

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2003 Legislative Session**

Bill No. CB-42-2003

Chapter No. 33

Proposed and Presented by Council Member Harrington

Introduced by Council Members Harrington, Dean and Hendershot

Co-Sponsors _____

Date of Introduction July 8, 2003

ZONING BILL

1 AN ORDINANCE concerning

2 M-U-I Zone

3 For the purpose of authorizing the District Council to approve the M-U-I Zone (Mixed Use,
4 Infill) on property owned by a municipality, modifying the M-U-I Zone application and approval
5 requirements, and making related amendments to the Zoning Ordinance.

6 BY repealing and reenacting with amendments:

7 Sections 27-546.15, 27-546.16, 27-546.17,

8 27-546.18, and 27-546.19,

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 (1999 Edition, 2002 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 27-546.15, 27-546.16, 27-546.17,
17 27-546.18, and 27-546.19 of the Zoning Ordinance of Prince George's County, Maryland, being
18 also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and
19 reenacted with the following amendments:

20

SUBTITLE 27. ZONING.

PART 10. MIXED USE ZONES.

DIVISION 2 SPECIFIC MIXED USE ZONES.

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

Sec. 27-546.15. Purposes.

(a) The general purpose of the M-U-I Zone is to permit, where recommended in applicable plans or requested by a municipality, a mix of residential and commercial uses as infill development in areas which are already substantially developed. The M-U-I Zone may be approved [only] on properties which adjoin developed properties or otherwise meet plan recommendations and which have overlay zone regulations requiring site plan review, or on property owned by a municipality which requests the zone.

(b) The specific purposes of the M-U-I Zone are:

(1) To implement recommendations in approved Master Plans, Sector Plans, or other applicable plans by encouraging residential or commercial infill development in areas where most properties are already developed;

(2) To simplify review procedures for residential, commercial, and mixed residential and commercial development in established communities;

(3) To encourage innovation in the planning and design of infill development;

(4) To allow flexibility in the process of reviewing infill development;

(5) To promote smart growth principles by encouraging efficient use of land and public facilities and services; [and]

(6) To create community environments enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses; and

(7) To permit redevelopment, particularly in areas requiring revitalization, of property owned by a municipality.

Sec. 27-546.16. Approval of Zone.

(a) The District Council may approve the M-U-I Zone in a Sectional Map Amendment, a T-D-O Zone map amendment, a D-D-O Zone map amendment, an individual map amendment requested by a municipality, or an individual site plan case, subject to the provisions in this Subdivision.

1 (b) The M-U-I Zone may be approved [only] on property which has proposed development
2 subject to site plan review and is in the Transit District Overlay Zone or the Development
3 District Overlay Zone, or on property owned by a municipality which requests the zone.

4 (1) Property in the T-D-O Zone may be reclassified from its underlying zone to the
5 M-U-I Zone by [a primary] an amendment to the Transit District Development Plan (TDDP)
6 through the process in Section 27-548.09.01. In the [primary] amendment [application and
7 review] process, the owner shall [meet all TDDP primary amendment requirements and] show
8 that the proposed rezoning and development will meet TDDP goals and objectives and will be
9 compatible with existing or approved future development on adjacent properties.

10 (2) Property in the D-D-O Zone may be reclassified from its underlying zone to the
11 M-U-I Zone through the property owner application process in Section 27-548.26(b). In the
12 review process, the owner shall [meet all requirements in the Section and] show that the
13 proposed rezoning and development will be compatible with existing or approved future
14 development on adjacent properties.

15 (3) Property owned by a municipality may be reclassified to the M-U-I Zone under
16 the following procedures:

17 (A) As to notice and hearing procedures in general, the Planning Board and
18 District Council shall follow the requirements in Part 3, Division 9, for site plan cases. The
19 processing of applications filed by municipalities shall be expedited, and the Planning Board
20 must file its recommendation with the Council not later than 50 days after the municipality's
21 application is accepted for filing.

22 (B) The municipality's application shall include all materials required in Part 3,
23 Division 9, for Conceptual Site Plan cases, with a statement which enumerates proposed uses on
24 the site, demonstrates how the proposed mix of uses meets M-U-I Zone purposes, and shows
25 how proposed development will promote redevelopment and revitalization in the vicinity of the
26 municipality's property.

27 (C) A municipality shall file its application with Planning Board staff, which
28 after acceptance must prepare a report and recommendation. The Planning Board shall hold a
29 public hearing on the application, prepare its recommendation, file its decision with the Clerk of
30 the Council, and send copies to persons of record.

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1 (D) Within 30 days of the mailing of the Planning Board decision, any person of
 2 record may file with the Clerk of the Council comments on the application or a request for oral
 3 argument, or both. Oral argument must be held prior to final action on the application, if ordered
 4 by the Council or requested by a person of record.

5 (E) Before taking final action, the Council may refer the case to the Zoning
 6 Hearing Examiner, for review of specific issues. The Examiner shall give priority in scheduling
 7 to all such cases. After hearing, the Examiner shall address and make recommended findings on
 8 the issues in the referral order and the standards given below. A person who was not a party of
 9 record when the Planning Board closed the record may become one after the referral to the
 10 Examiner.

11 (F) The District Council may take final action approving the municipality's
 12 application for the M-U-I Zone, with or without conditions, if it finds that the mix of uses
 13 proposed in the application will meet the purposes of the M-U-I Zone and that the proposed
 14 development will be compatible with existing and approved future development on adjacent
 15 properties, will not be inconsistent with an applicable Master Plan or the General Plan, as
 16 amended, and will enhance redevelopment or revitalization in the vicinity of the municipality's
 17 property.

18 (c) [The] Unless requested by a municipality, the M-U-I Zone may be approved only on
 19 property which adjoins existing developed properties for 20% or more of its boundaries, adjoins
 20 property in the M-U-I Zone, or is recommended for mixed-use infill development in an approved
 21 Master Plan, Sector Plan, or other applicable plan. Adjoining development may be residential,
 22 commercial, industrial, or institutional but must have a density of at least 3.5 units per acre for
 23 residential or a floor area ratio of at least 0.15 for nonresidential development.

24 (d) If the M-U-I Zone is approved on property in a Sectional Map Amendment (SMA),
 25 permitted uses in existence at the time of SMA approval shall not be deemed nonconforming.

26 **Sec. 27-546.17. Uses.**

27 (a) All uses permitted by right or by Special Exception in the C-S-C Zone, as provided in
 28 Section 27-461(b), are permitted by right in the M-U-I Zone, except as follows:

29 (1) For the uses in Sections 27-461(b)(3), Miscellaneous, and 27-461(b)(6),
 30 Residential/Lodging, the uses allowed are those permitted in Section 27-441(b)(3) and (6) for the
 31 R-18 Zone, except that hotel and motel uses are permitted as in the C-S-C Zone.

1 (2) Use restrictions may be imposed on a property when the M-U-I Zone is approved,
 2 whether the approval is in a Sectional Map Amendment, a T-D-O Zone map amendment, a
 3 D-D-O Zone map amendment, a municipality-owned property case, or an individual site plan
 4 case. Use restrictions in conditions imposed at rezoning may limit or prohibit uses otherwise
 5 allowed in the M-U-I Zone. If use restrictions are imposed in an individual map amendment or
 6 site plan case, the District Council and the owner shall follow the conditional zoning procedure
 7 in Part 3, Division 2.

8 (b) Residential and commercial uses may be placed with a horizontal or vertical mix on
 9 property in the M-U-I Zone, subject to approval of a Detailed Site Plan.

10 **Sec. 27-546.18. Regulations.**

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

14 (1) R-18 Zone regulations apply to all uses in Section 27-441(b)(3), Miscellaneous;

15 (2) R-18 Zone regulations apply to all uses in Section 27-441(b)(6), Residential/
 16 Lodging, except hotels and motels;

17 (3) C-S-C Zone regulations apply to hotels and motels and all other uses; and

18 (4) Multifamily residential densities up to 48 units per acre are permitted.

19 (b) Where an owner proposes a mix of residential and commercial uses on a single lot or
 20 parcel in the M-U-I Zone, the site plan as approved shall set out the regulations to be followed.
 21 The approved regulations may reduce parking requirements by 30%, where evidence shows that
 22 proposed parking will be adequate, notwithstanding provisions in Part 11.

23 **Sec. 27-546.19. Site Plans for Mixed Uses.**

24 (a) An owner proposing mixed residential and commercial development on the same lot or
 25 parcel in the M-U-I Zone may not obtain permits before a Detailed Site Plan is approved in
 26 accordance with this Section.

27 (b) The owner shall file a Detailed Site Plan application which meets the requirements of
 28 Part 3, Division 9, and includes:

29 (1) Architectural elevations;

30 (2) A statement showing how the proposed uses on the subject property are
 31 compatible with one another; and

1 (3) A statement showing how the proposed uses are compatible with existing or
 2 approved future uses on adjacent properties.

3 (c) A Detailed Site Plan may not be approved unless the owner shows:

4 (1) The site plan meets all approval requirements in Part 3, Division 9;

5 (2) All proposed uses meet applicable development standards approved with the
 6 Master Plan, Sector Plan, Transit District Development Plan, or other applicable plan;

7 (3) Proposed uses on the property will be compatible with one another;

8 (4) Proposed uses will be compatible with existing or approved future development
 9 on adjacent properties and [the] an applicable Transit or Development District; and

10 (5) Compatibility standards and practices set forth below will be followed, or the
 11 owner shows why they should not be applied:

12 (A) Proposed buildings should be compatible in size, height, and massing to
 13 buildings on adjacent properties;

14 (B) Primary facades and entries should face adjacent streets or public walkways
 15 and be connected by on-site walkways, so pedestrians may avoid crossing parking lots and
 16 driveways;

17 (C) Site design should minimize glare, light, and other visual intrusions into and
 18 impacts on yards, open areas, and building facades on adjacent properties;

19 (D) Building materials and color should be similar to materials and color on
 20 adjacent properties and in the surrounding neighborhoods, or building design should incorporate
 21 scaling, architectural detailing, or similar techniques to enhance compatibility;

22 (E) Outdoor storage areas and mechanical equipment should be located and
 23 screened to minimize visibility from adjacent properties and public streets;

24 (F) Signs should conform to applicable Development District Standards or to
 25 those in Part 12, unless the owner shows that its proposed signage program meets goals and
 26 objectives in applicable plans; and

27 (G) The owner or operator should minimize adverse impacts on adjacent
 28 properties and the surrounding neighborhood by appropriate setting of:

29 (i) Hours of operation or deliveries;

30 (ii) Location of activities with potential adverse impacts;

31 (iii) Location and use of trash receptacles;

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- (iv) Location of loading and delivery spaces;
- (v) Light intensity and hours of illumination; and
- (vi) Location and use of outdoor vending machines.

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (45) calendar days after its adoption.

Adopted this 29th day of July, 2003.

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: _____
Peter A. Shapiro
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.