

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2001 Legislative Session

Bill No. _____ CB-10-2001 _____
Chapter No. _____ 5 _____
Proposed and Presented by _____ Council Member Hendershot _____
Introduced by _____ Council Member Hendershot _____
Co-Sponsors _____
Date of Introduction _____ March 27, 2001 _____

ZONING BILL

1 AN ORDINANCE concerning the

2 Mixed Use - Infill Zone

3 For the purpose of establishing the M-U-I Zone (Mixed Use - Infill), providing procedures and
4 restrictions for designation and approval of the Zone, and setting out use restrictions,
5 development regulations, and site plan requirements for the Zone.

6 BY repealing and reenacting with amendments:

7 Sections 27-109, 27-223, and 27-229(b),

8 The Zoning Ordinance of Prince George's County, Maryland,

9 being also

10 SUBTITLE 27. ZONING.

11 The Prince George's County Code

12 (1999 Edition, 2000 Supplement).

13 BY adding:

14 Sections 27-546.15, 27-546.16, 27-546.17, 27-546.18, and 27-546.19,

15 The Zoning Ordinance of Prince George's County, Maryland,

16 being also

17 SUBTITLE 27. ZONING.

18 The Prince George's County Code

19 (1999 Edition, 2000 Supplement).
20

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 27-109, 27-223, and 27-229(b) of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 2. GENERAL.

DIVISION 3. ZONES AND MAPS.

Sec. 27-109. Classes of zones.

(a) The Regional District is divided into the following classes of zones:

* * * * *

(6) **Mixed Use.**

- M-X-C (Mixed Use Community)
- M-X-T Zone (Mixed Use - Transportation Oriented)
- M-U-TC Zone (Mixed Use Town Center)
- M-U-I Zone (Mixed Use – Infill)

(7) **Overlay.**

- T-D-O Zone (Transit District Overlay)
- R-C-O Zone (Chesapeake Bay Critical Area Resource Conservation Overlay)
- L-D-O Zone (Chesapeake Bay Critical Area Limited Development Overlay)
- I-D-O Zone (Chesapeake Bay Critical Area Intense Development Overlay)
- D-D-O Zone (Development District Overlay)

(b) For the purposes of Sections 27-129(i), 27-157(d), 27-176(e), 27-195(e), 27-213(d), and 27-233(d), the order of intensity of zones is listed as follows, beginning with the least intense zone and progressing to the most intense:

- (1) R-O-S, O-S, R-A, R-E, V-L, R-L, V-M, R-R, R-S, R-80, R-55, R-M-H, R-35, R-20, R-M, R-T, R-30, R-30C, R-18, R-18C, R-U, R-10A, R-10, R-H, C-A, C-O, M-X-C, M-U-TC, C-R-C, C-S-C, M-U-I, C-1, C-C, C-G, C-2, C-W, C-M, C-H, L-A-C, M-A-C, I-3, I-4, U-L-I, I-1, I-2, E-I-A, M-X-T, R-P-C.

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PART 3. ADMINISTRATION.

DIVISION 4. SECTIONAL MAP AMENDMENT (SMA).

Subdivision 1. General.

Sec. 27-223. Limitations on zoning.

* * * * *

(k) The District Council may not classify property in the Mixed Use - Infill Zone unless the property is in the Transit District Overlay Zone or the Development District Overlay Zone and proposed development is subject to site plan review.

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:

* * * * *

(19) Grant a variance from any provisions of this Subtitle applicable to development within a Transit District Overlay Zone [or] , a Development District Overlay Zone , or a Mixed Use - Infill Zone;

* * * * *

SECTION 2. 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 27-546.15, 27-546.16, 27-546.17, 27-546.18, and 27-546.19 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 10. MIXED USE ZONES.

DIVISION 2. SPECIFIC MIXED USE ZONES.

Subdivision 4. M-U-I Zone (Mixed Use - Infill).

Sec. 27-546.15. Purposes.

(a) The general purpose of the M-U-I Zone is to permit, where recommended in applicable plans, a mix of residential and commercial uses as infill development in areas which are already substantially developed. The M-U-I Zone may be approved only on properties which adjoin developed properties or otherwise meet plan recommendations and which have overlay zone

1 regulations requiring site plan review.

2 (b) The specific purposes of the M-U-I Zone are:

3 (1) To implement recommendations in approved Master Plans, Sector Plans, or other
 4 applicable plans by encouraging residential or commercial infill development in areas where
 5 most properties are already developed;

6 (2) To simplify review procedures for residential, commercial, and mixed residential
 7 and commercial development in established communities;

8 (3) To encourage innovation in the planning and design of infill development;

9 (4) To allow flexibility in the process of reviewing infill development;

10 (5) To promote Smart Growth principles by encouraging efficient use of land and
 11 public facilities and services; and

12 (6) To create community environments enhanced by a mix of residential, commercial,
 13 recreational, open space, employment, and institutional uses.

14 **Sec. 27-546.16. Approval of Zone.**

15 (a) The District Council may approve the M-U-I Zone in a Sectional Map Amendment, a
 16 T-D-O Zone map amendment, a D-D-O Zone map amendment, or an individual site plan case,
 17 subject to the provisions in this Subdivision.

18 (b) The M-U-I Zone may be approved only on property which has proposed development
 19 subject to site plan review and is in the Transit District Overlay Zone or the Development
 20 District Overlay Zone.

21 (1) Property in the T-D-O Zone may be reclassified from its underlying zone to the
 22 M-U-I Zone by a primary amendment to the Transit District Development Plan (TDDP). In the
 23 primary amendment application and review process, the owner shall meet all TDDP primary
 24 amendment requirements and show that the proposed rezoning and development will meet
 25 TDDP goals and objectives and will be compatible with existing or approved future development
 26 on adjacent properties.

27 (2) Property in the D-D-O Zone may be reclassified from its underlying zone to the
 28 M-U-I Zone through the property owner application process in Section 27-548.26(b). In the
 29 review process, the owner shall meet all requirements in the Section and show that the proposed
 30 rezoning and development will be compatible with existing or approved future development on
 31 adjacent properties.

1 (c) The M-U-I Zone may be approved only on property which adjoins existing developed
 2 properties for 20% or more of its boundaries, adjoins property in the M-U-I Zone, or is
 3 recommended for mixed-use infill development in an approved Master Plan, Sector Plan, or
 4 other applicable plan. Adjoining development may be residential, commercial, industrial, or
 5 institutional but must have a density of at least 3.5 units per acre for residential or a floor area
 6 ratio of at least 0.15 for nonresidential development.

7 (d) If the M-U-I Zone is approved on property in a Sectional Map Amendment (SMA),
 8 permitted uses in existence at the time of SMA approval shall not be deemed nonconforming.

9 **Sec. 27-546.17. Uses.**

10 (a) All uses permitted by right or by Special Exception in the C-S-C Zone, as provided in
 11 Section 27-461(b), are permitted by right in the M-U-I Zone, except as follows:

12 (1) For the uses in Sections 27-461(b)(3), Miscellaneous, and 27-461(b)(6),
 13 Residential/Lodging, the uses allowed are those permitted in Section 27-441(b)(3) and (6) for the
 14 R-18 Zone, except that hotel and motel uses are permitted as in the C-S-C Zone.

15 (2) Use restrictions may be imposed on a property when the M-U-I Zone is approved,
 16 whether the approval is in a Sectional Map Amendment, a T-D-O Zone map amendment, a
 17 D-D-O Zone map amendment, or an individual site plan case. If use restrictions are imposed in
 18 an individual map amendment or site plan case, the District Council and the owner shall follow
 19 the conditional zoning procedure in Part 3, Division 2.

20 (b) Residential and commercial uses may be placed with a horizontal or vertical mix on
 21 property in the M-U-I Zone, subject to approval of a Detailed Site Plan.

22 **Sec. 27-546.18. Regulations.**

23 (a) Except as provided in Subsection (b), the regulations governing location, setbacks,
 24 size, height, lot size, density, and other dimensional requirements in the M-U-I Zone are as
 25 follows:

26 (1) R-18 Zone regulations apply to all uses in Section 27-441(b)(3), Miscellaneous;

27 (2) R-18 Zone regulations apply to all uses in Section 27-441(b)(6), Residential/

28 Lodging, except hotels and motels;

29 (3) C-S-C Zone regulations apply to hotels and motels and all other uses; and

30 (4) Multifamily residential densities up to 48 units per acre are permitted.

31 (b) Where an owner proposes a mix of residential and commercial uses on a single lot or

1 parcel in the M-U-I Zone, the site plan as approved shall set out the regulations to be followed.
 2 The approved regulations may reduce parking requirements by 30%, notwithstanding provisions
 3 in Part 11.

4 **Sec. 27-546.19. Site Plans for Mixed Uses.**

5 (a) An owner proposing mixed residential and commercial development on the same lot or
 6 parcel in the M-U-I Zone may not obtain permits before a Detailed Site Plan is approved in
 7 accordance with this Section.

8 (b) The owner shall file a Detailed Site Plan application which meets the requirements of
 9 Part 3, Division 9, and includes:

10 (1) Architectural elevations;

11 (2) A statement showing how the proposed uses on the subject property are
 12 compatible with one another; and

13 (3) A statement showing how the proposed uses are compatible with existing or
 14 approved future uses on adjacent properties.

15 (c) A Detailed Site Plan may not be approved unless the owner shows:

16 (1) The site plan meets all approval requirements in Part 3, Division 9;

17 (2) All proposed uses meet applicable development standards approved with the
 18 Master Plan, Sector Plan, Transit District Development Plan, or other applicable plan;

19 (3) Proposed uses on the property will be compatible with one another;

20 (4) Proposed uses will be compatible with existing or approved future development
 21 on adjacent properties and the transit or development district; and

22 (5) Compatibility standards and practices set forth below will be followed, or the
 23 owner shows why they should not be applied:

24 (A) Proposed buildings should be compatible in size, height, and massing to
 25 buildings on adjacent properties;

26 (B) Primary facades and entries should face adjacent streets or public walkways
 27 and be connected by on-site walkways, so pedestrians may avoid crossing parking lots and
 28 driveways;

29 (C) Site design should minimize glare, light, and other visual intrusions into and
 30 impacts on yards, open areas, and building facades on adjacent properties;

31 (D) Building materials and color should be similar to materials and color on

1 adjacent properties and in the surrounding neighborhoods, or building design should incorporate
2 scaling, architectural detailing, or similar techniques to enhance compatibility;

3 (E) Outdoor storage areas and mechanical equipment should be located and
4 screened to minimize visibility from adjacent properties and public streets;

5 (F) Signs should conform to applicable Development District Standards or to
6 those in Part 12, unless the owner shows that its proposed signage program meets goals and
7 objectives in applicable plans; and

8 (G) The owner or operator should minimize adverse impacts on adjacent
9 properties and the surrounding neighborhood by appropriate setting of:

- 10 (i) Hours of operation or deliveries;
- 11 (ii) Location of activities with potential adverse impacts;
- 12 (iii) Location and use of trash receptacles;
- 13 (iv) Location of loading and delivery spaces;
- 14 (v) Light intensity and hours of illumination; and
- 15 (vi) Location and use of outdoor vending machines.

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

Adopted this 8th day of May, 2001.

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: _____
Ronald V. Russell
Chairman

ATTEST:

Joyce T. Sweeney
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.