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**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**SITTING AS THE DISTRICT COUNCIL**

Legislative Session

1992

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Bill No. \_\_\_\_\_ CB-63-

1992

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Chapter No.

80

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Proposed and Presented by Council Member  
Wineland

Introduced by Council Member  
Wineland

Co-Sponsors

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Date of Introduction September 22,  
1992

**ZONING BILL**

AN ORDINANCE concerning

Creation of a New Mixed Use Zone

FOR the purpose of creating an M-X-C (Mixed Use Community) Zone and establishing regulations and design standards for this zone, and amending the categories in the use table for all mixed use zones.

BY repealing and reenacting with amendments:

Sections 27-109,  
27-199,  
27-213,  
27-220,  
27-223,  
27-252,  
27-253,  
27-418.3,  
27-547 (b) ,  
27-615,  
  
27-616,  
27-618, and  
27-619,

BY adding:

Sections 27-546.1, 27-546.2, 27-546.3,  
27-546.4, 27-546.5, 27-546.6,  
27-546.7, and 27-546.8,

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

SUBTITLE 27. ZONING.

The Prince George's County Code

(1991 Edition as amended by CB-10-1992).

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 27-109, 27-199, 27-213, 27-220, 27-223, 27-252, 27-253, 27-418.3, 27-547(b), 27-615, 27-616, 27-618 and 27-619 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Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments: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 3. ZONES AND ZONING MAPS.**

**Sec. 27-109. Classes of zones.**

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

\* \* \* \* \*

(6) Mixed Use

M-X-C (Mixed Use Community)

M-X-T Zone (Mixed Use - Transportation Oriented)

\* \* \* \* \*

(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) 0-S, R-A, R-E, R-L, V-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-0, M-X-C, 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, I-1, I-2, E-I-A, M-X-T, R-P-C.

\* \* \* \* \*

\*

**PART 3. ADMINISTRATION.**

**DIVISION 2. ZONING MAP AMENDMENTS.**

**Subdivision 4. [M-X-T Zone] Mixed Use Zones.**

**Sec. 27-199. Applications.**

**(a) General**

(1) An application for a Zoning Map Amendment to [the M-X-T] a Mixed Use Zone shall be filed with the Planning Board by the owner (or authorized representative) of the property. The District Council may suspend the filing of applications for up to one (1) year, if it determines that it is appropriate for any statutory zoning purpose.

\* \* \* \* \*

\*

(5) Where the property proposed for the Zoning Map Amendment is located within the Resource Conservation Overlay Zone, no [M-X-T] Mixed Use Zone shall be granted for the subject property.

\* \* \* \* \*

\*

**(c) Other submission requirements**

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

\* \* \* \* \*  
\*

(H) For the M-X-T Zone, supporting evidence which shows whether the proposed development will exceed the capacity of transportation facilities that are existing, are under construction, or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program and/or within the current State Consolidated Transportation Program;

(I) For the M-X-C Zone, supporting evidence which shows that the transportation facilities (including streets and public transit) which are existing, under construction, or which are provided for in an adopted and approved Master Plan or the General Plan, or which will be otherwise provided, will be adequate to carry anticipated traffic;

~~[(I)]~~(J) Any other data or explanatory material deemed necessary by the District Council, Zoning Hearing Examiner, or the Planning Board (submitted in triplicate)~~[.]~~;

(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:

(i) The major planning assumptions and

objectives, including the method of assuring that Community Use Areas will be permanently maintained and devoted to Community Use Area uses, such as through recorded covenants and declarations creating use restrictions and community associations;

(ii) The proposed general layout of major roads and highways;

(iii) A statement of the number of acres within the application intended to be devoted to:

(aa) Residential Areas, broken down into the number of acres to be used for each of the following specific Residential Use Areas:

Single-Family - Low Density;

Single-Family - Medium Density;

Other Residential;

(bb) Non residential Areas; and

(cc) Community Use Areas.

(iv) The general location of the areas referred to in Subparagraph (K) (iii) above, including proposed sites for recreational uses, schools, parks, and other public, institutional, or homeowner uses, and the location of any retail centers in relationship to residential areas;

(v) A description of the proposed drainage, water supply, sewerage, and other utilities;

(vi) A statement of the proposed maximum density of the proposed development, expressed in terms of the

average number of dwelling units per gross acre;

(vii) The general location of streams and associated one hundred (100) year floodplains, nontidal wetlands, wooded areas (depicted on a Forest Stand Delineation), slopes over twenty-five percent (25%), and slopes over fifteen percent (15%) on highly erodible soils;

(viii) A proposal for the submission of the signage program required by Section 27-546.4 (j);

(ix) A proposal for the submission of an integrated public street system required by Section 27-546.4 (i);

(x) A phasing plan for the provision of Moderately Priced Dwelling Units (MPDUs); and

(xi) A justification of the amount of land proposed for commercial activities.

\* \* \* \* \*  
\*

**Sec. 27-213. Map Amendment approval; amendments.**

**(a) Criteria for approval of the M-X-T Zone**

\* \* \* \* \*  
\*

**(b) Criteria for approval of the M-X-C Zone**

(1) The District Council shall only place land in the M-X-C Zone if the following criteria are met:

(A) The application, including the Preliminary Development Plan, shall conform to the specific recommendation

of a General Plan Map or Area Master Plan Map, or the principles and guidelines of the plan text which address the design and physical development of the property, and recommends that the area be developed in a comprehensive manner in a planned community that results in distinct neighborhoods or villages.

(B) Transportation facilities (including streets and public transit) which are existing, under construction, or which are provided for in an adopted and approved Master Plan or the General Plan, or which will be otherwise provided, will be adequate to carry anticipated traffic.

(C) Other private and public facilities (such as schools, recreation areas, water and sewerage systems, libraries, and fire stations) which are existing, under construction, or which are provided for in an adopted and approved Master Plan or the General Plan, or which will be otherwise provided, will be adequate for the uses proposed.

(D) The land for which the approval of the M-X-C Zone is requested is not currently zoned O-S (Open Space) or R-A (Residential- Agricultural, unless the land in the R-A Zone was intended for staged future development.

(2) In approving a rezoning to the M-X-C Zone, the District Council shall also make the following findings:

(A) The proposed plan represents a mix of uses which will support and complement the development of a balanced community;

(B) The proposed plan is in conformance with the purposes and other provisions of Part 10, Division 2, of this Subtitle;

(C) The location and size of the neighborhood center or centers are adequate to create a distinct focal point for the community and to foster a strong sense of community identity and participation;

(D) The open space network is sufficient to provide for the recreational and scenic needs of the residents, is well distributed throughout the overall development, and is superior to what could be achieved under conventional development regulations;

(E) The open space network is designed to preserve the most sensitive and valuable environmental features;

(F) The character of the land within the development is suitable for the uses proposed; and

(G) The proposed development plan incorporates design and planning techniques which will make it compatible with existing and proposed development in the vicinity.

(H) The amount of land proposed to be used for commercial activities is adequate to serve the residents of the community.

(3) Upon granting an application to rezone property to the M-X-C Zone, the District Council shall also approve a Preliminary Development Plan for all of the land included

within the application.

[(b)] (c) **Conditional approval**

\* \* \* \* \*

\*

(4) Conditions imposed by the District Council shall become a permanent part of the Zoning Map Amendment, and shall be binding for as long as the [M-X-T] Mixed Use Zone remains in effect on the property (unless amended by the Council).

\* \* \* \* \*

\*

[(c)] (d) **Noncompliance with conditions**

\* \* \* \* \*

\*

[(d)] (e) **Approval of a zone different from that requested**

\* \* \* \* \*

\*

[(e)] (f) **Effect on Special Exceptions**

(1) When any land upon which a Special Exception has been approved is reclassified to [the M-X-T] a Mixed Use Zone, the following shall apply:

(A) If, at the time of the rezoning, the approved use is not permitted in the [M-X-T] Mixed Use Zone, and the use or construction authorized by the Special Exception has commenced and has not ceased, the Special Exception shall not terminate and the use may continue as a nonconforming use.

Notwithstanding the provisions of this Subtitle relative to

nonconforming uses, the use and development authorized under this subparagraph shall be subject to Part 4, Division 1, Subdivisions 10, 11, and 12.

(B) If, at the time of the rezoning, the approved use is not permitted in the [M-X-T] Mixed Use Zone, and the use or construction authorized by the Special Exception has not commenced or has ceased, the Special Exception shall terminate, and all provisions of the [M-X-T] Mixed Use Zone shall apply to the use and development of the property.

(C) If, at the time of the rezoning, the approved use is permitted in the [M-X-T] Mixed Use Zone without the approval of a Special Exception, the Special Exception shall not terminate and the provisions of Part 4, Division 1, Subdivisions 10, 11, and 12 shall remain in effect. However, when the Detailed Site Plan for the M-X-T, or the Final Development Plan for the M-X-C Zone is approved by the Planning Board for the subject property, the special exception shall terminate and all provisions of the [M-X-T] Mixed Use Zone shall apply to further use and development of the property.

**(g) Amendments to a Preliminary Development Plan**

(1) Primary Amendments

(A) All primary amendments of approved Preliminary Development Plans shall be made in accordance with the provisions for initial approval of the Plan.

(B) Primary amendments shall include the

following:

(i) Change to the boundary of the Preliminary Development Plan;

(ii) Changes from one land use designation to another designation;

(iii) Changes in land use location;

(iv) Changes in land use densities or intensities in either a range or a maximum, as appropriate;

(v) Changes in location of major access points affecting area outside the Zone; and

(vi) Any other changes deemed as primary by the District Council at the time of approval of the Preliminary Development Plan.

(2) Secondary Amendments

(A) An application for a secondary amendment of an approved Preliminary Development Plan shall be submitted to the Planning Board by the owner (or authorized representative) of the property within the M-X-C Zone and shall be processed in accordance with the following regulations.

(B) All applications shall be typed, except for signatures, submitted in triplicate, and shall include the following information:

(i) The name, address and telephone number of the applicant, and an indication of the applicant's status as contract purchaser, agent, or owner;

(ii) The street address of the property; name

of any municipality the property is in; name and number of the Election District the property is in;

\_\_\_\_\_ (iii) A statement enumerating each requested change and its effect upon the remainder of development in the approved Preliminary Development Plan;

\_\_\_\_\_ (iv) The total area of the property (in either acres or square feet);

\_\_\_\_\_ (v) The property's lot and block numbers, subdivision name, plat book and page number, if any; or a description of its acreage with reference to liber and folio numbers;

\_\_\_\_\_ (vi) The name, address, and signature of each owner of record of the property. Applications for property owned by a corporation shall be signed by an officer empowered to act for the corporation;

\_\_\_\_\_ (vii) The name, address, and telephone number of the correspondent;

\_\_\_\_\_ (viii) A statement of justification in support of the request. The statement shall set forth the legal basis by which the requested amendment can be approved, and a description of the existing components of the Preliminary Development Plan and proposed changes thereto. This statement may be accompanied by three (3) copies of any material which (in the applicant's opinion) is necessary to clarify the typewritten statement. This additional material, if not foldable, shall be not larger than eighteen (18) by twenty-four

(24) inches;

(ix) The proposed amendment to be appended to or incorporated into the Preliminary Development Plan;

(x) A signed certificate stating that the applicant, on or before the date of filing such application, sent by certified mail, a copy of the application for an amendment and all accompanying documents to each municipality in which any portion of the property which is the subject of the application is located, and each municipality located within one (1) mile of the property which is the subject of the application. The certificate shall specifically identify each municipality to whom the application was mailed and the date it was mailed.

(C) Upon completing an application, the applicant shall pay to the Planning Board a fee to help defray the costs related to processing the application. A reduction in the fee may be permitted by the Planning Board if it finds that payment of the full amount will cause an undue hardship upon the applicant.

(D) In addition to the filing fee, a fee of thirty (30.00) dollars shall be paid for the posting of each public notice sign to be posted by the Planning Board. No part of a fee shall be refunded or waived, unless the Planning Board determines that one of the following applies:

(i) The fee was paid by mistake, and the applicant has requested (in writing) a refund.

(ii) The application is withdrawn prior to posting the sign. In this case the entire sign posting fee shall be refunded.

(E) The Planning Board shall review the requested Secondary Amendment for compliance with this Section and shall follow the same procedure required for the Conceptual Site Plan approval as found in Sections 27-276(a) (1), (3), (4), (5), (6); 27-276(c) (1), (2); and 27- 276(d). Review by the District Council shall follow the procedures in Section 27-280.

(F) The Planning Board may only approve a requested Secondary Amendment of a Preliminary Development Plan if it makes the following findings:

(i) The requested Secondary Amendment is in compliance with the requirements for the approval of a Preliminary Development Plan;

(ii) The requested Secondary Amendment is in conformance with the purposes of the Mixed Use Community Zone;

(iii) The original intent of the Preliminary Development Plan element or mandatory requirement being amended is still fulfilled with the approval of the requested Secondary Amendment.

(G) Secondary amendments shall include any elements of the Preliminary Development Plan that are not provided in Subparagraph (B), above.

**DIVISION 4. SECTIONAL MAP AMENDMENT (SMA).**

**Subdivision 1. General.**

**Sec. 27-220. Purpose and intent.**

(a) Sectional Map Amendment (SMA) procedures are provided for the comprehensive rezoning of all planning areas of Prince George's County. The following is the intent of establishing these procedures:

\* \* \* \* \*  
\*

(3) To limit Zoning Map Amendment cases heard by the Zoning Hearing Examiner and approved to:

\* \* \* \* \*  
\*

(C) Cases involving certain Comprehensive Design and [the M-X-T] Mixed Use Zones; and

\* \* \* \* \*  
\*

**Sec. 27-223. Limitations on rezoning.**

(a) In a Sectional Map Amendment, property may be reclassified to any zone established in the Zoning Ordinance, except the Transit District Overlay Zone and the Chesapeake Bay Critical Area Overlay Zones; and except for property located in the Resource Conservation Overlay Zone, which may not be reclassified to a Commercial or Industrial Zone, any Comprehensive Design Zone, except the V-M and V-L Zones, or [the M-X-T] Mixed Use Zones. No Transit District Overlay Zone or Chesapeake Bay Critical Area Overlay Zone may be established or amended through the Sectional Map Amendment procedures;

however, Transit District Overlay Zoning Map Amendment or Chesapeake Bay Critical Area Zoning Map Amendment procedures and Sectional Map Amendment procedures may occur simultaneously for the same area, if so authorized by the District Council.

\* \* \* \* \*

\*

(c) The District Council may only consider zoning property to the Mixed Use Community Zone where a Zoning Map Amendment application requesting the Zone has been filed in conformance with Section 27-199 and the Planning Board has made its recommendation on the application.

(d) No property shall be zoned C-1, C-2, C-C, C-G, or C-H if it was not classified in that zone prior to the approval of the Sectional Map Amendment. Property may only be rezoned to the R-P-C Zone in accordance with Section 27-158.

~~[(d)]~~ (e) No property may be rezoned to a less intense category (Section 27-109(b)) if;

(1) The property has been rezoned by Zoning Map Amendment within five (5) years prior to the initiation of the Sectional Map Amendment or during the period between initiation and transmittal to the District Council, and the property owner has not consented (in writing) to the rezoning; or

(2) Based on existing physical development at the time of adoption of the Sectional Map Amendment, the rezoning would create a nonconforming use. This rezoning may be approved, however, if there is a significant public benefit to be served

by the rezoning based on facts peculiar to the subject property and the immediate neighborhood. In recommending the rezoning, the Planning Board shall identify these properties and provide written justification supporting the rezoning at the time of transmittal. The failure of either the Planning Board or property owner to identify these properties, or a failure of the Planning Board to provide the written justification, shall not invalidate any Council action in the approval of the Sectional Map Amendment.

[(e)] (f) The area of the "property," as that word is used in Subsection (d) (2), above, is the minimum required by the Zoning Ordinance which makes the use legally existing when the Sectional Map Amendment is approved.

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

**Subdivision 1. General**

**Sec. 27-252. Building and grading permits.**

\* \* \* \* \*

(i) Building permits shall not be issued for more than seventy-five percent (75%) of the total number of approved dwelling units in a subdivision until building permits have been issued for all moderately priced dwelling units. This requirement shall not apply to the issuance of building permits for lots in the Comprehensive Design Zones, the M-X-C Zone, or the Transit Overlay Zone.

**Sec. 27-253. Use and occupancy permits.**

\* \* \* \* \*  
\*

(f) In a residential subdivision developed pursuant to Part 4A (moderately priced dwelling units), use and occupancy permits which would allow occupancy of more than fifty percent (50%) of the total number of approved non-MPDUs in the subdivision shall not be issued until use and occupancy permits have been issued for all moderately priced dwelling units. This requirement shall not apply to the issuance of use and occupancy permits for lots in the Comprehensive Design Zones, the M-X-C Zone, or the Transit District Overlay Zone.

**PART 4A. MODERATELY PRICED DWELLING UNITS.**

**DIVISION 1. GENERAL PROVISIONS.**

**Sec. 27-418.3. Requirements for CDZ, [M-X-T] Mixed Use, and T-D-O Zones.**

\* \* \* \* \*  
\*

(c) Any applicant who submits for approval a preliminary plat of subdivision to the Planning Board for the development of dwellings in the Mixed Use Community Zone, unless the proposed development is located in a Chesapeake Bay Critical Area Overlay Zone, shall provide ten percent (10%) of all dwelling units in the Single-Family-Medium Density and Other Residential use areas as moderately priced dwelling units.

Moderately priced dwelling units required for Single-Family-Medium Density use areas may be provided in Other Residential use areas.

(d) The alternative method of compliance procedure established in Subtitle 13, Division 8, and set forth in the adopted Regulations for MPDUs may be utilized where the number of moderately priced dwelling units to be created is not economically feasible, cannot be built in a manner compatible with the other developed dwellings, it is likely that the MPDUs will be unaffordable by eligible households, alternative compliance will achieve significantly more MPDUs, or the public benefit outweighs the benefit of constructing MPDUs.

[(d)] (e) Additional regulations for development of residential dwellings in these zones are found in Part 8 (Comprehensive Design Zones), Part 10 (Mixed Use Zones), and Part 10A (Overlay Zones).

**PART 10. MIXED USE ZONES.**

**DIVISION 3. USES PERMITTED.**

**Sec. 27-547. Uses permitted.**

(b) **TABLE OF USES**

USE	ZONE	
	M-X-T	<u>M-X-C</u>
<b>(1) COMMERCIAL:</b>		
All Types Offices and Research	P	<u>P</u>
Banks, savings and loan association, or other savings or lending institution	P	<u>P</u>
Data processing facilities	P	<u>P</u>
Eating or Drinking Establishments	P	<u>P</u>
Offices (may include a private spa in a medical practitioner's office or medical clinic)	<u>P</u>	P
Research, development, and testing laboratory, (may include testing facilities and equipment), medical or dental laboratory	<u>P</u> <u>P</u> <sup>6</sup>	
<b>Services and Trade (Generally Retail):</b>		
Barber or beauty shop	P	<u>P</u>
Blue printing, photostating, or other photocopying establishment	P	<u>P</u>
Book, [newspaper, or magazine store] (except adult book store), <u>camera, gift, jewelry, music, souvenir, or other specialty store not specifically listed</u>	<u>P</u> <u>P</u>	
Buying of items within guest rooms or vehicles, pursuant to Section 27-115(a) (2)		X <u>X</u>
Department store	P	<u>X</u>
[Dog] <u>Pet</u> grooming establishment	P	<u>P</u>



//LAND//

Veterinary clinic

P

P

(2) **INDUSTRIAL:**

Manufacturing, fabrication, assembly or repair of the following, from materials or parts previously produced elsewhere:

//LAND//

USE	ZONE	
	M-X-T	<u>M-X-C</u>
Artist's supplies and equipment	P	<u>X</u>
Business machines	P	<u>X</u>
Drafting supplies and equipment	P	<u>X</u>
Electrical and electronic equipment and component parts for radio, television, telephone, computer, and similar equipment	P	<u>X</u>
Jewelry and silverware	P	<u>X</u>
Musical instruments	P	<u>X</u>
Optical equipment and supplies	P	<u>X</u>
Photographic equipment and supplies	P	<u>X</u>
Scientific and precision instruments, devices, and supplies	P	<u>X</u>
Small electrical household appliances (including televisions, but excluding refrigerators and the like)	P	<u>X</u>
Surgical, medical, and dental instruments, devices, and supplies	P	<u>X</u>
Toys, sporting and athletic equipment (excluding ammunition, firearms, and fireworks)	P	<u>X</u>
Watches, clocks, and similar timing devices	P	<u>X</u>
Wearing apparel	P	<u>X</u>
Photographic developing and processing establishment	P	<u>X</u>
<b>(3) INSTITUTIONAL/EDUCATIONAL:</b>		
<u>Adult day care facility</u>	<u>P</u>	<u>P</u>
Church or similar place of worship, convent, or monastery	P	<u>P</u>

//LAND//

Day care center for children

P      P

**USE**

**ZONE**

**M-X-T**

**M-X-C**

Eleemosynary or philanthropic institution (excluding hospital)

P      P

Family day care

P      P

Modular classroom as a temporary use, in accordance with Sections 27-260 and 27-261

P      P

School, private or public, all types (which may include private spas)

P      P

**(4) MISCELLANEOUS:**

Accessory structures and uses

P      P

Cemetery, accessory to a church, convent, or monastery<sup>5</sup>

P      P

Home occupations (except in multifamily dwellings)

P      P

Mobile home, with use for which amusement taxes collected<sup>2</sup>

P      X

Other uses of appropriate size, which can be justified as similar to one of the uses listed in this Section

P      P

Real estate subdivision sales office as a temporary use, in accordance with Sections 27-260 and 27-261 P

P

Signs, in accordance with Part 12

P      P

Temporary contractor's office (must include sanitary facilities), construction yard, construction shed, or storage building, in connection with a construction project on the same property; provided no item stored or assembled there is offered for sale at the location, and in accordance with Sections 27-260 and 27-261

P      P

**(5) PUBLIC/QUASI PUBLIC:**

//LAND//

Library

P P

Post office

P P

Public building and use, if not otherwise specified

X P

//LAND//

USE	ZONE	
	M-X-T	<u>M-X-C</u>
<u>Sanitary Landfill or rubble fill</u>	<u>X</u>	<u>X</u>
Volunteer fire, ambulance, or rescue station <sup>1</sup>	P	<u>P</u>
<b>(6) RECREATIONAL/ENTERTAINMENT/SOCIAL/CULTURAL:</b>		
Community building	P	<u>P</u>
Convention center	P	<u>X</u>
Exhibition halls and facilities	P	<u>X</u>
<u>Golf course or country club</u>	<u>P</u>	<u>P</u>
Indoor theater or recital hall	P	<u>P</u>
Marina:		
(A) In accordance with Sections 27-371.01(a) and 27-548.01.01	P	<u>SE</u>
(B) All others	SE	<u>SE</u>
Museum, art gallery, aquarium, cultural center, or similar facility (noncommercial)	P	<u>P</u>
Outdoor exhibition, displays, entertainment, or performance	P	<u>P</u>
Park, playground, or other outdoor recreational area	P	<u>P</u>
Private club or service organization	P	<u>P</u>
Recreational or entertainment establishment (commercial or noncommercial)	P	<u>P</u>
Reducing/exercise salon, or health club	P	<u>P</u>
Spa, community	P	<u>P</u>
Spa, private	P	<u>P</u>
Spa, public, accessory to hotel, motel, reducing/exercise salon, health club, or swimming pool	P	<u>P</u>

//LAND//

USE	ZONE	
	M-X-T	<u>M-X-C</u>
<u>Swimming pool (indoor or outdoor) commercial or noncommercial</u>	<u>P</u>	<u>P</u>
Tennis, basketball, handball, or similar court <u>(indoor or outdoor) commercial or noncommercial</u> P <u>P</u>		
<u>Tourist home</u>	<u>P</u>	<u>P</u>
<b>(7) RESIDENTIAL/LODGING:</b>		
Dwellings, all types (except mobile homes)	P	<u>P</u>
Group residential facility for up to 8 mentally handicapped dependent persons	P	<u>P</u>
<u>Country inn</u>	<u>P</u>	<u>P</u>
Hotel or motel	P	<u>P</u>
Minidormitory:		
(A) In accordance with Section 27-548.01.02	P	<u>P</u>
(B) All others	SE	<u>SE</u>
<b>(8) TRANSPORTATION/PARKING/COMMUNICATIONS/UTILITIES:</b>		
Heliport		P <u>SE</u>
<u>Helistop</u>		<u>P</u> <u>SE</u>
Parking lot or garage, or loading area, in accordance with Part 11	P	<u>P</u>
Parking of mobile home in public rights-of-way <sup>3</sup>	X	<u>X</u>
Parking of mobile home not otherwise provided for	X	<u>X</u>
Passenger transportation station or depot (such as rapid transit station, bus stop, taxi or auto rental stand)	P	<u>P</u>

//LAND//

Public utility use or structure:

- (A) Railroad yard, round house, car barn, and freight station
- (B) All others

X      X  
P      P

**USE**

**ZONE**

**M-X-T**      **M-X-C**

Radio or television broadcasting studio

P      X

Satellite dish antenna, in accordance with Section 27-541.02:

- (A) Up to 10 feet in diameter, to serve only 1 dwelling unit
- (B) Over 10 feet in diameter, to serve only 1 dwelling unit
- (C) All others

P      X  
SE      X  
P      X

Storage of any motor vehicle which is wrecked, dismantled, or not currently licensed, except where X specifically authorized<sup>4</sup>

X

Telegraph or messenger service

P      P

Tower, pole, whip, or antenna (Electronic radio, or television[]), transmitting or receiving), except a public utility structure or a satellite dish antenna

P      P

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<sup>1</sup> Provided the site is either:

- (A) In the proximity of an area designated as a fire or rescue station on an approved Functional Master Plan of Fire and Rescue Stations;
- (B) In a location which the Fire Chief has indicated (in writing) is appropriate; or
- (C) Is occupied by a station that was in use immediately prior to July 1, 1982.

<sup>2</sup> Provided:

- (A) The mobile home is located on a lot having a net area of at least five (5) acres;
- (B) The use of the mobile home is in connection with another use on the property for which the County levies or collects an amusement tax.
- (C) The occupants of the mobile home are employed by, or reasonably connected with, the other use; and
- (D) The mobile home shall not be located on the property for more than one hundred twenty

//LAND//

(120) cumulative days per calendar year, except mobile homes used in connection with pari-mutuel racetracks when the use shall not exceed two hundred eighteen (218) cumulative days per calendar year.

<sup>^3</sup> Except in an emergency. In this case the parking shall be subject to the traffic and parking regulations applicable to the right-of-way.

<sup>^4</sup> This shall not apply to:

- (A) Storage accessory (and related) to an allowed use; or
- (B) One (1) such vehicle stored in a wholly enclosed garage.

<sup>^5</sup> Provided both uses were existing as of January 1, 1991.

<sup>^6</sup> Accessory uses such as light manufacturing, assembly service, repair, or warehousing associated with this use are permitted.

**PART 12. SIGNS.**

**DIVISION 3. DESIGN STANDARDS.**

**Subdivision 1. Business Signs.**

**Sec. 27-615. Attached to a building or canopy.**

\* \* \* \* \*  
\*

(g) **[M-X-T Zone] Mixed Use Zones**

(1) In the [M-X-T] Mixed Use Zones, the design standards for all signs attached to a building shall be determined by the Planning Board for each individual development at the time of Detailed Site Plan review. Each Detailed Site Plan shall be accompanied by plans, sketches, or photographs indicating the design, size, methods of sign attachment, and other information the Planning Board requires.

In approving these signs, the Planning Board shall find that the proposed signs are appropriate in size, type, and design, given the proposed location and the uses to be served, and are in keeping with the remainder of the [M-X-T] Mixed Use Zone development, and in the M-X-C Zone, are in conformance with the sign program as set forth in Section 27-546.4(j).

\* \* \* \* \*  
\*

**Sec. 27-616. Freestanding.**

\* \* \* \* \*  
\*

(f) **[M-X-T] Mixed Use Zones**

(1) In the [M-X-T] Mixed Use Zones, the Design

Standards for freestanding business signs shall be determined by the Planning Board for each development at the time of Detailed Site Plan review. Each Detailed Site Plan shall be accompanied by plans, sketches, or photographs indicating the design, size, methods of sign support, and other information the Planning Board requires. In approving these signs, the Planning Board shall find that the proposed signs are appropriate in size, type, and design, given the proposed location and the use to be served, and are in keeping with the remainder of the [M-X-T] Mixed Use Zone development[.], and in the M-X-C Zone, are in conformance with the sign program as set forth in Section 27-546.4 (j).

\* \* \* \* \*

\*

**Subdivision 2. Signs for Specific Uses.**

**Sec. 27-618. Institutional.**

(a) In any zone (except Comprehensive Design and [M-X-T] Mixed Use Zones) where a church, library, school, hospital, fire station, community center, day care center for children, or other similar institution is allowed, a sign may be erected identifying the institution or announcing any events scheduled on the premises. Institutional signs shall meet the following design standards:

\* \* \* \* \*

\*

(b) In the [M-X-T] Mixed Use Zones, the Design

Standards for institutional signs shall be determined and approved by the Planning Board for each development at the time of Detailed Site Plan review. Each Detailed Site Plan shall be accompanied by plans, sketches, or photographs indicating the design, size, methods of sign attachment or support and other information the Planning Board requires. In approving these signs, the Planning Board shall find that the proposed signs are appropriate in size, type, and design, given the proposed location and the uses to be served, and are in keeping with the remainder of the [M-X-T] Mixed Use Zone development[.], and in the M-X-C Zone, are in conformance with the sign program as set forth in Section 27-546.4(j).

\* \* \* \* \*

\*

**Sec. 27-619. Real Estate Signs.**

\* \* \* \* \*

\*

(d) **[M-X-T] Mixed Use Zones**

(1) In the [M-X-T] Mixed Use Zones, the Design Standards for advertising, directional, and permanent real estate signs shall be determined and approved by the Planning Board for each individual development at the time of Detailed Site Plan review. Each Detailed Site Plan shall be accompanied by plans, sketches, or photographs indicating the design, size, methods of sign attachment or support, and other information the Planning Board requires. In approving these signs, the

Planning Board shall find that the proposed signs are appropriate in size, type, and design, given the proposed location and the uses to be served, and are in keeping with the remainder of the [M-X-T] Mixed Use Zone development, and in the M-X-C Zone, are in conformance with the sign program as set forth in Section 27-546.4(j).

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 27-546.1, 27-546.2, 27-546.3, 27-546.4, 27-546.5, 27-546.6, 27-546.7 and 27-546.8 be and hereby are added to the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code:

**SUBTITLE 27. ZONING.**

**PART 10. MIXED USE ZONES.**

**DIVISION 2. SPECIFIC MIXED USE ZONES.**

**Subdivision 2. M-X-C (Mixed Use Community)**

**Sec. 27-546.1. Purposes.**

(a) The purposes of the Mixed Use Community Zone are to:

(1) Create a comprehensively planned community with a balanced mix of residential, commercial, recreational, and public uses;

(2) Establish a system of flexible development standards which will encourage innovation and provide a

superior alternative to conventional development patterns;

(3) Provide effective on-site density transfers and cluster techniques to promote public facility efficiency, walkable neighborhoods, and the preservation of significant open spaces;

(4) Provide a well-defined central focal point that will provide gathering places for the community to participate in neighborhood affairs and activities;

(5) Design a community with a distinct physical identity, expressed through a coherent and compact land plan, consistent treatment of common design elements such as streetscape and signs, and emphasis on the public realm;

(6) Provide a variety of lot sizes and dwelling types so as to provide housing for a spectrum of incomes, ages, and family structures, including moderately priced housing opportunities;

(7) Design a comprehensive network of substantial open space tracts superior to what could be obtained under conventional development techniques to serve a variety of scenic, recreational, and environmental conservation purposes;

(8) Preserve environmentally sensitive areas and significant natural features;

(9) Arrange land uses to be in physical proximity, and link these uses with pedestrian trails and sidewalks;

(10) Permit a flexible response to the market; and

(11) Provide a multi-step review process which will

assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health, safety, and welfare of the present and future inhabitants of Prince George's County.

**Sec. 27-546.2. Definitions.**

(a) Terms in this Subdivision and throughout Subtitle 27, when referring to the M-X-C Zone, are defined as follows:

(1) **Community Use Area:** An area, utilized in the M-X-C Zone, which provides undisturbed open space, recreational facilities, parks, public and homeowner uses and amenities. Buildings and parking lots shall be permitted in Community Use Areas only if they are public, owned by a homeowners association, or for not-for-profit uses such as a school, library, fire and rescue station, post office, museum or art gallery, nature center, or community building. Parking lots are permitted only as an accessory use to an approved use on the same lot. Recreational facilities such as athletic fields and swimming pools are encouraged. Golf courses and riding stables are permitted only if they are public, not-for-profit, or homeowner association-owned, and if they provide a significant and specific benefit to the community at large, such as public trails or public access.

(2) **Nonresidential Areas:** An area, utilized in the M-X-C Zone, consisting primarily of private institutional,

private educational, governmental administrative buildings, civic, judicial, office, retail hotel, motel, and other commercial uses, including all other non-residential uses set forth in Division 3 of Part 10 of this Subtitle.

(3) **Other Residential Areas:** An area, utilized in the M-X-C Zone, consisting primarily of the following types of residential dwellings: multifamily dwellings, semi-detached dwellings, three-family dwellings, triple-attached dwellings, two-family dwellings, townhouses, or any combination of the foregoing.

(4) **Single-Family Areas:** An area, utilized in the M-X-C Zone, which consists primarily of one-family detached dwellings.

**Sec. 27-546.3. Uses.**

(a) The uses allowed in the M-X-C Zone are as provided for in the Table of Uses (Division 3 of this Part).

(b) Each Preliminary Development Plan in the M-X-C Zone shall comply with the following minimum and maximum requirements for use areas:

	<u>Minimum</u>	<u>Maximum</u>
	<u>Percentage</u>	<u>Percentage</u>
	<u>of Gross</u>	<u>of Gross</u>
	<u>Area of the</u>	<u>Area of the</u>
	<u>Zone</u>	<u>Zone</u>
<u>Community Use Areas</u>		<u>30%</u> <u>N/A</u>
<u>Single-Family - Low Density</u>	<u>10%</u>	<u>N/A</u>

Residential

Single-Family - Medium Density      20%      N/A

Residential

Other Residential      N/A 15%

Nonresidential Areas:

In no event shall  
service or trade uses  
exceed 10% of the gross  
area of the Zone.      5% 20%

(c) Single-Family Areas. Other uses which may be allowed in these areas are home occupations, day care centers, group homes, tourist homes, churches, and other similar uses, as provided for in Section 27-547. All permitted uses other than one-family detached dwellings shall be approved as part of the textual material for the Comprehensive Sketch Plan and the Final Development Plan. No dwelling units other than one-family detached shall be allowed in this area.

(d) Other Residential Areas. Other uses which may be allowed in these areas are home occupations, day care centers, group homes, tourist homes, churches, and other similar uses, as provided for in Section 27-547. All permitted uses other than one-family detached dwellings shall be approved as part of the textual material for the Comprehensive Sketch Plan and the Final Development Plan. One-family detached dwelling units are permitted in this area.

(e) Nonresidential Areas.

(1) In the Nonresidential Areas, limited Other Residential uses are permitted in conjunction with buildings containing nonresidential uses. (2) The maximum floor area ratio for all commercial uses shall be four-tenths (.40).

(f) Community Use Areas

(1) A minimum amount of the Community Use Area shall be outside the one hundred (100) year floodplain and wetlands.

For the maximum density permitted in the M-X-C Zone, the minimum amount of area outside the one hundred (100) year floodplain and wetlands shall be twenty-five percent (25%) of the Community Use Area. For any density proposed in the Preliminary Development Plan which is lower than the maximum density permitted in the Zone, the minimum amount shall be proportionately lower at the rate of three percent (3%) for each one-tenth (0.1) in density, but in no case shall the area outside the one hundred (100) year floodplain and wetlands be less than ten percent (10%).

(2) Buildings and parking lots shall not exceed fifteen percent (15%) of the Community Use Area.

(3) The Community Use Areas shall, to the extent possible, include all sensitive natural features, including streams and stream buffers, slopes over twenty-five percent (25%), slopes over fifteen percent (15%) on highly erodible soils, one hundred (100) year floodplain, wetlands, and wetland buffers, and woodland conservation areas. Where it is feasible

within the overall development scheme, these natural areas may be incorporated into other development areas, as long as they are, to the extent possible, located outside the limits of disturbance.

(4) All lands approved as Community Use Areas on the Final Development Plan shall be conclusively presumed to satisfy the requirements of this section.

(g) For the purposes of calculating land use areas, land within public rights-of-way shall be attributed to the adjoining use. If the right-of-way is between two different use areas, a proportionate percentage of the right-of-way shall be attributed to each use. If the road adjoins a Community Use Area, no part of the right-of-way shall be attributed to the Community Use Area. Attribution of land which adjoins the Community Use Area shall be divided proportionately between the closest adjacent uses.

(h) Uses located within a land use area which are not the primary uses for which the area is intended and which are not compatible with adjoining uses shall be made compatible through development standards such as height restrictions, buffers, and building setbacks. These development standards shall be established through the Comprehensive Sketch Plan and the Final Development Plan. A determination of the compatibility of uses shall be based on an evaluation of such elements as noise, outdoor loading spaces, exterior storage, dust, fumes, vibration, litter, and bright lighting during the evening or at

night.

**Sec. 27-546.4. Other regulations.**

(a) No land may be zoned M-X-C unless it consists of at least seven hundred fifty (750) contiguous gross acres. Land which is divided by streets, roads, ways, highways, transmission pipes, lines or conduits, or rights-of-way (in fee or by easement) owned by third parties shall be deemed to be contiguous.

(b) Residential density determinations in the M-X-C Zone shall be based on the average number of dwelling units per gross acre. The density of the entire Zone shall not exceed two (2) dwelling units per gross acre. Within each Preliminary Development Plan the following additional density restrictions shall apply:

(1) In Single-Family - Low Density use areas, the maximum number of dwellings permitted shall not exceed two (2) dwelling units per gross acreage of all Single-Family - Low Density use areas in the Zone.

(2) In Single-Family - Medium Density use areas, the maximum number of dwellings permitted shall not exceed four (4) dwelling units per gross acreage of all Single-Family - Medium Density use areas in the Zone.

(3) In Other Residential use areas, the maximum number of dwellings permitted shall not exceed fifteen (15) dwelling units per gross acreage of all Other Residential use areas in the Zone.

(c) The use of land within the M-X-C Zone shall be limited to those uses specified in the Final Development Plan.

(d) Ten percent (10%) of the dwelling units in the Single-Family - Medium Density and Other Residential use areas shall be moderately priced dwelling units. Moderately priced dwelling units required for Single-Family - Medium Density Areas may be provided in areas designated for Other Residential in the same or a separate Final Development Plan.

(e) Except for accessory uses to one-family dwellings, no structure within an M-X-C Zone shall be:

(1) Erected except in accordance with the Final Development Plan, or

(2) Used for any purpose other than the use designated for it on the Final Development Plan.

(f) The regulations concerning Off-Street Parking and Loading (Part 11) Signs (Part 12), and the Landscape Manual, shall apply within the M-X-C Zone. Section 4.7 of the Landscape Manual shall not apply to contiguous uses within the boundaries of the M-X-C Zone, but shall apply along the exterior boundaries of the M-X-C Zone where a use within the M-X-C Zone is contiguous to a use which is outside the Zone.

(g) Development in this zone shall contain one or more neighborhood centers intended to create a distinct focal point(s) for the community:

(1) The neighborhood center shall be recognizable, compact, and functionally diverse;

(2) The neighborhood center shall be located in proximity to the highest residential concentration, and in general, residential densities shall decrease in proportion to their distance from the neighborhood center;

(3) The neighborhood center shall be linked by pedestrian trails and sidewalks to all parts of the area that it serves, and shall include facilities that encourage modes of transportation other than driving, such as bus shelters (if public transportation is available) and bike racks at convenient locations;

(4) The neighborhood center shall be arranged in a network of interconnecting streets, to provide a strong sense of community, and to provide drivers and pedestrians with alternate routes. The streets shall connect with other uses in the development through a logical extension of the street network;

(5) Community uses, such as churches and other places of worship, day care centers and community recreational uses are an integral part of the neighborhood center concept;

(6) The neighborhood center is intended to include a variety of retail shops and services to support the day-to-day needs of the residents, complemented by other compatible businesses and civic activities, with a residential component, if desired; and

(7) The neighborhood center shall be focused on a neighborhood green or park, which shall provide outdoor space

for collective social activity, recreation, and visual enjoyment, shall be designed with some recognizable edges or a sense of enclosure, be easily identifiable and accessible to all residents, and will preferably be in proximity to a community building.

(h) Residential areas shall include a variety of lot sizes and development standards, which shall be coordinated with street widths, views, topography, landscaping, and architecture.

(i) An integrated public street system with a variety of street standards shall be incorporated into the Zone. The street hierarchy shall be related to the street's function in the Zone, the average daily traffic (ADT) levels, lot frontage, and the need for on-street parking. The streets shall be designed to accommodate pedestrian needs as much as for vehicular use. The design of the public street system shall include typical cross-sections showing paving widths, medians, parking, greenway and landscaping, sidewalks, and utility easements, and typical entrance or gateway treatments, or reference typical sections in the "General Specifications and Standards for Highway and Street Construction". The street plan will be implemented through each Detailed Site Plan. A proposal for the submission of this plan shall be included in the text for the Preliminary Development Plan.

(j) A sign program shall be provided to ensure that consistent sign treatment is provided throughout the

development in order to further a sense of community identity.

Subsequent to approval of the Preliminary Development Plan, a sign program, which shall include drawings, guidelines, or standards for community gateway signs, residential development signs, and commercial and retail center signs, shall be approved by the Planning Board. A proposal for the submission of this plan shall be included in the text for the Preliminary Development Plan. The sign program will be implemented through each Detailed Site Plan.

(k) The design of the Community Use Areas shall include, in addition to large tracts of natural undisturbed open space, smaller tracts, parks, greens, or plazas more formally designed and intended to provide intensive civic or recreational uses. These areas should be located throughout the development, readily identifiable to invite public use, visible and accessible from public spaces, and may be in proximity to civic, institutional, or recreational buildings.

**Sec. 27-546.5. Comprehensive Sketch Plan.**

**(a) Filing**

(1) The Comprehensive Sketch Plan may be filed with the Planning Board following approval of the Preliminary Development Plan. It must be filed prior to the preliminary plat of subdivision. The Comprehensive Sketch Plan may cover all or a portion of the entire area included in the Preliminary Development Plan.

**(b) Fees**

(1) Upon filing a Comprehensive Sketch Plan, the applicant shall pay to the Planning Board a fee to help defray the costs related to processing the application. The scale of fees shall be determined by the Planning Board. A reduction in the fee may be permitted by the Planning Board, if it finds that payment will be an undue hardship upon the applicant.

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

(1) The applicant shall demonstrate to the Planning Board that, in the preparation of the Comprehensive Sketch Plan and supporting documents, he has devoted adequate attention to environmental relationships, design, landscaping, engineering factors, and traffic factors.

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

(A) A drawing or series of drawings (in the form of prints or other media acceptable to the Planning Board and supplied in reasonable quantities as required by the Planning Board or designee) showing the proposed development of the property at an appropriate scale, generally either one (1) inch equals two hundred (200) feet or one (1) inch equals one hundred (100) feet. The drawing(s) shall show the total number of acres on the site; and the approximate boundaries, acreages, and densities or intensities of all proposed residential and nonresidential land use areas on the site, including Community Use Areas.

(B) The zoning of adjoining properties;

(C) The location of all existing and proposed public streets, roads, and utilities;

(D) The location of all streams and associated one hundred (100) year floodplains, nontidal wetlands, slopes over twenty-five percent (25%), and slopes over fifteen percent (15%) on highly erodible soils;

(E) A Type I Tree Conservation Plan;

(F) The general location and type of conceptual design elements, such as special gateway treatment areas, focal points, major intersections, views to be screened, enhanced, controlled, or emphasized, and areas appropriate for special architectural treatment;

(G) The general location and type of recreational facilities, trails, and pedestrian circulation and amenities;

(H) Text material setting forth criteria, standards, and design principles for the following:

(i) The permitted general use or specific use as hereinafter defined, for each land use area. Uses may be designated on the Comprehensive Sketch Plan and the Final Development Plan either as specific uses or general uses. If the criteria in the plan stipulate a general use, any one of the uses within that category is permitted, and the specific use need not be specified until the Detailed Site Plan is approved. If a specific use is stipulated in the criteria for the Plan, then the structure, lot, or parcel must be used for that specific use only. Specific uses which shall be stipulated

as part of the criteria in the Comprehensive Sketch Plan and Final Development Plan are major recreational facilities, community buildings, churches, schools, public buildings, and retail centers.

(ii) Height limitations, front, side, and rear yard areas, setback provisions, and lot coverage requirements, stated generally or specifically with respect to particular improvements or types of improvements.

(iii) A comprehensive landscape program for the development;

(iv) A comprehensive, integrated public street system for the development pursuant to Section 27-546.4(i), if the street plan described in that Section has not been previously submitted and approved by the Planning Board;

(v) Supporting evidence which shows whether the transportation facilities which are existing, under construction, or included in the adopted County Capital Improvement Program or the current State Consolidated Transportation Program will be adequate to carry anticipated traffic.

(I) A preliminary calculation of moderately priced dwelling units and a phasing plan for their construction;

(J) The estimated residential or employment population for each land use area;

(K) Where a Comprehensive Sketch Plan proposes

to include an adaptive use of a Historic Site, the application shall include:

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

(ii) A preliminary evaluation of historic landscape features through field investigation; and

(iii) Preliminary architectural elevations within the environmental setting of the Historic Site.

(d) **Planning Board Action**

(1) The Planning Board shall hold a public hearing prior to the approval of a Comprehensive Sketch Plan.

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

(A) The proposed Comprehensive Sketch Plan is generally consistent with the approved Preliminary Development Plan;

(B) The proposed Plan is in conformance with the purposes and other provisions of this Division;

(C) The proposed Plan incorporates design and planning techniques that will make it compatible with existing and proposed development in the vicinity;

(D) The neighborhood center, if the subject application includes this element, is of sufficient size and proposes a mix of uses and a physical design that will create a distinct focal point for the community;

(E) The pedestrian system is convenient and is comprehensively planned to encourage pedestrian activity, especially in proximity to the neighborhood center;

(F) The overall design, mix of uses, and other improvements reflect a cohesive development of continuing quality and stability, while allowing for effective integration of subsequent phases.

(G) Transportation facilities which are existing, under construction, included in the adopted County Capital Improvement Program or current State Consolidated Transportation Program, or will be otherwise provided, will be adequate to carry anticipated traffic.

(3) An approved Comprehensive Sketch Plan shall remain valid indefinitely.

(e) **Appeal**

(1) The Planning Board's decision on a Comprehensive Sketch Plan may be appealed to the District Council upon petition by any person of record. The petition shall be filed with the Clerk of the Council within thirty (30) days after the date of the notice of the Planning Board's decision. The District Council may vote to review the Planning Board's decision on its own motion within thirty (30) days after the date of the notice.

(2) The Clerk of the Council shall notify the Planning Board of any appeal or review decision. Within seven (7) calendar days after receiving this notice, the Planning Board

shall transmit to the District Council a copy of the Comprehensive Sketch Plan, all written evidence and materials submitted for consideration by the Planning Board, a transcript of the public hearing on the Comprehensive Sketch Plan, and any additional information or explanatory material deemed appropriate.

(3) The District Council shall schedule a public hearing on the appeal or review. The Clerk of the Council shall give at least fourteen (14) calendar days notice of the hearing to all persons of record and the Planning Board, all of whom shall be entitled to testify at the hearing. Testimony at the hearing shall be limited to the facts and information contained within the record made at the hearing before the Planning Board.

(4) Within sixty (60) days after the close of the Council's hearing, the Council shall affirm, reverse, or modify the decision of the Planning Board, or return the Comprehensive Sketch Plan to the Planning Board to take further testimony or reconsider its decision. Where the Council approves a Comprehensive Sketch Plan, it shall make the same findings that are required to be made by the Planning Board. If the Council fails to act within sixty (60) days, the Planning Board's decision is automatically affirmed.

(5) The Council shall give its decision in writing, stating the reasons for its action. Copies of the decision shall be sent to all persons of record and the Planning Board.

**(f) Amendments**

(1) An amendment may be requested by the original applicant or such other person or entity designated by the original applicant.

(2) All amendments of approved Comprehensive Sketch Plans shall be made in accordance with the provisions for initial approval.

**Sec. 27-546.6. Final Development Plan.**

**(a) Filing**

(1) The Final Development Plan may be filed with the Planning Board after the expiration of the appeal period following approval of the Comprehensive Sketch Plan, and must be filed concurrently with the preliminary plat of subdivision.

The Final Development Plan may cover the entire area or any portion of the area included in the Comprehensive Sketch Plan.

**(b) Fees**

(1) Upon filing a Final Development Plan, the applicant shall pay to the Planning Board a fee to help defray the costs related to processing the application. The scale of fees shall be determined by the Planning Board. A reduction in the fee may be permitted by the Planning Board, if it finds that payment will be an undue hardship upon the applicant.

**(c) Contents of the Final Development Plan**

(1) The Final Development Plan shall consist of:

(A) A drawing or series of drawings, at an appropriate scale, of generally either one (1) inch equals two

hundred (200) feet or one (1) inch equals one hundred (100) feet, setting forth the precise boundaries of the proposed land uses by courses and distances and the precise acreage of the proposed land uses;

(B) Text material (criteria) which shall be substantially in the form approved by the Planning Board as part of the Comprehensive Sketch Plan;

(C) The number of residential units proposed, including moderately priced dwelling units, and a phasing plan for the provision of the moderately priced dwelling units; and

(D) Supporting evidence which shows whether the proposed development will exceed the capacity of transportation facilities that are existing, under construction, or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program or within the current State Consolidated Transportation Program.

(d) **Planning Board action**

(1) The Planning Board shall hold a public hearing prior to the approval of a Final Development Plan.

(2) Prior to approving a Final Development Plan, the Planning Board shall make the following findings:

(A) The proposed plan generally conforms to the Comprehensive Sketch Plan.

(B) The overall design, mix of uses and other improvements reflect a cohesive development of continuing quality and stability, while allowing for effective integration

of subsequent phases.

(C) Transportation facilities (including streets and public transit), (i) which are existing, (ii) which are under construction, or (iii) for which one hundred percent (100%) of the construction funds are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or will be otherwise provided, will be adequate to carry anticipated traffic.

(3) An approved Final Development Plan shall remain valid indefinitely.

(e) **Appeal**

(1) The Planning Board's decision on a Final Development Plan may be appealed to the District Council upon petition by any person of record.

The petition shall be filed with the Clerk of the Council within thirty (30) days after the date of the notice of the Planning Board's decision. The District Council may vote to review the Planning Board's decision on its own motion within thirty (30) days after the date of the notice.

(2) The Clerk of the Council shall notify the Planning Board of any appeal or review decision. Within seven (7) calendar days after receiving this notice, the Planning Board shall transmit to the District Council a copy of the Final Development Plan, all written evidence and materials submitted for consideration by the Planning Board, a transcript of the

public hearing on the Final Development Plan, and any additional information or explanatory material deemed appropriate.

(3) The District Council shall schedule a public hearing on the appeal or review. The Clerk of the Council shall give at least fourteen (14) calendar days notice of the hearing to all persons of record and the Planning Board, all of whom shall be entitled to appear at the hearing. Testimony at the hearing shall be limited to the facts and information contained within the record made at the hearing before the Planning Board.

(4) Within sixty (60) days after the close of the Council's hearing, the Council shall affirm, reverse, or modify the decision of the Planning Board, or return the Final Development Plan to the Planning Board to take further testimony or reconsider its decision. Where the Council approves a Final Development Plan, it shall make the same findings that are required to be made by the Planning Board. If the Council fails to act within sixty (60) days, the Planning Board's decision is automatically affirmed.

(5) The Council shall give its decision in writing, stating the reasons for its action. Copies of the decision shall be sent to all persons of record and the Planning Board.

(6) Upon approval, the Final Development Plan shall be recorded among the Land Records of Prince George's County and the provisions thereof as to land use shall bind the property

covered thereby as provided herein with the full force and effect of specific Zoning Regulations. After such recordation, no new structure shall be built, no new addition to existing structures made, and no change in primary use effected different from that permitted in the Final Development Plan except by an amendment to the Final Development Plan.

(f) **Amendment of Final Development Plan**

(1) An amendment may be requested by the original applicant or such other person or entity designated by the original applicant, and the proposed amendment shall be governed by all of the foregoing provisions relating to the approval of the Final Development Plan. Changes in accessory uses shall be allowed pursuant to applications for certificates of occupancy.

(2) No amendment to a Final Development Plan shall affect any property subject to such Final Development Plan for which a building permit has been issued and upon which construction has commenced pursuant to the permit as of the effective date of such amendment. During the consideration of any such amendment, the Final Development Plan shall continue to be effective until amended in the manner described above.

**Sec. 27-546.7. Detailed Site Plan.**

(a) Following approval of the Final Development Plan, an applicant shall file a Detailed Site Plan covering the entire area or any portion of the area included in the Final Development Plan. The Detailed Site Plan shall include all

uses and improvements within the area depicted, and shall be approved in accordance with Part 3, Division 9, of this Subtitle.

(b) In addition to the information required by Part 3, Division 9, the following information shall be included on Plans in the M-X-C Zone:

- (1) The proposed drainage system;
- (2) Architectural plans, including floor plans of residential structures and exterior elevations of all structures; and
- (3) A drawing or drawings of all signs, either freestanding or otherwise, proposed to be erected on land or attached to buildings within the area covered by the Detailed Site Plan.

(c) In addition to the findings required for the Planning Board to approve a Detailed Site Plan (Part 3, Division 9), the Planning Board shall also find:

- (1) The proposed development is in conformance with the purposes and other provisions of the M-X-C Zone;
- (2) The arrangement and design of buildings and other improvements, and the mix of uses reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;
- (3) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;

(4) In areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, the quality of urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting, both natural and artificial.

(5) The Detailed Site Plan is in general conformance with the approved Final Development Plan. Where not defined in an approved Development Plan, the design standards of the zone most compatible with the M-X-C Zone shall be applicable.

(d) An approved Detailed Site Plan in the M-X-C Zone shall remain valid for six (6) years.

**Sec. 27-546.8. Order of approvals.**

(a) In the M-X-C Zone, the following order of approvals shall be observed:

(1) Preliminary Development Plan;

(2) Comprehensive Sketch Plan;

(3) Preliminary Plat of Subdivision;

(4) Final Development Plan (must be submitted concurrently with corresponding preliminary plat of subdivision);

(5) Detailed Site Plan;

(6) Final Plat of Subdivision (a final plat of subdivision for single-family lots or bulk parcels for Other Residential, Nonresidential and Community Use parcels may be approved prior to a Detailed Site Plan, if the Technical Staff

determines that the site plan approval will not affect final plat approval);

(7) Grading, building, and use and occupancy permits (grading permits may only be approved prior to final plat of subdivision if the area to be graded is the subject of an approved Detailed Site Plan).

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect on December 31, 1992.

Adopted this 24th day of November, 1992.

OF COUNTY, 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 MARYLAND

BY:

\_\_\_\_\_  
Richard J. Castaldi  
Chairman

ATTEST:

\_\_\_\_\_  
Joyce T. Sweeney  
Acting 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.