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Prince George's County Planning Board

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September 23, 2021

The Honorable Calvin S. Hawkins, II  
Chairman  
Prince George's County Council  
County Administration Building  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

Re: CB-65-2021, CB-66-2021, CB-67-2021,  
CB-68-2021, CB-69-2021, CB-71-2021,  
CB-72-2021, CB-76-2021, CB-77-2021,  
CB-78-2021, and CB-79-2021

Dear Chairman Hawkins:

Thank you for providing the Planning Board an opportunity to review and comment on proposed District Council legislation. During the September 23, 2021 Planning Board meeting, the following positions were adopted in accordance with the planning staff's recommendations on the proposed legislation. **A Planning Board Analysis of each bill is attached for your consideration and a brief excerpt from each report is provided below:**

***CB-65-2021*** *A bill to amend the development regulations in the Planned Industrial/ Employment Park (I-3) Zone for warehousing uses on properties with a certain minimum acreage and locational requirements.*

**Planning Board Recommendation: Support with amendments.**  
(See Attachment 1 for full analysis)

**This bill will impact 14 properties with 49 tax identification numbers attached to the properties. The Planning Board is not able to determine if a property is vacant when a CSP application is submitted. The proposed legislation does not change any other applicable development regulations or requirements for the I-3 Zone. CB-65-2021 will still be required to comply with the I-3 Zone net lot area, lot frontage, building coverage, and green area regulations, typically more restrictive than other industrial zones. Those regulations ensure there are minimal detrimental effects on adjacent properties and maximizes open space.**

**The Planning Board would like to recommend three technical amendments. On page 3, line 2, add an "I" in front of 495 so the text reads "I-95/I-495". Next, delete the word "envelope," as it is unclear what this means. As amended the property will have to be located inside the Beltway. There should also be clarifying language added to the bill to explain the number of feet the property is from the I-95/ I-495 Interchange.**

**The Planning Board believes the proposed legislation could facilitate employment opportunities for the County.**

**The adopted Zoning Ordinance eliminated the I-3 (Planned Industrial/Employment Park) Zone and replaced it with the IE (Industrial, Employment) Zone. The uses “warehouse showroom,” “storage warehouse,” “outdoor storage (as a principal use),” and “consolidated storage” are permitted in the IE Zone with use-specific standards. The uses “cold storage plant” or distribution warehouse” are subject to Special Exception approval in the IE Zone with Special Exception standards. Site plan requirements would be determined by the square footage of the proposed development, but all developments must meet the applicable development standards of Part 6: Development Regulations.**

***CB-66-2021 A bill to amend the residential and commercial uses tables to permit mixed-use development in the Multifamily Medium Density Residential (R-18) and Commercial Shopping Center (C-S-C) Zones.***

**Planning Board Recommendation: Oppose.  
(See Attachment 2 for full analysis)**

**The legislation will impact a property located at 0 Briarwood Drive Laurel, Maryland, 20708. The tax identification number is 3314234. This property is within the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment*.**

**Under footnotes 143 and 87, letters (B) should be clarified. As drafted, the language refers to a future mixed-use rezoning area in the applicable area master or sector plan. Area master and sector plans are optimistic projections, long-term visions for future development. There could be numerous R-18, and C-S-C zoned properties in the County where the recommendation in the area master or sector plan is a future rezoning for mixed-use development. In addition, the Zoning Ordinance does not define “mixed-use.” The term “mixed-use” could refer to numerous broad categories of uses in the Zoning Ordinance. As a result, the language would permit “non-residential” uses as “permitted uses” in the R-18 Zone.**

**The language under letter (F) should be deleted. The language appears to waive all requirements and regulations for the R-18 and C-S-C Zones. It would establish development standards at the time of DSP review and approval. This process defeats the entire purpose of zoning and denies the District Council and Planning Board the ability to apply any objective standards for development.**

**If the legislation moves forward as drafted, the Planning Board will have no zoning regulations to review at the time of the Preliminary Plan of Subdivision, including density and lot size.**

**The Planning Board recommends opposition to the proposed legislation because it uses undefined terms and does not include development regulations; this leaves the development of the site to be determined subjectively.**

**The District Council is on the eve of implementing its 21<sup>st</sup> Century Subdivision and Zoning Ordinances. The Planning Board strongly recommends that the District Council not make additional changes to the current Zoning Ordinance.**

**The adopted Zoning Ordinance renames the R-18 Zone to the Multifamily Medium Density Residential (RMF-20) Zone. The C-S-C Zone will be named the Commercial General and Office (CGO) Zone. Both zones permit commercial uses.**

***CB-67-2021** A bill to amend the powers and duties of the County Board of Zoning Appeals to authorize consideration and disposition of applications for variances from the strict application of the prohibition of front yard driveways for property in the One Family Detached Residential (R-55) and Transit District Overlay (T-D-O) Zones.*

**Planning Board Recommendation: Support with amendments.**  
**(See Attachment 3 for full analysis)**

**CB-67-2021 will authorize the Board of Zoning Appeals to hear and grant variances for front yard driveways for properties located in One Family Detached Residential (R-55) and Transit District Overlay (T-D-O) Zones. Many of the established communities inside the beltway are older dwelling units developed without garages and are within overlay zones. Allowing the Board of Zoning Appeals to hear and grant variances in this situation will reduce the need for owners of a house in the R-55 Zone located in a T-D-O to file a Planning Board level Detailed Site Plan (DSP). This legislation would impact 925 R-55 properties located with T-D-O Zones.**

**The Planning Board would like to recommend a few amendments for consideration.**

**Amend Section 27-229 (b) (19); the language restricts the Board of Zoning Appeals from granting variances within overlay zones.**

**Next, amend the legislation to exempt R-55 zoned properties in Development District Overlay (D-D-O) Zones. The amendment would also exempt those properties from the requirement of obtaining DSP approval for front yard driveways.**

**The Planning Board supports this needed change to the development review regulations. When necessary, the proposed legislation allows homeowners in older communities to deviate from current zoning requirements through the simpler variance review process with the Board of Zoning Appeals.**

**The adopted Zoning Ordinance removes all T-D-O Zones.**

***CB-68-2021 (Proposed DR-2)** A bill to amend the Zoning Ordinance and expand the definition for "Urban Farm" to include the limited keeping of fowl in chicken coops and lofts, subject to certain restrictions and requirements and permitting the use in certain residential zones.*

**Planning Board Recommendation: Support with amendments.**  
**(See Attachment 4 for full analysis)**

**CB-68-2021 (Proposed DR-2) amends the definition for "urban farm" to permit chicken coops and lofts and prohibit the slaughter of fowl for marketing. The expanded definition would allow chickens in the Reserved Open Space (R-O-S), Open Space (O-S), Residential-Agricultural (R-A), Residential-Estate (R-E), Rural Residential (R-R), One-Family Detached Residential (R-80), One-Family Detached Residential (R-55), Multifamily Low Density Residential (R-30), Multifamily Medium Density Residential (R-18), Multifamily High Density Residential-Efficiency (R-10A), Multifamily High Density Residential (R-10),**

**Multifamily High-Rise Residential (R-H) Zones subject to a newly created footnote. The legislation is a text amendment of general application that will apply countywide where the use is permitted.**

**An increasing number of jurisdictions allow the keeping of fowl in residential zones, subject to various limitations, so that households may practice sustainable agriculture. This trend was discussed during the Zoning Rewrite by the Council and numerous stakeholders. This bill does not allow all households to keep chickens but does allow urban farms operated by non-profit and for-profit organizations to do so. The Planning Board supports this change as a first step in the direction of allowing fowl-keeping in more locations.**

**The Planning Board would like to offer several comments for District Council consideration.**

**The language on page 4, under footnote 143, should be added to Subtitle 3- Animal Control, Division 6-Other Rules, and Regulations.**

**The language under letter (I) of the footnote should be amended or deleted. The language states, "No fowl are raised, owned, or slaughtered for the purpose of human consumption." Generally, urban farms raise fowl for human consumption.**

**The Planning Board supports additional study of permitting fowl in locations outside of urban farms.**

**The new ordinance does not include the specific regulations proposed in this bill. If this legislation is enacted, the adopted Zoning Ordinance would need to be amended to reflect provisions included in this bill.**

***CB-69-2021 A bill to amend the definition of "Home Occupation" to include "Pet Grooming Services" as a "Home Occupation" in residential zones, under certain circumstances.***

**Planning Board Recommendation: Support.  
(See Attachment 5 for full analysis)**

**CB-69-2021 amends the definition for "Home Occupation" to include a new use entitled "Pet Grooming Services". The use would be permitted in many residential zones. This legislation is a text amendment of general application and applies countywide. The use would be prohibited in all multifamily zones.**

**This legislation permits pet grooming services as a home business. All "Home Occupation" uses must comply with the 33% square footage requirements, cannot change the residential character of the dwelling unit, and are not required to comply with off-street parking and loading regulations. Taking account of the limitations that apply to all Home Occupations, the Planning Board finds that pet grooming is a relatively low impact activity and compatible with residential zoning.**

**The adopted Zoning Ordinance does not define "Home Occupation" as a separate use. The use is considered an accessory use and is permitted in all residential zones with use specific standards. The new Zoning Ordinance retains many of the current ordinance requirements for home occupations. Under the new ordinance "Home Occupation" use cannot exceed 25% or 5,000 square feet whichever is less.**

**CB-71-2021** *A bill to amend the Subdivision Regulations to authorize the Planning Board to approve Preliminary Plans of Subdivisions for development containing certain easements to serve a private school as a permitted use, under certain circumstances.*

**Planning Board Recommendation:** Support.  
(See Attachment 6 for full analysis)

**CB-71-2021 amends Section 24-128 (Private roads and easements.) to permit the Planning Board to approve a private right-of-way easement in the Mixed Use Commercial (M-X-C) Zone to connect a private school on a historic site in the Residential Estate (R-E) Zone to a public road.**

**The proposed legislation will impact a property located at 4600 Fairwood Vista Drive in Bowie, Maryland. The tax identification number is 0687913. The site currently does not have access to a public road. CB-71-2021 will permit the Planning Board to approve the establishment of a private easement to access the site from Fairwood Vista Drive. A private school on the site will be developed by Chance Academy. The Chance Academy provides educational services to students K-12. The legislation will support re-use of an historic site and provide context sensitive access to the site.**

**The adopted Subdivision Regulations retains the same regulations under the current Subdivision Ordinance.**

**CB-72-2021** *A bill to amend the Residential Table of Uses to permit the development of townhouses in the Rural Residential (R-R) Zone under certain circumstances.*

**Planning Board Recommendation:** Oppose.  
(See Attachment 7 for full analysis)

**The Planning Board has numerous concerns and comments for District Council consideration.**

**Footnote 143**

**Under letter (A), the proposed legislation does not seem to apply to any properties in the County. There are no R-R zoned properties in the County with a minimum of 16 acres and a maximum of 20 acres with frontage on two arterial roads.**

**The proximity of R-R property to "a community approved for mixed-use development, and which is developed with a minimum of 500 residential dwelling units" (see letter (C)) is not an adequate rationale for allowing townhouses in the R-R Zone.**

**Letter (D) of the footnote requires clarifying and technical amendments. In the first sentence, delete the words "for development of the "use" after the word "approved." In the third sentence, add the word "be" in front of the word "established;" also add the word "as" in front of the word "shown." In the last sentence delete the word "building" and replace with word "unit" in front of the word "width." The revised language would read: A Detailed Site Plan shall be approved pursuant to Part 3, Division 9 of this Subtitle. Regulations concerning lot size, net lot area, lot coverage, frontage, setbacks, density, building height, landscaping, and other requirements of the R-R Zone shall not apply.**

**The development shall be in accordance with the applicable dimensional requirements for Townhouses in the M-X-T Zone, as provided in Section 27-548(h) of this Code. The remaining development regulations shall be established pursuant to and as shown on the approved Detailed Site Plan. In no event shall the number of Townhouse units exceed ten (10) dwelling units per acre. The minimum unit width shall be twenty (20) feet.**

**Letter (E) should be clarified and revised. It is not clear if the proposed language intends to require a private community center or meeting area for meeting the mandatory dedication of parkland requirement required under Subtitle 24 or in addition to any parkland dedication requirement of Subtitle 24. The Preliminary Plan of Subdivision process requires the mandatory dedication of parkland or other recreational facilities instead of land dedication. If the intent is to provide other recreational facilities instead of parkland, this requirement should be addressed through Subtitle 24. The Planning Board recommends that the words "meeting area" be clarified. It is not clear if the meeting area is a separate building with indoor meeting space or if the meeting area can be an outside facility.**

**Letter (F) should be amended or deleted. There is already a use entitled "Dwelling, one-family attached, for the elderly" within the Zoning Ordinance. The use is allowed in the R-R Zone subject to Special Exception approval. The use proposed by this bill would fall under both uses, which will cause a conflict during the development review process.**

**Letter (G) of the footnote should be deleted. Section 24-135 (Fee in Lieu and recreational facilities.) of the Subdivision Regulations requires recreational facilities to be properly developed and maintained to benefit future residents through covenants, recreational facilities agreements, or other appropriate means. The agreement is legally binding upon the subdivider and their heirs, successors, assigns and is enforceable by the Planning Board. Therefore, the language should be deleted. It is duplicative of a process already required during the Preliminary Plan of Subdivision review.**

**The District Council is on the eve of implementing its 21<sup>st</sup> Century Subdivision and Zoning Ordinances. The Planning Board strongly recommends that the District Council not make additional changes to the current Zoning Ordinance.**

**The adopted Zoning Ordinance renames the R-R Zone the Residential Rural (RR) Zone. Townhouses are prohibited in the RR Zone. Elderly housing (Single-family attached dwellings) requires Special Exception approval. The new Zoning Ordinance does not permit townhouses in the RR Zone because this use in that zone is contrary to the purposes of the zone. The level of intensity of the use is inappropriate in that zone. The townhouse regulations in the adopted Zoning Ordinance are very different from the M-X-T Zone regulations for townhouses. The townhouse intensity, design, and form regulations depend on the zone where the townhouses are permitted. The adopted Code has separate sections dedicated to townhouse design and form.**

***CB-76-2021*** *A bill to amend the Tree Canopy Coverage Ordinance provisions to eliminate certain exemptions for townhouses and increase the minimum tree canopy requirement for certain residential development.*

**Planning Board Recommendation:** Support with amendments.  
(See Attachment 8 for full analysis)

**The Planning Board is partially supportive of the proposed legislation but would like to offer a few comments and amendments for District Council consideration.**

- **On page 2, lines 10 through 11, the bill removes existing townhouse dwelling units from the exemption from tree canopy coverage regulations but does not remove the exemption for existing two-family, three-family, and other similar dwellings units. Existing townhouse units should remain exempt, and the Planning Board recommends amending the bill to remove any changes to Section 25-127 (Applicability) of this bill.**
- **On page 3, under Table 1 (Tree Canopy Requirements by Zone), the Residential-Estate (R-E), Residential Low Development (R-L), and Village-Low (V-L) Zones are only required to have 20% tree canopy coverage. This bill increases the requirement for other residential zones. Requiring 25% tree coverage in these zones is consistent with the zones' purposes, as they encourage preservation of environmental features through open space, scenic vistas, and trees. The Planning Board recommends amending the bill to require 25% tree coverage in these zones as well.**
- **Also, on page 3, under Table 1 (Tree Canopy Requirements by Zone), the Ancillary Commercial (C-A), Commercial Office (C-O), Commercial Shopping Center (C-S-C), Local Commercial (C-1), Community Commercial (C-C), Commercial General (C-G), General Commercial (C-2), Commercial Waterfront (C-W), Commercial Miscellaneous (C-M), Highway Commercial (C-H), Commercial Regional Center (C-R-C), Light Industrial (I-1), Heavy Industrial (I-2), Planned Industrial/Employment Park (I-3), Limited Intensity Industrial (I-4), Mixed Use Industrial (M-U-I), Employment and Industrial Area (E-I-A), Local Activity Center (L-A-C), Mixed Use Community (M-X-C), Mixed Use Infill (M-U-I), Mixed Use Town Center (M-U-TC), Mixed Use Transportation Oriented (M-X-T), Major Activity Center (M-A-C) and Urban Light Industrial (U-L-I) Zones are only required to have 10% tree canopy coverage. The Planning Board recommends amending the bill to require 15% tree coverage in these zones.**

**There are numerous benefits to increasing the tree canopy coverage in residential zones. Increased tree canopy will promote clean air while combating air pollution, reduce summer peak temperatures, provide wildlife habitat, reduce stormwater run-off, enhance property values; therefore, the Planning Board supports these benefits with the amendments mentioned above.**

**Proposing additional tree canopy requirements on all zones, especially those uses that have had historically the lowest amount of tree canopy coverage, is consistent with Plan 2035 strategies for Climate Change and Forest and Tree Canopy Goals, and also consistent with strategies contained in the Green Infrastructure Plan (2017) for Preserving, Enhancing and Restoring Canopy Coverage.**

**This text amendment amends Subtitle 25 of the County Code, not the zoning ordinance.**

***CB-77-2021 A bill to delete the Urban Centers and Corridor Nodes Development Ordinance.***

**Planning Board Recommendation: Support.  
(See Attachment 9 for full analysis)**

**CB-77-2021 deletes the Urban Center and Corridor Nodes Development Ordinance. The District Council enacted CB-1-2010, Subtitle 27A, to promote medium-to-high-intensity, mixed-use, pedestrian, and transit-oriented development in Prince George's County. The District Council decided not to implement the ordinance or rezone properties to the Urban Center Zones.**

**The newly adopted Zoning Ordinance comprehensively provides development regulations which support medium-to-high-intensity, mixed-use, pedestrian, and transit-oriented development in Prince George's County in line with the vision of Plan 2035.**

**The Planning Board supports the repeal and deletion of this ordinance because the District Council is on the eve of implementing its 21<sup>st</sup> Century ordinances.**

***CB-78-2021 A bill to define "Solar-Powered Renewable Energy Facility" and amend the Residential Table of Uses to permit a Solar-Powered Renewable Energy Facility and "Warehouse and Distribution" when the use is partially powered by renewable energy in the Rural Residential (R-R) Zone, under certain circumstances.***

**Planning Board Recommendation: Oppose as drafted.  
(See Attachment 10 for full analysis)**

**The purpose of the Rural Residential (R-R) Zone is to accommodate neighborhoods of detached single-family zones on individual lots. Warehousing and distribution uses are industrial uses and are wholly inappropriate for a residential zone of detached single-family homes. While the use of renewable energy is certainly desirable, the source of energy does not change the basic character of these industrial uses, which are not compatible with detached single-family homes.**

**The new use "Solar-Powered Renewable Energy Facility" created by the bill falls within the zoning ordinance's existing use type "Public utility uses or structures," which is already a permitted use in the R-R zone. Therefore, a stand-alone utility facility of this type is already permitted. Most often, it will be reviewed under the Mandatory Referral process rather than the zoning ordinance. In any event, the text amendment is not needed to allow such a facility to be constructed.**

**The Planning Board is unable to identify the number of properties affected by this bill, because neither the Zoning Ordinance nor the bill define "interchange." There are hundreds of road intersections that might or might not qualify as an interchange, depending on the definition.**



**The Information Management Division does not maintain a mapping layer for interchanges; therefore, the Planning Board cannot map the number of properties that are “within two miles of an existing interchange.” Numerous R-R zoned properties could be affected by this bill.**

**The adopted Zoning Ordinance renames the R-R Zone to the Residential Rural (RR) Zone and continues the zone’s low density, residential character. Warehousing and distribution uses are not permitted in the new RR zone. Utility uses are permitted, and most often reviewed under Mandatory Referral rather than the zoning ordinance.**

**CB-79-2021 A bill to amend the Planning Board public hearing sign posting requirements.**

**Planning Board Recommendation: Support.  
(See Attachment 11 for full analysis)**

**CB-79-2021 amends the Planning Board public hearing sign posting regulations to permit applicants to obtain signs from an independent contractor. As proposed, the legislation eliminates fees paid to the Planning Board for development review application signs. Applicants would obtain the public hearing sign template package from the Planning Board, detailing sign template(s) and detailed information on the required procedures.**

**The proposed legislation provides flexibility to the public hearing sign posting notification process, allowing applicants to coordinate with a sign contractor of their choice. The proposed legislation will make the development review process more efficient and will facilitate the continued effort to provide excellent customer service to our county residents while meeting the requirements of both the old and new Zoning Ordinances. The Planning Board supports this needed change.**

**The District Council is on the eve of implementing its 21<sup>st</sup> Century Zoning Ordinance. This legislation will facilitate that change. Planning Board is developing a communications plan that will educate the public on the revised design features of the new public hearing notice signs. If adopted, the Planning Board will begin a community outreach initiative to provide information on the public hearing sign template changes.**

**This legislation will impact all properties within Prince George’s County in accordance with the Zoning and Subdivision sign posting regulations.**

As always, Planning Department staff members are available to work with the Council and your legislative staff on any pertinent legislative matters. Please let us know if we may be of further assistance.

Should you have questions, please do not hesitate to contact the Office of the Planning Director at 301-952-3595. Thank you, again, for your consideration.

Sincerely,



Elizabeth M. Hewlett  
Chairman

## **CB-65-2021 – Planning Board Analysis (Attachment 1)**

A bill to amend the development regulations in the Planned Industrial/ Employment Park (I-3) Zone for warehousing uses on properties with a certain minimum acreage and locational requirements.

**The Planning Board has the following comments and amendments for consideration by the District Council:**

### **Policy Analysis:**

CB-65-2021 amends the warehousing regulations for properties located in the Planned Industrial/Employment Park (I-3) Zone. The bill exempts a property(s) from the limitations on “warehousing, wholesaling, or storage of materials not used, or produced on the premises” uses, if it is located entirely within the Capital Beltway (I-95/I-495) envelope and contains less than fifteen acres of land.

The property(s) must have also been classified in the I-3 Zone under a Sectional Map Amendment approved before January 1, 1978 and is vacant when filing a Conceptual Site Plan.

This bill will impact 14 properties with 49 tax identification numbers attached to the properties. The Planning Board is not able to determine if a property is vacant when a CSP application is submitted. The proposed legislation does not change any other applicable development regulations or requirements for the I-3 Zone. CB-65-2021 will still be required to comply with the I-3 Zone net lot area, lot frontage, building coverage, and green area regulations, typically more restrictive than other industrial zones. Those regulations ensure there are minimal detrimental effects on adjacent properties and maximizes open space.

The Planning Board would like to recommend three technical amendments. On page 3, line 2, add an “I” in front of 495 so the text reads “I-95/I-495”. Next, delete the word “envelope,” as it is unclear what this means. As amended the property will have to be located inside the Beltway. There should also be clarifying language added to the bill to explain the number of feet the property is from the I-95/ I-495 Interchange.

The Planning Board believes the proposed legislation could facilitate employment opportunities for the County.

### **Impacted Property:**

The proposed legislation will impact 14 I-3 zoned properties. There are 49 tax identification numbers attached to the properties.

### **Adopted Zoning Ordinance:**

The adopted Zoning Ordinance eliminated the I-3 (Planned Industrial/Employment Park) Zone and replaced it with the IE (Industrial, Employment) Zone. The uses “warehouse showroom,” “storage warehouse,” “outdoor storage (as a principal use),” and “consolidated storage” are permitted in the IE Zone with use-specific standards.

**CB-65-2021 – Planning Board Analysis (Attachment 1)**

Page 2

The uses “cold storage plant” or distribution warehouse” are subject to Special Exception approval in the IE Zone with Special Exception standards. Site plan requirements would be determined by the square footage of the proposed development, but all developments must meet the applicable development standards of Part 6: Development Regulations.

Following discussion, the Planning Board voted to support CB-65-2021 with amendments.

## **CB-66-2021 – Planning Board Analysis (Attachment 2)**

A bill to amend the residential and commercial uses tables to permit mixed-use development in the Multifamily Medium Density Residential (R-18) and Commercial Shopping Center (C-S-C) Zones.

**The Planning Board has the following comments and suggestions for consideration by the District Council:**

### **Policy Analysis:**

CB-66-2021 amends the Residential and Commercial Tables of Uses to permit “Dwelling, Multifamily” units in the Multifamily Medium Density Residential (R-18) Zone. Next, the bill allows “Dwelling Multifamily with ground floor commercial uses” in the Commercial Shopping Center (C-S-C) Zone. Both uses are permitted subject to newly created footnotes.

1 The tax identification number is 3314234. This property is within the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment*.

Under footnotes 143 and 87, letters (B) should be clarified. As drafted, the language refers to a future mixed-use rezoning area in the applicable area master or sector plan. Area master and sector plans are optimistic projections, long-term visions for future development. There could be numerous R-18, and C-S-C zoned properties in the County where the recommendation in the area master or sector plan is a future rezoning for mixed-use development. In addition, the Zoning Ordinance does not define “mixed-use.” The term “mixed-use” could refer to numerous broad categories of uses in the Zoning Ordinance. As a result, the language would permit “non-residential” uses as “permitted uses” in the R-18 Zone.

The language under letter (F) should be deleted. The language appears to waive all requirements and regulations for the R-18 and C-S-C Zones. It would establish development standards at the time of DSP review and approval. This process defeats the entire purpose of zoning and denies the District Council and Planning Board the ability to apply any objective standards for development.

If the legislation moves forward as drafted, the Planning Board will have no zoning regulations to review at the time of the Preliminary Plan of Subdivision, including density and lot size.

The Planning Board recommends opposition to the proposed legislation because it uses undefined terms and does not include development regulations; this leaves the development of the site to be determined subjectively.

The District Council is on the eve of implementing its 21<sup>st</sup> Century Subdivision and Zoning Ordinances. The Planning Board strongly recommends that the District Council not make additional changes to the current Zoning Ordinance.

### **Impacted Property:**

This legislation will affect a property located at 0 Briarwood Drive Laurel, Maryland, 20708. The tax identification number is 3314234.

**Adopted Zoning Ordinance:**

The adopted Zoning Ordinance renames the R-18 Zone to the Multifamily Medium Density Residential (RMF-20) Zone. The C-S-C Zone will be named the Commercial General and Office (CGO) Zone. Both zones permit commercial uses.

Following discussion, the Planning Board voted to oppose CB-66-2021.

### **CB-67-2021 – Planning Board Analysis (Attachment 3)**

A bill to amend the powers and duties of the County Board of Zoning Appeals to authorize consideration and disposition of applications for variances from the strict application of the prohibition of front yard driveways for property in the One Family Detached Residential (R-55) and Transit District Overlay (T-D-O) Zones.

**The Planning Board has the following comments and amendments for consideration by the District Council:**

#### **Policy Analysis:**

CB-67-2021 will authorize the Board of Zoning Appeals to hear and grant variances for front yard driveways for properties located in One Family Detached Residential (R-55) and Transit District Overlay (T-D-O) Zones. Many of the established communities inside the beltway are older dwelling units developed without garages and are within overlay zones. Allowing the Board of Zoning Appeals to hear and grant variances in this situation will reduce the need for owners of a house in the R-55 Zone located in a T-D-O to file a Planning Board level Detailed Site Plan (DSP). This legislation would impact 925 R-55 properties located with T-D-O Zones.

The Planning Board would like to recommend a few amendments for consideration.

Amend Section 27-229 (b) (19); the language restricts the Board of Zoning Appeals from granting variances within overlay zones.

Next, amend the legislation to exempt R-55 zoned properties in Development District Overlay (D-D-O) Zones. The amendment would also exempt those properties from the requirement of obtaining DSP approval for front yard driveways.

The Planning Board supports this needed change to the development review regulations. When necessary, the proposed legislation allows homeowners in older communities to deviate from current zoning requirements through the simpler variance review process with the Board of Zoning Appeals.

#### **Impacted Property:**

This legislation will impact 925 R-55 zoned properties located in T-D-O Zones.

#### **Adopted Zoning Ordinance:**

The adopted Zoning Ordinance removes all T-D-O Zones.

Following discussion, the Planning Board voted to support CB-67-2021 with amendments.

## **CB-68-2021 (Proposed DR-2) – Planning Board Analysis (Attachment 4)**

A bill to amend the Zoning Ordinance and expand the definition for "Urban Farm" to include the limited keeping of fowl in chicken coops and lofts, subject to certain restrictions and requirements, and permitting the use in certain residential zones.

**The Planning Board has the following comments and amendments for consideration by the District Council:**

### **Policy Analysis:**

CB-68-2021 (Proposed DR-2) amends the definition for "urban farm" to permit chicken coops and lofts and prohibit the slaughter of fowl for marketing. The expanded definition would allow chickens in the Reserved Open Space (R-O-S), Open Space (O-S), Residential-Agricultural (R-A), Residential-Estate (R-E), Rural Residential (R-R), One-Family Detached Residential (R-80), One-Family Detached Residential (R-55), Multifamily Low Density Residential (R-30), Multifamily Medium Density Residential (R-18), Multifamily High Density Residential-Efficiency (R-10A), Multifamily High Density Residential (R-10), Multifamily High-Rise Residential (R-H) Zones subject to a newly created footnote. The legislation is a text amendment of general application that will apply countywide where the use is permitted.

An increasing number of jurisdictions allow the keeping of fowl in residential zones, subject to various limitations, so that households may practice sustainable agriculture. This trend was discussed during the Zoning Rewrite by the Council and numerous stakeholders. This bill does not allow all households to keep chickens but does allow urban farms operated by non-profit and for-profit organizations to do so. The Planning Board supports this change as a first step in the direction of allowing fowl-keeping in more locations.

The Planning Board would like to offer several comments for District Council consideration.

The language on page 4, under footnote 143, should be added to Subtitle 3- Animal Control, Division 6-Other Rules, and Regulations.

The language under letter (I) of the footnote should be amended or deleted. The language states, "No fowl are raised, owned, or slaughtered for the purpose of human consumption." Generally, urban farms raise fowl for human consumption.

The Planning Board supports additional study of permitting fowl in locations outside of urban farms.

### **Impacted Property:**

This legislation will impact properties in the R-O-S, O-S, R-A, R-E, R-R, R-80, R-55, R-30, R-18, R-10A, R-10, R-H Zones with urban farms.

### **Adopted Zoning Ordinance:**

The new ordinance does not include the specific regulations proposed in this bill. If this legislation is enacted, the adopted Zoning Ordinance would need to be amended to reflect provisions included in this bill.

**CB-68-2021 – Planning Board Analysis (Attachment 4)**

Page 2

Following discussion, the Planning Board voted to support CB-68-2021 (Proposed DR-2) with amendments.



## **CB-69-2021 – Planning Board Analysis (Attachment 5)**

A bill to amend the definition of “Home Occupation” to include “Pet Grooming Services” as a “Home Occupation” in residential zones, under certain circumstances.

**The Planning Board has the following comments for consideration by the District Council:**

### **Policy Analysis:**

CB-69-2021 amends the definition for “Home Occupation” to include a new use entitled “Pet Grooming Services”. The use would be permitted in many residential zones. This legislation is a text amendment of general application and applies to all Reserved Open Space (R-O-S), Open Space (O-S), Residential-Agricultural (R-A), Residential-Estate (R-E), Rural Residential (R-R), One-Family Detached Residential (R-80), One-Family Detached Residential (R-55), One-Family Semidetached, and Two-Family Detached, Residential (R-35); One-Family Triple-Attached Residential (R-20), and Townhouse (R-T) Zones countywide. The use would be prohibited in all multifamily zones.

This legislation permits pet grooming services as a home business. All “Home Occupation” uses must comply with the 33% square footage requirements, cannot change the residential character of the dwelling unit, and are not required to comply with off-street parking and loading regulations. Taking account of the limitations that apply to all Home Occupations, the Planning Board finds that pet grooming is a relatively low impact activity and compatible with residential zoning.

### **Impacted Property:**

This legislation will impact all R-O-S, O-S, R-A, R-E, R-R, R-80, R-55, R-35 R-20, and R-T zoned properties.

### **Adopted Zoning Ordinance:**

The adopted Zoning Ordinance does not define “Home Occupation” as a separate use. The use is considered an accessory use and is permitted in all residential zones with use specific standards. The new Zoning Ordinance retains many of the current ordinance requirements for home occupations. Under the new ordinance “Home Occupation” use cannot exceed 25% or 5,000 square feet whichever is less.

Following discussion, the Planning Board voted to support CB-69-2021.

## **CB-71-2021 – Planning Board Analysis (Attachment 6)**

A bill to amend the Subdivision Regulations to authorize the Planning Board to approve Preliminary Plans of Subdivisions for development containing certain easements to serve a private school as a permitted use, under certain circumstances.

**The Planning Board has the following comments for consideration by the District Council:**

### **Policy Analysis:**

CB-71-2021 amends Section 24-128 (Private roads and easements.) to permit the Planning Board to approve a private right-of-way easement in the Mixed Use Commercial (M-X-C) Zone to connect a private school on a historic site in the Residential Estate (R-E) Zone to a public road.

The proposed legislation will impact a property located at 4600 Fairwood Vista Drive in Bowie, Maryland. The tax identification number is 0687913. The site currently does not have access to a public road. CB-71-2021 will permit the Planning Board to approve the establishment of a private easement to access the site from Fairwood Vista Drive. A private school on the site will be developed by Chance Academy. The Chance Academy provides educational services to students K-12.

The legislation will support re-use of an historic site and provide context sensitive access to the site.

### **Impacted Property:**

This legislation will impact an M-X-C zoned property located at 4600 Fairview Vista Drive Bowie, Maryland, 20721.

### **Adopted Subdivision Ordinance:**

The adopted Subdivision Regulations retains the same regulations under the current Subdivision Ordinance.

Following discussion, the Planning Board voted to support CB-71-2021.

## **CB-72-2021 Planning Board Analysis (Attachment 7)**

A bill to amend the Residential Table of Uses to permit the development of townhouses in the Rural Residential (R-R) Zone under certain circumstances.

**The Planning Board has the following comments and amendments for consideration by the District Council:**

### **Policy Analysis:**

The Planning Board has numerous concerns and comments for District Council consideration.

### **Footnote 143**

Under letter (A), the proposed legislation does not seem to apply to any properties in the County. There are no R-R zoned properties in the County with a minimum of 16 acres and a maximum of 20 acres with frontage on two arterial roads.

The proximity of R-R property to "a community approved for mixed-use development, and which is developed with a minimum of 500 residential dwelling units" (see letter (C)) is not an adequate rationale for allowing townhouses in the R-R Zone.

Letter (D) of the footnote requires clarifying and technical amendments. In the first sentence, delete the words "for development of the "use" after the word "approved." In the third sentence, add the word "be" in front of the word "established;" also add the word "as" in front of the word "shown." In the last sentence delete the word "building" and replace with word "unit" in front of the word "width." The revised language would read: A Detailed Site Plan shall be approved pursuant to Part 3, Division 9 of this Subtitle. Regulations concerning lot size, net lot area, lot coverage, frontage, setbacks, density, building height, landscaping, and other requirements of the R-R Zone shall not apply. The development shall be in accordance with the applicable dimensional requirements for Townhouses in the M-X-T Zone, as provided in Section 27-548(h) of this Code. The remaining development regulations shall be established pursuant to and as shown on the approved Detailed Site Plan. In no event shall the number of Townhouse units exceed ten (10) dwelling units per acre. The minimum unit width shall be twenty (20) feet.

Letter (E) should be clarified and revised. It is not clear if the proposed language intends to require a private community center or meeting area for meeting the mandatory dedication of parkland requirement required under Subtitle 24 or in addition to any parkland dedication requirement of Subtitle 24. The Preliminary Plan of Subdivision process requires the mandatory dedication of parkland or other recreational facilities instead of land dedication. If the intent is to provide other recreational facilities instead of parkland, this requirement should be addressed through Subtitle 24. The Planning Board recommends that the words "meeting area" be clarified. It is not clear if the meeting area is a separate building with indoor meeting space or if the meeting area can be an outside facility.

Letter (F) should be amended or deleted. There is already a use entitled "Dwelling, one-family attached, for the elderly" within the Zoning Ordinance. The use is allowed in the R-R Zone subject to Special Exception approval. The use proposed by this bill would fall under both uses, which will cause a conflict during the development review process.

Letter (G) of the footnote should be deleted. Section 24-135 (Fee in Lieu and recreational facilities.) of the Subdivision Regulations requires recreational facilities to be properly developed and maintained to benefit future residents through covenants, recreational facilities agreements, or other appropriate means. The agreement is legally binding upon the subdivider and their heirs, successors, assigns and is enforceable by the Planning Board. Therefore, the language should be deleted. It is duplicative of a process already required during the Preliminary Plan of Subdivision review.

The District Council is on the eve of implementing its 21<sup>st</sup> Century Subdivision and Zoning Ordinances. The Planning Board strongly recommends that the District Council not make additional changes to the current Zoning Ordinance.

**Impacted Property:**

The Planning Department cannot determine the property(s) affected by this legislation.

**Adopted Zoning Ordinance:**

The R-R Zone will be named the Residential Rural (RR) Zone. Townhouses are prohibited in the RR Zone. Elderly housing (Single-family attached dwellings) requires Special Exception approval. The adopted Zoning Ordinance does not permit townhouses in the RR Zone because this use in that zone is contrary to the purposes of the zone. The level of intensity of the use is inappropriate in that zone. The townhouse regulations in the adopted Zoning Ordinance are very different from the M-X-T Zone regulations for townhouses. The townhouse intensity, design, and form regulations depend on the zone where the townhouses are permitted. The adopted Code has separate sections dedicated to townhouse design and form.

Following discussion, the Planning Board voted to oppose CB-72-2021.

## **CB-76-2021 Planning Board Analysis (Attachment 8)**

A bill to amend the Tree Canopy Coverage Ordinance provisions to eliminate certain exemptions for townhouses and increase the minimum tree canopy requirement for certain residential development.

**The Planning Board has the following comments and amendments for consideration by the District Council:**

### **Policy Analysis:**

CB-76-2021 amends Subtitle 25 (Trees and Vegetation) under the Tree Canopy Ordinance regulations. The proposed legislation would expand the required tree canopy coverage from 15 % to 25% in the Residential Suburban Development (R-S), Rural Residential (R-R), One-Family Detached Residential (R-80), One-Family Detached Residential (R-55), One-Family Semidetached, and Two-Family Detached, Residential (R-35), One-Family Triple-Attached Residential (R-20), Townhouse (R-T), Multifamily Low Density Residential (R-30), Multifamily Low Density Residential Condominium (R-30C), Multifamily Medium Density Residential (R-18), Multifamily Medium Density Residential-Condominium (R-18C), Multifamily High Density Residential-Efficiency (R-10A), Multifamily High Density Residential (R-10), Multifamily High-Rise Residential (R-H), Residential Urban Development (R-U), Residential Medium Development (R-M), Planned Mobile Home Community (R-M-H) and Village-Medium (V-M) Zones. Next, the bill removes townhouses from the dwelling unit types exempt from the Tree Canopy Ordinance.

The Planning Board is partially supportive of the proposed legislation but would like to offer a few comments and amendments for District Council consideration.

- On page 2, lines 10 through 11, the bill removes existing townhouse dwelling units from the exemption from tree canopy coverage regulations but does not remove the exemption for existing two-family, three-family, and other similar dwellings units. Existing townhouse units should remain exempt, and the Planning Board recommends amending the bill to remove any changes to Section 25-127 (Applicability) of this bill.
- On page 3, under Table 1 (Tree Canopy Requirements by Zone), the Residential-Estate (R-E), Residential Low Development (R-L), and Village-Low (V-L) Zones are only required to have 20% tree canopy coverage. This bill increases the requirement for other residential zones. Requiring 25% tree coverage in these zones is consistent with the zones' purposes, as they encourage preservation of environmental features through open space, scenic vistas, and trees. The Planning Board recommends amending the bill to require 25% tree coverage in these zones as well.
- Also, on page 3, under Table 1 (Tree Canopy Requirements by Zone), the Ancillary Commercial (C-A), Commercial Office (C-O), Commercial Shopping Center (C-S-C), Local Commercial (C-1), Community Commercial (C-C), Commercial General (C-G), General Commercial (C-2), Commercial Waterfront (C-W), Commercial Miscellaneous (C-M), Highway Commercial (C-H), Commercial Regional Center (C-R-C), Light Industrial (I-1), Heavy Industrial (I-2), Planned Industrial/Employment Park (I-3), Limited Intensity Industrial (I-4), Mixed Use Industrial (M-U-I),

Employment and Industrial Area (E-I-A), Local Activity Center (L-A-C), Mixed Use Community (M-X-C), Mixed Use Infill (M-U-I), Mixed Use Town Center (M-U-TC), Mixed Use Transportation Oriented (M-X-T), Major Activity Center (M-A-C) and Urban Light Industrial (U-L-I) Zones are only required to have 10% tree canopy coverage. The Planning Board recommends amending the bill to require 15% tree coverage in these zones.

There are numerous benefits to increasing the tree canopy coverage in residential zones. Increased tree canopy will promote clean air while combating air pollution, reduce summer peak temperatures, provide wildlife habitat, reduce stormwater run-off, enhance property values; therefore, the Planning Board supports these benefits with the amendments mentioned above. Proposing additional tree canopy requirements on all zones, especially those uses that have had historically the lowest amount of tree canopy coverage, is consistent with Plan 2035 strategies for Climate Change and Forest and Tree Canopy Goals, and also consistent with strategies contained in the Green Infrastructure Plan (2017) for Preserving, Enhancing and Restoring Canopy Coverage.

**Impacted Property:**

The proposed legislation will affect all properties in R-S, R-R, R-80, R-55, R-35, R-20, R-T, R-30, R-30C, R-18, R-18C, R-10A, R-10, R-H, R-U, R-M, R-M-H and V-M Zones and require increased tree canopy coverage on all future developments with 5,000 or more square feet of gross floor area or disturbance. In addition, the legislation impacts all existing townhouses by requiring compliance with the tree canopy coverage regulations.

**Adopted Zoning Ordinance:**

This text amendment amends Subtitle 25 of the County Code, not the zoning ordinance.

Following discussion, the Planning Board voted to support CB-76-2021 with amendments.

## **CB-77-2021 Planning Board Analysis (Attachment 9)**

A bill to delete the Urban Centers and Corridor Nodes Development Ordinance.

**The Planning Board has the following comments for consideration by the District Council:**

### **Policy Analysis:**

CB-77-2021 deletes the Urban Center and Corridor Nodes Development Ordinance. The District Council enacted CB-1-2010, Subtitle 27A, to promote medium-to-high-intensity, mixed-use, pedestrian, and transit-oriented development in Prince George's County. The District Council decided not to implement the ordinance or rezone properties to the Urban Center Zones.

The newly adopted Zoning Ordinance comprehensively provides development regulations which support medium-to-high-intensity, mixed-use, pedestrian, and transit-oriented development in Prince George's County in line with the vision of Plan 2035.

The Planning Board supports the repeal and deletion of this ordinance because the District Council is on the eve of implementing its 21<sup>st</sup> Century ordinances.

### **Impacted Property:**

Subtitle 27A does not apply to any properties in the County.

### **Adopted Zoning Ordinance:**

The adopted Zoning Ordinance comprehensively provides development regulations that incorporate medium-to-high-intensity, mixed-use, pedestrian, and transit-oriented development.

Following discussion, the Planning Board voted to support CB-77-2021.

## **CB-78-2021 Planning Board Analysis (Attachment 10)**

A bill to define “Solar-Powered Renewable Energy Facility” and amend the Residential Table of Uses to permit a Solar-Powered Renewable Energy Facility and “Warehouse and Distribution” when the use is partially powered by renewable energy in the Rural Residential (R-R) Zone, under certain circumstances.

**The Planning Board has the following comments for consideration by the District Council:**

### **Policy Analysis:**

CB-78-2021 adds a new definition to the Zoning Ordinance for “Solar-Powered Renewable Energy Facility.” Next, the bill amends the Residential Table of Uses to permit the “Solar-Powered Renewable Energy Facility” and “Warehouse and Distribution” uses in the Rural Residential (R-R) Zone, subject to a newly created footnote. The “warehouse and distribution” use must be partially powered by the Solar-Powered Renewable Energy Facility” and both uses must conform to the requirements of Section 27-445.20 (Qualified Data Centers). Lastly, the bill requires both uses to be part of a development with a minimum of 75 acres, and the entire property must be within two miles of an existing interchange.

The purpose of the Rural Residential (R-R) Zone is to accommodate neighborhoods of detached single-family zones on individual lots. Warehousing and distribution uses are industrial uses and are wholly inappropriate for a residential zone of detached single-family homes. While the use of renewable energy is certainly desirable, the source of energy does not change the basic character of these industrial uses, which are not compatible with detached single-family homes.

The new use “Solar-Powered Renewable Energy Facility” created by the bill falls within the zoning ordinance’s existing use type “Public utility uses or structures,” which is already a permitted use in the R-R Zone. Therefore, a stand-alone utility facility of this type is already permitted. Most often, it will be reviewed under the Mandatory Referral process rather than the zoning ordinance. In any event, the text amendment is not needed to allow such a facility to be constructed.

The Planning Board is unable to identify the number of properties affected by this bill, because neither the Zoning Ordinance nor the bill define “interchange.” There are hundreds of road intersections that might or might not qualify as an interchange, depending on the definition.

The Information Management Division does not maintain a mapping layer for interchanges; therefore, the Planning Board cannot map the number of properties that are “within two miles of an existing interchange.” Numerous R-R zoned properties could be affected by this bill.

### **Impacted Property:**

As explained above, the Planning Board is not able to determine the number of properties affected by this legislation



**Adopted Zoning Ordinance:**

The adopted Zoning Ordinance renames the R-R Zone to the Residential Rural (RR) Zone and continues the zone's low density, residential character. Warehousing and distribution uses are not permitted in the new RR zone. Utility uses are permitted, and most often reviewed under Mandatory Referral rather than the zoning ordinance.

Following discussion, the Planning Board voted to oppose CB-78-2021 as drafted.

## **CB-79-2021 – Planning Board Analysis (Attachment 11)**

A bill to amend the Planning Board public hearing sign posting requirements.

**The Planning Board has the following comments for consideration by the District Council:**

### **Policy Analysis:**

CB-79-2021 amends the Planning Board public hearing sign posting regulations to permit applicants to obtain signs from an independent contractor. As proposed, the legislation eliminates fees paid to the Planning Board for development review application signs. Applicants would obtain the public hearing sign template package from the Planning Board, detailing sign template(s) and detailed information on the required procedures.

The proposed legislation provides flexibility to the public hearing sign posting notification process, allowing applicants to coordinate with a sign contractor of their choice. The proposed legislation will make the development review process more efficient and will facilitate the continued effort to provide excellent customer service to our county residents while meeting the requirements of both the old and new Zoning Ordinances. The Planning Board supports this needed change.

The District Council is on the eve of implementing its 21<sup>st</sup> Century Zoning Ordinance. This legislation will facilitate that change. Planning Board is developing a communications plan that will educate the public on the revised design features of the new public hearing notice signs. If adopted, the Planning Board will begin a community outreach initiative to provide information on the public hearing sign template changes.

### **Impacted Property:**

This legislation will impact all properties within Prince George's County in accordance with the Zoning and Subdivision sign posting regulations.

Following discussion, the Planning Board voted to support CB-79-2021.