

## APPENDIX B

### Comprehensive Rezoning Implementation Policies

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A number of established comprehensive rezoning implementation policies are utilized as necessary guidelines for developing the zoning proposal.

#### PUBLIC LAND POLICY

The established public land policy states that all public land should be placed in the most restrictive and/or dominant adjacent zone, whichever bears the closest relationship to the intended character of the area. Therefore, the zoning of public land, just as private land, should be compatible with surrounding zones. This policy should eliminate any “islands” of inharmonious zoning, while still providing for the public use. It should further assure compatibility of any future development or uses if the property is returned to private ownership.

A distinction is made where large parcels of land are set aside specifically for public open space. In these cases the O-S (open Space) Zone has been applied, being the most appropriate zone, pursuant to its description in the Zoning Ordinance.

Federal and state government property, which is scattered throughout the County, is not subject to the requirements of the Zoning Ordinance. The intent of the comprehensive rezoning process is to apply a zoning category to all land, including Federal property, without regard to its unique zoning status. The R-O-S Zone is generally applied to Federal and state properties, unless specific uses of the property or intended character of the property and/or area should warrant another zoning category.

#### ZONING IN PUBLIC RIGHTS-OF-WAY

Policies governing the zoning of public street and railroad rights-of-way (both existing and proposed) are contained in Section 27-111 of the Prince George’s County Zoning Ordinance. This SMA has been prepared in accordance with this Section of the Ordinance.

#### LIMITATIONS ON THE USE OF ZONES

Zoning classifications proposed in a SMA are limited only by the range of zones within the Ordinance available at the time of final action by the District Council. However, there are certain restrictions on when these may be applied to properties under the following situations (Section 27-223 of the Zoning Ordinance):

*Reclassification of an existing zone to a less intense zone, also commonly referred to as “down zoning,” is prohibited where:*

- (g)(1) “The property has been rezoned by a Zoning Map Amendment within five (5) years prior to the initiation of the Sectional Map Amendment or during the period between initiation and transmittal to the District Council, and the property owner has not consented in writing to such rezoning;” or*
- (g)(2) “Based on existing physical development at the time of adoption of the Sectional Map Amendment, the rezoning would create a nonconforming use. This rezoning may be approved, however, if there is a significant public benefit to*

*be served by the rezoning based on facts peculiar to the subject property and the immediate neighborhood. In recommending the rezoning, the Planning Board shall identify these properties and provide written justification supporting the rezoning at the time of transmittal. The failure of either the Planning Board or property owner to identify these properties, or a failure of the Planning Board to provide the written justification, shall not invalidate any Council action in the approval of the Sectional Map Amendment.”*

Finally, in order to clarify the extent to which a given parcel of land is protected from less intensive rezoning by virtue of physical development, the Zoning Ordinance states in Section 27-223(h) that:

*“The area of the ‘property,’ as the word is used in Subsection (g)(2), above, is the minimum required by the Zoning Ordinance which makes the use legally existing when the Sectional Map Amendment is approved.”*

## **GUIDELINES FOR COMMERCIAL ZONING**

The Comprehensive Rezoning proposal will recommend the most appropriate of the “use-oriented” commercial zones listed in the Prince George’s County Zoning Ordinance. The choice of zone will be determined by the commercial needs of the area, the master plan recommendations, and the type of use and status of the development on the property and surrounding area.

Existing C-1, C-C, C-G, C-H and C-2 Zones will be converted to the new “use-oriented” commercial zones in accordance with the commercial rezoning policies endorsed by the Planning Board and the County Council in previously adopted SMAs. Exceptions will be made where: (1) the old commercial zone has conditions attached to it that should be brought forward in the SMA; and/or (2) because of previous zoning decisions, development or the existing character of the area, commercial zoning in the new “use-oriented” zones is not considered appropriate. In these circumstances, the existing commercial zone (with the zoning application number) will be placed on the new Zoning Map as a specific reference for future development or subsequent rezoning actions on the site.

## **CONDITIONAL ZONING**

The inclusion of safeguards, requirements, and conditions beyond the normal provisions of the Zoning Ordinance which can be attached to individual zoning map amendments via “Conditional Zoning” cannot be utilized in SMAs. In the piecemeal rezoning process, conditions are used to: (1) protect surrounding properties from potential adverse effects which might accrue from a specific zoning map amendment; and/or (2) to enhance coordinated, harmonious, and systematic development of the Regional District. When approved by the District Council, and accepted by the zoning applicant, “conditions” become part of the County Zoning Map requirements applicable to a specific property and are as binding as any provision of the County Zoning Ordinance [see Conditional Zoning Procedures, Section 27-157(b)].

In theory, zoning actions taken as part of the comprehensive rezoning (SMA) process should be compatible with other land uses without the use of conditions. However, it is not the intent of an SMA to repeal the additional requirements determined via “conditional” zoning cases that have been approved prior to the initiation of a Sectional Map Amendment. As such, it is appropriate that, when special conditions to development of specific properties have been publicly agreed upon and have become part of the existing Zoning Map applicable to the site, those same conditions shall be brought forward in the SMA. This is accomplished by continuing the approved zoning with “conditions” and showing the zoning application number on the newly adopted Zoning Map. This would take place only when it is found that the existing zoning is compatible with the intended zoning pattern or when Ordinance limitations preclude a rezoning. Similarly, findings contained in previously approved SMAs shall be brought forward in the SMA where the previous zoning category has been maintained.

## **COMPREHENSIVE DESIGN ZONES**

Comprehensive Design Zones may be included in a Sectional Map Amendment. However, the flexible nature of these zones requires a Basic Plan of development to be submitted through the zoning application process (Zoning Map Amendment) in order to evaluate the comprehensive design proposal. It is only through approval of a Basic Plan, which identifies land use types, quantities, and relationships, that a Comprehensive Design Zone can be recognized. Therefore, an application must be filed, including a Basic Plan; and the Planning Board must have considered and made a recommendation on the zoning application in order for the Comprehensive Design Zone to be included within the Sectional Map Amendment.

During the comprehensive rezoning, prior to the submission of such proposals, property must be classified in a conventional zone that provides an appropriate “base density” for development. In theory, the “base density” zone allows for an acceptable level of alternative development should the owner choose not to pursue full development potential indicated by the Sector Plan. [See Sections 27-223(b); 27-225(b)(1); 27-226(a)(2); and 27-226(f)(4).]