

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

**1995 Legislative Session**

Bill No. \_\_\_\_\_ CB-53-1995

Chapter No. \_\_\_\_\_ 45

Proposed and Presented by \_\_\_\_\_ Chairwoman MacKinnon

Introduced by \_\_\_\_\_ Council Member MacKinnon

Co-Sponsors

Date of Introduction \_\_\_\_\_ July 31, 1995

**ZONING BILL**

AN ORDINANCE concerning

Arenas

For the purpose of permitting an Arena (stadium) by right in the R-M and L-A-C Zones under certain circumstances, exempting an arena from certain provisions of the Landscape Manual, providing for the nullification of a Basic Plan, Comprehensive Design Plan and Specific Design Plan under certain circumstances, exempting an arena from the limitation on compact car spaces, allowing an arena to construct within a proposed right-of-way, and establishing a new process for approval of a Specific Design Plan for an arena.

BY repealing and reenacting with amendments:

Sections 27-124.05,  
27-259,  
27-477(c),  
27-515(b), and  
27-559,

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

SUBTITLE 27. ZONING.

The Prince George's County Code  
(1991 Edition, 1994 Supplement).

BY adding:

Sections 27-532.03,  
The Zoning Ordinance of Prince George's County, Maryland,  
being also  
SUBTITLE 27. ZONING.  
The Prince George's County Code  
(1991 Edition, 1994 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 27-124.05, 27-259, 27-477(c), 27-515(b), and 27-559 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Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments: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 5. REGULATIONS ADOPTED BY REFERENCE.**

**Subdivision 1. Landscape Manual.**

**Sec. 27-124.05. Exemptions.**

(a) Uses in all zones shall comply with the standards set forth in the Landscape Manual, except as provided below:

\* \* \* \* \*

(8) Section 4.3(c) of the Landscape Manual shall not be applicable to arenas (stadiums). However, landscaping in the interior parking lot area of a stadium shall be provided along all major vehicular access driveways. In addition, the District Council shall determine the type and amount of landscaping required during the approval of any Specific Design Plan for an arena (stadium)

**PART 3. ADMINISTRATION.**

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

**Subdivision 2. Procedures.**

**Sec. 27-259. Permits within proposed rights-of-way.**

(a) Authorization

(1) With the exception of an arena (stadium) proposed to be constructed on land leased or purchased from a public agency, no [No] building or sign permit (except as provided in Part 12 of this Subtitle) may generally be issued for any structure on land located within the right-of-way or acquisition lines of a proposed street, rapid transit route, or rapid transit facility, or proposed relocation or widening of an existing street, rapid transit route, or rapid transit facility, as shown on a Master Plan; however, the Council may authorize the issuance of the building or sign permit in accordance with this Section. For the purposes of this Section, "Master Plan" means the General Plan, the Functional Master Plan of Transportation, or any Adopted and Approved Area Master Plan or, if not yet approved, any such Master Plan adopted by the Planning Board, unless the Plan has been rejected by the Council.

\* \* \* \* \*

**PART 8. COMPREHENSIVE DESIGN ZONES.**

**DIVISION 1. GENERAL.**

**Sec. 27-477. Applicability.**

(c) Upon conveyance of any property to a public agency for recreational purposes, for which there exists an approved Basic Plan, Comprehensive Design Plan, or Specific Design Plan, any such Basic Plan, Comprehensive Design Plan, or Specific Design Plan (including any conditions attached to such Plans), shall be null and void, and of no further force or effect. All subsequent development of any such property (including issuance of permits), for recreational purposes (which may include an arena (stadium)), regardless of ownership, shall not be subject to approval of any Basic Plan or Comprehensive Design Plan, but shall be subject to approval of a Specific Design Plan in accordance with Section 27-532.03.

**DIVISION 3. USES PERMITTED.**

**Sec. 27-515. Uses permitted.**

## (b) TABLE OF USES

						ZONE								
USE						M-A-C	L-A-C	E-I-A	R-U	R-M	R-S	R-L	V-L	V-M
*	*	*	*	*	*	*	*	*	*	*	*			
(5) RECREATIONAL/ENTERTAINMENT/SOCIAL/CULTURAL:														
*	*	*	*	*	*	*	*	*	*	*				
Arena (stadium): <sup>27</sup>														
(A) <u>On a tract of land greater than 150 contiguous acres, (which may include land in any other zone where the use is permitted by right), such land having been leased or purchased from a public agency</u>						<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
(B) <u>All others</u>						<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
*	*	*	*	*	*	*	*	*	*	*	*			

<sup>27</sup> Subject to approval of a Specific Design Plan in accordance with Section 27-532.03. For the purposes of this use, the word "contiguous" shall include those properties which are separated by a public right-of-way.

**PART 11. OFF-STREET PARKING AND LOADING.**

**DIVISION 1. GENERAL.**

**Subdivision 2. Design Standards.**

**Sec. 27-559. Compact car spaces.**

(a) Up to one-third (1/3) of the required number of parking spaces in any parking lot may be compact car spaces. This limitation shall not apply to an arena (stadium). In lieu thereof, the District Council shall determine the maximum number of compact spaces allowed during the approval of any Specific Design Plan for an arena (stadium).

\* \* \* \* \*

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 Section 27-532.03 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same is hereby added:

**SUBTITLE 27. ZONING.**

**PART 8. COMPREHENSIVE DESIGN ZONES.**

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

**Sec. 27-532.03. Arenas (stadiums).**

**(a) Purposes.**

(1) To establish a review process which effectively examines the impacts of arenas (stadiums) in the Comprehensive Design Zones; and

(2) To provide an opportunity to take advantage of the economic development, private investment, tourism, and recognition created by the location of a professional sports franchise.

**(b) General.**

(1) While the purposes of a Comprehensive Design Zone typically require a three (3) step review process, taking development from the general (Basic Plan), to the conceptual (Comprehensive Design Plan), to the detailed (Specific Design Plan), these steps and the need for them are adequately addressed by the additional submittal requirements and findings

established in this Section for arenas (stadiums); and

(2) The level of analysis made as part of a typical three (3) step Comprehensive Design Zone review process will be provided in a one (1) or two (2) step Specific Design Plan process. The first step, an optional preliminary Specific Design Plan review, will allow conceptual staff approval of the preliminary Specific Design Plan at the applicant's discretion.

(c) Requirements, general.

(1) A tract of land greater than one hundred fifty (150) contiguous acres, (which may include land in any other zone where the use is permitted by right), and which may include properties which are separated by a public right-of-way;

(2) A fiscal analysis that estimates the public costs and revenues expected to be generated by the proposed development; and

(3) A comprehensive plan detailing how trash, litter and other debris will be addressed.

(d) Requirements, optional preliminary Specific Design Plan.

(1) A preliminary Specific Design Plan shall include the following:

(A) A reproducible drawing showing the proposed development of the property. The drawing shall show the approximate location of all buildings, structures, parking, and environmental constraints, such as floodplains, wetlands, soil types, and other important physiographic landforms;

(B) A text that includes a description of design principles proposed to govern the project;

(C) The total number of acres in the proposed project and the percentage thereof proposed for various uses;

(D) A Forest Stand Delineation and Proposed Type I Tree Conservation Plan; and

(E) Engineering feasibility studies (including traffic engineering studies), as necessary.

(e) Requirements, final Specific Design Plan.

(1) The final Specific Design Plan shall be prepared in accordance with Sections

27-282 and 27-283 of the Zoning Ordinance for Detailed Site Plans; and

(2) The Specific Design Plan shall include a text or statement of justification, additional drawings, and such other documentation necessary to address:

(A) Noise, and the way in which the use will conform with applicable state noise laws;

(B) Lighting for the parking lot and arena;

(C) An approved conceptual stormwater management plan;

(D) A Forest Stand Delineation and Proposed Type II Tree Conservation Plan;

(E) Location of perennial streams, nontidal wetlands, soils by soil types, including highly erodible soils, cemeteries, one hundred (100) year floodplain, proposed stream buffers, existing and proposed topography, indicating areas of steep slopes (15-25%), severe slopes (over 25%) and important historical or archeological resources;

(F) Street grading;

(G) Locations, names, and present right-of-way widths of adjacent streets, alleys, or public ways;

(H) Location and names of adjacent subdivisions and names of owners of abutting acreage;

(I) Width and location of all existing or proposed easements; and

(J) An accurate plat (prepared, signed, and sealed by a registered engineer or land surveyor) showing the present configuration of the property, including bearings and distance (in feet).

(f) Required findings, final Specific Design Plan.

(1) In order for the District Council to approve a Specific Design Plan for an arena (stadium) in the Comprehensive Design Zones, it shall make the following findings:

(A) Significant natural features which are impossible or difficult to reproduce, such as waterways, streams, hills, wooded lands, and specimen trees have been preserved to the degree practicable;

(B) A Stormwater Management Plan has been approved by the Department of

Environmental Resources or the municipality having approval authority, unless the District Council finds that such approval will not affect the plan. Stormwater management facilities existing or proposed as part of the development shall have sufficient capacity to convey surface water runoff;

(C) A public safety plan has been reviewed by the County Executive or his designee. The public safety plan shall address, at a minimum, fire/rescue services, emergency medical, and police services, in accordance with the provisions of the Guidelines for the Analysis of the Impact of the Development on Police Facilities and the Guidelines for Analysis of the Impact of Development on Fire Facilities. The plan shall account for all necessary staffing requirements for local personnel needed for traffic control, point control and off-site parking lot security, with direct input and participation from the County.

(D) Transportation facilities.

(i) There is, or will be in place, sufficient traffic management systems during stadium events to assure safe and reasonable access to residential neighborhoods in the area for residents and emergency vehicles;

(ii) All streets proposed for dedication to public use shall be designed to the standards of the County road ordinance, (Subtitle 23), and street standards for width and minimum curve radii or to the standards of municipalities having jurisdiction. Variations from these standards may be granted by the District Council upon the approval of the Department of Public Works and Transportation, or upon the recommendation of the municipality or other governmental authority having jurisdiction; and

(iii) Either (aa) the development will be adequately served within a reasonable period of time with existing or programmed facilities, or facilities that will be provided as part of a developer agreement with the County and/or State (notwithstanding the provisions of the "Guidelines for the Analysis of the Traffic Impact of Development Proposals", traffic impacts may exceed Level-of-Service "D" for a reasonable period of time during peak operations); or (bb) roadway improvements or trip reduction programs participated in or funded by the applicant or its successors or assigns, will alleviate any inadequacy as determined by the District Council.



(iv) All required improvements shall be constructed prior to the issuance of any use and occupancy permit.

(E) One hundred (100) year floodplain.

(i) In the case of a proposed stadium which includes a one hundred (100) year floodplain area along a stream, unless such area is to become a public park or recreation area maintained by a designated public authority, the area shall be denoted upon the plan as a floodplain easement. Such easement shall include provisions for ingress and egress, where practicable. The floodplain easement area may be used, if necessary, for utility lines, storm drainage facilities, open-type fencing, passive recreation, or road crossings, provided that no structures are built that would interfere with the flood conveyance capacity of such easement area, unless designed in conformance with an approved stormwater management plan; and

(ii) The floodplain associated with a watercourse having less than fifty (50) acres of watershed upstream may be excluded from the floodplain area computation, subject to the approval of the Department of Environmental Resources in accordance with the provisions of Subtitle 4 of this Code.

(F) Stream, wetland and water quality protection and stormwater management.

(i) The development has been designed to minimize the effects of development on land, streams and wetlands, to assist in the attainment and maintenance of water quality standards, and to preserve and enhance the environmental quality of stream valleys;

(ii) If any existing soils are found to be unsafe, the District Council may permit the part of the lot to be developed in which there is sufficient land to erect any buildings within the property if a twenty-five (25) foot setback is maintained between the proposed building and the unsafe area; and

(iii) When the applicant proposes remedial actions to correct or alleviate unsafe soil conditions, the District Council shall refer such proposals to the Chief Building Inspector for a determination of whether such measures are sufficient to protect the health and

safety of existing and future residents. The Council may approve the development of such land, upon recommendation of the Chief Building Inspector, provided that covenants have been recorded which incorporate the remedial actions.

(G) The development complies with the provisions for woodland conservation and tree preservation established for the use in Subtitle 25 of the County Code.

(H) Any lighting used to illuminate the site shall be designed in such a way as to not cause direct glare on any adjacent residential neighborhood.

(g) Application.

(1) An application shall be filed by the applicant on forms provided by the Clerk to the Council. The application shall include the names and addresses of the applicant, record owner(s), and any contract purchaser, and shall be signed by the record owner(s);

(h) Filing fees.

(1) Upon filing the application, the application shall pay to the District Council a filing fee to help defray the costs related to processing the application. The filing fee shall be in accordance with the Planning Board's current fee schedule.

(2) In addition to the filing fee, a sign posting fee shall also be paid by the applicant to the District Council at the time the application is filed. The fee shall be in accordance with the Planning Board's current fee schedule.

(i) Hearing.

(1) Prior to making a decision on the Specific Design Plan, the District Council shall hold an evidentiary hearing on the matter. The hearing shall be held in accordance with the procedures set forth in Section 27-132.

(j) Time limit for final action.

(1) The District Council shall take action on the Specific Design Plan within seventy (70) days of its submittal.

(2) If no action is taken within one hundred (100) days, the Specific Design Plan shall be deemed to have been denied. The applicant may (in writing) waive the one hundred (100) day requirement to provide for some longer specified review period.

(k) Notice.

(1) Notice of the date, time, and place of the hearing shall be sent to all persons of record, any municipality within which the property is located, and any municipality located within one (1) mile of the property.

(l) Posting.

(1) A sign or signs shall be placed on the subject property in accordance with the general locational and legibility requirements specified in Section 27-150 of this Subtitle, at least fifteen (15) days prior to the hearing on the Specific Design Plan.

(m) Technical staff report.

(1) The technical staff shall analyze the request, and shall forward its comments and recommendations to the District Council. These comments and recommendations shall be available for examination at least fourteen (14) calendar days prior to the evidentiary hearing.

(n) District Council decision.

(1) After the close of the record, the District Council shall take action on the application. The decision of the District Council shall be based on the record, and shall be embodied in an ordinance adopted at a regularly scheduled public meeting;

(2) The District Council shall give written notice of its decision to all persons of record; and

(3) The provisions for reconsideration set forth in Section 27-135 shall not be applicable to a Specific Design Plan for an arena (stadium) in the Comprehensive Design Zones.

SECTION 3. BE IT FURTHER ENACTED that all properties owned by the Maryland-National Capital Park and Planning Commission as of the effective date of this Ordinance, and purchased for recreational purposes on or after April 1, 1995 shall be subject to the provisions of this Ordinance.

SECTION 4. BE IT FURTHER ENACTED that the District Council shall appoint a group of citizens representative of civic associations from the fifth, sixth and seventh councilmanic districts. These citizens shall be informed of all submittals of information to the appropriate County agencies regarding the approval of any stadium within these districts, and

shall be provided copies of all information at the time of submittal. This effort shall be coordinated by representatives of the appropriate agencies.

SECTION 5. BE IT FURTHER ENACTED that the provisions of this Ordinance are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Ordinance, since the same would have been enacted without the incorporation in this Ordinance of any such invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

SECTION 6. BE IT FURTHER ENACTED that this Ordinance shall take effect on the date of adoption.

Adopted this 5th day of September , 1995.

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:

Anne T. MacKinnon  
Chairwoman

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.