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Community Planning  
Zoning/Design Standards  
Impact Fees  
Growth Management  
Sustainability



## MEMORANDUM

**TO: Chad Williams**  
**FROM: Clarion Associates**  
**DATE: April, 2016**  
**RE: Replacing the M-U-TC Zone**

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### REPLACING THE M-U-TC ZONE

The M-U-TC Zone is not carried forward in the rewritten Zoning Ordinance. It is being replaced by other zoning tools that we believe will more efficiently and effectively achieve the County's desired outcomes of walkable urbanism and mixed-use, transit-oriented development in appropriate locations. With that said, it is important to recognize several key points about the M-U-TC Zones that informs its relationship to the rewrite and how the zone should be treated moving forward.

First, the M-U-TC Zone has played an important role in achieving development outcomes in the County. Second, there are a number of existing site plans and permits approved under the M-U-TC Zones, and they need to be recognized and carried forward as part of the rewrite. In part because of these and probably other reasons, concerns have been raised by members of the public about deleting the M-U-TC Zone from the rewritten Zoning Ordinance. For this reason, we outline below, with more specificity, what is currently proposed. This is followed with other options for addressing the M-U-TC Zone that are also available to the County.

#### **Current Draft of Zones (Module 1 of the Rewritten Zoning Ordinance)**

As noted above, the M-U-TC Zone is not carried forward in the rewritten Zoning Ordinance. It is replaced by other zoning tools. They include the transit-oriented/activity center base and planned development center zones, the NCO zone, the MU-PD zone, and possibly others. How will this work in practice?

After drafting the Zoning Ordinance text, the County will prepare a revised zone map to align the zone map with the new zone structure in the Ordinance and with other policy direction. The Ordinance's effective date and approval of the new zone map will occur concurrently. Of relevance to the M-U-TC Zone, the following will be carried out:

- The transitional provisions (Division 27-1: General Provisions) of the Ordinance text will recognize the validity of all permits that have been approved under the M-U-TC Zone. These development permits will be honored, and can proceed as approved.

- New base zones (discussed below, depending on the location) and the Neighborhood Conservation Overlay (NCO) zone will replace the M-U-TC Zone. In addition, the transit-oriented/activity center planned development zones and the MU-PD zone will be available for landowners/applicants to use in appropriate locations. More specifically:
  - Lands within the designated Regional Transit Districts or Local Centers on the Growth Policy Map of the *Plan Prince George's 2035 Approved General Plan (Plan Prince George's 2035)* (the Riverdale Park and Suitland M-U-TC areas) would either be (1) classified in one of the transit-oriented/activity center base zones (NAC, TAC, LTO, RTO-L, RTO-H), depending on their specific location and the current development context, or (2), in very limited instances be classified in one of the other base zones that is consistent with the desired context of the area, such as the General Commercial and Office (GCO) Zone or the Multifamily Residential (MFR) zones, each of which allow for some mixing of uses by right. Additionally, and depending on the interest of individual neighborhoods, these areas may be classified under the new Neighborhood Conservation Overlay (NCO) zone.<sup>1</sup>

Landowners/applicants would also have the option to request approval of one of the transit-oriented/activity center planned development zones (NAC-PD, CAC-PD, TAC-PD, LTO-PD, and RTO-PD), after the initial Countywide Map Amendment is approved, depending on the location of the land. The PD would be reviewed by the Planning Board and approved by the County Council as a PD rezoning. As is discussed in the Annotated Outline of the Evaluation and Recommendations Report (ERR, p. VI-25) and the footnotes to the transit-oriented/activity center planned development zones in the Module 1 draft (pp. 27-3-125 to 27-3-152), the planned development zones are designed to simplify regulatory processes and provide more flexibility in exchange for innovative, higher-quality development, open and civic spaces, amenities, and public benefits.<sup>2</sup>
  - Lands in the M-U-TC Zone located outside the designated Regional Transit Districts or Local Centers on the Growth Policy Map of *Plan Prince George's 2035* (the Mount Rainier and Brentwood M-U-TC areas), would be classified to one of the base

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<sup>1</sup> As is discussed in the Evaluation and Recommendations Report (ERR, pp. IV 4-5), the primary purpose of the NCO zone is to ensure the desired character of a neighborhood is protected. As currently drafted, the NCO zone can be adopted by the County Council as a new zone after a neighborhood plan is prepared that identifies the development context and desired character for the zone, along with a set of special development standards to ensure they protect character. Usually these standards address such issues as: building height; setbacks; roof pitch; garage location and setbacks; front porches; driveway access; street trees; and landscaping. In most instances only a handful of character-defining features are regulated. Detailed architectural design standards are not included. Once a NCO zone with its special standards is adopted, development in the zone is subject to standard development approval procedures (since tailored and objective development standards to maintain character are in place).

<sup>2</sup> The planned development zones are envisioned to be one of the zoning tools that replace all the current floating zones (including the M-U-TC Zone, the comprehensive design zones, the Mixed Use – Transportation Oriented (M-X-T) Zone, and the Mixed-Use, Infill (M-U-I) Zone). Planned development zones are proposed to be established for residential development (R-PD-L, R-PD, and MH-PD), for the transit-oriented/activity centers (NAC-PD, CAC-PD, TAC-PD, LTO-PD, and RTO-PD), and for two other specific situations (the MU-PD and the I-E-PD).

nonresidential zones or residential zones, or like some of the lands in the centers, could be classified to the NCO zone. Landowners/applicants would also have the option to request approval of a Mixed-Use Planned Development (MU-PD) zone. The MU-PD zone would not be initially placed on the zone map during the Countywide Map Amendment, but could be requested by a landowner/ applicant in the future. The MU-PD provides a flexible development option when landowners/developers propose innovative, higher-density, mixed-use development in appropriate locations. It must be requested by the landowner/applicant and then is subject to recommendation by the Planning Board and approval by the County Council.

The base zones to which parts of the M-U-TC Zones would be classified will support walkable urbanism and mixed-use, transit-oriented development (the transit-oriented/activity center base zones) in a clear and efficient way. In places where neighborhoods are interested, the NCO zone will be used to tailor zone regulations to protect desired neighborhood character and redevelopment. In very limited instances where the development context warrants, other base zones such as the General Commercial and Office (GCO) Zone or the Multifamily Residential (MFR) zones might be applied because they are an appropriate fit.

The proposed MU-PD and transit-oriented/activity center planned development zones, which will also be available in appropriate locations as development options, have both similarities and differences with the M-U-TC Zone.

- Unlike the M-U-TC Zone, they:
  - Require the landowner/applicant initiate the request for the zone and submit a plan for development (called a PD Basic Plan) which is approved as part of the rezoning;<sup>3</sup>
  - Provide more flexibility in terms of the uses and development standards that can be considered and approved;<sup>4</sup>
  - Allow the applicant to propose maximum densities/intensities, and dimensional standards;
  - Establish minimum density/intensity and floor area ratio (FAR) standards to ensure there is a minimum density/intensity of development to support mixed-use development and walkable urbanism; and
  - Provide the applicant flexibility to modify development standards, if innovative design, high quality development, and community benefits are demonstrated at appropriate levels.<sup>5</sup>

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<sup>3</sup> The M-U-TC also requires a plan for development -- the Town Center Development Plan. However, it is not proposed by an applicant, but is the result of Department work program projects to develop an M-U-TC zone and apply the zone to a specific part of the County, usually at the request of a municipality or a County Council member. The Town Center Development Plan is not intended to be site-specific and is not envisioned to be applicable solely to one project. They are supposed to be infill development plans to guide reinvestment of older, substantially developed communities.

<sup>4</sup> Even though they also include specific standards that ensure the key elements of walkable urbanism are part of the development.

- Like the M-U-TC Zone:
  - A plan for development (a Basic PD Plan) must be made a part of the approval;
  - With the exception of the minimum density/intensity requirements, many of the development parameters are similar to the design standards and guidelines established for each M-U-TC Zone;
  - They are decided after review and recommendation of the Planning Board, with final review and a decision by the County Council; and
  - The County Council can include conditions of approval as part of its approval.

One final difference with what is being proposed in the rewrite with respect to the M-U-TC Zone is that the current practice of using a design review committee to review and provide input on many of the development approvals (e.g., special permits, special exceptions, detailed site plans, and other proposals) in the M-U-TC Zone is not included in any of the new base zones or the proposed planned development zones. This is recommended for several reasons. The primary reason is that subsequent reviews can be properly handled by the Planning Board or staff, and adding an additional layer of review (through a design review committee) can significantly dampen landowner/developer interest in developing in the zone because of the time it takes to gain approvals, and the increased uncertainty of the process. Another is that experience teaches these types of committees can sometimes take on a life of their own, adding additional review standards or procedures<sup>5</sup> (even though they are not included in the regulations) – further complicating development review in these zones.

The zoning rewrite proposes the establishment of objective standards about uses and development form in the base zones (in which the community has input), followed by review of subsequent development approvals and permits by either the Planning Board or staff.

### **Other Options**

In the areas where the County wants to support infill, walkable urbanism and transit-oriented, mixed use development, the best approach is to develop clear, objective development and form standards (that include the community’s input and values), and once those standards are established, create efficient review procedures that provide landowners/developers, and the community and municipalities, reasonably certain outcomes.

Of course there are options that can be included within this approach that might be relevant to the current M-U-TC Zone. For example, if County Council wants to provide for an option to use a design review committee as with the current M-U-TC Zone, that could be done; however, we would caution

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<sup>5</sup> Standards that are not allowed to be modified include the minimum amount of open space required for each lot, the environmental and noise control standards, and to some degree the neighborhood compatibility requirements which are applied to the perimeter of the zone to ensure compatibility with surrounding development and existing residential neighborhoods.

<sup>6</sup> This has certainly been the case with some of the M-U-TC design review committees with respect to the site plan review process, which over the last decade has become a much more time consuming and detailed process than what was originally intended.

that care be taken not to dampen investor/developer interest by creating too much uncertainty and long review times.

If included, the role of the design review committee needs to be targeted and its scope in review and advice clearly set out. For example, the design review committee might be used in the review of site plans for larger projects in some of the transit-oriented/activity center base zones, or County Council might be authorized in the new Zoning Ordinance to establish a design review committee for either a transit-oriented/activity center planned development or an MU-PD zone in areas that are today zoned M-U-TC. However, the design review committee would only be established where it is needed.<sup>7</sup>

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<sup>7</sup> That way, some flexibility is provided to the elected officials to use a design review committee as part of the review process only where such a committee is needed. Such a provision will also allow the elected officials, where the advisory committee is needed, to tailor their review responsibilities to the specific development issues, as these might be different from place to place.