



**Prince George's County Zoning Ordinance and Subdivision Regulations Rewrite
Maryland Building Industry Association Meeting
Tuesday, July 18, 2017**

On July 18, 2017, Clarion Associates and Planning Department staff met with representatives of the Maryland Building Industry Association to review proposed changes to the draft Zoning Ordinance and Subdivision Regulations in preparation for the upcoming Comprehensive Review Draft. Association member comments and questions are summarized below.

Don Elliott and Craig Richardson of Clarion Associates began with an overview of the proposed changes based on County stakeholder comments received during the past two years.

- Have the notification times for public meetings been increased? Does this increase the overall length of the review process?
- Is the applicant or the Planning Department responsible for mailing the notification of application completion?
- What is the definition of "approved"? If I am in the pipeline, is it not approved? How long is the transition for projects, or the sunset date?
- There is not an authority to grant a departure greater than the major departure. Would requesting a departure greater than the thresholds listed be considered a variance?
- The use of a variance standard for parking is inappropriate because the standards for obtaining approval of a variance are too high.
- There are many unique circumstances in the County that impact a property (including rights-of-way, floodplains, etc.) where buildings could not be built because of these standards.
- A variance from or above the threshold of a departure should be a different procedure. A variation, or some other method, perhaps.
- Are there any deviations in the noise regulations from the state standards?
- Does the noise standard differentiate between noise exposure and noise generation?
- Are the exemptions from noise standards also the same as those in the state code?
- If the noise standards are codified in the state code, is it necessary to repeat it?
- If you have a subdivision that takes longer than six years to build, how do you maintain extensions for the Certificate of Adequacy for public facilities adequacy determinations?
- The adequacy of public facilities rules should only be for new subdivisions, because requiring older subdivisions to retest will completely change the financing of their developments and will likely be detrimental to current investment in the County.
- We have heard from the Council that a goal of this project is to make the code friendlier to business. It will be problematic if this code does not do this.



- It is not accurate to say that adequacy of public facilities validity has gone from two to six years (from the release of Module 2 to the upcoming Comprehensive Review Draft). It is actually going down from forever, under today's regulations, to six years.
- None of us have problems with “ghost subdivisions,” or subdivisions that were never built but absorb public facilities elements such as car trips. This is not an issue for us.
- There is a hierarchy for transportation studies and improvements. Since it is done at the time of preliminary plan, it is difficult to revert to the preliminary plan of subdivision if the project is already being built.
- We do not see the proposed adequacy of public facilities policy as a problem, we see it as an unfair practice.
- In the highest intensity Transit-Oriented/Activity Center Zones, will they require a mix of uses and is there a mandatory density? Is the density per property or for the entire area? It is problematic when requiring a mix of uses because some parcels will have 100 percent of one use and the other parcel will be forced to be the other use when this may not be feasible.
- The current Mixed-Use Transportation-Oriented Zone needs to be tweaked, but it is not broken. There is no need to replace it.
- The [County] Council uses M-X-T as the “development zone” when they wish to see an area develop. The M-X-T has successful projects. There are more M-X-T zones than there has been. Even within the last few years, the Council has been adding M-X-T.
- The flexibility of the M-X-T Zone is not just good for the development side. It is also good for the Planning Department staff, because it makes it easier to approve proffered improvements.
- There are already pretty good notice procedures. Most folks do not go to a hearing unless there was good notice.
- In the M-X-T Zone [. . .] successful development occurs in the M-X-T zone. We are concerned if you do not think M-X-T development is successful.
- We think that the M-X-T Zone is successful. You are getting pushback from citizens about the M-X-T Zone because of the need to be flexible unless projects are of a certain size.
- There are design standards for roof slopes. This is too specific.
- Clients want to move forward, but the M-X-T Zone is valuable to current investors. This is an ongoing issue unique to the M-X-T Zone because there is no direct replacement.
- Is the Landscape Manual going into the Zoning Ordinance?
- The letter the building industry association provided during the Town Hall on July 17, 2017 does not cover all the association's concerns. We have concerns regarding the development standards—circulation, green building, open space, Landscape Manual, etc.