



## Certification of Nonconforming Use (CNC) Application Procedure

The Zoning Ordinance defines a nonconforming use as “the ‘use’ of any ‘Building’, ‘Structure’, or land which is not in conformance with a requirement of the Zone in which it is located (as it specifically applies to the ‘use’), provided that:

- i. the requirement was adopted after the ‘use’ was lawfully established; or
- ii. the ‘use’ was established after the requirement was adopted and the District Council has validated a building, use and occupancy, or sign permit issued for it in error.

[Section 27-7100](#) of the Prince George's County Zoning Ordinance requires that in order for a nonconforming use to continue, a use and occupancy permit must be issued identifying the use as nonconforming, and the use must be certified in accordance with [Section 27-3618](#).

For a use that has already been certified as a nonconforming use, items c, e, and g below shall apply at the time of permit application.

**Each applicant should complete the following actions and include at a minimum the following documents via CD or direct digital file share link with files in PDF format:**

- a. A signed application form - signed by all owners of record of the subject property. List the name, business, and residential addresses, of all individuals having at least 5% financial interest in the property or the contract purchasers on page 3 of application form.
- b. Zoning Sketch Map – One (1) copy with the property outlined in red. Note: Required for cases going to the Planning Board - Applicant submits an [online pre-application form](#) as instructed in [Bulletin 8-2021 Pre-Applications Online](#). A \$12 fee will be collected with the application fee when staff has processed and requested fees for formal acceptance.
- c. A Use and Occupancy Permit - Filed with the Department of Permitting Inspections and Enforcement DPIE
- d. Statement of Justification - One (1) copy of a justification statement indicating the exact nature, size, and location of the use to be certified, the dates upon which the use first commenced and when the use became nonconforming, and any other pertinent information concerning the use
- e. Documentation of Continuous Operation – Documentary evidence shall be filed, such as tax assessment records, business records, public utility installation or payment records, notarized affidavits, and aerial photographs, showing the commencing date and continuous existence of the nonconforming use.

Sufficient evidence must be submitted demonstrating that the use has not ceased to operate for more than one hundred eighty (180) consecutive calendar days between the time the use became nonconforming and the date when the application is submitted.

The bulk of evidence submitted by the applicant must be enough to satisfy staff that the use has been in daily operation since becoming a nonconforming use. As part of the certification process, staff will carefully review the evidence submitted to determine whether all pertinent, legal issues have been addressed. If the documentation does not adequately establish continuous use or does not fully cover daily operations during the nonconforming period (without a lapse of more than 180 consecutive calendar days), staff will require the applicant to submit additional evidence.

- f. Previously Issued Use and Occupancy Permit - A copy of a valid use and occupancy permit previously issued for the use prior to the date upon which it became a nonconforming use, if the applicant possesses one

- g. Site Plan – A copy of an accurate map or plat drawn to scale including the following information:
- (1) Boundaries of the property outlined in red using bearings and distances (in feet).
  - (2) Use and dimensions of all existing buildings and structures, including setbacks from property lines.
  - (3) Names and widths of all abutting streets.
  - (4) North arrow and scale.
  - (5) A complete automobile parking layout.
  - (6) The precise location and limits of the use to be certified.
  - (7) The total area of the property (in square feet or acres).

Refer to [Sections 27-3618, 27-7100](#), and other applicable Sections for more information.

**\*Note: No payment for application fees should be submitted until requested by staff.**

**ONLY DIGITAL PDF COPIES OF PLANS AND APPLICATIONS WILL BE ACCEPTED. ALL DOCUMENTS SAVED ON A CD OR DIRECT DIGITAL LINK USING THE [NAMING CONVENTION](#).**

Applications should be submitted to the Development Review Division via email to [DRDApplications@ppd.mncppc.org](mailto:DRDApplications@ppd.mncppc.org). If you have any questions concerning submittal requirements, processing procedures or the status of your project application, please call 301-952-3530.

**Figure 27-3618(c): Certification of Nonconforming Use Procedure (Illustrative)**

↓	27-3403	Application Submittal	To Planning Director
↓	27-3404	Determination of Completeness	Planning Director makes determination
↓	27-3406	Staff Review and Action	Planning Director makes decision after posting notice for comments
↓	27-3407	Scheduling Public Hearing and Public Notice	Appeal/Election only: ZHE (Clerk of the District Council) schedule their hearings, provide notice
↓	27-3408	Review and Recommendation by Advisory Board or Official	Planning Director decision; Appeal/Election only: ZHE hearing and recommendation
↓	27-3409	Review and Decision by Decision-Making Body or Official	Appeal/Election only: District Council holds oral argument hearing, makes decision
↓	27-3416	Notification	Planning Director notifies; Appeal/Election only: Clerk of the Council notifies
↓	27-3417	Appeal	Optional (to District Council)
→		Election	Optional. District Council may elect to review Director's decision