

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2012 Legislative Session

Bill No. _____ CB-107-2012 _____

Chapter No. _____ 72 _____

Proposed and Presented by _____ Council Members Franklin and Harrison _____

Introduced by _____ Council Members Franklin and Harrison _____

Co-Sponsors _____

Date of Introduction _____ October 16, 2012 _____

ZONING BILL

1 AN ORDINANCE concerning

2 Repeal of Chapter 10, 2007 Laws of Prince George’s County, Maryland

3 For the purpose of repealing the enactment of Chapter 10, 2007 Laws of Prince George’s
4 County, Maryland.

5 BY repealing:

6 Section 27-404.01,
7 The Zoning Ordinance of Prince George's County, Maryland,
8 being also
9 SUBTITLE 27. ZONING.
10 The Prince George's County Code
11 (2011 Edition).

12 BY repealing and reenacting with amendments:

13 Sections 27-107.01 and 27-441(b),
14 The Zoning Ordinance of Prince George’s County, Maryland,
15 Being also
16 SUBTITLE 27. ZONING.
17 The Prince George’s County Code
18 (2011 Edition).

19

1 WHEREAS, the County Council of Prince George’s County, Maryland, sitting as the
2 District Council, enacted CB-18-2007 on July 24, 2007, and the measure was signed into law as
3 Chapter 10, 2007 Laws of Prince George’s County effective September 10, 2007; and

4 WHEREAS, Chapter 10 of the 2007 Laws of Prince George’s County pertained primarily
5 to a new use, “Rural Entertainment Park,” provided a definition for a “Rural Entertainment
6 Park,” assigned areas for which the use was permitted with an approved special exception, and
7 promulgated criteria on which the permissible operation of the use within those areas was
8 conditioned; and

9 WHEREAS, various plaintiffs have challenged the enactment of Chapter 10 in a lawsuit
10 styled *Accokeek, Mattawoman, Piscataway Creeks Communities Council et al. v. Prince*
11 *George’s County Council*, CAL07-21377, filed on or about August 23, 2007, in the Circuit Court
12 for Prince George’s County, Maryland; and

13 WHEREAS, since the enactment of Chapter 10, there has been a substantial change in
14 circumstances affecting the viability of a Rural Entertainment Park as enacted in Chapter 10; and

15 WHEREAS, as a result of this substantial change, the District Council desires to reverse the
16 policy and prescriptions of Chapter 10 in its entirety; and

17 WHEREAS, the repeal of Chapter 10 by the District Council renders all claims in the
18 pending lawsuit moot; now, therefore:

19 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
20 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
21 District in Prince George's County, Maryland, that Chapter 10 of the 2007 Laws of Prince
22 George’s County, Maryland, be and the same is hereby repealed.

23 SECTION 2. BE IT FURTHER ENACTED by the County Council of Prince George's
24 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
25 Regional District in Prince George's County, Maryland, that, pursuant to the Section 1 of this
26 Ordinance, Section 27-404.01 of the Zoning Ordinance of Prince George's County, Maryland,
27 being also Subtitle 27 of the Prince George's County Code, be and the same is hereby repealed:

28 **PART 4. SPECIAL EXCEPTIONS.**

29 **DIVISION 3. ADDITIONAL REQUIREMENTS FOR SPECIFIC SPECIAL**
30 **EXCEPTIONS.**

1 **[Sec. 27-404.01 Rural Entertainment Park.]**

2 [A Rural Entertainment Park may be permitted, subject to the following:]

3 [(1) Purposes.]

4 [(A) To promote entertainment and recreational opportunities for families and the
5 elderly in rural areas of the County, where recreation and entertainment facilities are limited;]

6 [(B) To encourage and allow entertainment and recreational uses, indoor and
7 outdoor, at a single rural location, where such uses had been established before zoning
8 regulations were effective;]

9 [(C) To provide a unique opportunity to revive a use or form of entertainment of
10 substantial historical or cultural significance;]

11 [(D) To promote and encourage in the Rural Tier mixed-use development where
12 entertainment facilities (to include restaurants, recording and film studios, dance facilities, and
13 similar uses) that promote an important cultural or historical theme may be coupled with housing
14 for senior citizens;]

15 [(E) To promote all forms of entertainment, live and recorded, at a rural site
16 sufficient to accommodate all of them;]

17 [(F) To promote a wide variety of entertainment and recreational uses at a single
18 place in the Rural Tier (such as history museums, amphitheaters, and/or restaurants), which will
19 serve as a focal point;]

20 [(G) To allow establishment of entertainment and recreational facilities at a single
21 place in the Rural Tier, to satisfy the need for those uses in the Rural Tier.]

22 [(2) Requirements.]

23 [(A) The subject property shall be in the Rural Tier.]

24 [(B) The property shall contain at least 70 but not more than 200 acres.]

25 [(C) The property shall have at least 750 feet of frontage on a State highway of
26 sufficient capacity to accommodate traffic generated by the proposed uses. Highway capacity
27 and adequacy are to be determined at time of preliminary plan review and confirmed in Detailed
28 Site Plan review.]

29 [(3) Uses.]

30 [(A) Within a Rural Entertainment Park, the following uses are permitted:]

31 [(i) Open-air amphitheaters (up to 10,000 seats) or closed arenas (up to

1 6,000 seats), with supporting concession areas and food courts;]

2 [(ii) Sheltered assembly areas;]

3 [(iii) Picnic areas;]

4 [(iv) Children’s recreation areas;]

5 [(v) Ball fields;]

6 [(vi) Golf driving ranges;]

7 [(vii) Historic vistas or viewing areas;]

8 [(viii) Campgrounds;]

9 [(ix) Indoor or outdoor horseback riding arenas or trails;]

10 [(x) Riding stables, with or without paddocks;]

11 [(xi) Cultural and heritage center;]

12 [(xii) Restaurants (not fast-food, and with no more than 5,000 square feet
13 gross floor area);]

14 [(xiii) Hotels or motels (200 rooms or fewer);]

15 [(xiv) Studios (music recording or filmmaking);]

16 [(xv) Dance halls (under 15,000 square feet GFA) for music entertainment
17 and dancing entertainment with a restaurant serving food and alcoholic beverages with hours of
18 operation that extend beyond 11:00 p.m.;

19 [(xvi) Age-restrictive housing in conformance with the Federal Fair Housing
20 Act;]

21 [(xvii) Commercial shopping area up to 80,000 square feet including
22 ancillary medical services, financial services, concessions, food and personal items to serve the
23 proposed development;]

24 [(xviii) Residents’ Recreational Area including pools, fitness centers, and
25 saunas for the exclusive use of the residents of the proposed development;]

26 [(xix) Church, on a lot of 2 acres or less.]

27 [(B) To serve principal uses in the preceding paragraph, accessory uses are
28 permitted, including without limitation on-site water or sewer treatment plant facilities.]

29 [(4) Detailed Site Plan.]

30 [(A) Before permits may be issued for the following uses, the Planning Board
31 shall approve a Detailed Site Plan, in accordance with Part 3, Division 9:]

1 [(i) Open-air amphitheaters (up to 10,000 seats), or enclosed
2 amphitheaters (up to 6,000 seats), with supporting concession areas and food courts;]

3 [(ii) Cultural and heritage center;]

4 [(iii) Restaurants;]

5 [(iv) Hotels or motels;]

6 [(v) Studios;]

7 [(vi) Dance halls for music entertainment;]

8 [(vii) Age restrictive housing;]

9 [(viii) Church;]

10 [(ix) Commercial shopping area.]

11 [(B) In the plan review, the applicant shall satisfy the design standards applied to
12 all Detailed Site Plans. The applicant shall also show that the proposed use:]

13 [(i) Will preserve the character of the Rural Entertainment Park, to
14 achieve its purposes;]

15 [(ii) Is compatible, as to land use, with adjacent uses inside and outside
16 the park property;]

17 [(iii) Is appropriate, as to size, height, design, and building mass, at the
18 proposed location; and]

19 [(iv) Meets generally the standards in Section 27-317, as demonstrated in
20 the special exception application for the Rural Entertainment Park.]

21 [(5) Architectural guidelines.]

22 [(A) In the special exception process, the applicant shall propose and the District
23 Council shall approve architectural guidelines to be followed, throughout the Rural
24 Entertainment Park. The guidelines are intended to provide a framework, to promote and
25 maintain design integrity and quality, while permitting flexibility in the design of buildings and
26 structures in the park. The guidelines should encourage design that creates a sense of place, and
27 encourages innovative and attractive design, with variations in building materials and facades,
28 and a variety of architectural features. The guidelines should also include recommended designs
29 and materials for fences, walls, signage, exterior lighting, and site amenities.]

30 [(B) Changes to the architectural guidelines may be approved by the Planning
31 Board, as stated in the District Council's approval order.]

1 [(6) Age-restrictive housing.]

2 [(A) Age restrictive housing within or adjoining the Rural Entertainment Park
3 shall meet age restrictions in conformance with the Federal Fair Housing Act.]

4 [(B) When it approves age restrictive housing in a park, the District Council
5 shall find:]

6 [(i) The subject property is suitable for such housing, and is of
7 sufficient size to properly accommodate the proposed number of dwelling units;

8 (ii) The dwelling units are functionally, physically, and architecturally
9 integrated with service and recreational/activity centers;

10 (iii) A recreational facilities plan submitted with the proposed site plan
11 demonstrates that:

12 a. Recreational facilities will be adequate for the prospective
13 resident population, consistent with their needs and physical abilities; and

14 b. Recreational areas are clustered together, to increase levels of
15 activity, use of amenities, and the sense of community vitality;]

16 [(iv) The development regulations for the housing, as proposed by the
17 applicant, concerning density, height of structures, lot size and coverage, frontage, setbacks, and
18 other dimensional requirements, will ensure a well-designed age restrictive housing community.
19 These regulations shall replace those that would otherwise apply to uses and structures in the
20 O-S Zone.]

21 [(7) Covenants.]

22 [(A) Covenants ensuring the perpetual maintenance of all recreational areas or
23 facilities not dedicated to a public agency shall be filed among the Land Records, running in
24 favor of the Commission.]

25 [(B) Age restrictions in conformance with the Federal Fair Housing Act shall be
26 set forth in covenants submitted with the application and shall be approved by the District
27 Council and filed in the land records at the time the final subdivision plat is recorded.]

28 SECTION 3. BE IT FURTHER ENACTED by the County Council of Prince George's
29 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
30 Regional District in Prince George's County, Maryland, that, pursuant to Section 1 of this
31 Ordinance, Sections 27-107.01 and 27-441(b) of the Zoning Ordinance of Prince George's

1 County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same
2 are hereby repealed and reenacted with the following amendments:

3 **SUBTITLE 27. ZONING.**

4 **PART 2. GENERAL.**

5 **DIVISION 1. DEFINITIONS.**

6 **Sec. 27-107.01. Definitions.**

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

8 * * * * *

9 [(204.1) **Rural Entertainment Park:** In the O-S Zone in the Rural Tier, an area of
10 adjoining parcels used for recreation and entertainment purposes, and for other community-
11 oriented purposes, as provided in Part 5 of this Subtitle.]

12 * * * * *

13 **PART 5. RESIDENTIAL ZONES.**

14 **DIVISION 3. USES PERMITTED.**

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
* * * * *	*	*	*	*	*	*	*	*	*
(5) Recreational/Entertainment/Social/Cultural:									
* * * * *	*	*	*	*	*	*	*	*	*
Recreational use (nonprofit) not publicly owned or operated, when not otherwise allowed:									
(A) Only for residents and guests	SE	SE	SE	SE	SE	SE	SE	SE	SE
(B) All others	SE	SE	SE	SE	SE	SE	SE	SE	SE
[Rural Entertainment Park, as provided in Section 27-404.01]	[X]	[SE]	[X]	[X]	[X]	[X]	[X]	[X]	[X]
Saunas, solariums, and health clubs, noncommercial, for the sole use of residents and their guests	X	X	X	X	X	X	X	X	X
* * * * *	*	*	*	*	*	*	*	*	*

USE	ZONE							
	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H
* * * * *	*	*	*	*	*	*	*	*
(5) Recreational/Entertainment/Social/Cultural:								
* * * * *	*	*	*	*	*	*	*	*
Recreational use (nonprofit) not publicly owned or operated, when not otherwise allowed:								
(A) Only for residents and guests	SE	P	P	P	P	P	P	P
(B) All others	SE	SE	SE	SE	SE	X	SE	SE
[Rural Entertainment Park, as provided in Section 27-404.01]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]
Saunas, solariums, and health clubs, noncommercial, for the sole use of residents and their guests	X	X	X	X	X	P	SE	SE
* * * * *	*	*	*	*	*	*	*	*

1 SECTION 4. BE IT FURTHER ENACTED that this Ordinance shall take effect on the
2 date it becomes law.

Adopted this 20th day of November, 2012.

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.