

The Omnibus Zoning Update
(CB-15-2024)

ZONING UPDATE OVERVIEW

 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Prince George's County Planning Department

PHED Committee

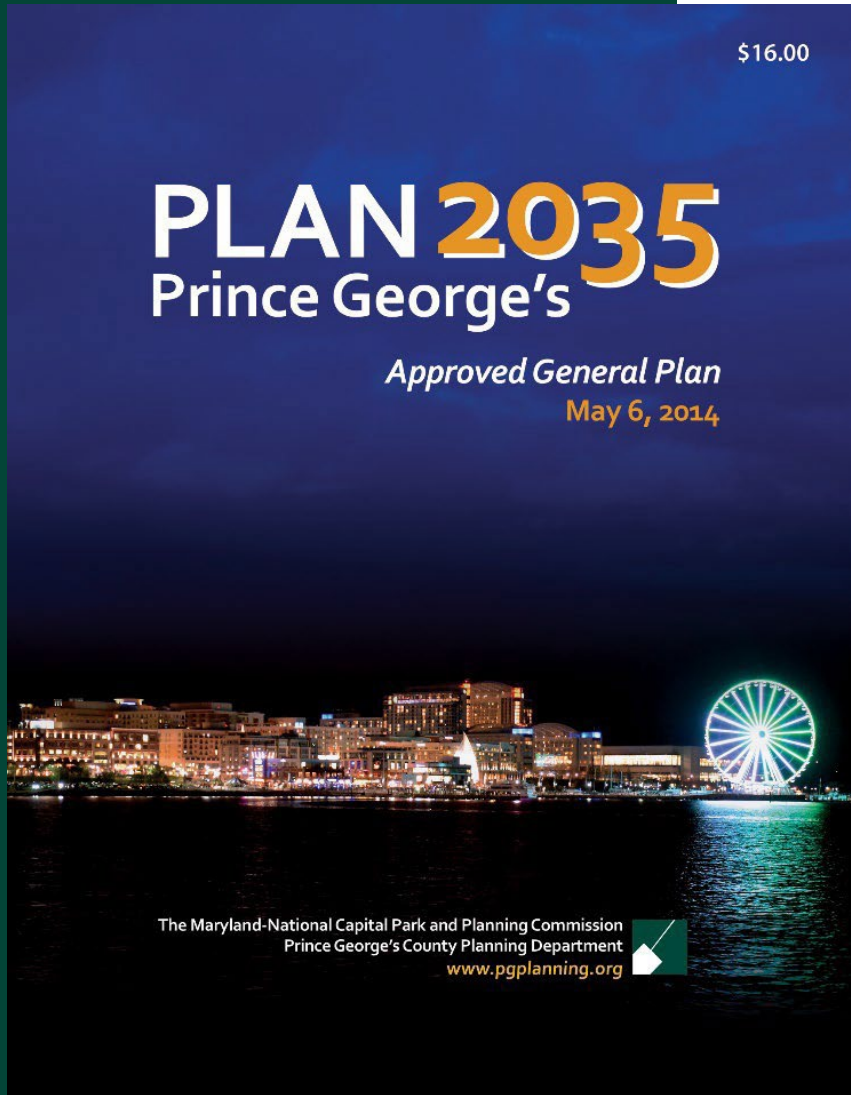
3.21.2024



Overview

THE OMNIBUS ZONING UPDATE

- » The purpose of the Omnibus Zoning Update (CB-15-2024) is to build on the significant improvements of the new Zoning Ordinance by revising and clarifying procedures and regulations.
- » The new Zoning Ordinance was the first comprehensive rewrite in more than 50 years and represented a huge effort by the public, the Council, Planning Board, and staff.
- » Includes lessons learned over the past two years.
- » The Zoning Ordinance is the primary vehicle to implement the County's shared vision for its future, the *Plan Prince George's 2035 General Plan*, and will support the Climate Action Plan, and current Master Plans.



General Plan



GENERAL PLAN

Plan Prince George's 2035 (Plan 2035) provides long-range guidance for the future growth of the County. It covers the entire County.



MASTER PLAN

Guides the way an area should be developed. Master Plans amend the General Plan for a specific area within the County.

GUIDING PRINCIPLES

Concentrate Future Growth



Build On Our Strengths and Assets



Prioritize & Focus Our Resources

Connect Our Neighborhoods & Significant Places



Create Choice Communities



Protect & Value Our Natural Resources

New Ordinance Highlights

S I M P L I F I E D & I M P R O V E D T H E P R E V I O U S O R D I N A N C E



Enhanced public input opportunities



Established green building standards and development quality standards



Streamlined processes and approval timeframes



Strengthened protection of established neighborhoods



Improved transit areas and established new transit-oriented zones



Protected rural and agricultural areas



Established grandfathering and transition provisions

New Ordinance – Accomplishments

Since April 1, 2022, the new Zoning Ordinance is well received. Accomplishments include:



Many applicants and the general public find the new laws easier to use (goal met!).
(i.e. developers, land use attorneys, municipal representatives, residents)



Higher proportion of SE applications suggests many owners prefer the new Ordinance for its new uses (i.e. re-tenant, new construction).



Forty percent of applications are using the new Ordinance and that percentage is expected to climb rapidly.



Almost 250 applications have been assigned under the new Ordinance and Regulations.

Discussion of Key Bill Recommendations

Transition and Grandfathering

Timeline

»» 2018 Adoption of New Zoning Ordinance

Certain Projects Granted the Right to Develop Under Prior Laws

»» 2021 First Omnibus Bill

Clarifies Treatment of Buildings and Uses Developed Under Prior Laws

»» 2022 General Expansion of Grandfathered Development Rights

Grants Grandfathered Projects the Indefinite Right to use Prior Laws

»» 2023 Greater Restrictions Imposed on Grandfathered Development Rights

Key Recommendations



Clarify Transitional Provisions to:

- Ensure development projects approved under the prior Zoning Ordinance and Subdivision Regulations are able to proceed to completion as intended.
- Ensure all other development projects proceed to completion under the new Zoning Ordinance and Subdivision Regulations.



Resolve Uncertainties Concerning the Legality Of Buildings and Uses Approved Under Prior Laws.

Elderly Housing

Key Recommendations



Two legacy uses referring to “elderly housing” – within a single-family attached dwelling or within a single-family detached dwelling – are proposed to be deleted; obsolete uses, each only permitted by SE in 1 zone



With this change, the term “elderly housing” only appears once in the Ordinance – in the definitions. CB-15-2024 proposes deletion of this definition

Comments Received



Concern expressed that deletion of the definition would prohibit elderly housing in the County

Alex Villegas, Rob Antonetti

Staff Discussion



All housing is elderly housing



The uses being removed in CB-15-2024 are obsolete and greatly limited; leaving them in place as-is actually significantly limits where “elderly housing” may be provided



The definition was only present to support the two obsolete uses and is no longer necessary. Removing the definition DOES NOT impact the provision of a wide array of elderly housing options in the County in any way

Master Plan Conformance

Comments Received



Statement made on Section 27-3502(j)(2) about master plans automatically amending the General Plan being a change, that the General Plan not being amended except to the extent specified in the plan approval is a change, and thinks this needs more scrutiny

Rob Antonetti

Staff Discussion



There is no change here. The current Zoning Ordinance language means the same as that of former Section 27-640 of the prior Zoning Ordinance.

Sec. 27-640. - Relationship between Master, General, and Functional Plans.

(a) When Functional Master Plans (and amendments thereof) and General Plan amendments are approved after the adoption and approval of Area Master Plans, the Area Master Plans shall be amended only to the extent specified by the District Council in the resolution of approval. Any Area Master Plan or Functional Master Plan (or amendment) shall be an amendment of the General Plan unless otherwise stated by the District Council.

(j) Relationship Between the General Plan, Functional Master Plans, Area Master Plans, and Sector Plans

(1) When General Plan amendments and Functional Master Plans (and amendments thereof) are approved after the adoption and approval of Area Master Plans or Sector Plans, the Area Master Plans or Sector Plans shall be amended only to the extent specified by the District Council in the resolution of approval.

(2) Any Functional Master Plan (or amendment), Area Master Plan, or Sector Plan shall be an amendment of the General Plan unless otherwise stated by the District Council.

Open Space Set-Asides

Key Recommendations



Clarification that active recreation is a required component of open space set-asides for Residential development



Reduction of current active recreation requirement to 15 percent of total open space set-aside area (from 35 percent)



Clarification that at least 50 percent of the open space set-aside requirement in Transit-Oriented/Activity Center base and PD Zones shall consist of a square, forecourt, or plaza

Comments Received



Recommended open space set-asides only apply to development consisting of 25 or more Residential lots since the requirement would be challenging to meet on smaller sites, would require dedicated open space lots, and require creation of new HOAs



Mentioned the “new” requirement of residential active recreation space

Tom Haller

Staff Discussion



The active recreation requirement for Residential development is not new; it was embedded in a table paragraph and hard to identify



Other requirements of the County Code – environmental protection, stormwater management, mandatory dedication of parkland, landscape manual compliance – COUNT toward the open space set-aside requirements



Because developers may benefit from this double-count, staff do not concur that open space set-aside requirements pose unreasonable burdens on small subdivisions



Staff will not require the creation of new HOAs to manage open space set-aside areas

Planned Development Zones

Key Recommendations



Addition of Planned Development Public Benefits to provide higher quality development, better public infrastructure, and great placemaking.

Comments Received



Allow the AR (Agricultural-Residential) Zone to qualify for the R-PD (Residential Planned Development) Zone

Casey Anderson, Tom Mateya,
Christopher Parker, Sandra
Troutman Wiseman, Diane Hickok

Staff Discussion



It is not appropriate for any Rural and Agricultural Zone to be eligible for the R-PD Zone



The purposes of Rural and Agricultural zones and the R-PD Zone are quite different



Allowing AR to be eligible for R-PD will degrade the County's agricultural lands and detract from Plan 2035 preservation and agricultural heritage goals

IE Zone

Key Recommendations



Changes to intensity and dimensional standards to more closely reflect former I-1 Zone.



Changes to permitted uses to allow more uses permitted in the former I-1 Zone.

NO COMMENTS RECEIVED

Density Calculation

Comments Received



Change the way density is calculated from dwellings per net lot area to dwellings per gross lot area



The calculation of floodplain by DPIE is evolving and this has negative consequences on development yield and viability with current density calculation

Peter Goldsmith

Staff Discussion



Staff in the Development Review Division have coordinated with Mr. Goldsmith and are open to continued conversation around potentially limited density calculation changes focused on transit centers and growth priorities, especially where floodplain is present

Transit-Oriented/Activity Center Zones

Key Recommendations



Increased maximum residential densities to support growth priorities.



New locational standards for zones.



Revisions to support walkability and multimodal connections (e.g. sidewalk widths/streetscape requirements).

Comments Received



Support for the increased residential density maximums in these zones



Much more in concert with where TOD-supportive density needs to be



Excited to see this play out and encourage more mixed-use, TOD at our transit stations and designated centers

Coalition for Smarter Growth

Examples of Density



Five Story with Central Garage Structure 80-95 units/acre

A five story building with a central garage structure utilizing Type IIIA construction. Building to this height is dependent upon local fire codes as it is not allowed by all municipalities.

- 5 stories of Type IIIA non-combustible wood construction
- Multilevel parking structure (typically concrete)
- Urban Form facing walkable streets

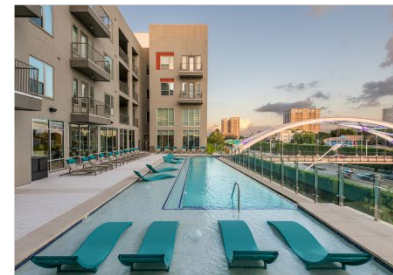
Four or Five Story over Podium Garage 90-110+ units/acre

This four or five story building places residences on top of a garage podium. It efficiently uses the site up to the maximum height for "wood" construction.

- 4 stories (Type VA) or 5 stories (Type IIIA) wood construction over garage podium and/or below grade garage
- Podium is directly beneath housing
- Allows for maximum density while still in wood construction
- Height can be an issue and depends upon various local codes. Some municipalities amend downward the High Rise height limit of 75ft to top floor level to 55ft.



Source: JHP Density Guide



Source: JHP Density Guide

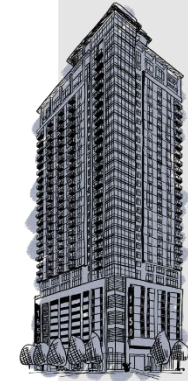
Examples of Density

High-Rise Housing

140-200+ units/acre

High-Rise housing is ideal in very dense, very urban locations but of course comes with higher construction costs. It provides the biggest return in terms of units per acre.

- Height and stories (Type I) steel or concrete construction usually limited by Zoning height limits or construction economics
- Multilevel parking structure is either directly beneath housing (above or below grade)
- Allows for maximum density
- High-Rise code and structural requirements apply with increased costs



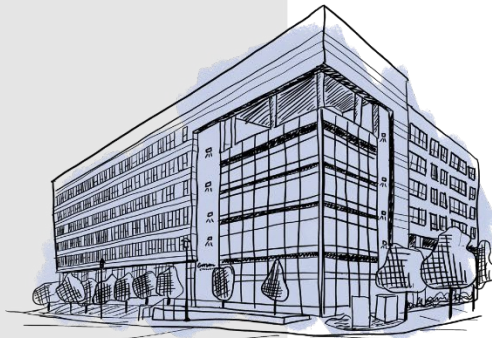
Mid-Rise Housing

125-150+ units/acre

Mid-Rise housing is a great option for very urban or transit sites and features seven to eight stories above a parking podium and/or below grade parking.

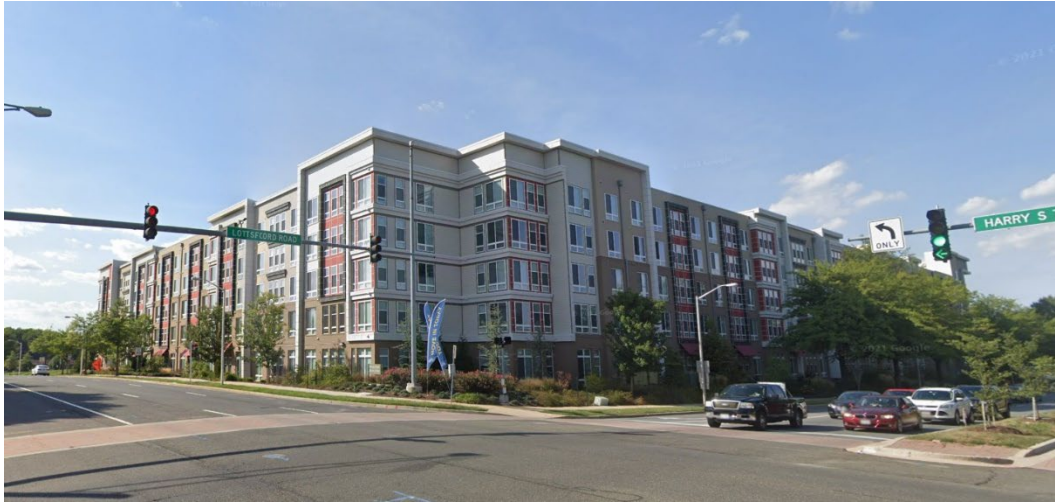
- Typically limited to 7 or 8 stories (Type I or III) metal or concrete construction below the High-Rise code of 75ft (maximum floor level)
- Multilevel podium parking structure is directly beneath housing
- Allows for very efficient utilization of smaller sites
- Height can be an issue and depends upon local codes

Source: JHP Density Guide



Source: JHP Density Guide

Examples of Density



Ascend Apollo ~101 du/ac

Source: Google Street View



University View I (~112 du/ac), University View II (~194 du/acre), The Varsity (~73 du/acre)



Landmark (Formerly Md Book Exchange) ~109 du/ac

Staff Discussion



Make no change to the proposed density increases and other recommendations pertaining to the Transit-Oriented/Activity Center base zones



Continue to monitor development applications in these key locations throughout the County to ensure the Zoning Ordinance provides the tools necessary to implement Plan 2035's growth priorities

CGO Zone Outside Capital Beltway

Key Recommendations



Limit multifamily, two-family, and townhouse dwellings in the CGO Zone to Planned Developments when CGO property is located outside the Capital Beltway.



Supports growth priorities of Plan 2035.

Comments Received

- » Development industry opposition to prohibition or Board-recommended special exception limitations on housing in the CGO Zone on property located Outside the Capital Beltway
- » Difficult for CGO property owners to find viable ways to use their land in the wake of changing retail landscape
- » Why such a drastic policy? This should have been discussed separately and not added to the Omnibus, where we all agree numerous helpful items are incorporated

MBIA, Tom Haller, Nate Forman, Ed Gibbs, Rob Antonetti, Sichao Bai, Norman Rivera, Matt Tedesco, Alex Villegas

Proposed Amendment – CGO Zone Residential



Allowing multifamily, two-family, and townhouse dwellings in the CGO Zone located Outside the Capital Beltway only by rezoning to a Planned Development Zone may be detrimental to redevelopment of smaller, struggling commercial centers with more viable, revenue-generating uses



Instead, CGO properties and assemblages of 25 acres or less should allow these residential uses with the approval of a special exception



Revisions to the use-specific standards for these three uses in the CGO Zone are recommended to allow smaller sites to develop residential Outside the Capital Beltway by SE approval, and larger sites to continue to seek PD Zoning Map Amendment to develop larger sites with residential uses

Staff Discussion



Staff support the Planning Board's proposed amendment; a one-size-fits-all approach to residential uses on CGO lands located Outside the Capital Beltway will not be as effective as envisioned

Additional Planning Board Recommendations

Proposed Amendment – Nonconforming Lots of Record



Nonconforming lots of record per current law allow one dwelling unit on nonconforming properties regardless of lot size.



This may not be appropriate in all circumstances



An amendment is recommended to establish a minimum lot size of 5,000 square feet for nonconforming lots; variances would be required for all other dimensional standards (e.g. building setback, yard depth, etc.)



Construction of a dwelling on smaller lots would require approval of a variance

Summary

THE OMNIBUS ZONING UPDATE



Overall, the updates and enhancements further support the major Zoning Updates improvements made to the Zoning Ordinance two years ago.



The proposed legislative amendment is consistent with goals, policies, and strategies of Plan Prince George's 2035 General Plan and Climate Action Plan.



The Planning Board adopted the findings of the technical staff report and recommended support with amendments of LDR-40-2024 (now CB-15-2024).



The Planning Board also encouraged the Council to move expeditiously on legislation authorizing accessory dwelling units and “missing middle” housing.

Contact Information

pgplanning.org planpgc2035.org pgplanningboard.org

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