

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2006 Legislative Session

Bill No. _____ CB-6-2006

Chapter No. _____ 17

Proposed and Presented by _____ Council Members Dernoga, Bland, Dean, Harrington & Peters

Introduced by _____ Council Members Dernoga, Bland, Dean, Harrington and Peters

Co-Sponsors _____

Date of Introduction _____ June 6, 2006

ZONING BILL

1 AN ORDINANCE concerning

2 Residential Zones

3 For the purpose of permitting conservation subdivisions, establishing bulk regulations for
 4 conservation subdivisions, deleting the Subdivision option of the use of lot size averaging and
 5 varying lot sizes, grandfathering those approved as of a certain date, and deleting the provisions
 6 for agricultural preservation development.

7 BY repealing and reenacting with amendments:

8 Sections 27-107.01, 27-423, 27-441(b), and 27-442(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, 2005 Supplement).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 15 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
 16 District in Prince George's County, Maryland, that Sections 27-107.01, 27-423, 27-441(b), and
 17 27-442(b), of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27
 18 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the
 19 following amendments:

20 BY adding:

Section 27-445.12,
The Zoning Ordinance of Prince George's County, Maryland,
being also
SUBTITLE 27. ZONING.
The Prince George's County Code
(2003 Edition, 2005 Supplement).

BY deleting:

Section 27-445.01,
The Zoning Ordinance of Prince George's County, Maryland,
being also
SUBTITLE 27. ZONING.
The Prince George's County Code
(2003 Edition, 2005 Supplement).

SUBTITLE 27. ZONING.

PART 2. GENERAL.

DIVISION 1. DEFINITIONS.

Sec. 27-107.01. Definitions.

* * * * *

(161) Net Lot Area:

(A) The total contiguous area included within the "Lot Lines" of a "Lot," excluding:

(i) "Alleys," "Streets," and other public ways; and

(ii) Land lying within a "One Hundred (100) Year Floodplain," except as follows. In the R-A, O-S, V-M, and V-L Zones, any part of the "Lot" exceeding forty thousand (40,000) contiguous square feet may be within the "One Hundred (100) Year Floodplain." In the R-E Zone, any area of the "Lot" in excess of twenty thousand (20,000) contiguous square feet may be within the "One Hundred (100) Year Floodplain," provided that the "Lot" is served by a public water and sewerage system and is in water and sewer service area category one (1), two (2), or three (3) at the time the "Final Plat" of "Subdivision" is approved.

(B) Unless otherwise specified, "Lot Area" means "Net Lot Area."

(C) In a conservation subdivision developed in conformance with Section 24-152 the net lot area is the contiguous lot area located outside of the 100-year floodplain and

1 environmentally regulated areas, including primary management areas as defined by Section 24-
2 101 and expanded buffers, as defined by Section 24-130.

3 **PART 5. RESIDENTIAL ZONES.**

4 **DIVISION 1. GENERAL.**

5 **Sec. 27-423. Lot size averaging.**

6 The maximum number of lots permitted under lot size averaging on a given tract is equal to
7 the gross acreage divided by the largest minimum net lot area permitted in the zone. The
8 smallest net lot area permitted is specified in those zones in which lot averaging is permitted. At
9 least fifty percent (50%) of the lots created on any tract under lot size averaging shall equal or
10 exceed the largest minimum net lot area permitted in the zone. Lot size averaging is only
11 permitted if the preliminary plat of subdivision was accepted prior to July 1, 2006.
12

**PART 5. RESIDENTIAL ZONES.
DIVISION 5. 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
(6) RESIDENTIAL/LODGING									
[Agricultural Preservation Development, Section 27-445.01	X	X	X	X	P	X	X	X	X]
* * * * *	*	*	*	*	*	*	*	*	*
Congregate living facility for not more than 8 elderly or physically handicapped residents	P	P	P	P	P	P	P	P	P
<u>Conservation subdivision pursuant to Section 24-152 of Subtitle 24</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Convent or monastery	P	P	P	P	P	P	P	P	P
* * * * *	*	*	*	*	*	*	*	*	*
<u>Dwelling, one-family detached, cluster development, shown on a preliminary plat of subdivision approved prior to July 1, 2006</u>	X	X	X	X	P	P	P	X	X
Dwelling, one-family detached (in general)	P	P ⁸⁰	P ⁸⁰	P ⁸⁰	P ⁸⁰	P	P	P	P
* * * * *	*	*	*	*	*	*	*	*	*
Flag lot development:									
(A) In accordance with preliminary plats approved prior to February 1, 1990, pursuant to Subtitle 24 and recorded within the prescribed time period	X	X	X	P	P	P	P	X	X
(B) In accordance with Section 24-138.01 of Subtitle 24	X	X	X	P	P	P ⁴⁶	X	X	X
* * * * *	*	*	*	*	*	*	*	*	*
(7) Resource Production/Recovery:									
[Agricultural Preservation Development, in accordance with Section 27-445.01	X	X	X	X	P	X	X	X	X]

USE	ZONE								
	R-O-S	O-S	R-A	R-E	R-R	R-80	R-55	R-35	R-20
Agricultural uses:									
* * * * *	*	*	*	*	*	*	*	*	*

⁸⁰ In the Rural Tier as defined by the 2002 General Plan or as amended through a subsequent planning process where a preliminary plat of subdivision is required pursuant to Subtitle 24 after June 30, 2006 the subdivision of land shall be subject to Section 24-152(g)(2) thru (6), and (h) of the Conservation Subdivision regulations. The minimum lot width at the building line and street line, and main building setback along a scenic and historic road are contained in Section 27-445.12(a)(1) Tables 1 and 3.

USE	ZONE							
	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H
(6) RESIDENTIAL/LODGING								
<u>[Agricultural Preservation Development, Section 27-445.01</u>	X	X	X	X	X	X	X	X]
* * * * *	*	*	*	*	*	*	*	*
Congregate living facility for NOT more than 8 elderly or physically handicapped residents	X	X	X	SE	X	X	X	X
Convent or monastery	P	P	P	P	P	PA	P	P
<u>Conservation subdivision pursuant to Section 24-152 of Subtitle 24</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>
* * * * *	*	*	*	*	*	*	*	*
Dwelling, one-family detached, cluster development, <u>shown on a preliminary plat of subdivision approved prior to July 1, 2006</u>	X	X	X	X	X	X	X	X
* * * * *	*	*	*	*	*	*	*	*
Flag lot development:								
(A) In accordance with preliminary plats approved prior to February 1, 1990, pursuant to Subtitle 24 and recorded within the prescribed time period	X	X	X	X	X	X	X	X
(B) In accordance with Section 24-138.01 of Subtitle 24	X	X	X	X	X	X	X	X
* * * * *	*	*	*	*	*	*	*	*
(7) Resource Production/Recovery:								
<u>[Agricultural Preservation Development, in accordance with Section 27-445.01</u>	X	X	X	X	X	X	X	X]
Agricultural uses:								
* * * * *	*	*	*	*	*	*	*	*

DIVISION 4. REGULATIONS.

Sec. 27-442(b). Regulations.

TABLE I – NET LOT AREA

* * * * *

5 (A) The following modifications may be permitted for preliminary plats of subdivision accepted prior to July 1, 2006.

[(A)](B) Minimum lot size of at least sixty percent (60%) of the total number of lots:

- (i) O-S Zone - five (5) acres; or
- (ii) R-A Zone - two (2) acres;

[(B)](C) Minimum lot size of any one (1) lot:

- (i) O-S Zone - two (2) acres - only one (1) such lot per fifty (50) acres;
- (ii) R-A Zone - one (1) acre - only one (1) such lot per twenty-five (25) acres;

[(C)](D) Minimum lot size of remaining lots:

- (i) O-S Zone - three (3) acres; or
- (ii) R-A Zone - fifty thousand (50,000) square feet;

[(D)](E) All lots allowed under (B) & (C), above, shall be used only for residential or agricultural purposes; and

[(E)](F) No portion of the subdivided tract may be resubdivided unless:

- (i) The land is rezoned to another zone;
- (ii) The entire tract is resubdivided into five (5) acre lots in the O-S Zone or two (2) acre lots in the R-A Zone; or
- (iii) The size and number of lots which would be created by resubdivision are in conformance with (A), (B), (C), & (D), above, and the maximum number of lots

permitted is not more than the gross acreage divided by five (5) (O-S Zone) or two (2) (R-A Zone).

* * * * *

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 27-445.12 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 5. RESIDENTIAL ZONES.

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Sec. 27-445.12 Bulk regulations for conservation subdivisions.

(a) Density and lot design.

(1) **Density.** The density of a conservation subdivision shall conform to Table 1, below.

Table 1

<u>Zoning District</u>	<u>Maximum Density (dwelling units per net tract area)</u>	<u>Minimum Net Lot Area</u>	<u>Minimum Lot Width at the front building line and front street line</u>	<u>Minimum Lot Width at the building line and street line on a scenic or historic road</u>	<u>Minimum Lot Width at the front street line on a cul-de-sac</u>
<u>O-S</u>	<u>0.2</u>	<u>40,000 square feet</u>	<u>80 feet</u>	<u>200 feet</u>	<u>50 feet</u>
<u>R-A</u>	<u>0.5</u>	<u>30,000 square feet</u>	<u>80 feet</u>	<u>200 feet</u>	<u>50 feet</u>
<u>R-E</u>	<u>1.08</u>	<u>20,000 square feet</u>	<u>60 feet</u>	<u>200 feet</u>	<u>45 feet</u>
<u>R-R</u>	<u>2.17</u>	<u>10,000 square feet</u>	<u>60 feet</u>	<u>200 feet</u>	<u>45 feet</u>

(2) **Net lot area.** The minimum net lot area required for each residential lot in a conservation subdivision is established in Table 1. The contiguous net lot area counted toward the minimum lot area must be located outside of the 100-year floodplain and environmentally regulated areas, including primary management areas as defined by Section 24-101 and expanded buffers, as defined by Section 24-130. Lot area greater than the minimum net lot area may be encumbered by these features. One dwelling unit is permitted on each conservation lot and shall be included in the calculation of allowable density of the net tract area.

(3) Maximum net lot coverage. Lot coverage shall not exceed the following:**Table 2**

<u>Zoning District</u>	<u>Lot Size</u>					
	<u>10,000-19,999 square feet</u>	<u>20,000 - 29,999 square feet</u>	<u>30,000 - 39,999 square feet</u>	<u>40,000 square feet - 2 acres</u>	<u>over 2 but less than 5 acres</u>	<u>5 or more acres</u>
<u>O-S</u>	--	--	--	20%	10%	5%
<u>R-A</u>	--	--	25%	20%	10%	5%
<u>R-E</u>	--	25%	25%	20%	10%	5%
<u>R-R</u>	30%	25%	25%	20%	10%	5%

(4) Yards. Main building setbacks shall meet the following standards:**Table 3**

	<u>Zone</u>			
	<u>O-S</u>	<u>R-A</u>	<u>R-E</u>	<u>R-R</u>
<u>Internal yards, Residential Development Area:</u>				
<u>Front yard</u>	25 feet	25 feet	25 feet	20 feet
<u>Side Yard</u>	15 feet	15 feet	10 feet	5 feet
<u>Rear Yard</u>	25 feet	25 feet	25 feet	20 feet
<u>Corner lot where the side or rear of the dwelling is oriented toward a street or driveway</u>	50 feet	50 feet	40 feet	40 feet
<u>From agriculturally used land on a conservation parcel or lot</u>	150 feet	150 feet	150 feet	150 feet
<u>Yards from abutting properties and perimeter streets:</u>				
<u>From agriculturally used land on a conservation parcel or lot</u>	150 feet	150 feet	150 feet	150 feet
<u>From perimeter street, below collector</u>	25 feet	25 feet	25 feet	25 feet
<u>Front yard</u>	25 feet	25 feet	25 feet	20 feet
<u>Side Yard</u>	15 feet	15 feet	10 feet	5 feet
<u>Rear Yard</u>	25 feet	25 feet	25 feet	20 feet
<u>Scenic Historic Road</u>	150 feet	150 feet	150 feet	150 feet
<u>Existing or planned roadway of collector classification or higher</u>	50 feet	50 feet	50 feet	50 feet
<u>Conservation Lot/or Parcel:</u>				
<u>Additional setbacks may be established by the preliminary plat in all zones, and reflected on the record plat as building restriction lines.</u>				
<u>Agricultural Buildings:</u>				
<u>Existing agricultural buildings are exempt from setback and height requirements</u>				

1 **(b) Regulations.** Additional regulations concerning the location, size and other provisions
2 for buildings, structures, accessory structures and uses are as provided for in Subtitle 27 and the
3 *Landscape Manual.*

PART 5. RESIDENTIAL ZONES.**DIVISION 4. REGULATIONS.****Sec. 27-442. Regulations.****b) TABLE I – NET LOT AREA (Minimum in Square Feet)**

USE	ZONE								
	R-O-S	O-S	R-A	R-E	R-R	R-80	R-55	R-35	R-20
One-family detached dwellings									
* * * * *	*	*	*	*	*	*	*	*	*
Lot that was created under the lot size averaging provisions of Subtitle 24 of this Code, by a final plat pursuant to a preliminary plat approved prior to July 1, 2006.	-	-	-	30,000	15,000	8,000	5,000	-	-
* * * * *	*	*	*	*	*	*	*	*	*

- ⁵ (A) Minimum lot size of at least sixty percent (60%) of the total number of lots:
- (i) O-S Zone - five (5) acres; or
 - (ii) R-A Zone - two (2) acres;
- (B) Minimum lot size of any one (1) lot:
- (i) O-S Zone - two (2) acres - only one (1) such lot per fifty (50) acres;
 - (ii) R-A Zone - one (1) acre - only one (1) such lot per twenty-five (25) acres;
- (C) Minimum lot size of remaining lots:
- (i) O-S Zone - three (3) acres; or
 - (ii) R-A Zone - fifty thousand (50,000) square feet;
- (D) All lots allowed under (B) & (C), above, shall be used only for residential or agricultural purposes; and
- (E) No portion of the subdivided tract may be resubdivided unless:
- (i) The land is rezoned to another zone;
 - (ii) The entire tract is resubdivided into five (5) acre lots in the O-S Zone or two (2) acre lots in the R-A Zone; or
 - (iii) The size and number of lots which would be created by resubdivision are in conformance with (A), (B), (C), & (D), above, and the maximum number of lots permitted is not more than the gross acreage divided by five (5) (O-S Zone) or two (2) (R-A Zone).
- (F) Provided the preliminary plat of subdivision was approved prior to July 1, 2006.

SECTION 3. 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 27-445.01 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 deleted:

[Sec. 27-445.01. Agricultural Preservation Development.]

(a) Purposes.

(1) The purposes of allowing Agricultural Preservation Development are to:

- (A) Promote agriculture;
- (B) Encourage the preservation of agricultural land; and
- (C) Provide for a compatible mix of agricultural uses and residential

development.

(b) Requirements.

(1) Size.

(A) An Agricultural Preservation Development shall be located on a parcel of land containing at least fifty (50) contiguous acres.

(2) Uses.

(A) At least fifty percent (50%) of the gross tract area shall be separated from the residential subdivision. None of this open space shall be part of any lot in the residential subdivision.

(B) Only one-family detached dwellings shall be permitted. No farm tenant dwellings shall be permitted except those which existed prior to site plan approval.

(C) All lots created shall be used only for dwellings or agricultural uses.

(3) Qualification criteria for agricultural land.

(A) At the time that the subdivision application is filed, the property must have an existing agricultural assessment under the State's tax assessment laws.

(B) The usability of agricultural open space for agriculture shall be determined by the soils, topography, shape, and previous use of the land.

(C) Land devoted to the agricultural open space shall be the most desirable agricultural land.

(D) The agricultural land shall be bona fide agricultural land which is actively being farmed, land which is wooded, or land which is cleared and in a tillable condition.

(E) Any land which has been used for surface mining operations is ineligible for designation as agricultural open space, unless it has been reclaimed and graded to a tillable condition.

(4) Density.

(A) The number of dwelling units permitted shall not exceed two and seventeen one hundredths (2.17) units per acre of gross tract area. One (1) additional dwelling unit may be located on the agricultural open space area, together with any customary, accessory farm buildings (other than new farm tenant dwellings).

(5) Lot area.

(A) The minimum net lot area per residential lot shall be six thousand five hundred (6,500) square feet.

(6) Lot coverage.

(A) No more than fifty percent (50%) of any lot is to be covered by buildings and parking areas.

(7) Public facilities.

(A) All lots in the residential subdivision shall be served by public water and sewer.

(8) Dwelling size.

(A) All dwellings in the residential subdivision shall have a minimum of two thousand (2,000) square feet of finished living area, exclusive of unfinished basements, garages, attics, porches, and the like.

(B) This minimum may be reduced to one thousand eight hundred (1,800) square feet on any lot with a minimum net lot area of nine thousand five hundred (9,500) square feet.

(9) Covenants.

(A) Covenants running to the benefit of the Maryland-National Capital Park and Planning Commission shall be recorded in the land records of Prince George's County. The covenants shall specify that the designated agricultural open space area shall be reserved for agricultural use in perpetuity. A copy of the proposed covenant shall be furnished to the Planning Board for concurrent review and approval with the site plan. A certification shall be

1 included on the record plat to the effect that the Agricultural Preservation Development
2 subdivision is subject to covenants.

3 (10) Other agricultural preservation programs.

4 (A) Agricultural Preservation Development shall not be permitted on properties
5 for which development rights have been sold under the program of the Maryland Agricultural
6 Land Preservation Foundation, or any other program of agricultural preservation.

7 (11) Other requirements.

8 (A) The requirements of the R-R Zone regarding yards, setbacks, frontage, and
9 lot width shall apply to the residential development.

10 (B) Individual lots, buildings, streets, and parking areas shall be designed and
11 situated to minimize loss of the most desirable agricultural land.

12 (c) **Site plan.**

13 (1) Prior to the issuance of a building, grading, or use and occupancy permit, or
14 approval of any preliminary plat of subdivision, a Detailed Site Plan shall be approved for all
15 uses and improvements in accordance with Part 3, Division 9, of this Subtitle.

16 (2) In addition to the information required by Part 3, Division 9, for Detailed Site
17 Plans, the following information shall be included for Plans for Agricultural Preservation
18 Development:

19 (A) Location of existing agricultural areas; and

20 (B) Location of areas of U.S.D.A. Soil Capability Classes I, II, and III, or
21 U.S.D.A. Woodland Groups 1 and 2.

22 (3) In addition to the findings required for the Planning Board to take action on the
23 Detailed Site Plan (Part 3, Division 9), the Planning Board shall also find that:

24 (A) The proposed development has been designed to maximize the preservation
25 of bona fide agricultural land; and

26 (B) The proposed development will not have a detrimental effect on adjacent
27 land uses.]
28

SECTION 4. BE IT FURTHER ENACTED that this Ordinance shall take effect on the date of its adoption.

Adopted this 10th day of August, 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.