



**Prince George's County
Zoning Ordinance and Subdivision Regulations Rewrite**

County Council Worksession #5
Countywide Map Amendment and Subdivision Regulations

March 13, 2017



The Maryland – National Capital Park & Planning Commission

Worksessions Schedule



	Topic	Date
✓	Zone Structure	January 31, 2017
✓	Uses	February 7, 2017
✓	Standards	February 14, 2017
✓	Notification and Community Involvement Process and Administration	March 2, 2017 (retreat)
→	Subdivision Regulations	March 13, 2017
	Countywide Map Amendment	

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 2: Grandfathering/Transitional Provisions

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

Countywide Map Amendment



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

Countywide Map Amendment

What it doesn't do...



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

Countywide Map Amendment

Mapping 100% of the County



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

Countywide Map Amendment

Mapping the 92%

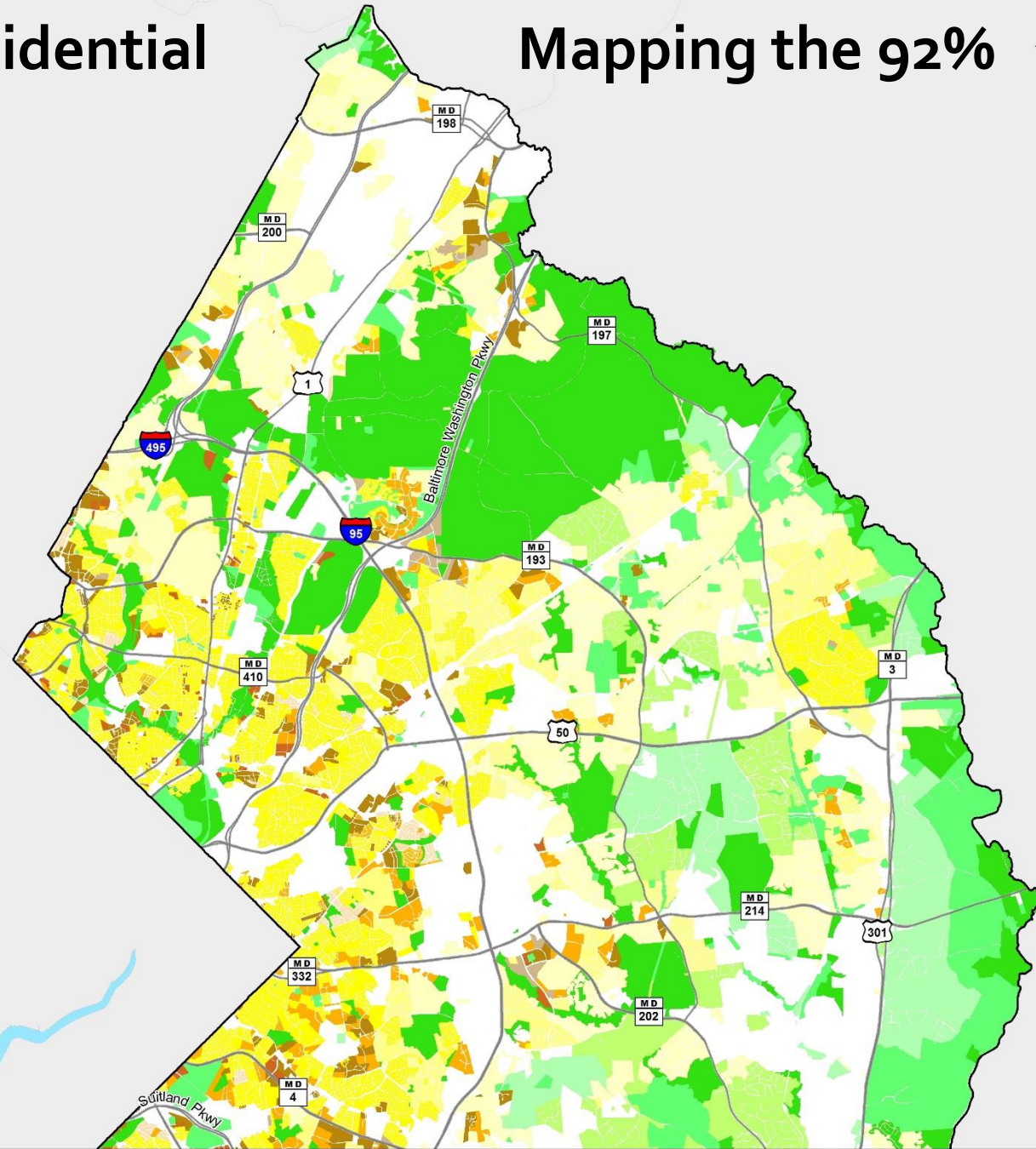
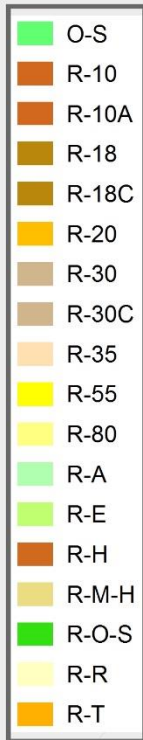


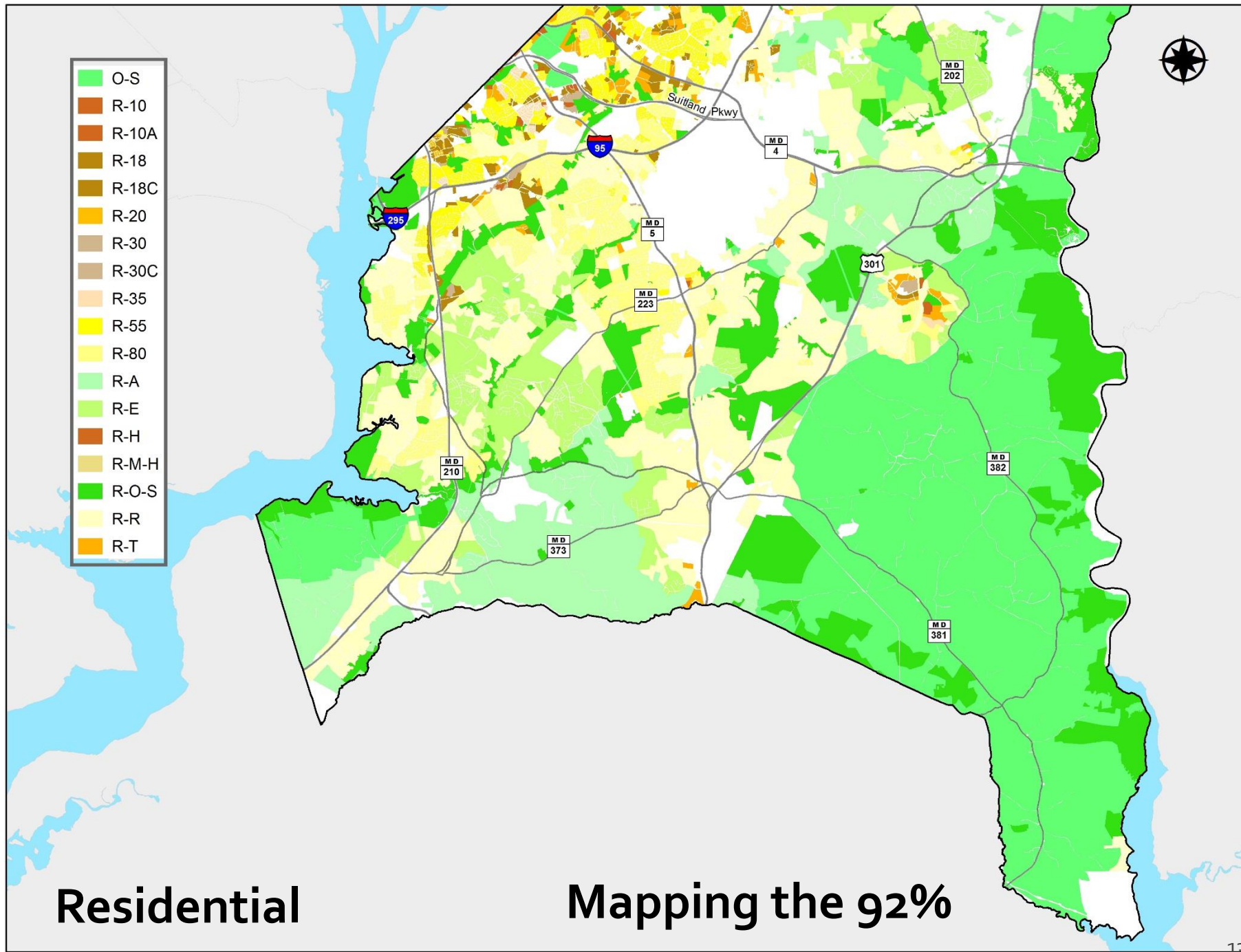
92% of County properties

- 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

Residential

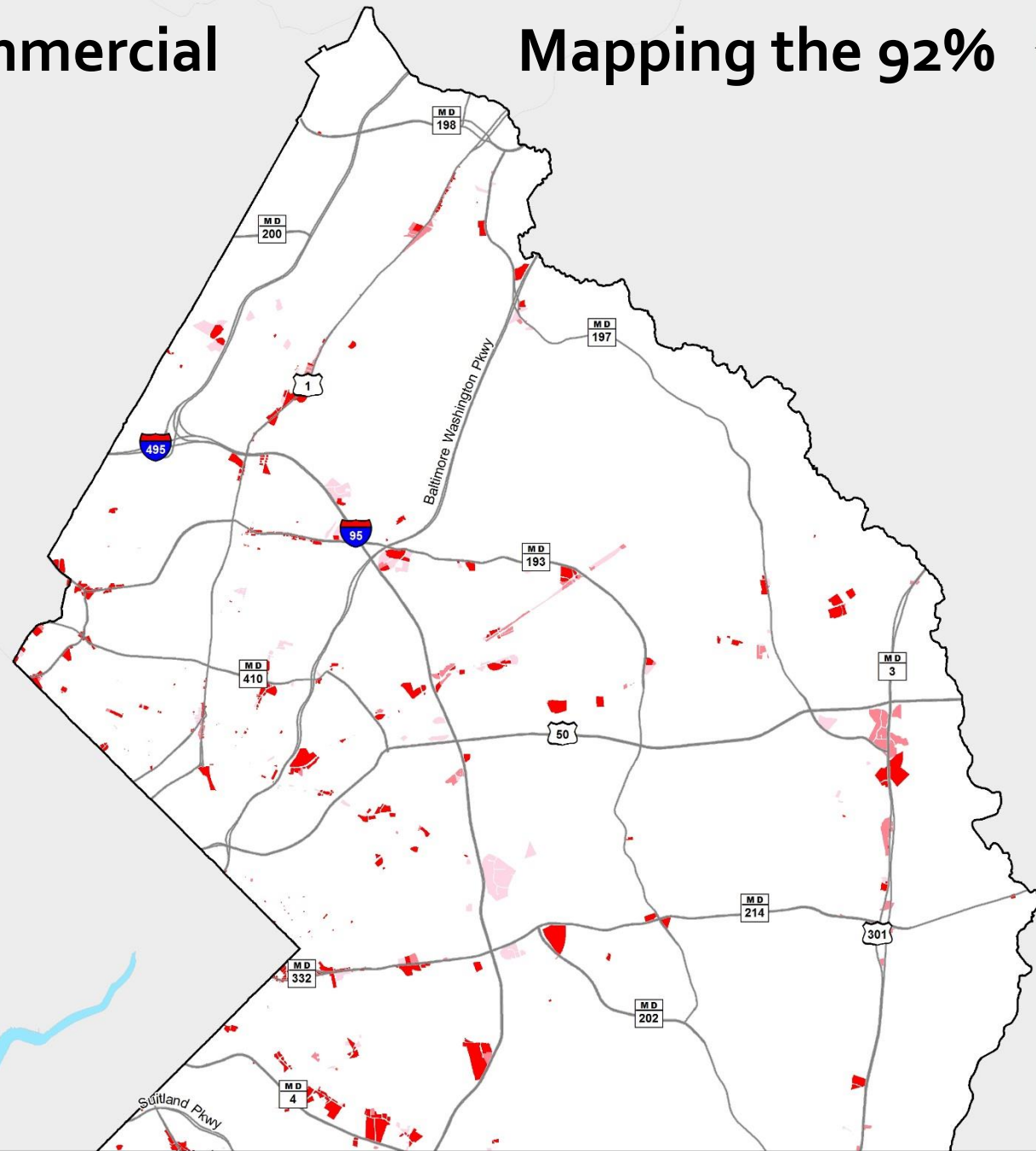
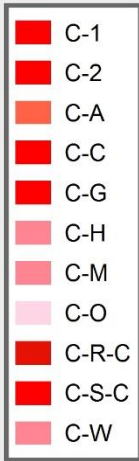
Mapping the 92%

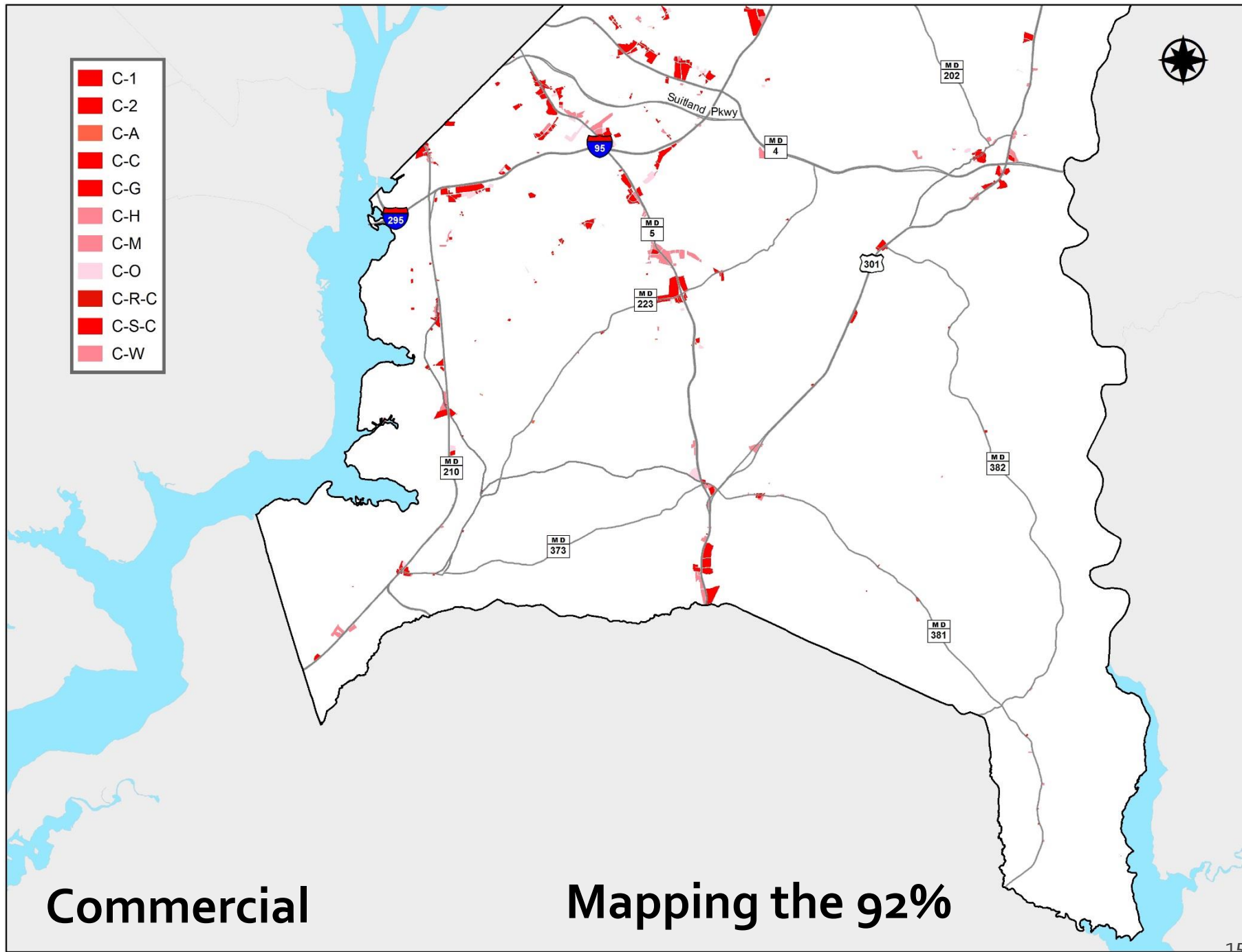




Commercial

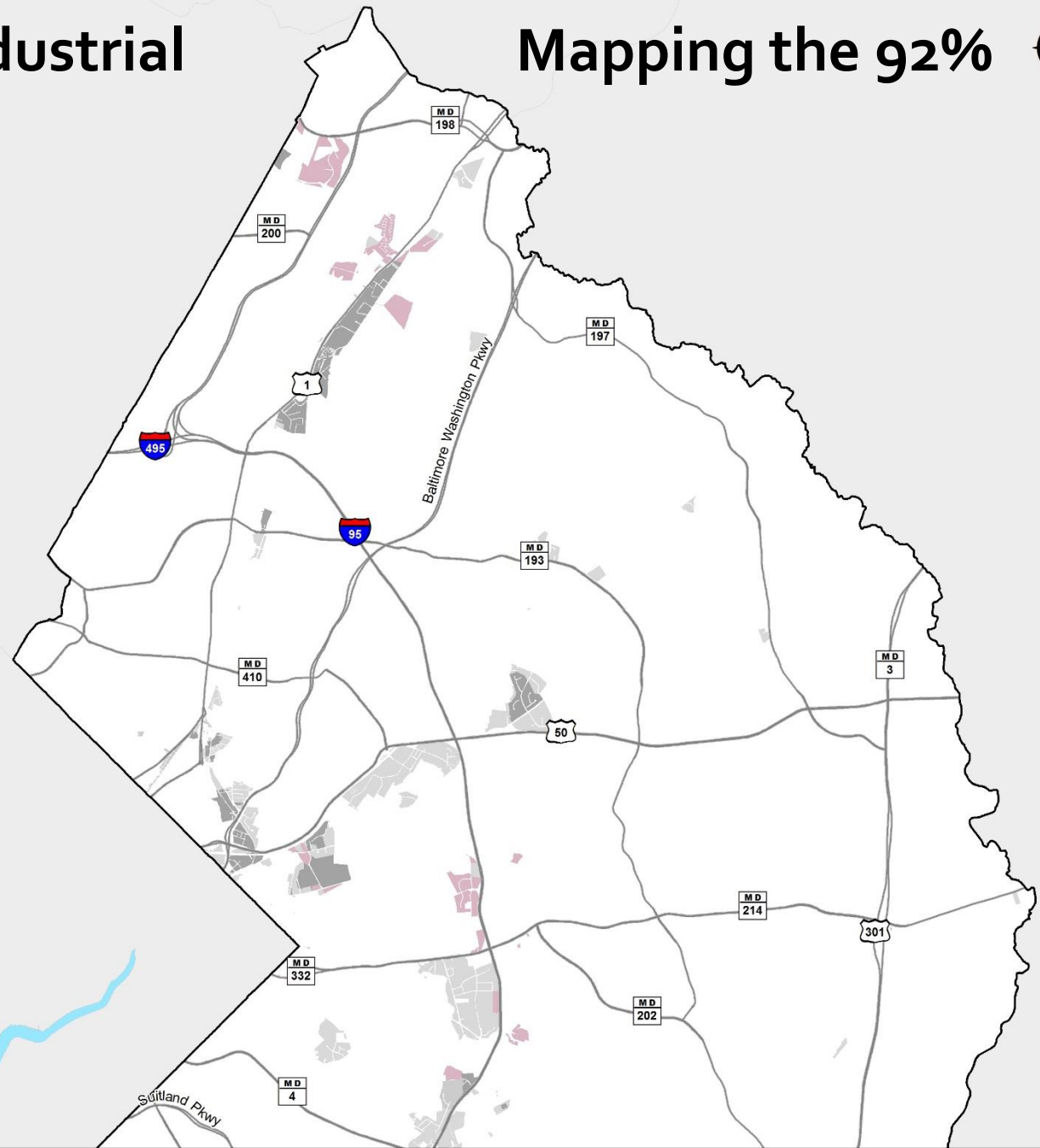
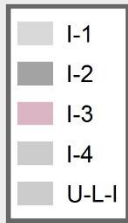
Mapping the 92%

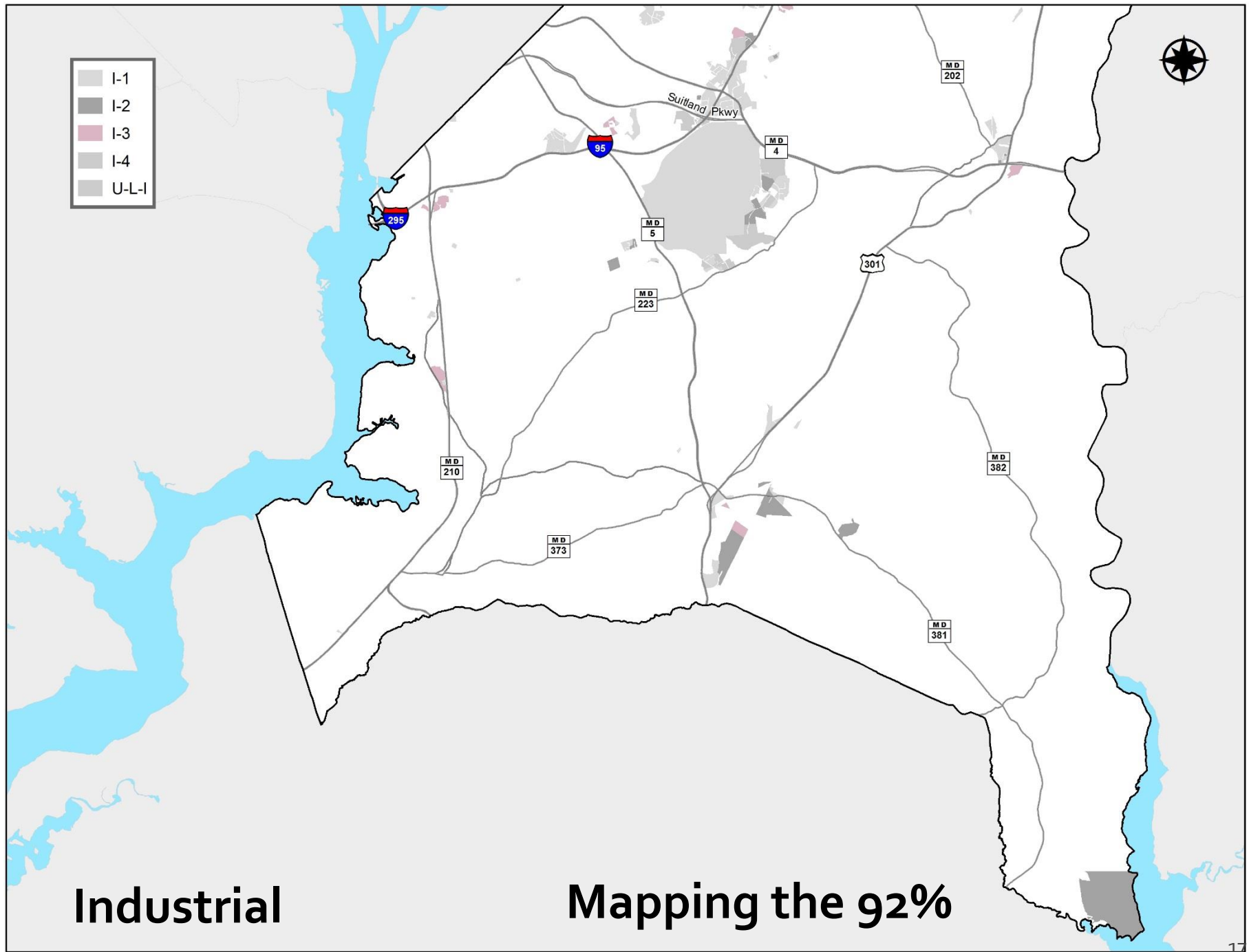




Industrial

Mapping the 92%





Countywide Map Amendment

Mapping the 92%



One-to-One Zoning Conversions (examples)

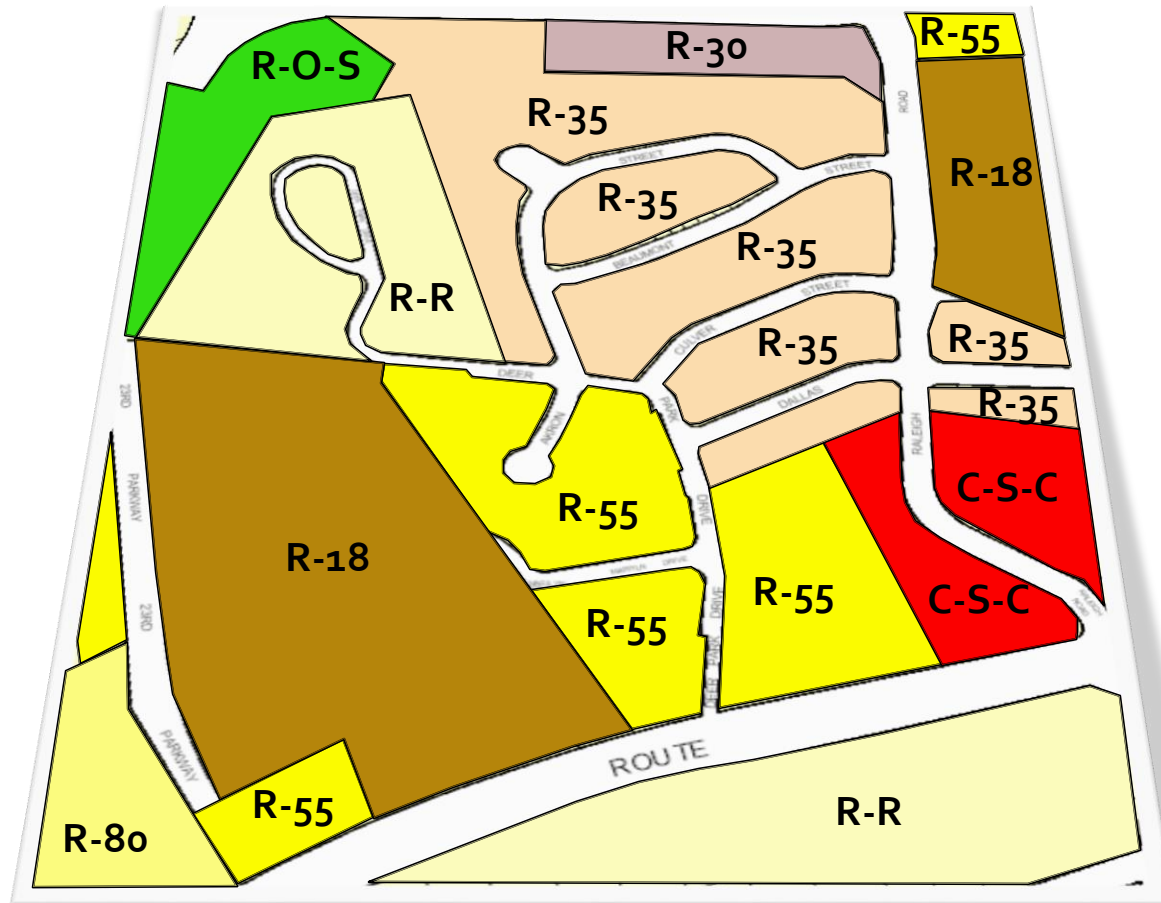
Current Zones	Proposed Zones
R-O-S (<i>Reserved Open Space</i>)	PL (<i>Public Land</i>)
R-R (<i>Rural Residential</i>)	RR (<i>Rural Residential</i>)
R-55 (<i>One-Family Detached Residential</i>)	SFR-6.7 (<i>Single-Family Residential-6.7</i>)
R-35 (<i>One-Family Semidetached, and Two-Family Detached</i>)	SFR-A (<i>Single-Family Residential-Attached</i>)
R-30 (<i>Multifamily Low Residential</i>)	MFR-12 (<i>Multifamily Residential-12</i>)
R-18 (<i>Multifamily Medium Density Residential</i>)	MFR-20 (<i>Multifamily Residential-20</i>)
C-S-C (<i>Commercial Shopping Center</i>)	GCO (<i>General Commercial and Office</i>)

Mapping the 92%

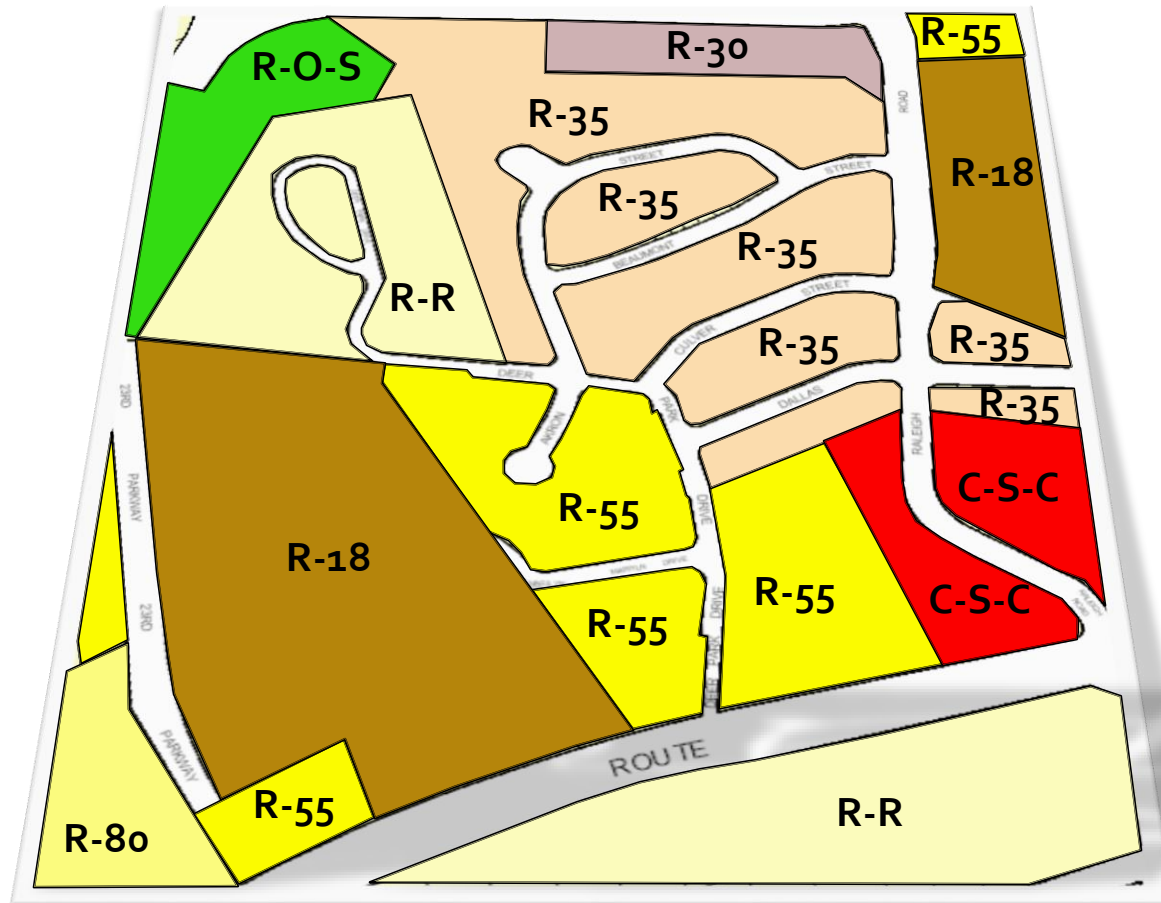
Marlow Heights (example)



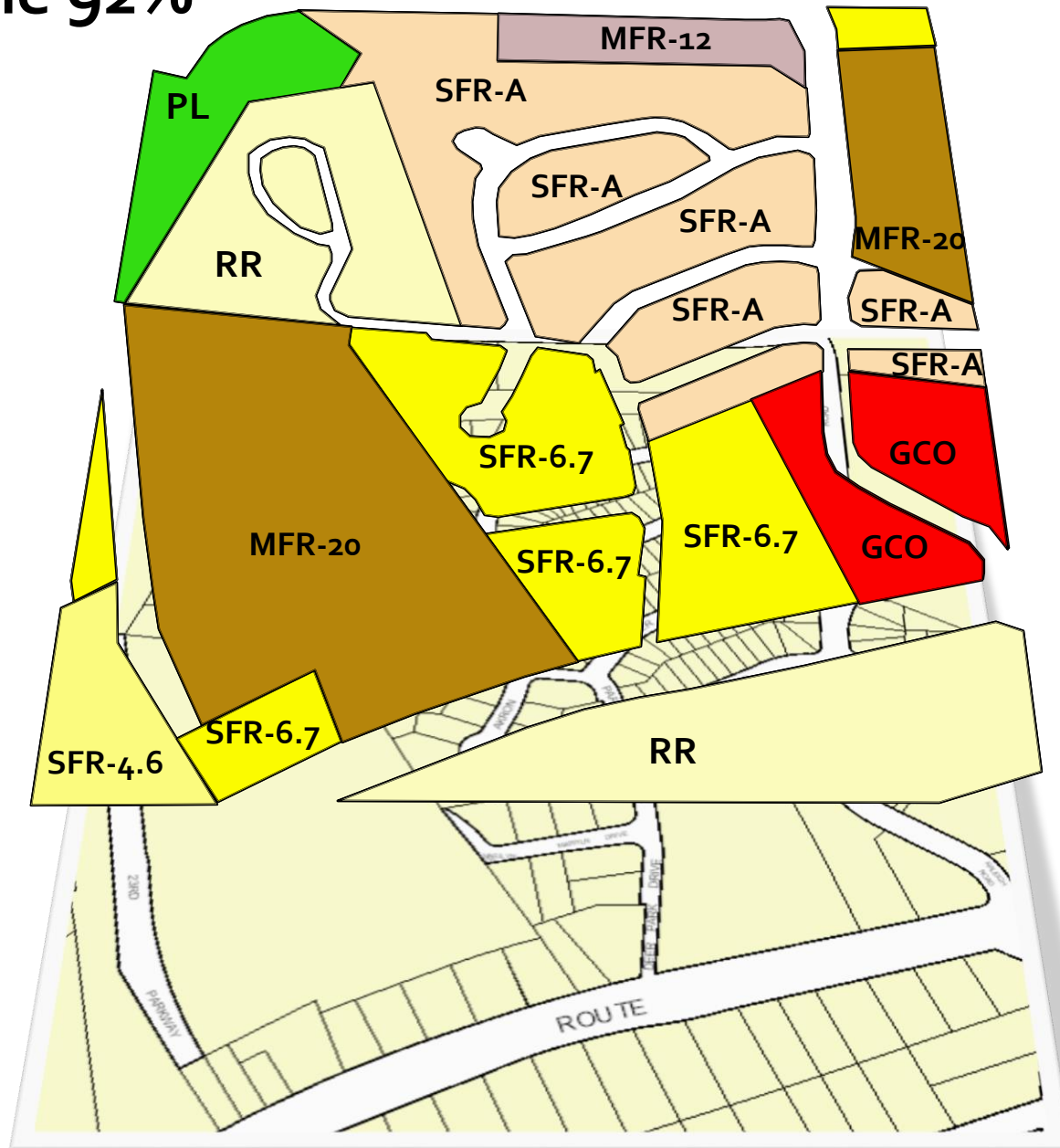
Mapping the 92%



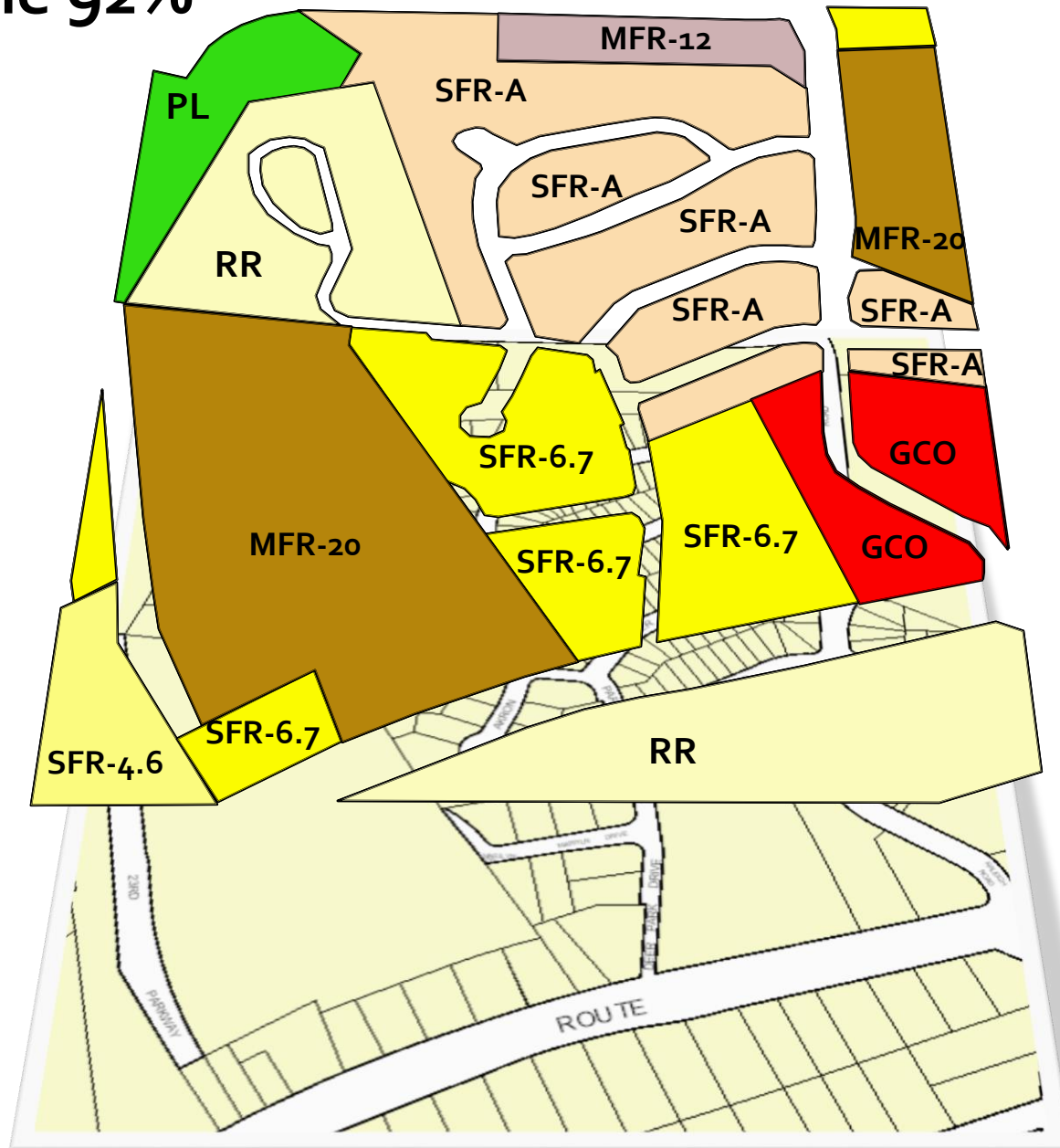
Mapping the 92%



Mapping the 92%



Mapping the 92%



Countywide Map Amendment

Mapping the 8%



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*

Countywide Map Amendment

Mapping the 8%



- **Greater Cheverly Sector Plan**
 - May 2017 (*anticipated approval*)
- **East Riverdale – Beacon Heights Sector Plan**
 - February 2018 (*anticipated approval*)

Discontinued Zones



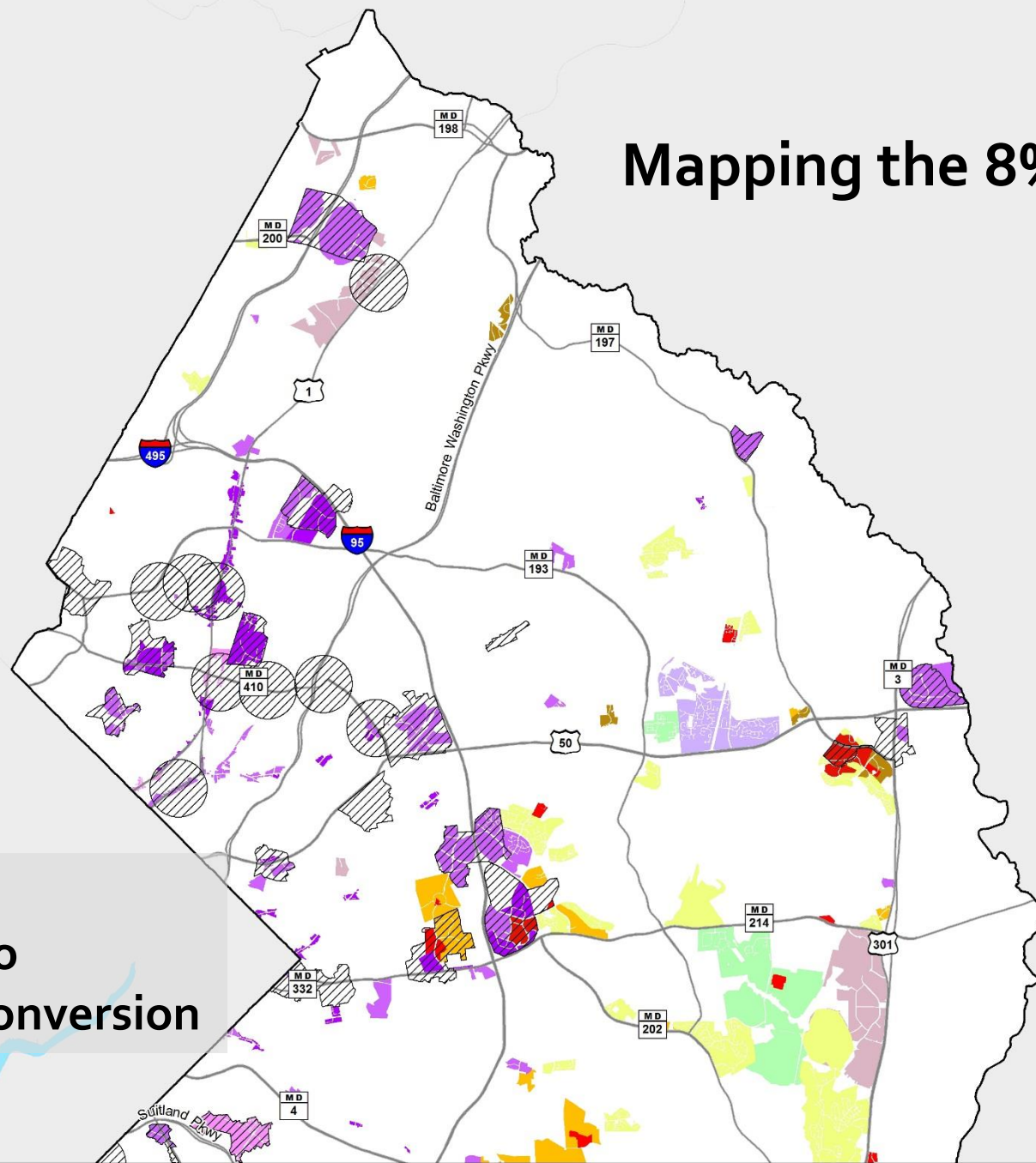
No One-to-One Zoning Conversions

Current Zones That Will Be Discontinued

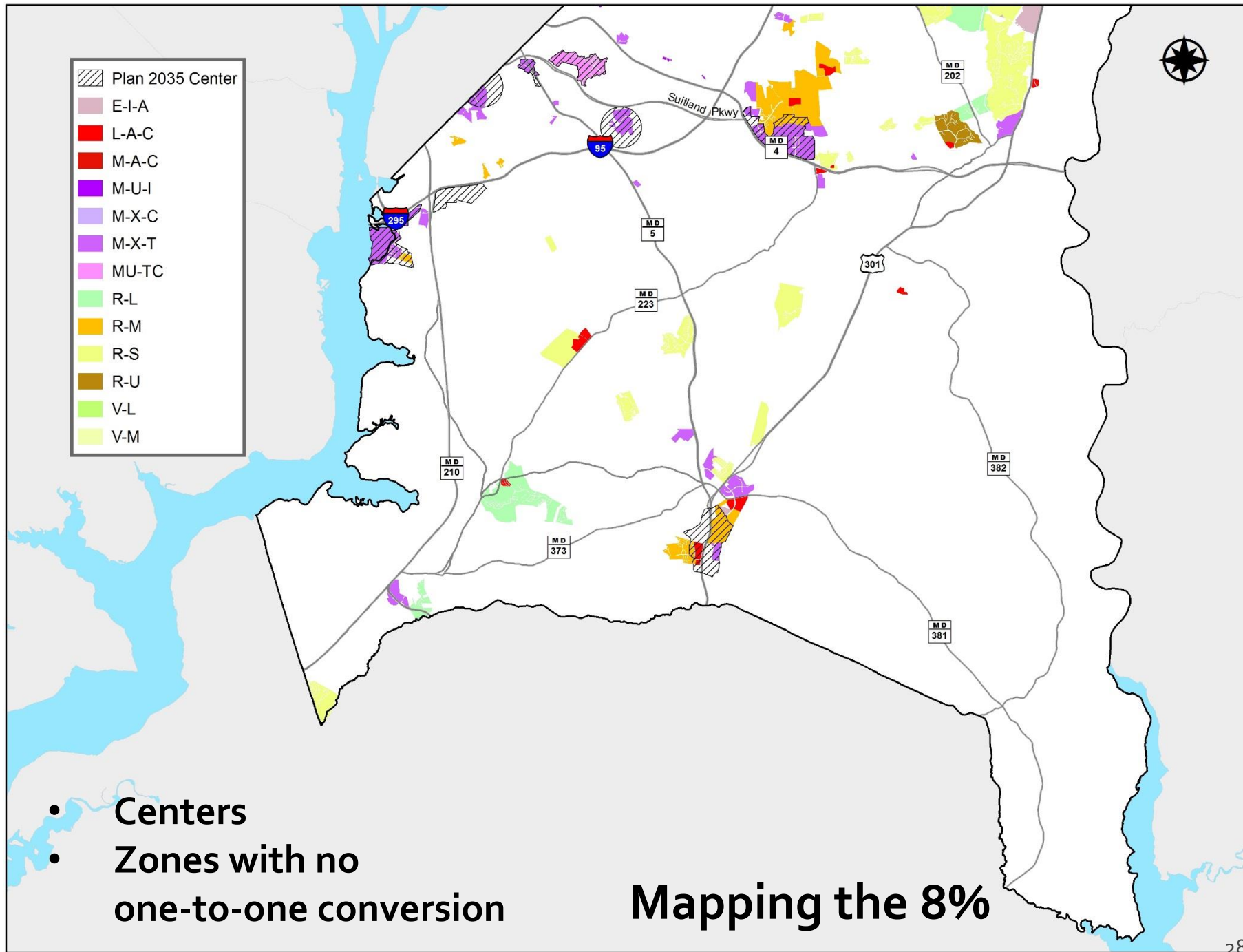
M-X-T (<i>Mixed Use – Transportation Oriented</i>)	R-M (<i>Residential Medium Development</i>)	UC-4 (<i>Corridor Node</i>)
M-U-T-C (<i>Mixed-Use Town Center</i>)	M-X-C (<i>Mixed Use Community</i>)	UC-3 (<i>Community Urban Center</i>)
M-U-I (<i>Mixed-Use Infill</i>)	R-S (<i>Residential Suburban Development</i>)	UC-2 (<i>Regional Urban Center</i>)
M-A-C (<i>Major Activity Center</i>)	V-L (<i>Village-Low</i>)	UC-1 (<i>Metropolitan Urban Center</i>)
L-A-C (<i>Local Activity Center</i>)	V-M (<i>Village-Medium</i>)	C-R-C (<i>Commercial Regional Center</i>)
R-U (<i>Residential Urban</i>)	R-P-C (<i>Planned Community</i>)	



Mapping the 8%



- Centers
- Zones with no one-to-one conversion



Countywide Map Amendment

How are we going to do it?



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

Countywide Map Amendment

Draft CMA Schedule



Milestone	Date
Draft CMA Legislation <ul style="list-style-type: none"> -Standardized process and decision matrix -Initiation package 	September 2017
Adoption of CMA Process and Initiation	November 2017
Initial Countywide mailing	December 2017
Community Informational Forums	February 2018
Public Hearing	Spring 2018
Adoption and becomes effective	June 2018



Grandfathering and Nonconforming Uses

Implementation

Grandfathering/Nonconformities



- Existing entitlements
- Applications in the review process
- Nonconformities



Grandfathering and Existing Development Applications

Implementation

Let's Start With Vested Properties



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

Implementation

What Are Nonconformities?



- 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

Implementation

Nonconformities



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***

March 13, 2017



The Maryland – National Capital Park & Planning Commission

Subdivision Regulations



Topics of Discussion

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



Major and Minor Subdivision

Major Subdivision

Proposed



- 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

Major vs. Minor Subdivision



- 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.

	Current Regulations	Proposed Regulations
Minor Subdivision	≤ 4 Units	≤ 50 Generated Trips
Major Subdivision	> 4 Units	> 50 Generated Trips

- 50 trips was chosen because it is the level at which we currently require a Traffic Study.

Minor Subdivision

Trips Generated



What does 50 trips actually look like?

Land Use	Minor Subdivision	Major Subdivision
Single Family Residential	0 - 55 units	> 55 units
Townhouse Residential	0 - 62 units	> 62 units
Multifamily Residential (midrise)	0 - 83 units	> 83 units
Office (general)	0 - 25,000 SF GFA	> 25,000 SF GFA
Light Industrial	0 - 58,000 SF GFA	> 58,000 SF GFA

Minor Subdivision



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

APF Process

Current



- 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

APF Process

Current



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

APF Process

Current



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

APF Process

Proposed



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

APF Process

Proposed



- 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

APF Process

Proposed



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

APF Process

Proposed



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

APF Process

Transportation



Proposed Level of Service

Transportation Service Area - Plan 2035	Level of Service
1 (Developed)	LOS E
2 (Developing)	LOS D
3 (Rural)	LOS C
RTO and LTO zones	Exempt from APF

- The exemption within Transit-Oriented zones is new

APF Process

Transportation



- 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 (SCRIP)
 - Federal transportation project funded for construction within 10 years
 - Participation in Road Clubs

APF Process

Transportation



- 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

APF Process

Transportation



- If the developer still can't meet the LOS, they can request *mitigation*:

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

- Mitigation needs to be approved by the road agencies and is limited to certain areas of the County

APF Process

Transportation



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

APF Process

Transportation



Benefits of the exemption:

- Encourages economic development
- Contributes to creating “downtown” areas
- Encourages multi-modal transportation
- Leads to higher-quality development

APF Process

Transportation



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

APF Process

Transportation



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.

APF Process

Transportation



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

APF Certificate

Proposed



- 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

APF Certificate

Proposed



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

APF Certificate

Proposed



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

APF Certificate

Current



- 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

APF Certificate

Proposed



- 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

Proposed



APF Certificate expiration

Development Application	Expires in	
	1 Year after Approval, unless	2 Years after approval, unless
Preliminary Plan	Commence construction of at least 1 lot	Commence construction of at least 25% of all lots
Final Plat	Commence construction of at least 1 lot	Commence construction of at least 25% of all lots
Site Plan	Obtain issuance of building permit	Commence construction of at least 25% of gross floor area

APF Certificate *Proposed*



If a certificate does expire, which applications can be retested?

- Preliminary plans
- Final plats
- Site plans

APF Certificate

Proposed



- 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

APF Certificate

Proposed



- 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?

Worksessions Schedule



	Topic	Date
✓	Zone Structure	January 31, 2017
✓	Uses	February 7, 2017
✓	Standards	February 14, 2017
✓	Notification and Community Involvement	March 2, 2017 (retreat)
	Process and Administration	
✓	Subdivision Regulations	March 13, 2017
	Countywide Map Amendment	



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

