

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2014 Legislative Session**

Bill No. CB-15-2014

Chapter No. 16

Proposed and Presented by The Chairman (by request – Planning Board)

Introduced by Council Member Franklin

Co-Sponsors _____

Date of Introduction June 3, 2014

ZONING BILL

1 AN ORDINANCE concerning

2 Transit District Overlay Zone

3 For the purpose of amending the Transit District Overlay Zoning Map Amendment provisions
4 concerning authority to regulate underlying zones, clarifying certain applicability and procedural
5 requirements, and authorizing Transit District Development Plans to amend certain design
6 regulations and standards.

7 BY repealing and reenacting with amendments:

8 Sections 27-548.06, 27-548.07, and 27-548.08.

9 The Zoning Ordinance of Prince George's County, Maryland,
10 being also

11 SUBTITLE 27. ZONING.

12 The Prince George's County Code
13 (2011 Edition; 2013 Supplement).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
15 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
16 District in Prince George's County, Maryland, that Sections 27-548.06, 27-548.07, and 27-
17 548.08 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of
18 the Prince George's County Code, be and the same are hereby repealed and reenacted with the
19 following amendments:

SUBTITLE 27. ZONING.

PART 10A. OVERLAY ZONES.

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

Subdivision 1. General.

Sec. 27-548.04. Relationship to other zones and Master, General, and Functional Plans.

(a) The Transit District Overlay Zone shall be placed over other zones on the Zoning Map, and shall modify specific requirements of those underlying zones. Only those requirements of the underlying zones specifically noted in this Subdivision and elsewhere in this Subtitle are modified. All other requirements of the underlying zones are unaffected by the Transit District Overlay Zone.

The Transit District Overlay Zone may not be placed over the Urban Center or Corridor Node Zones (UC).

(b) Any Transit District Development Plan prepared pursuant to this Part shall amend the General Plan, Area Master Plan or Sector Plan, and Functional Master Plans unless otherwise stated by the District Council in its resolution of approval.

Sec. 27-548.06. Regulations.

* * * * *

(b) **[Buildings, landscaping, and other improvements.**

(1) The location, size, and lot coverage of all structural improvements, open spaces, and green areas shown on an approved Detailed Site Plan shall constitute the regulations for these improvements within the Transit District. The corresponding regulations of the underlying zones do not apply to property in the T-D-O Zone, unless so specified elsewhere in this Subtitle. Detailed Site Plan approval is not required for television receiving antennas attached to dwellings.

(2) Landscaping, screening, and buffering of development within the Transit District shall be provided pursuant to the provisions of the Landscape Manual. Additional buffering and screening may be required to satisfy the purposes of the T-D-O Zone and to protect the unique character of the Transit District from adjoining or interior incompatible land uses.]

Transit District Standards.

(1) Transit District Standards shall be prepared for each Transit District Overlay Zone. Transit District Overlay Zone regulations shall be the same as those in the underlying zone in

1 which property is classified, except as modified by Transit District Standards approved by the
 2 District Council, in a Transit District Development Plan. Transit District Standards in each
 3 Transit District Overlay Zone are intended to allow flexibility in the development review process
 4 and foster high-quality, transit- and pedestrian-oriented development through design guidelines
 5 and standards which promote the purposes of the Transit District Development Plan.

6 (2) The location, size, height, design, lot coverage of structures, signs, open space,
 7 pedestrian and street connections (including streetscape configurations, street sections, green
 8 streets, and complete streets requirements), and other regulations may be specified in the text,
 9 concept plans, and maps in the Transit District Standards.

10 **(c) Relationship to Landscape Manual.**

11 (1) Landscaping, screening, and buffering of development shall conform to Landscape
 12 Manual requirements. Additional or reduced landscaping, screening, and buffering measures
 13 may also be specified by the Transit District Standards to meet the goals of the Transit District
 14 and the purposes of the T-D-O Zone.

15 **[(c)](d) Parking and loading.**

16 (1) The requirements of Part 11 concerning the minimum number of spaces in, and
 17 design of, off-street parking and loading areas shall not apply within a Transit District unless
 18 otherwise specified within the Transit District Standards. Instead, a methodology for
 19 determining the number of off-street parking and loading spaces to be required for specific uses
 20 [shall] may be established on the Transit District Development Plan in the form of Transit District
 21 Standards. The Prince George's County Parking Authority shall be provided an opportunity to
 22 review any proposed parking methodology prior to transmittal of a Development Plan by the
 23 Planning Board to the District Council. The methodology [shall, at least, address the following:]
 24 should include, but not be limited to:

- 25 (A) The nature of each use proposed, including type, size, and location;
- 26 (B) The peak parking demand characteristics of the proposed uses;
- 27 (C) Uses involved in multipurpose trips;
- 28 (D) Provisions for mass transit, such as [rapid] heavy and light rail, carpool, bus,
 29 vanpool, and developer-provided services, which would make off-street parking unnecessary;
- 30 (E) Parking or loading spaces to be provided by public agencies; [and]

1 (F) Shared parking and transportation demand management measures intended
 2 to reduce single-occupant automobile use, encourage other modes of transportation such as
 3 transit, walking, and bicycling, and minimize off-street parking needs;

4 (G) Car sharing provisions in accordance with Section 27-548.09.02; and

5 (H) Existing provisions for parking established within a Parking District (see
 6 Section 27-585(a)).

7 (2) If [the uses shown on the]a Transit District Development Plan [are not specific
 8 enough to determine the precise]does not contain specific parking requirements[at the time of
 9 the Plan's approval by the District Council], the requirements shall be determined at the time of
 10 Detailed Site Plan review by the Planning Board in accordance with the regulations of Part 11.
 11 Additionally, the Planning Board may apply reductions from the minimum parking requirements
 12 of Part 11 if it finds alternate approaches to parking, such as but not limited to car and bike share
 13 programs, car and van pools, executed shuttle and transit bus use agreements, and trip reduction
 14 measures, will effectively provide alternatives to single-occupant automobile use.[, using the
 15 same methodology as established for the Development Plan.]

16 **[(d) Signs.**

17 (1) The regulations of Part 12 governing signs shall not apply to property in the T-D-O
 18 Zone. No signs shall be permitted (except signs within a building and not generally visible from
 19 outside the building), except upon a finding that a given sign is reasonably necessary. In
 20 considering a sign proposal, the Planning Board shall be guided by the design standards of
 21 Part 12 and the purpose to be served by the proposed sign. The Planning Board may restrict the
 22 location, size, and type of signs in such a manner as to provide adequate identification of a given
 23 use, while assuring compatibility with other structures and uses in the Transit District. All signs
 24 shall be approved by the Planning Board at the time it approves the Detailed Site Plan or an
 25 amendment thereof.]

26 **(e) Transit facilities and streets.**

27 (1) The Transit District Development Plan may specify the location and size of
 28 proposed transit facilities and streets.

29 **[(e)](f) Pedestrian [open space]and bicyclist network.**

30 (1) The pedestrian [system]and bicyclist network within a Transit District shall be
 31 oriented toward serving the Metro station, as well as other development within the District, and

1 consideration should be given to providing pedestrian and bicyclist connections to adjacent
 2 existing neighborhoods.

3 **[(f)](g) Urban open space and recreation network**

4 (1) A network of squares, greens, plazas, parks, and urban recreation facilities should
 5 be identified in the Transit District Development Plan to provide an environment that encourages
 6 and facilitates pedestrian activity, promotes health and wellness, enhances the natural
 7 environment, contributes to increased property values and assessments, and adds to a sense of
 8 place and the overall design quality of transit-oriented and accessible areas.

9 **[(g)](h) Air rights and below-ground development.**

10 (1) Private buildings and other structures may be located within the air space above,
 11 or in the ground below, public rights-of-way.

12 **[(h)](i) Boundaries of zone.**

13 (1) The boundary of a Transit District Overlay Zone shall encompass an area in
 14 proximity to an existing or proposed Metro Station. The area shall be contiguous and shall
 15 follow property lines, streets, or permanent and readily identifiable natural features of the
 16 landscape. A boundary [shall]should not [split]divide an individual property unless there is a
 17 clear and compelling reason to do so.

18 **Sec. 27-548.07. Transit District Development Plan and Transit District Overlay Zoning**
 19 **Map Amendment.**

20 (a) Within every Transit District Overlay Zone, a Transit District Development Plan and
 21 Transit District Overlay Zoning Map Amendment shall be prepared and approved, in accordance
 22 with the procedures set forth in Part 3, Division 2, Subdivision 5.

23 (b) All approved Transit District Development Plans shall be binding upon the property
 24 owners, their successors, assigns, and heirs. The [P] plan shall control the use and development
 25 of all land and structures in a Transit District, and the issuance and validity of all permits within
 26 the Transit District.

27 (c) The Transit District Development Plan shall include the following:

28 (1) A description of the area within the Transit District, including a location map
 29 showing the boundaries of the Transit District (with north arrow and scale) and a description of
 30 the existing improvements within those boundaries;

31 (2) Existing zoning and use of properties within and adjacent to the Transit District;

1 (3) Existing and proposed right-of-way widths of internal and adjoining streets;

2 (4) The proposed vehicular, bicyclist, and pedestrian circulation systems;

3 (5) [A description of the methods to be used for stormwater management;

4 (6)] The location, size, and description of known proposals for public and private
5 improvements within the proposed Transit District;

6 (6) Transit District Standards intended to implement the goals of the Transit District
7 Development Plan and the T-D-O Zone for physical development within the Transit District;

8 (7) The type and location of any specific uses which are proposed, and the
9 distribution and maximum square footage/density anticipated to be devoted to each; and

10 (8) [The methodology to be used in determining the amount, location, and
11 arrangement of off-street parking and loading areas;

12 (9)] Reports and analyses necessary to describe the area's public facilities'
13 infrastructure requirements and priorities[, and to prioritize them; and

14 (10) A landscape plan prepared pursuant to the provisions of the Landscape Manual].

15 (d) The Transit District Development Plan may include the following:

16 (1) A proposed sequence of development;

17 (2) Reports and analyses necessary to identify public and private funding sources to
18 finance the area's public facilities' infrastructure improvements;

19 (3) [Proposed changes of existing underlying zoning; and] Any proposed urban open
20 space and recreation network; and

21 (4) Any other pertinent information.

22 (e) The Transit District Overlay Zoning Map Amendment shall include any proposed
23 changes in existing underlying zoning, along with written justification for the proposed changes.

24 (f) In order to maximize the flexibility of the Transit District Overlay Zone and protect the
25 public interest, the elements and requirements contained in the Transit District Development
26 Plan (Subsections (c) and (d), above) may [be in]take any of the following forms:

27 (1) Mandatory requirements, such as, but not limited to, specific setbacks for
28 structures or required street improvements[, which the Detailed Site Plan shall completely reflect
29 and be in conformance with]; or

30 (2) Guidelines and criteria for development which the Planning Board shall use in
31 reviewing a Detailed Site Plan.

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

2 (a) **General.**

3 (1) The applicability section of the Transit District Standards may exempt
 4 development projects from Conceptual and/or Detailed Site Plan review or limit the review of
 5 specific types of development or areas of the Transit District.

6 (2) Prior to the issuance of any grading[,] permit for undeveloped property or any
 7 building[, or use and occupancy] permit in a Transit District[for the construction on, or use of,
 8 any land in a Transit District], a Detailed Site Plan for individual development proposals shall be
 9 approved by the Planning Board in accordance with Part 3, Division 9.

10 (3) A Detailed Site Plan, if required, shall be approved prior to, or concurrently with,
 11 any final plat of subdivision. A final plat of subdivision for roads only, however, may be
 12 approved prior to approval of the Detailed Site Plan. The Detailed Site Plan may include any
 13 portion of the Transit District, and may only be submitted by the owner of the subject property
 14 [concerned] (or his authorized representative).

15 (4) An amendment of the Transit District Standards may be requested and
 16 incorporated into a Conceptual or Detailed Site Plan application in accordance with 27-548.08(c)
 17 and 27-548.09.01.

18 (b) **Contents.**

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

21 (A) The number, floor area, and type of dwelling units;

22 (B) The gross floor area devoted to commercial and industrial uses and the floor
 23 area devoted to other nonresidential uses;

24 (C) The density and floor area ratios proposed, and how they were calculated;

25 (D) A description of the relationship between vehicular, [and]pedestrian, and
 26 bicyclist circulation systems;

27 (E) Provisions for sediment control and [storm water] stormwater management;

28 (F) An exterior lighting plan, showing exterior lighting of all buildings, parking
 29 areas, driveways, and pedestrian ways, including the heights, number, and type of fixtures. The
 30 plan shall also show the amount of glare upon adjoining properties in terms of level of
 31 illumination (measured in foot-candles) and cut-off angle;

1 (G) The location, design, size, lighting, and all other features of signs (except
2 signs within, and not generally visible from outside of, buildings);

3 (H) A statement of planning objectives to be achieved by the development
4 through the particular approach proposed by the applicant. This statement shall include a
5 description of the character of the proposed development and the rationale behind the
6 assumptions and choices made by the applicant; [and]

7 (I) Any additional supporting documentation where requested in the Transit
8 District Standards and accompanying applicability section;

9 (J) Any pertinent Memorandum of Understanding between a car sharing
10 corporation or company and the applicant pursuant to Section 27-548.09.02;

11 (K) A signed and dated justification statement listing the Transit District
12 Standards, how the proposed development complies with the standards, and justifying any
13 proposed amendments to the standards; and

14 (L) A development schedule indicating the approximate dates when construction
15 can be expected to begin and to be completed.

16 (c) **Required findings.**

17 (1) In addition to the findings required by Section 27-276(b) for approval of a
18 Conceptual Site Plan in the T-D-O Zone, the Planning Board shall find that the Transit District
19 Site Plan is consistent with, and reflects the guidelines and criteria for development contained in,
20 the Transit District Development Plan.

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

24 (A) The Transit District Site Plan is in strict conformance with any mandatory
25 requirements of the Transit District Development Plan;

26 (B) The Transit District Site Plan is consistent with, and reflects the guidelines
27 and criteria for development contained in, the Transit District Development Plan;

28 (C) The Transit District Site Plan meets all of the requirements of the Transit
29 District Overlay Zone, and applicable regulations of the underlying zones, unless an amendment
30 to the applicable requirement or regulation has been approved;

1 (D) The location, size, and design of buildings, signs, other structures, open
2 spaces, landscaping, pedestrian and vehicular circulation systems, and parking and loading areas
3 maximize safety and efficiency, and are adequate to meet the purposes of the Transit District
4 Overlay Zone;

5 (E) Each structure and use, in the manner proposed, is compatible with other
6 structures and uses in the Transit District, and with existing and proposed adjacent
7 development[.]; and

8 (F) Requests for reductions from the total minimum required parking spaces for
9 Transit District Overlay Zones pursuant to Section 27-548.09.02 meet the stated location criteria
10 and are accompanied by a signed Memorandum of Understanding between a car sharing
11 corporation or company and the applicant.

12 * * * * *

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

Adopted this 8th day of July, 2014.

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.