



Zoning Ordinance and Subdivision Regulations Rewrite
Module 1: Zones and Use Regulations
South County Community Forum – Fort Washington
Tuesday, October 27, 2015 7:00 – 9:00 p.m.

The purpose of this discussion was for Clarion Associates to present their recommendations for new zones, zone regulations, and uses as presented in Module 1 of the Zoning Ordinance Rewrite. Responses to questions and additional presenter comments are identified by *italicized text*.

- Will grandfather clauses be allowed or apply? Will there be tax penalties? The question focused on building setbacks and heights among other design elements. *Yes, there will be grandfathering clauses, which will be drafted as part of Module 3. There are very rarely any tax implications with grandfathering clauses.*
- What about structures that others consider to be an eyesore? *We have dealt with this in other codes and feel that if the structure is in compliance today there should not be any problems. If you are already there, you can keep operating.*
- A resident asked a question that was identified as a concern: Plan Prince George's 2035 and Zoning Ordinance appear to be happening under same administration...is this already political? *Yes. It should be noted that the Evaluation and Recommendations Report proposes approaches that some elected officials have expressed their concern with, and the Clarion Associates' team will make recommendations based on their experience and best judgment, not based on politics.*
- How can single-family residences feel protected by any new ordinance? The "elephants" such as National Harbor are surrounded by single-family communities. What stops expansion into existing neighborhoods. *This is a very large and clearly different development than much of that within the County, and the future build-out of priority Metro stations and other Centers will be similar in that they'll be very dense. Moving forward, the location of zones, regulations and zone criteria, and neighborhood preservation standards will provide protections for existing communities.*
- Will the Zoning Rewrite change the current zoning on the ground? *The Zoning Ordinance Rewrite will provide the tools, which would have to be put in place by a separate (but concurrent) process. Rezoning is expected and necessary.*
- There is a concern with gas stations that sell tobacco, drug paraphernalia, snacks, etc.; expanding these uses becomes an eyesore and problem. The definition of gas stations should be narrower/more defined. *It's nearly impossible to build a gas station that doesn't sell snacks or*



have a convenience store associated with the gas pumps in today's market. We can look at other elements of the definitions, such as incorporated repair facilities.

- Where do we go to locate the proposed changes? *The project website and our OpenComment site. <http://zoningpgc.pgplanning.com> and <http://pgplanning.opencomment.us>.*
- Given we don't know what the County Council will do and when, is there any way to make sure we can keep our houses and parking, and to provide our input? *We are trying to make the process as transparent as possible, we're well over a year away from approval. One of the key themes of the Zoning Rewrite is to preserve existing residential neighborhoods. We're also incorporating as much notification and outreach as possible.*
- There was a concern with regard to retail, and a belief that "the County needs a retail czar" to attract smart commercial development. Even if commercial uses meet development standards, uses should not be concentrated together because of the potential competition. There is a finite number of customers, so retail uses could be detrimental to each other if overly concentrated. *One way to address this is that the regulations could look to restrict store size, but most places allow retail at large scales/sizes to occur in some places.*
- At least two large, current developments don't have Metro; will they have a lower allowable Floor Area Ratio (FAR, a measure of density)? Developments without Metro service should have a lower FAR.
- Who's dealing with traffic and highways? Where does that come into the plan of town centers? *Module 2 will include recommendations on transportation adequacy determinations.*



Zoning Ordinance and Subdivision Regulations Rewrite

Module 1: Zones and Use Regulations

Central County Community Forum – Landover

Wednesday, October 28, 2015 7:00 – 9:00 p.m.

The purpose of this discussion was for Clarion Associates to present their recommendations for new zones, zone regulations, and uses as presented in Module 1 of the Zoning Ordinance Rewrite. Responses to questions and additional presenter comments are identified by *italicized text*.

- How does the new Zoning Ordinance change voting in the County? *It won't.*
- With recent changes (referring to the Court of Appeals Zimmer decision), the District Council has to accept as fact what the Planning Board presents, whereas before residents could go to the Council with things the Board missed. This, along with removal of citizen standing (referring to the Fairness in Zoning Act passed by the State of Maryland), seem to constitute changes cast in concrete that affect this process. What will happen with community input? *The Evaluation and Recommendations Report outlined a comprehensive community input process, and we will expand on this with the proposed details in Module 3.*
- Concern was expressed with the consolidation of uses, particularly “consumer goods establishment.” There would be no difference between a Nordstrom and a Super Walmart. *Generally, retail uses are consolidated in modern zoning codes. Typically, most places do this. There are ways to address differences if necessary, such as size restrictions for building floor plans, for example.*
- Are there any standards for how much of a mix of uses should be, or will be, provided in a mixed-use zone? *Not at the moment, but we gave this some thought. If you think this should be part of the Zoning Rewrite, we would like to hear about this.*
- Are design standards imposed on existing development (when the new Zoning Ordinance is approved)? *Typically not. The focus is on regulating new development and redevelopment, while existing, legal development is grandfathered, or made exempt from new regulations until redevelopment.*
- Concern was expressed about the Planning Board, which is as being somewhat “god-like” in their decision-making. The perception is that there is nothing residents can do about their decisions. If the Planning Board doesn't have to answer to anyone, “we're in trouble.”
- With regard to affordable/senior housing when the developer community wants to build more expensive housing, how can you put in regulations to reduce costs? *Some communities are trying*



to address affordable housing through zoning codes, with techniques such as bonus density, parking reductions, and even mandates for affordable housing. Based on what the Clarion team has heard within Prince George's County. To date, there is no policy direction regarding affordable housing at this point in time.

- Regarding economic diversity, help us figure out how we can have affordable housing for workers and seniors around our centers. We want to be in walkable communities but cannot afford it. *You present a challenging issue. We have a lot of personal experience with this line of discussion and regulation, so we will take a further look.*
- There is an environmental justice component that comes into play with zoning and development. How will this Zoning Ordinance relate to an executive order (editor note: this was indicated as approximately 20 years old, details unknown)? *We will keep issues of environmental and social justice in mind.*
- There was some discussion of the recommendation in Module 1 to provide for accessory dwelling units in most single-family residential zones. This is viewed by Clarion Associates as a modern trend that could provide for some affordable housing opportunities but would be a major change from today's code. Clarion would like to hear more about accessory dwelling units from the County.
- Are energy-efficient and sustainable emerging uses (e.g. solar farms, wind turbines, etc.) being considered? *We have included a lot of green and sustainable uses in the accessory use table.*
- What about medical cannabis? *There is currently no County policy direction on medical cannabis in place.*
- One participant suggested a zone for environmental protection, one that would be put in place through the countywide rezoning necessary to implement the new Zoning Ordinance.



**Zoning Ordinance and Subdivision Regulations Rewrite
Module 1: Zones and Use Regulations
North County Community Forum – Laurel
Thursday, October 29, 2015 7:00 – 9:00 p.m.**

The purpose of this discussion was for Clarion Associates to present their recommendations for new zones, zone regulations, and uses as presented in Module 1 of the Zoning Ordinance Rewrite. Responses to questions and additional presenter comments are identified by *italicized text*.

- Are the use table slides all inclusive? Can hard copies be made available? *The slides in the presentation are just representative of the look and contents of the use tables. The full module can be viewed at any of the County's libraries, on our web site, and our OpenComment page. <http://zoningpgc.pgplanning.com> and <http://pgplanning.opencomment.us>.*
- While I like what is being proposed, there is some confusion with the nomenclature of the residential zones. Changing R-80 and R-55 to the SFR-4.6 and SFR-6.7 (to reflect their maximum density) seems unnecessarily awkward. Instead of density, consider lot size for the names.
- Minimum lot sizes in many zones, especially the residential zones, are dependent on when the plat was recorded. There were very different lot sizes before 1949. *We heard a similar concern in a prior meeting this week. There are often contextual requirements that may come into play.*
- Everyone wants infill/redevelopment, but it should conform to what the neighborhood character is like, not necessarily what the current zoning may allow.
- How would we accommodate combination retail? (Editor note: The project team members present at this meeting were unfamiliar with this specific term as used in the context of the question. The team learned later that it is a term some jurisdictions use to refer to large-scale retailers such as Walmart and Target.)
- There needs to be a clear and understandable definition of how to measure height. This has been viewed as a major problem. *Height measurement is part of Division 27-8 in Module 1. If it needs to be refined or clarified please let us know.*
- Assume we wish to follow the recommendations of Plan 2035. The ongoing Prince George's Plaza Transit District Development Plan update contains recommended core and edge areas. When you require both in the Zoning Ordinance, how are the edge areas defined? Is the developer allowed to use neighboring, existing residential properties for the edges? *The core and edge areas would be defined in the remapping as the center base zones are applied to property in the County.*



- If the new transit center zones are all by-right, will there be design guidelines within the regulations to review for architecture, to ensure the quality we want? *There are regulations for building form, height, setbacks, and other elements proposed in Module 1, and Module 2 will contain additional design requirements for new development.*
- Car rental is misclassified as the wrong type of use. They should be allowed by right in shopping centers and transit districts. They don't just consist of large surface parking lots, they could also be parked cars in a garage or take other forms. What about car share and car rental stations that are unattended? Why would a commercial site changing to a car rental use require a special exception?
- Provide less flyers and mailings to save money and be more sustainable.
- What is the difference between the two Regional Transit Oriented (RTO) Zones (high and low), and what are examples of where would they be located? *The Clarion Associates team explained the buildout and density differences of the two RTO-Zones, but as to where they may be mapped it is too early to tell.*
- In the RTO-High Zone, will there be a requirement that to establish such a zone, the County will establish a Transportation Demand Management or parking district? This should be a requirement of the highest intensity zones. *As currently proposed, no, there would not be such a requirement. If there is a suggestion that a more robust analysis is desired we can look at that. In the core or edge areas of the center base zones, they would be mapped, so you could not "magically accrete" land into these zones, such as adding existing residential zones. There will also be compatibility standards to minimize impacts on existing neighborhoods.*
- The larger issue is setting for the specific uses in the use tables. Uses are changing every day, and it is very difficult to add new uses to the current Zoning Ordinance. We need the flexibility for dealing with uses without the level of specificity we see today. *Module 1 includes a proposed use interpretation process that would be used to classify new uses in the County.*
- Are definitions included in the current module? How is best for me to provide comments? Some current definitions are harmful to interpretations. *Yes. Every use in Module 1 has a proposed definition. The best way to offer comment is through OpenComment or e-mail to the project team.*
- You should solicit code enforcement officers for comments. *The County's attorney charged with code enforcement and interpretations is part of the project's Zoning Technical Panel and has been very involved.*



- There was a statement that the current zoning code is “gamed.” Will the rewritten code allow more people to feel more comfortable that the system is not gamed? *We’ve heard this concern from a number of other stakeholders. One of the key things is to provide objectivity and precision, with precisely written regulations. Make the Zoning Ordinance much clearer and understandable so everyone can be on the same page and have a chance to understand the rules.*
- The Mixed-Use Town Center (M-U-TC) Zone is an important consideration. Each M-U-TC development plan is a community-based effort that regulates development character. The proposed replacement (the NCO or Neighborhood Conservation Overlay Zone) would not be tied to the local jurisdiction. It would be more global, correct? *The short answer is we don’t know at this time. We certainly do recommend the M-U-TC be replaced. Module 3 will address existing development approvals such as those in existing M-U-TC areas.*
- Two of us represent municipalities, and do not have the same focus as attorneys representing developers. We think municipalities would welcome set and clear standards so they do not have to fight the same fight with every application.
- There was a suggestion to revise the definitions of rooming house and boarding house.
- Where and how will public participation be reduced? *This question seemed to focus on the process of development applications in general. The idea is not to reduce public participation but to expand it through recommendations such as the required pre-application meeting with communities before any discretionary application is accepted for review, and through more robust notification requirements when development is proposed.*
- As a follow-up, will there be a chart or write-up showing how the process will change? *We’re looking at ways to graphically clarify where and how changes are anticipated.*
- Will there be rezoning or properties? *This is a proposal to rewrite the County’s Zoning Ordinance. While many zones will more or less be carried forward, perhaps with a new name, many will change. There will be a rezoning necessary to implement the new Zoning Ordinance.*