Consolidated Comments on Comprehensive Review Draft
Prince George's County
March 2018

This document constitutes a major milestone of community stakeholder engagement in Prince George's County's effort to replace our outdated Zoning Ordinance and Subdivision Regulations. In September 2017, the County's consultant team, led by Clarion Associates, released the Comprehensive Review Draft. This draft consolidates and revises the three modules containing Clarion's initial recommendations for creating a set of modern 21st Century zoning and subdivision laws and provide us with the necessary toolkit to successfully compete with our peer jurisdictions within the region, foster economic development opportunities, implement community-based planning, and incorporate simplified language and streamlined procedures.

Over the last three months of 2017 and first two months of 2018, the County Council (which sits as the District Council for planning and zoning matters in the County), Planning Board, County Executive's Office, residents, municipalities, civic groups, project focus groups, property and business owners, land use attorneys, the development community, Planning Department staff, and local, state, and regional agencies have engaged the project staff team and offered their thoughts on the Comprehensive Review Draft

The result of this on-going, essential, and extraordinarily productive conversation is contained in this analysis. In response to community desire and to better document the overall process of the difficult task of comprehensively replacing the Zoning Ordinance and Subdivision Regulations, staff has adopted an approach like that taken when evaluating comprehensive plan testimony.

All comments on the Comprehensive Review Draft received during numerous meetings, online via e-mail and our CiviComment website (https://pgplanning.civicomment.org/), and by mail following the release of the Comprehensive Review Draft until December 15, 2017 have been listed and addressed below, associated with the page number and section number from the draft whenever possible.

This analysis contains community and agency stakeholder comments received by staff as of the date of its compilation (March 2018). Staff analyzed these comments and have made final staff recommendations for revisions of the Comprehensive Review Draft as it transitions to the first legislative draft for possible District Council consideration later in 2018. Staff has also identified, in very general terms, the source of the comments. Additional changes to the Comprehensive Review Draft will also be made based on internal review and conversations between M-NCPPC staff and Council staff that are of a minor or technical level. Only substantive changes resulting from these conversations have been included in this analysis.

In a change from the analysis documents of Modules 1, 2, and 3, comments in this document are generally organized by the division of the Zoning Ordinance or Subdivision Regulations to which they pertain.

This document constitutes staff's final recommendations and endorsement of the proposals that will inform the first legislative draft.

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Page Number	**Section Number**	**General Topic**	**Comment**	**Source**	**Staff Analysis**	**Staff Recommendation**
		General	Town of Berwyn Heights: "Overall, the Berwyn Heights Town Council recognizes the effort put forth into crafting this draft, and we appreciate the responses we have received to comments we submitted earlier in the process on Modules 1, 2, and 3. We do believe this ordinance will protect our existing single-family neighborhood to the greatest extent possible, and look forward to working cooperatively with M-NCPPC staff to achieve this goal." City of Bowie: "The City Council has reviewed the Comprehensive Review Draft in light of prior comments made by the City, which were sent to you on January 19th. We found that many of the items from the City's Table of Recommendations attached to the January 19th letter have been addressed, but some have not. This letter highlights those recommendations that were not	Town of Berwyn Heights, City of Bowie, Town of Brentwood, Town of Cheverly, City of College Park, City of Greenbelt, City of Hyattsville, Town of Riverdale Park, Vijay Kapur, Daniel Donohue,	Comments noted.	Make no change.

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			addressed, and includes further elaboration on some of the recommendations." Town of Brentwood: "Once again, we thank you for this opportunity to address our needs, concerns and questions as you continue through the process of zoning rewrite. We appreciate the outreach during this process and look forward to seeing the final recommendations brought to the County Council this Spring." Town of Cheverly: "We understand that after the Zoning Rewrite, the area surrounding the Cheverly Metro station will likely be a Local Transportation Oriented Zone. As such, it is the Zoning Rewrite's aims to have development within its core area (within a quarter mile) entail a mix of both residential and nonresidential uses. We support this aim." City of College Park: "We understand that this has been an enormous undertaking and appreciate the public outreach and opportunity for comment over the past several years. In general, the City supports this effort and appreciates the improvements made to make the documents more user-friendly, to modernize the regulations and to update land use and zoning categories. "While some of the City's issues and concerns have been addressed in the CRD, there are still several substantive areas that the City believes should be given further consideration based on their potential to negatively impact College Park." City of Greenbelt: "The City understands that this project represents an enormous undertaking and is appreciative of the County resources that have been dedicated to this project. The City Council is particularly appreciative of the time that you have given to the City as we work to navigate the complexities of the various issues. You have demonstrated patience and understanding throughout the public review process and have made yourself readily available to the community. "Overall, the City is generally impressed with the Comprehensive Review Draft and believes it represents an improvement over the voluminous and complicated	David Brosch, Thomas A. Terry, Health Policy Research Consortium		

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			existing zoning ordinance. We are pleased that a large number of our comments on Modules 1, 2 & 3 have been addressed in the Comprehensive Review Draft, however there are still several substantive issues raised previously by the City that we believe should be given further consideration." City of Hyattsville: "In general, the City supports the language provided in the document; we believe that this draft is a significant improvement to the current County code, and we look forward to its adoption. There are several sections of the document where the City believes additional language is necessary or the City disagrees with the draft language and we are requesting revisions to the language prior to its adoption. "The City of Hyattsville is appreciative of the extensive time and resources invested by Prince George's County in order to update the County Zoning Ordinance and Subdivision Regulations. We commend the Commission, it's [sic] staff and Clarion Associates for their collective professionalism, transparency and inclusiveness throughout the process." Town of Riverdale Park: "The Town of Riverdale Park also concurs with the Town of University Park's comments regarding the Prince George's County Zoning Re-write dated December 1, 2017." Mr. Kapur: "I am a DC resident who lives within a mile of the Prince George's County border. "I want to first voice my gratitude over most of the provisions included in the proposed zoning rewrite. Reducing parking requirements, upzoning for increased density around metro stations, and allowing more mixed- use development are all great goals." Mr. Donohue: "I support the draft notes & points submitted by the Food Equity Council. I reside on the same farm that has been in my family since 1947 in Accokeek & presently raise Black Angus cattle & hay. Please remember the agriculture community in Prince George's County. Do not make changes to the southern tier of the county. Suggest you make it harder to have			

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			M-X-T zoning changes in the southern tier. such changes should be put on a put on a public referendum." Mr. Brosch: "As zoning has evolved, it is now thought that separation of land uses and activities in our County is not always best practice. This is evident from the many County zoning districts where a multitude of uses are permitted by right. For the same reason small scale properly designed and regulated composting facilities should now be allowed in our midst." Mr. Terry: "I agree with the general purpose and intent statements of the document, e.g., "• guiding the orderly growth and development of the County while recognizing the needs of agriculture, housing, industry and business • protecting the rural character of the County in appropriate locations • ensuring the protection of the County's environmental and natural resources, and encouraging the restoration and enhancement of these resources when appropriate, • protecting and enhancing stable residential neighborhoods "These intentions are supposed to be followed when implementing the general plan, sector plans, area master plans, and functional master plans. In the past the County (District) Council members have stated that these plans are only "guides" not plans that have to be followed exactly. This was stated by the Prince George's District Council when they voted to approve the Bowie Wal-Mart special exception site (Mill Branch Crossing Development) against the planning board's and zoning hearing officer's recommendation and ruling, respectively. "There is an inherent weakness in the general intention statements that end with "when appropriate" or "in appropriate locations" which generally means that developers will most likely always argue that their areas of interest are not "appropriate" for protecting the agricultural and rural-residential areas or the restoration and enhancement of natural resources."			

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			Health Policy Research Consortium: "The Health Policy Research Consortium (HPRC) is delighted that Prince George's County is rewriting the jurisdiction's zoning ordinance and subdivision regulations. From a health perspective, this is an exceptionally valuable opportunity to proactively address serious health challenges facing the county's residents. Of particular important to HPRC are the implications of zoning for addressing our federal mandate: identify policy avenues for reducing racial and ethnic disparities in health in Prince George's County and throughout Region III. As a transdisciplinary research consortium, we believe that the role of zoning in improving health is well-supported by science."			
		General	"Mixed-use developments foster a more equitable use of space that leads to an increase in physical activity, reductions in obesity, and less time spent in cars, as residents are more likely to walk for both transport and recreation. The transit oriented/activity center base zones should lead to an increase in physical activity. Walking to and from public transit is linked to an increase in daily exercise, particularly among low-income and minority subgroups, and brining in retail, occupational, and public transportation opportunities into a walkable built environment could result in less time spent in cars, and more time walking to destinations in and around such developments in the County."	Health Policy Research Consortium	Comments noted.	Make no change.
		Countywide Map Amendment	Town of University Park: "Zoning Map. It is unclear which zones in the old ordinance translate to which zones in the new ordinance. Lacking a zoning map, and/or a chart showing which existing zones will become which new zones, we cannot comment on the 'proposed' zoning for land within the Town of University Park or in the communities surrounding us. Prior to taking any action on the text of the new Ordinance, provide a Zoning Map and a chart or table showing how each existing zone is translated to one or more new zones. If a zone is being removed, show what replaces it." Town of Berwyn Heights: "We had hoped a proposed Countywide Map Amendment to the Official Zoning	Town of University Park; Town of Berwyn Heights; City of Greenbelt, City of College Park; Greenbelt Homes, Inc.; Brian Almquist; North College Park Community	Conversion tables showing how current zones inform or "nest into" proposed zones have been available since the release of Module 1 (Zones and Uses) in late 2015. The main table staff has prepared is updated with each revision to the proposed structure and is currently available as the October 2017 update on the project website, zoningpgc.pgplanning.com, under the "resources" tab and "consultant documents" sub-section. Zoning maps cannot be prepared until the zones that are to be used in the Zoning Ordinance are adopted. In general, more than 97 percent of Prince George's County is anticipated to move directly from the current zone to the closest proposed zone. In the case of University Park, most property is currently in the R-55 (One-Family Detached Residential)	Make no change at this time.

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			Map (based on this Comprehensive Review Draft) would have been available prior to the comment due date. We understand a final map would not be available until the new regulations are approved, but it is difficult to comment on specifics of the proposed regulations without knowing the true impact the changes may have on the Town." Town of Brentwood: "The only concerns we want to address now are when the Gateway Overlay Zone is eliminated, that the Town wants restrictions to remain that prohibit any new auto mechanic or repair service centers in our industrial commercial areas. It would also stand to reason that we do not need any more storage facilities. Our vision is to see more retail/office space that provides needed services to the community and affordable housing. We also want the zoning to stipulate that parking be reduced to back area lots versus store front, and that there be a greater transition between commercial and residential areas. This would minimize what has occurred with the recent development of mixed use and single-family homes on 38th and Quincy Streets where there is little to no transition in building size and heights." City of Greenbelt: "The City continues to have concerns that the proposed County Wide Map Amendment process will follow the adoption of the new zoning ordinance and subdivision regulations. It is the City's position that the adoption of the Countywide Map Amendment Process should occur concurrently with the adoption of the proposed zoning ordinance and subdivision regulations. It has been noted that 8 percent of the County will require consideration of alternative zoning options as part of a "decision tree" to be used by the District Council prior to the initiation of the zoning map amendment. With the elimination of the Greenbelt West Development District Overlay Zone, Greenbelt's historic significance and the Route 193 Innovation Corridor, the City believes it may be part of the referenced 8 percent. Regardless, given these issues of special concern, the City requests that it be part of the mapping exercise to locate proposed new zones within the City."	Association; Jennifer K. Merner, Managing Director, First Oxford Corporation	Zone. All such properties are anticipated to be rezoned to the RSF-65 (Residential, Single-Family – 65) Zone. Berwyn Heights also has significant R-55 zoning and is complemented by the C-S-C (Commercial Shopping Center) and C-O (Commercial Office) commercial zones and the I-1 (Light Industrial) Zone. C-S-C and C-O would transition to the CGO (Commercial General and Office) Zone while the I-1 Zone would become the IE (Industrial/Employment) Zone. Brentwood's concern is noted but cannot be fully resolved at this time. Partly this is due to the ongoing discussion of the LMUTC (Legacy Mixed-Use Town Center) Zone and Brentwood's expressed desire to retain this zone if the option exists. Staff is unclear at this point which set of use regulations would control in the LMUTC Zone(s) and the role the Gateway Arts District – which currently regulates uses for the Brentwood and Mount Rainier Mixed-Use Town Center zones – would have with use regulation in LMUTC. The other zone that had (very preliminarily) been discussed for Brentwood's commercial core is the proposed NAC (Neighborhood Activity Center) Zone. Personal vehicle repair and maintenance uses would be special exceptions in the NAC Zone. The City of Greenbelt's comments are noted. As addressed elsewhere in this analysis, the Countywide Map Amendment, when initiated, will be a public process involving numerous stakeholders.	

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			City of College Park: "The Hollywood Commercial District is also a part of the Central US 1 Corridor Sector Plan and is designated as a Corridor Infill area. The proposed CGO replacement zone allows residential use up to 48 dwelling units per acre and heights between 86 and 110 feet. This differs substantially from the current plan that doesn't permit stand-alone residential development and limits heights to 4 stories. A more appropriate zone would be the Commercial Neighborhood (CN) zone that is intended to provide for medium density residential and lower intensity commercial to primarily serve the needs of the surrounding community." Greenbelt Homes, Inc.: "I am writing to request the County Council adopt a Greenbelt-specific Neighborhood Conservation Overlay (NCO) Zone as part of the new zoning ordinance. Failing this, we request that Council add funds to the M-NCPPC FY 2019 budget for the purpose of establishing a work program item for M-NCPPC staff resources to work with GHI, the City of Greenbelt and other stakeholders on the creation of such an NCO zone." Mr. Almquist: "I request lower density in the proposed townhouse (R-SFA) [sic] zone. I also request that the Roosevelt Center be mapped to a zone more consistent with its existing character such as the proposed Commercial Neighborhood Zone." North College Park Community Association: "We are concerned about potential zoning changes and impacts to residential properties near US 1, MD 193, Hollywood Commercial District, and Greenbelt Metro Station. We ask that you preserve and protect the residential character of North College Park in conformance with existing Sector Plans, and that you avoid any zoning changes that may adversely impact our homes, parks, open spaces and quality of life. The First Oxford Corporation requested a zoning change for three parcels from the R-55 (One-Family Detached Residential) Zone to the proposed LTO (Local Transit-Oriented) Zone.			

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		Community Involvement	"We believe the improvements to community notification and public comment requirement for new developments may foster increased community participation during the approval process. Some residents have reported that it is difficult to participate in the existing process, but the requirements outlined in the comprehensive draft have the potential to result in increased communication between developers and communities. Specifically, we believe the following recommendations have the potential to create a more inclusive process: 1) a clear schedule of community notifications for hearings regarding each type of development, 2) a requirement that the technical staff application report include a summary of citizen comments, 3) a requirement that civic organizations be given the opportunity to register and receive notification when an application is submitted or a hearing is scheduled for a development in their geographic area of influence, and 4) pre-application meetings which could create communication between developers and the community before construction begins. These notifications and meeting requirements should provide citizens with opportunities to have their voices heart, including the opportunity to express any health concerns regarding new developments. "The notification requirements are however overly reliant on mail, posted signs on development properties, and newspapers. These activities could be strengthened by using new technologies, such as social media, a website, or email. Additionally, we would encourage the county to consider notification requirements that consider basic literacy levels, the needs of non-English speakers, and the use of translators or other instruments that would facilitate participation during community meetings."	Health Policy Research Consortium	Comments noted. Modern outreach methods such as email, websites, translation services, and others are used today and will continue to be used. The emphasis in the Zoning Ordinance on newspapers, posting, and mail is for compliance with state and local laws.	Make no change.
		Established Neighborhoods	Health Policy Research Consortium: "Although the County's rewrite plans encompass multiple health-focused elements, our analysis highlights important areas where the efforts could be improved to include a more significant healthy zoning approach. One significant limitation of the proposed zoning rewrite is that it predominately affects new developments; residents living in established neighborhoods may not benefit from the same health advantages as those who	Health Policy Research Consortium, Una Palmer	It is impossible for any Zoning Ordinance to retrofit existing communities. Ordinances may contain appropriate tools which could facilitate retrofits, but change to existing communities, perhaps especially positive change with significant community benefits, requires substantial resources and funding. In much the same way a Zoning Ordinance is unable to fully retrofit existing communities, it is also unable to deal with	Make no change.

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			move to newly developed areas. While it is likely that all residents would benefit from additional green space, or shopping centers that encourage walking, the rewrite would not address connectivity and transportation issues that already plaque existing neighborhoods. Although the addition of commercial neighborhood zones may incorporate walkable commerce into these neighborhoods, they would still need to be retrofitted with sidewalks and safer bicycle access like the provisions planned for new developments. Retrofitting is equity-oriented but will likely require additional County resources. Nonetheless, it will help ensure that all residents have an equitable opportunity to enjoy the greater benefits of healthy zoning." Ms. Palmer expressed concerns about the erosion of historically African-American communities and provided comments pertaining to notification for permit-level development (specifically, new infill single-family homes that did not provide notice before construction).		social aspects of community-building such as population mix and incentiving historic populations to remain in-place. Small-scale infill development such as individual single-family dwellings on individual lots are most often permitted by-right, with no site plan review or other procedure that would require public notification. This is the case today and would remain so under the proposed Zoning Ordinance.	
		Density Comparison	"The Town has requested a density comparison between the Prince George's Plaza TDDP and the proposed RTO-H zone but has not received one."	Town of University Park	A staff resource has now been identified to work on this comparison but has not yet begun the task.	Provide the requested comparison when complete.
		Test Cases	Town of University Park: "Several development scenarios in different zones were tested by the consultants to assess the application of the new zoning standards. It would be helpful for us to see these to understand how the various regulations apply under the new law as opposed to the old. Several of the issues discussed in this letter (particularly relative to the RTO-H zone for the Prince George's Plaza area) should be highly visible in these test cases. We request that the test cases be released for review by the public prior to adoption." Town of Berwyn Heights: "We had hoped some case examples would have been available for viewing. We had heard that Beltway Plaza was chosen to illustrate the difference between a development as it currently exists and the development as it might have occurred under the new Zoning Ordinance. Unfortunately, we were unable to locate any case examples on-line at the time this letter was written."	Town of University Park	The test cases are now complete and have been released to the public. They may be found on the project website, zoningpgc.pgplanning.com, under the "resources" tab and "consultant documents" sub-section.	Make no change.

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		Health Equity and Mechanisms	"A Health Equity in all Policies (HEIAP) Safeguard Mechanism is a policy device designed to ensure that human health always trumps the competing priority whenever a conflict arises between a development and public health. Although the proposed rewrite establishes the process for project applications and approvals, which significantly strengthens the community notifications and involvement, incorporating this intentionality safeguard is warranted to ensure that the health of County residents is never threatened by a new development – even when residents are not at the table during real-time decision-making processes…." "Finally, we recommend the implementation of a mechanism to ensure that health continues to be a core component of zoning in the County after implementation of the rewrite in 2018. One way this could be achieved is to include a section in the County code that requires a health assessment of the zoning ordinance every 10 years or another timespan deemed appropriate. This should allow for policy makers to examine data and gain needed insight for evaluating health impact."	Health Policy Research Consortium	The County Council has requested the re-insertion of the current health impact assessment (HIA) requirements, which will partially address this comment. Zoning Ordinances are complicated mechanisms with numerous goals that must be balanced. The key word is balance. Staff does not support requiring, through legislation, that any one goal trumps or supersedes any other goal or goals of the Zoning Ordinance in the event of conflict. This limits flexibility and the ability of the decision makers, including the County Council, to decide how these goals should best be balanced.	Make no change.
Multiple	Multiple	Chesapeake Bay Critical Area Overlay Zone and Related Procedures	The proposed language on the Chesapeake Bay Critical Area Overlay (CBCA-O) Zone and related procedures, such as the CBCA-O Zone Map Amendment, leave out some provisions of existing County and State law that need to be reflected to ensure consistency with prior approvals of the County's CBCA through the state and CBCA commission.	Planning Staff	Staff concurs. The revisions that are necessary will reflect in numerous locations but tie directly to existing language in the current Zoning Ordinance and state law.	Revise the CBCA-O language as necessary throughout the proposed Zoning Ordinance to reflect current County and state law.
Front Cover		Solar Arrays and Resource Conservation Plan	"A recently withdrawn application to install a large solar array in the Patuxent River Rural Legacy Area, on a field adjacent to Croom Road near Molly Berry Road, has helped clarify some issues related to the Preliminary Resource Conservation Plan that I feel merit further refinement. "In Section II of the plan (p. 59) Policy 15 is to 'encourage the generation of low-carbon and clean, renewable energy sources.' There are five strategies listed to achieve this policy, including: "15.4 Develop a range of incentives to encourage the adoption of solar facilities on roofs, parking lots and structures, and unused open spaces.	Civicomment	Much of this comment seems to pertain to the approved Resource Conservation Plan and to a specific development application and does not have direct bearing to the Zoning Rewrite project. To the extent some of the comments deal with zoning regulations, staff notes large solar arrays are typically proposed and built by entities deemed public utilities by the Maryland Public Utilities Commission and are exempt from local zoning regulation. Such projects are instead subject to the County's Mandatory Referral process, which may make non-binding recommendations to the applicant. The Comprehensive Review Draft provides regulations on large utility projects that would be in effect for any such large	Make no change.

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			15.5 Revise and update the Zoning Ordinance and Subdivision Regulations to include standards and criteria for siting renewable energy facilities at different scales. “The ‘unused open spaces’ language in objective 15.4 must be clarified, such that is does not conflict with RPC Section III which addresses the County’s Rural Legacy Program (p.79), whose four goals include ‘preserving critical habitat for native plant and wildlife species’ and ‘protecting riparian forests, wetlands, and greenways to buffer the Chesapeake Bay and its tributaries from pollution runoff,’ in addition to ‘preserving rural character and a sense of place.’ “As an independent landscape architect, I examined the Boyd’s Farm solar array proposal and drawings and found many environmental impacts that seemed not to be addressed in current zoning regulations or submittal requirements. This relates back to Policy 15 strategy 15.5, which calls for zoning revisions to promote clean energy. I strongly feel that any zoning revisions must explicitly protect stormwater runoff and wildlife habitat, in addition to rural character and a sense of place, for any large scale project proposed in a state designated Rural Legacy Area on previously unbuilt land. “Specific impacts related to this, or any other solar array which need zoning and environmental protections are: “1. Irrevocable damage to agricultural lands due to compaction or soil removal. These lands should be the last resort for solar array placement, with proof required that all other options, such as parking lots and rooftops have been explored. 2. Treat water running off solar array panels as any other impermeable roof surface and require builders to retain and treat all stormwater runoff on site. These arrays do not sit lightly on the earth like ballerinas dancing on pointe. They are anchored to the ground with deep concrete footers to prevent uplift from wind. In order to pour these concrete footers, surrounding soils are disturbed and compacted, rendering the narrow uncovered ground between continuous panels far less permeable than undisturbed soil. Furthermore, even if the runoff coefficient were as high as undisturbed		solar arrays that may not be built by a regulated utility provider. Such projects would also be subject to other, existing regulations of the County Code that deal with issues such as stormwater management and wildlife habitat. These other regulations from other Subtitles are the appropriate locations for such environmental issues.	

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			ground, uncovered areas would be incapable of absorbing all the water running off the panels. Excess runoff leaving the site during storm events, in this case, the Boyd Farm meadow, would have flooded Croom Road as well as the nearby Patuxent River tributary, which was clearly visible on PG Atlas. The true cost of such projects would increase if developers were to be required to retain and treat all stormwater runoff on site for solar arrays proposed on unbuilt land. If we require these stormwater runoff calculations for housing developments, we must make our zoning code consistent and include solar arrays proposed for unbuilt land. 3. Solar array developers must be made to affirmatively prove that developments on unbuilt land do not adversely affect plant and wildlife species habitat. I really don't know how this test would pass on large projects, which is why I greatly favor the RPC's language in Policy 15, strategy 15.4 of locating such facilities on roofs, parking lots and structures, but not on unused open spaces."			
All	All	Typographic and Grammatical	Numerous typographic and grammatical corrections were suggested throughout the Comprehensive Review Draft.	Planning Staff	Staff concurs typos and grammar should be revised as necessary.	Revise typos and grammatical errors as necessary.
5	Table of Contents	Green Walls	Would anything prohibit building green walls or vertical farm structures?	Civicomment	No; nothing in the proposed regulations would prevent "green walls" or other vertical vegetative growth structures.	Make no change.
5	Table of Contents	Farm Apartments	As part of an urban farm project in Mount Rainier, there is a desire to provide lodging for a farm manager via micro-apartment units. The "farm tenant dwelling" use may cover this, but this example offers additional information for consideration.	Civicomment	Comment noted. Farm-tenant dwelling units are discussed elsewhere in this analysis.	Make no additional change.

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27-1—1	27-1.100 Title	Document Navigation	City of Mount Rainier: "Definitions of many terms are not included. We understand that there is another section of the code that includes definitions. Please direct the user to the location of those definitions within the text of these standards." Civicomment: "I suggest adding a table of contents link to the bottom of all pages to make it easier for readers to go back and navigate the document."	Civicomment	This is unnecessary, as the approved versions of the new Zoning Ordinance and Subdivision Regulations will be placed online and hyperlinked. The current County code hosting site incorporates the ability to navigate from a Table of Contents on the left-hand side of the screen. As discussed elsewhere in this analysis, if there are terms that should be defined, staff is open to reviewing those terms if/when identified.	Make no change.
27-1—5	27-1.800 Transitional Provisions	Grandfathering	The Maryland Building Industry Association commented: "One of the items that the development community was concerned with was the loss of previously approved entitlements. CSP and SDPs under today's Zoning code have a specific validity period that works. This clause would change that approval length to ten years. This is not enough time to build out a large mixed use site. The original approval length should be allowed for this section." Mr. Gingles added: "There seems to be no reason to eliminate the life of a CSP unless subsequent revisions to DSPs will negate any conformity requirement for those requiring a DSP. At least one LMXT only has a CSP guiding development. Would the end of the CSP mean no additional development can occur? With all LMXTs, is it the intent that no new development can occur post termination of a CSP, e.g. the replacement or new building within a five million square feet development would occur how? Until a complete new development of a LMXT is proposed, there seems to be no valid reason to eliminate or terminate the existing CSP. Further, Maryland law vests properties that have commenced development (evidenced by the footings of a building shown on an approved plan). The termination of a CSP, or DSP for development that has commenced results in the loss of vested development rights."	Maryland Building Industry Association; Andre Gingles, Gingles LLC	This comment pertains to the proposed implementation of a 10-year validity period for Conceptual Site Plans (CSPs) and Comprehensive Design Plans (CDPs). Neither of these procedures have an expiration date today – they are valid in perpetuity. Staff does not believe an unlimited validity period should continue into the new Zoning Ordinance. Such action would essentially render the current Zoning Ordinance also valid in perpetuity, greatly contributing to the confusion and complexity of developing in Prince George's County. That said, there are provisions that speak to "vested" projects and the protected status of their associated development approvals. In conversations with the County Council, there seems to be emerging consensus among Councilmembers that the current Zoning Ordinance should be allowed to phase out of effectiveness over some period of time. The proposed 10-year validity for CSPs and CDPs strikes an appropriate compromise between perpetuity and a period of time that would be too short for any projects (e.g. one or two years). Additionally, conversations have been ongoing regarding the proposed grandfathering and transitional provisions to ensure they are as effective as possible for the County, and additional revisions or tweaks may occur prior to presentation of the legislative draft. Additional discussion of the specifics of the LMXT (Legacy Mixed Use – Transportation Oriented) Zone appears elsewhere in this analysis.	Continue the conversation on grandfathering and transitional provisions and incorporate any appropriate revisions as may be necessary for legislative consideration.
27-1—6	27-1.800	Grandfathering	The new validity period for Conceptual Site Plans and Comprehensive Design Plans will lead to numerous	Maryland Building Industry	Staff concurs.	Revise Sec. 27-1.804.A. to establish the ten year validity date to begin from the effective date of the new Zoning

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	Transitional Provisions		issues if established as ten years from the date of the approval of that project.	Association, Planning Staff		Ordinance rather than the approval date of the application.
27-1—6	27-1.800 Transitional Provisions	Grandfathering	The proposed transitional provisions are not as clear as they should be regarding the relationship between zoning and subdivision. If a project is grandfathered under the Zoning Ordinance or Subdivision Regulations, it should be clearer that they can also proceed to obtain any required approvals from the other Subtitle as part of the project's overall grandfathering. Additionally, it is unclear how amendments to grandfathered projects would be handled. Clarity regarding illegal uses is desired for the "deemed conforming" provision. Regarding properties that may only have an approved Zoning Map Amendment (ZMA) to rezone the property and did not obtain subsequent entitlements (see Sec 27-1.804.F), it is not clear whether or not any conditions of approval associated with that ZMA would still apply if the property is forced to develop in accordance with the new Zoning Ordinance and Subdivision Regulations. Additional nuance is required regarding Sec. 27-1.804.F. to ensure the provision is sufficiently encompassing of the numerous types of applications contained in the current Zoning Ordinance. The County Council's direction to carry forward the proposed Legacy Mixed-Use Transportation Oriented (LMXT) and Legacy Mixed-Use Town Center (LMUTC) Zones will require new transitional provisions for these zones. As one example, the current Mixed-Use Town Center (M-U-TC) Zone uses a "special permit" process that is not carried forward in the proposed zoning Ordinance; special permits do not expire. References would need to be made to special permits, and a validity date proposed.	Planning Staff	Staff concurs.	Revise Sec. 27-1.803.C. to read: "…If the approval is for a Conceptual Site Plan (CSP), special permit, Comprehensive Sketch Plan, or Conceptual Design Plan (CDP), the approved CSP, special permit, or CDP shall remain valid for ten years, and shall not be subject to the indefinite time period of validity under the Zoning Ordinance under which it was approved." Revise Sec. 27-1.804.A. to read: "…If the approval is for a CSP, special permit, Comprehensive Sketch Plan, or CDP, it shall remain valid for ten years from _____*{insert effective date of this Ordinance}* [the date the CSP or CDP was approved] (and shall not be subject to the indefinite time period of validity under the Zoning ordinance under which it was approved)." Revise both Sec. 27-1.803.D. and Sec. 27-1.804.B. to read: "Until and unless the period of time under which the development approval or permit remains valid expires, the project may proceed to the next steps in the approval process (including any subdivision steps that may be necessary) and continue to be reviewed and decided under the Zoning Ordinance and Subdivision Regulations under which it was approved. Revise Sec. 27-1.804.D. to read: "Once constructed, the project shall be 'deemed conforming' and shall be subject to the same rules as other conforming uses, structures, signs, and site features under the Zoning Ordinance. Under no circumstance shall an illegal use, structure, sign, or site feature as of the effective date of the Zoning Ordinance be 'deemed conforming.'

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						Add a new Sec. 27-1.804.E. to read: "Subsequent revisions or amendments to development approvals or permits 'grandfathered' under the provisions of this Section shall be reviewed and decided under the Zoning Ordinance under which the original development approval or permit was approved, unless the applicant elects to have the proposed revision or amendment reviewed under this Ordinance." Revise Sec. 27-1.804.F. to read: "…but that did not obtain a subsequent entitlement such as a special exception, conceptual site plan, detailed site plan, preliminary plan of subdivision, or building permit following the initial zoning map amendment, is not considered to be grandfathered for the purposes of developing in accordance with the standards and procedures of the Zoning Ordinance in existence at the time of the zoning map amendment (ZMA) approval. Instead, such property shall develop in accordance with the zone designation it receives from the Countywide Map Amendment, and is fully subject to the standards and procedures of this Ordinance and the Subdivision Regulations. Any conditions imposed by the District Council as part of the ZMA approval shall be deemed null and void." Renumber remaining subsections accordingly. Provide appropriate transitional provisions for the LMXT and LMUTC Zones (as may be necessary).
27-1—6	27-1.800 Transitional Provisions	Grandfathering	Will there be a legacy Mixed Use Community (M-X-C) zone? Fairwood's adequacy determination only required transmittal of funds to the State Highway	Maryland Building Industry Association	No, there will be no LMXC zone. Fairwood's transportation improvements are built, and therefore, vested. Regarding the overall status of Fairwood – which is the only M-X-C property in the County – the project is nearing completion	See above for recommended revisions to the list of development applications that should receive a ten-year validity period

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			Administration for the entire development, which vested the project.		and may well be fully built before the new Zoning Ordinance and Subdivision Regulations take effect. For full clarity regarding transitioning and grandfathering, the "comprehensive sketch plan" that covers most of the Fairwood development should be included in the list of development applications that will receive a ten-year validity period from the effective date of the new Zoning Ordinance.	starting on the effective date of the new Zoning Ordinance.

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27-2—1	27-2.100 General Rules for Interpretation	Sign Area	It is unclear how sign area is measured.	Planning Staff	There appears to be no information on how to measure sign area in the Comprehensive Review Draft.	For clarity, add a rule of interpretation for how sign area and other key dimensions (if appropriate) are to be measured.
27-2—2	27-2.112 Terms Not Defined	Formatting	The documents cited as providing guidance on definitions should be italicized or otherwise stand out as entitled documents.	Planning Staff	Staff concurs.	Italicize the name of the dictionaries and sources to be used for providing definitions.
27-2—2	27-2.201.A. Net Lot Area	Descriptions of Net Lot Area and Calculation of Density Definitions	"Sec. 27-2.201.A provides that net lot area ' shall be determined by measuring the total horizontal land area (in acres or square feet) within the lot lines of the lot, excluding public street or alley rights-of-way and private street or alley easements, and land lying within the 100-year floodplain.' For purposes of determining density or FAR (floor area ratio), this provision states that 'any part of net lot area dedicated as recreation area, park, greenway, or other public open space in conjunction with a development approval…shall continue to be considered part of the net lot area of the development site.' However, this provision does not state that rights-of-way may be considered for purposes of determining density. "Our understanding based upon our meeting with M-NCPPC on December 6th is that Staff has interpreted that public rights-pf-way that were previously dedicated for which no consideration was received by the property owner are considered part of the net lot area, and that as a result such rights-of-way may be considered for purposes of determining density. However, the wording of Sec. 27-2.201.A. should be clarified to be consistent with this interpretation. We recommend that Sec. 27-2.201.A be revised as follows…. "…For purposes of determining net density, floor area ratio, or lot coverage, any part of the net lot area dedicated as <u>right-of-way for which no more than nominal consideration was received,</u> recreation area, park, greenway, or other public open space…."	Heather Dlhopolsky and Matthew M. Gordon, Linowes and Blocker, LLC, representing Federal Capital Partners	Staff concurs.	Revise Sec. 27-2.201.A. to read: "…For purposes of determining net density, floor area ratio, or lot coverage, any part of the net lot area dedicated as <u>right-of-way for which no more than nominal consideration was received,</u> recreation area, park, greenway, or other public open space in conjunction with a development approval in accordance with this ordinance shall continue to be considered part of the net lot area of the development site."
27-2—4	27.2.201.G. Lot Coverage	Coverage Measurement	In staff conversations, council staff and planning staff discussed the numerous unintended consequences of incorporating patios and walkways into the measurement of "lot coverage."	Council Staff, City of Hyattsville, City of Bowie, Planning Staff	Patios and walkways were added to the calculation of "lot coverage" to address concerns of numerous parties using a "patio" as parking or paving over their entire yard with a "patio." However, the numerous unintended consequences indicate that patios and walkways should not be included in the calculation of "lot coverage."	Revise the description of lot coverage calculation on page 27-2—4 to read: "Lot coverage (expressed as a percentage of net lot area) shall be determined by measuring the total horizontal land area of the lot (in acres or square feet) covered by

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			The City of Hyattsville: "The City has two specific concerns regarding the measurement of lot coverage. (1) It is the City's opinion that pervious surfaces, even if used to construct features contributing to lot coverage, should not be included in the lot coverage calculation. (2) There is significant concern over negative impacts to existing properties that are created by the inclusion of new features (walkways, patios, etc.) in the impermeable surface calculation, which was not in the past. It is the City's opinion that this section needs to be expanded on to address those issues." The City of Bowie: "The new definition expands what must be counted in the lot coverage calculation. To avoid the potentially large number of variance requests, the lot coverage maximums in all residential zones should be increased to make allowances for the new definition."		While some recommendations have been made regarding separate requirements to limit the impacts of large patios, staff is encountering challenges in how patios may be limited. For example, a common suggestion was to impose a limitation of patio size based on a percentage of the lot on which it is located, separate from lot coverage. However, the size of the lot would control in this situation, and large lots could have exceedingly large patios as a result. Given the challenge of identifying an acceptable approach to this issue and the fact it would ultimately become a code enforcement challenge, staff does not recommend separate regulation on patio size at this time.	all buildings, covered structures, <u>and</u> areas used for vehicular access and parking;[, patios and walkways;] dividing that coverage area by the net lot area (see Sec. 27-2.201.A above); and multiplying the result by 100."
27-2—4	27.2.201.H. Structure Height	Consistency	There is an inconsistency in how multiple antennas are referenced within the document.	Planning Staff	Staff concurs.	Ensure multiple antennas are referred to as "antennas" rather than "antennae" within the codes.
27-2—4	27.2.201.H. Structure Height	Height Measurement	"The Town supports refining the definition of Structure Height. Allowing measurement from the mean elevation allows structures built on a substantial grade (which may have been regraded as part of the construction) to be built to a much greater overall height. The Town experienced this with a garage built at the rear of a property that bordered on an alley. The grade had been increased, which allowed a garage of a height out of keeping with the rest of the neighborhood. This definition should take into consideration measurement of the height when a building is on a steeply sloped grade."	Town of University Park	One key purpose of zoning regulation is to ensure consistency across the County. Staff believes consistency is best achieved through the currently proposed language regarding how structure height is to be measured. While staff recognizes there may be room in the proposed regulation to manipulate the results in the manner described by the Town of University Park, staff is more concerned that attempting to add height of grade to the calculation will create far more issues than it would resolve.	Make no change.
27-2—6	27.2.201.I. Yard Depth	Measured from Future Street Right-of-Way	"This should include municipal-adopted plans on municipal streets."	Town of University Park	The reference to "county-adopted plans" is intended to refer to comprehensive plans and should be clarified. The County's comprehensive plans regarding street rights-of-way – namely the General Plan and Functional Master Plan of Transportation – are the governing plans for all streets in the County's portion of the Regional District. While staff certainly recognizes municipalities own and operate streets and may have their own street standards, reference to municipal-adopted plans would not be appropriate for this situation.	Revise Sec. 27-2.201.I.2.d. on page 27-2—6 to read: "**d. Measured from Future Street Right-of-Way** Where [County-adopted plans] <u>the Functional Master Plan of Transportation or the General Plan</u> calls for the future widening of the street right-of-way abutting a lot…."

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27-2—6	27.2.202 Exceptions	Reduction of Minimum Net Lot Area or Width to Block Face Average	"The Town recommends that rather than reducing the minimum net lot area I minimum lot width/ minimum front setback to the average of the existing structures/properties, that it be reduced a little bit further to, for instance, 90 % of the average. This will allow appropriate development in areas of the Town that have a mix of historical and modem development without significantly impacting the intent of the minimums in the standards. In general, the Town would like the Zoning Rewrite to provide flexibility to assist the Town in repairing the impacts that "modem" zoning had on the historic neighborhoods of the Town starting in the middle of the 20th century."	Town of University Park	While this suggestion is a good one, it does not seem to have strong support. Discussion of the averaging provisions proposed for infill lots in the Comprehensive Review Draft have focused more on the need for any lot averaging to accommodate infill development and concerns about incompatibility. A reduction below the average of the block could foster more incompatibility than facilitate "repairs" to historic communities.	Make no change.
27-2—12	27-2.301.C.2. Principal Use Classification System	Agriculture/Forestry-Related Uses	"We believe that 'farm-based craft alcohol producer' is preferable to specific listings of individual types of producers as we expect to see this industry continue to grow and evolve. We recommend the County adopt the recommendations of Grow & Fortify for language around this use." Staff comments support the general intent of the Food Equity Council.	Civicomment – Food Equity Council, Planning Staff	The Comprehensive Review Draft incorporates uses for "Farm Winery" and "Farm Brewery or Distillery." The "Farm Winery" use is proposed as an allowable use in the ROS, AG, AR, RE, RR, IE, and IH Zones, while "Farm Brewery or Distillery" use is limited to the ROS, AG, AR, and IH zones. Licenses and total amount of production for any farm-based alcohol production establishment is regulated by the State of Maryland and the Federal Alcohol and Tobacco Tax and Trade Bureau. Both uses, "Farm Winery" and "Farm Brewery or Distillery," have similar impacts on the surrounding land. Additionally, other counties also group the practices as one use.	Update references of "Farm Winery" and "Farm Brewery or Distillery" to "Farm-Based Craft Alcohol Production." Allow "Farm-Based Craft Alcohol Production" in the ROS, AG, AR, RE, RR, IE, and IH Zones. Update the definition of "Farm-Based Craft Alcohol Production" to read: "A state licensed, alcohol production facility, located on a farm, and uses grains, hops, honey, fruit, and other agricultural products produced on the licensed farm."
27-2—12	27-2.301.C.1. Principal Use Classification System	Agriculture/Forestry Uses	"-This [definition] should include value-added production; it should be part of the definition and not as an accessory use. -Urban Farm should be included. -Where does controlled environment agriculture fit in? Indoor farming should be allowed (this could facilitate mushroom production, indoor composting, etc). Where warehouse space is included, ag should be allowed which means allowing urban farming in industrial areas. -Other innovative methods of farming, like vertical farms, should also be allowed." Staff comments reflected the indoor farming and value-added comments provided by the Food Equity Council.	Civicomment – Food Equity Council, Planning Staff	The United States Department of Agriculture defines value-added production by one or more criteria, including "the process of changing the physical state or form of the product; the production of a product in a manner that enhances its value, as demonstrated through a business plan; the physical segregation of a commodity or product in a manner that results in the enhancement of the value of that commodity." One example would be turning blueberries into blueberry jam. The sentence in the definition of agriculture *"This use category does not include the processing of animal or plant products for wholesale or retail sale purposes off the site of where the agricultural product is grown or raised, which is generally considered an industrial manufacturing use type,"*	Revise the sentence regarding processing of animal or plant products to retain limitations on wholesale sales but delete "retail sales" for compliance with COMAR (Code of Maryland). Add 'value-added production" to the list of accessory uses contained in the definition.

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					conflicts in part with State regulations for "On Farm Home Processing (COMAR 10.15.04.18 ON-FARM HOME PROCESSING), which allows for limited on-home processing of products grown-on site. The term "retail sale" is the problematic term, since COMAR limits sales under on-home processing to $40,000. Regarding "value-added production" as an accessory use, this is still important to retain for clarity. With the recommendation to clarify that accessory uses will not require permits, value-added production would be allowed with agricultural uses where needed. Nothing about the definition of agricultural/forestry uses prevents controlled environment agriculture or innovative methods such as vertical farms. The use tables do prohibit traditional agriculture in industrial zones but would permit community gardens and urban farms. An urban farm could conceivably be provided in a converted warehouse structure.	
27-2—14	27-2.301.D.4. Principal Use Classification System	Health Care Uses	"The Zoning Rewrite proposes the creation of a 'Health Care Uses' category within the 'Public, Civic, and Institutional Uses' classification. More specifically, section 27-2.301.E.4 of the zoning rewrite provides that the 'Health Care Uses category includes use types providing a variety of health care services, including surgical or other intensive care and treatment, various types of medical treatment, nursing care, preventative care, diagnostic and laboratory services, and physical therapy. Care may be provided on an inpatient, overnight, or outpatient basis. Use types include: hospitals; nursing home facilities; medical/dental offices and labs; methadone treatment centers; and similar uses.' "While this definition of 'Health Care Uses' is fairly comprehensive, it does not expressly indicate that the use of CT (computed tomography) and MRI (magnetic resonance imaging) scan services are included. Kaiser Permanente's model is based upon an integrated care delivery model such that patients are able to efficiently receive all forms of care at one convenient location. In this respect, these imaging services are currently provided by Kaiser Permanente and it is critical that Kaiser by allowed to continue to provide such services through its integrated care delivery model. Therefore,	Heather Dlhopolsky and Matthew M. Gordon, Linowes and Blocker, LLC, representing Kaiser Permanente	The "Health Care Uses Category" definition is a general definition for all uses that fall into the health care use category. Within this definition, the clause "diagnostic and laboratory services" appears. CT and MRI scan services are inherently diagnostic services and are, therefore, covered. Staff concurs with adding "drug store or pharmacy" to the example list of accessory uses in the description of "health care uses" for additional clarity.	Revise the description of "health care uses" to add "drug store or pharmacy" to the list of example accessory uses.

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			Kaiser Permanente suggest that CT (computed tomography) and MRI (magnetic resonance imaging) scan services be added to Section 27-2.301.E.4 of the Zoning Rewrite as a permitted Health Care Uses. "Additionally, Section 27-2.301.E.4 of the Zoning Rewrite states that '[a]ccessory uses may include food preparation and dining facilities, recreation areas, offices, meeting rooms, teaching facilities, hospices, maintenance facilities, staff residences, and limited accommodations for patients' families.' Section 27-2.400 of the Zoning Rewrite provides a definition for a 'Drug store or pharmacy,' but such a use is not listed as an accessory use for the 'health care uses' category. As noted above, Kaiser Permanente embraces an integrated care delivery model, which can only be provided through the flexibility to accommodate a wide rage of patient needs at the same location. In order to provide full-scale health care services to its patients, Kaiser Permanente provides pharmacy uses at its existing facilities. Accordingly, we request that a 'Drug store or pharmacy' be added to the list of accessory uses identified in Section 27-2.301.E.4. of the Zoning Rewrite."			
27-2—14	27-2.301.D.6. Principal Use Classification System	Utility Uses	Reference drop-off or collection and temporary hold of household or business recyclables as discussed in the description of extraction uses.	Planning Staff	Staff concurs.	Add the following to the description of "Utility Uses:" "Facilities for the drop-off or collection, and temporary holding, of household or business recyclables is categorized as minor utility facilities."
27-2—15	27-2.301.F.4. Principal Use Classification System	Eating or Drinking Establishment Uses	The Food Equity Council: "Food Truck Hubs and/or food trucks should be included here. We're not sure if they should be classified as a permanent use but we recommend considering the use of more permanent food trucks in locations like Portland and Austin before closing the door to this possibility." Planning staff also commented on food trucks and food truck hubs.	Civicomment – Food Equity Council, Planning Staff	CB-16-2015 and CB-17-2015 defines areas where mobile food sales are allowed (food truck hubs) and grants licenses to mobile food vendors (food trucks). In practice, food truck hubs operate similarly to farmers' markets.	Add "Food Truck Hub" as a new temporary use to the use table Provide the following definition for Food Truck Hub: "An outdoor unenclosed area in which two or more mobile units, as defined by Section 12-104 of the County Code, may cluster in order to primarily sell freshly prepared foods or fresh fruits and vegetables."

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27-2—15	27-2.301.F.4. Principal Use Classification System	Eating or Drinking Establishment Uses	"Quick service is the industry term in use in place of fast food. Take-out only foodservice should be its own use (operations where you cannot consume on premises)."	Civicomment – Food Equity Council	Staff concurs.	Update the term "Fast Food" throughout the proposed Zoning Ordinance to reflect the term "Quick-Service Restaurant" instead.
27-2—16	27-2.301.F.9. Principal Use Classification System	Retail Sales and Service Uses	Should tattoo parlors and body piercing establishments be considered retail and services? This seems more like a personal service use.	Planning Staff	Tattoo parlors and body piercing have been grouped into the "retail sales and service uses" category because they are very similar to pawnshops and check cashing as uses that need stricter (and similar) permissions regarding their location and operation.	Make no change.
27-2—18	27-2.301.G.2. Principal Use Classification System	Industrial Service Uses	Dry Cleaning and Laundry are also listed under Personal Service Uses. I assume the difference is scale; as one says plants, and the other services.	Planning Staff	This is correct, it is based in part on scale and in part on impact. For example, dry-cleaning plants do not typically have members of the public walking in for pick-ups.	Make no change.
27-2—18	27-2.301.G.5. Principal Use Classification System	Waste-Related Uses	Mr. Fischler commented: "Composting facilities are not most appropriately placed within the Principal Use classification system as a 'Waste-Related Use.' The Prince George's County Department of the Environment recently renamed the 'Waste Management Division' as the 'Resource Recovery Division.' This new name is indicative of a major shift in perspective, from managing waste (generally sending it away to landfills or incinerators) to recovering resources (through the reuse, recycling, or composting of materials formerly seen as waste). "The proposed new zoning ordinance should recognize and encourage this shift by splitting out recycling and composting uses into a new 'resource recovery-related' use classification. The proposed new zoning ordinance has already taken a step in this direction by categorizing 'facilities for the drop-off or collection, and temporary holding, of household or business recyclables' as minor utilities in the Utility Uses category." Mr. Brosch added: "While it is now understood that various portions of our trash have value and are recyclable we also recognize that by composting, another portion of our waste stream, the thousands of tons of discarded food waste and other organic matter can also be recovered, processed through a natural decomposition process, and turned into soil amendment products that have value. Another benefit of pulling food and yard waste from our landfills is the reduction	Ben Fischler	Composting can be found in multiple locations/use classifications based primarily on the scale of operation. Very large-scale composting facilities are more akin to other waste-related uses and have been classified as such. Staff have no objection to renaming the category of "waste-related uses" to "resource recovery and waste management uses."	Rename the use category "waste-related uses" to "resource recovery and waste management uses" throughout the proposed codes.

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			in methane, a potent greenhouse gas and a byproduct of landfill anaerobic decomposition."			
27-2—19	27-2.301.G.6. Principal Use Classification System	Wholesale Uses	Ensure this description reflects language in the Retail Sales and Service Uses description pertaining to contractor and retailer sales.	Planning Staff	Staff concurs.	Add the text: "Establishments primarily selling supplies to contractors or retailers" to the description of Wholesale Uses.
27-2—19	27-2.302.. Principal Use Classification System	Interpretation of Unlisted Uses and Zone Boundaries	In the process for interpretation of principal or accessory uses not listed, how a use may be characterized in other jurisdictions should be considered for an additional criterion.	Andre Gingles Gingles, LLC	This section contains specific guidance on how to interpret principal or accessory uses that are similar to current uses (and explicitly prohibits the Planning Director from adding truly new uses to the code absent a text amendment defining that use from the District Council). Among the guidance provided for use interpretation are 12 criteria that generally pertain to impacts of the proposed use and to similarities to existing uses. These 12 criteria are foundational and intended to ensure that unlisted, but similar, uses are interpreted for the unique context of Prince George's County. Involving the interpretations of other jurisdictions may result in situations that may work for someone else but are inappropriate for the County.	Make no change.
27-2—20	27-2.302.B.10. Criteria for Allowing Principal Uses Not Expressly Listed	Nuisances	Reference the nuisance definition in Subtitle 13, since this term regularly invites discussion when it appears in the Zoning Ordinance.	Planning Staff	While this suggestion merits consideration for other potential usage of the term "nuisance" in the proposed codes, it is not pertinent to the interpretation of new uses. The definition of "public nuisance" in Subtitle 13 pertains to existing and built structures/uses. It would be impossible to apply its criteria to interpretation of similar uses per Sec. 27-2.302.	Make no change.
27-2—23	27-2.400 Terms and Uses Defined	Definitions	The Town of University Park: "It would be helpful if the definitions section included definitions for nonresidential use and mixed-use as these terms appear frequently in the ordinance and can be misconstrued." "There are some missing definitions, and many definitions that do not define the term used, but provide use requirements and standards for it. For example, there is a definition for a 'collector' type of street, but not for an arterial, neighborhood street, highway, parkway, etc." The City of Mount Rainier: "'Ordinary maintenance and repair' is not defined. Our letter of March 7, 2017 provided a definition. To avoid debate about the parameters of this exemption, a solid definition is required. Or, provide a link to the location in the county code that provides the definition."	Town of University Park	Staff does not agree with the suggestion to define certain terms. There is a greater danger of mis-interpretation and unintended consequence involved in defining "nonresidential" and "mixed-use" than there is in simply relying on common law definitions/interpretations. "Collector" streets are not defined by the proposed Zoning Ordinance. Should there be missing definitions or specific terms that should be defined, these terms should be identified for further investigation. Regarding the reference made to "ordinary maintenance and repair," this concern was raised in comments on Division 7 and a definition of "routine maintenance" will be added to the proposed Zoning Ordinance.	Make no additional change.

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27-2—24	27-2.400 Terms and Uses Defined	Agriculture	"We propose this definition which includes more of the language of our agriculture definition and excludes activities like the composting of sludge (which is inappropriate for the size and location of county farms and health of residents): "Proposed definition: The business, science and art of cultivating and managing the soil, composting (to include the composting of regionally generated sewer sludge pursuant to a permit issued by the State), growing, harvesting, and selling crops, livestock and the products of forestry, horticulture, floriculture, viticulture, hydroponics, aquaculture, animal husbandry (i.e., breeding, raising, or managing livestock and poultry), dairying, beekeeping and similar activities. Agriculture includes processing on the site of the farm where the agricultural product is grown or raised in the course of preparing the product for market, which may cause a change in the natural form or state of the product. The term 'Agriculture' shall not include the commercial feeding of garbage or offal to animals, the slaughtering of livestock for marketing (except otherwise permitted by law) or the disposal of sludge except for fertilization of crops, horticultural products, or floricultural products in connection with an active agricultural operation or home gardening." Ben Fischler commented: "This definition of "agriculture" includes 'composting', however: 1) The use table for agricultural zones (Table 27-5.202.C, on Page 27-5—8 (PDF Page 396 of 664) shows compost facilities as prohibited within all three agricultural zones. This appears to be a contradiction. 2) There is no definition of 'composting' in this document, but such a definition is needed and should be consistent with current state regulations for permitting compost facilities: 'Composting means the controlled aerobic biological decomposition of organic waste material' [website reference removed]. 3) This also begs for a definition of 'compost', which MDE's regulations define as 'the product of composting in accordance with the standards	Civicomment – Food Equity Council, Ben Fischler, Lore Rosenthal	Revisions to the term "agriculture" are addressed elsewhere in this analysis, but staff feels the reference to sewer sludge can be deleted since state law would regulate this activity. Composting facilities are listed as part of "Composting facility, concrete recycling facility, junkyard or salvage yard, or solid waste processing facility" because of a recommendation from Clarion Associates that these uses have similar impacts and characteristics. In light of revisions recommended by stakeholders and supported by staff, it makes sense to separate out "composting facility" in the Rural and Agricultural and Residential Base Zones use table to permit this use in the Rural and Agricultural Base Zones. The Staff also supports replacing the term "fertilizer" in "composting, small-scale" with the word "compost." Staff does not support four separate composting uses when two uses cover most potential situations. The two proposed definitions do not mandate a size difference (although one is called "small-scale"). It does note that commercial purposes of composting would be the "composting facility," while anything else would be "small-scale" composting. Since these definitions would essentially include all types of distributed network composting facilities, it is not necessary to include new definitions. A unique definition of "composting" is unnecessary. The common meaning of this term, in conjunction with state regulation, is sufficient.	Revise the definition of "agriculture" to delete the reference to sewer sludge. Revise the definition of "composting, small-scale" to read: "An [enclosed] area that is designed for the purpose of converting household kitchen and yard waste into [fertilizer.] compost." Revise the principal use tables to separate "composting facility" into a separate line and permit this use in the Rural and Agricultural base zones. Retain the proposed use permissions for this use in the other zones.

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			established by the Secretary of Agriculture under Agriculture Article, §6–221, Annotated Code of Maryland.' 4) Why has 'the composting of regionally generated sewer sludge pursuant to a permit issued by the State' been included here? In recent years the state has adopted new regulations for permitting compost facilities, which define multiple tiers of feedstocks and composting facilities [website reference removed]. Sewer sludge is in Tier 3 and is permitted under separate regulations from other feedstocks. As the proposed zoning ordinance specifies sewer sludge, it should also clearly discuss the other tiers of feedstocks/facilities. 5) The definition of 'composting facility' includes 'composting', however there is no definition of 'composting' in this document. Such a definition is needed and should be consistent with current state regulations for permitting compost facilities: 'Composting means the controlled aerobic biological decomposition of organic waste material' [website reference removed]. 6) The definition of 'composting, small scale' assumes that the end result of composting is fertilizer. However, the end result of composting is compost. State regulations enforced by the Maryland Department of Agriculture define compost as a "soil amendment" and treat soil amendments very differently from 'fertilizers.' It would be best to replace the word 'fertilizer' with the word 'compost' in this definition. 7) There are compelling arguments for a diverse, distributed network of composting facilities of varying scales. Definitions need to recognize this." Beth LeaMond commented: "The new zoning should include: 1. a definition of composting 2. a description of five types or levels of composting -regional scale in industrial zones, regional or large scale on farm properties,			

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			community scale, institutional on-site composting in most zoning districts, and backyard composting in residential zones and mixed use zones. 3. a definition and/or description of community composting a definition and/or description of a community composting facility a definition and/or description of on-site composting for small to medium sized institution a definition and/or description of in-vessel composting. “Also support all comments by Ben Fischler”. Lore Rosenthal provided similar comments regarding different scales of composting.			
27-2—24	27-2.400 Terms and Uses Defined	Agritourism	“We suggest adding "holiday and seasonal attractions," which would include the County's popular corn mazes and Halloween attractions while leaving flexibility for future innovations.”	Civicomment – Food Equity Council	Staff concurs.	Update the definition of Agritourism to read: “Agritourism uses include, but are not limited to: equine activities, fishing, hunting, wildlife study, **holiday and seasonal attractions**, corn mazes, harvest festivals, barn dances, hayrides, roadside stands, farmer's markets, u-pick or pick your-own operations, rent-a-tree operations, farm tours, wine tastings, educational classes related to agricultural products or skills...”
27-2—24	27-2.400 Terms and Uses Defined	Agritourism	“We suggest changing ‘commercial enterprise’ to ‘agricultural enterprise.’”	Civicomment – Food Equity Council	"Commercial enterprise" is included in the definition of “agritourism” to clarify that the use is commercial in nature but occurs on a farm site. This definition is consistent with the definition for “agritourism” as defined by the National Center for Agricultural Law Research and Information.	Make no change.
27-2—24	27-2.400 Terms and Uses Defined	Airport, Medium	What if the runway length measures exactly 2,650 feet?	Planning Staff	A minor revision is necessary for clarity.	Revise the runway length portion of the definition to read: “(A) Runway length [over] 2,650 feet or more, up to 4,000 feet.”
27-2—25	27-2.400	Alcohol Production Facility	“We spoke extensively to Grow & Fortify about this and they gave us the following recommendation, add [Alcohol Production Facility: A production facility or	Civicomment – Food Equity Council	The Comprehensive Review Draft incorporates uses for "Farm Winery" and "Farm Brewery or Distillery.”	Update references of "Farm Winery" and "Farm Brewery or Distillery" to "Farm-Based Craft Alcohol Production"

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	Terms and Uses Defined		establishment for the manufacture of alcoholic beverages by a state-licensed distillery, winery, rectifier, or brewery.] "We would also like to see a use that allows smaller scaled alcohol production facilities to serve and sell their products to the public. The scale should be restricted, consider the distilleries in Ivy City for an example, Franklins, Streetcar 52, District Winery in Navy Yards (these are popping up everywhere and for the County to be competitive it needs to include these). There should be two separate definitions for these versus the manufacturing scale breweries, wineries, and distillers. Just to clarify, we are suggesting a use for: "Agricultural and forestry-related use, farm-based craft producers Eating or Drinking Establishments use category, craft alcohol production Manufacturing production use; alcohol production facility (winery, brewery, distillery)"		The "Farm Winery" use is proposed as an allowable use in the ROS, AG, AR, RE, RR, IE, and IH Zones, while "Farm Brewery or Distillery" use is limited to the ROS, AG, AR, and IH zones. Licenses and total amount of production for any farm-based alcohol production establishment is regulated by the State of Maryland and the Federal Alcohol and Tobacco Tax and Trade Bureau. Both uses, "Farm Winery" and "Farm Brewery or Distillery," have similar impacts on the surrounding land. Additionally, other counties also group the practices as one use. The draft Zoning Ordinance proposes three scales of alcoholic beverage production: The use "Farm Based Craft-Alcohol Production" (formerly farm winery and farm brewery or distillery) would allow for farm-based alcohol production. The use "Winery, Brewery, Distillery" would allow for large-scale manufacturing production of alcoholic beverages. The use "brewpub or microbrewery" would allow for small-scale, non-farm manufacturing of brews ales, beers, meads, or similar beverages on site. Staff have no issue with revising the terminology of these three scales of production.	Allow "Farm-Based Craft Alcohol Production" in the ROS, AG, AR, RE, RR, IE, and IH Zones. Revise the term "Winery, Brewery, Distillery" throughout the Zoning Ordinance to read: "Alcohol Production Facility, Large-Scale>" Revise the term "Brewpub or microbrewery" throughout the Zoning Ordinance to read: "Alcohol Production Facility, Small-Scale."
27-2—29	27-2.400 Terms and Uses Defined	Boarding or Rooming House	The City of College Park: "The City previously requested that this use be eliminated or changed significantly. Since it has been retained, the City requests that the definition be further revised to be more specific in the following areas: who is considered an occupant and who is considered a guest; how many guest rooms can be rented; whether or not meals are required to be provided; and what the minimum and maximum occupancy requirements are. "These definitions must be very clear in order to be appropriately enforced. In College Park, there are rooming houses in single-family homes where the distinctions between a regular rental property which is permitted to have up to 5 unrelated persons, and a	City of College Park, North College Park Community Association	The proposed definition of "boarding or rooming house" reads: "A building or portion of which is used by its occupants to provide (for compensation) lodging (and meals) to four or more, but not exceeding nine, guests. A boarding house shall not be considered a bed-and-breakfast inn." There is no requirement to provide meals (nor any prohibition of providing meals). Since the definition mentions use of occupants, we would look to the definition of "family" to determine who may constitute "occupants." "Family" is defined as: "An individual living alone as a single housekeeping unit in a dwelling unit, or any of the	Make no change.

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			rooming house, which can have significantly more unrelated persons, need to be obvious." The North College Park Community Association incorporated the City's comments in their letter.		following, living together as a single housekeeping unit in a dwelling unit: "(A) A group of individuals related by blood, marriage, adoption, or legal guardianship, including foster children; "(B) A group of not more than five individuals who are not related by blood, marriage, adoption, or legal guardianship; or "(C) Two unrelated individuals and their children." Therefore, the "occupants" may include up to five unrelated individuals or potentially a larger group of related individuals. This means the maximum occupancy (assuming unrelated individuals) of a "boarding or rooming house" is 14. There is no minimum occupancy requirement other than the boarding or rooming house must have at least four guests to even be considered a boarding or rooming house. Staff believe there is no need to revise the definition since it can be readily interpreted.	
27-2—29	27-2.400 Terms and Uses Defined	Brewery, Winery, or Distillery	See above comment on alcohol production facility.	Civicomment – Food Equity Council	See above.	See above.
27-2—30	27-2.400 Terms and Uses Defined	Brewpub or Microbrewery	Mr. Ross commented: "Are brewpub and microbrewery deemed to be synonymous here? They are different sorts of operations with different focuses and should be treated differently from one another. "Maryland limits Class 8 Farm Breweries to 15,000 bbl/year and Class 7 Micro Breweries to 22,500 bbl/year. "Prince George's definitions should match the state definitions and limits." The Food Equity Council added: "We suggest consolidating this with the above recommendation for craft alcohol production. We also suggest removing the 15,000 limit and put 'in accordance with state law.' There is already a state limit of 22,500."	Civicomment – T. Carter Ross, Food Equity Council.	Yes, for zoning purposes brewpub and microbrewery are essentially synonymous. See above for additional discussion regarding the amount of alcohol production. Staff concurs with matching the production limit to the 22,500 barrel limit imposed by state law.	Revise the definition of "Brewpub or microbrewery" to read: "…Brewpubs may not brew more than [15,000] <u>22,500</u> barrels of beverages (in total) annually<u>, in accordance with state law.</u>"
27-2—34	27-2.400	Club or Lodge or Community-Oriented Associations	Need to clarify these are private clubs or lodges.	Council Staff	Staff concurs.	Revise all references to "club or lodge" to read "club or lodge (private)."

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27-2—34	27-2.400 Terms and Uses Defined	Combination Retail	"Regardless of whether a citizen, neighborhood group, or elected official believes that big box retail has an overall positive or negative impact on a given area, the effect of big box retail on the local economy, both in terms of its overall effect of wages and its overall effect on employment, cannot be ignored. While big box retail creates jobs, a big box store is not an effective economic development tool. "The quality of the local economy is determined by the types of jobs in that community. "If a local economy is heavily dependent on retail jobs, the overall quality of the economy will be low, due to low wages produced by retail jobs." Evans-Cowley, meeting the Big Box Challenge, at 28. Economist William H. Fruth writes "There is nothing wrong with having retail in the economy…but the act of purchasing drains wealth from the area. Retail is absolutely dependent upon the condition of the local economy. It cannot grow any greater than the amount of disposable income within the economy. It will decline if the flow of money into an area is reduced. It does not create wealth but absorbs wealth. A vibrant retail sector is not the cause of a strong local economy, but the result of it. "William H. Fruth, The Flow of Money and Its Impact on Local Economies, 9 (National Association of Industrial and Office Properties: The Forum for Commercial Real estate) (2003). Because big box retail wages are lower than other local wages, the overall negative impact on the economy is greater than any positive impact that a big box store may have on prices. Evans-Cowley, at 28. "The planning literature suggests that big box retailers displace sales at existing businesses, which are forced to either downsize or close, resulting in job losses and declining tax revenue. For example, in 2006, when Wal-Mart opened in the West Side neighborhood of Chicago, 23 of the 191 businesses in the surrounding area closed within one year. The same study of the Chicago Wal-Mart concluded that Wal-Mart displaced a significant amount of sales in some nearby districts. *Id.* At 16	Macy Nelson and David S. Lynch, Law Office of Macy Nelson	The economic implications of national chain and "big box" retail cannot be effectively regulated through any Zoning Ordinance. Zoning regulates how land is used and developed in the community, not economics.	Make no change.

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			'Even in its first year of operation, Wal-Mart [changed] the landscape of Chicago's West Side business community.' "Other studies have shown that locally owned stores generate much greater benefits for the local economy than national chains. In a 2007 study of San Francisco local businesses, the researchers found that local businesses buy more goods and services locally and employ more people locally per unit of sales. CIVIC ECONOMICS, THE SAN FRANCISCO RETAIL DIVERSITY STUDY (May, 2007). The study found that every $1 million spent at local bookstores, created $321,000 in additional economic activity in the area, including $119,000 in wages paid to local employees. By comparison, that same $1 million dollars spent at chain bookstores generated only $188,000 in local economic activity, including $71,000 in wages paid to local employees. "			
27-2—35	27-2.400 Terms and Uses Defined	Community Garden	The Food Equity Council: "This is a great definition; however, we feel it is too prescriptive on who can run the community garden. A business or government agency could also run a community garden." Health Policy Research Consortium: "The zoning rewrite takes some good first steps toward increasing access by allowing community gardens in all zones, expanding the number of areas where urban farming is allowed, and also allowing permanent farmers' markets. Community gardens, and access to farmers' markets, have been linked to an increase fruit [sic] and vegetable consumption. Commercial urban farming may also have the potential to bring healthy food to areas where access is currently limited. "While these steps are a good start, we do believe they can be improved. Suggestions for increasing access further can be found in the next section of our comments." Planning staff noted that the language may inadvertently prohibit a single organization from running a community garden.	Civicomment – Food Equity Council, Health Policy Research Consortium, Planning Staff	Staff concurs.	Revise the definition of "community garden" to read: "…by more than one person, household, or family, or [non-profit] by an organization for personal or group use, consumption, or donation…."

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27-2—35	27-2.400 Terms and Uses Defined	Composting, Small-Scale	The Food Equity Council: "Remove the word enclosed, it's not in sync with best practices for composting; if necessary, we recommend substituting 'defined area.'" Mr. Brosch: "There is another more sustainable path toward wide scale composting that could serve as a complementary method in the County's solid waste management tool bag that now includes regional composting at Western Branch, possible farm composting sites, and backyard food scrap composting. "The fourth method is community scale composting which would be built and operated to serve a neighborhood or small municipality, and onsite institutional composting which would allow for institutions such as schools, Universities, food processing facilities, commercial kitchens, restaurants, prisons, and other institutions to compost onsite in a safe and effective way. Community composting and onsite composting would reduce the need for and reliance on waste hauling, and would keep the resource onsite. "Recent technological innovations now make composting locally possible because of the removal of three nuisances associated with some earlier composting efforts that included ground water contamination and runoff, odor, and vermin. "Various types of 'in vessel' systems now readily available in the marketplace can be located right in or adjacent to communities. They are designed to be self-contained, keep leachate and odors within, and animal and insect pests out. Siting these small processing facilities near the source of food and yard waste can significantly reduce hauling times and expenses and provide an accessible and useful end product that remain in our communities." Planning staff echo the comments above advocating for four scales of composting, and further note the proposed definition of "composting, small-scale" is a) confusing when it comes to composting and/or commercial purposes, and b) the second sentence regarding activities that may be included in a composting facility is too detailed and inconsistent with how other uses are defined.	Civicomment – Food Equity Council, David Brosch, Planning Staff	Community comments during public discussion of agricultural practices have touched on fears of odor and rodents. Ensuring enclosed composting elements strikes a compromise that facilitates composting and addresses community concerns. Staff concurs with the overly detailed definition of the use and the potential confusion of the use of "and/or."	Revise the definition of "composting facility" to read: "A facility where organic matter derived primarily off-site is processed by composting [and/or is processed] for commercial purposes. [Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.]"

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27-2—36	27-2.400 Terms and Uses Defined	Cottage Food and Commercial Kitchens	“There should be definitions for Cottage Food and Commercial Kitchens (as both an accessory and principal use) included.”	Civicomment – Food Equity Council	A “cottage food” product is a non-hazardous food, sold at farmers' markets or public events. MD COMAR Regulations 10.15.03.02, 10.15.03.27 allow residents to operate from a home-based kitchen or on-farm food processing kitchen to produce "cottage foods." “Cottage food” production would be classified under "home-based businesses." Commercial kitchens would be classified as a "Catering Establishment" (principal use), as this definition includes a catering establishment with or without a banquet facility. "Catering or food processing for offsite consumption (as accessory to a place of worship, club or lodge of a community-oriented association, or private school)" would include commercial kitchens for offsite purposes. The Comprehensive Review Draft proposes that "catering or food processing for offsite consumption," as an accessory use, only be allowed in the ROS, AG, AR, RE, RR, RSF-95, RSF-65, RSF-A, RMF-12, RMF-20, and RMF-48 zones.	Update the Accessory Use Table to permit "Catering or food processing for offsite consumption (as accessory to a place of worship, club or lodge of a community-oriented association, or private school)” in all zones, to be consistent with where the principal uses are allowed.
27-2—37	27-2.400 Terms and Use Defined	Cultural Center	“At its current location, Hillel has a use and occupancy permit for a ‘cultural center,’ which it believes to be an accurate description of this use. We have noted that within the Comprehensive Review Draft of the Zoning Rewrite, this use category is not included, but Hillel strongly believes that it should be. Hillel’s current use category of ‘cultural center’ is appropriate because it encompasses a variety of uses involving the Jewish culture, not only allowing for religious services, but also providing for programs, classes, and other activities involving Jewish religious principles relating to both the Jewish and non-Jewish communities on campus. The building, including, among other things, its library, general gathering areas and Kosher dining hall, is open to the public, regardless of one’s faith. Given the number and variety of activites on-site, we submit that ‘cultural center’ is an accurate description of this use for this institution. Furthermore, given its proximity to campus and campus activities, it is not only reasonable, but important that this use be permitted by right in whatever new zoning category will ultimately be applied to the Subject Property.	Larry Taub Representing Greenbelt Homes, Inc.	Mr. Taub is correct in that “cultural center” does not appear in the proposed Zoning Ordinance. That use is undefined in the current code, and listed in the current use tables as follows: “Museum, art gallery, aquarium, cultural center, or similar facility.” Sometimes this listing adds “library,” and other times specifies the “similar facility” is “noncommercial.” These uses, with the exception of art gallery (because art galleries usually sell art and are more appropriately classified as retail uses) have been converted to the very similar “cultural facility.” A “cultural facility” is proposed to be permitted by-right in all base zones except the ROS (Reserved Open Space) and AG (Agricultural and Preservation) zones, where it would require a special exception. The proposed definition of “cultural facility” has two paths of emphasis that lean more toward libraries or museums. Hillel does not fall into this definition.	Make no change.

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			For these reasons, we respectfully request that 'cultural center' be added as a permitted use in whatever the new zone will be for the Subject Property…." In referring to "Subject Property," Mr. Taub is referring to a prospective new site for Hillel.		However, the proposed use and definition for "community center/facility" would seem to accommodate Hillel and similar operations as described by Mr. Taub. This use would be permitted in the Nonresidential, Transit-Oriented/Activity Center, and Other base zones (with the exception of the RMH – Planned Mobile Home Community – Zone). It would also be permitted in the RMF-20 (Residential, Multifamily – 20) and RMF-48 (Residential, Multifamily – 48) zones and allowed by special exception in all other Residential base zones. Staff submits that Hillel would be deemed a community center/facility under the proposed Zoning Ordinance.	
27-2—43	27-2.400 Terms and Uses Defined	Farm Brewery or Distillery	T. Carter Ross: "State law allows Class 8 farm breweries to produce 15,000 bbl/year. County zoning should conform." Food Equity Council: "Farm winery, we recommend that the County follow Grow & Fortify's recommendation for language around 'Farm-based craft alcohol producer:' An Alcohol Production Facility located on a farm and using grains, hops, honey, fruit, honey, and other agricultural products produced on the licensed farm. There is no reason to include limits as the state already limits the number of barrels these operations can produce." Grow and Fortify: "Why are these two license classes combined? Farm Winery stands on its own as a separate definition. "Why list the types of brewed product that can be made? It's unnecessary, and the State License has no product type parameters. "Why is there an arbitrary limit on the number of barrels produced? The state production cap for farm breweries is 15,000 barrels annually. There is no reason that a brewery, located on a large farm, should not be able to produce more than 1,000 barrels. Does the county limit the number of vegetables, livestock or wine that can be produced? The production level of the brewery is tied to the farm size, production facility size and manufacturing capacity, not an arbitrary cap."	Civicomment – T. Carter Ross, Food Equity Council, Grow and Fortify	Staff concurs. "Farm-based craft alcohol" is discussed elsewhere in this analysis.	Revise the definition of "farm brewery or distillery" to read: "…with an annual capacity of no greater than [1,000 barrels (30 gallons per barrel) <u>15,000 barrels, in accordance with state law…</u>"

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			"Why list the types of ingredients that can be distilled into a product? It's unnecessary, and the State License has no ingredient parameters. "Why are single batches mentioned? How a distillery chooses to produce product is up to them, and their federal license, and not determined at the county zoning level. "If the county does not want to have three separate definitions (Farm Winery, Farm Brewery and Farm Distillery), then we recommend the adoption of a definition that encompasses all three farm-based craft beverage licenses: Farm-Based Craft Alcohol Producer. This definition would better serve any farm-based businesses that want to start a brewery, winery, distillery, cidery or meadery. It also removes the unnecessary lists of ingredients and product types."			
27-2—43	27-2.400 Terms and Uses Defined	Farm Winery	See above.	Civicomment – Food Equity Council	See above.	See above.
27-2—44	27-2.400 Terms and Uses Defined	Farmers' Market (As a Principal Use)	There is also a "farmers' market, indoor" use in the accessory use and structures table. This should be a principal use and perhaps needs its own definition.	Planning Staff	There is no need for a separate definition for indoor farmers' markets as this definition covers both indoor and outdoor activities. However, the use "farmers' market, indoor" should not be listed separately and has no relevance as an accessory use.	Delete "farmers' market, indoor" from the accessory use and structures tables.
27-2—44	27-2.400 Terms and Uses Defined	Farmers' Market (As a Temporary Use)	The Food Equity Council commented: "The language around the frequency of operation making farmers market a principal or temporary use doesn't make sense. A farmers' market could operate every two weeks for 27 weeks ("most" of the year) and be classified as a principal use where a temporary use farmers can operate up to 106 days a year. There needs to be another factor that separates a principal use from a temporary use for farmers markets." "There should be a special event permit for farmers market operating less than 4 times a year. It's unsafe to have folks operating without a permit who are serving/selling food." Planning staff reiterated the safety aspect of people selling food without permits.	Civicomment – Food Equity Council, Planning Staff	The proposed Zoning Ordinance includes definitions for both "farmers' market (as a principal use)" and "farmers' market (as a temporary use)." The reference to 106 days a year speaks to the use-specific standards for temporary farmers' markets. As noted, the major distinguishing factor deals with how frequent the farmers' market is in operation. The Food Equity Council is correct that there is a discrepancy and that temporary farmers' markets may operate more often than permanent farmers' markets. Rather than develop a new type of permit for what would likely be an extremely limited situation, it is preferable to remove the clause that would allow a temporary farmers' market operating fewer than four times per year to be classified as a "garage or yard sale" and therefore bypass the temporary permit requirement.	Combine the definitions of "farmers' market (as a principal use)" and "farmers' market (as a temporary use)" and eliminate any reference to frequency in the definition. Delete the last sentence of the definition of "farmers' market (as a temporary use)" speaking to operations open fewer than four days per year.

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27-2—44	27-2.400 Terms and Uses Defined	Fenestration / Transparency	Are there units of measurement associated with visible light reflectance?	Planning Staff	No. Visible light transmittance is a specification of window design.	Make no change.
27-2—45	27-2.400 Terms and Uses Defined	Food Processing	Food Equity Council: "We need a definition for food processing that excludes slaughterhouses. CAFOs should NOT be included here. We suggest the definition read: 'Preparing food for market that may cause a change in the natural form or state of the product.' This should be broken into small and large scale processing with the large operations falling under an industrial use." Planning staff provided similar comments.	Civicomment – Food Equity Council, Planning Staff	Staff concurs with the revision of the definition of "food processing." By nature of where the slaughterhouse and food processing uses would be permitted, they would naturally serve as "large-scale." Small-scale processing falls under various agricultural operations included in the proposed Zoning Ordinance.	Replace the definition of "food processing" with the following: "Preparing food for market that may cause a change in the natural form or state of the product."
27-2—47	27-2.400 Terms and Uses Defined	General Plan	"While there are good descriptions of the objectives and elements of area master plans and sector plans in this Division, the definition of "General Plan" is simply that it refers to "the Prince George's County General Plan approved in accordance with state law." Likewise, there is no real description of a General Plan in 27-3.501A(1) under "Comprehensive Plans and Amendment".	Sierra Club	Staff concurs a refined definition is appropriate, but the nature of a "general plan" is that it should be general. The level of detail offered for the definitions of "area master plan" and "sector plan" are unnecessary for "general plan."	Replace the proposed definition of "general plan" with the current definition: "The current approved plan for the physical development of the Maryland-Washington Regional District or for that portion of the district in Prince George's County."
27-2—47	27-2.400 Terms and Uses Defined	Gold Driving Range	Is there a better way to describe this use?	Planning Staff	Yes.	Replace the first sentence under "Golf driving range" with: "A limited area of land on which people can remain in a single location to practice their golf swing from a common driving tee or pad."
27-2—47	27-2.400 Terms and Uses Defined	Grading Permit	References to other subtitles are not always as specific as here.	Planning Staff	This is intentional. The nature of County Codes is that they change. Staff does not agree with an overly specific reference to other parts of the County Code as they may change over time and the more specific reference will need to be changed also. In general, the proposed Zoning Ordinance, Subdivision Regulations, and Landscape Manual typically refer to the Subtitle of the County Code that contains the referenced information. On occasion the reference will extend to a specific Division, as it does with "Grading Permit." Any other more detailed reference is not recommended. The exception to this guideline is where the proposed Zoning Ordinance and Subdivision Regulations reference each other. Since they are being prepared simultaneously and each relies in large part on the other, more specific references are appropriate.	Review and reconcile references to other Subtitles in accordance with the general convention described herein.

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					Staff recognizes there may be locations where the general convention above is not followed.	
27-2—48	27-2.400 Terms and Uses Defined	Green Roof	Food Equity Council: "Food production should be included here." Planning staff submitted a similar comment.	Civicomment – Food Equity Council	Staff concurs.	Revise the definition of "green roof" to add a reference to food production.
27-2—48	27-2.400 Terms and Uses Defined	Green Area	"This should include community gardens."	Civicomment – Food Equity Council	Community gardens are not appropriate to be added to the definition of green area. As used by the proposed Zoning Ordinance, "green area" is a much broader approach that is either required by some zones or can be used to meet the Open Space Set-Aside requirements. By expanding the definition to include community gardens, staff is concerned that developers would proposed much of the potential future green area as a "community garden" to meet the requirement. The viability and long-term maintenance and operation of such areas would be very much in doubt.	Make no change.
27-2—48	27-2.400 Terms and Uses Defined	Grocery Store or Food Market	Food Equity Council: "We suggest these two uses are separated and that language from the Planning Department's study, 'Healthy Food for All Prince Georgian's,' is used for the definition." Planning staff commented that perhaps the food market definition be deleted or turned into a "specialty food store," and raised questions about the placement of liquor (as in liquor stores) in the definition for "grocery store." Health Policy Research Consortium: "The proposed zoning rewrite emphasized an increase in mixed-use development, which would likely lead to an increase in walk-able retail options, but there are no policies that would incent and encourage the development of grocery stores in food deserts. Many jurisdictions have attempted to create such incentives through local tax codes, while others have adopted incentives through zoning ordinances…."	Civicomment – Food Equity Council, Health Policy Research Consortium	These uses are very similar in terms of zoning impacts and are appropriately grouped. A "food market" would be the same as a "specialty food store," and breaking it out separately would add confusion and length to the code by requiring a separate use listing (but with the same use permissions as a "grocery store"). The Health Policy Research Consortium comment is noted.	Make no change.
27-2—50	27-2.400 Terms and Uses Defined	Home-Based Business	"Add cottage food preparation in the examples of home-based business. The State of Maryland passed a Cottage Food Business Law in 2012, allowing for citizens to operate a home-based bakery or home food processing company."	Planning Staff	The Zoning Ordinance is not the best place to address cottage food preparation due to the nexus with food safety and other County Code requirements better suited to regulate this activity.	Make no change.
27-2—50	27-2.400 Terms and Uses Defined	Hotel or Motel	How does "country inn" fit into the hotel or motel use or bed and breakfast use?	Planning Staff	It doesn't. Country inn is a separate and distinct use in the proposed Zoning Ordinance with its own definition. Among other factors, a country inn needs to have a visually historic and/or scenic and/or rural character.	Make no change.

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27-2—52	27-2.400 Terms and Uses Defined	Liquor Store	"There should be a definition for Liquor Stores included."	Civicomment – Food Equity Council	Liquor stores are regulated by the County Board of License Commissioners (in other words, Liquor Board). They should not be separated out for zoning regulatory purposes. Establishments that sell liquor as the primary product would be classified as a grocery store or food market under the proposed code; they are deemed "food or beverage stores" under the current Zoning Ordinance.	Make no change.
27-2—52	27-2.400 Terms and Uses Defined	Livestock	Food Equity Council: "Farm rabbits should be included." Planning staff concurred with the Food Equity Council and added that this definition may conflict with the description of livestock in the definition of "agriculture."	Civicomment – Food Equity Council	Staff concurs.	Add "farm rabbits" to the list of animals commonly regarded as farm animals and revise the domestic animal reference to rabbits to read "pet rabbits."
27-2—53	27-2.400 Terms and Uses Defined	Lot Line, Street Side	There was some question as to the definition of "lot line, street side" and desire to add a provision of the current definition of corner lot.	Planning Staff	The term "street side lot line" simply refers to the side of a corner lot abutting a street that is not the front side of that lot. The provision regarding corner lots from the current definition speaks to situations where each side of a corner lot may be the same length and is incorporated in the proposed definition of "lot line, front."	Make no change.
27-2—57	27-2.400 Terms and Uses Defined	Newspaper/Periodical Publishing Establishment	"This seems to wander into a class of activities ('gathering news, writing news columns, feature stories, and editorials; selling and preparing advertisements') that can happen in any zoning category without disrupting neighboring uses. Outside of physical printing facilities, these newsgathering, writing, and production activities do not involve equipment or facilities that could be considered a nuisance (unlike broadcasting operations, which like have visible towers, RF transmission equipment, etc.), and for small/specialty publishers (trade publishing, community newspapers, etc.) the majority of staff may be freelance or volunteers working in a 'virtual newsroom.' "Giving the District Council authority to regulate newspapers through zoning, outside of industrial-scale printing facilities that rightly should be barred from some zones, raises concerns about the potential for censorship or unconstitutional government restrictions on the First Amendment freedom of the press."	Civicomment	These comments are discussed in further detail elsewhere in this analysis.	Make no additional change.
27-2—59	27-2.400 Terms and Uses Defined	Other Agricultural Use	"'Other ag uses' should be eliminated an instead incorporated into the definition of agriculture."	Civicomment – Food Equity Council	The catch all term "Other XX Uses" is necessary for the use tables in Division 5 of the proposed Zoning Ordinance to provide regulation for uses that may not neatly fit within another defined use in a given category such as residential	Delete the definitions for "other agricultural use" and "other wholesale use."

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					uses or agricultural uses. Unlike specific use types, there is no need to define "Other XX Uses."	
27-2—60	27-2.400 Terms and Uses Defined	Parapet and Parapet Wall	How/why are these definitions different?	Planning Staff	Staff concurs that there is no need for a separate definition of "parapet wall."	Search for and revise/replace references to parapet walls throughout the proposed code.
27-2—64	27-2.400 Terms and Uses Defined	Plaza	Allowing parking on plazas is very problematic as it may then become the primary use of the plaza, rather than pedestrian and public enjoyment and passive recreation.	Planning Staff	Staff concurs.	Delete parking from the definition of "plaza."
27-2—65	27-2.400 Terms and Uses Defined	Private Dormitory	"PGPOA is carefully monitoring the Prince George's County Zoning rewrite. Of particular concern is the designation for "Private Dormitory." Most of the homes owned by PGPOA members are located in close proximity to the College Park Campus of the University of Maryland in neighborhoods such as 'Crystal Springs,' 'College Park Woods,' 'Berwyn,' 'Hollywood,' 'Berwyn Heights', 'Riverdale,' 'University Park,' 'Old Town' and 'Calvert Hills.' "The University of Maryland, College Park has a shortage of student housing both in total numbers of beds available to students, and proximity to the campus. As a result, the PGPOA has 'filled the gap' and provided more than 5,000 beds for students. The approximately 5,000 beds provided are all with the proposed zoning classification of RSF-65 which allows single-family homes on minimum 6,500 square feet lots for families or up to 5 unrelated occupants. The current R-55 zoning classification has allowed such housing types since the 1950's. However, the proposed 'Private Dormitory' designation may be a tool to remove this student housing. "In the current version of the proposed re-write, a 'Private Dormitory' is defined as: A building not owned or operated by a college of university that contains bedrooms for students attending a college or university. Bedrooms may be arranged around a common area with a kitchen which is shared by students renting the bedrooms, or along a hall which provides access to a common kitchen space. Bedrooms shall be rented to the student on an annual basis or for an academic semester or summer term. Accessory uses may include fitness facilities, pools, parking areas, and similar facilities.'	Bradley Farrar, representing Prince George's County Property Owners Association	Private dormitories are proposed to be permitted in the RMF-12, (Residential Multifamily – 12), RMF-20 (Residential Multifamily – 20), and RMF-48 (Residential Multifamily - 48) zones, which are all multifamily residential zones. This definition is drafted to provide distinction between buildings that may closely resemble traditional multifamily buildings – e.g. apartment buildings – but which are rented or otherwise oriented toward students on a per-bed basis or per-room basis, and single-family homes that are rented by students. It is certainly not the intent to use this proposed use to prohibit or restrict the rental of single-family homes or use of boarding or rooming houses to or by students. For additional clarity, the definition of private dormitory should be revised to this effect. Additionally, since the intent of the proposed "private dormitory" use is intended to apply to the multstory buildings oriented toward, designed for, and rented to students, staff believes a link to minimum height is an appropriate distinguishing factor for private dormitories.	Revise the definition of "private dormitory" to explicitly state that a "boarding or rooming house" is not a "private dormitory," nor is rental of single-family homes to students, and to add language that private dormitories are typically four stories or greater in height.

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			"The zoning re-write further defines the Private Dormitory designation: A private dormitory shall not be located more than one mile from a college or university, measured in a straight line from the nearest portion of the private dormitory to the nearest boundary line of the parcel upon which the college or university is located. "This definition is confusing, unclear, and duplicative, and it should be deleted from the zoning re-write, unless it is specifically confined to apply only to 'multi-family residential' (MFR) zoning classifications (typically 4-story or more elevator buildings). We believe that these are the structures the proposed definition is intended to cover. "Additionally, we would point out that the Court of Appeals, in Kirsch v. Prince George's County, 331 Md. 89 (1993) determined that zoning classifications of residential property based solely on the occupation that the tenant pursued away from the residence was an arbitrary classification that was forbidden under Article 24 of the Maryland Declaration of Rights. Similar to the ('mini-dorm') zoning ordinance in that case, the 'Private Dormitory' designation appears to create a zoning designation based upon the tenant's occupation or status. "Therefore, in conclusion, this definition should be eliminated as it is unnecessary. If, however, it remains in the re-write, it should be applicable only to multi-story buildings in the multi-family classification, and not the RSF. Otherwise, it would have the unintended consequence of eliminating approximately 5,000 beds available for students within walking distance of the University that have been successfully providing this essential housing for several decades. In the past, the City of College Park maintained an active campaign to prevent students from living in 'Old Town' and 'Calvert Hills.' If this designation is retained in the zoning code, without being limited to multi-family zoning classifications, the City might try to take the position that single-family homes rented to students are private dormitories, and should be prohibited because they are not a permitted use in the RSF-65 zone."			

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27-2—67	27-2.400 Terms and Uses Defined	Restaurant, Fast Food	"The use of a cafeteria is not clear in this definition." The Food Equity Council commented: "Quick-service is the preferred industry term. Drive-thru restaurants and carry out restaurants should have their own separate uses." Planning staff comments echo those of the Food Equity Council. The City of College Park commented: "As written, all establishment that require customers to pay for items before consumption fall into this category. This includes fast-casual establishments such as Noodles, Panera Bread, Starbucks, etc., which would not be permitted uses in most of the center base zones. This seems overly restrictive and out of date and should be modified." The North College Park Community Association incorporated the City of College Park's comment in its letter.	Civicomment – Food Equity Council, City of College Park, North College Park Community Association, Planning Staff	The proposed definition of "restaurant, fast food is: "An eating or drinking establishment that has any one or more of the following characteristics: (a) A drive-through facility or walk-up window; (b) A service counter (including but not limited to a take-out restaurant) where all customers pay for their ordered items before consumption, except cafeterias primarily engaged in serving food and beverages for on-premises consumption are considered sit-down restaurants if take-out service is clearly incidental to the principal use." The commonly-referenced "fast-casual" food is fast food per this definition. The proposed ordinance allows fast food restaurants without drive throughs in all non-residential zones. This would allow Panera Breads, Noodles, etc. to be built in the center base zones, which are anticipated to be placed in College Park. What is not permitted in center base zones are fast food restaurants with drive throughs. Drive-throughs are detrimental to creating dense/walkable/neighborhoods and it is not recommended to allow drive-throughs in the center base zones. This may deter some "fast food" restaurants from choosing to build in Center Base zones, but "fast casual" restaurants like Panera/Noodles/Chipotle/etc. generally do not have drive-throughs. There are no significant zoning regulatory differences between a drive-through restaurant or a carry-out/take-out restaurant that warrant distinct uses.	Make no additional change.
27-2—67	27-2.400 Terms and Uses Defined	Retail Sales (As Accessory to a Multifamily Development)	"There should be a definition for signs for agritourism, reference CB-10-2017 for additional information."	Civicomment – Food Equity Council	CB-10-2017 permits signs for agritourism enterprises with specific design standards. The Supreme Court ruled in Reed v. Town of Gilbert that signage must be content-neutral. This decision came in 2015, too late to incorporate in the current Zoning Rewrite project. Staff's first recommendation for follow-up tasks after the new Zoning Ordinance is adopted is to revisit the sign regulation to ensure compliance with Reed v. Gilbert. Adding a definition of agritourism signs would violate this case,	Make no change.

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					because "agritourism" in this example is, by definition, content-based.	
27-2—67	27-2.400 Terms and Uses Defined	Retaining Wall	The last sentence speaking to covered exterior retaining wall surfaces does not appear to be reflected in the rest of the proposed Zoning Ordinance.	Planning Staff	Staff concurs; it is not appropriate to include design regulations in definitions. Standard 27-6.511.F. covers materials more appropriately.	Delete the last sentence in the definition of retaining wall.
27-2—67	27-2.400 Terms and Uses Defined	Sawmill (As a Temporary On-Site Use)	How long is temporary?	Planning Staff	There is no use-specific standard associated with temporary sawmills to limit the temporary use permit; therefore, the use is valid for as long as the period of time initially set in the issuance of the temporary use permit. This provides flexibility in terms of length of operation – a temporary sawmill used in clearing a very large site will need to operate longer than one used in clearing a very small site.	Make no change.
27-2—73	27-2.400 Terms and Uses Defined	Solar Energy Collection Facility (Small-Scale)	"Definition of solar energy collection facility (SECF) (large-scale) is typically ground-mounted. The definition of SECF (small-scale) can be roof or ground-mounted. Can we get a definition that tells us how a small-scale, ground-mounted SECF is characterized? What makes a ground-mounted SECF large-scale vs. small-scale?"	Planning Staff	Solar energy collection facilities are more commonly referred to as solar energy systems (SES) in Maryland. There appear to be three general categories of SE: 1. Small-scale, such as roof-mounted panels on a home, that generate a maximum of 100 kilowatts of energy; 2. Medium-scale, generating more than 100 kilowatts but less than 2 megawatts of energy; and 3. Large-scale, generating two or more megawatts of energy. A change in nomenclature, complemented by revisions to the definitions, should address this question. For purposes of the Zoning Ordinance, combining medium-scale and large-scale SES is appropriate as their impacts are similar and most "large-scale SES" as the term is used by the state come under the purview of the Public Service Commission and are exempt from the Zoning Ordinance.	Replace the term "solar energy collection facility" with "solar energy systems" and retain the distinction between large-scale (as a principal use) and small-scale (as an accessory use). Revise the definitions of these uses to reference small-scale SES as generating a maximum of 100 kilowatts of energy, and large-scale SES as generating more than 100 kilowatts of energy.
27-2—73	27-2.400 Terms and Uses Defined	Solid Waste Processing Facility	"In recent years the state General Assembly has enacted new legislation and MDE has adopted new regulations for permitting compost facilities, which remove composting facilities from the category of 'solid waste facilities.'" [reference website deleted].	Ben Fischler	Pursuant to this change in the approach by the state, staff concurs with this recommendation.	Revise the definition of "solid state processing facility" to remove "or composted."
27-2—73	27-2.400 Terms and Uses Defined	Solid Waste Transfer Station	"Prince George's County is moving towards composting and anaerobic digesters. This is out of sync with our general plan and with the County's Zero Waste Plan. Incinerators and landfills need to be phased out."	Civicomment – Food Equity Council	Comment noted.	Make no change.
27-2—76	27-2.400 Terms and Uses Defined	Tank Farm	"This name should not include the word 'farm.' Perhaps it should be more aptly named like 'Tank Storage Facility.'"	Civicomment – Food Equity Council	Comment noted. "Tank storage facility" would not be the right name to use, since it implies tanks are stored at a given location, not that	Make no change.

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					the tanks are storing fuels. The term “tank farm” is industry standard.	
27-2—77	27-2.400 Terms and Uses Defined	Traffic Calming Device	How do these devices reduce vehicle volumes?	Planning Staff	Traffic calming features can reduce the available capacity of motor vehicle traffic, which is related to the volumes. A four-lane road that has added curb extensions making it a three-lane road will have a lower potential capacity and lower potential volumes.	Make no change.
27-2—78	27-2.400 Terms and Uses Defined	Urban Farm	“The definition of ‘urban farm’ includes ‘composting’, however there is no definition of ‘composting’ in this document. Such a definition is needed and should be consistent with current state regulations for permitting compost facilities: ‘Composting means the controlled aerobic biological decomposition of organic waste material.’” [website reference deleted].	Ben Fischler	The central question of defining composting is addressed elsewhere in this analysis.	Make no additional change.
27-2—80	27-2.400 Terms and Uses Defined	Wayside Stand	“We suggest striking B., it's redundant.”	Civicomment – Food Equity Council	The definition for "Wayside Stands" allow for the selling of products produced on or off the farm site. Removing "(B) The sale of fruits, vegetables, or cut flowers not grown on the premises" would restrict wayside stands only on the premises where a portion of the product is grown, and incidental (not significant) sales of off-site grown products.	Make no change.
27-2—80	27-2.400 Terms and Uses Defined	Wind Energy Conversion System (Large-Scale)	“Is a large-scale system 100 kW or more? This should be stated as ‘A large-scale wind energy conversion system has a rated capacity of 100 kilowatts (kW) or greater.’ This includes a system that is 100 kW.”	Planning Staff	The definition of small-scale conversion systems states “not more than 100 kilowatts (kW),” which would incorporate 100 kW. The definition of large-scale systems states: “exceeding 100 kilowatts (kW).”	Make no change.
27-2—81	27-2.400 Terms and Uses Defined	Wireless Telecommunications	City of Greenbelt “Recently concerns, both health and aesthetic, the have been raised by Greenbelt citizens regarding the proposed regulations for wireless telecommunication towers and monopoles (Section 27-503.D.1). As proposed, wireless telecommunication towers and monopoles would be permitted by right as a principle use in all zoning categories subject to meeting use specific standards. While the City understands that there are regulations regarding setbacks, there is concern that the regulations are not restrictive enough to ensure that towers, monopoles and small cell antennas are not installed on single-family zoned lots. The requests that the regulations be amended to limit the installation of these facilities to public right-of-way and public utility easements in Residential Single Family Base Zones, subject to certain policies and procedures. The City also requests that provisions are added that would require applicants to provide public notification so that communities have an opportunity to comment on public communication facility proposals.”	City of Greenbelt, Theodora Scarato, Molly Lester	The city’s comments are noted. In general, telecommunications are regulated by the Federal government and this precludes certain local (e.g. Prince George’s County) regulations. That said, there are use-specific standards in the proposed Zoning Ordinance that apply appropriate local regulation on these uses. One exception is the current trend of so-called “small cell antennas.” The Zoning Rewrite project is not best equipped to address small cell regulation. A Countywide working group has been established by the Office of the County Executive to property review issues pertaining to small cell antennas and recommend appropriate regulation in the appropriate locations (which may or may not include the County’s Zoning Ordinance). Once this working group has offered their proposals, any which may need to be included in the Zoning Ordinance are expected to be added through either amendments to the legislative draft before it is adopted or in a subsequent text amendment.	Make no change.

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			Ms. Scarato submitted numerous comments and questions to Planning Staff and the M-NCPPC Legal Department via email on the subject and specifics of telecommunications regulations. The volume and level of detail of these emails is beyond the ability of this analysis to easy address. Copies of the emails are available should the District Council wish to review in full. Ms. Lester indicated wireless telecommunications towers should not be allowed as a by-right permitted use, installation should require public notice and public hearings, and should be prohibited in residential zones (as should collocated facilities).		Staff and the Legal Department responded to Ms. Scarato's emails as they came in. Many of her questions deal with specific, hypothetical situations.	
27-2—81	27-2.400 Terms and Uses Defined	Woodworking	Since this use does not appear to be listed in the code, do we need it?	Planning Staff	The term "woodworking" would fall under the definitions of "manufacturing, assembly, or fabrication, light" and "manufacturing, assembly, or fabrication, heavy." A separate definition is unnecessary.	Delete the definition of woodworking and delete the other reference to woodworking currently found in the definition of "manufacturing uses."
27-2—81	27-2.400 Terms and Uses Defined	Zoning	"There appears to be no definition of zoning in this Division (Section 27, Division 2)"	Sierra Club	"Zoning" should not be defined. It has a common law meaning with a long history in the United States.	Make no change.

ZONING ORDINANCE – DIVISION 3 ADMINISTRATION						
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27-3—4	27-3.200 Summary Table of Development Review Responsibilities	Municipal Role	City of Greenbelt: "The City previously commented that municipalities should be listed in Section 27-3.200, Summary Table of Development Review Responsibilities. While the category "Municipalities" has been added as a Review and Decision Making Body, their role is limited to the zoning functions that have been delegated to certain municipalities (e.g., variance and departures). Since the proposed development review process has a 30 day public notification requirement for most applications, it is critical that the City have notification and input early in the application process to afford sufficient time for the City to review and comment. The City requests that the role of municipalities, whether statutory be defined in Section 27- 3.200." Town of Riverdale Park: "The role of Municipalities is extremely limited in this table, and seems to include only Bowie, College Park, Greenbelt, and New Carrollton. It is not clear whether the current practices (such as the Board of Zoning and Administrative Appeals seeking comment from the Town on variances) are preserved or not within the Zoning Rewrite. The Town would like to retain at least a similar level of input on the development activities in this table as the Town has under the current zoning ordinance."	City of Greenbelt, Town of Riverdale Park	The summary table and the more detailed identification of the formal role municipalities may play in the Zoning Ordinance (as specified in Sec. 27-3.309) appropriately refer to municipalities in the context of the regulatory and statutory framework of the Zoning Ordinance. Municipalities will remain involved through participation in pre-application neighborhood meetings, referrals for development review application, coordination on municipal rights-of-way and similar functional and public facilities aspects, in the Subdivision and Development Review Committee, and in other ways, but these are not statutory requirements.	Make no change.
27-3—5	27-3.200 Summary Table of Development Review Responsibilities	Municipal Delegation	Council legal staff have opined that municipalities that have delegated authority under the current Zoning Ordinance will need to be re-authorized delegated authority under the new Zoning Ordinance.	County Council	On February 7, 2018, the County Council directed staff to remove the four referenced municipalities that currently have delegated zoning authority, as Council legal staff have opined these municipalities will have to reapply for delegated authority once the new Zoning Ordinance has been adopted.	Delete references to the City of Bowie, City of College Park, City of Greenbelt, and City of New Carrollton from note 5 on page 27-3—5, Sec. 27-3.304.B.1. on page 27-3—8, and Sec. 27-3.309.A. on page 27-3—12. Generalize the language as may be appropriate.
27-3—6	27-3.302 District Council	Election to Review and Decide Certain Applications	A number of stakeholders submitted a form letter or variants that incorporated the following comments: "Prince Georges County Planning Department (Zoning Rewrite Team), In 2015 the Maryland Court of Appeals ruled that the county council's use of discretionary "call-up" reviews was inappropriate (https://ggwash.org/view/65689/a-dubious-publicprocess-is-sneaking-back-into-prince-georges-county). Now, two years later, vestiges of that old practice are appearing again in the Zoning Rewrite.	Adolphus Almond, Alan Shapiro, Alex Holt, Asaf Reich, Chad Copeland, Charles Butler III, Cynthia Butler, Daniel Foster, Daniel Walter Rowlands, David Whitehead, Delores Gatling, Donald	While prior versions of the proposed Zoning Ordinance did not include election to review, the Comprehensive Review Draft does, at the request of the District Council. Election to review could potentially apply to special exceptions, major detailed site plans, and certification of nonconforming uses, as well as minor detailed site plans if it is first appealed to the Planning Board and the Board has made a decision. The form letter and other comments mischaracterize the Court of Appeals decision on the Zimmer case. Election to review is not illegal under Maryland law.	Make no change.

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			Unless one of the affected parties decides to appeal, the county council should not be calling up development decisions for additional review. Including an extra appeals process by the county council is a costly and overly-burdensome procedure that most other jurisdictions do not use, and for good reason: such a system discourages good development and is ripe for unethical abuse. Please ensure that, at a minimum, "call-up" review by the county council is removed from the draft of the new zoning code. “JUST STOP - it is illegal and has been rules against. Don't do it. “The current ordinance is a developer giveaway. The Commercial Shopping Center zone (CSC) doesn't require site plans, so if Walmart wanted, they could build as big a store as they could imagine with as much parking as they wanted without any problem. The Planning Board gets a bad rep when it comes to listening to the public. In reality, they are very aware of the public's concerns and takes what they say to heart, but the Planning Board is very restricted when it comes to what they can and cannot do. If they want to deny a project, it has to be because the project demonstrably goes against regulations in the zoning ordinance or the sectional map amendments (ie the law). If the use is an allowed use for that zone, and the design of the building fits within the regulations, they have no grounds to deny a project. Further, if the Planning Board does deny a project it must be on the merits of the project's design, not because the walmart doesn't pay well. People always bring up low wages when it comes to big-box projects, but the Planning Board can't do anything about wages (if they wanted, the council could raise minimum wage in the county)- it has to be about the development/design of the project. “They can't simply deny something just because people don't like it, that's a wildly subjective and inconsistent way to go about development. And that's exactly why call-up is so problematic, there is no objective criteria for calling up a project other than a councilperson's desire.	James, Edward Estes, Gwendolyn Gregory, Hans Haucke, Jacob Howley, Rev. Jacqueline Norris, Joan Linstrom, Johndel Jones-Brown, Leah Wolf, Lise Nau, Marita Roos, Mary Mogavero, Matthew Walker, Michael Bello, Mimi McKindley-Ward, Olivia Payne, Rayna Phillips, Richard Bailey, Robb Dooling, Sylvia Griffin, Timothy Zork, Tracy Loh, William Maynard, Vijay Kapur, Stanford Fraser, Robert Dooling, Molline Jackson, Maria Hult, Larry Hull, Julian Peters, Jennifer Errick, Edward Fallon, Carolyn Casey Kneipp, Donald James, Harris Woodward, Paul from Glenarden		

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			"In 2015 the Maryland Court of Appeals ruled that the county council's use of discretionary "call-up" reviews was inappropriate (https://ggwash.org/view/65689/a-dubious-publicprocess-is-sneaking-back-into-prince-georges-county). Now, two years later, vestiges of that old practice are appearing again in the Zoning Rewrite. "I have lived in MD most of my life. Now I am a custom home builder, with clients all over MD. As a zero-energy builder, I network with like-minded professionals up and down I-95. Maryland is known to be the most difficult state on the East Coast to build in. And I can tell, unequivocally, that Prince Georges County is the worst in Maryland. At the risk of getting too much unwanted attention, I can tell you that attempting construction in PG Co is akin to eating glass. You are at the helm of a laughing stock, that would be funny if the corruption wasn't so damned painful. Stop flushing our clients' money down the toilet. Create an environment in which you can wake up each morning and before leaving for work, look your children in the eyes, and tell them: "I can honestly say, I did the right thing today". Call-up is wrong. You know this too, so stop lying to yourselves. Please ensure that, at a minimum, "call-up" review by the county council is removed from the draft of the new zoning code. Praying for you, "I do not support mechanisms that help my county step backwards. If we've made decisions and projects were built, only to look back with doubt is wrong. Moreover, back-actions will deter developers to our county. Why build in this high-taxed, low-education/amenities market when they have so many other great counties? Please think of your legacy before you act in support of the discretionary "call-up" reviews. We slowly growing as a community, lets [sic]not take steps backwards now. "Keeping the 'call up' option OFF the draft of the new zoning code makes sense. Let's move forward, not backward. "I am a DC resident who lives within a mile of the Prince George's County border. I want to first voice my gratitude over most of the provisions included in the			

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			proposed zoning rewrite. Reducing parking requirements, upzoning for increased density around metro stations, and allowing more mixed- use development are all great goals. However, I don't support the inclusion of provisions allowing the Council to elect unwarranted review of approved projects without appeal. I've watched projects across our metro area fall victim to political concerns that don't ultimately serve the greater purpose of making our region economically vibrant, environmentally sustainable, and affordable across a great range of socioeconomic strata. Allowing for an additional and costly veto/review point for projects does not seem warranted by any set of facts I'm aware of. And, as I understand it, similar provisions in the past have already been scaled back in the state courts. So please consider revising that particular provision, while still carrying forward with the other great changes this zoning rewrite contains. "I am concerned by the insertion of language in the zoning code revisions that could bring "call-up" practices back to Prince George's County after they were outlawed by the Maryland Court of Appeals in 2015. "I am concerned that county councilmembers calling up development decisions for additional review at the end of the process offers too much potential for abuse. Including an extra appeals process by the county council is also a costly and overly burdensome procedure that most other jurisdictions do not use. "I am glad you are overhauling these zoning codes. But please ensure that "call-up" review by the county council is removed from the draft of the new zoning code. Thanks for hearing my concerns."			
27-3—6	27-3.302 District Council	Election to Review and Decide Certain Applications	City of Hyattsville: "In previous comments to M-NCPPC, the City of Hyattsville has expressed our desire to see the 'call-up' authority of the District Council removed. As noted by Clarion Associates, this is not considered a best practice, and adds time and uncertainty to the development process. In 2015, the Maryland Court of Appeals significantly limited the District Council's 'Call-up' authority, in its ruling	City of Hyattsville, Town of University Park	While prior versions of the proposed Zoning Ordinance did not include election to review, the Comprehensive Review Draft does, at the request of the District Council. Election to review could potentially apply to special exceptions, major detailed site plans, and certification of nonconforming uses, as well as minor detailed site plans if it is first appealed to the Planning Board and the Board has made a decision.	Make no change.

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			stating that the Council must generally uphold the decisions made by the Planning Board and, 'May only reverse the action of the Planning Board if the Planning Board's decision is not supported by substantial evidence, is arbitrary and capricious, or is predicated on an error of law.' "In the 2016 Zoning Ordinance and Subdivision Regulations Draft, the review process confirmed that the District Council is the first-level appellate body if any of the parties to the case want to appeal a Planning Board decision. At the direction of the District Council, the 'call-up' authority to require an additional review on development decisions like special exemptions, variances and site plans, have been reinserted into the Comprehensive Review Draft of the Zoning Ordinance and Subdivision Regulations. This authority would allow the District Council to review the Planning Board decision even if there was no appeal and/or part in opposition to the Planning Board decision. The City firmly believes that this language is inconsistent with both the Maryland Court of Appeals decision and land-use 'best-practice', therefore we request that this language removed from the Zoning Ordinance and Subdivision regulations, prior to adoption." Town of University Park: "It appears that the existing process by which a member of the District Council can 'call up' a project scheduled to be administratively approved is being eliminated. This raises serious concerns because it significantly reduces the ability of the public to know what sort of development is being approved in their neighborhoods, and compromises their right to attend any meetings that may be held, or have any input into the decision-making process. "We request that the Council retain the 'call-up' procedure in the new ordinance."			
27-3—6	27-3.302 District Council	District Council Procedures	"The procedural documentation for making decisions is well laid out, but there are no procedures outlined for how the County Council conducts their hearings or makes decisions. These procedures should be referenced in the zoning rewrite document. For example, there should be no decisions made without full discussion before voting and these discussions	Thomas A. Terry	The Zoning Ordinance is not the appropriate location for procedural and administrative guidelines by any body – the District Council, Planning Board, Board of Appeals, etc. Those guidelines are currently – and most appropriately – handed by the various Rules of Procedures and internal guideline documents used by these bodies.	Make no change.

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			should be fully documented in the meeting minutes. There also needs to be procedures outlined for when a County (District) Council member must recuse (excuse oneself from a case because of a possible conflict of interest or lack of impartiality) themselves from voting. And if the both the Planning Board and Hearing Officer vote against a project the County (District) Council should not be able to override them. The District Council should only rule in case there is a split decision."		Some of these comments touch on the "election to review" procedures and are broadly addressed above.	
27-3—7	27-3.303 Prince George's County Planning Board (Planning Board)	Planning Board Reconsideration	**"**The Planning Board regularly abuses the concept of Reconsideration of its decisions. For clarity, Reconsideration is provided in the Board's Rules of Procedure and is limited to 30 days, as is typical in court rules. However, the Planning Board regularly benefits developers by turning to another 'Rule' that allows 'Waiver of the Rules of Procedure.' This means that there is no 30 day limit to reconsideration. "I have seen cases re-opened that are over 10 years old. This use of the 'waiver' provision is an abuse of process and bad public policy. Clarion should at least discuss this policy and make recommendations	Tom Dernoga	Revisions to the Planning Board's rules of procedures may be necessary as a result of the new Zoning Ordinance and Subdivision Regulations but is not directly a part of the current project to develop the new codes. Recommendations for various rules of procedures – not just the Planning Board's – may naturally emerge during the post-adoption education and training phase but may or may not result in any changes.	Make no change.
27-3—8	27-3.3045 Board of Zoning and Administrative Appeals (BZA)	Name of Board	This has been the Board of Appeals since the inception of the Board. We, the Board, wear more than one hat, we are not only the 'Board of Zoning Appeals' but also the 'Board of Administrative Appeals.' The Administrative Appeals are not zoning appeals. Therefore, we are nonspecific in the title of 'Board of Appeals.' Please, keep the name as 'Board of Appeals' and acronym 'BOA' within the new Zoning Ordinance."	Barbara Stone, Board of Appeals Administrator	Staff concurs.	Revise all references in the proposed Zoning Ordinance and Subdivision Regulations to the Board of Zoning and Administrative Appeals or BZA to "Board of Appeals" and "BOA" respectively.
27-3—9	27-3.305 Zoning Hearing Examiner (ZHE)	Time for Issuing Decision	State law limits the time in which the Zoning Hearing Examiner may make a decision.	Council Staff	Staff concurs the state limitation needs to be clearly referenced in the proposed Zoning Ordinance.	Add a new Sec. 27-3.305.C. to read: "**C. Time for Issuing Decision** "The ZHE shall issue a decision on a zoning matter not more than 100 days after the date of the last hearing held by the hearing examiner."
27-3—12	27-3.309.A. Municipalities	Generally	There is a misplaced comma in the last sentence; also, since there is a comma at the end of the paragraph, is there additional language that is missing?	Town of Berwyn Heights	The first comma in the last line of Sec. 27-3.309.A. is misplaced. No additional language is needed for this sentence; the end comma is a typo.	Remove the first comma in the last sentence (following "County") and replace the hanging comma at the end of the sentence with a period.

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27-3—12	27-3.309.B. Municipalities	Powers and Duties	Town of Berwyn Heights: Please clarify whether the municipalities "powers and duties" section refers to all municipalities in the County or only to the four referenced cities from Paragraph A. Town of Brentwood: "As the governing body representing a population of 3200 residents and a small commercial base, the Mayor & Council for the Town of Brentwood was elected to serve our residents, and with their input we should be able to determine the needs for our community. We need to drive the train for determining development and economic growth in our community and with better communication, a renewed partnership be re-established with the County staff to develop our commercial area the way we envision it and maintain our small quaint neighborhood to enhance the quality of life for our residents, the businesses and the visitors to our town. It also means improving notification of hearings for new development and making sure the permitting process meets any requirements set by the Town that are not less restrictive than those set by the County."	Town of Berwyn Heights, Town of Brentwood	Section 27-3.309, Municipalities, refers generally to authority municipalities may be delegated by the proposed Zoning Ordinance pursuant to state and County law. To date, only four municipalities benefit from delegated authority within the current Zoning Ordinance: Bowie, College Park, Greenbelt, and New Carrollton. Any municipality in the County (with the exception of Laurel, since Laurel possesses independent planning and zoning authority) may petition the District Council for authority as established by the Land Use Article of the Annotated Code of Maryland and the Zoning Ordinance. The Town of Brentwood's comments are noted.	Make no change.
27-3—12	27-3.309.B. Municipalities	Generally	There is a misplaced capitalization in B.1.e.	Planning Staff	Staff concurs.	Remove the capital "A" in "and" in 27-3.309.B.1.e.
27-3—12	27-3.300 Advisory and Decision-Making Bodies	People's Zoning Counsel	The People's Zoning Counsel was inadvertently left out of the new Zoning Ordinance and must be restored.	Council Staff	Staff concurs	Adapt current Part 3, Division 1, Subdivision 4 language pertaining to the People's Zoning Counsel in as a new Sec. 27-3.310 on page 27-3—12.
27-3—12	27-3.401 Pre-Application Conference	General	Sierra Club: "We remain concerned about transparency with respect to these mandatory meetings between the applicant and planning staff, which are held in private, out of public view, and risk vesting the planning staff member in the approval of the application. The following should be made publicly available in the project file and become part of the record for the application when it is accepted for submission: "• The materials submitted to the Planning Director prior to the conference • Minutes of the conference, including the participants, the subjects discussed, and the clarifications, advice, and specific comments of the Planning Director."	Sierra Club, Town of University Park	Comments noted. These pre-application materials are common practice with development in Prince George's County today. It would not be appropriate to include the materials reviewed or the discussions held during this conference with the application itself because such discussions are extremely preliminary in nature and focus on what is needed to ensure an application may be ready to proceed to the pre-application neighborhood meeting (when required or held) and, ultimately, to submittal and acceptance. It also would not be appropriate to include outside parties in these preliminary discussions. Many pre-application discussions do not lead to a submittal. It is more appropriate for outside parties to become involved at the pre-application	Make no change.

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			Town of University Park: "If an application is within a mile of a municipality, the municipality should be notified of the date of the pre-application conference and invited to attend."		neighborhood meeting (when required or held) and following project acceptance.	
27-3—12	27-3.402 Pre-Application Neighborhood Meeting	General	Town of University Park: **"**Municipalities need to have a forum for meaningful input and engagement with the developers and also with county staff. Pre-application meetings are required under the new Ordinance for many development project approvals. But, it is unclear what the status of the pre-application meeting is. At present, meetings with prospective developers are relatively informal. In the new Ordinance, there are no standards or requirements for what the developer (or its agents) must present. County planning staff does not usually attend these meetings, and no official testimony is taken. At the end of the meeting, the developer can "check the box" of attending the meeting, but can then submit plans that are entirely different from what was shown to the municipalities and citizen groups in the Pre-Application meeting. The standards and conditions for these pre-application meetings should be incorporated into the Zoning Ordinance and the Procedures Manual. Minutes from these meetings, and a record of what was presented by the Developer at the meeting must be provided to the County along with the Application. Further, for those towns, like University Park, that do not have dedicated planners on their staff, attendance at the meeting by the planner from the County who is responsible for the project should be required. Finally, it should be made clear to participants that attend such a meeting, and the input provided, are not part of the evidentiary record for the project. " The Town of Riverdale Park: "A representative of the Planning Director should be required to attend required preapplication neighborhood meetings and either verify the applicant's written summary or prepare a separate meeting summary."	Town of University Park, Town of Riverdale Park	General procedures pertaining to how pre-application neighborhood meetings were to be conducted were envisioned to be part of the Applications Manual, but with the County Council's direction to staff to incorporate application materials and other procedural aspects in the proposed Zoning Ordinance, that document will not be produced. In lieu of the Applications Manual, staff concurs some general framework of how the pre-application neighborhood meetings are conducted will need to be incorporated. Staff notes the requirement to submit written summaries of these meetings is already included on page 27-3—15 of the Comprehensive Review Draft. There are both pros and cons for having M-NCPPC staff present at these meetings, and there has been discussion on this point but no clear direction provided. Due primarily to factors such as perception of staff investment in the proposal prior to acceptance/review (and associated bias), staff resources and funding, and concerns pertaining to community misperception of staff's role in these meetings, staff leans against requiring M-NCPPC staff be present.	Add additional guidance as to how pre-application neighborhood meetings are to be conducted.
27-3—12	27-3.402 Pre-Application Neighborhood Meeting	Minor Detailed Site Plan	The City of College Park: "The City supports the new requirement for a pre-application neighborhood meeting for zoning map amendments, special exceptions and major detailed site plans but requests that this requirement also be applicable to minor site plans. This would enable the Planning Director to have access to community views prior to deciding a case."	City of College Park; City of Greenbelt; North College Park Community Association; Jennifer Dwyer,	Staff does not support these recommendations for three fundamental reasons: 1. Requiring a pre-application neighborhood meeting for minor detailed site plans would be adding a very time-intensive procedure to what is intended to be a largely administrative function, which would be	Make no change.

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			The City of Greenbelt: "The City supports the requirement that a pre-application neighborhood meeting is required for zoning map amendments, special exceptions and major detailed site plans. However, the City requests that this requirement be extended to apply to minor detailed plan projects as well. These projects will have significant impacts on a community, at the Planning Director should understand the concerns of the community prior to acting on the development application." The North College Park Community Association also submitted the City's comment. Ms. Dwyer: "This is a great idea, but still requires further development. Neighborhood meetings should be applied more [sic] types of development applications, including, but not limited to, Minor Site Plans, and more of the residents who would be impacted by the plan should be informed according to our recommendations above. Most important, these meetings need to be more of a space for residents to vent their concerns, and should result in an ongoing dialogue culminating in community benefits agreements and other outcomes that require developers to actually address concerns from the community."	Policy and Legislative Director, Progressive Maryland	detrimental to a major project goal for streamlining the County's current zoning regulatory procedures. 2. Community views, while important overall and particularly for projects that entail a public hearing, may not be used to drive administrative decision-making, which must be limited to the scope and findings explicitly specified by the Zoning Ordinance. Providing a pre-application neighborhood meeting for these administrative decisions may set a false expectation within the community. 3. It is not the role of the Zoning Ordinance to establish or require community benefits agreements.	
27-3—12	27-3.402.C.3.b. Pre-Application Neighborhood Meeting	Written Summary of Meeting	"The applicant's written summary of the meeting should report any changes made in the plan as a result of the meeting and a copy of the draft should be mailed to all who attended the meeting (not just made 'available for public inspection')."	Sierra Club	The proposed Zoning Ordinance moves away from mailing (unless otherwise required by state laws) as a more archaic form of notification, shifting to online posting or email notice better reflective of 21st Century practices. The written summary must be made available in accordance with proposed Sec. 27-3.417, which requires posting of all materials associated with a development application accepted as complete on the Planning Board website.	Make no change.
27-3—16	27-3.402.D. Pre-Application Neighborhood Meeting	Civic Association or Residential Registration	"County-wide organizations should not be limited to notification for only two of the nine Councilmanic Districts, especially given that these notifications are generally by email and not a burden to the County. Also, it should not make any difference where the officers of county-wide civic associations, non-profits, and watershed groups live for the purposes of notification. Their responsibility is to defend the entire county or watershed, irrespective of their primary residence."	Sierra Club	It would be challenging to determine what is truly a "countywide organization" as opposed to a civic association that "checks a box" that indicates they have countywide interest. The watershed protection group provision explicitly points to registration as a Section 501I(3) environmental organization as the criteria for expanding beyond two Councilmanic Districts. If a similar connection can be identified that helps clarity whether an organization is truly "countywide," staff is willing to consider that approach. In the meantime, this section reflects current language, which	Make no change.

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					has been in place for some time to help appropriately ensure those most impacted by potential development are aware of the development and reduce the potential for someone many miles away opposing or protesting projects that have little, if any, impact on their community.	
27-3—19	27-3.405.B.2. Application Amendment or Withdrawal	Withdrawal Through Inaction	The current procedures that allow the Zoning Hearing Examiner to dismiss zoning cases should be incorporated in the new Zoning Ordinance.	Council Staff	Staff concurs.	Revise Sec. 27-3.405.B.2. to create two sub-sections. Retain the current language as a general sub-section. Adapt Sec. 127-128 of the current Zoning Ordinance as the second sub-section to cover cases that may be heard by the Zoning Hearing Examiner.
27-3—20	27-3.406.B.2. Staff Review and Action	Application Subject to Staff Recommendation	Council staff expressed concerns regarding costs and process involved in ensuring technical staff reports may need to be mailed, and supported existing Zoning Ordinance provisions to clarify this aspect of Table 27-3.407.B: Required Public Notice. These same concerns extend to the proposed expansion of current regulations contained in Sec. 27-125.01 (Information mailing; civic association registration).	Council Staff	Staff concurs. The appropriate place to address the first concern is with Sec. 27-3.406.B.2. The template language to be adapted is found in Sec. 27-125.05 of the current Zoning Ordinance. While Sec. 27-125.01 has been adapted and incorporated in the proposed Zoning Ordinance, staff concurs that the proposed expansion beyond civic associations to potentially include "any person" may well result in extreme additional costs, difficulties in terms of timeframes, and other unanticipated consequences. Since technical staff reports, project notification and application materials, and other key development materials will be posted on the website, staff concurs extension of mailing to "any person" is not necessary in a modern Zoning Ordinance. Some aspects of 27-125.01 have not yet been incorporated, as they were intended for the Applications Manual (affidavit of mailing, for example). These aspects need to be re-inserted to the proposed Zoning Ordinance.	Revise Sec. 27-3.406.B.2. on page 27-3—20 to make the current paragraph "a," and add a new "b" to read: "b. Any person may request, in writing, a copy of the technical staff report sent by first class mail. A reasonable fee may be charged to cover the costs of postage and copying. Such persons shall be sent a copy of the technical staff report as provided in Table 27-3.407.B: Required Public Notice." Revise Sec. 27-3.407.B.3. on page 27-3—25 to remove references to "any person." Revise Sec. 27-3.403.F. on page 27-3—17 to read:" "F. Application Submittal <u>and Notice</u> "…<u>3. The applicant shall obtain an application number from the Commission before sending an informational notice of application submittal. This information notice shall contain at least the following: the application number; a description of the property and its location; the nature of the applicant's request; the justification statement, if required with the application; the Commission department,</u>

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						with telephone number, to obtain more information about the application after it is filed; a statement to recipients that the applicant will meet, to explain the application; an applicant telephone number, for persons willing to meet; an explanation of the procedures and the necessity for becoming a person of record in the pending application; and a statement that no government agency has reviewed the application. A municipality, civic association, or other person entitled to an informational mailing may request a copy of the site plan from the applicant. Informational mailings required by this Section are in addition to all postings and notices required by law." Revise Sec. 27-3.403.G. on page 27-3—17 to read: "G. Filing of Affidavits "1. [If the application is identified in the Applications Manual as requiring the filing of an affidavit, the] The applicant, and any individual or business entity hired by the applicant for any purpose relating to the land, shall file an affidavit or affidavits disclosing whether or not any payment or contribution was made to a member of the County Council, including a candidate duly elected or appointed, during the 36-month period before the filing of the application, in accordance with state law. [the requirements set forth in the Applications Manual.]" "2. If the application is for one of the review procedures listed below, the applicant shall file an affidavit of mailing, which shall give the names and addresses of all persons sent informational mailings and the dates when they were sent:

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						"a. Zoning Map Amendment (ZMA) (Sec. 27-3.504); "b. Planned Development (PD) Map Amendment (Sec. 27-3.505); "c: Chesapeake Bay Critical Area Zone Map Amendment (Sec. 27-3.506) and Variances and Chesapeake Bay Critical Area Conservation Plans filed in conjunction with other applications requiring public hearings by the Planning Board or District Council; "d. Special Exceptions and Minor Changes to Approved Special Exceptions (Sec. 27-3.507); and "e. Detailed Site Plan (Minor and Major) (Sec. 27-3.508)." Revise Sec. 27-3.404.A. on page 27-3—17 and 27-3—18 to incorporate materials that were intended for the Applications Manual, including a specific reference to the applicant's affidavit of mailing of the required informational notice. Revise Sec. 27-3.404 on page 27-3—18 to read: "…D. Notice of Completeness "The applicant shall notify in writing and via first class mail municipalities, civic associations, and other persons entitled to receive information mailings that the application has been deemed complete. The name and contact information of the staff member assigned to the application shall be included in the notice."
27-3—20	27-3.406.B.3.	Application Subject to Staff Recommendation	"Rather than saying that Technical Staff Reports will be provided 'within a reasonable period of time,'	Town of University Park	There are many reasons why staff reports may be delayed or take additional time to prepare that preclude the association	Delete the second sentence of Sec. 27-3.412.K.4. and add language to the appropriate zoning map amendment

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	Staff Review and Action		specific time frames should be established for making the report available to the public.”		with a legislated timeframe in which they must be available for review. In reviewing this comment, staff noticed an error in Sec. 27-3.412.K.4., Continued and Recessed Cases. This section applies current required timeframes of staff report availability prior to certain applications heard by the Zoning Hearing Examiner to all quasi-judicial hearings/applications, which would have many negative impacts in terms of not being able to meet the deadline and continuation of numerous cases. These provisions should be associated with the application-specific procedures for zoning map amendments and for special exceptions, as is the case today.	procedures and the special exception procedures that would authorize the Zoning Hearing Examiner to continue a case if the technical staff report had not been filed within 30 days of their scheduled hearing.
27-3—21	27-3.407 Scheduling Public Hearing and Public Notice	Posting	Town of University Park: “Several evaluation and approval processes only provide for a 14-day notice period. This is an inadequate amount of time for towns like University Park to review a project, hold a meeting of the council and take action. Our council only meets twice a month, and the receipt of a notice shortly after one of our meetings means that the 14 days will elapse before our next meeting, and thus we cannot provide a proper response. We request a notice period of at least 30 days on all applications requiring any notice to the public and municipalities.” Town of Riverdale Park: “All mailing and posting deadlines for notifying municipalities that are less than 30 days will make it essentially impossible for the Town to respond. We have regularly-scheduled Council meetings only twice a month, and only one of those is regularly scheduled for legislative action (the other is a ‘work session’). A recent variance letter took 4 business days to arrive in the Town offices, which means that a 14-day or 15-day advance mailing requirement could conceivable be whittled down to require a response (after local prior public-notice requirements for Town Council meetings) with only a few days to respond. We recommend extending all advance-public notice requirements to municipalities to be at least 30 calendar days or 22 ‘business’ days. (This table and the referenced section 27- 2.104, Computation of Time, suggest that all time periods in this table do not include Saturdays, Sundays, and County-observed holidays - if this is not the case it should be clarified.)”	Town of University Park, City of Hyattsville	The 15-day posting requiring is an appropriate period of time to inform the community of the types of minor, administrative decisions that the Planning Director is authorized to make under the proposed Zoning Ordinance. Adding to this time, for example to extend it to 30 days, lengthens the overall development review timeframe and runs counter to a major goal of this effort to streamline procedures. The proposed codes incorporate the County Code’s definition on computation of time. Calendar days are used for computation, but any action must occur on a working day.	Make no change.

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			The City of Hyattsville: "The language does not specify calendar or work days, therefore the language should be amended to state 'calendar' days. Notification for variances to municipalities should take place at least 30-calendar days prior to the hearing, not 15, as stated in the draft language. Because the Hyattsville City Council only meets every 14-calendardays, 15-days of notice does not give sufficient time to allow the variance to be reviewed by staff and posted to the City Council agenda."			
27-3—21	27-3.407 Scheduling Public Hearing and Public Notice	Notification	The Town of University Park "Some of the notification requirements in Section 27-125 of the existing ordinance are being removed in the new Ordinance. Specifically notice to registered Civic Associations is not explicitly included in the requirements for noticing. Also, noticing periods have changed for some application types. We believe that the existing noticing requirements of Section 27-125 should be retained. "An application number, type of application, and a phone number for interested persons to call must be included on all required posting signs. The signs are too small in size to read when traveling in a car on a busy road. There should be more than a phone number to call for more information. Signs should be larger, especially along busy roads. Additionally, the sign should include a URL where an interested person can look at the application materials on-line, including the application form, the drawings or plans, and the staff report." Mr. Dernoga: "The past Planning Board practice had been to send notice to the original parties of record--who may no longer care or live near the subject property - and NOT to post the property. I do not know if my previous complaints have resulted in better public notice policies." Ms. Dwyer: "We believe that the public notice requirements for many application types as proposed are inadequate and unclear. The mail notification requirements for many application types, including applications with potential to significantly impact nearby properties such as Special Exceptions (which	Town of University Park; Tom Dernoga; Jennifer Dwyer, Policy and Legislative Director, Progressive Maryland	Staff concurs with the need to incorporate civic associations in the required public notice table. This was an oversight of the proposed Zoning Ordinance to this point and must be restored for clarity. Where notification procedures may have changed in other ways from current Sec. 27-125, this was the result of consideration of the type of application and the type of notification that is most appropriate. Staff concurs with the need for new posting signs. One of the post-adoption tasks will be to develop new signage that is much more informative than the current versions. This does not need to be codified. In response to Mr. Dernoga's comments, staff is unsure which procedure is the focus of the posting comment. In general, the Planning Department is continually improving and enhancing notification requirements, including with the use of email to those registered parties who have provided email addresses. The application and staff reports are already required to be posted on the website in the proposed Zoning Ordinance (and this is standard practice today). Ms. Dwyer's comments would result in substantial increases in costs and resources that staff believe would not be proportionate to the increase in potentially interested residents and property owners who may wish to be involved in a pending development application. The concurrent requirement to post the site for applications such as special exceptions and site plans already complement the 500-foot mailing requirement by providing opportunities for other residents in the general vicinity to learn that a development application is pending. Posting, in combination with mailing,	Revise Table 27-3.407.B. Required Public Notice to appropriately reference registered civic associations for required mailings.

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			includes developments such as big box stores and concrete batching plants) and Major Site Plans (which includes large-scale development such as mixed use development in excess of 250,000 square feet and 90 dwelling units) mandates notification to every property owner only out to 500 feet from the subject property. "Impact from such major developments could certainly extend well beyond 500 feet, and we believe that potentially impacted property owners deserve to know about such applications. We recommend that notification be sent to all property owners within 2,500 feet of Special Exception, Minor and Major Detailed Site Plan, and Major Departure applications, in addition to all parties of record, owners of land adjoining, across the street from, on the same block as the land subject to the application; and every municipality located within one mile of the land subject to the application. "Many applications require that owners of properties 'across the street' from the subject property be notified by mail 30 days prior to the hearing, but it is unclear to us what 'across the street' means. Does it mean all the properties on the opposite side of the street regardless of distance from the subject property, or only those directly across the street which would be adjoining the subject property if not for the street? "We also believe that applications for variances should be posted 30 days prior to the hearing."		is appropriate for providing notice of pending applications. Staff does not support a hard-copy mailing to all properties within approximately one-half mile of a development application for these reasons. The 15-day posting requirement for a variance prior to a hearing is the minimum requirement for a variance heard by the Board of Appeals – in other words, an administrative or minor variance. Nearly all variances of significance are likely to be associated with a parent special exception or site plan application. Such variances would, in effect, be posted at the same time as the associated parent application – for example, 30 days prior to the hearing for special exceptions or major site plans.	
27-3—21	27-3.407 Scheduling Public Hearing and Public Notice	Notification on Council Appeal or Election to Review	With an appeal to the District Council or when the Council elects to review a case, the mailed notification should be limited to parties of record for the subject case to eliminate any potential issues regarding the original case record/file that is transmitted to the Council.	County Council	On February 7, 2018, the County Council directed staff to ensure the Clerk of the Council's office is only sending mailed notice to persons of record when the Council schedules a hearing on a appeal or case the Council elected to review.	Revise Table 27-3.407.B: Required Public Notice starting on page 27-3—21 to add a new note [5] next to the "Mail" heading to read: "[5] For cases appealed to the District Council or when the District Council elects to review a case, the Clerk of the Council shall only send notice to parties of record associated with the case." Revise the "mail" cell associated with "Election by District Council" on page 27-3—24 to read:

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						"30 days prior to the hearing to: • Parties of record[;]. • [Owners of land adjoining, across the street from, on the same block as, or within 500 feet of the land subject to the application; and • Every municipality located within one mile of the land subject to the application.]
27-3—27	27-3.407.B.6.b. Scheduling Public Hearing and Public Notice	Sign Inspection	"27-3.407 6. B. vi: Inspection of signs requires a written statement of the signs condition. This seems impractical. Why not let the sign inspector simply repair the sign if necessary as is currently the practice? Additionally, will MNCPPC continue to provide the signage?"	Maryland Building Industry Association	This proposed requirement is the current requirement. Staff refers to Sec. 27-125.03(a)(8) Public Hearing Signs of the current Zoning Ordinance, which reads: "For Planning Board and Zoning Hearing Examiner hearings, the person posting the sign shall file a written statement in the record of posting. A close-up, legible photograph of each posted sign and additional long-distance photographs depicting the signs and unique, identifiable features of the subject property shall also be submitted and included in the record file for the case. **The applicant shall inspect the sign(s) at least one (1) time no later than the fifteenth (15th) day of posting to ensure that required signs are maintained. The person conducting the inspection shall file in the record a written statement of the sign's condition.** For Planning Board Hearings, a combined posting and inspection affidavit shall be filed no less than 14 days prior to the hearing." Yes, M-NCPPC will continue to provide signage.	Make no change.
27-3—27	27-3.412 Quasi-Judicial Public Hearing	General	"27-3.412 ET. seq. The provisions on 'Decisions' seem to imply that it would be abnormal to make a decision directly after a Planning Board hearing-which is the most often used current process. Additionally, consideration should be given to reducing the time for the noting of an appeal to l 0-15 business days."	Andre Gingles, Gingles LLC	Nothing about the standard review procedures prevents in any way the ability of a decision-making body to make a decision immediately upon the close of the hearing on the application. Most appellate timeframes are contained with the application-specific review standards and are generally standardized as 30 days for applications subject to public hearings. This timeframe generally allows for sufficient evaluation of the decision to determine if an appeal should be filed. Shorter appellate periods are most appropriate only for administrative decision-making actions.	Make no change.
27-3—30	27-3.412.F. Quasi-Judicial Public Hearing	Witnesses	Neither the M-NCPPC or the Zoning Hearing Examiner possess subpoena power. This provision (F.2) should be removed.	M-NCPPC Legal Department	Staff concurs, as most of these hearings would be held before either the Planning Board or Zoning Hearing Examiner, with most of the others before the Board of Appeals.	Delete Sec. 27-3.412.F.2.

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27-3—32	27-3.412.M. Quasi-Judicial Public Hearing	Reconsideration	"There should be a clear Rule that the 30-day reconsideration period cannot be waived. Legally, this should be a matter of jurisdiction, and the Board loses jurisdiction after 30 days, so there is nothing to waive."	Tom Dernoga	Since there is no authorization to allow for a waiver of this initial reconsideration period, such waivers are not possible. In review of this comment, staff identified the 30-day timeframe for this reconsideration is missing and needs to be added.	Revise Sec. 27-3.412.M. to add the 30 day period for reconsideration (30 days from the date of the decision).
27-3—36	27-3.416 Post-Decision Actions	Subsequent Applications for Same Parcel	State law speaks to certain hearings for subsequent applications. These provisions need to be incorporated.	Council Staff	Staff concurs; this language is already incorporated on page 27-3—56 for zoning map amendments but needs to be added to planned development (PD map amendments) and Chesapeake Bay Critical Area Overlay (CBCA-O) zone map amendments for consistency. Staff notes the proposed procedures for the Chesapeake Bay Critical Area Overlay (CBCA-O) zone map amendment is missing a section pertaining to post-decision actions.	Add a new sub-section g. to Sec. 27-3.505.C.11. on page 27-3—62 to read: **"g. Resubmitting Application** If the District Council wholly or partly denies an application for a planned development (PD) map amendment, the following limitations apply instead of those in Sec. 27-3.416.D: "i. The District Council shall not act on a subsequent application for any portion of the same land within 18 months after the date of the first denial and within 24 months after the date of any subsequent denial. "ii. In any subsequent application for any portion of the same land and for the same zone classification, by the same applicant, the District Council may not base its findings solely on any fact or circumstance that was presented at the hearing on the prior application. "iii. For purposes of this Subsection, 'date of denial' means the date of the District Council's decision or, in the case of judicial review, the date of the final judgment of the Circuit Court." Add a new Sec. 27-3.506.C.11 on page 66 to read: **"11. Post-Decision Actions** "a. Designation on Official Zoning Map

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						"If a Chesapeake Bay Critical Area Overlay (CBCA-O) zone map amendment is adopted by the District Council, the Planning Director shall place the amendment on the Official Zoning Map within a reasonable period of time after its adoption. Designation of a zone on the Official Zoning Map shall note the ordinance approving the zone classification. "b. Lapse of Approval "This standard review procedure is not applicable to this application type. "c. Resubmitting Application "If the District Council wholly or partly denies an application for a Chesapeake Bay Critical Area Overlay (CBCA-O) zone map amendment, the following limitations apply instead of those in Sec. 27-3.416.D: "i. The District Council shall not act on a subsequent application for any portion of the same land within 18 months after the date of the first denial and within 24 months after the date of any subsequent denial. "ii. In any subsequent application for any portion of the same land and for the same zone classification, by the same applicant, the District Council may not base its findings solely on any fact or circumstance that was presented at the hearing on the prior application. "iii. For purposes of this Subsection, 'date of denial' means the date of the District Council's decision"

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27-3—36	27-3.400 Standard Review Procedures	Order of Approvals	An order of approvals section is necessary to provide clarity.	Planning Staff	Staff concurs.	Add a new standard review procedure Sec. 27-3.418. Order of Approvals to read: "When a detailed site plan (minor or major) is required unless otherwise provided for in this Subtitle, the following order of approvals shall be observed: A. Zoning; B. Preliminary Plan of Subdivision (Minor or Major); C. Detailed Site Plan (Minor or Major); D. Final Plat of Subdivision (Minor or Major), except that a final plat of subdivision (minor or major) may be approved prior to a detailed site plan (minor or major) if technical staff determines that the site plan approval will not affect final plat approval; E. Grading, building, and use and occupancy permits."
27-3—37	27-3.501 Comprehensive Plans and Amendments	Health Impact Assessments	"County-mandated Health Impact Assessments should be included in the Development Review Process. We have included resources, including the County mandate, to support the need for HIAs within the standard development review process. "The County's Master Plan, 2035, lists integrating community health into the development review process as a priority policy. Excluding HIAs or any health screening measures from the development review process runs counter to the County's guiding long-term planning documents: "'Policy 1 Integrate community health into the master plan and development review processes. "'HC1.1 Incorporate new, and update existing, community health elements as master and sector plans are developed and amended. Assess the impact the	Civicomment (multiple commenters)	On February 7, 2018, the County Council directed staff to restore current Zoning Ordinance provisions requiring Health Impact Assessments for site plans and master plans in accordance with CB-41-2011. Staff offers the following discussion on this issue for additional consideration: Since the County Council began requiring HIAs in 2011 for development applications and master plans, more than 200 project-specific HIAs have been developed, along with just one complete HIA and one partial HIA for master plans. The HIA process has been identified as a challenge by the County Health Department, Department of the Environment, and the Planning Department because the recommendations that emerge from an HIA cannot be substantive to the point they can truly impact individual development applications and improve health outcomes. Additionally, there is no standardized method or rubric of reviewing applications for	Incorporate a revised (as may be appropriate) Health Impact Assessment requirement based on CB-41-2001. This assessment should be required for major detailed site plans and comprehensive master plans. Staff does not recommend extending the Health Impact Assessment requirement to the newly proposed minor detailed site plan process. The small scale of these projects and their administrative review and approval procedures limit the utility of a Health Impact Assessment and do not provide sufficient time for the Prince George's County Health Department to complete a Health Impact Assessment for these minor projects.

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			proposed development pattern has on community health and wellness and identify strategies to enhance access to healthy food and recreational opportunities, improve connectivity between communities and residential and commercial areas, and address gaps in pedestrian and bicycle infrastructure. Coordinate with the Health Department, the Food Equity Council, the Department of Parks and Recreation, and local and regional nonprofits. "'HC1.2 Reevaluate and enhance the existing Health Impact Assessment process to improve its effectiveness and consider whether revisions should be made to address specific health impacts, including, indoor air quality and potential exposure to hazards, such as lead paint.' "We strongly suggest all developments require a health impact assessment before being approved. Leading scientific, health, and environmental groups have publicly articulated the benefits of using HIAs, including the Centers for Disease Control and Prevention, the EPA, the American Public Health Association, and the National Academies. Jurisdictions on the leading edge of public health innovation, including Seattle-King County in Washington and San Francisco, use HIAs in their planning processes. There are examples available from these jurisdictions that they Planning Department should draw upon. We have listed additional resources below and suggest you coordinate with partners like the Health Policy Research Consortium if additional research support is needed." [sources associated with comment were reviewed by staff but deleted here] "I agree with this both in my role with UMD Extension and my Health Coaching practice, Cultivating Health."		health impacts. Finally, the national best practice is that before an HIA is conducted, there must be an assessment to determine if an HIA is warranted. The proposed Zoning Ordinance, as a whole, provides better alternatives for intrinsically incorporating health and healthy outcomes into the development review process through mandatory development standards. Increased street and sidewalk connectivity help improve access for walking; community gardens and urban farms are permitted in more zones; and mandatory industrial form and design standards, in combination with neighborhood compatibility standards, help protect residential neighborhoods from new and expanding industrial uses. Additional work and collaboration between the Planning Department, Health Department, and community stakeholders is needed to more comprehensively evaluate the current and potential utility of HIAs in the development review process, and develop standardized practices and metrics; such collaboration will need to continue beyond the timeframe of the Zoning Ordinance rewrite project.	
27-3—37	27-3.501.A Comprehensive Plans and Amendments	Purpose	The phrase "an area master plan amends the County's General Plan" is duplicated in purpose statement 2.	Planning Staff	The duplicate should be removed.	Revise sentences one and two in Sec. 27-3.501.A.2. to read: "An area master plan [amends the County's General Plan. It] <u>it</u> is a planning document that guides the way an area in the County should be developed."

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27-3—37	27-3.501.A Comprehensive Plans and Amendments	Purpose	Does a sector plan also amend an applicable area master plan? It should state this.	Planning Staff	Yes. Purpose statement 3 already states a sector plan "may be approved as an amendment to an existing area master plan." Additional language regarding the General Plan may help clarify this question.	Make no change regarding area master plans. Revise the last sentence to read: "A sector plan <u>also</u> amends the General Plan."
27-3—37	27-3.501.A Comprehensive Plans and Amendments	Purpose	Should add that a functional master plan amends the General Plan.	Planning Staff	Staff concurs.	Add "A functional master plan also amends the General Plan." at the end of Sec. 27-3.501.A.4.
27-3—41	27-3.501.C.8.a. Comprehensive Plans and Amendments	Review and Decision by Decision-Making Body or Official	The procedures proposed in Sec. 27-3.501.C.8.a. are confusing.	Planning Staff	Staff concurs – these procedures pertain to the joint public hearing required by state law but are not in the correct order. The state requirement is that the District Council and Planning Board must hold at least one joint public hearing on a proposed plan before adoption. Sec. 27-3.501.C.8.a. inadvertently applies this requirement to an adopted plan.	Revise Sec. 27-3.501.C.8.a. to clarify the District Council may choose to hold a joint public hearing on the adopted plan if it chooses, and clarify that notice shall be given in the same manner as that prescribed for the initial joint public hearing.
27-3—44	27-3.501.C.12.c. Comprehensive Plans and Amendments	Minor Plan Amendment	Revise the minor plan amendment so that it is focused on "defined public objectives" in the General Plan.	Planning Staff	Staff does not concur. The General Plan is one policy document and does not necessarily contain all County public objectives. Furthermore, the Council should have the discretion to define new or emerging public objectives in the initiation resolution of the minor plan amendment itself. Use of "in the General Plan" is too limiting.	Make no change.
27-3—41	27-3.501.C.12.c. Comprehensive Plans and Amendments	Minor Plan Amendment	The timeframe for transmitting adopted minor plan amendments and accompanying technical staff reports should be increased from 90 days to 120 days from the date of the initiation resolution.	Planning Staff	Staff concurs. Since the minor plan amendment process was first incorporated in the current Zoning Ordinance, staff have encountered timing challenges in meeting the current 90-day deadline.	Revise Sec. 27-3.501.C.12.c.vi. to increase the timeframe for transmittal from 90 to 120 days.
27-3—45	27-3.502 Text Amendment	Text Amendments in General	City of Greenbelt: "The City strongly supported the proposed regulation in Module 3 which would require that text amendments be reviewed, including a public hearing, by the Planning Board. The City objects that this provision has been removed in the Comprehensive Review Draft and strongly requests that it be reinstated." Sierra Club: "Overall, there have been improvements in this Comprehensive Draft. However, we remain particularly concerned about the lack of regulations or procedures governing text amendments – lack of public notification, documentation of the properties affected, required staff report or review by the Planning Board, and short time frame between introduction and public hearings on text amendments – in both the Zoning and	City of Greenbelt; Sierra Club; Brian Almquist; Tom Dernoga; Jennifer Dwyer, Policy and Legislative Director, Progressive Maryland	The District Council commented on the proposed text amendment procedures during their initial briefing on the recommendations of Module 3 (Process and Administration and Subdivision Regulations) on October 18, 2016. Based on these comments and on the Council's exclusive jurisdiction over zoning text amendments, the current text amendment process will be carried forward	Make no change.

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			Subdivision Ordinances. This is ironic and alarming, given the role of text amendments in undermining the effectiveness of the current Zoning and Subdivision Ordinances. During earlier public meetings, the current Zoning Ordinance was described as 'Swiss cheese' as a result of applicant-driven text amendments by the County Council. The lack of transparency and notification to the public for text amendments in this Comprehensive Draft will perpetuate the problems that led to the need for a re-write. Further, *ex parte* communication between an applicant and decision-maker (Planning Board, District Council) on a given project is prohibited, but *ex parte* communication between an applicant and a County Council member to lobby for a text amendment to change the Zoning Ordinance is not. We have included recommendations in our detailed comments." [below] "Because text amendments historically have been used by property owners to circumvent the rezoning process or to get exemptions to certain requirements for approval, the notification requirements to the public and review by the Planning Board for text amendments precipitated by a property owner or non-governmental entity should be at least as stringent as for the normal application process. Specifically, "• A draft text amendment to the Zoning (or Subdivision) Ordinance must be accompanied by (a) a description of the affected properties; (b) a statement of justification; and {c) the name of the applicant. "• Planning staff must issue a report identifying the properties that would be affected and an assessment of the impact, to be posted on the website and shared with the Planning Board and the Council's Planning, Zoning, and Economic Development Committee for comment prior to the public hearing by the County Council. "• Upon introduction of a text amendment requested by an applicant, an email shall be sent to Civic Associations, municipalities, and others on the MNCPPC email list, with a link to the bill and 30 day's notice of the date of the public hearing."			

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			"Text amendments that change the Zoning Ordinance should not be allowed to follow the Council's "fast track" procedures that allow them to be rushed through for approval at the end of the Council's session with virtually no review. These same suggestions apply to text amendments of the Subdivision Ordinance." Mr. Dernoga provided a recommended structure for text amendments as follows: "Recognizing that some text amendments are general policy changes that council.members want to implement, for any text amendment initiated by a property owner or other non-governmental person, an application must filed with (1) a description of impact/affected properties; and (2) a statement of justification. Property owner applicant to be identified as the applicant. "The Application (if any) and Staff report shall be posted to the MNCPPC website. "Upon application (or filing of a bill} email notice (with a clear description) shall be provided to civic associations and other persons on the MNCPPC email list." "MNCPPC staff required to identify, assess and confirm the likely affected properties impact/affected properties. "At the District Council, for text amendments applied for by a property owner, since the legislation will function as a rezoning, testimony should not be limited to three minutes." Ms. Dwyer echoed Mr. Dernoga's comments. Mr. Almquist: "According to Chad Williams, the County Council wants to keep the current law, which allows the use of text amendments with no limitations. Because text amendments have often been used by property owners to circumvent the rezoning process (and related processes), their use should be more transparent to the public.			

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			"I would like to see the re-write include limitations on the use of text amendments and a more transparent process for their use. I strongly believe this is needed to provide better public transparency and awareness. "Specifically: "a. For any text amendment initiated by a property owner or other non governmental person, an application must be filed with (1) a description of impact/affected properties; and (2) a statement of justification. Property owner applicant to be identified as the applicant. "b. MNCPPC staff must identify, assess and confirm the likely affected properties. "c. The Application (if any) and Staff report shall be posted to the MNCPPC website. "d. Upon application (or filing of a bill) email notice (with a clear description) shall be provided to civic associations and other persons on the MNCPPC email list. "e. At the District Council, for text amendments applied for by a property owner, since the legislation will function as a rezoning, testimony should not be limited to three minutes."			
27-3—47	27-3.503.B.4. Sectional Map Amendment (SMA)	Prohibited Sectional Map Amendment	The Chesapeake Bay Critical Area Overlay Zone is incorrectly listed under prohibited Sectional Map Amendments; should the Aviation Policy Area Overlay Zone be added here instead?	Planning Staff	The Aviation Policy Area Overlay (APAO) Zone should be added to this list, because it is a fixed safety policy area that should not be readily amended through a sectional map amendment. The Chesapeake Bay Critical Area Overlay (CBCAO) Zone is correctly listed. There are separate zoning map amendment procedures that apply to zoning changes involving any of the CBCAO sub-zones. In the course of reviewing these comments, staff discovered discrepancies in the proposed Zoning Ordinance in how the overlay zones are referred. For example, the Chesapeake Bay Critical Area Overlay Zone is variably shown as CBCA, CBCAO, and CBCA-O. This must be reconciled throughout.	Revise Sec. 27-3.503.B.4 to add the Aviation Policy Area Overlay (APA) Zone to the list of zones that shall not be established through a sectional map amendment. Review the proposed codes to ensure consistency in how the policy area overlay zones are referenced throughout. Add the three legacy zones to be incorporated in the Zoning Ordinance draft legislation to the list of prohibited sectional map amendments.

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					Finally, other zones that should also be part of this prohibited list need to be incorporated. The first is the Legacy Comprehensive Design (LCD) Zone. The other two are the Council-retained Legacy Mixed Use – Transportation Oriented (LMXT) Zone and Legacy Mixed-Use Town Center (LMUTC) Zone. None of these legacy zones would be appropriate to be applied in the future.	
27-3—52	27-3.504 Zoning Map Amendment (ZMA)	Countywide Map Amendment	"The Zoning Ordinance should not be approved before a draft Zoning Map is composed and have a public comment period. The Zoning Map should be approved in conjunction with the Zoning Ordinance. Without the Zoning Map residents cannot accurately anticipate how the change in the ordinance will affect their property."	Civicomment	While staff agrees that the new Zoning Ordinance cannot be effective/used until a Countywide Map Amendment is complete, and the project has always incorporated this key step, the map amendment cannot begin until the new Zoning Ordinance is adopted (but not yet effective) because the zones that would be used in the map amendment will not exist until the Zoning Ordinance is approved.	Make no change.
27-3—61	27-3.505.C.11. Planned Development (PD) Map Amendment	Post-Decision Actions	"Minor Deviations: Limits should be placed to define what is considered minor for the redesign of parking areas, landscape plans and architectural plans. Minor deviations should not include the submission of entirely new plans for parking areas, landscape plans and architectural plans. In addition, municipalities within one mile should be notified of and included in this approval process."	Town of University Park	Limits to what constitutes a minor deviation are provided in this subsection. With regard to the potential minor modifications of the three elements mentioned by University Park, these are very subjective measures and it would be difficult if not impossible to further define them. As an administrative procedure for minor changes under very defined circumstances, it is unnecessary to notify parties of the revisions that would be incorporated as a "minor deviation."	Make no change.
27-3—62	27-3.506 Chesapeake Bay Critical Area Overlay (CBCA-O) Zone Map Amendment	General	"I had difficulty using and understanding the current critical areas map. Generally any area that has water draining into the Chesapeake Bay should be included in the Chesapeake Bay Critical Area Overlay map with the watersheds boundaries indicated. Stormwater and potential pollutants should be managed in these areas to prevent detrimental effects to streams, stream riparian zones and water quality in general. Prince George's County has a very poor record of protecting these resources per the summary below: *"'Summary Prince George's County Department of Environmental Resources (PG DER) implemented a rotating basin monitoring program to investigate the ecological condition of the streams in Prince George's County, Maryland. During this study all planned stream locations, sites were sampled for benthic macroinvertebrates, physical habitat quality, and selected insitu water chemistry parameters. Sites were assessed using the biological indicators from the Maryland Department of Natural Resource's (DNR)*	Thomas A. Terry	The critical areas are defined and regulated by state law and applied through the local CBCA-O zoning map amendment procedure to land in the County. It should be noted that all water in the State of Maryland east of the high point of the Appalachian Mountains and west of the far eastern shore – including all land in Prince George's County – ultimately drains into the Chesapeake Bay, which would make the CBCA-O meaningless if this were the criterion for applying it.	Make no change.

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			Maryland Biological Stream Survey (MBSS) protocol. Prince George's County's 41 watersheds were aggregated into 28 watershed groups for assessment purposes. As of 2003 of the 28 watershed groups, 9 were rated as being in very poor condition, 15 were poor, 4 were fair, and no watershed groups were rated in good condition. There are a wide range of potential stressors affecting the quality of the streams in Prince George's County. There is some farming in the southern portions of the County, intensively urbanized areas inside of the Capital Beltway, urbanization around the cities of Laurel and Bowie, and large areas of historical (and current) mining.'"			
27-3—74	27-3.507.D. Special Exception	Special Exception Decision Standards	Referring to a perception that "big box" stores "habitually expand their internal storage capacity by locating numerous shipping storage containers in the parking lot and within buffer yards that surround the stores," Mr. Nelson and Mr. Lynch comment that such containers "are typically 40 feet long by 8 feet wide and are arranged in clusters, without a buffer from adjoining uses or internal vehicular traffic around the store in Prince George's County. By way of contrast, the Walmart store on Georgia Avenue in Washington, D.C. locates containers in its structured parking garage in a designated location away from parked cars and screened from the external environs. There are no design standards in the current Zoning Ordinance or the Draft that specifically address the use of outdoor storage in shipping containers by big box stores in the County. In a diverse jurisdiction like Prince George's County, it is extremely important to regulate the design of big box stores to ensure that they are consistent with the local character. "Montgomery County, Washington, D.C., and Baltimore City have adopted regulations that more effectively regulate big box retail compared to **the Draft**. Montgomery County and Washington, D.C. combine a use-based and form-based approach to regulating big box retail. Montgomery County currently regulates retail based on size and specifically regulates Combination Retail stores, which include a certain percentage of the use as a food and beverage component. The threshold for a Combination Retail store in Montgomery County is 65,000 square feet.	Macy Nelson and David S. Lynch, Law Office of Macy Nelson	These comments build on prior comments that were addressed and led to revisions in the Comprehensive Review Draft, including the creation of the "combination retail" use. Staff believes this use, in combination with the large retail use standards in Division 6, mitigate the impacts of combination retail/"big box" stores and eliminate any need to require a special exception for these uses. That said, staff supports some of the specific design standards recommended by Mr. Nelson and Mr. Lynch (with minor changes), but not as special exception findings. Instead, these standards would be appropriate as use-specific standards for combination retail uses. Transportation adequacy is appropriately addressed at the time of subdivision through the Certificate of Adequacy process and should not be required or tested through site plan review. Staff notes the proposed Subdivision Regulations remove several key exemptions and establish much broader subdivision review criteria that will result in more subdivision applications and, accordingly, more adequacy review through the Certificate of Adequacy process, than is the case today.	Add new use-specific standards for combination retail that incorporates the following standards: • No storage or shipping container shall be permitted in any setback, surface parking lot, or other outdoor location unless it is part of an approved detailed site plan (minor or major). Storage or shipping containers shall be screened pursuant to the requirements for loading areas. • The site shall have frontage on and direct vehicular access to an existing arterial roadway. Secondary access shall not be permitted onto any residential street. Revise remaining use-specific standards accordingly.

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			Combination Retail stores are permitted only as a conditional use (special exception) in four base zoning districts. Baltimore City regulates big box retail by special exception and includes an economic need element in the special exception analysis. Baltimore City requires a special exception for all big box stores over 75,000 square feet and requires, as part of the special exception process, that a finding be made that the proposed store will not have an undue adverse economic impact on the community. Baltimore City does not have specific design, criteria for 'Retail: Big Box Establishments,' but does set forth criteria for each specific zoning district. "The design standards in Clarion's draft ordinance do not effectively limit the potential harms caused by big box development in Prince George's County's communities. The standards are well-intentioned, but lack precision and meaning to adequately achieve the Draft's goal of limiting the impact of automobile-oriented development." "Amend the draft to require, as a condition for a special exception, that a finding be made that the proposed combination retail store will not have an undue adverse economic impact on the community. We proposed the following language, which is borrowed from the Baltimore City Zoning Ordinance: '*Before approving a special exception application for a proposed Combination Retail store, a finding must be made that the proposed use will not have an undue adverse economic impact on the community. This finding must be based on data provided by an economic and fiscal impact study conducted by a qualified analyst selected by the County and must be paid by a fee assessed to the applicant*.' "Amend the Draft to require, as a condition for a special exception for Combination Retail stores, the following: **(1)** "*No storage or shipping container shall be permitted in any setback, surface parking lot, or other outdoor location unless it is part of an approved site plan. Storage or shipping containers must be screened pursuant to the requirements for loading areas*. ";			

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			"Amend the Draft to require, as a condition for a special exception for Combination Retail stores, the following: **(2)** "*The site shall have frontage on and direct vehicular access to an existing arterial roadway, with no access to primary or secondary streets.* "This language is currently found at section 27-348.02(1) of the current Zoning Ordinance, which sets forth specific special exception requirements for Department or Variety Stores Combined with Food and Beverage Stores. Combination Retail stores are destination retail stores and have an enormous impact on traffic patterns countywide. Accordingly, maintaining the requirement for frontage and direct vehicular access to an arterial road prevents a situation where a Combination Retail store could locate in a community that would be unable to handle the increased traffic. "Amend the Draft to require, as a condition for a special exception for Combination Retail stores, the following: **(3)** "*The applicant shall demonstrate that local streets surrounding the site are adequate to accommodate the anticipated increase in traffic*.. " This language is currently found at section 27-348.02(2) of the current Zoning Ordinance, which sets forth specific special exception requirements for Department or Variety Stores Combined with Food and Beverage Stores. Combination Retail stores are destination retail stores and have an enormous impact on traffic patterns in the community. Frequently, even where a Combination Retail store is considered to be located on an arterial road, customers utilize local roads to avoid traffic backups at the main entrance to the store. "Before approving a special exception application for a proposed combination retail store, a finding must be made that the proposed use will not have an undue adverse economic impact on the community. This finding must be based on data provided by an economic and fiscal impact study conducted by a qualified analyst selected by the County and must be paid by a fee assessed to the applicant. "When it began the process of updating its zoning ordinance, the county identified the following goal: 'Promoting high-quality economic development.' High quality economic development fills a need and does not			

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			harm or displace existing community-supporting businesses. Similarly, section 27-1.303(A) of the draft states that a purpose of the draft is 'guiding the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and businesses.' There have been a number of studies that have found that big box retail stores can result in a decline in the number of businesses and taxes in a community and significantly impact the costs associated with municipal service. For example, the city of Gunnison Colorado undertook a city-wide study of big box retail, which found that a new Walmart Supercenter would result in an increase in total sales in the city, but would result in a loss of businesses and jobs in the community. "Because of the substantial potential economic impacts, both positive and negative, undertaking assessments of impacts is a reasonable approach. Assessments of traffic and stormwater impacts are routine in jurisdictions across the country. Economic assessments can operate in a similar way, allowing the community to understand the projected impacts of large-scale development on the community. Given that the purpose of the draft is to promote high quality economic development, having data about the projected economic impacts of a combinations retail store would be a key piece of information to support decision making. This could most effectively be accomplished on a site-by-site basis as part of a special exception analysis. By requiring the applicant to pay for a study prepared by an analyst selected by the County, there is a greater likelihood that the analyst's report will be objective."			
27-3—74	27-3.507.E. Special Exception	Minor Changes to Approved Special Exceptions	Council Staff: There are some situations for a change to an approved special exception that are not covered by the proposed language. City of Bowie: "Revise to reference the authority delegated to municipalities and clarify if the Planning Director of a municipality with such authority will be given the same responsibility for making decisions about lower level minor changes as the County Planning Director. "	Council Staff, City of Bowie	Staff concurs.	Revise Sec. 27-3.507.E. on page 27-3—74 to read: "The ZHE, municipality with delegated authority, and Planning Director may approve minor changes to an approved special exception, in accordance with the following:" Revise subheadings 2 and 3 in this Section to add municipalities with delegated authority.

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						Add a new Sec. 27-3.507.F. on page 27-3—76 to read: "**F. All Other Changes to Approved Special Exceptions** "All other changes pertaining to approved special exceptions shall require the filing and approval of a new application for the applicable special exception use."
27-3—76	27-3.508.B. Detailed Site Plan (Minor and Major)	Applicability	"Clarification of the exemptions from the Minor Detailed Site Plan ("DSP") process is also requested. As written, Sec. 27-3.508 B (2) subsections (a) and (o) are unclear and could be interpreted to be contradictory. Subsection (a) appears to exempt a project from the requirement to file a Minor DSP if there is no increase in Gross Floor Area ("GFA") for an alteration or rehabilitation to an existing building. However, subsection (o) exempts the construction, expansion or alteration of all non-residential development up to a maximum of 74, 999 square feet of GFA. Does subsection (a) only apply if an existing building is altered and/or rehabilitated resulting in no increase to the GFA and subsection (o) only apply to new construction? By way of example, if a property owner were to demolish an existing 20,000 square foot GFA building and replace it with a 20,001 square foot GFA building would a Minor DSP be required due to the increase in GFA or is the project exempt from a Minor DSP because it is under the 75,000 square foot GFA cap of subsection (o)?"	Michael Nagy, Representing Capital Plaza Associated, Child Care Properties Limited, Cherry Associates, and Tov Associates	While additional clarity will be provided to this section prior to presentation of the legislative draft, the example provided does not raise any interpretation issues or contradictions. Subsection (a) is exclusive to no increase in gross floor area. Use of "construction" and "expansion" in Subsection (o) does apply to new construction or the expansion of even a single square foot of floor area. Under either scenario, the project is exempt from site plan review. A minor detailed site plan would only be required if 75,000 or more square feet of nonresidential development (staff is assuming this example is of nonresidential buildings) is built.	Make no change.
27-3—77	27-3.508.C. Detailed Site Plan (Minor and Major)	General	"Lastly but most importantly, the process and procedures for appeals of 'planning' matters such as Detailed Site Plans should be the exclusive jurisdiction of the Planning Board. Sec. 27-3.508.D sets forth the Minor DSP process and procedure for appeal. The District Council retains its power of review. If the Zoning Ordinance Rewrite allows the Planning Director's decision of a Minor DSP to be appealed beyond an appeal to the Planning Board, by the applicant or an 'aggrieved person,' it is a distinction without a difference. Allowing a second level of appeal to the District Council, or, more egregiously, allowing	Michael Nagy, Representing Capital Plaza Associated, Child Care Properties Limited, Cherry Associates, and Tov Associates	While prior versions of the proposed Zoning Ordinance did not include election to review, the Comprehensive Review Draft does, at the direction of the District Council. Election to review could potentially apply to special exceptions, major detailed site plans, and certification of nonconforming uses, as well as minor detailed site plans if it is first appealed to the Planning Board and the Board has made a decision.	Make no change.

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			the District Council to 'on its own motion elect to the Planning Board's decision' defeats the very purpose 3 of Detailed Site Plans as planning tools. If the Zoning Ordinance rewrite is adopted as drafted the Major and Minor DSP processes will each be subject to the political whims of individual Council members and any opponent who claims to be aggrieved. As drafted the DSP process is not streamlined. As drafted, it is possible that a Minor DSP can be strung out for over a year (up to 390 days) from issuance of the Planning Director's decision. This hinders development. "Other avenues of redress exist for an applicant or an 'aggrieved person,' not satisfied with a decision made by the Planning Board. All that is needed after the administrative appeal to the Planning Board is the right of the applicant or a truly aggrieved person, with the proper standing, to seek relief in the Circuit Court for Prince George's County, Maryland. This system, which relies on the independent professional expertise of the Planning Staff, the Planning Director, and the Planning Board, has worked well for the subdivision process for many years, and should be adopted for all Detailed Site Plans and other planning matters. Thank you for this opportunity to provide comments."			
27-3—77	27-3.508.C. Detailed Site Plan (Minor and Major)	Thresholds/Minor and Major Detailed Site Plans Distinguished	City of Greenbelt: "The City also previously commented that the thresholds between development permitted by right, minor detailed site plans and major detailed site plans needed to be lowered significantly. While the City understands that the thresholds have been lowered in the Comprehensive Review Draft, they remain too high. Because minor site plans are approved by the Planning Director, the process does not afford the City or the community the ability to weigh in on large projects impacting the City. The City requests that the thresholds be lowered significantly and the review regulations revised to recognizing that municipalities have a role in the review of all development proposals within its borders, particularly minor and major detailed site plans. These comments also apply to the proposed subdivision review process as well." City of College Park: "The City previously commented that the thresholds between minor and major detailed	City of Greenbelt; City of College Park; City of Bowie; Town of University Park; North College Park Community Association; Molly Lester; Heather Dlhopolsky and Matthew M. Gordon, Linowes and Blocker, LLC, representing Federal Capital Partners; Jennifer Dwyer, Policy and Legislative Director,	Any change to the thresholds between permit review, minor detailed site plan, and major detailed site plan would have significant repercussions throughout the County. Foremost is the impact such changes have on the perceived desirability of developing in the County. The more stringent the requirements for site plan review, the less attractive the County looks to investors, and vice-versa. The thresholds proposed in the Comprehensive Review Draft have indeed been lowered from the initial proposals and are at a point that may be appropriate for Prince George's County, but which also may be on the verge of fostering a disincentive to new investment. Staff feel that further reducing these thresholds will eliminate all doubt and very much stand as a disincentive to investment. This would be contrary to major goals for the new Zoning Ordinance to foster economic development and diversity the County's tax base to reduce reliance on residential assessments.	Make no change.

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			site plans, which determine when a detailed site plan, pre-application conference and public hearing are required, needed to be lowered significantly. These thresholds have been modified in the CRD but are still too high. Because minor site plans are approved by the Planning Director, the process still does not afford the City or the community the ability to weigh in on large projects impacting the City. The City requests that any development over 100,000 SF be subject to major site plan review. In addition, there should be a role for municipal staff in the review of minor site plans that is written into the Applications Manual or other process documents that have not yet been prepared." The City of Bowie: "Revise the following exemptions from Section 27-3.508.B.2, as follows: "(l.) Construction, expansion or alteration of single-family detached, single-family attached, two-family, and/or three- family dwellings, unless the proposed development is located within 'Other Base Zones' defined in Section 27-4.205 or in the Neighborhood Conservation Overlay Zone defined in Section 27-4.403. "(m.) Construction, expansion, or alteration of townhouse and/or multi-family dwelling development of less than ten units unless the proposed development is located within 'Other Base Zones' defined in Section 27-4.205 or in the Neighborhood Conservation Overlay Zone defined in Section 27-4.403. "Delete the following exemptions from Section 27-3.508.B.2: n.) Construction, expansion or alteration of nonresidential development of less than a total of 75,000 square feet of gross floor area; "(o.) Construction, expansion, or alteration of mixed-use development with less than 25,000 square feet of gross floor area and/or 25 dwelling units. "If the County is reluctant to impose this requirement, countywide, perhaps it can be made a requirement if the site is located within or adjacent to a municipality."	Progressive Maryland	Some of the City of Bowie's recommendations appear to be intended to ensure development in a Neighborhood Conservation Overlay Zone would be subject to site plan review. This is unnecessary, as the requirements of a given Neighborhood Conservation Overlay Zone – including conformance to any design standards that may be established therein – would need to be followed regardless of if a project is subject to a site plan or a permit-level review. Other recommendations would similarly result in more site plans. Regarding the comment by Ms. Dlhopolsky and Mr. Gordon, the proposed language read: "construction, expansion, or alteration" which would mean that expansions that bring a development to the stated thresholds would require site plan review. For example, adding 9 multifamily units to an existing development of 75 dwelling units would require a major detailed site plan. Any other interpretation would not make sense and would lead to abuse and piecemeal expansions designed to avoid site plan review.	

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			Town of University Park: "The size of developments that may be approved by the Planning Director, with very limited public review, is much larger than we think appropriate. In our already heavily developed communities in the Route 1 corridor and around Prince George's Plaza Metro Station, a development of 250,000 sq. ft. of commercial space and up to 90 dwelling units is enormous, and will attract significant community attention and controversy. We recommend that this be limited to a maximum of 100,000 square feet of non-residential, and up to 25 or 30 residential units." The North College Park Community Association reiterated the City of College Park's comments. Ms. Lester indicated that the thresholds are still too high, and supports both municipal comment on minor detailed site plans and requiring pre-application neighborhood meetings for minor detailed site plans. Ms. Dlhopolsky and Mr. Gordon: "The level of development that triggers the exemption from Detailed Site Plan and/or application of Minor versus Major Detailed Site Plan review is not clear in its application to expansions to existing development….Clarification is needed as to whether the number of units referenced in these Sections applies only to the proposed expansion, or if it refers to the total number of units at the project plus the proposed expansion. In other words, would the addition of nine multifamily dwelling units to a project with 75 existing dwelling units be exempt from Detailed Site Plan review, or would it be subject to a Minor or Major Detailed Site Plan Review?" Ms. Dwyer: "The construction of unlimited numbers of single-, two-, or three-family dwellings should not go straight to permits. Anything more than five homes should go to Minor Site Plan, anything more than ten should go through the Major Site Plan process."			
27-3—77	27-3.508.C.	Thresholds/Minor and Major Detailed Site Plans Distinguished	How is a detailed site plan classified if it is a mixed-use project and either the residential or the non-residential is above or below the threshold? For instance, a project with 10 DUs (direct to permit), but 30,000 GFA (a	Planning Staff	The use of the qualifier "and/or" means that even if a mixed-use development only meets one of the two requirements (square feet of gross floor area or dwelling units), it would be subject to site plan review as if it met both threshold	Revise Sec. 27-3.508.C.1.ii. to read: "…between 25,000 and 250,000 square feet of gross floor area and/<u>or</u> between 25 and 90 dwelling units."

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	Detailed Site Plan (Minor and Major)		minor DSP)? Or a project with 100 DUs (a major DSP), but 25,000 GFA (a minor DSP)?		requirements. A project proposing 30,000 gross square feet and 10 dwelling units would require a minor detailed site plan since the determination is based on if a development provides X square feet "and/or" X dwelling units. Staff notes there is a typo in Sec. 27-3.508.C.1.ii. pertaining to this issue.	
27-3—78	27-3.508.D. Detailed Site Plan (Minor and Major)	Minor Detailed Site Plan Procedure	"Posting of the site is required by the Applicant at least 10 days prior to the Planning Director's decision but it is not clear when the Planning Director is required to make a decision. Municipalities within one mile should be notified in writing of the filing of a minor site plan. The time limit for appeal from Minor Site Plan approvals, and other appeals, should be 30 days."	Town of University Park	The posting requirement for minor detailed site plans is 15 days prior to the date of the Planning Director's decision. Such date may be set at the discretion of the director but posting would always be required at least 15 days in advance of the decision date. Appellate timeframes are discussed elsewhere in this analysis.	Make no change.
27-3—79	27-3.508.D.11 Detailed Site Plan (Minor and Major)	Appeal	The minor detailed site plan provides opportunity for an appeal if the applicant or an aggrieved person files the notice of appeal within 10 days of the Planning Director's notice. However, since there is no public hearing, an aggrieved member of the public has no way to become a person of record. Is there an equivalent that individuals can sign up for to become a person of record-equivalent, so that they receive the notice of the decision? This is for all procedures where there is posted notice, but no public hearing.	Stakeholder	The Comprehensive Review Draft requires posting of Planning Director decisions on Minor Detailed Site Plans 15 days prior to the date of the director's decision. Other administrative actions have similar posting requirements. These posting requirements offer sufficient opportunity for people to be aware of what is happening.	Make no change.
27-3—80	27-3.508.D.12 Detailed Site Plan (Minor and Major)	Post-Decision Actions	City of Bowie: "Given the "minor" nature of Minor Site Plans, the validity period should be reduced from six to two years. We understand the rationale for this is that it may take several years for a developer to get financing to construct a proposed project. This explanation from staff seems unreasonable, as financing should be a prerequisite to a developer moving forward with a project to begin with." Ms. Dlhopolsky and Mr. Gordon: "Clarify that projects with existing Detailed Site Plan approvals can utilize the minor amendment process using the controlling development standards at the time of the original approval. We recommend that Section 27-3.508.E.12.b of the Zoning Rewrite be modified as follows (proposed changes are underlined):The Planning Director may approve minor amendments to approved	City of Bowie, Heather Dlhopolsky and Matthew M. Gordon, Linowes and Blocker, LLC, representing United Multifamily Partners, LLC ("UMP"), PPR Medical Properties Brandywine, LLC ("PPR Brandywine"), Foulger-Pratt ("Foulger-Pratt"),	Regarding Bowie's comment, there are other factors aside from financing that may delay completion of a project, even a "minor" project. Six years is an appropriate timeframe to account for delays outside the control of the developer. Staff concurs with the general sentiment regarding minor amendments but the appropriate location for this clarity is in the transitional (grandfathering) provisions in Division 1.	Revise the transitional provisions in Division 1 to clarify that minor amendments to still-valid entitlements are subject to the controlling procedures and standards in place at the time of the initial approval.

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			major detailed site plans in accordance with the development standards established for its original approval and with this Subsection, Table 27-3.407.B: Required Public Notice, and Sec. 27-3.508.F, Detailed Site Plan (Minor and Major) Decision Standards."	and Federal Capital Partners		
27-3—81	27-3.508.F. Detailed Site Plan (Minor and Major)	Major Detailed Site Plan Procedure	"Is the new 'Pre Application' Conference a replacement for what is now constituted as the SDRC. If so, isn't it too early in the process as identified on the chart? If not, is there still to be an SDRC style event? If not, why not? The development community also objects to a formalized Pre-Application Neighborhood meeting as a statutory/mandatory requirement per 27-3.402. The way 27-3.401 and 402 is set up will delay and add time to the process. Not only will the applicant have to spend time preparing a length pre-submittal explanation but the staff will have to have the time to review it. Neighborhood meetings will potentially delay the submittal of an application as the development team must wait on the neighborhood to agree to a time frame that fits schedules. There does not appear to be a mechanism to encourage the citizen association to actually meet. The group could delay the meeting and the submittal then could not be made because chart 27-3.508.E requires the Pre App Neighborhood meeting prior to the application submittal."	Maryland Building Industry Association	The pre-application conference is viewed as a very useful tool for initial discussions on proposed development. The SDRC, or Subdivision and Development Review Committee, has always been envisioned to continue, but was intended for the Application Manual. They are separate procedures. The Council has directed staff to incorporate the components originally intended for the Applications Manual in the legislative draft; with this change, the SDRC committee language will need to be inserted. Regarding the pre-application neighborhood meeting, staff believe this is an essential process for transparency and early community involvement and is not in support of its removal.	Insert language to the Zoning Ordinance and Subdivision Regulations pertaining to the Subdivision and Development Review Committee.
27-3—85	27-3.508.F. Detailed Site Plan (Minor and Major)	Decision Standards	City of Bowie: "The use of the current Zoning Ordinance words 'reasonable alternative' should be included somewhere in this section. We feel it is helpful to have the current language appear within the criteria for approval." Mr. Gingles: "The DSP Decision Standards-now multiple-is a substantial deviation from the previous 'reasonableness' standard. This new set of overly 'detailed' standards make applications subject to immense discretion and subjectivity of staff, while placing a potential unfair burden on an applicant. The requirement for satisfaction of 'all' of the criteria is likely to lead to additional appeals by opponents seeking to thwart a proposal due to a fairly insignificant aspect of a standard. A DSP that largely adheres to standards should be approvable-but would not be under this section."	City of Bowie, Andre Gingles, Gingles LLC	Staff concurs the proposed decision standards are very stringent, and that the current findings are more appropriate for incorporation in the proposed Zoning Ordinance. An additional decision standard is necessary in the case of Planned Developments to reconcile an internal inconsistency in the Comprehensive Review Draft. Another decision standard is necessary to address plan consistency pursuant to state law (see § 3-303(b) of the Land Use Article; M-NCPPC legal staff have opined that this regulation applies within the Regional District).	Replace Sec. 27-3.508.F. on pages 27-3—85 and 27-3—86 with the following: "F. Detailed Site Plan (Minor and Major) Decision Standards "A detailed site plan (minor or major) may only be approved upon a finding that all of the following standards are met: 1. The proposed development represents a reasonable alternative for satisfying the applicable standards of this Subtitle, without requiring unreasonable costs and without detracting substantially from the

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						utility of the proposed development for its intended use; 2. The proposed development complies with all conditions of approval in any prior development approvals and permits to which the detailed site plan (minor or major) is subject; 3. The proposed development demonstrates the preservation and/or restoration of the regulated environmental features in a natural state, to the maximum extent practicable, in accordance with the requirements of Sec. 24-3.303(D)(5) of Subtitle 24: Subdivision Regulations; 4. Proposed development located within a Planned Development (PD) zone shall be in substantial conformance with the PD Basic Plan and PD Conditions of Approval that apply to that development; 5. The proposed development is consistent with the applicable area master plan or sector plan, the Growth Policy Map of the General Plan as it relates to designated centers, and applicable functional master plans, unless the decision-making body finds that events have occurred to render the relevant plan recommendations no longer appropriate or the District Council has not adopted the recommended zoning; 6. The proposed development conforms to an approved Tree Conservation Plan, if applicable; and 7. The development proposed in a detailed site plan (minor or major) for infrastructure

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						complies with any applicable standards in Division 27-6: Development Standards, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.
27-3—89	27-3.510 Temporary Use Permit	Temporary Use Permit	Council Staff: some temporary permits require referral to the Planning Board and need to be re-incorporated. City of Bowie: "Include a requirement that the use will not violate any restrictions of prior approvals. In order to ensure that prior approvals are examined, Section 27-3.510.C.5 should have a required referral to the Planning Director."	Council Staff, City of Bowie	Staff concurs with Council staff. Currently, few temporary permits are referred – or need to be referred – to the Planning Board for review. Staff believes this should remain the case and does not concur with the City of Bowie.	Revise Sec. 27-3.510.C.5 to clarify that the DPIE Director shall refer temporary use permits pertaining to property in the Safety Zones of the Military Installation Overlay Zone, properties subject to Subtitle 25 of the County Code, and properties within the Chesapeake Bay Critical Area to the Planning Board for comments or recommendations, if any.
27-3—90	27-3.511 Use and Occupancy Permit	General	"Will no longer require a new use and occupancy permit when a different occupant assumes possession. This is based on the premise that occupancy is not related to development. However, this ignores the fact that, if an occupant is not required to obtain a new use and occupancy permit, no inspection will be done, and the use may change without notice. The current requirement allows a periodic review and inspection of the premises when the occupant, which can be a tenant, changes and when the use would most likely change. A use and occupancy permit has always been also about occupancy. There are no other County systems that will assume the occupancy function."	Town of University Park, Community	Numerous stakeholders identified this issue verbally during the public meetings held following release of the Comprehensive Review Draft. In response, staff will be adding in change in owner and tenant to the requirement for obtaining use and occupancy permits.	Revise Sec. 27-3.511.B. to indicate change in ownership or tenancy will require a new use and occupancy permit.
27-3—94	27-3.513 Grading Permit	Municipal Rights-of-Way	"Clarify that DPIE does not issue grading permits in municipal rights of way."	Town of University Park	This is unnecessary in the Zoning Ordinance, as grading permits are controlled by Subtitle 32, Division 2: Grading, Drainage and Erosion and Sediment Control, of the County Code, which references grading permits and municipal authority.	Make no change.
27-3—95	27-3.514 Building Permit	General	"APF (Re-testing, grandfathering) "(c) A final plat of subdivision approved prior to December 31, 1989 shall be re-subdivided prior to the issuance of a building permit unless:	Maryland Building Industry Association	Staff is unsure what the recommendation of the Maryland Building Industry Association is regarding this language. It was included as an attachment to their written comments on the Comprehensive Review Draft but is not explained.	Make no change.

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			"1) The proposed use is for a single-family detached dwelling(s) and uses accessory thereto; or "2) The total development proposed for the final plat on a property that is not subject to a Regulating Plan approved in accordance with Subtitle 27A of the County Code and does not exceed five thousand (5,000) square feet of gross floor area; or "3) The development proposed is in addition to a development in existence prior to January 1, 1990, and does not exceed five thousand (5,000} square feet of gross floor area; or "4) The development of more than five thousand (5,000} square feet of gross floor area, which constitutes at least ten percent (10%) of the total area of a site that is not subject to a Regulating Plan approved in accordance with Subtitle 27A of the County Code, has been constructed pursuant to a building permit issued on or before December 31, 1991."			
27-3—95	27-3.514.C. Building Permit	General	"This section states that all building permit applications shall be referred to the Planning Director for comment before a decision is made by DPIE. Municipalities should also receive a referral prior to release of a permit."	Town of University Park	Such action would constitute a delegation of authority not authorized by the state legislature. State law allows the County Council to enact local laws that "may provide for the referral or some or all building permit applications to the Commission for review and recommendation as to zoning requirements." (§ 20-503(c)). Such language does not extend to municipalities. The language of Sec. 27-3.513.E. should be revised to reconcile from "Planning Director" to "Planning Board" for consistency with state law, as the Planning Board represents the Maryland-National Capital Park and Planning Commission, but it is understood that, as is the practice today, the Board will typically delegate this referral to the Planning Director as its authorized representative.	Revise Sec. 27-3.513.E. to read: "…Grading permit applications shall be referred to the Planning Board [Director] for comment before a decision is made on the application."
27-3—96	27-3.515 Interpretation (Text, Uses, and Zone Map)	General	"The Town supports the provisions with respect to interpretation of zoning ordinance provisions. However, since these interpretations are now formal and set precedent, municipalities should be given notice, an opportunity to be heard, and appeal rights. It is also not clear whether such determinations apply only to a specific property, or whether they can be requested or interpreted to apply generally."	Town of University Park	Comment noted. In general, interpretation of the Zoning Ordinance (and Subdivision Regulations) is an administrative function. In current practice, such interpretations take place on a daily basis, with an uncodified process and no mandated record-keeping procedure. The proposed interpretation procedures are much more transparent than current practice.	Make no change.

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					Interpretations may be on a case-by-case basis or broader and encompassing in scope.	
27-3—98	27-3.515.C.12.c. Interpretation (Text, Uses, and Zone Map)	Post-Decision Actions – Amendment of Formal Written Interpretations	The reference name of M-NCPPC is incorrect.	Planning Staff	Staff concurs.	Remove "the" before "M-NCPPC's website."
27-3-101	27-3.516.C. Variance	Pre-Application Conference and Pre-Application Neighborhood Meeting	Council staff commented that the pre-application meetings would not be feasible for a variance that is not associated with a parent application.	Council Staff	Staff concurs. Variances that are not associated with a parent application (such as a special exception or detailed site plan) are variances that are identified as necessary through a permit application/review at the permit desk in the Department of Permitting, Inspections, and Enforcement. Such variances are most commonly needed by home owners and small business owners. Requiring pre-application conferences is unnecessary since the procedures involved are very straight-forward, and requiring a pre-application neighborhood meeting involves an unnecessary and unreasonable level of effort for a home owner (which is partially recognized by the current language on page 27-3-101, which already exempts owners of certain types of dwelling units).	Revise Sec. 27-3.516.C.1. to read: "Required only when associated with a parent application (see Sec. 27-3.401, Pre-Application Conference). Not applicable for variances heard by the Board of Appeals. Revise Sec. 27-3.516.C.2. to read: "Required only when associated with a parent application (see Sec. 27-3.402, Pre-Application Neighborhood Meeting)….Not applicable for variances heard by the Board of Appeals."
27-3-104	27-3.517.A. Departure (Minor and Major)	Purpose	In the purpose statement remove the phrase "minor changes, or" from the second line.	Planning Staff	Some staff members felt the term "minor changes" may be confusing. Project staff concur. Staff notes that subsection 27-5.517.B.5. would also need to be revised to reduce confusion pertaining to the term "changes" here.	Revise Sec. 27-3.517.A. to read: "The [This] purpose of this Subsection is to provide a uniform mechanism to allow minor [changes, or] departures[,] from certain dimensional or development standards…." Rename Sec. 27-5.517.B.5. to "Minor Administrative Modifications to Development Standards." Revise the paragraph text to read: "In addition to minor and major departures, there are other provisions in this Ordinance that allow for minor administrative [changes,] waivers[,] or modifications to specific development standards by the…"
27-3-106	27-3.517.B. Departure (Minor and Major)	Applicability	City of Bowie: "All of the items referenced in this section are not Departures, so the subheading should be revised. Reference Planning Director level approvals for Revisions to Special Exception Site Plan	City of Bowie, Town of University Park	Bowie's comments on subheadings is addressed below. Decisions regarding alternative parking plans would be a new addition to this Zoning Ordinance, and, accordingly, would constitute a new delegation of authority for municipal	Make no change.

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			(ROSP) and Alternative Compliance from the Landscape Manual." Town of University Park: "**Off-Street Parking Alternatives**: This new provision appears to give the Planning Director authority to approve alternative parking plans that are currently handled through the Departure process and decided by either the Planning Board or a municipality. We support some flexibility to consider the types of alternatives listed, but an alternative parking plan in a municipality (especially if it involves off-street parking on local streets) should require the approval of the municipality."		approval. Such delegation would be subject to the discretion of the County Council.	
27-3-108	27-3.518.B.5 Departure (Minor and Major)	Minor Administrative Changes, Waivers, Modifications, or Alternative Compliance to Development Standards	The table for minor administrative changes needs to be consistent throughout. Remove the term "modification" from the title and replace the all the "reduce" terms with "change."	Planning Staff	Revising terms to read "change" is contradictory to the prior comment and would just foster confusion. Further, the "reductions" possible through these procedures are just that – reductions in the requirements. Increases from the requirements are not authorized by the language of Division 27-6. Table 27-3.518.B.5. should be renamed and revised to further reduce confusion. One change will require a revision to Division 6 for consistency.	Rename Table 27-3.518.B.5. to "Minor Administrative Waivers and Modifications to Development Standards." Revise the middle column title to read: "Minor Waiver or Modification." Replace the term "deviations" in row six with "modifications" Revise the last sentence of Sec. 27-6.108.K.1. to read: "The Planning Director may allow [deviations] <u>modifications</u> from these block length standards…."
27-3—108	27-3.518.B.5 Departure (Minor and Major)	Minor Administrative Changes, Waivers, Modifications, or Alternative Compliance to Development Standards	Table 27-34.518.B.5. has several grammatical errors and one typo.	Planning Staff	Staff concurs.	Remove the period in the table title. Remove "Sec." in the first column, as the column name "Section" makes the abbreviations redundant. Revise the table to organize by Section number. The Alternative Compliance reference in the table indicates Section 1.2 for the Landscape Manual; this should be revised to Section 1.3.
27-3—108	27-3.518.B.5 Departure (Minor and Major)	Minor Administrative Changes, Waivers, Modifications, or Alternative Compliance to	Table 27-34.518.B.5. indicates a decision-maker for several potential changes that is inconsistent with the referenced design standard sections. Which authority should make decisions on these types of changes? Since the DPW&T Director is not the	DPW&T, Planning Staff	The decision-maker for deviations to several design standards reference the DPW&T Director, while the referenced sections in Division 6 typically indicate the Planning Director. The Department of Permitting, Inspections, and Enforcement (not currently listed in this table) is the County's permit-issuing authority and is the	Reconcile the table with the referenced sections in Division 6, and revise both to change administrative decisions touching on publicly-owned lands and features to the DPIE Director rather than the DPW&T Director.

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		Development Standards	permit-issuing authority of the County, the director does not seem to be the appropriate party for the listed decisions.		better agency for making administrative decisions pertaining to public street elements (such as sidewalk requirements and circulation requirements) than the currently-listed DPW&T Director. However, the Planning Director is the most appropriate decision-making authority for such elements when they are built on private lands and streets. Areas where the DPIE Director is most likely to be involved in the decision-making process of administrative changes include block length, bicycle cross-access, bicycle circulation, and sidewalk requirements. As is practice today, staff expects close coordination between these agencies (and with municipalities in the case when municipalities own and maintain rights-of-way) in these types of decisions.	Revise the introduction paragraph to reflect the DPIE director instead of the DPW&T Director.
27-3—109	27-3.517.C.3. Departure (Minor and Major)	Minor Departure Procedure	There is an extra end parenthesis under the Application Submittal subsection	Planning Staff	Staff concurs.	Delete the extra parenthesis.
27-3—112	27-3.517.D.3. Departure (Minor and Major)	Major Departure Procedure	There is an extra end parenthesis under the Application Submittal subsection	Planning Staff	Staff concurs.	Delete the extra parenthesis.
27-3—113	27-3.517.E. Departure (Minor and Major)	Departure (Minor and Major) Decision Standards	The table includes an unnecessary dash after the title heading of "Minor Departure."	Planning Staff	Staff concurs.	Delete the dash.
27-3—113	27-3.517.E. Departure (Minor and Major)	Departure (Minor and Major) Decision Standards	The table should be clarified, as it now seems unnecessary since the "standard applies" box is marked for all lines in the table.	Planning Staff	Staff concurs.	Restructure the table to clearly indicate the standard applies to the elements listed in the table (e.g. "these standards apply to the following….").
27-3—114	27-3.518 Validation of Permit Issued in Error	General	"Add grading permits to the list of permits that are included in this provision. The rationale for including apartment/rental licenses needs to be explained and understood in the context of rental licenses issued by municipalities. Municipal rental licenses should not be included in those permits used to prove validation. Notice to municipalities and ability to participate and appeal should be allowed in permit issued in error cases."	Town of University Park	Grading permits are not one of the permits that can be validated if issued in error under the current Zoning Ordinance and there appears to be no compelling reason to add these permits to the list in the proposed Zoning Ordinance. Unlike a building, sign, or use and occupancy, all of which are uses of the land, a grading permit is a permanent change to the land itself. Validation is kind of moot – the damage has already been done, and it's not possible to reconcile the situation if validation is not granted.	Make no change.

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					Apartment licenses can demonstrate issuance of a building permit when a use and occupancy permit was not issued. Municipal licenses are not governed by the Zoning Ordinance. Notice to municipalities is required for validation of permits issued in error per Table 27-3.407.B. on page 27-3—24. Municipalities within 1 mile of the land subject to the application will be notified by mail 14 days prior to the hearing, and there will be a revision to this table that will require the site to be posted for 30 days.	
27-3—116	27-3.518.C.8. Validation of Permit Issued in Error	Review and Decision by Decision-Making Body or Official	There is an extraneous subsection "c."	Planning Staff	Staff concurs.	Delete the extra "c." under subsection 8.
27-3—116	27-3.519 Appeal to Board of Zoning and Administrative Appeals (BZA)	Notice	"In the appeal of a case to the BZA, the applicant (who may or may not be the appellant) is not listed as a person to receive notice of the appeal hearing. While this would generally be assumed, the applicant should be added as a party who receives mandatory mailed notice of a hearing on the appeal of a BZA case."	Town of University Park	Staff concurs. The appropriate location is the notification table in Sec. 27-3.407.	Revise the notification table for notice on appeals to the Board of Zoning Appeals to add the property owner/applicant to ensure notice is provided.
27-3—119	27-3.520 Authorization of Permit Within Proposed Right-of-Way (ROW)	Municipal Rights-of-Way	"Clarify that 27-3.520 does not authorize a building permit within a proposed municipal right of way."	Town of University Park	This clarification is unnecessary. The provisions of this Section pertain to permitting certain development within proposed – but not yet dedicated or acquired – rights-of-way. There is no municipal ownership, nor is there authorization of building permits in rights-of-way that have already been acquired by a municipality.	Make no change.

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27-4—1	Division 4: Zones and Zone Regulations	Countywide Map Amendment	City of College Park: "It has been noted that the City is part of the 8% of the County that will require a menu of alternative rezoning options as part of a 'decision tree' to be used by the District Council prior to the initiation of the zoning map amendment. Since this will be a discretionary process, the City respectively requests to be part of the mapping exercise to locate proposed new zones within the City limits. The City is an active and informed municipality with a professional planning staff that should be at the table when these important decisions are made for the City." The North College Park Community Association reiterated the city's comments.	City of College Park, North College Park Community Association	Comments noted. The Countywide Map Amendment, when it is initiated, will be a public process.	Make no change.
27-4—1	Division 4: Zones and Zone Regulations	Eliminated Zones	"The City previously requested that the overlay zones and respective plans for the Central US 1 Corridor and College Park/Riverdale Park Metro Area be left in place. After further review, the City can see the benefit of having similar design standards for similar areas, and generally agree with the type of regulations and standards in the new center base zones. Since it is the stated intent for the visions, goals and strategies contained in existing plans to remain valid, the next step is to find the new zones that best align with these plans. Unfortunately, there appears to be a disconnect between what is being proposed (at least for US 1) and the underlying plan. The densities and heights permitted in the RTO-L and RTOH zones, particularly the core, are not compatible with the Walkable Node standards in the Sector Plan or recent new development. Similarly, the LTO zone does not align with Corridor Infill standards and would promote development inconsistent with the Sector Plan. Without a new planning process, it would be irresponsible to rezone the Route 1 corridor using the zoning categories that have been proposed. "For the City to support the elimination of the TDOZ, DDOZ, M-U-I and M-X-T zones, there needs to be assurances that the replacement zones will carry forward the context-sensitive regulations found in our Sector Plans, especially the height limits and parking requirements that were intended to control the intensity of development. It appears that this might require the reworking of some of the standards in the proposed	City of College Park, North College Park Community Association	Comments noted. College Park is relying in part on very preliminary discussions on the proposed decision matrix associated with the Countywide Map Amendment. The intent of the Countywide Map Amendment is to place properties in the closest zone to what exists on property today. For the portion of US 1 in College Park, changes to some of the Transit-Oriented/Activity Center base zones in the Comprehensive Review Draft may well mean that lower intensity versions of these zones may be recommended by staff in the upcoming Countywide Map Amendment. No final decisions will be made here until the District Council takes action on the Countywide Map Amendment, following adoption of the new Zoning Ordinance and Subdivision Regulations, initiation of the Countywide Map Amendment, and the public input process of that effort. There is a lot of time to hammer out the details.	Make no change.

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			center base zones in order to meet community expectations and reflect more realistic market scenarios. It is important to remember that Route 1 north of Greenbelt Road is not rich in transit facilities, and redevelopment is constrained by the proximity of existing residential neighborhoods the City wishes to preserve." The North College Park Community Association reiterated the city's comments.			
27-4—1	Division 4: Zones and Zone Regulations	Artist Housing	"We would like to do mixed use with different populations such as artist housing, studios, veterans housing, senior, families etc. The artist groups that we are working with request higher ceilings than normal for their art works, the studios will sometimes require higher ceiling heights. They also request lower rents. It is difficult to make the numbers work with the density of the proposed number of units per acre and the height limitation. We are just outside the TOD but still have 2 bus stops in front of the property. Well located for pedestrian friendly development. Please consider raising the height and the density in the existing allowances."	Beth Myers	Height and density increases outside of modest increases to accommodate taller ceilings in today's housing market, the proposed Transit-Oriented/Activity Center base zones, two-family dwellings (to accommodate the common "two over two" development product), and the RSF-A (Residential, Single-Family – Attached) Zone (to accommodate an increase in townhouse density over two of the current zones that "nest" into this new zone) have generally not been incorporated. The primary reason for not significantly increasing height and density in other zones deals with negative community impacts and overpopulation in areas that are not well-planned to accommodate density increases.	Make no change.
27-4—1	Division 4: Zones and Zone Regulations	Density	All residentially zoned land within one mile of transit stations should have an intensity equal to or greater than RSF-A. Less intense zones are inherently incompatible with the goal of encouraging medium-high to high residential densities near transit.	Bradley Heard	This suggestion is essentially contrary to the desired outcome. By increasing the density of residential zoning within a full mile of all transit stations in the County, the effect would actually be to de-emphasize denser development at the most important locations of the County – the area within ¼ mile of the station platforms, or at most, ½ mile. The County has 15 heavy rail stations and is planned for 11 light rail stations (some will be co-located with Metro). This would result in a substantial increase in residential property that would be slated for higher density, but most of this land is truly not walkable or in proximity to the station platforms. A more nuanced approach based on sound comprehensive planning is necessary to truly achieve the goals of Plan 2035.	Make no change.
27-4—1	Division 4: Zones and Zone Regulations	Public Utilities Easements	The build to lines identified in Division 27-4: Zones and Zone Regulations should reference that additional setbacks may be needed and direct the applicant to the WSSC Pipeline Design Manual.	WSSC	Comment noted. There are philosophical differences between agencies regarding the location and configuration of public utility easements (PUEs), particularly in urbanized locations and servicing transit-oriented development. Staff does not agree that the Zoning Ordinance should defer to agency design manuals, particularly when such manuals may change at any time. Applicants will need to coordinate with	Make no change.

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					utilities companies such as WSSC, when such external factors will be addressed.	
27-4—3	27-4.201 Rural and Agricultural Zones	General Purposes of Rural and Agricultural Base Zones	"Who determines what's a boutique or unique agribusiness? This is too vague."	Civicomment – Food Equity Council	This is a purpose statement to provide an idea of what is intended by the class of Rural and Agricultural Base Zones. It is not a regulatory standard. The language is appropriate for purpose statements.	Make no change.
27-4—3	27-4.201 Rural and Agricultural Zones	General Purposes	"We suggest this be revised to 'Encourage agribusinesses and tourism such as, but not limited to'"	Civicomment – Food Equity Council	Staff concurs.	Revise Sec. 27-4.201.A.3. to read: "Encourage agribusiness and tourism uses such as, but not limited to, equestrian centers…."
27-4—7	27-4.201.C. Reserved Open Space (ROS) Zone	Intensity and Dimensional Standards	"I had difficulty understanding the buffer requirements and the number of lots allowed in the AG and AR zones. ROS, AG and AR zones show pictures of houses within each of these zones within an area where a considerable portion was not divided into lots. No lots lines are shown. It would be better if lot lines where shown on these diagrams. It also would be informative to use examples that have other restrictions that prevent the entire parcel from being developed at the designated maximum density. "I would suggest that it be a requirement that housing developers (or real estate agents) make home owners aware at time of purchase that the development is located next to a farm. This year we applied organic fertilizer to our farm land and I'm sure that a development adjacent to our farm was impacted by the odor (volatile organic compounds like methane and ammonia) which was produced by the animal waste organic fertilizer. We decided not to apply it directly across from the development to be good neighbors, but that limits our ability to manage soil organic matter. These homeowners should know that they decided to live next to a farm and that has both advantages (open space) and disadvantages (period dust, odor from organic fertilizer, etc.)."	Thomas A. Terry	The diagrams in the zone regulations part of the proposed Zoning Ordinance are for illustrative purposes only. It would be impossible to compile diagrams to reflect every conceivable situation that may occur in a County the size and complexity of Prince George's County. Adding purchaser requirements for operating farms would be difficult to enforce and maintain on a Countywide scale. One would have to be aware of all ongoing farming operations and revise the area in which such requirements must be met regularly. This seems too onerous, and frankly too difficult to enforce, to be an effective zoning regulation.	Make no change.
27-4—7	27-4.201.C. Reserved Open Space (ROS) Zone	Intensity and Dimensional Standards	"A statement should be added to these standards that additional setbacks may be needed and to see WSSC Pipeline Design Manual. For example, structures must be located at least 15 feet from existing or proposed water and sewer lines 12 inches diameter and smaller. Structures must be located at lease [sic] 25 feet from water and sewer lines greater that 12 inches in	WSSC	Comment noted. There are philosophical differences between agencies regarding the location and configuration of public utility easements (PUEs), particularly in urbanized locations and servicing transit-oriented development. Staff does not agree that the Zoning Ordinance should defer to agency design manuals, particularly when such manuals may change at any time. Applicants will need to coordinate with	Make no change.

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			diameter. When narrow streets and alleys are being proposed, this is a planning and layout issue. Of course the applicant won't know what size proposed water and sewer lines will need to be until a Hydraulic Planning Analysis (Phase 1 of SEP process) is completed by WSSC."		utilities companies such as WSSC, when such external factors will be addressed.	
27-4—8	27-4.201.D. Agriculture and Preservation (AG) Zone	Solar Energy Collection Facilities	Appreciates a zone focused on agricultural preservation. "Some of the standards and use permissions need to reflect stronger protection. For example, there are very few zones that permit solar energy collection facilities (SECFs) except AG and AR. This indicates a policy that SECFs belong in these zones. Why not in more industrial zones? Why not in more zones where you find brownfields, parking lots, and flat roofs that are ideal for SECFs? "The County could endanger the recertification of its agricultural preservation program by not protecting the agricultural zones from SECFs and other uses that take land out of agricultural production."	Civicomment	Comments noted. Solar energy facilities are discussed elsewhere in this analysis.	Make no change.
27-4—14	27-4.202.C. Residential Estate (RE) Zone	Purpose	"27-4.202 C.: RE Lots: I think it should be equal to or greater than 40,000 SF."	Maryland Building Industry Association	Staff concurs.	Revise the purpose statement to read: "…allow for low-density single-family detached dwellings on lots <u>equal to or</u> greater than 40,000 square feet in area…."
27-4—16	27-4.202.C. Rural Residential (RR) Zone	Purpose	"27-4.202.D.: RR Lots should be equal to or greater than 20,000 SF."	Maryland Building Industry Association	Staff concurs.	Revise the purpose statement to read: "…allow for low-density single-family detached dwellings on lots <u>equal to or</u> greater than 20,000 square feet in area…."
27-4—20	27-4.202.F. Residential, Single-Family – 65 (RSF-65) Zone	Lot Size	City of Mount Rainier: "Lot size. We want to retain the current R-55 minimum lot size of 6,500 s.f." Civicomment: "Most residential lots in the Town of Bladensburg are R55 with lot size of 5,000 sq. feet. The R65 [sic] designation would make these nonconforming uses and create undue hardships on our residents. The R65 [sic] would cause a burden to homeowners unable to financially absorb the cost of requesting zoning reviews and special exceptions to make improvements to their homes and could result in	City of Mount Rainier, Civicomment	The proposed RSF-65 (Residential, Single-Family – 65) Zone does preserve the current R-55 minimum lot area of 6,500 square feet. The transitional provisions in the proposed Zoning Ordinance would state that all current legal lots/structures/buildings/uses are "deemed conforming." There are provisions in the current Zoning Ordinance that apply to small residential lots with lot sizes that do not meet the minimum lot size of zones such as the R-55 (One-Family Detached Residential) Zone that make such lots legal lots.	Make no change.

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			a decrease in home values and make it difficult for a homeowner to sell their house. "This not only impacts the Town of Bladensburg but all small communities located throughout Prince Georges County with similar residential dwellings."		As such, these lots will become "deemed conforming" under the new Zoning Ordinance.	
27-4—21	27-4.202.F. Residential, Single-Family – 65 (RSF-65) Zone	Intensity and Dimensional Standards	"As an example, the RSF-65 allows for heights of 40 feet. One of the biggest complaints we get from residents is the increasing trend to add second and third floors to houses. That is with the current 35 feet limit, so increasing it to 40 feet would exacerbate the problem. We requested a 25 foot maximum height for the NCOZ, thus discouraging 'popups' but allowing them if they go through the variance process during which the city would have input. We therefore request that we keep the current 35 feet as the maximum height. We appreciate that the NCOZ standards will be applicable when the gross floor area of a home is increased by 15 percent or more. This will perhaps help slow down the trend of 'pop up' renovations that add second and third floors to existing bungalows. "We are not supportive of the base zone height limit maximum of 40 feet."	City of Mount Rainier	In general, several of the height regulations for single-family zones have been slightly increased (with a more substantial increase for the two-family dwelling use to permit the common "two over two" building forms) to reflect modern building codes and trends incorporating taller ceilings. If and when a potential Neighborhood Conservation Overlay Zone is enacted for the City of Mount Rainier, it may further regulate height, but in general since the Zoning Ordinance is a Countywide ordinance, we must look to Countywide impacts and applicability. Staff believe the increase to 40 feet is justified.	Make no change.
27-4—23	27-4.202.G. Residential, Single-Family – A (RSF-A) Zone	Intensity and Dimensional Standards	City of Greenbelt: "It is the City's understanding that it is proposed that the existing Residential Townhouse (R-T) Zone will be replaced with the Residential, Single Family Attached (RSF-A) Zone. The City is very concerned with the increased density associated with this proposal. The allowed density proposed in the RSF-A Zone for townhouses is significantly higher than permitted in the existing R-T Zone. The City believes a density of 16.33 is too high for the RSF-A Zone and should be reduced to 12 dwelling units/acre. In addition, the proposed increased density represents an up zoning of properties, which is not the intent of the zoning re-write project." Ms. Lester echoed the city's comments, and also offered a potential alternative to create a separate variant of the zone to focus on higher densities. Mr. Heard: "For all allowable single-family detached residential uses in zones with intensity equal to or greater than RSF-A, the minimum lot size should be	City of Greenbelt, Molly Lester, Bradley Heard	Comments noted. Staff believe the regulations of the Residential, Single-Family – Attached (RSF-A) Zone are appropriate for the purposes of the zone. As discussed elsewhere in this analysis, the City of Greenbelt seeks a Neighborhood Conservation Overlay (NCO) Zone in the near future; this zone, if and when it is applied, can restrict the density of the underlying zones. Staff does not support wholesale reductions of minimum lot sizes, lot widths, and lot depths without substantial analysis of the potential impacts of such changes. There are thousands of properties that would be impacted – perhaps negatively – and the unintended consequences of such a change at this time are substantial.	Make no change.

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			reduced to 3,000 sq. ft.; the minimum lot width should be reduced to 30 ft.; and the minimum side yard depth should be reduced to 5 ft. There are a variety of narrow detached homes that could easily fit on a lot of that size, such as this 18-feet-wide, 2,024 sq. ft. model [image deleted]. "For all allowable residential uses (including single-family detached uses) in zones with intensity equal to or greater than RSF-A, the maximum lot coverage should be increased to 60% and the maximum structure height should be increased to 50 ft., to allow more flexibility in building design while still preserving vital green space on the lot."			
27-4—26	27-4.202.H. Residential, Multifamily – 12 (RMF-12) Zone	Intensity and Dimensional Standards	"27-4.202H: RMF-12 lots have a requirement for lot width (75') that seems to be too wide for a 9000 sf lot."	Maryland Building Industry Association	With a lot width requirement of 75 feet, the depth of the lot would be 120 feet with a 75-foot-wide lot at 9,000 square feet of lot area. Wider widths would result in less minimum depth, but the key word here is minimum. Larger lots may be provided. The current lot size requirement for the zones that are the basis of the proposed Residential, Multifamily - 12 (RMF-12) Zone is 5,000 square feet for multifamily dwellings. Staff notes lot width must also account for site access. Staff believe the minimum net lot size of this zone was increased from current requirements in order to better accommodate other proposed requirements of the new Zoning Ordinance, most specifically the open-space set-asides required by Division 6.	Make no change.
27-4—30	27-4.202.I. Residential, Multifamily – 20 (RMF-20) Zone	Intensity and Dimensional Standards	Maryland Building Industry Association: "27-4.202.I: Lot width of 60' is too wide for a 7500 sf lot." Ms. Dlhopolsky and Mr. Gordon: "Increase the allowable multifamily density in the RMF-20 Zone to bring multifamily properties into conformance under the Zoning Rewrite. We recommend that the Zoning Rewrite's proposed intensity and dimensional standards for the RMF-20 Zone be modified to permit up to 28 dwelling units per acre for multifamily apartment projects. "It is unclear how the maximum density allowed for a project that contains both multifamily and two-family dwelling units would be calculated. Can a project that already exceeds the maximum multifamily dwelling	Maryland Building Industry Association, Heather Dlhopolsky and Matthew M. Gordon, Linowes and Blocker, LLC, representing United Multifamily Partners, LLC ("UMP"), PPR Medical Properties Brandywine, LLC ("PPR Brandywine"),	A lot width requirement of 60 feet would result in a lot depth of 125 feet with a 60-foot-wide lot at 7,500 square feet of lot area. Wider widths would result in less minimum depth, but the key word here is minimum. Larger lots may be provided. The current lot size requirement for the zones that are the basis of the proposed Residential, Multifamily – 20 (RMF-20) Zone is 5,000 square feet for multifamily dwellings. Staff notes lot width must also account for site access. Staff believe the minimum net lot size of this zone was increased from current requirements in order to better accommodate other proposed requirements of the new Zoning Ordinance, most specifically the open-space set-asides required by Division 6.	

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			nits per acre implement two-family dwelling units so long as the overall density complies with the dimensional and intensity standards? We recommend that a multifamily project that already exceeds the maximum multifamily dwelling unit density be permitted to add two-family dwelling units so long as the overall aggregated density complies with the dimensional and intensity standards.”	Foulger-Pratt ("Foulger-Pratt"), and Federal Capital Partners	Maximum density for a project with multiple dwelling unit types would most likely be calculated in the manner suggested. The recommendation to increase the maximum multifamily density in the Residential, Multifamily Zone – 20 (RMF-20) Zone is an interesting suggestion that would very likely eliminate a number of nonconforming multifamily buildings in the County. However, when this concept was discussed with the County Council, it was suggested that the reasons for retaining the recommended 20 dwelling unit per acre density maximum outweigh the benefit of eliminating nonconformities. Among other reasons, retaining these nonconforming multifamily buildings allow the County the opportunity to ensure code compliance.	
27-4—34	27-4.202.J. Residential, Multifamily – 48 (RMF-48) Zone	Intensity and Dimensional Standards	“27-4.202.J: RMF-48 has a lot width requirement that is too wide especially with side yard BRL [building restriction line] of 8'.”	Maryland Building Industry Association	A lot width requirement of 75 feet would result in a lot depth of 100 feet with a 75-foot-wide lot at 7,500 square feet of lot area. Wider widths would result in less minimum depth, but the key word here is minimum. Larger lots may be provided. The current lot size requirement for the zones that are the basis of the proposed Residential, Multifamily – 48 (RMF-20) Zone is 16,000 square feet for multifamily dwellings. Staff notes lot width must also account for site access.	Make no change.
27-4—38	27-4.203.B. Commercial Neighborhood (CN) Zone	Purpose	Civicomment: “We support the inclusion of residential development in commercial zones.” North College Park Community Association: “Proposed use of the Commercial General and Office (CGO) zone to replace the Commercial Shopping Center (C-S-C) zone in the DDOZ for the Hollywood Commercial District. The Hollywood Commercial District is also a part of the Central US 1 Corridor Sector Plan and is designated as a Corridor Infill area. The proposed CGO replacement zone allows residential use up to 48 dwelling units per acre and heights between 86 and 110 feet. This differs substantially from the current plan that doesn't permit stand-alone residential development and limits heights to 4 stories. A more appropriate zone would be the Commercial Neighborhood (CN) zone that is intended to provide for medium density residential and lower intensity commercial to primarily serve the needs of the surrounding community.”	Civicomment, North College Park Community Association, Molly Lester	Comments noted. Staff does not concur with Ms. Lester’s suggestions. The Commercial, Neighborhood (CN) Zone is intended to reflect traditional turn-of-the-century (20th Century) development patterns in the United States – main streets and corner stores. Such development often included a residential component.	Make no change.

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			Ms. Lester: "a. Residential development should not be encouraged in the CN. b. If residential development is allowed, it should be low density. c. The CN zone should not permit stand-alone residential buildings. d. Mixed-use development should not be encouraged or allowed."			
27-4—42	27-4.203.D. Commercial General and Office (CGO) Zone	General	"The issues raised assume that all properties currently owned by the Property Owners,which are currently zoned Commercial Shopping Center (C-S-C), will be comprehensively rezoned to the proposed Commercial and General Office (CGO) Base Zone. The "Current and Proposed Zone", (October 2017) Update table is the basis for that assumption. If all of the existing properties zoned C-S-C are not going to be rezoned to CGO, the Property Owners will have numerous other questions and potential serious concerns."	Michael Nagy, Representing Capital Plaza Associated, Child Care Properties Limited, Cherry Associates, and Tov Associates	Comment noted.	Make no change.
27-4—49	27-4.204 Transit-Oriented / Activity Center Base Zones	General	A number of form letters were received: "Thank you so much for the opportunity to comment and share our ideas regarding the zoning rewrite. "Our current zoning makes harder than it should be to best utilize areas near the county's Metro stations. I support efforts in the zoning update to create Transit Oriented Zones. These will help the county benefit more from its Metrorail stations, bus transfer stations, and future Purple Line stations, and will also encourage walkability in the county. "I am specifically interested in the long-overdue revitalization of the area near the West Hyattsville Metro station, a prime location for mixed-use development. "I look forward to the progress of the rewrite and continued thought leadership that will drive our county's competitiveness."	John Ricks, Juanita White, Kyle Reeder, Leah Wolf, Michael Bello, Reginald McNair, Rick Copeland, Sarah Emrys, Susan D. Garrett, T. Carter Ross, Taylor Robey, Owen Quinlan, Imani Kazana	Comments noted.	Make no change.
27-4—49	27-4.204 Transit-Oriented / Activity Center Base Zones	General	"We appreciate the Zoning Rewrite's efforts to require more mixed-use development in parts of the Prince George's County, particularly around areas that will be zoned Town Activity Centers and Transportation-Oriented zones. Cheverly shares these goals. By 2032, we envision thriving retail and commercial	Cheverly Advisory Planning Board	Comments noted.	Make no change.

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			development that is well integrated into the fabric of the town. "We hope that the town will be home to outstanding mixed-use centers, each with its own identity, that hug the town's perimeter as a transition to Cheverly's mature residential neighborhoods. The Cheverly Metro Station's development is integral to this vision. "We understand that, after the Zoning Rewrite, the area surrounding the Cheverly Metro Station will likely be a Local Transportation Oriented Zone. As such, it is the Zoning Rewrite's aims to have development within its core area (within a quarter mile) entail a mix of both residential and non-residential uses. We support this aim."			
27-4—49	27-4.204 Transit-Oriented / Activity Center Base Zones	General	"I was alarmed to read in the Hyattsvillewire.com newsletter, Prince George's County Planning Commission may make changes to the zoning code to allow for the construction of mixed-use developments in and around the West Hyattsville, Prince George's Plaza and College Park Metro stations. "I believe I speak for many in the community when I express that we strongly feel that we do not need any more replicas of the mixed-use property like the one at Rhode Island Avenue Station. It is crowded, congested, noisy and has significantly changed the once charming residential community to a smog-filled, grid-locked, dirty, no longer tree-lined area. I know this because I used to live a block away from the RI Ave. Station. "All for the sake of convenience and for-profit developers' *platinum* lined pockets. Now they seek to *flip* other nice, cultured and family oriented lands. Being able to walk next door in your pajamas for a cup of overpriced coffee? And where's the eco-friendliness in all of this? "There are other ways to increase revenue and improve and support our rich and diverse communities. I now understand and respect the mission of the Historical Society of Washington, specifically the Georgetown chapter.	Michelle Rennie	The proposed Zoning Ordinance and Subdivision Regulations are designed to implement the recommendations of the County's General Plan, *Plan Prince George's 2035*, facilitate transit-oriented, mixed-use development in appropriate locations, and help diversify the County's tax base. In Plan 2035, areas surrounding Metrorail Stations are designated activity centers, where the County plans to invest and encourage development that will leverage and benefit from the existing infrastructure. Prince George's Plaza is called out as a "Downtown" and College Park is part of the designated "Innovation Corridor," two locations where higher levels of development are expected to occur. Communities with multiple uses (e.g. homes, retail, restaurants, office, etc.) within walking distance provide people with the opportunity to be less reliant on automobiles, which in turn reduces vehicle traffic and its associated impacts (e.g. noise, pollution, traffic congestion, etc.) on the neighborhood.	Make no change.

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			"Please consider some of the many negative impacts these cookie-cutter, bustling retail metropolises and jack-in-the-box apartment/condos will have on our communities if the codes are changed in Prince George's County. "Please work in support of the actual county residents, not the developers."			
27-4—49	27-4.204 Transit-Oriented / Activity Center Base Zones	General	"Detailed Site Plan review should be required for all uses in the Transit Oriented/ Activity Center Base Zones, Nonresidential Base Zones and Planned Development Zones. If the County is reluctant to impose this requirement, countywide, perhaps it can be made a requirement if the site is located within or adjacent to a municipality."	City of Bowie	Staff is not in support of this suggestion. One of the primary goals of the new Zoning Ordinance is to streamline the development review process. Requiring detailed site plan review for all development in the base zones – regardless of the scale of that development – would be a major disincentive to development. Proximity to a municipality plays no role in this discussion. The impact of development and the thresholds that determine which review procedure applies should be standard regardless of the location of the property. The Planned Development zones constitute an entirely different situation, as these zones have potential for greater impacts than development in the base zones. Major detailed site plan review makes sense in these zones, and in fact is required in the view of staff – regardless of the amount of development proposed in the PD zone – because there needs to be a comprehensive review mechanism that allows full analysis of compliance to the standards which may be established in the PD Basic Plan and PD Conditions of Approval. Subsequent development on the same PD site that has already obtained approval of a major detailed site plan may proceed as any other development in the proposed Zoning Ordinance (exempt from site plan, subject to a minor site plan, or subject to a major site plan), as the initial major detailed site plan provides the level of analysis necessary to ensure compliance.	Revise the proposed Zoning Ordinance as may be necessary to require a major detailed site plan as the initial zoning entitlement (following the PD Map Amendment itself) for any PD development.
27-4—49	27-4.204 Transit-Oriented / Activity Center Base Zones	Applicability	The following comment also applies to the nonresidential base zones: "While other sections in the Zoning Rewrite contain explicit exemptions for expansions to existing development that does not increase gross floor area by 50% or more, the specific intensity and dimensional standards (along with the Transit-Oriented/Activity Center Base Zone	Heather Dlhopolsky and Matthew M. Gordon, Linowes and Blocker, LLC, representing Kaiser Permanente	In general, the dimensional/intensity standards are intended to apply regardless of the level of development proposed on a site. Staff believes this comment may pertain more to buildings and development that is "deemed conforming," or "grandfathered" through the adoption of the new Zoning Ordinance. The Comprehensive Review Draft includes robust and generous grandfathering transitions to cover this	Make no change.

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			supplemental development standards) do not provide any exemptions for expansions to existing development. As a result, and to be consistent across the new proposed zones, we suggest that language be added to the base zone intensity and dimensional standards as well as to the Transit-Oriented/Activity Center Base Zone supplemental development standards (Section 27-4.204) to clarify that expansions to existing development must only comply with these standards to the extent of the expanded, extended or enlarged area (i.e., the existing facility to remain does not need to be brought into compliance with these new standards).”		scenario. If a structure is “deemed conforming,” it is not subject to the rules governing non-conforming structures, including any rules that allow modest changes to the structure without the need to comply with the new Zoning Ordinance. Any changes to a “deemed conforming” structure must be in compliance with the regulations and standards of the new Zoning Ordinance. This would, in effect, subject the entire site to compliance with the proposed standards if and when an expansion is contemplated. Generally, the advantages of being “deemed conforming” – such as being able to more easily obtain financing and insurance – more than balance any potential downside of being subject to the new Zoning Ordinance when expansions and alterations are contemplated.	
27-4—49	27-4.204 Transit-Oriented / Activity Center Base Zones	General Accessibility	“The draft zoning regulations cite the granting of vehicles, bicycles and pedestrians cross-access between the internal systems and existing or allowable future development. This language is promising because it recognizes the interconnectivity with these modes and their synergy within a development. However, these regulations provide limited discussion on transit vehicle movements, either for light rail and/or traditional transit fixed route, and how private vehicles, bicycles and pedestrian movements would complement each other and not conflict with each other within transit oriented/activity center base zones.”	DPW&T	Ostensibly, transit vehicles are operating on public rights-of-way and not on private property, so the connections between developments and transit should be clear.	Make no change.
27-4—49	27-4.204.C.1.a. Transit-Oriented / Activity Center Base Zones	Minimum Amount of Mixed-Use Development for Transit-Oriented / Activity Center Base Zones	City of College Park: “Requirement in all center base zones for projects to provide a minimum amount of mixed-use development. The proposed 18% requirement appears to be arbitrary and artificial. The market is the primary determinant of use, and mandating a specific percentage will not guarantee successful mixed-use projects. It could also have a chilling effect on new development starts or result in vacant storefronts. The City does not support this requirement for all properties in center base zones but supports mandatory ground floor retail for properties within designated main street shopping areas.” Cheverly Advisory Planning Board: “We are concerned about the language presently used in the Comprehensive Review draft to accomplish this goal,	County Council, City of College Park, Cheverly Advisory Planning Board, Civicomment, North College Park Community Association	The County Council has expressed desire to require a mix of uses in the most important opportunity sites of the County, namely the proposed Transit-Oriented/Activity Center zones. The details pertaining to this required mix of uses need additional refinement, as all parties agree the proposal of the Comprehensive Review Draft is not the correct approach. This topic has been subject to some of the most discussion between the Council, Council staff, and Planning staff since the release of the Comprehensive Review Draft, and a revised approach will be incorporated in the proposed legislative draft.	Replace Sec. 27-4.204.C.1.a. with the following: “a. Required Mix of Uses “i. Except as provided in subsection ii. below, in the core areas of the TAC, LTO, RTO-L, and RTO-H base zones, no development shall be approved beginning five years after ____ [*insert effective date of the Ordinance*] unless a mix of uses is provided in that proposed development, subject to the following regulations:

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			however. Under Section 27-4.204 C.1.a.i, if there is not at least 18% residential and 18% non-residential uses in such an area within 5 years, then development is completely prohibited. We believe this does not make sense for a town like Cheverly, where the goal of true mixed-use development may be on a longer time horizon. To accomplish this aim, further mixed-use development should be encouraged, not arbitrarily terminated, along with all other development, after 5 years." Civicomment: "We are concerned about the arbitrariness of the 18% but support the intent to encourage mixed use development. The provision in ii. to allow an economic study to demonstrate that the mix of use is not feasible may be an appropriate way to relieve a development of a requirement where it is infeasible. In addition, another approach would be to require an adaptable design for space that can be used as residential until a commercial space market developments. For example, this might be a good solution for the empty commercial spaces in residential developments around the Branch Avenue Metro station. We would not support increasing the percentage mix because lack of market readiness can lead to either no development occurring or spaces remaining vacant." The North College Park Community Association reiterated the City of College Park's comments.			"(A) At least two of the following five principal use classifications shall be incorporated in the proposed development: "(1) Rural and Agricultural; (2) Residential; (3) Public, Civic, and Institutional; (4) Commercial; or (5) Industrial. "(B) Not less than 15 percent of the total proposed gross square footage of the development shall be allocated to each of the principal use classifications incorporated in the development. Should a development incorporate three or more principal use classifications, only the first two classifications shall be subject to this 15 percent minimum square footage requirement. "ii. The Planning Board, may waive the requirement of subsection i. above if it finds that one or more of the following conditions exist: "(A) The proposed development consists of 25,000 or less gross square feet; "(B) The center already incorporates at least 15 percent of the overall built and approved gross square footage of development at that center in at least two of the principal use classifications identified in subsection i.(A). above, and the proposed application will not bring these percentages below 15 percent; or "(C) The applicant demonstrates, through economic/market studies prepared by a qualified professional recognized by the Planning Board, that the market will not reasonably support the required mix of uses within the next five years on the site."

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27-4—50	27-4.204.C.1.b. Transit-Oriented / Activity Center Base Zones	Connectivity	DPW&T: "The draft zoning regulations cite the granting of vehicles, bicycles and pedestrians cross-access between the internal systems and existing or allowable future development. This language is promising because it recognizes the interconnectivity with these modes and their synergy within a development. However, these regulations provide limited discussion on transit vehicle movements, either for light rail and/or traditional transit fixed route, and how private vehicles, bicycles and pedestrian movements would complement each other and not conflict with each other within transit oriented/activity center base zones." Civicomment: "We strongly support these connectivity requirements, both internally and to adjoining properties. This requirement is essential for increasing walk, bicycle and short driving trips, and decreases vehicle miles traveled. This approach preserves roadway capacity, reduces pressure to widen roads and intersections. We hope the provision is strong enough to ensure full compliance."	DPW&T, Civicomment		
27-4—50	27-4.204.C.1.c. Transit-Oriented / Activity Center Base Zones	Vehicular Access and Circulation	"27-4.204 C. c: the maximum 24' wide curb cut allowance from table 27-4.204.C.1.c is not big enough. I believe the minimum requirement by DPIE/DPW& T for a commercial cut is 30'. This would potentially put codes at conflict. "27-4.204. C.d: Assuming a public right of way, the required widths may not match the standards of the DPIE public street section again putting code in conflict with each other. Same thing for the tree distances."	Maryland Building Industry Association	It is important for more urban areas to reduce pavement widths and street widths to urban standards. While DPW&T have prepared a set of urban street standards, a more comprehensive review and update of the County's road and street specifications is underway. Conversation between M-NCPPC, DPW&T, and DPIE indicate that the Zoning Ordinance update offers a great opportunity to provide guidance for the consideration of DPW&T in their work on the road and street specifications. Additionally, staff notes that public roadways are governed by operating agencies; the Zoning Ordinance and Subdivision Regulations speak to private streets. In the event of true conflict, the operating agency requirements will control.	Make no change.
27-4—50	27-4.204.C.1.d. Transit-Oriented / Activity Center Base Zones	Pedestrian Access and Circulation	"We support these pedestrian access & circulation requirements. Quality pedestrian facilities is essential to creating a vibrant and walkable center."	Civicomment	Comment noted.	Make no change.

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27-4—51	27-4.204.C.1.d. Transit-Oriented / Activity Center Base Zones	Pedestrian Access and Circulation	Town of Riverdale Park: "Table 27-4.204.C.1.d does not have a width for sidewalks in the NAC zone. The Town recommends at least 10 but preferably 15 feet, with a 5-foot required Pedestrian Clearance Zone." Civicomment: "The NAC zone should have a sidewalk width in this table, I think. I would recommend at least 10 feet, preferable 12."	Town of Riverdale Park, Civicomment	This is an issue of formatting with the table, with an unfortunate line break. The NAC Zone has the same sidewalk widths as the RTO Edge, LTO Core, and TAC Core areas (10 feet).	Look for ways to shift or clarify the table to eliminate any page breaks through cells/rows in the table.
27-4—51	27-4.204.C.1.e. Transit-Oriented / Activity Center Base Zones	Off-Street Parking	"Minimum and Maximum Off-Street Parking (in the Core Area of the RTO and LTO zones) – The interplay between the requirement of this section and the limits in Sec. 27-6.206.A (Minimum Number of Off-Street Vehicle Parking Spaces) suggests that only off-street structured parking will be allowed, and it is clear that no off-street parking is required (i.e., zero off-street spaces are required). While the town does not know whether or not any areas in town will be rezoned to RTO or LTO core, it seems that in consideration of the impact on adjacent uses, and the fact that some uses (e.g., "Hospital") will involve people parking their cars in the zone, a non-zero minimum number of parking should be in this requirement. Ideally this would be handled in a zone-wide determination of sufficient parking, but we do not have a specific suggestion about how that might be implemented."	Town of Riverdale Park	As current envisioned by staff, the Town of Riverdale Park would receive the RTO-L (Regional Transit-Oriented – Low Intensity) Zone for the portion of the town located in the College Park-Riverdale Park Transit District, subject, of course, to the District Council's final decision. As discussed elsewhere in this analysis, the Countywide Map Amendment is expected to be initiated following the adoption of the new Zoning Ordinance and Subdivision Regulations and will take approximately 18 months to complete. Section 27-4.204.C.1.e.ii indicates that parking spaces in parking structures will not be counted toward the maximum. For example, a retail store is built in an RTO zone, which includes a parking maximum. The store would like to build more parking than the maximum allows. They can build beyond the maximum as long as the parking is within a parking structure. If they do not want to build a parking structure, the number of spaces on the lot may not exceed the maximum. The no minimum requirement for parking in the RTO/LTO (Local Transit-Oriented Zone) core areas is designed to increase the flexibility for developers and business owners in the County. Those businesses will be able to choose how much parking they do or do not want to supply. Additionally, these core-zones are located within approximately 0.25 miles from a Metrorail line, so high capacity and frequency transit can also be leveraged to reduce the demand for motor vehicle travel. Should there be a greater demand for vehicle parking, the business can choose to build and provide more parking. Additionally, parking lots (as a principal use) are permitted by right and will help address parking demand.	Make no change.
27-4—51	27-4.204.C.1.e. Transit-Oriented /	Off-Street Parking	"Table 27-6.206.D of the Zoning Rewrite identifies the maximum number of off-street parking spaces permitted for various uses by zone. Different maximum parking standards are proposed for the Transit-	Heather Dlhopolsky and Matthew M. Gordon, Linowes	No parking minimums in the RTO/LTO core zones and a maximum that is a percentage of the minimum means the maximum is incalculable. In effect, this means there would be no maximum parking in these zones, which is very much	Revise the parking maximum language of Section 27-4.204.C.e.ii. to indicate the 125 percent maximum is based on the minimum requirements of the edge areas.

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	Activity Center Base Zones		Oriented/Activity Center zones as compared to all other base zones. We have outlined the proposed maximum parking requirements (and our suggested changes to them) for each of these standards below. Generally speaking, we note that while it is good public policy to encourage the use of public transportation and other alternative modes of transportation (walking, bicycling) rather than travel by single-occupancy vehicle, with regard to health care uses it is vital to not only the success of the health care facility but also the health of its patients that adequate parking be available in a readily accessible and visible manner. Many of Kaiser's members are elderly and/or infirm, and it is simply not practical to expect that they will travel by other than their own personal vehicle or that they would be able to park other than directly in front of Kaiser's facilities. Kaiser Permanente believes that ensuing complete access for all persons to medical services via ample parking vindicates a specific, significant public policy that justifies relief from maximum parking standards that might properly be applied to other types of land uses. "Section 27-4.204.C.1.e.ii.(A) of the zoning rewrite provides that "[i]n the Core area of the RTO or LTO zones, the maximum number of off-street vehicle parking spaces for development shall be 125 percent of the minimum calculated in accordance with Sec. 27-6.206.A…" We note that section 27-6.206.A of the zoning rewrite proposes no minimum parking requirement for a "medical or dental office of lab" use (or any other health care uses for that matter); thus, it is not possible to calculate what the maximum parking requirement would be in the Core area of the RTO or LTO zones. "Additionally, 27-4.204.C.1.e.ii.(B) of the zoning rewrite provides that "[i]n the edge area of the RTO or LTO zones, the maximum number of off-street vehicle parking spaces for development shall be 150 percent of the minimum requirements calculated in accordance with Section 27-6.206.A…" Since there is a minimum parking requirement proposed for "medical or dental office or lab" use in the Edge areas of RTO or LTO zones (i.e. 1 parking spaces per 500 square feet), it is possible to calculate the maximum parking requirement	and Blocker, LLC, representing Kaiser Permanente, Planning Staff	counter to the intent of the zones to reduce reliance on automobiles. This section needs to be revised to indicate that the maximum for RTO/LTO core zones is 125 percent of the allowed parking in the "edge" portion of the RTO/LTO zone. This change would establish a parking maximum for the core areas. For both parking in the core and edge portions of the RTO/LTO, any parking spaces within a parking structure are not counted toward the maximum, as indicated in the proposed ordinance (27-4.204.C.1.e.ii.(A) & (B)). "Spaces in structured parking facilities do not count toward the maximum allowed." Any use, not only health-related uses, could build as much parking as desired in a parking structure. The RTO/LTO zones are envisioned as dense "downtown" zones and large areas of surface parking will undermine any desired density, walkability, mixing of uses, etc. Further large fields of surface parking will take up substantial area and the distance between the farthest spaces and the building would not be a practical distance for people who are elderly and/or infirm. Healthcare uses outside of the RTO/LTO zones do not have a parking maximum. And in the RTO/LTO zones, there is no maximum if the parking is in a structure. One parking space per 200 square feet ends up as 1,203 square feet of parking provided for every 1,000 square feet of building, not including additional paved areas such as driveways and parking aisles. Surface parking lots built at this ratio are not appropriate for dense, transit-rich locations.	

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			for this use in the Edge areas of the RTO or LTO zones. However, this maximum is far too low to support the parking needs, from an operational perspective, or a medical office such as Kaiser's facilities. "Notwithstanding the inconsistency in applying the maximum parking requirements in the Core areas of the RTO or LTO zones, Kaiser Permanente suggests that Section 27-4.204.C.1.e.ii.(A) and (B) both be modified to exempt the "medical or dental office or lab" use from the applicability of a maximum requirement in both the Edge and Core areas of these Zones. This requested change is necessary to ensure that medical facilities, such as the identified Kaiser Permanente locations, have sufficient flexibility to provide parking that is adequate to serve customer needs and market demands. More specifically, elderly and infirm patients typically drive to receive medical care and do not use public transit; therefore, sufficient parking is needed to ensure that easy and safe access is provided for these patients. Should staff determine that it is necessary to quantify a maximum parking requirement for these uses, we recommend that the maximum parking requirement for the "medical or dental office or lab" use be established at 1 parking space per 200 square feet of gross floor area since this is consistent with existing parking requirements established in Section 27-568(a) f the Zoning Ordinance (as well as market and operational demands, based upon Kaiser Permanente's decades of experience in building and operating medical facilities)."			
27-4—51	27-4.204.C.1.e. Transit-Oriented / Activity Center Base Zones	Off-Street Parking	Maryland Building Industry Association: "27-4.204.e.ii: increase maximum percent of off street parking from 125% to 150%" Civicomment: "We support proposed parking maximums to ensure that the County's investment in transit and walkable places are not undermines by overparking."	Maryland Building Industry Association, Civicomment	Only surface parking lots are subject to the parking maximums in the RTO (Regional Transit-Oriented) and LTO (Local Transit-Oriented) zones. Development can provide more than the maximum amount of surface parking spaces as long as additional parking is placed within a parking structure. Staff does not support an increase in the maximum percent of off-street surface parking in the Transit-Oriented/Activity Center base zones at this time.	Make no change.
27-4—51	27-4.204.C.1.e. Transit-Oriented /	Off-Street Parking	"We strongly support reduced minimum vehicle parking space requirements for Transit-Oriented/Activity Center zones. Specifically exempting Core RTO & LTO zones is a best practice to ensure that these high density, transit-oriented areas are not	Civicomment	Comments noted.	Make no change.

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	Activity Center Base Zones		forced to construct more parking than the market demands. Maximums are a wise approach as well. "We support the proposed 50% reductions from off-street parking requirements in the edge area of the zones listed. We presume 50% reduction for 1.0 - 1.35 for multifamily dwellings in Table 27-6.206A to result in 0.5-0.675. We support this as a critical modernization of the zoning code to respond to declining need for personal vehicle ownership, and reliance in transit-oriented areas on increased access by transit, shared rides, and bicycle and walk access. Arbitrarily high parking minimums are harmful to the County's goals to foster dynamic, walkable, transit-oriented centers."			
27-4—52	27-4.204.C.1.f. Transit-Oriented / Activity Center Base Zones	Off-Street Parking	"It is often non-practicable to create a number of small parking lots. We would recommend that the number be increased to 200 parking spaces and containing 100 or fewer spaces."	Maryland Building Industry Association	Large parking lots are detrimental to the walkability, density, and urban character that the Transit-Oriented/Activity Center zones strive to achieve. Large surface parking lots can be "broken up" through landscaping and walkways and would not necessarily be built as or treated as "a number of small parking lots."	Make no change.
27-4—52	27-4.204.C.1.f. Transit-Oriented / Activity Center Base Zones	Arrangement and Design of Off-Street Vehicle Parking	"We support restricting parking to the rear or side of the building. We recommend that driveways be similarly restricted to ensure a quality pedestrian-oriented environment is maintained. We support the following provisions to ensure a quality pedestrian environment."	Civicomment	Applying this recommendation to driveways is often impossible to achieve because the only street that serves the property is typically located to the front of the property/building.	Make no change.
27-4—52	27-4.204.C.1.g. Transit-Oriented / Activity Center Base Zones	Building Form Standards	"We support these building form standards as essential guidance to create and maintain high value, pedestrian-oriented places."	Civicomment	Comment noted.	Make no change.
27-4—52	27-4.204.D. Transit-Oriented / Activity Center Base Zones	Neighborhood Activity Center (NAC) Zone	"27-204.D through G: All the FAR standards appear to be a bit too low. Recommend increasing maximum FAR by 0.5 to 1.0 for each category."	Maryland Building Industry Association	The recommended ranges for the floor area ratio (FAR) within the Transit-Oriented/Activity Center base zones have been designed in accordance with Plan 2035 targets, market realities in the County, and the test cases conducted by the consultant team. The maximums are appropriate for Prince George's County; any developer who feels they have market support for more FAR is free to pursue a Planned Development Zone for that location, which will allow increased densities and intensities in exchange for additional amenities and higher-quality development.	Make no change.

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27-4—69	27-4.204.G. Transit-Oriented / Activity Center Base Zones	Regional Transit-Oriented (RTO-) Zones	"Simplify the Core and Edge Distinctions in the RTO, TAC-PD, LTO-PD and RTO-PD Zones "	Macy Nelson and David S. Lynch, Law Office of Macy Nelson	This comment appears to convey a feeling that the core and edge areas should be treated as separate zones. Staff does not agree that separate zones are necessary to accommodate the application and distinctions between core and edge sub-zones of the Transit-Oriented/Activity Center zones.	Make no change.
27-4—69	27-4.204.G. Transit-Oriented / Activity Center Base Zones	Regional Transit-Oriented (RTO-) Zones	The City of College Park: "Preservation and protection of existing single-family residential neighborhoods. Now that we are able to review the entire CRD, we are concerned that the intensity of development that may be possible in the City under the RTO zones is much greater than what the standards in the Route 1 Sector Plan would allow, and that there is not sufficient transportation infrastructure in place to accommodate the level of development that would be permitted. While we are pleased that single-family homes in the City are not slated to be up-zoned, many of them are part of the Innovation Corridor described in the Prince George's General Plan (Plan 2035), and fall within the 1,000-foot area being used in the Zoning Rewrite to define the Route 1 and MD 193 corridors. It is very important to the City that the existing boundaries of the Central US 1 Corridor Plan, the College Park/Riverdale Park Transit District Development Plan and the Greenbelt Metro Area and MD 193 Corridor Plan are retained and not expanded into our residential neighborhoods during the zoning map amendment process." The North College Park Community Association concurred with the city's comment.	City of College Park, North College Park Community Association	Comments noted. There are no plans to expand the current boundaries of the character areas of the Central US 1 Corridor or the center boundaries of the College Park-Riverdale Park Transit District Development Plan or Greenbelt Metro Area and MD 193 Corridor Sector Plan.	Make no change.
27-4—76	27-4.205 Other Base Zones	Legacy Zones	"Consideration should be given to essentially allowing a 'negotiated transition' from a Legacy Zone to the applicable new zone or lesser intense zone. Essentially, staff and an applicant would engage in a process to modify the existing development approval(s) in a manner such that it matched what would have been approved had the new zone been in place or some significant portion of the approved development density or intensity at the time of the original approval. First, this would be more of an incentive to have properties with some approvals-but not significantly developed-begin to move forward under the new provisions. Development is such that most applicants will always be hesitant to surrender approvals obtained	Andre Gingles, Gingles LLC	Comment noted. It would be very challenging to legislate such a "negotiated transition" but there would be nothing that precludes negotiations during review of submitted amendments to approved entitlements to informally bridge the gap between the current Zoning Ordinance and the new Zoning Ordinance.	Make no change.

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			after a rigorous public process, and so a negotiated transition wherein certain development rights are protected and remain would be substantial incentive.”			
27-4—76	27-4.205 Other Base Zones	Legacy Zones	“While the City remains committed to advocating and fighting for a Greenbelt NCO Zone in the Zoning Ordinance adopted by the District Council, it is willing to consider the inclusion of a Legacy R-P-C Zone in the legislative draft zoning ordinance. While not a long term solution, it can at least carry forth the "Official Plan" for the Greenbelt R-P-C Zone and provide the protections that exist today.”	City of Greenbelt	Staff does not support the creation of additional legacy zones. Staff notes the current Planned Community (R-P-C) Zone offers few protections to communities other than maintaining a density maximum. Retaining a zone that is applied in just two locations in the County, and essentially has a solitary functional purpose, is very much at odds with the purposes of the Zoning Ordinance rewrite. Rather than retain the R-P-C Zone or incorporate specific Neighborhood Conservation Overlay (NCO) Zones in the legislative draft, staff recommends adopting the proposed Zoning Ordinance and then using the time during which the Countywide Map Amendment is under development (18-month timeframe per the County Council) to develop an NCO Zone for Greenbelt and one for Mount Rainier pursuant to ongoing conversations with these communities. If this recommendation is incorporated, staff believe the NCO Zones for these communities could be ready for adoption concurrent with the adoption of the Countywide Map Amendment (which, itself, would be concurrent with the effective date of the new codes).	Make no change.
27-4—79	27-4.205.D. Legacy Mixed-Use Transportation Oriented (LMXT) Zone	LMXT Zone and Footnote 1	Mr. Gingles: “5. 27-4.205 D Legacy MXT. The footnote expresses the staff/consultant view the MXT zone should be eliminated in favor of the new proposed mixed use zones, which will purportedly better achieve the intended purpose of mixed use. The new zones, as well as the existing zones, do little to allow development to adjust for market realities, and the new zones (along with Sector Plan design standards) actually contain more development standards necessitating modifications resulting in a more difficult development approval process. The "decision standards" being proposed will not instill any degree of comfort that the development approval process has gained more "certainty".” Civicomment: “We recommend not carrying forward the legacy MXT zone, but instead rely on the provisions in the new zones to achieve the objectives of MXT. By doing so, we will better achieve the intention of the original MXT zone with greater clarity and consistency with state-of-the-art practices established	Andre Gingles, Gingles LLC, Civicomment	On February 7, 2018, the County Council directed staff to retain the Legacy Mixed-Use Transportation Oriented (LMXT) Zone for properties that have at least one approved entitlement at the Conceptual Site Plan (CSP) level or beyond.	Retain the LMXT Zone and revise the language as necessary and appropriate to clarify the intent and details of the zone pursuant to Council direction.

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			through the zoning ordinance update. Our position concurs with footnote #1."			
27-4—79	27-4.205.D. Legacy Mixed-Use Transportation Oriented (LMXT) Zone	LMXT Zone	Some language was suggested pertaining to rezoning to the RR Zone.	Planning Staff	On February 7, 2018, the County Council directed staff to retain the Legacy Mixed-Use Transportation Oriented (LMXT) Zone for properties that have at least one approved entitlement at the Conceptual Site Plan (CSP) level or beyond.	Retain the LMXT Zone and revise the language as necessary and appropriate to clarify the intent and details of the zone pursuant to Council direction.
27-4—80	27-4.205.D. Legacy Mixed-Use Transportation Oriented (LMXT) Zone	LMXT Zone	"27-4.205D.4: The idea of the Legacy zone was to protect entitled properties that either have not completed the entitlement process or the construction process. This clause seems to indicate that a project could lose its legacy status if it didn't adhere to timeline. Section 27-1.803 and 804 indicate 10 years for a CSP. Thus the 10 year limit and this clause would invalidate the Legacy zone pretty quickly." In a conversation with the Maryland Building Industry Association, members asked that, should the Council decide to retain the LMXT Zone, will those M-X-T zones located in centers be able to apply for an exemption to the transportation adequacy test?	Maryland Building Industry Association	The first comment pertains to the subsection regarding "transition upon invalidation of approved plans." This clause speaks exclusively to the situation which may occur wherein an entitlement is no longer valid. So long as a project develops in accordance with valid plans, it will be grandfathered. Should a project lose the validity period of its entitlements, it would need to develop under a new zone and the rules of the new Zoning Ordinance. Should the Council retain M-X-T properties in the Legacy Mixed-Use Transportation Oriented (LMXT) Zone in a designated center, that property would not be exempt from the transportation adequacy test. The proposed exemptions in the Subdivision Regulations would only be applicable to property located in the Local Transportation-Oriented (LTO) or Regional Transportation-Oriented (RTO) zones. On February 7, 2018, the County Council directed staff to retain the LMXT Zone for properties that have at least one approved entitlement at the Conceptual Site Plan (CSP) level or beyond.	Retain the LMXT Zone and revise the language as necessary and appropriate to clarify the intent and details of the zone pursuant to Council direction. When the Countywide Map Amendment is initiated, ensure all M-X-T property located in a designated center is rezoned to the appropriate Transit-Oriented/Activity Center base zone rather than LMXT.
27-4—81	27-4.205.E. Legacy Mixed-Use Town Center (LMUTC) Zone	LMUTC Zone	Town of Riverdale Park: "**Mixed Use Town Center (MUTC) zone**: This zone is eliminated from the new Ordinance, except for existing, already developed properties. This zoning classification is applied to the Cafritz property (Riverdale Park Station), and to other properties in Riverdale Park's Town Center. This zoning provides a greater level of municipal involvement in the decision making for areas within the core of existing towns. The quality achieved in the Riverdale Park Station development would not have occurred without the intensive involvement of Riverdale Park and University Park. Removing this zoning designation removes the affected municipality's ability to participate fully in the process of approvals for major development projects within their boundaries.	Town of Riverdale Park, Mayor Alan Thompson (via Civicomment), Town of Brentwood, City of Mount Rainier	On February 7, 2018, the County Council directed staff to retain the Legacy Mixed-Use Town Center (LMUTC) Zone. To address Mount Rainier's question about directing correspondence on delegation of design standards under the Land Use Article, they should direct their comments to their state representatives. Regarding Brentwood's comments, staff have included the second comment regarding the potential Neighborhood Activity Center (NAC) rezoning along portions of US 1 in this discussion to clarify that the LMUTC Zone and the NAC Zone are mutually exclusive. Approximately half of Brentwood's US 1 frontage is in the M-U-TC Zone today. This half will be rezoned to LMUTC, not NAC.	Retain the LMUTC Zone and revise the language as necessary and appropriate to clarify the intent and details of the zone pursuant to Council direction.

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			We support the retention of those areas zoned MUTC under the existing zoning, with the same level of municipal participation and involvement presently experienced. Future development in these zones will occur, and it should be subject to significant local and municipal involvement in the process. “All comments here refer only to what the Town believes should happen in the Riverdale Park M-U-TC zone. The Town believes that the zone should continue to operate as-is (including maintenance of the local design review committee (LDRC)) while a transition to NAC and/or NCO zoning is deliberately considered. This is based on the Town's experience that: “• The members of the Riverdale Park M-U-TC LDRC (hereafter "The LDRC") have shown over many years their willingness to meet on an accelerated schedule in order to meet applicant schedules, and thus there have generally been only minor (30 days or less) delays introduced by the review process; “• Many of the mandatory standards in the Riverdale Park M-U-TC Development Plan(s) require architectural vocabulary for new developments to be consistent with existing developments, and it would be difficult for the detailed local knowledge present on The LDRC to be duplicated in the office of the Planning Director; “• The Town disagrees with the consultant's statement that the interest of developers/ landowners has been dampened by the existence of the M-UTC zone. We have seen intense interest, and the quality of the development has in general been higher than is required by the Development Plan in part because of non-binding suggestions made by The LCRC to developers/applicants. “• In summary, the Town believes that the minor delays introduced by the local design review process have been of great benefit to the quality of development, and the local review process should be retained in both the LMUTC zone, and should be allowed (but decided by the District Council) for NCO overlay zones.”			

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			Mayor Thompson of the Town of Riverdale Park provided comments as a preview of the Town's official position on the LMUTC Zone. The Town of Brentwood: "We want to retain our MUTC under the Legacy MUTC designation. The MUTC was adopted on May 17, 1994 as part of the Planning Area 68 Master Plan. Much time and effort by local elected officials, residents, business persons and County officials helped to shape this plan from a vision by those residing in the community. We believe this is a good plan that allows the Town to expand and drive future development in that area. "Brentwood is in favor of the Neighborhood Activity Center designation along the commercial area of Route 1. As we work to become a more sustainable community we agree with the vision to make this area a destination for 'live, work, and play.' Our population continues to grow with a heightened interest in walkable and bikeable access and with the current public transportation in place along Route 1, this area becomes more favorable for relocation by those outside our area. It is hoped that this designation will generate an economic boost for the community with opportunities for a more diverse tax base. The designation will also provide some continuity with development along the Gateway Arts District corridor to better connect Brentwood to Hyattsville, North Brentwood and Mount Rainier." City of Mount Rainier: "Part of our concern over the loss of the MUTC zone is a reduction in local control over development issues. We have expressed concern multiple times about enforcement of standards that do not require a county building permit. For instance, replacing windows does not require a county building permit, but this is a major concern for the integrity of our neighborhood. To address this concern, we proposed that Mount Rainier be given control over design standards per Md. Code Land Use Sec. 25-301. We have not heard back about this proposal. To whom should correspondence on this topic be addressed? "Our Mixed Use Town Center Zone may not be perfect, but it is the result of many many planning			

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			meetings and input from residents and businesses. A lot of time and tax payer dollars went into developing our current plan. In fact, the plan won an award. The current plan is *our vision* for our unique town center. We reject the idea of becoming part of a cookie cutter NAC after working for so many years to work toward our vision. Therefore, our request is to have our town center designated as a 'Legacy Mixed Use Town Center.' We would like to keep as much of the current table of uses as possible. We have worked so hard to upgrade our signage with the MUTC sign standards. We wish to keep them in place." "In the proposed Legacy MUTC, the draft says it applies only to lands 'for which a conceptual site plan, preliminary plan of subdivision, or detailed site plan was approved' prior to the adoption of the zoning rewrite. What does this mean? What about future development within the MUTC? We are very interested in retaining our MUTC but do not understand these parameters."			
27-4—81	27-4.205.E. Legacy Mixed-Use Town Center (LMUTC) Zone	LMUTC Zone	Several typographic and grammatical revisions were suggested.	Planning Staff	On February 7, 2018, the County Council directed staff to retain the Legacy Mixed-Use Town Center (LMUTC) Zone. The currently proposed language of the Comprehensive Review Draft needs numerous revisions for clarity prior to the release of the legislative draft.	Retain the LMUTC Zone and revise the language as necessary and appropriate to clarify the intent and details of the zone pursuant to Council direction.
27-4—84	27-4.300 Planned Development Zones	Use Conversions	"Under both the existing and proposed ordinances, the conversion of an existing building to another permitted use within the M-U-I and M-X-T zones or the RTO-H zone where there is no change to the structure creates an exemption from all public facilities requirements. While an older structure may have contributed for open space/recreation facilities, schools, roads, and stormwater management at the time of construction, the new uses may change the actual impacts of the building. For example, an office building does not generate school children, but a residential building does. The impact on schools is quite different. Likewise, traffic and parking requirements may be significantly different. We request that the revised zoning ordinance include a requirement that existing buildings that are converted from one use to another be evaluated as to whether or not they create a different impact on public facilities, and to contribute to	Town of University Park	There is a proposed provision on page 24-3—17 of the Subdivision Regulations that speaks to changes or use or increase in dwelling units or nonresidential development. Any such change that results in an increase in the public facility capacity needed to accommodate the changed project by more than five percent will result in a required amendment to the certificate of adequacy associated with that project.	Make no change.

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			maintaining an adequate level of public facilities as they relate to the new use.“			
27-4—84	27-4.300 Planned Development Zones	Maximum Size Permitted	“Amend the Ordinance to establish a maximum footprint of 75,000 square feet in the TAC-PD, RTO-PD, and MU-PD zones. These are transit-oriented zones. Modification of this maximum should not be permitted. In the current Draft, there is no current maximum footprint in the Planned Development Zones.”	Macy Nelson and David S. Lynch (Law Office of Macy Nelson)	Such limitation is unnecessary and, in some situations, would be counter-productive to achieving the type of high-quality, dense, multi-story projects necessary and desirable within any transit-oriented zone. Footprints larger than 75,000 square feet may be necessary for office buildings and vertically mixed-use buildings. There are no compelling zoning reasons to treat combination retailers any differently regarding the footprint of the building.	Make no change.
27-4—91	Transit-Oriented / Activity Center Planned Development Zones	Other Standards for All Transit-Oriented/Activity Center Planned Development Zones	There appears to be no way to modify the “other standards” provisions for the planned development zones. Should there be?	Council Staff	Upon further reflection, staff concurs with Clarion Associates’ original rationale that most of the Planned Development zone “other standards” should not be subject to a departure or variance process. The “other standards” are, by and large, necessary and appropriate to ensure walkability, connectivity, appropriate locations and relationships of the built environment and open spaces, and other factors of transit-oriented and mixed-use development that are important to achieve. The exception is where any “sidewalks and street trees” standards are specified, as there may be situations where these standards cannot be met in a Planned Development application.	Add “The sidewalks and street trees standards in the Planned Development (PD) Zones specified in Sec. 27-4.300, Planned Development Zones” to the list of permitted variances.
27-4—93	27-4.303 Transit-Oriented / Activity Center Planned Development Zones	Distinction of Zones	“As currently written, the regulations do not clearly articulate how the modal emphasis differs between each zone. The regulations should emphasize the differences in zone as pertains to the roadway network functions, character, and influence on surrounding land use. In addition, the regulations should present a typology or classification for the corridors and multimodal transportation networks that are necessary to support transit oriented or pedestrian oriented development patterns, while at the same time ensuring reasonable levels of overall vehicular mobility.”	DPW&T	The guidance of the General Plan, which is used in designating center classifications, contains additional detail on the modes of transportation and general levels of service that should inform each center classification. The designation of centers is via the master planning process, not through zoning. Further, there is no policy guidance offered by Plan Prince George’s 2035 regarding corridors (with the sole exception of the Innovation Corridor) and “multimodal transportation networks.” The master plan of transportation focuses on network connectivity and transit, while the General Plan is more strategic in its emphasis on targeted growth locations. The Zoning Ordinance is not the location for typologies or classifications of transportation systems needed to support development patterns. This is more appropriate through comprehensive plan guidance and Subtitle 23/the County’s Road and Street Specifications manual.	Make no change.
27-4—118	27-4.400 Overlay Zones	Architectural Conservation Overlay Zone	“Will the Architectural Conservation Overlay Zone be continued as an important tool to preserve and protect the character and historical quality of those with a	Town of Brentwood	No. The Architectural Conservation Overlay Zone (ACOZ) has not been applied to any property in Prince George’s County since its creation. The proposed Neighborhood	Make no change.

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			historical designation? How that is determined for our neighbors in North Brentwood and Mount Rainier could have impact on Brentwood in the future as we have homes that would qualify if at some point we would apply for such designation."		Conservation Overlay (NCO) Zone is a superior alternative in that it would meet all of the purposes of the current ACOZ while greatly streamlining the procedures that are associated with the ACOZ (such as a requirement for detailed site plan review for all development, which extends to expansions of single-family detached dwellings).	
27-4—129	27-4.402.C. Policy Area Overlay Zones	Military Installation Overlay (MIO) Zone	Planning staff identified a number of minor edits to improve implementation of the recently adopted Military Installation Overlay (MIO) Zone (currently referred to as the MIOZ), which is proposed to be carried forward in the new Zoning Ordinance.	Planning Staff	Staff concurs.	Revise the definition of "Approach-Departure Clearance Surface" on page 27-2—26 to delete references and language pertaining to "C" or "Imaginary Surface C." Delete the definition and search for, and delete, references to "Outer Horizontal Surface," which is not used in the approved MIOZ. Revise Sec. 27-3.503.B.4.d. to provide clearer distinction between the zones as follows: "If the land subject to the proposed amendment is wholly or partially within the Safety Zones of the MIO Zone, the following zones: "i. Any Transit-Oriented/Activity Center base zone; "ii. The RMF-12, RMF-20, RMF-48, CGO, CN, or CS zones; or "iii. A more-intense residential zone than the current residential zone on the property." Revise Sec. 27-4.402.C.3.a.iii. to read: "Any use prohibited in the subareas of the MIO Zone as specified in Division 5 of this Subtitle [shall] may not be permitted as a principal, accessory, or temporary use within [the MIO Zone.] those subareas."

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						Revise Sec. 27-4.402.C.3.d.ii. to read: "Any use in the [Accident Potential Zone (Accident Potential Zones 1 and 2)] Safety Zones that is either: "(A) Prohibited in accordance with subsections 27-4.402.C.4.c. Accident Potential Zone (Accident Potential Zones 1 and 2) or 27-4.402.C.4.d. Clear Zone; or "(B) A place of worship, eating or drinking establishment, or office use prohibited in the underlying base [zone] or [another] overlay zone in which it is located." On page 27-4—134, ensure Sec. 27-4.402.C.4.c.ii.(B) and (C) only mention the CGO Zone. The 6,000 square foot exemption is only applicable to the CGO Zone; other zones make use of the 3,500 square foot restriction. Revise Sec. 27-4.402.C.4.c.ii.(D) on page 27-4--134 to read: "New office uses accessory to a permitted use located in the IE Zone or in the IH Zone shall not exceed a square footage equivalent to 0.15 FAR; all other new office uses shall not exceed a square footage equivalent to 0.08 FAR. Revise Sec. 27-4.402.C.4.d.ii on page 27-4—135 to read: "Office uses that exceed a square footage equivalent to 0.08 [Floor Area Ratio (]FAR[)] are prohibited in the Clear Zone."
27-4—139	27-4.403 Other Overlay Zones	Neighborhood Conservation Overlay (NCO) Zone	"Historic Preservation Districts, It should be clarified that the Neighborhood Conservation Overlay district does not replace the Historic Preservation Districts, and/or the requirements of Title 29 of the County Code."	Town of University Park	There is no need to state the proposed Neighborhood Conservation Overlay (NCO) Zone does not replace Subtitle 29.	Make no change.
27-4—139	27-4.403	Neighborhood Conservation	"The Greenbelt City Council urges the Planning Board to include funds in their FY 2019 Budget to create a	City of Greenbelt	Comments noted.	Make no change.

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	Other Overlay Zones	Overlay (NCO) Zone	Neighborhood Conservation Overlay (NCO) Zone and required neighborhood plan for the City of Greenbelt. The Zoning Rewrite Process proposes to eliminate the Residential Planned Community (R-P-C) Zone which has protected Historic Greenbelt as a unique planned community. While the City is advocating for a Greenbelt specific NCO Zone be included in the new Zoning Ordinance expected to be adopted in the Spring of 2018, based on direction from the County Council it appears unlikely that it will, and therefore, it is imperative that planning monies be budgeted in FY 2019 so Historic Greenbelt will be protected." "Our City has been involved in the zoning rewrite process since its inception and has consistently voiced concerns about the impact of eliminating the R-P-C Zone on Historic Greenbelt. The R-P-C Zone caps housing densities based on the residential superblocks that were part of the 1937 original planned community. Greenbelt's National Historic Landmark designation is based on the overarching site plan for the community which created areas of clustered development and planned open space linked to a town common and commercial area via walkways and underpasses. For these reasons, an NCO zone is needed to protect Greenbelt's unique historic character. we implore you to provide funding during the upcoming budget process and direct staff to complete this important project."		See elsewhere in this analysis for discussion of a potential legacy Planned Community (R-P-C) Zone.	
27-4—140	27-4.403.A.3. Other Overlay Zones	Minimum Standards for Designation of an NCO Zone	"Finally, in Section 27-4.403 A of the proposed Zoning Rewrite, addressing Neighborhood Conservation Overlay Zones, Subsection 3.c., 'Minimum Standards for Designation of an NCO Zone' should be amended to add the following underlined language: "c. There is existing or anticipated pressure for new development or redevelopment and new infill development within this zone, <u>or it is important to retain the historic character of an existing development.</u>"	Larry Taub Representing Greenbelt Homes, Inc.	Staff concurs with the general intent of the proposed language but would place it in a different location.	Revise Sec. 27-4.403.A.3. on page 27-4—140 as follows: "…b. Development patterns in the NCO Zone demonstrate an on-going effort to maintain or rehabilitate the character <u>(including, but not limited to, the historic character of existing communities)</u> and physical features of existing buildings in the zone; "c. There is existing or anticipated pressure for new development or redevelopment and new infill development within the zone; <u>and</u>…."
27-4—141	27-4.403.A.5.	Specific Neighborhood	The City of Mount Rainier made numerous specific comments on a preliminary discussion draft of a Mount	City of Mount Rainier	Comments noted.	Make no change.

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	Other Overlay Zones	Conservation Overlay Zones	Rainier Neighborhood Conservation Overlay (NCO) Zone that staff and Clarion Associates prepared. Since no NCO will be established at the time the Zoning Ordinance is adopted, these comments are not incorporated in this analysis. A second letter was also received along the same lines: "We provided a letter of our preferred standards for the Mount Rainier Neighborhood Conservation Overlay Zone (NCOZ) on March 7, 2017. we have not received further information regarding the NCOZ standards and note that the current rewrite draft does not include details for the Mount Rainier NCOZ. This is particularly important because we have concerns about the new RSF-65 zone that will be the underlying zone for the NCOZ. We believe that some of those concerns can be addressed in the NCOZ standards, but we are becoming concerned that the NCOZ will not be ready when the RSF-65 is adopted-therefore leaving the city in limbo."			
27-4—141	27-4.403.A.5. Other Overlay Zones	Specific Neighborhood Conservation Overlay Zones	Support was expressed for a Greenbelt Neighborhood Conservation Overlay Zone by numerous stakeholders. Key requests for this overlay zone include: - Capping the maximum residential density at approximately 8 dwelling units per acre - Lowering the maximum townhouse density in the proposed RSF-A (Residential, Single-Family – Attached) Zone. - Converting the Roosevelt Center to the proposed CN (Commercial Neighborhood) Zone rather than the proposed CGO (Commercial General and Office) Zone. - Capping heights on new development. - Recommending a Legacy Residential Planned Community Zone as an interim zone until the proposed Neighborhood Conservation Overlay Zone was complete. Some stakeholders oppose rezoning to the RSF-A (Residential, Single-Family – Attached) Zone without surety the proposed townhouse density is reduced in some manner.	Greenbelt Homes, Inc., Cynthia Newcomer, Ben Fischler, Pat Holobaugh, Steve Johns, Kathleen O'Blinsky, Susan Cahill, Danielle Celdran, Rabbi, Saul Oresky, The Rev. Charles Hoffacker, Joe Robbins, Regina Bellina, Susan Barnett, Velma Kahn, Molly Lester, Michael Chesnes, Jane Ulrich, Mark Hanyok	The preliminary draft Greenbelt Neighborhood Conservation Overlay Zone was released to the City of Greenbelt and Greenbelt Homes, Inc. for distribution and review per the request of the County Council. The proposed Countywide Map Amendment is not intended to be an upzoning exercise. Its primary purpose is to replace existing zones with the closest new zone. Cooperative housing is an ownership type rather than a separate use and should not be defined in the Zoning Ordinance because such definitions may be inconsistent with County and state regulation on cooperative housing. An existing interpretation applies to development proposals in Historic Greenbelt and property owned by Greenbelt Homes, Inc. that recognizes the un-platted reality of this community and the challenges of requiring a preliminary plan of subdivision for more than 1,000 cooperative dwellings. This uncodified interpretation, followed by both DPIE and M-NCPPC, exempts the community from requirements pertaining to lots. Staff expects this interpretation would continue. Should there be need to codify this interpretation, additionally research is necessary	Make no change.

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			Some stakeholders view this effort as an upzoning exercise. Ms. Barnett submitted a number of postcards purportedly from residents along with her comments. These postcards sought release of the preliminary draft Greenbelt Neighborhood Conservation Overlay Zone to the community for review. One of the most common themes is the unique, historic character of the original Greenbelt town core. Ms. Lester proposed some new definitions for cooperative housing. Mr. Taub: "As previously discussed, the great majority of the homes within GHI are not situated upon a 'lot', as defined in the Ordinance. This fact raises a number of problems related to certain sections of the proposed Zoning Rewrite, including the following: 1. If a member wishes to construct or reconstruct an alteration or addition to one of the townhouses, and requires a building permit for any such construction, such a permit could well be denied under Section 27-3.514 C.2., which states: 'DPIE shall not issue a building permit: a. For land that is not a record lot;…' 2. In Section 27-3.508, 'Detailed Site Plan (Minor and Major)', Subsection B.2. states, 'The following types of development are exempt from the requirements of minor or major detailed site plan review **but shall be required to file for all other appropriate permits and demonstrate compliance with the regulations of this Zoning Ordinance:** b. Permits for additions, alterations, or rehabilitation of residential dwelling units on land owned by a cooperative housing corporation that has at least 1,000 dwelling units;' (Emphasis supplied). Aside from density and structure height, other standards of the RSF-A zone relate to lots, such as minimum lot width, minimum lot frontage at the front street line, maximum lot coverage,		to determine how to best translate it into legislative language. See elsewhere in this analysis for discussion of a potential legacy Planned Community (R-P-C) Zone.	

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			and front, side and rear yard depths ('yards' are defined in terms of open space on a lot). Without lots upon the great majority of the Subject Property, there cannot be a finding that an application for a permit to construct an addition or alteration to a townhouse upon the Subject Property is in 'compliance with the regulations of this Ordinance.' 3. In Section 27-5.303 B. 4. And 5., relating to 'Location of Accessory Uses and Structures', it states: '…no accessory uses and structures may be located in a required side yard or rear yard, provided an accessory structure, other than a fence or wall, that is more than ten feet in height is set back from the nearest side or rear lot line one foot for every foot (or fraction thereof) the structure's height exceeds ten feet.' As discussed above, without lots, and thus without lot lines, one cannot determine the locations of yards, and the determinations required in these Sections of the Zoning Rewrite as proposed, therefore, cannot be made. Mr. Taub commented on the challenges of rezoning the historic core of Greenbelt to the proposed RSF-A (Residential, Single-Family – Attached) Zone in lieu of the potential Neighborhood Conservation Overlay Zone, and concurred with proposals for a new Legacy Residential Planned Community (LRPC) Zone. Sample language for such a zone was submitted for review. Mr. Taub continued: "In any consideration of a proposed Neighborhood Conservation Overlay Zone for Greenbelt, GHI believes that this specific NCO zone should, at a minimum: (1) include a specific definition of a housing cooperative, and adjust all regulations to the nature of that type of ownership; (2) assure that the maximum density for the proposed NCO zone in Greenbelt reflects the maximum densities as shown on the Superblocks within the R-P-C Plan in the 1990 Master Plan/SMA; and (3) allow not only strictly residential uses within such a zone, but also other uses that have been permitted and/or exist within the Greenbelt R-P-C zone, which are reflective of the			

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			actual uses of the Subject Property that have historically been important elements of the GHI cooperative. Furthermore, while this letter is for the purpose of noting the particular concerns of GHI and its properties, GHI strongly suggests that any legacy zone for the R-P-C zone in Greenbelt as suggested herein apply to not only GHI property, but also to the balance of residential, commercial and institutional properties currently zones R-P-C in Greenbelt. It is, in fact, the entirety of the community established within the R-P-C zone in Greenbelt that so enriches the lives of GHI homeowners – such elements as common green space, pedestrian walkways and underpasses, woodland areas, and easy pedestrian access to stores, restaurants and a movie theater – which requires the protection of a legacy zone, and ultimately, thoughtful consideration in the development of a Neighborhood Conservation Overlay Zone for these properties."			

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27-5—1	27-5.100 General Provisions	Use Table Formatting	"We find the use of 'P,' 'A,' and blank very confusing. It makes the document unfriendly for users and confusing to navigate."	Civicomment – Food Equity Council	Staff notes the comment but disagrees with the implication to make a change to how the use tables are formatted. Use of "P" to denote a permitted use is extremely common in Zoning Ordinances and is used in the current code. "A" denotes an "allowable" use in the Planned Development Zones, and a blank cell is only used in the Overlay Zone use tables, to indicate the user must look to the underlying zone for how that particular use is regulated. This approach is the clearest way to reflect use permissions.	Make no change.
27-5—1	27-5.200 Principal Uses	Use Table Formatting	The use "shopping center" is not included in the use tables. Nor is "integrated shopping center," which does not appear to exist as a use in the proposed Zoning Ordinance.	Planning Staff	The current Zoning Ordinance uses the term "integrated shopping center." This is a retail use with three or more stores, designed as a whole, and with incorporated parking facilities. The proposed use "shopping center" increases the number of stores from three to four but is otherwise very similar and a more modern term. Staff does not believe the more antiquated term "integrated" adds anything here – people know what a shopping center is and the new definition provides legal backing. The number of stores should be reduced back to three for consistency and to ensure no potential nonconformity issues are created. The term "integrated shopping center" appears a few times in the proposed code, mainly pertaining to signage. This term should be revised to read "shopping center" for consistency. "Shopping center" should be added to the use table, particular since it has separate parking requirements. Appropriate zones for this use may include, but may not be limited to, the CGO (Commercial General and Office) Zone and the MU-PD (Mixed-Use Planned Development) Zone as an allowable use. Staff will recommend appropriate zones when adding the use to the upcoming legislative draft.	Reduce the number of stores in the definition of "shopping center" from four to three. Search for instances of "integrated shopping center" and delete the term "integrated" where it appears. Add "shopping center" to the use table to appropriate zones.
27-5—3	27-5.202.B. Multiple Principal Uses	Interpretation of Standards	Having two principal uses on the same property is valuable and should be kept. There needs to be more clarification regarding which standards apply, especially for two uses that are not in the same building. Is it all of them, is it the more restrictive? This needs to be clarified.	Planning Staff	If two or more principal uses are located in a single building, the dimensional standards of the nonresidential component apply, as noted in the footnotes of the dimensional standards table (e.g. footnote 2 for the Commercial General and Office Zone). If there are multiple buildings, standards for both uses apply. If there are dimensional standards for the overall lot, the most restrictive standards apply.	Make no change.

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27-5—4	27-5.202.C. Principal Use Table for Rural and Agricultural, and Residential Base Zones	General	"The 'Draft' also seems to allow the possibility that the current uses on the land from LaSalle Road, westward to the Northwest Branch Tributary, could be converted to high-rise, condos, or rental structures. This has been of concern to the neighborhood since the early 1990s. "Our leadership has been informed that this entire area will be rezoned to some agricultural status, but we have received no written confirmation as to which Agricultural zone. I urge the re-zoning team to convert this current "open-space" area to the proposed AG (agriculture and preservation) zone. "This AG designation would seemingly be most relevant to what is on this land, currently zoned as 'open space' (senior housing and medical facilities). The AG designation would also accommodate our design to a much needed 'community building' in the future." A question was asked about the proposed zoning for land beginning at the intersection of 19th Avenue and LaSalle Road and moving to the west. The current zoning is O-S (Open Space). There are concerns with rezoning this large area to reflect the current uses on the property, which may result in upzoning.	Starla Shambourger, Albert Van Thournout, Jo-Anne M. Butty, Imani Kazana, Rosemary Latney	The property west of La Salle Road is currently zoned O-S (Open Space). There currently is no proposed zone for the rezoning process. It will not be rezoned until the council adopts the anticipated Countywide Map Amendment. It is recommended that properties outside of the designated Plan 2035 Activity Centers be rezoned as the most similar proposed zone. In this instance, the O-S land would be rezoned as the proposed AG (Agriculture and Preservation) Zone.	Make no change.
27-5—4	27-5.202.C. Principal Use Table for Rural and Agricultural, and Residential Base Zones	Agricultural Research Facility	"Ag research facility makes sense in other zones besides Industrial--and it doesn't necessarily make sense in industrial. We suggest changing to P under zones AG and AR."	Civicomment – Food Equity Council	"Agricultural research facilities" are a permitted use in the proposed ROS (Reserved Open Space) Zone. The largest agriculture research facility in the County is currently in the equivalent of the proposed ROS Zone. In any event, most of these facilities are government-owned, and exempt from the requirements of the County Zoning Ordinance.	Make no change.
27-5—4	27-5.202.C. Principal Use Table for Rural and Agricultural, and Residential Base Zones	Farm Brewery or Distillery	Food Equity Council: "'Farm brewery or distillery' and 'winery' should be lumped into 'Farm-based craft alcohol producer' and should be permitted in RE and RR" Grow and Fortify: "Why are Farm Breweries and Farm Distilleries prohibited in RE, RR, and IE but Farm Wineries allowed? If the point is to encourage value-added agriculture, and the preservation of existing farms, it makes no sense to have inconsistent uses within farm-based craft beverage manufacturers. "Additionally, what if a farm winery wanted to add an	Civicomment – Food Equity Council, Grow and Fortify, Planning Staff	See the discussion of farm-based craft alcohol production elsewhere in this analysis.	Make no additional change.

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			additional license for a distillery or brewery? The proposed use table would prevent this. This is not uncommon for farm based craft beverage producers to do, especially wineries adding a distilling component. The federal license allows alcohol producers to add another kind of alcohol manufacturing in the same place as long as there is a division between the two types of manufacturing. The Office of the Comptroller, who regulates alcohol production at the state level, also allows this." Staff offered similar comments.			
27-5—4	27-5.202.C. Principal Use Table for Rural and Agricultural, and Residential Base Zones	Farm Distribution Hub	"There may be differing views on what constitutes a farm distribution hub, they can be small, very nondisruptive operations. We suggest changing this to food hub, using our above suggestions for the definition, and change to 'P' in RE and RR."	Civicomment – Food Equity Council	Definitions of "farm distribution hub" and "farmers' market" are generally similar. A "farm distribution hub" would generally be of higher intensity as this would entail wholesalers and growers/producers making exchanges. Smaller-scale farmer to consumer distribution would be classified as a "farmers' market." Farmers' markets are permitted as a principal use in the RE and RR zones.	Make no change.
27-5—4	27-5.202.C. Principal Use Table for Rural and Agricultural, and Residential Base Zones	Dwelling, Multifamily	Town of Brentwood: "What we do not want in our residential area is any more permitted multi-family units on a property zoned for single-family living. This would place additional burden on our already over-crowded streets and additional cost for services provided to the residents." Mr. Heard: "Multifamily dwellings should be allowed as a Special Exception in the RSF-A zone. An appropriately sized building, such as a 4- to 8-unit apartment house, could fit quite well in this zone and would not disturb the fundamental character of the zone. There is no reason this type of household use should be barred in the RSF-A zone."	Bradley Heard	In the residential zones, multifamily dwellings are proposed to be permitted only in the residential, multifamily zones. The purpose of the RSF-A (Residential, Single-Family – Attached) Zone is "to provide lands for primarily two-family, three-family, and townhouse dwellings as medium-density, attached-unit residential development, as well as other types of development, in a form that supports residential living and walkability…." Multifamily dwellings would not further the purpose of this zone, and are permitted in the RMF-12 (Residential, Multifamily – 12) Zone at a similar density to that allowed in the RSF-A Zone. Distinguishing between attached single-family and multifamily forms provides the County more options for establishing and zoning to implement the desired character for a community as may be determined through a comprehensive plan's land use recommendations.	Make no change.
27-5—5	27-5.202.C. Principal Use Table for Rural and Agricultural, and Residential Base Zones	Club or Lodge or Community-Oriented Associations	Why are these uses special exception uses for residential zones less intense than the RMF-12 (Residential Multifamily – 12) Zone?	Planning Staff	These uses are currently special exception uses in lower-density residential zones and should remain so. They have a history of generating negative and undesirable impacts in Prince George's County that merit a more formal review and evaluation of these uses through a special exception procedure.	Make no change.

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27-5—5	27-5.202.C. Principal Use Table for Rural and Agricultural, and Residential Base Zones	Community Center/Facility, Cultural Facility, Eleemosynary or Philanthropic Institution “	“All three uses are those that are beneficial and provide a great deal of service to the community. These kinds of places usually are operated by nonprofit entities with limited resources. Not permitting them by right in zones where the bulk of our residents live will either deprive the residents off the services of these organizations or cause financial hardship for the organizations if they must go through the special exemption process. Please make them a permitted use by right in all rural and agricultural as well as residential zones.”	Stakeholder	These uses have a history of generating impacts that merit additional consideration beyond a permit-level review if they are located in lower-density residential zones. In the case of eleemosynary uses, they are extremely broad in nature and require a more stringent review procedure than a by-right permit process.	Make no change.
27-5—5	27-5.202.C. Principal Use Table for Rural and Agricultural, and Residential Base Zones	Place of Worship	The City of Mount Rainier: “We understand the reticence of the county to prohibit churches given the federal law. However, requiring a special permit would not prohibit new churches, but would give the local jurisdictions some input into the acceptable conditions.” The Town of Riverdale Park: “The current ordinance calls for a special exception if the property was less than 1 acre [for a place of worship]. The proposed ordinance makes this use by-right. While a small group of people meeting for worship in a residential area, perhaps using an existing residential structure, may not create significant impacts, a larger place of worship can cause impacts within a neighborhood including parking and noise. This use should require greater scrutiny than simply being a use by right without limitation on property size, community compatibility, etc. We support the retention of the requirement in the current zoning ordinance for a special exception to permit a church within a residential zone on a property or less than 1 acre.”	City of Mount Rainier, Town of Riverdale Park	The current special permit process is not recommended to continue in the new Zoning Ordinance. Clarion Associates flagged the County’s current regulatory approaches to places of worship as potentially in conflict with federal law, specifically the Religious Land Uses and Institutionalized Persons Act. and recommend more a somewhat more liberal approach. Staff concurs with this approach.	Make no change.
27-5—5	27-5.202.C. Principal Use Table for Rural and Agricultural, and Residential Base Zones	Vocational or Trade School	“How come vocational schools are prohibited in all residential zones? Vocational schools could be part of the PGCPS system or private. Since regular schools are permitted in the residential zones, vocational schools should also be permitted. There are some commercial trade schools for adults, which are different than vocational schools for children. These trade schools may only be located in nonresidential zones. This distinction should be made and use table should be revised accordingly.”	Stakeholder	Vocational or trade schools owned and operated by the Prince George’s County Board of Education are exempt from the regulations of the Zoning Ordinance. For other such schools, they may generate negative impacts that would affect adjoining residential properties and are thus not recommended for the Rural and Agricultural and Residential base zones.	Make no change.
27-5—5	27-5.202.C. Principal Use Table for Rural	Parking Facility (As a Principal Use)	This use should be permitted in the RMF-48 (Residential Multifamily – 48) and RMF-20 (Residential Multifamily – 20) zones and a special exception use in	Planning Staff	Staff concurs, as parking may be under-supplied in some residential areas. Permitting more off-street parking areas can help relieve parking demand while also allowing the market to dictate the cost of providing parking.	Revise the use table for “parking facility (as a principal use)” to permit it in the RMF-20 Zone and allow as a SE in the RSF-A Zone.

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	and Agricultural, and Residential Base Zones		the RSF-A (Residential, Single-Family – Attached) Zone.			
27-5—5	27-5.202.C. Principal Use Table for Rural and Agricultural, and Residential Base Zones	Utility Uses	"The written restriction against the storage of Hazardous materials, (including liquified natural gas) on the 22 acre property along Chillum Road, owned by the Washington Gas Company, or any other property within the County s not missing in the draft. This language was present in the W. Hyattsville TDOZ as well, but nowhere to be found in the Comprehensive Draft document. "The language prohibited, 'storage' was key in the successful efforts over several years, by residents, and legal battles by the county government. This battle culminated in 2012 when the federal court judge ruled in favor of the County to prevent the Gas company from erecting a Liquified Natural Gas (LNG) processing and storage plant on the Chillum road property. "The current zoning rewrite draft is totally silent on this issue. i.e. where LNG facilities might be safely located. The draft basically creates a language loophole, which allow any utility company, including natural gas or petroleum, to introduce a dangerous use in or near a residential area. This would place the Avonridge neighborhood, and others like it throughout the County, in serious danger if the final regulations lack appropriate zoning language which judges would need to see in order to rule against negative utility company proposals in the future. Our very lives in this community depend on the continued restriction of storage of hazardous materials on the property of Washington Gas along Chillum road. This community and neighboring communities have fought too long and too hard to have these restrictions now silently dropped from the zoning language. "Liquified natural gas processing and storage is expressly prohibited in any location, within any zone, which is four miles of ten or more 'residences,' or a major transit facility. Storage of hazardous materials of any type, including petroleum, be limited to the absolute minimum need, after consideration of the utilization of wind, solar, and geothermal treatments have been utilized. All underground pipes of natural gas and	Starla Shambourger, Albert Van Thournout, Jo-Anne M. Butty, Rosemary Latney, Avonridge Community Development Corporation, Sierra Club	Liquified natural gas storage would be considered a utility use and is proposed to be prohibited in the ROS (Reserved Open Space) Zone (which is the current, and envisioned future, zone of the referenced Washington Gas property). However, it is important to note that only private citizens and businesses are subject to the regulations of the County's Zoning Ordinance. Washington Gas is a public utility and is subject to state regulations and the public utility commissions in Maryland. However, the County's Zoning Ordinance will be taken into account if/when Washington Gas proposes new facilities in the County.	Make no change.

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			petroleum which are made of cast iron, or steel (installed prior to 1950) be replaced prior to either new construction or renovation." Sierra Club: "Finally, we respectfully request that the team address important issues raised by citizens in the Avonridge Community in West Hyattsville – the absence of standards for the proximity of storage of hazardous materials (including liquefied natural gas) to residential communities and transit hubs and the implications of the Zoning Rewrite for a community park and open space."			
27-5—5	27-5.202.C. Principal Use Table for Rural and Agricultural, and Residential Base Zones	Solar Energy Collection Facility, Large-Scale	"Permitting SECFs in AG and AR and one more zone, IH, creates an imbalance and a drive to consume agricultural land for these uses. This threatens the continued certification of the ag preservation program, and increases the likelihood that the County will lose millions of dollars, as it did when the State of MD concluded that our zoning was too permissive and did not protect the agricultural land from development. It would be better to allow SECFs in more zones that have industrial uses, warehouses, parking lots and flat roofs that are perfect for SECFs. The zoning ordinance can incentivize the location of SECFs at these locations."	Planning Staff	See elsewhere in this analysis for discussion of solar energy facilities.	Make no change.
27-5—5	27-5.202.C. Principal Use Table for Rural and Agricultural, and Residential Base Zones	Solar Energy Conversion Facility, Large-Scale	"Does 'Utility, minor' include small-scale SECFs? It is not clear. You have listed 'SECF, large-scale' but not 'SECF, small-scale.'"	Planning Staff	Small-scale solar energy and wind energy facilities are considered accessory uses in the proposed Zoning Ordinance and are incorporated in the accessory use and structures tables.	Make no change.
27-5—7	27-5.202.C. Principal Use Table for Rural and Agricultural, and Residential Base Zones	Farmers' Market	Food Equity Council: "Farmers market should be allowed in all zones. The definition of a 'principal use' for farmers market should be firmed up--most weeks of the year is too vague. The temporary farmers market is permitted everywhere but the principal use is so limited. There are issues with this definition, a principal use farmers market should be allowed in all zones, especially ag zones." Stakeholder Comment: "While a farmers' market as a temporary use is allowed in all residential zones, a farmers' market as a permanent use is not. Even though it is called "permanent" it is not a permanent structure,	Civicomment – Food Equity Council, Stakeholder	Staff concurs; the proposed use-specific standards for farmers' markets will minimize any potential negative impacts to residential communities.	Revise the principal use tables to permit farmers' markets in all zones.

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			nor does it happen 365 days a year. In fact, it is defined as occurring once every other week for most of the year. Therefore, several of our existing farmers' markets qualify to be a principal use, and some of them are located in residential zones. The new ZO will make them illegal. It does not make sense to allow a farmers' market that operates weekly for five months in a residential zone, but not allow the one that operates bi-weekly for 7 months, even though the former occurs more than the latter. All farmers' markets, regardless of being permanent or temporary, should be allowed in residential zones, where they are needed the most."			
27-5—7	27-5.202.C. Principal Use Table for Rural and Agricultural, and Residential Base Zones	Grocery Store or Food Market	"We like that this draft allows a grocery store to locate on the first floor of a multi-family building." Planning staff indicated that grocery store and food market should be permitted in theRMF-12 (Residential Multifamily – 12) and RSF-A (Residential, Single-Family – Attached) Zones.	Civicomment – Food Equity Council	The Food Equity Council comment is noted. Staff concurs with the suggestion to permit "grocery store or food market" in the RMF-12 multifamily zone but not in the RSF-A attached zone. RSF-A is more oriented to single-family rather than multifamily and some commercial uses and this should remain the focus.	Revise the use table to permit "grocery store or food market" in the RMF-12 Zone.
27-5—8	27-5.202.C. Principal Use Table for Rural and Agricultural, and Residential Base Zones	Food Processing	"We have addressed how problematic this use definition is. CAFOs should not be allowed at all in any zone of the County and SE should be removed from the AG zone. If food processing is changed to reflect our suggestions above, we suggest that small-scale processing is included as 'P' in all zones where ag is allowed but that large-scale manufacturing-style be included only in industrial zones (not in AG) or as a manufacturing use. The small scale as a principal use should fall under agricultural and forestry-related uses."	Civicomment – Food Equity Council	Small-scale food processing for purposes of preparing is included as either a home-based business, catering establishment, or on-farm processing (incorporated with the definition of agriculture). CAFOs are addressed elsewhere in this analysis.	Make no change.
27-5—8	27-5.202.C. Principal Use Table for Rural and Agricultural, and Residential Base Zones	Composting Facility	Food Equity Council: "Composting facility should not be lumped in with these other uses. "The Prince George's County Department of the Environment recently renamed the 'Waste Management Division' as the 'Resource Recovery Division.' This new name is indicative of a major shift in perspective, from managing waste (generally sending it away to landfills or incinerators) to recovering resources (through the reuse, recycling, or composting of materials formerly seen as waste). The proposed new zoning ordinance should recognize and encourage this shift by splitting out recycling and composting uses into a new 'Resource Recovery-Related' use classification. The proposed new zoning ordinance has already taken a step in this direction by categorizing	Civicomment – Food Equity Council, Ben Fischler, David Brosch	See elsewhere in this analysis for discussion on composting facilities.	Make no change.

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			‘facilities for the drop-off or collection, and temporary holding, of household or business recyclables’ as minor utilities in the Utility Uses category. “This definition of ‘agriculture’ includes ‘composting’, however: The use table for agricultural zones (Table 27-5.202.C, on Page 27-5—8 (PDF Page 396 of 664) shows compost facilities as prohibited within all three agricultural zones. This appears to be a contradiction. There is no definition of ‘composting’ in this document, but such a definition is needed and should be consistent with current state regulations for permitting compost facilities: ‘Composting means the controlled aerobic biological decomposition of organic waste material.’ [reference website link deleted] “This also begs for a definition of ‘compost’, which MDE’s regulations define as ‘the product of composting in accordance with the standards established by the Secretary of Agriculture under Agriculture Article, § 6-221 Annotated Code of Maryland’ (need to look this up). “Why has ‘the composting of regionally generated sewer sludge pursuant to a permit issued by the State’ been included here? In recent years the state has adopted new regulations for permitting compost facilities, which define multiple tiers of feedstocks and composting facilities [website reference deleted]. Sewer sludge is in Tier 3 and is permitted under separate regulations from other feedstocks. As the proposed zoning ordinance specifies sewer sludge, it should also clearly discuss the other tiers of feedstocks/facilities.” Ben Fischler added: 1) “The definition of ‘agriculture’ (see Division 27-2 Interpretation and Definitions, Sec. 27-2.400 Terms and Uses Defined, on page 27-2—24 (PDF Page 52 of 664)) includes ‘composting’, however this use table shows compost facilities as prohibited within all three agricultural zones. This appears to be a contradiction. 2) This use table also prohibits composting facilities in all Residential Base Zones. This			

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			stands in the way of developing a distributed network of composting options at varying scales and this needs to be revised to allow such a network. 3) Composting facilities are lumped in with concrete recycling facilities, junkyards/salvage yards and solid waste processing facilities. This grouping is not useful. Please see the comment on 27-2.301 Principal Use Classification System (Page 27-2—19 (PDF Page 47 of664)), which argues that composting facilities not most appropriately placed within the with the Principal Use Classification System as a 'Waste-Related Use' but instead should be within a new 'Resource Recovery-Related' use classification. 4) This table cites Use-Specific Standard 27-5.203.F.6 (Industrial Uses, Waste-Related Uses) but that standard has no content relevant to composting facilities" Mr. Brosch: "Because the nuisance factors have been removed and because community and onsite composting facilities will be built at a scale that will service only a neighborhood, small municipality, or a small institution, truck traffic will be greatly reduced. These small composting facilities that range in size from a few hundred square feet to several acres and would include the in vessel enclosure, and space for a wood chip pile and a curing pile. **It should be a permitted use in all commercial, industrial, mixed use, open space zones. Community composting sites and onsite composting systems should also be allowed in residential zones with some possible restrictions or requirements.** These could include visual buffering, landscaping, and adequate street access."			
27-5—9	27-5.202.D. Principal Use Table for Nonresidential, Transit-Oriented / Activity Center, and Other Base Zones	Dwelling, Three-Family Dwelling, Townhouse	Three-family dwellings should be permitted in the CN (Commercial Neighborhood) Zone if townhouses are permitted. Townhouses should be prohibited in the CS (Commercial Service) Zone since they are incompatible with the more intensive commercial and repair uses permitted in this zone.	Planning Staff	Staff concurs.	Revise the use table to permit "dwelling, three-family" in the CN Zone and prohibit "dwelling, townhouse" in the CS Zone.

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27-5—9	27-5.202.D. Principal Use Table for Nonresidential, Transit-Oriented / Activity Center, and Other Base Zones	Farm Brewery or Distillery	"Since farm brewery, distillery, and farm market are all based on farms, you can't have them included in these zones if agriculture is not allowed."	Civicomment – Food Equity Council	Urban farming is permitted in the IH zone. Farm Brewery or Distillery can be allowed as a use in this zone for urban farms.	Make no change.
27-5—9	27-5.202.D. Principal Use Table for Nonresidential, Transit-Oriented / Activity Center, and Other Base Zones	Newspaper/Periodical Publishing Establishment	"We, the board of directors of Hyattsville Community Newspaper Inc. submit the following comments for the record: "We object to the proposed changes to the Land Use Regulations in Prince George's County, Maryland for a newspaper/periodical publishing establishment via 27-5.202.C Principal Use Table for Rural and Agricultural and Residential Base Zones, 27-5.202.D Principal Use Table for Nonresidential, Transit-Oriented/Activity Center and Other Base Zones and 27-5.202.E Principal Use Table for Planned Development Zones. 27-5.202.C and D would prohibit any "Use" by a newspaper or periodical publishing establishment and 27-5.202.E would prohibit 'Use' in five of seven categories for "Planned Development Zones." In only two of the seven categories listed in 27-5.202.E is "Use" by a newspaper "Allowable, subject to approval by the District Council' for Planned Development Zones. All three proposals are unduly burdensome and unconscionable. While the law allows great latitude to local zoning authorities, it does not allow blanket use prohibitions that stifle, burden, inhibit and discriminate against the press. In addition to violating the First Amendment rights of this newspaper and other news media outlets in this county, the proposed regulations would have a chilling effect on the First Amendment rights of all of the citizens of Prince George's County who rely on a free press. The aforementioned Principal Use Tables would selectively prohibit and restrain this newspaper's First Amendment rights while granting markedly more liberal principal use allowances for other citizens and/or entities of this county. Ergo, these proposed regulations would also violate this newspaper's, its writers', reporters' and editors' Fourteenth Amendment rights to wit: Equal	Christopher Currie, Vice President, Hyattsville Community Newspaper, Inc. Board of Directors, Rebecca Snyder, Executive Director, Maryland-Delaware-District of Columbia Press Association	Absolutely no abridgment of First Amendment rights is intended or recommended. The proposed use permissions for "Newspaper/Periodical Publishing Establishments" are based on the current use permissions for these types of uses. However, it is essential to understand that the current use permissions are outdated and should not be carried forward as-is. Staff believe the current use permissions are based on a point in time where these uses inherently involved massive on-site printing presses and other heavy industrial equipment that could have noise, odor, and other harmful impacts on adjoining properties. Staff recognize the publications environment today is significantly different than in the 1950s when these uses were likely first regulated. Staff supports updating these uses to be more broadly permissible.	Revise the principal use tables to permit "broadcasting studio and newspaper/periodical publishing" in all zones and make them "allowable" in all Planned Development zones.

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			Protection of the Law. “Wherefore the Board of the Hyattsville Community Newspaper Inc. demands that the proposed prohibited use standards for newspapers not be implemented. “The Board of Directors Hyattsville Community Newspaper Inc. DBA Hyattsville Life & Times” The Maryland-Delaware-District of Columbia Press Association provided the following comments: “The Maryland-Delaware-District of Columbia Press Association represents a diverse membership of over 110 news media organizations, from large metro dailies such as the Washington Post and the Baltimore Sun, local publications such as the Prince George’s Sentinel, the Bowie Blade, The Enterprise and other Prince George’s County publications, to online-only publications such as the Maryland Reporter. “I am writing with deep concern regarding aspects of the proposed zoning changes in the County. Currently, newspaper publishing establishments are allowable in the C-M zone, and with some exceptions, in the C-S-C zone. The proposed ordinance changes this substantially, allowing newspaper operations only in special ‘planned development zones’ and with the approval of the County Council. We are deeply concerned that independent news media operations would be required to have the approval of the County Council to conduct business operations. Prince George’s County has a robust news media community, with at least a half-dozen entities working to cover the local community. This ordinance will have a significantly chilling effect on news coverage and could open up the County Council to allegations of favoritism or exclusion of certain news outlets. “We urge the Commission to ensure freedom of the press to conduct newsgathering activities as they are allowed under current Prince George’s County Zoning laws. I am happy to work with the group to			

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			answer questions and create a solution that will work for the county and the news media organizations."			
27-5—10	27-5.202.D. Principal Use Table for Nonresidential, Transit-Oriented / Activity Center, and Other Base Zones	Boarding or Rooming House, Place of Worship	"The NAC zone use table allows for "boarding houses, or rooming houses," liquor stores, and storefront churches. The MUTC zone has kept such uses from proliferating in our town center. Could the use table be revised to require a special exception or permit for such uses in the NAC? "We note that a special exception is required for pawn shops, car repair and several other undesirable uses. Requiring special exceptions would allow individual municipalities with an NAC zone to tailor it to the local conditions. We are located on the District of Columbia border and this creates very real issues with liquor stores that open at 6:00am – several hours before the DC liquor stores."	City of Mount Rainier	As discussed elsewhere in this analysis, liquor stores are regulated through means other than the Zoning Ordinance. Zoning is not the best mechanism to regulate this use. There are use-specific standards associated with both boarding and rooming houses and places of worship in the proposed Zoning Ordinance that all such uses must comply with that regulate those uses adequately. See the discussion of places of worship earlier in this analysis for discussion of special exceptions for this use.	Make no change.
27-5—10	27-5.202.D. Principal Use Table for Nonresidential, Transit-Oriented / Activity Center, and Other Base Zones	Methadone Treatment Center	This use should be a permitted or special exception use in the Transit-Oriented/Activity Center base zones because vehicle ownership is generally low for populations using these treatment centers.	Planning Staff	Ostensibly, methadone treatment centers are prohibited in most zones because of their detrimental impacts. However, limiting treatment centers to areas without adequate transit may undermine their utility in the County. Allowing them in the edge areas of the Transit-Oriented/Activity Center zones as a special exception is reasonable.	Revise the use table to allow special exceptions in the edge areas of the Transit-Oriented/Activity Center zones for the "methadone treatment center" use.
27-5—11	27-5.202.D. Principal Use Table for Nonresidential, Transit-Oriented / Activity Center, and Other Base Zones	Brewpub	"Remove brew pup [sic] from restaurants and create a new row and definition for craft alcohol producer. These should also be selling or serving the alcohol they create. The Scale should be restricted, consider the distilleries in Ivy City for an example, Franklins, Streetcar 52, District Winery in Navy Yards (these are popping up everywhere and for the County to be competitive it needs to include these). There should be two separate definitions for these versus the manufacturing scale breweries, wineries, and distillers. "Just to clarify, we are suggesting: "Agricultural and forestry-related use, farm-based craft producers Eating or Drinking Establishments use category, craft alcohol production Manufacturing production use; winery, brewery, distillery (leave as is)"	Civicomment – Food Equity Council	Refer to the discussion on craft alcohol production elsewhere in this analysis.	Make no change.

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27-5—11	27-5.202.D. Principal Use Table for Nonresidential, Transit-Oriented / Activity Center, and Other Base Zones	Restaurant, Fast Food	The Food Equity Council commented: "Fast food and fast food without drive-thru should be two separate uses, we have provided guidance above." The City of Mount Rainier commented: "Are fast food uses allowed in the NAC zone? The table is unclear. "It is our understanding that 'fast food' restaurants are not permitted in the NAC zone. While we understand the desire to keep out franchise chains with drive through windows, we in Mount Rainier have several long-time successful restaurants that might be considered 'fast food.' We would rather see that future fast food require a special permit." The Town of University Park commented: "Drive through in conjunction with a restaurant as a use in the RTO, LTO, NAC zones. We do not see these as a desirable feature of these zones, especially the higher density, transit-oriented areas. We believe restaurant 'drive-through' should be removed as a permitted used in these zones." Health Policy Research Consortium: "Nearly three quarters of Prince George's County restaurants are considered fast food establishments. This is a public health concern as high density of fast food outlets has been linked to an increased risk for obesity. PPGC 2035 specifically mentions the use of zoning to restrict the number of fast food restaurants and the location of fast food outlets in the County, but this is not included in the proposed rewrite, marking a disconnect between the County's established health goals and the zoning rewrite effort. If the County were to adopt such restrictions, it would join a growing number of jurisdictions throughout the country who have taken similar steps. While some jurisdictions have gone so far as banning fast food restaurants, many have taken a more measured approach by establishing quotas, regulating density, and restricting location to prevent proximity to schools and other public facilities."	Civicomment – Food Equity Council, City of Mount Rainier	See above. Regarding Mount Rainier's comment, fast food uses without drive-through service are permitted in the NAC (Neighborhood Activity Center) Zone. Those with a drive-through are not permitted. Additionally, to the Town of University Park's comment, drive-through fast food restaurants are also not permitted in the proposed RTO (Regional Transit-Oriented) or LTO (Local Transit-Oriented) zones. The current special permit process is not included in the proposed Zoning Ordinance. Regarding the comments of the Health Policy Research Consortium, additional discussion of the nature of "fast food" and "quick service" is found elsewhere in this analysis. Staff does not support zoning restrictions to control the number of (to be renamed) "quick service" establishments in the County.	See above.
27-5—12	27-5.202.D. Principal Use Table for	Retail Sales and Service Uses	"The proposed table of uses for the CGO Zone contains very broad retail and service use categories. Listing only ten (10) specific Retail Sales and Service Uses and the one (1) catch-all use (All other retail sales and service	Michael Nagy, Representing Capital Plaza Associated,	The proposed use classification and interpretation procedures, in combination with a greatly streamlined principal uses approach, are one of the key recommendations of the proposed Zoning Ordinance and one of the best ways	Make no change.

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	Nonresidential, Transit-Oriented / Activity Center, and Other Base Zones		uses) in Table 27.5.202.D "Principal Use table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones" has the potential for very subjective interpretations by staff, opponents and politicians. By contrast, the current 2 Zoning Ordinance, Sec. 27-461(b) Table of Uses, subsection (E) Trade (General Retail), alone lists fifty (50) separate retail uses. "Even with the plethora of existing uses, shopping center and commercial property owners regularly have to seek an interpretation or additional review for new or combined uses. For example, in the C-S-C Zone when a food and beverage use is combined with a gas station use said combined use is permitted, subject to certain special exception standards. In the proposed Principal Use Table, in the CGO Zone a convenience store, the new equivalent of a food and beverage store, is a Permitted Use and a Gas Station is a Permitted Use. Will a combined Gas Station and Convenience Store also be a Permitted Use or will some other approval be required?"	Child Care Properties Limited, Cherry Associates, and Tov Associates	to streamline the development process in Prince George's County. The proposed structure is extremely flexible and readily accommodates not just the fifty or more retail uses in the current code but also new and future retail uses we cannot begin to imagine today. Regarding gas stations, the proposed definition of gas station includes the retail sale of convenience items including goods, drinks, and other convenience goods. The types of combination gas stations envisioned by this comment are part and parcel of a modern definition of "gas station."	
27-5—12	27-5.202.D. Principal Use Table for Nonresidential, Transit-Oriented / Activity Center, and Other Base Zones	Check Cashing Business	"Check cashing requires a special exception, but does that include when it is inside a liquor store?" "We oppose allowing check cashing businesses."	City of Mount Rainier	Yes. The proposed Zoning Ordinance allows for two principal uses to be located on the same lot. In this instance, the two principal uses would be grocery store or food market (e.g. liquor store) and check cashing. Both principal uses would still be subject to the use table requirements, including any requirements to obtain approval of a special exception.	Make no change.
27-5—12	27-5.202.D. Principal Use Table for Nonresidential, Transit-Oriented / Activity Center, and Other Base Zones	Combination Retail	"Combination retail should only be allowed as a special exception in the CGO, TAC, LTO, RTO-L, RTO-H zones, with conditions." Regarding Special Exceptions: "Section 27-461(b) of the Zoning Ordinance (ZO) provides that "Department of Variety Stores, exceeding 85,000 square feet of gross floor area and [more than] 10% of that gross floor area for food and beverage component" ("Big Box Store") are only permitted by special exception in the C-S-C and C-M zones. Section 27-473(b) allows the same use only as a special exception in the I-3 zoning district. No other zoning district in the County allows a Big-Box store as a special exception. No zone anywhere in the County allows a big-box store as of right. Where allowed as a	Macy Nelson and David S. Lynch, Law Office of Macy Nelson	Staff does not agree that combination retail should be subject to special exception approval. While combination retail may generate impacts separate from standard consumer goods establishments, this is the very reason why this use has been treated as a separate use by the proposed Zoning Ordinance. "Combination retail" by definition, exceeds 75,000 square feet of space, which automatically subjects all such uses to the "large retail establishment" design regulations in Division 6. These regulations, in combination with the use permissions, serve to minimize impacts – visually and operationally – of combination retail establishments.	Make no change.

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			special exception, a Big Box store must satisfy the general section 27-317 special exception criteria and the specific Section 27-348.02 criteria. "Section 27-348.02 provides important criteria that directly address the unique impacts from Big-Box stores. For example, 27—348.02 requires that a proposed Big Box store have frontage on and direct vehicle access to an existing arterial roadway, with no access to primary or secondary streets. And that the applicant shall demonstrate that local streets surrounding the site are adequate to accommodate the anticipated increase in traffic; and that the applicant shall use exterior architectural features to enhance the site's architectural compatibility with surrounding commercial and residential areas. Section 27-348.02 also requires the applicant to satisfy a certain design standards and landscaping requirements. "Big-box regulation in Prince George's County began with CB-02-2002 which required a special exception for Big-box stores and provided the specific section 27-348.02 requirements. An analysis of the legislative history highlights the importance and intent of the County in requiring a special exception for big-box stores. Indeed, the sponsor of the bill, Councilmember Hendershot, "explained that this bill allows the planning department staff to review the impact of a large retail establishment on the surrounding area and provides due process by requiring a special exception review in suburban areas. The rationale for the legislation is summarized in the AIS: "The construction and expansion of certain large retail and grocery stores (super stores) exacerbates sprawl in the developing and rural tiers of the County. The proposed amendments would limit the size of such store as a matter of right and permit such stores under certain conditions imposed under the Special Exception process. The legislation requires special exception approval for such stores in the C-S-C and C-M zones. "The Planning Board, in reviewing CB-2-2002 supported the Bill and commented, superstores may be very appropriate, and the Special Exception process permits that determination to be made. Also, through the		There are numerous examples of urban, vertical combination retailers with minimal impacts on transit-oriented, pedestrian-friendly, mixed-use places.	

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			Special Exception process, existing businesses have an opportunity to comment on the impact of large variety stores, thus permitting this additional information to be available to decision makers." Regarding Use Regulations: "We are pleased that the current version of the Draft now includes a 'Combination Retail' store use, which the Draft defines as: "A department store that exceeds 75,000 square feet of which a minimum of 60 percent of the floor space is used as a department store, that also incorporates a drug store or pharmacy and a full line of groceries. This use does not include the principal uses of grocery store or food market, department store, drug store or pharmacy. "The inclusion of this definition is a significant step forward in responsibly regulating Combination Retail stores. By creating a definition, the draft now has a rubric through which combination retail stores may be regulated apart from the more generalized 'consumer goods establishments.' "While the draft has defined the combination retail store use, it remains a use permitted as or right in one nonresidential base district, CGO, and the following four Transit-Oriented/Activity Center base zoning districts: TAC, LTO, RTO-L, RTO-H. A combination retail store is not regulated as a special exception use in any of the drafts zoning districts. It is also allowed in the following planned development zones: TAC-PD, LTO-PD, RTO-PD, MU-PD. Despite the fact that department or variety stores combined with food and beverage stores are currently only allowed as a special exception uses in the existing ordinance, combination retail stores are permitted as of right in the aforementioned zones, not by a special exception. "While well-drafted form-based codes can help streamline and enhance predictability of the approval process, this type of regulation focuses on design opposed to use. For example, under the draft a combination retail store is permitted in the CGO, TAC, LTO, RTO-L, RTO-H zones as a matter of right as long as it adheres to certain design requirements. Section 27-			

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			3.507 of the draft provides a mechanism to regulate uses by way of special exception. For the reasons set forth below, combination retail stores should be allowed only as a special exception use in the CGO, TAC, LTO, RTO-L and RTO-H zoning districts. Any applicant for a proposed combination retail store should be required to prove that the proposed store would not have an undue adverse economic impact on the community. “Amendment 1 – Eliminate Combination retail store as a permitted use in the following zoning districts: CGO, TAC, LTO, RTO-l, RTO-H. Allow a combination retail store as a special exception on in the following zoning districts: CGO, TAC, LTO, RTO-L, RTO-H “Rationale 1 – A special exception requirement for a combination retail store allows the county to evaluate with precision whether a proposed combination retail store will harm the general welfare of a particular community. The harms caused by big box stores and combination retail include, but are not limited to, harms related to traffic, economic impact, and deterioration of a sense of place and a pedestrian friendly environment. These unique impacts are outlined in section 1 of these comments supra. “Combination retail store are uses which likely have an outsized impact on a community. Therefore, it is appropriate for the zoning ordinance to require a special exception to ensure that a proposed combination retail store is appropriate for the location and zone where it is proposed and compatible with its surroundings. Indeed, in its current zoning ordinance, the county already requires a special exception for the analogous use ‘department or variety sores combined with food and beverage stores.’ In recognition of the inherent impacts of combination retail stores, the county adopted legislation in 2002 to ensure that such a use would be subject to a process that could evaluate the surrounding community and the perceived impacts of the use, and which would make it more likely that the use would be compatible with the surrounding environment. There is no sound planning basis to eliminate the special exception requirement for combination retail stores from the existing zoning ordinance. Design requirements			

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			alone cannot evaluate the impacts that a combination retail store may have on a particular community. "Importantly, when comparing the current zoning ordinance to the draft, many uses which can have disparate impacts on the community, like combination retail store, maintain their status as special exception uses. For example, sanitary and rubble landfills, surface mining, marinas, sand and gravel wet processing, cemeteries, private air strips, amusement parks, and shooting ranges all require a special exception for locations in commercial zoning districts under the draft as well as the existing zoning ordinance. Each use has inherent characteristics that require a more site specific analysis that design requirements alone cannot effectively regulate. Nothing has changed in the planning literature since the county amended its zoning ordinance in 2002 to support eliminating a combination retail store as a special exception use. "Indeed there is precedent from nearby jurisdictions that recently amended their zoning ordinances which supports maintaining a special exception requirement for combination retail stores in Prince George's county. Montgomery County, Washington DC, and Baltimore city recently revised their zoning ordinances to require special exceptions for large retail." Regarding the LTO-PD (Local Transit-Oriented Planned Development) Zone: "Eliminate combination retail store as a use allowed in the LTO-PD zoning district. "A combination retail store is inconsistent with the purpose of the LTO-PD zoning district, which is '…to accommodate and promote the establishment of high-quality, vibrant, moderate-intensity, mixed-use, transit-accessible development that will foster economic development, reduce automobile dependency, support walkable urbanism, and provide opportunities for alternative modes of travel. Zone standards are intended to provide the critical mass of use types and densities/intensities needed to support mixed use transit accessible development. Zone standards are specifically intended to encourage a work, shop, live and play environment that serves as an economic driver for the County's local transit centers; provide multiple direct			

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			and safe vehicular, bicycle, and pedestrian connections between developments, and prioritize transit, pedestrian, and bicyclist access; incorporate buildings, open spaces, and other site elements that are arranged and designed to create an inviting, walkable, safe, interactive and human-scaled environment; include distinctive and attractive public spaces that help create an identity and sense of place for the zone. ‘ “A combination retail store is fundamentally inconsistent with these purposes. A combination retail store is a high-intensity use that encourages automobile transportation rather than reduces it. It is inappropriate to allow such a sue in the LTO-PD zoning district.”			
27-5—12	27-5.202.D. Principal Use Table for Nonresidential, Transit-Oriented / Activity Center, and Other Base Zones	Farmers’ Market	“It would be nice to have these in the core transit-oriented development zone. They can go on top of parking garages and in public spaces like plazas (which should be included in new developments!). Think of union square market in NYC or even a pop-up market outside a metro stop.” “The Food Equity Council's suggestion is very important for the expansion and success of farmers markets in these zones.”	Civicomment (Multiple Commenters)	Farmers' markets as a temporary use is allowed in all zones including the transit-oriented/activity center zones. A farmers' market that is a pop-up use or short-term in nature would be classified as temporary farmers' market.	Make no change.
27-5—12	27-5.202.D. Principal Use Table for Nonresidential, Transit-Oriented / Activity Center, and Other Base Zones	Vehicle Sales and Service Uses	“The linear park, i.e. GREENWAY, which was to have been created on the north side of Chillum Road, from Longford Drive to Queens Chapel Road, is eliminated in the proposed changes. Our residents support the concept in 2006, and it was legally adopted as part of the W. Hyattsville Transit Overlay Zone (WHTOZ). The stated staff draft plan to now delete this zone and much of the desired ‘Greenway.; The current DRAFT proposal is to make this strip a Local Transit-Oriented (LTO) zone. Since this newly proposed zone would allow many uses, including auto service facilities, it is clear that the unsightly auto service & storage facilities there now, would remain and probably be replaced with similar businesses during the next 20 years or more. This to me and to most of my neighbors is completed unacceptable. “Neighbors and others would continue to lack access to, and enjoyment of, the waterway (the Northwest Branch Tributary & trail) which lies behind these unsightly commercial uses. Furthermore, we also believe that this ‘Greenway’ would be an important incentive for owners	Starla Shambourger, Albert Van Thournout, Jo-Anne M. Butty, Malcolm Augustine, Rosemary Latney	In the proposed LTO (Local Transit-Oriented) core zone, the only permitted vehicle related use is a “taxi or limousine service facility.” In the LTO edge zone, “gas stations,” and “taxi or limousine service facility,” are permitted uses and “vehicle wrecker and towing service” is a special exception. The existing vehicle service uses in this part of the County are in the C-S-C (Commercial Shopping Center) zone. At this point, the map amendment to rezone the property in the County have not been approved by the Council. While the existing businesses on the north side of Chillum Road may impact future development, zoning these properties as LTO does not suggest that only “vehicle” related uses will be developed, nor does it suggest that the existing businesses will go away. As long as existing uses are legal, they will be allowed to continue as legal uses. The proposed LTO Zone includes a wide variety of uses and present more opportunity for a developer to find the best and highest use of the land. It is equally possible that	Make no change.

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			& developers to eventually bring high quality housing & offices to the South side of Chillum Road where U-haul trucks and storage lockers now occupy the land. The possibility of ever getting this important Greenway 'amenity' is now seriously in jeopardy."		redevelopment of these properties will result in higher-density residential development, providing additional access to the nearby trail. The proposed Zoning Ordinance does not impact the plan recommendation for a linear park or greenway. The development of a linear park, if it is not in the County's capital improvement program, would be funded through dedications and contributions from development as part of the proposed open-space set-aside requirements of Division 6. This recommendation will still exist in the West Hyattsville Transit District Development Plan (TDDP). As anticipated today, the adoption of the new Zoning Ordinance and Countywide Map Amendment will result in replace of the zones and standards of the TDDP, but the TDDP plan itself, with its land use, transportation, and other policy recommendations, will remain in-place.	
27-5—13	27-5.202.D. Principal Use Table for Nonresidential, Transit-Oriented / Activity Center, and Other Base Zones	Printing or Similar Reproduction Facility, Small Engine Repair Shop	"The comprehensive review maintains the classification of printing or similar reproduction facility and small engine repair shop as a single use, despite the fact that they are, in reality, quite different uses. Given today's technology, a printing or reproduction facility uses much smaller, cleaner and quieter machines than existed for this use when it was first conceived, and there is no reason why this should require a special exception; it should, instead; be permitted by right in the CGO zone. Furthermore, grouping these uses together simply makes no sense, especially since they are both permitted by right in the Commercial Service (CS) zone- a less intense zone under Sec.24-102.B. the most logical resolution would be to separate these uses, permitting printing or similar reproduction facility as a use permitted by right in both the CS and CGO zones, while retaining the requirement of special exception approval for small engine repair shop."	Nathaniel Forman, O'Malley, Miles, Nylen & Gilmore, P.A., Representing Quantum Companies	Many of the uses in the use tables are displayed together, not because they are similar in use, but because they have similar impacts to the surrounding properties or have similar needs. Uses that appear on the same line of the use tables should be read as separate uses that have the same permissions. A printing or similar reproduction facility is "A commercial establishment primarily engaged in lithographic (offset), gravure, flexographic, screen, quick, digital, or other method of printing or reproduction on stock materials on a job order basis." This suggests that it is not a commercial use that receives walk-in customers and has shop displays (as would be appropriate for the CGO General Commercial and Office Zone), but an industrial service use where clients put in specific orders and few customers come directly to the site. While reproduction technology has changed, not all reproduction processes today use digital (i.e. quiet) printers. The special exception would allow this use to be approved in the CGO Zone, if it would not impact the neighboring properties, and should be retained since the use encompasses small (more likely to be quiet) and large (more likely to include traditional, noisy presses) printing and reproduction operations.	Make no change.
27-5—13	27-5.202.D.	Research and Development	"Research and Development should be permitted in the CGO Zone. The comprehensive review permits research	Nathaniel Forman,	Staff concurs.	Revise the principal use table to permit "research and development" by-right in

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	Principal Use Table for Nonresidential, Transit-Oriented / Activity Center, and Other Base Zones		and development in the CGO only following a special exception approval when it is permitted by right in all, but two nonresidential base zones. It is prohibited in the Commercial Neighborhood and the Residential Mobile Home zones. Special exception approval presupposed that the use may adversely impact adjoining or adjacent properties in a manner beyond the impact commonly associated with the use. I do not understand why the adverse impacts associated with research and development may be worse for properties zoned CGO, but not properties zoned NAC, TAC, LTO, and RTO. It appears to me that the CGO zone is the most appropriate nonresidential base zone for this type of use outside of the proposed industrial zones."	O'Malley, Miles, Nylen & Gilmore, P.A., Representing Quantum Companies		the CGO (General Commercial and Office) Zone.
27-5—13	27-5.202.D. Principal Use Table for Nonresidential, Transit-Oriented / Activity Center, and Other Base Zones	Manufacturing, Assembly or Fabrication, Light	"We cannot understand why 'manufacturing assembly, or fabrication, light' is not currently permitted in the CGO Zone, but it is permitted by right in the Neighborhood Activity Zone (NAC), Town Activity Center Zone (TAC), and the Local Transit Oriented-Low Zone (LTO-L), [sic] and is permitted by special exception in the CS zone. The comprehensive review defines this use as being wholly confined within an enclosed building, not including processing of hazardous gases or chemicals, and not emitting noxious noise, smoke, vapors, fumes, dust, glare, order or vibration. We cannot understand the justification for permitting this use by right or by special exception in neighborhoods that, while envisioned to contain a mix of uses, are primarily characterized by residential development (NAC, TAC, LTO and CS), while prohibiting it in a primarily commercial zone that allows for residential uses (CGO). It is difficult to understand why this use has been determined to not belong in the proposed CGO zone."	Nathaniel Forman, O'Malley, Miles, Nylen & Gilmore, P.A., Representing Quantum Companies	The CS (Commercial Service) Zone is not "primarily characterized by residential development." That said, in general staff concurs with this comment.	Revise the principal use table to permit "manufacturing, assembly" and "fabrication, light" by-right in the CGO (Commercial General and Office) Zone.
27-5—13	27-5.202.D. Principal Use Table for Nonresidential, Transit-Oriented / Activity Center, and Other Base Zones	Slaughterhouse	"Why is Slaughterhouse blank under IE? It should be IH only." The Town of Berwyn Heights also noticed this blank and recommended the use be prohibited.	Civicomment – Food Equity Council, Town of Berwyn Heights	This is a typo.	Prohibit slaughterhouses in the IE (Industrial/Employment) Zone.

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27-5—13	27-5.202.D. Principal Use Table for Nonresidential, Transit-Oriented / Activity Center, and Other Base Zones	Food Processing	"'Food processing' is problematic, please see our above recommendations."	Civicomment – Food Equity Council	Discussion of this comment can be found elsewhere in this analysis.	Make no additional change.
27-5—13	27-5.202.D. Principal Use Table for Nonresidential, Transit-Oriented / Activity Center, and Other Base Zones	Composting Facility	The Food Equity Council: "Composting facility use is problematic, please see our above recommendations." Ben Fischler added: 1) "This use table prohibits composting facilities in all of the Nonresidential Base Zones, Transit-Oriented/Activity Center Base Zones (Core & Edge), and 'Other Base Zones'. This stands in the way of developing a distributed network of composting options at varying scales and this needs to be revised to allow such a network. 2) Composting facilities are lumped in with junkyards/salvage yards and solid waste processing facilities. This grouping is not useful. Please see the comment on 27-2.301 Principal Use Classification System (Page 27-2—19 (PDF Page 47 of 664)), which argues that composting facilities not most appropriately placed within the with the Principal Use Classification System as a 'Waste-Related Use' but instead should be within a new 'Resource Recovery-Related' use classification. 3) This table cites Use-Specific Standard 27-5.203.F.6 (Industrial Uses, Waste-Related Uses) but that standard has no content relevant to composting facilities." Mr. Fischler's comments are also included in the following principal use tables for the Planned Development zones and overlay zones.	Civicomment – Food Equity Council	Discussion of this comment can be found elsewhere in this analysis. The references to Sec. 27-5.203.F.6. applies to the other uses listed in the same row as "composting facilities."	Make no additional change.
27-5—14	27-5.202.E. Principal Use Table for Planned Development Zones	Urban Farms	Food Equity Council: "Urban farms should be allowed in planned developments. There is a new movement to include farms in planned communities, there are notable examples in Loudoun County and in Georgia. Equine is allowed, how is an urban farm different? We suggested including as allowed in R-PD."	Civicomment – Food Equity Council, Planning Staff	Urban farms should not be permitted in the Transit-Oriented/Activity Center Planned Development zones due to the land values, scarcity of land, and the fact that applicants seeking a Planned Development zone typically have their full development scheme in mind, which would usually preclude an urban farm.	Revise the principal use table for the Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones to permit urban farms in the Transit-Oriented/Activity Center base zones.

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			Planning staff recommend urban farms be permitted in the Transit-Oriented/Activity Center zones.		While land value and land scarcity play a role in consideration of permitting urban farms in the base zones, there is a difference that makes these uses more appropriate in the base zones: development may not be imminent in all of these locations, and urban farms offer economic use of the land until such time as transit-oriented, mixed-use development is market-justified. It would also be appropriate to allow urban farms (subject to District Council approval of the PD Basic Plan) in the R-PD (Residential Planned Development), MU-PD (Mixed-Use Planned Development), and IE-PD (Industrial/Employment Planned Development) zones.	Revise the principal use table for Planned Development zones to allow urban farms in the R-PD, MU-PD, and IE-PD zones.
27-5—14	27-5.202.E. Principal Use Table for Planned Development Zones	Farm Brewery or Distillery	"Farm brewery or distillery, see above suggestions"	Civicomment – Food Equity Council	Refer to this discussion elsewhere in this analysis.	Make no change.
27-5—14	27-5.202.E. Principal Use Table for Planned Development Zones	Farm Distribution Hub	"Farm distribution hub, see above suggestions"	Civicomment – Food Equity Council	Refer to this discussion elsewhere in this analysis.	Make no change.
27-5—14	27-5.202.E. Principal Use Table for Planned Development Zones	Farm Winery	"Farm winery, see above comments"	Civicomment – Food Equity Council	Refer to this discussion elsewhere in this analysis.	Make no change.
27-5—15	27-5.202.E. Principal Use Table for Planned Development Zones	Newspaper/Periodical Publishing Establishment and Broadcasting Studio	"The Comprehensive Review Draft appears to limit without any obvious reason the locations in which newspaper publishing offices can be located under the revised Zoning Ordinance. We see no reason why the publishing facet of a newspaper or journal should not be able to exist on a "by right" basis in almost any non-residential zone and even in multi-family residential zones. This is especially true of community newspapers that cover and directly serve the communities in which they are located. "Instead we are banned in the new draft from all the rural and agricultural base zones, the residential base	Civicomment (Multiple Commenters), Rachel Cain, Molly Lester	Refer to the discussion on similar comments elsewhere in this analysis.	Make no change.

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			zones, the nonresidential base zones, the transit-oriented/activity base zones, and all but two (R-PD and NAC-PD) of the planned development zones. "We suspect it may be that there is not adequate understanding of how newspapers and other publications are actually published and produced in this century. A tremendous part of the writing and preparation of articles, cartoons, photos, etc., as well as advertising takes place off the premises and is emailed in or posted to a site. 'Typesetting' is now done by a couple of folks on computers. Printing is done in an entirely different location, perhaps even in another state. Or, for an online newspaper, it may never be printed at all. In short, a newspaper office may be indistinguishable from any other business office. "On the other hand, Clarion's own definition of 'Newspaper/periodical publishing establishment' (pp. 27-2-57 and 58) appears to recognize these differences, even if not fully reflecting the impact the Internet and other changes in technology have had on the offices producing the content of newspapers. "We are concerned that if we were to leave our current location, it is possible that the Greenbelt News Review would, after 80 years, have to leave Greenbelt to find an office. We urge you to take another look at how you classify and allow use for newspaper publishing offices. "Kathleen Gallagher Greenbelt News Review 15 Crescent Road Greenbelt, MD 20770" The Board of Directors of Hyattsville Community Newspaper, Inc. resubmitted their prior comment in this location. Ms. Cain also submitted comments on this issue. Ms. Lester asked that broadcasting studios be prohibited only in residential zones.			

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27-5—16	27-5.202.E. Principal Use Table for Planned Development Zones	Brewpub and Restaurant	"See comments above for brewpub, restaurant, and craft alcohol producer"	Civicomment – Food Equity Council	See above.	See above.
27-5—22	27-5.202.F. Principal Use Table for Overlay Zones	Solar Energy Collection Facility, Large-Scale and Wind Energy Conversion System, Large-Scale	Staff recommended these uses not be permitted within the CBCAO (Chesapeake Bay Critical Area Overlay) Zone or the APAO (Aviation Policy Area Overlay) Zone.	Planning Staff	While these uses are not necessarily incompatible with the CBCAO (Chesapeake Bay Critical Area Overlay) Zone, and the overlay zone use tables reflect current prohibitions of today's Zoning Ordinance, the current ordinance did not anticipate large scale wind energy turbines. Since the purpose of the APAO (Aviation Policy Area Overlay) Zone – and the MIO (Military Installation Overlay) Zone – is to protect the health, safety, and welfare of pilots as well as those on the ground, it is appropriate to revise these zones to prohibit large-scale wind energy conversion systems. Smaller-scale systems may still be permitted in these zones; it is the large scale turbine tower that is of most concern here.	Revise the principal use table for overlay zones to prohibit "wind energy conversion system, large-scale" in all of the APAO and MIO sub-zones.
27-5—24	27-5.202.F. Principal Use Table for Overlay Zones	Farmers' Market	"Farmers market should be allowed in CBCAO zones, they don't create runoff. Wind and solar energy can be much more destructive and disruptive and they are allowed."	Civicomment – Food Equity Council	A blank cell in the Principal Use Table for Overlay Zones means that a use is allowed only if allowed in the underlying base zone. The use tables for the Chesapeake Bay Critical Area Overlay (CBCAO) Zone has blank cells for the farmers' market accessory use, with the exception of the Resource Conservation Overlay sub-zone, where this use is prohibited ("commercial uses, in general" are prohibited in this sub-zone under the current Zoning Ordinance). Farmers' markets would be permitted in the other two CBCAO sub-zones if the use is permitted in the underlying zone.	Make no change.
27-5—26	27-5.202.F. Principal Use Table for Overlay Zones	Composting Facility	"1) This use table prohibits composting facilities in four of the Overlay Zones. This stands in the way of developing a distributed network of composting options at varying scales and this needs to be revised to allow such a network. "2) Composting facilities are lumped in with junkyards/salvage yards and solid waste processing facilities. This grouping is not useful. Please see the comment on 27-2.301 Principal Use Classification System (Page 27-2—19 (PDF Page 47 of 664)), which argues that composting facilities not most appropriately placed within the with the Principal Use Classification System as a 'Waste-Related Use' but instead should be	Ben Fischler	See elsewhere in this analysis for discussion on composting facilities. The reference to the use-specific standard applies to the other uses on the same line of the use table. If there are no standards specific to composting facilities, then none apply.	Make no additional change.

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			within a new "Resource Recovery-Related" use classification. "3) This table cites Use-Specific Standard 27-5.203.F.6 (Industrial Uses, Waste-Related Uses) but that standard has no content relevant to composting facilities."			
27-5—27	27-5.203.A. Standards Specific to Principal Uses	General	Does this section reflect the order of uses as shown in the use tables?	Planning Staff	Yes. Should anyone identify a use that may be out of order, this is a typo and should be corrected. The staff project team is not currently aware of any situations where this occurs but will recheck when preparing the legislative draft.	Make no change.
27-5—27	27-5.203.B.1.a. Standards Specific to Principal Uses	Community Garden	The Food Equity Council commented: "We suggest community garden not require a permit. This isn't a business and often folks do not have the funds to secure a permit and given the permitting process, they probably don't have the time as volunteers or community members. This is extremely discouraging for gardeners and decreases opportunities for residents to consume additional fruits and vegetables. There aren't issues with the current community gardens in the County and they currently do not require permits. "We think the limits on accessory use space for community garden should be struck (eg. second sentence of i). This could impact greenhouses and hoop house that are resistant to deer and extend the growing season for gardeners." Planning staff provided similar comments and also identified an inconsistency regarding perimeter fences for community gardens, which may be up to eight feet in height while the fences and walls regulations in Division 6 limit fence height to six feet.	Civicomment – Food Equity Council, Planning Staff	All principal uses require permits to operate. Staff does not recommend or support revising this practice. Regarding limitations on accessory use space as a percentage of overall structure area, staff concurs this could be detrimental to greenhouses and hoop houses. On the subject of fences, staff concurs reconciliation is needed to ensure community garden fences may be built at up to eight feet in height, as such fences are needed to protect the gardens from deer.	Revise Sec. 27-5.203.B.1.a.i to delete the second sentence regarding the combined area of all structures. Revise the footnote in Table 27-6.505.A.to allow community garden and urban farm fences to reach eight feet in height (unless they are determined to be obstructions to motorists' sight lines).
27-5—28	27-5.203.B.1.c. Standards Specific to Principal Uses	Urban Farm	"Strike this, approval of municipality is no longer required per CB-25-2016." "Interpretative signs educating attendees about urban farming, should not require a permit."	Civicomment – Food Equity Council	Staff concurs that municipal approval of an urban farm is no longer necessary, but it is important to be clear that CB-25-2016 does not eliminate the need for an urban farm operation to obtain any required municipal permits. It is understood that all operations located within a municipality must receive appropriate permitting from the municipal authority. Sign permitting requirements and exemptions are contained in Section 27-6.1400. Signage. Interpretative signage should remain subject to sign permitting requirements (as is the case today and in the proposed sign regulations). CB-25-2016,	Delete Sec. 27-5-203.B.1.c.iv.(A) and renumber remaining standards accordingly.

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					which addresses urban farms, required permitting for signage.	
27-5—29	27-5.203.B.2.a. Standards Specific to Principal Uses	Farm Winery	"We suggest striking: 'however, the farm winery may not include a food or beverage store.' It conflicts with the language above and below." "We suggest the County defer to state guidelines on this and Grow and Fortify comments."	Civicomment – Food Equity Council	The language above and below the reference to food or beverage stores is not in conflict because neither clause pertains to food or beverage stores as a use. However, the term "food or beverage store" is a legacy phrase from the current Zoning Ordinance that has since been superseded in the proposed language.	Revise Sec. 27-5.203.B.2.a.iv. to read: "…however, the farm winery may not include a [food or beverage store] grocery store or food market." Search for the term "food or beverage store" and revise as necessary.
27-5—31	27-5.203.C.1.a. Standards Specific to Principal Uses	Artists' Residential Studios	700 square feet is large for the minimum size artist residential unit. What is wrong with studio size apartments, say 550 square feet? They are more affordable for the struggling artist. Additionally, the 25 percent gross floor area restriction on the ground floor seems to preclude or limit potential studio and gallery space.	Planning Staff	Staff concurs.	Reduce the minimum artist unit size requirement from 700 to 550 square feet. Revise the 25 percent gross floor area regulation to increase to 50 percent.
27-5—31	27-5.203.C.1.c. Standards Specific to Principal Uses	Dwelling, Manufactured Home	The regulations pertaining to length and living area seem overly-regulatory since there will be few manufactured homes in the County under the proposed code and they tend to come in standardized sizes.	Planning Staff	Staff concurs.	Delete Sections 27-5.203.C.1.c.iv. and v. Renumber remaining use-specific standards.
27-5—34	27-5.203.C.2.b. Standards Specific to Principal Uses	Continuing Care Retirement Community	The use specific standards for continuing care retirement communities requires at least 12 acres of land and being within two miles of a mass transit station, regional shopping area, and a hospital. This will be very difficult to achieve – especially given the limited supply of land near mass transit.	Planning Staff	Staff concurs	Delete Sec. 27-5.203.C.2.b.i. regarding a minimum acreage for continuing care retirement communities. Renumber remaining requirements.
27-5—35	27-5.203.C.2.c. Standards Specific to Principal Uses	Group Residential Facility	Does this use allow for men's, women's, and family shelters? Are there state standards that should be included here?	Planning Staff	No. "Group residential facility" has a specific definition that speaks more to groups with special needs. Since the use-specific standards are adapted from current regulation, they should already address any pertinent state requirements.	Make no change.
27-5—35	27-5.203.D.1.a. Standards Specific to Principal Uses	Wireless Telecommunications Tower, Monopole or Wireless Telecommunications Tower, Other	Do these regulations meet federal regulations?	Planning Staff	Yes, particularly since these use-specific standards refer explicitly to state and federal law.	Make no change.
27-5—38	27-5.203.D.3.b. Standards Specific to Principal Uses	Elementary, Middle, or High School	"This may be appropriate for new private and religious schools, but these requirements would make it near impossible to site public school facilities in existing, densely populated neighborhoods, especially since new elementary schools are being constructed for 700 students, which would require 8 ares [sic] of space.	Civicomment, Planning Staff	The Prince George's County Board of Education is exempt from the requirements of the Zoning Ordinance per state law. The use-specific standards incorporated in the proposed Zoning Ordinance would only apply to private development such as private schools.	Revise the last sentence of Sec. 27-5.203.D.3.b.ii. to read: "This width requirement shall not apply where the site is located [in areas that are sparsely settled or agricultural in character] in the

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			"Consider, for example, the need to reconstruct Hyattsville Elementary. It would be possible to construct a multistory facility that eliminates the current overcrowding and prepares the facility for projected growth in the region, but there is no 8 acre site available nearby. Even repurposing the WSSC Building as an elementary school would not meet the acreage requirement (even though the facility could be configured to support 700 students). "Outdoor play spaces and facilities are important for schools, but the zoning should allow for schools to be located in more urbanized areas that cannot meet these acreage requirements." Staff recommended eliminating the five-acre minimum for elementary schools. Staff also recommended revising the subjective street width criteria for school sites in "sparsely settled or agricultural" character areas.		Staff concurs the reference to sparsely settled or agricultural character areas is vague.	Rural and Agricultural Areas of the County as designated by the General Plan.
27-5—41	27-5.203.D.6.a. Standards Specific to Principal Uses	Solar Energy Collection Facility, Large-Scale	"In addition to limiting the height, there should be standards for vegetative buffer, fencing, wildlife-friendly design, avoiding protected lands, native plants, lighting if required, or abandonment (what happens if the SECF is not utilized for 12-24 months or more?)" "In addition to solar easements, can we require vegetative buffers and protection of native plants that should not be disturbed?"	Planning Staff	The Planning Department has prepared a set of proposed solar energy facility design guidelines. Staff defers to this document.	Make no change.
27-5—46	27-5.203.E.5.a. Standards Specific to Principal Uses	Eating or Drinking Establishment	"Refer to earlier comments"	Civicomment – Food Equity Council	See the discussion on eating or drinking establishments and associated regulations elsewhere in this analysis.	Make no change.
27-5—46	27-5.203.E.5.b. Standards Specific to Principal Uses	Brewpub or Microbrewery	"The requirement for 50% of the building to be transparent should be removed. Where did this come from, it seems like an arbitrary percentage? Is this mandated in other jurisdictions? There could be transparent surfaces inside for instance but it shouldn't be required from the outside." "Agreed. This maybe [sic] aesthetically interesting, but it should not be mandated."	Civicomment (Multiple Commenters)	Use-Specific Standards for Brewpubs or Microbrewery requires that the "the establishment shall have building façade fenestration/transparency through vision glass, doors or active outdoor spaces along a minimum of 50 percent of the length of the building side that fronts the street, unless the building in which it is located is an adaptive reuse, the building makes compliance" Sec. 27-6.904.E: Building Façade Fenestration/Transparency for Nonresidential and Mixed-Use Form and Design Standards would require that all nonresidential uses have "at	Make no change.

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					least 25 percent of the street facing façade area of the ground-level floor of buildings...be occupied by windows or doorways." Staff believe that safety and crime prevention through environmental design considerations played a role in Clarion Associates' recommendation for 50 percent transparency for brewpubs or microbrewery. Additionally, there is a certain visual interest in viewing the operations of a brewpub or microbrewery that merit consideration for more windows for these facilities.	
27-5—46	27-5.203.E.5.b. Standards Specific to Principal Uses	Brewpub or Microbrewery	"Microbrewery and Brewpub should not be considered synonymous. A brewpub generally has the connotation of an eating or drinking establishment with a connected brewing operation; a microbrewery is primarily a production facility. "The use of these terms should conform with state regulations and should be considered separate from one another."	Civicomment	See above.	See above.
27-5—50	27-5.203.E.8.d. Standards Specific to Principal Uses	Farmers' Market	"The first three items should be removed. Why restrict access of internal streets? The 25 feet limit from the abutting street is also arbitrary and outdated. The fire marshall [sic] is the one that decides on restrictions on what can and can't be in pathways, this doesn't belong in the zoning ordinance. We want farmers markets to be able to locate throughout the county and it may make sense for an internal street to connect to the market in a more residential area. A subdivision could include an urban farm and have a farmers market on site. This is dated and doesn't reflect the diversity of farmers market today."	Civicomment – Food Equity Council	Restriction of access through internal subdivision streets is necessary to balance community concerns of traffic, particularly truck traffic, generation as a result of internal farmers' markets. Additionally, it is not just the fire marshal that can determine what may or may not be in pathways – the design and function of streetscapes, including sidewalks, trails, and pathways, is an essential component of a modern Zoning Ordinance to help facilitate convenient, attractive, and safe pedestrian places.	Make no change.
27-5—50	27-5.203.E.8.d. Standards Specific to Principal Uses	Farmers' Market	"Can you explain the inclusion of accessory wholesaling? We're not opposed but just want more clarity."	Civicomment – Food Equity Council	Accessory wholesaling with farmers' markets is a common accessory use with these operations in other jurisdictions, which is why Clarion Associates recommend a use-specific standard to address wholesaling components.	Make no change.
27-5—51	27-5.203.E.9.b. Standards Specific to Principal Uses	Gas Station	"Gas stations under 27-5.203.9.b.i are required to have a minimum of 200 feet of frontage on a right-of-way, while a special exception for a gas station under the current ordinance requires only 150 feet of frontage. This arbitrary increase in required right-of-way frontage is contrary to the comprehensive review's goals of decreasing sprawl and improving pedestrian connectivity by increasing the amount of land dedicated	Nathaniel Forman, O'Malley, Miles, Nylen & Gilmore, P.A., Representing	Staff concurs.	Revise Sec. 27-5.203.E.9.b.i. to reduce the frontage requirement from 200 feet to 150 feet.

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			solely to vehicular uses. We ask that you reduce the required frontage for this use to the 150 feet currently required."	Quantum Companies		
27-5—52	27-5.203.E.9.b. Standards Specific to Principal Uses	Gas Station	Should only wrecked motor vehicles be prohibited from storage and junking?	Planning Staff	It's unlikely a gas station is junking operational vehicles. Prohibiting wrecked vehicles is a standard to prevent gas stations from becoming storage yards for broken down cars, as gas stations are generally more visible to the public than true wreckage and parts operations. Allowing non-wrecked vehicles to be stored on property is necessary as gas stations may include vehicle service that requires (at minimum) overnight storage of vehicles on-site.	Make no change.
27-5—52	27-5.203.E.9.c. Standards Specific to Principal Uses	Vehicle or Trailer Repair and Maintenance	"Mandating 48 hour turnaround for vehicle repairs is unrealistic and does not promote a business friendly environment and puts an undue burden on small business repair shops. "Suggestion, revise the time-frame for vehicle repairs or remove altogether." Planning staff also raised concerns pertaining to the time limit for repair service. Additionally, staff commented that there may be a conflict between the fences and walls regulations in Division 6 and a requirement for screening to be at least as high as accessory buildings.	Civicomment, Planning Staff	Gas stations are not intended for major repairs. The proposed definition of gas station focuses more on minor and convenience repairs, those which should not take longer than 48 hours to complete. Staff concurs there may be a conflict with Division 6	Delete the clause "…that is at least as high as the accessory building" from Sec. 27-5.303.E.9.c.iii.(D).
27-5—57	27-5.203.E.10.c. Standards Specific to Principal Uses	Hotel or Motel	The first use-specific standard regarding access to streets with a right-of-way width at least 70 feet seems archaic and may prevent hotels or motels in the Transit-Oriented/Activity Center zones where more urban street standards are applied. The standard pertaining to accessory eating or drinking establishments and requiring seven acres of land also presents the same issues.	Planning Staff	Staff concurs.	Delete Sec. 27-5.203.E.10.c1. and renumber the second use-specific standard accordingly. Delete Sec. 27-5.203.E.10.c.ii.(C).
27-5—61	27-5.203.F.3.a. Standards Specific to Principal Uses	Landscaping Contractor's Business	"The 200 feet from any abutting land is excessive. This needs to be significantly reduced."	Civicomment	A 200-foot setback would be consistent with other provisions in the proposed Zoning Ordinance that require separation of activities such as loading and service areas from residential development and is appropriate for landscaping contractor businesses considering the potential for truck traffic, smells, and other impacts.	Make no change.
27-5—61	27-5.203.F.4. Standards Specific to Principal Uses	Manufacturing Uses	Tree plantings should be required around the entire border of uses such as concrete batching, asphalt mixing, concrete recycling, and concrete or brick products manufacturing.	Planning Staff	This was recommended in response to community concerns about dust, but such a stringent one-size-fits-all approach is inappropriate. Among other things, it would require abutting concrete or asphalt operations to both plant tree buffers between each other.	Make no change.

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					The more nuanced approach of the use-specific standards requiring setbacks of plant operations from certain zones, in combination with the Landscape Manual regulations on buffering incompatible uses, remains the best way to appropriately address the impacts of these uses.	
27-5—61	27-5.203.F.4.a. Standards Specific to Principal Uses	Concrete Batching or Asphalt Mixing Plant	"The description language proposed for Section 4. Manufacturing Uses - a. - i - concrete batching plants - is more opinion than regulatory in nature. Zoning language should not be speculatory as to what may happen, but fact based when determining a regulatory policy for a zoning use. "This section of the proposed language should be removed and based strictly on facts, not opinion." "Suggestion – remove this language under Section 4 – Manufacturing Uses- Concrete Batching Plants – a. -6."	Civicomment	The proposed regulations on concrete batching or asphalt mixing plants are regulatory in nature, predicated on the known side-effects these businesses tend to generate – noise, dust, vibration, etc. Additionally, there is substantial leeway in a use requiring a special exception for the deciding body – the Zoning Hearing Examiner, for example, to make discretionary findings based on the evidence presented for that specific application.	Make no change.
27-5—62	27-5.203.F.4.c. Standards Specific to Principal Uses	Fisheries Activities	"We don't understand what this section means--it may need additional details included."	Civicomment – Food Equity Council	"Fisheries activities" is a currently defined use in the Zoning Ordinance, specific to the Chesapeake Bay Critical Area Overlay Zone. These regulations are simply carried forward from the current Zoning Ordinance.	Make no change.
27-5—63	27-5.203.F.5.b. Standards Specific to Principal Uses	Outdoor Storage (As a Principal Use)	The language dealing with fencing seems to contradict the fences and walls regulations in Division 27-6.500.	Planning Staff	Staff concurs.	Revise Sec. 27-5.203.E.5.b. to indicate the fence may not be greater than eight feet in height. Add a new exemption for outdoor storage as principal uses to Sec. 27-6.505.B. Exemptions from the fence and wall height standards.
27-5—64	27-5.203.F.6.a. Standards Specific to Principal Uses	Class 3 Fill	Standards xv and xvi should reference the Department of Permitting, Inspections, and Enforcement (DPIE) rather than the Department of Public Works and Transportation (DPW&T) as the permit issuing authority. Requests were made to provide additional detail regarding bonding of full value for mill and overlay of vehicle routes and of construction and inspection of street improvements.	DPW&T	While staff concurs with the change to DPIE, it is not appropriate for a Zoning Ordinance to regulate details of facility bonding and the specifics of valuation, improvement timing, and other aspects requested by DPW&T for these provisions. Staff expects these details to be worked out by the applicant and DPIE at the time the required haul and street construction permits are obtained.	Revise standards xv and xvi of Sec. 27-5.203.F.6.a. to replace "Department of Public Works and Transportation (DPW&T)" with "Department of Permitting, Inspections, and Enforcement (DPIE)."
27-5—66	27-5.203.F.6.c.	Junkyard or Salvage Yard	The language dealing with fencing seems to contradict the fences and walls regulations in Division 27-6.500.	Planning Staff	Staff concurs.	Revise Sec. 27-5.203.E.6.c.. to indicate the fence may not be greater than eight feet in height.

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	Standards Specific to Principal Uses					Add a new exemption for junkyard or salvage yards to Sec. 27-6.505.B. Exemptions from the fence and wall height standards.
27-5—70	27-5.302 Accessory Use/Structure Tables	Use-Specific Standards	Many of the use-specific standard references need to be renumbered with the deletion of standards for beekeeping. Other uses – specifically agritourism and catering or food processing – are missing references to the associated use-specific standards. Other typos exist.	Planning Staff	Staff concurs that these tables need to be reconciled with other changes, and that all typos be corrected.	Reconcile the use-specific standard references once other changes to the use tables and standards are incorporated. Correct typos.
27-5—70	27-5.302.B. Accessory Use / Structure Table for Rural and Agricultural, and Residential Base Uses	Beekeeping	Town of Berwyn Heights: "As mentioned during Listening Sessions on the Comprehensive Review Draft, the regulations surrounding beekeeping as an accessory use activity are unclear. Table 27-5.302 B indicates beekeeping is permitted by right in an RSF-65 zone, with no assigned use-specific standards. However, according to Table 27-5.202.C, "Agriculture" is a prohibited activity in an RSF-65 zone, and the definition of agriculture still includes beekeeping. This is not in accordance with County Ordinance CB-080-2016. "Further, Section 27-5.304.B.5 lists specific standards that are not referenced anywhere in the document; we suggest they be deleted." Civicomment: Numerous specific comments pertaining to proposed beekeeping regulations were provided by multiple parties. Most comments spoke to the very localized nature of beekeeping regulation and the inappropriateness of the proposed regulations for Prince George's County. Mr. Hayes: "The Maryland State Beekeepers Association and its 800 members state wide does not feel that the current county zoning regulation passed in November of 2016 needs to be changed. The zoning change being proposed by the out of state consulting firm, is totally unnecessary, there is nothing that needs to be fixed. These proposed zoning changes are overly restrictive and not in line with zoning for keeping bees in the other Maryland Counties and Baltimore City. Honey Bees are not dangerous insects and are kept in	Town of Berwyn Heights, Civicomment (Multiple Commenters), Community, Allen Hayes, Becky Livingston, Michael DeNardo, Susan Brown, William F. Gimpel, Judy Treible, Food Equity Council, Davis Morris	Upon release of the Comprehensive Review Draft for public review, it immediately became apparent that Clarion Associates and staff missed the mark regarding beekeeping regulations. Staff's decision on this topic was made immediately – the Comprehensive Review Draft will be revised to permit beekeeping in the same zones incorporated in Council Bill CB-80-2016, and all standards pertaining to beekeeping on page 27-5—82 will be deleted. CB-80-2016 permits beekeeping in the following current residential zones: R-O-S, O-S, R-A, R-E, R-R, R-80, R-55, R-35, R-20, and R-18. With these changes, any beekeeping regulation as it may touch on zoning will defer to any pertinent provisions in place at the state level. The blank cell is a typo.	Delete Sec. 27-5.304.A.5. (use-specific standards for beekeeping) and renumber remaining sections accordingly. Revise the accessory use and structure tables as necessary to reflect the legislative guidance of CB-80-2016 – specifically, permit beekeeping in the proposed RMF-20 (Residential, Multifamily – 20) Zone and prohibit it in the RMF-12 (Residential, Multifamily – 12) Zone. The other residential zones are correctly listed to permit beekeeping pursuant to CB-80-2016. In conformance with the above recommendation, beekeeping should also be "allowable" in the R-PD (Residential Planned Development) Zone. Since staff is committed to reflecting the Council's guidance provided through CB-80-2016 for the legislative draft, beekeeping will not be listed as permitted in the Nonresidential, Transit-Oriented/Activity Center, or Other base zones at this time.

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			residential areas including densely populated cites all over the United States and worldwide. It is my experience that too often members of the general public do not know the difference between honey bees and yellow jacket wasps. These uninformed citizens associate the aggressive stinging behavior of carnivorous yellow jacket wasps with honey bees which are gentle vegetarians. Honey bees pollinate fruits and vegetables and are critical to support our ecosystem. Yellow jacket wasps do not pollinate." Ms. Livington, Mr. DeNardo, Ms. Brown, Ms. Treible, Mr. Gimpel: "The new zoning regulations as proposed by the County's consultants are unnecessarily restrictive regarding beekeeping. The current zoning regulations, as passed by the County Council on November 15, 2016, CB-80-2016, broadly allow beekeeping in residential areas. The proposed regulations contradict this ordinance which was passed with input from, and reflects the will of, this County's residents. The purpose of zoning regulations is to control growth, enhance the lives of the citizens, alleviate past problems and prevent future ones. The proposed beekeeping restrictions do not enhance the lives of Prince George's citizens; instead, the restrictions greatly reduce, for many, the full enjoyment of their properties and deprive others of us the benefits of local honey and the beauty of local bees in the environment and their pollination of plants and small garden crops. The benefits of bees do not stop there. The proposed regulations do not solve a current problem or prevent any foreseeable problems. Remove these restrictions on beekeeping." Food Equity Council: "We support BUMBA's recommendations for beekeeping in this section and suggest you refer to them here [website link deleted]. "Why is there a blank in RMF-12? "Should be allowed in more zones." Mr. Morris submitted testimony in favor of eliminating proposed regulations on beekeeping, and offered his expertise to the project team regarding the localized			

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			nature of beekeeping and bee species, and how this impacts beek management.ta			
27-5—70	27-5.302.B. Accessory Use / Structure Table for Rural and Agricultural, and Residential Base Uses	Bike Share Station	"Add 'Bike Share Station' as a permitted accessory use under Transportation uses in all zones."	Town of University Park	Current, bike share station is proposed as a permitted or allowable use in all base and Planned Development zones, except the ROS (Reserved Open Space), AG (Agriculture and Preservation), AR (Agricultural-Residential), RE (Residential Estate), and RR (Residential Rural) zones. It is likely that these zones do not have the necessary density to support bike share.	Make no change.
27-5—70	27-5.302.B. Accessory Use / Structure Table for Rural and Agricultural, and Residential Base Uses	Car Wash (As Accessory to a Multifamily Dwelling)	Car washes as accessory uses should be permitted in the RMF-20 (Residential Multifamily – 20) and RMF-48 (Residential Multifamily – 48) zones. Similarly, this use should be permitted in the Transit-Oriented/Activity Center base zones.	Planning Staff	Staff concurs with the general comment, but since the multifamily developments in these zones are likely to be more suburban in nature (meaning a potential car wash operation is more likely to be outdoors and highly visible than in a more dense multifamily environment where it may be within a parking structure), the impacts of this use may warrant special exception review.	Revise the use table to allow car washes as accessory uses in the RMF-20 and RMF-48 zones, and in the Transit-Oriented/Activity Center Base Zones, as special exceptions.
27-5—70	27-5.302.B. Accessory Use / Structure Table for Rural and Agricultural, and Residential Base Uses	Electric Vehicle (EV) Level 3 Charging Station	This use should be permitted in the RMF-20 (Residential Multifamily -20) and RMF -48 (Residential Multifamily – 48) zones.	Planning Staff	Staff concurs.	Revise this use to permit it in the RMF-20 and RMF-48 zones.
27-5—70	27-5.302.B. Accessory Use / Structure Table for Rural and Agricultural, and Residential Base Uses	Farmers' Market, Indoor	"This should be permitted in all zones." "Permit in all zones. Why is this more open on 27-5-72 than outdoor farmers market? Will this use be a separate structure or a use inside a barn on a farm, not a separate structure on a single-family home lot? There is no clarification regarding that it is only permitted as an accessory use to an agricultural use in single-family residential zones. Also, an indoor farmers' markets should be both a principal use and an accessory use. It can be a permitted use as a principal use in all zones where agriculture is permitted and in commercial zones. It can be in a stand-alone building like Eastern Market in Washington, D.C. in commercial areas. It should be allowed as an accessory use in all zones where agriculture is permitted with the condition that it is an accessory to an agriculture use. It may also be an accessory use to multi-family, commercial, industrial, and mixed-use developments."	Civicomment (Multiple Commenters)	An indoor farmers' market is not an appropriate use within single-family detached residential zones due to the potential traffic and other impacts that could disrupt these residential areas, and the likely size of the building required to accommodate an indoor farmers' market.	Make no change.

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27-5—70	27-5.302.B. Accessory Use / Structure Table for Rural and Agricultural, and Residential Base Uses	Home Garden	"Home garden and home-based biz, why is this listed in a non-residential zone?"	Civicomment – Food Equity Council	Home gardens and home-based businesses would be permitted accessory uses because nonresidential zones under the proposed Zoning Ordinance include residential uses.	Make no change.
27-5—72	27-5.302.C. Accessory Use / Structure Table for Nonresidential, Transit-Oriented / Activity Center, and Other Base Zones	Catering or Food Processing for Offsite Consumption (As Accessory to a Place of Worship, Club or Lodge of a Community-Oriented Association, or Private School)	Food Equity Council: "Refer to commercial kitchen catering bill; should be permitted in all zones that clubhouses and community rec facilities are permitted." Planning staff noted that this use is not permitted in the Nonresidential, Transit-Oriented/Activity Center, or Planned Development zones.	Civicomment – Food Equity Council	The "commercial kitchen" bill is CB-70-2016, which permits "catering or food processing for offsite consumption, in a commercial kitchen located within a church, private club, or private school." This use was listed as permitted in all residential zones. The use in the accessory use/structure table is adapted from CB-70-2016 and is also permitted in all Rural and Agricultural and Residential base zones. The proposed Zoning Ordinance is consistent with CB-70-2016. However, there would appear to be few negative impacts permitting this use in the other base zones or listing as an allowable use in the Planned Development zones. This was not done in the Comprehensive Review Draft because Clarion Associates were working from a specific Council Bill, but there are unintended consequences involved with focusing too literally on the residential component of CB-70-2016.	Revise the accessory use/structure table for the Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones to permit the catering or food processing use in all zones. Add the applicable use-specific standard reference. Revise the Planned Development accessory use/structure table to make this use "allowable" in all zones. Add the applicable use-specific standard reference.
27-5—72	27-5.302.C. Accessory Use / Structure Table for Nonresidential, Transit-Oriented / Activity Center, and Other Base Zones	Composting, Small-Scale	"Small-scale composting is not allowed in RMH, why?"	Civicomment – Food Equity Council	Comment noted. The RMH (Planned Mobile Home Community) Zone regulations in the proposed Zoning Ordinance are carried forward from the existing Zoning Ordinance; that said, composting is a more expansive use in the proposed code and should be expanded to the RMH Zone.	Revise the accessory use/structure table for nonresidential, transit-oriented/activity center, and other base zones to permit "composting, small-scale" in the RMH base zone.
27-5—72	27-5.302.C. Accessory Use / Structure Table for Nonresidential, Transit-Oriented / Activity Center,	Drive-Through Service	"Generally speaking, the City is supportive of drive-throughs being accessory uses for eating and drinking establishments, however, drive-throughs are inconsistent with the walkable density goals articulated in the Local Transit Oriented or Regional Transit Oriented zones. The goals of transit oriented areas to remove automobile usage and promote public transportation and walkable communities. The City is requesting 'drive-through as	City of Hyattsville	Page 27-5-72 indicates that "Drive-through service" as an accessory use is prohibited in the core and edge areas of both the LTO (Local Transit-Oriented) and RTO (Regional Transit-Oriented) zones. Further, page 27-5-11 indicates that fast-food without drive-through is permitted in the LTO and RTO zones, but fast-	Make no change.

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	and Other Base Zones		an accessory use' to not be permitted in either Local Transit Oriented or Regional Transit Oriented zones."		food with a drive-through (designated as 'restaurant, fast-food') is prohibited from these zones. Drive-throughs in urban areas can be designed in a manner that reduces their visual impacts and any potential conflicts with pedestrians and bicyclists by locating them to the rear or side of buildings.	
27-5—72	27-5.302.C. Accessory Use / Structure Table for Nonresidential, Transit-Oriented / Activity Center, and Other Base Zones	Farmers' Market, Indoor	"Permit in all zones. Why is this more open than an outdoor farmers market?"	Civicomment – Food Equity Council	See the discussion elsewhere in this analysis on farmers' markets as principal uses, wherein staff recommends expanding that use to more zones.	Make no change.
27-5—73	27-5.302.C. Accessory Use / Structure Table for Nonresidential, Transit-Oriented / Activity Center, and Other Base Zones	Home Garden	"Why can't mobile homes have home gardens? They are probably needed there more than anywhere!"	Civicomment – Food Equity Council	Comment noted. The RMH (Planned Mobile Home Community) Zone regulations in the proposed Zoning Ordinance are carried forward from the existing Zoning Ordinance; that said, gardening is a more expansive use in the proposed code and should be expanded to the RMH Zone.	Revise the accessory use/structure table for nonresidential, transit-oriented/activity center, and other base zones to permit "home garden" in the RMH base zone.
27-5—73	27-5.302.D. Accessory Use / Structure Table for Planned Development Zones	CAC-PD Zone	Both the accessory use/structure table and temporary use/structure table for the Planned Development zones inadvertently include the CAC-PD (Campus Activity Center Planned Development) Zone, which was deleted for the Comprehensive Review Draft.	Planning Staff	The CAC-PD Zone should be deleted.	Delete the columns for the CAC-PD Zone from both use tables.
27-5—80	27-5.303.B. Location of Accessory Use and Structures	Yard Location	Accessory uses should be allowed in a corner lot side yard. It's very restrictive to prohibit accessory uses on those lots.	Planning Staff	Accessory uses are generally not allowed within a corner lot side yard because those yards are directly visible from, and typically abut, a right-of -way. Such uses and structures could have a detrimental visual impact on the neighborhood in which they are located.	Make no change
27-5—81	27-5.304.B.4. Standards Specific to	Bed and Breakfast (As Accessory to a Single-Family Detached Dwelling)	This use should only require one parking spaces per every two guestrooms if located inside the Capital Beltway.	Planning Staff	Since bed and breakfasts are accessory uses in residential neighborhoods, it is unlikely to have the space to provide one parking space per rented room. Further, having to build more parking (e.g. on a front or rear yard) may be detrimental to	Revise the parking use-specific standard for bed and breakfast uses to require less parking when located inside the Capital Beltway.

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	Accessory Use and Structures				the neighborhood character, particularly for the denser single-family neighborhoods within the Beltway.	
27-5—83	27-5.304.B.10. Standards Specific to Accessory Use and Structures	Electric Vehicle (EV) Level 1, 2, or 3 Charging Station	This regulation states that an accessible space and an EV charging space may be one. However, this suggests that an electric vehicle charging would prohibit an ADA space from being used and vice versa.	Planning Staff	The proposed regulation is not as clear as it should be and may indeed result in electric vehicles taking up accessible spaces. Additional clarity and needed.	Revise Sec. 27-5.304.B.10.d. to read: "…providing the charging station and its controls meet ADA standards for accessibility to persons with physical disabilities and the charging station is only available for use by persons with physical disabilities."
27-5—84	27-5.304.B.12. Standards Specific to Accessory Use and Structures	Farm Tenant Dwelling (as Accessory to an Agriculture Use)	"A farm tenant would only be allowed to work on the farm under this restriction. It would also prevent farmers from renting properties to other people. It's too restrictive and doesn't provide the flexibility farmers in the County need. This could help provide extra income for farmers and prevent farmhouses from falling into disrepair. "We suggest this section is reconsidered. Remove the majority of total income. Perhaps it could be required to work on the farm but not that the majority of their income comes from farm work—it's not often lucrative work." Planning staff commented that the language seems to suggest only one farm tenant may live on any given farm property.	Civicomment – Food Equity Council, Planning Staff	Staff concurs with the Food Equity Council. As to the number of farm tenants who may dwell on a farm, the definition of farm tenant dwelling incorporates the term "dormitory." Adding that word to the use-specific standards will resolve this confusion.	Revise Sec. 27-5.304.B.12.a. to read: "The dwelling or dormitory shall be owned by the owner of the farm property on which the [dwelling] building is located." Revise Sec. 27-5.304.B.12.b. to read: "The dwelling or dormitory shall be occupied only by [a] tenants for whom [a majority of total] income comes from work on the farm, and the tenant['s]s' immediate family members."
27-5—84	27-5.304.B.14. Standards Specific to Accessory Use and Structures	Home-Based Business	"The Town opposes any addition to home occupation business allowed, or any loosening of current restrictions on home based businesses. In particular, the Town objects to a home occupation as a primary use."	Town of University Park	There are use-specific standards for a home-based business on page 27-5-84. These regulations require that the person conducting the home-based business be a full-time resident of the dwelling. This would prohibit the occupation as being the primary use of the home. Further, there are size limitations of the use in proportion of the dwelling unit, making the home-based business secondary to the dwelling. The evolving nature of technology and workflows lend themselves to a shift toward more home-based work, either businesses or telework. Staff supports appropriate expansion of home-based businesses as part of this proposed, 21st century Zoning Ordinance.	Make no change.
27-5—85	27-5.304.B.14. Standards Specific to	Home-Based Business – Dog Daycare Facility	"County ordinance only allows 4 dogs" "The language in this proposed ordinance is contradictory to the existing County Code which only	Civicomment (Multiple Commenters)	Section 3-148.01 of the County Code speaks to animals larger than guinea pigs or over the age of four months, restricting the number to five animals. Anyone who obtains an animal hobby permit may exceed this limit.	Make no change.

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	Accessory Use and Structures		allows four (4) dogs per property. This would be in direct conflict with existing code and create a noise and safety issue in facilities located in residential communities. "Suggestion - remove this language."		In addition to a hobby permit, a kennel license would allow for more animals to be kept on-site. Either of these licenses may allow for dog daycare facilities to exceed five animals on-site.	
27-5—85	27-5.304.B.16. Standards Specific to Accessory Use and Structures	Nursery and Garden Center (as Accessory to an Agricultural Use)	"Nursery or Garden Center, why 20 acres? It's huge. You can have these in more urban areas. Where are these setbacks from? Is this all relevant to our County? We've heard of other areas in Anne Arundel where these setbacks would have affected a farm."	Civicomment – Food Equity Council	Staff notes the proposed use in question is for a nursery and garden center as an accessory to an agricultural use. Smaller sized, standalone nursery and garden centers would be classified as Retail Sales and Service Uses. The 20-acre minimum for nursery and garden centers as accessories to an agricultural use is from the current Zoning Ordinance and is likely intended to ensure the property is large enough to accommodate the center while ensuring the agricultural portion remains the principal use, and to mitigate the impacts of any weekend or holiday traffic.	Make no change.
27-5—86	27-5.304.B.18. Standards Specific to Accessory Use and Structures	Outdoor Display of Merchandise (As Accessory to a Retail Sales Use or Wholesale Use)	This accessory use is inconsistent throughout the Comprehensive Review Draft, typically leaving out the "wholesale use" component. Other outdoor displays are permitted outside of retail sales and services and wholesaling also.	Planning Staff	The proposed Zoning Ordinance should consistently refer to outdoor display of merchandise.	Ensure all references to outdoor display of merchandise are reconciled and consistent.
27-5—86	27-5.304.B.18. Standards Specific to Accessory Use and Structures	Outdoor Seating (as Accessory to an Eating or Drinking Establishment)	"This is too restrictive and detailed. Why limit outdoor seating only to the front of the building? Bethesda has examples where it works well on the sides. The details about quality and items being chained shouldn't be part of the zoning ordinance." Planning staff asked if the regulation requiring food preparation to occur within the enclosed principal building would include outdoor preparation such as bar-b-ques.	Civicomment – Food Equity Council, Planning Staff	Staff concurs about permitting seating on the side of eating or drinking establishments to cover situations where the establishment is located on a corner or adjacent to an open space. Regulations pertaining to quality and lack of chaining or security furnishings is important to improve on the public realm. Yes, outdoor food preparation would be prohibited by this regulation. This may likely be a food safety issue. Staff is reluctant to change this standard without additional research into this issue.	Revise the use-specific standards for outdoor seating to allow locations to the side of the establishments.
27-5—88	27-5.304.B.21. Standards Specific to Accessory Use and Structures	Produce Stand (as Accessory to a Farm or Community Garden)	"Why the 6-month limit? Urban farms can operate year round with hoop houses and should also be allowed to operate in a warehouse (where year-round production is possible). If the building is 15 feet high, it's challenging to minimize the visual impact from adjacent public streets--besides, the nature of a produce stand would require that it was visible so folks could find it to buy from."	Civicomment – Food Equity Council, Planning Staff	The definition of "produce stand" would not extend to a warehouse, nor should it. A "produce stand" refers to a literal, traditional "stand" intentionally. "Produce stand" is not listed as a temporary use.	Add a definition for "produce stand."

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			Planning staff added the following comments: "If a produce stand is an accessory use and limited to a six-month duration, is it actually a temporary use? Would it actually be better for the farm to have a 'wayside stand' that allows temporary use for as long as two years?"			
27-5—89	27-5.304.B.22. Standards Specific to Accessory Use and Structures	Rainwater Cistern or Barrel	Food Equity Council: "Rainwater Cistern or Barrel: often cisterns are stand alone, like at the Cheverly Community Garden, also there are sometimes other structures like sheds that are used to collect rainwater. Why is it a problem to have a sign on it? It could be educational." Planning staff added that often cisterns stand alone, and other similar structures that may not be attached to the principal structure act as cisterns.	Civicomment – Food Equity Council, Planning Staff	It would be problematic to allow signage on rainwater cisterns and barrels because they could then be used as mechanisms to bypass other sign regulation, such as the number of permitted signs advertising a business. Staff concurs that stand-alone cisterns are appropriate.	Revise the use-specific standard that requires cisterns be located directly adjacent to the principal structure on a lot.
27-5—91	27-5.304.B.27. Standards Specific to Accessory Use and Structures	Swimming Pool (As an Accessory Use)	The distances required for buildings, structures, and parking areas to be set back from streets is confusing and potentially contradictory.	Planning Staff	Staff concurs.	Remove "the street" from standard e.v.(A). and revise standard e.v.(D). to read: "150 feet from [the centerline of] any adjoining street or public right-of-way.
27-5—96	27-5.402.B. Temporary Use/Structure Table for Rural and Agricultural, and Residential Base Zones	General	"'Temporary Uses and Structures' indicates temporary portable storage units may be allowed without a temporary use permit. However, the Town of Berwyn Heights does require such a permit. Could a footnote be added to this table as a reminder to the reader that this only applies to County permits, and that municipalities may have additional requirements? We did see it mentioned under the General Standards section 27-5.403, that an applicant must 'obtain any other applicable County, municipal, state, or federal permits, but we believe it would gain prominence by being included in the table as well."	Town of Berwyn Heights	It is preferable to keep the use tables as streamlined and "clean" as possible, with few – if any – footnotes incorporated in the legislative draft. The language of Sec. 27-5.403 is appropriate in wording and location to address this concern. A broader issue is that the proposed Zoning Ordinance could benefit from additional overall clarity on other permitting authorities besides Prince George's County itself, and that permits other than zoning permits may also be required depending on the proposed use. Recognition that other permits may be required should be more sufficiently "backstopped" in other locations of the proposed code.	Adapt a reference similar to the following language to other appropriate locations within the proposed Zoning Ordinance, which may potentially include the other two use tables (principal and accessory uses) and the various permit procedures in Division 27-3: "Obtain any other applicable County, municipal, State, or Federal permits."
27-5—97	27-5.402.B. Temporary Use/Structure Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones	General	"Since townhomes are now permitted in the CGO zone, we ask that you please reconsider the prohibition on temporary use permits for a garage sale or yard sale in that zone. It is reasonable to allow townhome owners to have a yard sale or a garage sale."	Nathaniel Forman, O'Malley, Miles, Nylen & Gilmore, P.A., Representing Quantum Companies	Staff concurs; in addition, the temporary use "garage or yard sale" should also be permitted in the CN (Commercial Neighborhood) and CS (Commercial Service) zones, since these zones also allow some single-family dwelling types.	Revise the temporary use/structure table to place the check-mark symbol to allow "garage or yard sale" as permitted temporary uses in the CN (Commercial Neighborhood), CGO (Commercial General and Office) and CS (Commercial Service) zones.

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27-5—98	27-5.402.D. Temporary Use/Structure Table for Planned Development Zones	General	Staff noted the abbreviation "T=allowed only with a Temporary Use Permit, irrespective of treatment by underlying base zone" appears to be erroneous and is not used in this table.	Planning Staff	Staff concurs.	Remove the notation for "T" from this temporary use/structures table.
27-5—101	27-5.404.B.3. Standards Specific to Temporary Uses and Structures	Farmers' Market (as a Temporary Use)	"We suggest striking "(e.g. baked good, jams and jellies..etc)." Instead include the language: foods prepared by the vendor." "Refer to current farmers market definition and amend on page 27-2-43 and make sure it's consistent."	Civicomment – Food Equity Council	Staff supports consistency.	Revise 27-5.404.B.3.g. to read: "…[prepared foods 9e.g., baked goods, jams and jellies, juices, cheeses);] <u>foods prepared by the vendor;</u>"
27-5—102	27-5.404.B.5. Standards Specific to Temporary Uses and Structures	Flea Market	The operation timeframe should be increased to 52 days to allow for weekly flea markets.	Planning Staff	Staff concurs with the general sentiment that the operational timeframe for flea markets should be consistent with farmers' markets.	Revise Sec. 27-5.404.B.5.b., as may be necessary, for consistency with revisions recommended to farmers' markets.
27-5—103	27-5.404.B.7. Standards Specific to Temporary Uses and Structures	Modular Classroom	Modular classrooms should be allowed on the parking lot – especially if they are temporary uses. Why are trees necessary for modular classrooms? Trees are not temporary. Remove this regulation	Planning Staff	The prohibition of locating modular classrooms in parking lots is that they would take away from required parking likely needed by staff, teachers, and students. This regulation should remain. Staff agrees that requiring tree plantings – presumably originally intended to mitigate the visual impact of modular classrooms – is an archaic requirement that could result in unnecessary tree plantings that may one day need to be removed from the ground and likely killed.	Delete Sec. 27-5.404.B.7.d. and renumber standard e. accordingly.
27-5—103	27-5.404.B.8. Standards Specific to Temporary Uses and Structures	Seasonal Decorations Display and Sales	Remove the parking regulation, since it does not provide sufficient guidance on how to adequately determine parking for seasonal sales uses.	Planning Staff	Staff concurs.	Delete Sec. 27-5.404.B.8.d.
27-5—103	27-5.404.B.9. Standards Specific to Temporary Uses and Structures	Temporary Portable Storage Unit	The limit of having no more than one storage unit on a lot does not permit multifamily renovations or other potential uses where each dwelling unit may need a separate storage unit for a short period of time. Remove the "public rights-of-way." Temporary portable storage are often put on the street so that it is easy for a truck to pick it up and then easy for people to load.	Planning Staff	Staff concurs.	Revise Sec. 27-5.404.B.9.a. to read: "No more than one <u>storage</u> unit <u>per dwelling unit</u> shall be located on a lot." Revise Sec. 27-5.404.B.9.d. to read: "…passenger loading zones, <u>or</u> commercial loading areas<u>,</u> [, or public rights-of-way.]

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27-5—104	27-5.404.B.11. Standards Specific to Temporary Uses and Structures	Temporary Recyclables Collection	"Language should be added that restricts the use of clothing drop off containers typically found in retail shopping centers. These containers are unsightly, serve as a dumping ground for refuse and other bulk trash items resulting in dumping areas especially in lower to moderate income communities. These containers should not be permitted."	Civicomment	While staff is sympathetic to the comment, this does not seem to be a zoning function, particularly since such drop-off containers serve valid charity purposes.	Make no change.
27-5—104	27-5.404.B.13. Standards Specific to Temporary Uses and Structures	Temporary Shelter for Commercial Displays, Sales, and Services	The listing of seasonal activities in this use contradicts separate regulations of seasonal activities on page 27-5—103.	Planning Staff	Staff concurs.	Remove "seasonal activities" from Sec. 27-5.404.B.13.a.
27-5—105	27-5.404.B.15. Standards Specific to Temporary Uses and Structures	Wayside Stand	"Why is this routed through the Planning Director? Also, 25 ft from an existing street is too far away."	Civicomment – Food Equity Council	Staff concurs that 25 feet is too far from the street.	Delete subsection 27-5.404.B.15.c. and renumber remaining subsections accordingly.

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	Table of Contents	Health Impact Assessments	Civicomment: "Health Impact Assessments are missing from the Development Standards. "Health Impact Assessments: -Help ensure the effects on health and wellness are considered when planning and building developments in the county -Provide recommendations to planners and developers on how to amend their plans to optimize health benefits and mitigate harmful effects of the development -Are an opportunity to help ensure our county's built environment supports and promotes safety, active living, and healthy eating "County-mandated Health Impact Assessments in the Development Review Process should be included. We have included resources, including the County mandate, to support the need for HIAs within the standard development review process: "Requirements for Developers All developments shall require a health impact assessment (HIA) before being approved. Leading scientific, health, and environmental groups have publicly articulated the benefits of using HIAs, including the Centers for Disease Control and Prevention, the EPA, the American Public Health Association, and the National Academies. Jurisdictions on the leading edge of public health innovation, including Seattle-King County in Washington and San Francisco, use HIAs in their planning processes." [Website links deleted from comment] "I agree." Mr. Spearmon: "I am writing to you as a resident and citizen of the Avon Ridge community, Prince George's County, to address the omission of the application of a Health Impact Assessment to the zoning rewrite process. "The absence of a county wide functional food policy and a clear understanding of its agricultural direction are having a negative impact on some urban communities, thus resulting in food and health disparities.	Civicomment (Multiple Commenters), John Spearmon, Health Research Policy Consortium	On February 7, 2018, the County Council directed staff to restore current Zoning Ordinance provisions requiring Health Impact Assessments for site plans and master plans in accordance with CB-41-2011.	Incorporate a revised (as may be appropriate) Health Impact Assessment requirement based on CB-41-2001. This assessment should be required for major detailed site plans and comprehensive master plans. Staff does not recommend extending the Health Impact Assessment requirement to the newly proposed minor detailed site plan process. The small scale of these projects and their administrative review and approval procedures limit the utility of a Health Impact Assessment and do not provide sufficient time for the Prince George's County Health Department to complete a Health Impact Assessment for these minor projects.

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			"As a matter of public record, I personally asked the Clarion Associates representative at the February, 2014 listening session, if a HIA would be applied. The answer was yes. When considering the long term ramifications that the absence of its use would have on community sustainability, it is an absolute necessity for those who are representing the public's interest, to require the use of a Health Impact Assessment. "The utilization of a HIA would assist in the identification of factors that contribute to health and economic inequities that exist within urban communities. The avoidance of demand for its application would be an abdication of leadership." The Health Research Policy Consortium recommended a health impact assessment for the entire zoning rewrite effort. They also note: "Although the literature is inconclusive about linking HIAs to specific health outcomes, the benefits provided by this process – increased collaboration and consideration of the potential health impacts of decisions – could improve the County's ability to make decisions that positively impact the health of residents." General support was expressed for an HIA, Heath Equity Impact Assessment, and/or Equity Focused Health Impact Assessment Framework procedure to be incorporated in the new regulations.			
27-6—1	27-6.101 Roadway Access, Mobility, and Circulation	Purpose and Intent	"We applaud the Purpose & Intent. Along with critical local goals like enhanced safety and health, we also commend the goals of (H) reducing vehicle miles and (I & J) reduced greenhouse gas and air pollution emissions."	Civicomment	Comment noted.	Make no change.
27-6—2	27-6.107 Roadway Access, Mobility, and Circulation	Developer Responsible for On-Site Street Improvements	"This section should be updated to 'the developer shall construct and may maintain ...,' instead of 'provide ...'"	DPW&T	The suggested change is far too stringent for zoning regulatory purposes. It could be interpreted to mean that only the developer may construct new facilities, precluding other parties such as the County, road clubs, etc., Further, municipalities and other operators may not wish the developer to construct the improvements but instead to contribute funds. The current language, that the developer "shall provide" the facilities, is sufficient to require developers to construct roadways when the operating agency determines this to be necessary.	Make no change.

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27-6—2	27-6.108.A Roadway Access, Mobility, and Circulation	Vehicular Access and Circulation	"Add 'Within the TAC, LTO, RTO-L, RTO-H, LTO-PD, and RTO-PD zones, the Prince George's County Urban Street Design Standards shall apply.'"	Civicomment	Staff concurs, but this comment should incorporate all the Transit-Oriented/Activity Center base and Planned Development zones.	Add a new sentence to Sec. 27-6.108.A. to read: "Within the Transit-Oriented/Activity Center base and Planned Development (PD) zones, the Prince George's County Urban Street Design Standards shall apply."
27-6—2	27-6.108.B. Roadway Access, Mobility, and Circulation	Vehicular Access and Circulation - Driveways	"After 'Driveways are generally not located in the public right of way for their principal length' [ADD] 'or along building frontages in the LTO, RTO-L, RTO-H, LTO-PD, RTO-PD, and TAC.'"	Civicomment	Driveways may be necessary to accommodate site access, but the use of "generally" in the suggestion should provide necessary flexibility. Therefore, staff concurs with this comment.	Revise Sec. 27-6.108.b.1. to read: "…Driveways are generally not located in the public right-of-way for their principal length, or along building frontages in the Transit-Oriented/Activity Center base and Planned Development (PD) zones, and are not generally considered streets."
27-6—3	27-6.108.B. Roadway Access, Mobility, and Circulation	Vehicular Accessway Classifications	"Clarify what is intended, as these are not driveways or alleys."	City of Bowie	Staff is unsure to what this comment pertains.	Make no change.
27-6—3	27-6.108.D. Roadway Access, Mobility, and Circulation	Limitation on Direct Access Along Arterial and Collector Streets	"The suggested language should be limited to the urban centers as defined in Plan Prince George's 2035. DPW&T defers to the permitting agency regarding the comment from DPIE about revising the section to prohibit residential driveways onto Arterial and Collector Roadways with a waiver provision. In addition, DPW&T feels strongly that it would be helpful to limit the number of commercial driveway access points to arterial and collector roadways, to the greatest extent possible."	DPW&T	Staff does not concur with the underlying philosophy of these comments. Additional connectivity is necessary in the County's more urban and more developed areas, not less connectivity. Regarding other locations, staff notes subsection D. is already limiting. Direct driveway access may only be provided if the project meets all of the stated criteria.	Make no change.
27-6—4	27-6.108.E. Roadway Access, Mobility, and Circulation	Vehicular Connectivity	"We support the vehicular connectivity provisions. These are essential to increasing multimodal access while decreasing motor vehicle miles traveled and trips. Connectivity also preserve roadway and intersection capacity. These provisions should be consistently enforced."	Civicomment	Comment noted	Make no change.
27-6—5	27-6.108.E. Roadway Access, Mobility, and Circulation	Cross Access Between Adjoining Developments	"We have found that the idea of connectivity is one that public agencies and bodies promote for a variety of reasons but that in practice, existing citizens tend to dislike for a number of other reasons. In tradition neighborhoods, the cul-de-sac is a useful tool allowing the utilization of developable land in hard to reach "corners" of a property while at the same time reducing the environmental impact to the property. The idea that a cul-de-sac would reduce the 'connectivity'' score as a node generally implies that cul de sacs are frowned	Maryland Building Industry Association	From a transportation and land use planning perspective, culs-de-sac are indeed frowned upon. They constrain connectivity and force all residents of subdivisions to use the same one or two entrances in and out of their communities. These entrances are often linked to the same connector roadway, which then experiences congestion as all the residents linked to that particular roadway must all use the same paths to and from work and home. Opening the culs-de-sacs when possible in favor of a more connected street	Make no change.

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			upon. Lots on cul de sacs tend to be the most desirable lots in a subdivision and anything that penalizes a cul de sac lot probably reduces the desirability of the subdivision. We would object to this application."		network reduces traffic congestion and provides more choice for drives (as well as pedestrians and bicyclists). Culs-de-sac are not prohibited by the proposed Zoning Ordinance and Subdivision Regulations, but they are minimized in favor of greater overall connectivity.	
27-6—6	27-6.108.F. Roadway Access, Mobility, and Circulation	Connectivity Standards for Single-Family Residential Development	"We have found that the idea of a connectivity is one that the public agencies and bodies promote for a variety of reasons but that in practice, existing citizens tend to dislike for a number of other reasons. In traditional neighborhoods, the cul-de-sac is a useful tool allowing the utilization of developable land in hard to reach "corners" of a property while at the same time reducing the environmental impact to the property. The idea that a cul-de-sac would reduce the "connectivity" score as a note generally implies that cul de sacs are frowned upon. Lots on cul de sacs tend to be the most desirable lots in a subdivision and anything that penalizes a cul de sac probably reduces the desirability of the subdivision. We would object to this application."	Maryland Building Industry Association	Use of culs-de-sac when not required for environmental constraints reduces the overall connectivity of communities and places traffic pressure on collector and arterial roadways typically providing access to neighborhoods. The concept of the street connectivity index is to increase overall connectivity and reduce congestion at these bottlenecks throughout the County.	Make no change.
27-6—8	27-6.108.H. Vehicular Access and Circulation	External Street Connectivity	City of Bowie: "Oppose the requirement to install a sign indicated 'Future Street Connection' if alternate street accesses are available." Maryland Building Industry Association: "A sign indicating FUTURE STREET at a street termination without connection seems redundant, however, how long will that sign have to remain and who provides the sign? Will DPIE/DPW&T allow the sign in their right of way or will the sign have to be placed on private property? Is there a guarantee that the connecting/connectivity road will be approved and built? "5. If you want a turn around at a stub street might as well just make it a cul de sac. In many cases it will be several years before a connecting street would be built."	City of Bowie	The future street connection signage is required when there is a planned future street and is an important requirement to inform homeowners (or potential homeowners) that the street that dead-ends in their neighborhood will at some point in the future be extended. There is no way to guarantee the connecting road will be built, but providing this signage speaks to the County's intent to see those connections provided in the future. The sign would remain at least as long as it may take for the roadway on the other side to be built – whether that road connects or stubs. Discussion of rights-of-way and locational decisions of the signage is a post-adoption conversation, following adoption of the codes but before they take effect. There are other ways to provide for turn-arounds that take up less room (and require less pavement) than a cul-de-sac. For example, a hammerhead configuration may be used.	Make no change.
27-6—8	27-6.108.J. Vehicular Access and Circulation	Traffic-Calming Measures	City of Bowie: "Oppose the inclusion of this section as the purpose of the regulations is to design a development that is not encumbered with traffic issues. This section should be deleted."	City of Bowie, Health Policy Research	The purpose of traffic-calming measures is to reduce the speeds of vehicles traveling on streets through residential neighborhoods to enhance safety for pedestrians and bicyclists.	Revise Sec. 27-6.108.J.4. to read: "All traffic calming measures shall be coordinated with the applicable operating agency or municipality. Any traffic

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			Health Policy Research Consortium: "Additionally, traffic calming measures required for residential developments could also have a positive impact on the health of residents in those neighborhoods. Studies have shown that some traffic calming measures lead to increased traffic safety, as well as an increase in physical activity." DPW&T: "DPW&T suggests adding the following to J. 4: It should be noted that traffic calming measures proposed in the County public right-of-way would need to be approved by DPIE wherein the responsible party for perpetual maintenance for non-standard and non-conforming elements within the public right-of-way would be identified."	Consortium, DPW&T	Traffic-calming is very unlikely to create traffic issues. It will reduce the likelihood of "cut-through" traffic in residential neighborhoods and make neighborhood streets safer for people walking, bicycling, playing, being outside. Staff concurs with DPW&T.	calming measures proposed in a County right-of-way shall require approval by the Department of Permitting, Inspections, and Enforcement. Such approval shall also identify the responsible part for perpetual maintenance for any non-standard or non-conforming elements that may be proposed." Staff will also look to clarify that this section applies to private streets.
27-6—9	27-6.108.K. Roadway Access, Mobility, and Circulation	Block Design	"We support block length maximums to ensure higher levels of connectivity and multimodal access."	Civicomment	Comment noted.	Make no change.
27-6—9	27-6.108.K. Roadway Access, Mobility, and Circulation	Block Design	"I'm not sure if this relates to 'L' shaped shopping centers, but having managed the Ped Safety Program at SHA for several years, conducting PRSAs across the state, pedestrians will always cross where the end of the 'L' meets the roadway, assuming there is a generator on the other side of the shopping center. This is because the sidewalk in the shopping center leads you directly there. This design should be discouraged unless proper pedestrian facilities are able to be installed at that location."	Civicomment	The Zoning Ordinance is not the appropriate location to regulate shopping center design.	Make no change.
27-6—9	27-6.108.K. Roadway Access, Mobility, and Circulation	Development Entry Points	"The entry points may be limited by access to a public connector road. Minimum required numbers may not be feasible for a variety of reason. Recommend that this be eliminated."	Maryland Building Industry Association	Subsection c under "Development Entry Points" provides measures of relief for the situation described by the Maryland Building Industry Association. However, upon review of this comment and discussion among staff, it was determined that the required development entry points requirement does need refinement if it is retained because it does not seem to appropriately accommodate vertical and mixed-use development. A single vertical building with 160 or more dwelling units would be appropriate on smaller urban/transit-oriented lots which are best suited for a single access point.	In light of the analysis, staff recommends eliminating the development entry points subsection on pages 27-6—9 and 27-6—10.
27-6—10	27-6.108.L.	General Accessway Layout and Design	"c. The site plan for the development should outline pedestrian access routes and display connectivity to the	Civicomment	Site plans and permit plan drawings (for projects not subject to site plan or special exception review) will show circulation	Make no change.

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	Roadway Access, Mobility, and Circulation		surrounding environment. Routes are required for emergency evacuation routes inside buildings, to demonstrate that it is possible to safely and timely exit a building in case of an emergency. Also, the ADA states 'Site Arrival Points. At least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve.' This means that there should be an accessible route identified leading to the shopping entrances from the public sidewalks and bus stops." [Website reference link deleted]		pursuant to the requirements of the proposed Zoning Ordinance.	
27-6—10	27-6.108.N. Roadway Access, Mobility, and Circulation	Driveway Layout and Design	"Add 'Driveways are generally not permitted between the building facade and the public right of way in RTO, LTO, TAC core areas. Vehicular access can be provided in the rear of the building, or along the public right of way in the form of a loading zone or on-street parking.'"	Civicomment	While staff concurs with the general sentiment, this provision would not contribute to regulatory guidance appropriate for incorporation in the Zoning Ordinance as it could not be readily interpreted and applied at the project level by administrative staff.	Make no change.
27-6—10	27-6.108.N. Roadway Access, Mobility, and Circulation	Driveway Layout and Design	"For driveways that are wider than a certain distance, perhaps 40' or more, a driveway should be required signalized. These are conflict points that lead to pedestrian crashes in highly congested areas. Driveway crossings are also difficult for pedestrians with vision impairments to navigate."	Civicomment	Staff does not concur. Signalization should be determined by need and other factors (as is the typical case today) and not simply required everywhere a driveway may meet a certain threshold.	Make no change.
27-6—11	27-6.108.O. Roadway Access, Mobility, and Circulation	Vehicle Stacking Space	"The minimum stacking for gated driveways, nursing homes, recycling center, and vehicle repair seem too high. "Minimum stacking lane distance for lots greater than 49 vehicles seems too long."	Maryland Building Industry Association	The proposed minimum number of stacking spaces were recommended by Clarion Associates based on best practices by other communities that incorporate similar stacking space requirements. Staff believe these requirements to be appropriate for the uses.	Make no change.
27-6—13	27-6.109 Roadway Access, Mobility, and Circulation	Pedestrian Access and Circulation	The Health Policy Research Consortium commented on pedestrian and bicycle-friendly developments: "The requirements for new developments to establish sidewalks and bike lanes, and meet minimum pedestrian and bicycle connectivity standards, should lead to increased physical activity for people who live, work, and shop in these developments. Multiple studies have shown that when built environments are walking and biking friendly residents are more likely to be active. Additionally, research highlights that neighborhood walkability can lead to a decrease in BMI regardless of income, and can be even more important for reducing BMI than simply living in a mixed-use area. When	Health Policy Research Consortium, Maryland Building Industry Association	Comments noted. Division 1 of the proposed Zoning Ordinance speaks to any potential conflicts with state or federal law; it is also clear that operating agency requirements take precedence over the regulations of the Zoning Ordinance because those agency requirements only take effect for public land and rights-of-way, while the Zoning Ordinance provides regulatory guidance for private lands. Additional language in the pedestrian access and circulation section is unnecessary.	Make no change.

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			implemented in mixed-use areas, these targeted efforts should have a positive impact, and result in an increase in residents' level of physical activity." The Maryland Building Industry Association commented: "Pedestrian access and circulation should acknowledge that Federal ADA requirements take precedent over the regulation found in the local zoning code. In general these codes may conflict with the operating agency requirements and if so, that agency takes precedence."			
27-6—14	27-6.109.B Roadway Access, Mobility, and Circulation	Pedestrian Connectivity	"The developer should be required to submit a plan sheet that shows the pedestrian circulation routes and connectivity to/from the above listed points of interest. This should be subject to review and comment by the permitting team." "For any exceptions the developer should be able to demonstrate that there will not be a pedestrian-vehicle conflict issue and/or they should look at alternatives to mitigate for the conflict. Only after showing no issue or appropriate mitigation of the issue, should the development design be approved."	Civicomment	As noted above, a circulation sheet would be part of project submittals; review of such plans would cover the second comment.	Make no change.
27-6—15	27-6.109.B Roadway Access, Mobility, and Circulation	Pedestrian Connectivity	"Clearly identified AND protected route. 15% of all reported crashes across the state occur in parking lots, so this isn't an issue to take lightly. In fact, one of the fastest growing populations for serious injuries and fatalities in Montgomery County are elderly pedestrians being struck in parking lots. This is increasing due to 1) an increasing aging population due to aging baby boomers, 2) the increase of distracted driving particularly when drivers are moving slowly in parking lots."	Civicomment	Staff concur.	Revise Sec. 27-6.109.B.4.a.i. to read: "All vehicular parking areas and parking structures containing more than 150 parking spaces shall provide a clearly identified <u>and protected</u> pedestrian path between parking areas and the primary pedestrian entrance(s)…."
27-6—16	27-6.109.B Roadway Access, Mobility, and Circulation	Pedestrian Connectivity	"Walkways through parking areas should be designed to allow people to walk to the points of interest in the shortest route possible, or at least not deviate from it too much. This will maximize the number of people inclined to use the facility rather than cut through other areas. There should also be consideration given to the visual cues and lines of sight between the primary store entrances and the surrounding pedestrian generators as decisions on pedestrian route choice are made heavily depending on lines of sight and these decisions on route of travel begin as soon as someone leaves the store.	Civicomment	Comments noted. Staff does not wish to over-regulate the pedestrian walkway requirement, as this prevents flexibility and innovation and could lead to opposition that could preclude this important new addition for pedestrian safety.	Make no change.

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			Appropriate line of sight designs that visually encourage pedestrians to follow an inviting path, a path of least resistance, beginning immediately when leaving a store will contribute to route choice decisions. If you can control route choice based on visual cues, we can greatly reduce mid-block pedestrian crossings across high speed roadways. If the shopping center is along a higher speed roadway attention to this type of detail in the layout and design is critical."			
27-6—16	27-6.110. Roadway Access, Mobility, and Circulation	Bicycle Access and Circulation	"Adding bicycle lanes increases pavement which increases the environmental impact. We would recommend that where possible, bicycle lanes can share the road thus reducing pavement and strengthening the environment."	Maryland Building Industry Association	"Share the road" facilities are ineffective for providing safe bicycling routes and facilities. They do not encourage bicycle use. If environmental concerns are the true issue, impervious surfaces can be reduced by providing fewer parking spaces, fewer cul-de-sacs, more pervious paving approaches, etc. Further, better environmental stewardship can be further promoted by designing walkable and bikeable neighborhoods, reducing the overall dependence on automobiles.	Make no change.
27-6—17	27-6.110.C. Roadway Access, Mobility, and Circulation	Bicycle Access and Circulation	Civicomment: "Bike parking should be strongly encouraged at all retail centers." Planning Staff suggested the minimum required bicycle path width be increased to ten feet to be in accordance with current national standards.	Civicomment	Staff concurs with increasing the minimum required bike path width from eight to ten feet.	Revise Sec. 27-6.110.C.1.b. to increase the required minimum bike path width to ten feet regardless of proximity to vertical structures.
27-6—17	27-6.110.D. Roadway Access, Mobility, and Circulation	Bicycle Access and Circulation	"A documentation system, that is publicly accessible, should be created that houses written justifications as to why any of these items were waived."	Civicomment	The expectation is that the waiver, if granted, will be documented.	Make no change.
27-6—19	27-6.205.B. Off-Street Parking and Loading	General Standards for Off-Street Parking and Loading Areas – Surfacing	"Clarify the parking requirements in the context of an expansion to a project with nonconforming parking facilities. We suggest that an additional example be added to Table 27-7.604.C addressing residential development."	Heather Dlhopolsky and Matthew M. Gordon, Linowes and Blocker, LLC, representing United Multifamily Partners, LLC ("UMP"), PPR Medical Properties	The nonconformities provisions will be revised as discussed elsewhere in this analysis to more closely reflect current approaches. This comment may be addressed in that revision.	Make no change.

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				Brandywine, LLC ("PPR Brandywine"), and Foulger-Pratt ("Foulger-Pratt")		
27-6—19	27-6.205.B. Off-Street Parking and Loading	General Standards for Off-Street Parking and Loading Areas – Surfacing	Civicomment: “To eliminate confusion, this should read "porous asphalt and pervious concrete" to align with the terminology used by paving industry. In generic terms, both are permeable paving systems, but the word "pervious" is highly associated with concrete.” Maryland Building Industry Association: “Gravel should be considered an allowable surface for parking under certain conditions.”	Civicomment, Maryland Building Industry Association	Staff concurs with revisions to the terminology but does not support adding gravel parking areas to this Section. Gravel parking lots would be permitted by other provisions of the proposed Zoning Ordinance in certain conditions – primarily within the Rural and Agricultural base zones.	Make no comment.
27-6—19	27-6.205.C. Off-Street Parking and Loading	Backing onto Streets Prohibited	“Single family attached housing (townhouse) should be allowed to back onto streets.”	Maryland Building Industry Association	Staff concurs.	Revise Sec. 27-6.205.C.2. to add townhouses to the list of dwelling types that would permit vehicle backing onto streets.
27-6—22	27-6.205.H. Off-Street Parking and Loading	Maintained in Good Repair	Include a provision detailing the consequences for being out of compliance with the approved Parking Plan.	City of Bowie	If a development does not comply with their approved parking plan would be a violation of the ordinance and subject to the enforcement actions listed in Division 8, Enforcement.	Make no change.
27-6—22	27-6.205.I. Off-Street Parking and Loading	Large Vehicular Use Areas (300 or More Spaces)	Oppose allowing parallel parking to be located on both sides of the main drive aisle, as it contradicts the principles of minimizing congestion and providing safe access.	City of Bowie	The description and definition of the primary drive aisle should be clarified. Parallel parking along the primary drive aisle, which is the driving aisle directly in front of the store frontages, will provide convenient parking for customers as well as slow vehicle traffic along the aisle, which in turn will make it safer for people walking across the drive aisle.	Revise the definition of “primary drive aisle” for clarity.
27-6—23	27-6.205.I. Off-Street Parking and Loading	Pedestrian Pathways Through Large Vehicular Use Areas	“10' is too wide. We would recommend 8' wide.”	Maryland Building Industry Association	Staff notes the pedestrian pathway minimum width is four feet wide when the pathway is within planting strips. The ten-foot width applies to drive-aisle crossings. Staff believes this ten-foot crossing width should be retained to enhance visibility of these pathways to drivers.	Make no change.
27-6—25	27-6.206.A. Off-Street Parking and Loading	Minimum Number of Off-Street Parking Spaces	Town of University Park: “We continue to oppose reducing the Single-Family dwelling unit requirement from two to one inside the beltway. This would further exacerbate the on-street parking crowding that the Ton experiences, especially with rental units.	Town of University Park, Bradley E. Heard	The proposed parking minimum for single-family dwelling units inside the Capital Beltway is 1.5 parking spaces per dwelling unit. This figure was reduced because the areas inside the Beltway are, generally, well-served by bus and rail transit and contain substantial impervious surfaces due to parking lots that have been oversized over the prior decades.	Make no change.

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			Mr. Heard: "The minimum off-street parking requirements for household living uses inside the Beltway and in the RTO, LTO, and TAC zones are still too high. They should not exceed 0.75 per DU inside the Beltway (including for single-family detached uses), and in transit zones, they not need exceed 0.67 per DU. "Higher minimum parking requirements, as proposed in the review draft, discourages densification where it otherwise could reasonably occur and is generally not necessary because (1) there is greater access to transit and (2) not every dwelling unit will need space for a car (much less more than one car)."		Reducing parking requirements does not preclude provision of additional parking and has significant environmental and economic benefits to the County. The proposed Zoning Ordinance contains provisions to further reduce the amount of off-street parking supply. These provisions include, transportation demand management plans, on-street parking, and proximity to transit. The County Council has indicated hesitation regarding lowering the parking minimum too much, due in part to community concerns about insufficient parking for residents and guests. These provisions, in combination with the proposed standards, are catered for Prince George's County to provide sufficient opportunity to reduce parking minimums in transit areas that will encourage densification and economic development.	
27-6—25	27-6.206.A. Off-Street Parking and Loading	Minimum Number of Off-Street Parking Spaces	Regarding the exemption for development in the core area of the RTO and LTO zones from having to provide off-street parking: "This exemption only makes sense of transit (heavy or light rail) adjacent properties or where there is a Parking District that is actively managed to ensure that the parking needs of an area are met. The City does not support applying this exemption along the Route 1 corridor." The North College Park Community Association concurs with the city's comment.	City of College Park, North College Park Community Organization	While the US 1 Corridor is likely to receive RTO (Regional Transit-Oriented) and LTO (Local Transit-Oriented) zoning in the future Countywide Map Amendment, the full details are not yet settled, and the process continues to evolve. More recent staff thinking makes it unlikely the core subzone of these zones will be applied to the US 1 Corridor. Should this approach be adopted (no cores applied), there will be a minimum parking requirement in these zones along US 1.	Make no change.
27-6—25	27-6.206.A. Off-Street Parking and Loading	Minimum Number of Off-Street Parking Spaces	"We suggested reducing the multifamily parking requirement to 1.0 for inside the Beltway given that nearly have of many communities inside the Beltway own 1 or fewer cars. (Example: Capitol Heights town 45% of households own 1 or fewer cars, source: ACS 5 year estimate for 2016). Requiring more parking than demanded by the market increased housing costs, displaces more productive uses of land, and makes some project infeasible. Lowering a parking requirement gives more room for the private sector to innovate and tailor housing to those who might own fewer cars and want to realize the cost savings from building less parking."	Civicomment	The proposed minimum parking requirement is 1.5 spaces per dwelling unit, which would be a reduction from the current Zoning Ordinance requirement for multifamily dwelling units with two or more bedrooms. While parts of the County inside the beltway are well-served by transit, others are not. Staff believe the proposed requirement provides good balance between transit accessibility, car ownership rates, and parking needs for residential development. Attempting to incorporate percentage reductions in the parking requirement table would make the table exceedingly complicated and almost impossible to understand.	Make no change.

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			"We suggest that the percentage reductions for these zones be stated in the chart so as not to confuse the reader." "We support the policy of no minimum parking requirements for these zones, as the market is in a better position to right-size parking supply, and the risk of over-parking undermines public investments in transit and walkable environments." [This comment refers to the core area of applicable Transit-Oriented / Activity Center base and Planned Development zones.]			
27-6—30	27-6.206.A. Off-Street Parking and Loading	Minimum Number of Off-Street Parking Spaces	Two locations in the parking spaces table for office building uses are flagged with this comment: "I believe you need to a "SF GFA" here."	Civicomment	This comment pertains to the office uses requirement in the RTO and LTO Zones edge area and TAC Zone core. Other references in this row leave out the abbreviation "GFA." These should be reconciled for consistency.	Ensure consistency in referencing square footage of gross floor area in the parking table, Table 27-6.206.A.
27-6—30	27-6.206.A. Off-Street Parking and Loading	Minimum Number of Off-Street Parking Spaces	"We support the "no minimum" standard for office uses in the RTO & LTO zones as a best practice to foster high quality investment and capitalize on the public investment in transit and the public realm." "We support the "no minimum" standards for core RTO & LOT [sic] zones. This approach is essential to leveraging the benefits of transit access and fostering an pedestrian-oriented environment. Forcing in too much parking undermines public investments in transit and pedestrian realm. Private developers are in a better position to assess the parking supply needed to support a development."	Civicomment	Comments noted.	Make no change.
27-6—30	27-6.206.A. Off-Street Parking and Loading	Minimum Number of Off-Street Parking Spaces	Concerns were expressed by numerous parties regarding a lack of visitor parking spaces for residential development.	Multiple Stakeholders, Planning Staff	Staff concurs.	Add a new Sec. 27-6.206.G. to establish a requirement for visitor parking spaces to be provided for all residential and mixed-use development of 20 and move dwelling units. The recommended ratio is to provide a minimum of 1 visitor parking space for every 20 dwelling units or fraction thereof, rounded up.
27-6—38	27-6.206.C. Off-Street Parking and Loading	Mixed-Use Developments and Shared Parking	"We support the shared parking provisions. Shared parking is an important way to reduce costly redundant parking supply."	Civicomment	Comment noted.	Make no change.

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27-6—41	27-6.206.D. Off-Street Parking and Loading	Maximum Number of Off-Street Parking Spaces	"Table 27-6.206.D of the Zoning Rewrite proposes a maximum parking requirement for "[a]ny use listed under the Commercial use classification" and "mixed-use development," but provides that there would be no maximum parking requirement for "all other uses". Given that Table 27-5.202.D identifies the "medical or dental office or lab" use within the "Public, Civic, and institutional uses" category, it appears that no maximum parking requirement would apply to the medical or dental office or lab use as it falls within the category of "all other uses." However, we recommend that this section be clarified to ensure that all stakeholders understand when maximum parking requirements apply in other base zone classifications."	Heather Dlhopolsky and Matthew M. Gordon, Linowes and Blocker, LLC, representing Kaiser Permanente	There is no parking maximum for healthcare-related uses outside of the RTO (Regional Transit-Oriented) and LTO (Local Transit-Oriented) zones. This table should be amended to clarify that any parking spaces in parking structures do not count towards the maximum parking for all zones/uses.	Revise Table 27-6.206.D. to clarify that parking spaces provided in parking structures do not count toward the maximum parking spaces permitted.
27-6—41	27-6.206.F. Off-Street Parking and Loading	Driveways Used to Satisfy Standards	"The clause notes that driveways must be a minimum of 19' long from dwelling units outside of easements. Since there is often a 10' PUE on the lot and we have to have a 19' long driveway outside of easements then that would imply the minimum driveway length is 29' which seems way too long. I would ask that you consider removing the word easement."	Maryland Building Industry Association	Staff concurs. There is no reason why a vehicle may not park atop an easement or why a driveway should be outside an easement to count toward the requirement parking space number.	Revise Sec. 27-6.206.F. to remove the word "easement."
27-6—43	27-6.208 Off-Street Parking and Loading	Off-Street Parking Alternatives	"We support Off-Street Parking Alternatives. This is a good approach to avoiding overbuilding costly parking spaces while managing parking supply more efficiently."	Civicomment	Comment noted.	Make no change.
27-6—43	27-6.208. Off-Street Parking and Loading	Off-Site Parking Alternatives	"Include as an option for off-site parking an agreement for publicly managed parking, where developers would contribute to the construction of a parking facility and the Revenue Authority would manage and enforce parking. "As a condition of approval, the developer and the Revenue Authority would have to agree to a parking construction/management/enforcement arrangement."	Revenue Authority	Staff concurs.	Incorporate a new sub-section in Sec. 27-6.208 that provides for publicly-managed parking agreements pursuant to the Revenue Authority's suggestion.
27-6—45	27-6.208.D. Off-Street Parking and Loading	On-Street Parking Agreement	"This new provision appears to give the Planning Director authority to approve alternative parking plans that are currently handled through the Departure process and decided by either the Planning Board or a municipality. We support some flexibility to consider the types of alternatives listed, but an alternative parking plan in a municipality (especially if it involves off-street parking on local streets) should require the approval of the municipality."	Town of University Park	The on-street parking provision requires that the applicant enter into an agreement with the appropriate agency that owns and manages the street (Sec. 27-6.208.E.2). If an application were to apply for on-street parking on local streets that are owned by the municipality, the municipality would have the authority to approve (or deny) such an agreement. The off-street parking alternatives is not the same the departures process in the current ordinance. The proposed	Make no change.

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					alternatives process requires the applicant to supply the minimum number of parking spaces, albeit within a variety of approaches, such as shared parking or off-street parking. The departure procedure to reduce the number of parking spaces otherwise required still exists and municipalities that have been given authority to approve departures will retain that approval for the same departures (e.g., parking).	
27-6—46	27-6.208.E. Off-Street Parking and Loading	On-Street Parking Agreement	"The Revenue Authority does not have any objection to allowing new development to use on-street parking as part of required parking minimums as proposed in the ordinance. Further, the Revenue Authority can enforce any parking meters or lengths of time. "However, before any parking can be placed on street it needs to be approved by DPWT/MDSHA, which would be the agreement discussed in 27-6.208.E.2."	Revenue Authority	Comments noted.	Make no change.
27-6—46	27-6.208.E. Off-Street Parking and Loading	On-Street Parking Agreement	"Oppose and delete this section, as it would not be prudent in any event to contact away public parking spaces to private entities."	City of Bowie	Allowing on-street parking does not contract public parking spaces to private entities. If simply allows development to include the on-street parking in their parking minimum requirements. The Revenue Authority has indicated that it would be able to manage on-street parking under such agreements.	Make no change.
27-6—47	27-6.208.G. Off-Street Parking and Loading	Valet Parking Agreement	"The valet parking lot needs to be identified in the valet parking agreement. "Also, valet drivers/lots are subject to state licensing. This may not need be identified in the ordinance, but there may be additional restrictions for using valet parking."	Revenue Authority	Comments noted. Staff concurs with identification of the valet parking lot.	Revise the valet parking agreement requirements to include identification of the valet parking lot.
27-6—48	27-6.209 Off-Street Parking and Loading	Reduced Parking Standards for Parking Demand Reduction Strategies	"We strongly support the provisions of 27-6.209 to reduce parking demand. This is a core benefit of mixed-use transit-oriented and pedestrian-oriented development which enables less reliance on single occupancy vehicles and more reliance on transit, walk, bike and shared ride trips."	Civicomment	Comment noted.	Make no change.
27-6—49	27-6.209.A. Off-Street Parking and Loading	Transit Accessibility	"Provide greater flexibility for projects located within one mile of a Metro Station to reduce parking requirements. "Although section 27-6.209.A of the Zoning Rewrite establishes criteria for reduced parking standards at projects located near transit, additional refinements to these criteria are suggested to ensure that projects	Heather Dlhopolsky and Matthew M. Gordon, Linowes and Blocker, LLC, representing	The proposed Zoning Ordinance allows a 50 percent reduction of parking for uses within 0.25 mile of a high-frequency transit stop and a 15 percent reduction for uses located between 0.25 and 0.5 mile of a high-service transit stop. The meaning of "high service" and "high frequency" are addressed below.	Make no additional change.

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			located within one mile of a Metro Station can reduce required parking as currently allowed by the Zoning Ordinance. Under the current Zoning Ordinance, reductions are permitted for multifamily residential dwellings within one mile of a Metro Station. In order to better encourage the use of transit and reduce the use of single-occupancy vehicles, it is suggested that Section 27-6.209.A be modified to allow for up to 50% reduction for projects within a 0.5 mile radius of high-service transit stop, and up to a 25% reduction for projects that are located within a one mile radius of high-service transit stop (i.e., any station, bus stop, or other transit facility served by scheduled transit on weekday peak-level frequencies of 15 minutes or less and weekday off-peak frequencies of 20 minutes of less).”	United Multifamily Partners, LLC ("UMP"), PPR Medical Properties Brandywine, LLC ("PPR Brandywine"), and Foulger-Pratt ("Foulger-Pratt")	Additionally, the Comprehensive Review Draft already recommends no parking minimum within the core areas of the RTO (Regional Transit-Oriented) and LTO (Local Transit-Oriented) zones. Additional reductions are possible through the various alternative transportation procedures recommended in the draft. The suggestion is to further reduce minimum parking spaces or uses proximate to transit is a good one in theory, but in practice staff does not believe the County is in the current or near-term position to successfully accommodate more aggressive parking reductions as the baseline recommendation. It is better to provide alternatives for developers to propose reductions subject to review and approval by decision-making bodies.	
27-6—49	27-6.209.A. Roadway Access, Mobility, and Circulation	Transit Availability	“Does staff have a list or transparent way of identifying ‘high service transit stops’ that would be eligible for reduced parking under Sec. 27-6.209.A of the Zoning Rewrite? Regarding the proposed reduction of parking for multifamily residential dwellings close to Metro (Sec. 27-6.209.A), the recommendation is to expand the scope of the reductions to allow up to 50 percent reduction for projects within 1/2 mile of a “high-service transit stop” and up to 25 percent reduction if within 1 mile of a “high-service transit stop.”	Heather Dlhopolsky and Matthew M. Gordon, Linowes and Blocker, LLC, representing Federal Capital Partners	The meanings of “high-service” and “high-frequency” as used in the Comprehensive Review Draft are problematic and do need to be revised. Specifically, there may be just one location in the County today that may qualify for high-service bus transit – the Takoma/Langley bus hub.	Revise the proposed parking reductions in proximity to high-service and high-frequency transit stops to ensure more locations served by transit benefit from the potential reductions. Relocate the definition of high-service/high-frequency to the definitions section and revise as may be appropriate for clarity.
27-6—49	27-6.209.A. Off-Street Parking and Loading	Transit Accessibility	“We support these provisions to allow reduced parking requirements due to access to quality transit service. This is a best practice.”	Civicomment	Comment noted.	Make no change.
27-6—49	27-6.209.A. Off-Street Parking and Loading	Transit Accessibility	“May want to consider the designation of a state Bicycle and Pedestrian Priority Area (BPPA) as a criteria that may allow reduced vehicle parking.”	Civicomment	A Maryland Bicycle and Pedestrian Priority Area (BPPA) is generally intended to encourage and “facilitate coordination between state, local, and private stakeholders, align state and local planning goals, and provide for potential use for innovative bicycle and pedestrian treatments.” While very useful for planning and coordination purposes, a BPPA is not a good tool for implementation, as it does not directly lead to or ensure financing. Therefore, it would not seem to be appropriate to apply to parking reductions by-right. However, a BPPA may be justified by the applicant, subject to the approval of the Planning Director should such justification be	Make no change.

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					sufficient, as a potential parking reduction alternative under Sec. 27-6.209.D. Other Eligible Alternatives.	
27-6—49	27-6.209.B. Off-Street Parking and Loading	Transportation Demand Management	"We support parking requirement reductions in exchange for an approved TDM Plan. This provision should be extended to residential developments as well. TDM plans are helpful in reducing parking demand across the spectrum of land uses and locations."	Civicomment	Comment noted. The practice of many jurisdictions that implement transportation demand management strategies is that they are more effective for nonresidential and mixed-use development and are very challenging to implement for residential development.	Make no change.
27-6—50	27-6.209.B.2.c. Off-Street Parking and Loading	Transportation Demand Management	"Add 'offering an equivalent value in transit benefits or cash in exchange for a parking benefit.'"	Civicomment	Staff concurs.	Revise Sec. 27-6.209.B.2.c. to read: "Formation of transportation demand reduction programs <u>offering an equivalent value in transit benefits or cash in exchange for a parking benefit,</u> such as carpooling, vanpooling…."
27-6—50	27-6.209.C. Off-Street Parking and Loading	Transportation Demand Management	"Include as one of the TDM strategies or as a general parking reduction strategy parking enforcement and turn-over agreement. "This agreement would be between the developer and the Revenue Authority, where the developer can build less parking by agreeing to have the Revenue Authority enforce parking time limits through approaches agreed to by the developer, such as meters, permits, etc."	Revenue Authority	Staff concurs, but believes the most appropriate location is with the off-site parking agreement language in Sec. 27-6.208.D.4.	Add a requirement to the off-site parking agreement for a parking enforcement and turn-over agreement.
27-6—50	27-6.209.B.3.c. Off-Street Parking and Loading	Transportation Demand Management	"add 'of an equivalent value'"	Civicomment	Staff concurs.	Revise Sec. 27-6.209.B.3.c. to read: "Parking cash-out or transportation stipend, or provision of <u>an equivalent value</u> cash incentive to employees not to use parking spaces otherwise available to tenants of a development."
27-6—50	27-6.209.B.3.h. Off-Street Parking and Loading	Transportation Demand Management	"Add 'Offer free or discounted bikeshare memberships to employees.'"	Civicomment	Staff concurs.	Add a new Sec. 27-6.209.B.3.h. to read: "Offer all employees free or discounted bikeshare memberships." Renumber existing "h" accordingly.
27-6—52	27-6.210.A. Off-Street Parking and Loading	Bicycle Parking Standards	"We recommend tying bicycle parking supply to a square footage or occupancy number rather than number of vehicle parking spaces. All automobile parking should be leased separately from living space so that occupants can pay for the amount of parking they want, and not more than what they want."	Civicomment	Calculations of bicycle parking requirements based on vehicle parking spaces provided is common with American zoning ordinances, and easier to compute and revise than other approaches. Occupancy would be a particularly challenging factor to base the requirement upon, since occupancy is not regulated by the Zoning Ordinance.	Make no change.
27-6—56	27-6.300 Open Space Set-Asides	General	"We believe the requirements for new developments to dedicate a portion of land as open space will also benefit Prince George's County residents, as open spaces have been correlated with better health. The prioritization of natural landscape and parks in particular should have a positive effect as green spaces have been linked to	Health Policy Research Consortium	Comment noted.	Make no change.

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			improved mental health, and parks have been linked to increased levels of walking and bicycling. The literature regarding green spaces has also demonstrated positive environmental impacts, as they are associated with better air quality, decreased temperatures during the summer, and natural storm-water management.”			
27-6—62	27-6.500 Fences and Walls	Municipal Role	City of Mount Rainier: “The city desires to retain permitting and review of fences. This was not included in the current draft. Why?” Town of University Park: **“**This provision should recognize municipal authority to adopt stricter standards.”	City of Mount Rainier, Town of University Park	The referenced authority is directly delegated to municipalities by state law, not the Zoning Ordinance.	Make no change.
27-6—63	27-6.502.B. Fences and Walls	Exemptions	“Provide a new exemption that allows a homeowner to replace a fence in-kind, without having to comply with Section 27-6.500. Provide a definition for ‘ordinary repairs’ and make that an exemption.”	City of Bowie	Staff concurs on an exemption for replacement of residential fencing in-kind. Ordinary repair is discussed elsewhere in this analysis.	Revise Sec. 27-6.502.B. to exempt replacement in-kind of an existing residential fence associated with live/work, single-family detached, three-family, townhouse, and two-family dwellings.
27-6—63	27-6.504.B. Fences and Walls	In Utility Easements	“Delete the first sentence in the sub-section, as it is unrealistic to expect a homeowner to seek written authorization from a utility easement holder in order to erect a fence within an easement area.”	City of Bowie	As discussed in the analysis of comments received on Module 3 (Process and Administration and Subdivision Regulations), staff does not agree with relaxing proposed regulations requiring written authorization for fencing or walls within easements or a landscaping plan if a property owner wishes to install a fence or wall within a regulated landscaping area. The foundations and footers for fences and walls have the potential to cause damage to utilities (in the case of easements) and would need to be torn down should the need for repair of the utility line rise. In the case of regulated landscaping areas, a landscaping plan is necessary prior to fence or wall installation to ensure the landscaping features that are protected would remain intact and unaffected by the fence or wall.	Make no change.
27-6—63	27-6.504.E. Fences and Walls	Within Required Landscaping Areas	“Delete the costly and onerous requirement for approval of a landscaping plan, if a homeowner wishes to install a fence within a required landscaping area.”	City of Bowie	See immediately above.	Make no change.
27-6—64	27-6.505.A. Fences and Walls	Height Standards	Town of Berwyn Heights: “Section 27-6.505: The height standards for a community garden in Note [2] of Table 27-6.505.A states the maximum height is six feet, but the exception listed in paragraph B.3. (following the table) states fences up to 8 feet are allowed? Please clarify.”	Town of Berwyn Heights, City of Bowie, Planning Staff	Staff concurs with the Town of Berwyn Heights. It appears the intent of Sec. 27-6.904.C.3. is that any landscaping used for screening should be at least eight feet in height. The current fence and wall requirements of Section 27-420 prohibits fencing in the front and side yards of residential properties to exceed four feet in height unless the property is	Revise note [2] in Table 27-6.505.A. to increase the maximum height from six to eight feet when the fence or wall is part of a community garden or urban farm. Revise Sec. 27-6.904.C.3. for clarity regarding screening height when part of a community garden or urban farm.

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			City of Bowie: "Revise this section to return to allowing six foot high fencing between dwelling units and the street." Planning Staff: does the fence height maximum conflict with Sec. 27-6.904.C.3, which requires at least eight feet of height if fences, walls, or landscaping are used to screen street-facing side facades?		more than one acre in size. The proposed fencing height standards reflect current practice, and more importantly are appropriate to retain to ensure corner lots provide visibility for motorists and pedestrians.	
27-6—67	27-6.508.C. Fences and Walls	Fence and Wall Landscaping	"Delete the section requiring fences and walls to be landscaped to improve their appearance, as this standard for single-family homes where the lots are located within 15 feet of a designated collector or higher street, is excessive."	City of Bowie	Rather than delete this section, staff concur that requiring significant landscaping along the outside of residential fences is unnecessary. During discussion with Council staff, it was determined the Industrial, Heavy (IH) Zone should not be exempt from this requirement.	Revise Sec. 27-6.508.C. to read: "[Except in the IH base zone, a]All fences and walls exceeding [four] 4 feet in height, if located within 15 feet….These standards shall [only] not apply to fences in any single-family residential zone (the RSF-A Zone and any zone of lesser intensity per Sec. 27-4.102.B.1.). [only if they are located within 15 feet of the right-of-way of a designated collector or higher classification street (see Figure 27-6.508.C: Fence and Wall Landscaping).]
27-6—68	27-6.511 Fences and Walls	Retaining Walls	"Not being able to exceed 6' in height on a retaining wall is impracticable. Terracing as an option is not always viable. I would advise removing this limit. The 10' limit identified in section B is not enough of an exception to matter in those cases where this makes a difference."	Maryland Building Industry Association	Staff concurs with the comment regarding terracing, which should not be limited to two tiers. Staff would be willing to entertain specific suggestions regarding retaining wall height should they be offered.	Remove the terracing limit of two tiers.
27-6—69	27-6.600 Exterior Lighting	Exterior Lighting	"Sec. 27-6.600 should be reviewed to ensure it fully implements the Joint DSA-IES Model Lighting Ordinance" [reference website removed]	Civicomment	Implementing model lighting ordinances – or any model ordinance – would be a policy decision by the District Council. In the meantime, staff is confident the recommended lighting regulations generally comply with Dark Skies provisions and are appropriate for Prince George's County.	Make no change.
27-6—71	27-6.605 Exterior Lighting	Exterior Lighting	"This should be made clear what CCT lights are allowed/prohibited. A clear prohibition of lights with a CCT of greater than 3000k would be best (as in 27-6.606.C)."	Civicomment	Different CCT (Correlated color temperature) values may be necessary depending on the use and the purpose of the lighting fixtures. Sec. 27-6.606.C. appropriately limits private street lighting to not more than 3,000K CCT. However, such a hardline requirement for all lighting is overly restrictive and not supported by staff.	Make no change.
27-6—71	27-6.606 Exterior Lighting	Exterior Lighting	"Excellent. Particularly as LEDs gain prominence in street lighting situations, ensuring that the light is not in the blue-white end of the spectrum is important to protect dark skies."	Civicomment	Comment noted.	Make no change.
27-6—715	27-6.700	General	This section should be revised for consistency and to ensure appropriate environmental regulatory language.	Planning Staff	Staff concurs.	Revise Sec. 27-6.700 as appropriate.

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	Environmental Protection and Noise Controls					
27-6—77	27-6.802 Multifamily, Townhouse, and Three-Family Form and Design Standards	Applicability	"Clarify the application of new development standards to expansions of existing development. "The multifamily form and design standards (Section 27- 6.802.A.2), nonresidential and mixed-use form and design standards (Section 27-6.902.B), neighborhood compatibility standards (Section 27-6.1102.A. l .d), and green building standards (Section 27-6.1502.A.2) provide exemptions for expansions so long as the expansion increases gross floor area by less than 50%. However, the proposed base zone intensity and dimensional standards (e.g., lot coverage, setbacks, etc.) and the proposed requirements for expansions to nonconforming structures conflict with these exemptions in certain instances. "It is unclear whether expansions of less than 50% would need to comply with the base zone dimensional standards (e.g., setbacks, lot coverage, etc.). For expansions to nonconforming structures inside the Capital Beltway, Sec. 27-7.302.B.1 allows for a nonconforming building or structure to be altered, enlarged, or extended if it complies with the 'dimensional standards of the zone in which it is located.' It is unclear, however, whether only the expanded area is required to comply with the dimensional standards, or whether the overall site and existing development must comply with the dimensional standards as well. We assume that the former interpretation is the intent, as if it was the latter this would effectively eliminate the potential for any expansions on sites that have nonconformities. Thus, we recommend that Sec. 27-7.302.B be revised as follows (proposed additional language in underline and removed language in strikethrough): "Inside the Capital Beltway, a nonconforming building or structure may be altered, enlarged, or extended if ~~it~~ the alteration, enlargement, or extension complies with the following:…"	Heather Dlhopolsky and Matthew M. Gordon, Linowes and Blocker, LLC, representing United Multifamily Partners, LLC ("UMP"), PPR Medical Properties Brandywine, LLC ("PPR Brandywine"), Foulger-Pratt ("Foulger-Pratt"), and Federal Capital Partners	These comments will likely be addressed with the revisions to the nonconformities provisions of Division 7. Staff notes current nonconformities provisions, which will be the base for the revisions, generally require expansions of nonconforming uses to seek approval of a special exception. This is a policy decision supported by the County Council and Council staff.	Incorporate any appropriate clarification that may be necessary in the revision of Division 7.

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27-6—78	27-6.804.B. Multifamily, Townhouse, and Three-Family Form and Design Standards	Off-Street Parking	"35% of the street frontage limit to the parking (for multifamily, townhomes, and three-family buildings) is too limiting to development. Advise increasing this standard or eliminating."	Maryland Building Industry Association	Limiting the amount of parking that is located on the property frontage contributes to better, more attractive streetscapes. Staff notes, however, that this comment pertains to parking areas beside the building, rather than those placed in front of a building. There is more of a case to be made for allowing for additional in-front parking for townhouses and three-family buildings, since driveways (which could count toward off-street surface parking) accessing front-loaded garages are a common design approach that could not be accommodated with a 50 percent mandate.	Revise Sec. 27-6.804.B.2. to read: "<u>For multifamily buildings only,</u> [N]<u>n</u>o more than 50 percent of off-street surface parking…" Delete Sec. 27-6.804.B.1. Revise B.3 and B.4 to indicate they apply to all multifamily, townhouse, and three-family buildings.
27-6—79	27-6.804.D. Multifamily, Townhouse, and Three-Family Form and Design Standards	Maximum building Length	"Increase the maximum length of townhouse stick from 150' to 180' linear feet."	Maryland Building Industry Association	With a row of townhouses each with 16 foot widths, this increase would result in an increase in the number of townhouses per row from 9 to 11 units. In conversation with Council staff, the lengths recommended by the Comprehensive Review Draft were discussed but no decisions reached. Staff anticipates the District Council will decide the final length and recommends retaining the existing 150 feet for now.	Make no change.
27-6—80	27-6.804.F. Multifamily, Townhouse, and Three-Family Form and Design Standards	Roofs	Would the flat roof concealment and cornice requirement for multifamily buildings preclude modern curtain-wall designs?	Planning Staff	No. Relatively few multifamily-only buildings use a full curtain wall approach in their design. There are ways to incorporate the requirement at the roofline area of curtain wall structures for those multifamily buildings that may incorporate such a design, which contributes to compatibility of multifamily buildings with traditional residential architectural approaches in the Mid-Atlantic region.	Make no change.
27-6—82	27-6.804.I. Multifamily, Townhouse, and Three-Family Form and Design Standards	Garage Standards	The requirement that detached garages or carports reflect the designs of the buildings they serve may be too restrictive. An example was provided, the Roland Park Condominiums and garages in Baltimore, as a demonstration that aesthetically pleasing development could still occur without such regulation.	Planning Staff	Staff generally concurs, but some guidance should be offered to ensure general compatibility.	Revise Sec. 27-6.804.I.3. to read: "The exterior materials, design features, and roof forms of detached garages or carports should generally be compatible with the building(s) they serve."
27-6—83	27-6.904.B. Nonresidential and Mixed-Use Form and Design Standards	Outparcel Development	Maryland Building Industry Association: "Traditionally Outparcels cannot be developed in this jurisdiction." Mr. Macy and Mr. Lynch: Amend 'Figure 27-6.904.B: Outparcel Development' to encourage appropriate outparcel development around large stores. The following diagram should replace 'Figure 27-6.904.B: Outparcel Development:' [figure deleted from this analysis]"	Maryland Building Industry Association, Macy Nelson and David S. Lynch (Law Office of Macy Nelson)	The proposed Zoning Ordinance incorporates a new definition of the term "outparcel" on page 27-2—60. An "outparcel (zoning)" is defined as "a parcel that is part of a development located on the exterior of the development, generally adjacent to the street." Essentially, under the proposed Zoning Ordinance, an outparcel is the same thing as a "pad site." The referenced diagram presents one possible example, which the diagram provided by Mr. Nelson and Mr. Lynch offers another. Both are equally valid design alternatives.	Make no change.

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					There is no need to replace the current diagram. Should the County Council request the diagram to be substituted, we would need the written permission of the artist to use the diagram in the Zoning Ordinance.	
27-6—86	27-6.905.F. Nonresidential and Mixed-Use Form and Design Standards	Roofs	Would the flat roof concealment and cornice requirement for these preclude modern curtain-wall designs?	Planning Staff	Unlike multifamily-only buildings, it is far more likely for a mixed-use or nonresidential building to incorporate a curtain wall approach. While there are ways to incorporate such designs are proposed (cornices, for example), it is less important to impose a more traditional architectural standard on a more modern building than it is to allow for freedom of architectural expression. Staff believes a cornice treatment for nonresidential and mixed-use buildings is too stringent a requirement, but that the concealment of flat roofs is still an important component of masking mechanical elements from view.	Revise Sec. 27-6.904.F.2. to read: "Flat roofs on principal buildings shall be concealed by parapet walls that extend at least three feet above the roof level."
27-6—86	27-6.905 Nonresidential and Mixed-Use Form and Design Standards	Large Retail Establishment Form and Design Standards	Mr. Nelson and Mr. Lynch: "Figure 27-6.905.A. illustrates four examples of the Large Retail type. The upper two are especially unconvincing since the expression on the facades suggest multiple uses, but they, as well as the one on the lower left, appear to face parking lots and look like slightly disorganized strip malls. Figure 27-6.905.A should be revised to eliminate the three stores which depict false information regarding the facades. "Section 27-6.905 sets forth form and design standards for single-tenant buildings 75,000 sf or larger. The measures described here are both (a) enhancements to the importance of the entrance and (b) improvements to the pedestrian environment at the front of the building. I suggest adding loggias, covered walkways, as a device to manage the scale of the facade and provide sheltered pedestrian circulation along the building front (see Target above). It seems odd to use the Beltway as a dividing line concerning parking between the building and the street. It would be better to use specific context to dictate a distinction as developments outside the Beltway are likely to become more urban over time. "Reduce the Maximum Footprint to 75,000 Square Feet in the NAC, TAC, LTO, RTO-L, and RTO-H Zones. The maximum footprint would not restrict the overall square footage that could be achieved by building a multi-story building. Table 27-6.905.C.1 shows Maximum Building Footprints in the Transit Oriented/	Macy Nelson and David S. Lynch (Law Office of Macy Nelson); Jennifer Dwyer, Policy and Legislative Director, Progressive Maryland, Planning Staff	Regarding the maximum building footprints in the Transit-Oriented/Activity Center base zones, staff concurs the proposed footprints are too large, but would go a step beyond the recommended global 75,000 square foot maximum. Since the various Transit-Oriented/Activity Center zones are intended for different scales and characters of development, it would be appropriate to be even more aggressive in the Neighborhood Activity Center (NAC) and Regional Transit-Oriented (RTO-L and RTO-H) zones to encourage more vertical development and reduce visual impact.	Revise Table 27-6.905.C.1.: Maximum Building Footprints in the Transit-Oriented/Activity Center Base Zones to reduce the maximum building footprint in the NAC and RTO-L Zones to 50,000 square feet, reduce the maximum building footprint in the RTO-H Zone to 40,000 square feet, and reduce the maximum building footprints in the Local Transit-Oriented (LTO) and Town Activity Center (TAC) zones to 75,000 square feet.

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			Activity Center Base Zones, which are not consistent with the intentions of these zones. I recommend reducing the maximum footprints to 75,000 square feet. A size of 75,000 square feet encourages more vertical development, which is consistent with transit-oriented development. Single story buildings of the size indicated on Table 27- 6.905.C.1 are inconsistent with the expressed purposes of these zones. "Section 27-6.905.E.4 sets forth standards for parking located near a Metro station. Subsection 4.a recognizes urbanization at 200 yards from a Metro Station and requires structured parking. Subsection 4.b requires a pedestrian entrance be added every 100 feet of a building fa9ade. These principles are sound policy as they encourage integration of the retail use to a Metro station and the pedestrian-scale environment. "Require More Entrances to Big Boxes surrounded by Parking." Ms. Dwyer: "In addition, we would like to express our support for the comments made by the Law Office of G. Macy Nelson. We especially agree with their recommendations regarding design standards and requirements for big box stores." Planning staff also raised questions as to the maximum building footprints for large retail establishments in the Transit-Oriented/Activity Center Base Zones.			
27-6—92	27-6.1100 Neighborhood Compatibility Standards	General	"Neighborhood Compatibility Standards are too restrictive and prevent or at least do not facilitate redevelopment by limiting redevelopment to what is essentially already there. By requiring this section of standards the ability to provide highest and best use of a property is compromised. There are potential conflicts created by this section and others such as the earlier section on Connectivity that make the use of this code confusing. However mostly this places such a potential on development and redevelopment that the ability to achieve good development is actually hindered rather than assisted."	Maryland Building Industry Association	While staff understands the concerns expressed by the Maryland Building Industry Association, zoning regulations are in many ways compromises between varying goals – in this case, economic development and community preservation/compatibility. The proposed neighborhood compatibility standards are intended to provide appropriate transitions between new development and existing residential communities to minimize negative impacts.	Make no change.
27-6—92	27-6.1102	Applicability	City of College Park: "The City supports these new standards intended to provide a transition and ensure compatibility between single-family residential zones	City of College Park, North College Park	The originally proposed Neighborhood Compatibility Standards do not work along US 1 in College Park. They also do not work along US 1 south of College Park. The original	Delete Sec. 27-6.1102.B.3. on page 27-6—92.

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	Neighborhood Compatibility Standards		and more intense forms of development. They are similar to the step-back transition regulations in the Central US 1 Sector Plan and provide necessary protections for existing neighborhoods. These standards should not be relaxed or eliminated along the Route 1 corridor outside of the Walkable Node University areas." The North College Park Community Association concurred with the city's comments. Mr. Heard: "Include an exemption from neighborhood compatibility standards under § 27-6.1102(B) for townhouse and multifamily development within a one mile radius of transit stations. Such development is inherently compatible with and should be encouraged areas close to transit and, in any case, should not be presumed to be incompatible with single-family household uses."	Community Association, Bradley Heard	standards would stifle the development potential and vibrancy that has already been realized in this part of the County. An alternative approach exempting US 1 in College Park from the standards altogether, and relaxing certain compatibility standards south of College Park, was incorporated for consideration in the Comprehensive Review Draft. The County Council generally supports the City of College Park in the belief that a full exemption is not appropriate. In light of this, staff recommend the alternative approach that was incorporated for the rest of US 1 simply extend along the portion of US 1 from the **northern** corporate boundary of the City of College Park south to the District line. This will provide relaxed neighborhood compatibility standards along that portion of US 1 in College Park.	Revise the second column heading in Table 27-6.1103.A.2. on page 27-6—93 to read: Parcels Fronting US 1 Between the Northern Corporate Boundaries of the City of College Park and the County's Boundary with the District of Columbia, and Parcels Fronting 34th Street Between Sheperd Street and Otis Street." Revise Sec. 27-6.1103.D.2. on page 27-6—96 to read: "Except along US 1 between the [southern] northern corporate boundaries of the City of College Park and the County's Boundary with the District of Columbia…." Revise Sec. 27-6.1103.E. on page 27-6—96 to read: "Except along US 1 between the [southern] northern corporate boundaries of the City of College Park and the County's Boundary with the District of Columbia…." Revise Sec. 27-6.1103.F.1. on page 27-6—96 to read: "Except along US 1 between the [southern] northern corporate boundaries of the City of College Park and the County's Boundary with the District of Columbia…." Revise Sec. 27-6.1103.H. on page 27-6—99 to read: "Except along US 1 between the [southern] northern corporate boundaries of the City of College Park and the County's Boundary with the District of Columbia…."
27-6—93	27-6.1103.A. Neighborhood Compatibility Standards	Building Heights and Setbacks	Town of University Park: "In the TDDP [transit district development plan], step down requirements provide for a limitation on the heights of buildings to four stories in those areas within 500 feet of Adelphi Road. **The new standard states** that if there is a four-lane road (such as Adelphi Road) between the RTO or LTO zone and the single family residential zone, step-down or neighborhood compatibility requirements are eliminated. It is also our understanding that the latest	Town of University Park, Town of Riverdale Park, Town of Brentwood	Comments noted. In response to the Town of Riverdale Park's concern, the parcel and lot layout of the Riverdale Park Station project will be grandfathered and all existing entitlements "deemed conforming" by the new Zoning Ordinance. The proposed transitional provisions will allow development to proceed in accordance with prior approvals so long as those approvals remain valid. There should be no impact on the envisioned	Make no change.

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			draft of the new Zoning Ordinance increases the height limits and density of development significantly at the same time that the step down is eliminated. The elimination of the step down is of great concern to University Park. The Council should reinstate the Neighborhood Compatibility requirements in the RTO and LTO zones and/or not supersede the step-down requirements that are presently part of the TDDP." Town of Riverdale Park: "The Town would request that planning staff review any possible impact of these requirements on multi-family dwellings discussed but not approved for the Cafritz Property section of the Riverdale Park Mixed-Use Town Center Development Plan." Town of Brentwood: "Current SFH designation from R-55 to RSF-65 is acceptable however we need Neighborhood Compatibility Standards that will limit single-family homes to 3 stories. This would be in keeping with the character of the neighborhood that has evolved over the last several years with homeowner's need to build up to provide adequate living space. We however do not want mansion style homes that would be out of character and drive up housing values and price residents out of their homes."		multifamily buildings at Riverdale Park Station because the project will be grandfathered.	
27-6—93	27-6.1103.A. Neighborhood Compatibility Standards	Building Height and Setbacks	"We support the City of College Park height standards and recommend that these be the standards for all other areas."	Civicomment	Comment noted.	Make no change.
27-6—102	27-6.1300 Urban Farm Compatibility Standards	Urban Farm Compatibility Standards	"Is there anything that would prohibit the construction/operation of a green wall or vertical farm structures in any location?"	Civicomment	Not in the Zoning Ordinance. Any such structures must meet applicable construction codes.	Make no change.
27-6—103	27-6.1304.A. Urban Farm Compatibility Standards	Buffer	"With respect to buffer requirements for development next to farms. it seems that the AR zone is included in both the 100 ft buffer and 50 ft buffer category...so which is applicable where? I would suggest that it be a requirement that housing developers (or real estate agents) make home owners aware at time of purchase that the development is located next to a farm. This year we applied organic fertilizer to our farm land and I'm	Thomas A. Terry	Staff believes this comment may refer to a buffer requirement that would apply through either 27-6.1300 Urban Farm Compatibility Standards (50-foot minimum) or 27-6.1200 Agricultural Compatibility Standards (100-foot minimum). The urban farm compatibility standards only apply when new residential and nonresidential uses are proposed adjacent to an ongoing urban farm in the listed zones. Agricultural	Make no change.

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			sure that a development adjacent to our farm was impacted by the odor (volatile organic compounds like methane and ammonia) which was produced by the animal waste organic fertilizer. We decided not to apply it directly across from the development to be good neighbors, but that limits our ability to manage soil organic matter. These homeowners should know that they decided to live next to a farm and that has both advantages (open space) and disadvantages (period dust, odor from organic fertilizer, etc.).”		compatibility standards are broader and apply to ongoing agricultural uses (excepting urban farms). Property owner notification is addressed elsewhere in this analysis.	
27-6—104	27-6.1304.A.5. Urban Farm Compatibility Standards	Maintenance	“It states that ‘Dead or dying plants shall be replaced with material of equal size and similar variety within 6 months.’ Does this refer to new plantings or mature buffers? If a large mature tree dies it cannot be replaced with a tree of equal size, but it could be replaced with a tree of equal-size potential. Plants should also be planted in the dormant season to reduce watering needs.”	Thomas A. Terry	This provision only applies to landscape plants. Trees and hedgerows are not covered.	Make no change.
27-6—104	27-6.1400 Signage	Existing Signage	“How will certain unique shopping center features such as large pylons signs or other structures, which may have been the subject of special legislation, be protected moving forward? Without reference to the specific Council Bills which allow them to remain as certified nonconforming uses or structures what assurances do property owners have that their rights to modify, maintain, replace or alter these features will be preserved? Reconstruction, reestablishment, relocation and restoration of legally existing structures or signs should be a matter of right and not subject to the design standards of the rewrite. The standard that is set forth in Sec. 27-7.204 regarding the intensification of non-conforming uses could be modified and adopted to apply these types of structures. As long as the nonconforming use (structure, sign, etc.) is within the established historical boundaries of the shopping center, either physically located on the shopping center property or located on an adjoining property via an easement, there should be no requirements for reconstruction, re-establishment, relocation or restoration, other than a building permit.”	Michael Nagy, Representing Capital Plaza Associated, Child Care Properties Limited, Cherry Associates, and Tov Associates	All existing development – including signage – that is legal on the date the new Zoning Ordinance and Subdivision Regulations take effect would be “deemed conforming.” It is unnecessary to reference specific Council Bills in the manner suggested. As discussed elsewhere in this analysis, the nonconformities provisions will be revised further prior to the presentation of the legislative draft.	Make no change.
27-6—105	27-6.1402.B. Signage	Applicability – Exemptions	“Revise the heading for this subsection to read “Signs Not Requiring a Permit.”’”	City of Bowie	It is important to be clear that the signage in this list is exempt from the standards of Sec. 27-6.1400, but in the same manner of being exempt from the standards these signs are	Revise the first sentence under Sec. 27-6.1402.B. to read: “The following signs are exempt[ed] from the standards of this Section and do not require sign permits:”

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					indeed exempt from permitting requirements. Additional clarity can be provided.	
27-6—106	27-6.1403.A. Signage	Timing of Review	Signs of historical interest only require approval of an historic area work permit if they are installed on County historic sites or in County historic districts.	Planning Staff	Staff concurs.	Revise 27-6.1403.A. to read: "…signs of historical interest (which may also require approval of an historic area work permit in accordance with Subtitle 29….)"
27-6—106	27-6.1403.C.6. Signage	Timing of Review	The proposed times a temporary real estate sign are not appropriate for the actual need to advertise new residential development on weekends. The current Zoning Ordinance provides more appropriate hours.	Prince George's County Association of REALTORS®, Inc.	Staff concurs.	Revise Sec. 27-6.1403.C.6. to read: "The sign is only erected between the hours of [noon Saturday] 5:00 p.m. Friday and [noon] 5:00 p.m. of the following [Monday] Sunday; and"
27-6—106	27-6.1403.C.7. Signage	Timing of Review	"Include transportation, public works and other government officials, along with police officers, as the authorized parties who may remove a sign that is a hazard to traffic."	City of Bowie	Staff concurs.	Revise Sec. 27-6.1403.C.7. to add other appropriate parties who should be authorized to remove signage that may be determined to be a traffic hazard.
27-6—107	27-6.1403.J. Signage	Timing of Review	"Establish a limit on the number of these signs that can occur within a specified distance, and prohibit sandwich board signs from being attached to any pole, structure or device by chain, strip or other device."	City of Bowie	Staff believe the proposed limitation on these signs to one per tenant is appropriate. Prohibiting sandwich board or easel signs from being attached to structures is an appropriate addition.	Revise Sec. 27-6.1404.J. to add a new requirement that the sign shall not be affixed to any structure.
27-6—107	27-6.1404.A. Signage	Prohibited Signs	"Expand this section, regarding signs that constitute a hazard to traffic, to read 'a hazard to pedestrian or vehicular traffic'."	City of Bowie	While staff is supportive of the general intent of this comment, trying to determine what may or may not constitute a pedestrian hazard is far more subjective than even determining traffic hazards, and may lead to situations where otherwise permitted signage – such as sandwich boards per the previous section of the proposed Zoning Ordinance – would be deemed a "hazard" to pedestrians.	Make no change.
27-6—110	27-6.1406 Signage	Standards for Specific Sign Types	"The tables should fit all on one page. The reader should not have to turn to the other page to finish reading a sentence." "I suggest adding pictures of the sign type."	Civicomment	Comments noted. It is not possible to fit many of the Zoning Ordinance tables onto a single page. Staff notes, however, that once effective, the Zoning Ordinance will be placed online where the tables should be easier to navigate and will not span pages in the manner of the printed copy or pdf version. There is no need to incorporate sign type pictures, and this may generate more confusion than it resolves. Some signs may be viewed as two separate types of sign and may require interpretation.	Make no change.
27-6—120	27-6.1409 Signage	Alternative Sign Plan	"Alternative sign plans should not be approved without municipal review and support. Also, municipal authority to hear and decide sign departures should be recognized."	Town of University Park	Municipal authority may be delegated by the County Council. Such authority, as it has been applied in the current Zoning Ordinance, is referenced in Division 3 of the proposed Zoning Ordinance.	Make no change.
27-6—121	27-6.1500	General	Town of University Park: "This section establishes green building standards countywide for new	Town of University	In conversation with Council staff and representatives of the County Office of Law and County Executive's Office, there	Revise the green building standards to strengthen them as may be appropriate.

ZONING ORDINANCE – DIVISION 6 DEVELOPMENT STANDARDS						
Page Number	**Section Number**	**General Topic**	**Comment**	**Source**	**Staff Analysis**	**Staff Recommendation**
	Green Building Standards		development and falls far short of what other jurisdictions are doing in terms of adopting new building codes and requiring industry certifications such as LEED." Health Policy Research Consortium: "The establishment of a green building standards points system, and incentives to motivate builders to add additional green features should also have a positive impact on the health of [Prince George's] County residents. The new standards should help reduce the amount of air pollutants in buildings, preserve natural landscape, and add to quality of life through community gardens. Living in green buildings has been associated with improved air quality, and a reduction in asthma symptoms among children. Studies show that working in such buildings has been linked to reduced absenteeism from work attributed to asthma, respiratory allergies, depression, and stress, as well as self-reported improvements in productivity."	Park, Health Policy Research Consortium	was desire that the Green Building Standards and Green Building Incentives should be removed from the proposed Zoning Ordinance in favor of future legislation to adopt a Countywide green building code for Prince George's County. Subsequent to discussion with the County Council, a decision was made to retain these sections in the proposed Zoning Ordinance as a backstop measure until and unless such time as a true green building code is adopted by the County. There is an understanding that some of the requirements recommended by Clarion Associates are insufficiently robust for current technologies; some revisions will be made to strengthen the proposed standards.	
27-6—121	27-6.1502.B. Green Building Standards	Applicability	"27-6.1500B: reduce the level from Gold to Silver (or the equivalent}. Do not require the actual certification but rather a 'scorecard' that represents what could be achieved under the LEED program.	Maryland Building Industry Association	LEED® certification is not required. What this provision states is that if the project will be eligible to receive certification at the LEED® gold level or an equivalent level through other certification/rating systems, that project would be exempt from the requirements of Division 27-6.1500.	See above.
27-6—121	27-6.1502.B. Green Building Standards	Applicability	The Home Research Innovation Labs commented that Sec. 27-6.1502.B.3., which speaks to new buildings that have obtained a minimum level of green building certification, seems to treat the National Green Building Standard as less than equivalent to the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) rating system. Concern was expressed that this approach, and an impression the Planning Director would have to certify the standard as equivalent to LEED®, is contrary to other jurisdictions. "However, as written, the language seems to exempt as-of-right buildings that meet LEED, but would still require the Planning Director to determine equivalency for other named green building rating systems…."	Michael Luzier, President and CEO, Home Research Innovation Labs	The Home Research Innovation Labs is incorrectly interpreting the clause. Sec. 27-6.1502.B.3. does not inherently allow a building certified under the LEED® rating system to qualify from an exemption and require a Planning Director interpretation on other rating systems. Instead, the clause requires any certification at the gold or higher (or equivalent) to be approved by the director, <u>regardless</u> of the rating system used, to allow that project to be exempt from the proposed green building standards. LEED® has no advantage and is treated exactly the same as the National Green Building Standard and the International Green Construction Code in this clause.	See above.
27-6—122	27-6.1504.B. Green Building Standards	Green Building Point System	References to historic sites should more clearly explain the sites that qualify.	Planning Staff	Staff concurs. Adding the term "designated" will make this item similar to the preceding "adaptive reuse of a designated historic building," which would mean sites designated	Revise Table 27-6.1504.B. to read: "Preservation of a[n] <u>designated</u> historic or archeological site."

ZONING ORDINANCE – DIVISION 6 DEVELOPMENT STANDARDS						
Page Number	**Section Number**	**General Topic**	**Comment**	**Source**	**Staff Analysis**	**Staff Recommendation**
					through the County's Historic Sites and Resources functional master plan.	
27-6—123	27-6.1504.B. Green Building Standards	Green Building Point System	"Revise the table to allot more points (add 0.5 to 1 point) for the two transit-oriented menu items, as these items are of great importance in terms of developing transit in Prince George's County and would significantly reduce greenhouse gas emissions. Add new items under Water Conservation and Water Quality that address greywater systems, reducing impervious surfaces and installing composting toilets."	City of Bowie	Staff is open to increasing the criteria for development in a Transit-Oriented/Activity Center base or Planned Development (PD) zones, but not by as much as recommended by the City of Bowie. A full point increase to development in a base zone would offer too many points toward the requirement. Points toward impervious surface removal and greywater reuse are also supported. Composting toilets are not recommended.	Increase the points earned for development in a Transit-Oriented/Activity Center base zone to 1.5, and for a Planned Development (PD) Zone to 1.25. Provide a 0.50 point earned toward incorporate of greywater reuse systems, and 1.0 points toward reduction of impervious surfaces by at least 50 percent of existing paved surface area on the site. Incorporate the above in the green building incentives section as may be appropriate.
27-6—125	27-6.1603.A. Green Building Incentives	Density Bonus	"It is our understanding based on our December 6th meeting discussion that M-NCPPC Staff is supportive of extending the availability of this incentive to the base residential zones at least for the higher-density, multifamily zones (e.g., RMF-20, RMF-48, etc.). In addition, in these higher density zones an incentive of only one dwelling unit per acre is miniscule and unlikely to encourage integration of green building features in development. Therefore, the density bonus should be increased commensurately for development in the higher density base residential zones."	Heather Dlhopolsky and Matthew M. Gordon, Linowes and Blocker, LLC, representing Federal Capital Partners	Staff concurs that an increased residential density bonus would be more effective in encouraging use of green building incentives.	Revise Sec. 27-6.1603.A.1. to read: "A density bonus of up to one additional dwelling unit per acre beyond the maximum allowed in the base zone <u>in the RMF-12 and less-intense Residential and Rural and Agricultural Base zones and in the CN, CS, IE, and IH zones;</u> Add a new Sec. 27-6.1603.A.1. to read: "<u>A density bonus of up to ten percent of the maximum dwelling units per acre otherwise allowed in the RMF-20, RMF-48, CGO, and Transit-Oriented/Activity Center base zones;</u>"

ZONING ORDINANCE – DIVISION 7 NONCONFORMITIES						
Page Number	**Section Number**	**General Topic**	**Comment**	**Source**	**Staff Analysis**	**Staff Recommendation**
27-7—1	Division 27-7 Nonconformities	General Philosophy	During the review and discussion of the Comprehensive Review Draft, it soon became evident that the approach to nonconformities recommended by Clarion Associates was based on a philosophical approach that does not align with the County's historic view of nonconformities. Specifically, the County has long held the view that nonconformities should be encouraged to transition to conforming uses (and structures) rather than remain in operation in perpetuity.	Council, Council Staff, Communities, Municipalities, Planning Staff	Since Clarion Associates' philosophy was one of accommodating nonconformities, the recommendations of Division 27-7 would shift the County away from its desired policy position regarding nonconformities. As a result, the best way to proceed is to revisit the current nonconformity provisions of today's Zoning Ordinance and revise Division 27-7 to more appropriately reflect the County's perspective. Accordingly, most of Division 27-7 will be replaced, deleted, reworded, and/or reorganized to more closely reflect current regulations.	Revise the entirety of Division 27-7, Nonconformities, to adapt and incorporate current regulations on nonconforming uses and buildings. **Other comments received on the topic of nonconformities will be reflected and analyzed below (to provide guidance should the Council wish to incorporate a version of Clarion Associates' recommendations), but the action taken here supersedes the specifics of these other comments.** **The staff recommendation for most of the other comments will read "see above," referring to this table cell and staff action.**
27-7—1	Division 27-7 Nonconformities	General	"We would expect the rezoning to honor the fact that the uses employed by the current occupants of this area would be 'grandfathered.' Section 27-7.101 states 'Nonconformities are uses or other development (including structures, lots, signs, and other site features) that were legally established before this Ordinance, or an amendment thereto, was adopted, that are rendered non-compliant with this Ordinance. This Division allows nonconformities to continue, subject to the conditions established in this Division.' As long as the site is continuously maintained in a lawful manner, the use will be permitted until such time a change is proposed to the property/use/structure. At that point, it would be required to conform to the new regulations. Please let us know if this understanding is incorrect."	Town of Berwyn Heights	This is correct. All uses and development that are legal at the time the new Zoning Ordinance goes into effect will be "deemed conforming" and allowed to continue as legal. The only nonconformities that would be addressed by Division 27-7 under this transitional approach would be existing nonconformities. Otherwise, the regulations of Division 27-7 will only come into play when new nonconformities may be created through future actions.	Make no change.
27-7—1	Division 27-7 Nonconformities	General	"We have expressed concern multiple times about enforcement of standards that do not require a county building permit. We were disappointed in the advice given on Nov. 7 that there seems to be no way to have enforcement without establishing a historic district, or gaining more zoning authority from the state. This requires more creative thought from everyone."	City of Mount Rainier	Comment noted.	Make no change.
27-7—1	Division 27-7 Nonconformities	Change of Nonconforming Use to Another Nonconforming Use	"Change of Nonconforming Use to Another Nonconforming Use: This is a new provision applicable only to property inside the beltway that allows the Zoning Hearing Examiner to approve a Special Exception to substitute one nonconforming use with a	Town of University Park	The provision referenced here was removed prior to the Comprehensive Review Draft at the direction of the County Council.	Make no change.

ZONING ORDINANCE – DIVISION 7 NONCONFORMITIES						
Page Number	**Section Number**	**General Topic**	**Comment**	**Source**	**Staff Analysis**	**Staff Recommendation**
			different nonconforming use. This is purported to be helpful in encouraging revitalization but would not be helpful in University Park and its adjacent areas."			
27-7—1	27-7.101.A. General Applicability	Purpose and Scope	Add "building" to the listed items in the first parenthesis	Planning Staff	This addition helps reduce ambiguity in the type of structure.	See above.
27-7—1	27-7.102.A. General Applicability	Authority to Continue	Add a comma after the word "enlarged" to incorporate the Oxford comma.	Planning Staff	Typographic comment noted; when Division 7 is rewritten, the Oxford comma will be used when necessary.	See above.
27-7—1	27-7.102.C. General Applicability	Authority to Continue	Needs to be consistent with the existing Military Installation Overlay (MIO) Zone (27-243(a)(2).	Planning Staff	The existing provision is more liberal "… but may be permitted outside of the Safety Zones of the Military Installation Overlay Zone only upon approval of a Special Exception in accordance with Part 4 of this Subtitle." The new language does not make any distinction regarding location within MIOZ boundary. Staff believes the proposed language is in error, and that, should specific reference to the Safety Zones be necessary in the revised nonconformities division, the current language be incorporated.	See above.
27-7—1	27-7.102.C. General Applicability	Authority to Continue	The phrasing of this paragraph is confusing because it starts with the exception. It is possible that the "except" clause needs to be placed first for legal grammar, but it makes it difficult to understand. Alternatively, the "except" clause could be added as a separate sentence.	Planning Staff	It is clearer to move revise the paragraph as follows: "Continuous, day-to-day operation of a nonconforming use or structure is required to maintain its nonconforming status, except for nonconforming structures occupied by conforming uses. Discontinuance of day-to-day operation…"	See above.
27-7—2	27-7.102.E. General Applicability	Authority to Continue	The text of the table needs to be reformatted so that the words are centered vertically in each box. This will make it easier to read. Delete the second two "unintentional" from the second column. Remove the period from the fourth column, third row. Also remove the period from the box in the fourth column seventh row. No other boxes have periods.	Planning Staff	Comments noted.	See above.
27-7—2	27-7.102.E. General Applicability	Authority to Continue	The nature of destruction column for "enlargement, extension, or relocation" includes destroyed by fire or other calamity, but does not include "has temporarily ceased operation solely to correct Code violations, or has temporarily ceased operation due to the seasonal nature of the use" It seems that these two conditions should also be applicable for enlargement, extension, or relocation	Planning Staff	Comment noted.	See above.

ZONING ORDINANCE – DIVISION 7 NONCONFORMITIES						
Page Number	**Section Number**	**General Topic**	**Comment**	**Source**	**Staff Analysis**	**Staff Recommendation**
27-7—2	27-7.103.A. General Applicability	Authority to Continue	Needs to be revised for clarity using 27-241(b) of the existing Zoning Ordinance which states, "In order for a nonconforming use to continue, a use and occupancy permit must be issued identifying the use as nonconforming, and the use must be certified in accordance with Section 27-244. In addition, a nonconforming surface mining operation located within a Chesapeake Bay Critical Area Overlay Zone may only continue if it meets the criteria set forth in Section 27-410(e)."	Planning Staff	Comment noted.	See above.
27-7—3	27-7.104 General Applicability	Minor Repairs and Maintenance	Add the definition of "Routine Repair and Maintenance" to Division 2 in the ordinance.	Planning Staff	Repair and maintenance has a specific meaning that needs to be clear and should be defined in the ordinance. As one example, CB-2-2015 defined routine maintenance for Suitland M-U-TC Zone.	Add the following definition for routine maintenance or repairs to the definitions Section in Division 2: "Activities that do not require a building permit, that are associated with regular (e.g., daily, weekly, monthly, etc.) or general upkeep of a building, parking lot or parking facility, signage or open space, equipment, machine, plant, or system against normal wear and tear that maintain the asset's functionality and preserve value."
27-7—3	27-7.200 Nonconforming Uses	General	In the current ordinance there are standards for nonconforming gas stations and fast food restaurants that make them exempt from applying for special exceptions. Do we want to continue this policy?	Planning Staff	Yes; to streamline process, the proposed Zoning Ordinance generally takes an approach to reduce the number of applications and separate review procedures a given site or project must undergo. This would extend to exempting projects from special exception review where appropriate.	See above.
27-7—3	27-7.200 Nonconforming Uses	General	These are two sections of the current Zoning Ordinance that allows multifamily dwelling to make certain improvements without having to get certified, and if they are certified to not require a special exception. Is there any language in the proposed ordinance that is similar? These sections are 27-242(b)(7) and 27-419.01. Will multifamily units remain nonconforming in the County after the proposed ordinance is adopted?	Planning Staff	The specific language from the referenced sections is not incorporated in the proposed Zoning Ordinance, but it may be that this language should be reviewed and adapted into the new Division 7. To answer the question posed by staff, it depends on the circumstance. If a multifamily project is nonconforming due solely to bedroom percentages, the deletion of this requirement from the proposed Zoning Ordinance would remove this nonconformity. Other nonconformities, such as those pertaining to density, may remain.	When revising Division 7 to reflect current regulations on nonconformities, review current Sections 27-242(b)(7) and 27-419.01 to determine if similar language needs to be carried forward.
27-7—4	27-7.203.C Nonconforming Uses	Standards for On-Lot Expansion of Nonconforming Use	Table 27-7.203.C needs to be clarified. Does 50 percent of landscaping mean 50 percent of the open area on the site needs to be fully compliant with the Landscape Manual or does it mean that 100 percent of the site needs to be 50 percent compliant with the Landscape Manual?	Planning Staff	Comments noted.	See above.

ZONING ORDINANCE – DIVISION 7 NONCONFORMITIES						
Page Number	**Section Number**	**General Topic**	**Comment**	**Source**	**Staff Analysis**	**Staff Recommendation**
			The table should also be reformatted to vertically center text.			
27-7—4	27-7.203.C Nonconforming Uses	Standards for On-Lot Expansion of Nonconforming Use	Why are the Agricultural and Urban Farm compatibility standards not applicable?	Planning Staff	These standards only apply to new development.	See above.
27-7—4	27-7.203.C Nonconforming Uses	Standards for On-Lot Expansion of Nonconforming Use	Add buildings and structures to the table headers, in addition to the existing "nonconforming use."	Planning Staff	This table is referenced in 27-7.302.B.2, which discusses nonconforming buildings and structures. Not adding "buildings and structures" to the table title may lead to confusion.	See above.
27-7—4	27-7.203.C Nonconforming Uses	Standards for On-Lot Expansion of Nonconforming Use	Reduce the compliance percentage for Off-Street Parking and Loading, Open Space Set-Asides, and Landscaping to 30 percent.	Planning Staff	The recommended 50 percent seems excessive. Properties inside the Capital Beltway may not have adequate space for these additional requirements. A reduced requirement will make it easier to redevelop/update uses and lots inside the Beltway.	See above.
27-7—4	27-7.203.C Nonconforming Uses	Standards for On-Lot Expansion of Nonconforming Use	"If the intent is that so long as gross floor area is not increased by 50% or more a project is exempt from certain development standards, then Table 27-7.203.C should be revised to be consistent with this intent."	Heather Dlhopolsky and Matthew M. Gordon, Linowes and Blocker, LLC, representing United Multifamily Partners, LLC ("UMP"), PPR Medical Properties Brandywine, LLC ("PPR Brandywine"), and Foulger-Pratt ("Foulger-Pratt")	Comment noted.	See above.
27-7—4	27-7.204 Intensification of Nonconforming Use	General Intensification	What application is submitted or the process for the planning director to determine if 27-7.204.B is met?	Planning Staff	Comment noted.	See above.
27-7—4	27-7.204	General Intensification	The applicability section notes that a nonconforming use may intensify as long it stays within the established boundaries. Does this mean if the structure is	Planning Staff	Comment noted.	See above.

ZONING ORDINANCE – DIVISION 7 NONCONFORMITIES						
Page Number	**Section Number**	**General Topic**	**Comment**	**Source**	**Staff Analysis**	**Staff Recommendation**
	Intensification of Nonconforming Use		conforming? What if a conforming structure is expanded, can the nonconforming use expand?			
27-7—4	27-7.204 Intensification of Nonconforming Use	General Intensification	Intensification of a nonconforming use needs to be defined. Is increased enrollment considered intensification without any increase in historical boundaries?	Planning Staff	To provide clarity and avoid ambiguity, "intensification" needs to be defined.	See above.
27-7—5	27-7.302 Nonconforming Structures	Alteration, Enlargement, or Extension	"Clarify the application of new development standards to expansions of existing development. We suggest that Section 27-7.302.B be modified as outlined below (proposed changes in underline with suggested deletions in strikethrough): Inside the Capital Beltway, a nonconforming building or structure may be altered, enlarged, or extended if **the alteration, enlargement, or extension** complies with the following: ..."	Heather Dlhopolsky and Matthew M. Gordon, Linowes and Blocker, LLC, representing United Multifamily Partners, LLC ("UMP"), PPR Medical Properties Brandywine, LLC ("PPR Brandywine"), and Foulger-Pratt ("Foulger-Pratt")	Staff concurs.	When revising Division 7 to reflect current regulations on nonconformities, clarify the applicability of expansions to existing nonconformities where necessary.
27-7—5	27-7.400 Nonconforming Lots of Record	General	Should Nonconforming Lots of Record refer to Subtitle 24 (Subdivision Regulations)? Does the nonconforming lot provision apply to lots shown on record plats only or does it apply to all recorded lots (deeds and plats)?	Planning Staff	Nonconforming lots of record are a new addition proposed for Prince George's County. Additional discussion is necessary to determine if this is an issue that needs to be addressed (either in the Zoning Ordinance, the Subdivision Regulations, or both).	See above.
27-7—5	27-7.400 Nonconforming Lots of Record	General	Town of University Park: "Nonconforming Lots of Record: This would allow one residential dwelling unit to be constructed on a nonconforming lot of any size whether or not dimensional standards can be met. The Town supports this provision only if dimensional standards are met due to possible negative impacts on adjoining properties." Planning Staff" This section does not discuss any "zoning mergers." A zoning merger occurs when one	Town of University Park, Planning Staff	University Park's comment is noted. Staff discussed the concept of zoning merger for some time and sought clarity from the M-NCPPC Legal Department. The Legal Department advised staff that the concept, or doctrine, of "zoning merger" is a well-established common law doctrine in the State of Maryland that is available to eligible applicants and should not be codified.	See above.

ZONING ORDINANCE – DIVISION 7 NONCONFORMITIES						
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			project is built on one lot, but uses the adjacent lot to meet standards (such as setback, lot coverage, etc.). However, that second lot is not consolidated with the first. Add a section that requires consolidation of multiple lots, if the multiple lots are used for one building.			
27-7—6	27-7.403.B. Nonconforming Lots of Record	Common Ownership	The first regulation in this section states that if a property owner has two adjacent nonconforming lots, they must combine the lots. The second regulation states that if two adjacent nonconforming lots are under common ownership they cannot be sold, consolidated, or transferred to eliminate the common ownership, unless they are used to create conforming lots. This seems somewhat intrusive, especially since 27-7.403.A states that single-family homes and even nonresidential uses (outside the Capital Beltway) can be built. Forcing lot consolidation will not ensure better development. It may prohibit smaller developers from maximizing their building opportunities.	Planning Staff	This section seems to contradict Sec. 27-7.403.A. Penalizing common ownership of an adjoining nonconforming vacant lots and allowing same under separate ownerships is unfair and may not be legally defensible.	See above.
27-7—7	27-7.404 Nonconforming Lots of Record	Governmental Acquisition of Land	Change “Such lots shall be determined conforming if;” to “Such lots shall be deemed conforming if:”	Planning Staff	The term “deemed” would be more consistent with the rest of the Zoning Ordinance.	See above.
27-7—7	27-7.500 Nonconforming Signs	Outdoor Advertising Signs	Existing billboards are not considered permitted uses under the current Zoning Ordinance. This Section and Sec. 27-6.1400 should be changed to reflect this status – they are illegal today.	Planning Staff	The revisions proposed by Clarion Associates that recognize a nonconforming status for outdoor advertising signage simply reflects reality. While these signs are not permitted, they have been allowed to remain and not ordered to be removed for more than 30 years. There is no point in propagating the belief that these signs are “illegal” if there is no enforcement of the illegality. Rather than continue under the status quo, staff feel it is better to reclassify outdoor advertising signs as nonconforming signs and prohibit future outdoor advertising signs from being built.	In incorporating and revising current regulations, ensure outdoor advertising signage language is updated according to the staff analysis.
27-7—7	27-7.500 Nonconforming Signs	Outdoor Advertising Signs	The proposed language should be revised to include the wording “except those nonconforming outdoor advertising signs certified pursuant to Sec. 27-3.521. This wording will then be consistent with CB-84-2016, which requires certification of nonconforming uses for all existing billboards by 2021 and sets forth regulations for digital conversions.	Planning Staff	Staff concurs there should be consistency with the existing language in the course of adapting existing nonconformities provisions into proposed Division 7.	In incorporating and revising current regulations, ensure outdoor advertising signage language is updated for consistency.

ZONING ORDINANCE – DIVISION 7 NONCONFORMITIES						
Page Number	**Section Number**	**General Topic**	**Comment**	**Source**	**Staff Analysis**	**Staff Recommendation**
			Also, since existing billboards must be certified by 2021 should Sec. 27-3.521.B.2.c. be revised to add "except existing outdoor advertising signs?"			
27-7—7	27-7.501.A. Nonconforming Signs	Alteration	It appears that "applicability" and "requirements" are basically saying the same thing.	Planning Staff	While the "applicability" and "requirements" are in fact somewhat different, they are not of such substantive different that they merit separate subsections. These provisions can be combined for streamlining.	See above.
27-7—7	27-7.502.A. Nonconforming Signs	Illegal Signs	Applicability reads like a definition; relabel or remove the title	Planning Staff	Staff concurs.	See above.
27-7—8	27-7.600 Nonconforming Site Features	General	Staff found these procedures to be complicated and that they may add time and "red tape," some felt it adds little value, and most felt that use of assessed value is overly complicated and difficult to track. Additionally, nonconforming parking is usually a result of space limitation, which will not be addressed or mitigated by assessed value or value of improvements. Ms. Dlhopolsky and Mr. Gordon sought clarification for requirements for exemption to projects with nonconforming parking facilities, and the addition of an example oriented to multifamily development.	Planning Staff, Heather Dlhopolsky and Matthew M. Gordon, Linowes and Blocker, LLC, representing Federal Capital Partners	Staff that deal most directly with nonconformities believed this entire section does not add value or help streamline current procedures and should be deleted.	See above.

ZONING ORDINANCE – DIVISION 8 ENFORCEMENT						
Page Number	**Section Number**	**General Topic**	**Comment**	**Source**	**Staff Analysis**	**Staff Recommendation**
27-8—1	Division 27-8 Enforcement	General	The County Office of Law offered comments to staff, and may provide additional language in the near future.	Office of Law	The County Office of Law participated in M-NCPPC and Council staff discussions and made some minor/technical corrections throughout Division 8 that staff will incorporate. The Office of Law may provide more comments and suggested language in the future. Staff defers to the Office of Law for all enforcement recommendations.	Incorporate the recommendations of the County Office of Law.

ZONING ORDINANCE – DIVISION 9 CENTER BOUNDARIES						
Page Number	**Section Number**	**General Topic**	**Comment**	**Source**	**Staff Analysis**	**Staff Recommendation**
27-9—1	Division 27-9 Center Boundaries	General	"According to the definitions, the current 2014 General Plan (Plan 2035), and the Maryland Regional District Act, area master plans, sector plans, and functional master plans amend general plans. "(a) Why would it be appropriate to record Plan 2035's boundaries for the many different types of named centers in the Zoning Ordinance, if the boundaries will be amended by sector and area master plans over the 20-year time frame (and some have already been amended)? "b) Plan 2035 doesn't actually specify the boundaries for many of the centers anyway. For these reasons, we advise that Division 9 be dropped."	Sierra Club	It is precisely because many of the Plan 2035 centers are not defined (regarding their property-specific boundaries) that Division 9 is necessary. In order to apply the proposed Transit-Oriented/Activity Center base zones in the upcoming Countywide Map Amendment necessary to implement and use the new Zoning Ordinance, the County must first bridge the gap between the policy direction offered by Plan 2035 and the legal framework necessary for a Zoning Ordinance. These new zones cannot be properly applied to theoretical or undefined centers. They can only be applied to real property. By using Division 9 to clearly establish the center boundaries, all stakeholders have the same expectation of outcomes in terms of where these important new center zones will be applied. When centers are refined through future comprehensive plan amendments, Division 9 will also need to be amended via a text amendment to ensure consistency moving forward.	Incorporate the contents of Division 9 prior to presentation of the legislative draft. Division 9 will consist of maps and property identification information that will clearly establish the center boundaries for all centers in Prince George's County, subject to the District Council's approval.

SUBDIVISION REGULATIONS – INTRODUCTION, TABLE OF CONTENTS, AND GENERAL COMMENTS						
Page Number	**Section Number**	**General Topic**	**Comment**	**Source**	**Staff Analysis**	**Staff Recommendation**
All	All	Typographic and Grammatical	Numerous typographic and grammatical corrections were suggested throughout the Comprehensive Review Draft.	Planning Staff	Staff concurs typos and grammar should be revised as necessary.	Revise typos and grammatical errors as necessary.

SUBDIVISION REGULATIONS – DIVISION 1 GENERAL PROVISIONS						
Page Number	**Section Number**	**General Topic**	**Comment**	**Source**	**Staff Analysis**	**Staff Recommendation**
24-1—4	24-1.403.N. Applicability	General Exemptions	The language is adapted from the existing Subdivision Regulations but is confusing.	Planning Staff	Staff concurs.	Replace Sec. 24-1.403.N. with the following language: "In Sustainable Growth Tier IV the filing of a preliminary plan and final plat shall not be required if the land was subdivided by any method prior to October 1, 2012." Add a new Sec. 24-1.405 to read: "24-1.405. Subdivision in Sustainable Growth Tier IV "Final plats of minor subdivision shall be required for any use in the Residential Uses Classification or the Agriculture/Forestry Uses or Agriculture/Forestry-Related Uses categories which is proposed in Sustainable Growth Tier IV on or after October 1, 2012, subject to the following: A. The final plat for minor subdivision shall be limited to the cumulative number of residential lots allowed to be permitted for a preliminary plan of minor subdivision. B. Agricultural parcel(s) shall be counted in addition to the permitted number of residential lots and shall be restricted to agricultural uses in perpetuity. C. A preliminary plan and final plat of minor subdivision shall be required for uses in the Agriculture/Forestry Uses or Agriculture/Forestry-Related Uses categories which generate a greater than *de minimus* transportation impact as defined by the *Transportation Review Guidelines*." Renumber existing Sec. 24-1.405 to 24-1.406.

SUBDIVISION REGULATIONS – DIVISION 1 GENERAL PROVISIONS						
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24-1—6	24-1.700 Transitional Provisions	Grandfathering	The proposed transitional provisions are not as clear as they should be regarding the relationship between zoning and subdivision. If a project is grandfathered under the Zoning Ordinance or Subdivision Regulations, it should be clearer that they can also proceed to obtain any required approvals from the other Subtitle as part of the project's overall grandfathering. Additionally, it is unclear how amendments to grandfathered projects would be handled. Clarity regarding illegal uses is desired for the "deemed conforming" provision.	Planning Staff	Staff concurs. During review of this comment, staff noted a revision is also needed in Sec. 24-1.703.B. to reconcile the subdivision transition provisions to changes recommended for the zoning transition provisions.	Revise Sec. 24-1.703.B. to read: "…If the subdivision application is for a Conceptual Site Plan (CSP), special permit, or Conceptual Design Plan (CDP) approved under the old Zoning Ordinance, the approved CSP, special permit, or CDP shall remain valid for 10 years and any applications…." Revise both Sec. 24-1.703.C. and Sec. 24-1.704.B. to read: "Until and unless the period of time under which the subdivision approval remains valid expires, the project may proceed to the next steps in the approval process (including any zoning steps that may be necessary) and continue to be reviewed and decided under the Subdivision Regulations and Zoning Ordinance) under which it was approved." Revise Sec. 24-1.704.D. to read: "Once constructed, the project shall be 'deemed conforming' and shall be subject to the same rules as other conforming subdivisions under the Subdivision Regulations and uses, structures, signs, and site features under the Zoning Ordinance. Under no circumstance shall an illegal subdivision, use, structure, sign, or site feature as of the effective date of the Subdivision Regulations or Zoning Ordinance be 'deemed conforming.' Add a new Sec. 24-1.704.E. to read: "Subsequent revisions or amendments to development approvals or permits 'grandfathered' under the provisions of this Section shall be reviewed and decided under the Zoning Ordinance under which the original development approval or permit was approved, unless the applicant elects to have the proposed revision or amendment reviewed under this Ordinance."

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						Add a new Sec. 24-1.704.F. to read: "Subsequent revisions or amendments to subdivision approvals 'grandfathered' under the provisions of this Section shall be reviewed and decided under the Subdivision Regulations under which the original development approval or permit was approved, unless the applicant elects to have the proposed revision or amendment reviewed under these Regulations." Renumber remaining subsections accordingly.
24-1—6	24-1.705 Building Restriction Lines	General	"The City is supportive of this language and appreciate that it will permit greater 'by-right' dwelling maintenance and will help to reduce the need for variances by owners of older homes. The City has had issues in the past where owners of properties built prior to 1949 were subject to the lengthy and expensive variance process in order to replace or modify an existing portion of their home. The City believes this language will help to reduce the need for such a process."	City of Hyattsville	Comment noted.	Make no change.

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24-2—4	24-2.303 District Council	Election to Review	"District Council: In previous comments to M-NCPPC, the City has expressed our desire to see the 'call-up' authority of the District Council removed. As noted by Clarion Associates, this is not considered a best practice, and adds time and uncertainty to the development process. In 2015, the Maryland Court of Appeals significantly limited the District Council's 'call-up' authority, in its ruling stating that the Council must generally uphold the decisions made by the Planning Board and, 'May only reverse the action of the Planning Board if the Planning Board's decision is not supported by substantial evidence, is arbitrary and capricious, or is predicated on an error of law.' In the 2016 Zoning Ordinance and Subdivision Regulations Draft, the review process confirmed that the District Council is the first-level appellate body if any of the parties to the case want a to appeal a Planning Board decision, a policy consistent with the Maryland Court of Appeals' decision. At the direction of\ the District Council, the 'call-up' authority to require an additional review on development decisions like special exemptions, variances and site plans, have been reinserted into the Comprehensive Review Draft of the Zoning Ordinance and Subdivision Regulations. This authority would allow the District Council to review the Planning Board decision even if there was no appeal and/or party in opposition to the Planning Board decision. The City firmly believes that this language is inconsistent with both the Maryland Court of Appeals decision and land-use 'best-practice', therefore we request that this language removed from the Zoning Ordinance and Subdivision Regulations, prior to adoption. "	City of Hyattsville	Comment noted.	Make no change.
24-2—5	24-2.304 Prince George's County Planning Board	Reconsideration of Decisions	"There should be a clear Rule that the 30-day reconsideration period cannot be waived. Legally, this should be a matter of jurisdiction, and the Board loses jurisdiction after 30 days, so there is nothing to waive." "Since developers will not allow #1 above, there should be broader notice rules - similar to a new application. Signs should be posted, persons of record and all civic associations on the list should be notified. A pre-meeting might be warranted."	Tom Dernoga	Revisions to the Planning Board's rules of procedures may be necessary as a result of the new Zoning Ordinance and Subdivision Regulations, but is not directly a part of the current project to develop the new codes. Recommendations for various rules of procedures – not just the Planning Board's – may naturally emerge during the post-adoption education and training phase, but may or may not result in any changes.	Make no change.
24-2—7	24-2-402	General	"Pre application conference is not necessary. Why not just keep the SDRC?"	Maryland Building	The pre-application conference is viewed as a very useful tool for initial discussions on proposed development. The SDRC, or Subdivision and Development Review Committee,	Insert language to the Zoning Ordinance and Subdivision Regulations pertaining to

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	Pre-Application Conference			Industry Association	has always been envisioned to continue, but was intended for the Application Manual. The Council has directed staff to incorporate the components originally intended for the Applications Manual in the legislative draft; with this change, the SDRC committee language will need to be inserted.	the Subdivision and Development Review Committee.
24-2—8	24-2-403 Pre-Application Neighborhood Meeting	Notification	"A pre-application neighborhood meeting is not required prior to submission of a preliminary plan for a minor subdivision, and the "posting notice" is required no less than 10 days prior to Planning Director's decision. Given that the Town Council may not meet during this time period, we are requesting consideration be given to notifying the Town of minor subdivision requests upon receipt of an application. We are concerned that minor variations are only seen and reviewed by the County Planning Director (because of the confusion generated in Section 27-3.309, below). These variations (for example, from the current 150 feet minimum lot depth, or current 10 feet required for public utility easements) are those most common to a residential area, and therefore most like to affect the character of the community. We would rather work these out during the preliminary plan process, than resort to an appeal process later."	Town of Berwyn Heights	The 10-day posting requiring is an appropriate timeframe to inform the community of the types of minor, administrative decisions that the Planning Director is authorized to make under the proposed Subdivision Regulations. Adding to this time, for example to extend it to 30 days, lengthens the overall development review timeframe and runs counter to a major goal of this effort to streamline procedures.	Make no change.
24-2—8	24-2-403 Pre-Application Neighborhood Meeting	General	"Pre-application neighborhood meeting allows the timing to be dictated by the availability of impacted subdivisions."	Maryland Building Industry Association	Comment noted.	Make no change.
24-2—32	24-2-503.B Minor and Major Subdivision, or Resubdivision	Minor Amendments to Approved Major Preliminary Plans of Subdivision	Planning staff expressed concern at the threshold for minor amendments to approved major preliminary plans of subdivision set at 20 percent. This may result in a large increase in the number of residential lots in larger subdivisions.	Planning Staff	Staff concurs. The Planning Director should be limited to a more reasonable administrative level of approval.	Revise the threshold from a 20 percent increase in the number of lots in the approved subdivision to a 5 percent increase.
24-2—36	24-2-503.B Variation	Variation Applicability	"Why such a specific list of variations? Why not be more generic as items may come up that are not anticipated?"	Maryland Building Industry Association	The list of variations contained in the proposed Subdivision Regulations were drafted to provide clarity as to which provisions of the regulations could be varied. It is too broad to allow potentially every provision of the Subdivision Regulations to be subject to a variation. The most common and appropriate variation requests were identified as the source of the proposed list.	Make no change.

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24-2—41	24-2.505.B. Reservations	Applicability	“Consideration should be given to allowing the approval of a reservation by the Planning Director in a Minor Plat or approval of a Final Plat which approval, if need be, could be confirmed by Resolution of the Planning Board.”	Andre Gingles Gingles, LLC	Reservation of land is a major component of subdivision and should remain in the purview of the Planning Board.	Make no change.

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24-3—1	24-3.100 Planning and Design	Unsafe Land	DPIE, which reviews geotechnical reports for Marlboro clays and other unsafe lands, have made recommendations to enhance the unsafe land provisions of the proposed Subdivision Regulations.	DPIE	Staff concurs.	Revise Sec. 24-3.101.C. as follows: "1. The Planning Director or Planning Board, as appropriate, shall restrict or prohibit the subdivision of land found to be unsafe for development. The restriction or prohibition may be due to: i) natural conditions, including but not limited to flooding, erosive stream action, high water table, [unstable soils,] severe slopes or soils that are unstable either because they are highly erodible or due to possible landslides (Factor of Safety < 1.5), topples, or falls; or ii) man-made conditions on the land, including but not limited to unstable fills or slopes. "2. All subdivisions shall conform to the following: "a. When the County [Soils and Geological Map or past permit activity, or geotechnical engineering] PGAtlas.com, the USDA Web Soil Survey http://websoilsurvey.nrcs.usda.gov, geotechnical engineering report of a nearby permit, or a past activity on a nearby permit indicates that at least a portion of the land may be unsafe, a detailed geotechnical engineering evaluation of the entire land shall be prepared by a registered professional geotechnical engineer and submitted for review during the subdivision process. The limits of unsafe land shall be delineated by the registered professional geotechnical engineer, and reviewed by M-NCPPC and DPIE. If the land is determined unsafe, this indicates that at least a portion of the land is unsafe, and the land may be platted as part of a lot or parcel in which there is sufficient land to erect a building within the building lines established by the zone in which the land is located, plus an additional 25 foot setback between the structure and the

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						unsafe area, which shall be identified on the final plat, and any site plan that will be submitted to DPIE, along with a building restriction line. The referenced websites are frequently updated but do not fully address the vertical dimension. Therefore, while their accuracy is good enough for investigative purposes, they must not be construed as accurate enough for construction nor permitting. "b. If the unsafe land has[, by subsequent change,] become safe for building construction, upon appropriate findings or proposed mitigations that are acceptable to the County, the building restriction line may be removed by the recording of a new final plat approved by the Planning Board. "c. When the applicant proposes mitigations or remedial actions to correct or alleviate unsafe soil conditions, the proposal shall be referred to DPIE for a determination of whether such measures are sufficient to protect the health and safety of future residents. The proposal may be approved along with the platting of such land, upon recommendation of a registered professional geotechnical engineer and DPIE, provided that covenants are attached to incorporate the remedial actions and ensure safe soil conditions. "d. The owner of any land on which unsafe conditions have been found to exist [may be required to] shall notify any potential purchaser of such conditions."
24-3—1	24-3.100 Planning and Design	Subdivision Standards	"Note to Prince George's County M-NCP&PC [sic]. The Montgomery County M-NCP&PC [sic] added a requirement to their Subdivision Regulations stating that 'Hydraulic Planning Analysis. For lots located in areas where the subdivider proposes connection to public water and sewer facilities, the subdivider must submit verification from WSSC that the subdivider has applied	WSSC	As originally discussed in the staff analysis of comments received on the Subdivision Regulations in Module 3, staff now concur that proof of submittal for a Hydraulic Planning Analysis to WSSC is an appropriate component of a proposed Preliminary Plan of Subdivision.	Add a submittal requirement for Preliminary Plans of Subdivision that will require proof of submittal of a Hydraulic Planning Analysis to WSSC.

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			for a Hydraulic Planning Analysis'. The was effective February 13, 2017 per Ordinance No: 18-19 Division 50.4. Preliminary Plans. It was added at the request of WSSC. Prince George's County should do the same for consistency."		Staff had previously indicated such proof of submittal did not need to be codified and should be included as a submittal requirement in the proposed Applications Manual. In light of Council direction to embed the anticipated contents of the Applications Manual in the legislative draft of the Zoning Ordinance and Subdivision Regulations, this submittal requirement should be added to the text of the Subdivision Regulations.	
24-3—3	24-3.104 Planning and Design	Grading	Tree Conservation Plan Type 1 (TCP-1) plans should be required for both major and minor subdivisions.	Planning Staff	Staff concurs.	Revise Sec. 24-3.104 to require TCP-1 submittal for both major and minor subdivisions.
24-3—3	24-3.103 Planning and Design	Layout Design Standards	Maryland Building Industry Association: "24-3.103 F and G: These two items seems very restrictive. G is especially restrictive and essentially asks for a buffer from a buffer. Why provide a 40 buffer from environmentally regulated areas that are essentially buffers in themselves to wetland and streams." Planning Staff: the new layout design standards were pulled in from the conservation subdivision layout standards and are too restrictive for conventional subdivisions. Additionally, terms such as "ridgeline" should no longer be used.	Maryland Building Industry Association	Subdivision lot layout design standards were added to the Comprehensive Review Draft at the request of staff in order to have additional regulatory guidance on subdivision design that today only exists with conservation subdivisions. In general, these design standards are appropriate, except C. and E. are too stringent for conventional subdivisions. With specific regard to F. and G., staff believe F is important to retain because clearing of steep slopes (generalized from ridgelines) have significant negative impacts to the visual and natural environments. Staff concurs that G, while appropriate for a conservation subdivision, is perhaps too restrictive for conventional subdivisions. Since this provision is reflected for conservation subdivisions on page 24-3—35, it is acceptable to delete this requirement on page 24-3—3. Additional, similar revisions are necessary in the conservation subdivision layout standards section for consistency.	Delete Secs. 24-3.103 C., E., and G. on pages 24-3—2 and 3, and renumber remaining regulations accordingly. Revise Sec. 24-3.103.F. to read: "Trees on [ridgelines] steep slopes shall be preserved, and the woodland conservation threshold shall be met on-site, to the maximum extent practicable. Revise Section 24-3.704.D.2. on page 24-3—34 to delete sub-sections C., E., and G. and to revise H. to read: "H. Trees on [ridgelines] steep slopes shall be preserved, and the woodland conservation threshold shall be met on-site, to the maximum extent practicable.
24-3—6	24-3.202.A. Transportation, Pedestrian, Bikeway, Circulation Standards	Vehicular Access and Circulation	"We believe the connectivity requirement is too onerous and restrictive and generally not warranted."	Maryland Building Industry Association	The connectivity standards are important for the future of Prince George's County. They will help improve pedestrian, bicyclist, and vehicular safety alike, contribute to reduced traffic congestion, provide alternative routes, and have numerous other benefits.	Make no change.
24-3—6	24-3.204. Transportation, Pedestrian, Bikeway,	Private Streets and Easements	Mr. Gingles commented: "Private Streets are allowed but require said streets to adhere to the same standards as public streets. There are a variety of instances-many in existing projects-with private streets which are not constructed to County standards, most often related to	Andre Gingles, Gingles LLC, City of Hyattsville	The County's new urban street standards can better adapt to pedestrian friendly streetscapes/on-street activity/enhances retail prospects. Further, there are standards with narrower widths.	Make no change.

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	Circulation Standards		the width of the street. This is not an uncommon practice in a variety of jurisdictions and should be allowed, particularly in the planned development and transit zones. Such streets are often necessary in order to create pedestrian-oriented streetscapes, enhance retail prospects and on-street activity from time to time." The City of Hyattsville commented: "The City is supportive of the language in this section of the ordinance. For many years now, it has been the City of Hyattsville's preference that streets in new developments be dedicated to the City. The intent of our position is to ensure that residents are receiving municipal street maintenance and refuse collection services, which property owners pay for in their municipal taxes. Public ownership of infrastructure also relieves homeowner association with the burden of managing and operating streets. In order for the City of Hyattsville to accept a street, we require the street to be built to the County's public standards. The language in the Zoning Ordinance and Subdivision Regulations will require that all new developments within the City will be constructed to a road geometry that enables the City to accept ownership and maintenance responsibilities of the street."		Having streets that comply with public standards is both beneficial and desirable if those streets eventually fall under public maintenance requirements.	
24-3—6	24-3.204. Transportation, Pedestrian, Bikeway, Circulation Standards	Private Streets and Easements	"Under 23-3.204A Private Streets and Easements, the reference should be to Section 24-3.204B."	Town of University Park	Staff concurs.	Revise the section reference from 24-2.208.B. to 24-2.204.B.
24-3—9	24-3.205 Transportation, Pedestrian, Bikeway, Circulation Standards	Public Utility Easements	"WSSC feels strongly that a 10 foot PUE should be provided on both sides of any public or private street." The same comment was left by WSSC on page 24-3—17 pertaining to "Public Facility Adequacy – Generally."	WSSC	Comment noted. There are philosophical differences between agencies regarding the location and configuration of public utility easements (PUEs), particularly in urbanized locations and servicing transit-oriented development. Staff does not agree that ten-foot PUEs should be provided on both sides of all streets, as the County is shifting to a more urban approach at key locations such as transit centers, where such a suburban PUE requirement is not appropriate.	Make no change.
24-3—10	24-3.300 Environmental Standards	General Revisions	A number of minor revisions are necessary in this section to ensure consistency and clarify intent.	Planning Staff	Staff concurs.	Replace Sec. 24-3.301 on page 24-3—10 with the following language: "Environmental features which are impossible or difficult to reproduce, such as floodplain, wetlands, streams, steep

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						slopes, woodlands, and specimen trees, shall be protected." Revise Sec. 24-3.302 to add new sub-sections 4 and 5, and renumber current subsection 4 to 6, as follows: "4. The floodplain areas shall be delineated in accordance with Subtitle 32, Division 4, the Floodplain Ordinance, of the County Code. "5. A 25-foot setback from the floodplain shall be established for dwelling units as a building restriction line. "[4] 6. In the event that the proposed subdivision is located partially or fully within an area covered by an officially adopted comprehensive watershed management plan, the proposed subdivision shall conform to such plan." Correct the code reference in Sec. 24-3.302.C. to read: "…in accordance with the requirements of [Subtitle 4: Building, of the County Code.] Subtitle 32, Division 4, the Floodplain Ordinance, of the County Code." Revise Sec. 24-3.303.C. to remove the notes from Table 24-303.C. and revise the language preceding the table as follows: "Regulated stream buffers in Environmental Strategy Areas shall [consist of preserved and/or restored vegetation and shall] comply with the requirements in Table 24-303.C: Regulated Stream buffers in Environmental Strategy Areas." Revise Sec. 24-3.303.D.5. and 6. to add a new sub-section and read: "5. Where land is located outside the Chesapeake Bay Critical Area Overlay

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						(CBCA-O) zones, the preliminary plan of subdivision and all plans associated with the application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state, to the [maximum extent practicable] fullest extent possible, consistent with [the guidance provided by];.the Environmental Technical Manual established in accordance with Subtitle 25: Trees and Vegetation, of the County Code. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required in accordance with Subtitle 27: Zoning Ordinance, of the County Code, for the reasonable development of the lot outside the regulated feature. "6. All regulated environmental features shall be placed in a conservation easement and identified on the final plat. "[6.]7. The approval of a [sediment control concept study] Concept Grading, Erosion, and Sediment Control Plan (CS) by the Soil Conservation District, [may] shall be required prior to final [plat, if it is determined sediment control needs to be addressed.] approval of the preliminary plan of subdivision (minor or major)."
24-3—10	24-3.303 Environmental Standards	Stream, Wetland, and Water Quality Protection and Stormwater Management	"The entire section is very specific (especially D} about SWM [stormwater management]. It is possible that the state will change the SWM requirements and therefore make this section outdated, especially in regards to ESD. We would recommend removal of any requirement or discussion of specific techniques."	Maryland Building Industry Association	It is important to set a baseline level of environmental regulation for subdivision design. This section, as well as other sections and regulations that may change due to state action, advances in technology, or other reasons, is intended to be updated as necessary to keep up with emerging best practices.	Make no change.
24-3—11	24-3.303.D. Environmental Standards	Stream, Wetland, and Water Quality Protection and Stormwater Management	"Porous pavements should be mentioned as an approved LID technique for stormwater management."	Civicomment	Staff concurs.	Add a reference to porous pavement and/or pervious surfacing to 24-3.303.D.3. as an example of an encouraged environmental site design technique.
24-3—12	24-3.400	Water and Sewerage	WSSC: "Being in the Growth Tier should not be the basis for determination of adequate public water and sewer. WSSC determines the adequacy of the existing	WSSC, Planning Staff	The adequacy of public facilities is generally tested at the time of subdivision approval. The County's long-established water/sewer category process is used to determine whether a	Revise Sec. 24-3.405 to read: "…In Growth Tiers III and IV, location of the property in these Tiers prevents the

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	Public Facility Standards		water and sewer mains during the Hydraulic Planning Analysis (Phase 1 of SEP process).” An additional comment that appeared on page 24-3—17: “WSSC feels strongly that a statement should be added to the Public Facility Adequacy section that the adequacy of existing WSSC water and sewer mains is determined by WSSC at the Hydraulic Planning Analysis phase of the SEP process.” Planning Staff: “What is the meaning of ‘appropriate service area” in Sec. 24-3.405?”		subdivision is eligible for community water and sewer service. Eligibility for service does not guarantee that service will be provided at any particular time. WSSC still needs to determine that connection is feasible and connection is still dependent on the existence of necessary water/sewer infrastructure. The new Subdivision Regulations are not intended to prevent WSSC from using hydraulic planning analysis or other tools to regulate the timing of connection. This decision is separate from a finding of adequacy under the Subdivision Regulations. Staff agrees the term “appropriate service area is confusing and should be further clarified pursuant to current state and County law regarding Sustainable Growth Tiers III and IV.	provision of public sewer and water service and is deemed sufficient evidence of compliance with the standards for the provision of sewer and water.”
24-3—13	24-3.500 Public Facility Adequacy	General	It is not clear that developer efforts to meet adequacy determinations, such as dedication or land or full payment of required fees-in-lieu, would absolve the developer from further public facilities requirements for those subject facilities.	Planning Staff	Staff concurs this issue must be clear. Attempting to secure public facility contributions when the developer has already met their obligation infringes on constitutional issues. For example, an approved preliminary plan of major subdivision may be approved with a condition to dedicate land for a future fire station in order to meet their fire/EMS adequacy requirement. Once the developer has dedicated that land, they have met their fire/EMS obligation and cannot be asked to do more in this area.	Revise Sec. 24-3.500 as may be appropriate to clarify that once an applicant has met their obligation for land dedication and fees-in-lieu, they are no longer required to provide those public facilities.
24-3—13	24-3.505 Public Facility Adequacy	Transportation Adequacy – Adopted Level of Service	The Maryland Building Industry Association provided several comments: “We highly recommend ensuring that previous approvals are protected under this provision. We would recommend out previous suggested course of action for APF (especially Traffic) “Additionally we feel that standards offered in tables 24-3.502, the validity period, and any attempt to forgo the current system of school/police/fire mitigation would be detrimental to the development community and the county. “Mitigation for traffic in table 24-3.505.D appear to be excessive. <25% overage requires an improvement that abates 150% of the overage is a cure that is worse than the disease.” Mr. Gingles added: “Certificates of Adequacy for existing subdivisions are proposed to exist for 12 years. Such subdivisions should be exempt from further adequacy review if over fifty percent of its required improvements to provide adequacy have been	Maryland Building Industry Association, Andre Gingles	The proposed certificate of adequacy process is not intended to change the mitigation procedures for school, police, and fire/EMS service should additional requirements (above the County’s surcharges for these facilities) be identified through the subdivision process. The County Council directed Clarion Associates, through M-NCPPC staff, to restore the current adequacy tests and procedures for schools, police, and fire/EMS facilities. In the course of adapting in existing tests to the proposed certificate of adequacy process, some of the current mitigation paths were lost. These will be restored for the legislative draft. The scale of projects referenced by Mr. Gingles is rare, but a valid point is raised. The proposed validity periods and required development percentages necessary to “vest” a certificate of adequacy (so that it does not expire) where designed to accommodate most projects. The largest projects in the County may very well not be able to reach these thresholds in the maximum certificate of adequacy validity timeframe.	Restore any existing mitigation paths for schools, police, and fire/EMS facilities that were inadvertently left out of the Comprehensive Review Draft.

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			constructed. If a plat recordation and development minimum threshold is to be required, this should be closer to 50%. Few major developments-three million plus square feet of combined residential and commercial-can absorb density and intensity at a rate that would get to a 90% development threshold 12 years from approval of a certificate of adequacy. "The County Plan 2035 proposes three downtowns and several centers. There is insufficient growth to occur in the Region-much less the County-for large projects to develop 90% of an approved project in a 12 year time frame. Moreover, the investment in adequacy infrastructure on the front end by a developer should allow it to then proceed as market conditions allow. This should be the case inasmuch as any subsequent development takes into consideration the capacity provided as a result of that construction of infrastructure. Otherwise, there will never be an incentive to take on more infrastructure than minimally needed at each individual stage of development."		This topic remains an ongoing point of discussion with the County Council.	
24-3—14	24-3.505 Public Facility Adequacy	Transportation Adequacy – Adopted Level of Service	"The City is supportive of the language included in the document and we commend the inclusion of alternative trip capture as one of the many means to reduce traffic impacts of new development projects."	City of Hyattsville	Comment noted.	Make no change.
24-3—14	24-3.505 Public Facility Adequacy	Transportation Adequacy – Adopted Level of Service	The Town of University Park provided several comments: "In the RTO-H Zones, all development is exempt from any consideration of qdequate public facilities for transportation. Thus, no traffic studies can be required of the applicant, even if there is likely to be a significant traffic impact from the project. "In the RTO-H zones, there is no requirement for on-site parking. While it is hopeful to assume that people who live and work in the RTO-H zones will use public transit, walk or ride bicycles from home to work, school or shopping, it is quite likely that many will continue to own cars and use them, and that they will need parkign spaces to store them. The impact of no parking spaces on surrounding communities such as University Park will be significant. "The proposed subdivision regulations exempt properties in the LTO and RTO zones from having to meet adequate transportation facilities unless there is	Town of University Park, City of Greenbelt, City of College Park, North College Park Community Association	The waiver of parking minimums applies to development located inside the core area of the RTO (Regional Transit-Oriented) and LTO (Local Transit-Oriented) zones only. The edge areas of these zones do require a certain amount of minimum parking spaces be provided. Both Prince George's Plaza and Greenbelt Metro are regional transit districts per Plan 2035 (which has bearing both to the comment on parking and the multiple comments on transportation adequacy). The intent for not requiring parking is to 1) leverage the existing high capacity and frequency transit connections (e.g. Metrorail) and 2) provide businesses and developers the opportunity to "right-size" their parking lots by not adhering to an arbitrary parking minimum, but to allow business owners to decide the right number of parking spaces for their business. *A "no minimum requirement" does not mean that no parking is allowed, simply that the business/developer can choose how much parking to provide.* Furthermore, parking lots, as a principal use, are permitted in these zones and	Make no change.

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			either a transportation demand management program (TDM) or trip reduction program managed by the applicant. The County is still in the early stages of urbanizing in places like College Park/Hyattsville, and the development patterns, densities, bicycle and pedestrian infrastructure and transit service are not at levels where vehicle travel can be dismissed entirely in favor of other modes. In order to become more transit oriented, funding is needed to improve this infrastructure and new development needs to be analyzed for its impacts. The Town cannot support this provision until more study and analysis is done, and until there is more institutional capacity to review, monitor, assess and manage transportation impacts on the county level. You are requested to reconsider including minimum standards for parking, and the Adequate Public Facilites for transportation components for the RTO-H zone." The City of College Park: "The proposed subdivision regulations exempt properties in the LTO and RTO zones from having to meet adequate transportation facilities unless there is either a transportation demand management program (TDM) or trip reduction program managed by the applicant. As the City has previously expressed, the County is still in the early stages of urbanizing and has nither the density nor the multi-modal infrastructure in place to justify such an exemption at this time. In College Park, congestion is a real problem yet current development patterns, bicycle and pedestrian infrastructure and transit ridership are not at the levels where behicle travel can be dismissed entirely in favor of other modes. In order to become more transit oriented, funding is needed to improve this infrastructure and new development needs to be analyzed for its impacts. Montgomery County is a local example of how this can be done with best practices such as new ways to measure and analyze traffic, prioritization of mitigation requirements and use of transportation impact fees. The City cannot support this provision until more study and analysis is done, and until there is more institutional capacity to review, monitor, assess and manage transportation impacts on the county level."		should there be a high demand for parking, parking can be built and regulated by the market. Although parking spill-over into residential neighborhoods is a valid concern, it can only be indirectly addressed – and not solved – by parking requirements through zoning. It can be directly (and more effectively) addressed through non-zoning or subdivision approaches such as parking permits, meters, or other parking management and benefit districts. Simply requiring more and more parking will only discourage walking, bicycling, and transit modes of transportation, which in turn increases the need for more and more parking. Regarding transportation adequacy, the proposed Subdivision Regulations are designed to encourage building denser nodes of activity, especially in locations where significant public investment in transit has already occurred, space is limited, and road capacity cannot easily be increased by road widenings, signalization, etc. In the Plan Prince George's 2035 General Plan, the County has designated Prince George's Plaza as a Downtown and College Park as part of the Innovation Corridor. As such, both locations are in the top 4 of the County's priorities for transit-oriented, mixed-use development and future growth. While also in the Innovation Corridor, MD 193 as it passes through the City of Greenbelt is of a less intense character and is not currently envisioned to transition to one of the Transit-Oriented/Activity Center zones. Requiring traditional transportation adequacy improvements will undermine the ability of those areas to densify, diversify, and grow. Requiring new and/or expanded roadways will likely stifle (if not stop altogether) new development or dense development because at some point there will be no physical space to accommodate the motor vehicle transportation infrastructure. Even without the developer contributions to roadway improvements, the transportation system in the County will not dismiss vehicle travel entirely in favor of other modes. The DPW&T budget overwhelmingly dedicates funding to motor vehicle transportation over transit, bicycle, and pedestrian transportation, and in any event is relatively limited for a County the size of Prince George's.	

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			The City of Greenbelt also commented on this topic: "The proposed subdivision regulations exempt properties in the LTO and RTO zones from having adequate transportation facilities unless there is either a transportation demand management program or trip reduction program managed by the applicant. The City is not supportive of the transportation exemption provisions. The City is concerned that levels of vehicle travels will not sufficiently be reduced with the programs suggested. The City believes the County should take more time to analyze and evaluate best practices when addressing transportation adequacy and defer implementing exemption provisions until such analysis has been completed." The North College Park Community Association reiterated the City of College Park's comments.		The current funding levels of transit, pedestrian, and bicycle modes of travel are not adequate to adjust to a truly multi-modal transportation system. As a follow-up to the Zoning Rewrite project, the County Council intends to revisit the adequacy determinations. This work effort may lead to changes in adequacy and funding mechanisms, among other recommendations, that could more directly address the evolving needs of a rapidly urbanizing County.	
24-3—14	24-3.505 Public Facility Adequacy	Parks and Recreation	"The City previously commented that the Subdivision Regulations do not acknowledge that Greenbelt is not located within the Maryland Washington Metropolitan District. The City appreciates that language has been added to address this comment as well as a number of other comments raised by the City on this section. However, the City's request for fee-in-lieu payments to be paid directly to the City has not been addressed. The City requests that Section 24-3.601 be revised to codify that fee in-lieu payments should be required to be paid directly to municipalities for projects that are located in a municipality that are not within the Maryland Washington Metropolitan District."	City of Greenbelt	The proposed Subdivision Regulations include language on page 24-3—25 that, unless exempted, "all residential subdivisions shall plat and convey to the M-NCPPC or to a municipality located within the County (but which is not within the Maryland-Washington Regional District) upon the request of such municipality, adequate land to meet the park and recreation needs…." One of the ways an applicant may substitute the requirement for mandatory dedication of parkland is through payment of an in-lieu fee. Under current practice and anticipated future practice once the Subdivision Regulations are in effect, the party that receives the in-lieu fee is not specified. Staff anticipates these fees will be distributed in accordance with standard practice or interjurisdictional agreements.	Make no change.
24-3—14	24-3.505 Public Facility Adequacy	Police	"As the City has noted previously, the Subdivision regulations should acknowledge municipal police services/departments and reference them in the approval of a Certificate for Police Facilities adequacy."	City of Greenbelt	Staff addressed this topic in the analysis of comments received for the Subdivision Regulations during Module 3. That response is repeated below for convenience. While staff is sensitive to the city's concern and have been recommending clarifying language for the proposed codes to appropriately reflect municipal roles in the development process, it is important to understand that the State enabling laws provide for the County to establish adequacy of public facilities regulations and simultaneously provide for municipal delegation. However, these two do not "cross."	Make no change.

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					There is no authorization to defer or convey adequacy determinations to a municipal corporation in Prince George's County. Lacking such authorization, it is not appropriate to reference municipal police departments in the determination of meeting County public facilities requirements. Staff notes that, this being the case today, coordination with municipalities is not only essential today but will be essential for the new codes. Referrals for municipal comment and coordination with municipalities is the expectation today and moving forward.	
24-3—15	24-3.503 Certificate of Adequacy	General	"The City previously raised concerns about the finding of adequate public facilities being an administrative function in the proposed zoning ordinance. The City is concerned that there will not be a public review process for the review and approval of certification applications. At a minimum, Section 24-3.503.B should be revised to specifically require that if a project is located within a municipality, the Planning Director shall forward the application for a certificate of adequacy or a conditional certificate of adequacy to the municipality for review and comment."	City of Greenbelt	Staff addressed this topic in the analysis of comments received for the Subdivision Regulations during Module 3. That response is repeated below for convenience. The determination of whether a proposal meets the public facility adequacy is a technical function (the proposal either passes or it does not pass) and, according to Clarion Associates, almost no jurisdiction subjects adequacy determinations to public hearings due to this technical nature. Proposed Sec. 24-3.503.B.3 describes the process for which the Planning Director shall make the determination and issue the certificate of adequacy. There are three basic outcomes: 1) The existing facilities are adequate to meet the needs of the proposed development; 2) The existing facilities are not adequate to meet the needs of the proposed development and the applicant has agreed to make the necessary improvements to meet the adequacy requirements; and 3) the existing facilities are not adequate and the applicant does not agree to make the improvements. In the first case, Planning Board involvement is unnecessary, as the facilities already exist. In the second case, the Planning Director would issue a conditional certificate of adequacy with the associated conditions/mitigation requirements and the applicant could appeal to the Planning Board. In the third case, where the certificate of adequacy is denied, the applicant may also appeal to the Planning Board. In these cases, the public can participate in the Planning Board hearing in the event an applicant does not want to build an improvement pertaining to adequacy.	

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24-3—16	24-3.503.C. Certificate of Adequacy	Adequacy Validity	The County Council expressed support for the proposed validity periods for adequacy determination. Civicomment: "We strongly support setting validity periods for adequacy determination. We are concerned, however, that 12 years is too long and that an adequacy determination made 12 years prior too often may not reflect current conditions. We recommend shortening the time period to 7 years, and the extension period by the Planning Board to 5 years." The Maryland Building Industry Association asked whether vesting could also be provided based on the percentage of the construction of a transportation improvement.	County Council, Civicomment, Maryland Building Industry Association	On February 7, 2018, the County Council directed staff to retain the proposed validity periods for the Certificate of Adequacy procedures. In response to the Maryland Building Industry Association's question: not directly. There is no easy way to calculate the percentage of transportation improvements that have been provided to serve as a legal basis for vesting a project or Certificate of Adequacy. However, there is a proposed clause on page 24-3—16 that would get at the intent of the question. The Planning Director could make a determination that "the permittee has acquired vested or contractual rights that preclude a new adequacy determination…."	Make no change.
24-3—18	24-3.505 Public Facility Adequacy	Transportation Adequacy	"The proposed subdivision regulations exempt properties in the LTO and RTO zones from having to meet adequate transportation facilities unless there is either a transportation demand management program (TDM) or trip reduction program managed by the applicant. As the City has previously expressed, the County is still in the early stages of urbanizing and has neither the density nor the multi-modal infrastructure in place to justify such an exemption at this time. "In College Park, congestion is a real problem yet current development patterns, bicycle and pedestrian infrastructure and transit ridership are not at the levels where vehicle travel can be dismissed entirely in favor of other modes. In order to become more transit oriented, funding is needed to improve this infrastructure and new development needs to be analyzed for its impacts. Montgomery County is a local example of how this can be done with the best practices such as new ways to measure and analyze traffic, prioritization of mitigation requirements and use of transportation impact fees. The City cannot support this provision until more study and analysis is done, and until there is more institutional capacity to review, monitor, assess and manage transportation impacts on the county level."	City of College Park	As discussed elsewhere, require all development in the RTO (Regional Transit-Oriented) and LTO (Local Transit-Oriented) zones to meet pedestrian and bicycle adequacy levels (not yet included in the Comprehensive Review Draft). Requiring all development to meet APF transportation requirements in in areas such as College Park, where road space is severely limited, will likely be detrimental to development. It is important to note that congestion cannot be solved through building additional roadway facilities. It can only be addressed through investment in walking, bicycling, transit, and other alternatives to single-occupant automobiles. Additional analysis of alternatives to the automobile are underway in the North County Transportation Study, which may result in recommendations such as transportation demand management and parking management districts.	Make no additional change.
24-3—18	24-3.505 Public Facility Adequacy	Transportation Adequacy	"The proposed subdivision regulations exempt properties in the LTO and RTO zones from having adequate transportation facilities unless there is either a transportation demand management program or a trip	City of Greenbelt	See above.	See above.

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			reduction program managed by the applicant. The City is not supportive of the transportation exemption provisions. The City is concerned that levels of vehicles travels will not sufficiently be reduced with the programs suggested. The City believes the County should take more time to analyze and evaluate best practices when addressing transportation adequacy and defer implementing exemption provisions until such analysis has been completed."			
24-3—19	24-3.505 Public Facility Adequacy	Transportation Adequacy Availability	"As currently written, the transportation improvements incorporated into a county or state Capital Improvements Program (CIP) can be counted as available capacity. The City of Hyattsville requests the inclusion of language making eligible up to 50% of capital improvements in a municipal CIP may also count as available capacity."	City of Hyattsville	Municipalities that have their own capital improvement programs should be able to use their public projects to contribute to the road improvements to accommodate trips of proposed development, but this should not be part of the consideration or calculation of developer responsibilities toward the adequacy needs generated by their proposed development. Further, by incorporating such a suggestion, there may be challenges involved should a municipality say no to providing funding at any point prior to completion of construction activities.	Make no change.
24-3—20	24-3.505.E Public Facility Adequacy	Transportation Adequacy	The Comprehensive Review Draft maintains the offsets for transit, bike, and pedestrian facilities and does not incorporate the Bicycle-Pedestrian Adequacy legislation (24-124.01) including the Bicycle-Pedestrian Impact Statement (BPIS). This was supposed to be incorporated prior to release of the Comprehensive Review Draft. The Town of University Park stated: "Bicycle and pedestrian facilities are critical. We support maintaining the Bicycle and Pedestrian Integration Standards. Continue this program, and maintain requirements especially in the transit-oriented zones for the implementation of bike and pedestrian facilities and the connectivity of those facilities with others in the area." The Town's comments also pertain to Sections 27-6.109 and 110 of the proposed Zoning Ordinance.	Town of University Park, Planning Staff	Bicycle and pedestrian adequacy should be mandatory for developments inside of the core areas of the Transit-Oriented/Activity Center zones. The current BPIS requirements should be adapted into the new Subdivision Regulations. Follow recommendation from previous consolidated comments table.	Incorporate the current BPIS requirements, adapted as may be necessary to accommodate the new zoning structure and policy recommendations of the proposed Zoning Ordinance and Plan Prince George's 2035. Ensure the BPIS requirements are appropriately referenced in the proposed Zoning Ordinance (for example, Sections 27-6.109 and 27-6.110 may need to be edited to provide references).
24-3—21	24-3.507 Public Facility Adequacy	Police Facility Adequacy	Mr. Gingles: "Police, Fire and School Adequacy should be eliminated inasmuch as surcharges continue to exist, and that was the rationale for the original approval. These surcharges continue to exist for every new subdivision and are required to be provided at time of permit regardless of what the proposed development generates in terms of need for facilities."	Andre Gingles, Gingles LLC, Planning Staff	While Clarion Associates initially recommended eliminating the fire/EMS adequacy test and indicated that school and police adequacy were very similar and could also be eliminated, in large part because the current (and continuing) surcharges are already in place, this approach was not viewed as the right approach for Prince George's County. Pursuant to direction from the District Council during their annual retreat in January 2017, revisions to the current adequacy of public facilities requirements will be limited,	Revise Sec. 24.3.507.D on page 24-3—22 to incorporate a new clause that provides relief through the public facilities mitigation fee established by the *Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure*, as may be amended from time to time.

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			Planning staff noted the current mitigation path, wherein an applicant may pay a public facilities mitigation fee pursuant to CR-78-2005, is missing.		since many potential revisions require significant additional analysis and the timing does not readily accommodate the timeframe of the Subdivision Regulations rewrite. Staff expects public facilities to receive more focus immediately following the effective date of the new Zoning Ordinance and Subdivision Regulations. The public facilities mitigation fee should be restored.	
24-3—23	24-3.508 Public Facility Adequacy	Fire and Rescue Adequacy	Planning staff noted the current mitigation path, wherein an applicant may pay a public facilities mitigation fee pursuant to CR-78-2005, is missing.	Planning Staff	The public facilities mitigation fee should be restored.	Revise Sec. 24.3.508.D on page 24-3—23 to incorporate a new clause that provides relief through the public facilities mitigation fee established by the *Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure*, as may be amended from time to time. Eliminate the clause that mentions a "mitigation plan between the applicant and the County."
24-3—23	24-3.509 Public Facility Adequacy	Schools Adequacy	"This is outside the scope of the zoning rewrite; however, Prince George's County must do a better job of ensuring that new development does not continue to overtax PGCPS schools. In much of the northern part of the county, particularly inside the Beltway, schools are already at greater than 105% SRC. Yet these are desirable areas for new development. More must be done to expand and support our public schools and developers should contribute their fair share."	Civicomment	Comment noted.	Make no change.
24-3—25	24-3.600 Parklands and Recreation Facilities	General	"The provision of recreational facilities remains matched to traditional criteria relative to passive and active recreational activity. New urban development is attractive as a result of providing a variety of activities for amusement, entertainment, relaxation, enjoyment, pastime and leisure for its residents. The investment in this infrastructure-particularly for urban development-should be considered akin to the requirements associated with the provision of recreational facilities, and the regulations should reflect this expanding trend. Otherwise, the expenditures necessitated to satisfy the recreational facilities requirement subtract from a better expenditure of funds on amenities that would make new urban places in the County as or more attractive than other options in the region."	Andre Gingles, Gingles LLC	The proposed parks and recreation adequacy test incorporates an urban parkland adequacy requirement of 2.5 acres per 1,000 residents. In combination with the required open space set-asides of Division 6 of the proposed Zoning Ordinance, more urban-style parkland facilities will be provided under the new codes. The Department of Parks and Recreation has begun analysis necessary to inform the future changes to adequacy testing anticipated after the Zoning Ordinance and Subdivision Regulations are approved. Staff expects this effort will result in a number of new ideas, many of which are oriented to urban development, for the County Council's consideration.	Make no change at this time.

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24-3—26	24-3.601.B. Parklands and Recreation Facilities	Amount of Park and Recreation Land Required	"The City is supportive of the language included in the document and believe the thresholds outlined in the Comprehensive Review Draft are appropriate given the size of each development."	City of Hyattsville	Comment noted.	Make no change.
24-3—32	24-3.704.C.a. Conservation Subdivision Standards	Conservation Area Standards – Areas and Features to be Preserved	The reference to Subtitle 25 in sub-section b. should be generalized and sub-section c. should more generally refer to regulated environmental features.	Planning Staff	Staff concurs.	Revise Sections 24-3.704.C.1. b. and c. as follows: "b. Priority woodland conservation areas and features, as identified and prioritized in the Woodland and Wildlife Habitat Conservation requirements of Subtitle 25, Division 2[: Trees and Vegetation,] of the County Code; "c. [Primary management areas, which include regulated streams and associated minimum stream buffers; the 100-year floodplain, all wetlands, and associated wetland buffers that are adjacent to the regulated stream, stream buffer, or the 100-year floodplain; and all areas having slopes of 15 percent or greater that are adjacent to a regulated stream or stream buffer, the 100-year floodplain, or adjacent wetlands or wetland buffers] Regulated Environmental Features;
24-3—36	24-3.704.D. Conservation Subdivision Standards	Stormwater Management	Civicomment: "Porous pavement should be mentioned as an approved LID technique." Planning Staff: "Replace LID with ESD [environmental site design]."	Civicomment	Staff concurs. Furthermore, the stormwater management subsection of the conservation subdivision standards still contains archaic references to low impact development techniques; the modern term of choice is environmental site design. The language of this subsection should be updated.	Add a reference to porous pavement and/or pervious surfacing to 24-3.704.D.5. as an example of an encouraged environmental site design technique. Revise Sec. 24-3.704.D.5. on page 24-3—35 to add a reference porous pavement and update references from low impact development to environmental site design techniques as follows: [Low impact development (LID)] Environmental Site Design (ESD) techniques should be used, unless otherwise authorized by the DPIE. For purposes of Sec. 24-3.704, Conservation Subdivision Standards , ["low impact

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						development (LID)] "Environmental Site Design (ESD) techniques" refer to stormwater management designs that accommodate stormwater through; the use of existing hydrological site features, and by reducing impervious surfaces (roadways), curbs, and gutters; decreasing the use of storm drain piping[,] and inlet structures; and eliminating or decreasing the size of stormwater ponds. Such integrated management practices may include bioretention, dry wells, porous pavement, filter buffer, infiltration trenches and similar techniques.

ZONING ORDINANCE – DIVISION 4 CHESAPEAKE BAY CRITICAL AREA STANDARDS						
Page Number	**Section Number**	**General Topic**	**Comment**	**Source**	**Staff Analysis**	**Staff Recommendation**
24-4—1	Division 24-4 Chesapeake Bay Critical Area Standards	General	Planning staff provided a number of technical corrections for the Zoning Ordinance regarding the Chesapeake Bay Critical Area Overlay (CBCAO) Zone to ensure consistency with current state and County law. Should there by any necessary revisions to Division 24-4, they should be reflected here.	Planning Staff	Staff concurs. Since Division 24-4 is a single page with only a handful of sub-sections, any such changes are expected to be extremely minor in nature.	Incorporate any technical revisions which may be necessary to Division 24-4.

ZONING ORDINANCE – DIVISION 5 ENFORCEMENT						
Page Number	**Section Number**	**General Topic**	**Comment**	**Source**	**Staff Analysis**	**Staff Recommendation**
24-5—1	Division 24-5 Enforcement	General	The County Office of Law provided some recommended revisions to the Zoning Ordinance enforcement section.	Office of Law	Any revisions to the Zoning Ordinance enforcement section that would also be appropriate in the Subdivision Regulations enforcement sections should also be incorporated in Division 24-5.	Incorporate any appropriate revisions that may be necessary, as provided by the Office of Law, to Division 24-5.

ZONING ORDINANCE – DIVISION 6 INTERPRETATIONS AND DEFINITIONS						
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24-6—1	24-6.300 Definitions	Consistency	Revise the division name to duplicate the Zoning Ordinance convention.	Planning Staff	Staff concurs.	Revise Division 6 from “Definitions” to “Interpretations and Definitions.”
24-6--3	24-6.300 Definitions	Building Restriction Line	“The City requests the incorporation of the term ‘Building Restriction Line’ into the glossary, as it is referenced, but not defined.”	City of Hyattsville	Staff concurs.	Add a definition of Building Restriction Line.
24-6—4	24-6.300 Definitions	Hydraulic Planning Analysis	“Since M-NCP&PC [sic] found it appropriate to define the Concept Study, stormwater management WSSC feels that it is also appropriate to add a definition for the Hydraulic Planning Analysis (Phase 1 of SEP process) and to reference it in the Code.”	WSSC	Staff concurs.	Add a definition of Hydraulic Planning Analysis.