

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2004 Legislative Session

Bill No. _____ CB-103-2004
 Chapter No. _____
 Proposed and Presented by _____ Council Member Bland
 Introduced by _____
 Co-Sponsors _____
 Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 O-S Zone (Open Space)

3 For the purpose of amending the Zoning Ordinance to define "Family-Medical-Residential Park"
 4 as a separate use of land; to permit it in the O-S Zone (Open Space), under certain circumstances;
 5 and to amend the regulations for a Medical/Residential Campus Special Exception, where a
 6 Family-Medical-Residential Park includes a Medical/Residential Campus.

7 BY repealing and reenacting with amendments:

8 Sections 27-107.01 (a), 27-374, and 27-441 (b),

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 (2003 Edition, as amended).

14 BY adding:

15 Section 27-445.11,

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

18 SUBTITLE 27. ZONING.

19 The Prince George's County Code
 20 (2003 Edition, as amended).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, Maryland, that Sections 27-107.01 (a), 27-374, and 27-441 (b) of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 2. GENERAL.

DIVISION 1. DEFINITIONS.

Sec. 27-107.01. Definitions.

(a) Terms in the Zoning Ordinance are defined as follows:

* * * * *

(86) **Family Day Care:** Child care provided for up to eight (8) children in a "Family Day Care Home" which is registered by the Department of Human Resources in accordance with the provisions of Subtitle 5 of the Family Law Article of the Annotated Code of Maryland, or a "Family Day Care Home" which, by State law or regulation, is specifically exempt from registration.

(86.1) **Family-Medical-Residential Park:** In the Rural Tier, an area of adjoining parcels used for family recreation, entertainment, and medical/residential campus purposes, and for other community-oriented purposes, as provided in Part 4, Division 3, and Part 5.

(87) **FAR:** See "Floor Area Ratio."

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PART 4. SPECIAL EXCEPTIONS.

DIVISION 3. ADDITIONAL REQUIREMENTS FOR

SPECIFIC SPECIAL EXCEPTIONS.

Sec. 27-374. Medical/residential campus.

(a) A medical/residential campus for retirement-aged persons may be permitted, subject to the following:

1 (1) **General requirements.**

2 (A) The campus shall primarily serve needs of the retirement-aged community.
3 At least one (1) resident of each household shall be at least fifty (50) years old, unless the
4 applicant can demonstrate that a lesser minimum age requirement should be approved;

5 (B) The campus shall achieve a balanced residential/medical environment which
6 is unique to the neighborhood in which it is located, and which cannot be achieved through the
7 use of conventional zoning proposals;

8 (C) Residences shall be functionally, physically, and architecturally integrated
9 with service and recreational/activity centers;

10 (D) Medical services (if any) shall be conveniently located for the residents; and

11 (E) Commercial or service-oriented uses shall be grouped together, and shall be
12 located near the population being served.

13 (2) **Specific requirements.**

14 (A) The subject property shall contain at least twenty-five (25) contiguous acres;

15 (B) The site shall have frontage on, and direct vehicular access to, an existing
16 street with sufficient capacity to accommodate any traffic generated by the campus;

17 (C) All buildings, structures, off-street parking compounds, and loading areas
18 shall be located at least:

19 (i) One hundred (100) feet from any adjoining land in a Residential Zone,
20 or land proposed to be used for residential purposes on an approved Basic Plan for a
21 Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved
22 Conceptual or Detailed Site Plan;

23 (ii) Fifty (50) feet from all other adjoining property lines (except street
24 lines); and

25 (iii) Twenty-five (25) feet from all adjoining street lines;

26 (D) All perimeter areas of the site shall be buffered or screened in accordance
27 with the provisions of the Landscape Manual, and the applicant shall demonstrate that the
28 required buffer yards will provide reasonable sight and sound barriers;

29 (E) Not less than forty percent (40%) of the site shall be devoted to green area;

30 (F) Regulations concerning the height of structure, lot size and coverage,
31 frontage, setbacks, density, and other requirements of the specific zone in which such campus is

1 to be located, shall not apply to uses and structures provided for in this Section. The dimensions
2 and percentages shown on the approved site plan shall constitute the regulations for development
3 under a given Special Exception; and

4 (G) Notwithstanding Section 27-118.1, more than one (1) dwelling may be
5 located on a lot containing a one-family dwelling.

6 (H) Prior to approval of a Special Exception for a medical/residential campus for
7 property for which a subdivision is not approved for the entire property in accordance with the
8 proposed medical/residential campus site plan, the applicant shall demonstrate to the satisfaction
9 of the Zoning Hearing Examiner or of the District Council that the entire development and use
10 meet the following criteria:

11 (i) Transportation facilities (including streets and public transit) which are
12 existing, which are under construction, or for which one hundred percent (100%) of the
13 construction funds are allocated within the adopted County Capital Improvement Program,
14 within the current State Consolidated Transportation Program, or will be provided by the
15 applicant, will be adequate to carry the anticipated traffic generated by the development based on
16 the maximum proposed density. The uses proposed will not generate traffic which would lower
17 the level of service anticipated by the land use and circulation systems shown on the approved
18 General or Area Master Plans, or urban renewal plans;

19 (ii) Other existing or planned private and public facilities which are
20 existing, under construction, or for which construction funds are contained in the first six (6)
21 years of the adopted County Capital Improvement Program (such as public safety, recreation
22 areas, water and sewerage systems, libraries, and fire stations, but excluding schools) will be
23 adequate for the uses proposed; and

24 (iii) Notwithstanding subparagraphs (i) and (ii), above, where the
25 application anticipates a construction schedule of more than six (6) years, public facilities
26 (existing or scheduled for construction within the first six (6) years) will be adequate to serve the
27 development proposed to occur within the first six (6) years. The Zoning Hearing Examiner or
28 the Council shall also find that public facilities will probably be adequately supplied for the
29 remainder of the project. In considering the probability of future public facilities construction,
30 the Zoning Hearing Examiner or the Council may consider such things as existing plans for
31 construction, budgetary constraints on providing public facilities, the public interest and public

1 need for the particular development, the relationship of the development to public transportation,
 2 or any other matter that indicates that public or private funds will likely be expended for the
 3 necessary facilities.

4 (3) **Uses.**

5 (A) Only those uses which appear on an approved site plan shall be permitted on
 6 the medical/residential campus. The District Council may only approve those uses which
 7 provide a harmonious, balanced mix of medical, residential, and limited commercial uses
 8 primarily serving campus residents, and public, quasi-public, and medical services for the off-
 9 campus retirement-aged community. Other uses may include (but need not be limited to) the
 10 following:

11 (i) Dwellings, nursing and care homes, and congregate living facilities for
 12 the elderly or physically handicapped;

13 (ii) Medical facilities, including professional offices, laboratories, clinics,
 14 professional or paramedical training centers, and ambulatory care facilities. Business signs in
 15 conjunction with approved medical facilities shall be permitted in accordance with the provisions
 16 of Part 12 applicable to the C-O Zone;

17 (iii) Retail commercial uses which are strictly related and subordinate to the
 18 residential/medical character of the campus and which directly serve the residents and employees
 19 of, or visitors to, the center, including retail uses similar to those in the C-A (Commercial
 20 Ancillary) Zone. The uses should be chosen to reflect their local orientation to the immediate
 21 campus vicinity and should be of a size and scope so as not to interfere with existing or proposed
 22 retail uses located in the off-campus area. Business signs in conjunction with retail commercial
 23 uses shall be permitted in accordance with the provisions of Part 12 of this Subtitle applicable to
 24 the C-A Zone; and

25 (iv) Recreational and social uses, such as athletic facilities, community
 26 centers, and assembly halls, limited to use only by campus residents, employees, and guests.

27 (4) **Site plan and other submission requirements.**

28 (A) In addition to the requirements of Section 27-296(c), the site plan shall set
 29 forth:

30 (i) Existing and proposed topography at not more than five (5) foot
 31 contour intervals;

1 (ii) Existing and proposed drainage patterns;
 2 (iii) Existing vegetation and other natural features; and
 3 (iv) Proposed provisions for sediment control and storm water
 4 management.

5 (5) **Addition of land.**

6 (A) After the approval of a Special Exception, any addition of land to the
 7 campus shall be the subject of a new Special Exception application. The site plan accompanying
 8 the new application shall include the required information for both the previously approved
 9 campus and the proposed additional land. The approval of the new site plan shall nullify the
 10 previously approved site plan. The additional land shall be contiguous to an approved
 11 medical/residential campus, and may be less than twenty-five (25) acres.

12 (6) **Amendment of site plan.**

13 (A) Notwithstanding other provisions of this Subtitle concerning the revision of
 14 site plans, requests to amend a site plan for a medical/residential campus shall only be approved
 15 by the District Council, and in accordance with this paragraph.

16 (B) Requests to amend the approved site plan shall be filed concurrently with the
 17 Clerk of the Council and the office of the Planning Board. After receipt of the request by the
 18 Clerk, the Office of the Zoning Hearing Examiner shall schedule a public hearing, which shall
 19 occur not less than sixty (60), nor more than one hundred twenty (120), days after receipt of the
 20 request. The request shall be reviewed by the Technical Staff, taking into consideration the
 21 requirements of this Subtitle. The Technical Staff shall submit its recommendations to the
 22 Zoning Hearing Examiner within sixty (60) calendar days from the date of filing. The public
 23 hearing shall be conducted by the Zoning Hearing Examiner, in accordance with Section 27-129,
 24 at which time the applicant, Planning Board, Technical Staff, and members of the public may
 25 comment on the proposed amendments. The property shall be posted with a sign in the same
 26 manner as required for original applications. After the close of the hearing record, the Zoning
 27 Hearing Examiner shall file a written recommendation with the District Council. Any person of
 28 record may appeal the recommendation of the Zoning Hearing Examiner within fifteen (15) days
 29 of the filing of the Zoning Hearing Examiner's recommendation with the District Council. If
 30 appealed, all persons of record may testify before the District Council. Persons arguing shall
 31 adhere to the District Council's Rules of Procedure, and argument shall be limited to thirty (30)

minutes for each side, and to the record of the hearing.

(C) All amendments shall be in conformance with the purposes, regulations, and standards of this Section.

(i) The approved amended site plan shall become the official site plan, as if it had been approved as a part of the original application for a Special Exception.

(b) If they are within a family-medical-residential park, the medical/residential campus uses are subject to all requirements in subsection (a), except as follows:

(1) Not less than 30% of the site shall be devoted to green area.

(2) The setback, buffering, and screening regulations in (a) and in the Landscape Manual do not apply wherever the special exception site plan boundary line adjoins other parts of the family-medical-residential park. The special exception site plan shall set the requirements along that boundary line.

(3) After initial approval, the special exception site plan may be amended to add property which is not contiguous but lies within 1,000 feet of the boundary of the approved site.

PART 5. RESIDENTIAL ZONES.

DIVISION 3. USES PERMITTED.

Sec. 27-441. Uses permitted.**(b) TABLE OF USES.**

USE	ZONE								
	R-O-S	O-S	R-A	R-E	R-R	R-80	R-55	R-35	R-20
(5) Recreational/Entertainment/Social/Cultural:									
* * * * *	*	*	*	*	*	*	*	*	*
Courts (indoor or outdoor) (tennis, handball, racquetball, or volleyball), not including courts accessory to a dwelling:									
(A) Privately owned and commercially operated on land leased from, and owned by, a public agency ⁵⁶	P	P	P	P	P	X	X	X	X
(B) All others	X	X	X	X	X	X	X	X	X
<u>Family-Medical-Residential Park</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Golf course:									
(A) At least 18 holes on a tract having a gross area of at least 200 acres; provided that any accessory recreational facilities shall be located at least 100 feet from the nearest property line and effectively screened from view of any adjoining land in a Residential Zone, or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan, not on publicly owned land	SE	SE	P	SE	SE	SE	SE	SE	SE
* * * * *	*	*	*	*	*	*	*	*	*

USE	ZONE							
	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H
(5) Recreational/Entertainment/Social/Cultural:								
* * * * *	*	*	*	*	*	*	*	*
Courts (indoor or outdoor) (tennis, handball, racquetball, or volleyball), not including courts accessory to a dwelling:								
(A) Privately owned and commercially operated on land leased from, and owned by, a public agency ⁵⁶	X	X	X	X	X	X	X	X
(B) All others (CB-47-1995)	X	X	X	X	X	X	X	X
<u>Family-Medical-Residential Park</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Golf course:								
(A) At least 18 holes on a tract having a gross area of at least 200 acres; provided that any accessory recreational facilities shall be located at least 100 feet from the nearest property line and effectively screened from view of any adjoining land in a Residential Zone, or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan, not on publicly owned land	SE	SE	P	SE	SE	X	SE	SE
* * * * *	*	*	*	*	*	*	*	*

SECTION 2. BE IT FURTHER ENACTED that Section 27-445.11 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same is hereby added:

PART 5. RESIDENTIAL ZONES.

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Sec. 27-445.11 Family-Medical-Residential Park.

Where a Family-Medical-Residential Park is permitted in the Table of Uses, it is subject to the following:

(a) Purposes.

(1) To promote entertainment and recreational opportunities for families and the elderly in rural areas of the County, where recreation and entertainment facilities are limited;

(2) To encourage and allow a wide variety of rurally-oriented indoor and outdoor uses at a single rural location;

(3) To promote and encourage in the Rural Tier entertainment facilities where restaurants, clubs, and recording and film studios are integrated into a single, well-planned mixed-use development;

(4) To promote all forms of entertainment, live and recorded, at a rural site sufficient to accommodate all of them;

(5) To allow the integration of entertainment, elderly housing, and medical/residential campus uses into a single, well-designed rural community;

(6) To promote a wide variety of entertainment, housing, and medical uses at one rural location.

(b) Medical/residential campus.

(1) The part of the property, if any, devoted to medical/residential campus purposes shall be subject to the special exception requirements in Part 4, Division 3. The owner shall obtain a special exception for all medical/residential campus uses.

(2) On the medical/residential campus site plan, the owner at its option may show off-site family park uses which are integrated with the campus. The family park uses are not part of the special exception use but shall be considered in the review of the special exception application.

(c) Requirements.

(1) The subject property shall be in the Rural Tier.

(2) The property, including the parcels with the medical/residential campus, shall contain 70 or more acres.

(3) For at least five of the 10 years preceding initial permit applications (filed in or after January 2005), the property owner shall have engaged actively (for at least one year each) in three or more of the uses listed below.

(4) The property shall have at least 1,000 feet of frontage on a State highway of sufficient capacity to accommodate traffic generated by the proposed uses.

(d) **Uses.**

(1) For the property area used as a medical/residential campus, the owner shall obtain a special exception, and all uses on that area shall be governed by the special exception site plan.

(2) On the remaining area, the following uses are permitted:

(A) Open-air amphitheaters (under 10,000 seats), with supporting concession areas and food courts;

(B) Sheltered assembly areas;

(C) Picnic areas;

(D) Children's recreation areas;

(E) Ball fields;

(F) Golf driving ranges;

(G) Historic vistas or viewing areas;

(H) Campgrounds;

(I) Indoor or outdoor horseback riding arenas or trails;

(J) Riding stables, with or without paddocks;

(K) Cultural or arts centers;

(L) Restaurants (not fast-food; under 5,000 square feet gross floor area);

(M) Hotels or motels (200 rooms or fewer);

(O) Studios (music recording or filmmaking);

(P) Clubs (under 10,000 square feet GFA) for music entertainment.

1 (e) **Covenants.**

2 Covenants ensuring the perpetual maintenance of all recreational areas or facilities not
3 dedicated to a public agency shall be filed among the Land Records, running in favor of the
4 Commission.

5 (f) **Site plans.**

6 A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, for all uses
7 not shown on the medical/residential campus special exception site plan.

8 SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five
9 (45) calendar days after its adoption.

Adopted this _____ day of _____, 2004

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: _____
Tony Knotts
Chairman

ATTEST:

Redis C. Floyd
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.