



**Zoning Ordinance and Subdivision Regulations Rewrite
League of Women Voters of Prince George's County
November 15, 2016**

The purpose of this discussion was to present Clarion Associates' recommendations for zoning ordinance and subdivision regulations and to discuss the concerns and questions of the group. Questions and comments are identified by **bold text**. Responses to questions and additional presenter comments are identified by normal text.

- **There is concern regarding the number of gas stations in Camp Springs. Generally, whether the code can help limit the number of the same uses in a specific area is something we would like to know more about.**
The code is not able to limit the number of the same uses in one area. If a use is allowed in a zone, it cannot be stopped simply because there are similar uses nearby.
- **Notification of property owners, specifically regarding changing the zoning of properties, is lacking today.**
- **There is concern regarding the use of the code rewrite to change the dynamics of existing neighborhoods. Impacts to traffic are a concern too.**
- **Some believe that the Planning Department and Planning Board give developers too much leverage and flexibility.**
- **The County hasn't done a very good job of agricultural protection. Many farms are now subdivisions.**
All zones allow some building, but the proposed Rural and Agricultural zones allow for far less intense building and fewer uses. Further, state laws now restrict how much land in our most rural areas, which are part of the "Sustainable Growth Tier IV," can be subdivided for residential use (not more than seven lots).
- **There are many overlay zones.**
There are 18 design overlay zones in effect today. Each has its own specific design standards, uses, and procedures. This level of complexity contributes to the discouragement of investors coming to the County.
- **At the County Council Town Hall meeting, there was much discussion of new notification rules. What happens if a developer does not follow the rules? Will M-NCPPC taxes pay for the enforcement of the code?**
If developers or builders do not follow notification requirements they are in violation and would be subject to the enforcement section of the new ordinance. The proposed ordinance is revising the



enforcement section to ensure that enforcement will be more effective. Code enforcement is a difficult issue – there are only approximately 17 code enforcement officials who need to cover approximately 500 square miles of Prince George’s County. One way to improve code enforcement is to increase the non-residential tax base of the County so that the Department of Permitting, Inspections, and Enforcement (DPIE) can hire more code enforcers. M-NCPPC taxes do not pay for the code enforcement: DPIE is funded out of the general fund from your property taxes. DPIE is responsible for code enforcement.

- **Can we change the uses that are allowed in a zone?**

Yes. The proposed code simplifies the use tables and consolidates many of the uses. If there is a specific use you would like to change, please let us know.

- **It seems that the direct-to-permit and the staff-level review is a sure way to miss things. If there are no regulations in place, it will not be beneficial for the planning commission staff to make all of the decisions.**

The proposed code contains 15 sections that specifically regulate the design of new buildings and developments. The regulations will apply even for staff-level review.

- **What about notification and the “et. al.” issue where several property owners may share ownership of land and only the first listed owner gets notice?**

The proposed code does provide for improved notification procedures. However, these notices are still sent to the primary property owners. Secondary property owners would not receive the notice, as they are included in the “et. al.” of the primary owner. This is a state-level discussion because we draw our property records from the state Department of Assessments and Taxation, and the code rewrite will not be able to address this.

- **DPW&T (Department of Public Works and Transportation) has decided to change a street in my neighborhood but they only notified the people who live on that street. Would the whole neighborhood get notice in this code? We have no paper of record. Is there a possibility to use public access television or websites, these often are free to stream? WSSC (Washington Suburban Sanitary Commission) uses door hangers instead of mailed notices.**

The code will not address DPW&T’s notice procedures. However, if a new development subject to the Zoning Ordinance or Subdivision Regulations is proposed, notice is set to abutting/adjacent property owners, civic associations, and municipalities within one mile. There is also a posted notice requirement and a publication in the paper of record.

There is still a paper of record in Prince George’s County, but it does not have wide circulation. There has been discussion of allowing notice to be posted in the Washington Post, but this is not a paper of record and may be very costly. The future procedures manual will likely require notice to be posted online as well. We have not explored using public access television, but will consider it for the procedures manual. It is likely that it will also be very costly. Doorknob hangers is a good idea. We



would need to explore the cost.

- **Does Montgomery County require a pre-application neighborhood meeting? Who is invited to the meeting?**
 Montgomery County has pre-application neighborhood meetings. Notice would be sent to adjacent and abutting landowners, civic associations, and municipalities. There would also be a posted notice. Anyone can attend the meeting. Additionally, a record of the meeting will be kept and the public can provide comments on the meeting record.
- **The master plan process has too long of a horizon. These plans are made with 20-30 year horizons and by the time anything happens, the people who were involved have moved away. There is no way to have compliance with the plan. The re-zoning allows so much.**
 Plan compliance can be tricky because it is everyone's responsibility. The development community needs to refer to plans before proposing new projects. Elected and appointed officials need to make sure that the plan is enforced, and the public needs to remind officials that the plan is important and if any changes are needed.
- **It is important for the public to be involved with the rezoning effort. We need to make sure that the new ordinance will work with the public. It's also important that all of the projects in the current pipeline are allowed to go through.**
 Yes, we agree with both of these. Projects that have been approved or already submitted to the current process will be grandfathered in and allowed to continue under the old code.
- **There's too much mixed-use zoning in Prince George's. This isn't good.**
 That is true. Over the past years, many areas of the County have been rezoned for mixed-use development, which can dilute the effectiveness of mixed-use locations by diluting the market potential. Additionally, requiring mixed-use development can be challenging when there is no market to support it. The proposed code allows for flexible zones, which means that zones allow for different types of uses without requiring a mix of those uses. For instance, the proposed General Commercial Office (GCO) Zone will allow for residential development.
- **What about uses?**
 Staff has been working on a comparison table to show how the current uses nest into the proposed uses, and there are 1,152 uses in the County today per this analysis. Many of these are specific to one piece of property or are duplicative. The proposed code greatly reduces the number of uses and consolidates many similar uses.
- **Are you testing the uses and the code for current projects?**
 We are testing eight hypothetical projects. This process is to ensure that the new code works as designed and to identify changes that need to be made.



- **It is the public who needs to buy into the new code, not just the development community.**
That is a very good point. It is difficult to get community engagement because zoning can be very technical and frankly, fairly boring. Which is why it is important that we are able to meet with the community and incorporate your suggestions.
- **What in the proposed zoning code that you do not support?**
Just to cite one example, there are some uses that the consultants had allowed in certain zones, which we thought would have negative impacts. We do agree with the overall structure of the zones and the uses.
- **Where do you fit in the Commission? Planning, Council, zoning?**
We are in the Countywide Planning Division of the Planning Department. There is a community planning division which develops area and master plans, a development review division which reviews project applications and permits, and an information management division to oversee our databases and mapping applications.
- **Have you considered having a public panel to review the process and to be incorporated into the development process?**
This has been discussed, but Clarion Associates recommends against work groups and citizen review committees, in part because they tend to change direction over time and eventually become tools for the individuals who are on the panel. Currently, there are design review committees for some communities in the County and they have met with varying degrees of success.
- **Is infrastructure included in the proposed code?**
Infrastructure and adequate public facilities are components of the Subdivision requirements. There are two big recommended changes for adequate public facilities in the drafts Clarion has produced. The first is a certificate of adequacy that expires, meaning development must retest if their certificate is older than a set period of time and has not proceeded. The other major change is that the most intense and transit-served zones would be exempt from transportation adequacy requirements.
- **What should we do to keep involved with the process? What should we keep our eyes on regarding the process?**
The Comprehensive Review Draft will be available in the first quarter of next year; please take some time to review that document and let your council members and the project team know which recommendations you support, or conversely if you have any questions or concerns.
- **In this process, have you been looking at nearby counties?**
Yes. The consultant team is a nationally-recognized expert that is pulling best practices from not only the nearby counties, but also cities and counties around the country. Staff has also investigated the practices of neighboring jurisdictions.