

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2007 Legislative Session**

Bill No. CB-44-2007

Chapter No. _____

Proposed and Presented by Council Member Dernoga

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Transfer of Development Rights

3 For the purpose of establishing a Transfer of Development Rights program in Prince George's
4 County.

5 BY adding:

6 Sections 27-1901, 27-1902, 27-1903, 27-1904, 27-1905, 27-1906,
7 27-1907, 27-1908, 27-1909, 27-1910, 27-1911, 27-1912, 27-1913,
8 27-1914, 27-1915, 27-1916, 27-1917,

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

11 **SUBTITLE 27. ZONING.**

12 The Prince George's County Code
13 (2003 Edition, 2006 Supplement).

14 BY repealing and reenacting with amendments:

15 Sections 27-107.01, 27-317, 27-425, 27-426, 27-427, 27-428, and
16 27-441,

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

19 **SUBTITLE 27. ZONING.**

20 The Prince George's County Code

(2003 Edition, 2006 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 27-1901, 27-1902, 27-1903, 27-1904, 27-1905, 27-1906, 27-1907, 27-1908, 27-1909, 27-1910, 27-1911, 27-1912, 27-1913, 27-1914, 27-1915, 27-1916, 27-1917 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 added:

SUBTITLE 27. ZONING.

PART 19. TRANSFER OF DEVELOPMENT RIGHTS.

DIVISION 1. GENERAL.

Sec. 27-1901. Introduction.

It is the policy of the County that landowners subject to development restrictions in the Sending Districts designated in this Part should be provided regulatory incentives to permanently restrict such lands from development and to preserve sensitive natural resources. Md. Code Art. 28, § 8-101(b)(3) and Art. 66B, § 11.01 authorizes the County to establish a program for the Transfer Of Development Rights to encourage the preservation of natural resources and to facilitate orderly growth and development in the State. While such regulations may be legally imposed where they further a legitimate public purpose and are reasonable, the Transfer Of Development Rights provides a vehicle to enable the private market to allocate economic benefits to landowners in the restricted areas, thereby avoiding potential legal disputes between the landowners and the County. This Part establishes procedures for transferring densities from properties located in designated Sending Districts to properties located within designated Receiving Districts. At the request of the landowners in the Sending Districts and the Receiving Districts, the County may increase densities in the Receiving Districts and reduce densities in the Sending Districts.

The TDR Program is based on the theory of carrying capacity. In other words, a finite amount of development is permitted in the areas within the Sending and Receiving Districts. Furthermore, it lets the market decide the price. A Transfer Of Development Rights does not increase the total amount of development possible over the Sending Districts. Similarly, the use of TDRs to obtain density increments in Receiving Districts does not exceed the development

1 potential recommended in adopted and approved master plans.

2 **Sec. 27-1902. Purposes.**

3 The regulations in this Part are established for the following purposes:

4 (a) Implement the policies of the Prince George’s County General Plan and the Green
 5 Infrastructure Plan relating to the Rural Tier;

6 (b) Implement the policies of the Prince George’s County General Plan relating to the
 7 Developed Tier, including, but not limited to encouraging revitalization and appropriate infill;

8 (c) Preserve and enhance ecologically fragile and aesthetically valuable environments
 9 of the County, including streams, stream valleys, floodplains, wetlands, groundwater, steep
 10 slopes, woodlands, scenic vistas, and scenic corridors;

11 (d) Retain agricultural land and augment other local programs certified in accordance
 12 with the Code of Maryland Regulations for the preservation of agricultural land;

13 (e) Maintain rural character;

14 (f) Allow large-lot estate residences;

15 (g) Limit nonagricultural uses;

16 (h) Protect landowners’ equity in their land;

17 (i) Maintain the integrity of the rural transportation system; and

18 (j) Support development of a type and density, which will have minimal adverse
 19 effects upon natural features and surrounding properties.

20 **Sec. 27-1903. Applicability.**

21 (a) This Part 19 applies to:

22 (1) Applications for zoning map amendments, comprehensive design plans, special
 23 exception uses, site plans, preliminary plans of subdivision, final plats, record plats or building
 24 permits in Designated Sending Districts in the Rural Tier and other such properties as
 25 specifically identified by the District Council through an approved Ordinance or Resolution.

26 (2) Applications for zoning map amendments, comprehensive design plans, special
 27 exception uses, site plans, preliminary plans of subdivision, final plats, record plats or building
 28 permits in designated Receiving Districts within the Developing or Developed Tiers, and other
 29 such properties as specifically identified by the District Council through an approved Ordinance
 30 or Resolution.

31 (b) Exemptions.

1 (1) Intrafamily Conveyance. This Part does not apply to the creation of lots through
 2 the conveyance to a son or daughter or lineal descendant or antecedent in accordance with
 3 Section 24-107(c)(3) of the Subdivision Regulations.

4 (2) Westphalia Sector Plan and SMA Study Area. All properties located within the
 5 study area for the Westphalia Sector Plan and SMA initiated by the District Council on January
 6 17, 2006 are exempt from the requirements of the TDR Program.

7 **Sec. 27-1904. Definitions.**

8 (a) In this Section, the following words and phrases have the meanings indicated:

9 (1) **Conservation Subdivisions:** Subdivisions characterized by common open
 10 space and clustered compact lots to protect farmland and/or natural resources, subject to the
 11 density allowed under current zoning and Section 27-445.11 of this Subtitle.

12 (2) **Development Right:** The potential for the improvement of a parcel of real
 13 property, measured in dwelling units that exists because of the zoning classification of the parcel.
 14 A "development right" is not an entitlement to the construction of dwelling units. However, it is
 15 a concept that measures increments of development that may be transferred from a Sending
 16 District or constructed in a Receiving District.

17 (3) **Sending District:** An area of land from which development rights may be
 18 severed and transferred to properties in Receiving Districts.

19 (4) **Receiving District:** An area of land designated to receive development
 20 rights transferred from Sending Districts.

21 (5) **TDR Allocation Rate:** The number of TDRs per acre, expressed as
 22 theoretical dwelling units per acre that may be allocated or assigned to properties in Sending
 23 Districts, based upon existing zoning and the allocation calculation methods provided in this
 24 Part.

25 (6) **TDR Allocation Letter:** A written assessment issued by the Planning
 26 Director, indicating the TDR Allocation Rates and calculation methods as applied to specific
 27 properties within designated Sending Districts.

28 (7) **TDR Certificate:** A certificate issued by the Planning Director to the
 29 owner(s) of record, stating the quantity of development rights allocated or assigned to specific
 30 property in a Sending District. The certificate shall also indicate the extent to which the TDRs
 31 are applied to specific portions of each property.

1 (8) TDR Conversion Ratio: A ratio indicating for each development right
 2 purchased and transferred from a Sending District, the number and specific type of additional
 3 dwelling units that may be developed in a Receiving District. For instance, if the purchase and
 4 transfer of one development right from a Sending District enables the purchaser to develop two
 5 units in the Receiving District, then the conversion ratio is 1:2.

6 (9) Transfer of Development Rights (TDR): The conveyance of development
 7 rights by deed, or other legal instrument authorized by local law from property in a Sending
 8 District to property in a Receiving District and the recordation of that conveyance and
 9 appropriate preservation easements among the land records of Prince George's County,
 10 Maryland.

11 (10) TDR Program: The combined provisions of Part 19, Divisions 1-4.

12 **DIVISION 2. ADMINISTRATION.**

13 **Sec. 27-1905. Planning Director Authority and Responsibility.**

14 (a) The Planning Director shall administer the daily activities of the County's Transferable
 15 Development Rights program.

16 (b) The Planning Department shall function as the central clearing house for all TDR-
 17 related activities, including allocation assessments, the issuance, replacement, sale, use and
 18 extinguishment of TDR Certificates in conjunction with ongoing development review activities.

19 (c) Any person(s) holding title to a TDR Certificate or property owner(s) may appeal a
 20 decision of the Planning Director pursuant to this Part to the Planning Board.

21 **Sec. 27-1906. Allocation Assessment.**

22 (a) Applicability. This section applies to any application by a property owner in a
 23 designated Sending District for an allocation of Transferable Development Rights.

24 **(b) Applications.**

25 (1) Applications, filing requirements and instructions shall be provided by the
 26 Planning Director and available to the public at the office of the Prince George's County
 27 Planning Board.

28 (2) The forms and instructions shall be prepared in accordance with the directives of
 29 the District Council and the requirements of this Subtitle.

30 (3) If two or more properties are included in one application, they must be adjoining.
 31 Separate applications are required for each property if they are not in common ownership and

1 adjoining. In this Section, the word “adjoining” shall include those properties that are separated
 2 only by a public right-of-way, streambed or similar geographic feature. Each property shall be
 3 evaluated to ensure that it is a legal parcel of land, pursuant to Subtitle 24.

4 (4) Applications shall include the following:

5 A. Typed application form, except for the signature(s) of the owner(s);

6 B. Metes and bounds survey of the subject property outlined in red, signed and
 7 sealed by a registered engineer;

8 C. Delineations and calculations for each of the land area characteristics listed
 9 in Section 27-1921(d); and

10 D. Verifiable documentation of current ownership, by recorded deed.

11 (5) In addition to the requirements noted above, the applicant(s) must provide any
 12 other data or explanatory material that the Planning Director determines is needed to assess the
 13 development potential of the subject property.

14 (c) **Evaluation Criteria.** Each application shall be evaluated to determine the number of
 15 transferable development rights to be allocated to the property. The number of Transferable
 16 Development Rights allocated to the property shall be based solely upon the sending area TDR
 17 Allocation Rates and calculation methods provided by this Part.

18 (d) **TDR Allocation Letter.** After evaluating the application for conformance with the
 19 TDR Allocation Rates, the Planning Director shall issue a TDR Allocation Letter to the owner(s)
 20 of record. The letter shall indicate the number of TDRs to be issued for the subject property
 21 upon the recording of a properly executed preservation easement. The letter shall include the
 22 calculations used to determine the allocation.

23 **Sec. 27-1907. Issuance of TDR Certificate.**

24 (a) A TDR Certificate shall be issued to the owner(s) of record in exchange for the
 25 following documentation:

26 (1) A typewritten letter signed by the owner(s) requesting the TDR Certificate;

27 (2) An easement prepared and recorded in accordance with Section 27-1923 for the
 28 perpetual preservation of the property; and

29 (3) A 60-year title search, including a 20-year search of liens and judgments to ensure
 30 a free and clear title and the ability of the owner(s) to place a preservation easement on the
 31 property.

1 **(b) Once the documents have been reviewed and approved for legal sufficiency, the TDR**
 2 **Certificate shall be issued.**

3 **Sec. 27-1908. Re-Issuance of TDR Certificate.**

4 **(a) Replacement TDR Certificates shall be issued in the following situations:**

5 **(1) Loss or destruction of the original TDR Certificate; and**

6 **(2) Complete or partial sale, or other assignment of the Transferable Development**
 7 **Right(s).**

8 **(b) The owner(s) shall file a request with the Planning Director for the replacement TDR**
 9 **Certificate(s) within 30 days of any of the events described in subsection (a).**

10 **Sec. 27-1909. Tracking System.**

11 **(a) Database. A computer database shall be used to monitor all activities of the TDR**
 12 **Program, including allocation assessments and the issuance, replacement, sale, use and**
 13 **extinguishment of TDR Certificates. The database shall be current and have the capability to:**

14 **(1) Identify TDR allocations for properties located within designated Sending**
 15 **Districts;**

16 **(2) Record the progression of TDR Certificates in conjunction with appropriate**
 17 **phases of the development review process; and**

18 **(3) Document TDR sales and the extinguishment of TDR Certificates as applied to**
 19 **the approval of final plats of subdivision or site plans, when relevant.**

20 **(b) Reporting. Beginning no later than January 31, 2009, the Planning Director shall**
 21 **provide annual status reports on the progress of the previous year's TDR Program to the District**
 22 **Council. Status reports shall be made more often if requested in writing by the Chairman of the**
 23 **District Council.**

24 **DIVISION 3. SENDING DISTRICT**

25 **Sec. 27-1910. Defined.**

26 **The Sending District includes all properties classified in the O-S, R-A, R-E or R-R Zone**
 27 **and located within the Rural Tier, as defined in the 2002 General Plan as amended, and other**
 28 **such properties as specifically identified by the District Council through an approved Ordinance**
 29 **or Resolution.**

Sec. 27-1911. TDR Allocation.

(a) Transferable Development Rights shall not be allocated to property when more than seventy percent (70%) of the land area contains the discounted land area characteristics listed in subsection (d) below.

(b) The surveyed acreage of property to be placed under a preservation easement shall be multiplied by the TDR Allocation Rate listed in the following table, based upon either:

- (1) The zoning district in effect for the property as of April 1, 2006; or
- (2) As otherwise specified in subsection (e) below.

<u>Zoning District</u>	<u>TDR Allocation Rate per Net Acre</u>	<u>x Minimum Lot Size</u>	<u>= TDRs Allocated per Lot</u>
<u>O-S</u>	<u>0.4</u>	<u>x 5 Acres</u>	<u>= 2</u>
<u>R-A</u>	<u>0.5</u>	<u>x 2 Acres</u>	<u>= 1</u>
<u>R-E</u>	<u>1.0</u>	<u>x 1 Acre</u>	<u>= 1</u>
<u>R-R</u>	<u>2.0</u>	<u>X .5 Acre</u>	<u>= 1</u>

(c) A development right does not authorize or prohibit development on the sending site.

(d) For purposes of this Section, a "net acre" means the total surveyed area of a property, minus the following land area characteristics:

- (1) One hundred percent (100%) of:
 - A. Utility, railroad or street rights-of-way ten (10) feet wide or greater;
 - B. The 100-year floodplain, based upon the best information available at the time the TDR allocation assessment is requested;
 - C. Land currently subject to similar preservation or conservation easements; or
 - D. Publicly owned land.

(2) Fifty percent (50%) of the land area:

- A. Previously used as a fill operation, surface mining or sand and gravel wet processing facility; or

1 B. Located within the Resource Conservation Overlay Zone of the Chesapeake Bay
 2 Critical Area.

3 (e) Notwithstanding any provision herein to the contrary, the District Council may
 4 designate properties changed to a less dense zoning district after January 1, 2006, to be assigned
 5 development rights equal to the allocation rate listed in the table in subsection (b) above, based
 6 on the zoning classification prior to the Sectional Map Amendment.

7 **(1) Properties In The Bowie Master Plan And Sectional Map Amendment (SMA)**

8 **Area -** Because the following properties have been classified in the O-S Zone and placed in the
 9 Rural Tier to promote agricultural and environmental preservation, and, in order to promote the
 10 policies of the TDR Program, the District Council does not want to divest the property of value;
 11 therefore, these properties shall be allocated TDRs in accordance with the table in subsection (b)
 12 above, based on the zoning classification prior to the Sectional Map Amendment. For any
 13 property classified to the O-S Zone and placed in the Rural Tier, that had previously been placed
 14 in a comprehensive design zone, TDRs shall be allocated on the basis of the maximum number
 15 of dwelling units approved on the Basic Plan for such property:

16 **A. Colts Neck Cluster -** (Comprising approximately 45 acres located on the
 17 southwest side of Race Track Road, Tax Map 29, Grid F2). Furthermore, this property may be
 18 developed with a maximum of 10 single-family detached dwellings on lots at the minimum size
 19 of 40,000 square feet, in accordance with the provisions of the Conservation Subdivision
 20 Regulations. For each existing or proposed dwelling unit, one TDR shall be subtracted from the
 21 total number that would otherwise be allocated.

22 **B. Horsepen Branch -** (Comprising several combined properties, located on
 23 the southwest side of Race Track Road, adjacent to the Horse Pen Branch of the Patuxent River,
 24 Tax Maps 28 & 29).

25 **C. Bowie Race Track -** (Consisting of property located on the northeast side of
 26 Race Track Road, extending to the Patuxent River, Tax Map 30, Grid B3).

27 (f) Computation of TDR Allocation.

28 (1) The number of development rights allocated to a parcel in the Sending District
 29 shall be computed as follows:

30
$$\mathbf{DR = (NA \times AR) - D}$$

1 Where.....

2 DR = Development Rights

3 NA = Net Acres

4 AR = Allocation Rate

5 D = Acreage with Existing or Proposed Dwelling Units

6 (2) When the number of computed development rights contains a fraction that is one-
 7 half (1/2) or more, the fraction shall be rounded up to the nearest whole number. If the fraction
 8 is less than one-half (1/2), the fraction shall be reduced to the nearest whole number.

9 **Sec. 27-1912. Easements.**

10 (a) A preservation easement shall be recorded in the Land Records of Prince George's
 11 County for the area to be preserved, prior to the issuance of the TDR Certificate. The easement
 12 shall run with the land, shall be in full force and effect in perpetuity, and shall describe and
 13 include the following:

- 14 (1) The location and size of the preservation area;
- 15 (2) Existing improvements in the preservation area;
- 16 (3) Restrictions on future use and development in accordance with this Part;
- 17 (4) Provisions for maintenance and ownership of the preservation area;
- 18 (5) Responsibility for the enforcement of the easement; and
- 19 (6) Provisions for succession in the event that one of the parties to the easement
 20 agreement should be dissolved.

21 (b) In addition to the owner(s) of the property, there shall be an additional party to the
 22 easement, either:

23 (1) A land conservation organization or other entity, such as the Prince George's Soil
 24 Conservation District, that is:

- 25 A. A not-for-profit, tax-exempt organization;
- 26 B. Established to promote the preservation and protection of natural, historic or
 27 agricultural resources; and
- 28 C. Party to a cooperative agreement with the Maryland Environmental Trust or
 29 the Maryland Agriculture Land Preservation Foundation, committing to follow the provisions in
 30 any easement held; or,

31 (2) A local government agency, upon the demonstration by the applicant that all

1 reasonable efforts have been exhausted to obtain an agreement with a private non-profit
 2 organization.

3 **Sec. 27-1913. Prohibited Transfers.**

4 Development rights shall not be transferred to other properties located within the Rural
 5 Tier, except for those required in conjunction with equestrian conservation subdivisions.

6 **Sec. 27-1914. Subdivision and Development Options.**

7 (a) Instead of transferring development rights, property owners may subdivide and develop
 8 their property with single-family detached dwelling units in accordance with the provisions for
 9 Conservation Subdivisions.

10 (b) Properties developed within the Rural Tier shall not be eligible to receive transferred
 11 development rights to obtain density increases, except for those required in conjunction with
 12 equestrian conservation subdivisions.

13 **DIVISION 4. RECEIVING DISTRICTS.**

14 **Sec. 27-1915. Defined.**

15 Receiving Districts include:

16 (a) All zoning districts located in the Developing Tier as designated in the General Plan as
 17 amended, and other such properties as specifically identified by the District Council through an
 18 approved Ordinance or Resolution;

19 (b) The T-D-O or D-D-O zoning districts located in the Developed Tier as designated in
 20 the General Plan as amended, and other such properties as specifically identified by the District
 21 Council through an approved Ordinance or Resolution, and for such other properties that obtain
 22 density increases; and

23 (c) Specific properties located within the Rural Tier that obtain an approved Special
 24 Exception for an Equestrian Conservation Subdivision.

25 **Sec. 27-1916. Redemption of TDR Certificates:**

26 (a) The actual TDR Certificates required for existing density or approved density increases
 27 shall be provided to the Planning Board for authentication and extinguishment prior to approval
 28 of the Final Plat. If a Final Plat is not required prior to development, then the TDR Certificates
 29 shall be provided in conjunction with the last application required, prior to the application for
 30 building permits.

31 (b) Density increases obtained through either a zoning change, an approved special

1 exception or an amendment to the text of the zoning ordinance shall require Transferred
 2 Development Rights as indicated below:

3 (1) Applications for Preliminary Plans of Subdivision accepted for processing
 4 beginning November 1, 2007 and reflecting zoning density as it existed prior to this date shall
 5 require Transferred Development Rights at the rates indicated in column “B” of the following
 6 table.

7 (2) Applications for Preliminary Plans of Subdivision accepted for processing
 8 beginning November 1, 2007 and reflecting a density increase obtained on or after this date as
 9 the result of District Council action on an Ordinance or Resolution, shall require Transferred
 10 Development Rights at the rates indicated in column “C” of the following table.

11 (3) However, in the Developed Tier, upon a majority vote by the District Council, TDR
 12 requirements may be lessened or waived for properties within designated Receiving Districts
 13 when the property is being developed exclusively with single-family detached dwellings.

TDRs to be Acquired

<u>(A)</u> <u>Application Type</u>	<u>(B)</u> <u>TDRs to be Acquired</u> <u>For Zoning Density Existing</u> <u>Prior To November 1, 2007</u>	<u>(C)</u> <u>TDRs to be Acquired For</u> <u>Density Increases Obtained On</u> <u>Or After November 1, 2007</u>
Preliminary Plans of Subdivision and Final Plats	5%	30%
<u>Special Exception Uses Including</u> <u>Various Types of Senior Housing</u>	5%	<u>50% of Approved Density in</u> <u>Excess of the Density Allowed</u> <u>by Existing Zoning</u>
<u>Hotel or Motel Special Exception Use</u>	5%	<u>25% of Approved Density in</u> <u>Excess of the Density Allowed</u> <u>by Existing Zoning</u>
<u>Equestrian Conservation Subdivision</u> <u>Special Exception Use in the Rural Tier</u>	5%	30%
<u>Preliminary Plans of Subdivision and</u> <u>Final Plats in T-D-O or D-D-O Zones</u>	5%	15%

Sec. 27-1917. Schedule of TDR Conversion Ratios.

The TDR Conversion Ratios provided for development in designated TDR Receiving Districts are as follows:

TDR Conversion Ratios

<u>(A)</u> <u>Zoning District or Special Exception Use</u>	<u>(B)</u> <u>TDR Conversion Ratios</u> <u>(Each development right transferred,</u> <u>converts to the number and type of</u> <u>dwelling units awarded)</u>
<u>All Zones and Special Exception Uses,</u> <u>Unless Otherwise Specified</u>	<u>1:1 for Single-family Detached</u> <u>1:2 for Single-Family Attached</u> <u>and Townhouses</u> <u>1:1.5 for Multifamily</u>
<u>Hotel or Motel as a Special Exception Use</u>	<u>1:1 per Guest Room</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 Section 27-317 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 and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 4. SPECIAL EXCEPTIONS.

DIVISION 1. ADMINISTRATIVE PROCEDURES.

SUBDIVISION 9. SPECIAL EXCEPTION APPROVAL.

Sec. 27-317. Required findings.

- (a) A Special Exception may be approved if:
 - (1) The proposed use and site plan are in harmony with the purpose of this Subtitle;
 - (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;
 - (3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;

1 (4) The proposed use will not adversely affect the health, safety, or welfare of
2 residents or workers in the area;

3 (5) The proposed use will not be detrimental to the use or development of adjacent
4 properties or the general neighborhood; and

5 (6) The proposed site plan is in conformance with an approved Tree Conservation
6 Plan.

7 (b) To approve a special exception use in the Rural Tier, in addition to the required findings
8 of subsection (a) above, the District Council shall find that the layout and design of the proposed
9 use serves the purposes of Part 19 and preserves or enhances the area’s rural character.

10 * * * * *

11 **Sec. 27-359.01. Equestrian Conservation Subdivisions**

12 (a) An equestrian conservation subdivision shall be permitted, subject to the following:

13 (1) The development shall provide a variety of single-family detached dwellings in a
14 rural, recreation-oriented setting.

15 (2) The development shall be located on a parcel of land containing at least three
16 hundred fifty (350) contiguous acres.

17 (3) The development shall consist of at least seventy (70) dwelling units and an
18 equestrian complex.

19 (4) Not less than one hundred fifty (150) acres of the gross tract area shall be devoted
20 to the equestrian complex and accessory uses.

21 (5) The main recreation facility shall be developed prior to, or concurrently with, the
22 first stage of residential development.

23 (6) The number of dwelling units permitted shall not exceed:

24 (A) O-S Zone - One (1) unit per five (5) acres of gross tract area;

25 (B) R-A Zone - One (1) unit per two (2) acres of gross tract area;

26 (C) R-E Zone - One (1) unit per forty thousand (40,000) square feet of gross
27 tract area; or

28 (D) R-R Zone - One (1) unit per twenty thousand (20,000) square feet of gross
29 tract area.

1 (7) The residential component shall be developed in accordance with the provisions
 2 of Section 24-152 of the Conservation Subdivision Regulations and Section 27-445.12 of the
 3 Zoning Ordinance.

4 (8) Notwithstanding other provisions to the contrary, the acreage of the main
 5 recreation facility and the approved accessory uses shall be credited towards meeting the acreage
 6 requirements for the conservation parcel and other open space areas.

7 (b) Uses.

8 (1) If the main recreation facility is an equestrian complex, at least one hundred (100)
 9 acres shall be permanently dedicated to trails, riding areas, stables, and grazing areas. Accessory
 10 uses shall be located interior to the development and shown on the Conceptual Site Plan.

11 Accessory uses shall be limited to the following:

12 (A) Tack shops;

13 (B) Concession areas for food or beverages;

14 (C) Eating and drinking establishments;

15 (D) Indoor riding arena; and

16 (E) Any other uses related to equestrian activities and deemed appropriate by the
 17 District Council at the time of special exception approval.

18 (2) All uses accessory to the main recreation facility shall be located in general
 19 proximity to one another to establish a focal point of recreation activity without impairing the
 20 tranquility of adjacent residential areas by adverse impacts such as noise, lighting or visibility.

21 (c) Site plans.

22 (1) The site plan approved by the District Council at the time of special exception
 23 approval shall be a Conceptual Site Plan prepared in accordance with Part 3, Division 9, of this
 24 Subtitle. The Conceptual Site Plan shall also include details on the staging of the proposed
 25 development.

26 (2) Prior to the issuance of permits, the applicant shall obtain Planning Board
 27 approval of the Detailed Site Plan(s) prepared in accordance with Part 3, Division 9, of this
 28 Subtitle. The Detailed Site Plan(s) shall include architectural elevations and material
 29 specifications for the dwellings and all buildings proposed in conjunction with the central
 30 recreation facility.

1 (d) Covenants.

2 (1) Covenants which ensure the perpetual maintenance of the recreation facility shall
3 be recorded in the County's land records. A copy of the proposed covenants shall be provided as
4 part of the special exception application. Prior to signature approval of the Detailed Site Plan(s),
5 the applicant shall provide documentary evidence that the covenants as reviewed and approved
6 by the District Council have been recorded.

7 * * * * * * * *

8 SECTION 3. BE IT FURTHER ENACTED that if any sentence, clause, section, provision,
9 or part of this Act is held illegal, invalid, unconstitutional, or unenforceable, such illegality,
10 invalidity, unconstitutionality, or unenforceability shall not affect or impair any of the remaining
11 sentences, clauses, sections, provisions, or parts of the Act. It is hereby declared to be the intent
12 of the District Council that this Act would have been adopted as if such illegal, invalid,
13 unconstitutional, or unenforceable sentence, clause, section, provision, or part had not been
14 included.

15 SECTION 4. BE IT FURTHER ENACTED that the District Council finds the TDR
16 Allocation Rates and TDR Conversion Ratios are critical elements in the success of the TDR
17 Program. Accordingly, the TDR Allocation Rates and TDR Conversion Ratios are based upon a
18 market study that was used to prepare this ordinance, a public participation program that
19 involved key stakeholders from the development community, real estate professionals, County
20 residents, the judgment of professional staff, planning consultants and legal consultants. In
21 recognition that these rates and ratios must be kept current with local real estate market
22 conditions, the Council Chairman may request periodic updates to the TDR market study. The
23 updates shall contain specific recommendations for adjusting the TDR Allocation Rates and
24 TDR Conversion Ratios to: (1) Provide adequate economic incentives for property owners in
25 designated Sending Districts to participate in the program; and (2) Provide adequate incentives
26 for the continued use of TDRs in conjunction with development proposals in designated
27 Receiving Districts. Furthermore, in response to the annual status report provided by the
28 Planning Department, the District Council shall evaluate the cumulative effectiveness of the
29 TDR program.
30

1 SECTION 5. BE IT FURTHER ENACTED that this Ordinance shall take effect on the
2 date of its adoption.

Adopted this ____ day of _____, 2007.

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: _____
Camille A. Exum
Chair

ATTEST:

Redis C. Floyd
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.