



**Zoning Ordinance and Subdivision Regulations Rewrite
Community Listening Session – College Park Airport Operations Building
September 15, 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**. Clarion Associates' responses to questions and additional presenter comments are identified by normal text.

Would nonconforming uses apply to residential lots and buildings?

Yes. If the building or lot is different from the standards, it would be a nonconforming building or lot.

There are lots of lots that are 50x100 feet and then the government built a road, thus making the lot 50x92 feet. This makes the lots too small, and variances cannot be achieved.

It is not clear if a special policy is needed for nonconforming lots. The proposed policy is that building is still allowed, as long as it meets the standards.

The R-55 still requires 6,500 square feet, so many lots are nonconforming.

Since zoning created the nonconformity, it is not illegal to build on the lot; however, the building would have to meet the standards.

What does "all remedies are cumulative" mean?

This is a legal statement. The County is allowed to pick and choose which enforcement procedures are used and in what order. It also means that the enforcement procedures build on top of each other—e.g., an injunction would not remove the earlier fines.

How is nonconforming different than "grandfathering"?

They are often the same. "Grandfathering" allows legal uses, buildings, and lots to continue after the law (the Zoning Ordinance) changes.

Are there detailed timelines regarding each step of the approval process?

There are timelines in Module 3 only if they are state-mandated. Timelines do not improve the development process. They only allow the applicant and the planning staff to manipulate the process so that everything fits within the timeline. Additionally, timelines can change when the review process changes. Codifying the timeline can make it difficult to change. Clarion Associates recommends that timelines, if provided, typically be included in a procedures manual rather than in the legislated code.

If existing land has already been subdivided, the relocation of lot lines can be very cumbersome.



For the recommended determination of completeness, does this step in the process help the developer know how ready their application is?

This step helps make the process more transparent. It lets the applicant know that the application is ready to go. It limits the ability for staff to ask for more documentation later in the review process. If staff has forgotten to ask for something, it is not the applicant's responsibility. However, if the applicant has misled the planning staff, it is the applicant's responsibility to submit those additional documents.

A key goal of this project is to streamline the process. How do you know which steps will make the review process better?

We have drafted codes for many communities that include a similar mix of rural, urban, and suburban places as Prince George's County. We are using our experience.

This County is unique in character and development pattern. Averaging all the other codes together does not work.

We try to cater the proposed code to the County while still incorporating best practices. We recommend the following breakdown for case reviews, generally speaking:

- 60 percent reviewed administratively (permit review or Planning Director)
- 25 percent reviewed by Planning Board
- 10 percent reviewed by District Council

There is a lot of distrust among the public, the Planning Board, the Planning Staff, and the District Council. This distrust removes predictability in the process, which discourages development.

Can you explain your recommendation of having the District Council not exercise "call-up"?

Simply put, it is not wise to have elected officials in charge of reviewing site plans. The council is not in a good position to measure a development against the rule of law. They are in a good position to react to the public and work to make the public happy, regardless of the law.

When was the last update to the code? How many plans have been since then?

The Zoning Ordinance was last comprehensively updated about 51 years ago. Although many of the plans recommend approaches such as transit-oriented development, they could not be actualized because there was not a good legal tool available to enforce the plan. This rewrite project is an effort to change the status quo and give the County the code it needs to actualize its general plan. Module 1 is very carefully tailored to the County's general plan. Module 2 is tailored to provide countywide quality development standards. Module 3 is intended to improve the process to make Modules 1 and 2 easier to implement.

The County should have redone the code each time a new general plan was released.

The District Council told you that they wanted appeals?

We recommend that the District Council act as an appellate body because of our discussions with County stakeholders of the importance of the District Council as a decision-making body in Prince George's



County. In nearly all other jurisdictions, appeals of Planning Board decisions go directly to the circuit court.

Are there any changes to historic districts?

There have been no changes to historic districts, which are covered by Subtitle 29 of the County Code.

Can mailings be changed as a permanent form of notification in the code?

Many communities are using electronic mailings and posting more of their information on their websites. We recommend adding more use of electronic mailings and online outreach in the procedures manual.

Does the District Council have to agree to the proposed code wholesale?

No. It is likely that they will identify which regulations are kept or removed, or if any additional proposals should be incorporated.

If we have comments for the District Council, where should we send them?

Please send them directly to the District Council; you should also copy the staff project team for their information and recommendation.

How many comments have you received so far?

Several thousand individual comments. Some of what we have received is from individuals who have one or two comments, while other input comes from municipalities that have pages and pages of comments.

If we are interested in showing our support for the Zoning Rewrite, how should we phrase a written statement to the District Council?

We cannot give you the exact wording, but if you do support the effort it would be important to let the Council know that you are happy that this process is happening and that you think the code could improve the quality of development and life for the County. To achieve this, it is necessary to make it easier for everyone to be confident in the predictability of the process.