Prince George’s County, Maryland

Module 3: Procedures, Zoning Ordinance
Module 3: Subdivision Regulations

Zoning Ordinance and Subdivision Regulations Rewrite
September 2016

Public Review Draft

In Association with:
White & Smith
Spikowski Planning Associates
Design Collective
GB Place Making
Nelson/Nygaard
Mosaic Urban Partners
Justice & Sustainability Assoc.
The Planning and Design Center
## Project Status and Background

<table>
<thead>
<tr>
<th>TASK</th>
<th>SCHEDULE</th>
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<tbody>
<tr>
<td>1. Public Outreach and Input</td>
<td>2014-Ongoing</td>
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<tr>
<td>2. Evaluation and Recommendations Report</td>
<td>2014</td>
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| 3. Drafting the new Zoning Ordinance and Subdivision Regulations  
  - Module 1: Zones and Use Regulations  
  - Module 2: Development Standards  
  - Module 3: Administration (and Related Provisions) and Subdivision Regulations  
  - Testing  
  - Comprehensive Review Draft Zoning Ordinance and Subdivision Regulations | 2015-2016 |
| 4. Adoption | 2017 |
| 5. Implementing the new Ordinance and Regulations | 2017 |
Overview of Presentation

➢ Background
➢ Content Review

DIVISION 27: ZONING ORDINANCE

Division 27-1: General Provisions
Division 27-2: Administration
Division 27-3: Zones and Zone Regulations
Division 27-4: Use Regulations
Division 27-5: Development Standards
Division 27-6: Nonconformities
Division 27-7: Enforcement
Division 27-8: Interpretation and Definitions

DIVISION 24: SUBDIVISION REGULATIONS

Division 24-1: General Provisions
Division 24-2: Subdivision Administration
Division 24-3: Subdivision Standards
Sec. 24-3.500: Public Facility Adequacy
Division 24-4: Chesapeake Bay Critical Area Standards
Division 24-5: Enforcement
Division 24-6: Definitions
Evaluation and Recommendations Report

Key Themes

Theme 1: Make the Regulations More User-Friendly and Streamlined

Theme 2: Modernize, Simplify, and Consolidate Zones and Zone Regulations

Theme 3: Implement Key Goals, Policies, and Strategies of Plan Prince George’s 2035

Theme 4: Modernize the Regulations and Incorporate Best Practices
Evaluation and Recommendations Report

• County not attracting desired development

• Current Zoning Ordinance and Subdivision Regulations part of problem

• Reasons:
  – Regulations difficult to understand/navigate
  – Procedural review time consuming, inefficient, and uncertain
  – Development standards not sufficiently specific and measurable
Background

• Draft of Rewritten Ordinance addresses problems by:
  – Including zones and regulations (Module 1) that:
    • Implement *Plan Prince George’s 2035* policy direction
    • Allow more by right uses for preferred development forms
  – Establishing specific development standards (Module 2) to ensure higher quality development
  – Consolidating and clarifying development review procedures (Module 3) to:
    • Make it easier to achieve high quality development/jobs
    • Make process more efficient and certain
    • Provide more flexibility to support desired redevelopment
Draft strengthens opportunities for early and meaningful public involvement (Module 3), including:

• Drafting Ordinance that is logically organized and more understandable;

• Adding new neighborhood meeting requirement to allow citizen input on major projects before application submitted;

• Including process for civic organizations to register to receive notice of neighborhood meetings, application submittal, and public hearings on applications

• Consolidating and clarifying all public notification requirements in a table -- including a number of notification requirements that go above and beyond state law
• Draft strengthens opportunities for public involvement, including (cont.):

  • Requiring posting of notice on land subject to administrative decisions (minor site plans/adjustments) so surrounding landowners are notified of application and can provide input

  • Retaining public hearings to ensure members of the public are allowed reasonable opportunity to speak on applications

  • Recommending a new Procedures Manual to incorporate administrative aspects of the application process that will:
    – Improve online information on applications
    – Require Technical Staff Reports to include a summary of citizen comments
    – Improve information included in public notices
Division 27-2: Administration

- Consolidates all procedures
- Organized into five sections
- Changes focus on:
  - Making more user-friendly
  - Streamlining/making process more efficient and predictable

Division 27-2: Administration

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>Sec. 27-2.100</td>
<td>Purpose and Organization</td>
</tr>
<tr>
<td>Sec. 27-2.200</td>
<td>Summary Table of Development Review Responsibilities</td>
</tr>
<tr>
<td>Sec. 27-2.300</td>
<td>Advisory and Decision-Making Bodies</td>
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<tr>
<td>Sec. 27-2.400</td>
<td>Standard Review Procedures</td>
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<td>Sec. 27-2.500</td>
<td>Application Specific Review Procedures and Decision Standards</td>
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</tbody>
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Sec. 27-200: Table of Review Responsibilities

- Table clarifies actions required by each review board/person on each development application

<table>
<thead>
<tr>
<th>Procedure</th>
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<th>Planning Board</th>
<th>Board of Zoning Appeals</th>
<th>Zoning Hearing Examiner</th>
<th>Planning Director</th>
<th>DPE Director</th>
<th>Historic Preservation Commission</th>
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**NOTE:**
1. At least one joint public hearing held by the District Council and the Planning Board is required.
2. The Planning Board elects whether to conduct a public hearing for each application.
3. The Historic Preservation Commission makes a recommendation or comment only if the subject land contains a historic resource identified on the Adopted and Approved Historic Sites and Districts Plan.
### Table 27-2.200: Summary of Development Review Responsibilities

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Sec. 27-400: Standard Review Procedures

- Consolidates provisions that apply to many types of applications – so they don’t have to be repeated each time
- Standard procedures apply to all applications, unless noted to the contrary
- Describes each step from pre-application stage to approval and post-decision actions

Sec. 27-2.400 Standard Review Procedures

27-2.401. Pre-Application Conference
27-2.402. Pre-Application Neighborhood Meeting
27-2.403. Application Submittal
27-2.404. Determination of Completeness
27-2.405. Application Amendment or Withdrawal
27-2.406. Staff Review and Action
27-2.408. Review and Recommendation by Advisory Board or Official
27-2.409. Review and Decision by Decision-Making Body or Official
27-2.410. General Public Hearing
27-2.411. Quasi-Judicial Public Hearing
27-2.412. Conditions of Approval
27-2.413. Notification to Applicant
27-2.414. Appeal
27-2.415. Post-Decision Actions
27-2.416. Examination and Copying of Application/Other Documents
Neighborhood pre-application meeting

- Encouraged for many applications
- Required before application submitted for:
  - Parcel-specific map amendments
  - Planned development (PD) map amendments
  - Chesapeake Bay Critical Area Overlay Zone map amendments
  - Special exceptions
  - Major site plans
  - Major adjustments

- Notice posted and mailed 10 days in advance to adjacent landowners and civic organizations
Required Public Notice table

- Includes all public notification requirements in one subsection

- Timing and duration of notices:
  - Mailed
  - Published
  - Posted

- Content of notices addressed in text

Table: 27-2.407.B: Required Public Notice

<table>
<thead>
<tr>
<th>Application Type</th>
<th>Required Timing and Specific Recipients [1]</th>
</tr>
</thead>
</table>
| Comprehensive Plans and Amendments (General Plan, Area Master Plan, and Sector plans) | - 30 days prior to the joint hearing; 
  - All owners of land for which a change in zoning is proposed, if a sectional map amendment is included [2] |
| Amendments and Planned Developments            | - 30 days prior to the joint hearing; 
  - N/A                                             |
| Sectional Map Amendment                         | - 50 days prior to the hearing; 
  - All owners of land for which a change in zoning is proposed [2] |
| Parcel Specific Map Amendment/Planned Development (PD) Map Amendment | - 50 days prior to the hearing |

Planning Board Hearing:
- 30 days prior to the hearing; 
- All owners of land within the boundaries of the proposed overlay zones; 
- Any municipality lying, wholly or in part, within, or within one mile of, the boundaries of the proposed overlay zones; and 
- All persons of record, and all other persons who requested in writing a copy of the Technical Staff Report.

District Council Hearing:
- 30 days prior to the hearing; 
- All owners of land and any municipality lying, wholly or in part, within, or within one mile of, the boundaries of the proposed overlay zones; and 
- Persons of record.

Use Permits:
- Special Exception: 30 days prior to the hearing; 
  - Owners of land adjoining, across the street from, on the same block as, or in the general vicinity of the land subject to the application; and 
  - Every municipality located within one mile of the land subject to the application.

Site Plans:
- Minor Site Plan: Appeal only: 30 days prior to the hearing; 
  - Owners of land adjoining, across the street from, on the same block as, or in the general vicinity of the land subject to the application; and 
  - Every municipality located within one mile of the land subject to the application.

- Major Site Plan: Notice on the hearing to; 
  - 45 days prior to the hearing.
Sec. 27-500: Application-Specific Procedures

• Includes the specific procedural review requirements and decision standards that are unique to each type of development application

• Highlights:
  – Procedures for adopting and amending General Plan, area master plans, sector plans, and functional master plans
  – New Text Amendment procedure

Sec. 27-2.500 Application-Specific Review
Procedures and Decision Standards

27-2.501. Comprehensive Plans
27-2.502. Text Amendment
27-2.503. Sectional Map Amendment (SMA)
27-2.504. Parcel-Specific Map Amendment
27-2.505. Planned Development (PD) Map Amendment
27-2.506. Chesapeake Bay Critical Area Overlay (CBCA-O) Zone Map Amendment
27-2.507. Special Exception
27-2.508. Site Plan (Minor and Major)
27-2.509. Sign Permit
27-2.510. Temporary Use Permit
27-2.511. Use and Occupancy Permit
27-2.512. Zoning Certification
27-2.513. Grading Permit
27-2.514. Building Permit
27-2.515. Interpretation (Text, Uses, and Zone Map)
27-2.516. Variance
27-2.517. Adjustment (Minor and Major)
27-2.518. Validation of Permit Issued in Error
27-2.519. Appeal to Board of Zoning Appeals (BZA)
• Highlights (cont.):
  - Zoning map amendments consolidated into four procedures: sectional map amendments, parcel-specific map amendments, planned developments, CBCA overlay
  - Special exceptions/special use consolidated into single special exception procedure. ZHE decides, with appeal to District Council
  - Current conceptual and detailed site plan consolidated into one site plan procedure with two tiers
    - Minor decided by Planning Director, appealed to Planning Board, then District Council.
    - Major decided by Planning Board, appealed to District Council
Highlights (cont.):

- Major and minor adjustments procedure included (currently called “departures”). Range of adjustments expanded. Maximum thresholds and review standards included
  - Planning Director decides minor adjustments, appeal to Planning Board
  - Planning Board decides major adjustments, appeal to Circuit Court
- New procedure allows Planning Director to make formal interpretations. Appeal to Board of Zoning Appeals (BZA)
- New sign permit
- Other procedures carried forward
Division 27-6: Nonconformities

- Addresses nonconforming uses, structures, lots of record, signs, and site features
- Nonconformity determined at time of development review (certification not required)
- General rules
  - Nonconformities may continue and be maintained in good repair
  - Burden is on landowner to demonstrate legal nonconformity
  - Reconstruction and reestablishment after abandonment

Division 27-6: Nonconformities
Sec. 27-6.100 General Applicability
Sec. 27-6.200 Nonconforming Uses
Sec. 27-6.300 Nonconforming Structures
Sec. 27-6.400 Nonconforming Lots of Record
Sec. 27-6.500 Nonconforming Signs
Sec. 27-6.600 Nonconforming Site Features
Division 27-6: Nonconformities

- **Nonconforming uses**
  - Most current rules carried forward
  - New rule allows landowners inside Capital Beltway to substitute one nonconforming use for another, with approval of special exception, and compliance with review standards

- **Nonconforming structures**
  - Most current rules carried forward
  - New rule allows expansion inside the Capital Beltway if expansion complies with Division 27-5: Development Standards
Division 27-6: Nonconformities

- **Lots of record**
  - Always allows single-family development on nonconforming lot
  - Often allows other permitted development that complies with all standards except lot area
  - Requires consolidation of adjoining lots in common ownership to make lots conforming/more conforming (except outside Capital Beltway)

- **Nonconforming signs** – current provisions carried forward
Division 27-6: Nonconformities

- Nonconforming site features
  - Current Zoning Ordinance does not specifically address nonconforming parking, landscaping, and lighting
  - Establishes sliding scale requiring partial compliance depending on the amount of expansion or extent of remodeling
Division 27-7: Enforcement

- Consolidates all enforcement provisions
- Reorganizes, carries forward, and refines current provisions
- Clearly states violating any provision of Ordinance or a condition of approval is violation
- Broadly defines who is responsible for Ordinance violation
- Provides general and specific list of Ordinance violations
- States all remedies are cumulative
QUESTIONS AND COMMENTS
Division 24: Subdivision Administration

- **Standard Review Procedures**
  - Similar to standard review procedures in Zoning Ordinance

- **Application-Specific Procedures**
  - Two-tier subdivision review (major and minor) carried forward. Minor subdivision decided by Planning Director, appeal to Planning Board. Major decided by Planning Board
  - Other provisions (variations, zero lot line development, reservations, and plat vacations) carried forward

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### Division 24-2: Subdivision Administration

**Sec. 24-2.100** Purpose and Organization

**Sec. 24-2.200** Summary Table of Subdivision Review Responsibilities

**Sec. 24-2.300** Advisory and Decision-Making Bodies for Subdivision Review

**Sec. 24-2.400** Standard Review Procedures

**Sec. 24-2.500** Application-Specific Review Procedures and Decision Standards
### Division 24-2: Subdivision Administration

#### Table 24-2.200: Summary of Subdivision Review Responsibilities

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<tbody>
<tr>
<td>Text Amendment</td>
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<td>&lt;R&gt;</td>
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<td>Minor Subdivision or Resubdivision</td>
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<td>D</td>
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<td>Major Variation</td>
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<td>Major Vacation</td>
<td>&lt;D&gt;</td>
<td>R</td>
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</tr>
</tbody>
</table>

**NOTES**

[1] Public hearing not required if waived by the Planning Board or if the final plat is approved as submitted.

[2] Public hearing required if the location of the proposed reservation is not reflected, or differs substantially from that shown, on the General Plan, functional master plan, or the applicable area master plan or sector plan.
Division 24-3: Subdivision Standards
Division 24-4: Chesapeake Bay Critical Area Standards

- Subdivision standards
  - Connectivity standards from Zoning Ordinance referenced
  - Conservation subdivision procedures and standards carried forward and refined
    - Conservation and Development Plan now required (approved with sketch plan)
    - Potential conservation areas prioritized

- Chesapeake Bay Critical Area Overlay Standards
  - Carried forward
Division 24-5: Enforcement

- Enforcement
  - States what constitutes a violation
    - Building permits cannot be approved if not in compliance with regulations
  - Civil action
  - Fines

Division 24-6: Definitions

- Definitions
  - Rules of construction and measurement
  - Definitions consolidated

Division 24-5: Enforcement
Sec. 24-5.100 Generally
  24-5.101 Authority
  24-5.102 Compliance with the Requirements of Subdivision Regulations
  24-5.103 Violations and Penalties

Division 24-6: Definitions
Sec. 24-6.100 Rules of Construction and Interpretation
Sec. 24-6.200 Rules of Measurement
Sec. 24-6.300 Definitions
QUESTIONS AND COMMENTS
Testing the Code

- Following the review of Module 3, the new code will be tested to ensure that it:
  - Makes it easy to approve the kind of development you want in the places supported by Plan 2035 AND
  - Makes it hard to approve development you don’t want, or in places not supported by Plan 2035

- Generally test 8 key projects, including a mix of:
  - Actual projects that you wish had turned out differently, AND
  - Projects you have never seen but want to attract to the County
## Next Steps

- **Three Countywide Public Forums**
  - Central – Sports and Learning Complex  
    - September 13
  - South – Baden Fire Hall  
    - September 14
  - North – College Park Airport  
    - September 15

- **Zoning Technical Panel meeting**  
  - September 14

- **Combined Focus Group meeting**  
  - September 14

- **Planning Board work session**  
  - September 15

- **District Council briefing**  
  - October 18

- **Additional follow-up meetings**  
  - Ongoing