COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND 1999 Legislative Session

| Resolution No. | CR-45-1999 | |
|---|---|--|
| Proposed by | The Chairman (by request - County Executive) | |
| Introduced by | Council Member Estepp | |
| Co-Sponsors | | |
| Date of Introduction | October 5, 1999 | |
| | RESOLUTION | |
| A RESOLUTION con | cerning | |
| | Washington Suburban Sanitary Commission | |
| For the purpose of app | proving and implementing a Formal Approval Process for the submission, | |
| review, and approval of | of eligible System Development Charge credit applications, and for | |
| approving and implem | nenting a Preliminary Commitment Process to review letters of interest by | |
| applicants for the Wai | ver of the Washington Suburban Sanitary Commission System | |
| Development Charge. | | |
| WHEREAS, the | establishment of the Waiver of the Washington Suburban Sanitary | |
| Commission's System | Development Charge was authorized by CR-83-1998 pursuant to Chapter | |
| 559 of the Laws of Ma | aryland, 1993; and | |
| WHEREAS, Chapter 559 of the Laws of Maryland 1993 authorized Montgomery County | | |
| and Prince George's County to establish a fee which will be paid by applicants for new service; | | |
| and | | |
| WHEREAS, Cha | apter 713 of the Laws of Maryland 1998 altered the schedule for the | |
| payment of the System Development Charge to the Washington Suburban Sanitary Commission | | |
| for certain properties; | and | |
| WHEREAS, CR | -83-1998 provided that specific procedures be developed by the County by | |
| resolution for the appr | oval of certain projects; and | |
| WHEREAS, the | County Executive has submitted a proposed Formal Approval Process and | |
| Preliminary Commitment Process for the Waiver, the terms of which are consistent with the | | |
| | | |

provisions of Subtitles 13 and 27 of the Prince George's County Code.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's County, Maryland, that the proposed Formal Approval Process and Preliminary Commitment Process for the Waivers of the WSSC System Development Charge attached hereto and made a part hereof be and the same are hereby approved.

BE IT FURTHER RESOLVED that notice of each waiver application filed shall be provided to the Councilmember representing the district in which the project is located.

BE IT FURTHER RESOLVED that a semi-annual report of waivers granted hereunder shall be submitted to the County Council beginning with the period ending December 31, 1999.

BE IT FURTHER RESOLVED that the County Executive is authorized to issue a letter of commitment for a credit for the Washington Suburban Sanitary Commission's System Development Charge (SDC) at any time.

Adopted this 12th day of October, 1999.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

| | BY: |
|----------------------|------------------|
| | M. H. Jim Estepp |
| | Chairman |
| ATTEST: | |
| | |
| | |
| Joyce T. Sweeney | - |
| Clerk of the Council | |

Application for Waiver of the Washington Suburban Sanitary Commission's Systems Development Charge for Eligible Development

The Maryland General Assembly has determined that three types of development occurring in Prince George's County may be eligible for credits for a portion of the Systems Development Charge (SDC) imposed by the Washington Suburban Sanitary Commission (WSSC). These include projects involving revitalization; biotechnology research and development or manufacturing; and elderly housing. A definition of each type of project, as defined in CR-83-1998, is shown on Attachment A, along with the criteria that will be used to determine the appropriateness of the proposed projects for an SDC waiver.

The SDC is charged to all applicants filing for new water and sewer service. The waiver would provide certain developers with a minimum credit of \$40 per fixture unit; projects that meet other eligibility criteria may receive full credit.

Developers may request waivers at any time during the development process by sending a letter of interest to the Office of the Deputy Chief Administrative Officer for Government Operations and Environmental Services, Office of the County Executive, Prince George's County. Final approvals, however, require site and building plans as well as architectural renderings (see attached for more details).

In order to be eligible for consideration of a waiver, please complete the attached application form. In addition, please submit information on how your project meets the criteria as shown. This information must be filed with the Office of the Deputy Chief Administrative Officer for Government Operations and Environmental Services, Office of the County Executive, Prince George's County.

Comments or questions regarding the SDC waiver process should be directed to the Development Specialist, Office of the County Executive, at 301/952-3706.

REVITALIZATION PROJECTS

Revitalization means a priority economic development project as outlined in a Revitalization Action Plan or the Empowerment Zone Application and located in one of the following geographic areas:

- Any State-designated area as defined by the Maryland Department of Housing and Community Development (DHCD).
- Any State-designated enterprise zone as defined by the Maryland Department of Business and Economic Development (DBED).
- Any Federally designated economic development district as defined by the U.S. Department of Commerce, Economic Development Administration (EDA).
- Any Transit District Overlay Zone (T-D-O Zone) as defined by Subtitle 27, Part 10A, Division 1, of the Prince George's County Code.
- Any Prince George's County-designated revitalization area as defined in Subtitle 10 of the Prince George's County Code.
- Any State-designated Neighborhood Business Development Program, as defined in Subtitle 2, of Title 4, of Article 83B, of the Annotated Code of Maryland.

SDC CREDIT ELIGIBILITY CRITERIA FOR REVITALIZATION PROJECTS:

Revitalization projects will be judged on the following criteria:

- The project must meet the County's economic revitalization goals for the community.
- The project must be an enhancement to the community and contribute to its economic vitality.
- The project should provide for an improved mix of commercial uses and/or residential types to serve the community's identified needs.
- · Priority shall be given to redevelopment projects which remove deteriorated conditions and/or enhance conditions in deteriorated areas.
- The project must be of superior design and must demonstrate a contribution to the community's physical vision.
- · Priority shall be given to economic development projects which create jobs.
- · Priority shall be given to projects that are part of a larger/comprehensive improvement strategy.
- · Projects should have the ability to leverage resources or facilitate/promote spin-off improvements.

BIOTECHNOLOGY RESEARCH AND DEVELOPMENT OR MANUFACTURING PROJECTS

Biotechnology Research and Development or Manufacturing means any activity that substantially involves research, development or manufacturing of:

- · Biologically active molecules;
- · Devices that employ or affect biological processes; or
- · Devices and software for production or management of specific biological information.

SDC CREDIT ELIGIBILITY CRITERIA FOR BIOTECHNOLOGY PROJECTS:

Biotechnology projects will be judged on the following criteria:

- The project must meet the County's economic development goals or objectives for the community.
- The project must be an enhancement to the community and contribute to its economic vitality.
- The project must be of high-quality design and must be compatible with the surrounding development.
- Priority shall be given to companies locating in the County's High Tech Triangle.
- · Projects should have the ability to provide significant indirect economic benefits (spin-off improvements).
- · Consideration for full Systems Development Charge credit may be considered if the proposed development is located in a designated County revitalization focus area.

ELDERLY HOUSING PROJECTS

Elderly Housing has the following meanings, as defined in the Prince George's County Zoning Ordinance:

Sec. 27-107.0l. Definitions.

- (a) Terms in the Zoning Ordinance are defined as follows:
- (20.1) **Assisted Living Facility:** A residential facility with living and sleeping facilities for more than twenty (20) elderly or physically handicapped residents within which sheltered care services are provided, which may include, but need not be limited to, meal preparation, laundry services, housekeeping, personal observation and direction in the activities of daily living, transportation for routine social and medical appointments, and the availability of a responsible adult for companionship or nonclinical counseling. The term shall not include an "Adult Day Care Center," "Congregate Living Facility," "Hospital," "Nursing or Care Home," "Family," or "Group Residential Facility" as defined elsewhere in this Subtitle. An "Assisted Living Facility" shall comply with any licensing and other regulatory requirements.
- (54) **Congregate Living Facility**: A residential facility for four (4) to twenty (20) elderly or physically handicapped residents, within which sheltered care services are provided, which may include, but need not be limited to, living and sleeping facilities, meal preparation, laundry services, housekeeping, personal observation and direction in the activities of daily living, transportation for routine social and medical appointments, and the availability of a responsible adult for companionship or nonclinical counseling. The term shall not include an "Adult Day Care Center," "Hospital," "Nursing or Care Home," "Family," or "Group Residential Facility," as defined elsewhere in this Subtitle. A Congregate Living Facility shall comply with the licensing and other regulatory requirements of Subtitle 12, Division 7, of this Code.
- (151.1) **Mixed Retirement Development**: A residential community for retirement aged persons developed under a uniform scheme of development, containing a mix of attached, detached, or multifamily dwelling units, nursing or care homes, or assisted living facilities. Each community shall be developed with not less than two (2) types of dwelling units.

Sec. 27-352.01. Elderly housing (one-family attached dwellings).

- (a) Attached one-family dwellings for the elderly (and related facilities) may be permitted, subject to the following:
- (1) The subject property shall not be adjoining property in the R-O-S or O-S Zones, unless it is separated by an arterial roadway;
- (2) The site plan shall show the density (which shall not exceed the maximum allowable density of the zone in which the use is located, as set forth in Section 27-442(h), and the type and total number of dwelling units proposed (which may also include one-family detached dwellings);
- (3) The District Council shall find that the subject property is suitable for the type of development proposed and is of sufficient size to properly accommodate the proposed number of dwelling units;
- (4) A recreational facilities plan shall be submitted demonstrating that sufficient recreational facilities or opportunities are provided to serve the prospective resident population,

consistent with their needs and abilities. Facilities may be provided on-site or within adjoining development. In any case, but particularly if on adjoining property, there shall be a staging plan for the facilities constructed. Recreational areas should be clustered together to increase levels of activity, use of amenities, and the sense of vitality of the community;

- (5) Regulations restricting the height of structures, lot size and coverage, frontage, setbacks, and any other requirements of the specific zone in which the use is proposed (excluding density, which shall be governed by Section 27-352.01(a)(2)) shall not apply to uses and structures provided for in this Section. The dimensions and percentages shown on the approved site plan shall constitute the regulations for a given Special Exception;
- (6) The owner of the property shall record among the Land Records of Prince George's County a declaration of covenants which establishes that the premises will be solely occupied by elderly families for a fixed term of not less than sixty five (65) years. The covenant shall run to the benefit of the County; and
 - (7) The following guidelines should be considered:
- (A) Dwelling units should be clustered around a central focal point or public space and should avoid linear design. Open space should be oriented to provide the best possible separation or buffer from adjoining single-family detached uses. The requirements of Section 24137(g)(1), (2), and (5) through (10) shall serve as guidelines for site layout.
- (B) No less than ten percent (10%) of the land area should be devoted to open space, recreation facilities, and social-oriented amenities.
- (C) If a community building is proposed, no less than three (3) physically separate areas, which shall include the separation of a single room, should be provided within the building for recreational and social-oriented amenities of varying activity levels.
- (D) Each outdoor space intended for active recreation should be a minimum of fifty (50) feet in width in least dimension, with a minimum area of five thousand (5,000) square feet.

Sec. 27-374. Medical/residential campus.

(a) A medical/residential campus for retirement-aged persons may be permitted, subject to the following:

(1) General requirements.

- (A) The campus shall primarily serve needs of the retirement-aged community. At least one (1) resident of each household shall be at least fifty (50) years old, unless the applicant can demonstrate that a lesser minimum age requirement should be approved;
- (B) The campus shall achieve a balanced residential/medical environment which is unique to the neighborhood in which it is located, and which cannot be achieved through the use of conventional zoning proposals;
- (C) Residences shall be functionally, physically, and architecturally integrated with service and recreational/activity centers;
 - (D) Medical services (if any) shall be conveniently located for the residents; and
- (E) Commercial or service-oriented uses shall be grouped together, and shall be located near the population being served.

(2) Specific requirements.

- (A) The subject property shall contain at least twenty-five (25) contiguous acres;
- (B) The site shall have frontage on, and direct vehicular access to, an existing street with sufficient capacity to accommodate any traffic generated by the campus;

- (C) All buildings, structures, off-street parking compounds, and loading areas shall be located at least:
- (i) 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;
- (ii) Fifty (50) feet from all other adjoining property lines (except street lines); and
 - (iii) Twenty-five (25) feet from all adjoining street lines;
- (D) All perimeter areas of the site shall be buffered or screened in accordance with the provisions of the Landscape Manual, and the applicant shall demonstrate that the required buffer yards will provide reasonable sight and sound barriers;
 - (E) Not less than forty percent (40%) of the site shall be devoted to green area;
- (F) Regulations concerning the height of structure, lot size and coverage, frontage, setbacks, density, and other requirements of the specific zone in which such campus is to be located, shall not apply to uses and structures provided for in this section. The dimensions and percentages shown on the approved site plan shall constitute the regulations for development under a given Special Exception; and
- (G) Notwithstanding Section 27-118.1, more than one (1) dwelling may be located on a lot containing a one-family dwelling.
- (H) Prior to approval of a Special Exception for a medical/residential campus for property for which a subdivision is not approved for the entire property in accordance with the proposed medical/residential campus site plan, the applicant shall demonstrate to the satisfaction of the Zoning Hearing Examiner or of the District Council that the entire development and use meet the following criteria:
- (i) Transportation facilities (including streets and public transit) which are existing, which are under construction, or 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 provided by the applicant, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. The uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved General or Area Master Plans, or urban renewal plans;
- (ii) Other existing or planned private and public facilities which are existing, under construction, or for which construction funds are contained in the first six (6) years of the adopted County Capital Improvement Program (such as public safety, recreation areas, water and sewerage systems, libraries, and fire stations, but excluding schools) will be adequate for the uses proposed; and
- (iii) Notwithstanding subparagraphs (i) and (ii), above, where the application anticipates a construction schedule of more than six (6) years, public facilities (existing or scheduled for construction within the first six (6) years) will be adequate to serve the development proposed to occur within the first six (6) years. The Zoning Hearing Examiner or the Council shall also find that public facilities will probably be adequately supplied for the remainder of the project. In considering the probability of future public facilities construction, the Zoning Hearing Examiner or the Council may consider such things as existing plans for construction, budgetary constraints on providing public facilities, the public interest and public need for the particular development, the relationship of the development to public transportation, or any other matter that indicates that public or private funds will likely be expended for the necessary facilities.

(3) **Uses**.

- (A) Only those uses which appear on an approved site plan shall be permitted on the medical/residential campus. The District Council may only approve those uses which provide a harmonious, balanced mix of medical, residential, and limited commercial uses primarily serving campus residents, and public, quasi-public, and medical services for the off-campus retirement-aged community. Other uses may include (but need not be limited to) the following:
- (i) Dwellings, nursing and care homes, and congregate living facilities for the elderly or physically handicapped;
- (ii) Medical facilities, including professional offices, laboratories, clinics, professional or paramedical training centers, and ambulatory care facilities. Business signs in conjunction with approved medical facilities shall be permitted in accordance with the provisions of Part 12 applicable to the C-O Zone;
- (iii) Retail commercial uses which are strictly related and subordinate to the residential/medical character of the campus and which directly serve the residents and employees of, or visitors to, the center, including retail uses similar to those in the C-A (Commercial Ancillary) Zone. The uses should be chosen to reflect their local orientation to the immediate campus vicinity and should be of a size and scope so as not to interfere with existing or proposed retail uses located in the off-campus area. Business signs in conjunction with retail commercial uses shall be permitted in accordance with the provisions of Part 12 of this Subtitle applicable to the C-A Zone; and
- (iv) Recreational and social uses, such as athletic facilities, community centers, and assembly halls, limited to use only by campus residents, employees, and guests.

(4) Site plan and other submission requirements.

- (A) In addition to the requirements of Section 27-296(c), the site plan shall set forth:
 - (i) Existing and proposed topography at not more than five (5) foot contour intervals;
 - (ii) Existing and proposed drainage patterns;
 - (iii) Existing vegetation and other natural features; and
 - (iv) Proposed provisions for sediment control and storm water management.

(5) Addition of land.

(A) After the approval of a Special Exception, any addition of land to the campus shall be the subject of a new Special Exception application. The site plan accompanying the new application shall include the required information for both the previously approved campus and the proposed additional land. The approval of the new site plan shall nullify the previously approved site plan. The additional land shall be contiguous to an approved medical/residential campus, and may be less than twenty-five (25) acres.

(6) Amendment of site plan.

- (A) Notwithstanding other provisions of this Subtitle concerning the revision of site plans, requests to amend a site plan for a medical/residential campus shall only be approved by the District Council, and in accordance with this paragraph.
- (B) Requests to amend the approved site plan shall be filed concurrently with the Clerk of the Council and the office of the Planning Board. After receipt of the request by the Clerk, the Office of the Zoning Hearing Examiner shall schedule a public hearing, which shall occur not less than sixty (60), nor more than one hundred twenty (120), days after receipt of the request. The request shall be reviewed by the Technical Staff, taking into consideration the requirements of this Subtitle. The Technical Staff shall submit its recommendations to the Zoning Hearing Examiner within sixty (60) calendar days from the date of filing. The public

hearing shall be conducted by the Zoning Hearing Examiner, in accordance with Section 27-129, at which time the applicant, Planning Board, Technical Staff, and members of the public may comment on the proposed amendments. Notice of the public hearing shall be published at least one (1) time in the County newspapers of record. The notice shall appear at least thirty (30), but not more than sixty (60), days prior to the scheduled public hearing date. The property shall be posted with a sign in the same manner as required for original applications. Notice shall be sent to any municipality having the subject property within its boundaries, and to all persons of record in the original Special Exception and any previously approved amendments. After the close of the hearing record, the Zoning Hearing Examiner shall file a written recommendation with the District Council. All persons of record shall be given at least ten (10) days written notice by the Clerk of the Council of the date and time of the District Council's consideration of the matter. Any person of record may appeal the recommendation of the Zoning Hearing Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner's recommendation with the District Council. If appealed, all persons of record may testify before the District Council. Persons arguing shall adhere to the District Council's Rules of Procedure, and argument shall be limited to thirty (30) minutes for each side, and to the record of the hearing.

- (C) All amendments shall be in conformance with the purposes, regulations, and standards of this section.
- (i) The approved amended site plan shall become the official site plan, as if it had been approved as a part of the original application for a Special Exception.

Sec. 27-395. Planned retirement community.

(a) A planned retirement community may be permitted, subject to the following criteria:

(1) **Findings for approval**.

- (A) The District Council shall find that:
- (i) The proposed use will serve the needs of the retirement-aged community;
- (ii) The proposed use will not adversely affect the character of the surrounding residential community; and
- (iii) In the R-A Zone, there shall be a demonstrated need for the facility and an existing medical facility within the defined market area of the subject property.

(2) Site plan.

(A) In addition to the requirements of Section 27-296(c), the site plan shall set forth the proposed traffic circulation patterns.

(3) **Regulations**.

- (A) Regulations restricting the height of structures, lot size and coverage, frontage, setbacks, density, and other requirements of the specific zone in which the use is proposed shall not apply to uses and structures provided for in this section. The dimensions and percentages shown on the approved site plan shall constitute the regulations for a given Special Exception.
 - (B) The subject property shall contain at least twelve (12) contiguous acres;
- (C) The average number of dwelling units per acre shall not be more than eight (8) for the gross tract area; and
 - (D) In the R-A Zone, buildings shall not exceed three (3) stories.

(4) Uses

(A) The planned retirement community shall include a community center or meeting area, and other recreational facilities which the District Council finds are appropriate.

These recreational facilities shall only serve the retirement community. The scope of the facilities shall reflect this fact. The Council may only permit a larger facility which serves more than the retirement community if the facility is harmoniously integrated with the retirement community and the surrounding neighborhood. All recreational facilities shall be constructed prior to, or concurrent with, the construction of the residential units, or in accordance with a schedule approved by the District Council;

(B) Retail commercial uses, medical uses, health care facilities, and other uses which are related to the needs of the community may be permitted.

(5) Residents' age.

(A) At least one (1) resident of each household shall be at least fifty (50) years old, unless the applicant can demonstrate that a lesser minimum age requirement should be approved. No permanent resident of the planned retirement community shall be under eighteen (18) years old. Covenants setting forth the minimum age of the residents shall be submitted with the application. The covenants shall be approved by the District Council, and shall be filed in the land records at the time the subdivision plat is recorded. No change in the minimum age shall be permitted, unless both the covenants and the Special Exception have been amended.

(6) Recreational facilities.

(A) Covenants guaranteeing the perpetual maintenance of recreational facilities, and the community's right to use the facilities, shall be submitted with the application. The covenants shall be approved by the District Council, and shall be filed in the land records at the time the subdivision plat is recorded. If the recreational facilities are to be part of a condominium development, a proposed condominium declaration showing the recreational facilities as general common elements shall be approved by the District Council, and shall be recorded (pursuant to Title II of the Real Property Article of the Annotated Code of Maryland) at the time the subdivision plat is recorded.

SDC CREDIT ELIGIBILITY CRITERIA FOR ELDERLY HOUSING PROJECTS:

Elderly housing projects will be judged on the following criteria:

- The project must be of superior quality, with creative design and architectural elements that go beyond minimum standards.
- The project must show higher standards of amenities and services (e.g., enhanced security features, emergency call alarms in each unit, support services).
- The project must be an enhancement to the community and contribute to its economic vitality.
- The project should be located in close proximity to Metrorail stations or near areas providing a critical mass of retail and other services.
- The project must be managed by an experienced, qualified management company.
- · Consideration for full Systems Development Charge credit may be considered if the proposed development is located in a designated County revitalization focus area.

SYSTEMS DEVELOPMENT CHARGE WAIVER APPLICATION

| Name of Applicant(s) | |
|--|-----------------------|
| Address | |
| | Phone |
| Current Owner/Contract Purchaser (circle one) | |
| A.11 | |
| Address | |
| Name of Engineer/Architect/Landscape Architect/Urban P | Phone |
| Name of Engineer/Architect/Landscape Architect/Orban F | lamer |
| Address | _ |
| | Phone |
| Name of Attorney(s) | |
| Address | |
| | Phone |
| | |
| | |
| Project Name | |
| Development Name | |
| Geographic Location (with reference to closest major inter | |
| | |
| | |
| | |
| Address (if available) | |
| Total Site Area (in acres) | Zone (s) |
| Proposed Uses of Property | |
| Proposed Uses of Tenants | |
| Tax Map Number Grid | 200 Scale Base Map # |
| Alexandria Drafting Company Map and Grid | |
| Planning Area | Councilmanic District |
| Municipality | No. of Dwelling Units |
| Gross Floor Area (if commercial or industrial) | |
| Subdivision Name | |
| Parcel, Lot and Block Numbers (if applicable) | |
| Plat Book/Page | |
| Tax Account Number (s) | |
| | |

| Previously Approved Plans or copies): | Conditions Relating to the Development of this Site, if any (please attach | | |
|--|--|--|--|
| Rezoning (No.) | Conceptual Site Plan (No.) | | |
| CDP (No.) | | | |
| Water and Sewer Category Ch | ange (Res. No.) | | |
| Variances | Other | | |
| | | | |
| | ry requests for consideration do not require all items listed below; equire complete application information.] | | |
| ☐ 3 copies of Site Plan | | | |
| ☐ North arrow and scale | | | |
| ☐ All natural features such as ponds, lakes, etc. | | | |
| ☐ Proposed grading in 2-foot contours | | | |
| ☐ Location of all existing or proposed easements | | | |
| ☐ Delineation of 100-year floodplain | | | |
| □ Property lines | | | |
| ☐ Required setbacks | | | |
| ☐ Location of all existing and/or proposed buildings and other structures | | | |
| ☐ Location, size and description of all elements which are required to be screened | | | |
| ☐ Location and labels of all proposed plants | | | |
| ☐ Location, type and quality of existing vegetation | | | |
| ☐ Location of all stormwater ponds | | | |
| ☐ Location of other land | • | | |
| ☐ Architectural renderings o | f proposed buildings | | |

Attach a detailed description of how the proposed project meets the required criteria (*Please refer to Attachment A for complete requirements*).