



Prince George's County Zoning Ordinance and Subdivision Regulations Rewrite

Prince George's County Council Worksession #1 2018

January 16, 2018



The Maryland – National Capital Park & Planning Commission

Agenda



- Encouraging mixed-use in our designated Plan 2035 centers
- How existing development approvals will be treated by the new ordinances (“grandfathering”)

Resolving the BIG questions



Guaranteeing a mix of uses

Option 1 *Staff Recommendation*

Five years after ordinance is effective, residential projects proposed in mixed-use zones must demonstrate that at least 18% of existing and/or approved development within $\frac{1}{4}$ mile is non-residential

Option 2

All projects must have at least 2 categories of uses, except second use may be waived if existing and/or approved development within $\frac{1}{4}$ mile supplies a mix of uses

Why encourage Mixed-Use?



- Great transit-oriented places work best when there is a mix of uses: a healthy mix of residents, employees, shoppers and visitors brings a place to life
- Daytime and nighttime activity
- History of development in Prince George's County: perception that it is easier to attract residential development than commercial
- Need to grow the commercial tax base
- Residential uses "rooftops" support non-residential uses.
- Mixed-use places generally generate less traffic and need fewer parking spaces than single-use places like shopping malls and office parks

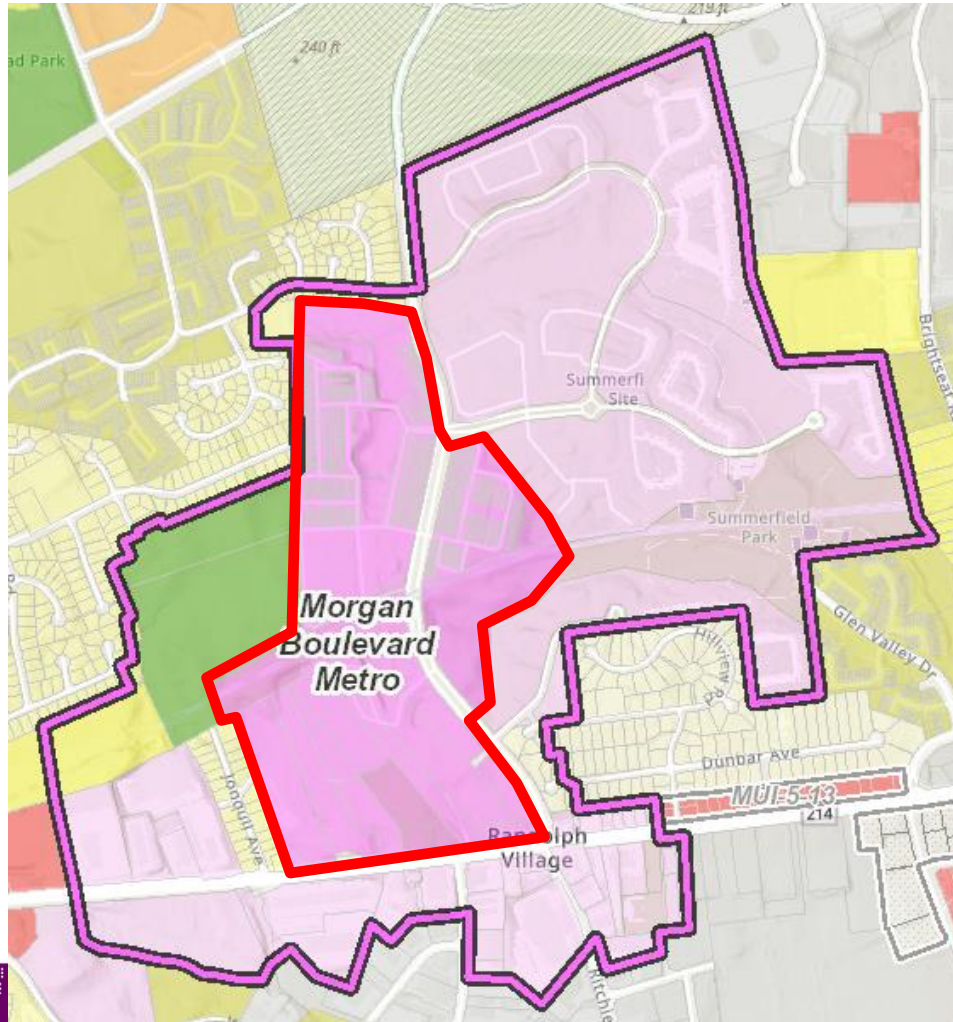
Applies to the following center base core zones



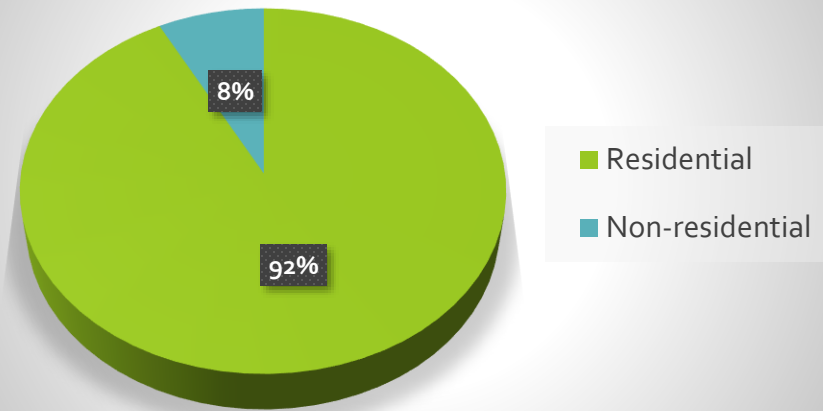
- Town Activity Center Zone (**TAC**)
- Local Transit-Oriented Center Zone (**LTO**)
- Regional Transit-Oriented – Low Intensity Zone (**RTO-L**)
- Regional Transit-Oriented – High Intensity Zone (**RTO-H**)
- Includes all of our metro station areas (except Southern Avenue Metro), portions of US 1 Corridor, and Takoma-Langley Crossroads purple line station area

How are we doing?

Morgan Boulevard Metro

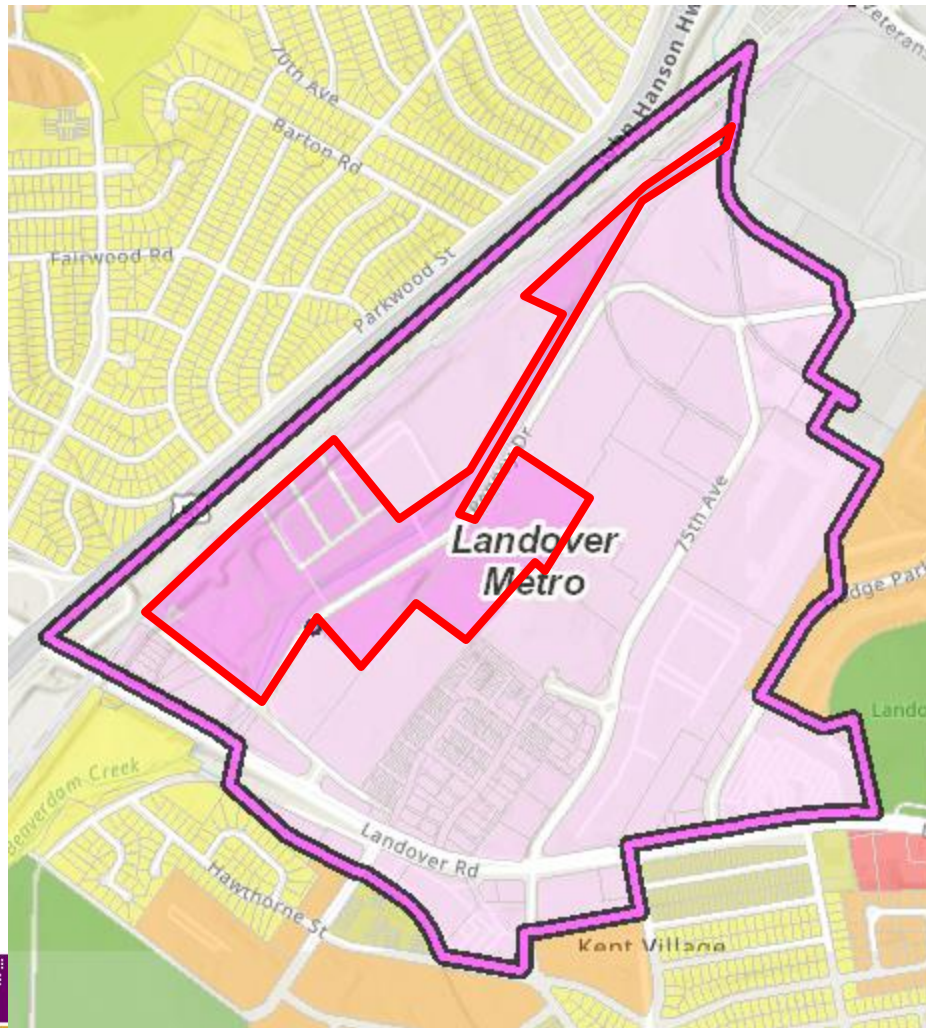


Residential and non-residential uses in core

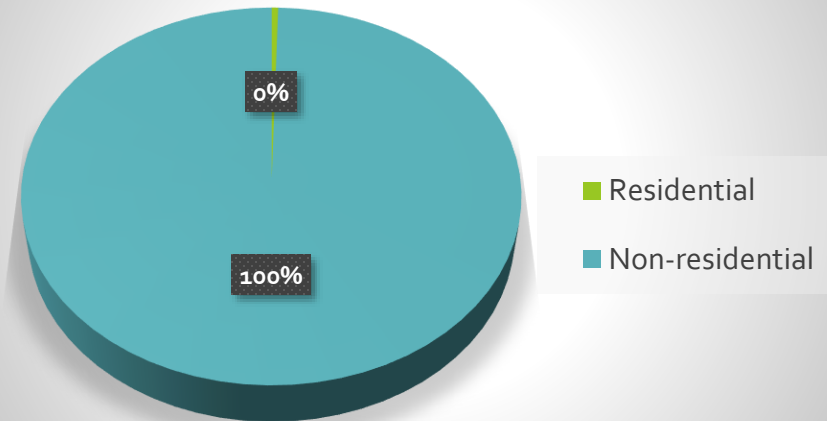


How are we doing?

Landover Metro

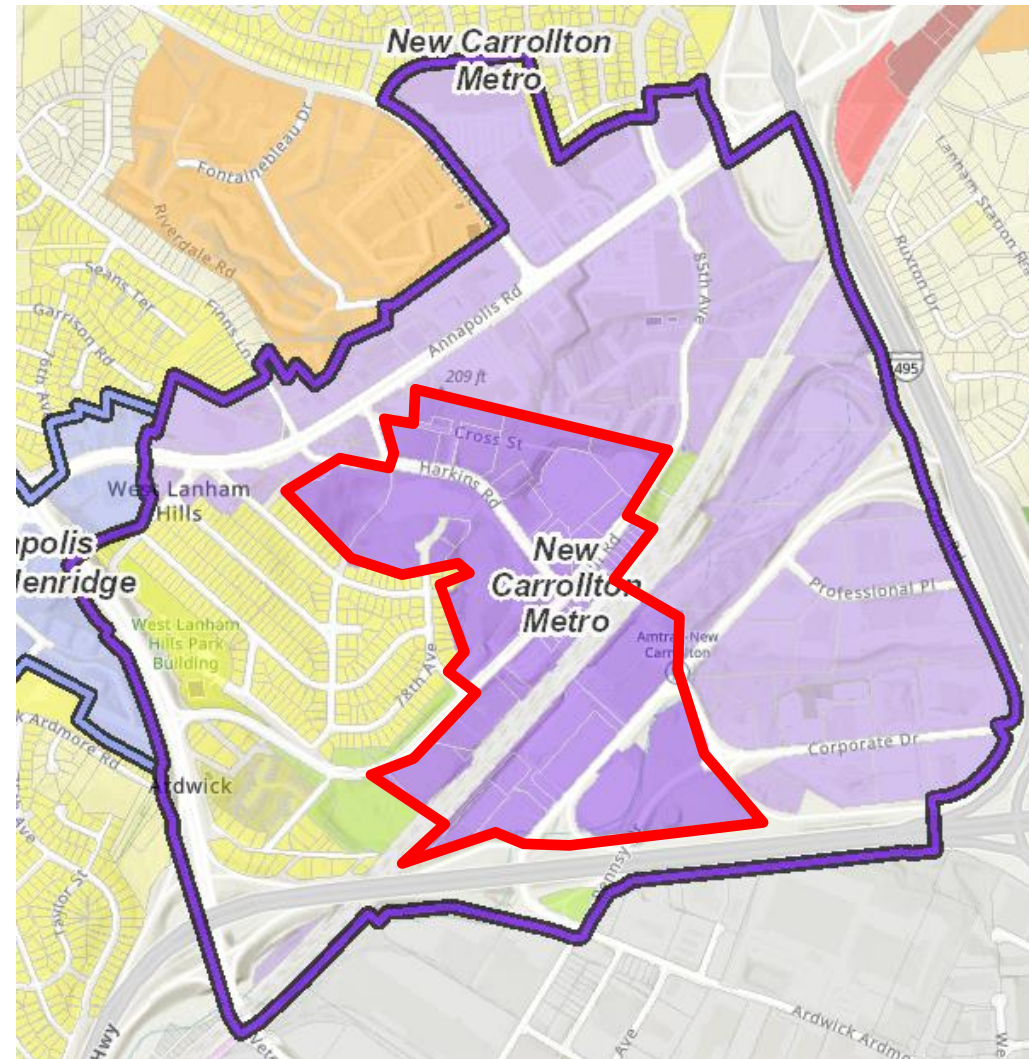


Residential and non-residential uses in core

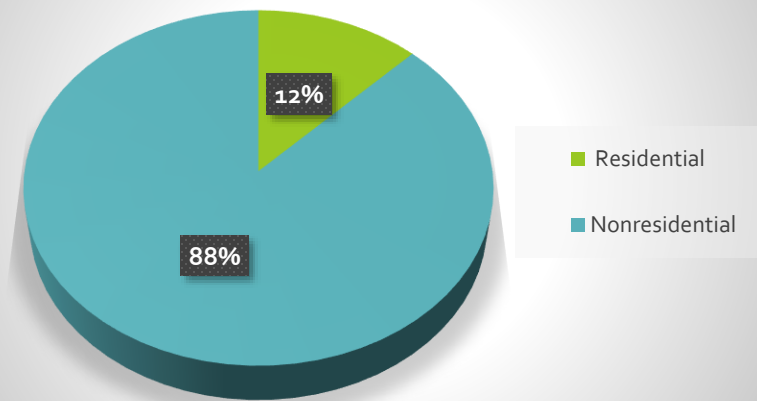


How are we doing?

New Carrollton Metro

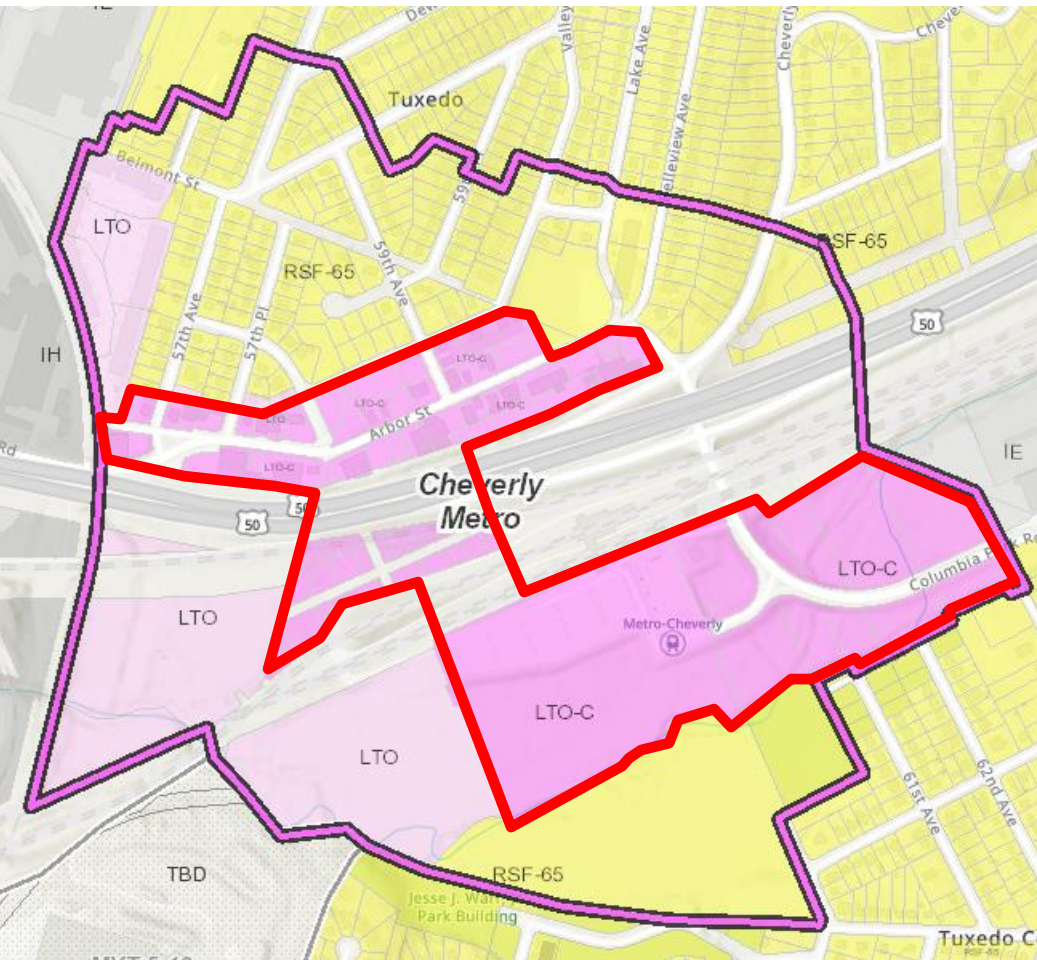


Residential and non-residential uses in core

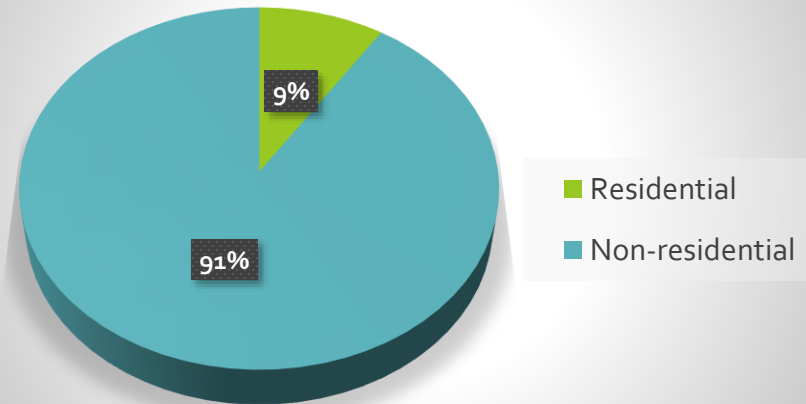


How are we doing?

Cheverly Metro

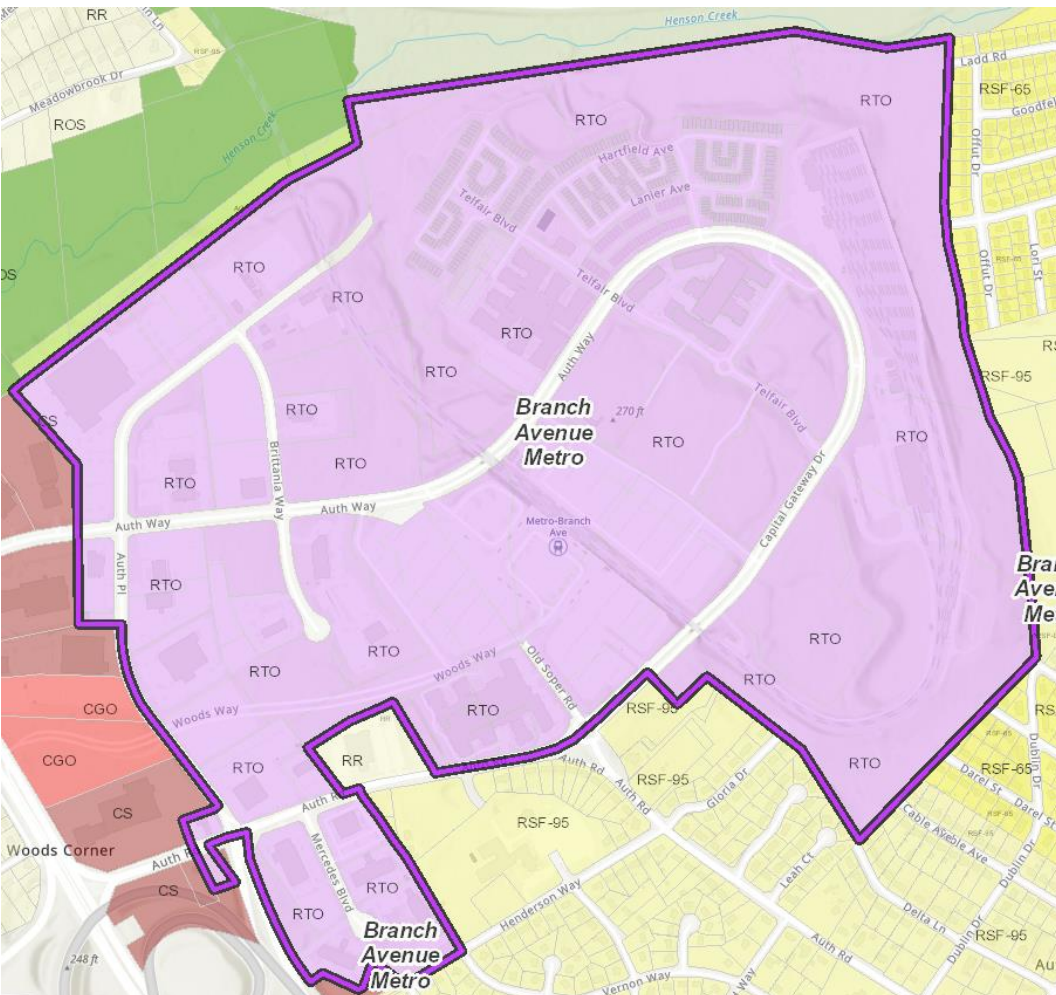


Residential and non-residential uses in core

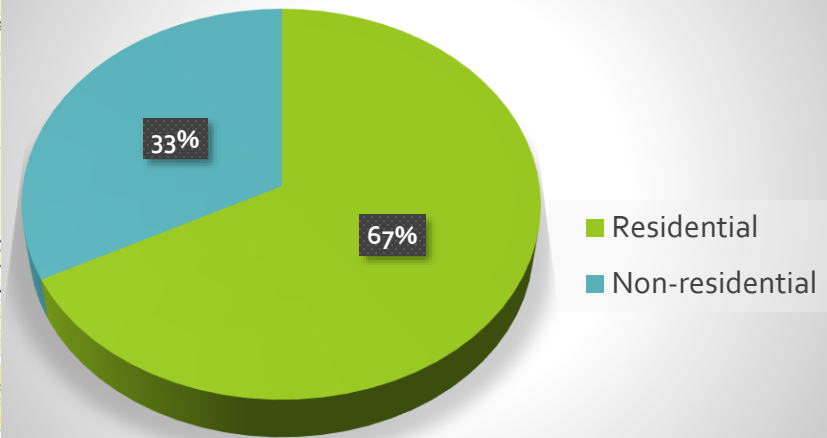


How are we doing?

Branch Avenue Metro



Residential and non-residential uses in core



Option 1: 18% Rule

Page 27-4—49



- In first 5 years, applications may be mixed-use, 100% non-residential, or 100% residential, at applicant's election
- After 5 years, each center's core is analyzed to see whether at least 18% of development (existing or approved) is residential and 18% is non-residential
- **If yes**, nothing changes
- **If no**, new projects must contain at least 10% of the use that is under represented, to restore balance

Key elements of the 18% rule



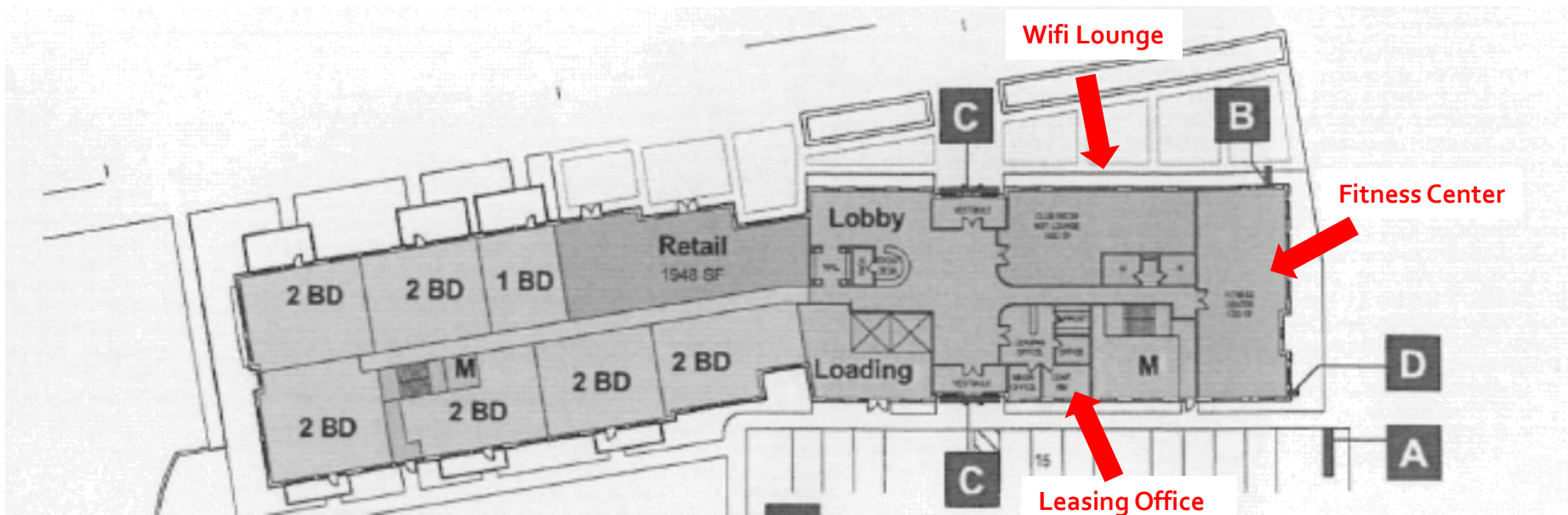
- Five-year window to let the market work
- Sets a goal of having at least 18% non-residential and 18% residential in every center core
- If goal not reached, new applications in that center core must begin to rebalance the residential/non-residential mix by proposing mixed use
- At least 10% of the square-footage of these new projects must contain the underrepresented use

10% minimum

210 Maryland Park



- Ground floor 22,750 sq. ft.
- Retail 1,948 sq. ft. (9% of ground floor)



10% minimum Maryland Book Exchange



- Building 458,413 sq. ft.
- Retail 13,844 sq. ft. (**3% of building**)



Additional provisions the Council may wish to consider



- a. **Timing of development:** Require that the non-residential portion at least begin construction before completion of the residential portion
- b. **Waivers of the mixed-use requirement:**
 - For small projects (for example, projects < 25,000 square feet GFA)
 - For projects that clearly demonstrate the absence of a market for the underrepresented use
- c. **What is the correct percentage?**

Risk of mandating mixed use



- Developers will not build, and lenders will not finance, a project that cannot be successfully sold or leased to end users
- If no viable market for mixed-use development, a mandate means **development in the center core may stop**
- Therefore need a rule that incentivizes mixed-use without making new projects financially infeasible

Option 2: At least two use classifications present



- Similar to the approach used in the M-X-T zone today
- Every project required to include a use from at least 2 of the 5 use classifications
- New use table establishes 5 broad use classifications:
 - Rural and Agricultural Uses (only a few allowed in center zones)
 - Residential Uses
 - Public, Civic and Institutional Uses
 - Commercial Uses
 - Industrial Uses (only a few allowed in center zones)

Option 2: Examples of projects that will satisfy the rule



- Apartment complex with any amount of retail
- Apartment complex with a medical office
- Apartment complex with an arts center
- Apartments built above office or retail space
- Office with an arts center
- Office with a research & development facility
- Office with an arboretum
- Retail with office above
- Retail anchored by a library

Additional provisions the Council may wish to consider



- a. **Timing of development:** Require that the non-residential portion at least begin construction before completion of the residential portion
- b. **Waivers of the mixed-use requirement for:**
 - Small projects (for example, projects < 25,000 square feet GFA)
 - Projects that clearly demonstrate the absence of a market for residential or non-residential development
- c. **Automatic waiver if center core has already achieved 18% in each category**

Guaranteeing a mix of uses



Questions?

Grandfathering

What is it and why do we need it?



- Grandfathering allows certain projects to continue to use the rules of the old ordinance.
- Every jurisdiction that approves a new code offers some level of grandfathering.

Grandfathering

Existing Structures



- Every jurisdiction grandfathers structures already in existence.
- Grandfathered buildings can be “non-conforming” or “deemed conforming.” The CRD chooses “deemed conforming.”
- “Deemed conforming” was chosen because “non-conforming” buildings encounter major finance and insurance problems.

Grandfathering Projects Underway



...But not completed when the new ordinances take effect

- How far along should they be to get “grandfathering”?
- How long should they be protected?

Some policy considerations:

- Fairness to applicants & economic development needs
- Getting higher quality development
- How long do we want to administer two sets of rules?

Grandfathering

How does the Comprehensive Review Draft treat uncompleted projects?



- CRD grandfathers a project if a development application (except a ZMA) has been *accepted* by the Planning Department before the new ordinances' effective date. (CRD, page 24-1-5 & page 27-1-5)
 - Examples of covered applications:
 - Conceptual site plan
 - Subdivision
 - Detailed site plan
 - Special exception
 - A ZMA application is NOT grandfathered.

Grandfathering

How long are uncompleted projects grandfathered?



- Picking a single time frame doesn't work well because projects are so different.
- Comprehensive Review Draft approach (CRD, page 24-1-5 & page 27-1-5):
 - An existing approval remains valid for the time period specified in the old ordinance. (For CSPs, a 10-year validity period is added.)
 - An extension of time may be requested under the rules of the old ordinance.
 - The project may proceed to the next-level approval as long as the previous approval hasn't expired.

Grandfathering

An example of how grandfathering works



- ABC Development files a subdivision application to create 100 townhouse lots and a small retail center. The application is accepted by the Planning Dept. the day before the new ordinance takes effect.
- The subdivision application is approved by the Planning Board, using the standards of the old ordinance. The approval is valid for 2 years.
- Before the subdivision approval expires, ABC requests a one-year extension of validity, which the Planning Board grants.

Grandfathering

Example continued



- Before the extension expires, the Planning Board (or Council) approves ABC's DSP application. The DSP is valid for 3 years.
- Before the DSP expires, ABC obtains building permits.
- Before the building permits expire, ABC completes construction.
- The entire project has been completed under the rules of the old ordinance. All structures are "deemed conforming."

Grandfathering

Other points to consider



- Applicant can elect to proceed under new ordinance instead
- Modifications to grandfathered projects

Grandfathering



Questions?