

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2015 Legislative Session**

Bill No. CB-56-2015

Chapter No. _____

Proposed and Presented by Council Members Lehman and Taveras

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Moderately Priced Housing Program

3 For the purpose of establishing a Moderately Priced Housing Program in Prince George's
4 County by amending the Zoning Ordinance to provide certain minimum requirements for
5 moderately priced housing units under certain circumstances, to define Moderately Priced
6 Housing Units, and to codify certain density increments for the development of moderately
7 priced housing units in the County.

8 BY repealing and reenacting with amendments:

9 Sections 27-107.01, 27-179, 27-190, 27-192, 27-195,
10 27-197, 27-213.05, 27-229, 27-252, 27-253, 27-254,
11 27-272, 27-273, 27-276, 27-281, 27-282, 27-285, 27-296,
12 27-324, 27-429, 27-430, 27-431, 27-432, 27-441, 27-442,
13 27-453, 27-454, 27-459, 27-461, 27-462, 27-476, 27-491,
14 27-496, 27-505, 27-509, 27-513, 27-518, 27-521, 27-527,
15 27-538, 27-542, 27-544, 27-546.01, 27-546.04, 27-546.09,
16 27-546.12, 27-546.15, 27-546.18, 27-548.03, 27-548.07,
17 and 27-548.08,

18 The Zoning Ordinance of Prince George's County, Maryland,
19 being also

SUBTITLE 27. ZONING.
The Prince George's County Code
(2011 Edition; 2014 Supplement).

BY adding:

Sections 27-418.01, 27-418.02, 27-4 18.03, 27-418.04,
and 27-418.05,
The Zoning Ordinance of Prince George’s County, Maryland,
being also

SUBTITLE 27. ZONING.
The Prince George's County Code
(2011 Edition; 2014 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, 27-179, 27-190, 27-192,
27-195, 27-197, 27-213.05, 27-229, 27-252, 27-253, 27-254, 27-272, 27-273, 27-276, 27-281,
27-282, 27-285, 27-296, 27-324, 27-429, 27-430, 27-431, 27-432, 27-441, 27-442, 27-453, 27-
454, 27-459, 27-461, 27-462, 27-476, 27-491, 27-496, 27-505, 27-509, 27-513, 27-518, 27-521,
27-527, 27-538, 27-542, 27-544, 27-546.01, 27-546.04, 27-546.09, 27-546.12, 27-546.15, 27-
546.18, 27-548.03, 27-548.07, and 27-548.08 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:

* * * * *

(156.1) **Moderately Priced Housing Unit:** Moderately priced housing unit (“MPHU”) means a dwelling unit which is constructed, sold, or rented pursuant to Subtitle 13, Division 8 of this Code.

(156.2) **Modular Classroom:** A compensatory education modular classroom

1 which is used exclusively for the purpose of providing educational services to private school
2 students pursuant to Title 1 of the Elementary and Secondary Education Act of 1965, 20 U.S.C.,
3 Section 2701 et seq. (Title 1).

4 * * * * *

5 **PART 3 .ADMINISTRATION.**

6 **DIVISION 2. ZONING MAP AMENDMENTS.**

7 **SUBDIVISION 3. COMPREHENSIVE DESIGN ZONES.**

8 **Sec. 27-179. Applications.**

9 * * * * *

10 **(b) Contents of application form.**

11 (1) The following information shall be included on the application:

12 * * * * *

13 (F) The name, address, and signature of each owner of record of the
14 property, except as provided for in Subsection (a), above. Applications for property owned by a
15 corporation shall be signed by an officer empowered to act for the corporation; [and]

16 (G) The name, address, and telephone number of the correspondent [.] ;
17 and

18 (H) If the application proposes development that requires moderately
19 priced housing units (“MPHUs”), a statement to that effect must be included in the application.

20 **(c) Other submission requirements**

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

22 * * * * *

23 (D) A reproducible copy of a Basic Plan. The Basic Plan shall include the
24 following, presented in a general, schematic manner:

25 * * * * *

26 (vi) The relationship of the proposed development on the subject
27 property to existing and planned development on surrounding properties; [and]

28 (vii) A forest stand delineation; and

29 (viii) The general location of proposed MPHUs where the
30 property is developed pursuant to Part 4A of this Subtitle and Division 8 of Subtitle 13 of this
31 Code. If the alternate compliance methods are authorized for the proposed development
32 pursuant to Section 13-252 of this Code, the application submitted to the Planning Board shall

1 include a statement indicating that alternative compliance is requested.

2 * * * * *

3 **Sec. 27-190. Referral to public agencies.**

4 * * * * *

5 (b) If the application is for property to be developed pursuant to Part 4A of this Subtitle
6 and Division 8 of Subtitle 13 of this Code, the Technical Staff shall transmit copies of the
7 proposal to the Director of Housing and Community Development for certification that the
8 proposal complies with the requirements of Subtitle 13 of this Code.

9 [(b)] (c) If an application is proposed to be amended, copies of the revised proposals shall
10 be transmitted to the same public agencies and municipalities, as in the case of the original,
11 unless the Planning Board finds that the transmittal is unnecessary.

12 * * * * *

13 **Sec. 27-192. Recommendation of Planning Board.**

14 * * * * *

15 (c) The Planning Board may recommend to the District Council that the application
16 (including the Basic Plan) be approved, approved with modification or conditions, or denied. A
17 recommendation for approval shall address the land use types, land use relationships, and
18 maximum and minimum land use quantities. The Planning Board may also recommend that
19 certain planning or development matters (known as “considerations”) be considered at the time
20 the Comprehensive and Specific Design Plans are reviewed. In making its recommendation, the
21 Planning Board shall find that the applicant has demonstrated that the entire development, and
22 any proposed stage thereof, meets all of the criteria for District Council approval of the
23 application (Section 27-195) , as well as all criteria imposed by Part 4A of this Subtitle and
24 Division 8 of Subtitle 13 of this Code, where applicable.

25 * * * * *

26 **Sec. 27-195. Map Amendment approval.**

27 * * * * *

28 (b) Criteria for approval.

29 (1) Prior to the approval of the application and the Basic Plan, the applicant shall
30 demonstrate, to the satisfaction of the District Council, that the entire development meets the
31 following criteria:

(A) The proposed Basic Plan shall either conform to:

* * * * *

(ii) The principles and guidelines described in the Plan (including the text) with respect to land use, the number of dwelling units, including MPHUs, intensity of nonresidential buildings, and the location of land uses.

* * * * *

Sec. 27-197. Amendment of approved Basic Plan.

* * * * *

(b) An amendment of an approved Basic Plan which results in dividing a single approved Basic Plan into two (2) or more separate Basic Plans may be approved by the District Council where significant changes in circumstances with regard to the approved Basic Plan have created practical difficulties for the applicant to the extent that, unless the Basic Plan is amended to separate a specified amount of land area, the applicant will be unable to proceed to the Comprehensive Design Plan phase. An amendment will not be granted where the practical difficulty is self-created or self-imposed, or where the applicant had knowledge of, and control over, the changing circumstances and the problems bringing about the practical difficulty at the time the Basic Plan was approved. The following procedures shall apply to consideration of any such amendment in lieu of the requirements of Subsection (c), below:

* * * * *

(3) If the Basic Plan includes moderately priced dwelling units, the Clerk of the Council shall refer copies of the request and accompanying documents to the Director of the Department of Housing and Community Development. The Director shall submit comments to the record for the proposed development not later than thirty (30) days after the date of referral by the Clerk of the District Council.

(4) Within one hundred twenty (120) days after referral of the petition to the Planning Board and People's Zoning Counsel, the Zoning Hearing Examiner shall conduct a public hearing on the petition. The hearing shall be held in accordance with Section 27-129. The hearing shall not be held until after the sixty (60) day review period has expired, unless both the Planning Board and People's Zoning Counsel have submitted their comments.

[4] (5) In approving the petition, the applicant shall establish, and the District Council shall find, that:

1 (A) The approval of the amended Basic Plan will not result in a change in
2 land area, or an increase in land use density or intensity, for the overall area included in the
3 original, approved Basic Plan;

4 (B) The approval of the amended Basic Plan will not significantly impair
5 the character of the original, approved Basic Plan with respect to land uses, density ranges, unit
6 types, circulation, accessibility, public facilities, public benefit features, and open space;

7 (C) The proposed amended Basic Plan conforms to the requirements of
8 Section 27-195(b);

9 (D) The separate Basic Plans that result will be capable of standing by
10 themselves as individual, cohesive developments;

11 (E) Any staging of development that was required in the approval of the
12 original Basic Plan, and that is still appropriate, is included as part of the amended Basic Plan;
13 and

14 (F) No owner of any land which is included in the original, approved
15 Basic Plan will, by the approval of the proposed amended Basic Plan, be denied reasonable use
16 of his property.

17 [(5)] (6) Within thirty (30) days from the close of the hearing record, the Zoning
18 Hearing Examiner shall file a written recommendation with the District Council, unless such
19 deadline is waived in writing by the applicant.

20 [(6)] (7) Any person of record may appeal the recommendation of the Zoning
21 Hearing Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner's
22 recommendation with the District Council. If appealed, all persons of record may testify before
23 the District Council.

24 [(7)] (8) Persons arguing shall adhere to the District Council's Rules of
25 Procedure, and argument shall be limited to thirty (30) minutes for each side, and to the record of
26 the hearing.

27 [(8)] (9) If the Council does not act within forty-five (45) days of the filing of the
28 written recommendation, the petition shall be considered to have been denied.

29 * * * * *

SUBDIVISION 5. TRANSIT DISTRICT OVERLAY ZONE.

Sec. 27-213.05. Specific District Council procedures.

* * * * *

(e) Required findings.

(1) Prior to approving the Transit District Overlay Zoning Map Amendment, the Council shall make the following findings:

* * * * *

(D) For Transit District Development Plans which include residential dwellings, the number of required Moderately Priced Dwellings (“MPHUs”) shall be as set forth in Section 13-250 of this Code.

* * * * *

DIVISION 5. APPEALS AND VARIANCES.

SUBDIVISION 1. BOARD OF ZONING APPEALS.

Sec. 27-229. Powers and duties.

* * * * *

(b) The Board of Zoning Appeals shall not have the power or duty to:

* * * * *

(40) Grant a variance from any provision imposed on property to be developed or that is developed pursuant to Part 4A of this Subtitle and Division 8 of Subtitle 13 of this Code, or hear and decide upon an appeal from a decision of the Department of Environmental Resources, the Planning Board, the Department of Housing and Community Development, or any other person concerning property developed pursuant to Division 8 of Subtitle 13 of this Code.

* * * * *

DIVISION 7. BUILDING, GRADING, AND USE AND OCCUPANCY PERMITS.

SUBDIVISION 1. GENERAL.

Sec. 27-252. Building and grading permits.

(a) None of the following construction related activities shall take place unless a building permit has been issued for the activity by the Department of [Environmental Resources]

Permitting, Inspections and Enforcement:

(1) Erecting a building or structure (unless exempted under the Building Code);

1 (2) Enlarging, structurally altering, moving, or adding to an existing building or
2 structure; or

3 (3) Excavating for any building or structure.

4 (b) No building permit shall be required for buildings and structures to be used
5 exclusively for agricultural purposes on land used only for agriculture, except for farm tenant
6 dwellings.

7 (c) All development of the property shall be in conformance with the plans approved
8 with the building permit.

9 (d) Trailers (designed for human occupancy) and mobile homes used for business
10 purposes in any Commercial or Industrial Zone, and mobile home dwellings, are buildings
11 requiring building permits.

12 (e) No building or grading permit shall be issued by the Department of [Environmental
13 Resources] Permitting, Inspections and Enforcement until after the expiration of the specified
14 appeal period from a Planning Board decision concerning the subject property of the permit,
15 unless the right of appeal has been waived; nor shall any permit be issued during the pendency of
16 any appeal to, or review by, the District Council.

17 (f) No building permit shall be issued by the Department of [Environmental Resources]
18 Permitting, Inspections and Enforcement for land that is not a record lot.

19 (g) No grading permit shall be issued by the Department of [Environmental Resources]
20 Permitting, Inspections and Enforcement for land that is the subject of an approved preliminary
21 plat of subdivision, unless the permit is in conformance with the approved preliminary plat.

22 (h) No building permit shall be issued by the Department of [Environmental Resources]
23 Permitting, Inspections and Enforcement for land that is within the area of an adopted and
24 approved Area Master Plan which includes a Zoning Proposal that has been prepared pursuant to
25 the provisions of Section 27-225.01, or a Sectional Map Amendment which has been transmitted
26 by the Planning Board to the District Council pursuant to the provisions of Section 27-225, when
27 the lot or parcel of land on which construction is proposed is in a Commercial or Industrial Zone,
28 was proposed by the Planning Board for a less intense zone in which the proposed use is not
29 permitted, is undeveloped, and has been in the same zone for more than ten (10) years, until final
30 action has been taken by the District Council on the Sectional Map Amendment. This
31 Subsection shall not apply to a lot or parcel of land for which a grading permit has been issued

1 by Prince George's County, sediment and erosion control devices have been installed by the
2 permittee, and site grading activities have been initiated by the permittee.

3 (i) No grading permit shall be issued by the Department of [Environmental Resources]
4 Permitting, Inspections and Enforcement unless a permit for infrastructure improvements
5 including streets, utilities, or stormwater management facilities has been issued for the property.
6 This Subsection shall not apply to an unsubdivided parcel of land containing less than three (3)
7 acres and in a Residential Zone which is not subject to the provisions of Part 3, Division 9,
8 Subdivision 3, or Part 8, Division 4, of the Zoning Ordinance.

9 (j) Building permits shall not be issued for more than seventy- five percent (75%) of the
10 total number of approved residential units in a subdivision until building permits have been
11 issued for all MPHUs. This requirement shall not apply to the issuance of building permits for
12 lots in any Comprehensive Design Zone or Transit District Overlay Zone in the County.

13 **Sec. 27-253. Use and occupancy permits.**

14 * * * * *

15 (k) In a residential subdivision developed pursuant to Part 4A (Moderately-Priced
16 Housing Units) of this Subtitle, use and occupancy permits that would allow occupancy of more
17 than fifty percent (50%) of the total number of approved non-MPHUs in the subdivision shall not
18 be issued until use and occupancy permits have been issued for all MPHUs. This requirement
19 shall not apply to the issuance of use and occupancy permits for lots in any Comprehensive
20 Design Zone or Transit District Overlay Zone.

21 **SUBDIVISION 2. PROCEDURES.**

22 **Sec. 27-254. Applications.**

23 (a) Applications for building or use and occupancy permits shall be filed in duplicate on
24 forms provided by the Department of [Environmental Resources] Permitting, Inspections and
25 Enforcement.

26 (b) No application for a building or use and occupancy permit shall be accepted by the
27 Department of [Environmental Resources] Permitting, Inspections and Enforcement unless all of
28 the information required on the forms and accompanying plans has been furnished by the
29 applicant.

30 (c) Building and use and occupancy permit applications.

1 (1) Each application for a building or use and occupancy permit shall be
2 accompanied by duplicate copies of a plat or site plan, drawn to scale, showing:

3 * * * * *

4 (H) Any proposed MPHUs to be developed on the lot pursuant to Part 4A
5 of this Subtitle and Division 8 of Subtitle 13 of this Code;

6 (I) Any other information which the Director of the Department of
7 [Environmental Resources] Permitting, Inspections and Enforcement determines is necessary.

8 (2) If the building or use and occupancy permit involves a reducing/exercise
9 salon or health club, the application shall be accompanied by detailed interior plans showing:

10 * * * * *

11 (5) Where property is to be developed pursuant to Part 4A of this Subtitle and
12 Division 8 of Subtitle 13 of this Code, no building permit application shall be accepted unless the
13 applicant also submits to the Department of Permitting, Inspections and Enforcement a written
14 MPHU agreement, approved by the Director of Housing and Community Development and the
15 County Attorney, including a statement regarding the number of total approved units within the
16 subdivision for which building permits have been issued, and the number of permits that have
17 been issued for MPHUs.

18 * * * * *

19 **DIVISION 9. SITE PLANS.**

20 **SUBDIVISION 2. PURPOSE OF CONCEPTUAL SITE PLANS.**

21 **Sec. 27-272. Purpose of Conceptual Site Plans.**

22 (a) **Examples.**

23 (1) There is often a need for approval of a very general concept for developing a
24 parcel of land before subdivision plans or final engineering designs are begun. Such cases
25 include:

26 * * * * *

27 (E) Development which is potentially incompatible with land uses on
28 surrounding properties; [and]

29 (F) Developments involving environmentally sensitive land, or land that
30 contains important natural features that are particularly worthy of attention [.]; and

31 (G) Developments including moderately priced housing units
32 (“MPHUs”).

* * * * *

Sec. 27-273. Submittal requirements.

* * * * *

(e) A Conceptual Site Plan shall include the following:

* * * * *

(15) A statement of justification describing how the proposed design preserves and restores the regulated environmental features to the fullest extent possible [.] ; and

(16) The general location and type(s) of MPHUs required for the proposed development.

* * * * *

Sec. 27-276. Planning Board procedures.

* * * * *

(b) Required findings.

* * * * *

(5) Where the proposed development requires MPHUs, the Planning Board shall find that the proposed development is in conformance with Part 4A of this Subtitle.

* * * * *

SUBDIVISION 3. REQUIREMENTS OF DETAILED SITE PLANS.

Sec. 27-281. Purpose of Detailed Site Plans.

* * * * *

(c) Specific purposes.

(1) The specific purposes of Detailed Site Plans are:

* * * * *

(C) To locate and describe the specific recreation facilities proposed, architectural form of buildings, and street furniture (such as lamps, signs, and benches) proposed for the site; [and]

(D) To describe any maintenance agreements, covenants, [or] construction contract documents , or moderately priced housing unit agreements that are necessary to assure that the Plan is implemented in accordance with the requirements of this Subtitle [.] ; and

(E) To show the specific location, delineation, and architectural design of all moderately priced housing units (“MPHUs”) proposed for the site.

* * * * *

1 **Sec. 27-282. Submittal requirements.**

2 * * * * *

3 (e) A Detailed Site Plan shall include the following:

4 * * * * *

5 (20) Description of the physical appearance of proposed buildings (where
6 specifically required), through the use of architectural elevations of facades (seen from public
7 areas), or through other illustrative drawings, photographs, or renderings deemed appropriate by
8 the Planning Board; [and]

9 (21) The location of each MPHU, along with a general architectural floor plan
10 illustrating the number of bedrooms for each type of MPHU; and

11 [21] (22) Any other pertinent information.

12 (f) The submittal requirements in (e) may be modified in accordance with Section 27-
13 286.

14 (g) When a Detailed Site Plan application proposes development for which an alternative
15 method of compliance is authorized for meeting the MPHU requirements set forth in Part 4A of
16 this Subtitle and Division 8 of Subtitle 13 of this Code and is exempt from a preliminary plan of
17 subdivision requirement, a letter approving the alternative compliance method for the proposed
18 development, signed jointly by the County Executive and the Chair of the County Council, shall
19 be submitted to the administrative record for the subject site application.

20 * * * * *

21 **Sec. 27-285. Planning Board procedures.**

22 * * * * *

23 (b) Required findings.

24 * * * * *

25 (5) Where the proposed development is subject to MPHU requirements of this Subtitle,
26 the Planning Board shall find that the proposed development is in conformance with Part 4A of
27 this Subtitle.

28 * * * * *

29 **PART 4. SPECIAL EXCEPTIONS.**
30 **DIVISION 1. ADMINISTRATIVE PROCEDURES.**
31 **SUBDIVISION 1. APPLICATIONS.**

1 **Sec. 27-296. Application form and contents.**

2 (a) General.

3 * * * * *

4 (7) If the application is for a development which must include moderately priced
5 housing units (“MPHUs”), a statement to that effect shall be submitted for inclusion in the
6 application materials within the administrative record.

7 * * * * *

8 (c) Other submission requirements.

9 (1) Along with the application, the applicant shall submit the following with all
10 plans prepared at the same scale (where feasible):

11 * * * * *

12 (B) A site plan (drawn to scale) showing all existing and proposed
13 improvements and uses on the subject property, and the use and zoning of adjacent properties.
14 The site plan shall be in sufficient detail so that a determination can be made that the proposed
15 use will be in compliance with all requirements of this Subtitle applicable to it. Where the
16 development is subject to the provisions of Part 4A of this Subtitle and Division 8 of Subtitle 13
17 of this Code, the site plan shall show all MPHUs proposed for development on the subject
18 property. The site plan must be capable of being reproduced on an ozalid or similar dry-copy
19 machine, or nine (9) copies of the plan must be supplied. In a Chesapeake Bay Critical Area
20 Overlay Zone, the site plan shall be prepared in accordance with Subtitle 5B of this Code.

21 * * * * *

22 **DIVISION 1. ADMINISTRATIVE PROCEDURES.**

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

24 **Sec. 27-324. Major changes.**

25 (a) The District Council may (for good cause) amend any imposed condition or approved
26 site plan without requiring a new application if the amendment does not constitute an
27 enlargement or extension of a Special Exception use.

28 * * * * *

29 (3) In the case of an amendment to an approved Special Exception site plan that
30 provides for moderately priced housing units (“MPHUs”) pursuant to Division 4A of this
31 Subtitle and Division 8 of Subtitle 13 of this Code, the Clerk of the District Council shall
32 forward the amendment request to the Director of Housing and Community Development. The

1 Director or the Director’s designee shall submit a recommendation to the District Council within
2 thirty (30) calendar days of the Clerk’s transmittal of the amendment.

3 * * * * *

4 **PART 5. RESIDENTIAL ZONES.**

5 **DIVISION 1. SPECIFIC RESIDENTIAL ZONES.**

6 **Sec. 27-429. R-80 (One-Family Detached Residential) Zone.**

7 * * * * *

8 (d) Site plan.

9 (1) Whenever a proposed development application includes moderately priced
10 housing units (“MPHUs”) in accordance with Part 4A of this Subtitle and Division 8 of Subtitle
11 13 of this Code, a Detailed Site Plan shall be approved in accordance with Part 3, Division 9 of
12 this Subtitle.

13 **Sec. 27-430. R-55 (One-Family Detached Residential) Zone.**

14 * * * * *

15 (d) Site plan.

16 (1) Whenever a development proposal includes MPHUs in accordance with Part
17 4A of this Subtitle and Division 8 of Subtitle 13 of this Code, a Detailed Site Plan shall be
18 approved in accordance with Part 3, Division 9 of this Subtitle.

19 **Sec. 27-431. R-35 (One-Family Semidetached, and Two-Family Detached, Residential)**
20 **Zone.**

21 * * * * *

22 (f) Site plan.

23 (1) Whenever a development proposal includes MPHUs in accordance with Part
24 4A of this Subtitle and Division 8 of Subtitle 13 of this Code, a Detailed Site Plan shall be
25 approved in accordance with Part 3, Division 9 of this Subtitle.

26 **Sec. 27-432. R-20 (One-Family Triple-Attached Residential) Zone.**

27 * * * * *

28 (e) Site plan.

29 (1) Whenever a development proposal includes MPHUs in accordance with Part
30 4A of this Subtitle and Division 8 of Subtitle 13 of this Code, a Detailed Site Plan shall be
31 approved in accordance with Part 3, Division 9 of this Subtitle.

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:									
* * * * *	*	*	*	*	*	*	*	*	*
Recreational Community Development, in accordance with Section 27-444	SE	P	P	P	P ⁴²	X	X	X	X
Public Benefit Conservation Subdivision pursuant to Section 24-152 of Subtitle 24	X	X	X	X	P ⁸⁵	X	X	X	X
Rental of guest rooms (by the residents):									
(A) To 1 or 2 persons (unrelated to all principal residents)	P	P	P	P	P	X	X	X	X
(B) To 3 persons (unrelated to all principal residents)	P	P	X	P	P	X	X	X	X
(C) To not more than 3 persons (unrelated to all principal residents) by a family of related individuals, 1 individual, or 2 unrelated individuals	P	P	X	P	P	P	P	P	P
Residential Revitalization: Comprising any form of proposed multifamily, attached one-family or detached one-family dwellings, in a Residential Revitalization project, as shown on a Detailed Site Plan approved in accordance with Section 27-445.10	X	X	X	X	P	P	P	P	P
Rooming houses	SE	P	SE	X	P	X	X	X	X
Tourist cabin camp	X	X	X	X	SE	X	X	X	X
Tourist homes	SE	X	SE	X	SE	X	X	X	X

USE	ZONE								
	R-O-S	O-S	R-A	R-E	R-R	R-80	R-55	R-35	R-20
Townhouse, cluster development, shown on a preliminary plat of subdivision approved prior to September 1, 1986	X	X	X	X	X	P ³²	P ³²	X	X
* * * * *	*	*	*	*	*	*	*	*	*
Townhouse, shown on a preliminary plat of subdivision approved pursuant to part 4A.	X	X	X	X	X	P	P	P	P ²
Townhouse, Transit Village	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
* * * * *	*	*	*	*	*	*	*	*
Tourist homes	X	X	X	SE	SE	X	P	X
Townhouse, cluster development, shown on a preliminary plat of subdivision approved prior to September 1, 1986	X	X	X	X	X	X	X	X
Townhouse, shown on a Detailed Site Plan approved prior to December 30, 1996, and in compliance with Section 3 of CB-55-1996	P	P ²	P ²	P ^{2.5}	P ²	X	X	X
Townhouse, shown on a preliminary plat of subdivision approved pursuant to Part 4A.	P	P ²	P ²	P ^{2.5}	P ²	X	X	X
Townhouse, Transit Village	P ⁸⁴	X	X	X	X	X	X	X
Townhouse, if located within a designated Revitalization Tax Credit District	X	X	X	P ⁷⁸	X	X	X	X
Townhouse, all others	P	SE	SE	SE	SE	X	X	X
* * * * *	*	*	*	*	*	*	*	*

* * * * *

48 Townhouses [which were permitted when] developed pursuant to [former] Part 4A of this Subtitle [prior to January 21, 1997,] are permitted. No more than twenty percent (20%) of the total number of dwelling units in the development may be townhouses.

* * * * *

PART 5. RESIDENTIAL ZONES.

DIVISION 4. REGULATIONS.

Sec. 27-442. Regulations.

(a) Regulation tables.

(1)The following tables contain additional regulations for development in the Residential Zones.

(b) TABLE I – NET LOT AREA (Minimum in Square Feet)^{2,19}

	ZONE							
	R-T ⁷	R-30 ⁷	R-30C ⁷	R-18 ⁷	R-18C ⁷	R-10A	R-10	R-H
One-family detached dwellings:								
In general	6,500	6,500	6,500	6,500	6,500	-	6,500	6,500
Lot shown on a plat recorded after February 1, 1970	-	-	-	-	-	-	-	-
Lot shown on a plat recorded on or before February 1, 1970	-	-	-	-	-	-	-	-
Lot shown on a plat recorded on or before July 1, 1966	-	-	-	-	-	-	-	-
Lot shown on a valid preliminary plat of subdivision filed with the Commission on or before July 1, 1966, and subdivision plat recorded on or before July 1, 1967	-	-	-	-	-	-	-	-
Lot in a cluster development	-	-	-	-	-	-	-	-
Lot that was created under the intra-family conveyance provisions of Subtitle 24, Sec. 107(c) (15) ²⁴	-	-	-	-	-	-	-	-
Lot that was created through resubdivision as a cluster development	-	-	-	-	-	-	-	-
Lot that was created by the subdivision or resubdivision of 25 acres or more, wherein the number of lots permitted shall be the gross acreage divided by 2	-	-	-	-	-	-	-	-
Lot that was created by the subdivision or resubdivision of 50 acres or more, wherein the number of lots permitted shall be the gross acreage divided by 5	-	-	-	-	-	-	-	-
Lot that was created under the lot size averaging provisions of Subtitle 24 of this Code, by a final plat pursuant to a preliminary plat approved prior to July 1, 2006.	-	-	-	-	-	-	-	-
Lot shown on a plat recorded on or before September 19, 1970	-	-	-	-	-	-	-	-

	ZONE							
	R-T ⁷	R-30 ⁷	R-30C ⁷	R-18 ⁷	R-18C ⁷	R-10A	R-10	R-H
Lot shown on a plat recorded prior to November 29, 1949	5,000	5,000	5,000	5,000	5,000	-	5,000	5,000
Lot that is part of a resubdivision of land on a plat that was originally recorded prior to November 29, 1949, and was composed of lots having an average net area of 5,000 square feet or less	5,000	5,000	5,000	5,000	5,000	-	5,000	5,000
Lot, shown on a recorded plat, that is in a minor portion of a block, the majority (more than half) of which and the immediate surrounding area of which has been subdivided prior to September 22, 1957, with lots having net areas of 5,500 square feet or less	5,500	5,500	5,500	5,500	5,500	-	5,500	5,500
One-family metropolitan dwellings	2,200	-	-	-	-	-	-	-
One-family semidetached dwellings	1,500	1,500	1,500	1,500	1,500	-	-	-
One-family triple-attached dwellings	-	-	-	-	-	-	-	-
Townhouses, constructed pursuant to a Detailed Site Plan filed prior to November 1, 1996, and in compliance with Section 3 of CB-55-1996 ²¹)	1,500	1,500	1,500	1,500	1,500	-	-	-
Townhouse, Transit Village	1,500	-	-	-	-	-	-	-
Townhouses, all others	1,800	1,800	1,800	1,800	1,800	-	-	-
Two-family dwellings	1,500	1,500	1,500	1,500	1,500	-	-	-
Three-family dwellings	1,500	1,500	1,500	1,500	1,500	-	-	-
Multifamily dwellings:								
In general	-	14,000	14,000	16,000	43,560	87,120	20,000	217,800 ¹³
Lot recorded prior to November 29, 1949	-	-	-	4,000 ¹²	-	-	-	-
Other allowed uses (CB-33-1985)	<u> </u> ¹⁶	<u> </u> ¹⁷	<u> </u> ¹⁷	<u> </u> ¹⁷	<u> </u> ¹⁷	<u> </u> ¹⁷	<u> </u> ¹⁷	<u> </u> ¹⁷

* * * * *

19 For a lot shown on a record plat of subdivision approved pursuant to Part 4A of this Subtitle prior to January 21, 1997, no minimum lot area is required.

* * * * *

(c) TABLE II - LOT COVERAGE AND GREEN AREA

	ZONE								
	R-O-S	O-S	R-A	R-E	R-R	R-80	R-55	R-35	R-20
Lot Coverage (Maximum % of Net Lot Area):									
Dwellings (including all accessory uses, home occupations):^{7,8}									
One-family detached, in general	2	5 ¹²	10 ¹²	20	25 ⁹	30	30	30	30
One-family detached, cluster development	-	-	-	-	30	30	30	-	-
One-family metropolitan dwellings	-	-	-	-	-	-	-	-	-
One-family semidetached	-	-	-	-	50 ⁵	50 ⁵	50 ⁵	30	35 ¹
One-family triple-attached	-	-	-	-	-	-	-	-	40 ²
	-	-	-	-	-	-	-	-	30 ³
Townhouses	-	-	-	-	-	-	-	-	35 ¹
Townhouse, Transit Village	-	-	-	-	-	-	-	-	-
Two-family	-	-	-	-	-	-	-	30	-
Three-family	-	-	-	-	-	-	-	-	-
Multifamily	-	-	-	-	-	-	-	-	-
Agricultural preservation development	-	-	-	-	50	-	-	-	-
Churches or similar places of worship on lots between one (1) and two (2) acres in size	-	50	50	50	50	50	50	50	50
Other allowed uses within two thousand and five hundred (2,500) feet of a drinking water reservoir	10	10	10	10	20	20	20	20	20
Other allowed uses	10	50	50	60	60	60	60	60	60
Green Area Minimum % of Net Lot Area:									
Multifamily dwellings having 4 or more stories	-	-	-	-	-	-	-	-	-
Multifamily dwellings having less than 4 stories	-	-	-	-	-	-	-	-	-
Green Area Minimum % of Net Tract Area:									
Attached dwellings (other than multifamily dwellings)	-	-	-	-	-	-	-	-	-

	ZONE							
	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H
Lot Coverage (Maximum % of Net Lot Area):								
Dwellings (including all accessory uses, home occupations):⁷								
One-family detached, in general	30	30	30	30	30	-	30	30
One-family detached, cluster development	-	-	-	-	-	-	-	-
One-family metropolitan dwellings	50	-	-	-	-	-	-	-
One-family semidetached	35 ¹	35 ¹	35 ¹	35 ¹	35 ¹	-	-	-
One-family triple-attached	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-
Townhouses	35 ¹	35 ¹	35 ¹	35 ¹	35 ¹	-	-	-
Townhouse, Transit Village	50 ¹	-	-	-	-	-	-	-
Two-family	35 ¹	35 ¹	35 ¹	35 ¹	35 ¹	-	-	-
Three-family	35 ¹	35 ¹	35 ¹	35 ¹	35 ¹	-	-	-
Multifamily dwellings having 4 or more stories	-	20 ¹	20 ¹	40	40	50	50	12 ^{1,4}
Multifamily dwellings having less than 4 stories	-	20 ¹	20 ¹	30 ¹¹	30	50	50	12 ^{1,4}
Agricultural preservation development	-	-	-	-	-	-	-	-
Churches or similar places of worship on lots between one (1) and two (2) acres in size	50	50	50	50	50	50	50	50
Other allowed uses within two thousand and five hundred (2,500) feet of a drinking water reservoir	10	20	20	20	20	20	20	20
Other allowed uses	60	60	60	60	60	50	60 ¹⁰	60
Green Area Minimum % of Net Lot Area:								
Multifamily dwellings having 4 or more stories	-	-	-	60	60	50	50	55
Multifamily dwellings having less than 4 stories	-	70	70	70	70	50	50	55
Green Area Minimum % of Net Tract Area:								
Attached dwellings (other than multifamily dwellings)	50 ⁶	50 ⁶	50 ⁶	50 ⁶	50 ⁶	-	-	-

	ZONE							
	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H

* * * * *

8 For a lot shown on a record plat of subdivision approved pursuant to Part 4A of this Subtitle prior to January 21, 1997, no maximum percent of lot coverage is required.

* * * * *

PART 6. COMMERCIAL ZONES.

DIVISION 2. SPECIFIC COMMERCIAL ZONES.

Sec. 27-453. C-O Zone (Commercial Office).

* * * * *

(d) Regulations.

(1) Additional regulations concerning the location, size, and other provisions for all buildings and structures in the C-O Zone are as provided for in Divisions 1 and 5 of this Part, the Regulations Table (Division 4 of this Part), General (Part 2), Moderately Priced Housing Units (“MPHUs”) (Part 4A), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.

(2) For those developments with a residential component, the number of required MPHUs shall be as set forth in Section 13-250 of this Code. A ten percent (10%) density increment shall be granted for the provision of MPHUs, or the applicant shall receive a density increment equal to the number of MPHUs.

(e) Site plan.

(1) Whenever a development proposal includes MPHUs in accordance with Part 4A of this Subtitle and Division 8 of Subtitle 13 of this Code, a Detailed Site Plan shall be approved in accordance with Part 3, Division 9 of this Subtitle.

Sec. 27-454. C-S-C Zone (Commercial Shopping Center).

* * * * *

(d) Regulations.

(1) Additional regulations concerning the location, size, and other provisions for all buildings and structures in the C-S-C Zone are as provided for in Divisions 1 and 5 of this Part, the Regulations Table (Division 4 of this Part), General (Part 2), Moderately Priced Housing Units (“MPHUs”) (Part 4A), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.

(2) For those developments with a residential component, the number of required MPHUs shall be as set forth in Section 13-250 of this Code. A ten percent (10%) density increment shall be granted for the provision of MPHUs, or the applicant shall receive a density increment equal to the number of MPHUs.

(e) Site plan.

1 (1) Whenever a development proposal includes MPHUs in accordance with Part
2 4A of this Subtitle and Division 8 of Subtitle 13 of this Code, a Detailed Site Plan shall be
3 approved in accordance with Part 3, Division 9 of this Subtitle.

4 **Sec. 27-459. C-M Zone (Commercial Miscellaneous).**

5 * * * * * * * * *

6 (d) Regulations.

7 (1) Additional regulations concerning the location, size, and other provisions for all
8 buildings and structures in the C-M Zone are as provided for in Divisions 1 and 5 of this Part, the
9 Regulations Table (Division 4 of this Part), General (Part 2), Moderately Priced Housing Units
10 (“MPHUs”) (Part 4A), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the
11 Landscape Manual.

12 (2) For those developments with a residential component, the number of required
13 MPHUs shall be as set forth in Section 13-250 of this Code. A ten percent (10%) density
14 increment shall be granted for the provision of MPHUs, or the applicant shall receive a density
15 increment equal to the number of MPHUs.

16 (e) Site plan.

17 (1) Whenever a development proposal includes MPHUs in accordance with Part
18 4A of this Subtitle and Division 8 of Subtitle 13 of this Code, a Detailed Site Plan shall be
19 approved in accordance with Part 3, Division 9 of this Subtitle.

20

**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 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	P
(B) Not exceeding 3 units per building, with 1 at ground level for a resident manager, caretaker, or right watchman (and family)	X	X	P	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
Planned retirement community	P41	X	X	X	X	X
* * * * *	*	*	*	*	*	*

#

* * * * *

DIVISION 4. REGULATIONS.

Sec. 27-462. Regulations.

(a) Regulations Table.

(1) The following table contains additional regulations for development in the Commercial Zones.

(2) For those developments with a residential component, the number of required MPHUs shall be as set forth in Section 13-250 of this Code. A ten percent (10%) density increment shall be granted for the provision of MPHUs, or the applicant shall receive a density increment equal to the number of MPHUs.

(b) Table I – SETBACKS (Minimum in Feet for All Structure). (See Figure 5.)

ALL COMMERCIAL ZONES

From Street ¹	10 ^{2,3,4}
From side lot line of adjoining land in any Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan):	
Side yard	12 ^{2,3,4} or the buffer required in the Landscape Manual, whichever is greater
Rear yard	25 ^{2,3,4} or the buffer required in the Landscape Manual, whichever is greater
From rear lot line of adjoining land in any Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan):	
Side yard	12 ^{2,3,4} or the buffer required in the Landscape Manual, whichever is greater
Rear yard	25 ^{2,3,4} or the buffer required in the Landscape Manual, whichever is greater
From adjoining land in any nonresidential zone	None, except where building is 30 feet high (or higher), a distance equal to 1/3 the total building height, or the buffer required in the Landscape Manual, whichever is greater ^{3,4}

(CB-1-1989; CB-8-1990)

1 For this regulation, a street shall mean a right-of-way line, as shown on the current approved Master Plan, Functional Master Plan of Transportation or General Plan, Prince George's County Capital Improvement Program, or Maryland State Five (5) Year Highway Construction Program, whichever indicates the greatest right of way width. Any other street shall be deemed to have a right-of-way width of at least seventy (70) feet.

- 2 Plus an additional set back equal to one third (1/3) of the total building height if the building is thirty (30) or more feet high.
- 3 Towers, poles, and antennae and supporting structures, excluding guy wires, shall be set back one-half (1/2) foot for each foot of structure height. (CB-8-1990; CB-123-1994)
- 4 If a building or structure is used for the housing or sale of animals or poultry, it shall be set back at least 25 feet from the street and from all lot lines, unless the Landscape Manual requires a larger buffer area. (CB-71-2001)

PART 8. COMPREHENSIVE DESIGN ZONES.

DIVISION 1. GENERAL.

Sec. 27-476. Reasons for Comprehensive Design Zones.

(a) The following are the reasons for having Comprehensive Design Zones:

(1) It is within the ultimate objectives of the District Council's authority ([under Article 28] pursuant to the Regional District Act within the Land Use Article of the Annotated Code of Maryland) to use recent planning and zoning innovations;

(2) The demands for housing, including moderately priced housing units (“MPHUs”), commercial and industrial activities, and related public facilities and services are undergoing substantial and rapid changes, requiring improved methods of land use control; and

* * * * *

DIVISION 2. SPECIFIC COMPREHENSIVE DESIGN ZONES.

SUBDIVISION 1. M-A-C (MAJOR ACTIVITY CENTER) ZONE.

Sec. 27-491. Regulations.

* * * * *

(d) Other regulations.

(1) Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.

(2) Additional regulations concerning development and use of property in the M-A-C Zone are as provided for in Divisions 1, 4, and 5 of this Part, General (Part 2), Moderately Priced Housing Units (“MPHUs”) (Part 4A), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.

* * * * *

1 (f) For those developments with a residential component, the number of required
2 MPHUs shall be as set forth in Section 13-250 of this Code. A ten percent (10%) density
3 increment shall be granted for the provision of MPHUs, or the applicant shall receive a density
4 increment equal to the number of MPHUs.

5 * * * * *

6 **DIVISION 2. SPECIFIC COMPREHENSIVE DESIGN ZONES.**

7 **SUBDIVISION 2. L-A-C (LOCAL ACTIVITY CENTER) ZONE.**

8 **Sec. 27-496. Regulations.**

9 * * * * *

10 (d) Other regulations.

11 * * * * *

12 (2) Additional regulations concerning development and use of property in the M-
13 A-C Zone are as provided for in Divisions 1, 4, and 5 of this Part, General (Part 2), Moderately
14 Priced Housing Units (“MPHUs”) (Part 4A), Off-Street Parking and Loading (Part 11), Signs
15 (Part 12), and the Landscape Manual.

16 * * * * *

17 (f) For those developments with a residential component, the number of required
18 MPHUs shall be as set forth in Section 13-250 of this Code. A ten percent (10%) density
19 increment shall be granted for the provision of MPHUs, or the applicant shall receive a density
20 increment equal to the number of MPHUs constructed.

21 * * * * *

22 **DIVISION 2. SPECIFIC COMPREHENSIVE DESIGN ZONES.**

23 **SUBDIVISION 4. R-U (RESIDENTIAL URBAN DEVELOPMENT) ZONE.**

24 **Sec. 27-505. Regulations.**

25 * * * * *

26 (d) Other regulations.

27 * * * * *

28 (2) Additional regulations concerning development and use of property in the
29 M-A-C Zone are as provided for in Divisions 1, 4, and 5 of this Part, General (Part 2),
30 Moderately Priced Housing Units (“MPHUs”) (Part 4A), Off-Street Parking and Loading (Part
31 11), Signs (Part 12), and the Landscape Manual.

32 * * * * *

1 (g) For those developments with a residential component, the number of required
2 MPHUs shall be as set forth in Section 13-250 of this Code. A ten percent (10%) density
3 increment shall be granted for the provision of MPHUs, or the applicant shall receive a density
4 increment equal to the number of MPHUs constructed pursuant to the development project.

5 * * * * *

6 **DIVISION 2. SPECIFIC COMPREHENSIVE DESIGN ZONES.**

7 **SUBDIVISION 2. R-M (RESIDENTIAL MEDIUM DEVELOPMENT) ZONE.**

8 **Sec. 27-509. Regulations.**

9 * * * * *

10 (d) Other regulations.

11 * * * * *

12 (2) Additional regulations concerning development and use of property in the M-
13 A-C Zone are as provided for in Divisions 1, 4, and 5 of this Part, General (Part 2), Moderately
14 Priced Housing Units (MPHUs) (Part 4A), Off-Street Parking and Loading (Part 11), Signs (Part
15 12), and the Landscape Manual.

16 * * * * *

17 (g) For those developments with a residential component, the number of required
18 MPHUs shall be as set forth in Section 13-250 of this Code. A ten percent (10%) density
19 increment shall be granted for the provision of moderately priced housing units, or the applicant
20 shall receive a density increment equal to the number of MPHUs constructed pursuant to the
21 development project.

22 * * * * *

23 **DIVISION 2. SPECIFIC COMPREHENSIVE DESIGN ZONES.**

24 **SUBDIVISION 6. R-S (RESIDENTIAL SUBURBAN DEVELOPMENT) ZONE.**

25 **Sec. 27-513. Regulations.**

26 * * * * *

27 (d) Other regulations.

28 * * * * *

29 (2) Additional regulations concerning development and use of property in the M-
30 A-C Zone are as provided for in Divisions 1, 4, and 5 of this Part, General (Part 2), Moderately

1 Priced Housing Units (“MPHUs”) (Part 4A), Off-Street Parking and Loading (Part 11), Signs
2 (Part 12), and the Landscape Manual.

3 * * * * *

4 (g) For developments that include a proposed residential component, the number of
5 required MPHUs shall be as set forth in Section 13-250 of this Code. A ten percent (10%)
6 density increment shall be granted for the provision of MPHUs, or the applicant shall receive a
7 density increment equal to the number of MPHUs constructed pursuant to the development
8 project.

9 * * * * *

10 **DIVISION 4. COMPREHENSIVE DESIGN PLANS AND SPECIFIC DESIGN PLANS.**

11 **SUBDIVISION 1. COMPREHENSIVE DESIGN PLANS.**

12 **Sec. 27-518. Contents of Plan.**

13 * * * * *

14 (b) The Comprehensive Design Plan shall consist of the following with all plans
15 prepared at the same scale:

16 * * * * *

17 (5) The number of dwelling units proposed, including moderately priced housing
18 units (“MPHUs”), (by type of dwelling unit) for each staged unit;

19 * * * * *

20 **Sec. 27-521. Required findings for approval.**

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

22 * * * * *

23 (3) Approval is warranted by the way in which the Comprehensive Design Plan
24 includes design elements, including any requirement for construction of MPHUs applicable to
25 the proposed development, or approved alternate compliance method to meet the MPHU
26 requirement for the proposed development, facilities, and amenities, and satisfies the needs of the
27 residents, employees, or guests of the project;

28 * * * * *

29 (6) Each staged unit of the development includes a proportionate amount of
30 MPHUs, unless an alternative compliance method for meeting an applicable MPHU requirement
31 that has been approved in accordance with this Subtitle;

1 ~~[(6)]~~ (7) Each staged unit of the development (as well as the total development)
2 can exist as a unit capable of sustaining an environment of continuing quality and stability;

3 ~~[(7)]~~ (8) The staging of development will not be an unreasonable burden on
4 available public facilities;

5 ~~[(8)]~~ (9) Where a Comprehensive Design Plan proposal includes an adaptive use
6 of a Historic Site, the Planning Board shall find that:

7 (A) The proposed adaptive use will not adversely affect distinguishing
8 exterior architectural features or important historic landscape features in the established
9 environmental setting;

10 (B) Parking lot layout, materials, and landscaping are designed to
11 preserve the integrity and character of the Historic Site;

12 (C) The design, materials, height, proportion, and scale of a proposed
13 enlargement or extension of a Historic Site, or of a new structure within the environmental
14 setting, are in keeping with the character of the Historic Site;

15 ~~[(9)]~~ (10) The Plan incorporates the applicable design guidelines set forth in
16 Section 27-274 of Part 3, Division 9, of this Subtitle, and except as provided in Section 27-
17 521(a)(11), where townhouses are proposed in the Plan, with the exception of the V-L and V-M
18 Zones, the requirements set forth in Section 27-433(d);

19 ~~[(10)]~~ (11) The Plan is in conformance with an approved Type 1 Tree
20 Conservation Plan;

21 ~~[(11)]~~ (12) The Plan demonstrates the preservation and/or restoration of the
22 regulated environmental features in a natural state to the fullest extent possible in accordance
23 with the requirement of Subtitle 24-130-(b)(5).

24 ~~[(12)]~~ (13) Notwithstanding Section 27-521(a)(9), property placed in a
25 Comprehensive Design Zone pursuant to Section 27-226(f)(4), shall follow the guidelines set
26 forth in Section 27-480(g)(1) and (2); and

27 ~~[(13)]~~ (14) For a Regional Urban Community, the plan conforms to the
28 requirements stated in the definition of the use and satisfies the requirements for the use in
29 Section 27-508(a)(1) and Section 27-508(a)(2) of this Code.

30 * * * * * * * * *

31

DIVISION 4. COMPREHENSIVE DESIGN PLANS AND SPECIFIC DESIGN PLANS.

SUBDIVISION 2. SPECIFIC DESIGN PLANS.

Sec. 27-527. Contents of Plan.

* * * * *

(b) The Specific Design Plan shall include (at least) the following with all plans prepared at the same scale:

* * * * *

(5) An approved Natural Resource Inventory; [and]

(6) A statement of justification describing how the proposed design preserves or restores the regulated environmental features to the fullest extent possible [.] ; and

(7) Where the development includes residential dwelling units, a reproducible site plan must include a preliminary classification of the proposed residential dwelling units by type, including the proposed number of bedrooms, demarcating the number, size, and location of all moderately priced housing units (“MPHUs”).

* * * * *

PART 9. PLANNED COMMUNITY ZONES.

DIVISION 2. SPECIFIC PLANNED COMMUNITY ZONES.

Sec. 27-538. R-P-C Zone (Planned Community).

* * * * *

(c) Regulations.

(1) Additional regulations concerning the location, size, and other provisions for all buildings and structures in the R-P-C Zone are as provided for in Division 4 of this Part, [and] in the Landscape Manual , and the requirements set forth in Part 4A of this Subtitle.

(d) Site plan.

(1) Except as otherwise provided below, a Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle prior to the issuance of any grading, building, or use and occupancy permit for any property in an R-P-C Zone approved, as provided in Section 27-158(a), by Sectional Map Amendment or Zoning Map Amendment after January 1, 1989 , or when development includes moderately priced housing units (“MPHUs”) in accordance with Part 4A of this Subtitle and Division 8 of Subtitle 13 of this Code. No grading, building, or use and occupancy permit shall be issued except in accordance with the approved Detailed Site Plan.

* * * * *

PART 10. MIXED USE ZONES.

DIVISION 2. SPECIFIC MIXED USE ZONES.

SUBDIVISION 1. M-X-T (MIXED USE – TRANSPORTATION ORIENTED) ZONE.

Sec. 27-542. Purposes.

(a) The purposes of the M-X-T Zone are:

(1) To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, major transit stops, and designated General Plan Centers so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities, including moderately priced housing units (“MPHUs”), for its citizens;

* * * * *

Sec. 27-544. Regulations.

(a) Except as provided in Subsection (b), 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 , and MPHUs (Part 4A).

* * * * *

(f) For developments with a residential component, the number of required MPHUs shall be as set forth in Section 13-250 of this Code. A ten percent (10%) density increment shall be granted for the provision of MPHUs, or the applicant shall receive a density increment equal to the number of MPHUs constructed pursuant to the proposed development project.

* * * * *

SUBDIVISION 2. M-X-C (MIXED USE COMMUNITY) ZONE.

Sec. 27-546.01. Purposes.

(a) The purposes of the Mixed Use Community Zone are to:

* * * * *

(6) Provide a variety of lot sizes and dwelling types so as to provide housing for a spectrum of incomes, ages, and family structures , including moderately priced housing units (“MPHUs”);

* * * * *

Sec. 27-546.04. Other regulations.

* * * * *

(e) The regulations concerning Off-Street Parking and Loading (Part 11), Signs (Part 12), [and] the Landscape Manual , and MPHUs (Part 4A) 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 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.

* * * * *

SUBDIVISION 3. M-U-TC (MIXED USE - TOWN CENTER) ZONE.

Sec. 27-546.09. Purposes.

(a) The specific purposes of the M-U-TC Zone are:

* * * * *

(5) To provide a mix of commercial and residential uses which establish a safe and vibrant twenty-four hour environment , including moderately priced housing units (“MPHUs”).

* * * * *

Sec. 27-546.12. Regulations.

(a) Except as indicated in Subsection (b) and (c), below, regulations concerning the location, size, and other provisions for all buildings and structures in the M-U-TC Zone are as provided in the approved Town Center Development Plan and when the development includes MPHUs in accordance with Part 4A of this Subtitle and Division 8 of Subtitle 13 of this Code.

* * * * *

SUBDIVISION 4. M-U-I ZONE (MIXED USE - INFILL) ZONE.

Sec. 27-546.15. Purposes.

* * * * *

(6) To create community environments enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses , including moderately priced housing units (“MPHUs”); and

* * * * *

Sec. 27-546.18. Regulations.

(a) Except as provided in Subsection (b), the regulations governing location, setbacks, size, height, lot size, density, and other dimensional requirements in the M-U-I Zone are as follows:

1 * * * * *
2 (5) when the proposed development is subject to MPHU requirements in
3 accordance with Part 4A of this Subtitle and Division 8 of Subtitle 13 of this Code.
4 * * * * *

5 **PART 10A. OVERLAY ZONES.**

6 **DIVISION 1. T-D-O (TRANSIT DISTRICT OVERLAY) ZONE.**

7 **SUBDIVISION 1. GENERAL.**

8 **Sec. 27-548.03. Purposes.**

9 (a) The specific purposes of the Transit District Overlay Zone are:

- 10 * * * * *
- 11 (11) To insure that developments within the Transit District possess a desirable
- 12 urban design relationship with one another, the Metro station, and adjoining areas; [and]
- 13 (12) To provide flexibility in the design and layout of buildings and structures,
- 14 and to promote a coordinated and integrated development scheme [.]; and
- 15 (13) To provide a wide range of housing available to all socioeconomic groups.

16 * * * * *
17 **Sec. 27-548.07. Transit District Development Plan.**

18 * * * * *
19 (c) The Transit District Development Plan shall include the following:

- 20 * * * * *
- 21 (9) Reports and analyses necessary to describe the area's public facilities'
- 22 infrastructure requirements, and to prioritize them; [and]
- 23 (10) A landscape plan prepared pursuant to the provisions of the Landscape
- 24 Manual [.]; and
- 25 (11) For those developments with a residential component, the number of
- 26 required MPHUs shall be as set forth in Section 13-250 of this Code.

27 **Sec. 27-548.08. Site plan.**

28 * * * * *
29 (b) Contents.

30 (1) In addition to the information required by Part 3, Division 9, for Detailed Site
31 Plans, the following additional information shall be included for Plans in the T-D-O Zone:

1 (A) The number, floor area, and type of dwelling units , including any
2 required MPHUs, and reproducible preliminary architectural plans, including floor plans and
3 exterior elevations;

4 * * * * *

5 (c) **Required findings.**

6 (1) The findings required by Section 27-285(b) shall not apply to the T-D-O
7 Zone. Instead, the following findings shall be made by the Planning Board when approving a
8 Detailed Site Plan in the T-D-O Zone:

9 * * * * *

10 (F) If staging or phased development is proposed, each staged unit of the
11 development shall include a proportional amount of MPHUs, unless an authorized method of
12 alternative compliance has been approved for the subject development proposal in accordance
13 with this Subtitle.

14 * * * * *

15 SECTION 2. BE IT FURTHER ENACTED that Sections 27-418.01, 27-418.02,
16 27-418.03, 27-418.04, and 27-418.05 of the Zoning Ordinance be and the same are hereby
17 added:

18 **PART 4A. MODERATELY PRICED HOUSING UNITS.**

19 **DIVISION 1. GENERAL PROVISIONS.**

20 **Sec. 27-418.01. Purposes.**

21 (a) The purposes of this Part are:

22 (1) to require the provision of moderately priced housing units (“MPHUs”) in
23 certain zones in the County in accordance with the requirements of Division 8 of Subtitle 13 of
24 this Code; and

25 (2) to further the implementation of the MPHU Program set forth in Division 8 of
26 Subtitle 13 of this Code.

27 **Sec. 27-418.02. Procedures.**

28 (a) Implementation of the MPHU Program in the County shall be in accordance with the
29 procedural requirements set forth within Division 8 of Subtitle 13 of this Code.

30 **Sec. 27-418.03. Requirements for Comprehensive Design Zones, Mixed Use Zones, and**
31 **Transit District Overlay Zones.**

1 (a) Unless the property proposed for development is located within a Chesapeake Bay
 2 Critical Area Overlay Zone in the County, any application for preliminary plan of subdivision
 3 filed with the Planning Board proposing the development of fifteen (15) or more dwelling units
 4 in any Comprehensive Design Zone (CDZ), M-U-TC (Mixed-Use Town Center) Zone, Mixed
 5 Use - Transportation Oriented M-X-T (Mixed Use – Transportation Oriented) Zone, M-X-C
 6 (Mixed Use Community) Zone, or M-U-I (Mixed Use - Infill) Zone shall provide required
 7 MPHUs as set forth in Section 13-250 of this Code. The applicant shall receive a density
 8 increment equal to the number of moderately priced housing units constructed pursuant to the
 9 development proposal.

10 (b) Any application for preliminary plan of subdivision filed with the Planning Board
 11 proposing the development of residential dwelling units in the Transit District Overlay Zone
 12 shall provide required MPHUs as set forth in Section 13-250 of this Code. The applicant shall
 13 receive a density increment equal to the number of MPHUs provided by the applicant.

14 (c) Alternative compliance methods may be utilized as set forth in Section 13-252 of
 15 Subtitle 13 or the regulations adopted pursuant Section 13-258 of this Code.

16 (d) Additional regulations for development of residential dwellings in these zones are set
 17 forth in Part 10A (Overlay Zones) of this Subtitle.

18 **Sec. 27-418.04. Requirements for Residential Zones (R-80, R-55, R- 35, R-20, R-T, R-30,**
 19 **R-30C, R-18, R-18C, R-10A, R- 10, R-H, and R-P-C Zones).**

20 (a) Applicability.

21 (1) Unless the property proposed for development is located within a Chesapeake
 22 Bay Critical Area Overlay Zone, any preliminary plan of subdivision application, or any detailed
 23 site plan application prescribed by law, regulation, or condition of approval other than that of a
 24 preliminary plan of subdivision approval, proposing the development of fifteen (15) or more
 25 residential dwelling units in the R-80, R-55, R-35, R-20, R-T, R-30, R-30C, R-18, R-18C, R-
 26 10A, R-10, R-H, or R-P-C Zones of the County shall provide required MPHUs as set forth in
 27 Section 13-250 of this Code.

28 (2) Any preliminary plan of subdivision application proposing development of
 29 less than fifteen (15) residential dwelling units shall not be required to comply with the MPHU
 30 requirement of this Section, unless a subsequent preliminary plan application proposing the
 31 development of adjacent land, as defined in Section 27-107.01 of this Subtitle, is later filed by

1 the same applicant, and the subject application proposes the development of more than fifteen
 2 (15) residential dwelling units when combined with the development first approved, in which
 3 case the requirement of this Section for MPHUs shall apply, and the applicant shall then provide
 4 the prescribed number of MPHUs necessary for the entire development to meet the requirements
 5 of this Section.

6 (b) Development standards. All development with required minimum MPHUs shall be
 7 subject to Detailed Site Plan approval in accordance with Part 3, Division 9, of this Subtitle, and
 8 the property proposed for development with required minimum MPHUs shall not be the subject
 9 of any final plat of subdivision application until a Detailed Site Plan is approved for the property

10 (c) Density increment.

11 (1) An applicant shall receive a density increment equal to the number of
 12 moderately priced dwelling units required.

13 (d) Alternative compliance methods may be utilized as set forth in Section 13-252 of
 14 Subtitle 13 or the regulations adopted pursuant Section 13-258 of this Code.

15 (e) All other regulations for development of residential dwellings set forth in Part 5
 16 (Residential Zones) shall apply.

17 **Sec. 27-418.05. Requirements for Commercial Zones (C-O, C-S-C, and C-M Zones).**

18 (a) Applicability.

19 (1) Unless the property proposed for development is located within a Chesapeake
 20 Bay Critical Area Overlay Zone, any preliminary plan of subdivision application, or any detailed
 21 site plan application prescribed by law, regulation, or condition of approval other than that of a
 22 preliminary plan of subdivision approval, proposing the development of fifteen (15) or more
 23 residential dwelling units in the C-O, C-S-C, and C-M Zones of the County shall provide
 24 required MPHUs as set forth in Section 13-250 of this Code.

25 (2) Any preliminary plan of subdivision application proposing development of
 26 less than fifteen (15) residential dwelling units shall not be required to comply with the MPHU
 27 requirement of this Section, unless a subsequent preliminary plan application proposing the
 28 development of adjacent land, as defined in Section 27-107.01 of this Subtitle, is later filed by
 29 the same applicant, and the subject application proposes the development of more than fifteen
 30 (15) residential dwelling units when combined with the development first approved, in which
 31 case the requirement of this Section for MPHUs shall apply, and the applicant shall then provide

1 the prescribed number of MPHUs necessary for the entire development to meet the requirements
2 of this Section.

3 (b) Development standards. All development with required minimum MPHUs shall be
4 subject to Detailed Site Plan approval in accordance with Part 3, Division 9, of this Subtitle, and
5 the property proposed for development with required minimum MPHUs shall not be the subject
6 of any final plat of subdivision application until a Detailed Site Plan is approved for the property

7 (c) Density increment.

8 (1) An applicant shall receive a density increment equal to the number of
9 moderately priced dwelling units required.

10 (d) Alternative compliance methods may be utilized as set forth in Section 13-252 of
11 Subtitle 13 or the regulations adopted pursuant Section 13-258 of this Code.

12 (e) All other regulations for development of residential dwellings set forth in Part 6
13 (Commercial Zones) shall apply.

14 * * * * *

15

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SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect July 1, 2016..

Adopted this _____ day of _____, 2015.

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: _____
Mel Franklin
Chairman

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.