

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**SITTING AS THE DISTRICT COUNCIL**  
**1998 Legislative Session**

Bill No. \_\_\_\_\_ CB-57-1998

Chapter No. \_\_\_\_\_

Proposed and Presented by \_\_\_\_\_ Council Member Maloney

Introduced by \_\_\_\_\_

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_

**ZONING BILL**

1 AN ORDINANCE concerning

2 Mixed Use Community (M-X-C) Zone

3 For the purpose of restricting the rezoning of property to the M-X-C Zone and strengthening the  
 4 existing M-X-C Zone regulations.

5 BY repealing and reenacting with amendments:

6 Sections 27-199, 27-213, 27-546.03, 27-546.04, 27-546.05,  
 7 27-546.06, and 27-547,

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 (1995 Edition, 1996 Supplement, as amended by CB-13-1997,  
 13 CB-15-1997, CB-44-1997 and CB-103-1997).

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 27-199, 27-213, 27-546.03, 27-  
 17 546.04, 27-546.05, 27-546.06, and 27-547 of the Zoning Ordinance of Prince George's County,  
 18 Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are  
 19 hereby repealed and reenacted with the following amendments:

20 **SUBTITLE 27. ZONING.**

**PART 3. ADMINISTRATION.**

**DIVISION 1. GENERAL ZONING PROCEDURES.**

**Subdivision 4. M-X-T and M-X-C Zones.**

**Sec. 27-199. Applications.**

**(a) General.**

(1) An application for a Zoning Map Amendment to a Mixed Use Zone shall be filed with the Planning Board by the owner (or authorized representative) of the property. The District Council may suspend the filing of applications for up to one (1) year, if it determines that it is appropriate for any statutory zoning purpose.

(2) No application may be filed for the M-X-C Zone (including extending existing zones) after July 1, 1998. [shall be filed requesting more than one (1) zone.]

(3) All applications shall be on the forms provided. All information shall be typed, except for signatures.

\* \* \* \* \*

**(c) Other submission requirements.**

(1) Along with the application, the applicant shall submit the following:

\* \* \* \* \*

(H) For the M-X-T Zone, supporting evidence which shows whether the proposed development will exceed the capacity of transportation facilities that are existing, are under construction, or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program and/or within the current State Consolidated Transportation Program;

(I) For the M-X-C Zone, supporting evidence which shows that the transportation facilities (including streets and public transit) which are existing, under construction, or which are funded for construction in an approved County Capital Improvement Program and/or in an approved current State Consolidated Transportation Program [provided for in an adopted and approved Master Plan or the General Plan, or which will be otherwise provided,] will be adequate to carry anticipated traffic. As used herein funded for construction means that sufficient funds to complete the project have been appropriated by the Council or the General Assembly, as the case may be, with respect to operating budgets or that the issuance of bonds sufficient to complete the project has been authorized.

(J) Any other data or explanatory material deemed necessary by the District Council, Zoning Hearing Examiner, or the Planning Board (submitted in triplicate);

(K) For the M-X-C Zone, fifteen (15) copies of a Preliminary Development Plan for the property. The Preliminary Development Plan shall include a generalized drawing or series of drawings, generally of a scale not less than one (1) inch equals four hundred (400) feet, illustrating the proposed development with accompanying descriptive material setting forth:

\* \* \* \*

(iii) A statement of the number of acres within the application intended to be devoted to:

(aa) Residential Areas, broken down into the number of acres to be used for each of the following specific Residential Use Areas:

Single-Family - Low Density;

Single-Family - Medium Density;

Other Residential;

(bb) Nonresidential Areas; and

(cc) Community Use Areas.

**Sec. 27-213. Map Amendment approval; amendments.**

**(b) Criteria for approval of the M-X-C Zone.**

(1) The District Council shall only place land in the M-X-C Zone if the following criteria are met:

(A) The application, including the Preliminary Development Plan, shall conform to the specific recommendation of a General Plan Map or Area Master Plan Map, or the principles and guidelines of the plan text which address the design and physical development of the property, and recommends that the area be developed in a comprehensive manner in a planned community that results in distinct neighborhoods or villages.

(B) Transportation facilities (including streets and public transit) which are existing, under construction, or which are funded for construction in an approved County Capital Improvement Program and/or in an approved current State Consolidated Transportation Program [provided for in an adopted and approved Master Plan or the General Plan, or which will be otherwise provided,] will be adequate to carry anticipated traffic. As used herein funded for construction means that sufficient funds to complete the project have been appropriated by the

1 Council or the General Assembly, as the case may be, with respect to operating budgets or that  
 2 the issuance of bonds sufficient to complete the project has been authorized.

3 (C) Other private and public facilities (such as [schools,] recreation areas, water  
 4 and sewerage systems, libraries, and fire stations) which are existing, under construction, or  
 5 which are provided for in an adopted and approved Master Plan or the General Plan, or which  
 6 will be otherwise provided, will be adequate for the uses proposed.

7 (D) An application for the M-X-C Zone may not be approved unless a  
 8 preponderance of the supporting evidence demonstrates that the public schools serving the  
 9 project are adequate to meet the enrollment which will be generated by the project. The term  
 10 "adequate" is defined herein as it is used in the provisions of Subtitle 24 relating to adequacy of  
 11 school facilities.

12 ~~[(D)]~~(E) The land for which the approval of the M-X-C Zone is requested is not  
 13 currently zoned O-S (Open Space) or R-A (Residential-Agricultural), unless the land in the R-A  
 14 Zone was intended for staged future development.

15 (2) In approving a rezoning to the M-X-C Zone, the District Council shall also make  
 16 the following findings:

17 (A) The proposed plan represents a mix of uses which will support and  
 18 complement the development of a balanced community;

19 (B) The proposed plan is in conformance with the purposes and other provisions  
 20 of Part 10, Division 2, of this Subtitle;

21 (C) The location and size of the neighborhood center or centers are adequate to  
 22 create a distinct focal point for the community and to foster a strong sense of community identity  
 23 and participation;

24 (D) The open space network is sufficient to provide for the recreational and  
 25 scenic needs of the residents, is well distributed throughout the overall development, and is  
 26 superior to what could be achieved under conventional development regulations;

27 (E) The open space network is designed to preserve the most sensitive and  
 28 valuable environmental features;

29 (F) The character of the land within the development is suitable for the uses  
 30 proposed;

(G) The proposed development plan incorporates design and planning techniques which will make it compatible with existing and proposed development in the vicinity; and

(H) The amount of land proposed to be used for commercial activities is adequate to serve the residents of the community.

(I) The proposed uses are compatible with the actual uses which are existing at the time of rezoning in the neighborhood surrounding the application.

(3) Upon granting an application to rezone property to the M-X-C Zone, the District Council shall also approve a Preliminary Development Plan for all of the land included within the application.

\* \* \* \* \*

**(g) Amendments to a Preliminary Development Plan.**

**(1) Primary Amendments.**

(A) All primary amendments of approved Preliminary Development Plans shall be made in accordance with the provisions for initial approval of the Plan. They shall be deemed a rezoning of the land and shall be subject to the same procedures and the same criteria as the original rezoning.

**PART 10. MIXED USE ZONES.**

**DIVISION 2. SPECIFIC MIXED USE ZONES.**

**Subdivision 2. M-X-C (Mixed Use Community)**

**Sec. 27-546.03. Uses.**

(a) The uses allowed in the M-X-C Zone are as provided for in the Table of Uses (Division 3 of this Part).

(b) Each Preliminary Development Plan in the M-X-C Zone shall comply with the following minimum and maximum requirements for use areas:

	<i>Minimum Percentage of Gross Area of the Zone</i>	<i>Maximum Percentage of Gross Area of the Zone</i>
Community Use Areas	30%	N/A
Single-Family - Low Density Residential	[10%] <u>15%</u>	N/A
Single-Family - Medium Density Residential	20%	N/A

Other Residential	N/A	15%
In no event shall the number of townhouses exceed 25% of the total number of dwellings in the Zone		
<u>In no event shall the number of multifamily dwellings exceed 5% of the total number of dwellings in the Zone</u>		
Nonresidential Areas:		
In no event shall service or trade uses exceed 10% of the gross area of the Zone	5%	[20%] <u>15%</u>

(c) Single-Family Areas.

(1) Other uses which may be allowed in these areas are home occupations, day care centers, [group homes,] tourist homes, churches, and other similar uses, as provided for in Section 27-547. All permitted uses other than one-family detached dwellings shall be approved as part of the textual material for the Comprehensive Sketch Plan and the Final Development Plan. No dwelling units other than one-family detached shall be allowed in this area.

(d) Other Residential Areas.

(1) Other uses which may be allowed in these areas are home occupations, day care centers, [group homes,] tourist homes, churches, and other similar uses, as provided for in Section 27-547. All permitted uses other than one-family detached dwellings shall be approved as part of the textual material for the Comprehensive Sketch Plan and the Final Development Plan. One-family detached dwelling units are permitted in this area.

**Sec. 27-546.04. Other regulations.**

(e) The regulations concerning Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual shall apply within the M-X-C Zone. Section 4.7 of the Landscape Manual shall [not] apply to contiguous uses within the boundaries of the M-X-C Zone[, but shall apply] and along the exterior boundaries of the M-X-C Zone where a use within the M-X-C Zone is contiguous to a use which is outside the zone.

**Sec. 27-546.05. Comprehensive Sketch Plan.**

\* \* \* \* \*

**(d) Planning Board Action.**

(1) The Planning Board shall hold a public hearing prior to the approval of a Comprehensive Sketch Plan. Anyone who was a person of record in any Zoning Map Amendment or Special Exception as described in Part 2, Division 2, and Part 3 of this Subtitle, respectively, or other zoning matters pertaining to the property, as of January 1, 1994, but not more than ten (10) years prior to the filing of the application, shall be sent notice of the filing of the application. This notice shall inform the person of record in the previous application(s) of the procedure for becoming a person of record in the pending application and the necessity for becoming a person of record in the pending application in order to maintain standing to participate. The failure of the previous person of record to receive the notice shall not invalidate the approval of the Comprehensive Sketch Plan. As used herein, the term "other zoning matters" shall be limited to Detailed Site Plans, Comprehensive Sketch Plans, and Final Development Plans.

(2) Prior to approving a Comprehensive Sketch Plan, the Planning Board shall find that:

(A) The proposed Comprehensive Sketch Plan is generally consistent with the approved Preliminary Development Plan;

(B) The proposed plan is in conformance with the purposes and other provisions of this Division;

(C) The proposed plan incorporates design and planning techniques that will make it compatible with existing and proposed development in the vicinity;

(D) The neighborhood center, if the subject application includes this element, is of sufficient size and proposes a mix of uses and a physical design that will create a distinct focal point for the community;

(E) The pedestrian system is convenient and is comprehensively planned to encourage pedestrian activity, especially in proximity to the neighborhood center;

(F) The overall design, mix of uses, and other improvements reflect a cohesive development of continuing quality and stability, while allowing for effective integration of subsequent phases;

(G) Transportation facilities which are existing, under construction, [included] or which are funded in [the adopted] an approved County Capital Improvement Program and/or in an approved current State Consolidated Transportation Program, [or will be otherwise provided,] will be adequate to carry anticipated traffic[;]. As used herein funded for construction means that sufficient funds to complete the project have been appropriated by the Council or the General Assembly, as the case may be, with respect to operating budgets or that the issuance of bonds sufficient to complete the project has been authorized.

(H) The public schools serving the project are adequate to meet the enrollment which will be generated by the project. The term "adequate" is defined herein as it is used in the provisions of Subtitle 24 relating to adequacy of school facilities.

(3) An approved Comprehensive Sketch Plan shall remain valid indefinitely.

\* \* \* \* \*

#### **Sec. 27-546.06. Final Development Plan.**

\* \* \* \* \*

##### **(d) Planning Board action.**

(1) The Planning Board shall hold a public hearing prior to the approval of a Final Development Plan. Anyone who was a person of record in any Zoning Map Amendment or Special Exception as described in Part 2, Division 2, and Part 3 of this Subtitle, respectively, or other zoning matters pertaining to the property, as of January 1, 1994, but not more than ten (10) years prior to the filing of the application, shall be sent notice of the filing of the application. This notice shall inform the person of record in the previous application(s) of the procedure for becoming a person of record in the pending application and the necessity for becoming a person of record in the pending application in order to maintain standing to participate. The failure of the previous person of record to receive the notice shall not invalidate the approval of the Final Development Plan. As used herein, the term "other zoning matters" shall be limited to Detailed Site Plans, Comprehensive Sketch Plans, and Final Development Plans.

(2) Prior to approving a Final Development Plan, the Planning Board shall make the following findings:

- (A) The proposed plan generally conforms to the Comprehensive Sketch Plan;
- (B) The overall design, mix of uses, and other improvements reflect a cohesive development of continuing quality and stability, while allowing for effective integration of



subsequent phases;

(C) Transportation facilities (including streets and public transit), which are existing; which are under construction; or [for] which are funded in an approved [one hundred percent (100%) of the construction funds are allocated within the adopted] County Capital Improvement Program, and/or within [the] an approved current State Consolidated Transportation Program, [or will be otherwise provided,] will be adequate to carry anticipated traffic. As used herein funded for construction means that sufficient funds to complete the project have been appropriated by the Council or the General Assembly, as the case may be, with respect to operating budgets or that the issuance of bonds sufficient to complete the project has been authorized.

(D) The public schools serving the project are adequate to meet the enrollment which will be generated by the project. The term "adequate" is defined herein as it is used in the provisions of Subtitle 24 relating to adequacy of school facilities.

(3) An approved Final Development Plan shall remain valid indefinitely.

\* \* \* \* \*

**DIVISION 3. USES PERMITTED.**

**Sec. 27-547. Uses permitted.**

\* \* \* \* \*

**(b) TABLE OF USES**

<i>USE</i>	<i>ZONE</i>	
	<i>M-X-T</i>	<i>M-X-C</i>
<b>(1) COMMERCIAL:</b>		
[All Types] Offices [and Research]	P	[P] <u>X</u>
Banks, savings and loan association, or other savings or lending institution	P	P
Data processing facilities	P	P
Eating or Drinking Establishments	P	P
Offices (may include a private spa in a medical practitioner's office or medical clinic)	P	P

1	Research, development, and testing laboratory (may include	P	[ P <sup>6</sup> ] <u>X</u>
2	testing facilities and equipment), medical or dental laboratory		
3			
4	* * * *		*
5			
6	Valet shop	P	P
7			
8	Variety or dry goods store, <u>excluding pawnshops</u>	P	X
9			
10	Veterinary clinic	P	P
11			
12	* * * *		*
13			
14	(4) <b>MISCELLANEOUS:</b>		
15			
16	Accessory structures and uses	P	P
17			
18	Cemetery, accessory to a church, convent, or monastery <sup>5</sup>	P	P
19			
20	Home occupations (except in multifamily dwellings)	P	P
21			
22	Mobile home, with use for which amusement taxes	P	X
23	collected <sup>2</sup>		
24			
25		<b>ZONE</b>	
26	<b>USE</b>	<b>M-X-T</b>	<b>M-X-C</b>
27			
28	Other uses of appropriate size, which can be justified as	P	[P] <u>X</u>
29			
30	* * * *		*
31			
32	(7) <b>RESIDENTIAL/LODGING:</b>		
33			
34	Country inn	P	P
35			
36	Dwellings, all types (except mobile homes)	P <sup>7</sup>	[P] <u>X</u>
37			
38	<u>Dwellings, as defined elsewhere in the M-X-C Zone</u>	<u>X</u>	<u>P</u>
39			
40	Group residential facility for up to 8 mentally handicapped	P	[P] <u>X</u>
41	dependent persons		
42			
43	Hotel or motel	P	[P] <u>X</u>
44			
45	* * * *		*
46			

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

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: \_\_\_\_\_  
Ronald V. Russell  
Chairman

ATTEST:

\_\_\_\_\_  
Joyce T. Sweeney  
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.