

**To:** [REDACTED]  
**From:** Edward C. Gibbs, Jr.  
**Date:** November 8, 2022  
**Re:** 7300 Martin Luther King, Jr. Highway

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MEMORANDUM

At your request, I have prepared a preliminary zoning analysis regarding the referenced property. The property is located generally on the west side of Martin Luther King Jr. Highway, approximately one-half mile south of its intersection with Landover Road (MD 202). It is more particularly identified as Lots 1 through 8, Lots 11 & 12, and Lots 16 through 19 on Tax Map 59, Grid E-3 (the "Property"). An aerial photograph outlining the Property in blue is marked Exhibit "A" and attached hereto.

As shown on Exhibit "A," the Property faces Martin Luther King Jr. Boulevard to the east, East Ridge Drive to the south, Grove Place to the west and Flagstaff Street to the north. Exhibit "A" further depicts a structure located in the northeast corner of the Property. It is my understanding that this structure was formerly used as a vehicle repair station known as J&J Transmission. This is depicted on aerial imagery generated on Google Maps, a copy of which is marked Exhibit "B" and attached hereto. You have indicated that the vehicle repair station has been out of business for over a year.

There are also two single-family homes located in the northwest and southwest corners of the Property. Immediately east of the home in the southwest corner of the Property is an additional single-family home. This home is located on two separate lots identified as Lots 9 and 10. You do not own these lots, but have indicated that you may purchase them. You have further indicated that you may sell the existing homes, and that you may either seek to re-tenant the vehicle repair station or, in the alternative, convert the vehicle repair building into a 6,000-8,000 square foot commercial center. The commercial center would consist of various uses such as a restaurant with drive-through, a convenience store and office space. Finally, you also inquired as to the possibility of redeveloping the Property with townhouses or multifamily dwellings.

As we mentioned, a new Zoning Ordinance took effect in Prince George's County on April 1, 2022. On that date, every property in the County was transitioned to the zoning classifications contained in the new Zoning Ordinance. The new Zoning Ordinance contains transitional provisions which were intended to

grandfather existing uses. The transitional provisions further provide landowners the ability to utilize the prior Zoning Ordinance until April 1, 2024. Notwithstanding, the transitional provisions generated substantial concern given that they were ambiguous and in conflict with many provisions of the Zoning Ordinance. We communicated these concerns to the County Council over the course of several months. I am pleased to report that the County Council has adopted several pieces of legislation which we believe will substantially improve landowners' grandfathering rights. Of relevance to this analysis is CB-77-2022, a copy of which is marked Exhibit "C" and attached hereto. Pursuant to CB-77-2022, landowners will continue to have access to the prior Zoning Ordinance if a property was developed under the prior Zoning Ordinance. Therefore, an analysis of the prior and new Zoning Ordinances is necessary.

Under the prior Zoning Ordinance, the Property was split zoned R-55 and R-18. A copy of the prior Zoning Map is marked Exhibit "D" and attached hereto. As can be seen, Lots 11, 12 & 18 were zoned R-55. These are the lots upon which the two-single family homes are located. Lots 9 & 10, which you may purchase, were also zoned R-55. The balance of the Property was zoned R-18. It must be noted that the portion of the Property which was zoned R-18 was previously zoned C-M. It was rezoned from the C-M Zone to the R-18 Zone in 2010 upon the adoption of the Subregion 4 Master Plan and Sectional Map Amendment ("SMA"). Copies of the relevant excerpts from the Subregion 4 SMA are marked Exhibit "E" and attached hereto. First, I would note that Exhibit "E" identifies J&J Transmission as a use which existed when the SMA was adopted in 2010. I would further note the discussion contained within Exhibit "E" which indicates that the rezoning was intended to encourage residential infill development and to reduce excess commercial zoning.

The Subregion 4 SMA warrants further discussion. In the C-M Zone, a vehicle repair station was permitted by right. Therefore, J&J Transmission was a permitted use when this portion of the Property was zoned C-M. However, a vehicle repair station was not permitted in the R-18 Zone. Although the SMA rezoned this portion of the Property to the R-18 Zone, the SMA contains a grandfathering provision found on page 488 of the text document. A copy of page 488 is marked Exhibit "F" and attached hereto. As can be seen, development which was legal on the date of SMA adoption is grandfathered until a site plan is submitted. However, such development will lose its grandfathering protection if it is determined that the use has been discontinued for more than 180 days. As noted above, you have indicated that the vehicle repair

station has been out of business for over a year. If that is correct, it has lost its grandfathering and cannot be reestablished.

If you were to redevelop the Property with a commercial center under the prior Zoning Ordinance, then you would become subject to the provisions of the R-18 Zone. As noted above, you have indicated that this commercial center would comprise 6,000-8,000 square feet and consist of various uses including a restaurant with drive-through, a convenience store and office space. As we discussed during our conversation, the R-18 Zone permits very few commercial uses. Each of the uses you have proposed are likely prohibited in the R-18 Zone. Under the prior Zoning Ordinance, a restaurant would fall within a particular use called an "eating and drinking establishment." In the R-18 Zone, eating and drinking establishments are prohibited, whether or not they have drive-through service. A copy of the relevant excerpt of the prior Use Table is marked Exhibit "G" and attached hereto. A convenience store likewise appears to be prohibited in the R-18 Zone. There are a few uses which could be considered a convenience store, including a "food or beverage store" and a "retail sales and consumer service establishment." Neither of these uses are permitted. A copy of the relevant excerpt from the prior Use Table is marked Exhibit "H" and attached hereto. It does not appear that office uses would be permitted either. Copies of the relevant excerpt of the prior Use Table are marked Exhibit "I" and attached hereto. On Exhibit "I," I would note that a medical practitioner's office is permitted in the R-18 Zone subject to Footnote 103. A copy of Footnote 103 is attached as Exhibit "J." As depicted on Exhibit "A," the Property appears to have direct vehicular access to Martin Luther King Jr. Highway, which is classified as an arterial roadway. Therefore, it does not appear to meet the criteria in Footnote 103. Finally, townhouses are permitted in the R-18 Zone subject to approval of a special exception. A copy of the relevant excerpt of the prior Use Table is marked Exhibit "K" and attached hereto. The R-18 Zone regulations provide for a maximum density of 6 townhouse units per net acre. A copy of the R-18 Zone regulations is marked Exhibit "L" and attached hereto.

Under the new Zoning Ordinance, the Property has retained its split zoning designation. The lots which were formerly zoned R-55 are now zoned RSF-65, while the lots which were formerly zoned R-18 are now zoned RMF-20. A copy of the new Zoning Map is marked Exhibit "M" and attached hereto. The RMF-20 Zone does not permit vehicle-oriented uses, and thus the vehicle repair station could not be re-established in the RMF-20 Zone. A copy of the relevant excerpt of the new Use Table is marked Exhibit "N" and attached

hereto. Unlike the prior R-18 Zone, the RMF-20 Zone appears to permit the remaining uses which you have proposed. For example, a restaurant is permitted by right in the RMF-20 Zone, with or without drive-through service. Likewise, the RMF-20 Zone permits convenience stores and other commercial/retail uses, as well as most types of office space. Finally, the RMF-20 Zone permits a range of residential dwelling types, including multifamily, townhouse, two-family and three-family units. Copies of the relevant excerpts from the new Use Table are marked Exhibit "O" and attached hereto. I am also attaching as Exhibit "P" a copy of the RMF-20 Zone regulations. As can be seen, two-family dwellings are permitted at 40 units per acre, while three-family dwellings are permitted at 14 units per acre. Townhouses and multifamily dwellings are permitted at 20 units per acre each.

As we discussed in our telephone conversation on October 28, 2022, there are additional standards and regulations in the new Zoning Ordinance which would be applicable to your proposed development. These regulations include, not just lot size and setback requirements, but also standards related to building form, design and neighborhood compatibility. It is likely that these standards would be applicable given that they apply to developments which abut single family homes. We further discussed that you will require the services of a civil engineer to determine whether you can conform with these requirements.

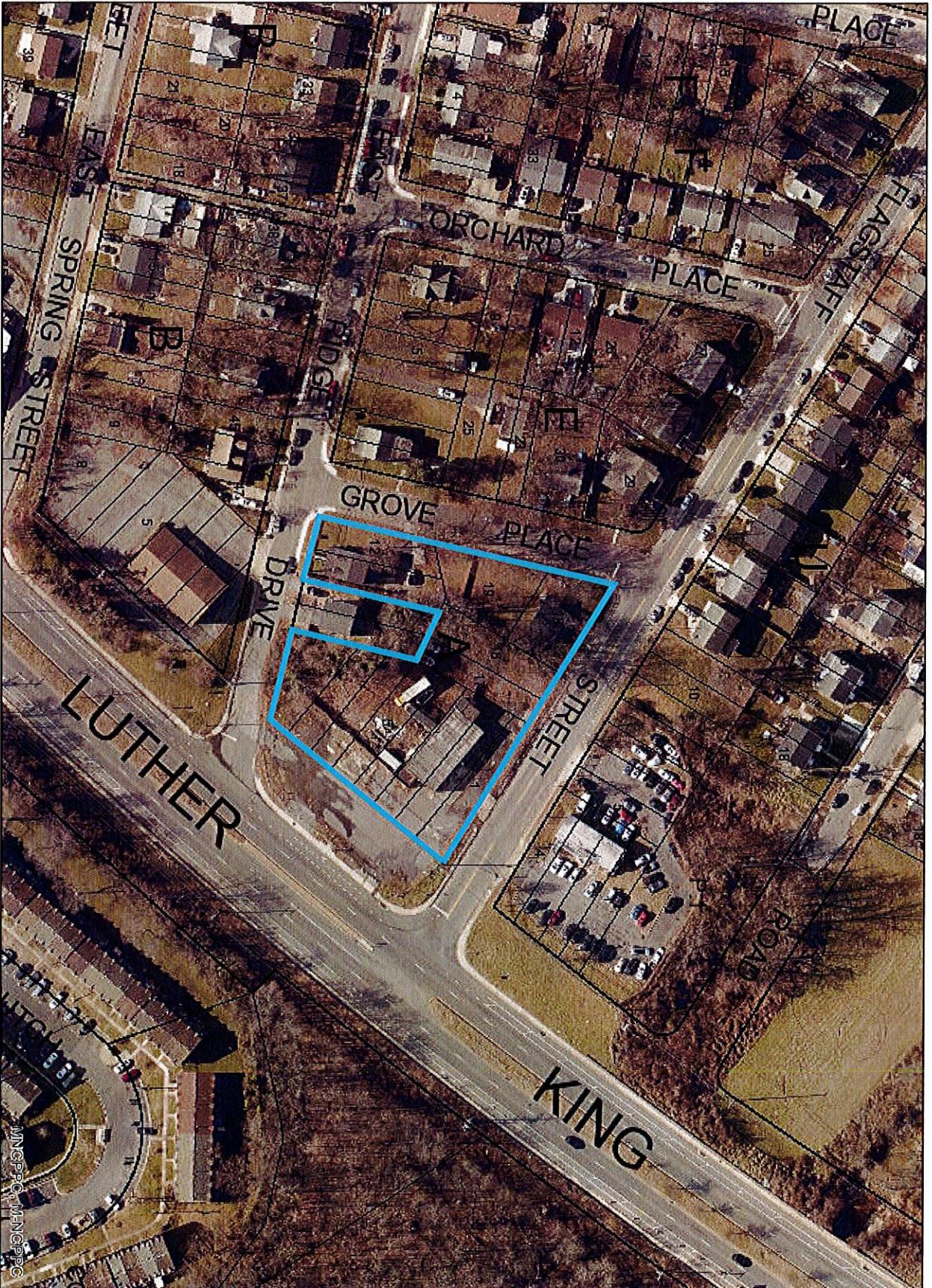
In addition to the foregoing, it should also be noted that any redevelopment of the Property would likely require approval of a Preliminary Subdivision Plan and Final Plats of Subdivision. A subdivision is typically required for any development, subject to certain limited exemptions. It does not appear that your proposal would fall within the exemptions. Your proposal may also fall within the exemptions to the Detailed Site Plan requirement. The exemptions are found in Section 27-3605(a)(2), a copy of which is marked Exhibit "Q" and attached hereto. Pursuant to Section 27-3605(a)(2)(N), residential development consisting of less than 10 dwelling units is exempt from the Detailed Site Plan requirement. However, if you were to propose ten or more dwelling units, then a Detailed Site Plan would be required. Section 27-3605(a)(2)(O) further exempts nonresidential development comprising less than 25,000 square feet of gross floor area. Your proposal for 6,000-8,000 square feet of commercial development appears to be exempt as well.

While we will need to conduct further analysis, it would appear that the RMF-20 Zone offers substantial advantages compared to the prior R-18 Zone. Although it does not appear that you may

reestablish the vehicle repair shop under either Zoning Ordinance, the RMF-20 Zone permits each of the uses which you have proposed. While the Property would likely need to be subdivided, your proposal appears to be exempt from the Detailed Site Plan requirement unless you were to develop the Property with ten or more residential dwelling units. We will of course confer with staff of the Maryland-National Capital Park & Planning Commission to confirm our findings. Once you have determined your development plan, we will also need to meet with Councilmember Jolene Ivey, as well as any interested civic associations, to develop political support for your project.

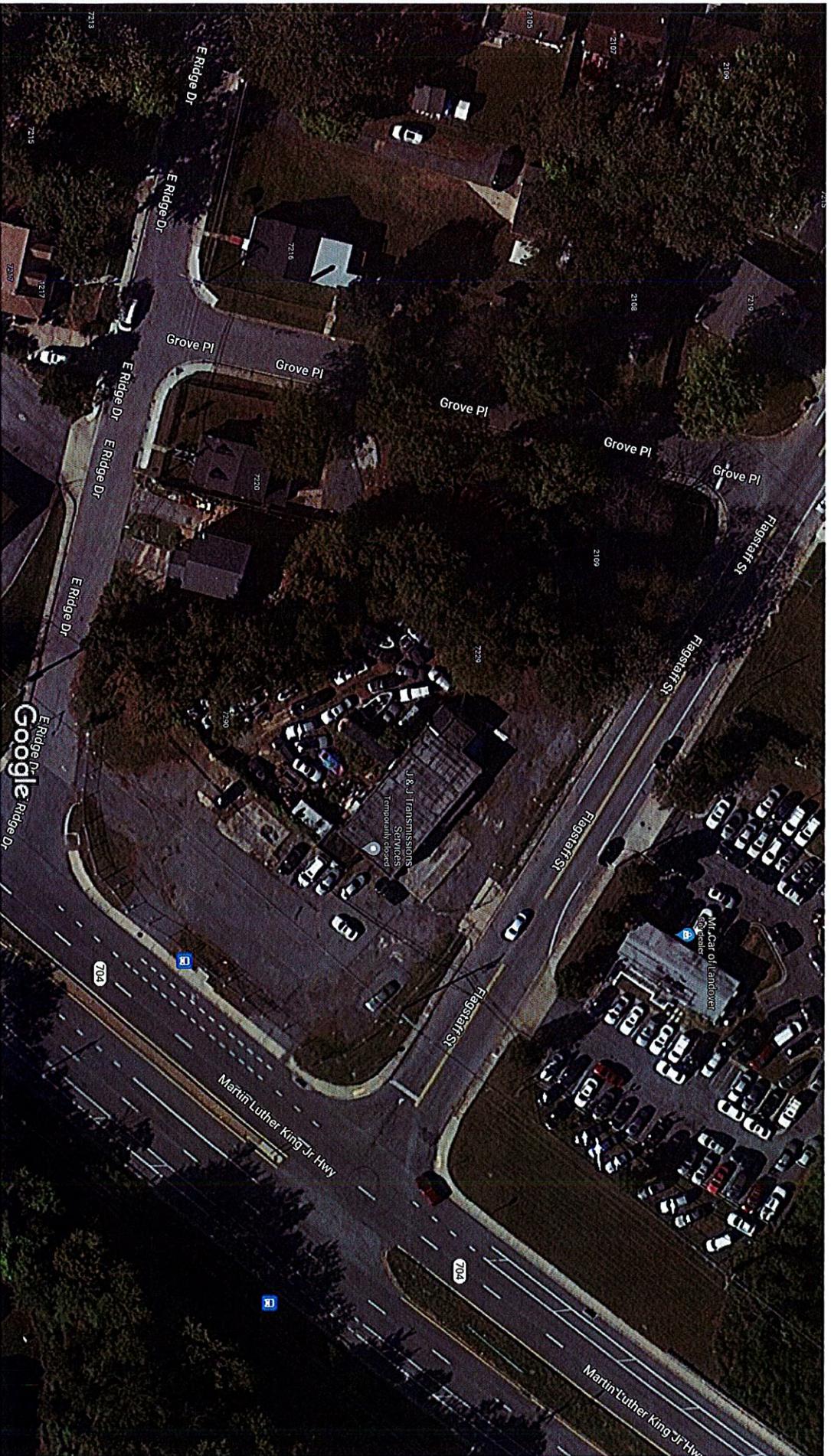


7300 Martin Luther King Jr. Hwy



Data provided by Prince George's County Planning Department - 1

“Exhibit “A”



Imagery ©2022 Maxar Technologies, U.S. Geological Survey, Map data ©2022 20 ft

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL  
2022 Legislative Session**

Bill No. CB-077-2022

Chapter No. \_\_\_\_\_

Proposed and Presented by Council Member Franklin

Introduced by Council Members Franklin, Hawkins, Harrison, and Streeter

Co-Sponsors \_\_\_\_\_

Date of Introduction September 20, 2022

**ZONING BILL**

1 AN ORDINANCE concerning

2 Zoning—General Provisions—Transitional Provisions

3 For the purpose of clarifying and updating the scope of the Transitional Provisions of the Zoning  
4 Ordinance of Prince George’s County, being also Chapter 37, 2018 Laws of Prince George’s  
5 County, Maryland (CB-013-2018), as amended by Chapter 53, 2021 Laws of Prince George’s  
6 County, Maryland (CB-098-2021).

7 BY adding:

8 Section 27-1706,  
9 The Zoning Ordinance of Prince George's County, Maryland,  
10 being also  
11 **SUBTITLE 27. ZONING.**  
12 The Prince George's County Code  
13 (2019 Edition; 2021 Supplement).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
15 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional  
16 District in Prince George's County, Maryland, that Section 27-1706 of the Zoning Ordinance of  
17 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,  
18 be and the same is hereby added:

19 **SUBTITLE 27. ZONING.**

20 **PART 27-1. GENERAL PROVISIONS.**



1 SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five  
2 (45) calendar days after its adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF  
THE MARYLAND-WASHINGTON REGIONAL  
DISTRICT IN PRINCE GEORGE'S COUNTY,  
MARYLAND

BY: \_\_\_\_\_  
Calvin S. Hawkins, II  
Chair

ATTEST:

\_\_\_\_\_  
Donna J. Brown  
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.



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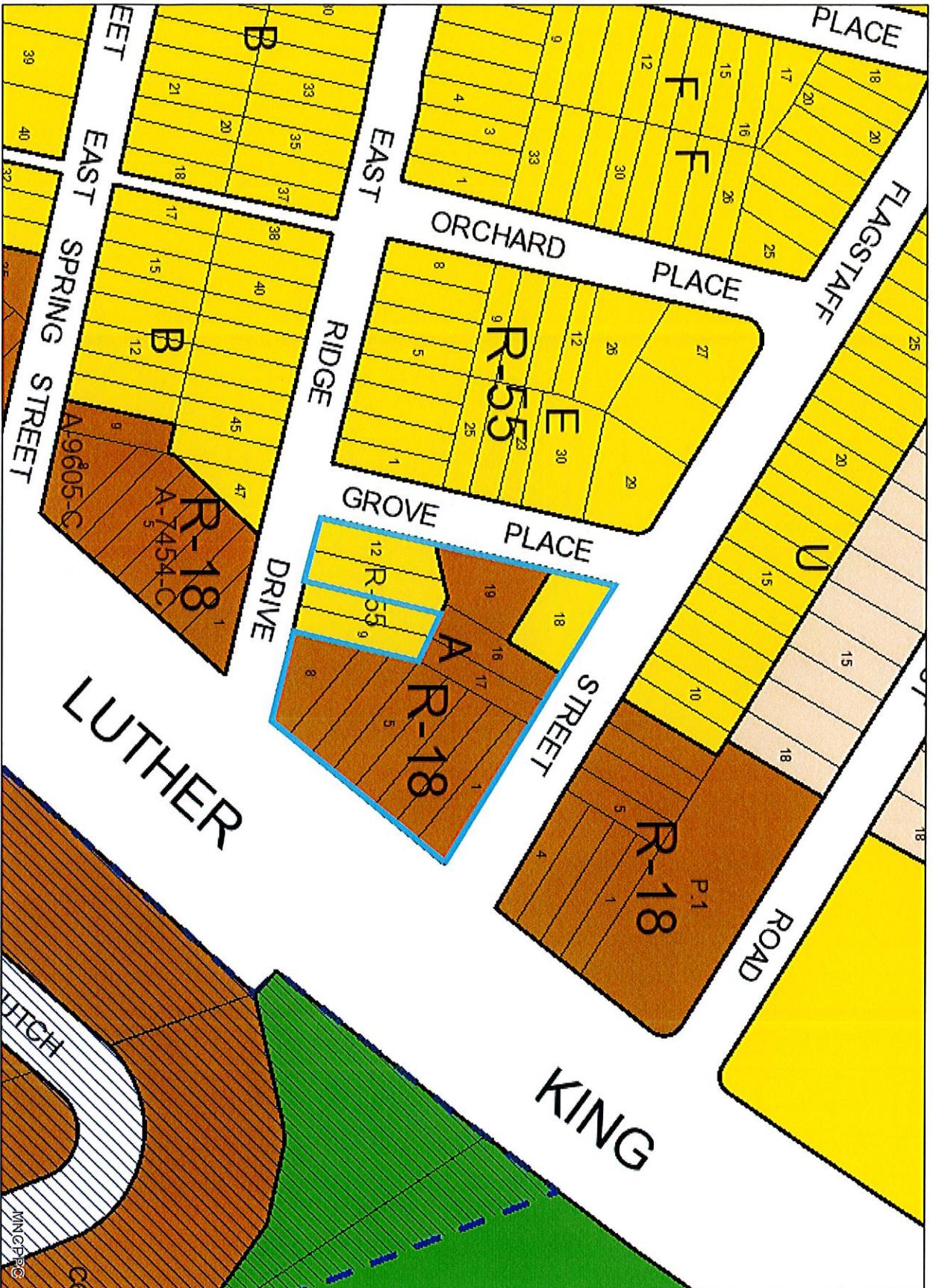
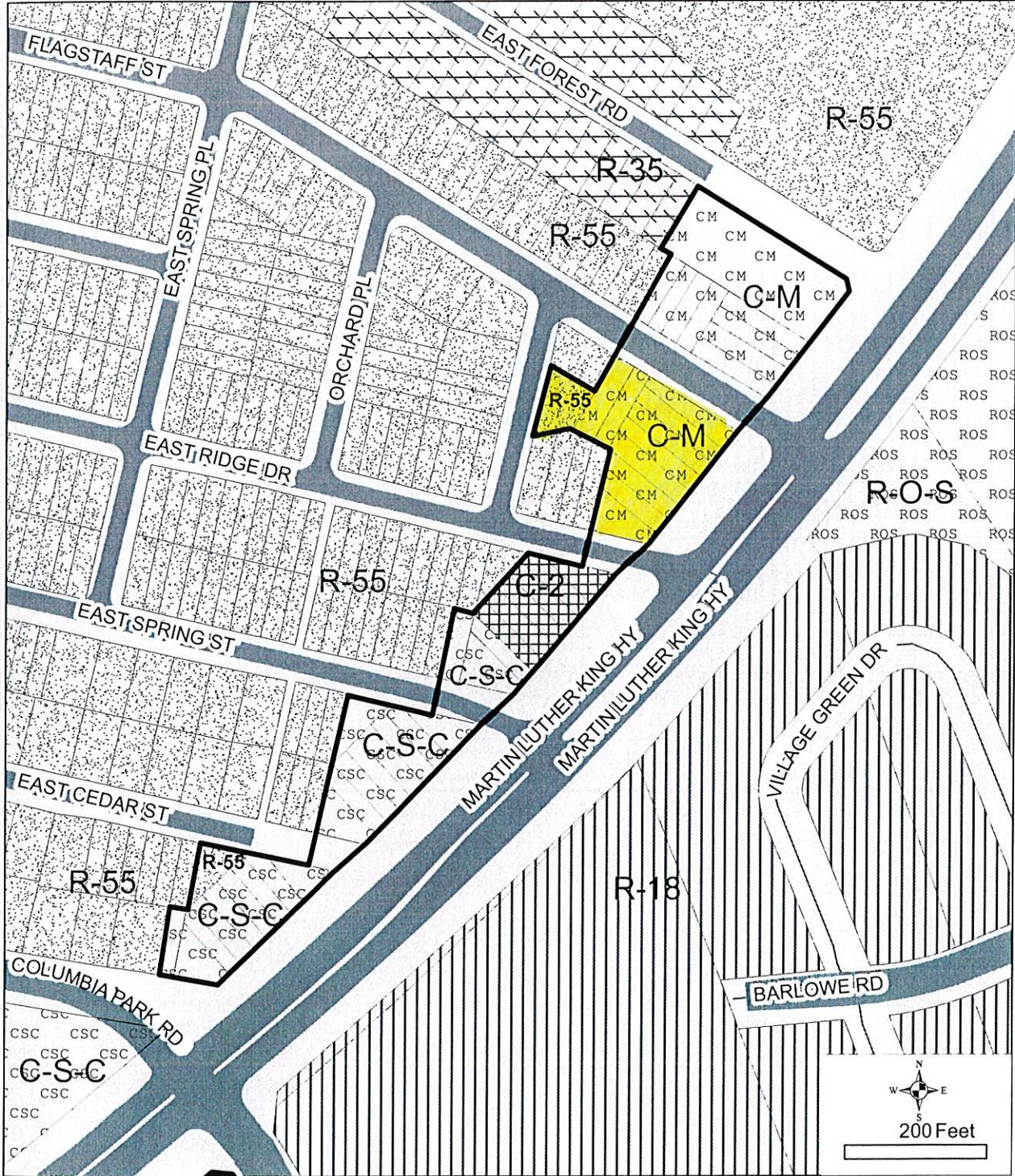


Exhibit "D"

**Living Area A**

Change Number	Zoning Change	Area of Change	200' Scale Index Map	Approved SMA/ZAP/SE Number
LA9	C-M to R-18 C-2 to R-18 C-S-C to R-18 R-R to R-18	2.150 0.393 1.430 0.173	203NE06 203NE07	SMA
<b>Property Description</b>	Tax Map 59, Grid F3, Block C, Parcel 1 Kentland, Tax Map 59, Grid E3, Block U, Lots 1-8 East Columbia Park, Tax Map 59, Grid E3, Block A, Lots 1-8, 16, 17, and 19 East Columbia Park, Tax Map 59, Grid E3, Block B, Lots 1-9 East Columbia Park, Tax Map 59, Grid E3, Block B, Lots 1-9 East Columbia Park, Tax Map 59, Grid E3, Block C, Lots 1-8 and 35 East Columbia Park, Tax Map 59, Grid E3, Block D, Lots 1-9 and 23 East Columbia Park			
<b>Use and Description</b>	Wooded; Vacant/developed; J & J Transmission; Shear Glory Hair Designs; Parking Lot; Liquor Store; Carryout; Cox's Liquor & Carryout			
<b>Discussion</b>	Rezoning from commercial zones to R-18 (Multifamily Medium-Density Residential) is consistent with the goals, policies, and strategies of the General Plan and the Subregion 4 Master Plan to strengthen existing neighborhoods, encourage appropriate infill development, and provide pedestrian-oriented neighborhoods. This rezoning will reduce excessive commercial zoning in this market area, direct commercial development to centers and corridor nodes, and encourage residential development that is consistent with the adjacent land uses.			

LA9: C-M, C-2, C-S-C, R-R to R-18



AMENDMENT

## Exemptions

The following are exemptions from the DDOZ standards:

1. Legally existing development.

Until a site plan is submitted, all buildings, structures, and uses which were lawful or could be certified as legal and nonconforming on the date of SMA approval are exempt from the development district standards. However, if a permit application is submitted and it is determined that the legally existing building, structure or use has been discontinued for more than 180 days in accordance with Section 27-241(c), it shall comply with all applicable Development District Standards and site plan review.

Until a site plan is submitted, active shopping centers with freestanding commercial uses on perimeter pod sites are also exempt from the DDOZ standards and from site plan review and are not nonconforming. However, the issuance of a Building Permit or a Use and Occupancy Permit for a change in ownership for any property with frontage along a public street shall require restoration or installation of landscape strips, buffering, and screening in accordance with Sections 4.2 and 4.4 of the Landscape Manual, as modified by the streetscape standards of this DDOZ, or as determined under an Alternative Compliance procedure per Section 1.3 of the Landscape Manual. The plan recommends that shopping center owners consider developing plans for the phased redevelopment of their properties to new mixed-use urban places.

2. Legally existing parking and loading.

Until a site plan is submitted, all legally existing parking and loading spaces in the development district that were lawful and not nonconforming on the date of the SMA approval are exempt from the development district standards and site plan review, need not be reduced, and are not nonconforming.

3. Single-family residential dwellings.

Additions to single-family residential dwellings are exempt from the development district

standards and site plan review, if the residential use continues.

4. Multifamily development.

An addition to a multifamily residential structure that was lawful and not nonconforming on the date of the SMA approval is exempt from the development district standards and site plan review if the addition (and accumulated sum of all additions since approval of the SMA) does not increase the gross floor area (GFA) by more than 15 percent or 5,000 square feet, whichever is less.

5. Nonresidential development.

An addition to a nonresidential structure that was lawful and not nonconforming on the date of the SMA is exempt from the development district standards and site plan review, if the addition (and the accumulated sum of all additions since the approval of the SMA) does not increase the GFA by more than 15 percent or 1,500 square feet, whichever is less.

6. Parking facilities.

Resurfacing, restriping, or adding landscaping to parking facilities not required by the standards are exempt from the development district standards and site plan review, if the facilities were lawful and nonconforming on the date of SMA approval and remain in conformance with all previous applicable regulations.

7. Nonconforming buildings, structures, and uses.

Restoration or reconstruction of a nonconforming building or structure, or a certified non-conforming use, is exempt from the development district standards and from site plan review if it meets the requirements of Section 27-243(a)(1) of the Zoning Ordinance.

Except for improvements listed in "8. General", below, a property may not expand a certified nonconforming use or a use or a structure that was lawful on the date of the SMA approval but does not conform to the development district standards, unless a detailed site plan is approved with findings that the expansion is compatible with adjacent uses and meets the goals of the master plan.

USE	ZONE									
	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H		
<b>(1) Commercial:</b>										
Distillery for the production of fuel alcohol	X	X	X	X	X	X	X	X		
Drug paraphernalia display or sales, pursuant to Section 27-115(a)(1)	X	X	X	X	X	X	X	X		
<b>Eating or Drinking Establishments:</b>										
<b>(i) Eating or drinking establishment, with drive-through service</b>	X	X	X	X	X	X	X	X	X	
<b>(ii) Eating or drinking establishment, excluding drive-through service</b>	X	X	X	X	X	X	X	X	X	
<b>(iii) Eating or drinking establishment of any type, including music and patron dancing past the hours of 12:00 A.M., excluding adult entertainment</b>	X	X	X	X	X	X	X	X	X	
Farm Brewery in accordance with Section 27-445.21 (CB-14-2013)										
Farm Brewery in accordance with Section 27-445.21 (CB-13-2021)	X	X	X	X	X	X	X	X	X	
Farm implement sales or repair; farm supplies sales	X	X	X	X	X	X	X	X	X	
Farmer's market or flea market as a temporary use, in accordance with Sections 27-260 and 27-261 (CB-63-1998)										
Farm Winery <sup>89</sup>	X	X	X	X	X	X	X	X	X	
Firewood sales as a temporary use, in accordance with Sections 27-260 and 27-261	P	P	P	P	P	P	P	P	P	
Food or Beverage Store:										
In combination with a Gas Station (CB-63-2019)	P <sup>137</sup>	X	X	X	P <sup>137</sup>	X	X	X	X	
Funeral parlor, undertaking establishment	SE	SE	SE	SE	SE	SE	SE	SE	SE	

USE	ZONE									
	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H		
<b>(1) Commercial:</b>										
Firewood sales as a temporary use, in accordance with Sections 27-260 and 27-261	P	P	P	P	P	P	P	P	P	P
<b>Food or Beverage Store:</b>										
<b>In combination with a Gas Station</b> (CB-63-2019)	P <sup>137</sup>	X	X	X	P <sup>137</sup>	X	X	X	X	X
Funeral parlor, undertaking establishment	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Gas station (CB-36-2004)	X	X	X	X	X	X	X	X	X	X
Kennel:										
(A) On a lot having a net area of 20,000 sq. ft. or less	X	X	X	X	X	X	X	X	X	X
(B) On a lot having a net area between 20,000 sq. ft. and 80,000 sq. ft.	X	X	X	X	X	X	X	X	X	X
(C) On a lot having a net area exceeding 80,000 sq. ft. (CB-37-1991; CB-16-1993)	X	X	X	X	X	X	X	X	X	X
Parking lot, required, serving adjacent Commercial or Industrial Zone	SE	SE	SE	SE	SE	SE	SE	X	X	SE
Photography studio and darkroom, as an accessory use solely by the resident of a one-family detached dwelling and located within such dwelling (CB-140-1986)	X	X	X	X	X	X	X	X	X	X
<b>Retail sales and consumer service establishment</b> (CB-140-1986)	X	X	X	X	X	P	SE	SE	SE	SE
Seasonal decorations display and sales as a temporary use, in accordance with Sections 27-260 and 27-261 <sup>43</sup> (CB-23-1989)	P	P	P	P	P	P	P	P	P	P

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USE	ZONE							
	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H
<b>(1) Commercial:</b>								
Limited professional uses in multifamily projects	X	SE <sup>8</sup>	SE	SE	SE	X	X	X
Monument and headstone sales establishment (CB-60-1998)	X	X	X	X	X	X	X	X
<b>Offices:</b>								
(A) Accountants, architects, clergymen, engineers, lawyers, medical practitioners, and similar recognized and learned professions, as an accessory use in a dwelling	P <sup>16,19</sup>	P <sup>9</sup>	P <sup>9</sup>	X	X	X	X	X
(B) Business office and model apartments in a multifamily dwelling or multifamily project and used only in connection with the sale, rental, operation, service, and maintenance of the dwelling or project (CB-36-1987)	X	P <sup>10,39</sup>	PB <sup>10</sup>	P <sup>10,39</sup>	PB <sup>10</sup>	PB <sup>10</sup>	PB <sup>10</sup>	PB <sup>10</sup>
(C) General business and professional offices (CB-4-2003)	X	X	X	X	X	X	SE <sup>70</sup>	SE
(D) Insurance sales office as an accessory use in a dwelling	X	X	X	X	X	X	X	X
(E) Medical practitioner's office (CB-24-2015)	X	X	X	P <sup>103</sup>	X	X	SE	SE
(F) Medical practitioner's office in a one-family dwelling (except as provided in (A) above) (CB-24-2015)	X	X	X	X	X	X	X	X
(G) Real estate sales office as an accessory use in a dwelling (CB-24-2015)	X	X	X	X	X	X	X	X
(H) Real estate subdivision sales office as a temporary use: (CB-24-2015)								

103	Provided the use is not located within a multifamily project and is located within an existing one-story building situated on at least five (5) lots that have frontage on, but no direct vehicular access to, a roadway with a transportation functional classification as an arterial or higher on the applicable Master Plan, and said lots were rezoned from commercial to residential pursuant to a Sectional Map Amendment approved between January 1, 2010 and December 31, 2010. (CB-24-2015)
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USE	ZONE							
	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H
"Tourist Home" as an "Accessory Use" to a "Dwelling" in accordance with Section 27-445.19 (effective 10/1/2019) (CB-10-2018)	P	P	P	P	P	P	P	P
Townhouse, cluster development, shown on a preliminary plat of subdivision approved prior to September 1, 1986 (CB-54-1986)	X	X	X	X	X	X	X	X
Townhouse, shown on a Detailed Site Plan approved prior to December 30, 1996, and in compliance with Section 3 of CB-55-1996 (CB-84-1990; CB-55-1996)	P	P <sup>2</sup>	P <sup>2</sup>	P <sup>2,5</sup>	P <sup>2</sup>	X	X	X
Townhouse, shown on a preliminary plat of subdivision approved pursuant to Part 4A (CB-47-1996)								
Townhouse, Transit Village (CB-37-2006; CB-28-2016)	P <sup>84</sup>	X	X	X	X	P <sup>111</sup>	X	X
<b>Townhouse, all others</b> (CB-55-1996; CB-118-2017; CB-9-2020)	P <sup>125</sup>	SE	SE	<b>SE</b>	SE	X	P <sup>138</sup>	X
Where not otherwise specifically permitted, any use allowed in the M-X-T Zone (excluding those permitted by Special Exception) (CB-50-2021)	X	X	X	X	X	X	X	X
<b>(8) Resource Production/Recovery:</b> (CB-12-2016)								
Agricultural uses:								
(A) All general agriculture <sup>22</sup>	X	X	X	X	X	X	X	X
(B) Limited to floriculture, horticulture, gardening, and private, noncommercial greenhouses	P	P	P	P	P	P	P	P

	ZONE							
	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H
One-family detached dwellings, in general	6.70	6.70	6.70	6.70	6.70	-	6.70	6.70
One-family detached dwellings, cluster development <sup>2</sup> (CB-54-1986)	-	-	-	-	-	-	-	-
One-family metropolitan dwellings (CB-33-2005)	6.00	-	-	-	-	-	-	-
One-family semidetached dwellings (CB-33-2005)	8.00	8.00	8.00	8.00	8.00	-	-	-
One-family triple-attached dwellings	-	-	-	-	-	-	-	-
Townhouses, constructed pursuant to a Detailed Site Plan filed prior to November 1, 1996, and in compliance with Section 3 of CB-55-1996 <sup>9</sup> (CB-55-1996)	8.00	8.00	8.00	8.00	8.00	-	-	-
Townhouse, Transit Village (CB-37-2006)	12.00	-	-	-	-	-	-	-
<b>Townhouses, all others</b> (CB-55-1996)	6.00	6.00	6.00	<b>6.00</b>	6.00	-	-	-
Two-family dwellings	8.00	8.00	8.00	8.00	8.00	-	-	-
Three-family dwellings, constructed pursuant to a Detailed Site Plan filed prior to November 1, 1996, and in compliance with Section 3 of CB-55-1996 <sup>9</sup> (CB-55-1996)	12.00	12.00	12.00	12.00	12.00	-	-	-
Three-family dwellings, all others (CB-55-1996)	9.00	9.00	9.00	9.00	9.00	-	-	-
Multifamily dwellings (CB-114-1989)	-	10.00	12.00	12.00 <sup>3</sup>	14.00 <sup>3</sup>	48.00 <sup>5</sup>	48.00	48.40
	-	-	-	20.00 <sup>4</sup>	20.00 <sup>4</sup>	-	-	-

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7300 Martin Luther King Jr. Hwy

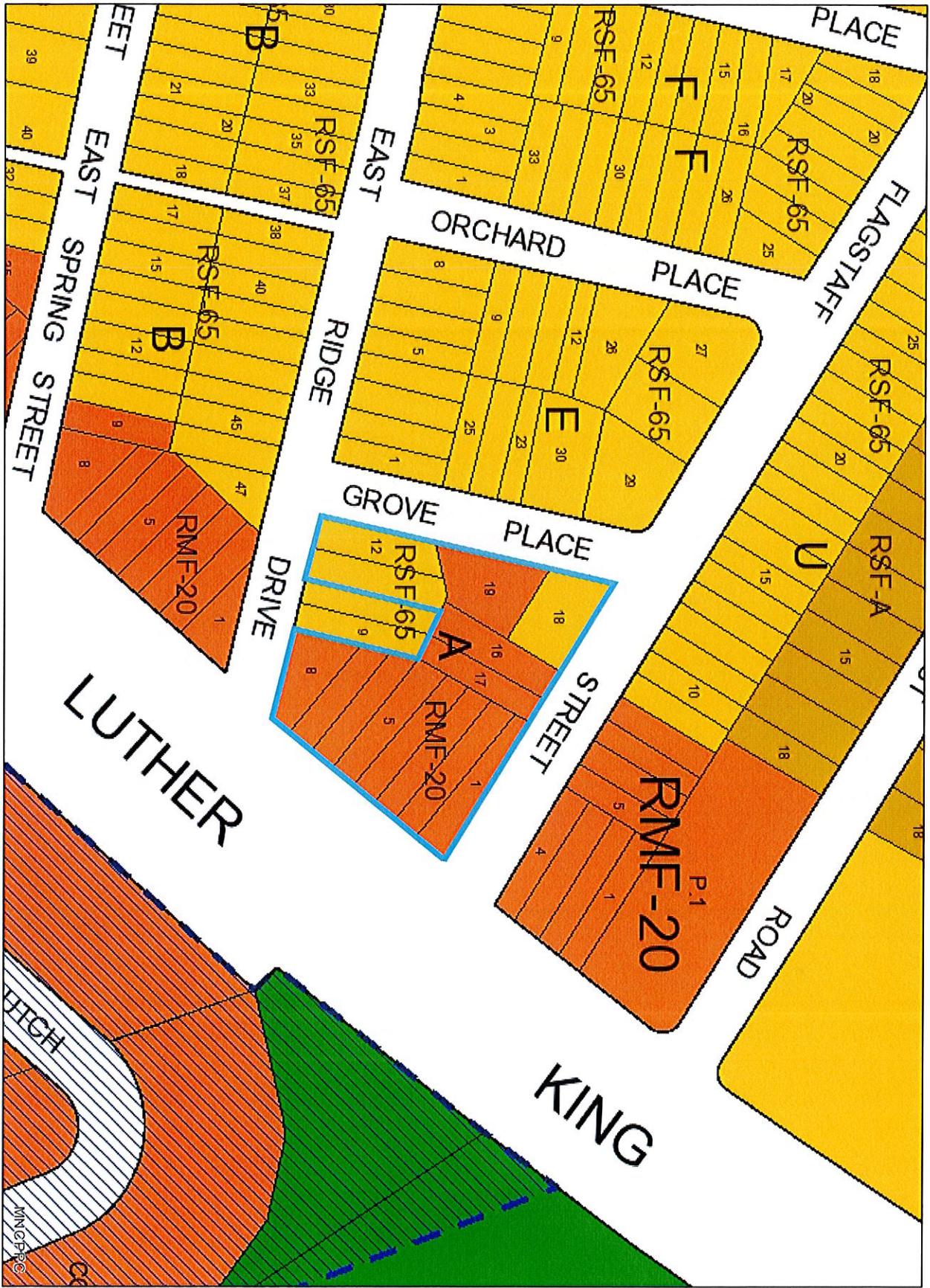


Exhibit "M"



**Table 27-5101(c): Principal Use Table for Rural and Agricultural, and Residential Base Zones**  
**P = Permitted by Right SE = Allowed 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		
Uses	Commercial vehicle repair and maintenance	X	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	X	27-5102(e)(10)(D)
	Gas station	X	X	X	X	X	X	X	X	X	X	X	X	27-5102(e)(10)(B) and refer to special exception standards
	Personal vehicle repair and maintenance	X	X	X	X	X	X	X	X	X	X	X	X	27-5102(e)(10)(C)
	Taxi or limousine service facility	X	X	X	X	X	X	X	X	X	X	X	X	27-5102(e)(10)(E)
	Vehicle and trailer rental display	X	X	X	X	X	X	X	X	X	X	X	X	Refer to special exception standards
	Vehicle parts or tire store	X	X	X	X	X	X	X	X	X	X	X	X	27-5102(e)(10)(F)
	Vehicle paint finishing shop and vehicle or trailer storage yard	X	X	X	X	X	X	X	X	X	X	X	X	
	Vehicle towing and wrecker service	X	X	X	X	X	X	X	X	X	X	X	X	27-5102(e)(10)(G)



**Table 27-5101(c): Principal Use Table for Rural and Agricultural, and Residential Base Zones**  
**P = Permitted by Right SE = Allowed only with approval of a Special Exception X = Prohibited**

Principal Use Category	Principal Use Type	Rural and Agricultural Base Zones										Residential Base Zones								Use-Specific Standards
		ROS	AG	AR	RE	RR	RSF-95	RSF-65	RSF-A	RMF-12	RMF-20	RMF-48	RSF-95	RSF-65	RSF-A	RMF-12	RMF-20	RMF-48		
Veterinary hospital or clinic		X	P	P	SE	SE	X	X	X	X	SE	X	X	X	X	X	X	SE	SE	5102(e)(3)(C) and refer to special exception standards
Art gallery	Art, photography, music, dance, yoga, pilates, or martial arts studio or schools	X	X	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Refer to special exception standards
Manufacturing, artisan or maker	Tattoo or body piercing establishment	X	X	X	X	X	X	X	X	X	X	X	SE	X	X	X	X	P	P	Refer to special exception standards
Business Support Service Uses	Qualified data center	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	X	P	P	27-5102(e)(4)(B)
All other business support services	Alcohol production facility, small-scale; shared commercial kitchen; Restaurant; and Restaurant; quick-service (without drive-through)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	27-5102(e)(4)
Eating or Drinking Establishment Uses		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	27-5102(e)(5)



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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							
	Catering or food processing for off-site consumption	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	27-5102(e)(5)(C)
	Restaurant, quick-service (with drive-through)	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P	27-5102(e)(5)(A)
Funeral and Mortuary Service Uses	Cemetery or crematory	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	X	SE	X	X	X	X	X	Refer to special exception standards
	Funeral parlor or undertaking establishment	X	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	Refer to special exception standards
Office Uses	All other funeral and mortuary uses	X	X	X	X	X	X	X	X	X	X	X	X	X	SE	SE	SE	SE	Refer to special exception standards
	Contractor's office	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P	
	Office, general business and professional	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P	P	
Personal Service Uses	Office park	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Refer to special exception standards
	Massage establishment	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Refer to special exception standards
	Model studio	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	27-5102(e)(7)(B)



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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									
Health Care Uses	Water-dependent research facility or activity operated by a government or educational institution		SE	X	X	X	X	X													27-5102(d)(3)(c) and refer to special exception standards
	Hospital	X	SE	SE	SE	SE	X	X	X	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	Refer to special exception standards
	Health campus	X	X	X	X	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	Refer to special exception standards
	Medical or dental office or lab	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P	P	
	Medical/residential campus	X	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	Refer to special exception standards
Health Care Uses	Methadone treatment center	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Refer to special exception standards
	Nursing or care home	X	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	Refer to special exception standards
	Airfield, Airpark, Airport or Airstrip	X	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	Refer to special exception standards
Transportation Uses	Park and ride facility	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Refer to special exception standards



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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		
Combination retail	Consumer goods establishment	X	X	X	X	X	X	X	X	X	X	X	X	Refer to special exception standards
	Convenience store	X	X	X	X	X	X	X	X	X	P	P		
	Drug store or pharmacy	X	X	X	X	X	X	X	X	P	P	P	P	27-5102(e)(9)(D)
	Farmers' market	P	P	P	P	P	X	X	X	P	P	P	P	27-5102(e)(9)(E)
	Food and market hall	X	X	X	X	X	X	X	X	X	X	X	X	
	Grocery store or food market	X	X	X	X	X	X	X	X	P	P	P	P	
	Manufactured or modular home sales	X	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	X	Refer to special exception standards
	Pawnshop	X	X	X	X	X	X	X	X	X	X	X	X	Refer to special exception standards
	Tobacco shop, electronic cigarette shop or retail tobacco business	X	X	X	X	X	X	X	X	X	X	X	X	Refer to special exception standards



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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	ROS	AG	AR	RE	RR	RSF-95	RSF-65	RSF-A	RMF-12	RMF-20	RMF-48			
Principal Use Category	Dwelling, live-work	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	27-5102(c)(1)(B)
	Dwelling, multifamily	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	27-5102(c)(1)(D)
	Dwelling, single-family detached	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Dwelling, three-family	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	Dwelling, townhouse	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	Dwelling, two-family	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	Elderly housing (single-family attached dwellings)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Refer to special exception standards
	Elderly housing (single-family detached dwellings)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Refer to special exception standards
	Manufactured home park	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	27-5102(c)(1)(E)
	Mobile home	SE	SE	SE	SE	SE	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	Refer to special exception standards
Group Living Uses	Apartment housing for elderly or physically disabled families	X	X	X	X	X	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	Refer to special exception standards	



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

**(1) Purposes**

The purposes of the Residential, Multifamily-20 (RMF-20) Zone are:

- (A) To provide suitable sites for high-density multifamily residential development;
- (B) To provide for this type of development at locations recommended by an Area Master Plan or Sector Plan, or at other locations which are found to be suitable by the District Council;
- (C) To support multifamily development at sites that are proximate to centers or are at appropriate locations along commercial corridors; and
- (D) To ensure compatibility with surrounding lands.



**(2) Intensity and Dimensional Standards**

Standard(1)	Two-Family Dwelling	Three-Family Dwelling	Townhouse Dwelling	Multifamily Dwelling	Other Uses
Density, max. (du/ac of net lot area)	40.00	14.00	20.00	20.00	No requirement
Net lot area, min. (sf)	No requirement	No requirement	No requirement	7,500	7,500
① Lot width, min. (ft)	60 (2)	60 (2)	20 (7)	60 (2)	60 (2)
Lot frontage (width) at front street line, min. (ft)	48	48	16	48	48
Lot coverage, max. (% of net lot area)	35 (3)	35 (3)	40 (3)	40	60



**(2) Intensity and Dimensional Standards**

Standard(1)	Two-Family Dwelling	Three-Family Dwelling	Townhouse Dwelling	Multifamily Dwelling	Other Uses
Green area, min. (% of net lot area)	No requirement	No requirement	50	60	No requirement
<b>2</b> Front yard depth, min. (ft)	15	15	15	15	0
<b>3</b> Side yard depth, min. (ft)	8 (4)	8 (4)	8 (4)	8 (5)	8 (5)
<b>4</b> Rear yard depth, min. (ft)	20	20	20	20	20
<b>5</b> Principal structure height, max. (ft) (6)	50	50	50	50	50
Accessory structure height, max. (ft) (7)	15	15	15	15	15

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

- (1) See measurement rules and allowed exceptions in Section 27-2200, Measurement and Exceptions of Intensity and Dimensional Standards.
- (2) 80 ft on corner lots. **6**
- (3) Applicable to the building coverage of the development lot as a whole rather than individual lots under townhouse units.
- (4) Applicable to buildings on the edges of the development lot as a whole. Within the development lot as a whole, a minimum separation of 8 feet is required between buildings.
- (5) On corner lot, min. side yard depth alongside street = 15 ft. **7**
- (6) 80 ft where net lot area  $\geq$  4 acres.
- (7) Applicable to the individual lots under townhouse units. The minimum lot width for the development lot as a whole shall be 100 ft.
- (8) May be increased for certain purposes by approval of a special exception pursuant to Section 27-3604, Special Exception.



Any person of record may request that the DPIE Director petition the District Council to revoke, modify, suspend, or impose additional conditions on an approved special exception, for the following reasons:

- (i) The provisions in the approved special exception have not been complied with; or
- (ii) 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.

The petition shall include pertinent facts and conclusions, and a recommended action.

## (2) Procedure

- (i) The DPIE Director shall transmit a copy of the petition to the Planning Director at the time of its submission to the ZHE. The DPIE Director shall also transmit a copy of the petition, by first-class 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.
- (ii) Within ninety (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 Section 27-3604, Special Exception. All persons of record at the time the special exception was approved shall be included in the required notification. At least thirty (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.
- (iii) No later than ten (10) days prior to the ZHE's hearing, the Planning Director may submit a recommendation or other material for the record.
- (iv) The ZHE may hold the record open for up to sixty (60) days following the conclusion of the hearing. Within thirty (30) days of the closing of the record, the ZHE shall file a decision.
- (v) 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.
- (vi) Revocation of a special exception also constitutes revocation of any variances granted for the use.

## (3) Conditions

The ZHE may revoke, modify, suspend, or impose additional conditions on a special exception if the ZHE finds that the conditions in Section 27-3604(j)(1), above, apply.

## (4) Appeal

Any person of record may appeal the ZHE's decision to the District Council within thirty (30) days of the decision.

## 27-3605. Detailed Site Plan

### (a) Applicability

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



- (2) Unless associated with a parent application, the following types of development are exempt from the requirements of detailed site plan review but shall be required to file for all other appropriate permits and demonstrate compliance with the regulations of this Zoning Ordinance:
- (A) Permits for alteration with no increase in the gross floor area;
  - (B) Permits for additions or alterations of residential dwelling units on land owned by a cooperative housing corporation;
  - (C) Canopies attached to a building and freestanding canopies;
  - (D) Fences and walls;
  - (E) Decks, gazebos, patios, or other improvements typically associated with residential development;
  - (F) Generators or other mechanical equipment for operation of permitted uses on-site;
  - (G) Routine repair and maintenance;
  - (H) Signage;
  - (I) Resurfacing, restriping, or adding landscaping and/or stormwater management facilities to existing parking and loading facilities;
  - (J) Restoration or reconstruction of a nonconforming building or structure (a special exception shall be required to restore or reconstruct a nonconforming building or structure);
  - (K) Changes in use or occupancy and/or ownership, including but not limited to exemptions contained in Section 27-3608(b)(2);
  - (L) All uses in the Agriculture/Forestry Uses and the Open Space Uses Principal Use Categories;
  - (M) Construction, expansion, or alteration of single-family detached, two-family, and/or three-family dwelling;
  - (N) Construction, expansion, or alteration of townhouse and/or multifamily dwelling development of less than ten (10) units;
  - (O) Construction, expansion, or alteration of nonresidential development consisting of less than a total of twenty-five thousand (25,000) square feet of gross floor area; and
  - (P) Construction, expansion, or alteration of mixed-use development with less than ten thousand (10,000) square feet of gross floor area and/or less than ten (10) dwelling units.

**(b) Detailed Site Plans Generally**

- (1) Detailed site plans are reviewed and decided by the Planning Board in accordance with Section 27-3605(d), Detailed Site Plan Procedure. Appeals may be taken on the Planning Board's decision to the District Council.
- (2) The initial development of property in a planned development (PD) zone shall be subject to a detailed site plan, regardless of the amount of development proposed.
- (3) Places of worship located on a lot between 1 and 2 acres in size shall require approval of a detailed site plan.
- (4) The alteration, extension, or enlargement of Recreation/Entertainment and Community Service Uses associated with certified nonconforming multifamily dwellings, for the sole use of residents and their guests, shall require approval of a detailed site plan.
- (5) An applicant may submit a detailed site plan for infrastructure in order to proceed with limited site improvements. These improvements must include infrastructure which is essential to the future