

**Consolidated Comments on Module 1
Prince George’s County**

This document constitutes a major milestone of community stakeholder engagement in Prince George’s County’s effort to replace our outdated Zoning Ordinance and Subdivision Regulations. In October 2015, the County’s consultant team, led by Clarion Associates, released the first of three modules containing their recommendations – based on national best practices – for creating a set of modern 21st Century zoning and subdivision laws and provide us with the necessary toolkit to successfully compete with our peer jurisdictions within the region, foster economic development opportunities, implement community-based planning, and incorporate simplified language and streamlined procedures.

Over the last year, the County Council (which sits as the District Council for planning and zoning matters in the County), Planning Board, County Executive’s Office, residents, municipalities, civic groups, project focus groups, property and business owners, land use attorneys, the development community, Planning Department staff, and local, state, and regional agencies have engaged the project staff team and offered their thoughts on Module 1 (zones, zoning regulations, and uses).

The result of this on-going, essential, and extraordinarily productive conversation is contained in this analysis. In response to community desire and to better document the overall process of the difficult task of comprehensively replacing the Zoning Ordinance and Subdivision Regulations, staff has adopted an approach like that taken when evaluating comprehensive plan testimony. All comments on the module received during numerous meetings and online via e-mail and our Open Comment website (<http://pgplanning.opencomment.us>) following the release of Module 1 have been listed below, associated with the page number from Module 1 (the “with notes” version of Module 1) whenever possible.

This analysis contains community stakeholder comments received by staff as of the date of its compilation (November 2016). Many of these comments were analyzed by staff, which then offered a recommendation for how the Clarion Associates team should address the comment. It should be noted that the national zoning and subdivision expertise offered by the Clarion Associates team is necessary to fully analyze and address some of the comments; in other words, the project staff team was sometimes reluctant to address the comments that were received since they a) pertain to a recommendation offered by Clarion Associates that is a new concept to the County, and we cannot speak for Clarion’s rationale, or b) were outside our direct areas of expertise. For other comments, staff has deferred analysis in anticipation of future decision points and/or additional testimony. Finally, staff has also identified, in very general terms, the source of the comment.

Comments are generally organized into four major categories:

1. Requests from the County Council and other parties for additional supportive information.
2. Changes that need to be incorporated in Module 1 pursuant to staff analysis of comments received. Until this document was compiled, Planning Department staff, the Planning Board, and the County Council had not endorsed any of Clarion Associates’ recommendations.

Changes contained in this section of this analysis constitute staff’s initial buy-in to some of the proposals (as they will be modified based on staff direction) offered for the consideration of Prince George’s County by the Clarion Associates consultant team. Staff’s further recommendations / endorsement of Clarion’s proposals will occur with the Comprehensive Review Draft expected in Winter 2016/2017.

The Planning Board will not take any action on any recommendations until the Comprehensive Review Draft is presented to them, if not later; the County Council, sitting as the District Council, is not expected to take any action on any recommendations until the Comprehensive Review Draft is amended as may be necessary and appropriate, and converted into a legislative draft in early 2017.

3. Comments and questions received from the community at large which should be evaluated by Clarion Associates, who should then respond appropriately. These may result in additional changes to Module 1, be incorporated in the Comprehensive Review Draft, result in no change, or merit a discussion or response as to why something was or was not incorporated. Staff may recommend an action for these comments and questions below but has not yet reached a final decision/direction. Final action by Staff for these comments and questions is in large part dependent on Clarion Associates’ recommendations based on national best practices; the Clarion Associates team will have the opportunity to further explain or defend the rationale as may be necessary.
4. Typographical, grammatical, and other technical corrections that should be made prior to the release of the Comprehensive Review Draft.

ADDITIONAL INFORMATION				
Page Number	Comment	Source	Staff Analysis	Staff Recommendation
N/A	Is there any place within Prince George’s County that can support underground parking given current market conditions? When can we expect such market support, and where would be the most likely initial locations?	Council	This is an informational rather than a substantive request.	Clarion Associates should provide the staff project team with a response.
N/A	Please provide additional photos (and, where appropriate, text) to clearly show what is encouraged vs. what is <i>not</i> encouraged.	Council, Communities	Illustrations and photo examples are a key component of modern zoning codes, and can offer helpful examples to supplement the intent of zoning regulations. However, staff cautions that too many photos for specific standards may be detrimental in some situations since there is some concern that a graphic meant to serve as an example of what may be possible or desired will be interpreted as the only way something can be built.	Clarion Associates should provide illustrative examples in the proposed code, where appropriate, of both what is desirable and what is not desirable.

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			Module 1 contains few illustrative examples of what is <i>not</i> desirable. This aspect of illustration may be most effective with Module 2, which will contain the proposed development standards for Prince George’s County. It seems less necessary and less appropriate to supplement the zones and uses with examples of what may not be desirable.	
N/A	What are some examples of the development character that may be achieved within the proposed GCO Zone from elsewhere within the region and the United States?	Council, Municipalities, Communities	<p>This is an informational rather than a substantive request, but an important one given the anticipated frequency of the GCO Zone should it be approved.</p> <p>Staff notes that a not-insignificant number of stakeholders have expressed concern with the mixing of commercial and residential uses within the GCO Zone in particular (given its proposed residential density of up to 48 dwellings per acre).</p>	<p>Clarion Associates should provide the staff project team with examples, including location and photographs if possible.</p> <p>Clarion Associates will also need to be prepared to explain the benefits of the GCO Zone as one of the central emerging concepts that will be part of the Comprehensive Review Draft.</p>
27-3—1 Establishment of Zones	There is a request to explore a new zone that would correspond to a maximum density of 3 dwelling units per acre, which is believed to be a potential solution to issues impacting the Levitt communities in the City of Bowie. Of primary concern is the potential for property owners to tear down existing houses and/or re-subdivide and negatively impact the existing character of the community.	City of Bowie	<p>The current zoning within the City of Bowie’s Levitt communities consist primarily of the Rural Residential (R-R), One-Family Detached Residential (R-80), and One-Family Detached Residential (R-55) zones, which feature maximum densities of 2.17, 4.6, and 6.7 dwelling units per acre, respectively. These zones are the most common single-family residential zones in Prince George’s County.</p> <p>Additional analysis is necessary to determine the potential impacts of a new residential zone with a new residential threshold – all of the proposed residential zones in Module 1 include carried-forward residential densities and regulations. Staff does not support creating a new zone that may have limited applicability – this is one of the biggest problems with the current Zoning Ordinance. However, we do not yet know if there is a true need for such a zone, and therefore cannot fully determine the appropriateness of this suggestion.</p>	Planning staff will conduct GIS analysis of the R-R, R-80, and R-55 zones both Countywide and with the corporate boundaries of the City of Bowie to determine the potential need for – and impact of – a possible 3 dwelling unit per acre zone.
27-3—25 RR Zone	The current lot coverage requirements for the Rural Residential (R-R) Zone are viewed as unfair. The distinction between a 30 percent lot coverage for lots less than 15,000 square feet and size, and 25 percent coverage for lots greater than 15,000 square feet, has caused issues in the city, and a text amendment was passed in 2008 to address the concern.	City of Bowie	<p>The city notes that Clarion Associates’ recommendation to carry forward a 25 percent lot coverage maximum for all lots in the R-R Zone (regardless of size) “will negatively impact many lots in Bowie.” The city relates this discussion back to their request for a three dwelling unit per acre zone.</p> <p>The city also notes a separate issue with the lot coverage maximum, in that there are “many lots slightly larger than 15,000 (square feet) that are negatively affected by the more stringent standard.”</p> <p>One of the major goals of the zoning rewrite project is to ensure consistency throughout the County. This includes evaluation and disposition of the hundreds of footnotes present throughout the current Zoning Ordinance which create unique situations throughout the County. One of these situations is the distinction of lot size coverage for municipalities with more than 50,000 residents – in other words, the City of Bowie. The key issue seems to be the number of current lots in the city within the R-R Zone that are less than the current minimum lot size of 20,000 feet. An analysis may be warranted to see how many properties in the R-R Zone are less than 15,000 feet (the current threshold within the applicable footnote) to see how many properties are impacted Countywide then make a recommendation from there. Another approach may be to consider</p>	<p>Staff should conduct a geographic information systems analysis to identify all lots throughout the County that in the R-R Zone and are 15,000 square feet or less in size.</p> <p>Any resulting changes to Clarion’s proposed regulations for the replacement Rural Residential (RR) Zone that may be necessary could then be determined and proposed in the Comprehensive Review Draft.</p>

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			changing the lot coverage for the entire zone, but this may be overly drastic and have unintended consequences in many parts of the County.	

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Global	Incorporate all errata from errata sheet dated October 23, 2015.	Planning staff	Clarion Associates produced an errata sheet memorandum indicating some technical corrections that were necessary for Module 1.	Incorporate all errata from the Clarion Associates errata sheet dated October 23, 2015
Global	The term “Pedestrian Street Frontage” is not well-quantified or explained in Module 1. There appears to be a definition, 5 references in the Planned Development PD Zones (NAC and RTO only), footnote 15 on page 27-3—62, and a reference in a standard on page 27-3—63.	Planning staff	Lacking a better explanation and additional regulations pertaining to the “Pedestrian Street Frontage,” it is a confusing concept and term that only serves to complicate the Neighborhood Activity Center (NAC-) and Regional Transit-Oriented (RTO-) PD zones. Staff recognizes this concept may be further explored in Module 2, but for now it is insufficient to serve as regulatory guidance.	Either better clarify the intent and purpose by expounding on the concept as may be necessary and appropriate, or remove it from the proposed zoning code.
Global	The Zoning Ordinance (and Subdivision Regulations) need to refer to the correct designated body for zoning and land use decisions.	Planning staff	There are at least 5 references to the “County Council” within Module 1. It may be appropriate that Module 3 (process and administration) incorporate a clause that specifies the relationship/role of the Prince George’s County Council when it sits to consider planning and zoning matters. It sits as the District Council for that part of the Maryland-Washington Regional District in Prince George’s County, Maryland.	Revise all remaining references of the “County Council” to the “District Council.”
Global	There are some inconsistent references to comprehensive plans.	Planning staff	This inconsistency affects how comprehensive plans are referred to throughout the document. There are two minor issues: 1) the use of the words “or” and “and” is not consistent, and b) sector plans are listed first when they should be listed second.	Conduct a search for the term “the relevant” and revise all pertinent results to read: “the relevant area master plan or sector plan.”
Global	The current Zoning Ordinance reliance on the State of Maryland’s agriculture assessment for farming and agricultural-related uses should be evaluated.	Planning staff	Staff feels that the reliance of the current regulations on a state agricultural tax assessment has run its course, and has little to do with zoning. References to agricultural assessments should be removed from the Zoning Ordinance and Subdivision Regulations. The most direct consequence of this action deals with accessory structures to a farm. Prince George’s County does not require permits for accessory structures on agriculture-assessed land. We would need an alternative approach that does not pose a burden to the County’s farmers with the deletion of agriculture assessment as a criterion.	Remove references to agricultural assessments from Module 1 and future modules. Propose alternative approaches to address accessory structures on agricultural lands. Provide an answer to this question: What are the ramifications on the County if accessory structures to an agricultural use remain exempt from any permit requirements?
Global	Clarify “development lot” and how it may differ from “lot” or “parcel.”	City of Greenbelt, Planning staff	Staff is unfamiliar with the terminologies introduced by Clarion Associates with regard to townhome development. Notes pertaining to the minimum net lot area for townhouse dwellings indicate the lot area applies “per dwelling unit, as applied to the development lot as a whole (not any individual lots under attached units).” This suggests the term “development lot” is used to refer to a “stick” of townhouses attached by common walls. However, the definition of “development lot” indicates it refers to “the entire parcel proposed for a townhouse development (not individual lots under attached units).” This could suggest the entirety of a townhouse community, and would then not refer to an individual “stick” of between 3 and 10 or more townhouses attached by common walls. The entire set of terminology associated with townhouse development needs clarification for all parties to better understand what is meant/intended and how the regulations are to be applied.	Clarify the relationships of “development lot,” “lot,” “parcel,” or other new, potentially more descriptive terms associated with townhouse communities, townhouse “sticks,” and individual townhouse lots.
Transit-Oriented/Activity Center Base Zones	This entire section seems to make more sense relocated within the code to appear after the nonresidential zone districts.	Municipalities, Planning staff	Staff concurs	Relocate the entire Transit-Oriented/Activity Center base zones section to follow the nonresidential base zones section in the Zoning

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				Ordinance outline. Revise all cross-references, section numbering, and tables of contents accordingly.
Transit-Oriented/Activity Center Base Zones and Planned Development Zones	<p>Staff is aware of some situations/locations within Prince George’s County that are not yet well-served by the zoning toolkit recommended by Clarion Associates.</p> <p>Many stakeholders have asked specific questions as to the applicability of proposed zones to areas of the County including the Greenbelt Metro Station, MD 193 corridor, and US 1 corridor in College Park, Hyattsville, and to the south.</p>	Municipalities, Communities, Planning staff	<p>Staff concurs, and notes that Clarion Associates is also aware that some of the proposed tools (e.g. the zones) need to be evaluated more closely by the County to determine where they are most appropriately applied.</p> <p>There are two areas of the County that, in particular, are affected by the general need to provide additional flexibility to the zones recommended by Clarion Associates in provide implementation tools that address the current market situation and the County’s policy goals expressed in the Plan Prince George’s 2035 General Plan: the designated Innovation Corridor along US 1 generally between the Inter County Connector and Alternate US 1 in Hyattsville and along MD 193 to Goddard Space Flight Center; and the rest of US 1 south of Alternate US 1 in Hyattsville to the District of Columbia.</p> <p>The currently proposed Transit-Oriented/Activity Center base zones and Planned Development zones should be expanded in applicability to cover these portions of Prince George’s County. Staff’s recommendation on this point accounts for the policy guidance of Plan 2035, existing master and sector plans, the purposes of the recommended zones, and the current and reasonably foreseeable market conditions within the Innovation Corridor and the southern third of US 1 (e.g. the Gateway Arts District).</p> <p>Staff notes that the expansion of the locational criteria for these zones <i>does not necessarily mean</i> that staff will recommend these areas to be placed in any of these zones during the Countywide Map Amendment needed to implement the new Zoning Ordinance. Staff anticipates <i>some</i> rezoning to the Transit-Oriented/Activity Center base zones, particularly in the Innovation Corridor, but other zoning tools such as the proposed General Commercial Office (GCO) Zone will still be effective base zone solutions in much of the Innovation Corridor and US 1 corridor. The decision points for these determinations will be suggested to the District Council in a decision tree, conversion chart, or decision matrix prior to the initiation of the Countywide Map Amendment.</p>	<p>Revise the Transit-Oriented/Activity Center base zones section of Module 1 to incorporate locational criteria (probably somewhere before the individual zones are discussed, in the general criteria section) for these zones to include:</p> <ol style="list-style-type: none"> 1. The ability to apply the Neighborhood Activity Center (NAC) and Local Transit-Oriented (LTO) Zone to the portions of the Innovation Corridor located: <ol style="list-style-type: none"> a. North of the Capital Beltway/I-95; b. Along MD 193 for the entirety of this roadway within the Innovation Corridor; and c. South of the corporate boundary of the City of College Park to the southern boundary of the Innovation Corridor. 2. The ability to apply the Neighborhood Activity Center (NAC), Local Transit-Oriented (LTO) and Regional Transit-Oriented Low and High (RTO-L and RTO-H) zones within the City of College Park between the Capital Beltway/I-95 south to the city’s southern corporate boundary. 3. The ability to apply the Neighborhood Activity Center (NAC) and Local Transit-Oriented (LTO) Zone along the portion of US 1 located south of the Innovation Corridor to the Washington, D.C. border. <p>Revise the locational criteria for the Planned Development zones accordingly to reflect the changes specified above.</p>

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Nonresidential Base Zones	The differences between the proposed Service Commercial (SC), Neighborhood Commercial (NC), and General Commercial and Office (GCO) Zones need to be better explained.	Council, Planning staff, Communities, Municipalities	Staff concurs	<p>Re-evaluate the purpose statements, dimensional standards, and in particular, the permitted uses, of these 3 zones to ensure they are sufficiently different to warrant having 3 separate commercial zones.</p> <p>Most importantly, the allocation of permitted vehicle sales and service uses should be reconsidered. Many of these uses should be permitted by right in the SC Zone, and as a Special Exception – if at all – in the GCO and NC Zones (with few of these uses overall permitted in the NC Zone). If anything, the recommendations of Module 1 are currently the reverse.</p>
Planned Development Zones	Numerous parties commented that the organization of these zones could be further streamlined by consolidating the “Development Standards” and “Other Standards” sections of each individual zone at the beginning of the Planned Development zones section starting around page 27-3—108.	Communities, Planning staff	<p>Staff concurs that there is significant overlap within the development standards and other standards tables of the proposed PD zones and there is room for consolidation to streamline and simplify these zones. Relocation of the development standards and other standards tables to the front of the PD zone section will help further simplify these zones. Staff recognizes some standards may be unique to some PD zones; these are appropriate to retain with those PD zones.</p> <p>Regarding the “other standards” table, some of the differences seen in Module 1 come with regard to vertical or horizontal mixing of uses, specifically in that some PD zones “encourage” a mix of uses while others “strongly encourage.” Staff does not believe this situation to be an example where a distinction is clearly necessary between zones and should require keeping a zone-specific standard with a specific PD zone. Other differences lie simply with the order of standards within tables (and with some standards, such as parking, missing in some tables); consolidating the tables will eliminate this issue.</p> <p>Staff notes the Subdivision reference in the development standards table on page 27-3—123 is missing.</p>	<p>Relocate the section and table of applicable development standards (part 4 of each PD zone) to a new subsection at as part of Section 27-3.301.</p> <p>Relocate and, where necessary, reformat the table and text for other standards (part 5 of each PD zone) to become part of Section 27-3.301, with emphasis on where standards are duplicated or overlap. Retain zone-specific standards with each PD zone as necessary and appropriate.</p> <p>Revise the location standard for the Residential Planned Development-Low (R-PD-L) Zone to read: “An R-PD-L Zone shall only be located in an <u>existing</u> a Residential base zone.”</p> <p>The location standards for the Transit-Oriented/Activity Center PD zones should be revised as indicated elsewhere in this analysis to reflect the ability to apply these zones within the County’s Innovation Corridor.</p> <p>On page 27-3—119, delete the phrase “applicable to lands adjacent to zone”</p>

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				<p>under 5. Neighborhood Compatibility. This same change would apply to page 27-3—157 should the tables not be consolidated and relocated.</p> <p>On page 27-3—128, combine the sidewalk width and pedestrian “clear zone” standards. (This should be taken care of with consolidation of the standards tables at the front of the PD zone section).</p> <p>On page 27-3—129, reword the transparency standard to read: “...or public gathering space, a minimum an <u>appropriate</u> percentage of the street-level façade area shall be...”</p> <p>On page 27-3—144, the connectivity standard should be reworded to read: “...and adjoining lots and development, as well as to an adjoining <u>any nearby or adjacent</u> transit station.” This should be a global change for this relocated standard, since the term “adjoining” is not defined in the module.</p> <p>The phrase on page 27-3—145 in the building configuration standards that reads: “In the Edge area, and where appropriate, buildings should be used to define the street edge and...” is vague with regard to the clause “and where appropriate.” Clarity is necessary here to facilitate interpretation.</p> <p>On page 27-3—158, the maximum footprint for shopping centers must be clarified. Does the maximum footprint of 50,000 square feet apply to the entire shopping center? To any individual tenant within the shopping center? This is not clear. It is also not clear what is meant by the term</p>

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				<p>“pedestrian street” in the blocks and alleys standard.</p> <p>On page 27-3—158, delete the two surface parking lot standards that speak to “more than 100 parking spaces.”</p>
Planned Development Zones	What are the base zones that would be applied to replace our current Comprehensive Design Zones?	Planning Staff	<p>At the moment, Clarion Associates has not provided a full path forward to deal with the County’s current Comprehensive Design Zones (CDZs). The proposed Planned Development zones would function similar to a CDZ, but there is no ideal base zone in the currently proposed set of zones that would seem to act as “the” base zone to replace the CDZs. Additional discussion on this issue is necessary.</p> <p>St. Mary’s County has created a “miscellaneous” zone that acts as something of a grandfathering zone that could perhaps offer a guide for consideration in Prince George’s County.</p>	Staff and Clarion Associates will continue the conversation regarding the future of the County’s current Comprehensive Design Zones and which base zones may be most appropriate. If necessary, new base zones may need to be proposed.
Planned Development Zones	<p>Two of the proposed Planned Development Zones are intended as direct replacements of two current Comprehensive Design Zones, but create difficulties in terms of how they may be re-mapped in the proposed Countywide Map Amendment.</p> <p>The City of Greenbelt notes it is “unclear how planned development zones will be designated/mapped.”</p>	Planning staff, City of Greenbelt	<p>The proposed Mobile Home Planned Development (MH-PD) and Industrial/Employment Planned Development (IE-PD) zones are envisioned as direct replacements for the current Residential Mobile Home (R-M-H) and Employment Industrial Area (E-I-A) zones respectively. Unlike the other proposed Planned Development zones, the MH-PD and IE-PD are quite specialized in intent and proposed application on real property in the County.</p> <p>Staff understands Clarion Associates intends all PD zones to be applicant requested floating zones, and does not believe any of the PD zones are envisioned for remapping by the County in a Countywide Map Amendment process. This inability prevents the MH-PD and IE-PD Zones from being used as will be necessary and as proposed.</p> <p>Module 3 (process and administration) must include the ability of the County to apply, as an act of comprehensive rezoning, the MH-PD and IE-PD zones at minimum, if not the other Planned Development zones. These two zones will not function as intended if the only way to apply them is by developer application.</p>	Ensure/clarify that the County will have the ability to apply the MH-PD and IE-PD Zones through comprehensive rezoning (during the Countywide Map Amendment) of real property in the proposals to be included in Module 3 or in subsequent action intended to guide the County through the upcoming rezonings.
R-P-C Zone	How is the current Residential Planned Community (R-P-C) Zone being addressed in the zoning rewrite?	City of Greenbelt, Greenbelt Homes, Inc.	<p>Staff has been in coordination with City of Greenbelt planning staff and elected officials and understand the purposes of the current R-P-C Zone are desired by the city to protect Historic Greenbelt. The city planning staff are currently working on identifying the key elements that should be carried forward into the new Zoning Ordinance. This information will be used by Clarion Associates and the staff project team to develop the first Neighborhood Conservation Overlay (NCO) Zone as a zone intended to preserve key elements of the character of Historic Greenbelt. This initial NCO Zone is anticipated to be part of the Comprehensive Review Draft.</p> <p>Both the City of Greenbelt and Greenbelt Homes, Inc. have provided a list of the goals they wish to see implemented in an NCO Zone. They are: 1. Preserve and protect the superblock concept, 2. Retain and protect common green space, 3. Protect and promote the walkability of historic Greenbelt, 4. Preserve the existing density of historic Greenbelt, 5. Preserve the existing density of historic Greenbelt, 6. Respect existing building massing and heights, 7. Protect and preserve the original architectural context of historic Greenbelt, and 8. Promote sustainable development practices.</p>	Clarion Associates and the staff project team will continue work with City of Greenbelt planning staff and other stakeholders to explore, and if appropriate, develop the initial N-C-O Zone for inclusion in the Comprehensive Review Draft expected in Winter 2017.

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			<p>Greenbelt Homes, Inc. added detail to supplement the goals above and also provided a ninth goal: “ensure that future developments and redevelopment in the surrounding area are compatible with the existing planned concept of Historic Greenbelt and do not alter its character.”</p> <p>At the time of this writing, there has been no conversation or requests regarding the County’s other current R-P-C zoned community, Marlton. Therefore, the R-P-C Zone for Marlton is not expected to carry forward to the new Zoning Ordinance and associated Countywide Map Amendment.</p>	
Use Tables 27-4—17 27-4—69 27-4—93	The combination of Planned Development Zones and Overlay Zones into the same use tables for principal, accessory, and temporary uses has caused significant confusion among stakeholders, since the cells have different meanings.	Communities, City of Greenbelt, Planning staff	While staff is supportive of Clarion Associates’ overall philosophies toward simplifying and streamlining zoning regulations, we conclude that there should be four sets of uses tables for each type of use rather than three. For optimal clarity, the Overlay Zones should be split out into their own table and no longer combined with the Planned Development Zones. This will further highlight that blank cells have a different meaning for Overlay Zones (that the use defers to the underlying zone) than the other zones (where a blank cell means the use is prohibited in that zone).	<p>Separate the Overlay Zones from the Planned Development Zones into their own Principal Uses, Accessory Uses and Structures, and Temporary Uses tables.</p> <p>Note this directive is linked to the need to incorporate the County’s Military Installation Overlay Zone (MIOZ) within the use tables. Splitting the Overlay Zones out will provide sufficient physical room to more easily incorporate the MIOZ uses.</p>
Use Tables 27-4—17 27-4—69 27-4—93	The Military Installation Overlay (MIO) Zone needs to be added to the overlay zones section of Module 1, specifically the use tables.	Planning staff	The MIO Zone should be added prior to the sub-section dealing with other overlay zones. The specific additions for the MIO Zone are provided in an attachment to this analysis.	Incorporate the language of the MIO Zone as provided in the MIO attachment to this analysis.
Uses	There is some inconsistency between specific use names (principal use types) within the use tables.	Planning staff	<p>The nomenclature for principal use types should be consistent across all use tables. Some examples include:</p> <ol style="list-style-type: none"> 1. “Boat sales, rental, or repair” vs. “Boat sales, rental, service, or repair.” 2. “Medical or dental office or lab” vs. “Medical or dental clinic or lab” 3. “Restaurant, fast food” vs. “Restaurants, fast food” 4. “Nightclub” vs. “Nightclubs” 	Review the use tables and revise as necessary to reconcile/standardize the names of principal use types.
Uses	Some Principal Use Categories contain a catch-all use type to cover uses that may not be specifically called-out, while others do not.	Planning staff	Staff agrees that it seems clearer to have a “catch-all” use type in each Principal Use Category that addresses uses that may not be specifically listed. For example, the category “Agriculture/Forestry-Related Uses” in the use table for Rural and Agricultural and Residential principal uses (page 27-4—4) does not include “All other agriculture/forestry-related uses” when it likely should to help provide additional clarity.	Review the use tables and revise as necessary to include catch-all use lines where they are not currently present to more clearly indicate how unlisted uses in the categories should be addressed.
Principal Uses	It is not clear that government/public uses are exempt from the Zoning Ordinance regulations, including use controls.	Municipalities, Planning staff	All government and public entities (with the notable exception of Prince George’s County itself) that currently operate “public uses” are exempt from the regulations of the current Zoning Ordinance pursuant to Maryland state law. The new Zoning Ordinance cannot supersede the state’s authority over this issue. However, Clarion Associates and staff have discussed the issue of the County being subject to its own Zoning Ordinance and recommend that this no longer be the case moving forward, in accordance with national best practices. Most jurisdictions do not subject themselves to their own zoning regulations.	Evaluate this question and address as may be necessary and appropriate.

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			<p>Module 3 (Process and Administration) is expected to speak to these relationships, namely by stating generally which governmental entities are exempt from the Zoning Ordinance. Public uses will be able to happen regardless of if they are permitted or prohibited in a use table because the public owner/operator is exempt from local zoning regulation (e.g. the County's Zoning Ordinance). This applies to temporary and accessory uses as well as to principal uses.</p> <p>Should the District Council choose to continue to subject the County to its own Zoning Ordinance, then there will be a need to define and regulate "Public Use" for County-owned and operated uses. Staff will need to address this potential issue if and when it occurs.</p>	
Principal Uses	More attention should be given to "urban agriculture" as distinct from general agricultural uses. "Food production should be encouraged as an accessory use on rooftops and permitted in all yards in single-family zones."	County Council, Communities, Municipalities, Town of Berwyn Heights, City of College Park, Planning staff	<p>The current proposals within Module 1 lack a separate definition and use treatment for "urban agriculture," which is viewed by many stakeholders as an important element of any 21st Century Zoning Ordinance. The general agricultural/forestry uses, related uses, community garden definition, and various accessory uses do not fully address "urban agriculture" and related elements.</p> <p>The Planning Department released a study in 2015 entitled <i>Urban Agriculture: A Tool for Creating Economic Development and Healthy Communities in Prince George's County, MD.</i> Key excerpts from this study will accompany this analysis in staff's transmittal to Clarion Associates for their review and information, and to help guide additional provision for urban agriculture in the proposed new Zoning Ordinance.</p> <p>The study also recommends "healthy food zones" that would "prohibit" food retail outlets from carrying unhealthy snacks and foods within certain distances of schools and playgrounds. A similar recommendation would pertain to neighborhood-located "mini-grocery stores" that would "require" 80 percent of the store stock to be food items and at least 20 percent of those items to be fresh fruit and vegetables. The staff project team wonders if these recommendations may constitute too much government control, and is leery about adapting them into the new Zoning Ordinance. However, we are not the experts on these topics, and defer to Clarion Associates for additional information on the feasibility and potential pros and cons.</p> <p>On July 19, 2016, the District Council adopted CB-25-2016, which amends the definition and regulations for urban farms. This legislation should be considered along with any other potential changes for "urban agriculture."</p>	<p>Draft, based on national best practices and/or adapted from the County study, a definition of "urban agriculture" and designate it as a principal use to be permitted in all zones.</p> <p>Provide input to the staff project team on national best practices pertaining to "healthy food zones," including the feasibility, information on prior legal challenges (if any), and the pros and cons.</p> <p>Review and adapt as appropriate CB-25-2016.</p>
Principal Uses	<p>What is happening with Medical Cannabis?</p> <p>Medical Cannabis "should be included in the code as a new use with use-specific standards for growing, processing, and dispensing. A dispensary is typically considered a retail activity but might also be placed in the Health Care Uses category."</p>	Communities, City of College Park, Planning staff	On May 31, 2016, the District Council adopted CB-5-2016, which provides zoning guidance for Medical Cannabis. CB-5-2016 needs to be adapted and incorporated within the new Zoning Ordinance pursuant to the County's intent to provide for Medical Cannabis growing, processing, and dispensing.	Adapt and incorporate the policy guidance and regulations contained in CB-5-2016 for Medical Cannabis.
Principal Uses	The use "Recreational or Entertainment Establishment of a Commercial Nature with Video Lottery Facility" needs to be defined and listed in the new Zoning Ordinance, and use-specific standards added.	Planning staff	<p>The following use-specific standards need to be brought into the new Zoning Ordinance; the associated use needs to be listed in the use tables as appropriate.</p> <p>Recreational or Entertainment Establishment of a Commercial Nature with Video Lottery Facility.</p>	List the use in the use tables as appropriate, and incorporate the use-specific standards as contained in the staff analysis.

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			<p>(a) Requirements. A Recreational or Entertainment Establishment of a Commercial Nature with a Video Lottery Facility ("Facility") shall be permitted, subject to detailed site plan review and approval, in accordance with the following additional requirements:</p> <ul style="list-style-type: none"> (1) Submission demonstrating that the locational requirements as set forth in Section 9-1A-36(h)(1)(VI), State Government Article, Annotated Code of Maryland, are met. (2) Submission demonstrating that transportation facilities in the area affected by traffic generated by the Facility ("traffic study area") will be adequate based on: <ul style="list-style-type: none"> (A) total traffic conditions as prescribed in the most recent Transportation Review Guidelines ("Guidelines") published by the Maryland-National Capital Park and Planning Commission; (B) compliance with a comprehensive transportation plan in accordance with Section 9-1A-32, State Government Article, Annotated Code of Maryland prior to issuance of any use and occupancy permits; and (C) the transportation improvements regarding the Facility submitted to the Maryland Video Lottery Facility Location Commission ("Location Commission"). <ul style="list-style-type: none"> (i) Any required on or off-site transportation improvements contained in this submission shall be made prior to, or concurrent with, the construction of the Facility, and shall be completed prior to the issuance of any use and occupancy permits for the Facility. (3) Submission demonstrating a lighting plan that illuminates all parking areas and walkways on site. (4) A receipt confirming submission of a written security plan to the Chief of Police demonstrating a 24-hour adequate security and surveillance plan, including plans to control loitering in the parking areas. <ul style="list-style-type: none"> (A) The security plan may be a confidential submittal. (B) Review and approval by the Chief of Police or the Chief's designee is required prior to the issuance of any use and occupancy permit for the Facility. (5) Submission of a written plan for daily removal of litter and refuse in the Facility and on site. (6) Submission of a statement acknowledging obligations pursuant to Section 9-1A-10(a)(3), State Government Article, Annotated Code of Maryland, including any related compliance and reporting requirements. (7) Submission of a statement detailing any opportunities in relation to the video lottery facility to be made available to Prince George's County residents or businesses via direct monetary or other equity investment, ownership of independent in-line businesses, ownership of retail pad sites, ownership of business franchises, ownership of service businesses, and/or ownership of any other for-profit businesses. <p>(b) Full compliance with this Section by the Video Lottery Operator, including compliance with any plans, commitments, or other information contained in any submissions required in this Section, shall be a stated condition of approval for the Facility's Detailed Site Plan.</p>	
Agriculture Uses	Strong support expressed for broadening the agricultural uses permitted by right in the County, and on the increased emphasis overall on agricultural uses.	Communities	Agriculture is generally well-emphasized by the Zoning Ordinance proposed by Clarion Associates, including in the nomenclature for the lowest intensity zones (the Rural and Agricultural zones). However, the related family of uses that fall under the category of "agritourism" activities have not been incorporated. Agritourism uses need to be included because they offer value-added activities for operating agricultural properties that help them stay in	Add a new principal use type and definition as follows and permit it by-right ("P") in the PL, AL, AR, and RE Zones:

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			business. These uses should be permitted by right in the Public Land (PL), Agricultural – Large Lot (AL), Agricultural-Residential (AR), and Residential Estate (RE) zones.	<p>“Agritourism: A commercial enterprise that is intended to attract tourists and provide supplemental income for the owner of a working farm. The commercial enterprise shall be offered to the public or invited groups and shall be related to agriculture or natural resources and incidental to the primary operation on the site. Agritourism uses include, but are not limited to: equine activities, fishing, hunting, wildlife study, corn mazes, harvest festivals, barn dances, hayrides, roadside stands, farmer's markets, u-pick or pick-your-own operations, rent-a-tree operations, farm tours, wine tasting, educational classes related to agricultural products or skills. Agritourism may include picnics, equine facilities, and party facilities, corporate retreats and weddings; however, no lodging or overnight stay shall be provided for these uses. Agritourism includes farm or ranch stays subject to the same rules as a “bed and breakfast (as accessory to a single-family dwelling)” as defined in this Subtitle. Accessory recreational activities may be provided for guests.”</p>
Senior Housing/Universal Design/Aging in Place	There is only one reference to senior citizens in Module 1. Nothing seems to be present regarding aging in place. If we’re going to focus on mixed-use development, we should be talking about aging in place and universal design.	Communities	Staff concurs.	Review and revise, as may be appropriate, the purpose statements for the zones and household and group living uses, to reflect opportunities for and encourage aging in place and universal design.
Accessory Uses	The intent of the accessory use tables with regard to whether or not they require permits is unclear.	Planning staff	In analyzing comments received to date, staff determined some issues with the accessory use/structure tables in Module 1 with regard to requiring permits for “uses” such as home gardens. Clarion Associates indicated the intent is that <i>none</i> of the uses listed in these tables would require permits – they are allowed by right as an accessory to the associated principal use. This is not clear in Module 1.	Draft a new code section to precede the accessory use and structure tables to clearly indicate the anticipated relationship of these uses, and how they will be approached. This language will also need to address questions such as how the use-specific standards will be applied and enforced if there is no permit issued for the associated use or structure.

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Accessory Uses	Composting as an accessory to agriculture and residential uses may not be as prevalent as desired for a 21 st Century Zoning Ordinance with expanded access to healthy foods and agricultural uses as desired outcomes.	Communities, Planning staff	<p>Staff concurs. Unless composting activities at a small-scale (e.g. backyard level) create zoning and enforcement issues of which staff should be made aware, the definition of “Composting, small-scale” should be revised to eliminate the square footage and compost tumbler requirements.</p> <p>Staff notes the definition should not include regulations and would need to be revised in any event; regulations for this use should be specified elsewhere (Section 27-4.304 most likely) if any are necessary to retain.</p>	<p>If there are potential issues with composting, alert the staff project team for discussion.</p> <p>Otherwise, take the following actions:</p> <p>Revise the definition of “Composting, small-scale.”</p> <p>Add this use to the Accessory Use/Structure Table for Rural and Agricultural, and Residential Base Zones” on page 27-4—64 and permit it by right in all residential zones.</p> <p>Revise the Accessory Use/Structure Table for Center and Nonresidential Base Zones on page 27-4—67 to permit “Composting, small-scale” in all zones.</p> <p>Add this use to the Accessory Use/Structure for Planned Development and Overlay Zones as an “Allowable” use in all Planned Development zones.</p> <p>Consider allowing – and specifying – on-site or off-site sales of composted products; provide any regulations that may be appropriate if such a feature is incorporated.</p>
Accessory Uses	Bike-share stations should be a permitted accessory use in every zone.	City of College Park, City of Greenbelt, Town of University Park	<p>Staff concurs.</p> <p>The accessory appurtenance “bike rack” is already listed; staff has no strong feelings whether bike rack and bike-share station should be combined or separated. However, staff notes that “bike rack” is not defined in Division 27-8 while all other uses are (or should be); there should be a definition for “bike rack” as an accessory use.</p>	<p>Add bike-share stations to the accessory uses tables as permitted in all base zones, and allowable in all Planned Development zones. Define “bike-share station” in Division 27-8.</p> <p>Define “bike rack” in Division 27-8 for consistency with other defined uses/structures from the accessory uses tables.</p>
Accessory Dwelling Units	We need to continue the conversation regarding accessory dwelling units; they will be a very significant policy decision the Council will need to make. The concept can be of great help in creating affordable housing opportunities but if it is	Council	This comment was received prior to a Council briefing on Module 3 given by Clarion Associates on October 18, 2016. During this briefing, the Council expressed desire to tighten the focus of the rewrite project and raised topics that could be deferred. Accessory dwelling units was one of these topics.	Remove all regulations and references pertaining to accessory dwelling units.

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	allowed in the wrong place or operated in the wrong way it can be a problem for neighborhoods.			
Accessory Dwelling Units	<p>Accessory dwelling units should not be permitted within multifamily or attached units in the Single-Family Residential – Attached or Multifamily Residential-12 zones since there are often parking issues in these types of communities that could be worse with accessory dwelling units.</p> <p>Accessory dwelling units are supported as a general concept to allow for opportunities to age in place and provide senior housing within communities.</p> <p>The Town of University Park “strongly opposes allowing accessory dwelling units in single family zones, which comprise all of University Park.”</p>	Municipalities, Town of Berwyn Heights, Town of University Park, Communities	On October 18, 2016, the County Council was briefed by Clarion Associates on Module 3. During this briefing, the Council expressed desire to tighten the focus of the rewrite project and raised topics that could be deferred. Accessory dwelling units was one of these topics.	Remove all regulations and references pertaining to accessory dwelling units.
Accessory Dwelling Units	Can these accessory uses accommodate home offices?	Planning staff	On October 18, 2016, the County Council was briefed by Clarion Associates on Module 3. During this briefing, the Council expressed desire to tighten the focus of the rewrite project and raised topics that could be deferred. Accessory dwelling units was one of these topics.	Remove all regulations and references pertaining to accessory dwelling units.
Accessory Dwelling Units	<p>Would accessory dwelling units have additional/separate addresses from the main dwelling unit?</p> <p>Why is it a best practice to allow an accessory dwelling unit without a separate permit?</p> <p>How can conversions of accessory dwelling units to rental be prevented?</p>	Communities, Planning staff	On October 18, 2016, the County Council was briefed by Clarion Associates on Module 3. During this briefing, the Council expressed desire to tighten the focus of the rewrite project and raised topics that could be deferred. Accessory dwelling units was one of these topics.	Remove all regulations and references pertaining to accessory dwelling units.
Accessory Dwelling Units/Primary Dwelling Units	Are tiny houses under consideration?	Communities, Planning staff	<p>Not tiny houses per se. Clarion Associates have recommended that Accessory Dwelling Units, which may consist of tiny houses in some situations, be permitted in most residential zones. On October 18, 2016, the County Council was briefed by Clarion Associates on Module 3. During this briefing, the Council expressed desire to tighten the focus of the rewrite project and raised topics that could be deferred. Accessory dwelling units was one of these topics.</p> <p>The specific question of whether tiny houses are permitted as the principal use on an existing lot is received by Planning staff on a regular basis. Additional clarity is necessary on this question.</p>	<p>Remove all regulations and references pertaining to accessory dwelling units.</p> <p>Clarion Associates should provide additional clarity as to whether a “tiny house” would fall under the “dwelling, single-family detached” use type, and, if not, should tiny homes be specifically addressed one way or the other within the new Zoning Ordinance.</p>
27-3—1 Establishment of Zones	The new Military Installation Overlay Zone (MIOZ) was approved by the District Council following the release of Module 1.	Planning staff	<p>The new MIOZ Zone needs to be incorporated into Module 1, along with its associated standards and procedures.</p> <p>The Clarion Associates team should work with the staff project team to determine if there are opportunities to clarify the MIOZ regulations; there may be some limited places for improvement, but for the most part it is expected this zone will carry forward with few major changes.</p>	Incorporate the MIOZ Zone, associated standards, and procedures into the new Zoning Ordinance. See below for additional direction regarding the MIOZ.
27-3—2	Revise the Organization of Zone Regulations to clarify the base zone regulation contents.	Planning staff	Staff comment.	Revise 27-3.106.A.2.a. and b. as follows:

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Organization of Zone Regulations				“a. A bird’s eye view <u>schematic</u> drawing of a development representative of the zone’s physical character; b. Photographs of building <u>and land</u> forms typical in the zone3; and...”
27-3—10 Agricultural – Large Lot (AL) Zone	The purpose of the current Open Space (O-S) Zone for public recreation purposes seems to be missing.	City of Greenbelt	Staff concurs that additional clarity regarding public recreation as part of the purpose for the proposed replacement to the O-S Zone, the Agricultural – Large Lot (AL) Zone, is helpful.	Add a new purpose statement for the AL Zone that reads: “Provide for non-intensive recreational uses.”
27-3—37 27-3—41 27-3—47 Single-Family Residential – Attached (SFR-A), Multifamily Residential-12 (MFR-12), and Multifamily Residential-20 (MFR-20) Zones	The maximum lot coverage percentages for townhouse dwellings may not be appropriate.	Planning staff	The figures provided for the maximum lot coverage in the proposed Single-Family Residential – Attached (SFR-A), Multifamily Residential-12 (MFR-12), and Multifamily Residential-20 (MFR-20) zones are carried forward from the current Zoning Ordinance with one slight expansion in the MFR-20 Zone. However, it is essential to note that the lot coverage percentage specified in the Zoning Ordinance for townhouse development <i>does not actually apply to lot coverage</i> . Instead, that percentage applies to the <i>building coverage for individual lots</i> within a given townhouse development (the “net tract area” as described in the Zoning Ordinance). This makes the percentage, as proposed by Clarion Associates, substantially smaller than the real figure realized under today’s zoning regulations, and significantly smaller than what is actually feasible for townhome development. There needs to be greater distinction for the townhouse dwelling lot coverage/building coverage percentages in these zones before the Comprehensive Review Draft is finalized for this building type to be feasible.	Revise the lot coverage maximums for “Townhouse Dwelling” for the SFR-A, MFR-12, and MFR-20 zones – by either directly changing the number, adding clarification language, adding a new row to distinguish between lot and building coverage, or adding a new “NOTE” that clearly indicates the lot coverage maximum and/or addresses the building coverage for individual lots, and ensures a realistic figure that allows townhouses to be feasible in these zones.
27-3—59 Transit-Oriented / Activity Center Base Zones	With regard to the sidewalk widths table, the city asks: “Why is the width in the LTO edge and TAC edge less than other zones?” “How would a 5 feet by 8 feet street tree planting area be provided? Shouldn’t this be required?”	City of Greenbelt	The proposed sidewalk width in the edge areas of the proposed Local Transit-Oriented (LTO-) and Town Activity Center (TAC) zones is less than in the core areas because the edge areas have less emphasis on walking and pedestrianism compared to the core areas, and these are less intense zones overall than the proposed Regional Transit-Oriented (RTO-) Zone. While staff notes the main standard with regard to street tree planting is to require a strip at least 5 feet wide and which would extend the length of the block (which greatly exceeds the 8 foot length), Clarion Associates appears to offer an option for a more urban typology with 5 foot by 8 foot tree pits in lieu of continuous planting strips. As worded, this requirement addresses the city’s question. However, it raises another issue in that the alternative for tree pits in lieu of continuous planting strips is left up to a level of interpretation that should not be incorporated for “by-right,” straight to the permit office development applications. The determination of what, exactly, would constitute an “appropriate area” needs to be clearer.	Revise standard 27-3.203.C.1.c.i. on page 27-3—59 to provide additional clarity on what constitutes “appropriate areas” for tree pits in lieu of tree planting areas. As currently worded, this regulation cannot be interpreted or enforced at a permit-only level for “by-right” development as it requires a level of discretion in interpretation.
27-3—61 Transit-Oriented / Activity Center Base Zones	“Does a bike locker serve as a replacement to the four bike parking spaces, or is it an additional requirement.”	City of Greenbelt	The comment refers to standard 27-3.203.C.1.3.iv. on page 27-3—61. The current language is unclear because it uses the word “and” in the pertinent clause, and needs to be revised to fully clarify the intent of the regulation.	Provide additional clarity with regard to the “bicycle rack or other bicycle parking facility” and if a bike locker is required in lieu of a rack that can hold 4 bikes, or in addition to such a rack.

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27-3—62 Transit-Oriented / Activity Center Base Zones	“Do windows qualify for required projection?”	City of Greenbelt	Staff agrees the requirement for “pronounced” recesses and/or projections in the wall plane needs additional clarification with regard to windows to minimize the potential for unintended consequences.	Revise the Building Massing and Scale regulations on page 27-3—62 to clarify the intent. As currently worded, standard ii.B. in particular may be met per the letter of the regulation by providing a single bay window on a façade. Staff does not believe this to be the intent of the standard. A graphic/diagram may be necessary to demonstrate the various options for building massing and scale to offer additional interpretive guidance, especially for “by-right” applications.
27-3—63 Transit-Oriented / Activity Center Base Zones	Regarding the building entrance standard 27-3.202.C.f.iii.(A), can the phrase “major fraction thereof” be defined?	City of Greenbelt	Staff concurs. Such clarification is necessary to retain this regulation for “by-right” review.	Clarify what is meant by “major fraction thereof.” Does Clarion mean 51 percent or more? What constitutes a “major fraction?”
27-3—88 Nonresidential Base Zones	The oblique illustrative drawing does not seem to reflect the purpose and intent of the zone. Additionally, the purpose statement should reference the character of small-scale, traditional “main streets” to reflect the dual purpose of this zone.	Planning staff	In addition to the primary comments, staff notes the illustration should be revised regardless of the depicted character to show curb cuts on opposite sides of the street in alignment across median breaks.	Revise the top image on page 27-3—88 to more appropriately reflect the two anticipated characters of the zone: a traditional “main street” with fewer drive aisles, and a ground floor retail outlet within a neighborhood. The cross-streets should be aligned in this revised drawing. Revise the purpose statement to add language speaking to traditional main street development.
27-3—88 27-4—14 27-4—15 Non-Residential Base Zones and NC Zone	Limit vehicle sales and service uses in the NC Zone; these uses may be detrimental to the purposes of the zone, particularly for use within existing residential communities	Communities, Planning staff	Staff concurs	Re-evaluate the proposed use table’s vehicle-related uses for suitability within the NC Zone. Consider strengthening use-specific standards as may be appropriate for any remaining vehicle-related uses in this zone.
27-3—88 Neighborhood Commercial (NC) Zone	The minimum front yard setback and side yard depth are too large for the proposed Neighborhood Commercial (NC) Zone given its intended purpose, particularly for traditional main streets where the buildings may only be six feet or so from the street and share common side walls.	Planning staff	Staff concurs.	Revise or eliminate the minimum front yard depth and side yard depth for the NC Zone in consideration of its dual purpose as a neighborhood-oriented retail and traditional main street zone.

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27-3—108 Planned Development Zones	Regarding the 4 th general purpose statement for the Planned Development (PD) zones, the city notes that streets and utilities should not just be smaller, but should be right-sized.	City of Greenbelt	Comment noted. Coordination with street and utility agencies is an essential component of the Zoning Ordinance and Subdivision Regulations rewrite project, and will likely necessitate a number of clarifications at the time of the Comprehensive Review Draft or even afterward. However, this purpose statement could be revised now to be more accurate of the intent.	Revise the 4 th purpose statement for the PD zones to read: “Allowing more efficient use of land, with smaller <u>coordinated and right-sized</u> networks of streets and utilities
27-3—110 Planned Development Zones	Coordinate open space provision according to the boundaries and relationships of the Metropolitan District.	City of Greenbelt	The City of Greenbelt is not located within the Metropolitan District, which means it is solely responsible for the provision of parks and recreation amenities within the corporate boundaries of the city. This relationship should be recognized within the new Zoning Ordinance and Subdivision Regulations.	Work with M-NCPPC legal counsel to determine the best way to reference the Metropolitan District with regard to parks, recreation, and open space regulations in the Zoning Ordinance and Subdivision Regulations.
27-3—110 Planned Development Zones	Reference private street networks when discussing public streets (as may be appropriate).	City of Greenbelt	Staff concurs.	Revise the third line of 27-3.301.E.1.i. to read: “...general location of all public <u>and private</u> streets, existing or...”
27-3—110 Planned Development Zones	Identify municipal services when identifying other public facilities in a Planned Development (PD) Basic Plan.	City of Greenbelt	Staff concurs that this is an appropriate measure and one that will not constitute a burden on applicants.	Revise 27-3.301.E.1.l. to read: “Identify the general location and layout of all other on-site and off-site public facilities serving the development (<u>including any municipal public facilities, when the subject property is located within a municipality</u>), and how they are consistent with the purposes of the individual PD zone.”
27-3—111 Planned Development Zones	Reference municipalities regarding development standards for the Planned Development (PD) Basic Plan that address roadway design, mobility, and connectivity.	City of Greenbelt	Staff concurs; many municipalities have public works departments and own and maintain municipal streets. Therefore, it is appropriate for applicants and staff to work with municipalities regarding potential development standards impacting roadway design, mobility, and connectivity.	Revise 27-3.301.E.1.n.i. to read: “Roadway design, mobility, and connectivity (<u>in coordination with any affected municipality if the subject property is located within that municipality</u>);...”
27-3—111 Planned Development Zones	Provide for municipal coordination in the Planned Development (PD) Conditions of Approval for provisions addressing public facilities.	City of Greenbelt	Staff concurs.	Revise the last sentences of both 27-3.301.E.2.c.i. and ii. to read: “...in compliance with applicable <u>municipal</u> , County, State, and federal regulations.”
27-3—119 Residential Planned Development (R-PD) Zone	Where the use standards speak to a minimum amount of land area to be provided to nonresidential uses, is the threshold gross or net land area?	City of Greenbelt	Staff concurs.	Clarify whether the minimum five percent threshold refers to net or gross land area.
27-3—132	The proposed Campus Activity Center Planned Development (CAC-PD) Zone seems unnecessary. This zone “is almost	Planning staff, City of	Based on Plan 2035 and local master plan guidance, as well as the University of Maryland’s main campus west of US 1 being exempt from local zoning regulations, staff believes that a separate zone for Campus Activity Centers to implement the Plan 2035 recommendations for Local	Delete the CAC-PD Zone from the zoning structure contained in Module 1

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Campus Activity Center Planned Development (CAC-PD) Zone	<p>identical to the Local Transit-Oriented Planned Development (LTO-PD) zone so is probably unnecessary.</p> <p>Should this zone remain, the criterion of “around the Bowie MARC is not definite enough” in terms of its location.</p>	College Park, Municipalities	<p>Centers (Campus) is unnecessary. There are 4 designated Campus Centers (Local) in the County. UMD West is complicated by the University of Maryland, University College and university owned apartments in two quadrants of the major intersection, along with numerous churches in a third quadrant. UMD Center will not be subject to the County’s Zoning Ordinance. UMD East is in the Innovation Corridor and will likely be a strong candidate for the proposed Regional Transit Oriented base and Planned Development zones. This leaves Bowie MARC, and it does not make sense to create a new zone that would only potentially have effect in one location in the County.</p> <p>Staff believes other Transit-Oriented/Activity Center base and Planned Development zones can meet the needs of the Bowie MARC and UMD West Campus Centers (Local). It is also possible that flexible zones such as the General Commercial and Office (GCO) and Multifamily Residential-48 (MFR-48) zones can achieve the same outcomes for these areas as envisioned by the General Plan and local comprehensive master plans.</p>	and delete all references, including the column for this zone in the use tables.
27-3—168 Aviation Policy Area Overlay (APAO) Zones	Footnote 33 on page 27-3—168 indicates that “small airport” and “medium airport” will be defined in the Terms and Uses Defined section of Module 1, but they were missed.	Planning staff	Definitions of these general aviation airport categories are part of the current Aviation Policy Areas regulations in Section 27-548.34 of the Zoning Ordinance. Clarion proposed to replace this section and relocate the definitions. This must still happen to carry forward the Aviation Policy Areas policies correctly.	Add definitions of “small airport” and “medium airport” to Section 27-8.400, Terms and Uses Defined.
27-3—170 Aviation Policy Area Overlay (APAO) Zones	Footnote 36 indicates language was carried forward and slightly modified with regard to the Aviation Policy Areas procedures. This needs to be revisited.	Planning staff	<p>The language for C.3.a. on page 27-3—170 was listed as a carried forward version of current Section 27-548.37 of the County Zoning Ordinance, but this is not accurate. 27-548.37 is specific in that it applies “prior to issuance of a building permit.”</p> <p>C.3.a. makes no reference to building permits, but instead mentions other types of development applications. Since the intent for the Aviation Policy Areas is to carry them forward and only make changes for clarity and ease of reading, this discrepancy needs to be corrected.</p> <p>The current language proposed in C.3.a. is still valid language that deals with other procedural requirements of the Aviation Policy Areas as specified in 27-548.39, and should remain.</p>	Revise C.3 on page 27-3—170 as necessary to correctly reflect the current requirements as specified in Section 27-548.37 of the Zoning Ordinance.
27-3—173 Aviation Policy Area Overlay (APAO) Zones	There is a minor term confusion issue on this page dealing with recordation of a Declaration of Covenants.	Planning staff	In consultation with Development Review and Legal staff, the term “liber and folio” should be used instead of “book and page” on 27-3—173. A search of Module 1 suggests this is the only place where this terminology appears, but it is expected to appear in a number of locations with Module 3; in all those cases, the term “liber and folio” should be used.	<p>Replace “book and page” with “liber and folio” on this page.</p> <p>Use “liber and folio” in Module 3 (and, if applicable, Module 2).</p>
27-3—174 Military Installation Overlay (MIO) Zone	The Military Installation Overlay (MIO) Zone needs to be added to the overlay zones section of Module 1.	Planning staff	The MIO Zone should be added prior to the sub-section dealing with other overlay zones. The specific additions for the MIO Zone are provided in an attachment to this analysis.	Incorporate the language of the MIO Zone as provided in the MIO attachment to this analysis.
27-3—175 Neighborhood Conservation Overlay (NCO) Zone	The general development standards for all Neighborhood Conservation Overlay (NCO) Zones speaks to a threshold of 15 percent increase in the “building footprint” to trigger compliance. The use of “building footprint” would not encompass improvements such as the addition of a new story to an existing building.	Planning staff	The use of “building footprint” instead of existing gross square footage is problematic because it would restrict the ability of the NCO Zone from addressing form and massing issues and building height, which are clearly intended to be covered by this zone should an approved NCO Zone so specify.	Replace the trigger/threshold of review, now based on an increase to the building footprint, with an increase to the gross square footage of the building.

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27-4—2 Designation of Principal Uses as Permitted	This page begins to point to other parts of the proposed Zoning Ordinance that are to come with Modules 2 and 3. The Special Exception discussion refers to a section number that is not correct in Module 3.	Planning staff	All references to other sections of the proposed Zoning Ordinance and Subdivision Regulations must be consistent and correct throughout the codes. Other reference points have a placeholder to a future section number. Now that all three modules are available, these placeholders should be updated.	Search for and update all specific section references to ensure they point to the right places in the new codes. Add the section references to places in the module where a placeholder was inserted.
27-4—3 Multiple Principal Uses	The provision to allow multiple principal uses on the same property should be clarified regarding uses that have minimum acreage requirements so that we are not double-counting these acreages	Communities	Staff concurs	It should be clear either in Module 1 (zones and uses) or with Module 3 (process and administration) how to address the minimum acreage requirements of two or more principal uses on the same property in situations where two or more minimum acreages may apply.
27-4—11 Principal Use Tables	The use “Dwelling, multifamily” is missing from the Neighborhood Commercial (NC) Zone in the principal use table despite the zone’s intensity and dimensional standards allowing for multifamily density up to 12 dwellings per acre.	Town of Upper Marlboro	Staff concurs this inconsistency needs to be corrected. It may be helpful to add use-specific standards to address situations along traditional main streets in the NC Zone where a new apartment building is not a desirable condition but, instead, multifamily units above ground-floor commercial may be appropriate and desired.	Add “P” to the use table to permit “dwelling, multifamily” in the NC Zone. Consider the addition of use-specific standards for this use in the NC Zone that would allow for limited multifamily residential above ground-floor commercial uses and to address associated regulations such as parking.
27-4—11 Principal Use Tables	It does not make sense to permit “farm winery” in nonresidential zones where agriculture is not permitted.	Planning staff	Agriculture would be permitted under the proposed use table in the IE and HI zones, but not in the SC and GCO zones. “Farm winery” can also be permitted in IE and HI but should be removed from SC and GCO at this time.	Delete the “P” in the use table for “farm winery” in the SC and GCO zones.
27-4—13 Principal Use Tables	The business support service uses may be appropriate to allow by right in the Neighborhood Commercial (NC) Zone in the principal use table.	Planning staff	Staff concurs.	Add “P” for the principal use “all business support service uses” in the NC Zone.
27-4—13 27-4—14 Use-Specific Standards Principal Use Tables	A recent use was created to permit the MGM Hotel and Casino Resort. This use needs to be incorporated in the new Zoning Ordinance.	Planning staff	The use “recreational or entertainment establishment of a commercial nature with video lottery facility” is necessary to include in the new Zoning Ordinance. It contains specific regulations in Section 27-548.01.04 that will also need to be brought forward and adapted as use-specific standards. The zones where this use should be permitted include the RTO-L, RTO-H, and RTO-PD.	Add the use “recreational or entertainment establishment of a commercial nature with video lottery facility” to the Principal Use Tables in the RTO-L, RTO-H, and RTO-PD under the “Recreation/Entertainment Uses” category. Adapt 27-548.01.04 into use-specific standards and link them to this new use.

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27-4—14 Principal Use Tables	Gas stations and taxi or limousine service facilities are not appropriate uses for the proposed Neighborhood Commercial (NC) Zone. The “personal vehicle repair and maintenance” use should not be permitted by Special Exception in the NC Zone because this use typically requires a significant amount of parking and the use itself may not be appropriate given the purposes and intent of the zone.	Planning staff	Staff concurs.	Delete the “P” for the “gas station” and “taxi or limousine service facilities” principal use types for the NC Zone. Delete the “SE” for the “personal vehicle repair and maintenance” principal use type for the NC Zone.
27-4—14 Principal Use Tables	The use “Commercial vehicle sales and rental and Personal vehicle sales and rental” should be permitted in the proposed Industrial/Employment (IE) and Heavy Industrial (HI) zones because they are permitted in the current I-1, I-2, and I-4 zones.	Daniel Lynch, Esq.	Unless there is a compelling reason why vehicle sales should be limited to commercial zones, staff concurs that this use is appropriate to permit in the IE and HI zones to help reduce the creation of non-conforming uses.	Should there be a compelling reason to restrict vehicle sales to commercial zones, Clarion Associates should contact the staff project team for discussion. Otherwise, revise the Principal Use Table to permit this use in both the IE and HI zones.
27-4—15 Principal Use Tables	The use permissions recommended by Clarion Associates for the principal use type “vehicle towing and wrecker service” do not seem to be appropriate for the zones in which they appear.	Planning staff	Staff concurs.	For the principal use type “vehicle towing and wrecker service,” delete the “SE” for the NC Zone, change “SE” to “P” for the SC Zone, and change “P” to “SE” in the GCO Zone.
27-4—20 Principal Use Tables	Farmers’ market as a principal use is only listed in the principal use tables as allowable for the PD zones. This use should be expanded to other zones.	Planning staff	Other zones where farmers’ market as a principal use could be appropriate would include the NC, SC, GCO, IE, HI and potentially some of the residential zones.	Re-evaluate this use and permit it in more zones by-right as may be appropriate.
27-4—22 Use-Specific Standards	The use-specific standards for “Community Garden” need reconciliation and/or revision to ensure such uses are fully functional.	Planning staff	The link of perimeter fences to the Fences and Walls section of Module 2 is problematic if Module 2 limits fencing height to 6 feet. A fence with a minimum of 8 feet in height is believed necessary to prevent deer and other scavengers from raiding community gardens. This will need to be reconciled either in Module 2 or in the use-specific standards. Note also that a farm stand is not so much a building as a structure, and is treated with a different term on page 27-4—82, where the accessory use is called “produce stand.”	Reconcile fencing regulations for “Community Garden” in both Module 1 and Module 2 to provide for 8-foot fencing to secure the use from animals. Refine the reference to seasonal farm stands. Reconcile the terminology between seasonal farm stand and produce stand.
27-4—23 Use-Specific Standards	Some revisions to the “sawmill” use-specific standards were recommended.	Planning staff	Staff recommend consideration for extending the machinery setback from property boundaries to 100 feet – and, for that matter, recommend revising standard 27-4.203.B.2.j.i. to reflect terminology and phrasing more common in Module 1. Staff also recommend adding a setback for sawdust and wood chip piles from property lines; one staff suggestion was for a 50-foot setback for such piles.	Revise j.1. to read: “No machinery shall be located less than 100 feet from each lot line, and all machinery shall be secured against unauthorized use.” Consider a setback for sawdust or wood chip piles from lot lines in accordance with best practices (if any).

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27-4—23 Use-Specific Standards	The carried-forward regulations for farm wineries may cause some unintended consequences.	Planning staff	Standard v. on this page uses the term “commercial restaurant,” which is otherwise not used in the Zoning Ordinance.	The term “commercial restaurant” should be changed to “eating or drinking establishment” or other similar term that is already in use in Module 1 to eliminate inconsistencies and confusion.
27-4—34 Use-Specific Standards	The standard on school site access should refer to the right-of-way rather than paved width of roadways to allow for situations where widening may be necessary in the future.	Planning staff	Staff concurs	Revise standard b.ii. on page 27-4—34 (for elementary, middle, or high schools) to address the right-of-way width rather than the width of the paved area. Search the rest of the module for any similar phrases and situations and revise accordingly.
27-4—45 27-4—46 27-4—49 Use-Specific Standards	The second use-specific standard proposed for gas stations should reference municipalities in addition to the Maryland State Highway Administration and the County Department of Public Works and Transportation. The driveway aprons standard for “private automobile or other motor vehicle auction” should also reference municipalities.	City of Greenbelt	Staff concurs, as several municipalities operate their own public works departments to maintain municipal roadways, many of which have established their own standards and operating procedures.	Revise standard 27-4-203.E.9.b.ii. to read: “Driveways shall be at least 30 feet wide unless a lesser width is allowed for a one-way driveway by the Maryland State Highway Administration, or the County Department of Public Works and Transportation, <u>or the municipal public works department,</u> whichever is applicable.” Make this same revision to “commercial fuel depot,” standard 9.a.ii. on page 27-4—45. Revise standard 27-4.203.E.9.d.i.K. to read: “Ingress and egress driveways aprons shall have a minimum width of 30 feet and shall be paved with concrete and meet <u>the commercial driveway standards of DPW&T or those of any applicable municipality.</u> ” Note the change of the word “driveways” above to the singular.
27-4—56 Use-Specific Standards	Extend use-specific standard 27-4.203.F.4.a.vi. to cover concrete plants in addition to asphalt plants.	Planning staff	Staff comment.	Revise standard 27-4.203.F.4.a.vi. to remove the references to “asphalt mixing plants,” which will make the standard applicable to both concrete and asphalt plants.

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27-4—65 27-4—78 Accessory Use Tables	Regarding “home housing for poultry” as an accessory use, it was suggested that the use be extended to cover the RE and RR Zones, while the SFR-4.6, SFR-6.7, and SFR-A should have their number of hens reduced from 6 to 3. Rural and Agricultural base zones should allow for pastured poultry.	Communities	On October 18, 2016, the County Council was briefed by Clarion Associates on Module 3. During this briefing, the Council expressed desire to tighten the focus of the rewrite project and raised topics that could be deferred. “Home housing for poultry” was one of these topics.	Remove all regulations and references pertaining to “home housing for poultry.”
27-4—65 27-4—67 27-4—70 Home Housing for Poultry Accessory Use	The proposed addition of “Home Housing for Poultry” as an accessory use in several residential and Planned Development zones and the Neighborhood Activity Center base zone generates discussion among County stakeholders. The organization Prince George’s Hens provided a nine-page write-up of the benefits of, and considerations for, keeping backyard chickens.	Council, Communities, Municipalities, Town of Berwyn Heights, City of Mount Rainier, City of Greenbelt	On October 18, 2016, the County Council was briefed by Clarion Associates on Module 3. During this briefing, the Council expressed desire to tighten the focus of the rewrite project and raised topics that could be deferred. “Home housing for poultry” was one of these topics.	Remove all regulations and references pertaining to “home housing for poultry.”
27-4—73 Use-Specific Standards for Accessory Uses	Two comments were received regarding the wording of 27-4.304.B.1.c., suggesting it be reworded for clarity.	Municipalities, Communities	On October 18, 2016, the County Council was briefed by Clarion Associates on Module 3. During this briefing, the Council expressed desire to tighten the focus of the rewrite project and raised topics that could be deferred. “Accessory Dwelling Units” were one of these topics. However, the topic of guest houses did not come up; therefore, staff will respond to this aspect of the comment. Staff concurs with the comment regarding guest houses. The phrase “no more than the lesser” is awkward. One possible approach for revision, though not the only approach, could be: “The floor area of an accessory dwelling unit shall not exceed 800 square feet or 25 percent of the floor area of the principal dwelling unit (excluding carports, garages, and unfinished basements), whichever is less.” Staff notes a typo in the existing clause on the line 3: “. . .the floor area or the principal dwelling unit. . .” This should be “of” rather than “or.”	Reword 27-4.304.B.1.c. to clarify the floor area for guest houses, should this use remain.
27-4—78 Home Housing for Poultry Use-Specific Standards	The ½ acre minimum lot size to allow for home housing for poultry as an accessory use in a residential zone is viewed by multiple stakeholders as too large and undesirable. The concern is that such a large lot size would essentially ban many suburban and urban residents from owning backyard hens. The minimum acreage requirement was also viewed as exclusionary to working-class and less affluent County residents. The Town of University Park believes home housing for poultry should be limited to lots exceeding two acres in size. Some spoke to the need for the County to conform to broad cultural trends and encourage Millennials, who are fans of urban agriculture and backyard hens, to locate in the County.	Communities, Town of University Park, Municipalities	On October 18, 2016, the County Council was briefed by Clarion Associates on Module 3. During this briefing, the Council expressed desire to tighten the focus of the rewrite project and raised topics that could be deferred. “Home housing for poultry” was one of these topics.	Remove all regulations and references pertaining to “home housing for poultry.”

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	<p>Perhaps the number of permitted hens could be reduced correspondingly if the minimum lot size of ½ acre is reduced.</p> <p>Consider revising standard 13.a.v. on this page to read: “No poultry housing enclosure shall be located closer than 15 or 20 feet to an adjacent property dwelling.” Other stakeholders expressed concern with what is viewed as a large setback (at 15 to 20 feet).</p> <p>The proposed standards, other than the lot size minimum, are viewed as representative of best practices “and should be retained.”</p> <p>Consider a pilot program for backyard hens to “allow(s) one or more interested municipalities to legalize backyard hens and evaluate the results.”</p> <p>There is a concern that many properties will be unable to comply with the proposed minimum setback of poultry housing enclosures from adjacent property lines. The commenter believes responsible ownership is the key element here, and there would be few nuisances.</p> <p>Do not require formal permits or licenses for residential and non-commercial use of home housing for poultry.</p> <p>Proposed standards i. to iv. “reflect best practices and should be kept and should be sufficient to mitigate any potential concerns about animal management or nuisances.”</p> <p>Some stakeholders spoke to the problems perceived with banning the slaughtering of poultry on-site since it “inhibits the family from seeing the full circle of the life of the hen” and safe and humane slaughtering should be provided for.</p>			
27-4—80 Use-Specific Standards for Accessory Uses	Regarding the use-specific standards for the use “outdoor seating (as accessory to an eating or drinking establishment),” the city notes that the license agreement assumes County rather than municipal oversight of sidewalks or other public spaces.	City of Greenbelt	Staff concurs, and notes that Clarion Associates recognizes the potential need to revise these use-specific standards to recognize the entities that may control public sidewalks and reflect their policies (see footnote 288 on page 27-4—79).	Revise the license requirement to reflect municipalities as a potential party to these agreements with the developer/operator.
27-4—82 Use-Specific Standards for Accessory Uses	The use-specific standards for “retail sales (as an accessory use to a multifamily development)” are either outdated or need clarification.	Planning staff	While staff understands the multiple principal uses provision in Module 1 can be used to provide for vertical mixed-use development (such as a multifamily building with retail on the ground floor) in urban areas and small sites, the use-specific standards for this use may create confusion. They appear to be legacy standards intended for large multifamily complexes.	Clarify the intent of these use-specific standards. Assuming the multiple principal uses provision “supersedes” this accessory use for urban, transit-oriented, and

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			<p>These standards are outdated regarding more urban development patterns and best-practice approaches to mixed-use development.</p> <p>If the intent is to preserve certain regulations for retail sales within larger multifamily complexes, this should be clarified.</p>	<p>mixed-use developments, provide clarity to this intent in this section to eliminate potential confusion of interpretation in the future.</p>
27-4—85 Use-Specific Standards for Accessory Uses	<p>Swimming pool use-specific standards do not seem to address side yard setbacks for outdoor swimming pools in general, and is not fully clear if a pool can be placed in any yard.</p> <p>Additionally, the second standard that prohibits music or other entertainment through outdoor speaker systems seems overly restrictive.</p>	City of Greenbelt, Planning staff	<p>Clarification is needed with regard to standard 27-4.304.B.27.b. There appears to be at least one missing word on the second line. This standard must also be clear regarding front yards. Staff assumes a swimming pool accessory to a single-family dwelling would never be permitted in the front yard, but the use-specific standards are not clear on this point.</p> <p>Staff wonders if it may make sense to require a side yard setback for outdoor swimming pools as an accessory to single-family dwellings. A rear yard setback is already recommended on this page.</p> <p>The broadcasting of music at outdoor swimming pools is an appropriate function, particularly during events or special activities and should not be prohibited outright.</p>	<p>Clarify the use-specific standards regarding the potential location of swimming pools accessory to single-family dwellings.</p> <p>Clarion Associates should indicate to the staff project team if side yard setbacks are common and/or desirable with outdoor swimming pools as accessory uses.</p> <p>Provide additional clarification on outdoor music and other entertainment, perhaps with regulations based on noise level or hours of broadcasting.</p>
27-4—86 Use-Specific Standards for Accessory Uses	The city asks how “small” is determined regarding the accessory use/structure “wind energy conversion system, small-scale.”	City of Greenbelt, Planning staff	<p>The definition of “small-scale” is part of the definition of the use starting on page 27-8—65, and is based on a rated capacity of not more than 100 kilowatts.</p> <p>In evaluating this comment, staff noted that the use-specific standards for this use are not consistent in how they refer to the use.</p>	Revise the use-specific standards on pages 27-4—86 and 27-4—87 to change all references to “small wind energy system” to “small-scale wind energy system” for greater consistency with the name of the use.
27-4—91 27-4—92 27-4—93 Temporary Use Tables	The Special Exception legend does not have any relevance to this table.	Planning staff	Special Exceptions are not listed in this table, and are not applicable to temporary uses or structures.	Revise the header/legend to delete the phrase: “SE = Allowed only on approval of a Special Exception” from this table.
27-4—92 Temporary Use/Structure Table for Center and Nonresidential Base Zones	The Neighborhood Commercial (NC) Zone is missing from this table.	Planning staff	All zones should be covered by the use tables.	Add the NC Zone to this table and assign use permissions as appropriate.
27-4—94 Use-Specific Standards for Temporary Uses	The City of Greenbelt asks how “adequate restroom facilities” will be determined in order to meet the use-specific standards for the “circus, carnival, fair, or other special event” use.	City of Greenbelt	This question speaks to the overall point that any regulations that are meant to be reviewed at the County permit office need to be unambiguous, should be measurable, and should not involve discretion. There will be additional, similarly worded use-specific standards that may have been adapted from current Special Exception or other regulations that will also need to be revised for clarity.	Provide clarity as to what may constitute “adequate” restroom facilities.

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27-4—94 Use-Specific Standards for Temporary Uses	Section 27-4.403, General Standards for All Temporary Uses and Structures, does not fully recognize the role of local permitting and authorization.	City of Greenbelt	Staff concurs.	Revise 27-4.403.A. on page 27-4—94 to read: “Obtain any other applicable County, <u>municipal</u> , state, or federal permits;” Revise 27-4.403.B. on the same page to read: “...or services within a public right-of-way, except as part of a County- <u>or municipal</u> -authorized event;”
27-4—95 Use-Specific Standards for Temporary Uses	The use-specific standard for “circus, carnival, fair, or other special event” dealing with fire/EMS and police services should reference municipal services.	City of Greenbelt	Staff concurs.	Revise 27-4.404.B.1.d. to read: “The Fire and Emergency Medical Services Department and Police Department, <u>or, where applicable, the affected municipal Police Department</u> , shall have determined that the site is accessible for public safety vehicles and equipment.”
27-4—95 Use-Specific Standards for Temporary Uses	There is a mistake with the second use-specific standard for “Class 3 fill.”	Planning staff	Standard 27-4.404.B.2.b is missing, and only a footnote is indicated (footnote 304). Based on the footnote language below, it appears the language that is missing pertains to Special Exception validity periods for new Class 3 fills.	Revise 27-4.404.B.2.b. to read: The Special Exception for a new Class 3 fill shall initially be valid for five years. Extensions of this time period for up to five years may be approved by the District Council in accordance with Sec. ◁ .”
27-4—97 27-8—39 27-8—58 Farmers’ Market Use-Specific Standards	Farmers’ markets should allow for the sale of cooked foods and not just baked goods. Consider allowing for indoor farmers’ markets (with regard to farmers’ markets as an accessory use).	Planning staff	Staff notes “farmers’ market,” when listed in the principal use table, is not specific as to whether it must be indoors or outdoors; therefore, this use may be placed indoors. However, “farmers’ market” as an accessory use has a use-specific standard that prohibits indoor farmers’ markets. In 2016 the District Council passed CB-16-2016, which revised the farmers’ market and flea market uses in the Zoning Ordinance.	Revise the use-specific standards for “farmers’ market (as a temporary use)” on page 27-4—97 to include the ability to sell “cooked food.” Revise the definitions for both “Farmers’ market” uses in Division 8 to include “cooked food” as an option/example. Another way to approach this may be to streamline the definitions by simply replacing “baked, canned, or preserved foods” with “prepared foods,” which could also encompass “cooked food.” Allow for indoor farmers’ markets as accessory uses unless there is a compelling best practice argument against such an approach (which

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				<p>Clarion should provide to the staff project team).</p> <p>Adapt and incorporate the guidance of CB-16-2016 as necessary, and revise the use-specific standards as may be appropriate to incorporate the intent of CB-16-2016.</p>
Definitions	There is much confusion in choosing to locate the definitions for the principal use types with the use interpretation section rather than in the definitions section of Division 8.	Planning staff	Staff concurs that having to use two different parts of the code to find definitions is confusing, and recommends relocating all defined principal uses (the use types) to the Section 27-8.400 Terms and Uses Defined. The descriptions of the use categories should remain in Section 27-3.300 Use Classification and Interpretation to guide the interpretation of uses.	<p>Relocate all definitions for all use types to the Terms and Uses Defined section of the code.</p> <p>Retain the descriptions of the use categories in the Use Classification and Interpretation part of the code.</p>
Definitions	Several key terms pertaining to video lottery facilities and recreational or entertainment establishments of a commercial nature need to be incorporated in the new Zoning Ordinance pursuant to County and state law.	Planning staff	<p>The missing definitions are necessary due to their connections to County and state law. The following terms and definitions need to be added:</p> <p>Recreational or Entertainment Establishment of a Commercial Nature: An establishment which provides entertainment, recreation, or amusement for profit, (which may include a Video Lottery Facility only in accordance with Section 27-◇ of this Subtitle). This term shall not include an "Amusement Arcade," "Reducing/Exercise Salon or Health Club," or a "Massage Establishment" but shall include any form of a "Rental Hall" or "Dance Hall" or "Banquet Hall" not sanctioned by another special exception or private club.</p> <p>Video lottery facility: As set forth in Sections 9-1A-01(aa), 9-1A-01(w-2), and 9-1A-04(a)(11), State Government Article, Annotated Code of Maryland, for purposes of this Subtitle, a facility at which players play video lottery terminals and/or table games. A "Video lottery facility" shall only be permitted in accordance with an approved Detailed Site Plan for a Recreational or Entertainment Establishment pursuant to Section 27-◇.</p> <p>Video lottery operation license: As set forth in Sections 9-1A-01(bb) and 9-1A-04(a)(11), State Government Article, Annotated Code of Maryland, a license awarded by the Video Lottery Facility Location Commission and issued by the State Lottery and Gaming Control Commission to a person that allows players to operate video lottery terminals and/or table games.</p> <p>Video lottery operator: As set forth in Section 9-1A-01(cc), State Government Article, Annotated Code of Maryland, a person licensed to operate a video lottery facility.</p> <p>Video lottery terminal: As set forth in Section 9-1A-01(dd), State Government Article, Annotated Code of Maryland, means:</p> <p style="margin-left: 40px;">(A) A machine or other device, that, on insertion of a bill, coin, token, voucher, ticket, coupon, or similar item, or on payment of any consideration:</p> <p style="margin-left: 80px;">(i) is available to play or simulate the play of any game of chance in which the results, including the options available to the player, are randomly determined by the machine or other device; and</p>	<p>Add the definitions listed here and provide for the associated use "Recreational or Entertainment Establishment of a Commercial Nature with Video Lottery Facility" in the use tables as necessary.</p>

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			<p>(ii) by the element of chance, may deliver or entitle the player who operates the machine or device to receive cash, premiums, merchandise, tokens, or anything of value, whether the payout is made automatically from the device or in any other manner.</p> <p>(B) "Video lottery terminal" includes a machine or device:</p> <p>(i) that does not directly dispense money, tokens, or anything of value to winning players; and</p> <p>(ii) described under paragraph (A) of this subsection that uses an electronic credit system making the deposit of bills, coins, or tokens unnecessary.</p> <p>(C) "Video lottery terminal" does not include an authorized slot machine operated by an eligible organization under Title 12, Subtitle 3 of the Criminal Law Article, Annotated Code of Maryland.</p>	
Definitions	The current use "Recycling Plant" does not seem to have been carried forward in Module 1. This use should be brought forward and permitted in the proposed Industrial/Employment (IE) Zone but should not be subject to the use-specific standards that are provided in 27-4.203.F.6.d for "recycling plant" on page 27-4-60.	Daniel Lynch, Esq.	<p>It seems clear that "recycling plant" was intended to be reflected in the Principal Use Table since there are use-specific standards recommended, but the use itself was inadvertently left out. Staff concurs this use should be added to the table and the current definition of "recycling plant" brought forward.</p> <p>However, staff believes that this use should be subject to use-specific standards and that any potential non-conformities because of, for example, a recycling plant operating outdoors rather than within an enclosed structure, should be brought up to code over time. Staff notes all such existing, legally operating uses will be allowed to continue with their current operation after the adoption of the new Zoning Ordinance as part of the grandfathering clauses Clarion Associates should be proposing in Module 3.</p>	Bring forward the current definition of "recycling plant" and add "recycling plant" to the "Waste-Related Uses" category of the Principal Use Table on page 27-4—16, to be permitted in both the Heavy Industrial (HI) Zone and the IE Zone. The use-specific standard for this use would reference 27-4.203.F.6.d.
Definitions	The term "parcel" is not defined but is common within the module.	Planning staff	N/A	Provide a definition for the term "parcel."
Definitions	The Military Installation Overlay (MIO) Zone needs to be added to the overlay zones section of Module 1. Specifically, several definitions currently contained in the Military Installation Overlay Zone section of the current Zoning Ordinance should be relocated.	Planning staff	The MIO Zone should be added prior to the sub-section dealing with other overlay zones. The specific additions for the MIO Zone are provided in an attachment to this analysis.	Incorporate the language of the MIO Zone as provided in the MIO attachment to this analysis.
27-8—1 27-8—2 General Rules for Interpretations	Section 27-8.108, Public Officials and Agencies, should reference municipalities.	City of Greenbelt	<p>Staff concurs that some additional clarity to this section is warranted, but does not wish to make a blanket statement to municipalities because the District Council's delegation of zoning authority to municipalities is limited by state law.</p> <p>This comment would also apply to state, regional, and other agencies that are not part of the Prince George's County Government or the Commission.</p>	Revise Section 27-8.108 to read: " <u>Except where specified otherwise, All</u> all public officials, bodies, and agencies to which references are made are those to <u>those in the Prince George's County government or to the Maryland-National Capital Park and Planning Commission (MNCPPC) (The M-NCPPC).</u> "
27-8—2 General Rules for Interpretations	The terminology within Section 27-8.109 needs additional refinement	Planning staff, City of Greenbelt	Several terms need to be shifted within this section to reflect their meaning of interpretation.	Revise Section 27-8.109 to read: "The words "shall," "must," and "will," "shall not," and "may only" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may,"

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				“may only,” “shall not,” and “should” are permissive in nature.
27-8—7 Block Face Averaging	How would the measurements be taken with regard to using setback averaging along block faces?	Planning staff	Staff concurs that the acceptable methodology for measuring the potential reduction to front setbacks when using the average of the block face setbacks is unclear.	Provide additional clarity as to how the measurement should be made (aerial photographs, plats, etc.) either here with Section 27-8.202 or in the procedures manual intended to accompany the new Zoning Ordinance.
27-8—10 Principal Use Classification System	Provide consistency of headers and references for the Principal Use Classification System.	Planning staff	References to uses on this page should all seem to specifically include “Principal” use for clarity and consistency.	Revise the references to “use” on this page, particularly with the headers on B. 1., B.2., and B.3., to add the term “principal” for clarity, as all of these references seem to be explicit to “principal uses.”
27-8—11 Agriculture / Forestry Uses and Agricultural Production	There is an inconsistency in the definitions of the use category and the use type.	Planning staff	The use category of “agriculture/forestry uses” prohibits the processing of animal or plant products for wholesale or retail sale purposes (which is viewed as an industrial manufacturing use), while the use type “agricultural production” allows the processing on the farm of an agricultural product in the course of preparing the product for market. Providing for the processing of animals for market should be permitted, but staff agrees the broader prohibition for wholesaling use is appropriate. However, neither definition is as clear as it needs to be regarding this activity and its scale.	Revise the text to clarify the processing of animal products and the appropriate scale where such processing should occur in the Rural and Agricultural Uses classification.
27-8—11 Community Garden	The definition for “community garden” refers to a private or public facility when it may be better to refer to land.	Planning staff	It seems better to refer to land, property, or other appropriate reference points rather than a “facility,” which implies a building or structure.	Revise the definition as may be appropriate.
27-8—17 Boarding or Rooming House	The definition for the “boarding or rooming house” is carried forward from the current code. “This use has been problematic in College Park and is not used as originally intended. The City recommends that this use be eliminated. If it cannot be eliminated, the definition should be changed to clarify that the dwelling shall be owner-occupied or ‘operated by a responsible individual’ [taken from definition of Group Residential Facility]. The number of guests and guest rooms (bedrooms) needs to be clearly stated to reduce any ambiguity. It might also be appropriate to require that a special exception be obtained in order to address the impact to the character of the neighborhood prior to approval.” The Town of University Park indicates that “(t)he definition of Rooming House should include a restriction that requires a resident operator, who shall be the owner. The Rooming House shall be limited to five bedrooms only, whether it be a room or suite of rooms with no more than one kitchen total in the structure.”	City of College Park, Town of University Park, Prince George’s Property Owners Association (represented by Bradley Farrar)	Staff concurs with the general intent of the comment regarding best practice definitions of the term “boarding or rooming house.” Additional review and input to staff by the Clarion Associates team is necessary; such review will also allow staff to make a recommendation regarding permitted uses.	Review the comments and re-evaluate this use through the lens of national best practices. Should aspects of the current use and definition remain, change the terminology in the second sentence to read: “A Boardinghouse <u>Boarding or Rooming House</u> shall not be considered a “Bed-and-Breakfast Inn.”

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	The Prince George’s Property Owners Association requests boarding and rooming houses be maintained as uses permitted by-right in both the Multifamily Residential-20 (MFR-20) and Multifamily Residential-12 (MFR-12) zones.			
27-8—38 Drug Store or Pharmacy	The use of the term “candy” is outdated and not inclusive enough of modern pharmacy approaches to selling food items.	Planning staff	Staff concurs.	Replace the term “candy” in the definition with “groceries such as food and household items.”
27-8—40 27-8—41 Gas Station	The definition of “gas station” should include sales of prepared foods such as sandwiches, pizzas, and other foods to reflect current practices.	Planning staff	Staff concurs, and notes that while the definition refers to food or beverage stores or eating or drinking establishments as covered by multiple principal uses, this may not address all potential situations.	Revise the definition of gas station to include the sale of prepared foods.
27-8—47 Manufacturing, Assembly or Fabrication, Heavy	The principal use “manufacturing, assembly, or fabrication, heavy” should include metal manufacturing.	Business community	Staff concurs.	Add metal manufacturing to the principal use definition for “manufacturing, assembly, or fabrication, heavy.”
27-8—50 Recycling Collection Center	The principal use “recycling collection center” should include a specific reference to metal collection and distribution to refinement centers.	Business community	Staff concurs.	Revise the definition for “recycling collection center” to appropriately incorporate or reference collection for shipment to facilities that will process the collected materials. A sample list of appropriate materials including metal, paper, and other recyclable materials may also be helpful.
27-8—53 Use Interpretation	Provide a new section to address availability of use interpretations.	Planning staff	There should be a clear section referencing the availability of use interpretations to the public. At minimum, this availability should consist of a publicly viewable website.	Add a new “E” to Section 27-8.302 to address the availability of use interpretations.
27-8—54 Adjacent	The common land use term “adjacent” needs to be defined.	Planning staff	Staff concurs.	Provide a definition for “adjacent.”
27-8—54 Agriculture, Home-Based	The definition for “agriculture, home-based” and “home garden” could be combined.	City of College Park, Town of University Park	Staff notes the term “agriculture, home-based” appears only on this page, and concurs with the general observation that the definition is similar to that for “home garden.”	Delete the definition for “Agriculture, home-based” on page 27-8—54.
27-8—57 Density, Net	This term should be defined rather than cross-referencing to another Section.	Planning staff	Staff concurs.	Add a definition for “density, net.”
27-8—58 Family	The definition for “family” is outdated and needs to be modernized to reflect modern living arrangements.	Planning staff	Staff concurs.	Revise the definition of “family” to reflect modern living arrangements.

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27-8—59 Garage or Carport	The reference to providing shelter for parking and storage of motor vehicles or boats is odd; shelter applies to humans and animals.	Planning staff	Staff concurs.	Delete the phrase “to provide shelter” in the first line of the definition of “Garage or carport.”
27-8—60 Gross Floor Area	A definition of gross floor area should be provided.	Planning staff	Staff concurs.	Add a definition for “gross floor area.”
27-8—60 Doggie Day Care / Home Based Business	What about doggie day care? This does not seem to be a permitted use as a home based business.	Communities, Planning Staff	The principal use of “Kennel” would account for commercial pet care operations, but staff agrees that additional clarity for the rise of small-scale and home-based pet care would be beneficial. Amending the definition for home based businesses as an accessory use could take care of this concern.	Add “doggie day care” or something similarly encompassing to account for short term pet care to the definition of home based business.
27-8—60 Home Garden	The definition for “home garden” seems overly restrictive by prohibiting gardening within the front yard of a residential lot. The City of College Park recommends that gardens be allowed in the front yard of residential lots, and “that regulations for garden fences be developed.” Desire expressed to allow home gardens in the front yard. Others have indicated support for preventing home gardens from being placed in the front yard of residential lots.	Communities, City of College Park, Town of University Park, Planning Staff	Staff concurs that the definition seems overly restrictive, and does not support restrictions of this nature on household gardening. Garden fences seem unnecessary at this time.	Delete the last sentence of the definition to eliminate the locational restrictions of home gardening in residential lots.
27-8—60 Home Housing for Poultry	There is no definition for the accessory use “home housing for poultry.”	Planning staff	On October 18, 2016, the County Council was briefed by Clarion Associates on Module 3. During this briefing, the Council expressed desire to tighten the focus of the rewrite project and raised topics that could be deferred. “Home housing for poultry” was one of these topics.	Remove all regulations and references pertaining to “home housing for poultry.”
27-8—60 Lot Coverage	A definition for lot coverage should be provided instead of a cross reference to another Section.	Planning staff	Staff concurs.	Add a definition for “lot coverage.”
27-8—61 Monopole	A definition for monopoles should be provided.	Planning staff	Staff concurs.	Add a definition for “monopole.”
27-8—61 Net Lot Area	A definition for net lot area should be provided instead of a cross reference to another Section.	Planning staff	Staff concurs.	Add a definition for “net lot area.”
27-8—64 Sidewalk Pedestrian Clearance Zone and Sidewalk Planting Zone	Why limit these to the RTO Zone?	Planning staff	Staff concurs – the “sidewalk pedestrian clearance zone” is also required in other transit-oriented/activity center base zones so the references to the RTO Zone should be deleted. Staff notes the term “sidewalk planting zone” does not appear in Module 1 and should be deleted unless it appears in subsequent modules.	Delete the references to the RTO Zone in these definitions. Delete the definition for “sidewalk planting zone” unless the term appears in Module 2 or Module 3.

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Page Number	Comment	Source	Staff Analysis	Staff Recommendation
General Comments	<p>The City of Bowie’s Council “greatly appreciates...efforts to make the Zoning Ordinance more concise and understandable and to recommend changes that will improve the permitting process.”</p> <p>“The City of College Park applauds Prince George’s County for undertaking the arduous process of rewriting the Zoning Ordinance and Subdivision Regulations. The current zoning code is outdated and cumbersome and the proposed new format and many of the recommendations contain in Module 1 reflect best practices that are welcomed.”</p> <p>The City of Greenbelt reiterated its “interest in having the zoning re-write project address the role of municipalities in the development review process and the potential for delegating greater review authority to municipalities as a means of streamlining the County’s review process, which is a primary goal of the project.”</p>	City of Bowie, City of College Park, City of Greenbelt	Comments noted.	Make no change.
General Comments	“Is there a limit to the size of a district?”	City of Greenbelt	Staff assumes this question refers to zoning districts/individual zones. No, there is no size limit, though some zones do have recommended minimum sizes to qualify for application of the zone.	Make no change.
General Comments	This module raises concerns that things will become easier for developers, with little for residents.	Communities	<p>Staff is cognizant of this fear within the broader community, and of the skepticism many view this project, staff, the Planning Board, and the District Council. Overcoming lack of trust is one of the ongoing challenges. With regard to Module 1, perhaps the most significant change to how the County approaches development is an increase in by-right uses and development in keeping with national and regional best practices.</p> <p>Module 2, which will focus on development regulations, will contain several new elements to the County that staff believes will be favorably viewed by residents, including new neighborhood compatibility standards and green building standards. Module 3, which will contain process and administration, will feature more robust community input and information opportunities.</p> <p>Staff encourages all stakeholders to keep an open mind and take the big picture into consideration once all three modules have been released and vetted by the community and changes in response to community and other stakeholder input have been incorporated in the Comprehensive Review Draft.</p>	Make no change at this time.
General Comments	Members of the Suitland Mixed-Use Town Center (M-U-TC) design review committee expressed support of the direction of the rewrite so far.	Suitland M-U-TC Design Review Committee	Comments noted.	Make no change.
Existing Comprehensive Plans	What will happen to approved plans when the new Zoning Ordinance is approved and takes effect? The specific question pertains to the recently approved Prince George’s Plaza Transit District Development Plan and associated Transit District Overlay Zoning Map Amendment.	Town of Riverdale Park	The planned approach toward existing comprehensive plans, including transit district development plans, is that the plans will remain in effect. The accompanying zoning component of many plans – the Sectional Map Amendment, design overlay zones such as the Development District and Transit District overlay zones, and other aspects of zoning, will be replaced during the Countywide Map Amendment.	Make no change.

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			Additional details on how staff envisions this transition can be found in a discussion paper (<i>Transitioning Prince George's County to a New Zoning Code</i>) posted to the project website, http://zoningpgc.pgplanning.com , under the Resources Tab, Staff Documents section.	
Municipalities Subject to Zoning	The Zoning Ordinance should explicitly recognize that municipalities are exempt from the Zoning Ordinance provisions for municipal-owned property.	City of Greenbelt	Staff agrees that municipalities are exempt from the Zoning Ordinance provisions regarding municipal-owned property; this will be clarified in Module 3 (process and administration) and the Comprehensive Review Draft.	Make no change at this time.
Community Engagement	Is the proposal to provide community engagement at the beginning of a project and then let the developer proceed without additional input?	Town of Cheverly Planning Board	<p>The short answer is no.</p> <p>Module 3 (process and administration) will contain the details on the process involved with all the various types of review of development that will be within the proposed Zoning Ordinance and Subdivision Regulations. This module will be available in Summer 2016. In the meantime, the December 2014 Evaluation and Recommendations Report provides Clarion Associates' initial recommendations on public input opportunities.</p> <p>The main change for Prince George's County is to greatly increase the opportunity for public input at the front end of any discretionary review proposal, where the community and municipalities have a much more significant positive impact on working with developers to make real, effective changes to projects in response to development proposals before significant monies are spent on engineering and other costs. Discretionary review projects such as Major Site Plans will still have public hearings, which offer another opportunity at the tail end of a proposal for community engagement.</p> <p>Clarion Associates does recommend a sea change for the County in shifting away from discretionary review to administrative/staff-level review for many types of development to bring the County into conformance with national and regional best practice, but where discretionary review is involved, the community engagement process Clarion Associates has proposed is far more robust and effective than how the community is engaged today.</p>	Make no change at this time.
Regulatory Format	Where are the final Zoning Ordinance and Subdivision Regulations going to reside? Will they be primarily internet-based or will there be hard copies?	Municipalities	Staff expects the new Zoning Ordinance and Subdivision Regulations will be mostly internet-based, and we are currently investigating online dedicated code hosting software solutions. Staff will need to work closely with the County Council's staff to resolve this question.	Make no change.
Pre-Application Meetings	What happens if a municipality hosts or is involved in a pre-application meeting with a developer and they do not see eye-to-eye?	Municipalities	Details pertaining to the proposed pre-application conferences – including any provisions to address disagreements – will be part of Module 3 (process and administration).	Make no change.
Pre-Application Meetings	What is the input for residents for situations when a pre-application meeting is not required? What is the purpose of a pre-application meeting if the community does not have any say?	Municipalities	<p>As envisioned by Clarion Associates, the pre-application conference would apply to Planned Development zones or any other types of development that would be required to proceed through site plan review. It would not apply to “by-right” development that meets all the requirements of the Zoning Ordinance for the zone and type of development being proposed. This is the situation today – “by-right” development that can proceed directly to the Permits office is not subject to community input.</p> <p>It is important to note a very essential component of the Zoning Ordinance rewrite project is that the community input to develop the regulations is underway now, and for the next year and more. This is the time for the community stakeholders to come together to establish what the regulations should be for “by-right” development.</p>	Make no change.
By-Right Development	Regarding “by-right” development and drawing from the intent of the Planned Development zones, are community	Municipalities, City of Bowie,	“By-right” development is a catch all term that generally refers to development that would be allowed to proceed directly to the Permits office if they comply with the regulations of the Zoning	Make no change.

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	<p>benefits involved in by-right development? Be sure to look at services (including municipal-provided services), not just benefits and amenities.</p> <p>What development will be “by-right?”</p> <p>The City of Bowie provided a formal position letter that indicates the City Council’s largest concern is with the “by-right” development process outlined by Clarion Associates. Municipalities believe this to be a major concern because “residents look to their local government to balance the interests of real estate developers and the neighborhoods that are impacted by them.”</p> <p>The City of Greenbelt identifies the “by-right” development process as “of great concern to the City.” They believe this approach “will result in municipal reviews being bypassed on significant development projects that warrant municipal and public review and comment.” The city also requests that “(t)he approval process for projects within Transit-Oriented/Activity Center base zones needs to account for an appropriate level of municipal review and input.</p>	<p>City of Greenbelt</p>	<p>Ordinance, and, as staff learned in Module 3, is used by Clarion Associates to also refer to director-level administrative decisions. These developments will not necessarily be required to provide community benefits or amenities unless otherwise required for the Zoning Ordinance (for example, bicycle facilities are likely to be a requirement in the revised Zoning Ordinance, and would need to be provided by more development applications than is the case today).</p> <p>Development which may be subject to Preliminary Plans of Subdivision will be required to mitigate their impacts on transportation networks, public facilities, parks and recreation, and other functional areas as part of the adequacy of public facilities determinations. These features, contributions, and other commitments to mitigate the impacts of development could constitute “community benefits.” This is also where most of the municipal-provided services would be addressed.</p> <p>The thresholds and determinations of what will be “by-right” development versus what will require discretionary review (e.g. site plan review by the Planning Board or District Council) will be proposed as part of Module 3 (process and administration).</p> <p>Another key element of Clarion Associates’ proposals, as outlined in the December 2014 Evaluation and Recommendations Report, deals with the pre-application conference(s) to take place prior to accepting development applications seeking a discretionary review such as a Major or Minor Site Plan review. Municipalities would be perfect hosts to these pre-application conferences, and should certainly be involved in any conferences for projects that may impact the municipality.</p> <p>This analysis discusses some additions to Module 1 and future modules to more clearly indicate the municipal role in planning, zoning, and subdivision.</p>	
<p>Grandfathering Provisions and Non-Conformities</p>	<p>Would “establishing setback regulations for townhouses create non-conforming townhouses throughout the County?”</p> <p>Requiring a minimum frontage of 200 feet for gas stations may impact current gas stations.</p> <p>The requirement to locate gas pumps at least 25 feet from the right-of-way may create non-conforming uses.</p> <p>The requirement for a “hotel or motel” to front on a street with a right-of-way width of at least 70 feet may impact hotels in the Golden Triangle office page.</p> <p>The Prince George’s Property Owners Association also seeks further clarification about grandfathered zoning categories “once a property has been sold or transferred or went through the process of obtaining a Use and Occupancy (“U & O”) permit.”</p>	<p>City of Greenbelt Prince George’s Property Owners Association (represented by Bradley Farrar)</p>	<p>Staff expects the grandfathering provisions to be proposed by Clarion Associates as part of Module 3 (process and administration), expected Summer 2016, will address these types of concerns. The most likely and common grandfathering approaches that accompany new Zoning Ordinances essentially allow all currently legal uses to continue to operate and would not require compliance with the new regulations until a site or use is redeveloped. However, the details regarding the specific grandfathering provisions are necessary to fully evaluate these questions.</p> <p>Zoning categories per se will not be “grandfathered” because the new Zoning Ordinance has a new set of zones that will be put in place by the Countywide Map Amendment necessary to implement the new Zoning Ordinance. If the Prince George’s Property Owners Association is seeking clarity regarding <u>uses</u>, please see above.</p>	<p>Make no change at this time.</p>
<p>Administrative Variances</p>	<p>The City of Bowie recommends consideration for “administrative variances” for non-controversial applications.</p>	<p>City of Bowie</p>	<p>The city refers to procedures in use in St. Mary’s County which would provide for an administrative variance process “in order to save the applicant the time and trouble of going</p>	<p>Make no change.</p>

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			through the Advisory Planning Board and City Council when there is no controversy and the application is destined to be approved.” Procedures will be part of Module 3, expected Summer 2016. No changes to Module 1 are necessary in response to this comment.	
Overall Zoning Structure	There may be too many proposed zones. Can we simplify zones further? Montgomery County, Maryland’s new Zoning Ordinance was cited as an example. Consider a low, medium, and high variant (in terms of density) for each class of zone instead.	Planning staff	The staff project team disagrees with this overall premise. Approaching zoning with a pure/sole focus on density levels is not advisable for a county as large and variable as Prince George’s County.	Revise or eliminate certain zoning categories as provided elsewhere in this analysis, but otherwise make no change.
Implementing New Zones	“The City is concerned that it will be asked to endorse a new zoning ordinance prior to having an understanding of how the new zones will be applied to property within Greenbelt. The mapping of zones must precede the adoption of the new zoning ordinance so that municipalities and the public have an opportunity to discuss the new zones in the context of their specific situation(s), and to clearly understand how they will be impacted.” It is “unclear what would be an appropriate zone for Beltway Plaza, Franklin Park at Greenbelt Station, Greenbelt Station South Core and Roosevelt Center.”	City of Greenbelt	Unfortunately, it is impossible to map new zones to real property prior to adopting a new Zoning Ordinance. The most pertinent reason behind this is that until a new Zoning Ordinance has been adopted, the County literally does not know which potential zones will have been approved to use. The remapping of property through the anticipated Countywide Map Amendment cannot precede the adoption of the Zoning Ordinance. In a follow-on conversation with the City of Greenbelt Planning Department, the staff project team outlined what the most likely new zones would be for property in the City of Greenbelt should the current proposals offered by Clarion Associates in Module 1 be approved and with the assumption of a “decision tree” approach to the Countywide Map Amendment that would shift 90+ percent of the current properties in the County directly into the new zone closest in intent and regulations to the existing zone. This very preliminary level of discussion is the furthest that can be done at this stage of the zoning rewrite project. As the details of the new Zoning Ordinance solidify the closer it gets to adoption, it will become easier to envision the potential zoning impacts, but the true picture will not be known until the Countywide Map Amendment has initiated. It is important to note the Countywide Map Amendment will be a public process and will include public hearings with the Planning Board and District Council prior to the Council’s final decisions on rezoning (expected in October 2017).	Make no change.
Implementing New Zones	The City of College Park indicates that much of its existing Multifamily Medium Density Residential (R-18) zoning stock consists of nonconforming properties. Rather than moving these properties into the proposed Multifamily Residential-20 (MFR-20) Zone, consideration should be given to the proposed Multifamily Residential-12 (MFR-12) Zone to more accurately reflect the desired or appropriate density based on current lot sizes. The Prince George’s Property Owners Association “recommends that all properties currently zoned R-18 should be included in the MFR-20 Zone.”	City of College Park, Prince George’s Property Owners Association (represented by Bradley Farrar)	Comment noted. This type of comment will be directed to staff working on scoping the proposed Countywide Map Amendment that will take place in 2017, and does not directly impact Module 1.	Make no change.
Implementing New Zones	How would the proposed zones change the Town’s zoning should Clarion Associates’ recommendations be approved?	Town of Berwyn Heights	Staff anticipates few significant changes with the Town’s current zoning under the proposals offered by Clarion Associates in Module 1.	Make no change.

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			Speaking more broadly, there are few changes to the regulations of the single-family residential zones in Clarion Associates’ proposals, and the County’s principal commercial and office zones are recommended to be consolidated. The regulations for commercial and industrial zones also see few changes in Clarion’s proposed Module 1. More changes are proposed for the uses in accordance with national best practices. Approximately 92 percent of Prince George’s County is currently in a residential, commercial, or industrial zone, and staff would anticipate few changes for most of the County with the implementation of Clarion’s proposed zones.	
Implementing New Zones	“How will schools be zoned?”	City of Greenbelt	While still very early in the development of methodology for the proposed 2017 Countywide Map Amendment, staff anticipates schools will transfer directly to the most applicable new zone that is closest to the current zone. There is no compelling reason to rezone schools to the proposed Public Land (PL) Zone, although that may also be an option. The County’s current methodology for zoning public land provides for two major paths: to place the land in the most restrictive zone (the Reserved Open Space ROS Zone), or to place the land in the zoning classification that most closely reflects the predominant zoning of the surrounding neighborhood. The assumption is that this decision has already been made in the past for nearly all school sites in the County.	Make no change.
Zone Diagrams	It was felt that the oblique/birds-eye diagrams complementing the zones do not really represent the character of development, and should be replaced with photographs.	Planning staff	The staff project team does not concur with this comment. The diagrammatical approach provided in the oblique drawings is helpful in showing – at a very illustrative level – the relationship of the various “bulk regulations” such as the front yard or build-to line, side yards, and building height. These diagrams are very important in interpreting the character and development vision of the zones.	Make no change.
Rural and Agricultural Base Zones	<p>The City of Bowie asks if a Resource Protection Zone would help preserve and protect significant features on private land, complementing the approach of the proposed Public Land (PL) Zone for public properties.</p> <p>The City of College Park feels that replacing the existing Open Space (O-S) Zone with the proposed Agricultural-Large Lot (AL) Zone that allows for agriculture, forestry, and single-family lots greater than 5 acres may not be the best fit. The city recommends consideration of two different Public Land (PL) zones as an alternative: one with the primary purpose of preserving and protecting environmental features and another for parks and recreational facilities.</p> <p>The City of Greenbelt questions if the PL and AL zones would be appropriate for public land, including recreation land.</p>	City of Bowie, City of College Park, City of Greenbelt	Staff feels that the current Reserved Open Space (R-O-S) and O-S Zones already serve both purposes suggested by College Park (preserving and protecting environmental features, and providing land for parks and recreational facilities), and that Clarion Associates’ proposed PL and AL Zones will continue to serve those functions well. There is no need to have two separate PL Zones, particularly since 99.95 percent of all land in the current R-O-S Zone is in public ownership, and is (with the current exception of County-owned land) exempt from the regulations of the County Zoning Ordinance. This high percentage of land in public ownership speaks to the City of Bowie’s comment also. These public entities can choose the best use of these public lands – preservation or recreation – as they see fit today, and should be able to do so in the future.	Make no change.
Rural and Agricultural Base Zones	A suggestion was raised that perhaps the County’s green infrastructure network could be protected through a new zoning district.	City of Bowie	The proposed zoning structure does not focus on a green infrastructure protection zone, which of necessity would be an overlay zone. The ongoing Countywide Resource Conservation Plan will be re-evaluating the County’s green infrastructure network and making appropriate policy recommendations that could be addressed at a future date.	Make no change.
Rural and Agricultural Base Zones	Support expressed for policies that support agricultural zones.	Communities	Comment noted.	Make no change.
Residential Base Zones	The University of Maryland, College Park main campus is in the Rural Residential (R-R) Zone but does not fit the description of the proposed Rural Residential (RR) Zone in	City of College Park	In keeping with the goals of the Zoning Ordinance and Subdivision Regulations rewrite to simplify and streamline, staff does not believe adding a new zone that would only apply to the	Make no change.

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	Module 1. The University of Maryland is recognized as exempt from zoning and permit requirements, but perhaps another zoning category should be applied to the main campus to better reflect its use. An Urban Campus Zone recognizing a high-density, mixed-use campus environment was suggested.		University of Maryland Main Campus (and perhaps Bowie State University and Prince George’s Community College) would be the best way to proceed.	
Residential Base Zones	Is one of the purposes of this effort to allow for a greater diversity of housing in each zone? Would this have an impact on housing types?	Municipalities.	Yes. Current zones allow a mix of housing types; however, we tend not to see this diversity in practice. The reorganization of zones proposed by Clarion clarifies that zones generally allow for a mix of housing types. Additionally, Clarion is proposing a mix of uses in the base zones starting with the multifamily residential (MFR) zones. This is a response to the real estate market and shifts over time. Many jurisdictions across the country are moving toward this mix and flexibility.	Make no change.
Residential Base Zones	In some locations (Germany was cited), basic zoning districts are identified as “residential” or “commercial” with no worry about the dwelling types or density. This may be worth considering, as “A district that allows a mixture of dwelling types should not be a problem, provided that the buildings are carefully designed and sited.” Other comments focus on a potential increase of allowable residential density with the consolidation of current residential zones and if this may lead to higher-density development in areas that perhaps did not anticipate it.	Municipalities	The nuances of Euclidean zoning and community expectations of those who live in existing residential communities makes this a very challenging approach to implement in the United States, and in particular, Prince George’s County. Clarion’s recommendations will offer more flexibility in terms of housing types, but not to such a degree that, for example, residential high-rise towers and single-family detached housing are likely to both appear in the same zone in established neighborhoods. Impacts of new residential development will typically be addressed through Preliminary Plans of Subdivision in terms of transportation and other public facility needs. This will be part of Module 2 (development regulations).	Make no change.
Residential Base Zones	Has there been consideration to rename the Residential Estate (R-E) and Rural Residential (R-R) zones to reflect the maximum permitted density as with other single-family zones?	Municipalities	The recommended residential zone nomenclature offered by Clarion Associates reflects, in part, a compromise of bringing more logic to the names of zones (by referencing density, lot size, etc.) and reflecting their intended purpose. Neither Clarion nor the staff project team have specifically looked at renaming the Rural and Agricultural zones (the proposed Public Lands, Agriculture – Large Lot, and Agricultural-Residential) or the lowest density Residential zones (the Residential Estate and Rural Residential) to add their maximum density, choosing instead to reflect the intended purpose of these zones through their names.	Make no change.
Residential Base Zones	Consider separating townhouse development from multifamily development in the Multifamily Residential (MFR) zones.	Communities, Hyattsville Planning Committee	Clarion Associates’ recommends the integration of the current Townhouse (R-T) Zone into the proposed Multifamily Residential-12 (MFR-12) Zone based on maximum permitted density (Clarion recommends a corresponding increase in the maximum permitted townhouse density from 6 dwellings per acre to 12). This approach makes sense to the staff project team. Modern zoning codes place much less emphasis on separation of residential uses by the type of dwelling unit than they do on ensuring the types of residential development permitted in any one given zone are of similar density. There is no compelling reason to separate townhouses from any other type of residential development – either multifamily or single-family – so long as they result in compatible densities. Staff notes that a number of the current Residential zones in the Zoning Ordinance already permit a mix of residential types within the same zone; therefore, Clarion’s recommendation does not differ from regulations.	Make no change.
Residential Base Zones	“The County Council and M-NCPPC should consider increasing the maximum permitted density for multifamily development in the proposed MFR-12 and MFR-20 zones to	Matthew M. Gordon	The comments pertain to observations that many multifamily complexes built in the County before 1980 are in multifamily low- and medium-density zones and likely exceed the maximum permitted densities of, for example, the R-30 and R-18 zones today. Allowing for additional	Make no change.

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	allow for additional density and some redevelopment opportunities. Allowing additional density could serve as an incentive for redevelopment and enhancement of these various multifamily apartment facilities that are in the R-30, R-30 C, R-18, and R-18C zones and currently exceed the maximum density proposed by the MFR-12 and MFR-20 zones.”		density is viewed as a potential incentive for reinvestment, redevelopment, and improvement of these complexes. Staff does not concur with the premise that increasing the allowable density is the best way to encourage redevelopment or reinvestment in existing apartment complexes that already exceed the maximum density otherwise allowed in their current zones. There is also concern with unintended consequences should such an approach be adopted. The additional flexibility offered by Clarion Associates’ proposed MFR-12 and MFR-20 zones, including the potential for non-residential uses, provides apartment owners with additional flexibility that does not otherwise exist under the current Zoning Ordinance and could serve as an incentive for redevelopment and reinvestment.	
Residential Base Zones	Some concern was expressed regarding allowing the potential for free-standing commercial buildings within the Multifamily Residential (MFR-) zones. Perhaps commercial uses in these zones should be integrated within multifamily zones and not be freestanding.	Communities	Requiring vertical mixing of uses in the form of integrated commercial and multifamily space in the same building within the MFR- zones may be too regulatory for the County and would detract from the purpose of the Zoning Ordinance rewrite to provide for flexibility.	Make no change.
Transit-Oriented/Activity Center Base Zones	A request was made to subject all development in these zones to Detailed Site Plan review.	Municipalities	Such a requirement would be very much at odds with Clarion Associates’ approaches and incorporation of national best practices within their proposed zone regulations. It also has significant potential to substantially slow the potential pace of economic development activities in the very locations in the County which are the most likely and appropriate targets for economic development. Clarion indicates in their December 2014 Evaluation and Recommendations Report that there should be some level of site plan review for some applications within the “by-right” base zones, including the Transit-Oriented/Activity Center base zones, but the thresholds for which proposals trigger site plan review procedures need to be determined by the County. Clarion’s underlying logic is that some applications should go through site plan review, but many within these zones should not. To increase the County’s comfort with this approach, Clarion recommends strengthened design and development regulations in Module 1 and to appear in Module 2, which would apply to all “by-right” development in the base zones. Staff recommends holding off on any action on this request until we a) have the proposed development standards, and b) have the proposed Major Site Plan and Minor Site Plan procedures to come with Module 3 in Summer 2016, so the County can fully evaluate the request with all pertinent information in hand.	Make no change at this time.
Transit-Oriented/Activity Center Base Zones	Are single-family homes (townhouses) appropriate within Transit-Oriented/Activity Center zones?	City of Greenbelt, Planning staff	There is no reason why these uses would not be appropriate in centers, particularly in the “edge” areas outside the ¼ mile radius from a transit station. Staff notes Bethesda and Silver Spring include high-density and high-quality townhouses in proximity to their Metro stations.	Make no change.
Transit-Oriented/Activity Center Base Zones	Questions were asked regarding the differences between the proposed Regional Transit Oriented-Low and –High (RTO-L and RTO-H) Zones, and why we were not trying to provide for the highest level of development at all designated centers.	Municipalities	Plan 2035 recommends prioritization as the cornerstone of its policy guidance, with Regional Transit Districts, the highest level of center, further refined to identify 3 priority Downtowns with 2 additional Downtowns to follow. The plan recognizes it is impossible to develop all opportunities/sites simultaneously. Clarion Associates’ proposed RTO-L and RTO-H zones are intended to provide the County with appropriate tools to reflect the County’s policy guidance regarding prioritization.	Make no change.
Transit-Oriented/Activity Center Base Zones	Distinctions between the core and edge areas of the proposed Transit-Oriented/Activity Center zones may be too restrictive. The city recommends consideration of actual site conditions when applying these zones/standards.	City of College Park	Comment noted.	Make no change.

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Transit-Oriented/Activity Center Base Zones	“Can you have a transit zone without a core?”	City of Greenbelt	Typically, no. The only proposed Transit-Oriented/Activity Center base zone that does not make a distinction between core and edge areas is the Neighborhood Activity Center (NAC) base zone, which is not viewed as of sufficient size/scale to necessitate this distinction. The entire NAC zone would be viewed as similar to a “core.”	Make no change.
Transit-Oriented/Activity Center Base Zones	“The Town supports the standards in the Regional Transit-Oriented (RTO) Center Base Zone that makes a distinction between the core...and edge..., and supports density at the center with less height and density at the edges.”	Town of Riverdale Park	Comment noted.	Make no change.
Nonresidential Base Zones	A request was made to subject all development in these zones to Detailed Site Plan review.	Municipalities	See the explanation for the same comment for the Transit-Oriented/Activity Center Base Zones above. Furthermore, staff strongly opposes this request. Subjecting all development within the commercial and industrial zones to site plan review would be a significant increase of discretionary review for development in zones that today typically proceeds directly to the permits office in Largo. This is the antithesis of one of the key goals for the zoning rewrite – to streamline the County’s development review process.	Make no change.
Nonresidential Base Zones	There have been some discussions regarding the proposed Industrial/Employment (IE) base zone, with some questioning if the current I-3 (Planned Industrial/Employment Park) Zone still has a purpose in the County, and if the term “Industrial/Employment” may be confusing, as “employment” is often associated with office development. Some support the retention of the I-3 Zone while others believe it was a “failure” at attracting the technology-oriented, high-quality office development it was intended to draw. Regarding overall nomenclature of the industrial zones, should the IE Zone be complemented by an “IH” zone instead of the proposed Heavy Industrial (HI) Zone for consistency?	Communities, Planning staff	Staff does not see a compelling reason to retain the I-3 Zone as a separate zone. This zone requires a minimum tract size of 25 adjoining acres with a standard minimum lot size of 2 acres and a 25 percent green area, along with what is viewed as a more regulatory process for development approval – which would be contrary to the goals of the zoning rewrite to streamline process. It is intended primarily for the development of suburban industrial and employment parks. Numerous economic studies have demonstrated that the demand for this type of development pattern reached its peak some years ago, and the emerging trend is the desire for transit-proximate, more compact employment development. Regarding the nomenclature of the proposed IE Zone, staff has no significant concern with the name. Should there be an actual benefit to renaming the zone, such as clarifying its purpose as an industrial zone, this would be acceptable. Retaining the proposed IE name is also acceptable. One suggestion for a potential renaming is to the LI, or Light Industrial, zone. Staff has no strong feeling regarding the name of the proposed HI Zone.	Clarion should re-evaluate the proposed names of the two industrial zones, and rename these proposed zones only if such renaming serves an important purpose in clarifying the intent of the zones or in ensuring consistency. Should there be little or no expected benefit, retain the current IE Zone and HI Zone names.
Nonresidential Base Zones	Priority locations in the County, such as our Metro stations, should not permit nothing but multifamily development in our nonresidential and mixed-use zones. Metro stations should include a healthy mix of commercial and office uses.	Communities	Zoning is not the best tool to set aside designated parts of the County for commercial and office/employment development only. This is best left to policy direction by the County Executive, County Council, and the General Plan for the County, Plan 2035. The potential zoning tools Clarion Associates recommends for the Zoning Ordinance rewrite will allow for more flexible and nimble response to commercial opportunity but are also flexible enough to permit residential development at targeted locations such as Metro stations which experience regional demand for housing needs.	Make no change.
Planned Development Zones	A request was made to subject all development in these zones to Detailed Site Plan review.	Municipalities	Staff expects additional procedural requirements for the Planned Development Zones to be included in Module 3. It appears likely-but not yet certain-that site plan would be required for most, if not all, development within these zones (the initial development of a site that is; minor additions and other changes to a site once it has developed would likely be exempt or subject to different processes). Staff recommends holding off on any potential change until the County can evaluate the recommendations of Module 3.	Make no change at this time.

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Planned Development Zones	Would the replacement of the proposed Planned Development Zones with an optional method of development approach within the base zones (as in Montgomery County, MD, for example) be more effective than having separate zones?	Planning staff	Staff has no recommendation or comment on this question at this time.	Clarion Associates should provide the pros and cons of an optional method approach vs. separate Planned Development zones to the staff project team.
Planned Development Zones	In looking for ways to potentially further consolidate the County's zones, it was suggested that perhaps the two Residential Planned Development zones could be merged.	Communities, Planning staff	<p>The Residential Planned Development-Low Zone was proposed by Clarion following the release of their December 2014 Evaluation and Recommendations Report in response to the different density targets realized by some of the County's existing, largely residential Comprehensive Design Zones. However, as recommended in Module 1, the differences between this zone and the Residential Planned Development Zone are minimal regarding their zoning regulations. The major, and in fact, only differences are regarding the minimum density and minimum necessary development site size.</p> <p>There are more differences between these two zones regarding the range of residential uses that would be permitted.</p> <p>Staff feels there is no significant downside to including both zones in the Comprehensive Review Draft, and no significant upside in consolidating the zones, and therefore defers to Clarion Associates for their best practice-based recommendation.</p>	Clarion Associates should re-evaluate the differences in purpose, regulations, and uses of these two Planned Development zones and offer a recommendation to the staff project team.
Planned Development Zones	<p>What will be the lot sizes for development in the Planned Development zones? Development standards should be clearly articulated.</p> <p>Why would a community want to embrace a Planned Development zone?</p> <p>Will the minimum regulations be met in the Planned Development zone?</p>	Town of Cheverly Planning Board	<p>Lot sizes in the Planned Development zones are recommended by Clarion Associates to be established in the Planned Development Basic Plan that is a requirement for the rezoning of property to any Planned Development zone. As a discretionary process intended to offer flexibility, it is not advisable to specify lot sizes. The corresponding base zones do establish minimum lot sizes in most situations; the Planned Development zone option is intended to allow more flexibility.</p> <p>Planned Development zones are intended by Clarion Associates to be flexible tools in the zoning toolkit that would permit more density for development in exchange for higher-quality design and community benefits. They will also involve a high level of community review since they will, as currently proposed, involve rezoning of property and the approval of Planned Development Basic Plans and conditions of approval, all of which are subject to public hearings and Planning Board and District Council review with final approval by the District Council.</p> <p>Yes, minimum regulations specified in the Planned Development zones must be met. Staff notes, however, that all zoning codes across the United States must provide relief procedures where unique situations may apply to individual properties. The burden is on the applicant to prove such a situation exists before any relief is granted.</p>	Make no change.
Planned Development Zones	Who decides what community benefits are provided in the Planned Development zones and Planned Development agreements? Municipalities should have a strong role in this determination for any development within that municipality and which may use their services (e.g. police).	Municipalities	Clarion Associates have recommended the first step for the Planned Development zones to consist of a pre-application meeting with the community; applications would be discussed with the community – including any impacted municipality – prior to be submitted to the Planning Department for review. Community needs could be identified and begun to be addressed at this point. Module 3 (process and administration) will contain more details on how Clarion envisions the pre-application meetings to operate.	Make no change.
Planned Development Zones	A concern was expressed with the concept that developers would have to provide more by way of quality and amenities in exchange for additional density or other benefits through the	Municipalities	The general approach toward quality of development outlined by Clarion Associates is that we can and should expect higher quality and better development from County development projects as a matter of right; this is done through the development regulations that are being developed for	Make no change as a direct result of this comment; other changes recommended throughout this analysis

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	Planned Development process. This quality and the amenities should be the expectation for all development. Additionally, amenities and services in or adjacent to municipalities need to be determined with or by that municipality.		<p>the new Zoning Ordinance and Subdivision Regulations. It is through this collaborative process to establish a higher baseline expectation for development that we will be most successful in raising the bar.</p> <p>The Planned Development zones would go even further beyond this higher baseline of quality in exchange for offering the developer additional flexibility in terms of density permitted, for example.</p> <p>The balance must be struck between streamlined application and review procedures, the certainty of outcomes (both for the community/municipality and the developer), and quality. Should we fail to find balance – by retaining overly complex and time-consuming procedures, failing to provide certainty of outcomes, or providing overly stringent design standards that cannot be met – the County misses a tremendous opportunity to take advantage of modern approaches to zoning and capitalize on our rich transit system and other unique characteristics of Prince George’s County, and the development we want and deserve will not happen.</p>	and continued engagement in the process will result in a strengthened level baseline quality from the status quo.
Planned Development Zones	Will the Mixed Use – Transportation Oriented (M-X-T) Zone become the proposed Mixed-Use Planned Development (MU-PD) Zone?	Town of Cheverly Planning Board	<p>The current M-X-T Zone is proposed to be replaced by the MU-PD Zone in the December 2014 Evaluation and Recommendations Report, but further refinement in Module 1 speaks to a level of complexity involved with this question. M-X-T zoning located within designated centers are expected to be replaced by Transit-Oriented/Activity Center base zones or may be one day replaced – at an applicant’s request and with review and approval by the District Council – with a Transit-Oriented/Activity Center Planned Development zone.</p> <p>For M-X-T property located <i>outside</i> designated centers, the intended replacement zone would indeed be the MU-PD Zone, but there are additional factors that need to be explored with Clarion Associates in further detail, not least of which is the question of “what becomes the base zone for these properties until an applicant proposals the MU-PD?”</p> <p>Until an MU-PD is proposed, it could be that either the Multifamily Residential-12 (MFR-12) or General Commercial and Office (GCO) zones would replace the M-X-T Zone outside designated centers.</p>	Make no change to Module 1, but continue to coordinate with Clarion Associates regarding the base zone(s) that may be appropriate.
Planned Development Zones	These zones “do not feel right.” Consider an “optional method of development” approach similar to Montgomery County.	Hyattsville Planning Committee, Planning staff	<p>The staff project team has looked at an optional method of development approach, and broached the subject with Clarion Associates, prior to the drafting of Module 1 with follow-up conversation after Module 1 was released for review. An optional method of development approach is a component of base zones that would allow an applicant to choose to provide amenities, typically from a pre-defined list, in exchange for additional density for their project. Montgomery County makes extensive use of the optional method of development approach.</p> <p>Clarion Associates’ proposed Planned Development zones include many of the same goals and outcomes as the optional method of development but with additional certainty and trust in the overall process. By providing for a separate set of zones to allow a developer to build more than the base zone would otherwise allow, the District Council will be able to decide if the proposed amenities and higher quality of development will be a sufficient trade-off for the additional density that is proposed for a given project. Since the Planned Development approach also involves rezoning, and with it, a public hearing process for the rezoning and associated Planned Development Basic Plan (and future public hearings for site plans), there is additional opportunity</p>	Make no change at this time.

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			<p>for municipal and community input to these projects than would be the case with an optional method approach.</p> <p>There is sufficient time in the process to explore a shift to the optional method of development should this emerge as the County's preference.</p>	
Planned Development Zones	<p>How will "minor modifications" be determined regarding Section 27-3.301.C, Relationship to Existing Planned Development Zones?</p> <p>How will nonresidential intensity for the development proposed in a PD Basic Plan be measured? Floor area ratio or through another method?</p>	City of Greenbelt	<p>Staff expects the term "minor modification" will be clarified as part of Module 3 (process and administration), expected Summer 2017.</p> <p>Similarly, the details for the applications of PD Basic Plans will be included either in Module 3 (process and administration) or in the procedures manual that is expected to accompany the new Zoning Ordinance and which Clarion Associates is tasked with drafting.</p>	Make no change at this time.
Mixed-Use Town Center Zone	<p>How is the current Mixed-Use Town Center (M-U-TC) Zone being addressed in the zoning rewrite?</p> <p>The local design review committees established for each M-U-TC Zone were cited as the major reason to preserve the zone.</p>	Town of Riverdale Park, City of Mount Rainier	<p>Both municipalities have requested retention of the current M-U-TC Zone in the new Zoning Ordinance. In the December 2014 Evaluation and Recommendations Report, Clarion Associates recommend deletion of the M-U-TC Zone in favor of the Mixed-Use Planned Development (MU-PD) Zone. Subsequent discussion and evaluation have also identified the proposed Neighborhood Conservation Overlay (NCO) Zone as a potential replacement for the M-U-TC Zone.</p> <p>Clarion Associates is working on a short discussion paper to explain their thought process behind their recommendations on the M-U-TC Zone. Until that methodology is available and has been considered, it is premature to make a change to their proposed treatment of the M-U-TC Zone.</p>	Make no change at this time.
Mixed-Use Town Center Zone	<p>Many topics associated with the Suitland community and the Suitland Mixed-Use Town Center (M-U-TC) Development Plan (and design review committee) were discussed in a meeting in May 2016. The committee members raised several key points of consideration, including:</p> <p>1. A feeling the development plan had not been fully tested due to a lack of development interest, 2. feelings of tension between the design review committee and other decision makers including Council, 3. a general feeling the committee is not opposed to the recommendations of Clarion to remove the M-U-TC Zone, 4. concerns the standards are very different in Suitland than in neighboring areas such as Iverson Mall and Naylor Road Metro Station, and 5. notation that all current committee member terms of service have expired.</p> <p>Concern was expressed that some decisions of the committee have been lost at the time of any Planning Board case, with a specific gas station application and bus stop location cited. Some discussion was held regarding undesirable uses</p>	Suitland M-U-TC Design Review Committee	Comments noted.	Make no change.
Overlay Zones	What about tree conservation areas? What if the community wants to maintain a certain tree density? Could there be a zoning tool that offers additional protection, appropriate lighting, and fencing regulations?	Communities	Tree conservation is addressed through Subtitle 25 of the County Code; while the goals and proposals of the Zoning Ordinance and Subdivision Regulations Rewrite will support the County's overall tree conservation goals, tree conservation is not a direct part of this project. Should a community desire additional protections, the proposed Neighborhood Conservation Overlay Zone is one potential tool that could be used.	Make no change.

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<p>Overlay Zones and Mixed-Use Zones</p>	<p>The City of College Park is concerned with the proposed elimination of the Development District Overlay Zone (DDOZ) and Transit District Overlay Zone (TDOZ), and with the Mixed Use – Infill (M-U-I) and Mixed Use – Transportation Oriented (M-X-T) zones. The city views these tools as key to the redevelopment of the US 1 corridor and at the College Park/University of Maryland Metro Station.</p> <p>The city points to two recent plans and their corresponding zoning tools – the Central US 1 Corridor Sector Plan and Sectional Map Amendment (a DDOZ) and the College Park-Riverdale Park Transit District Development Plan (a TDOZ) in particular, and is concerned that the character and standards developed for these specific plans and impacted areas will be replaced with generic base zones. The city indicates the importance of retaining site-specific nuances as well as the flexibility to attract new development.</p> <p>The city proposes a potential compromise consisting of creating a new zone that pulls forward the respective zoning regulatory standards of the Central US 1 DDOZ and College Park-Riverdale Park TDOZ as the “by-right” standards, with modifications from those standards permitted through the Planned Development process.</p> <p>The City of Greenbelt indicates similar concern regarding the standards developed for the 2013 Greenbelt Metro Area and MD 193 Corridor Sector Plan and Sectional Map Amendment (a DDOZ).</p>	<p>City of College Park, City of Greenbelt</p>	<p>Staff is preparing a discussion paper that speaks to these issues – what happens to current plans and current comprehensive zoning mechanisms through the Countywide Map Amendment envisioned in 2017. The basic takeaway is that the community-oriented plans will remain in place while the zoning – including DDOZ and TDOZ standards – will be replaced by the appropriate base zones incorporated in the new Zoning Ordinance.</p> <p>This is an important action in ensuring Countywide consistency of regulatory approaches. Each of the 18 current DDOZ and TDOZ areas in the County are unique – too much so, in fact. They are not unique in the sense that they are planning for distinctly different outcomes. The vision, goals, policies, and strategies for these areas are very similar, but each of these 18 regulatory approaches take very different paths, in terms of specific design standards, to get at the desired outcomes. Each of these 18 regulatory approaches include hundreds of design standards that are ever so slightly different from the rest, but nearly all of them aim at the same targets – high quality building forms, quality landscaping to enhance streetscapes and create open spaces where people want to gather, quality pedestrian-scaled lighting and signage, etc. These same targets, these same elements of placemaking, are central to the proposed Transit-Oriented/Activity Center base zones and Planned Development zones contained in Module 1.</p> <p>Maintaining 18 separate and unique mini-Zoning Ordinances, in addition to the 4 offered by Mixed-Use Town Center (M-U-TC) Development Plans and the primary Zoning Ordinance itself is unsustainable, a significant dis-incentive to investment in Prince George’s County, and creates enormous confusion throughout the entitlement and development processes. We need to shift our thinking in accordance with the goals for the Zoning Ordinance and Subdivision Regulations rewrite to streamline, simplify, incentivize, and consolidate. The replacement of the DDOZ and TDOZ zones is essential to meeting these goals.</p>	<p>Make no change.</p>
<p>Aviation Policy Area Overlay Zones</p>	<p>A suggestion was made to revise the height notification requirement in Aviation Policy Areas (APAs) 4 and 6 to prohibit building permit issuance for structures higher than 50 feet unless the applicant demonstrates the proposed structure will not project into or penetrate the airspace surfaces defined by the Federal Aviation Administration’s regulations.</p>	<p>Communities</p>	<p>The proposed regulations for the Aviation Policy Areas have been largely carried forward from the current Zoning Ordinance, and were the result of significant community and agency input when they were created and codified in 2002. The regulations that resulted, as contained in the current Zoning Ordinance, represent compromise between the goals of the aviation community to preserve general aviation operations, and Countywide policy direction to provide for and encourage economic development. Prohibiting permit issuance for any structure above 50 feet in height, particularly in the sizable APA-6 policy area, has a negative impact on this compromise and on economic development goals.</p>	<p>Make no change at this time.</p>
<p>Architectural Conservation Overlay Zone</p>	<p>The proposed conversion of the current Architectural Conservation Overlay Zone (ACOOZ) to the proposed Neighborhood Conservation Overlay (NCO) Zone is opposed “if it results in less local input” to projects, “eliminates the ability of the city to issue building authorizations for architectural changes not requiring a county building permit, and ignores the years of work already put into development of the zone standards and pattern book.”</p>	<p>City of Mount Rainier</p>	<p>Clarion Associates’ December 2014 Evaluation and Recommendations Report recommends the transition of the process-heavy ACOZ to a more streamlined and by-right NCO mechanism. Mount Rainier references their primary motivation for seeking the ACOZ as preserving their housing stock and key architectural features of bungalows and Victorian houses in the city. They feel the ACOZ would allow them to issue building authorizations to, for example, regulate window replacements or the downsizing of windows, while the NCO Zone would not allow establishment for projects that do not require a County building permit.</p>	<p>Make no change at this time.</p>

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	<p>The city is also concerned about the regulation of front porches, and would like the ability to issue building authorizations for enclosures of front porches, which is identified by the city as not typically requiring a building permit.</p> <p>The city does agree the process for ACOZ approvals is too cumbersome, and have asked for some revisions but insist the local review committee inherent to the ACOZ remain.</p>		<p>These concerns speak to the very purpose of Zoning Ordinances themselves. They are intended in part to ensure consistency of requirements and regulations across any given jurisdiction (e.g. Prince George’s County). One of the major purposes of the rewrite project is to streamline the development application processes in the County. Requiring additional processes for elements of development that few jurisdictions across the United States regulate through zoning is contrary to the goals of the Zoning Ordinance rewrite.</p> <p>Furthermore, staff is concerned that the ability of a local municipality to issue a unique document or form of permission through a “building authorization” will add to the overall confusion and act as a disincentive to reinvestment. Staff recognizes the importance of local input, but the ACOZ process – not just building authorizations but also a very stringent requirement for Detailed Site Plans for many single-family residential projects – is overly regulatory.</p> <p>Staff is exploring the use of the NCO Zone proposed by Clarion Associates as a potential way to achieve the goals of Mount Rainier.</p> <p>Enclosures of porches do, in fact, require building permits issued by the County. They constitute an expansion of the square footage of the attached dwelling.</p> <p>Clarion Associates’ discussion of the M-U-TC Zone referenced above is expected to touch on the role and national experience with local review committees. It is premature to discuss local review committees until staff has additional national best practice information.</p> <p>Revisions to the ACOZ at the scale desired by the city (including the elimination of the Detailed Site Plan requirement) would require a zoning text amendment to the current Zoning Ordinance. Staff does not support text amendments while the zoning rewrite is in progress unless a major issue is being addressed. We do not believe this would qualify given the proposal to replace the zone itself.</p>	
Neighborhood Conservation Overlay Zone	The Bowie City Council “supports the efforts to create a Neighborhood Conservation zone or to use other zoning tools or techniques to protect community character.”	City of Bowie	The city cites the Levitt sections of Bowie and concerns with re-subdivision. Staff addresses this issue above and will follow-up with computer analysis to help determine the pros and cons of a possible three dwelling unit per acre zone.	Make no change.
Conservation Zone	A “conservation zone” was recommended, with the intent to protect/preserve environmental features next to existing neighborhoods.	Communities	Staff does not believe a separate conservation zone of environmental features is necessary. Environmental features of significance are already regulated through other parts of the County Code. Where extensive areas of natural resources exist, zones such as the current Reserved Open Space (R-O-S) Zone and other low-density zones are typically used to help preserve these features and reduce development pressure. These zones – and conservation purposes – are carried forward with new names in Module 1.	Make no change.
Uses	<p>The use tables do not include a listed use for “Public Uses.” There is a current use that covers various public uses under “Public Buildings and Uses,” and this should be carried forward.</p> <p>The City of Greenbelt notes that “Public recreation facilities are not addressed.” The city also indicates concern for the Greenbelt farmers’ market if there is no governmental use category.</p>	Municipalities, Town of Berwyn Heights, City of Greenbelt, Communities, Planning staff	Because all public entities (with the notable exception of Prince George’s County itself) that currently operate “public uses” – including all entities that may run a “public recreation facility” are exempt from the regulations of the current Zoning Ordinance, staff believes that a defined and listed “Public Use” category is unnecessary. Clarion Associates and staff have discussed the issue of the County being subject to its own Zoning Ordinance and recommend that this no longer be the case moving forward, in accordance with national best practices. Most jurisdictions do not subject themselves to their own zoning regulations.	Make no change at this time.

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	<p>The city also notes that Section 27-4.403, regarding General Standards for All Temporary Uses and Structures, may be problematic to government activities.</p> <p>The city questions if composting, rubble fill, and recycling industrial uses should also be accessory to governmental uses.</p>		<p>Should Prince George’s County no longer be subject to the Zoning Ordinance for public uses and public land, there is no need to define “Public Use” and list it as a permitted use within the Zoning Ordinance. Public uses will be able to happen regardless of if they are permitted or prohibited in a use table because the public owner/operator is exempt from zoning regulation through the County’s Zoning Ordinance. This applies to temporary and accessory uses as well as to principal uses.</p> <p>Should the District Council choose to continue to subject the County to its own Zoning Ordinance, then there will be a need to define and regulate “Public Use” for County-owned and operated uses. Staff will need to address this potential issue if and when it occurs.</p>	
Uses	Should uses be classified according to impact rather than by zone?	Planning staff	Classification of uses by impact would create significant confusion and contradict best practices for zoning. One of the key purposes of zones themselves is to control which uses are permitted.	Make no change.
Uses	Some concern was expressed that consolidating current uses to the degree proposed in Module 1 may result in a lost ability to record what was actually constructed on property and potentially eliminate information.	Planning staff	Staff defers to Clarion Associates.	Clarion Associates should advise the project staff team whether this concern is valid/has been encountered in practice by other jurisdictions, and if so, what may be done to prevent issues.
Uses	<p>There was some concern that certain uses as proposed for Rural and Agricultural zones may negatively impact the desired character of the County’s Rural and Agricultural Area as established by the Plan Prince George’s 2035 General Plan.</p> <p>Some of this extends to agricultural uses recommended for low-density Residential zones.</p>	Planning staff	<p>Several specific uses within specific zones are of the most concern:</p> <p>In the Residential Estate (RE) and Rural Residential (RR) zones: agricultural production; keeping of horses or ponies; solar energy collection facility, large-scale; and kennels were mentioned. The specific concern is that the lot sizes in the RE and RR zones and the intended residential character are at odds with what may be land-intensive agricultural uses. Staff has no strong preference on these uses in these zones.</p> <p>In the Public Land (PL) Zone, rural corporate retreat; dwelling, manufactured home, and assisted living facility were mentioned. Three of these four listed uses are identified as requiring a Special Exception and the fourth is assisted living facility for 8 or fewer elderly or handicapped persons. Additionally, solar energy collection facility, large-scale was recommended as a Special Exception use rather than permitted by right. Staff feels the resulting potential impact on the PL Zone is minimal, so no change is needed.</p> <p>In the Agricultural – Large Lot (AL) Zone, private airstrips and solar energy collection facility, large-scale were recommended to be Special Exception uses rather than permitted by right. Staff has no opinion on this use.</p>	Clarion Associates should indicate if they believe any of the identified uses may create issues within the identified zones based on their intended purpose, and revise the proposed use table as may be appropriate.
Uses	The city notes solar energy collection facilities are not listed as permitted uses in the Public Land (PL) Zone, which may impact a proposed city solar farm. Consideration should be given to allowing energy facilities on publicly owned lands.	City of Greenbelt	<p>The proposed principal use “Solar energy collection facility, large-scale” is not recommended as a permitted use in the proposed PL Zone because these tend to be very land-intensive uses that would be detrimental to the preservation purposes that are part of the overall description of the zone. Staff is not yet sure if Clarion Associates’ intent is that <i>all</i> publicly owned land be placed in this zone, but does not believe this to be a necessary action, so the use may be permitted depending on the zoning of the property envisioned for the city’s solar farm.</p> <p>In any event, municipalities and public utility companies are exempt from the regulations of the Zoning Ordinance and this proposed solar farm use would be subject to the County’s Mandatory Referral process, not zoning entitlement. There should be no negative impacts on the city’s proposal.</p>	Make no change.

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Uses	The City of Greenbelt expresses concern that the city animal shelter could be impacted without a governmental use category.	City of Greenbelt	Refer to the discussions above. The city-owned and operated animal shelter is exempt from the regulations of the Zoning Ordinance; there is no impact on the animal shelter as a result of Clarion Associates' recommendations.	Make no change.
Uses	What about churches?	Municipalities, Communities, Hyattsville Planning Committee	Versions of this question have been the most common single question received by the staff project team. In Clarion Associates' review of current County regulations, they determined the County runs a risk of legal challenges with regard to regulations that pertain to churches. Churches and other institutions are protected by the federal RLUIPA (Religious Land Use and Institutionalized Persons) Act, and cannot be treated differently from any other use. Clarion makes several recommendations to relax current regulations impacting churches to address this risk.	Make no change.
Uses	Additional regulations on the development of "solar energy collection facilities, large-scale" should not be required. Such uses should only be subject to the requirements of the intensity and dimensional standards for the proposed zone, the Landscape Manual, and the County's Woodland Conservation ordinance. The proposed regulations for this use speak to lot coverage, while solar equipment is not a structure and would not normally be factored into lot coverage; if the panels themselves are part of the calculation, it would limit the number of potential solar panels on a given site. Finally, the height limit should also be controlled by the zone where the use is proposed, rather than a global 20 foot height restriction.	Daniel Lynch, Esq.	Staff does not have strong opinions regarding the specifics of these comments, but supports sustainable energy generation in general for the new Zoning Ordinance.	Clarion Associates should provide the staff project team with information as to why additional requirements for large-scale solar energy collection facilities as proposed on page 27-4—36 are recommended, and if they are effective for other jurisdictions.
Uses	Consider adding a definition and principal use pertaining to "food hubs."	Communities, Planning staff	Staff understands that a "food hub" is similar to a "farm distribution hub" but with perhaps a more refined focus. Staff's healthy foods expert indicates this use "is usually a facility that includes the activities of a farm distribution hub as well as food processing, training, commercial kitchen, retail market, and even a restaurant or a café." Staff defers to Clarion Associates for additional guidance on this potential use as a new defined use in the new Zoning Ordinance.	Clarion Associates should evaluate the suggestion and recommend a course of action regarding "food hubs."
Uses	Concern was expressed regarding existing and potential student rental units.	Town of Berwyn Heights	Student rentals are more a function of licensing than zoning or land use. Zoning establishes the permitted uses and defines the uses and other terms – including terms such as "family" – which may be related to student housing and rentals, but the Zoning Ordinance is not the primary location for addressing student rental of single-family homes. Staff is aware of the importance of this issue and will continue coordination with Clarion Associates to ensure the new Zoning Ordinance appropriately incorporates elements pertaining to student housing.	Make no change.
Uses	Do adult entertainment uses include book stores?	Hyattsville Planning Committee	Yes. The County has spent much of the last decade refining the definitions and regulations for adult entertainment uses and is satisfied that they appropriately regulate these uses while providing for their constitutional rights to exist. Clarion Associates has carried forward the County's adult	Make no change.

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			entertainment uses and definitions in their entirety, and recommend these uses be directed to the proposed HI Zone in the future.	
Uses	<p>Citing the various types of group living uses proposed in Module 1, the City of College Park suggests an opportunity for a new use to apply to students who lease single-family homes in stable residential neighborhoods near a campus, perhaps something like “University Group Home.” This could allow for appropriate regulation of occupancy, parking, and other standards.</p> <p>The Prince George’s Property Owners Association opposes the creation of this use.</p>	City of College Park, Prince George’s Property Owners Association (represented by Bradley Farrar)	<p>Staff generally feels the currently proposed array of group living uses contained in Module 1 may be sufficient for the County’s needs.</p> <p>With regard to the suggestion for a “university group home” use, staff notes the June 23, 1993 decision of the Court of Appeals of Maryland in the case of <i>Kirsch v. Prince George’s County, Maryland</i> found that differentiating “between permissible residential tenant classes by creating more strenuous zoning requirements for some and less for others based solely on the occupation which the tenant pursues away from that residence is the sort of arbitrary classification forbidden under our constitutions.”</p> <p>For this reason, staff does not support any new use that attempts to make a distinction for university students and apply different standards to students than to any other potential tenant group.</p>	Make no change.
Uses	“Consider and modify historic and other special zoning district review processes that may inhibit or delay solar installations within those districts. Care should be taken to make solar provisions for special zoning districts minimally restrictive while respecting aesthetic concerns within the zones.”	Metropolitan Washington Council of Governments	Staff understands the inherent conflict between a desire for sustainable energy production and a desire to preserve scenic areas from the potential negative visual impacts of solar cells and other equipment. Staff defers to Clarion Associates for additional information.	Clarion Associates should provide the staff project team with additional information regarding best practices for solar arrays and installations along historic and scenic vistas and within historic communities.
Uses	Consider a new “heavy industrial campus” use for industrial campuses that may contain multiple uses under the same ownership.	Norman D. Rivera	<p>A campus concept is requested regarding industrial uses and properties that may be under single-ownership but which contain multiple industrial uses scattered across the property. There are inefficiencies with regard to providing parking, landscaping, green area, and other requirements of the County Code for individual use and occupancy permits within the same compound. A more cohesive approach – which may include or require an initial site plan approval – may eliminate these inefficiencies and further contribute to the County’s goals for streamlining and encouraging economic development underpinning the zoning rewrite project. Staff is intrigued by this recommendation but does not have sufficient expertise with this type of approach to make a final decision at this time.</p> <p>Mr. Rivera recommends parking be provided at 1 space per 1,000 square feet of industrial space increasing to 1 space per 400 square feet for more public interaction spaces such as offices, that tandem parking be allowed without any departures or variances and on-street and off-site parking be countable toward the parking requirement, and that a minimum green area of 10 percent be provided.</p>	Clarion Associates should provide the staff project team with their thoughts about this type of approach for heavy industrial areas under common/single ownership.
Uses in the General Commercial Office (GCO) Zone	Townhomes should be a permitted residential type in the General Commercial Office (GCO) Zone, and in general there seems to be no reason to restrict the residential types permitted in this zone to artist’s residential studios, live-work units, and multifamily development. Horizontal mixed-use development of commercial with townhomes and apartments is just as valid a development type as more vertical forms of mixed-use.	Lawrence Taub and Nathaniel Forman	Staff has no strong opinion regarding this request.	Clarion Associates should evaluate the suitability of townhouse development in the GCO Zone, including potential unintended consequences of permitting this type of dwelling in this zone.
Use Definitions	The addition of definitions for the uses is a great step forward from today’s lack of definitions.	Communities	Staff concurs.	Make no additional change.

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Use-Specific Standards	Consider adding language requiring particularly noisy principal uses to mitigate noise-generation to be at or below 65 dBA Ldn at any adjoining residential property line.	Planning staff	Uses such as “concrete or brick products manufacturing,” “concrete batching or asphalt mixing plant,” and “concrete recycling facility” may benefit from a requirement dealing with noise generation, perhaps something along the lines of: “Noise-generating facets of this use shall be placed so that noise levels are at or below 65 dBA Ldn at any property line adjoining a Residential zone.” Other particularly noisy uses may benefit from a similar requirement.	Clarion Associates should review this recommendation
Uses in the Planned Development Zones	The use of the term “allowable” to indicate which uses may be permitted in the Planned Development zones (subject to District Council approval) may not be in accordance with state law and case law.	Zoning Hearing Examiners	This question requires additional research by Clarion Associates and M-NCPPC attorneys.	Clarion Associates and M-NCPPC attorneys should look into this question and offer an opinion.
Uses in the Neighborhood Commercial Zone	Some proposed uses in the Neighborhood Commercial (NC) Zone are of concern, while others should be permitted where they are not in the current proposal.	Town of Upper Marlboro	<p>The Town of Upper Marlboro expressed the following comments on uses in the NC Zone:</p> <ol style="list-style-type: none"> 1. There are some concerns with uses such as lawn care and pool companies, which would fall into the “Personal Service Uses” category and are thus proposed to be permitted in the NC Zone. 2. Gas stations should not be permitted. 3. Auto repair and towing should now be permitted, even as Special Exceptions. 4. Taxi or limousine service facility also is of concern due to space considerations. 5. A business service center should be permitted, along with employment/travel agency and parcel services. <p>While staff notes none of the undesired uses listed by the town exist in the portions of the town most likely to be rezoned to the NC Zone, there may be more of a concern with the addition of these types of uses moving forward should they remain permitted uses. Staff has no strong opinion regarding the three uses requested to be permitted within the NC Zone.</p>	<p>Clarion Associates should review these comments and determine if such uses – both those identified as of concern and those identified as desirable – are appropriate for the NC Zone on a Countywide basis given its intended purpose.</p> <p>Any resulting changes should be made for the NC Zone’s principal use table.</p>
Accessory Uses	The Metropolitan Washington Council of Governments (MWCOG) provided several suggestions regarding sustainable energy generation.	Metropolitan Washington Council of Governments	<p>MWCOG recommends small-scale residential and commercial sustainable energy generation as accessory uses allowed in all zoning districts, “by-right” zoning to permit both small and large scale sustainable energy installation, exempting solar systems from restrictions by covenants and from height and setback requirements, counting ground-mounted solar systems as pervious surfaces with regard to lot coverage regulations, and encouraging or requiring new development to consider solar systems in the design process.</p> <p>Most of these recommendations are addressed by Clarion Associates in a positive manner by allowing for a significant expansion of sustainable energy generation under the new zoning regulations.</p> <p>A Zoning Ordinance does not have the authority to prevent homeowner associations and other governmental entities from setting forth covenants which may have impact on sustainable energy generation.</p> <p>Staff does not support exempting solar system from height or setback regulations at this point in time.</p>	Make no changes.
Accessory Uses	<p>What about beekeeping?</p> <p>“As a part of the home garden, residents should be allowed to raise bees for honey.”</p>	Communities, Town of Berwyn Heights, Town of Cheverly,	Staff concurs with recommendations to consider beekeeping as an accessory use. Staff is cognizant of issues pertaining to allergies, and any possible consideration of beekeeping needs to address these issues.	Clarion Associates should provide the staff project team with national best practice approaches to beekeeping as an accessory use (to residential and nonresidential zones, and in mixed-use

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		City of Greenbelt, Planning staff	Staff feels that scientific research pointing to the decline in bee populations is of sufficient concern to merit evaluation of beekeeping to help restore the population, in addition to its other potential benefits for the County and its residents.	locations), and revise the accessory use tables and definitions as may be necessary.
Accessory Uses	“Add ‘Dog Park’ as a permitted accessory use to Parks and Greenways under the Open Space Use category.”	City of College Park	Staff has no objection to this request, but defers to Clarion Associates for additional input since it may be that “dog parks” could generate controversy or require additional considerations.	Clarion Associates should advise the staff project team on how other jurisdictions approach dog parks and if these facilities are commonly treated as accessory elements to other parks or recreation facilities.
Accessory Uses	“Add ‘Library, Personal’ as a new accessory use permitted in all zones.” This use is described by the city as similar to the concept of a “Little Free Library” and is a community-based book exchange that is becoming more common. It is viewed as similar to a freestanding mailbox in terms of allowable encroachment into required yards.	City of College Park, Town of University Park	Staff has no opinion regarding this proposed accessory use, and defers to Clarion Associates.	Clarion Associates should provide the staff project team with their recommendation on this proposed accessory use and if any potential use-specific standards may need to be defined.
Accessory Uses	“Both ‘Hookah Bars’ and ‘Electronic Cigarette Stores’ are becoming more popular and have some unique characteristics that might warrant them to be addressed in use-specific standards. Consider adding these as new uses in the code.”	City of College Park	Staff believes the broad use categories proposed by Clarion Associates are sufficient to deal with both “hookah bars” and “electronic cigarette stores,” and sees no clear need to provide additional zoning regulations for either potential use at this point in time.	Make no change.
Accessory Uses	Are there any setbacks for accessory uses?	City of Greenbelt	In general, no. However, some specific accessory uses may have proposed setbacks; check the use-specific standards for each accessory use.	Make no change.
Use Interpretations	Need to identify the appeal process from Planning Director decisions.	Municipalities	Appeals and other aspects of decision-making are addressed in Module 3 (Procedures). Appeals from Planning Director use interpretations are proposed to be heard by the Board of Zoning Appeals.	Make no change.
Specific Use Interpretations	Clarification and confirmation is requested regarding how an outdoor go-cart track; indoor recreation space with laser tag, small carnival rides, and other activities, bowling alley, recital hall, convention center, and exhibition hall will be construed under the principal use categories.	Lawrence Taub and Nathaniel Forman	Staff is not able to confirm the interpretation of specific uses until the final lists of uses and a use interpretation procedure are adopted by the District Council.	Make no change.
Health in All Policies and Health Impact Assessments	What should the new Zoning Ordinance do, if anything, to address the philosophical approach of “health in all policies?” What should the new Zoning Ordinance do, if anything, with regard to the current code requirements for Health Impact Assessments for all major development review applications and comprehensive plans?	Communities, Planning staff	Based on staff’s knowledge and familiarity with the “health in all policies” approach, staff believes that best practice zoning approaches and 21 st Century Zoning Ordinances and Subdivision Regulations by their very nature adopt an approach that looks at health and healthy outcomes in all manner of ways. Key recommendations that touch on “health in all policies” include encouraging or requiring transit-oriented and mixed-use development; providing sidewalks, trails, and bicycle facilities; requiring open space and recreation amenities; enhancing access to jobs, shopping, and recreation in proximity to homes; ensuring environmental factors are mitigated and improved; and numerous other approaches. In general, it is nearly impossible to create a modern set of codes that do not incorporate “health in all policies.” In contrast, and in conversation with the Health Department, Clarion Associates team, and with the benefit of participation in the County’s Health Impact Assessment mentorship program training, staff believes that Prince George’s County does not currently follow the best practice approach to Health Impact Assessments. The best practice is to first determine the need for conducting a Health Impact Assessment; today, we skip this step and require them even when they may not be necessary or beneficial. Furthermore, there are fundamental staffing and timing issues at play with the Health Impact Assessment process that makes them impossible to	Staff defers to Clarion Associates to offer any points in opposition or support to staff’s analysis on the “health in all policies” and Health Impact Assessment questions. Should there be any recommended changes to the County’s current Health Impact Assessment requirements, staff expects to see them contained in Module 3 (process and administration).

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			<p>incorporate for nearly all comprehensive master plans, and exceedingly difficult to produce meaningful recommendations in the timeframe given for review of individual development applications.</p> <p>One other point of consideration, which has been confirmed as a national experience by Clarion Associates, is that it is very difficult to incorporate recommendations or conditions of approval for individual development applications to address Health Impact Assessment findings that affect super-regions or other massive geographies. For example, there is very little that can be done for a single development to improve the health quality of the Washington, D.C. Metropolitan region. There are few things that staff, the Planning Board, or the District Council can do in response to the recommendations of the Health Impact Assessments at the scale of the individual project.;</p>	
Sustainable Development	There is a “Commission on Tax Credits for Green Development.” Is this related to zoning? Are we looking at other types of incentive programs?	Municipalities	No directly, no. Incentive programs focus more on implementation. However, Module 1 includes a number of recommendations such as new uses that focus on green and sustainable development elements such as clean energy generation and electric vehicle charging stations.	Make no change.
Sustainable Development	“How do the new zones and regulations protect the environment and promote sustainable development?”	City of Greenbelt	The new Zoning Ordinance will not only include appropriate references to the parts of the County Code that regulate the environment, it will include sustainable development features such as a proposed green building incentive program, strengthened open space and landscaping requirements (particular with regard to urban tree canopy), and other similar best practice approaches.	Make no change at this time.
Transfer of Development Rights	There is nothing on a possible transfer of development rights program in Module 1.	Hyattsville Planning Committee	<p>The initial recommendation, not only of Clarion Associates and staff but also by a County transfer of development rights (TDR) task force, is that Prince George’s County is not in a market condition to support the development and successful implementation of a TDR program. Successful programs require three elements: sending areas, a bank or exchange, and receiving areas. The main commodity that is subject to TDR programs consists of density in the form of development rights of property.</p> <p>The County has a large Rural and Agricultural area that may one day benefit from a possible TDR program to enhance the ability to protect sensitive environmental and agricultural lands, but we do not yet have the market conditions necessary to establish successful receiving areas or to generate a need to transfer additional density to targeted growth locations.</p> <p>TDR programs should be explored in the future, but at this time would not need to be part of the new Zoning Ordinance.</p>	Make no change.
Bonus Density Programs	There are no bonus density program recommended in Module 1.	Hyattsville Planning Committee	<p>As discussed immediately above, the current and foreseeable market conditions in Prince George’s County do not support the need for a bonus density program, which would typically be used to provide for density bonuses in targeted growth locations if developers provide additional amenities. One of the key challenges the County faces with some of our current mixed-use zones is that we are unable to realize the maximum density these zones already permit today.</p> <p>Additionally, Clarion Associates’ proposed Planned Development approach already offers the County most of the advantage of a bonus density program while avoiding many of the disadvantages. With a planned development proposal, the applicant has to justify any bonus they are getting by offering valuable amenities that make sense for that location and that community. Moreover, the trade-off takes place in full public view with plenty of opportunity for affected residents to weigh in. Finally, the approval of a Planned Development zone is at the</p>	Make no change.

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			<p>discretion of the District Council, so if a proffer is not good enough or the County, municipality, or community does not stand to gain, the Council can say no.</p> <p>Thus, the Planned Development approach is “safer” than a pre-established bonus density chart or formula. With a formula, the Zoning Ordinance would have to predict ahead of time what kind of amenities will adequately offset what specific densities, for projects the County has not even seen. If we get it wrong, the legislation may offer insufficient density bonuses to get desired amenities, or conversely offer too much density. And the District Council will be locked in to the legislative formula, unable to turn down a project that satisfies the formula but does not achieve the desired outcomes.</p> <p>Clarion’s philosophy is to set base density, heights, development standards, etc. at a level the community is clearly comfortable with, and to allow such development to proceed with a streamlined approval process. Any applicant who wants to do more has to ask for a Planned Development zone, which gives the District Council broad discretion and gives the community additional opportunities for input and discussion of the proposed development.</p>	
Subdivision	Make sure that the developer does not subdivide their property in such a way as to bypass the threshold requirements established in the Zoning Ordinance (e.g. lot size or development parcel requirements).	Municipalities	Staff believes that, under today’s processes, this is very unlikely to happen because of the time, expense, and uncertainty inherent in the County’s subdivision and development review procedures. However, since a major goal of the Zoning Ordinance and Subdivision Regulations rewrite project is to streamline development, we will keep this in mind as a possible loophole.	Clarion Associates should keep this concern in mind as the bulk of the Subdivision Regulations are drafted for public review with Module 3 (process and administration).
Fence Regulations	The City of Bowie expresses concern with the maximum height of fences in the current Zoning Ordinance for corner lots.	City of Bowie	<p>The city’s concern deals specifically with front yard fences for corner lots, where the maximum permitted height is four feet, and feels that six foot fences are appropriate for corner lots. This “regulation hampers the property owner’s ability to provide adequate safety and privacy screening without the need of a variance.” There have been an increasing number of variance requests for corner lots, with seven to eight being processed by the city annually.</p> <p>The protections of the Bowie City Code and municipal code compliance are felt to be more than adequate to deal with the illegal vehicle repair and visual issues on corner lots cited as the rationale behind the law set in 2008, which makes the County’s fence regulations more restrictive than the city’s. The city asks that the Zoning Ordinance rewrite address this situation “either by repealing the 2008 provisions or finding a way to exempt municipalities that comprehensively regulate fences within their jurisdictions. If repeal is not possible, perhaps the pre-2008 rules can be re-established for municipalities that have fence regulations in their municipal codes.”</p> <p>Fence regulations will be part of Module 2 (development standards), expected in April 2016. Staff recommends waiting to see Clarion Associates’ proposals on best practice approaches to fence regulations before addressing this concern.</p>	Make no change to Module 1.
Fence Regulations	Municipalities should have more influence on regulations on yard fencing. The principal concerns expressed by municipal representatives focused on having more visual transparency in fencing to be able to view vistas and wildlife. Side yard fencing was not supported.	Town of Cheverly	Fence regulations will be part of Module 2 (development standards). Staff recommends waiting to see Clarion Associates’ proposals on best practice approaches to fence regulations before addressing this concern.	Make no change to Module 1.
Fence Regulations	“Module 1 changes should not result in lessening control by municipalities with respect to fencing.”	Town of University Park	Fence regulations will be part of Module 2 (development standards). Staff recommends waiting to see Clarion Associates’ proposals on best practice approaches to fence regulations before addressing this comment.	Make no change to Module 1.

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			Municipal authority will be part of Module 3 (administration and process). Staff recommends waiting to see Clarion Associates' proposals regarding the municipal role before addressing this comment.	
Agriculture Compatibility Regulations	<p>What should the appropriate buffers be for new development adjacent to existing agriculture operations, and is there any thought on providing buffering on the basis of who "comes in" first or develop first?</p> <p>May want to look at how to handle conflict resolution between intense agricultural operations and residential development.</p> <p>The home owner/developer should provide the buffering, not the farmer.</p>	Communities	These questions pertain to the proposed agricultural compatibility standards that would be part of Module 2.	Make no change.
Parking	Should parking ratios be based by zone and not just by use?	Planning staff	This is a question more appropriate to Module 2 (development standards), which will include parking regulations.	Make no change.
Regional Continuity	What is the regional continuity with other jurisdictions? Are we looking at what is happening in our neighboring jurisdictions? How do the recommendations made by Clarion Associates compare to our neighbors?	Municipalities	Yes, staff and Clarion Associates generally keep abreast of what our neighbors are doing and try to coordinate with them closely. Clarion Associates' recommendations to date track very closely with both national and local best practices, including the new codes approved for Montgomery County and the District of Columbia.	Make no change.
Code Enforcement	Need increased code enforcement in the County, including evening, weekend, and night-time enforcement.	Council, Communities	<p>The Zoning Ordinance and Subdivision Regulations cannot impact code enforcement staffing and hours, but the streamlining and simplifying goals of the rewrite project will make the job of County code enforcement staff easier. Additionally, staff is working with the Department of Permitting, Inspections, and Enforcement and the County Office of Law in this effort to ensure the strong regulations that form the backbone of enforcement are in place and will be effective.</p> <p>Staff must also note that the Zoning Ordinance and Subdivision Regulations are not budget documents. Lack of resources is a budget issue that will need to be addressed through other means.</p>	Staff will continue to coordinate with appropriate agencies to ensure code enforcement goals are facilitated through the rewrite.
Town of Cheverly Planning Board	The Town of Cheverly Planning Board raised a number of questions that pertain to the overall goals and intent of the Zoning Ordinance and Subdivision Regulations Rewrite and to future Modules.	Town of Cheverly	Staff has reached out to the town's planning board to offer a follow-up discussion to address the detailed questions offered by the town. Some of the questions are addressed elsewhere in this analysis. Most of the questions do not directly pertain to Module 1 and are not addressed herein.	Staff will continue to coordinate with the town and town planning board.
2013 Greenbelt Metro Area and MD 193 Corridor Development District Overlay Zone (DDOZ)	The exemption statements in the 2013 Greenbelt Metro Area and MD 193 Corridor Development District Overlay Zone (DDOZ) that pertain to existing shopping centers and independent pad sites should be retained to allow the continued operation of existing development "without undue time and cost burdens for any of the noted additions."	Lawrence Taub and Nathaniel Forman	<p>Staff does not concur with this request. One of the many goals of the Zoning Ordinance rewrite is to standardize the standards and application of regulations throughout the County. Retaining specific exemption statements that apply to very limited numbers of properties as contained in any of the 18 separate overlay zone regulatory plans in effect in the County today runs counter to this important goal.</p> <p>Further, exemption statements such as those referenced by Mr. Taub and Mr. Forman are considerably more important for property located in one of the County's current DDOZ or Transit District Overlay Zone (TDOZ) areas because their innate complexity and substantial number of highly detailed development regulations place a much more significant burden on affected property owners than would be realized through a modern Zoning Ordinance with development standards that apply equally to all owners of similar (in this case, commercial and potential</p>	Make no change.

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			mixed-use) property. Such exemptions are not necessary moving forward as all parties will be on a level playing field throughout the County.	
Request for Rezoning	The Victoria Falls Community Association, Inc., requests consideration for rezoning from the current industrial zoning for the community to appropriate residential zones.	Victoria Falls Community Association, Inc.	This comment does not directly pertain to Module 1, but should be considered as part of the development of the methodology for the upcoming Countywide Map Amendment.	Make no change at this time.
27-3—1 Establishment of Zones	<p>“Why is there not a Resource Protection Zone that preserves and protects significant features on private land? Many communities have a floodplain protection zone, for example. If the County is serious about protecting these features, the RPZ would do that on private land, complementing the approach taken in the PL zone for public properties.”</p> <p>Examine the potential for the protection of the County’s Green Infrastructure network through some type of zoning district; this could be “another way of addressing the need for a Resource Protection Zone that goes beyond land in public ownership.”</p>	Municipalities	<p>In some respects the Chesapeake Bay Critical Area Overlay Zone is the County’s floodplain protection zone, at least along major tributaries to the bay, but in general terms implementing a “resource protection” zone on privately owned properties is a delicate balancing act that potentially involves property and Constitutional rights and may not result in anything substantively better than what we are able to achieve today through other approaches.</p> <p>Rather than taking a zoning approach to this important environmental preservation and restoration goal, staff believes that the current environmental regulations within the County Code are very effective measures for protecting environmentally sensitive lands. Prince George’s County remains the state leader in environmental regulation, and these other sections of the County Code (Trees and Vegetation, Water Resources Protection and Grading Code, etc.) should remain the primary locations for environmental standards. The new Zoning Ordinance and Subdivision Regulations will make appropriate cross-referencing to these standards.</p>	
27-3—1 Establishment of Zones	The name “Rural Residential Zone” may be misleading because this zone really doesn’t seem to have much of a “rural” character.	Planning staff	There were some suggestions that the density restriction of 2 dwelling units per acre in this zone detract from any rural character, and some long-time staff believe that this zone has never been “rural” in nature.	Clarion Associates should review the purpose and regulations of this zone and offer the staff project team a recommendation regarding the nomenclature.
27-3—1 Establishment of Zones	<p>To what do the “4.6” and “6.7” in the single-family residential zones pertain?</p> <p>The Single-Family Residential (SFR) 4.6 and 6.7 zones have confusing names. Why not just use the current names?</p> <p>Why not continue to seek logic in the new zone names? Don’t keep the current names (R-80 and R-55) just because people are more used to them.</p>	Council, Municipalities, Communities, Hyattsville Planning Committee, Planning staff	<p>Staff has received a number of comments regarding the proposed renaming of the current single-family detached residential zones R-80 and R-55 to the proposed Single-Family Residential-4.6 (SFR-4.6) and Single-Family Residential-6.7 (SFR-6.7) zones.</p> <p>Clarion Associates’ rationale for suggesting new names for these two zones is to introduce logic to the nomenclature. At this stage, Clarion has chosen to reflect the maximum density permitted in these zones in their names to be consistent with the proposed multifamily residential zones. Thus, 4.6 and 6.7 stand for the maximum dwelling units allowed per acre in these single-family residential zones.</p> <p>The R-80 and R-55 zones have no logic or relationship to anything in the current Zoning Ordinance. They were, at one time, related to the minimum lot size of these two zones. However, the current minimum lot size for the R-80 Zone is 9,600 square feet; the current minimum lot size for the R-55 Zone is 6,500 square feet. Were they named to reflect lot size, they should be called the R-96 and R-65 zones today. R-80 and R-55 do not mean anything; they are simply names we, as a County, are more used to.</p> <p>Staff concurs with the general approach taken by Clarion Associates to bring a measure of logic to these residential zone names. There is sufficient time in the Zoning Ordinance update to determine what relationships are most appropriate to serve as the basis of new names for these zones, or to determine that the current names should be carried forward, but in the meantime staff recommends retaining the proposed names to solicit additional input.</p>	Retain the currently proposed names for the SFR-4.6 and SFR-6.7 Zones until the Comprehensive Review Draft to solicit additional input and explore potential alternate names as may be appropriate.

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27-3—6 PL Zone	Concern was expressed that if the PL Zone is to be the zone for all public properties, they may not conform to the specified intensity and dimensional standards. “Perhaps not all public land should be rezoned to PL.” How does Clarion Associates envision the use of the proposed Public Land (PL) Zone? Would this zone apply to all publicly owned land in the County?	Communities, Municipalities, Planning staff	The PL Zone is envisioned as the primary zone for large holdings of land under public ownership; in particular, this zone is a direct replacement of the current Reserved Open Space (R-O-S) Zone, which typically requires 20 acres or more. Staff is not yet sure if this zone is envisioned by Clarion as the zone for all publicly-owned land in Prince George’s County. Staff notes that many public entities are exempt from the County’s Zoning Ordinance, including any intensity and dimensional standards. This will not change in the new Zoning Ordinance. This means that entities such as the Federal and state governments, The M-NCPPC, municipalities, and WMATA are not subject to the regulations of the Zoning Ordinance, regardless of the current (or proposed) zoning. Moving them from the PL Zone to another zone will not make a difference. Any changes in this relationship must come from the State of Maryland and are outside the scope of this project; furthermore, the state itself cannot subject the Federal government to local zoning authority.	Clarion Associates should clarify to the project staff team if the PL Zone is envisioned as a zone to apply to all public land in the County or is envisioned for large holdings as is the case with the current R-O-S Zone.
27-3—6 PL Zone	How would this zone accommodate/support recreational uses, such as for publicly owned parks and recreation properties throughout the County? Active recreation in particular seems contrary to the purpose statements as they stand today.	Municipalities	This comment does raise questions regarding the current ownership pattern and uses within the R-O-S Zone and as proposed for the PL Zone.	Clarion Associates should re-evaluate the purpose statements of the proposed PL Zone and add a new purpose statement as may be appropriate to address recreation uses.
27-3—14 AR Zone	The proposed Agricultural-Residential (AR) Zone should not permit or encourage estate housing, “since residential subdivision is not always compatible with agricultural uses.” Should residential use be retained, conservation subdivision should be encouraged.	Municipalities	Residential development at a maximum of 2 dwellings per acre is appropriate to retain within the proposed AR Zone; staff notes the purpose statement of the zone does not highlight or emphasize a desire for “estate” housing. As a general rule, the Clarion Associates team made few changes to the County’s residential zone density and dimensional standards in order to avoid creating non-conforming uses. Staff concurs with this approach. The compatibility of residential and agricultural uses will be addressed with proposed development standards in Module 2 of the Zoning Ordinance rewrite. Conservation subdivisions are referenced in the purpose statement of the zone as an alternative to standard subdivisions on 2-acre lots. Staff notes that conservation subdivisions are required within the County’s Rural and Agricultural Area and anticipates this requirement will carry forward with the new Subdivision Regulations proposed by Clarion.	Make no change.
27-3—14 AR Zone	With regard to the proposed Agricultural-Residential (AR) Zone, there are some questions pertaining to process: 1. If there is a building permit on an AR lot, will one need to depict an agricultural area on a site plan? 2. How would subdivisions within the zone be impacted by any changes made by the Zoning Ordinance rewrite?	Planning staff	These questions will not be addressed until Module 3 (process and administration). Clarion Associates envisions robust grandfathering provisions that would result in no impact to current subdivisions, but the details are yet to be provided.	Make no change at this time.
27-4—14 AR Zone	“Will conservation subdivision have density and lot area requirements?”	City of Greenbelt	Staff cannot answer this question at this time. Conservation subdivision proposals will be part of Module 3 (process and administration), expected in Summer 2016.	Make no change at this time.
27-3—15 AR Zone	Some difficulties have emerged within the community over time with a 10 percent maximum lot coverage in the current Residential-Agriculture (R-A) Zone, and indicated that a text amendment was passed to increase the lot coverage maximum for the community.	Municipalities	This comment seems to conflict with the prior comment – if the desire is to see a more truly agricultural zone, it would make sense to keep the lot coverage maximum as low as feasible to preserve more land for farming operations and other agricultural uses. With Clarion’s proposed shift of the R-A Zone to the AR Zone and renewed emphasis on the “agriculture” aspect of the zone, staff believes the 10 percent lot coverage maximum to be appropriate.	Make no change.

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Page Number	Comment	Source	Staff Analysis	Staff Recommendation
27-3—18 Residential Base Zones	“How will the zoning ordinance deal with non-conforming lots?”	City of Greenbelt	Non-conformities, grandfathering, and other transitional provisions will be part of Module 3 (process and administration), expected Summer 2016.	Make no change.
27-3—29 SFR-4.6 Zone	The distance between houses (e.g. the minimum side yard depths) should be increased in the current R-80 (proposed Single-Family Residential-4.6 SFR-4.6) Zone since houses seem too close together.	Communities	The current side yard requirement in the R-80 Zone is a minimum total of 17 feet, with a minimum of 8 feet on each side of a dwelling. This results in a minimum separation of 16 feet between adjacent homes. This is an appropriate separation for development in a zone with lot sizes of 9,500 square feet and larger. The recommendation for the SFR-4.6 Zone is to standardize the current requirement at a minimum depth of 8 feet per side yard.	Make no change.
27-3—32 and 33 SFR-6.7 Zone	Consider revising the lot coverage for the proposed Single-Family Residential-6.7 (SFR-6.7) Zone to 5,000 square feet “to reflect current R-55 building stock.”	Communities	The current R-55 Zone minimum lot size standard is 6,500 square feet and the proposed SFR-6.7 carries this minimum forward. The R-55 Zone was originally named to reflect 5,500 square foot lots, and a large portion of the County’s R-55 lots are larger than 5,500 square feet today.	Make no change.
27-3—33 SFR-6.7 Zone	The City of College Park supports the regulations of the proposed Single-Family Residential – 6.7 (SFR-6.7) Zone that will replace the One-Family Detached Residential (R-55) Zone. However, the city cites the importance of the grandfathering and transitional provisions of the new Zoning Ordinance in dealing with many grandfathered properties in the city today.	City of College Park	The grandfathering provisions are expected to be part of Module 3 (process and administration), expected Summer 2016. The city and other County stakeholders will have opportunity to review and comment on these and other key procedural recommendations at that time.	Make no change.
27-3—33 SFR-6.7 Zone	“Why the reduced width and coverage from single-family detached dwellings?”	City of Greenbelt	The lot width and lot coverage numbers are unchanged from the current Zoning Ordinance. The current One-Family Detached Residential (R-55) Zone establishes the same 65 foot minimum lot width for single-family detached dwellings and 45 foot minimum for other uses as the proposed Single-Family Residential-6.7 (SFR-6.7) Zone. Similarly, the lot coverage maximums are identical to the current regulations.	Make no change.
27-3—33 SFR-6.7 Zone	Consider increasing the lot coverage to 35 percent to minimize the need for variance approvals based on historical data.	Communities	Clarion Associates has proposed an expanded process (which they call Adjustments) that could allow for limited changes to base zone dimensional standards without the need of a variance. Variances are also still part of the proposed Zoning Ordinance. Since there are procedures to allow for larger lot coverage if the need should arise and there are concerns with regard to reductions in tree coverage/environmental feature intrusion and increasing a long-time lot coverage maximum for one of the County’s most common residential zones, staff does not recommend an increase in the maximum lot coverage.	Make no change.
27-3—37 SFR-A Zone	Why are the proposed densities in the Multifamily Residential-12 (MFR-12) Zone different than in the Single-Family Residential – Attached (SFR-A) Zone? The net lot area for two-family and three-family dwelling units “is opposite townhouse as shown in the SFR-A. Is this correct?” The townhouse density in the proposed SFR-A Zone “seems too high. What is it now?”	City of Greenbelt	The proposed density levels between the MFR-12 and SFR-A zones are intended to be different to reflect their different purposes and uses. Staff notes that most of the current residential regulations on density have been carried forward in the proposed, streamline zones offered by Clarion Associates to reduce the creation of non-conforming uses. The exception is the proposed increase in townhouse dwelling density in the MFR-12 Zone from 6 dwellings per acre to 12 dwellings per acre, which Clarion Associates recommends because it is “more compatible with the higher-density multifamily dwellings that are the primary focus of the MFR Zone. Such a low-density limit relative to that for multifamily development discourages townhouse development, which can be appropriate to the Zone.” (See footnote 11 on page 27-3—43). Staff is unclear what is meant by the second comment. Generally speaking, the net lot areas, yard requirements, and other regulations were also largely carried forward to reduce the potential for creating non-conforming properties.	Make no change.

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			The proposed townhouse density for the SFR-A Zone is 16.33 dwellings per acre. The current R-20 Zone, which is one of the base zones collapsed into the SFR-A Zone, allows 16.33 townhouses per acre today.	
27-3—58 Transit-Oriented / Activity Center Base Zones	The reference to Section 27-5.900 in 4. References to Other Standards does not apply to the Single-Family Residential – Attached (SFR-A) Zone.	City of Greenbelt	Comment noted. Clarion Associates’ including of these “References to Other Standards” tables are currently placeholders and will be customized to the appropriate cross-references that do apply to each zone at the time of the Comprehensive Review Draft.	Make no change at this time.
27-3—59 Transit-Oriented / Activity Center Base Zones	The city has a number of questions regarding the curb cut standards table on this page: “Do the curb cut standards apply only to one side of the road, or do we consider curb cuts on opposing sides of the road?” “Shouldn’t it be indicated which streets will not have curb cuts?” “How do you determine responsibility for shared curb cuts?” “How do the standards relate to the DPW&T standards and specifications?”	City of Greenbelt	Curb cut standards would typically apply only to the side of the street on which the development takes place, since the developer may not have any control of the other side of the street. Where curb cuts may be necessary they should be aligned (to the extent practicable) with any curb cuts on the other side of the street. No, streets that would not allow curb cuts whatsoever cannot be identified in advance, at least not without a more stringent form-based code approach including regulating plans. There are always property-specific circumstances that may necessitate a curb cut along such a street as it may be the only way to provide access to the property. Each property would need to be looked at on a case-by-case basis. There are a number of ways to deal with shared curb cuts but staff is unclear as to what Clarion Associates may have in mind. Staff is coordinating closely with the County Department of Public Works and Transportation (DPW&T) throughout the zoning rewrite project. DPW&T is also currently working on urban street specifications which will be a tool integral to the success of the proposed transit-oriented/activity center base zones.	Clarion Associates should offer the staff project team their thoughts regarding shared curb cuts – will they require agreements? Who maintains? Etc. It may be necessary to include this information in the Comprehensive Review Draft; at minimum, such information may need to be part of the proposed process manual that will accompany the new Zoning Ordinance.
27-3—60 Transit-Oriented / Activity Center Base Zones	“What is the reasoning behind the 50% reduction in minimum number of off-street parking spaces in certain zones?” “Are garage spaces counted?”	City of Greenbelt	Clarion Associates provide their rationale for reducing the minimum number of off-street parking spaces required for development in the Transit-Oriented/Activity Center base zones in footnote 7 on page 27-3—60. The major points touch on the concern that excessive surface parking undermines pedestrian-oriented character, reductions in parking demand realized by mixed-use development, and availability of transit as an alternative to driving. Structured parking spaces do not count toward the maximum allowed off-street vehicle parking spaces in the Transit-Oriented/Activity Center base zones.	Make no change.
27-3—60 Transit-Oriented / Activity Center Base Zones	The exemption of minimum off-street parking spaces for the core area of the Local Transit-Oriented Planned Development (LTO-PD) and Regional Transit-Oriented Planned Development (RTO-PD) zones may make it more difficult to establish required contributions toward future parking districts.	Planning staff	While staff generally supports the recommendation to waive minimum parking requirements in areas served by major transit hubs, some concern was expressed that there may be a disconnect with future parking districts. If there is no minimum required amount of parking, a different approach to calculating fees-in-lieu or other contributions to a parking district would be required.	Clarion Associates should take this comment into consideration with particular regard to the proposed parking standards to be included with Module 2 (development standards), and be prepared to discuss alternatives for effective parking district contributions.
27-3—61	Does the street frontage requirement for the arrangement and design of off-street vehicle parking refer to public or private streets?	City of Greenbelt	Both. There is no distinction between public and private streets for these regulations.	Make no change.

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Transit-Oriented / Activity Center Base Zones				
27-3—63 Transit-Oriented / Activity Center Base Zones	Regarding the reference to enhanced window treatments as an option to mitigate building massing and scale, “isn’t this a detail of a complete and occupied building?”	City of Greenbelt	No. This standard refers to <i>architectural</i> enhanced window treatments, not interior window treatments such as curtains and drapes.	Make no change.
27-3—63 Transit-Oriented / Activity Center Base Zones	Does the requirement that “at least one such entrance shall be provided for each street-level tenant space that is at least 25 feet wide” refer to an exterior entrance?	City of Greenbelt	Yes. The phrase “one such entrance” builds on the standard immediately above.	Make no change.
27-3—63 Transit-Oriented / Activity Center Base Zones	Regarding minimum percentages of street level facades for windows and doors transparency, “can this be defined?”	City of Greenbelt	These minimum percentages are defined; they are specified with each individual Transit-Oriented/Activity Center zone.	Make no change.
27-3—64 Transit-Oriented / Activity Center Base Zones	Light transmittance and light reflectance requirements will necessitate additional application materials.	Planning staff	Staff highlights this item at this point in time to flag it for Module 3 (process and administration). Providing minimum light transmittance and maximum light reflectance values for by-right/permit-level approvals will necessitate plan notes, additional submittal materials, and possible inspector training.	Make no change to Module 1 at this time. Ensure Module 3 or the proposed procedures manual include provisions that speak to the proposed window and door opening transparency requirement.
27-3—78 Regional Transit-Oriented (RTO-) Zones	Regarding the core area for the proposed Regional Transit-Oriented (RTO-) Zones, “how can there be an RTO zone if there is no transit station?”	City of Greenbelt	The RTO- zones are intended to provide the County with a strong tool to implement the Plan 2035 General Plan policy guidance, with a strong link to the Plan 2035-designated Regional Transit Districts. National Harbor is a Regional Transit District, and does not include a transit station within the development.	Make no change.
27-3—87 Nonresidential Base Zones	With regard to the 7 th general purpose statement of Nonresidential base zones on page 27-3—87, “shouldn’t this apply to all residential neighborhoods, existing or planned?”	City of Greenbelt	No. The potential impacts of nonresidential development tend to be much greater when new development is proposed next to existing residential communities than when it may be proposed next to future or envisioned residential areas. There is no guarantee planned residential neighborhoods will be realized, and should they be, they would also be subject to the regulations of the Zoning Ordinance and Subdivision Regulations to provide their own buffering, landscaping, and other mitigation measures on the neighborhood side of any adjoining development areas.	Make no change.
27-3—88 NC Zone	Support expressed for expanding the potential locations for the proposed Neighborhood Commercial (NC) Zone in general accordance with recent changes to the Washington, DC Zoning Ordinance to allow commercial development on corner lots. Concern expressed with the overall concept of the NC Zone, particularly with regard to any proposed expansion of commercial uses into existing residential communities.	Communities	The NC Zone has two primary intended purposes as envisioned by Clarion Associates: provide a zone to address existing commercial establishments within neighborhoods (e.g. corner grocery stores in the City of Mount Rainier, for example), and to address traditional “main street” areas in the County where the current Commercial Shopping Center (C-S-C) Zone has proven inadequate or unsuitable (e.g. Main Street in Upper Marlboro). It is not envisioned to allow for expansion into existing residential neighborhoods unless it results from a comprehensive plan process where ongoing community input clearly indicates a desire by that community for such uses. It would, however, offer the County the opportunity to take advantage of such desires, which none of the current zones would allow.	Make no change.

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27-3—88 NC Zone	Regarding the purpose statement, “is the only residential allowed as part of a commercial building?”	City of Greenbelt	No. The purpose statement of the proposed Neighborhood Commercial (NC) Zone encourages medium-density residential development on the upper floors of nonresidential buildings, but also indicates residential development “may exist as stand-alone buildings when integrated into a horizontal mixed-use development.”	Make no change.
27-3—88 NC Zone	The Town of Upper Marlboro is interested in the proposed Neighborhood Commercial (NC) Zone as a replacement of their current Commercial Shopping Center (C-S-C) Zone along Main Street. The Town indicated they are looking into the NC Zone in more detail to evaluate how it may apply to Main Street, particularly with regard to dimensional standards and intent.	Town of Upper Marlboro	Comments noted.	Make no change.
27-3—88 NC Zone	Would the proposed Neighborhood Commercial (NC) Zone allow for uses such as corner bakeries? Would it be possible instead to allow commercial uses throughout residential zones rather than have the NC Zone on corner lots or other designated properties?	Municipalities	Essentially, yes, the proposed NC Zone would allow for uses such as a bakery. It would be possible to allow these kinds of uses in all Residential zones but it could easily lead to unintended consequences and create uncertainty. If it is not regulated, then retail could end up sporadically dispersed among single-family residential properties, and the municipal constituents would not have any confidence that there would not be a retail store next to their home someday.	Make no change.
27-3—89 NC Zone	Consider reducing the minimum front yard depth for uses in the NC Zone; this may decrease the “pedestrian feel” and discourage parking in front of the building. The Town of Upper Marlboro is concerned that the minimum front yard depth and side yard depth would preclude the character of development that exists on Main Street, where buildings abut one another and share common walls in proximity to the street edge.	Communities, Town of Upper Marlboro	The proposed front yard depth of 15 feet minimum for the NC Zone in general seems appropriate to accommodate sidewalks, street trees, street lighting, environmental site design, and other elements of successful streetscapes. However, the Town of Upper Marlboro has a valid point with regard to both the minimum required yard depths for front and side yards for areas that have a more traditional “main street” character. There may need to be additional nuance in the NC Zone intensity and dimensional standards to accommodate this form of development.	Clarion Associates should re-evaluate the NC Zone intensity and dimensional standards with a “main street” character in mind. One way to address this development pattern may be to eliminate side yard minimums when buildings in the zone share a common party wall. It may also be helpful to clearly indicate that the minimum front yard depth may be adjusted or waived in accordance the process to reduce minimum front yard setbacks to the block face average (in accordance with Division 8) to more clearly indicate this provision offers a path of increased flexibility for largely built-out “main street” areas.
27-3—92 SC Zone	The purpose statement for the proposed Service Commercial (SC) Zone references “higher-intensity and auto-oriented commercial uses.” The city asks “what does higher intensity mean?”	City of Greenbelt	Since this is a purpose statement, the term “higher-intensity” does not need to be quantified per se, but would be interpreted as a common law usage. The details of the uses that are viewed as “higher-intensity” are a function of the use tables that reflect those uses that may be permitted in the NC Zone.	Make no change.
27-3—97 GCO Zone	What if an applicant wants to exceed the maximum dwelling unit density cap of 48 dwellings per acre in the General Commercial and Office (GCO) Zone? Mr. Taub and Mr. Forman request the proposed residential density cap of the GCO Zone be removed and that density	Town of Upper Marlboro, Lawrence Taub and Nathaniel	There are three potential approaches for increased residential density for properties that may be placed in the GCO Zone. In order of likelihood: 1. Rezoning to a Planned Development Zone that would permit additional density in exchange for higher-quality development and community amenities. 2. An adjustment from the regulations (refer to the 2014 Evaluation and Recommendations Report for more information on adjustments), which would be capped at a certain	Make no change.

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	<p>instead be set as proposed by the applicant and approved by the Planning Board and/or District Council.</p> <p>A somewhat related comment was received regarding adjustments and variances, and how they have been abused to bypass regulations.</p>	Forman, Communities	<p>percentage at which the Planning Director or Planning Board could grant flexibility of standards.</p> <p>3. A variance, which requires a determination of hardship impacting an individual property.</p> <p>Variances for density are not common; they typically apply to other regulations such as set-backs or building height.</p> <p>Details on adjustments and variances are expected as part of Module 3 (process and administration).</p> <p>Staff does not support the proposal to eliminate the proposed residential density cap of the GCO Zone. If a property owner/applicant feels they have the potential for additional dwelling units beyond the 48 dwelling units proposed to be the maximum density in the GCO Zone, they should seek rezoning to an appropriate Planned Development zone.</p>	
27-3—97 GCO Zone	There are no suggested Floor Area Ratio maximums in the nonresidential base zones for non-residential uses. This is viewed as an effective way to regulate building intensity.	Municipalities	There are no Floor Area Ratio minimums or maximums currently specified for non-residential uses in the proposed nonresidential zones.	Clarion Associates should provide their thoughts on if Floor Area Ratios are appropriate or necessary for these zones.
27-3—97 GCO Zone	The General Commercial and Office (GCO) Zone “seems to be an unregulated zone.”	City of Greenbelt	<p>Staff disagrees. While the intensity and dimensional standards listed for the GCO Zone on page 27-3—97 do not include density maximums, minimum net lot areas, lot width minimums, minimum lot coverage, or a maximum principal height (in general; see Notes 3 and 4 which would establish height criteria for non-residential uses in this zone), development in this and all the other zones in Module 1 will be subject to the development regulations to be proposed in Module 2 (development standards), as may be revised and ultimately approved.</p> <p>These regulations will include standards for form, signage, parking, lighting, and other key aspects of design quality.</p>	Make no change.
27-3—115 27-3—123 R-PD-L Zone	Regarding the proposed Residential Planned Development-Low (R-PD-L) Zone requirement for street access and the Mobile Home Planned Development (MH-PD) Zone requirement for emergency vehicle access, the city seeks clarification on whether lots and attached units required to have direct access to a street means public streets, private streets, or both.	City of Greenbelt	<p>These requirements apply to both public and private streets; there is no distinction.</p> <p>There is no Planned Mobile Home Community (R-M-H) zoning in the City of Greenbelt corporate limits today; there will be no rezoning to the MH-PD in the proposed Countywide Map Amendment and staff does not envision this zone used in the city at any point in the future given its purpose and the current and envisioned character of the city.</p>	Make no change.
27-3—127 27-3—143 27-3—149 Transit-Oriented / Activity Center Planned Development Zones	<p>How will the County/Planning Department track the percentages of mixed-use development required in the proposed Neighborhood Activity Center Planned Development (NAC-PD), Local Transit-Oriented Planned Development (LTO-PD), and Regional Transit-Oriented Planned Development (RTO-PD) zones?</p> <p>Are the requirements for the entire area at a given center or for each individual application? The use of the term “gross floor area in the zone” suggests the former, but we seek confirmation of intent.</p>	Planning staff	These are key issues that must be addressed in either Module 3 (process and administration) itself or in the proposed companion procedures manual. The County has had poor success with this approach in the past and is seeking best practice guidance for ensuring a sufficient mix of uses is provided in targeted locations.	Clarion Associates should provide the staff project team with an overview of how other jurisdictions successful track and require a mixing of uses in transit-oriented areas, and follow up with forthcoming elements of the proposed Zoning Ordinance as appropriate.

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27-3—137 TAC-PD Zone	The City of Greenbelt believes the minimum density of 5 dwellings per acre for nonresidential and mixed-use development in the edge area for the Town Activity Center Planned Development (TAC-PD) Zone “doesn’t apply. Density applies to residential, which is shown.”	City of Greenbelt	The minimum density for nonresidential and mixed-use development as shown in the table does, in fact, apply. The residential figure is for residential development only. For maximum clarity, a number must be provided for vertical mixed-use development where residential is a component.	Make no change.
27-3—156 27-3—157 MU-PD Zone	Concern was expressed at with the proliferation of mixed-use zoning in the County, particularly the Mixed Use – Transportation Oriented (M-X-T) Zone, and particularly within the former Developing Tier. The proposed Mixed-Use Planned Development (MU-PD) Zone “should be restricted to specific activity centers identified in Area Master Plans or Sector Plans.” With regard to the location standards of the MU-PD Zone, confusion was expressed as to where the zone may be used.	Municipalities	Policy guidance contained in the Plan Prince George’s 2035 General Plan should help address the proliferation of mixed-use zoning in the County moving forward. More refined location criteria for some of the key base and Planned Development zones are contained elsewhere in this analysis. As envisioned by Clarion, the MU-PD Zone could be applied in much of the County. It could not be applied in a Plan 2035-designated center, any Residential Zone, or any Rural and Agricultural Zone. It could, in theory, be applied anywhere else. As staff understands the intent for this zone, it is envisioned to replace a number of current mixed-use zones, which are found today in a number of locations in the County. It will be incumbent on future comprehensive planning efforts to address any proliferation of mixed-use land uses and zoning in the County, but there will be need for a tool in the zoning toolkit to address current mixed-use properties.	Make no change.
27-3—171 APAO Zones	Paragraph 3.a. applies to the planning process, while 3.b. applies to the permitting process. Suggest revising paragraph 3.b. to be equivalent in language to 3.a.	Communities	The recommended change would fundamentally impact the nature of permitting within Aviation Policy Areas 4 and 6 by directly linking approval of permits for structures higher than 50 feet to a demonstration by the applicant that the structure will not project or penetrate the airspaces defined by Federal Aviation Regulations (FAR) Part 77. This change would be contrary to long-standing County policy and have a detrimental impact on economic development opportunities in proximity to general aviation airports.	Make no change.
27-3—174 Other Overlay Zones	The proposed Neighborhood Conservation Overlay (NCO) Zone “needs to prevent incompatible re-subdivision that would create lots that do not conform to the prevailing development pattern.” The desire for this zone to also prevent new homes that are not in scale with existing homes was also expressed, along with a caution not to overly regulate site and building features for home improvements.	Municipalities	The proposed NCO Zone may indeed be a potential technique to prevent significantly different scales of residential development from occurring within any existing residential neighborhood that may be placed in this zone, and appropriate development regulations for the district are established in the new Zoning Ordinance. The proposed zone offered by Clarion would seem to be a potential tool to meet the expressed desires. It would, however, require some subsequent action to establish the regulations and apply the NCO Zone over base zones within the County.	Make no change.
27-3—174 Other Overlay Zones	How are the proposed Neighborhood Conservation Overlay (NCO) Zone regulations determined, and by whom?	Town of Upper Marlboro	While the procedural recommendations offered by Clarion Associates will be made with Module 3 (process and administration) this summer, staff believes one way this may work is to include a project in the Planning Department’s work program. This would lead to a collaborative effort with the subject municipality or neighborhood. Once these standards are determined and approved, they would be codified within the Zoning Ordinance.	Make no change.
27-4—3 Principal Use Tables	Why not just define “flex space” then list the zones where it is permitted?	Municipalities	Staff does not believe the use of the term “flex building” in the context of the text on this page is meant to refer to a specific use. Instead, it is being used illustratively to talk about general mixing of uses. Defining the term “flex space” may be somewhat challenging since, by its very nature, it is flexible in application and interpretation.	Make no change.
27-4—3 Principal Use Tables	Community gardens “should be limited to public land or land owned by a nonprofit such as a church.”	Municipalities, Communities	The term “community garden” is recommended as a defined principal use in Module 1, and is suggested to be permitted in all base zones and allowable in all Planned Development zones. This recommendation is in accordance with national best practices as well as with County health policy and several health and healthy food studies produced for the County to increase access to healthy foods for all Prince Georgians.	Make no change.

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Page Number	Comment	Source	Staff Analysis	Staff Recommendation
	Others have expressed their concurrence with Clarion’s recommendation for community gardens to be located in numerous places.			
27-4—4 Principal Use Tables	Can the use tables be revised to show all the proposed zones in the same tables? Can the use tables be revised to show all uses in all zones for ease of reference?	Municipalities, Planning staff	The staff project team does not support these recommendations. Clarion Associates’ proposed reorganization of the principal, accessory, and temporary use tables seems to be reasonable, and sized at a scale to clearly reflect the information presented in the tables. Combining the tables to accommodate all the proposed zones would make them illegible at the size of the modules and Comprehensive Review Draft. This said, there are some specific recommendations pertaining to the use tables elsewhere in this analysis. There is no reason why consolidated tables could not be created by staff as internal references following the approval of the new Zoning Ordinance, but it is not advisable to do so for the legal and user-friendly purposes of the Zoning Ordinance itself.	Make no change.
27-4—5 Residential Zone Principal Uses	Are sawmills an appropriate use for a 2-acre zone (the Rural Residential RR Zone)?	Planning staff	This use is currently listed as requiring a Special Exception in the RR Zone, so this offers an opportunity to consider the appropriateness of the use within the zone.	Make no change.
27-4—7 27-4—13 Principal Uses	Would the increasingly common approach of mounting solar panels in large surface parking lots to shade cars while provide for energy collection quality as “solar energy collection facility, large-scale,” and if so, should this particular approach be more expansive in where it can occur?	Planning staff	The ability to mount solar panels in parking lots provides synergies and efficient use of land, and is a desirable outcome. If these panels could be considered large-scale facilities, they would be prohibited from most zones where such parking areas exist. This potential conflict should be resolved.	Clarion Associates should provide an answer to the central question. If the answer indicates such use would often be “large-scale,” a new approach to regulating this use needs to be provided.
27-4—9 Residential Zone Principal Uses	Should “performance arts center” be permitted in the SFR-6.7 and SFR-A zones?	Planning staff	These two zones are primarily residential in orientation. There is some concern that it may be difficult to accommodate performance arts centers in these two zones, particularly if there are a large number of performances.	Clarion Associates should re-evaluate this use and make a recommendation to the staff project team.
27-4—15 Nonresidential Zone Principal Uses	Why are “printing or similar reproduction facility” and “small engine repair shop” combined on the same use line? “Given today’s technology, a printing or reproduction facility uses much smaller, cleaner and quieter machines than existed for this use when it was first conceived, and there is no reason why this should require a special exception, instead of being permitted by right” in the General Commercial and Office (GCO) Zone.	Lawrence Taub and Nathaniel Forman	Staff has no comment.	Clarion Associates should indicate why printing or similar reproduction facility is considered similar to small engine repair shops.
27-4—15 Manufacturing Uses	With the evolution of manufacturing uses and expanding technology, including 3-D printing, wouldn’t it make sense to allow for maker spaces, technology incubators, and similar uses to be allowed in the transit-oriented/activity center and nonresidential base zones?	Council	Staff concurs, and wonders if there should be a new use type that speaks to emerging practices such as maker spaces and similar uses.	Clarion Associates should look to jurisdictions such as Seattle and San Jose, among others, to see how they are treating this emerging concept and make a recommendation regarding a) a new use type, and b) expanding such uses to these zones, perhaps as part of the use “manufacturing, assembly” or “fabrication, light.”
27-4—16	A “food or beverage production for wholesale” use should be permitted by right rather than by Special Exception in the	Lawrence Taub and	Staff has no comment.	Clarion Associates should offer insight as to the most common food or

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Nonresidential Zone Principal Uses	General Commercial and Office (GCO) Zone. A bakery within a shopping center in this zone could produce both goods for on-site sale and for restaurants or other retailers in the larger area. Why should this necessitate a Special Exception if a commercial kitchen is already likely required for the bakery or similar uses?	Nathaniel Forman		beverage wholesale uses and their size requirements and potential impacts that may necessitate a Special Exception in the GCO Zone.
27-4—17 Overlay Zone Principal Uses	“What is the reason for the (Neighborhood Conservation Overlay) NCO zone not appearing in this table?”	Municipalities	Each NCO Zone will be unique within Prince George’s County, and therefore a single defined use table for the zone would be impossible. Page 27-3—176 indicates that the District Council may prohibit use types within a NCO Zone. These prohibitions would likely have to be identified when the specific NCO Zone is developed and incorporated in the regulations to appear in Section 27-3.404.A.5. of the new Zoning Ordinance as they begin to be created and incorporated. Staff would anticipate that the uses of the underlying zone(s) will always prevail unless the specific NCO Zone itself prohibits a use.	Make no change.
27-4—23 Farm Winery Use-Specific Standards	The carried-forward regulations for farm wineries may cause some unintended consequences.	Planning staff	The prohibition on farm wineries containing food or beverage stores would presumably preclude things that may otherwise make sense for this use, such as the sale of cheese or other traditional accompaniments to wine tasting. Staff notes that Clarion Associates have already reviewed the use-specific standards for regulations carried forward from the current Zoning Ordinance and made numerous recommendations, but recognizes that Clarion is actively seeking additional input on other regulations that no longer make sense, can be trimmed, should be edited, or should be added.	Clarion Associates should re-evaluate the farm winery use-specific standards and offer best practice standards for potential food components as may be appropriate.
27-4—23 Rural Corporate Retreat Use-Specific Standards	Some revisions to the “rural corporate retreat” use-specific standards were recommended.	Planning staff	Staff recommend consideration of revising the principal building setbacks for “rural corporate retreat” to be 50 feet from property lines rather than 150 feet. Staff has no strong feelings on this recommendation.	Staff defers to Clarion Associates for a recommendation of the minimum principal building setback from property lines. If the best practice for a “rural corporate retreat” is 150 feet, this number should be retained.
27-4—33 Educational Uses Use-Specific Standards	The use-specific standards for schools may be too suburban and potentially restrictive.	Planning staff	Staff concurs, and notes the Board of Education is seeking alternative and innovative approaches to school siting – including within industrial zones – to locate suitable spaces in more developed/built-out parts of the County. These standards may overly restrict flexibility.	Clarion Associates should re-evaluate the use-specific standards for schools with a particular eye toward suitability of these standards for constrained nonresidential sites inside the Capital Beltway and revise as may be appropriate.
27-4—35 Transportation Uses Use-Specific Standards	The use-specific standard that prohibits storage for private airstrips may be problematic.	Planning staff	It seems appropriate to allow for a storage enclosure for aircraft that may be “based” at a private airstrip.	Clarion Associates should provide the staff project team with rationale on prohibiting storage at private airstrips.
27-4—42 Racetrack Use-Specific Standards	Is a use-specific standard based on a specific type of racetrack still necessary if the uses have been combined?	Planning staff	It may not make sense to have any minimum net lot acreage requirement that would only apply to pari-mutuel racetracks if “racetrack” has been consolidated.	Clarion Associates should let the staff project team know if there is a need to make a standard for pari-mutuel racetracks that would not be applicable to other types of racetracks.

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Page Number	Comment	Source	Staff Analysis	Staff Recommendation
27-4—44 Check Cashing Business Use- Specific Standards	A comment was received that outside lighting requirements should specify lighting be “dark sky friendly and focus light downward to the pavement.” Lighting in general was recommended to follow national guidelines for well-shielded lighting fixtures.	Communities	Module 2 (Development Standards) contains Countywide regulations on lighting fixtures, focusing on dark skies initiatives as one of the primary goals.	Make no change.
27-4—46 Gas Station Use- Specific Standards	“Storage needs definition” when prohibiting storage space rental or storage of wrecked motor vehicles at gas stations.	City of Greenbelt	Staff disagrees. Defining the term “storage” may create unintended consequences for other uses and elements of the Zoning Ordinance.	Make no change.
27-4—47 Personal Vehicle Sales and Rentals Use-Specific Specific	Can the use-specific standards for “personal vehicle sales and rentals” prevent “curbstoning?”	City of Greenbelt	The Maryland Motor Vehicle Administration defines “curbstoning” as an unlicensed vehicle deal. Staff is not sure this use can address “curbstoning” (though it does provide additional support, along with other elements of the County Code, for code enforcement when “curbstoning” sellers are identified). Perhaps Clarion Associates has experience with zoning regulations that may help discourage this practice.	Clarion Associates should let the staff project team know if they have drafted effective zoning language to address the issue of “curbstoning.”
27-4—50 Vehicle or Trailer Sales or Rental Use-Specific Standards	A standard that limits vehicle/trailer display pads to not more than 1 for every 100 feet of street frontage may be excessive.	Planning staff	Staff wonders if it may be excessive to limit the number of vehicle or trailer display pads for a sales or rental lot to just 1 per every 100 feet of street frontage. With Landscape Manual standards that should address buffering and visual quality in place, it may be that display of vehicles and trailers is not a significant issue.	Clarion Associates should let the staff project team know their thoughts regarding this comment.
27-4—55 Landscaping Contractor’s Business Use- Specific Standards	Use-specific standards for “landscaping contractor’s business” are more stringent than for “contractor’s yard” even though the businesses are in many ways similar.	Planning staff	Staff notes that the storage of large vehicles is a key element of both “landscaping contractor’s business” and “contractor’s yard,” and from this perspective it does not seem to make sense that the first is regulated more stringently than the latter. However, staff also recognizes that landscaping contractor’s business may involve more impact by the nature of its operation, including potential smell and rodent control aspects.	Clarion Associates should let the staff project team know if it is common in national best practices to provide some additional design regulations for “contractor’s yard” uses.
27-4—64 27-4—67 27-4—69 Family Child Care Home Accessory Uses	Allowing the uses “family child care home, small” and “family child care home, large” in all residential base zones “may be concerning.	City of Greenbelt	Clarion Associates indicates these uses are adapted from the current County use of “small group child care center” (see footnotes 531 and 532 on page 27-8—58 of Module 1, with notes version). This use is currently permitted in all residential zones.	Make no change.
27-4—73 27-4—75 Accessory Dwelling Unit Accessory Use	The suggestion was offered that parking for accessory dwelling units or guest homes should include an option for a “permanent” on-street parking space “from the primary dwelling allotment.” This comment was also received with regard to the “bed and breakfast” accessory use. A question was received as to how parking will be addressed for accessory dwelling units.	Communities, Town of Berwyn Heights	This approach is not feasible because it is very difficult to track “allotted” on-street parking spaces fronting residential homes and in residential communities, and no way to ensure a space is “permanent” short of residential parking permitting, which the County is not well-equipped to track over nearly 500 square miles of land area. Since accessory uses including accessory dwelling units or guest homes are intended to be allowed without permits (in the listed, permitted zones), requiring off-street parking is the best way to allow for these uses to proceed on a simple administrative process.	Make no change to guest homes or bed and breakfast uses. As recommended above, accessory dwelling units should be removed from the proposed Zoning Ordinance.

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Page Number	Comment	Source	Staff Analysis	Staff Recommendation
			On October 18, 2016, the County Council was briefed by Clarion Associates on Module 3. During this briefing, the Council expressed desire to tighten the focus of the rewrite project and raised topics that could be deferred. Accessory dwelling units was one of these topics.	
27-4—75 Bed and Breakfast Use-Specific Standards	With regard to the proposed two-week limit on guest stays in the “bed and breakfast” use, a suggestion was received to extend the stay to 29 days to fill the gap between this use and the 30 day minimum occupancy of an “accessory dwelling unit.”	Communities	Staff has no comment on this proposal and defers to Clarion’s expertise.	Clarion Associates should review this suggestion and offer their thoughts to the staff project team.
27-4—76 Electric Vehicle (EV) Level 1, 2, or 3 Charging Station Use-Specific Standards	“What about other alternative fuel vehicle charging stations? How are these addressed?”	Municipalities	Examples of “other alternative fuel vehicle charging stations” would be appreciated, but in general, Clarion Associates’ recommended use interpretation process will allow the County to quickly, consistently, and appropriately respond to all such new/emerging proposed uses as, for example, being similar to the already-permitted electric vehicle charging stations.	Make no change at this time.
27-4—80 Outdoor Seating Use-Specific Standards	With regard to outdoor seating as an accessory use, “what are considerations for food trucks or truck for food preparation?”	Communities	Food trucks are not a zoning issue. Instead, they are more appropriately addressed through licensing and other elements of the County Code (e.g. the Health code).	Make no change.
27-4—83 27-4—84 Satellite Dish Antenna Use-Specific Standards	The use-specific standards for “Satellite Dish Antenna” appear largely carried-forward from today’s regulations, and may not reflect current best practices and comply with Federal telecommunications regulations.	Planning staff	The currently proposed use-specific standards for the “Satellite Dish Antenna” accessory use/structure largely carries forward current regulations from Section 27-468.01 of the Zoning Ordinance. This section was last updated in 1991, and staff is unsure if these regulations reflect current best practice and current Federal telecommunications code. Of particular interest are: 1. The regulation dealing with satellite antennas on the roof of buildings and the limitation to six feet, four inches (which is certainly larger than personal/subscription receiving dishes but may not allow many telecom dishes), and 2. A lack of size guidelines for ground-mounted dishes, along with no discussion as to recent trends for satellite dish installation that essentially reflect a “radome” appearance with a structured designed to protect the dish from weather. While there may not be a need to regulate ground-mounted dishes and weather covering, staff desires additional information on current trends and practices.	Clarion Associates should provide the project team with information regarding current best practices and any pertinent Federal laws that speak to regulating telecommunications features.
27-4—89 Temporary Use Tables	With regard to the temporary use/structure tables, why use a check mark to designate an allowable use rather than “A” or “P?”	City of Greenbelt	Both the designators “A” and “P” have specific meaning elsewhere within Division 27-4 (Use Regulations) of the proposed Zoning Ordinance as recommended in Module 1. Use of the check mark and “T” eliminate confusion for the temporary use and structure tables.	Make no change.
27-4—90 Temporary Use Tables	Are temporary uses allowed to be used as “interim uses” after entitlement is granted but prior to construction?	Business community	Staff is unsure if such uses (growing crops on a large greenfield development site was specifically suggested) would be permitted if the site has already achieved its entitlement approvals.	Clarion Associates should provide the project team with best practices pertaining to this question, and make a recommendation if additional clarity is necessary.

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Page Number	Comment	Source	Staff Analysis	Staff Recommendation
27-4—91 27-4—92 27-4—93 Temporary Use Tables	Should Class 3 fills be listed in the “temporary” use table? Why would they not need to obtain temporary use permits?	Planning staff	Staff concurs that the question of why Class 3 fills are listed as allowed without a temporary use permit should be clarified. How would the regulations (the use-specific standards) be enforceable if no permit is required?	Clarion Associates should provide the project team with their rationale as to why temporary use permits would not be required for Class 3 fills.
27-4—91 27-4—92 27-4—93 Temporary Use Tables	The “farmers’ market” uses need to be evaluated for impact on private farmers’ markets (Franklin Park at Greenbelt Station and Beltway Plaza mall were cited).	City of Greenbelt	Many of the use-specific standards for “farmers’ market (as a temporary use)” proposed by Clarion Associates were carried forward from the current Zoning Ordinance. There has been some comment on expanding aspects of this use, to, for example, increase the number of days a farmers’ market may operate, but there should be no direct negative impacts on current farmers’ markets.	Make no change.
27-4—92 Temporary Use Tables	The Beltway Plaza mall property contains sufficient space to provide for a farmers’ market, and this use is requested as a permitted use in the General Commercial and Office (GCO) Zone.	Lawrence Taub and Nathaniel Forman	The use “Farmers’ market (as a temporary use) is permitted in the GCO Zone with a temporary use permit as shown in the table on page 27-4—92.	Make no change.
27-4—94 Temporary Use Tables	The City of Greenbelt expresses concern with the use-specific standards for the temporary use “circus, carnival, fair, or other special event,” with regard to the annual Labor Day event.	City of Greenbelt	As discussed elsewhere in this analysis, municipalities are exempt from the provisions of the Zoning Ordinance for municipal-owned and operated uses. There should be no impact on the city’s annual Labor Day event and carnival. Should there be need to adjust this approach, staff would recommend including a term specific to municipal events rather than opening the locational standard for this use beyond parking lots and Commercial and Industrial properties because of the potential for unintended consequences. Limiting to municipal events helps prevent these consequences for the rest of the County.	Make no change.
27-4—98 Temporary Use Tables	“How are tent sales being handled? Are they temporary uses?”	Municipalities	Staff has no additional comment.	Clarion Associates should provide the staff project team with a recommendation.
27-4—98 Flea Market Use-Specific Standards	Why are flea markets restricted to daylight hours?	Planning staff	Staff has no additional comment.	Clarion Associates should provide the staff project team with a recommendation regarding best practices for flea markets. Is it common or unusual to allow this temporary use to extend beyond daytime hours?
27-4—102 Wayside Stand Use-Specific Standards	What is the difference between a wayside stand, produce stand, and farm stand? Why must a “wayside stand” be located 25 feet from an existing street if it is a “wayside” stand?	Planning staff	These questions should be addressed.	Clarion Associates should provide the staff project team answers to these two questions.
27-8—4 Structure Height Measurement	The Town of University Park is concerned that measuring building height from the mean elevation could lead to abuse by developers who may re-grade the property to raise the structure height. The town suggests taking consideration of when buildings are located on steeply graded slopes.	Town of University Park	The structure height measurement guidance is intended to apply countywide, and there is need to have a consistent regulation that would apply countywide. All sites are different, and there may be need to grade portions of sites in different ways, which may mean there are going to be outlier situations where a structure may be built on a higher grade. This is unavoidable.	Make no change.
27-8—6	Measurements from future street rights-of-way should also reference municipal plans.	City of Greenbelt	While staff understands the nature of the comment, we disagree. Measurement from future street rights-of-way is closely linked to the subdivision process, as that is the primary mechanism to	Make no change.

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Page Number	Comment	Source	Staff Analysis	Staff Recommendation
Measurement from Future Street Right-of-Way			ensure dedication of land toward the future street right-of-way that may be specified. Staff notes County-adopted plans (typically, comprehensive master plans or the functional Master Plan of Transportation) that include municipalities with public works departments are prepared in cooperation with those municipalities, and this is the path through which the proper coordination between municipal street widening plans should be addressed and included in the comprehensive plan. This then becomes the County-adopted plan, and reaches the same outcome.	
27-8—10 Agriculture / Forestry Uses	Is there a need to distinguish between traditional agriculture and “confined animal” breeding and farming operations?	Communities	Staff has no additional comment.	Clarion associates should offer their thoughts as to if a distinction should be made regarding animal confinement in breeding operations.
27-8—12 27-8—13 Agriculture / Forestry-Related Uses	There appears to be no provision for “nursery” as an agriculture or forestry-related principal use. The “agriculture research facility” principal use definition should include demonstration or research farms where production and/or processing activities take place. The “farm distribution hub” principal use definition should include a central place operated by a farm co-op where farmers can deliver their products for pick-up by consumers. What is the rationale for excluding a farm co-op, which could make it more difficult for farmers to organize such a hub? Clarification is needed on what is meant by “trucking operation,” since trucks will need to come in and out of such a hub to deliver products.	Planning staff	Staff wonders if a nursery for landscape stock should be a permitted principal use and not just an accessory use to another agricultural use. Staff defers to Clarion on the other observations.	Clarion Associates should offer their thoughts on a nursery as either a separate/listed principal use or part of the overall definition of agriculture/forestry-related uses. In other words, is a nursery a common or desirable principal use as a best practice, or is it usually found as an accessory use? Clarion Associates should provide their thoughts on the other observations and recommendations.
27-8—13 Agriculture / Forestry-Related Uses	Consider farm breweries and farm distilleries in addition to farm wineries.	Planning staff	Staff has no additional comment.	Clarion Associates should consider adding a definition of “farm brewery” and “farm distillery” along with appropriate regulations (which may be in many ways similar to those for “farm winery”). Clarion Associations should also consider craft distilleries as part of the “brewery, winery, distillery” use type listed under the manufacturing uses category in the industrial uses classification.
27-8—18 Group Residential Facility	What is the best practice regarding group residential facilities?	Planning staff	The definition of “group residential facility” raises questions as to whether they should be permitted by right in as many zones as the use is proposed on page 27-4—6, or if it may make sense to make a similar distinction in number of residents as that made for “assisted living facility.” Staff has no strong opinion on this question, and defers to Clarion Associates’ experience with national best practices.	Clarion Associates should provide for “group residential facility” in accordance with the national best practices for this use. If the best practice is what Clarion already recommends, retain.

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Page Number	Comment	Source	Staff Analysis	Staff Recommendation
				If more jurisdictions have success with and prefer making a distinction based on number of residents, revise as appropriate.
27-8—18 Group Residential Facility	Why should group residential facilities for the mentally handicapped for up to eight residents be considered a single-family detached dwelling?	City of Greenbelt	Staff believes this clarification, offered in the definition for “group residential facility” on page 27-8—18, simply reflects the current County approach for group residential facilities for not more than 8 mentally handicapped persons. The current Zoning Ordinance only requires additional regulations for the “group residential facility” use when the number of residents exceeds 8. By permitting this use, regardless of the number of residents, in all residential zones, the Zoning Ordinance tacitly provides for the use in single-family dwellings. Including the clarifying language as proposed by Clarion Associates speaks to the character of the use and will help minimize any potential negative impacts.	Make no change (except as may result from the recommended action above).
27-8—28 Restaurant, Fast-Food	The city believes the definition for “restaurant, fast-food” is not necessary since it seems outdated, and recommends instead defining “drive-through restaurant.” The city recommends this use not be permitted in the Multifamily Residential-20 (MFR-20) and Multifamily Residential-48 (MFR-48) zones as detrimental to the walkable retail component of their purpose statements. The Town of University Park reiterated this comment.	City of College Park, Town of University Response	Staff notes the definition for “restaurant, fast-food” was offered by Clarion Associates as a new definition based on national best practices. The County moved away from a similar definition for this use in the mid-2000s but staff defers to Clarion’s expertise in this instance. A “drive-through restaurant” is not a principal use but is permitted/possible under the proposals in Module 1 because “drive-through service” is a listed accessory use – which makes it a “global” accessory element that would apply to restaurants, banks, pharmacies, or other uses as may be necessary. “Drive-through service” is not permitted as an accessory use in any Rural and Agricultural or Residential zone (including MFR-20 and MFR-48) under the current recommendations of Module 1.	Clarion Associates should re-evaluate the definition for “restaurant, fast-food” with an eye toward ensuring it is a modern best practice (and give consideration to the potential impact on so-called “fast casual” restaurants that may be caught up in this category) and provide additional information to the staff project team.
27-8—50 Waste-Related Uses	How do waste-related uses address recycling?	Planning staff	The definitions for “land clearing debris landfill” and “rubble (construction and demolition debris) landfill (as a principal use)” do not address recycling. It seems that both definitions should address recycling to a) take advantage of synergies to reduce the amount of debris that is put into the land, and b) take into account a major element of rubble fill operations to recycle concrete and other debris.	Clarion Associates should determine the appropriateness of incorporating recycling into the definitions of these (and other waste-related) uses and make any necessary revisions.
27-8—52 Interpretation of Unlisted Uses	“Need to identify appeal process from Planning Director decisions. Should it go to Zoning Hearing Examiner or Board of Appeals?”	Municipalities	Staff notes that Section 27-8.302, Interpretation of Unlisted Uses, refers to Section 2 for some of the procedures that would accompany the interpretation process. Procedures will be part of Module 3, so the full answer to this question may not be known until that module is available for public review.	Make no change at this time, pending the release of Module 3.
27-8—53 Effect of Allowing Unlisted Uses as Permitted Use or Special Exception Use	There should be additional clarity regarding appeals from interpretations. Additionally, there is potential conflict with the County role in issuing permits.	Planning staff	The section “D. Effect of Allowing Unlisted Uses as Permitted Use or Special Exception Use” raises questions as to how appeals can be made to the Planning Director’s decision for use interpretations, which may be further explained in Module 3. Under today’s Zoning Ordinance (and as proposed by Clarion Associates in Module 3), permits are issued by the Department of Permitting, Inspections, and Enforcement (DPIE). Since DPIE determines final permit issuance, it can also choose to deny permits. This may cause conflict between “binding” use interpretations by the Planning Director and subsequent DPIE action.	Clarion Associates need to clarify both questions.
27-8—57 Composting, Small-Scale	The definition for “composting, small-scale” requires at least 100 square feet but this use does not have a maximum size. Potentially, this could allow for a very large composting facility that essentially serves as a principal use.	Planning Staff	Staff believes a minimum of 100 square feet for composting, small-scale may be too large for true “small-scale” composting as an accessory for agricultural uses and community gardens. Specialized apparatus also seems unnecessary for composting at small-scales, particular with the availability and use within the County today of worms and other natural composting approaches.	Review the definition and revise as may be appropriate to permit smaller-scale composting and to eliminate the requirement of a tumbler or other specialized apparatus.

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			The lack of a size maximum is also of concern to staff, but this should not be part of the definition. Rather, there should be use-specific standards added to this accessory use that would place a maximum size on composting operations.	Add use-specific standards as may be necessary to control the size and scale of “composting, small-scale” operations so they cannot serve in function as a principal use.
27-8—58 Farm Tenant Dwelling	Why are multifamily dwellings prevented from serving as farm tenant dwellings? This may not be appropriate for farm tenants with families.	Planning staff	Staff has no additional comment.	Clarion Associates should provide their thoughts on this question.
27-8—59 Greenhouse	Consider including “hoophouse” with this definition, and consider incorporating plastic as a primary material for hoophouses.	Planning staff	Staff has no additional comment.	Clarion Associates should provide their thoughts on this comment.
27-8—60 Home-Based Business	The Town of University Park “opposes any addition to home occupation businesses allowed, or any loosening of current restrictions on home based businesses.”	Town of University Park	The nature of home-based businesses and occupations is constantly changing in the 21 st century due primarily to advances in communication technology. Retaining a mid-20 th century approach to home-based businesses is detrimental to the County’s economic development bottom line. Any potential negative impacts on home-based businesses can and should be mitigated through design regulations, but staff supports expansion of the range of potential home-based businesses that may be permitted.	Make no change.

TYPOGRAPHIC AND EDITORIAL COMMENTS				
Page Number	Comment	Source	Staff Analysis	Staff Recommendation
Table of Contents	The header for Section 27-3.303 contains a typo.	Planning staff	Correct the typo. This change also applies to the section header on page 27-3—125 and the third line header text for each of the pages between 27-3—125 and 27-3—152.	Revise the header for Section 27-3.303 to read: “Transit-Oriented/ <u>Activity</u> Center Planned Development Zones.” Make the same change to the section head text on page 27-3—125. Revise the 3 rd level header at the top of pages 27-3—125 through 27-3—152 accordingly.
Zones and Zone Regulations	The notes referring to “du/ac” in most/all zone tables need to clarify if the density is referring to net or gross acreage.	City of Greenbelt, Planning staff	Staff assumes these notes should be referring to net lot area, but they do need clarification.	Revise all tables to clarify the “du/ac” note.
Transit-Oriented/Activity Center Planned Development Zones	The “use standards” sections of these zones should be consistent with how they refer to the applicable area master plan or sector plan.	Planning staff	Revise the “use standards” sections for all the Transit-Oriented/Activity Center Planned Development Zones to ensure consistency with the rest of Module 1.	Revise all references in these sections that speak to plan consistency to read: “Uses shall be consistent with relevant sector and master plans <u>the relevant area master plan or sector plan</u> , and the purposes....”
27-3—1 Zones and Zone Regulations	The names of the residential planned development zones are inconsistent.	Planning staff	Revise the names to reflect the abbreviation approach used by the rest of the module.	Insert dashes in the appropriate locations for the R-PD-L, P-PD, and MH-PD planned development zones in the table on page 27-3—1.
27-3—2 Relationships Between Base and Planned Development Zones	The sixth line of Section 27-3.105 contains a typo. It reads: “...in return for more innovative and higher quality development, and well as the....”	Communities	Correct the typo.	Revise the sentence to read: “...in return for more innovative and higher quality development, and as well as the....”
27-3—3 Planned Development Zones	A legacy term from the Evaluation and Recommendations report is found in Section 27-3.106.B.2.c., and a word is missing from both c. and d.	Planning staff	Replace the term with the proper term used by Clarion Associates in the modules, and ensure the references to PD Plan refer to the PD Basic Plan.	Revise Section 27-3.106.B.2.c. to read: “Identify the intensity and dimensional standards that are applicable in the zone or are to be addressed in the PD <u>Basic Plan</u> and PD Agreement <u>Conditions of Approval</u> for the zone....” Revise the PD Plan reference in standard d. to refer to the PD Basic Plan.
27-3—3 Rural and Agricultural Base Zones	PD should be spelled out, at least in early references before the Planned Development section of the Module.	City of Greenbelt	Staff concurs	Spell out “Planned Development” for “PD” in Section 27-3.106.B.

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Page Number	Comment	Source	Staff Analysis	Staff Recommendation
27-3—10 27-3—14 Agricultural – Large Lot (AL) Zone and Agricultural-Residential (AR) Zone	The last purpose statements for these zones do not address sector plans.	Planning staff	Revise the statements to encompass both types of smaller area comprehensive plans.	Revise the last purpose statement of the AL and AR zones to read: “Accommodate other low-intensity development consistent with the General Plan, and Area Master Plans, <u>and Sector Plans</u> (where relevant).”
27-3—18 Residential Base Zones	The first general purpose statement for the residential base zones does not address master plans or sector plans.	Planning staff	Revise the statement to reference these types of comprehensive plans.	Revise Section 27-3.202.A.1. to read: “...consistent with the goals and policies of the General Plan <u>and the applicable Area Master Plan or Sector Plan.</u> ”
27-3—41 Multifamily Residential-12 (MFR-12) Zone	There is a typo in the maximum density number for single-family detached dwellings and a minor mistake in the column for townhouse dwellings.	Planning staff	The intent of Clarion Associates was to carry forward, with only minor changes (primarily oriented toward townhouses), the density thresholds of the County’s current residential zones. With this in mind, there is a typo for the maximum density for single-family detached dwellings for the MFR-12 Zone – it should be 8.70, not 8.71, dwellings per acre. The townhouse dwelling column truncates the word “townhouse” and makes it span two lines.	Replace the single-family density with 8.70 dwellings per acre, and adjust the townhouse dwelling column so as not to cut off part of either word.
27-3—47 Multifamily Residential-20 (MFR-20) Zone	Notes [8] and [9] are listed for the principal structure height for other uses, but are missing from the NOTES section to the right. Note [7] does not seem to exist in this table, so the above notes may be mis-numbered.	City of Greenbelt, Planning staff	These notes may be legacy notes from a preliminary draft; if this is the case, they may refer to height clauses that were removed prior to Module 1.	Review these notes/standards and either delete the notes from the table or add the text explaining the missing notes. Renumber as may be necessary.
27-3—71 Town Activity Center (TAC) Zone	The terms “block length” and “building façade transparency” are undefined in Module 1.	Planning staff	These key terms need to be defined to facilitate interpretation and regulation.	Add definitions of “block length” and “building façade transparency” to Section 27-8.400.
27-3—87 Nonresidential Base Zones	The first general purpose statement for the nonresidential base zones does not address master plans or sector plans.	Planning staff	Revise the statement to reference these types of comprehensive plans.	Revise Section 27-3.204.A.1. to read: “...consistent with the goals and policies of the General Plan <u>and the applicable Area Master Plan or Sector Plan</u> to support quality economic growth;”
27-3—109 Planned Development Zones	Section 27-3.301.C. does not reference previously approved sector plans or transit district development plans. Section 27-3.301.E.1.a. does not reference master or sector plans.	Planning staff	As a partial grandfathering clause, the relationship to existing planned development zones section should reference the different types of smaller area comprehensive plans that may have applied to lands designated in a PD Zone on the effective date of the new Zoning Ordinance. The PD Basic Plan section should reference the applicable master or sector plan in addition to the General Plan.	Revise the 3 rd and 4 th lines of Section 27-3.301.C. to read: “...previously adopted master plans, <u>sector plan, or transit district development plan applicable to the lands</u> , development agreements, and development approvals.”

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				Revise 27-3.301.E.1.a. to read: "...that is consistent with the General Plan <u>and the applicable area master plan or sector plan</u> and purposes of the PD Zone."
27-3—143 27-3—149 Local Transit-Oriented Planned Development (LTO-PD) Zone and Regional Transit-Oriented (RTO-PD) Zones	The use standards are vaguer than they should be, and some clarity needs to be added to nonresidential development floor area.	Planning staff	By using the term "approximately," the zoning standards are vaguer than they should be. Furthermore, the standard for nonresidential floor area needs to indicate if the space is net or gross floor area.	Delete the term "approximately" from paragraphs two and three in the Use Standards section of both zones Revise paragraph three of this section of both zones to read: "A minimum of one-half of the <u>gross</u> floor area in the zone shall be provided for nonresidential development, at build-out."
27-3—156 Mixed-Use Planned Development (MU-PD) Zone	Consistency is needed regarding the reference to master plans in the last purpose statement for the zone.	Planning staff	Ensure consistency of terminology.	Revise the last bullet point purpose statement to read: "...as specified in approved <u>area master plans</u> and sector plans...."
27-3—166 Chesapeake Bay Critical Area Overlay (CBCAO) Zones	Typo in top paragraph.	Planning staff	Correct the typo.	Revise the 4 th line at the top of the page (Section 27-3.402.C.3.a) to read: "...conservation plan and conservation agreement that is <u>are</u> submitted as part of an application...."
27-3—171 Aviation Policy Area (APAO) Zones	There is a typo in section 3.a. on this page, which reads: "In all APAAO Zones, no structure...."	Planning staff	Correct the typo.	Revise to read: "In all APAAO <u>APAO</u> Zones, no structure...."
27-3—174 Aviation Policy Area (APAO) Zones	Section 27-3.404.A.2.c. does not consistently refer to master plans.	Planning staff	Ensure consistency.	Revise the last part of Section 27-3.404.A.2.c. to read: "...or as established by an approved Master Plan <u>the applicable area master plan or sector plan</u> ."
27-4—4 Agriculture / Forestry Uses	There is a missing word in the "Other agriculture uses" use type.	Planning staff	Correct the typo.	Revise the last use type in the Agriculture/Forestry Uses category to read: "Other agriculture/ <u>forestry</u> uses."

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27-4—10 Waste-Related Uses	The use type “composting facility” does not need to be listed since it would be prohibited in all Rural and Agricultural and Residential Base Zones and would be covered under “all other waste related uses.”	Planning staff	Consolidate the uses.	Delete “composting facility” from this table.
27-4—13 Eating or Drinking Establishment	There are two minor changes that need to be made to the “brewpub, restaurant, and restaurant fast-food (without drive-through) use for clarity and consistency.	Planning staff	Ensure consistency of use type nomenclature and revise the “use-specific standards” reference to be more general, as the current reference points specifically to standards for brewpub or microbrewery while the use type itself is more general and would also encompass the standards for a general eating or drinking establishment.	Insert a comma in “restaurant, fast foot (without drive through)” for consistency. Delete subsection b from the use-specific standards reference so it reads: “27-4.203.E.5.”
27-4—14 Waterfront Entertainment / Retail Complex	The use type “waterfront entertainment/retail complex” is erroneously listed as a Special Exception use in the Service Commercial (SC) Zone.	Planning staff	Since this use was intended to adapted from the current use, it has erroneously been permitted in the SC Zone. The SC Zone is the proposed replacement of the current Commercial Miscellaneous (C-M) Zone, which does not permit this use.	Delete the “SE” from the SC Zone for this use.

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Page Number	Comment	Source	Staff Analysis	Staff Recommendation
27-4—14 27-4—15 Vehicle Sales and Service Uses	There are several inconsistencies resulting from consolidating uses and zones from the current Zoning Ordinance that should be reconciled.	Planning staff	Several use permissions and use-specific standards should be added to better reflect the transition from the current Zoning Ordinance to the proposed code. This is primarily regarding the Service Commercial (SC) Zone.	<p>Add a “P” to the uses “commercial fuel depot” and “commercial vehicle repair and maintenance” use types for the SC Zone.</p> <p>Revise the use type “taxi or limousine service facilities” to the singular “facility.”</p> <p>Insert a reference to the use-specific standards for the use type “commercial vehicle sales and rental and personal vehicle sales and rental” to Section 27-4.203.E.9.d.</p> <p>Clarion Associates should review the above-referenced use-specific standards and determine if they should also apply to commercial vehicle sales and rentals. Right now they are specific to personal vehicles.</p> <p>Revise the reference to the use-specific standards for “vehicle paint finishing shop and vehicle or trailer storage yard from 27-4.203.E.9.f to 27-4.203.E.9.c.</p> <p>Clarion Associates should re-evaluate the “commercial vehicle repair and maintenance” use type and indicate if any use-specific standards should be added to the code for this use.</p> <p>Clarion Associates should re-evaluate permitting “vehicle equipment and supplies sales” by-right in the GCO Zone rather than as a Special Exception given the use-specific standards and the intent of the GCO Zone and the SC Zone and the desire to provide more distinction between these zones.</p>
27-4—15 Extraction Uses	There is a misplaced footnote 1 with the “P” for the use type “all extraction uses” in the Heavy Industrial (HI) Zone.	Planning staff	This legacy footnote is confusing and unnecessary.	Delete this footnote.

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27-4—16 Waste-Related Uses	The use type “concrete recycling plant” is inconsistent with how this use is named in the rest of the module.	Planning staff	This use is called “concrete recycling facility” in the rest of the module. Additionally, this use row is missing a reference to the use-specific standards that address some of the uses included here.	Revise the use name to read “concrete recycling facility.” Insert a use-specific standard reference to Section 27-4.203.F.6.
27-4—16 Wholesale Uses	The use type “all other wholesale establishments” is inconsistent.	Planning staff	Similar use types that are intended to cover multiple uses do not use the term “establishments.”	Revise the use name to read “All other wholesale uses.”
27-4—17 through 27-4—21 Principal Use Table for Planned Development and Overlay Zones	There are several missing references to use-specific standards in this table.	Planning staff	Insert the necessary references.	For the use type “All other agricultural/forestry uses,” insert a use-specific standard reference to Section 27-4.203.B.1. For the use type “All other open space uses,” insert a use-specific standard reference to Section 27-4.203.B.3. For the use type “All other group living uses,” insert a use-specific standard reference to Section 27-4.203.C.2. For the use type “Place of worship,” insert a use-specific standard reference to Section 27-4.203.D.2. For the use type “Parking facility (as a principal use),” insert a use-specific standard reference to Section 27-4.203.D.5. For the use type “Brewpub, restaurant, and restaurant fast food (without drive-through), insert a comma before “fast food” and delete subsection “b” at the end of the use-specific standards reference as too specific for this use. For the use type “Nightclub,” insert a use-specific standard reference to Section 27-4.203.E.7.c. For the use type “Recreation facility, indoor and cinema,” insert a use-specific standard reference to Section 27-4.203.E.7.

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Page Number	Comment	Source	Staff Analysis	Staff Recommendation
				<p>For the use type “Recreation facility, outdoor,” insert a use-specific standard reference to Section 27-4.203.E.7.</p> <p>For the use type “Farmers’ market,” insert a use-specific standard reference to Section 27-4.203.E.8.d.</p> <p>For the use type “all other warehouse and freight movement uses,” insert a use-specific standard reference to Section 27-4.203.F.5.”</p> <p>The entire Commercial Uses section pertaining to the Chesapeake Bay Critical Area Overlay (CBCAO) zones needs to somehow reference the use-specific standards contained in Section 27-4.203.E.1. This could be done individually for each use in the section, or perhaps next to the “Commercial Uses” use classification subheading itself.</p> <p>The entire Industrial Uses section pertaining to the Chesapeake Bay Critical Area Overlay (CBCAO) zones needs to somehow reference the use-specific standards contained in Section 27-4.203.F.1. This could be done individually for each use in the section, or perhaps next to the “Industrial Uses” use classification subheading itself.</p>
<p>27-4—17 27-4—19</p> <p>Use Permissions</p>	<p>There are some inconsistent use permissions within the use tables (capitalization errors and font types).</p>	<p>Planning staff</p>	<p>Ensure consistency throughout the tables.</p>	<p>Ensure all use permissions within the use tables are capitalized.</p> <p>Ensure all fonts are identical in the use tables (see the top of page 27-4—19 for examples of the wrong fonts).</p>
<p>27-4—18</p> <p>Educational Uses</p>	<p>There is an inconsistent reference to the use type for schools.</p>	<p>Planning staff</p>	<p>Ensure consistency throughout the tables.</p>	<p>Revise the school use type name to read: “Elementary, middle, or high school” for consistency with other tables.</p>
<p>27-4—19</p> <p>Animal Care Use</p>	<p>There is an inconsistent reference to the animal care uses.</p>	<p>Planning staff</p>	<p>Ensure consistency throughout the tables.</p>	<p>Revise the use type listed for animal care uses to read: “All other animal care uses.”</p>

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27-4—20 27-4—21 Commercial Uses and Industrial Uses	There are several inconsistencies within the use type nomenclature.	Planning staff	Ensure consistency throughout the tables.	Revise the second use type of the Retail Sales and Service Uses category to read: “Grocery store of <u>or</u> food establishment.” Revise the fourth use type of the Retail Sales and Service Uses category to read: “ <u>All</u> other retail sales and service establishment <u>uses</u> .” Revise the first use type of the Water-Related Uses category to read: “Boat sales, rental, <u>service</u> , or repair.”
27-4—33 Educational Uses Use-Specific Standards	Ensure consistency of terminology for schools.	Planning staff	Ensure consistency.	Revise the subheading for 3.b. to read: “ School , Elementary, Middle, or High <u>School</u> .”
27-4—58 Outdoor Storage Use-Specific Standards	There is a key missing word in the first use-specific standard for “outdoor storage (as a principal use).”	Planning staff	Correct the typo.	Revise the first use-specific standard for “outdoor storage (as a principal use)” to read: “...The height of materials and equipment stored shall <u>not</u> exceed the height of the screening fence or wall.” Should the intent be mis-interpreted by staff, and Clarion Associates means that materials or equipment (e.g. cranes) stored in these areas be allowed to exceed the height of the screening fence or wall, which may be the case, the rewording should change this sentence from “shall” to “may” to clarify that equipment may be taller than the fence or wall.
27-4—59 Concrete Recycling Facility Use-Specific Standards	Clarify use-specific standard 27-4.203.F.6.a.vi.	Planning staff	It appears that this standard should be prohibitive of new concrete recycling facilities or operations associated with an existing concrete recycling facility. There is a double-negative in the proposed language that causes confusion.	Reword the standard to read: “...no new concrete recycling facility or operations associated with an existing concrete recycling facility are prohibited <u>permitted</u> if:....”
27-4—64 Accessory Use/Structure Table for Rural	Three minor changes are needed in this table.	Planning staff	The use “bike rack” is undefined in Division 8, and is not in alphabetical order in this use table.	Provide alphabetical ordering for the uses in this table. Provide a definition for “bike rack” in the definitions section of Division 8.

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Page Number	Comment	Source	Staff Analysis	Staff Recommendation
and Agricultural and Residential Base Zones				
27-4—67 Accessory Use/Structure Table for Center and Nonresidential Base Zones	Provide alphabetical order for the accessory uses and structures.	Planning staff	Ensure consistency.	Provide alphabetical ordering for the uses in this table.
27-4—69 27-4—70 Accessory Use/Structure Table for Planned Development and Overlay Zones	There are several minor inconsistencies within this table.	Planning staff	Correct these items to ensure consistency throughout the use tables and in accordance with the intent as presented by Clarion Associates.	Revise the MH-PD column to correct the typo (there is an extra “P” before the dash). Revise the helipad use to read: “Helipad (as <u>an</u> accessory <u>use to a</u> hospital).” Provide an “A” for the MH-PD Zone for the use “home garden.” Replace the “P” for all zones for the use “produce stand (as accessory to farm or community garden)” with “A.”
27-4—82 Produce Stand Use-Specific Standards	Typo in the “produce stand (as accessory to a farm or community garden) use-specific standards.	Communities	Correct the typo.	Revise 20.a.ii. to fix the typo – “arm” should read “farm.”
27-4—82 Retail Sales Use-Specific Standards	Typo in the fifth use-specific standard for “retail sales (as an accessory use to a multifamily development).”	City of Greenbelt	Correct the typo.	Delete the first “(“ from standard 22.e. on this page.
27-4—85 Swimming Pool Use-Specific Standards	References to since-renamed zones appear in the use-specific standards.	Planning staff	The zone names should be reconciled with the current proposals.	Search for, and replace, all references to “SFR-A,” “SFR-B,” and “TAR” with the current nomenclature for these zones.
27-4—86 Swimming Pool Use-Specific Standards	Typo in the “swimming pool (as an accessory use)” use-specific standards.	City of Greenbelt	Correct the typo.	Revise standard e.iv. on this page to delete the second instance of “is” on the second line of the standard.

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Page Number	Comment	Source	Staff Analysis	Staff Recommendation
27-4—86 Wind energy Conversion System, Small-Scale Use-Specific Standards	The term “small-scale” should be used consistently.	Planning staff	Ensure consistency.	Revise all references to “small wind energy system” to read: “small-scale wind energy system.”
27-4—95 Class 3 Fill Use-Specific Standards	There is a typo with standard 2.b.	Planning staff	Standard 2.b. does not contain any text, but instead points to a Clarion footnote that does not seem linked to text.	Relocate the footnote – presumably it applies to standard 2.a., and renumber the standards accordingly.
27-8—1 General Rules for Interpretation	Two references to “Town” erroneously appear on this page.	City of Greenbelt, Planning staff	Correct the typo.	Replace the references to “Town” in Section 27-8.104 with “County.”
27-8—4 Structure Height	There is a misplaced period at the end of one of the measurement statements for structure height.	Planning staff	Correct the typo.	Delete the extraneous period at the end of 27-8.201.F.2.
27-8—15 Household Living Uses	Typo in the definition for “household living uses” in the “residential uses classification.”	City of Greenbelt	Correct the typo.	Add a semi-colon between “live-work dwellings” and “artist residential studios” on the 7 th line of the definition.
27-8—28 Restaurant	The subheading should be in bold lettering.	Planning staff	Correct the font.	Add bold text to the subheading “restaurant.”
27-8—39 Grocery Store and Food Market	Typo in the definition for “grocery store and food market.”	City of Greenbelt	Correct the typo.	Revise the last sentence of the definition on this page to read: “A food market may sale <u>sell</u> beer and wine for consumption...”
27-8—50 Recycling Plant	The use type “recycling plant” (refer to page 27-4—60 for use-specific standards) is not listed.	Planning staff	Ensure the use is defined.	Add a definition for the use type “recycling plant.”
27-8—55 Bed and Breakfast	An obsolete reference to “tourist home” was found.	Planning staff	This is the only remaining reference to “tourist home” in Module 1. This current use was consolidated by Clarion Associates.	Delete the reference to “tourist home” on the right-hand column under the “bed and breakfast (as accessory to a single-family detached dwelling).”