

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2021 Legislative Session

Bill No. CB-059-2021

Chapter No. _____

Proposed and Presented by Council Member Davis

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 R-S Zone—Commercial Recreational Attraction Mixed Use Center

3 For the purpose of permitting Commercial Recreational Attraction Mixed Use Center uses in the
4 R-S (Residential Suburban) Zone of Prince George’s County, subject to Special Exception
5 approval; and providing procedures for the amendment of a Special Exception approved for said
6 use.

7 BY repealing and reenacting, with amendments:

8 Sections 27-325 and 27-515,
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 (2019 Edition; 2020 Supplement).

14 BY adding:

15 Section 27-342.01,
16 The Zoning Ordinance of Prince George’s County, Maryland,
17 being also
18 SUBTITLE 27. ZONING.
19 The Prince George’s County Code
20 (2019 Edition, 2020 Supplement).

1 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
2 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
3 District in Prince George's County, Maryland, that Sections 27-325 and 27-515 of the Zoning
4 Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's
5 County Code, be and the same are hereby repealed and reenacted with the following
6 amendments:

7 **SUBTITLE 27. ZONING.**

8 **PART 4. SPECIAL EXCEPTIONS.**

9 **DIVISION 1. ADMINISTRATIVE PROCEDURES.**

10 **SUBDIVISION 10. AMENDMENTS OF APPROVED SPECIAL EXCEPTIONS.**

11 **Sec. 27-325. Minor changes.**

12 (a) Minor changes, in general.

13 (1) The Planning Board and Planning Director are authorized to approve minor
14 changes to site plans for approved Special Exceptions, as provided in this Section. The Director
15 may authorize staff to take any action the Director may take under this Section.

16 (2) The Planning Board is authorized to grant the minor changes listed in this Section,
17 and any variance requested in conjunction with the minor change. The minor change request
18 shall be in the form of an application filed with the Planning Board. The contents of the
19 application shall be determined by the Planning Board. Along with filing the application, the
20 applicant shall submit a revised site plan, and shall pay the required fee. The Planning Board
21 shall hold a hearing on the request in accordance with the Rules of Procedure established by the
22 Planning Board. The Planning Board's decision shall be in the form of a resolution. A copy of the
23 resolution shall be sent to all persons of record and the Clerk of the Council.

24 (3) If the change is approved, the revised site plan shall be made a part of the record of
25 the original application.

26 (4) The revised site plan shall comply with all applicable requirements of this Subtitle,
27 and with any conditions, relating to the use, imposed in the approval of the Special Exception or
28 of any applicable Zoning Map Amendment, subdivision plat, or variance.

29 * * * * *

30 (o) Changes of Commercial Recreational Attraction Mixed Use Center site plans.

31 (1) The Planning Board may approve the following modifications, following the

1 procedures in Subsection (a) of this Section, above:

2 (A) Changes required as the result of an approval of a Preliminary Plan of
3 Subdivision;

4 (B) Changes required by engineering necessity to grading, utilities, stormwater
5 management, or related plan elements;

6 (C) New or alternative architectural plans that are equal or superior to those
7 originally approved, in terms of the quality of exterior building materials and architectural detail;

8 or

9 (D) Changes to any other plan element determined to be consistent with the
10 overall design layout, quality, or intent of the approved special exception site plan.

11 (2) The Planning Board's decision shall be sent to all persons of record in the hearing
12 before the Planning Board, and to the District Council. This decision may be appealed to the
13 District Council upon petition by any person of record. The petition shall be filed with the Clerk
14 of the Council within thirty (30) days after the date of the notice of the Planning Board's
15 decision. The District Council may vote to review the Planning Board's decision on its own
16 motion within thirty (30) days after the date of the notice. The Clerk of the Council shall notify
17 the Planning Board of any appeal or review decision. Within seven (7) calendar days after
18 receiving this notice, the Planning Board shall transmit to the District Council a copy of all
19 written evidence and materials submitted for consideration by the Planning Board and a
20 transcript of the public hearing on the revised plan. The District Council shall schedule a public
21 hearing on the appeal or review. Testimony at the hearing shall be limited to the facts and
22 information contained within the record made at the hearing before the Planning Board. Within
23 sixty (60) days after the close of the Council's hearing, the Council shall affirm, reverse, or
24 modify the decision of the Planning Board, or return the revised plan to the Planning Board to
25 take further testimony or reconsider its decision. Where the Council approves a revised site plan,
26 it shall make the same findings which are required to be made by the Planning Board. If the
27 Council fails to act within the specified time, the Planning Board's decision is automatically
28 affirmed. The Council shall give its decision, in writing, stating the reasons for its action. Copies
29 of the decision shall be sent to all persons of record and the Planning Board.

PART 8. COMPREHENSIVE DESIGN ZONES.

DIVISION 3. USES PERMITTED.

Sec. 27-515. Uses permitted.

(b) TABLE OF USES.

USE	ZONE								
	M-A-C	L-A-C	E-I-A	R-U	R-M	R-S	R-L	V-L	V-M
(4) MISCELLANEOUS:									
* * * * *	*	*	*	*	*	*	*	*	*
Commercial Recreational Attraction Mixed Use Center uses, in accordance with Section 27-342.01	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>SE</u>	<u>X</u>	<u>X</u>	<u>X</u>
* * * * *	*	*	*	*	*	*	*	*	*

1 SECTION 2. BE IT FURTHER ENACTED that Section 27-342.01 of the Zoning
2 Ordinance be and the same is hereby added:

3 **SUBTITLE 27. ZONING.**

4 **PART 4. SPECIAL EXCEPTIONS.**

5 **DIVISION 3. ADDITIONAL REQUIREMENTS FOR SPECIFIC SPECIAL**
6 **EXCEPTIONS.**

7 **Sec. 27-342.01. Commercial Recreational Attraction Mixed Use Centers.**

8 (a) A commercial recreational attraction mixed use center may be permitted, subject to the
9 following criteria:

10 (1) Standards.

11 (A) The property proposed for a commercial recreational attraction mixed use
12 center shall be contiguous to land on which a commercial recreational attraction special
13 exception has been approved for property zoned R-S. The provisions of Part 4 of this Subtitle
14 shall govern the use, the site plan, and any revisions thereto in lieu of the provisions of Part 8 of
15 this Subtitle.

16 (B) The property shall have frontage on, and direct vehicular access to, a street
17 with sufficient capacity to accommodate the traffic generated by the project. The applicant shall
18 submit a traffic analysis indicating the anticipated traffic volume expected to be generated by the
19 project, and the impact of the traffic upon external streets.

20 (2) Site plan.

21 (A) In addition to the requirements of Section 27-296(c), the site plan shall set
22 forth the proposed traffic circulation patterns.

23 (3) Regulations.

24 (A) Regulations restricting the height of structures, lot size and coverage,
25 frontage, setbacks, density, dwelling unit types, and other requirements of the specific zone in
26 which the use is proposed shall not apply to uses and structures provided for in this Section. The
27 special exception site plan shall include the development standards for any single family attached
28 or detached dwelling units included within the development. The dimensions and percentages
29 shown on the approved site plan shall constitute the regulations for a given Special Exception.

30 (B) The subject property shall contain at least twenty (20) contiguous acres.

31 (4) Uses. The special exception site plan shall include a list of the retail and

1 residential uses permitted within the center. Only those uses which appear on an approved site
2 plan shall be permitted within the commercial recreational attraction mixed use center. The
3 District Council may only approve those uses which provide a harmonious, balanced mix of
4 retail and residential uses which support development of a mixed-use center.

5 SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five
6 (45) calendar days after its adoption.

Adopted this ____ day of _____, 2021.

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: _____
Calvin S. Hawkins, II
Chair

ATTEST:

Donna J. Brown
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.