

1 Site Plans, Departures, and Variances: Processes and Administrative Procedures in the New Zoning Ordinance

The Process for Approving New Development in Prince George's County

Developers propose new buildings, or new subdivisions, on a regular basis. The County and its agencies apply the law to decide whether what is proposed is the appropriate size and design for the neighboring community. Major reviews, such as a detailed site plan, variance or major departure, are conducted by the Planning Board, Zoning Hearing Examiner, or District Council and include public hearings. Development proposals that are smaller in scale, such as a minor departure from the development standards, certification of a nonconforming use, or a minor change to an approved special exception, are often made by County staff. The new Zoning Ordinance proposes some changes to this process and to the public's role in the development review process.



purposes, and written summaries of meetings will not be included in the administrative record. Pre-application neighborhood meetings will be required for major cases including: zoning map amendments, planned development map amendments, special exceptions, detailed site plans, major departures, and validation of permit issued in error.

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NOTICE TO THE PUBLIC

Neighbors need to know when a new development is proposed in their community. The new code consolidates all of the notification requirements for applications in one table (Table 27-3407(b): Required Public Notice) and includes flowcharts for each application that show what type of public notice is required. While most of the time frames for public notice remain the same as the existing ordinance, informational mailings for departures have been reduced from 30 days to 14 days. Applications for a certificate of nonconforming use require a sign posting 10-days after the application has been determined complete.

PRE-APPLICATION NEIGHBORHOOD MEETINGS

Pre-application neighborhood meetings are new public engagement opportunities which provide affected communities and proposed applicants the opportunity to meet and discuss comments and concerns about the proposed development prior to an application being filed with the County. Meetings must be held at a time and location convenient to the community. The purpose of these meetings is to give earlier notification to the neighborhood and encourage a dialogue between residents and the developers. The meetings are for informational

HOW TO GET INVOLVED

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STREAMLINED PROCEDURES

The new Zoning Ordinance consolidates 67 prior development procedures into 20 procedures by combining duplicative procedures and removing obsolete procedures. This consolidation also makes it easier for the public to understand which procedures will be used for specific development applications. To streamline the process, decisions on small projects will be made at the permit level and by the Planning Director. Larger projects with special circumstances will be determined by the Planning Board, as is the current procedure. Master and sector plans, rezoning applications, legislative amendments, and other decisions will 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. Table Sec. 27-3200: Summary of Development Review Responsibilities in the new Zoning Ordinance provides a detailed account of which government agencies are responsible for commenting or deciding on a particular application type.

DETAILED SITE PLANS

Site plans are drawings that explain how buildings, roads, parking, landscaping, and many other features will be laid out in the development. The new Zoning Ordinance eliminates the redundant conceptual site plan process and eliminates most of use-specific detailed site plans in favor of one detailed site plan process for applications that exceed identified sizes and thresholds. Detailed site plan review is now required and reviewed based on the size, scale, and potential impact of the proposed development application, rather than the specific use type. Detailed site plans would be required for any application for 10 or more residential dwelling units, 25,000 square feet or more of nonresidential development, or for mixed-use development with 10 or



more residential dwellings and 10,000 square feet or more of nonresidential development. Projects smaller than the minimum detailed site plan thresholds are exempt from the detailed site plan review process and would be reviewed through the permitting process.

DEPARTURES AND VARIANCES

Sometimes a developer (or a homeowner) needs an adjustment to the rules. For example, the law requires a shopping center to have 100 parking spaces, but the developer wants to forgo five spaces to save a beautiful old oak tree. The variance and departure process allows adaptations to a project's conformance with the development standards. The variance procedure is similar in many ways to the current provisions, but there are restrictions on applying for variances for new development applications in some zones. The departure procedure is refined to clarify the maximum extent to which the Planning Director or the Planning Board can approve a departure from the design standard. The Planning Director is generally authorized to grant departures up to 30 percent and the Planning Board is permitted to grant departures for up to 50 percent.

ABOUT THE ZONING ORDINANCE AND SUBDIVISION REGULATIONS 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, 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. The next step of the process is to comprehensively update the County's Zoning Map, which geographically applies the new laws to the County.

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