



Prince George's County, Maryland

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

Public Review Draft

Zoning Ordinance and Subdivision
Regulations Rewrite
September 2016

C L A R I O N

In Association with:

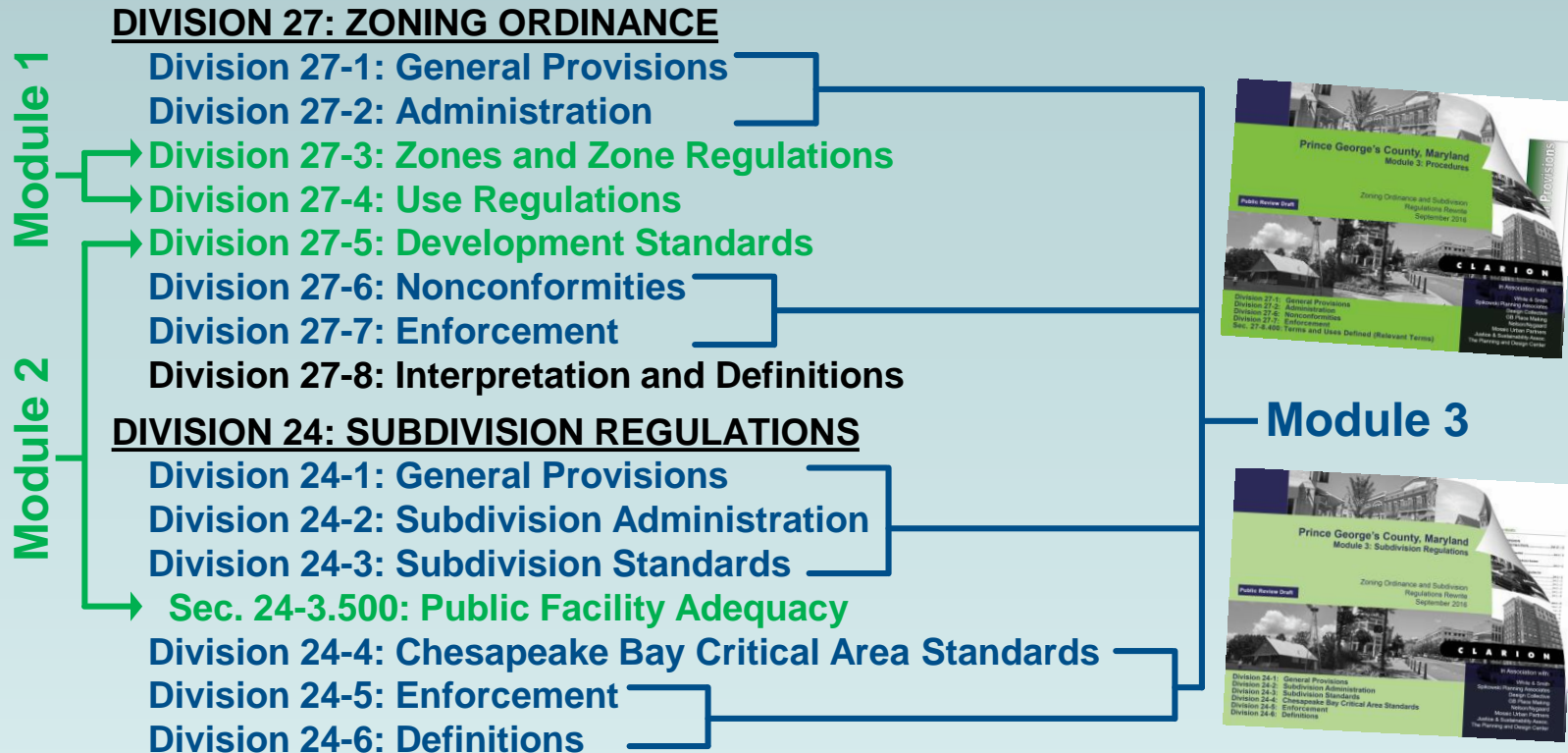
White & Smith
Spikowski Planning Associates
Design Collective
GB Place Making
Nelson/Nygaard
Mosaic Urban Partners
Justice & Sustainability Assoc.
The Planning and Design Center

Project Status and Background

TASK	SCHEDULE
1. Public Outreach and Input	2014-Ongoing
2. Evaluation and Recommendations Report	2014
3. Drafting the new Zoning Ordinance and Subdivision Regulations <ul style="list-style-type: none">▪ 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



Background

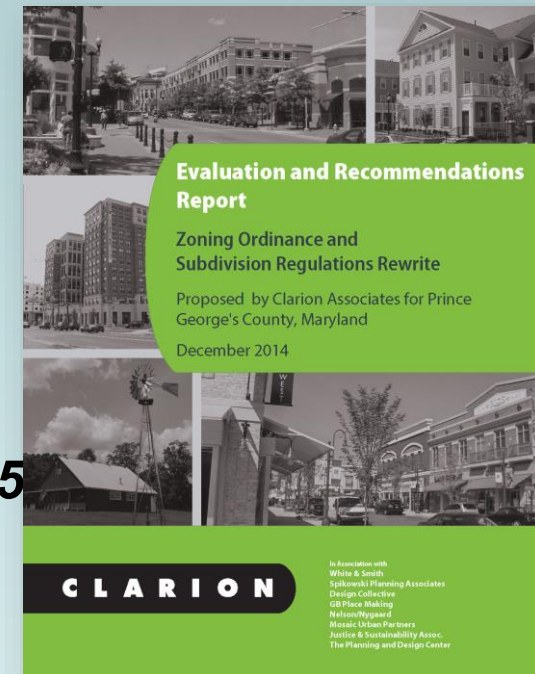
Evaluation and Recommendations Report Key Themes

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



Background

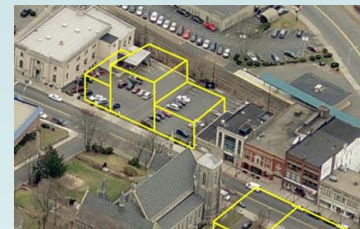
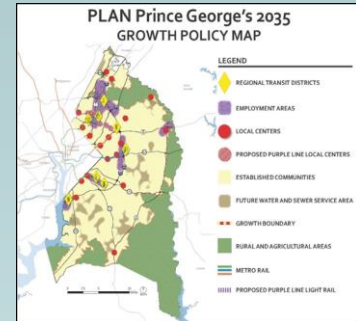
Evaluation and Recommendations Report

- 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 measureable



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



Background

- **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**



Background

- **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 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

Sec. 27-2.100	Purpose and Organization
Sec. 27-2.200	Summary Table of Development Review Responsibilities
Sec. 27-2.300	Advisory and Decision-Making Bodies
Sec. 27-2.400	Standard Review Procedures
Sec. 27-2.500	Application Specific Review Procedures and Decision Standards

Sec. 27-200: Table of Review Responsibilities

- **Sec. 27-200 Summary Table of Development Review Responsibilities**
 - Table clarifies actions required by each review board/person on each development application

Table 27-2.200: Summary of Development Review Responsibilities							
D = Decision R = Recommendation C = Comment A = Appeal I = Initiation (If Other Than Applicant) < > = Public Hearing Required							
Procedure	Review and Decision-Making Bodies						
	District Council	Planning Board	Board of Zoning Appeals	Zoning Hearing Examiner	Planning Director	DPIE Director	Historic Preservation Commission
Comprehensive Plans							
Comprehensive Plans and Amendments (General Plan, Functional Master Plans, Area Master Plans, and Sector Plans)	I <D> [1]	<R> [1]			R		R [3]
Amendments and Planned Developments							
Text Amendment	I <D>	I <R>			R		C [3]
Sectional Map Amendment (SMA)	I <D>	I <R>			R		C [3]
Parcel-Specific Map Amendment	<D>	<R> [2]		<R>	R		C [3]
Planned Development (PD) Map Amendment	<D>	<R>			R		C [3]
Chesapeake Bay Critical Area Overlay Zone Map Amendment	I <D>	I <R>		<R>	R		C [3]
Special Exceptions							
Special Exception	<A>	R		<D>	R		C [3]
Minor Change to Approved Special Exception					D		
Site Plans							
Minor Site Plan	<A>	<A>			D		
Major Site Plan	<A>	<D>			R		C [3]
Minor Deviation to Approved Major Site Plan					D		
Permits and Certifications							
Sign Permit			<A>		C	D	
Temporary Use Permit			<A>			D	
Use and Occupancy Permit		C	<A>		C	D	
Zoning Certification			<A>		D		
Grading Permit		C	<A>		C	D	
Building Permit		C	<A>		C	D	
Relief Procedures							
Interpretation (Text, Uses, and Zone Map)			<A>		D		
Variance			<D>		C	R	
Adjustment (Departure)							
Minor Adjustment		<A>			D		
Major Adjustment		<D>			R		C [3]
Validation of Permit Issued in Error	<D>			<R>		R	C [3]
Appeal to Board of Zoning Appeals			<D>				
Enforcement Procedures							
Zoning Enforcement, Generally			<A>			I	
Other Procedures							
Authorization of Permit Within Proposed Right-of-Way (ROW)	<D>			<R>	R		C [3]
NOTES:							
[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.							

Sec. 27-200: Table of Review Responsibilities

Sec. 27-300: Advisory and Decision-Making Bodies

Table 27-2.200: Summary of Development Review Responsibilities

D = Decision R = Recommendation C = Comment A = Appeal I = Initiation (If Other Than Applicant) < > = Public Hearing Required

Procedure	Review and Decision-Making Bodies						
	District Council	Planning Board	Board of Zoning Appeals	Zoning Hearing Examiner	Planning Director	DPIE Director	Historic Preservation Commission
Comprehensive Plans							
Comprehensive Plans and Amendments (General Plan, Functional Master Plans, Area Master Plans, and Sector Plans)	I <D> [1]	<R> [1]			R		R [3]
Amendments and Planned Developments							
Text Amendment	I <D>	I <R>			R		C [3]
Sectional Map Amendment (SMA)	I <D>	I <R>			R		C [3]
Parcel-Specific Map Amendment	<D>	<R> [2]		<R>	R		C [3]
Planned Development (PD) Map Amendment	<D>	<R>			R		C [3]
Chesapeake Bay Critical Area Overlay Zone Map Amendment	I <D>	I <R>		<R>	R		C [3]
Special Exceptions							
Special Exception	<A>	R		<D>	R		C [3]
Minor Change to Approved Special Exception					D		
Site Plans							
Minor Site Plan	<A>	<A>			D		
Major Site Plan	<A>	<D>			R		C [3]

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
- 27-2.407. Scheduling Public Hearing and Public Notice
- 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

Sec. 27-400: Standard Review Procedures

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



Sec. 27-400: Standard Review Procedures

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			
Application Type	Required Timing and Specific Recipients [1]		
	Mail	Publication	Posting
Comprehensive Plans			
Comprehensive Plans and Amendments (General Plan, Area Master Plan, and Sector Plans)	30 days prior to the joint hearing, to: <ul style="list-style-type: none"> • All owners of land for which a change in zoning is proposed, if a sectional map amendment is included [2] 	30 days prior to the joint hearing(s)	N/A
Amendments and Planned Developments			
Text Amendment	N/A	30 days prior to the hearing	N/A
Sectional Map Amendment	30 days prior to the District Council hearing to: <ul style="list-style-type: none"> • All owners of land for which a change in zoning is proposed [2] 	30 days prior to the hearing	N/A
Parcel-Specific Map Amendment Planned Development (PD) Map Amendment		30 days prior to the hearing	30 days prior to the hearing
Chesapeake Bay Critical Area Overlay (CBCA-O) Zone Map Amendment			
Planning Board Hearing	30 days prior to the hearing, to: <ul style="list-style-type: none"> • 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 60 days prior to the hearing, to: <ul style="list-style-type: none"> • All public agencies and municipalities with operational or planning responsibilities within the boundaries of the proposed overlay zones; and • The Historic Preservation Commission, if any land within the proposed overlay zones is an identified historic resource. [3] 	30 days prior to the hearing	30 days prior to the hearing
ZHE Hearing District Council Hearing	30 days prior to the hearing to persons of record 30 days prior to the hearing, to: <ul style="list-style-type: none"> • 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. 	30 days prior to the hearing	30 days prior to the hearing 30 days prior to the hearing
Use Permits			
Special Exception	30 days prior to the hearing to: <ul style="list-style-type: none"> • Parties of record; • 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. 		30 days prior to the hearing
Site Plans			
Minor Site Plan	Appeal only: 30 days prior to the hearing to: <ul style="list-style-type: none"> • Parties of record; • 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. 		10 days prior to the date of Planning Director's decision
Major Site Plan	30 days prior to the hearing to:		30 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)
- 27-2.520. Authorization of Permit Within Proposed Right-of-Way (ROW)

Sec. 27-500: Application-Specific Procedures

- **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

Figure 27-2.505: Planned Development (PD) Map Amendment Procedure

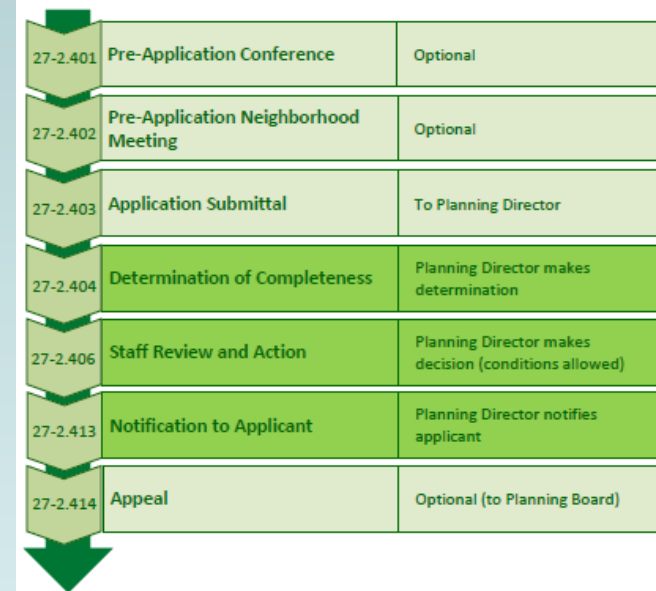


Sec. 27-500: Application-Specific Review Procedures and Decision Standards

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

Figure 27-2.517.C: Minor Adjustment Procedure



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

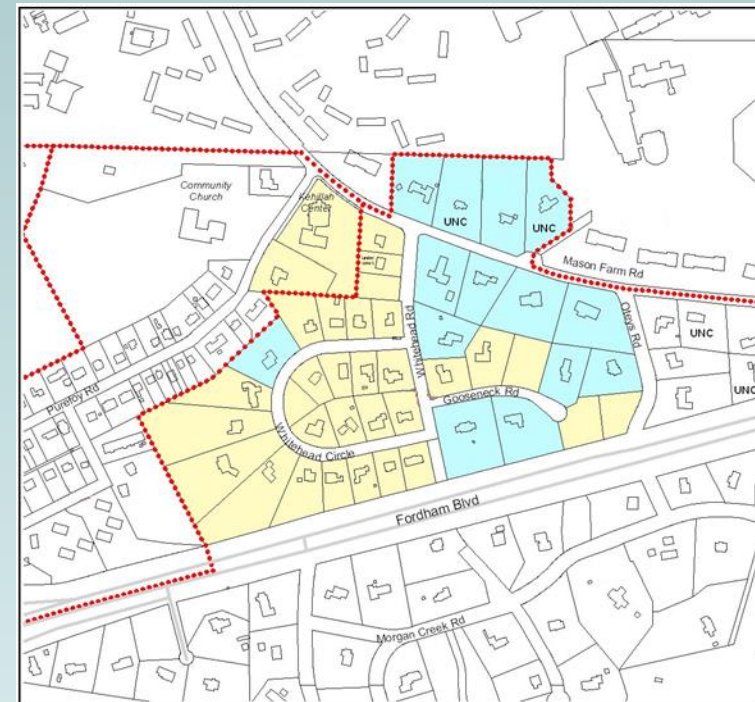
Division 27-6: Nonconformities

- **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

Module 3: Administration – Zoning Ordinance

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

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

D = Decision R = Recommendation C = Comment A = Appeal

< > = Public Hearing Required S/V = Sign/Veto

Procedure	Review and Decision-Making Bodies			
	County Executive	District Council	Planning Board	Planning Director
Text Amendment	S/V	<D>	<R>	R
Minor Subdivision or Resubdivision				
Preliminary Plan			<A>	D
Final Plat				D
Major Subdivision (Conventional, Conservation, Zero Lot Line, or Resubdivision)				
Preliminary Plan			<D>	R
Final Plat			<D> [1]	R
Variation				
Minor Variation			<A>	D
Major Variation			<D>	C
Zero Lot Line Development			<D>	R
Reservations	C	C	<D> [2]	
Vacation of Plat				
Minor Vacation			<A>	D
Major Vacation			<D>	R

NOTES

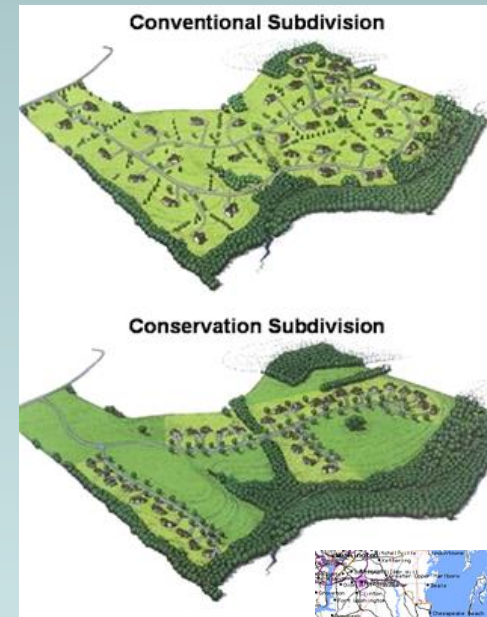
[1] Public hearing not required if waived by the Planning Board or if the final plat is approved as submitted.

[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

Division 24-6: Definitions

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

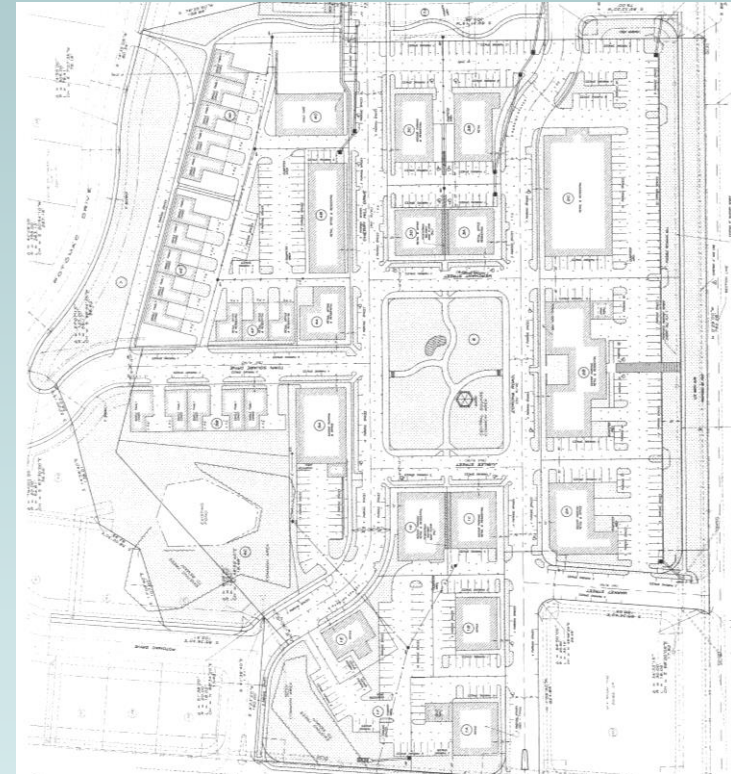
Division 24: Subdivision Regulations

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 |