



## PRINCE GEORGE'S COUNTY ZONING ORDINANCE INTERPRETATION

### Zoning Ordinance Interpretation: ZOI-2023-003

**Applicant:** Perry Cho  
**Project Name:** 9306 Marlboro Pike  
**Property Address:** 9306 Marlboro Pike, Upper Marlboro, MD 20772

### Background

This request for a Zoning Ordinance Interpretation concerns a Preliminary Plan of Subdivision, PPS-2023-031, currently in pre-application status, for a property located at 9306 Marlboro Pike, Upper Marlboro, Maryland 20772 (subject property).

The applicant seeks to develop the subject property with a car wash facility and a quick-service restaurant with drive-through. The subject property is approximately 2.33 acres and is in the Commercial, General, and Office (CGO) Zone.

### Request

This Zoning Ordinance Interpretation seeks confirmation that a car wash facility (4,400 square feet) and a quick-service restaurant with drive-through (5,000 square feet) are permitted uses in the CGO Zone; that both are allowable as principal uses on CGO-zoned property, to be platted as a single lot (presently known as Parcels P42 and P110); and that a special exception approval is not separately required for the drive-through component of the quick-service restaurant use.

### Interpretation

Pursuant to Section 27-5101(d) of the current Prince George's County Zoning Ordinance, the proposed uses in PPS-2023-031 are permitted, as principal uses, by right in the CGO Zone. Therefore, a special exception approval is not required. See Table 27-5101(d): Principal Use Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones, below.

Table 27-5101(d): Principal Use Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones																		
P = Permitted by Right SE = Allowed only with approval of a Special Exception X = Prohibited																		
Principal Use Category	Principal Use Type	Nonresidential Base Zones					Transit-Oriented/Activity Center Base Zones										Other Base Zones	Use-Specific Standards
		CN	CS	CGO	IE	IH	NAC	TAC		LTO		RTO-L		RTO-H		RMH		
								Core	Edge	Core	Edge	Core	Edge	Core	Edge			
Eating or Drinking Establishment Uses	Restaurant, and Restaurant, quick-service (without drive-through)																	27-5102(c)(5)
	Catering or food processing for off-site consumption	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	P	P	P	X	X	X	P	X	X	X	X	X	X	X	X	27-5102(e)(5)(A)

Table 27-5101(d): Principal Use Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones																		
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		CN	CS	CGO	IE	IH	NAC	TAC		LTO		RTO-L		RTO-H				
								Core	Edge	Core	Edge	Core	Edge	Core			Edge	
Vehicle Sales and Service Uses	Personal vehicle repair and maintenance	X	P	P	P	P	SE	X	P	X	X	X	X	X	X	X	X	27-5102(e)(10)(C) and refer to special exception standards

\* \* \*

### Procedure

Section 27-3612 of the Zoning Ordinance (“Ordinance”) establishes a uniform mechanism for rendering formal written interpretations of any provision of the Ordinance. The Prince George’s County Planning Director is responsible for making interpretations of all provisions of the 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.

Textual interpretations are based on the text’s relationship with other laws and considerations, including, but not limited to, the plain meaning of the provision’s wording, applicable definitions in Section 27-2500 of the Ordinance, common and accepted usage, and the purpose of the provision, as further described in Section 27-3612(d)(1)(B) of the Ordinance. The Planning Director’s interpretation is also guided by the cardinal rules of statutory interpretation, as defined by the Maryland Supreme Court.

### Analysis

Section 27-5101 of the Zoning Ordinance includes the principal use table to designate whether a specific use is allowed in any of the zones established in the Zoning Ordinance.

According to Section 27-5101(a)(1), when a “P” is next to the designated use and under a base zone in the Principal Use Tables, “P” indicates that the use is permitted as a principal use in the zone. Alternatively, when there is an “SE” next to the designated use and under a base zone, SE indicates that the use is permitted only by approval of a special exception, and it is subject to all special exception requirements and all other applicable regulations mentioned in the Zoning Ordinance.

The applicant is requesting an interpretation of the sections mentioned above to confirm that a car wash facility and a quick-service restaurant with drive-through are permitted uses in the CGO Zone, and that a special exception approval is not required for the drive-through component of the quick-service restaurant use.

This application has been reviewed for conformance with the requirements of the Zoning Ordinance found in Section 27-3612(d), containing the interpretation decision standards, as follows:

**(1) Text Provisions**

**Interpretation of a provision's text, and its application shall be based on Section 27-1500, 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 Section Sec. 27-2500, Definitions, and the common and accepted usage of terms; and**

Permitted use and special exception are terms not defined in Section 27-2500. However, Section 27-5101(a)(1) uses abbreviations to designate whether and how a principal use is permitted by right, by special exception, or prohibited in a particular zone with "P," "SE," and "X," respectively.

**A "P" under a base zone column indicates that the use is permitted as a principal use in the zone subject to applicable regulations of this Ordinance.**

**An "SE" under a base column indicates that the use is permitted as a principal use in the zone only on approval of a special exception in accordance with Section 27-3604, Special Exception, and subject to all special exception requirements and all other applicable regulations of this Ordinance.**

Thus, a principal use is permitted under any zone when there is a "P" in its respective column in the Principal Use Tables.

In addition, the Zoning Ordinance defines principal use in Section 27-2500 as "[t]he purpose for which a 'building', 'structure', or land is designed, arranged, intended, maintained, or occupied; or Any activity, occupation, business, or operation carried on in, or on, a 'building', 'structure', or parcel of land."

Similarly, Section 27-2500 defines both car wash facility and quick-service restaurant with drive-through. The first is "[a]n 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 or are manually washed. Interior cleaning and/or drying may be conducted manually by vehicle operator or on-site attendants."

The latter is "[a]n eating or drinking establishment that has any one or more of the following characteristics: (A) A drive-through facility or walk-up window; or (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 restaurants if take-out service is clearly incidental to the principal use.”

**(B) The purpose of the provision, as indicated by:**

**(i) Any purpose statement in the section(s) where the text is located;**

Pursuant to the general provisions of Part 27-4, Zones and Zones Regulations, “Land in the County shall not be developed except in accordance with the zone regulations of this Part and all other regulations of this Ordinance—including, but not limited to: *PART 27-5: Use Regulations*, and *PART 27-6: Development Standards*” (*emphasis added*).

Part 27-5, Use Regulations, defines the principal and accessory uses permitted in each zone established in Part 27-4. As mentioned before, Section 27-5101(a)(1) designates under the “P” abbreviation that a principal use is allowed in a particular zone. A “P” in the principal use table “under a base zone column indicates that the use is *permitted as a principal use in the zone, subject to applicable regulations of this Ordinance*” (*emphasis added*).

Subsequently, when the abbreviation “SE” appears in the principal use table, it means that the use is “permitted as a principal use in the zone only on approval of a special exception in accordance with Section 27-3604, Special Exception, and subject to all special exception requirements and all other applicable regulations of this Ordinance.”

Thus, in the Principal Use Table for Nonresidential, Transit-Oriented/ Activity Center, and Other Base Zones, in Section 27-5101(d)(1) there is a “P” for the car wash facility and a quick-service restaurant with drive-through uses in the CGO Zone column, which indicates that both uses are permitted by right in the CGO Zone.

**(ii) The provision’s context and consistency with surrounding and related provisions;**

In addition, Section 27-5101(a)(2) establishes that a principal use category or use type may be subject to additional standards applicable to the particular use. “The applicability of use-specific standards is noted in the last column of the Principal Use Tables (“Use-Specific Standards”) through a reference to standards in Section 27-5102, Requirements for Permitted Principal Uses.”

Pursuant to Section 27-5102(a)(1) of the Zoning Ordinance, additional standards for a specific principal use apply regardless of the zone where

it is located “or the review procedure by which it is approved, unless otherwise specified in this Ordinance. *This Section 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 Section 27-5101, Principal Use Tables.* These standards may be modified by other applicable standards or requirements in this Ordinance” (emphasis added).

In this case, the applicant is proposing a car wash and a quick-service restaurant with drive-through as principal uses. Both uses have additional standards for commercial uses listed in Section 27-5102(e) and as shown below:

- Quick service restaurant with drive-through is included under the Eating or Drinking Establishment use type. Per Section 27-5102(e)(5)(A)(i), when the proposed establishment “includes a drive-through service, it also shall comply with the accessory use standards in Section 27-5203(b)(4), Drive-Through Service.”
- Car wash facility is listed under Personal Vehicle Repair and Maintenance as car wash or auto detailing in Section 27-5102(e)(10)(C)(i).

The accessory use standards for the drive-through portion of the eating or drinking establishment, understood as the principal use, is incorporated by reference in Section 27-5102(e)(5)(A)(i). Furthermore, it adds additional use standards into the principal use and bypasses the accessory use table.

Section 27-5101(a)(3) provides additional guidelines on how to interpret the use-specific standards column of the Principal Use Table. According to this section, use-specific standards apply to all principal uses listed in the table and are intended to supplement the general standards and regulations applicable to each use. These standards are based on the unique characteristics of each use and may include requirements related to setbacks, lot area, building height, parking, landscaping, and other site design features, as described below:

### **(3) Reference to Special Exception Standards**

**A particular use category or use type permitted as a principal use in a zone may be subject to special exception standards when such use category or use type is indicated as requiring approval of a special exception. The applicability of special exception**

standards is noted in the last column of the Principal Use Tables (“Use-Specific Standards”) through a reference to standards in Sec. 27-5400, Special Exception Standards. *In the event the last column of the Principal Use Tables references both use-specific standards and special exception standards for a particular use category or use type, the use-specific standards shall only apply to uses listed as P, P\*, or A in the use tables, while the special exception standards shall only apply to uses listed as SE or SE\* in the use tables” (emphasis added).*

Per Section 27-5101(a)(3), the use-specific standards for the proposed car wash and a quick-service restaurant with a drive-through apply as additional standards to the use permitted by right. As shown below, both uses have a “P” and not an “SE” under the CGO Zone. Thus, the special exception standards for the drive-through are not applicable.

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	Catering or food processing for off-site consumption	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	P	P	P	X	X	X	P	X	X	X	X	X	X	X	27-5102(e)(5)(A)

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								Core	Edge	Core	Edge	Core	Edge	Core			Edge
Vehicle Sales and Service Uses	Personal vehicle repair and maintenance	X	P	P	P	P	SE	X	P	X	X	X	X	X	X	X	27-5102(e)(10)(C) and refer to special exception standards

Lastly, Section 27-5101(b) determines that a development may include multiple principal uses, “only those designated in the Principal Use Tables as allowed in the applicable zone.” Since a car wash facility and a quick-service restaurant with drive-through are designated as permitted principal uses in the CGO Zone per Section 27-1501(c), both uses are allowed as principal uses for the subject site.

**(iii) Any legislative history related to the provision's adoption;**

There is no applicable legislative history to support this interpretation.

**(iv) The general purposes served by this Ordinance, as set forth in Section 27-1300, General Purpose and Intent; and**

The general purposes of the Zoning Ordinance, as outlined in Section 27-1300, include promoting the most beneficial relationship between the uses of land and buildings by listing the car wash facility and a quick-service restaurant with drive-through as permitted uses in the CGO Zone. The Zoning Ordinance confirms that these are compatible uses with the general purposes for nonresidential base zones and consistent with the character of the CGO Zone.

On the contrary, the Zoning Ordinance deems that a particular use is permitted by special exception when it requires special consideration regarding its location, design, and methods of operation, before it can be deemed appropriate in the zone and compatible with its surroundings. Accordingly, uses permitted by special exception must conform to an additional set of requirements and development standards listed in the Zoning Ordinance, to ensure their compatibility with the character of the zone and surrounding uses.

**(v) The applicable comprehensive plans.**

The Zoning Ordinance follows the direction of the Plan Prince George's 2035 Approved General Plan (Plan 2035) by promoting the most beneficial relationship between the uses of land and buildings and protecting landowners from adverse impacts of adjoining development, per Section 27-1300, and to "promote and preserve the integrity of high-quality and complementary infill development in the Established Communities"(page 115).

The Zoning Ordinance, effective on April 1, 2022, is the result of a comprehensive revision of the opportunities and challenges of Prince George's County to ensure its consistency with the Plan 2035 goals and policies. "The Plan 2035 does take a comprehensive view of our opportunities and challenges. It then uses that information to create a bold new vision, countywide land use plan, and implementation framework" (page 8). "Plan 2035 addresses land use issues that affect the County as a whole, specifically where future growth and development should be concentrated, where land should be preserved or dedicated, and how our established communities and municipalities can be strengthened. It establishes a framework that governs the preparation of master plans, smaller area plans, functional plans, and

county policies that, in turn, shape land use, zoning, and recommendations specific to our centers, neighborhoods, and individual properties” (page 93).

The revision of the Zoning Ordinance included a complete analysis of the use tables, zoning districts, and densities. In doing so, the revision meets the vision outlined in Plan 2035 to “[r]ewrite the Zoning Ordinance to include a set of modern, user-friendly urban design standards and guidelines that promote sustainability, allow for creativity and individuality, and respect context instead of creating unique development and transit district overlay zones through the master plan process” (page 214).

## Conclusion

Based on the foregoing analysis of the plain meaning of the text and the purposes of the Zoning Ordinance and Plan 2035, the Planning Director finds that, for the purposes of Section 27-5101(d) of the Zoning Ordinance, a restaurant with a drive-through and car wash are permitted uses in the CGO Zone and do not require a special exception. Accordingly, the use-specific standards shown for the proposed car wash and a quick-service restaurant with a drive-through apply as additional standards to the use already permitted by right.

\* \* \*

**This written interpretation is binding on subsequent decisions by the Planning Director or other M-NCPPC or County administrative officials in applying the same provision of this Ordinance or the Official Zoning Map to the project at the subject property, unless the interpretation is modified in accordance with the requirements of the Ordinance or the text of the Ordinance impacting the interpretation is amended.**

**This written interpretation is a final decision of the Planning Director and may be appealed to the Prince George’s County Board of Zoning Appeals within 30-days following receipt of this interpretation by the applicant.**

  
Lakisha Hull (Mar 18, 2024 10:33 EDT)

Lakisha Hull, AICP, LEED AP BD+C  
Planning Director

03/18/2024

Date









# ZOI-2023-0-3\_admin (004)

Final Audit Report

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