

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2020 Legislative Session**

Bill No. CB-22-2020

Chapter No. 12

Proposed and Presented by Council Members Turner and Davis

Introduced by Council Members Turner, Davis, Streeter, Hawkins, Harrison and Franklin

Co-Sponsors _____

Date of Introduction June 9, 2020

ZONING BILL

1 AN ORDINANCE concerning

2 R-S Zone

3 For the purpose of permitting certain employment and institutional uses permitted by right in the
4 E-I-A (Employment and Institutional Area) Zone to be permitted in the R-S (Residential
5 Suburban) Zone of Prince George's County, under certain specified circumstances, and
6 providing procedures for the amendment of approved Basic Plans to guide the development of
7 such uses.

8 BY repealing and reenacting with amendments:

9 Sections 27-124.02, 27-195, 27-197, 27-511, 27-512, 27-513,
10 and 27-515,

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

13 SUBTITLE 27. ZONING.

14 The Prince George's County Code
15 (2015 Edition, 2019 Supplement).

16 SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland,
17 sitting as the District Council for that part of the Maryland-Washington Regional District in
18 Prince George's County, Maryland, that Sections 27-124.02, 27-195, 27-197, 27-511, 27-512,
19 27-513 and 27-515 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20 Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and

1 reenacted with the following amendments:

2 **SUBTITLE 27. ZONING.**

3 **PART 2. GENERAL.**

4 **DIVISION 4. REGULATIONS APPLICABLE IN ALL ZONES.**

5 **SUBDIVISION 8. WOODLAND CONSERVATION AND TREE PRESERVATION.**

6 **Sec. 27-124.02. Woodland Conservation and Tree Preservation.**

7 (a) Development proposals of all types in all zones, except the Chesapeake Bay Critical
8 Area Overlay Zones and development comprised of lands zoned Residential, R-M, and M-X-T
9 for which there is an approved single Conceptual Site Plan applicable to all of the properties, or
10 land zoned R-S and developed with uses permitted in the E-I-A Zone as authorized pursuant to
11 Section 27-515(b) of this Code, shall comply with the requirements for woodland conservation,
12 tree preservation, and tree canopy coverage pursuant to the provisions of Subtitle 25 of the
13 Prince George's County Code.

14 (b) In the case of development comprised of lands zoned Residential, R-M, and M-X-T, for
15 which there is an approved single Conceptual Site Plan applicable to all of the properties, the
16 Woodland Conservation/Afforestation Threshold shall be in accordance with the requirements
17 for the M-X-T Zone and the tree canopy coverage requirement shall be in accordance with the
18 requirements of the M-X-T Zone.

19 (c) In the case of land zoned R-S and developed with uses permitted in the E-I-A Zone as
20 authorized pursuant to Section 27-515(b) of this Code, the Woodland Conservation/Afforestation
21 Threshold shall be in accordance with the requirements for the E-I-A Zone and the tree canopy
22 coverage requirement shall be in accordance with the requirements of the E-I-A Zone.

23 **PART 3. ADMINISTRATION.**

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

25 **SUBDIVISION 3. COMPREHENSIVE DESIGN ZONES.**

26 **Sec. 27-195. Map Amendment Approval.**

27 (b) Criteria for approval.

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

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

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

6 (ii) The principles and guidelines described in the Plan
7 (including the text) with respect to land use, the number of dwelling units, intensity of
8 nonresidential buildings, and the location of land uses; or

9 (iii) The regulations applicable to land zoned R-S and
10 developed with uses permitted in the E-I-A Zone as authorized pursuant to Section 27-515(b) of
11 this Code.

12 * * * * *

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

14 (c) If an amendment of an approved Basic Plan does not involve a change in land
15 area or an increase in land use density or intensity, [or] is for the purpose of adding a
16 Planned Environmental Preservation Community, or is for the purpose of allowing uses
17 permitted in the E-I-A Zone on land in the R-S Zone pursuant to Section 27-515(b) of this Code,
18 the Plan may be amended by the Council in accordance with the following procedures:

19 (1) The applicant shall file the request (in triplicate) with the Clerk of the
20 Council. The petition shall be accompanied by a new reproducible copy of the proposed new
21 Basic Plan (graphic only) or three (3) copies of the proposed new Basic Plan Text (as necessary
22 depending on the amendment proposed). The Clerk’s office shall advise the applicant (in
23 writing) that the Technical Staff has found that the request is complete. If an amendment to an
24 approved Basic Plan is proposed for the purpose of adding a Planned Environmental
25 Preservation Community, the applicant must hold a meeting to solicit public comment on the
26 Plan for the purpose of incorporating comments concerning use, design, and density, to the
27 extent possible, into the Plan. The applicant shall send by certified mail notice of the date, time,
28 place and subject matter of the meeting to all adjoining property owners, including owners
29 whose properties lie directly across a street, alley, or stream, to all persons of record in the
30 original application, and to every municipality located within one (1) mile of the applicant’s
31 property. Evidence that the applicant has complied with this requirement shall be provided prior

1 to the acceptance of the applicant’s petition by the Clerk of the Council.

2 (2) The Clerk of the Council shall refer copies of the request and
3 accompanying documents to the Planning Board and to the People’s Zoning Counsel. The
4 Planning Board and the People’s Zoning Counsel shall submit any comments which they have
5 on the request to the Council, the Zoning Hearing Examiner, the petitioner, and all persons of
6 record in the original Zoning Map Amendment application. The comments shall be submitted not
7 later than sixty (60) days after the date the Clerk refers the petition to them, unless such deadline
8 is waived in writing by the applicant.

9 (3) Within one hundred twenty (120) days after referral of the petition to the
10 Planning Board and People’s Zoning Counsel, the Zoning Hearing Examiner shall conduct a
11 public hearing on the petition. The hearing shall be held in accordance with Section 27-129. The
12 hearing shall not be held until after the sixty (60) day review period has expired, unless both the
13 Planning Board and People’s Zoning Counsel have submitted their comments.

14 (4) Within thirty (30) days from the close of the hearing record, the Zoning
15 Hearing Examiner shall file a written recommendation with the District Council, unless such
16 deadline is waived in writing by the applicant.

17 (5) Any person of record may appeal the recommendation of the Zoning
18 Hearing Examiner within fifteen (15) days of the filing of the Zoning Hearing Examiner’s
19 recommendation with the District Council. If appealed, all persons of record may testify before
20 the District Council.

21 (6) Persons arguing shall adhere to the District Council’s Rules of Procedure,
22 and argument shall be limited to thirty (30) minutes for each side, and to the record of the
23 hearing.

24 (7) In approving the petition, the District Council shall find that the
25 requirements of Section 27-195(b) have been met. If the Council does not act within forty-five
26 (45) days of the filing of the written recommendation, the petition shall be considered to have been
27 denied.

28 * * * * *

29 **PART 8. COMPREHENSIVE DESIGN ZONES**
30 **DIVISION 2. SPECIFIC COMPREHENSIVE DESIGN ZONES.**
31 **SUBDIVISION 6. R-S ZONE (RESIDENTIAL SUBURBAN DEVELOPMENT).**

Sec. 27-511. Purposes.

(a) The purposes of the R-S 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, public urban renewal plan, or Sectional Map Amendment Zoning Change; and

(C) Applicable regulations are satisfied for uses authorized pursuant to Section 27-515(b) of this Code.

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

(3) Assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District;

(4) Encourage amenities and public facilities to be provided in conjunction with residential development;

(5) Encourage and stimulate balanced land development; [and]

(6) Improve the overall quality and variety of residential environments in the Regional District [.] ; and

(7) Allow qualifying properties in the R-S Zone to develop with uses in the E-I-A Zone pursuant to Section 27-515(b) of this Code.

Sec. 27-512. Uses.

(a) The general principle for land uses in this zone is that uses shall be either residential in nature, or necessary to serve the dominant residential uses. These latter uses shall be integrated with the residential environment without disrupting the residential character or residential activities. The land uses in the zone may also consist of any uses authorized pursuant to Section 27-515(b) of this Code.

1 (b) The uses allowed in the R-S Zone are as provided for in the Table of Uses (Division 3
2 of this Part).

3 **Sec. 27-513. Regulations.**

4 * * * * *

5 (d) Other regulations.

6 (1) Each lot shall have frontage on, and direct vehicular access to, a public street,
7 except lots for which private streets or other access rights-of-way have been authorized pursuant
8 to Subtitle 24 of this Code.

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

12 (3) Notwithstanding any other requirement of this Subdivision, the types of dwelling
13 units permitted shall be limited to one-family detached and attached dwellings. No more than
14 thirty-five percent (35%) of the total number of dwelling units shall be attached units; however,
15 the restrictions for attached dwelling units of this subsection, above, shall not apply to Mixed
16 Retirement Development in the R-S Zone.

17 (4) Notwithstanding any other provision of this Subtitle, a grading permit to support
18 the development of uses permitted in the E-I-A Zone on land in the R-S Zone pursuant to Section
19 27-515(b) may be issued so long as it is in conformance with an approved Comprehensive
20 Design Plan.

21 (5) Notwithstanding the provisions of Section 27-123 of this Code, the minimum
22 standards set forth in the Landscape Manual for landscaping, buffering, and screening for all uses
23 permitted in the E-I-A Zone on land in the R-S Zone pursuant to Section 27-515(b) may be
24 modified by the approved Comprehensive Design Plan.

25 * * * * *

DIVISION 3. USES PERMITTED.

Sec. 27-515. Uses permitted.

(b) TABLE OF USES.

USE	ZONE								
	M-A-C	L-A-C	E-I-A	R-U	R-M	R-S	R-L	V-L	V-M
(4) MISCELLANEOUS	*	*	*	*	*	*	*	*	*
<u>Where not otherwise specifically permitted, any use allowed in the E-I-A Zone (excluding those permitted by Special Exception)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P³⁸</u>	<u>X</u>	<u>X</u>	<u>X</u>

* * * * *

38 Notwithstanding any other provision of this Subtitle, any use allowed in the E-I-A Zone (excluding those permitted by Special Exception) is permitted, provided:

- (a) The use is located on a parcel , a portion of a parcel, or an assemblage of adjacent land that:
 - (i) was rezoned from the E-I-A and R-A Zones to the I-1 and R-S Zones by a Sectional Map Amendment approved after January 1, 2006;
 - (ii) contains at least 400 acres and adjoins a railroad right-of-way; and
 - (iii) is adjacent to an existing employment park developed pursuant to the E-I-A Zone requirements.
- (b) Regulations regarding green area set forth in Section 27-501(a)(2) shall not apply. The minimum green area (of net lot area) shall be 10%. All other regulations in the E-I-A Zone shall apply to uses developed pursuant to this Section.
- (c) Regulations in the R-S Zone shall not apply to uses developed pursuant to this Section.
- (d) Additional requirements for uses developed pursuant to this footnote shall include the following:
 - (i) Street connectivity shall be through an adjacent employment park; and
 - (ii) A public park of at least 20 acres shall be provided.

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

Adopted this 14th day of July, 2020.

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: _____
Todd M. Turner
Council Chair

ATTEST:

Donna J. Brown
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.