

Case No: CBCA-1-99

Applicant: National Harbor Critical Area  
Overlay Zone

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

ZONING ORDINANCE NO. 10 - 1999

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, by approving an amendment to the Chesapeake Bay Critical Area Overlay Zone.

WHEREAS, the County Council of Prince George's County, Maryland, sitting as the District Council, adopted Council Resolution 82-1998 on October 28, 1998, to initiate the preparation of a Chesapeake Bay Critical Area Overlay Zoning Map Amendment by the Maryland-National Capital Park and Planning Commission for properties referred to as Area 1 and Area 2 at the proposed National Harbor development project, south of Oxon Hill Road on the Potomac River waterfront; and

WHEREAS, the Prince George's County Planning Board of the Maryland-National Capital Park and Planning Commission examined existing land use patterns, existing zoning, and proposed land uses in the Critical Area at National Harbor and proposed rezoning Area 1 and Area 2 in National Harbor to the Intense Development (I-D-O) Overlay Zone; and

WHEREAS, on March 11, 1999, the Planning Board held a duly-advertised public hearing, in accordance with Section 27-213.10 (a) of the Zoning Ordinance, to allow interested parties to examine and give testimony on the proposed Critical Area Map Amendment; and

WHEREAS, the Planning Board reviewed the public record, adopted a proposed rezoning of Area 1 in National Harbor from the Limited Development (L-D-O) Overlay Zone to the Intense Development (I-D-O) Overlay Zone, with a condition concerning Lot 8 of the Potomac Vista Subdivision, and a proposed rezoning of Area 2 from the Resource Conservation (R-C-O) Overlay Zone to the Intense Development (I-D-O) Overlay Zone, and transmitted a proposed Critical Area Map Amendment to the District Council on April 22, 1999; and

WHEREAS, on June 9, 1999, the District Council held a duly-advertised public hearing on the Critical Area Map Amendment transmitted by the Planning Board, in accordance with Section 27-213.11(a) of the Zoning Ordinance; and

WHEREAS, having reviewed the record, including the transmittal from the Planning Board and the testimony and exhibits submitted for the record on June 9 through June 14, 1999, the District Council has determined that the Critical Area Map Amendment proposed by the Planning Board should be approved, for the reasons recited by the Planning Board; and

WHEREAS, as the basis for this action, the District Council adopts as its findings of fact and conclusions of law the findings and conclusions of the Planning Board.

NOW THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. (a) The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby further amended by rezoning the property referred to as Area 1, a parcel of 5.1 acres south of Oxon Hill Road and east of the waterfront at National Harbor, as shown in CR-82-1998, from the Limited Development (L-D-O) Overlay Zone to the Intense Development (I-D-O) Overlay Zone.

(b) The rezoning of the Area 1 parcel is hereby approved subject to the following

condition:

That portion of Area 1 known as Lot 8, Potomac Vista Subdivision, shall be restricted to residential uses permitted in the R-R Zone.

SECTION 2. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby further amended by rezoning the property referred to as Area 2, a parcel of 8.7 acres south of Oxon Hill Road and south of the waterfront at National Harbor, as shown in CR-82-1998, from the Resource Conservation (R-C-O) Overlay Zone to the Intense Development (I-D-O) Overlay Zone.

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

Enacted this 6<sup>th</sup> day of July, 1999, by the following vote:

In Favor: Council Members Estep, Bailey, Hendershot, Shapiro and Wilson

Opposed: Council Members Gourdine, Maloney and Scott

Abstained: Council Member Russell

Absent:

Vote: 5-3-1

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: \_\_\_\_\_  
M. H. Jim Estepp  
Chairman

ATTEST:

\_\_\_\_\_  
Joyce T. Sweeney  
Clerk of the Council

Case No: CBCA-1-99

Applicant: National Harbor Critical Area  
Overlay Zone

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

FINAL CONDITIONAL ZONING APPROVAL

AN ORDINANCE to incorporate the owner's acceptance of conditional zoning and to grant final conditional zoning approval of an amendment to the Chesapeake Bay Critical Area Overlay Zone.

WHEREAS, the District Council in approving CBCA-1-99, to rezone the subject properties, Area 1 and Area 2 at National Harbor, from the Limited Development (L-D-O) Overlay Zone and the Resource Conservation (R-C-O) Overlay Zone to the Intense Development (I-D-O) Overlay Zone, attached a condition to the rezoning of Area 1; and

WHEREAS, the owner of the subject properties has duly consented in writing to the condition; and

WHEREAS, the District Council, having reviewed the administrative record and the owner's consent, deems it appropriate to accept the consent to the condition and to approval final conditional rezoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional zoning approval of CBCA-1-99 is hereby granted. The owner's written acceptance of the condition imposed at the time of initial conditional zoning approval is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

SECTION 2. Use of the subject properties as conditionally reclassified shall be subject to

all requirements in the applicable zones and to the requirements in the condition referred to above. Failure to comply with any stated condition shall constitute a zoning violation and shall be sufficient ground for the District Council to annul the rezoning, to revoke use and occupancy permits, to institute appropriate civil or criminal proceedings, or to take any other action deemed necessary to obtain compliance.

SECTION 3. This Ordinance shall take effect on July 19, 1999 , the date of receipt of acceptance by the owner of the condition imposed in Zoning Ordinance No. 10-1999.

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: \_\_\_\_\_  
M. H. Jim Estepp  
Chairman

ATTEST:

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Joyce T. Sweeney  
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