

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

Legislative Session _____ 1991 _____

Bill No. _____ CB-40-1991 _____

Chapter No. _____ 23 _____

Proposed and Presented by _____ Council Member Bell _____

Introduced by _____ Council Member Bell _____

Co-Sponsors _____

Date of Introduction _____ April 30, 1991 _____

ZONING BILL

AN ORDINANCE concerning

Commercial Recreational Attractions

FOR the purpose of providing that when a portion of the property subject to an approved Special Exception site plan (conceptual or detailed site plan) for a commercial recreational attraction is conveyed to a new owner, and/or a portion of its subject property is rezoned to a zone in which a commercial recreational attraction is not a permitted use, one hundred acres shall be the minimum acreage required for the property which continues to be subject to the Special Exception site plan; that any improvement, use, or structure on the approved site plan (conceptual or detailed site plan) which is conveyed and can operate independently, or is not subject to any rezoning occurring subsequent to the approval of the Special Exception, shall continue pursuant to the approved Special Exception

site plan and its existing conditions, setbacks, and parking without any requirement to obtain approval of an alteration or revision to the overall site plan, and as a use permitted in that zone by Special Exception; and, to further provide that any improvement, use, or structure shown on the approved Special Exception site plan (conceptual or detailed site plan), and partially located on land which is not conveyed, or is rezoned to a zone in which a commercial recreational attraction is not a permitted use, may continue pursuant to the site plan, provided the owners enter into an appropriate legal arrangement to continue the Special Exception use on the portion of the property on which the improvement, use, or structure is partially located.

BY repealing and reenacting with amendments:

Sections 27-319,
27-320(a), and
27-342,

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

SUBTITLE 27. ZONING.

The Prince George's County Code
(1987 Edition, 1989 Supplement).

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 27-319, 27-320(a), and 27-342 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 4. SPECIAL EXCEPTIONS.

DIVISION 1. ADMINISTRATIVE PROCEDURES.

Subdivision 9. Special Exception Approval.

Sec. 27-319. Effect of site plan approval.

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(e) All enlargements, alterations, revisions, and extensions shall be in accordance with the provisions of Subdivision 10, below, except as provided in this Section.

(f) Notwithstanding any of the above, in the case of a commercial recreational attraction, when a portion of the property subject to an approved Special Exception site plan (conceptual or detailed site plan), is conveyed to a new owner, any improvements, uses, or structures in existence, in operation, or shown on an approved site plan (conceptual or detailed site plan) for the property conveyed may continue pursuant to that site plan without any requirement to obtain approval of an alteration or revision of the overall site plan, provided said improvements, uses, or structures are able to function independently of the balance of the site plan property which is not conveyed. The approved Special Exception site plan for the balance of the property which is not conveyed shall be extinguished if any improvements, uses, or structures cannot function independently of the site plan property

conveyed to the new owner, except as provided for hereinafter. If any part of an existing singular improvement, use, or structure is partially located on the site plan property conveyed to the new owner and partially on the balance of the property which is not conveyed, that improvement, use, or structure shall continue to operate pursuant to the previously approved Special Exception site plan (conceptual and detailed site plan), provided the owners of both properties enter into an appropriate legal arrangement allowing the use of the property not conveyed on which the existing improvement, use, or structure is partially located to the new owner of the Special Exception site plan property which is conveyed. To continue the operation, or prior to the construction, of any improvement, use, or structure described above, the new owner shall obtain a new use and occupancy permit, the application for which shall contain the site plan for the portion of the property conveyed, including all existing improvements, uses, and structures, already constructed or shown, and the revised boundaries, and a copy of the appropriate legal arrangement to use any portion of the property not conveyed on which any improvement, use or structure shown on the site plan (conceptual and detailed site plan) is partially located. This site plan shall be approved by the Planning Board or its designee as being identical to the existing, approved Special Exception, with the exception of the boundaries of the property. Once approved, this site plan shall serve as the approved Special Exception site plan.

Sec. 27-320. Effect of rezoning on Special Exception.

(a) When any land, or portion thereof, upon which a Special Exception has been approved is reclassified to a zoning category different from that category in which it was classified at the time the Special Exception was approved, the following shall apply:

* * * * *

(2.1) Notwithstanding any of the above, in the case of a commercial recreational attraction if, at the time of the rezoning, the commercial recreational attraction is not permitted in the new zone, the approved Special Exception site plan (both conceptual and detailed site plan) and any conditions shall continue in full force and effect as to that portion of the property subject to the Special Exception site plan which remains in the zone permitting the commercial recreational attraction as a Special Exception use. Any improvement, use, structure, screen, or buffer located in whole or in part on the property placed in the new zone may also continue to be used in conjunction with the Special Exception until that property is developed for another use or removed from the approved Special Exception site plan (conceptual and detailed site plan).

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**DIVISION 3. ADDITIONAL REQUIREMENTS FOR
SPECIFIC SPECIAL EXCEPTIONS.**

Sec. 27-342. Commercial recreational attraction.

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(b) Commercial recreational attractions may be permitted, subject to the following criteria:

(1) **Standards**

(A) The subject property shall have an area of at least two hundred fifty (250) contiguous acres. Notwithstanding the above, as long as there are one hundred (100) contiguous acres remaining under an approved Special Exception, the use may continue to operate pursuant to the approved Special Exception regardless of the ownership or zoning of the property. For the purpose of this Section, land separated by any rights-of-way or easements shall be considered contiguous;

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(C) Any place or structure used for exhibition, education, entertainment, dining, recreation, or other purpose involving patron assembly, and any maintenance or service building shall be located at least one hundred (100) feet from adjoining land in any 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, fifty (50) feet from adjoining land in any other zone, and twenty-five (25) feet from any abutting street, unless the District Council finds that, due to conditions in the area, these setbacks are unnecessary and the bufferyard requirement in the Landscape Manual would be sufficient. If the structure or place is located within two hundred (200) feet of land in any Residential Zone, or land proposed to be used for residential purposes in a Comprehensive Design, Mixed Use, or Planned Community

Zone, there shall be no public entrance to it from the side facing the residential land. Notwithstanding the above, when a portion of a property subject to the Special Exception site plan (conceptual and detailed site plan) is rezoned to any 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, any improvement, use, or structure already constructed or shown on the site plan (conceptual and detailed site plan) may continue in operation or be constructed as shown on the site plan;

* * * * *

(2) **Parking**

(A) The number of parking spaces required shall be determined by the District Council and shall be based upon the uses shown on the proposed site plan. All of the parking spaces required shall be located entirely on the site. The number of spaces provided may be modified by the Council as more experience with a particular project is gained; and

(B) Any off-street parking area shall be located at least one hundred (100) feet from 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, and at least twenty-five (25) feet from any other adjoining land or street. Notwithstanding the above, when a portion

of a property subject to the Special Exception site plan (conceptual and detailed site plan) is rezoned to any 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, any off-street parking area already constructed or shown on the site plan (conceptual and detailed site plan) may continue or be constructed as shown on the site plan.

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(9) **Amendment of site plan**

(A) Notwithstanding other provisions of this Part concerning the revision of site plans, requests to amend a site plan (formerly a concept plan for a commercial recreational attraction) shall only be approved by the District Council, and in accordance with this Subsection. Situations occurring as described in Sections 37-319(f) and 27-320(a) (2.1) of this Subtitle do not require an amendment of a previously approved site plan.

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SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall apply to any commercial recreational attractions approved prior to the enactment of this Ordinance, and to any rezoning or conveyance of any portion of any property subject to any commercial recreational attraction which occurs prior or subsequent to the enactment of this Ordinance.

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect on June 30, 1991.

Adopted this 21st day of May, 1991.

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: _____
Richard J. Castaldi
Chairman

ATTEST:

Maurene W. Epps
Acting Clerk of the Council

KEY:

Underscoring indicates language added to existing law.
Asterisks *** indicate intervening existing Code provisions that
remain unchanged.