



**Zoning Ordinance and Subdivision Regulations Rewrite
Combined Focus Groups
(Civic Associations, Municipalities, Real Estate/Land Use Attorney, Business)
February 3, 2016**

The purpose of this meeting was to discuss Clarion Associates' recommendations contained in Module 1 (zones, zone regulations, and uses) with representatives from the four project focus groups and hold a conversation to identify any additional desires or concerns held by the focus groups.

What are your general thoughts on Module 1? What did you think was done well and what do you think could have been improved?

- There should be a 10,000 sq. ft., 3 du/acre residential zone. (Municipal Representative)
- The I-3 Zone or a similar industrial park zone should be retained. (Civic Association Representative)
- The use definitions are a great step forward from today's lack of definitions. Also, general question about the overlay zones: some site plans in the overlay zones (sector plans) contain amendments to zoning standards and table of uses today, will this be carried forward? (Real Estate/Land Attorney Representative)
- A suggestion was made concerning a general conservation zone to preserve environmental features next to neighborhoods. Others in the meeting concurred. (Civic Association Representative)
- Participant requested additional clarity on the Public Land (PL) Zone because not all land in public ownership is used with the intended purpose of conservation. Skate parks were named as one example. (Municipal Representative)

What types of buffers should exist to protect farmers and homeowners in the Agriculture Residential (AR) zone?

- A participant appreciated the focus and renaming of the Residential-Agriculture (R-A) Zone to the AR Zone. The current landscaping and buffering requirements are not really enforced. This participant would like to see that move forward. (Civic Association Representative)
- The primary focus seems to be rural preservation. This zone is in the Croom community, which is generally supportive of the increased emphasis on agricultural uses. This commenter would like



to have a presumption that agricultural uses even in the less dense zones are permitted (and their associated buffers would still be included). Where there are conflicts it would be the responsibility of the residential property owners to demonstrate hardship. This commenter is very strongly in favor of broad agriculture uses being permitted by right. (Civic Association Representative)

- The assumption is this zone is primarily for agriculture, and that if people move in they shouldn't expect the agriculture uses to adapt to them. (Civic Association Representative)
- Having Estate housing in a large part of the AR Zone seems to conflict with the purpose for agricultural. Allowing clustering of homes, through conservation subdivision, addresses issues of buffers. Maybe estate housing should be taken out of this zone? If you can just do two-acre residential lots as a matter of course it seems to go against an emphasis on agricultural. (Municipal Representative)
- There have been pushes by the farmers community for a "farmer's bills of rights." This was adopted as the Right to Farm legislation. (Civic Association Representative)
- Is there any distinction between traditional agriculture and "confined animal" breeding/farming operations? For Clarion: You should look into the definitions for agriculture and raising livestock. (Civic Association Representative)
- Are we talking about buffering in terms of the need for buffer as a concept around farming operations, or the specifics (width, etc)? (Civic Association Representative)
- Any thought on requiring buffering on the basis of who comes in first for development (the farmer or the residents)? (Civic Association Representative)
- You may want to look at how to handle conflict resolution between intense agricultural operations and McMansions. The Food Equity Council supports the suggestion to have the estate home owner provide the buffering, not the farmer. (Civic Association Representative)
- The R-A Zone was really considered to be a holding zone for some time and seems to be shifting to residential rather than moving back to farming. I've looked at the use tables (regarding agriculture) and did not see a commercial recreational entertainment type of agricultural use, but I would like to see this. An example of this would be agri-tourism. (Civic Association Representative)
- We are very supportive of flexible definitions to account for emerging agricultural uses. (Civic Association Representative)



Can townhouses and apartments coexist in the same zone? What conflicts may arise and how can we prevent this?

- Moving from 6 to 12 townhouses (maximum dwellings per acre) and shifting to higher-intensity apartments may create some aversion within the community, especially if not initially posed in a comprehensive development. (Municipal Representative)
- Concern was expressed with how a mix of townhouses and apartments would relate to subdivision regulations, particularly Adequate Public Facilities (APF) determinations for transportation. We are seeing it play out badly in Brandywine under the current approaches. If the additional density will be allowed, will that be the benchmark for APF determinations? We don't want additional density without sufficient additional infrastructure. (Civic Association Representative)
- EYA Hyattsville is a great example of where this seems to work very well. This approach of mixing housing types seems to work very well in more urban settings. As you move into more suburban and rural/open space areas, this may still work but there may be a real need to focus on design issues and how they interplay. There is no reason to believe they cannot coexist inherently. (Real Estate/Land Attorney Representative)
- They can coexist, but there may be concern if you have an existing community of townhomes where you bring in renters who will bring the value down. If it's an apartment complex there may not be the same issues with adding townhouses. (Business Representative)
- APF concern is very important. We have had situations in various communities where the local population aged, there were no school-aged kids, the County Board of Education sold off school sites to developers, then young families moved in and the capacity for adequate school facilities no longer existed. (Civic Association Representative)
- We are comfortable with the zones being consolidated, but concerned with increasing the density of townhouse development when the County scatters larger density developments where infrastructure doesn't exist. This can have an impact on sprawl and there is no indication that the County can control the sprawl. While mixing townhomes and apartments is not inherently bad, there is an issue with ownership entities. Condo and Homeowners' Associations fall apart because nobody wants to be involved, and this can lead to a total mess. (Civic Association Representative)
- Two concerns are density and quality. How can the zoning discussion move to ensure that quality of development is discussed? Ensure high quality is present to move the County forward. (Civic



Association Representative)

- The quality question has been the question from the community for the entire time I've been involved in civic matters in Prince George's County, but I don't know how to get to the answer.
- Developers indicate they are meeting the requirements, that's all they need to do – the reaction is “wow, our requirements are so low.” We would like to change that threshold across the board. Are we talking about increasing buffers, green spaces/gathering spaces, how do we say something in zoning about the quality of these meeting spaces? Are we talking about 85 percent efficient, ie. What are we doing about the process to ensure this?
- One way to get here is not to focus on amenities in the temporal sense since things change over time, but to focus on the money. Creativity based on increased density should be based on pricing or taxation per square foot, for example. (Civic Association Representative)
- If someone has 4 acres with the maximum of 6 townhouses per acre; once this change is in effect, they can put in 48 apartments into that existing community (based on the proposed densities of townhouses and multifamily dwelling within the zone in question)? Seems like a “back door” to cram more development into existing neighborhoods. (Civic Association Representative)
- Will the proposed new setback requirements result in a lot of nonconforming townhouses? (Municipal Representative)

Clarion Associates is proposing a Neighborhood Commercial (NC) zone that encourages small-scale, community-centric retail. What is your desire for small-scale walkable commercial properties near residential properties?

- We would like to have grocery stores at different scales (e.g. healthy food retail outlets) in all residential zones. (Civic Association Representative)
- With regard to the proposals to eliminate the Mixed Use - Transportation Oriented (M-X-T) Zone and overlay zones; they've seen proposals that emphasize this kind of language and the “wobble word” is “near.” It could mean properties across a major highway or otherwise not walkable to the neighborhood. Walkable does not seem to be well defined today. (Civic Association Representative)
- Would the Neighborhood Commercial Zone be in all residential communities? With regard to grocery stores, we are not certain that many residential neighborhoods would want to see many retail outlets in the middle of their communities. (Civic Association Representative)



- Where in the document do you find the Neighborhood Commercial zone (nonresidential base zones). It seems like the nonresidential base zones should follow the mixed-use base zones in the order. Also, Floor Area Ratio should be used as a baseline density measure in the Commercial Zones. (Municipal Representative)
- Is the proposed Neighborhood Conservation Overlay (NCO) zone an effective tool to replace the current Architectural Conservation Overlay Zone (ACOZ) and Mixed-Use Town Center (M-U-TC) Zone?
- There are issues with the original Levitt lots in Bowie. The NCO may be helpful for that location. We are anxious to see the details of the NCO; We do not think the materials in Module 1 really get to it. We do not think it is practical to get the permission of 10,000 property owners. (Municipal Representative)
- We are curious to know how the NCO Zones are to be created? Community led? Top down? (Municipal Representative)
- We are interested in neighborhoods getting together: if there is an association interested in protecting the quality of their neighborhood, there should be a way to do that. If someone just has to get a Special Exception, perhaps this association could act as the developer's agent. (Civic Association Representative)
- If the project team is meeting with the Greater Accokeek Civic Association later in the month, the issue of the development review board should be addressed. They may have a different view. (Civic Association Representative)

What design standards should be incorporated as the baseline standards for new development within traditional zones if the Development District Overlay Zone and Transit District Overlay Zone are eliminated? Under the proposal, the associated Sector Plans would still be in effect.

- Consider that in many situations, as developments are designed, they cannot meet all of the particular design requirements. Having some flexible ability to seek variations, departures, and variances is very helpful as they may be necessary. (Real Estate/Land Attorney Representative)
- One of the overall goals of this rewrite project has been to get citizen input earlier in the process, so today they may have a development meeting, and six months later the developer changes the circumstances due to "practicality" or other reasons. This raises concerns within the communities. (Civic Association Representative)



- We are a little cautious of the concept of “adjustments” on top of the regulations. Still leaving variances intact with large zones. Our experience with associations with this area has been unequivocally negative. Lots of variances seem to arise, so the community members who live near the development site never seem to know what may actually be built. If this remains part of the code, it’s not really helping out the citizens. Brandywine, Westphalia, Indian Head Highway, and Largo Town Center were cited as areas where this is all abused to get around the “wonderful, mixed-use overlay use zones.” (Civic Association Representative)
- How do corridor plans and sector plans coexist with how the new zoning code will work? In some ways those are articulations of what communities want to see. How will it interact? The point of the sector plan is for different communities to define themselves. Part is to allow more by right development, faster, with community input upfront. The question becomes “what is the source of the community input.” (Municipal Representative)
- The question is what do we want to see? The standards would be in there? Where are the teeth in the regulations? (Civic Association Representative)
- How does the document remain living in terms of standards? How do communities step beyond the current measurements of quality? Brick may not be the end-all, be-all, as there are other materials of high quality. What is the standard? Based upon what? (Civic Association Representative)
- The solution seems to be a concern, especially if I’m a municipality. We may not be supportive of repeal of the overlays. The suggestion would be perhaps to have the base standard, but for new development, staff can demand a higher level of architectural design. (Civic Association Representative)
- Perhaps there needs to be an analysis of what projects are actually subject to the development standards. Greenbelt station cited as an example. Having regulations in the ordinance may actually subject more developers to more standards, as many developments such as Greenbelt station are current exempt. (Municipal Representative)
- This whole issue deals with the issue of “what is quality?” This is a very subjective question. Some of the better projects in the County have been negotiated, where the site plan establishes the parameters. EYA Hyattsville and the Cafritz Property in Riverdale Park were given as examples. Both projects are working out pretty well as a result of negotiation. The concern, in the conversation, is that the tighter you try to tie down this issue of quality, the more difficult you make it for people to negotiate the process. The more the ordinance tries to tie down specifics, the more difficult that process will be. (Real Estate/Land Attorney Representative)



- We want to make sure that Mount Rainier's voice is being heard today. Their concern is the M-U-TC Zone. We are having a very hard time trying to figure out how it will be addressed and relate to the proposed NCO Zone. A lot of work was put into the town center development plans that are specific to the communities. (Municipal Representative)
- From the rural perspective, the emphasis on quality in the "bulk standards" is really the way to go. This does affect the quality of the overall project. Street design, layout, connectivity, setbacks, etc. are all important. (Civic Association Representative)

What would you like to see incorporated in the interpretations process that would make you feel more comfortable about allowing the Planning Director to make the decision on new uses?

- Is there a process to appeal the Planning Director's decisions? (Municipal Representative)
- The Zoning Hearing Examiner is a far better body for appeals to interpretations than the recommended Board of Zoning Appeals. (Civic Association Representative)
- Interpretations should be very transparent and available on the website. (Civic Association Representative)
- Interpretations should also be emailed to the email lists. It would be nice to weigh in on the interpretations in advance. (Civic Association Representative)

Are there any concerns with your neighbor(s) participating in elements of urban agriculture?

- We would like to see a clear definition of urban agriculture in the module. (Civic Association Representative)
- The concern in my community is with roosters. (Civic Association Representative)
- Backyard chickens was the most controversial issue the Town of Cheverly has ever had in a town hall meeting. For less than 1/5 acre lots it seems like a joint decision to keep chickens, not just the individual owner. This town hall meeting was only intended to result in a letter to ask the County Council to allow for chickens. (Municipal Representative)
- The proposed definition of home housing for poultry is for 1/2 acre lots, so it may be ok. We agree that roosters should be prohibited. Some things such as the actual use for poultry in homes doesn't make much sense. Look to the use-specific standards, which may need tightening. (Civic Association Representative)



- Has there been any kind of outreach on urban agriculture by the Council or the Department? (Civic Association Representative)
- The current Zoning Ordinance has a definition for urban agriculture. (Civic Association Representative)
- There is an interest in bee keeping in the City of Greenbelt. (Municipal Representative)

What should be the balance between developer certainty and community certainties? How can we create a Zoning Ordinance that protects the community but also encourages development in our desired locations?

- No answer for this, but communities do not have the same resources developers have. When you're looking for balance in the code, which leans toward the developer or even 50/50, it's in the developer's favor. Communities often get totally out-manuevered by the developers. In effect the community loses its voice. (Municipal Representative)
- We have spent a lot of today on the minutia of the zones, with a common theme emerging from municipalities and citizens about how their points of view will be protected. The most basic way is for everyone to agree with what zone is in what place. When looking to develop a project, they look at current zoning and how it meshes with the sector plan, and expect that to get approved. But the neighbors often don't like what was approved with the sector plan years before. Maybe there needs to be a follow-up process so that local communities with plans they like can ensure that the new zones/zoning conforms to the sector plan and community desires. (Real Estate/Land Attorney Representative)
- Are there any thresholds that trigger a community benefit agreement? Can this be written in to the zoning? (Municipal Representative)
- We really like the idea of having a lot of discussion up-front, but we have the impression that this discussion may limit the citizen input later on to less than it is now. (Civic Association Representative)
- One attendee commented on a Zoning Hearing Examiner case that ignored the community as if we had not been there, and we appealed the decision to the District Council, which ruled in our favor. We are not interested in just saying our piece, but want to be able to stop something we don't like. (Civic Association Representative)
- Circuit Court success – Judge Nicholson indicated he was “just a speed bump on the way to the Court of Special Appeals.” There has to be meaningful input, not just shuffling things on a



checkerboard. One way to approach this would be, for a certain level of Planned Development, there would be a fee that could be used to pay for an advocate to work with the citizen groups in the area, even at the pre-application stage. If there is the structure (and resources) to bring in citizens early on, it would seem to be a practical counterweight to the streamlining (and fear of over-streamlining) in the later stages. (Civic Association Representative)

- If I'm a developer and propose a development that conforms to the plan and zoning, what is the pathway to development as matter of right? (Real Estate/Land Attorney Representative)
- Limit text amendments. Planning Board hearings need to be proper evidentiary hearings. Expand the use of the Zoning Hearing Examiner (who does conduct evidentiary hearings). Staff reports need to reflect citizen and municipal positions (with written responses). Limit/prohibit reconsideration by the Planning Board. Both developers and citizens get blindsided. There could be a Special Exception that comes up, a rezoning proposal, variance requests, etc. that nobody knew existed because it wasn't clear it would be applicable with the given property (perhaps as a result of a text amendment for other property in a completely different part of the County). (Civic Association Representative)