

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL  
2002 Legislative Session**

Bill No. CB-32-2002

Chapter No. \_\_\_\_\_

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Members Shapiro, Bailey and Hendershot

Co-Sponsors \_\_\_\_\_

Date of Introduction April 30, 2002

**ZONING BILL**

1 AN ORDINANCE concerning

2 The Chesapeake Bay Critical Area

3 For the purpose of amending the Chesapeake Bay Critical Area Program found in Subtitle 27 of  
4 the Prince George’s County Code; deleting and adding references from the Code and placing  
5 them in the Conservation Manual; giving the Conservation Manual the force and effect of the  
6 law; deleting references to Conservation Agreements; making adjacency discretionary for growth  
7 allocation; requiring certain specific uses in the Chesapeake Bay Critical Area subject to the  
8 Conservation Manual; adopting the revised Conservation Manual; and generally relating to the  
9 Chesapeake Bay Critical Area Program.

10 BY repealing: Sections 27-343.01, 27-371.01 and 27-548.11,  
11 The Zoning Ordinance of Prince George's County, Maryland,  
12 being also  
13 SUBTITLE 27. ZONING.  
14 The Prince George's County Code  
15 (1999 Edition, 2001 Supplement).

16 BY adding: Section 27-124.06,  
17 The Zoning Ordinance of Prince George's County, Maryland,  
18 being also  
19 SUBTITLE 27. ZONING.  
20 The Prince George's County Code

(1999 Edition, 2001 Supplement).

BY repealing and reenacting with amendments:

Sections 27-107.01, 27-213.13, 27-229,  
27-325, 27-337.01, 27-343.02, 27-410,  
27-445.02, 27-464.01, 27-475.01, 27-532.01,  
27-541.01, 27-548.01, 27-548.13, 27-548.16  
and 27-548.17,

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

SUBTITLE 27. ZONING.

The Prince George's County Code  
(1999 Edition, 2001 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 27-343.01, 27-371.01 and 27-548.11  
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Prince George's County Code, be and the same are hereby repealed:

**SUBTITLE 27. ZONING.**

**PART 4. SPECIAL EXCEPTIONS.**

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

**Sec. 27-343.01. Reserved.[Community piers and noncommercial boat docking and  
storage.]**

[(a) Community piers and noncommercial boat docking and storage facilities may be  
permitted, subject to the following:

- (1) The sale of food, fuel, or other goods or services is prohibited;
- (2) Adequate, clean sanitary facilities shall be provided;
- (3) The facilities shall be community-owned, and operated for the benefit of the  
residents of a riparian subdivision which is the subject of a record plat;
- (4) The community association shall prohibit the installation and maintenance of  
private piers by individual riparian landowners within the subdivision;

1 (5) Disturbance to the Buffer shall be the minimum necessary to provide a single  
2 point of access to the facilities;

3 (6) Development of the facilities shall be consistent with all State and local  
4 Chesapeake Bay Critical Area regulations;

5 (7) It shall be demonstrated that there will be adequate all-weather access from the  
6 landward side to accommodate the proposed facility;

7 (8) It shall be demonstrated that there will be safe boating access from the community  
8 facilities to cruising waters;

9 (9) The facilities shall be in conformance with the locational requirements for  
10 community piers set forth in the Master Plan, if applicable;

11 (10) To the extent possible, wetlands shall be preserved, and development shall be  
12 located in the upland areas;

13 (11) Significant fish spawning grounds and shellfish harvesting areas shall be  
14 protected;

15 (12) The boundaries of water and land which will receive ingress and egress of boats  
16 or similar waterborne vehicles associated with the marina shall be shown in the application  
17 submittals;

18 (13) The use is water dependent, pursuant to the definition of water-dependent uses set  
19 forth in COMAR 14.15.03.01 and the criteria of COMAR 14.15.03.04.B, or, if the use is not  
20 water-dependent, structures or activities shall be located outside the Buffer insofar as possible;

21 (14) The use meets a recognized public or private need;

22 (15) Adverse effects on water quality and on fish, plant, and wildlife habitats are  
23 minimized;

24 (16) The use is consistent with the approved Master Plan for the area;

25 (17) The activities will not significantly alter existing water circulation patterns or  
26 salinity regimes;

27 (18) The water body upon which these activities are proposed has adequate flushing  
28 characteristics in the area;

29 (19) Disturbance to wetlands, submerged aquatic plant beds, or other areas of  
30 important habitats will be minimized;

1 (20) Dredging shall be conducted in a manner, and using a method, which causes the  
2 least disturbance to water quality and aquatic and terrestrial habitats in the area immediately  
3 surrounding the dredging operation or within the Critical Area, generally;

4 (21) Dredged spoil will not be placed within the Buffer or elsewhere in that portion of  
5 the Chesapeake Bay Critical Area Overlay Zones which has been designated as a Habitat  
6 Protection Area, except as necessary for:

- 7 (A) Backfill for permitted shore erosion protection measures;
- 8 (B) Use in approved vegetated shore erosion projects;
- 9 (C) Placement on previously approved channel maintenance spoil disposal areas;

10 and

- 11 (D) Beach nourishment; and

12 (22) Interference with the natural transport of sand will be minimized.

13 (b) The number of slips, piers, or mooring buoys permitted in a subdivision shall be the  
14 lesser of (1) or (2), below:

15 (1) One (1) slip for each fifty (50) feet of shoreline in the Intense and Limited  
16 Development Overlay Zones, and one (1) slip for each three hundred (300) feet of shoreline in  
17 the Resource Conservation Overlay Zone; or

18 (2) The number of slips, piers, or mooring buoys permitted within a subdivision shall  
19 be in accordance with the following schedule:

<b>PLATTED LOTS OR NUMBER OF DWELLING UNITS, WHICHEVER IS GREATER, IN THE CRITICAL AREA OVERLAY ZONES</b>	<b>SLIPS AND MOORINGS</b>
Up to 15	1 for Each Lot or Dwelling Unit
16 to 40	15 or 75%, Whichever is Greater
41 to 100	30 or 50%, Whichever is Greater
101 to 300	50 or 25%, Whichever is Greater
Over 300	75 or 15%, Whichever is Greater

\* \* \* \* \*

**Sec. 27-371.01. Reserved. [Marinas and marina expansions.]**

[(a) New marinas may be permitted, subject to the following:

(1) The use is not located within the Buffer in any Resource Conservation Area;

(2) The use shall comply with the sanitary requirements of the State Department of Health and Mental Hygiene, as required in Code of Maryland Regulations 10.17.02, and all other State and local Chesapeake Bay Critical Area regulations;

(3) A means of minimizing the discharge of bottom wash waters from dry dock facilities into tidal waters shall be established;

(4) It shall be demonstrated that there will be adequate all-weather access from the landward side to accommodate all proposed facilities;

(5) It shall be demonstrated that there will be safe boating access from the marina to cruising waters;

(6) The facilities shall be in conformance with the locational requirements set forth in the Master Plan, if applicable;

(7) Only those facilities that require access to the water may be located within the Buffer;

(8) To the extent possible, wetlands shall be preserved, and development shall be located in the upland areas;

(9) Significant fish spawning grounds and shellfish harvesting areas shall be protected;

(10) An economic feasibility study that justifies the uses, size, and types of boats that are included within the facility shall be submitted with the application;

(11) The boundaries of water and land which will receive ingress and egress of boats or similar waterborne vehicles associated with the marina shall be shown in the application submittals;

(12) Prior to the issuance of a building permit, evidence that the required State and federal permits and approvals have been addressed shall be placed in the County's official Special Exception file;

(13) It shall be demonstrated that the use will not adversely affect water quality;

1 (14) The use is water-dependent, pursuant to the definition of water-dependent uses set  
2 forth in COMAR 14.15.03.01 and the criteria of COMAR 14.15.03.04.B, or, if the use is not  
3 water-dependent, structures or activities shall be located outside the Buffer insofar as possible;

4 (15) The use meets a recognized public or private need;

5 (16) Adverse effects on water quality and on fish, plant, and wildlife habitats are  
6 minimized;

7 (17) The use is consistent with the approved Master Plan for the area;

8 (18) The activities will not significantly alter existing water circulation patterns or  
9 salinity regimes;

10 (19) The water body upon which these activities are proposed has adequate flushing  
11 characteristics in the area;

12 (20) Disturbance to wetlands, submerged aquatic plant beds, or other areas of  
13 important habitats will be minimized;

14 (21) Dredging shall be conducted in a manner, and using a method, which causes the  
15 least disturbance to water quality and aquatic and terrestrial habitats in the area immediately  
16 surrounding the dredging operation or within the Critical Area, generally;

17 (22) Dredged spoil will not be placed within the Buffer or elsewhere in that portion of  
18 the Chesapeake Bay Critical Area Overlay Zones which has been designated as a Habitat  
19 Protection Area, except as necessary for:

20 (A) Backfill for permitted shore erosion protection measures;

21 (B) Use in approved vegetated shore erosion projects;

22 (C) Placement on previously approved channel maintenance spoil disposal areas;

23 and

24 (D) Beach nourishment; and

25 (23) Interference with the natural transport of sand will be minimized.

26 (b) Existing marinas may be expanded, subject to the following:

27 (1) The use shall be in compliance with the above requirements for new marinas; and

28 (2) It shall be demonstrated that the expansion will result in an overall net  
29 improvement in water quality.]

30 \* \* \* \* \*



1 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional  
2 District in Prince George's County, Maryland, that Section 27-124.06 of the Zoning Ordinance of  
3 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,  
4 be and the same is hereby added:

5 **SUBTITLE 27. ZONING.**

6 **PART 2. GENERAL.**

7 **DIVISION 5. REGULATIONS ADOPTED BY REFERENCE.**

8 **Subdivision 2. Conservation Manual.**

9 **Sec. 27-124.06. Authority.**

10 The Prince George's County Conservation Manual, (hereinafter referred to as the  
11 Conservation Manual), is hereby adopted by reference and made a part of this Subtitle with the  
12 same force and effect as the regulations set forth herein.

13 SECTION 3. BE IT ENACTED by the County Council of Prince George's County,  
14 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional  
15 District in Prince George's County, Maryland, that Sections 27-107.01, 27-213.13, 27-229,  
16 27-325, 27-337.01, 27-343.02, 27-410, 27-445.02, 27-464.01, 27-475.01, 27-532.01 27-541.01,  
17 27-548.01, 27-548.13, 27-548.16 and 27-548.17 of the Zoning Ordinance of Prince George's  
18 County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same  
19 are hereby repealed and reenacted with the following amendments:

20 **SUBTITLE 27. ZONING.**

21 **PART 2. GENERAL.**

22 **DIVISION 1. DEFINITIONS.**

23 **Sec. 27-107.01. Definitions.**

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

25 \* \* \* \* \*

26 (28.1) **Buffer:** A combination of physical space and vertical elements, such as plants,  
27 berms, fences, or walls, established or preserved to mitigate disparities between land uses or to  
28 protect aquatic, wetland, shoreline, or other sensitive natural features from man-made  
29 disturbances.[As a development limitation in the Chesapeake Bay Critical Area Overlay Zones,  
30 primary and secondary buffers have distinct definitions set forth in the "Conservation Manual."  
31 The primary and secondary buffers, combined, constitute the "Buffer" in the Chesapeake Bay

1 Critical Area Overlay Zones.] Buffers have distinct applications as landscaping elements set  
2 forth in the Landscape Manual.

3 \* \* \* \* \*

4 [(54.1) **Conservation Agreement:** A formal agreement which commits a grading or  
5 building permit applicant to the execution of various approved elements of a "Conservation  
6 Plan," including a stormwater management concept plan, an erosion and sedimentation concept  
7 plan, a vegetation management plan, and other plans which may be required by the Department  
8 of Environmental Resources or the Prince George's County Planning Board.]

9 [(54.2)(54.1) **Conservation Manual:** The manual which describes how a  
10 "Conservation Plan" is to be prepared in order to meet the requirements of the Chesapeake Bay  
11 Critical Area program, and which is adopted by the District Council and revised and amended  
12 from time to time by the District Council.

13 [(54.3)(54.2) **Conservation Plan:** A plan, developed in accordance with the  
14 "Conservation Manual," which demonstrates how a project has been designed to meet the  
15 specific Chesapeake Bay Critical Area criteria. The "Conservation Plan" consists of a  
16 stormwater management concept plan, an erosion and sedimentation concept plan, a vegetation  
17 management plan, and such other plans relating to environmental systems as may be required by  
18 the Washington Suburban Sanitary Commission, the Maryland-National Capital Park and  
19 Planning Commission, the Prince George's County Health Department, the Prince George's  
20 County Department of Environmental Resources, or the Prince George's Soil Conservation  
21 District.

22 \* \* \* \* \*

23 **PART 3. ADMINISTRATION.**

24 **DIVISION 2. ZONING MAP AMENDMENTS.**

25 **Subdivision 6. Chesapeake Bay Critical Area Overlay Zones.**

26 **Sec. 27-213.13. Map amendment approval.**

27 \* \* \* \* \*

28 **(b) Expansion of Intense Development and Limited Development Overlay Zones.**

29 \* \* \* \* \*

30 **(B) Location.** Expanded Intense Development or Limited Development Overlay  
31 Zones may be approved subject to the following locational criteria:

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(i) New Intense Development Overlay Zones [shall]should:

(aa) Be located in existing Limited Development Overlay Zones or contiguous to existing Intense Development Overlay Zones;

(bb) Be located at least three hundred (300) feet from tidal waters or tidal wetlands if the land was originally designated in the Resource Conservation Overlay Zone, except for Water-Dependent Uses; and

(cc) Minimize impacts on Habitat Protection Areas and on land in Resource Conservation Overlay Zones in proximity to an expanded Intense Development Overlay Zone.

(ii) New Limited Development Overlay Zones [shall]should:

(aa) Be located contiguous to existing Limited Development Overlay Zones or Intense Development Overlay Zones;

(bb) Be located at least three hundred (300) feet from tidal waters or tidal wetlands if the land was originally designated in the Resource Conservation Overlay Zone, except for Water-Dependent Uses; and

(cc) Minimize impacts on Habitat Protection Areas and land in Resource Conservation Overlay Zones in proximity to an expanded Limited Development Overlay Zone.

\* \* \* \* \*

**DIVISION 5. APPEALS AND VARIANCES.**

**Subdivision 2. Board of Zoning Appeals.**

**Sec. 27-229. Powers and duties.**

\* \* \* \* \*

(b) The Board of Zoning Appeals shall not have the power or duty to:

\* \* \* \* \*

(22) Grant a variance from any provision of a Conservation Plan[or Conservation Agreement];

(23) Hear and decide upon an appeal from any determination regarding a Conservation Plan, [a Conservation Agreement, ]the Conservation Manual, or from the provisions of this Subtitle for property located within the Chesapeake Bay Critical Area Overlay Zones;

\* \* \* \* \*

**DIVISION 1: ADMINISTRATIVE PROCEDURES**

**Subdivision 10. Amendments of Approved Special Exceptions**

**Sec. 27-325. Minor changes.**

\* \* \* \* \*

**(j) Changes of site plans for uses within a Chesapeake Bay Critical Area Overlay Zone.**

(1) Changes of a site plan for an approved use within a Chesapeake Bay Critical Area Overlay Zone may be approved by the Planning Board, if such changes are necessary in order to conform to the approved Conservation Plan[ and Conservation Agreement]. The Planning Board shall not approve any change previously proposed and specifically disapproved as part of the original Special Exception.

\* \* \* \* \*

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

**Sec. 27-337.01. Asphalt mixing plant.**

\* \* \* \* \*

(c) On land which is located within a Chesapeake Bay Critical Area Overlay Zone, development is subject to the Conservation Manual. [wash plants, including ponds, spoil sites, and equipment are prohibited within the Buffer, as defined in the Conservation Manual. No new asphalt mixing plant shall be approved, and no such operation presently in existence or previously approved shall be permitted to continue or commence where any of the following circumstances are present:

- (1) Habitat protection areas have been or may be designated on the subject property, in accordance with criteria set forth in the Conservation Manual;
- (2) The use is located within the Buffer, as defined in the Conservation Manual;
- (3) The use would result in the substantial loss of long-range (twenty-five (25) years or more) productivity of forest and agriculture, or would result in a degrading of water quality; or
- (4) The subject property contains highly erodible soils.]

**Sec. 27-343.02. Concrete batching or mixing plant.**

\* \* \* \* \*

1 (c) On land which is located within a Chesapeake Bay Critical Area Overlay Zone,  
2 development is subject to the Conservation Manual. [wash plants, including ponds, spoil sites,  
3 and equipment are prohibited within the Buffer, as defined in the Conservation Manual. No new  
4 concrete batching or mixing plant shall be approved, and no such operation presently in  
5 existence or previously approved shall be permitted to continue or commence where any of the  
6 following circumstances are present:

- 7 (1) Habitat protection areas have been or may be designated on the subject property,  
8 in accordance with criteria set forth in the Conservation Manual;
- 9 (2) The use is located within the Buffer, as defined in the Conservation Manual;
- 10 (3) The use would result in the substantial loss of long-range (twenty-five (25) years  
11 or more) productivity of forest and agriculture, or would result in a degrading of water quality; or
- 12 (4) The subject property contains highly erodible soils.]

13 **Sec. 27-410. Surface mining.**

14 \* \* \* \* \*

15 (e) On land which is located within a Chesapeake Bay Critical Area Overlay Zone,  
16 development is subject to the Conservation Manual. [no surface mining shall be located within:

- 17 (1) Designated habitat protection areas as described in the Conservation Manual;
- 18 (2) The Buffer area, as defined in the Conservation Manual;
- 19 (3) Any area where the use would result in the substantial loss of long-range (twenty-  
20 five (25) years or more) productivity of forest and agriculture, or result in a degrading of water  
21 quality; or
- 22 (4) An area containing highly erodible soils.]

23 \* \* \* \* \*

24 **PART 5. RESIDENTIAL ZONES**

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

26 **Sec. 27-445.02. Surface mining; sand and gravel wet-processing.**

27 \* \* \* \* \*

28 (d) On land which is located within a Chesapeake Bay Critical Area Overlay Zone,  
29 development is subject to the Conservation Manual. [surface mining, sand and gravel wet-  
30 processing, or wash plants, including ponds, spoil sites, and equipment, are prohibited within the

1 Buffer, as defined in the Conservation Manual. In addition, no surface mining or sand and  
2 gravel wet-processing shall be located within:

- 3 (1) Designated habitat protection areas, as described in the Conservation Manual;
- 4 (2) The Buffer area, as defined in the Conservation Manual;
- 5 (3) Any area where the use would result in the substantial loss of long-range (twenty-  
6 five (25) years or more) productivity of forest and agriculture, or result in a degrading of water  
7 quality; or
- 8 (4) An area containing highly erodible soils.]

9 **PART 6. COMMERCIAL ZONES.**

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

11 **Sec. 27-464.01. Surface mining; sand and gravel wet-processing.**

12 \* \* \* \* \*

13 (d) On land which is located within a Chesapeake Bay Critical Area Overlay Zone,  
14 development is subject to the Conservation Manual. [surface mining, sand and gravel wet-  
15 processing, or wash plants, including ponds, spoil sites, and equipment, are prohibited within the  
16 Buffer, as defined in the Conservation Manual. In addition, no surface mining or sand and  
17 gravel wet-processing shall be located within:

- 18 (1) Designated habitat protection areas, as described in the Conservation Manual;
- 19 (2) The Buffer area, as defined in the Conservation Manual;
- 20 (3) Any area where the use would result in the substantial loss of long-range (twenty-  
21 five (25) years or more) productivity of forest and agriculture, or result in a degrading of water  
22 quality; or
- 23 (4) An area containing highly erodible soils.]

24 **PART 7. INDUSTRIAL ZONES.**

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

26 **Sec. 27-475.01. Surface mining; sand and gravel wet-processing.**

27 \* \* \* \* \*

28 (d) On land which is located within a Chesapeake Bay Critical Area Overlay Zone,  
29 development is subject to the Conservation Manual. [surface mining, sand and gravel wet-  
30 processing, or wash plants, including ponds, spoil sites, and equipment, are prohibited within the

1 Buffer, as defined in the Conservation Manual. In addition, no surface mining or sand and  
2 gravel wet-processing shall be located within:

- 3 (1) Designated habitat protection areas, as described in the Conservation Manual;
- 4 (2) The Buffer area, as defined in the Conservation Manual;
- 5 (3) Any area where the use would result in the substantial loss of long-range (twenty-  
6 five (25) years or more) productivity of forest and agriculture, or result in a degrading of water  
7 quality; or
- 8 (4) An area containing highly erodible soils.]

9 **PART 8. COMPREHENSIVE DESIGN ZONES.**

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

11 **Sec. 27-532.01. Surface mining; sand and gravel wet-processing.**

12 \* \* \* \* \*

13 (d) On land which is located within a Chesapeake Bay Critical Area Overlay Zone,  
14 development is subject to the Conservation Manual. [surface mining, sand and gravel wet-  
15 processing, or wash plants, including ponds, spoil sites, and equipment, are prohibited within the  
16 Buffer, as defined in the Conservation Manual. In addition, no surface mining or sand and  
17 gravel wet-processing shall be located within:

- 18 (1) Designated habitat protection areas, as described in the Conservation Manual;
- 19 (2) The Buffer area, as defined in the Conservation Manual;
- 20 (3) Any area where the use would result in the substantial loss of long-range  
21 (twenty-five (25) years or more) productivity of forest and agriculture, or result in a degrading of  
22 water quality; or
- 23 (4) An area containing highly erodible soils.]

24 **PART 9. PLANNED COMMUNITY ZONES.**

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

26 **Sec. 27-541.01. Surface mining; sand and gravel wet-processing.**

27 \* \* \* \* \*

28 (d) On land which is located within a Chesapeake Bay Critical Area Overlay Zone,  
29 development is subject to the Conservation Manual. [surface mining, sand and gravel wet-  
30 processing, or wash plants, including ponds, spoil sites, and equipment, are prohibited within the  
31 Buffer, as defined in the Conservation Manual. In addition, no surface mining or sand and

1 gravel wet-processing shall be located within:

- 2 (1) Designated habitat protection areas, as described in the Conservation Manual;
- 3 (2) The Buffer area, as defined in the Conservation Manual;
- 4 (3) Any area where the use would result in the substantial loss of long-range (twenty-
- 5 five (25) years or more) productivity of forest and agriculture, or result in a degrading of water
- 6 quality; or
- 7 (4) An area containing highly erodible soils.]

8 **PART 10. MIXED USE ZONES.**

9 **DIVISION 6. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.**

10 **Sec. 27-548.01. Surface mining; sand and gravel wet-processing (nonconforming use).**

11 (d) On land which is located within a Chesapeake Bay Critical Area Overlay Zone,  
 12 development is subject to the Conservation Manual [surface mining, sand and gravel wet-  
 13 processing, or wash plants, including ponds, spoil sites, and equipment, are prohibited within the  
 14 Buffer, as defined in the Conservation Manual. In addition, no surface mining or sand and  
 15 gravel wet-processing shall be located within:

- 16 (1) Designated habitat protection areas, as described in the Conservation Manual;
- 17 (2) The Buffer area, as defined in the Conservation Manual;
- 18 (3) Any area where the use would result in the substantial loss of long-range (twenty-
- 19 five (25) years or more) productivity of forest and agriculture, or result in a degrading of water
- 20 quality; or
- 21 (4) An area containing highly erodible soils].

22 **PART 10A. OVERLAY ZONES.**

23 **DIVISION 2. CHESAPEAKE BAY CRITICAL AREA OVERLAY ZONES.**

24 **Subdivision 2. Specific Chesapeake Bay Critical Area Overlay Zones.**

25 **Sec. 27-548.13. I-D-O (Intense Development Overlay) Zone.**

26 (a) **Purposes.**

- 27 (1) The purposes of the I-D-O Zone are to:
- 28 (A) Accommodate existing residential, commercial, or industrial land uses
- 29 within the Chesapeake Bay Critical Area;

1 (B) Promote new residential, commercial, and industrial land uses in accordance  
 2 with development intensity limits designated for the I-D-O Zone in this Subtitle, and in the  
 3 Conservation Manual;

4 (C) Conserve and enhance fish, wildlife, and plant habitats; and

5 (D) Improve the quality of runoff that enters the tributary streams of the  
 6 Chesapeake Bay from developed areas.

7 (E) Encourage the use of retrofitting measures to address existing stormwater  
 8 management problems.

9 \* \* \* \* \*

10 **PART 10A. OVERLAY ZONES.**

11 **DIVISION 2. CHESAPEAKE BAY CRITICAL AREA OVERLAY ZONES.**

12 **SUBDIVISION 3. USES PERMITTED.**

13 **Sec. 27-548.16. Uses permitted.**

14 \* \* \* \* \*

15 (b) In the Table of Uses, the following applies:

16 \* \* \* \* \*

17 (3) The letters "PC" indicate that the use is permitted, subject to the following general  
 18 criteria:

19 (A) The use is water-dependent, pursuant to the definition of water-dependent uses set  
 20 forth in COMAR [14.15.03.01]27.01.03.01 and the criteria of COMAR  
 21 [14.15.03.04.B]27.01.03.04B, or, if the use is not water-dependent, structures or activities shall  
 22 be located outside the Buffer insofar as possible;

23 \* \* \* \* \*

(c) **TABLE OF USES.**

USE	ZONE		
	R-C-O	L-D-O	I-D-O
<b>(1) COMMERCIAL:</b>			
Commercial uses, in general	X	PC	PC
Expansion of existing marinas	[X] <u>SE</u> <sup>1</sup>	SE	SE
Fisheries activities	PC	PC	PC
Marina:			

(A) In accordance with Sections 27-371.01(a) and 27-548.18	X	P	P
(B) All others	X	SE	SE
<b>(2) INDUSTRIAL:</b>			
Asphalt mixing plant	X	X	SE
Concrete batching or mixing plant	X	X	SE
Industrial uses, in general	X	X	PC <sup>3</sup>
<u>Surface mining and wet processing</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>
<b>(3) RECREATIONAL/EDUCATIONAL:</b>			
Community piers and noncommercial boat docking and storage	X	SE	SE
Private pier <sup>4</sup>	P	P	P
Public beaches and public water-oriented recreational and educational areas	PC <sup>2</sup>	PC <sup>2</sup>	PC
Water-dependent research facilities or activities operated by State, federal, or local agencies, or educational institutions	PC	PC	PC
<b>(4) TRANSPORTATION/PARKING/COMMUNICATIONS/UTILITIES:</b>			
Transportation facilities	X	X	P <sup>3</sup>
Utility transmission facilities	X	X	P <sup>3</sup>
<b>(5) PUBLIC/QUASI-PUBLIC:</b>			
Sanitary landfill; rubble fill	X	X	X

<b>1</b>	<u>Expansion of existing marina in the Resource Conservation Overlay Zone is permitted if the marina was in existence when the property was brought into the Maryland-Washington Regional District.</u>
<b>[1]2</b>	These facilities may be permitted within the Buffer in Limited Development Overlay Zones and Resource Conservation Overlay Zones provided that: (A) Adequate sanitary facilities exist; (B) Service facilities are, to the extent possible, located outside the Buffer; (C) Permeable surfaces are used to the extent practicable, if no degradation of groundwater would result; (D) Disturbance to natural vegetation is minimized; and (E) Areas for passive recreation, such as nature study, and hunting and trapping, and for education, may be permitted in the Buffer within Resource Conservation Overlay Zones, if service facilities for these uses are located outside of the Buffer.
<b>[2]3</b>	Permitted only where the use contributes to the improvement of water quality or receiving waters, such facilities are necessary to serve permitted uses, or regional or interstate facilities must cross tidal waters.
<b>[3]4</b>	Provided the private pier is [accessory to a one-family detached dwelling which is] not on land within a subdivision that provides a community pier. The boats secured to a private pier must be owned or used by the [occupants] <u>owners</u> of the [dwelling or their bona fide guests] <u>property</u> .

**PART 10A. OVERLAY ZONES.**

**DIVISION 2. CHESAPEAKE BAY CRITICAL AREA OVERLAY ZONES.**

**SUBDIVISION 4. REGULATIONS.**

**Sec. 27-548.17. Regulations.**

(a) The following Table contains regulations for development in the Chesapeake Bay Critical Area Overlay Zones, in addition to, or in lieu of, those of the underlying zones.

**(b) TABLE 1 - DENSITY, IMPERVIOUS SURFACE RATIO, SLOPES.**

CONTROL	ZONE		
	R-C-O	L-D-O	I-D-O
Density	.05 <sup>2</sup>	4.00 <sup>1</sup>	Same as underlying zone
Maximum impervious surface ratio	15% <sup>4</sup>	15% <sup>4</sup>	<u>[-]15%<sup>4</sup></u>
Slopes	No development on slopes greater than 15% <sup>3</sup>	No development on slopes greater than 15% <sup>3</sup>	-
<b>1</b>	Calculated as a maximum of four (4) dwelling units per acre of gross tract area; however, density may not exceed the density of the underlying zones.		
<b>2</b>	<p>(A) Calculated as a maximum of one (1) dwelling unit per twenty (20) acres of gross tract area.</p> <p>(B) The area of any private wetlands located on the property may be included subject to the following:</p> <ul style="list-style-type: none"> <li>(i) The density on the upland portion of the parcel may not exceed one (1) dwelling unit per eight (8) gross acres; and</li> <li>(ii) The area of private wetlands shall be estimated on the basis of vegetative data, as designated on the State wetlands map.</li> </ul> <p>(C) An intrafamily transfer may be made from parcels that were record lots as of March 1, 1986, and are seven (7) or more, but less than sixty (60), gross acres in size.</p> <ul style="list-style-type: none"> <li>(i) A parcel that is seven (7) or more, but less than twelve (12), gross acres in size may be subdivided into two (2) lots, consistent with the underlying zone. A parcel that is twelve (12) or more, but less than sixty (60), gross acres in size may be subdivided into three (3) lots. Again, any individual lot size must be consistent with the underlying zone. [Lots created using the intrafamily transfer may not be further subdivided.]</li> <li>(ii) Any deed for a lot that is created by a bona fide intrafamily transfer shall contain a covenant stating that the lot is created subject to the provisions of this Section; and a lot created by a bona fide intrafamily transfer may not be conveyed subsequently to any person other than a member of the owner's immediate family, except under procedures established pursuant to Subsection (4) of this Section.</li> <li>(iii) This subsection does not prevent the conveyance of the lot to a third party as security for a mortgage or deed of trust.</li> <li>(iv) The Department of Environmental Resources shall establish standards and procedures, subject to the approval of the Commission, by which the County will permit the subsequent conveyance of lots to persons other than immediate family members. The standards and procedures shall assure that: <ul style="list-style-type: none"> <li>(aa) The lot was created as part of a bona fide intrafamily transfer and not with the intent of subdividing the original parcel of land for purposes of ultimate commercial sale; and</li> <li>(bb) (I) A change in circumstances has occurred since the original transfer was made that is not inconsistent with this Subtitle and that warrants an exception; or</li> <li>(II) Other circumstances that are consistent with this Subtitle and with the Commission's</li> </ul> </li> </ul>		

	<p>criteria to maintain land areas necessary to support the protective uses of agriculture, forestry, open space, and natural habitats in resource conservation areas warrant an exception.</p>
<p>3</p>	<p>Except as provided in the Conservation Manual.</p>
<p>4</p>	<p>[Impervious areas may be increased to twenty-five percent (25%) of the site if any one of the following applies:</p> <p>(A) The parcel or lot is one-half (1/2) acre or less in size and either:</p> <p>(i) Existed in its present configuration and was in residential use on or before December 1, 1985, and continues to be in the same residential use; or</p> <p>(ii) Existed in its present configuration and was in a Residential Zone on or before December 1, 1985; is currently in a Residential Zone; and is being developed with a one-family detached dwelling, or additions or accessory structures thereto;</p> <p>(B) The parcel or lot is one-quarter (1/4) acre or less in size and was in nonresidential use on or before December 1, 1985; or</p> <p>(C) The lot is one (1) acre or less in size and is part of a preliminary plat of subdivision approved after December 1, 1985. The impervious area of the entire subdivision shall not exceed fifteen percent (15%).]</p> <p><u>(A) Except as otherwise provided in this subsection for stormwater runoff, man-made impervious surfaces are limited to fifteen percent (15%) of a parcel or lot.</u></p> <p><u>(B) For a lot or parcel one-half acre or less in size existing on or before December 15, 1985, then man-made impervious surface area shall be limited to twenty-five percent (25%) of the parcel or lot.</u></p> <p><u>(C) For a lot or parcel greater than one-half acre and less than one (1) acre in size existing on or before December 15, 1985, total impervious surface area shall be limited to fifteen percent (15%).</u></p> <p><u>(D) For a lot or parcel one acre or less, which is part of a subdivision approved after December 15, 1985, man-made impervious surfaces may not exceed twenty-five percent (25%). However, the total of the impervious surfaces over the entire subdivision may not exceed fifteen percent (15%).</u></p> <p><u>(E) A property owner may exceed the impervious surface limits provided in Section 5(e)(1)(2) and (3) if the following conditions exist:</u></p> <p><u>(i) New impervious surfaces on the property have been minimized;</u></p> <p><u>(ii) For a lot or parcel one-half acre or less in size, total impervious surfaces do not exceed impervious surface limits in subsection (e)(2) of this section by more than twenty-five percent (25%) or five hundred (500) square feet, whichever is greater;</u></p> <p><u>(iii) For a lot or parcel greater than one-half acre and less than one acre in size, total impervious surfaces do not exceed impervious surface limits in subsection (e)(3) of this section or 5,445 square feet, whichever is greater;</u></p> <p><u>(iv) Water quality impacts associated with runoff from the new impervious surfaces can be and have been minimized through site design considerations or use of best management practices approved by the local jurisdiction to improve water quality; and</u></p> <p><u>(v) The property owner performs on-site mitigation as required by the local jurisdiction to offset potential adverse water quality impacts from the new impervious surfaces, or the property owner pays a fee to the local jurisdiction in lieu of performing the on-site mitigation.</u></p> <p><u>(F) This section does not apply to a trailer park that was in residential use on or before December 1, 1985.</u></p>

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SECTION 4. BE IT FURTHER ENACTED that the Conservation Manual, as revised on \_\_\_\_\_, 2002, attached hereto and incorporated by reference herein, a copy of which has been filed with the Clerk’s Office, be and the same is hereby adopted.

SECTION 5. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (45) calendar days after its adoption or when approved by the Chesapeake Bay Critical Area Commission, whichever is later.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2002

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: \_\_\_\_\_  
Peter A. Shapiro  
Chair

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
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.