

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2009 Legislative Session**

Bill No. _____ CB- -2009 _____

Chapter No. _____

Proposed and Presented by _____

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

ZONING BILL

1 AN ORDINANCE concerning

2 Urban Centers and Corridor Nodes Development Code of Prince George's County

3 For the purpose of amending the Zoning Ordinance of Prince George's County, Maryland to
4 incorporate appropriate references, regulations, and procedures pertaining to Subtitle 27A of the
5 Prince George's County Code, and to delete an obsolete section pertaining to the Interim General
6 Plan Amendment for Growth Policy.

7 BY repealing and reenacting with amendments:

8 Sections 27-103, 27-109, 27-110, 27-118.01, 27-125.01, 27-127, 27-
9 132, 27-139.01, 27-223, 27-548.04, and 27-548.21,

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 (2007 Edition, 2008 Supplement, as amended by *), and

15 BY adding:

16 Section 27-546.20

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

18 being also

19 SUBTITLE 27. ZONING.

20 The Prince George's County Code

(2007 Edition, 2008 Supplement, as amended by *), and

BY deleting:

Secion 27-640.01

The Zoning Ordinance of Prince George’s County, Maryland

being also

SUBTITLE 27. ZONING.

The Prince George's County Code

(2007 Edition, 2008 Supplement, as amended by *).

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 27-103, 27-109, 27-110, 27-118.01, 27-125.01, 27-127, 27-132, 27-139.01, 27-223, 27-548.04, and 27-548.21 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Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments: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 1. SCOPE OF ORDINANCE.

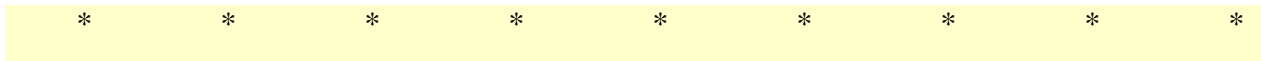
Sec. 27-103. Conflicting ordinances.

(a) Whenever any provision of this Zoning Ordinance imposes a greater requirement or a higher standard than is required in any State or Federal statute or other County ordinance or regulation, the provisions of the Zoning Ordinance shall govern unless preempted by State or Federal law.

(b) Whenever any provision of a State or Federal statute or other County ordinance or regulation imposes a greater requirement or a higher standard than required by this Subtitle, the provision of the State or Federal statute or other County ordinance or regulation shall govern.

(c) It is not the intent of the Zoning Ordinance to interfere with or annul any easements, covenants, or other agreements between parties; provided that where the Zoning Ordinance imposes a greater restriction upon the use and dimensions of buildings, structures, or land, or requires larger open spaces than are imposed or required by other ordinances, regulations, or permits, or by easements, covenants, or agreements, the provisions of the Zoning Ordinance shall govern, except where expressly qualified in it.

(d) Notwithstanding Subsections (a) and (c) above, whenever any provision of Subtitle 27A, the Urban Centers and Corridor Nodes Development Code of Prince George’s County, imposes a greater requirement or a higher standard than required in any State or Federal statute or other County ordinance or regulation, including the Zoning Ordinance, the provisions of Subtitle 27A shall govern unless preempted by State or Federal law.



SUBTITLE 27. ZONING.

PART 2. GENERAL.

DIVISION 3. ZONES AND ZONING MAPS.

Sec. 27-109. Classes of zones.

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

(1) **Residential.**

- R-O-S (Reserved Open Space)
- O-S Zone (Open Space)
- R-A Zone (Residential-Agricultural)
- R-E Zone (Residential-Estate)
- R-R Zone (Rural Residential)
- R-80 Zone (One-Family Detached Residential)
- R-55 Zone (One-Family Detached Residential)
- R-35 Zone (One-Family Semidetached, and Two-Family Detached, Residential)
- R-20 Zone (One-Family Triple-Attached Residential)
- R-T Zone (Townhouse)
- R-30 Zone (Multifamily Low Density Residential)
- R-30C Zone (Multifamily Low Density Residential Condominium)
- R-18 Zone (Multifamily Medium Density Residential)
- R-18C Zone (Multifamily Medium Density Residential-Condominium)
- R-10A Zone (Multifamily High Density Residential-Efficiency)
- R-10 Zone (Multifamily High Density Residential)
- R-H Zone (Multifamily High-Rise Residential)

(2) **Commercial.**

- C-A Zone (Ancillary Commercial)
- C-O Zone (Commercial Office)

- 1 C-S-C Zone (Commercial Shopping Center)
- 2 C-1 Zone (Local Commercial, Existing)
- 3 C-C Zone (Community Commercial, Existing)
- 4 C-G Zone (General Commercial, Existing)
- 5 C-2 Zone (General Commercial, Existing)
- 6 C-W Zone (Commercial Waterfront)
- 7 C-M Zone (Miscellaneous Commercial)
- 8 C-H Zone (Highway Commercial, Existing)
- 9 C-R-C Zone (Commercial Regional Center)
- 10 (3) **Industrial.**
- 11 I-3 Zone (Planned Industrial/Employment Park)
- 12 I-4 Zone (Limited Intensity Industrial)
- 13 U-L-I Zone (Urban Light Industrial)
- 14 I-1 Zone (Light Industrial)
- 15 I-2 Zone (Heavy Industrial)
- 16 (4) **Comprehensive Design.**
- 17 R-L Zone (Residential Low Development)
- 18 R-S Zone (Residential Suburban Development)
- 19 R-M Zone (Residential Medium Development)
- 20 R-U Zone (Residential Urban Development)
- 21 L-A-C Zone (Local Activity Center)
- 22 M-A-C Zone (Major Activity Center)
- 23 E-I-A Zone (Employment and Institutional Area)
- 24 V-M Zone (Village-Medium)
- 25 V-L Zone (Village-Low)
- 26 (5) **Planned Community.**
- 27 R-M-H Zone (Planned Mobile Home Community)
- 28 R-P-C Zone (Planned Community)
- 29 (6) **Mixed Use.**
- 30 M-X-C (Mixed Use Community)
- 31 M-X-T Zone (Mixed Use - Transportation Oriented)

- M-U-TC Zone (Mixed Use Town Center)
- M-U-I Zone (Mixed Use – Infill)
- UC 1 Zone (Metropolitan Urban Center District)
- UC 2 Zone (Regional Urban Center District)
- UC 3 Zone (Community Urban Center District)
- UC 4 Zone (Urban Corridor Node)

(7) **Overlay.**

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

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

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

(2) A T-D-O, R-C-O, L-D-O, I-D-O, D-D-O, or A-C-O Zone superimposed over any of the above zones shall not be construed to affect the intensity of the zone.

(c) The Residential, Commercial, and Industrial Zones and the R-M-H Zone are known as "conventional zones."

(CB-2-1984; CB-28-1985; CB-33-1985; CB-72-1987; CB-3-1989; CB-58-1990; CB-53-1991; CB-71-1991; CB-63-1992; CB-1-1994; CB-2-1994; CB-73-1994; CB-8-2000; CB-10-2001; CB-27-2001)

Sec. 27-110. Zoning map.

(a) The location and boundaries of zones established in the District are as shown on a set of maps, entitled "Zoning Map of the Maryland-Washington Regional District in Prince George's County, Maryland." The maps, together with all data shown on them, are a part of this Subtitle to the same extent as if the information were fully described in this Section.

1 amend the M-U-I Zone; and to amend conditions imposed by the Planning Board or District
2 Council. It applies to all applications to amend an Aviation Policy Area or a Chesapeake Bay
3 Critical Area Overlay Zone. It applies to all applications for Zoning Map Amendments and site
4 plans filed in accordance with the procedures specified for the Urban Centers and Corridor
5 Nodes Development Code (Subtitle 27A). It does not apply to District Council initiated plans
6 and studies for the M-U-TC, T-D-O, or D-D-O Zone, to Special Exception revocation petitions
7 filed by the Department of Environmental Resources, or to applications which the Planning
8 Director is authorized to approve administratively.

9 * * * * *

10 **SUBTITLE 27. ZONING.**

11 **PART 3. ADMINISTRATION.**

12 **DIVISION 1. GENERAL ZONING PROCEDURES.**

13 **SUBDIVISION 2. ZONING HEARING EXAMINER.**

14 **Sec. 27-127. Powers and duties to conduct hearings.**

15
16 (a) The Zoning Hearing Examiner shall conduct hearings for the following categories of
17 zoning cases:

18 * * * * *

19 (17) Appeals from decisions of the Historic Preservation Commission under Subtitle
20 29; [and]

21 (18) Zoning cases subject to the procedures of Subtitle 27A of the County Code; and

22 (19) Any other case for which the District Council directs that a hearing be held by the
23 Zoning Hearing Examiner.

24 (b) The Zoning Hearing Examiner shall conduct a complete public hearing on the case in
25 question, subject to all the requirements and restrictions imposed by law upon the District
26 Council. The Examiner is empowered to swear witnesses and to issue subpoenas for witnesses
27 and documents.

28 (c) After the conclusion of the hearing, the Zoning Hearing Examiner shall prepare and
29 serve upon all persons of record a written decision containing specific findings of basic facts,
30 conclusions of law, and either a recommended disposition of the case or, pursuant to Section 27-
31 312, a final decision. This decision shall be filed with the District Council at this same time.

32 (CB-64-1989; CB-15-1993; CB-56-1993; CB-74-1994)

* * * * *

SUBTITLE 27. ZONING.

PART 3. ADMINISTRATION.

DIVISION 1. GENERAL ZONING PROCEDURES.

SUBDIVISION 3. DISTRICT COUNCIL.

Sec. 27-132. District Council hearing procedures.

* * * * *

(c) Voting requirements.

(1) The voting requirements for action by the Council shall be as follows:

(A) A majority vote of those members present and voting shall be necessary to remand any Zoning Map Amendment or Special Exception application to the Office of the Zoning Hearing Examiner or to the Planning Board. (See Section 27-133.)

(B) A majority vote of the full Council shall be necessary to take final action on any zoning case or other zoning matter, except where an affirmative vote of two-thirds (2/3) of the full District Council is required.

(C) The Council may only approve a Zoning Map Amendment (except an application for the M-X-T, UC, or a Comprehensive Design Zone) which conflicts with the land use proposals or requirements of either the map or the text of an approved Master Plan upon the affirmative vote of two-thirds (2/3) of the full Council. Where the application is for the M-X-T Zone, the District Council may only approve the application in accordance with the provisions of Section 27-213(a)(2), in lieu of the provisions of this subparagraph. Where the application is for a UC Zone, the District Council may only approve the application in accordance with the provisions of Section 27A-210(J), in lieu of the provisions of this subparagraph. Where the application is for a Comprehensive Design Zone, it may only be approved if it conforms to the Master Plan, in accordance with Section 27-195(b)(1)(A).

* * * * *

SUBTITLE 27. ZONING.

PART 3. ADMINISTRATION.

DIVISION 1. GENERAL ZONING PROCEDURES.

SUBDIVISION 4. PEOPLE’S ZONING COUNSEL.

Sec. 27-139.01. Powers and duties.

(a) To protect the public interest and achieve a full and fair presentation of relevant issues, the People’s Zoning Counsel shall have the right to appear on behalf of the interests of the public in general, to defend any duly enacted General Plan, Master Plan, or comprehensive zoning maps as adopted by the District Council, and in any matter involving zoning reclassification or any Special Exception. The People’s Zoning Counsel may appear before:

- (1) The Zoning Hearing Examiner or the District Council (for oral argument hearings or evidentiary hearings) if the matter involves a zoning case;
- (2) The Planning Board if the matter involves a Comprehensive Design Plan, Development District Overlay Zone, an appeal pertaining to the Urban Centers and Corridor Nodes Development Code, or a Transit District Overlay Zone; or
- (3) The Board of Appeals if the matter involves a variance.

* * * * *

SUBTITLE 27. ZONING.

PART 3. ADMINISTRATION.

DIVISION 4. SECTIONAL MAP AMENDMENT (SMA).

SUBDIVISION 1. GENERAL.

Sec. 27-223. Limitations on zoning.

(a) In a Sectional Map Amendment, property may be reclassified to any zone established in the Zoning Ordinance and Urban Centers and Corridor Nodes Development Code of Prince George’s County (Subtitle 27A), except the Architectural Conservation Overlay Zone[, the Transit District Overlay Zone,]and the Chesapeake Bay Critical Area Overlay Zones; and except for property located in the Resource Conservation Overlay Zone, which may not be reclassified to a Commercial or Industrial Zone, any Comprehensive Design Zone except the V-M and V-L Zones, or Mixed Use Zones. No [Transit District Overlay Zone or]Chesapeake Bay Critical Area Overlay Zone may be established or amended through the Sectional Map Amendment procedures; however, [Transit District Overlay Zoning Map Amendment or]Chesapeake Bay Critical Area Zoning Map Amendment procedures and Sectional Map Amendment procedures may occur simultaneously for the same area, if so authorized by the District Council.

* * * * *

(g) No property may be zoned to a less intense category (Section 27-109(b)) if:

1 (1) The property has been zoned by Zoning Map Amendment within five (5) years
2 prior to the initiation of the Sectional Map Amendment or during the period between initiation
3 and transmittal to the District Council, and the property owner has not consented (in writing) to
4 the zoning; or

5 (2) Based on existing physical development at the time of adoption of the Sectional
6 Map Amendment, the zoning would create a nonconforming use. This zoning may be approved,
7 however, if there is a significant public benefit to be served by the zoning based on facts peculiar
8 to the subject property and the immediate neighborhood. In recommending the zoning, the
9 Planning Board shall identify these properties and provide written justification supporting the
10 zoning at the time of transmittal. The failure of either the Planning Board or property owner to
11 identify these properties, or a failure of the Planning Board to provide the written justification,
12 shall not invalidate any Council action in the approval of the Sectional Map Amendment.

13 (3) Notwithstanding Subsection (g)(1) above, property located in an area designated
14 by the General Plan as a Center or Corridor Node and subject to an applicable Regulating Plan
15 established in accordance with the procedures of Subtitle 27A, Urban Centers and Corridor
16 Nodes Development Code of Prince George’s County, may be zoned to a less intense category
17 (Section 27-109(b)) only to meet the goals and regulations of Subtitle 27A, the General Plan, and
18 the applicable Master or Sector Plan for the property.

19 (h) The area of the "property," as that word is used in Subsection (g)(2), above, is the
20 minimum required by the Zoning Ordinance which makes the use legally existing when the
21 Sectional Map Amendment is approved.

22 * * * * *

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

26 (l) The District Council may not classify property in the Transit District Overlay Zone
27 unless the zone is recommended in an approved Master Plan, Master Plan Amendment, or Sector
28 Plan, or a Transit District Overlay Zoning Map Amendment has been initiated pursuant to the
29 regulations of Section 27-213.01 to 27-213.06 of the Zoning Ordinance. The Plan shall be
30 prepared in accordance with Part 13,a Transit District Development Plan shall be prepared in

1 accordance with Section 27-548.07, and the Transit District Overlay Zone shall be implemented
2 by a Sectional Map Amendment.

3 (m) The District Council may not classify property in the Urban Center or Urban Corridor
4 Node Zones (UC) unless the property is located in an area designated by the General Plan as a
5 Center or Corridor Node and is developed in accordance with the regulations specified in
6 Subtitle 27A of the Prince George’s County Code.

7 * * * * *

8 **SUBTITLE 27. ZONING.**

9 **PART 10A. OVERLAY ZONES.**

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

11 **SUBDIVISION 1. GENERAL**

12 **Sec. 27-548.04. Relationship to other zones.**

13 The Transit District Overlay Zone shall be placed over other zones on the Zoning Map, and
14 shall modify specific requirements of those underlying zones. Only those requirements of the
15 underlying zones specifically noted in this Subdivision and elsewhere in this Subtitle are
16 modified. All other requirements of the underlying zones are unaffected by the Transit District
17 Overlay Zone. The Transit District Overlay Zone may not be placed over the Urban Center or
18 Corridor Node Zones (UC).

19 * * * * *

20 **SUBTITLE 27. ZONING.**

21 **PART 10A. OVERLAY ZONES.**

22 **DIVISION 3. D-D-O (DEVELOPMENT DISTRICT OVERLAY) ZONE.**

23 **Sec. 27-548.21. Relationship to other zones.**

24 The Development District Overlay Zone shall be placed over other zones on the Zoning
25 Map, and may modify specific requirements of those underlying zones. Only those requirements
26 of the underlying zones specifically noted in this Subdivision and elsewhere in this Subtitle are
27 modified. All other requirements of the underlying zones are unaffected by the Development
28 District Overlay Zone. The Development District Overlay Zone may not be placed over the
29 Urban Center or Corridor Node Zones (UC).

30 * * * * *

31 **SECTION 2. BE IT ENACTED** by the County Council of Prince George's County,

1 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
2 District in Prince George's County, Maryland, that Section 27-546.20 of the Zoning Ordinance of
3 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,
4 be and the same is hereby added:

5 **SUBTITLE 27. ZONING.**

6 **PART 10. MIXED USE ZONES.**

7 **DIVISION 2. SPECIFIC MIXED USE ZONE.**

8 **SUBDIVISION 5. URBAN CENTERS AND CORRIDOR NODES (UC) ZONES.**

9 Sec. 27-546.20. Urban Centers and Corridor Nodes Development Code

10 The purposes, regulations, uses, and procedures of the Urban Centers and Corridor
11 Nodes Zones (UC) are specified in Subtitle 27A, Urban Centers and Corridor Nodes
12 Development Code of Prince George's County.

13 * * * * *
14 SECTION 3. BE IT ENACTED by the County Council of Prince George's County,
15 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
16 District in Prince George's County, Maryland, that Section 27-640.01 of the Zoning Ordinance of
17 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,
18 be and the same is hereby deleted:

19 **SUBTITLE 27. ZONING.**

20 **PART 13. AREA MASTER PLANS, GENERAL PLAN, FUNCTIONAL MASTER**
21 **PLANS, SECTOR PLANS, AND PLANNING AREAS.**

22 **DIVISION 1. GENERAL**

23 **[Sec. 27-640.01. Interim General Plan Amendment for Growth Policy.**

24 (a) An Interim General Plan Amendment for Growth Policy is being approved by the
25 District Council in the year 2000. The approved growth policy Plan Amendment completes an
26 effort by a specially-appointed commission, Commission 2000, and by the District Council to
27 identify and address growth management policy issues in the County.

28 (b) The Interim General Plan Amendment for Growth Policy is based on recommendations
29 received from Commission 2000, specially appointed to review growth management policy and
30 make recommendations to the District Council. The Council has reviewed Commission 2000's
31 report, received in July 2000, and has made revisions and amendments to Commission 2000's

1 | proposal to amend the General Plan.

2 | (c) In work sessions held after it received the report from Commission 2000, the District
3 | Council reviewed all growth management policies in the report and in the General Plan. The
4 | Council then proposed revisions and amendments to Commission 2000's proposed growth policy
5 | Plan Amendment, published the proposed Plan Amendment and the Council's proposed revisions
6 | and amendments, and held a public hearing, advertised in accordance with all requirements
7 | applicable to Zoning Ordinance text amendments, to receive testimony and comment on the
8 | proposed amendments to the General Plan.

9 | (d) After receiving testimony at the public hearing and other relevant evidence, the District
10 | Council reviewed the growth policy Plan Amendment and proposed revisions and amendments.
11 | After full review, the District Council approved the Interim General Plan Amendment for
12 | Growth Policy.

13 | (e) The approved Interim General Plan Amendment for Growth Policy constitutes an
14 | amendment to the General Plan for the Maryland-Washington Regional District in Prince
15 | George's County. The approved growth policy Plan Amendment will remain in effect while the
16 | General Plan is amended by procedures in this Part.

17 | (CB-97-2000)

18 | **Editor's Note:** CB-80-2000 adopted the Biennial Growth Policy Plan of 2000 as proposed
19 | by Commission 2000, together with amendments contained in Attachment B. This adoption
20 | serves to amend the County's General Plan and all adopted and approved Master Plans in the
21 | County.]

22 | SECTION 4. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (45)
23 | calendar days after its adoption.

Adopted this ____ day of _____, 2009.

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: _____
Marilynn M. Bland
Chairperson

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.

* * * * *