

Case No.: ZMA-2022-003-C  
Smith Lake Estates

Applicant: DR Horton, Inc.

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

ZONING ORDINANCE NO. 1 –2024

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George’s County, Maryland, by an individual Zoning Map Amendment.

WHEREAS, Zoning Map Amendment Application No. 2022-003 (“ZMA-2022-003” or “application”) is a request to rezone approximately 62.52 acres in the RR (Residential, Rural) Zone to the R-PD (Residential Planned Development) Zone for the development of a maximum of 150 single-family detached and townhouse dwelling units, on the subject property located on the west of Frank Tippet Road, approximately 600 feet from its intersection with Commo Road, and identified as 10605, 10609, and 10703 Frank Tippet Road, Upper Marlboro, Maryland; and

WHEREAS, the application was advertised and the property was posted prior to public hearings, in accordance with all requirements of law; and

WHEREAS, the Technical Staff and the Prince George’s County Planning Board (“Planning Board”) recommended approval of the request with conditions; and

WHEREAS, no one appeared in opposition to the application request at the initial hearing before the Zoning Hearing Examiner (“ZHE”) on August 9, 2023; and

WHEREAS, after the initial hearing on August 9, 2023, the ZHE and the Planning Board discovered that the required placement of a legal advertisement for the request in a newspaper of record was inadvertently overlooked; and

WHEREAS, to satisfy the requirements for legal advertisement the matter was continued; and

WHEREAS, the ZHE held a second hearing on the application request on November 15, 2023;  
and

WHEREAS, the ZHE kept the record open for an additional exhibit; and

WHEREAS, after the additional exhibit was submitted and received into the record on January 10, 2024, the record closed; and

WHEREAS, on January 25, 2024, the ZHE recommended that the application request, to rezone 62.52 acres in the RR (Residential, Rural) Zone to the R-PD (Residential Planned Development) Zone, be approved subject to conditions; and

WHEREAS, on February 26, 2024, the District Council voted to approve the application request in accordance with the ZHE's written decision; and

WHEREAS, as a basis of this final decision, the District Council adopts and incorporates by reference, as if fully restated herein, the ZHE's written decision to approve the application request, subject to certain conditions and consideration.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended to rezone approximately 62.52 acres in the RR (Residential, Rural) Zone to the R-PD (Residential Planned Development) Zone for the development of a maximum of 150 single-family detached and townhouse dwelling units, on the subject property located on the west of Frank Tippet Road, approximately 600 feet from its intersection with Commo Road, and identified as 10605, 10609, and 10703 Frank Tippet Road, Upper Marlboro, Maryland.

SECTION 2. The request to rezone approximately 62.52 acres in the RR (Residential, Rural) Zone to the R-PD (Residential Planned Development) Zone, is hereby APPROVED, subject to the following:

Conditions:

1. Prior to certification of this Zoning Map Amendment:
  - a. The Applicant shall attach a copy of the Statement of Justification to the Basic Plan since the statement of planning and development goals for the R-PD Zone consistent with the General and Master Plans must be part of the PD Basic Plan.
  - b. Applicant shall revise the Development Data Table of the Basic Plan to reference the maximum number of attached and detached dwelling units to be constructed, or to list the actual number of each dwelling type to be constructed, and the number of attached dwellings shall not be equal to, or greater than the number of detached dwelling units.
  - c. The Applicant shall correct the open space set side exhibit to include the existing farm pond primary management area as part of the natural features.
  - d. Applicant should also revise the Basic Plan to list any accessory structures such as sheds, or detached garages, or temporary structures, such as an onsite construction office during development, if it would like the District Council to allow such uses.
2. At the time of preliminary plan of subdivision:
  - a. The woodland conservation threshold of 20 percent shall be met on-site.
  - b. The Applicant shall procure an extension of the Stormwater Management Concept Plan (42748-2004-02) approved by the Prince George's County Department of Permitting, Inspections and Enforcement on December 19, 2013, that expired on December 19, 2016.
  - c. The Applicant shall provide a detailed exhibit depicting all passive and active recreation amenities.

3. At the time of Detailed Site Plan the Applicant shall apply universal design standards, found in Part 6 of the Zoning Ordinance, to 33% of the dwelling units in recognition of the goal to enable seniors or the disabled to age in place.

Consideration:

Additional areas for passive recreation should be incorporated into the site design, or the proposed passive recreation areas should be enlarged and centrally located for easy access to all residents. The project will be required to demonstrate mandatory dedication of parkland, at the time of preliminary plan of subdivision, which may be met through land dedication, fee-in-lieu, and/or private recreational facilities.

SECTION 3. A building permit, use permit, or subdivision permit, as applicable, may not be issued or approved for the subject property except in accordance with the conditions set forth in this Ordinance.

SECTION 4. If the Applicant fails to accept the land use classification conditionally approved in this Ordinance, in writing, within ninety (90) days, the subject property shall revert to the RR (Residential, Rural) Zone.

SECTION 5. BE IT FURTHER ENACTED that this Ordinance shall become effective on the date of its enactment.

ENACTED this 11<sup>th</sup> day of March 2024, by the following vote:

In Favor: Council Members Burroughs, Blegay, Dernoga, Franklin, Hawkins, Ivey, Olson, Oriadha, and Watson.

Opposed:

Abstained:

Absent: Council Members Fisher and Harrison.

Vote: 9-0.

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: \_\_\_\_\_  
Jolene Ivey, Chair

ATTEST:

\_\_\_\_\_  
Donna J. Brown  
Clerk of the Council