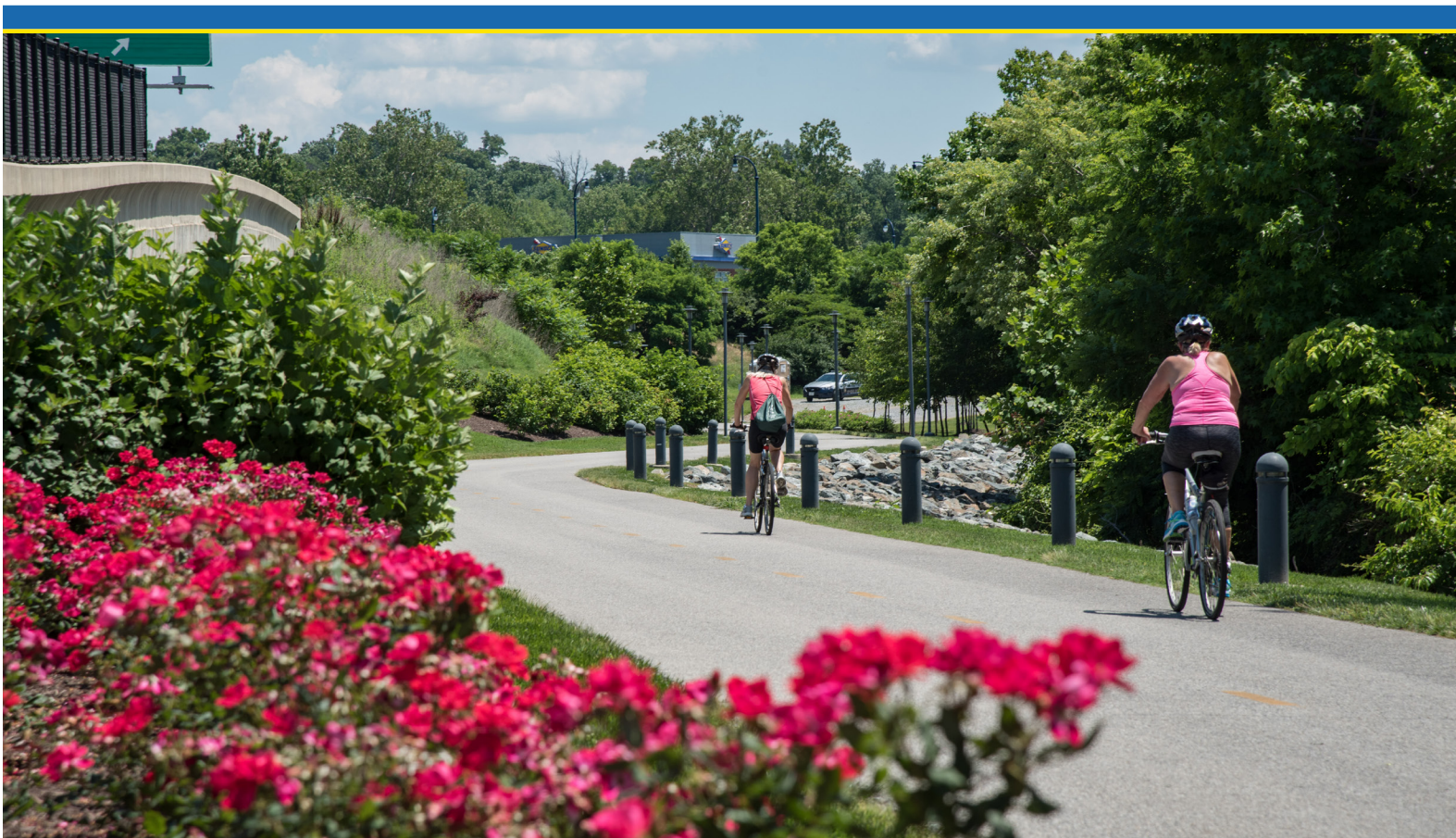




# Zoning Rewrite

Prince George's  
Creating a 21<sup>st</sup> Century Zoning Ordinance

The Maryland-National Capital Park and Planning Commission



Prince George's County Planning Department  
[www.pgplanning.org](http://www.pgplanning.org)  
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## The New Zoning Ordinance and Subdivision Regulations

FEBRUARY 2019

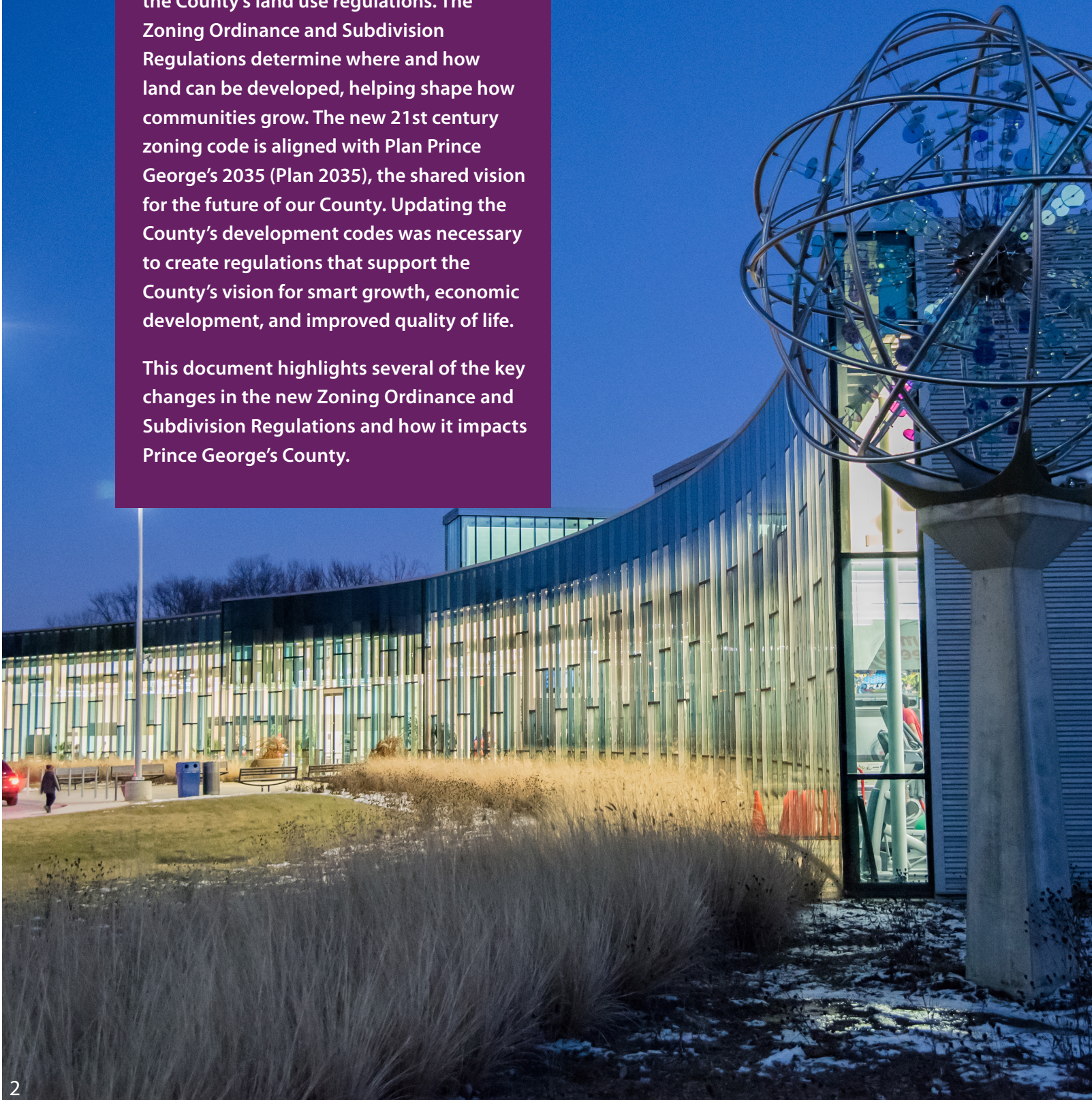
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# About the Zoning Rewrite

On October 23, 2018, the Prince George's County Council adopted a new Zoning Ordinance and Subdivision Regulations, completing a four-year journey to update the County's land use regulations. The Zoning Ordinance and Subdivision Regulations determine where and how land can be developed, helping shape how communities grow. The new 21st century zoning code is aligned with Plan Prince George's 2035 (Plan 2035), the shared vision for the future of our County. Updating the County's development codes was necessary to create regulations that support the County's vision for smart growth, economic development, and improved quality of life.

This document highlights several of the key changes in the new Zoning Ordinance and Subdivision Regulations and how it impacts Prince George's County.





**PLAN 2035** is the guiding land use document for Prince George's County. Adopted by the County Council in October 2014, Plan 2035 identified updating the County's Zoning Ordinance as the first step to creating the Prince George's County of the future.

Plan 2035 establishes eight goals to guide the future development of Prince George's County. These goals, listed below, are referenced throughout this document, indicating which Plan 2035 goal is implemented by the policy change in the Zoning Ordinance and Subdivision Regulations.



### **Land Use (LU)**

Direct future growth toward transit-oriented, mixed-use centers to expand our commercial tax base, capitalize on existing and planned infrastructure investments, and preserve agricultural and environmental resources.



### **Economic Prosperity (EP)**

Create a diverse, innovative, and regionally competitive economy that generates a range of well-paying jobs and strategically grows the tax base.



### **Transportation and Mobility (TM)**

Provide and maintain a safe, affordable, accessible, and energy-efficient multimodal transportation network that supports the County's desired land use pattern and Plan 2035 goals.



### **Natural Environment (NE)**

Preserve, enhance, and restore our natural and built ecosystems to improve human health, strengthen our resilience to changing climate conditions, and facilitate sustainable economic development.



### **Housing and Neighborhoods (HN)**

Provide a variety of housing options—ranging in price, density, ownership, and type—to attract and retain residents, strengthen neighborhoods, and promote economic prosperity.



### **Community Heritage, Culture, and Design (CHCD)**

Create walkable places that enable social interaction and reflect community character, and preserve and promote our cultural, historic, and rural resources to celebrate our heritage and encourage new investment.



### **Healthy Communities (HC)**

Create safe, connected communities that promote active lifestyles and provide convenient access to healthy foods.



### **Public Facilities (PF)**

Enhance the quality of life and economic competitiveness of Prince George's County through the efficient, equitable, and strategic siting of education, public safety, water and sewer, solid waste, and parks and recreation facilities.

# The following key changes in the NEW Zoning Ordinance and Subdivision Regulations support specific Plan 2035 goals:

## Updated Public Facility Adequacy Standards (Section 24-4500)



### Plan 2035 Goal: PF

Adequate Public Facility (APF) Standards establish requirements that public services, such as transportation, police, water and sewage, parks and recreation, fire/EMS, and schools are available to accommodate proposed development. The Subdivision Regulations carry forward many of the current practices.

The new Subdivision Regulations refines Certificates of Adequacy to require periodic review of infrastructure needs. Up to 18 years of total validity can be obtained after which a developer is required to re-test for public facility adequacy. Fire/EMS services carry forward as an adequacy test, while water and sewer service has been relocated since this service is not a test as much as a simple yes or no question as to whether a property is in the correct category.

## Simplification of the County's Current Zone Structure (Division 27-4)



### Plan 2035 Goals: LU, EP, TM, NE, HN, CHCD, HC

The new Zoning Ordinance reduces the number of zone districts from 74 zones to 43 by integrating the best components of the current zones with national best zoning practice and removing redundant and unusable zones. This zone consolidation supports the County's priorities of smart growth, economic- and transit-oriented development at Metro stations, and protection of rural areas and established communities.

The new Zoning Ordinance includes the Military Installation Overlay Zone passed by the Council in 2016. It also establishes a Legacy Zone category, preserving regulations and procedures for specific properties within the County that developed under a different set of rules than exist today. No property in the County can be rezoned as one of these legacy zones once the new ordinance takes effect. The legacy zones include the current Residential Mobile Home Planned Community Zone, a base zone to accommodate the County's few existing mobile home communities; a Legacy Comprehensive Design (LCD) Zone to provide a new base zone for the 11 current Comprehensive Design Zones; and a Legacy Mixed-Use Town Center (LMUTC) Zone to provide a base zone for the County's four current Mixed-Use Town Centers.

## Greater Mix of Residential and Nonresidential Development (Section 27-4200)



### Plan 2035 Goals: LU, EP, TM, HN, CHCD, HC

Multifamily residential base zones and commercial base zones will allow more blending of uses in the new Zoning Ordinance. This aligns with national best practices and encourages the best use of a property, making it easier to redevelop blighted or vacant areas and advance healthy communities.

## Creation of the Commercial Neighborhood Zone (Section 27-4203)



### Plan 2035 Goals: LU, HN, CHCD, HC

The Commercial Neighborhood (CN) zone is a new zone, designed to create and enhance community-centric retail and "traditional" main streets. The zone ensures small-scale, neighborhood-serving development, and accommodates modest mixed-use development such as residential uses on the upper floors of commercial buildings.

The new Zoning Ordinance incorporates development standards that allow buildings to be closer to the street, a characteristic of traditional town centers. The zone also has regulations for retail development that further ensures compatibility with surrounding residential communities.

## Preservation of Agricultural Lands (Section 27-61400)



### Plan 2035 Goals: HC

Prince George's County has a rich heritage in agriculture. In order to protect this legacy, the new Zoning Ordinance creates Agriculture and Urban Agriculture Compatibility standards that help to prevent new nonresidential and residential development from overtaking lands traditionally or currently used for farming. The new standards would require proposed non-agricultural uses adjacent to existing agriculture to address the location of buffers, fencing, lot size configuration, and other techniques that help to ensure a better transition between the two uses.

Additionally, urban agriculture is permitted by-right in all zones and the use definition is expanded to include indoor hydroponics, rooftop farming, and edible landscaping.





## Health Impact Assessments (Section 27-3406)



**Plan 2035 Goals: LU, CHCD, HC**

Prince George's County was one of the first jurisdictions to require large-scale development projects and master plans undergo review by the Prince George's County Health Department for the potential impact on population health. The new Zoning Ordinance carries forward this procedure and requires that detailed site plans, The General Plan, Functional Master Plans, Area Master Plans, and sector plans be referred to the Prince George's County Health Department to review the project for the potential impacts on health of neighboring communities.

## New Transit-Oriented/Activity Center Zones (Section 27-4204)



**Plan 2035 Goals: LU, EP, TM, HN, CHCD, HC**

Transit-Oriented/Activity Center base zones serve as focal points for a neighborhood or a series of neighborhoods. These zones are intended to create places that are walkable and more urban than the adjacent community. They reflect Plan 2035 "center" classifications, and implement policies associated with the prioritization of County revitalization and public-sector investment.

The new Zoning Ordinance permits a range of densities for these zones. The two highest-intensity zones are regional in scale, intended to provide intense urban development opportunities at major transit stations. The other three zones provide low- and moderate density and intensity opportunities for walkable urbanism and transit-oriented development. These zones require additional design quality, increased connectivity, reduced parking requirements, and wide, clear sidewalks to ensure they are welcoming to all.

## Use Table Revisions (Division 27-5)



**Plan 2035 Goals: LU, EP, TM, HN, CHCD**

The new Zoning Ordinance handles uses in a more organized manner than the current code, categorizing uses by type (principal or primary use of land, accessory uses, and temporary uses). Principal uses are further organized by use classification (residential, commercial, industrial), use category (household living or group living under the residential uses class), and principal use types (dwelling, single-family detached or dwelling, townhouse under the household living category). Each use is defined for clarity. The number of uses is greatly streamlined, from approximately 1,200 uses to approximately 230 uses.

The new Zoning Ordinance further standardizes the principal use tables by ensuring each use type is listed in each table, inserts the letter "X" instead of a blank cell to denote a prohibited use, adds major new uses created by the District Council after the rewrite initiated (medical cannabis, urban farm, video lottery, beekeeping), and incorporates several new uses resulting from community input (private dormitory, pet grooming establishment).

## Protections for Single-Family Communities (Section 27-61200)



**Plan 2035 Goals: LU, TM, HN, CHCD**

Neighborhood Compatibility Standards smooth the transition from new townhouse, multifamily, and mixed-use development constructed next to existing single-family neighborhoods. These standards help establish and maintain vibrant pedestrian-oriented areas where differing uses can operate near one another, such as a shopping center across the street from a residential community. Applicable developments would have to comply with standards regulating building heights and setbacks, trash collection areas, parking and loading areas, and hours of operation among others.

The new Zoning Ordinance ensures protections not just for single-family detached neighborhoods but also for townhouse neighborhoods. Additional nuance has been provided along the revitalized US 1 Corridor in recognition of the narrow mixed-use and commercial lots fronting US 1 and 34th Street and the increased desire in this part of the County for 24-hour environments incorporating entertainment and outdoor dining.

## Addition of Green Building Standards (Section 27-61600)



**Plan 2035 Goals: LU, NE, HC**

Modern zoning ordinances address the increasing need for what we build to be kinder to the natural environment. New green building standards require development to promote healthy lifestyles, reduce greenhouse gas emission, and protect natural resources. Implemented through a scoring system, applicants would select from a list of green practices to satisfy the minimum point requirement and receive an approval or permit.



# The following changes were made to support Plan 2035's priority of modernizing the County's regulatory environment for development:

## Transitions to the New Ordinance (Section 27-1700)

The new Zoning Ordinance includes refined and expanded transitional provisions that clarify how to handle pending development applications, approvals, and permits once the new Zoning Ordinance takes effect. Applications submitted and accepted as complete prior to the day the new codes take effect will be processed under the codes that were in place at the time of application.

## Who Decides What? (Section 27-3200)

The new Zoning Ordinance addresses what the District Council decides, and what decisions the Council chooses to delegate to others, such as the Planning Board, Zoning Hearing Examiner, Board of Zoning Appeals, or the Planning Department. To streamline the process, decisions on small projects will be made at the permit level and larger projects, or projects with special circumstances, will be determined by the Planning Board as is the current procedure. Master Plans, rezonings, text amendments, and other decisions would be made only by the District Council. The District Council's ability to elect to review, on its own motion, any decision appealable to the Council (such as a detailed site plan or special exception) will continue. Another key change is that the Planning Board would no longer have a role in special exception applications.

## Community Input (Section 27-3407)

There are several new ways for citizens to raise their concerns. Community input opportunities, and related notification requirements, have been clarified and strengthened to address concerns from residents and municipalities. One such change is an increase to notification times for several review procedures.

## Pre-Application Neighborhood Meetings (Section 27-3402)

Pre-application meetings help neighboring land owners and residents learn about proposed development. Meetings would be on weekday evenings at a location near, and accessible to, those potentially affected by the development. After the meeting, applicants would submit a written summary that includes a list of attendees and discussion topics. Pre-application neighborhood meetings would be required for certain development applications, including special exceptions, detailed site plans, and major departures. The new Zoning Ordinance adds Saturdays as a potential time for these meetings, and requires at least one additional pre-application neighborhood meeting if a development does not proceed in a timely manner.

## Special Exceptions (Section 27-3604)

Sometimes a use is allowed in a zone, but may need additional review to determine if it is compatible with the neighboring area. The new Zoning Ordinance creates clear procedures for the review of special exceptions. In each case, the code mandates a pre-application staff conference, a pre-application neighborhood meeting, and a public hearing with the Zoning Hearing Examiner. Appeals of these rulings would be made to the District Council. The Planning Board would no longer have a role with special exceptions. A detailed site plan review for special exception uses is required.

## Detailed Site Plan Applications (Section 27-3605)

The new Zoning Ordinance eliminates the redundant conceptual site plan process. The Planning Director would provide recommendations on detailed site plans and the detailed site plans would be decided by the Planning Board, with appeals to the District Council.

The thresholds for detailed site plans have been adjusted. Detailed site plan review would be required for any application for 10 or more residential dwelling units; 25,000 square feet or more of nonresidential development; or mixed-use development with 10 or more residential dwellings and 10,000 square feet or more of nonresidential development. Projects that are smaller than the minimum detailed site plan thresholds are exempt from the detailed site plan review process.

## Elimination of Transit- and Development-District Overlay Zones (TDOZ; DDOZ)

The new Zoning Ordinance eliminates the TDOZ and DDOZ. A major criticism of the County's design overlay zones is that they are overly regulatory and confusing, each with separate documents and different regulations. The elimination of these overlay zones are in favor of base zones with clear, easily understood design standards. These standards address street connectivity, building placement, roof shapes, streetscapes, parking, and signage, among other things.

## Nonconformities (Division 27-7)

The new Zoning Ordinance addresses existing development that is not consistent with the new zoning rules. It also addresses if, and how, those developments can be reconstructed, renovated, or enlarged. It continues the current certification process for nonconforming uses.



The new Zoning Ordinance includes a few updates from the old ordinance and many more new additions. For information about specific changes, please contact the Prince George's County Planning Department.

**For more information about the Zoning Rewrite:**

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## Subdivision Regulations (Subtitle 24)

The new Subdivision Regulations revise the threshold that determines what constitutes a major or a minor subdivision. Development proposing 10 or fewer dwelling units, including any residential subdivision in Sustainable Growth Tier IV that results in seven or fewer dwelling units, results in a preliminary plan of minor subdivision. Development exceeding those thresholds, including most non-residential development, would be subject to a major preliminary plan of subdivision.







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