

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2000 Legislative Session

Bill No. CB-8-2000
Chapter No. 59
Proposed and Presented by The Chairman (by request – Planning Board)
Introduced by Council Members Bailey and Shapiro
Co-Sponsors _____
Date of Introduction July 25, 2000

ZONING BILL

1 AN ORDINANCE concerning

2 Development Districts

3 For the purpose of establishing a Development District Overlay Zone category, and regulations
4 for development therein, to be superimposed by a Sectional Map Amendment over other zones in
5 Development Districts designated by a Master Plan, Master Plan Amendment, or Sector Plan in
6 order to promote coordinated and integrated development in town centers, Metro areas,
7 commercial corridors, employment centers, revitalization areas, historic areas, and other special
8 areas; defining a sector plan; and making various related and technical amendments.

9 BY repealing and reenacting with amendments:

10 Sections 27-107.01, 27-109, 27-223, 27-229, 27-642, 27-643 and 27-644,
11 The Zoning Ordinance of Prince George's County, Maryland,
12 being also
13 SUBTITLE 27. ZONING.
14 The Prince George's County Code
15 (1999 Edition).

16 BY adding:

17 Sections 27-548.19, 27-548.20, 27-548.21, 27-548.22, 27-548.23,
18 27-548.24, 27-548.25, and 27-548.26,
19 The Zoning Ordinance of Prince George's County, Maryland,
20 being also

SUBTITLE 27. ZONING.

The Prince George's County Code

(1999 Edition).

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, 27-109, 27-223, 27-229, 27-642, and 27-644 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Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments: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:

* * * * *

(206.3) **Sector Plan:** A comprehensive plan for the physical development of a portion of a planning area or planning areas, showing in detail such planning features as type, density and intensity of land uses, pedestrian traffic features, public facilities (parking structures, public open space, rapid transit station, community service provisions and the like), and relationship of the various uses to transportation, services and amenities within the area of the sector plan and, where appropriate, to other areas. The sector plan may include maps, graphics, and text and is designated as the sector plan for the area which it encompasses. It may be approved either as part of a new master plan or as an amendment to an existing master plan.

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DIVISION 3. ZONES AND MAPS.

Sec. 27-109. Classes of zones.

(a) The Regional District is divided into the following classes of zones:

* * * * *

(7) **Overlay.**

T-D-O Zone (Transit District Overlay)

R-C-O Zone (Chesapeake Bay Critical Area Resource Conservation Overlay)

L-D-O Zone (Chesapeake Bay Critical Area Limited Development Overlay)

I-D-O Zone (Chesapeake Bay Critical Area Intense Development Overlay)

D-D-O Zone (Development District Overlay)

(b) For the purposes of Sections 27-129(i), 27-157(d), 27-176(e), 27-195(e), 27-213(d), and 27-233(d), the order of intensity of zones is listed as follows, beginning with the least intense zone and progressing to the most intense:

(1) R-O-S, O-S, R-A, R-E, V-L, R-L, V-M, R-R, R-S, R-80, R-55, R-M-H, R-35, R-20, R-M, R-T, R-30, R-30C, R-18, R-18C, R-U, R-10A, R-10, R-H, C-A, C-O, M-X-C, M-U-TC, C-R-C, C-S-C, C-1, C-C, C-G, C-2, C-W, C-M, C-H, L-A-C, M-A-C, I-3, I-4, U-L-I, I-1, I-2, E-I-A, M-X-T, R-P-C.

(2) A T-D-O, R-C-O, L-D-O, [or] I-D-O, or D-D-O Zone superimposed over any of the above zones shall not be construed to affect the intensity of the zone.

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PART 3. ADMINISTRATION.

DIVISION 4. SECTIONAL MAP AMENDMENT (SMA).

Subdivision 1. General.

Sec. 27-223. Limitations on zoning.

* * * * *

(j) The District Council may not classify property in the Development District Overlay Zone unless the zone is recommended in an approved Master Plan, Master Plan Amendment, or Sector Plan. The Plan shall be prepared in accordance with Part 13 and Section 27-548.24 and the Development District Overlay Zone shall be implemented by a Sectional Map Amendment.

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:

* * * * *

(19) Grant a variance from any provision of this Subtitle applicable to development within a Transit District Overlay Zone or a Development District Overlay Zone;

* * * * *

**PART 13. AREA MASTER PLANS, GENERAL PLAN,
FUNCTIONAL MASTER PLANS, SECTOR PLANS, AND PLANNING AREAS.**

DIVISION 2. PROCEDURES.

Sec. 27-642. Public and municipal participation.

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(d) Public facility and minor plan amendments.

(1) This section shall not apply to minor public facility and minor plan amendments (including related map or text changes) that do not directly modify the entire subject area of an existing plan, except that where the Development District Overlay Zone is located, in whole or in part, within a municipality, no plan amendment shall be approved without first considering the recommendation of the municipality.

Sec. 27-643. Establishment of goals, concepts, and guidelines and the public participation program.

Following the public forum or upon initiation of a minor public facility or minor plan amendment, the Planning Board shall prepare preliminary goals, concepts, guidelines, and a public participation program. These shall be submitted to the District Council for approval.

Sec. 27-644. Preliminary Plan.

* * * * *

(c) Public Hearing.

* * * * *

(2) Notice.

* * * * *

(E) For a minor public facility or minor plan amendment, the Planning Board shall also have written notice of the hearing mailed to the owners of land within or abutting the boundaries of the minor plan amendment, the appropriate municipalities, local and Countywide civic and business organizations, and other property owners known to have a special interest in the plan. The mailing is for informational purposes only, and failure of the Planning Board to send or recipients to receive the notice shall not invalidate the plan amendment. Where the

Development District Overlay Zone is located, in whole or in part within a municipality, the Planning Board shall be required to give notice in writing to the municipality.

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SECTION 2. 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 27-548.19, 27-548.20, 27-548.21, 27-548.22, 27-548.23, 27-548.24, 27-548.25, and 27-548.26, 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 10A. OVERLAY ZONES.

DIVISION 3. D-D-O (DEVELOPMENT DISTRICT OVERLAY) ZONE.

Sec. 27-548.19. Introduction.

The Development District Overlay Zone is intended to ensure that the development of land in a designated development district meets the goals established for the district in a Master Plan, Master Plan Amendment, or Sector Plan, and takes advantage of unique opportunities presented by the district. Development districts may be designated for town centers, Metro areas, commercial corridors, employment centers, revitalization areas, historic areas and other special areas which are the subject of development recommendations in a Master Plan, Master Plan Amendment, or Sector Plan. The D-D-O Zone is a mapped zone which is superimposed by a Sectional Map Amendment (SMA) over other zones in a designated development district, and may modify development requirements within the underlying zones. In the Development District Overlay Zone, new development is generally subject to the approval of a Detailed Site Plan by the Planning Board. Detailed site plans are reviewed for compliance with development standards approved in an SMA.

Sec. 27-548.20. Purposes.

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

(1) To provide a close link between Master Plans, Master Plan Amendments, or Sector Plans and their implementation;

(2) To provide flexibility within a regulatory framework to encourage innovative design solutions;

(3) To provide uniform development criteria utilizing design standards;

(4) To promote an appropriate mix of land uses;

(5) To encourage compact development;

(6) To encourage compatible development which complements and enhances the character of an area;

(7) To promote a sense of place by preserving character-defining features within a community;

(8) To encourage pedestrian activity;

(9) To promote economic vitality and investment.

Sec. 27-548.21. Relationship to other zones.

The Development District Overlay Zone shall be placed over other zones on the Zoning Map, and may 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 Development District Overlay Zone.

Sec. 27-548.22. Uses.

(a) The uses allowed on property in a Development District Overlay Zone shall be the same as those allowed in the underlying zone in which the property is classified, except as modified by Development District Standards approved in a Sectional Map Amendment.

(b) Development District Standards may limit land uses or general use types allowed in the underlying zone, where the uses are incompatible with or detrimental to the goals of the Development District and purposes of the D-D-O Zone. Development District Standards may not allow uses prohibited in the underlying zone.

Sec. 27-548.23. Development District Standards.

(a) In general, Development District Overlay Zone regulations shall be the same as those in the underlying zone in which property is classified, except as modified by Development District Standards approved in a Sectional Map Amendment. The use of Development District Standards in each Development District Overlay Zone is intended to allow flexibility in the development review process and foster high-quality development through application of design guidelines and standards which promote the purposes of the Master Plan, Master Plan Amendment, or Sector Plan.

(b) Development District Standards may modify density regulations only to meet the goals of the Development District and the purposes of the D-D-O Zone. Development District Standards may not permit density in excess of the maximum permitted in the underlying zone.

(c) The location, size, height, design, lot coverage of structures, parking and loading, signs, open space and other regulations may be specified in the text, concept plans, and maps in the Development District Standards. The regulations in the underlying zone may be modified by the Development District Standards only to meet the goals of the Development District and the purposes of the D-D-O Zone.

(d) Landscaping, screening, and buffering of development shall conform to *Landscape Manual* requirements. Specific landscaping, screening, and buffering also may be required by the Development District Standards. Development District Standards may require specific landscaping, screening, and buffering, but only to meet the goals of the Development District and the purposes of the D-D-O Zone.

(e) The Master Plan, Master Plan Amendment, or Sector Plan may specify the location and size of proposed roads and transit facilities.

Sec. 27-548.24. Master Plan, Master Plan Amendment, or Sector Plan.

(a) For every Development District Overlay Zone, a Master Plan, Master Plan Amendment, or Sector Plan shall be prepared in accordance with the master plan procedures set forth in Part 13, which may include the following elements:

- (1) Overall recommendations;
- (2) Subarea recommendations;
- (3) Illustrative concept plans;
- (4) Plan maps.

(b) The Development District Overlay Zone shall be applied through the Sectional Map Amendment process, in accordance with the procedures in Part 3, Division 4.

(c) Development District Standards shall be prepared for each Development District Overlay Zone. Development District Standards shall be stated in a Sectional Map Amendment and conform generally to recommendations in the applicable Master Plan, Master Plan Amendment, or Sector Plan.

Sec. 27-548.25. Site Plan Approval.

(a) Prior to issuance of any grading permit for undeveloped property or any building

1 permit in a Development District, a Detailed Site Plan for individual development shall be
 2 approved by the Planning Board in accordance with Part 3, Division 9. Site plan submittal
 3 requirements for the Development District shall be stated in the Development District Standards.
 4 The applicability section of the Development District Standards may exempt from site plan
 5 review or limit the review of specific types of development or areas of the Development District.

6 (b) In approving the Detailed Site Plan, the Planning Board shall find that the site plan
 7 meets applicable Development District Standards.

8 (c) If the applicant so requests, the Planning Board may apply development standards
 9 which differ from the approved Development District Standards, unless the Sectional Map
 10 Amendment provides otherwise. The Planning Board shall find that the alternate Development
 11 District Standards will benefit the development and the Development District and will not
 12 substantially impair implementation of the Master Plan, Master Plan Amendment, or Sector Plan.

13 (d) Special exception procedures shall not apply to uses within a Development District.
 14 Uses which would normally require a special exception in the underlying zone shall be permitted
 15 uses, if the Development District Standards so provide, subject to site plan review by the
 16 Planning Board. Development District Standards may restrict or prohibit any such uses. The
 17 Planning Board shall find in its approval of the site plan that the use complies with all applicable
 18 Development District Standards, meets the general special exception standards in Section 27-317
 19 (a)(1), (4), (5) and (6), and conforms to the recommendations in the Master Plan, Master Plan
 20 Amendment, or Sector Plan.

21 (e) If a use would normally require a variance or departure, separate application shall not
 22 be required, but the Planning Board shall find in its approval of the site plan that the variance or
 23 departure conforms to all applicable Development District Standards.

24 **Sec. 27-548.26. Amendment of Approved Development District Overlay Zone.**

25 (a) District Council.

26 (1) The following amendments to development requirements within the Development
 27 District may be initiated and approved by the District Council through the minor plan
 28 amendment procedure and concurrent Sectional Map Amendment process, in accordance with
 29 Part 13, Division 2, and Part 3, Division 4:

30 (A) Changes to the boundary of the D-D-O Zone;

31 (B) Changes to the underlying zones or the list of allowed uses, as modified by

1 the Development District Standards;

2 (C) Any provision of the Development District Standards.

3 (b) Property Owner.

4 (1) A property owner may request that the District Council amend development
5 requirements for the owner's property, as follows:

6 (A) An owner of property in, adjoining, or separated only by a right-of-way from
7 the Development District may request changes to the boundary of the approved D-D-O Zone.

8 (B) An owner of property in the Development District may request changes to
9 the underlying zones or the list of allowed uses, as modified by the Development District
10 Standards.

11 (2) The owner's application shall include: (i) a statement showing that the proposed
12 development conforms with the purposes and recommendations for the Development District, as
13 stated in the Master Plan, Master Plan Amendment, or Sector Plan; and (ii) a site plan, either the
14 Detailed Site Plan required by Section 27-548.25 or a Conceptual Site Plan.

15 (3) Filing and review of the application shall follow the site plan review procedures
16 in Part 3, Division 9, except as modified in this Section. The Technical Staff shall review and
17 submit a report on the application, and the Planning Board shall hold a public hearing and submit
18 a recommendation to the District Council. Before final action the Council may remand the
19 application to the Planning Board for review of specific issues.

20 (4) An application may be amended at any time. A request to amend an application
21 shall be filed and reviewed in accordance with Section 27-145.

22 (5) The District Council may approve, approve with conditions, or disapprove any
23 amendment requested by a property owner under this Section. In approving an application and
24 site plan, the District Council shall find that the proposed development conforms with the
25 purposes and recommendations for the Development District, as stated in the Master Plan,
26 Master Plan Amendment, or Sector Plan, and meets applicable site plan requirements.

27 (6) If a Conceptual Site Plan is approved with an application, the owner may not
28 obtain permits without an approved Detailed Site Plan.

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

Adopted this 6th day of September, 2000.

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
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.