

Community Meeting #1
May 28, 2009

Prince George's County Zoning Ordinance & Subdivision Regulations Comprehensive Amendment

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The Project

The Prince George's County Planning Department of the Maryland-National Capital Park and Planning Commission (M-NCPPC) has initiated a comprehensive amendment to its Zoning Ordinance and Subdivision Regulations. The comprehensive amendment involves three major tasks:

1. Implementing the 2002 General Plan
2. Streamlining the permit approval process, and
3. Providing a more useable and readable format.

The General Plan was adopted in 2002 and divides the County into Centers, Corridors, and three growth tiers (Developed, Developing, and Rural). Each tier has different visions for future growth and development, different market conditions, and different policies that govern regulation and infrastructure. The County's land use regulations should reinforce these policies, and encourage the appropriate type, design and timing of development in each tier.

In addition, the County has approved area plans and master plans, and sector plans that affect development in specific areas. For more information on these plans, go to www.pgplanning.org and click on "Programs and Projects".

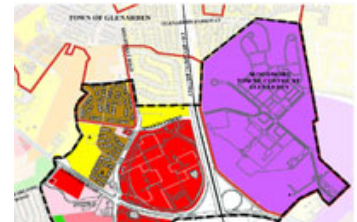
Next Steps

- ★ Community Meeting #2 – Fall 2009, Topic: Streamlining
- ★ Planning Board Public Comment Session – Winter 2009/2010, Topic: Draft Regulations

For More Information

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Visit: www.pgplanning.org and click on "Comprehensive Amendment to Zoning and Subdivision Regulations."



What does this cover today?

Zoning Ordinance (County Code, Title 27)



- Part 1. Scope of Ordinance.
- Part 2. General.
- Part 3. Administration.
- Part 4. Special Exceptions.
- Part 4a. Moderately Priced Dwelling Units.
- Part 5. Residential Zones.
- Part 6. Commercial Zones.
- Part 7. Industrial Zones.
- Part 8. Comprehensive Design Zones.
- Part 9. Planned Community Zones.
- Part 10. Mixed Use Zones.
- Part 10a. Overlay Zones.
- Part 10b. Airport Compatibility.
- Part 11. Off-Street Parking and Loading.
- Part 12. Signs.
- Part 13. Area Master Plans, General Plan, Functional Master Plans, Sector Plans, and Planning Areas.
- Part 14. Historic Preservation Commission.
- Part 15. Development Review District Commission.
- Part 17. Delegation of Authority.
- Part 18. Reserved.

Subdivision Regulations (County Code, Title 24)

- Division 1. General Provisions.
- Division 2. Application Procedures and Documents.
- Division 3. Requirements: Planning, Design, and Public Facilities.
- Division 4. Requirements: Transportation and Circulation.
- Division 5. Requirements: Environmental and Parks.
- Division 6. Requirements for Optional Approaches.
- Division 7. Reservations.
- Division 8. Form Guide.
- Division 9. Development Review Districts.
- Division 10. Chesapeake Bay Critical Area Protection.
- Division 11. Conservation Subdivisions.

Review of the Zoning and Subdivision Implementation Challenges

The Maryland-National Capital Park and Planning Commission (M-NCPPC) has initiated a comprehensive amendment process to update the Zoning and Subdivision Regulations for Prince George’s County. These regulations are an exercise of the County’s police powers to regulate new development, protect public health and safety, and to ensure that the built form of development conforms to its planning policies. Both the Zoning Ordinance and Subdivision Regulations establish procedures for approval. While the regulations are lengthy and comprehensive, we conclude that they need a stronger focus that relates directly to the 2002 General Plan. The County relies extensively on discretionary controls to achieve its qualitative goals for new development. Restructuring the zoning districts and providing more predictable standards would more effectively address the County’s land use policies than the current regulations.

Issues↓	What is the Problem?	What are some examples of this in the current regulations?	Suggestion on what should be done?
Definitions	<p><i>Unclear definitions and Regulating by definition -</i> <i>The Zoning Ordinance and Subdivision Regulations need to have clear commonly understood definitions. A definition should also clarify the intended use of a term when variations of interpretation exist, but the definition should not stray and regulate by incorporating specific standards.</i></p>	<p>The Subdivision Regulations do not clearly define a “subdivision.” The definitions sometimes include standards (e.g., “home occupations,” “medical day care,” “parking lot,” and “seafood market”). Some use definitions should be embedded in the supplemental use regulations, in order to create a more cohesive document that avoids the need for readers to flip back and forth between sections of the document.</p>	<p>The existing definitions should be reviewed and revised to achieve a layman’s understanding of the term. There are good references, such as American Planning Association’s “A Planner’s Dictionary” to assist in crafting the most appropriate definition for Prince George’s County. The standards included in existing definitions should be relocated to the applicable regulatory section of the Code.</p>

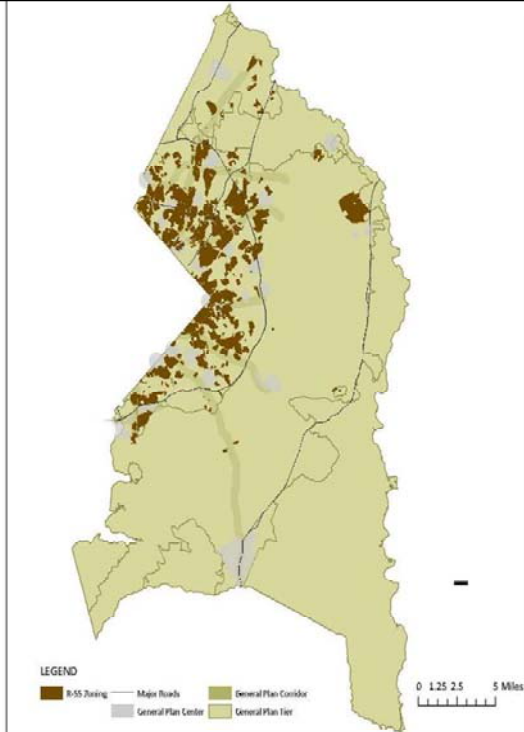


Issues↓	What is the Problem?	What are some examples of this in the current regulations?	Suggestion on what should be done?
<p>Composition of Zoning Districts</p>	<p>Too many zoning districts and little difference between them. <i>Zoning districts establish uniform use and dimensional standards, such as setbacks, height, and density. As the number of different zoning districts increases – all with variations on permitted uses and development standards, it becomes more difficult to understand the unique purpose and the desired development character intended for each district.</i></p>	<p>The County presently has 54 zoning districts contained with 3 types of districts – conventional (“Euclidean”), floating, and overlay districts. There are 33 districts conventional residential, commercial and industrial zones. There are 14 floating zones grouped into Comprehensive Design Zones, Planned Community, and Mixed Use districts where the specific development standards are established or refined as part of a discretionary approval process. Overlay districts – such as the Transit District and the Chesapeake Bay Critical Area Overlay Zones – establish standards that supplement the underlying conventional or floating zones.</p>	<p>Most contemporary zoning updates try to consolidate and to shorten the list of zoning districts. This tends to become an issue in complex, urban settings where the zoning regulations are amended frequently on a piecemeal basis. There is no magic number. A later report in this process will address techniques for reformatting regulations. However, consolidating the districts would significantly streamline the document.</p>
<p>Development Review and Approval Process</p>	<p>The review process is too complex and confusing. <i>Prince George’s County has a very comprehensive development review process. Acknowledging this problem, the County has made several efforts in the past decade to streamline the approval process.</i></p>	<p>The review process for Comprehensive Design Zones (CDZ) is redundant and excessively detailed. The CDZ procedures are codified in at least two different parts of the Zoning Ordinance – in administration (Part 3, §§ 27-179 to -198) and in the zoning district regulations (Part 8, Division 4, §§ 27-516 to -532). The procedures for floating and overlay zones are described, repeatedly, in the Zoning Ordinance, even though they are substantially the same process.</p>	<p>A 1998 report prepared by Robinson and Cole suggested the several streamline options: Provide for expedited review of minor site plan changes, with or without a hearing Provide for expedited relief, with less onerous standards for small deviations from dimensional and site design requirements Add a procedure and decision making standards in the ordinance. Create a uniform set of notice/hearing procedures based on decision making level. Consolidate the existing notice and hearing provisions in ordinance as interim measures. Simplify the process by consolidating similar development review procedures.</p>

Issues↓	What is the Problem?	What are some examples of this in the current regulations?	Suggestion on what should be done?
<p>Approval Authority and Appeals</p>	<p>It takes too long to get development projects approved. <i>The Zoning Ordinance and Subdivision Regulations are lengthy and complex. It takes time to become familiar with the regulations and the technical issues.</i></p>	<p>Table 1 shows the distribution of approval authority for the development cases between Jan 2002 and April 2009</p> <p>Planning Board Approved 56.6% Planning Director Approved 22.5% District Council Approved 15.6% ZHE Approved 2.2% Applicant Action 0.2% Circuit Court 0.2% Staff 2.3% Alt. Comp. Committee 0.4% Court of Appeals 0.0%</p> <p>Most approvals are granted by the Planning Board. The median time for the Planning Director and staff approval is lower than any other approval authority.</p>	<p>One way to improve the approval time period is to assign more approval and permitting authority to staff or appointed officials who have a more permanent role in the zoning process.</p> <p>The 1998 Robinson and Cole Report suggested reforming the District Council’s “call up” provisions, either by eliminating it, requiring a statement of reasons for call up and hearing, or reducing the types of decisions that are subject to call up authority.</p> <p>The Alternative Development Technique (§27-475.07) option is used to promote redevelopment and streamlining the development review process. Where possible, this technique should be expanded to allow expedited approvals in more of the industrial and commercial zoning districts.</p> <p>Move final plats approval authority to the staff if it mirrors the preliminary plat approved by the Planning Board.</p>
<p>Use Matrices.</p>	<p>The Use Matrices are too detailed and inconsistent with each other. <i>There are well over a 1500 uniquely described uses and contained within 7 different use matrices. There are over 250 footnotes used to qualify various uses.</i> <i>The Zoning Ordinance contains regulations that address the operation aspects of specific uses that may be unenforceable</i></p>	<p>Some of the zoning requirements address operational aspect of the use, which are extremely difficult to enforce or verify. For example, the provision on Insurance sales office (§27-366) stipulates that no more than two (2) insurance brokers, agents, or salesmen may be permitted in a dwelling.</p>	<p>Simplify and consolidate the Use Matrices.</p> <p>There are several Special Exception uses that have similar characteristics and common environmental concerns, which could be combined and simplified.</p> <p>One way to control the impact of a Special Exception, particularly on adjacent residential areas, is to limit the square footage of a building or not permit the use in the district.</p>

Issues↓	What is the Problem?	What are some examples of this in the current regulations?	Suggestion on what should be done?
<p>Mixed Use Regulations</p>	<p>To date, mixed use zoning regulations have not achieve the desired development character. <i>Several of the goals and policies of the 2002 General Plan promote the creation and sustainability of mixed-use development.</i></p>	<p>There are four mixed use floating zones (M-X-T, M-X-C, M-U-TC and M-U-I) and several other floating and conventional zones allow variations of mixed use developments Prince George’s County’s Zoning Ordinance. The Zoning Ordinance includes the allowance for the Metro Planned Community in the I-2 zoning district. However, the requirements are so detailed and too specific for the general application of a zoning ordinance. While the intent of the section is to insure quality mixed use development near transit facilities, the standards are so specific that they appear to have been written for one specific end user.</p> <p>Currently, the M-NCPCC has a draft of a new mixed use zone for urban centers and corridor nodes (UC1, UC2, UC3, UC4) out for public review and comment.</p>	<p>Monitor the public review of the new proposed mixed use to determine if this approach should be incorporated in the comprehensive amendment.</p>

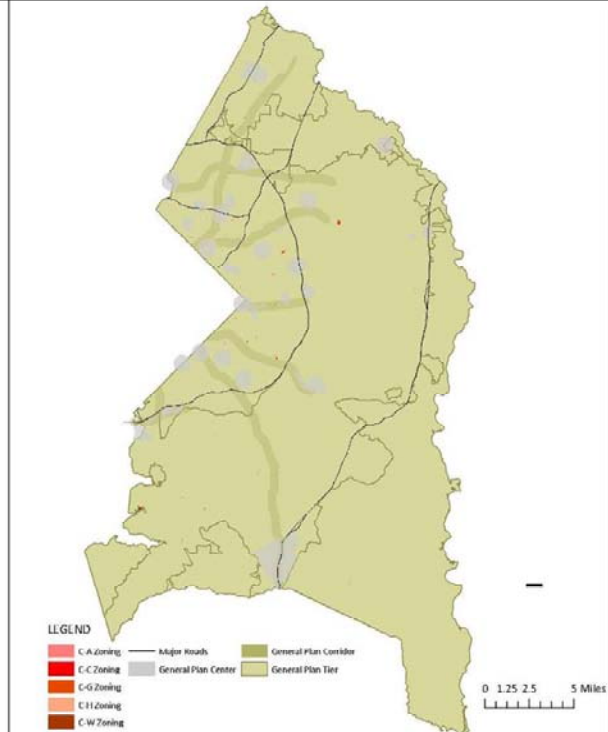
One-Family Residential (R-55) is the zoning district with the highest number of individual properties in Prince George's County.



PROPERTIES ZONED R-55
 PRINCE GEORGE'S COUNTY
 COMPREHENSIVE AMENDMENT TO ZONING REGULATIONS

04.29.2009

These Commercial zoning districts have less than 1% of the County land area and less than 1% of the total number of properties.



PROPERTIES ZONED C-A, C-C, C-G, C-H, AND C-W
 PRINCE GEORGE'S COUNTY
 COMPREHENSIVE AMENDMENT TO ZONING REGULATIONS

04.29.2009

Issues↓	What is the Problem?	What are some examples of this in the current regulations?	Suggestion on what should be done?
<p>Updating Standards</p>	<p><i>Many of the standards contained in the Zoning Ordinance need updated.</i> <i>The Zoning Ordinance has been amended in a piecemeal fashion for the years.</i></p>	<p>The Special Exceptions provisions related to churches, telecommunication, and child care need to be updated to be current with federal and state law.</p> <p>The minimum parking ratios require a supply of parking that is excessive for mixed use, pedestrian or transit friendly communities. For example, 2 spaces are required per dwelling unit, and 1 space is required for every 200-250 square feet of shopping center space (gross leasable area). These are common ratios in conventional zoning regulations, but many communities have opted for much lower ratios in order to accommodate urban design, transit, and pedestrian circulation objectives.</p> <p>The General Plan calls for pedestrian and transit-friendly communities. However, current parking standards do not address the location of parking areas to preserve a clear, uninterrupted relationship between a building and the street and sidewalks.</p>	<p>Review the standards in the Zoning Ordinance and revise them in accordance with best planning practices.</p>



Types of Development Codes

The current approach to regulation in the County is not the only alternative. Communities around the nation have pursued a variety of approaches to zoning and subdivision regulation. These are summarized below.

Approach ↓	What is it?	Who is doing it?	What are the advantages and limitations?
Conventional Zoning	<i>This divides the County into districts that establish uniform use and dimensional standards, such as setbacks, height, and density.</i>	This is the County's current approach.	<i>Because this is the most common approach to land development, it is familiar to zoning administrators and applicants. However, zoning is often blamed for poor development patterns because it does not comprehensively regulate design.</i>
Unified Development Code	<i>A comprehensive code that combines all zoning, subdivision and other land use regulations into a single set of regulations.</i>	Very common - e.g., Frederick, MD San Antonio, TX Concord, NC Suffolk, VA	<i>This is not an approach to zoning, but rather a way to package the regulations. It is very comprehensive, so it can be a lengthy document. However, it eliminates the need to search the entire City Code (inevitably a lengthy document) for applicable land use regulations. It also allows the County to package zoning and infrastructure standards to ensure that they work together to facilitate desired development patterns.</i>
Overlay Zoning	<i>These are zoning districts that overlap the base residential, commercial and industrial districts to establish additional standards or incentives.</i>	Very common - the County has a number of overlay districts.	<i>This would allow the County to supplement existing districts with additional use or design standards. It is also very familiar to code users. Zoning overlays can form the legal framework for other approaches, such as form-based zoning (see discussion below). It can be complicated because it involves several layers of regulations.</i>

Approach ↓	What is it?	Who is doing it?	What are the advantages and limitations?
Planned Development	<i>This allows the modification of development standards for master planned developments in order to provide more creative approaches to development.</i>	The CDZ, Planned Development and Mixed Use Zones are Planned Development approaches.	<i>As with conventional zoning, this is a common approach and is familiar to code users. It is flexible, and allows standards to be negotiated on a case by case basis. However, the lack of standards often produces unpredictable and undesirable development outcomes. It also requires a lengthy and unpredictable approval process.</i>
Composite Zoning	<i>Rather than having zoning districts of just one component (a list of use districts), composite districts provide separate and independent zoning components such as use, site, and architectural characteristics. One of each of these components then can be combined to create a "composite" zoning district.</i>	Leander, TX Boulder, CO Euclid, OH (original zoning ordinance)	<i>This provides a very flexible approach to zoning, while preserving the basic standards that code users are familiar with. It has the effect of a series of overlay districts, so it is more complicated than conventional districts.</i>
Use Patterns	<i>This establishes a series of design templates that can be permitted either by right or through discretionary procedures.</i>	San Antonio, TX Suffolk, VA Gainesville, FL	<i>This combines all aspects of land development regulation that produce a particular development form. For example, dimensional standards and street design are packaged into a single set of traditional neighborhood development regulations. Once the design standards are articulated, the development can be permitted administratively without the cumbersome procedures and disincentives of PUD or other discretionary procedures. However, it can be difficult for zoning administrators to understand the concept. In addition, neighborhoods might want to retain administrative review.</i>

Approach ↓	What is it?	Who is doing it?	What are the advantages and limitations?
<p>Form-Based or Transect-Based Zoning</p>	<p><i>Divides County into zones where the regulations vary by physical design characteristics, rather than by use.</i></p>	<p>Draft Urban Center and Corridor Nodes Code</p> <p>Arlington County, VA</p> <p>St. Petersburg, FL</p> <p>Petaluma, CA</p>	<p><i>This directly addresses design and gives landowners flexibility about how to use their property. These codes tend to be complex and unfamiliar to existing code users. In addition, neighborhood interests and property owners might still want to control uses (e.g., intensive non-residential uses in residential neighborhoods, residential uses in industrial zones that are reserved for employment generators). These codes are also limited in scope - they do not address issues such as congestion, airports, suburban corridors, stream corridors, and related issues.</i></p>
<p>Performance-Based Zoning</p>	<p><i>Like form-based zoning, performance based zoning deemphasizes use. Instead of focusing on physical design, a performance based code focuses on the impacts of development. This may include traffic, stormwater management, and rating systems for architectural design.</i></p>	<p>Frederick, MD</p> <p>Lake County, IL</p>	<p><i>Like form-based zoning, a performance based model is both more flexible and more complicated than conventional, one-dimensional zoning. However, it does include performance measures that are more familiar to planning professionals and applicants.</i></p>