

## **Southern Green Line Development District Overlay Zone**

The Development District Overlay Zone (DDOZ) is superimposed over the Southern Green Line to ensure that the development of land meets goals and objectives of the sector plan. The development district standards are specifically intended to address new development and redevelopment proposals in the development district. The standards establish a consistent design framework to ensure quality in future development.

The development district standards follow and implement the recommendations of the Southern Green Line Sector Plan and SMA. Property owners and citizens consulting the standards should also review the goals and objectives of the sector plan, the Zoning Ordinance, and the *Landscape Manual* to have a full understanding of the regulations for property within the district.

### *Applicability and Administration*

Development in the Southern Green Line DDOZ is subject to the development district standards as detailed below. All new development and redevelopment of existing structures within the DDOZ should comply with the general intent and goals of the development district standards and the Southern Green Line sector plan. Development must show compliance with the development district standards during the detailed site plan process.

Section 27-107.01 of the Zoning Ordinance and this Development District Overlay Zone defines development as “Any activity that materially affects the condition or use of dry land, land under water, or any structure.” Redevelopment, rehabilitation, and renovation of existing structures are all forms of development.

Development district standards within this document replace comparable standards and regulations required by the Zoning Ordinance of Prince George’s County. Wherever a conflict between the Southern Green Line DDOZ and the Prince George’s County Zoning Ordinance or *Landscape Manual* occurs, the DDOZ shall prevail. For development standards not covered by the Southern Green Line DDOZ, the Zoning Ordinance and the *Landscape Manual* shall serve as the requirement as stated in Section 27-548.21. All development shall comply with all relevant federal, state, county, and local regulations and ordinances.

### *Exemptions from the Development District Standards*

The following are exemptions from the development district standards:

1. **Properties Zoned Mixed-Use Town Center (M-U-TC).** Properties within the Suitland Mixed Use Town Center (M-U-TC) boundaries are exempt from the development district standards and detailed site plan review. Properties zoned M-U-TC shall be developed in accordance with the Suitland M-U-TC development plan and the processes stated therein. However, the Southern

Green Line Tables of Uses Permitted may eliminate certain uses permitted within the M-U-TC Zone, and therefore supersede the use table of the Suitland M-U-TC development plan. See the Use Tables herein for specific use designations pursuant to this DDOZ in the M-U-TC Zone.

2. **Applicability Provisions for Parcels within ½ mile radius of entrance to the Branch Avenue Metro Station**

(A) Southern Green Line Station Area design requirements and limitations of the Development District Overlay Zone shall not be binding and shall be only advisory for property located within the Branch Avenue Metro Station Area, for which the subject property will be developed for a public building or public use, to be operated or occupied by any department or branch of federal or state government for public purposes, excluding warehouses; the public building or public use included in the project is subject to an executed lease, or letter of intent to enter into a lease, with a term of not less than 20 years; the total density of the public building or public use is a minimum of five-hundred thousand (500,000) square feet; and greater than fifty percent (50%) of its net lot area is located in the Branch Avenue Metro Station Area.

(B) Public utility uses or structures, including underground pipelines, electric power facilities or equipment, or telephone facilities or equipment; and railroad tracks or passenger stations, but not railroad yards, shall be permitted in all frontages in the Branch Avenue Metro Station Area, subject to the design standards of this DDOZ and the Sector Plan provided in this Section. These uses or structures shall be designed to be harmonious to the overall design and character of the DDOZ and the Sector Plan. All other public utility uses or structures, including major transmission and overhead distribution lines and structures, are prohibited in the Branch Avenue Metro Station Area.

(C) The design requirements and limitations of the the Development District Overlay Zone, and limitations on public utility uses or structures prescribed in this subsection shall?

(i) be only advisory and non-binding for applications to amend an approved Detailed Site Plan for property located in the Branch Avenue Metro Station Area, provided that such Detailed Site Plans are in a valid status as of the effective date of this DDOZ; and

(ii) be only advisory and non-binding for alteration, enlargement or extension of uses legally in existence in the Branch Avenue Metro Station Area as of the effective date of this DDOZ for which a Detailed Site Plan is sought.

3. **Other legally existing development within the DDOZ area.** Until a detailed site plan is submitted, all buildings, structures, and uses which were lawful or could be certified as a legal nonconforming use on the date of SMA approval are exempt from the development district standards and from detailed site plan review and are not nonconforming.

4. **Legally existing parking and loading.** Until a detailed site plan is submitted, all legally existing parking and loading spaces in the development district that were lawful and not nonconforming on the date of SMA approval are exempt from the development district standards and detailed site plan review, need not be reduced, and are not nonconforming.

5. **Single-family residential dwellings.** Additions to single-family residential dwellings are exempt from the development district standards and detailed site plan review, if the residential use continues.
6. **Multifamily development.** An addition to a multifamily residential structure that was lawful and not nonconforming on the date of SMA approval is exempt from the development district standards and detailed site plan review if the addition (and the accumulated sum of all additions since approval of the SMA) does not increase the gross floor area (GFA) by more than 15 percent or 750 square feet, whichever is less.
7. **Nonresidential development.** An addition to a nonresidential structure that was lawful and not nonconforming on the date of SMA approval is exempt from the development district standards and detailed site plan review, if the addition (and the accumulated sum of all additions since approval of the SMA) does not increase the GFA by more than 15 percent or 5,000 square feet, whichever is less.
8. **Parking facilities.** Resurfacing, restriping, or adding landscaping to parking facilities are exempt from the development district standards and detailed site plan review, if the parking facilities were lawful and not nonconforming on the date of SMA approval.
9. **Nonconforming Buildings, Structures, and Uses.**
  - a. Changes in ownership of a certified nonconforming use or a use that was lawful or could be certified as a legal nonconforming use on the date of SMA approval shall be permitted subject to the provisions of Section 27-241 and, in the case of property within the DDOZ that is zoned M-U-TC, subject to the requirements of Parts 3 and 10 of the Zoning Ordinance.
  - b. Restoration or reconstruction of a nonconforming building or structure, or a certified nonconforming use, is exempt from the development district standards and from detailed site plan review if it meets the requirements of Section 27-243(a)(1) of the Zoning Ordinance.
  - c. Except for improvements listed in 10. **General** below, a property owner may not expand a certified nonconforming use unless a detailed site plan is approved with findings that the expansion is compatible with adjacent uses and meets the goals of the sector plan.
10. **General.** The following are exempt from the development district standards and detailed site plan review if the existing or proposed use is permitted:
  - a. Permits for alteration or rehabilitation, with no increase in the existing gross floor area.
  - b. Canopies.
  - c. Fences of six feet in height or less for rear and side yards and made of wood or masonry (not concrete block) are exempt. Fences and walls in the front yard that are four feet in height or less and made of wood or masonry (not concrete block) are exempt.
  - d. Decks.
  - e. Ordinary maintenance.
  - f. Changes in use or occupancy.

g. Changes in ownership.

11. **Signs.** Signs in a development requiring a detailed site plan will be reviewed in the detailed site plan process. Signs for development not otherwise requiring a detailed site plan will be reviewed in the permit review process for compliance with the development district standards.
- a. Refacing of an existing sign with no increase in sign area or increase in the height of freestanding signs is exempt from the development district standards.
  - b. Certain public signs are exempt from the development district standards in accordance with Section 27-602 of the Zoning Ordinance.

**12. Additional exemptions for existing uses.**

All uses lawfully existing at the time of approval of the SMA located within a building legally constructed before January 1, 1983, shall be deemed permitted uses and shall not be nonconforming. Such uses may be altered, enlarged, or extended without an approved detailed site plan, provided the alteration, enlargement, or extension does not increase the gross floor area by more than 15% percent, or 5,000 square feet, whichever is less. A valid use and occupancy permit must be continuously maintained for the use from the time of the SMA approval, and may continue to be permitted during the sale or transfer of business ownership or control of the use, provided that a valid use and occupancy permit for that use is continuously maintained.

For integrated shopping centers lawfully existing at the time of the SMA and legally constructed before January 1, 1983, such uses shall be permitted uses and shall not be deemed nonconforming.

Gas stations lawfully existing at the time of the SMA and legally constructed before January 1, 1983, shall be deemed permitted uses and shall not be nonconforming, provided that there is no vehicle repair service use on the site. Such uses may be altered, enlarged, or extended with an approved detailed site plan.

*Site Plan Submittal Requirements*

- a. *Site Plan Submittal Requirements for Development within one-half mile radius from any entrance to the Branch Avenue Metro Station.*

*M-X-T flexibility for TOD parcels not in the M-X-T zone*

As of the effective date of this DDOZ, conditioned on approval of a Detailed Site Plan and compliance with the provisions of this DDOZ and other applicable provisions of the Zoning Ordinance for M-X-T zoned projects (provided such provisions do not conflict with this DDOZ), a development project not located in the M-X-T zone, but located in the Branch Avenue Metro Station Area, is entitled to the uses of the M-X-T zone.

Exceptions: The provisions of this subsection shall

- (i) not apply to a development project for which an amendment to an approved Detailed Site Plan is sought if such Detailed Site Plan is in a valid status as of the effective date of this DDOZ;
- (ii) not apply to buildings or structures legally in existence as of the effective date of this DDOZ; and

(iii) not apply to property in a residential zone (as defined in Section 27-109(a)(1) of the Code) as of the effective date of this DDOZ. Applications to rezone property in a residential zone to the M-X-T zone in the Branch Avenue Metro Station Area are compatible and consistent with the purposes and goals of this DDOZ and the Southern Green Line Station Area Sector Plan and SMA subject to the provisions of Section 27-213 of the Code.

*Exemption for certain public projects at Branch Avenue Metro Station*

Southern Green Line Station Area design requirements and limitations of the Development District Overlay Zone shall not be binding and shall be only advisory for property located within the Branch Avenue Metro Station Area, for which the subject property will be developed for a public building or public use, to be operated or occupied by any department or branch of federal or state government for public purposes, excluding warehouses; the public building or public use included in the project is subject to an executed lease, or letter of intent to enter into a lease, with a term of not less than 20 years; the total density of the public building or public use is a minimum of five-hundred thousand (500,000) square feet; and greater than fifty percent (50%) of its net lot area is located in the Branch Avenue Metro Station Area.

Public utility uses or structures, including underground pipelines, electric power facilities or equipment, or telephone facilities or equipment; and railroad tracks or passenger stations, but not railroad yards, shall be permitted in all frontages in the Branch Avenue Metro Station Area, subject to the design standards of this DDOZ and the Sector Plan provided in this Section. These uses or structures shall be designed to be harmonious to the overall design and character of the DDOZ and the Sector Plan. All other public utility uses or structures, including major transmission and overhead distribution lines and structures, are prohibited in the Branch Avenue Metro Station Area.

The design requirements and limitations of the the Development District Overlay Zone, and limitations on public utility uses or structures prescribed in this subsection shall?

(i) be only advisory and non-binding for applications to amend an approved Detailed Site Plan for property located in the Branch Avenue Metro Station Area, provided that such Detailed Site Plans are in a valid status as of the effective date of this DDOZ; and

(ii) be only advisory and non-binding for alteration, enlargement or extension of uses legally in existence in the Branch Avenue Metro Station Area as of the effective date of this DDOZ for which a Detailed Site Plan is sought.

***b. Site Plan Submittal Requirements for all other Development within the DDOZ.***

Unless otherwise specified herein, the detailed site plan submittal requirements for the Southern Green Line Development District are intended to supplement those required by Part 3, Division 9, of the Zoning Ordinance. In addition, all site plan applications should be designed in accordance with the land use recommendations of the sector plan.

Other pertinent information required for detailed site plan submittals as per Section 27-282(e)(20) shall include:

- Architectural elevations in full color.
- Street and streetscape sections.

- Build-to lines.
- A parking schedule and plan.
- A list of all applicable development district standards, as well as a list of standards that have not been fulfilled and explanations as to why they have not been fulfilled, in the form of a signed and dated justification statement.

### *Uses*

The Southern Green Line Development District includes properties classified in the O-S, R-O-S, R-R, R-80, R-55, R-30, R-30C, R-35, R-18, R-T, R-10, R-10A, C-O, C-M, C-S-C, I-1, I-3, M-X-T, and M-U-TC Zones. The uses allowed on these properties shall be the same as those allowed in the underlying zone in which the property is classified, except as modified by the use tables contained herein.

Certain uses have been modified by the development district standards in accordance with Sections 27-548.22(b) and 27-548.25(d) of the Zoning Ordinance to limit uses that are incompatible with, or detrimental to, the goals of the development district and purposes of the D-D-O Zone and to eliminate the need for special exceptions, which shall not apply to uses within a development district. Please refer to the table of uses provided herein for specific use designations within the sector plan area.

Uses that would normally require a special exception in the underlying zone are 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 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 sector plan. These uses have been identified with the notation “P\*” within the tables of uses permitted. Development district standards may not allow uses prohibited in the underlying zone.

It should be noted that the Southern Green Line Station Area Development District makes a distinction between uses within the overall development district boundaries and those uses located on any parcel wholly or in part within a one-half mile radius of any entrance to the Branch Avenue Metro Station. Generally, uses on parcels wholly or in part within a one-half mile radius of any entrance to the Branch Avenue Metro Station are more restrictive than elsewhere in the development district in order to implement the county and sector plan’s vision of Branch Avenue as a priority for transit-oriented development. Accordingly, the tables of uses permitted within the Southern Green Development District are designed specifically to incorporate this distinction.

### *Development District Standards*

Modification of the development district standards is permitted through the process described in Section 27-548.25(c) of the Zoning Ordinance. “If the applicant so requests, the Planning Board may apply development standards which differ from the approved Development District Standards, unless the Sectional Map Amendment provides otherwise. The Planning Board shall find that the alternative

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.”

Per Section 27-548.26 of the Zoning Ordinance, there are two types of amendments that are required to be heard by the District Council: changes to the boundary of the DDOZ and changes to the underlying zones and to the list of permitted uses. These amendment requests may be in the form of a conceptual or detailed site plan.

Equivalent or better practices and products than those specified are always encouraged and may be submitted for approval.

As set forth in Section 27-108.01(a)(15) of the Zoning Ordinance, “The words ‘including’ and ‘such as’ do not limit a term to the specified examples, but are intended to extend its meaning to all other instances or circumstances of like kind or character.” As set forth in Section 27-108.01(a)(19) of the Zoning Ordinance, “The words ‘shall,’ ‘must,’ ‘may only,’ or ‘may not’ are always mandatory and not discretionary. The word ‘may’ is permissive.” The word “should” is also construed as a permissive term and provides guidance on the intended development character.

Except as modified or referenced by the development district standards, the provisions of the *Landscape Manual* regarding alternative compliance and buffering incompatible uses do not apply within the development district. All other standards and regulations of the *Landscape Manual* apply as necessary.

Development proposals evaluated under these regulations should be measured against the general intent and desired character for the Southern Green Line Development District as established in the sector plan.