

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

1997 Legislative Session

Bill No. _____ CB-44-1997

Chapter No. _____ 26

Proposed and Presented by _____ The Chairman (by request - County Executive)

Introduced by _____ Council Members Bailey, Estep and Wilson

Co-Sponsors

Date of Introduction _____ May 13, 1997

ZONING BILL

AN ORDINANCE concerning

Mixed-Use Transportation Zones, R-M Comprehensive Design Zones and Residential Zones
For the purpose of defining a Waterfront Entertainment/Retail Complex and permitting this
use in an M-X-T Zone, and allowing nonindustrial M-X-T uses in Residential Zones and
Comprehensive Design Zones in accordance with certain requirements.

BY repealing and reenacting with amendments:

Sections 27-107.01, 27-124.02, 27-288, 27-441, 27-478,

27-515, 27-544, and 27-547,

The Zoning Ordinance of Prince George's County, Maryland,

being also

SUBTITLE 27. ZONING.

The Prince George's County Code

(1995 Edition, 1996 Supplement).

BY adding:

Sections 27-445.08, 27-532.03, and 27-548.01.02,

The Zoning Ordinance of Prince George's County, Maryland,

being also

SUBTITLE 27. ZONING.

The Prince George's County Code

(1995 Edition, 1996 Supplement).

SECTION 1. BE IT ENACTED by the 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, that Sections 27-107.01, 27-124.02, 27-288, 27-441, 27-478, 27-515, 27-544, and 27-547 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments: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:

* * * * *

(256.3) Waterfront Entertainment/Retail Complex: A contiguous land assemblage, no less than twenty-five (25) acres, fronting on the Potomac River, and developed with an array of commercial, lodging, recreational, entertainment, social, cultural or similar uses which are interrelated by one or more themes.

* * * * *

PART 2. GENERAL.

DIVISION 4. REGULATIONS APPLICABLE IN ALL ZONES.

Subdivision 8. Woodland Conservation and Tree Preservation.

Sec. 27-124.02. Woodland Conservation and Tree Preservation.

(a) Development proposals in all zones, except the Chesapeake Bay Critical Area Overlay Zones and development comprised of lands zoned Residential, R-M, and M-X-T, for which there is an approved single Conceptual Site Plan applicable to all of the properties, shall comply with the requirements for woodland conservation and tree preservation pursuant to the provisions of Subtitle 25 of the Prince George's County Code.

(b) In the case of development comprised of lands zoned Residential, R-M, and M-X-T, for which there is an approved single Conceptual Site Plan applicable to all of the properties,

the Woodland Conservation/Afforestation Threshold shall be in accordance with the requirements for the M-X-T Zone.

PART 3. ADMINISTRATION.

DIVISION 9. SITE PLANS.

Subdivision 3. Requirements of Detailed Site Plans.

Sec. 27-288. Effect of an approved Detailed Site Plan.

(a) Grading, building, and use and occupancy permits shall be issued only in accordance with the approved Detailed Site Plan, and all development and use shall be as shown on the plan. Any departure from the plan shall be cause for revocation of a building permit or denial of a use and occupancy permit, unless the plan is amended in accordance with the procedure set forth in Section 27-289.

(b) Notwithstanding the provisions of Subsection (a),above, in the case of a site plan for a Waterfront Entertainment/Retail Complex, proposed improvements, uses or structures shown on an approved site plan may be altered or revised upon approval of the Planning Director, provided such changes maintain the central theme(s) of the approved site plan, and are in conformance with the approved Conceptual Site Plan.

PART 5. RESIDENTIAL ZONES.

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
(1) COMMERCIAL:									
* *		*		*		*		*	
* *									
Seasonal decorations display and sales as a temporary use, in accordance with Sections 27-260 and 27-261 ⁴³	P	P	P	P	P	P	P	P	P
<u>Waterfront Entertainment/Retail Complex in accordance with Section 27-445.08</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>
Wayside stand as a temporary use:									
(A) Subject to Sections 27-260 and 27-261	P	P	P	P	P	P	P	P	P
(B) All others	SE	SE	SE ²⁵	SE	SE	SE	SE	SE	SE
* *		*		*		*		*	
* *									

USE	ZONE							
	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H
(1) COMMERCIAL:								
* *		*		*		*		*
* *								
Seasonal decorations display and sales as a temporary use, in accordance with Sections 27-260 and 27-261 ⁴³	P	P	P	P	P	P	P	P
<u>Waterfront Entertainment/Retail Complex in accordance with Section 27-445.08</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Wayside stand as a temporary use:								
(A) Subject to Sections 27-260 and 27-261	P	P	P	P	P	P	P	P

(B) All others			SE	SE	SE	SE	SE	X	SE	SE	
	*			*		*		*		*	*

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PART 8. COMPREHENSIVE DESIGN ZONES.**DIVISION 1. GENERAL.****Sec. 27-478. Review Process.**

* * * * *

(d) The above provisions shall not apply to the review process for property or properties in the R-M Zone which are part of an assemblage of properties, inclusive of property already zoned M-X-T, which are included in a Conceptual Site Plan application for a Waterfront Entertainment/Retail Complex. In such instances the Comprehensive Design Plan and Specific Design Plan are not required. The R-M zoned property or properties shall be governed by the process and regulations concerning development and use of M-X-T zoned property.

PART 8. COMPREHENSIVE DESIGN ZONES.**DIVISION 3. USES PERMITTED.****Sec. 27-515. Uses permitted.**

(b) TABLE OF USES

USE	ZONE								
	<i>M-A-C</i>	<i>L-A-C</i>	<i>E-I-A</i>	<i>R-U</i>	<i>R-M</i>	<i>R-S</i>	<i>R-L</i>	<i>V-L</i>	<i>V-M</i>
(1) COMMERCIAL:									
* * *		*		*		*		*	
* Video game or tape store (CB-53-1991; CB-10-1992)	P	P	X	X	X	X	X	P	P
<u>Waterfront Entertainment/Retail Complex</u> <u>in accordance with Section 27-532.03.</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Wayside stand as a temporary use	P	P	P	P	P	P	P	P	P
* * *		*		*		*		*	
*									

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PART 10. MIXED USE ZONES.

DIVISION 2. SPECIFIC MIXED USE ZONES.

Sec. 27-544. Regulations.

(a) Additional regulations concerning the location, size, and other provisions for all buildings and structures in the M-X-T Zone are as provided for in Divisions 3 and 4 of this Part, General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.

(b) Notwithstanding the provisions of Section 27-270, a grading permit may be issued as long as it is in conformance with an approved Conceptual Site Plan.

DIVISION 3. USES PERMITTED.

Sec. 27-547. Uses permitted.

*	*	*	*	*	*	(b)
TABLE OF USES						
				ZONE		
USE				M-X-T	M-X-C	
*	*	*	*	*	*	
(1) COMMERCIAL:						
*	*	*	*	*	*	
Veterinary clinic				P	P	
<u>Waterfront Entertainment/Retail Complex</u>				<u>P</u>	<u>X</u>	
*	*	*	*	*	*	

SECTION 2. BE IT FURTHER ENACTED that Sections 27-445.08, 27-532.03, and 27-548.01.02 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby added:

SUBTITLE 27. ZONING.

PART 5. RESIDENTIAL ZONES.

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Section 27-445.08. Waterfront Entertainment/Retail Complex.

(a) Purposes.

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(1) To promote quality retail shopping, restaurant and entertainment development, and lodging development oriented toward a theme(s) at locations in appropriate areas of the County;

(2) To afford reasonable flexibility in the design of these projects; and

(3) To avoid scattered and unbalanced development of such uses .

(b) A Waterfront Entertainment/Retail Complex is permitted in the R-R Zone subject to the following criteria:

(1) Private and/or public vehicular access shall be sufficient to accommodate the traffic generated by the project; and

(2) Setbacks, tree conservation, landscaping and screening, green space, lot coverage, parking and loading shall be addressed in the Conceptual Site Plan approval.

However, the provisions of this Subtitle applicable to such items are not applicable.

(c) The requirement for a Detailed Site Plan may be waived by the District Council at the time of its review of the Conceptual Site Plan if the District Council makes the findings required in paragraph (f) below.

(d) An applicant seeking approval of a Waterfront Entertainment/Retail Complex shall submit an application and site plan containing the following information, which information shall also serve as the site design guidelines for such projects:

(1) A general description of the project and the proposed activities;

(2) The proposed traffic circulation system;

(3) The general location and size of all activities;

(4) A text indicating the theme, design and architectural concepts that will be implemented throughout the property applicable to the use.

(5) Information contained in Section 27-282(e), provided that the locations of all improvements may be moved, altered and revised within an established development envelope. No building permit may be issued without certification of a site plan by the Planning Director.

(e) The requirements of Part 3, Division 9, Subdivision 3 and Section 27-546 of this Subtitle, do not apply to the processing or approval of a Detailed Site Plan for a Waterfront

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Entertainment/Retail Complex. The Planning Board shall consider Detailed Site Plans for Waterfront Entertainment/Retail Complexes in accordance with the following procedures:

(1) Unless waived pursuant to Section 27-445.08(c), a Detailed Site Plan shall be approved by the Planning Board prior to the issuance of any building or use and occupancy permit.

(2) The Planning Board shall review the Detailed Site Plan for compliance with this Section.

(3) The Planning Board shall give due consideration to all comments received from other agencies.

(4) The Planning Board shall only consider the plan at a regularly scheduled meeting of the Planning Board after a duly advertised public hearing.

(5) The Planning Board shall approve, approve with modification, or disapprove the Detailed Site Plan, and shall state its reasons for the action.

(6) The Planning Board's decision shall be embodied in a resolution adopted at a regularly scheduled public meeting, a copy of which shall be sent to all persons of record (in the Detailed Site Plan approval process) and the District Council.

(f) The Planning Board may approve a Detailed Site Plan for a Waterfront Entertainment/Retail Complex if it finds the plan is in conformance with the approved Conceptual Site Plan, provides sufficient design guidelines, compatible location of uses and activities, and general safeguards to decrease or eliminate harmful impacts on adjacent property, while providing flexibility in design and development.

PART 8. COMPREHENSIVE DESIGN ZONES.

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Section 27-532.03. Waterfront Entertainment/Retail Complex.

(a) Purposes.

(1) To promote quality retail shopping, restaurant and entertainment development, and lodging development oriented toward a theme(s) at locations in appropriate areas of the County;

(2) To afford reasonable flexibility in the design of these projects; and

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(3) To avoid scattered and unbalanced development of such uses .

(b) A Waterfront Entertainment/Retail Complex is permitted in the R-M Zone subject to the following criteria:

(1) Private and/or public vehicular access shall be sufficient to accommodate the traffic generated by the project; and

(2) Setbacks, tree conservation, landscaping and screening, green space, lot coverage, parking and loading shall be addressed in the Conceptual Site Plan approval. However, the provisions of this Subtitle applicable to such items are not applicable.

(c) The requirement for a Detailed Site Plan may be waived by the District Council at the time of its review of the Conceptual Site Plan if the District Council makes the findings required in paragraph (f) below.

(d) An applicant seeking approval of a Waterfront Entertainment/Retail Complex shall submit an application and site plan containing the following information, which information shall also serve as the site design guidelines for such projects:

(1) A general description of the project and the proposed activities;

(2) The proposed traffic circulation system;

(3) The general location and size of all activities;

(4) A text indicating the theme, design and architectural concepts that will be implemented throughout the property applicable to the use.

(5) Information contained in Section 27-282(f), provided that the locations of all improvements may be moved, altered and revised within an established development envelope. No building permit may be issued without certification of a site plan by the Planning Director.

(e) The requirements of Part 3, Division 9, Subdivision 3 and Section 27-546 of this Subtitle, do not apply to the processing or approval of a Detailed Site Plan for a Waterfront Entertainment/Retail Complex. The Planning Board shall consider Detailed Site Plans for Waterfront Entertainment/Retail Complexes in accordance with the following procedures:

(1) Unless waived pursuant to Section 27-532.01(c), a Detailed Site Plan shall be approved by the Planning Board prior to the issuance of any building or use and occupancy

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permit.

(2) The Planning Board shall review the Detailed Site Plan for compliance with this Section.

(3) The Planning Board shall give due consideration to all comments received from other agencies.

(4) The Planning Board shall only consider the plan at a regularly scheduled meeting of the Planning Board after a duly advertised public hearing.

(5) The Planning Board shall approve, approve with modification, or disapprove the Detailed Site Plan, and shall state its reasons for the action.

(6) The Planning Board's decision shall be embodied in a resolution adopted at a regularly scheduled public meeting, a copy of which shall be sent to all persons of record (in the Detailed Site Plan approval process) and the District Council.

(f) The Planning Board may approve a Detailed Site Plan for a Waterfront Entertainment/Retail Complex if it finds the plan is in conformance with the approved Conceptual Site Plan, provides sufficient design guidelines, compatible location of uses and activities, and general safeguards to decrease or eliminate harmful impacts on adjacent property, while providing flexibility in design and development.

PART 10. MIXED USE ZONES.

DIVISION 6. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Sec. 27- 548.01.02. Waterfront Entertainment/Retail Complex.

(a) Purposes.

(1) To promote quality retail shopping, restaurant and entertainment development, and lodging development oriented toward a theme(s) at locations in appropriate areas of the County;

(2) To afford reasonable flexibility in the design of these projects; and

(3) To avoid scattered and unbalanced development of such uses .

(b) A Waterfront Entertainment/Retail Complex is permitted in the M-X-T Zone subject to the following criteria:

(1) Private and/or public vehicular access shall be sufficient to accommodate the

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traffic generated by the project; and

(2) Setbacks, tree conservation, landscaping and screening, green space, lot coverage, parking and loading shall be addressed in the Conceptual Site Plan approval. However, the provisions of this Subtitle applicable to such items are not applicable.

(c) The requirement for a Detailed Site Plan may be waived by the District Council at the time of its review of the Conceptual Site Plan if the District Council makes the findings required in paragraph (f) below.

(d) An applicant seeking approval of a Waterfront Entertainment/Retail Complex shall submit an application and site plan containing the following information, which information shall also serve as the site design guidelines for such projects:

- (1) A general description of the project and the proposed activities;
- (2) The proposed traffic circulation system;
- (3) The general location and size of all activities;
- (4) A text indicating the theme, design and architectural concepts that will be implemented throughout the property applicable to the use.
- (5) Information contained in Section 27-282(e), provided that the locations of all improvements may be moved, altered and revised within an established development envelope. No building permit may be issued without certification of a site plan by the Planning Director.

(e) The requirements of Part 3, Division 9, Subdivision 3 and Section 27-546 of this Subtitle, do not apply to the processing or approval of a detailed site plan for a Waterfront Entertainment/Retail Complex. The Planning Board shall consider Detailed Site Plans for Waterfront Entertainment/Retail Complexes in accordance with the following procedures:

- (1) Unless waived pursuant to Section 27-548.01.02(c), a Detailed Site Plan shall be approved by the Planning Board prior to the issuance of any building or use and occupancy permit.
- (2) The Planning Board shall review the Detailed Site Plan for compliance with this Section.
- (3) The Planning Board shall give due consideration to all comments received

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from other agencies.

(4) The Planning Board shall only consider the plan at a regularly scheduled meeting of the Planning Board after a duly advertised public hearing.

(5) The Planning Board shall approve, approve with modification, or disapprove the Detailed Site Plan, and shall state its reasons for the action.

(6) The Planning Board's decision shall be embodied in a resolution adopted at a regularly scheduled public meeting, a copy of which shall be sent to all persons of record (in the Detailed Site Plan approval process) and the District Council.

(f) The Planning Board may approve a Detailed Site Plan for a Waterfront Entertainment/Retail Complex if it finds the plan is in conformance with the approved Conceptual Site Plan, provides sufficient design guidelines, compatible location of uses and activities, and general safeguards to decrease or eliminate harmful impacts on adjacent property, while providing flexibility in design and development.

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

Adopted this 17th day of June, 1997.

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:

Dorothy F. Bailey
Chair

ATTEST:

Joyce T. Sweeney

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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.