

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**SITTING AS THE DISTRICT COUNCIL****2006 Legislative Session**Bill No. CB-78-2006Chapter No. 62Proposed and Presented by The Chairman (by request – Planning Board)Introduced by Council Member Dean

Co-Sponsors _____

Date of Introduction October 10, 2006**ZONING BILL**

1 AN ORDINANCE concerning

2 Mixed Use Transportation Oriented (M-X-T) Zone

3 For the purpose of amending the M-X-T Zone, defining public facilities financing and

4 implementation program, and amending development regulations.

5 BY repealing and reenacting with amendments:

6 Sections 27-107.01, 27-213, 27-542, 27-543, 27-544, 27-545, 27-546,

7 27-547, and 27-548,

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 (2003 Edition, 2005 Supplement).

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,

14 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional

15 District in Prince George's County, Maryland, that Sections 27-107.01, 27-213, 27-542, 27-543,

16 27-544, 27-545, 27-546, 27-547, and 27-548 of the Zoning Ordinance of Prince George's

17 County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same

18 are hereby repealed and reenacted with the following amendments:

19 **SUBTITLE 27. ZONING.**20 **PART 2. GENERAL.**

DIVISION 1. DEFINITIONS.

Sec. 27-107.01. Definitions.

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

* * * * *

(186.1) Public Facilities Financing and Implementation Program: A

comprehensive program established by the County Council and intended to implement and facilitate General Plan, Master Plan, or Sector Plan recommendations regarding the construction and maintenance of public facilities not subject to public facilities surcharges, including water, sewerage, transportation (streets and mass transit), libraries, recreation, and privately owned and maintained streets and recreational facilities authorized pursuant to Subtitle 24 of this Code. Intended to include some or all proposed and future development in a specified area, this program should include provisions for financing strategies including, but not limited to, pro-rata contributions, sale leasebacks, funding “clubs,” the Surplus Capacity Reimbursement Procedure provided in Section 24-124 of the County Code, and other methods to ensure equity. Techniques may include but are not limited to tax increment financing, special taxing districts, alternative construction financing, property tax reductions, tax credits, and/or federal, state, or local programs. Public facilities surcharges for public safety and schools will be collected and distributed in accordance with applicable law. Fees collected in excess of required surcharges shall be included in any established Public Facilities Financing and Implementation Program for that area.

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SUBTITLE 27. ZONING.

PART 3. ADMINISTRATION.

DIVISION 2. ZONING MAP AMENDMENTS.

SUBDIVISION 4. M-X-T AND M-X-C ZONES.

Sec. 27-213. Map Amendment approval; amendments.

(a) **Criteria for approval of the M-X-T Zone.**

* * * * *

(3) Adequate transportation facilities.

(A) Prior to approval, the Council shall find that transportation facilities that are existing, are under construction, or for which one hundred percent (100%) of construction funds

are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, [or] will be funded by a specific public facilities financing and implementation program established for the area, or provided by the applicant, will be adequate to carry anticipated traffic for the proposed development.

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PART 10. MIXED USE ZONES.

DIVISION 2. SPECIFIC MIXED USE ZONES.

SUBDIVISION 1. M-X-T ZONE (MIXED USE-TRANSPORTATION ORIENTED)

Sec. 27-542. Purposes.

(a) The purposes of the M-X-T Zone are:

(1) To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, [and] major transit stops, and designated General Plan Centers so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;

(2) To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;

[(2)](3) To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;

[(3)](4) To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use[other major transportation systems];

[(4)](5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;

[(5)](6) To encourage [diverse] an appropriate horizontal and vertical mix of land uses which blend together harmoniously;

[(6)](7) To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;

[(7)](8) To promote optimum land planning with greater efficiency through the use

of economies of scale, [and] savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects;

[(8)](9) To permit a flexible response to the market and promote economic vitality and investment; and

[(9)](10) To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.

Sec. 27-543. Uses.

The uses allowed in the M-X-T Zone are as provided for in the Table of Uses (Division 2 of this Part)[.], including the mix of uses required by Sections 27-547(d).

Sec. 27-544. Regulations.

(a) Except as provided in Subsection (b), [A]additional regulations concerning the location, size, and other provisions for all buildings and structures in the M-X-T Zone are as provided for in Divisions 3 and 4 of this Part, General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.

(b) For property placed in the M-X-T Zone through a Sectional Map Amendment or through a Zoning Map Amendment intended to implement land use recommendations for mixed-use development recommended by a Master Plan or Sector Plan that is approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation:

(1) The design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change, and a referenced exhibit of record for the property shall provide guidance for the development regulations to be incorporated into the Conceptual Site Plan.

(2) The limitations on the maximum percentages of townhouses contained in Section 27-547(b)(7), footnote 7 and the lot size and lot width requirements in Section 27-548(h) shall not apply. However, the Planning Board or District Council may impose similar restrictions where appropriate, only to implement the recommendations of the Master Plan or Sector Plan.

[(b)](c) Notwithstanding the provisions of Section 27-270, a grading permit may be issued as long as it is in conformance with an approved Conceptual Site Plan.

[(c)](d) Mixed-Use Planned Community regulations.

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Sec. 27-545. Optional method of development.

(a) Purposes.

(1) Under the optional method of development, greater densities shall be granted, in increments of up to a maximum floor area ratio of eight (8.0), for each of the uses, improvements, and amenities (listed in Subsection (b)) which are provided by the developer and are available for public use. The presence of these facilities and amenities is intended:

(A) To make possible a[n] livable environment capable of supporting the greater density and intensity of development permitted;

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Sec. 27-546. Site plans.

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(b) In addition to the information required by Part 3, Division 9, for Conceptual Site Plans, the following information shall be included on Plans in the M-X-T Zone:

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(8) Property placed in the M-X-T Zone by a Sectional Map Amendment shall provide supporting evidence which shows whether the proposed development will exceed the capacity of transportation facilities that are existing, are under construction, [or] for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program or within the current State Consolidated Transportation Program, will be provided by the applicant, or are incorporated in a specific public facilities financing and implementation program.

(c) In addition to the information required by Part 3, Division 9, for Detailed Site Plans, the following information shall be included on Plans in the M-X-T Zone:

* * * * *

(4) Supporting evidence which shows that the proposed development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program or within the current State Consolidated Transportation Program, [or which] will be provided by the applicant, or are incorporated in a specific public facilities financing and implementation program, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval,

1 whichever occurred last.

2 (d) In addition to the findings required for the Planning Board to approve either the
3 Conceptual or Detailed Site Plan (Part 3, Division 9), the Planning Board shall also find that:

4 (1) The proposed development is in conformance with the purposes and other
5 provisions of this Division;

6 (2) For property placed in the M-X-T Zone through a Sectional Map Amendment
7 approved after October 1, 2006, the proposed development is in conformance with the design
8 guidelines or standards intended to implement the development concept recommended by the,
9 Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;

10 [(2)](3) The proposed development has an outward orientation which either is physically
11 and visually integrated with existing adjacent development or catalyzes adjacent community
12 improvement and rejuvenation;

13 [(3)](4) The proposed development is compatible with existing and proposed development
14 in the vicinity;

15 [(4)](5) The mix of uses, [and the] arrangement and design of buildings and other
16 improvements, and provision of public amenities reflect a cohesive development capable of
17 sustaining an independent environment of continuing quality and stability;

18 [(5)](6) If the development is staged, each building phase is designed as a self-sufficient
19 entity, while allowing for effective integration of subsequent phases;

20 [(6)](7) The pedestrian system is convenient and is comprehensively designed to
21 encourage pedestrian activity within the development;

22 [(7)](8) On the Detailed Site Plan, in areas of the development which are to be used for
23 pedestrian activities or as gathering places for people, adequate attention has been paid to human
24 scale, high quality urban design, and other amenities, such as the types and textures of materials,
25 landscaping and screening, street furniture, and lighting (natural and artificial); and

26 [(8)](9) On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional
27 Map Amendment, transportation facilities that are existing; that are under construction; or for
28 which one hundred percent (100%) of construction funds are allocated within the adopted
29 County Capital Improvement Program, or the current State Consolidated Transportation
30 Program, [or] will be provided by the applicant, or are incorporated in an approved public
31 facilities financing and implementation program, will be adequate to carry anticipated traffic for

the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.

~~[(9)]~~(10) On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant.

~~[(10)]~~(11) On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.

DIVISION 3. USES PERMITTED. (MIXED USE ZONES)

Sec. 27-547. Uses permitted.

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(b) TABLE OF USES.

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⁷ Except as provided in Section 27-544(b), [F]for development pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, the number of townhouses shall not exceed 20% of the total number of dwelling units in the total development. This townhouse restriction shall not apply to townhouses on land any portion which lies within one-half (½) mile of an existing, or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000.

* * * * *

(d) At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M-X-T Zone. In a Transit District Overlay Zone, a Conceptual Site Plan may include only one of the following categories, provided that, in conjunction with an existing use on abutting property in the M-X-T Zone, the requirement for two (2) out of three (3) categories is fulfilled. The Site Plan shall show the location of the existing use and the way that it will be integrated in terms of access and

design with the proposed development. The amount of square footage devoted to each use shall be in sufficient quantity to serve the purposes of the zone:

- (1) Retail businesses;
- (2) Office, research, or industrial uses;
- (3) Dwellings, hotel, or motel.

(e) For property placed in the M-X-T Zone by a Sectional Map Amendment approved after October 1, 2006, and recommended for mixed-use development in the General Plan, and a Master Plan, or Sector Plan for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, a Conceptual Site Plan submitted for any property located in the M-X-T Zone may include only one of the above categories, provided that it conforms to the visions, goals, policies, and recommendations of the plan for that specific portion of the M-X-T Zone.

DIVISION 4. REGULATIONS.

Sec. 27-548. M-X-T Zone.

(i) The maximum height of multifamily buildings shall be one hundred and ten (110) feet. This height restriction shall not apply within any Transit District Overlay Zone, designated General Plan Metropolitan or Regional Centers, or a Mixed-Use Planned Community.

(j) As noted in Section 27-544(b), which references property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, regulations for Conceptual or Detailed Site Plans (such as, but not limited to density, setbacks, buffers, screening, landscaping, height, recreational requirements, ingress/egress, and internal circulation) should be based on the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change and any referenced exhibit of record for the property. This regulation also applies to property readopted in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006 and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation of a concurrent Master Plan or Sector Plan (see Section 27-226(f)(3) of the Zoning Ordinance).

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

Adopted this 31st day of October, 2006.

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
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.