

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2013 Legislative Session

Bill No. CB-72-2013
 Chapter No. _____
 Proposed and Presented by The Chair (by request – Planning Board)
 Introduced by _____
 Co-Sponsors _____
 Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Bedroom Percentages

3 For the purpose of deleting bedroom percentage requirements and amending regulations for
 4 Residential Revitalization.

5 BY adding/repealing/repealing and reenacting with amendments:

6 Sections 27-107.01, 27-125.02, 27-303, 27-323, 27-351, 27-382,
 7 27-419, 27-434, 27-435, 27-436, 27-437, 27-438, 27-439, 27-440,
 8 27-441, 27-445.10, and 27-461

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 (2011 Edition).

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 27-107.01, 27-125.02, 27-303,
 17 27-323, 27-351, 27-382, 27-419, 27-434, 27-434, 27-436, 27-437, 27-438, 27-439, 27-440,
 18 27-441, 27-445.10 and 27-461 of the Zoning Ordinance of Prince George's County, Maryland,
 19 being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed
 20 and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 2. GENERAL.

DIVISION 1. DEFINITIONS.

Sec. 27-107.01. Definitions.

(a) Terms in the Zoning Ordinance are defined as follows:

* * * * *

[(24)**Bedroom Percentages:** The percentage of "Dwelling Units" in a "Multifamily Dwelling" or project which are "Efficiency Apartments" or contain a given number of "Bedrooms."]

* * * * *

(75)**Dwelling, Multifamily:** A "Building" (other than a "Three-Family Dwelling") containing three (3) or more "Dwelling Units"; an "Apartment House" or "Apartment Building." "Multifamily Dwelling" does not include a "Fraternity or Sorority House." A "Dwelling" for which a Special Exception was granted in accordance with Section 27-382, "Multifamily Dwelling [;Bedroom Percentages Increase,]" prior to August 26, 1983, shall be considered a "Multifamily Dwelling," irrespective of whether the individual "Dwelling Units" are entirely separated from each other by solid, common walls. (See Figure 9.)

* * * * *

(198.1) **Residential Revitalization:** The renovation or redevelopment of any form of existing multifamily or attached one-family dwelling units, or unimproved property on which multifamily dwelling units existed on January 1, 2011, but were subsequently razed as a result of condemnation proceedings initiated by the County, in a designated Revitalization Tax Credit District, or a project eligible for Low Income Housing Tax Credit financing, where the renovation or redevelopment meets the standards and criteria in Section 27-445.10.

* * * * *

SUBTITLE 27. ZONING.

PART 3. ADMINISTRATION.

DIVISION 1. GENERAL ZONING PROCEDURES.

SUBDIVISION 1. GENERAL.

Sec. 27-125.02. Fee Regulations.

* * * * *

(d) Special Exceptions.

(1) The following chart describes the fee ratings, H (high), M (Medium) and L (Low), for various Special Exceptions in the Zoning Ordinance. The ratings for the Special Exceptions are indicative of the time and effort necessary for the review of the specific application.

| TYPE | RATING |
|---|--------|
| * * * * * * * * * * * * * * | * |
| [Multifamily dwelling; bedroom percentages increase | L] |
| * * * * * * * * * * * * * * | * |

* * * * *

SUBTITLE 27. ZONING.

PART 4. SPECIAL EXCEPTIONS.

DIVISION 1. ADMINISTRATIVE PROCEDURES.

SUBDIVISION 10. AMENDMENTS OF APPROVED SPECIAL EXCEPTIONS.

Sec. 27-323. Alterations, enlargements, extensions, and revisions.

* * * * *

[(d) Changes to an approved Special Exception for a variation of bedroom percentages, in accordance with Section 27-419(b)(2), shall not constitute a revision of the site plan, but shall be made a part of the record of the original Special Exception application.]

DIVISION 3. ADDITIONAL REQUIREMENTS FOR SPECIFIC SPECIAL EXCEPTIONS.

Sec. 27-351. Dwelling units within building containing commercial uses.

(a) Dwelling units may be permitted within a building containing commercial uses, subject to the following:

* * * * *

(5) The site plan shall show the type, location, and extent of commercial uses within the building, and the total number of proposed dwelling units and [bedroom unit percentages] number of bedrooms;

(6) The total number of dwelling units and [bedroom unit percentages] number of bedrooms shall be specifically approved;

* * * * *

Sec. 27-382. [Multifamily dwelling; bedroom percentages increase.] Reserved

[The maximum percentages of two and three bedroom units per multifamily dwelling (in a separate building or multifamily project) may be increased, provided the increase is consistent with surrounding land use, zoning, and the availability of adequate public facilities and services. (See Section 27-419.)]

SUBTITLE 27. ZONING.

PART 5. RESIDENTIAL ZONES.

DIVISION 1. GENERAL.

Sec. 27-419. [Bedroom Percentages.] Reserved

[(a) Requirements for multifamily dwellings.

(1) The maximum percentages of two (2) or more bedrooms per apartment unit in a separate building or project are as follows:

(A) For two (2) bedroom apartments, forty percent (40%); and

(B) For three (3) (or more) bedroom apartments, ten percent (10%). Unused percentages for three (3) (or more) bedroom apartment units may be added to the maximum allowed percentages for two (2) bedroom apartment units;

(2) Percentage limitations shall apply only to dwelling units actually constructed.

(3) The percentage limitations do not apply to efficiency and one (1) bedroom apartment units.

(b) Varying the percentages.

(1) A property owner may vary from the bedroom unit percentages in an existing building.

(A) If the percent (%) of variation is greater than ten (10), based on the percentages of the building as originally constructed, a Special Exception must be approved in accordance with Part 4.

(B) If the percent (%) of variation is ten (10) or less, based on the percentages of the building as originally constructed, a Special Exception is not required, provided the exterior dimensions of the building are not increased.

(2) If any portion of the parcel proposed for development of multifamily buildings is situated within one-half (1/2) mile of the University of Maryland at College Park campus center and is outside the U.S. 1 Corridor Sector Plan, variation from the bedroom percentages allowed under Section 27-419 above may be permitted without a Special Exception. For projects without

an approved Detailed Site Plan, the variation shall be reviewed as part of the Detailed Site Plan review. For projects with an approved and valid Detailed Site Plan, the proposed variation shall be eligible for review and approval by the Planning Director as a limited minor amendment pursuant to Section 27-289(c), provided the number of approved dwelling units are not increased. For purposes of this Subsection, “campus center” shall mean the Adele H. Stamp Student Union building on the University of Maryland at College Park campus.

(3) If the building was originally constructed in accordance with an approved Special Exception for a bedroom percentages increase, the provisions of paragraph (1), above, shall apply to the percentages approved by the Special Exception. If any future variation does not require another Special Exception (subparagraph (B), above), the original Special Exception site plan may be modified to show any change in parking facilities which may be required by the new variation in percentages. This change shall not constitute a revision of the site plan, but shall be made a part of the record of the original Special Exception application.]

SUBTITLE 27. ZONING.

PART 5. RESIDENTIAL ZONES.

DIVISION 2. SPECIFIC RESIDENTIAL ZONES.

Sec. 27-434. R-30 Zone (Multifamily Low Density Residential).

* * * * *

[(d) Bedroom percentages.

(1) The bedroom percentages for multifamily dwellings in the R-30 Zone shall be in accordance with Section 27-419, provided that this paragraph shall not apply where rehabilitation of an existing multifamily development, financed through Mortgage Revenue Bonds issued by the Housing Authority of Prince George's County, results in a reduction of the total number of existing dwelling units, or where a condominium plat is recorded, in accordance with the provisions of the Maryland Condominium Act, setting out each dwelling unit as a separate unit.]

Sec. 27-435. R-30C Zone (Multifamily Low Density Residential-Condominium).

[(d) Bedroom percentages.

(1) The bedroom percentages for multifamily dwellings in Section 27-419 are not applicable in the R-30C Zone.]

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Sec. 27-436. R-18 Zone (Multifamily Medium Density Residential).

* * * * *

[(d) Bedroom percentages.

(1) The bedroom percentages for multifamily dwellings in the R-18 Zone shall be in accordance with Section 27-419, provided that this paragraph shall not apply where rehabilitation of an existing multifamily development, financed through Mortgage Revenue Bonds issued by the Housing Authority of Prince George's County, results in a reduction of the total number of existing dwelling units, where a condominium plat is recorded, in accordance with the provisions of the Maryland Condominium Act, setting out each dwelling unit as a separate unit, or where a housing cooperative is established to own the multi-family dwellings.]

* * * * *

Sec. 27-437. R-18C Zone (Multifamily Medium Density Residential-Condominium).

* * * * *

[(d) Bedroom percentages.

(1) The bedroom percentages for multifamily dwellings in Section 27-419 are not applicable in the R-18C Zone.]

* * * * *

Sec. 27-438. R-10A Zone (Multifamily High Density Residential-Efficiency).

* * * * *

[(d) Bedroom percentages.

(1) All multifamily dwelling units shall be one (1) bedroom or efficiency units.]

* * * * *

Sec. 27-439. R-10 Zone (Multifamily High Density Residential).

* * * * *

[(e) Bedroom percentages.

(1) The bedroom percentages for multifamily dwellings in the R-10 Zone shall be in accordance with Section 27-419.]

* * * * *

Sec. 27-440. R-H Zone (Multifamily High-Rise Residential).

* * * * *

[(e) Bedroom percentages.

1 (1) The bedroom percentages for multifamily dwellings in the R-10 Zone shall be in
2 accordance with Section 27-419.]
3

Sec. 27-441. Uses permitted.**(b) TABLE OF USES.**

| USE | ZONE | | | | | | | | |
|---|-------|-----|-----|-----|-----------------|------|------|------|------|
| | R-O-S | O-S | R-A | R-E | R-R | R-80 | R-55 | R-35 | R-20 |
| (6) Residential/Lodging: | | | | | | | | | |
| * * * * * | * | * | * | * | * | * | * | * | * |
| Dwelling, multifamily: | | | | | | | | | |
| (A) In general (CB-37-2005) | X | X | X | X | P ⁷⁹ | X | X | X | X |
| [(B) Subject to applicable bedroom percentages | X | X | X | X | X | X | X | X | X] |
| [(C) In excess of applicable bedroom percentages | X | X | X | X | X | X | X | X | X] |
| [(D)] <u>(B)</u> Restricted to one-bedroom and efficiency apartments | X | X | X | X | X | X | X | X | X |
| [(E)] <u>(C)</u> Higher than 110 feet | X | X | X | X | X | X | X | X | X |
| [(F)] <u>(D)</u> Up to six dwelling units in a building of no more than two stories, where the first story was previously used for commercial purposes (CB-91-2004) | X | X | X | X | X | X | P | X | X |
| * * * * * | * | * | * | * | * | * | * | * | * |

79 Permitted only to replace an existing surface mining or Class III fill operation located directly adjacent to an interstate (with "I" classification, not "US" or "MD") highway, which operation has an active permit at the time of preliminary plan approval for the townhouse or multifamily development. The Planning Board shall approve a Detailed Site Plan under Part 3, Division 9, of the Zoning Ordinance. Multifamily dwellings are permitted as provided in Section 27-436 for the R-18 Zone, and townhouses are permitted as provided in Section 27-433 for the R-T Zone. Regulations concerning lot size, coverage, frontage, setbacks, density, [bedroom percentages,] and other requirements applicable to multifamily, two-family dwellings and townhouse dwellings shall not apply; these dimensional (bulk) requirements shall be those approved by the Planning Board (or District Council after review) in the Detailed Site Plan. In its site plan review, the District Council may require the applicant to demonstrate in the site plan record that highway facilities are adequate to serve the townhouse project. This provision shall not apply to legal nonconforming sand and gravel or Class III fill operations.

| USE | ZONE | | | | | | | |
|---|-----------------|----------------|----------------|------------------|----------------|-------|------|-----|
| | R-T | R-30 | R-30C | R-18 | R-18C | R-10A | R-10 | R-H |
| (6) Residential/Lodging: | | | | | | | | |
| * * * * * | * | * | * | * | * | * | * | * |
| Dwelling, multifamily: | | | | | | | | |
| (A) In general | P ⁸⁸ | P ⁶ | P ⁶ | P ⁷⁶ | P ⁶ | X | X | X |
| [(B) Subject to applicable bedroom percentages | X | P | X | P | X | X | P | P] |
| [(C) In excess of applicable bedroom percentages | X | SE | X | SE | X | X | SE | SE] |
| [(D)] <u>(B)</u> Restricted to one-bedroom and efficiency apartments | X | X | X | X | X | P | X | X |
| [(E)] <u>(C)</u> Higher than 110 feet | X | X | X | X | X | SE | SE | P |
| [(F)] <u>(D)</u> Up to six dwelling units in a building of no more than two stories, where the first story was previously used for commercial purposes (CB-91-2004) | X | X | X | X | X | X | X | X |
| Dwelling, quadruple-attached | P ² | P ² | P ² | P ^{2,5} | P ² | X | X | X |
| * * * * * | * | * | * | * | * | * | * | * |

- 5 The townhouses may be developed without conforming to the regulations applicable to townhouses governing roadways and drives, tract widths and sizes, density, and net lot area, provided:

[(A) A Special Exception for multifamily dwelling bedroom percentages increase (Section 27-382) has been granted for the subject property with a condition that the property be developed with townhouses;]

[(B)] (A) A preliminary plat of subdivision has been approved for the property as of June 1, 1975, in accordance with the net lot area and lot frontage requirements applicable to multifamily dwellings in the R-18 Zone, with a maximum density of 22 dwelling units per acre; and

[(C)] (B) A final plat was recorded prior to June 1, 1976.

- 88** Permitted only where the multifamily development is the subject of a condominium regime, the property is located in a Transit Development Overlay Zone, the property abuts the District of Columbia, and the development includes a mix of residential and commercial uses. A Detailed Site Plan shall be approved by the Planning Board in accordance with Part 3, Division 9 of the Zoning Ordinance. Regulations concerning lot size, coverage, frontage, setbacks, density, [bedroom percentages,] and other requirements applicable to multifamily dwellings shall apply; these dimensional (bulk) requirements shall be those approved by the Planning Board (or the District Council) in the Detailed Site Plan.

SUBTITLE 27. ZONING.

PART 5. RESIDENTIAL ZONES.

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Section 27-445.10 Residential Revitalization

(a) Applicability.

(1) Residential Revitalization, as defined in this Subtitle and permitted in the Table of Uses in Part 5, shall be limited to any form of existing multifamily or attached one-family dwelling units or unimproved property on which multifamily dwelling units existed on January 1, 2001, but were subsequently razed as a result of condemnation proceedings initiated by the County that are located in a Revitalization Tax Credit District[.] or a property eligible for Low Income Housing Tax Credit financing.

[(2) This section is not applicable to any other property.]

(b) Requirements.

(1) Dwelling units, or property on which they formerly existed, as described in (a)(1) of this Section may be replaced by proposed multifamily, attached one-family or detached one-family dwelling units in a Residential Revitalization project.

(2) The dwelling units, or property as described in (b)(1) above, shall have or have had a minimum density of twelve (12) units per acre of the net lot or tract area.

(3) The number, location, and design of compact and standard parking spaces shown on the approved Detailed Site Plan shall constitute the parking design regulations for the development.

(4) Regulations concerning the height of structures, lot size and coverage, frontage, setbacks, density, [bedroom percentages] and other requirements of the specific zone do not apply to uses and structures in a Residential Revitalization project. The dimensions and percentages shown on the approved Detailed Site Plan shall constitute the development regulations.

(5) The normal parking requirement shall be reduced by thirty percent (30%). An additional reduction may be allowed upon a determination that:

(A) An additional reduction is necessary to alleviate conditions that are particular to the proposed use, given its nature at this location, or to alleviate conditions which

are prevalent in older areas of the County which were predominately developed prior to November 29, 1949; and

(B) The additional reduction will not infringe upon the parking and loading needs of adjacent residential areas.

(6) The project shall comply with the requirements of the Landscape Manual to the extent that is practical.

(c) Findings.

In approving a Residential Revitalization project, the Planning Board shall find that the project:

(1) Improves a deteriorated, obsolete, or demolished multifamily or attached one-family dwelling unit development by replacing or rehabilitating dwellings, improving structures, or renovating and improving other facilities;

(2) Maintains or improves the architectural character of the buildings so that they are compatible with surrounding properties;

(3) Serves a need for housing in the neighborhood or community;

(4) Benefits project residents and property owners in the neighborhood;

(5) Conforms with the housing goals and priorities as described in the current “Housing and Community Development Consolidated Plan,” for Prince George’s County; and

(6) Conforms to either specific land use recommendations or principles and guidelines for residential development within the applicable Master Plan.

(d) Site Plans.

(1) A Detailed Site Plan shall be approved for all Residential Revitalization, in accordance with Part 3, Division 9, of this Subtitle.

(2) Site plan review shall include the approval of architectural elements including but not limited to building materials, typical building elevations, signs and outdoor lighting.

(e) Mandatory Referrals.

After the Planning Department accepts an application for processing, copies shall be referred for review and comment to the County’s Department of Housing and Community Development, any municipality whose boundaries are located within one-half mile of the project and any other agencies determined by the Planning Director.

PART 6. COMMERCIAL ZONES.**DIVISION 3. USES PERMITTED.****Sec. 27-461. Uses permitted.****(b) TABLE OF USES I.**

| USE | ZONE | | | | | |
|---|-----------------|-----|------------------|-----|-----|-------|
| | C-O | C-A | C-S-C | C-W | C-M | C-R-C |
| (6) Residential/Lodging: | | | | | | |
| * * * * * | * | * | * | * | * | * |
| Dwelling, Multifamily | P ⁴⁶ | X | P ⁵⁰ | X | X | X |
| Dwelling, provided that it was legally erected prior to the date upon which the property was classified in a Commercial Zone, or was legally erected in a Commercial Zone under prior regulations | P | P | P | P | P | X |
| Dwelling unit within a building containing commercial uses: | | | | | | |
| (A) Not exceeding 3 units per building, to be located above the ground floor, except where otherwise allowed | P | P | P | P | P | X |
| (B) Not exceeding 3 units per building, with 1 unit at ground level for a resident manager, caretaker, or night watchman (and family) | X | X | X | P | P | X |
| (C) In a building containing 4 or more stories, provided the units are located above the third story | SE | X | SE ⁵³ | X | SE | X |
| * * * * * | * | * | * | * | * | * |
| Multifamily retirement community | P ⁴⁷ | X | X | X | X | X |

50 Multifamily condominium units are permitted provided:

- (A) The multifamily dwellings shall be located on a parcel(s) containing at least six (6) acres;
- (B) The property is contiguous to an existing mass transit rail station operated by Washington Metropolitan Area Transit Authority (WMATA);
- [(C) The bedroom percentages for multifamily dwellings as set forth in Section 27-419 shall not be applicable;]
- [(D)] (C) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle;
- [(E)] (D) Regulations concerning the height of structure, lot size and coverage, frontage, setbacks, density, and other requirements of the C-S-C Zone shall not apply. All such requirements shall be established and shown on the Detailed Site Plan;
- [(F)] (E) Density regulations shall be in accordance with the R-10 Zone for multifamily dwellings;
- [(G)] (F) The Detailed Site Plan shall include architectural review in order to ensure high quality design and construction materials; and
- [(H)] (G) Covenants setting forth that appropriate condominium fees are necessary to provide adequate maintenance of required landscaping to ensure the aesthetics of the property shall be submitted with the Detailed Site Plan application. The covenants shall run to the benefit of the local citizens' association.

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

Adopted this _____ day of _____, 2013.

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: _____
Andrea C. Harrison
Chair

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.

* * * * *