Consolidated Comments on Module 3
Prince George's County

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constitutes a major milestone of community stakeholder engagement in Prince George's County's effort to replace our outdated Zoning Ordinance and Subdivision Regulations.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 2016, the County's consultant team, led by Clarion Associates, released the third of three modules containing their recommendations – based on national best practices – 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 six months, 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 Module 3 (Process and Administration and Subdivision Regulations).

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 module received during numerous meetings and online via e-mail and our Open Comment website (http://pgplanning.opencomment.us) following the release of Module 3 have been listed below, associated with the page number from Module 3 (the "with notes" version of Module 3) whenever possible.

This analysis contains community stakeholder comments received by staff as of the date of its compilation (February 2017). Many of these comments were analyzed by staff, which then offered a recommendation for how the Clarion Associates team should address the comment. It should be noted that the national zoning and subdivision expertise offered by the Clarion Associates team is necessary to fully analyze and address some of the comments; in other words, the project staff team was sometimes reluctant to address the comments that were received since they a) pertain to a recommendation offered by Clarion Associates that is a new concept to the County, and we cannot speak for Clarion's rationale, or b) were outside our direct areas of expertise. For other comments, staff has deferred analysis in anticipation of future decision points and/or additional testimony. Finally, staff has also identified, in very general terms, the source of the comment.

Comments are generally organized into four major categories:

1. Requests from the County Council and other parties for additional supportive information.

2. Changes that need to be incorporated in Module 3 pursuant to staff analysis of comments received. Until this document was compiled, Planning Department staff, the Planning Board, and the County Council had not endorsed any of Clarion Associates' recommendations.

   Changes contained in this section of this analysis constitute staff's initial buy-in to some of the proposals (as they will be modified based on staff direction) offered for the consideration of Prince George's County by the Clarion Associates consultant team. Staff's further recommendations / endorsement of Clarion's proposals will occur with the Comprehensive Review Draft expected in Spring 2017.

   The County Council, sitting as the District Council, is not expected to take any action on any recommendations until the Comprehensive Review Draft is amended as may be necessary and appropriate, and converted into a legislative draft in late Summer 2017.

3. Comments and questions received from the community at large which should be evaluated by Clarion Associates, who should then respond appropriately. These may result in additional changes to Module 3, be incorporated in the Comprehensive Review Draft, result in no change, or merit a discussion or response as to why something was or was not incorporated. Staff may recommend an action for these comments and questions below but has not yet reached a final decision/direction. Final action by Staff for these comments and questions is in large part dependent on Clarion Associates' recommendations based on national best practices; the Clarion Associates team will have the opportunity to further explain or defend the rationale as may be necessary.

4. Typographical, grammatical, and other technical corrections that should be made prior to the release of the Comprehensive Review Draft.

Comments pertaining to the Subdivision Regulations will be addressed in a separate analysis document.

ADDITIONAL INFORMATION				
Page Number	**Comment**	**Source**	**Staff Analysis**	**Staff Recommendation**
N/A	Provide additional information on what other jurisdictions did upon adoption of a new Zoning Ordinance concerning transitional provisions and development approvals or permits under the current Zoning Ordinance.	Council	Staff has compiled information on similar/regional jurisdictions and will provide to the Council shortly.	Provide this information to the Council.
N/A	Council have asked to see timeframe comparisons between the procedures of the current Zoning Ordinance and those of the proposed Zoning Ordinance.	Council	Staff will work on this comparison and provide the results.	Provide this information to the Council.

ADDITIONAL INFORMATION				
Page Number	**Comment**	**Source**	**Staff Analysis**	**Staff Recommendation**
Module 1 Uses	The Council requested additional information regarding flex office space, nightclubs, and the category “all personal services uses.”	Council	Staff have compiled information on flex office and “all personal services uses” and continue work on “nightclubs.”	Provide this information to the Council. See below for specific direction regarding “all personal services uses.”

DIRECTED CHANGES				
Page Number	**Comment**	**Source**	**Staff Analysis**	**Staff Recommendation**
Global (All Modules)	A legacy term from the Evaluation and Recommendations report is found in several locations.	Council, Planning staff	All references to the term "PD Agreement" need to be changed to "PD Conditions of Approval" throughout the new Zoning Ordinance (and, if any references are present in the Subdivision Regulations, there also).	Search the three modules and replace all references to "PD Agreement" to "PD Conditions of Approval." Make the same change if the full phrase "Planned Development Agreement" appears.
Global (All Modules)	The City of Greenbelt has requested the city be treated as distinct areas for purposes of the applicability of new regulations. They would like to see the part of the city located inside the Capital Beltway treated as more urban and the portion located outside the Beltway treated as more suburban.	City of Greenbelt	The references to property located inside the Capital Beltway within the proposed Zoning Ordinance and Subdivision Regulations need to be revised to remove the City of Greenbelt from the list of municipalities.	Revise all references to property inside the Capital Beltway to remove the references to the corporate boundaries of the City of Greenbelt.
Global (All Modules)	Several nomenclature changes and new/reconfigured zones are desired by the District Council.	Council	Staff concurs, and have forwarded specifics to Clarion Associates for incorporation. The major changes include starting base/Euclidean zones with the letter of their zoning class (e.g. R for Residential zones and C for Commercial zones), restoring the current R-M-H (Planned Mobile Home Community) base/Euclidean zone instead of providing for a Planned Development version, and establishing a Comprehensive Design Zone (CDZ) "grandfather" zone that should help simplify the remapping of the County's current CDZs. Both the new RMH and CDZ zones are intended by the Council to be grandfathering zones with no new applicability. Other jurisdictions in the State of Maryland, such as St. Mary's County, use a grandfathering zone approach to address situations that do not easily translate to new zoning regulations. The intent is to provide appropriate base zones for these current locations, ensure existing development and valid entitlements may continue, and allow the new zoning structure to transition in place over time. Finally, the current R-T (Townhouse) Zone will "nest" into the proposed RSF-A (Residential, Single-Family Attached) Zone instead of the RMF-12 (Residential, Multifamily – 12) Zone.	Revise the zoning structure of the new Zoning Ordinance in accordance with direction provided by the project team.
Global (All Modules)	The District Council wishes to retain certain organizational elements and nomenclature from the current codes.	Council	The Council seeks restoration of the definitions section to the front of the Zoning Ordinance and Subdivision Regulations, and would like to retain terms including "departures" and "zoning map amendments." Council staff have asked for additional review of other terms to see if the current name should be retained.	Relocate the definitions sections of both the Zoning Ordinance and Subdivision Regulations to Division 1 of the respective Subtitle. Replace the term "Adjustment" with the term "Departure." Replace the term "Parcel-Specific Map Amendment" with the term "Zoning Map Amendment." Review other terms in the code and recommend any which should retain the current name (if it has changed for the new codes).
Global	As proposed in Module 3 (Process and Administration and Subdivision Regulations), the Historic Preservation	Planning staff	Staff concurs.	Revise all references for the Historic Preservation Commission, including

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	Commission would only be consulted for comment when a historic resource is located on the property subject to an application. This requirement should also extend to when a historic resource is on property abutting the subject property.			the table of development review responsibilities, to indicate a referral should also be made for comment when a historic resource is on a property abutting the development site.
Global	There is no language in either the current or proposed Zoning Ordinance or Subdivision Regulations that clearly indicate only one active or valid application of a same case type can be associated with a given property at any one time. Lacking such language, there may be the potential for abuse, wherein an applicant can potentially seek two completely different site plans and hold both as "options" should they be approved.	Planning staff	Staff concurs this loophole has potentially significant negative impact. The solution may not be as simple as indicating the "parent" application is the governing application since "child" cases may dramatically revise the initial approval (such as a Detailed Site Plan), but staff agrees that only one governing case for each type of entitlement application should be possible for any given property to avoid abuse.	Add language in the appropriate location(s) that clearly indicates that only one active governing application (pending, approved and valid, etc.) of each type of entitlement case can be in effect on any given property at any one time.
Applications Manual (Formerly Procedures Manual)	The Council would like to see this manual as soon as possible to determine if it agrees with the concept or believes the content of this manual should be added back to the codes.	Council	Staff has asked Clarion Associates to provide an outline of the Applications Manual(s) as soon as can be arranged, with the understanding that the Comprehensive Review Draft is the short-term priority. Staff concurs with Clarion Associates' rationale that the anticipated contents of these documents are things such as application contents and internal timeframes that do not need to be, or should be, codified.	Provide outlines of the contents of the Applications Manual(s) for review and discussion.
Module 1 Zone Intensity	Provide a sub-section listing the order of intensity of the new zones, similar to that provided in the current Zoning Ordinance.	Council	Staff concurs.	Staff will create an order of intensity section and convey it to Clarion Associates for incorporation in the appropriate location.
Module 1 Zones	Council expressed some concern that the zone regulations do not uniformly require green area, and is concerned this will lead to more paving over of yards and residential lots.	Council	Green area requirements are present in only a handful of current zones; lot coverage maximums are the more common approach to regulating built area and pavement. Staff recommend strengthening/revising the definition of "lot coverage" to explicitly include patios and perhaps other paved areas located on private property. Since Clarion Associates have more experience with how jurisdictions approach lot coverage, we defer to them for additional suggestions.	Revise the definition of "lot coverage" to include, at minimum, patios and walkways providing access from sidewalks and driveways to the front door of properties. Suggest other alternatives on how to minimize the identified problem of too much pavement through the definition of "lot coverage" as may be commonly used by other jurisdictions.
Module 1 Zone Purpose Statements	The purpose statements for each new zone should be reviewed again with an eye to providing sufficient distinction. The feeling is if these purpose statements are too generic, they will not be useful.	Council	Staff concurs.	Clarion Associates should review the zone purpose statements and add new language as may be necessary and appropriate to ensure each zone is distinct.
Module 1 Zone Purpose Statements	The purpose statement for the Neighborhood Conservation Overlay Zone seems very similar to the state's criteria for the creation of a historic district.	Council	Staff concurs.	Replace the last sentence of the purpose statement for the Neighborhood Conservation Overlay Zone on page 27-3—174 with the following language: "The NCO Zone is a flexible tool that may be applied to multiple neighborhoods, each of which could have its own unique attributes."

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Module 1 Zones and Mixed-Use Development	There should be a minimum percentage of mixed-use development in those zones that permit mixed-use development.	Council	In the current code, only four zones *require* a mix of uses: M-X-T, M-X-C, M-A-C, and V-L. Clarion Associates' draft requires a mix of uses in all of the Planned Development zones (except the MH-PD Zone). Staff understand the Council to be interested in also requiring a mix of uses in the commercial and industrial zones that allow residential development by right, namely the NC, SC, GCO, IE and HI zones, and in the five Transit-Oriented/Activity Center base zones. The concern is that too much land in these zones will be consumed by residential development. Staff believes that it is not realistic to expect *every single development* to contain a mix of uses. However, staff also believes that obtaining a mix of uses in *each community* is highly desirable. The Comprehensive Review Draft will include a flexible requirement for a mix of uses with the following elements:	Include a flexible approach for requiring mixed-use development with the following elements: 1. A minimum percentage of nonresidential development for applications in the nonresidential and Transit-Oriented/Activity Center base zones. This minimum may be waived under either (2) or (3) below. 2. The minimum percentage will be waived if nonresidential development already exists within one-quarter mile of the applicant's site. 3. The minimum may be waived by the body deciding the application if the applicant demonstrates that the market will not support nonresidential development in the foreseeable future.
Module 1 Zone Dimensional Standards	The Council has expressed concern regarding the provision that allows multiple principal uses on the same lot, and Council staff extend this concern to questions of how the regulations will ensure that "each use/totality of uses meet setback requirements," and how "multiple principal, accessory, and temporary uses [can] coexist on one lot."	Council, Council staff	The provision that allows multiple uses on the same lot is simply an enabling clause that permits mixed-use development. That said, staff will work with Clarion Associates to determine if this can be further clarified. Regarding setback requirements, staff agrees additional clarity may be warranted, particularly for situations where vertical mixed-use development is proposed in a zone that has different regulations for multifamily building setbacks and "other uses" building setbacks.	Add language in the appropriate location that clearly states when vertical mixed-use development is provided – for example, multifamily development on top of ground-floor retail – the less stringent of the requirements for setbacks and other dimensional standards (yards, lot coverage) would apply. Re-evaluate the multiple principal uses provision and clarify as may be appropriate.
Module 1 Greenbelt Neighborhood Conservation Overlay Zone	The City of Greenbelt submitted proposed regulations to be incorporated in a Neighborhood Conservation Overlay Zone for the historic core of Greenbelt.	City of Greenbelt	The proposed Neighborhood Conservation Overlay Zone for the City of Greenbelt should be reviewed and adapted as may be necessary and appropriate to fit within the overall framework of the new Zoning Ordinance.	Using the information provided by the City of Greenbelt and initially edited by staff, develop the Greenbelt Neighborhood Conservation Overlay Zone.
Module 1 Mount Rainier Neighborhood Conservation Overlay Zone	The City of Mount Rainier submitted a letter and accompanying proposals for standards to be incorporated in a Neighborhood Conservation Overlay Zone for the single-family detached residential neighborhoods of the City.	City of Mount Rainier	The proposed Neighborhood Conservation Overlay Zone for the City of Mount Rainier should be reviewed and adapted as may be necessary and appropriate to fit within the overall framework of the new Zoning Ordinance.	Using the information provided by the City of Mount Rainier and initially edited by staff, develop the Mount Rainier Neighborhood Conservation Overlay Zone.
Module 1	Staff misunderstood the community comments received with Module 1 (Zones and Uses) regarding a recommendation	Communities	In the Module 1 (Zones and Uses) Analysis of Comments Received, staff may have misunderstood one of the requests. Today's Zoning Ordinance and the proposed code require	Revise Sec. 27-3.403.E.3.b. on page 27-3—170 of Module 1 (Zones and

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Aviation Policy Areas Overlay Zone	pertaining to building height in the APA-4 and APA-6 policy areas.		applicant demonstration of compliance with Federal Aviation Administration Regulations FAR Part 77 prior to issuance of a building permit for a structure higher than 50 feet in Aviation Policy Areas (APAs) 4 and 6. Staff interpreted the initial comment to be a request to prohibit permit issuance for any building in excess of 50 feet. This is not fully correct; the request was to strengthen the language regarding permit issuance to ensure public safety by requiring a demonstration there would be no airspace surface penetration by proposed development. Specifically, the revised request is to require demonstration "that the structure will not project or otherwise penetrate the airspace surfaces defined by FAR Part 77." Staff concurs with this revision. Staff notes another point raised involved a perception that all applications in APA-4 and APA-6 are typically subject to some level of discretionary review under the current Zoning Ordinance. This is not fully accurate. The APA language is linked to building permits because there are properties located in the APAs, and even within Development District Overlay Zones or Transit District Overlay Zones located in the APAs (where review of a Detailed Site Plan is the norm) that would be reviewed at a permit level only. The ability of the permit office to review an application in APA-4 and APA-6 is a feature today, not an explicit outcome of the proposed Zoning Ordinance.	Uses) to read: "(b) In the APA-4 and APA-6 Zones, no building permit may be approved for a structure higher than 50 feet unless the applicant demonstrates [compliance with] <u>that the structure will not project or otherwise penetrate the airspace surfaces defined by</u> FAR Part 77."
Module 1 Uses	The proposed Zoning Ordinance does not seem to provide a complete 21st century view of emerging flex office and flex industrial space, or approaches such as "maker spaces."	Council	The term "flex space" primarily refers to a building type and not a specific use. In this sense, *"flex space" could be built anywhere in the County if the proposed building meets the development and design standards.* For instance, a traditional flex space building could be located in the proposed Industrial/Employment (IE) Zone, and the tenant could be a light manufacturer. If the building was built in the proposed Neighborhood Commercial (NC) Zone, the tenant could be a bicycle repair shop. The proposed Zoning Ordinance does not list nor define "flex space" as a use. This reinforces the belief that "flex space" or "flex office space" are not *uses*, but instead are viewed as *types of buildings*. The term "flex" appears several locations of the proposed code. First, it appears in the purpose statements for the following proposed zones: Neighborhood Activity Center (NAC), Town Activity Center (TAC), Local Transit Oriented (LTO), Regional Transit Oriented (RTO), Industrial Employment (IE), Regional Transit Oriented Planned Development (RTO-PD), and Mixed-use Planned Development (MU-PD). The term "flex building" appears twice in the proposed code. Flex space buildings are included in the use category for Industrial Services Uses (27-8.301.G.2), and under the description for multiple principal uses. "A development may also include multiple principal uses, none of which is necessarily customarily incidental or subordinate to another principal use (e.g., a place of worship combined with a school, a gas station combined with a convenience store, restaurant, or automotive repair use, or a flex building housing retail, industrial service, and warehousing tenants)," (Sec. 27-4.202.B).	Delete the term "flex space buildings" from the Industrial Services Uses description and add a definition for "flex space" as a building type that can accommodate a variety of uses.

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<tr><th colspan="5">DIRECTED CHANGES</th></tr>
<tr><th>Page Number</th><th>Comment</th><th>Source</th><th>Staff Analysis</th><th>Staff Recommendation</th></tr>
<tr><td></td><td></td><td></td><td>Staff recommends that the term “flex space” be specifically defined in the code as a building type that can accommodate a variety of uses, but it is not a use. Further, the term “flex space buildings” should be removed from the Industrial Services uses section.</td><td></td></tr>
<tr><td>Module 1

Uses</td><td>More information is desired regarding the types of uses that fall into the Personal Services use category.</td><td>Council</td><td>The proposed Zoning Ordinance consolidates 64 of the current uses into the “All Personal Services” use category. This category is defined as “establishments primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Use types include: art, photographic, music, dance, or martial arts studios or schools; beauty salons and barber shops; dry cleaning or laundry drop-off/pick-up establishments; fortune-telling establishments; laundromats; lawn care, pool, or pest control services; massage establishments; nail care establishments; personal or household good repair establishment; tanning salons; and similar uses.”

Although these uses are different in the type of service provided, they were consolidated into one use type because they have similar impacts on the surrounding neighborhoods. Business can be conducted at these uses without the need for large loading areas or special accommodations. People engaging in these businesses tend not to park long term and do not tend to purchase more than a handful of items, but instead are exchanging funds for services.

The District Council observed that this consolidation may inadvertently eliminate some of the nuance between the specific uses, and that different consolidation may be needed. Per Council guidance, staff propose the 64 uses in the current code be categorized into nine subgroups, or what would become nine separate uses:

<table>
<tr><th>Recommended Personal Service Use Type</th><th>Uses in Current Code (as of October 26, 2016)</th></tr>
<tr><td>Personal Activity Space</td><td>Artist’s Studio
Model Studio
Photography Studio (may include darkroom)
Photography Studio or darkroom
Studio for artistic practice</td></tr>
<tr><td>Catering Establishment</td><td>Catering Establishment
Catering Establishment: (i) Accessory to an allowed use
Catering Establishment: (ii) With a retail component
Catering establishment: (iii) All others</td></tr>
<tr><td>Cleaning Service or Establishment</td><td>Carpet or rug shampooing establishment
Dry cleaning or laundry establishments: (i) Limited to pickup stations
Dry cleaning or laundry establishments: (ii) All others
Dry cleaning or laundry pickup
Dry cleaning or laundry pickup station
Dry cleaning plant
Dry cleaning store or plant: (i) retail, gross floor area under 6,000 square feet
Dry cleaning store or plant: (ii) Retail
Laundromat
Laundromat: (i) Accessory to an allowed use
Laundromat: (ii) All others</td></tr>
</table>
</td><td>Revise the use tables, definitions, and other areas as may be necessary to incorporate the staff recommendation for treating Personal Services uses.</td></tr>
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				Laundry Plant Laundry store or plant: (i) Retail, gross floor area under 6,000 square feet Laundry store of plant: (i) Retail	
			Cosmetic or Well-being Establishment	Barber or beauty shop Barber shop Beauty shop Massage establishment Office of a certified massage therapist Sauna or steam bath	
			Personal Information Service	Fortune telling Travel bureau	
			Personal Item Maintenance or Repair Service	Bicycle repair shop Bicycle repair shop: (i) Non-motorized only Bicycle repair shop: (ii) All others Electric or gas appliance, radio, or television repair shop Electrical or electronic equipment, radio or televisions, computer repair shop Household appliance or furniture repair shop: (i) Furniture and small appliances only Household appliance or furniture repair shop: (ii) All others Key or locksmith shop Lawn mower repair shop Lawn mower repair shop, provided all repairs are performed within a wholly enclosed building Lawn mower repair shop: (i) Non-motorized, only Lawn mower repair shop: (ii) All others, provided all repairs are performed within a wholly enclosed building Repair shop: (i) For small items (such as watches, clothing, and shoes) Repair shops for small items (such as bicycles, watches, clothing, and shoes) Shoe repair shop Tailor or dressmaking shop (may include incidental dyeing and pressing) Taxidermist Taxidermy Upholstery shop Valet shop Watch or jewelry repair shop	
			Pet Grooming Establishment	Pet grooming establishment Pet grooming shop, provided all animals are confined to the interior of the building and adequate measures are taken to control noise and odor	
			Sewage dump station for camping trailers or boats*	Sewage dump station for camping trailers or boats	

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			Swimming Pool Service or Sales* — Swimming pool or spa sales and service (excluding outdoor display) Swimming pool or spa sales and service (which may include outdoor display, provided it is enclosed by a 6-foot high fence) Swimming pool or spa sales and service: (i) Excluding outdoor display Swimming pool or spa sales and service: (ii) Including outdoor display, provided it is enclosed by a 6-foot high fence (subject to Section 27-388) *These are uses initially categorized within the "all personal services" use category but which may be better categorized within different use categories. Staff recommend re-categorizing the 64 current uses into the above proposed uses within the Personal Service use category. We also recommend an "all other personal service" use as a "catch-all" to ensure consistency throughout the principal use tables. These new use types would provide additional opportunity for more specific and nuanced regulation, should the District Council see fit. In the meantime, we recommend applying the current use permissions for "all personal services uses" to each of these new use types. Further, staff recommend moving the "Sewerage dump station for camping trailers or boats" into the accessory uses table, to be granted by Special Exception, and moving the "Swimming Pool Service or Sales" use type into the "Retail Sales and Service Uses" use category. Definitions for each of these new use types will also need to be added.	
Module 1 Uses	Class III fills and temporary rubble fills should still require approval of a Special Exception.	Council	Staff concurs. In discussion, the Council and Council staff indicated they do not view these uses as "temporary," and due to the potential negative impacts associated with them, they should be principal uses that require Special Exception approval.	Remove both "Class III fill" and "Temporary rubble (construction and demolition debris) landfill" from the Temporary Use/Structure tables. Add these uses as Principal Uses, and require Special Exception approval in appropriate zones. Reconcile other sub-sections (such as the definitions) as may be necessary.
Module 1 Measurement, Exceptions, and Variations of Intensity and Density Exceptions and Variations	The term "variation" is a long-time term used in the Subdivision Regulations. Further, it suggests that a development project can purposefully apply changes to the development standards.	Planning staff	The term "variation" has a long-time historic meaning in the County with regard to our Subdivision Regulations. Use of the term, particularly with a different context/meaning, in the Zoning Ordinance fosters confusion.	Rename Sec. 27-8.200 to "Measurements and Exceptions of Intensity and Dimensional Standards." Rename Sec. 27-8.202 "Exceptions." Search the new Zoning Ordinance for the term "variation" and delete it where it may have been intended to refer to zoning regulations. If the term is used to refer to the Subdivision Regulations process of variations, ensure the appropriate cross-reference is included.

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Module 1 Computation of Time	There may be conflict between the proposed computation of time and the County Charter.	Council staff	The language of the charter reads: "When computing a period of time in days, the day of the event shall not be included in the computation, but the last day shall be included in the determination. Unless the words 'calendar days' are used, Saturdays, Sundays, and holidays observed by the County shall not be included." The proposed language reads: "The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the County, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the County. References to days are calendar days unless otherwise stated." While extremely similar, there is a window of inconsistency in any situation where "calendar days" are not used. In this situation, it is unclear but implied that Saturdays, Sundays, or holidays observed by the Council would count unless the qualifier "working days" is used instead.	Revise Sec. 27-8.104 Computation of Time to eliminate any inconsistency with the County Charter.
Module 1 Use Interpretation Module 3 27-2—100 through 27-2—103 Interpretation	Delete any provision that allows the Planning Director to "interpret" or "approve" uses that are truly new to the County and do not generally conform to an existing use definition.	Council	Staff and Council staff discussed this comment in detail regarding current practice by the Planning Director and Department of Permitting, Inspections, and Enforcement (DPIE) Director. The Council has asked that "current practices should be retained." The current practice does not authorize "approval" of truly new uses not otherwise listed in the Zoning Ordinance. New uses require a text amendment to incorporate them. This practice will continue in the new Zoning Ordinance. The use interpretation process recommended by Clarion Associates is intended to codify the current practice. However, additional clarity if warranted to make this clear to all.	Review and revise as appropriate the interpretation language proposed in the new codes to make it very clear the extent of use interpretation is limited to uses that are similar to existing uses, and that new uses that cannot be easily classified as similar cannot be approved by the Planning Director.
Module 1 Definitions	The Council requested a definition be provided for "mobile home."	Council	Council staff believes the need exists to define "mobile home" since we have six mobile home parks in the County.	Provide a definition of "mobile home" to complement the proposed definition of "manufactured home."
Module 2 Nonresidential and Mixed-Use Form and Design Standards	Sec. 27-5.902, Applicability, applies to expansion or alteration of commercial or mixed-use buildings outside the Transit-Oriented/Activity Center zones if the expansion increases the building's gross floor area by 50 percent or more. This provision applies to buildings that existed prior to the enactment of the new Zoning Ordinance. What about expansions *inside* these zones? The same comment applies to industrial form and design standards.	Planning staff	Staff concurs that the applicability of the form standards should be clarified regarding existing structures within the Transit-Oriented/Activity Center zones. Since these locations are the target for the highest level of design and walkability standards in the new code, it seems unusual that existing buildings in these locations would not be required to follow the new standards if they reach the 50 percent threshold. Regarding industrial form and design applicability, most of the industrial uses are not permitted. Only R&D, which will likely take the form of an office building, and recycling collection are proposed to be permitted. This may not be as significant a concern as is the case with nonresidential and mixed-use buildings.	Revise the applicability statement (Sec. 27-5.902.B. to apply to nonresidential and mixed-use buildings regardless of zone/location (or provide rationale to the project team as to why exempting buildings within the Transit-Oriented/Activity Center zones should still be considered).
Module 2 Landscape Manual	The new Landscape Manual should ensure plant materials that offer pollinator habitat are included.	Planning staff	Staff concurs.	Add a new provision in Section 4.9 (Sustainable Landscaping Requirements) that reads: "Native shrubs and trees for pollinator habitat shall be included at a rate of at least 25 percent of the plant material in each of the categories of shade tree,

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				ornamental tree, evergreen tree, and shrubs in accordance with the Biological Technical Note NO. 78, 2nd Edition, May 2015 (as may be amended from time to time), or other similar State of Maryland publication."
Public Hearings	The Zoning Hearing Examiner should be included "in the process for any evidentiary hearings on any applications heard by the District Council, since the District Council generally does not hold the evidentiary hearing."	Council	Staff concurs. Sec. 27-2.411 on page 27-2—28 lists the procedures that require a quasi-judicial public hearing (an evidentiary hearing). Of these procedures, the Zoning Hearing Examiner has the option, but is not required, to hold a public hearing on Parcel-Specific and Planned Development map amendments prior to the District Council hearing. These Zoning Hearing Examiner hearings should be made mandatory pursuant to the Council's direction. In other instances, such as CBCA-O Zone Map Amendments and Special Exceptions, the Zoning Hearing Examiner would already be required to hold public hearings. Other instances, such as Major Site Plans, would not involve Council public hearings except in an appellate role (or, given direction elsewhere in this analysis, a call-up role); the Zoning Hearing Examiner would not need to hold public hearings in this circumstance since new evidence is not taken.	Revise the procedures for both the Parcel-Specific Map Amendment and the Planned Development Map Amendment to require Zoning Hearing Examiner public hearings rather than offer an optional hearing.
Council Election to Review an Application	The proposed Zoning Ordinance does not keep Council's ability to elect to review development cases on its own motion. Since state law limits criteria for standing to aggrieved parties, it is more difficult for the public to appeal a development case, making election to review more important for the public. The public is leery of a system that gives un-elected bureaucrats more authority. Recommending the District Council delegate their ability to elect to review a development application is troublesome. "Call-up" is an important tool for the Council to have. The Planning Board and staff are too close to the developers. All I have to say is "Thank God for the Council." The proposed Zoning Ordinance does not address the root cause of the unpredictable nature of the development process. Planning Staff, the Planning Board, and the Zoning Hearing Examiners are generally consistent and potential investors to the County are aware of what to expect. However, the District Council is very inconsistent. Can you explain your recommendation of having the District Council not exercise "call-up"? Even if the District Council cannot "call-up" cases, it is not difficult to obtain an appeal.	Council, Communities, City of College Park, Town of University Park, Municipalities, Progressive Maryland	Clarion Associates have recommended the District Council delegate its ability to elect to review certain development applications. This recommendation has proven controversial within the broader community of Prince George's County, with many expressing concern about the loss of this ability and others expressing support. Clarion Associates responded to the question of why they made their recommendation: "Simply put, it is not wise to have elected officials in charge of reviewing site plans. The council is not in a good position to measure a development against the rule of law. They are in a good position to react to the public and work to make the public happy, regardless of the law." Planning staff has heard arguments both for and against Election to Review, which are incorporated below. Clarion Associates have determined through their background research, developer interviews, and community engagement, that many stakeholders feel Election to Review does not provide a consistent and predictable outcome for either the public or the development community. This, is turn, makes investing in the County less desirable since the single-most important thing developers indicate they look for is predictability. It should be noted that Clarion Associates have strongly indicated that if Election to Review is added to the proposed Zoning Ordinance, the development and design standards included in both Module 2 (Development Regulations) and Module 1 (Zones and Uses) should be substantially reduced so that investment can be encouraged. Clarion Associates feel strongly that the County cannot have both what they view as the inherent uncertainty of Election to Review and significantly strengthened development regulations because the combination of these factors will be a detriment to investment. This aspect of the discussion is something the District Council should continue to keep in mind moving forward before they make a final decision on the new Zoning Ordinance. The District Council was made aware of this philosophy and these comments. They have indicated the importance of Election to Review for Prince George's County and directed the	Restore the Council's ability to elect to review site plans in the Comprehensive Review Draft.

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	Although zoning is supposed to be a very technocratic or bureaucratic process, it is actually very political. The Council's ability to elect to review a case (also known as "call-up") is an opportunity for members of the public to have their voices heard and impact the development process. "Call-up can be used to address the state's changes to the "standing" of potential appeals parties." "Perhaps 'call-up' can be phased out through term limits?" "The City [of College Park] supports the elimination of the 'call-up' provision as this is consistent with best practices across the country. Exercise of original or appellate jurisdiction by the District Council should not be reduced or changed from current practice except as required by State law." The Town of University Park used identical wording as the City of College Park. Progressive Maryland supports the retention of the District Council's election to review procedures: "…we believe that the District Council should have greater authority than the Planning Board in land use decisions. In light of recent attacks on the rights of county residents to oppose projects that threaten their homes, businesses, and communities, we believe the District Council should retain call-up authority to review land use cases on behalf of constituents whose aggrievement may not be appropriately recognized under current law."		incorporation of this procedure in the new Zoning Ordinance at the time of the Comprehensive Review Draft. Regarding the comment on difficulty of appeals, staff notes that if a member of the public wishes to appeal a decision of the Planning Board, they must have the legal standing to do so under Maryland state law. Essentially, the other parties that may appeal a decision are the applicant, aggrieved parties, and municipalities.	
Validity Periods	Regarding the validity periods for Minor Site Plans and Major Site Plans, Preliminary Plans of Subdivision, and Certificates of Adequacy, there should be consistency between the timeframes and the ability to provide some flexibility for larger projects. Mr. Taub and Mr. Forman requested a second two-year extension in the validity period for both Minor Site Plans and Major Site Plans to "afford greater leeway in the financing and development of large and complex projects."	Planning staff Lawrence N. Taub and Nathaniel Forman	Staff notes the validity periods recommended for Minor Site Plans, Major Site Plans, and Preliminary Plans of Subdivision (both Minor and Major) are set at six years with a single two-year extension possible for good cause. Staff agrees with the six-year recommendation but believe the extension should be for three years. Staff also concurs that only one extension be possible. The validity period for a Certificate of Adequacy should be increased from one year to six years. Even the second validity period (two years) is too short for this certificate. Reconciling the initial validity period of the certificate will also bring it into synch with the most likely associated cases and with the County's Capital Improvement Program and state Consolidated Transportation Program (both are on six-year cycles). Regarding the request by Mr. Taub and Mr. Forman, this standardized validity period of six-years, in combination with a single three-year extension for good cause for zoning entitlements, are sufficient to provide for greater leeway than is most typically the case today. Given the nature	Revise the validity period for Certificates of Adequate such that the initial expiration is six years – not one – following approval. Staff defers to Clarion Associates for any additional validity periods based on permit issuance or other conditions and whether they are still necessary in light of a more generous validity period. Revise the procedures to provide for three-year extensions (rather than two-years) for Minor Site Plans and Major Site Plans. Regarding the validity of Preliminary Plans of Subdivision, the proposed extension of one year in

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			of Preliminary Plans of Subdivision, the potential for a second extension as recommended on page 24-2—31 seems appropriate, but should also be extended to three years for consistency.	general may be appropriate to retain for discussion purposes, but the extensions for large-scale preliminary plans should be increased to a three-year extension, as should the potential final/additional extension for good cause.
Public Utilities	PEPCO requests that language similar to the current Section 27-325(I) should be added to the new Zoning Ordinance, since this "provision facilitates necessary modifications or additions to existing infrastructure without the necessity of a hearing or risk of delay."	PEPCO	Staff concurs, but notes that this provision would only apply to PEPCO (and other utilities providers) in limited circumstances where PEPCO has an existing approved Special Exception.	Adapt and add, in the appropriate location, language similar to that currently found in Section 27-325(I) of the Zoning Ordinance.
Public Utilities	Wireless service providers that do business in Prince George's County request consideration for small cell antennas/minor antennas in the new Zoning Ordinance, and have provided a model code.	Wireless Service Providers	Staff concurs that the proposed code may not fully address privately-provided "small cell" or minor antenna uses/structures, and will convey the model language provided by the wireless service providers to Clarion Associates for additional evaluation.	Clarion Associates should review the model code offered by the wireless service providers and incorporate changes that may be necessary to accommodate the emerging needs for wireless infrastructure.
Variances and Adjustments	It is not clear if regulations and standards associated with Neighborhood Conservation Overlay (NCO) zones are eligible for variances and departures.	Planning staff	Staff concur additional clarity is necessary regarding this observation.	Provide additional clarity in the variances and adjustments sections that clearly indicate whether the NCO zones are eligible for these procedures.
27-1—1 27-1—2 General Purpose and Intent	"This section lists the purposes of the Zoning Ordinance. We are concerned about the ambiguity and specificity, in various instances, of some of the listed purposes. "'(a) Supporting pedestrian-friendly, higher-intensity, mixed-use development *in the appropriate locations.'* "This seems unduly specific for a General Purpose and 'in the appropriate locations' is wide open to interpretation. Unless one is willing to say what is appropriate, it doesn't add anything except to say that high-intensity, mixed-use development will be supported. That seems like an open invitation to anyone with a proposal like that to say that the ZO supports it, no matter where it is located. Should replace italicized part with 'near mass transit.' "'(b) Supporting redevelopment and infill in established areas *that is consistent with the community's desired contexts*.' "We have no idea what the italicized phrase means or how that would be assessed in terms of consistency with the Zoning Ordinance in a review. How do we assess what the community's desired context is? And does it depend on a	Prince George's Sierra Club Group	While in general, the purpose statements of a Zoning Ordinance (or Subdivision Regulations) are intended to be broad in nature, some of the specific recommendations offered are well-taken. The "community's desired context" is linked in these purpose statements directly to the implementation of the General Plan, area master plans, sector plans, and functional master plans, all of which are community-driven policy plans that constitute a consensus of the stakeholders involved in the development of each plan.	Revise Sec. 27-1.303.F. to read: "Facilitating ~~cutting-edge~~ economic growth and investment in new and innovative technologies and businesses;" Revisit these purpose statements and incorporate additional purposes that speak more directly to environmental preservation and restoration. Revise Sec. 27-1.303.I. to read: "Ensuring a high level of development quality within Prince George's County; ~~for residential, non-residential, and mixed-use development~~;"

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	broad consensus, or just some/any community members' views? "'(c) Protecting the rural character of the County *in appropriate locations*.' "Again, 'in appropriate locations' is wide open to interpretation. Depending on how it is interpreted, it can be used by applicants to argue that any specific rural parcel does not qualify as an 'appropriate location' for preservation. "'(d) Facilitating *cutting-edge* economic growth.' "We have no idea what cutting edge economic growth means. We've heard of cutting-edge (new and innovative) technologies, in which entrepreneurs may want to invest, but not in the context of economic growth. Perhaps the meaning is to *attract investment in new and innovative technologies* in the County? "'(e) Supporting *green building practices*; ensuring the provision of open space to protect scenic beauty and the natural features of the County, as well as to provide recreational space and light and air;' "This seems to be the only purpose linked to the environment. However, green building practices don't begin to capture how the Ordinance can and should incorporate environmental concerns. There should be something here about minimizing automobile use and greenhouse gas emissions by developing areas in proximity to mass transit; minimizing impervious surfaces to reducing stormwater runoff, protecting valuable natural resources and the forest canopy, and so forth. "'(f) Ensuring a high level of development quality *for residential, non-residential, and mixed-use development.'* "High level of development quality is important for ALL development, not just these three specific types. The italicized words are unnecessary. Of course 'quality' is open to interpretation."			
27-1—2 Applicability and Jurisdiction	The proposed Zoning Ordinance inadvertently leaves out the sub-section pertaining to governments and agencies that are exempt from the regulations of the ordinance.	Planning staff	Clarity as to whether the Zoning Ordinance applies to government entities is essential. Such provisions are in the Section 24-1.402 of the proposed Subdivision Regulations, and need to be incorporated in the Zoning Ordinance as well.	Add a new Sec. 27-1.405. to read: "Except as stated herein, the provisions of this Ordinance do not apply to:

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	The state's Mandatory Referral process should be referenced, as it pertains to governmental entities otherwise exempt from the Zoning Ordinance.		Additionally, a reference to the Mandatory Referral process should be incorporated in the Zoning Ordinance.	A. <u>The County and municipalities within the County;</u> B. <u>The Maryland-National Capital Park and Planning Commission (M-NCPPC), the Washington Metropolitan Area Transit Authority (WMATA), and the Washington Suburban Sanitary Commission (WSSC);</u> C. <u>Development of land owned by the State of Maryland, unless State law authorizes local regulation by this Ordinance; and</u> D. <u>Development owned by the government of the United States, its agencies, departments, or corporate services, to the full extent required by law.</u> <u>All federal, state, and local governments, and public and private utilities are required to submit proposed projects for a Mandatory Referral review and approval by the Commission pursuant to Sections 20-301 through 305 of the Land Use Article. Such Mandatory Referral review shall follow the Planning Department's *Adopted Uniform Standards for Mandatory Referral Review*.</u>"
27-1—2 Applicability and Jurisdiction	"Stress that any photos or maps provided in the new Ordinance are *illustrative only*."	Council staff	Staff concurs.	Add a new Sec. 27-1.405. that clearly indicates that, with the exception of the Official Zoning Map, any photographs or maps contained in the new Zoning Ordinance are provided for illustrative purposes only. Include a similar clause in the appropriate location in the proposed Subdivision Regulations.
27-1—3	"'This Ordinance implements *and is consistent with* the County's General Plan.'	Prince George's	Staff does not agree. It is important to provide links between any jurisdiction's policy guidance (General Plan or comprehensive plan) and its implementation tools (e.g. the Zoning Ordinance). The County has long lacked this link, which has resulted in a disconnected code that does little to	Revise Sec. 27-1.500 to read: "This Ordinance implements and is consistent with the County's General

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Implement and be Consistent with General Plan	"We request that this section be removed. The comments in draft module say that 'this is a new section that reflects one of the intents of the rewritten Zoning Ordinance is to implement and be consistent with the adopted General Plan.' That might have been the intent of the rewrite exercise, but *that does not mean that the Zoning Ordinance should be subservient to the current and all future General Plans*. "As written, it implies that the Ordinance must be consistent with the current General Plan and all future General Plans. *If not consistent, then the ZO will be adjusted according to what the General Plans say, and not the reverse*. The purposes and regulations will have to be changed to reflect what is in each successive General Plan. The result is that the Zoning Ordinance will be a moving target, with the rules changing according to whatever planners and policy makers put in the next General Plan. General Plans will not have to take into account requirements in the ZO, as they amend the ZO. "The consistency requirement is even more confounded by the fact that General Plans are subject to change, adapted and amended through the adoption of area Master Plans and Sector Plans, [1] even before a new General Plan is adopted. *Plan 2035's* own language confirms that its purpose is to support a vision that can be adjusted through these other plans: 'Plan 2035 is intended to represent a new vision which will be implemented over many years, through the adoption of small area sector, master and other development plans and studies, as well as through zoning via sectional map amendments.' (P. 270, Plan 2035) "[1] According to the Code of Maryland, Land Use Article, Regional District Act (RDA §21-103(c)(2), "The appropriate district council may designate a functional master plan, an area master plan, or an amendment to either plan, as an amendment to the general plan." "This Section also implies that the ZO exists *only to implement the General Plan* and not other plans. Surely *all* of the different plans have to comply with the Zoning Ordinance, and in that way are consistent with it."	Sierra Club Group	implement County policy direction as laid out in comprehensive plans such as the General Plan and Area Master Plans. Furthermore, nothing about this proposed clause indicates that a future General Plan forces changes to the Zoning Ordinance. General Plans and Zoning Ordinances have a symbiotic relationship – ideally, both of them are re-evaluated every time a new General Plan is envisioned. This means that a new General Plan should look first to Zoning Ordinance in place at the time it is underway to see how the toolkit of the ordinance establishes a baseline. To use a more direct example, should the new Zoning Ordinance be approved, it will include much more flexible implementation tools such as new zones and a new use structure. This will, in turn, inform the next revision to the County's General Plan. With modern 21st century zoning tools, it is much less likely a new General Plan would require significant changes to the new Zoning Ordinance than is the case today. Aside from any practical or intent-based reasons to support a link to the implementation of the General Plan through the Zoning Ordinance, state law indicates the first purpose of the Regional District Plan (which translates to the County's General Plan) is to "guide and accomplish a coordinated, comprehensive, adjusted, and systematic development of the regional district." To implement this purpose, a link to the zoning toolkit of the ordinance is necessary. (see Land Use Article Sec. 27-101(b)(1)). An area master plan, sector plan, or functional master plan, at its heart, is nothing more than an amendment to the County's General Plan. Therefore, these plans are covered by the clause in question. However, it does not hurt to further clarify this point.	Plan and any applicable Area Master Plan, Sector Plan, and Functional Master Plan."
27-1—4 Official Zoning Map	"Provide a sub-section item dealing with the applicability of zoning within public rights-of-way."	City of Bowie	Staff concurs. Sec. 27-111(a), Boundaries of Zones, in the current Zoning Ordinance contains language that clearly indicates zone boundary lines follow the center lines of rights-of-way. Similar language should be carried forward into Sec. 27-1.700 Official Zoning Map.	Provide language that speaks to zone boundaries in Sec. 27-1.700.

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27-1—5 through 27-1—7 Transitional Provisions	The proposed transitional provisions may not fully address the potential array of grandfathering clauses and regulations that may need to be in effect within Prince George's County as we transition to the new Zoning Ordinance and Subdivision Regulations.	Council, Municipalities, Communities, Developers, Council staff, Planning staff	Staff concurs. Investigation and brainstorming continue. Once recommendations have been compiled, they will be provided to Clarion Associates for incorporation.	Incorporate revised transition ("grandfathering") provisions once they have been compiled by staff.
27-2—3 and 27-2—4 Summary Table of Development Review Responsibilities	The Landscape Manual Alternative Compliance procedure is missing from the summary table of development review responsibilities.	Planning staff	Alternative compliance should be added to this table for clarity.	Add "Alternative Compliance" to the relief procedures listed in Table 27-2.200: Summary of Development Review Responsibilities on pages 27-2—3 and 27-2—4. Add "D" to the Planning Director column for this procedure. Add "<A>" to the Planning Board column. Add "<D>" to both the Planning Board and District Council columns with a new NOTE [4], which would read: "The Planning Director forwards a recommendation on an alternative compliance request to the proper hearing authority when such request accompanies an entitlement application. That body, either the Planning Board or the District Council, decides the alternative compliance request with their decision of the companion case."
27-2—3 and 27-2—4 Summary Table of Development Review Responsibilities	Municipalities should be added as a review and decision making body in the summary table. "There should be public review of minor site plans." "Parcel-Specific Map Amendments should have a public hearing." "Under permits and certifications, a footnote should be added to indicate that municipal permits may also be required to be obtained after the issuance of a DPIE decision/permit." Mr. Taub and Mr. Forman oppose adding municipalities to this table, as they note delegation of zoning authority to municipalities is a function of state enabling legislation followed by location action by the District Council.	City of College Park, City of Greenbelt, Town of University Park, City of Bowie Lawrence N. Taub and Nathaniel Forman	Staff concurs that municipalities should be added to the summary of development review responsibilities table. It must be noted that the referrals process, which is an administrative process to solicit comments from agencies and municipalities, will not be reflected in this table but will continue under the new Zoning Ordinance. More details on the referrals process may be incorporated in the Applications Manual. Only comment, recommendation, decision, or appeal authority explicitly authorized by the Zoning Ordinance would appear in this table. Staff does not recommend changes to the administrative review procedures recommended by Clarion Associates for minor site plans. Parcel-specific map amendments are subject to public hearings in Clarion Associates' proposed process for these zoning amendments. As proposed (refer to pages 27-2—55 and 27-2—56), the Planning Board may choose to make a recommendation, which would require a public hearing. The Zoning Hearing Examiner must make a recommendation, which would also require a public hearing. Finally, the District Council would make the determination to grant or deny the rezoning request following a public hearing.	Revise Table 27-2.200: Summary of Development Review Responsibilities on pages 27-2—3 and 27-2—4 to add a column for municipalities. Add a notation of "D" to the municipalities column for the following procedures: • Minor Change to Approved Special Exception • Variance • Minor Adjustment • Major Adjustment • Alternative Compliance Add a new NOTE [5] to read: "Municipalities may only make the

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			While Mr. Taub and Mr. Forman correctly note the path for which delegation of authority to municipalities is sought and granted, they misunderstand the purpose of the development review responsibilities table. This table will simply indicate the authority that has already been granted to certain municipalities. By no means will the addition of municipalities to this table automatically entitle them to additional authority – all municipalities will still need to comply with state and County laws regarding delegation of authority.	decision on these applications where duly authorized by the District Council in accordance with State and County law. The Cities of Bowie, College Park, Greenbelt, and New Carrollton have been granted certain authority by the District Council prior to the effective date of this Zoning Ordinance. Future delegation may only be authorized pursuant to the requirements of Sec. 27-2.517.B.3. of this Zoning Ordinance."
27-2—5 through 27-2—10 Advisory and Decision-Making Bodies	"Revise the language to indicate that the Planning Director has authority to review and decide minor adjustments and alternative compliance except where a municipality has this authority. Also, consider adding a new category within this section that specifically addresses municipalities so that the powers and duties of municipalities are appropriately described and acknowledged." The City of Bowie requests recognizing delegation of minor changes to approved special exceptions to municipalities, and seeks clarification that the municipal Planning Director would have the same responsibility about such "lower level minor changes" as the County Planning Director.	City of College Park, Town of University Park, City of Bowie	Staff concurs with the general intent of the comment. With the addition of municipalities to the Summary of Development Review Responsibilities table, it is appropriate to add a new sub-section in the Advisory and Decision-Making Bodies section that reflects the municipal role with regard to variances, adjustments, minor changes to approved Special Exceptions, and Alternative Compliance. Additionally, clarification of the Planning Director authority makes sense.	Revise Sec. 27-2.306.B. on page 27-2—8 to read: "In accordance with State law, <u>and excepting actions that have been duly delegated to a municipality by the District Council,</u> the Planning Director shall have the following powers and duties under this Ordinance." Add a new sub-section 27-2.309 to cover the delegated authority of municipalities. Provide an appropriate "Generally" statement. The "Powers and Duties" should read: "B. Powers and Duties "In accordance with State and County law, and only where duly authorized by the District Council, municipalities may have the following powers and duties under this Ordinance: "1. To review and decide the following: "a. Minor changes to approved special exceptions (Sec. 27-2.507.E). "b. Variances for lot area, setback, and similar requirements that are delegated to municipalities (27-2.516).

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				"c. Minor adjustments (Sec. 27-2.517.E). "d. Major adjustments (Sec. 27-2.517.D). "e. Alternative compliance to landscaping (See Landscape Manual)."
27-2—5 Advisory and Decision-Making Bodies	State law requires the District Council to consider whether to amend area master plans every six years.	Council	Staff concurs – state law does require consideration of area master plans every six years. Staff notes this is not the same as requiring updates. The District Council must evaluate whether an area master plan (this would include sector plans as the County defines them) should be amended. Further, the state requires the decision on whether (or not) to amend a plan to be in writing and include the reasons for the decision. Refer to §21-105(c) of the Maryland Land Use Article. For additional clarity, staff recommend language also be provided in the Comprehensive Plans and Amendments section of the Zoning Ordinance that speaks to this requirement.	Revise Sec. 27-2.302(B)(7) to reconcile the language with state law. Add a new sub-section in the appropriate location of Sec. 27-2.501 that speaks to this six year required review cycle, clearly linking the applicability of this required review to area master plans and sector plans. (The General Plan and functional master plans are addressed by different parts of state law).
27-2—12 through 27-2—15 Pre-Application Neighborhood Meeting	The Council would like to see clarification that discussions at Pre-Application Neighborhood Meetings are not considered part of the record and that no summary of the meeting should be provided in the Technical Staff Report. Additionally, everyone who attends these meetings should be advised of the importance of becoming a person of record. The notification time for any Pre-Application Neighborhood Meeting should be increased to 30 days. The Council also asked that language be added to require an additional Pre-Application Neighborhood Meeting be held if the application is not filed in a timely manner. Finally, Council has indicated those entitled to a Pre-Application Neighborhood Meeting should include, at minimum, all entitled under Sec. 27-125.01 of the current Zoning Ordinance. Moreover, all who attend the Pre-Application Neighborhood Meeting should be given notice of the acceptance of an application; the Council would also like to receive these notices.	Council	The details on notifying meeting attendees of the importance of persons of record status will be contained in the Applications Manual, as it does not need to be codified. Similarly, details on who would receive a notice will be contained in the Applications Manual. While staff will comply with Council direction regarding the notification timeframe, we would recommend consideration be given to increasing the notice time from 10 to 15 days, as a 30-day notice provision will lengthen the development review process and one of the goals of the project is to streamline procedures and timeframes when possible. Staff notes that an overly-stringent subsequent meeting requirement may be a disincentive to development because the developer is unlikely to be able to make changes from the first meeting and continue with their application should a short timeframe be provided. Staff recommend one year of time prior to a second required Pre-Application Neighborhood Meeting if no application were filed, with an option to extend this timeframe for good cause.	Extend the notification timeframe for mailings and postings for the Pre-Application Neighborhood Meeting to 30 days. Provide for a required subsequent Pre-Application Neighborhood Meeting (also with 30 days of notice) if an application has not been filed within one year of the initial Pre-Application Neighborhood Meeting. Provide for an option to extend this timeframe upon a demonstration by the applicant of good cause.
27-2—12 through 27-2—15 Pre-Application Neighborhood Meeting	Regarding Pre-Application Neighborhood Meetings: "(a) These informational meetings should be mandatory, and also required for minor site plans. There is nothing that ensures that the meeting will lead the applicant to make a good faith effort to substantially change a proposal in response to	Prince George's Sierra Club Group	Clarion Associates recommend the Pre-Application Neighborhood Meeting to provide for robust public input prior to the submittal of a development application, when such input is more likely to positively influence the proposal. They are required for types of applications with the most potential impact – Major Site Plans, rezonings, Major Adjustments, etc. They are encouraged for application types with lesser impact, such as Minor Site Plans.	Revise Sec. 27-2.402.C.1. Meeting Location and Time to allow weekends between 10:00 A.M. and 4:00 P.M. to be potential times for the Pre-Application Neighborhood Meeting. Additionally, the starting time for

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	neighborhood concerns. The benefit to the applicant is that the meeting will help him to anticipate any opposition from the community and address it in the statement of justification and the public hearings. The main benefit to the community is that they'll be notified and have more information before the application is submitted and reviewed, and potentially the ability to conduct more fact-finding in advance of staff's review of the application. "(b) Weekends should also be valid days for these meetings "(c) A mailing and posted notification on the property should be launched 3 weeks (21 days) before the meeting, which should result in at least 2 weeks' notice. A mailing 10 days before the meeting is too little time – it can take 3-4 days for the mail to arrive. "(d) The applicant's written summary of the meeting should also 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 and all persons of record (27-2.204.C3b &c). The requirement that responses be included in the application is appreciated."		Since the potential impact of applications such as Minor Site Plans are, by the nature of these minor procedures, limited by the regulations of the Zoning Ordinance, and the decision-making authority of these types of applications is proposed to be administrative in nature, staff does not agree that the Pre-Application Neighborhood Meeting should be required for these applications. Staff agrees that weekends are appropriate days for potential meetings, perhaps with a timeframe in which meetings should occur. Discussion of the notification timeframe for these meetings is provided above. The proposed Applications Manual is envisioned to contain more detail on what needs to be provided by the applicant. We envision and expect the summary of the meeting would, in fact, identify any changes made to the proposed development as a result of the meeting and community input. We also expect the results of the meeting will be made available for comment, most likely online, but do not anticipate requiring a mailing of the written summary given the additional costs and process involved.	weeknight meetings should be increased to after 6:30 p.m. instead of 6:00 p.m.
27-2—13 and 27-2—14 24-2—7 Pre-Application Neighborhood Meeting Notification	The notification parties for the Pre-Application Neighborhood Meeting should be consistent between the proposed Zoning Ordinance and Subdivision Regulations.	Planning staff	Staff concurs.	Reconcile the two notification sections between the Zoning Ordinance and Subdivision Regulations so they are consistent.
27-2—15 Pre-Application Neighborhood Meeting Civic Association or Residential Registration	Regarding notification to civic associations as found on page 27-2—15, the Sierra Club offered the following comments: "(a) The cost of mailings to civic associations for notification of pre-Application Neighborhood Meetings should be met by the applicant. Further, there should be no cost at all of sending out the notification by email. "(b) County-wide organizations shouldn't be limited to notification for only two of the 9 Councilmanic Districts. "(c) It shouldn't make any difference where the officers of county-wide civic associations, non-profits, and watershed groups live for the purposes of	Prince George's Sierra Club Group	Staff agrees with the first point. The costs of mailings, postings, and publication in papers of record are all borne by the applicant. Indications otherwise, such as the "fee to defray the costs of notification" contained in Sec. 27-2.402.D.2. on page 27-2—15, are a misinterpretation of current regulations. Email and web-based notification will be part of the upcoming Applications Manual. The current information mailing and civic association registration procedures were amended in 2008 pursuant to a community-based customer service initiative launched in 2007. This initiative focused on the development review process to identify potential improvements. As a result of this effort and substantial Council and stakeholder discussion on the proposed changes (contained in CB-54-2008), the area of notice for civic associations was limited to two council districts and the officer residency requirement was added.	Revise Sec. 27-2.402.D. to eliminate any reference to fees. All costs involved with notification associated with any step in the development review process will be borne by the applicant, not civic associations or residents. Delete the last sentence of Sec. 27-2.402.D.3. regarding the officer residency requirement.

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	notification. The officers' responsibility to the organization is to defend the entire county or watershed, irrespective of where their primary residence is located." Progressive Maryland considers the Pre-Application Neighborhood Meeting to be a great idea, but feel it is not yet fully developed. They recommend extending this meeting to more types of development applications. One outcome the organization would like to see is "an ongoing dialogue culminating in a signed agreement legally requiring the developer to meet certain conditions requested by the residents."		Part of the concern about Countywide notification dealt with a perception of abuse, where associations that may be miles away from the development site and which have no stake in the project were having an impact on the project. This concern remains valid to this day. It would be difficult to identify and designate associations with a true countywide focus as opposed to an organization that proports a countywide focus. Staff does agree that the location of the officer's residences should make no difference. If an association duly elects an officer, the presumption should be that officer has the authority to represent the association, regardless of residency. Staff does not support requiring developers to engage in legally-enforceable agreements with residents. This would be contrary to state law regarding delegation of land use authority to the County.	
27-2—21 through 27-2—24 Scheduling Public Hearing and Public Notice Required Public Notice	"There is inadequate time for municipalities to review, consider and comment on development applications. Module 3 is silent in many areas where time frames were previously set forth, and the review process needs to be more explicitly addressed and provided for in the administrative procedures."	City of Greenbelt	Table 27-2.407.B: Required Public Notice on pages 27-2—21 through 27-2—24 outlines the timeframes required for mailing, publication, and posting before action by the Planning Director or public hearings would occur. These timeframes cover all of the proposed application types. The timeframes mandated by this table reflect the current notification timeframes for all application types that have been carried forward into the new Zoning Ordinance. The current provisions regarding information notices to civic organizations as codified in Sec. 27-125.01 have been adapted into the pre-application neighborhood meeting requirements proposed by Clarion Associates. One notification aspect of the current Zoning Ordinance has not been carried forward: the applicant's responsibility to notify municipalities, civic associations, and other persons entitled to receive information mailings that the application is deemed complete and ready to be accepted. This notification requirement would be appropriate to carry forward for certain types of applications. Additional guidance pertaining to interim review steps, such as details how when and how professional staff would review a minor site plan, would be incorporated in the Applications Manual.	Revise Table 27-2.407.B: Required Public Notice to add a new subsection for application completeness, and to require a mailing to: • Parties of record; • Owners of land adjoining, across the street from, on the same block as, or in the general vicinity of the land subject to the application; and • Every municipality located within one mile of the land subject to the application. Add a new sub-section D. to Sec. 27-2.404. Determination of Completeness requiring the applicant to send a mailed notice when the application is determined complete pursuant to Sec. 27-2.407, Scheduling Public Hearing and Public Notice. Add appropriate cross-referencing to this new mailing requirement in the procedures listed in Sec. 27-2-500 through 27-2-520 as may be required based on the type of procedure.
27-2—21 through 27-2—24 Scheduling Public Hearing and Public Notice	Regarding the Required Public Notice table on pages 27-2—21 through 27-2—24, the Sierra Club offered the following comments: "(a) More notification is needed for Text Amendments than simply publishing it in a paper of record 30	Council, Prince George's Sierra Club Group,	As indicated elsewhere in this analysis, the current text amendment procedures will be brought into the Comprehensive Review Draft. Notification is not part of this process. Staff does not have a strong recommendation for an appropriate notification timeframe for these administrative actions and appellate reviews yet. In some of these cases, seven days does provide	Increase the timeframe for mailed and posted notice for variances from 7 days to 15 days prior to the hearing. Clarion Associates should provide the project team additional insight as to the

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	days ahead of time. At the least, all Civic Associations and Municipalities should be reached by email. "(b) The requirement for mailings to be sent 7 days before the hearing for variances, appeals of minor or major adjustments, permits, and BZA appeals is simply too short, given that the US postal service can take 1-4 days to deliver a letter. We recommend 3 weeks' (21 days') notice. "(c) Civic associations should not have to pay to receive notice by mail; it should be the responsibility of the applicant. And there's no reason to pay a fee if notification can be sent electronically. "(d) Major Site Plans should require mailed notice at the applicant's expense 30 days prior to the hearing to all residents within one half mile of the land subject to the application, as well as to all parties of record." Progressive Maryland also asked for 30 day mailings in advance of a decision/hearing for Minor and Major Site Plans, and for variance posting. Finally, Progressive Maryland indicate the timeframes proposed by Clarion Associates may not be sufficient for municipalities to coordinate with constituents. The Council concur with increasing the notice time for variances to 15 days, and indicate "certified mail" references should be removed.	Progressive Maryland	sufficient notification, but there have been some concerns expressed that it may not always be sufficient, such as if residents are on vacation or otherwise unavailable. One exception deals with variances. The current variance notification timeframe is 15 days. Staff agrees that revising variance notice and posting to 15 days is appropriate. We defer to Clarion Associates for additional information as to the need or advisability of increasing the mailing and posting notification timeframe. Staff agrees that civic associations should not have to pay to receive notification, as discussed above. However, staff does not agree with a notification for Major Site Plans to all residents within one-half mile of the subject property. This would create a substantial logistical and cost burden. The Pre-Application Neighborhood Meeting and the requirement to post the subject property prior to the public hearing is sufficient to let the surrounding community know that a development is being considered. Staff notes that 30 day mailed and posted notice is already proposed for Major Site Plans by Clarion Associates.	pros and cons of extending the notice and posting time from 7 days to 14 or 21 days. Search the proposed code for any references to "certified" mail and revise them to first-class mail instead.
27-2—26 27-2—27 Scheduling Public Hearing and Public Notice	"Please clarify whether there is a requirement for an affidavit of inspection for postings required 7 or 10 days prior to the hearing."	Lawrence N. Taub and Nathaniel Forman	Staff agrees this nuance should be reviewed and additional clarity provided. Staff notes other direction in this analysis of comments will result in the increase of posting and notification times for at least some cases, but this would not directly address this comment.	Should any posting requirements stay at 7 or 10 days, ensure there is an appropriate inspection by the applicant and require a combined posting and inspection notice for these postings at an appropriate time prior to the hearing.
27-2—28 Review and Decision Making by Decision-Making Body or Official	"Add a new section that will allow the City's Planning Director to serve as a Hearing Officer for adjustments, on non-contested cases."	City of Bowie	Sec. 27-2.409 does need to be revised to reconcile with other changes directed in this analysis regarding variance and adjustment authority duly delegated to municipalities.	Revise the first paragraph under Sec. 27-2.409 on page 27-2—28 to read: "If a development application is subject to a final decision by the District Council, the Planning Board, the BZA, ~~or~~ the ZHE, or a municipality in accordance with…."
27-2—30 through 27-2—33	"Residents should always have the right to speak to their elected representatives about development issues that affect their communities and county. Those communications should be filed and included in the legal record connected to the	Progressive Maryland	Clarion Associates have included a sub-section on *Ex Parte* Communications as Sec. 27-2.411.N. on page 27-2—32. This language is in part adapted from Sec. 2-296, *Ex Parte* Communication of the County Code. Sec. 2-296 prevents consideration of any *ex parte* or private communication "which the official knows or should know may be intended to influence the decision on the merits	Revise Sec. 27-2.411.N. on page 27-2—32 to read: "An applicant, applicant's agent, ~~A~~ person who is (or who may become) a person of record,

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Quasi-Judicial Public Hearing	application. However, the applicant and others who stand to profit financially from the application (representatives, witnesses, lobbyists, etc.) should be expressly forbidden from communication with any official or review board member conducting the hearing concerning any pending or proposed application." "Furthermore, we believe that the District Council should have greater authority than the Planning Board in land use decisions		of any matter where a determination or decision by the official is required by law to be made upon facts established by a record of testimony." Clarion Associates' proposed language must be revised to clearly address the applicant and applicant's agents pursuant to Maryland state law regarding *Ex Parte* communication. The language regarding *Ex Parte* communication is global in nature, and would apply to any consideration of an application to be decided by the Planning Board or District Council. It is therefore somewhat "buried" or misplaced in the Quasi-Judicial Public Hearing section of proposed Module 3 (Process and Administration and Subdivision Regulations). This language needs to be relocated to clearly indicate it applies to all potential decisions by public officials or review board members.	or anyone appearing on behalf of a person of record in a <u>decision,</u> ~~quasi-judicial proceeding,~~ shall not communicate off the record…." Relocate the *Ex Parte* communication language to a more appropriate/global location within the proposed Zoning Ordinance. Add this language to an appropriate location in the Subdivision Regulations.
27-2—45 through 27-2—47 Text Amendment	"The City Council strongly supports the proposed regulations which require that text amendments be reviewed by the Planning Board." The City of Bowie "Support the new, more public process, which requires public notice and a Planning Board hearing. Clarify what will happen with prior approved text amendments when the new Ordinance is enacted." Members of the community indicated they have had bad experiences with elected officials, and that the Council is too willing to draft text amendments "to appease the development community." Regarding the proposed text amendment procedures, the Sierra Club commented: "(a) Because text amendments have historically been used by property owners to circumvent the rezoning process (and related processes), the procedure should be more open and transparent to the public. • "An application must be filed with: (1) a description of impact/affected properties; (2) a statement of justification. • "MNCPPC staff must identify and assess the properties that are likely to be affected. • "The application and staff report shall be posted on the MNCPPC website	Council, City of Greenbelt, City of Bowie, Communities, Prince George's Sierra Club Group	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. There isn't really such a thing as a "prior approved text amendment" in the sense that such amendments become part of the Zoning Ordinance and Subdivision Regulations as soon as they are effective.	Replace the proposed text amendment procedures with the current process for zoning text amendments.

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	• "Upon filing of a bill, email notice with a description shall be provided to civic associations, other persons on the MNCPPC email list, and municipalities. "(b) Text amendments should not be allowed to circumvent the established review procedures by submitting them on a 'fast track', expedited basis at the end of each legislative session, which will rob Planning Staff, the Planning Board, and County Council Committees the opportunity to review. "(c) Among the decision strategy, text amendments must apply to more than one property, and this should be verified by Planning Staff."			
27-2—51 Sectional Map Amendment (SMA)	Council believes there is an error in Sec. 27-2.503.C.8.d., which requires a statement of justification from the Council in its approving ordinance.	Council	Staff concurs a statement of justification should not be required from the Council when it is making a legislative act (rezoning).	Delete sub-clause d. on page 27-2—51 and renumber remaining sub-clauses as necessary.
27-2—53 through 27-2—58 Parcel-Specific Map Amendment	"Revise to require a Zoning Hearing Examiner public hearing in all cases as the 'hearing of record' and eliminate the possibility that neither the Planning Board nor Zoning Hearing Examiner would hold a hearing."	City of Bowie	Staff concurs the Zoning Hearing Examiner should have a public hearing on any parcel-specific map amendment application given the legal technicalities involved with deciding whether a mistake was made in the initial rezoning or there has been a change in the character of the neighborhood.	Revise Sec. 27-2.504.C.7.d as necessary to require a Zoning Hearing Examiner public hearing.
27-2—58 through 27-2—63 Planned Development (PD) Map Amendment	The concept of the Planned Development Map Amendment is viewed as "an innovative idea that, if implemented correctly, can foster economic growth and development in the County." Additional flexibility to encourage effective implementation is requested, focusing on expanding the types of minor deviations from an approved PD Base Plan or PD Conditions of Approval that can be approved by the Planning Director. Recommendations include modification of off-street parking standards, permitted uses, and required setbacks.	Lawrence N. Taub and Nathaniel Forman	Staff notes minor changes to approved plans for parking area design is already permitted for Detailed Site Plans and other application types. Additionally, in keeping with the proposed shift to a more administrative review and approval process in the new Zoning Ordinance, allowing for minor changes at the Planning Director level for parking standards and required setbacks may be appropriate. It is not appropriate to allow the Planning Director to approve a minor deviation regarding permitted uses. The way the Planned Development zones are envisioned, the District Council would determine which uses may be permitted for each proposed Planned Development. Changes to the permitted uses should be made by the District Council for these zones.	Clarion Associates should propose appropriate thresholds for minor deviations for off-street parking standards and parking area design, off-street loading standards and design, and required setbacks.
27-2—72 through 27-2—79 Special Exception	The Special Exception section shows that the Planning Director will provide notice of decision. This should be the Zoning Hearing Examiner, not the Planning Director.	Council	Staff concurs.	Clarion Associates should revise the section so that the Zoning Hearing Examiner – and not the Planning Director – provides notice, schedules hearings, and provides notice of decision for Zoning Hearing Examiner hearings and actions. All other procedures sub-sections should be reviewed, and revised as may be necessary, to provide that the body holding the hearing provides the notice of the hearing, schedules the

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				hearing, and provides notice of decision.
27-2—72 through 27-2—79 Special Exception	The proposed Special Exception procedures appear to require a Planning Board public hearing and recommendation in one sub-section, but indicate such hearing is optional in another. These should be reconciled.	Planning staff	Staff concurs. Any potential Planning Board public hearing on a proposed Special Exception should be optional. A process similar to that of the Parcel-Specific Map Amendment should be incorporated for this optional Planning Board action.	Revise Sec. 27-2.507.C.7 to make the Advisory Board review and recommendation an optional Planning Board hearing. Include similar procedures as found on page 27-2—55, where, should the Board choose not to hold a hearing, the recommendation of the Technical Staff Report would constitute the Board's recommendation and, should the Board choose to hold a hearing, clear guidance is provided.
27-2—72 through 27-2—79 Special Exception	In at least some situations today, and potentially under the proposed Zoning Ordinance, both a Special Exception and site plan review would be required. This is an unnecessarily duplicative course of events that should be eliminated.	Council staff	Staff concurs. While most situations where this occurs today are due to requirements of the zone for a Detailed Site Plan (which would not be the case in the new code), it seems best to clarify the language to prevent this situation from occurring in the future. The Special Exception review offers an opportunity to consolidate procedures by ensuring applicants comply with the regulations of the new Zoning Ordinance through the Special Exception application; there is no real need to subject an applicant to a second, different review procedure in the form of a Major or Minor Site Plan.	Provide language in the Special Exception procedures (and, if appropriate, the site plan procedures) that clearly indicate site plan review would not be required if the use requires review and approval of a Special Exception.
27-2—72 through 27-2—79 Special Exception	Regarding the proposed procedures for minor changes to approved Special Exceptions: 1. "Planning Director approval of minor revisions to approved special exceptions should be expanded to include the following circumstances: (1) New or alternative architectural plans that are equal or superior to those originally approved, in terms of overall size and quality; (2) Changes required by engineering necessity to grading, utilities, stormwater management, or related plan elements; and (3) Changes to any other plan element determined by the Planning Director to have minimal effect on the overall design, layout, quality, or intent of the approved site plan. These circumstances are currently in effect to allow Planning Director approval of Detailed Site Plan revisions." 2. "As a general matter, we applaud retaining approval of minor amendments to approved special exceptions by either the Zoning Hearing Examiner or the Planning Director. However, we request that this also be allowed for a reduction in the number of required parking spaces if parking already exists on site. Additionally, we request exempting minor revisions to a pre-existing special exception from the requirements	Lawrence N. Taub and Nathaniel Forman	Staff concurs with the first request. For the second request, parking should already be a consideration of the initial Special Exception application, and is an integral part of the potential impacts of Special Exceptions. Reductions in the number of required parking spaces "if parking already exists on site" does not seem to be appropriate for a minor change to an approved Special Exception because that parking already on site would be part of the initial application, at which point the parking number can be determined. Staff does not agree with the request to exempt minor revisions to an approved Special Exception from the requirements of the Landscape Manual, or with the request to increase the percentages of minor changes for increases to the gross floor area of buildings and land area covered by structures other than buildings. In conversation with Council staff, a suggestion was made that the Zoning Hearing Examiner, instead of the Planning Director, sould administratively approve minor changes to approved Special Exceptions. There does not seem to be a provision in Maryland State Law that would require the Zoning Hearing Examiner to hold a public hearing if such action were delegated to the examiner by the Council. Should the Council wish to consider this approach, administrative approvals of minor changes to approved Special Exceptions made by the Zoning Hearing Examiner could be feasible, would offer the potential of familiarity with the original case by the examiner, and would have limited negative impact on timing. In the meantime, staff assumes the Planning Director would retain the authority to approved minor changes to approved Special Exceptions per Clarion Associates' proposal and will make a recommendation based on this assumption.	Revise the "Changes Approved by the Planning Director" to incorporate the following three situations: (1) New or alternative architectural plans that are equal or superior to those originally approved, in terms of overall size and quality; (2) Changes required by engineering necessity to grading, utilities, stormwater management, or related plan elements; and (3) Changes to any other plan element determined by the Planning Director to have minimal effect on the overall design, layout, quality, or intent of the approved site plan.

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	of the landscape manual if the prior approved special exception pre-dates enactment of the landscape manual. Furthermore, the Zoning Hearing Examiner…should be authorized to approve changes in the gross floor area of a building up to 30% or an increase in land area coverage up to 30%. Similarly…the Planning Director should be authorized to grant a percentage increase of up to 15% in the gross floor area of a building or an increase of up to 15% in land area coverage."			
27-2—79 through 27-2—89 Site Plan (Minor and Major)	"Delete references to the Subdivision Regulations (Subtitle 24) in #6 and #7, as they are unnecessary and may not be applicable in many instances. Revise #9 regarding conformance with the master plan (which provision appears to have been taken from the Subdivision Regulations) so that the text reflects the 2015 text amendment also referencing the General Plan as part of the decision standard. Also, revise #9 so that it applies to all types of site plans. In addition, the use of the current Zoning Ordinance words 'reasonable alternative' should be included somewhere in this section."	City of Bowie	Staff does not agree with removing references to the Subdivision Regulations. These references are appropriate as proposed, in that they would clearly only apply to those site plans that had an approval on a preliminary plan of subdivision prior to the review and approval of the site plan. Where a preliminary plan of subdivision was not approved, clearly these decision standards would not apply to the subject site plan. The text amendment the City refers to added the following language to the plan conformance determination of preliminary plans of subdivision and final plats: "Notwithstanding any other requirement of this Section, a proposed preliminary plan or final plat of subdivision may be designed to conform with the land use policy recommendations for centers, as approved within the current County general plan, unless the District Council has not imposed the recommended zoning." Staff concurs similar language should be adapted into decision standard 9. Staff defers to Clarion Associates regarding extending decision standard 9 to all site plan applications and "reasonable alternative."	Revise decision standard 9 on page 27-2—89 to read: "…substantial conformance with the applicable area master plan or sector plan~~,~~ or the land use policy recommendations for centers (as approved within the current County general plan), and applicable functional master plans, unless the decision-making body finds…." Clarion Associates should provide the project team with recommendations regarding the possible extension of this decision standard to all site plans, and as to whether the phrase "reasonable alternative" is appropriate within the decision standards section given the various paths of relief from the requirements of the Zoning Ordinance found elsewhere.
27-5—79 through 27-5—81 Site Plan (Minor and Major)	The City of Greenbelt believes the threshold between minor and major site plan is too great; as currently proposed, many "minor" site plans "would be considered major projects in most communities." There is also concern that "plan reviewers" would review a majority of projects rather than "planners." Greenbelt similarly believes the threshold for projects that would be exempt from site plan review is too high. "The city does not necessarily agree that 60% of site plans should be reviewed at the administrative level if this deprives the public of an opportunity to be aware of planned development and have the opportunity to comment and, if necessary, appeal decisions."	Communities, City of Greenbelt, City of Bowie Lawrence N. Taub and Nathaniel Forman	There have been many comments regarding the proposed thresholds for projects exempt from site plan review, minor site plans, and major site plans. Most such comments suggest the thresholds between these levels of review is too great; staff concurs with this general comment. Regarding the parties that would review minor site plans, Clarion Associates propose the approval body as the Planning Director. These plans would indeed be reviewed by professional planners. Staff believes the proposed thresholds – even as they stand in Module 3 (Process and Administration and Subdivision Regulations) would actually result in **more** site plan review than is seen under the current Zoning Regulations. For example, projects in the current Commercial Shopping Center (C-S-C) Zone are typically reviewed only at the permit level. By instituting thresholds based on the square footage of new development, numerous projects in this zone would be subject to site plan review when they are otherwise exempt today. The key difference is that the term "administrative review" encompasses the Planning Department instead of just the Department of Permitting, Inspections, and Enforcement and related permit-review staff in	Revise the proposed thresholds between projects exempt from site plan, minor site plans, and major site plans to lower the development thresholds for minor and major site plans. Clarion Associates should provide the project team with their thoughts on, and the pros and cons of, allowing minor site plans to elevate to public hearings.

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	The City of Bowie agrees with the comments offered by the City of Greenbelt. Bowie also requests adding a clause that, if no person requests a public hearing with 21 days of posting a site, the application will be processed as a minor site plan. They also ask to include a public hearing for a minor site plan should anyone request one. Many community stakeholders believe the proposed site plan thresholds are too high. Mr. Taub and Mr. Forman "submit that the thresholds for triggering site plan review…are far too low to benefit the development community." They recommend exempting development from site plan review for residential development with less than 50 multifamily or townhouse units, nonresidential development with less than 150,000 sq. ft. of gross floor area, and mixed-use development with less than 100,000 sq. ft. of gross floor area and 100 dwelling units. For minor site plans, Mr. Taub and Mr. Forman recommend residential development with between 51 and 150 multifamily or townhouse units, nonresidential development with between 150,000 and 200,000 sq. ft. of gross floor area, and mixed-use development with between 100,000 and 400,000 sq. ft. of gross floor area and between 100 and 200 dwelling units.		Clarion's world view. The same general body of professionals who review site plans today would review site plans in the future – the Planning Department. Clarion Associates have recommended a 10-day site posting prior to the date of the Planning Director's decision for minor site plans. This seems like a reasonable timeframe to let people know what is occurring. Staff defers to Clarion Associates for additional information regarding requests for a public hearing on a minor site plan.	
27-2—79 through 27-2—89 Site Plan (Minor and Major)	Regarding proposed "minor deviations" to approved Major Site Plans, College Park and University Park both recommend "limits on what is considered a minor deviation for the redesign of parking areas, landscape plans and architectural plans. Under no circumstances should the submission of an entirely new plan for any of these plan elements be considered a minor deviation. In addition, municipal planning staffs should also be included in this approval process." University Park seeks notification of, and inclusion in, the approval process for "minor deviations" for all municipalities within one mile of the site.	City of College Park, Town of University Park	Staff agrees with the general comment, except for limitations to architectural plans, which are extremely subjective and problematic to codify. Staff also feel that the term "minor deviations" is somewhat problematic in that it may suggest a larger change from an approved plan than is actually intended by this new sub-section. A different term should probably be used to clarify the scale of these "deviations." Staff does not agree with expanding participation of this process to municipalities within one mile of the site. The nature of the proposed change is intended to be extremely minor in nature.	Rename Sec. 27-508.E.12.c. from "Minor Deviations" to "Minor Amendments to Approved Major Site Plans." Provide guidance to limit the scale of the redesign of parking or loading areas, and the redesign of landscape plans, that would fall under the purview of minor amendments to approved major site plans.
27-2—79 through 27-2—89 Site Plan (Minor and Major	On the Minor Site Plan procedures, the Sierra Club offered the following comments: "(a) The cut-off for assigning Minor Site Plan procedures is too high – it means going from the existing law of 4 single family lots or less (minor subdivision, staff decision, little notice and no public hearing) to about 30 single family lots and even more for townhouses or multi-family. (27-2.508.C1b).	Prince George's Sierra Club Group, Progressive Maryland	Staff have heard from other stakeholders the proposed thresholds for site plan review are too high and need additional work. We concur that additional refinement to the thresholds is necessary. While changes to the proposed procedures contained in this analysis of testimony should help address some of these concerns, particular the new notice by the applicant once an application is determined to be complete, staff notes the procedures on page 27-2—82 refer to notification to persons of record. This is not as comprehensive as it should be.	Review Sec. 27-2.508.10., which flags the applicant, persons of record, municipalities within one mile, and revise to also require mailing to owners of land adjoining, across the street from, on the same block as, or in the general vicinity of the land subject to the application.

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	• "For construction, expansion, or alteration of Townhouse and multifamily developments, the threshold should be 10 or less (instead of 10-75). • "For construction, expansion, or alteration of non-residential development, we propose 25,000 square feet of gross floor area (instead of 100,000-150,000, the size of a major office building. • "For construction, expansion, or alteration of mixed-use development, we propose less than 50,000 square feet of gross floor area and 10 dwelling units or less, instead of 50,000-250,000 sf. "(b) The procedure for Minor Site Plans needs to be changed so that adjoining property owners must be notified and the pre-application neighborhood meeting is mandatory. Without notification, adjoining property owners who could be aggrieved have no opportunity to participate, to become persons of record, or to participate in an appeal. "(c) The procedure for Minor Site Plans needs to explain how the decision by the Planning Director will be made public and accessible to anyone who wishes to appeal. How is the public able to become a person of record if not notified of the case and able to appeal it? "(d) Posting of public notice should be required at least 30 days (not 10 days) before the Planning Director's decision. "(e) The Zoning Ordinance needs to add a definition of what the state and county consider to be and 'aggrieved person', in Section 27-8.400, Terms and Uses Defined." Progressive Maryland also believes the thresholds are too high, and that "construction of unlimited numbers of single-, two-, or three-family dwellings should not go straight to permits. They recommend some thresholds for consideration, which would result in anything more than five dwelling units becoming subject to a Minor Site Plan, and more than ten dwelling units becoming a Major Site Plan. Nonresidential and mixed-use development thresholds are also recommended to be reduced.		The definition of "aggrieved person" is a state definition informed by caselaw. It is not appropriate to define this term in the Zoning Ordinance. Staff does not concur with subjecting single-family detached or attached (not townhouses) development to site plan review. There is no benefit to pursuing this path. The thresholds for townhouse and multifamily dwellings, nonresidential development, and mixed-use development will be reconsidered by Clarion Associates for the Comprehensive Review Draft.	
27-2—79 through 27-2—89	Consideration should be given to allowing some alterations to existing development that would increase the existing gross	Matthew M. Gordon,	The site plan thresholds, even with potential revisions as directed in this analysis, would allow for some modest growth of existing development without triggering a site plan review, but would still	Continue work on refining and clarifying the grandfathering and

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Site Plan (Minor and Major)	floor area without having to increase the building more than may be planned to meet new minimum densities or building heights imposed by standards in zones such as the proposed Transit-Oriented/Activity Center base zones.	Linowes and Blocker L.L.P.	require compliance with the regulations of the new Zoning Ordinance. If the building is a nonconforming structure under the new Zoning Ordinance, it would be allowed to expand if it conforms to the dimensional standards of the zone. There does not appear to be a grandfathering provision that covers this situation yet. Staff continues coordination with Clarion Associates and stakeholders to refine the very important topic of grandfathering and transitions. This comment will be addressed as part of that effort prior to release of the Comprehensive Review Draft.	transition provisions of the new Zoning Ordinance and Subdivision Regulations.
27-2—82 Site Plan (Minor and Major)	"The requirement to file an appeal [to a minor site plan] within 10 days is too short. There is no deadline given for the Planning Director to mail out the decision so the appeal period could be shorter than 10 days." The Town of University Park shares the concern that the appellate period from minor site plans and other approvals is too short, and requests 30 days. The City of Bowie shares the concerns that the appellate period is too short and there is no requirement for when the Planning Director must mail out a decision.	City of Greenbelt, Town of University Park, City of Bowie	Staff agrees that the potential appeal period may be overly shortened without additional guidance regarding the mail-out of the Planning Director's decision on a minor site plan. While staff assumes details on mailing timeframes to notify applicants and interested parties of the decision may be part of the Applications Manual, it may be more appropriate to include in the Zoning Ordinance if there are subsequent actions linked to when a notice is sent. Staff believes the ten-day appellate period is suitable given the minor nature of minor site plans.	Revise the "Appeal" requirements for the minor site plan process beginning on page 27-2—82 to link the ten day appeal period to the date the Planning Director's decision is sent under sub-section 10. Notification to Applicant, and not from the date of the Planning Director's decision. Clarion Associates should advise the project team whether it would be appropriate to mandate a timeframe in which the decision must be sent.
27-2—84 Site Plan (Minor and Major)	"Carry forward the provision that empowers the Planning Director to waive public notice requirements for revisions to approved minor and major site plans, if it is determined that the request is: (1) limited in scope and nature, and (2) the revision will have no appreciable impact on adjacent land. The Zoning Rewrite [sic] already proposes similar procedures for minor revisions to special exceptions and DSPs. This is merely a logical extension of a power already used in a similar process, and currently in use." "We submit that the Zoning Rewrite should also exempt alterations proposed for a pre-existing development from Major and Minor Site Plan review, if it can be demonstrated that the proposed alteration is not visible from adjoining property owners."	Lawrence N. Taub and Nathaniel Forman	While staff generally support expansion of public information and notice, we concur that the current Zoning Ordinance provisions allowing for the waiver of public notice requirements for proposed revisions of a very minor nature is appropriate to carry forward. In practice, such waivers are only granted for situations such as the relocation of utility access boxes on a building and other very minor changes. An example of the current Zoning Ordinance language is: "The Director may waive posting after determining, in writing, that the proposed minor change is so limited in scope and nature that it will have no appreciable impact on adjacent property." Staff have no strong opinion on the second request and defer to Clarion Associates for comment.	Incorporate a procedure similar in language to that used today in the appropriate locations – either on pages 27-2—84 or 27-2—87 or with the "Scheduling Public hearing and Public Notice" sub-sections for both minor and major site plans to allow for the waiver of public notice requirements for proposed revisions of a very minor nature. Clarion Associates should provide the project team with thoughts as to the request to exempt alterations that can be demonstrated as not visible from adjoining properties.
27-2—87 27-2—88 Site Plan (Minor and Major) Minor Deviations and	The process for a minor deviation to a site plan is not clear, and should provide for public notice. There are some nuances between minor deviations and amendments to minor and major site plans that should be revisited.	Planning staff	The proposed minor deviations to a major site plan (there is not proposed minor deviation for a minor site plan) is intended to allow minor changes without invoking a full site plan review process. Clarion Associates indicate this procedure is based in part on the current minor change provides for approved Special Exceptions. Minor deviations are administrative approvals by the Planning Director and are limited to increases of up to ten percent of the gross floor area of a building or the land area covered by a structure other than a building, as well as several very minor aspects pertaining to parking areas, landscaping areas, architecture, engineering, or the like.	Revise Table 27-2.407.B: Required Public Notice on pages 27-2—22 and 27-2—23 to add "Minor Amendment to an Approved Minor Site Plan" and "Minor Amendment to an Approved Major Site Plan." Insert "10 days prior to date of Planning Director's decision" for the posting requirement for both new elements.

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27-2—62 Planned Development (PD) Map Amendment Procedure Minor Deviations			Clarion Associates have also proposed a broader amendment procedure (see 27.2.508.D.12.c. on page 27-2—84 and 27-2.508.E.12.b. on page 27-2—87) that would require amendments to approved plans be subject to the same review procedures as the initial application. This carries forward, in large part, the current Zoning Ordinance regulations regarding changes to approved Detailed Site Plans. In attempting to provide an administrative path for minor changes to an approved site plan, Clarion Associates seem to have inadvertently created additional confusion. We believe we have a potential path forward to clarify minor deviations. First, staff believes the "amendment" and "minor deviations" sub-sections for both minor and major site plans should be combined into a single sub-section for each respective application type. This would entail adding "minor deviations" to the minor site plan procedures. While the scale of a minor site plan is, by very definition, less than that of a major site plan, there is often still need to revise plans for the same reasons as those listed for "minor deviations" for major site plans. Therefore, it makes sense to have limited changes be approvable at an administrative level, without subjecting a site to a full site plan review procedure, even for a minor site plan. Second, the term "minor deviations" is misleading. A more accurate term would be "minor amendments to approved site plans." Anything beyond a minor amendment would automatically constitute a more significant amendment, which would appropriately need to be subject to the more stringent level of review suggested by the currently proposed language for amendments offered by Clarion Associates. Finally, staff believes it important for transparency to provide for a 10-day posted notice for minor amendments to approved site plans prior to the Planning Director's date of decision. These comments also apply to the proposed language for amendments/minor deviations to Planned Development (PD) Map Amendments.	Add the procedures/regulations currently proposed as Sec. 27-2.508.E.12.c. to the "Amendment" sub-section for minor site plans found on page 27-2—84. Rename this sub-section: "Amendments to Approved Minor Site Plans." Distinguish between "Minor Amendments to Approved Minor Site Plans" (which would be the relocated "Minor Deviations" language) and other amendments (the current language on page 27-2—84). Add a clause that indicates Minor Amendments to Approved Minor Site Plans will require posting in accordance with the requirements of Sec. 27-2.407.B.6, Posted Notice. Combine sub-sections b. Amendment and c. Minor Deviations on page 27-2—87. Renumber remaining sub-sections accordingly. Rename "Amendment" on page 27-2—87 to "Amendments to Approved Major Site Plans." Distinguish between "Minor Amendments to Approved Major Site Plans" (which would be the current "Minor Deviations language, but renamed for clarify) and other amendments (the current language on page 27-2—87). Add a clause that indicates Minor Amendments to Approved Major Site Plans will require posting in accordance with the requirements of Sec. 27-2.407.B.6, Posted Notice. Clarify both amendments sections above to indicate any amendment that exceeds the specified thresholds for a "minor" amendment would be subject to a more stringent level of review. One way to do this is to revise the current amendment language to read:

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				"An amendment of an approved [minor/major] site plan <u>which exceeds the thresholds specified herein for a minor amendment</u> may only be reviewed in accordance with the procedures and standards established for its original approval." Clarify, in the regulatory text (as opposed to footnote 106 on page 27-2—87) that minor amendments would not invoke the full site plan review process. This is currently not clear in the proposed language offered by Clarion Associates. Revise Table 27-2.200: Summary of Development Review Responsibilities on page 27-2—3 to a) add "Minor Amendment to Approved Minor Site Plan" with "D" for Planning Director, and b) revise the minor deviation reference to read: "Minor Amendment to Approved Major Site Plan." Reword Sec. 27-2.306.B.2.f. to read: "Minor <u>amendments</u> ~~deviations~~ to approved major site plans…" and update the Section reference as necessary. Add "Minor Amendments to Approved Minor Site Plans" to this list of Planning Director powers and duties and include the appropriate Section reference. Review and revise as necessary and appropriate, in accordance with the direction above, the Planned Development (PD) Map Amendment language found on pages 27-2—61 through 27-2—63. Revise all remaining references to the term "minor deviation" in Module 3 (Process and Administration and

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				Subdivision Regulations) to read "minor amendment."
27-2—89 27-2—90 Site Plan (Minor and Major)	The cross reference in site plan decision standard 7 contains a typo.	Planning staff	The typo should be corrected. However, from the broader sense, this standard speaks to compliance with regulated environmental features "to the fullest extent possible." The language used in the proposed Subdivision Regulations is "to the maximum extent practicable." This language should be reconciled throughout the Zoning Ordinance to reflect the phrasing in the Subdivision Regulations.	Delete the "(4)" at the end of the reference to the Subdivision Regulations. Sec. 24-3.303(C) is the correct reference. Revise all references that read: "to the fullest extent possible" to read" to the maximum extent practicable."
27-2—89 through 27-2—91 Sign Permit	"Revise to delete the potential for sign permits to be conditions; if an application for permit-level review complies with the decision standards, then approval should be unconditional."	City of Bowie	Staff concurs.	Revise the Conditions of Approval sub-section on page 27-2—90 to prohibit the imposition of conditions of approval on signage permits.
27-2—103 through 27-2—106 Variance	The ability for a decision-making body to decide a variance request concurrently with the parent application/development case, as is the current practice in Prince George's County, is one area the County views as a strength, and should be carried forward.	Planning staff	While staff understands Clarion Associates' recommendation to have all variances be decided by the Board of Zoning Appeals is based on an extremely common national practice, we concur that the current ability of the decision-making body reviewing a parent application to decide any variance that may be associated with that parent application is important to retain for Prince George's County. Primarily, this is based on three reasons: 1. The overall goal of the rewrite to streamline and consolidate procedures is not well-served by requiring separate variances. Allowing the decision-making body of the parent application to decide the variance request(s) is as streamlined as it could get. 2. The unique authority of municipalities in the County, as duly delegated by the District Council pursuant to provisions of Maryland state law that literally only apply to Prince George's County, results in delegation of variances to certain municipalities. Bringing all variances into the sole purview of the Board of Zoning Appeals is contrary to enacted state and County law. 3. The current composition and expertise of the Board of Zoning Appeals, as well as in the near- to mid-term, does not readily allow this body to handle the increased workload that would result from the proposal. The current variance procedures should be adapted and incorporated in the proposed Zoning Ordinance.	Revise the variance procedures to reflect the current County provisions that allow the decision-making body of the parent application (e.g. the Planning Board, Zoning Hearing Examiner, and District Council) to also decide associated variances. Ensure that any variance request associated with a Planning Director decision (such as a minor site plan) will automatically result in the parent application being elevated to a major site plan so that the Planning Board will review and decide the associated variance(s).
27-2—103 through 27-2—106 Variance	The applicability for the variance procedures as listed on page 27-2—103 would seemingly not permit variances to use-specific standards. It makes sense to allow variances for these standards (which is not the same as allowing use variances).	Planning staff	Staff concurs that variances from the standards contained in the use-specific standards of Module 1 (Zones and Uses) should, at least in most circumstances, be permissible. Generally, these standards are no different in function from dimensional standards or the standards of Division 27-5. Staff emphasizes this is not the same as allowing a variance from a *use*, which is not authorized by Maryland State Law or proposed to be permitted in the new Zoning Ordinance.	Add "The use-specific standards in Division 27-4: Use Regulations" to the applicability for applications for a variance.
27-2—103 through 27-2—106	The purpose statement on page 27-2—103 indicates that variances can be allowed for "the dimensional and	Planning staff	The phrase "numerical standards" does not clearly indicate the types of standards that could be subject to variance requests. Additional clarity on this topic is essential.	Revise the purpose statement to remove the phrase "similar numerical standards" or to include further

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Variance	development standards of this Ordinance (such as height, yard setback, lot area, or similar numerical standards)....” The clearly listed examples are all dimensional standards. What is meant by “similar numerical standards?” When an applicant may need to request a standard that exceeds the proposed adjustment thresholds, what process, if any, would provide relief from the standards of the Zoning Ordinance? How are adjustments related to variances? If a variance is required for a requested change that exceeds the adjustments thresholds, does this make that adjustment a “mini-variance? What benefit is there for an applicant to choose the adjustment procedure over the variance procedure, especially if adjustments are limited in how much modification can be achieved?		Further, in section 27-2.516.B.1.b, the term “numerical standards” is not included. This can lead to an inconsistent interpretation of which standards could be subject to a potential variance. This sub-clause is also problematic in that it is not clear if the intent is that a variance can be requested from every standard contained in Division 27-5: Development Standards. This would be the plain language read, but is this the intent? Staff understands a variance would be required if a requested adjustment, or change from a Zoning Ordinance design standard, exceeds the percentages permitted by the adjustments procedures of Sec. 27-2.517. However, this is not explicitly stated in the proposed Zoning Ordinance. No, an adjustment is not a “mini-variance.” As proposed by Clarion Associates, an adjustment is the same as what we refer to today as a departure – it is simply a process to change a standard of the Zoning Ordinance to accommodate a need of a development project or provide relief when a standard cannot be fully met. A variance is a more substantial action with a more substantive legal burden. The adjustment procedure proposed by Clarion Associates is an action with a limited range of permissible changes from the standards codified in the Zoning Ordinance, and may either be administrative in nature (decided by the Planning Director) or require a hearing and decision by the Planning Board. The decision standards to grant an adjustment (see p. 27-2—115) are less stringent than those for a variance. A variance would require an evidentiary hearing before the Board of Zoning Appeals, is un-capped in terms of the permissible change from the standard, but has to meet the burden of demonstrating “exceptional practical difficulty for, or exceptional or undue hardship on, the owner of the land” due to the land’s unique shape or topography, *and* that authorization of the variance “will not cause substantial impairment of the intent, purpose, and integrity of the zone in which the proposed variance is located.” The adjustment process offers paths of relief to the applicant, with decision standards that are less burdensome to prove than those associated with a variance. Additional clarity regarding which path may be open to an applicant would help address potential concerns regarding the relationship of variances to adjustments. It should be clearer that both paths are not available to applicants if their proposed change from the standard falls within the umbrella of adjustments.	clarification of numerical development standards. Clarify Sec. 27-2.516.B.1.b. regarding variances from Division 27-5. Is it intended that *every* standard contained in this Division may be subject to a variance request? If so, more clearly state this. If not, clarify which standards are eligible for variances. Provide clear guidance as to what relief may be possible should an applicant need more than what the adjustments procedures provide (presumably, this involves clear language that a variance should then be sought). Clarify that for elements subject to adjustments and which would fall within the permissible percentages, variances may not be granted for those elements (in other words, if an adjustment covers the requested change to a standard, that is the path that must be taken, not a variance).
27-2—103 through 27-2—106 Variance	“The City objects to the requirement for an applicant to hold a pre-application neighborhood meeting and for the application review and preparation of a technical staff report to be handled by DPIE. Most variances are requested by homeowners who would be burdened by the requirement to call a neighborhood meeting and DPIE doesn’t appear to have the experience or qualifications for processing variance requests. The City assumes that the requirement for a neighborhood meeting would need to be incorporated in local ordinances where the	City of College Park, Town of University Park	The City of College Park and Town of University Park raise a very good point regarding variances by individual home owners and the burden of requiring a pre-application neighborhood conference. Staff defers to Clarion Associates for additional information regarding this question and whether an exemption for the pre-application neighborhood meeting should be made for individual home owners seeking variances. Regarding requirements for neighborhood meetings, the District Council’s delegation of variance authority to municipalities allows a municipality to establish their own procedural regulations. Therefore, a pre-application neighborhood meeting for a municipal variance may be adopted by	Clarion Associates should re-evaluate the requirement for pre-application neighborhood conferences for variances that may be sought by an individual home owner and revise this requirement should it be deemed to be overly burdensome for the home owner.

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	municipality has variance authority. Figure 27-2.516 should reference municipal authority and appeal to the Circuit Court." The Town of University Park shared these comments.		the municipality if they so desire, but this would not be required by any provision of the Zoning Ordinance. The comment regarding figure 27-2.516 is noted. However, since the procedural regulations may be set by, and be different for, each municipality that may receive delegated authority over variances (and adjustments), it does not make sense to modify the flow charts to reflect municipal procedures.	
27-2—103 through 27-2—106 Variance	The City of Greenbelt conveyed comments regarding variances that are not otherwise addressed in this analysis: 1. Include an appeal process. 2. Why is the Department of Permitting, Inspections, and Enforcement "the agency detailed to consider variance applications? Variances are zoning actions and should be considered by professional planners." 3. "Is it possible to streamline the variance process? As it now exists, this process can take several months."	City of Greenbelt	While an appeal process for a variance would involve the Circuit Court, and therefore would not need to be added pursuant to other analysis in this document, staff does note that Sec. 27-2.516 and perhaps other sections should clearly include the appeal standard review procedure in its outline for consistency throughout the Zoning Ordinance. The Department of Permitting, Inspections, and Enforcement (DPIE) was identified as responsible for the variance applications and recommendations by Clarion Associates because they proposed a significant change to how variances should be approved in Prince George's County. The Clarion proposal would send all variance requests to the Board of Zoning Appeals (BZA). Most such variance requests under the current code, the ones heard by the BZA, originate at DPIE because they are associated with standard permits. With the directed change to reinstate the current variance procedures that allow the Planning Board, Zoning Hearing Examiner, and District Council to hear and decide variances associated with "parent" applications, DPIE would no longer necessarily be the party primarily responsible for processing the application and preparing the technical staff report. The variance process is linked in part to state law, but is perhaps more directly impacted by the type of the variance, whether it is part of an associated entitlement application, and the respective workload of the body that would decide the variance. The procedures have been simplified and streamlined, but essentially a variance decision under the new Zoning Ordinance will take as long as it takes.	Pursuant to direction to reinstate the current variance procedures that would allow them to be decided by the body hearing the associated, or "parent" application, ensure the application submittal, determination of completeness, and staff review and action sub-sections on page 27-2—104 allow the Planning Director the same authority as indicated for the DPIE director. Revise the sub-section outline on page 27-2—105 to change 11 to read "11. Appeal" and add N/A. Renumber current 11 on this page to read: "12. Post-Decision Actions." Review the other application-specific review procedures and ensure their outlines align with the elements of the Standard Review Procedures section of the new code. Revise any procedure outlines that do not align to ensure consistency.
27-2—106 Variance	Variance decision standards have been changed from the current findings.	Planning staff	Maryland case law contains well-established legal precedent for the use of the current variance findings, which consist of three parts focusing on exceptional conditions of a specific parcel of land, peculiar and unusual difficulties to or exceptional or undue hardship on the property owner, and demonstrating the variance will not substantially impair the comprehensive plan. More specifically, while parts one and two seem to have been retained (but consolidated), part three has been changed from a plan impairment test to a zone impairment test, which impacts the fundamental nature of variances under state law. These findings must be restored to the proposed Zoning Ordinance.	Replace Sec. 27-2.516.D. Variance Decision Standards with the three-part findings contained in the current Sec. 27-203(a).
27-2—106 through 27-2—115 Adjustment (Minor and Major)	What are the benefits of using the term "adjustment" over "departure?"	Planning staff	Although neither the term "adjustment" nor "departure" is listed in the state enabling legislation regarding changes to the standards of the Zoning Ordinance (staff recognizes "departure" appears in the state ethics code, which can easily be addressed through the definition of the term "adjustment"), "adjustment" implies two things which make it potentially a better term for the new Zoning Ordinance.	Revise the definition of the term "adjustment" on page 27-8—54 to eliminate the term from the definition on the second line (the definition for adjustment cannot read "A procedure…that

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			First, an "adjustment" implies a lesser change than a "departure." Departing from the plain text requirement of a standard comes off as leaving that standard behind in favor of a different standard. Compare this to adjusting the text requirement of a standard, implying the standard generally remains but has been tweaked. Second, "adjustments" are broader in scope than "departures," which, in today's Zoning Ordinance, are limited to Departures from Design Standards, Departures from Parking and Loading Standards, Departures from Sign Standards, and Departures from Landscaping Regulations. The proposed Zoning Ordinance has a number of new types of proposed "adjustments" due to the increased number of design elements that are proposed to be regulated. Staff also notes Clarion Associates recommend a cap on "adjustments" that may be granted, both at the Planning Director level and at the Planning Board level. Such a cap does not exist in today's Zoning Ordinance, where a "departure" of up to 100 percent may be granted. This cap, which maxes out at a 35 percent change from a standard for a Planning Board-decided "adjustment," reinforces the lesser change aspect of the proposed new term.	allows…adjustments…."). Clarify what is meant by "minor deviations," on line 1 of the definition or better still, revise it to read "minor changes." Add the following text to the definition: "For purposes of consistency with Maryland State Law, the term "Adjustment" shall be considered to encompass departures, such as (but not limited to) departures from design standards."
27-2—106 through 27-2—115 Adjustment (Minor and Major)	Further clarification is requested regarding the proposed adjustment process: How were the items that could be adjusted chosen? Why aren't all development standards adjustable? Who would submit the appeal of a major/minor adjustment? Can the current process for departures be applied to adjustments? If an applicant seeks a change from a standard in excess of the maximum threshold that can be decided by the Planning Board, what is their potential path of relief if any?	Planning staff	The current process of "departures" has been converted to the "adjustments" process in accordance with Clarion Associates' recommendations based on national best practices (such as the addition of limitations to the degree of the adjustment being requested by an applicant and expansion of the type and range of adjustments that can be requested). The potential appellate party is identified on page 27-2—111 for the minor adjustment procedure as the applicant. Staff notes the major adjustment procedure does not identify potential appellate parties. Staff defers to Clarion Associates for a response to the scope of the proposed adjustments. The module text is unclear what happens in a situation where an applicant may seek a change from a standard in excess of the maximum thresholds for adjustments decided by the Planning Director (Minor Adjustments) or Planning Board (for Major Adjustments). The code text should be clear on these situations, even if it clearly indicates such requests would automatically be denied. One question that rose was would these situations then necessitate or be appropriate for a variance request? Such a path would be contrary to state law, but we need to better understand the intention of Clarion Associates on such situations.	Clarify the potential appellate bodies for a major adjustment in the appeals sub-section on page 27-2—114. Clarion Associates should provide additional information to the project team regarding the scope of the proposed adjustments, and why some standards are identified as adjustments, some as deviations, and some as other types of procedures as outlined in footnote 122 on page 27-2—107. Provide clarity as to what would happen should an applicant seek a change from a standard in excess of the thresholds defined in the Minor Adjustments and Major Adjustments tables.
27-2—106 through 27-2—115 Adjustment (Minor and Major)	Page 27-2—111 contains regulatory guidance for the order in which a Minor Adjustment must be approved when it is associated with another application. Similar language is not contained in the procedures for a Major Adjustment. Additionally, these order of procedures, as proposed, precludes concurrent decision-making on the adjustment and parent application. This would imply separate resolutions, which adds to process, costs, and confusion. It seems that concurrent review and approval is preferable.	Planning staff	Staff concurs on both points.	Revise Sec. 27-2.517.C.3.b. on page 27-2—111 to provide for concurrent decision-making of a minor adjustment with the associated application. Carry this revised language (including provision 3.a.) to the sub-section of Application Submittal for a Major Adjustment found on page 27-2—114.

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27-2—107 Adjustment (Minor and Major)	It seems confusing to include requests to waive or modify standards, exemption plans, and deviations in the Development Standards division of the proposed Zoning Ordinance rather than consolidating all potential changes to the standards under the broad umbrella of "adjustments."	Planning staff	Footnote 122 on page 27-2—107 lists the various paths for an applicant to seek relief from design standards contained in Module 2 (Development Regulations). These paths, and their scattered placement throughout that Module, add substantial complexity and confusion to the new Zoning Ordinance when it comes to what should be a fairly straight-forward topic. It would be preferable by far to consolidate all of the potential paths of relief from the standards (perhaps with the sole exception of the Alternative Compliance process included in the Landscape Manual) in Sec. 27-2.517 as a form of adjustment. It is awkward at best to deal with "adjustments," "deviations," "exemption plans," and other forms of relief as separate terms, procedures, and locations within the code. The key exception to the general philosophy outlined above comes with regard to the proposed off-street parking alternatives, and reduced parking standards for parking demand reduction strategies sections (Sections 27-5.208 and 27-5.209), which are new. Staff agrees it is appropriate to provide for parking reductions through alternative parking plans and Transportation Demand Management Plans as Clarion Associates have recommended, rather than attempt to convert these elements into forms of adjustments.	With the exception of the parking alternative and demand reduction strategies contained in Sections 27-5.208 and 27-5.209 (and their associated alternative parking plans and Transportation Demand Management Plans), relocate all modification/waiver/deviation language pertaining to the development regulations to the Adjustments section of the new Zoning Ordinance (adapted as may be necessary), and provide appropriate cross-references to the adjustments procedures in Module 2 (Development Regulations). See below for additional direction regarding specific adjustments.
27-2—107 27-2—108 Adjustment (Minor and Major)	The minor/major adjustments table on pages 27-2—107 and 27-2—108 does not include all the existing available departures.	Planning staff	Existing departures include Departures from Design Standards, Departures from Parking and Loading Standards, Departures from Sign Standards, and Departures from Landscaping Standards. As applied in practice, Departures from Design Standards most typically encompass requested changes to design standards for parking lots and loading areas (e.g. drive widths or length, parking space sizes). Only some of these have been carried forward in the adjustments tables, and the terminology is different. Some aspects of the current departures are lost, and should indeed be included in the new Zoning Ordinance. Other proposed adjustments are new, and pertain to new design elements covered in Module 2 (Design Regulations). Taking these in order, to best incorporate the current realm of Departures from Design Standards, the ability to request an adjustment from the regulations included in proposed Sections 27-5.205, 206, 207, and 211 should be added to the tables. Departures from Parking and Loading Standards, which typically focus on the number of parking or loading spaces, would pertain to proposed Sections 27-5.206 and 211. Departures from Sign Standards are completely missing from the adjustments tables. Proposed Sections 27-5.1305, 1306, 1307, and 1308 encompass these regulations, and should be added to the tables. Departures from Landscaping Standards have essentially been incorporated in the Landscape Manual as the Alternative Compliance procedures. While staff recognizes the recommended alternative sign plan proposed in Sec. 27-5.1309 may be intended to replace Departures from Sign Standards, this poses some problems with regard to the delegation of such departures to certain municipalities. In order to clearly convey no duly	Revise the adjustments tables on pages 27-2—107 and 27-2—108 to: 1. Remove "base zone dimensional standards" from the list of permissible minor or major adjustments. These standards should only be adjustable through variance procedures pursuant to Maryland state law. 2. Replace the specific reference to the off-street parking space standards of Table 27-5.206.A. with a more general reference to the standards contained in Sec. 27-5.206: Off-Street Parking Space Standards. 3. Add adjustments from the standards contained in Sec. 27-5.205: General Standards for Off-Street Parking and Loading Areas. 4. Add adjustments from the standards contained in Sec. 27-5.207: Dimensional Standards for Parking Spaces and Aisles. 5. Add adjustments from the standards contained in Sec. 27-5.211: Loading Area Standards.

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			delegated authority currently possessed by municipalities will be removed by the new Zoning Ordinance, it is necessary to provide for adjustments from signage regulations; the alternative sign plan procedure is not a substitute for this delegated authority. The adjustments tables, as proposed, reference "base zone dimensional standards." These standards are subject to variance procedures today in accordance with Maryland state law, and should be removed from the adjustments procedures. Additional clarity is necessary regarding the buffer width referenced in the minor adjustments table.	6. Add adjustments from the standards contained in Sections 27-5.1305: General Standards for Signage, 27-5.1306: Standards for Specific Design Types, 27-5.1307: Standards for Special Purpose Signs, and 27-5.1308: Standards for Temporary Signs. 7. Revise the last standard in Table 27-2.518.B.1: Minor Adjustments to read: "The width of the buffer in Sec. 27-5.1204.A.2, Agricultural Compatibility Standards Buffer Width. Staff defers to Clarion Associates as to a. whether the above additional adjustments should be minor, major, or both, and b. the percentage to which the adjustments may be granted. Add the appropriate Section references to the adjustments listed in the sub-section entitled "Adjustments by Municipalities" to provide a more direct link to the parts of the new Zoning Ordinance that fall within the categories of "parking and loading standards," "landscape standards and alternative compliance from landscaping requirements," and "sign design standards" on page 27-2—109.
27-2—106 through 27-2—115 Adjustment (Minor and Major)	"The standard for approving an Adjustment under Table 27-2.518.E. currently reads: '[t]he site is not subject to a series of multiple, incremental administrative adjustments that result in a reduction in development standards by the maximum allowed.' This should be clarified to indicate that development standards cannot be reduced, through one or more administrative adjustments, to less than the maximum allowed, unless a modification to that development standard is specifically approved by the appropriate administrative body."	Lawrence N. Taub and Nathaniel Forman	Staff concurs the current language is confusing.	Revise the last "standard" in Table 27-2.518.E. to more clearly reflect its intent.
27-2—115 through 27-2—118	The City of Greenbelt questions why apartment licenses are listed under permits issued in error, and notes this does not consider apartment licenses issued by municipalities. Why is there not an appeal process?	City of Greenbelt, City of College Park, Town of	Clarion Associates have adapted the current types of permits that may be validated if issued in error (refer to Section 27-258 of the current Zoning Ordinance). This includes apartment licenses issued by the County; however, staff notes this seems to be a misunderstanding of the current code by Clarion Associates. The current code reads: "A building, use and occupancy, or absent a use and occupancy permit, a valid apartment license, or sign permit issued in error may be	Revise Sec. 27.2.518.B to read: "This Subsection applies to any of the following permits that were issued in error:

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Validation of Permit Issued in Error	The public should be included in this process. "The City [of College Park] recommends adding grading permits to the list of permits that are applicable to this provision. The rationale for including apartment licenses needs to be explained and understood in the context of rental licenses issued by municipalities." The Town of University Park shared College Park's comments, and also indicated that "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."	University Park	validated by the District Council in accordance with this Section. Clarion Associates appear to have taken this to mean that a use and occupancy permit, or the failure to obtain a use and occupancy permit, is one type of permit issued in error, while an apartment license is another type. Instead, the clause from the current code should be interpreted as: 1. Building permits 2. Use and occupancy permits 3. When lacking a use and occupancy permit, a valid apartment license may be used to demonstrate a permit issued in error 4. Sign permits In light of this, Sec. 27-2.518.B. needs to be rewritten to reflect the current code's approach to permits issued in error. Staff notes that licenses, such as apartment licenses, are a separate issue from zoning and probably should not be used to demonstrate a zoning permit issued in error. Municipal rental/apartment licenses and enforcement at the local level are entirely the responsibility of the municipality and have no role in the County Zoning Ordinance. Regarding appeals to validation of permits issued in error, there are no appeals authorized in today's Zoning Ordinance, so the appellate path would be to Circuit Court. Refer to other comments in this analysis on this topic. Validation of a permit issued in error requires public hearings before both the Zoning Hearing Examiner and the District Council, offering the public an opportunity to participate. Staff defers to Clarion Associates regarding whether grading permits should be included.	1. A building permit; 2. A use and occupancy permit or ~~(or failure to obtain a use and occupancy permit);~~ ~~3.~~ A sign permit.~~; or~~ 4. ~~An apartment license.~~ Clarion Associates should provide the project team with the pros and cons of including grading permits as a potential type of permit that could be validated if issued in error.
27-2—117 Validation of Permit Issued in Error	It should be clear that the Director of the Planning Department or the Department of Permitting, Inspections, and Enforcement (DPIE) should provide a Technical Staff Report in validation of permits issued in error cases. Currently, M-NCPPC staff provide a report or memo outlining the history of prior permits on the subject property.	Council	The proposed language indicates the DPIE Director would prepare such Technical Staff Reports, but it is not clear that the Planning Department staff should have a role. It may be that the Applications Manual would take care of the necessary coordination aspects that are involved, but it seems clearest to revise the language to provide for coordination with the Planning Director.	Revise Sec. 27-2.518.C.5. to indicate the DPIE Director shall prepare the Technical Staff Report in coordination with the Planning Director.
27-6—1 through 27-6—15 Nonconformities	The Council directed several changes to the nonconformities provisions proposed in draft Division 6 of the new Zoning Ordinance, as the County's approach toward nonconforming uses is different than the new philosophy offered by Clarion Associates.	Council	There is something of a philosophical difference regarding nonconformities between the County's desired direction and what Clarion Associates have offered in the proposed zoning code. Clarion Associates see nonconformities as uses that can and should continue as preferable to vacant or potentially blighted properties, and have proposed provisions that help with the viability of these uses. The County wishes nonconformities to eventually extinguish and transition to other uses that conform to the zone or regulations of the code. The changes that the Council have directed focus on intentional destruction of a nonconformity, the proposed ability to expand nonconformities without approval of a Special Exception, the ability to substitute one nonconforming use for another	Eliminate the ability to expand or enlarge nonconforming structures or uses in the event of intentional destruction without the approval of a Special Exception (see the Enlargement, extension, or relocation row of Table 27-6.102 and Sec. 27-6.302). Require Special Exception approval for any alteration, enlargement, or

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			While reviewing these comments, staff noted Table 27-6.102 on pages 27-6—2 and 27-6—3 refer to Section 27-2.303 with regard to Special Exception approval. 27-2.303 refers to the Planning Board responsibilities. This cross-reference appears to be incorrect and will need to be corrected. Should the intent be to cross-reference to the Special Exception procedures, that Section is 27-2.507.	expansion of nonconforming uses or structures. Eliminate Sec. 27-6.204, Change of Nonconforming Use to Another Nonconforming Use and any related provisions that may exist. Correct all cross-references to Sec. 27-2.303 to point to the correct Section.
27-6—1 through 27-6—15 Nonconformities	The enforcement process for removing certification of nonconforming uses may be murky. "The City [of College Park] supports the elimination of the requirement for the certification of nonconforming uses but notes that the existing municipal authority for the certification, revocation and revision of nonconforming uses needs to be acknowledged." Council staff believe that a certification process for nonconforming uses would still be valuable and should be kept in the proposed code. It is likely that without a certification process, it will be difficult to keep track of non-conforming uses. Further, it may violate the Regional District Act if municipalities are allowed to grant adjustments to nonconforming properties. Other community stakeholders express questions regarding the loss of the certification of nonconforming use procedure, including potential issues regarding banks and lending. The County Office of Law supports the certification of nonconforming use procedure to ensure contact information for current property owners and business owners is up to date.	Council, City of College Park, Municipalities, Communities, Office of Law, Planning staff	Staff concurs. Many parties have indicated that certification of nonconforming uses is sometimes necessary for lending purposes or for easier tracking of ownership for enforcement reasons. Revisions will need to be made to provide for some type of certification or similar process regarding nonconforming uses. Although Clarion Associates have acknowledged municipal authority over the certification, revocation, and revision of nonconforming uses on page 27-2—109, the elimination of the certification of nonconforming uses requirement would remove municipal authority regarding certification and revision of nonconforming uses simply because such procedures would no longer exist in Prince George's County. The state Land Use Article authorizes delegation to municipalities both of what is today called departures (proposed as adjustments) and variances, as well as revisions to nonconforming uses. Between these factors and given the broad nature of the enabling legislation, staff does not necessarily believe allowing an adjustment to a nonconforming property is a violation of state law. However, this question is for the legal experts to debate; it may prove moot in the end given other discussion in this analysis regarding nonconformities and the potential resultant revisions in the Comprehensive Review Draft	Re-evaluate the certification of nonconformities procedures and recommend a solution that will provide for lender certainty, facilitate enforcement notification and action, and streamline the current certification procedures if possible. Ensure municipal authority over certification, revocation, and revision of nonconforming uses (where duly delegated by the District Council) have been provided for in the nonconformities division of the new Zoning Ordinance should the certification procedures return.
27-8—54 through 27-8—86 Terms and Uses Defined	Several terms pertaining to environmental regulation should be carried forward and adapted as may be necessary from the current Zoning Ordinance.	Planning staff	Staff concurs.	Add (and revise as may be necessary) definitions, where they may not already exist, for the following terms: • Floodplain, One Hundred (100 Year) • Forest Stand Delineation • Highly Erodible Soils • Natural Resource Inventory • Nontidal Wetland

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				• Regulated Environmental Features • Regulated Stream • Tree Canopy • Tree Canopy Coverage • Tree Conservation Plan
27-8—54 Terms and Uses Defined	The definition for the term “adjustment” has a couple of issues that need clarification.	Planning staff	The definition for this term needs to be clarified regarding these two issues: 1. The definition itself uses the term “adjustments.” One should never define a term by using that same term within the definition. This will need to be revised. 2. The definition also refers to “minor deviations,” which is a term of art used elsewhere in the Module to refer to changes to approved plans and minor changes from certain standards. The term “minor deviation” must, itself, be defined, and should be removed from the definition of the term “adjustment.” Pursuant to other direction in this analysis of comments, minor deviations from standards will be relocated and incorporated in the adjustments section. The term may still remain when associated with minor changes to approved site plans.	Define “minor deviation” should there still be use of this term after other changes in this analysis are made. Revise the definition of “adjustment” to remove the terms “minor deviation” and “adjustment” from said definition.

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Global	The urban context recommended by Clarion Associates does not apply to Mount Rainier because it is "urban in suburban form."	City of Mount Rainier	Comment noted.	Make no change.
Global	There was a feeling the Mixed Use – Town Center (M-U-TC) development plan prescribes and ensures certainty, while the Detailed Site Plan (DSP) process is not certain at all, and "can go on forever." The feeling was that the DSP is the biggest problem with development in this County.	Municipalities	Comment noted.	Make no change.
Global	General agreement that the zoning rewrite is a good thing and needs to happen, but local concerns and issues, especially those in Mount Rainier, need to be addressed.	City of Mount Rainier	Comment noted.	Make no change.
Global	How does this code compare to Montgomery County's recent code?	Communities	The two counties are very different and are not easy to compare. For example, the Montgomery County Council is less involved in zoning matters and entitlement cases such as site plans (and there is no Council election to review cases in Montgomery County). In terms of overall goals, however, the codes are very similar – simplifying language, reducing confusion and the number of zones and uses to a more manageable and understandable level, providing stronger tools to ensure better design quality and encourage economic development, etc.	Make no change.
Global	Will there be a section to address changes in rural and agricultural zones?	Communities	Each of the three modules proposed by Clarion Associates contain extensive footnotes detailing the changes to the current zones, uses, regulations, and procedures that have been proposed.	Make no change.
Global	There are a lot of people in this region. How can we use this effort to limit growth?	Communities	Zoning Ordinances are not designed to stop growth. They are crafted to actualize the County's plan and vision. The County's Plan 2035 General Plan clearly sets out goals for limiting growth outside the growth boundary, prioritizing our Downtowns, Innovation Corridor, and other centers as the primary development locations, and encouraging infill development.	Make no change.
Global	Traffic in this area and along MD 5 is very bad. Also, Charles County "continues to sprawl near our border." What can be done about this?	Communities	The proposed Subdivision Regulations include new and refined adequate public facilities requirements to ensure that infrastructure keeps pace with new subdivisions. However, it is important to note this will only apply to development within Prince George's County. A significant amount of the traffic that passes through the County along MD 5 originates outside the County. Zoning and subdivision regulations cannot do anything to address this issue, nor can they address development in neighboring jurisdictions.	Make no change.
Global	The Plan 2035 General Plan considers Brandywine a "Town Center". We do not believe this is the case.	Communities	Comment noted.	Make no change.
Global	Can we revise Plan 2035?	Communities	Plan 2035 was approved in 2014, and General Plans are not updated very often (every 10-20 years). General Plans may be amended by area master plans or sector plans, but the most recent master plans for this part of the County are also still new. Update to the General Plan will not happen soon.	Make no change.
Global	"Overall the City Council was pleased with the content and organization of Module 3, which includes procedures for the administration of the zoning ordinance. Procedures are described for every type of zoning and subdivision application in a flow chart. This is easy to understand. "In addition, procedures have been standardized, so the same basic procedure applies to equivalent zoning application [sic]. This is a significant improvement over the existing zoning	City of Greenbelt	Comment noted.	Make no change.

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	ordinance. Similar comments apply to the subdivision regulations, which are simplified, easily described, and are standardized."			
Global	"Some of the same concerns the City Council has expressed with Modules 1 and 2 are repeated for Module 3. Acknowledgement of municipal authority is missing at critical points. However, we are very pleased the municipal authority over variances and departures (now called adjustments) is continued. This was one of the city's major concerns."	City of Greenbelt	Comment noted.	Make no change.
Global	"As it is now proposed, there would be no public hearing on the proposed zoning ordinance and subdivision regulations after consolidation of Modules 1-3. Instead, the regulations would go directly as a draft document to the District Council. There should be an opportunity for the public to review the M-NCPPC response to comments made on the modules and to be able to comment on the final draft before it is forwarded to the District Council."	City of Greenbelt	Staff's responses to comments received on the modules are posted to the project's website upon completion. That includes this analysis. The website is http://zoningpgc.pgplanning.com. The Comprehensive Review Draft due in late Spring will include all of the changes that are made to the proposals in response to these comments and staff direction. As with each module, this comprehensive draft will be the subject of community meetings, focus group and technical panel discussions, and other meetings. There will be a window of time for comments to be provided before a legislative draft is prepared for Council consideration.	Make no change.
Global	How will property values be impacted as a result of the new Zoning Ordinance?	Municipalities	It is impossible to say how property values may be impacted. However, since the question pertained primarily to residential property values and there are few changes to the residential zones in terms of scale/intensity/density and their primary functions, staff expect there will be little change to residential property values as a direct impact of the new Zoning Ordinance.	Make no change.
Global	Can we require notices to be published in the Washington Post or local papers such as the Greenbelt News Review?	Municipalities	No. The County Charter speaks to newspapers of record, and neither the Washington Post or local/municipal papers have been designated by the County.	Make no change.
Global	When the County is rezoned to the new zones, would areas that have historic designations be considered nonconforming?	Municipalities.	No. Nonconformities refer to having a use, building, or lot that does not meet the requirements of the new regulations. Historic areas could be nonconforming, but not as a result of their historic status. Instead, they would only be nonconforming if, for example, the use of the historic site is no longer permitted in the new zone or if the lot does not meet the minimum lot size of the new zone.	Make no change.
Global	What happens to projects that have been approved but not yet built when the code takes effect?	Prince George's County Economic Development Corporation	Applications that have been submitted before the code is approved would be subject to the previous Zoning Ordinance and review process. Applications that have not yet been submitted will go through the process and standards of the new Zoning Ordinance. Applications that have already been approved will be grandfathered as long as they have been approved within ten years of the approval date of the new Zoning Ordinance.	Make no change.
Global	Does the proposed code reduce the District Council's authority and increase the Planning Board and County Executive's authority?	Prince George's County Economic Development Corporation	The proposed code is the County's code. It doesn't reduce the District Council's authority. Rather, it recommends that the District Council delegate more decisions to the Zoning Hearing Examiner, Planning Board, and Planning Director and then have appellate authority over some of the decisions. There is controversy regarding election to review, also known as "call-up." The proposed code recommends removing this process altogether, then allows cases to be appealed to the District Council. Even if the Council approves of all measures in the proposed code, the Council will still have more authority within the zoning and development review process than every other County Council in Maryland.	Make no change.
Global	Is there a table that shows the comparison of all the changes between the new and proposed codes? What main issues are	City of College Park	Given the complexity and challenge inherent in the current Zoning Ordinance, a comparison table of the magnitude required to show all the proposed changes would be very difficult and time consuming to create. However, the major issues have been identified in the Evaluation and	Make no change.

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	mapped out?		Recommendations Report produced by Clarion Associates (http://zoningpgc.pgplanning.com/wp-content/uploads/2014/11/PGC-ERR-Report-with-Memo-12-8-2014.pdf). Additional information pertaining to this comment include: a comparison chart showing the proposed zoning vs. the existing zoning (http://zoningpgc.pgplanning.com/wp-content/uploads/2015/04/Current-and-Proposed-Zones-10-16-15.pdf) and three summaries of the top ten things to know about each module proposed by Clarion Associates: • 10 Things you should know about Module 1 (http://zoningpgc.pgplanning.com/wp-content/uploads/2016/05/10-things-to-know-AboutModule1.pdf) • 10 Things you should know about Module 2 (http://zoningpgc.pgplanning.com/wp-content/uploads/2016/07/10-things-to-know-AboutModule2-WebVersion.pdf) • 10 Things you should know about Module 3 (http://zoningpgc.pgplanning.com/wp-content/uploads/2015/04/10-things-to-know-AboutModule3-FINAL-ABP.pdf)	
Global	During a discussion, a city councilmember stated: "This whole process makes me uneasy. I appreciate the need to update the code, but it seems that this will diminish the voice of the community and municipalities in regards to what is built next to us. We want high quality, but that is in the eye of the beholder. It already seems that too much is decided in Upper Marlboro, by people who do not know what is going on. Changing 'departures' to 'adjustments' sounds tricky, like you're trying to get away with something. I worry about the definitions of 'minor' and 'major.' I may disagree with what the Planning Director thinks is minor."	City of College Park	Both planning staff and the consultant team believe community input is important to the development process. We want community input to be more meaningful. One of the issues is that developers invest lots of money into a project before the first public meeting, and by this point they are very reluctant to make changes because it will cost more. There is a better chance that development will consider the public's ideas if they are presented early in the process. Regarding the thresholds for "minor" and "major," the general idea is to set the thresholds at a level where most people are comfortable with moving forward. It is difficult to attract quality development when the County's processes are very unpredictable. Developers need to know how long the Council would expect to take in the review of their applications.	Make no change.
Global	This code refers to the Plan 2035 General Plan. Where did the City of College Park end up in terms of prioritized centers?	City of College Park	The top priority that emerged from Plan 2035 are the three "Downtowns," which include Prince George's Plaza, Largo Town Center, and New Carrollton. The second priority is the Innovation Corridor, which includes US 1 in College Park. The third priority are the other Regional Transit Districts, including the College Park/U of MD Metro Station.	Make no change.
Global	The Innovation Corridor is priority two. However, this area is all owned by the University of Maryland. Are they subject to the code?	City of College Park	University of Maryland's proposed Innovation District and the Plan 2035 Innovation Corridor are very different. (Subsequent to this discussion, the university changed the name to Discovery District). The University owns portions of the land within the County-designated Innovation Corridor but most property in this corridor is privately-owned. As a state organization, the University of Maryland is not subject to the Zoning Ordinance. However, much of the development, the Hotel for instance, has gone through the development review process as private or public-private partnership development. The University of Maryland works well with the Planning Department and the County. For projects on state-owned land, the University of Maryland must go through the County's Mandatory Referral process.	Make no change.
Global	The City of College Park "in general, supports the direction taken in the Rewrite to move toward more administrative decision making, establish more specific and measurable development review standards, provide additional	City of College Park	Comment noted.	Make no change.

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	opportunities for citizen input and to clarify the review and decision authority of the Planning Director, Planning Board, Zoning Hearing Examiner and District Council."			
Global	"The Rewrite is less successful in acknowledging the existing authority that municipalities currently have in the development review process and the enhanced role that they could and should have going forward, particularly with more "by right" development. Municipal government is the front line for many communities in the County and has an important role to play in development review. It is critical that this role be elevated and not diminished."	City of College Park	Comment noted. As staff notes elsewhere in this analysis, Clarion Associates have been directed to further clarify municipal authority, such as with adjustments on pages 27-2—107 and 27-2—108, and in the Summary of Development Review Responsibilities table found on pages 27-2—3 and 27-2—4.	Make no change.
Global	Are there references to COMAR (Code of Maryland) standards in the new Zoning Ordinance?	Agencies	Only where such references may exist in the current Zoning Ordinance and Subdivision Regulations and were carried forward by Clarion Associates.	Make no change.
Global	Is the Washington Metro Area Transit Authority (WMATA) subject to the code?	Agencies	In most situations, no. WMATA is subject to the Mandatory Referral process when WMATA is developing on WMATA-owned land. This is a state requirement. Where there may be a public-private development partnership, development on WMATA land may be subject to the new Zoning Ordinance under certain circumstances.	Make no change.
Global	Why is there a differentiation between inside and outside the Capital Beltway?	Municipalities	Much of the County's older development is inside the Beltway, as are 14 of the County's 15 Metro stations and most of our transit-oriented development potential. Clarion Associates have proposed development standards that are context-appropriate, meaning some of them are for more developed and urban locations, some for more suburban places, and some for rural places. Generally, the use of the beltway as a dividing line between the most developed part of the County and the more suburban areas is a reasonable approach.	Make no change.
Global	Will the rewrite increase the level of staff for enforcement?	Municipalities	The zoning rewrite will not directly increase the number of code enforcement officers. This is a broader question pertaining to the overall County budget as well as the budget for the Department of Permitting, Inspections, and Enforcement.	Make no changes.
Global	Did the consultant compile a list of code issues?	City of College Park	The consultant identified the major issues in the Evaluation and Recommendations Report. However, they did not create a detailed list of *all* issues.	Make no change.
Global	When is the "moment of truth" to approve the code?	Municipalities	The current project schedule envisions the Comprehensive Review Draft, which will contain changes based on this and other analyses of comments received, in late Spring 2017. The next major milestone will be a legislative draft for Council consideration beginning in September 2017, with approval targeted for November 2017. The new Zoning Ordinance and Subdivision Regulations would take effect in summer 2018.	Make no change.
Global	Are there detailed timelines regarding each step of the approval process?	Communities	Clarion responded: "There are timelines in Module 3 (Process and Administration and Subdivision Regulations) only if they are state-mandated. Timelines do not improve the development process. They only allow the applicant and the planning staff to manipulate the process so that everything fits within the timeline. Additionally, timelines can change when the review process changes. Codifying the timeline can make it difficult to change. Clarion Associates recommends that timelines, if provided, typically be included in a procedures manual rather than in the legislated code."	Make no change.
Global	This County is unique in character and development pattern. Averaging all the other codes together does not work.	Communities	Clarion Associates responded: "We try to cater the proposed code to the County while still incorporating best practices. We generally recommend the following breakdown for case reviews: • 65 percent reviewed administratively (permit review or Planning Director)	Make no change.

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			• 25 percent reviewed by Planning Board • 10 percent reviewed by District Council "There is a lot of distrust among the public, the Planning Board, the Planning Staff, and the District Council. This distrust removes predictability in the process, which discourages development."	
Global	When was the last update to the code? How many plans have been approved since then?	Communities	The Zoning Ordinance was comprehensively updated 52 years ago. Although many of the comprehensive plans (e.g. master plans or sector plans) recommend approaches such as transit-oriented development, they could not be fully implemented because there was not a good legal tool available to enforce the plan's recommendations. This rewrite project is an effort to change the status quo and give the County the code it needs to effectively implement its general plan. Module 1 (Zones and Uses) is very carefully tailored to help implement the County's Plan 2035 General Plan. Module 2 (Development Regulations) is tailored to provide countywide quality development standards. Module 3 (Process and Administration and Subdivision Regulations) is intended to improve the process to make Modules 1 and 2 easier to implement.	Make no change.
Global	The County should have redone the code each time a new general plan was released.	Communities	Comment noted.	Make no change.
Global	The District Council told you that they wanted appeals?	Communities	Clarion Associates responded: "We recommend that the District Council act as an appellate body because of our discussions with County stakeholders of the importance of the District Council as a decision-making body in Prince George's County. In nearly all other jurisdictions, appeals of Planning Board decisions go directly to the Circuit Court."	Make no change.
Global	Does the District Council have to agree to the proposed code wholesale?	Communities	Clarion Associates responded: "No. It is likely that they will identify which regulations are kept or removed, or if any additional proposals should be incorporated."	Make no change.
Global	If we have comments for the District Council, where should we send them?	Communities	Please send them directly to the District Council; you should also copy the project team for their information and consideration for possible changes to the draft codes.	Make no change.
Global	How many comments have you received so far?	Communities	Several thousand individual comments. Some of what we have received is from individuals who have one or two comments, while other input comes from municipalities that have numerous pages of comments.	Make no change.
Global	If we are interested in showing our support for the Zoning Rewrite, how should we phrase a written statement to the District Council?	Communities	We cannot give you the exact wording, but if you do support the effort it would be important to let the Council know that you are happy that this process is happening and that you think the code could improve the quality of development and life for the County. To achieve this, it is necessary to make it easier for everyone to be confident in the predictability of the process. And if you do not support the effort or individual recommendations, let the Council know this also. It is important that the Council hear directly from you either way.	Make no change.
Global	The following comments were received from meeting surveys on Module 3 (Process and Administration and Subdivision Regulations) following presentation of the major recommendations by Clarion Associates. The first question was: "Which recommendations in Module 3 do you support the most and why?"	Communities	Comments noted.	Make no additional change.

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	The respondent's answers, taken verbatim from these surveys, were: • "Would be comfortable with 27-400 Notice posted 15-30 day time period." • "Suspend call up process." • "Getting rid of call-up; Nonconformity; All seem reasonable and good for future development." • "Call up; Modernizing the old zone laws/rules." • "Standard review procedure; Nonconformities." • "Simplifying the system; Differentiating between minor and major changes." • "Module 1-1; 2, 3, 4, 5 [referencing the 10 Things to Know About Module 1 handout]. These would benefit the county and attract business and improve quality of life." • "More predictability and few variances and use of 'unusable' building lots getting a 'conforming use' ability." • "In general – all" • "27-400 Standard Rev Procedures" • Eliminating 'call up.' Elected officials general lack expertise in this area. Encourages arbitrary and capricious decisions." • "Non-conforming residential lot sizes." • "Steering growth toward existing infrastructure. The rural tier is a very special place and should be preserved as is." • "Strongly support effort to push growth where the facilities and infrastructure exist." • "Process of approval" • "Standards" • "Clear process and timelines to be included." • "Flexibility for existing non-conforming uses and general expansion of "Administrative Review" both good ideas to reduce barriers to quality development and reduce vacancies."			
Global	The following comments were received from meeting surveys on Module 3 (Process and Administration and Subdivision Regulations) following presentation of the major recommendations by Clarion Associates. The second question was: "Which recommendation(s) do you have concerns about, and why?" The respondent's answers, taken verbatim from these surveys, were:	Communities	Comments noted.	Make no additional change.

COMMENTS AND QUESTIONS FOR FURTHER EVALUATION AND RESPONSE				
Page Number	**Comment**	**Source**	**Staff Analysis**	**Staff Recommendation**
	• "Please Remove Call-up." • "None." • "Enforcement." • "Not to fight growth. So what – eventually the population will spill into the rural tier whether we like it or not?" • "Make sure municipalities' role (can be deferred to city staff) role is formalized." • "Module 1- 6 [referencing the 10 Things to Know About Module 1 handout] – No chickens please because you can't control the regulations on residents who would disobey code**.** Module 1-7 [referencing the 10 Things to Know About Module 1 handout] – allowing rental properties in small Beltway homes and not controlled by county." • "10 day rather than 30 day notification of Neighbors." • "Not having time frames in advance. Concern is delay of process can be extreme**.** Public notice for admin approval projects. Cause fights over nothing or gets elected involved and extends process." • "Making sure that residential infill lots that need tweaking have predictable outcomes and is made simpler" • "Political will – This County has never taken zoning seriously and the council has routinely avoided and gutted efforts to manage growth in PGC." • "1 – Lot Recommendations – exemptions & administration; 2 – Non-conformities; 3- Expired Timeframes, approval by staff, and approvals and deadlines." • "Nonconforming equal language. 'Extent practical' is hard to define." • "Need to see more details. The devil is always in the details. Automatic re-testing/exploration for APF might not be appropriate for all project types/sizes/locations."			
Global	The following comments were received from meeting surveys on Module 3 (Process and Administration and Subdivision Regulations) following presentation of the major recommendations by Clarion Associates. The third question was: "Were there any proposals or concepts not explained clearly or that you would like more information to better understand?" The respondent's answers, taken verbatim from these surveys, were:	Communities	Comments noted.	Make no additional change.

COMMENTS AND QUESTIONS FOR FURTHER EVALUATION AND RESPONSE				
Page Number	**Comment**	**Source**	**Staff Analysis**	**Staff Recommendation**
	• "Very clear" • "No" • "Yes on non-conforming lot sizes for residential lots inside the beltway – R-55 lots" • "Public hearing notices should be more out front • "Subdivision nuts and bolts. APF exploration and retesting. Rules regarding standing and aggrieved parties for appeal."			
Global	The following comments were received from meeting surveys on Module 3 (Process and Administration and Subdivision Regulations) following presentation of the major recommendations by Clarion Associates. The fourth question was: "Do you think that the changes, consolidations, and clarifications proposed today as part of the Zoning Rewrite will help solve the problems with the land use development process in Prince George's County?" The respondent's answers, taken verbatim from these surveys, were: • "Like the consultant said 'it may not be perfect but it's better than what we had.' I completely agree with that statement. • "This may not be the forum but how do school systems, new schools for growing communities play in to this rewrite?" • "Yes." • "Hopefully. Everything said sounds reasonable and appropriate." • "Somewhat." • "Yes." • "Yes." • "Yes." • "Yes." • "In some instances, yes." • "Yes." • "Only if the county council will actually enforce them." • "Yes." • "Yes – would like to study further and comment." • "Cautiously optimistic."	Communities	Comments noted.	Make no additional change.
Global	The following additional comments were received from meeting surveys on Module 3 (Process and Administration and Subdivision Regulations) following presentation of the major recommendations by Clarion Associates.	Communities	Comments noted.	Make no additional change.

COMMENTS AND QUESTIONS FOR FURTHER EVALUATION AND RESPONSE				
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	The respondent's answers, taken verbatim from these surveys, were: • "Would like more penalty for violations." • "Would be happy to meet and discuss my thoughts on how to make residential infill "smart growth" easier to happen, simpler and more predictable. I have test cases for you!" • "I expected to hear more about municipal role. It was only mentioned as still being an issue." • Please test on City of College Park: (1) Landmark Student Housing (aka Maryland Book Exchange) and (2) Cafritz Development (compare timeframe of new to existing)." • "Define what is "minor" – decision by the Planning Director with Prince George's County Municipal Association municipalities. The 27 municipalities should have a strong say in what the Planning Commission is allowed in the municipalities. What is minor? There needs to be more between the communities/municipalities and M-NCPPC. Municipalities should have a bigger voice on what is allowed in their boundaries. The consultant shared his alliance with developers and his support to have it streamlined for developers and not the residents. Municipalities want the right to appeal to the County Council because towns have consistently not been heard or had been consulted by the Planning Department. Municipalities are the key/link to the citizens. Where the development is proposed. His comments on "call-up" show his partiality with the developers. Do a test on a municipality within the developed tier/inside the Capital Beltway." • "This rewrite is needed. Removal of the reduction of uncertainty is the proper goal." • "Would like to see clear definitions without circular references. Clear definitions as to when each type of plan is required such as sketch plan, CSP, DSP, DPS etc. and process/timeline/requirements." • "Administration re-subdivision – projects with existing approval (Preliminary Plan of Subdivision) should be able to quickly and easily re-subdivide to add parcels and lots within the boundaries of the existing approval site, after demonstrating that the changes do not exceed APF thresholds, nor violate existing conditions of approval."			
Global	A key goal of this project is to streamline the process. How do you know which steps will make the review process better?	Communities	Clarion Associates responded: "We have drafted codes for many communities that include a similar mix of rural, urban, and suburban places as Prince George's County. We are using our experience."	Make no change.

COMMENTS AND QUESTIONS FOR FURTHER EVALUATION AND RESPONSE				
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Global	What is the height limit in the R-55 (One Family Detached Residential) Zone?	Port Towns Community Health Partnership	35 feet.	Make no change.
Global	What is an appeal?	Communities	An appeal is when an aggrieved party, either the applicant or a member of the public who has legal standing, believes that the final decision made by Planning Board, District Council, or other decision-making authority, was not made in accordance with the letter and intent of the law and requests the decision be reviewed by a higher authority (such as the Circuit Court).	Make no change.
Global	Will "as-of-right" developments allow affordable housing?	Communities	Should a developer wish to provide affordable or workforce housing, the new Zoning Ordinance will allow them to do so. However, it does not require affordable or workforce housing since there is no County policy guidance regarding affordable housing at this juncture. Once such policy guidance is in place, the Zoning Ordinance may be amended to provide appropriate zoning guidance to implement the policies.	Make no change.
Global	"Clarion's suggestion to change the name of 'Departures from Design Standards' to 'Adjustments' demonstrates how little regard they have for the residents of this county – as if more palatable terminology will make us forget the fact that a developer is seeking special permission to break the laws we created to protect our communities for their financial gain."	Progressive Maryland	This comment represents a misunderstanding of the legal and practical purposes of providing for changes from standards included in the Zoning Ordinance. The State of Maryland has authorized the County to provide for procedures that set – and allow for changes to – development regulations. This became what we call today "departures." Staff discusses the proposed shift from "departure" to "adjustment" elsewhere in this analysis, but it must be pointed out the purpose of seeking a change from a standard is not always about financial gain. By establishing design regulations meant to apply to a County the size of Prince George's, with 499 square miles of land area and distinctly different characters from urban to rural, not all standards work for all properties or development. It is appropriate and fair to provide a path of relief from standards short of a legal variance. What Clarion Associates have done is ensure more certainty for the residents of the County by placing clear maximum caps on the percentage of the adjustment, or change, that can be approved by either the Planning Director or the Planning Board. No more would it be possible to simply waive a standard through a departure. Instead, an adjustment limits the ability to approve a change to not more than 35 percent different from the standard. This provides more certainty and helps prevent abuse of the adjustments procedures.	Make no change.
Global	Progressive Maryland expresses their support for comments offered by the Food Equity Council, Sierra Club, and Town of Capitol Heights.	Progressive Maryland	Comment noted.	Make no change.
Global	The public wants to ensure the public involvement process has some teeth, and does not want to give up the current appeals processes if it is in exchange for more public engagement at the beginning of the process, especially if this does not result in additional changes from developers.	Community	Comment noted.	Make no change.
Global	How do we improve the quality of development? What is the County doing to improve existing buildings and address eyesores?	Community	A zoning code is used to help direct and guide new private development or redevelopment. It is very difficult for the local government to force an existing property owner to make changes to their property. However, the new Zoning Ordinance will help ensure that new development and redevelopment is of high quality. This code aims to set the bar for development quality high, but not do high that developers are discouraged from building within the County.	Make no change.

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			There is a property standards code in the County administered by the Department of Permitting, Inspections, and Enforcement (DPIE). All buildings in the County have to meet certain standards. If a building does not meet the standards, a request can be sent to DPIE through the County's 311 call center, and code enforcement officers can inspect the property.	
Global	The public also has a responsibility for creating great neighborhoods. Why are jurisdictions and the County not able to implement more public development or public/private development? Why do we concede that development has to be built through private development? Why is there not more public presence to improve existing buildings?	Community	Local government is able to help build neighborhoods. However, most development is accomplished by the private sector using private funds. The County's Redevelopment Authority is working to identify locations for public investment, such as in the Suitland Town Center. The public sector does not have the money to rebuild and improve everything in the County. Generally, public funds are most effective when leveraged to incentivize private development.	Make no change.
Global	The current Zoning Ordinance has not always provided our community with the types of development and amenities our residents would like to see; therefore, the town supports the effort to transform the current zoning code into a more modern and user-friendly ordinance.	Town of Berwyn Heights	Comment noted	Make no change.
Global	The town would like to see the Zoning Ordinance result in a balanced approach that considers the needs of both the developers and the residents, with sufficient time for public comment.	Town of Berwyn Heights	Comment noted	Make no change.
Global	If appeals can only occur is a mistake is made, how would the public know if a mistake was made?	Communities	The proposed codes clearly outline the development standards, procedures, and adjustments thresholds, among other elements. If the development goes beyond these standards, then a mistake may have been made. The appellate party (e.g. applicant or aggrieved person) would make the case in the appeal request.	Make no change.
Global	Will there be a change to the actual hearing process? If so, are the changes mandated by the new code?	Maryland Building Industry Association	Clarion Associates have recommended some minor changes in accordance with best practices. The most significant change is a distinction between hearings for comprehensive plans and zoning actions, and evidentiary hearings ("Quasi-Judicial") for zoning and subdivision entitlement cases. These changes are not forced or mandated by the rewrite project. However, most hearing procedures are pursuant to the Rules of Procedure of each body that holds a hearing (e.g. the District Council or Planning Board), and there are no proposed changes to the Rules of Procedure.	Make no change.
Global	Will the new code have high level changes, such as how Planning Board members are chosen?	Maryland Building Industry Association	No, the new Zoning Ordinance will not speak to Planning Board selection or other similar "high level" changes.	Make no change.
Global	We would like to see the same type of development as there is in Fairfax, Alexandria, and Montgomery counties. We are not expecting high-end retail and communities. We recognize that some of this is market-driven, but we'd be willing to wait 20 years until the market caught up to what is here.	Community	The development standards proposed here are equivalent to other regional jurisdictions. However, if the community wants higher standards for development, there needs to be a more predictable and streamlined process. There can be high standards and an easy process or low standards and a difficult process. What does not work is high standards and a difficult process.	Make no change.
Global	If the Planning Board and staff could be held accountable to the standards and we have standards that are not easily	Community	Comment noted.	Make no change.

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	adjusted, we would be more approving of a streamlined process. For us, the most important standards are those that make an urban environment – buildings with more than three or four stories in height, masonry buildings, etc.			
Global	Pre-application meetings should also be extended to the Subdivision and Development Review Committee meetings. Often times, the public feels left out of this process. Is the planning staff prepared for this increase in public involvement?	Communities	The new codes will be a mind-shift for not only developers and the community, but also the Planning Staff. The goal is that development is negotiated with the community, not as competing parties, but as two parties cooperating. As described elsewhere the current Subdivision and Development Review Committee will be retained, but will be incorporated in the Applications Manual.	Make no change.
Global	Will the new organization of site plans and development standards make it easier/faster to review plans?	Municipalities	We anticipate that the proposed combination of clearly defined development standards and streamlined procedures will help make it easier to review plans.	Make no change.
Global	Do the best practices include studies of the Montgomery County and Anne Arundel County zoning codes? We hear a lot of developers choosing to work in Anne Arundel County because of the easy process.	Municipalities	The consultant team is using best practices from all over the country, in jurisdictions that are similar to ours. We do not know offhand if they included Anne Arundel in the best practice research, but we have heard from the public and others regarding the Anne Arundel process. The team is also reviewing Montgomery County in particular. Prince George's County is most similar to Montgomery County because of the Regional District Act.	Make no change.
Global	Will this rewrite process make it quicker to work with the Department of Permitting, Inspections, and Enforcement (DPIE)? Will it remove DPIE altogether? Will it improve the efficiency of DPIE's "one-stop-shop?"	Municipalities	DPIE will certainly be retained. This process will not directly improve DPIE's organization and processes, but very much informs their work. DPIE is the County's permit issuing agency, and the Zoning Ordinance and Subdivision Regulations are integral to their work. The Zoning Ordinance may encourage more development and increase the non-residential tax base, which in turn may increase funding for DPIE so that additional enforcement officers and plan reviewers can be hired. The rewrite will improve the clarity of the development standards, which should help permit reviewers. We can speculate that this will help the "one-stop-shop" aspects of DPIE.	Make no change.
Global	The permitting process seems to take too long. Will this streamline the process? Developers tell us it takes about two years for a project to get through the process and by that time conditions have changed. This stops builders from working in this County.	Municipalities	Part of this issue is DPIE staffing and resources. The permit process will not be directly changed, but clearer standards may improve it. Often the permit process takes more time because additional information is needed. The new codes will help clarify everything that is needed from the start.	Make no change.
Global	What is the average time it takes for a permit to be approved? Is this the responsibility of the Department of Permitting, Inspections, and Enforcement (DPIE)? Is it be possible to get a comparison timeline of how long it takes to develop in this County versus other counties?	Municipalities	Yes, permit issuance it is the responsibility of DPIE. DPIE may have information on how long it takes for the average permit to be approved.	Make no change.
Global	There is concern that the Planning Department staff and the Planning Board are too quick to ignore standards and provide departures to developers without any real evidence that a departure is required. Community stakeholders expressed they have experienced very few instances where the Planning Board denied approval for a departure.	Communities	The consultants agree. The proposed Zoning Ordinance allows adjustments (a different term for departures), but these are limited to 15 to 35 percent of the standard. This means that the Planning Board and staff would be restricted to how much they could deviate from standards. If the design element is not on the proposed list for adjustments, it cannot be adjusted (but in some circumstances, it may be eligible for a variance, which is a different legal form of relief).	Make no change.
Global	Comments were received that suggest the new Zoning Ordinance may be perceived as a form-based code, and as such, raises issues regarding what is felt to be a process with	Lawrence N. Taub and Nathaniel Forman	The proposed Zoning Ordinance is not a form-based code. While it contains some form-based elements, it would best be described as a hybrid code.	Make no change.

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	"too many formal public hearings" and which is not expedited enough to support a form-based approach.			
Global	Concerns were expressed about requiring more parking for businesses, allowing for expanded residential driveways to permit three-point turns within the driveway, and converting at-grade intersections to overpasses along US 1 and East-West Highway. Additional concerns were expressed seeking help with overcrowding within communities, which negatively impact quality of life. Illegal family rental housing was cited as perhaps the greatest concern.	Communities	Comments noted. "Overcrowding" from the perspective of potentially illegal rentals is a code enforcement issue.	Make no change.
Global	Comments were received supporting live/work development in commercial areas by-right, simplifying the zoning change procedures to facilitate small business opportunities, and provide for more flexibility for accessory dwelling units.	Communities	Pursuant to prior direction from the County Council, Accessory Dwelling Units are not being pursued at this time. Live/work dwellings would be permitted in most nonresidential and Transit-Oriented/Activity Center base zones. The Parcel-Specific Map Amendment and Planned Development Map Amendment procedures proposed in Module 3 (Process and Administration and Subdivision Regulations) are intended to help simplify the rezoning procedures while maintaining robust public notification and input opportunities and ensuring compliance with state law.	Make no change.
Global	The Planning Board hearings should be proper evidentiary hearings. Additionally, the use of the Zoning Hearing Examiner should be expanded, particularly since they do hold evidentiary hearings.	Communities	The role of the Zoning Hearing Examiner has been expanded to some degree in the proposals made by Clarion Associates. The Planning Board's rules of procedures govern how the Board holds public hearings. The Board is not an evidentiary Board in the current or proposed Zoning Ordinance and Subdivision Regulations.	Make no change.
Global	Should limit or prohibit reconsiderations by the Planning Board.	Communities	Reconsiderations of prior decisions are often necessary for valid reasons, such as unexpected situations that occur during the construction period of a project. Clarion Associates' proposals provide additional clarity as to the circumstances and processes under which reconsiderations and potential amendments to approved plans may occur.	Make no change.
Global	Community concerns have been raised regarding environmental justice and how it may be addressed through the new Zoning Ordinance and Subdivision Regulations. Some of these concerns touch on geography, government structure and leadership, voter registration, and educational drives.	Communities	Comment noted.	Make no change.
Plan Prince George's 2035 General Plan	Plan 2035 recommends vertical density over horizontal buildings. This does not lower demand on infrastructure. Was there a referendum on the plan?	Communities	Plan 2035 did not have a referendum, nor are referendums involved in the approval of any General Plan or Comprehensive Plan. Plan 2035 had significant public engagement and was voted on by the County Council. Density in its own right is not beneficial. The proposed Zoning Ordinance does not recommend that everywhere in the County simply become denser. The proposed code recommends focused nodes of density at transit and activity centers as discussed in Plan 2035.	Make no change.

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Plan Consistency	The Council asked that the new Zoning Ordinance should not require "consistency" with the General Plan and other Comprehensive Plans since this poses some potential issues regarding actions that may not directly further the recommendations of the plan.	Council	Staff believes the State Land Use Article subjects the Regional District – including Prince George's County – to the consistency requirement.	Make no change.
Economic Development	How do we attract new development when the existing development is no good – we seem to only get liquor stores, laundromats, or big-box retailers? How can we get rid of ugly businesses and grandfathered buildings?	Communities	Zoning Ordinances are not designed to get rid of existing buildings and development. However, there is a building code that regulates how buildings are maintained. If a building falls to disrepair, it is possible to request a code enforcement officer to assess the building. A Zoning Ordinance is best used to guide new development and redevelopment. One element of this is to ensure that strong design standards are in place. The proposed Zoning Ordinance provides a good balance of strong but achievable design standards that will make new developments more appealing. Importantly, these newly proposed design standards would apply countywide.	Make no change.
Economic Development	How will the zoning re-write increase the County's nonresidential tax base?	Port Towns Community Health Partnership	The Zoning Ordinance and development process is one of many factors that contribute to increasing the tax base for the County. Think of the Zoning Ordinance as a toolbox that gives us stronger tools to encourage increased investment, and thus, increased tax base. A new code that better reflects and is flexible to the more urban, suburban, and rural areas of the County can help ensure that new development better fits in with existing neighborhoods and will be less likely to be opposed by the community or appealed to courts. This offers increased certainty for investors such as developers and business owners. Further, a code that is simpler to implement will allow investors to spend less time and money in project development, which can then be used to improve the project. The new code is designed to help increase the predictability in outcome of development projects, which helps investors assure returns on projects and become more likely to build in the County. Also, the proposed Zoning Ordinance includes zones that are more flexible in terms of use, which allows more opportunity to respond to market demands.	Make no change.
Economic Development	The Port Towns have a lot of R-55 (One Family Detached Residential) zoning now. How do we draw more economic redevelopment along the MD 450 and MD 202 corridors?	Port Towns Community Health Partnership	The new Zoning Ordinance on its own will not guarantee economic development. However, it is one tool, among many, that the County, communities, and investors can use to encourage more resilient development. One element of the proposed Zoning Ordinance is to provide a wider latitude of uses for many zones. The proposed code allows some commercial uses in multifamily residential zones and multifamily residential in commercial zones. In these cases, land owners have more opportunity to find the best use of their property, which will help ensure that re-developers have more options for redevelopment. It is important to understand that few changes are proposed for the R-55 (One Family Detached Residential) Zone, and that such zoning, where it may exist along MD 450 or MD 202, will not be rezoned through this process to allow for economic redevelopment.	Make no change.
Applications Manual	The Town of University Park requests the implementation of the new Zoning Ordinance be delayed until the Applications Manual (formerly Procedures Manual) is complete.	Communities, Town of	The Applications Manual cannot be drafted until the District Council has approved the new Zoning Ordinance and Subdivision Regulations because it will only be at this time that all of the applications that are part of these new codes will be known. There will be at least six months	Make no change.

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	Others within the community at large oppose the entire rewrite project if the Applications Manual is not complete prior to adoption of the new Zoning Ordinance and Subdivision Regulations.	University Park	between the time the new codes are approved and when they will go into effect. During this time, the Applications Manuals for both the Zoning Ordinance and Subdivision Regulations will be produced.	
Definitions	College Park and University Park recommend the terms "nonresidential use" and "mixed-use" be defined.	City of College Park, Town of University Park	Staff notes that the term "nonresidential" is understood to refer to commercial retail, office, and industrial development given how it is used throughout the proposed Zoning Ordinance, and likely does not need to be defined; additionally, we are leery about defining the term "mixed-use" because by its very nature it is a flexible term. However, staff defers to Clarion Associates for comment.	Clarion Associates should provide their views on this request to the project team.
Definitions	Are the definitions carried over from the current code? Additional terms, such as splash pads and temporary classrooms, were suggested for definitions.	Agencies	Many definitions them have been carried forward, such as those for "restaurant," adult entertainment definitions, and others. However, it must be noted the majority of uses in the current Zoning Ordinance are not defined today. Other definitions from the current Zoning Ordinance have been updated to more modern meanings. New terms have been defined, and all uses in the new code will be defined.	Clarion Associates should evaluate the need for defining the terms "splash pad" and "temporary classroom" and add such definitions if they may be helpful in better understanding aspects of parks and recreation facilities and schools.
Health Impact Assessments	Is the County's current practice of requiring Health Impact Assessments retained in the new Zoning Ordinance.	Agencies	No, the current requirements to conduct a Health Impact Assessment (HIA) for many types of development applications and for each comprehensive master plan is not recommended to be carried forward. This recommendation is the result of several factors, but two in particular come to mind. First, the national best practice for HIAs is to begin by evaluating the need for an HIA. The County's current practice jumps this first step by leaping immediately into the requirement of producing an HIA without evaluating need or effect. Second, many of the recommendations for the HIA cannot be implemented through the land entitlement and development process for individual development projects. These recommendations often deal with regional and super-regional elements such as air quality that an individual application cannot address. There is a large gulf between the ideal HIA health outcomes and what can realistically and legally be required through zoning and subdivision regulations. Instead of an HIA requirement, the new Zoning Ordinance and Subdivision Regulations adopt a "Health in All Policies" approach, incorporating purpose statements, regulations such as those of Module 2 (Development Regulations), and zoning and subdivision practices intended to facilitate healthy outcomes (e.g. more walkability, greater connectivity).	Make no change.
Crime Prevention Through Environmental Design (CPTED) Review	It must be noted there is not specific requirement for CPTED review of site plans in the proposed Zoning Ordinance.	Planning staff	Staff note there is no explicit requirement in the proposed Zoning Ordinance that would require review of the Police Department of site plans or other application types for CPTED elements and crime prevention issues. Staff believe this is because Clarion Associates view this review as a natural aspect of the proposed Applications Manual, which will speak more to the agency referral process, and that CPTED review does not necessarily need to be codified in the Zoning Ordinance. Staff supports this approach with the understanding such CPTED referral will explicitly be incorporated in the Applications Manual.	Make no change.

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Historic Districts	Are there any changes to historic districts?	Communities	There will be no changes to historic districts as a result of changes to the Zoning Ordinance and Subdivision Regulations. Historic districts are governed by Subtitle 29 of the County Code.	Make no change.
Municipal Role	The proposed codes do not clearly mention the role of municipalities in this process. We request that municipalities be a part of the process that selects zoning designations and the types of development within our jurisdictions.	Town of Berwyn Heights	The municipal role in the Zoning Ordinance and Subdivision Regulations is mentioned in many locations throughout the proposed codes. Additional clarity will be provided through changes staff have directed elsewhere in this analysis. Municipalities play key roles – today and in the future – in the comprehensive planning and Sectional Map Amendment processes, where proposed land uses may result in new zoning designations (and types of development).	Make no change.
Municipal and Community Input	Support was expressed for attaching community and municipal positions (with written responses) to Technical Staff Reports.	Communities	Staff believes the Applications Manual will include guidance for attaching information such as notes from Pre-Application Neighborhood Meetings, municipal comments, and public comments to Technical Staff Reports as attachments. However, it is important to manage community expectations. Should this recommendation come to pass, this information would be limited to informational purposes only. There would be no written responses. Community and municipal comments, while helpful in understanding during discretionary applications, are not used as a basis for making legal decisions such as approving an application.	Make no change.
Test Cases	How will the eight scoped test cases (to test whether the new regulations and procedures will be effective for Prince George's County) work? What will the results be? The College Park shopping center test case is being tested for the highest possible intensity in the selected base zone. What is that? When would we see the results?"	City of College Park, Municipalities	The test case task is for the Clarion Associates team to go through the new code and the new processes and identify where improvements are needed. The results will include site diagrams showing potential development under the new zones/regulations, narratives to describe changes in procedures and differences with current practices, and identification of problematic standards and other issues that should be revisited. The results will be posted online and we will also have public meetings to discuss them. The College Park Shopping Center is being tested for the Regional Transit-Oriented – High base zone. This zone is recommended by Clarion Associates with a range between 30 and 60 dwelling units per acre in the core of the zone, and a floor area ratio between 2.0 and 5.0. The edge standards are somewhat less intense. The test case results should be ready in late winter or early spring 2017.	Make no change.
Transportation Adequacy and Trip Caps	If a trip cap is exceeded in the site plan process, the development is required to go through the preliminary plan of subdivision process again. This is very burdensome. Will the new adequacy of public facilities requirements address this circumstance?	Maryland Building Industry Association	This circumstance has not yet been addressed in the proposed Subdivision Regulations (or in the Zoning Ordinance, since the potential "trigger" may be part of the Major Site Plan or Minor Site Plan procedures). Based on the current proposal from Clarion Associates, it is possible the expanded minor subdivision process could be used under this circumstance, but additional clarity is required.	Clarion Associates should provide the project team with recommendations on how to reconcile zoning entitlements that may exceed a trip cap placed on the property through the Subdivision Regulations.
Urban Street Standards	The Department of Transportation and Public Works is developing urban street standards.	Agencies	It will be necessary to ensure that the new Zoning Ordinance and Subdivision Regulations reference the new street standards. Staff notes the new code provides a definition for the term "Alley." This will also need to be consistent with the new urban street standards developed by the Department of Public Works and Transportation.	Make no change at this time.
Victoria Falls Community	The Victoria Falls community off Contee Road in Laurel offered some questions pertaining to their unique zoning situation (a residential community in the I-3 Industrial zone) and how the zoning rewrite would impact the community.	Victoria Falls Community	Staff is aware of a handful of properties within the County where development pursuant to a text amendment has resulted in an existing development at odds with the current zoning. Victoria Falls is one of these. Staff will be working to address these situations in the proposed Countywide Map Amendment decision matrix the Council will approve later in 2017.	Make no change.
Module 1 (Zones and Uses)	"Staff comment at the Module 3 presentation indicated that the entirety of the innovation corridor is to be placed in high intensity RTZ. [sic] This is inappropriate if the location is not	City of Greenbelt	The city is mistaken in the understanding of the staff comment pertaining to recommendations on the zones that may be appropriate within the Plan 2035-designated Innovation Corridor. In the analysis of comments received on Module 1 (Zones and Uses), staff directed Clarion	Make no change.

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	equipped with the necessary transit infrastructure to support such intense development. In the county's effort to encourage growth, consideration of the innate appropriateness of the location must be considered."		Associates to revise the locational standards for the Transit-Oriented/Activity Center base zones to allow them to be applied within the Innovation Corridor and along US 1 to the Washington, D.C. border. However, this direction includes more nuance because staff has given due consideration to the locations impacted by this change. For the portion of the Innovation Corridor located with the City of Greenbelt, only the Neighborhood Activity Center and the Local Transit-Oriented zones may be permitted. Staff also note that nothing about the direction to expand the locational criteria *require* the Innovation Corridor to receive these higher-intensity zones. The specific zones that may be applied within the Innovation Corridor will be determined through the upcoming Countywide Map Amendment process necessary to implement the new Zoning Ordinance. This process will include a decision matrix that will clearly define the expected outcomes of which zone will be applied to which property.	
Module 1 (Zones and Uses)	Regarding electric vehicle charging, is commercial charging from a residential charger an allowed use?	Communities	Electric car chargers are included in the code as permitted uses for residential and commercial spaces. There are no regulations stating that a residential charger can or cannot be used commercially.	Clarion Associates should provide the project team with information pertaining to this question. Is it necessary to provide regulations for residential electric vehicle charging stations to limit or prohibit use as commercial chargers?
Module 1 (Zones and Uses)	Staff representatives from the Maryland Department of Planning (MDP) appreciate the photographs and diagrams depicting the images of development envisioned in each zone. MDP staff feel these images look good and are more advanced than most codes in the state.	Agencies	Comment noted.	Make no change.
Module 1 (Zones and Uses)	Staff representatives from the Washington Suburban Sanitary Commission (WSSC) like how the proposed zones consolidate the number of previous zones. They feel it makes forecasting easier for how to plan for water and sewer service.	Agencies	Comment noted.	Make no change.
Module 1 (Zones and Uses)	Does the temporary uses table include how long each temporary use can be allowed to continue?	Agencies	No, the table itself does not limit the time a temporary use may continue. However, many of the temporary uses are associated with use-specific standards that do specify the length of time that use may remain in operation.	Make no change.
Module 1 (Zones and Uses)	What is the difference between "allowable" and "permitted" in the principal use tables?	Agencies	Clarion Associates responded: "Permitted means the use is allowed by right in that zone. 'Allowable' identifies the uses that may be permitted in the Planned Development zones, and means the use is allowed subject to the approval of the zone by the Council."	Make no change.
Module 1 Zones and Use)	It seems like we are not defining the zones well enough. What is a Planned Development zone? How can we ensure density at growth locations?	Municipalities	The zones in the proposed code start with the goals listed in the Plan 2035 General Plan, then the consultant used best-practice zones from around the country and filtered/adjusted those through what the market in the County would and should support. The Planned Development (PD) zone is a floating zone that can capitalize on the market. Additionally, the new international building code now allows for wood-built structures over concrete and steel podiums at approximately 7-8 total stories. This will make it more affordable to build taller structures in the County without requiring concrete and steel, facilitating increased density at growth locations	Make no change.
Module 1 (Zones and Uses)	In a letter dated January 19, 2017, the City of Bowie reiterated some of its prior comments made for Module 1	City of Bowie	The comments pertaining to Module 1 (Zones and Uses) were addressed in the staff analysis of that module, released in November 2016.	Make no change.

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	(Zones and Uses). These include: adding a new resource protection zone; consideration of increasing the lot coverage in the AR Zone; opposition to increasing the maximum lot coverage in the SFR-6.7 Zone; requiring site plan review for all projects in certain base and Planned Development zones; establishing floor area ratio maximums in the GCO Zone; and expressing support for the proposed Neighborhood Conservation Overlay Zone. Regarding uses, the City's comments included: listing "public uses" as a specific use; providing a definition of "flex space;" supporting accessory dwelling units in most zones; supporting the square footage threshold for keeping of poultry; providing more information on Planning Director interpretations; and allowing home gardens in any residential yard.			
Module 1 (Zones and Uses)	PEPCO expressed concern that utility facilities would be subject to Special Exceptions or other procedures.	PEPCO	Electric substations and other utilities built, operated, and maintained by PEPCO and other public and private utilities companies are not subject to the regulations or any prohibitions of either the current or proposed Zoning Ordinance and Subdivision Regulations.	Make no change.
Mixed-Use Town Center Zone and Architectural Conservation Overlay Zone	The City of Mount Rainier asked several questions pertaining to the current Architectural Conservation Overlay Zone project for their city, and expressed numerous questions and concerns pertaining to the Mixed-Use Town Center Zone, which Clarion Associates recommend for deletion. Concerns also included the lack of designation of the city as a center by the Plan 2035 General Plan. A discussion was held with members of the rewrite team on these and other questions. A subsequent joint letter from the City of Mount Rainier and the Town of Brentwood is discussed in more detail elsewhere in this analysis of comments.	City of Mount Rainier	Discussion on the subsequent letter received from Mount Rainier and Brentwood can be found below.	Make no change.
Mixed-Use Town Center Zone and Architectural Conservation Overlay Zone	A joint letter provides an analysis of potential replacement zones to the current Mixed Use – Town Center (M-U-TC) Zone in place in both Mount Rainier and Brentwood, along with proposed neighborhood compatibility standards and parking standards, and recommended thresholds regarding exemptions from site plans that may impact infill projects in both communities. The takeaway from the letter is that these communities believe a Transit-Oriented/Activity Center base zone or additional nonresidential base zone must be added and applied for their infill-appropriate context. One recommendation provided is to retain the M-U-TC Zone.	City of Mount Rainer and Town of Brentwood	In the technical analysis of comments received on Module 1 (Zones and Uses), staff have directed Clarion Associates to expand the applicability of the Transit-Oriented/Activity Center zones to areas along the US 1 Corridor and within the Plan 2035-designated Innovation Corridor (which includes portions of MD 193). Specifically, the historic downtown portions of both Mount Rainier and Brentwood would become eligible for either the Neighborhood Activity Center (NAC) or Local Transit-Oriented (LTO) zones. These zones should appropriately address the concerns expressed by Mount Rainier and Brentwood and can serve as suitable replacements to the current M-U-TC Zone. The details of which zone may be applied to which area will be part of the methodology and decision matrix associated with the Countywide Map Amendment needed to apply new zones to Prince George's County.	Make no additional change.
Urban Agriculture	How will urban agriculture in the proposed ordinance impact existing neighborhoods?	Council	The proposed code includes "community garden" as a specific use. It is defined as "a private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than	Make no change.

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			one person, household, family, or non-profit organization for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members." Community gardens are permitted by-right as a principal use in all zones. There are additional regulations for Community gardens. These include limiting the size of accessory garden structures to 15 percent of the parcel area; limiting communal composting to 10 percent of the parcel area; subjecting fences and trellises to the fence and wall standards; and setting hours of operation, assignment of garden plots, and maintenance and security responsibilities. Community gardens are functionally different from urban farms, which can be for-profit businesses and would not be considered a Community Garden. However, in response to comments reviewed and analyzed on Module 1 (Zones and Uses), staff has directed Clarion Associated to define and provide for urban agriculture in the new Zoning Ordinance.	
Module 2 (Development Regulations)	PEPCO requested inclusion as a reviewing agency for entitlement applications.	PEPCO	PEPCO is and will continue to remain a reviewing agency for development review proposals. This will be clarified in the upcoming Applications Manual, as it is unnecessary to codify referral agencies. Further, staff have every intention of continuing the extremely helpful internal procedures pertaining to the Subdivision and Development Review Committee, also through the Applications Manual.	Make no change.
Module 2 (Development Regulations) Roadway Access, Mobility, and Circulation	Establish a minimum threshold for requiring a circulation plan. Clarify what is intended by Sec. 27-5.108.B.3. Other Streets. The City is opposed to the requirement to install signage indicating future street connections "if alternate street accesses are available." The City is opposed to the traffic calming provisions, "as the purpose of the regulations is to design a development that is not encumbered with traffic issues." The entry point requirement that establishes a limit that no more than 80 dwelling units may use a single point of access is supported, as is the requirement to analyze vehicle stacking spaces at uses such as drive-throughs. A request was made to allow a waiver from the pedestrian circulation provisions only in limited circumstances such as culs-de-sac with ten or fewer lots.	City of Bowie	There is no proposed minimum threshold for requiring a circulation plan (page 27-5—2) because all development applications should include such a plan so the vehicle and pedestrian circulation on the site is understood. Sec. 27-5.108.B.3. Other Streets indicates that driveways and alleys are required to connect to public or private streets, and that the design, construction, and classification of such public or private streets is regulated not by the Zoning Ordinance, but by the Roadway Code. Analysis of Module 2 comments should result in clarification that other operating agencies such as municipalities may have their own specifications, and new references to this extent should be provided. Staff will review the Comprehensive Review Draft to ensure consistency of this nature, and welcomes additional comments from County stakeholders to provide this consistency. The signage comment is noted, but staff believes that signage indicating future street connections makes these connections more feasible. The traffic calming provisions are addressed in the Module 2 (Development Regulations) analysis document. This document also recommends the elimination of complete waivers from the pedestrian circulation provisions but retains certain modifications due to impracticality or infeasibility of the site. The other comments are noted.	Make no change.
Module 2 (Development Regulations)	Have staff from the Department of Public Works and Transportation or the Office of the County Executive weighted in on whether the street connectivity standards	Council	Staff met with Department of Permitting, Inspections, and Enforcement (DPIE), Department of Public Works and Transportation (DPW&T), and County Executive staff on this and other questions. DPW&T has no problems with the street connectivity standards being located in the Zoning Ordinance. During this discussion, it came to light that DPW&T specifications and	Make no change.

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Roadway Access, Mobility, and Circulation	should be part of the Zoning Ordinance rather than the Road Code or Subdivision Regulations?		standards do not require sidewalks on both sides of each street; this has been a requirement of the Subdivision Regulations for decades. DPW&T does not believe a more stringent Zoning Ordinance requirement is a big issue. The connectivity standards could be relocated to the Subdivision Regulations, since there is a cross-reference in those proposed regulations that require all subdivisions to be in compliance with the street connectivity standards; the reverse could be done so the connectivity piece is in the Subdivision Regulations and a cross-reference is in the Zoning Ordinance, but to staff it makes more sense to keep all the design standards in one place to the extent feasible; we recommend no change.	
Module 2 (Development Regulations) Off-Street Parking and Loading	The City of Bowie offers the following comments pertaining to off-street parking and loading provisions: • Oppose restricting incentives regarding parking requirements for changes in use to property located inside the Capital Beltway. • Lower the threshold for requiring a parking plan. • Modify exterior lighting provisions to provide full cut-off fixtures and timing devices to shut off lighting. • Delete or remove provisions dealing with wheel stops. • Include provisions referencing all elements shown in the parking plan for the "maintain in good repair" provisions and add language detailing consequences for not being in compliance with approved parking plans. • Oppose allowing parallel parking on both sides of primary drive aisles, "as it contradicts the principles of minimizing congestion and providing safe access." • Require a minimum of two parking spaces for every multifamily unit regardless of location within the County. • Support the provisions on maximum numbers of parking spaces permitted. • Support the designation of up to ten percent of requirement parking spaces which may have electric vehicle charging stations. • A question: "Should there be a different parking standard for home occupations, since the new requirement allows driveway spaces in single-family homes to be counted to satisfy parking requirements?" • Relocate the off-site parking alternative location standards on page 27-5—57 to the pedestrian access section. • Oppose, and delete, the provisions permitting agreements to use on-street parking as a way to provide off-street parking alternatives. This is viewed by the City as not "prudent in any event to contract away public parking spaces to private entities."	City of Bowie	Staff does not agree with some of these requests: • The provision for exempting certain increased parking requirements for use changes within certain zones inside the Beltway is intended to incentivize reinvestment in these locations pursuant to Plan 2035. • Parallel parking on both sides of primary drive aisles is not contradictory to safe access because parallel parking provides additional safety and security for pedestrians. These provisions are not solely about parking or vehicular movement. Parallel parking along primary drive aisles also contributes to "convenience" parking in front of retailers, something which has been commented upon by the Council. • In accordance with parking reduction and environmental and stormwater management goals of the County, and in conjunction with overall better accessibility to transit options and other alternative modes of travel, staff continue to support parking reductions for multifamily development as proposed by Clarion Associates. • The off-site parking alternative location standards on page 27-5—57 deal more directly with the location and proximity of parking, and are, therefore, better associated with the parking standards rather than the pedestrian accessibility regulations. • Staff believe agreements to use on-street parking to support off-street parking alternatives are appropriate and in accordance with best practices. Other requests have already been addressed in the Module 2 (Development Regulations) analysis or in the initial Zoning Ordinance proposals: • Parking plan thresholds will be lowered; all proposed development should submit a parking plan. • Lighting provisions in the lighting section of Module 2 (Development Regulations) already require full cut-off fixtures. Staff is not supportive of timing devices to cut off lighting because full cut-off fixtures minimize light spill-over and glare, and there is often need for property and personal safety to illuminate certain areas overnight. • Wheel stop provisions are being adjusted for the Comprehensive Review Draft. • By generally speaking to "parking and loading areas," the provision for "maintain in good repair" will naturally include all the aspects required by a parking plan. Regarding compliance with the code, these regulations are included in Module 3 (Process and Administration and Subdivision Regulations) as part of the enforcement division. • Section 27-5.210.A.1.b. will be reworded.	Make no change.

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	• Change the word "will" to "should" in Sec. 27-5.210.A.1.b.		Staff does not believe there should be a different parking standard for home occupations because there are additional regulations associated with that accessory use that are contained in Module 1 (Zones and Uses); the regulation that deals with parking exempts "home-based business" from the parking regulations of Module 2 (Development Regulations) in favor of limiting parking to no more than two vehicles associated with that business within 400 yards of the property. The other comments are noted.	
Module 2 (Development Regulations) Open Space Set-Asides	The City of Bowie is opposed to counting private yard spaces (even if subject to an easement) as set-asides, "as the land is still privately held by the property owner and is not a true 'set aside'").	City of Bowie	Staff notes that open space or conservation easements, when applied toward the open space set-aside requirement, does in fact constitute a "true" set-aside because the easement is intended solely to protect that set-aside area. Refer to Sec. 27-5.309 on page 27-5—75.	Make no change.
Module 2 (Development Regulations) Fences and Walls	The City of Bowie offers the following comments: • Exempt fence replacement in-kind from the fence and wall regulations. Provide a definition for "ordinary repairs" and make that an exemption. • Revise the "In Utility Easements" clause to delete the requirement for written authorization from a utility easement holder or the County, "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." • Delete requirements for approval of a landscaping plan if a homeowner wishes to install a fence within a regulated landscaping area. • Revise the height standards "to return to allowing six foot high fencing between dwelling units and the street." • Expand exemptions from fence and wall height to include screening walls for service areas. • Delete requirements requiring landscaping to improve the appearance of fencing and walls for property located within 15 feet of a designated Collector or higher roadway. • Support the administration approval process for fencing height exemptions upon demonstrated need.	City of Bowie	A fence or wall that already exists would fall under Sec. 27-5.504.H. Maintenance, which requires maintaining fences, walls, and associated landscaping in good repair, and includes examples of maintenance such as replacement of missing, decayed, or broken structural or decorative elements and fence materials. Staff is open to consideration of a more overt exemption for ordinary repairs and maintenance, but wish to wait for the Comprehensive Review Draft, since it may include some recent text amendments to the current Zoning Ordinance that may address this concern. 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. A discussion of fence height was provided in the analysis of Module 2 (Development Regulations). Staff does not agree with a full exemption of service area screening walls from height requirements because this may result in overly tall walls. However, some reconciliation with the proposed Landscape Manual will be necessary after the Comprehensive Review Draft is released to ensure there is no contradiction or unnecessary (and confusing) overlap of regulations for screening areas. In particular, Section 4.4 Screening of the Landscape Manual and page 27-5—76 will need additional review. Staff defers to Clarion Associates for additional perspectives regarding the screening standard from Collectors or higher. The security exemption plan comment is noted.	Review the Comprehensive Review Draft for definitions of "ordinary maintenance" or "ordinary repair" and revise as may be necessary. Review the Comprehensive Review Draft to ensure there is no duplication or contradiction between Section 4.4 of the Landscape Manual and the fencing and wall regulations for loading and service areas. Clarion Associates should provide the project team with information regarding requirements to landscape screen a wall or fence within 15 feet of a Collector of higher roadway may be too stringent, particularly on single-family residential property owners.
Module 2	The City of Bowie recommends a sunset date for Exemption 13 on page 27-5—84, which would force lighting that does	City of Bowie	Staff does not support a sunset date or forced compliance of existing lighting fixtures to the new regulations. This would be extraordinarily difficult to enforce given the number of exterior	Reevaluate the requirements of Sec. 27-5.606 after the release of the

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(Development Regulations) Exterior Lighting	not comply with the new Zoning Ordinance to come into conformance by a certain date. Regarding street lighting, the regulations of Section 27-5.606 should be advisory only, "[s]ince the agency having jurisdiction for the public right-of-way determines their own lighting requirements."		lighting fixtures that are in place within the County and would impose substantial burden on property owners. The street lighting regulations in Sec. 27-5.606 are global provisions that mandate full cut-off fixtures, non-corrosive poles served by underground wiring, and consistency within a subdivision or development. They are intended as a "backstop" for lighting fixtures that are now within public rights-of-way. Staff notes the County agency staff have indicated concerns with mandating underground wiring, and that these regulations are subject to change after the release of the Comprehensive Review Draft.	Comprehensive Review Draft with an eye toward a) rethinking a mandate of underground wiring, which pose certain maintenance issues; and b) consider adding a clause before each standard that more clearly speaks to the role of public agencies, perhaps something like: "Unless determined otherwise by the agency having jurisdiction over a public right-of-way…."
Module 2 (Development Regulations) Environmental Protection and Noise Controls	The City of Bowie supports "specific decibel standards for noise control, as new standards will assist in resolving potential code enforcement problems."	City of Bowie	Revisions to the noise control regulations based on decibel level were included in the analysis of Module 2 (Development Regulations).	Make no additional change.
Module 2 (Development Regulations) Multifamily, Townhouse, and Three-Family Form and Design Standards	The City of Bowie requests revision of the standards to provide for a greater individual offset between adjoining townhouse units and to limit the number of units along a single row or "stick" to six dwelling units.	City of Bowie	The suggested revisions are very suburban in nature and would be detrimental to more urban locations in the County.	Make no change.
Module 2 (Development Regulations) Nonresidential and Mixed-Use Form and Design Standards	Provide additional standards "to require that the proposed architecture relate buildings to one another and that large projects be designed with an overall architectural 'theme.;"	City of Bowie	Architectural style is very subjective and difficult, if not impossible, to regulate through zoning. Additionally, incorporating such a revision may limit creativity and opportunities for architectural quality.	Make no change.
Module 2 (Development Regulations) Signage	"Support the separation of signage review out of the site plan review process to be included in the permit review process only."	City of Bowie	Comment noted. However, staff notes we do not expect that all signage review would be through a permit process. It is likely that a comprehensive signage plan will be an application requirement for procedures such as Major Site Plans, as it would be appropriate to ensure consistency of signage location. Individual signage, and sign permits issued after initial approval of a signage plan, would be the result of an administrative, permit-level approval.	Make no change.
Module 2 (Development Regulations) Signage	The proposed signage regulations, as with the current regulations, are not "content neutral" in nature. Most particularly, there are a number of exemptions that may not pass a strict scrutiny test and some of the current political campaign signage language is not enforced following a court decision.	Council staff, Planning staff	Staff concurs that both the current and proposed signage regulations are not fully content neutral and would likely not stand under the "strict scrutiny" determination imposed by the Supreme Court in the 2015 Reed v. Town of Gilbert, Arizona case. Clarion Associates is not scoped to provide this level of signage regulation; staff have begun looking into alternatives and to identify the most pertinent areas that should be revised before the new Zoning Ordinance is approved.	Make no change at this time.

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			Staff may ultimately recommend the complete replacement of the proposed signage regulations with the 4th draft model signage code by the International Municipal Lawyers' Association, but is not yet ready to commit to this recommendation. Work on this topic will continue and changes may be proposed prior to the legislative draft of the new Zoning Ordinance.	
Module 2 (Development Regulations) Signage	Transportation/public works employees and government officials should also be authorized (along with police officers) as parties who may remove signs that are traffic hazards. The City offered additional comments on specific types of signage including sandwich board signs, campaign signs, and prohibited signs.	City of Bowie	Pending more comprehensive revision of the signage regulations with content neutrality and other legal considerations foremost in mind, staff recommend not changing signage regulations too far from what are already contained in the current Zoning Ordinance.	Make no change.
Module 2 (Development Regulations) Signage	Can you explain billboards? What about temporary signs?	Municipalities	Temporary signs are permitted as proposed in Module 2 (Development Regulations). They are subject to size and duration (length of time they may be posted) regulations, among others. The current Zoning Ordinance's regulation to ban billboards contained a provision for removing them that expired thirty years ago. This section has been removed from the new Zoning Ordinance since it is no longer pertinent.	Make no change.
Module 2 (Development Regulations) Neighborhood Compatibility Standards	Who proposes or decides the Neighborhood Compatibility Standards?	Port Towns Community Health Partnership	The Neighborhood Compatibility Standards are collectively decided by the Prince George's community. The proposed regulations were initially drafted by Clarion Associates, who have worked to adapt national best practices to the unique context of Prince George's County, addressing specific concerns and issues raised by the community. The District Council will ultimately decide and approve which Neighborhood Compatibility Standards should be included or added in the new Zoning Ordinance.	Make no change.
Module 2 (Development Regulations) Neighborhood Compatibility Standards	The City of Mount Rainier expressed concern on how the proposed neighborhood compatibility standards would impact outdoor dining. The city is uncertain if the standards will work for all of US 1.	City of Mount Rainier	Staff concurs with the general comment that the Neighborhood Compatibility Standards need additional refinement. Refer to the analysis of comments received on Module 2 (Development Regulations) for additional discussion and staff recommendations.	Make no additional change.
Module 2 (Development Regulations) Green Building Standards and Incentives	Planning Department staff and the Department of Permitting, Inspections, and Enforcement should review the green building standards and discuss whether they should actually be part of the Zoning Ordinance or the Building Code.	Council	Staff and DPIE representatives met on the morning of 4/3/17 to discuss this question. DPIE has not yet developed an official position, but is concerned with additional staffing needs regarding permit review and inspection. This is a global concern that would apply regardless of the location of green building standards, but we note this concern was more predicated on an engineering perspective whereas the proposed green building standards are much less proscriptive. Incorporation of green building standards in the Building Code would necessitate additional engineering and architectural detail than what has been proposed. Additionally, staff believe that ultimately, the solution lies in a dedicated Green Building Code for the County. In the interim, incorporation of green building standards and incentives in the Zoning Ordinance is an effective measure to ensure more green and sustainable development is realized. It also prevents the current situation we face where we often conduct ad hoc negotiations during the public hearing to become conditions of approval. This is not a good approach.	Make no change.
Module 2 (Development Regulations)	The green building points tables should be revised to provide more points for items that may help with transit-oriented development and reduce greenhouse gas emissions: adding a	City of Bowie	The Landscape Manual, in combination with the County's Tree Canopy Coverage requirement, address the first two requests. Native plant materials will be required through the Landscape	Investigate greywater systems and other measures to reduce water use in

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Green Building Standards and Incentives	new item to address native tree canopy, and specify native plant material for replacing lawn or turf. The City also recommends adding new items under the Water Conservation and Water Quality section that would address greywater systems, reducing impervious surfaces, and installing composting toilets.		Manual, so it would not make sense to offer points toward the green building standards for something the developer is already required to do. Staff concurs with the recommendation to add requirements for greywater systems and other water reduction measures, but defers to prior direction provided in the analysis of Module 2 (Development Regulations) to revisit the green building standards and incentives on a more comprehensive manner in order to strengthen them.	the evaluation of potential new green building standards and incentives.
Landscape Manual	Is the Alternative Compliance process maintained in the updated Landscape Manual?	Maryland Building Industry Association	Yes. Elsewhere in this analysis, staff have directed Clarion Associates include the Alternative Compliance process in the table of procedures in Module 3 (Process and Administration and Subdivision Regulations) just for additional clarity.	Make no additional change.
Landscape Manual	The City of Bowie requests expansion of regulations for Section 4.11 Requirements for Nonresidential and Mixed-Use Development to provide a minimum of 1 shade tree per 1,000 square feet of green area provided for the GCO (General Commercial and Office), LTO (Local Transit-Oriented), NC (Neighborhood Commercial), and SC (Service Commercial) zones.	City of Bowie	These zones are already covered by the proposed regulation on page 137 of the new Landscape Manual. The regulation refers to Transit-Oriented/Activity Center and Nonresidential zones, and all of the named zones fall into these categories.	Make no change.
Parking Structure Standards	With the exception for parking structures in the Transit-Oriented/Activity Center zones, there does not appear to be much in the proposed Zoning Ordinance regulations to control the design quality of parking structures or decks.	Planning staff	The Transit-Oriented/Activity Center zones contain parking structures standards in Module 1 (Zones and Uses). For the other zones, while there are some references that would help ensure parking garages reflect the materials and design of the main/associated structure and in screening structures with greenery where they may face existing single-family neighborhoods in the proposed Neighborhood Compatibility Standards, there do not appear to be many regulations, if any, that would apply more generally to the overall design quality of parking structures. Given the often-significant visual impact of parking structures, there should be additional guidance as to their design.	Clarion Associates should provide the project team with recommendations on how to appropriately strengthen design regulations on parking structures.
Module 3 (Process and Administration and Subdivision Regulations)	The Town of Capitol Heights "is extremely concerned at the role this proposed rewrite gives to municipalities, and would like some attention drawn to this issue." Among the concerns: • A belief municipalities are being cut out of the process. • A belief there "is an omission of authority; municipalities must be treated as an additional layer of government, not another voice in the crowd." • Concerns regarding a two-thirds majority vote of the full Council to approve rezoning contrary to the recommendations of a municipality, stating "We resist the contention that the County Council should have the authority to override a municipality in terms of how they want land zoned within their own borders." • A perceived lack of respect for local government and preferential treatment granted to certain municipalities, stating: "There is no explanation as to why Bowie, Greenbelt, College Park, and New Carrolton can review variances but other municipalities cannot."	Town of Capitol Heights	The project team responded to the letter from the town on December 12, 2016. Direct responses to the town's concerns are provided below: "We want to assure you that staff recognizes and respects the key role municipalities play within Prince George's County, providing numerous services and representing the interests of constituents including residents and business owners. Since the beginning of this project, we have made a commitment at the staff level that municipalities will retain all current authority that has been duly delegated to them in accordance with existing State and County laws. Clarion Associates has worked with this commitment in mind and its proposals reflect current municipal authority. "It is important to understand that municipal authority in planning and zoning matters in Prince George's County is expressly controlled by the State legislature, and there are aspects of this authority that we cannot address in the revision of the County's local Zoning Ordinance. This includes, among other powers and rights, the provision that a two-thirds majority of the District Council may approve a zoning map amendment that is contrary to the recommendation of a municipal corporation (see Section 22-210(c) of the State Land Use Article). This authority is expressly granted to the District Council by the state and we have no ability to make any changes to this authority through the Zoning Ordinance rewrite.	Make no change.

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	• Requests that municipalities "be notified by mail about text amendments at least 90 days prior to any hearing." • A request for municipal notice "by mail within 7 days of the District Council's decision to initiate a comprehensive plan or amendment."		"The letter also questions why certain municipalities may review variances and some departure applications, "but other municipalities cannot." There is no preferential treatment provided to any one municipality over any other municipality in the County. The reason why some municipalities exercise limited authority over departures and variances today, and would continue to do so under the new Zoning Ordinance, is that the State Land Use Article establishes enabling legislation that allows municipal corporations in Prince George's County to exercise this authority (see Section 25-301 of the State Land Use Article). "This authority is further codified in Part 17 of the current Zoning Ordinance, along with the process by which a municipality can seek the responsibility to review variances and departures, and has been carried forward by Clarion Associates as Sec. 27-2.517.B.3 in Module 3. Bowie, Greenbelt, College Park, and New Carrollton have all been delegated authority through these procedures. There is nothing that prevents Capitol Heights from pursuing similar authority should the town so desire. "Regarding the comments on notification by mail 90 days prior to any hearing on a proposed text amendment and within 7 days of the initiation of comprehensive plans or amendments, these actions are legislative actions within the sole purview of the District Council. In response to comments received from the District Council on October 18, 2016, Clarion Associates will be revising recommendations on the text amendment process to carry forward the current procedures. There is no requirement or intention to codify notification of the initiation of a comprehensive plan or plan amendment, but such notification is currently an internal Planning Department practice that is likely to continue, and would be included in a Procedures Manual that will be prepared following the approval of the Zoning Ordinance."	
Public Participation	How will the public be able to participate and engage more in the process? How will it be easier to participate? How will the proposed process reduce public participation? How can the public compete with developers/lawyers who have a vested interest in the process?	Municipalities	The proposed Zoning Ordinance approaches public participation as an important component in the development review process and recommends increased public outreach over that mandated by the current Zoning Ordinance. Active outreach is recommended for more impactful developments through neighborhood pre-application meetings, public hearings, and notice requirements. Further, it is recommended that the Applications Manual require posted notices contain more useful information and provide for greatly enhanced electronic notifications to help improve information outreach for the public.	Make no change.
Public Notification and Right to Appeal	Public notice and the right to appeal development decisions should be expanded to more residents.	Communities	The right to appeal a decision made for a development application is based on the legal standing of the potential appellate party. Legal standing is defined by state law and cannot be changed in the Zoning Ordinance and Subdivision Regulations rewrite. Clarion Associates have proposed a robust public notice approach incorporating mailings, site postings, and newspaper ads, and in general have expanded the notification procedures included in today's Zoning Ordinance. Should additional notice be requested for specific application types, staff will take such suggestions into consideration.	Make no change.
Rezoning	The Town of Berwyn Heights "request that municipalities be a part of the process that selects zoning designations and the types of development within our jurisdictions."	Town of Berwyn Heights	Municipalities already have this ability and it will continue in the new Zoning Ordinance. Rezoning of property occurs through either comprehensive rezoning (such as in a Sectional Map Amendment) or parcel-specific rezoning (such as in a Zoning Map Amendment). There are public hearings on these procedures and municipalities may choose to be involved. The types of development proposed within a given jurisdiction is a function of the zoning and the comprehensive plan (e.g. area master plan or sector plan) recommendations for land use and	Make no change.

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			other functional areas. The comprehensive planning process also includes municipal involvement and will continue to do so.	
Orders of Approvals	An order of approvals section may be necessary to help all stakeholders understand when a particular type of entitlement case falls within a progression of needed approvals prior to development.	Planning staff	The current Zoning Ordinance contains an order of approvals in Sec. 27-270.	Clarion Associates should provide their thoughts on the utility and desirability of an order of approvals section to the project team.
Subdivision and Development Review Committee	The subdivision and development review committee meetings have been extended to include discussion of Detailed Site Plans. The city is supportive of these meetings. Will this continue in the proposed process?	City of College Park	There is every intention to continue the current practice of the subdivision and development review committee. However, this committee does not need to be codified. We expect this to be incorporated in the Applications Manual.	Make no change.
27-1—1 27-1—2 General Purpose and Intent	"It is inappropriate to incorporate the specific objectives of the current General Plan into the Zoning Ordinance. According to footnote 4, the section builds on existing Sec 27-102 for various provisions in the current Ordinance. 'It also incorporates some of the County's general development goals in the current General Plan.' The General Plan is periodically revised; by putting those specific goals into the Zoning Ordinance, the revision is pre-empting future plans from alternative specific paths. Which purposes are from Plan 2035, what were the criteria for selection, and who decided?"	Prince George's Sierra Club Group	It is quite appropriate to link a Zoning Ordinance to a jurisdiction's General Plan/comprehensive plan because zoning is implementation of the broader policy guidance of a comprehensive plan. That said, the link between the proposed Zoning Ordinance and the Plan 2035 General Plan is not so direct as to force changes to the Zoning Ordinance if the General Plan is revised. Nor does incorporating general policy guidance of the General Plan "pre-empting" future plans in any way. This of the current purpose statements of today's Zoning Ordinance. Most of them were written in the 1960s and 1970s. Do they pre-empt plans from pursuing alternatives to a mid-20th Century suburban pattern of development? No. This is because purpose statements in the Zoning Ordinance and Subdivision Regulations are very broad in nature and do not preclude future innovative paths. The general goals (not purposes per se) of Plan 2035 that have been carried forward deal with directing development/growth toward transit-oriented, mixed-use centers, preserving agricultural and environmental resources, and other, similarly general high-level goals. These goals were selected because they are the duly-adopted County goals for how we want future growth to occur. The final decision is up to the District Council.	Make no change.
27-1—2 Applicability and Jurisdiction	Regarding the direction elsewhere in this analysis, to provide the sub-section that exempts governments and agencies from the regulations of the Ordinance, Council has stated it does not want to exempt the County from the Zoning Ordinance and would like to maintain current language on its review of such uses and current language on the mandatory referral process by the Planning Board.	Council	Md. Land Use Code Ann. §20-301 states: Subject to §§ 20-303 and 20-304 of this subtitle, a public board, public body, or public official may not conduct any of the following activities in the regional district unless the proposed location, character, grade, and extent of the activity is referred to and approved by the Commission: (1) acquiring or selling land; (2) locating, constructing, or authorizing: (i) a road; (ii) a park; (iii) any other public way or ground; (iv) a public building or structure, including a federal building or structure; or (v) a publicly owned or privately owned public utility; or (3) changing the use of or widening, narrowing, extending, relocating, vacating, or abandoning any facility listed in item (2) of this section. The Court of Appeals has opined that the word "public" in the context of this statute refers to federal, state, *and* local governments. *Pan American Health Org. v. Montgomery County*, 338	Make no change.

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			Md. 214, 226 (1995). Local governments, as instrumentalities of the State, are immune from local zoning ordinances unless the General Assembly clearly indicates a contrary intent. Id. By including the County in the mandatory referral statute, the General Assembly has expressed the clear intent that the County is not subject to local zoning because only "entities that do not appear on the list [in the statute] must comply with the County's zoning ordinance." *Id*. at 224. Mandatory referral subjects County agencies to a "non-binding referral *in lieu of zoning laws*." *Id*. (emphasis added). Notwithstanding §20-301 *et. seq*. of the Land Use Article, there is no reason that the Council could not establish its own internal review of projects based on some level of CIP funding or other criteria. Including language in the new Zoning Ordinance that contradicts provisions of the Land Use Article, in an attempt to subject the County to its own ordinance, would not affect or amend state law, but it may serve to confuse future users of the Zoning Ordinance**.**	
27-2—3 27-2—4 Summary Table of Development Review Responsibilities	Regarding the review authority table – could it be ordered chronologically?	Municipalities	Ordering the table chronologically would be very challenging, because the review bodies are not necessarily in the same order, or even involved, in each review process.	Make no change.
27-2—3 27-2—4 Summary Table of Development Review Responsibilities	What goes into the Zoning Hearing Examiner process? Is the Planning Board involved?	Communities	As proposed by Clarion Associates, the Zoning Hearing Examiner would be responsible for providing recommendations on Parcel-Specific Map Amendments, Chesapeake Bay Critical Area Overlay Zone Map Amendments, and for Validations of Permits Issued in Error. The Zoning Hearing Examiner would be responsible for making decisions on Special Exceptions. Each of these would require a public hearing. The Planning Board's role in the Special Exception process would be to provide a recommendation, leading up to the Zoning Hearing Examiner's public hearing and decision. This decision could be appealed to the District Council.	Make no change.
27-2—3 and 27-2—4 Summary of Development Review Responsibilities	"There should be an appeal process with all zoning applications. This is not reflected in the document." The Town of University Park notes there should always be an appeal route, and recommends 30 days for all appeal periods. Greenbelt specifically identifies three proposed map amendment procedures that they believe lack appeal procedures.	City of Greenbelt, Town of University Park	Clarion Associates have elected not to reflect the Circuit Court in the summary of development review responsibilities table on pages 27-2—3 and 27-2—4, or in the appeals language for most application types starting in Sec. 27-2.500. Appeals to the Circuit Court are always an available appellate path pursuant to state law. Other appeals (e.g. those defined in the new Zoning Ordinance) constitute the administrative path of appeals before the legislative path should be invoked. Since the District Council is the decision-making body for zoning map changes, the appellate body is Circuit Court. In the interests of clarity, staff notes one sub-section that does refer to the Circuit Court for the appellate path. This language perhaps should be adapted throughout the application-specific procedures.	Clarion Associates should review the language regarding appeals from the Planning Board decision to the Circuit Court in accordance with State law on page 27-2—114 and inform the project team as to whether this language should be adapted to the other application types as may be appropriate to help clarify the appellate path for those applications.
27-2—10	The City of Bowie requests including the current informational mailing process in the new Zoning Ordinance.	City of Bowie	Clarion Associates have adapted the current informational mailing process contained in Sec. 27-125.01 of the Zoning Ordinance into several parts of the proposed code. Clarion Associates have elected not to carry forward a requirement for applicants to notify parties 30 days prior to the	Make no change.

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Standard Review Procedures			acceptance of their application, but staff have directed Clarion Associates elsewhere in this analysis to provide for applicant notification once the application is determined to be complete.	
27-2—11 27-2—12 Pre-Application Conference	"We have concerns about the current informal Pre-Application Conferences between future applicants and staff: (1) By offering preliminary suggestions (beyond comments on completeness) to the applicant, which he/she may choose to adopt, the staff member is essentially vesting him/herself in the success of the applicant, even before reviewing the evidence. (2) The Pre-Application Conferences are held in private and not transparent to the public. I've asked planners before if I could get a copy of what was discussed at a pre-application meeting, and the answer was NO. "For those reasons, we are *very* concerned about the prospect that these Conferences would be made mandatory. Clarion has not presented any evidence justifying this as a 'best practice' from the perspective of assuring an objective, open-minded review of the application on the part of the reviewer. Requiring such a conference for most applications will add to the requirements and red tape for applicants who don't need them and add to demand for staff time. It is not a budget-neutral proposal. "We ask that these conferences be eliminated. If they can't be, then keep them optional and make them more transparent. They should not be mandatory. The following shall be made publicly available: • 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. "These materials would become part of the record of any future application. The risk of predisposing the planner to favorably review the project could be reduced by ensuring that the person who participates in the conference on the part of the planning department not be the same as the person who will review the project, and hopefully not the Planning Director herself, since she would be everyone's supervisor."	Prince George's Sierra Club Group	The pre-application conference is not a venue where an application is under review by a Planning Department reviewer. It is designed to be a discussion that a) provides an opportunity to educate an applicant on submittal requirements, review procedures, and the standards that may apply to their proposed development, and b) allow staff a chance to offer *preliminary* comments on the proposal that is intended to guide the preparation of the actual application materials. There is no application under review at this point in time – this is just a discussion of a prospective project. As such, the public has no role this early. Clarion Associates explain the proposal for a pre-application conference on page II-20 of the December 2014 Evaluation and Recommendations Report. They indicate such meetings are "an effective way to expedite the development review process. Encouraging potential applicants to meet informally with staff to present conceptual plans for development and get staff input prior to submittal of an application helps address issues and procedural requirements before significant time and expense are invested in preparing or processing applications.	Make no change.
27-2—11 Pre-Application Conference	"Municipalities should be invited to the pre-application conference." "The City [of College Park] recommends that municipalities be notified of the date of the pre-application conference and	City of Greenbelt, City of College Park, Town of	The pre-application conference is intended to provide the applicant with an understanding of submittal requirements and review procedures/standards pertaining to their application, and to familiarize staff with the details of the application as they may pertain to the requirements of the Zoning Ordinance. Such meetings are common in practice today, but are not mandated. These meetings sometimes include municipalities or other parties, but most typically do not. Staff does	Make no change.

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	be invited to attend and participate in the meeting if an application is in a municipality." The Town of University Park requests notice of the pre-application conference (and an invitation to attend) for any application within one mile of the municipality. The City of Bowie agrees that municipalities should be invited to participate in the pre-application conference.	University Park, City of Bowie	not support requiring participation of any additional parties in these meetings through the Zoning Ordinance itself, as such participation may easily be accommodated on an as-appropriate basis.	
27-2—12 through 27-2—15 Pre-Application Neighborhood Meeting	The proposed pre-application neighborhood meeting is required for some but not all applications. Why not require it for all applications? This pre-application meeting could be swayed by lobbyists instead of the directly impacted civic associations and residents. Development within the Mount Vernon Viewshed should be considered.	Town of Berwyn Heights, Communities	The pre-application neighborhood meeting is proposed to take place before any development designs have been finalized; in fact, it would occur prior to acceptance of applications by the Planning Department. The affected civic associations (assuming they have registered their association with the Planning Department), municipalities within one mile of the site, and property owners adjacent to the development site will be sent a mailing for the meeting to ensure turnout from appropriate parties. Development within the Mount Vernon Viewshed is subject to additional review in current practice. The viewshed area is "flagged" at the permit desk in Largo to ensure additional consideration of the proposed height of new development. This approach may continue with the new Zoning Ordinance. Staff does not support a new overlay zone or other more formal zoning approach to regulate development within the Mount Vernon Viewshed, as one of the major problems with the current code is the number of unique overlay zones and sets of development regulations that apply to numerous different parts of the County.	Make no change.
27-2—12 through 27-2—15 Pre-Application Neighborhood Meeting	Pre-application meetings sometimes feel like the developer is just meeting with the community as if it was just for show. Often, they didn't respond to any of the issues. The Town of Berwyn Heights is concerned the pre-application neighborhood meeting "appears to be only an informational-type meeting for developers to hear of potential concerns, but not necessarily to address those concerns." If the note taker is paid for by the developer, will they be biased?	City of College Park, Town of Berwyn Heights	The proposed code includes a required Pre-Application Neighborhood Meeting for major application types (those with the most expected impacts), where the developers would be required to meet with the community, take down and respond to their comments, and then submit the comments and summary, prior to even submitting an application. The public would be able to send their own summaries and responses of the Pre-Application Neighborhood Meetings to the planning staff, and all of this could be included in the staff report. Additionally, municipalities could offer to host these meetings and have their own note-takers present. The proposed Zoning Ordinance does not – and should not – include the specific process for how these meetings are conducted. That is best left to guidance in the Applications Manual. It may also be possible that a Planning Department staff member would be present at the pre-application neighborhood meetings, which has been discussed. Please note that even with the pre-application neighborhood meeting, the public would still be able to attend and speak during the public hearings before the Planning Board, Zoning Hearing Examiner, or District Council. These meetings offer a more meaningful, early opportunity to be heard and complement – rather than replace – current public involvement opportunities such as public hearings.	Make no change.
27-2—12 through 27-2—15	College Park and University Park both support the pre-application neighborhood meeting "but recommends that consideration be given to holding the meeting prior to the required pre-application conference with the Planning Director."	City of College Park, Town of University Park	It is not advisable to require a Pre-Application Neighborhood Meeting before the conference with Planning Staff because, among other things, the pre-application conference would likely result in the assignment of a case number, which would be necessary for informing people what is being proposed prior to the Pre-Application Neighborhood Meeting. The conference is also intended for discussion of code requirements including the neighborhood meeting itself, and	Make no change.

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Pre-Application Neighborhood Meeting			should rightfully remain the first formal point of contact between an applicant and the County's entitlement agencies.	
27-2—12 through 27-2—15 Pre-Application Neighborhood Meeting	What happens when a Pre-Application Neighborhood Meeting is not required?	Communities	When a Pre-Application Neighborhood Meeting is not required, the applicant is still often required to provide public notice of the applications (depending on the application type). Applications that do not require the neighborhood meeting consist of minor site plans or permit-level decisions that will have limited impacts on the surrounding area. Public notification is used to inform the public of upcoming developments. This will help reduce the number of people who are surprised when construction begins.	Make no change.
27-2—12 through 27-2—15 Pre-Application Neighborhood Meeting	How will testimony or citizen input from Pre-Application Neighborhood Meetings be entered into the public record?	Council	The proposed code recommends that a meeting summary of the Pre-Application Neighborhood Meeting be submitted with the application. This summary will include issues discussed, a list of attendees, and comments from attendees. Further, members of the public are allowed to review the submitted summary and submit their own response. The member of the public does not have to attend the initial meeting to submit a response. The proposed Zoning Ordinance does not explicitly mandate how public comments on the Pre-Application Neighborhood Meeting will be entered into the public record. Staff believes this nuance should be addressed in the Application Manual since it does not need to be codified and can be addressed administratively. Similarly, staff have discussed incorporating these comments as an attachment to technical staff reports; should this be done, these comments would automatically become part of the public record of the application.	Make no comment
27-2—12 through 27-2—15 Pre-Application Neighborhood Meeting	What happens if a developer lies to the public during the initial Pre-Application Neighborhood Meeting and builds an ugly building?	Communities	The design standards in the proposed Zoning Ordinance will help ensure higher-quality development. But staff notes that "pretty" or "ugly" are in the eye of the beholder when it comes to architecture, which is very subjective. In addition to holding a Pre-Application Neighborhood Meeting for major applications, the applicant is responsible for submitting meeting minutes and a list of attendees/invitees. The public is able to review the submitted minutes and submit their own response to what the applicant submitted. Additionally, the public will be able to attend the Planning Board hearing for major site plans or major adjustments and inform the Planning Board how the applicant's proposal and responses to Pre-Application Neighborhood Meeting comments reflect what was discussed at the meeting.	Make no change.
27-2—12 through 27-2—15 Pre-Application Neighborhood Meeting	Will the Pre-Application Neighborhood Meetings require a posted notice?	Maryland Building Industry Association	Yes, the Pre-Application Neighborhood Meeting will require an informational mailing and posted notice, both at least ten days prior to the date of the meeting.	Make no change.
27-2—15 27-2—16 Application Submittal	The application procedure needs to include proof that the applicant has coordinated with WSSC as well.	Washington Suburban Sanitary Commission	The first comment is noted. Sec. 27-2.403.B. indicates the application contents and forms shall comply with the Procedures Manual that will be developed after the new Zoning Ordinance and Subdivision Regulations are approved and before they take effect. Staff also notes it is standing policy to ask applicants to provide evidence of payment to the Washington Suburban Sanitary Commission of their review fee.	Make no change.

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	"Procedures needs to include proof of submittal of WSSC Hydraulic Planning Analysis (HPA) to WSSC for review or a letter from WSSC indicating that an HPA is not needed."		The Hydraulic Planning Analysis is an internal requirement of the Washington Suburban Sanitary Commission and is not appropriate to reference or include in the County's Zoning Ordinance.	
27-2—17 through 27-2—19 Determination of Completeness	For the recommended determination of completeness, does this step in the process help the developer know how ready their application is?	Communities	Clarion Associates responded: "This step helps make the process more transparent. It lets the applicant know that the application is ready to go. It limits the ability for staff to ask for more documentation later in the review process. If staff has forgotten to ask for something, it is not the applicant's responsibility. However, if the applicant has misled the planning staff, it is the applicant's responsibility to submit those additional documents."	Make no change.
27-2—18 27-2—19 Application Amendment or Withdrawal	"The timeframe for withdrawn of an application…is too short. The Zoning rewrite proposes that continuous postponement or inaction by the applicant will result in withdrawal of an application. Generally speaking, six months of inaction is far too short a period of time for withdrawal by inaction, considering the myriad of unforeseen or unanticipated issues and other circumstances that can occur with any development. If a timeframe for automatic withdrawal is necessary, we would suggest that it be at least two (2) years. Ideally, however, this issue should be evaluated and dealt with on a case by case basis."	Lawrence N. Taub and Nathaniel Forman	Staff disagrees. There are dozens of pending applications that are unlikely to proceed in the foreseeable future and there should be a process to consider those applications withdrawn to free them from the caseload. The Planning Department recently began reducing the number of pending applications administratively through applicant notification of this intent, but a more formal process should be established.	Make no change.
27-2—19 27-2—20 Staff Review and Action	"The City recommends that specific time frames be established for making the report available to the public rather than saying that Technical Staff Reports will be provided 'within a reasonable period of time.'" University Park reiterates this comment.	City of College Park, Town of University Park	Staff expects the Applications Manual will include additional detail on elements such as the timing of release of staff reports, which is not something that needs to be codified.	Make no change.
27-2—20 through 27-2—28 Scheduling Public Hearing and Public Notice	The recent power plant proposals in the southern part of the County only notified adjacent property owners, but we are all impacted by these developments. Power plants are an environmental justice issue.	Communities	Power plants are regulated by the state and are not subject to the requirements of the Zoning Ordinance. Utility projects are subject to the mandatory referral process, which does include at least one public hearing before the Planning Board. The second comment is noted.	Make no change.
27-2—20 through 27-2—28 Scheduling Public Hearing and Public Notice	Can mailings be changed as a permanent form of notification in the code?	Communities	Clarion Associates responded: "Many communities are using electronic mailings and posting more of their information on their websites. We recommend adding more use of electronic mailings and online outreach in the Procedures (Applications) Manual."	Make no change.
27-2—20 through 27-2—28 Scheduling Public Hearing and Public Notice	"Revise the notification requirements to provide a minimum of two weeks' notice for meetings and require mailing to all addresses within at least a 500-foot radius of the subject property."	City of Bowie	Staff oppose these requests. Many types of applications already require 30 days mailed notice per Clarion Associates' proposals. The ones that do not require such advance notice are very administrative actions that may require seven days of notice prior to an action, or even more administrative actions that would only require notice on appeal. A mailing to all addresses within 500 feet of a subject property would create substantial logistical and cost issues for applicants and the Planning Department. The required property	Make no change.

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			postings are sufficient notification for property owners within 500 feet of a development property since such signs are very likely to be seen by these property owners.	
27-2—20 through 27-2—28 Scheduling Public Hearing and Public Notice	"We strongly oppose" the language of "or in the general vicinity of the land subject to the application" where it appears for mailed notification in the Required Public Notice table. The requirement is seen as too vague, and likely to "cause more problems and raise more questions than it solves." "Which individual or administrative body will determine if a nearby property is within the 'general vicinity of the land' that is subject of the application?"	Lawrence N. Taub and Nathaniel Forman	While staff believe the upcoming Applications Manual would provide more guidance, it would be helpful to better understand the circumstances by which the "general vicinity" of the subject site would be determined.	Clarion Associates should provide the project team with information as to how "the general vicinity of the land subject to the application" is intended to be interpreted.
27-2—20 through 27-2—28 Scheduling Public Hearing and Public Notice	"…we submit that a municipality should not be entitled to written notice unless the subject property of the proposed development is located within that municipality."	Lawrence N. Taub and Nathaniel Forman	Staff oppose this recommendation. A major goal of the zoning rewrite is to strengthen notification and information opportunities regarding proposed development. Ensuring all municipalities within one mile of any proposed application receive notice is an important aspect of this goal.	Make no change.
27-2—30 through 27-2—33 Quasi-Judicial Public Hearing	Regarding Quasi-Judicial Public Hearings: "(a) We recommend that the requirements for the hearings on these different types of applications be put in the Procedures Manual, as suggested in footnote 57. They might also depend to some extent which body is hearing the case; we note that the procedures for General Public Hearings (27-2.410) depend on the Rules of Procedure of the different bodies, not written into the Zoning Ordinance. "(b) Each 'side' should not be limited to one hour in an initial public hearing on a Major or Minor Site Plan. (27-2.411.B) Public hearings for these plans often attract many citizens on all sides who have never met or collaborated before. There's no ex ante coordination. This limit would mean that the more citizens who show up with concerns, the less time each individual would have to speak. Furthermore, the initial public hearings are one of the only opportunities for citizens to put evidence into the record. Putting a limit on the time to present would unreasonably restrict their opportunity to introduce evidence. Many of the restrictions in this section are more reasonable in hearing an appeal, where the 'sides' are better defined in terms of the participants. Finally, in these cases, Planning Staff often launch the meeting with a presentation of the proposal and their recommendation.	Prince George's Sierra Club Group	The suggestion to relocate the procedures of this type of hearing to the Applications Manual is noted. Staff does not expect to make a final recommendation on this front until the Comprehensive Review Draft is complete and has been presented to the community for additional review and comment. Allowing each "side" of an application equal time in the public hearing is a well-established doctrine. Staff does not support changes to this practice. Becoming a party of record to an application is, and should remain, a proactive action on behalf of the interested party.	Make no changes.

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	"(c) Everyone who signs up at the public hearing, including those who speak, should automatically be recorded as person of record. (27-2.411.I)."			
27-2—37 through 27-2—45 Comprehensive Plans and Amendments	If the Council initiates a plan, does the Planning Board still make a recommendation or is that step skipped?	Municipalities	The Planning Board will still need to review and make recommendations (and adopt the plan prior to transmittal to the District Council for final action) on any comprehensive plan pursuant to state law. Council initiation does not mean that the other steps can be skipped.	Make no change.
27-2—43 27-2—44 Comprehensive Plans and Amendments	Clarification and justification is requested regarding what is perceived as limitations on minor plan amendments for comprehensive plans.	Lawrence N. Taub and Nathaniel Forman	The proposed process for minor plan amendments for comprehensive plans mirrors the current process for minor plan amendments, which was proposed and approved by the District Council. The nature of a minor plan amendment should be just that – minor. Anything above the thresholds that have already been duly adopted by the District Council would begin to cross the threshold into territory best left for the development of a new comprehensive plan.	Make no change.
27-2—53 through 27-2—58 Parcel-Specific Map Amendment	On the proposed Parcel-Specific Map Amendment, the Sierra Club stated: "(a) A public hearing at the Planning Board should be required, not optional. "(b) We agree with footnote 80 that language should be inserted into the rules of procedure so that the District Council may not approve a Parcel-Specific Map Amendment from November 1 and until the newly elected district council has taken office."	Prince George's Sierra Club Group	Staff notes the comments. The proposed Planning Board hearing should remain optional because the Zoning Hearing Examiner is the key evidentiary body that should be involved in individual rezoning applications to a Euclidean/base zone. These zones entail a straight-forward determination whether a change in the character of the community or a mistake in the zoning has occurred, and would not involve significant discretion.	Make no additional change.
27-2—54 Parcel-Specific Map Amendment	The language of Sec. 27-2.504.C.3.a. indicates an application for parcel-specific rezoning may be submitted by the District Council, Planning Board, or Planning Director. This seems to be an unusual practice.	Planning staff	Staff concurs.	Clarion Associates need to provide the project team with rationale for this recommendation. It seems very unusual for any of these parties to submit an application for a parcel-specific map amendment.
27-2—58 through 27-2—63 Planned Development (PD) Map Amendment	"With respect to footnote 83, on whether the Zoning Hearing Examiner should be involved in the procedures for a Planned Development Map Amendment, we believe that the ZHE should be involved, given the lack of discipline in the past concerning the application of mixed use zones. The discretion and negotiation between the Planning Board, the District Council, and the applicant creates a non-transparent process. The fact that this would add an extra review step is not a valid reason for dropping it."	Prince George's Sierra Club Group	Comment noted. Staff concurs with Clarion Associates' rationale regarding the "significant discretion and negotiation between the review boards (Planning Board and District Council) and the applicant" when it comes to the review and approval process of the Planned Development zones.	Make no change.
27-2—72 through 27-2—79 Special Exception	"Revise to restore the District Council's review of a Zoning Hearing Examiner's decision on its own motion, since the District Council is Prince George's County's zoning body and it should continue to have the ability to make final decisions regarding zoning actions, like rezonings and special exceptions.	City of Bowie	Clarion Associates explain their rationale for recommending the Zoning Hearing Examiner decide Special Exceptions in footnote 87 on page 27-2—72. The state land use article allows the Council to delegate decision making authority to an administrative office or agency." Clarion Associates believe that the very technical nature of Special Exception site plans and other documentation is best addressed by technical staff such as the Zoning Hearing Examiner, and rather than continue the District Council's authority to elect to review a Special Exception	Make no change.

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			decision, they preserve an appellate path to the Council. This is the best practice approach of nearly all jurisdictions, where it is uncommon for the elected body to elect to make the final decision on a special exception.	
27-2—72 through 27-2—79 Special Exception	How has the Special Exception process changed?	Communities	Most of the current Special Exception procedures have been carried forward and consolidated into one procedure in the proposed code. This includes the County's unique special permit process, which would no longer exist as a separate process. The major change, aside from general consolidation, is that Clarion Associates recommend the Zoning Hearing Examiner decide all Special Exception applications.	Make no change.
27-2—72 through 27-2—79 Special Exception	Would there be a legal challenge to having the Zoning Hearing Examiner (ZHE) decide Special Exceptions instead of the Council?	Maryland Building Industry Association	No. State enabling laws provide that the District Council may delegate its authority regarding Special Exceptions. The Council has chosen to do so with most Special Exceptions (delegated to the Zoning Hearing Examiner) in the current Zoning Ordinance.	Make no change.
27-2—72 through 27-2—79 Special Exception	Some lack comfort with the recommendation that the Zoning Hearing Examiner (ZHE) would be the single authority for the approval of Special Exceptions.	Community	Currently the Zoning Hearing Examiner makes recommendations and is appointed by the Council. The proposed process, as well as the existing process for recommendations, requires public meetings, so this process is inclusive of public input.	Make no change.
27-2—78 Minor Changes to Approved Special Exception	"It should be noted that the City of College Park exercises this authority." The Town of University Park used similar wording to note this authority for municipalities.	City of College Park, Town of University Park	Comment noted.	Make no change.
27-2—79 through 27-2—89 Site Plan (Minor and Major)	Can you describe the difference between minor and major site plans?	Municipalities	The Major Site Plan is proposed to be reviewed and approved by the Planning Board. The Minor Site Plan is proposed to be reviewed and approved by the Planning Director —an administrative review. Other development, below the threshold for a Minor Site Plan, would proceed directly to permit review in Largo. This means that neither the Planning Board, the Planning Director, nor the District Council review these plans. A builder submits plans that meet the regulations and goes directly to Department of Permitting, Inspections, and Enforcement (DPIE) to obtain the necessary permits. In accordance with the national best practice, Clarion Associates generally recommend that the County review and decide 60 percent of plans administratively, 30 percent by the Planning Board, and 10 percent by the District Council.	Make no change.
27-2—79 through 27-2—89 Site Plan (Minor and Major)	Will the District Council have "de novo" (as if for a new case) review or appellate review under this proposal?	Prince George's County Economic Development Corporation	Under the proposed code, the District Council would not have de novo review of site plan applications. They would have appellate review in accordance with state law for both major site plans and minor site plans (following an appellate review by the Planning Board for minor site plans).	Make no change.
27-2—79 through 27-2—89 Site Plan (Minor and Major)	"Coordination with WSSC regarding the Hydraulic Planning Analysis is especially important if an applicant does not have to go through the preliminary plan of subdivision process. "If a preliminary plan of subdivision was not required, the HPA submittal to WSSC should be a requirement for any major or minor Site Plan (detailed site plan, comprehensive design plan, etc.)."	Washington Suburban Sanitary Commission	The Hydraulic Planning Analysis is an internal requirement of the Washington Suburban Sanitary Commission and is not appropriate to reference or include in the County's Zoning Ordinance. Staff notes the current practice (which would continue) is to require the applicant to provide evidence of payment of pertinent fees.	Make no change.

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27-2—79 through 27-2—89 Site Plan (Minor and Major)	"Site plans, both minor and major, should only be approved if adequate space for utilities is also provided on-site. "Add a requirement that adequate room for water, sewer, and all other utilities to serve the site has been provided."	Washington Suburban Sanitary Commission	Although provided space for adequate utilities on-site is a reasonable request, additional land may only be dedicated at the time of preliminary plan of subdivision. Easements for utilities are appropriate for the placement of utilities, but this issue is not related to zoning.	Make no change.
27-5—79 through 27-5—89 Site Plan (Minor and Major)	"In streamlining many types of review by making them administrative process, [sic] the public's ability to be aware of proposed development, to comment and to have appeal opportunity is not available. Streamlining the development review process has value, but such streamlining should not be at the expense of the public's right to know what is going on in the development world."	City of Greenbelt	Staff fully agrees with the need to enhance the County's outreach and informational sources regarding proposed development to let the public know what is happening. Module 3 (Process and Administration and Subdivision Regulations) contain numerous provisions to increase the ability of the public to "know what is going on in the development world." These include refined and expanded posting and notification requirements. Additional informational measures are intended to be addressed in the Applications Manual, and many paths of information are already available and will continue – such as a new Countywide development activity map and other information sources on the Planning Department's website. Clarion Associate's general philosophy – based on national best practices and their extensive experience with other, successful jurisdictions – is that many application/development types can easily proceed at an administrative level because a) their potential impacts have been addressed comprehensively through the jurisdiction's Zoning Ordinance (through design regulations, for example), and b) such impacts and the scale of projects recommended for administrative review are so minor in nature that there would be little impact. These administrative projects are also grounded in clear, measurable findings of fact and law that cannot be affected by public input.	Make no change.
27-2—79 through 27-2—89 Site Plan (Minor and Major)	College Park and University Park support consolidating the current conceptual and detailed site plan procedures but has concerns with the major and minor site plan proposals. Specifically, the city feels the exemptions and thresholds dealing with nonresidential development and mixed-use development need to be reconsidered. "The City recommends opposing any exemption from site plan review for the construction or expansion of properties within an existing DDOZ or TDOZ in the City of College Park." University Park shares this concern. The two municipalities also recommend that "any Planning Director review also include municipal planning staff for projects within a municipality."	City of College Park, Town of University Park	While staff concurs the thresholds for exempt projects and minor and major site plans need to be reconsidered, staff does not agree that all projects in College Park along US 1 or at the College Park/U of MD Metro station should be subject to site plan review. Staff notes the Central US 1 Corridor Development District Overlay Zone and College Park-Riverdale Park Transit District Development Plan both contain exemptions from site plan review for certain types and thresholds of development. Staff opposes any requirement for site plan review for expansion of existing development if there is no threshold for the level of expansion that should trigger review. In other words, if ANY expansion (e.g. one square foot of added space) requires a site plan, this becomes a substantial disincentive to reinvestment. Expansion of existing development past a certain threshold (e.g. 50 percent of an existing building's gross floor area or more than 5 or 10 dwelling units) is a more reasonable trigger for site plan review. As noted elsewhere in this analysis, staff would expect municipalities to be notified of minor site plan applications (reviewed by the Planning Director), and that municipal input will be solicited, but such input does not need to be codified and can instead be incorporated in the Applications Manual.	Make no change.
27-2—79 through 27-2—89 Site Plan (Minor and Major)	"The City recommends that municipalities be notified in writing of the filing of a minor site plan and when the Planning Director is required to make a decision on the application."	City of College Park, City of Greenbelt, Town of	While the pre-application neighborhood meeting is optional for a minor site plan, when one may occur, municipalities would certainly be invited to participate. The proposed Zoning Ordinance already requires posting of the site at least ten days prior to the Planning Director's decision. As indicated elsewhere in this analysis, staff is directing Clarion Associates to provide for additional mailed notification when an application is determined complete.	Make no additional change.

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	The Town of University Park shares this comment, and also states that municipalities within one mile of the site should be notified, in writing, of the filing of a minor site plan. The City of Greenbelt comments on minor site plan procedures: "if the development is within a municipality, the planning staff of that municipality should be invited to the pre-application process and notified in advance of the Planning Director's decision."	University Park		
27-2—79 through 27-2—89 Site Plan (Minor and Major)	The City of Bowie requests deletions of exemptions l, m, n, and o on page 27-2—80 regarding projects that may be subject to site plan review.	City of Bowie	Taking these exemptions in turn: 1. Deletion of exemption l would mean that the construction of any new – **and any alteration to an existing** – single-family home, or two-family or three-family dwelling, would require site plan review. This would be an extreme burden on property owners/residents of Prince George's County. Staff does not support deleting this key exemption statement. 2. Exemption m allows nine or fewer multifamily or single-family attached dwelling units that are in the same development to be constructed or altered without approval of a site plan. This is a reasonable threshold. There is no reason to subject one to nine multifamily or attached dwelling units to site plan review. It adds process, time, and cost with little to no benefit to the County. 3. Exemption n exempts nonresidential development (construction, alteration, or expansion) with less than 100,000 total square feet. As discussed elsewhere in this analysis, the threshold figures for site plan review will likely change, so staff expects this figure to be lowered. 4. Exemption o exempts the construction, alteration, or expansion of mixed-use development with less than 50,000 gross square feet of nonresidential development and/or 50 dwelling units from site plan review. The same comment on the need to reduce the thresholds applies to this exemption statement.	See staff direction elsewhere in this analysis for more detail on the need to change the thresholds for site plan review. Make no other change.
27-2—79 through 27-2—89 Site Plan (Minor and Major)	"Given the 'minor' nature of Minor Site Plans, the validity period should be reduced from six to two years."	City of Bowie	It may take longer than two years to secure financing and permits, even for "minor" projects. Staff does not support this request.	Make no change.
27-2—79 through 27-2—89 Site Plan (Minor and Major)	How will the public be able to engage in the planning process for minor site plans? If a minor site plan is appealed to the Planning Board, is the Planning Board an appellate body? If so, how can the public submit testimony?	Municipalities	As proposed by Clarion Associates, the public – including municipalities and civic associations – can be notified of minor site plan applications through required site posting at least ten days prior to the date of the Planning Director's decision. Members of the public, civic organizations, and other stakeholders can also sign up to receive electronic notice of development applications. Elsewhere in this analysis, staff have directed Clarion Associates to require applicants provide notice once their applications are deemed complete. In the event a minor site plan is appealed; the Planning Board is the first appellate body (an additional appeal of the Planning Board decision could then be made to the District Council). The legal basis for an appeal is whether the Planning Director acted in accordance with the regulations set forth in the Zoning Ordinance, not if there is disagreement or dislike of the decision. Under Maryland state law regarding legal standing, the record before the Planning	Make no change.

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			Board's appellate review is limited to the record of the case that was before the Planning Director at the time the decision was made. Members of the public will not be able to submit testimony.	
27-2—79 through 27-2—89 Site Plan (Minor and Major	**"**We are opposed to the new section on Minor Deviations 'allowing minor changes without involving the full site plan review process.' (27-2.508.E12c) The applicant can ask for deviations from the Planning Director to increase gross floor area or increase up to 10% in the land area covered by a structure other than a building, which we believe will result in expansions of impervious surface."	Prince George's Sierra Club Group	Staff believe it appropriate to allow for minor changes to approved Major Site Plans as recommended by Clarion Associates. Under today's regulations and practice, the County receives numerous requests for minor changes to approved Detailed Site Plans and to Special Exception site plans, and these are processed as administrative review actions. Expansions to the land area covered by a structure other than a building would still be constrained by the lot coverage maximum of the zone.	Make no change.
27-2—79 through 27-2—89 Site Plan (Minor and Major)	Is the community still able to appeal to the District Council for site plans?	Maryland Building Industry Association	Yes. However, pursuant to state law, only people who are "aggrieved" by the decision may be allowed to appeal.	Make no change.
27-2—79 through 27-2—89 Site Plan (Minor and Major)	If a Minor Site Plan is appealed to the Planning Board, would it be considered a Major Site Plan? Will the Planning Board's review of the case be an appellate review?	Maryland Building Industry Association	No, an appeal of a Minor Site Plan to the Planning Board does not elevate it to a Major Site Plan. Yes, the Planning Board's review of that case would be an appellate review (meaning it would not allow for the introduction of new evidence or testimony, and must be based on the record materials reviewed by the Planning Director in making the initial decision).	Make no change.
27-2—79 through 27-2—89 Site Plan (Minor and Major)	Will the Planning Director have the ability to impose conditions of approval?	Maryland Building Industry Association	For Minor Site Plans and other cases that would be decided by the Planning Director, and where authorized by the Zoning Ordinance, yes.	Make no change.
27-2—79 through 27-2—89 Site Plan (Minor and Major)	The appellate process associated with Minor Site Plan approvals can be twice as long as a Major Site Plan given the proposed path of appeals to the Planning Board and then the District Council. This is an "illogical situation." The appellate time may be as much as 230 days, or 7 to 8 months from the time an aggrieved party files an appeal following an initial decision on the Minor Site Plan. This compares to a 70 to 115 day appeal timeframe, or 2 to 4 months, for the Major Site Plan. "In short, if the County's policy is to encourage development and redevelopment within certain geographic areas, zoning and subdivision processes must be as efficient as possible, with the shortest timeframe possible to obtain the requirement approvals."	Lawrence N. Taub and Nathaniel Forman	While staff concurs with streamlining, efficiency, and aspects of the administrative review procedures recommended by Clarion Associates, it soon became clear during the course of the Zoning Rewrite that appellate paths to the District Council were of importance to many stakeholders. There remains opportunity to revisit timeframes and look for "time savings" with the Comprehensive Review Draft expected in Spring 2017, but the appellate paths for both Minor Site Plans and Major Site Plans are unlikely to change.	Make no change.
27-2—79 through 27-2—89 Site Plan (Minor and Major)	A request was made that the new Zoning Ordinance should include deadlines for the decisions by the Planning Director on Minor Site Plans and the Planning Board on Major Site Plans, to be measured from the date of acceptance. No more than 150 days was recommended.	Lawrence N. Taub and Nathaniel Forman	Staff expect deadlines for action to be part of the Applications Manual. It is not best practice to codify action deadlines, as unique circumstances may arise that make it difficult to make a codified timeframe.	Make no change.

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27-2—79 through 27-2—89 Site Plan (Minor and Major)	"We would suggest that Minor Deviations for major site plans…be increased from 10% to 20% of the gross floor area of a building over the life of the building, as well as in the land area covered by a structure other than a building."	Lawrence N. Taub and Nathaniel Forman	Staff believe the proposed ten percent increase is appropriate for both the gross floor area of the building and the land area covered by structures other than a building. An increase to twenty percent could have a significant impact for larger buildings and structures, and should be reviewed as a more significant amendment to the site plan rather than a minor deviation/amendment.	Make no change.
27-2—80 Site Plan (Minor and Major)	Exemption statement p. on this page would exempt grading permits including infrastructure installation such as streets, utilities, and stormwater management facilities. This may create problems with site plans because the developer will not be able to make changes to plan layouts if the infrastructure is already in place and was not subject to site plan review.	Planning staff	While staff believes exemption p. was provided because by-right development at a permit level (e.g. a shopping center in the C-S-C Zone) can proceed with infrastructure and construction without Detailed Site Plan review, an argument could be made that exempting infrastructure installation (and perhaps even simple grading) prior to the approval of an associated Major or Minor Site Plan would indeed result in problems such an the inability to respond to Planning Director or Planning Board direction to change the site layout, since the infrastructure may already be in place.	Clarion Associates should offer comments on this observation to the project team.
27-2—89 through 27-2—91 Sign Permit	The City of College Park indicates the sign permit section may eliminate M-NCPPC review, which may also preclude city consultation on sign permits, and "recommends that a municipality be given the option to review and issue sign permits with appeal to the local planning commission, if appropriate."	City of College Park	Sec. 27-2.509 correctly reflects the key role of the Department of Permitting, Inspections, and Enforcement (DPIE) as the issuing authority for sign permits. M-NCPPC review is not precluded by the proposed language, and staff expects DPIE will coordinate with M-NCPPC staff in the review of sign permit applications. Municipalities would still be consulted on an informal basis, as is the case in practice today. While municipalities may issue permits, the Maryland legislature has not approved delegation of the original jurisdiction over the issuance of building permits, including sign permits, to municipalities in Prince George's County. Sign permits will continue to be issued by DPIE as the agency delegated the original jurisdiction over permit issuance.	Make no change.
27-2—91 through 27-2—93 Temporary Use Permit	"Include a requirement that the use will not violate any restrictions of prior approvals. In order to ensure that prior approvals are examined, Section 27-2.510.C.5 should have a required referral to the Planning Director."	City of Bowie	There is no requirement similar to the one proposed by the City of Bowie in the current Zoning Ordinance for temporary use permits and staff does not see the value in adding it in the new Zoning Ordinance. There are many unintended consequences associated with providing such a requirement. For one example, if a property has an approved Conceptual Site Plan, that plan is valid forever. A Conceptual Site Plan from 1971 may have a condition of approval regarding parking lots that prohibit community uses on that parking lot, when there may be a desire for a fair or carnival on the property today by the owner or residents and decades of demonstrated lack of use of the parking lot for parking purposes. There is no reason to prohibit issuance of a temporary use permit under this circumstance.	Make no change.
27-2—93 through 27-2—96 Use and Occupancy Permit	"Before a Use and Occupancy permit can be provided to an applicant, that applicant shall provide a WSSC release for service."	Washington Suburban Sanitary Commission	After discussion with the Planning Department's permit review section supervisor, it was determined that the "WSSC release for service" is unrelated to zoning and that this should not be included in the new Zoning Ordinance.	Make no change.
27-2—93 through 27-2—96 Use and Occupancy Permit	The Town of University Park notes the proposed Zoning Ordinance would no longer require a new use and occupancy permit be issued if a different occupant takes over the existing use. "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."	Town of University Park	This comment has come up in discussion with representatives from the County Office of Law and the combined focus group providing advice on the new Zoning Ordinance and Subdivision Regulations as potentially problematic for similar reasons as those expressed by University Park. The primary concern is that, by not requiring new use and occupancy permits, the contact information for the responsible parties may not always be available or easy to track. Staff have not yet made a decision on this front.	Clarion Associates should provide the project team with additional rationale on why it may make sense not to require issuance of a new use and occupancy permit if only the occupant changes, in light of concerns regarding contact information and code enforcement issues.

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27-2—97 through 27-2—98 Grading Permit	"Before a grading permit can be issued to an applicant, the applicant needs to receive approval from WSSC if there is an existing large diameter PCCP water line (30 inches or larger). "Grading or other construction activities over or around the PCCP should require approval from WSSC before the permit is issued. "Add to the section 'DPIE shall not issue a grading permit' For land with existing WSSC water or sewer lines on it until a WSSC approval for grading and other construction related activities has been obtained by WSSC."	Washington Suburban Sanitary Commission	The grading permit section (Sec. 27-2.513) incorporated in the proposed Zoning Ordinance defers to Subtitle 32 of the County Code as the governing regulations on issuance of grading permit. No changes are necessary with the Zoning Ordinance in response to this comment.	Make no change.
27-2—97 and 27-2—98 Grading Permit	"Note should be made that municipal grading permits are required for grading in the right of way." "Note should be made that municipal grading permits and sediment and erosion control permits may be required by municipalities and any actions taken pursuant to the zoning ordinance must also take into account municipal authority." Add a note that the Department of Permitting, Inspections, and Enforcement will not issue a grading permit for a municipal right of way.	City of Greenbelt, Town of University Park	Comment noted. There is no need to reference municipal grading or sediment and erosion control permits in the Zoning Ordinance since Sec. 27-2.513. Grading Permit cross-references and defers to the County's grading code, where such links to municipal permits are either made or implied.	Make no change.
27-2—98 through 27-2—100 Building Permit	"WSSC requests that the County shall not issue a building permit until a Building Certification Release (BCR) has been obtained from WSSC."	Washington Suburban Sanitary Commission	The "Building Certification Release" is unrelated to zoning and not appropriate for incorporation in the Zoning Ordinance.	Make no change.
27-2—98 through 27-2—100 Building Permit	"The City recommends that municipalities receive a referral prior to the release of a permit." The Town of University Park concurred.	City of College Park, Town of University Park	The comment refers to the required referral of building permit applications to the Planning Director for comment before a decision is made on the application. Clarion Associates have carried forward current regulations that reflect the requirements and authority specified in the Land Use Article of the state code; specifically, Section 20-503. Zoning Review authorizes the County Council "to provide for the referral of some or all building permits applications to the Commission for review and recommendation as to zoning requirements." The state code does not provide for the same referral to municipalities.	Make no change.
27-2—100 through 27-2—103 Interpretation (Text, Uses, and Zone Map)	"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	An interpretation of the text of the Zoning Ordinance, zone map (e.g. zone boundaries), and compliance with conditions of approval are administrative actions that do not and should not require formalized public engagement. These elements are already being interpreted by the Planning Director in the current practice, though it has not been codified. Interpretation of uses is also an administrative act as proposed by Clarion Associates, with additional regulatory guidance contained in Module 1 (Zones and Uses). Clarion Associates have established a process for interpretation which includes formal documentation and public availability of the interpretations made, and an appeals process to the Board of Zoning Appeals (BZA). As proposed, Clarion Associates have recommended the appeal only be made by the applicant. Staff defers to Clarion Associates for additional information.	Clarion Associates should provide the project team with their rationale as to why the applicant should be the only party that can appeal an interpretation.

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			An interpretation may apply to a specific property or be more broad in nature. It depends on what, exactly, is subject to interpretation.	
27-2—103 through 27-2—115 Variance and Adjustment (Minor and Major)	"The city [College Park] currently exercises its right to review and approve departures. Will this change? "As noted above, the city's [Greenbelt] authority over variances and departures (now adjustments) continues. We need clarification if the city's enabling legislation will need revision because of new limitations on variances and adjustments. It should also be clarified that all of the authority for adjustments as delegated in the proposed regulations would be delegated equally to the municipalities. It is recommended that delegation to the Planning Director of municipalities mirror the delegation of authority to the county Planning Director." Later in their official comments, Greenbelt clarifies what they mean by the last comment above: "Municipalities should have identical authority to that delegated to the Planning Director. If there were to be an attempt to differentiate 'types' of adjustments, the result would be a confusing maze of intertwined authorities which would detract from the purpose of the zoning rewrite. Further, just as the Planning Director has authority over certain types of adjustments, a similar provision should be considered for municipal planning directors." Greenbelt also suggested that perhaps municipalities should be included on the minor and major adjustments flowcharts.	City of College Park, City of Greenbelt	In general, staff expects the city's current enabling legislation (and the District Council's resolutions confirming delegation of certain powers to municipalities including the City of College Park and City of Greenbelt) will continue to allow these municipalities to exercise the authority that has currently been delegated – for example, departures from parking and loading spaces and departures from design standards. New resolutions and authorization will be necessary to delegate municipal authority over any new elements included as an adjustment (such as fenestration percentages) in the Zoning Ordinance. It must be noted that Clarion Associates propose to limit the authority of the Planning Director and the Planning Board with regard to the scale of the adjustment either body can grant. This is very different from today's current Zoning Ordinance, where departures are not typically restricted in the amount or percentage of change. Staff is working with the Planning Department's legal team to determine what, if any, impact such limitation may have on municipal delegation. The Zoning Ordinance has no role in determining how a municipality would choose to exercise any delegated authority. Should a municipality wish a municipal planning director to handle delegated authority, that decision is solely that of the municipality itself. Regarding "identical authority to that delegated to the Planning Director," municipal zoning authority within Prince George's County is controlled by Maryland State law. The new Zoning Ordinance has no authority to elevate a municipal planning director to the same level of responsibility over planning and zoning matters as the Planning Director. Since the flowcharts for minor and major adjustments are intended to reflect the path an application would take pursuant to the Zoning Ordinance, they appropriate reflect the "default" path for adjustments through the County's authority over adjustments. Municipal authority, where delegated, may be handled in different ways at the municipal level, so flow charts would not be appropriate.	Make no change.
27-2—106 through 27-2—115 Adjustment (Minor and Major)	"The City supports the revisions that set limits on the degree of adjustments that can be requested and that expand the type and range of adjustments that can be requested."	City of College Park	Comment noted.	Make no change.
27-2—111 Adjustment (Minor and Major)	"Why is the appeal process [for a minor adjustment] available to only the applicant? The public should have the opportunity to appeal a decision. Persons of record and municipalities should specifically have the opportunity to appeal." The City of Bowie desires "an opportunity for the public to comment and/or appeal minor adjustments" and generally seeks appellate authority for parties of record and municipalities.	City of Greenbelt, City of Bowie	The minor adjustment procedure proposed by Clarion Associates very closely reflects the County's current process and authority for limited minor amendments to approved Conceptual and Detailed Site Plans. These are administrative actions delegated to the Planning Director with a very narrow range of potential relief the Director can grant the applicant. There is no public hearing involved with the minor adjustment, and no record of testimony. In light of these, it would not be appropriate to expand the persons who may appeal the minor, administrative nature of these decisions.	Make no change.

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27-2—106 through 27-2—115 Adjustment (Minor and Major)	The City of Bowie opposes the new departures process "because it takes away functions currently assigned to some municipalities and gives the approval authority to the Planning Director. Departures from all zoning requirements. To the extent there are decisions to be made, should remain with municipalities that currently have this authority."	City of Bowie	The City of Bowie misunderstands the proposals being made for adjustments (currently called departures). As explained elsewhere in this analysis, the current process, including delegated authority to municipalities, is being retained in the new Zoning Ordinance. The clarifications staff recommend throughout this document should assuage Bowie's concerns.	Make no change.
27-2—106 through 27-2—115 Adjustment (Minor and Major)	Why are adjustments proposed to be appealed to the Circuit Court?	Maryland Building Industry Association	The comment refers to the major adjustment procedure, where the Planning Board would make the decision. As an administrative decision on a technical issue, Clarion Associates believe the Circuit Court is the appellate body best positioned to hear appeals.	Make no change.
27-2—106 through 27-2—115 Adjustment (Minor and Major)	As proposed by Clarion Associates, the District Council cannot appeal the adjustments. This is an issue because the public generally cannot hire the legal representation to "fight city hall." This is why the District Council's current election to review procedure is important. The public can reach out to their council person to fight on their behalf. It allows the public to participate in the appeal process.	Community	Improving public input in the development review process is a critical component of rewriting the County's Zoning Ordinance. The current regulations place a large portion of public input at the end of the process, limiting the community's opportunity to provide feedback that has significant impact on the overall development or design of a project. Clarion Associates encourages, and in some instances requires, a Pre-Application Neighborhood Meeting for all development applications. Regarding adjustments in particular, Clarion Associates propose an optional Pre-Application Neighborhood Meeting for all Minor Adjustments applications. Decisions would be made by the Planning Director and appeals would be made to the Planning Board during a required Public Hearing. A Pre-Application Neighborhood Meeting would be required for all Major Adjustment applications. Major Adjustments would then be decided by the Planning Board (with a mandatory public hearing), and could be appealed to the Circuit Court.	Make no change.
27-2—106 through 27-2—115 Adjustment (Minor and Major)	Some community members do not support any adjustments or the ability to adjusting the standards. These community members believe the developer must meet the standards or not proceed.	Community	If there are no adjustments, then standards need to be "right-sized," meaning they would need to be effective for all development. However, there are always situations where a proposed development or site is unable to meet **all** the standards. If there is no ability to provide relief from the standards short of a variance, the County could lose out on many opportunities for otherwise quality development.	Make no change.
27-2—106 through 27-2—115 Adjustment (Minor and Major)	In order to encourage investment in the Transit-Oriented/Activity Center base zones and our more developed areas within the Capital Beltway, the maximum percentages for relief for both minor and major adjustments should be doubled in these locations. The currently proposed percentages of relief "are so restrictive as to not provide sufficient or effective relief from the strict development standards recommended in the Zoning Rewrite."	Lawrence N. Taub and Nathaniel Forman	The idea of increasing the adjustment percentages further in targeted growth locations is an interesting one, but given the County's focus on increasing overall development quality and the incorporation of other adjustment elements pursuant to direction elsewhere in this analysis, staff is not yet ready to recommend significant increases to the adjustment percentages. We may revisit this concept after the Comprehensive Review Draft has been released.	Make no change at this time.
27-2—121 through 27-2—125 Authorization of Permit within Proposed Right-of-Way (ROW)	"Before issuing a permit for building/grading within a proposed ROW, WSSC utilities must be assessed. "Relocation of [sic] widening of a public street (especially if there is a ROW dedication associated with it) needs to be reviewed by WSSC. Existing WSSC water and sewer mains	Washington Suburban Sanitary Commission	The process for authorizing permits within proposed rights-of-way is carried forward from the current Zoning Ordinance, and involves a District Council approval for the issuance of such permits. The permit itself, assuming the Council has granted approval, will still be issued by the Department of Permitting, Inspections, and Enforcements pursuant to the County's standards permit issuance process, including all necessary referrals.	Make no change.

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	or easements may exist that could be detrimentally impacted. PUE cannot be dedicated over an existing WSSC easement. “			
27-2—121 through 27-2—125 Authorization of Permit Within Proposed Right-of-Way (ROW)	“Should not apply to municipal right-of-way. Municipal right-of-way should require municipality review and approval.” The Town of University Park shared this comment.	City of Greenbelt, Town of University Park	This is a surprisingly challenging comment to address. The state Land Use Article establishes original jurisdiction over planning and zoning matters. Original authority over authorization of building and other permits within proposed rights-of-way has been retained by the District Council. The state land use article does not authorize delegation of these permits to municipalities. On the other hand, M-NCPPC legal staff believe Section 5-202(2) of the Local Government Article authorizes municipalities the general powers to protect their property through appropriate permit requirements for *access* to municipal rights-of-way. Staff does not believe this authorizing clause in any way supersedes planning, zoning, and permit issuance authority otherwise delegated to Prince George’s County by the Land Use Article. In short – staff believe municipalities have no authority over the issuance of permits within proposed rights-of-way.	Make no change.
27-6—1 through 27-6—15 Nonconformities	The City of Bowie supports the general philosophy of the nonconformities division “of trying to make the best out of the situation by allowing reasonable continuation and expansion of nonconformities, because it is in the interest of continuing economic development and furthering community preservation.” While the City sees a beneficial effect on the County, they are concerned that the provisions appear to take away the city’s power to make nonconforming use determinations and place it with the County Planning Director. The city offers a consideration that the city’s Planning Director be given the responsibility to determine nonconforming uses.	City of Bowie	As mentioned elsewhere in this analysis, Clarion Associates have recommended the removal of the certification of nonconforming uses procedure, which is a controversial step that needs further investigation. Staff cannot comment on the specific alternative suggested by the city until that investigation is complete.	Make no change at this time.
27-6—1 through 27-6—15 Nonconformities	Can nonconforming uses continue to be nonconforming indefinitely? What if the sector plan or area master plan does not recommend a non-conforming use?	Municipalities	Yes. A nonconforming use can remain as long as it chooses by not making any changes, unless an amortization provision is enacted for the purpose of phasing out the use over time. Additionally, if a nonconforming use wants to change to another nonconforming use, the proposed code would allow it subject to the approval of a Special Exception, which is a new recommendation for Prince George’s County that has been the subject of much discussion. Comprehensive plans such as area master plans or sector plans do not recommend specific uses as much as they do use categories. For example, a plan may recommend medium-density residential or commercial uses and zone property to allow those uses. It would not be appropriate for a plan to recommend a property for an eating or drinking establishment or consumer goods establishment; this level of detail is beyond that of a comprehensive plan.	Make no change.
27-6—1 through 27-6—15 Nonconformities	Would nonconforming uses apply to residential lots and buildings? The R-55 still requires 6,500 square feet, so many lots are nonconforming.	Communities	Not so much the “use” as the concept of “nonconforming.” If the building or lot does not comply with the new standards, it would be a nonconforming building or lot. Clarion Associates is very aware of the potential impact of this and have been working diligently to minimize any potential nonconformities the new Zoning Ordinance may create.	Make no change.

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27-6—1 through 27-6—15 Nonconformities	There are lots of lots that are 50x100 feet and then the government built a road, thus making the lot 50x92 feet. This makes the lots too small, and variances cannot be achieved.	Communities	It is not clear if a special policy is needed for nonconforming lots. The proposed policy is that building is still allowed, as long as it meets the standards for development on that lot.	Make no change.
27-6—1 through 27-6—15 Nonconformities	How is nonconforming different than "grandfathering"?	Communities	Clarion responded: "Nonconformities are a type of grandfathering. A nonconforming use may continue operating after a zoning change no longer generally allows the activity, as long as legislatively pre-determined criteria are met. Grandfathering itself is a broader concept and could speak to anything that continues after, and is exempt from, the implementation of new authority."	Make no change.
27-6—1 through 27-6—15 Nonconformities	"The City if unsure of the implications of allowing a nonconforming use to extend to the lot lines of a property and requests clarification regarding this provision." The city opposes the new provisions that would allow a change from one nonconforming use to another with the approval of a Special Exception, indicating "it is likely to inhibit rather than promote revitalization goals" in an area of rapid change such as College Park. The city also opposes provisions allowing the alteration, enlargement, or extension of nonconforming structures. Regarding nonconforming lots of record, "the City supports this provision only if dimensional standards are met due to the possible negative impacts on adjoining properties of waiving them." The Town of University Park shared this comment. The Town of University Park does not believe provisions allowing changes in nonconforming uses would be helpful in the town "and its adjacent areas."	City of College Park, Town of University Park	The provision that would allow a nonconforming use to extend to the lot lines is contained in the current Zoning Ordinance (see Sec. 27-384(a)(2)). Clarion Associates propose additional restrictions and requirements pertaining to this provision above what the current Zoning Ordinance requires. There have been numerous concerns regarding the new proposal to allow a nonconforming use to change to another nonconforming use (which Clarion Associates have incorporated as an anti-blight measure). Staff believes conversation on this topic will continue. On a countywide basis, it is important to provide for the use of nonconforming structures so long as any proposed alterations conform to the dimensional standards of the zone in which the structure is located to minimize vacancy and blight. Nonconforming lots of record provisions proposed by Clarion Associates balance constitutional rights to use land with minimizing impacts to adjoining properties. Staff does not recommend any changes to these provisions at this time.	Make no change.
27-6—1 through 27-6—15 Nonconformities	Are nonconforming uses proposed as an administrative review?	Agencies	Yes; however, use changes are from one nonconforming use to another is recommended to be subject to Special Exception approval. The initial determination of the site as a nonconforming use is recommended as a staff review at the time an application is received rather than continuing a certification of nonconforming uses process. The applicant is responsible for providing evidence that the site is legally nonconforming.	Make no change.
27-6—1 through 27-6—15 Nonconformities	Most of the lots in the Port Towns are already developed, so how will the zoning rewrite address the nonconformities?	Port Towns Community Health Partnership	The proposed Zoning Ordinance provides two substantial changes for nonconforming uses that are located within the Beltway. First, Clarion Associates recommend that a nonconforming use can be changed to any other nonconforming use subject to the approval of a special exception. Second, nonconforming buildings and uses can be expanded as long as the expansion does not create a more non-conforming building. In other words, if the nonconformity is, for example, that the building is now too close to the front lot line, the building may not expand further to the front, but it may expand to the sides or rear so long as the building has not yet reached the side or rear lot setback requirements. These two measures are intended to help reduce blight by encouraging any use in place of vacant or nonconforming buildings.	Make no change.

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			Additionally, existing residential lots that do not meet the regulations for minimum lot size can still have single dwelling units built if they meet other dimensional standards. Similar, tiered regulations concerning other development types are proposed to allow for some use of property that may otherwise be nonconforming lots.	
27-6—1 through 27-6—15 Nonconformities	The proposed code recommends that a non-conforming use can be changed to another non-conforming use. Does state law allow this?	Council	Clarion Associates propose allowing one nonconforming use to be changed into another nonconforming use, subject to the approval of a Special Exception. Pursuant to prior requests from Council staff, M-NCPPC legal counsel are digging deeper into questions of state authority, and will address this question in due course.	Make no change at this time.
27-6—1 through 27-6—15 Nonconformities	The current nonconformance process for apartment buildings is very complex. How will this be addressed in the new code?	Maryland Building Industry Association	Nonconforming structures are allowed and Clarion Associates provides provisions for altering a nonconforming structure or building. Alterations, enlargements, or extensions of a nonconforming structure are allowed if the alteration, enlargement, or extension conforms to the dimensional standards of the zone in which the development is located.	Make no change.
27-6—4 through 27-6—7 Nonconforming Uses	What constitutes a change in a nonconforming use? Since certification of nonconforming uses will not be continued, where can a property owner go if they cannot provide the necessary information to prove their nonconformance?	Maryland Building Industry Association	A change in a nonconforming use would be determined by a change in use or a change in the zoning, that would transition the nonconforming use to a permitted use. Clarion Associates also recommend a procedure where a nonconforming use could be substituted by another nonconforming use pursuant to the approval of a Special Exception. Such a change would only be permitted upon a determination the change is to a use that has less impact on the surrounding neighborhood. If the current certification of nonconforming use process is discontinued, then the burden would be on the property owner to prove that the property is a legal use. A valid Use and Occupancy Permit would be the best information to prove the legal status.	Make no change.
27-6—6 Nonconforming Uses Change of Nonconforming Use to Another Nonconforming Use	Do we need greater flexibility for nonconforming uses outside the beltway as well? Is there proof that a flexible approach to non-conforming uses has worked? Allowing nonconforming uses to be replaced with other nonconforming uses gives pause. The new Zoning Ordinance will approve of nonconforming uses? How do we stop the cycle of these buildings? There should be a list of prohibited uses that cannot be used as a result of this non-conforming use/re-use regulation.	Communities	These comments refer to the proposed procedure that would allow a nonconforming use to be replaced by another nonconforming use subject to the approval of a Special Exception and a determination that the new use "is no more objectionable" than the prior use. Clarion Associates see this as an anti-blight/vacancy provision, recognizing many buildings may have been built for specific purposes and it would be very difficult to convert them over to legal uses. Other jurisdictions that have used a more flexible approach seem to prefer it. However, we do not have concrete data. This recommendation is the source of much discussion and angst. As proposed, it is limited to property inside the Capital Beltway (which is generally the part of the County that is the most built-out and most in need of infill development). Some parties wish this provision to be expanded to the rest of the County. Others believe this provision should not be retained, as they feel nonconforming uses should be phased out of the County over time. At the time this analysis was prepared (February 2017), no decision had yet been reached. Staff anticipates additional direction from the Council prior to the preparation of the Comprehensive Review Draft.	Make no change at this time.
27-6—9 27-6—10	"Why is there a difference between the variance for some zones and a minor adjustment in other zones?"	City of Greenbelt	This comment pertains to Table 27-6.403: Development of Nonconforming Lots, which attempts to establish rules that apply for allowing new development on lots that may not meet the standards of the applicable zone. This table is organized by location, with three categories: Transit-Oriented/Activity Center zones, all other zones inside the Capital Beltway, and all other	Make no change.

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Nonconforming Lots of Record Development of Nonconforming Lots			zones (meaning those outside the Capital Beltway). Generally, the rules are less stringent for the locations where redevelopment is most desired by the County. In other words, Clarion Associates propose to make it easier to develop nonconforming lots in centers than in areas that are more suburban or rural in nature.	
27-6—12 Nonconforming Site Features Improvement of Nonconforming Site Features	The proposed requirement that speaks to the value of proposed improvements over a five-year period seems unworkable and extremely difficult to evaluate.	Planning staff	It seems extremely difficult to be able to estimate the future value of proposed site improvements over a five-year period. This clause requires additional explanation from Clarion Associates.	Clarion Associates need to provide the project team with additional information regarding this provision. How would the value of proposed improvements be estimated? How would the County estimate the assessed value of the site over that same five-year period?
27-7—1 through 27-7—10 Enforcement	"The City [of College Park] supports this new section in the Zoning Ordinance and recommends that it be revised to acknowledge that municipalities have the ability to exercise authority to enforce the code (College Park exercises this authority)." "There is no discussion of municipalities being able to have zoning enforcement authority. This should be included." The Town of University Park shared College Park's comment.	City of College Park, City of Greenbelt, Town of University Park	The enforcement division applies to the enforcement of the zoning regulations included in the Zoning Ordinance. Where zoning enforcement may have been delegated to municipalities, it is through other provisions of County and state law, and such enforcement is limited by those provisions and authorizations. These issues should not be conflated so as to minimize confusion.	Make no change.
27-7—1 through 27-7—10 Enforcement	What does "all remedies are cumulative" mean?	Communities	This comment referred to one of the slides in a PowerPoint presentation given by Clarion Associates. Clarion responded: "This is a legal statement. The County is allowed to pick and choose which enforcement procedures are used and in what order. It also means that the enforcement procedures build on top of each other—e.g., an injunction—would not remove the earlier fines."	Make no change.
27-7—1 through 27-7—10 Enforcement	Council staff recommend a four-day decision timeline for making decisions regarding zoning violations.	Council	Staff is unsure what this timeline would refer to. In any event, the recommendations of the County Office of Law and Department of Permitting, Inspections, and Enforcement, when provided following their review of the enforcement procedures, should help clarify the issues at play with decision-making and zoning violation timeframes.	Make no change.
27-8—77 Terms and Uses Defined	The term "shopping center" does not appear to be used and should be deleted.	Lawrence N. Taub and Nathaniel Forman	Shopping centers play a role in parking and loading and signage standards, and are referenced in the Landscape Manual. This is why the term is carried forward and defined.	Make no change.

TYPOGRAPHIC AND EDITORIAL COMMENTS				
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Module 1 Definitions	The definition for "Airport, Small" in Module 1 inadvertently left off one of the criterion found in the current definition.	Communities	The definition should be revised.	Revise the definition of "Airport, small" to read: An airport having all of the following: (A) Ownership by a County or State public agency; (B) Runway length under 2,650 feet; ~~and~~ (C) No flight training schools; and (D) No aircraft based there weighing more than eight thousand, five hundred (8,500) pounds.
27-2—3 and 27-2—4 Summary Table of Development Review Responsibilities	There are several items that should be reconciled in Table 27-2.200: Summary of Development Review Responsibilities.	Planning staff	Staff concurs the identified reconciliations should be added. Staff notes additional revisions to this table will be required to fully reconcile it with the changes directed in this analysis.	Provide an "I" for the Planning Board for Comprehensive Plans and Amendments. Provide a "D" for the Zoning Hearing Examiner for Minor Deviation to Approved Major Site Plan. Change the various "C" for the Planning Board in the Permits and Certifications section to "R" instead. Do the same for the Planning Director. Add "C[3]" for the Historic Preservation Commission for Variance.
27-2—21 Scheduling Public Hearing and Public Notice	There is an unnecessary colon in the title of Table 27-2.407.B.	Planning staff	The typo should be corrected.	Delete the colon following "Table" in the title.
27-2—40 Comprehensive Plans and Amendments	There is a typo in Sec. 27-2.501.C.6.b.	City of Greenbelt	The typo should be corrected.	Delete the word "See" from the third line of sub-section 6.b. on page 27-2—40.
27-2—42 Comprehensive Plans and Amendments	Why has the one mile radius from a master/sector plan notification for comments been changed to one-half mile?	City of Greenbelt	The one-half mile reference is in error and should be reconciled. During review of this comment, staff noted the sub-clause needs minor changes to eliminate confusion (it could be interpreted that land owners within one-half mile of the plan area must be notified, and this is certainly not the intent).	Revise 27-2.501.C.8.c. to read: "All land owners within the area affected by the plan, each municipality whose territorial boundaries are within or abut the area affected by the plan~~,~~ or are located within ~~one half~~ one mile of that area…."

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27-2—79 Special Exception Minor Changes to Approved Special Exception	Note should be made in appropriate documents that the agency with sediment/erosion control jurisdiction may be a municipality.	City of Greenbelt	Staff concurs such clarification is appropriate.	Revise 27-2.507.E.3.c.iii. to read: "The agency or municipality having jurisdiction over approval of the erosion/sediment control or stormwater management plans…."
27-2—82 Site Plan (Minor and Major)	Sec. 27-2.508.D.11.a.i. inadvertently refers to the Planning Board's decision when it should refer to the Planning Director's decision.	Planning staff.	The typo should be corrected.	Revise Sec. 27-2.508.D.11.a.i. to read: "…notice of appeal within ten days of the Planning ~~Board's~~ Director's decision."
27-2—115 Adjustment (Minor and Major) Adjustment (Minor and Major) Decision Standards	The adjustment decision standards table is numbered incorrectly.	Planning staff	The numbering of this table should be corrected.	Renumber the table found on page 27-2—115 as follows: "Table 27-2.~~518~~517.E.…."
27-6—9 Nonconforming Lots of Record	The 4th level header on this page refers more to the major subject matter of the prior page.	Planning staff	The header should be readjusted to reflect the content on the page, which focuses much more on the section dealing with Nonconforming Lots of Record than with Nonconforming Structures.	Correct the 4th level header.