



Prince George's County, Maryland

Module 3: Procedures, Zoning Ordinance Module 3: Subdivision Regulations

Public Review Draft

Zoning Ordinance and Subdivision
Regulations Rewrite
September 2016



C L A R I O N

In Association with:

White & Smith
Spikowski Planning Associates
Design Collective
GB Place Making
Nelson/Nygaard
Mosaic Urban Partners
Justice & Sustainability Assoc.
The Planning and Design Center

Project Status and Background

TASK

SCHEDULE

1. Public Outreach and Input 2014-Ongoing

2. Evaluation and Recommendations Report 2014

3. Drafting the new Zoning Ordinance and Subdivision Regulations

- **Module 1: Zones and Use Regulations**
- **Module 2: Development Standards**
- **Module 3: Administration (and Related Provisions) and Subdivision Regulations**
- **Testing**
- **Comprehensive Review Draft Zoning Ordinance and Subdivision Regulations**

2015-2016

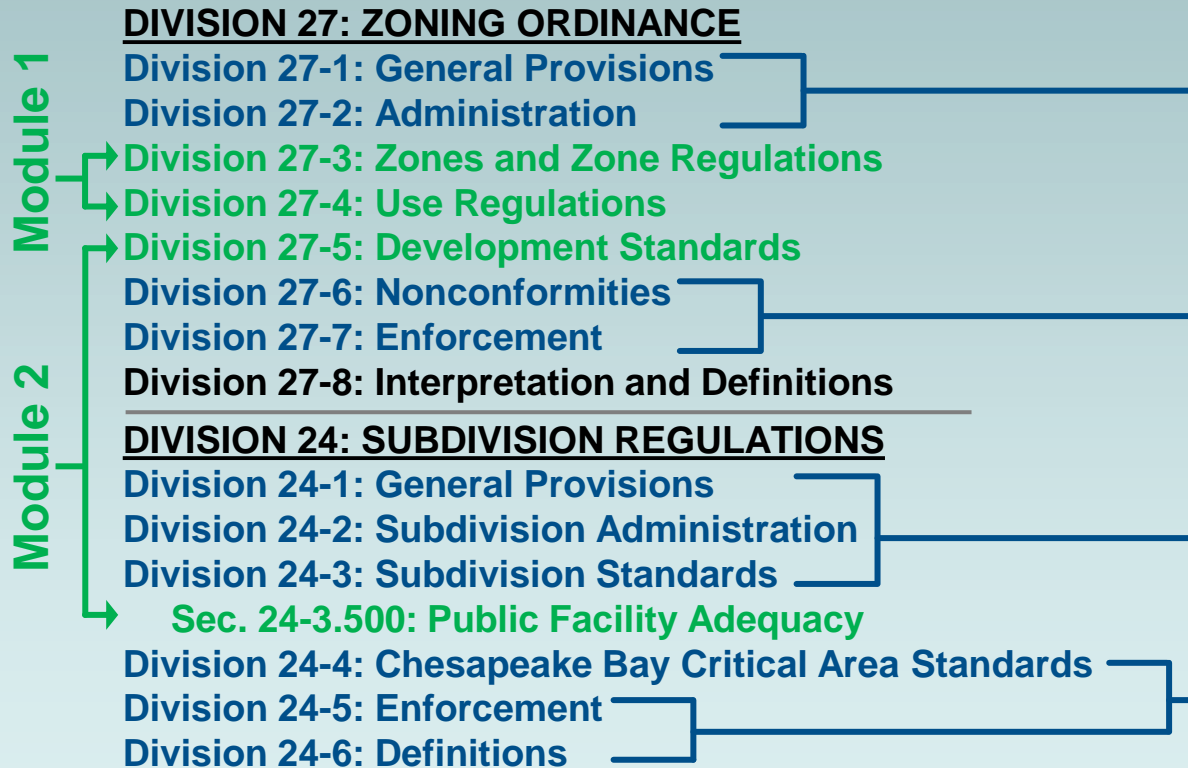
4. Adoption 2017

5. Implementing the new Ordinance and Regulations 2017

2 October 2016

Overview of Presentation

- Background
- Content Review



Background

Evaluation and Recommendations Report

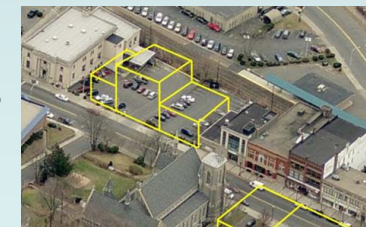
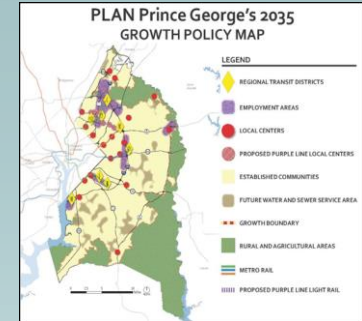
- **County not attracting desired development**
- **Current Zoning Ordinance and Subdivision Regulations part of problem**
- **Reasons:**
 - **Regulations difficult to understand/navigate**
 - **Procedural review time consuming, inefficient, and uncertain**
 - **Development standards not sufficiently specific and measurable**



Background

Draft of Rewritten Ordinance addresses problems by:

- Including zones and regulations (Module 1) that:
 - Implement *Plan Prince George's 2035* policy direction
 - Allow more by right uses for preferred development forms
- Establishing specific development standards (Module 2) to ensure higher quality development
- Consolidating and clarifying development review procedures (Module 3) to:
 - Make it easier to achieve high quality development/jobs
 - Make process more efficient and certain
 - Provide more flexibility to support desired redevelopment



Background

Draft strengthens opportunities for early and meaningful public involvement (Module 3), including:

- Drafting Ordinance that is logically organized and more understandable
- Adding new neighborhood meeting requirement to allow citizen input on major projects before application submitted
- Including procedure for civic organizations to register to receive notice of neighborhood meetings, application submittal, and public hearings
- Consolidating/clarifying all public notification requirements in able -- including a number of requirements that go above and beyond state law



Background

Draft strengthens opportunities for public involvement, including (cont.):

- Requiring posting of notice on land subject to administrative decisions (minor site plans/adjustments) so surrounding landowners are notified of application and can provide input
- Retaining public hearings to ensure members of the public are allowed reasonable opportunity to speak on applications
- Recommending a new Procedures Manual to incorporate administrative aspects of the application process that will:
 - Improve online information on applications
 - Require Technical Staff Reports to include a summary of citizen comments
 - Improve information included in public notices



Division 27-2: Administration

- **Consolidates all procedures**
- **Organized into five sections**
- **Changes focus on:**
 - **Making more user-friendly**
 - **Streamlining/making process more efficient and predictable**

Division 27-2: Administration

Sec. 27-2.100 Purpose and Organization

Sec. 27-2.200 Summary Table of Development Review Responsibilities

Sec. 27-2.300 Advisory and Decision-Making Bodies

Sec. 27-2.400 Standard Review Procedures

Sec. 27-2.500 Application Specific Review Procedures and Decision Standards

Sec. 27-200: Table of Review Responsibilities

- **Sec. 27-200 Summary Table of Development Review Responsibilities**
 - Table clarifies actions required by each review board/person on each development application

Table 27-2.200: Summary of Development Review Responsibilities
 D = Decision R = Recommendation C = Comment A = Appeal I = Initiation (If Other Than Applicant) <> = Public Hearing Required

Procedure	Review and Decision-Making Bodies						
	District Council	Planning Board	Board of Zoning Appeals	Zoning Hearing Examiner	Planning Director	DPIE Director	Historic Preservation Commission
Comprehensive Plans							
Comprehensive Plans and Amendments (General Plan, Functional Master Plans, Area Master Plans, and Sector Plans)	I <D> [1]	<R> [1]			R		R [3]
Amendments and Planned Developments							
Text Amendment	I <D>	I <R>			R		C [3]
Sectional Map Amendment (SMA)	I <D>	I <R>			R		C [3]
Parcel-Specific Map Amendment	<D>	<R> [2]		<R>	R		C [3]
Planned Development (PD) Map Amendment	<D>	<R>			R		C [3]
Chesapeake Bay Critical Area Overlay Zone Map Amendment	I <D>	I <R>		<R>	R		C [3]
Special Exceptions							
Special Exception	<A>	R		<D>	R		C [3]
Minor Change to Approved Special Exception					D		
Site Plans							
Minor Site Plan	<A>	<A>			D		
Major Site Plan	<A>	<D>			R		C [3]
Minor Deviation to Approved Major Site Plan					D		
Permits and Certifications							
Sign Permit			<A>		C	D	
Temporary Use Permit			<A>			D	
Use and Occupancy Permit		C	<A>		C	D	
Zoning Certification			<A>		D		
Grading Permit		C	<A>		C	D	
Building Permit		C	<A>		C	D	
Relief Procedures							
Interpretation (Text, Uses, and Zone Map)			<A>		D		
Variance			<D>		C	R	
Adjustment (Departure)							
Minor Adjustment		<A>			D		
Major Adjustment		<D>			R		C [3]
Validation of Permit Issued in Error	<D>			<R>		R	C [3]
Appeal to Board of Zoning Appeals			<D>				
Enforcement Procedures							
Zoning Enforcement, Generally			<A>			I	
Other Procedures							
Authorization of Permit Within Proposed Right-of-Way (ROW)	<D>			<R>	R		C [3]

NOTES:
 [1] At least one joint public hearing held by the District Council and the Planning Board is required.
 [2] The Planning Board elects whether to conduct a public hearing for each application.
 [3] The Historic Preservation Commission makes a recommendation or comment only if the subject land contains a historic resource identified on the *Adopted and Approved Historic Sites and Districts Plan*.

Sec. 27-200: Table of Review Responsibilities

Sec. 27-300: Advisory and Decision-Making Bodies

Table 27-2.200: Summary of Development Review Responsibilities

D = Decision R = Recommendation C = Comment A = Appeal I = Initiation (If Other Than Applicant) < > = Public Hearing Required

Procedure	Review and Decision-Making Bodies						
	District Council	Planning Board	Board of Zoning Appeals	Zoning Hearing Examiner	Planning Director	DPIE Director	Historic Preservation Commission
Comprehensive Plans							
Comprehensive Plans and Amendments (General Plan, Functional Master Plans, Area Master Plans, and Sector Plans)	I <D> [1]	<R> [1]			R		R [3]
Amendments and Planned Developments							
Text Amendment	I <D>	I <R>			R		C [3]
Sectional Map Amendment (SMA)	I <D>	I <R>			R		C [3]
Parcel-Specific Map Amendment	<D>	<R> [2]		<R>	R		C [3]
Planned Development (PD) Map Amendment	<D>	<R>			R		C [3]
Chesapeake Bay Critical Area Overlay Zone Map Amendment	I <D>	I <R>		<R>	R		C [3]
Special Exceptions							
Special Exception	<A>	R		<D>	R		C [3]
Minor Change to Approved Special Exception					D		
Site Plans							
Minor Site Plan	<A>	<A>			D		
Major Site Plan	<A>	<D>			R		C [3]

Sec. 27-400: Standard Review Procedures

- **Consolidates provisions that apply to many types of applications – so they don't have to be repeated each time**
- **Standard procedures apply to all applications, unless noted to the contrary**
- **Describes each step from pre-application stage to approval and post-decision actions**

Sec. 27-2.400 Standard Review Procedures

- 27-2.401. Pre-Application Conference
- 27-2.402. Pre-Application Neighborhood Meeting
- 27-2.403. Application Submittal
- 27-2.404. Determination of Completeness
- 27-2.405. Application Amendment or Withdrawal
- 27-2.406. Staff Review and Action
- 27-2.407. Scheduling Public Hearing and Public Notice
- 27-2.408. Review and Recommendation by Advisory Board or Official
- 27-2.409. Review and Decision by Decision-Making Body or Official
- 27-2.410. General Public Hearing
- 27-2.411. Quasi-Judicial Public Hearing
- 27-2.412. Conditions of Approval
- 27-2.413. Notification to Applicant
- 27-2.414. Appeal
- 27-2.415. Post-Decision Actions
- 27-2.416. Examination and Copying of Application/Other Documents

Sec. 27-400: Standard Review Procedures

Neighborhood pre-application meeting

- Encouraged for many applications
- Required before application submitted for:
 - Parcel-specific map amendments
 - Planned development (PD) map amendments
 - Chesapeake Bay Critical Area Overlay zone map amendments
 - Special exceptions
 - Major site plans
 - Major adjustments
- Notice posted and mailed 10 days in advance to adjacent landowners and civic organizations



Sec. 27-400: Standard Review Procedures

Required Public Notice table

- Includes all public notification requirements in one subsection
- Timing and duration of notices:
 - Mailed
 - Published
 - Posted
- Content of notices addressed in text

Table: 27-2.407.B: Required Public Notice

Application Type	Required Timing and Specific Recipients [1]		
	Mail	Publication	Posting
Comprehensive Plans			
Comprehensive Plans and Amendments (General Plan, Area Master Plan, and Sector Plans)	30 days prior to the joint hearing, to: <ul style="list-style-type: none"> • All owners of land for which a change in zoning is proposed, if a sectional map amendment is included [2] 	30 days prior to the joint hearing(s)	N/A
Amendments and Planned Developments			
Text Amendment	N/A	30 days prior to the hearing	N/A
Sectional Map Amendment	30 days prior to the District Council hearing to: <ul style="list-style-type: none"> • All owners of land for which a change in zoning is proposed [2] 	30 days prior to the hearing	N/A
Parcel-Specific Map Amendment Planned Development (PD) Map Amendment		30 days prior to the hearing	30 days prior to the hearing
Chesapeake Bay Critical Area Overlay (CBCA-O) Zone Map Amendment			
Planning Board Hearing	30 days prior to the hearing, to: <ul style="list-style-type: none"> • All owners of land within the boundaries of the proposed overlay zones; • Any municipality lying, wholly or in part, within, or within one mile of, the boundaries of the proposed overlay zones; and • All persons of record, and all other persons who requested (in writing) a copy of the Technical Staff Report 60 days prior to the hearing, to: <ul style="list-style-type: none"> • All public agencies and municipalities with operational or planning responsibilities within the boundaries of the proposed overlay zones; and • The Historic Preservation Commission, if any land within the proposed overlay zones is an identified historic resource. [3] 	30 days prior to the hearing	30 days prior to the hearing
ZHE Hearing District Council Hearing	30 days prior to the hearing to persons of record 30 days prior to the hearing, to: <ul style="list-style-type: none"> • All owners of land and any municipality lying, wholly or in part, within, or within one mile of, the boundaries of the proposed overlay zones; and • Persons of record. 	30 days prior to the hearing	30 days prior to the hearing 30 days prior to the hearing
Use Permits			
Special Exception	30 days prior to the hearing to: <ul style="list-style-type: none"> • Parties of record; • Owners of land adjoining, across the street from, on the same block as, or in the general vicinity of the land subject to the application; and • Every municipality located within one mile of the land subject to the application. 		30 days prior to the hearing
Site Plans			
Minor Site Plan	Appeal only: 30 days prior to the hearing to: <ul style="list-style-type: none"> • Parties of record; • Owners of land adjoining, across the street from, on the same block as, or in the general vicinity of the land subject to the application; and • Every municipality located within one mile of the land subject to the application. 		10 days prior to the date of Planning Director's decision
Major Site Plan	30 days prior to the hearing to:		30 days prior to the hearing

Sec. 27-500: Application-Specific Procedures

- Includes specific procedural review requirements and decision standards that are unique to each type of development application
- Highlights:
 - Procedures for adopting and amending General Plan, area master plans, sector plans, and functional master plans
 - New Text Amendment procedure

Sec. 27-2.500 Application-Specific Review Procedures and Decision Standards

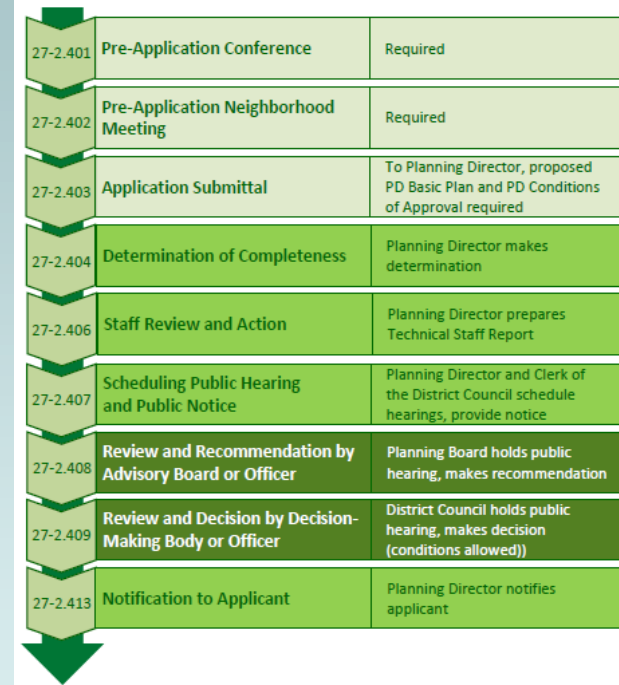
- 27-2.501. Comprehensive Plans
- 27-2.502. Text Amendment
- 27-2.503. Sectional Map Amendment (SMA)
- 27-2.504. Parcel-Specific Map Amendment
- 27-2.505. Planned Development (PD) Map Amendment
- 27-2.506. Chesapeake Bay Critical Area Overlay (CBCA-O) Zone Map Amendment
- 27-2.507. Special Exception
- 27-2.508. Site Plan (Minor and Major)
- 27-2.509. Sign Permit
- 27-2.510. Temporary Use Permit
- 27-2.511. Use and Occupancy Permit
- 27-2.512. Zoning Certification
- 27-2.513. Grading Permit
- 27-2.514. Building Permit
- 27-2.515. Interpretation (Text, Uses, and Zone Map)
- 27-2.516. Variance
- 27-2.517. Adjustment (Minor and Major)
- 27-2.518. Validation of Permit Issued in Error
- 27-2.519. Appeal to Board of Zoning Appeals (BZA)
- 27-2.520. Authorization of Permit Within Proposed Right-of-Way (ROW)

Sec. 27-500: Application-Specific Procedures

Highlights (cont.):

- Zoning map amendments consolidated into four procedures: sectional map amendments, parcel-specific map amendments, planned developments, CBCA overlay
- Special exceptions/special use consolidated into single special exception procedure. ZHE decides, with appeal to District Council
- Current conceptual and detailed site plan consolidated into one site plan procedure with two tiers.
 - Minor Planning Director, appeal to Planning Board, then District Council.
 - Major Planning Board decision, appeal to District Council

Figure 27-2.505: Planned Development (PD) Map Amendment Procedure

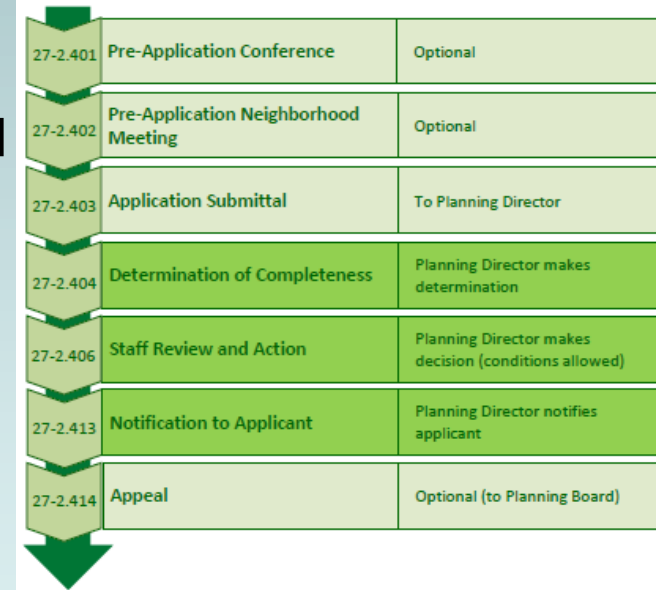


Sec. 27-500: Application-Specific Review Procedures and Decision Standards

Highlights (cont.):

- Major and minor adjustments procedure included (currently called “departures”) . Range of adjustments expanded. Maximum thresholds and review standards included
 - Planning Director decides minor adjustments, appeal to Planning Board
 - Planning Board decides major adjustments, appeal to Circuit Court
- New procedure allows Planning Director to make formal interpretations. Appeal to Board of Zoning Appeals (BZA)
- New sign permit
- Other procedures carried forward

Figure 27-2.517.C: Minor Adjustment Procedure



Division 27-6: Nonconformities

- Addresses nonconforming uses, structures, lots of record, signs, and site features
- Nonconformity determined at time of development review (certification not required)
- General rules
 - Nonconformities may continue and be maintained in good repair
 - Burden is on landowner to demonstrate legal nonconformity
 - Reconstruction and reestablishment after abandonment

Division 27-6: Nonconformities

Sec. 27-6.100	General Applicability
Sec. 27-6.200	Nonconforming Uses
Sec. 27-6.300	Nonconforming Structures
Sec. 27-6.400	Nonconforming Lots of Record
Sec. 27-6.500	Nonconforming Signs
Sec. 27-6.600	Nonconforming Site Features

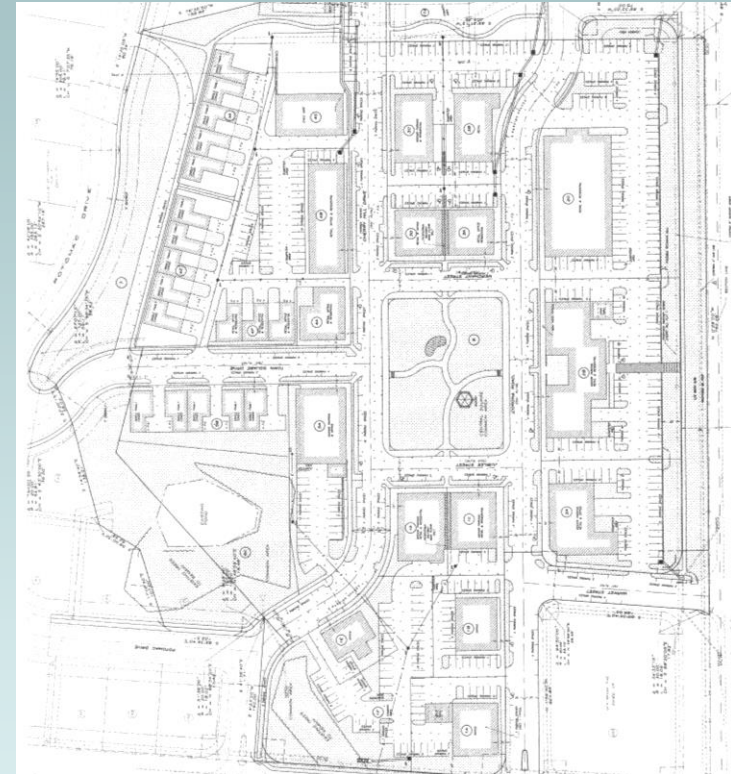
Division 27-6: Nonconformities

- **Nonconforming uses**
 - Most current rules carried forward
 - New rule allows landowners inside Capital Beltway to substitute one nonconforming use for another, with approval of special exception
- **Nonconforming structures**
 - Most current rules carried forward
 - New rule allows expansion inside the Capital Beltway if expansion complies with Division 27-5: Development Standards
- **Nonconforming structures**



Testing the Code

- **Following the review of Module 3, the new code will be tested to ensure that it:**
 - Makes it easy to approve the kind of development you want in the places supported by *Plan 2035* AND
 - Makes it hard to approve development you don't want, or in places not supported by *Plan 2035*
- **Generally test 8 key projects, including a mix of:**
 - Actual projects that you wish had turned out differently, AND
 - Projects you have never seen but want to attract to the County



Recent Meetings on Module 3

- **Three Countywide Public Forums**
 - **Central – Sports and Learning Complex** **September 13**
 - **South – Baden Fire Hall** **September 14**
 - **North – College Park Airport** **September 15**
- **Zoning Technical Panel meeting** **September 14**
- **Combined Focus Group meeting** **September 14**
- **Planning Board work session** **September 15**

- **Additional follow-up meetings** **Ongoing**



Prince George's County, Maryland Quality Standards

Public Review Draft

C L A R I O N

In Association with:

White & Smith
Spikowski Planning Associates
Design Collective
GB Place Making
Nelson/Nygaard
Mosaic Urban Partners
Justice & Sustainability Assoc.
The Planning and Design Center

Division 27-5: Development Standards

Division 27-5 Development Standards

27-5.100 Roadway Access, Mobility, and Circulation

27-5.200 Off-Street Parking and Loading

27-5.300 Open Space Set-Asides

27-5.400 Landscaping

27-5.500 Fences and Walls

27-5.600 Exterior Lighting

27-5.700 Environmental Protection and Noise Controls

27-5.800 Multifamily, Townhouse, and Three-Family Form and Design Standards

27-5.900 Nonresidential and Mixed-Use Form and Design Standards

27-5.1000 Industrial Form and Design Standards

27-5.1100 Neighborhood Compatibility Standards

27-5.1200 Agricultural Compatibility Standards

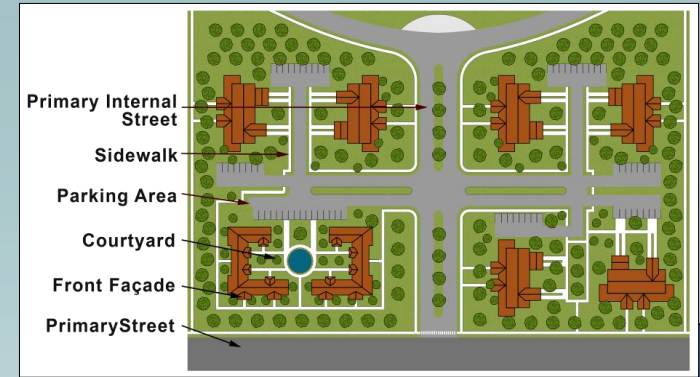
27-5.1300 Signage

27-5.1400 Green Building Standards

27-5.1500 Green Building Incentives

NEW Multifamily, Townhouse, and Three-Family Form and Design Standards

- **Key goal: ensure attractive development**
 - “No Junk”
- **Standards address:**
 - Site access
 - Parking and garage location
 - Building orientation and configuration
 - Building length and facades
 - Roofs
 - Transparency/windows
 - Location of outdoor activity areas
- **Progressive and workable**



NEW Multifamily, Townhouse, and Three-Family Form and Design Standards



NEW Nonresidential and Mixed-Use Form and Design Standards

- **General standards address:**
 - Building orientation
 - Single- and multi-building layout
 - Development of small parcels at the fronts and corners of big retail areas
 - Façade surface variety and materials
 - Windows and doors
 - Roofs
 - Location of parking
 - Loading, service, and equipment areas
- **Some distinctions between development inside versus outside Capital Beltway**
- **Progressive and workable**

Façade Massing

Offsets



Pilasters



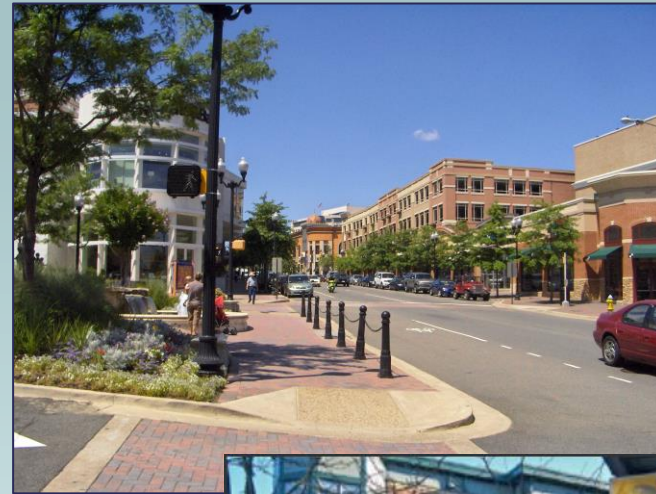
Color Changes



NEW Nonresidential and Mixed-Use Form and Design Standards



NEW Nonresidential and Mixed-Use Form and Design Standards in Centers



NEW Large Retail Development Standards

- Applies to single tenant buildings over 75,000 sf that devote 60% of space to retail sales
- Standards address:
 - Building entrances
 - Façades
 - Roofs
 - Windows and doors
 - Location of parking
- Ensures higher quality “big box” development

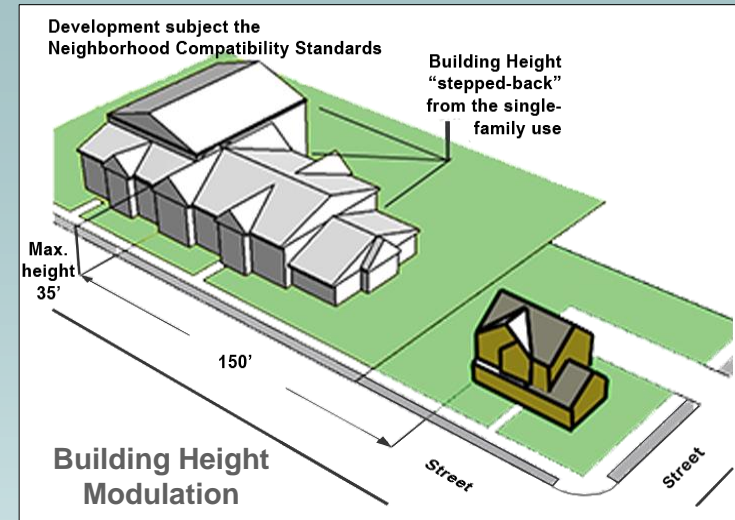


NEW Large Retail Development Standards



NEW Neighborhood Compatibility Standards

- **Protects single-family neighborhoods**
 - Existing single-family/two-family homes or vacant land in the RE, RR, SFR-4.6, and SFR 6.7 zones
- **Applies to new:**
 - Multifamily,
 - Townhouse,
 - Live/work,
 - Nonresidential, and
 - Mixed-use development



NEW Neighborhood Compatibility Standards

- **Strong and expansive set of standards that address:**
 - Building height and setbacks
 - Building orientation, design, roofs, materials
 - Multi-building placement
 - Parking and loading area location
 - Outdoor dining and drive-thrus
 - Open space location
 - Exterior lighting
 - Signage
 - Buffers
 - Hours of operation



NEW Green Building Standards

- **Applies to:**
 - New residential with ≥ 10 units
 - New nonresidential $\geq 10,000$ sf
 - Major redevelopment projects
- **Development must earn points**
 - **Residential:**
 - 10 to 29 units: 3 points
 - 30 or more units: 4 points
 - **Nonresidential:**
 - 10,000 to 25,000 sq. ft.: 3 points
 - More than 25,000 sq. ft.: 4 points



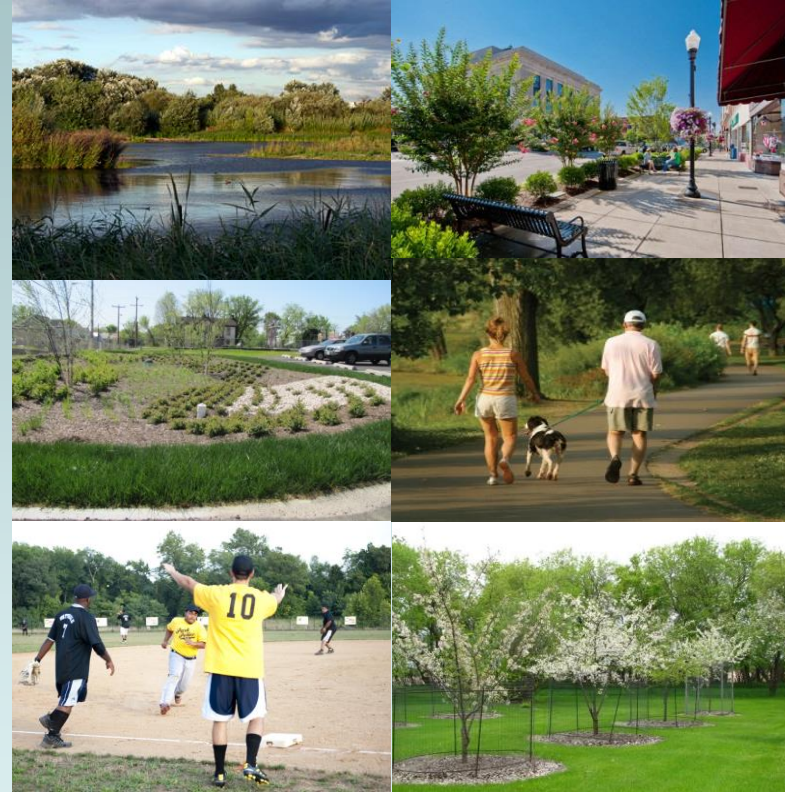
NEW Green Building Standards

- **Points are earned For:**
 - Location in a TOD/Activity Center
 - Redevelopment of Brownfields
 - Energy Conservation (ASHRAE, Energy Star)
 - Cool roofs, green roofs, skylights
 - Solar or tank-less water heating
 - Solar, wind, or alternative energy
 - Rainwater harvesting
 - Keeping natural vegetation
 - Community gardens
 - Recycled construction materials
 - EV charging stations
 - Shower facilities for bike users
- **Cutting edge and flexible**



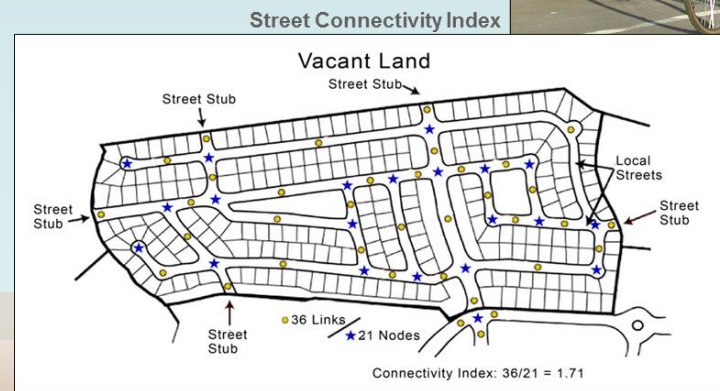
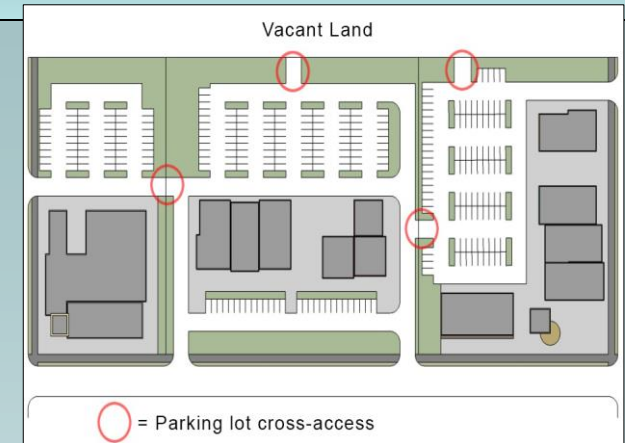
NEW Open Space Set-Aside Standards

- Minimum requirements for private open space set-asides
- Applies to new development
- Open space defined to include:
 - Natural features
 - Required landscaping
 - Active and passive recreation
 - Squares, forecourts, plazas
 - Stormwater that is site amenity
 - Public access easements with path
- Supplements (does not replace) land dedication
- Progressive best practice approach



Modernized Roadway Access, Mobility, and Circulation Standards

- Consolidates rules on circulation, mobility, and access for a multi-modal network of mobility
- Additional access and circulation standards:
 - Cross access standards for RTO, LTO, TAC, NAC, and Nonresidential zones
 - Connectivity standards for new single-family development
 - Modernized bicycle access and circulation standards



Modernized Off-Street Parking and Loading

- **Modernized parking stds. based on studies from maturing suburbs and auto-oriented communities investing in transit**
- **Different standards for different contexts:**
 - RTO and LTO base and PD zones
 - NAC and TAC base and PD zones
 - Areas inside Capital Beltway/Interstate 95 (including all lands within Greenbelt)
 - Other areas in County
- **Strengthens bicycle parking stds. based on zone and location**
- **Expands flexibility provisions along with tools that support use of TDM**



Other Development Standards

- **NEW exterior lighting standards to support dark skies**
 - Full cut-off fixtures
 - Maximum footcandle limits
 - Maximum light fixture pole heights based on use
- **NEW agricultural compatibility standards**
 - 100 foot buffer, vegetative screening, and fencing
 - Location of open space
 - Treatment of lot edges adjacent to agriculture areas
- **Revised Landscape Manual**



QUESTIONS AND COMMENTS

