

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

Legislative Session _____ 1991 _____

Bill No. _____ CB-71-1991 _____

Chapter No. _____ 38 _____

Proposed and Presented by Council Members Pemberton,
Bell, Wineland and Del Giudice

Introduced by Council Members Pemberton, Bell,
Wineland and Del Giudice

Co-Sponsors _____

Date of Introduction _____ June 11, 1991 _____

ZONING BILL

AN ORDINANCE concerning

The R-L Zone

(Residential Low Development)

FOR the purpose of creating a new Comprehensive Design Zone with a residential density range of between 0.5 to 1.5 dwelling units per gross acre in order to have available a plan implementation zone as an alternative low density development technique in appropriate areas of the County.

BY repealing and reenacting with amendments:

Sections 27-109,
27-179(c) (1) (E),
27-477,

27-486(a), and
27-515,

BY adding:

Sections 27-514.1,
27-514.2,
27-514.3, and
27-514.4

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

SUBTITLE 27. ZONING.

The Prince George's County Code

(1987 Edition, 1989 Supplement, as amended
by CB-58-1990).

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, 27-179(c)(1)(E), 27-477, 27-
486(a), and 27-515 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County Code, be and the same are hereby repealed and reenacted with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:

* * * * *

(4) Comprehensive Design

R-L (Residential Low Development)

R-S Zone (Residential Suburban Development)

* * * * *

(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, 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, 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.

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PART 3. ADMINISTRATION.

DIVISION 2. ZONING MAP AMENDMENTS.

Subdivision 3. Comprehensive Design Zones.

Sec. 27-179. Applications.

(c) Other submission requirements

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

(E) ¹ Where the application request the M-A-C, L-A-C, or E-I-A Zone, or is for rezoning of one hundred (100) or more acres to the R-L, R-S, R-M, or R-U Zone, the applicant shall submit an estimated construction schedule setting forth the following:

* * * * *

PART 8. COMPREHENSIVE DESIGN ZONES.

DIVISION 1. GENERAL.

Section 27-477. Applicability.

(a) It is not generally intended that the Comprehensive Design Zones, except the R-L (Residential Low Development) Zone, will be utilized in areas that are shown for permanent low-density residential development (less than one (1) dwelling unit per gross acre) recommended in Master Plans. Areas appropriate for the R-L (Residential Low Development) Zone are those which provide for an alternative low density residential development technique.

(b) It is not generally intended that areas zoned 0-S (Open Space), R-A (Residential-Agricultural), or R-E (Residential Estate), through the Sectional Map Amendment process, should be considered for Comprehensive Design Zones of R-S (Residential-Suburban) or higher density, where these zones were imposed for staging reasons.

Sec. 27-486. Density and intensity calculations.

(a) Residential density determinations in the L-A-C and M-A-C Zones shall be based on an average number of dwelling units per gross residential acre. Residential density determinations in the R-S, R-M, [and] R-U, and R-L Zones shall be based on an average number of dwelling units per gross acre, minus fifty (50) percent of the density attributed to any land located within a one hundred (100) year floodplain.¹ The base residential density shall be the numerical base to which increment factors may be applied. Motel units, hotel units, and living accommodations in institutions shall

not be considered as dwelling units.

DIVISION 3. USES PERMITTED.

Sec. 27-515. Uses permitted.

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(b) **TABLE OF USES**

USE	ZONE						
	M-A-C	L-A-C	E-I-A	R-U	R-M	R-S	<u>R-L</u>
(1) COMMERCIAL:							
(A) Eating or drinking establishments:							
(i) Delicatessen	P	P	P ⁶	P ⁹	P ⁹	P ⁹	<u>P⁹</u>
(ii) All others	P	P	P ⁶	X	X	X	
(B) Vehicle service:							
Gas station	P	P	P ⁶	X	X	X	
Vehicle repair and service station:							
(i) For major and minor repairs and parts replacement	X	P	P ⁶	X	X	X	
(ii) For minor repairs and parts replacement, placed underground in an enclosed structure	P	P	P ⁶	X	X	X	
(C) Offices:							
General Offices	P ²	P ²	P ⁷	X	X	X	
Medical practitioner's office/medical clinic (which may include private spa)	P	P	P ⁶	X	X	X	
Retail estate subdivision sales office:							
(i) As a temporary use, in accordance with Sections 27-260 & 27-261	P	P	P	P	P	P	<u>P</u>
(ii) All others	P	P	P	X	X	X	
(D) Services:							
Barber or beauty shops	P	P	P ⁶	P	P	P	<u>P</u>
Dry cleaning or laundry establishments:							
(i) Limited to pickup	X	X	P ⁶	X	X	X	

stations							
(ii) All others	P	P ³	X	X	X	X	

ZONE

USE	M-A-C	L-A-C	E-I-A	R-U	R-M	R-S	<u>R-L</u>
Funeral parlor or under-taking establishments	X	P	X	X	X	X	
Repair shop:							
(i) For small items (such as watches, clothing, and shoes)	P	X	X	X	X	X	
(ii) All others (except vehicle repair and service station)	X	P	X	X	X	X	

(E) **Trade (Generally Retail, Consistent with the Purposes of the Zone) such as:**

Book, newspaper, or magazine store (except adult book store)	P	P ⁵	X	X	X	X	
Buying of items within guest rooms and vehicles pursuant to Section 27-155(a) (2)	X	X	X	X	X	X	
Commercial outlet for the sale or display of items produced on the premises	X	X	P ⁶	X	X	X	
Department store	P	X	X	X	X	X	
Drug paraphernalia display or sales, pursuant to Section 27-115(a) (1)	X	X	X	X	X	X	
Drug store	P	P	P ⁶	X	X	X	
Firewood sales:							
(i) As a temporary use, in accordance with Sections 27-260 & 27-261	P	P	P	P	P	P	<u>P</u>
(ii) All others	P	P ⁵	X	X	X	X	
Food or beverage store	P	P ⁴	X	P ¹⁰	P ¹⁰	P ¹⁰	<u>P¹⁰</u>
Hobby shop	P	P ⁵	X	X	X	X	

Photographic supply store P P⁵ X X X X

ZONE

USE	M-A-C	L-A-C	E-I-A	R-U	R-M	R-S	<u>R-L</u>
Seafood market	P	P ⁴	X	X	X	X	
Seasonal decorations display and sales:							
(i) As a temporary use, in accordance with Sections 27-260 & 27-261	P	P	P	P	P	P	<u>P</u>
(ii) All others	P	P ⁵	X	X	X	X	
Specialty shop (featuring hard or soft wares)	P	P ⁵	X	X	X	X	
Variety or dry goods store	P	X	X	X	X	X	
Wayside stand as a temporary use	P	P	P	P	P	P	<u>P</u>

(2) **INDUSTRIAL:**

Brewery or distillery	X	X	P	X	X	X	
Industrial metal, waste, rag, glass, or paper salvage operation	X	X	P	X	X	X	
Laboratory, experimental testing, or film	P ¹⁶	X	P	X	X	X	
Maintenance or service yard	X	X	P	X	X	X	
Manufacturing activity, such as:							
(A) Manufacturing, assembly or packaging of products from previously prepared materials, such as cloth, plastic, paper, and the like	X	X	P	X	X	X	
(B) Manufacturing of electrical and electronic equipment and component parts for radio, television, telephone, computer, and similar equipment	X	X	P	X	X	X	

School, private:

USE	ZONE							
	M-A-C	L-A-C	E-I-A	R-U	R-M	R-S	<u>R-L</u>	
(A) Reserved								
(B) School or studio for artistic or technical instruction	P	X	P	P	P	P	<u>P</u>	
(C) All others ¹⁵	X	X	P	P	P	P	<u>P</u>	
(4) MISCELLANEOUS:								

Accessory structures and uses:

(A) Community and private spa	P	P	X	X	X	X	
(B) Conveyor system	X	X	P	X	X	X	
(C) Laboratory	P	X	P	X	X	X	
(D) Office	P	P	P	X	X	X	
(E) Warehouse	P	P	P	X	X	X	
(F) All others	P	P	P	P	P	P	<u>P</u>

Adaptive use of a Historic Site, when not otherwise allowed	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	<u>P¹⁸</u>
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Collection of recyclable materials:

(A) As a temporary use, in accordance with Sections 27-260 & 27-261	P	P	P	P	P	P	<u>P</u>
(B) All others	X	X	P	X	X	X	

Contractor's office (must include sanitary facilities), construction yard, shed, or building:

(A) In connection with a construction project as a temporary use, in accordance with Sections 27-260 & 27-261	P	P	P	P	P	P	<u>P</u>
(B) All others	X	X	P	X	X	X	

Garage or other structure commonly associated with a dwelling

Home occupation	P	P	X	P	P	P	<u>P</u>
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Interim use involving minor improvements, as approved by the District Council either	X	X	P	X	X	X	
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(B) All others, except the raising of animals or fowl	X	X	P	X	X	X
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ZONE

USE	M-A-C	L-A-C	E-I-A	R-U	R-M	R-S	<u>R-L</u>
for commercial purposes							
Sand and gravel wet-processing	X	X	P	X	X	X	
Surface mining	SE	SE	SE	SE	SE	SE	<u>SE</u>
(9) TRANSPORTATION/PARKING/COMMUNICATIONS/UTILITIES:							
Airport, airpark, airfield, or airstrip	X	X	P	X	X	X	
Automobile rental	P	X	X	X	X	X	
Bus station or terminal	P	X	X	X	X	X	
Heliport or helistop	P	X	P	X	X	X	
Parking lot or garage, or loading area, in accordance with Part 11	P	P	P	P	P	P	<u>P</u>
Parking of mobile home in public right-of-way ¹⁴	X	X	X	X	X	X	
Parking of mobile home not otherwise provided for	X	X	X	X	X	X	
Public utility use or structure:							
(A) Railroad yard, round-house car barn, or freight station	X	X	P	X	X	X	
(B) All others	P	P	P	P	P	P	<u>P</u>
Satellite dish antenna, in accordance with Section 27-488.1:							
(A) Up to 10 feet in diameter to serve only 1 dwelling unit	P	P	P	P	P	P	<u>P</u>
(B) Over 10 feet in diameter to serve only 1 dwelling unit	SE	SE	SE	SE	SE	SE	<u>SE</u>
(C) All others	P	P	P	P	P	P	<u>P</u>
Storage of any motor vehicle which is wrecked, dismantled,	X	X	X	X	X	X	

or not currently licensed,
except where specifically

USE	ZONE						
	M-A-C	L-A-C	E-I-A	R-U	R-M	R-S	<u>R-L</u>
authorized ¹⁷							
Taxicab stand	P	X	X	X	X	X	
Telegraph or messenger service	P	X	X	X	X	X	
Trucking or motor freight station	X	X	P	X	X	X	
Tower, pole, whip, or antenna (electronic, radio or television, transmitting or receiving) except a public utility structure or satellite dish antenna:							
(A) Commercial purposes	P	P	P	X	X	X	
(B) Nonprofit, noncommercial purposes	P	P	P	P	P	P	<u>P</u>

SECTION 2. BE IT FURTHER 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 new Sections 27-514.1, 27-514.2, 27-514.3, and 27-514.4 be added to the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, as follows:

SUBTITLE 27. ZONING.

PART 8. COMPREHENSIVE DESIGN ZONES.

DIVISION 2. SPECIFIC COMPREHENSIVE DESIGN ZONES.

SUBDIVISION 7. R-L ZONE (Residential Low Development).

Sec. 27-514.1. Purposes.

(a) The purposes of the Zone are to:

(1) establish (in the public interest) a plan

implementation zone, in which (among other things):

(A) Permissible residential density is dependent upon providing public benefit features and related density increment factors; and

(B) The location of the zone must be in accordance with the adopted and approved General Plan, or Master Plan;

(2) Establish regulations through which adopted and approved public plans and policies (such as the General Plan, and Master Plans) can serve as the criteria for judging individual development proposals;

(3) 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 the Regional District;

(4) Encourage amenities and public facilities to be provided in conjunction with residential development;

(5) Encourage and stimulate balanced land development;

(6) Improve the overall quality and variety of residential environments in the Regional District;

(7) Encourage low-density residential development which provides for a variety of one-family dwelling types, including a large lot component, in a planned development;

(8) Protect significant natural, cultural, historical, or environmental features and create substantial open space areas in concert with a unique living environment; and

(9) Protect viewsheds and landscape/woodland buffers

along the primary roadways and woodlands, open fields, and other natural amenities within the zone.

Sec. 27-515.2. Uses.

(a) The general principle for land uses in this zone is that uses shall be either residential in nature, or necessary to serve the dominant residential uses. These latter uses shall be integrated with the residential environment without disrupting the residential character of residential activities.

(b) The uses allowed in the Zone are as provided for in the Table of Uses (Division 3 of this Part).

Sec. 27-514.3. Regulations:

(a) General standards:

	<u>Residential</u> <u>Low .5</u>	<u>Residential</u> <u>Low 1.0</u>
(1) <u>Minimum size of zone (except as provided below)</u>	<u>100 adjoining gross acres</u>	<u>100 adjoining gross acres</u>
(2) <u>Base residential density</u>	<u>0.5 dwelling units per gross acre</u>	<u>1.0 dwelling units per gross acre</u>
(3) <u>Maximum residential density</u>	<u>0.9 dwelling units per gross acre</u>	<u>1.5 dwelling units per gross acre</u>

(b) Public benefit features and density increment factors:

	<u>Residential</u> <u>Low .5</u>	<u>Residential</u> <u>Low 1.0</u>
(1) <u>For open space land at a ratio of at least 3.5 acres per 100 dwelling units (with a minimum size of 1 acre), an increment factor may</u>	<u>25% in dwelling units</u>	<u>25% in dwelling units</u>

be granted, not to exceed

Residential
Low .5

Residential
Low 1.0

(2) For enhancing existing physical features (such as breakfront treatment of waterways, sodding of slopes susceptible to erosion action, thinning and grubbing of growth, and the like), an increment factor may be granted, not to exceed

2.5% in dwelling units

2.5% in dwelling units

(3) For a pedestrian system separated from vehicular rights-of-way, an increment factor may be granted, not to exceed

5% in dwelling units

5% in dwelling units

(4) For recreational development of open space (including minimum improvements of heavy grading, seeding, mulching, utilities, off-street parking, walkways, landscaping, and playground equipment), an increment factor may be granted, not to exceed

10% in dwelling units

10% in dwelling units

(5) For public facilities except streets and open space areas), an increment factor may be granted, not to exceed

30% in dwelling units

30% in dwelling units

(6) <u>For creating activity centers with</u>	<u>10% in dwelling units</u>	<u>10% in dwelling units</u>
	<u>Residential</u> <u>Low .5</u>	<u>Residential</u> <u>Low 1.0</u>

space provided for quasi-public services (such as churches, day care centers for children, community meeting rooms, and the like), a density increment factor may be granted, not to exceed

(7) <u>For incorporating solar access or active/passive solar energy in design, an increment factor may be granted, not to exceed</u>	<u>5% in dwelling units</u>	<u>5% in dwelling units</u>
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(c) Other regulations

(1) The types of dwelling units permitted shall be limited to one-family detached and attached dwellings. No more than twenty percent (20%) of the total number of dwelling units shall be attached units.

(2) Each lot shall have frontage on, and direct vehicular access to a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.

(3) Additional regulations concerning development and use of property in the R-L Zone are as provided for in Divisions 1, 4, and 5 of this Part, General (Part 2), Off-Street Parking and Loading

(Part 11), Signs (Part 12), and the Landscape Manual.

(d) Adjoining properties

(1) For the purposes of this Section, the word "adjoining" also includes properties separated by streets, other public rights-of-way, or railroad lines.

(e) Gross density

(1) In establishing the maximum gross density, the District Council shall consider the Master Plan designation and the existing zoning of the property to be rezoned.

Sec. 27-514.4. Minimum size exceptions.

(a) The minimum size requirements shall not apply if:

(1) The District Council finds that an area of less than one hundred (100) acres is suitable because of its unique historical character, topography, or landscape features; or

(2) The subject property abuts an existing O-S, R-A, R-E, R-L or R-S Zone.

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect on December 31, 1991.

Adopted this 9th day of July, 1991.

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: _____
Richard J. Castaldi
Chairman

ATTEST:

Maurene W. Epps
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.