Prince George’s County
Zoning Ordinance and Subdivision Regulations Rewrite

County Council Worksession #5
Countywide Map Amendment and Subdivision Regulations
# Worksessions Schedule

<table>
<thead>
<tr>
<th>Topic</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone Structure</td>
<td>January 31, 2017</td>
</tr>
<tr>
<td>Uses</td>
<td>February 7, 2017</td>
</tr>
<tr>
<td>Standards</td>
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<td>March 13, 2017</td>
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<td>Countywide Map Amendment</td>
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</table>
Worksession Goals

1. Identify the key “Big Picture” Issues on the Countywide Map Amendment, Grandfathering Provisions, and Subdivision Regulations

2. Answer questions and address concerns

3. Provide Planning staff direction on key issues
Agenda

Part 1: Countywide Map Amendment


Part 3: Subdivision Regulations
Prince George’s County Zoning Ordinance and Subdivision Regulations Rewrite

Worksession #5 – Part 1

Countywide Map Amendment

March 13, 2017

The Maryland – National Capital Park & Planning Commission
Topics of Discussion

- What is the Countywide Map Amendment?
- Mapping the County
- Grandfathering and Nonconforming Uses
Countywide Map Amendment
Countywide Map Amendment

What it is..

The Countywide Map Amendment (CMA)

- Implements the comprehensive zoning update
- Takes place after the approval of the Zoning Ordinance
- Is a mapping exercise
- Is the application of new zones to each property in the County
The CMA process is **NOT**
- An up-zoning or down-zoning of properties
- An amendment to Plan 2035
- Used to reconcile inconsistencies with master plans
- A free-for-all for piecemeal changes
92% and 8%

- **92% of Prince George’s County** (the easy)
  - One-to-One zones
  - 258,039 acres

- **8% of Prince George’s County** (the difficult)
  - Discontinued zones (*CDZs and mixed-use zones*)
  - Center boundaries
  - Master Plans currently in development
  - 20,858 acres
92% of County properties
- Have direct one-to-one correlation with new zones in Module 1
  - Residential = 85%
  - Commercial = 2%
  - Industrial = 5%
  - Total = 92%
- Zones that you have approved
- Simply map the new zones onto properties
Mapping the 92% Residential
Commercial Mapping the 92%
Commercial

Mapping the 92%
Mapping the 92%
Industrial Mapping the 92%
# Countywide Map Amendment

## Mapping the 92%

### One-to-One Zoning Conversions *(examples)*

<table>
<thead>
<tr>
<th>Current Zones</th>
<th>Proposed Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>R-O-S</strong> <em>(Reserved Open Space)</em></td>
<td><strong>PL</strong> <em>(Public Land)</em></td>
</tr>
<tr>
<td><strong>R-R</strong> <em>(Rural Residential)</em></td>
<td><strong>RR</strong> <em>(Rural Residential)</em></td>
</tr>
<tr>
<td><strong>R-55</strong> <em>(One-Family Detached Residential)</em></td>
<td><strong>SFR-6.7</strong> <em>(Single-Family Residential-6.7)</em></td>
</tr>
<tr>
<td><strong>R-35</strong> <em>(One-Family Semidetached, and Two-Family Detached)</em></td>
<td><strong>SFR-A</strong> <em>(Single-Family Residential-Attached)</em></td>
</tr>
<tr>
<td><strong>R-30</strong> <em>(Multifamily Low Residential)</em></td>
<td><strong>MFR-12</strong> <em>(Multifamily Residential-12)</em></td>
</tr>
<tr>
<td><strong>R-18</strong> <em>(Multifamily Medium Density Residential)</em></td>
<td><strong>MFR-20</strong> <em>(Multifamily Residential-20)</em></td>
</tr>
<tr>
<td><strong>C-S-C</strong> <em>(Commercial Shopping Center)</em></td>
<td><strong>GCO</strong> <em>(General Commercial and Office)</em></td>
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</table>
Mapping the 92%

Marlow Heights (example)
Mapping the 92%
Mapping the 92%
Mapping the 92%
Mapping the 92%
8% of the County properties

- Are the challenge of the CMA
- Do not have a direct one-to-one correlation with new zones in Module 1
- Located in zones that will no longer exist
  - Decide appropriate zone for each of these properties
- Designated Centers
  - Define boundaries for some
  - Define core and edge for most
Greater Cheverly Sector Plan
  - May 2017 (anticipated approval)

East Riverdale – Beacon Heights Sector Plan
  - February 2018 (anticipated approval)
### Discontinued Zones

#### No One-to-One Zoning Conversions

<table>
<thead>
<tr>
<th>Current Zones That Will Be Discontinued</th>
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<tbody>
<tr>
<td><strong>M-X-T</strong> <em>(Mixed Use – Transportation Oriented)</em></td>
</tr>
<tr>
<td><strong>M-U-T-C</strong> <em>(Mixed-Use Town Center)</em></td>
</tr>
<tr>
<td><strong>M-U-I</strong> <em>(Mixed-Use Infill)</em></td>
</tr>
<tr>
<td><strong>M-A-C</strong> <em>(Major Activity Center)</em></td>
</tr>
<tr>
<td><strong>L-A-C</strong> <em>(Local Activity Center)</em></td>
</tr>
<tr>
<td><strong>R-U</strong> <em>(Residential Urban)</em></td>
</tr>
</tbody>
</table>
• Centers
• Zones with no one-to-one conversion
Centers
Zones with no one-to-one conversion

Mapping the 8%
Decision Matrix

- Tool for determining the application of the appropriate zone for properties with no one-to-one replacement
- It will factor
  - Existing zone
  - Location (adjacent zones, nearby roads)
  - Entitlements
  - Master plan vision
- Ensure that everyone is playing by the same rules
- Planning staff will work with District Council to create
- District Council will vote to approve/endorse
- Stick to it!
Countywide Map Amendment
How are we going to do it?

Develop a standardized CMA process
- Created and approved by District Council
- Decision matrix
- Public outreach/education
- Public notification
  - Countywide mailing
  - Newspapers of record
- Rules of procedure
  - Acceptance of zoning requests
- Schedule
- Happens before approval of Zoning Ordinance
<table>
<thead>
<tr>
<th>Milestone</th>
<th>Date</th>
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<tr>
<td>Draft CMA Legislation</td>
<td>September 2017</td>
</tr>
<tr>
<td>- Standardized process and decision matrix</td>
<td></td>
</tr>
<tr>
<td>- Initiation package</td>
<td></td>
</tr>
<tr>
<td>Adoption of CMA Process and Initiation</td>
<td>November 2017</td>
</tr>
<tr>
<td>Initial Countywide mailing</td>
<td>December 2017</td>
</tr>
<tr>
<td>Community Informational Forums</td>
<td>February 2018</td>
</tr>
<tr>
<td>Public Hearing</td>
<td>Spring 2018</td>
</tr>
<tr>
<td>Adoption and becomes effective</td>
<td>June 2018</td>
</tr>
</tbody>
</table>
Implementation

Grandfathering and Nonconforming Uses
Implementation
Grandfathering/Nonconformities

- Existing entitlements
- Applications in the review process
- Nonconformities
Grandfathering and Existing Development Applications
What constitutes being vested?

• Final Plat

• Built development

• Proceed in good faith
Implementation

What About Existing Applications?

- Pending rezonings between adoption and effective date
- Applications with no final action taken
- Development approvals and permits issued under old Zoning Ordinance
Nonconformities are sites, buildings, signs, lots and uses were **legally** established before the ordinance or zoning was changed.

They can be created as a result of:
- Rezoning through an SMA
- Text Amendment
Implementation

Nonconformities

- Determination
- Certification
- Authority to continue
Implementation

Nonconformities

Nonconforming site features

- Current Zoning Ordinance does not specifically address nonconforming parking, landscaping, and lighting
- Proposed Zoning Ordinance establishes sliding scale requiring partial compliance depending on the amount of expansion or extent of remodeling
- Nonconforming signs – current provisions carried forward
- Continuance
- Improvements
  - Exemptions
Nonconforming structures

- Most current rules carried forward
- New rule allows expansion inside the Capital Beltway if expansion complies with Division 27-5: Development Standards
Implementation

Nonconformities

Lots of record

- Always allows single-family development on nonconforming lot
- Often allows other permitted development that complies with all standards except lot area
- Inside the Beltway requires consolidation of adjoining lots in common ownership to make lots conforming/more conforming
Implementation
Nonconformities

Nonconforming uses

- Most current rules carried forward
- New rule allows landowners inside Capital Beltway to substitute one nonconforming use for another, with approval of Special Exception, and compliance with review standards
- Nonconforming signs carried forward
- No certification process proposed for:
  - Alteration, Enlargement, or Expansion
  - Change of NCU to another NCU
  - Intensification of NCU
This concludes the staff presentation on the Countywide Map Amendment

Questions?
Prince George’s County
Zoning Ordinance and Subdivision Regulations Rewrite

Worksession #5 – Part 2
Subdivision Regulations
Subdivision Regulations

Topics of Discussion

- Major and Minor Subdivisions
- Adequate Public Facilities
- APF Certificate
Major and Minor Subdivision
Major Subdivision

Preliminary Plan of Major Subdivision

Proposed Process

- Pre-application meeting is required
- All other procedures remain the same
- Authority remains the same
Minor Subdivision
Proposed

- Preliminary Plan of Minor Subdivision Proposed:
  - Pre-application meeting optional
  - 10-day public notice prior to decision
  - Decision authority with the Planning Director or the Planning Board
  - Appeal to the Planning Board
Minor Subdivision

Current

- Preliminary Plan of Minor Subdivision
- Current Practice:
  - 4 single-family detached residential lots or less; and no more than 7 single-family detached lots in the Sustainable Growth Tier IV
  - No pre-application meeting
  - No public notice prior to decision
  - Decision authority with the Planning Director
  - Appeal to the Planning Board
Under the proposed regulations, the threshold between a major and minor subdivision is the point at which 50 trips are generated in the peak hour.

<table>
<thead>
<tr>
<th></th>
<th>Current Regulations</th>
<th>Proposed Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor Subdivision</td>
<td>≤ 4 Units</td>
<td>≤ 50 Generated Trips</td>
</tr>
<tr>
<td>Major Subdivision</td>
<td>&gt; 4 Units</td>
<td>&gt; 50 Generated Trips</td>
</tr>
</tbody>
</table>

50 trips was chosen because it is the level at which we currently require a Traffic Study.
What does 50 trips actually look like?

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Minor Subdivision</th>
<th>Major Subdivision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Residential</td>
<td>0 - 55 units</td>
<td>&gt; 55 units</td>
</tr>
<tr>
<td>Townhouse Residential</td>
<td>0 - 62 units</td>
<td>&gt; 62 units</td>
</tr>
<tr>
<td>Multifamily Residential (midrise)</td>
<td>0 - 83 units</td>
<td>&gt; 83 units</td>
</tr>
<tr>
<td>Office (general)</td>
<td>0 - 25,000 SF GFA</td>
<td>&gt; 25,000 SF GFA</td>
</tr>
<tr>
<td>Light Industrial</td>
<td>0 - 58,000 SF GFA</td>
<td>&gt; 58,000 SF GFA</td>
</tr>
</tbody>
</table>
Questions?

- Does the 50 trip threshold seem appropriate for the division between a Major and a Minor Subdivision?

- Considerations:
  - Lower the threshold
  - Proximity to transit
  - Future public hearing process (is a public hearing required for the site plan?)
Adequate Public Facilities
Adequate Public Facilities (APF) legislation regulates how incoming development contributes to funding or building public services. Through APF, development contributes to:

- Transportation
- Water and Sewer
- Schools
- Police
- Fire/Emergency Medical Services
- Parks and Recreation
To determine the level of contribution each development makes, each public service is “Tested” as follows:

- A comparison of the available public facility and the new demands made on that facility by the development
- Each agency recommends an appropriate amount/threshold of facility for the public – “Level of Service” (LOS)
- The Council sets the LOS
If the new development will push the demand of the public facility beyond the Level of Service, they are required to improve that facility through:

- Payments
- Infrastructure
- Reservations
The proposed regulations recommend:

- Relying only on the surcharge for Fire/EMS
- Exempting the transportation test in Regional and Local Transit-Oriented zones
- Replacing Bicycle Pedestrian Impact with general transportation offsets
The proposed regulations do not recommend updating any individual agency’s test. All of the agencies have noted their interest to update the test and LOS. Before this can happen, the agency needs to study and determine the proper ratio of development-to-service provision.
APF Process
Proposed

**CURRENT APF**

**Transportation**
- LOS by Transportation Area
- Bike-Pedestrian Adequacy
- Road clubs, PFFIP
- TDDP parking

**Water and Sewer**
- Appropriate category in the 10-Year Water and Sewerage Plan
- Sustainable growth tier

**Parks and Recreation**
- 15 acres/1,000 residents

**PROPOSED APF**

**Transportation**
- LOS by Transportation Area
- Bike and Pedestrian offsets
- PFFIP

**Water and Sewer**
- Appropriate category in the 10-Year Water and Sewerage Plan
- Sustainable growth tier

**Parks and Recreation**
- 2.5 acres/1,000 residents – center zones, employment areas
- 15 acres/1,000 residents – everywhere else
CURRENT APF

Police
- Equipment and Staffing levels
- 25 minutes – non emergency
- 10 minutes – emergency

Fire / EMS
- Apparatus replacement
- 7 minute – travel time
- Surcharge

Schools
- 105% cluster capacity (suspended)

PROPOSED APF

Police
- Equipment levels
- 25 minutes – non emergency
- 10 minutes – emergency

Fire / EMS
- Rely on surcharge only

Schools
- 105% cluster capacity
Questions?

- Does the Council want to adopt the APF tests as proposed?
- Considerations:
  - Fire/EMS facilities are Countywide and are difficult to provide at a proportional level
  - Similar to Fire/EMS, police facilities are also Countywide
  - All agencies are interested in updating the APF LOS; there is opportunity to switch to fee-based APF
Adequate Public Facilities - Transportation
## Proposed Level of Service

<table>
<thead>
<tr>
<th>Transportation Service Area - Plan 2035</th>
<th>Level of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 (Developed)</td>
<td>LOS E</td>
</tr>
<tr>
<td>2 (Developing)</td>
<td>LOS D</td>
</tr>
<tr>
<td>3 (Rural)</td>
<td>LOS C</td>
</tr>
<tr>
<td>RTO and LTO zones</td>
<td>Exempt from APF</td>
</tr>
</tbody>
</table>

- The exemption within Transit-Oriented zones is new
Development can also meet LOS through other available capacity tools, such as:

- Fully-funded projects in the County’s Capital Improvement Program
- Participation in a Public Facilities Financing and Implementation Program (PFFIP)
- Participation in a Surplus Capacity Reimbursement Procedure (SCRP)
- Federal transportation project funded for construction within 10 years
- Participation in Road Clubs
Through subdivision, a development’s transportation impact is tested. If the impact will effect the LOS for roads and intersections near the development, a developer will be required to:

- Make physical transportation improvements to meet the LOS
- Incorporate any trip-reduction programs to meet the LOS
If the developer still can’t meet the LOS, they can request *mitigation*:

<table>
<thead>
<tr>
<th>Percentage Traffic above Adopted Level of Service</th>
<th>Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 10% above or &lt; 25 peak hour trips</td>
<td>May require applicant to provide pro-rata cost of necessary improvements</td>
</tr>
<tr>
<td>10 – 25%</td>
<td>Improve traffic by 150% of their generated trips at intersections or roadways</td>
</tr>
<tr>
<td>≥ 25%</td>
<td>Improve traffic to a point where it is no more than 25% above the LOS at intersections of roadways</td>
</tr>
</tbody>
</table>

Mitigation needs to be approved by the road agencies and is limited to certain areas of the County.
Transit, bicycle, and pedestrian adequacy

- Currently, non-vehicular traffic improvements are required off-site in Centers and Corridors through the Adequate Public Pedestrian and Bikeway Facilities (BPIS)
- The proposed regulations replace this process with Transportation Offsets for Transit, Bike, and Pedestrian Facilities
**APF Process**

**Transportation**

**CURRENT - BPIS**

- Are required for centers and corridors
- Improvements are built in addition to road improvements
- Cost cap for potential improvements

**PROPOSED - OFFSETS**

- Can be used as “mitigation” towards APF impacts
- Can be used in lieu of road improvements
- No cost cap
Exemption in Transit-Oriented zones

- The proposed regulations recommend exempting development from the Adequate Public Facilities test for transportation facilities only, in the Regional Transit-Oriented and Local Transit-Oriented zones.
Benefits of the exemption:

- Encourages economic development
- Contributes to creating “downtown” areas
- Encourages multi-modal transportation
- Leads to higher-quality development
Drawbacks of the exemption:

- Most development will likely have some demand for vehicle transportation infrastructure
- Exempting transportation APF will not encourage Transit, Bike, and Pedestrian offsets
Transportation improvements and the built environment

- Transportation infrastructure influences the value of development.
- Transportation infrastructure does not always improve traffic.
- Well functioning transportation is a balance between access, equity, and design.
Questions?

- Should RTO/LTO areas be exempt from transportation improvements?

Considerations:
- Exempt motor vehicle improvements, while requiring transit, bicycle, pedestrian improvements.
- Prioritize Transportation Demand Management strategies as part of APF improvements.
- Require different LOS threshold for transit-oriented zones.
Adequate Public Facilities Certificate
The “certificate” is a mechanism to allow the County to test **and re-test** a project’s impact on public facilities after a certain length of time.

The certificate process is separate from the application process, but would be evaluated concurrently with the associated application.

The certificate would give the applicant the assurance regarding what improvements and contributions need to be made.
Which development cases need a certificate?

- New preliminary plans of subdivision under the proposed regulations
  - Both major and minor subdivisions
- New parcel-specific map amendment or Planned Development amendments under the proposed regulations
  - Non-residential base zones
  - Center or Planned Development zones
What if the preliminary plan has already been approved?

- A certificate is needed for:
  - Final Plats
  - Building permits for site plans that are 10-year old or older
- Dependent on the age and percentage of completion
Today, once a development “passes” a transportation APF test, the test is good forever. This is problematic, because:

- A project may never be built, but the tested impacts are still counted, which can tie up new development
- Built environment surrounding a site may have changed and old improvements are no longer valid
- Planning for future public facilities based on un-built projects leads to over-supplying facilities, which impacts County budget, over-stretching resources
The APF Certificate expires over time
Expiration should be pursued because:

- Required APF improvements will better reflect need at the time of construction
- Long-reserved APF impacts will not inhibit new development
### APF Certificate expiration

<table>
<thead>
<tr>
<th>Development Application</th>
<th>Expires in</th>
<th>1 Year after Approval, unless</th>
<th>2 Years after approval, unless</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary Plan</td>
<td>Commence construction of at least 1 lot</td>
<td>Commence construction of at least 25% of all lots</td>
<td></td>
</tr>
<tr>
<td>Final Plat</td>
<td>Commence construction of at least 1 lot</td>
<td>Commence construction of at least 25% of all lots</td>
<td></td>
</tr>
<tr>
<td>Site Plan</td>
<td>Obtain issuance of building permit</td>
<td>Commence construction of at least 25% of gross floor area</td>
<td></td>
</tr>
</tbody>
</table>
If a certificate does expire, which applications can be retested?

- Preliminary plans
- Final plats
- Site plans
Constitutionality for retesting
  • Nexus
  • Proportionality
  • Congruence
There is a limit to what can be required for retested APF improvements
  • Applicants who have already provided a contribution or built an improvement
  • Improvements that are proportionally beyond their fair share
How long should the APF certificate be valid for?

Considerations:

- 1-2 years may be too aggressive, but would encourage development once a subdivision plan is approved
- The validity period for a Preliminary Plan of Subdivision now is 6 years
This concludes the staff presentation on the Subdivision Regulations

Questions?
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WINTER / SPRING 2017

- Council Retreat
- PZED/COW Pre-Legislative Work Sessions
  - *How can we help you?*
- Comprehensive review draft published

SUMMER 2017

- Review public comments of the Comprehensive Review Draft
- PZED/COW Pre-Legislative Work Sessions
  - Response to the Comprehensive Review Draft
FALL 2017

- Legislative draft presented to Council
  - Legislative package
- Legislative hearings and approval
- Initiate Countywide Map Amendment

WINTER / SPRING 2018

- Council Retreat – Update
- Drafting Applications Manual / Re-zone County
- Approve Countywide Map Amendment
SUMMER 2018

- New Zoning Ordinance takes effect
- Public outreach and education