

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2010 Legislative Session**

Bill No. CB-65-2010

Chapter No. 52

Proposed and Presented by The Chairman – (By request – Planning Board)

Introduced by Council Member Dernoga

Co-Sponsors _____

Date of Introduction September 28, 2010

ZONING BILL

1 AN ORDINANCE concerning

2 Adoption of Landscape Manual Regulations

3 For the purpose of adopting the Comprehensive Update to the Prince George’s County
4 Landscape Manual and repealing redundant or obsolete provisions of the Zoning Ordinance
5 relating to the Landscape Manual.

6 BY repealing and reenacting:

7 Section 27-124.03,
8 The Zoning Ordinance of Prince George's County, Maryland,
9 being also
10 SUBTITLE 27. ZONING.
11 The Prince George's County Code
12 (2007 Edition, 2009 Supplement).

13 BY repealing :

14 Sections 27-124.04 and 27-124.05,
15 The Zoning Ordinance of Prince George's County, Maryland,
16 being also
17 SUBTITLE 27. ZONING.
18 The Prince George's County Code
19 (2007 Edition, 2009 Supplement).

20

1 WHEREAS, the Prince George’s County Council approved CB-1-1989, CB-98-1990, CB-
2 30-1992, CB-129-1994, CB-53-1995, and CB-29-2008 legislation which amended and/or made
3 additions to the Landscape Manual; and

4 WHEREAS, the Landscape Manual should be amended from time to time to ensure that it
5 reflects best practices and new technology in regard to the preparation and design of landscape
6 plans, to ensure environmentally sustainable practices by encouraging the use of native plants,
7 and elimination of invasive plants; to improve the appearance of development from roadways
8 and to provide buffering and screening of properties and service areas; and

9 WHEREAS, the Landscape Manual is a regulatory tool that requires that landscape plans
10 submitted in association with a building and/or a grading permit meets minimum requirements
11 for development in all zones; and

12 WHEREAS, amendment of the Landscape Manual is necessary to clarify numerous
13 ambiguous provisions of the original Manual, codify numerous administrative interpretations and
14 simplify and improve regulations and processes, where possible;

15 WHEREAS, adoption of the updated Landscape Manual, attached hereto as Attachment A and
16 incorporated as if expressed fully herein, is necessary to ensure that it recognizes and reinforces
17 through careful distinctions of landscaping requirements the three development tiers,
18 Developed, Developing, and Rural prescribed by the General Plan; now, therefore:

19 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
20 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
21 District in Prince George's County, Maryland, that Section 27-124.03 of the Zoning Ordinance of
22 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,
23 be and the same is hereby repealed and reenacted:

24 **SUBTITLE 27. ZONING.**

25 **PART 2. GENERAL.**

26 **DIVISION 5. REGULATIONS ADOPTED BY REFERENCE.**

27 **Subdivision 1. LANDSCAPE.**

28 **Sec. 27-124.03 Authority.**

29 (a) The Prince George's County Landscape Manual, dated July 2010 (hereinafter referred
30 to as the Landscape Manual), is hereby adopted by reference and made a part of this Subtitle
31 with the same force and effect as the regulations set forth herein.

1 SECTION 2. BE IT FURTHER ENACTED by the County Council of Prince George's
 2 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
 3 Regional District in Prince George's County, Maryland, that Section 27-124.04, 27-124.05 of the
 4 Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince
 5 George's County Code, be and the same are hereby repealed:

6 **SUBTITLE 27. ZONING.**

7 **PART 2. GENERAL.**

8 **DIVISION 5. REGULATIONS.**

9 **Subdivision 1. LANDSCAPE MANUAL.**

10 **Sec. 27-124.04. [Applicability.] Reserved.**

11 [(a) Landscape plans shall be developed and submitted in accordance with the Landscape
 12 Manual by all public, institutional, and private applicants.]

13 [(b) Lawful conditions existing on January 1, 1990, on a developed site which are not in
 14 conformance with the Landscape Manual and for which conformance would require the
 15 demolition of any building or parking or loading spaces may be continued as a matter of right.]

16 **Sec. 27-124.05.[Exemptions.] Reserved.**

17 [(a) Uses in all zones shall comply with the standards set forth in the Landscape Manual,
 18 except as provided below:]

19 [(1) Existing conditions on developed sites not in conformance with the requirements
 20 of the Landscape Manual that are otherwise lawful on January 1, 1990, and not the subject of any
 21 building or grading permit may be continued as a matter of right. Except as stated in the
 22 exemptions cited in paragraphs (2) through (7), below, all building and grading permits shall be
 23 in compliance with the Manual to the extent that the requirements can be satisfied without
 24 demolition of any building or parking or loading spaces.]

25 [(2) Permits for interior or exterior rehabilitation of an existing building which do not
 26 involve any change of use or increase in the gross floor area (GFA) of the building are exempt
 27 from the requirements of Sections 4.1, 4.2, 4.3, 4.6, and 4.7 of the Manual.]

28 [(3) The following are exempt from the requirements of Section 4.1 (Residential
 29 Requirements) of the Manual:]

30 [(A) Building, grading, or use and occupancy permits pertaining to any existing
 31 single-family home.]

1 [(B) Permits which involve an increase in the GFA of a multifamily dwelling of
2 not more than ten percent (10%) of the GFA of an existing building as of January 1, 1990, or five
3 thousand (5,000) square feet, whichever is less.]

4 [(4) Building and grading permits are exempt from the requirements of Section 4.2
5 (Commercial and Industrial Landscaped Strip Requirements) of the Manual when they involve
6 an increase in GFA of not more than ten (10%) of the GFA of an existing building as of
7 January 1, 1990, or five thousand (5,000) square feet, whichever is less.]

8 [(5) The following are exempt from the requirements of Section 4.3 (Parking Lot
9 Requirements) of the Manual:]

10 [(A) Permits for any building renovation, expansion, or change of use which does
11 not necessitate an increase in the number of parking or loading spaces beyond the number
12 currently existing. (When a building or site renovation, expansion, or change of use results in
13 the creation of additional parking spaces, only the area occupied by the newly created spaces
14 shall be subject to Section 4.3 of the Manual.)]

15 [(6) Building and grading permits are exempt from the requirements of Section 4.7
16 (Buffering Incompatible Uses) of the Manual when:]

17 [(A) They involve an increase in GFA of not more than ten percent (10%) of the
18 GFA of an existing building as of January 1, 1990, or five thousand (5,000) square feet,
19 whichever is less; and]

20 [(B) No part of any new structure extends closer to an adjacent property in a less
21 intense use category than would normally be allowed by the provisions of Section 4.7 of the
22 Manual.]

23 [(7) The temporary uses set forth in Section 27-261 of this Subtitle are exempt from
24 the provisions of the Manual and shall only be required to provide landscaping or buffering when
25 required pursuant to the approval provisions for the specific temporary use.]

26 [(8) In the M-U-TC Zone, landscaping and screening shall be provided in accordance
27 with the approved Town Center Development Plan.]

28 [(9) Section 4.3(c) of the Landscape Manual shall not be applicable to arenas
29 (stadiums). However, landscaping in the interior parking lot area of a stadium shall be provided
30 along all major vehicular access driveways. In addition, the District Council shall determine the
31 type and amount of landscaping required during the approval of any Specific Design Plan for an

1 arena (stadium).]

2 SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five

3 (45) calendar days after its adoption.

Adopted this 26th day of October, 2010.

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: _____
Thomas E. Dernoga
Chair

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.