

Numbering and Organization of the Proposed Zoning Ordinance and Subdivision Regulations – A Discussion Paper

Prince George’s County Planning Department

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Introduction

Whether an interested investor is looking to build, a curious resident is interested in making home improvements, a civic association wants to know what types of development can be in their community, or an elected official needs to understand the background informing an upcoming decision, the Zoning Ordinance is often the first document consulted.

The Zoning Ordinance is the single most important document in the development process within Prince George’s County, and because of this it is critical that the rules of the code are clear and intuitive. Codes that are easier to understand make the development review process more accessible and transparent for investors and residents who may not be as familiar with the County’s current procedures as some of our more dedicated civic activists and long-time land use specialist attorneys.

A modern code that offers the layperson a fighting chance to understand what is required of new development, clarifies how long applications will take to approve, highlights how to engage and be heard, and establishes clear expectations of processes and outcomes is essential to the economic future of Prince George’s County. By ensuring clarity and logic, the Zoning Ordinance can attract new investors who have shied away from Prince George’s County, increase public confidence in the land development process, and help residents and decision-makers better understand what to expect when new development is proposed.

The numbering and organization of any set of laws is critical in helping readers understand and navigate those laws. This includes the County’s Zoning Ordinance and Subdivision Regulations. The ideal numbering system reflects the organization of the codes and allows even those picking up a zoning ordinance for the very first time to easily find specific information and subsections within the code. This is not possible with the current numbering and organization of the Zoning Ordinance and Subdivision Regulations.

Of course, any change to an existing system will require a small learning curve for those people who are most familiar with the existing code—M-NCPPC and County Council staff, Zoning Hearing Examiners, the People’s Zoning Counsel, and other agency staff. However, the County would be remiss in choosing to retain an illogical and complicated numbering and organization system to accommodate the few who are already the most fluent in the existing code at the expense of creating a 21st Century Zoning Ordinance and Subdivision Regulations organized specifically to simplify and consolidate complex legal

language, encourage more public engagement, attract new investment and new developers, and increase the overall utility of our codes.

The Current Numbering and Organization

The current numbering system follows a straight chronological order but does not reflect any organizational hierarchy. This makes it extraordinarily difficult to find a specific section of the code, or to generally understand how the sections are categorized. The current Zoning Ordinance and Subdivision Regulations incorporate a four-tier organizational hierarchy consisting of subtitle, part, division, and section. This hierarchy could be workable, even in a new Zoning Ordinance, should the Council wish to retain it. However, where things get challenging is with the numbering system.

The strict chronological code numbering of the Zoning Ordinance and Subdivision Regulations fails to incorporate any kind of organizational structure or “anchoring” of sections and subsections within the divisions and parts where they should be located. For example, let us look at Section 27-637.

In most cases, the first time a person sees a section reference is when they are considering an appeal to the District Council and are reviewing the technical staff report, such as for a Detailed Site Plan. However, the technical staff report provides no indication of the part or division in which a Section may be located—it only provides the section number. This requires the reader to spend more time and effort simply finding the regulation in the Zoning Ordinance. The more time and effort needed to navigate a complex code, the less useful the code will be, and the less likely that people will be to choose to engage in the process.

A novice to the County’s Zoning Ordinance may see a reference to Section 27-637 and intuitively think that this section must be located in Part 6 of the code because the section number starts with “6.” This would not be an accurate assessment.

Instead, Section 27-637 is a “reserved” section pertaining to temporary signs, located in Part 12, Division 3, Subdivision 3 of the Zoning Ordinance. Even long-time technical staff, who may be able to rattle off sections and parts by memory, would have a hard time knowing this section is in the signage regulations (Part 12). There is no logic to the number.

Now let us look at Section 27-638. If Section 27-637 is in Part 12, Division 3, Subdivision 3, surely Section 27-638 must be as well. No; Section 27-638 is the first Section in Part 13, Division 1, which deals with the master planning process. Not only have we moved into a new Part, we’re now dealing with a completely new topic even though the section numbers are only one digit apart. Nobody can be expected to intuitively pick up this numbering system and be able to locate what they are seeking.

It is only with long experience—or careful study of a lengthy table of contents, assuming this can be located—that one may be able to guess the right part or division with just a section number alone. Conversely, knowing the part or division does not allow one to know which sections fall within those umbrellas. This is extremely confusing to the public and potential investors alike, and is a disincentive to investment in Prince George’s County. It is also problematic from the perspective of code maintenance, as the strict chronological numbering system of the current Zoning Ordinance and Subdivision Regulations, in conjunction with ordinances that are not organized logically, make it very difficult to maintain the ordinances in good order.

Before discussing Clarion Associates' proposed structure, please note that staff is aware of Council staff concerns that new numbering for Subtitles 24 (Subdivision Regulations) and 27 (Zoning Ordinance) would be different than the rest of the County Code. Two primary concerns came to light—forcing people to learn different numbering conventions is problematic, and having a new numbering system for two subtitles would mean that we would be forced to renumber the rest of the County Code.

We do not concur with Council staff on either of these points. So long as the proper cross-referencing is provided, readers can still navigate the County Code. We must also note that there is already, today, an internal shift in the numbering system in the Zoning Ordinance—Part 18, dealing with interim land use controls, has a distinct and unique numbering format from the rest of the Zoning Ordinance, starting with Section 27-1800 (the immediately preceding number is Section 27-925). Even this change marked a drastic improvement in understanding the current code.

Additionally, nothing would require or “force” the County to have to extend a new numbering and organization system to the rest of the County Code. Should the Council wish to amend the other subtitles over time, there is freedom to adopt new numbering and organization, or not. The choice is entirely up to the Council.

The Proposed Organization

The proposed Zoning Ordinance and Subdivision Regulations begin with a consolidation of parts into new divisions. For the Zoning Ordinance, 18 current parts have been brought into 8 proposed divisions. Each division plays a unique role in the ordinance. For example, Division 27-3: Administration, consolidates all matters related to the procedural review of development. This division consists of five sections:

- Section 27-3.100: Purpose and Organization, which states the purpose of the division and explains how it is organized.
- Section 27-3.200: Summary Table of Development Review Responsibilities, which consists of a summary table that shows the development review responsibilities of each review board and person who either advises, or makes a decision, on a development approval or permit;
- Section 27-3.300: Advisory and Decision-making Bodies, which summarizes, in text form, the development review responsibilities of each review board and person who either advises or makes a decision on a development approval or permit.
- Section 27-3.400: Standard Review Procedures, which sets down the review procedures that apply to every type of development application submitted under the ordinance, beginning at the pre-application stage through to post decisions rules; and
- Section 27-3.500: Application Specific Review Procedures and Decision Standards, which, relating back to the standard procedures, sets out the specific procedures and decision standards for each of the 21 different types of individual development approvals or permits.

These elements are found in numerous places in the current Zoning Ordinance.

Under each of the proposed sections, especially Sections 27-3.400 and 27-3.500, there are subsections. By organizing the division in this way, all the components of procedural review are logically organized into sections that serve a specific purpose. Furthermore, if there is ever a need to amend any part of the division or section, the organization allows for the amendment to occur within a logical framework and numbering system. For example, if a standard procedure needs to be amended, there is a section in the

Zoning Ordinance where the amendment would fit. If a new procedure is added, there is a subsection in Section 27-3.500 where it can be placed with minimal disruption to the numbering system.

An example of this has already come to light with the Council and stakeholder desire to restore a certification of nonconformities process to the proposed Zoning Ordinance. Should a new procedure be needed in the current Zoning Ordinance, we would typically find a location where it belongs and shoehorn the new language in. One example is the Expedited Transit-Oriented Development procedure, which was inserted between Section 27-290 and 27-291 as Sections 27-290.01 and 27-290.02.

With the restoration of certification of nonconformities to the code, the Clarion-proposed structure allowed for insertion as a new Section 27-3.521, the twenty-first procedure in the Application Specific Review Procedures and Decision Standards Section.

The Proposed Numbering

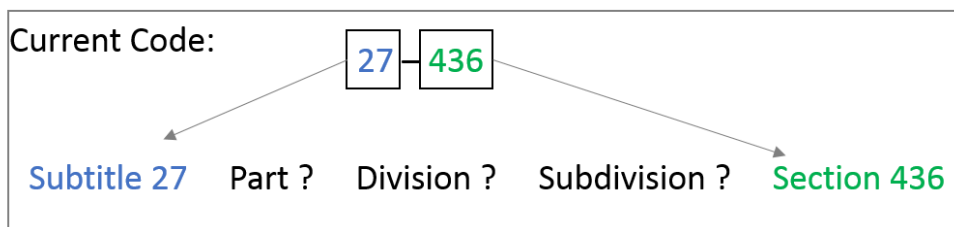
Clarion Associates' proposed numbering system incorporates a four-tiered hierarchical organizational structure. This format is more intuitive to use than the current structure, because each step of the hierarchy is accounted for and reflected in the section numbering. It also provides the essential anchoring that ties regulations to sections and sections to divisions.

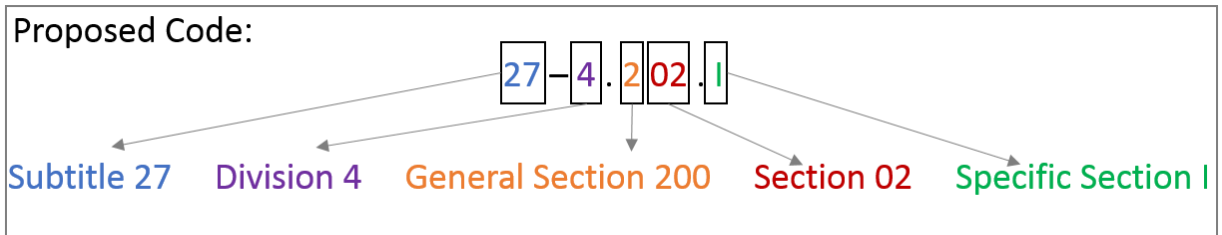
The proposed organization consists of numbers that reflect a logical progression, from the broadest category to the most specific:

- It starts with the Subtitle, followed by a dash to provide a break to the eye.
 - Following the dash is the Division Number, that immediately tells the reader in which division the information/regulation is located. A period is then inserted as another break.
 - Next is the Section Number, in the hundreds place. The first digit of the Section Number speaks to the general section, while the other digits speak to the more specific subsection within the broader section.
 - Additional subsections may easily follow, each separated by a period.

This proposed numbering hierarchy is substantially more logical and intuitive than current practice because each part of the number has direct meaning with regard to where information can be located in the new Zoning Ordinance or Subdivision Regulations.

The example below shows the Section Number of the purpose statement for the medium-density residential zone found in both the current and proposed Zoning Ordinances. Note that while the current code's numbering is shorter, it does not indicate any of the organization hierarchy of the code, while each number in the proposed code refers to a level of the organization hierarchy.





If a resident, decision-maker, or prospective developer were given these numbers and was asked to locate them in their respective ordinances, they would be hard pressed to find Section 27-436 in the current Zoning Ordinance. They would know that 27 refers to the Zoning Ordinance, but it would take some time to locate Section 436 since it has no direct relationship to Part 4.

Under the proposed system, they would know that 27 refers to the Zoning Ordinance, be able to quickly determine -4 refers to Division 4, and see that Section 202 pertains to Residential Base Zones and that .1 points specifically to the Residential Medium Density-20 Zone. It is a much easier system to grasp and quickly dive in to locate the information sought.

Other Benefits of a New Numbering System

In addition to providing more clarity for people using the ordinance, a new numbering system provides additional benefits that should not be overlooked.

If the proposed Zoning Ordinance and Subdivision Regulations are adopted, there will be a transitional period and grandfathering provisions wherein development cases approved under the old ordinance will still be subject to the old ordinance. This period could last for years, subject to the desire of the Council. In these cases, the section numbering will be an obvious indication of which Zoning Ordinance is the pertinent ordinance to be used for review and discussion of that development case. The introduction of a new numbering convention will immediately provide distinction to the degree that the section number alone flags the discussion. This will assure clarity for everyone involved in the development review process, including developers, land use attorneys, the Planning Board, the District Council, and residents involved in shaping their communities.

In addition, a new numbering system will further demonstrate that the County is fully committed and moving in a new direction to improve the development review process. It is a simple rebranding effort that shows the County is creating a more transparent development review process. Adding new provisions into the old organization will not signal this progression to future investors.

Conclusion

Numbering the Zoning Ordinance and Subdivision Regulations to reflect their organization helps make the new codes more understandable for both professionals and the public. Jurisdictions such as Arlington County, the City of Baltimore, the State of Maryland, the District of Columbia, and Montgomery County all use a numbering system that help people intuitively use the code. Staff believes Clarion Associates' proposed numbering hierarchy is intuitive, effective, and vastly superior to the current numbering convention, and strongly encourage its retention.