

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

Legislative Session _____ 1991 _____

Bill No. _____ CB-115-1991 _____

Chapter No. _____ 64 _____

Proposed and Presented by _____ Council Member Bell _____

Introduced by Council Members Bell, Castaldi, Pemberton

_____ and Casula _____

Co-Sponsors _____

Date of Introduction _____ October 29, 1991 _____

ZONING BILL

AN ORDINANCE concerning

Commercial Recreational Attractions

FOR the purpose of lessening the time period for posting a sign on the property in the case of a request to amend a condition of an approved Special Exception for a commercial recreational attraction; and specifying that either the conceptual site plan or the detailed site plan, but not both, are required to be approved for the purposes of implementation of these Sections.

BY repealing and reenacting with amendments:

- Sections 27-319,
- 27-320(a),
- 27-324(a)(1), and
- 27-342,

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

SUBTITLE 27. ZONING.

The Prince George's County Code
(1987 Edition, 1990 Supplement, as amended
by CB-40-1991).

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 27-319, 27-320(a), 27-324(a)(1), and
27-342 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the same are hereby repealed and reenacted with the following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 4. SPECIAL EXCEPTIONS.

DIVISION 1. ADMINISTRATIVE PROCEDURES.

Subdivision 9. Special Exception Approval.

Sec. 27-319. Effect of site plan approval.

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(f) Notwithstanding any of the above, in the case of a
commercial recreational attraction, when a portion of the property
subject to an approved Special Exception site plan (either
conceptual or detailed site plan), is conveyed to a new owner, any
improvements, uses, or structures in existence, in operation, or
shown on an approved site plan (either conceptual or detailed site
plan) for the property conveyed may continue pursuant to that site

plan without any requirement to obtain approval of an alteration or revision of the overall site plan, provided said improvements, uses, or structures are able to function independently of the balance of the site plan property which is not conveyed. The approved Special Exception site plan for the balance of the property which is not conveyed shall be extinguished if any improvements, uses, or structures cannot function independently of the site plan property conveyed to the new owner, except as provided for hereinafter. If any part of an existing singular improvement, use, or structure is partially located on the site plan property conveyed to the new owner and partially on the balance of the property which is not conveyed, that improvement, use, or structure shall continue to operate pursuant to the previously approved Special Exception site plan (either conceptual [and] or detailed site plan), provided the owners of both properties enter into an appropriate legal arrangement allowing the use of the property not conveyed on which the existing improvement, use, or structure is partially located to the new owner of the Special Exception site plan property which is conveyed. To continue the operation, or prior to the construction, of any improvement, use, or structure described above, the new owner shall obtain a new use and occupancy permit, the application for which shall contain the site plan for the portion of the property conveyed, including all existing improvements, uses, and structures, already constructed or shown, and the revised boundaries, and a copy of the appropriate legal arrangement to use any portion of the property not conveyed on which any improvement, use or structure

shown on the site plan (either conceptual [and] or detailed site plan) is partially located. This site plan shall be approved by the Planning Board or its designee as being identical to the existing, approved Special Exception, with the exception of the boundaries of the property. Once approved, this site plan shall serve as the approved Special Exception site plan. Nothing in this Subsection shall be deemed to eliminate the requirements for approval of, and development in conformance with, the site plans required by Section 27-342.

Sec. 27-320. Effect of rezoning on Special Exception.

(a) When any land, or portion thereof, upon which a Special Exception has been approved is reclassified to a zoning category different from that category in which it was classified at the time the Special Exception was approved, the following shall apply:

* * * * *

(2.1) Notwithstanding any of the above, in the case of a commercial recreational attraction if, at the time of the rezoning, the commercial recreational attraction is not permitted in the new zone, the approved Special Exception site plan ([both] either conceptual [and] or detailed site plan) and any conditions shall continue in full force and effect as to that portion of the property subject to the Special Exception site plan which remains in the zone permitting the commercial recreational attraction as a Special Exception use. Any improvement, use, structure, screen, or buffer located in whole or in part on the property placed in the new zone may also continue to be used in conjunction with the Special

Exception until that property is developed for another use or removed from the approved Special Exception site plan (either conceptual [and] or detailed site plan).

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Sec. 27-324. Major changes.

(a) The District Council may (for good cause) amend any imposed condition or approved site plan without requiring a new application, if the amendment does not constitute an enlargement or extension of a Special Exception use.

(1) In the case of an amendment of a condition (imposed as a part of the approval of a Special Exception), the amendment request shall be directed (in writing) to the District Council, and filed with the Clerk of the Council. The Council shall hold a public hearing on the request and notify all persons of record (including all persons of record of the original application and any amendments thereof) in the same manner as required for an original application. The Planning Board shall post a sign on the subject property, setting forth the date, time, and place of the hearing, in the same manner as required for an original application; except in the case of an amendment request for a commercial recreational attraction, the posting shall be at least thirty (30) days prior to the scheduled hearing.

**DIVISION 3. ADDITIONAL REQUIREMENTS FOR
SPECIFIC SPECIAL EXCEPTIONS.**

Sec. 27-342. Commercial recreational attraction.

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(b) Commercial recreational attractions may be permitted, subject to the following criteria:

(1) **Standards**

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(C) Any place or structure used for exhibition, education, entertainment, dining, recreation, or other purpose involving patron assembly, and any maintenance or service building shall be located at least one hundred (100) feet from adjoining land in any Residential Zone, or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan, fifty (50) feet from adjoining land in any other zone, and twenty-five (25) feet from any abutting street, unless the District Council finds that, due to conditions in the area, these setbacks are unnecessary and the bufferyard requirement in the Landscape Manual would be sufficient. If the structure or place is located within two hundred (200) feet of land in any Residential Zone, or land proposed to be used for residential purposes in a Comprehensive Design, Mixed Use, or Planned Community Zone, there shall be no public entrance to it from the side facing the residential land. Notwithstanding the above, when a portion of a property subject to the Special Exception site plan (either conceptual [and] or detailed site plan) is rezoned to any residential zone, or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone,

approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan, any improvement, use, or structure already constructed or shown on the site plan (either conceptual [and] or detailed site plan) may continue in operation or be constructed as shown on the site plan;

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(2) **Parking**

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(B) Any off-street parking area shall be located at least one hundred (100) feet from any adjoining land in a Residential Zone, or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan, and at least twenty-five (25) feet from any other adjoining land or street. Notwithstanding the above, when a portion of a property subject to the Special Exception site plan (either conceptual [and] or detailed site plan) is rezoned to any residential zone, or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C zone, or any approved Conceptual or Detailed Site Plan, any off-street parking area already constructed or shown on the site plan (either conceptual [and] or detailed site plan) may continue or be constructed as shown on the site plan.

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SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall

apply to any commercial recreational attractions approved prior to the enactment of this Ordinance, and to any rezoning or conveyance of any portion of any property subject to any commercial recreational attraction which occurs prior or subsequent to the enactment of this Ordinance.

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect on November 19, 1991.

Adopted this 19th day of November, 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.