



Prince George's County, Maryland

Executive Summary of Module 3: Zoning Ordinance

Subtitle 27: Zoning Ordinance

Division 27-1: General Provisions

Division 27-2: Administration

Division 27-6: Nonconformities

Division 27-7: Enforcement

Sec. 27-8.400: Terms and Uses Defined (Relevant Terms)

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

Public Review Draft

Zoning Ordinance and Subdivision
Regulations Rewrite

Background: The Project and Schedule

At the direction of the County Council, the Prince George's County Planning Department of the Maryland-National Capital Park and Planning Commission (M-NCPPC) is conducting a comprehensive rewrite of the County's Zoning Ordinance and Subdivision Regulations ("development regulations"). The project will transform the current development regulations into a user-friendly 21st Century Zoning Ordinance and Subdivision Regulations.

Because the rewriting of the Zoning Ordinance and Subdivision Regulations is a significant task that requires special expertise and many hours of work, the County retained a nationally recognized team of consultants, led by Clarion Associates, to assist it in this effort. The work began in early 2014 and was organized into the four phases, as shown by the timetable to the right:

Schedule for Zoning and Subdivision Rewrite

<u>Phase</u>	<u>Timeframe</u>	<u>Status</u>
1. Public outreach and input	2014 - 2018	Ongoing
2. Evaluation and Recommendations	2014	Completed
3. Drafting the new Ordinance and Regulations	2015 - early 2017	Ongoing
4. Implementing the new Ordinance and Regulations	2017 - 2018	



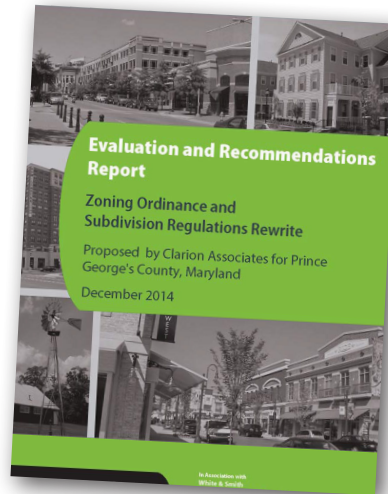
Public Outreach and Evaluation and Recommendations Report

The first year of the project involved:

- An extensive public outreach effort to gain community input on the most important goals to achieve in the rewrite (key themes);
- An independent review by the Clarion team of the plans, development regulations, and other relevant materials used by the County to review and approve development; and
- Identification of areas where the current development regulations fall short of best practices, as well as the zoning tools and changes needed to address the key themes.

This effort culminated in the consultant's preparation of an *Evaluation and Recommendations Report*, which synthesizes the key themes for the project, along with the consultant's evaluation of the current development regulations and recommendations on what needs to be changed and how to change it. The *Evaluation and Recommendations Report* identified four key themes for improvement. They are:

- **Make the regulations more user-friendly and streamlined;**
- **Modernize, simplify, and consolidate zones and zone regulations;**
- **Implement key goals, policies, and strategies of *Plan Prince George's 2035*; and**
- **Modernize the regulations and incorporate best practices.**



For each key theme, the *Evaluation and Recommendations Report* recommends changes to the development regulations. The last section in the *Evaluation and Recommendations Report*, the Annotated Outline, provides a detailed outline, or “road map,” for how the rewritten regulations should be structured if the key themes are to be addressed. It also explains how the regulations should be written and where each change should be incorporated in the rewritten regulations. It recommends that the rewritten Zoning Ordinance be organized into the following eight divisions.

Proposed Structure for 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

It recommends that the rewritten Subdivision Regulations be organized into the following six divisions.

Proposed Structure for Subdivision Regulations

Division 24-1: General Provisions

Division 24-2: Administration

Division 24-3: Subdivision Standards

Division 24-4: Chesapeake Bay Critical Area Standards

Division 24-5: Enforcement

Division 24-6: Definitions

The Process for Rewriting the Zoning Ordinance and Subdivision Regulations

After receiving input from the public at community meetings, input from the Planning Board, and direction from the County Council, refinements were made to the Annotated Outline and the drafting of the development regulations began in 2015. The Annotated Outline from the *Evaluation and Recommendations Report* has been used as the “road map” for the drafting. Because the development regulations are lengthy and complex documents, the drafting process is being conducted in three separate modules. Each module includes a draft of part of the development regulations. The three separate modules are:

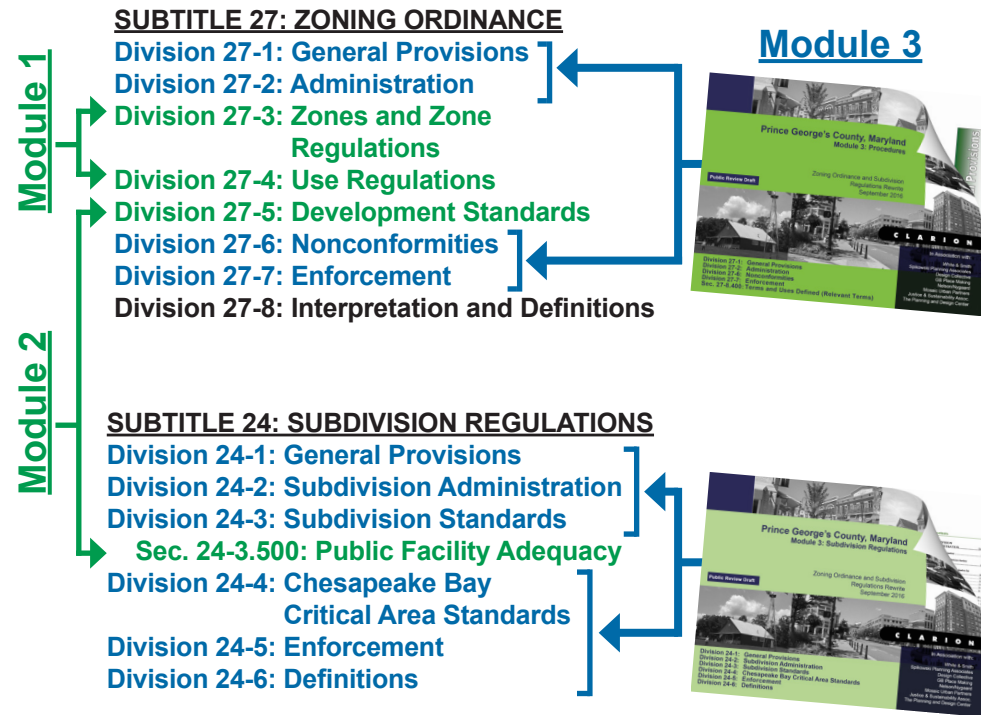
- Module 1: Zones and Use Regulations;
- Module 2: Development Standards; and
- Module 3: Administration and Subdivision

The Public Review Draft of Module 1: Zones and Use Regulations, was released in October of 2015 for review and community input. It includes all the regulations relevant to the zones and uses. They are found in three of the eight divisions of the rewritten Zoning Ordinance:

- Division 27-3: Zones and Zone Regulations;
- Division 27-4: Use Regulations; and
- Division 27-8: Interpretation and Definitions.

The consultant team then conducted a series of community meetings in north, central, and south County to present the module materials and answer questions. Meetings were also conducted with focus groups, the Planning Board, and the County Council.

The Public Review Draft of Module 2: Development Standards, was released for review and community input in May 2016. It includes two of the divisions in the Zoning Ordinance and the adequate public facilities (APF) regulations and relevant definitions of the Subdivision Regulations:



- Division 27-5: Development Standards;
- Division 27-8: Interpretation and Definitions; and
- APF regulations and definitions in the Subdivision Regulations.

The consultant team then conducted a series of community meetings in north, central, and south County to present the Module 2 materials and answer questions. Meetings were also conducted with focus groups, the Planning Board, and the County Council. Module 2 is available for online commenting at the Zoning Rewrite's OpenComment website, located at <http://pgplanning.opencomment.us>.

The Public Review Draft of Module 3: Administration and Subdivision Regulations, was released for review and input in September 2016. It includes four Divisions of the Zoning Ordinance (and related definitions) and all Divisions of the Subdivision Regulations:

- Division 27-1: General Provisions;
- Division 27-2: Administration;
- Division 27-6: Nonconformities;
- Division 27-7: Enforcement Subdivision Regulations; and
- Subdivision Regulations (all Divisions).

Module 3 is available for online commenting at the Zoning Rewrite's OpenComment website (<http://pgplanning.opencomment.us>). OpenComment allows all Prince Georgians and other interested parties to comment on written documents, join conversations, and engage in a virtual discussion about the Clarion team's recommendations. Hard copies of Module 3 are available in all 19 of the County's public libraries.

Countywide community meetings with Clarion Associates on Module 3 will be held on September 13-15, 2016, in north, central, and south County. Clarion Associates will also be meeting with the Planning Board on September 15. On October 18, 2016, Clarion Associates will meet with the County Council. Information about the community meetings, as well as other meetings and materials related to the rewrite, may be obtained from the project website. Module 3 can also be downloaded from the project's website, located at <http://zoningpgc.pgplanning.com>.

The M-NCPPC and Prince George's County welcome public input on the draft materials. Elected officials, appointed officials, and residents of Prince George's County are urged to read this material and note those areas that you agree with—as well as those that you do not agree with—so that key discussions can be vigorous, open, and honest.

Subtitle 27: Zoning Ordinance

Division 27-1: General Provisions

• Sec. 27-1.100	Title
• Sec. 27-1.200	Authority
• Sec. 27-1.300	General Purpose and Intent
• Sec. 27-1.400	Applicability and Jurisdiction
• Sec. 27-1.500	Implement and be Consistent with the Comprehensive Plan
• Sec. 27-1.600	Relationship with Other Laws, Covenants, or Deeds
• Sec. 27-1.700	Official Zoning Map
• Sec. 27-1.800	Transitional Provisions
• Sec. 27-1.900	Severability

Division 27-1: General Provisions, contains general provisions that are relevant to the rewritten Zoning Ordinance as a whole. While many of these provisions are in the current Zoning Ordinance, they are found in different sections. They are consolidated in one section in the new Ordinance. Division 27-1 plays an important part in making the ordinance user-friendly by including certain overarching principles and establishing a clear basis for the authority by which the ordinance is adopted and administered.

Sec. 27-1.200, Authority, contains references to the authority the County has to adopt the rewritten Zoning Ordinance. It also adds a provision to address situations where either State or Federal laws that are cited in the ordinance are amended.

It is followed by a section that sets out the District Council's general intent and purposes in adopting the Ordinance, a section stating to whom the Ordinance applies (Applicability and Jurisdiction), a section that clearly establishes that one of the purposes of the Council in adopting the Ordinance is to implement the County's comprehensive plans, and other basic provisions that address the Ordinance's

administration.

In addition to these sections, Sec. 27-1.700, Official Zoning Map, establishes the Official Zoning Map, which will identify where each of the different zones established in Division 27-3: Zones and Zone Regulations, is actually located (in other words what zone applies to a specific parcel of land).

Finally, Sec. 27-1.800, Transitional Provisions, will identify the effective date of the rewritten Zoning Ordinance and repeal the current Zoning Ordinance when the rewritten Ordinance is approved and takes effect. It also establishes rules governing continuing violations of the ordinance, and then establishes rules governing how pending development applications and existing development approvals and permits will be treated when the rewritten Zoning Ordinance is adopted.

An application for a development approval or permit that is pending (determined complete but no final decision made) at the time of adoption of the rewritten Zoning Ordinance will be processed under the regulations in effect at the time the application was accepted. If an applicant wants to proceed under the standards in the newly adopted Zoning Ordinance (instead of the regulations of the current Zoning Ordinance), the applicant must withdraw the application and resubmit it.

Development subject to a development approval or permit that is already approved at the time of adoption of the new Zoning Ordinance may proceed with development under the rewritten Zoning Ordinance (approved permits will be honored), as long as the development complies with the terms and conditions of the initial approval or permit, and the rules in existence at the time of its approval. Substantial modifications to a development approval or permit will subject the site to the requirements of the newly adopted Zoning Ordinance.

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 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

Introduction

As discussed in the previous sections, Module 3 of the Zoning Ordinance includes the Divisions involving the administration of the Ordinance.¹ The heart of the module consists of Division 27-2: Administration, which consolidates, clarifies, streamlines, and integrates modern best practice tools into the development review procedures, while at the same time addressing the project goals and the policy direction of *Plan Prince George's 2035*. The result is a development review process that is more streamlined and efficient, increases administrative decision-making in targeted instances, and establishes more specific and measureable development review standards.² This is done for two reasons. First, to increase the predictability of the process for Prince George's County citizens, review boards, and development applicants. And second, to attract the types of high quality jobs, retail, and mixed-use development called for in *Plan Prince George's 2035* – by making it procedurally easier to achieve those desired forms of development and the higher development quality that Prince George's citizens deserve.³

In addition, the provisions in the Ordinance have been updated to be clearer and more understandable, and to provide meaningful opportunities for citizen input throughout the decision-making process. The proposed Ordinance or Procedures Manual will accomplish this by:

- Drafting a Zoning Ordinance that is logically organized, and written with clear procedures and more specific development standards.

1 Division 27-2: General Provisions; Division 27-2: Administration, Division 27-6: Nonconformities, Division 27-7: Enforcement, and Sec. 27-8.400: Terms and Uses Defined (the Relevant Terms).

2 In both Division 27-2 and Division 27-5: Development Standards.

3 To ensure the desired forms of development are built, Division 27-5: Development Standards, includes more specific and measureable standards that ensure the desired forms of development will be built.

- Adding a new pre-application neighborhood meeting procedure that encourages applicants to conduct neighborhood meetings before an application is even submitted for review. These meetings provide the best opportunity for development applicants and neighbors to meet and discuss possible issues and solutions. It requires such meetings for certain types of applications (parcel specific map amendments, planned development map amendments, CBCA-O zone map amendments, special exceptions, major site plans, and major adjustments). Notification must be given 10 days before the meeting to land owners adjacent to the site, as well as civic organizations who register to receive notice, and municipalities located within one mile of the site.
- Including a provision that allows civic organizations to register to receive notification when an application for development is submitted in their area of influence, as well as receive notification of any public hearing(s) on the application.
- Improving the online information about applications so that applicants and citizens have access to applications and the materials submitted in support or against an application online, making it easier for everyone to keep abreast of a project.
- Expanding the Technical Staff Reports on each application to include a summary of citizen comments received on the application.
- Including a consolidated public notification table in the Ordinance that clarifies the public notification requirements for each individual application. In many instances, the notification requirements go beyond what is required by state law in order to notify the public broadly and well in advance of the hearing.
- Including a requirement to post notice on land subject to an administrative decision (for minor site plans and minor adjustments) a certain number of days before a decision is made, so surrounding land owners know about the application, and have an opportunity to provide input.

- Improving the information that is included in public notifications, such as more specific information about the level of development that is proposed in the application and information about who citizens can call if they have questions.
- Ensuring members of the public continue to have their opportunity to speak, either in favor of or against an application, at a public hearing, if they attend.

In addition, and in an effort to better educate citizens and groups about how the development review process works, Planning Department staff proposes to conduct a Zoning Academy at regular intervals in order to better educate those who are interested about the development review process.

While we understand there are concerns about removing the “call-up” provision in the current ordinance, that is just one part of a package of recommendations that need to be read together in order to understand how citizen rights are being protected and clarified in the Ordinance. Most importantly, even without “call-up,” the District Council has significant review and decision making authority under the proposed Ordinance – probably as much and in many instances more than most Councils in large urban counties like Prince George’s.

- District Council makes decisions on all zoning amendments, including planned developments;
- District Council makes decisions on special exceptions, as an appellate body; and
- District Council makes decisions on site plans (both minor and major), as an appellate body.

In other words, the recommendation to delete the current “call-up” powers would not change the fact that a public hearing before the District Council is available for all zoning amendments, and by appeal

for site plans and special exceptions – which cover the majority of significant land use decisions in the County.

Other land use powers are delegated, but they are not lost. As the governing body of Prince George's County, the District Council can always modify or remove those delegations in the future if the new Ordinance does not produce the higher quality jobs and development that Prince George's County deserves. Citizens have real and meaningful opportunities for input and involvement through the pre-application neighborhood meetings, the public hearing process, through appeals, and the other provisions outlined above. Just as importantly, those procedures will be applying more objective, higher quality development standards embedded throughout the Ordinance, which will significantly improve the quality and compatibility of what is built in the years to come. These recommended changes can create a "win-win" situation for all. They will provide the efficient and more predictable framework that will support the desired types of development that citizens in the County want to see, while at the same time ensuring the County's development goals are achieved, with early and meaningful citizen input on individual development applications and fewer last minute surprises for both citizens and developers.

Summary of Division

Division 27-2: Administration, summarizes the responsibilities of review bodies and staff, establishes a set of standard procedures for the review of development applications, and includes specific procedures and review standards for each type of development application. The major changes to the procedures made in the Division are:

- Consolidating and streamlining the review procedures for the General Plan, area master plans, functional master plans, and

sector plans;

- Establishing a procedure for text amendments;
- Reorganizing the map amendment (rezoning) procedures into four different types of rezonings:
 - Sectional map amendments (SMAs);
 - Parcel-specific map amendments;
 - Planned development map amendments; and
 - Chesapeake Bay Critical Area Overlay Zone map amendments;
- Eliminating special permits, or if a special permit use needs to be carried forward, identifying it as a special exception;
- Revising and consolidating the special exception review procedure and authorizing the Zoning Hearing Examiner (ZHE) to review and decide special exception uses, with appeals from the ZHE going to District Council;
- Consolidating conceptual and detailed site plan review into one site plan review procedure, and establishing a two-tier level of site plan review — minor and major:
 - Minor site plans are reviewed and decided by the Planning Director. Appeals may go to the Planning Board, then the District Council;
 - Major site plans are decided by the Planning Board, and appeals go to the District Council.
- Changing the name of "departures" to "adjustments," and expanding their application; also establishing a two-tier level of adjustments – a minor adjustment and a major adjustment:
 - Minor adjustments are decided by the Planning Director for dimensional standards and specific standards for off-street parking, landscaping, block design, transparency/fenestration, and other development standards. Appeals

go to the Planning Board. Minor adjustments are subject to specific threshold limits and must comply with specific review standards.

- Major adjustments are decided by the Planning Board. Appeals are taken to the Circuit Court (removing the District Council as the appellate body, based on the technical nature of applying adjustments on specific sites). Major adjustments are also subject to specific threshold limits and must comply with specific review standards.
- Eliminating the “call-up” provision, which allows the District Council to elect, on its own motion, to review any entitlement case (whether appealed or not). The County’s current practice on this is not established in any other jurisdictions we are aware of in the country, since Council involvement, either decision-making or appellate review, is established in the other procedures in the Ordinance.

These changes, most of which streamline and make the development review process more efficient and certain, when coupled with the specific and measureable zone and development standards in Modules 1 and 2, support many of the County’s development goals, like:

- Walkable, high density, transit-oriented vibrant mixed-use development in the desired locations;
- More and better employment and retail opportunities;
- Redevelopment that is consistent with its context;
- Protection of neighborhoods;
- Better development quality generally;
- More sustainable development practices; and
- Protection of rural character.

These reforms make it procedurally easier, more efficient and

certain to achieve these preferred development forms in the County – something existing and potential investors have made clear is dampened by the current complex and uncertain framework for development review.

Four of the five sections in the Division are highlighted in more detail below.

Sec. 27-2.200, Summary Table of Development Review Responsibilities

Sec. 27-2.200, Summary Table of Development Review Responsibilities, consolidates the information on the actions required of each advising and decision-making body for each type of development application in the rewritten Zoning Ordinance into a tabular form (see Evaluation and Recommendations Report, pp. VI-7 to VI-9). Many modern codes include this type of table since it helps to establish clear lines of authority in the decision-making process. Table 27-2.200 is shown on the following page.

Sec. 27-2.300, Advisory and Decision-Making Bodies

Sec. 27-2.300, Advisory and Decision-Making Bodies, establishes in text form the review responsibilities of each advisory and decision-making body for each type of development application in the Ordinance.

Sec. 27-2.400, Standard Review Procedures

As discussed in the Evaluation and Recommendations Report (p. VI-9), in the current Zoning Ordinance, a number of the procedures for development applications are set forth in individual permit processes. The modern trend in zoning administration is to consolidate these procedures, which is what Sec. 27-2.400, Standard Review Procedures, does. It establishes development review procedures

Table 27-2.200: Summary of Development Review Responsibilities D = Decision R = Recommendation 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
Comprehensive Plans						
Comprehensive Plan Amendments (General Plan, Area Master Plan, and Sector Plans)	I <D> [1]	<R> [1]			R	
Amendments and Planned Developments						
Text Amendment	<D>	<R>			R	
Sectional Map Amendment (SMA)	I <D>	<R>			R	
Parcel-Specific Map Amendment	<D>	<R> [2]		<R>	R	
Planned Development (PD) Map Amendment	<D>	<R>			R	
Chesapeake Bay Critical Area Overlay Zone Map Amendment	<D>	I <R>		<R>	R	
Special Exceptions						
Special Exception	<A>	<R> [2]		<D>	R	
Site Plans						
Minor Site Plan	<A>	<A>			D	
Major Site Plan	<A>	<D>			R	
Permits and Certifications						
Sign Permit			<A>			D
Temporary Use Permit			<A>			D
Use and Occupancy Permit			<A>			D
Zoning Certification			<A>		D	
Grading Permit			<A>			D
Building Permit			<A>			D
Relief Procedures						
Interpretation (Text, Uses, and Zone Map)			<A>		D	
Variance			<D>			R
Adjustment (Departure)						
Minor Adjustment		<A>			D	
Major Adjustment		<D>			R	
Validation of Permit Issued in Error	<D>			<R>		R
Appeal to Board of Zoning Appeals			<D>			
Enforcement Procedures¹						
Zoning Enforcement, Generally			<A>			I
Other Procedures						
Authorization of Permit Within Proposed Right-of-Way (ROW)	<D>			<R>	R	
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.						

for all development applications (if there are exceptions, they are listed). Generally, the standard procedures guide the potential applicant through the rules governing who is authorized to submit applications, application content requirements and fees, through the actual application submittal and review stage (the pre-application conference, pre-application neighborhood meetings, application submittal and completeness determination, staff review, scheduling and providing notice for any required public hearings, any required review and recommendation by an advisory board, and a review and decision on the application by the deciding body or person). Several of the key elements in the standard procedures are outlined below.

Of relevance to both citizens and development applicants, Sec. 27-2.402, Pre-Application Neighborhood Meeting, is a new section that builds on and expands the pre-application informational mailing requirements in the current Zoning Ordinance. The section establishes a framework, including requirements for meeting location and time, advanced notification, and the conducting of the meeting, for an applicant to meet with neighbors and land owners surrounding a proposed development prior to the submission of a development application. Pre-application neighborhood meetings provide a means for neighbors to become educated about a potential project and identify their concerns, and the applicant to identify and resolve issues with neighbors before making significant financial commitments to the project. A pre-application neighborhood meeting is required for the following type of applications:

- Parcel-specific map amendments;
- Planned development (PD) map amendments;
- Chesapeake Bay Critical Area Overlay (CBCA-O) Zone map amendments;
- Special exceptions;
- Major site plans; and

- Major adjustments.

Notification of the meeting is to be provided by posting of notice on the land subject to the proposal, and mailing notice to:

- The Planning Director;
- Persons requiring mailed notice of a public hearing for the type of application proposed;
- Municipalities in which the land subject to the proposed application is located and municipalities located within one mile of the land; and
- Civic associations and residents that register to receive notice of pre-application neighborhood meetings.

After the conclusion of the pre-application neighborhood meeting, the applicant is required to prepare a written summary of the meeting that includes a list of meeting attendees, a summary of issues related to the development proposal that were discussed, a compilation of attendee comments and responses, and any other information the applicant deems appropriate. The meeting summary must be included with the development application materials and made available to the public for inspection. Any person may submit to the Planning Director a written response to the applicant's meeting summary. Like the meeting summary, all written responses received must be included with the application materials and made available to the public for inspection.

Additionally, Sec. 27-2.407, Scheduling Public Hearing and Public Notification, consolidates in one place the requirements for advanced notification of public hearings (this includes some administrative decisions, such as minor site plans and minor adjustments, where posted notice is required) for all development applications. A table is provided that lists required mailed, published, and posted notification for each application type, which makes it much easier for residents,

Table: 27-2.407.B: Required Public Notice			
Application Type	Required Timing and Specific Recipients [1]		
	Mail	Publication	Posting
Comprehensive Plans			
Comprehensive Plan Amendments (General Plan, Area Master Plan, and Sector Plans)	30 days prior to the 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 	30 days prior to the hearing, in the County newspaper of record	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 hearing to: <ul style="list-style-type: none"> • All owners of land for which a change in zoning is proposed 	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. [2] 	30 days prior to the hearing	30 days prior to the hearing
ZHE Hearing	30 days prior to the hearing to persons of record		30 days prior to the hearing
District Council Hearing	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
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. 	N/A	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: <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 		30 days prior to the hearing

development applicants, and review boards to understand what type of notification is required; specific requirements are also provided for the content of the notifications and the manner in which each type of notice is provided (e.g., where posted notice must be placed on the site). In addition to notification requirements, procedures for both general and quasi-judicial hearings are established. A portion of Table 27-2.407 is shown on the previous page.

Other standard procedures establish general requirements for the submittal, amendment, deferral, and withdrawal of development applications; general requirements for the review of development applications by staff and other review and decision making bodies; and general provisions that establish rules for amendment and expiration of approved development applications.

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

Sec. 27-2.500, Application-Specific Review Procedures and Decision Standards, includes the specific procedural review requirements and decision standards that are unique for each type of development application. As described in the Evaluation and Recommendations Report (Sec. II.F), it consolidates and revises the current review procedures for development applications where appropriate, in order to streamline the review process, and establishes clear standards for decisions to be made on each type of development application. In addition, a process flowchart that outlines key steps in the review process is provided for each type of development application (an example of a flowchart is provided on the right). Application-specific review procedures are outlined below, with major changes highlighted.

Procedures for adopting and amending the General Plan, area master plans, sector plans, and functional master plans have been consolidated and streamlined in Sec. 27-2.501, Comprehensive

Plans, building on provisions in the current Zoning Ordinance for sectional map amendments and the proposed staff changes to the master plan and sector plan procedure.

In Sec. 27-2.502, Text Amendment, a new procedure is provided for amendments of the text of the Zoning Ordinance.

All zoning map amendments have been consolidated into four procedures: sectional map amendments, parcel-specific map

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



amendments, planned development map amendments, and Chesapeake Bay Critical Area Overlay Zone map amendments.

The procedure for special exceptions consolidates the procedures in the current Zoning Ordinance for special exceptions and special permits into a single special exceptions procedure that is reviewed and decided by the Zoning Hearing Examiner (ZHE), whose decision can be appealed to the District Council. It also codifies the current practice of recommendation by the Planning Board.

A new two-tier site plan procedure in Sec. 27-2.508, Site Plan (Minor and Major), consolidates the conceptual and detailed site plan review processes (see Evaluation and Recommendations Report, pp. II-15 and II-39-42). Unlike conceptual and detailed site plans, which are reviewed by the Planning Board, minor site plans are reviewed and approved by the Planning Director. The Planning Director's decision may be appealed to the Planning Board, and then the District Council. Like conceptual and detailed site plans, major site plans are reviewed and approved by the Planning Board after a public hearing. The Planning Board's decision may be appealed to the District Council.

A procedure for major and minor adjustments (see Evaluation and Recommendations Report, pp. II-43-44) renames and carries forward the current two-tier procedure for the review of departures by the Planning Director and the Planning Board with several changes. The new procedure expands the type and range of adjustments that can be requested and establishes limits for the degree of adjustments for both the Planning Director and Planning Board. Minor adjustments are decided by the Planning Director and may be appealed to the Planning Board. Major adjustments are decided by the Planning Board, and appeals go to the Circuit Court.

As discussed in the Evaluation and Recommendations report (p. II-29), a new formal process is established allowing the Planning Director to

make interpretations, including interpretation of the Ordinance's text, use tables, and zoning map boundaries; classification of unlisted uses; and interpretations of conditions of approval of a development approval or permit. An appeal of an interpretation is decided by the Board of Zoning Appeals. The formal interpretation procedure will help ensure consistent application of the Zoning Ordinance over time, and serve as a resource for future amendments (see Evaluation and Recommendations Report, p. VI-16).

A new sign permit procedure is added to ensure that all signs comply with the revised standards for signage (drafted in Module 2).

Other procedures are carried forward with minor changes. The procedure for appeals from a decision of the Planning Director or the Department of Permitting, Inspections, and Enforcement Director to the Board of Zoning Appeals is generally carried forward (see Evaluation and Recommendations Report, p. VI-18), with a few additions (e.g., the appeal procedure applies to Planning Director interpretations) and minor revisions for consistency with the format of the rewritten Zoning Ordinance. A zoning certification procedure consolidates the zoning certification and buildable lot letter procedures in the current Zoning Ordinance (see Evaluation and Recommendations Report, p. VI-15). A variance procedure is carried forward from the current Zoning Ordinance, with the exception of the provision in the current Zoning Ordinance that requires a use and occupancy permit be denied before a variance application is submitted by the applicant (see Evaluation and Recommendations Report, pp. VI-16 and II-42).

Finally, procedures for temporary use permits, use and occupancy permits, grading permits, building permits, validations of permits issued in error, and authorizations of permit within proposed right-of-way are all carried forward from the current Zoning Ordinance with minor revisions for consistency with the format of the rewritten Zoning Ordinance.

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**

As discussed in the Evaluation and Recommendations Report (p. VI-47), Division 27-6: Nonconformities, builds on the nonconformity provisions of the current Zoning Ordinance, but reorganizes and consolidates all rules related to nonconformities, and establishes some new practices and rules. The division addresses nonconforming uses, structures, lots, signs, and other site features that do not comply with the requirements of the rewritten Zoning Ordinance. The Planning Director is authorized to make decisions and interpretations on the text for the Division. Certification of a nonconformity is no longer required; instead, nonconformity status is determined during the normal review of development applications. This is a best practice used by most all communities in the country.

The Division first establishes some general rules that apply to all nonconformities. Some of the key provisions state: nonconformities may continue subject to the limitations of the Division;⁴ the burden is on the landowner to demonstrate a legal nonconformity; normal maintenance and repair of nonconformities is allowed; and a change of ownership does not affect the status of a nonconformity. The Division also includes general rules for abandonment and reconstruction or re-

⁴ The provisions also eliminate the requirement that a nonconforming use get a use and occupancy permit identifying it as nonconforming; instead, as noted above, nonconformity status would be determined during the normal review of development applications or permits.

establishment of nonconformities (Table 27-6.102: Reconstruction, Re-establishment, or Restoration of Nonconforming Use or Structure) that set out different rules based upon whether the abandonment was intentional or not, and whether the structure is proposed to be rebuilt in its original form or enlarged.

The Division then establishes specific rules for nonconforming uses, structures, lots of record, signs, and site features. Many of the current rules for nonconforming uses are carried forward with a few notable changes. The most notable is a new rule that allows a landowner inside the Capital Beltway (between Interstate 495 and the County's western boundary, inclusive of the corporate boundaries of the City of College Park, City of Greenbelt, City of Glenarden, and Town of Forest Hills) to substitute one nonconforming use for another nonconforming use upon approval of a special exception, and subject to specific development standards that are included in the draft.

As with the rules for nonconforming uses, many of the current rules governing nonconforming structures are also carried forward. The key change allows expansion and enlargement of nonconforming uses inside the Capital Beltway if the expansion/enlargement complies with the Division 27-5: Development Standards, and the dimensional standards of the zone in which the structure is located.

The rules for lots of record are new. They establish rules about how a nonconforming lot can be developed. In all instances, a single-family home may be placed on the lot. In many zones, if the permitted (allowed by right) development can comply with all other dimensional standards except the lot area standard, the development is allowed. The Division also includes a provision on common ownership, which generally requires owners of adjoining nonconforming lots (except those outside the Capital Beltway) to consolidate those lots before they are developed to make them conforming (or conforming to

the “maximum extent practicable”). Another section is included (Governmental Acquisition of Land) that is found in many modern development codes to help government mitigate the impact of land condemnations, especially for right-of-way acquisition for roads and transit. It allows a landowner whose parcel of land is made nonconforming by a condemnation to develop an allowed use on the parcel, subject to County review of a development plan to ensure the proposal is compatible with surrounding development and complies with Ordinance requirements to the “maximum extent practical.”

The current rules on nonconforming signs are generally carried forward from Subtitle 27, Part 12 (Signs), Division 2 (Administration), and Subdivision 2 (Nonconforming Use Signs and Nonconforming Signs) of the current Zoning Ordinance. They require that any structural alteration, repair, replacement, or relocation of a nonconforming sign comply with the requirements of the rewritten Ordinance. The one provision that is not carried forward is the billboard amortization provision, whose amortization period passed over 30 years ago.

Finally, rules on nonconforming site features are included, which are new. They specifically address nonconforming off-street parking, landscaping, and lighting. Currently, the Zoning Ordinance does not specify when such nonconforming site features must be brought into conformity. This new section requires that these site features be brought into conformance on a sliding scale when the structure is substantially remodeled, or when the floor area of a building is enlarged by threshold percentages, with an important “safety valve” provision that allows for a waiver of requirements in cases where the site has physical constraints that prevent upgrading certain elements.

Division 27-7: Enforcement

• Sec. 27-7.100	Purpose
• Sec. 27-7.200	General Provisions
• Sec. 27-7.300	Violations
• Sec. 27-7.400	Responsible Persons
• Sec. 27-7.500	Enforcement Generally
• Sec. 27-7.600	Remedies and Penalties

As discussed in the Evaluation and Recommendations Report (p. VI-49), Division 27-7: Enforcement, consolidates all enforcement provisions into this Division in the rewritten Zoning Ordinance. It carries forward and/or refines many current provisions, and reorganizes the Division to provide more clarity. Language is added that clearly establishes that failure to comply with any provision of the Zoning Ordinance, or the terms or conditions of any permit or authorization granted pursuant to the Zoning Ordinance, violates the Ordinance. The Division also more specifically identifies both general violations as well as specific permit violations of the Ordinance, and makes it clear who is responsible for Ordinance violations.

Division 27-8: Interpretations and Definitions

- **Sec. 27-8.100** **General Rules for Interpretation**
- **Sec. 27-8.200** **Measurement, Exception, and Variations of Intensity and Dimensional Standards**
- **Sec. 27-8.300** **Use Classification and Interpretation**
- **Sec. 27-8.400** **Terms and Uses Defined**

Division 27-8: Interpretation and Definitions, consolidates all definitions and rules of measurement in one place in the Zoning Ordinance. It is organized into sections addressing:

- General rules for interpretation;
- Measurements, exceptions, and variations of intensity and dimensional standards;
- Use classifications and use definitions; and
- All other definitions.

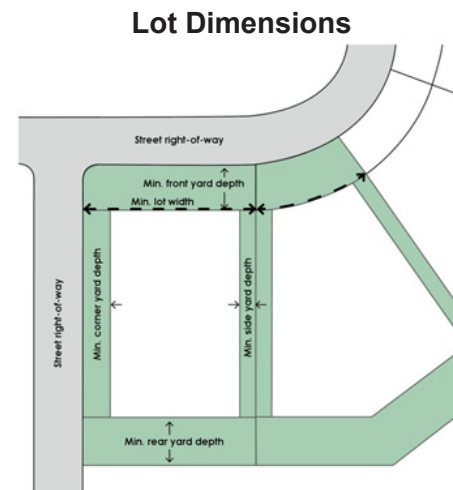
The first three sections in this Division were drafted as a part of Module 1. Applicable definitions were also included in Sec. 27-8.400, Terms and Uses Defined. Module 2 added definitions in Sec. 27-8.400, Terms and Uses Defined, that are relevant to Module 2. Module 3 adds definitions that are relevant to Module 3.

Sec. 27-8.100, General Rules for Interpretation, addresses general issues related to interpretation of Zoning Ordinance language, like how time is computed; the meaning of standard terms such as “shall,” “should,” “will,” and “may;” the use of plural and singular nouns, and other general issues that arise in interpreting and administering the Zoning Ordinance.

Sec. 27-8-200, Measurement, Exceptions, and Variations of Intensity and Dimensional Standards, consolidates in one location the rules for measurements. Graphics are used in this section to assist in the explanation of the different rules of measurement.

Sec. 27-8-300, Use Classifications and Interpretations, locates in one place all the descriptions of the characteristics and functions of each Use Category in the Principal Use Tables (found in Sec. 27-4.200, Principal Uses), as well as a definition for each use.

Sec. 27-8.400, Terms and Uses Defined, includes in one place all other definitions. The definitions included in the Module 3 draft are definitions relevant to Module 1, Module 2, and Module 3.







Prince George's County, Maryland Executive Summary of Module 3

Subtitle 24: Subdivision Regulations

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

Public Review Draft

Zoning Ordinance and Subdivision
Regulations Rewrite

Background: The Project and Schedule

At the direction of the County Council, the Prince George's County Planning Department of the Maryland-National Capital Park and Planning Commission (M-NCPPC) is conducting a comprehensive rewrite of the County's Zoning Ordinance and Subdivision Regulations ("development regulations"). The project will transform the current development regulations into a user-friendly 21st Century Zoning Ordinance and Subdivision Regulations.

Because the rewriting of the Zoning Ordinance and Subdivision Regulations is a significant task that requires special expertise and many hours of work, the County retained a nationally recognized team of consultants, led by Clarion Associates, to assist it in the effort. The work began in early 2014 and was organized into the four phases, as shown by the timetable to the right:

Schedule for Zoning and Subdivision Rewrite

<u>Phase</u>	<u>Timeframe</u>	<u>Status</u>
1. Public outreach and input	2014 - 2018	Ongoing
2. Evaluation and Recommendations	2014	Completed
3. Drafting the new Ordinance and Regulations	2015 - early 2017	Ongoing
4. Implementing the new Ordinance and Regulations	2017 - 2018	



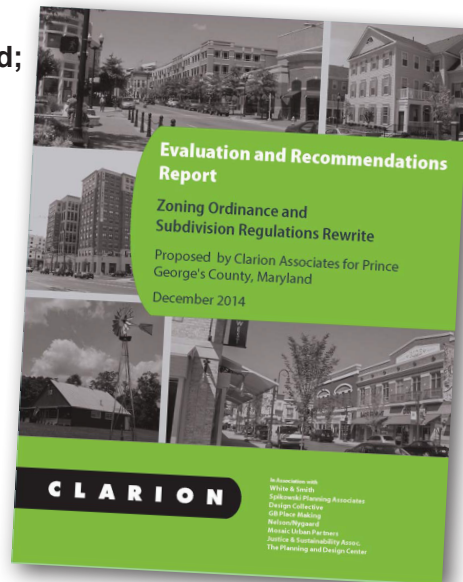
Public Outreach and Evaluation and Recommendations Report

The first year of the project involved:

- An extensive public outreach effort to gain community input on the most important goals to achieve in the rewrite (key themes);
- An independent review by the Clarion team of the plans, development regulations, and other relevant materials used by the County to review and approve development; and
- Identification of areas where the current development regulations fall short of best practices, as well as the zoning tools and changes needed to address the key themes.

This effort culminated in the consultant's preparation of an *Evaluation and Recommendations Report*, which synthesizes the key themes for the project, along with the consultant's evaluation of the current development regulations and recommendations on what needs to be changed and how to change it. The *Evaluation and Recommendations Report* identified four key themes for improvement. They are:

- **Make the regulations more user-friendly and streamlined;**
- **Modernize, simplify, and consolidate zones and zone regulations;**
- **Implement key goals, policies, and strategies of *Plan Prince George's 2035*; and**
- **Modernize the regulations and incorporate best practices.**



For each key theme, the *Evaluation and Recommendations Report* recommends changes to the development regulations. The last section in the *Evaluation and Recommendations Report*, the Annotated Outline, provides a detailed outline, or “road map,” for how the rewritten regulations should be structured if the key themes are to be addressed. It also explains how the regulations should be written and where each change should be incorporated in the rewritten regulations. It recommends that the rewritten Zoning Ordinance be organized into the following eight divisions.

Proposed Structure for 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

It recommends that the rewritten Subdivision Regulations be organized into the following six divisions.

Proposed Structure for Subdivision Regulations

Division 24-1: General Provisions

Division 24-2: Administration

Division 24-3: Subdivision Standards

Division 24-4: Chesapeake Bay Critical Area Standards

Division 24-5: Enforcement

Division 24-6: Definitions

The Process for Rewriting the Zoning Ordinance and Subdivision Regulations

After receiving input from the public at community meetings, input from the Planning Board, and direction from the County Council, refinements were made to the Annotated Outline and the drafting of the development regulations began in 2015. The Annotated Outline from the *Evaluation and Recommendations Report* has been used as the “road map” for the drafting. Because the development regulations are lengthy and complex documents, the drafting process is being conducted in three separate modules. Each module includes a draft of part of the development regulations. The three separate modules are:

- Module 1: Zones and Use Regulations;
- Module 2: Development Standards; and
- Module 3: Administration and Subdivision

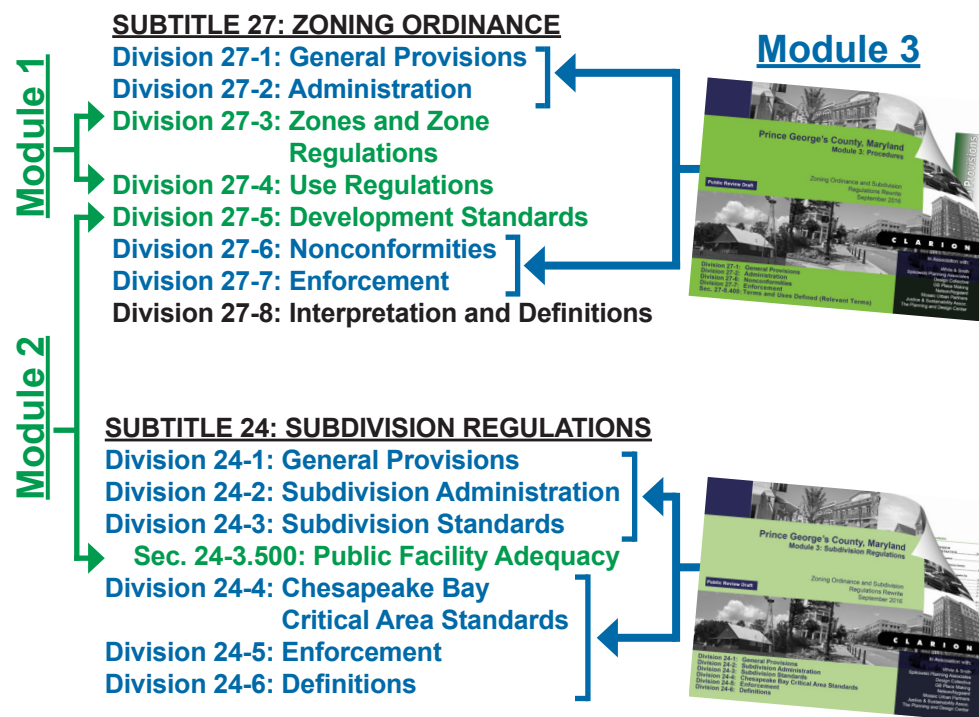
The Public Review Draft of Module 1: Zones and Use Regulations, was released in October of 2015 for review and community input. It includes all the regulations relevant to the zones and uses. They are found in three of the eight divisions of the rewritten Zoning Ordinance:

- Division 27-3: Zones and Zone Regulations;
- Division 27-4: Use Regulations; and
- Division 27-8: Interpretation and Definitions.

The consultant team then conducted a series of community meetings in north, central, and south County to present the module materials and answer questions. Meetings were also conducted with focus groups, the Planning Board, and the County Council.

The Public Review Draft of Module 2: Development Standards, was released for review and community input in May 2016. It includes two of the divisions in the Zoning Ordinance and the adequate public facilities (APF) regulations and relevant definitions of the Subdivision Regulations:

- Division 27-5: Development Standards;
- Division 27-8: Interpretation and Definitions; and
- APF regulations and definitions in the Subdivision Regulations.



The consultant team then conducted a series of community meetings in north, central, and south County to present the Module 2 materials and answer questions. Meetings were also conducted with focus groups, the Planning Board, and the County Council. Module 2 is available for online commenting at the Zoning Rewrite's OpenComment website, located at <http://pgplanning.opencomment.us>.

The Public Review Draft of Module 3: Administration and Subdivision Regulations, was released for review and input in September 2016. It includes four Divisions of the Zoning Ordinance (and related definitions) and all Divisions of the Subdivision Regulations:

- Division 27-1: General Provisions;

-
- Division 27-2: Administration;
 - Division 27-6: Nonconformities;
 - Division 27-7: Enforcement Subdivision Regulations; and
 - Subdivision Regulations (all Divisions).

Module 3 is available for online commenting at the Zoning Rewrite's OpenComment website (<http://pgplanning.opencomment.us>). OpenComment allows all Prince Georgians and other interested parties to comment on written documents, join conversations, and engage in a virtual discussion about the Clarion team's recommendations. Hard copies of Module 3 are available in all 19 of the County's public libraries.

Countywide community meetings with Clarion Associates on Module 3 will be held on September 13-15, 2016, in north, central, and south County. Clarion Associates will also be meeting with the Planning Board on September 15. On October 18, 2016, Clarion Associates will meet with the County Council. Information about the community meetings, as well as other meetings and materials related to the rewrite, may be obtained from the project website. Module 3 can also be downloaded from the project's website, located at <http://zoningpgc.pgplanning.com>.

The M-NCPPC and Prince George's County welcome public input on the draft materials. Elected officials, appointed officials, and residents of Prince George's County are urged to read this material and note those areas that you agree with—as well as those that you do not agree with—so that key discussions can be vigorous, open, and honest.

Subtitle 24: Subdivision Regulations

Division 24-1: General Provisions

- **Sec. 24-1.100** **Title**
- **Sec. 24-1.200** **Authority**
- **Sec. 24-1.300** **Purpose and Intent**
- **Sec. 24-1.400** **Applicability**
- **Sec. 24-1.500** **Minimum Requirements**
- **Sec. 24-1.600** **Relationship to Other Laws**
- **Sec. 24-1.700** **Transitional Provisions**
- **Sec. 24-1.800** **Severability**

Division 24-1: General Provisions, contains important general provisions that are relevant to the rewritten Subdivision Regulations as a whole. While many of these provisions are in the current Subdivision Regulations, they are found in different Sections. Division 24-1 consolidates these general provisions, making the regulations more user-friendly and establishing a foundation for the subsequent Divisions.

Sections in this Division establish a clear basis for the County’s authority to adopt and administer the Regulations and set forth the general intent and purposes of the Subdivision Regulations.

Sec. 24-1.400, Applicability, states that subdivision approval is required before the subdivision of land (defined as any division, consolidation, or establishment of lots, tracts, or parcels of land as one or more lots or parcels, or other divisions of land), unless it is exempted. Specific exemptions are listed, including several exemptions that are carried forward from the current Subdivision Regulations. A new provision exempts municipal, County, State, and federal lands, as well as development by M-NCPPC, WMATA, and WSSC. Finally, a provision requiring review of otherwise exempt conveyances by the Planning Director is carried forward from the current Subdivision Regulations.

Sec. 24-1.600, Relationship to Other Laws, identifies the relationship of

the Subdivision Regulations to other laws, including provisions for how to address conflicts between the Subdivision Regulations and other laws, and a provision protecting existing vested rights.

Sec. 24-1.700, Transitional Provisions, establishes rules governing the transition of subdivision applications that are pending or recently approved. Subdivision applications pending at the time of adoption of the rewritten Subdivision Regulations will be reviewed and decided in accordance with the regulations in effect when the application was accepted. However, an applicant may opt to have the subdivision reviewed under the rewritten regulations by withdrawing the pending application and submitting a new application. Valid subdivision approvals that predate the adoption of the rewritten regulations may be carried out in accordance with the terms and conditions of their initial approval and the subdivision standards in effect at the time of approval, except that the rewritten APF requirements will apply.

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 Subdivision Review Procedures**
- **Sec. 24-2.500** **Application-Specific Subdivision Review Procedures and Decision Standards**
 - 24-2.501 Text Amendment
 - 24-2.502 Minor and Major Subdivision, or Resubdivision
 - 24-2.503 Variation
 - 24-2.504 Zero Lot Line Development
 - 24-2.505 Reservations
 - 24-2.506 Vacation (Minor and Major)

Division 24-2: Subdivision Administration, sets forth the responsibilities of the persons and bodies involved in the review of proposed subdivisions and establishes the procedures for the review of subdivision applications. The first section in the division provides an overview of the Division to orient users. The remaining four sections in the division are outlined below.

Sec. 24-2.200, Summary Table of Subdivision Review Responsibilities, consolidates the information on the actions required of each advising and decision-making body for each type of development application in the rewritten Subdivision Regulations into a table, similar to the summary table provided in the rewritten Zoning Ordinance (see Evaluation and Recommendations Report, pp. VI-7 to VI-9).

Sec. 24-2.300, Advisory and Decision-Making Bodies for Subdivision Review, summarizes the development review responsibilities of review bodies and staff.

Sec. 24-2.400, Standard Subdivision Review Procedures, establishes a set of standard procedures for the review of all subdivision applications, similar to those in the rewritten Zoning Ordinance. It takes the application from the beginning of the development review process (pre-application conference) to the end (decisions and amendments).

Sec. 24-2.500, Application-Specific Subdivision Review Procedures and Decision Standards, includes specific procedures and review standards for each type of subdivision approval. It includes a procedure for amending the text of the Subdivision Regulations that parallels the procedure in the rewritten Zoning Ordinance. It carries forward the two-tier review process for subdivisions. Major subdivision preliminary plans and final plats would be approved by the Planning Board. Minor subdivision preliminary plans and final plats would be approved by the Planning Director. A threshold is established for minor subdivisions that build on the thresholds in the current Subdivision Regulations. Procedures for variations, zero lot line development, reservations, and vacations of plat are carried forward from the current Subdivision Regulations.

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

- **Sec. 24-3.100** **Planning and Design**
- **Sec. 24-3.200** **Transportation, Pedestrian, Bikeway, and Circulation Standards**
- **Sec. 24-3.300** **Environmental Standards**
- **Sec. 24-3.400** **Public Facility Standards**
- **Sec. 24-3.500** **Public Facility Adequacy**
- **Sec. 24-3.600** **Parklands and Recreation Facilities**
- **Sec. 24-3.700** **Conservation Subdivision Standards**

Division 24-3: Subdivision Standards, builds on and expands the standards in the current Subdivision Regulations.

The first Section establishes basic requirements for the design of subdivisions. It requires that subdivisions comply with all applicable standards in Subtitle 27: Zoning Ordinance, such as street connectivity standards, pedestrian access and circulation standards, open space set-aside standards, neighborhood compatibility standards, and agricultural compatibility standards. It carries forward standards for grading, lots, and general street layout from the current Subdivision Regulations.

The next Section includes general street design standards, carrying forward several provisions in the current Subdivision Regulations and referencing the relevant development standards in the rewritten Zoning Ordinance. This Section also references Zoning Ordinance standards for vehicular, pedestrian, and bicyclist access and circulation. It consolidates and refines standards for private streets and easements in the current Subdivision Regulations and requires that private streets generally be built to County street standards.

Subsequent sections carry forward environmental standards regarding the 100-year floodplain, stormwater management, and stream, wetland, and water quality protection and stormwater management; public facility standards; and parkland and recreation facilities standards (Public

Facility Adequacy requirements were presented in Module 2 and were carried forward in Module 3).

The final Section in this Division carries forward from the current Subdivision Regulations the conservation subdivision regulations, with some refinements. The three-stage procedure (sketch plan, preliminary plan, and final plat) and the standards for conservation subdivisions are carried forward and clarified. A new table consolidates dimensional standards for conservation subdivisions by zone (see below). In addition, a new four-step process is established for the creation of a Conservation and Development Plan, to be reviewed as a part of sketch plan review. The plan ensures that the highest priority areas are identified and protected early in the conservation subdivision process. Another new provision establishes priorities for features to be included in conservation areas. Standards for conservation areas and development areas are carried forward, with minor revisions to make them clearer.

Table 24-3.704.B.2: Conservation Subdivision Density, Net Lot Area, Lot Width, and Required Yards

	Zone			
	AL	AR	RE	RR
Density (maximum) (du/ac of net tract area)	0.2	0.5	1.08	2.17
Net lot area (minimum) [1] (sq ft)	40,000	30,000	20,000	10,000
Lot width (minimum) at front building line and front street line (ft)	80	80	60	60
Lot width (minimum) at building line and street line adjacent to a scenic or historic road (ft)	200	200	200	200
Lot width (minimum) at front street line on: A cul-de-sac (ft)	50	50	45	45
Front yard (ft)	25	25	25	20
Side yard (ft)	15	15	10	5
Rear yard (ft)	20 ¹²⁶	25	25	20
Side and/or rear yard of corner lot (from street or driveway) (ft) ¹²⁷	25	25	25	25
Yard abutting perimeter street, below collector (minimum)(ft)	25	25	25	25
Yard abutting existing or planned roadway of collector classification or higher (ft)	50	50	50	50
Yard abutting scenic or historic Road (ft)	150	150	150	150

Division 24-4: Chesapeake Bay Critical Area Standards

- **Sec. 24-4.100** Findings
- **Sec. 24-4.200** Limitation on Subdivision Approval

Division 24-4: Chesapeake Bay Critical Area Standards, carries forward from the current Subdivision Regulations findings and the requirement that subdivisions within the Chesapeake Bay Critical Area Overlay Zone comply with Subtitle 5B: Chesapeake Bay Critical Area, of the County Code.

Division 24-5: Enforcement

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

Division 24-5: Enforcement, builds on the enforcement provisions in the current Subdivision Regulations. It states clearly what constitutes a violation of the Subdivision Regulations and establishes several means of enforcement. It states that building permits and other development permits shall not be approved unless the development is in compliance with the Subdivision Regulations. It also provides for civil action to prevent the transfer, sale, or agreement to sell land in violation; to prevent a violation of the Regulations; to prevent any unlawful construction; to recover damages; to restrain, correct, or abate a violation; and to prevent illegal occupancy of a building, structure, or premises. Lastly, it provides that persons who violate the Subdivision Regulations or who subdivide contrary to State law are subject to a fine.

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 25-6: Definitions, consolidates all definitions and rules of construction in one place in the Subdivision Regulations. Rules of construction and interpretation include provisions addressing how time should be computed, the meaning of standard terms like “shall,” “should,” “will,” and “may;” the use of plural and singular nouns; and other general issues that arise in interpreting and administering the Subdivision Regulations. Definitions are consolidated in alphabetical order at the end of Division 25-6.

