

July 2014

PRINCE GEORGE'S COUNTY, MARYLAND Issue Identification and Evaluation Memorandum

July 2014

CLARION

In Association with
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INTRODUCTION AND OVERVIEW

A. INTRODUCTION AND OVERVIEW

In accordance with Task B.1.5 of the Work Plan, this *Issue Identification and Evaluation Memorandum* identifies the major issues that need to be addressed in the Zoning Ordinance and Subdivision Regulations rewrite, based on the input from the interviews, meetings, reconnaissance, focus group meetings, and Countywide Forums conducted in Tasks B.1.1 through B.1.4. The memorandum is to be used as a staff and consultant team working document for refining the major issues (or goals) that will serve as the framework and building blocks for the *Evaluation and Recommendations Report* prepared in Task B.3. After staff review and comment on the draft document, the consultant team and staff will work collaboratively to refine the list of major issues.

B. SUMMARY OF MAJOR ISSUES (GOALS) FOR THE REWRITE

Based on input from the interviews, meetings, reconnaissance, focus group meetings, Countywide Forums, and the policy direction in *Plan Prince George's 2035 Approved General Plan (Plan Prince George's 2035)*, it is important to recognize there are several overriding goals that underpin most all major issues identified for the rewrite. They are:

- Encourage and support appropriate types of economic development.
- Encourage and support transit-oriented, higher-density, mixed-use, and pedestrian-friendly development, at appropriate places.
- Encourage and support infill development.
- Make the regulations shorter, simpler, more understandable, and user-friendly.

With this understanding, the major issues identified for the rewrite are:

A. Make the Regulations User-Friendly and Predictable, with Streamlined Review Procedures

Several specific goals are identified as ways to address this major issue:

1. Make the Structure and Organization of the Regulations More Logical and Intuitive
2. Integrate More Illustrations, Graphics, and Tables into the Regulations
3. Improve Document Formatting
4. Make the Language and Standards Clearer and More Precise
5. Streamline Review Procedures, Where Appropriate

B. Modernize, Simplify, and Consolidate the Zone Districts

Several specific goals are identified as ways to address this major issue:

1. Improve the Format and Organization of the Districts
2. Use a Simpler and More Flexible Use Classification System
3. Consolidate the Districts
4. Add or Refine Districts to Implement Plan Goals and Recognize Different Development Contexts

C. Implement Key *Plan Prince George's 2035* Goals, Policies, and Strategies

Plan Prince George's 2035 goals, policies, and strategies most relevant to the rewrite focus on the following:

1. Support Preferred Development in Key Places
 - a. Higher-density, mixed-use, transit-oriented, and pedestrian-oriented development in Downtowns.
 - b. Appropriate uses and mixed-use with a focus on employment and pedestrian-oriented development in the Innovation Corridor.
 - c. Denser, compact, mixed-use and pedestrian-friendly development in Regional Transit Districts and Local Centers.
2. Protect the Character of Stable Neighborhoods from Incompatible Development
3. Support Preservation and Protection of Rural and Agricultural Lands
4. Support and Encourage Sustainable/Green Building Practices
5. Support Housing Diversity and Affordability

D. Modernize the Development Standards and Incorporate Best Practices

The specific development standards identified for modernization are:

1. Infill Development
2. Redevelopment and Revitalization of Commercial Corridors
3. Off-Street Parking and Loading
4. Landscaping
5. Open Space Standards and Resource Protection
6. Street Design
7. Signage

Each of these major issues is summarized in more detail on the following pages.

MAJOR ISSUES IDENTIFIED FOR THE REWRITE

A. MAKE THE REGULATIONS USER-FRIENDLY AND PREDICTABLE, WITH STREAMLINED REVIEW PROCEDURES

User-friendly regulations should be easy to use, rely on an intuitive and logical organization, and allow a reader to locate the desired information quickly. User-friendly regulations also use plain English, use precise language and standards, and provide examples or illustrations of complex provisions. They are organized and presented in a logical way that helps readers understand how different pieces of information relate to one another.

There is strong consensus that the county's current Zoning Ordinance and Subdivision Regulations are not user-friendly for a number of reasons.

- They are not intuitive and logically organized.
- They do not integrate graphics, illustrations, photographs, tables, or flowcharts to explain complex zoning terms.
- The format is difficult to navigate.
- In many instances, they do not use plain English or precise language and standards.
- The review procedures are lengthy and unpredictable.
- On-line access to the regulations is primarily through the County's Legislative Information Systems (LIS), whose reliance on section-by-section (and figure-by-figure) downloading makes it cumbersome and difficult to use for most code users.

1. Make the Structure and Format of the Regulations More Logical and Intuitive

The structure of the current Zoning Ordinance and Subdivision Regulations are not logical or intuitive because related provisions appear in different places in the documents. Review procedures are found in different places. Development standards appear in multiple places. Some terms used in the regulations are not defined. Special rules and procedures addressing uses and development standards are buried in footnotes, making it very difficult for the code user to gain a clear picture of what is specifically required for development.

Given this current structure and organization, in many instances, it is necessary to turn between multiple pages in the regulations to determine what requirements apply to specific types of development. Many interviewees noted that important information seems buried in the regulations, at different levels, making the regulations challenging to

navigate and understand, and to determine which requirements may be relevant to a particular application.

Modern codes address these problems by organizing the regulations in a logical hierarchy based on procedural and substantive relationships. All procedures are consolidated into one chapter or article; and the provisions common to all procedures are included in a common procedures section. Zone district and use regulations are consolidated into one or two integrated chapters/articles. Development standards are consolidated and their applicability to different types of development clarified. Finally, all definitions are consolidated into one chapter/article and located at the back of the regulations, since they typically serve as a supplementary reference tool rather than as a primary source of regulatory information.

Different options for how to reorganize the regulations in a more logical and intuitive way will be explored, and recommendations made, in the *Evaluation and Recommendations Report*.

2. Integrate More Graphics, Illustrations, and Tables

One key way to make regulations user-friendly is through use of graphics, illustrations, photos, flowcharts, and tables. The old adage “a picture is worth 1,000 words” is certainly true when talking about communicating zoning concepts. Flowcharts, illustrations, graphics, and diagrams are also very helpful in zoning regulations because they convey information concisely and, in many instances, more clearly, eliminating the need for lengthy, repetitive text. The current regulations do not take advantage of the many advances in graphic design and recent thinking about the use of clear illustrations and graphics to explain or establish zoning requirements. The documents rely on text (and in some instances, tables) to convey most zoning concepts, processes, and standards. The result is a bulky document that fails to visually communicate the desired intention behind various provisions.

Increasing the number and type of graphics to help illustrate procedures, development form, and design concepts, such as parking space dimensions, parking lot landscaping and other landscaping and screening requirements would make the regulations more user-friendly. Use of photographs demonstrating both preferred and discouraged development forms and patterns would also make the regulations more user-friendly.

Modern codes use all of these tools. Different options for the use of graphics, illustrations, photos, flowcharts, and tables will be explored and recommendation made in the *Evaluation and Recommendations Report*.



3. Improve Document Formatting

Some interviewees noted that the formatting of the current regulations makes them difficult to navigate and use. Most pages in the regulations consist of text running from margin to margin, with little or no separation or visual distinction between provisions. This makes the regulations difficult to navigate and read.

To improve readability, modern codes use distinctive headings styles to more clearly distinguish various sections, subsections, paragraphs, and subparagraphs. They also use indents, tables, and graphics to better balance text and white space on pages, which will make text easier to read and further clarify and distinguish sections, subsections, paragraphs, and subparagraphs (unlike the format of regulations accessed through the County's Legislative Information System, which lack systematic indenting of provisions).

Finally, modern codes use:

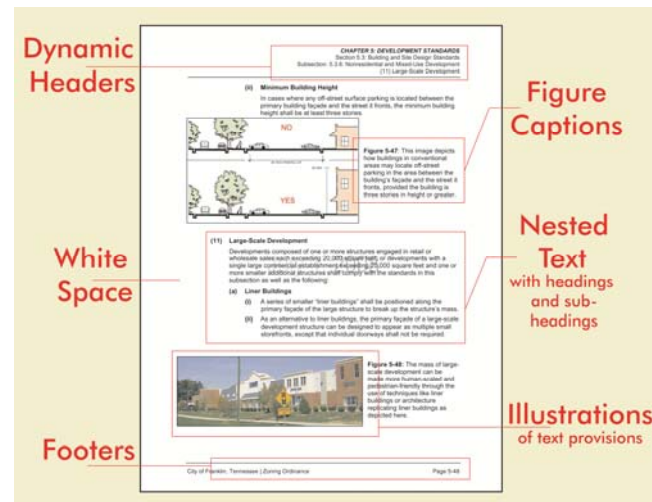
- An easy to understand referencing system.
- A detailed table of contents.
- Detailed headers and footers that highlight the section number and topic on each page and allow a reader to quickly thumb through the regulations to find section headers and footers.
- Numerous cross-references.
- An index of topics at the end of the document.
- A glossary of abbreviations.

Different options to improve formatting will be explored and recommendations made in the *Evaluation and Recommendations Report*.

4. Make the Language and Standards Clearer and More Precise

Another way to make regulations user-friendly is to ensure ordinance language is clear and precise. Standards, other requirements, and procedures that are unclear invite different interpretations and create uncertainty for development applicants as well as staff, review boards, and the public. Although some regulations do not lend themselves to exact numbers, the use of numerical ranges and elimination of vague/aspirational language can go a long way towards clearer understanding of the code requirements for both citizens and investors.

This issue will be evaluated and recommendations made on how best to ensure the revised regulations include clear and precise language in the *Evaluation and Recommendations Report*.



5. Streamline Review Procedures, Where Appropriate

Another way to make regulations user-friendly is to ensure the development review procedures are streamlined, and as predictable and transparent as reasonably possible, especially for forms of preferred development.

There is a general consensus that the development review procedures in the current regulations are, in many instances, too uncertain and lengthy. A number of the economic development and business group representatives were clear in stating that such a high degree of unpredictability, along with the length of some of the review processes, discourages investors and developers from developing in Prince George's County.

Many modern development codes address this issue in one or a combination of the following ways.

- Creating more predictability by:
 - Allowing preferred development forms by right, versus through some form of discretionary review.
 - Establishing more precise and measurable review standards.
 - Reducing the number of application types that require public hearings.
 - Establishing predictable and efficient appeal provisions.
- Streamlining and reducing the time for review by:
 - Allowing more development by right (which usually reduces the number of review steps).
 - Adding flexibility provisions that allow professional-level staff to review and decide minor variations to development standards.
 - Reducing or consolidating the number of review steps for development.

In May 2014, the Maryland Court of Special Appeals, in *County Council of Prince George's County Maryland, Sitting as District Council v. Zimmer Development Company* (Court of Special Appeals Nos. 259 and 265 May 2014), issued a decision that could potentially have significant implications for the current development review procedures in the County, and streamlining development review in the Zoning Ordinance and Subdivision Regulations. In the case, the Court affirmed a circuit court decision holding that the District Council, in reviewing decisions by the Planning Board to approve a Comprehensive Design Plan (CDP) and Specific Design Plan (SDP)¹ under the call-up provisions (§§ 27-523 and 27-528.01) in the Zoning Ordinance, exercised appellate jurisdiction, not original *de novo* jurisdiction, and consequently its scope of review of these decisions was limited. In the

¹ In the Local Activity Zone (L-A-C).

case, the District Council had exercised original jurisdiction in its broad review in reversing, remanding, and ultimately rejecting the Planning Board's decision to approve the two plans.

What this means is that at a minimum, unless the Court of Special Appeals is reversed or there is change in state law, the District Council's review authority on call-ups under zoning is limited to the legal standards established for appellate review. As the Court outlined in *Zimmer*, this means:

- The District Council reviews the record and fact finding made by the Planning Board; no new evidence can be considered.
- The fact finding and decision of the Planning Board is clothed with a presumption of validity, and is subject to deference.
- The Planning Board's decision can be modified or overturned only if it was arbitrary, capricious, discriminatory, or illegal.

The implications of the *Zimmer* decision, as well as these other issues, will be further evaluated and explored as options for development streamlining are discussed in the *Evaluation and Recommendations Report*.

B. MODERNIZE, SIMPLIFY, AND CONSOLIDATE THE ZONE DISTRICTS

The heart of most zoning ordinances is the menu of zone districts into which the community is divided, including the land uses allowed within those districts and the dimensional and form standards that regulate the basic physical aspects of new development in each district.

The County's Zoning Ordinance establishes a patchwork quilt of traditional and other types of zone districts (e.g., planned community zones, comprehensive design zones, mixed-use zones, and overlay zones). As currently drafted, the zone districts make up a substantial portion of the County's Zoning Ordinance. Some districts have been in place for years, have been amended many times, and include numerous footnotes (sometimes running pages in length) and other special provisions—making them hard to understand and interpret. Other districts, which have been adopted in more recent times in an effort to address specific planning and development goals, are more discretionary in nature, and do not necessarily, conform in style and format with the older districts. In some instances, there is overlap in district purpose statements and the standards between the districts.

Furthermore, in other instances, the overlay plans (e.g., the DOD and TDO) include zoning-like regulations that are applied when reviewing development applications, and zoning-like rules and principles are also included in the master plans and sector plans (that are sometimes incorporated into development review). A number of persons stated this adds more complexity and uncertainty to the review process.

There was a strong consensus that the current alignment of districts needs to be modernized, made more uniform, simplified, and consolidated (where

appropriate). It was also suggested that the current districts do not sufficiently address the different development contexts in the county (urban, suburban and rural); it was suggested that if this was done, it would reduce the number of text amendments and rezonings (which are time consuming and inefficient for development applicants).

Modern codes address this major issue in several ways.

1. Improve the Format and Organization of the Districts

The format and organization of the zone districts in the current regulations make them difficult to use and navigate for several reasons. Much of the information is provided in textual form, even though some districts (e.g., the residential, commercial, and industrial zones) include lengthy use tables. Many of the other districts use a different style and format—resulting in a lack of uniform layout in the organization of the districts.


A variety of improved, modern approaches to laying out district information have been applied and tested around the country. For example, many communities are now integrating tables, photographs, illustrations, and three-dimensional drawings in district regulations (showing how dimensional and form standards apply to the principal development types allowed in the district). This structure makes the districts more user-friendly, shorter, and much more readable to the user. An example layout of this district structure is shown here.

ARTICLE 40-3: ZONING DISTRICTS
Section 40-3.4 Business Area Zoning District
Subsection (C): Neighborhood Mixed Use (NMG) District

(C) Neighborhood Mixed-Use (NMG) District

PURPOSE AND INTENT
The Neighborhood Mixed-Use (NMG) District is established to accommodate a mix of residential, commercial, and community uses within a walkable neighborhood. The district is intended to provide a mix of uses that can be served by public transit and walking. Development in the district should include a mix of uses that can be served by public transit and walking. Development in the district should include a mix of uses that can be served by public transit and walking.


TYPICAL BUILDING TYPES



DIMENSIONAL STANDARDS

STANDARD	Single-Family Use	All Other Residential Use	All Other Use
Height, Maximum (feet)	N/A	12	N/A
Height, Minimum (feet)	N/A	10	N/A
Lot Area, Minimum (sq. ft.)	Repeal of 7,500 sq. ft. The minimum lot area shall be 300 feet along the same block front, provided there are 10 feet of front setback.	7,500 sq. ft.	5,000 sq. ft.
Lot Width, Minimum (feet)	Repeal of 30 feet. The minimum lot width shall be 30 feet along the same block front, provided there are 10 feet of front setback.	75 feet plus 5 feet for each additional residential unit.	50 feet
Building Coverage, Maximum (%)	40	70	70
Front Setback, Minimum (feet)	Repeal of 20 feet. The minimum front setback shall be 10 feet along the same block front, provided there are 10 feet of front setback.	20	20
Side Setback, Minimum (feet)	Repeal of 10 feet. The minimum side setback shall be 5 feet along the same block front, provided there are 10 feet of front setback.	10	10
Rear Setback, Minimum (feet)	Repeal of 10 feet. The minimum rear setback shall be 5 feet along the same block front, provided there are 10 feet of front setback.	10	10

TYPICAL LOT PATTERN




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ARTICLE 40-3: ZONING DISTRICTS
Section 40-3.4 Business Area Zoning District
Subsection (C): Neighborhood Mixed Use (NMG) District

STANDARD	Single-Family Use	All Other Residential Use	All Other Use	NOTES
Height, Maximum (feet)	12	12	12	12" maximum height for any structure within the district. 12" maximum height for any structure within the district.
Height, Minimum (feet)	10	10	10	10" minimum height for any structure within the district. 10" minimum height for any structure within the district.
Lot Area, Minimum (sq. ft.)	Repeal of 7,500 sq. ft. The minimum lot area shall be 300 feet along the same block front, provided there are 10 feet of front setback.	7,500 sq. ft.	5,000 sq. ft.	
Lot Width, Minimum (feet)	Repeal of 30 feet. The minimum lot width shall be 30 feet along the same block front, provided there are 10 feet of front setback.	75 feet plus 5 feet for each additional residential unit.	50 feet	
Building Coverage, Maximum (%)	40	70	70	
Front Setback, Minimum (feet)	Repeal of 20 feet. The minimum front setback shall be 10 feet along the same block front, provided there are 10 feet of front setback.	20	20	
Side Setback, Minimum (feet)	Repeal of 10 feet. The minimum side setback shall be 5 feet along the same block front, provided there are 10 feet of front setback.	10	10	
Rear Setback, Minimum (feet)	Repeal of 10 feet. The minimum rear setback shall be 5 feet along the same block front, provided there are 10 feet of front setback.	10	10	

TYPICAL DEVELOPMENT CONFIGURATION



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Different options to improve the format and structure of the zone districts will be explored and recommendations made in the *Evaluation and Recommendations Report*. In all instances, a uniform structure and format should be used for all districts in the rewritten regulations.

2. Use a Simpler and More Flexible Use Classification System

While permitted uses are identified in the zone district regulations in the current Zoning Ordinance, they are not logically and consistently organized in each district. Where use tables are used, they use a much greater degree of detail than most modern codes, making the tables needlessly long, and the application of the use tables rigid; in addition, in most instances where a use table is used, they include numerous footnotes that have been added to the tables over the years (as text amendments), further expanding their length and making the use and district regulations overly complicated and difficult to understand. In some instances, where use tables are not used (e.g., M-U-I), the allowed uses are identified by referencing uses in other districts, in a relatively imprecise way, making it difficult for staff and the code user to know with certainty and precision whether a particular use is allowed in the district or not.

To address this type of problem, many modern codes are organized around a three-tiered concept of use classifications, use categories, and use types instead of the basic listing of uses in the County's Zoning Ordinance. Use classifications, the broadest category, organize land uses and activities into general types of uses (e.g., agricultural uses, residential uses, public and institutional uses, commercial uses, and industrial uses). Use categories, the second level or tier in the system, are composed of groups of individual types of uses. Use categories are further divided into specific use types based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. In addition, within this context, these modern codes provide for a more general categorization of uses (which are defined), making the use tables shorter, simpler, and more flexible. An example of this structure is shown below.

TABLE 30-2: TABLE OF ALLOWED USES												
P = PERMITTED			S = SPECIAL USE PERMIT			A = ALLOWED IN PD DISTRICT			BLANK CELL = PROHIBITED			
USE CATEGORY	USE TYPE	ZONING DISTRICT										ADDITIONAL STANDARDS
		RESIDENTIAL			NONRESIDENTIAL					PLANNED DEVELOPMENT [1]		
		SF1	SF2	MR	OI	NC	RC	DT	LI	PD-R	PD-C	
RESIDENTIAL USE CLASSIFICATION												
Household living	Multi-family Dwelling			P		P		P		A	A	164.03-01 (A)(1)
	Single-family Dwelling	P	P	P	P	P	P			A	A	165.05-02
	Two-family Dwelling		P	P	S	P	P			A	A	164.03-01 (A)(2)
	Townhouse			P	P	P		P		A	A	165.05-03
	Residential unit over nonresidential use			P	P	P	P	P		A	A	
Group living	Family Day Care Home	P	P	P		P	P	P		A	A	164.03-01 (B)(1)
	Group Day Care Home	P	P	P		P	P	P		A	A	164.03-01 (B)(2)
	Rooming House			P		P		P		A		164.03-01 (B)(3)
INSTITUTIONAL USE CLASSIFICATION												
Schools	School, Private	P	P	P	P		P	P		A	A	
	School, Public	P	P	P	P		P	P		A	A	
	Community or Neighborhood Center	P	P	P	P	P	P	P		A	A	
	Extracurricular Organization					P	P		P			

In addition to this basic organizational approach for use tables, many modern codes also consolidate their use tables so the code user can better evaluate in which districts certain uses are allowed or prohibited. This may or may not be appropriate in Prince George's County, depending upon the structure of the use table(s) decided on for the rewritten regulations

A simpler, more uniform, and more flexible approach for a use table(s) will be evaluated and recommendations made in the *Evaluation and Recommendations Report*. In all instances, the use table(s) should be uniformly applied in all districts.

3. Consolidate the Number of Zone Districts

Currently there are multiple residential zones, commercial zones, industrial zones, planned community zones, comprehensive design zones, mixed-use zones, and overlay zones in the Zoning Ordinance. In some instances, the district purpose statements, uses, and district regulations seem similar. In other cases, distinctions between similar districts may no longer be significant. In yet other instances, current districts are seldom used, and thus may be unneeded or obsolete.

The potential for overlap and consolidation of the districts will be evaluated, and where appropriate, recommendations made to consolidate and reduce the number of districts, in the *Evaluation and Recommendations Report*.

4. Add or Refine Districts to Implement Plan Goals and Recognize Different Development Contexts

In addition to establishing a uniform structure for the organization and format of the districts and uses, and modernizing them, there was a general consensus that it will be necessary to either refine or prepare new zone districts to implement *Plan Prince George's 2035* goals (discussed in the next section), implement master, sector and TDDP plans (where appropriate), and address other planning and development goals.

For example, a major concern raised was that the current districts are too suburban in nature, and do not recognize the different development contexts in the county (urban, suburban, and rural). Another issue identified the need to encourage reinvestment and redevelopment in the areas inside the Beltway. Also identified was the need for regulations to support and encourage reinvestment and redevelopment of some of the "tired" commercial corridors in the county. Some interviewees suggested that new mixed-use districts should be created to incentivize preferred development in identified places. Finally, others encouraged modernizing and modifying the rural districts to better support rural character and agricultural activities.

To effectively address these issues, it might be necessary to refine existing districts or establish new districts.

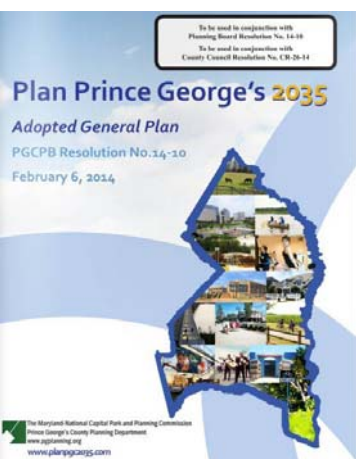
These issues will be evaluated, and where appropriate, recommendations made to either add new districts or refine others to address these issues, *Plan Prince George's 2035*, master, sector, and TDDP plans (where appropriate), and other planning and development goals, in the *Evaluation and Recommendations Report*.

C. IMPLEMENT KEY PLAN PRINCE GEORGE'S 2035 APPROVED GENERAL PLAN GOALS, POLICIES, AND STRATEGIES

Plan Prince George's 2035 is a comprehensive 20-year general plan that serves as a blueprint for long-term growth and development in Prince George's County. It articulates a shared vision and priorities for making the county "a competitive force in the regional economy, a leader in sustainable growth, a community of strong neighborhoods and municipalities, and a place where residents are healthy and engaged."²

One of the principal objectives of the rewrite is to implement the goals, policies, and strategies of *Plan Prince George's 2035*, particularly those relevant to the regulation of development in the county.

1. Support Preferred Development in Key Places



One of the principal themes found among *Plan Prince George's 2035's* goals and policies is supporting different types of and levels of compact, transit-oriented, mixed-use, and pedestrian-oriented development at specific places within the county.

The highest priority places for focus of public dollars and resources are the designated **Downtowns**. The plan notes these areas are best suited to develop in the near term into vibrant, walkable, regional-serving centers with a robust economic and employment base, a distinct sense of place and identity, a varied housing stock, a multimodal transportation network, and diverse, mixed-income communities.

A second high priority place is the **Innovation Corridor**, which has the highest concentration of economic activity and the greatest potential to catalyze future job growth, research, and innovation in the near- to mid-term.

A third set of key locations where the plan directs the majority of residential growth are the **Regional Transit Districts and Local Centers**. Regional Transit Districts are places where development regulations should encourage and support high-density, vibrant, transit-oriented, and mixed-use areas that will capture the majority of the county's future residential and employment growth and development. Local Centers are focal points of concentrated residential development and limited commercial activity serving established neighborhoods, municipalities, and unincorporated

² *Plan Prince George's 2035*. p. 4.

areas outside designated centers. They are places where development regulations should support mixed-use and pedestrian-friendly development at varying degrees of intensity.

The regulatory strategies identified in the plan to encourage compact, transit-oriented, mixed-use, and pedestrian-oriented development and redevelopment/infill in the **Downtowns, Innovation Corridor, and centers** were generally supported by a number of interviewees. These strategies involve removing obstacles to preferred development in the current regulations and creating a simpler and more predictable path for approval of preferred development by:

- Providing sufficient development capacity in the regulations to accommodate the expected employment and population growth in these areas, through by-right development.
- Revising the current regulations or establishing new zone districts that encourage and support the desired types of development.
- Providing for a consistent, more measureable, and predictable set of form standards and design standards, to ensure the preferred type of development will occur.
- Modernizing the parking requirements, particularly in transit-accessible areas, to reduce or eliminate minimum parking space requirements, establish maximum parking space requirements, implement parking reduction strategies (shared parking, transportation demand management, car and bicycle share programs, etc.), incorporate bicycle parking regulations, and add incentives for electric car recharging areas.
- Providing for streamlined development review procedures for the preferred type of development.
- Establishing a flexible framework for design standards to facilitate priority investment area development while ensuring a high level of development quality.
- Revising public facility transportation requirements to encourage development, especially multifamily development, in Downtowns and centers.



These plan goals will be evaluated, and where appropriate, recommendations made to implement them, in the *Evaluation and Recommendations Report*.

2. Protect the Character of Stable Neighborhoods from Incompatible Development

Prince George's County is blessed with a number of very nice and well-established single-family neighborhoods, both old and new. The plan notes—in accordance with a general consensus—that protecting and maintaining the quality and character of the County's existing single-family neighborhoods is key to maintaining the County's quality of life, and consequently should be an important objective in the zoning rewrite.

Yet preservation of the county's neighborhoods over the past 20 years has not come without conflict, especially regarding development proposals at the edge of single-family neighborhoods, or in the transition areas between single-family neighborhoods and the centers and the commercial corridors. Sometimes the conflict between old and new can be especially jarring, such as when a large new office, retail, or multifamily building is erected adjacent to single-family backyards or historic properties.

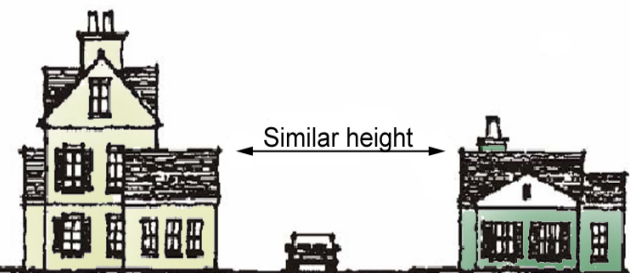
The current regulations include few measurable and predictable minimum standards to ensure development located adjacent to single-family neighborhoods is compatible with the character of the neighborhood. Instead, the issue is addressed through a discretionary, time-consuming, and sometimes controversial and frustrating process (both to neighborhood organizations and the developer applicant).

To address this issue, many modern codes are including neighborhood compatibility standards to protect the character of established single-

family neighborhoods. They typically apply to any new nonresidential development (e.g., commercial, light industrial, or offices), mixed-use development, and multifamily development (of a certain size and character) that are adjacent to, across the street from, or within a certain distance from single-family residential

development or a single-family residential zone district. The standards are measureable and precise, and typically address the following types of issues:

- Site layout in relation to the single-family development.
- Building façade standards to ensure compatibility with single-family development.
- Building dimension standards (height, massing, etc.).
- Parking and driveway area standards.
- General design standards (e.g., roof treatment).
- Lighting standards.
- Loading and refuse standards;



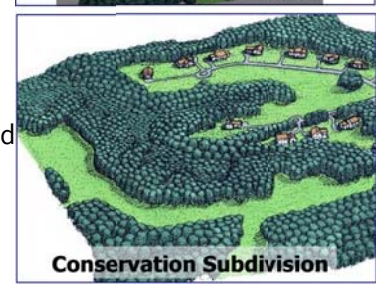
- Open space standards.
- Operational standards to address activities that create excessive noise that would disrupt single-family character.

Another regulatory tool many local governments use that is not found in the County's current regulations is Neighborhood Conservation Overlay (NCO) districts. They are primarily used to ensure the desired character of a neighborhood is protected. They can be an appropriate tool in both stable traditional neighborhoods and neighborhoods at risk to improve, re-build, preserve, and protect desired neighborhood character. Typically, a framework for the establishment of an NCO district is included in a zoning ordinance so that the community can tailor and adopt individual NCO districts for different neighborhoods, as they deem appropriate. NCO districts are similar to, but distinct from, traditional historic districts. Like historic districts, they are based on a pre-approved area plan. But unlike historic districts, which apply additional review procedures and a number of design criteria defined by the dominant architectural characteristics of district structures, NCO districts apply only a handful of relatively modest objective development standards (such as building height, setbacks, roof pitch, garage location and setbacks, front porches, driveway access, street trees, and landscaping) that address only those characteristics of district structures that best define the district's overall character. Also, development applications in an NCO district are administratively reviewed for consistency with the applicable NCO district standards, which usually results in less-time consuming project reviews. Although the current Architectural Conservation Overlay (A-C-O) zone is similar to an NCO District in its purpose and means of establishment, it applies relatively detailed design standards and requires review by an Architectural Conservation Design Review Committee and the Planning Board for most new development or renovation—aspects that make it a less appropriate tool than a NCO district in protecting neighborhoods whose character is defined by factors other than architectural character. If an NCO district is a viable tool for use in Prince George's County, one option might be to build on the current A-C-O district, and refine it to be more consistent with the principles of an NCO district.

All these issues will be evaluated, and where appropriate, recommendations made to protect the character of neighborhoods from incompatible development, in the *Evaluation and Recommendations Report*.

3. Support Preservation and Protection of Rural and Agricultural Lands

Prince George's County is blessed with a significant amount of agricultural and rural lands that are identified as important to preserve for a number of years. Plan Prince George's 2035 identifies large rural areas and recommends that such areas remain low-density residential or support park and open space land uses. It identifies agricultural



areas as suitable for agricultural and forestry activities and recommends they be protected. In addition, several attendees at the Countywide Public Forums stated the County's current regulations need to be modified to better support the preservation of the County's rural and agricultural lands. More specifically, several suggestions were made:

- First, that the open space, rural residential, and agricultural residential districts in the current regulations be revised and modernized to make them districts that genuinely support agriculture, agriculture support uses, and/or rural character, not suburban residential development (it was suggested that within the current zones, the "end game" for most landowners involved in agriculture is suburban housing). It was also suggested that design standards be developed for the agricultural districts that supports agriculture uses.
- Second that the conservation subdivision regulations be reviewed and revised to create stronger incentives to better support rural character and agriculture.

In addition, other tools used in modern codes to support and protect agricultural land and rural character include farmland compatibility standards and voluntary agricultural districts.

These issues will be evaluated, and where appropriate, recommendations made for changes to the current regulations to better support agriculture lands and rural character, in the *Evaluation and Recommendations Report*.

4. Support and Encourage Sustainable/Green Building Practices

Communities nationwide are realizing that good development should be sustainable, or "green." Sustainability involves the ability of a community to meet the needs of its present population while ensuring that future generations have the same or better opportunities. There are increasing concerns that, as a society, we are using resources at a faster rate than we are replenishing them, and thus are creating communities that are not sustainable in the long run.

Plan Prince George's 2035, as well as a number of interviewees, and focus group and Countywide Public Forum attendees, strongly support the idea of the County's regulations encouraging and supporting sustainable/green building practices.

The types of sustainable/green building practices that the rewritten Zoning Ordinance and Subdivision Regulations can best support are:

- Higher-density, compact, mixed-use, walkable, and transit-oriented development.
- Alternative energy use (from solar, wind, and geothermal sources) and energy conservation.
- Water quality and conservation practices.
- Tree conservation and protection.
- Urban agriculture and healthy food production and availability.
- Hazard resiliency.
- Recycling and composting.

Modern codes have basically encouraged and supported sustainable/green building practices in three basic ways: removing obstacles in the regulations to sustainable/green building practices; creating incentives for sustainable/green building practices; and enhancing regulations to encourage sustainable/green building practices.

a. Remove Obstacles to Sustainable/Green Building Practices

Development regulations often unintentionally create obstacles to sustainable/green building practices. For example, many development regulations do not specifically allow solar panels in residential areas, or only permit them as special uses requiring a public hearing. Small compact wind turbines, capable of producing enough power for an entire home, are often precluded in many areas by height restrictions. Rain barrels and cisterns are not recognized as allowable accessory structures. Some development regulations may not allow community gardens or other urban agriculture uses and structures (e.g. farmers markets, composting, and small-scale raising of animals/fowl) by right.

In the *Evaluation and Recommendations Report*, we will review the current regulations carefully to identify potential obstacles to



sustainable/green building practices such as compact development, alternative energy and energy conservation, water quality and conservation, tree protection, urban agriculture and healthy food production and availability, hazard resiliency, recycling and composting, and housing diversity and affordability. We will propose removal of any unnecessary impediments and the addition of provisions that encourage and support such practices. We will also explain why it may be necessary to recognize and expressly accommodate other elements of sustainable development, such as low impact development, rain barrels and cisterns, community gardens, and farmers markets.

b. Provide Incentives to Encourage Sustainable/Green Building Practices

Because some regulatory tools and approaches related to green building practices are cutting edge and often involve new technologies, the use of incentives in regulations can be particularly appropriate. For example, a developer who uses alternative energy might be allowed increased density or an extra floor. Similarly, a developer might be given credit towards landscaping or open space requirements for providing a community garden—which can contribute to food self-sufficiency—or for water conservation measures beyond what would otherwise be required. And development incorporating sustainable/green building practices might be eligible for a streamlined development review process.

In the *Evaluation and Recommendations Report*, we will review the current regulations carefully to identify opportunities to provide such incentives, as well as incentives for mixed-use development, low impact development, construction of buildings meeting Leadership in Energy and Environmental Design (LEED®) or similar “green building” standards, and use of light-colored roofs and parking surfaces.

c. Incorporate Other Regulations to Encourage Sustainable/Green Building Practices

Development regulations can also be enhanced to incorporate sustainable/green building practices concepts.

In the *Evaluation and Recommendations Report*, we will review the current regulations carefully to identify opportunities to provide these types of provisions in the rewrite.

5. Support Housing Diversity and Affordability

Given the change in demographics and living preferences, most modern development codes are being modified to accommodate a mix of housing types for people of different incomes and ages, including detached homes, townhouses, small-scale multi-family arrangements, and higher-density housing arrangements. *Plan Prince George's 2035* calls for County



development regulations to expand housing options by eliminating barriers to the construction of a variety of housing types, including elderly accessible housing, accessory apartments³, and assisted living facilities.

Additionally, implementing plan policies that encourage higher densities and mixed-use, walkable development around transit stations and in other centers will not only support more efficient development patterns and more livable neighborhoods, but also might help provide families lower-cost housing options that lower transportation costs. Protecting the character of stable existing neighborhoods will help preserve homes that make up a significant portion of the county's existing supply of affordable housing.

Plan Prince George's 2035 also calls for using regulatory incentives (streamlined review, reduced permit fees, etc.) to encourage new housing to incorporate universal design features (such as principal living function on one level, no-step entries, wide doorways and hallways, more accessible light controls, etc.), as a means of meeting the housing needs of the county's seniors who wish to age in place. Many universal design features are relatively inexpensive to add to new housing design, and modest regulatory incentives such as streamlined review or reduced permit fees may be all that is needed to get developers to incorporate them.

These issues will be evaluated, and where appropriate, recommendations made to support housing diversity and affordability, in the *Evaluation and Recommendations Report*.

D. MODERNIZE THE REGULATIONS AND INCORPORATE BEST PRACTICES

Finally, there was a general consensus that the rewrite should modernize a number of the County's development standards, incorporating best practices, as appropriate. Modernization efforts would focus on the following.

1. Infill Development

Infill development occurs on vacant or underused lots in otherwise built-up areas. It can take several forms—a small backyard addition, a single-lot development, brownfield development, or multi-parcel projects. Infill development can provide opportunities to revitalize a neighborhood or a commercial area, make more efficient use of abandoned, vacant, or underused sites, enhance sustainability by making efficient use of existing community infrastructure and amenities, promote compact development

³ Accommodating accessory dwelling units (ADUs) is another means to accommodate higher densities and provide housing diversity, particularly in urban neighborhoods. The need for ADUs is supported by demographic and economic changes: college students are returning home after completing school; aging parents need accommodations close to their family caretakers; families need additional income to help ends meet. For example, Santa Cruz, CA, allows ADUs in the residential zoning districts as a matter of right if they conform to one of a set of pre-approved prototypical design that address potential impacts and needs created by the ADU.

and increase development intensity, promote use mixing, and increase the tax base by creating or renewing property values.

Zoning regulations can impede or encourage desirable infill development. Current regulations may make many lots and structures nonconforming and thus very difficult to build on or expand. Reducing dimensional standards to accommodate existing development and providing greater flexibility in the application of dimensional standards allows desirable infill development to occur.

To be successful, infill development should integrate into its surroundings—that is, be designed to reflect and continue neighborhood block patterns, include buildings whose massing and scale are compatible with the surrounding area, and enhance neighborhood vehicular and pedestrian connections. To achieve this integration, infill development standards might include:

- Contextual lot and setback standards that relate required lot and setback standards for new and vacant lots to those found on surrounding developed lots.
- Standards that require larger infill developments to site higher-intensity development and parking areas away from adjacent lower-intensity development.
- Height standards that require heights of buildings be stepped down to the prevalent height in adjacent areas.
- Building design standards that require use of roof types, architectural features, materials, or colors that are compatible with those of adjacent development.
- Standards that require dumpsters and loading areas to be located away from adjacent lower-intensity development and be screened.
- Landscaping standards that require street trees and landscaped buffers between infill development and adjacent lower-intensity development.
- Operational standards that limit hours during which trash collection and other service functions, or outdoor activities, may occur.

2. Redevelopment and Revitalization of Commercial Corridors

Many commercial corridors in the county are characterized by older commercial uses interspersed with vacant and underutilized lands. Much of the development is auto-oriented, includes large expanses of unbroken parking areas, numerous access points, minimal to modest landscaping, overhead lines, tall signage, and numerous locations with visible outdoor storage. A number of interviewees identified such corridors as areas whose redevelopment is important to the county's future growth and development.

To encourage that redevelopment, it will probably be important to develop a multidimensional approach that involves both regulatory changes and

nonregulatory actions such as public investment in assembling and reselling development sites, constructing streetscape improvements, adding landscaping, and siting public facilities at strategic locations. Regulatory changes might include the following:

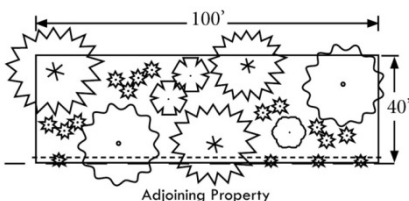
- Enhance development quality by adding design standards, improving landscaping standards, modernizing parking standards, and adding more access and traffic impact standards.
- Protect adjacent residential neighborhoods by adding neighborhood compatibility standards (discussed above).
- Create incentives for consolidating lots into sites large enough for financially feasible redevelopment projects.
- Allowing a wider, more flexible range of permitted uses.
- Establish new zone districts with standards and review procedures that promote the mixing of uses and accommodate incremental redevelopment and revitalization of commercial corridors into economically competitive areas.

3. Off-Street Parking and Loading

Plan Prince George's 2035 and interviewees identify the need to reevaluate parking standards, particularly in areas developing or planned for development as transit-friendly and/or walkable centers. Current minimum parking requirements may be unnecessary and undesirable in areas near transit stations where people can travel to work, shopping, and other destinations without the use of a car. Current best practices across the nation suggest that the current parking standards might be revised as follows:

- Reducing the amount of parking for certain uses in transit-supportive and other walkable mixed-use areas, based on targeted evaluation of parking demands.
- Adopting flexible parking standards that recognize shared or reduced demand and allowing consideration of alternative parking plans.
- Establishing maximum parking standards for targeted uses and areas.
- Requiring large parking lots to be broken up into sections.
- Requiring bicycle parking standards.

4. Landscaping



Enhanced landscaping is one of the key elements communities use to “raise the bar” for development quality and make the community “greener” and more sustainable, while establishing an aesthetically pleasing built environment. Although the landscaping standards in the County’s Landscape Manual are comprehensive, they may lack the flexibility to address situations where lot configuration, existing structures, topography, and other factors make compliance unduly difficult or result in less effective

landscaping than intended by the standard (particularly for higher-intensity development intended for Regional Transit Districts). The current standards might be improved by:

- Offering greater flexibility in their application, through allowance of alternative landscaping plans.
- Shifting to more flexible bufferyard standards that accommodate the more crowded site design needed in urbanized areas—for instance, by allowing narrower bufferyards with greater planting density.
- Coordinating parking area design standards with stormwater management standards.
- Adapting them for Regional Transit Districts and other more urbanized areas—for example, by allowing streetscape amenities and rooftop and upper terrace gardens to count towards landscaping requirements.

5. Open Space Standards and Resource Protection

Current County subdivision regulations require parkland dedication at set percentages of site area for residential subdivisions and provide for open space through cluster subdivisions and conservation subdivisions. *Plan Prince George's 2035* calls for revisions to the parkland dedication regulations to reduce uncertainty in the development process.

Current zoning regulations do not require common open space, only individual yards, for most development. The County should consider whether it wishes to require all developments (not just residential subdivisions) to set aside some portion of the development site as common open space (private or public). The amount of the open space could vary by geographical areas and development type, and more urban types of open space (plazas, courtyards, green roofs, etc.) could be used to meet the standard in Downtowns and other areas planned for redevelopment. Open space standards typically include locational and design criteria reflecting priorities for protection of sensitive natural areas, floodplains, and woodlands, and otherwise ensure the open space is usable to development occupants.

6. Street Design

Plan Prince George's 2035 calls for County development standards to promote the implementation of the latest principles and designs for complete and green streets. Although the County adopted a complete and green streets policy and principles in 2012, the principles apparently have not been fully implemented by revising the County's street standards in the Subdivision Regulations or in the County's "General Specifications and Standards for Highway and Street Construction." Many good models and examples of street design standards and guidelines that incorporate complete and green street principles are readily available. The rewrite should use those models and examples to modify



current street design standards to reflect the land use context (e.g., urban/suburban/rural and auto-oriented/pedestrian-oriented) of the areas in which the standards apply as well as the transportation context (e.g., functional classification).

Plan Prince George's 2035 also calls for requiring multimodal connections within and between new and existing developments, while mitigating potential privacy, noise, and cut-through traffic impacts. Current standards might be improved by strengthening standards to generally require street connections between new developments and require cross-access between adjacent commercial developments. Measures like these reduce the need for motorists to enter and exit major roads just to get to the adjacent development.

7. Exterior Lighting

Plan Prince George's 2035 includes policies calling for the addition of exterior lighting standards for appropriate development activities and assurance that roadway lighting address light spillover and sky glow, and use of low-energy light sources. Light spillover is an issue addressed by exterior lighting standards in many communities—and not just for roadways. The spillover of light and glare from buildings and parking lots can be a serious annoyance to neighbors and pedestrians, and a safety hazard to passing motorists. Sky glow is increasingly becoming a regulatory issue in many communities, largely through the efforts of “dark sky” proponents.

The rewrite should include simple, clear, and measurable exterior lighting standards addressing glare, direction (downlighting), shielding (no exposed lenses), spillover, maximum height, and the brightness of gas station canopy lighting. The standards should be specific enough to enable developers to show compliance on proposed plans and to be easily enforceable.

The most appropriate best practices for revising each of these development standards will be evaluated, and where appropriate, recommendations made for specific changes, in the *Evaluation and Recommendations Report*.



CONCLUSION

In accordance with Task B.1.5 of the Work Plan, this *Issue Identification and Evaluation Memorandum* identifies the major issues that need to be addressed in the Zoning Ordinance and Subdivision Regulations rewrite, based on the input from the interviews, meetings, reconnaissance, focus group meetings, and Countywide Forums conducted in Tasks B.1.1 through B.1. 4.

We look forward to comments as to whether the content of this memorandum accurately reflects input received to date, and to expanding on these topics in the forthcoming *Evaluation and Recommendations Report*.