

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2019 Legislative Session**

Bill No. CB-22-2019

Chapter No. 13

Proposed and Presented by Council Member Glaros

Introduced by Council Members Glaros, Ivey, Anderson-Walker and Hawkins

Co-Sponsors _____

Date of Introduction June 18, 2019

ZONING BILL

1 AN ORDINANCE concerning
2 Residential Zones--Development Regulations--Bedroom Percentages
3 For the purpose of repealing the limitations on bedroom percentages for multifamily residential
4 development set for in the Zoning Ordinance of Prince George's County, Maryland.

5 BY repealing:

6 Sections 27-419 and 27-382,
7 The Zoning Ordinance of Prince George's County, Maryland,
8 being also
9 SUBTITLE 27. ZONING.
10 The Prince George's County Code
11 (2015 Edition, 2018 Supplement).

12 BY repealing and reenacting, with amendments:

13 Sections 27-107.01, 27-125.02, 27-251.01, 27-323,
14 27-351, 27-434, 27-435, 27-436, 27-437, 27-438,
15 27-439, 27-440, 27-445.10, and 27-464.07,
16 The Zoning Ordinance of Prince George's County, Maryland,
17 being also

SUBTITLE 27. ZONING.

The Prince George's County Code

(2015 Edition, 2018 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, Maryland, that Sections 27-419 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Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same is hereby repealed:

SUBTITLE 27. ZONING.

PART 5. RESIDENTIAL ZONES.

DIVISION 1. GENERAL.

Sec. 27-419. [Bedroom percentages.] Reserved.

[(a) Requirements for multifamily dwellings.]

[(1) The maximum percentages of two (2) or more bedrooms per apartment unit in a separate building or project are as follows:]

[(A) For two (2) bedroom apartments, forty percent (40%); and]

[(B) For three (3) (or more) bedroom apartments, ten percent (10%). Unused percentages for three (3) (or more) bedroom apartment units may be added to the maximum allowed percentages for two (2) bedroom apartment units;]

[(2) Percentage limitations shall apply only to dwelling units actually constructed.]

[(3) The percentage limitations do not apply to efficiency and one (1) bedroom apartment units.]

[(b) Varying the percentages.]

[(1) A property owner may vary from the bedroom unit percentages in an existing building.]

[(A) If the percent (%) of variation is greater than ten (10), based on the percentages of the building as originally constructed, a Special Exception must be approved in accordance with Part 4.]

[(B) If the percent (%) of variation is ten (10) or less, based on the percentages of the building as originally constructed, a Special Exception is not required, provided the exterior dimensions of the building are not increased.]

1 [(2) If any portion of the parcel proposed for development of multifamily buildings is
 2 situated within one-half (1/2) mile of the University of Maryland at College Park campus center
 3 and is outside the U.S. 1 Corridor Sector Plan, variation from the bedroom percentages allowed
 4 under Section 27-419 above may be permitted without a Special Exception. For projects without
 5 an approved Detailed Site Plan, the variation shall be reviewed as part of the Detailed Site Plan
 6 review. For projects with an approved and valid Detailed Site Plan, the proposed variation shall
 7 be eligible for review and approval by the Planning Director as a limited minor amendment
 8 pursuant to Section 27-289(c), provided the number of approved dwelling units are not
 9 increased. For purposes of this Subsection, "campus center" shall mean the Adele H. Stamp
 10 Student Union building on the University of Maryland at College Park campus.]

11 [(3) If the building was originally constructed in accordance with an approved Special
 12 Exception for a bedroom percentages increase, the provisions of paragraph (1), above, shall
 13 apply to the percentages approved by the Special Exception. If any future variation does not
 14 require another Special Exception (subparagraph (B), above), the original Special Exception site
 15 plan may be modified to show any change in parking facilities which may be required by the
 16 new variation in percentages. This change shall not constitute a revision of the site plan, but shall
 17 be made a part of the record of the original Special Exception application. (a) Requirements for
 18 multifamily dwellings.]

19 [(1) The maximum percentages of two (2) or more bedrooms per apartment unit in a
 20 separate building or project are as follows:]

21 [(A) For two (2) bedroom apartments, forty percent (40%); and]

22 [(B) For three (3) (or more) bedroom apartments, ten percent (10%). Unused
 23 percentages for three (3) (or more) bedroom apartment units may be added to the maximum
 24 allowed percentages for two (2) bedroom apartment units;]

25 [(2) Percentage limitations shall apply only to dwelling units actually constructed.]

26 [(3) The percentage limitations do not apply to efficiency and one (1) bedroom
 27 apartment units.]

28 **PART 4. SPECIAL EXCEPTIONS.**

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

31 **Sec. 27-382. [Multifamily dwelling; bedroom percentages increase.] Reserved.**

[The maximum percentages of two and three bedroom units per multifamily dwelling (in a separate building or multifamily project) may be increased, provided the increase is consistent with surrounding land use, zoning, and the availability of adequate public facilities and services. (See Section 27-419.)]

SECTION 2. BE IT FURTHER ENACTED that Sections 27-107.01, 27-125.02, 27-251.01, 27-323, 27-351, 27-382, 27-434, 27-435, 27-436, 27-437, 27-438, 27-439, 27-440, 27-441, 27-445.10, 27-461, 27-464.07, and 27-473 of the Prince George’s County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 2. GENERAL.

DIVISION 1. DEFINITIONS.

Sec. 27-107.01. Definitions.

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

* * * * *

[(24) Bedroom Percentages: The percentage of "Dwelling Units" in a "Multifamily Dwelling" or project which are "Efficiency Apartments" or contain a given number of "Bedrooms."]

* * * * *

PART 3. ADMINISTRATION.

DIVISION 1. GENERAL ZONING PROCEDURES.

SUBDIVISION 1. GENERAL.

Sec. 27-125.02.

(d) Special Exceptions.

(1) The following chart describes the fee ratings, H (high), M (Medium) and L (Low), for various Special Exceptions in the Zoning Ordinance. The ratings for the Special Exceptions are indicative of the time and effort necessary for the review of the specific application.

TYPE	RATING
* * * * *	
[Multifamily dwelling; bedroom percentages increase]	[L]
* * * * *	

(2) The following fees per impact level shall apply:

(A) For low impact use, the fee is Two Thousand, Five Hundred Dollars (\$2,500.00) up to and including fifty (50) acres, plus Fifty Dollars (\$50.00) per acre over fifty (50) acres.

(B) For medium impact use, the fee is Four Thousand Dollars (\$4,000.00) up to and including fifty (50) acres, plus Fifty Dollars (\$50.00) per acre over fifty (50) acres.

(C) For high impact use, the fee is Five Thousand, Five Hundred Dollars (\$5,500.00) up to and including fifty (50) acres, plus Fifty Dollars (\$50.00) per acre over fifty (50) acres.

(D) For a mobile home as a one-family dwelling, the fee is Two Hundred Dollars (\$200.00).

(E) For a day care center in a single-family residence, the fee is One Hundred Dollars (\$100.00).

(F) There is no fee for a Special Exception application filed by a church.

* * * * *

SUBDIVISION 3. NONCONFORMING STRUCTURES—SPECIAL PROCEDURES.

Sec. 27-251.01. - Nonconforming Apartment Buildings.

(a) The following procedures shall control and shall supersede all other zoning requirements for the legalization of the structures, site plans, and use of apartment buildings located in the R-18 Zone, constructed pursuant to a validly issued building permit prior to 1970, on land subdivided after November 1967, on a minimum of twenty-five (25) acres of land, comprised of not more than fifty-six (56) buildings, with not more than six hundred (600) dwelling units [, and with an approved Special Exception for an increase in bedroom percentages for a multifamily dwelling].

* * * * *

PART 4. SPECIAL EXCEPTIONS.

DIVISION 1. ADMINISTRATIVE PROCEDURES.

SUBDIVISION 10. AMENDMENT OF APPROVED SPECIAL EXCEPTIONS.

Sec. 27-323. Alterations, enlargements, extensions, and revisions.

* * * * *

[(d) Changes to an approved Special Exception for a variation of bedroom percentages, in

1 accordance with Section 27-419(b)(2), shall not constitute a revision of the site plan, but shall be
2 made a part of the record of the original Special Exception application.]

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

5 **Sec. 27-351. Dwelling units within building containing commercial uses.**

6 (a) Dwelling units may be permitted within a building containing commercial uses, subject
7 to the following:

8 * * * * *

9 (5) The site plan shall show the type, location, and extent of commercial uses within
10 the building, and the total number of proposed dwelling units [and bedroom unit percentages];

11 (6) The total number of dwelling units [and bedroom unit percentages] shall be
12 specifically approved;

13 * * * * *

14 **PART 5. RESIDENTIAL ZONES.**

15 **DIVISION 2. SPECIFIC RESIDENTIAL ZONES.**

16 **Sec. 27-434. R-30 Zone (Multifamily Low Density Residential).**

17 * * * * *

18 [(d) Bedroom percentages.]

19 [(1) The bedroom percentages for multifamily dwellings in the R-30 Zone shall be in
20 accordance with Section 27-419, provided that this paragraph shall not apply where
21 rehabilitation of an existing multifamily development, financed through Mortgage Revenue
22 Bonds issued by the Housing Authority of Prince George's County, results in a reduction of the
23 total number of existing dwelling units, or where a condominium plat is recorded, in accordance
24 with the provisions of the Maryland Condominium Act, setting out each dwelling unit as a
25 separate unit.]

26 * * * * *

27 **Sec. 27-435. R-30C Zone (Multifamily Low Density Residential-Condominium).**

28 * * * * *

29 [(d) Bedroom percentages.]

30 [(1) The bedroom percentages for multifamily dwellings in Section 27-419 are not
31 applicable in the R-30C Zone.]

1 * * * * *

2 **Sec. 27-436. R-18 Zone (Multifamily Medium Density Residential).**

3 * * * * *

4 [(d) Bedroom percentages.]

5 [(1) The bedroom percentages for multifamily dwellings in the R-18 Zone shall be in
6 accordance with Section 27-419, provided that this paragraph shall not apply where
7 rehabilitation of an existing multifamily development, financed through Mortgage Revenue
8 Bonds issued by the Housing Authority of Prince George's County, results in a reduction of the
9 total number of existing dwelling units, where a condominium plat is recorded, in accordance
10 with the provisions of the Maryland Condominium Act, setting out each dwelling unit as a
11 separate unit, or where a housing cooperative is established to own the multi-family dwellings.]

12 * * * * *

13 **Sec. 27-437. R-18C Zone (Multifamily Medium Density Residential-Condominium).**

14 * * * * *

15 [(d) Bedroom percentages.]

16 [(1) The bedroom percentages for multifamily dwellings in Section 27-419 are not
17 applicable in the R-18C Zone.]

18 * * * * *

19 **Sec. 27-438. R-10A Zone (Multifamily High Density Residential-Efficiency).**

20 * * * * *

21 [(d) Bedroom percentages.]

22 [(1) All multifamily dwelling units shall be one (1) bedroom or efficiency units.]

23 * * * * *

24 **Sec. 27-439. R-10 Zone (Multifamily High Density Residential).**

25 * * * * *

26 [(e) Bedroom percentages.]

27 [(1) The bedroom percentages for multifamily dwellings in the R-10 Zone shall be in
28 accordance with Section 27-419.]

29 * * * * *

30 **Sec. 27-440. R-H Zone (Multifamily High-Rise Residential).**

31 * * * * *

1 [(e) Bedroom percentages.]

2 [(1) The bedroom percentages for multifamily dwellings in the R-H Zone shall be in
3 accordance with Section 27-419, except that Section 27-419 shall not be applicable where the
4 property is subject to a "condominium regime" established under the Maryland Condominium
5 Act, being Title 11 of the Real Property Article of the Annotated Code of Maryland.]

6 * * * * *

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

8 **Sec. 27-445.10. Residential Revitalization.**

9 * * * * *

10 (b) Requirements.

11 * * * * *

12 (4) Regulations concerning the height of structures, lot size and coverage, frontage,
13 setbacks, density, [bedroom percentages,] number of uses, and other requirements of the specific
14 zone do not apply to uses and structures in a Residential Revitalization project. The dimensions
15 [and percentages] shown on the approved Detailed Site Plan shall constitute the development
16 regulations.

17 * * * * *

18 **PART 6. COMMERCIAL ZONES.**

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

20 **Sec. 27-464.07. - Conversion of Office Building to Multifamily.**

21 Conversion of an office building to multifamily residential dwellings is permitted in the C-S-C
22 Zone, provided that:

23 * * * * *

24 [(c) The bedroom percentages for multifamily dwellings as set forth in Section 27-419
25 shall not be applicable.]

26 * * * * *

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five
(45) calendar days after its adoption.

Adopted this 23rd day of July , 2019.

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: _____
Todd M. Turner
Chair

ATTEST:

Donna J. Brown
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.