

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

1996 Legislative Session

Bill No. _____ CB-47-1996

Chapter No. _____ 59

Proposed and Presented by Council Members MacKinnon, Maloney, and Gourdine

Introduced by Council Members MacKinnon, Maloney, and Gourdine

Co-Sponsors

Date of Introduction _____ October 15, 1996

ZONING BILL

AN ORDINANCE concerning

Moderately Priced Dwelling Units

For the purpose of repealing the requirements regarding moderately priced dwelling units.

BY repealing and reenacting with amendments:

Sections 27-107.01, 27-179, 27-186, 27-190, 27-192, 27-195,
27-197, 27-199, 27-213.05, 27-229, 27-252, 27-253,
27-254, 27-272, 27-273, 27-276, 27-281, 27-282, 27-285,
27-296, 27-304, 27-324, 27-429, 27-430, 27-431,
27-432, 27-441, 27-442, 27-476, 27-491, 27-496,
27-505, 27-509, 27-513, 27-514.03, 27-514.07.01,
27-518, 27-521, 27-527, 27-538, 27-542, 27-544,
27-546.01, 27-546.04, 27-546.05, 27-546.06, 27-548.03,
27-548.07, and 27-548.08,

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

SUBTITLE 27. ZONING.

The Prince George's County Code
(1995 Edition).

BY repealing:

PART 4A. MODERATELY PRICED DWELLING UNITS.

DIVISION 1. GENERAL PROVISIONS.

Subdivision 1. General Requirements.

Sections 27-418.1, 27-418.2, 27-418.3, and 27-418.4,

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

SUBTITLE 27. ZONING.

The Prince George's County Code
(1995 Edition).

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 27-107.1, 27-179, 27-186, 27-190, 27-192, 27-195, 27-197, 27-199, 27-213.5, 27-229, 27-252, 27-253, 27-254, 27-272, 27-273, 27-276, 27-281, 27-282, 27-285, 27-296, 27-304, 27-324, 27-429, 27-430, 27-431, 27-432, 27-441, 27-442, 27-476, 27-491, 27-496, 27-505, 27-509, 27-513, 27-514.03, 27-514.07.01, 27-518, 27-521, 27-527, 27-538, 27-542, 27-544, 27-546.01, 27-546.04, 27-546.05, 27-546.06, 27-548.03, 27-548.07, and 27-548.08 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Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments: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 1. DEFINITIONS.

Sec. 27-107.1. Definitions.

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

* * * * *

[(156.0.1) **Moderately Priced Dwelling Unit:** Moderately priced dwelling unit, or MPDU, means a dwelling unit which is constructed, sold, or rented pursuant to Subtitle 13, Division 8, of this Code.]

* * * * *

PART 3. ADMINISTRATION.

DIVISION 2. ZONING MAP AMENDMENTS.

Subdivision 3. Comprehensive Design Zones.

Sec. 27-179. Applications.

* * * * *

(b) Contents of application form

(1) The following information shall be included on the application:

* * * * *

(F) The name, address, and signature of each owner of record of the property, except as provided for in Subsection (a), above. Applications for property owned by a corporation shall be signed by an officer empowered to act for the corporation; and

(G) The name, address, and telephone number of the correspondent[; and].

[(H) If the application is for a development which must include moderately priced dwelling units, a statement to that effect must be included in the application.]

(c) Other submission requirements

(1) Along with the application, the applicant shall submit the following:

* * * * *

(D) A reproducible copy of a Basic Plan. The Basic Plan shall include the following, presented in a general, schematic manner:

* * * * *

(vi) The relationship of the proposed development on the subject property to existing and planned development on surrounding properties; and

(vii) A forest stand delineation[; and].

[(viii) The general location of proposed moderately priced dwelling units where the property is developed pursuant to Part 4A of this Subtitle and Subtitle 13, Division 8, of this Code. If the applicant is seeking compliance by an alternative method, a statement to that effect shall be submitted.]

* * * * *

Sec. 27-186. Notice.

(a) **Notice of public hearing**

* * * * *

[(2) If the application is for a development which must include moderately priced dwelling units, the Planning Board shall notify the Director of the Department of Housing and Community Development.]

[(3)](2) Notice of the date, time, and place of the hearing, and a description of the property and the zone requested, shall be published by the Clerk of the Council (or the Office of the Zoning Hearing Examiner) at least two (2) times in the newspapers of record. The first notice shall be published at least thirty (30), but not more than sixty (60), days prior to the date of the public hearing.

* * * * *

Sec. 27-190. Referral to public agencies.

[(b) If the application is for property to be developed pursuant to Part 4A of this Subtitle and Subtitle 13, Division 8, the Staff shall transmit copies of the proposal to the Director of the Department of Housing and Community Development for certification that the proposal complies with the requirements of Subtitle 13.]

[(c)](b) If an application is proposed to be amended, copies of the revised proposals shall be transmitted to the same public agencies and municipalities, as in the case of the original, unless the Planning Board finds that the transmittal is unnecessary.

Sec. 27-192. Recommendation of Planning Board.

* * * * *

(c) The Planning Board may recommend to the District Council that the application (including the Basic Plan) be approved, approved with modification or conditions, or denied. A recommendation for approval shall address the land use types, land use relationships, and maximum and minimum land use quantities. The Planning Board may also recommend that certain planning or development matters (known as "considerations") be considered at the time the Comprehensive and Specific Design Plans are reviewed. In making its recommendation, the Planning Board shall find that the applicant has demonstrated that the entire development, and any proposed stage thereof, meets all of the criteria for District

Council approval of the application (Section 27-195)[, as well as all of the criteria imposed by Part 4A, of this Subtitle and Subtitle 13, Division 8, where that Part and Subtitle are applicable].

* * * * *

Sec. 27-195. Map Amendment approval.

* * * * *

(b) Criteria for approval.

(1) Prior to the approval of the application and the Basic Plan, the applicant shall demonstrate, to the satisfaction of the District Council, that the entire development meets the following criteria:

(A) The proposed Basic Plan shall either conform to:

(i) The specific recommendation of a General Plan map, Area Master Plan map; or urban renewal plan map; or the principles and guidelines of the plan text which address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact which the development may have on the environment and surrounding properties; or

(ii) The principles and guidelines described in the Plan (including the text) with respect to land use, the number of dwelling units, [including moderately priced dwelling units,] intensity of nonresidential buildings, and the location of land uses.

* * * * *

Sec. 27-197. Amendment of approved Basic Plan.

* * * * *

(b) An amendment of an approved Basic Plan which results in dividing a single approved Basic Plan into two (2) or more separate Basic Plans may be approved by the District Council where significant changes in circumstances with regard to the approved Basic Plan have created practical difficulties for the applicant to the extent that, unless the Basic Plan is amended to separate a specified amount of land area, the applicant will be unable to proceed to the Comprehensive Design Plan phase. An amendment will not be granted where the practical difficulty is self-created or self-imposed, or where the applicant had knowledge

of, and control over, the changing circumstances and the problems bringing about the practical difficulty at the time the Basic Plan was approved. The following procedures shall apply to consideration of any such amendment in lieu of the requirements of Subsection (c), below:

* * * * *

[(3) If the Basic Plan includes moderately priced dwelling units, the Clerk of the Council shall refer copies of the request and accompanying documents to the Director of the Department of Housing and Community Development. The Director shall submit comments no later than thirty (30) days after the date the information is referred.]

[(4)](3)	*	*	*	*	*
[(5)](4)	*	*	*	*	*
[(6)](5)	*	*	*	*	*
[(7)](6)	*	*	*	*	*
[(8)](7)	*	*	*	*	*
[(9)](8)	*	*	*	*	*
[(10)](9)	*	*	*	*	*
[(11)](10)	*	*	*	*	*
*	*	*	*	*	*

Subdivision 4. M-X-T and M-X-C Zones.

Sec. 27-199. Applications.

* * * * *

(c) Other submission requirements

* * * * *

(1) Along with the application, the applicant shall submit the following:

* * * * *

(K) For the M-X-C Zone, fifteen (15) copies of a Preliminary Development Plan for the property. The Preliminary Development Plan shall include a generalized drawing or series of drawings, generally of a scale not less than one (1) inch equals four hundred (400) feet, illustrating the proposed development with accompanying descriptive material setting forth:

* * * * *

(x) [A phasing plan for the provision of Moderately Priced Dwelling Units (MPDUs); and]

[(xi)] A justification of the amount of land proposed for commercial activities.

* * * * *

Subdivision 5. Transit District Overlay Zone.

Sec. 27-213.05. Specific District Council procedures.

* * * * *

(e) Required findings

(1) Prior to approving the Transit District Overlay Zoning Map Amendment, the Council shall make the following findings:

* * * * *

[(D) For those Transit District Development Plans which include dwellings, ten percent (10%) of all dwellings shall be developed as moderately priced dwelling units.]

* * * * *

DIVISION 5. APPEALS AND VARIANCES.

Subdivision 1. Board of Zoning Appeals.

Sec. 27-229. Powers and duties.

* * * * *

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

* * * * *

(28) Grant a variance from the provisions of Sections 27-249.01, 27-374.01, 27-445.07, 27-532.02, and 27-548.01.02 concerning minidormitories;

[(29) Grant a variance from any provision imposed on property to be developed or developed pursuant to Part 4A of this Subtitle and Subtitle 13, Division 8, of this Code, or hear and decide upon an appeal from a decision of the Department of Environmental Resources, the Planning Board, the Department of Housing and Community Development, or

any other person concerning property developed pursuant to Subtitle 13, Section 8;]

[(30)](29)	*	*	*	*
[(31)](30)	*	*	*	*
[(32)](31)	*	*	*	*
[(33)](32)	*	*	*	*
[(34)](33)	*	*	*	*
[(35)](34)	*	*	*	*

DIVISION 7. BUILDING, GRADING, AND USE AND OCCUPANCY PERMITS.

Subdivision 1. General.

Sec. 27-252. Building and Grading permits.

* * * * *

[(i) Building permits shall not be issued for more than seventy-five percent (75%) of the total number of approved dwelling units in a subdivision until building permits have been issued for all moderately priced dwelling units. This requirement shall not apply to the issuance of building permits for lots in the Comprehensive Design Zones, the M-X-C Zone, or the Transit District Overlay Zone.]

Sec. 27-253. Use and occupancy permits.

* * * * *

[(f) In a residential subdivision developed pursuant to Part 4A (moderately priced dwelling units), use and occupancy permits which would allow occupancy of more than fifty percent (50%) of the total number of approved non-MPDUs in the subdivision shall not be issued until use and occupancy permits have been issued for all moderately priced dwelling units. This requirement shall not apply to the issuance of use and occupancy permits for lots in the Comprehensive Design Zones, the M-X-C Zone, or the Transit District Overlay Zone.]

Subdivision 2. Procedures.

Sec. 27-254. Applications.

* * * * *

(c) Building and use and occupancy permit applications

(1) Each application for a building or use and occupancy permit shall be

accompanied by duplicate copies of a plat or site plan, drawn to scale, showing:

*	*	*	*	*	*
[(D) Any proposed moderately priced dwelling units to be developed on the lot pursuant to Part 4A of this Subtitle and Subtitle 13, Division 8, of this Code;]					
[(E)](D)	*	*	*	*	*
[(F)](E)	*	*	*	*	*
[(G)](F)	*	*	*	*	*
[(H)](G)	*	*	*	*	*
[(I)](H)	*	*	*	*	*
*	*	*	*	*	*

[(3) Where property is to be developed pursuant to Part 4A of this Subtitle and Subtitle 13, Division 8, of this Code, no building permit application shall be accepted unless the applicant also submits to the Department of Environmental Resources a written MPDU agreement, approved by the Director of Housing and Community Development and the County Attorney, and a statement regarding the number of total approved units within the subdivision for which building permits have been issued, and the number of permits that have been issued for MPDUs.]

DIVISION 9. SITE PLANS.

Subdivision 2. Requirements for Conceptual Site Plans.

Sec. 27-272. Purpose of Conceptual Site Plans.

(a) Examples

(1) There is often a need for approval of a very general concept for developing a parcel of land before subdivision plans or final engineering designs are begun. Such cases include:

*	*	*	*	*	*
(E) Development which is potentially incompatible with land uses on surrounding properties; <u>and</u>					
(F) Developments involving environmentally sensitive land, or land that					

contains important natural features that are particularly worthy of attention[; and].

[(G) Developments including moderately priced dwelling units.]

* * * * *

Sec. 27-273. Submittal requirements.

* * * * *

(e) A Conceptual Site Plan shall include the following:

* * * * *

(13) General locations of areas of the site where buildings and parking lots are proposed to be located, and the general orientation of buildings on individual lots; and

(14) A stormwater concept plan approved pursuant to Section 4- 229.6 of this Code[; and].

[(15) The general location and type(s) of the proposed moderately priced dwelling units.]

* * * * *

Sec. 27-276. Planning Board procedures.

* * * * *

(b) Required findings.

* * * * *

[(2) Where the provision of moderately priced dwelling units is required, the Planning Board shall find that the proposed development is in conformance with Part 4A of this Subtitle.]

* * * * *

Subdivision 3. Requirements for Detailed Site Plans.

Sec. 27-281. Purpose of Detailed Site Plans.

* * * * *

(c) Specific purposes

(1) The specific purposes of Detailed Site Plans are:

* * * * *

(C) To locate and describe the specific recreation facilities proposed, architectural

form of buildings, and street furniture (such as lamps, signs, and benches) proposed for the site; and

(D) To describe any maintenance agreements, covenants, or construction contract documents[, or moderately priced dwelling unit agreements] that are necessary to assure that the Plan is implemented in accordance with the requirements of this Subtitle[; and].

[(E) To show the specific location, delineation, and architectural design of all moderately priced dwelling units proposed for the site.]

Sec. 27-282. Submittal requirements.

* * * * *

(e) A Detailed Site Plan shall include the following:

* * * * *

[(12.1) The location of each moderately priced dwelling unit, along with a general architectural floor plan illustrating the number of bedrooms for each type of moderately priced dwelling unit;]

* * * * *

[(g) When a Detailed Site Plan is for a development for which an alternative method of compliance is proposed pursuant to the requirement for moderately priced dwelling units set forth in Subtitle 13, Division 8, and Part 4A of this Subtitle, and is exempt from the requirement for a preliminary plat, a joint letter signed by the County Executive and the Chairman of the County Council approving the alternative method of compliance shall be submitted.]

Sec. 27-285. Planning Board procedures.

* * * * *

(b) **Required findings**

* * * * *

[(3) Where the provision of moderately priced dwelling units is required, the Planning Board shall find that the proposed development is in conformance with Part 4A of this Subtitle.]

* * * * *

PART 4. SPECIAL EXCEPTIONS.

DIVISION 1. ADMINISTRATIVE PROCEDURES.

Subdivision 1. Applications.

Sec. 27-296. Application form and contents.

(a) General

* * * * *

[(7) If the application is for a development which must include moderately priced dwelling units, a statement to that effect must be included in the application.]

* * * * *

(c) Other submission requirements

(1) Along with the application, the applicant shall submit the following:

* * * * *

(B) A site plan (drawn to scale) showing all existing and proposed improvements and uses on the subject property, and the use and zoning of adjacent properties. The site plan shall be in sufficient detail so that a determination can be made that the proposed use will be in compliance with all requirements of this Subtitle applicable to it. [The site plan shall show all moderately priced dwelling units proposed for the subject property, where the development is subject to the provisions of Part 4A of this Subtitle and Subtitle 13, Division 8, of this Code.] The site plan must be capable of being reproduced on an ozalid or similar dry- copy machine, or nine (9) copies of the plan must be supplied. In a Chesapeake Bay Critical Area Overlay Zone, the site plan shall be prepared in accordance with the Conservation Manual.

* * * * *

Subdivision 3. Notice.

Sec. 27-304. Notice of public hearing.

* * * * *

[(d) If the application is for a development which must include moderately priced dwelling units, the Planning Board shall notify the Director of the Department of Housing and community Development.]

Subdivision 10. Amendments of Approved Special Exceptions.

Sec. 27-324. Major changes.

(a) The District Council may (for good cause) amend any imposed condition or approved site plan without requiring a new application if the amendment does not constitute an enlargement or extension of a Special Exception use.

* * * * *

[(3) In the case of an amendment of an approved Special Exception site plan which provides for moderately priced dwelling units pursuant to Subtitle 13, Division 8, of this Code, the Clerk of the Council shall forward the amendment request to the Director of the Department of Housing and Community Development. The Director or his designee shall submit a recommendation directly to the District Council within thirty (30) days.]

* * * * *

PART 5. RESIDENTIAL ZONES.

DIVISION 2. SPECIFIC RESIDENTIAL ZONES.

Sec. 27-429. R-80 Zone (One-Family Detached Residential).

* * * * *

[(d) Site plan

(1) Whenever development includes moderately priced dwelling units in accordance with Part 4A of this Subtitle and Subtitle 13, Division 8, a Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle.]

Sec. 27-430. R-55 Zone (One-Family Detached Residential).

[(d) Site plan

(1) Whenever development includes moderately priced dwelling units in accordance with Part 4A of this Subtitle and Subtitle 13, Division 8, a Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle.]

Sec. 27-431. R-35 Zone (One-Family Semi-Detached, and Two-Family Detached, Residential).

(f) Site plan

* * * * *

[(3) Whenever development includes moderately priced dwelling units in accordance with Part 4A of this Subtitle and Subtitle 13, Division 8, a Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle.]

Sec. 27-432. R-20 Zone (One-Family Triple-Attached Residential).

* * * * *

[(e) Site plan

(1) Whenever development includes moderately priced dwelling units in accordance with Part 4A of this Subtitle and Subtitle 13, Division 8, a Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle.]

DIVISION 3. USES PERMITTED.

Sec. 27-441. Uses permitted.

* * * * *

(b) TABLE OF USES

USE	R-O-S	O-S	R-A	R-E	ZONE R-R	R-80	R-55	R-35	
*	*	*	*	*	*	*	*	*	
Townhouse, in general	X	X	X	X	X	[P]X ⁴⁸	[P]X ⁴⁸	[P]X ⁴⁸	
<u>Townhouse, shown on a preliminary plat of subdivision approved pursuant to part 4A.</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<hr/>									
	R-20	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H
Townhouse, in general	P ²	P	P ²	P ²	P ^{2,5}	P ²	X	X	X
<u>Townhouse, shown on a preliminary plat of subdivision approved pursuant to part 4A.</u>	<u>P²</u>	<u>P</u>	<u>P²</u>	<u>P²</u>	<u>P^{2,5}</u>	<u>P²</u>	<u>X</u>	<u>X</u>	<u>X</u>

⁴⁸ Townhouses which were [may be] permitted when developed pursuant to former Part 4A of this Subtitle prior to (the effective date of this legislation) are permitted. No more than twenty percent (20%) of the total number of dwelling units in the development may be townhouses.

DIVISION 4. REGULATIONS.

Sec. 27-442. Regulations.

(a) Regulations tables

(1) The following tables contain additional regulations for development in the Residential Zones.

(b) TABLE I - NET LOT AREA (Minimum in Square Feet)^{2, 19}

* * * * *

¹⁹ For a lot shown on a record plat of subdivision approved pursuant to former Part 4A of this Subtitle prior to (the effective date of this legislation),
no minimum lot area is required.

c) TABLE II - LOT COVERAGE AND GREEN AREA

USE	R-O-S	O-S	R-A	R-E	ZONE R-R	R-80	R-55	R-35	
Lot Coverage (Maximum% of Net Lot Area):									
Dwellings (including all accessory uses, home occupations) ^{7,8}									
*	*	*	*	*	*	*	*	*	
<hr/>									
	R-20	R-T	R-30	R-30C	R-18	R-18C	R-10A	R-10	R-H

Lot Coverage (Maximum% of Net Lot Area):

**Dwellings (including all accessory uses,
home occupations)^{7,[8]}**

* * * * * * *

⁸ For a lot shown on a record plat of subdivision approved pursuant to former Part 4A of this Subtitle prior to (the effective date of this legislation),
no maximum percent of lot coverage is required.

(d) TABLE III - LOT/WIDTH FRONTAGE (Minimum in Feet)^{12,21}

* * * * *

²¹ For a lot shown on a record plat of subdivision approved pursuant to former Part 4A of this Subtitle prior to (the effective date of this legislation),
no minimum lot width or frontage is required.

(e) TABLE IV - YARDS (Minimum Depth/Width in Feet) ^{23,25}

* * * * *

²⁵ For a lot shown on a record plat of subdivision approved pursuant to former Part 4A of this Subtitle prior to (the effective date of this legislation), there are no yard requirements.

* * * * *

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.

* * * * *

(2) The demands for housing,[including moderately priced housing,] commercial and industrial activities, and related public facilities and services are undergoing substantial and rapid changes, requiring improved methods of land use control;

* * * * *

DIVISION 2. SPECIFIC COMPREHENSIVE DESIGN ZONES.

Subdivision 1. M-A-C Zone (Major Activity Center).

Sec. 27-491. Regulations.

* * * * *

(c) **Other regulations**

* * * * *

(2) Additional regulations concerning development and use of property in the M-A-C Zone are as provided for in Divisions 1, 4, and 5 of this Part, General (Part 2),[Moderately Priced Dwelling Units (Part 4A),] Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.

* * * * *

[(e) For those developments with a residential component, ten percent (10%) of the base residential density shall be moderately priced dwelling units. A ten percent (10%) density increment shall be granted for the provision of moderately priced dwelling units.]

Subdivision 2. L-A-C Zone (Local Activity Center).

Sec. 27-496. Regulations.

* * * * *

(c) **Other regulations**

* * * * *

(2) Additional regulations concerning development and use of property in the L-A-C

Zone are as provided for in Divisions 1, 4, and 5 of this Part, General (Part 2), [Moderately Priced Dwelling Units (Part 4A),] Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.

* * * * *

[(e) For those developments with a residential component, ten percent (10%) of the base residential density shall be moderately priced dwelling units. A ten percent (10%) density increment shall be granted for the provision of moderately priced dwelling units.]

Subdivision 4. R-U Zone (Residential Urban Development).

Sec. 27-505. Regulations.

* * * * *

(c) Other regulations

* * * * *

(2) Additional regulations concerning development and use of property in the R-U Zone are as provided for in Divisions 1, 4, and 5 of this Part, General (Part 2), [Moderately Priced Dwelling Units (Part 4A),] Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.

* * * * *

[(f) Ten percent (10%) of the base residential density shall be moderately priced dwelling units. A ten percent (10%) density increment shall be granted for the provision of moderately priced dwelling units.]

Subdivision 5. R-M Zone (Residential Medium Development).

Sec. 27-509. Regulations.

* * * * *

(c) Other regulations

* * * * *

(2) Additional regulations concerning development and use of property in the R-M Zone are as provided for in Divisions 1, 4, and 5 of this Part, General (Part 2), [Moderately Priced Dwelling Units 9 Part 4A),] Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.

* * * * *

[(f) Ten percent (10%) of the base residential density shall be moderately priced dwelling units. A ten percent (10%) density increment shall be granted for the provision of moderately priced dwelling units.]

Subdivision 6. R-S Zone (Residential Suburban Development).

Sec. 27-513. Regulations.

* * * * *

(c) Other regulations

* * * * *

(2) Additional regulations concerning development and use of property in the R-S Zone are as provided for in Divisions 1, 4, and 5 of this Part, General (Part 2), [Moderately Priced Dwelling Units (Part 4A),] Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.

* * * * *

[(f) Ten percent (10%) of the base residential density shall be moderately priced dwelling units. A ten percent (10%) density increment shall be granted for the provision of moderately priced dwelling units.]

Subdivision 7. Village Zones.

Sec. 27-514.03. Uses.

* * * * *

(d) The following land use areas are required in the V-M and V-L Zones. More than one of each area may be provided in the Zone and, where deemed appropriate by the Planning Board or the District Council, areas may overlap physically, but the minimum area requirements for each use must be provided distinctly. Land use areas counting towards the satisfaction of one (1) requirement may not be used to satisfy any other requirement. The Comprehensive Design Plan shall include a phasing plan which establishes the relative construction schedule for all residential areas within the Village, including all Hamlets, in relation to the Storefront Area, Civic Use Area, and Village Commons. The purpose of this phasing plan shall be to ensure that the construction of a Village will progress in an orderly

and balanced manner, and that Village residents will be provided with appropriate commercial, civic, and open space facilities and amenities concurrently with the construction of residential areas.

* * * * *

(3) Residential Areas

(A) The purpose of these areas is to provide for a variety of housing opportunities,[including moderately priced dwelling units,] and to provide for the flexible use of residential buildings in an environment which is complemented with compatible uses, including the Storefront Area, Civic Use Area, and Recreational Areas.

* * * * *

Sec. 514.07.01. Hamlets.

* * * * *

(b) General requirements.

(1) The following criteria shall be met in each Hamlet:

* * * * *

[(E) The majority of Moderately Priced Dwelling Units required in the Zone may not be included in a single Hamlet.]

* * * * *

**DIVISION 4. COMPREHENSIVE DESIGN PLANS AND
SPECIFIC DESIGN PLANS.**

Subdivision 1. Comprehensive Design Plans.

Sec. 27-518. Contents of Plan.

* * * * *

(b) The Comprehensive Design Plan shall consist of the following:

* * * * *

(5) The number of dwelling units proposed, [including moderately priced dwelling units] (by type of dwelling unit) for each staged unit;

* * * * *

Sec. 27-521. Required findings for approval.

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

* * * * *

(3) Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, [moderately priced dwelling units, or approved alternate methods of compliance with the requirement for moderately priced dwelling units,] facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;

* * * * *

[(6) Each staged unit of the development includes a proportionate amount of moderately priced dwelling units, unless an alternative method of compliance has been approved;]

[(7)](6)	*	*	*	*
[(8)](7)	*	*	*	*
[(9)](8)	*	*	*	*
[(10)](9)	*	*	*	*
[(11)](10)	*	*	*	*

Subdivision 2. Specific Design Plans.

Sec. 27-527. Contents of Plan.

* * * * *

(b) The Specific Design Plan shall include (at least) the following:

* * * * *

(2) Reproducible preliminary architectural plans, including floor plans and exterior elevations; and

(3) A reproducible landscape plan prepared in accordance with the provisions of the Landscape Manual[; and].

[(4) Where the development includes dwellings, a reproducible site plan must include a preliminary classification of dwelling units by type, and by number of bedrooms, showing the number, size, and location of moderately priced dwelling units.]

PART 9. PLANNED COMMUNITY ZONES.

DIVISION 2. SPECIFIC PLANNED COMMUNITY ZONES.

Sec. 27-538. R-P-C Zone (Planned Community).

* * * * *

(c) Regulations

(1) Additional regulations concerning the location, size, and other provisions for all buildings and structures in the R-P-C Zone are as provided for in Division 4 of this Part, in the Landscape Manual[, and in Part 4A of this Subtitle].

(d) Site plan

(1) In any R-P-C Zone approved either by Sectional Map Amendment or Zoning Map Amendment after January 1, 1989, pursuant to the provisions of Section 27-158(a), [or when development includes moderately priced dwelling units in accordance with Part 4A of this Subtitle and Subtitle 13, Division 8,] a Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle prior to the issuance of any grading, building, or use and occupancy permit. No grading, building, or use and occupancy permit shall be issued except in accordance with the approved Detailed Site Plan.

* * * * *

PART 10. MIXED USE ZONES.

DIVISION 2. SPECIFIC MIXED USE ZONES.

Subdivision 1. M-X-T Zone (Mixed Use - Transportation Oriented).

Sec. 27-542. Purposes.

(a) The purposes of the M-X-T Zone are:

(1) To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, and major transit stops, so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and [moderately priced] living opportunities for its citizens;

* * * * *

Sec. 27-544. Regulations.

(a) Additional regulations concerning the location, size, and other provisions for all buildings and structures in the M-X-T Zone are as provided for in Divisions 3 and 4 of this Part, General (Part 2), Off- Street Parking and Loading (Part 11), Signs (Part 12), and the

Landscape Manual[, and Moderately Priced Dwelling Units (Part 4A)].

[b) For developments with a residential component, ten percent (10%) of the base residential density shall be moderately priced dwelling units. A ten percent (10%) density increment shall be granted for the provision of moderately priced dwelling units.]

Subdivision 2. M-X-C (Mixed Use Community).

Sec. 27-546.01. Purposes.

(a) The purposes of the Mixed Use Community Zone are to:

* * * * *

(6) Provide a variety of lot sizes and dwelling types so as to provide housing for a spectrum of incomes, ages, and family structures[, including moderately priced housing opportunities];

* * * * *

Sec. 27-546.04. Other regulations.

* * * * *

[(d) Ten percent (10%) of the dwelling units in the Single-Family - Medium Density and Other Residential use areas shall be moderately priced dwelling units. Moderately priced dwelling units required for Single- Family - Medium Density Areas may be provided in areas designated for Other Residential in the same or a separate Final Development Plan.]

* * * * *

Sec. 27-546.05. Comprehensive Sketch Plan.

* * * * *

(c) **Contents of Comprehensive Sketch Plan**

* * * * *

(2) The Comprehensive Sketch Plan shall consist of the following:

* * * * *

[(I) A preliminary calculation of moderately priced dwelling units and a phasing plan for their construction;]

[(J)](I) The estimated residential or employment population for each land use area;

[(K)](J) Where a Comprehensive Sketch Plan proposes to include an adaptive use of a Historic Site, the application shall include:

* * * * *

Sec. 27-546.06. Final Development Plan.

* * * * *

(c) Contents of the Final Development Plan

(1) The Final Development Plan shall consist of:

* * * * *

(C) The number of residential units proposed[, including moderately priced dwelling units, and a phasing plan for the provision of the moderately priced dwelling units]; and

* * * * *

PART 10A. OVERLAY ZONES.

DIVISION 1. T-D-O (TRANSIT DISTRICT OVERLAY) ZONE.

Subdivision 1. General.

Sec. 27-548.03. Purposes.

(a) The specific purposes of the Transit District Overlay Zone are:

* * * * *

(11) To insure that developments within the Transit District possess a desirable urban design relationship with one another, the Metro station, and adjoining areas; and

(12) To provide flexibility in the design and layout of buildings and structures, and to promote a coordinated and integrated development scheme[; and]_

[(13) To provide a wide range of housing available to all socioeconomic groups.]

Sec. 27-548.07. Transit District Development Plan.

* * * * *

(c) The Transit District Development Plan shall include the following:

* * * * *

(9) Reports and analyses necessary to describe the area's public facilities' infrastructure requirements, and to prioritize them; and

(10) A landscape plan prepared pursuant to the provisions of the Landscape Manual[; and].

[(11) For those developments with a residential component, ten percent (10%) of all dwelling units shall be moderately priced dwelling units.]

* * * * *

Sec. 27-548.08. Site plan.

* * * * *

(b) Contents

(1) In addition to the information required by Part 3, Division 9, for Detailed Site Plans, the following additional information shall be included for Plans in the T-D-O Zone:

(A) The [exact location,] number, floor area, and type of [all] dwelling units[, including moderately priced dwelling units, and reproducible preliminary architectural plans, including floor plans and exterior elevations];

* * * * *

(c) Required findings

(1) The findings required by Section 27-285(b) shall not apply to the T-D-O Zone. Instead, the following findings shall be made by the Planning Board when approving a Detailed Site Plan in the T-D-O Zone:

* * * * *

[(F) If staging is involved, each staged unit of the development includes a proportionate amount of moderately priced dwelling units, unless an alternative method of compliance has been approved.]

* * * * *

SECTION 2. BE IT FURTHER ENACTED that Sections 27-418.01 through 27-418.04, comprising Part 4A 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 4A. MODERATELY PRICED DWELLING UNITS.

DIVISION 1. GENERAL PROVISIONS.

Subdivision 1. General requirements.

Sec. 27-418.01. Purposes.

(a) The purposes of this Part are:

(1) To require the provision of moderately priced dwelling units in certain zones in accordance with the requirements of Subtitle 13, Division 8; and

(2) To facilitate the implementation of the MPDU Program set forth in Subtitle 13, Division 8.

Sec. 27-418.02. Procedures.

(a) The procedures to be followed in implementing the Moderately Priced Dwelling Unit Program are set forth in Subtitle 13, Division 8, of this Code.

Sec. 27-418.03. Requirements for CDZ, Mixed Use, and T-D-O Zones.

(a) Any applicant who submits for approval a preliminary plat of subdivision to the Planning Board for the development of dwellings in a Comprehensive Design Zone (CDZ), with the exception of the V-M and V-L Zones, unless the proposed development is located in a Chesapeake Bay Critical Area Overlay Zone, shall provide ten percent (10%) of the base density of all dwelling units as moderately priced dwelling units. A density increment of ten percent (10%) shall be granted for the provision of moderately priced dwelling units.

(b) Any applicant who submits for approval a preliminary plat of subdivision to the Planning Board for the development of dwellings in the Transit District Overlay Zone, Mixed Use Transportation Oriented Zone, Village-Medium, or Village-Low Zone shall provide ten percent (10%) of all dwelling units as moderately priced dwelling units. In the T-D-O Zone, the applicant shall receive a density increment equal to the number of moderately priced dwelling units required, provided the total density does not exceed the maximum allowable density for the underlying zone set forth in Section 27-442(h).

(c) Any applicant who submits for approval a preliminary plat of subdivision to the Planning Board for the development of dwellings in the Mixed Use Community Zone, unless

the proposed development is located in a Chesapeake Bay Critical Area Overlay Zone, shall provide ten percent (10%) of all dwelling units in the Single-Family-Medium Density and Other Residential use areas as moderately priced dwelling units. Moderately priced dwelling units required for Single-Family-Medium Density use areas may be provided in Other Residential use areas.

(d) The alternative method of compliance procedure established in Subtitle 13, Division 8, and set forth in the adopted Regulations for MPDUs may be utilized where the number of moderately priced dwelling units to be created is not economically feasible, cannot be built in a manner compatible with the other developed dwellings, it is likely that the MPDUs will be unaffordable by eligible households, alternative compliance will achieve significantly more MPDUs, or the public benefit outweighs the benefit of constructing MPDUs.

(e) Additional regulations for development of residential dwellings in these zones are found in Part 8 (Comprehensive Design Zones), Part 10 (Mixed Use Zones), and Part 10A (Overlay Zones).

Sec. 27-418.04. Requirements for Residential Zones (R-80, R-55, R-35, R-20, R-T, R-30, R-30C, R-18, R-18C, R-10A, R-10, R-H, and R-P-C Zones).

(a) Applicability

(1) Any applicant who submits for approval a preliminary plat of subdivision, or a Detailed Site Plan that is not pursuant to a preliminary plat of subdivision, to the Planning Board for the development of fifty (50) or more dwelling units in the R-80, R-55, R-35, R-20, R-T, R-30, R-30C, R-18, R-18C, R-10A, R-10, R-H, and R-P-C Zones, unless the proposed development is located in a Chesapeake Bay Critical Area Overlay Zone, shall provide ten percent (10%) of all dwelling units as moderately priced dwelling units.

(2) Any applicant who submits for approval a preliminary plat of subdivision for the development of less than fifty (50) units shall not be required to comply with the requirement for the provision of moderately priced dwelling units. If a preliminary plat is subsequently filed on adjacent land by the same applicant for development that, when combined with the first development, will total more than fifty (50) units, the requirement for the provision of moderately priced dwelling units shall be imposed. The applicant will be

required to provide the number of moderately priced dwelling units necessary to bring the entire development into compliance with the requirements. For purposes of this Part, land is considered adjacent if the property lines are contiguous at any point, the property lines are separated only by a public or private street, road, highway, utility right-of-way, or other public or private right-of-way at any point, or the property lines are separated only by other land of the applicant which is not subject to this Part at the time the applicant submits a preliminary plat of subdivision for approval.

(b) Development standards

(1) All development which includes moderately priced dwelling units shall be subject to Detailed Site Plan approval in accordance with Part 3, Division 9, of this Subtitle, and shall not be included in an application for final plat until a Detailed Site Plan has been approved.

(2) In the residential zones that do not permit townhouse development other than when developed pursuant to MPDU requirements, no more than twenty percent (20%) of the total number of dwelling units in the development may be townhouses.

(c) Density increment

(1) An applicant shall receive a density increment equal to the number of moderately priced dwelling units required, provided the total density does not exceed the maximum allowable density set forth in Section 27-442(h).

(d) The alternative method of compliance procedure established in Subtitle 13, Division 8, and set forth in the adopted Regulations for MPDUs may be utilized where the number of moderately priced dwelling units to be created is not economically feasible, cannot be built in a manner compatible with the other developed dwellings, it is likely that the MPDUs will be unaffordable by eligible households, alternative compliance will achieve significantly more MPDUs, or the public benefit outweighs the benefit of constructing MPDUs.

(e) Additional regulations for development of residential dwellings in these zones are found in Part 5 (Residential Zones).]

SECTION 3. BE IT FURTHER ENACTED that the provisions of this Ordinance shall apply to all preliminary plats of subdivision, for which an application has been filed after the

effective date of this legislation.

SECTION 4. BE IT FURTHER ENACTED that any dwelling unit constructed pursuant to a building permit issued prior to the effective date of this Ordinance for the construction of a Moderately Priced Dwelling Unit shall be deemed in compliance with Subtitle 27 and shall not be considered to be a non-conforming structure or use.

SECTION 5. BE IT FURTHER ENACTED that the zoning regulations pertaining to net lot area, lot coverage and green area, lot width or frontage, and yards applicable to any lot or dwelling to be constructed in the R-55 or R-80 Zones pursuant to a preliminary plat of subdivision that included a requirement for the provision of Moderately Priced Dwelling Units approved on or before the effective date of this Ordinance shall be the minimum standards set forth on the approved preliminary plat, detailed site plan, and final plat. Any dwelling unit constructed in accordance with the standards approved on the preliminary plat shall be deemed in compliance with Subtitle 27 and shall not be considered to be a non-conforming structure or use.

SECTION 6. BE IT FURTHER ENACTED that this Ordinance shall take effect on the effective date of CB-48-1996.

Adopted this 12th day of November, 1996.

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:

Stephen J. Del Giudice
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.