



**Zoning Ordinance and Subdivision Regulations Rewrite
Community Listening Session – Baden Fire Hall
September 14, 2016**

The purpose of this discussion was to present Clarion Associates' recommendations contained in Module 3 for process and administration, and to discuss the concerns and questions of the group. Public questions and comments are identified by **bold text**. Responses to questions and additional presenter comments are identified by normal text.

The County is called Prince George's, not Prince George. One of the presenters referred to "Prince George County."

Best practices and modernization is not always a good thing. Codes can be too detailed. The public is leery of a system that gives unelected bureaucrats more authority and removing "call-up" is troublesome.

The concern over "call-up" has been mentioned in previous meetings and we will take this into account for the comprehensive review draft.

Public notice and right to appeal should be expanded to more residents.

The right to appeal is based on standing as an aggrieved person and is a function of state law. Public notice and mailings can be expanded to let more people know what is going on.

The pre-application meeting is required for some but not all applications. Development within the Mount Vernon Viewshed should be considered.

We will consider including the viewshed with regard to required pre-application neighborhood meetings.

The pre-application meeting could be swayed by lobbyists instead of the "proper," or directly impacted, civic association.

The recommended pre-application meeting would take place before any development or designs have been made; in fact, it would occur prior to acceptance of any application by the Planning Department. The affected civic associations (assuming they have registered with the Planning Department) and property owners adjacent to the development site will be sent a mailing for the meeting to ensure turnout from appropriate parties.

Regarding the "adjacent property rule"—the recent power plant proposals in this area only notified adjacent properties, but we are all impacted.

Perhaps the scale of the project can expand the notification requirements. Power plants, as state-regulated uses, are not subject to the Zoning Ordinance. Utility projects are subject to the mandatory referral process, which does include a public meeting before the Planning Board.



The power plants are an environmental justice issue. Earth Justice has taken action against the power plants under environmental justice issues.

How does this code compare to Montgomery County's recent code?

The counties are very different and do not easily compare. For example, Montgomery County does not have the Prince George's County election to review procedures (e.g., "call-up").

Do we need greater flexibility for nonconforming uses outside the Beltway as well?

We will look at this.

Is there proof that this flexible approach to nonconforming uses has worked?

The jurisdictions that we work with, where we have incorporated this regulation into their codes, seem to prefer it when we speak with them after their codes have been in place for some time. However, we do not have hard data one way or the other. This flexible approach is designed to address buildings that go vacant because of nonconforming use status.

Will there be a section to address changes in rural and agricultural zones?

There are footnotes in the draft that describe the changes that are proposed, not just to these zones but all changes and additions that Clarion Associates propose.

Regarding electric vehicle charging, is commercial charging from a residential charger an allowed use?

Car chargers are included in the code as allowed uses for residential and commercial spaces. However, there is no regulation stating that a residential charger can or cannot be used commercially.

There are a lot of people in this region. How can we use this to limit growth?

Zoning ordinances are not designed to stop growth. They are crafted to help actualize the county's plan and vision. Plan 2035 clearly sets out goals for limiting growth in the Rural and Agricultural Area and encouraging infill development in Centers and Established Communities. Growth is a result of many macro-economic factors. It will be very difficult to stop growth outright.

Traffic in this area and along MD 5 is very bad.

The Subdivision Regulations include adequate public facilities requirements to ensure that infrastructure keeps pace with new subdivisions.

Plan 2035 considers Brandywine a town center. We do not believe this is the case.

We [Clarion Associates] did not create the Plan 2035 growth policy areas. We recommend that when the Council approves the Countywide Map Amendment, you reach out to your council person and let them know you disagree with the Brandywine zoning.



Can we revise Plan 2035?

Plan 2035 was approved in 2014, and the master plan for the area was approved in 2013. An update to Plan 2035 is unlikely to happen soon.

What is the difference between major and minor subdivisions?

State law indicates that no subdivision can be larger than seven lots if the property is in Sustainable Growth Tier IV. The current County Code identifies minor subdivisions as four or fewer units in most of the County, and as seven or fewer units in the former Rural Tier (which corresponds to Sustainable Growth Tier IV). The proposed code retains the seven lot cap within Sustainable Growth Tier IV in accordance with state law and identifies a threshold for minor subdivisions in the rest of the County as any subdivision with 50 or fewer peak hour trips.

Charles County continues to sprawl near our border. What can the code do about that?

Nothing. This code has no impact on development in neighboring jurisdictions. There has historically been poor coordination between counties regarding development.

Speaking of minor subdivisions, is there a public meeting? What about major subdivisions?

No, there would be no public hearings for minor subdivisions. The public could appeal the decision of the Planning Director to the Planning Board. There would be public hearings and pre-application neighborhood meetings for major subdivisions.

“Call-up” is good. A development near me built poorly constructed houses. “Call-up” gave us the chance to improve the development.

Comment noted. We have heard both positive and negative responses regarding “call-up.”