

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

Bill No. CB-16-2003

Chapter No. _____

Proposed and Presented by Council Member Peters

Introduced by Council Members Peters, Dernoga and Harrington

Co-Sponsors _____

Date of Introduction April 29, 2003

ZONING BILL

1 AN ORDINANCE concerning

2 Planned Environmental Preservation Communities

3 For the purpose of defining the Planned Environmental Preservation Community use, permitting
4 the use under certain circumstances on property in the E-I-A Zone if a Basic Plan and
5 Comprehensive Design Plan have been approved for the property as of 1 January 2001, requiring
6 compliance with certain design and development standards for the use, and making related
7 amendments to the Zoning Ordinance.

8 BY repealing and reenacting with amendments:

9 Sections 27-107.01(a), 27-478, 27-515(b), and 27-518,

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

11 being also

12 SUBTITLE 27. ZONING.

13 The Prince George's County Code

14 (1999 Edition, 2002 Supplement).

15 By adding: Section 27-532.04,

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

17 being also

18 SUBTITLE 27. ZONING.

19 The Prince George's County Code

20 (1999 Edition, 2002 Supplement).

1 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
2 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
3 District in Prince George's County, Maryland, that Sections 27-107.01(a), 27-478, 27-515(b),
4 and 27-518 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle
5 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with
6 the following amendments:

7 **SUBTITLE 27. ZONING.**

8 **PART 2. GENERAL.**

9 **DIVISION 1. DEFINITIONS.**

10 **Sec. 27-107.01. Definitions.**

11 (a) Terms in the Zoning Ordinance are defined as follows:

12 * * * * *

13 (181.2) **Planned Environmental Preservation Community:** A high-quality
14 residential community meeting the purposes and standards in Part 8, Division 5, of this Subtitle,
15 where dwelling units are built in clustered, attached, or multifamily development, to enhance and
16 preserve significant environmental features on and adjacent to the community property. The
17 property must include at least 50 acres of contiguous parcels in a Comprehensive Design Zone
18 with a Basic Plan and Comprehensive Design Plan approved before January 1, 2001, and must
19 lie adjacent to both planned employment and office uses and one or more significant
20 environmental features, such as designated scenic rivers or streams.

21 (181.3) **Planning Board:** The Prince George's County Planning Board of the
22 Maryland-National Capital Park and Planning Commission.

23 (182) **Playground:** An area used for indoor or outdoor play or recreation, especially by
24 children, which may contain recreational equipment such as seesaws, slides, and swings,
25 regardless of whether it is in public or private ownership. A "Playground" may be a primary or
26 an accessory use. Play areas located on a lot developed with a single-family dwelling and to
27 which the public is not generally invited shall not be deemed a "Playground."

28 [(182) **Planning Board:** The Prince George's County Planning Board of the Maryland-
29 National Capital Park and Planning Commission.]

30 [(184)] (183) **Porch, Open:** A porch without a roof or other covering. (See Figure 22.)

1 Design Plan are not required. The R-M zoned property or properties shall be governed by the
2 process and regulations concerning development and use of M-X-T zoned property.

3 (e) The above provisions are applicable to a Planned Environmental Preservation
4 Community in the E-I-A Zone, but an approved Comprehensive Design Plan may be amended
5 by the reduced Comprehensive Design Plan process in Section 27-518. A Planned
6 Environmental Preservation Community is governed by the development regulations in
7 Divisions 1 and 5 of this Part. Where there is a conflict, the regulations in Division 5 shall apply.

PART 8. COMPREHENSIVE DESIGN ZONES.

DIVISION 3. USES PERMITTED.

Sec. 27-515. Uses permitted.

(b) TABLE OF USES.

USE	ZONE								
	M-A-C	L-A-C	E-I-A	R-U	R-M	R-S	R-L	V-L	V-M
(7) RESIDENTIAL/LODGING:									
Assisted living facility	P	P	X	P	P	P	P	X	X
Dwelling (any type, except mobile home, multifamily, three-family, two-family, and storefront) ²⁹ , <u>outside a Planned Environmental Preservation Community</u> (CB-53-1991; CB-71-1991; CB-10-1992; CB-56-1996)	P	P	X	P	P	P	P	P ²³	P ²³
Dwelling, multifamily (CB-71-1991; CB-10-1992; CB-99-1997)	P	P	X	P	P	P	P ³¹	P ²³	P ²³
Dwelling, three-family and two-family (CB-53-1991)	P	P	X	P	P	P	P	X	X
Dwelling, storefront (CB-53-1991)	X	X	X	X	X	X	X	P	P
Flag lot development ¹⁹ (CB-72-1989; CB-10-1992)	P	P	X	P	P	P	P	P ²¹	P ²¹
Group residential facility for up to 8 mentally handicapped dependent persons	P	P	X	P	P	P	P	P	P
Hotel (CB-39-1988)	P	X	P ¹¹	X	X	X	X	X	X
Mixed Retirement Development (CB-78-1996)	P ²⁸	P ²⁸	X	P ²⁸	P ²⁸	P ²⁸	P ²⁸	X	X
Motel (CB-16-1987)	X	X	P ¹¹	X	X	X	X	X	X
<u>Planned Environmental Preservation Community</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

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

SUBDIVISION 1. COMPREHENSIVE DESIGN PLANS.

Sec. 27-518. Contents of Plan.

(a) The applicant shall demonstrate to the Planning Board that, in the preparation of the Comprehensive Design Plan and supporting documents, he has devoted adequate attention to environmental relationships, building design, landscaping, engineering factors, and (if necessary) traffic factors. The signatures of a qualified design team (including an urban planner, architect, landscape architect, professional engineer, and traffic engineer) on the Comprehensive Design Plan and supporting documents shall be prima facie evidence that the respective factors within the scope of the signer's profession have been considered.

(b) The Comprehensive Design Plan shall consist of the following:

(1) A reproducible drawing (with ten (10) prints) showing the proposed development of the property. This drawing shall be in conformance with the approved Basic Plan. The drawing shall show the approximate location and proposed density of dwelling units, nonresidential building intensity, and the zoning of adjoining properties;

(2) A schedule and text, including the delineation of any staged units to be developed at different times;

(3) A description of design principles proposed to govern the project, including design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle for the M-A-C, L-A-C, E-I-A, R-U, R-M, and R-S Zones, and in Section 27-514.06 for the V-M and V-L Zones;

(4) The total number of acres in the proposed project and the percentage thereof proposed for various uses;

(5) The number of dwelling units proposed (by type of dwelling unit) for each staged unit;

(6) The estimated residential or employment population for each staged unit;

(7) The location and extent of any proposed commercial area;

(8) The anticipated priority of development of each staged unit;

(9) The standards proposed to be used for height, open space, building intensity, population density, and public improvements;

(10) Engineering feasibility studies (including traffic engineering studies), as necessary;

1 (11) A Forest Stand Delineation and Proposed Tree Conservation Plan; and

2 (12) Where a Comprehensive Design Plan proposes to include an adaptive use of a
3 Historic Site, the application shall include:

4 (A) Text describing the nature of the proposed adaptive use, including a
5 description of how the use will be integrated into the design and theme of the Historic Site;

6 (B) A preliminary evaluation of historic landscape features through field
7 investigation; and

8 (C) Preliminary architectural elevations within the environmental setting of the
9 Historic Site.

10 (c) In the E-I-A Zone, a reduced Comprehensive Design Plan shall be allowed under the
11 following circumstances:

12 (1) For parcels containing a minimum of five (5) acres of land, provided the total
13 property zoned E-I-A in the approved Basic Plan is in excess of one hundred fifty (150) acres;
14 and

15 (2) Where the reduced Comprehensive Design Plan is [solely] for:

16 (A) [the] The use of an eleemosynary or philanthropic institution, provided an
17 eleemosynary or philanthropic institution existed on the property at the time of approval of the
18 original Basic Plan; or

19 (B) A Planned Environmental Preservation Community.

20 (d) A reduced Comprehensive Design Plan shall consist of the following with regard to the
21 acreage within such reduced Comprehensive Design Plan:

22 (1) A reproducible drawing (with ten (10) prints) showing the proposed development
23 of the parcel. This drawing shall be in conformance with the approved Basic Plan. The drawing
24 shall show the approximate location and intensity of [nonresidential] all buildings, and the
25 zoning of adjoining properties;

26 (2) A schedule and text, including the delineation of any staged units to be developed
27 at different times;

28 (3) A description of design principles proposed to govern the project;

29 (4) The estimated employment or residential population for this reduced
30 Comprehensive Design Plan;

1 (5) The anticipated priority of development of each staged unit (if staging is
2 proposed);

3 (6) The standards [proposed to be used] for height, open space, building intensity,
4 population or residential density, and public improvements, and a description how the proposed
5 development meets the standards; and

6 (7) Traffic feasibility studies, as necessary.

7 SECTION 2. BE IT FURTHER ENACTED by the County Council of Prince George's
8 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
9 Regional District in Prince George's County, Maryland, that Section 27-532 of the Zoning
10 Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's
11 County Code, be and the same is hereby added:

12 **SUBTITLE 27. ZONING.**

13 **PART 8. COMPREHENSIVE DESIGN ZONES.**

14 **DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.**

15 **Sec. 27-532.04. Planned Environmental Preservation Community.**

16 (a) Purposes of Planned Environmental Preservation Communities.

17 (1) To preserve and enhance in well-planned residential communities, significant
18 environmental features, such as designated scenic rivers or streams, together with their
19 associated green space, floodplains, wetlands, woodlands, and views;

20 (2) To permit high-density residential uses in planned communities of luxury housing
21 adjacent to office and employment uses and also near significant environmental features, in order
22 to minimize impervious surfaces and runoff while enhancing enjoyment and use of the natural
23 environment;

24 (3) To encourage high-quality multifamily and attached dwellings in planned
25 residential communities, with structured parking where feasible, to retain as much land area as
26 possible its natural state;

27 (4) To promote luxury residential development adjacent to planned employment and
28 office uses, while using low-impact development techniques to preserve the natural environment
29 much more than standard techniques could; and

1 (5) To create residential communities of high quality with significant environmental
2 features preserved and enhanced as focal points, integrated as publicly shared open space, to
3 establish a strong sense of place and identity.

4 (b) Permitted use.

5 A Planned Environmental Preservation Community is permitted as shown in the table
6 of uses in Section 27-515(b).

7 (c) General requirements.

8 (1) The Comprehensive Design Plan showing a Planned Environmental Preservation
9 Community use shall demonstrate compliance, after amendment, where necessary, with all
10 standards and requirements in this Section.

11 (2) The text of the Comprehensive Design Plan, as amended, shall identify all
12 significant environmental features on and adjacent to the subject property. The text shall explain
13 how the proposed community enhances and protects significant environmental features.

14 (d) Environmental standards.

15 (1) Streams and floodplains: All streams and floodplains within a Planned
16 Environmental Preservation Community shall be preserved in their natural state and shall be
17 protected by buffer areas, either natural buffers or natural buffer alternatives. All buffer areas
18 shall be preserved in their natural state but, where disturbed by prior building or grading, may
19 not be included as Planned Environmental Preservation Community buffer area unless restored
20 or enhanced, with the approval of the Planning Board.

21 (2) Buffer areas: The applicant shall demonstrate that it has retained a natural buffer,
22 as provided in subparagraph (A), to the greatest extent possible. Where structures or utilities
23 must be extended into natural buffers, natural buffer alternatives shall be retained, as provided in
24 subparagraph (B).

25 (A) Natural buffer dimensions: Streams shall have a 100-foot natural buffer and
26 a 150-foot building and parking setback, and 100-year floodplains shall have a 300-foot buffer.

27 (B) Approved natural buffer alternatives: If a structure or utility must be
28 extended into a buffer or setback area provided for in (A), then an equal area of natural buffer
29 alternative, restored or enhanced if necessary and approved by the Planning Board, shall be
30 retained on the community property. The natural buffer alternative shall lie as near the
31 protruding structure as reasonably possible and shall adjoin the natural buffer, unless the

1 Planning Board approves a non-adjointing natural buffer alternative which meets the
2 environmental preservation purposes of this Section.

3 (2) Passive buffer area use: Buffer areas shall be retained in their natural state,
4 subject to restoration or enhancement, as provided above. Buffer areas may be used for passive
5 recreation and uses associated with the passive recreation, such as trailhead parking. Subject to
6 the natural buffer alternative approval process in paragraph (1)(B), no utilities are permitted in
7 buffer areas.

8 (3) Stormwater management: All on-site stormwater management shall use low-
9 impact development techniques, such as rain gardens, bioretention areas, infiltration trenches,
10 and naturalized buffers with sheet flow. Stormwater quantity shall be controlled by facilities that
11 manage the timing of stormwater and provide wildlife habitat. Stormwater management
12 facilities shall be designed as site amenities, with gentle natural contours and extensive native
13 planting. For the purposes of this Section, stormwater management facilities are not deemed
14 utilities or structures.

15 (4) Impervious surfaces: The area of impervious surfaces for parking access lanes
16 and roadways shall be minimized, except where single-loaded or unloaded roadways are
17 necessary for views of or access to significant environmental features.

18 (5) Utilities clearing: Clearing for utility installation shall be minimized, especially
19 in environmentally sensitive areas. Woodland disturbed solely for that purpose shall be
20 reforested in cooperation with the appropriate utility.

21 (6) Recreational amenities: Community recreational facilities shall take full
22 advantage of environmental features on and adjacent to the property, and shall include extensive
23 trail and boardwalk systems. The recreational facilities may also include educational features for
24 the general public and public schools, such as kiosks along the trails, boardwalks at observation
25 points, and education stations, with curriculum available to schools for use in specific locations.

26 (7) Open space: The open space system, including but not limited to environmentally
27 sensitive areas, shall extend through the site and link the uses. Portions of the open space shall
28 be visible to and accessible from public streets.

29 (e) Residential standards.

30 (1) Density: Residential density in a Planned Environmental Preservation
31 Community shall not exceed 16 dwelling units per net acre.

1 (2) Housing types: The community shall include at least two types of residential
2 dwellings.

3 (3) Building materials: All dwellings, single-family and multifamily, shall be built of
4 materials which are enduring, distinctive, and of high quality, and use of siding shall be limited.

5 (4) Single-family detached residential development: Single-family detached
6 dwellings shall meet the following standards:

7 (A) The gross living space in each dwelling shall be at least 2,500 square feet.
8 For the purposes of this Subsection (e), gross living space includes all interior building area
9 except for garage, attic, and unfinished basement areas.

10 (B) Each dwelling shall include a garage for two or more vehicles.

11 (C) Front facades and chimneys shall be all brick.

12 (5) Townhouse development: Townhouses (attached dwellings) shall meet the
13 development standards and requirements in Division 1 of this Part, except as follows:

14 (A) Gross living space shall be at least 2,000 square feet.

15 (B) Each dwelling shall include a garage for two or more vehicles. Garages
16 shall be rear-entry, except on lots with rear yards adjoining community open space.

17 (C) Minimum-lot-size requirements in Division 1 do not apply.

18 (D) At least 60% of the front facades shall be of brick or stone, and all chimneys
19 shall be of brick. End units of building groups shall have 100% brick or stone on the side walls.

20 (E) Building groups of attached dwellings shall contain no more than six units
21 each. A typical attached-dwelling building group shall have no more than four units, but six-unit
22 groups are permitted where it is demonstrated that their use will preserve or enhance
23 environmental features or otherwise promote the purposes of this Section.

24 (6) Multifamily development: Multifamily dwellings shall meet the following
25 standards:

26 (A) Maximum building height shall be 80 feet.

27 (B) Multifamily development shall include a significant number of amenities
28 typically provided in luxury rental and condominium projects.

29 (C) All required parking shall be structured.

30 SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect on the
31 date of its adoption.

Adopted this _____ day of _____, 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:
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.