

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2006 Legislative Session

Bill No. _____ CB-77-2006
 Chapter No. _____ 61
 Proposed and Presented by The Chairman (by request – Planning Board)
 Introduced by _____ Council Member Dean
 Date of Introduction _____ October 10, 2006

ZONING BILL

1 AN ORDINANCE concerning

2 Comprehensive Design Zones

3 For the purpose of defining public facilities financing and implementation program and
 4 amending development regulations.

5 BY repealing and reenacting with amendments:

6 Sections 27-107.01, 27-476, 27-478, 27-480, 27-483, 27-489, 27-494,
 7 27-503, 27-505, 27-507, 27-509, 27-511, 27-513, 27-514.08, 27-
 8 514.10,

9 27-515, 27-521,

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

12 SUBTITLE 27. ZONING.

13 The Prince George's County Code
 14 (2003 Edition, 2005 Supplement).

15 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 16 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
 17 District in Prince George's County, Maryland, that Sections 27-107.01, 27-476, 27-478, 27-480,
 18 27-483, 27-489, 27-494, 27-503, 27-505, 27-507, 27-509, 27-511, 27-513, 27-514.08, 27-514.10,
 19 27-515, 27-521 of the Zoning Ordinance of Prince George's County, Maryland, being also
 20 Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and
 21 reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 2. GENERAL.

DIVISION 1. DEFINITIONS.

Sec. 27-107.01. Definitions.

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

* * * * *

(186.1) **Public Facilities Financing and Implementation Program:** A comprehensive program established by the County Council and intended to implement and facilitate General Plan, Master Plan, or Sector Plan recommendations regarding the construction and maintenance of public facilities not subject to public facilities surcharges, including water, sewerage, transportation (streets and mass transit), libraries, recreation, and privately owned and maintained streets and recreational facilities authorized pursuant to Subtitle 24 of this Code. Intended to include some or all proposed and future development in a specified area, this program should include provisions for financing strategies including, but not limited to, pro-rata contributions, sale leasebacks, funding “clubs,” the Surplus Capacity Reimbursement Procedure provided in Section 24-124 of the County Code, and other methods to ensure equity. Techniques may include but are not limited to tax increment financing, special taxing districts, alternative construction financing, property tax reductions, tax credits, and/or federal, state, or local programs. Public facilities surcharges for public safety and schools will be collected and distributed in accordance with applicable law. Fees collected in excess of required surcharges shall be included in any established Public Facilities Financing and Implementation Program for that area.

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PART 8. COMPREHENSIVE DESIGN ZONES.

DIVISION 1. GENERAL.

Sec. 27-476. Reasons for Comprehensive Design Zones.

(a) The following are the reasons for having Comprehensive Design Zones:

* * * * *

(3) There is a need to encourage the optional and imaginative utilization of land contemplated by Comprehensive Design Zones in order to:

(A) Improve the total environment;

(B) Lessen the public costs associated with land development and use;

(C) Fulfill the purposes of each individual Comprehensive Design Zone; and

(D) Fulfill the recommendations and purposes of the General Plan, Master Plans,
or Sector Plans in selected areas.

Sec. 27-478. Review process.

(a) The purposes of each individual Comprehensive Design Zone (Division 2 of this Part) are intended to be satisfied by establishing incentives for good development, and the following three (3) phase plan review procedure:

(1) The initial phase is the review of a Basic Plan, which shall show the types, amounts, and general location of land uses proposed. The Basic Plan shall be reviewed concurrently with the review of, and action on, the Zoning Map Amendment application (Part 3, Division 2, Subdivision 3). When a Comprehensive Design Zone is established through a Sectional Map Amendment intended to implement land use recommendations for mixed-use development as recommended by a Master Plan or Sector Plan, design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or the Sectional Map Amendment Zoning Change may constitute the Basic Plan for development on the subject property.

* * * * *

Sec. 27-480. General development regulations.

(a) Except as provided in Subsection (g), [With] the exception of the minimum lot area requirement for townhouses as set forth in (b), below, and the height limitation for multifamily dwellings as set forth in (f), below, dimensions for yards, building lines, lot area, lot frontage, lot coverage, and building height shown on an approved Specific Design Plan shall constitute the development regulations applicable to the development of the land area addressed by that particular Specific Design Plan.

* * * * *

(g) When property is placed in a Comprehensive Design Zone through a Sectional Map Amendment or through a Zoning Map Amendment intended to implement land use recommendations for mixed-use development recommended by a Master Plan or Sector Plan that is approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation:

(1) The design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change, and a referenced exhibit of record for the property should establish and provide guidance for the development regulations to be incorporated in the Specific Design Plan.

(2) The limitations on the maximum percentages of townhouse and multifamily dwelling units contained in Section 27-515(b)(7), footnote 29, the lot area requirement in Subsection (b) above, and the lot width requirements in Subsection (e) above shall not apply. However, the Planning Board or District Council may impose similar restrictions where appropriate, only to implement the recommendations of the Master Plan or Sector Plan.

Sec. 27-483. Fee in lieu of public facilities.

(a) An equivalent fee may be accepted in lieu of a public facility (not including streets, parks, or other open space areas), if the Planning Board finds (upon advice of the appropriate public agency) that the facility would be better located outside the boundary of the Comprehensive Design Zone because of either the size or location of the zone.

(b) The fee collected by the Planning Board shall be promptly remitted to the County Office of Finance.

(c) Notwithstanding the subdivision requirements for adequate public facilities, where a public facilities financing and implementation program has been established, all collected fees and funds shall be applied to the provision of public facilities (including streets, parks, or other open space areas) within the area designated by the financing and implementation program.

DIVISION 2. SPECIFIC COMPREHENSIVE DESIGN ZONES.

SUBDIVISION 1. M-A-C ZONE (MAJOR ACTIVITY CENTER).

Sec. 27-489. Purposes.

(a) The purposes of the M-A-C Zone are to:

(1) Establish (in the public interest) a plan implementation zone, in which (among other things):

(A) Permissible residential density and building intensity are dependent on providing public benefit features and related density/intensity increment factors; and

(B) The location of the zone must be in accordance with the adopted and approved General Plan, Master Plan, Sector Plan, [or] public urban renewal plan, or Sectional Map Amendment Zoning Change;

(2) Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Master Plans, Sector Plans, [and] public urban renewal plans, and Sectional Map Amendment Zoning Changes for Major Metro Centers, New Town Centers, and Corridor City Centers) can serve as the criteria for judging individual physical development proposals;

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SUBDIVISION 2. L-A-C ZONE (LOCAL ACTIVITY CENTER).

Sec. 27-494. Purposes.

(a) The purposes of the L-A-C Zone are to:

(1) Establish (in the public interest) a plan implementation Zone, in which (among other things):

(A) Permissible residential density and building intensity are dependent on providing public benefit features and related density/intensity increment factors; and

(B) The location of the zone must be in accordance with the adopted and approved General Plan, Master Plan, Sector Plan, [or] public urban renewal plan, or Sectional Map Amendment Zoning Change;

(2) Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Master Plans, Sector Plans, [and] public urban renewal plans, and Sectional Map Amendment Zoning Changes for Community, Village, and Neighborhood Centers) can serve as the criteria for judging individual physical development proposals;

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SUBDIVISION 4. R-U ZONE (RESIDENTIAL URBAN DEVELOPMENT).

Sec. 27-503. Purposes.

(a) The purposes of the R-U Zone are to:

(1) Establish (in the public interest) a plan implementation zone, in which (among other things):

(A) Permissible residential density is dependent upon providing public benefit features and related density increment factors; and

(B) The location of the zone must be in accordance with the adopted and approved General Plan, Master Plan, Sector Plan, [or] public urban renewal plan, or Sectional Map Amendment Zoning Change;

(2) Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Master Plans, Sector Plans, [or] public urban renewal plans, or Sectional Map Amendment Zoning Changes) can serve as the criteria for judging individual physical development proposals;

* * * * *

Sec. 27-505. Regulations.

* * * * *

(f) Gross density.

(1) In establishing the maximum gross density, the District Council shall consider the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change [designation] and the existing zoning of the properties being rezoned.

SUBDIVISION 5. R-M ZONE (RESIDENTIAL MEDIUM DEVELOPMENT).

Sec. 27-507. Purposes.

(a) The purposes of the R-M Zone are to:

(1) Establish (in the public interest) a plan implementation zone, in which (among other things):

(A) Permissible residential density is dependent upon providing public benefit features and related density increment factors; and

(B) The location of the zone must be in accordance with the adopted and approved General Plans, Master Plan, Sector Plan, [or] public urban renewal plan[s], or Sectional Map Amendment Zoning Change;

(2) Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Master Plans, Sector Plans, [and] public urban renewal plans, and Sectional Map Amendment Zoning Changes) can serve as the criteria for judging individual physical development proposals;

* * * * *

Sec. 27-509. Regulations.

* * * * *

(f) Gross density.

(1) In establishing the maximum gross density, the District Council shall consider the

1 design guidelines or standards intended to implement the development concept recommended by
 2 the [Area] Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change [designation]
 3 and the existing zoning of the property being rezoned.

4 **SUBDIVISION 6. R-S ZONE (RESIDENTIAL SUBURBAN DEVELOPMENT).**

5 **Sec. 27-511. Purposes.**

6 (a) The purposes of the R-S Zone are to:

7 (1) Establish (in the public interest) a plan implementation zone, in which (among
 8 other things):

9 (A) Permissible residential density is dependent upon providing public benefit
 10 features and related density increment factors; and

11 (B) The location of the zone must be in accordance with the adopted and
 12 approved General Plan, Master Plan, Sector Plan, [or] public urban renewal plan, or Sectional
 13 Map Amendment Zoning Change;

14 (2) Establish regulations through which adopted and approved public plans and
 15 policies (such as the General Plan, Master Plans, Sector Plans, [and] public urban renewal plans,
 16 or Sectional Map Amendment Zoning Changes) can serve as the criteria for judging individual
 17 development proposals;

18 * * * * *

19 **Sec. 27-513. Regulations.**

20 (f) Gross density.

21 (1) In establishing the maximum gross density, the District Council shall consider the
 22 design guidelines or standards intended to implement the development concept recommended by
 23 the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change [designation] and
 24 the existing zoning of the property being rezoned.

25 **SUBDIVISION 8. R-L ZONE (RESIDENTIAL LOW DEVELOPMENT).**

26 **Sec. 27-514.08. Purposes.**

27 (a) The purposes of the R-S Zone are to:

28 (1) Establish (in the public interest) a plan implementation zone, in which (among
 29 other things):

30 (A) Permissible residential density is dependent upon providing public benefit
 31 features and related density increment factors; and

(B) The location of the Zone must be in accordance with the adopted and approved General Plan, [or] Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;

(2) Establish regulations through which adopted and approved public plans and policies (such as the General Plan, [and] Master Plans, Sector Plans, or Sectional Map Amendment Zoning Changes) can serve as the criteria for judging individual development proposals;

* * * * *

Sec. 27-514.10. Regulations.

(f) Gross density.

(1) In establishing the maximum gross density, the District Council shall consider the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change [designation] and the existing zoning of the property to be rezoned.

DIVISION 3. USES PERMITTED (COMPREHENSIVE DESIGN ZONES)

Sec. 27-515. Uses permitted.

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²⁹ Except as provided in Section 27-480(g), [F]for Specific Design Plans for which an application is filed after December 30, 1996, the following restrictions shall apply. Townhouses may comprise not more than the following percentages of the total number of dwelling units included in the Comprehensive Design Plan: in the R-L Zone, twenty percent (20%); R-S, twenty percent (20%); R-M, thirty percent (30%); R-U, thirty percent (30%); L-A-C, forty percent (40%); and M-A-C, thirty percent (30%). Multifamily dwelling units may comprise not more than the following percentages of the total number of dwelling units in the Comprehensive Design Plan: in the R-S Zone, ten percent (10%); R-M, ten percent (10%); R-U, thirty percent (30%); L-A-C, thirty percent (30%); and M-A-C, forty percent (40%). These multifamily restrictions do not apply to Transit District Overlay Zones, and these townhouse and multifamily restrictions shall not apply to dwelling units on property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or planned Washington Metropolitan Area Transit Authority Metrorail station. In the R-U Zone the applicant may propose all townhouses or all multifamily dwellings provided that this results in a reduction of at least thirty percent (30%) of

the total number of dwelling units permitted under an approved Basic Plan. No Basic Plan or Comprehensive Design Plan Amendment is required provided the building design and architecture requirements, as previously approved, are not modified.

DIVISION 4. COMPREHENSIVE DESIGN PLANS AND SPECIFIC DESIGN PLANS.
SUBDIVISION 1. COMPREHENSIVE DESIGN PLANS.

Sec. 27-521. Required findings for approval.

(a) Prior to approving a Comprehensive Design Plan, the Planning Board shall find that:

(1) The plan is in conformance with the [approved] Basic Plan approved by application per Section 27-195; or when the property was placed in a Comprehensive Design Zone through a Sectional Map Amendment per Section 27-223, was approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;

* * * * *

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (45) calendar days after its adoption.

Adopted this 31st day of October, 2006.

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: _____
Thomas E. Dernoga
Chairman

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.