



Civic and Community Organization Focus Group

Tuesday, January 27, 2015

CAB - Boardroom

The following is an extensive sampling of the comments received on the Evaluation and Recommendations Report during the Civic and Community Organization Focus Group held on January 27, 2015. Comments and questions received from the participants are in black text. Consultant and staff responses that were provided during the listening sessions are in [blue text](#).

- One of the goals should be how to make it easier for citizens to get involved in the process. This is not included.
- What constitutes a major and minor project?

[At this point a threshold hasn't been determined for major and minor projects.](#)

- What is a Final Plat?

[A final plat is a subdivision plat that has a drawing of the final piece of land and constitutes the legal description of the property.](#)

- There should be a mechanism to make sure that paper documents are distributed at libraries and other public facilities.
- The Evaluation and Recommendations Report seems to remove the elected officials from the process, thereby taking the rights of the review from the citizens.
- If Pre-Application Neighborhood Meetings are going to be required they need to have a purpose and be substantive in nature. It should be a dialogue with citizens, County officials, planning staff, and developers. The current perception is that developers are doing this because they have to.



- The current process requires a pre-knowledge of the meeting or development. Only people who have already signed up as a party of record are notified. If a person is not signed up to be notified as a party of record, they will not be notified about the project. You have to change the structure of how the neighborhood meeting is done. Civic associations may not always be notified if property subject to that civic association is not abutting the proposed development.
- There also needs to be consistency in the electronic documentation. Sometimes documents are not on DAMS but are on PGATLAS. All documents should be totally accessible.
- The Planning Director and planning staff are not elected officials are not subject to public recall or public removal. Removing the elected official from discretionary review removes the direct relationship between the community and the individual you can recall.
- In many cases the municipalities have not informed unincorporated communities about what is going on and new development. I am concerned that unincorporated areas do not have enough input in the process.
- The current Health Impact Assessment mandate should be incorporated in the flow chart.
- Agricultural recommendations should be applied to a broader set of uses. These uses should be by-right in rural agricultural zones. The rewrite should consider adding more flexibility for agricultural uses. If the language is overly restrictive then innovation can be blocked. We would like to see meat processing plants as a use for rural agricultural zones as well. The current definition for urban farming is flawed and is only permitted for non-profits and in zones where agriculture is not permitted. The definition of urban agriculture should be changed to include urban farming in all zones. Composting for residents should be listed as a permitted use. “Urban Farms” could also be listed as a type of floating zone.
- Open space should be preserved in urban areas. This can be done in the form of community gardens or farmers markets.
- Farmers markets are not currently a permitted use in the County. The current definition combines “farmers market” with “flea markets”. These are two separate uses. Farmers markets should be moved out of the Temporary Use categories. Under current law, it is not possible to operate a farmers market every week of the year.



- The report is a very good starting point. Excellent ideas. Neighborhoods are trying to revitalize and the report includes tools that are important and key to doing this.
- The building form design standards in tables look excellent.



Business Focus Group
Thursday, January 29, 2015
CAB - Boardroom

The following is an extensive sampling of the comments received on the Evaluation and Recommendations Report during the Business Focus Group held on January 29, 2015. Comments and questions received from the participants are in black text. Consultant and staff responses that were provided during the listening sessions are in [blue text](#).

- Would this report serve as a document for all constituents in development? Are we looking at one document that meets the needs of all the public, so they know how to proceed through projects?

[Yes.](#)

- Currently, under the process now, is there a requirement for neighborhood meetings?

[There is a form of a neighborhood meeting and there is an informal neighborhood meeting, but not to the extent that Clarion has proposed. Typically, we allow for meetings to happen in a convenient location.](#)

- When you say appeal does this mean that anyone can oppose the development?

[An appeal is restricted to a party of record. An applicant can appeal or the District Council can call-up any application. The number of call-ups initiated in the County is unusually high. This provision generally does not exist in other jurisdiction and it does create a high level of uncertainty. The civic organizations focus group did not want their opportunities for input restricted, and generally support retaining the call-up process.](#)

- Given the recommendation relative to the 10–15 percent adjustments, that would be an adjustment that the Planning Director would make?

[Yes.](#)

- How large/long are most jurisdictions' zoning ordinances in the country?

[300 – 500 pages seems to be on par with most “modern” zoning codes.](#)



- This [report] makes so much sense.
- Policies need to be separated from process.
- I want to see urbanism in some areas of the County and less growth in the rural sections. We should try to protect as much open space as possible.
- I agree with the theme of the report, we need to identify the right balance between development and growth. On the rural side, I like that I can leave my house and I am in the country. I hope those areas are preserved. I like the thoughts about how people who own agricultural land can do something with it, and not be forced to become real estate development.
- How did the ordinance grow to 73 zones? There seems to be plenty of opportunity to consolidate districts and reduce overlap.

Typically, zoning ordinances have a few to begin with, but then as development gets more complex, the number of zones tends to grow. Yes, the base zones have expanded and there were too many floating zones (discretionary review zones) proposed. Clarion recommends that many of these zones be replaced by new Planned Development zones.

- I support simplification, but there was nothing in the ordinance to support new process. Once the ordinance is simplified, how does that effect a new situation, on the other hand developers do not want too much flexibility so that there is more certainty?

The idea is to reduce the number of uses by collapsing ones that are not hot button issues, those that have similar things you want to keep separate. Today's ordinance is prohibited, if use is not listed, it is prohibited. We also want to formalize interpretations so that decisions are consistent. Create a category that does not amend the code, but is a use that has not been listed or thought of where people can ask the Planning Director for special permission.

- How did the developers react to this, specifically the approval process?

They are pleased but skeptical it can get accomplished.



- There is a point where the ordinance can become too simple and people think something is missing.
- Currently, there is a collaborative process that can make things move, die, or stall. It is important for people involved to understand where it is headed. This process has the potential to take away power or authority. It is important to understand the best practices across the state of Maryland. We should be looking at our peers and other jurisdictions. We should know how these recommendations align with neighboring jurisdictions.
- How do ethics laws or regulations apply to staff?

Planning Board members and Planning Department staff are required to comply with ethics laws; however, these are somewhat different than the ethics laws imposed by the Maryland Annotated Land Use Article on the Prince George's County Council when it sits as the District Council on planning and zoning matters.

- It would be nice if councilmembers could get involved earlier in the process, but because of ex-parte rules councilmembers cannot hear discussions until an application is filed. If the council cannot be involved up front then there is a problem.
- Is there a way in the zoning ordinance to talk about absorption? We look at projects and it looks good on its face, but it has impact on nearby development.
- I think this is a fantastic process, revolutionary for the County.
- The civic buy-in will be difficult. They have lobbied for control in their neighborhoods and they do not want to lose that. This process needs to build trust.
- Who commissioned this work? The County Executive plays a key part in moving this project forward. He has to be able to assure both sides that we are trying to come to a process that allows for collaboration and implement *Plan Prince George's 2035*.
- The new zoning code should imply or explicitly require an ongoing review/assessment of the code.



Municipalities and Institutions Focus Group
Tuesday, February 10, 2015
IMD-Training Room

The following is an extensive sampling of the comments received on the Evaluation and Recommendations Report during the Municipalities and Institutions Focus Group held on February 10, 2015. Comments and questions received from the participants are in black text. Consultant and staff responses that were provided during the listening sessions are in [blue text](#).

- You have eliminated almost all of the floating districts?

[The majority of the floating districts have been consolidated. Many of the floating districts are very similar. Additionally, we've created base-districts, or by-right districts.](#)

- There are local centers, generalized plans, and then more specific plans. So if you are in an agricultural zone or district, then are there a certain number of zoning options available to put in to the district? I hope that there is an increased focus in mixed-use and higher density residential communities.
- I have three issues:

1. I want to understand Neighborhood Conservation Districts and what impact they would have on municipalities and smaller communities. What are the restrictions on residential zoning?

[The Neighborhood Conservation District is envisioned as an overlay zone that could potentially be applied to any community. There would have to be general consensus from participating neighborhoods and they would work with the Planning Department to create any development standards that they want to maintain.](#)

2. Philosophically, I am onboard with the issue of removing the “call-up” provision. However, I am concerned that design standards that have been put in place are not being taken seriously, because the political process has not mattered. The “call-up” provision has been used for good and bad. How do we make sure that the vision and standards upfront are the protection on the back-end?



3. I like the idea of the pre-application neighborhood meeting. I want to see a clearer municipal role in this aspect; I want this to happen for un-incorporated areas as well. The challenge is that there are a few large municipalities that exist on their own, most of the municipalities are smaller and are along corridors. At times municipalities have conflicting goals, particularly if they do not receive incentives from development.

- There is a need for municipal support up front and there needs to be agreement on the terms. Have some municipalities that can get the buy-in more quickly than the County agencies.
- The report that you put together is outstanding; however, the impact and differential impacts on varying communities is not present in the report. This is problematic because there is an economic development plan that was put together in 2012 which this report does not address. One of the biggest impacts on my community is a result of adjacent development. My community receives negative impacts (increased traffic, crime) of development, but none of the increased revenues. Is it possible to create a formal set of rules in the zoning code which allow for revenue sharing as a result of economic development? There are a lot of agencies that are outside of the zoning control and our experience with some of those agencies has been difficult. It is important to understand that they do not consider the impacts of their projects on our zoning and economic development.

Meeting with state and local agencies is a responsibility of staff. Clarion's report addresses zoning. Staff met with our Interagency Coordination Group yesterday, and we will increase the number of these agencies within the next year to gain input.

Several sub-consulting firms on the project team are working on Transit-Oriented Development and economic and market studies to help test the recommendations from the report and zoning/subdivision regulations being proposed as we move forward.

- Could you discuss the mandatory referral process? Is this touched on at all?

This is discussed in the outline and is recommended to carry forward. The mandatory referral process for public sector development projects is based on state legislation.

- I like the approach to make more development by-right and I like the concept to remove the "call-up" provision. I don't understand what each of the individual community zones and standards are. Do the standards change by zones?
- I think if community engagement is up front and development is by-right, then this only allows citizens to influence the process and not have ability to change the process.



- I think it would be helpful to have town centers across multiple municipalities and allow us to come to an agreement of what our corridors will look like.
- I would like to have discussions about the public benefits.
- If you have by-right zones where there is significant impact on the community, there should be some type of trigger or consideration for public benefits discussion on the impact for conditional uses.

By-right standards for public benefit impact should be considered not as financial standards, but as traffic mitigation and open-space requirements, for example.

- Would it be okay to expand commercial zones by purchasing the residential communities? The only way for small municipalities to get meaningful development is to rezone periphery residential communities/properties. However, this is not something we are willing to do upfront.
- Municipalities want the ability to define what makes their community different. We have to find a way for this to happen and allow existing nuisance controls to live on.
- New Carrollton is looking at a lot of modern changes, I'm not really clear with what the parking requirements are around the transit district. I hope the rewrite addresses adjustments to the parking requirements.
- I would like to see the expansion on parking and APF (Adequate Public Facilities) in written form. Right now, APF analysis is essentially done by consultants to the developers.



Real Estate and Land Use Professionals Focus Group
Wednesday, January 28, 2015
CAB - Boardroom

The following is an extensive sampling of the comments received on the Evaluation and Recommendations Report during the Real Estate and Land Use Professionals Focus Group held on January 28, 2015. Comments and questions received from the participants are in black text. Consultant and staff responses that were provided during the listening sessions are in [blue text](#).

- The proposed contextual compatibility standards would override dimensional standards and provide range for buildings to no longer be non-conforming. If there are changes to the Zoning Ordinance, will there be any timeframe for properties to become non-conforming uses for these situations?

[In the drafting stage, timeframes like this will be determined and discussed. A roadmap is needed to proceed with the drafting stages and will reconcile use definitions. Procedures will be drafted last.](#)

- The use tables in the Zoning Ordinance are a problem. They have been the source of a great deal of text amendments. Will there be consideration or ideas as to how to address the Tables of Uses so they provide additional flexibility?

[There is a section in the report that addresses the flexibility of zones. All new codes across the country have flexible use tables.](#)

- From a community perspective, size is an arbitrary threshold for determining a major or minor project. The community is interested in aspects like traffic generation.

[Size is generally used as a threshold and it generally makes the administration of the process easier. In the drafting phase we can create a set of criteria for minor and major projects and review these with the public.](#)

- The current Tables of Uses generally prohibit any use that is absent. The zoning rewrite should include a mechanism, that is not legislative, that can easily forecast changes in uses.



- There is a need to have some guidance through an interpretations process. Expectations and practices are challenged when ideologies and philosophies change. How do you create a procedure to resolve that potential conflict?

We believe that in the redrafting process we can make the law and process more clear. The redrafting process can create a clearer process and as a result make interpretations more succinct and consistent.

- Can you elaborate on the “no-call up procedures by council.” One of the struggles that lawyers have is that the development review and approval process is long and the District Council can “call you up.” Previous decisions may or may not be kept because the process is changed by the council. I like the idea of no call-up. What are other jurisdictions doing to prevent call up? How does this effect land use?

Prince George’s County is unusual in its frequency and ability in using “call-up” or discretionary review. Generally, most jurisdictions do not want to make issues more controversial. Nationally, it is seen as a bad practice. Our experience is that most counties and large cities do not have call-up procedures. For instance, the City of Denver will not allow the council the ability to have administrative review within its Zoning Ordinance. In other jurisdictions where “call-up” is allowed, it can only be implemented with a super-majority or under other specific criteria (size, development standards). What we have seen, is that if the code increases the bar for development standards then the number of applications that are “called-up” by council is reduced.

- What is the best practice for the transition from old zones to the new proposed zones? What would you recommend for transition in terms of time?

Determining transition times is an issue that is better accomplished at drafting stage. Projects in progress are generally recognized and grandfathered when the legislative body adopts the code.

- Please do not create situations where non-conforming uses can easily occur. When properties fall into the non-conforming use category, it tends to cause degrading of the property.
- Term limits have allowed for councilmembers to not look at the impact of development and multi-phase development. I feel like the council is less inclined to recognize the long-term nature of the



project.

- A number of current sector plans and master plans are shadow zoning ordinances. As you rewrite the zoning ordinance do not forget that sector plans have uses, development standards, and processes.
- I think it is a bad idea for special exceptions and special permits to be treated the same. I think the M-U-T-C (Mixed-Use-Transit-Center) process works better than special exceptions.
- The community I work in has three DDOZs (District Development Overlay Zones). For me, that means three different laws, each with three different plans attached. The DDOZs were created to allow transit development and arts-related development. In the process, the DDOZs also prohibited uses, which inadvertently created a value on prohibited uses with the expectation that there would be a future scarcity. This distorts the outcome of development. As zones change, they should be dynamic and market driven.
- Incentives for development are better than requirements on development.
- The code needs to work with operating agencies. It should not require items that operating agencies will not accept.
- This document refers a lot to *Plan Prince George's 2035*. I understand why, but do not draft something completely centered around the general plan as this could change.

[Rewriting the Zoning Ordinance and connecting it with *Plan Prince George's 2035* is a national best practice to promote the plan, make sure it is relevant, and get the plan's goals implemented.](#)

- Be aware that it may be difficult to sustain development if you put development percentages on certain targeted areas. For instance, if 75 percent of development is allowed in "target areas" and 25 percent of development is allowed in "non-target areas," and then no development occurs in the "target areas" you could have a situation arise where no development occurs in the County.



- I like seeing green building codes. There are many good codes that incorporate these practices. I think it is this section that should address that type of development. Green buildings can be place-tailored and this should be encouraged.
- Are we reinventing the wheel or is there a code in another jurisdiction that can show us what this will look like? It would be nice to see what the final product would look like.
- The Gateways Arts District Sector Plan exists because there is an arts and entertainment designation from the State of Maryland. The County created enabling and incentivizing elements to make changes and this slowed down the process. How do you intend to address the Gateway Arts District?
- Transit-oriented development zones will have a form-based guide as recommended by the Evaluation and Recommendations Report. If they comply with that size, will they have additional ease in the process?
- Graphics scare me and they are generally the most difficult part of the plan to comply with [editor note: the comment refers to the Development District Overlay Zone and Transit District Overlay Zone plans]. Pictures look like Bethesda Row. Be careful with graphics because flexibility is needed.
- I love the idea of simplifying the zones, my concern is that sector plans were tailored to the area that were being addressed. Eliminating the one size fits all overlay zone is impossible because there are unique challenges in each of the communities. If we are going to simplify the zones there needs to be a mechanism to respond to the concern of each of the communities.
- The rewrite should address parking standards and how they will be applied depending on location, zone, and use. For instance “How many parking standards will there be? Will there be multiple parking standards depending on geographic location, zone, and use?”
- Is anyone from the Permit Review Division looking at this?



Yes, we have staff members on the core and resource team.

- Are there ways to exempt small lots from parking requirements in older areas that are platted?
- We should create urban street standards to support the rewrite effort. We need to get the Maryland State Highway Administration on board so that standards match up.
- The issue of parking is that the face of retail is changing dramatically. Strip retail is changing over to become more service-oriented. There is a need for parking waivers. I would like to see a mechanism for a committee review of a parking study with a quicker turnaround for parking needs.
- The Department of Public Works and Transportation ordinance was written very well. The County is trying to encourage more creative streetscapes, but public works puts the burden of maintenance back on developers and the development community.