

PRINCE GEORGE'S COUNTY ZONING ORDINANCE INTERPRETATION

Zoning Ordinance Interpretation: INT-2026-0004

Applicant: Seven Springs Village, LLC
Project Name: Seven Springs Apartments
Property Address: 9310 Cherry Hill Road, College Park, Maryland
20740

Background

This request for a Zoning Ordinance Interpretation concerns property the proposed redevelopment of a portion of the existing apartment community known as Seven Springs Apartments in College Park. The Subject Property is zoned Residential, Multifamily-48 (RMF-48) on the official Zoning Map.

The reason for this interpretation arose after a change in floodplain delineation requirements (DPIE Revised Techno-Gram 007-2016), which added 'freeboard' (extra safety height) to the base flood elevation, potentially reducing allowable residential density.

Request

Does the term "100-year floodplain," as used in the definition of "net lot area" in Section 27-2500, refers to the "base flood," or is it affected by additional freeboard requirements?

Interpretation

Review of the definitions set forth in Subtitles 27 and 32 indicates that the term '100-year floodplain' refers to base flood elevation and does not include the flood protection elevation, which consists of the base flood elevation plus applicable freeboard. Accordingly, the definition of net lot area in Section 27-2500 of the Zoning Ordinance, exclude those portions of a property located within the 100-year floodplain at the base flood elevation, and does not extend to areas subject solely to additional freeboard requirements.

Procedure

Section 27-3612 of the current Zoning Ordinance establishes a uniform mechanism for rendering formal written interpretations of any provision of the Ordinance. The Prince George's County Planning Director is responsible for making interpretations of all provisions of the Ordinance including, but not limited to: (1) interpretation of the text; (2) interpretation of zone boundaries; (3) interpretation of whether an unlisted use is comparable to a listed use or not, and should be allowed in a zone or prohibited in that zone; (4) interpretations of compliance with a condition of

approval.

Textual interpretations are based on the text's relationship with other laws and considerations including, but not limited to, the plain meaning of the provision's wording, applicable definitions in Section 27-2500 of the Zoning Ordinance, common and accepted usage, and the purpose of the provision, as further described in Section 27-3612(d)(1)(B) of the current Zoning Ordinance. The Planning Director's interpretation is also guided by the cardinal rules of statutory interpretation, as defined by the Maryland Supreme Court.

Analysis

The Applicant is requesting an interpretation of the definition of 100-year floodplain for the purposes of calculating net lot area as defined in Section 27-2500 of the Zoning Ordinance.

Net lot area in the Zoning Ordinance is defined as

(A) The total contiguous area included within the lot lines of a lot, excluding:

(i) Alleys, streets, and other public ways; and

(ii) Land lying within a 100-year floodplain, except as follows. In the AG or AR zones, any part of the lot exceeding 40,000 contiguous square feet may be within the 100-year floodplain. In the RE Zone, any area of the lot in excess of 20,000 contiguous square feet may be within the 100-year floodplain, provided that the lot is served by a public water and sewerage system and is in water and sewer service area category one, two, or three at the time the final plat of subdivision is approved.

(B) Unless otherwise specified, lot area means net lot area.

(C) In a conservation subdivision developed in conformance with Section 24-4700, Conservation Subdivision Standards, of Subtitle 24: Subdivision Regulations, the net lot area is the contiguous lot area located outside of the 100-year floodplain, and regulated environmental features as defined by Section 24-2300, Definitions, of Subtitle 24: Subdivision Regulations. (Emphasis added)

Accordingly, Section 27-5000 offers the following definition for 100-year floodplain

Refer to the definition of "base flood (or 100-year flood)" in Subtitle 32: Water Resources Protection and Grading Code, of the County Code for the definition. Refer also to the requirements of Section 27-6804, Floodplain Management.

In the same manner, Floodplain Management in Section 27-6804 states that

As described in the applicability sections of Subtitle 32: Water Resources Protection and Grading Code, development shall comply with the requirements for floodplain management in accordance with Subtitle 32, Division 4, Floodplain Ordinance, of the Prince George's County Code.

The Zoning Ordinance refers to Subtitle 32 for the definition of base flood (or 100-year flood), more specifically to Section 32-203(2)(6)

The flood that has a one percent (1%) chance of being equaled or exceeded in any given year; the base flood also is referred to as the 1-percent annual chance (100-year) flood.

The Department agrees with the applicant in assessing that “[a]lthough the definition of “base flood (or 100-year flood)” describes a type of flood, it does not define a particular land area—which is necessary when calculating “net lot area.” As a result, it is necessary to consult the definition of “base flood elevation,” which can be mapped and is used on floodplain delineations:

Base Flood Elevation – The water surface elevation of the base flood in relation to the datum specified on the community’s Flood Insurance Rate Map and any approved floodplain study. In areas of shallow flooding, the base flood elevation is the highest adjacent natural grade elevation plus the depth number specified in feet on the Flood Insurance Rate Map, or at least four (4) feet if the depth number is not specified.”

As shown, none of the definitions considered above, include the term freeboard, or reference flood protection elevation, which consists of **base flood elevation plus freeboard** as defined in Subtitle 32, Section 32-203(2)(32). (Emphasis added). **Therefore, the calculation of net lot area is not affected by additional freeboard requirements.**

In addition, the applicant cites Techno-Gram 007-2016, issued by the Department of Permitting Inspections and Enforcement (“DPIE”), which establishes additional guidelines for Floodplain Studies and Delineations. Among other provisions, the guidance directs applicants to delineate the 100-year floodplain by adding one (1) vertical foot to the base flood elevation (“BFE”) to account for the 7.4-inch versus 8.5-inch rainfall differential, and an additional one (1) vertical foot of freeboard, as required by Techno-Gram 004-2020. Historically, the Department has relied upon the floodplain delineation approved by DPIE for purposes of establishing the Primary Management Area (“PMA”) and reviewing and approving the Natural Resources Inventory (“NRI”).

Accordingly, the Department will continue utilizing the delineation methodology set forth in Techno-Gram 007-2016 for purposes of determining the PMA and evaluating the NRI. However, for purposes of calculating net lot area, the Department will continue to apply the definition contained in the Zoning Ordinance, which does not incorporate freeboard into the 100-year floodplain area calculation.

Where discrepancies exist between the two calculations, the application shall include both the base flood elevation delineation and the delineation incorporating freeboard as part of the required NRI submission. This approach is consistent with the applicant’s Statement of Justification, which notes that DPIE permitted the applicant to separately depict and clearly distinguish the base flood elevation from the elevation incorporating the additional freeboard. *See Statement of Justification, p. 5.*

Section 27-3612(d)(1)(B) of the current Zoning Ordinance outlines the uniform mechanism in which formal written interpretations are rendered. The provisions have been replicated below in **bold** text, and an analysis of the relevant findings follow below in plain text.

Section 27-3612. Interpretation (Text, Uses, and Zoning Map).

(i) Any purpose statement in the section(s) where the text is located;

Section 27-2500 sets definitions for terms used in the Zoning Ordinance for better interpretation, however, these definitions cannot be read individually but in the context of the whole intent of the

Ordinance, or in this case, the net lot area is used to determine the maximum density allowed in a development depending on the base zone it is located.

(ii) The provision's context and consistency with surrounding and related provisions;

The provision analyzed in this interpretation is consistent with Section 27-2200 Measurement and Exceptions of Intensity and Dimensional Standards. Accordingly, Section 27-2201(a) determines how net lot area shall be determined "by measuring the total horizontal land area (in acres or square feet) within the lot lines of the lot, excluding public street or alley rights-of-way and private street or alley easements, and land lying within the 100-year floodplain."

(iii) Any legislative history related to the provision's adoption;

There is no legislative history applicable. However, the Department agrees with the applicant's determination that net lot area should be read "in conjunction with Section 27-6804 (Floodplain Management) of the Zoning Ordinance and the definition of "base flood (or 100-year flood)" in Section 32-203(a)(6) of the County's Floodplain Ordinance" and furthermore, "[a]pplying this interpretation also avoids unintended consequences that could arise from future changes to DPIE floodplain delineation requirements, such as the addition of freeboard". (See page 7)

(iv) The general purposes served by this Ordinance, as set forth in Section 27-1300, General Purpose and Intent; and

Among other purposes, the Zoning Ordinance supports redevelopment and infill development within established areas of the County, and promotes the implementation of the General Plan, Area Master Plans, Sector Plans, and Functional Master Plans. These purposes are consistent with the purposes of the RMF-48 Zone, where the property subject to this interpretation is located, which include to provide for this type of development at locations recommended by an Area Master Plan or Sector Plan, proximate to centers (including transit center) or at other locations which are found to be suitable by the District Council.

(v) The applicable comprehensive plans.

Plan Prince George's 2035 Approved General Plan natural environment section policy 4 states:

Policy 4 - Assess land use decisions for potential climate change impacts.

This policy is applicable with the recent DPIE's Techno-Gram 007-2016 as the result of flooding analysis. However, this upgrade although very appropriate, it should not dictate the density permitted in a development, particularly in high-density areas identified in Plan 2035. As the applicant clearly explains in its statement of justification, "[f]loodplain delineations serve purposes such as insurance rating, public safety, and environmental protection. Zoning, by contrast, governs land use and establishes bulk standards, including height, setbacks, and density." *See page 9.*

Conclusion

The Zoning Ordinance excludes from the definition for net lot area, among others, those portions of land located within the base flood elevation associated with the 100-year floodplain. As demonstrated by the definitions contained in Subtitles 27 and 32, the term "100-year floodplain" refers to the base flood itself and does not extend to the additional freeboard requirements

incorporated into the flood protection elevation. Accordingly, areas affected solely by freeboard are not excluded from the calculation of net lot area.

* * *

This written interpretation is binding on subsequent decisions by the Planning Director or another Maryland-National Capital Park and Planning Commission (M-NCPPC) or Prince George's County administrative officials in applying the same provision of this Ordinance or the Official Zoning Map to the project at the Subject Property, unless the interpretation is modified in accordance with the requirements of the Ordinance or the text of the Ordinance impacting the interpretation is amended.

This written interpretation is a final decision of the Planning Director and may be appealed to the Prince George's County Board of Zoning Appeals within thirty (30) days following receipt of this interpretation by the Applicant.

James R. Hunt

James Hunt, MPA
Acting Planning Director

06/01/2026

Date






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Final Audit Report

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