	X	X	X	27-5.203.D.3.c
	Hospital	X	X	X	X	X	X	X	SE	SE	SE	27-5.203.D.4.a
	Medical or dental office or lab	X	X	X	X	X	X	X	P	P	P	
	Methadone treatment center	X	X	X	X	X	X	X	X	X	X	27-5.203.D.4.b
Transportation Uses	Nursing home facility	X	SE	SE	SE	SE	SE	SE	SE	SE	SE	
	Airport or heliport	X	SE	SE	SE	SE	SE	SE	SE	SE	SE	27-5.203.D.5.a
	Airstrip, private	X	P	SE	SE	SE	SE	SE	SE	SE	SE	27-5.203.D.5.b
	Park and ride facility	X	X	X	X	X	X	X	SE	SE	SE	
	Parking facility (as a principal use)	X	X	X	X	X	X	X	SE	SE	SE	27-5.203.D.5.c
Utility Uses	Transit station or terminal	X	X	X	X	X	X	X	SE	SE	SE	
	Solar energy collection facility, large-scale	X	P	P	SE	SE	X	X	X	X	X	27-5.203.D.6.a
	Utility facility, major	X	SE	SE	SE	SE	SE	SE	SE	SE	SE	27-5.203.D.6.b
	Utility facility, minor	X	P	P	P	P	P	P	P	P	P	
Commercial Uses												
Adult Uses	All adult uses	X	X	X	X	X	X	X	X	X	X	27-5.203.E.2

Table 27-5.202.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	
Animal Care Uses	Animal shelter	X	SE	SE	X	X	X	X	X	X	P	P	27-5.203.E.3.a
	Kennel	X	P	P	P	P	X	X	X	X	P	P	27-5.203.E.3.b
	Pet grooming establishment	X	P	P	P	P	X	X	X	X	X	X	27-5.203.E.3.c
	Veterinary hospital or clinic	X	P	P	SE	SE	X	X	X	X	SE	SE	27-5.203.E.3.d
Business Support Service Uses	All business support services	X	X	X	X	X	X	X	X	X	P	P	27-5.203.E.4
Eating or Drinking Establishment Uses	Brewpub; Restaurant; and Restaurant, fast food (without drive-through)	X	X	X	X	X	X	X	X	X	P	P	27-5.203.E.5
	Restaurant, fast food	X	X	X	X	X	X	X	X	X	P	P	27-5.203.E.5
Funeral and Mortuary Service Uses	All funeral and mortuary services	X	X	X	X	X	X	X	X	X	SE	SE	
Office Uses	Contractor's office	X	X	X	X	X	X	X	X	X	P	P	
	Office building, general business and professional	X	X	X	X	X	X	X	X	P	P	P	
	Office park	X	X	X	X	X	X	X	X				
Personal Service Uses	All personal services uses	X	X	X	X	X	X	X	X	P	P	P	27-5.203.E.6
Recreation/Entertainment Uses	Amusement park	X	X	X	X	X	X	X	X	X	X	X	27-5.203.E.7.a
	Arena, stadium, or amphitheater	X	X	X	X	X	X	X	X	X	X	X	27-5.203.E.7.b
	Athletic field	X	X	X	X	X	X	X	X	X	X	X	
	With seating for ≤ 100 persons	X	X	X	X	X	X	X	X	X	X	X	
	Cinema	X	X	X	X	X	X	X	X	X	X	P	
	Country club	X	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	
	Entertainment establishment	X	X	X	X	X	X	X	X	X	X	X	
	Golf course	X	P	P	P	P	SE	SE	SE	SE	SE	SE	
	Golf driving range	X	SE	SE	SE	SE	X	X	X	X	X	X	
	Nightclub	X	X	X	X	X	X	X	X	X	X	X	27-5.203.E.7.c
	Performance arts center	X	X	X	X	X	X	P	P	P	P	P	
	Racetrack	X	SE	SE	X	SE	X	X	X	X	X	X	27-5.203.E.7.d
	Recreation facility, indoor	X	P	P	P	P	P	P	P	P	P	P	27-5.203.E.7
	Recreation facility, outdoor	X	SE	SE	SE	SE	SE	SE	P	P	P	P	27-5.203.E.7
	Recreational or entertainment establishment of a commercial nature with video lottery facility	X	X	X	X	X	X	X	X	X	X	X	27-5.203.E.7.e
Shooting range	Indoor	X	SE	SE	X	SE	X	X	X	X	X	X	27-5.203.E.7.f
	Outdoor; lot area < 20 acres	X	SE	SE	X	SE	X	X	X	X	X	X	
	Outdoor; lot area ≥ 20 acres	X	SE	X	X	X	X	X	X	X	X	X	
	Waterfront entertainment/retail complex	X	X	X	X	X	X	X	X	X	X	X	
	All other recreation/entertainment uses	X	X	X	X	X	X	X	X	X	X	X	27-5.203.E.7
Retail Sales and	Art gallery	X	X	P	P	P	P	P	P	P	P	P	

Table 27-5.202.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	
Service Uses	Bank or other financial institution	X	X	X	X	X	X	X	X	X	P	P	27-5.203.E.8.a
	Check cashing business, pawnshop, tattoo or body piercing establishment	X	X	X	X	X	X	X	X	X	X	X	27-5.203.E.8.b
	Consumer goods establishment	X	X	X	X	X	X	X	X	X	P	P	
	Convenience store	X	X	X	X	X	X	X	X	X	P	P	
	Combination retail	X	X	X	X	X	X	X	X	X	X	X	
	Farmers' market	X	X	X	P	P	X	X	X	P	P	P	27-5.203.E.8.d
	Grocery store or food market	X	X	X	X	X	X	X	X	X	P	P	
	Manufactured or modular home sales	X	X	X	X	X	X	X	X	X	X	X	
	Medical cannabis dispensary	X	X	X	X	X	X	X	X	X	X	X	27-5.203.E.8.e
	All other retail sales and service uses	X	X	X	X	X	X	X	X	X	X	X	27-5.203.E.8
Vehicle Sales and Service Uses	Commercial fuel depot	X	X	X	X	X	X	X	X	X	X	X	27-5.203.E.9.a
	Commercial vehicle repair and maintenance	X	X	X	X	X	X	X	X	X	X	X	
	Commercial vehicle sales and rental and Personal vehicle sales and rental	X	X	X	X	X	X	X	X	X	X	X	27-5.203.E.9.d
	Gas station	X	X	X	X	X	X	X	X	X	X	X	27-5.203.E.9.b
	Personal vehicle repair and maintenance	X	X	X	X	X	X	X	X	X	X	X	27-5.203.E.9.c
	Taxi or limousine service facility	X	X	X	X	X	X	X	X	X	X	X	27-5.203.E.9.e
	Vehicle equipment and supplies sales	X	X	X	X	X	X	X	X	X	X	X	27-5.203.E.9.f
	Vehicle paint finishing shop and vehicle or trailer storage yard	X	X	X	X	X	X	X	X	X	X	X	
Visitor Accommodation Uses	Vehicle towing and wrecker service	X	X	X	X	X	X	X	X	X	X	X	27-5.203.E.9.g
	Campground	SE	SE	SE	SE	SE	X	X	X	X	X	X	27-5.203.E.10.a
	Country inn	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	27-5.203.E.10.b
Water-Related Uses	Hotel or motel	X	X	X	X	X	X	X	X	X	X	X	27-5.203.E.10.c
	Boat sales, rental, service, or repair	X	X	X	X	X	X	X	X	X	X	X	27-5.203.E.11.a
	Boat storage yard	X	X	X	X	X	X	X	X	X	X	X	27-5.203.E.11.b
	Marina (new or expansion)	X	X	X	X	X	X	X	X	X	X	X	27-5.203.E.11.c
Industrial Uses													
Extraction Uses	Surface mining	X	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	27-5.203.F.2.a
	Sand and gravel wet processing	X	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	27-5.203.F.2.b
Industrial Service Uses	Contractor's yard, photographic processing 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	
	Printing or similar reproduction facility, small engine repair shop	X	X	X	X	X	X	X	X	X	X	X	
	Research and development	X	X	X	X	X	X	X	X	X	X	X	
	Slaughterhouse	X	X	X	X	X	X	X	X	X	X	X	
	All other industrial service uses	X	X	X	X	X	X	X	X	X	X	X	27-5.203.F.3

Table 27-5.202.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	
Manufacturing Uses	Beverage bottling	X	X	X	X	X	X	X	X	X	X	
	Brewery, winery, or distillery	X	X	X	X	X	X	X	X	X	X	
	Concrete batching or asphalt mixing plant	X	X	X	X	X	X	X	X	X	X	27-5.203.F.4.a
	Concrete or brick products manufacturing	X	X	X	X	X	X	X	X	X	X	27-5.203.F.4.b
	Food processing	X	SE	X	X	X	X	X	X	X	X	
	Manufacturing, assembly, or fabrication, light	X	X	X	X	X	X	X	X	X	X	
	All other manufacturing uses	X	X	X	X	X	X	X	X	X	X	27-5.203.F.4
Warehouse and Freight Movement Uses	Cold storage plant or distribution warehouse	X	X	X	X	X	X	X	X	X	X	
	Consolidated storage	X	X	X	X	X	X	X	X	X	X	27-5.203.F.5.a
	Motor freight facility	X	X	X	X	X	X	X	X	X	X	
	Outdoor storage (as a principal use)	X	X	X	X	X	X	X	X	X	X	27-5.203.F.5.b
	Storage warehouse	X	X	X	X	X	X	X	X	X	X	
	Warehouse showroom	X	X	X	X	X	X	X	X	X	X	27-5.203.F.5.c
	All other warehouse and freight movement uses	X	X	X	X	X	X	X	X	X	X	27-5.203.F.5
Waste-Related Uses	Class 3 fill	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	27-5.203.F.6.a
	Composting facility, concrete recycling facility, junkyard or salvage yard, or solid waste processing facility	X	X	X	X	X	X	X	X	X	X	27-5.203.F.6
	Concrete recycling facility	X	X	X	X	X	X	X	X	X	X	27-5.203.F.6.b
	Landfill, sanitary	X	SE	SE	SE	SE	X	X	X	X	X	
	Landfill, rubble (construction and demolition debris) and Landfill, land clearing debris	X	SE	SE	SE	SE	X	X	X	X	X	
	Recycling collection center	X	P	P	P	P	P	P	P	P	P	27-5.203.F.6.d
	Recycling plant	X	X	X	X	X	X	X	X	X	X	27-5.203.F.6.e
	Solid waste transfer station	X	X	X	X	X	X	X	X	X	X	27-5.203.F.6.f
	Temporary rubble (construction and demolition debris) landfill	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	
	Food and beverage distribution at wholesale	X	X	X	X	X	X	X	X	X	X	
Wholesale Uses	All wholesale uses	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 27-5.202.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	Core	Edge	RMH		
Rural and Agricultural Uses																			
Agriculture/Forestry Uses	Agriculture	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
	Community garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-5.203.B.1.a	
	Forestry	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
	Keeping of horses or ponies	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
	Medical cannabis grower and/or processor	X	X	X	P	X	X	X	X	X	X	X	X	X	X	X	X	27-5.203.B.1.b	
	Urban farm	P	P	P	P	P	P	X	X	X	X	X	X	X	X	X	P		
	All other agriculture/forestry uses	X	X	X	P	P	X	X	X	X	X	X	X	X	X	X	X	27-5.203.B.1	
Agriculture/ Forestry Related Uses	Agriculture research facility	X	X	X	P	P	X	X	X	X	X	X	X	X	X	X	X		
	Equestrian center	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	X		
	Farm brewery or distillery	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	X		
	Farm distribution hub	X	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X		
	Farm market	X	X	X	P	P	X	X	X	X	X	X	X	X	X	X	X		
	Farm supply sales or farm machinery/implement sales, rental, or repair	X	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X		
	Farm winery	X	X	X	P	P	X	X	X	X	X	X	X	X	X	X	X	27-5.203.B.2.a	
	Riding stable	X	X	X	P	P	X	X	X	X	X	X	X	X	X	X	X		
	Rural corporate retreat	X	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	27-5.203.B.2.b	
	Sawmill	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	X	27-5.203.B.2.c	
Open Space Uses	Arboretum or botanical garden, park or greenway, or public beach and public water-oriented recreational and educational area	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-5.203.B.3.a	
	Cemetery	X	SE	SE	SE	SE	X	X	X	X	X	X	X	X	X	X	X		
Residential Uses																			
Household Living Uses	Artists' residential studios	P	P	P	P	SE	P	P	P	P	P	P	P	P	P	P	P	X	27-5.203.C.1.a
	Dwelling, live-work	P	P	P	P	SE	P	P	P	P	P	P	P	P	X	P	X	P	27-5.203.C.1.b
	Dwelling, manufactured home	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	27-5.203.C.1.c
	Dwelling, multifamily	P	P	P	P	SE	P	P	P	P	P	P	P	P	P	P	P	X	27-5.203.C.1.d
	Dwelling, single-family detached	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	Dwelling, three-family	X	X	X	X	X	P	P	P	P	P	P	P	P	X	P	X	P	
	Dwelling, townhouse	P		P	X	X	P	P	P	P	P	P	P	P	X	P	X	P	
	Dwelling, two-family	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	Manufactured home park	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	27-5.203.C.1.e
Group Living Uses	Assisted living facility	X	P	P	P	X	P	P	P	P	P	P	P	P	P	P	P	P	27-5.203.C.2.a
	< 8 elderly or handicapped residents	X	P	P	P	X	P	P	P	P	P	P	P	P	P	P	P	X	
	> 8 elderly or handicapped residents	X	P	P	P	X	P	P	P	P	P	P	P	P	P	P	P	X	

Table 27-5.202.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					NAC	Transit-Oriented/Activity Center Base Zones								Other Base Zones	Use-Specific Standards				
		TAC		LTO		RTO-L		RTO-H													
		CN	CS	CGO	IE	IH		Core	Edge	Core	Edge	Core	Edge	Core	Edge						
	Boarding or rooming house	X	P	P	X	X	P	X	P	X	P	X	P	X	P	X					
	Continuing care retirement community	X	P	P	X	X	P	X	P	X	P	X	P	X	P	X		27-5.203.C.2.b			
	Convent or monastery	X	P	P	P	P	X	X	X	X	X	X	X	X	X	X					
	Fraternity or sorority house	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X					
	Group residential facility	X	X	X	X	X	P	X	P	X	P	X	P	X	P	X		27-5.203.C.2.c			
	Private dormitory	X	X	P	X	X	P	P	P	P	P	P	P	P	P	P	X	27-5.203.C.2.d			
Public, Civic, and Institutional Uses																					
Communication Uses	Broadcasting studio and newspaper/periodical publishing establishment	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				
	Wireless telecommunications tower, monopole	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-5.203.D.1.a			
	Wireless telecommunications tower, other	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-5.203.D.1.a			
	All other communication uses	X	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X				
Community Service Uses	Adult day care facility	X	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X				
	Child care center	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-5.203.D.2.a			
	Club or lodge or community-oriented associations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
	Community center/facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
	Cultural facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
	Eleemosynary or philanthropic institution	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-5.203.D.2.b			
	Emergency services facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
	Place of worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-5.203.D.2.c			
Educational Uses	All other community service uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X			
	College or university	X	P	P	P	SE	P	P	P	P	P	P	P	P	P	P	P	X	27-5.203.D.3.a		
	Elementary, middle, or high school	X	P	P	SE		P	P	P	P	P	P	P	P	P	P	P	X	27-5.203.D.3.b		
	Vocational or trade school	X	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X			
	Water dependent research facility operated by government or educational institution	X	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	27-5.203.D.3.c		
Health Care Uses	Hospital	X	P	P	P	X	X	P	P	P	P	P	P	P	P	P	P	X	27-5.203.D.4.a		
	Medical or dental office or lab	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X			
	Methadone treatment center	X	SE	SE	SE	SE	X	X	X	X	X	X	X	X	X	X	X	X	27-5.203.D.4.b		
	Nursing home facility	X	P	P	P	X	X	P	P	P	P	P	P	P	P	P	P	X			
Transportation Uses	Airport or heliport	X	SE	SE	SE	SE	X	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	X	27-5.203.D.5.a		
	Airstrip, private	X	SE	SE	SE	SE	X	X	X	X	X	X	X	X	X	X	X	X	27-5.203.D.5.b		
	Park and ride facility	X	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X			
	Parking facility (as a principal use)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	27-5.203.D.5.c		
	Transit station or terminal	X	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X			
Utility Uses	Solar energy collection facility, large-scale	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	X	X	27-5.203.D.6.a		
	Utility facility, major	X	SE	SE	SE	P	X	X	SE	X	SE	X	SE	X	SE	X	SE	X	27-5.203.D.6.b		

Table 27-5.202.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					NAC	Transit-Oriented/Activity Center Base Zones								Other Base Zones	Use-Specific Standards			
		TAC		LTO		RTO-L		RTO-H												
		CN	CS	CGO	IE	IH		Core	Edge	Core	Edge	Core	Edge	Core	Edge	RMH				
	Utility facility, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
	Wind energy conversion system, large-scale	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	X	27-5.203.D.6.c		
Commercial Uses																				
Adult Uses	All adult uses	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	X	27-5.203.E.2		
Animal Care Uses	Animal shelter	X	P	P	P	P	P	P	P	P	P	P	X	X	X	X	X	27-5.203.E.3.a		
	Kennel	X	P	P	P	P	P	P	P	P	P	P	X	X	X	X	X	27-5.203.E.3.b		
	Pet grooming establishment	X	P	P	P	P	P	P	P	P	P	P	X	P	X	P	X	27-5.203.E.3.c		
	Veterinary hospital or clinic	X	P	P	P	P	P	P	P	P	P	P	X	P	X	P	X	27-5.203.E.3.d		
Business Support Service Uses	All business support service uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-5.203.E.4		
Eating or Drinking Establishment	Brewpub; Restaurant; and Restaurant, fast food (without drive-through)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-5.203.E.5		
	Restaurant, fast food	X	P	P	P	X	X	X	P	X	X	X	X	X	X	X	X	27-5.203.E.5		
Funeral and Mortuary Services	All funeral and mortuary uses	X	P	SE	SE	X	X	X	P	X	X	X	X	X	X	X	X			
Office Uses	Contractor's office	X	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X			
	Office building, general business and professional	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X		
	Office park	X	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X			
Personal Service Uses	All personal services uses	P	P	P	X	X	P	P	P	P	P	P	P	P	P	P	P	27-5.203.E.6		
Recreation/Entertainment Uses	Amusement park	X	SE	SE	SE	SE	X	X	X	X	X	X	X	X	X	X	X	X	27-5.203.E.7.a	
	Arena, stadium, or amphitheater	X	SE	SE	SE	X	X	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	X	27-5.203.E.7.b	
	Athletic field	X	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X			
	With seating for ≤ 100 persons	X	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X			
	Cinema	X	P	P	P	X	P	P	P	P	P	P	P	P	P	P	P	X		
	Country club	X	P	SE	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
	Entertainment establishment	X	X	P	X	X	P	P	P	P	P	P	P	P	P	P	P	X		
	Golf course or golf driving range	X	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
	Nightclub	X	SE	SE	X	P	SE	P	P	P	P	P	P	P	P	P	P	X	27-5.203.E.7.c	
	Performance arts center	P	P	P	X	X	P	P	P	P	P	P	P	P	P	P	P	X		
	Racetrack	X	SE	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	27-5.203.E.7.d	
	Recreation facility, indoor	X	P	P	P	X	P	P	P	P	P	P	P	P	P	P	P	X	27-5.203.E.7.e	
	Recreation facility, outdoor	X	P	P	P	X	X	X	P	X	P	X	P	X	P	X	X	P	27-5.203.E.7.f	
	Recreational or entertainment establishment of a commercial nature with video lottery facility	X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P	X	27-5.203.E.7.e	
	Shooting range	Indoor	X	P	SE	P	P	X	X	X	X	X	X	X	X	X	X	X		
	Outdoor & lot area < 20 acres	X	SE	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
	Outdoor & lot area ≥ 20 acres	X	SE	X	SE	SE	X	X	X	X	X	X	X	X	X	X	X	X		

Table 27-5.202.D: Principal Use Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones

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Principal Use Category	Principal Use Type	Nonresidential Base Zones					NAC	Transit-Oriented/Activity Center Base Zones								Other Base Zones	Use-Specific Standards		
		TAC		LTO		RTO-L		RTO-H											
		CN	CS	CGO	IE	IH		Core	Edge	Core	Edge	Core	Edge	Core	Edge	RMH			
	Waterfront entertainment/retail complex	X	X	X	X	X	X	X	X	X	X	P	P	P	P	X			
	All other recreation/entertainment uses	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		27-5.203.E.7	
Retail Sales and Service Uses	Art gallery	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
	Bank or financial institution	P	P	P	X	X	P	P	P	P	P	P	P	P	P	P		27-5.203.E.8.a	
	Check cashing business, pawnshop, tattoo or body piercing establishment	X	P	P	X	X	SE	X	X	X	X	X	X	X	X	X		27-5.203.E.8.b	
	Consumer goods establishment	P	P	P	X	X	P	P	P	P	P	P	P	P	P	P			
	Convenience store	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
	Combination retail	X	X	P	X	X	X	P	P	P	P	P	P	P	P	P			
	Farmers' market	P	P	P	P	P	P	X	P	P	X	P	X	P	X	P		27-5.203.E.8.d	
	Grocery store or food market	P	P	P	X	X	P	P	P	P	P	P	P	P	P	P			
	Manufactured or modular home sales	X	P	P	X	P	X	X	X	X	X	X	X	X	X	X			
	Medical cannabis dispensary	X	X	P	X	X	X	X	X	X	X	X	X	X	X	X		27-5.203.E.8.e	
Vehicle Sales and Service Uses	All other retail sales and service uses	X	X	P	X	X	X	X	X	X	X	X	X	X	X	X		27-5.203.E.8	
	Commercial fuel depot	X	P	SE	P	P	X	X	X	X	X	X	X	X	X	X		27-5.203.E.9.a	
	Commercial vehicle repair and maintenance	X	P	SE	P	P	X	X	X	X	X	X	X	X	X	X			
	Commercial vehicle sales and rental and Personal vehicle sales and rental	X	P	SE	P	P	X	X	X	X	X	X	X	X	X	X		27-5.203.E.9.d	
	Gas station	X	P	P	P	P	SE	X	P	X	P	X	P	X	P	X		27-5.203.E.9.b	
	Personal vehicle repair and maintenance	X	P	P	P	P	SE	X	X	X	X	X	X	X	X	X		27-5.203.E.9.c	
	Taxi or limousine service facility	X	P	P	P	X	P	P	P	P	P	P	P	P	P	P		27-5.203.E.9.e	
	Vehicle equipment and supplies sales	X	P	SE	P	P	X	X	X	X	X	X	X	X	X	X		27-5.203.E.9.f	
	Vehicle paint finishing shop and vehicle or trailer storage yard	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X		27-5.203.E.9.c	
	Vehicle towing and wrecker service	X	P	SE	SE	P	X	X	SE	X	SE	X	SE	X	SE	X		27-5.203.E.9.g	
Visitor Accommodation Uses	Campground	X	P	P	X	X	X	X	X	X	X	X	X	X	X	X		27-5.203.E.10.a	
	Country inn	X	P	P	X	X	P	X	P	X	P	X	P	X	P	X		27-5.203.E.10.b	
	Hotel or motel	X	P	P	P	SE	P	P	P	P	P	P	P	P	P	P		27-5.203.E.10.c	
Water-Related Uses	Boat sales, rental, service, or repair	X	P	SE	X	X	X	X	X	X	X	X	X	X	X	X		27-5.203.E.11.a	
	Boat storage yard	X	P	X	P	P	X	X	X	X	X	X	X	X	X	X		27-5.203.E.11.b	
	Marina (new or expansion)	X	SE	SE	SE	X	X	X	X	X	X	X	X	X	X	X		27-5.203.E.11.c	
	Waterfront boat fuel sales	X	SE	SE	SE	X	X	X	X	X	X	X	X	X	X	X			
Industrial Uses																			
Extraction Uses	Sand and gravel wet processing	X	SE	SE	SE	P	X	X	X	X	X	X	X	X	X	X	X	27-5.203.F.2.a	
	Surface mining	X	SE	SE	SE	X	X	X	X	X	X	X	X	X	X	X	X	27-5.203.F.2.b	
Industrial Service Uses	Contractor's yard, photographic processing plant	X	P	X	P	P	X	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	X		

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								TAC		LTO		RTO-L		RTO-H			
		CN	CS	CGO	IE	IH		Core	Edge	Core	Edge	Core	Edge	Core	Edge	RMH	
Manufacturing Uses	Printing or similar reproduction facility, small engine repair shop	X	P	SE	P	P	X	X	X	X	X	X	X	X	X	X	
	Research and development	X	P	SE	P	P	P	P	P	P	P	P	P	P	P	P	X
	Slaughterhouse	X	X	X		P	X	X	X	X	X	X	X	X	X	X	
	All other industrial service uses	X	X	X	P	P	X	X	X	X	X	X	X	X	X	X	27-5.203.F.3
	Beverage bottling	X	SE	X	P	P	X	X	X	X	X	X	X	X	X	X	
	Brewery, winery, or distillery	X	SE	X	P	P	X	X	X	X	X	X	X	X	X	X	
	Concrete batching or asphalt mixing plant	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	27-5.203.F.4.a
	Concrete or brick products manufacturing	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	27-5.203.F.4.b
	Food processing	X	X	X	X	SE	X	X	X	X	X	X	X	X	X	X	
Warehouse and Freight Movement Uses	Manufacturing, assembly, or fabrication, light	X	SE	X	P	P	P	P	P	X	P	X	X	X	X	X	
	All other manufacturing uses	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	27-5.203.F.4
	Cold storage plant or distribution warehouse	X	X	X	SE	P	X	X	X	X	X	X	X	X	X	X	
	Consolidated storage	X	P	P	P	P	SE	X	X	X	X	X	X	X	X	X	27-5.203.F.5.a
	Motor freight facility	X	X	X	SE	P	X	X	X	X	X	X	X	X	X	X	
	Outdoor storage (as a principal use)	X	SE	X	P	P	X	X	X	X	X	X	X	X	X	X	27-5.203.F.5.b
Waste-Related Uses	Storage warehouse	X	SE	X	P	P	X	X	X	X	X	X	X	X	X	X	
	Warehouse showroom	X	SE	X	P	P	X	X	X	X	X	X	X	X	X	X	27-5.203.F.5.c
	All other warehouse and freight movement uses	X	SE	X	P	P	X	X	X	X	X	X	X	X	X	X	27-5.203.F.5
	Class 3 fill	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	27-5.203.F.6.a
	Composting facility, junkyard or salvage yard, or solid waste processing facility	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	27-5.203.F.6
	Concrete recycling facility	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	27-5.203.F.6.b
Wholesale Uses	Landfill, sanitary	X	SE	SE	X	SE	X	X	X	X	X	X	X	X	X	X	
	Landfill, rubble (construction and demolition debris) and Landfill, land clearing debris	X	SE	X	SE	SE	X	X	X	X	X	X	X	X	X	X	
	Recycling collection center	X	SE	SE	P	P	X	X	P	X	P	X	P	X	P	P	27-5.203.F.6.d
	Recycling plant	X	X	X	SE	P	X	X	X	X	X	X	X	X	X	X	27-5.203.F.6.e
	Solid waste transfer station	X	X	X	SE	P	X	X	X	X	X	X	X	X	X	X	27-5.203.F.6.f
	Temporary rubble (construction and demolition debris) landfill	SE	SE	SE	SE	SE	X	X	X	X	X	X	X	X	X	X	
Wholesale Uses	Food and beverage distribution at wholesale	X	P	SE	P	P	X	X	X	X	X	X	X	X	X	X	
	All other wholesale uses	X	X	X	P	P	X	X	X	X	X	X	X	X	X	X	

E. Principal Use Table for Planned Development Zones

Table 27-5.202.E: Principal Use Table for Planned Development Zones

A = Allowable, Subject to Approval by the District Council in the PD Basic Plan 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	
Rural and Agricultural Uses									
Agriculture/Forestry Uses	Agriculture	X	X	X	X	X	X	X	
	Community garden	A	A	A	A	A	A	A	27-5.203.B.1.a
	Forestry	A	X	X	X	X	X	X	
	Keeping of horses or ponies	X	X	X	X	X	X	X	
	Medical cannabis grower and/or processor	X	X	X	X	X	X	X	
	Urban farm	X	X	X	X	X	X	X	
	All other agriculture/forestry uses	X	X	X	X	X	X	X	27-5.203.B.1
Agriculture/Forestry Related Uses	Agriculture research facility								
	Equestrian center	A	X	X	X	X	X	X	
	Farm brewery or distillery	X	X	X	X	X	X	X	
	Farm distribution hub	X	X	X	X	X	X	X	
	Farm market	X	X	X	X	X	X	X	
	Farm supply sales or farm machinery/implementation sales, rental, or repair	X	X	X	X	X	X	X	
	Farm winery	X	X	X	X	X	X	X	27-5.203.B.2.a
	Riding stable	A	X	X	X	X	X	X	
	Rural corporate retreat	X	X	X	X	X	X	X	27-5.203.B.2.b
	Sawmill	X	X	X	X	X	X	X	27-5.203.B.2.c
Open Space Uses	Arboretum or botanical garden, park of greenway, or public beach and public water-oriented recreational and educational area	A	A	A	A	A	A	A	27-5.203.B.3.a
	Cemetery	X	X	X	X	X	X	X	
Residential Uses									
Household Living Uses	Artists' residential studios	X	A	A	A	A	A	X	27-5.203.C.1.a
	Dwelling, live-work	A	A	A	A	A	A	A	27-5.203.C.1.b
	Dwelling, manufactured home	X	X	X	X	X	X	X	27-5.203.C.1.c
	Dwelling, multifamily	A	A	A	A	A	A	A	
	Dwelling, single-family detached	A	A	A	X	X	A	X	
	Dwelling, three-family	A	A	A	A	A	A	A	
	Dwelling, townhouse	A	A	A	A	A	A	A	
	Dwelling, two-family	A	A	A	A	A	A	X	
	Manufactured home park	X	X	X	X	X	X	X	27-5.203.C.1.e

Table 27-5.202.E: Principal Use Table for Planned Development Zones

A = Allowable, Subject to Approval by the District Council in the PD Basic Plan 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	
Group Living Uses	Assisted living facility	X	X	X	X	X	X	X	27-5.203.C.2.a
	<= 8 elderly or handicapped residents	X	X	A	A	A	X	X	
	> 8 elderly or handicapped residents	X	X	A	A	A	X	X	
	Boarding or rooming house	X	X	X	X	X	X	X	
	Continuing care retirement community	A	A	A	A	A	A	X	27-5.203.C.2.b
	Convent or monastery	X	X	X	X	X	X	X	
	Fraternity or sorority house	X	X	X	X	X	X	X	
Group residential facility	Group residential facility	A	X	X	X	X	X	X	27-5.203.C.2.c
	Private Dormitory	X	X	X	X	X	X	X	27-5.203.C.2.d
Public, Civic, and Institutional Uses									
Communication Uses	Broadcasting studio and newspaper/periodical publishing establishment	X	X	A	A	A	A	A	
	Wireless telecommunications tower, monopole	A	A	A	A	A	A	A	27-5.203.D.1.a
	Wireless telecommunications tower, other	A	A	A	A	A	A	A	27-5.203.D.1.a
Community Service Uses	Adult day care facility	A	A	A	A	A	A	X	
	Child care center	A	A	A	A	A	A	A	27-5.203.D.2.a
	Club or lodge or community-oriented associations	X	X	X	X	X	X	X	
	Community center/facility	X	X	X	X	X	X	X	
	Cultural facility	A	A	A	A	A	A	X	
	Eleemosynary or philanthropic institution	X	X	X	X	X	X	X	27-5.203.D.2.b
	Emergency services facility	A	A	A	A	A	A	A	
	Place of worship	A	A	A	A	A	A	A	27-5.203.D.2.c
Educational Uses	All other community service uses	A	A	A	A	A	A	X	
	College or university	A	A	A	A	A	A	A	27-5.203.D.3.a
	School, elementary, middle, or high	A	A	A	A	A	A	X	27-5.203.D.3.b
	Vocational or trade school	X	A	A	A	A	A	A	
Health Care Uses	Water dependent research facility or activity operated by a government or educational institution	X	X	X	X	X	A	X	27-5.203.D.3.c
	Hospital	X	X	A	A	A	A	X	27-5.203.D.4.a
	Medical or dental office or lab	X	X	A	A	A	A	A	
	Methadone treatment center	X	X	X	X	X	X	X	27-5.203.D.4.b
Transportation Uses	Nursing home facility	A	A	A	A	A	A	X	
	Airport or heliport	X	X	X	X	X	X	X	27-5.203.D.5.a
	Airstrip, private	X	X	X	X	X	X	X	27-5.203.D.5.b

Table 27-5.202.E: Principal Use Table for Planned Development Zones

A = Allowable, Subject to Approval by the District Council in the PD Basic Plan 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	
Utility Uses	Park and ride facility	X	X	A	A	A	A	A	
	Parking facility (as a principal use)	X	A	A	A	A	A	A	27-5.203.D.5.c
	Transit station or terminal	X	A	A	A	A	A	A	
Utility Uses	Solar energy collection facility, large-scale	X	X	X	X	X	X	A	27-5.203.D.6.a
	Utility facility, major	X	X	X	X	X	X	A	27-5.203.D.6.b
	Utility facility, minor	A	A	A	A	A	A	A	
	Wind energy conversion system, large-scale	X	X	X	X	X	X	A	27-5.203.D.6.c
Commercial Uses									
Adult Uses	All adult uses	X	X	X	X	X	X	X	27-5.203.E.2
Animal Care Uses	Animal shelter	A	A	A	A	A	A	X	27-5.203.E.3.a
	Kennel	A	A	A	A	A	A	X	27-5.203.E.3.b
	Pet grooming establishment	A	A	A	A	A	A	X	27-5.203.E.3.c
	Veterinary hospital or clinic	A	A	A	A	A	A	X	27-5.203.E.3.d
Business Support Service Uses	All business support services	X	X	A	A	A	A	A	27-5.203.E.4
Eating or Drinking Establishment Uses	Brewpub; Restaurant; and Restaurant, fast food (without drive-through)	A	A	A	A	A	A	A	27-5.203.E.5
	Restaurant, fast food	A	X	X	X	X	X	A	27-5.203.E.5
Funeral and Mortuary Service Uses	All funeral and mortuary uses	X	X	A	A	A	A	X	
Office Uses	Contractor's office	X	A	A	A	A	A	A	
	Office building, general business and professional	A	A	A	A	A	A	A	
	Office park	X	A	A	A	A	A	A	
Personal Service Uses	All personal service uses	A	A	A	A	A	A	X	27-5.203.E.6
Recreation/Entertainment Uses	Amusement park	X	X	X	X	X	X	X	27-5.203.E.7.a
	Arena, stadium, or amphitheater	X	X	A	A	A	X	X	27-5.203.E.7.b
	Athletic field								
	With seating for ≤ 100 persons	X	X	X	X	X	X	X	
	Cinema	A	A	A	A	A	A	X	
	Country club	X	X	X	X	X	X	X	
	Entertainment establishment	X	A	A	A	A	A	X	
	Golf course	A	X	X	X	X	X	X	
	Golf driving range	A	X	X	X	X	X	X	
	Country club	A	X	X	X	X	X	X	
	Nightclub	X	X	A	A	A	A	A	27-5.203.E.7.c
	Performance arts center	X	A	A	A	A	A	X	
	Racetrack	X	X	X	X	X	X	X	27-5.203.E.7.d

Table 27-5.202.E: Principal Use Table for Planned Development Zones

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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	
	Recreation facility, indoor	A	A	A	A	A	A	X	27-5.203.E.7
	Recreation facility, outdoor	A	X	A	A	A	A	A	27-5.203.E.7
	Recreational or entertainment establishment of a commercial nature with video lottery facility	X	X	X	X	A	X	X	27-5.203.E.7.e
	Shooting range	X	X	X	X	X	X	X	27-5.203.E.7.f
	Waterfront entertainment/retail complex	X	X	A	A	A	A	X	
	All other recreation/entertainment uses	X	X	X	X	X	X	X	27-5.203.E.7
Retail Sales and Service Uses	Art gallery	X	X	X	X	X	X	X	
	Bank or financial institution	X	X	X	X	X	X	X	27-5.203.E.8.a
	Check cashing business, pawnshop, tattoo or body piercing establishment	X	X	X	X	X	X	X	27-5.203.E.8.b
	Consumer goods establishment	A	A	A	A	A	A	A	
	Convenience store	A	A	A	A	A	A	A	
	Combination retail	X	X	A	A	A	A	X	
	Farmers' market	A	A	A	A	A	A	A	27-5.203.E.8.d
	Grocery store or food market	A	A	A	A	A	A	A	
	Manufactured or modular home sales	X	X	X	X	X	X	X	
	Medical cannabis dispensary	X	X	X	X	X	X	X	27-5.203.E.8.e
Vehicle Sales and Service Uses	All other retail sales and service uses	X	X	X	X	X	X	X	27-5.203.E.8
	Commercial fuel depot	X	X	X	X	X	X	X	27-5.203.E.9.a
	Commercial vehicle repair and maintenance	X	X	X	X	X	X	X	
	Commercial vehicle sales and rental and Personal vehicle sales and rental	X	X	X	X	X	X	X	27-5.203.E.9.d
	Gas station	A	X	A	X	X	A	X	27-5.203.E.9.b
	Personal vehicle repair and maintenance	X	X	A	X	X	A	X	27-5.203.E.9.c
	Taxi or limousine service facility	X	X	A	A	A	A	A	27-5.203.E.9.e
	Vehicle equipment and supplies sales	X	X	X	X	X	X	X	27-5.203.E.9.f
	Vehicle paint finishing shop and vehicle or trailer storage yard	X	X	X	X	X	X	X	
Visitor Accommodation Uses	Vehicle towing and wrecker service	X	X	X	X	X	X	X	27-5.203.E.9.g
	Campground	X	X	X	X	X	X	X	27-5.203.E.10.a
	Country inn	X	X	X	X	X	X	X	27-5.203.E.10.b
Water-Related Uses	Hotel or motel	X	A	A	A	A	A	A	27-5.203.E.10.c
	Boat sales, rental, service, or repair	X	X	X	X	X	X	X	27-5.203.E.11.a

Table 27-5.202.E: Principal Use Table for Planned Development Zones

A = Allowable, Subject to Approval by the District Council in the PD Basic Plan 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	
	Boat storage yard	X	X	X	X	X	X	X	27-5.203.E.11.b
	Marina (new and expansion)	A	X	X	X	X	X	X	27-5.203.E.11.c
	Waterfront boat fuel sales	X	X	X	X	X	X	X	
Industrial Uses									
Extraction Uses	Sand and gravel wet processing	X	X	X	X	X	X	X	27-5.203.F.2.a
	Surface mining	X	X	X	X	X	X	X	27-5.203.F.2.b
Industrial Service Uses	Contractor's yard, photographic processing plant	X	X	X	X	X	X	X	
	Fuel oil or bottled gas distribution	X	X	X	X	X	X	X	
	Printing or similar reproduction facility, small engine repair shop	X	X	X	X	X	X	X	
	Research and development	X	A	A	A	A	A	A	
	Slaughterhouse	X	X	X	X	X	X	X	
	All other industrial service uses	X	X	X	X	X	X	X	27-5.203.F.3
Manufacturing Uses	Beverage bottling	X	X	A	A	A	A	A	
	Brewery, winery, or distillery	X	X	A	A	A	A	A	
	Concrete batching or asphalt mixing plant	X	X	A	A	A	A	A	27-5.203.F.4.a
	Concrete or brick products manufacturing	X	X	A	A	A	A	A	27-5.203.F.4.b
	Food processing	X	X	X	X	X	X	X	
	Manufacturing, assembly, or fabrication, light	X	X	A	A	A	A	A	
	All other manufacturing uses	X	X	A	A	A	A	A	27-5.203.F.4
Warehouse and Freight Movement Uses	Cold storage plant or distribution warehouse	X	X	X	X	X	X	A	
	Consolidated storage	X	X	X	X	X	X	A	27-5.203.F.5.a
	Motor freight facility	X	X	X	X	X	X	A	
	Outdoor storage (as a principal use)	X	X	X	X	X	X	X	27-5.203.F.5.b
	Storage warehouse	X	X	X	X	X	X	A	
	Warehouse showroom	X	X	X	X	X	X	A	27-5.203.F.5.c
	All other warehouse and freight movement uses	X	X	X	X	X	X	X	
Waste-Related Uses	Class 3 fill	X	X	X	X	X	X	X	27-5.203.F.6.a
	Composting facility, junkyard or salvage yard, or solid waste processing facility	X	X	X	X	X	X	X	27-5.203.F.6
	Concrete recycling facility	X	X	X	X	X	X	X	27-5.203.F.6.b
	Landfill, sanitary	X	X	X	X	X	X	X	
	Landfill, rubble (construction and demolition debris) and Landfill, land clearing debris	X	X	X	X	X	X	X	
	Recycling collection center	A	A	A	A	A	X	A	27-5.203.F.6.d

Table 27-5.202.E: Principal Use Table for Planned Development Zones

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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	
	Recycling plant	X	X	X	X	X	X	X	
	Solid waste transfer station	X	X	X	X	X	X	X	
	Temporary rubble (construction and demolition debris) landfill	X	X	X	X	X	X	X	
Wholesale Uses	Food and beverage distribution at wholesale	X	X	X	X	X	X	X	
	All other wholesale uses	X	X	X	X	X	X	X	

F. Principal Use Table for Overlay Zones

Table 27-5.202.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
Rural and Agricultural Uses														
	Agriculture													
Agriculture/Forestry Uses	Community garden													27-5.203.B.1.a
	Forestry													
	Keeping of horses or ponies													
	Medical cannabis grower and/or processor													27-5.203.B.1.b
	Urban farm													27-5.203.B.1.c
	All other agricultural/forestry uses													27-5.203.B.1
Agriculture/Forestry Related Uses	Agriculture research facility													
	Equestrian center											X	X	
	Farm brewery or distillery													
	Farm distribution hub													
	Farm market													
	Farm supply sales or farm machinery/implement sales, rental, or repair													
	Farm winery													27-5.203.B.2.a
	Riding stable													
	Rural corporate retreat													27-5.203.B.2.b
	Sawmill													27-5.203.B.2.c
Open Space Uses	Arboretum or botanical garden, park or greenway, or public beach and public water-oriented recreational and educational area													27-5.203.B.3.a
	Cemetery													

Table 27-5.202.F:
Principal Use Table for Overlay Zones

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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															
Household Living Uses	Artists' residential studios				X	X				X					27-5.203.C.1.a
	Dwelling, live-work				X	X				X					27-5.203.C.1.b
	Dwelling, manufactured home				X	X				X					27-5.203.C.1.c
	Dwelling, multifamily				X	X				X			X	X	
	Dwelling, single-family detached				X	X				X					
	Dwelling, three-family				X	X				X					
	Dwelling, townhouse				X					X					
	Dwelling, two-family				X	X				X					
	Manufactured home park				X	X				X					27-5.203.C.1.e
Group Living Uses	Assisted living facility	≤ 8 elderly or handicapped residents			X	X	X	X		X		X	X		27-5.203.C.2.a
					X	X	X	X		X		X	X		
	Boarding or rooming house				X	X				X		X	X		
	Continuing care retirement community				X	X				X		X	X		27-5.203.C.2.b
	Convent or monastery				X	X				X		X	X		
	Fraternity or sorority house				X	X				X		X	X		
	Group residential facility				X	X				X					27-5.203.C.2.c
	Private dormitory				X	X				X		X	X		27-5.203.C.2.d
Public, Civic, and Institutional Uses															
Communication Uses	Broadcasting studio and Newspaper/periodical publishing establishment														
	Wireless telecommunications tower, monopole														27-5.203.D.1.a
	Wireless telecommunications tower, other														27-5.203.D.1.a
Community Service Uses	Adult day care facility				X	X	X	X		X		X	X		
	Child care center				X	X	X	X		X		X	X	X	27-5.203.D.2.a

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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
Community Services	Club or lodge or community-oriented associations											X	X	
	Community center/facility											X	X	
	Cultural facility											X	X	
	Eleemosynary or philanthropic institution											X	X	27-5.203.D.2.b
	Emergency services facility											X	X	
	Place of worship												X	27-5.203.D.2.c
	All other community service uses											X	X	
Educational Uses	College or university				X	X	X	X		X		X	X	27-5.203.D.3.a
	School, elementary, middle, or high				X	X	X	X		X		X	X	27-5.203.D.3.b
	Vocational or trade school				X	X	X	X		X		X	X	
	Water-dependent research facility or activity operated by a government or educational institution	P*	P*	P*								X	X	27-5.203.D.3.c
Health Care Uses	Hospital				X	X	X	X		X		X	X	27-5.203.D.4.a
	Medical or dental office or lab													
	Methadone treatment center											X	X	27-5.203.D.4.b
	Nursing home facility											X	X	
Transportation Uses	Airport or heliport													27-5.203.D.5.a
	Airstrip, private													27-5.203.D.5.b
	Park and ride facility													
	Parking facility (as a principal use)													27-5.203.D.5.c
	Transit station or terminal											X	X	
Utility Uses	Solar energy collection facility, large-scale													
	Utility facility, major													
	Utility facility, minor													
	Wind energy conversion system, large-scale													

Table 27-5.202.F:
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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	
Commercial Uses															
Adult Uses	All adult uses	X													27-5.203.E.2
Animal Care Uses	Animal shelter	X													27-5.203.E.3.a
	Kennel	X													27-5.203.E.3.b
	Pet grooming establishment	X													27-5.203.E.3.c
	Veterinary hospital or clinic	X													27-5.203.E.3.d
Business Support Service Uses	All business support services	X													27-5.203.E.4
Eating or Drinking Establishment Uses	Brewpub; Restaurant; and Restaurant, fast food (without drive-through)	X										X			27-5.203.E.5
	Restaurant, fast food											X			27-5.203.E.5
Funeral and Mortuary Service Uses	All funeral and mortuary uses	X										X	X		
Office Uses	Contractor's office	X													
	Office building, general business and professional	X													
	Office park	X													
Personal Service Uses	All personal service uses	X													27-5.203.E.6
Recreation/Entertainment Uses	Amusement park														27-5.203.E.7.a27-5.203.E.7.d
	Arena, stadium, or amphitheater	X										X	X		27-5.203.E.7.b
	Athletic field with seating for ≤ 100 persons														
	Cinema	X										X	X		
	Country club	X										X	X		
	Entertainment establishment														
	Golf course	X													
	Golf driving range	X													

Table 27-5.202.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	
Recreation, Entertainment, and Sports	Nightclub	X										X	X		27-5.203.E.7.c
	Performance arts center	X										X	X		
	Racetrack														
	Recreation facility, indoor	X										X	X		27-5.203.E.7
	Recreation facility, outdoor											X	X	X	27-5.203.E.7
	Recreational or entertainment establishment of a commercial nature with video lottery facility											X	X		27-5.203.E.7.e
	Shooting range														27-5.203.E.7.f
	Waterfront entertainment/retail complex	X										X	X		
	All other recreation/entertainment uses											X	X		27-5.203.E.7
Retail Sales and Service Uses	Art gallery											X	X		
	Bank or financial institution											X			27-5.203.E.8.a
	Check cashing business, pawnshop, tattoo or body piercing establishment											X			27-5.203.E.8.b
	Consumer goods establishment, other than art gallery	X										X			
	Convenience store														
	Combination retail											X			
	Farmers' market	X										X			27-5.203.E.8.d
	Grocery store or food market	X										X			
	Manufactured or modular home sales														
	Medical cannabis dispensary														27-5.203.E.8.e
Vehicle Sales and Service Uses	All other retail sales and service uses											X			27-5.203.E.8
	Personal vehicle repair and maintenance														27-5.203.E.9.c
	Gas station	X													27-5.203.E.9.b
	Taxi or limousine service facility	X													27-5.203.E.9.e

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		RCO	LDO	IDO	APA-1	APA-2	APA-3S	APA-3M	APA-4	APA-5	APA-6	APZ	CZ	HINA	
	All other vehicle sales and service uses														27-5.203.E.9
Visitor Accommodation Uses	Campground														27-5.203.E.10.a
	Country Inn														27-5.203.E.10.b
	Hotel or motel	X										X	X		27-5.203.E.10.c
Water-Related Uses	Boat sales, rental, service, or repair	X													27-5.203.E.11.a
	Boat storage yard	X	SE*	SE*											27-5.203.E.11.b
	Marina (new and expansion)	SE*	SE*	SE*											27-5.203.E.11.c
	Waterfront boat fuel sales	X										X	X		
Industrial Uses															
Extraction Uses	Sand and gravel wet-processing											X	X		27-5.203.F.2
	Surface mining											X	X		
Industrial Service Uses	Contractor's yard, photographic processing plant														
	Fuel oil or bottled gas distribution											X	X		
	Printing or similar reproduction facility, small engine repair shop														
	Research and development	X	X												
	Slaughterhouse														
	All other industrial service uses														27-5.203.F.3
Manufacturing Uses	Beverage bottling														
	Brewery, winery, or distillery	X	X												
	Food processing														
	Concrete batching or asphalt mixing plant											X	X		27-5.203.F.4.a
	Concrete or brick products manufacturing											X	X		27-5.203.F.4.b
	Manufacturing, assembly, or fabrication, light														
	All other manufacturing uses														27-5.203.F.4

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		RCO	LDO	IDO	APA-1	APA-2	APA-3S	APA-3M	APA-4	APA-5	APA-6	APZ	CZ	HINA	
Warehouse and Freight Movement Uses	Cold storage plant or distribution warehouse	X	X												
	Consolidated storage	X	X												27-5.203.F.5.a
	Motor freight facility	X	X												
	Outdoor storage (as a principal use)	X	X												27-5.203.F.5.b
	Storage warehouse	X	X												
	Warehouse showroom	X	X												27-5.203.F.5.c
	All other warehouse and freight movement uses														
Waste-Related Uses	Class 3 fill											X	X		27-5.203.F.6.a
	Composting facility, junkyard or salvage yard, or solid waste processing facility	X	X									X	X		27-5.203.F.6
	Concrete recycling facility											X	X		27-5.203.F.6.b
	Landfill, sanitary	X	X	X								X	X		
	Landfill, rubble (construction and demolition debris) and Landfill, land clearing debris	X	X	X								X	X		
	Recycling collection center	X	X									X	X		27-5.203.F.6.d
	Recycling plant														
	Solid waste transfer station											X	X		
	Temporary rubble (construction and demolition debris) landfill											X	X		
	All other waste-related uses	X	X									X	X		27-5.203.F.6
Wholesale Uses	Food and beverage distribution at wholesale	X	X												
	All other wholesale uses	X	X												

NOTES:

[1] Sec. 27-5.203.E.1, General CBCAO Zone Use Standard Modifications, contains additional standards for uses in the CBCAO Zone.

[2] Sec. 27-4.402.C.4, Modified Use Standards for MIO Zone, contains additional standards for uses in the MIO Zone.

27-5.203. Standards Specific to Principal Uses

A. General

Standards for a specific principal use shall apply to the particular individual principal use regardless of the zone in which it is located or the review procedure by which it is approved, unless otherwise specified in this Ordinance. This Subsection sets forth and consolidates the standards for all principal uses for which a reference to this Section is provided in the "Use-Specific Standards" column of the principal use tables in Sec. 27-5.202, Principal Use Tables and in the same order as they are listed in the tables. These standards may be modified by other applicable standards or requirements in this Ordinance.

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. The combined area of all structures shall not exceed 15 percent of the area of the parcel.
- 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 Sec. 27-6.500, Fences and Walls.

- iv. Before issuance of a permit for a community garden, it shall have an established 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.

b. Medical Cannabis Grower and/or Processor

- i. The boundaries of property used for medical cannabis grower and/or processor uses shall be located a minimum of 500 feet from:
 - (A) Any of the following zones: AR, RE, RR, RSF-95, RSF-65, and R-PD;
 - (B) Any land owned by The Maryland-National Capital Park and Planning Commission; and
 - (C) Any use in the Educational Uses category.
- ii. Buildings, structures, and parking shall be located the following minimum distance from property lines:
 - (A) In the AG zone: 200 feet; and
 - (B) In the IE zone: 50 feet.
- iii. In the AG zone, the minimum net lot area is 10 acres.
- iv. Except for outdoor cultivation in the AG zone pursuant to State licensing regulations, all aspects of the use shall be conducted within a fully enclosed building, in accordance with all applicable laws, rules, and regulations.

- v. In the AG zone, outdoor cultivation areas shall be located a minimum of 100 feet from any street or property line and shall be fenced in accordance with applicable State licensing regulations. A planted bufferyard between the fence line and cultivation area shall be installed.
 - vi. Outdoor signage shall be limited to building-mounted signs. Advertisement for cannabis or cannabis products is prohibited.
 - vii. Medical cannabis grower and/or processor is not permitted as an accessory use.
- c. **Urban Farm**
- i. A Health Department permit is required if fruits and vegetables are cut up or prepared foods are sold to the public.
 - ii. Landscape Manual regulations do not apply to an Urban Farm.
 - iii. In the RSF-95, RSF-65, and NAC zones, an urban farm shall comply with the following additional standards:
 - (A) An urban farm shall not cause noxious odors or dust to drift off the premises;
 - (B) Onsite signage shall be limited to one identification sign not exceeding six square feet in area, and interpretative signs educating attendees about urban farming, in accordance with Sec. 27-3.509, Sign Permit;
 - (C) An urban farm shall be maintained in an orderly manner, including litter removal, irrigation, pest control, and removal of dead or diseased plant materials. All garbage shall be removed from the site weekly;
- (D) Garbage and compost receptacles at an urban farm shall be screened from the street and adjacent properties by utilizing landscaping, fencing, or storage within structures;
 - (E) An urban farm shall obtain all necessary permits as applicable, including for accessory structures and signage,
 - (F) Incidental sales are not permitted onsite; however, customers subscribed to a Community Supported Agriculture (CSA) program managed by an urban farm are allowed to pick up their weekly share of produce from the urban farm property; and
 - (G) Crop plantings shall be located a minimum of ten feet from the front street line.
- iv. In the RMF-20 zone, an urban farm shall comply with the following additional standards:
 - (A) If located within a municipality, approval from the municipality to operate an urban farm on the property is required;
 - (B) An urban farm shall not exceed five acres in size; and
 - (C) No signage other than wayfinding and directional signs shall be posted.

2. Agriculture/Forestry-Related Uses

a. Farm Winery

- i. The winery shall be located on land at least two acres in area.
- ii. A farm winery shall not be permitted on a lot or open space parcel within a subdivision that is subject to a governance structure and regulations (i.e., a homeowners' association and recorded covenants).
- iii. Sampling and sale for on- and off-site consumption of wine, grape, or fruit products produced on the premises is allowed as an accessory use, subject to the following:
 - (A) Such activity shall comply with State and County alcohol laws and regulations; and
 - (B) Areas designated for wine tasting (tasting rooms) shall not occupy more than 60 percent of the total gross floor area of the principal building used for the processing of wine.
- iv. Snack foods or prepackaged foods like sandwiches, soups, or salads, and nonalcoholic beverages that are consumed on the premises are allowed; however, the farm winery may not include a food or beverage store.
- v. A restaurant may be permitted as a special exception approved in accordance with Sec. 27-3.507, Special Exception, provided it is found to be compatible with the rural character of the farm and the surrounding area.

vi. Retail sales of merchandise or items other than wine are permitted if the items sold are primarily associated with the farm winery (e.g., glassware and souvenirs) or are locally produced goods that would be permitted to be sold at an artisans' and crafters' market or farmers' market. Promotional or special events related to the farm winery—such as, but not limited to, wine festivals, publicly advertised functions, workshops, fund-raising or charitable functions, weddings, receptions, social events, or cultural exhibits—where the number of persons in attendance at any given time exceeds 200 persons shall be restricted to 12 events per calendar year. Smaller functions with less attendance—such as, but not limited to, wine tastings, private parties, winery tours, meetings, or picnics—are permitted without limitation on the number of events.

- vii. The farm winery shall be compatible with the rural character of the farm and the surrounding area.
- viii. The farm winery shall be operated in accordance with all County, State, and Federal laws.

b. Rural Corporate Retreat

- i. Minimum net lot area shall be 50 acres.
- ii. Maximum floor area ratio (FAR) shall be 0.04.
- iii. Principal buildings for the retreat shall be set back at least 150 feet from property lines.

- iv. No products shall be sold on-site except those clearly incidental and integral to the purpose and program of the retreat.
- v. On-site recreation facilities may be used only by employees and visitors.

c. Sawmill

- i. No machinery or sawdust or woodchip piles shall be located less than 100 feet from each lot line, and all machinery shall be secured against unauthorized use.
- ii. Sawdust or woodchip piles shall not exceed a height of 50 feet.

3. Open Space Uses

a. Public Beach and Public Water-Oriented Recreational and Educational Area

- i. Within a Chesapeake Bay Critical Area Overlay Zone, the following standards shall apply:
 - (A) The area shall meet a recognized public or private need.
 - (B) The area and any associated structure or activities shall be water-dependent in accordance with the definition of "water-dependent facilities" in COMAR 27.01.03.01 and meet the general criteria in COMAR 27.01.03.03. Any area or associated structure or activity that is not a "water-dependent facility" shall be located outside the buffer insofar as possible.

(C) Adverse effects on water quality and on fish, plant, and wildlife habitat shall be avoided, and if avoidance is not possible, minimized.

- ii. Within a Resource Conservation Overlay (RCO) Zone or Limited Development Overlay (LDO) Zone, the area and any associated structure or activity may be located within the buffer subject to the following standards:

- (A)** There shall be adequate sanitary facilities.
- (B)** Within a Resource Conservation Zone, Service facilities for areas for passive recreation (e.g., nature study, hunting, trapping) or education shall be located outside the buffer. Otherwise, service facilities shall be located outside the buffer to the maximum extent possible.
- (C)** Permeable surfaces shall be maximized to the extent possible, if no degradation of groundwater would result.
- (D)** Disturbance to natural vegetation shall be minimized.

C. Residential Uses

1. Household Living Uses

a. Artists' Residential Studios

- i. Each artist's residential studio unit shall combine individual studio and residential space to create an integrated living and working environment. Artists' residential studios may also provide areas for artists' use as common

- workspace or performance, office, or storage space.
- ii. Each artist unit shall have at least 700 square feet of space.
 - iii. Nonresidential uses shall be located on the ground floor and may not occupy more than 25 percent of the total gross floor area.
 - iv. All structures and common areas shall be owned and controlled by a nonprofit corporation or association that restricts artist use and occupancy to artists and their families, and that is responsible for maintenance of the structures and their continued use as artists' residential studios.
- b. Dwelling, Live/Work**
- i. The residential portion of the use shall occupy at least 50 percent of the total gross floor area.
 - ii. The nonresidential portion of the building shall be located on the ground floor.
 - iii. Employees shall be limited to occupants of the residential portion of the building plus up to three persons not residing in the residential portion.
 - iv. Drive-through service is prohibited as an accessory use.
- c. Dwelling, Manufactured Home**
- i. The manufactured home (and all of its enclosed extensions) shall be situated on, and securely anchored to, a manufactured home stand.
- ii. The manufactured home (and all of its extensions) shall be skirted and/or have a foundation so that the undercarriage is hidden from view.
 - iii. The wheels of the mobile home shall be removed.
 - iv. The home's length shall be no more than four times its width.
 - v. The enclosed living area shall contain at least 1,200 square feet.
 - vi. The roof shall have a minimum pitch of 2.2 feet of rise to 12 feet of horizontal run, and shall be finished with a type of shingle or other roofing material commonly used in the construction of site-built single-family detached dwellings.
 - vii. Exterior siding shall consist predominantly of vinyl or aluminum horizontal lap siding (with reflectivity no greater than gloss white paint), wood, or hardboard that is comparable in composition, appearance, and durability to the exterior siding commonly used in the construction of site-built single-family detached dwellings.
- d. Dwelling, Multifamily**
- In the CN Zone, a building that contains a ground floor retail sales and service use and one or more multifamily dwellings located on or above the second floor shall comply with the following standards:
- i. All required off-street parking shall be provided on the side or rear of the building.

- ii. Front building façades of more than 60 feet in length shall be articulated into a series of evenly-spaced storefronts to increase visual interest and pedestrian orientation. Such buildings shall incorporate two or more of the following design elements on each façade visible from a street:
 - (A) Changes in wall plane (such as projections or recesses) with an offset or depth of at least one foot, a width of at least ten feet, located a minimum of every 30 feet;
 - (B) Distinct changes in texture and color of wall surfaces;
 - (C) Variations in roof form and parapet heights;
 - (D) Vertical accents or focal points; or
 - (E) Features such as arcades, display windows, entry areas, or awnings.
 - iii. New buildings shall use a pitched roof or a sloped parapet. A flat roof shall be permitted for new buildings located between two existing buildings with flat roofs.
 - iv. Drive-through facilities are prohibited.
- e. **Manufactured Home Park**
- i. The minimum net lot area for the park as a whole shall be 10 acres.
 - ii. The maximum density for the park shall be seven manufactured home lots per acre.
- iii. Maximum lot coverage for the park as a whole shall be 50 percent of the park's net lot area.
 - iv. Minimum green area for the park as a whole shall be 30 percent of the park's net lot area, and shall include active recreational facilities on a part of green area equal to at least five percent of the park's net lot area.
 - v. Minimum net lot area for individual manufactured home lots shall be 4,000 square feet.
 - vi. Each manufactured home lot shall have a minimum width of 20 feet at the front lot line.
 - vii. Manufactured home dwellings and other buildings in the park shall be located a minimum of:
 - (A) 20 feet from other principal buildings;
 - (B) 25 feet from public street or other public rights-of-way;
 - (C) 20 feet from internal roadways and park boundaries; and
 - (D) 8 feet from common driveways, pedestrian or bicycle ways, parking areas, green areas, or other park common area.
 - viii. The park shall not be located in or adjacent to swamps, marshes, or areas not capable of adequate drainage.
 - ix. The park shall provide adequate access for emergency vehicles, with fire lanes where deemed necessary by the Fire Department.

- x. The park shall be located on property with at least 100 feet of frontage on a public street having a pavement width of at least 36 feet.
- xi. No manufactured home shall be located more than 100 feet from an approved emergency vehicle access.
- xii. Streets to be dedicated to public use shall comply with the appropriate provisions of the road code (Subtitle 23).
- xiii. Internal access roadways not to be dedicated to public use shall comply with the following:
 - (A) Each internal access roadway shall form a loop to provide for continuous forward movement and shall connect with each manufactured home lot within the park.
 - (B) The park shall be connected to a public street by a right-of-way having a minimum width of 40 feet. The right-of-way shall accommodate an internal access roadway.
 - (C) All internal access roadways on which automobile parking is permitted on one side shall have a minimum pavement width of 24 feet.
 - (D) All internal access roadways on which automobile parking is permitted on both sides shall have a minimum pavement width of 36 feet.
 - (E) All internal access roadways on which automobile parking is not permitted shall have a minimum pavement width of 22 feet.
- xiv. Pedestrian ways shall be provided to connect all manufactured home lots to a paved street (or to a paved driveway or parking space connected to a paved street), and to the commercial and recreational facilities within the manufactured home park.
- xv. The pedestrian ways shall be:
 - (A) Not less than four feet wide;
 - (B) Hard-surfaced and even, in order to prevent hazards; and
 - (C) Well marked for daytime use and well lighted for nighttime use (if found necessary).
 - (D) Located either adjacent to (but separate from) paved streets or within green areas.
- xvi. All utility lines serving the park shall be placed underground.
- xvii. Each manufactured home, and all of its structural additions, shall be installed on a mobile home stand.
- xviii. Each manufactured home shall be securely anchored to the stand in a manner which prevents the home from shifting or overturning.
- xix. Each manufactured home shall be suitably treated so as to hide the undercarriage.
- xx. A hard-surfaced patio with a minimum area of 200 square feet shall be provided next to each mobile home stand.

- xxi.** The manufactured home park shall meet all applicable regulations of the Maryland State Department of Health and Mental Hygiene.
- xxii.** No use and occupancy permit for a manufactured home park shall be issued until a license for the community has been issued by the County Health Officer.
- xxiii.** Arrangements shall be made for the perpetual maintenance of all common areas and recreational facilities.
- xxiv.** Accessory buildings shall be located only in the rear yard of a manufactured home lot.

2. Group Living Uses

a. Assisted Living Facility

- i.** The facility shall be located on a minimum of three and one-half acres of land.
- ii.** Facility buildings shall be no more than four stories high.
- iii.** If more than one building is proposed, residential units shall be clustered together in small to medium size groups to give a more residential character to the site.
- iv.** The entry to the facility site shall provide easy recognition of the facility and a safe and unambiguous vehicular route to the building entry and passenger drop-off area.
- v.** The radius and width of the entry drive shall allow cars and vans to maneuver easily.

- vi.** The drop-off area shall be close and convenient to the building entry, but shall be spacious enough to accommodate wheelchairs, open car doors, and passing cars.
- vii.** A canopy or cover offering protection from sun and precipitation shall be provided over the building entry and passenger drop-off area.
- viii.** A minimum of ten percent of the facility's net land area shall be devoted to outdoor open space, indoor or outdoor recreation facilities, and indoor or outdoor social-oriented amenities.
 - (A)** Such areas shall be located so as to be safely and conveniently accessible to facility residents.
 - (B)** Each outdoor area intended for active recreation shall have a minimum area of 5,000 square feet and minimum dimension of 50 feet.
- ix.** The facility shall comply with the licensing and other requirements of Subtitle 12, Division 8 (Assisted Living Programs) of the County Code and State regulations for assisted living programs.

b. Continuing Care Retirement Community

- i.** The site of the community shall contain at least 12 acres.
- ii.** The site shall be located within two miles of a mass transit station, regional shopping area, and a hospital.

- iii. Age restrictions on community residents shall comply with the Federal Fair Housing Act.
- iv. The number of nursing care beds shall not be more than 50 percent of the total number of permitted dwelling units.
- v. The community may include retail commercial uses as ancillary to the principal residential and healthcare uses.
- vi. A minimum of ten percent of the community's net land area shall be devoted to outdoor open space, indoor or outdoor recreation facilities, and indoor or outdoor social-oriented amenities, including community centers.
 - (A) Such areas shall be located so as to be safely and conveniently accessible to community residents.
 - (B) Any community center shall have at least three physically separate areas that provide space for recreational and social activities at different intensity levels.
 - (C) Each outdoor area intended for active recreation shall have a minimum area of 5,000 square feet and minimum dimension of 50 feet.

c. Group Residential Facility

- i. The premises of the facility shall be under supervision at all times.
- ii. Operators of juvenile group residential facilities shall comply with County procedures

implementing the State reporting requirement for juvenile group residential facilities.

d. Private Dormitory

A private dormitory shall not be located more than one mile from a college or university, measured in a straight line from the nearest portion of the private dormitory to the nearest boundary line of the parcel upon which the college or university is located.

D. Public, Civic, and Institutional Uses

1. Communication Uses

- a. Wireless Telecommunications Tower, monopole or Wireless Telecommunications Tower, other)**
 - i. The maximum height of the tower shall be 199 feet when located on public property and 150 feet when located on any other property.
 - ii. The tower shall be set back from all property lines and dwelling units a distance equal to or exceeding the height of the tower (measured from its base)—except that the minimum setback may be reduced to the extent that a registered engineer certifies that the tower is designed to fall within a smaller fall zone.
 - iii. The tower shall not be used to support lights or signs other than those required for aircraft warning or other safety purposes. To the extent allowed by the Federal Aviation Administration (FAA), any required lighting shall not include use of strobe lights for nighttime lighting and shall be oriented so as not to project directly

onto any surrounding residentially-zoned property.

- iv. The tower shall be designed and constructed or installed to minimize, to the extent technologically feasible, any potential signal interference with public safety communications and the usual and customary transmission or reception of radio and television service enjoyed on adjoining properties.
- v. Except where otherwise required by State or Federal regulations, the tower and any associated structures shall be painted or constructed of materials and neutral colors designed to reduce visual obtrusiveness and blend into the surrounding environment.
- vi. The tower and associated structures shall be maintained in good condition, order, and repair so that they do not endanger the life or property of any person and retain their original characteristics. Any graffiti or other unauthorized materials inscribed on the tower or associated structure shall be removed or covered in a manner substantially similar to and consistent with the original exterior finish.
- vii. The tower (including any guy anchor supports) and any associated ground-based equipment buildings shall be enclosed by security fencing and locked gates that are at least eight feet high and have anti-climbing devices, and shall provide warning signs at each vehicular access point to the site. The fencing shall be fully screened from adjacent streets by landscaping material in accordance with Sec. 27-6.400, Landscaping.
- viii. Any telecommunication equipment building related to the tower shall have no more than 560 square feet of gross floor area and shall be screened by means of opaque landscaping and/or berthing in accordance with Sec. 27-6.400, Landscaping.
- ix. No signage or advertising shall be affixed to the tower, support structure, ground-based equipment building, or security fencing other than signs warning against trespassing ("No Trespassing") or high voltage danger ("High Voltage – Danger") and one sign no greater than three square feet in area that identifies the owner of the tower.
- x. A new tower greater than 180 feet in height shall be designed and constructed with excess capacity to accommodate at least three additional collocation sites; a new tower 180 feet or less in height shall be designed and constructed with excess capacity to accommodate at least two additional collocation sites. The owners of a new telecommunications tower shall permit other telecommunications providers to collocate antennas and associated equipment on the tower, subject to mutually agreeable terms and conditions negotiated between the parties.
- xi. If use of the tower is discontinued for a continuous period of six months, the County shall deem it abandoned and provide the owner a written notice of abandonment stating that

the owner has 90 days from the date of receipt of the notice to either resume use of the tower or file a notice of termination with the County. The owner shall remove the tower within 180 days after a notice of termination is filed with the County. On removing an abandoned tower, the owner shall restore the site of the tower to as good a condition as existed before construction or installation of the tower, unless otherwise instructed by the County.

- xii. The County shall process all applications for a wireless telecommunications tower in a timely manner in accordance with the review procedures in Division 27-3, Administration, and shall make a decision on such applications within a reasonable period of time after the application is submitted and determined complete, taking into account the nature and scope of the application. Specifically, the County shall decide all applications for collocation of a telecommunications facility on an existing telecommunications tower or other existing structure within 60 days after acceptance of a complete application, and shall decide applications for telecommunications towers within 150 days after acceptance of a complete application.
- xiii. The tower shall comply with the standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the State or Federal

government with the authority to regulate telecommunications facilities.

2. Community Service Uses

a. Child Care Center

- i. The center shall comply with all applicable State regulations and obtain appropriate State licensing prior to operation.
- ii. The center shall provide a minimum of 35 square feet of usable outdoor play or activity area per child.
- iii. The outdoor play or activity area shall be fenced.
- iv. Any off-premises outdoor play or activity area shall be located near the building housing the center, and shall be safely accessible without crossing (at grade) any hazardous area, such as a street or driveway.
- v. The play area shall be sufficiently shaded during the warmer months to afford protection from the sun.
- vi. If the play area is to be used before or after daylight hours, it shall have sufficient lighting to ensure safe operation of the area during such times.
- vii. Outdoor play shall be limited to the hours between 7 a.m. and 9 p.m.
- viii. The center shall provide designated passenger drop-off and pick-up spaces in accordance with Sec. 27-6.200, Drop-Off and Pick-Up Areas.

b. Eleemosynary or Philanthropic Institution

In the RR Zone, approval as a special exception is required, except the following are permitted by right in the RR Zone:

- i. An adaptive reuse of a structure last occupied by a Federal postal facility on a lot or parcel not more than 25,000 square feet in area for use by an organization serving the homebound; and
- ii. An adaptive reuse of an existing building containing no more than 10,000 square feet of gross floor area, situated on a lot or parcel with land area not exceeding one acre used by an eleemosynary or philanthropic institution providing temporary emergency shelter, family, or social services for survivors of domestic violence and their families.

c. Place of Worship

- i. All buildings shall be set back at least 25 feet from each lot line;
- ii. Ingress and egress shall be located so as to direct traffic away from streets that are internal to a residential subdivision, where possible.
- iii. No parking spaces or loading areas shall be located in the front yard.
- iv. A decision-making authority may grant modifications of the standards applicable to a place of worship on finding that the modification is necessary to eliminate a substantial burden on religious practice, as guaranteed by the Federal Religious Land Use

and Institutionalized Persons Act (RLUIPA) of 2000 (42 U.S.C. § 2000 et seq.). In doing so, the decision-making authority may impose conditions consistent with RLUIPA that will substantially secure the objectives of the modified standard and substantially mitigate any potential adverse impact on the environment or adjacent properties.

3. Educational Uses

a. College or University

- i. In the RR and AR Zones, the minimum net lot area for any campus site shall be 300 acres.
- ii. The campus site shall front on, and have direct vehicular access to, a street or streets with sufficient capacity to accommodate traffic generated by the campus.
- iii. All parking and loading facilities needed for campus employees, students, visitors, and residents shall be on the campus site, and be located at least:
 - (A) 150 feet from adjoining land zoned or used residentially;
 - (B) 15 feet from any adjoining street; and
 - (C) Ten feet from all campus property lines.
- iv. At least 40 percent of the net lot area of the campus site shall be devoted to open space.

b. Elementary, Middle, or High School

- i. The school shall be located on a site with a minimum net lot area of five acres, and

- maximum enrollment at any one time shall be 400 students plus 100 students for each acre of net lot area over five acres—subject to any additional limitations imposed by State and local health, education, or fire regulations.
- (A) Minimum lot area may be reduced to 2.5 acres if the school site abuts public parkland containing at least 2.5 acres and enrollment is limited to 130 students.
- (B) Minimum lot area may be reduced to two acres if school programs are only for students receiving special education services and enrollment is limited to 90 students.
- ii. The school site shall front on, and have direct vehicular access to, a street having a right-of-way at least 36 feet wide. This width requirement shall not apply where the site is located in areas that are sparsely settled or agricultural in character.
- iii. The school shall provide an outdoor playground or activity area containing at least 100 square feet of usable space per student. The play area shall be enclosed by a wall or fence at least three feet high for elementary schools, and at least five feet high for middle and high schools.

c. Water-Dependent Research Facility or Activity Operated by a Government or Educational Institution

- i. **Within a Chesapeake Bay Critical Area Overlay Zone, the following standards shall apply:**
- (A) The facility or activity shall meet a recognized public or private need.
- (B) The facility or activity shall be water-dependent in accordance with the definition of "water-dependent facilities" in COMAR 27.01.03.01 and meet the general criteria in COMAR 27.01.03.03. Any facility or activity that is not a "water-dependent facility" shall be located outside the Buffer insofar as possible.
- (C) Adverse effects on water quality and on fish, plant, and wildlife habitat shall be minimized.

4. Health Care Uses

a. Hospital

- i. Minimum net lot area shall be five acres.
- ii. Minimum street frontage shall be 300 feet.
- iii. Buildings shall be set back at least 50 feet from all boundary lines.
- iv. Vehicular access and circulation systems and exterior signage shall be designed to provide safe and separate emergency vehicle access to the hospital, with minimal conflicts with other vehicular or pedestrian traffic in the area.

b. Methadone Treatment Center

- i. The building housing the center shall be located at least 1,000 feet from any residential zone, land developed for—or approved for development of—residential uses, or land used or approved for any of the following uses: schools, cultural facilities, parks, or recreational facilities.

5. Transportation Uses

a. Airport or Heliport

- i. The land area proposed for the use shall be sufficient to meet Federal Aviation Administration (FAA) requirements for the class of facility proposed.
- ii. There shall be no existing or proposed flight obstructions located outside the site that fall within the approach zone to any runway or landing area.
- iii. Airport runways shall be located at least 100 feet from any boundary line of the site.

b. Airstrip, Private

- i. Minimum net lot area shall be 90 acres.
- ii. FAA Part 91 certification is required.
- iii. Permitted aircraft shall be limited to a certificated gross weight of 5,000 pounds.
- iv. The airstrip shall meet all of the FAA and Maryland Aviation Administration requirements for a "private use airport," as defined by the Maryland Department of Transportation.

- v. There shall be no existing or proposed flight obstructions that fall within the approach zone to the airstrip.
- vi. The airstrip shall contain no terminal, storage, or repair/service facilities.
- vii. The owner of the site shall be the only individual authorized to base their aircraft on the airstrip.
- viii. Use of the airstrip shall be limited to private, noncommercial use by the property owner, members of the property owner's immediate family, and occasional guests who are invited to use the airstrip for infrequent and irregular flight operations.

c. Parking Facility (as a principal use)

- i. Parking of motor vehicles shall be the primary use of the facility. Except as otherwise expressly provided in this Ordinance, no other business shall be conducted in the parking facility—including, but not limited to, repair, servicing, washing, or display of vehicles, or storage of goods.

6. Utility Uses

a. Solar Energy Collection Facility, Large-Scale

- i. Maximum lot coverage of the facility and any associated equipment shall not exceed 65 percent.
- ii. Adequate access for maintenance of the facility shall be provided.

- iii. The facility shall not exceed a height of 20 feet.
 - iv. The property owner shall be responsible for negotiating with other property owners in the vicinity to establish any solar easement designed to protect solar access for the solar energy collection facility, and for recording any such solar easement in the Land Records of Prince George's County.
 - v. In the Rural and Agricultural Area as designated on the Growth Policy Map in the General Plan, the facility shall comply with requirements for designated scenic or historic viewsheds.
- b. Utility Facility, Major**
- i. Within any Residential zone, any buildings housing a major utility facility shall, whenever feasible, be designed to have the exterior appearance of a residential building.
- c. Wind Energy Conversion Facility, Large-Scale**
- i. Minimum net lot area shall be five acres.
 - ii. The facility shall utilize monopole or self-supporting towers.
 - iii. All towers shall be set back from all property lines a distance equal to or exceeding the overall height of the tower and associated wind turbine blade (as measured from the base of the tower).
 - iv. The maximum height of any tower (including extended blades) shall be 450 feet.
- v. Blade tips or vanes shall have a minimum ground clearance of 75 feet above grade, as measured at the lowest point of the arc of the blades.
 - vi. No blades shall extend over public rights-of-way.
 - vii. All towers and turbines shall maintain uniform design in terms of the following features:
 - (A) Tower type;
 - (B) Tower, turbine, and blade colors;
 - (C) The number of blades per turbine; and
 - (D) The direction of blade rotation.
 - viii. The tower and wind turbine shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral—but generally nonreflective—color (e.g., gray, white, or galvanized steel).
 - ix. All ground-based equipment buildings shall be located under the blade sweep area to the maximum extent practicable.
 - x. The facility shall be enclosed by security fencing and locked gates that are at least eight feet high and have anti-climbing devices, and shall provide warning signs at each vehicular access point to the site. The fencing shall be fully screened from adjacent streets by landscaping material in accordance with Sec. 27-6.400, Landscaping.

- xi. Except for transmission lines and collector utility structures, all utilities associated with the facility shall be located underground.
- xii. No illumination of the tower or wind turbine shall be allowed, unless required by the (FAA)—in which case, it shall be of the lowest intensity allowed. Strobes or blinking lights shall be avoided to the maximum extent practicable.
- xiii. Signage visible from any public street or off-site area shall be limited to the manufacturer's or installer's identification, appropriate warning signs, or owner identification.
- xiv. The noise produced by the facility during operation shall not exceed 55 dBA at any lot line. This standard shall not apply during power outages, windstorms, or other conditions beyond the owner's control.
- xv. The owner shall take all reasonable steps to prevent or eliminate interference with transmission of communications signals (e.g., radio, television, telephone, etc.) resulting from the facility.
- xvi. If use of the facility is discontinued for a continuous period of one year, the County shall deem it abandoned and provide the owner a written notice of abandonment stating that the owner has 90 days from the date of receipt of the notice to either resume use of the facility or file a notice of termination with the County. The owner shall remove the facility (including all towers, turbines, above-ground structures and equipment, outdoor storage, and hazardous

materials) within 180 days after a notice of termination is filed. On removing an abandoned facility, the owner shall restore the site of the facility to as good a condition as existed before construction or installation of the facility, unless otherwise instructed by the County.

E. Commercial Uses

1. General CBAO Zone Use Standard Modifications

- a. Within a Resource Conservation Overlay (RCO) Zone, all commercial uses are prohibited. Within the Limited Development Overlay (LDO) Zone and Intensely Developed Overlay (IDO) Zone, the following standards apply to any commercial use:
 - i. The use shall meet a recognized public or private need.
 - ii. The use shall be water-dependent in accordance with the definition of "water-dependent facilities" in COMAR 27.01.03.01 and meet the general criteria in COMAR 27.01.03.03. Any use that is not a "water-dependent facility" shall be located outside the buffer insofar as possible.
 - iii. Adverse effects on water quality and on fish, plant, and wildlife habitat shall be minimized.

2. Adult Uses

a. Findings

- i. The District Council has reviewed the legislative records for all prior legislation and for the present legislation on the subject of adult

- businesses. The evidence in these legislative records includes studies of adult businesses and comments on the subject of adult businesses from government and community leaders in Prince George's County and in other jurisdictions in the United States. The District Council has reviewed the United States Supreme Court findings in *City of Littleton, Colorado v. Z.J. Gifts D-4, L.L.C., a limited liability company, dba Christal's*, 541 U.S. 774, 124 S.Ct. 2219 (2004). The Supreme Court in *Littleton* upheld the statutory scheme for adult businesses for a Colorado city-enacted adult business ordinance that (1) required businesses such as adult bookstores to (a) have "adult business" licenses, and (b) comply with local zoning rules; (2) listed specific circumstances under which the city would deny a license; (3) set forth time limits (typically amounting to 40 days) within which city officials were required to reach a final licensing decision; and (4) provided that the final decision could be appealed to a State court pursuant to the State's civil procedure rules. This legislation is patterned after the Littleton, Colorado statutes upheld by the United States Supreme Court in *Littleton*.
- ii. From the evidence in the legislative records for the present and prior legislation, the District Council makes the following legislative findings:
- (A) The location of present and future adult businesses in that part of the Maryland-Washington Regional District in Prince

George's County should be controlled through zoning regulations, to lessen or control the adverse secondary effects of such uses on their surrounding neighborhoods.

- (B) Testimony in the legislative records and certain findings from other jurisdictions indicate that adult businesses have a strong tendency to affect neighborhood character and may be associated with neighborhood deterioration or depreciation of property values.
- (C) Prince George's County has an additional interest in controlling the location of adult book or video stores, to prevent access to such stores by children, who may be adversely influenced by the materials sold in such stores.
- (D) There are real and substantial governmental interests promoted by zoning regulations which control the location of adult businesses in that part of the Maryland-Washington Regional District in Prince George's County.
- (E) The provisions of the Prince George's County Code and the Prince George's County Zoning Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult materials. Similarly, it is not the intent nor effect of the Prince George's County Code or the Prince George's County Zoning

Ordinance to restrict or deny access by adults to adult materials protected by the First Amendment or the Maryland Constitution, or to deny access by the distributors and exhibitors of adult entertainment to their intended market. Neither is it the intent nor effect of the Prince George's County Code or the Prince George's County Zoning Ordinance to condone or legitimize the distribution of obscene material.

b. Adult Book or Video Store

- i. An adult book or video store shall be separated from certain zoning and certain existing or approved uses in accordance with the table below:

Table 27-5.203.E.2.b.i: Minimum Separation from Certain Zoning and Uses[1]

Zone or Existing or Approved Use from Which Adult Book or Video Store Must be Separated	Minimum Separation Distance
Residential zone	1,000 feet[2]
Any residential use	
Park, playground, or recreation facility	
Library	1,000 feet[3]
Place of worship	
Child day care center	
School, elementary, middle, or high	
Other adult book or video store	500 feet[3]

NOTES:

- [1] Compliance with these separation standards shall be affected by the subsequent establishment of one of the zones or uses from which separation is required closer to the adult book or video store than the required minimum separation distance. In such a case, the adult book or video store shall be construed as continuing to comply with

Table 27-5.203.E.2.b.i: Minimum Separation from Certain Zoning and Uses[1]

Zone or Existing or Approved Use from Which Adult Book or Video Store Must be Separated	Minimum Separation Distance
the separation standards, and not as nonconforming.	
[2] Separation shall be measured as the shortest straight-line distance from the front door or main entrance of the adult book or video store to nearest point of the Residential zone boundary.	
[3] Separation shall be measured along street or right-of-way lines between the front door or main entrance of the adult book or video store to the front door or main entrance of the use from which separation is required.	

- ii. All windows, doors, and other apertures shall be blackened or obstructed so as to prevent anyone outside the store from viewing its interior.
- iii. Outdoor display of merchandise is prohibited.
- iv. Advertising shall be limited to one business sign, as provided for in Sec. 27-6.1400, Signage.
- v. Hours of operation shall not extend beyond 12:00 A.M. and shall not begin before 9:00 A.M.
- vi. The proprietor, owner, or personnel of the store shall prohibit access to the premises by any person who is under 18 years old.

c. Adult Entertainment

- i. The hours of operation shall be limited to 5:00 p.m. to 3:00 a.m.
- ii. The establishment shall be located at least 1,000 feet from any school, any residential zone or land used for residential purposes, and any

- other building or use providing adult entertainment.
- iii. All windows, doors, and other apertures shall be blackened or obstructed so as to prevent anyone outside the establishment from viewing its interior.
 - iv. The proprietor, owner, or personnel of the establishment shall prohibit access to the premises by any person who is under 18 years old.

3. Animal Care Uses

a. Animal Shelter

- i. Those parts of structures in which animals are boarded shall be fully enclosed and sufficiently insulated so no unreasonable noise or odor can be detected off the premises.
- ii. All boarded animals shall be kept within a totally-enclosed part of the structures between the hours of 10:00 p.m. and 8:00 a.m.

b. Kennel

- i. Those parts of structures in which animals are boarded shall be fully enclosed and sufficiently insulated so no unreasonable noise or odor can be detected off the premises.
- ii. All boarded animals shall be kept within a totally-enclosed part of the structures between the hours of 10:00 p.m. and 8:00 a.m.
- iii. Any open exercise runs or pens shall be at least 75 feet from any lot line, with a Type B

bufferyard provided between the run or pen and the property line, in accordance with the Landscape Manual.

c. Pet Grooming Establishment

- i. All animals shall be confined to a portion of the interior of a structure that is fully enclosed and sufficiently insulated so no unreasonable noise or odor can be detected off the premises.
- ii. Animals shall not be kept at the facility for compensation for purposes other than to receive grooming services.
- iii. Animals shall not be boarded overnight.

d. Veterinary Hospital or Clinic

- i. Those parts of structures in which animals are boarded shall be fully enclosed and sufficiently insulated so no unreasonable noise or odor can be detected off the premises.
- ii. All boarded animals shall be kept within a totally enclosed part of the structures between the hours of 10:00 p.m. and 8:00 a.m.
- iii. Any open exercise runs or pens shall be at least 75 feet from any lot line, with a Type B bufferyard provided between the run or pen and the property line, in accordance with the Landscape Manual.

4. Business Support Service Uses

a. Conference or Training Center

- i. No products shall be sold on-site except those clearly incidental and integral to training programs conducted in the center (e.g., books, training manuals and videos, t-shirts, mugs, pens and pencils, and similar items bearing the logo of the conference or seminar sponsors or participants).

5. Eating or Drinking Establishment Uses

a. Eating or Drinking Establishment

- i. If the establishment includes drive-through service, it also shall comply with the accessory use standards in Sec. 27-5.304.B.9, Drive-through Service.
- ii. If the establishment includes outdoor seating, it also shall comply with the accessory use standards in Sec. 27-5.304.B.18, Outdoor Seating (as accessory to an eating or drinking establishment).

b. Brewpub or microbrewery

- i. The minimum area of the eating, drinking, and entertainment area of the brewpub or microbrewery shall be 45 percent of the total square footage for the establishment, or a minimum of 1,500 square feet, whichever is greater.
- ii. The establishment shall have building façade fenestration/transparency through vision glass,

doors or active outdoor spaces along a minimum of 50 percent of the length of the building side that fronts the street, unless the building in which it is located is an adaptive reuse, the building makes compliance impracticable, or if the building is a County historic site or within a County historic district and this minimum standard would conflict with direction given by the Historic Preservation Commission acting under Subtitle 29 of the County Code.

- iii. Off-site distribution of manufactured beer is allowed, as long as it is done from the rear of the building, and adequate loading and access for the activity is provided.
- iv. Crushing and fermentation operations are managed in such a way that by-products are contained and disposed of in a way that does not result in spill-over impacts on adjacent property, public spaces, or public rights-of-way.
- v. Outdoor storage is prohibited.

6. Personal Service Uses

a. Dry-Cleaning or Laundry Drop-Off/Pick-Up Establishment

- i. If the establishment includes drive-through service, it also shall comply with the accessory use standards in Sec. 27-5.304.B.9, Drive-through Service.

7. Recreation/Entertainment Uses

a. Amusement Park

- i. Minimum net lot area shall be 25 acres.
- ii. At least 50 percent of the site area shall be devoted to open space uses.
- iii. Any structure used for exhibition, educational, entertainment, dining, recreational, or other purposes involving patron assembly, as well as any parking and any maintenance or service building shall be set back at least 100 feet from any boundary line of the site.

b. Arena, Stadium, or Amphitheater

- i. Sufficient traffic management systems shall be in place during stadium events to assure safe and reasonable access to residential neighborhoods in the area for residents and emergency vehicles.

c. Nightclub

- i. A nightclub shall not be located within 500 feet of the RSF-95 Zone or any zone having more stringent intensity and dimensional standards than the RSF-95 Zone.
- ii. If the establishment includes outdoor seating, it shall comply with the accessory use standards in Sec. 27-5.304.B.18, Outdoor Seating (as accessory to an eating or drinking establishment).
- iii. In the CGO district, approval as a special exception is required if the nightclub includes

music and patron dancing after 12:00 A.M., except that a nightclub that has a gross floor area of at least 2,500 square feet, has a valid Dance Hall license issued before July 1, 2016, and has a valid Class BLX license issued by the Board of License Commissioners for Prince George's County pursuant to Title 26, Alcoholic Beverages Article, Annotated Code of Maryland, shall be a permitted use, subject to conformance with the hours of operation established pursuant to the Class BLX license issued for the use.

d. Racetrack

- i. For a pari-mutuel racetrack, minimum net lot area shall be 100 acres.

e. Recreational or Entertainment Establishment of a Commercial Nature with a Video Lottery Facility

Detailed site plan approval in accordance with Sec. 27-3.508, Detailed Site Plan (Minor and Major), shall be required for a recreational or entertainment establishment of a commercial nature with a video lottery facility ("Facility"). A stated condition of approval for the site plan shall be full compliance with this Subsection by the video lottery operator, including compliance with any plans, commitments, or other information contained the site plan application. The Planning Board or Planning Director, as appropriate, may approve a site plan application for a Facility on finding all of the following:

- i. The application demonstrates that the locational requirements as set forth in Section

- 9-1A-36(h)(1)(VI), State Government Article, Annotated Code of Maryland, are met.
- ii. The application demonstrates that transportation facilities in the area affected by traffic generated by the Facility will be adequate based on:
 - (A) Total traffic conditions as prescribed in the most recent Transportation Review Guidelines published by M-NCPPC;
 - (B) Compliance with a comprehensive transportation plan in accordance with Section 9-1A-32 of the State Government Article of the Annotated Code of Maryland prior to issuance of any use and occupancy permits; and
 - (C) The transportation improvements regarding the Facility submitted to the Maryland Video Lottery Facility Location Commission.
 - iii. Any required on- or off-site transportation improvements shall be made prior to, or concurrent with, the construction of the Facility, and shall be completed prior to the issuance of any use and occupancy permits for the Facility.
 - iv. The lighting plan included with the application demonstrates adequate illumination of all parking areas and walkways on site.
 - v. The application includes a receipt confirming submission of a written security plan to the Chief of Police demonstrating a 24-hour adequate security and surveillance plan, including plans to control loitering in the parking areas.
 - (A) The security plan may be a confidential submittal.
 - (B) Review and approval by the Chief of Police or the Chief's designee is required prior to the issuance of any use and occupancy permit for the Facility.
 - vi. The application includes a written plan for daily removal of litter and refuse in the Facility and on site.
 - vii. The application includes a statement acknowledging obligations pursuant to Section 9-1A-10(a)(3) of the State Government Article of the Annotated Code of Maryland, including any related compliance and reporting requirements.
 - viii. The application includes a statement detailing any opportunities in relation to the Facility to be made available to Prince George's County residents or businesses via direct monetary or other equity investment, ownership of independent in-line businesses, ownership of retail pad sites, ownership of business franchises, ownership of service businesses, and/or ownership of any other for-profit businesses.
- f. **Shooting Range**
- i. The range shall be located either:

- (A) Within a structure that is fully enclosed with steel plate and acoustical tiles, or other materials with comparable bullet-stopping and soundproofing capacities; or
 - (B) Outside such an enclosed structure, provided backstops at least 20 feet high are provided behind all target lines and supplemented by baffles designed and arranged to contain all projectiles within the boundaries of the range and to reduce noise exiting the site.
- ii. The owners, operator, tenant, or occupants of a shooting range shall implement appropriate environmental management practices for containing, controlling, and removing lead from the range in accordance with the latest edition of "Best Management Practices for Lead at Outdoor Shooting Ranges" from the U.S. Environmental Protection Agency (EPA).

g. Skating Facility

- i. Any accessory eating or drinking use shall be entirely integrated within the skating rink facility, and shall not have access from the exterior of the skating rink facility.
- ii. The skating rink facility shall be wholly enclosed, and shall include special noise attenuation measures on all walls facing adjoining land in a Residential zone or used for residential purposes.

h. Swimming Pool (Outdoor)

- i. Any outdoor swimming pool (including the apron, filtering and pumping equipment, and buildings) shall be located at least:
 - (A) 75 feet from land in a Residential zone, or land containing an existing or approved Residential use; and
 - (B) 25 feet from land in a Nonresidential zone, or land containing an existing or approved Commercial or Industrial use; and
- ii. The use of any public address or other loudspeaker system for an outdoor swimming pool shall be restricted to that necessary for safety purposes, and shall not be used for the playing of music or other entertainment.
- iii. An outdoor swimming pool shall be enclosed by a fence at least six feet high (which may be met by a railing attached to an above-grade pool).

8. Retail Sales and Service Uses

a. Bank or Other Financial Institution

- i. If the establishment includes drive-through service, it also shall comply with the accessory use standards in Sec. 27-5.304.B.9, Drive-through Service.

b. Check Cashing Business

- i. Hours of operation shall be limited to between 9:00 a.m. and 8:00 p.m.
- ii. A schedule of fees/charges shall be posted where immediately visible to persons entering

- the business, and a copy of the fee schedule shall be made available to all persons entering the business.
- iii. No other business shall share floor space with the check cashing business.
 - iv. Security lighting and cameras shall be provided on all open sides of the building to provide surveillance of the area within 100 feet of the building's exterior.
 - v. At least one security employee (with no other duties) shall be on the premises when the business is open.
 - vi. Cashiers shall work behind bullet-resistant glass.
- c. **Drug Store or Pharmacy**
- i. If the establishment includes drive-through service, it also shall comply with the accessory use standards in Sec. 27-5.304.B.9, Drive-through Service.
- d. **Farmers' Market**
- i. Vehicular access to the subject property shall not be by means of streets internal to subdivisions for single-family detached dwellings.
 - ii. Stalls, sales tables, and any other outdoor facilities related to the market shall be located at least 25 feet from any abutting street.
 - iii. Items for sale shall not be displayed or stored within customer pathways.
- iv. Before issuance of a permit for the market, it shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.
 - v. The market shall have a manager authorized to direct the operations of all participating vendors during all hours of operation.
 - vi. Accessory wholesaling is permitted, but shall be limited to 25 percent of the gross floor area of the market.
 - vii. The market shall be operated only within the hours specified in the development approval or permit to which the market is subject.
- e. **Medical Cannabis Dispensary**
- i. The boundaries of property used as a medical cannabis dispensary shall be located a minimum of 500 feet from:
 - (A) Any of the following zones: AR, RE, RR, RSF-95, RSF-65, and R-PD;
 - (B) Any land owned by The Maryland-National Capital Park and Planning Commission;
 - (C) Any use in the Educational Uses category.
 - ii. The boundaries of property used as a medical cannabis dispensary shall be located a minimum of one mile from any other medical cannabis dispensary use.
 - iii. In the RTO-L, RTO-H, RTO-PD, and MU-PD zones, a medical cannabis dispensary shall be located within:

- (A) 500 feet of a medical facility as defined in Sec. 27-2.400, Terms and Uses Defined; and
- (B) One-half mile of a Metrorail Line station, as measured from the center of the transit station platform to the nearest boundary of property where the medical cannabis dispensary is located.
- iv. Outdoor signage shall be limited to building mounted signs. Advertisement for cannabis or cannabis products is prohibited.
- v. Medical cannabis dispensary is not permitted as an accessory use.
- 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.

9. Vehicle Sales and Service Uses

a. Commercial Fuel Depot

- i. The subject property shall have at least 200 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 150 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.

b. Gas Station

- i. The subject property shall have at least 200 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, and in the CN zone shall be oriented to the side of the building, to the maximum extent practicable.
- 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.

c. Personal Vehicle Repair and Maintenance

i. Car Wash or Auto Detailing

- (A) Car washes and auto detailing shall be designed so that service bays are not directly visible from an adjoining street.

ii. Vehicle Lubrication or Tune-Up Establishment

- (A) All sales and installation operations shall be conducted in a wholly enclosed building with no outdoor storage.
- (B) Service activity on any motor vehicle shall be completed within a 24-hour period, and no vehicle may be stored on the property for longer than this period.
- (C) The demolition or junking of motor vehicles is prohibited.

iii. Vehicle or Trailer Repair and Maintenance

- (A) Repair service shall be completed within 48 hours after the vehicle is left for service.
- (B) Discarded parts resulting from any repair work shall be removed promptly from the premises.
- (C) Automotive replacement parts and accessories shall be stored either inside the main structure or in a wholly enclosed accessory building used solely for the storage.
- (D) An accessory building used for storage 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 a wall, fence, or opaque landscaping material that is at least as high as the accessory building.
- (E) The use shall be designed so that service bays are not directly visible from an adjoining street.
- (F) Vehicles or trailers may not be stored as a source of parts. Vehicles or trailers that are repaired and awaiting removal may be stored for no more than 30 consecutive days.

d. Commercial Vehicle Sales and Rental and Personal Vehicle Sales and Rental

i. Private Automobile or Other Motor Vehicle Auction

(A) The purposes of these standards are:

- (1)** To prevent or control detrimental effects—including noise, dust and traffic—on neighboring properties and existing and proposed land uses in the general area;
- (2)** To prevent or control detrimental effects on the subject property, including excessive crowding of vehicles, discarded vehicle parts and other debris, and environmental contamination from fluids or chemical residues; and
- (3)** To prevent or control untreated stormwater runoff—which may include residues from exhaust fumes, brake pads, gasoline, and motor oil—to ensure that harmful materials do not enter the Chesapeake Bay and its tributaries.

- (B)** All parking and car carrier loading/unloading shall be performed on site and shall be located separately from the customer parking areas.
- (C)** Parking and loading areas shall not be used for the sale, display, or storage of vehicles,

performing vehicle services, or any other purpose unrelated to parking and loading.

- (D)** Junked, salvaged, or wrecked vehicles may not be sold or stored on the property, unless associated with an auction that regularly deals in the disposal of vehicles that have been declared total losses by insurance companies.
- (E)** The following activities are prohibited with this use:
 - (1)** Retail sales (other than by auction) of vehicles, vehicle parts, or boats; outdoor storage or display of vehicle parts;
 - (2)** Vehicle dismantling and demolition;
 - (3)** Stacking of vehicles and/or use of a vehicle rack system; and
 - (4)** Parking, storage, or display of vehicles within public rights-of-way or internal driveways.
- (F)** No vehicle may be displayed or stored on the site for more than 90 consecutive days, unless storage of the vehicle for a longer period of time is required by a law enforcement agency or the Maryland Department of Motor Vehicles, or for any other litigation purposes.
- (G)** All auction activities—including sales, loading/unloading of vehicles, and vehicle transport—shall be conducted between the hours of 7:00 a.m. and 10:00 p.m.

- (H) The site shall be kept clear of all trash, litter, and other debris. Exterior trash receptacles shall be provided in all areas open to the public—including those for parking, auction activities, and offices—and shall be routinely emptied. Trash and debris within the public right-of-way resulting from an auction shall be immediately removed by the auction operator.
- (I) The auction operator shall maintain records of bills of sale and make those records available to County inspectors upon request within 30 days of the sale during normal business hours to ensure that vehicles abandoned off-site can be traced back to the auction house and/or the purchaser.
- (J) Auctions shall be screened to block visibility from public rights-of-way and residential zones in accordance with the following standards, which shall not apply to publicly owned residential property:
- (1) In addition to the landscaping requirements found in the Landscape Manual, new screening installed to meet the requirements of this provision shall consist of a solid, sight-tight (opaque) wall or fence at least six feet high or an evergreen screen consisting of trees at least eight feet high, planted in a ten-foot-wide landscape strip. Trees within an evergreen screen shall be planted eight feet on center in a staggered pattern and have a minimum diameter of four feet when planted to achieve a sight-tight screen. Any fence or wall may be constructed as a panelized metal wall system applied to a minimum 2X4 frame with 4X4 support posts, provided that the panelized metal is a minimum 29-gauge steel or similar material with a corrosive-resistant coating (such as a baked-on enamel finish) that is brown or green in color. The fence or wall may not be constructed of slatted chain link, or unsupported and/or untreated corrugated metal, fiberglass or sheet metal.
- (2) Any fences or walls shall be located behind a planted landscape strip as prescribed in the Landscape Manual.
- (3) Screening installed pursuant to the requirements of the Landscape Manual or an approved site plan on adjacent property in a residential zone shall satisfy the requirements of this Section.
- (4) Any fencing installed along property boundaries not visible from an existing public right-of-way or a residential zone shall be enclosed by a black, vinyl-clad, chain-link fence or

other material not prohibited by provision (J) above.

- (K) Ingress and egress driveway aprons shall have a minimum width of 30 feet and shall be paved with concrete and meet the commercial driveway standards of DPW&T or those of the applicable municipality. Drive aisles for internal circulation shall have a minimum width of 22 feet and shall be paved with concrete, asphalt, or asphalt millings surface.
- (L) Paved surfaces shall be maintained in good repair.
- (M) Dust-control measures shall be used on the site.
- (N) Disposal of all fluids and other materials shall be accomplished in a manner that complies with all County, State, and Federal regulations.
- (O) All lighting shall be directed away from adjoining properties.
- (P) If an amplified public address system is utilized for the auction's sales activities, the sales activities shall be within a wholly enclosed building or located at least 500 feet from any land within a residential zone. If outside an enclosed building, use of an amplified public address system shall be limited to the hours of 9 a.m. to 6 p.m. for a maximum of three days per week.

- (Q) Except in the IH Zone, an auction uses shall be located on a parcel or parcels with a total area not less than ten acres.
- (R) The auction site shall have direct access to a commercial street with a right-of-way width of at least 70 feet and pavement width of at least 46 feet; and
- (S) The auction site shall have no direct access to or from public streets with a right-of-way width less than 70 feet.
- (T) All areas used for vehicle sales, display, parking, or storage shall be on a paved concrete or asphalt surface.
- (U) The parking, loading, and vehicle storage and display areas associated with the auction shall be considered a sensitive environmental area with regard to the stormwater management facilities required, and as such, shall provide on-site water quality treatment in addition to an approved prevention plan as required by the County Stormwater Ordinance.
- (V) Auction sales may only be conducted by a State-licensed dealer or an auctioneer holding a valid State Trader's License.

ii. **Vehicle or Trailer Sales or Rental**

- (A) The use shall have no more than one vehicle/trailer display pad for every 100 feet of street frontage. A vehicle/trailer display pad shall not exceed 5,000 square

feet in area and may be elevated up to two feet above nearby displays or ground level.

- (B) No vehicles, trailers, or other similar items shall be displayed on the top of a building.
- (C) No materials for sale or rent other than vehicles or trailers shall be displayed between the principal structure and the adjoining street.

e. Taxi or Limousine Service Facility

- i. No dismantling or demolition of vehicles shall take place on the premises.
- ii. In the CGO Zone and in the Transit-Oriented/Activity Center Zones, no vehicle storage, repair, or servicing is permitted.

f. Vehicle Equipment or Supplies Sales

i. Vehicle or Trailer Parts or Tire Sales

- (A) All tire installation shall be performed in a wholly enclosed building, with no outdoor storage.

g. Vehicle Towing or Wrecker Service

- i. Vehicles shall not be stored for more than 90 days.

10. Visitor Accommodation Uses

a. Campground

- i. A camping trailer shall not be occupied unless it is located within a campground in accordance with this Subsection or in use as a temporary

residence in accordance with Sec. 27-5.404.B.14, Transient Manufactured Home or Recreational Vehicle Residence.

- ii. Minimum net lot area shall be five acres.
- iii. The campground shall be reasonably accessible to an improved public street, and access shall not be by means of streets internal to residential subdivisions for single-family dwellings.
- iv. Access to campsites shall be provided by well-maintained driveways within the campground.
- v. No vehicular access shall be located within 300 feet of any school, fire station, or hospital;
- vi. Active recreational areas, consisting of facilities such as swimming pools, children's playgrounds, fishing and boating ponds, shuffleboard courts, tennis courts, bike trails, and golfing facilities shall occupy at least ten percent of the gross campground site area. Such areas shall be located at least 50 feet from all boundary lines of the campground site.
- vii. Camping trailers shall be parked only on designated campsites, which shall be at least 30 feet wide and have a minimum area of 1,600 square feet. No campsite shall be located less than 100 feet from any street line or 50 feet from any other boundary line of the campground site or any structure (other than a utility structure or campsite shelter) in the campground.

- viii. Retail, service, and commercial recreational activities (including a spa) that only serve the customary needs of campers are permitted, provided that:
 - (A) The uses are secondary to the campground;
 - (B) The uses are internally oriented;
 - (C) The uses do not have direct access to a public street; and
 - (D) The uses do not display signs (separate from any signs for the campground) that are visible from a street;
- ix. No camping trailer shall be located in a campground for an indefinite period of time. No camping trailer temporarily parked in a campground may be occupied for more than three months in any 12-month period. The wheels of a camping trailer may only be removed for temporary purposes of repair or to attach the trailer to the ground for stabilization.
- x. Campsites shall not be located on slopes which exceed 15 percent.
- xi. Existing vegetation shall be cleared only when necessary for campground facilities.

b. Country Inn

- i. The building containing the inn shall have historical, cultural, or architectural significance, or the appearance thereof.
- ii. The subject property shall front on and have direct vehicular access to an existing street with

sufficient capacity to accommodate any traffic generated by the inn.

c. Hotel or Motel

- i. Except as otherwise provided in ii below, the subject property shall front on and have direct vehicular access to a street with a right-of-way width of at least 70 feet.
- ii. In the RR Zones, a hotel or motel shall be subject to the following standards:
 - (A) No structure or parking area shall be located less than:
 - (1) 50 feet from the street lot line, abutting land within a Residential zone, or land approved for a residential use;
 - (2) 25 feet from land in a nonresidential zone or land approved for a commercial or industrial use; or
 - (3) 200 feet from an existing dwelling.
 - (B) Cooking facilities are prohibited in guest rooms.
 - (C) The hotel or motel may have an accessory eating or drinking establishment as an accessory use only if it contains at least 50 guest rooms and the subject property has a minimum area of seven acres.

11. Water-Related Uses

a. Boat Sales, Rental, Service, or Repair

- i. Discarded parts resulting from any repair work shall be removed promptly from the premises.
- ii. Boat replacement parts and accessories shall be stored either inside the main structure or in a wholly enclosed accessory building used solely for storage.
- iii. The use shall be designed so that service bays are not directly visible from an adjoining street.
- iv. Boats may not be stored as a source of parts. Boats that are repaired and awaiting removal may be stored for no more than 30 consecutive days.

b. Boat Storage Yard

- i. In the LDO Zone, a boat storage yard is allowed as a special exception only if it is noncommercial.

c. Marina

- i. Within a Resource Conservation Overlay (RCO) Zone, new marinas are prohibited, but a marina existing when brought into the Maryland-Washington Regional District may be expanded, subject to provisions below.
- ii. Within a Chesapeake Bay Critical Area Overlay Zone, a facility or development activity associated with a new marina or an expanded marina may be located within the buffer only if it is "water-dependent" in accordance with the

definition of "water-dependent facilities" in COMAR 27.01.03.01 and meets the general criteria in COMAR 27.01.03.03. Any marina facility or associated development activity that is not a "water-dependent facility" shall be located outside the buffer insofar as possible.

- iii. The marina or marina expansion shall meet a recognized public or private need.
- iv. The marina or marina expansion shall comply with applicable water pollution requirements of Federal, and State laws (see *Maryland Clean Marina Guidebook*, Maryland Department of Natural Resources). Evidence that Federal and State permits and approvals have been addressed shall be submitted to the County before issuance of a building permit.
- v. The discharge of bottom-wash waters from dry dock facilities into tidal waters shall be minimized.
- vi. There shall be adequate all-weather access from the landward side to accommodate all proposed facilities.
- vii. There shall be safe boating access from the marina to cruising waters.
- viii. To the extent possible, wetlands shall be preserved and development located in the upland areas.
- ix. Significant fish spawning grounds and shellfish harvesting areas shall be protected.
- x. Disturbance of and adverse impacts on water quality, wetlands, submerged aquatic plant

- beds, or other fish, plant, and wildlife habitats shall be minimized.
- xi. The water body on which the marina is located shall have adequate flushing characteristics in the area.
 - xii. Marina activities shall not significantly alter existing water circulation patterns or salinity regimes.
 - xiii. Interference with the natural transport of sand shall be minimized.
 - xiv. Dredging shall be conducted in a manner, and using a method, that causes the least disturbance to water quality and aquatic and terrestrial habitats in the area immediately surrounding the dredging operation or within the Chesapeake Bay Critical Area Overlay Zone generally.
 - xv. Dredged spoil shall not be placed within the buffer or elsewhere in that portion of the Chesapeake Bay Critical Area Overlay Zones which has been designated as a Habitat Protection Area, except as necessary for:
 - (A) Backfill for permitted shore erosion protection measures;
 - (B) Use in approved vegetated shore erosion projects;
 - (C) Placement on previously approved channel maintenance spoil disposal areas; and
 - (D) Beach nourishment.

xvi. In addition to the above standards, expansion of an existing marina shall be designed to result in an overall net improvement in water quality.

F. Industrial Uses

1. General CBAO Zone Use Standard Modifications

- a. Within a Resource Conservation Overlay (RCO) Zone or Limited Development Overlay (LDO) Zone, all industrial uses except fisheries activities, sand or gravel wet processing, and surface mining are prohibited. Within the Limited Development Overlay (LDO) Zone and Intensely Developed Overlay (IDO) Zone, the following standards apply to any industrial use:
 - i. The use shall meet a recognized public or private need.
 - ii. The use shall be water-dependent in accordance with the definition of "water-dependent facilities" in COMAR 27.01.03.01 and meet the general criteria in COMAR 27.01.03.03. Any use that is not a "water-dependent facility" shall be located outside the Buffer insofar as possible.
 - iii. Adverse effects on water quality and on fish, plant, and wildlife habitat shall be minimized.

2. Extraction Uses

a. Sand and Gravel Wet-Processing

- i. Minimum net land area shall be 50 contiguous acres unless the property has direct vehicular access to an existing four-lane highway.

- ii. Fixed installations that involve washing, screening, classifying, and crushing facilities, and parking and storage areas for trucks and heavy equipment, shall be located at least 400 feet from all boundary lines of the subject property.
- iii. Fixed installations that involve automobile parking and settling ponds shall be located at least 200 feet from all boundary lines of the subject property.
- iv. Nonstructural installations that involve stockpiles of natural material shall be located at least 300 feet from all boundary lines of the subject property unless the stockpiles are adequately screened from view from adjoining properties.
- v. Driveways for ingress and egress shall be located so as to not endanger pedestrians or create traffic hazards. Any ingress or egress driveway shall have a minimum width of 22 feet, and shall be paved for a distance of at least 200 feet from the boundary line of the subject property.
- vi. Dust-control measures shall be used on the driveways and the interior traffic circulation system.
- vii. Within a Chesapeake Bay Critical Area Overlay Zone, wash plants (including ponds, spoil sites, and equipment) are prohibited in the buffer (as defined in Subtitle 5B).

b. Surface Mining

- i. Heavy machinery may be used for the extraction of natural material or deposits from the site. Except in the IH Zone, heavy machinery may not be used for washing, refining, or other processing.
- ii. The use shall not be noxious, offensive, or otherwise objectionable by reason of dust, smoke, or vibration.
- iii. The land areas exposed by the extraction and removal of natural materials or deposits shall be left suitable for development. The exposed land area shall have a slope not greater than three-to-one (3:1), except where any portion of the site is developed for port or harbor facilities.
- iv. Driveways or access points shall be located so as not to endanger pedestrians or create traffic hazards. Any access driveway shall be at least 22 feet wide, and shall be paved for a distance of at least 200 feet from the boundary line of the subject property.

3. Industrial Service Uses

a. Landscaping Contractor's Business

- i. Minimum net lot area shall be five acres.
- ii. The subject property shall front on and have direct vehicular access to an existing street with sufficient capacity to accommodate the type and amount of traffic to be generated by the business.

- iii. Vehicular access to the subject property shall not be by means of streets internal to residential subdivisions.
- iv. All business operations (except the outdoor growing of nursery stock) shall be located at least 200 feet from any abutting land in any Residential zone, or land approved for a residential use, and shall be screened from the view of the abutting residential zoning or use in accordance with the Landscape Manual.
- v. Outdoor storage of equipment and materials (except nursery stock) shall not be visible from a street.

4. Manufacturing Uses

a. Concrete Batching or Asphalt Mixing Plant

- i. Plant components and other parts of the operation having the potential for generating adverse noise, dust, or vibration impacts (including conveying systems, concrete mixers, weighing hoppers, batching equipment, aggregate bins, truck mixing areas, truck wash-out facilities, cold feed systems, drying systems, mixing units, dust collection systems, asphalt circulation systems, asphalt storage tanks, hot-mix storage bins, exhaust systems, material stock piles, and truck parking areas) shall be located at least:
 - (A) 300 feet from the boundary lines of the subject property adjoining any land in any Residential zone, Transit-Oriented/Activity Center zone, or the CN, CS, or CGO Zone,

- or from land approved for residential or commercial use; and
- (B) 100 feet from the boundaries of the subject property adjoining any land in the IE of IH Zones, or from land approved for industrial use.
- ii. Other fixed installations of the plant (including automobile parking, settling ponds, and office uses) shall be located at least 100 feet from the boundaries of the subject property adjoining any land in any Residential zone, or from land approved for residential use.
- iii. Driveways for ingress and egress shall be located so as not to endanger pedestrians or create traffic hazards.
- iv. Any ingress or egress driveway shall have a minimum width of 22 feet, and shall be paved for a distance of at least 200 feet from the boundary line of the subject property.
- v. Dust-control measures shall be used on the driveways and the interior traffic circulation system.
- vi. Within a Chesapeake Bay Critical Area Overlay Zone, concrete batching plants or new asphalt mixing plants or operations associated with a concrete batching plant or an existing asphalt mixing plant are prohibited if:
 - (A) Habitat protection areas have been or may be designated on the subject property in accordance with criteria set forth in Subtitle 5B;

- (B) The use is located within the Buffer, as defined in Subtitle 5B;
- (C) The use would result in the substantial loss of long-range (25 years or more) productivity of forest and agriculture, or would result in a degrading of water quality; or

b. Concrete or Brick Products Manufacturing

- i. Use components and other parts of the operation having the potential for generating adverse noise, dust, or vibration impacts shall be located at least:
 - (A) 300 feet from the boundary lines of the subject property adjoining any land in any Residential zone, Center zone, or the CGO or CAC Zone, or from land approved for residential or commercial use; and
 - (B) 100 feet from the boundaries of the subject property adjoining any land in the IE of IH Zones, or from land approved for industrial use.
- ii. Other fixed installations of the use (including automobile parking, settling ponds, and office uses) shall be located at least 100 feet from the boundaries of the subject property adjoining any land in any Residential zone, or from land approved for residential use.
- iii. Driveways for ingress and egress shall be located so as not to endanger pedestrians or create traffic hazards.

- iv. Any ingress or egress driveway shall have a minimum width of 22 feet, and shall be paved for a distance of at least 200 feet from the boundary line of the subject property.
- v. Dust-control measures shall be used on the driveways and the interior traffic circulation system.

c. Fisheries Activities

- i. Within a Chesapeake Bay Critical Area Overlay Zone, the following standards shall apply:
 - (A) The activities shall meet a recognized public or private need.
 - (B) The activities shall be water-dependent in accordance with the definition of "water-dependent facilities" in COMAR 27.01.03.01 and meet the general criteria in COMAR 27.01.03.03. Any fisheries activities that are not a "water-dependent facility" shall be located outside the buffer insofar as possible.
 - (C) Adverse effects on water quality and on fish, plant, and wildlife habitat shall be minimized.

5. Warehouse and Freight Movement Uses

a. Consolidated Storage

- i. The subject property shall front on and have direct vehicular access to an existing street with sufficient capacity to accommodate the type

- and amount of traffic expected to be generated by the use.
- ii. The exterior and architectural façade of the building shall be compatible with the prevailing architecture and appearance of other development in the surrounding neighborhood.
 - iii. No entrances to individual consolidated storage units shall be visible from a street or from adjoining land in any Residential zone, Transit-Oriented/Activity Center zone, or the CN, CS, or CGO Zones, or from land approved for a residential or commercial use.
 - iv. Entrances to individual consolidated storage units shall be either oriented toward the interior of the development or completely screened from view by a solid wall, with landscaping along the outside thereof.
 - v. Maximum structure height shall be 36 feet.
 - vi. For consolidated storage units having direct access to areas outside the building, there shall be provided driveways and areas between buildings for vehicular access, loading, and unloading. Sufficient width shall be provided to permit a moving vehicle to safely and efficiently pass a vehicle parked adjacent to an individual consolidated storage unit. In no case shall a width of more than 25 feet be required.
 - vii. In the IE Zone, the expansion of an existing consolidated storage use within a building shall be limited to a maximum of 50 additional individual units and shall not be located within one-half mile of another consolidated storage

use in the IE Zone. However, this Subsection shall not apply to a consolidated storage use expansion constructed pursuant to an approved preliminary plan, final plat, and site plan, where the consolidated storage use is buffered from view from any public right-of-way. The required technical staff report prepared and submitted to the administrative record for the detailed site plan application shall include a current, countywide inventory of the locations, dates of approval, and any conditions of approval for consolidated storage uses located on property within one-half mile of the boundaries of the property on which the proposed consolidated storage use will be located.

b. Outdoor Storage (as a principal use)

- i. The area(s) used for outdoor storage shall be fully enclosed with a fence or wall no less than eight feet high in accordance with Sec. 27-6.500, Fences and Walls. The height of materials and equipment stored shall not exceed the height of the screening fence or wall.
- ii. Any repair of equipment shall be conducted within an enclosed building.
- iii. The outdoor storage shall be designed so that customers and vehicles can circulate through the area(s).

c. Warehouse Showroom

- i. Maximum total floor area shall not exceed 100,000 square feet;

- ii. Maximum floor area ratio (FAR) of the warehouse-showroom shall not exceed 0.36.
- iii. The warehouse-showroom shall be located at least 275 feet from any land in any Residential zone or land approved for a residential use.

6. Waste-Related Uses

a. Class 3 Fill

- i. The subject property shall not be located within a three-mile radius of properties containing an active or existing, approved, or nonconforming Class 3 fill, sanitary landfill, transfer station, rubble fill, recycling facility, surface mining facility, sludge facility, waste processing facility, or sand and gravel operation.
- ii. The special exception for a new Class 3 fill shall initially be valid for five years. Extensions of this time period for up to five years may be approved by the District Council in accordance with Sec. 27-3.416.C.3.
- iii. At least 12 inches of soil shall cover all rock or irreducible materials with any linear measurement greater than eight inches.
- iv. Class 3 fill materials deposited in a fill or disposal area shall be free of pollutants that may constitute a potential public health hazard, reduce surface or groundwater quality, or cause damage to property or drainage systems.
- v. Fill operations shall not be located within 500 feet of an existing dwelling, assisted living facility, child care center, community

center/facility, place of worship, school, hospital, or nursing home.

- vi. A Class 3 fill shall meet the buffering and screening requirements of the Landscape Manual, shall provide a 100-foot-wide non-disturbance buffer from all property lines, and shall include landscaping or berms sufficient to screen fill operations from adjoining property in a Residential zone, adjoining public streets or highways, and adjoining property containing an existing dwelling, assisted living facility, child care center, community center/facility, place of worship, school, hospital, or nursing home. All berms and landscaping shall be installed in the initial phase of development, before fill is placed on site.
- vii. No slope grade may exceed 3:1.
- viii. The fill operation shall have a staging area with equipment for cleaning truck wheels.
- ix. The fill operation shall be served by a paved access road that is at least 22 feet wide and designed to accommodate no more than 25 trucks.
- x. The site entrance shall have a gate that is locked when the fill is not in operation.
- xi. Site or operational personnel shall be on site during hours of operation.
- xii. The site shall have proper signage showing the name of the operator, the permit number, hours of operation, and the telephone number of the operator. The site shall also provide

- directional signs for internal truck traffic and haul routes.
- xiii. The site plan shall provide for final reclamation and stabilization of the site at the cessation of the fill operation.
- xiv. The Class 3 fill site shall be subject to semi-annual site inspections by the Department of Permitting, Inspections, and Enforcement, who shall prepare a written report for the District Council and public review that evaluates the operations on the site and indicates any noncompliance with County and State regulations.
- xv. A haul road permit shall be obtained from the County Department of Public Works and Transportation (DPW&T) prior to issuance of any grading or building permits related to the Class 3 fill site.
- xvi. A street construction permit shall be obtained from the County Department of Public Works and Transportation (DPW&T) prior to issuance of any grading or building permits related to the Class 3 fill site.
- b. Concrete Recycling Facility**
- i. Concrete recycling facility components and other parts of the operation having the potential for generating adverse noise, dust, or vibration impacts shall be located at least:
- (A) 300 feet from the boundary lines of the subject property adjoining any land in any Residential zone, Transit-Oriented/Activity Center zone, or the CN, CS, or CGO Zone, or from land approved for residential or commercial use; and
- (B) 100 feet from the boundaries of the subject property adjoining any land in the IE of IH Zones, or from land approved for industrial use.
- ii. Other fixed installations of the facility (including automobile parking, settling ponds, and office uses) shall be located at least 100 feet from the boundaries of the subject property adjoining any land in any Residential zone, or from land approved for residential use.
- iii. Driveways for ingress and egress shall be located so as to not endanger pedestrians or create traffic hazards.
- iv. Any ingress or egress driveway shall have a minimum width of 22 feet, and shall be paved for a distance of at least 200 feet from the boundary line of the subject property.
- v. Dust-control measures shall be used on the driveways and the interior traffic circulation system.
- vi. Within a Chesapeake Bay Critical Area Overlay Zone, wash plants (including ponds, spoil sites, and equipment) are prohibited in the Buffer (as defined in Subtitle 5B) and no new concrete recycling facility or operations associated with an existing concrete recycling facility are permitted if:

- (A) Habitat protection areas have been or may be designated on the subject property in accordance with criteria set forth in Subtitle 5B;
 - (B) The use is located within the buffer, as defined in Subtitle 5B;
 - (C) The use would result in the substantial loss of long-range (25 years or more) productivity of forest and agriculture, or would result in a degrading of water quality; or
 - (D) The subject property contains highly erodible soils.
- c. **Junkyard or Salvage Yard**
- i. The use shall be enclosed by a solid fence or wall that is sight-tight and is at least eight feet high. The fence shall not be constructed of corrugated metal, fiberglass, or sheet metal.
 - ii. Outdoor storage shall not be visible from the ground level beyond the fence.
 - iii. Interior storage shall be located in a fireproof building.
- d. **Recycling Collection Center**
- i. The subject property shall front on and have direct vehicular access to an existing street with sufficient capacity to accommodate the type and amount of traffic expected to be generated by the proposed use.
- ii. All operations shall be confined to the interior of a wholly enclosed building. There shall be no outdoor storage.
 - iii. The property shall be kept clean and free from debris.
- e. **Recycling Plant**
- i. All operations shall be conducted within a wholly enclosed building.
 - ii. There shall be no outside storage of materials used in the operation.
- f. **Solid Waste Transfer Station**
- i. Hours of operation shall occur only between 7:00 a.m. and 6:00 p.m.
 - ii. Buildings associated with the use shall be set back at least 500 feet from all property lines.
 - iii. Measures shall be taken to control any noxious and offensive odors.
 - iv. All activities pertinent to the transferring of solid waste shall be conducted in a wholly enclosed building that has an impervious surface for loading and unloading solid waste and is capable of accommodating all types of solid waste hauling vehicles.
 - v. The use shall not commence until the State has issued all applicable permits.
- g. **Solid Waste Processing Facility**
- i. All separation and processing operations, including storage of solid waste, shall be

confined to the interior of a wholly enclosed building.

- ii. Minimum net lot area shall be 25 acres.
- iii. All necessary State permits, including a Solid Waste Management Permit and an Air Quality Permit, have been issued for the facility.
- iv. Processing of solid waste must begin within 24 hours of it reaching the site.
- v. The Department of Permitting, Inspections, and Enforcement shall be provided the right to inspect the facility at any time for compliance with the applicable regulations.

Sec. 27-5.300 Accessory Uses and Structures

27-5.301. General

The purpose of this Section is to authorize the establishment and continuation of land uses and structures that are incidental and customarily subordinate to principal uses—i.e., accessory uses and structures. This Section also identifies the zones in which such accessory uses and structures are allowed (Sec. 27-5.302, Accessory Use/Structure Tables), sets out general standards applicable to all accessory uses and structures (Sec. 27-5.303, General Standards for All Accessory Uses and Structures), and sets out any special standards applicable to particular accessory uses and structures (Sec. 27-5.304, Standards Specific to Accessory Uses and Structures). This Section is intended to allow a broad range of accessory uses and structures, so long as they are located on the same site as the principal use and comply with the standards set forth in this Section to reduce potentially adverse impacts on surrounding lands.

27-5.302. Accessory Use/Structure Tables

A. Structure of Accessory Use/Structure Tables

1. Organization of Accessory Uses and Structures

The Accessory Use/Structure Tables in this Subsection list accessory uses and structures alphabetically.

2. Designation of Uses and Structures

The Accessory Use/Structure Tables use the following abbreviations to designate whether and how an accessory use or structure is allowed in a particular zone:

A "P" under a base zone column indicates that the use or structure is allowable as an accessory use or structure in the zone, subject to Sec. 27-5.303,

P General Standards for All Accessory Uses and Structures, any referenced use-specific standards, and all other applicable requirements of this Ordinance.

An "SE" under a base zone column indicates that the use or structure is allowable as an accessory use or structure in the zone only on approval of a special exception in accordance with Sec. 27-

SE 3.507, Special Exception, subject to Sec. 27-5.303, General Standards for All Accessory Uses and Structures, any referenced use-specific standards, and all other applicable requirements of this Ordinance.

An "A" under a planned development (PD) zone column indicates that the use or structure is allowable as an accessory use or structure in the zone, subject to Sec. 27-5.303, General Standards for All Accessory Uses and Structures, any

A referenced use-specific standards, and all other applicable requirements of this Ordinance—unless the PD Basic Plan/Conditions of Approval approved for the zone expressly identifies the use or structure as prohibited.

An "X" under a base or planned development (PD) zone column indicates that the use or structure is prohibited as an accessory use or structure in the zone.

X An "X" under an overlay zone column indicates that the use or structure is prohibited as an accessory use or structure in the overlay zone, irrespective of whether it is allowed in the underlying base zone.

An SE* in an overlay zone column indicates that, irrespective of whether it is a permitted use in the underlying base zone, the use or structure is allowable as an accessory use or structure in the zone only on approval of a special exception in accordance with 27-3.507, Special Exception, subject to Sec. 27-5.303, General Standards for All Accessory Uses and Structures, any referenced use-specific standards, and all other applicable requirements of this Ordinance.

A P* in an overlay zone column indicates that, irrespective of whether it is prohibited or allowed only as a special exception in the underlying base zone, the use or structure is allowable as a permitted accessory use or structure in the zone, subject to Sec. 27-5.303, General Standards for All Accessory Uses and Structures, any referenced use-specific standards, and all other applicable regulations of this Ordinance.

A blank cell in the overlay zone column means that the use or structure is allowed if also allowed in the underlying base zone.

3. Review for Compliance with this Section and Any Use Specific Standards

A proposed accessory use shall be reviewed for compliance with this Section when it is proposed and prior to its development, either as part of an application for either a detailed site plan (see Sec. 27-3.508), a use and occupancy permit (see Sec. 27-3.511), or a building permit (see Sec. 27-3.514), as appropriate.

4. Reference to Use-Specific Standards

A particular use or structure allowable as an accessory use or structure in a zone may be subject to additional

standards that are specific to the particular accessory use or structure. The applicability of such use-specific standards is noted in the last column of the Accessory Use/Structure Tables ("Use-Specific Standards") through a reference to standards in Sec. 27-5.304, Standards Specific to Accessory Uses and Structures.

B. Accessory Use/Structure Table for Rural and Agricultural, and Residential Base Zones**Table 27-5.302.B: Accessory Use/Structure Table for Rural and Agricultural, and Residential Base Zones**

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

Accessory Use/Structure	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	
Agritourism activity	P	P	P	P	P	X	X	X	X	X	X	
Amateur ham radio antenna	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.2
Automated teller machine (ATM)	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.3
Bed and breakfast (as accessory to a single-family detached dwelling)	P	P	P	P	P	P	P	P	P	X	X	27-5.304.B.4
Beekeeping	P	P	P	P	P	P	P	P		X	X	
Bike parking rack	P	P	P	P	P	P	P	P	P	P	P	
Bike share station	X	X	X	X	X	P	P	P	P	P	P	
Boathouse	P	P	P	P	P	X	X	X	X	X	X	
Canopy, nonresidential	X	X	X	X	X	X	X	X	X	X	X	27-5.304.B.6
Car wash (as accessory to a multifamily dwelling)	X	X	X	X	X	X	X	X	X	X	X	
Catering or food processing for offsite consumption (as accessory to a place of worship, club or lodge of a community-oriented association, or private school)	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.7
Clubhouse	P	P	P	P	P	P	P	P	P	P	P	
Collocated telecommunications antenna	P	P	P	P	P	P	P	P	P	P	P	
Community recreation facility	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.8
Composting, small-scale	P	P	P	P	P	P	P	P	P	P	P	
Drive-through service	X	X	X	X	X	X	X	X	X	X	X	27-5.304.B.9
Electric vehicle (EV) level 1 or 2 charging station	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.10
Electric vehicle (EV) level 3 charging station	X	X	X	X	X	X	X	X	X	X	X	27-5.304.B.10
Family child care home, large	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.11
Family child care home, small	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.11
Farm tenant dwelling (as accessory to an agriculture use)	X	P	P	P	P	X	X	X	X	X	X	27-5.304.B.12
Farmers' market, indoor	X	P	P	X	X	X	X	X	P	P	P	
Flagpole and flag	P	P	P	P	P	P	P	P	P	P	P	
Garage or carport	P	P	P	P	P	P	P	P	P	P	P	
Green roof	P	P	P	P	P	P	P	P	P	P	P	
Greenhouse	P	P	P	P	P	P	P	P	P	P	P	
Helipad (as an accessory use)		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	27-5.304.B.13
Home-based business	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.14
Home garden [1]	P	P	P	P	P	P	P	P	P	P	P	
Laundromat (as accessory to a multifamily dwelling, manufactured home park, marina, or campground)	X	X	X	X	X	X	X	X	P	P	P	
Limited fuel/oil/bottled gas distribution	X	X	X	X	X	X	X	X	X	X	X	27-5.304.B.15
Nursery and garden center (as accessory to an	X	P	P	P	P	X	X	X	X	X	X	27-5.304.B.16

Table 27-5.302.B: Accessory Use/Structure Table for Rural and Agricultural, and Residential Base Zones

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

Accessory Use/Structure	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	
agricultural use)												
Outdoor display of merchandise (as accessory to a retail sales use)	X	P	P	X	X	X	X	X	P	P	P	27-5.304.B.17
Outdoor seating (as accessory to an eating or drinking establishment)	X	X	X	X	X	X	X	X	P	P	P	27-5.304.B.18
Outdoor storage (as an accessory use)	X	X	X	X	X	X	X	X	X	X	X	27-5.304.B.19
Parking facility (as an accessory use)	P	P	P	P	P	P	P	P	P	P	P	
Pier, community or noncommercial docking facility	X	X	X	X	X	X	X	X	X	X	X	
Pier, private	X	X	X	X	X	X	X	X	X	X	X	27-5.304.B.20
Produce stand (as accessory use to farm or community garden)	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.21
Rainwater cistern or barrel	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.22
Retail sales (as accessory to a manufacturing, warehouse, or wholesale use)	X	X	X	X	X	X	X	X	X	X	X	27-5.304.B.23
Retail sales (as accessory to a multifamily development)	X	X	X	X	X	X	X	X	X	X	X	
Satellite dish antenna	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.24
Sewage dump station (as accessory to a campground or marina)	SE	SE	SE	SE	SE	X	X	X	X	X	X	
Solar energy collection facility, small-scale	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.25
Spa	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.26
Stable, private	P	P	P	P	P	X	X	X	X	X	X	
Storage shed	P	P	P	P	P	P	P	P	P	P	P	
Swimming pool (as an accessory use)	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.27
Wind energy conversion system, small-scale	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.28

NOTES:

[1] A home garden as an accessory use does not require a permit.

C. Accessory Use/Structure Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones

Table 27-5.302.C: Accessory Use/Structure 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

Accessory Use/Structure	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	
Agritourism	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Amateur ham radio antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.2
Automated teller machine (ATM)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.3
Bed and breakfast (as accessory to a single-family detached dwelling)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	27-5.304.B.4
Beekeeping	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Bike parking rack	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Bike share station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Boathouse	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Canopy, nonresidential	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.6
Car wash (as accessory to a multifamily dwelling)	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X	
Catering or food processing for offsite consumption (as accessory to a place of worship, club or lodge of a community-oriented association, or private school)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Clubhouse	P	P	P	P	P	X	P	P	P	P	P	P	P	P	P	
Collocated telecommunications antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X
Community recreation facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.8
Composting, small-scale	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X
Drive-through service	SE	P	SE	P	X	X	X	P	X	X	X	X	X	X	X	27-5.304.B.9
Electric vehicle (EV) level 1 or 2 charging station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.10
Electric vehicle (EV) level 3 charging station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.10
Family child care home, large	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X	27-5.304.B.11
Family child care home, small	P	P	P	P	P	P	X	X	X	X	X	X	X	X	X	27-5.304.B.11
Farm tenant dwelling (as accessory to an agriculture use)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	27-5.304.B.12
Farmers' market, indoor	P	P	P	P	X	P	P	P	P	P	P	P	P	P	P	
Flagpole and flag	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Garage or carport	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

Table 27-5.302.C: Accessory Use/Structure 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

Accessory Use/Structure	Nonresidential Base Zones					NAC	Transit-Oriented/Activity Center Base Zones								Other Base Zones	Use-Specific Standards	
							TAC		LTO		RTO-L		RTO-H				
	CN	CS	CGO	IE	IH		Core	Edge	Core	Edge	Core	Edge	Core	Edge	RMH		
Green roof	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Greenhouse	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Helipad (as an accessory use)	X	X	X	X	X	X	X	X	P	X	P	X	P	X	X		27-5.304.B.13
Home-based business	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.14
Home garden [1]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	
Laundromat (as accessory to a multifamily dwelling, manufactured home park, marina, or campground)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Limited fuel/oil/bottled gas distribution	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	27-5.304.B.15
Nursery and garden center (as accessory to an agricultural use)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	27-5.304.B.16
Outdoor display of merchandise (as accessory to a retail sales use)	SE	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	27-5.304.B.17
Outdoor seating (as accessory to an eating or drinking establishment)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.18
Outdoor storage (as an accessory use)		P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	27-5.304.B.19
Parking facility (as an accessory use)	P	P	P	P	P	P	P	P	X	X	X	X	X	X	X	P	
Pier, community or noncommercial docking facility	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Pier, private	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	X	27-5.304.B.20
Produce stand (as accessory to farm or community garden)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.21
Rainwater cistern or barrel	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.22
Retail sales (as accessory to a manufacturing, warehouse, or wholesale use)	X	P	X	P	P	X	X	X	X	X	X	X	X	X	X	X	27-5.304.B.23
Retail sales (as accessory to a multifamily development)	X	P	P	P	P	X	P	P	P	P	P	P	P	P	P	X	
Satellite dish antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.24
Sewage dump station (as accessory to a campground or marina)	X	SE	SE	SE	X	X	X	X	X	X	X	X	X	X	X	X	
Solar energy collection facility, small-scale	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.25
Spa	P	P	P	P	P		P	P	P	P	P	P	P	P	P	X	27-5.304.B.26
Stable, private	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

Table 27-5.302.C: Accessory Use/Structure 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

Accessory Use/Structure	Nonresidential Base Zones					NAC	Transit-Oriented/Activity Center Base Zones								Other Base Zones	Use-Specific Standards	
							TAC		LTO		RTO-L		RTO-H				
	CN	CS	CGO	IE	IH		Core	Edge	Core	Edge	Core	Edge	Core	Edge	RMH		
Storage shed	P	P	P	P	P	P	X	P	X	P	X	P	X	P	P		
Swimming pool (as an accessory use)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.27	
Wind energy conversion system, small-scale	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-5.304.B.28	

NOTES:

[1] A home garden as an accessory use does not require a permit.

D. Accessory Use/Structure Table for Planned Development Zones

Table 27-5.302.D: Accessory Use/Structure Table for Planned Development Zones

A = Allowable X = Prohibited

Accessory Use/Structure	Planned Development Zones								Use-Specific Standards
	R-PD	NAC-PD	CAC-PD	TAC-PD	LTO-PD	RTO-PD	MU-PD	IE-PD	
Agritourism activity	X	X	X	X	X	X	X	X	
Amateur ham radio antenna	A	A	A	A	X	X	A	X	27-5.304.B.2
Automated teller machine (ATM)	A	A	A	A	A	A	A	A	27-5.304.B.3
Bed and breakfast (as accessory to a single-family detached dwelling)	A	X	X	X	X	X	X	X	27-5.304.B.4
Beekeeping	X	X	X	X	X	X	X	X	
Bike parking rack	A	A	A	A	A	A	A	A	
Bike share station	A	A	A	A	A	A	A	A	
Boathouse	A	X	X	X	X	X	X	X	
Canopy, nonresidential	A	A	A	A	A	A	A	A	27-5.304.B.6
Car wash (as accessory to a multifamily dwelling)	X	X	X	X	X	X	X	X	
Catering or food processing for offsite consumption (as accessory to a place of worship, club or lodge of a community-oriented association, or private school)	X	X	X	X	X	X	X	X	
Clubhouse	A	A	A	A	A	A	A	X	
Collocated telecommunications antenna	A	A	A	A	A	A	A	A	
Community recreation facility	A	A	A	A	A	A	A	A	27-5.304.B.8
Composting, small-scale	A	A	A	A	A	A	A	A	
Drive-through service	A	X	A	A	X	X	A	X	27-5.304.B.9
Electric vehicle (EV) level 1 or 2 charging station	A	A	A	A	A	A	A	A	27-5.304.B.10
Electric vehicle (EV) level 3 charging station	A	A	A	A	A	A	A	A	27-5.304.B.10
Family child care home, large	X	X	X	X	X	X	X	X	27-5.304.B.11
Family child care home, small	A	A	X	X	X	X	X	A	27-5.304.B.11
Farm tenant dwelling (as accessory to an agriculture use)	X	X	X	X	X	X	X	X	27-5.304.B.12
Farmers' market, indoor	A	A	A	A	A	A	A	A	
Flagpole and flag	A	A	A	A	A	A	A	A	
Garage or carport	A	A	A	A	A	A	A	A	
Green roof	A	A	A	A	A	A	A	A	
Greenhouse	A	A	A	A	A	A	A	X	
Helipad(as an accessory use)	X	X	A	A	A	A	X	A	27-5.304.B.13
Home-based business	A	A	A	A	A	A	A	A	27-5.304.B.14
Home garden [1]	A	A	A	A	A	A	A	A	
Laundromat (as accessory to a multifamily dwelling, manufactured home park, marina, or campground)	A	A	A	A	A	A	A	A	
Limited fuel/oil/bottled gas distribution	X	X	X	X	X	X	X	X	27-5.304.B.15
Nursery and garden center (as accessory to an agricultural use)	X	X	X	X	X	X	X	X	27-5.304.B.16
Outdoor display of merchandise (as accessory to a retail sales use)	A	A	A	A	A	A	A	X	27-5.304.B.17
Outdoor seating (as accessory to an eating or drinking establishment)	A	A	A	A	A	A	A	X	27-5.304.B.18

Table 27-5.302.D: Accessory Use/Structure Table for Planned Development Zones

A = Allowable X = Prohibited

Accessory Use/Structure	Planned Development Zones								Use-Specific Standards
	R-PD	NAC-PD	CAC-PD	TAC-PD	LTO-PD	RTO-PD	MU-PD	IE-PD	
Outdoor storage (as an accessory use)	X	X	X	X	X	X	X	A	27-5.304.B.19
Parking facility (as an accessory use)	A	A	A	A	A	A	A	A	
Pier, community or noncommercial docking facility	X	X	X	X	X	X	X	X	
Pier, private	X	X	X	X	X	X	X	X	27-5.304.B.20
Produce stand (as accessory to farm or community garden)	A	A	A	A	A	A	A	A	27-5.304.B.21
Rainwater cistern or barrel	A	A	A	A	A	A	A	A	27-5.304.B.22
Retail sales (as accessory to a manufacturing, warehouse, or wholesale use)	X	X	X	X	X	X	X	A	27-5.304.B.23
Retail sales (as accessory to a multifamily development)	X	X	X	X	X	X	X	X	
Satellite dish antenna	A	A	A	A	A	A	A	A	27-5.304.B.24
Sewage dump station (as accessory to a campground or marina)	A	X	X	X	X	X	X	X	
Solar energy collection system, small-scale	A	A	A	A	A	A	A	A	27-5.304.B.25
Spa	A	X	A	A	A	A	A	X	27-5.304.B.26
Stable, private	X	X	X	X	X	X	X	X	
Storage shed	A	A	A	A	A	A	A	X	
Swimming pool (as an accessory use)	A	A	A	A	A	A	A	A	27-5.304.B.27
Wind energy conversion system, small-scale	A	A	A	A	A	A	A	A	27-5.304.B.28

NOTES:

[1] A home garden as an accessory use does not require a permit.

E. Accessory Use/Structure Table for Overlay Zones

Accessory Use/Structure	Table 0: Accessory Use/Structure Table for Overlay Zones												Use-Specific Standards	
	CBCAO Zones			APAO Zones						MIO [1]				
	RCO	LDO	IDO	APA-1	APA-2	APA-3S	APA-3M	APA-4	APA-5	APA-6	APZ	CZ	HINA	
Agritourism activity														
Amateur ham radio antenna														27-5.304.B.2
Automated teller machine (ATM)														27-5.304.B.3
Bed and breakfast (as accessory to a single-family detached dwelling)														27-5.304.B.4
Bike parking rack														
Bike share station														
Boathouse	P*	P*	P*											
Canopy, nonresidential														27-5.304.B.6
Car wash (as accessory to a multifamily dwelling)														
Clubhouse											X	X		
Collocated telecommunications antenna														
Community recreation facility											X	X		27-5.304.B.8
Composting, small-scale														
Drive-through service														27-5.304.B.9
Electric vehicle (EV) level 1 or 2 charging station														27-5.304.B.10
Electric vehicle (EV) level 3 charging station														27-5.304.B.10
Family child care home, large				X	X	X	X		X		X	X	X	27-5.304.B.11
Family child care home, small				X	X	X	X		X		X	X	X	27-5.304.B.11
Farm tenant dwelling (as accessory to an agriculture use)														27-5.304.B.12
Farmers' market, indoor														
Flagpole and flag														
Garage or carport														

Table 0:**Accessory Use/Structure 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

Accessory Use/Structure	CBCAO Zones			APAO Zones						MIO [1]			Use-Specific Standards	
	RCO	LDO	IDO	APA-1	APA-2	APA-3S	APA-3M	APA-4	APA-5	APA-6	APZ	CZ	HINA	
Green roof														
Greenhouse														
Helipad(as an accessory use)											X	X		27-5.304.B.13
Home-based business														27-5.304.B.14
Home garden [2]														
Laundromat (as accessory to a multifamily dwelling, manufactured home park, marina, or campground)														
Limited fuel/oil/bottled gas distribution												X		27-5.304.B.15
Nursery and garden center (as accessory to an agricultural use)												X		27-5.304.B.16
Outdoor display of merchandise (as accessory to a retail sales use)												X		27-5.304.B.17
Outdoor seating (as accessory to an eating or drinking establishment)												X		27-5.304.B.18
Outdoor storage (as an accessory use)														27-5.304.B.19
Parking facility (as an accessory use)														
Pier, community or noncommercial docking facility	X	SE*	SE*											
Pier, private	P*	P*	P*											27-5.304.B.20
Produce stand (as accessory to farm or community garden)												X		27-5.304.B.21
Rainwater cistern or barrel														27-5.304.B.22
Retail sales (as accessory to a manufacturing, warehouse, or wholesale use)												X		27-5.304.B.23
Satellite dish antenna														27-5.304.B.24

Accessory Use/Structure	Table 0: Accessory Use/Structure Table for Overlay Zones												Use-Specific Standards	
	CBCAO Zones			APAO Zones						MIO [1]				
	RCO	LDO	IDO	APA-1	APA-2	APA-3S	APA-3M	APA-4	APA-5	APA-6	APZ	CZ	HINA	
Sewage dump station (as accessory to a campground or marina)	SE*	SE*	SE*											
Solar energy collection system, small-scale														27-5.304.B.25
Spa														27-5.304.B.26
Stable, private														
Storage shed														
Swimming pool (as an accessory use); other than swimming pool, private											X	X	X	27-5.304.B.27
Swimming pool, private														27-5.304.B.27
Wind energy conversion system, small-scale														27-5.304.B.28

NOTES:

[1] Sec. 27-4.402.C.4, Modified Use Standards for MIO Zone, contains additional standards for uses in the MIO Zone

[2] A home garden as an accessory use does not require a permit.

27-5.303. General Standards for All Accessory Uses and Structures

A. 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.

B. 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 Sec. 27-5.304, Standards Specific to Accessory Uses and Structures, or Sec. 27-2.203, Allowable Encroachments into Required Yards, no accessory structure shall be located in a required front yard or corner lot side yard.
5. Unless otherwise provided in Sec. 27-5.304, Standards Specific to Accessory Uses and Structures, or Sec. 27-

2.203, Allowable Encroachments into Required Yards, 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 subparagraph 4 or 5 above, or Sec. 27-5.304, Standards Specific to Accessory Uses and Structures, or Sec. 27-2.203, Allowable Encroachments into Required Yards, 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.

27-5.304. Standards Specific to Accessory Uses and Structures

A. General

Standards for a specific accessory use or structure shall apply to the particular individual accessory use or structure regardless of the zone in which it is located or the review procedure by which it is approved, unless otherwise specified in this Ordinance. This Subsection sets forth and consolidates the standards for all accessory uses and structures for which a reference to this Section is provided in the "Use-Specific Standards" column of the accessory use/structure table in Sec. 27-5.302, Accessory Use/Structure Tables, and in the same order as they are listed in the table. These standards may be modified by other applicable standards or requirements in this Ordinance.

B. Standards for Specific Accessory Uses and Structures

1. Agritourism

- a. No lodging or overnight stay shall be provided for picnics, equine facilities, party facilities, corporate retreats, or weddings.
- b. Farm or ranch stays shall comply with the standards for a bed and breakfast (as accessory to a single-family detached dwelling) in Sec. 27-5.304.B.4.

2. Amateur ham radio antenna

- i. The antenna shall not exceed a height of 90 feet above grade.
- ii. An antenna attached to a principal structure on the lot shall be located on a side or rear elevation of the structure.
- iii. A freestanding antenna shall be located to the rear of the principal structure on the lot, but not within 10 feet of any lot line.
- iv. The Planning Director shall waive or approve a deviation of the above standards if the ham radio operator demonstrates that such waiver or deviation is necessary to accommodate the operator's amateur communications needs.

3. Automated teller machine (ATM)

- a. An ATM designed for walk-up use and located in the exterior wall of a building or a parking area shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking areas and building entrances, or

vehicular movement in front of buildings or through parking areas.

- b. If an ATM is designed for use by customers in their vehicles, it shall comply with the accessory use standards (including zones where permitted) in Sec. 27-5.304.B.9, Drive-through Service.

4. Bed and Breakfast (as accessory to a single-family detached dwelling)

- a. The property owner or a member of the owner's immediate family shall live in the dwelling as a primary residence and manage the bed and breakfast use.
- b. The maximum number of guest rooms shall be eight.
- c. The guest rooms may be within or attached to the principal dwelling or exist within or as a detached structure (e.g., above a detached garage).
- d. Guest stays shall be limited to no more than two weeks in any one visit.
- e. No more than two nonresident persons may be employed on the premises.
- f. Interior residential features shall be retained in a manner that will allow re-conversion to solely a single-family residential use.
- g. Meals shall be served only to dwelling residents, and overnight resident guests, or their bona fide dining guests.
- h. At least one additional parking space per guestroom available for rent shall be provided in addition to those required for the principal dwelling.

- i. There shall be no sign or other evidence of the bed and breakfast accessory use except one sign not exceeding 2 feet by 3 feet in area. Such sign may be double-faced and illuminated, but not internally illuminated or back-lit
- j. Other than the sign authorized above, the dwelling and site shall be maintained and landscaped to eliminate outward signs of transient use, and shall be compatible with the neighborhood surroundings.

5. Beekeeping

Beekeeping in the Residential zones shall comply with the following standards:

- a. Only occur in rear yards of single-family detached dwellings, on parcels of land greater than 15,000 square feet in area;
- b. Be located in the rear yard;
- c. Include no more than two bee colonies per 15,000 square feet of parcel area;
- d. Not locate hives within 25 feet of any property line;
- e. Establish a flyway barrier at least six feet in height consisting of a solid wall, fence, dense vegetation or combination thereof. The flyway barrier shall be parallel to the property line, located only upon such property line as is closest to the colony, and extend ten feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet above the ground level over the property lines in the vicinity of the hive. In instances where more than one hive is kept, a flyway shall be installed and maintained per hive. This flyway barrier requirement

shall not apply if the setback between any colony and the closest lot line is 75 feet or more.

- f. It shall be the responsibility of any person having honey bees on the property to maintain each colony in the following condition:
 - i. Colonies shall be maintained in movable-frame hives;
 - ii. Adequate space shall be maintained in the hive to prevent overcrowding and swarming; and
 - iii. Colonies shall be re-queened following any swarming or aggressive behavior.

6. Canopy, Nonresidential

- a. The canopy shall have a maximum height of 15 feet, as measured from the finished grade to the underside of the canopy.
- b. The design of the canopy, including any columns, shall match the design and exterior building materials of the principal building. The form, pitch, and materials used for a canopy covering a drive-through service facility shall be designed to appear as an extension of the roof covering the principal structure.
- c. A canopy covering fuel pumps may include logos or trademarks, but shall not include any other signage or advertising except as authorized by Sec. 27-6.1400, Signage.
- d. A canopy shall not be internally illuminated and any lighting on the canopy shall be fully recessed into the canopy, shall use cut-off lighting, and shall not extend downward beyond the ceiling of the canopy.

7. Catering or food processing for off-site consumption (as accessory to a place of worship, club or lodge of a community-oriented association, or private school)

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

8. Community Recreation Facility

A community recreation facility is allowed as an accessory use to a residential subdivision or other development including single-family detached dwellings, two- or three-family dwellings, townhouse dwellings, and/or multifamily dwellings, subject to the following standards:

- a. The facility shall not abut a thoroughfare (access to the facility shall be provided by an access drive).
- b. Off-street parking is not required if the facility is a pocket park.
- c. A community recreation facility accessory to a residential subdivision shall be proposed, reviewed, and developed in conjunction with the subdivision, or approved phase thereof.

9. Drive-through Service

- a. The drive-through service facilities shall be designed in accordance with Sec. 27-6.108.O, Vehicle Stacking Space.
- b. The drive-through service facility shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking spaces and building entrances.

- c. The design of any roof or awning over the drive-through service facilities and lanes, including any supporting columns and brackets, shall match the design and exterior building materials of the principal building.

10. Electric Vehicle (EV) Level 1, 2, or 3 Charging Station

- a. In Transit-Oriented/Activity Center, Commercial, Industrial, and Planned Development zones, EV Level 3 charging stations are allowed as accessory uses to any permitted principal use.
- b. In Residential zones, EV Level 3 charging stations are allowed as accessory uses to: continuing care retirement communities; colleges or universities; government maintenance, storage, or distribution facilities; major utility facilities; country clubs and golf courses; and developments of single-family attached dwellings or multifamily dwellings that contain more than 100 dwelling units.
- c. Except as otherwise provided in subsection d below or where accessory to a single-family detached, two-family, single-family attached, or manufactured home dwelling, EV charging station spaces shall be reserved for the charging of electric vehicles only. Such reserved spaces shall be posted with signage identifying the spaces as reserved only for the charging of electric vehicles, the amperage and voltage levels, any enforceable time limits or tow-away provisions, and contact information for reporting non-operating equipment or other problems.
- d. A required accessible parking space for persons with physical disabilities (see Section 27-6.205.G) may also

serve as an EV charging station space, provided the charging station and its controls meet ADA standards for accessibility to persons with physical disabilities.

- e. EV charging station equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.

11. Family Child Care Home (Large or Small)

- a. The family child care home shall comply with all applicable State regulations and be appropriately registered with the State prior to operation.

12. Farm Tenant Dwelling (as accessory to an agriculture use)

- a. The dwelling shall be owned by the owner of the farm property on which the dwelling is located.
- b. The dwelling shall be occupied only by a tenant for whom a majority of total income comes from work on the farm, and the tenant's immediate family members.

13. Helipad (as an accessory use)

- a. There shall be no existing or proposed flight obstructions that are located outside the helipad site and fall within the approach zone to any landing area.
- b. Auxiliary facilities such as parking, waiting room, fueling, and maintenance equipment are not permitted.

14. Home-Based Business

- a. The business use shall be located within the dwelling unit, and shall involve an area that does not exceed

25 percent of the total floor area of the dwelling unit, or 5,000 square feet, whichever is less.

- b. The principal person conducting the business use shall be a full-time resident of the dwelling, and there shall be no more than two employees who do not reside in the dwelling.
- c. The business use shall not change the residential character or external appearance of the dwelling unit, its associated structures, or its principal residential use, nor shall there be any exterior evidence, other than a permitted sign, to indicate that the dwelling unit is used for other than residential purposes.
- d. There shall be no outdoor display or storage of goods, equipment, or services associated with the business.
- e. There shall be no retail sales of goods on the premises except of those goods incidental to the provision of a service by the business use (e.g., a hairdresser may sell shampoo).
- f. The business shall not involve significantly greater volumes or frequencies of deliveries or shipments, vehicular traffic, or pedestrian traffic than normally expected in a residential area.
- g. The business shall not result in adverse noise, vibration, odor, glare, fumes, or electrical or communications interference (including visual or audible interference with radio or television reception) that can be detected by the normal senses off the premises.
- h. Off-street parking and loading requirements in Sec. 27-6.200 do not apply to home-based businesses. No more than two vehicles associated with the home-

based business may be based at the subject property, or parked on-site or off-site or on a public street within 400 yards from the property. On request by the Department of Permitting, Inspections, and Enforcement, each dwelling unit resident shall provide for inspection the registrations for all vehicles owned or leased by the resident, titled in the business name, or listed as business personal property on the resident's or the business' income or property tax returns.

- i. A home-based business that includes a dog daycare facility shall comply with the following standards:
 - i. Be located on a parcel of land a minimum of one acre in area, on which a single-family detached dwelling is located;
 - ii. Not allow over 20 dogs at the facility at any one time;
 - iii. Locate outdoor areas where dogs will be allowed, a minimum of 35 feet from any property line;
 - iv. Limit the hours of operation daily from 6 a.m. to 8 p.m.;
 - v. The dogs may be groomed, trained, exercised and socialized, but not kept or boarded overnight, bred, sold, or let for hire;
 - vi. Sound mitigation walls, partitions, and floor/ceilings assemblies shall separate dog day care facilities from residential uses;
 - vii. Provide sight-obscuring fencing for all on-site outdoor recreation areas; the fence shall provide full containment for the dogs, and be

deep enough and secured to the ground to prevent escape, and high enough to prevent dogs from jumping or climbing over; and

- viii. The facility shall be subject to Subtitle 3 of the County Code.

15. Limited Fuel/Oil/Bottled Gas Distribution

- a. Limited fuel/oil/bottled gas distribution is allowed as an accessory use to garden centers, convenience stores, retail stores, major and neighborhood shopping centers, automobile service stations, recreational vehicle rental and service uses, industrial equipment sales and rental uses, and storage of petroleum products uses.
- b. Any structure housing the fuel, oil, or bottled gas that is located on a sidewalk or other walkway shall be located to maintain at least five feet of clearance along the walkway for use by pedestrians.
- c. Limited fuel/oil/bottled gas distribution as an accessory use is prohibited with 1,000 feet of an airport, and within the APA-1, -2, and -3S zones of the APAO Zone.

16. Nursery and Garden Center (as accessory to an agricultural use)

- i. The subject property shall contain at least 20 contiguous acres.
- ii. The display and sale of nursery stock and garden supplies not grown or produced on the premises shall not exceed 21,000 square feet or ten percent of the total display and sales area, whichever is less.

- iii. The display, sale, or repair of motorized nursery or garden equipment is prohibited.
- iv. All parking, loading, sales, and display areas shall be set back at least 25 feet from any street right-of-way and 150 feet from any adjoining Residentially-zoned land or land containing or approved for a residential use.
- v. A Type D bufferyard shall be provided between all sales, display, parking, loading, and storage areas and any adjoining Residentially-zoned land or land containing or approved for a residential use, in accordance with the Landscape Manual.

17. Outdoor Display of Merchandise (as accessory to a retail sales use or wholesale use)

Outdoor display of merchandise is allowed as an accessory use to any retail sales and service use or wholesale use that is conducted within a building located on the same lot, subject to the following standards:

- a. Merchandise displayed shall be limited to that sold or rented by the principal use of the parcel.
- b. All outdoor display of goods shall be located immediately adjacent to the front or side of the principal building, and not in drive aisles, loading zones, fire lanes, or parking lots.
- c. Outdoor display areas along the front or side of a principal building shall be limited to no more than one-half of the length of the building's front or side, as appropriate.

- d. Outdoor display areas shall be located to maintain a clearance area in front of primary building entrances for at least ten feet directly outward from the entrance width.
- e. An obstruction-free area at least five feet wide shall be maintained through the entire length of the display area or between it and adjacent parking areas so as to allow pedestrians and persons with disabilities to safely and conveniently travel between parking areas or drive aisles to the building and along the front and side of the building, without having to detour around the display area.

18. Outdoor Seating (as accessory to an eating or drinking establishment)

Outdoor seating is allowed as an accessory use to any eating or drinking establishment, subject to the following standards:

- a. No sound production or reproduction machine or device (including, but not limited to musical instruments, loud-speakers, and sound amplifiers) shall be played in the outdoor seating area at volumes that disturb the peace, quiet, or comfort of adjoining properties.
- b. Hours of operation of the outdoor seating area shall be the same as those for the eating or drinking establishment.
- c. Food preparation shall occur only within the enclosed principal building containing the eating or drinking establishment.

- d. The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.
 - e. No tables, chairs, umbrellas, or other furnishings or equipment associated with the outdoor seating area shall be attached, chained, or otherwise affixed to any curb, sidewalk, tree, post, sign, or other fixture within the outdoor seating area.
 - f. The outdoor seating area may be permitted on a public sidewalk abutting or adjacent to the front of the property containing an eating or drinking establishment subject to the following requirements:
 - i. The outdoor seating area shall be limited to that part of the sidewalk directly in front of the property containing the eating or drinking establishment unless the owner of adjoining property agrees in writing to an extension of the outdoor seating area to that part of the sidewalk in front of the adjoining property.
 - ii. The operator of the establishment shall enter into a revocable license agreement with the County or appropriate municipality that has been approved as to form by the County or municipal attorney, as appropriate, and:
 - (A) Ensures that the operator is adequately insured against and indemnifies and holds the County harmless for any claims for damages or injury arising from sidewalk dining operations, and will maintain the sidewalk seating area and facilities in good repair and in a neat and clean condition;
- (B) Authorizes the County to suspend authorization of the outdoor seating use, and to remove or relocate or order the removal or relocation of any sidewalk seating facilities, at the owner's expense, as necessary to accommodate repair work being done to the sidewalk or other areas within the right-of-way containing or near the outdoor seating area; and
- (C) Authorizes the County to remove or relocate or order the removal or relocation of any sidewalk seating facilities, at the operator's expense, if the operator fails to comply with a County order to do so within a reasonable time period.
- iii. A clear pathway at least five feet wide shall be maintained to allow through public pedestrian traffic along the sidewalk and from the sidewalk into the entrance to the establishment. A greater width may be required where necessary to ensure the safe and convenient flow of pedestrian traffic.
 - iv. A clear separation of at least five feet shall be maintained from any alley, crosswalk, fire hydrant, or similar public or emergency access feature in or near the sidewalk. A greater clear distance may be required where necessary to ensure use of the public or emergency access feature.
 - v. No objects shall be placed along the perimeter of the outdoor sidewalk seating area that would have the effect of forming a physical or visual

barrier discouraging the use of the sidewalk by the general public.

- vi. Tables, chairs, umbrellas, and other furnishings associated with the outdoor seating area shall be of sufficient quality design, materials, and workmanship to ensure the safety and convenience of area occupants and compatibility with adjacent uses.

19. Outdoor Storage (as an accessory use)

- a. Within the Transit-Oriented/Activity Center zones, outdoor storage areas shall be located to the rear of the development's principal building(s). In other zones, outdoor storage areas shall be located to the side or rear of the development's principal structure(s).
- b. Where an outdoor storage area stores goods intended for sale or resale, such goods shall be limited to those sold on the premise in conjunction with the principal use of the lot.
- c. Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.
- d. No materials shall be stored in areas intended for vehicular or pedestrian circulation.
- e. Outdoor storage areas shall be enclosed with either a wall made of masonry material consistent with that of the primary building(s) on the lot, wood, or vinyl (or a combination of such a masonry wall and metal fencing). The height of the wall or fence shall be sufficient to screen stored materials from view from public street rights-of-way, private streets, public

sidewalks, and any adjoining residential development.

20. Pier, Private

- a. In a CBCAO Zone, the following standards shall apply:
 - i. The private pier shall be on a lot within a subdivision that provides a community pier.
 - ii. The boats secured to the private pier must be owned or used by the owners of the lot.

21. Produce stand (as accessory to a farm or community garden)

- a. A produce stand (as accessory to a farm or community garden) shall comply with the following standards:
 - i. Produce stands shall not exceed 750 square feet in area and shall not be more than 15 feet in height.
 - ii. Produce stands shall be located on the lot where the farm or community garden is located.
 - iii. Produce stands shall be:
 - (A) Limited to the retail sale of vegetables and fruits grown on the farm or in the community garden.
 - (B) Located to minimize the visual impact of the structure from adjacent public streets.
 - (C) Limited to a six-month duration in a given location.

- (D)** Situated so that adequate ingress, egress, and off-street parking areas are provided.

22. Rainwater Cistern or Barrel

An aboveground rainwater cistern or barrel is allowed as an accessory use or structure to any principal use or structure, provided it shall:

- a. Be located directly adjacent to the principal structure on a lot.
- b. Not serve as signage or have signage affixed to it.

23. Retail Sales (as accessory to a manufacturing warehouse, or wholesale use)

- a. Retail sales areas shall not make up more than 15 percent of the gross floor area of the building, or 5,000 square feet, whichever is less.

24. Satellite Dish Antenna

A satellite dish antenna is allowed as an accessory use or structure to any principal use or structure, subject to the following standards:

- a. A satellite dish antenna that is one meter or less in diameter, located on property within the exclusive use or control of the antenna user, and designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite, is subject to the standards in this Subsection only to the extent that the standards do not unreasonably delay, prevent, or increase the cost of its installation, maintenance, or use or preclude reception of an acceptable quality signal.

- b. Only one antenna is allowed to serve a residential dwelling unit. For all other uses, one or more antennas are allowed.
- c. An antenna with a diameter greater than ten feet is allowed only as a special exception approved in accordance with Sec. 27-3.507, Special Exception.
- d. An antenna shall be located only in a rear or side yard, at least two feet from any rear or side lot line. On lots having no rear yard (through lots) and on corner lots where the designated front of the main building faces a side street, the rear and side yards, as used herein, shall mean the yards at the rear and side of the building, respectively.
- e. An antenna shall be ground-mounted, except an antenna with a diameter of six feet four inches or less may be mounted on the roof of any building other than a single-family dwelling unit.
- f. A ground-mounted antenna shall be screened from ground-level view from adjacent streets and parcels.
- g. Antennas may be located within any required green area or in any required landscaped area except along a street.

25. Solar Energy Collection Facility, Small-Scale

- a. The facility may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground in accordance with the standards in Sec. 27-5.303.B, Location of Accessory Uses and Structures.
- b. The facility shall comply with the maximum height standards for the zone in which it is located, provided

that a roof-mounted system shall not extend more than 15 feet above the roofline of the structure on which it is mounted.

- c. Where an existing structure exceeds the applicable height limit, a solar energy collection facility may be located on its roof irrespective of applicable height standards, provided the system extends no more than five feet above the roof surface.
- d. The property owner shall be responsible for negotiating with other property owners in the vicinity to establish any solar easement designed to protect solar access for the solar energy collection facility, and for recording any such solar easement with the Land Records of Prince George's County.

26. Spa

- a. A public spa shall be subject to the following standards:
 - i. No person under the age of 16 years shall be admitted into the establishment unless accompanied by a parent or guardian.
 - ii. At least one person with a current Advanced First Aid Certificate issued by the American Red Cross, or its equivalent, shall be on the premises at all times during operation.
 - iii. The use shall not constitute a nuisance because of noise, physical activity, or other cause.
- b. In the RR Zone, a public spa accessory to a hotel or motel is subject to the following additional standards:
 - i. The spa shall be for the sole use of hotel or motel guests.

- ii. The subject property shall have an area of at least five acres.
 - iii. The subject property shall have frontage of at least 200 feet on, and vehicular access to, a street with a right-of-way width of at least 120 feet.
 - iv. If the subject property abuts land that is developed, or approved to be developed, for residential purposes, a substantial fence at least six feet high shall be constructed and maintained along that part of the property line abutting the residential land.
- c. No building, structure, or parking area shall be located less than:
 - i. 50 feet from the street, land in a Residential zone, or land approved for a residential use;
 - ii. 25 feet from land in a Nonresidential zone or land approved for a commercial or industrial use;
 - iii. 200 feet from an existing dwelling; and
 - iv. 150 feet from the centerline of any street or public right-of-way

27. Swimming Pool (as an accessory use)

- a. In the RE, RR, RSF-95, RSF-65, and RSF-A zones, an outdoor swimming pool shall be enclosed by a fence at least six feet high (which may be met by a railing attached to an above-grade pool).
- b. An outdoor swimming pool accessory to a single-family dwelling may be located in a required side or rear yard except that it shall be set back at least eight

- feet from the rear lot line and five feet from all side lot lines.
- c. An outdoor swimming pool accessory to a use other than a single-family dwelling shall meet the minimum yard depth requirements for a principal building (not for accessory structures) and any applicable locational standards in provisions d and e below.
 - d. An outdoor swimming pool accessory to a residential development or subdivision is subject to the following additional standards:
 - i. The pool shall be for the sole use of the development's or subdivision's residents, and their guests.
 - ii. The pool (including the apron, filtering and pumping equipment, and buildings) shall be located at least:
 - (A) 75 feet from adjoining land in a Residential zone or land approved for a residential use;
 - (B) 25 feet from adjoining land in a Nonresidential zone or adjoining land approved for a commercial or industrial use; and
 - (C) 125 feet from an existing dwelling on adjoining land.
 - iii. The use of any public address or other loudspeaker system for an outdoor swimming pool shall be restricted to that necessary for safety purposes, and shall not be used for the playing of music or other entertainment.
 - e. In the RR Zone, an outdoor swimming pool accessory to a hotel or motel is subject to the following additional standards:
 - i. The pool shall be for the sole use of hotel or motel guests.
 - ii. The subject property shall have an area of at least five acres.
 - iii. The subject property shall have frontage of at least 200 feet on, and vehicular access to, a street with a right-of-way width of at least 120 feet.
 - iv. If the subject property abuts land that is developed, or approved to be developed, for residential purposes, a substantial, sightly fence at least six feet high shall be constructed and maintained along that part of the property line abutting the residential land.
 - v. No building, structure, or parking area shall be located less than:
 - (A) 50 feet from the street, adjoining land in a Residential zone, or adjoining land approved for a residential use;
 - (B) 25 feet from adjoining land in a Nonresidential zone or adjoining land approved for a commercial or industrial use;
 - (C) 200 feet from an existing dwelling on adjoining land; and
 - (D) 150 feet from the centerline of any adjoining street or public right-of-way.

28. Wind Energy Conversion System, Small-Scale

- a. Tower-mounted small-scale wind energy conversion systems shall not be located within a front yard.
- b. A small-scale wind energy conversion system shall be set back a distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower extending from the roof) plus five feet from all property lines, public street rights-of-way, and overhead utility lines. Guy wires and other support devices shall be set back at least five feet from all property lines.
- c. The maximum height of a small-scale wind energy conversion system (including the tower and extended blades) shall be the maximum height allowed in the zone plus 60 feet.
- d. Sound produced by the wind turbine under normal operating conditions, as measured at the property line abutting an existing residential use, shall not exceed 55 dBA at any time. The 55 dBA sound level, however, may be exceeded during short-term events that occur beyond the property owner's control, such as utility outages and/or severe wind storms.
- e. The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white) that blends into a range of sky colors, or a color consistent with that of the buildings on the site. Bright, luminescent, or neon colors are prohibited.
- f. The blade tip or vane of any small-scale wind energy conversion system shall have a minimum ground clearance of 15 feet, as measured at the lowest point of the arc of the blades. No blades may extend over parking areas, public right of ways, driveways, or sidewalks.
- g. No illumination of the turbine or tower shall be allowed unless required by the Federal Aviation Administration (FAA).
- h. On a freestanding tower, any climbing foot pegs or rungs below 12 feet shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed.
- i. No wind generator, tower, building, or other structure associated with a small-scale wind energy conversion system shall include any signage visible from any public street other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification.
- j. No small-scale wind energy conversion system intended to connect to the electric utility shall be installed until evidence has been provided to the County that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
- k. If use of the facility is discontinued for a continuous period of six months, the County shall deem it abandoned and provide the owner a written notice of abandonment stating that the owner has 90 days from the date of receipt of the notice to either resume use of the facility or file a notice of termination with the County. The owner shall remove the facility (including all towers, turbines, and above-

ground structures and equipment) within 90 days after a notice of termination is filed.

Sec. 27-5.400 Temporary Uses and Structures

27-5.401. General

A. Purpose

The purpose of this Section is to authorize the establishment of certain uses (including special events) and structures of a limited duration—i.e., temporary uses and structures. This Section also identifies the zones in which such temporary uses and structures are allowed, identifies what type of permit or review is required to establish them, sets out general standards applicable to all temporary uses and structures, and sets out any special standards applicable to particular temporary uses and structures. This Section is intended to ensure that such uses or structure do not negatively affect adjacent land, are discontinued upon the expiration of a set time period, and do not involve the construction or alteration of any permanent building or structure.

B. Organization and Applicability

Sec. 27-5.402, Temporary Use/Structure Tables, shows whether a particular type of temporary use or structure is permitted or prohibited within the various zones. Sec. 27-5.403, General Standards for All Temporary Uses and Structures, establishes general standards that apply to all allowed temporary uses and structures. Sec. 27-5.404.B Standards for Specific Temporary Uses and Structures, establishes standards that apply to particular types of temporary uses or structures regardless of the zone in which they are allowed or the review procedure by which they are approved, unless expressly stated to the contrary. These

standards may be modified by other applicable requirements in this Ordinance.

27-5.402. Temporary Use/Structure Tables

A. Structure of Temporary Use/Structure Tables

1. Organization of Temporary Uses and Structures

The Temporary Use/Structure Tables in this Subsection list accessory uses and structures alphabetically.

2. Designation of Uses and Structures

The Temporary Use/Structure Tables in this Subsection use the following abbreviations to designate whether and how a temporary use or structure is allowed in a particular zone:

A check ("V") under a base zone column indicates that the use or structure is allowable as a temporary use or structure by right in the zone, subject to Sec. 27-5.403, General Standards for All Temporary Uses and Structures, any referenced use-specific standards, and all other applicable regulations of this Ordinance. No Temporary Use Permit is required.

A "T" under a base zone column indicates that the use or structure is allowable as a temporary use or structure in the zone only on approval of a Temporary Use Permit in accordance with Sec. 27-3.510, Temporary Use Permit, subject to Sec. 27-5.403, General Standards for All Temporary Uses and Structures, any referenced use-specific standards, and all other applicable regulations of this Ordinance.

An "A" under a planned development (PD) zone column indicates that the use or structure is

allowable as a temporary use or structure in the zone, subject to Sec. 27-5.403, General Standards for All Temporary Uses and Structures, any referenced use-specific standards, and all other applicable regulations of this Ordinance—unless the PD Basic Plan/Conditions of Approval approved for the zone expressly identifies the use or structure as prohibited.

X An "X" under a base or planned development (PD) zone column indicates that the use or structure is prohibited as a temporary use or structure in the zone.

X An "X" under an overlay zone column indicates that the use or structure is prohibited as a temporary use or structure in the overlay zone (in which prohibitions of uses allowed by the underlying zone is an exception), irrespective of whether it is allowed by the underlying zone.

A blank cell in an overlay zone column means that the use or structure is allowed if also allowed in the underlying base zone.

3. Reference to Use-Specific Standards

A particular use or structure allowable as a temporary use or structure in a zone may be subject to additional standards that are specific to the particular temporary use or structure. The applicability of such use-specific standards is noted in the last column of the Temporary Use/Structure Tables ("Use-Specific Standards") through a reference to standards in Sec. 27-5.404.B, Standards for Specific Temporary Uses and Structures.

B. Temporary Use/Structure Table for Rural and Agricultural, and Residential Base Zones

Table 27-5.402.B: Temporary Use/Structure Table for Rural and Agricultural, and Residential Base Zones

✓ = Allowed without a Temporary Use Permit T = Allowed only with a Temporary Use Permit

X = Prohibited

Temporary Use/Structure	Rural and Agricultural Base Zones			Residential Base Zones							Use-Specific Standards	
	ROS	AG	AR	RE	RR	RSF-96	RSF-65	RSF-A	RMF-12	RMF-20	RMF-48	
Circus, carnival, fair, or other special event	X	X	X	X	X	X	X	X	T	T	T	27-5.404.B.1
Construction-related office/yard	T	T	T	T	T	T	T	T	T	T	T	27-5.404.B.2
Farmers' market (as a temporary use)	T	T	T	T	T	T	T	T	T	T	T	27-5.404.B.3
Firewood display and sales	T	T	T	T	T	T	T	T	T	T	T	27-5.404.B.4
Flea market	X	X	X	X	X	X	X	X	✓	✓	✓	27-5.404.B.5
Garage or yard sale	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Manufactured home as emergency housing	T	T	T	T	T	T	T	T	T	T	T	27-5.404.B.6
Modular classroom	T	T	T	T	T	T	T	T	T	T	T	27-5.404.B.7
Seasonal decorations display and sales	T	T	T	T	T	T	T	T	T	T	T	27-5.404.B.8
Temporary portable storage unit	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	27-5.404.B.9
Temporary real estate sales office/model	T	T	T	T	T	T	T	T	T	T	T	27-5.404.B.10
Temporary recyclables collection	T	T	T	T	T	T	T	T	T	T	T	27-5.404.B.11
Temporary sawmill	X	✓	✓	X	X	X	X	X	X	X	X	27-5.404.B.12
Temporary shelter for commercial displays, sales, and services	X	X	X	X	X	X	X	X	T	T	T	27-5.404.B.13
Temporary rubble (construction and demolition debris) landfill	X	X	X	X	X	X	X	X	X	X	X	
Transient manufactured home or recreational vehicle residence	✓	✓	✓	✓	✓	✓	✓	✓	X	X	X	27-5.404.B.14
Wayside stand	T	T	T	T	T	T	T	T	T	T	T	27-5.404.B.15

C. Temporary Use/Structure Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones

Table 27-5.402.C: Temporary Use/Structure Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones

V = Allowed without a Temporary Use Permit T = Allowed only with a Temporary Use Permit

X = Prohibited

Temporary Use/Structure	Nonresidential Base Zones					Transit-Oriented/Activity Center Base Zones								Other Base Zones	Use-Specific Standards	
						NAC	TAC		LTO		RTO-L		RTO-H			
	CN	CGO	CS	IE	IH		Core	Edge	Core	Edge	Core	Edge	Core	Edge	RMH	
Circus, carnival, fair, or other special event	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	27-5.404.B.1
Construction-related office/yard	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	27-5.404.B.2
Farmers' market (as a temporary use)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	27-5.404.B.3
Firewood display and sales	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	27-5.404.B.4
Flea market	V	V	V	X	X	V	V	V	V	V	V	V	V	V	X	27-5.404.B.5
Garage or yard sale	X	X	X	X	X	V	V	V	V	V	V	V	V	V	V	
Manufactured home as emergency housing	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	27-5.404.B.6
Modular classroom	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	27-5.404.B.7
Seasonal decorations display and sales	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	27-5.404.B.8
Temporary portable storage unit	V	V	V	V	V	V	V	V	V	V	V	V	V	V	V	27-5.404.B.9
Temporary real estate sales office/model	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	27-5.404.B.10
Temporary recyclables collection	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	27-5.404.B.11
Temporary sawmill	X	X	X	X	V	X	X	X	X	X	X	X	X	X	X	27-5.404.B.12
Temporary shelter for commercial displays, sales, and services	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	27-5.404.B.13
Temporary rubble (construction and demolition debris) landfill	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Transient manufactured home or recreational vehicle residence	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	27-5.404.B.14
Wayside stand	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	27-5.404.B.15

D. Temporary Use/Structure Table for Planned Development Zones

Temporary Use/Structure	Table 27-5.402.D: Temporary Use/Structure Table for Planned Development Zones								
	A = Allowable X = Prohibited								
	T = Allowed only with a Temporary Use Permit, irrespective of treatment by underlying base zone								
Temporary Use/Structure	R-PD	NAC-PD	CAC-PD	TAC-PD	LTO-PD	RTO-PD	MU-PD	IE-PD	Use-Specific Standards
Circus, carnival, fair, or other special event	A	A	A	A	A	A	A	A	27-5.404.B.1
Construction-related office/yard	A	A	A	A	A	A	A	A	27-5.404.B.2
Farmers' market (as a temporary use)	A	A	A	A	A	A	A	A	27-5.404.B.3
Firewood display and sales	A	A	A	A	A	A	A	A	27-5.404.B.4
Flea market	X	A	A	A	A	A	A	X	27-5.404.B.5
Garage or yard sale	A	A	A	A	A	A	A	A	
Manufactured home as emergency housing	A	A	A	A	A	A	A	A	27-5.404.B.6
Modular classroom	A	A	A	A	A	A	A	A	27-5.404.B.7
Seasonal decorations display and sales	A	A	A	A	A	A	A	A	27-5.404.B.8
Temporary portable storage unit	A	A	A	A	A	A	A	A	27-5.404.B.9
Temporary real estate sales office/model	A	A	A	A	A	A	A	A	27-5.404.B.10
Temporary recyclables collection	A	A	A	A	A	A	A	A	27-5.404.B.11
Temporary rubble (construction and demolition debris) landfill	A	A	A	A	A	A	A	A	
Temporary sawmill	X	X	X	X	X	X	X	X	27-5.404.B.12
Temporary shelter for commercial displays, sales, and services	A	A	A	A	A	A	A	A	27-5.404.B.13
Transient manufactured home or recreational vehicle residence	X	X	X	X	X	X	X	X	27-5.404.B.14
Wayside stand	A	A	A	A	A	A	A	A	27-5.404.B.15

E. Temporary Use/Structure Table for Overlay Zones

Table 27-5.402.E: Temporary Use/Structure 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

Temporary Use/Structure	CBCAO Zones			APAO Zones						MIO Zones [1]			Use-Specific Standards	
	RCO	LDO	IDO	APA-1	APA-2	APA-3S	APA-3M	APA-4	APA-5	APA-6	APZ	CZ	HINA	
Circus, carnival, fair, or other special event											X	X	X	27-5.404.B.1
Construction-related office/yard														27-5.404.B.2
Farmers' market (as a temporary use)												X		27-5.404.B.3
Firewood display and sales												X		27-5.404.B.4
Flea market												X		27-5.404.B.5
Garage or yard sale												X		
Manufactured home as emergency housing														27-5.404.B.6
Modular classroom											X	X	X	27-5.404.B.7
Seasonal decorations display and sales												X		27-5.404.B.8
Temporary portable storage unit														27-5.404.B.9
Temporary real estate sales office/model														27-5.404.B.10
Temporary recyclables collection														27-5.404.B.11
Temporary sawmill														27-5.404.B.12
Temporary shelter for commercial displays, sales, and services														27-5.404.B.13
Transient manufactured home or recreational vehicle residence														27-5.404.B.14
Wayside stand												X		27-5.404.B.15

NOTES:

[1] Sec. 27-4.402.C.4, Modified Use Standards for MIO Zone, contains additional standards for uses in the MIO Zone.

27-5.403. General Standards for All Temporary Uses and Structures

Unless otherwise specified in this Ordinance, any temporary use or structure shall:

- A. Obtain any other applicable County, municipal, State, or Federal permits;
- B. Not involve the retail sales or display of goods, products, or services within a public right-of-way, except as part of a County- or municipal-authorized event;
- C. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- D. Be compatible with the principal uses taking place on the site;
- E. Not have adverse health, safety, noise, or nuisance impacts on any adjoining permanent uses or nearby residential neighborhoods;
- F. Not include permanent alterations to the site;
- G. Comply with temporary signage standards in Sec. 27-6.1400, Signage.
- H. Not maintain temporary signs associated with the temporary use or structure after the activity ends;
- I. Not violate the applicable conditions of approval that apply to a site or a use on the site;
- J. Not interfere with the normal operations of any permanent use located on the property; and
- K. Be located on a site containing sufficient land area to allow the temporary use, structure, or special event to occur and

accommodate associated pedestrian, parking, and traffic movement without disturbing environmentally sensitive lands.

27-5.404. Standards Specific to Temporary Uses and Structures

A. General

Standards for a specific temporary use or structure shall apply to the particular individual temporary use or structure regardless of the zone in which it is located or the review procedure by which it is approved, unless otherwise specified in this Ordinance. This Subsection sets forth and consolidates the standards for all temporary uses and structures for which a reference to this Subsection is provided in the "Use-Specific Standards" column of the temporary use/structure table in Sec. 27-5.402, Temporary Use/Structure Tables, and in the same order as they are listed in the table. These standards may be modified by other applicable standards or requirements in this Ordinance.

B. Standards for Specific Temporary Uses and Structures

1. Circus, Carnival, Fair, or Other Special Event

- a. The event shall be for no more than 17 days.
- b. Except in a Commercial or Industrial zone, the use shall be located only on a parking lot.
- c. The event shall be located at least 250 feet from any dwelling on adjoining land.
- d. The Fire and Emergency Medical Services Department and Police Department, or where applicable, the affected municipal Police Department, shall have determined that the site is accessible for public safety vehicles and equipment.

- e. The Department of Permitting, Inspections and Enforcement shall have determined that any existing or proposed permanent or temporary structures comply with applicable regulation of the Building Code.
- f. Adequate restroom facilities shall be provided.
- g. Owners of adjoining properties shall be notified of the proposed event before its approval.

2. Construction-Related Office/Yard

- a. A Temporary Use Permit for the use shall be issued only when actual construction on or in the immediate vicinity of the development site necessitates the construction-related office/yard. The permit shall be initially valid for no more than three years. The Planning Director may grant written extensions of this time period for up to three years per extension provided, however, that the permit shall remain valid no longer than the time required for the construction.
- b. Adequate measures shall be taken to ensure that the use will not adversely affect the health, safety, and welfare of residents or workers in the area, and will not be detrimental to the use or development of adjacent properties or the general neighborhood.
- c. No item stored or assembled on the subject property shall be sold on the property.

3. Farmers' Market (as a temporary use)

- a. The market shall operate only with written permission from the owner of the property on which it is located.

- b. A farmers' market shall operate for no more than 106 calendar days in any one calendar year.
- c. A farmers' market shall be open only during the times identified in the Temporary Use Permit.
- d. Except as provided in provision e below, a farmer's market shall only be located on the open area or parking lot of private or publicly owned property.
- e. The market may operate inside a public or privately owned building during the months of December through March for a period not to exceed a total of 30 days.
- f. The market shall provide adequate ingress, egress, and off-street parking areas. Vehicular access to the subject property shall not be by means of streets internal to subdivisions for single-family detached dwellings.
- g. Market sales shall be limited to the retail sale of agriculture, aquaculture, and horticulture products produced by the vendors; prepared foods(e.g., baked goods, jams and jellies, juices, cheeses); and incidental sales of crafts or similar home-made products made by the vendors.
- h. Items for sale shall not be displayed or stored within customer pathways.
- i. The market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.

- j. The market shall have a manager authorized to direct the operations of all participating vendors during all hours of operation.

4. Firewood Display and Sales

- a. The Temporary Use Permit shall be valid for no more than four months in any 12-month period and shall not be renewable.
- b. The firewood shall be neatly stacked, and the property shall be kept clean and free from debris.
- c. The immediate area within which firewood is displayed or sold shall not be enclosed.
- d. In any Residential zone or land approved for a residential use, the sales area shall be located at least 25 feet from any street line.
- e. No power-driven log cutting or splitting devices shall be used in connection with the use.
- f. In any Commercial or Industrial Zone or land approved for commercial or industrial use, the sales area shall be located at least ten feet from any street line, and shall not encroach upon any required landscaped area.

5. Flea Market

- a. The market shall operate only with written permission from the owner of the property on which it is located.
- b. The market shall operate for no more than 30 days in any one calendar year.
- c. The market shall be open only during daylight hours.

- d. The flea market shall only be located on the open area or parking lot of property owned by a public agency or a non-profit organization.
- e. Stalls, sales tables, and any other facilities related to the flea market shall be located at least 25 feet from any adjoining street. If located within a parking lot, the facilities shall be located so as to provide sufficient parking facilities for the patrons.
- f. Market sales shall be limited to the retail sale of merchandise, collectibles, crafts, antiques, and other items, excluding automobiles, automobile parts, and nonportable household appliances.
- g. Items for sale shall not be displayed or stored within customer pathways.
- h. The market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.
- i. The market shall have a manager authorized to direct the operations of all participating vendors during all hours of operation.

6. Manufactured Home as Emergency Housing

- a. The manufactured home shall be used only as a dwelling in times of emergency due to calamity.
- b. The use shall be certified by the County agency responsible for providing emergency housing.
- c. All requirements for lot coverage, building lines, frontages, yards, height limitations, and off-street parking in the zone in which the manufactured home is located shall be met.

- d. The Temporary Use Permit shall be issued for no more than two years and shall not be renewable.

7. Modular Classroom

- a. One modular classroom, not exceeding 700 square feet of gross floor area, may be located on the premises of the private school whose students are receiving instruction under Title 1.
- b. The Temporary Use Permit shall initially be valid for no more than three years. The Planning Director may grant written extensions of this time period for up to two years per extension. The modular classroom shall be removed from the premises upon the earlier of:
 - i. The expiration of the permit; or
 - ii. The cessation of the educational services provided under Title 1 for a period exceeding 100 consecutive days.
- c. The modular classroom shall not be located on a parking lot or in a front yard and its installation shall not cause the removal of any existing trees.
- d. Landscaping consisting of live evergreens at least six feet in height and planted ten feet on center shall be installed around the perimeter of the modular classroom (except at entrance or exit ways) prior to the issuance of the Temporary Use Permit.
- e. The modular classroom shall be set back at least 25 feet from adjoining land in any Residential zone or land approved for a residential use in any other zone.

8. Seasonal Decorations Display and Sales

- a. A Temporary Use Permit shall be valid for no more than 45 consecutive days.
- b. Except for bona fide nonprofit groups or organizations, in any Residential zone or land approved for a residential use, the display/sales area shall be located at least 25 feet from an existing street line and from any adjacent lot lines.
- c. Adequate measures shall be taken to ensure that the use will not adversely affect the health and safety of residents or workers in the area, and will not be detrimental to the use or development of adjacent properties or the general neighborhood.
- d. Off-street parking shall be adequate to accommodate the proposed sale of products.

9. Temporary Portable Storage Unit

Temporary storage in a portable storage unit may be permitted to serve an existing use on the same lot, subject to the following standards:

- a. No more than one unit shall be located on a lot.
- b. A unit shall be no more than eight feet wide, 16 feet long, and eight feet high.
- c. No unit shall be placed on a lot for more than 30 consecutive days, or for more than 60 days within any calendar year.
- d. In no case may a unit be placed in the front yard, in any front parking lot of a commercial use, or in fire lanes, passenger loading zones, commercial loading areas, or public rights-of-way.

- e. The owner and operator of the lot containing a portable storage unit shall ensure that the unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing, or other holes or breaks. The unit shall be kept locked when not being loaded or unloaded.
- f. The owner and operator of the lot containing a portable storage unit shall ensure that no hazardous substances are stored within the unit.

10. Temporary Real Estate Sales Office/Model

A model home or other building, or unit thereof, located on the site of new development is allowed to be temporarily used for sales or leasing associated with the development, subject to the following standards:

- a. A Temporary Use Permit for the use shall be issued only when actual construction on or in the immediate vicinity of the development site necessitates the sales office/model. The permit shall be initially valid for no more than three years. The Planning Director may grant written extensions of this time period for up to three years per extension provided, however, the permit shall remain valid no longer than the time required for the construction.
- b. Adequate measures shall be taken to ensure the use will not adversely affect the health and safety of residents or workers in the area, and will not be detrimental to the use or development of adjacent properties or the general neighborhood.
- c. There shall be no more than one such office per builder in the development.

- d. The sales office shall be located on a lot or building site approved as part of the development, or within a building approved as part of the development.
- e. The building used as or containing a sales office shall comply with all building setbacks and other development requirements.
- f. The building shall be aesthetically compatible with the character of the community and surrounding area in terms of exterior color, predominant exterior materials, and landscaping.
- g. At least one parking space shall be provided for every 300 square feet of gross floor area devoted to the sales office use. Accessible parking for persons with physical disabilities is required.
- h. On termination of the temporary real estate sales/leasing use, the building or unit shall be converted to a permanent permitted use or removed.

11. Temporary Recyclables Collection

- a. The Temporary Use Permit shall be valid for no more than three years. The Department of Permitting, Inspections, and Enforcement may grant written requests for extension of this time period for three years per extension, provided the use continues in accordance with any approved conditions.
- b. The use shall be limited to collection and removal at regular intervals. It shall not include long-term or bulk storage and shall be limited to a maximum area of 25,000 square feet.

12. Temporary Sawmill

- a. No machinery shall be located less than 50 feet from any boundary of the subject property and all machinery shall be secured against unauthorized use.
- b. After the removal and cutting of timber, all debris and sawdust piles shall be removed, and the premises shall be left in a sightly condition.

13. Temporary Shelter for Commercial Displays, Sales, and Services

- a. Promotional displays or sales, seasonal activities, income tax consultant's offices, carload sales of products, sidewalk sales, and demonstration of products in a parking lot may be allowed in a trailer or tent, provided the Temporary Use Permit shall be valid for no more than three consecutive months.

14. Transient Manufactured Home or Recreational Vehicle Residence

- a. The manufactured home or recreational vehicle shall be located on a lot with an area of at least five acres.
- b. The principal use of the lot shall be an activity for which the County levies an amusement tax, and the occupants of the manufactured home or recreational vehicle shall be employed in connection, or otherwise reasonably associated, with the activity.
- c. The Temporary Use Permit shall be valid for no more than 120 cumulative days per any one year, except that a permit for a manufactured home or recreational vehicle used in connection with a pari-mutuel racetrack shall be valid for no more than two 218 cumulative days per calendar year.

15. Wayside Stand

- a. The stand shall be used only for the sale of agricultural products grown or produced on the premises and the incidental sale of agricultural products not grown or produced on the premises.
- b. The Temporary Use Permit shall be valid for no more than two years. The Planning Director may grant written requests to extend this time period for up to two years per extension.
- c. The stand shall be located not less than 25 feet from an existing street.
- d. Adequate measures shall be taken to ensure that the use will not adversely affect the health, safety, and welfare of residents or workers in the area, and will not be detrimental to the use or development of adjacent properties or the general neighborhood.

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Division 6: Development Standards

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DIVISION 27-6 DEVELOPMENT STANDARDS

Sec. 27-6.100 Roadway Access, Mobility, and Circulation

27-6.101. Purpose and Intent

The purpose of this Section is to ensure that developments are served by a coordinated multimodal transportation system that permits the safe and efficient movement of motor vehicles, emergency vehicles, transit, bicyclists, and pedestrians within the development and between the development and external transportation systems, neighboring development, and local destination points such as places of employment, schools, parks, and shopping areas. Such a multimodal transportation system is intended to:

- A. Provide transportation options;
- B. Increase the effectiveness of local service delivery;
- C. Reduce emergency response times;
- D. Promote healthy walking and bicycling;
- E. Facilitate use of public transportation;
- F. Contribute to the attractiveness of the development and community;
- G. Connect neighborhoods and increase opportunities for interaction between neighbors;
- H. Reduce vehicle miles of travel and travel times;
- I. Reduce greenhouse gas emissions;
- J. Improve air quality;
- K. Minimize congestion and traffic conflicts; and
- L. Preserve the safety and capacity of County transportation systems.

27-6.102. Applicability

Except as otherwise provided in this Section, the standards in this Section apply to all new development in the County. In addition, the requirements of Subtitle 23, Roads and Sidewalks, of the County Code, shall apply.

27-6.103. Consistency with Plans

The design and construction of access and circulation systems associated with a development shall be consistent with the transportation goals, objectives, and actions in the County's General Plan, the Approved Countywide Master Plan of Transportation, Comprehensive Master Plans, and other County-adopted plans addressing transportation.

27-6.104. Multimodal Transportation System

Access and circulation systems associated with a development shall provide for multiple travel modes (pedestrian, transit, bicycle, and vehicular), based on the development's size, character, the zone in which it is located, and its relationship to existing and planned transportation systems. Pedestrian, transit, bicycle, and vehicular access and circulation systems shall be coordinated and integrated as necessary to offer the development's occupants and visitors improved transportation choices while enhancing safe and efficient mobility throughout the development and the community.

27-6.105. Timing of Review

Review for compliance with the standards of this Section shall occur during review of a development application for a planned development (Sec. 27-3.505), detailed site plan (major or minor) (Sec. 27-3.508), subdivision (minor or major) (Subtitle 24: Subdivision Regulations), or building permit (Sec. 27-3.514), as appropriate.

27-6.106. Circulation Plan Required

Development applications shall include a circulation plan that demonstrates how the development follows the requirements of Sections 27-6.107 through 27-6.110.

27-6.107. Developer Responsible for On-Site Street Improvements

If a street is proposed within a development site, the developer shall provide road, street, bikeway, sidewalk, and other access and circulation improvements in accordance with the standards for design and construction defined in Subtitle 23, or those of the applicable municipalities having jurisdiction, and shall dedicate any required rights-of-way or easements, as required by the Subdivision Regulations.

27-6.108. Vehicular Access and Circulation

A. Definition of Street Functional Classification

All public streets will be classified by the County according to the system of functional classification defined in the Prince George's County Specifications and Standards for Roadways and Bridges, authorized in Subtitle 23 as the County's official standards for street design and construction.

B. Vehicular Accessway Classifications

As a basis for application of many of the vehicular access and circulation standards in this Subsection, proposed and existing vehicular accessways shall be classified in accordance with the following classifications, which reflect the accessway's relative functions in providing access to and from principal origin and destination points and accommodating travel mobility. These do not supersede or replace classifications used in the Prince George's County Specifications and Standards for Roadways and Bridges.

1. Driveways

Driveways are accessways that function solely to provide direct and immediate vehicular access between an alley or street and the principal origin and destination points within an abutting development, or part of a large development. They generally handle low vehicular travel speeds and traffic volumes, but may handle higher vehicular traffic volumes within large commercial and mixed-use developments (e.g., driveways within mixed-use developments or shopping center parking areas). Driveways are generally not located in the public right-of-way for their principal length, and are not generally considered streets.

2. Alleys

a. Alleys make up a specialized classification of accessway that primarily functions to provide secondary vehicular access and/or service and delivery vehicle access between a street and the rear or sides of lots or buildings. Alleys may provide primary vehicular access for dwellings designed to have no driveway access from the fronting street, or

access may be provided through a combination of an alley and a driveway.

- b.** Within the LTO, RTO-L, RTO-H, LTO-PD, and RTO-PD zones, alleys shall comply with standards established in the Prince George's County Urban Street Design Standards. In all other areas of the County, alleys shall comply with the standards established in Section 24-128 of the Prince George's County Specifications and Standards for Roadways and Bridges.

3. Other Streets

The accessways defined in Secs. 27-6.108.B.1 and 27-6.108.B.2 will connect to public or private streets, which will follow standards of design and construction as defined in the Prince George's County Specifications and Standards for Roadways and Bridges and in Subtitle 23, or those of the applicable municipalities having jurisdiction.

C. Required Vehicular Access and Circulation

A new development shall be served by a system of vehicular accessways and internal circulation (including driveways, and alleys connecting from public or private streets, as well as fire lanes, parking lot drive aisles, and any circulation associated with parking, loading, or drive-through service windows) that are designed to accommodate appropriate circulation of firefighting and other emergency vehicles, public transit, school buses, garbage trucks, delivery vehicles, service vehicles, and passenger motor vehicles within the development, as defined by the standards in Subtitle 23.

D. Vehicular Access Management

1. Limitation on Direct Access Along Arterial and Collector Streets

Direct driveway access to a development's principal origin or destination points (including individual lots in a subdivision) may be provided directly from an arterial or collector street only if:

- a.** No alternative direct vehicular access from a lower-classified accessway (e.g., local street, driveway, or alley) is available or feasible to provide;
- b.** Only one two-way driveway, or one pair of one-way driveways, is allowed onto lots with 200 or less feet of lot frontage on the arterial or collector street, and no more than one additional two-way driveway or pair of one-way driveways per additional 200 feet of frontage; and
- c.** The development(s) served by the driveway is expected to generate an average daily traffic (ADT) count of 1,000 trips or less, or it is determined that the origin or destination points accessed by the driveway will generate sufficiently low traffic volumes, and the adjacent arterial or collector street has sufficiently low travel speeds and traffic volumes, to allow safe driveway access while preserving the safety and efficiency of travel on the arterial or collector street.

2. Limitation on Direct Driveway Access along Other Streets

The following standards shall apply to vehicular access along a street other than an arterial street.

- a. For single-family detached dwellings, two-family dwellings, and three-family dwellings, one direct driveway access point is allowed if only the frontage of the lot abuts the street's right-of-way. If the street is on a corner lot of two non-arterial or non-collector streets and abuts the right-of-way of two intersecting streets, two direct driveway access points are allowed (one to each street).
- b. For townhouse and multifamily dwellings, and for uses in the Civic, Public, Institutional, Commercial, and Industrial Use Categories, the number of vehicular access points along a street shall follow State, County or municipal access standards, as applicable, to protect the function, safety, and efficiency of travel on the street and any associated bikeways and sidewalks.
- c. Where a through lot or corner lot fronts on roadways of different classifications, direct driveway access to the lot shall be provided only from the lower-classified fronting street, to the maximum extent practicable.

3. Driveway Intersection Spacing Along State Roads

The minimum spacing between abutting driveway intersections along a Maryland State Highway Administration road—or between a driveway intersection along a State road and an adjacent street intersection—shall comply with the access management standards in the Maryland State Highway Access Manual.

4. Shared Driveways

- a. Driveway access shared between adjoining lots is encouraged and, in the case of County or State access

spacing requirements that do not allow individual lot frontages to be served individually, may be required to limit direct vehicular access along streets.

- b. Easements allowing cross-access to and from lands served by a shared driveway, along with agreements defining maintenance responsibilities of land owners, shall be recorded with the Land Records of Prince George's County before issuance of a building permit for the development proposing the shared driveway access. Such easements shall clearly limit parking of each property owners vehicles to their side of the driveway, and stipulate that both owners shall share in the costs and responsibility of maintain the driveway.

E. Vehicular Connectivity

1. Purpose

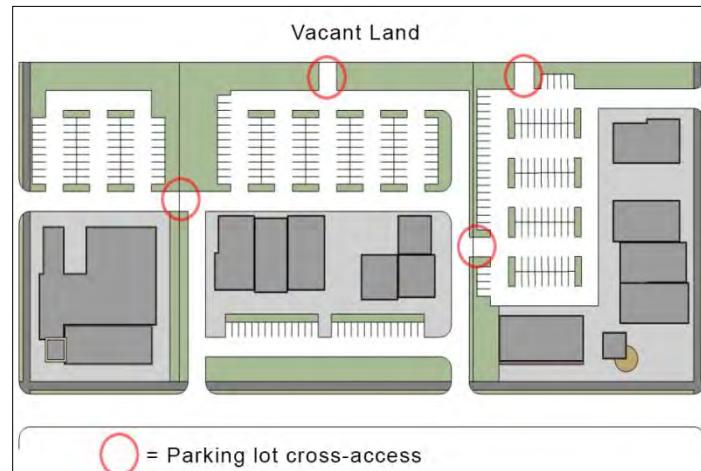
The purpose of the following vehicular connectivity standards is to enhance safe and convenient mobility within and between neighborhoods and developments that helps integrate and connect neighborhoods, allow residents to conveniently visit neighbors and nearby activity centers without compromising the capacity of the County's streets to accommodate through-traffic, improve opportunities for comprehensive and convenient transit service, enhance efficient provision of public services, and improve the speed and effectiveness with which emergency services and police and fire protection can be provided to County residents and lands.

2. Cross Access Between Adjoining Developments

To encourage shared parking and minimize access points along streets, new mixed-use and nonresidential development, other than industrial development, in the Transit-Oriented/Activity Center zones and Nonresidential zones shall comply with the following standards:

- a. The internal vehicular circulation system shall be designed and constructed to provide vehicular cross-access between the development's vehicular use areas and those on adjoining parcels containing a nonresidential or mixed-use development, or to the boundary of adjoining vacant land (see Figure 27-6.108.E.2: Cross-Access Between Parking Areas of Adjoining Developments).

Figure 27-6.108.E.2: Cross-Access Between Parking Areas of Adjoining Development



- b. Cross-accessways shall provide for two-way vehicular traffic between the vehicular use areas on the adjoining lots through the use of a single driveway or drive aisle that is at least 22 feet wide or through two one-way driveways or aisles that are each at least 14 feet wide.
- c. The Planning Director may waive or modify the requirement for vehicular cross-access if the applicant clearly demonstrates that such cross-access is impractical or undesirable due to the presence of topographic conditions, natural features, or vehicular safety factors.
- d. Easements allowing cross-access to and from lands served by a vehicular cross-access, along with agreements defining maintenance responsibilities of land owners, shall be recorded with the Land Records of Prince George's County before issuance of a building permit for the development.

F. Connectivity Standards for Single-Family Residential Development

1. Minimum Connectivity Index Score Required

New single-family residential subdivisions shall achieve an internal street connectivity index (score in accordance with Table 27-6.108.F.1: Minimum Street Connectivity Index.

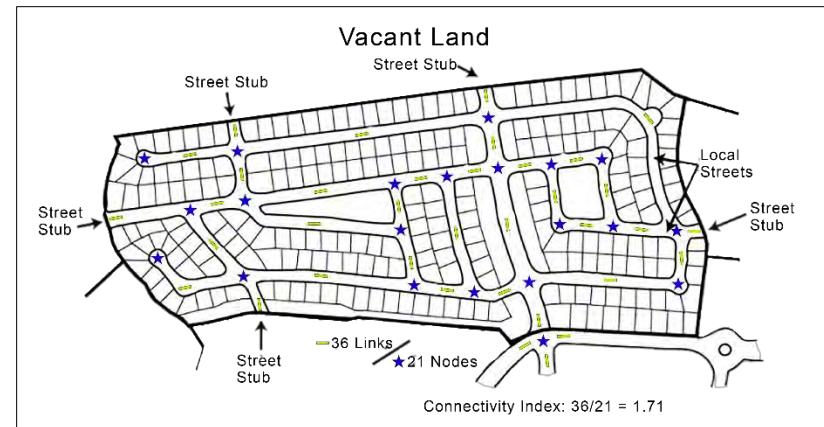
Table 27-6.108.F.1: Minimum Street Connectivity Index

Zone Where Development is Proposed	Minimum Connectivity Index Score
Located in Residential and Planned Development Districts	1.550
Located in Nonresidential and Transit-Oriented/Activity Center Districts	1.40

2. Connectivity Index Score Calculation

The connectivity index for a development is calculated by dividing its links by its nodes. Figure 27-6.108.F.2: Street Connectivity Index, provides an example of how to calculate the connectivity index. Nodes exist at street intersections and cul-de-sac heads within the development. Links are stretches of road or alleys that connect nodes. Street stub-outs are considered as links, but temporary dead-end streets or alleys internal to a development are not counted as links. Links external to the development that connect to nodes associated with the development shall be included in the index calculation. In addition, any nodes immediately adjacent to the development but outside of its site property, such as intersections that provide access to the development through an entry street or driveway, will be included in the index calculation, as will all links attached to that node. In the diagram, there are 36 links and 21 nodes; therefore the connectivity index is 1.71 ($36/21 = 1.71$).

Figure 27-6.108.F.2: Street Connectivity Index



3. Reduction in Minimum Index Score

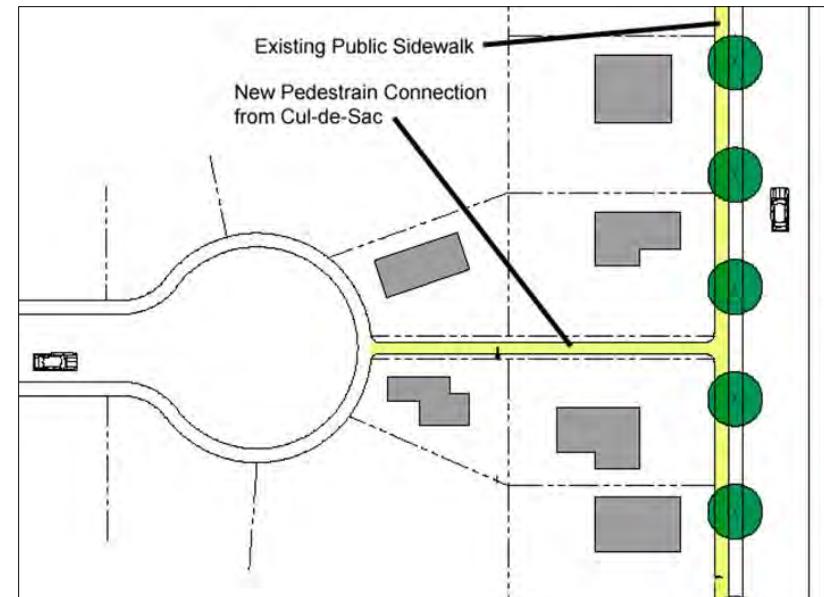
The minimum connectivity index score may be reduced by the Planning Director if the landowner/applicant demonstrates it is infeasible to achieve due to natural features, existing road configurations, or adjacent existing development patterns. In these instances, internal street design shall achieve as high a connectivity index score as reasonably practical, especially by providing stub-outs and other potential connections that may be made in the future, including through public infrastructure improvements.

G. Pedestrian Connections

1. A right-of-way at least eight feet wide for pedestrian and bicycle access between a cul-de-sac head or street turnaround and the sidewalk system of the closest street or pedestrian path ((as shown in Figure 27-6.108.G: Pedestrian Connections), if it

- a. Is in close proximity (defined generally as within a half-mile) to significant pedestrian generators or destinations such as schools, parks, trails, greenways, employment centers, mixed use development, retail centers, or similar features; or
 - b. Creates an unreasonable impediment to pedestrian circulation (defined generally as a walking distance between uses on the cul-de-sac and uses on the closest street that is at least four times the actual physical distance between these two uses); and
 - c. Can be reasonably achieved and connected to an existing or proposed sidewalk, trail, greenway or other type of pedestrian connection.
2. Vacant adjacent land that could reasonably be developed in the foreseeable future with sidewalks, trails, greenways, or other types of pedestrian connections to which the pedestrian and bicycle access can be connected.
 3. This pedestrian connection shall count as a link for the purpose of calculating the connectivity index.

Figure 27-6.108.G: Pedestrian Connections



H. External Street Connectivity

1. The arrangement of streets in a single-family residential subdivision shall provide for the alignment and continuation of existing or proposed streets into adjoining lands where the adjoining lands are undeveloped and deemed appropriate for future development, or are developed and include opportunities for such connections.
2. Street rights-of-way shall be extended to or along adjoining property boundaries such that a street connection or street stub shall be provided for development where practicable and feasible in each direction (north, south, east, and west) for development that abuts vacant lands.

3. At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign shall be installed with the words "FUTURE STREET CONNECTION" to inform land owners.
4. The final plat (see Subtitle 24, Subdivision Regulations) shall identify all stub streets and include a notation that all street stubs are intended for connection with future streets on adjoining undeveloped or underdeveloped lands.
5. Stub streets that exceed 150 feet in length shall include a turn-around that shall be removed when the stub street is connected.

I. Continuation of Adjacent Streets

Proposed street layouts shall be coordinated with the existing street system in surrounding areas. Existing streets shall, to the maximum extent practicable, be extended to provide access to adjacent developments and subdivisions and to provide for additional points of ingress and egress.

J. Traffic-Calming Measures

1. Street widths not in excess of basic design standards, short block lengths, on-street parking, controlled intersections, roundabouts, and other traffic-calming measures are encouraged on all local and subcollector streets that connect between two nodes in the connectivity index system, provided they do not interfere with emergency vehicle access.
2. Residential development shall employ measures to interrupt direct vehicle flow on linear street segments over 800 linear feet long, to the maximum extent practicable (see Figure 27-6.108.J: Traffic Calming

Measures). Such measures may include, but shall not be limited to:

- a. Stop signs at street intersections;
- b. Mini-roundabouts at intersections;
- c. Curvilinear street segments to slow traffic and interrupt monotonous streetscapes;
- d. Traffic-diverting physical devices such as neckdowns, chicanes, and diverter islands;
- e. Roadway striping to limit vehicular cartway widths or accommodate bike lanes; and
- f. Speed tables, raised intersections or elevated pedestrian street crossings.

3. Any physical installations that narrow the roadway and extend curbs toward the street centerline, such as bulbouts and chicanes, are discouraged on streets less than 24 feet wide, but are encouraged on wider streets as a traffic calming device and to reduce crossing distance for pedestrians, where practicable.

Figure 27-6.108.J:
Traffic-Calming
Measures



- 4.** All traffic calming measures shall be coordinated with the applicable operating agency or municipality.

K. Block Design

1. Block Length

Where blocks are used in the Transit-Oriented/Activity Center zones and the MU-PD zone, block length shall be at least 200 feet, but no more than 800 feet. In all other zones block length shall be at least 200 feet, but no more than 1,000 feet in length. The Planning Director may allow deviations from these block length standards on determining that:

- a. Environmental or topographic constraints exist;
- b. The site has an irregular shape;
- c. A longer block will reduce the number of railroad grade or water body crossings; or
- d. Longer blocks will result in less traffic through residential subdivisions from adjoining businesses or areas.

2. Block Width

To the maximum extent practicable, the width of any block shall be sufficient to permit at least two lots across the depth of the block, exclusive of any alleys, watercourses, or other right-of-way located outside platted lots.

3. Mid-Block Access

In the RSF-95, RSF-65, and RSF-A zones where a block face exceeds more than 800 feet, sidewalks or multi-use paths shall be provided mid-block, perpendicular to the long

block face to connect parallel sidewalks on either side of the block through the interior of the block.

4. Development Entry Points

- a. Unless exempted in accordance with Sec. 27-6.108.K.4.c below, all subdivisions shall provide a minimum number of access points from the development to the street system outside the development in accordance with Table 27-6.108.K.4, Required Development Entry Points:

Table 27-6.108.K.4: Required Development Entry Points

Development Type	Minimum Number of Access Points
Residential Use Types (By Number of Units)	
≤80 unit-	1
81 - 160 units	2
>160 units	3
All Other Use Types (By Site Area)	
<5 acres	1
5 – 20 acres	2
>20 acres	2 + 1 per every additional 20 acres or portion thereof

- b. Nothing in this Subsection shall limit the total number of streets providing access to the street system outside a development, or exempt a development from meeting all applicable external street connectivity standards.
- c. Development shall be exempted from these standards if it is demonstrated that the following conditions apply:
 - i. No other street access points can be located due to existing lot configurations, absence of

- connecting streets, or environmental or topographic constraints;
- ii. The appropriate permitting agency owning the street will not authorize the required number of entrances; or
 - iii. Alternative access can be provided in a manner acceptable to the County.

L. General Accessway Layout and Design

1. Coordination with Transit, Bicycle, and Pedestrian Access and Circulation

- a. The vehicular access and circulation system of a development located on a site abutting an existing or planned transit route shall accommodate a transit stop and other associated facilities unless the Planning Director determines that adequate transit facilities already exist to serve the needs of the development.
- b. The vehicular access and circulation system of a development shall be coordinated with the bicycle and pedestrian access and circulation systems within and adjacent to the development to minimize conflicts.

2. Traffic Control and Calming Measures

When provided, traffic-calming measures such as those discussed in Sec. 27-6.108.J, Traffic-Calming Measures, shall be integrated into a development's vehicular circulation system where necessary to mitigate the impact of potential future cut-through traffic.

M. Street Layout and Design

- 1. Except as otherwise provided in this Section, the design and construction of roadways for State roads shall be designed in accordance with Maryland State Highway Administration standards and requirements.
- 2. Except as otherwise provided in this Section, the design and construction of streets for County streets shall be designed in accordance with the Prince George's County Specifications and Standards for Roadways and Bridges or the appropriate standards defined in Subtitle 23.
- 3. Except as otherwise provided in this Section, the design and construction of roadways for municipal streets shall be designed in accordance with the applicable municipal standards and requirements.

N. Driveway Layout and Design

1. Driveway Width

All driveways serving multifamily, nonresidential, and mixed-use development shall comply with the following minimum width standards:

- a. One-way driveways shall be at least 12 feet wide, as measured between the edges of paving in a typical tangent section that does not include corner radii.
- b. Two-way driveways shall be at least 24 feet wide, as measured between the edges of paving in a typical tangent section that does not include corner radii.

2. Dead-End Driveway Length

Driveways that do not connect back to a street shall be no longer than 150 feet unless they include adequate

provision for fire trucks to turn around, as approved by the Fire Chief.

3. Driveway Intersections

In addition to the standards in Sec. 27-6.108.D.3, Driveway Intersection Spacing Along State Roads, driveway intersections shall comply with the following standards:

a. Alignment

To the maximum extent practicable, driveway intersections along a street shall line up with existing or approved driveway, parking lot drive aisle, or roadway intersections on the opposite side of the street.

b. Proximity to Adjoining Land

Except for shared driveways provided in accordance with Sec. 27-6.108.D.4, Shared Driveways, driveway intersections shall be spaced from an adjoining property line by at least two feet or such greater distance as is needed to avoid encroachment of the driveway radius onto the adjacent property or interference with safe use of a driveway on the adjoining property.

c. Medians in Driveway Entrances

Medians may be incorporated at driveway entrances provided:

- i. No signage is included within the median other than traffic signs and a single monument sign;

- ii. Planted material within the median is limited to minor shade trees, shrubs, ground cover, and grass; and
- iii. The minimum driveway width is maintained for each travel and turning lane.

O. Vehicle Stacking Space

1. For Drive-through and Related Uses

a. Required Number of Stacking Spaces

- i. In addition to meeting the off-street parking standards in Table 27-6.206.A: Minimum Number of Off-Street Parking Spaces, uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service facility shall provide at least the minimum number of stacking spaces established in Table 27-6.108.O.1.a: Minimum Stacking Spaces for Drive-Through Facilities and Related Uses.
- ii. Changes in use or occupancy in an existing building are exempt from the vehicle stacking space standards in this Subsection.

Table 27-6.108.O.1.a: Minimum Stacking Spaces for Drive-Through Facilities and Related Uses

Use or Activity [1]	Minimum Number of Stacking Spaces	Measured From
Bank or financial institution, with drive-through service or with automated teller machine (ATM) as an accessory use	3 per lane	Teller window or teller machine
Gas station	1	Each end of the outermost gas pump island
Gated driveway (for any principal use)	3	Gate
Nursing home facility	3	Building entrance
Recycling collection center	3 per bay	Bay entrance
Personal Vehicle Repair and Maintenance, specifically with car wash and auto detailing, automatic	6 per bay	Bay entrance
Personal Vehicle Repair and Maintenance, specifically with car wash and auto detailing, self-service	2 per bay	Bay entrance
Consumer goods establishment, with drive-through service	4 per lane	Agent window
All personal service uses with drive-through service	4 per lane	Window
Personal Vehicle Repair and Maintenance, specifically with oil change/lubrication shop	3 per bay	Bay entrance
Restaurant, fast food, with drive-through service [2]	4	Order box
School, elementary or middle or high, not located in RTO, LTO, TAC or NAC zones	6 spaces	Primary Building entrance, if this is the primary location for student pick-up/drop-off
	8 spaces	Designated student waiting area, if this is the primary location for student pick-up/drop-off

Table 27-6.108.O.1.a: Minimum Stacking Spaces for Drive-Through Facilities and Related Uses

Use or Activity [1]	Minimum Number of Stacking Spaces	Measured From		
Other	Uses not specifically listed are determined by the Planning Director based on standards for comparable uses, or alternatively based on a parking demand study			
NOTES:				
[1] See Division 27-5: Use Regulations.				
[2] Restaurants with drive-through service shall provide at least four additional stacking spaces between the order box and the pick-up window.				

b. Design and Layout

Required stacking spaces are subject to the following design and layout standards:

- i. Stacking spaces shall be a minimum of 10 feet wide and 20 feet long;
- ii. Stacking spaces shall not impede on-site or off-site vehicular traffic movements or movements into or out of off-street parking spaces;
- iii. Stacking spaces shall not impede onsite or offsite bicycle or pedestrian traffic movements; and
- iv. Stacking spaces shall be separated from other internal driveways by raised medians if necessary for traffic movement and safety.

2. For Vehicular Parking Area (Parking Lot) Entrance Driveways

Nonresidential and mixed-use development (excluding industrial uses) shall provide stacking lanes between the edge of the street right-of-way and entrances into off-street parking areas in accordance with the minimum stacking lane distance established in Table 27-6.108.O.2.a: Minimum Stacking Lane Distance for Vehicular Parking Area Entrance Driveway (see Figure 27-6.108.O.2.b: Measurement of Stacking Lane Distance for Vehicular Parking Area Entrance Driveway). In the event of a number of parking spaces that requires a stacking lane distance of 150 feet or greater, this requirement will supersede that of Sec. 27-6.108.N.2, Dead-End Driveway Length.

Table 27-6.108.O.2.a: Minimum Stacking Lane Distance for Vehicular Parking Area Entrance Driveway

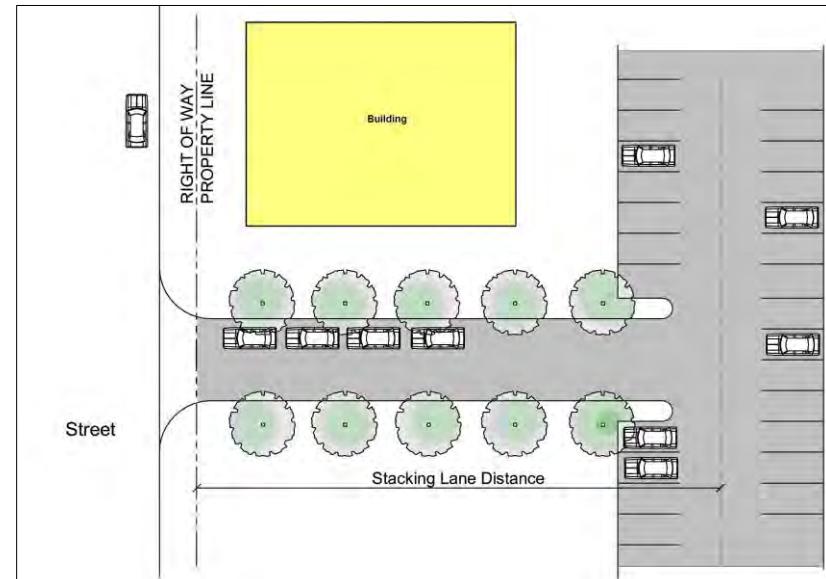
Number of Off-Street Parking Spaces [1]	Minimum Stacking Lane Distance (ft) [2]
1 - 49	25
50 - 249	50
250 - 499	100
500 or more	100 + 15 ft for every additional 50 spaces beyond 500

NOTES:

[1] Entrances into parking structures may be credited towards the stacking lane distance standard provided the parking structure entrance is accessed from a development driveway and not a primary drive aisle.

[2] Stacking lane distance is measured from the intersection of the driveway with the street right-of-way, along the centerline of the stacking lane, to its intersection with the centerline of the first entrance into a parking area or other internal intersecting driveway.

Figure 27-6.108.O.2.b: Measurement of Stacking Lane Distance for Vehicular Parking Area Entrance Driveway



27-6.109. Pedestrian Access and Circulation

A. Required Pedestrian Access

1. General Pedestrian Access

All new development except the development of an individual single-family detached dwelling or two-family dwelling on an individual lot shall be served by an internal pedestrian circulation system (including sidewalks, pedestrian paths, and/or trails) that permits safe, convenient, efficient, and orderly movement of pedestrians among the following origin and destination points within the development, as well as between the adjoining parts of an existing or planned external,

community-wide pedestrian circulation system and any adjoining transit stops, bus stops, public parks, greenways, schools, community centers, and shopping areas:

- a. The primary entrance(s) of principal buildings (or the buildable area of lots, for subdivisions);
- b. Off-street parking bays;
- c. Any designated or planned transit stations or bus stops and shelters (on-site or on an adjacent street); and
- d. Recreation facilities and other common use areas and amenities.

2. Sidewalks Required

- a. All new development, except for development fronting a rural road, or single-family development in a subdivision where the density are 1 unit per 2 acres or less, shall install sidewalks on both sides of all streets having curb and gutter construction within the development site and along the entire frontage of the development site with an existing street (unless an existing sidewalk meeting County standards is already in place).
- b. Where a development site fronts an existing street with insufficient right-of-way width to accommodate installation of a required sidewalk along the frontage, the developer shall install a sidewalk on the development site within a dedicated widening of the right-of-way or dedicated public easement running parallel and adjacent to the public street.

- c. The Planning Director may waive or modify the requirement for sidewalks where the applicant clearly demonstrates that such sidewalks are impractical or infeasible due to the presence of topographic conditions or natural features, such as steep grades that do not allow connections to be made without stairs.

B. Pedestrian Connectivity

All new multifamily, townhouse, nonresidential, and mixed-use development shall comply with the following standards:

1. The internal pedestrian circulation system shall be designed to allow for pedestrian walkway cross-access between the development's buildings and parking areas and those on adjoining lots containing a multifamily, townhouse, nonresidential, or mixed-use development, or to the boundary of adjoining vacant land zoned to allow multifamily residential, nonresidential, or mixed-use development (including land in the Residential, Transit-Oriented/Activity Center, and Nonresidential base and PD zones).
2. The Planning Director may waive or modify the requirement for pedestrian cross-access where the applicant clearly demonstrates that such cross-access is impractical or infeasible due to police concerns about through-traffic routes complicating law enforcement, Environmental Site Design requirements, or the presence of any of the following at the point(s) where through-connections would otherwise be required: topographic conditions, natural features, visual obstructions or parking space locations that create traffic hazards, or the existence of mature or protected trees.

3. Easements allowing cross-access to and from properties served by a pedestrian cross-access, along with agreements defining maintenance responsibilities of land owners, shall be recorded with the Land Records of Prince George's County before issuance of a building permit for the development.

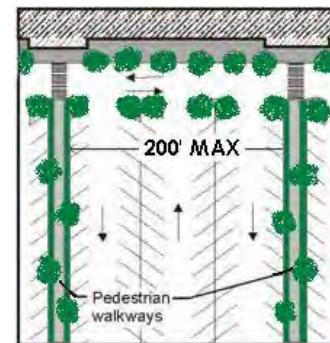
4. **Pedestrian Walkways through Large Vehicular Parking Areas and Parking Garages**

- a. **General Standards**

- i. All vehicular parking areas and parking structures containing more than 150 parking spaces shall provide a clearly identified pedestrian path between parking areas and the primary pedestrian entrance(s) to the building(s) served by the parking areas, or to a pedestrian walkway providing direct access from the furthest extent of the parking area to the primary building entrance(s).
 - ii. Vehicular parking areas containing more than 150 parking spaces shall, at a minimum, include one pedestrian walkway every 6 parallel parking rows (every three double-row parking bays) or every 200 feet, whichever is the lesser dimension (see Figure 27-6.109.B.4: Walkways Through Vehicular Parking Area). The pedestrian walkway shall be constructed of a paved surface with concrete similar to that used for sidewalk standards for public streets. Other hardscape materials, such as brick pavers, may be used provided that they allow smooth

surfaces along pedestrian paths and at vehicle crossings.

Figure 27-6.109.B.4: Pedestrian Walkways Through Vehicular Parking Area



- iii. Pedestrian walkways providing access between vehicular parking areas and associated buildings may be extended to provide the connections to abutting street sidewalks or to adjoining development required by Sec. 27-6.109.A.1, General Pedestrian Access, and Sec. 27-6.109.B, Pedestrian Connectivity.

- b. **Walkway Standards**

Required pedestrian walkways shall:

- i. Be at least five feet wide in Residential base zones and six feet wide in the Transit-Oriented/Activity Center and Nonresidential base zones, unless expressly stated otherwise in those zone regulations;
- ii. Be distinguishable from vehicular traffic lanes they cross by painted markings, a change in pavement material or color, raised paving

- height, decorative bollards, and/or flashing caution signals; and
- iii. Provide lighting similar to the lighting standards for residential streets established in the Prince George's County Specifications and Standards for Roadways and Bridges or other standards in Subtitle 23.

27-6.110. Bicycle Access and Circulation

A. Required Bicycle Access

1. Internal and Adjoining Bicycle Access

All new development, except development of an individual single-family detached dwelling or two-family dwelling on an individual lot, shall allow for internal bicycle circulation such that bicycle access to the development's primary use is safe, convenient and intuitive, specifically by providing the following, in coordination with the Department of Public Works and Transportation, State Highway Administration, or a municipality with jurisdiction over the streets.

- a. Bicycle parking facilities required by Sec. 27-6.210, Bicycle Parking Standards, in areas near the primary entrance(s) of principal buildings (or the buildable area of lots, for subdivisions) for bicycle storage;
- b. Connections to any adjacent existing or planned (identified in the applicable Comprehensive Plan) on-street or off-street bicycle facilities outside the development, or internal bicycle systems in adjacent developments;

- c. Connections to any designated or planned transit or bus stops and shelters (on-site or on an adjacent street); and
- d. Connections to any recreational amenities internal to the development, such as open space.

2. Required Bikeway Network Improvements

- a. All new development except development of single-family detached dwellings or two-family dwellings on an individual lot shall be required to install bike lanes, bike paths, or other bicycle improvements. Additional bikeway network improvements are encouraged where appropriate, such as within large development sites and to provide additional connections to nearby bicycle routes. The facilities shall be established in part, through an agreement and/or easements which include assurances for their maintenance.
- b. The director of the appropriate permitting agency may waive or modify the requirement for bike lanes, bike paths, or other bicycle improvements where the applicant clearly demonstrates that the facilities are impractical or infeasible due topographic conditions, natural features, or visual obstructions that create hazards.
- c. Where a development site fronts an existing street with insufficient right-of-way width to accommodate installation of a required bike path along the frontage, the applicant may install a bike path on the development site, within a public easement running parallel and nearby the public street. Such bicycle paths shall not be restricted from public use and shall allow physical passage at all times.

B. Bicycle Connectivity Between Developments

All new multifamily, townhouse, nonresidential, and mixed-use development shall comply with the following standards:

1. Any internal bicycle circulation system shall be designed and constructed to provide bicycle cross-access between it and any internal bicycle circulation system on adjoining parcels containing a multifamily, townhouse, nonresidential, or mixed-use development, or to the boundary of adjoining vacant land zoned to allow townhouse, multifamily, nonresidential, or mixed-use development (including land in the Residential, Transit-Oriented/Activity Center, and Nonresidential base and PD zones).
2. The Planning Director may waive or modify the requirement for bicycle cross-access on determining that such cross-access is impractical or undesirable for typical bicyclists' use due to the presence of topographic conditions, natural features, or safety factors. Undesirable conditions shall be defined as those limiting mobility for bicycles as a form of transportation, such as steep grades, narrow connections bounded on both sides by walls or embankments, or limited visibility when straight-line connections are not achievable.
3. Easements allowing cross-access to and from lands served by a bicycle cross-access, along with agreements between owners of lands that provide and are served by the cross-access defining the owners' maintenance responsibilities, shall be recorded with the Land Records of Prince George's County before issuance of a building permit for the development.

C. General Bikeway Layout and Design

1. Off-Street Bicycle Facilities

Required bicycle paths shall:

- a. Allow two-way bicycle circulation;
- b. Be at least eight feet wide when not next to walls or vertical objects and at least ten feet wide when next to these features, and surfaced with a smooth-surface (such as hot-mix asphalt), durable, and dustless material;
- c. Be distinguishable from vehicular traffic lanes they cross by painted markings, a change in pavement material or color, raised paving height, decorative bollards, and/or flashing caution signals; and
- d. Provide lighting similar to the lighting standards for residential streets established in the Prince George's County Specifications and Standards for Roadways and Bridges or other standards in Subtitle 23.

2. On-Street Bicycle Facilities

Required bike lanes shall be designed and provided in accordance with the cross-section, paving, and other standards applicable to the roadways of which they are a part.

D. Waiver

The director of the appropriate agency or municipality may waive all or part of the standards in this Subsection for private roads if it is demonstrated that bicycle access and circulation is not needed in the proposed development due to an established bicycle facility already within or abutting the

development, or that compliance with the required bicycle improvements is impracticable because topography, natural features, or the location of potential access points makes it unlikely that bicyclists will use the facilities or will create significant risks of harm to bicyclists.

Sec. 27-6.200 Off-Street Parking and Loading

27-6.201. Purpose and Intent

The purpose of this Section is to ensure provision of off-street parking and loading facilities in proportion to the generalized parking and loading demand of the different zones and different uses allowed by this Ordinance. The standards in this Section are intended to provide for adequate off-street parking and loading while supporting transit-oriented development and walkable urbanism in appropriate locations, and allowing the flexibility needed to accommodate alternative parking solutions. The standards are also intended to achieve County policies of supporting redevelopment of commercial corridors, accommodating appropriate infill development, and avoiding excessive paved surface areas.

27-6.202. Applicability

A. New Development

All new development shall provide off-street parking and loading areas in accordance with the standards of this Section.

B. Existing Development

1. Change in Use

- a.** In addition, and except as identified in Sec. 27-6.202.B.1.b below, any change in use of existing development shall be accompanied by provision of any additional off-street parking and loading spaces required for the changed use by this Section.
- b.** A change in use in the Transit-Oriented/Activity Center base and PD zones and the Commercial base zones inside the Capital Beltway, where the change in use would increase the amount of required off-street parking by no more than 50 percent of that required for the original use or 40 spaces, whichever is greater, is exempted from the off-street parking requirements of this Section.

2. Expansion

If an existing structure or use is expanded or enlarged (in terms of the number of dwelling units, floor area, or seating capacity), any additional off-street parking and loading spaces that may be required shall be provided in accordance with the requirements of this Section as applied only to the expanded or enlarged part of the structure or use.

3. Upgrading of Nonconforming Parking

Nonconforming parking facilities on the site of an enlarged, expanded, or altered structure or use area shall comply with the requirements of this Section in accordance with the standards of Sec. 27-7.600, Nonconforming Site Features.

27-6.203. Timing of Review

Review for compliance with the standards of this Section shall occur during review of a development application for a planned development (Sec. 27-3.505), detailed site plan (major or minor) (Sec. 27-3.508), subdivision (minor or major) (Subtitle 24: Subdivision Regulations), or building permit (Sec. 27-3.514), as appropriate.

27-6.204. Parking Plan or Site Plan Required

All development applications subject to review for compliance with the standards of this Section shall include a parking plan, unless a site plan meeting the requirements of this Subsection is submitted. A parking plan may be combined with the circulation plan required in Sec. 27-6.106, Circulation Plan Required, for developments meeting the threshold required in that Section. The parking plan or site plan shall accurately designate the number and location of required parking spaces, access aisles, and driveways, and the relation of the off-street parking facilities to the development they are designed to serve, including how the parking facilities coordinate with the pedestrian, bicycle, transit, and vehicular circulation systems for the development. In addition, the parking plan or site plan shall accurately designate the location and design of sidewalks, bike paths, pedestrian or bicycle pavement striping, and any other pedestrian or bicycle pathways.

27-6.205. General Standards for Off-Street Parking and Loading Areas

A. Use of Parking and Loading Areas

1. General

Off-street parking areas required by this Section shall be used solely for the parking of licensed motorized vehicles

in operating condition. Required parking spaces and loading berths may not be used for the display of goods for sale (except for food truck hubs operating pursuant to Subtitle 5 of the County Code and farmers' markets), or the sale, lease, storage, dismantling, or service of any vehicles, boats, motor homes, campers, mobile homes, building materials, equipment, or supplies.

2. Identified as to Purpose and Location

Off-street parking areas of three or more spaces and all off-street loading areas shall include painted lines, wheel stops, or other methods of identifying individual parking spaces and loading berths and distinguishing such spaces or berths from aisles. Specific dimensional and marking standards are defined in Sec. 27-6.205.D, Markings.

B. Surfacing

1. General

a. Except as provided for in Sec. 27-6.205.B.1.b and Sec. 27-6.205.B.2 below, all off-street parking and loading areas shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent hard, dustless, and bonded surface material. Use of surfacing that includes recycled materials (e.g., glass, rubber, used asphalt, brick, block, and concrete) is encouraged. These surfaces shall be maintained in a smooth, well-graded, clean, orderly, and dust-free condition.

b. Parking for uses in the Rural and Agricultural base zones may be allowed on non-engineered surfaces of grass, gravel, dirt or similar materials, provided, the following uses shall comply with Sec. 27-6.205.B.1.a above:

- i. Agricultural research facilities;
- ii. Farm supply sales or farm machinery/implement sales, rental, or repair;
- iii. Rural corporate retreats; and
- iv. Cemeteries.

2. Pervious or Semi-pervious Surfacing

The use of pervious or semi-pervious parking lot surfacing materials—including, but not limited to—pervious asphalt and concrete, open joint pavers, and reinforced grass/gravel/shell grids may be approved for off-street parking and loading areas, provided such surfacing is subject to an on-going maintenance program (e.g., sweeping, annual vacuuming) submitted to and approved by the Department of Permitting, Inspections, and Enforcement. Any pervious or semi-pervious surfacing used for aisles within or driveways to parking and loading areas shall be certified as capable of accommodating anticipated traffic loading stresses and maintenance impacts. Where possible, such materials should be used in areas proximate to and in combination with on-site stormwater control devices (see Figure 27-6.205.B.2: Use of Pervious Materials in a Parking Lot).

Figure 27-6.205.B.2: Use of Pervious Materials in a Parking Lot



C. Location and Arrangement

1. Safe and Convenient Access

- a. Off-street parking and loading areas shall be arranged for convenient access between an adjacent street and all parking spaces and loading berths to facilitate ease of mobility, ample clearance, and safety of vehicles and pedestrians. Each off-street parking space and loading berth shall have adequate, unobstructed means for the ingress and egress of vehicles.
- b. Except for off-street parking areas serving single-family detached, two-family, three-family, and mobile home dwellings, off-street parking areas shall be arranged so no parking or maneuvering incidental to parking shall occur on a public street or sidewalk.

- c. Except for off-street parking areas serving single-family detached, two-family, three-family, and mobile home dwellings, off-street parking areas shall be arranged so an automobile may be parked or unparked without having to move another automobile, unless within an automated or mechanical parking deck or garage or part of valet or tandem parking in accordance with Sec. 27-6.208, Off-Street Parking Alternatives.
- d. Off-street loading areas shall be arranged so no loading berth extends into the required aisle of a parking lot.

2. Backing onto Streets Prohibited

Except for parking areas serving single-family detached, two-family, three-family, and mobile home dwellings, all off-street parking and loading areas shall be arranged so that no vehicle is required to back out from such areas directly onto a street.

D. Markings

- 1. Each required off-street parking area and space, and each off-street loading area and berth, shall be identified by surface markings that are arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Such markings--including striping, directional arrows, lettering on signs and in handicapped-designated areas, and labeling of the pavement--shall be maintained so as to be readily visible at all times. The following uses are exempt from the requirements to mark parking and loading areas:
 - a. Single-family detached dwellings;

- b. Two-family dwellings;
 - c. Three-family dwellings; and
 - d. Uses in the Rural and Agricultural base zones, other than agricultural research facilities; farm supply sales or farm machinery/implementation sales, rental, or repair; rural corporate retreats; and cemeteries.
- 2. One-way and two-way accesses into required parking facilities shall be identified by directional arrows. Any two-way access located at any angle other than 90 degrees to a street shall be marked with a traffic separation stripe running the length of the access. This requirement does not apply to parking lot drive aisles.

E. Exterior Lighting

Lighted off-street parking and loading areas shall comply with the standards of Sec. 27-6.600, Exterior Lighting.

F. Landscaping

- 1. Off-street parking areas, except for below-grade or completely enclosed garages, shall comply with the landscaping standards of the Landscape Manual.
- 2. Any parking space in a gravel, crushed stone, or similar material lot, at the edge of a parking lot where the parking surface is adjacent to a downward slope of more than five percent, or at the edge of a parking lot where the parking surface ends at a landscaped area with no landscaping wall or vertical divider, shall include a permanently anchored wheel stop installed at the end of the parking space opposite the drive aisle.
- 3. Wheel stops, when used, shall be made of concrete, wood, metal, or other material of comparable durability,

and shall be at least six feet long and at least six inches high.

G. Accessible Parking for Persons with Physical Disabilities

Development required to provide off-street parking spaces shall ensure that a portion of the total number of required off-street parking spaces shall be specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with the standards in the Federal Americans with Disabilities Act Accessibility Guidelines.

H. Maintained In Good Repair

1. Maintained at All Times

All off-street parking and loading areas shall be maintained in safe condition and good repair at all times so as not to constitute a hazard to public safety or a visual or aesthetic nuisance to surrounding land.

I. Large Vehicular Use Areas (300 or More Spaces)

Vehicular use areas containing 300 or more parking spaces, whether developed at one time or in phases, shall be configured in accordance with the following standards:

1. Primary Drive Aisle

- a. Primary drive aisles within vehicular use areas shall be designed to appear as an extension of the public street network extending from the public right-of-way along the full length of the primary facades of structures being served by the drive. The primary drive aisle(s) shall comply with the following standards (see Figure 27-6.205.I.1: Location of Primary Drive Aisle):

- b. Have a minimum cross-section width between curbs to serve two travel lanes and accommodate parallel parking spaces along both sides of the drive aisle in areas not needed for turning movements;
- c. Be striped to designate parallel parking spaces, where appropriate;
- d. Include a sidewalk or curb-delineated pedestrian path along the front façade of a building when the drive aisle is aligned parallel to that building façade; and
- e. Provide street trees along both sides of the primary drive aisle with a maximum spacing of 40 feet on-center. Minor shade trees may be used next to the building façade within 40 feet of building entrances.

Figure 27-6.205.I.1: Location of Primary Drive Aisle



2. Pedestrian Pathways

The vehicular use area shall provide fully-separated, improved pedestrian pathways that (see Figure 27-6.205.I.2: Example of Pedestrian Pathways):

- a. Are provided, at a minimum, every six parallel parking rows (every three double-row parking bays) or every 200 feet, whichever is the lesser dimension;
- b. Are enhanced with planted landscaping strips;
- c. Include, to the maximum extent practicable, a pathway aligned with and perpendicular to the primary entrance into the building served by the parking lot;
- d. Are paved with asphalt, cement, or other comparable material;
- e. Are of contrasting color or materials when crossing drive aisles;
- f. Are in compliance with applicable State and Federal requirements while at a minimum are at least four feet wide when located within planting strips, and ten feet wide when crossing drive aisles;
- g. Connect to all existing or planned adjacent transit facilities; and
- h. Provide safe and efficient pedestrian access to the use they serve.

Figure 27-6.205.I.2: Examples of Pedestrian Pathways



J. Completion

Prior to the issuance of a certificate of occupancy, all off-street parking and loading areas serving the use or building that is the subject of the certificate of occupancy application shall be completed.

27-6.206. Off-Street Parking Space Standards

A. Minimum Number of Off-Street Parking Spaces

Except as otherwise provided for multiple use developments (see Sec. 27-6.206.C below), new development or a change in use or expansion shall provide the minimum number of off-street parking spaces in accordance with Table 27-6.206.A, Minimum Number of Off-Street Parking Spaces, based on the principal use(s) involved and the extent of development. Interpretation of the off-street parking space standards for uses with variable parking demands or unlisted uses is provided in Sec. 27-6.206.B, Unlisted Uses.

TABLE 27-6.206.A: Minimum Number of Off-Street Parking Spaces

Principal Use Category	Principal Use Type	Off-Street Parking Standards					
		RTO and LTO Zones (Base and PDs)		TAC Zone (Base and PDs)		NAC (Base and PDs)	Inside the Capital Beltway
		Core	Edge	Core	Edge		
Agriculture/ Forestry Uses	Agriculture	Not applicable				1.0 per 1,000 SF GFA of office or sales area	1.0 per 1,000 SF GFA of office or sales area
	Urban farm	Not applicable					
	Medical cannabis grower and/or processor	Not applicable				1.0 per 600 SF up to 3,000 SF; then 1.0 per additional 3,000 SF	1.0 per 600 SF up to 3,000 SF; then 1.0 per additional 3,000 SF
	Community garden	Not applicable					
	Forestry	Not applicable				No minimum	No minimum
	Keeping of horses or ponies	Not applicable				No minimum	No minimum
	Other agriculture/forestry uses	Not applicable				1.0 per 500 SF display area	1.0 per 400 SF display area
Agriculture/ Forestry Related Uses	Agriculture research facility	Not applicable				No minimum	No minimum
	Equestrian center	Not applicable				No minimum	No minimum
	Farm distribution hub	Not applicable				1.0 per 1,000 SF GFA	1.0 per 1,000 SF GFA
	Farm supply sales or farm machinery/implement sales, rental, or repair	Not applicable				1.0 per 2,500 SF of gross outdoor display area	1.0 per 2,500 SF of gross outdoor display area
	Farm market	Not applicable				2.0 spaces	3.0 spaces
	Farm winery	Not applicable				1.0 per 1,000 SF GFA	1.0 per 1,000 SF GFA
	Riding stable	Not applicable				1.0 per 2 stalls	
	Rural corporate retreat	Not applicable				1.0 per 4 guest rooms	1.0 per 4 guest rooms

TABLE 27-6.206.A: Minimum Number of Off-Street Parking Spaces

Principal Use Category	Principal Use Type	Off-Street Parking Standards						
		RTO and LTO Zones (Base and PDs)		TAC Zone (Base and PDs)		NAC (Base and PDs)	Inside the Capital Beltway	All Other Areas in the County
		Core	Edge	Core	Edge			
	Sawmill	Not applicable				1.0 spaces per 5000 SF office area	1.0 spaces per 5000 SF office area	
Open Space Uses	Arboretum or botanical garden, park or greenway, or public beach and public water-oriented recreational and educational area	No minimum						
	Cemetery	No minimum				3.0 spaces per acre of land used for grave space	3.0 spaces per acre of land used for grave space	
Household Living Uses	Artists' residential studios	No minimum	0.75 per DU	1.0 per DU	0.75 per DU	1.5 per DU	1.5 per DU	1.5 per DU
	Dwelling, live-work	Not applicable	1.0 per DU	Not applicable	1.0 per DU	1.0 per DU	2 per DU	2 per DU
	Dwelling, manufactured home	Not applicable				1.5 per DU	2.0 per DU	
	Dwelling, multifamily	No minimum	1.0 per DU (all studio and 1 BR) to 1.35 per DU (all other unit types)	1.0 per DU (all studio and 1 BR) to 1.2 per DU (all other unit types)	1.0 per DU (all studio and 1 BR) to 1.35 per DU (all other unit types)	1.0 per DU (all studio and 1 BR) to 1.35 per DU (all other unit types)	1.5 per DU	2.0 per DU
	Dwelling, single-family detached	Not applicable				1.5 per DU	2.0 per DU	
	Dwelling, three-family	No minimum	1.0 per DU	1.0 per DU	1.2 per DU	1.0 per DU	1.2 per DU	1.5 per DU
	Dwelling, townhouse	Not applicable	1.0 per DU	A No requirement	1.5 per DU	1.5 per DU	2.0 per DU	2.0 per DU
	Dwelling, two-family	Not applicable				1.5 per DU	2.0 per DU	
	Manufactured home park	Not applicable				1.5 per DU	2.0 per DU	
Group Living Uses	Assisted living facility	≤ 8 elderly or handicapped residents	No minimum	1.0 per 8 beds	1.0 per 8 beds	1.0 per 4 beds	1.0 per 4 beds	1.0 per 4 beds

TABLE 27-6.206.A: Minimum Number of Off-Street Parking Spaces

Principal Use Category	Principal Use Type	Off-Street Parking Standards						
		RTO and LTO Zones (Base and PDs)		TAC Zone (Base and PDs)		NAC (Base and PDs)	Inside the Capital Beltway	All Other Areas in the County
		Core	Edge	Core	Edge			
	> 8 elderly or handicapped residents	No minimum	1.0 per 4 beds and 1.0 per 500 SF GFA of general office space	1.0 per 4 beds and 1.0 per 500 SF GFA of general office space	1.0 per 4 beds and 1.0 per 500 SF GFA of general office space	1.0 per 4 beds and 1.0 per 500 SF GFA of general office space	1.0 per 4 beds and 1.0 per 500 SF GFA of general office space	1.0 per 4 beds and 1.0 per 500 SF GFA of general office space
	Boarding or rooming house	No minimum	1.0 per 500 SF of support space	0.5 spaces per 2 guest rooms + 1.0 per 500 SF of support space		1.0 per 2 guest rooms + 1.0 per 500 SF of support space	1.5 per 2 guest rooms + 1.0 per 500 SF of support space	1 per guest room
	Continuing care retirement community	Not applicable	1.0 per 5 residents	Not applicable	1.0 per 4 residents	1.0 per 4 residents	1.0 per 4 residents	1.0 per 4 residents
	Convent or monastery	Not applicable					1.0 per 4 residents	1.0 per 4 residents
	Private dormitory	0.75 spaces per leased occupant if parking is included in lease agreements; 0.5 spaces per leased occupant if parking is not included in lease agreements and must be rented separately						
	Fraternity or sorority house	Not applicable					1.0 per 3 residents; 1.0 per 4 residents if within one-quarter mile of designated college or university campus	1.0 per 3 residents
	Group residential facility	Not applicable	1.0 per 2 units	No requirement	1.0 per 2 units	1.0 per 2 units	1.5 per 2 units	1.5 per 2 units
Mixed Use	Mixed-use development	Determined based on Multiple Use methodology in Sec. 27-6.206.C						
Communication Uses	Wireless telecommunications tower, monopole	Not applicable					No minimum	No minimum

TABLE 27-6.206.A: Minimum Number of Off-Street Parking Spaces

Principal Use Category	Principal Use Type	Off-Street Parking Standards						
		RTO and LTO Zones (Base and PDs)		TAC Zone (Base and PDs)		NAC (Base and PDs)	Inside the Capital Beltway	All Other Areas in the County
		Core	Edge	Core	Edge			
	Broadcasting studio and newspaper/periodical printing establishment	Not applicable				1.0 per 400 SF GFA and 1.0 space per 4 seats of audience seating	1.0 per 400 SF GFA and 1.0 space per 4 seats of audience seating	
	All other communication uses	Not applicable				No minimum	No minimum	
Community Service Uses	Adult care facility	Not applicable				1.0 per 4 occupants	1.0 per 3 occupants	
	Child care center	No minimum	1.0 per 20 children	1.0 per 20 children	1.0 per 12 children	1.0 per 20 children	1.0 per 10 children	1.0 per 10 children
	Club or lodge or community-oriented associations	No minimum	1.0 per 800 SF GFA	1.0 per 800 SF GFA	1.0 per 500 SF GFA	1.0 per 800 SF GFA	1.0 per 500 SF GFA	1.0 per 500 SF GFA
	Community center/facility	No minimum	1.5 per 1,000 SF GFA	1.5 per 1,000 SF GFA	2.0 per 1,000 SF GFA	1.5 per 1,000 SF GFA	3.0 per 1,000 SF GFA	3.0 per 1,000 SF GFA
	Cultural facility	No minimum	1.0 per 1,000 SF	1.0 per 1,000 SF	2.0 per 1,000 SF	1.0 per 1,000 SF	3.0 per 1,000 SF	3.0 per 1,000 SF
	Eleemosynary or philanthropic institution	No minimum	1.0 per 1,000 SF	1.0 per 1,000 SF	2.0 per 1,000 SF	1.0 per 1,000 SF	3.0 per 1,000 SF	3.0 per 1,000 SF
	Place of worship	No minimum	1.0 per 6 seats	1.0 per 6 seats	1.0 per 5 seats	1.0 per 6 seats	1.0 per 5 seats	1.0 per 5 seats
	All other community service uses	No minimum	1.0 per 1,000 SF	1.0 per 1,000 SF	2.0 per 1,000 SF	1.0 per 1,000 SF	3.0 per 1,000 SF	3.0 per 1,000 SF
Educational Uses	College or university	No minimum	1.0 per 3 faculty/FTE	1.0 per 3 faculty/ FTE	1.0 per 3 faculty/FTE	1.0 per 3 faculty/FTE plus 1 space per 1,000 SF classroom and research space	1.0 per 2 faculty/FTE plus 1 space per 1,000 SF classroom and research space	1.0 per 2 faculty/FTE plus 1 space per 500 SF classroom and research space

TABLE 27-6.206.A: Minimum Number of Off-Street Parking Spaces

Principal Use Category	Principal Use Type	Off-Street Parking Standards						
		RTO and LTO Zones (Base and PDs)		TAC Zone (Base and PDs)		NAC (Base and PDs)	Inside the Capital Beltway	All Other Areas in the County
		Core	Edge	Core	Edge			
	Elementary, middle, or high school (private schools only)	No minimum	1.0 per 10 students (design capacity) under 10 th grade; 1.0 per 2 students 10 th grade and above	K-9: 1 space per 3 employees; Others: 1 space per 3 faculty	1.0 per 10 students (design capacity) under 10 th grade; 1.0 per 2 students 10 th grade and above	1.0 per 8 students (design capacity) under 10 th grade; 1.0 per 2 students 10 th grade and above	1.0 per 8 students (design capacity) under 10 th grade; 1.0 per 2 students 10 th grade and above	1.0 per 6 students (design capacity) under 10 th grade; 1.0 per 2 students 10 th grade and above
	Vocational or trade school	No minimum	1 space per 6 persons (enrolled)	1 space per 6 persons (enrolled)	1 space per 3 persons (enrolled)	1 space per 6 persons (enrolled)	1 space per 3 persons (enrolled)	1 space per 3 persons (enrolled)
	Water-dependent research facility operated by a government or educational institution	Not applicable					2.0 spaces per 1,000 SF GFA	2.0 spaces per 1,000 SF GFA
Health Care Uses	Hospital	No minimum	1 space per 2 beds	1 space per 2 beds	1 space per bed	1 space per 2 beds	1 space per bed	1 space per bed
	Medical or dental office or lab	No minimum	1.0 per 500 SF	1.0 per 1,000 SF	1.0 per 500 SF	1.0 per 400 SF	1.0 per 250 SF; 1.0 per 200 SF when in a single-family dwelling	1.0 per 250 SF; 1.0 per 200 SF when in a single-family dwelling
	Methadone treatment center	Not applicable					1.0 space per 1,000 SF and 1.0 space per employee	1.0 space per 1,000 SF and 1.0 space per employee
	Nursing home facility	No minimum	1.0 per 8 beds	1.0 per 8 beds	1.0 per 4 beds	No minimum	1.0 per 4 beds	1.0 per 4 beds
Transportation Uses	Airport or heliport	Not applicable					No minimum	No minimum
	Airstrip, private	Not applicable					1.0 space per airplane tie-down space	
	Park and ride facility	To be determined by public transit agency plans and desired transit service levels at facility.						

TABLE 27-6.206.A: Minimum Number of Off-Street Parking Spaces

Principal Use Category	Principal Use Type	Off-Street Parking Standards									
		RTO and LTO Zones (Base and PDs)		TAC Zone (Base and PDs)		NAC (Base and PDs)	Inside the Capital Beltway	All Other Areas in the County			
		Core	Edge	Core	Edge						
	Parking facility (as a principal use)	Not applicable									
	Transit station or terminal	To be determined by public transit agency plans and desired transit service levels at facility.									
Utility Uses	Solar energy collection facility, large-scale	Not applicable					1.0 per 500 SF GFA (office facilities)	1.0 per 500 SF GFA (office facilities)			
	Utility facility, major	Not applicable					1.0 per 500 SF GFA (office facilities)	1.0 per 500 SF GFA (office facilities)			
	Utility facility, minor	No minimum	No minimum	No minimum	1.0 per 1,000 SF GFA (office facilities)	1.0 per 1,000 SF GFA (office facilities)	1.0 per 500 SF GFA (office facilities)	1.0 per 500 SF GFA (office facilities)			
	Wind energy conversion system, large-scale	Not applicable					1.0 per 500 SF GFA (office facilities)	1.0 per 500 SF GFA (office facilities)			
Adult Businesses	All adult uses	Not applicable					3.0 per 1,000 SF GFA	5.0 per 1,000 SF GFA			
Animal Care Uses	Animal shelter	Not applicable	1.0 per 1,000 SF GFA	1.0 per 1,000 SF GFA	1.0 per 500 SF GFA	1.0 per 1,000 SF GFA	1.0 per 500 SF GFA	1.0 per 500 SF GFA			
	Kennel	Not applicable	1.0 per 500 SF GFA	1.0 per 500 SF GFA	1.0 per 250 SF GFA	1.0 per 250 SF GFA	1.0 250 SF GFA	1.0 250 SF GFA			
	Veterinary hospital or clinic	Not applicable	1.0 per 1,000 SF GFA	Not applicable	1.0 per 500 SF GFA	1.0 per 1,000 SF GFA	1.0 per 500 SF GFA	1.0 per 500 SF GFA			
Business Support Service Uses	Conference or training center	No minimum	2.0 per 1,000 SF GFA training or display space plus 1.0 per 1,000 GFA office or other administrative space	2.0 per 1,000 SF GFA training or display space plus 1.0 per 1,000 GFA office or other administrative space	3.0 per 1,000 SF GFA training or display space plus 1.0 per 1,000 GFA office or other administrative space	2.0 per 1,000 SF GFA training or display space plus 1.0 per 1,000 GFA office or other administrative space	4.0 per 1,000 SF GFA training or display space plus 2.0 per 1,000 GFA office or other administrative space	4.0 per 1,000 SF GFA training or display space plus 2.0 per 1,000 GFA office or other administrative space			
	Day labor service	No minimum	2.0 per 1,000 SF GFA	2.0 per 1,000 SF GFA	4.0 per 1,000 SF GFA	2.0 per 1,000 SF GFA	4.0 per 1,000 SF GFA	4.0 per 1,000 SF GFA			

TABLE 27-6.206.A: Minimum Number of Off-Street Parking Spaces

Principal Use Category	Principal Use Type	Off-Street Parking Standards						
		RTO and LTO Zones (Base and PDs)		TAC Zone (Base and PDs)		NAC (Base and PDs)	Inside the Capital Beltway	All Other Areas in the County
		Core	Edge	Core	Edge			
	Data processing facility	No minimum	1.0 per 1,000 SF GFA administrative office	1.0 per 1,000 SF GFA administrative office	2.0 per 1,000 SF GFA administrative office	1.0 per 1,000 SF GFA administrative office	2.0 per 1,000 SF GFA administrative office	2.0 per 1,000 SF GFA administrative office
	All other business support service uses	No minimum	2.0 per 1,000 SF GFA	2.0 per 1,000 SF GFA	2.0 per 1,000 SF GFA	2.0 per 1,000 SF GFA	4.0 per 1,000 SF GFA	4.0 per 1,000 SF GFA
Eating or Drinking Establishment Uses	Brewpub, Restaurant, and Restaurant fast food (without drive-through)	No minimum	6.0 per 1,000 SF seating area	8.0 per 1,000 SF seating area	8.0 per 1,000 SF seating area	8.0 per 1,000 SF seating area	8.0 per 1,000 SF seating area	10.0 per 1,000 SF seating area
	Restaurant, fast food	Not applicable	Not applicable	Not applicable	1.0 per 4 seats and 1.0 per 100 SF GFA not used exclusively for storage or patron seating	Not applicable	1.0 per 4 seats and 1.0 per 100 SF GFA not used exclusively for storage or patron seating	1.0 per 4 seats and 1.0 per 100 SF GFA not used exclusively for storage or patron seating
	All other eating or drinking establishment uses	Not applicable					For catering with seating, 1.0 per 4 seats	For catering with seating, 1.0 per 4 seats
Funeral and Mortuary Service Uses	All funeral and mortuary services	Not applicable	Not applicable	Not applicable	1.0 per 5 persons (legal occupancy)	Not applicable	1.0 per 4 persons (legal occupancy)	1.0 per 4 persons (legal occupancy)
Mixed-Use	Mixed-use development other than Shopping Centers as identified in this Table	Determined based on Multiple Use methodology in Sec. 27-6.206.C						
Office Uses	Contractor's office	Not applicable					1.0 per 500 SF GFA	1.0 per 500 SF GFA
	Office building, general business and professional	No minimum	1.0 per 500	1.0 per 400	1.0 per 300, up to 1,500 SF; 1 per 400 above 1,500 SF	1.0 per 300, up to 1,500 SF; 1 per 400 above 1,500 SF	1.0 per 300, up to 1,500 SF; 1 per 400 above 1,500 SF	1.0 per 300, up to 1,500 SF; 1 per 400 above 1,500 SF

TABLE 27-6.206.A: Minimum Number of Off-Street Parking Spaces

Principal Use Category	Principal Use Type	Off-Street Parking Standards						
		RTO and LTO Zones (Base and PDs)		TAC Zone (Base and PDs)		NAC (Base and PDs)	Inside the Capital Beltway	All Other Areas in the County
		Core	Edge	Core	Edge			
	Office park			Not applicable			1.0 per 300, up to 1,500 SF; 1 per 400 above 1,500 SF	1.0 per 300, up to 1,500 SF; 1 per 400 above 1,500 SF
Personal Service Uses	All personal services uses	No minimum	2.0 per 1,000 SF	2.0 per 1,000 SF	2.0 per 1,000 SF	2.0 per 1,000 SF	2.5 per 1,000 SF	2.5 per 1,000 SF
Recreation/ Entertainment Uses	Amusement Park			Not applicable			Provide alternative parking plan that demonstrates overall demand is met	
	Arena, stadium, or amphitheater			Not applicable			1.0 per 5 seats	1.0 per 5 seats
	Athletic Field with seating for ≤ 100 persons			Not applicable			1.0 per 5 seats	1.0 per 5 seats
	Cinema	No minimum	1.0 per 6 seats	1.0 per 5 seats	1.0 per 5 seats	1.0 per 5 seats	1.0 per 4 seats	1.0 per 4 seats
	Country club			Not applicable			1.0 per 3 seats	1.0 per 3 seats
	Golf course			Not applicable			5.0 spaces per hole and 1.0 space per employee and 50 percent of spaces normally required for accessory uses	
	Golf driving range			Not applicable			1.0 per tee plus 50 percent of retail requirements for auxiliary space (pro shop, concession, etc.)	
	Nightclub	No minimum	1.0 per 1,000 SF GFA	1.0 per 1,000 SF GFA	2.0 per 1,000 SF GFA	4.0 per 1,000 SF GFA	6.0 per 1,000 SF GFA	10.0 per 1,000 SF GFA
	Performance arts center	No minimum	1.0 per 6 seats	1.0 per 5 seats	1.0 per 5 seats	Not applicable	1.0 per 4 seats	1.0 per 4 seats
	Racetrack			Not applicable			Provide alternative parking plan that demonstrates overall demand is met	
	Recreation facility, indoor	No minimum	3.0 per 1,000 SF GFA	4.0 per 1,000 SF GFA	5.0 per 1,000 SF GFA	5.0 per 1,000 SF GFA	6.0 per 1,000 SF GFA	6.0 per 1,000 SF GFA

TABLE 27-6.206.A: Minimum Number of Off-Street Parking Spaces

Principal Use Category	Principal Use Type	Off-Street Parking Standards								
		RTO and LTO Zones (Base and PDs)		TAC Zone (Base and PDs)		NAC (Base and PDs)	Inside the Capital Beltway	All Other Areas in the County		
		Core	Edge	Core	Edge					
Recreation facility, outdoor	Recreation facility, outdoor	Not applicable	No minimum	Not applicable	No minimum	1 space per 5 seats	1 space per 5 seats	1 space per 5 seats		
	Shooting range	Indoor	Not applicable				3.0 per lane or target and 1.0 per 2 employees			
		Outdoor; lot area < 20 acres	Not applicable							
		Outdoor; lot area ≥ 20 acres	Not applicable							
	Waterfront entertainment/retail complex	Not applicable					Provide alternative parking plan that demonstrates overall demand is met			
Retail Sales and Service Uses	All other recreation/entertainment uses	Not applicable					1.0 per 500 SF GFA	1.0 per 500 SF GFA		
	Art gallery	No minimum	2.0 per 1,000 SF	2.0 per 1,000 SF	2.5 per 1,000 SF	2.0 per 1,000 SF	3.0 per 1,000 SF	4.0 per 1,000 SF		
	Bank or other financial institution	No minimum	1.0 per 1,000 SF	1.0 per 1,000 SF	1.0 per 500 SF	1.0 per 800 SF	1.0 per 500 SF	1.0 per 400 SF		
	Check cashing business, pawnshop, tattoo or body piercing establishment	Not applicable					3.0 per 1,000 SF	4.0 per 1,000 SF		
	Consumer goods establishment	No minimum	2.0 per 1,000 SF	2.5 per 1,000 SF	2.5 per 1,000 SF	2.5 per 1,000 SF	3.0 per 1,000 SF	4.0 per 1,000 SF		
	Farmer's market	No minimum	1.0 per 500 SF of vending area	1.0 per 500 SF of vending area	1.0 per 800 SF of vending area	1.0 per 800 SF of vending area	1.0 per 1,000 SF of vending area	1.0 per 1,000 SF of vending area		
	Grocery store or food market	No minimum	1.0 per 300 SF	1.0 per 400 SF	1.0 per 300 SF	1.0 per 300 SF	1.0 per 300 SF	1.0 per 250 SF		
	Manufactured or modular home sales	Not applicable					1.0 per 2,500 SF of gross outdoor display area			
	All other retail sales and service uses						1.0 per 300 SF	1.0 per 300 SF		

TABLE 27-6.206.A: Minimum Number of Off-Street Parking Spaces						
Principal Use Category	Principal Use Type	Off-Street Parking Standards				
		RTO and LTO Zones (Base and PDs)		TAC Zone (Base and PDs)		NAC (Base and PDs)
		Core	Edge	Core	Edge	Inside the Capital Beltway
Shopping Centers	25,000 to 400,000 SF of gross leasable floor area	Not applicable				All uses other than office, medical office and theater: 1.0 per 300 SF
		Not applicable				Medical Office and Office: 1.0 per 400 SF
		Not applicable				Theater: 1.0 per 4 seats; if at least 20 percent of shopping center is developed with office use comprising at least 15 percent of floor area, 1.0 per 6 seats
		Not applicable				Theater: 1.0 per 4 seats; if at least 20 percent of shopping center is developed with office use comprising at least 15 percent of floor area, 1.0 per 6 seats
	400,000 SF or more of gross leasable floor area	Not applicable				All uses other than office, medical office and theater: 1.0 per 300 SF
		Not applicable				Medical Office and Office: 1.0 per 400 SF
		Not applicable				All uses other than office, medical office and theater: 1.0 per 250 SF
		Not applicable				Medical Office and Office: 1.0 per 300 SF

TABLE 27-6.206.A: Minimum Number of Off-Street Parking Spaces

Principal Use Category	Principal Use Type	Off-Street Parking Standards					
		RTO and LTO Zones (Base and PDs)		TAC Zone (Base and PDs)		NAC (Base and PDs)	Inside the Capital Beltway
		Core	Edge	Core	Edge		
				Not applicable		Theater: 1.0 per 4 seats; if at least 20 percent of shopping center is developed with office use comprising at least 15 percent of floor area, 1.0 per 6 seats	Theater: 1.0 per 4 seats; if at least 20 percent of shopping center is developed with office use comprising at least 15 percent of floor area, 1.0 per 6 seats
Vehicle Sales and Service Uses	Commercial fuel depot			Not applicable		1.0 per employee	1.0 per employee
	Commercial vehicle repair and maintenance			Not applicable		4.0 per 1,000 SF	4.0 per 1,000 SF
	Commercial vehicle sales and rental and Personal vehicle sales and rental			Not applicable		2 spaces per 1,000 GFA of building	
	Gas station	Not applicable	1.0 per 600 SF GFA	Not applicable	1.0 per 600 SF GFA	1.0 300 SF GFA	1.0 300 SF GFA
	Personal vehicle repair and maintenance			Not applicable		4.0 per 1,000 SF	4.0 per 1,000 SF
	Taxi or limousine service facility	No minimum	1.0 per employee	1.0 per employee	1.0 per employee	1.0 per employee	1.0 per employee
	Vehicle equipment and supplies sales			Not applicable		3.0 per 1,000 SF	4.0 per 1,000 SF
	Vehicle paint finishing shop and vehicle or trailer storage yard			Not applicable		4.0 per 1,000 SF	4.0 per 1,000 SF
	All other vehicle sales and service uses			Not applicable		2 spaces per 1,000 GFA of building	
Visitor	Campground			Not applicable		1.0 per campsite	

TABLE 27-6.206.A: Minimum Number of Off-Street Parking Spaces

Principal Use Category	Principal Use Type	Off-Street Parking Standards						
		RTO and LTO Zones (Base and PDs)		TAC Zone (Base and PDs)		NAC (Base and PDs)	Inside the Capital Beltway	All Other Areas in the County
		Core	Edge	Core	Edge			
Accommodation Uses	Country inn	Not applicable	1.0 per guest room and 1.0 per resident caretaker	Not applicable	1.0 per guest room and 1.0 per resident caretaker	1.0 per guest room and 1.0 per resident caretaker	1.0 per guest room and 1.0 per resident caretaker	1.0 per guest room and 1.0 per resident caretaker
	Hotel or motel	No minimum	1.0 per 2 guest rooms	0.75 per guest room	1.0 per guest room	Not applicable	1.0 per guest room and 1 per 500 SF of auxiliary space	1.0 per guest room and 1 per 500 SF of auxiliary space
Water-Related Uses	Boat sales, rental, service, or repair	Not applicable					1.0 per 2,500 SF of gross outdoor display area	1.0 per 2,500 SF of gross outdoor display area
	Boat storage yard	Not applicable					2.0 spaces per 1,000 SF GFA of office or indoor space	2.0 spaces per 1,000 SF GFA of office or indoor space
	Marina (new and expansion)	Not applicable					1.0 per 2 boat slips	1.0 per boat slip
	Waterfront boat fuel sales	Not applicable					2.0 spaces per 1,000 SF GFA of office or indoor space	2.0 spaces per 1,000 SF GFA of office or indoor space
	All other water-related uses	Not applicable					Boat ramps: 15.0 spaces per ramp	Boat ramps: 15.0 spaces per ramp
Extraction Uses	All extraction uses	Not applicable					1 per 2 employees	1 per 2 employees
Industrial Service Uses	Contractor's yard, photographic processing plant	Not applicable					2.0 spaces per 1,000 SF	2.0 spaces per 1,000 SF
	Printing or similar reproduction facility, small engine repair shop	Not applicable					2.0 spaces per 1,000 SF	2.0 spaces per 1,000 SF
	Research and development	No minimum	1.0 space per 1,000 SF GFA	No minimum	1.0 space per 1,000 SF GFA	1.0 space per 1,000 SF GFA	2.0 spaces per 1,000 SF	2.0 spaces per 1,000 SF

TABLE 27-6.206.A: Minimum Number of Off-Street Parking Spaces

Principal Use Category	Principal Use Type	Off-Street Parking Standards						
		RTO and LTO Zones (Base and PDs)		TAC Zone (Base and PDs)		NAC (Base and PDs)	Inside the Capital Beltway	
		Core	Edge	Core	Edge			
	Slaughterhouse	Not applicable			1.5 spaces per 1,000 SF		2.0 spaces per 1,000 SF	
	All other industrial service uses	Not applicable			2.0 spaces per 1,000 SF		2.0 spaces per 1,000 SF	
Manufacturing Uses	Brewery, winery, or distillery, food processing or beverage bottling	Not applicable				1.0 spaces per 1,000 SF GFA	1.0 spaces per 1,000 SF GFA	
	Manufacturing, assembly, or fabrication, light	Not applicable				2.0 spaces per 1,000 SF	2.0 spaces per 1,000 SF	
	All other manufacturing uses	Not applicable				2.0 spaces per 1,000 SF	2.0 spaces per 1,000 SF	
Warehouse and Freight Movement Uses		Not applicable						
	Cold storage plant	Not applicable				2.0 spaces per 1,000 SF GFA	2.0 spaces per 1,000 SF GFA	
	Consolidated storage	Not applicable				1.0 per 4,000 SF rentable storage area;	1.0 per 3,000 SF rentable storage area; 4.0 per 1,000 SF office space; 2.0 per resident manager	
	Distribution warehouse	Not applicable				1.0 per 1,000 SF GFA	1.0 per 1,000 SF GFA	
	Motor freight facility	Not applicable				2.0 spaces per 1,000 SF GFA	2.0 spaces per 1,000 SF GFA	
	Outdoor storage (as principal use)	Not applicable				2.0 spaces per 1,000 SF GFA (office facilities)	2.0 spaces per 1,000 SF GFA (office facilities)	
	Storage warehouse	Not applicable				1.0 per 600 SF up to 3,000 SF; then 1.0 per additional 3,000 SF	1.0 per 600 SF up to 3,000 SF; then 1.0 per additional 3,000 SF	

TABLE 27-6.206.A: Minimum Number of Off-Street Parking Spaces							
Principal Use Category	Principal Use Type	Off-Street Parking Standards					
		RTO and LTO Zones (Base and PDs)		TAC Zone (Base and PDs)		NAC (Base and PDs)	Inside the Capital Beltway
		Core	Edge	Core	Edge		
	Warehouse showroom	Not applicable				2.0 spaces per 1,000 SF GFA	2.0 spaces per 1,000 SF GFA
	All other warehouse and freight movement uses	Not applicable				2.0 spaces per 1,000 SF GFA (office facilities)	2.0 spaces per 1,000 SF GFA (office facilities)
Waste-Related Uses	Composting facility, concrete recycling facility, junkyard or salvage yard, or solid waste processing facility	Not applicable				2.0 spaces per 1,000 SF GFA (office facilities)	2.0 spaces per 1,000 SF GFA (office facilities)
	Landfill, municipal	Not applicable				2.0 spaces per 1,000 SF GFA (office facilities)	2.0 spaces per 1,000 SF GFA (office facilities)
	Landfill, sanitary	Not applicable				2.0 spaces per 1,000 SF GFA (office facilities)	2.0 spaces per 1,000 SF GFA (office facilities)
	Landfill, rubble (construction and demolition debris) and Landfill, land clearing debris	Not applicable				2.0 spaces per 1,000 SF GFA (office facilities)	2.0 spaces per 1,000 SF GFA (office facilities)
	Recycling collection center	Not applicable	1.0 per attendant plus 1.0 per commercial vehicle	Not applicable	1.0 per attendant plus 1.0 per commercial vehicle	1.0 per attendant plus 1.0 per commercial vehicle; minimum of 10 spaces	1.0 per attendant plus 1.0 per commercial vehicle; minimum of 10 spaces
	Solid waste transfer station	Not applicable				2.0 spaces per 1,000 SF GFA (office facilities)	2.0 spaces per 1,000 SF GFA (office facilities)

TABLE 27-6.206.A: Minimum Number of Off-Street Parking Spaces

Principal Use Category	Principal Use Type	Off-Street Parking Standards					
		RTO and LTO Zones (Base and PDs)		TAC Zone (Base and PDs)		NAC (Base and PDs)	Inside the Capital Beltway
		Core	Edge	Core	Edge		
	All other waste related uses	Not applicable				2.0 spaces per 1,000 SF GFA (office facilities)	2.0 spaces per 1,000 SF GFA (office facilities)
Wholesale Uses	Food or beverage production for wholesale	Not applicable				1.0 per 1,000 SF GFA	1.0 per 1,000 SF GFA
	All other wholesale uses	Not applicable				1.0 per 1,000 SF GFA	1.0 per 1,000 SF GFA

B. Unlisted Uses

An applicant proposing to develop a use that is unlisted in Table 27-6.206.A, Minimum Number of Off-Street Parking Spaces, shall propose the amount of required parking by one of the three methods outlined in this Subsection. On receiving the application proposing to develop a use not expressly listed in Table 27-6.206.A, with the proposed amount of parking, the Planning Director shall:

1. Apply the minimum off-street parking space requirement specified in Table 27-6.206.A for the listed use that is deemed most similar to the proposed use;
2. Establish the minimum off-street parking space requirement by reference to resources published by the Institute for Transportation Engineers (ITE), or other sources.; or
3. Require the applicant conduct a parking demand study to demonstrate the appropriate minimum off-street parking

space requirement . The study shall estimate parking demand based on the recommendations of the ITE, or another acceptable source of parking demand data. This demand study shall include relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

C. Mixed-Use Developments and Shared Parking

1. Developments consisting of a mix of uses shall provide parking based on their potential to share parking between uses and thus reduce the overall parking footprint that would result from each individual use meeting minimum standards. This includes (1) developments containing more than one principal institutional or commercial use, or (2) one or more institutional or commercial uses along with at least one residential use. These developments shall provide parking spaces using the following shared parking method:

- a. Applicant determines the minimum parking requirement in accordance with Table 27-6.206.A: Minimum Number of Off-Street Parking Spaces, for each component principal use in the development.
- b. Applicant applies the time-of-day demand factors for each of the component uses in accordance with Table 27-6.206.C.1: Shared Parking Calculation, Time-of-Day Demand Factors. These represent the time-specific peak demand levels expected for each principal use.
- c. Applicant calculates the sum of each column in the resulting table (rounding down all fractions). These sums represent the total estimated shared demand for each time period throughout a typical day.
- d. Applicant uses the highest of these sums as the amount of parking required for the development. (This may be subject to further reduction factors and allowances described further in this Section.)

**Table 27-6.206.C.1: Shared Parking Calculation,
Time-of-Day Demand Factors**

Use	Weekday, 2:00 am – 7:00 am	Weekday, 7:00 am – 6:00 pm	Weekday, 6:00 pm – 2:00 am	Weekend, 2:00 am – 7:00 am	Weekend, 7:00 am – 6:00 pm	Weekend, 6:00 pm – 2:00 am
Office	20%	100%	20%	0%	10%	0%
Retail/ Commercial	0%	100%	80%	0%	100%	60%
Restaurant	20%	80%	100%	20%	80%	100%

**Table 27-6.206.C.1: Shared Parking Calculation,
Time-of-Day Demand Factors**

Use	Weekday, 2:00 am – 7:00 am	Weekday, 7:00 am – 6:00 pm	Weekday, 6:00 pm – 2:00 am	Weekend, 2:00 am – 7:00 am	Weekend, 7:00 am – 6:00 pm	Weekend, 6:00 pm – 2:00 am
Residential	100%	60%	100%	100%	80%	100%
Hotel/Motel	100%	60%	100%	100%	60%	100%
Personal Services	20%	100%	40%	0%	60%	0%
Conference Center or Meeting Space	0%	60%	100%	0%	80%	100%
All Other Uses	Use 100% of requirements from Table 27-6.206.A					

2. As an example of how this shared parking requirement is computed, consider the following hypothetical mixed-use development proposal, located in the core area of a Town Center Activity Center (TAC-Core) district: 15,000 SF Office; 15,000 SF Conference/Meeting Space; 10,000 SF General Retail (Consumer Goods); 100 multi-family dwelling units; and 120 hotel rooms.

- a. Minimum requirements for each of these uses would be as follows:

Use	Minimum Parking Spaces Required
Office	38
Conference/Meeting Space (uses Conference or Training Center use in Parking Table)	30
General Retail	25
Multi-family Dwelling Units	120
Hotel Rooms	90

- b. Applying these minimum requirements to the shared parking methodology would yield the need for 268 spaces, as shown in Table 27-6.206.C.2: Example Shared Parking Calculation, Time-of-Day Demand Factors. Without using the sharing calculation methodology, the development would require 303 spaces, an additional 35 over the shared approach.

Table 27-6.206.C.2: Example Shared Parking Calculation, Time-of-Day Demand Factors

Use	Weekday, 2:00 am – 7:00 am	Weekday, 7:00 am – 6:00 pm	Weekday, 6:00 pm – 2:00 am	Weekend, 2:00 am – 7:00 am	Weekend, 7:00 am – 6:00 pm	Weekend, 6:00 pm – 2:00 am
Office	8	38	8	0	4	0
Retail/ Commercial	0	25	20	0	25	15
Restaurant	-	-	-	-	-	-
Residential	120	72	120	120	96	120
Hotel/Motel	90	54	90	90	54	90
Personal Services	-	-	-	-	-	-
Conference Center or Meeting Space	0	18	30	0	24	30
SUM OF ALL SPACES	218	207	268	210	203	255

- 3. An approved shared parking arrangement shall be enforced through written agreement among all the owners or long-term lessees of lands containing the uses proposed to share off-street parking spaces. The agreement shall provide all parties the right to joint use of

the shared parking area for at least 10 years, and include provisions for extending the agreement after that period of time. The agreement shall be submitted to the Planning Director, who shall forward it to any municipality in which the development for which a shared parking arrangement is proposed is located, for review and comment, and then to the appropriate attorney for the County for review and approval before execution. An attested copy of an approved and executed agreement shall be recorded with the Land Records of Prince George's County before issuance of a building permit for any use to be served by the shared parking area. The agreement shall be considered a restriction running with the land and shall bind the owners or long-term lessees of lands containing the uses proposed to share off-street parking spaces, and their heirs, successors, and assigns. A violation of the agreement shall constitute a violation of the Ordinance, which may be enforced in accordance with Division 27-8: Enforcement.

- 4. These provisions shall not limit the opportunity to reduce the minimum number of required off-street parking spaces through approval of an alternative parking plan that justifies the feasibility of shared parking (see Sec. 27-6.208.C, Shared Parking for Single-Use Developments) or through other provisions of this ordinance.

D. Maximum Number of Off-Street Parking Spaces

The maximum number of off-street parking spaces allowed is listed in Table 27-6.206.D: Maximum Number of Off-Street Parking Spaces.

Table 27-6.206.D: Maximum Number of Off-Street Parking Spaces

Zone	Use	Maximum Number of Parking Spaces Allowed as a Percentage of Minimum [1]	
		Inside the Capital Beltway	Outside the Capital Beltway
Transit-Oriented/Activity Center base and PD zones	See Sec. 27-4.204.C.1.e.ii, Maximum Off-Street Vehicle Parking Spaces, Sec. 27-4.303.A.4, Development Standards, Sec. 27-4.303.B.4, Development Standards, Sec. 27-4.303.C.4, Development Standards, and Sec. 27-4.303.D.4, Development Standards.		
All other base zones	Any use listed under the Commercial use classification	125 percent	140 percent
	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 27-6.206.A: Minimum Number of Off-Street Parking Spaces. The maximum number of allowed spaces shall be rounded down to the nearest whole number.

E. Electric Vehicle (EV) Charging Stations

Up to 10 percent of the required number of off-street parking spaces may be used and designated as electric vehicle (EV) charging stations, subject to the standards in subsection 27-6.207 below. The Planning Director shall have authority to approve the use and designation of additional required parking spaces as EV charging stations, provided that such additional spaces shall count as only one-half of a parking space when computing the minimum number of parking spaces required. Parking spaces used as EV charging stations shall consist as one or more group(s) of contiguous spaces located where they can be readily identified by drivers of EV vehicles (e.g., through directional signage), but where their use by non-electric

vehicles is discouraged. EV charging for commercial purposes is prohibited at an EV charging station located at a residential development.

F. Driveways Used to Satisfy Standards

For single-family detached dwellings, two-family dwellings, three-family dwellings, and mobile home dwellings, driveways may be used to satisfy minimum off-street parking space standards, provided a minimum of 19 feet of driveway length is available outside a street right-of-way, easement, or sidewalk to store the length of a general purpose vehicle and satisfy the standards of this Section and this Ordinance.

27-6.207. Dimensional Standards for Parking Spaces and Aisles

A. General

Except as otherwise provided in 27-6.207.B below, standard vehicle parking spaces and parking lot aisles shall comply with the minimum dimensional standards established in Table 27-6.207.A.1, Minimum Dimensional Standards for Parking Spaces and Aisles. See Figure 27-6.207.A.2: Measurement of Parking Space and Aisle Dimension.

Table 27-6.207.A.1: Minimum Dimensional Standards for Parking Spaces and Aisles [1]

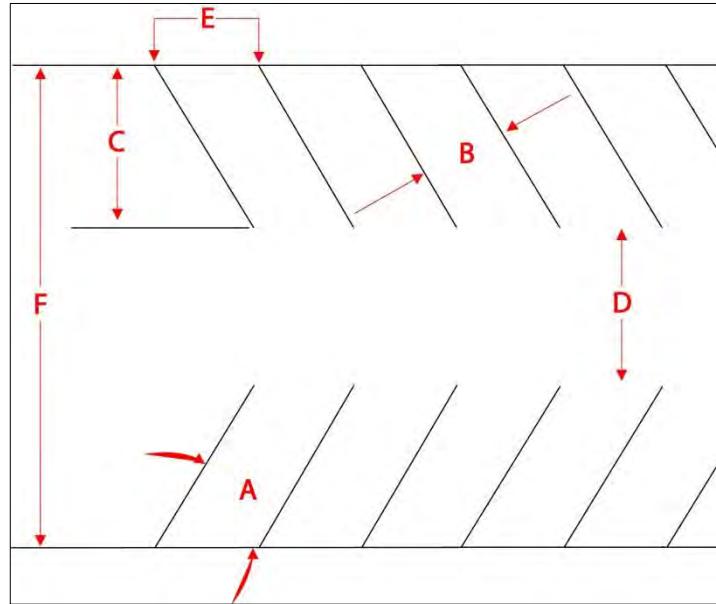
Parking Angle (degrees)	Stall Width (ft)	Stall Depth Perpendicular to Curb (ft)	Aisle Width (ft) [2]	Stall Length along Curb (ft)	Double Row + Aisle, Curb to Curb (Ft)
A	B	C	D	E	F
Residential, Public, Civic, and Institutional, and Commercial Uses ONLY					
0 (parallel parking)	8	8	11	22	27
45	9	19	12	13	50
60	9	20	15	10	50
90	9	18	22	9	58

NOTES:

[1] Refer to Figure 27-6.207.A.2, below, for illustrations showing how dimensions for parking spaces and aisles in various configurations (A-F) are measured.

[2] For one-way traffic. Aisles for two-way traffic shall be at least 22 feet wide (for all parking angles). The Planning Director may approve an aisle width less than the minimum on determining that the aisle is sufficiently wide to allow vehicles to conveniently maneuver through the parking area and access each parking space without driving through any other parking space.

Figure 27-6.207.A.2: Measurement of Parking Space and Aisle Dimensions



B. Smaller Parking Spaces for Tandem Parking and Certain Uses

The dimensions of off-street parking stalls may be reduced to a width of eight feet and a depth/length of 18 feet per vehicle where the parking stalls are:

1. Used for tandem parking (see Sec. 27-6.208.G, Valet and Tandem Parking); or
2. Located within a development containing industrial services uses, manufacturing and production uses, or warehouse and freight movement uses.

C. Vertical Clearance

All off-street parking spaces shall have a minimum overhead clearance of seven feet for vehicle parking, and 8.2 feet for van-accessible parking.

27-6.208. Off-Street Parking Alternatives

A. General; Alternative Parking Plan

1. An alternative parking plan that proposes alternatives to providing the minimum number of off-street parking spaces required by Table 27-6.206.A: Minimum Number of Off-Street Parking Spaces, may be submitted with a development application for a detailed site plan (major or minor) (Sec. 27-3.508) or building permit (Sec. 27-3.514) and may be approved by the Planning Board, the Planning Director, or the Dpie Director, whichever is the decision-maker on the application, in accordance with the standards listed below.
2. An alternative parking plan may include any one or combination of the following:
 - a. Provision of more parking spaces than the maximum allowed in accordance with Sec. 27-6.208.B;
 - b. Sharing of parking spaces in accordance with Sec. 27-6.208.C
 - c. Off-site parking spaces in accordance with Sec. 27-6.208.D;
 - d. On-street parking spaces in accordance with 27-6.208.E;
 - e. Deferred parking spaces in accordance with 27-6.208.F; and

- f. Valet and tandem parking in accordance with 27-6.208.G.

B. Provision over Maximum Allowed

An alternative parking plan prepared specifically for the proposed plan for development may propose to exceed the maximum number of off-street parking spaces allowed in Sec. 27-6.206.D, Maximum Number of Off-Street Parking Spaces, in accordance with the following standards:

1. Parking Demand Study

The alternative parking plan shall include a parking demand study demonstrating how the maximum number of parking spaces allowed by Sec. 27-6.206.D, Maximum Number of Off-Street Parking Spaces, is insufficient for the proposed development.

C. Shared Parking for Single-Use Developments

An applicant for a single-use development may use an alternative parking plan to meet a portion of the minimum number of off-street parking spaces required in Sec. 27-6.206.A for that use through sharing parking with other existing uses. Such use of shared parking shall be allowed in accordance with the following standards:

1. Maximum Shared Spaces

Up to 75 percent of the number of parking spaces required for the use may be shared with other uses, provided that parking demands do not overlap as defined in Table 27-6.206.C.1 of Sec. 27-6.206.C.

2. Location

- a. Shared parking spaces shall be located within a maximum walking distance of the primary pedestrian entrances to the uses served by the parking, in accordance with Table 27-6.208.C.2: Allowed Distances for Shared and Off-site Parking.

Table 27-6.208.C.2: Allowed Distances for Shared and Off-site Parking	
Primary Use	Maximum Allowed Distance (feet)[1]
Residential	660
Retail	800
Mixed-use	800
Office	1,320
All Others	1,320

NOTES:

[1] Distance shall be measured by the actual distance of the pedestrian path from the shared parking area to the primary pedestrian entrance(s), not a straight-line, point-to-point distance.

- b. Shared parking spaces shall not be separated from the use they serve by an arterial street unless pedestrian access across the arterial street is provided by appropriate traffic controls (e.g., signalized crosswalk), or a pedestrian walkway (such as a bridge or tunnel).

3. Pedestrian Access

Adequate and safe pedestrian access via a walkway protected by landscape buffer or a curb separation and elevation from the street grade shall be provided between the shared parking areas and the primary pedestrian entrances to the uses served by the parking.

4. Signage Directing Public to Parking Spaces

Signage complying with the standards in Sec. 27-6.1400, Signage, shall be provided to direct the public to the shared parking spaces.

5. Justification

The alternative parking plan shall include justification of the feasibility of shared parking among the proposed uses. Such justification shall address, at a minimum, the size and type of the uses proposed to share off-street parking spaces, the composition of their tenants, the types and hours of their operations, the anticipated peak parking and traffic demands they generate, and the anticipated rate of turnover in parking space use.

6. Shared Parking Agreement

- a. An approved shared parking arrangement shall be enforced through written agreement among all the owners or long-term lessees of lands containing the uses proposed to share off-street parking spaces. The agreement shall provide all parties the right to joint use of the shared parking area for at least 10 years, and include provisions for extending the agreement after that period of time. The agreement shall be submitted to the Planning Director, who shall forward it to any municipality in which the development for which a shared parking arrangement is proposed is located, for review and comment, and then to the appropriate attorney for the County for review and approval before execution. An attested copy of an approved and executed agreement shall be recorded with the Land Records of Prince George's County before issuance of a building permit for any use to be

served by the shared parking area. The agreement shall be considered a restriction running with the land and shall bind the owners or long-term lessees of lands containing the uses proposed to share off-street parking spaces, and their heirs, successors, and assigns. A violation of the agreement shall constitute a violation of the Ordinance, which may be enforced in accordance with Division 27-8: Enforcement.

- b.** No use served by the shared parking agreement may be continued if the shared parking becomes unavailable to the use, unless substitute off-street parking spaces are provided in accordance with this Section.

D. Off-Site Parking

An alternative parking plan may propose to meet a portion of the minimum number of off-street parking spaces required for a use with off-site parking—i.e., off-street parking spaces located on a parcel or lot separate from the parcel or lot containing the use—in accordance with the following standards.

1. Zone Classification

The zone classification of the off-site parking area shall be one that allows the use served by off-site parking (and thus off-street parking accessory to such use) or that allows parking as a principal use, except off-site parking may be approved on lands in the Residential zones upon approval of a special exception in accordance with Sec. _27-3.507, Special Exception.

2. Location

- a.** Off-site parking spaces shall be located within a walking distance of the primary pedestrian entrances to the uses served by the parking, in accordance with Table 27-6.208.C.2: Allowed Distances for Shared and Off-site Parking.
- b.** Off-site parking spaces shall not be separated from the use they serve by an arterial street unless safe pedestrian access across the street is provided by appropriate traffic controls (e.g., signalized crosswalk), or a grade-separated pedestrian walkway.

3. Pedestrian Access

Adequate and safe pedestrian access shall be provided between the off-site parking areas and the primary pedestrian entrances to the use served by the parking.

4. Off-Site Parking Agreement

- a.** If land containing the off-site parking area is not under the same ownership as land containing the principal use served, the off-site parking arrangement shall be established in a written agreement between the owners of land containing the off-site parking area and land containing the served use. The agreement shall provide the owner of the served use the right to use the off-site parking area for at least 10 years, . and include provisions for extending the agreement after that period of time. The agreement shall be submitted to the Planning Director, who shall forward it to any municipality in which the development for which an off-site parking arrangement is proposed is located, for review and

comment, and then to the appropriate attorney for the County, for review and approval before execution. An attested copy of an approved and executed agreement shall be recorded with the Land Records of Prince George's County before issuance of a building permit for any use to be served by the off-site parking area. The agreement shall be considered a restriction running with the land and shall bind the owners of land containing the off-site parking area and land containing the served use, and their heirs, successors, and assigns. A violation of the agreement shall constitute a violation of the Ordinance, which may be enforced in accordance with Division 27-8: Enforcement.

- b.** No use served by the off-site parking may be continued if the off-site parking becomes unavailable unless substitute off-street parking spaces are provided in accordance with this Section.

E. On-Street Parking

1. General

An alternative parking plan may propose to meet a portion of the minimum number of off-street parking spaces required through on-street parking along streets that are adjacent to the development, subject to the maximum credit allowed in Table 27-6.208.E.1: Conditions for On-Street Credit Toward Off-Street Requirements.

Table 27-6.208.E.1: Conditions for On-Street Parking Credit Toward Off-Street Requirements

Zone	Maximum Credit Allowed
RTO and LTO zones, Core area	No minimum required under Table 27-6.206.A
RTO and LTO zones, Edge area	15% or 6 spaces, whichever is less
TAC zone, Core area	10%
TAC zone, Edge area	5%
NAC zone	10% or 4 spaces, whichever is less
CGO zone	10 percent or 4 spaces, whichever is less

2. On-Street Parking Agreement

- a. If an alternative parking plan is proposed for on-street parking, the applicant shall enter into an on-street parking agreement or series of agreements, depending on ownership of the streets where on-street parking is proposed, with the Maryland State Highway Administration, the County, or any municipality with jurisdiction of the street. The agreement shall spell out the terms and conditions and duration of use for the on-street parking. The agreement shall be submitted to the Planning Director, who shall forward it to any municipality in which the development for which an on-street parking arrangement is proposed is located, for review and comment, and then to the appropriate attorney for the County, for review and approval before execution. An attested copy of an approved and executed agreement shall be recorded with the Land Records of Prince George's County before issuance of a building permit for any use to be served by the on-street parking. The agreement shall be considered a restriction running with the land and

shall bind the applicant and the applicant's heirs, successors, and assigns. A violation of the agreement shall constitute a violation of the Ordinance, which may be enforced in accordance with Division 27-8: Enforcement.

- b.** No use served by the on-street parking may be continued if the on-street parking becomes unavailable unless substitute on-street parking spaces are provided in accordance with this Section.

F. Deferred Parking

An alternative parking plan may propose to defer construction of up to 35 percent of the number of off-street parking spaces required by Table 27-6.206.A, Minimum Number of Off-Street Parking Spaces, in accordance with the following standards:

1. Justification

The alternative parking plan shall include a study demonstrating that because of the location, nature, or mix of uses, there is a reasonable probability the number of parking spaces actually needed to serve the development is less than the minimum required by Table 27-6.206.A: Minimum Number of Off-Street Parking Spaces.

2. Reserve Parking Plan

The alternative parking plan shall include a reserve parking plan identifying: (a) the amount of off-street parking being deferred, and (b) the location of the area to be reserved for future parking, if future parking is needed.

3. Parking Demand Study

- a.** The alternative parking plan shall provide assurance that within 24 months after the initial Certificate of

Occupancy is issued for the proposed development, an off-street parking demand study evaluating the adequacy of the existing parking spaces in meeting the off-street parking demand generated by the development will be submitted to the Planning Director.

- b.** If the Planning Director determines that the study demonstrates the existing parking is adequate, then construction of the remaining number of parking spaces shall not be required. If the Planning Director determines the study indicates additional parking is needed, such parking shall be provided consistent with the reserve parking plan and the standards of this Section.

4. Limitations on Reserve Areas

Areas reserved for future parking shall be brought to the finished grade and shall not be used for buildings, storage, loading, or other purposes. Such area may be used for temporary overflow parking, provided such use is sufficiently infrequent to ensure maintenance of its ground cover in a healthy condition.

5. Landscaping of Reserve Areas Required

Areas reserved for future off-street parking shall be landscaped with an appropriate ground cover, and if ultimately developed for off-street parking, shall be landscaped in accordance with Sec. 4.3, Parking Lot Requirements, of the Landscape Manual.

G. Valet and Tandem Parking

An alternative parking plan may propose to use valet and tandem parking to meet a portion of the minimum number of

off-street parking spaces required for a development with commercial uses in accordance with the following standards:

1. Number of Valet or Tandem Spaces

No more than 35 percent of the total number of parking spaces provided shall be designated for valet or tandem spaces except for restaurants, where up to 50 percent of spaces may be designated for valet parking, and hotels, where up to 60 percent of parking spaces may be designated for valet parking.

2. Drop-Off and Pick-Up Areas

The development shall provide a designated drop-off and pick-up area. The drop-off and pick-up area may be located nearby the building served, but may not be located in a fire lane or where its use would impede vehicular and/or pedestrian circulation or cause queuing in a public street or an internal drive aisle serving the development. Drop-off and pick-up areas will not be allowed in moving vehicle and bicycle travel lanes in the public right-of-way without obtaining a street closure permit. Drop-off and pick-up areas will not be allowed to use sidewalks for any stationing of vehicles.

3. Valet Parking Agreement

a. Valet parking may be established and managed only in accordance with a valet parking agreement. An applicant shall provide documentation of an active agreement to the County and include provisions ensuring that a valet parking attendant will be on duty during hours of operation of the uses served by the valet parking. The agreement shall be for a minimum of 5 years, and include provisions ensuring that a valet parking attendant will be on duty during

hours of operation of the uses served by the valet parking. The agreement shall be submitted to the Planning Director, who shall forward it to any municipality in which the development for which a valet or tandem parking arrangement is proposed, for review and comment, and then to the appropriate attorney for the County for review and approval before execution. An attested copy of an approved and executed agreement shall be recorded in the Land Records of Prince George's County before issuance of a building permit for any use to be served by the valet parking, and documentation that the agreement remains in effect shall be provided to the County on an annual basis thereafter. The agreement shall be considered a restriction running with the land and shall bind the owners of land containing the uses served by the valet parking, and their heirs, successors, and assigns. A violation of the agreement shall constitute a violation of the Ordinance, which may be enforced in accordance with Division 27-8: Enforcement.

b. No use served by valet parking may be continued if the valet service becomes unavailable and the Planning Director determines that there is not adequate parking available in the area to serve the use.

27-6.209. Reduced Parking Standards for Parking Demand Reduction Strategies

Use of alternative transportation and transportation demand reduction strategies in Subtitle 20A allows development to reduce the amount of parking provided beyond the requirements of Sec.

27-6.206: Off-street Parking Space Standards. This Subsection is intended to establish how certain reductions in the minimum parking standards in Table 27-6.206.A: Minimum Number of Off-Street Parking Spaces, may be approved by the Planning Director. It allows applicants to establish Transportation Demand Management plans for individual developments in the absence of a Transportation Demand Management District as defined in Subtitle 20A. These reductions will be allowed based on the following strategies for reducing parking demand. All reductions in accordance with Secs. 27-6.209.A through 27-6.209.D shall be taken as cumulative and not exclusive, and the cumulative calculation shall follow the order presented in Secs. 27-6.209.A through 27-6.209.D.

A. Transit Accessibility

The Planning Director may authorize the following reduction in the minimum number of off-street parking spaces required by Table 27-6.206.A: Minimum Number of Off-Street Parking Spaces, for uses located near a high-service transit stop, defined as any station, bus stop or other transit facility served by scheduled transit on weekday peak-level frequencies of 15 minutes or less and weekday off-peak frequencies of 20 minutes or less:

1. Up to a 50 percent reduction for uses located within a one-quarter mile (1,320 feet) radius of a high-service transit stop; or
2. Up to a 15 percent reduction for uses located between a one-quarter mile (1,320 feet) radius and one-half mile (2,640 feet) radius of a high-service transit stop.

B. Transportation Demand Management

The Planning Director may, through approval of a Transportation Demand Management (TDM) plan, authorize up to a 30 percent reduction in the minimum number of off-street parking spaces required by Table 27-6.206.A: Minimum Number of Off-Street Parking Spaces, for nonresidential or mixed-use developments having a floor area of at least 25,000 square feet, in accordance with the following standards.

1. TDM Plan Requirements

The TDM plan shall include facts, projections, an analysis (e.g., type of development, proximity to transit and/or other multi-modal systems, anticipated number of employees and/or patrons, minimum parking requirements) and indicate the types of transportation demand management activities that will be instituted to reduce single-occupant vehicle use and reduce traffic congestion. The plan shall identify the amount by which parking requirements have been reduced from the amounts otherwise required by this Section.

2. Transportation Demand Management Activities

The TDM plan shall be required to provide the following transportation demand management activities:

- a. A “Guaranteed Ride Home” program that offers emergency ride services to each employee with an allowance of no fewer than four rides per year, that an applicant may establish to serve the development or in partnership with other developments or uses, or by participating in the Metropolitan Washington Council of Governments Commuter Connections program (or its designated successor for these services).

- b.** Written disclosure of transportation information and educational materials to all employees, that makes transportation and ride-sharing information available to employees, residents, and nonresidents. This does not need to be a unique role and may be met by human resources officers or other administrators of an organization.
 - c.** Formation of transportation demand reduction programs such as carpooling, vanpooling, ridesharing, subsidy of employee transit passes beyond standard tax credits already provided by State and Federal governments, teleworking, and shuttle service programs.
- 3. Two Transportation Demand Management Options Required**

The plan will also require at least two of the following transportation demand management strategies.

 - a.** Establishment of a development-specific website that provides multi-modal transportation information such as real-time travel/traffic information, transit schedules, bus schedules and maps, and logging of alternative commutes (e.g., bicycle, pedestrian, carpool, and vanpool). Specific information will vary depending on the specific services and transportation infrastructure available in the vicinity of the development, but in general will allow tenants or customers to compare travel modes available.
 - b.** In-lieu of the website described in Sec. 27-6.209.B.3.a above, installation of a real-time visual display screen or other display device of this type that provides multi-modal transportation information, as described above.
 - c.** Parking cash-out or transportation stipend, or provision of a cash incentive to employees not to use parking spaces otherwise available to tenants of a development.
 - d.** Unbundling of parking from multifamily and mixed use development leases, as well as other types of development, or issuing tenant leases that do not include parking as an integral part of a floor-area space lease and require parking to be leased, purchased, or otherwise accessed through separate payment.
 - e.** Creation of a Preferential Parking Management Plan that specifically marks spaces for registered carpool and/or vanpool vehicles that are located near building entrances or in other preferential locations.
 - f.** Institution of off-peak work schedules that allow employees to arrive and depart at times other than the peak morning commute period (defined as 7:00 a.m. to 9:00 a.m.) and peak evening commute period (defined as 5:00 p.m. to 7:00 p.m.).
 - g.** Any other transportation demand management activity as may be approved by the Planning Director as a means of complying with the parking reduction provisions of this Subsection.
 - h.** Fully funding a bicycle sharing station which is connected to and/or part of a regional system (e.g., Capital Bikeshare).

4. Recording of TDM Plan

- a.** A copy of the approved TDM plan shall be recorded with the Land Records of Prince George's County before issuance of a building permit for the development to be served by the plan. The TDM plan shall be recorded against the land, and the applicant and/or successors in interest in the land shall be responsible for implementing the plan in perpetuity.

5. TDM Program Coordinator

- a.** The applicant shall appoint a TDM program coordinator to oversee transportation demand management activities.
- b.** The TDM program coordinator shall be a licensed engineer, certified planner, or a traffic consultant that is also a qualified or trained TDM professional.
- c.** The TDM program coordinator shall be appointed prior to issuance of a certificate of occupancy for the buildings to be served by the transportation demand management program.
- d.** If the development is located within an established business improvement district, a Transportation Demand Management District as defined in Subtitle 20A, or other such organization that offers TDM services, the applicant may identify that organization's appropriate staff person as the TDM coordinator provided that the applicant agrees to participate in that organization's TDM programs and meet all required organizational membership obligations.

- e.** If the development is located within a municipality, the applicant shall coordinate the TDM program with the appropriate municipal representatives.

6. TDM Report

The TDM program coordinator shall submit to the Planning Director a report on a biennial basis that details implementation of the approved TDM plan and how it has successfully met or failed to meet the target reduction in drive-alone trips that justified the original reduction in parking because of its effectiveness in reducing driving demand, in turn reducing the need for parking. The report may include, but is not limited to, the following:

- a.** A description of transportation demand management activities undertaken;
- b.** An analysis of parking demand reductions based on employee and/or resident use of ridership programs or alternative transportation options;
- c.** Changes to the TDM plan to increase transit ridership, bicycle ridership, and other commuting alternatives, as defined in Sec. 27-6.209.B.7 below; and
- d.** The results of an employee transportation survey.

7. Amendments

The Planning Director may approve amendments to an approved TDM plan in accordance with the procedures and standards for its original approval. Changes in transportation options subsequent to the approval of the original plan that allow a development to meet the reduction targets identified in the original plan, such as introduction of new transit service to a development area,

shall not require amendments to the plan as long as annual reports can demonstrate that these services are contributing to the plan's intent.

8. Parking Required if TDM Terminated

If the applicant or successors in interest in the development subject to a TDM plan stop implementing the plan or fail to submit a TDM report within one year of the regularly scheduled date the biennial report is due, the TDM plan shall be terminated and become null and void. Any such termination of the TDM plan does not negate the parties' obligations to comply with parking requirements of this Section and this Ordinance, and thus shall constitute a violation of this Ordinance. No use served by the TDM plan may be continued unless another TDM plan is approved or all required off-street parking spaces are provided in accordance with this Section and this Ordinance, within 120 days of termination of the TDM plan.

C. Special Facilities for Bicycle Commuters

The Planning Director may authorize up to a five percent reduction in the minimum number of off-street parking spaces required by Table 27-6.206.A: Minimum Number of Off-Street Parking Spaces, for developments that comply with the bicycle parking standards in Sec. 27-6.210, Bicycle Parking Standards, and provide both of the following:

- 1.** Additional enclosed (indoor or locker) and secure bicycle parking spaces equal to at least five percent of the number of vehicle parking spaces provided; and
- 2.** Shower and dressing areas for employees.

D. Other Eligible Alternatives

The Planning Director may authorize up to a 10 percent reduction in the minimum number of off-street parking spaces required by Table 27-6.206.A: Minimum Number of Off-Street Parking Spaces, in exchange for any other strategy that an applicant demonstrates will effectively reduce parking demand on the site of the subject development, provided the applicant also demonstrates that the proposed development plan will do at least as good a job in protecting surrounding neighborhoods, maintaining traffic-circulation patterns, and promoting quality urban design as would strict compliance with the otherwise applicable off-street parking standards.

27-6.210. Bicycle Parking Standards

A. Bicycle Racks or Lockers Required

- 1.** In all zones except the RTO, LTO, TAC, and NAC base and PD zones, all parking areas shall provide bicycle racks or lockers sufficient to accommodate the parking of at least two bicycles, regardless of the number of vehicle spaces provided (up to ten spaces). At least one additional bicycle space shall be provided for each additional ten parking spaces or major fraction thereof, provided, no more than 20 bicycle parking spaces shall be required for any single vehicular parking area. Specific requirements for particular uses are as follows:
 - a.** For multifamily dwellings and uses in the Group Living Uses principal use category other than private dormitories, one space shall be required per four dwelling units, with no fewer than two bicycle parking spaces provided and no more than 49 spaces.

- b. For private dormitories, 0.25 spaces per leased occupant shall be required if automobile parking is included in lease agreements or 0.4 spaces per leased occupant shall be required if automobile parking is not included in lease agreements and must be rented separately, up to a maximum of 50 spaces.
 - c. For private elementary, middle, and high schools, one space per ten employees plus one space for each 20 students (in grades four and higher) of planned capacity shall be required.
 - d. For private colleges and universities, one space per ten employees plus one space for each five students of planned capacity shall be required. Of these student-required spaces, generally half should be for short-term storage (outdoors and convenient to building entrances and other major destinations of the use) and the other half should be for long-term storage (which may be inside buildings, in lockers, or in other specialized covered and secured bicycle parking areas).
2. In the RTO, LTO, TAC, and NAC base and PD zones, all parking areas shall provide bicycle racks or lockers sufficient to accommodate the parking of at least four bicycles, regardless of the number of vehicle spaces provided, and at least two additional bicycles for every ten parking spaces, or major fraction thereof, above ten spaces.
3. Racks must allow a bicycle's frame to rest against the rack in at least two places, and for both a wheel and section of the frame to be secured to the rack simultaneously. Racks that allow only a wheel to rest against the rack will not be counted toward meeting the minimum bicycle

requirements. Applicants should consult best practices sources such as the Association of Pedestrian and Bicycle Professionals *Bicycle Parking Guidelines* for guidance on types of racks that are appropriate to meet this requirement.

B. Bike Parking Rack or Locker Location

- 1. Required bicycle racks shall be installed on a paved surface and located in visible, well-lighted areas conveniently accessible to the primary entrances of a development's principal building(s). At least four of the required spaces serving nonresidential development shall be located within 50 feet of the main entrance to the use. They shall be located where they do not interfere with pedestrian traffic and are protected from conflicts with vehicular traffic.
- 2. In the RTO, LTO, TAC, and NAC base and PD zones, developments may place up to 20 percent of required bicycle parking in the public right-of-way as street furnishings (subject to the approval of the operating agency or municipality with jurisdiction), provided that they are all within 100 feet of the entrance of the use and that they allow sufficient space (generally 3 feet on either side of a rack) for placement and removal of bicycles. Developments may count existing bicycle parking along frontage streets and in the street right-of-way toward these requirements.
- 3. Long-term parking facilities should be provided for uses where bicycle access is expected to serve stays of eight hours or more, such as office commutes or overnight stays at a residence or hotel. If used, this parking does not need to meet location criteria for regular parking, such as a distance from a building entrance, but shall:

- a. Be located in a secure, clean and well-lighted area, whether inside a building, in an auxiliary structure, or in an outdoor covered location;
 - b. Protect bicycles from wind, rain, sun, debris and other outdoor elements;
 - c. Be signed so that directions to entrances of related uses are clearly understood;
 - d. Allow sufficient spacing of racks or lockers for storage, maneuvering and removal of bicycles;
 - e. Be available and accessible for all building tenants during the building's hours of operation. (For residential tenants, each space should be accessible 24 hours a day, seven days a week);
 - f. If located in an enclosed area, only be accessible to those authorized to use the space (to limit vandalism and theft);
 - g. If in a parking garage for long-term bicycle parking, be clearly marked as long-term bicycle parking spaces, be in a well-lighted, visible location near the main entrance of elevators, and separated from vehicle parking by a barrier that minimizes the possibility of a parked bicycle being hit by a car, and be located no lower than the first complete parking level below grade, and no higher than the first complete parking level above grade.
4. Bicycle parking spaces shall be placed at least three feet away from the associated structure to allow sufficient room for parking a bicycle. Bicycle racks should be installed to allow for at least 30 inches of spacing between each rack.

27-6.211. Loading Area Standards

A. Minimum Number of Off-Street Loading Berths

Any new development involving the routine vehicular delivery or shipping of goods, supplies, or equipment to or from the development shall provide a sufficient number of off-street loading berths to accommodate the delivery and shipping operations of the development's uses in a safe and convenient manner. Table 27-6.211.A: Minimum Number of Off-Street Loading Berths, sets forth the minimum number of loading berths for the different principal uses. For proposed uses not listed in Table 27-6.211.A: Minimum Number of Off-Street Loading Berths, the requirement for a use most similar to the proposed use shall apply.

Table 27-6.211.A: Minimum Number of Off-Street Loading Berths

Principal Use Classification/Category	Gross Floor Area (GFA)	Minimum Number of Loading Berths
Institutional and Commercial Uses		
Retail Sales and Service Uses	At least 5,000 sq ft but less than 10,000 sq ft	1
	At least 10,000 sq ft but less than 100,000	2
	Each additional 100,000 sq. ft. or major fraction thereof	add 1
Shopping Centers	At least 25,000 sq ft and up to 100,000 sq ft	3 for the entire shopping center
	Each additional 100,000 Sq. Ft. or major fraction thereof	add 1
Household Living Uses (Multifamily only) and Group Living Uses (Assisted Living Facility only)	At least 100 dwelling units and up to 300 dwelling units	1
	Each additional 200 dwelling units or major fraction thereof	add 1

Table 27-6.211.A: Minimum Number of Off-Street Loading Berths

Principal Use Classification/Category	Gross Floor Area (GFA)	Minimum Number of Loading Berths
Healthcare Uses, Business Support Service Uses, Office Uses, Personal Service Uses and Visitor Accommodation Uses (Hotel-Motel only)	At least 10,000 sq ft and up to 100,000 sq ft	1
	Each additional 100,000 sq. ft. or major fraction thereof	add 1
Industrial Uses		
Industrial Service Uses and Manufacturing Uses	At least 2,000 sq ft but less than 25,000 sq ft	1
	At least 25,000 sq ft but less than 50,000 sq ft	2
	Each additional 50,000 sq. ft. or major fraction thereof	3
Warehouse and Freight Movement Uses (except Consolidated Storage)	At least 1,500 sq ft and up to 10,000 sq ft	1
	Each additional 40,000 sq. ft. or major fraction thereof	add 1

B. Dimensional Standards for Loading Areas

1. Each loading berth shall be of sufficient size to accommodate the types of vehicles likely to use the loading area. The minimum loading berth size that presumptively satisfies loading berth needs is least 12 feet wide and 45 feet long in general industrial, distribution, or warehousing uses. For all other uses, a berth as short as 33 feet may be allowed. The Planning Director may require a larger loading berth or allow a smaller loading berth on determining that the characteristics of the particular development warrant such increase or reduction and the general standard is met.

2. Each loading berth shall have at least 15 feet of overhead clearance.

C. Location of Loading Areas

1. To the maximum extent practicable, loading areas shall be placed away from a public street and screened from view in accordance with the Landscape Manual (see Figure 27-6.211.C: Loading Area Configuration).
2. Loading areas shall be located adjacent to the building's loading doors, in an area that promotes their practical use.
3. Loading areas shall be located and designed so vehicles using them can maneuver safely and conveniently to them from a public street and complete loading without obstructing or interfering with any public rights-of-way, parking spaces, parking lot aisles, or pedestrian pathways.

Figure 27-6.211.C: Loading Area Configuration



Sec. 27-6.300 Open Space Set-Asides

27-6.301. Purpose and Intent

Open space set-asides are intended for the use and enjoyment of a development's residents, employees, or users. Open space set-asides serve numerous purposes, including preserving natural, historical, and archeological resources, ensuring resident access to open areas and active recreation (incorporating land dedicated as parkland in accordance with Subtitle 24, Sec. 24-3.600, Parklands and Recreation Facilities, as open space set-asides), reducing the heat island effect of developed areas, providing civic and meeting spaces, enhancing storm water management, and providing other public health benefits.

27-6.302. Applicability

- A. Unless exempted in accordance with Sec. 27-6.302.B below, the standards in this Section shall apply to all new development in the County.
- B. The following development shall be exempted from the standards in this Section:
 1. Rural and agricultural, and open space uses; and
 2. Any individual single-family detached dwelling or two-family dwelling on a single lot.

27-6.303. Timing of Review

Review for compliance with the standards of this Section shall occur during review of a development application for a planned development (Sec. 27-3.505), detailed site plan (major or minor) (Sec. 27-3.508), subdivision (minor or major) (Subtitle 24:

Subdivision Regulations), or building permit (Sec. 27-3.514), as appropriate.

27-6.304. Amount of Open Space Set Asides Required

Development subject to the standards in this Section shall provide the minimum amounts of open space set-asides identified in Table 27-6.304: Required Open Space Set-Asides, based on the use classification.

Table 27-6.304: Required Open Space Set-Asides

Use Classification	Minimum Open Space Set-Aside Area (as percentage of development site area)			
	Rural and Agricultural Base Zones	Residential Base and PD Zones	Nonresidential Base Zones and IE-PD Zone	Transit-Oriented/Activity Center Base and PD Zones, MU-PD Zone
Residential Uses	20%	20%	15%	7.5%
Public, Civic, and Institutional Uses	10%	10%	7.5%	5%
Commercial Uses and Mixed-Uses	10%	10%	7.5%	5%
Industrial Uses	10%	10%	5%	5%

27-6.305. Areas Counted as Open Space Set-Asides

- A. The features and areas identified in Table 0: Open Space Set-Aside Features, shall be credited towards compliance with the open space set-aside standards of this Section for development in the areas indicated.

Table 0: Open Space Set-Aside Features		
Area Counted as Common Open Space Set-Asides	Description	Design and Maintenance Requirements
Natural Features		
 	Natural features (including lakes, ponds, rivers, streams, bays, shorelines, wetlands, drainageways, and other riparian areas), riparian buffers, flood hazard areas, steep slopes (15 percent or more), wildlife habitat and woodland conservation areas established in accordance with Division 2 of Subtitle 25 of the County Code	Preservation of any existing natural features shall have highest priority for locating open space set-asides, except in the Transit-Oriented/Activity Center base and planned development zones, the IE and IH base zones, and the IE-PD zone. Maintenance is limited to the minimum removal and avoidance of hazards, nuisances, and unhealthy conditions.
Active Recreational Areas		
	Land occupied by areas and facilities used for active recreational purposes, such as ballfields, playgrounds, tennis courts, pools, jogging trails, and community buildings and clubhouses, and land dedicated for parks in	Active recreational areas may occupy up to 100 percent of the open space set-asides (if no natural features exist on the site) except in the Transit-Oriented/Activity Center base and PD zones, the Nonresidential base zones, and the IE-PD zone. No less than 35 percent of the total open space set-aside area within a residential development outside the Transit-Oriented/Activity

Table 0: Open Space Set-Aside Features		
Area Counted as Common Open Space Set-Asides	Description	Design and Maintenance Requirements
	accordance with Subtitle 24, Sec. 24-3.600, Parklands and Recreation Facilities.	Center base and PD zones shall consist of active recreational areas. Active recreational areas shall be compact and contiguous, to the maximum extent practicable, unless used to link or continue existing or public open space lands.
Passive Recreation (Including Plantings and Gardens)		
 	Formally planned and regularly maintained open areas that provide passive recreation opportunities, including arranged plantings, gardens (including community gardens), gazebos, and similar structures.	Passive recreation shall have direct access to a street.

Table 0: Open Space Set-Aside Features

Area Counted as Common Open Space Set-Asides	Description	Design and Maintenance Requirements
Squares, Forecourts, and Plazas		
 	<p>Squares, forecourts, plazas, and civic greens that provide active gathering places and opportunities to create special places.</p>	<p>Such features shall be at least 600 square feet in area. Such features shall have direct access to a street or sidewalk or pedestrian way that connects to a street and shall be designed to accommodate people sitting and gathering, incorporating benches, tables, fountains, or other similar amenities. Surrounding buildings shall be oriented toward the square, forecourt, or plaza when possible, and a connection shall be made to surrounding development. No less than 50 percent of the total open space set-aside area within the core area of a Transit-Oriented/Activity Center base or PD zone shall be a square, forecourt, or plaza.</p>
Required Landscape Areas and Agricultural Buffer		
	<p>All areas occupied by required landscaping areas, tree protection areas, perimeter buffers, vegetative screening, and riparian buffers, and agricultural</p>	<p>See Landscape Manual and Sec. 27-6.1200: Agricultural Compatibility Standards.</p>

Table 0: Open Space Set-Aside Features

Area Counted as Common Open Space Set-Asides	Description	Design and Maintenance Requirements
 	<p>buffers, except landscaped area within vehicular use areas.</p>	
Stormwater Management Areas Treated as Site Amenities		
 	<p>Up to 75 percent of the land area occupied by stormwater management facilities (including retention and detention ponds and other bioretention devices), when such features are treated as an open space site amenity.</p>	<p>To qualify, stormwater management facilities shall support passive recreation uses by providing access, gentle slopes (less than 3:1), and pedestrian elements such as paths and benches, and shall be subject to a maintenance agreement approved by the operating authority or agency having regulatory authority over the facility.</p>

Table 0: Open Space Set-Aside Features		
Area Counted as Common Open Space Set-Asides	Description	Design and Maintenance Requirements
Public Access Easements with Paths or Trails		
	<p>Public access easements that combine utility easements with paths or trails that are available for passive recreational activities such as walking, running, and biking</p>	<p>Such public access easements shall include at least one improved access from a public street, sidewalk, or trail that includes signage designating the access point.</p>

- B. Open spaces required by any other section in this Subtitle or any provision in Subtitle 24, Subdivisions, shall be credited toward compliance with the open space set aside standards in Table 27-6.304: Required Open Space Set-Asides, if they are located and designed in accordance with the standards in this Section.

27-6.306. Areas Not Counted as Open Space Set-Asides

The following areas shall not be counted as open space set-asides:

- A. Private yards not subject to an open space or conservation easement;

- B. Street rights-of-way or private access easements, including sidewalks located within those rights-of-way or easements;
- C. Vehicular parking areas or lots (excluding the landscaped areas);
- D. Driveways for dwellings;
- E. Land covered by structures not designated for active recreational uses;
- F. Designated outdoor storage areas; and
- G. Stormwater management facilities and ponds, unless located and designed as a site amenity (e.g., with low fencing, vegetative landscaping, gentle slopes, fountain or other visible water-circulation device, and pedestrian access or seating).

27-6.307. Design Standards for Open Space Set-Asides

Land used as an open space set-aside shall comply with the following design standards:

A. Location

Open space shall be located so as to be readily accessible and useable by occupants and users of the development. Where possible, a portion of the open space set-aside should provide focal points for the development through prominent placement or easy visual access from streets.

B. Configuration

- 1. Open space set-asides shall be compact and contiguous unless a different configuration is needed to continue an existing trail or accommodate preservation of natural, historical, and archeological resources.

2. If the development site is adjacent to existing or planned public trails, parks, or other public open space area land, the open space set-aside shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the trail, park, or other public land (see Figure 27-6.307.B.1: Example Open Space Set-Aside Configuration; Figure 27-6.307.B.2: Example Open Space Set-Aside Configuration, Townhouse Development; and Figure 27-6.307.B.3: Example Open Space Set Aside Configuration, Commercial Development).

C. Orientation of Adjacent Buildings

To the maximum extent possible, buildings adjacent to the required open space set-asides shall have at least one entrance facing the open space set-aside.

Figure 27-6.307.B.1: Example Open Space Set-Aside Configuration



Figure 27-6.307.B.2: Example Open Space Set-Aside Configuration, Townhouse Development



Figure 27-6.307.B.3: Example Open Space Set Aside Configuration, Commercial Development



D. Prioritization of Open Space Set-Aside

1. Except in the Transit-Oriented/Activity Center zones, and to the maximum extent practicable, open space set-asides shall be located and organized to include, protect, and enhance as many of the following open areas and features as possible, in the following general order of priority:
 - a. Natural features such as riparian areas, riparian buffers, shorelines, flood hazard areas, floodplains, wetlands, steep slopes, and wildlife habitat and woodland areas;
 - b. Water features such as rivers, bays, lakes, creeks, canals, natural ponds, and retention and detention ponds;
 - c. Protected trees and other mature trees;
 - d. Parks and trails (regardless of public or private ownership);
 - e. Lands with active agricultural uses and activities;
 - f. Perimeter buffers or visual transitions between different types or intensities of uses;
 - g. Areas that accommodate multiple compatible open space set-aside uses rather than a single use; And
 - h. Historic and archeological features.

2. In the Transit-Oriented/Activity Center zones, and to the maximum extent practicable, open space set-asides shall be located and organized to include, protect, or enhance the open areas and features identified in Sec. 27-6.307.D.1 above, except that the establishment of squares, plazas, forecourts, civic greens, and similar urban open space amenities shall have the highest priority.

27-6.308. Development in Open Space Set-Asides

Development within open space set-asides shall be limited to that appropriate to the purposes of the type(s) of open space set-asides. Where appropriate, such development may include, but is not limited to, walking, jogging, and biking paths or trails; benches or other seating areas; meeting areas; tables, shelters, grills, trash receptacles, and other picnic facilities; docks and other facilities for fishing; environmental education guides and exhibits; historic interpretive signage; gazebos and other decorative structures; fountains or other water features; play structures for children;

gardens or seasonal planting areas; pools; athletic fields and courts; and associated clubhouses.

27-6.309. Ownership, Management, and Maintenance of Open Space Set-Asides

- A. Open space set-asides required by this Ordinance or by Subtitle 24, Subdivisions, shall be managed and maintained in compliance with all applicable provisions of Maryland law. To the extent not inconsistent with Maryland law, such open space set-asides shall be managed and maintained as permanent open space through one or more of the following options:
1. Conveyance of open space set-aside areas to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintaining the land for its intended open space purposes, in perpetuity;
 2. Conveyance of open space set-aside areas to a third party beneficiary such as an environmental, historical, or civic organization, a municipality, or M-NCPPC, that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended open space purposes, in perpetuity;
 3. Establishment of easements on those parts of individually-owned lots including open space set-aside areas that require the areas to be managed consistent with the land's intended open space purposes and prohibit any inconsistent future development, in perpetuity; or
 4. If public stormwater management facilities treated as site amenities, through stormwater management easements.

- B. All options involving private ownership of open space set-aside areas shall include deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open space purposes, in perpetuity, and provide for the continued and effective management, operation, and maintenance of the land and facilities.
- C. Responsibility for managing and maintaining open space set-asides rests with the owner of the land of the open space set-asides. Failure to maintain open space set-asides in accordance with this Section and the development approval or permit shall be a violation of this Ordinance.

Sec. 27-6.400 Landscaping

All development shall comply with the requirements of the Prince George's County Landscape Manual, which is incorporated herein by reference.

Sec. 27-6.500 Fences and Walls

27-6.501. Purpose and Intent

The purpose and intent of this Section is to regulate the location, height, and appearance of fences and walls to:

- A. Maintain visual harmony within neighborhoods and throughout the County;
- B. Protect adjacent lands from the indiscriminate placement and unsightliness of fences and walls;
- C. Ensure the safety, security, and privacy of land; and
- D. Ensure that fences and walls are subject to timely maintenance, as needed.

27-6.502. Applicability

A. General

Unless exempted in accordance with Sec. 27-6.502.B below, the standards in this Section shall apply to all construction, reconstruction, or replacement of fences or walls.

B. Exemptions

The following fences and walls are exempt from the standards of this Section:

1. Fences and walls required for support of a principal or accessory structure;
2. Fences and barricades around construction sites;
3. Fences for tree protection (temporary and permanent);
4. Landscaping berms installed without fences;
5. Noise attenuation walls installed by a public agency along a public roadway;
6. Fences and walls necessary for soil erosion and control;
7. Retaining walls, except for the standards of Sec. 27-6.511, Retaining Walls;
8. Fences at parks and schools, where such uses are owned by public agencies or are subject to the County's Mandatory Referral process; and
9. Specialized fences used for protecting livestock or for other similar agricultural functions if part of a use in the Rural and Agricultural Uses use classification.

27-6.503. Timing of Review

Review for compliance with the standards of this Section shall occur during review of a development application for a planned development (Sec. 27-3.505), detailed site plan (major or minor) (Sec. 27-3.508), or building permit (Sec. 27-3.514), as appropriate.

27-6.504. General Standards

A. General

1. Fences and walls shall be located outside of the public right-of-way.
2. Fences and walls are allowed on the property line between two or more parcels of land held in private ownership.
3. Fences and walls may be located within any required yard.
4. Nothing in this Section shall be construed to prevent the installation of temporary fencing to protect existing trees, limit sedimentation, or control erosion.

B. In Utility Easements

Fences located within utility easements shall receive written authorization from the easement holder or the County, as appropriate. The County shall not be responsible for damage to, or the repair or replacement of, fences that must be removed to access utility easements or facilities.

C. Blocking Natural Drainage Flow

A fence or wall shall not be installed so it blocks or diverts a natural drainage flow onto or off of any land.

D. Blocking Access to Fire Hydrants

Fences and walls shall not be located where they would prevent immediate view of, or access to, fire hydrants or other fire-fighting water supply devices, in accordance with the Fire Code.

E. Within Required Landscaping Areas

Fences and walls may be installed within required landscaping areas, subject to an approved landscaping plan.

F. Obstruct Windows or Doors

Fences and walls shall not block access from a window or door.

G. Avoidance of Traffic Hazards

Notwithstanding other provisions of this Subsection, fences and walls shall not be allowed within the triangle formed by the intersection of the street lines and points on the street lines 25 feet from the intersection, or in a location that is determined will create a traffic hazard.

H. Maintenance

Fences and walls and associated landscaping shall be maintained in good repair and in a safe and attractive condition. Maintenance of fences and walls shall include, but not be limited to, the replacement of missing, decayed, or broken structural or decorative elements and the repair of deteriorated or damaged fence materials, including, but not limited to, weathered surfaces visible from the public right-of-way, sagging sections, and posts that lean more than ten degrees from vertical.

27-6.505. Height Standards

A. General

Unless otherwise stated in Sec. 27-6.505.B below, fences and walls shall comply with the standards in Table 27-6.505.A: Fence and Wall Height.

Table 27-6.505.A: Fence and Wall Height

Location on Lot	Maximum Height (feet) [1]		
	Residential and Rural and Agricultural Base Zones, Residential PD Zones	Nonresidential Base Zones and IE-PD Zone	Transit-Oriented/Activity Center Base and PD Zones
Within a required front yard, build-to zone, corner lot side yard in front of the principal building [2]	4	4	4
Within any other required yard or in corner side yard behind the front plane of the principal building	6	6	6
NOTES:			
[1] Fence or wall height may be increased through the security plan exemption in accordance with Sec. 27-6.512, Security Exemption Plan.			
[2] The maximum height of a fence or wall within a front yard, corner lot side yard, or build-to zone is six feet when the fence or wall is part of a community garden or urban farm unless the fence may block a motorists' line of sight.			

B. Exceptions

1. Customary fencing provided as a part of a permitted tennis court, athletic field, or other recreational facility

- shall be exempt from the height standards in this Subsection.
2. Fences of up to 10 feet in height are allowed in front, side, and rear yards at major utilities, wireless communication towers, government facilities, and other public safety uses. Heights may be increased further through an approved security exemption plan (see Sec. 27-6.512, Security Exemption Plan).
 3. Fences up to eight feet in height are allowed for community gardens and urban farming (see Sec. 27-5.203.B.1.a, Community Garden and Sec. 27-5.B.1.c, Urban Farm).
 4. Walls up to 8 feet in height are allowed to screen service and loading areas, if they comply with the setback requirements for the associated building.

C. Measurement of Height

Fence or wall height shall be measured in accordance with the following standards:

1. Fence or wall height shall be measured from the top of the fence or wall, defined as the highest point, not including supporting columns or posts, above grade to grade on the side of the fence or wall where the grade is the lowest, but excluding the height of any retaining wall directly beneath the fence or wall.
2. Supporting columns or posts shall not extend more than 18 inches above the top of the fence or wall.
3. Safety railings required by the Building Code shall not be included in fence height measurements.

27-6.506. Materials

A. General

Unless otherwise specified in Sec. 27-6.506.B below, fences and walls shall be constructed of any one or more of the following materials:

1. Masonry, concrete, or stone;
2. Ornamental iron, except that fencing shall not incorporate spiked tops within a residential zone without approval of a security exemption plan in accordance with Sec. 27-6.512, Security Exemption Plan;
3. Painted wood, pressure treated wood, or rot-resistant wood such as cedar, cypress, or teak;
4. Composite materials designed to appear as wood, metal, or masonry;
5. Metal (wrought iron, welded steel and/or electro-statically plated black aluminum);
6. Vinyl;
7. Walls clad with substrate material intended to support living vegetation; and
8. Any material demonstrated by the applicant to have a similar or equal appearance and durability as a material listed in Subsections 1 through 7 above.

B. Transit-Oriented/Activity Center Zones

Fences and walls in the Transit-Oriented/Activity Center zones shall be constructed of any one or more of the following materials:

1. Native/regional stone and equivalent imitation stone;

2. Brick;
3. Stucco on concrete block or poured concrete (only when a brick or stone coping is provided);
4. Painted wood;
5. Metal (wrought iron, welded steel and/or electro-statically plated black aluminum), for fences and gates only; or
6. Black vinyl-coated chain link fences, only for schools, recreational facilities, daycare facilities, and similar outdoor uses.

C. Prohibited Materials

The following fence types or materials are prohibited:

1. Barbed and/or razor wire, unless approved as part of a security exemption plan in accordance with Sec. 27-6.512, Security Exemption Plan, or on land with an agricultural use, or on land used for installation and operation of high-voltage equipment at substations for electrical generation, transmission, and distribution in connection with providing public utility service in the County by a regulated public utility;
2. Fences constructed of chicken wire, corrugated metal, fabric materials, fiberboard, garage door panels, plywood, rolled plastic, sheet metal, debris, junk, or waste materials, unless such materials are recycled and reprocessed for marketing to the general public, as building materials designed to resemble new building materials (e.g., picket fencing made from recycled plastic and fiber);
3. Except where used to prevent wildlife from consuming produce in an urban farm or community garden, chain link

fences in the Transit-Oriented/Activity Center zones, the Nonresidential base zones except the IH base zone, and the IE-PD and MU-PD zones; and

4. Above-ground fences that carry electrical current, except as used for the purposes of enclosing livestock in the Rural and Agricultural base zones and in the RE and RR zones (nothing shall prohibit below-ground electrical fences intended for the keeping of pets).

27-6.507. Perimeter Fences and Walls Abutting Street Right-of-Way

Except in the IH base zone, fences or walls that are located within 15 feet of a street right-of-way shall:

- A. Be of a uniform style;
- B. Be constructed of brick, stone, concrete (when covered with stucco or similar finish), vinyl, or vertical wooden boards; and
- C. Include breaks, offsets of at least one foot, access points, or other design details in the fence or wall plane at least every 200 feet. (see Figure 27-6.507.C: Fence and Wall Offsets.)

Figure 27-6.507.C: Fence and Wall Offsets



27-6.508. Appearance

A. Finished Side to Outside

Unless it is used to enclose livestock, wherever a fence or wall is installed, if one side of the fence or wall appears more "finished" than the other (e.g., one side of a fence has visible support framing, such as vertical posts and horizontal rails, and the other—the more "finished" side—does not, or one side of a wall has a textured surface and other—the more "finished" side—does not), then the more "finished" side of the fence shall face the exterior of the lot rather than the interior of the lot. (see Figure 27-6.508.A: Fence with Finished Side Out.)

Figure 27-6.508.A: Fence with Finished Side Out



B. Compatibility of Materials along a Single Lot Side

All fencing or wall segments located along a single lot side shall be composed of a uniform style, materials, and colors, except when the Historic Preservation Commission (with the concurrence of the Planning Board or District Council, as appropriate) requires an alternative appearance in accordance with the regulations in Subtitle 29 of the County Code.

C. Fence and Wall Landscaping

Except in the IH base zone, all fences and walls exceeding four feet in height, if located within 15 feet of a street right-of-way, shall be supplemented with landscape screening in accordance with the standards in Sec. 27-6.508.C.1 and Sec. 27-6.508.C.2 below, to soften the visual impact of the fence. These standards shall apply to fences in any single-family residential zone only if they are located within 15 feet of the right-of-way of a designated collector or higher classification street (see Figure 27-6.508.C: Fence and Wall Landscaping).

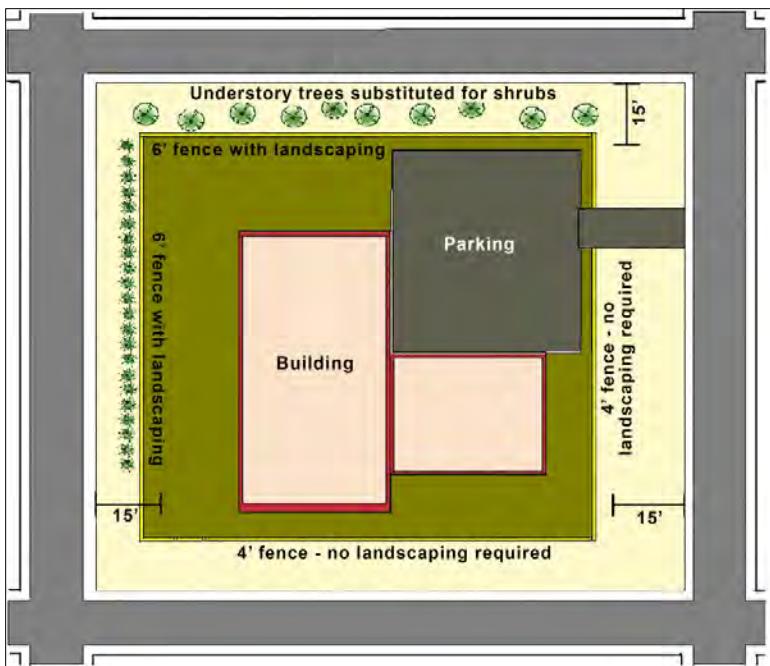
1. Shrubs Required

At least one evergreen shrub shall be installed for every five linear feet of fence or wall, on the side of the fence or wall facing the public street right-of-way. Shrubs may be installed in a staggered, clustered, grouped, or linear fashion. See Figure 27-6.508.C: Fence and Wall Landscaping.

2. Substitution of Shade Trees

One shade or ornamental tree may be substituted for every three shrubs provided that the tree meets the size standards of the Landscape Manual.

Figure 27-6.508.C: Fence and Wall Landscaping



27-6.509. Fence and Wall Construction

Fences and walls shall comply with all applicable Building Code requirements.

27-6.510. Gates

Gates shall comply with the following standards:

- A. All gates shall have hardware to secure the gate in a closed position.
- B. All unattended gates and gates opening onto a public sidewalk area shall be self-closing, self-latching, and locked when not in use.

27-6.511. Retaining Walls

Retaining walls are to be used in appropriate locations to reduce the steepness of man-made slopes and to provide planting pockets conducive to revegetation. They shall comply with the following standards:

- A. A retaining wall may be permitted to support steep slopes but should not exceed six feet in height from the finished grade, except for:
 1. A structure's foundation wall, or
 2. As necessary to construct a driveway from the street to a garage or parking area, or
 3. As otherwise expressly allowed by this Ordinance.
- B. In all exceptions identified in subsection A above, a retaining wall shall not exceed ten feet in height.
- C. Retaining walls greater than six feet in height shall comply with the building setbacks in the zone which they are located, unless it is constructed because grades are lower on the site where it is located.
- D. Terracing shall be limited to two tiers. The width of the terrace between any two six-foot vertical retaining walls should be at least three feet. Retaining walls higher than six feet should be separated from any other retaining wall by a minimum of five horizontal feet. Terraces created between retaining walls shall be permanently landscaped or revegetated with native vegetation.
- E. Retaining walls used to support existing road cuts may exceed the height limits and other requirements in subsections A, B, and C above.

- F. Retaining walls shall be faced with stone, brick, or earth-colored materials similar to the surrounding natural landscape.
- G. All retaining walls shall comply with the Building Code, except that when any provision of this section conflicts with any provision in the Building Code, the more restrictive provision applies.

27-6.512. Security Exemption Plan

- A. A landowner in need of heightened security may submit to the Planning Director a security exemption plan proposing a fence or wall taller than those permitted by this Section or proposing the use of barbed and/or razor wire or electric wire atop a fence or wall for security reasons.
- B. The Planning Director may approve or approve with conditions, the security exemption plan, upon finding all of the following:

1. Need for Safety or Security Reasons

The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage than surrounding land, or represent a significant hazard to public safety without:

- a. A taller fence or wall;
- b. An electric fence; or
- c. Use of barbed and/or razor wire atop a fence or wall.

2. No Adverse Effect

The proposed fence or wall will not have a significant adverse effect on the security, functioning, appearance, or value of adjacent lands or the surrounding area as a whole.

- C. If the Planning Director finds the applicant fails to demonstrate compliance with Secs. 27-6.512.B.1 and 27-6.512.B.2 above, the security plan shall be disapproved.

Sec. 27-6.600 Exterior Lighting

27-6.601. Purpose and Intent

The purpose and intent of this Section is to regulate exterior lighting to:

- A. Ensure all exterior lighting is designed and installed to maintain adequate lighting levels on site;
- B. Assure that excessive light spillage and glare are not directed at adjacent lands, neighboring areas, and motorists;
- C. Curtail light pollution, reduce skylight, and preserve the nighttime environment;
- D. Conserve energy and resources to the greatest extent possible; and
- E. Provide security for persons and land.

27-6.602. Applicability

A. General

Unless exempted in accordance with Sec. 27-6.602.B below, the standards of this Section shall apply to:

- 1. All new development in the County;
- 2. Any development that impacts existing light fixtures; and"
- 3. Any individual expansion of an existing building if the expansion increases the building's gross floor area by 50 percent or more, or the alteration involves 50 percent or

more of the building's gross floor area (including interior alterations).

B. Exemptions

The following types of lighting are exempted from the standards of this Section:

1. Lighting exempt under State or Federal law;
2. FAA-mandated lighting associated with a utility tower or airport;
3. Lighting for public monuments and statuary;
4. Lighting solely for signage (see Sec. 27-6.1400, Signage);
5. Outdoor lighting fixtures that are necessary for worker safety at farms and other agricultural uses, but not including lighting of residential buildings or parking areas associated with a farm or agricultural use;
6. Lighting for outdoor recreational uses such as ball diamonds, playing fields, tennis courts and similar uses, provided that:
 - a. Maximum illumination at the property line is not brighter than two footcandles; and
 - b. Exterior lighting is extinguished no later than 11:00 p.m. except to complete an activity that is in progress prior to 11:00 p.m.
7. Temporary lighting for circuses, fairs, carnivals, theatrical and other performance areas, provided such lighting is discontinued upon completion of the activity;
8. Temporary lighting of construction sites, provided such lighting is discontinued upon completion of the construction activity;

9. Temporary lighting for emergency situations, provided such lighting is discontinued upon abatement of the emergency situation;
10. Security lighting controlled and activated by motion sensor devices for a duration of 15 minutes or less;
11. Underwater lighting in swimming pools, fountains, and other water features;
12. Holiday or festive lighting-provided such lighting does not create unsafe glare on street rights-of-way;
13. Lighting provided by the Federal, State, or a local government (including but not limited to the County and a municipality);
14. Outdoor lighting fixtures that do not comply with provisions of this Section on [insert effective date of this Ordinance], provided they are brought into compliance with this Section when they become unrepairable.

27-6.603. Timing of Review

Review for compliance with the standards of this Section shall occur during review of a development application for a planned development (Sec. 27-3.505), detailed site plan (major or minor) (Sec. 27-3.508), or building permit (Sec. 27-3.514), as appropriate.

27-6.604. Lighting Plan

To ensure compliance with the standards of this Section, a lighting plan demonstrating how exterior lighting will comply with the standards of this Section shall be included as part of a development application for a site plan or building permit, as appropriate.

27-6.605. Prohibited Lighting

The following exterior lighting is prohibited:

- A. Light fixtures that imitate an official highway or traffic control light or sign;
- B. Light fixtures that have a flashing or intermittent pattern of illumination, except signage with an intermittent pattern of illumination allowed in accordance with Sec. 27-6.1400, Signage.
- C. Privately-owned light fixtures located in the public right-of-way;
- D. Searchlights, except when used by Federal, State or local authorities, or where they are used to illuminate alleys, parking garages and working (maintenance) areas, so long as they are shielded and aimed so that they do not result in lighting on any adjacent lot or public right-of-way exceeding two footcandles; and
- E. Light types of limited spectral emission, such as low-pressure sodium or mercury vapor lights. Light sources shall be color-correct types such as Halogen, LED, or metal halide.

27-6.606. Private Street Lighting

- A. All private street lights shall be located inside full cut-off fixtures mounted on non-corrosive poles served by underground wiring.
- B. The light fixture and light color of private street lights in an individual subdivision or development shall be consistent throughout the subdivision or development.
- C. Correlated color temperature (CCT) of street lights shall not exceed 3000K.

27-6.607. General Standards for Exterior Lighting

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

A. Hours of Illumination

Public, civic, and institutional uses, commercial uses, mixed-uses, and industrial uses that are adjacent to existing residential development shall extinguish all exterior lighting—except lighting necessary for outdoor recreational uses such as ball diamonds, playing fields, tennis courts, and similar uses; lighting necessary for security as listed in Subsections 27-6.602.B.5 and 27-6.602.B.10 and 27-6.610; or lighting necessary for emergency situations as listed in Subsection 27-6.602.B.9—by 11:00 P.M. or within one hour of the closing of the establishment open latest, whichever occurs last. For the purposes of this paragraph, lighting "necessary for security" shall be construed to mean the amount of exterior lighting necessary to provide an average of 2.5 footcandles of light, with a maximum of 3 footcandles of light at any point, in the following areas: possible points of entry or exit into a structure, illumination of exterior walkways, or illumination of outdoor storage areas. Lighting activated by motion sensor devices is strongly encouraged.

B. Shielding with Full Cut-off Fixtures

All exterior luminaries, including security lighting, shall be full cut-off fixtures that are directed downward, consistent with Figure 27-6.607.B.1: Full Cut-off Fixtures. In no case shall lighting be directed above a horizontal plane through the lighting fixture (see 27-6.607.B.2: Examples of Fully-Shielded Light Fixtures).

Figure 27-6.607.B.1: Full Cut-off Fixtures

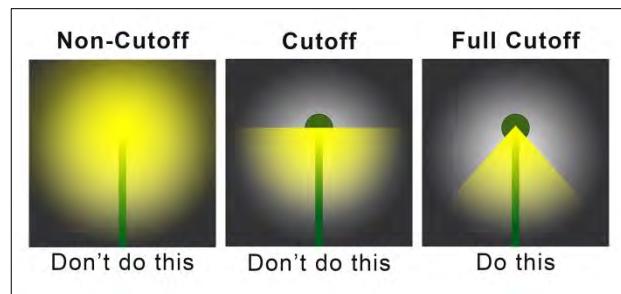
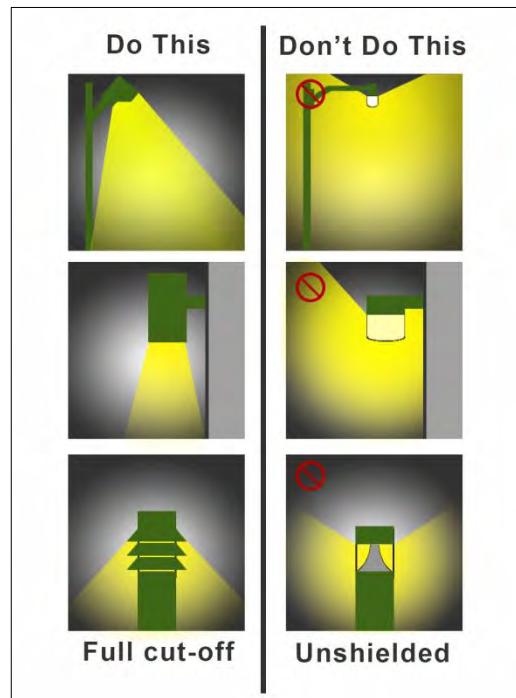


Figure 27-6.607.B.2: Examples of Fully-Shielded Light Fixtures

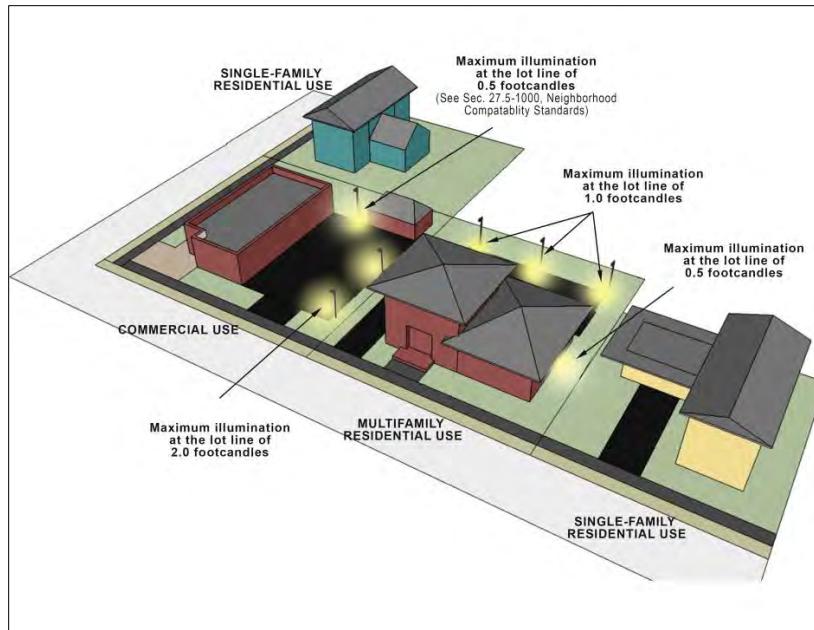


C. Maximum Illumination Levels

- Except for street lighting (see Sec. 27-6.606), all exterior lighting and indoor lighting visible from outside shall be designed and located so that the maximum illumination measured in footcandles at ground level at a lot line shall not exceed the standards in Table 27-6.607.C.1: Maximum Illumination Levels. See Figure 27-6.607.C.2: Maximum Illumination Levels.

Table 27-6.607.C.1: Maximum Illumination Levels

Type of Use Abutting a Lot Line	Maximum Illumination Level at Lot Line (Foot-Candles)
Residential use or vacant land in the Rural and Agricultural base zones and the Residential zones (except multifamily, townhouse, and live/work uses, and all uses in the Group Living Use Category)	0.5
Multifamily, townhouse, and live/work uses, all uses in the Group Living Use Category, and all uses in the Public, Civic, and Institutional Use Category,	1.0
Commercial or mixed uses, or vacant land in the Transit-Oriented/Activity Center zones the MU-PD zone, and the CN, CS, and CGO base zones (including parking facilities)	2.0
Industrial uses and vacant land in the IE and IH base zones, and the IE- PD zone (including parking facilities)	3.0
Parking facilities (when a stand-alone uses)	2.5

Figure 27-6.607.C.2: Maximum Illumination Levels

2. All exterior light fixtures shall generate at least 80 lumens per watt of energy consumed, as shown on the manufacturers specifications for the fixture.

D. Maximum Height

Except for athletic field lighting fixtures, which shall not exceed 95 feet in height, and street lighting (see Sec. 27-6.606), the height of exterior light fixtures, whether mounted on poles, walls, or by other means, shall comply with the standards in Table 27-6.607.D: Maximum Height for Exterior Lighting.

Table 27-6.607.D: Maximum Height for Exterior Lighting

Zone	Maximum Height
Rural and Agricultural base zones	16 feet
Residential zones	16 feet
Transit-Oriented/Activity Center zones and MU-PD zone	20 feet
Non-residential base zones and IE-PD zone	30 feet
Within 100 feet of a Residential zone	16 feet

27-6.608. Lighting Design Standards for Specific Uses and Site Features

In addition to complying with all applicable standards in Sec. 27-6.607, General Standards for Exterior Lighting, the specific uses and site features identified in this Subsection shall comply with the standards established for that type of use or site feature.

A. Awnings

Awnings used for building accents over doors and windows shall not be internally illuminated (i.e., from underneath or behind the awning) unless the awning material is entirely opaque.

B. Canopies

Areas under a canopy shall be designed so as not to create glare off-site. Acceptable methods to address this include one or both of the following:

1. A recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the canopy that provides a full cutoff or fully-shielded light distribution; or

2. A surface-mounted fixture incorporating a flat glass that provides a full cutoff or fully-shielded light distribution.

C. Sports and Performance Venues

Lighting fixtures for outdoor sports areas, athletic fields, and performance areas shall be equipped with a glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.

D. Wall Pack Lights

Wall packs on the exterior of the building shall be fully shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct the light vertically downward and be of low wattage (100 watts or lower).

E. Pedestrian Lighting

Pedestrian light fixtures shall comply with the following:

1. Light fixtures for sidewalks, walkways, trails, and bicycle paths shall provide at least 1.2 foot candles of illumination, but not exceed 2.0 foot candles.
2. Pedestrian bollard lamps shall be mounted no higher than four feet above grade and shall not exceed 900 lumens for any single lamp (see Figure 27-6.608.E: Examples of Pedestrian Bollard Lamps).

Figure 27-6.608.E: Examples of Pedestrian Bollard Lamps



F. Decorative Landscaping and Lighting

Outdoor light fixtures used for decorative effects shall comply with the following standards.

1. Decorative lighting intended to enhance the appearance of a building and/or landscaping shall cast all light downward (rather than upward) against the building surface or onto a landscape feature.
2. Decorative lighting shall not exceed 100 watts of incandescent illuminance or the equivalent.

27-6.609. Measurement

A. General

Light-level measurements shall be made at the lot line of the land upon which light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the land. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent.

B. Light Meter Calibrated within Two Years

Measurements shall be taken with a light meter. The light meter shall have been calibrated within two years.

27-6.610. Exemptions for a Security Plan

A. A landowner may submit a security plan to the Planning Director proposing exterior lighting that deviates from the standards in this Section. The Planning Director shall approve or approve with conditions the security plan and its proposed deviation from the standards, upon finding that the applicant demonstrates:

- 1.** The proposed deviation from the standards is necessary for the adequate protection of the subject land, development, or the public;
- 2.** The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage, or members of the public are at greater

risk for harm than on surrounding land without the additional lighting; and

- 3.** The proposed deviation from the standards is the minimum necessary, and will not have a significant adverse effect on neighboring lands.
- B.** If the Planning Director finds the applicant fails to demonstrate compliance with Secs. 27-6.610.A.1 through 27-6.610.A.3 above, the security plan shall be disapproved.

Sec. 27-6.700 Environmental Protection and Noise Controls

27-6.701. Purpose and Intent

The purpose of this Section is to ensure that development complies with County environmental protection and noise control standards.

27-6.702. Woodland and Wildlife Habitat Conservation

Where applicable, development shall comply with the requirements for woodland conservation, tree preservation, and tree canopy coverage in accordance with Subtitle 25 of the Prince George's County Code.

27-6.703. Floodplain Management

Where applicable, development shall comply with the requirements for floodplain management in accordance with Subtitle 32, Division 4 (Floodplain Ordinance) of the Prince George's County Code.

27-6.704. Erosion and Sedimentation Control

Where applicable, development shall comply with the requirements for sedimentation and erosion control in accordance with Subtitle 32, Division 2 (Grading, Drainage and Erosion and Sedimentation Control) of the Prince George's County Code.

27-6.705. Stormwater Management

Where applicable, development shall comply with the requirements for stormwater management in accordance with Subtitle 32, Division 3 (Stormwater Management) of the Prince George's County Code.

27-6.706. Chesapeake Bay Critical Area

See Sec. 27-3.402, Chesapeake Bay Critical Area Overlay Zone.

27-6.707. Noise Control

- A. All development and use of land shall comply with Division 2 of Subtitle 19 of the Code of Ordinances.
- B. The maximum level of noise generated on a parcel at any point along its boundary abutting a residential use, a commercial use, a mixed-use development, or an industrial use shall not exceed the maximum allowable noise level for that use established in Table 27-6.707: Maximum Allowable Noise Levels for Receiving Lands.

Table 27-6.707: Maximum Allowable Noise Levels for Receiving Lands

Type of Use	Time of Day	
	Day (7:00AM to 10:00PM)	Night (10:00PM to 7:00AM)
Residential Uses	65 dBA	55 dBA
Commercial and Mixed Uses	67 dBA	62 dBA
Industrial Uses	75 dBA	75 dBA

- C. Except within a Transit-Oriented/Activity Center base or planned development zone or the MU-PD Zone, the following shall not be located on a parcel adjacent to an existing street classified as arterial or higher unless the applicant demonstrates, through a noise study prepared by a qualified professional, that noise generated by traffic on the street is less than, or will be mitigated to be less than, 55 dBA during the hours of 10:00 PM to 7:00 AM and no greater than 65 dBA during the hours of 7:00 AM to 10:00 PM at the proposed location:
 - 1. Any new structure intended for residential occupancy in the Residential Uses classification;
 - 2. Child care center outdoor activity areas, including but not limited to playgrounds and sitting areas; and
 - 3. Nursing home facilities.
- D. Where applicable, development shall comply with the requirements for noise control in Sec. 27-4.402.C, Military Installation Overlay Zone.
- E. Residential lots created in accordance with Subtitle 24: Subdivision Regulations, that are adjacent to existing or planned streets classified as arterial or higher shall meet the minimum lot depth and screening requirements in Subtitle 24.

Sec. 27-6.800 Multifamily, Townhouse, and Three-Family Form and Design Standards

27-6.801. Purpose and Intent

The purpose and intent of these multifamily form and design standards are to:

- A. Establish a minimum level of development quality for multifamily, townhouse, and three-family residential development;
- B. Promote greater compatibility between multifamily, townhouse, and three-family residential development and other allowable uses; and
- C. Provide landowners, developers, architects, builders, business owners, and others with a clear and equitable set of parameters for developing land.

27-6.802. Applicability

A. General

Unless exempted in accordance with Sec. 27-6.802.B below, the standards of this Section shall apply to:

1. All new multifamily, townhouse, and three-family development, unless expressly stated otherwise in the specific multifamily form and design standards (Sec. 27-6.804); and
2. Any expansion of an existing multifamily, townhouse, or three-family building (unless expressly stated otherwise in the specific multifamily form and design standards (Sec.

27-6.804), if the expansion increases the building's gross floor area by 50 percent or more.

B. Exemptions

The standards in this Section shall not apply to any dwellings located above a nonresidential use.

27-6.803. Timing of Review

Review for compliance with the standards of this Section shall occur during review of a development application for a planned development (Sec. 27-3.505), detailed site plan (major or minor) (Sec. 27-3.508), subdivision (minor or major) (Subtitle 24: Subdivision Regulations), or building permit (Sec. 27-3.514), as appropriate.

27-6.804. Multifamily, Townhouse, and Three-Family Form and Design Standards

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

A. Site Access

New multifamily, townhouse, or three-family development with 20 or more dwelling units shall have:

1. At least one secondary point of vehicular access to or from the site to ensure emergency vehicle access.
2. No primary vehicular access along a local street serving existing single-family detached dwellings—provided, however, that secondary vehicle access for emergency vehicles may be provided along such a local street if other points of access are not available.

B. Location of Off-Street Parking

1. For all multifamily, townhouse, and three-family buildings:
2. No more than 50 percent of off-street surface parking may be located between a building and the street it faces unless the parking bays are screened from view from the street by another building. Interior structures within a multi-building development served by a central, private driveway are exempted from this requirement. (see Figure 27-6.804.B: Multifamily, Townhouse, or Three-Family Parking Location).

3. Guest and overflow parking within a development subject to these standards shall be located to the side or rear of the building containing the units, to the maximum extent practicable.
4. Off-street surface parking located beside a building shall not occupy more than 35 percent of the parcel's street frontage. Associated driving areas shall be included as part of such off-street surface parking.

Figure 27-6.804.B: Multifamily, Townhouse, or Three-Family Parking Location



C. Building Orientation and Configuration

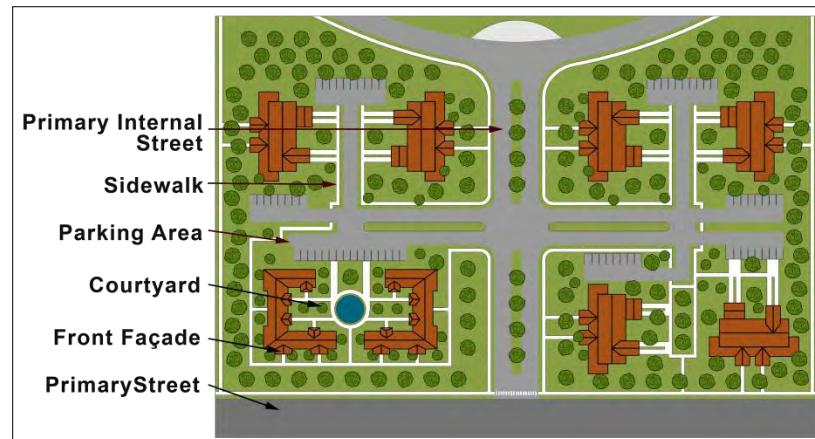
1. Single-Building Development

The primary entrance of a multifamily, townhouse, or three-family single-building development shall face the street.

2. Multi-Building Development

Multifamily, townhouse, and three-family developments with more than one building shall be configured so that primary building entrances are oriented towards external streets, internal streets, or open space areas (like courtyards). Buildings may be oriented towards off-street parking lots only in cases where no other practical alternative exists. (see Figure 27-6.804.C.2: Multi-Building Orientation)

Figure 27-6.804.C.2: Multi-Building Orientation



D. Maximum Building Length

1. The maximum length of any multifamily, townhouse, or three-family building shall be 150 linear feet in the RMF-12 zone and 250 feet in the RMF 20 and RMF-48 zones, regardless of the number of units.

E. Building Façades

For all multifamily, townhouse, and three-family buildings, except as noted in Sec. 27-6.804.E.3 below:

1. Façades of all buildings subject to these standards that face a street shall incorporate wall offsets, in the form of projections or recesses in the façade plane, spaced no more than 50 feet apart (see Figure 27-6.804.E.1: Changes in Building Façade).

Figure 27-6.804.E.1: Changes in Building Façade



2. Wall offsets shall have a minimum depth of two foot.
3. In addition to wall offsets, front façades of multifamily buildings shall provide a minimum of three of the

following design features for each residential unit fronting onto a public street (see Figure 27-6.804.E.3: Examples of Front Façades):

- a. One or more dormer windows or cupolas;
- b. A recessed entrance;
- c. A covered porch;
- d. Pillars, posts, or columns next to the doorway;
- e. One or more bay windows projecting at least twelve inches from the façade plane;
- f. Eaves projecting at least six inches from the façade plane;
- g. Raised corniced parapets over the entrance door;
- h. Multiple windows with a minimum four-inch-wide trim;
- i. Integrated planters that incorporate landscaped areas or places for sitting; or
- j. Roof form and line changes consistent with the façade offsets.

Figure 27-6.804.E.3: Examples of Front Façades



F. Roofs

For all multifamily buildings:

1. Sloped roofs on buildings over 100 feet in length shall include two or more different sloping roof planes, each with a minimum pitch between 3:12 and 12:12.
2. Flat roofs shall be concealed by parapet walls that extend at least three feet above the roof level and have three-dimensional cornice treatments that project at least eight inches outward from the parapet façade plane.
3. Alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features.
4. All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (except chimneys), shall be located on the rear elevations or otherwise be configured and screened (if necessary) to have a minimal visual impact as seen from the street.

G. Building Façade Fenestration/Transparency

At least 15 percent of the street-facing façade area of the ground-level floor of any multifamily, townhouse, or three-family building (as measured from the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor) shall be occupied by windows or doorways.

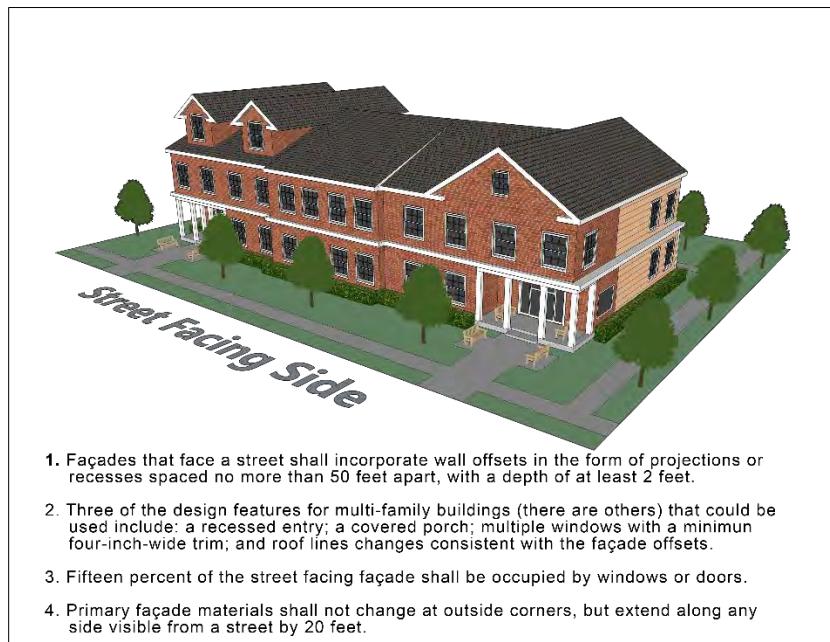
H. Materials

For all multifamily, townhouse, and three-family buildings:

1. Primary façade materials shall not change at outside corners, but extend along any side façade that is visible from a street. In all instances the extension shall be a

- minimum of 20 feet, except materials may change where side or rear wings meet the main body of the structure.
2. Material changes shall occur along a horizontal line or where two forms meet. It is acceptable, however, that change of materials occur as accents around windows, doors, cornices, at corners, or as a repetitive pattern. See Figure 27-6.804.H: Example of Building Façade, Roof, Fenestration/Transparency, and Materials Requirements for Multifamily Building.

Figure 27-6.804.H: Example of Building Façade, Roof, Fenestration/Transparency and Materials Requirements for Multifamily Building



I. Garage Standards

For all multifamily, townhouse, and three-family buildings:

1. Detached garages or carports shall be located to the side or rear of the building(s) containing the dwellings. A parking structure is exempt from this requirement. (see Figure 27-6.804.I: Garage Placement.)

Figure 27-6.804.I: Garage Placement



perpendicular to the street, or the façade facing the street shall be configured to comply with the required wall offsets and façade design features in Sec. 27-6.804.E, Building Façades.

3. The exterior materials, design features, and roof form of a detached garage or carport shall be the same as the building it serves.

J. Outdoor Activity Areas

1. For all multifamily, townhouse, and three-family buildings:
 - a. Ground-level outdoor activity areas, porches, decks, vending areas, and other similar site attributes shall be screened from adjacent single-family dwellings with a perimeter buffer in accordance with Sec. 4.7, Buffering Incompatible Uses, of the Landscape Manual.
 - b. Upper-story balconies serving individual dwelling units or common areas that are located within 100 feet of a single-family dwelling shall be located and designed to prevent any view into the single-family dwelling's rear yard.

Sec. 27-6.900 Nonresidential and Mixed-Use Form and Design Standards

27-6.901. Purpose and Intent

The purpose and intent of these nonresidential and mixed-use form and design standards are to ensure a minimum quality of form and design for commercial and mixed-use development outside the Transit-Oriented/Activity Center zones, in a way that results in

greater predictability during the development review process. More specifically, the purposes of this Section are to:

- A. Encourage the establishment of a stronger sense of place with vibrant commercial and mixed-use development;
- B. Encourage a more pedestrian-friendly environment through attention to human-scale design and site features to limit large, bulky buildings with few architectural details;
- C. Foster greater compatibility between adjacent residential and nonresidential development;
- D. Limit the impacts of automobile-oriented development in commercial and mixed-use areas; and
- E. Improve the physical appearance of the County generally.

27-6.902. Applicability

The standards in this Section shall apply to:

- A. All new commercial and mixed-use development; and
- B. Any expansion of an existing commercial or mixed-use building, if the expansion increases the building's gross floor area by 50 percent or more.

27-6.903. Timing of Review

Review for compliance with the standards of this Section shall occur during review of a development application for a planned development (Sec. 27-3.505), detailed site plan (major or minor) (Sec. 27-3.508), subdivision (minor or major) (Subtitle 24: Subdivision Regulations), or building permit (Sec. 27-3.514), as appropriate.

27-6.904. Nonresidential and Mixed-Use Form and Design Standards

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

A. Building Orientation

1. Front Streets

The front façade of all buildings, as defined by the primary entrance, shall be oriented on and front onto a street, a courtyard, or plaza. See Figure 27-6.904.A: Example of Building Orientation.

Figure 27-6.904.A: Example of Building Orientation



2. Single-Building Development

- a. To the maximum extent practicable, all single-building developments shall be configured with the long axis of the building parallel to the street it fronts, or be consistent with existing development patterns, rather than being sited at unconventional angles.

- b. New large single-use retail buildings shall comply with the standards in Sec. 27-6.905, Large Retail Establishment Form and Design Standards.

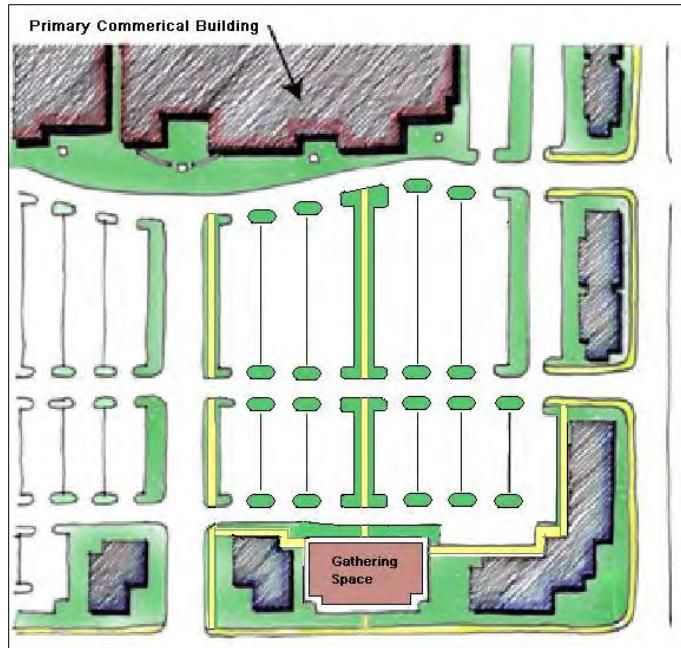
3. Multi-Building Development

- a. The primary entrances of buildings shall be oriented towards a street along the perimeter of a development, towards streets or driveways interior to the development, or towards open space areas, courtyards, or plazas.
- b. Developments totaling 120,000 or more square feet of floor area that are composed of multiple buildings shall be configured to accomplish any one or combination of the following:
 - i. Break up the site into a series of smaller "blocks" defined by on-site streets, vehicle accessways, pedestrian walkways, or other circulation routes, as appropriate;
 - ii. Frame the corner of an abutting street intersection or entry point to the development;
 - iii. Frame and enclose a "Main Street" pedestrian or vehicle access corridor within the development site, if appropriate; and
 - iv. Frame and enclose outdoor dining or gathering spaces for pedestrians between buildings.

B. Outparcel Development

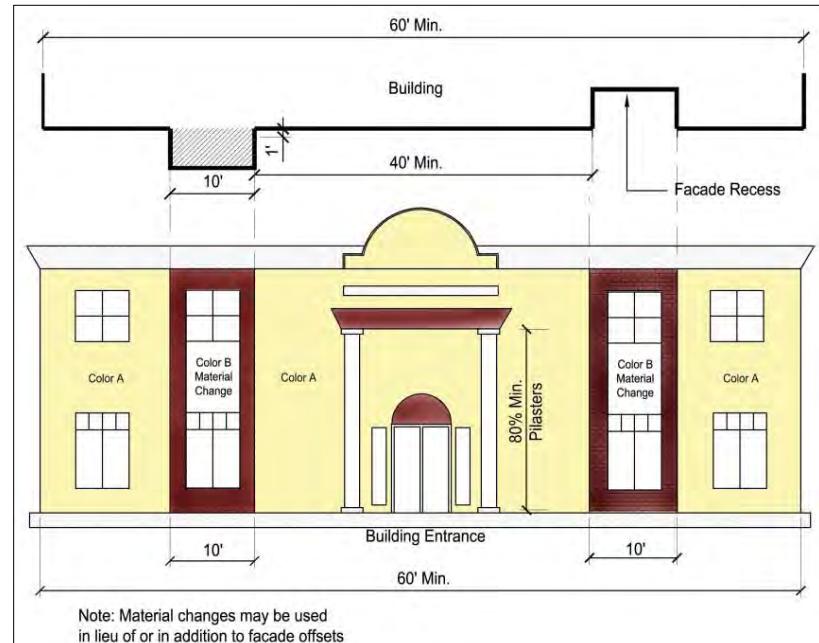
1. To the maximum extent practicable, outparcels and their buildings shall be configured and located to define street edges, development entry points, and spaces for gathering or seating between buildings.

2. Spaces between buildings on outparcels shall be configured with small scale pedestrian amenities such as plazas, seating areas, pedestrian connections, and gathering spaces. (see Figure 27-6.904.B: Outparcel Development.)

Figure 27-6.904.B: Outparcel Development**C. Façade Articulation****1. Offsets Required**

Street-facing front building façades that are greater than 60 feet wide shall be articulated with wall offsets (e.g., projections or recesses in the façade plane) that are at least one foot deep, at least ten feet wide, and spaced no

more than 50 feet apart (see Figure 27-6.904.C.1: Example of Front Façade Offsets).

Figure 27-6.904.C.1: Example of Front Façade Offsets.**2. Offset Alternatives**

The following techniques may be used (alone or in combination with other techniques and/or wall offsets) as an alternative to the required front facade offsets (see Figure 27-6.904.C.2: Façade Massing):

- Changes in façade color or material that follow the same dimensional standards as the offset requirements;
- Columns or pilasters that are at least eight inches deep and at least eight inches wide, and have a

- height equal to at least 80 percent of the façade's height; or
- c. Roofline changes that vertically align with a corresponding wall offset or change in façade color or material, including changes in roof planes and changes in the height of a parapet wall (such as extending the top of pilasters above the top of the parapet wall).

Figure 27-6.904.C.2: Façade Massing



3. Side Façades

The street-facing side façades of buildings shall be articulated with the same façade details as provided on

the building's front façade, or be screened from off-site views through fences, walls, or landscaping (which shall be at least eight feet high).

4. Outbuildings

Outbuildings located in front of other buildings within the same development shall include a consistent level of façade articulation and architectural detail on all sides of the building, as well as exterior materials and colors that are compatible with the primary building in the development.

D. Façade Materials

- With the exception of development within the Innovation Corridor as designated in the Strategic Investment Map in the General Plan, parcels fronting US 1 located south of the Innovation Corridor to the border with Washington, D.C., and parcels fronting 34th Street between Shepard Street and Otis Street, the use of aluminum siding, vinyl siding, corrugated metal siding, or other metal cladding is prohibited on any façade visible from a street right-of-way. Nothing shall limit the use of high-quality, decorative metal (e.g., brass, copper, steel) as a building accent material.
- Primary façade materials shall not change at outside corners, but extend along any side façade visible from a street right-of-way. In all instances the extension shall be a minimum of 20 feet, except materials may change where side or rear wings meet the main body of the structure. Where two or more materials are proposed to be combined on a façade, the heavier and more massive elements shall be located below the lighter elements (i.e., brick shall be located below stucco or wood). The heavier

material may be used as a detail on the corner of a building or along cornices or windows.

E. Building Façade Fenestration/Transparency

Unless more restrictive requirements are established elsewhere in this Ordinance, at least 25 percent of the street-facing façade area of the ground-level floor of buildings (as measured from the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor) shall be occupied by windows or doorways.

F. Roofs

1. Sloped roofs on principal buildings over 100 feet in length shall include two or more different sloping roof planes, each with a minimum pitch between 3:12 and 12:12.
2. Flat roofs on principal buildings shall be concealed by parapet walls that extend at least three feet above the roof level and have three-dimensional cornice treatments that project at least eight inches outward from the parapet façade plane.
3. All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (except chimneys), shall be located on the rear elevations or otherwise be configured, to the maximum extent practicable, to have a minimal visual impact as seen from the street.

G. Location of Off-Street Parking

1. Inside the Capital Beltway

Inside the Capital Beltway, and to the maximum extent practicable, development shall be configured to locate all required surface off-street parking to the side or rear of

the front façade of the building. Buildings of two or more stories may locate one bay of off-street parking between the primary building entrance and the street the building faces.

2. Outside the Capital Beltway

Unless more restrictive requirements are established elsewhere in this Ordinance, development outside the Beltway is strongly encouraged to locate a minimum of 50 percent of the surface parking to the side or rear of the buildings.

H. Loading, Service, and Equipment Areas

1. Loading, service, and equipment areas shall be located in a manner that minimizes their visibility from off-site areas, to the maximum extent practicable.
2. Outdoor storage areas shall be fully screened from adjacent streets and single-family detached dwellings.
3. Loading, service, and equipment areas that are associated with an outparcel building shall be screened through the use of structural elements and similar materials attached to and integrated with the building.

27-6.905. Large Retail Establishment Form and Design Standards

A. General

In addition to the general nonresidential and mixed-use form and design standards in Sec. 27-6.900, Nonresidential and Mixed-Use Form and Design Standards, combination retail establishments and single-tenant buildings that have a gross floor area of 75,000 square feet or more and devote 60 percent

or more of the total floor area to retail sales activities ("large retail buildings") shall also comply with the following standards. If there is a conflict between these standards and those in Sec. 27-6.900, Nonresidential and Mixed-Use Form and Design Standards, these standards control. (see Figure 27-6.905.A: Examples of Large Retail Establishments.)

Figure 27-6.905.A: Examples of Large Retail Establishments



B. Building Entrances

1. Buildings shall have clearly defined, highly visible customer entrances featuring no less than three of the following:
 - a. Canopies or porticos above the entrance;
 - b. Roof overhangs above the entrance;
 - c. Entry recesses or projections;
 - d. Arcades that are physically integrated with the entrance;
 - e. Raised corniced parapets above the entrance;

- f. Gabled roof forms or arches above the entrance;
 - g. Outdoor patios or plazas next to the entrance;
 - h. Display windows that are directly next to the entrance;
 - i. Architectural details, such as tile work and moldings, that are integrated into the building structure and design and are above or next to the entrance; or
 - j. Integral planters or wing walls that incorporate landscaped areas or seating areas.
2. All portions of buildings designed to appear as customer entrances shall be functional customer entrances.

C. Façades and Massing

1. Maximum building footprints in the Transit-Oriented/Activity Center base zones are listed according to the zone in which the building is located in Table 27-6.905.C.1: Maximum Building Footprints in the Transit-Oriented/Activity Center Base Zones.

Table 27-6.905.C.1: Maximum Building Footprints in the Transit-Oriented/Activity Center Base Zones

Zone	Maximum Building Footprint (square feet)
NAC	100,000
TAC	125,000
LTO	125,000
RTO-L	100,000
RTO-H	80,000

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. 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 27-6.905.C.3: Large Retail Building Entrances and Massing.)

Figure 27-6.905.C.3: Large Retail Building Entrances and Massing



D. Building Façade Fenestration/Transparency

Unless more restrictive requirements are established elsewhere in this Ordinance , at least 20 percent of the street-facing façade area of the ground-level floor of buildings (as measured from the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor) shall be occupied by windows or doorways.

E. Off-Street Parking Location Standards

1. Unless more restrictive requirements are established elsewhere in this Ordinance, outside the Capital Beltway, up to 60 percent of the total off-street surface parking provided may be located between the front façade of the building and the street it faces.
2. Inside the Capital Beltway, all parking is strongly encouraged to be located to the side or rear of the building; however, up to 25 percent of the total off-street surface parking provided may be located between the front façade of the building and the street it faces.
3. Off-street surface parking lots with 300 or more spaces shall be organized into a series of parking bays surrounded by buildings, landscaping, or accessways designed to appear as streets. (see Figure 27-6.905.E: Large Retail Parking Lot with Over 300 Spaces.)
4. Notwithstanding the provisions of subsections 1, 2, or 3 above, if any part of a parcel containing a large retail use is located within 660 feet of a heavy rail transit station:
 - a. At least 50 percent of parking for the large retail use shall be located in a parking structure; and
 - b. The building facade containing the primary pedestrian entrance to the large retail use shall also

contain at least one additional direct pedestrian entrance per 100 linear feet of building facade leading directly from outside the structure to the large retail use or to another primary use located in the same structure.

Figure 27-6.905.E: Large Retail Parking Lot with Over 300 Spaces



Sec. 27-6.1000 Industrial Form and Design Standards

27-6.1001. Purpose and Intent

The purpose and intent of these industrial form and design standards are to ensure a minimum quality of form and design for all types of industrial development outside the Transit-Oriented/Activity Center base zones, in a way that results in greater predictability during the development review process. More specifically, the purposes of this Section are to:

- A. Recognize that the form and design of industrial development is based on the function of the uses within the development;

- B. Minimize industrial development's potential negative impacts on adjacent land uses;
- C. Improve the appearance of industrial development; and
- D. Increase the predictability of outcomes for industrial development during the development review process.

27-6.1002. Applicability

The standards in this Section shall apply to:

- A. All new industrial development; and
- B. Any expansion of an existing industrial building if the expansion increases the building's gross floor area by 50 percent or more.

27-6.1003. Timing of Review

Review for compliance with the standards of this Section shall occur during review of a development application for a planned development (Sec. 27-3.505), detailed site plan (major or minor) (Sec. 27-3.508), subdivision (minor or major) (Subtitle 24: Subdivision Regulations), or building permit (Sec. 27-3.514), as appropriate.

27-6.1004. Industrial Form and Design Standards

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

A. Building Orientation

1. Single-Building Development

An industrial development composed of a single building shall orient the building façade containing its primary patron entrance to face the street from which the building derives its street address.

2. Multi-Building Development

A development composed of multiple buildings shall locate and configure the buildings to conceal operations and loading areas from off-site views, to the maximum extent practicable.

3. Accessory Uses and Structures

Accessory uses and structures shall not front a street and shall be located in a manner that minimizes their impacts on adjacent development.

B. Façade Articulation

Each street-facing building façade shall be horizontally and/or vertically articulated to avoid long, blank wall planes, by meeting at least two of the following standards:

1. Wall Plane Horizontal Articulation

Each façade greater than 100 feet in width shall be articulated with wall offsets (e.g., projections or recesses in the façade plane), changes in façade color or material, or similar features that visually interrupt the wall plane horizontally such that the width of uninterrupted façade does not exceed 60 feet (see Figure 27-6.1004.B: Example of Façade Articulation for Industrial Building).

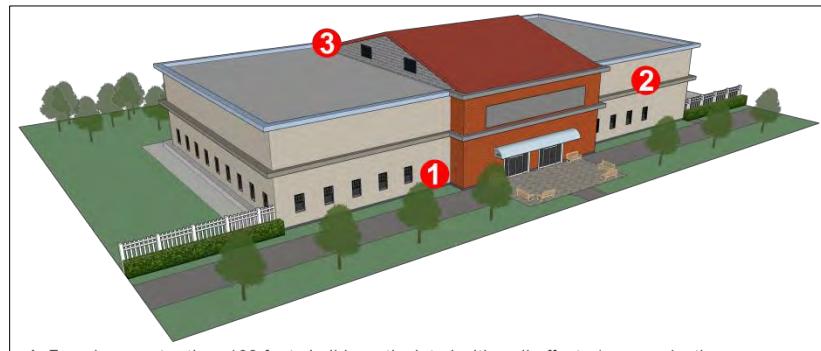
2. Vertical Articulation

Each façade greater than 30 feet in height shall incorporate a change in the wall surface plane or in façade color or material that visually interrupts the wall plane vertically such that the height of the uninterrupted façade does not exceed 30 feet.

3. Roof Line Variation

The façade shall include variations in roof planes and/or in the height of a parapet wall at least every 100 feet of roofline length along the façade.

Figure 27-6.1004.B: Example of Façade Articulation for Industrial Building



1. Façades greater than 100 feet shall be articulated with wall offsets (e.g., projections or recesses in the façade plane), changes in façade color or material, or similar features at least every 60 feet.
2. Each façade greater than 30 feet in height shall incorporate a change in the wall surface plane or in façade color or material.
3. The façade shall include variations in roof planes and/or in the height of a parapet wall at least every 100 feet.

C. Entrance

1. Each principal building shall have clearly defined, highly visible primary entrances for occupants and patrons that incorporate at least two of the following design features to emphasize the importance of the entrance:
 - a. Canopy or portico;
 - b. Roof overhang;
 - c. Horizontal recess or projection;

- d. Arcade or arch;
 - e. Peaked roof form;
 - f. Outside patio;
 - g. Display window;
 - h. Architectural tile work or moldings integrated into the design of the building façade;
 - i. Integrated planters or wing walls that incorporate landscaped area or seating areas; or
 - j. Similar architectural features not found on the remainder of the building façade.
2. Street-facing façades of the ground level floor shall not include overhead doors, sliding glass doors, removable panels, or similar type of doors.

D. Building Façade Materials

The use of corrugated metal siding or any other similar metal siding, unfinished or untreated tilt-up concrete panels, or standard single- or double-tee concrete systems as a primary exterior façade material shall be limited to those portions of rear and side building façades that are not visible from the public right-of-way or an adjacent residential, public, civic, or institutional, or commercial use.

E. Location of Loading and Service Areas

Loading and service areas shall be separated from patron parking, pedestrian areas, and main drive aisles, and shall be located a minimum of 200 feet from any abutting single-family detached dwellings, two-family dwellings, or vacant lands in a residential single-family zone (the RE, RR, RSF-96, and RSF-65 zones).

F. Off-Street Parking Location

No more than 60 percent of the off-street parking spaces may be located in surface parking lots between the front building façade and the street it faces.

Sec. 27-6.1100 Neighborhood Compatibility Standards

27-6.1101. Purpose and Intent

The purpose of these neighborhood compatibility standards is to provide a proper transition and ensure compatibility between single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in the single-family residential zones, and other more intense forms of development. More specifically, it is the intent of these standards to:

- A. Provide effective transitions between single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in the single-family residential zones, and more intense uses;
- B. Protect the character of existing neighborhoods consisting of primarily single-family detached dwellings, two-family dwellings, townhouses or vacant lands in the single-family residential zones from potentially-adverse impacts resulting from more intense and incompatible adjacent forms of development;
- C. Limit the excessive consumption of available land through the utilization of large vegetated buffers in favor of development form and design treatments; and
- D. Establish and maintain vibrant pedestrian-oriented areas where differing uses can operate in close proximity to one another.

27-6.1102. Applicability

A. General

1. Unless exempted as provided in Sec. 27-6.1102.B below, these standards apply to:
 - a. Any new townhouse, multifamily, nonresidential, or mixed-use development when located on land adjacent to, or across a street or alley from, existing single-family detached dwellings, two-family dwellings, or vacant lands in the RE, RR, RSF-96, and RSF-65 zones (single-family residential zones);
 - b. Any new multifamily, nonresidential, or mixed-use development when located on land adjacent to, or across a street or alley from, existing townhouse dwellings;
 - c. Any expansion of an existing townhouse, multifamily, nonresidential, or mixed-use building located on land abutting or across a street or alley from existing single-family detached dwellings, two-family dwellings, or vacant lands in a single-family residential zone, where the expansion increases the building's gross floor area by 50 percent or more; and
 - d. Any expansion of an existing multifamily, nonresidential, or mixed-use building located on land abutting or across a street or alley from existing townhouse dwellings where the expansion increases the building's gross floor area by 50 percent or more.
2. For the purposes of this Section:
 - a. "Multifamily development" shall include the following:

- i. Live/work dwellings; and
 - ii. Multifamily dwellings.
- b.** "Nonresidential development" shall include the following:
- i. Uses in the Group Living Uses, Health Care Uses, Transportation Uses and Utility Use Categories; and
 - ii. Uses in the Commercial Use and Industrial Use Classifications.

B. Exemptions

The following are exempt from these standards:

1. Townhouse, multifamily, nonresidential, and mixed-use development located on lots separated from single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in a single-family residential zone by a built and existing street with four or more lanes;
2. Uses in the Communication Uses, Community Service Uses, and Educational Uses Categories; and
3. Townhouse, multifamily, nonresidential, or mixed-use development located within one-quarter mile of the centerline of US 1, within the corporate boundaries of the City of College Park, and outside any historic district.

C. Timing of Review

Review for compliance with these standards shall occur during review of planned development (Sec. 27-3.505), detailed site plan (major or minor) (Sec. 27-3.508), subdivision (minor or major) (Subtitle 24: Subdivision Regulations), or building permit (Sec. 27-3.514), as appropriate.

D. Conflict

In the case of conflict between these neighborhood compatibility standards and other standards in this Ordinance, these neighborhood compatibility standards shall control.

27-6.1103. Neighborhood Compatibility Standards

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

A. Building Height and Setbacks

1. Setbacks of buildings shall be consistent with other buildings on the block face and across the street to maintain a consistent plane or edge of buildings along public frontages. Setbacks of buildings shall vary no more than 15 percent from the setbacks of adjacent buildings.
2. Building height shall not exceed the maximum height established in Table 27-6.1103.A.2: Maximum Height in Transitional Areas.

Table 27-6.1103.A.2: Maximum Height in Transitional Areas

Distance from Single-Family Dwelling, Two-Family Dwelling, or Vacant Land in a Single-Family Zone [1] [2]	Maximum Height	
	Parcels Fronting US 1 Between the Southern Corporate Boundaries of the City of College Park and the County's Boundary with the District of Columbia, and Parcels Fronting 34th St between Sheperd St and Otis St	All Other Areas
50 feet or less	Lesser of: 3 stories or 35 feet	Lesser of: 3 stories or 35 feet
Greater than 50 feet but less than 150 feet	Lesser of: 6 stories or 65 feet	
150 to 200 feet	No requirement	Lesser of: 4 stories or 45 feet

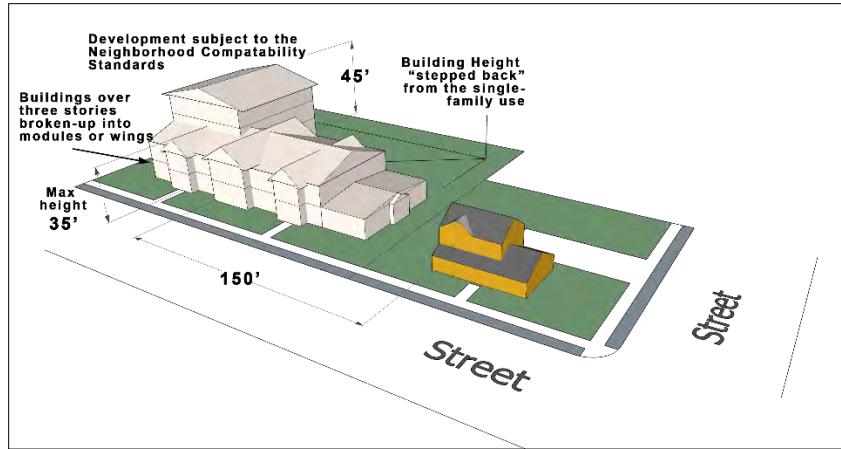
NOTES:

[1] The distance from a single-family dwelling, two-family dwelling, townhouse, or vacant land in a single-family zone is to be measured from the closest portion of the dwelling (in the case of single-family and two-family dwellings and townhouses) or from the property line (in the case of vacant land).

[2] All required minimum zone setbacks shall apply.

3. Buildings over three stories in height shall be broken up into modules or wings with the smaller and shorter portions of the structure located adjacent to single-family dwellings, two-family dwellings, townhouses or vacant lands in a single-family residential zone (see Figure 27-6.1103.A.3: Building Height Modulation).

Figure 27-6.1103.A.3: Building Height Modulation



B. Building Orientation

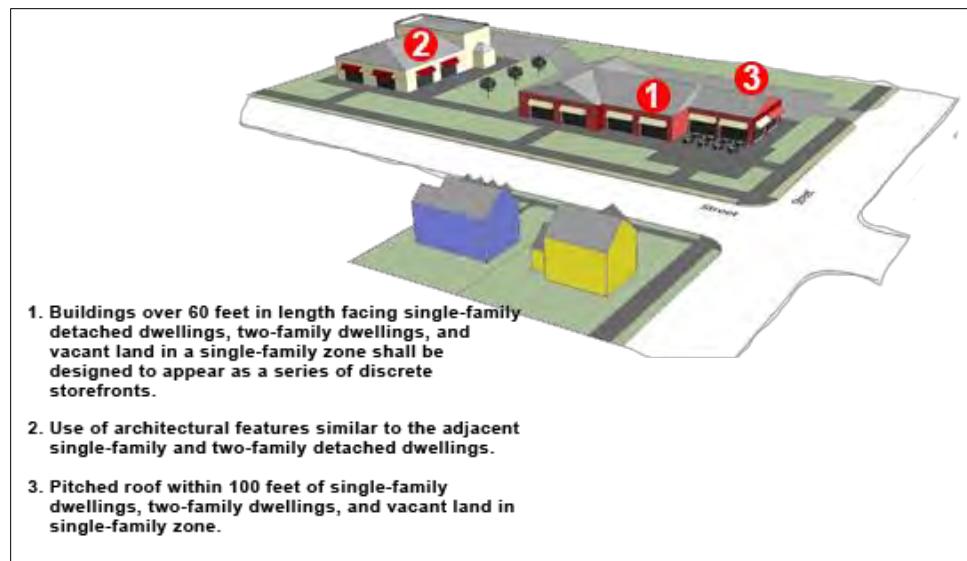
Except for mews or when open space is located in front of the building, buildings shall be oriented towards the street from which they derive their street address.

C. Building Design

1. Buildings shall (see Figure 27-6.1103.C: Compatible Building Design):
 - a. Use a similar roof type to adjacent single-family detached dwellings or two-family dwellings in terms of slope and arrangement to prevent abrupt changes in roof form;

- b. Use a pitched roof if located within 100 feet of vacant lands in a single-family residential zone, with a minimum pitch between 6:12 and 12:12;
 - c. Configure all roof-mounted equipment to avoid or minimize its view from adjacent single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in a single-family residential zone;
 - d. Use exterior colors that are similar to those found on adjacent single-family detached dwellings or two-family dwellings;
 - e. Use similarly sized and patterned architectural features such as windows, doors, awnings, arcades, pilasters, cornices, wall offsets, building materials, and other building articulations found on adjacent single-family detached and two-family dwellings; and
 - f. Orient porches, balconies, and outdoor activity areas away from adjacent single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in a single-family residential zone.
2. Retail commercial building façades over 90 feet in length that face single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in a single-family residential zone shall be designed to appear as a series of discrete storefronts, with no single storefront occupying more than 50 percent of the total façade width of the building.

Figure 27-6.1103.C: Compatible Building Design



D. Building Materials

1. Transparency

Building façades facing single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in a single-family residential zone, shall comply with the standards in Table 27-6.1103.D.1, Transparency Standards:

Table 27-6.1103.D.1: Transparency Standards

Building Story	Minimum Façade Area Percentage to be Transparent (Percent of Façade) [1],[2],[3]
1 st Floor [2]	35 [3]
2 nd Floor	20
3 rd or Higher Floor	20

NOTES:

- [1] The façade area shall be measured from the grade to the underside of the eaves, or from story line to story line on upper building stories.
- [2] Façades abutting sidewalks, plazas, gathering areas, or other pedestrian areas shall incorporate transparent glazing.
- [3] The first two feet of façade area closest to the grade are not required to be glazed and shall be excluded from the façade area calculation.

2. Exterior Materials

Except along US 1 between the southern corporate boundaries of the City of College Park and the County's boundary with the District of Columbia and along 34th Street between Sheperd Street and Otis Street, façades facing single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in a single-family residential zone shall comply with the following exterior materials standards:

- a. Materials and material configurations shall be similar to those commonly used on adjacent single-family detached dwellings and two-family dwellings.
- b. Plywood, standard (versus decorative) concrete block, and corrugated metal are prohibited as exterior materials.
- c. Vinyl siding shall not exceed 25 percent of a building façade.

E. Multi-Building Placement

Except along US 1 between the southern corporate boundaries of the City of College Park and the County's boundary with the District of Columbia and along 34th Street between Sheperd Street and Otis Street, multi-building development that includes varying use and/or development intensities in different buildings shall locate buildings with the least intense use and/or development nearest to the abutting single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in a single-family residential zone, to the maximum extent practicable.

F. Off-Street Parking

1. Except along US 1 between the southern corporate boundaries of the City of College Park and the County's boundary with the District of Columbia and along 34th Street between Sheperd Street and Otis Street, for development that is within 200 feet of single-family detached dwellings, two-family dwellings, townhouses, or vacant land within a single-family residential zone, the total amount of off-street parking shall not exceed 1.1 times the required minimum specified in Table 27-6.206.A: Minimum Number of Off-Street Parking Spaces, and may be reduced through an alternative parking plan (see Sec. 27-6.208, Off-Street Parking Alternatives) that demonstrates such reduction will not have an adverse impact on the adjacent single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in a single-family residential zone.
2. When required, off-street parking shall be established in one or more of the following locations, listed in order of priority:
 - a. Within a structured parking facility;
 - b. Adjacent to off-street parking lots serving nonresidential development on abutting lots;
 - c. Adjacent to lot lines abutting nonresidential development;
 - d. Adjacent to lot lines abutting mixed-use development;
 - e. Behind the building;
 - f. Within a lot's corner side yard;

-
- g. In front of the building; or
 - h. When all of the above options are infeasible, adjacent to lot lines abutting single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in a single-family residential zone.
3. Off-street surface parking areas shall be located at least 15 feet from a lot containing an existing single-family detached dwelling, two-family dwelling, townhouse, or vacant lands in a single-family residential zone.
4. Off-street surface parking areas located adjacent to single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in a single-family residential zone shall be screened by a perimeter landscape strip in accordance with Sec. 4.3, Parking Lot Requirements, of the Landscape Manual.
5. The façade of any parking structure facing adjacent single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in a single-family residential zone, shall be designed in accordance with the exterior materials standards of this Section and be landscaped to soften its visual impact.

G. Other Site Features

1. Loading, Service, Recycling Collection, and Refuse Collection Areas

Loading, service, recycling collection, and refuse collection areas shall be:

- a. Located behind or to the sides of buildings away from adjacent single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in a single-

family zone, and screened with walls and/or landscaping, and provided with access that is integrated with parking areas and the vehicular circulation network;

- b. Screened from view of single-family detached dwellings, two-family dwellings, townhouses, and vacant lands in a single-family residential zone, using materials that are the same as, or of equal quality to, the materials used for the principal building; or
- c. Incorporated into the overall design of the site so that the visual impacts of these functions are fully contained within an enclosure, or are otherwise out of view from adjacent single-family detached dwellings, two-family dwellings, townhouses, or vacant lands in a single-family residential zone.

2. Drive-Through Service Facilities

- a. In no instance shall a drive-through or pick-up window be located on a building façade that faces a single-family detached dwelling, two-family dwelling, townhouse, or vacant lands in a single-family residential zone.
- b. Order boxes associated with a drive-through or pick-up window shall be at least 200 feet from a lot containing a single-family detached dwelling, two-family dwelling, townhouse, or vacant lands in a single-family residential zone.

3. Exterior Lighting

- a. Exterior lighting shall have a maximum height of 14 feet and illumination that does not exceed 0.5 foot candles at the lot line if located within 100 feet of a

lot containing a single-family detached dwelling, two-family dwelling, townhouse, or vacant lands in a single-family residential zone.

- b. Exterior lighting shall have a maximum height of 18 feet if between 100 and 150 feet of such lot or lands (and illumination that does not exceed 0.5 foot candles at the lot line).
- c. Exterior lighting shall be extinguished by 10:00 P.M. or within one hour after closing, whichever occurs first.

4. Signage Standards

- a. To the maximum extent practicable, signage shall be located a minimum of 50 feet from lot lines shared with a single-family detached dwelling, two-family dwelling, townhouse, or vacant lands in a single-family residential zone.
- b. Signage within 50 feet of a lot line shared with a single-family detached dwelling, two-family dwelling, townhouse, or vacant lands in a single-family residential zone, shall be limited to directional signage.
- c. Within 100 feet of lot lines shared with a single-family detached dwelling, two-family dwelling, townhouse, or vacant lands in a single-family residential zone, the maximum sign area for signs shall be reduced by 25 percent.
- d. Canopy sign area shall not exceed 25 square feet if the canopy sign is either across the street from or within 200 feet of a development with single-family

dwellings, two-family dwellings, townhouses, or vacant lands in a single-family residential zone.

- e. Projecting signs are prohibited if the sign is located across the street from or within 200 feet of a development with single-family detached dwellings, two-family dwellings, or townhouses or vacant lands in a single-family residential zone.

5. Open Space Set-Asides

- a. Required open space set-asides shall be located between a proposed development and an adjacent single-family detached dwelling, two-family dwelling, townhouse, or vacant lands in a single-family residential zone, to the maximum extent practicable.
- b. Outdoor recreation features such as swimming pools, tennis courts, playgrounds, and similar features shall be at least 50 feet from any lot line shared with a single-family detached dwelling, two-family dwelling, townhouse, or vacant lands in a single-family residential zone.

6. Natural Features

Natural features such as existing vegetation, natural differences in topography, streams, wetlands, and other such features shall be used as transitions where possible.

7. Utilities

All on-site utilities serving individual buildings or developments shall be located underground.

H. Operational Standards

Except along US 1 between the southern corporate boundaries of the City of College Park and the County's boundary with the District of Columbia and along 34th Street between Sheperd Street and Otis Street, development within 200 feet of any single-family detached dwelling, two-family dwelling, townhouse, or vacant lands in a single-family residential zone shall:

1. Prohibit outdoor dining or other outdoor activities such as, but not limited to, outdoor entertainment areas where alcohol is served or music is played, and outdoor recreation areas that are open after 8:00 pm in the evening;
2. Limit trash collection or other service functions to only between the hours of 7:00 a.m. and 7:00 p.m.; and
3. Extinguish amplified music, singing, or other forms of noise audible at shared lot lines after 10:00 p.m. Sunday through Thursday nights, and after 12:00 a.m. Friday and Saturday nights.

Sec. 27-6.1200 Agricultural Compatibility Standards

27-6.1201. Purpose and Intent

The purpose and intent of these agricultural compatibility standards is to promote development that is compatible with existing agricultural uses and activities in the County. More specifically, these standards are intended to:

- A. Ensure new non-agricultural development does not negatively impact the continuation of existing adjacent agricultural uses

and activities in the Rural and Agricultural base zones (the AG- and AR- zones);

- B. Maintain and promote rural character in the Rural and Agricultural base zones;
- C. Encourage the use of conservation subdivisions for agricultural protection as a way to conserve agricultural and environmental features;
- D. Allow families conducting agricultural uses and activities to capture the monetary value of their land through limited development while continuing agricultural uses and activities; and
- E. Ensure greater compatibility between existing agricultural uses and activities and new non-agricultural development.

27-6.1202. Applicability

A. General

Except where exempted by subsection Sec. 27-6.1202.B below, the standards in this Section shall apply to all new residential and nonresidential uses (including public, civic, institutional, commercial, or industrial uses) that are proposed to be located adjacent to an ongoing agricultural use or activity in the AG and AR base zones.

B. Exemptions

The standards in this Section shall not apply to residential portions of a conservation subdivision adjacent to an agricultural use or activity taking place within the conservation subdivision's open space set-aside.

27-6.1203. Timing of Review

Review for compliance with these standards shall take place during review of a planned development (Sec. 27-3.505), detailed site plan (major or minor) (Sec. 27-3.508), subdivision (minor or major) (Subtitle 24: Subdivision Regulations), or building permit (Sec. 27-3.514), as appropriate.

27-6.1204. Agricultural Compatibility Standards

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

A. Agricultural Buffer

1. Buffer Required

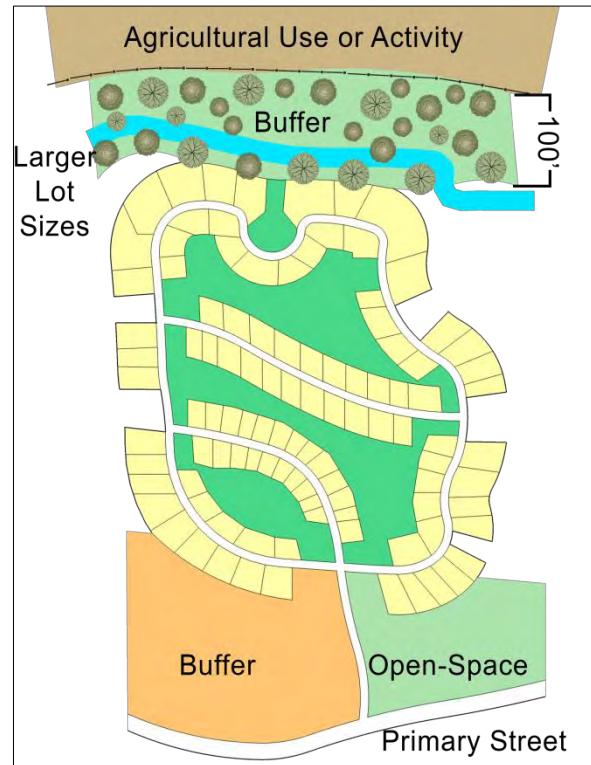
Development shall provide and maintain a vegetative buffer and fencing (or walls) along all property lines abutting land that accommodates an agricultural use or activity in accordance with the standards of this Subsection, for as long as the agricultural use or activity continues (see Figure 27-6.1204.A: Agricultural Buffer Features and Open Space Set-Asides and Lot Configurations).

2. Buffer Width

- The agricultural buffer shall be at least 100 feet wide.
- The Planning Director may allow the buffer width to be reduced by up to 20 percent upon determining that the reduced buffer width is justified by the type or intensity of the adjacent agricultural use or activity, an intervening topographic change, an intervening riparian buffer, or the existence or

provision of vegetation in addition to that required in Sec. 27-6.1204.A.3 below.

Figure 27-6.1204.A: Agricultural Buffer Features and Open Space Set-Asides and Lot Configurations



3. Buffer Materials

- Agricultural buffers shall consist of a mix of trees, shrubs, berms, and natural features sufficient to reduce noise, spray drift, and dust, diffuse light; and act as a physical separation between non-agricultural and agricultural uses and activities. All buffers shall

incorporate a vegetative screening component to reduce conflict potential between residential/nonresidential and agricultural uses and activities.

- b.** A buffer shall incorporate a wall or fence to provide additional screening and/or limit access between the development and the abutting agricultural uses or activities.
- c.** Where the agricultural buffer is directly adjacent to a residential dwelling or residential lot, the length of the buffer running parallel to the dwelling along the property line shall be landscaped as follows, in addition to the buffer and fence:
 - i.** The buffer shall be planted with a minimum of two offset rows of trees that provides an average spacing between the canopies of trees of ten feet or less, at maturity.
 - ii.** Each tree shall be a minimum height of eight feet and minimum caliper of two inches when planted.
 - iii.** Each tree shall be a native species that can be expected to attain a minimum height of 35 feet and have a crown width of 25 feet or greater, at maturity.

4. Development Allowed in Buffer

Development allowed within a buffer is limited to:

- a.** Landscaping with native plants, trees, or hedgerows;
- b.** Crossings by roadways, driveways, railroad tracks, and utility lines (and associated maintenance

corridors), where the crossing is aligned to minimize any reduction of the buffer's effectiveness;

- c.** Trails that involve minimal removal or disturbance of buffer vegetation;
- d.** Stormwater management facilities, to the extent they are determined to be necessary by the Director of the Department of Permitting, Inspections, and Enforcement;
- e.** Vegetation management, including the planting of vegetation or pruning of vegetation, removal of individual trees that pose a danger to human life or nearby buildings, removal of individual trees to preserve other vegetation from extensive pest infestation, removal of understory nuisance or invasive vegetation, or removal or disturbance of vegetation as part of emergency fire control measures; and
- f.** Any other development determined by the Planning Director to be consistent with the use of the property as an agricultural buffer.

5. Maintenance

- a.** Landowner(s) are responsible for all aspects of continuous maintenance of buffer areas.
- b.** Landowner(s) shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety within six months, weather permitting.

- c. If the development consists of multiple parcels that may be held under separate ownership, a homeowners' association, property owners' association, or similar entity shall be required to maintain buffers to control litter, fire hazards, pests, and other maintenance problems.
- d. Buffer maintenance requirements shall be stipulated through inclusion in covenants, conditions, and restrictions, as appropriate.

B. Location and Configuration of Open Space Set-Asides

In cases where new development subject to these standards includes open space set-asides, they shall be located, to the maximum extent practicable, between the abutting existing agricultural uses or activities and the buildings in the new development, and be configured to accommodate the agricultural buffer required in Sec. 27-6.1204 above (see Figure 27-6.1204: Agricultural Buffer Features and Opens Space Set-Asides and Lot Configurations).

C. Lot Size Configuration

Except for lots in a conservation subdivision or lots platted prior to [insert effective date of this Ordinance], lots bordering the vegetated buffer shall maintain a minimum lot area twice the minimum lot area otherwise required by the base zone where the development is located (see Figure 27-6.1204: Agricultural Buffer Features and Opens Space Set-Asides and Lot Configurations).

D. Preservation of Direct Access for Agricultural Uses and Activities

Development subject to these standards shall be configured to ensure agricultural uses and activities retain direct access to adjacent streets.

E. Notification on Planned Development, Site Plan, or Subdivision

Planned developments, detailed site plans (minor or major), and subdivisions (minor or major) subject to these standards shall bear a notation on each individual development approval indicating the development is adjacent to an existing agricultural use or activity that is anticipated to generate noise, light, dust, odor, or vibration as part of its normal operations.

Sec. 27-6.1300 Urban Farm Compatibility Standards

27-6.1301. Purpose and Intent

The purpose and intent of these urban farm compatibility standards is to support and protect urban farms from incompatible development. More specifically, these standards are intended to:

- A. Ensure new residential and nonresidential development does not negatively impact the continuation of existing adjacent urban farms on adjacent lands in the Rural and Agricultural and Residential Base Zones; and
- B. Ensure greater compatibility between existing urban farms and new residential and non-residential uses.

27-6.1302. Applicability

The standards in this Section shall apply to all new residential and nonresidential uses that are proposed to be located adjacent to an on-going urban farm in the ROS, AR, RE, RR, RSF-4.6, RSF-6.7, RSF-A, RMF-12, RMF-20, RMF-48, and Transit-Oriented/Activity Center zones.

27-6.1303. Timing of Review

Review for compliance with these standards shall take place during review of a planned development (Sec. 27-3.505), detailed site plan (minor or major) (Sec. 27-3.508), subdivision (minor or major) (Subtitle 24: Subdivision Regulations), or building permit.

27-6.1304. Compatibility Standards

A. Buffer

1. Buffer Required

Development subject to these standards shall provide and maintain a vegetative buffer along all property lines abutting land that accommodates an urban farm in accordance with the standards of this Subsection, for as long as the urban farm continues.

2. Buffer Width

- a. The agricultural buffer shall be at least 50 feet wide and run the length of the property adjacent to the urban farm.
- b. The Planning Director may allow the buffer width to be reduced by up to 20 percent upon determining that the reduced buffer width is justified by the type, intensity, or lay-out of the adjacent urban farm, an

intervening topographic change, an intervening riparian buffer, or the existence or provision of vegetation in addition to that required in subsection 3 below.

3. Buffer Materials

- a. Buffers shall consist of a mix of trees, shrubs, berms, and natural features sufficient to reduce noise, spray drift, dust, and diffuse light, and act as a physical separation between the urban farm and residential or non-residential use.
- b. The buffer shall incorporate a wall or fence a minimum of four feet in height to provide additional screening and/or limit access between the development and the abutting urban farm.
- c. The length of the buffer shall be landscaped as follows in addition to any other vegetative buffer or fence:
 - i. It shall be planted with a minimum of two offset rows of trees that provides an average spacing between trees of ten feet or less.
 - ii. Each tree shall be a minimum height of eight feet and minimum caliper of two inches when planted.
 - iii. Each tree shall be a native species that can be expected to attain a minimum height of 35 feet and have a crown width of 25 feet or greater at maturity.

4. Development Allowed in Buffer

Development allowed within the buffer is limited to:

- a. Landscaping with native plants, trees, or hedgerows;
- b. Crossings by driveways, railroad tracks, and utility lines (and associated maintenance corridors), where the crossing is aligned to minimize any reduction of the buffer's effectiveness;
- c. Trails that involve minimal removal or disturbance of buffer vegetation;
- d. Stormwater management facilities to the extent determined to be necessary by the Planning Director;
- e. Vegetation management, including the planting of vegetation or pruning of vegetation, removal of individual trees that pose a danger to human life or nearby buildings, removal of individual trees to preserve other vegetation from extensive pest infestation, removal of understory nuisance or invasive vegetation, or removal or disturbance of vegetation as part of emergency fire control measures; and
- f. Any other development determined by the Planning Director to be consistent with the use of the property as an agricultural buffer.

5. Maintenance

- a. Property owner(s) are responsible for all aspects of continuous maintenance of buffer areas.
- b. Property owner(s) shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety within six months, weather permitting.

- c. Buffer maintenance requirements shall be stipulated through inclusion in covenants, conditions, and restrictions.

B. Location and Configuration of Open Space Set-Asides

In cases where new development subject to these standards includes open space set-asides, it shall be located, to the maximum extent practicable, between the abutting existing urban farm and the buildings in the new development, and be configured to accommodate the buffer required in subsection 27-6.1304.A.1.

C. Preservation of Direct Access for Uses Permitted by Urban Farm

Development subject to these standards shall be configured to ensure uses permitted by an urban farm retain direct access to adjacent streets.

Sec. 27-6.1400 Signage

27-6.1401. Purpose and Intent

The purpose of this Section is to regulate and control signs to:

- A. Encourage the use of signage as a means of visual communication;
- B. Safeguard vehicular, bicycle, and pedestrian traffic within streets by minimizing visual distractions to motorists and preventing obstruction of or interferences with traffic signs and signals;
- C. Preserve land values and promote quality design in signage and prevent unsightly signage and visual clutter;

- D. Eliminate structurally unsafe signs that endanger a building, structure, or the public;
- E. Regulate the location and size of signs to provide for adequate identification and advertisement in a manner that is compatible with the quality and character of development in the County;
- F. Minimize possible adverse impacts of signage on adjacent public and private lands; and
- G. Prevent the proliferation of signs that could detract from the scenic qualities of the landscape or the attractiveness of development.

27-6.1402. Applicability

A. General

- 1. Unless exempted in accordance with Sec. 27-6.1402.B below or in Sec. 27-6.1403, Timing of Review, no sign shall be erected, installed, constructed, altered, or moved except in accordance with the requirements of this Section and approval of a Sign Permit (Sec. 27-3.509).
- 2. Any sign authorized by this Section may contain noncommercial copy, whether or not it is related to the subject property, or commercial copy as long as the sign complies with the requirements of this Section. The placement of noncommercial copy on an authorized sign does not make the sign an outdoor advertising sign.

B. Exemptions

The following signs are exempted from the standards of this Section:

- 1. County, municipal, State, and Federal traffic, crime prevention, public safety and health, or directional signs;
- 2. The display of street addresses;
- 3. Signs forming an integral part of a gasoline pump;
- 4. Service appliance, or vending machine signs (such signs shall not project beyond the casing or structural housing of the pump, appliance, or machine);
- 5. Signs located within a building, enclosed shopping center, industrial center, or residential or group living development, and not readily visible from outside these developments;
- 6. Historical markers, monuments, or signs erected by a public authority;
- 7. Official notices or advertisements posted or displayed by or under the direction of any court official in the performance of that court official's duties;
- 8. Signs denoting the location of underground utilities;
- 9. Temporary signs advertising County- or municipal-sponsored events;
- 10. Warning signs affixed to tree protection fencing; and
- 11. Flags or emblems of any political unit, government, civic, educational, or religious organization.

27-6.1403. Timing of Review

The following signs are subject to the standards of this Section, but are exempt from the requirement of acquiring a Sign Permit:

- A. Signs of a noncommercial nature which are erected by, or ordered to be erected by, a County or municipal public official

- in the performance of official duty, or by a County governmental agency or municipality, such as: safety signs; traffic control signs; signs of historical interest (which also require approval of an historic area work permit in accordance with Subtitle 29 of the County Code of ordinances); and names or locations of cities, towns, and villages;
- B. Temporary real estate directional signs not located in the right-of-way, provided the sign area does not exceed three square feet, the sign height does not exceed three feet above finished grade at the base of the sign, the sign is erected on private property behind the street line (as authorized by the owner or tenant), no more than four such signs are erected for each property advertised, and the sign(s) are removed within six months of being erected;
- C. Temporary real estate directional signs located within public street rights-of-way under the County's jurisdiction, if:
1. The sign is erected within 25 feet of the corner of a street intersection;
 2. The sign area does not exceed one and one-half square feet;
 3. The sign height does not exceed three feet above finished grade;
 4. No more than four such signs are erected for each property advertised;
 5. No more than one such sign facing each direction of traffic is located at any one intersection;
 6. The sign is only erected between the hours of noon Saturday and noon of the following Monday; and
- D. With the condition if a police officer finds that the sign is a hazard to traffic, the officer may remove the sign.
- E. Temporary real estate signs and construction identification signs, provided the sign area does not exceed six square feet in area, the sign is placed on the property being advertised, and no more than one such sign is allowed for each street frontage of the property;
- F. Temporary signs pertaining to events sponsored by a place of worship, library, school, college or university, hospital, fire station, community center, child or adult day care center, fraternal or civic organization, or other similar group, provided the sign area does not exceed four square feet in area, the sign is located only on private property, and the sign is posted no more than five days prior to the event and removed within two days after the event;
- G. Temporary yard sale signage;
- H. The changing of bills of acts and features on frames at a theater (on marquee signs, for example) for which a sign permit has been issued, and changing the copy of any changeable copy sign;
- I. Signs painted on windows to identify the occupants of buildings in the Nonresidential and Transit-Oriented/Activity Center zones, provided not more than 25 percent of the gross window glass area on any one side of a building is covered by the painted surface (the area restrictions in Table 27-6.1306: Standards for Specific Sign Types, do not apply);
- J. Temporary signs located in or on the interior side of windows which indicate the products or services offered in the building in the Commercial zones and the Transit-Oriented/Activity Center zones, provided such signs are not flashing, blinking, scrolling, waving, fluttering, or floating signs (the area

- restrictions in Table 27-6.1306: Standards for Specific Sign Types, do not apply);
- J. Sandwich board or easel signs in the Commercial zones and the Transit-Oriented/Activity Center zones, provided:
1. Only one such sign shall be permitted for each building or for each tenant in a multi-tenant building;
 2. The sign area shall not exceed eight square feet in area;
 3. The sign height shall not exceed five feet;
 4. The sign shall not be permanently affixed to the ground;
 5. The sign shall be placed on the ground adjacent to the main entrance to the business it serves;
 6. The sign shall be located where it does not interfere with the flow of pedestrian traffic along a sidewalk or pedestrian pathway; and
 7. The sign shall be displayed only during business hours;
- K. Traffic signs internal to a development indicating directions, entrances, exits, or menu boards, provided any such sign does not exceed 12 square feet in area;
- L. Temporary string lighting and displays as part of customary holiday decorations and civic events, provided that:
1. The string lighting and displays are not placed in any right-of-way unless they are at least 15 feet above the street level and authorized by the government agency or private entity responsible for maintaining the street;
 2. The string lighting and displays are removed once the applicable customary holiday or civic event period ends;

3. Temporary string lighting is only affixed to buildings and landscaping, and does not strobe, flash, or blink at less than 30 second intervals; and
 4. The string lighting and displays are not displayed for a period of more than 45 days per customary holiday or civic event;
- M. Municipal club-sponsored signs, schedules of events, rules and regulations, and school and parking signs;
- N. Signs at each pump island at a gas station or any other business selling gasoline that displays each brand name and emblem of the gasoline sold, the grade of gasoline, and any other related signage, provided the aggregate signage area per pump island shall not exceed six square feet;
- O. Signage directly affixed to the interior or exterior face of windows, other than flashing, blinking, scrolling, waving, fluttering, or floating signs, provided that the total area of all such signage shall not cover more than 20 percent of the window's total area; and
- P. Signs for political campaigns, provided that such signs shall be located at least ten feet behind the street line and at least 50 feet from the nearest corner of any street intersection, shall be erected no more than 45 days prior to the election, and shall be removed within ten days after the general election, or within ten days after the primary election if the candidate is not successful.

27-6.1404. Prohibited Signs

The following signs are prohibited in any zone:

- A. Signs located in any manner or place so as to constitute a hazard to traffic;

- B. Signs which obstruct the view of traffic control devices;
 - C. Any moving signs or devices that attract attention, all or any part of which moves by any means, including floating, fluttering, flashing, flashing with intermittent lights, rotating, or otherwise moving devices, set in motion by movement of the atmosphere or by mechanical, electrical, or any other means including, but not limited to, pennants, flags, propellers, balloons, or discs, whether or not any device has a written message;
 - D. Signs emitting sound and/or smoke to attract attention;
 - E. Signs which are not clean, legible, or in a state of good repair;
 - F. Signs or sign structures that are no longer in use, effaced, or otherwise obsolete;
 - G. Signs which are illegal under State or Federal laws or regulations;
 - H. Any permanent illuminated tubing or strings of lights outlining property lines, open sales areas, rooflines, doors, windows, edges of any building, and fencing;
 - I. Signs that obstruct or substantially interfere with any door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress for any building;
 - J. Signs that are copies or imitations of an official sign or purports to have official status;
 - K. Signs advertising a business no longer on the premises, or advertising products no longer stocked or sold on the premises; such signs shall be removed within 30 days of the date the business or sale of the products ceases;
-
- L. Except in accordance with 27-6.1403.J above, portable signs, including any sign painted on or displayed on vehicles or trailers placed or parked in such a manner as to be used primarily for the purpose of advertising a business, but not including signs painted or displayed on vehicles and used solely to identify the owner, business, agency, or activity for which the vehicle is regularly used for transportation, service, or delivery purposes;
 - M. Signs projecting from a structure housing a gasoline pump, service appliance, or vending machine;
 - N. Outdoor advertising signs (billboards);
 - O. Signs that revolve; and
 - P. Signs having a revolving device that causes intermittent flashes of light to be projected.

27-6.1405. General Standards

A. Illumination

1. Static Illumination

Static illumination of signs is allowed in all zones except the Rural and Agricultural base zones, for all sign types except canopy signs, provided any external light source shall be directed toward the sign and shall not cast direct light or create glare upon adjacent lands or streets.

2. Animated Illumination

- a. Animated sign illumination is prohibited, except in accordance with Sec. 27-6.1405.A.2.b below.
- b. Signs on which the only copy that changes is the electronic indication of time, temperature, stock

market, or similar information are permitted in all districts except the Rural and Agricultural and Residential base and PD zones. Changes in copy shall be spaced at least eight seconds apart and shall be accomplished without the use of animation, movement, or scrolling.

B. Materials

Permanent signs shall be made only of durable, low-maintenance, high-quality materials and shall not be made of plywood, corrugated plastic sheets, cardboard, paper, cloth, vinyl banners, or other similar materials.

C. Digital Display

Digital displays shall comply with the standards in this Subsection.

1. Location and Sign Type

- a. In the Rural and Agricultural and Residential base zones and the Residential planned development zones, digital displays shall be permitted only on freestanding signs for Community Service and Educational uses.
- b. In the Transit-Oriented/Activity Center zones, digital displays shall be permitted only on building wall or roof signs.
- c. In all other base and PD zones, digital displays shall be permitted only on building wall or roof signs or freestanding signs.

2. Standards

- a. A digital display shall contain static messages only, and shall not have animation, movement, or the appearance or optical illusion of movement, of any part of the sign or its supporting structure. Each static message shall not include flashing or the varying of light intensity.
- b. Automatic changes in display are permitted for digital displays, provided such changes shall be:
 - i. Spaced at least six seconds apart;
 - ii. Accomplished in 0.25 seconds or less; and
 - iii. Accomplished without the use of animation, movement, or scrolling.
- c. Except when part of a digital billboard (see Sec. 27-6.1407.G), the luminance of a digital display during daylight hours shall be no greater than 1500 nits. At all other times, luminance shall be no greater than 150 nits. Automatic dimming is required to maintain the appropriate illumination levels at all times.
- d. Digital displays shall be designed and equipped to maintain a static display with no more than the maximum allowable brightness if a malfunction occurs.

D. Signs Within Proposed Right-of-Way

1. 'Sign permits may be issued for signs on land located within the right-of-way, property, or acquisition lines of a proposed street, rapid transit route, or rapid transit facility, or proposed relocation or widening of an existing street, rapid transit route, or rapid transit facility as shown

on the General Plan or other County plans (e.g., area master plans, sector plans, or functional master plans) only if such signs are placed on:

- a. Land which:
 - i. Was in reservation but is now not in reservation; and
 - ii. Has not been acquired and is not being acquired; or
- b. Land which was subdivided after the adoption of the General Plan or other County plans (e.g., area master plans, sector plans, or functional master plans), but

was not reserved or required to be dedicated for a street or rapid transit route or facility shown on the General Plan or other County plan.

27-6.1406. Standards for Specific Sign Types

Unless exempted in accordance with Sec. 27-6.1402.B, Exemptions, all signs except special purpose signs (see Sec. 27-6.1407, Standards for Special Purpose Signs) and temporary signs (see Sec. 27-6.1408, Standards for Temporary Signs) shall comply with the standards in Table 27-6.1406: Standards for Specific Sign Types, based on the zone in which the sign is located.

Table 27-6.1406: Standards for Specific Sign Types

Sign Attribute	Zones				
	Rural and Agricultural Zones and Residential Base and PD Zones	IE and IE-PD Zones	CN Zone	CS, CGO, and IH Base Zones	Transit-Oriented/Activity Center Base and PD Zones and MU-PD Zone
Building Wall or Roof Sign					
Location	No requirement for any residential use. For all other uses, allowed on any wall if set back at least 10 feet from the adjoining ROW. No more than 50 percent of the sign area can be on a side wall.	Allowed only on front wall of building in a signage band at least 10 and not more than 14 ft. above the ground	Allowed only on front wall of building and not less than 10 ft. above the ground	No requirement for any residential use. For all other uses, allowed on any wall if set back at least 10 feet from the adjoining ROW. No more than 50 percent of the sign area can be on a side wall.	Allowed only on front wall of building and not less than 10 ft. above the ground
Height (maximum)	No requirement for any residential use. For all other uses, 12 ft. above roofline or parapet wall, whichever is higher	Lowest point of roof of building	Lowest point of roof of building	No requirement for any residential use. For all other uses, 12 ft. above roofline or parapet wall, whichever is higher	Lowest point of roof of building
Height (maximum) of Sign (from base to top)	No requirement	18 inches	No requirement	No requirement	No requirement
Area (maximum) [1], [2]	No requirement for any residential use. For all other uses, one sq. ft. for each two	1.50 sq. ft. for each linear ft. of building facing street, to a max. of 80 square feet	One sq. ft. for each two linear ft. along front of building	No requirement for residential uses.	One sq. ft. for each two linear ft. along front of building.

Table 27-6.1406: Standards for Specific Sign Types

Sign Attribute	Zones				
	Rural and Agricultural Zones and Residential Base and PD Zones	IE and IE-PD Zones	CN Zone	CS, CGO, and IH Base Zones	Transit-Oriented/Activity Center Base and PD Zones and MU-PD Zone
	linear ft. along front of building			One- story or single-use building: Two sq. ft. per linear ft. along front of building. Two- or three- story building: Three sq. ft. per linear ft. along front of building. Four- story or higher building: Three sq. ft. (plus one sq. ft. for each additional three building stories, or fraction thereof, above the bottom three stories) per linear ft. along front of building. For all development: At least 60 sq. ft. of sign area is allowed in all circumstances. Total building wall or roof sign area shall not exceed 400 sq. ft.	
Other Standards	Signs shall not extend more than 12 inches from a building wall and shall be placed flat against the wall so that any sign message reads parallel with the wall.				
Canopy Sign					
Location	No requirement for residential use, except multifamily. For all other uses, a canopy sign shall be located a minimum of 10 ft. behind the street line, and shall not be located on top of the canopy.				
Height	Not allowed on the top of a canopy				
Area (maximum) [1],[2]					
Canopy located over 10 and less than 30 ft. from street line	All buildings	One sq. ft. of sign area per linear ft. of canopy in front of each individual place of business for shopping center, office building, or industrial center; otherwise, one sq. ft. of sign area per linear ft. of canopy or front of building to which canopy is attached, whichever is greater. Total sign area of all canopy signs in a development shall not exceed 200 sq. ft.			
Canopy located at least 30 ft. behind street line	In one story or single use building or within integrated shopping or	Two sq. ft. of sign area per linear ft. of canopy or front of building to which canopy is attached, whichever is greater. At least 60 sq. ft. of sign area is allowed under any circumstances. Total sign area of all canopy signs in a development shall not exceed 400 sq. ft.			No requirement

Table 27-6.1406: Standards for Specific Sign Types

Sign Attribute	Zones				
	Rural and Agricultural Zones and Residential Base and PD Zones	IE and IE-PD Zones	CN Zone	CS, CGO, and IH Base Zones	Transit-Oriented/Activity Center Base and PD Zones and MU-PD Zone
industrial center or office complex					
In one-story building housing at least two uses	Two sq. ft. of sign area per linear ft. of canopy or front of building to which canopy is attached, whichever is greater. At least 60 sq. ft. of sign area is allowed under any circumstances. Total sign area of all canopy signs in a development shall not exceed 400 sq. ft.				No requirement
In two--or three-story building housing two different uses	Three sq. ft. of sign area per linear ft. of canopy or front of building to which canopy is attached, whichever is greater. At least 60 sq. ft. of sign area is allowed under any circumstances. Total sign area of all canopy signs in a development shall not exceed 400 sq. ft.				No requirement
In four-story or taller building housing two different uses	Three sq. ft. of sign area, plus one additional sq. ft. of sign area for each additional three stories, or fraction thereof, above the bottom three stories --- per linear ft. of canopy or front of building to which canopy is attached, whichever is greater. At least 60 sq. ft. of sign area is allowed under any circumstances. Total sign area of all canopy signs in a development shall not exceed 400 sq. ft.				No requirement

Projecting Sign[2]**Location**

No building setback	May extend over public property, not closer than 10 ft. to curb line
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All other instances	At least two ft. behind vertical plane of street curb line and at least 10 ft. from the vertical plane of the street line
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Number (maximum)	One per building
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Projection (maximum)	42 inches from vertical plane of wall to which attached
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Clearance (minimum)	Minimum clearance of 10 ft. above the finished grade of a sidewalk and 18 ft. above driveways or alleys
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Other Standards	Projecting signs shall not swing.
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Freestanding Sign[3]

Location	No requirement for residential use. For all other uses, the business, service, or activity being advertised shall be located on the same parcel as the sign. Freestanding signs shall be located at least 10 ft. behind street line	No requirement	No requirement for residential use. For all other uses, the business, service, or other activity being advertised shall be located on the same parcel as the sign. Freestanding signs shall be located at least 10 ft. behind street line	No requirement
Number	No requirement for residential use. One sign per minimum of 50 ft. of street frontage, up to 1,100 ft. One sign for each additional 1,000 ft. of street frontage	No requirement	No requirement for residential use. One sign per minimum of 50 ft. of street frontage, up to 1,100 ft. One sign for each additional 1,000 ft. of street	No requirement

Table 27-6.1406: Standards for Specific Sign Types

Sign Attribute	Zones				
	Rural and Agricultural Zones and Residential Base and PD Zones	IE and IE-PD Zones	CN Zone	CS, CGO, and IH Base Zones	Transit-Oriented/Activity Center Base and PD Zones and MU-PD Zone
Height (maximum)	No requirement for residential use. 50 ft. if located adjacent to an expressway (e.g. Capital Beltway or I-95). 25 ft. in all other locations	At or below lowest point of building roof	No requirement	No requirement for residential use. 50 ft. if located adjacent to an expressway (e.g. Capital Beltway or I-95). 25 ft. in all other locations	No requirement
Area (maximum) [4]	No requirement for residential use. One sq. ft. per four linear ft. of street frontage sign faces. Maximum sign area of 200 sq. ft. per sign	One sq. ft. for each five linear ft. of street frontage on street sign faces	No requirement	<p>No requirement for residential use.</p> <p>Building within integrated shopping center, other commercial center with three or more businesses served by common and immediate off-street parking and loading facilities, industrial center, or office building complex: One sq. ft. per two linear ft. of street frontage sign faces. Maximum sign area of 200 sq. ft. per sign</p> <p>All other buildings: One sq. ft. per four linear ft. of street frontage sign faces. Maximum sign area of 200 sq. ft. per sign</p>	No requirement

NOTES

- [1] For the purposes of determining allowed sign area, the width in linear feet along the front of the building shall be measured along the wall facing the front of the lot or the wall containing the principal entrance to the building, whichever has the greater width. Within an integrated shopping or industrial center or office building complex, the width in linear feet along the front of the building shall be measured along the wall containing the principal entrance of each individual place of business.
- [2] If both wall or roof signs and canopy signs are proposed, the maximum areas for wall or roof signs and canopy signs shall be used to determine the permitted sign area on each structure on a prorated basis. (For example, if the permissible sign area on a wall or roof is 400 sq. ft. and the permissible sign area on a canopy is 200 sq. ft. and the applicant chooses to allocate 50 percent of the permissible sign area to each sign type, the permissible sign area on the wall or roof would be 200 sq. ft. and the permissible sign area on the canopy would be 100 sq. ft. As the percentage of total permissible sign area allocated to each sign type varies, the permissible sign area for each varies accordingly.) Projecting signs are considered building wall or roof signs for the purposes of determining the permitted sign area on a structure and are subject to the maximum sign area standards that apply to building wall or roof signs.
- [3] Unless within an integrated shopping center, other commercial center with three or more businesses served by common and immediate off-street parking and loading facilities, industrial center, or office building complex, freestanding signs are not allowed on property where the main building associated with the sign is not located at least 20 feet behind the front street line.

Table 27-6.1406: Standards for Specific Sign Types

Sign Attribute	Zones				
	Rural and Agricultural Zones and Residential Base and PD Zones	IE and IE-PD Zones	CN Zone	CS, CGO, and IH Base Zones	Transit-Oriented/Activity Center Base and PD Zones and MU-PD Zone
[4] The allowed freestanding sign area is in addition to that allowed for any other signs on a specific property.					

27-6.1407. Standards for Special Purpose Signs

A. Identification Sign

1. Permanent signs identifying multifamily, two-family, three-family, townhouse, and multifamily development and manufactured home parks are allowed if they comply with the following standards:
 - a. Location: on the building or premises.
 - b. Number: one for the first 100 dwelling units, plus one for each additional 100 dwelling units, up to a maximum of four signs.
 - c. Area (maximum): 48 square feet for each sign, except if fewer sign(s) are erected than allowed, the square footage of the sign(s) not erected can be applied to the signs erected. (for example, if three signs are allowed but only one identification sign is used, that sign may be 144 square feet in area).
2. Permanent signs identifying a business or professional office are allowed, if they comply with the following standards:

- a. Location: on the building adjacent to the main entrance.

- b. Number (maximum): one for each business.
- c. Area (maximum): Three square feet.

B. Single-Family Residential Gateway Sign

A monument sign that serves as a permanent gateway sign identifying a single-family residential subdivision is allowed, if it complies with the following standards:

1. Location: at the entrance to the single-family residential subdivision, set back from the road to maintain unobstructed lines of vision for 500 feet in all directions of travel.
2. Number (maximum): one for each single-family residential subdivision.
3. Area (maximum): 12 square feet.
4. Height (maximum): six feet above established grade.
5. Materials: low maintenance, durable, and in keeping with the character of the subdivision; plastic signs with internal illumination are prohibited; any illumination shall be of an

- enclosed lamp design, non-flashing, and contain no red illumination. Reflector-type signs may be used.
6. Landscaping: native landscaping shall be provided at the base of the sign; landscape materials shall be attractive and year-round in nature.
 7. Maintenance' responsibility of a Homeowners' Association or other entity or person designated in a maintenance agreement signed with the Department of Permitting, Inspections, and Enforcement.

C. Gateway Sign for Businesses or Professional Offices

A monument sign that serves as a permanent gateway sign identifying a businesses or professional office is allowed, if it complies with the following standards:

1. Location: at the entrance to the site, setback from the road a sufficient distance to maintain unobstructed lines of vision for 500 feet in all directions of travel.
2. Number (maximum): one for each building complex.
3. Area (maximum): 100 square feet.
4. Height (maximum): eight feet above established grade.
5. General: sign may include the names or logos and addresses of businesses. The signs may also contain the name or logo of the complex.
6. Materials: shall be low maintenance, durable, and in keeping with the character of the area. Plastic signs with internal illumination are prohibited.
7. Landscaping: native landscaping which is attractive year-round shall be provided at the base of the gateway sign.

8. Maintenance: shall be the responsibility of a business association or other entity or person designated in a maintenance arrangement approved by the Planning Director.

D. Directional Sign for Public, Civic, and Institutional Uses, or Golf Courses or Country Clubs

Directional signs indicating the locations and names of public, civic, and institutional uses (except for Communication uses and Utility uses) or golf courses or country clubs may be placed within or on land in any Nonresidential base zone adjacent to street rights-of-way, if the directional sign complies with the following standards:

1. Area (maximum):
 - a. Within street right-of-way: four square feet.
 - b. Outside street right-of-way: 16 square feet.
2. Height (maximum): Ten feet above established grade.
3. Illumination: The sign shall not be illuminated (but may be of the beaded reflector type).
4. Other standards: The sign shall be erected in accordance with applicable State, County, and municipal highway regulations.

E. Institutional Sign

An institutional sign for a Community Service Use, Educational Use, or Health Care Use is allowed if it complies with the following standards:

1. Number (maximum): one per street the property fronts on (must face street frontage).

2. Area (maximum for each sign): 48 square feet.
3. Height (maximum): eight feet above finished grade at base of sign.
4. Setback (minimum): 15 feet from adjoining land in any Residential zone (or land proposed to be used for residential purposes).
5. Type allowed: freestanding or building wall sign.

F. Freestanding Gas Station Price Signs

1. Freestanding gas station price signs shall comply with the following standards:
 - a. If the sign reflects the price of only leaded, regular, and unleaded gasoline, it shall not exceed 25 square feet in area, except as provided for in Sec. 27-6.1407.F.1.c below;
 - b. If the sign reflects the price of more than three types of gasoline, it shall not exceed 50 square feet in area, except as provided for in Sec. 27-6.1407.F.1.c below;
 - c. Any unused freestanding sign area authorized in accordance with Table 27-6.1306: Standards for Specific Sign Types, may be added to the permissible sign area for gasoline prices;
 - d. The total combined area of freestanding gas station price and other on-site signs on one support structure shall not exceed 200 square feet in area.
2. Gas station price signs shall be affixed to the same freestanding structure that supports the sign containing other advertising matter for that gas station.

G. Digital Billboard

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:

1. Notwithstanding any other provision of this Subtitle, a digital billboard shall have a minimum front setback of ten feet from the property line and a minimum side setback of five feet from the property line, and shall be located within 15 feet of the nonconforming billboard that the digital billboard is replacing.
2. A digital billboard shall not be located within 500 feet of an existing outdoor advertising sign or within 1,000 feet of another digital billboard located on and facing the same roadway.
3. A digital billboard shall not be located on a roadway other than a roadway with a transportation functional classification of collector or higher.
4. A digital billboard shall not be located where it would obstruct a motorist's view of official traffic signs or controls, and approaching or merging traffic.
5. Unless modified in accordance with subsection 9 below, the height of a digital billboard shall not exceed 45 feet above the finished grade at the base of the digital billboard, or, if oriented toward an abutting elevated street, 45 feet above the pavement of that street at the point on the elevated street nearest the digital billboard.
6. The Dpie Director may increase the maximum height of a digital billboard to the greater of 55 feet above the

finished grade at the base of the digital billboard or 50 feet above the pavement of an abutting elevated street at the point on the street nearest the digital billboard, if the Dpie Director finds that:

- a. The nonconforming billboard that the digital billboard is replacing is higher than 45 feet;
- b. The digital billboard is obstructed from view; or
- c. At the time of application for a sign permit, a building permit has been issued for an adjacent property which would cause an obstruction of the proposed digital billboard.
7. The digital display area of a digital billboard shall not exceed 675 square feet.
8. A digital billboard shall not operate at a brightness level of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at the distance from the digital billboard listed in Table 27-6.1407.G.8: Distance for Measuring Footcandles, based on the size of the digital display.

Table 27-6.1407.G.8: Distance for Measuring Footcandles

Digital Display Size	Measurement Distance from Digital Billboard
300 sq ft or less	150 feet
Between 300 sq ft and 378 sq ft	200 feet
Between 378 sq ft and 675 sq ft	250 feet

9. A digital billboard shall have a light sensing device to adjust the digital display brightness as ambient light conditions change.
10. A digital billboard shall comply with all applicable State and Federal regulations.

11. A parcel occupied solely by a digital billboard is exempt from landscaping and screening requirements in the Landscape Manual; provided, landscaping shall be provided around the base of a digital billboard in accordance with the Landscape Manual.
12. If a digital display is removed from a digital billboard, it may be replaced within a period of one year, during which time the sign owner shall be permitted to operate the sign faces as traditional, static type billboard.

H. Country Inn

Signs associated with a country inn are allowed, if they comply with the following standards:

1. Location: anywhere on the premises.
2. Number (maximum): one for each country inn.
3. Area (maximum): six square feet.
4. Setback (minimum): five feet behind the street line.
5. Illumination: the sign may be illuminated, but no neon, red, scrolling, or flashing device may be used. The illumination shall be confined to the face of the sign and not glare onto residential property or public streets.

I. Sand and Gravel Wet-Processing and Surface Mining

Signs identifying sand and gravel wet-processing and surface mining shall be placed on the site (whether it is conforming or nonconforming), and shall comply with the following standards:

1. Location: all signs shall be conspicuous and legible.
2. Number (maximum):

- a. If the property has frontage on one or more improved public streets, there shall be one sign posted for each 1,000 feet (or fraction) of street frontage on each street.
- b. If the property does not have frontage on an improved public street, there shall be one sign posted within the right-of-way or easement which provides vehicular access to the property.
3. Area (maximum): not less than nine or more than 16 square feet.
4. Height: not less than four or more than eight feet above the finished grade of the improved street if it is to be viewed from a public street.
5. General: Each sign shall identify the use as a surface mining or sand and gravel wet-processing operation, the size of the property (in acres), and the name of the owner of the property and operator of the facility. A legal description of the property, including the subdivision name, lot and block numbers, or liber and folio numbers shall be included, as well as instructions for obtaining additional information about the operation.

J. Produce Stand (Farm Products)

A sign for a produce stand is allowed if it complies with the following standards:

1. Location: at least 10 feet behind the street line, and at least 50 feet from the nearest corner of any street intersection.
2. Number (maximum): one per street the produce stand fronts.

3. Area: 48 square feet.
4. Illumination: any illumination shall be confined to the face of the sign, and shall not create glare onto adjacent property or streets.

K. Home-Based Business

A sign for a home-based business is allowed if it complies with the following standards:

1. Location: at least 10 feet behind the street line.
2. Number (maximum): one per street the property fronts on.
3. Area (maximum): Two square feet.
4. Illumination: any illumination shall be of an enclosed lamp design and non-flashing; the sign shall contain no red illumination or scrolling text. Reflector-type signs may be used.

L. Office (Business or Rental) in Multifamily Dwelling

A sign for a business or rental office in a multifamily development is allowed if it complies with the following standards:

1. Location: attached to the building.
2. Number (maximum): one per dwelling.
3. Area (maximum): four square feet.

27-6.1408. Standards for Temporary Signs

A. Temporary Use Sign

Signs for a temporary use in any zone shall comply with the following standards:

1. Location: at least 10 feet behind the street line.
2. Number (maximum): one per street the property fronts, unless modified in the sign permit.
3. Area (maximum): six square feet.
4. Illumination: any illumination shall be confined to the face of the sign and not glare on adjacent properties or streets.

B. Real Estate Sign

1. Temporary real estate signs that are not exempted from the requirement of acquiring a sign permit in accordance with Sec. 27-6.1403, Timing of Review, are allowed in all base and PD zones, if they comply with the following standards:
 - a. In Rural and Agricultural zones and Residential base and PD zones:
 - i. Location: on building or premises advertised.
 - ii. Number (maximum): one for each property advertised, plus one for each additional street the property fronts (must face additional street frontage).
 - iii. Area (maximum): 24 square feet; plus 12 square feet for each additional acre advertised above two acres, to a maximum of 100 square feet.
 - iv. Removal: the sign shall be removed upon sale of the property.
 - b. In all other base and PD zones:
 - i. Location: on building or premises advertised.

- ii. Number (maximum): one for each property advertised, plus one for each additional street the property fronts (must face additional street frontage).
- iii. Area (maximum): 120 square feet.
- iv. Removal: the sign shall be removed upon sale of the property.

2. A sign permit for a temporary real estate advertising sign shall be valid for only six months. The permit may be renewed for an additional six month periods, for good cause shown, by the Dpie Director.

C. Real Estate Directional Sign

1. Temporary real estate directional signs that are not exempted from the requirement of acquiring a sign permit in accordance with Sec. 27-6.1403, Timing of Review, above, are allowed in all base and PD zones, if they comply with the following standards:
 - a. Location: within four street miles of a project.
 - b. Number (maximum): four for each project.
 - c. Area (maximum): 50 square feet.
 - d. Height (maximum): 15 feet above finished grade at base of sign.
 - e. Setback (minimum): 15 feet from public street and 150 feet from the nearest curb intersection of any two streets.
 - f. Removal: The sign(s) shall be removed upon sale of the property.

2. A sign permit for a temporary real estate directional sign shall be valid for six months. The permit may be renewed for additional six month periods, for good cause shown, by the DPIE Director.

D. Personal Vehicle Sales and Rentals

1. No temporary sign for a private automobile or other motor vehicle auction shall be placed on the exterior of any fence visible from the public right-of-way, nor shall any flags, banners, pennants, or similar items be mounted, suspended or otherwise displayed for advertising the private automobile or other motor vehicle auction so that they are visible from the public-right-of-way.
2. Any sign permitted in accordance with this Section shall contain the date and time of the auction with a contact phone number for further information.

E. Construction Sign

Construction signs are allowed in any zone, if they comply with the following standards:

1. In Rural and Agricultural zones and Residential base and PD zones:
 - a. Location: On building or premises being constructed.
 - b. Number (maximum): one for each project; plus one for each additional street the property fronts on (must face additional street frontage).
 - c. Area (maximum): 24 square feet; plus 12 square feet for each additional acre in the project above two acres, to a maximum of 100 square feet.

- d. Height (maximum): 12 feet above finished grade at base of sign.
 - e. Removal: The sign(s) shall be removed within one month of the date construction on the site is completed.
2. In all other base and planned development zones:
 - a. Location: On building or premises being constructed.
 - b. Number (maximum): one for each project; plus one for each additional street the property fronts on (must face additional street frontage).
 - c. Area (maximum): 120 square feet.
 - d. Height (maximum): 12 feet above finished grade at base of sign.
 - e. Removal: The sign(s) shall be removed within one month of the date construction on the site is completed.

27-6.1409. Alternative Sign Plan

- A. The DPIE Director may issue a permit in accordance with an alternative sign plan approved by the Planning Director or by a municipality that has been granted authority over sign departures where the proposed signs are located, where a deviation from the standards in this Section is justified because of site or development conditions that make strict compliance with such standards impossible or impractical.
- B. An alternative sign plan approved by the Planning Director shall indicate how the proposed deviations are justified by site or development conditions and illustrate how compliance with the standard(s) from which a deviation is sought can be

achieved to the maximum extent practicable. Conditions justifying approval of an alternative sign plan by the Planning Director may include:

1. Natural conditions, such as watercourses, natural rock formations, or topography;
2. Lot size or configuration;
3. Infill development or redevelopment on small lots;
4. The presence of existing utility or other easements;
5. The potential for interference with public safety; and
6. Other situations where strict adherence to the standards are determined impractical.

Sec. 27-6.1500 Green Building Standards

27-6.1501. Purpose and Intent

The purpose of this Section is to ensure development in the County includes a minimum degree of green building features as a means of protecting and conserving resources, supporting a healthy lifestyle for citizens, reducing greenhouse gas emissions, and ensuring a high quality of life for County residents. Specifically, this Section is intended to ensure development practices:

- A. Support walkable urbanism in appropriate places;
- B. Support multiple modes of mobility;
- C. Conserve energy;
- D. Promote the use of alternative energy;
- E. Conserve water resources;
- F. Protect water quality;

- G. Promote a healthy landscape;
- H. Support urban agriculture;
- I. Encourage innovation in green building practices;
- J. Reduce landfill wastes; and
- K. Promote healthy and safe lifestyles.

27-6.1502. Applicability

- A. Unless exempted in accordance with Sec. 27-6.1502.B below, the standards of this Section shall apply to:
 1. All new development; and
 2. Any expansion of existing development where the expansion increases the development's gross floor area by 50 percent or more.
- B. The following development is exempt from the standards of this Section:
 1. New residential development that contains less than 10 dwelling units;
 2. New non-residential development with a gross floor area of less than 10,000 square feet;
 3. New buildings that have achieved requirements necessary to receive certification from the U.S. Green Building Council at the LEED® gold level or above or an equivalent level of sustainable development performance under an alternative rating system such as the National Green Building Standard™/NGBS Green or the International Code Council's *International Green Construction Code*, as determined by the Planning Director;

4. Expansion of vehicular parking lots where it is the only development or redevelopment occurring; and
5. Changes or addition of landscaping where it is the only development or redevelopment occurring.

27-6.1503. Timing of Review

Review for compliance with these standards shall take place during review of a planned development (Sec. 27-3.505), site plan (major or minor) (Sec. 27-3.508), subdivision (minor or major) (Subtitle 24: Subdivision Regulations), or building permit (Sec. 27-3.514), as appropriate.

27-6.1504. Green Building Standards

A. Minimum Amount of Points Required

Development subject to the standards of this Section shall achieve the following minimum number of points from the menu of options shown in Table 27-6.1504.B: Green Building Point System.

a. Minimum Requirements for Residential Development

- i. 10 to 29 units: 3 points.
- ii. 30 or more units: 4 points.

b. Minimum Requirements for Non-Residential Development

- i. 10,000 to 25,000 square feet: 3 points.
- ii. More than 25,000 square feet: 4 points.

B. Green Building Point System

Development subject to the standards of this Section shall use Table 27-6.1504.B: Green Building Point System, to determine compliance with this Section.

Table 27-6.1504.B: Green Building Point System

	Points Earned
Location of Development and Redevelopment/Adaptive Reuse	
Development in a Transit-Oriented/Activity Center base zone	1.00
Development on previously used or developed land that is contaminated with waste or pollution (brownfield site)	1.00
Development as a Transit-Oriented/Activity Center Planned Development (PD) zone	0.75
Redevelopment of an existing parcel within a Neighborhood Reinvestment Area as designated on the Strategic Investment Map in the General Plan, or an area targeted for reinvestment by the Federal, State, or County government	1.00
Adaptive reuse of a designated historic building	1.00
Preservation of an historic or archeological site	1.00
Energy Conservation	
Meet ASHRAE standards for lighting ^[1]	0.75
Meet Energy Star standards for low-rise residential or exceed ASHRAE efficiency standards by 15 percent ^[2]	1.00
Home energy rating system (HERS) index greater than 90 and less than or equal to 95	0.50
HERS index greater than 85 and less than or equal to 90	0.75
HERS index greater than 75 and less than or equal to 85	1.00
HERS index less than or equal to 75	1.50
Stated water heater efficiency between 0.675 to 0.82	0.75
Stated water heater efficiency of 0.82 or more	1.25
Air conditioner with stated efficiency greater than 14 SEER is included as standard	0.75
Air conditioner with stated efficiency greater than 16 SEER is included as standard	1.25
Install a "cool roof" on a minimum of 50 percent of the single-family dwellings in the development or subdivision. The "cool roof" shall cover the entire roof of the dwelling.	1.50
Provide skylights in an amount necessary to ensure natural lighting is provided to at least 15 percent of the habitable rooms in the structure	0.50

Table 27-6.1504.B: Green Building Point System

	Points Earned
Use central air conditioners that are Energy Star qualified	0.50
Use only solar or tank-less water heating systems throughout the structure	0.50
Alternative Energy	
Generate or acquire a minimum of 50 percent of the electricity needed by the development from alternative energy sources (e.g., solar, wind, geothermal)	2.00
Generate or acquire a minimum of 25 percent of the electricity needed by the development from alternative energy sources (e.g., solar, wind, geothermal)	1.00
Pre-wire a minimum of 75 percent of residential dwelling units in the development for solar panels	1.00
Pre-wire a minimum of 50 percent of residential dwelling units in the development for solar panels	0.50
Pre-wire a minimum of 25 percent of residential dwelling units for solar panels	0.25
Install solar panels on a minimum of 25 percent of dwelling units contained in single-family, two-family, or townhouse dwellings	0.50
Install solar panels on primary structure, or at least 50 percent of buildings in a multi-building complex	0.75
Install small-scale wind energy conversion systems to provide electricity for 25 percent of single-family, two-family, or townhouse dwellings in development	1.00
LEED Certification	
Construct the principal building(s) to meet or exceed LEED ® Bronze certification or equivalent standards of the National Green Building Standard™/NGBS Green or the International Code Council's <i>International Green Construction Code</i>	0.75
Construct the principal building(s) to meet or exceed LEED ® Silver certification or equivalent standards of the National Green Building Standard™/NGBS Green or the International Code Council's <i>International Green Construction Code</i>	1.00
Passive Solar	
Orient a minimum of 50 percent of the single-family detached dwellings or lots in the development within 20 percent of the east-west axis for maximum passive solar exposure	1.50
Orient a minimum of 25 percent of the single-family detached dwellings or lots in the development within 20 percent of east-west for maximum passive solar exposure	0.75
Orient at least 25 percent of the non-residential buildings with an axis oriented east-west for maximum solar exposure	1.00
Water Conservation and Water Quality	
Design all areas required to be landscaped in accordance with this Ordinance	2.00

Table 27-6.1504.B: Green Building Point System

	Points Earned
and the Landscape Manual as an integrated system to meet on-site storm water quality requirements for the lot through incorporation of low impact development design principles and use of best management practices for on-site storm-water management. These areas shall use vegetated pervious surfaces or other measures such as permeable pavements to infiltrate the capture of water volume on-site. Piped connections from roofs and downspouts and other impervious areas to storm drains are prohibited. Piped conveyances on lots must discharge to pervious areas.	
The use of low impact development techniques, including but not limited to grass buffers and swales, bioretention (rain garden or porous landscape detention, sand filters, and permeable pavement systems, to meet stormwater managements requirements of the County Code or Ordinances.	1.00
Install a green vegetated roof on the primary structure, or on at least 50 percent of primary buildings in a multi-building complex – green or vegetated roofs shall include vegetation on at least 50 percent of the roof area (25 percent for renovated buildings) and shall use only plant materials permitted by the landscaping standards in the Landscape Manual	2.00
All showerheads and handheld showers are 2.0 GPM or less	0.50
All lavatory faucets flow rate is 1.5 GPM or less at 60 PSI	0.50
All toilets are 1.28 GPF or less	0.50
All toilets have dual activated flushing	1.00
Include rainwater capture and re-use devices such as cisterns, rain filters, and underground storage basins for residential development with a minimum storage capacity of 500 gallons for every two residential units	0.50
Provide rain gardens or other appropriate storm-water infiltration system(s) that accommodate a minimum of 25 percent of the runoff	1.00
Vegetation	
Retain at least 20 percent of existing pre-development natural vegetation	0.75
Remove all lawn or turf in favor of ground cover consisting of plant material or mulch	0.75
Limit turf grass to 40 percent of the landscaped area.	0.25
Urban Agriculture	
Provide a fenced, centrally located community garden space (which may be located as a rooftop garden) for residents and for urban gardening purposes at a ratio of 50 square feet per dwelling unit	1.00
Provide a minimum of one on-site composting station for every 25 units	0.25
Building Materials	
Source a minimum of 20 percent, by cost, of construction materials from recycled products or products manufactured, extracted, harvested, or recovered with 250 miles of the site	1.50

Table 27-6.1504.B: Green Building Point System

	Points Earned
Universal Design	
Provide the following universal design features in 33 percent of the residential units in the development: <ul style="list-style-type: none">• A no-step entry on an accessible route to the unit;• First floor kitchen, bathroom and a bedroom;• The following elements to allow maneuvering space:<ul style="list-style-type: none">◦ A 32" clear opening at doorways;◦ A 36" clear passage;◦ 42" wide hallways; and◦ 30 X 48 clear space next to bathroom sink, tub/shower and toilet;• Blocking in bathroom walls to accommodate grab bars, and grab bars in first floor bathroom; and• Reachable outlets and switches.	0.75
Provide the following universal design features in 66 percent of the residential units in the development: <ul style="list-style-type: none">• A no-step entry on an accessible route to the unit;• First floor kitchen, bathroom and a bedroom;• The following elements to allow maneuvering space:<ul style="list-style-type: none">◦ A 32" clear opening at doorways;◦ A 36" clear passage;◦ 42" wide hallways; and◦ 30 X 48 clear space next to bathroom sink, tub/shower and toilet;• Blocking in bathroom walls to accommodate grab bars, and grab bars in first floor bathroom; and• Reachable outlets and switches.	1.00
Provide the following universal design features in 50 percent of the residential units in the development: <ul style="list-style-type: none">• A no-step entry on an accessible route to the unit;• First floor kitchen, bathroom and a bedroom;• The following elements to allow maneuvering space:<ul style="list-style-type: none">◦ A 32" clear opening at doorways;◦ A 36" clear passage;◦ 42" wide hallways; and◦ 30 X 48 clear space next to bathroom sink, tub/shower and toilet;• Blocking in bathroom walls to accommodate grab bars, and grab bars in first floor bathroom; and• Grab bars in first floor bathroom(s) by commode and in shower(s);• Handicap accessible shower in first floor bathroom(s);• Raised toilet seats in first floor bathroom(s); and• Reachable outlets and switches.	1.50

Table 27-6.1504.B: Green Building Point System

	Points Earned
Transportation	
Provide a minimum of five percent of required automobile parking spaces that are signed and reserved for hybrid/electric/low energy vehicles in preferred locations near the primary building entrance	0.25
Provide an electric vehicle (EV) level 2 charging station that is made available to those using the building	0.75
Provide an electric vehicle (EV) level 3 charging station that is made available to those using the building	1.00
Include showering and dressing facilities in nonresidential developments for employees using alternative forms of transportation	0.50
NOTES: [1] <i>Standard for the Design of High-Performance Green Buildings</i> , American Society of Heating, Refrigerating, and Air-Condition Engineers, 2014, as amended, or other appropriate ASHRAE standards, as amended. [2] <i>Energy Standard for Buildings Except Low-Rise Residential</i> , American Society of Heating, Refrigerating, and Air-Condition Engineers, 2016, as amended, or other appropriate ASHRAE standards, as amended.	

C. Documentation Required

Applicants shall provide documentation of techniques that will be used to satisfy the green building standards of this Section at the time of submittal of a development application. Documentation for items that may not be visually verified as part of an inspection may be provided in the form of invoices, receipts, or delivery confirmation for the items in question.

27-6.1505. Failure to Install or Maintain Green Building Elements for Compliance

Failure to install or maintain approved green building elements that are to be provided to comply with this Section is a violation of this Ordinance, and may result in revocation of the development approval or permit, and revocation of the authorization for use of green building incentives in accordance with Sec. 27-6.1600, Green Building Incentives.

Sec. 27-6.1600 Green Building Incentives

27-6.1601. Purpose and Intent

The purpose of this Section is to add further support to green building practices in the County by providing incentives for developments that incorporate specific types of green building features above the minimum required in Sec. 27-6.1500, Green Building Standards. Specifically, this Section is intended to provide incentives for developments that incorporate green building features that support:

- A. Energy conservation;
- B. Alternative energy use;
- C. Water conservation;
- D. Water quality;
- E. Healthy landscaping;
- F. Alternate forms of transportation; and
- G. Urban agriculture.

27-6.1602. Timing of Review

Review for determining whether green building incentives should be provided in accordance with this Section shall take place during review of a planned development (Sec. 27-3.505), detailed site plan (major or minor) (Sec. 27-3.508), subdivision (minor or major) (Subtitle 24: Subdivision Regulations), or building permit (Sec. 27-3.514), as appropriate.

27-6.1603. Incentives

- A. Development integrating green building features in accordance with this Section shall be eligible for the following incentives. They shall be integrated into a development in addition to those included in accordance with Sec. 27-6.1500, Green Building Standards.
 - 1. A density bonus of up to one additional dwelling unit per acre beyond the maximum allowed in the base zone;
 - 2. An intensity bonus of 10 percent of the FAR beyond the maximum allowed in the base zone;
 - 3. An increase in the maximum allowable height by up to one story or 14 feet beyond the maximum allowed in the base zone; and
 - 4. An increase in the maximum allowable lot coverage by 10 percent beyond the maximum allowed in the base zone.
- B. Development may include a sufficient number of green building features to take advantage of more than one type of incentive, but in no instance shall the amount of an incentive be increased or decreased (as appropriate) beyond the maximum listed in this Subsection.

27-6.1604. Applicability

The incentives in this Section are available to:

- A. New development in the Transit-Oriented/Activity Center and Nonresidential base and planned development zones; and
- B. Any expansion of an existing development in the Transit-Oriented/Activity Center and Nonresidential base and planned development zones where the expansion increases the development's gross floor area by 50 percent or more.

27-6.1605. Conflict with Neighborhood Compatibility Standards

In cases where the incentives in this Section conflict with the neighborhood compatibility standards in Sec. Sec. 27-6.1100, Neighborhood Compatibility Standards, the neighborhood compatibility standards shall control.

27-6.1606. Procedure

- A. Development seeking to use green building incentives shall include a written request with the development application that demonstrates how compliance with the standards in this Section will be achieved.
- B. Review for compliance and granting of requests for incentives in accordance with this Section shall occur during review of a special exception (see Sec. 27-3.507), detailed site plan (major or minor) (see Sec. 27-3.508), or subdivision (minor or major) (see Subtitle 24: Subdivision Regulations).
- C. The decision-making body or person responsible for review of the development application shall also be responsible for the review of the green building incentive request.
- D. The incentive(s) shall be based on the number of green building features provided, in accordance with Table 27-6.1606.D: Green Building Incentives, and Sec. 27-6.1607, Menu of Green Building Features. To obtain the right to a particular incentive identified in the left column of Table 27-6.1606.E: Green Building Incentives (for example, a density bonus of up to one additional dwelling unit per acre beyond the maximum allowed in the base zone), the development proposed is required to provide the minimum number of green building features associated with the green building features from both schedule A and schedule B in Table 27-6.1606.D: Green Building

Incentives (for example, for a density bonus of up to one additional dwelling unit per acre beyond the maximum allowed in the base zone, the proposed development is required to include two green building features from Schedule A and four green building features from Schedule B) in Table 1607: Green Building Features.

- E. The green building features used to obtain the individual type of incentive shall only be counted for that incentive. If an applicant wants to achieve a second type of incentive (for example, both the density bonus incentive and the lot coverage incentive), the proposed development shall include the minimum number of green building features in Schedule A and Schedule B required for both incentives (two from Schedule A and four from Schedule B for the density bonus incentive, and, two from Schedule A and three from Schedule B for the lot coverage incentive, from Table 27-6.1607: Green Building Features).

Table 27-6.1606.D: Green Building Incentives

Type of Incentive	Minimum Number of Green Building Practices Provided	
	From Schedule A	From Schedule B
A density bonus of up to one additional dwelling unit per acre beyond the maximum allowed in the base zone	2	4
An increase in the maximum allowable height by up to one story or 14 feet beyond the maximum allowed in the base zone	2	3
An increase in the maximum allowable lot coverage by 10 percent beyond the maximum allowed in the base zone	2	3

27-6.1607. Menu of Green Building Features

One or more of the green building features in Table 27-6.1607: Green Building Features, may be offered by an applicant for proposed development in accordance with Table 27-6.1606.E: Green Building Incentives.

Table 27-6.1607: Green Building Features

Schedule [1]	Type of Green Building Features
Energy Conservation	
A	Meet ASHRAE standard for lighting ^[2]
A	Meet Energy Star standards for low-rise residential, or exceed ASHRAE efficiency standards by 15 percent ^[3]
BB	Home energy rating system (HERS) index greater than 90 and less than or equal to 95
BBB	HERS index greater than 85 and less than or equal to 90
A	HERS index greater than 75 and less than or equal to 85
AA	HERS index less than or equal to 75
BB	Stated water heater efficiency between 0.675 to 0.82
BBB	Stated water heater efficiency of 0.82 or more
BB	Air conditioner with stated efficiency greater than 14 SEER is included as standard
A	Air conditioner with stated efficiency greater than 16 SEER is included as standard
AA	Install a "cool roof" on a minimum of 50 percent of the single-family dwellings in the development or subdivision. The "cool roof" shall cover the entire roof of the dwelling.
AA	Install a "cool roof" on a minimum of 50 percent of all other types of residential dwellings in a development or any Group Living use. The "cool roof" shall cover the entire roof of an individual building
AA	Install a "cool roof" on 50 percent of a mixed-use or nonresidential development. The "cool roof" shall cover the entire roof
AA	Install a "cool roof" on 100 percent of a mixed-use or nonresidential development. The "cool roof" shall cover the entire roof
A	Use central air conditioners that are Energy Star qualified
A	Use only solar or tankless water heating systems throughout the structure

Table 27-6.1607: Green Building Features

Schedule [1]	Type of Green Building Features
B	Provide skylights in an amount necessary to ensure natural lighting is provided to at least 15 percent of the habitable rooms in the structure
B	Construct roof eaves or overhangs of three feet or more on southern or western elevations
B	Use a structure design that can accommodate the installation and operation of solar photovoltaic panels or solar thermal heating devices (including appropriate wiring and water transport systems)
Alternative Energy	
AA	Generate 50 percent or more of energy on-site by alternative energy (e.g., solar wind, geothermal)
A	Pre-wire a minimum of 75 percent of residential dwelling units in the development for solar panels
A	Install small-scale wind energy conversion systems to provide electricity for 25 percent of single-family, two-family, or townhouse dwelling(s)
LEED ® Certification or Equivalent	
AAA	Construct the principal building(s) to meet or exceed LEED ® Platinum certification or equivalent standards of the National Green Building Standard™/NGBS Green or the International Code Council's <i>International Green Construction Code</i>
A	Construct the principal building(s) to meet or exceed LEED ® Silver certification or equivalent standards of the National Green Building Standard™/NGBS Green or the International Code Council's <i>International Green Construction Code</i>
BB	Construct the principal building(s) to meet or exceed LEED ® Bronze certification or equivalent standards of the National Green Building Standard™/NGBS Green or the International Code Council's <i>International Green Construction Code</i>
Passive Solar	
A	Orient a minimum of 50 percent of the single-family detached dwellings or lots in the development within 20 percent of the east-west axis for maximum passive solar exposure
B	Orient a minimum of 25 percent of the single-family detached dwellings or lots in the development within 20 percent of the east-west axis for maximum passive solar exposure
B	Orient at least 25 percent of the non-residential buildings with an axis oriented east-west for maximum solar exposure
Water Conservation and Quality Protection	

Table 27-6.1607: Green Building Features

Schedule [1]	Type of Green Building Features
AAA	Design all areas required to be landscaped in accordance with this Ordinance and the Landscape Manual as an integrated system to meet on-site stormwater quality requirements for the lot through incorporation of low impact development design principles and use of best management practices for on-site stormwater management. These areas shall use vegetated pervious surfaces or other measures such as permeable pavements to infiltrate the capture of water volume on-site. Piped connections from roofs and downspouts and other impervious areas to storm drains are prohibited. Piped conveyances on lots must discharge to pervious areas.
AA	The use of low impact development techniques including but not limited to grass buffers and swales, bioretention,(rain garden or porous landscape detention, sand filters, and permeable pavement systems, to meet stormwater managements requirements of the County Code or Ordinances
BB	All showerheads and handheld showers are 2.0 GPM or less
BB	All lavatory faucets flow rate is 1.5 GPM or less at 60 PSI
BB	All toilets are 1.28 GPF or less
BB	All toilets have dual activated flushing
AAA	Install a green vegetated roof on the primary building(s), or at least 50 percent of primary buildings in a multi-building complex – green or vegetated roofs shall include vegetation on at least 50 percent of the roof area (25 percent for renovated buildings) and shall use only plant materials permitted by the Landscape Manual
A	Include rain water capture and re-use devices such as cisterns, rain filters, and underground storage basins with a minimum storage capacity of 500 gallons for every two residential units
A	Provide rain gardens or other appropriate stormwater infiltration system(s) that accommodate a minimum of 25 percent of the runoff
Vegetation	
A	Retain at least 20 percent of existing pre-development natural vegetation
A	Remove all lawn or turf in favor of ground cover consisting of plant material or mulch
Urban Agriculture	
A	Provide a fenced, centrally located community garden space (which may be located as a rooftop garden) for residents and for urban gardening purposes at a ratio of 50 square feet per dwelling unit

Table 27-6.1607: Green Building Features

Schedule [1]	Type of Green Building Features
B	Provide a fenced, community garden space for employees at an office, for gardening purposes at a ratio of 15 square feet per employee
Universal Design	
BBB	Provide the following universal design features in 33 percent of the residential units in the development: <ul style="list-style-type: none"> • A no-step entry on an accessible route to the unit; • First floor kitchen, bathroom and a bedroom; • The following elements to allow maneuvering space: <ul style="list-style-type: none"> ○ A 32" clear opening at doorways; ○ A 36" clear passage; ○ 42" wide hallways; and ○ 30 X 48 clear space next to bathroom sink, tub/shower and toilet; • Blocking in bathroom walls to accommodate grab bars, and grab bars in first floor bathroom; and • Reachable outlets and switches.
A	Provide the following universal design features in 66 percent of the residential units in the development: <ul style="list-style-type: none"> • A no-step entry on an accessible route to the unit; • First floor kitchen, bathroom and a bedroom; • The following elements to allow maneuvering space: <ul style="list-style-type: none"> ○ A 32" clear opening at doorways; ○ A 36" clear passage; ○ 42" wide hallways; and ○ 30 X 48 clear space next to bathroom sink, tub/shower and toilet; • Blocking in bathroom walls to accommodate grab bars, and grab bars in first floor bathroom; and • Reachable outlets and switches.

Table 27-6.1607: Green Building Features

Schedule [1]	Type of Green Building Features
AA	<p>Provide the following universal design features in 50 percent of the residential units in the development:</p> <ul style="list-style-type: none"> • A no-step entry on an accessible route to the unit; • First floor kitchen, bathroom and a bedroom; • The following elements to allow maneuvering space: <ul style="list-style-type: none"> ◦ A 32" clear opening at doorways; ◦ A 36" clear passage; ◦ 42" wide hallways; and ◦ 30 X 48 clear space next to bathroom sink, tub/shower and toilet; • Blocking in bathroom walls to accommodate grab bars, and grab bars in first floor bathroom; and • Grab bars in first floor bathroom(s) by commode and in shower(s); • Handicap accessible shower in first floor bathroom(s); • Raised toilet seats in first floor bathroom(s); and • Reachable outlets and switches.
Transportation	
A	Provide an electric vehicle (EV) level 3 charging station that is made available to those using the building
B	Provide an electric vehicle (EV) level 1 or 2 charging station that is made available to those using the building
B	Provide a minimum of five percent of required automobile parking spaces that are signed and reserved for hybrid/electric/low energy vehicles in preferred locations near the primary building entrance
B	Include showering and dressing facilities in nonresidential developments for employees using alternative forms of transportation
NOTES:	
[1] "AA" means credited as provision of two schedule "A" features.	
"AAA" means credited as provision of three schedule "A" features.	
"BB" means credited as provision of two schedule "B" features.	
[2] Standard for the Design of High-Performance Green Buildings, American Society of Heating, Refrigerating, and Air-Condition Engineers, 2014, as amended, or other appropriate ASHRAE standards, as amended.	
[3] Energy Standard for Buildings Except Low-Rise Residential, American Society of Heating, Refrigerating, and Air-Condition Engineers, 2016, as amended, or other appropriate ASHRAE standards, as amended.	

27-6.1608. Failure to Install or Maintain Green Building Practices

Failure to install or maintain approved green building features that are to be provided to comply with this Section is a violation of this Ordinance, and may result in revocation of the development approval or permit.

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Division 7: Nonconformities

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DIVISION 27-7 NONCONFORMITIES

Sec. 27-7.100 General Applicability

27-7.101. Purpose and Scope

A. Nonconformities

Nonconformities are uses or other development (including structures, lots, signs, and other site features) that were legally established before this Ordinance, or an amendment thereto, was adopted, that are rendered non-compliant with this Ordinance. This Division allows nonconformities to continue, subject to the conditions established in this Division.

B. General Rules for Nonconformities

This Division establishes general rules for nonconformities. Specific sections in other parts of this Ordinance (such as the zone regulations and development standards) may include rules for specific nonconformities. The regulations in those Sections supersede the general rules in this Division to the extent there is an inconsistency.

27-7.102. Authority to Continue

A. Generally

Any nonconforming building, structure, use, lot, sign, or site features may be continued, repaired, or maintained. It may not be altered, enlarged or extended except in accordance with this Division.

B. In Military Installation Overlay (MIO) Zone

The reconstruction, reestablishment, or restoration of an intentionally-destroyed use or structure in the MIO Zone that is nonconforming to the requirements of that zone is prohibited.

C. Abandonment

Except for nonconforming structures occupied by conforming uses, continuous, day-to-day operation of a nonconforming use or structure is required to maintain its nonconforming status. Discontinuance of day-to-day operation for a period of 180 or more consecutive calendar days constitutes abandonment of the use.

D. Re-establishment of Abandoned Nonconformity

A nonconforming use shall not be re-established unless either:

1. The case involves reconstruction, restoration, or re-establishment in accordance with Sec. 27-7.102.E below; or
2. The Planning Director determines (in accordance with Sec. 27-7.103 below) that the conditions of non-operation were beyond the control of the person who was in control of the land during the period of non-operation. The Planning Director's determination shall be based on satisfactory evidence presented by the person making the request.

E. Reconstruction, Re-establishment, and Restoration

A nonconforming use or structure may be restored, reconstructed or re-established in accordance with Table 27-7.102.E: Reconstruction, Re-establishment, or Restoration of Nonconforming Use or Structure.

Table 27-7.102.E: Reconstruction, Re-establishment, or Restoration of Nonconforming Use or Structure

Nature of Work	Destruction Intentional or Unintentional?	Nature of Destruction	Conditions and Requirements
No enlargement, extension or relocation	Unintentional	The use / building /structure was destroyed by fire or other calamity, has temporarily ceased operation solely to correct Code violations, or has temporarily ceased operation due to the seasonal nature of the use	A building permit for restoration or reconstruction must be issued within one calendar year from the destruction date, and construction pursuant to the permit must begin within six calendar months after the date of issuance or lawful extension of the permit, and proceed to completion in a timely manner
	Unintentional	Same as above, but the building / structure / use has been destroyed for more than one calendar year	Special exception must be approved for restoration or reconstruction (see Sec. 27-3.507)
	Unintentional	A nonconforming use temporarily ceases operation, either solely to correct Code violations or because the nature of the nonconforming use is seasonal	The use must be reestablished within one calendar year from the date on which operation last ceased.
	Intentional	Demolition of a nonconforming structure or nonconforming use on the same lot	Special exception must be approved for restoration or reconstruction (see Sec. 27-3.507)
	Unintentional	Destroyed by fire or other calamity	Except where a nonconforming use is enlarged, or extended in accordance with Sec. 27-7.203,

Table 27-7.102.E: Reconstruction, Re-establishment, or Restoration of Nonconforming Use or Structure

Nature of Work	Destruction Intentional or Unintentional?	Nature of Destruction	Conditions and Requirements
			Alteration, Enlargement or Expansion, a special exception must be approved (see Sec. 27-3.507)
	Intentional	Demolition of a nonconforming structure or nonconforming use on the same lot	A special exception must be approved (see Sec. 27-3.507).

27-7.103. Determination of Nonconformity Status

A. Applicability

Before a landowner or other person subject to an enforcement action claims that a provision of this Ordinance does not apply due to a nonconformity, a certificate of nonconforming use shall be approved in accordance with Sec. 27-3.521, Certificate of Nonconforming Use.

B. Determination

In determining whether a nonconformity exists, the Planning Director shall consult with the M-NCPCC Attorney. The Planning Director shall submit its determination to the applicant or party subject to enforcement in writing. This determination is appealable to the BZA in accordance with Sec. 27-3.519, Appeal to Board of Zoning and Administrative Appeals (BZA).

C. Standards

The Planning Director may determine that a nonconformity exists if a finding is made that the alleged nonconformity:

1. Was lawfully established before a provision of this Ordinance (or amendment) rendered it a nonconformity;
2. Has been continuously maintained in a lawful manner, where required by State law; and
3. Satisfies any other conditions required to establish a nonconformity under State law.

27-7.104. Minor Repairs and Maintenance

No provision of this Division shall be construed to prohibit the routine repair and maintenance of a nonconforming building, structure, use, lot, sign, or site feature, including any modifications to buildings or structures necessary for compliance with stormwater management regulations or the Americans with Disabilities Act (ADA), or an action to bring to a safe condition any structure declared to be unsafe by any official charged with protecting the public safety, health, or welfare.

27-7.105. Change of Tenancy or Ownership

A change of tenancy or ownership does not affect the status of a nonconformity. Nonconformities continue as provided in this Division upon a change in tenancy or ownership.

Sec. 27-7.200 Nonconforming Uses

27-7.201. Continuation of a Nonconforming Use

A use not conforming to the requirements of Division 27-5: Use Regulations, of the zone in which it is located, may continue in accordance with this Section.

27-7.202. Generally

Except as provided below, a nonconforming use may not change to, or change to include, another use unless the new use is permitted, or permitted by approval of a special exception (see Sec. 27-3.507, Special Exception), in the zone in which the nonconforming use is located. If the proposed new use requires a special exception, the applicant shall obtain special exception approval before establishing the new use.

27-7.203. Alteration, Enlargement or Expansion

A. Generally

A nonconforming use may be altered, enlarged, or extended if those activities conform to the dimensional standards of the zone in which the use is located, and upon approval of a special exception (see Sec. 27-3.507, Special Exception).

B. Expansion within Building

A nonconforming use may extend throughout a building in which the use lawfully exists, so long as the building is not nonconforming. If the building is nonconforming, a special exception (see Sec. 27-3.507, Special Exception) is required in order to expand the use within the building.

C. Expansion within Lots

A nonconforming use may extend to the lot lines of the lot on which it is located upon approval of a special exception (see Sec. 27-3.507, Special Exception), if:

1. The lot is as it existed as a single lot under single ownership at the time the use became nonconforming;
2. Outside of the Capital Beltway, the requirements of Division 27-6: Development Standards, are met with regard to the extended area; and
3. Inside the Capital Beltway , the requirements of Division 27-6: Development Standards, set down in Table 27-7.203.C: Standards for On-Lot Expansion of Nonconforming Use, are met.

Table 27-7.203.C: Standards for On-Lot Expansion of Nonconforming Use

Development Standard	All Zones
Nonresidential and Mixed Use Form and Design (Sec. Sec. 27-6.900)	100% compliance for expanded area
Industrial Form and Design Standards (Sec. Sec. 27-6.1000)	100% compliance for expanded area
Neighborhood Compatibility Standards (Sec. Sec. 27-6.1100)	100% compliance for expanded area
Agricultural Compatibility Standards (Sec. Sec. 27-6.1200)	Not applicable
Urban Farm Compatibility Standards (Sec. Sec. 27-6.1300)	Not applicable
Signage (Sec. Sec. 27-6.1400)	100% compliance for expanded area
Sustainable/Green Building Standards (Sec. Sec. 27-6.1500)	100% compliance for expanded area

Table 27-7.203.C: Standards for On-Lot Expansion of Nonconforming Use

Development Standard	All Zones
Roadway Access, Mobility, and Circulation (Sec. Sec. 27-6.100)	100% compliance
Off-Street Parking and Loading (Sec. Sec. 27-6.200)	50% of required spaces for expanded area needs to be provided
Open Space Set-Asides (Sec. Sec. 27-6.300)	50% of required open space for expanded area needs to be provided
Landscaping (Sec. Sec. 27-6.400)	50% of required open space for entire site needs to be provided
Fences and Walls (Sec. Sec. 27-6.500)	100% compliance for expanded area
Exterior Lighting (Sec. Sec. 27-6.600)	100% compliance
Multifamily, Townhouse, and Three-Family Form and Design Standards (Sec. Sec. 27-6.800)	100% compliance for expanded area

27-7.204. Intensification of Nonconforming Use

A. Applicability

A lawful nonconforming use may intensify the activities within the established boundaries of the nonconforming use, as long as the proposed intensification of the nonconforming use/activity is within the established historical boundaries of building where the nonconforming use is located, and is not expanding beyond those historical, documented building boundaries. Evidence of these established boundaries may include, but is not limited to, aerial photographs, building permits, or similar written documentation.

B. Prohibited Intensification

The nonconforming use shall not be intensified if the Planning Director determines that:

1. It does not reflect the nature and purpose of the original, lawful nonconforming use;
2. It constitutes a use different in character, nature, and kind than the original nonconforming use, as opposed to merely a different manner of using the original, lawful nonconforming use; or
3. It has a substantially different effect upon the surrounding neighborhood than the original, lawful nonconforming use.

Sec. 27-7.300 Nonconforming Structures

27-7.301. Continuation of Nonconforming Structures

An existing building or structure not conforming to the dimensional standards of the zone in which it is located may be continued in accordance with this Section.

27-7.302. Alteration, Enlargement, or Extension

A. Generally

A nonconforming building or structure may be altered, enlarged, or extended, if the alteration, enlargement or extension conforms to the dimensional standards of the zone in which it is located.

B. Inside the Capital Beltway

Inside the Capital Beltway, a nonconforming building or structure may be altered, enlarged, or extended if it complies with the following:

1. The dimensional standards of the zone in which it is located; and
2. The applicable development standards as provided in Table 27-7.203.C: Standards for On-Lot Expansion of Nonconforming Use, above.

27-7.303. Reconstruction

A. Applicability

This Section applies to the restoration, reconstruction, or re-establishment of a nonconforming building or structure which has either been unintentionally destroyed by fire or other calamity, has temporarily ceased operation for the sole purpose of correcting Code violations, or has temporarily ceased operation due to the seasonal nature of the use.

B. Conditions of Restoration, Reconstruction and Re-establishment

Buildings or structures identified in Subsection A above may be restored, reconstructed and reestablished in accordance with Table 27-7.102.E: Reconstruction, Re-establishment, or Restoration of Nonconforming Use or Structure.

Sec. 27-7.400 Nonconforming Lots of Record

27-7.401. Purpose

This Section establishes rules for lots of record that were platted prior to [insert the effective date of this Ordinance], but that do not meet the dimensional standards of the zone in which they are located.

27-7.402. Generally

1. Any nonconforming lot that has come into conformity with this Ordinance shall not again be changed to a nonconforming lot by action of the land owner.
2. Any nonconforming lot or any part of the lot that is nonconforming based on dimensional standards, shall not be modified to increase the nonconformity.

27-7.403. Development of Nonconforming Lots

A. Use of Nonconforming Lots

Nonconforming lots shall be subject to the standards of Table 27-7.403.A: Development of Nonconforming Lots.

Table 27-7.403.A: Development of Nonconforming Lots

Standard	Transit-Oriented/ Activity Center Zones (including those inside the Capital Beltway)	All other zones inside Capital Beltway	All Other Zones
lot size for a particular zone is permitted on a nonconforming lot.			
When the use proposed for a nonconforming lot conforms in all other respects but cannot comply with the applicable setback standards	A minor departure or variance must be approved, whichever is appropriate.	A minor departure or variance must be approved, whichever is appropriate.	A minor departure or variance must be approved, whichever is appropriate.

B. Common Ownership

1. If the landowner of two or more adjoining nonconforming vacant lots outside of the Capital Beltway wants to build on one of the lots, the lots shall be combined to comply with the dimensional standards of this Ordinance, to the maximum extent practicable.
2. Where any nonconforming adjoining lots are held in common ownership on or after [insert the effective date of this Ordinance], they shall not be sold, consolidated or transferred to eliminate the common ownership unless they are sold, consolidated or transferred so as to create a conforming lot or lots, where possible, or if not possible, another nonconforming lot but to a lesser extent than the first lot.
3. Sec. 27-7.403.B.1 above does not apply to a nonconforming lot if a majority of the developed lots located on either side of the street where such lot is

Table 27-7.403.A: Development of Nonconforming Lots

Standard	Transit-Oriented/ Activity Center Zones (including those inside the Capital Beltway)	All other zones inside Capital Beltway	All Other Zones
Residential Zones:			
Nonconforming lot, whether or not compliance with the dimensional standards is possible	One single-family dwelling unit is allowed		
Non-Residential Zones:			
If the nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except the lot is smaller than the required minimums in the zone, then the lot may be used as proposed. However, no use that requires a greater lot size than the established minimum	This rule applies even when the adjacent lots are under common ownership.	This rule applies only if the lots are not under common ownership.	This rule applies only if the lots are not under common ownership.

located and within 500 feet of the lot are also nonconforming.

27-7.404. Governmental Acquisition of Land

A. Applicability

This Section applies to conforming lots that are subject to governmental acquisition of part of the lot for a public purpose that results in the lot becoming nonconforming as to the dimensional standards of the zone in which it is located.

B. Development Standards

Such lots shall be determined conforming if:

1. The use is permitted, or any required special exception is approved;
2. The development proposed complies with the dimensional standards of the applicable zone, to the maximum extent practicable;
3. The development complies with Division 27-6: Development Standards, to the maximum extent practicable;
4. The development complies with all other standards and requirements of this Ordinance; and
5. The development is designed and located in a way that is compatible with surrounding development.

27-7.405. Change of Nonconforming Lot

The boundaries, shape, or size of a nonconforming lot may be modified through a boundary adjustment or the assembly of multiple lots through a resubdivision in accordance with Subtitle 24: Subdivision Regulations, of the County Code, if the boundary

adjustment or lot assembly results in the lot becoming more conforming.

Sec. 27-7.500 Nonconforming Signs

27-7.501. Alteration

A. Applicability

Nonconforming signs (including outdoor advertising signs) may be maintained, structurally altered, repaired, replaced, or relocated in conformance with this Division.

B. Requirements

Any structural alteration, relocation, or expansion of a nonconforming sign shall be in accordance with the standards in Sec. 27-6.1400, Signage, or Sec. 27-7.300, Nonconforming Structures.

27-7.502. Illegal signs

A. Applicability

An illegal sign is a sign which:

1. Does not conform to the standards in Sec. 27-6.1400, Signage; and
2. Was erected or maintained in violation of the applicable requirements of ordinances previously in effect.

B. Removal or Conformance

Illegal signs shall be removed, or made to conform to the standards in Sec. 27-6.1400, Signage, by the owner or user of the sign, or by the owner of the premises upon which it is located. Signs for which the District Council has validated a

permit issued in error (see Sec. 27-3.518, Validation of Permit Issued in Error) are not subject to this requirement.

Sec. 27-7.600 Nonconforming Site Features

27-7.601. Purpose

This Section protects existing nonconforming rights, but provides a way for nonconforming site features to come into compliance with the standards of this Ordinance as part of altering (such as remodeling) or expanding a building or structure.

27-7.602. Applicability

For purposes of this Section, the term "nonconforming site features" includes the following:

- A. Nonconforming off-street parking;
- B. Nonconforming landscaping;
- C. Nonconforming screening of mechanical equipment; and
- D. Nonconforming walls or fences.

27-7.603. Continuance of Nonconforming Site Features

Outside the Capital Beltway, nonconforming site features may be continued subject to the following limitations:

- A. No action shall be taken that increases the degree or extent of the nonconforming site feature. Any enlargement, extension or structural alteration of the nonconforming site feature shall conform to all requirements of this Ordinance.
- B. For development existing prior to [insert the effective date of new Zoning Ordinance], or for which a vested right is

established, nonconforming site features created by a change in regulations may continue to exist, and structures with those nonconforming features may be reconstructed if they are demolished or destroyed.

27-7.604. Improvement of Nonconforming Site Features

A. Applicability

- 1. If an application is submitted for a building permit for the remodeling of a building or site that has one or more nonconforming site features, and the value of the proposed improvements over a five-year period exceeds at least 25 percent of the assessed value of the existing site over that five-year period, the applicant shall address the nonconforming site features as provided in this Section.
- 2. If an application is submitted for a building permit for the expansion of a building or structure that has one or more nonconforming site features, and the proposed area of the expansion over a five-year period exceeds at least 25 percent of the area of the building or structure over that five-year period, the applicant shall address the nonconforming site features as provided in this Section.

B. Exemptions

This Subsection does not apply to:

- 1. The reconstruction of a nonconformity damaged by a calamity; or
- 2. Repairs, but not including additions, as defined in the Building Code (see Subtitle 4).

C. Required Improvements to Nonconforming Site Features

- For purposes of determining when nonconforming site features shall be brought into partial or full compliance with the standards of this Ordinance, the costs that constitute the estimated cost of the structural alteration of a building or structure shall be as shown on the building

permit application, and shall include the cost of materials and labor.

- Nonconforming site features shall be brought into compliance in accordance with Table 27-7.604.C: Standards for Nonconforming Site Features.

Table 27-7.604.C: Standards for Nonconforming Site Features

Type of Remodeling or Expansion		Definition	Required Compliance
1	Structural Alterations	Alterations (as defined in the Building Code) that are not exempt from this Section. For purposes of this Subsection and in-lieu of the term as defined in the Building Code, an "existing structure" means a structure lawfully erected prior to [insert effective date of the new Zoning Ordinance].	See rows 2 through 4 below.
2	25% or Less of Structure Value	Structural alteration of a building or structure during any five-year period estimated to cost 25% or less of the current assessed value of the building or structure.	No correction to nonconforming site features is required.
3	More Than 25% but Less Than 75% of Structure Value	Structural alteration of a building or structure during any five-year period estimated to cost more than 25% but less than 75% of the current assessed value of the building or structure.	A corresponding percentage of the site features shall be brought into compliance, until the site achieves 100% compliance. <i>Example: a nonresidential site with nonconforming off-street parking (site feature) with an assessed value of \$100,000 is undergoing remodeling equaling \$40,000 (40% of the assessed value). The developer must add a corresponding number of additional required parking spaces until the site fully complies. If the site at the time of remodel has 10 parking spaces, but the Ordinance requires a minimum of 20 for the use that is proposed (10 more spaces are required for the site to be conforming), the applicant would be required to provide 40% of the 20 spaces - or 8 more parking spaces, bringing the total number of spaces on the site to 18 spaces.</i>
4	75% or More of Structure Value	Structural alteration of a building or structure during any five-year period estimated to cost 75% or more of the current assessed value of the building or structure	100% compliance with the site features is required.
5	Expansions	Expansions to buildings, structures, or use areas on sites with nonconforming site features.	See rows 6 through 8 below.
6	Expansions of 15% or Less	Expansion during any five-year period, which results in an increase in the gross square footage of the existing building, structure, or use area (measured at the beginning of the five-year period) of 15% or less.	No correction to nonconforming site features is required. This provision shall not be used to allow multiple, incremental, small-scale increases to a structure or use area without addressing nonconforming site features.
7	Expansions of More Than 15% but less than 50%	Expansion during any five-year period, which results in an increase in the gross square footage of the existing building, structure, or use area (measured at the beginning of the five-year period) greater than 15%, but	A corresponding percentage of the nonconforming site features shall be brought into compliance, until the site achieves 100% compliance. This is in addition to the requirements that apply to the expansion

Table 27-7.604.C: Standards for Nonconforming Site Features

Type of Remodeling or Expansion		Definition	Required Compliance
		less than 50%.	<p><i>Example: A 25% increase in square footage requires a 25% increase in the total number of parking spaces provided (up to the minimum requirement). Assume the standard requires 1 parking space for each 1,000 square feet. A 10,000 square-foot building expands its gross square footage by 2,500 square feet, for a total of 12,500 square feet. The site currently has 3 parking spaces. 10 spaces were required before the expansion. The applicant must provide 6 additional parking spaces. This includes 3 additional spaces for the nonconforming site features (25% of 10,000 square feet is 2,500 square feet, which requires 3 spaces (2.5 spaces rounded up) under the standard. In addition, the applicant must also provide 3 parking spaces under the standard for the additional 2,500 square feet of additional space, for a total of 6 spaces.</i></p>
8	Expansions of 50% or More	Expansion during any five-year period, which results in an increase in the gross square footage of the existing building, structure, or use area (measured at the beginning of the five-year period) of 50% or more.	100% compliance of the site features is required.
9	Generally	The situations referred to in rows 10 through 12 below apply to any structural alteration or expansion.	See rows 10 through 12 below.
10	Requiring Two or Fewer Additional Parking Spaces	Two or fewer additional off-street parking spaces are required under rows 1 through 8 above as a result of a remodel or expansion.	The additional off-street parking is not required to be installed.
11	Physically Constrained Properties	Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with the requirements of rows 2 through 8 above.	Comply to the maximum extent practicable, as determined by the Planning Director.
12	Addition of Outdoor Storage Area Only	Only outdoor storage areas are being added or increased on a site.	The percentage increase in outdoor operations area requires a corresponding percentage increase in perimeter buffers and screening. Perimeter buffer and screening augmentation shall be located so as to achieve the performance objectives, to the maximum extent practicable.

Division 8: Enforcement

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DIVISION 27-8 ENFORCEMENT

Sec. 27-8.100 Purpose

The purpose of this Division is to establish procedures to ensure compliance with this Ordinance and to obtain corrections for zoning violations. It also sets forth the remedies and penalties that apply to violations. The Division encourages the voluntary correction of violations, where possible.

Sec. 27-8.200 General Provisions

27-8.201. Compliance Required

A. Generally

Compliance with all the procedures, standards, and other provisions of this Ordinance is required by any person owning, developing, managing, using, or occupying land or structures in the County.

B. Receipt of Development Approval or Permit Required

1. All persons shall obtain all development approvals and permits required by this Ordinance prior to development.
2. Any failure to comply with this Ordinance, or the terms or conditions of any development approval, permit, or other authorization granted in accordance with this Ordinance is a violation.

27-8.202. Scope of Development Approvals or Permits

Development approvals and permits issued by a decision-making body or person authorize only the use, arrangement, location,

design, density or intensity, and development set forth in those development approvals and permits.

27-8.203. Authorization

A. Generally

The Department of Permitting, Inspections, and Enforcement (DPIE) and, when specified, the County and Municipal Police Departments, and the Fire/Emergency Medical Services Department, shall enforce the requirements of this Ordinance.

B. Implementation

The Chief of Police, the Fire Chief, and the DPIE Director shall establish policies, rules, and procedures to implement this Division.

27-8.204. Inspections and Complaints

A. General

DPIE, and when specified in accordance with Sec. 27-8.504, Expedited Enforcement Procedures, the Police Department and the Fire/Emergency Medical Services Department, shall conduct a Zoning Enforcement Program to assure continuing compliance with this Ordinance.

B. Inspections

Inspections shall primarily be programmed on an area-by-area basis, but shall also include the investigation of individual complaints from private sources of alleged zoning violations. All complaints shall be submitted to DPIE, and when specified, to the Police Department and the Fire/Emergency Medical Services Department.

Sec. 27-8.300 Violations

27-8.301. General Violations

Any failure to comply with this Ordinance, or the terms or conditions of any development approval, permit, or other authorization granted in accordance with this Ordinance, is a violation of this Ordinance as provided in this Division.

27-8.302. Specific Violations

It is a violation of this Ordinance to undertake any development contrary to the provisions of this Ordinance or to take any other action that obstructs compliance with this Ordinance, including but not limited to any of the following:

- A. Develop land or a structure without first obtaining all appropriate development approvals and permits;
- B. Fail to provide any notice that the applicant is required to provide under this Ordinance;
- C. Develop land or a structure without complying with the terms or conditions of all applicable development approvals and permits;
- D. Occupy or use land or a structure without first obtaining all applicable development approvals and permits;
- E. Excavate, grade, cut, clear, or undertake any land disturbing activity without first obtaining the applicable development approvals and permits, and complying with their terms and conditions;
- F. Remove existing trees or other landscaping from a site or parcel of land without first obtaining the applicable

development approvals and permits, and complying with their terms and conditions;

- G. Install, create, erect, alter, or maintain any sign without first obtaining the applicable development approvals and permits, and complying with their terms and conditions;
- H. Fail to remove any sign installed, created, erected, or maintained in violation of this Ordinance, or for which the permit has lapsed;
- I. Create, expand, replace, or change any nonconformity except in compliance with this Ordinance;
- J. Reduce or diminish the requirements for development, design, or dimensional standards below the minimum required by this Ordinance;
- K. Increase the intensity or density of development, except in accordance with the standards of this Ordinance;
- L. Through any act or omission, fail to comply with any other provisions, procedures, or standards as required by this Ordinance;
- M. Through any act or omission, violate any term, condition of approval, or qualification placed by a decision-making body or person on a development approval or permit;
- N. Violate any lawful order issued by any decision-making body or person in accordance with this Ordinance;
- O. Obtain a development approval or permit through false or misleading information;
- P. Obscure or obstruct a notice required to be posted or otherwise given in accordance with this Ordinance; or

- Q. Restrain or hinder the entry, examination, survey, or placing or maintenance of monuments or marks by a Commissioner or an employee or agent of the M-NCPPC, as provided in and subject to Maryland Land Use Code § 27-102.

Sec. 27-8.400 Responsible Persons

Any person who violates this Ordinance is subject to the remedies and penalties set forth in this Division. Persons subject to the remedies and penalties established in this Division for violating this Ordinance include the owner, tenant, or occupant of the land or structure that is in violation of this Ordinance, including but not limited to an architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation.

Sec. 27-8.500 Enforcement Generally

27-8.501. Erection of Building or Structure

A. Stop Work

When the DPIE Director determines that a violation of this Ordinance has occurred with respect to the erection of a building or other structure, the Director shall order the work to stop and shall post the building or structure with a "Stop Work" order form.

B. Formal Notice

The landowner or builder shall also be given formal written notice of the "Stop Work" order. No work shall proceed after posting, except to correct the violation and continue in full compliance with the provisions of this Ordinance. If the work does not stop, or corrective action is not completed within five business days of posting (or another longer period determined

by the DPIE Director), the DPIE Director shall take appropriate action against the violator.

27-8.502. Use Violations

A. Generally

1. When the DPIE Director determines that a violation of this Ordinance has occurred, the DPIE Director may serve citation upon the owner, general agent, or lessee of the building, structure, or land, directing that the violation cease. The citation shall include the contents required by Maryland Land Use Code Sec. 11-203. The DPIE Director shall keep a copy of the citation.
2. If, at the expiration of five business days of the citation (or longer period determined by the DPIE Director), the violation has not ceased, the DPIE Director shall take appropriate action against the violator. If it is not possible to serve the notice, the building, structure, or land may be posted with the notice.

B. Expedited Enforcement for Temporary or Easily Transportable Uses

With respect to violations involving temporary or easily transportable uses (such as wayside stands, displays involving the sale of seasonal decorations, firewood displays and sales, farmers markets, flea markets, or fireworks stands) the DPIE Director may serve notice upon the owner, general agent, or lessee of the building, structure, or land, and upon the person conducting the activities, directing that the violation cease. If, at the expiration of 48 hours of the notice, the violation has not ceased or a temporary use and occupancy permit has not been issued, the DPIE Director shall notify the Police Department to take appropriate action against the violator, as set forth below.

1. A police officer shall direct the violator to remove all goods, structures, and equipment from the land. If the violator fails to obey the direction and continues in violation of this Ordinance, the equipment and goods shall be removed by the DPIE Director and taken to a designated County facility.
2. Goods and equipment removed in accordance with this provision may be claimed by their owner on the next business day, or within 15 days thereafter, upon payment of any fine which has not been appealed. Any goods or equipment not claimed by the owner within 15 days shall be deemed abandoned and shall become the property of the County.
3. The DPIE Director shall have no responsibility to preserve or protect any equipment or goods removed in accordance with this Subsection.
4. A violation notice issued for conducting activities without a temporary use and occupancy permit shall serve as notice of a continuing violation by those persons at the subject site or any other site within the County, and no further notice of violation need be issued prior to using the procedures in Secs. 27-8.502.B.1 and 27-8.502.B.2 above.

C. Adult Book or Video Stores

1. When it determines that a violation of Sec. 27-4.203.E.2.b, Adult Book or Video Store, has occurred with respect to the use of any building, structure, or land for an adult book or video store, the DPIE Director shall serve notice upon the owner, general agent, or lessee of the building, structure, or land, and upon the person conducting the activities, directing that the violation cease.

2. If, at the expiration of 48 hours of the notice, the violation has not ceased, the DPIE Director shall notify the Police Department to take appropriate action against the violator as set forth below.
 - a. A police officer may direct the violator to discontinue operation as an adult book or video store.
 - b. If the violation continues, the violator shall be deemed to be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of \$500.00, or imprisonment in jail for a period of not more than six months, or both such fine and imprisonment.

27-8.503. Cease and Desist Actions

A. Applicability

This Subsection applies to use and occupancy permits and temporary use permits. For purposes of this Section, a use and occupancy permit includes a use and occupancy permit or a temporary use permit.

B. Failure to Obtain a Permit

The Chief of Police and the Fire Chief are authorized to direct the Police Department and the Fire/Emergency Medical Services Department, respectively, to take all immediate reasonable and necessary action to cease and desist the operation of any activity requiring a use and occupancy permit or temporary use permit when the permit has not been issued.

C. Failure to Comply with Permit

The Chief of Police, the Fire Chief, and the DPIE Director are authorized to direct the Police Department, the

Fire/Emergency Medical Services Department, and DPIE, respectively, to take all immediate reasonable and necessary action to cease and desist the operation of any activity requiring a use and occupancy permit or a temporary use permit when the permit has been issued and is not in compliance with the provisions of this Subsection and all applicable permit provisions.

D. Imminent Threat

1. The Chief of Police and the Fire Chief are authorized to direct the Police Department and the Fire/Emergency Medical Services Department respectively, to take all immediate reasonable and necessary action to cease and desist the operation of any activity requiring a use and occupancy permit or temporary use permit if:
 - a. The activity is found to present an imminent danger and threat to the health, safety, and welfare of the public by not doing so;
 - b. There are no other mitigating actions other than ceasing the operation or activity that would resolve the imminent danger and threat to the health, safety, and welfare of the public; and
 - c. There are no other reasonable means other than ceasing the operation or activity that would prevent further danger and threat to the health, safety, and welfare of the public.
2. For purposes of this Subsection, "an imminent danger and threat to the health, safety, and welfare of the public" exists if the operations or activities on the premises or location endanger the health, safety, life, limb or property, or cause any hurt, harm, inconvenience, discomfort,

damage or injury to any one or more individuals in the County, by at least one of the following:

- a. Causing a menace, threat and/or hazard to the general health and safety of persons in the neighborhood;
- b. Causing a fire hazard;
- c. Causing any lot, building or structure to become (in whole or in part) unsafe for occupancy, or use on, in, upon, about, or around the premises or location; or
- d. By depreciating the enjoyment and use of land in the immediate vicinity to such an extent that it is harmful to the neighborhood in which the land is situated or the condition exists.

E. Effective Period

Actions taken in accordance with Secs. 27-8.503.A through 27-8.503.D above remain in force and effect unless amended or vacated by a decision of the ZHE in accordance with Sec. 27-8.504, Expedited Enforcement Procedures, or by a decision of a court of competent jurisdiction.

27-8.504. Expedited Enforcement Procedures

A. Authority

In-lieu of Sec. 27-8.503, Cease and Desist Actions, when the Chief of Police, the Fire Chief, or the DPIE Director determine that a violation of a use and occupancy permit or temporary use permit has occurred with respect to the use of any building, structure, or land, or there is a failure to obtain either of these permits, the Chief of Police, the Fire Chief, or the DPIE Director are authorized to direct the Police Department, the

Fire/Emergency Medical Services Department, or DPIE, respectively, to issue a written violation notice directing that the violation cease and that all activities in the building, structure, and on the land cease pending a hearing before the ZHE in accordance with Sec. 27-8.504.C below.

B. Notice of violation

1. The Chief of Police, the Fire Chief, or the DPIE Director shall provide a written violation notice to one of the following: the owner, the general agent, or the lessee of the building, structure, or land; the person conducting the activities; or any person in the building, structure or on the land that directs, manages, or is in control or is in apparent control or management of the activity or activities on the premises.
 - a. If no person or no person representing entities set forth in this Subsection are present or any person or any person representing entities set forth in this Subsection flees when the activity or activities take place and the written violation notice is being issued, the written violation notice shall be posted on the building, structure or on the land in which or upon which the activity or activities took place, directing that the violation cease and that all activities in the building, structure, or on the land cease pending a hearing before the ZHE in accordance with Sec. 27-8.504.C below.
 - b. Posting of the issued written notice is deemed to be constructive notice to the owner, general agent, or lessee of the building, structure, or land; the person conducting the activities; or any person in the building, structure or on the land that directs,

manages, or is in control or is in apparent control or management of the building, structure or on the land in which or upon which the activity or activities took place.

C. Zoning Hearing Examiner (ZHE) Hearing

1. The owner, general agent, or lessee of the building, structure, or land, the person conducting the activities or any person in the building, structure or on the land that directs, manages, or is in control or is in apparent control or management of the building, structure or on the land in which or upon which the activity or activities took place may request a hearing before the ZHE. The ZHE shall commence a hearing within four days following receipt of the request for a hearing.
2. The ZHE hearing shall be on the record.
3. The enforcement action of the Police Department, the Fire/Emergency Medical Services Department, or DPIE is not stayed during the pendency of the hearing.
4. The ZHE shall render a decision on the enforcement action within two days after the conclusion of the hearing on the record. The decision shall include the following findings of fact:
 - a. Whether a use and occupancy permit or temporary use permit has been issued for the use alleged to be in violation; whether the activity in the building, structure, or on the land in which the activity took place is in compliance with any existing use and occupancy permit or temporary use permit;
 - b. Whether there was an imminent danger and threat to the public health, safety, and welfare; and

- c. Whether the activity constitutes a continuing threat to the public health, safety and welfare.
- 5. The ZHE may reverse, modify or remand the decision of the Police Department, the Fire/Emergency Medical Services Department, or DPIE, respectively, only if the decision of the Police Department, the Fire/Emergency Medical Services Department, or DPIE, respectively, is clearly erroneous, or arbitrary and capricious, or unsupported by any substantial evidence.
- 6. The enforcement action of the Police Department, the Fire/Emergency Medical Services Department, or DPIE, respectively, shall terminate or continue according to the determination of the ZHE.
- 7. Any party aggrieved by a decision of the ZHE may appeal the decision to the Circuit Court for Prince George's County, Maryland. The appeal shall proceed in accordance with the provisions of Title 7 of the Maryland Rules of Procedure.

27-8.505. Compliance Period

A. Repeated Violation

- 1. A grace period for correction of a civil violation need not be given in the case of a subsequent, repeated violation of the same provision of this Ordinance by the same violator. A "repeated violation," for the purposes of this Subsection, may take place at a location which is identical to or different from the first violation within a 36-month period from the first violation. If it determines that a repeated violation has occurred, DPIE may immediately take appropriate action against the violator.

- 2. In-lieu of Subtitle 28, Section 28-111 of the County Code, repeated violation for operating outside the scope of a valid use and occupancy permit or temporary use permit shall be subject to a fine of \$1,000.00 for each "repeated violation."

B. Grace Period

The BZA may grant additional time to correct a violation through the appeals process (see Sec. 27-3.519, Appeal to Board of Zoning and Administrative Appeals (BZA)).

Sec. 27-8.600 Remedies and Penalties

27-8.601. Generally

A. Charge of Violation

A charge alleging a violation of this Ordinance may also be brought by warrant or indictment on the oath or information of a member or employee of the M-NCPPC or any other person.

B. Grounds for Civil Fine or Misdemeanor

Any person may be liable for a civil fine (provided for in Subtitle 28 of the County Code) or be prosecuted for a misdemeanor if that person:

- 1. Erects, maintains, or uses any structure or land in violation of any portion of this Ordinance;
- 2. Violates any order issued in accordance with this Ordinance; or
- 3. Fails to erect structures or use land in accordance with this Ordinance.

C. Penalty

1. If a person is convicted of a misdemeanor, the violator shall be subject to a fine of \$500.00 or up to 90 days imprisonment, or both, in the discretion of the court.
2. The application of this penalty does not preclude abatement of the violation through appropriate proceedings in equity.
3. If the violation is of a continuing nature, each and every day during which the violation continues is a separate violation. Each violation issued within a 36-month period from the first violation to the same person is considered a violation of a continuing nature.

27-8.602. Cease and Desist Actions

Immediate reasonable and necessary remedies for a cease and desist action (see Sec. 27-8.501, Erection of Building or Structure) include, but are not limited to: entering the building, structure, and land; securing the building, structure, and land; removing the occupants of the building, structure, and land; padlocking the building, structure, and land; and preventing the use and occupancy of the building, structure, and land.

27-8.603. Revocation or Modification of Approved Special Exception

A. Initiation

1. The DPIE Director may petition the ZHE to revoke, modify, suspend, or impose additional conditions on an approved special exception, for the following reasons:
 - a. The provisions in the approved special exception have not been complied with; or

- b. The approved special exception has not been used for any two-year period after the date of the original approval, except where the conditions of nonuse are beyond the control of the grantee of the special exception.

2. The petition shall include pertinent facts and conclusions, and a recommended action.

B. Procedure

1. The DPIE Director shall transmit a copy of the petition to the Planning Board at the time of its submission to the ZHE. The DPIE Director shall also transmit a copy of the petition, by certified mail, to the landowner(s), and to the applicant if different from the landowner. A copy of the petition shall also be transmitted by mail to each municipality, if any part of the land subject to the special exception is located within the municipal boundaries or is located within one mile of the municipality, and to civic associations that have selected the area as one of their areas of interest.
2. Within 90 days of receipt of the petition, the ZHE shall conduct a public hearing on the petition in accordance with the notice and hearing requirements of Sec. 27-3.507, Special Exception. All persons of record at the time the special exception was approved shall be included in the required notification. At least 30 days prior to the public hearing, the original special exception file, along with all pertinent information relating to the petition, shall be available for public examination in the office of the ZHE.

3. No later than 10 days prior to the ZHE's hearing, the Planning Board or Planning Director may submit a recommendation or other material for the record.
4. The ZHE may hold the record open for up to 60 days following the conclusion of the hearing. Within 30 days of the closing of the record, the ZHE shall file a decision.
5. The ZHE may (in conjunction with the revocation or modification) order any use and occupancy permit or temporary use permit issued for the special exception to be revoked or modified.
6. Revocation of a special exception also constitutes revocation of any variances granted for the use.

C. Conditions

The ZHE may revoke, modify, suspend, or impose additional conditions on a special exception if the ZHE finds that the conditions in Sec. 27-8.603.A.1 apply.

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Division 9: Center Boundaries

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DIVISION 27-9 CENTER BOUNDARIES

Sec. 27-9.100 Purpose and Intent

This Division is intended to identify the areas shown on the Growth Policy Map in the Plan Prince George's 2035 Approved General Plan, that are referenced in this Ordinance. Specifically, this Division identifies the boundaries of the following areas:

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