

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2011 Legislative Session**

Bill No. CB-34-2011

Chapter No. 24

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

Introduced by Council Member Turner

Co-Sponsors _____

Date of Introduction October 4, 2011

ZONING BILL

1 AN ORDINANCE concerning

2 Natural Resource Inventories

3 For the purpose of clarifying the definition of Natural Resource Inventory, amending
4 environmental submission requirements and required findings concerning applications for certain
5 zoning map amendments, permits, conceptual site plans, detailed site plans, and clarifying
6 applicability requirements in the Zoning Ordinance.

7 BY repealing and reenacting with amendments:

8 Sections 27-107.01, 27-159, 27-179, 27-199, 27-239.02,
9 27-260, 27-273, 27-274, 27-276, 27-282, 27-285, 27-296, 27-317,
10 27-518, 27-521, 27-527, 27-528, 27-532.02 and 27-546.05,

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 (2007 Edition, 2010 Supplement).

16 BY adding:

17 Section 27-124.02.01,
18 The Zoning Ordinance of Prince George's County, Maryland,
19 being also

20 SUBTITLE 27. ZONING.

The Prince George's County Code
(2007 Edition, 2010 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, 27-159, 27-179, 27-199, 27-239.02, 27-260, 27-273, 27-274, 27-276, 27-282, 27-285, 27-296, 27-317, 27-518, 27-521, 27-527, 27-528, 27-532.02 and 27-546.05 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Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments: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.

* * * * *

(160.1) **Natural Resource Inventory:** A plan and supporting documentation or letter as defined in Section 24-101.

* * * * *

PART 3. ADMINISTRATION.

DIVISION 2. ZONING MAP AMENDMENTS.

SUBDIVISION 2. R-P-C ZONE.

Sec. 27-159. Applications.

* * * * *

(c) **Other submission requirements.**

* * * * *

(ix) Existing streams and their associated buffers; nontidal wetlands and their associated buffers; slopes greater or equal to fifteen percent (15%) [and less than twenty-five percent (25%) on highly erodible soils; slopes twenty-five percent (25%) and greater]; and the one-hundred (100) year floodplain; and

* * * * *

SUBDIVISION 3. COMPREHENSIVE DESIGN ZONES.

Sec. 27-179. Applications.

* * * * *

(c) **Other submission requirements.**

* * * * *

(i) Existing streams and their associated buffers; nontidal wetlands and their associated buffers; slopes greater or equal to fifteen percent (15%) [and less than twenty-five percent (25%) on highly erodible soils; slopes twenty-five percent (25%) and greater]; and the one-hundred (100) year floodplain;

* * * * *

SUBDIVISON 4. M-X-T and M-X-C ZONES.

Sec. 27-199 Applications.

* * * * *

(c) **Other submission requirements.**

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

* * * * *

(K) For the M-X-C Zone, fifteen (15) copies of a Preliminary Development Plan for the property. The Preliminary Development Plan shall include a generalized drawing or series of drawings, generally of a scale not less than one (1) inch equals four hundred (400) feet, illustrating the proposed development with accompanying descriptive material setting forth:

* * * * *

(vii) Existing streams and their associated buffers; nontidal wetlands and their associated buffers; slopes greater or equal to fifteen percent (15%) [and less than twenty-five percent (25%) on highly erodible soils; slopes twenty-five percent (25%) and greater]; and the one-hundred (100) year floodplain;

* * * * *

DIVISION 5. APPEALS AND VARIANCES.

SUBDIVISION 3. VARIANCES IN CONJUNCTION WITH

SPECIAL EXCEPTION APPROVAL.

SUBDIVISION 5. SPECIAL PERMITS.

Sec. 27-239.02. Special Permits.

(a) **Procedures.**

(1) Application.

(A) All requests for Special Permits shall be in the form of an application filed with the Planning Board. The Planning Board shall determine the contents of the application and shall provide the application. The minimum submission requirements are:

* * * * *

(iii) Three (3) copies of an approved Natural Resource Inventory and a [Letter] Statement of Justification [stating] describing how the proposed design [ensures the preservation and/or restoration of] preserves or restores the regulated environmental features to the fullest extent possible.

(iv) Three (3) copies of a Type 2 Tree Conservation Plan or Standard Letter of Exemption.

* * * * *

(6) Required Findings.

(A) The Planning Board may grant a Special Permit in the U-L-I Zone if it finds:

* * * * *

(iii) The site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible[.] in accordance with the requirement of Subtitle 24-130 (b)(5).

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

SUBDIVISION 3. TEMPOARY PERMITS.

Sec. 27-260. Authorization.

* * * * *

(b) The temporary use and occupancy permits shall not be issued where the disturbance proposed would violate the provisions of Division 2 of Subtitle 25. An application for a temporary use and occupancy permit for temporary sales trailers, temporary construction trailers and temporary office trailers shall include either a copy of an approved Type 2 Tree Conservation Plan showing the areas of disturbance proposed with the permit, or an approved Letter of Exemption in conformance with Division 2 of Subtitle 25 referencing the subject property, the proposed area of disturbance and the proposed use.

* * * * *

DIVISION 9. SITE PLANS.

SUBDIVISION 2. REQUIREMENTS FOR CONCEPTUAL SITE PLANS.

1 **Sec. 27-273. Submittal requirements.**

2 * * * * *

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

4 * * * * *

5 (10) A Type 1 Tree Conservation Plan prepared in conformance with Division 2 of
6 Subtitle 25 and the Woodland and Wildlife Habitat Conservation Technical Manual or a
7 Standard Letter of Exemption;

8 * * * * *

9 (15) A[letter] statement of justification [stating] describing how the proposed design
10 [ensures the preservation and/or restoration of] preserves or restores the regulated environmental
11 features to the fullest extent possible.

12 * * * * *

13 **Sec. 27-274. Design guidelines.**

14 (a) The Conceptual Site Plan shall be designed in accordance with the following
15 guidelines:

16 * * * * *

17 (5) **Green area.**

18 * * * * *

19 (B) The application shall demonstrate the preservation and/or restoration of the
20 regulated environmental features in a natural state to the fullest extent possible[.] in accordance
21 with the requirement of Subtitle 24-130 (b)(5).

22 * * * * *

23 **Sec. 27-276. Planning Board procedures.**

24 * * * * *

25 (b) **Required findings.**

26 * * * * *

27 (4) The plan shall demonstrate the preservation and/or restoration of the regulated
28 environmental features in a natural state to the fullest extent possible[.] in accordance with the
29 requirement of Subtitle 24-130 (b)(5).

30 * * * * *

31 **SUBDIVISION 3. REQUIREMENTS FOR DETAILED SITE PLANS.**

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

2 * * * * *

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

4 * * * * *

5 (9) A Type 2 Tree Conservation Plan prepared in conformance with Division 2 of
6 Subtitle 25 and The Woodland and Wildlife Habitat Conservation Technical Manual or a
7 Standard Letter of Exemption;

8 (10) A [letter] statement of justification [stating] describing how the proposed design
9 [ensures the preservation and/or restoration of] preserves or restores the regulated environmental
10 features to the fullest extent possible;

11 * * * * *

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

13 * * * * *

14 (b) **Required findings.**

15 * * * * *

16 (4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated
17 environmental features have been preserved and/or restored in a natural state to the fullest extent
18 possible [.] in accordance with the requirement of Subtitle 24-130 (b)(5).

19 * * * * *

20 **PART 4. SPECIAL EXCEPTIONS.**

21 **DIVISION 1. ADMINISTRATIVE PROCEDURES.**

22 **SUBDIVISION 1. APPLICATIONS.**

23 **Sec. 27-296. Application Form and Contents.**

24 * * * * *

25 (c) **Other submission requirements.**

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

28 * * * * *

29 (K) A Type 2 Tree Conservation Plan prepared in conformance with Division 2
30 of Subtitle 25 and the Woodland and Wildlife Habitat Conservation Technical Manual or a
31 Standard Letter of Exemption.

1 (L) A [letter] statement of justification [stating] describing how the proposed
2 design [ensures the preservation and/or restoration of] preserves or restores the regulated
3 environmental features to the fullest extent possible; and

4 * * * * *

5 **SUBDIVISION 9. SPECIAL EXCEPTIONS.**

6 **Sec. 27-317. Required findings.**

7 (a) A Special Exception may be approved if:

8 * * * * *

9 (7) The proposed site plan demonstrates the preservation and/or restoration of the
10 regulated environmental features in a natural state to the fullest extent possible [.] in accordance
11 with the requirement of Subtitle 24-130 (b) (5).

12 * * * * *

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

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

16 **SUBDIVISION 1. COMPREHENSIVE DESIGN PLANS.**

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

18 * * * * *

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

21 * * * * *

22 (12) A Type 1 Tree Conservation Plan prepared in conformance with Division 2 of
23 Subtitle 25 and The Woodland and Wildlife Habitat Conservation Technical Manual or a
24 Standard Letter of Exemption; [and]

25 (13) A statement of justification describing how the proposed design preserves and/or
26 restores the regulated environmental features to the fullest extent possible; and

27 [(13)] (14) Where a Comprehensive Design Plan proposes to include an adaptive use of
28 a Historic Site, the application shall include:

29 * * * * *

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

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

1 * * * * *

2 (11) The Plan demonstrates the preservation and/or restoration of the regulated

3 environmental features in a natural state to the fullest extent possible[;] in accordance with the

4 requirement of Subtitle 24-130 (b)(5).

5 * * * * *

6 **SUBDIVISION 2. SPECIFIC DESIGN PLANS.**

7 **Sec. 27-527. Contents of Plan.**

8 * * * * *

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

10 at the same scale:

11 * * * * *

12 (4) A Type 2 Tree Conservation Plan prepared in conformance with Division 2 of

13 Subtitle 25 and The Woodland and Wildlife Habitat Conservation Technical Manual or Standard

14 Letter of Exemption;

15 * * * * *

16 (6) A [letter] statement of justification [stating] describing how the proposed design

17 [ensures the preservation and/or restoration of] preserves or restores the regulated environmental

18 features to the fullest extent possible.

19 **Sec. 27-528. Planning Board action.**

20 * * * * *

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

22 * * * * *

23 (5) The plan demonstrates that the regulated environmental features are preserved

24 and/or restored to the fullest extent possible[.] in accordance with the requirement of Subtitle 24-

25 130 (b)(5).

26 * * * * *

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

28 **Sec. 27-532.02. Arenas (stadiums).**

29 * * * * *

30 (d) Requirements, optional preliminary Specific Design Plan.

31 (1) A preliminary Specific Design Plan shall include the following:

1 * * * * *
2 (E) A Type 2 Tree Conservation Plan prepared in conformance with Division 2 of
3 Subtitle 25 and The Woodland and Wildlife Habitat Conservation Technical Manual or Standard
4 Letter of Exemption;

5 * * * * *
6 (G) A [letter] statement of justification [stating] describing how the proposed
7 design [ensures the preservation and/or restoration of] preserves or restores the regulated
8 environmental features to the fullest extent possible.

9 (e) Requirements, final Specific Design Plan.

10 * * * * *
11 (2) The Specific Design Plan shall include a text or statement of
12 justification, additional drawings, and such other documentation necessary to address:

13 * * * * *
14 (E) A Type 2 Tree Conservation Plan prepared in conformance with Division 2
15 of Subtitle 25 and The Woodland and Wildlife Habitat Conservation Technical Manual or
16 Standard Letter of Exemption;

17 * * * * *
18 (f) Required findings, final Specific Design Plan.

19 (1) In order for the District Council to approve a Specific Design Plan for an arena
20 (stadium) in the Comprehensive Design Zones, it shall make the following findings:

21 * * * * *
22 (F) Stream, wetland, and water quality protection and stormwater management.

23 (i) The development has been designed to preserve and/or restore the
24 regulated environmental features in a natural state to the fullest extent possible[;] in accordance
25 with the requirement of Subtitle 24-130 (b)(5).

26 * * * * *

27 **PART 10. MIXED USE ZONES.**

28 **DIVISION 1. GENERAL.**

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

30 **Sec. 27-546.05. Comprehensive Sketch Plan.**

31 * * * * *

1 (c) **Contents of Comprehensive Sketch Plan.**

2 * * * * *

3 (2) The Comprehensive Sketch Plan shall consist of the following:

4 * * * * *

5 (E) A Type 1 Tree Conservation Plan prepared in conformance with Division 2
6 of Subtitle 25 and The Woodland and Wildlife Habitat Conservation Technical Manual or
7 Standard Letter of Exemption;

8 * * * * *

9 (G) A [letter] statement of justification [stating] describing how the proposed
10 design [ensures the preservation and/or restoration of] preserves or restores the regulated
11 environmental features to the fullest extent possible;

12 * * * * *

13 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
14 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
15 District in Prince George's County, Maryland, that Section 27-124.02.01 of the Zoning
16 Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's
17 County Code, be and the same is hereby added:

18 **PART 2. GENERAL.**

19 **DIVISION 4. REGULATIONS APPLICABLE IN ALL ZONES.**

20 **SUBDIVISION 9. NATURAL RESOURCE INVENTORIES.**

21 **Sec. 27-124.02.01 Natural Resource Inventories.**

22 (a) Development proposals of all types are required to submit a Natural Resource Inventory
23 as part of the submittal requirements of this Subtitle if the proposed disturbance is 5,000 square
24 feet or greater. This requirement does not apply to Zoning Map Amendments, Basic Plan
25 applications or permit applications.

26 (b) Other project types may be eligible to be exempt from submitting a Natural Resource
27 Inventory as determined by the Planning Director if the information to be provided in the Natural
28 Resource Inventory, pursuant to the Technical Manual, is not necessary for the review of
29 subsequent development applications for the project.

30 SECTION 3. BE IT FURTHER ENACTED that a development project for which all
31 required development applications have been approved by the Planning Board, Zoning Hearing

1 Examiner, or District Council, notwithstanding any [and] appeal period[s have not expired], is
2 grandfathered regarding the provisions of CB-28-2010 that became effective on September 1,
3 2010, or any subsequent revisions in conformance with the grandfathered approval; or a
4 development project that has an approved preliminary plan of subdivision, notwithstanding any
5 further development review requirements including record plats [but has not completed
6 subsequent processes such as final plat or site plan,] is grandfathered regarding the provisions of
7 CB-28-2010 that became effective on September 1, 2010, or any subsequent revisions in
8 conformance with the grandfathered approval for that portion of the project covered by the
9 preliminary plan.

10 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect on February 1,
11 2012.

Adopted this 15th day of November, 2011.

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: _____
Ingrid M. Turner
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.