

CHAPTER 5: SECTIONAL MAP AMENDMENT

The approved sectional map amendment (SMA) seeks to implement the land use policies reflected in the future plan by rezoning properties to the appropriate district to achieve the recommended pattern of development. The existing Zoning Ordinance, however, lacks a corresponding zoning district classification for the mixed-use, land use classifications recommended in this sector plan. The plan recommends the creation and application of mixed-use zones to realize the visions for each focus area. The application of new mixed-use zoning districts will have to occur in a separate SMA process. The SMA in this plan rezones properties to districts that already exist in the Zoning Ordinance. The SMA approved concurrently with this sector plan amends the official zoning map of Prince George's County.

The District Council initiated the SMA in 2012 through Council Resolution CR-24-2012 concurrent with the sector plan. The procedure followed is in accordance with Council Bill CB-39-2005, which allows the District Council to approve the sector plan and SMA simultaneously.

The last comprehensive rezoning for the sector plan area occurred through adoption of

the SMA recommendations in the 1994 *Approved Master Plan and Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity (Planning Area 69)* and the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment*.

COMPREHENSIVE REZONING IMPLEMENTATION POLICIES

The following are comprehensive rezoning policies pertinent to the rezonings in this SMA established by the Prince George's County Planning Board and District Council for preparation of the SMA.

PUBLIC LAND POLICY

The established public land policy states that all public land should be placed in the most restrictive or dominant adjacent zone, whichever bears the closest relationship to the intended character of the area. Therefore, the zoning of public land, just as private land, should be compatible with surrounding zones and provide for appropriate and future uses.

A distinction is made where a large parcel of land has been set aside specifically for public open space. In this case the R-O-S (Reserved Open Space) Zone or O-S (Open Space) Zone is applied, depending on the size of the property. Although federal and state

government property is not subject to the requirements of the Zoning Ordinance, the comprehensive rezoning process categories apply to all land, including government. The R-O-S Zone is generally applied to federal and state properties unless specific uses of the property or intended character of the property or area should warrant another zoning category. This policy is in compliance with Section 27-113 of the Prince George's County Zoning Ordinance, which states that any land conveyed in fee simple by the United States of America or the State of Maryland shall immediately be placed in the R-O-S Zone until a map amendment for the land has been approved by the District Council.

ZONING IN PUBLIC RIGHTS-OF-WAY

Policies governing the zoning of public streets, railroads, and alley rights-of-way (both existing and proposed) are contained in Section 27-111 of the Prince George's County Zoning Ordinance. Where zone boundaries are indicated as approximately following street, railroad, or alley lines, the center lines of these streets, railroads, or alley rights-of-way shall be considered the boundaries. This approved SMA has been prepared in accordance with this section.

LIMITATIONS ON THE USE OF ZONES

Zoning classifications used in this SMA are limited only by the range of zones within the ordinance available at the time of final action by the District Council. However, there are certain restrictions on when these may be applied to properties (Section 27-223 of the Zoning Ordinance). Reclassification of an existing zone to a less intense zone, also known as downzoning, is prohibited where:

(g)(1) “The property has been rezoned by Zoning Map Amendment within five (5) years prior to the initiation of the Sectional Map Amendment or during the period between initiation and transmittal to the District Council, and the property owner has not consented in writing to such rezoning;” or

(g)(2) “Based on existing physical development at the time of adoption of the Sectional Map Amendment, the rezoning would create a nonconforming use. This rezoning may be approved, however, if there is a significant public benefit to be served by the rezoning based on facts peculiar to the subject property and the immediate neighborhood. In recommending the rezoning, the Planning Board shall identify these properties and provide written justification supporting

the rezoning at the time of transmittal. The failure of either the Planning Board or property owner to identify these properties, or a failure of the Planning Board to provide the written justification, shall not invalidate any Council action in the approval of the Sectional Map Amendment.”

In order to clarify the extent to which a given parcel of land is protected from less intensive rezoning by virtue of physical development, the Zoning Ordinance states in Section 27-223(h) that:

“The area of the ‘property,’ as the word is used in Subsection (g)(2), above, is the minimum required by the Zoning Ordinance which makes the use legally existing when the Sectional Map Amendment is approved.”

NONCONFORMING USES

This SMA rezones several properties to a lower zoning classification in accordance with Section 27-223 (g)(1) of the Zoning Ordinance. In the case where a nonconforming use will be created, the Zoning Ordinance allows nonconforming uses to be continued, repaired, or maintained in accordance with Section 27-240 to Section 27-246 of the Zoning Ordinance. A nonconforming use may continue if a use and

occupancy permit is issued in accordance with the certification requirements of Section 27-244 and is not illegal. The following excerpts from the Zoning Ordinance pertain to nonconforming uses:

Sec. 27-107.01. Definitions

“(CB-104-1995)

“(166) Nonconforming Use:

“(A) The ‘Use’ of any ‘Building,’ ‘Structure,’ or land which is not in conformance with a requirement of the Zone in which it is located (as it specifically applies to the ‘Use’), provided that:

“(i) The requirement was adopted after the ‘Use’ was lawfully established; or

“(ii) The ‘Use’ was established after the requirement was adopted and the District Council has validated a building, use and occupancy, or sign permit issued for it in error.

“(B) The term shall include any ‘Building,’ ‘Structure,’ or land used in connection with a ‘Nonconforming Use,’ regardless of whether the ‘Building,’ ‘Structure,’ or land conforms to the physical requirements of the Zone in which it is located.”

“(CB-49-1988) “(45) Certified Nonconforming Use: A ‘Nonconforming Use’

for which a use and occupancy permit identifying the ‘Use’ as nonconforming has been issued.”

Sec. 27-241. Continuation (Nonconforming Uses)

“(a) Any nonconforming building, structure, or use may be continued, repaired, or maintained. It may not be altered, enlarged or extended except in accordance with this Division.

“(b) In order for a nonconforming use to continue, a use and occupancy permit must be issued identifying the use as nonconforming, and the use must be certified in accordance with Section 27-244. In addition, a nonconforming surface mining operation located within a Chesapeake Bay Critical Area Overlay Zone may only continue if it meets the criteria set forth in Section 27-410(e).

“(c) Continuous, day-to-day operation of a certified nonconforming use is required to maintain its nonconforming status. Discontinuance of day-to-day operation for a period of one hundred eighty (180) or more consecutive calendar days shall constitute abandonment of the use. No certified nonconforming use may be reestablished unless either:

“(1) The case involves reconstruction, restoration, or reestablishment in accordance with Section 27-243; or

“(2) The Planning Board determines (upon written request) that the conditions of nonoperation were beyond the control of the person who was in control of the property during the period of nonoperation. The Planning Board’s determination shall be based on satisfactory evidence presented by the person making the request.

CONDITIONAL ZONING

The inclusion of safeguards, requirements, and conditions beyond the normal provisions of the Zoning Ordinance, which can be attached to individual zoning map amendments via “Conditional Zoning,” cannot be utilized in SMAs. In the piecemeal rezoning process, conditions are used to (1) protect surrounding properties from potential adverse effects that might accrue from a specific zoning map amendment; and/or (2) enhance coordinated, harmonious, and systematic development of the regional district. When approved by the District Council, and accepted by the zoning applicant, “conditions” become part of the county zoning map requirements applicable to a specific property and are as binding as any provision of the County Zoning

Ordinance (see Conditional Zoning Procedures, Section 27-157(b)). In theory, zoning actions taken as part of the comprehensive rezoning SMA process should be compatible with other land uses without the use of conditions. However, it is not the intent of an SMA to repeal the additional requirements determined via “conditional” zoning cases that have been approved prior to the initiation of a sectional map amendment. As such, it is appropriate that, when special conditions to development of specific properties have been publicly agreed upon and have become part of the existing zoning map applicable to the site, those same conditions shall be brought forward in the SMA. This is accomplished by continuing the approved zoning with “conditions” and showing the zoning application number on the newly adopted zoning map. This would take place only when it is found that the existing zoning is compatible with the intended zoning pattern or when ordinance limitations preclude a rezoning. Similarly, findings contained in previously approved SMAs shall be brought forward in the SMA where the previous zoning category has been maintained.

COMPREHENSIVE REZONING CHANGES

To implement the Landover Metro Area/MD 202 Corridor Approved Sector Plan’s vision and land use recommendations contained in

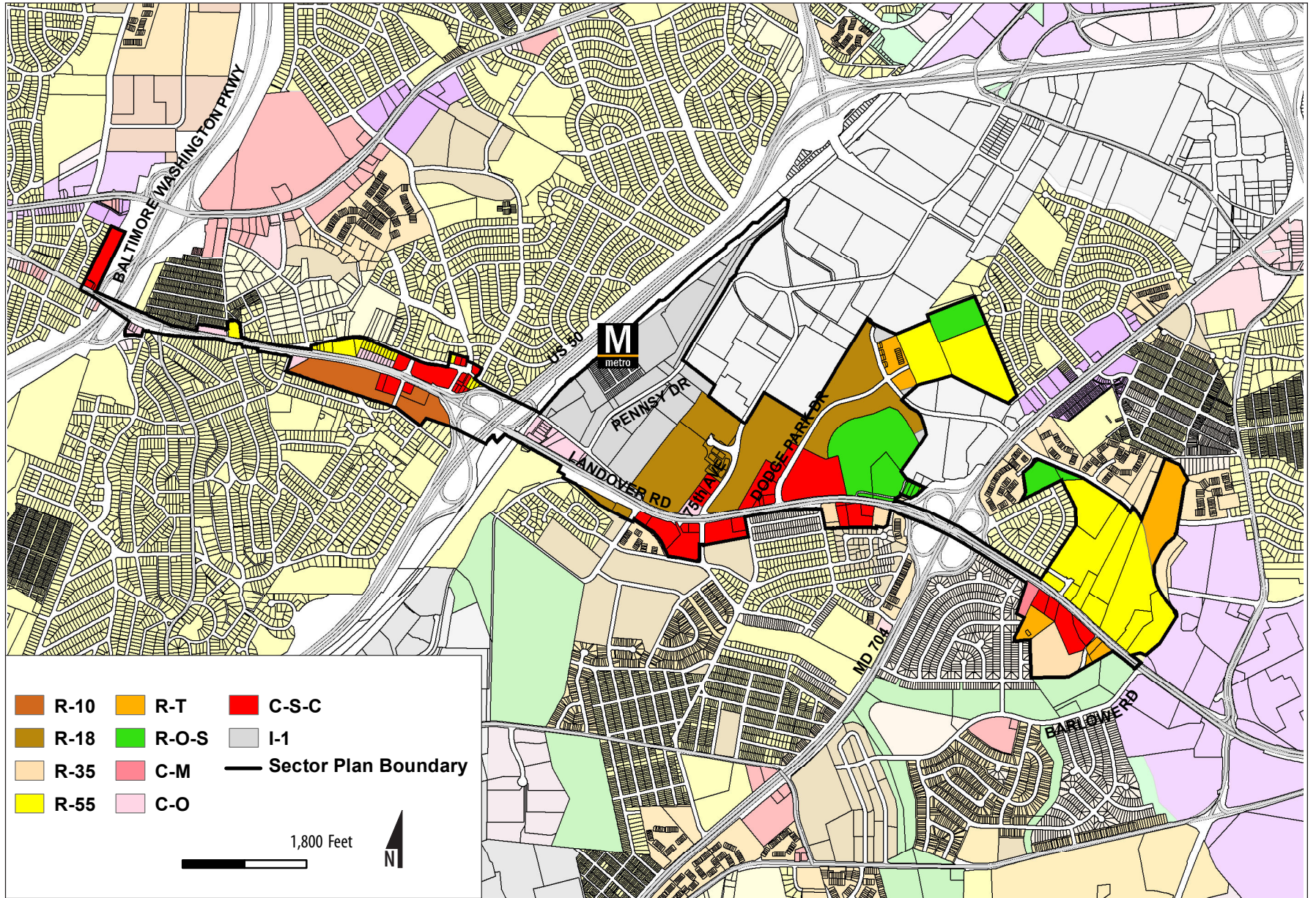
the preceding chapters, key parcels of land that fit within current zoning district classifications of the existing Zoning Ordinance must be rezoned to bring it into conformance with the sector plan. There are five recommended zoning changes within the sector plan area. Zoning changes are recommended for strategic properties fronting Landover Road that are within one-half mile of the Metro station to start to improve the look and function of the transit center. These include industrially zoned properties located on the southwest corner of the intersection of Old Landover Road and Pennsy Drive in front of the Metro station that are recommended to be rezoned for office development. On the south side of Landover Road, where there is a preponderance of older commercial strip development, a group of commercially and residentially zoned properties located on the southwest corner of the intersection of Pinebrook Drive and MD 202 (Landover Road) is recommended for medium-density residential development. In addition, properties owned by M-NCPPC are recommended for rezoning to an appropriate zone for park use. The zoning changes map (see Map 5.1, on page 80) identifies the location of overall approved zoning changes in the Landover Metro Area/ MD 202 Corridor Approved Sector Plan area. Additionally, Table 13, on this page, represents the changes in the zoning by

TABLE 13: Acreage Of Existing And Approved Zoned Land In The Sector Plan

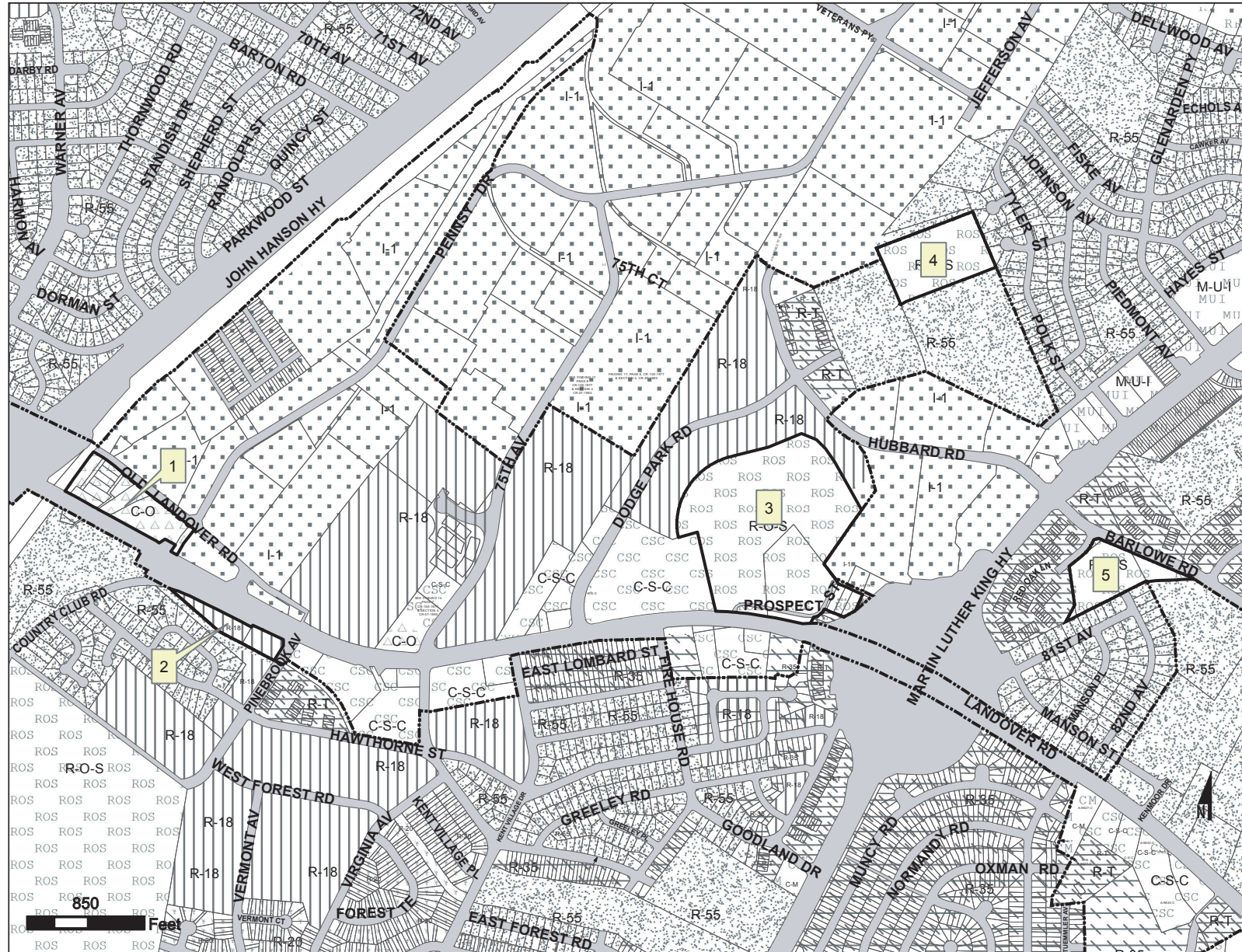
Zone	Land Area in Acreage		
	Existing	Proposed	Net Change
C-S-C (Commercial Shopping Center)	59.08	58.13	-0.95
C-O (Commercial Office)	5.39	13.06	+7.65
C-M (Commercial Miscellaneous)	2.94	1.95	-0.99
R-55 (One-Family Detached Residential)	135.57	101.72	-33.85
R-35 (One-Family Semidetached and Two-Family Detached Residential)	12.66	12.66	0.00
R-T (Townhouse)	58.04	24.01	-34.03
R-18 (Multifamily Medium-Density Residential)	81.23	83.55	+2.32
R-10 (Multifamily High-Density Residential)	17.03	17.03	0.00
I-1 (Light Industrial)	102.67	95.02	-7.65
R-O-S (Reserved Open Space)	0.00	67.49	+67.49
Subtotal	474.62	474.62	
Right-of-Way	53.85	53.85	0.00
Total	528.47	528.47	

classification and indicates the acreage each zoning change comprises. The specific changes to existing zoning are shown and described on the individual maps and accompanying tables. The maps are included for illustrative purposes only.

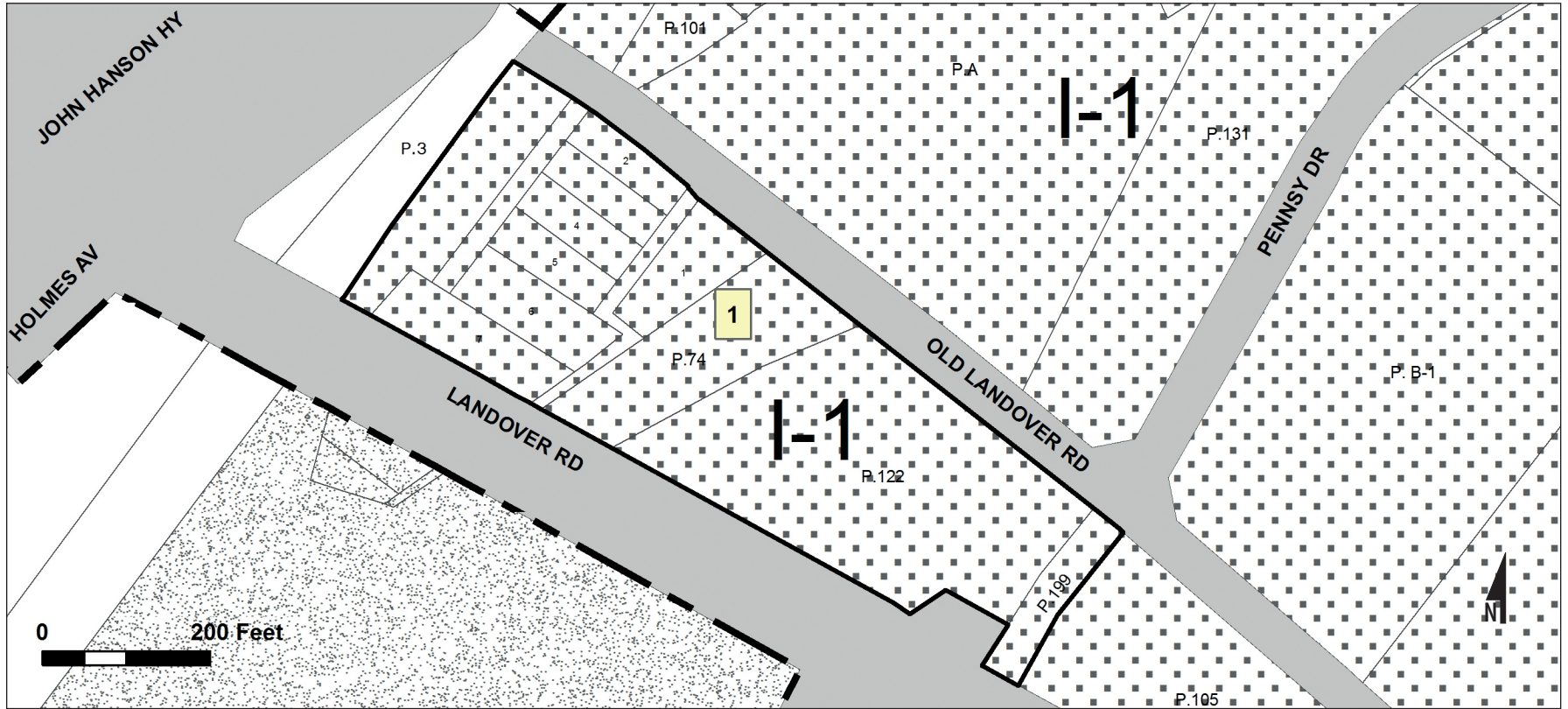
Map 5.0: Approved Zoning Map



Map 5.1: Approved SMA Zoning Changes



Map 5.2: SMA Change Number 1 (I-1 to C-0)



Change Number	Zoning Change	Area of Change (in Acres)	Approved SMA/ZMA/SE		200' Scale Index Map
			Number	Date	
1	I-1 to C-0	5.9	SMA		204NE06

Use and Location: Vacant property and Metrorail tracks. Immediately east of US 50 between Old Landover Road and Landover Road.

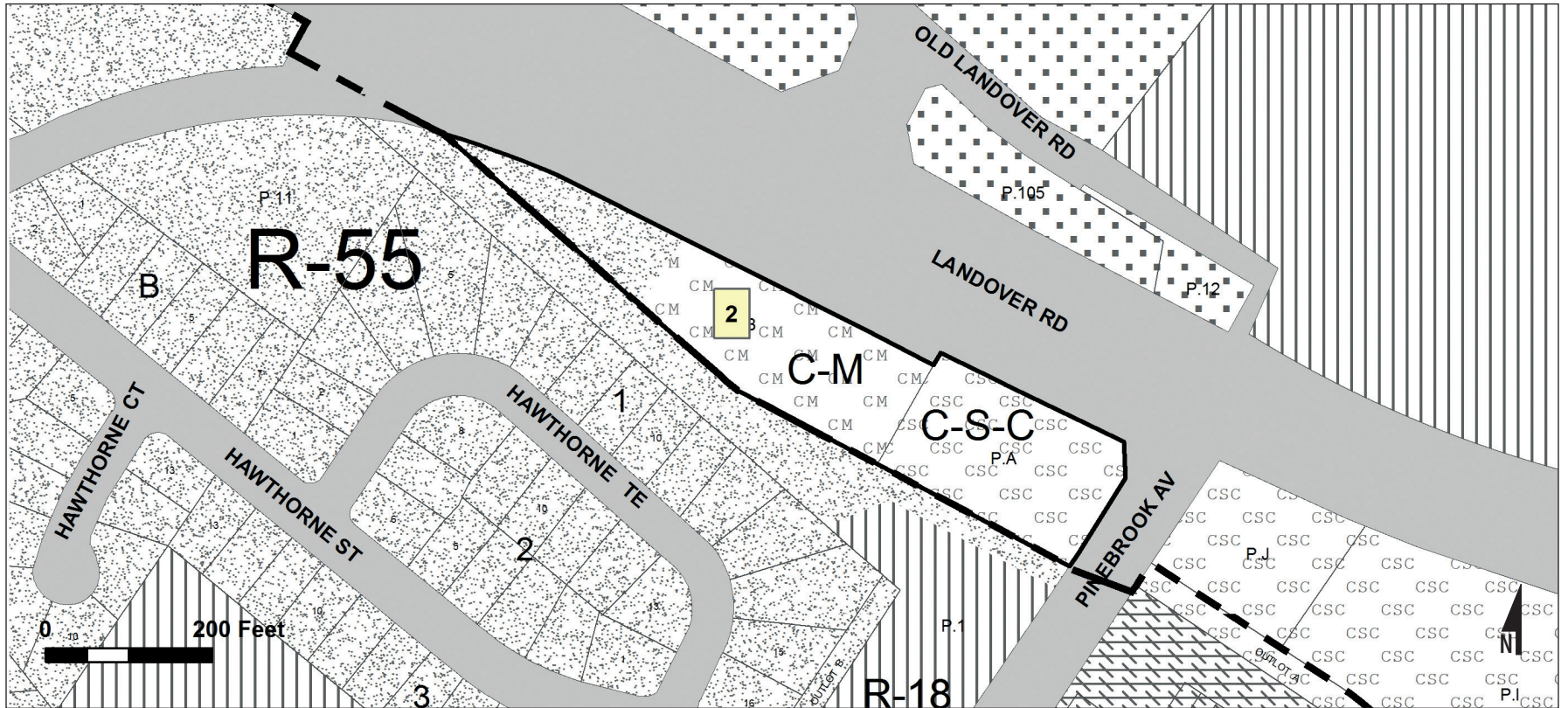
Discussion: The purpose of the rezoning is to promote more transit-oriented office employment uses with greater density along Landover Road in close proximity to the Metro station that will serve as an attractive gateway leading to the Metro station.

Use	Address	Tax Map and Grid	Legal Description	Tax Account
Vacant Property	Country Club Road	059C1	Duckett and Ford Subdivision, 25' street	1536911

LANDOVER METRO AREA AND MD 202 CORRIDOR

Use	Address	Tax Map and Grid	Legal Description	Tax Account
Vacant Property	Old Landover Road	059C1	Lot 7	Unknown
Metro rail tracks	Old Landover Road	059C1	Unknown	Unknown
Brick structure and Vacant property	Old Landover Road	059C1	Lots 2–6	1562859
Vacant Property	Country Club Road	059C1	Duckett and Ford Subdivision, 15' alley	1536903
Parking lot	6907 Old Landover Road	059C1	Lot 1	1541135
Industrial Building	6911 Old Landover Road	059C1	Parcel 74	1463959
Brick structure, Recycle and Hauling yard, Lower Beaverdam Creek	6913 Old Landover Road	059D1	Parcel 122	144017
Vacant Property	Landover Road	059D1	Parcel 199	1542463

Map 5.3: SMA Change Number 2 (R-55, C-M, C-S-C to R-18)



Change Number	Zoning Change	Area of Change (in Acres)	Approved SMA/ZMA/SE		200' Scale Index Map
			Number	Date	
2	R-55, C-M, C-S-C to R-18	2.23	SMA		204NE06

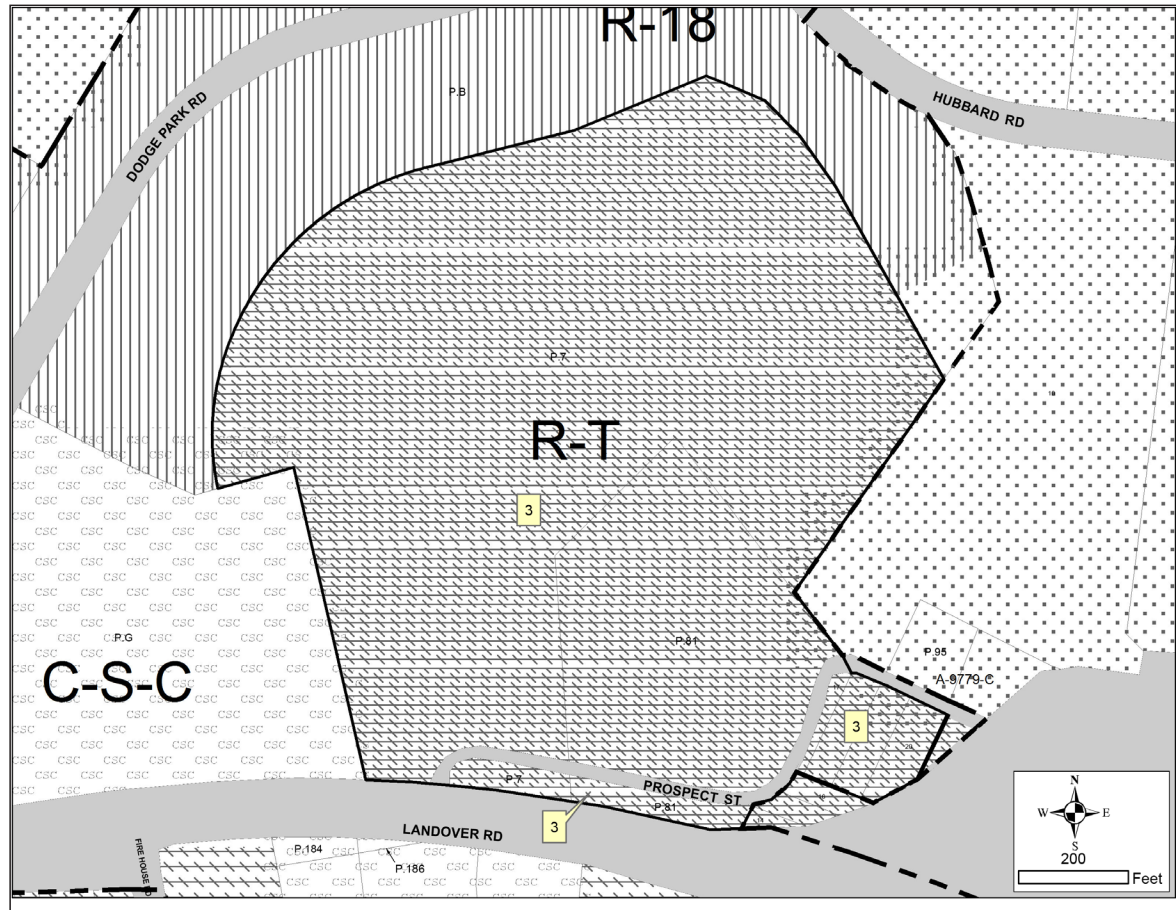
Use and Location: Vacant property, towing and recovery service at 7229 Landover Road, auto service shop at 7233 Landover Road, eating and drinking establishment at 7241 Landover Road, and wireless retail shop at 7249 Landover Road.

Discussion: Rezoning of these properties from R-55, C-M, and C-S-C to R-18 allows for medium-density residential development, which will promote development that is more transit supporting and provide stronger support for area retail uses and has the potential to be more environmentally-friendly to the adjacent Lower Beaverdam Creek and more consistent with the character of the adjacent Kentland neighborhood and community center.

LANDOVER METRO AREA AND MD 202 CORRIDOR

Use	Address	Tax Map and Grid	Legal Description	Tax Account
Vacant Property	7227 Landover Road	059D1	West part of Parcel B	1473826
Corey's Towing and Recovery	7229 Landover Road	059D1	Center Part of Parcel B	1473842
Kentland Auto Service	7233 Old Landover Road	059D1	Part of West part of Parcel A and East part of Parcel B	1473834
Jimmy's Crab House	7241 Old Landover Road	059D1	East part of Parcel A	1417526
All in Wireless	7249 Country Club Road	059D1	Center part of Parcel A	1417534

Map 5.4: SMA Change Number 3 (R-T to R-O-S)



Change Number	Zoning Change	Area of Change (in Acres)	Approved SMA/ZMA/SE		200' Scale Index Map
			Number	Date	
3	R-T to R-O-S	29.4	SMA		204NE07

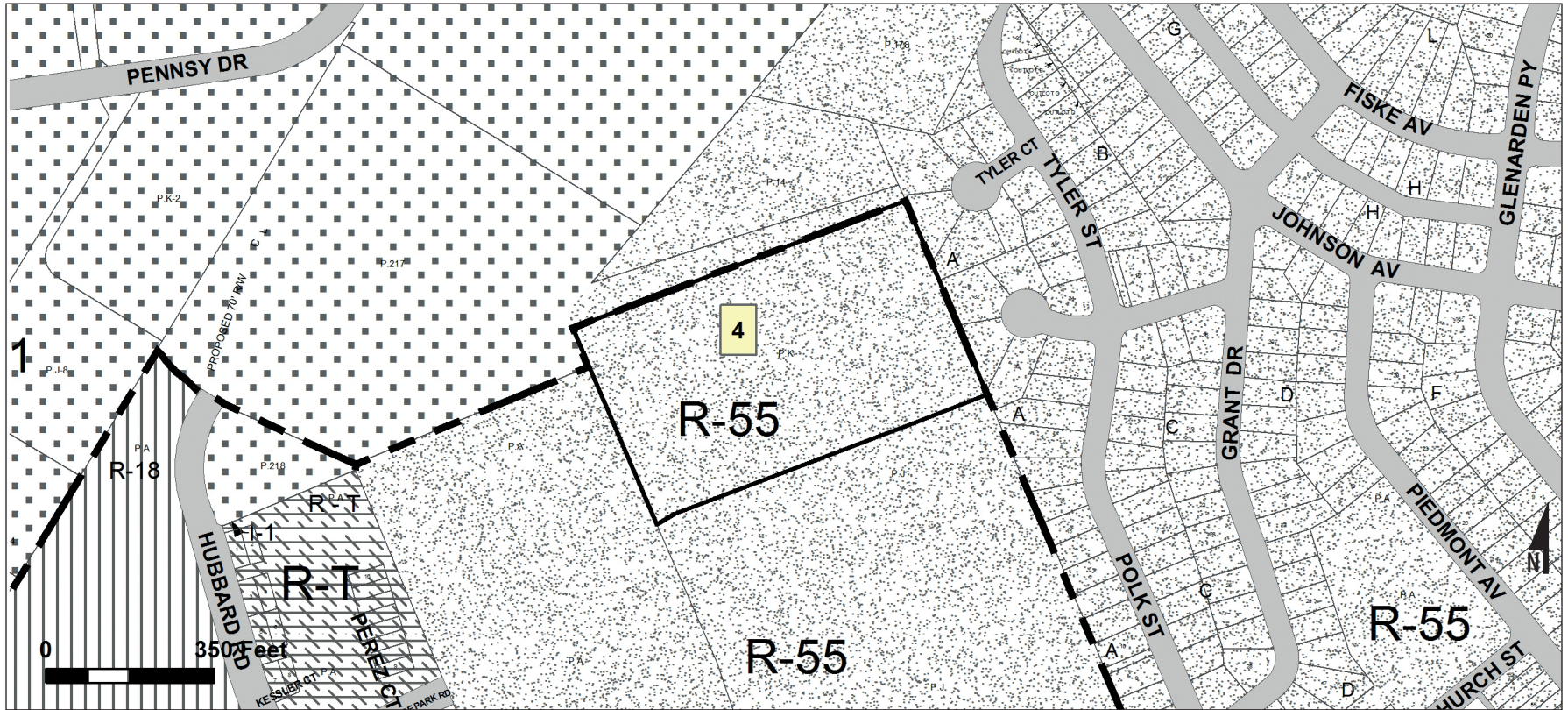
Use and Location: Wooded parkland at 7666 and 7780 Landover Road.

Discussion: The property is owned by The Maryland-National Capital Park and Planning Commission and is rezoned to the R-O-S (Reserved Open Space) Zone to implement public land policies.

LANDOVER METRO AREA AND MD 202 CORRIDOR

Use	Address	Tax Map and Grid	Legal Description	Tax Account
Vacant Property	7666 Landover Road	059F1	Parcel 007	1378751
Vacant Property	7780 Landover Road	059F1	Parcel 081	1444561
Vacant Property	7707 Old Landover Road	059F1	Lots 17 and 18	1422716
Vacant Property	7709 Old Landover Road	059F1	Lots 19 and 20	1448810

Map 5.5: SMA Change Number 4 (R-55 to R-0-S)



Change Number	Zoning Change	Area of Change (in Acres)	Approved SMA/ZMA/SE		200' Scale Index Map
			Number	Date	
4	R-55 to R-0-S	7.41	SMA		204NE07

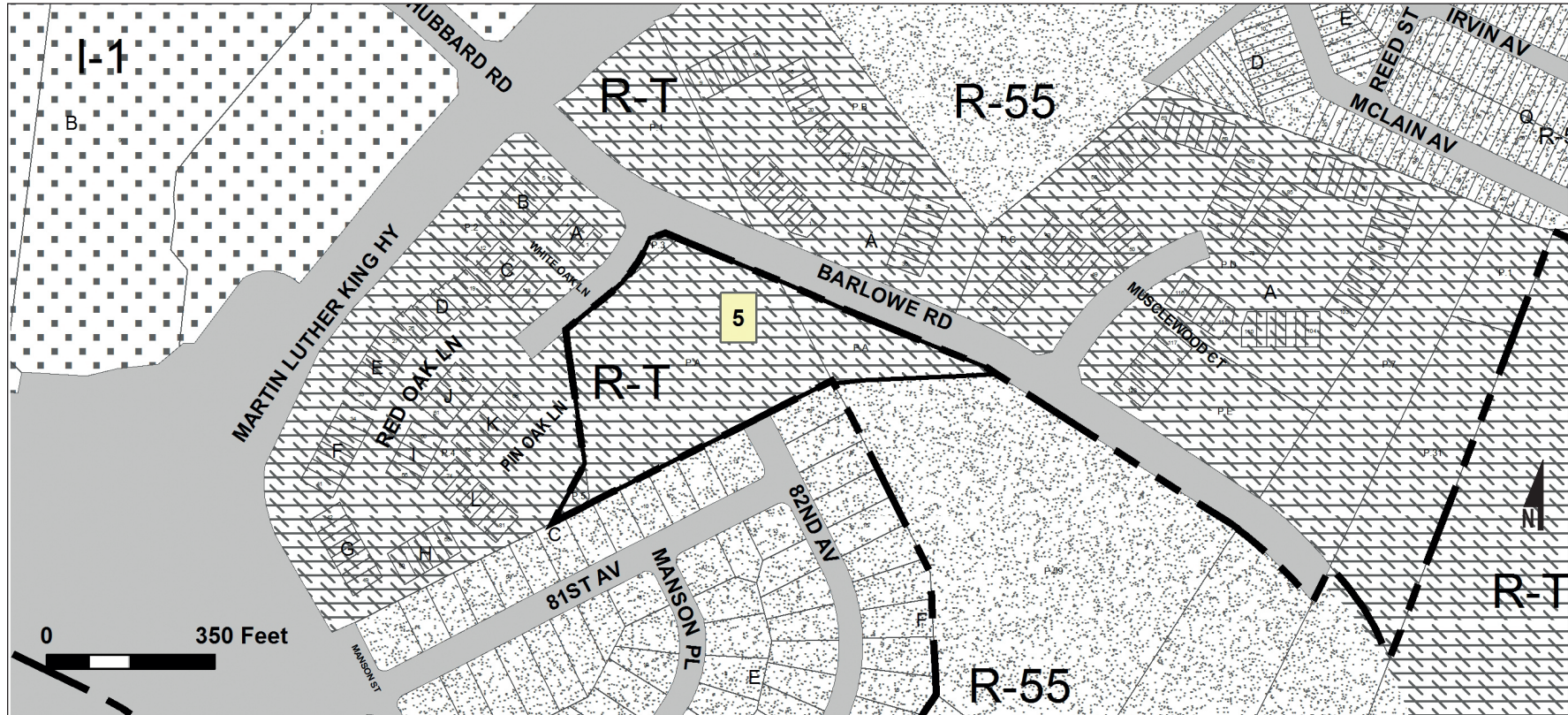
Use and Location: Wooded parkland with sports courts adjacent to the Dodge Park and Judge Sylvania W. Woods Elementary Schools.

Discussion: The property is owned by The Maryland-National Capital Park and Planning Commission and is rezoned to the R-0-S (Reserved Open Space) Zone to implement public land policies.

Use	Address	Tax Map and Grid	Legal Description	Tax Account
Vacant Property	Dodge Park Road	051F4	Parcel K	1491562

SMA

Map 5.6: SMA Change Number 5 (R-T to R-O-S)



Change Number	Zoning Change	Area of Change (in Acres)	Approved SMA/ZMA/SE		200' Scale Index Map
			Number	Date	
5	R-T to R-O-S	5.15	SMA		204NE07

Use and Location: Wooded parkland at the southeast corner of the intersection of Oak Knoll Drive and Barlowe Road.

Discussion: The property is owned by The Maryland-National Capital Park and Planning Commission and is rezoned to the R-O-S (Reserved Open Space) Zone to implement public land policies.

Use	Address	Tax Map and Grid	Legal Description	Tax Account
Vacant Property	Barlowe Road	060A1	Part of Parcel A	1463090
Vacant Property	82 nd Avenue	060A1	Parcel A	1491802
Vacant Property	Pin Oak Lane	060A1	Parcel 5	1545151

