

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

Bill No. _____ CB-66-2006

Chapter No. _____

Proposed and Presented by _____ Council Member Campos

Introduced by _____ Council Member Campos

Co-Sponsors _____

Date of Introduction _____ September 26, 2006

ZONING BILL

1 AN ORDINANCE concerning

2 Development District Overlay Zone

3 For the purpose of amending the Development District Standards for the D-D-O Zone under
 4 certain circumstances.

5 BY repealing and reenacting with amendments:

6 Sections 27-280, 27-548.19, 27-548.20, 27-548.22,

7 27-548.23, 27-548.25, and 27-548.26,

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 27-280, 27-548.19, 27-548.20, 27-
 16 548.22, 27-548.23, 27-548.25, and 27-548.26 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 18 are hereby repealed and reenacted with the following amendments: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 3. ADMINISTRATION.**

DIVISION 9. SITE PLANS.

Subdivision 2. REQUIREMENTS FOR CONCEPTUAL SITE PLANS.

Sec. 27-280. Appeal of Planning Board's decision.

(a) The Planning Board's decision on a Conceptual Site Plan or amendment of the Development District Standards for an approved Development District Overlay Zone may be appealed to the District Council upon petition by any person of record. The petition shall specify the error which is claimed to have been committed by the Planning Board and shall also specify those portions of the record relied upon to support the error alleged. The petition shall be filed with the Clerk of the Council within thirty (30) days after the date of the notice of the Planning Board's decision. The District Council may vote to review the Planning Board's decision on its own motion within thirty (30) days after the date of the notice.

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SUBTITLE 27. ZONING.

PART 10A. OVERLAY ZONES.

DIVISION 3. D-D-O (DEVELOPMENT DISTRICT OVERLAY) ZONE.

Sec. 27-548.19. Introduction.

The Development District Overlay Zone is intended to ensure that the development of land in a designated development district meets the goals established for the district in a Master Plan, Master Plan Amendment, or Sector Plan, and takes advantage of unique opportunities presented by the district. Development districts may be designated for town centers, Metro areas, commercial corridors, employment centers, revitalization areas, historic areas, and other special areas which are the subject of development recommendations in a Master Plan, Master Plan Amendment, or Sector Plan. The D-D-O Zone is a mapped zone which is superimposed by a Sectional Map Amendment (SMA) over other zones in a designated development district, and may modify development requirements within the underlying zones. In the Development District Overlay Zone, new development is generally subject to the approval of a Detailed Site Plan by the Planning Board. Detailed Site Plans are reviewed for compliance with development standards approved [in an SMA] by the District Council.

Sec. 27-548.20. Purposes.

(a) The specific purposes of the Development District Overlay Zone are:

(1) To provide a close link between Master Plans, Master Plan Amendments, or

Sector Plans and their implementation;

(2) To provide flexibility within a regulatory framework to encourage innovative design solutions;

(3) To provide uniform development criteria utilizing design standards approved or amended by the District Council;

(4) To promote an appropriate mix of land uses;

(5) To encourage compact development;

(6) To encourage compatible development which complements and enhances the character of an area;

(7) To promote a sense of place by preserving character-defining features within a community;

(8) To encourage pedestrian activity;

(9) To promote economic vitality and investment.

Sec. 27-548.22. Uses.

(a) The uses allowed on property in a Development District Overlay Zone shall be the same as those allowed in the underlying zone in which the property is classified, except as modified by Development District Standards approved [in a Sectional Map Amendment] by the District Council.

(b) Development District Standards may limit land uses or general use types allowed in the underlying zone where the uses are incompatible with, or detrimental to, the goals of the Development District and purposes of the D-D-O Zone. Development District Standards may not allow uses prohibited in the underlying zone, with the exception of Development District Standards of the Prince George's County Gateway Arts District D-D-O Zone, where the uses are compatible with the goals of the Prince George's County Gateway Arts District and purposes of the D-D-O Zone.

Sec. 27-548.23. Development District Standards.

(a) In general, Development District Overlay Zone regulations shall be the same as those in the underlying zone in which property is classified, except as modified by Development District Standards [approved in a Sectional Map Amendment] approved by the District Council, in a Sectional Map Amendment, or in a later amendment of adopted standards. The use of Development District Standards in each Development District Overlay Zone is intended to allow

flexibility in the development review process and foster high-quality development through application of design guidelines and standards which promote the purposes of the Master Plan, Master Plan Amendment, or Sector Plan.

(b) Development District Standards may modify density regulations only to meet the goals of the Development District and the purposes of the D-D-O Zone. Development District Standards may not permit density in excess of the maximum permitted in the underlying zone.

(c) The location, size, height, design, lot coverage of structures, parking and loading, signs, open space, and other regulations may be specified in the text, concept plans, and maps in the Development District Standards. The regulations in the underlying zone may be modified by the Development District Standards only to meet the goals of the Development District and the purposes of the D-D-O Zone.

(d) Landscaping, screening, and buffering of development shall conform to Landscape Manual requirements. Specific landscaping, screening, and buffering also may be required by the Development District Standards. Development District Standards may require specific landscaping, screening, and buffering, but only to meet the goals of the Development District and the purposes of the D-D-O Zone.

(e) The Master Plan, Master Plan Amendment, or Sector Plan may specify the location and size of proposed roads and transit facilities.

Sec. 27-548.25. Site Plan Approval.

(a) Prior to issuance of any grading permit for undeveloped property or any building permit in a Development District, a Detailed Site Plan for individual development shall be approved by the Planning Board in accordance with Part 3, Division 9. Site plan submittal requirements for the Development District shall be stated in the Development District Standards. The applicability section of the Development District Standards may exempt from site plan review or limit the review of specific types of development or areas of the Development District.

(b) In approving the Detailed Site Plan, the Planning Board shall find that the site plan meets applicable Development District Standards.

(c) If the applicant so requests, the Planning Board may apply development standards which differ from the [approved] Development District Standards, most recently approved or amended by the District Council, unless the Sectional Map Amendment text specifically provides otherwise. The Planning Board shall find that the alternate Development District

Standards will benefit the development and the Development District and will not substantially impair implementation of the Master Plan, Master Plan Amendment, or Sector Plan.

(d) Special Exception procedures shall not apply to uses within a Development District. Uses which would normally require a Special Exception in the underlying zone shall be permitted uses if the Development District Standards so provide, subject to site plan review by the Planning Board. Development District Standards may restrict or prohibit any such uses. The Planning Board shall find in its approval of the site plan that the use complies with all applicable Development District Standards, meets the general Special Exception standards in Section 27-317 (a)(1), (4), (5), and (6), and conforms to the recommendations in the Master Plan, Master Plan Amendment, or Sector Plan.

(e) If a use would normally require a variance or departure, separate application shall not be required, but the Planning Board shall find in its approval of the site plan that the variance or departure conforms to all applicable Development District Standards.

Sec. 27-548.26. Amendment of Approved Development District Overlay Zone.

(a) District Council.

(1) The following amendments to development requirements within the Development District may be initiated and approved by the District Council through the minor plan amendment procedure and concurrent Sectional Map Amendment process, in accordance with Part 13, Division 2, and Part 3, Division 4:

(A) Changes to the boundary of the D-D-O Zone; and

(B) Changes to the underlying zones or the list of allowed uses, as modified by the Development District Standards[;

(C) Any provision of the Development District Standards].

(2) The District Council may modify the Development District Standards under the following procedures. The District Council shall direct the Planning Board to prepare the amendment and shall specify which Development District Standards should be reviewed.

(A) For hearing procedures in general, the Planning Board and District Council shall follow the requirements in Part 3, Division 9, for Conceptual Site Plans as found in Sections 27-276(a)(1), (3), (4), (5), (6) (7); and 27-276(d). Review by the District Council shall follow the procedures in Section 27-280. Notice of the Planning Board's hearing shall be sent by first-class mail to all property owners within the area specified in the District

Council's direction;

(B) Planning Board staff must prepare a report and recommendation. The Planning Board shall hold a public hearing, file its decision with the Clerk of the Council, and send copies to persons of record of this amendment process within fifty (50) days of the receipt of the District Council's direction to the Planning Board;

(C) In order to approve an amendment of the Development District Standards the Planning Board shall make the following findings:

(i) The amendment is in compliance with the goals of the Development District; and

(ii) The amendment is in conformance with the purposes of the D-D-O Zone.

* * * * *

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

Adopted this ____ day of _____, 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.