

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2003 Legislative Session

Bill No. _____ CB-35-2003
 Chapter No. _____ 21
 Proposed and Presented by _____ Council Member Peters
 Introduced by _____ Council Members Peters, Dean, Dernoga and Harrington
 Co-Sponsors _____
 Date of Introduction _____ May 19, 2003

ZONING BILL

1 AN ORDINANCE concerning

2 Planned Environmental Preservation Communities

3 For the purpose of defining the Planned Environmental Preservation Community use, permitting
 4 the use under certain circumstances on property in the E-I-A Zone if a Basic Plan and
 5 Comprehensive Design Plan have been approved for the property as of 1 January 2001, requiring
 6 compliance with certain design and development standards for the use, and making related
 7 amendments to the Zoning Ordinance.

8 BY repealing and reenacting with amendments:

9 Sections 27-107.01(a), 27-478, 27-515(b), and 27-518,

10 The Zoning Ordinance of Prince George's County, Maryland,

11 being also

12 SUBTITLE 27. ZONING.

13 The Prince George's County Code

14 (1999 Edition, 2002 Supplement).

15 By adding: Section 27-532.04,

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 (1999 Edition, 2002 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 27-107.01(a), 27-478, 27-515(b), and 27-518 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Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments: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:

* * * * *

(181.2) **Planned Environmental Preservation Community:** A high-quality residential community meeting the purposes and standards in Part 8, Division 5, of this Subtitle, where dwelling units are built in clustered, attached, or multifamily development, to enhance and preserve significant environmental features on and adjacent to the community property. The property must include at least 50 acres of contiguous parcels in a Comprehensive Design Zone with a Basic Plan and Comprehensive Design Plan approved before January 1, 2001, and must lie adjacent to planned and zoned employment and office uses and one or more significant environmental features, such as designated scenic rivers or streams.

(181.3) **Planning Board:** The Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission.

(182) **Playground:** An area used for indoor or outdoor play or recreation, especially by children, which may contain recreational equipment such as seesaws, slides, and swings, regardless of whether it is in public or private ownership. A "Playground" may be a primary or an accessory use. Play areas located on a lot developed with a single-family dwelling and to which the public is not generally invited shall not be deemed a "Playground."

[(182) **Planning Board:** The Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission.]

[(184)] (183) **Porch, Open:** A porch without a roof or other covering. (See Figure 22.)

1 [(183)] (184) **Preliminary Plat (or Plan) of Subdivision:** The preliminary detailed
 2 drawing (to scale) of a tract of land, depicting its proposed division into "Lots," "Blocks,"
 3 "Streets," "Alleys," or other designated areas within a proposed "Subdivision."

4 (185) **Public Buildings and Uses:** Any land, "Building," or "Structure" used for public
 5 purposes by any agency, department, or branch of County, State, Municipal, or Federal
 6 Government; but not including any vehicle or trailer parking, storage, or marshalling use which
 7 does not serve a public building or use in the County.

8 * * * * * * * *

9 **PART 8. COMPREHENSIVE DESIGN ZONES.**

10 **DIVISION 1. GENERAL.**

11 **Sec. 27-478. Review process.**

12 (a) The purposes of each individual Comprehensive Design Zone (Division 2 of this Part)
 13 are intended to be satisfied by establishing incentives for good development, and the following
 14 three (3) phase plan review procedure:

15 (1) The initial phase is the review of a Basic Plan, which shall show the types,
 16 amounts, and general location of land uses proposed. The Basic Plan shall be reviewed
 17 concurrently with the review of, and action on, the Zoning Map Amendment application (Part 3,
 18 Division 2, Subdivision 3).

19 (2) The second phase is the review of a Comprehensive Design Plan, text, and
 20 schedule, which shall show amounts and locations of land use, the circulation system, and the
 21 portions of development which may be constructed during the same time period.

22 (3) The third phase is the review of a Specific Design Plan, which serves as the final
 23 design of the development for each portion to be constructed during the same time period.

24 (b) All plans referred to in (a), above, shall be reviewed and acted upon prior to, or
 25 concurrently with, the review of, and action on, a subdivision proposal.

26 (c) The three (3) phases of review may be filed or considered concurrently.

27 (d) The above provisions shall not apply to the review process for property or properties in
 28 the R-M Zone which are part of an assemblage of properties, inclusive of property already zoned
 29 M-X-T, which are included in a Conceptual Site Plan application for a Waterfront
 30 Entertainment/Retail Complex. In such instances, the Comprehensive Design Plan and Specific

1 Design Plan are not required. The R-M zoned property or properties shall be governed by the
2 process and regulations concerning development and use of M-X-T zoned property.

3 (e) The above provisions are applicable to a Planned Environmental Preservation
4 Community in the E-I-A Zone, but an approved Comprehensive Design Plan may be amended
5 by the reduced Comprehensive Design Plan process in Section 27-518. A Planned
6 Environmental Preservation Community is governed by the development regulations in
7 Divisions 1 and 5 of this Part. Where the regulations are in conflict, those in Division 5 shall
8 apply.

PART 8. COMPREHENSIVE DESIGN ZONES.**DIVISION 3. USES PERMITTED.****Sec. 27-515. Uses permitted.****(b) TABLE OF USES.**

USE	ZONE								
	M-A-C	L-A-C	E-I-A	R-U	R-M	R-S	R-L	V-L	V-M
(7) RESIDENTIAL/LODGING:									
Assisted living facility	P	P	X	P	P	P	P	X	X
Dwelling (any type, except mobile home, multifamily, three-family, two-family, and storefront) ²⁹ , <u>outside a Planned Environmental Preservation Community</u> (CB-53-1991; CB-71-1991; CB-10-1992; CB-56-1996)	P	P	X	P	P	P	P	P ²³	P ²³
Dwelling, multifamily (CB-71-1991; CB-10-1992; CB-99-1997)	P	P	X	P	P	P	P ³¹	P ²³	P ²³
Dwelling, three-family and two-family (CB-53-1991)	P	P	X	P	P	P	P	X	X
Dwelling, storefront (CB-53-1991)	X	X	X	X	X	X	X	P	P
Flag lot development ¹⁹ (CB-72-1989; CB-10-1992)	P	P	X	P	P	P	P	P ²¹	P ²¹
Group residential facility for up to 8 mentally handicapped dependent persons	P	P	X	P	P	P	P	P	P
Hotel (CB-39-1988)	P	X	P ¹¹	X	X	X	X	X	X
Mixed Retirement Development (CB-78-1996)	P ²⁸	P ²⁸	X	P ²⁸	P ²⁸	P ²⁸	P ²⁸	X	X
Motel (CB-16-1987)	X	X	P ¹¹	X	X	X	X	X	X
<u>Planned Environmental Preservation Community</u>	<u>X</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>

**DIVISION 4. COMPREHENSIVE DESIGN PLANS
AND SPECIFIC DESIGN PLANS.**

SUBDIVISION 1. COMPREHENSIVE DESIGN PLANS.

Sec. 27-518. Contents of Plan.

(a) The applicant shall demonstrate to the Planning Board that, in the preparation of the Comprehensive Design Plan and supporting documents, he has devoted adequate attention to environmental relationships, building design, landscaping, engineering factors, and (if necessary) traffic factors. The signatures of a qualified design team (including an urban planner, architect, landscape architect, professional engineer, and traffic engineer) on the Comprehensive Design Plan and supporting documents shall be prima facie evidence that the respective factors within the scope of the signer's profession have been considered.

(b) The Comprehensive Design Plan shall consist of the following:

(1) A reproducible drawing (with ten (10) prints) showing the proposed development of the property. This drawing shall be in conformance with the approved Basic Plan. The drawing shall show the approximate location and proposed density of dwelling units, nonresidential building intensity, and the zoning of adjoining properties;

(2) A schedule and text, including the delineation of any staged units to be developed at different times;

(3) A description of design principles proposed to govern the project, including design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle for the M-A-C, L-A-C, E-I-A, R-U, R-M, and R-S Zones, and in Section 27-514.06 for the V-M and V-L Zones;

(4) The total number of acres in the proposed project and the percentage thereof proposed for various uses;

(5) The number of dwelling units proposed (by type of dwelling unit) for each staged unit;

(6) The estimated residential or employment population for each staged unit;

(7) The location and extent of any proposed commercial area;

(8) The anticipated priority of development of each staged unit;

(9) The standards proposed to be used for height, open space, building intensity, population density, and public improvements;

(10) Engineering feasibility studies (including traffic engineering studies), as necessary;

(11) A Forest Stand Delineation and Proposed Tree Conservation Plan; and

(12) Where a Comprehensive Design Plan proposes to include an adaptive use of a Historic Site, the application shall include:

(A) Text describing the nature of the proposed adaptive use, including a description of how the use will be integrated into the design and theme of the Historic Site;

(B) A preliminary evaluation of historic landscape features through field investigation; and

(C) Preliminary architectural elevations within the environmental setting of the Historic Site.

(c) In the E-I-A Zone, a reduced Comprehensive Design Plan shall be allowed under the following circumstances:

(1) For parcels containing a minimum of five (5) acres of land, provided the total property zoned E-I-A in the approved Basic Plan is in excess of one hundred fifty (150) acres; and

(2) Where the reduced Comprehensive Design Plan is [solely] for:

(A) [the] The use of an eleemosynary or philanthropic institution, provided an eleemosynary or philanthropic institution existed on the property at the time of approval of the original Basic Plan; or

(B) A Planned Environmental Preservation Community.

(d) A reduced Comprehensive Design Plan shall consist of the following with regard to the acreage within such reduced Comprehensive Design Plan:

(1) A reproducible drawing (with ten (10) prints) showing the proposed development of the parcel. This drawing shall be in conformance with the approved Basic Plan. The drawing shall show the approximate location and intensity of [nonresidential] all buildings, and the zoning of adjoining properties;

(2) A schedule and text, including the delineation of any staged units to be developed at different times;

(3) A description of design principles proposed to govern the project;

(4) The estimated employment or residential population for this reduced Comprehensive Design Plan;

(5) The anticipated priority of development of each staged unit (if staging is proposed);

(6) The standards [proposed to be used] for height, open space, building intensity, population or residential density, and public improvements, and a description how the proposed development meets the standards; and

(7) Traffic feasibility studies, as necessary.

SECTION 2. BE IT FURTHER 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 Section 27-532 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:

SUBTITLE 27. ZONING.

PART 8. COMPREHENSIVE DESIGN ZONES.

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Sec. 27-532.04. Planned Environmental Preservation Community.

(a) Purposes of Planned Environmental Preservation Communities.

(1) To preserve and enhance in well-planned residential communities, significant environmental features, such as designated scenic rivers or streams, together with their associated green space, floodplains, wetlands, woodlands, and views;

(2) To permit high-density residential uses in planned communities of luxury housing adjacent to office and employment uses and also near significant environmental features, in order to minimize impervious surfaces and runoff while enhancing enjoyment and use of the natural environment;

(3) To encourage high-quality multifamily and single-family attached and detached dwellings in planned residential communities, with structured parking wherever feasible, to retain as much land area as possible its natural state;

(4) To promote luxury residential development adjacent to planned and zoned employment and office uses, while using low-impact development techniques to preserve the natural environment much more than standard techniques could; and

1 (5) To create residential communities of high quality with significant environmental
2 features preserved and enhanced as community focal points, integrated as privately owned,
3 publicly shared community open space, to establish a strong sense of place and identity.

4 (b) Permitted use.

5 A Planned Environmental Preservation Community is permitted as shown in the table
6 of uses in Section 27-515(b).

7 (c) General requirements.

8 (1) The Comprehensive Design Plan showing a Planned Environmental Preservation
9 Community use shall demonstrate compliance, after amendment, where necessary, with all
10 standards and requirements in this Section.

11 (2) The text of the Comprehensive Design Plan, as amended, shall identify all
12 significant environmental features on and adjacent to the subject property. The text shall explain
13 how the proposed community enhances and protects significant environmental features.

14 (d) Environmental standards.

15 (1) Streams and floodplains: All streams and floodplains within a Planned
16 Environmental Preservation Community shall be preserved in their natural state and protected by
17 buffer areas, either natural buffers or natural buffer alternatives which meet the environmental
18 preservation purposes of this Section. All buffer areas shall be preserved in their natural state, to
19 the greatest extent possible. Where disturbed by building or grading, land area may not serve as
20 Planned Environmental Preservation Community buffer area unless using it as buffer meets the
21 environmental preservation purposes of this Section.

22 (2) Buffer areas: The applicant shall demonstrate that it has retained a natural buffer,
23 as provided in subparagraph (A), to the greatest extent possible. Where structures or utilities
24 must be extended into natural buffers, natural buffer alternatives shall be retained, as provided in
25 subparagraph (B).

26 (A) Natural buffer dimensions: Streams shall have a 100-foot natural buffer and
27 a 150-foot building and parking setback, and 100-year floodplains shall have a 150-foot buffer.

28 (B) Approved natural buffer alternatives: If a structure or utility must be
29 extended into a buffer or setback area provided for in (A), then an equal area of natural buffer
30 alternative shall be retained on the community property. All natural buffer alternative areas shall
31 meet the environmental preservation purposes of this Section.

1 (2) Passive buffer area use: Buffer areas shall be retained in their natural state. They
 2 may be used for passive recreation and uses associated with the passive recreation, such as
 3 trailhead parking. Subject to the natural buffer alternative approval process in paragraph (1)(B),
 4 no utilities are permitted in buffer areas.

5 (3) Stormwater management: All required on-site stormwater management for water
 6 quality shall use low- impact development techniques, such as rain gardens, bioretention areas,
 7 infiltration trenches, and naturalized buffers with sheet flow. Stormwater quantity shall be
 8 controlled by facilities that manage the timing of stormwater and provide wildlife habitat.
 9 Stormwater management facilities shall be designed as site amenities, with gentle natural
 10 contours and extensive native planting. For the purposes of this Section, stormwater
 11 management facilities are not deemed utilities or structures. If permitted by applicable
 12 regulations, regional stormwater management facilities may be used for quantity or quality
 13 management.

14 (4) Impervious surfaces: The area of impervious surfaces for parking access lanes
 15 and roadways shall be minimized, except where single-loaded or unloaded roadways are
 16 necessary for views of or access to significant environmental features.

17 (5) Utilities clearing: Clearing for utility installation shall be minimized, especially
 18 in environmentally sensitive areas, and clearing for different utilities in those areas shall be
 19 coordinated, to minimize ground or buffer disturbance. Woodland disturbed solely for that
 20 purpose shall be reforested in cooperation with the appropriate utility.

21 (6) Recreational amenities: Community recreational facilities shall take full
 22 advantage of environmental features on and adjacent to the property, and shall include extensive
 23 trail and boardwalk systems. The recreational facilities may also include educational features for
 24 the general public and public schools, such as kiosks along the trails, boardwalks at observation
 25 points, and education stations, with curriculum available to schools for use in specific locations.

26 (7) Open space: The open space system, including but not limited to environmentally
 27 sensitive areas, shall extend through the site and link the uses. Portions of the open space shall
 28 be visible to and accessible from public streets.

29 (e) Residential standards.

30 (1) Density: Residential density in a Planned Environmental Preservation
 31 Community shall not exceed 16 dwelling units per net acre.

(2) Housing types: The community shall include at least two types of residential dwellings.

(3) Building materials: All dwellings, single-family and multifamily, shall be built of materials which are enduring, distinctive, and of high quality, and use of siding shall be limited.

(4) Single-family detached residential development: Single-family detached dwellings shall meet the following standards:

(A) The gross living space in each dwelling shall be at least 2,500 square feet. For the purposes of this Subsection (e), gross living space includes all interior building area except for garage, attic, and unfinished basement areas.

(B) Each dwelling shall include a garage for two or more vehicles.

(C) Front facades and chimneys shall be all brick.

(5) Townhouse development: Townhouses (attached dwellings) shall meet the development standards and requirements in Division 1 of this Part, except as follows:

(A) Gross living space shall be at least 2,000 square feet.

(B) Each dwelling shall include a garage for two or more vehicles. Garages shall be rear-entry, except where lots have rear yards adjoining community open space, or where ground elevations or similar site constraints make rear-entry garages impractical or otherwise not consistent with the purposes of this Section.

(C) Minimum-lot-size requirements in Division 1 do not apply.

(D) At least 60% of the front facades shall be of brick or stone, and all chimneys shall be of brick. End units of building groups shall have 100% brick or stone on the side walls.

(E) Building groups of attached dwellings shall contain no more than six units each. A typical attached-dwelling building group shall have no more than four units, but six-unit groups are permitted where it is demonstrated that their use will preserve or enhance environmental features or otherwise promote the purposes of this Section.

(6) Multifamily development: Multifamily dwellings shall meet the following standards:

(A) Maximum building height shall be 80 feet.

(B) Multifamily development shall include a significant number of amenities typically provided in luxury rental and condominium projects.

(C) All required parking shall be structured.

1 (f) Other standards and requirements.

2 In general, development and preservation standards for a Planned Environmental
3 Preservation Community shall be as shown on an approved Comprehensive Design Plan, as
4 amended in accordance with this Section.

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect on the date of its adoption.

Adopted this 10th day of June, 2003.

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: _____
Peter A. Shapiro
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

KEY:
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.