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Prince George's County Zoning Ordinance and Subdivision Regulations Consistency and Gap Analysis



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Executive Summary

The Maryland National Capital Park and Planning Commission (MNCPPC) has initiated a comprehensive amendment process to update the Zoning Ordinance and Subdivision Regulations for Prince George's County. The Zoning Ordinance is codified as Subtitle 27, while the Subdivision Regulations are codified as Subtitle 24. 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.

The Zoning Ordinance divides the County into zoning districts. Within each district, the ordinance regulates land use, establishes dimensional standards (such as minimum lot size, building height, and required yards), and density. The ordinance establishes development standards such as required parking, landscaping, and signage.

The Subdivision Regulations regulate the division of property into lots or parcels. These regulations establish standards for onsite infrastructure, offsite infrastructure capacity, drainage, flood prevention, environmental preservation, parks, street pattern and lot and block layout and design. This is the County's principal tool to control the impact of new development on infrastructure capacity.

Both the Zoning Ordinance and Subdivision Regulations establish procedures for approval. These procedures can provide for public notification and input into new development proposals, and can affect the amount of time and expense needed to develop property in Prince George's County. The time and effort needed to entitle property can affect the timing, density, intensity and location of development throughout the County.

The County adopted a General Plan in 2002, and a number of master plans, area plans and functional plans that amend the General Plan. These plans establish the planning policies that set a blueprint for development regulation in Prince George's County. These regulations are the principal regulatory tools for implementing the County's planning policies. This report summarizes how the County's Zoning Ordinance and Subdivision Regulations implement those policies. This includes the effectiveness of each provision, such as whether the regulations will encourage development in the Developed Tier and Centers. While there are few direct conflicts with the General Plan, the report discusses whether particular regulations or procedures will hinder the implementation of plan policies. Finally, we include suggestions for alternative approaches to regulation.

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.

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Introduction

The Prince George's County Planning Department of the Maryland-National Capital Park and Planning Commission (M-NCPPC) has initiated 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 M-NCPPC has contracted with a consultant team consisting of White & Smith, LLC; PB Americas, Inc.; and Justice & Sustainability Associates, LLC to prepare background reports, engage in public participation, and to draft the comprehensive amendments. The project includes 15 tasks consisting of project initiation reports and written deliverables, interviews, and community meetings. This report is submitted in fulfillment of Task 3a, which provides for an evaluation of the current Zoning Ordinance and Subdivision Regulations.

An important component of this project is plan implementation. The County's Zoning Ordinance and Subdivision Regulations should be consistent with its General Plan. 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 master plans and sector plans that affect development in specific areas. These plans amend the General Plan. In some instances, these amendments can undermine the overall development pattern envisioned by the General Plan. For example, recent master plans have introduced the concept of a Corridor Node, which is now included in the draft Urban Centers and Corridor Nodes (UCCN) legislation. There is a question about whether development in these areas is given the same priority as the Centers and Corridors that are designated in the General Plan. The Zoning Ordinance could establish guidelines about the extent to which the area, master and sector plans can amend the General Plan. This issue is discussed in "[Zoning Administration & Master Plan Processes](#)" below.

A previous report completed in April, 2009 provides a summary of the General Plan's policy recommendations promoting development in Corridors and Centers, the Developed Tier and the Developing Tier. That summary included related policies from subsequently approved area master plans, sector plans and functional master plans since the approval of the General Plan. In this report, we identify additional regulatory tools, and provide alternative approaches to regulatory reform. This

report does not include a detailed empirical analysis of the effect of the land development regulations on the County’s housing and non-residential development markets. Instead, it relies on information provided by the MNCPPC staff, and our experience and professional judgment, about the effect of these policies on General Plan implementation. Subsequent reports will take a more detailed look at the permitting and development approval process and the format of the zoning and subdivision regulations.

This report examines each “division” of the Zoning Ordinance and Subdivision regulations to determine how these regulations relate to plan implementation. The Zoning Ordinance and Subdivision Regulations are codified as “Subtitles” of the County Code. Each Subtitle is divided into “Parts” and “Divisions,” which are further divided into “Sections.” The Parts contain the principal topical headings for the Subdivision Regulations and Zoning Ordinance. The analysis in this report focuses on the regulations established in each Part. The discussion of each Part addresses the following elements:

- **Effectiveness** - does the regulation effectively implement the plan policies? We address the planning policies that affect each Division, and discuss whether the regulations can effectively implement those policies. To the extent that data is available, we also address how effectively the zoning and subdivision regulations have implemented the County’s planning policies in the past, and what this means about future regulations.
- **Conflicts** – does the regulation conflict with the General Plan’s policies, or impede their implementation? Regulations can actively thwart plan implementation. For example, excessive minimum parking requirements near transit stations pose a barrier to policies which call for a more compact building form that encourages a modal split and favors transit over vehicle use. The development review process can also discourage investment in places that the County would like to develop more quickly, such as the Developed Tier.
- **Alternatives** – what other regulatory solutions are available to implement the plan policies?

The Zoning Ordinance language includes a number of specific issues. This report focuses on substantive conflicts with the General Plan, while we will address others in further detail in Tasks 7 (review process streamlining) and 8 (regulations reformatting). These include the following:

Conflicts

Provisions that directly conflict with county planning policies

Obsolete

Obsolete provisions or those that are no longer needed. An example is the R-P-C amendment guidelines for land that was classified in the R-P-C zone more than 40 years ago (see Zoning Ordinance § 27-158), and prohibiting reclassification to the R-P-C zone. The zone could either be abolished (with separate procedures that recognize existing entitlements) or consolidated into a more appropriate zone, or both.

Strays

Stray provisions that belong in another part of the County Code. An example is the private street and frontage standards in the R-35 zone. The private street standards are general improvement standards that belong in the County Code, while the frontage standards belong in the subdivision regulations.

Uniform standards

A uniform standard that does not need to be repeated. Examples are redundant zoning districts that can be consolidated into a single district. Some of the County's older, planned development options could also be eliminated and consolidated into a more contemporary, streamlined process. Another are the repeated references to offsite facility capacity or street improvements in zoning districts that can be folded into a single development standard for site plans or other processes.

Another example is the satellite dish regulations that appear under nearly all of the zoning categories. The zoning regulations can consolidate these into a single regulation for satellite dishes that notes where the standards vary among the different districts.

Vague

These are general, non-specific standards are subject to a variety of interpretations. These create uncertainty in the approval process, and can create variable development outcomes. Where the process is not an entitlement (such as a map amendment or a special exception), a general standard is appropriate because the case requires site specific review. For development types that the County wants to encourage, specific standards should apply in order to streamline the process, such to adequate public review.

Unnecessary

These are standards that do not serve any apparent purpose. One example could be the extremely detailed use regulations that distinguish uses based on time of approval, ownership (e.g. private stables), or other factors that do not relate to the impacts or operational characteristics of the use. The use lists are a prime example of an area that requires significant streamlining and consolidation.

Grandfathering or Existing Conditions

These are standards repeated throughout the Zoning Ordinance that relate to nonconformity, vesting, grandfathering or existing conditions. An example is the effect of zoning map amendments on existing special exceptions (Zoning Ordinance § 27-176(f)). This standard explains how a map amendment affects property owners who either have a special exception, or where the use required a special exception but no longer does after the map amendment. This standard is repeated elsewhere, and can be consolidated into a single chapter that addresses what happens when a change in regulations occurs. Repeating these standards throughout the regulations disrupts the flow of the document and detracts from the main point of each section.

Appendices A and B include a technical analysis of the regulations. Appendix A explores the development processes, including the amount of time historically used to process permits. Appendix B provides an analysis on the existing zoning districts.

The following discussion addresses these factors with regard to each Part in the Zoning Ordinance and Subdivision Regulations.

A. Zoning Ordinance

1. Introductory materials

(Subtitle 27, Parts -1-2)

The introductory materials of the Zoning Ordinance include a general purpose statement of the scope of the ordinance, definitions and rules of interpretation, and provisions that establish the various zones and zoning maps (Subtitle 27, Parts 1-2). It also establishes rules for applying and interpreting the zoning regulations, and which apply to all zones. These include how uses are interpreted, building height and yard measurement standards, and applicability to public buildings and uses (Subtitle 27, Part 2). This is a typical division that introduces the reader to the zoning regulations, and sets out definitions and foundational text that is needed to have a legally enforceable ordinance.

Effectiveness Part 1 – Neutral. These materials simply establish the legal framework for the balance of the document. The substantive procedures and zoning regulations, discussed in the balance of this section, are what has a direct impact on plan policy implementation.

The most important section of this Part with regard to the General Plan policies is § 27-109. This section establishes the zoning districts for Prince George’s County. The zoning districts are divided into 7 categories: residential, commercial, industrial, comprehensive design, planned community, mixed use, and overlay. This section was last amended in 2001, shortly before the General Plan was adopted. Not surprisingly, the district structure does not relate to the General Plan’s Tier, Corridor and Center structure. While there are purpose statements and standards in the district regulations that relate to the General Plan, there is nothing in this section – and little elsewhere in the Zoning Ordinance – that shows how the various districts align with the Developed, Developing, and Rural Tiers. A statement or table in this section could correlate the zoning districts to the General Plan’s structure for Countywide urban form. Some districts could apply to a single tier, or include alternative (composite or modular) standards that vary by tier. The composite standards can be adjusted for environmental or topographic conditions that do not follow the tier boundaries. The standards or purpose statements could prioritize the County’s urban form policies in order to resolve these conflicts when applications for map amendments or other approvals are filed.

This leads to an important, central policy consideration – i.e., the composition of zoning districts in the County. The County presently has 54 zoning districts. There are three types of districts – conventional (“Euclidean”), floating, and overlay districts. There are 33 districts in conventional residential, commercial and industrial zones. Floating zones are through an application process that is initiated by the property owner. A large number of zones (15) fall within the 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.

Most contemporary zoning updates begin with a push 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. A later report in this process will address techniques for reformatting regulations. However, consolidating the districts would significantly streamline the document.

Conflicts

There are no direct conflicts with the General Plan policies. However, the purposes listed in § 27-102 include a number of conventional zoning concepts that do not reflect the contemporary policies set out in the General Plan. For example, one purpose is to “prevent the overcrowding of land.” By contrast, the General Plan policies call for high densities and floor area in mixed use centers. While this does not require “overcrowding,” the conventional approach can be misinterpreted to require lower densities and a more decentralized development pattern. Therefore, the purpose statements should be reworked to reflect the County’s vision for a compact development pattern.

Alternatives

1. There are several approaches to streamlining the zoning districts. One is to develop a more cohesive framework for the district structure. For example, one national publication recommends that communities fold their commercial and industrial classifications together, with only three categories of districts: residential, mixed use, and special districts.¹ This approach conflates the use distinctions found in most zoning districts, relying on design to resolve compatibility issues. However, in most communities, compatibility of uses is a significant issue. Commercial and industrial uses are not always compatible, particularly with regard to noise, vibration, odors, or related nuisance factors.

Another approach is to develop a district pattern the correlates directly to the development tiers. St. Petersburg, Florida, recast its residential districts as “neighborhood” districts on the heels of a vision plan that encouraged mixed use neighborhoods in both its traditional and suburban areas. Each district is assigned to one of three development tiers in the City – central city, traditional neighborhoods / centers, a suburban neighborhoods / centers. Finally, the County could consolidate the districts while retaining the conventional pattern of residential, commercial, and industrial districts along with floating zones.

Regardless of whether the County retains specific use distinctions or opts for a more streamlined list of districts, the regulations can codify innovative design techniques on all sites, along with flexible standards to determine which techniques apply. These can rely on variable requirements based on location or development type as well as incentives. However, all of the requirements and incentives should relate to the “smart growth” policies established in the General Plan.

¹ Elliott, *A Better Way to Zone: Ten Principles to Create More Livable Cities* (Island Press, 2008).

2. A significant obstacle to streamlining the district structure in Prince George's County is its complexity. While the General Plan's policies for mixed use, transit-friendly development, development tiers, and rural preservation are simple and straightforward. However, there are 14 sector and master plans adopted after 2002 that establish detailed design standards in different parts of the County. In most zoning updates, this leads to a proliferation of very similar, but slightly different, districts with subtle differences in permitted uses and development standards. To retain a cohesive district structure along with the flexibility to accommodate situational differences, some communities have adopted a streamlined district structure with "composite" or "modular" regulations. The composite regulations allow an applicant to combine use, dimensional, building design or other regulations into a single district. In other words, the applicant combines use regulations and dimensional regulations into a single district, much as a customer at a restaurant combines a main entrée, beverage, and dessert into a single meal. Under the County's conventional zoning approach, a district allows only one set of permitted uses, one set of dimensional standards, and one set of design standards. The alternative is a discretionary Comprehensive Design Zone – a potentially lengthy and unpredictable process. A composite approach allows the County to tailor the zoning to a site by picking the appropriate use regulations, dimensional regulations, and design regulations for the site.
3. The purpose statements should reflect the General Plan, new concepts such as sustainability and urbanism, and the Maryland smart growth legislation.
4. The definitions sometimes include standards (e.g., "home occupations," "medical day care," "parking lot," and "seafood market"). The regulations are easier to understand if they are moved to the body of the regulations.
5. Many of the definitions relate to permitted uses. However, there is no comprehensive system for classifying uses. There is a different mix of uses listed in each zoning district category (Residential, Commercial, and Industrial). This, coupled with numerous, piecemeal amendments, has resulted in an uncoordinated listing of uses. This is confusing to the reader, and also risks the failure to adequately address how future, presently unlisted uses are regulated. Consider a **matrix of uses** that is keyed to a comprehensive land based classification system, such as the American Planning Association's Land Based Classification Standards (LBCS) and/or the North American Industrial Classification System (NAICS). This ensures that terminology is used consistently, and can provide an external source for classifying and defining uses. This can provide the technical detail needed to administer the zoning regulations, without adding a daunting level of technical text that is confusing to the average reader. It is also a good way to make sure that the list of uses is complete, while providing a systematic way to classify new uses and to make sure that they assigned to a district. For example, highly technical definitions could be assigned to a technical or later Part of Subtitle 27, or to an external document (e.g., "inks, paste").
6. 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. These definitions include caveats and standards that are not covered by a typical land based classification system.

2. Zoning Administration & Master Plan Processes

(Subtitle 27, Parts 3, 13, 14, 15 and 17)

The development approval process is a subject of explicit General Plan policies, and is also a significant source of controversy in the County. Both the Developed and Developing Tier policies call for streamlining the County's development review processes to encourage redevelopment, transit and pedestrian friendly development, and development in designated centers. Streamlining development review involves the elimination of unnecessary delay, providing predictable decisions, and ensuring that applicants can rely on permits they have secured. At the same time, the County must do so in a way that allows affected neighbors adequate notice of proposed development that affects them, along with the ability to voice reasonable concerns to the permitting officials.

The County has made several efforts in the past decade to streamline the approval process. A 1998 report prepared by Robinson and Cole, *Comparative Evaluation of Prince George's County Zoning Ordinance* (June 1998)(the "Robinson & Cole Report" or "Report") analyzed the basic components of the Prince George's County Zoning Ordinance and compared them to other comparable jurisdictions. The Robinson & Cole Report suggested the following options to streamline the development review process:

- Provide for expedited review of minor site plan changes, with or without a hearing
- Use a consent calendar procedure
- Establish technical standards for waiving or departing from parking requirements.
- Provide for expedited relief, with less onerous standards for small deviations from dimensional and site design requirements
- Assign decision making authority to the planning director, with an appeal to the planning board or a hearing examiner.
- Reform 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.
- 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.

In Task 7 of this project, we will prepare a report that takes a more detailed look at the County's development review process. This section will briefly describe the zoning process, and will make some preliminary observations about its compliance with General Plan's policies and its effectiveness. This discussion is based on our analysis of Parts 3 (Zoning Administration) and 13 (Plans, Planning Areas and Procedures). This section also includes Parts 14 (Historic Preservation Commission), 15 (Development Review District Commission), and 17 (Delegation of Authority). Parts 14 and 15 are single paragraphs that require agency referral for designated zoning applications. The Revitalization Overlay District has only been applied twice (for Bowie and Greenbelt), and creates a process for municipalities to grant departures development standards such as landscaping and parking. Parts 14, 15 and 17 are not

discussed specifically below, because they have little impact on the planning policies that are within the scope of this project.

An important feature of the County's review process is the 3-step procedure for the Comprehensive Design Zones (CDZs). The CDZ process is an alternative to conventional zoning approval, and has been in effect in the County for at least 25 years, and was proposed nearly 40 years ago.² The CDZ process has been described as more flexible and yet more rigid than conventional zoning. "It is more flexible in the scope of permissible uses, residential densities and building intensities. It is more rigid in that commitments made by the developer in his plan proposals will carry the force and effect of law."³ The CDZ process involves three stages requiring approval of:

- (1) a Basic Plan,
- (2) a Comprehensive Design Plan and
- (3) a Specific Design Plan.

Each stage involves a successive refinement of the previous stage in the approval process. In Prince George's County, the CDZ process is the equivalent of the "planned unit development" process used in zoning regulations throughout the nation. The difference is that Prince George's County's CDZ regulations are significantly more detailed than most regulations, and include a number of specific CDZ districts with baseline density, intensity and dimensional standards. Developers are able to increase their densities and intensities by providing public benefits through the density and floor area increments set out in the regulations.

- Effectiveness**
1. The Zoning Ordinance and Subdivision Regulations are lengthy and complex. On our computer, the Zoning Ordinance is 957 pages long and the Subdivision Regulations are 71 pages long, for a total of 1,028 pages of material. Part 3 of the Zoning Ordinance alone is 202 pages long, with additional procedures scattered throughout the Zoning Ordinance. The County's complex zoning regulations are particularly daunting for its elected officials. Because the District Council members are term-limited, they often find themselves leaving office just as they have acquired some level of expertise with the technicalities of the Zoning Ordinance. There are several ways to address this issue. One is to assign more approval and permitting authority to staff or appointed officials who have a more permanent role in the zoning process. Second, the County can streamline the regulations so make information easier to find and the language easier to read. This reformatting task is largely non-controversial, and will be addressed in greater detail in Task 8 of this project. Addressing the permitting process, along with the responsibility of various agencies and officials, is more complex and is addressed in Task 7 of this process.
 2. The District Council has a more active role in the development approval process

² See discussion in *Coscan Washington, Inc. v. Maryland-National Capital Park and Planning Com'n*, 87 Md.App. 602, 590 A.2d 1080 (Md.App.), cert. denied, 324 Md. 324, 597 A.2d 421 (1991).

³ *Coscan, supra*, 590 A.2d at 1082 (citing Prince George's County Planning Board, *A Proposal for Comprehensive Design Regulations*, 3 (September 1970)).

than most communities. The Council hears appeals from Zoning Hearing Examiner decisions, which may include map amendments, special exceptions, site plans, certification of nonconforming use, and others (Zoning Ordinance §§ 27-129, -131). While it is customary for a local legislative body (such as the District Council) to hear zoning map amendment applications in the first instance, their involvement in other types of zoning procedures is less common. It is understandable for elected officials to want to respond directly to complaints and concerns by their constituents. However, appeal and call-up procedures raise the potential for delay and uncertainty in the development approval process. There is a split of opinion among stakeholders and the County's elected officials about whether the call-up procedure is overused. In addition, some Council members feel that their obligations to their constituents favor continuing the practice. However, the threat of delay and politically charged decision making continues to make this practice controversial. It is worth discussing whether to continue the District Council involvement in zoning actions other than map amendments, and if so, whether reforms are needed that would improve the predictability of the approval process.

3. In 2004, the County added pre-application informational mailing requirements for most of its discretionary applications (such as zoning map amendments, comprehensive and specific design plans, conceptual and detailed site plans, special exceptions, and variances) (Zoning Ordinance § 27-125.01). These mailings are sent to neighboring property owners, parties of record in previous applications, and registered civic associations. At least once Council member believed that, while the pre-application notice is a good step forward, there should be a formal process for pre-application meetings. While the notice must indicate that the applicant "will meet, to explain the application," there is no formal process to set up the meetings. This has several disadvantages for both the noticed parties (such as neighbors and civic associations) and the applicant. First, other than hearing about the application and having it explained to them, the noticed parties have no way to influence the application before it is prepared. In addition, there is forum for the meetings, and no facilitation process. Second, the process is potentially onerous from the applicant's perspective. There could be hundreds of surrounding property owners, civic associations, and parties of record. If the applicant complies by sending the notice 30 days before the meeting, the multiple requests could become time consuming. Pre-application procedures (discussed under "Alternatives," below) could improve this process.
4. The Zoning Ordinance, along with external enhancements by MNCPPC and the County, makes good use of technology. Both the Planning Department and the County maintain online permit tracking websites.⁴ The zoning map is available online through PG Atlas.⁵ Applicants and the general public can check the status

⁴ For the Planning Department's On-line Permit Tracking System, see: http://www.pgplanning.org/Resources/Tools_On-line/Permits.htm. For the County's permit tracking system, see <http://egov.goprincegeorge'scounty.com/Epermitsexternal/Site/Public/Citizens/Permitdefault.aspx>.

⁵ See Prince George's County

of development through the Development Activity Monitoring System (DAMS).⁶ Applications and process flowcharts are available online.⁷ Both the Zoning Ordinance and Subdivision Regulations are available online through the County's Legislative Information System.⁸

5. Part 3 of the Zoning Ordinance includes some contemporary best practices for development review. One is the use of a professional hearing examiner to run evidentiary hearings. The Office of the Zoning Hearing Examiner consists of two Zoning Hearing Examiners ("ZHE") appointed by the District Council (Zoning Ordinance § 27-126).⁹ The ZHE holds the evidentiary hearings for various zoning matters, including, but not limited to, Special Exceptions, Zoning Map Amendments and Validations of Permits Issued in Error. Another is the use of flexible development review for CDZs and mixed use development, and its use of technology (discussed above). While the flexible development review process can be lengthy and unpredictable for applicants, it has allowed the County to raise the bar on new development. The Streamlining report (Task 7 of this process) will discuss ways to improve these procedures, or better alternatives to them.
6. The County's flexible rezoning and development review processes have yielded some development that was innovative, at least for its time. Examples include Northridge in Bowie, which has been recognized for its innovative approaches to clustering and tree preservation,¹⁰ and lifestyle centers such as the Bowie Town Center and the Boulevard at Capital Centre.¹¹ While these examples can be improved with contemporary standards – for example, through conservation subdivision design for new subdivisions, or a residential uses that could create a mix of uses in new shopping areas – these developments were innovative for their time by national standards. In our initial interviews, most Council members did not seem surprised by the development outcomes that flowed from the current process. However, creating incentives for true mixed use development, conservation subdivisions, and transit oriented development will require a more predictable process, additional incentives, or public-private partnerships. At least Council member cited public-private partnerships in other communities (such as Rockville) as a way to raise the bar for new development.
7. The County recently revised the master planning processes from one that commonly took nearly four years, to an 18 month process. Some staff members have indicated that this time period is inadequate, and would like to expand the process.

⁶ See http://www.pgplanning.org/Resources/Tools_On-line/DAMSWEB.htm.

⁷ http://www.pgplanning.org/Resources/Development_Review_Form.htm.

⁸ <http://egov.co.pg.md.us/lis/>.

⁹ See County website at

[http://www.princegeorgescountymd.gov/Government/LegislativeBranch/Zoning_Hearing_Examiner/index.asp?nivel=subfoldmenu\(0,7\)](http://www.princegeorgescountymd.gov/Government/LegislativeBranch/Zoning_Hearing_Examiner/index.asp?nivel=subfoldmenu(0,7)).

¹⁰ Petit, Bassert & Kollin, *Building Greener Neighborhoods: Trees as Part of the Plan* (American Forests and National Association of Home Builders, 2nd ed. 1998), at 67-69.

¹¹ See Tilt-Up Concrete Association, at <http://www.tilt-up.org/awards/achievement/2005/boulevard.htm> (2005 Tilt-Up Achievement Award Winner).

8. The County allows for “departures” from landscaping, parking and sign standards subject to general, qualitative standards (Zoning Ordinance, § 27-239.01). Departures are subject to appeal or call-up by the District Council. Where there are sound, policy-based reasons for granting relief, this process is superior to a hardship variance. A hardship variance only permits relief where the standard creates a legal hardship. There are situations where relief from these standards can result in a superior site design. However, the process can also result in unnecessary delays, or unwarranted relief. Revising the standards to provide a better fit with the County’s increasingly built out environment would reduce the expenses associated with processing departures, and protect the public from unsound applications.
9. Part 3, Division 6 addresses nonconforming uses, buildings and structures. These are allowed to continue, subject to issuance of a use and occupancy permit. Generally, a nonconforming use, building or structure is allowed to expand if it conforms to the zoning district dimensional standards. The section establishes specific requirements for particular uses that are nonconforming. By allowing nonconforming uses and buildings to expand, the County has opted for a relatively permissive approach to nonconformities. Some communities strictly limit expansion, or require “amortization” of nonconformities by requiring compliance within a designated time period. The sign regulations use the amortization tool (Zoning Ordinance § 27-608). However, the balance of the regulations is fairly permissive as to nonconformities.

Division 6 could be expanded in several ways. First, in the Developing Tier and built out areas, consider regulations that recognize existing uses or structures as conforming – even if they do not conform to the new regulations. This allows the uses to expand, instead of gradually decaying, and to change to a conforming use without fear of losing their legal status. Second, the regulations should recognize a broader range of nonconforming situations – such as nonconformities relating to building design, landscaping, signs, or other development standards. Third, the section should address nonconforming applications – i.e., potential vested rights claims. Some regulations establish a vested rights determination process in order to resolve these claims administratively. Finally, the regulations should address the numerous procedures and regulations (such as footnotes to the Tables of Uses) that address preexisting applications and site specific text amendments. If the County is not willing to remove those provisions from the Zoning Ordinance, they should be moved to a separate Part or Appendix in order to remove the clutter created by those provisions.

Conflicts

1. There are no direct conflicts with the General Plan. However, the General Plan calls for the County to streamline the permitting process for the Developed Tier and for Centers and compact development patterns in the Developing Tier. This suggests that the existing process should be improved to reduce discretionary reviews (i.e., processes that allow the decision maker wide latitude to approve or disapprove an application), improve certainty in the approval process, reduce the time needed to process permits, and to provide finality for permitting decisions.

2. There is a perception that the area master and sector plans are undermining the land development pattern established in the General Plan. This includes, for example the new Corridor Node designations established in the Urban Center and Corridor Node legislation. These are not expressly designated in the General Plan. While they may reflect a legitimate land use policy, this policy is not apparent from the text or map designations in the General Plan. Alternatives to address this issue are set out in paragraph 3 of “Alternatives,” below.
3. Some of the area master and sector plans include very detailed zoning and design standards. This, in effect, establishes a separate body of regulations that the zoning staff must administer, and that applicants and the interested public needs to understand, when new development is proposed. This creates a very lengthy body of regulations that is scattered among numerous documents. Alternatives to address this issue are set out in paragraph 3 of “Alternatives,” below.

Alternatives

1. Parties receiving notice and applicants could both benefit from a pre-application meeting that attempts to resolve issues before the application goes to the expense of preparing the application, and allows affected neighborhoods an opportunity to influence the project’s design before the applicant has made binding commitments. Cities such as San Antonio, Texas and Glendale, Arizona have successfully used a pre-application citizen participation process to involve the public in the development review process, and to avoid expensive changes in project design that can occur late in the approval process.
2. A streamlined process for mixed use development – or at least those in the Developed Tier – could encourage development in places that the County wants to develop more quickly (such as the Developed Tier). The County has previously studied the possibility of removing a step in the CDZ process for the Developed Tier. The proposed Urban Centers and Corridor Nodes Development Code includes a process for site plan review after a “regulating plan” is applied to an area. This would involve discretionary review at the front end of the development review process, but would streamline review after the building and site design criteria are agreed upon.
3. To address the relationship between area master/ sector plans and the General Plan, along with the proliferation of regulatory language in these plans, the following alternatives are available:
 - Require consistency between the General Plan and area master/sector plans. The consistency issue is currently avoided because an Area or Functional Master Plan is considered an amendment of the General Plan. However, there is no separate process to amend the General Plan document to keep it up to date and internally consistent. A requirement that the area master/sector plans are consistent with the General Plan, along with a unified General Plan amendment process, would keep the General Plan current, and maybe impose some discipline on the area master/sector plan process.

- The regulations could prohibit the master plans from including regulatory language. Typically, a plan is considered a “constitution” for future development and for development regulations. This requires fairly general language, with details filled in by the applicable zoning regulations. For a sectional map amendment (SMA), the plan could either select from an existing zoning district or establish general parameters for new regulations. If the County believes there is a need for a more refined set of regulations, the plan could adopt the more detailed content as interim policies.

Additional considerations

1. The Zoning Ordinance includes detailed hearing procedures for both the District Council (§ 27-132 to -135) and Planning Board (§ 27-154). The County Council and Planning Board also have their Rules of Procedure.¹² The County should consolidate the two sets of procedures in order to avoid conflicts and confusion.
2. Part 3 is an example of how the Zoning Ordinance, through piecemeal amendments, is arranged in a disjointed way. Part 3 includes not only procedural steps, but also submittal requirements, limitations on obsolete zoning districts, and separate rules for preexisting applications or situations (such as separate rules for land classified as R-P-C before January 1969 – over 40 years ago). A more logical flow would limit this chapter to the procedural steps required for zoning actions – such as plan amendments, map amendments, site plans, basic plans, special exceptions, zoning certificates, departures, variances, and appeals. Submittal requirements could either move to an appendix, or the regulations could assign the Planning Department the authority to prepare a procedures manual with application forms and submittal requirements. Grandfathering issues (i.e., nonconformities, vested rights claims, and preexisting applications or situations) could be assigned to a separate Part in County Code Subtitle 27. This would “clean out” a significant amount of text, and would give the general public, applicants, and administrators a clearer view of how the process works and how it relates to the County’s planning policies. Our report on reformatting the regulations – to be presented under Task 8 of this project – will explain in greater detail how the regulations can be reorganized and reformatted to improve clarity and comprehension.
3. The review process for CDZs 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 subdivision regulations also include procedures specific to the CDZs (§ 24-119(b)). In addition, the procedures for the R-P-C Zone and Comprehensive Design Zones are significantly the same, and should be combined.
4. All of the floating zone procedures should be consolidated into a single process. The R-P-C, CDZ, M-U-TC, M-X-T, M-X-C, and transit district overlay procedures all

¹² The County Council’s rules apply to its procedures when sitting as the full Council. They are not limited to its role as the District Council. However, these rules refer to zoning bills when the Council is sitting as the District Council, and affect its procedures when considering zoning matters.

involve a Planning Board recommendation, agency referral, Zoning Hearing Examiner hearing, and District Council approval. Each has procedures for amendment, withdrawal, reapplication, and joint applications. The procedures are substantially the same, and there are no planning policies that dictate different procedures. Consolidating the regulations could shrink the Zoning Ordinance by at least 50 pages, and make the procedural regulations simpler to comprehend. Additional procedures should apply only to streamline development in the Developing Tier, designated Centers, or other areas or situations where the County wants to encourage development. Additional review could apply to areas or uses where General Plan provides for slower development – such as the Rural Tier. This planning basis is not evident from the current regulations.

3. Special Exceptions

A special exception is a use appropriate in the zoning district if certain standards are met. The Zoning Ordinance establishes a process to determine whether the uses meet these standards, and additional standards for certain uses that are designated as special exceptions. In Prince George’s County, special exceptions are approved by the Zoning Hearing Examiner, but its decisions are subject to appeal or call-up to the District Council. The Regional District Act expressly authorizes special exceptions, provides for their approval by the Zoning Hearing Examiner, and requires the Zoning Ordinance to provide for the appeal to the district council.

Special Exception Procedures

- | | |
|------------------------|---|
| Effectiveness | The special exception process does not appear to affect any written planning policies or to pose any specific conflicts with the General Plan. While the |
| & Conflicts | General Plan does call for streamlining approval, those policies are targeted to specific areas of the County (such as the Developing Tier). Requiring additional oversight for intensive land uses or situations that do not create the mixed use, pedestrian and transit friendly development patterns established by the General Plan, is not inconsistent with the Plan’s policies. |
| Alternatives | <ol style="list-style-type: none">1. Some jurisdictions use a conditional or special use permit process in lieu of special exceptions. The only substantive difference is that most state statutes provide that special exceptions are approved by an appeals-type, quasi judicial agency, while conditional or special uses are approved by a Planning Board or legislative body. Given that the Regional District Act requires approval by the ZHE and an appeal to the District Council, this would be a change in name only.2. Consider tying special exception approval to plat approvals in the Rural Tier. The General Plan establishes a performance measure relating to population growth in the Rural Tier. However, there are no mechanisms in the zoning or subdivision regulations that directly control the pace of development there. A special exception designation could include criteria that limit the number of subdivisions or lots approved in the Rural Tier per year, that establish a quota on new Rural Tier subdivisions based on permitting activity in the Developing or Developed Tiers, or that establish impact statement procedures that create a more exacting review of subdivisions there. If the County is not willing to adopt these types of standards, it might reconsider the target growth rate for the Rural Tier. |

Standards for Uses Designated as Special Exceptions

(Subtitle 27, Part 4, §§ 27-296 to 27-418)

There are 116 separate sections providing additional requirements for Special Exception uses listed in the use matrices of the Zoning Ordinance of Prince George's County, Maryland. The following is a consolidated summary of the implications on General Plan policies.

Effectiveness As a whole, Part 4, Division 3 of the Zoning Ordinance is not effective in furthering the General Plan's Economic Development Element policy to support Prince George's County Economic Development Strategy, which specifically recommends simplifying the development review procedures. The following are considered impediments to understanding and using the Special Exception regulations:

1. Most of the Special Exception sections do not specify the applicable zoning districts for the regulations; therefore, the reader cannot easily determine when the requirements apply and when they do not. This confusion becomes apparent when reviewing the use matrix where, at times, a use is permitted by-right in some districts and in other zoning districts requires special exception approval. It would be beneficial if a use has different requirements depending upon the zoning district – either by right or by special exception, and that the Special Exception regulations cross-reference the applicable zones.
2. There are several Special Exceptions that have similar use characteristics and common environmental concerns, which could be combined and simplified. For example:
 - Amusement park (§27-335), Commercial recreational attraction (§27-342), Commercial recreational facilities (privately owned) on land leased from a public agency (§27-343), and Rural entertainment park uses (§27-404.01) all have the general use purpose of allowing entertainment and recreational activities under certain circumstances. Closer study of these regulations may reveal the opportunity to combine the provisions into one set of regulations that addresses the scale, location, and impacts of the use.
 - Junk yard (§27-367) and Vehicle salvage yard (§27-417.03) uses have exactly the same Special Exception additional requirements, and they are only permitted as Special Exceptions in I-1 and I-2 zoning districts. Section 27-107.01 tries to draw a distinction between the two types of uses, noting a use involved with scrap materials from motor vehicles is considered a vehicle salvage yard. However, from the public perspective and the impact to the adjacent property the distinction of material stored is rarely perceived as a distinction.
 - Asphalt mixing plant (§27-337.01) and Concrete batch mixing plant

(§27-343.02) uses have similar additional requirements, the same zoning districts, and include the same footnote reference exempting them out of the Special Exception process if certain conditions are met.

- Elderly housing (§§27-352.01-27-352.02), Medical/residential campus (§27-374) and Planned Retirement Community (§27-395) are very similar uses, providing senior citizen housing at different scales of development, mixture of accessory uses, and design standards. However, the provisions could be consolidated while providing the desired use and design protections.
3. At times, the additional Special Exception requirements stipulate site plan submission standards. For example, in the requirements listed for an Asphalt Mixing Plant (§27-337.01), the number of site plan copies to be submitted is included in the regulations. Submission standards should be placed in central locations within the ordinance. The number of copies submitted however, should not be included in the ordinance, but rather in an administrative manual to allow for amendments that may be needed to reflect operational changes in the organization. Similarly, there are provisions in some Special Exceptions that describe how a proposed expansion of the use would be handled. This issue should be handled in a general manner under Part 4, Division 1 (or where the administrative provisions of Special Exceptions are addressed).
 4. The Special Exception for Dwelling units within building containing commercial uses (§27-351) appears to promote mixed use development. However, the criteria require the building to be a minimum of four stories. The General Plan includes several policies that advocate mixed use development. This section should be re-evaluated to determine if modification is warranted to expand the opportunity to encourage mixed use developments with lower numbers of building stories. A similar observation can be made with the Special Exceptions - Offices (general business and professional) (§27-386) and Retail sales and consumer service establishments (§27-402) where these uses are allowed in multifamily buildings that have a minimum of eight (8) acres. It may be appropriate to consider expanding the potential use of this provision by lowering the acreage threshold.
 5. Some of the Special Exception requirements address operational provisions which are extremely difficult to enforce or verify. For example, the provision on Insurance sales office (§27-366) stipulates that no more than two insurance brokers, agents, or salesmen may be permitted in a dwelling. Code enforcement will have a difficult time determining the number of brokers, agents or salesmen versus the number of employees or the number of people working or visiting there. A better way of controlling the impact of a Special Exception, particularly on adjacent residential areas, is to limit the square footage of a building – if you allow the use at all. The regulations for Public Spa use (§27-409.02) focuses almost exclusively on

operational concerns. The public nuisance catch-all language in the regulation does not provide guidance on whether or not a proposed location would meet the requirements.

Conflicts

1. Some of the Special Exceptions need to be updated to be current with federal and state law and promote best practices, where possible. Some specific noteworthy items are:
 - The provisions related to Special Exception provisions for Church or similar places of worship should be evaluated to insure consistency with the Religious Land Use and Institutionalized Persons Act (RLUIPA). This same observation concerning RLUIPA applies to the Use Matrices for Commercial and Industrial Zones.
 - The telecommunication (Tower, pole, monopole or antenna) and the satellite dish regulations should be reviewed for compliance with federal telecommunication regulations.
 - The Child Care and Group Home provisions should be compared to State of Maryland regulations and exemptions.
2. The provisions for a Medical practitioner's office in a one-family dwelling. (§27-373) allows conversion of a single-family dwelling into a medical office under certain conditions. However, the requirements do not take into consideration the potential for other dwelling units in an area to be converted, allowing the potential concentration of medical offices in residential areas – possibly in relative close proximity to other medical facilities in properly zoned areas. Given that medical offices tend to be more intensive traffic and parking generators than residential dwelling units, the current criteria has the potential of altering the character of some residential neighborhoods. While this section does promote mixed use development, it has the potential of conflicting with the Developed Tier goals of 1) strengthening existing neighborhoods and 2) encouraging appropriate infill.
3. The provision for Skating Facilities (§27-407.02) requires at least five gross acres, and does not provide the opportunity for this use to be incorporated into a mixed-use development

Alternatives

1. Regulations that apply to particular uses are scattered through the Zoning Ordinance. This makes it difficult for an applicant to find the regulations that apply to a particular use. Consolidating the regulations for special exception uses with the regulations presently found in the Table of Uses footnotes, and in other locations, would make it easier for readers to find

the information they are looking for. It would also avoid redundant provisions, which reduces the length of the ordinance.

2. Another way to improve readability is to provide a cross-reference to the applicable special exception requirements or supplemental use regulations in the Table of Uses. For the online or digital versions of the Zoning Ordinance, this could include hyperlinks. A user can click a hyperlink and go directly to the applicable regulations, without having to search for them.

4. Residential Zones

(Subtitle 27, Part 5, §§ 27-419 to 27-445.12)

There are 46 separate sections that address various aspects about the 17 residential Euclidean zoning districts contained in Prince George’s County’s Zoning Ordinance. As with the Commercial and Industrial zones of Parts 6 and 7, there are five standard Divisions that address General provisions, Specific Zones, Uses, Regulations and Additional Requirements. Overall this part of the zoning ordinance sets forth the residential zoning regulations without specific reference or implementation of General Plan policies. The following is a consolidated summary of the specific policy implications in Part 5 that can be identified:

Effectiveness As a whole, Part 5 of the Zoning Ordinance is not effective in furthering the policy to simplify the development review procedures. There are several redundant provisions, which can be consolidated by organizing the regulations differently. The following are impediments to the effectiveness of the Residential Zoning regulations:

1. The “bedroom percentages” restrictions can reduce the effective density of a building. While this controls overcrowding, it can interfere with the policy to promote mixed-use and higher intensity redevelopment in some areas. It appears that the underlying rationale for limiting bedrooms has been to control spillover parking. The County can address this by “right-sizing” its parking ratios, and providing transit and pedestrian oriented development options that reduce the need for parking spaces. In addition, building occupancy is a building or housing code issue, rather than a zoning issue. Because the number of bedrooms can easily change by building internal walls, with no visible evidence of a violation, this is a difficult provision to enforce and monitor compliance over the life of the multifamily project.

If the County decides to retain bedroom percentages, it should consolidate all of the references to “Bedroom Percentages” for multifamily developments into one section. The current cross-references can lead to confusion.

2. Satellite dish antennas and wireless telecommunication facilities are addressed in a number of provisions in the Residential, Commercial and Industrial Zones (§27-424.02, §27-445.04, §27-451.01, §27-464.03, §27-468.01, and §27-475.06.02). For efficiency and ease of the reader, these provisions should be consolidated into one area and addressed in a comprehensive manner for all zoning districts. (Typically, a satellite dish would not be considered a use and therefore should not be listed in the use matrix. At most a satellite dish would be considered an accessory structure or an appurtenance.) A similar observation could possibly be

made for private schools and day care centers for children since special regulations are included in the three zoning groups.

3. General design standards that have applicability across all zoning districts should not be repeated in each one of the three zoning groups, i.e., Residential Commercial and Industrial, but rather handled in a separate area where all of the design standards can be referenced. For example, corner lot obstructions addressed in §27-421, §27-448, and §27-466 are nearly identical, with the exception of some greater latitude given in the residential zones. The observation can also be made about the requirements for swimming pools in §27-424, §27-451, and §27-468.
4. Street and sidewalk design standards contained in descriptions of R-35 zoning districts (§27-431) should be located in a portion of the ordinance where the technical design requirements are included, not in the section describing the purpose and general characteristics of the zoning district. This same observation can be made for the R-T zoning district (§27-433).
5. There are several references to legacy approvals, i.e. approvals granted under previous versions of the zoning ordinance, such as cluster developments approved prior to September 1, 1986. These should be addressed comprehensively in one part of the ordinance and not continuously referenced throughout the document.
6. The long term enforceability of the secondary use status of “PA” and the floor area requirements for “PB” permitted uses listed in the Residential Use matrix appears to be time consuming and has the potential to be unmonitored given the turn-over of tenants within mixed use developments. The General Plan policies promote the mixture of uses, especially in Centers and Corridors; however, monitoring the individual property compliance of the requirements listed for “PA” and “PB” uses may be difficult. Consideration should be given to text revisions that promote sustainable mixed use developments without the continuous monitoring of specific requirements.
7. Standards for the permissibility of use should be considered outside of the use matrix and as part of conditions for a Special Exception. For example, in the Residential Use Matrix there are three different standards for when a Riding Stable is permitted. To the extent possible, the use matrix should be simplified to solely identify whether a use is permitted or not within a specific zoning district. All the other qualifications for the use should be included in either a special exception section or a supplemental standard requirement. This same observation can be made for numerous other uses listed in the matrix.
8. The description of uses allowed in the C-S-C zone should be placed in a supplemental requirements section of the zoning ordinance and not repeated numerous times throughout the use matrix.

9. Consider establishing a Temporary Use portion of the Use Matrix or a separate section to handle items like firewood sales or seasonal decoration displays.

Conflicts

1. Limiting the number of 2-bedroom apartments to 40%, as stipulated in Sec. 27-419, may be counter to the policy of encouraging high-value housing. A discussion of the intent and results of establishing set bedrooms may be warranted to determine if this requirement is furthering the Housing policies of the General Plan.
2. Recognizing that the wide range of permitted uses in each residential zoning district is a unique local decision, it appears allowing the possibility of so many nonresidential uses within the residential zones that land use conflicts will inevitably arise, which conflicts conflicting with the Developed Tier goals of 1) strengthening existing neighborhoods and 2) encouraging appropriate infill. The overall number of permissible nonresidential uses within the residential zones should be significantly reduced. Consideration should be given to establishing an Institutional floating zones with rezoning criteria to accommodate nonresidential uses, such as schools and churches that complement the residential neighborhoods but may not be always compatible.

Alternatives

1. There are currently 17 base residential zoning districts in Prince George’s Zoning Ordinance, not counting Comprehensive Design Zones and Planned Community Zones. A review of the geographical distribution of these zoning districts is set out in [Appendix B](#) (Zoning District Assessment). The following observations that should be considered during the revision process:
 - There are five low density residential zoning districts (R-O-S, O-S, R-A, R-E, R-R) that allow residential development in compatible settings with the surrounding natural environment. A single-family detached dwelling is the predominant principal permitted use in these zoning districts. While the “In General” net lot area regulations go from 871,200 square feet to 20,000 square feet, there are numerous exceptions to those standards that have resulted in an even broader range of subdivided lots in these zoning districts. During the process of evaluating the appropriate number of zoning districts in Prince George’s County, consideration should be given to reducing the number of low density residential zoning districts.
 - Generally, the number of available zoning districts for one-family residential development seem appropriate –two zones for moderate density single-family detached dwellings (R-80 and R-55), and three

zones for single-family semi-attached, attached and townhouse developments (R-35, R-20, R-T). The R-T district is somewhat obsolete, because it is limited to “one-family attached metropolitan dwelling units” or a designated transit village (Zoning Ordinance §§ 27-223(i), -433). A transit village should accommodate a variety of building forms to achieve the densities needed to achieve ridership objectives. This suggests that the R-T can be folded into a single, higher density district that allows a range of residential building forms, including town homes.

- There are seven multifamily residential zoning districts (R-30, R-30C, R-18, R-18C, R-10A, R-10, R-H) which allow a variety of residential multifamily density developments, ranging from 10 du/net acre to 48.4 du/net acre. The four lower density zoning districts (R-30, R-30C, R-18, R-18C) are relatively close in density to the multifamily dwelling and only deviate slightly because of ownership of the units, allowing a slight increase of 2 du/net acre for condominium developments. Consideration may be given to consolidating these zoning districts into one moderate density multifamily zoning district. The other three zoning districts (R-10A, R-10, R-H) all have a density of approximately 48 du/ net acre. While a closer examination of some of the other provisions of these zones is warranted, such as difference in other permissible uses within the districts, these three zoning districts are candidates for consolidation into one high density multifamily zoning district.
2. The parking of vehicles is listed as a use in the use matrix, but in most instances it does not address a use issue. Rather, the activity described is either an accessory use or simply an activity which may or may not be lawful. Consideration should be given to addressing the parking and storage of vehicles in a different manner to clearly describe when storage of vehicles is a permitted use and when it is an illegal activity.
 3. Some of the footnotes to the Use Matrix at times appear very specific and applicable to only a limited number of locations. In some instances the text amendment that allowed the permission of the use in a zoning district could be more appropriately handled through a rezoning of the property. If the standards have broader policy implications, a better way of addressing these would be by establishing a supplemental standards section to identify qualifications of when and how the use should be established or list them as part of the special exception criteria for the use.
 4. As in many of the districts, there are stray or unnecessary standards. For example, the R-35 and R-T zones address private streets (§§ 27-431(d)(1),

-(e)(1)(E), -433(e)(1)(B), -(C), -(D), -(f)(1)(E)). This subject is more appropriate for Subtitles 23 (Roads and Sidewalks) and 24 (Subdivisions) of the County Codes. Other zones do not have these requirements, and there is no apparent reason to include them for only a few districts.

5. Commercial Zones

(Subtitle 27, Part 6, §§ 27-446 to 27-464.05)

There are 27 separate sections that address various aspects about the 11 commercial Euclidean zoning districts contained in Prince George’s County’s Zoning Ordinance. As with the Residential and Industrial zones of Parts 5 and 7, there are five standard Divisions that address General provisions, Specific Zones, Uses, Regulations and Additional Requirements. Part 6 of the zoning ordinance sets forth the commercial zoning regulations without specific reference to or implementation of General Plan policies. The following is a consolidated summary of the specific policy implications in Part 6 that can be identified:

Effectiveness	As a whole, Part 6 of the Zoning Ordinance is not effective in furthering the General Plan’s Economic Development Element policy to support Prince George’s County Economic Development Strategy, which specifically recommends simplifying the development review procedures. There are several instances of redundancy which can be consolidated by organizing the regulations differently. Many of the observations noted in the Residential Zone evaluation are applicable to the Commercial Zones.
Conflicts	The large number of districts, including the continuation of obsolete zoning districts, conflicts with the General Plan’s policies to simplify the Zoning Ordinance. In addition, replacing the “Commercial” classifications with mixed use districts would further the General Plan’s mixed use, transit and pedestrian friendly development objectives.
Alternatives	1. The Commercial Zone includes five zoning districts that can be consolidated into two existing districts. The regulations already state that C-1, C-2, C-C and C-G zoning districts have the same purpose as the C-S-C zoning district, and that the uses in the Commercial Use Matrix for these zoning districts shall be the same as the C-S-C zoning district. There are only a few minor exceptions noted in the Table of Uses II related to C-2 zoning. Similarly, the C-H zoning district has the same purpose and uses as the C-M zoning district. 2. The C-1, C-2, C-C, C-G, and C-H districts have been obsolete for over 30 years, because the County is no longer accepting applications for them (Zoning Ordinance § 27-143(a)(2) and (3)). The Zoning Ordinance continues to refer to these districts in its base regulations. These references should be removed, and with any concerns over grandfathering addressed in a separate chapter.

6. Industrial Zones

(Subtitle 27, Part 7, §§ 27-465 to 27-475.07)

There are 24 separate sections that address various aspects about the seven industrial Conventional zoning districts contained in Prince George’s County’s Zoning Ordinance. As with the Residential and Commercial zones of Parts 5 and 6, there are five standard Divisions that address General provisions, Specific Zones, Uses, Regulations and Additional Requirements. The Industrial Zones Part of the zoning ordinance has an additional division – the Alternative Development Technique. Overall Part 7 of the zoning ordinance sets forth the industrial zoning regulations without specific reference to or implementation of General Plan policies. The following is a consolidated summary of the specific policy implications in Part 7 that can be identified:

Effectiveness

As a whole, Part 7 of the Zoning Ordinance is not effective in furthering the General Plan’s Economic Development Element policy to support Prince George’s County Economic Development Strategy, which specifically recommends simplifying the development review procedures. There are several instances of redundancy which can be consolidated by organizing the regulations differently. Many of the observations noted in the Residential and Commercial Zones evaluation are applicable to the Industrial Zones. The following are considered impediments to the efficiency of the Industrial Zoning regulations:

1. The regulations on the maximum net area of a Planned Industrial/Employment Park that can be devoted to warehousing tend to be very difficult to enforce or track over time. As written, development review staff would have to confirm the percentage of warehousing in each Planned Industrial/Employment Park before the Planning Board could consider the next warehousing proposal. Once the warehouse is built and after the use of the building changed for whatever reason, there is a potential that the building could not be converted back to a warehouse – enough though it was originally designed and built for that particular use. Rather than being concerned about the cumulative impact of the warehousing use in a Planned Industrial/ Employment Park, it may be more effective to either preclude the use from the zone entirely or require additional buffering and other mitigation efforts to address concerns with the proposed use.
2. The U-L-I zoning district is intended to encourage redevelopment in older industrial areas and has specific design guidelines associated with the zone. The other industrial zones (I-1, I-2, I-3, I-4) do not have design guidelines, but do have more rigorous dimensional and performance standards, requiring more open space and large setbacks, as compared to the U-L-I zone. The current industrial regulations point out that an existing use with a valid permit at the time of a U-L-I rezoning is considered to be a permitted use. However, this designation process is not made available for a rezoning that occurs with the other Industrial Zones.
3. The Alternative Development Technique (§27-475.07) appears to be a good

approach to promoting redevelopment and streamlining the development review/approval process. Where possible this technique should be expanded to allow expedited approvals in more of the industrial and commercial zoning districts.

Conflicts	The use of seven industrial districts contradicts the goal to simplify the Zoning Ordinance.
Alternatives	With the advent of modern environmental regulations, zoning has diminished as a tool to control the impacts of heavy industrial operations. The County could consider retaining several industrial or employment zones that reserve land for economic development purposes. However, the County should consider consolidating the districts.

Metro Planned Community

(Sec. 27-475.06.03)

Effectiveness	The regulations for the Metro Planned Community are extremely 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. For example, the section provisions requiring a letter of intent from an anchor “department store with fashion sophistication at a level designed to attract the upscale customer,” while being very specific, the regulations are limiting in that they do not permit consideration of other retail marketing strategies that could achieve a sustainable and successful quality mixed use development. Another example of too detailed regulations is the requirement that residential developments include a party center with 3 s.f. per dwelling unit, a fitness center, landscaped gardens, and a 24 hour business center as part of the minimum list of amenities to be provided. This list of amenities has the potential of becoming outdated or inconsistent with marketing approaches for high-end residential developments in the future. Overall the regulations are too specific to provide the flexibility that is needed to address market conditions. Provisions should be drafted so that the review process itself can insure close scrutiny of the quality of development, without dictating a specific life style.
Conflicts	No conflicts with the policies of the General Plan were identified.
Alternatives	The provisions included for the MARC Planned Community (§27-475.06.05)

are more general and likely to attract more prospective quality development proposals. Considerations should be given to revising these regulations to remove the detailed requirements from the zoning ordinance. Some of these detailed standards are more appropriately located into design guidelines or part of a marketing strategy and economic incentive program, but not part of the zoning regulations.

7. Comprehensive Design Zones

(Subtitle 27, Part 8, §§ 27-476 to 27-532.04)

There are 75 separate sections that address various aspects about the eight Comprehensive Design Zones contained in Prince George's County's Zoning Ordinance. Overall Part 8 of the zoning ordinance sets forth the comprehensive design zone regulations without specific reference to or implementation of General Plan policies. The Comprehensive Design Zones establish a regulatory environment to promote mixed use developments and provide incentives for public benefit features, which are consistent with the policies for Developed, Developing and Rural Tiers of the General Plan. The following is a consolidated summary of the specific policy implications in Part 8 that can be identified:

- Effectiveness** As a whole, Part 8 of the Zoning Ordinance is not effective in furthering the General Plan's Economic Development Element policy to support Prince George's County Economic Development Strategy, which specifically recommends simplifying the development review procedures. There are several instances of redundancy which can be consolidated by organizing the regulations differently. Many of the observations noted in the Residential and Commercial Zones evaluation are applicable to the Comprehensive Design Zones. The following are considered impediments to the efficiency of the regulations:
1. These Comprehensive Design Zones, which include the Major Activity Center (MAC), Local Activity Center (LAC), Employment and Institutional Area (EIA), Residential Urban Development (RU), Residential Medium Development (RM), Residential Suburban Development (RS), Village Zones (VM and VL) and Residential Low Development (RL), are intended to use planning and zoning innovations and accommodate the need for additional development. Design zones have particular standards, size regulations, and public facilities standards. However, the language used to describe the applicability of certain standards to particular zones is difficult to understand. For example, the review process described in §27-478 is extremely confusing.
 2. Section 27-477(c) states, "If a property zoned O-S, R-A, R-E, or R-R in a Sectional Map Amendment is then rezoned to a Comprehensive Design Zone, it may still be developed and used under O-S, R-A, R-E, or R-R regulations. Upon approval of a Preliminary Plat of Subdivision for the entire property in accordance with the prior O-S, R-A, R-E, or R-R zoning, the Comprehensive Design Zone and any approved Basic Plan, Comprehensive Design Plan, or Specific Design Plan shall be null and void." However, there are no provisions on how the property is to be rezoned back to the conventional zoning. Reversion of the zoning should require some legislative action. Additionally, allowing two different zoning district standards to govern the same property simultaneously has

the potential of confusing the property owner and the public of what standards apply.

3. The tables that display the public benefit features and density/intensity increment factors are confusing and lack adequate reference back to the maximum density/intensity standards.
4. The Village (VL and VM) Zones (§27-514.01) are intended to provide for medium- and low-density housing in a neotraditional town character with extensive design standards on extremely large lots (150 acres for VL, 300 acres for VM). General standards are included with other Comprehensive Design Zones standards; however, the village requirements are extremely detailed and include a high level of design regulation, unlike the other Comprehensive Design Zones. This section does not ‘mesh’ with the other CDZs, as they mostly focus on development incentives and density, while this section focuses on design standards for front porches and specific types of residential units. Consideration may be given to either holding all CDZs to this level of design detail, or establish a separate section for this type of zoning district.
5. Waterfront Entertainment/Retail Complex and Planned Environmental Preservation Community (§27-532.03 and 04) are specific uses identified as permitted within the R-M and E-I-A zoning districts, respectively. The standards appear to be very site specific and, if possible, should be more generalized for greater applicability.

Conflicts No conflicts with the policies of the General Plan were identified.

- Alternatives**
1. Theoretically, a floating zone allows the County to negotiate development standards by using a flexible approach to project design, resulting in more imaginative and creative approaches that the conventional districts do not accommodate. However, the district standards are very detailed. The County should consider converting many of the qualitative standards to baseline requirements in the conventional zones, with fewer floating zones.
 2. The general development regulations of §27-480 could be more effectively presented in table format.

8. Planned Community Zones

(Subtitle 27, Part 9, §§ 27-533 to 27-541.01.02)

There are 13 separate sections that address the provisions of the two Planned Community Zones (R-M-H and R-P-C) contained in Prince George’s County’s Zoning Ordinance. Part 9 of the zoning ordinance sets forth the planned community zone regulations without specific reference to or implementation of General Plan policies. The Planned Community Zones establish the regulatory standards for two types of planned residential communities, which are scarcely used. There are only two R-M-H zones designated on the Zoning Map, and one R-P-C community known as Marlton (south of Upper Marlboro). Both zones intend to plan for larger-scale development, and establish appropriate uses, densities, and development patterns.

The following is a consolidated summary of the specific policy implications in Part 9 that can be identified:

Effectiveness	As a whole, Part 9 of the Zoning Ordinance is not effective in furthering the General Plan’s Economic Development Element policy to support Prince George’s County Economic Development Strategy, which specifically recommends simplifying the development review procedures. There are several instances of redundancy which can be consolidated by organizing the regulations differently. Many of the observations noted in the Residential and Commercial Zones evaluation are applicable to the Planned Community Zones. The following are considered impediments to the efficiency of the regulations: • Outside of the prescribed eight dwelling units per acre density, the permissible uses (accessory or principal) in the R-P-C zoning district are wide open, governed only by the Official Plan associated with the rezoning of the property. While this latitude of permissible use provides maximum flexibility in developing a residential community, it provides for little direction on what the public could expect in the development or what the Planning Board and District Council would consider acceptable. Given the lack of use of the R-P-C zoning district and its non-descript nature, consideration should be given to eliminating this district, as there appear to be other alternative zoning districts that promote quality housing developments.
Conflicts	No conflicts with the policies of the General Plan were identified.
Alternatives	No alternatives recommended.

9. Mixed Use Zones

(Subtitle 27, Part 10, §§ 27-541.02 to 27-548.01.03)

There are 41 separate sections that address various aspects about the four Mixed Use Zones (M-X-T, M-X-C, M-U-TC and M-U-I) contained in Prince George’s County’s Zoning Ordinance. Part 10 of the zoning ordinance sets forth the mixed use zone regulations and implements several of the stated policies of the General Plan related to promoting compact, mixed-use development at moderate to high densities and promoting transit-oriented development. The following is a consolidated summary of the specific policy implications in Part 10 that can be identified:

Effectiveness As a whole, Part 10 of the Zoning Ordinance is not effective in furthering the General Plan’s Economic Development Element policy to support Prince George’s County Economic Development Strategy, which specifically recommends simplifying the development review procedures. There are several instances of redundancy which can be consolidated by organizing the regulations differently. Many of the observations noted in the Residential and Commercial Zones evaluation are applicable to the Mixed Use Zones. The following are considered impediments to the efficiency of the regulations:

1. The Mixed Use Transportation Oriented (M-X-T) Zone (§27-542) effectively specifies an mix of uses and sets out applicable design standards and regulations. The design standards contain non-specific language, such as, “Minimize expanse of parking lots through the use of shared parking, structured parking or decks, landscape islands or the location of buildings and streets.” Use of this type of regulation could be improved through illustrations to improve comprehension of the concepts. Other regulations could be cross-referenced. An example is the shared parking reference in § 27-544, which could be referred to the calculation procedure for off-street parking in § 27-574.
2. The incentive provisions of §27-545 are not as clear as those in the Comprehensive Design Zone section, which use tables. Descriptions are somewhat difficult to understand in paragraph format, since these are mostly numbers. List incentives in table form to clarify incentives. Use numbers rather than text where appropriate. Specify maximum incentives if applicable.
3. The Mixed Use Town Center (M-U-TC) Zone (§27-546.09- §27-546.14) is intended to encourage redevelopment and create vibrant, walkable communities. There are no general design standards in this section, as each town center development plan is unique. According to the regulations, “The Development Standards and Guidelines adopted in the Plan are intended to be flexibly applied and broadly interpreted to promote local revitalization efforts.” While flexibility in regulations has its advantages, too much flexibility makes enforcement difficult. So caution is advised in not making the regulations too open to interpretation or difficult to enforce.
4. The M-U-I zone refers to the uses list for the C-S-C zone and the regulations for

the R-18 zone for general applicability, and then includes a series of exception. For ease of reference to the reader, a use list and applicable regulations is recommended.

Conflicts

No conflicts with the policies of the General Plan were identified.

Alternatives

The required site plan details listed in §27-546 could be consolidated with other site plan specifications from other sections into one large table, eliminating the redundancy of describing the standards in each division of the zoning ordinance.

10. Overlay Zones

(Subtitle 27, Parts 10A and 10B, §§ 27-548.02 to 27-548.31, 27-548.32 to 27-548.49)

The Zoning Ordinance includes 60 separate sections that address various aspects about the seven Overlay Zones (T-D-O, I-D-O, L-D-O, R-C-O, D-D-O, A-C-O, Airport Policy Area, and Revitalization Overlay Districts). Part 10A of the zoning ordinance sets forth the overlay use zone regulations and implements several of the stated policies of the General Plan related to promoting transit-oriented development and preserving surface and ground water features. Part 10B addresses the Airport Policy Area, and the Revitalization Overlay is set out later in Part 17. The following is a consolidated summary of the specific policy implications in Part 10A that can be identified:

Effectiveness

As a whole, Part 10A of the Zoning Ordinance is not effective in furthering the General Plan's Economic Development Element policy to support Prince George's County Economic Development Strategy, which specifically recommends simplifying the development review procedures. There are several instances of redundancy which can be consolidated by organizing the regulations differently. Many of the observations noted in the Residential and Commercial Zones evaluation apply to the Overlay Zones. Some regulations are sufficiently comprehensive that they could comprise a separate Part or Subdivision of Subtitle 27, such as the Chesapeake Bay Critical Area Overlay Zone (CBCA). The following are impediments to the efficiency of the regulations:

1. In recent years, the County has used the Development District Overlay Zone (DDOZ) and Transit District Overlay Zone (TDOZ) in Sector and Area Master Plans. The zones establish unique development standards and a unique list of permitted uses for a given area. These uses and standards may not match those in other zones, which creates confusion and goes against the concept of simplifying and streamlining the regulations. The overlay standards are often found in an overlay zone. The overlay regulations add significant length to the overall body of land development regulations in the County, which increases staff demands and makes the development standards less apparent to non-professional members of the general public.
2. The applicability of the underlying zoning regulations or T-D-O regulations could be presented in a simple table that summarizes the regulatory requirements. The table could state whether the base zone or the overlay zone regulations govern uses and development standards such as density/intensity, parking, landscaping, and signs. Table 1 below compares the regulations of the two most frequently used overlay zones (TDOZ and DDOZ) as currently written.
3. It is difficult to determine from reading the Airport Compatibility regulations (Part 10B) whether or not the Airport Policy Areas (APA) are mapped on the zoning map or only contained with the zoning ordinance. In fact, APAs are mapped with each airport. They can be found on the website of the PGAtlas.com.

4. The Revitalization Overlay District has only been applied twice (for Bowie and Greenbelt), and creates a process for municipalities to grant departures development standards such as landscaping and parking. This procedure is established by the Regional District Act, Maryland Code Art. 28, § 8-112.3. While the County is not required to establish a Revitalization Overlay District, it is worth further discussion with the municipalities and local communities in Bowie and Greenbelt before making any substantive modifications.

Conflicts

The density provisions of the Transit District Overlay Zone (§27-548.06) do not directly modify the density or intensity of the underlying base zoning district.¹³ This policy position is inconsistent with the premise that residential densities should be higher immediately adjacent to transit facilities to promote increased ridership and more opportunities for housing within walking distance of the transit facility.

Alternatives

1. A more dynamic base zoning district system could minimize the proliferation of small areas which have unique zoning standards that differ from those used anywhere else. An example is the concept of “composite” zoning. This establishes a uniform palette of standards that plan drafters and applicants can use to customize development standards for a given area or parcel. However, because the standards are uniform, there is no need to recreate the standards for whenever a new development or area plan is brought forward. The result is greater uniformity and predictability for development in the County.
2. The revised zoning regulations could combine the DDOZ and TDOZ, as both require some form of development plan to establish the development standards. The County could eliminate the planned community zones, combining flexible, planned development overlays with the TDOZ and DDOZ zones. This could also include the Comprehensive Design Zones and the Mixed Use Zones. The District Council or Planning Board could initiate rezoning through a small area planning process. A single, flexible development zone could incorporate several approaches. First, the zone would include a single set of generalized development standards that are refined through the Detailed Site Plan review process or a similar discretionary action. Second, the standards could appear in the Master or Sector plan, as is the practice today. With this approach the applicable regulations appear in the plan rather than the zoning ordinance. This continues the current practice of voluminous regulations that are spread throughout multiple documents, but does have the advantage of familiarity for applicants and staff. To maximize simplicity, a single overlay (or floating) zone that allows change of development standards based on a designated master plan would significantly reduce the length of the zoning regulations as they exist

¹³ Development regulations such as maximum heights or building setbacks can indirectly modify intensity by modifying the allowable floor area.

today.

3. For locations where transit ridership is a priority, additional regulations may be needed to ensure that the density, intensity, uses and design are transit-supportive. This requires a more definite set of standards than those included in a flexible zoning district. If the County is confident that the Planning Board and District Council review will yield consistent results over time, a flexible, planned development district could be an appropriate tool. However, definite standards would ensure that the regulations are administered in a way that yields a consistent outcome that promotes the County's transit utilization policies. In other words, a transit oriented district remains a viable tool, but would require more definite standards.
4. The DDOZ and TDOZ are important both for their procedures and their processes. The process is similar to the "small area" map amendment process used in other jurisdictions, such as Frederick. This identifies a small area plan and amends the base zoning based on the unique conditions and planning policies for an area, such as a Metro transit station. The procedural aspects of the overlays will be addressed in Task 7 of this project.



Figure Marlton is a planned community that was approved in 1969.

Zoning Ordinance and Subdivision Regulations Comprehensive Amendment | Consistency and Gap Analysis
Zoning Ordinance – Overlay Zones

Table TDOZ v. DDOZ Comparison (Subtitle 27A, Part 10A, Divisions 1 & 3)

Components	Transit District Overlay Zone (T-D-O)	Development District Overlay Zone (D-D-O)	Comments
Plan	Transit District Development Plan (TDDP) (§ 27-548.02)	Master Plan/Amendment or Sector Plan (§ 27-548.19)	<i>The introductory sections include significant detail on procedures. These sections should be eliminated and collapsed with the purpose statements, with general procedures moved to a later section of the Division.</i>
Intent	Maximize transit ridership; take advantage of unique opportunities and enhance development around mass transit (§ 27-548.02, -.03)	Meets goals of development for the district in a Master Plan, Amendment or Sector Plan (§ 27-548.19, -.20)	<i>The overall objectives should be collapsed and should specifically recite the General Plan. A transit oriented development floating zone could be codified separately, and would include definite density, FAR and design standards rather than leaving the outcome to a case by case TDDP.</i>
Application	Applied by District Council (DC) action, not through a Sectional Map Amendment (SMA) (§ 27-548.02)	Requires a Master/Sector Plan-SMA process (§ 27-548.19)	<i>The regulations should establish a single process to establish an overlay district. Procedural issues will be addressed in greater detail in Task 7.</i>
Approval Authority	DC	DC-Planning Board (PB)	
Relationship to other zones	Placed over other zones; only those requirements specifically noted are modified (§ 27-548.04)	Same (§ 27-548.21)	<i>A single district would avoid the need to repeat this type of language. Reformatting issues are addressed in greater detail in Task 8.</i>
Uses	Same uses in the underlying zones except modified by TDDP (§ 27-548.05(a), -(b))	Same uses in the underlying zones except modified by the SMA. May generally not allow uses prohibited in the underlying Zones. (§ 27-548.22)	<i>Effective transit-land use regulations require a more specific treatment of uses than is found in the current regulations. For example, uses such as boat sales, car washes, or furniture stores could be permitted if they are overlooked in the TDDP. The statement in the DDOZ is consistent with a conventional overlay district, but it may also preclude uses that are appropriate or beneficial at a site. This suggests that a single, planned development floating zone could provide a better option than an overlay.</i>

Zoning Ordinance and Subdivision Regulations Comprehensive Amendment | Consistency and Gap Analysis
Zoning Ordinance – Overlay Zones

Components	Transit District Overlay Zone (T-D-O)	Development District Overlay Zone (D-D-O)	Comments
Special Features	Special Exception is not required. The use mix must conform to the purposes of any MXT Zone. (§ 27-548.05(c))	Special Exceptions, variances, or departures are not required. These are addressed through site plan review. (§ 27-548.25(d), -(e))	<i>The statement in the current DDOZ regulations is consistent with the state of the art for planned development regulations. However, the regulations could allow the SMA to require a special exception for designated use based on unique neighborhood conditions.</i>
Amendments	DC (not PB) may approve a change of boundary, underlying zone, uses, building height, transportation demand or parking ratios. The DC or PB may make other amendments. (§ 27-548.09.01)	DC approval - Change of boundary, underlying zone uses; change of DDOZ standards per CB-5-2007 (§ 27-548.26)	<i>Again, the standards for amendments should be uniform. Including different standards and procedures for amendments results in a lengthy and confusing document.</i>
Property Owner	A property owner in the district may ask DC to change the boundaries of the zone; property's underlying zone, list of uses, building height and parking standards. PB may amend dimensions, layout or design of parking spaces and lots. (§ 27-548.09.01)	A property owner in, adjoining or separated only by the right of way from the District may ask DC to change the boundary, change to the underlying zone or list of uses, as modified by DDOZ standards (§ 27-548.26)	
Standards / Regulations			
Density / Floor Area Ratio (FAR)	Maximum density/FAR conforms to the underlying zone. Changes have to be approved within the TDDP. (§ 27-548.06(a))	Density conforms to the maximum in the underlying zone. (§ 27-548.23(b))	<i>For transit zones, density/FAR minimums are common. If the County wants a flexible development zone, a floating zone that supplants the underlying zoning is a better alternative. Neighborhood issues that compel a consistent density/FAR can be addressed through the zone change process.</i>

Zoning Ordinance and Subdivision Regulations Comprehensive Amendment | Consistency and Gap Analysis
Zoning Ordinance – Overlay Zones

Components	Transit District Overlay Zone (T-D-O)	Development District Overlay Zone (D-D-O)	Comments
Landscape Manual	Per Landscape Manual (§ 27-548.06(b)(2))	Per Landscape Manual; but specific standards are required only if they meet DDOZ purposes.	<i>The DDOZ standards are consistent with a flexible planned district. However, the County is presently updating the Landscape Manual, and this will address both suburban and urban settings.</i>
Parking and Loading	The normal parking standards (Part 11) do not apply. A methodology for determining minimum parking is established in the TDDP. Uses not addressed in the TDDP are addressed at Detailed Site Plan (DSP) as indicated in the TDDP. (§ 27-548.06(c))	Specified in each Sector/Master Plan, which usually amend Part 11 (§ 27-548.23(c))	<i>Fixed parking maximums and design are needed near transit facilities to address orientation and ridership issues. For a flexible district, modification by an area plan or site plan is common.</i>
Signs	The normal regulations (Part 12) do not apply. Signs are approved by the PB at DSP, including location, size and type. (§ 27-548.06(d))	Specified in each Sector/Master Plan, which usually amend Part 12 (§ 27-548.23(c))	<i>Legal considerations require specific sign standards if the district is applied by the County rather than a the property owner's request.</i>
Form of regulations	The TDDP may include mandatory requirements, or guidelines for DSP review. (§ 27-548.07(e))	All DDOZ standards are included in the SMA (§ 27-548.24(c)). The applicant may request and PB may approve the application of newer standards at DSP review, subject to plan considerations (§ 27-548.25(c)).	<i>A uniform procedure for applying the standards is needed - this issue will be addressed in greater detail under Task 7.</i>

Zoning Ordinance and Subdivision Regulations Comprehensive Amendment | Consistency and Gap Analysis
Zoning Ordinance – Overlay Zones

Components	Transit District Overlay Zone (T-D-O)	Development District Overlay Zone (D-D-O)	Comments
Site Plan	Conceptual Site Plan (CSP) & DSP	CSP & DSP	
Required findings	The normal DSP findings in 27-285 (b) do not apply. Special findings apply to the TDOZ (§ 27-548.08(c))	27-285 (b) applies along with the DDOZ standards (§ 27-548.25(a))	<i>Because transit is a special situation that affects General Plan policies, a special set of considerations applies. However, uniform, predictable standards are needed to ensure that development is transit supportive and to avoid the potential inconsistency of generalized standards. Uniform findings for all flexible, planned developments (as in the current standards) is consistent with best practices for this type of development.</i>
Validity	Maximum 6 years unless the TDDP specifies a shorter period. A 1 -year extension is available subject to 5 criteria. (§ 27-548.08(e))	The normal DSP validity period is 3 years (§ 27-287)	<i>A single, fixed validity period and extension process would make the regulations easier to understand.</i>

11. Off-street parking and loading

(Subtitle 27, Part 11, §§ 27-549 to -588)

Part 11 establishes minimum requirements for parking and loading areas. The regulations address the design of parking and loading spaces, and prescribe the minimum parking supply for a development. As with most conventional zoning regulations, the minimum parking supply is dictated by land uses.

Effectiveness

1. The General Plan (p. 45) recognizes that mixed use development balances peak and off-peak uses, which lead to a more effective use of parking spaces. The parking regulations effectively address this issue by allowing joint parking lots for 2 or more uses, and for parking ratios in M-X-T zones and Metro Planned Communities that is adjusted for complementary uses and reduced to account for transit or alternative travel modes (Zoning Ordinance §§ 27-572, -574). This is a step in the direction established by the General Plan's mixed use and compact development policies. However, for most districts, shared parking is not allowed for integrated shopping centers having a gross leasable area of twenty-five thousand (25,000) or more square feet, office buildings, office building complexes, or medical practitioners' offices. This excludes uses that tend to generate the greatest amount of parking. For M-X-T and Metro Planned Communities, parking is based on peak demands, and is not offset to accommodate other public policies.
2. The General Plan calls for pedestrian and transit-friendly communities. The design typology required for these concepts requires a clear, uninterrupted relationship between a building and the street and sidewalks. Large, front-loaded parking areas interrupt pedestrian movements, and encourage automobile access. This, in turn, creates a need for more vehicular parking spaces. Parking areas in these types of communities should be located to the rear of buildings, in mid-block locations, or in consolidated spaces such as public parking areas. The current parking regulations in the Zoning Ordinance, however, allow parking areas to be located in any yard (Zoning Ordinance § 27-555).
3. The location of parking areas is not specifically codified. The zoning regulations require that the location, surfaces, curb ramps, and other dimensions for handicap parking spaces are subject to Sections 4.3, 4.5, 4.6, 4.7 and 4.8 of the American National Standards for buildings and facilities in ANSI A117.1-1986 (Zoning Ordinance § 27-566(c)). This standard should be updated to refer to the ADA Standards for Accessible Design (<http://www.ada.gov/stdspdf.htm>). The standard currently provides:

“Location. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be

dispersed and located closest to the accessible entrances.” (ADA Standards for Accessible Design, § 4.6.2).

Because the ADA Standards are modified from time to time, a general reference would avoid inconsistencies or obsolete provisions that require frequent amendments. The Zoning Ordinance parking regulations should codify any additional requirements that the County wishes to establish for accessible parking.

Conflicts

1. 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. Some MNCPPC staff have called for these ratios to be reduced to what are currently the minimums for mixed use zones such as M-X-T, Planned Communities, and transit oriented development. Under the General Plan policies, parking supplies that exceed normal demands may support private financing for large developments, but does not support the long-term goal is to shift auto trips to walking, biking and transit.
2. Applicants can reduce parking requirements by applying for a departure. The TDO and DDO overlay zones also allow parking modifications through a development plan, district standards (text), or concept plans (Zoning Ordinance §§ 27-548.06(c), -548.23(c)). However, a departure or an amendment is not an entitlement, and the Planning Board has wide discretion to deny a request. In addition, a departure request that is granted by the Planning Board can be called up by the District Council. This creates uncertainty that can create inconsistent decisions and result in a continuation of parking oversupply.

Alternatives

1. Consider reducing the required parking ratios. Some communities also establish maximum parking ratios. This is particularly important for transit oriented developments, where an oversupply of parking can have an adverse impact on transit usage. In locations such as transit stations and centers, baseline parking ratios (either for minimum or maximum requirements) should be adjusted below peak parking demands in order to balance the usual concerns about parking spillover with the County’s urban design and transit policies.
2. Establish minimum ratios for bicycle parking.
3. Establish requirements or incentives for structured parking, along with design standards that wrap structured parking with active uses. In some locations (such as Mixed Use Zones, Metro Planned Communities, or Comprehensive Design Zones), structured parking could be required for an initial increment of parking before surface parking is allowed.
4. Expand the shared and offsite parking options. These are voluntary provisions that allow applicants to synchronize their parking supplies with their actual needs.

5. The list of uses in the schedule of required spaces should be integrated with terminology used in the zoning districts. This will avoid disputes about the category that a particular use falls under.

12. Signs

(Subtitle 27, Part 12, §§ 27-589 to 635).

The General Plan (p. 106) recognizes signs as an element of pedestrian-oriented design. Some of the master and sector plans provide specific policies for signs. For example, the Preliminary Branch Avenue Corridor Sector Plan provides: “[i]ncorporate building signs into the overall architectural design of buildings, appropriately located and constructed of durable high quality materials. Ensure consistency in placement, size, material, and color in multitenant buildings.” The Bladensburg Town Center Sector Plan and SMA includes 11 specific strategies:

- Provide signs only to advertise a service, product, or business on the site where the sign is located.
- Design signs to be compatible in style and character with the primary structure on the site.
- Discourage large wall signs.
- Encourage appropriately scaled monument signs.
- Prohibit pole signs, except as directional signs.
- Discourage florescent, reflective, neon, blinking, animated, flashing or rotating signs. These compromise motorists’ safety.
- Prohibit roof signs.
- Encourage appropriate blade and awning signs and use windows to display merchandise.
- Encourage distinct lettering styles, artwork, and logos in type fonts and colors that are legible.
- Signs should be mounted no more than one story above the sidewalk level.
- Design signs to be compatible with the urban design style guidelines.

The Zoning Ordinance establishes conventional regulations for signs. Subtitle 27, Part 12 establishes permitted and prohibited signs, and requires a sign permit. Billboards are prohibited. Nonconforming signs are amortized over a 6 month to 7 year period (depending on value), and departures are allowed. Signs are classified as freestanding and attached, with maximum area and heights prescribed for each. The number of freestanding signs are generally limited to 1 per site, or 1 per street frontage. The sign and area restrictions are relatively strict. While the regulations carve out special requirements for some districts (such as C-O, I-3, and U-L-I), the sign regulations are uniform across the commercial and industrial districts.

Sign regulations must comply with the First Amendment to the United States Constitution (free speech). Sign regulations that are “content-neutral” may permissibly impose reasonable time, place, and manner restrictions. Content-neutral regulations restrictions are valid if they (1) are narrowly tailored to serve a substantial government interest and (2) leave open ample alternative channels for communication of the information. “Content-based” sign restrictions on non-commercial speech are analyzed under the “strict scrutiny” test. *Boos v. Barry*, 485 U.S. 312, 321-22, 108 S.Ct. 1157, 99 L.Ed.2d 333 (1988). This test requires the City to show that the regulation is necessary to serve a compelling state interest and that it is narrowly drawn to achieve that end. Where commercial speech is involved, content-based restrictions on truthful, nonmisleading commercial speech receive intermediate scrutiny “with bite”

where a court determines that (1) the expression is protected by the First Amendment; (2) the government interest is "substantial"; (3) the regulation directly advances the governmental interest asserted; and, (4) whether the regulation is not more extensive than is necessary to serve that interest. These are difficult tests to meet. For example, although "safety" and "aesthetics" are substantial government interests, they are not compelling enough to justify content-based restriction on fully-protected, noncommercial speech. Accordingly, the sign regulations should:

1. Focus on sign form rather than sign content. Sign content should be regulated only in the rare instances where they are required by law. For example, "for sale" signs must be permitted in residential districts.
2. Many sign ordinances are invalidated because they inadvertently favor commercial over noncommercial speech. Accordingly, the ordinance should permit noncommercial speech in any instance where commercial speech is permitted. This type of proscription has been used successfully to defend other sign regulations that would have otherwise violated the First Amendment. The Zoning Ordinance already addresses this issue in § 27-590(c).

- Effectiveness**
1. The size, spacing and quality of signs in the County does not appear to be a major issue. Little concern was expressed in our initial interviews about the quality of signs built under the existing regulations. There was concern about enforcement, but that is more of a function of staffing than the way the regulations are written. Several concerns were expressed about how signs are defined, and the process for refacing a sign.
 2. The General Plan provides for higher quality urban design. While the existing sign regulations keep signs small and avoid clutter, there are no categories beyond the freestanding and attached sign distinctions.
 3. The regulations focus on signs in commercial and industrial districts, with little material devoted to signs in residential districts. The County cannot prohibit signs in residential districts. The regulations do address real estate, home occupation and public interest/campaign signs. These should be reviewed to ensure that they meet First Amendment standards for content neutrality.

Conflicts There are no direct conflicts with the General Plan. However, a higher level of signage design could improve the quality of urban design.

- Alternatives**
1. Divide sign categories and area restrictions by the General Plan tier and center designations. This could, for example, allow smaller, context appropriate signs in the County's higher density areas, and larger freestanding signs in its lower density, suburban areas. Special signage restrictions could apply to designated Scenic and Historic Roads, where signage could interfere with the viewshed and character of those roads.
 2. Some design improvements are probably a function of the Planning Board's discretion to approve signs as part of the CDZ and floating zone process.

However, some sign regulations include a palette of sign typologies, such as monument, blade, bracket, and similar signs that are context-appropriate. In addition, a content-neutral temporary sign category could absorb sign categories that are currently based on the type of event they advertise or relate to. This type of approach could streamline administration of the Zoning Ordinance by providing a list of pre-approved sign types, and would ensure that freestanding and attached signs meet a prescribed level of quality. See the table below for a list of sign typologies that are based on these basic categories.

3. The County could require a master signage plan for developments over a given size, or with 2-3 or more projected tenants. This would allow the applicant to consolidate and distribute signs on the site in context-appropriate manner.
4. The sign regulations should be audited for compliance with First Amendment (free speech) requirements. Sign regulations must comply with the First Amendment to the United States Constitution. There are three major categories of review that involve First Amendment issues: (1) the regulations must be substantively sound under principles involving content neutrality and distinctions between commercial and non-commercial speech; and (2) the permitting requirements must avoid prior restraints on speech; and (3) the ordinance must be drafted with sufficient precision to put applicants on notice of what is expected of them. The regulations include a “substitution” clause that avoids discrimination against non-commercial speech (Zoning Ordinance § 27-590(c)). However, the sign regulations should focus on form and design, and avoid regulations or distinctions that are based on content.

Table Sign Categories

Sign Category	Description	Examples
<i>Freestanding</i>	Signs that are self-supporting and not attached to another structure.	Pole or pylon signs Monument signs Bracket signs
<i>Attached or building</i>	Signs that are attached to a building or structure.	Roof signs Wall signs Projecting signs Marquee signs Window signs Banners/fluttering signs
<i>Temporary</i>	Signs that remain in place only for discrete periods of time, such as grand openings, events, elections, or similar temporary periods. Physically, temporary signs can also be freestanding or attached.	Grand opening signs Event signs Political signs Real estate signs Construction signs

13. Adult Book Stores

(Subtitle 27, Part 16, §§ 27-901 to 905)

The Zoning Ordinance requires a 1,000 foot separation between adult book stores and residential zones (or residential designations in a CDZ Basic Plan), schools, libraries, parks, playgrounds, recreational facilities, day care centers for children, or churches. A 500-foot separation distance is required between adult book stores.

Adult businesses are a frequent source of concern in local zoning updates, and the subject of many reported court cases. These businesses are often referred to as “sexually oriented businesses,” “adult businesses,” or “adult entertainment.” The development of adult use regulations must be undertaken carefully because they raise important First Amendment (free speech) issues. *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560, 565 111 S.Ct. 2456, 115 L.Ed.2d 504 (1991)(nude dancing is expressive conduct protected by First Amendment); *Schad v. Mount Ephraim*, 452 U.S. 61, 66, 101 S.Ct. 2176, 68 L.Ed.2d 671 (1981). These activities may include the sale of books, magazines, newspapers, the sale or rental of films or video cassettes, the operation of motion picture theaters, or live entertainment. Absent First Amendment protections, the County would enjoy significantly greater discretion in determining where, and under what conditions, these businesses must operate. However, court decisions relating to adult businesses create a complex, and for the general public counterintuitive, set of principles for drafting zoning restrictions.

Most local zoning regulations establish 2 types of restrictions on location to adult businesses:¹⁴

- (1) Adult businesses may be confined to a limited area or set of zoning districts. These are typically the most intensive districts in the County, such as industrial districts. These types of restrictions are referred to as “concentration” requirements or “combat zones” because they concentrate adult businesses to a limited area of the County.
- (2) Local zoning ordinances often establish setbacks for adult businesses. The setbacks are normally established from other uses that are incompatible with adult businesses (such as schools, churches, and parks) or from other adult businesses. These are known as “dispersal” regulations.

Many adult business regulations contain elements of both concentration and dispersal. Courts are not particularly concerned with the method chosen by the legislative body – whether it involves dispersal or concentration – so long as the First Amendment tests are met. *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41, 53, 106 S.Ct. 925, 932, 89 L.Ed.2d 29 (1986). The *Renton* court concluded that both dispersion and concentration are constitutionally valid strategies for addressing the problems of adult businesses. Prince George’s County has chosen the dispersion method to control its adult businesses; meaning that certain defined adult businesses are subject to linear restrictions on their location.

¹⁴ Rathkopf’s *The Law of Zoning and Planning* § 24:19 (Westlaw database, Nov. 2007); Callies & Freilich, *Cases and Materials on Land Use* (1986), at 474; Annotation, “Validity of “War Zone” Ordinances Restricting Location of Sex-Oriented Businesses,” 1 A.L.R.4th 1297 (1980).

- Effectiveness** 1. No comments were made about adult businesses during our initial interviews.
- Conflicts** 1. The General Plan does not address adult or sexually oriented businesses. However, the uses are usually very controversial.
2. Developers of high quality mixed use centers may voluntarily exclude adult businesses from their projects in order to maintain a viable tenant mix. The County can allow developers to proffer these types of conditions without violating the First Amendment.
- Alternatives** 1. The Zoning Ordinance could expand the list of adult uses beyond book stores. Jurisdictions similar in size and urbanization have reported secondary impacts for a number of businesses besides book stores. A comprehensive set of definitions was recently upheld by the 10th Circuit Court of Appeals in *Doctor John's, Inc. v. City of Roy*, 465 F.3d 1150 (10th Cir.2006), including, in addition to adult book, novelty and video stores: adult arcades, adult cabarets, adult motels, adult motion picture theaters, adult theaters, and viewing rooms. All or most of these types of businesses have been identified as having secondary effects.
2. Regardless of whether the County expands the list of affected businesses, the regulations must allow for an adequate land area and number of sites where adult businesses can be established by right. The County should periodically investigate the 1,000 foot setback to ensure that this standard is met.

B. Subdivision Regulations (Subtitle 24)

Effectiveness Subdivision Regulations are most applicable to residential development and, in particular, single-family development. Most subdivision applications are anticipated in the Developing and Rural Tier, which have the largest tracts of undeveloped land in the County.

Conflicts 1. Most of the County’s public facilities policies apply to capital investment programs, rather than to development approval. However, the General Plan also provides that the County should “[s]eek opportunities through the planning, development review, and Capital Improvement Program processes to meet the future needs for fire and emergency, medical facilities, schools, libraries, police facilities, and parkland.”

School capacity analysis (24-114.01 and -122) is not used as a basis for subdivision approval, so there is no way to ensure that schools operate at less than 100% of capacity. While the General Plan does not explicitly require an adequate public facilities ordinance (APFO) for schools, this is a potential policy gap.

The adequate public facilities (APF) standards for police and fire facilities are binding on plat approval (Subdivision Regulations § 24-122.01). These regulations allow fully programmed improvements (i.e., improvements listed as 100% funded in the capital improvements program or “CIP”) to count toward the impacts of a development. For fire and rescue facilities, a required facility that not begun construction within 9 years of may result in delay of preliminary plat approval. It is not clear how this provision would apply, because a preliminary plat that is approved on the basis of a programmed facility will no longer require Planning Board approval. Counting unbuilt, but programmed facilities is a common practice and is a reasonable way to match the build out of public facilities with the build out of subdivisions. However, once a development is approved and occupied, the County has few viable ways to “undo” the approval. It makes sense to ensure that funding sources listed in the CIP are not subject to revision or modification by the County, nor subject to referendum or other obstacles to full funding.

The police and fire/rescue standards are based on the “Guidelines for the Mitigation of Adequate Public Facilities for Public Safety Infrastructure” (the “Guidelines”). These standards were adopted in 2005 by County Council Resolution CR-78-2005. The General Plan (pages 67-68) adopts a performance metric for fire/rescues that is based on response time, and a metric for police based on station space. However, the Guidelines use response time for both facility types, with a fee required in the event of failure. The General Plan does not specifically provide that its standards are binding on new development. Instead, they are performance metrics that guide its public investment policies in addition to new development applications. If the County wishes to make the General Plan standards binding, it should either amend the General Plan or revise

the Guidelines to conform specifically to the General Plan. At present, however, there does not appear to be direct conflict between the APF standards and the General Plan.

The adequate public facilities (APF) standards for traffic are also binding on plat approval. While the General Plan references APF standards, it does not expressly require them for new subdivisions. The standards reference the "Guidelines for the Analysis of the Traffic Impact of Development Proposals." These were originally adopted in 1977 and are periodically amended. The MNCPPC is currently reviewing the Traffic Guidelines. To reinforce the General Plan, the Guidelines could establish a separate level of service (LOS) for each tier, with a lower level of service in the Rural Tier and exemptions or trip reductions in the Developed Tier and near transit facilities. The General Plan does establish an LOS "C" for the Rural Tier. For the County's trip reduction and transit utilization goals, mitigation plans can establish trip reductions that apply to mitigation requirements. These reductions can apply to site location (e.g., transit oriented development locations) or to mitigation plans that use transit or pedestrian measures that encourage modal shifts. The current process is discretionary. A set of firm standards would provide an incentive for applicants to build where transit is available, or to use mitigation tools that do not rely exclusively on road facilities.¹⁵

2. Section 24-119 refers to the appeal provisions for cluster subdivisions in 24-137. There is also an appeal provision in 24-119 (i.e., it is on both places).

Alternatives

1. Final plats are approved by the Planning Board. This authority is sometimes assigned to staff, since all discretionary decisions are made at the time of preliminary plat approval.

Other considerations

1. The regulations do not clearly define a "subdivision." Section 24-101 (definitions) does not define "subdivision." In addition, § 24-107 states that the Subtitle applies to the "subdivision of land, as defined herein." However, other than listing exemptions from the regulations, the section does not define a "subdivision." The Regional District Act does not define a "subdivision" either. A clear definition is needed that embraces the division of land into lots, plat vacation, resubdivision, and any other action that would attempt to divide property into lots or parcels. We will investigate whether there is a binding definition elsewhere in the statutes or case law. However, it would benefit both applicants and administrators to add a clear definition.
2. Subdivision Regulations typically establish development standards for streets. These standards can have a profound impact on urban design, and the functionality of mixed use developments that reflect the policies established in the General Plan and subsequent master plans. However, many street design standards are established in the County's *Design Specifications and Standards for Roads and Bridges*, which is cross-referenced in Subtitle 23 of the County Code.

¹⁵ This analysis is based on the September 2002 version of the "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

These standards are detached from the policies that drive revisions to the Subdivision Regulations and Zoning Ordinance. While the revision of Subtitle 23 is beyond the scope of this project, a comprehensive review of the street design standards could become a useful tool to implement the General Plan policies. This could also streamline development by avoiding potential differences in philosophy between planners and engineering staff involved in project review.

3. In addition to a comprehensive review of street design standards, the standards should be consolidated to the extent possible. For example, some zoning district regulations establish standards for private streets (see, e.g., § 27-431 for semidetached/duplex developments in the R-35 zone), as does the subdivision regulations (§ 24-128). Some unified subdivision and zoning regulations include a single chapter relating to project improvements and infrastructure. For example, the San Antonio, Texas Unified Development Code (UDC) includes a single chapter that governs all aspects of project design and improvements, including street design. This chapter includes connectivity, access, right of way and pavement width, and geometric design. Both planners and the City's engineering staff were involved in developing the standards, and these standards are the only ones that dictate street design. They include alternative designs for conventional, low density subdivisions and more urban development patterns such as traditional neighborhood developments (TNDs). While our direction from staff has been to retain a separate set of subdivision regulations rather than a unified development code, placing the standards in a single section or division of these chapters could streamline the length of the regulations and provide a single, consolidate reference that is driven by the General Plan standards as well as engineering principles.

Conclusions

The Prince George's County Zoning Ordinance and Subdivision Regulations are the County's principal tool for implementing its 2002 General Plan and subsequent master and sector plans. The regulations are very lengthy and complicated. This is a typical situation for a large, complex county. Prince George's County has a complete range of environments, including urban areas, greenfield suburban sites, rural tracts, environmentally sensitive shoreline and riparian zones, a federal airport, business parks, and transit stations. Few local governments can match the County in its range of land use settings. A large, complex body of zoning and subdivision regulations is not unexpected. The County needs a large toolbox to address its many land use issues and innovative land development policies.

The Zoning Ordinance is a comprehensive set of land development regulations that addresses many of the General Plan policies. The County has successfully processed applications for new, mixed use development or those with improved design features under these regulations (such as the Bowie Town Center and the Boulevard at Washington Center). While the regulations do not fully implement the General Plan, they include a number of cutting edge and innovative features. These include adequate public facilities regulations, the use of low impact stormwater management principles, mandatory mixing of uses, and some transit and pedestrian oriented building and site design elements.

The principle issue with the Zoning Ordinance is its lack of focus. As is common with regulations of its era, the County has amended it on a piecemeal basis over the past 20 years in response to new land development issues, controversies, policy changes, or state mandates. There is no cohesive theme that underlies the regulations. As a result, the regulations include a number of redundant, obsolete, unclear, misplaced, and unnecessary provisions. One example is the proliferation of footnotes that follow the Table of Uses in each zoning district category. Many of these qualify a use so that it is permitted only if an application was filed before a designated date. For example, animal hospitals are permitted in the R-55 zone, but a footnote qualifies this to provide that it is permitted as an expansion up to 4,000 square feet if a use and occupancy permit was issued before July 1, 1988. In other words, an animal hospital is not, in fact, permitted in R-55, but limited animal hospital expansions are permitted. This is confusing, resulting in a Table of Uses that does not accurately reflect the mix of uses that are considered appropriate for the district. Many of these provisions could simply be eliminated, or moved to a separate Part or appendix that addresses grandfathered applications. Our report in Task 8 (Reformatting Regulations) will address this issue in greater detail.

In addition, state law both complicates land development regulation and creates opportunities for implementation. Maryland is highly regarded in the planning community for its pioneering "smart growth" legislation, broad authority for local land development legislation, and a highly engaged public. In the development community, these innovations – coupled with discretionary review processes – can lead to an unpredictable environment for investment. In addition, a desire to accommodate the

multiple stakeholders in a development review process can result in land use decisions that can, at times, stall the kind of development that is consistent with the County's planning policies. In addition, land use policies are not always carried out in clear regulatory language, are not articulated at all, or are buried amidst multiple zoning districts and procedures. This can result in applications that fail to fully implement the County's vision for new development. This can result in adversarial proceedings, with mixed messages to applicants, and a skeptical public reception for new development proposals.

The Zoning Ordinance and Subdivision Regulations are rich in their array of tools and techniques to raise the bar for new development. The main issue is the County's reliance on discretionary standards and processes for land development regulation. This can unnecessarily delay new development proposals, result in inappropriate land use decisions. In addition, an excessively complex, uncoordinated document can deter public participation, and reduce confidence in the development process.

These comments are not meant to suggest that the County's framework for land development regulation is broken, that its new developments are flawed, or that it is heading in the wrong direction. As the 2008 General Plan Policy Update indicates, the County has experienced success in its housing objectives, coordinating public facility capacity with new demands, and incorporating transit-supporting design features in new development. The 2002 General Plan reflected a significant change in land use policy, and most communities struggle to align their land development regulations with new policy mandates. This process can take many years – often beginning with a series of patchwork fixes, and sometimes culminating in comprehensive effort to align the regulations with official land development policies. This is a normal progression, and the County is in a good position to create a more predictable and sustainable direction for new development.

Our next reports will address the two major issues – besides plan implementation – that part of this process. Task 7 will examine the County's zoning and subdivisions processes, and suggest ways to streamline those processes in the new regulations. Task 8 will discuss ways to reformat the regulations to make them more transparent, useful, and readable.

Appendix A: Development Activity Monitoring System (DAMS) Analysis

TECHNICAL MEMORANDUM

To: Mark White
White & Smith, LLC
From: Chuck Boyd, PB PlaceMaking
Date: May 18, 2009
Subject: Statistical Analysis of Prince George's County Development Activity Monitoring System (DAMS) from January 1, 2002 to April 3, 2009

The Development Review Division Planning Information Services of the Maryland National Capitol Park and Planning Commission (MNCPPC) Prince George's County Planning Department provided an Excel spreadsheet of the approved development cases between January 1, 2002 and April 3, 2009. According to the information provided, there were 7,435 approved cases, excluding plat vacations. Many of these cases involved revisions of previous approvals or resubmissions associated with appeals and applicant changes.

For the purpose of analyzing the processing time of new applications, cases that involved resubmission or revisions after the initial approval were eliminated from the analysis. There were 6,908 uniquely identified approved cases to be analyzed. Table 1 shows a breakdown of cases by the approving authority.

Table 1: Distribution of Development Case Approvals		
Planning Board Approved	3913	56.6%
Planning Director/Staff Approved	1709	24.7%
District Council Approved	1076	15.6%
ZHE Approved	155	2.2%
Applicant Action	16	0.2%
Alt. Comp. Committee	26	0.4%
Circuit Court	12	0.2%
Court of Appeals	1	0.0%
Total	6908	
Source: Prince George's County Development Monitoring System, April 2009		

Of the 6,908 cases, 47 cases had to be eliminated from the analysis because of the time period between the acceptance of the application and the date of approval was negative, i.e. the approval date was listed as being before the actual acceptance date. With these cases eliminated there were 6,861 cases. Table 2 provides a general summary of development review processing time for all cases. The median number of days for a case to be processed from acceptance to approval was 69 days, while the average number of days was 115 days. The minimum processing time was 0 days and the maximum approval

period was 9,920 days. Since review process varies greatly based on the type of application, this generalized assessment does not provide much insight into where possible delays may exist in the regulations; although it does show how wide the variance of time to go through the development review process is.

Table 2: Development Review and Approval Processing Time for All Cases	
Median Days Case Reviewed	69
Average Days Case Reviewed	151
Minimum Days Case Reviewed	0
Maximum Days Case Reviewed	9920
Total Cased Evaluated	6861
Cases Removed Negative Time Period	47
Source: Prince George's County Development Monitoring System, April 2009	

Table 3 provides a summary of the processing time for all cases by the approving authority. As would be expected, the quickest turn around of case approvals were those with the Planning Director and Staff being the Approving Authority. Over fifty percent of the processed cases had the Planning Board as the approval authority, followed by the Planning Director with 24% and then District Council approving 15% of the cases.

Table 3: Development Review and Approval Processing Time by Approving Authority of All Cases				
	Planning Board Cases	Planning Director / Staff Cases	District Council Cases	Zoning Hearing Examiner Cases
Median	64	22	199	401
Average	118	68	335	547
Minimum	0	0	0	57
Maximum	9920	7808	6454	5489
Count	3896	1686	1070	155
Source: Prince George's County Development Monitoring System, April 2009				

Table 4 is a summary of review processing time for each type of case. The relatively low number of variance cases, 108 in total or less than 2% of the development activity, indicates that the zoning and subdivision review process in Prince George's County is flexible enough to accommodate most of the development requests without having to resort to deviating from established standards. Combining the variances with the Alternative Compliance cases the total is less than 5% of the total cases processed by Prince George's County over the past seven years.

Table 4: Development Review and Approval Processing Time by Case Type					
Development Review Application Types	Number of Cases	Median # of Days	Average # of Days	Minimum # of Days	Maximum # of Days
ZONING ACTIVITY					
Zoning Map Amendment ("A") Cases	133	419	640	4	6454
Certified Nonconforming Use ("CNU") Cases	104	104	125	0	720
Departure from Design Standards ("DDS") Cases	97	124	251	0	2243
Departure from Parking and Loading Spaces ("DPLS") Cases	79	127	263	0	2423
Departure from Sign Design Standards ("DSDS") Cases	110	180	265	54	1975
Revision of Site Plan ("ROSP") Cases	104	114	298	0	7808
Special Exception ("SE") Cases	358	433	595	0	3602
Special Permit ("SP") Cases	17	115	133	0	333
SUBDIVISION ACTIVITY					
Preliminary Subdivision Plan ("4") Cases	838	133	146	16	2383
Final Subdivision Plan ("5") Cases	2440	10	24	0	9920
URBAN DESIGN ACTIVITY					
Alternative Compliance ("AC") and ("ACP") Cases	217	56	124	0	2042
Comprehensive Design Plan ("CDP") Cases	75	220	354	2	3983
Comprehensive Sketch Plan "CP" Cases	4	329	306	134	433
Conceptual Site Plan ("CSP") Cases	84	219	278	0	1688
Detailed Site Plan ("DSP") Cases	1630	97	167	0	2240
Final Development Plan ("FDP") Cases	3	84	84	84	84
Specific Design Plan ("SDP") Cases	460	87	118	0	1247
VARIANCE ACTIVITY					
Variance ("VC") Cases	2	104	104	22	185
Variance to a Detailed Site Plan ("VD") Cases	59	90	283	7	2264
Variance to a Departure from Design Standards ("VDDS") Cases	2	82	82	72	92
Variance to a Departure from Parking and Loading Spaces ("VDPL") Cases	1	189	189	189	189
Variance to a Final Plat of Subdivision ("VF") Cases	2	12	12	0	23
Variance to a Preliminary Plan of Subdivision ("VP") Cases	11	92	83	25	156
Variance to Special Exception or ROSP ("VSE") Cases	31	334	500	51	2262
Source: Prince George's County Development Monitoring System, April 2009					

In 2006-2007 White and Smith, LLC, was retained by the Prince George's County to review the County's existing planning and development review processes. This report cited selected development application turn-around times listed at the time on the Development Review's web site. Table 5 compares those listed times to the median review time calculated for applications approved during the past seven years. All of the application types had some approvals within the anticipated Approval Turn-Around periods. With the exception of the cases for Comprehensive Design Plan or Conceptual Site plan, the median approval time period was within the anticipated time period or no more than fifty percent of the time period.

Table 5 Comparison of Anticipated Versus Actual Review/Approval Turn-Around Times for Select Development Review Application Types			
Development Review Application Types	Median # of Days	# of Months*	Anticipated # of Months**
ZONING ACTIVITY			
Zoning Map Amendment ("A") Cases	419	14	8 to 10 months
Departure from Design Standards ("DDS") Cases	124	4.1	4 months
Departure from Parking and Loading Spaces ("DPLS") Cases	127	4.2	4 months
Departure from Sign Design Standards ("DSDS") Cases	180	6	4 months
Special Exception ("SE") Cases	433	14.4	8 to 10 months
SUBDIVISION ACTIVITY			
Preliminary Subdivision Plan ("4") Cases	133	4.4	2 to 5 months
URBAN DESIGN ACTIVITY			
Comprehensive Design Plan ("CDP") Cases	220	7.3	3 months
Conceptual Site Plan ("CSP") Cases	219	7.3	3 to 4 months
Detailed Site Plan ("DSP") Cases	97	3.2	3 to 4 months
Specific Design Plan ("SDP") Cases	87	2.9	3 to 4 months
* Assumes a 30 Day month ** Turn-Around Times Obtained from White & Smith, LLC Report – <i>Evaluation of the Planning and Development Review Processes for Prince George's County, Maryland</i>, March 2007 Source: Development Review Actual Processing Times - Prince George's County Development Monitoring System, April 2009 Turn-Around Processing Times: White & Smith, LLC Report – <i>Evaluation of the Planning and Development Review Processes for Prince George's County, Maryland</i>, March 2007 (cited source as Development Review Division Website, Process Flowcharts, http://www.mncppc.org/drd/applicf.htm#Bulletins)			

Appendix B: Zoning District Assessment

TECHNICAL MEMORANDUM

To: Mark White
White & Smith, LLC
From: Chuck Boyd, PB PlaceMaking
Date: May 6, 2009
Subject: Assessment of Prince George's County Zoning Districts

The purpose of this assessment is to determine from Prince George's County current zoning map if changes to the actual zoning districts may be needed. The evaluation of Prince George's County zoning districts will not assess the appropriateness of the zoning on specific properties, but rather examine the general location and coverage of each zone. There are two objectives of this assessment:

1. Determine if there are certain zoning districts that are not being used or can be consolidated with other districts based on location, number of properties zoned, and coverage.
2. Determine if there are specific zoning districts being used to further General Plan land use policies.

While this exercise does evaluate whether there is merit to consolidate some of the zoning districts, this study will not evaluate the interaction or compatibility of one zoning district with another. The study looks at each zoning district separately, even though for ease of displaying maps of different zones some zones have been grouped together. This grouping is not intended to reflect any preferred consolidation.

Table 1 reports the number of parcels and land area for each zone shown on the Zoning Map for Prince George's County. The zones are ranked in descending order of land area within each of the six groups established in the Zoning Ordinance. The residential zones account for a super majority of the County's land area at 86 percent. It is not surprising that the two lowest density zoning districts (OS and ROS) have the largest land area zones. The zone with the third largest land area, RR, has the second highest number of individual parcels. The RR zoning district and the R55 zoning district (with 89,429 parcels) have by far the most number of property owners. The R80 zone has the third highest number of individual properties – but still less than half the number of R55.

Only 2 percent of the County's land area is commercially zoned, and 5 percent is zoned for industrial uses. Even though there are 11 commercial and 5 industrial zoning districts, over 50 percent of the commercial zoning is C-S-C, and 60 percent of the industrial zoning is I-1. With the exception of the M-X-T and R-M-H zoning districts, which are part of a smaller sets of zones, the C-S-C and I-1 zoning districts have the highest percentages of land area within their respective groups.

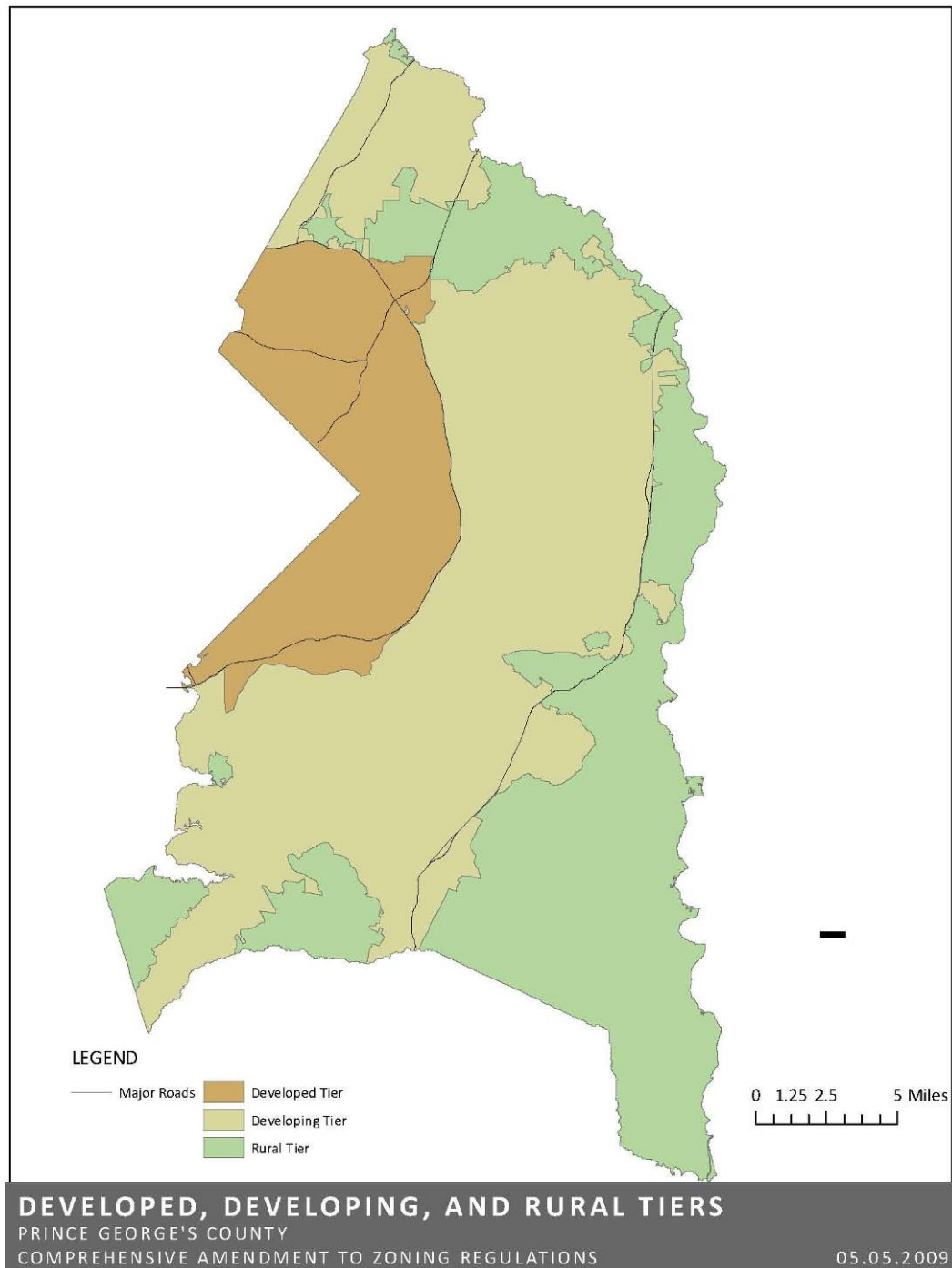
Zoning Ordinance and Subdivision Regulations Comprehensive Amendment | Consistency and Gap Analysis
Appendix B: Zoning District Assessment

Table 1: Number of Parcels and Acreage of Prince George's County Zoning Districts					
Zoning District	Total Parcels	% of County Parcels	Total Acres	% of County Acres	% of Group
Group of Residential Zones					
O-S	5,743	2.05%	61,620.38	22.13%	26.17%
R-O-S	2,621	0.94%	46,386.43	16.66%	19.70%
R-R	63,128	22.55%	43,814.51	15.73%	18.60%
R-A	4,425	1.58%	26,499.17	9.52%	11.25%
R-55	89,429	31.94%	16,020.69	5.75%	6.80%
R-E	7,934	2.83%	15,889.62	5.71%	6.75%
R-80	38,518	13.76%	15,504.06	5.57%	6.58%
R-18	1,745	0.62%	3,616.32	1.30%	1.54%
R-T	18,967	6.77%	3,217.81	1.16%	1.37%
R-10	291	0.10%	795.26	0.29%	0.34%
R-35	6,644	2.37%	746.38	0.27%	0.32%
R-30	1,106	0.40%	493.60	0.18%	0.21%
R-30C	702	0.25%	337.81	0.12%	0.14%
R-18C	352	0.13%	265.50	0.10%	0.11%
R-20	1,996	0.71%	173.36	0.06%	0.07%
R-H	54	0.02%	99.76	0.04%	0.04%
R-10A	5	0.00%	19.86	0.01%	0.01%
	243,660		235,500.49	84.56%	
Group of Commercial Zones					
C-S-C	2,963	1.06%	3,279.51	1.18%	52.63%
C-M	1,339	0.48%	1,374.18	0.49%	22.05%
C-O	1,049	0.37%	1,094.69	0.39%	17.57%
C-R-C	9	0.00%	326.12	0.12%	5.23%
C-2	46	0.02%	78.68	0.03%	1.26%
C-A	82	0.03%	30.07	0.01%	0.48%
C-G	7	0.00%	19.46	0.01%	0.31%
C-1	34	0.01%	18.32	0.01%	0.29%
C-W	1	0.00%	8.18	0.00%	0.13%
C-C	12	0.00%	1.43	0.00%	0.02%
C-H	1	0.00%	0.35	0.00%	0.01%
	5,543		6,230.99	2.24%	
Group of Industrial Zones					
I-1	2,650	0.95%	9,375.31	3.37%	60.60%
I-2	1,207	0.43%	3,283.79	1.18%	21.23%
I-3	667	0.24%	1,990.96	0.71%	12.87%
I-4	150	0.05%	776.07	0.28%	5.02%
U-L-I	315	0.11%	44.20	0.02%	0.29%
	4,989		15,470.32	5.55%	
Group of Comprehensive Design Zones					
R-S	9,385	3.35%	5,601.49	2.01%	36.30%
R-L	3,680	1.31%	3,351.15	1.20%	21.71%
E-I-A	174	0.06%	2,426.58	0.87%	15.72%
R-M	2,623	0.94%	2,357.55	0.85%	15.28%
R-U	2,328	0.83%	564.56	0.20%	3.66%
L-A-C	1,183	0.42%	401.71	0.14%	2.60%
V-M	190	0.07%	368.84	0.13%	2.39%
M-A-C	597	0.21%	360.78	0.13%	2.34%
	20,160		15,432.65	5.54%	
Group of Mixed Use Zones					
M-X-T	2,029	0.72%	3,998.77	1.44%	69.18%
M-X-C	1,529	0.55%	901.27	0.32%	15.59%
M-U-I	1,385	0.49%	465.87	0.17%	8.06%
MU-TC	668	0.24%	413.98	0.15%	7.16%
	5,611		5,779.89	2.08%	
Group of Planned Community Zones					
R-M-H	2	0.00%	82.01	0.03%	100.00%
R-P-C	0	0.00%	0.00	0.00%	0.00%
	2		82.01	0.03%	
TOTAL	279,965	100.00%	278,496*	100.00%	

* Total Acres does not reach countywide total due to right-of-way and other non-zoned properties captured in analysis.

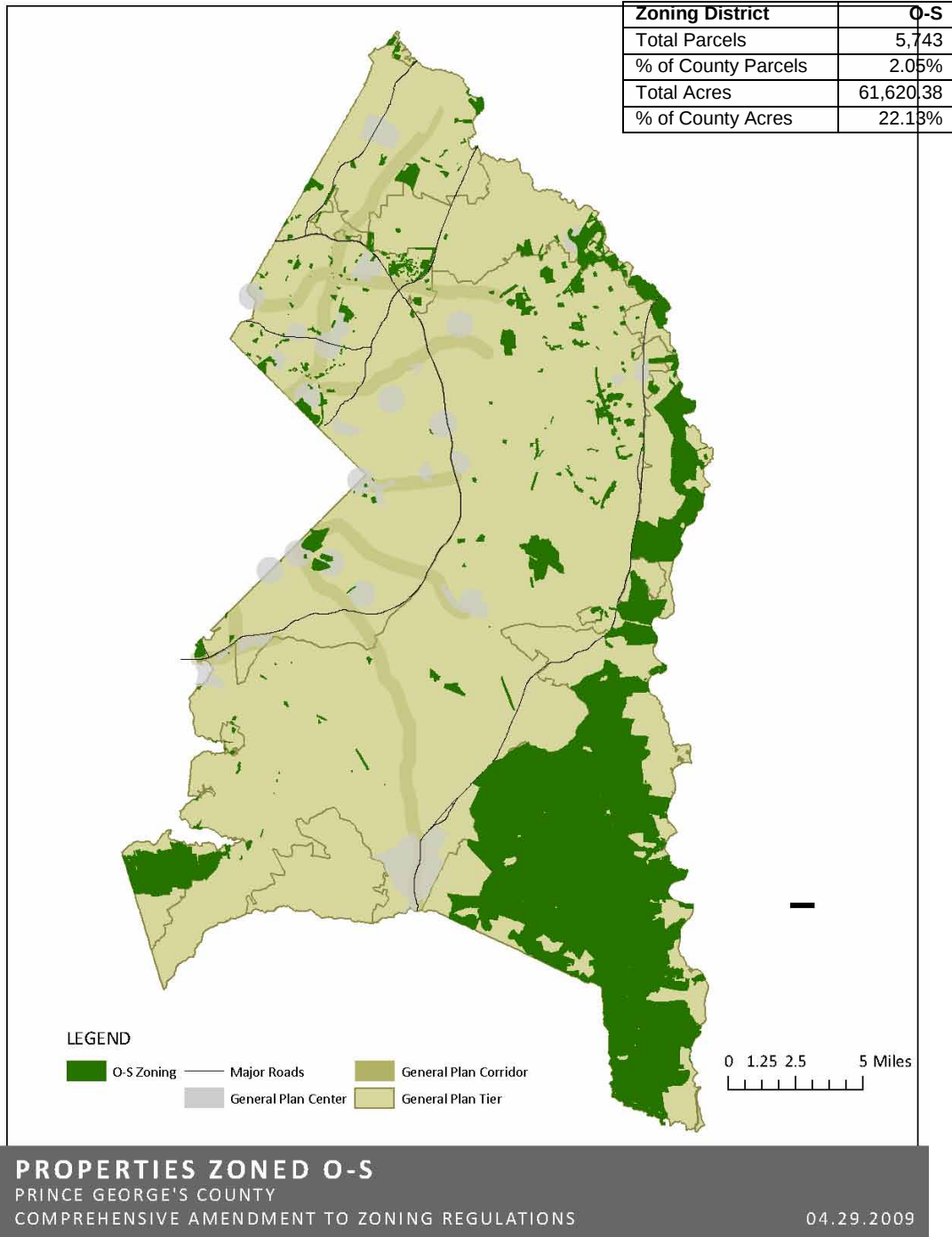
As part of this analysis the zoning districts are placed on top of a map depicting Prince George's County adopted development pattern of tiers, corridors and centers. Since the boundaries of the Developed, Developing and Rural Tier can be obstructed and somewhat lost when the zoning is shown, Map 1 is presented to provide a guide to the shape of the tiers and their boundaries. The corridors and centers have been included on the individual zoning maps as additional locational references.

Map : Prince George's County Development Pattern - Tiers



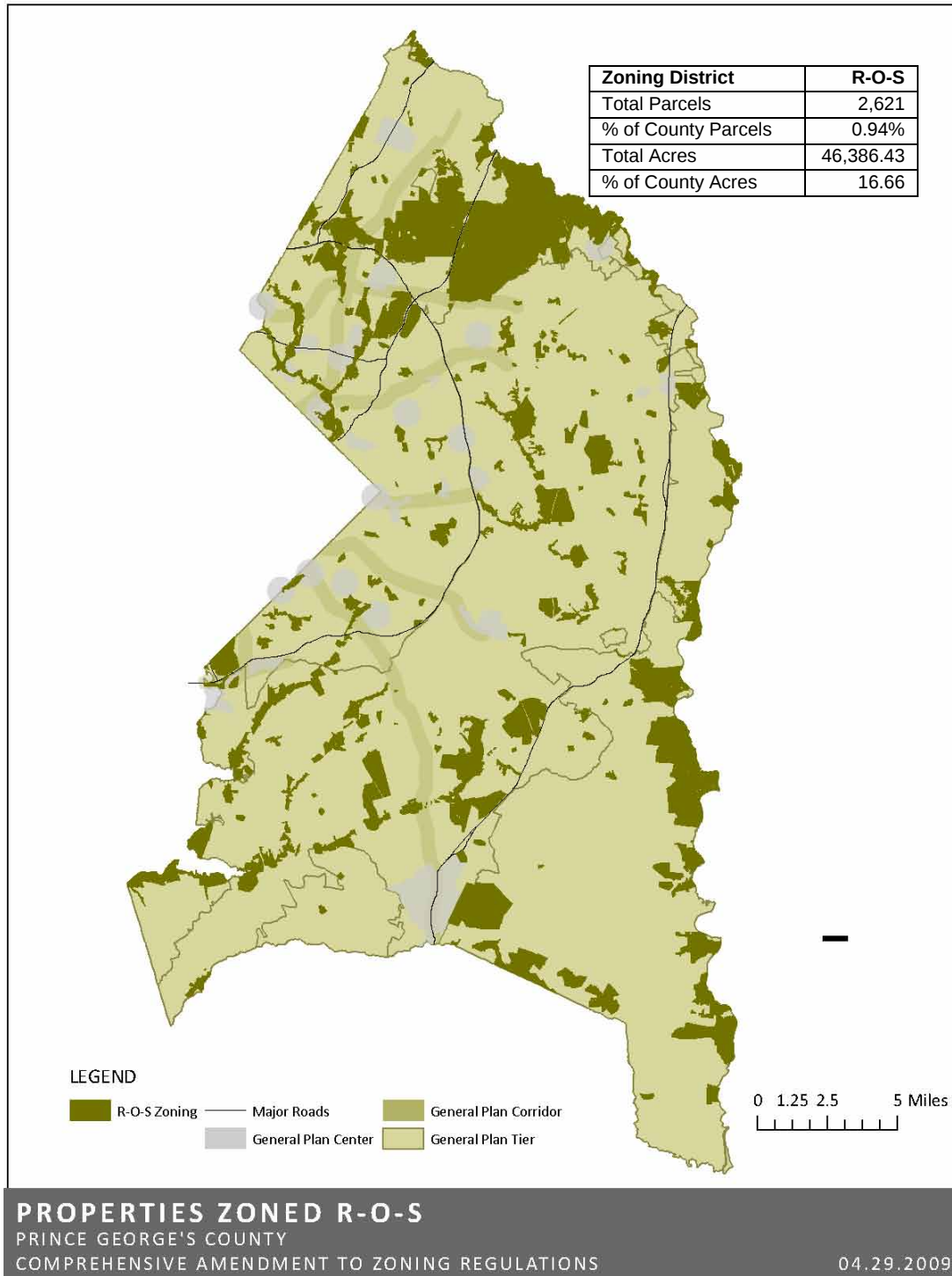
The first and largest groups of zones are the Residential Zones. Map 2 depicts the placement of the Open Space (O-S) zoning in the County. While parcels are zoned O-S throughout the County, the majority of land zoned O-S is located in the Rural Tier.

Map : Open Space (O-S) Zoning



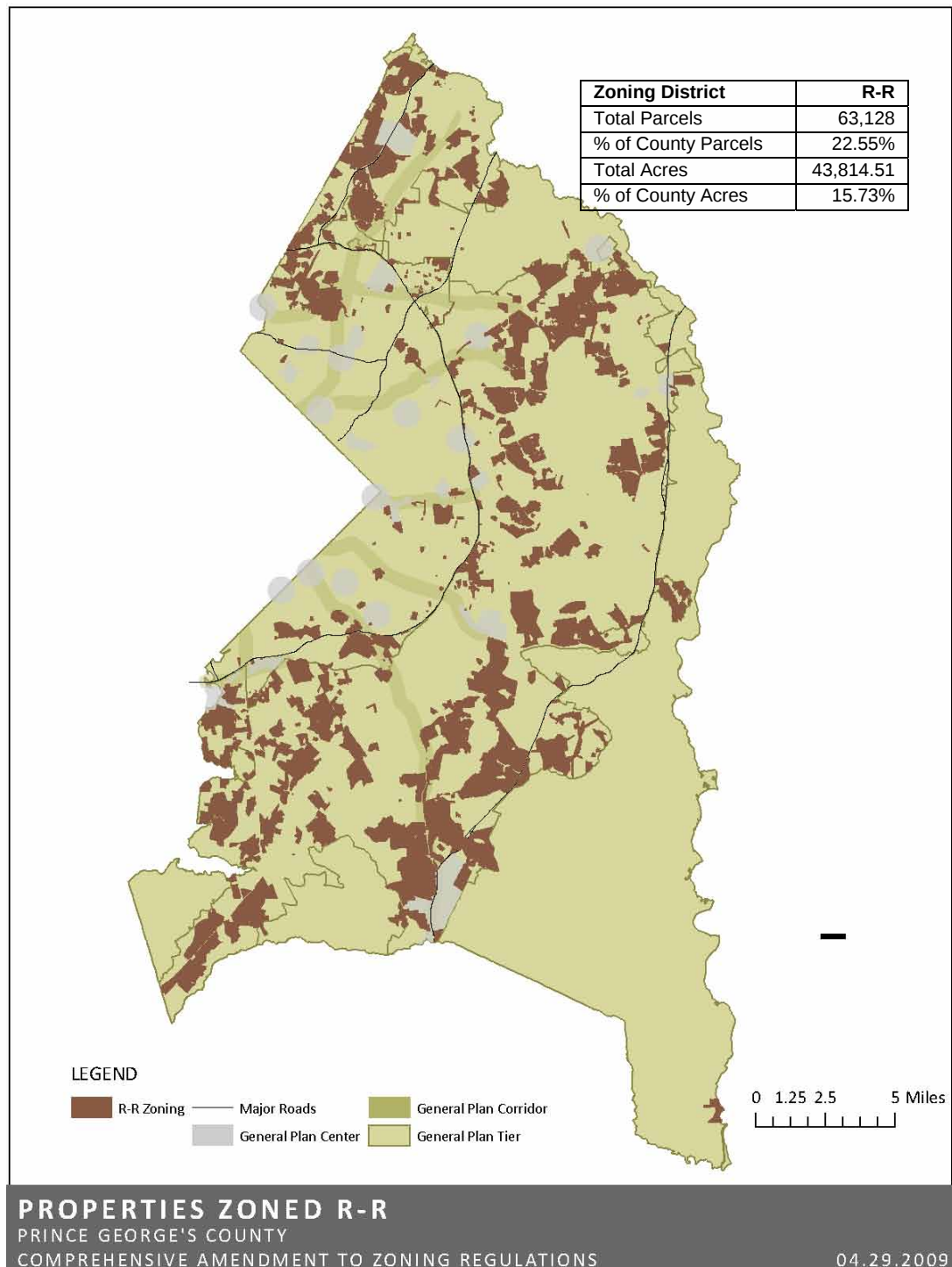
The Reserved Open Space (R-O-S) zone is the second largest zoned land area and is distributed throughout the County, as depicted in Map 3. Consistent with the intent of the R-O-S zone, this zoning district appears to be placed along stream valleys and environmentally sensitive areas of the County.

Map : Reserved Open Space (R-O-S) Zoning



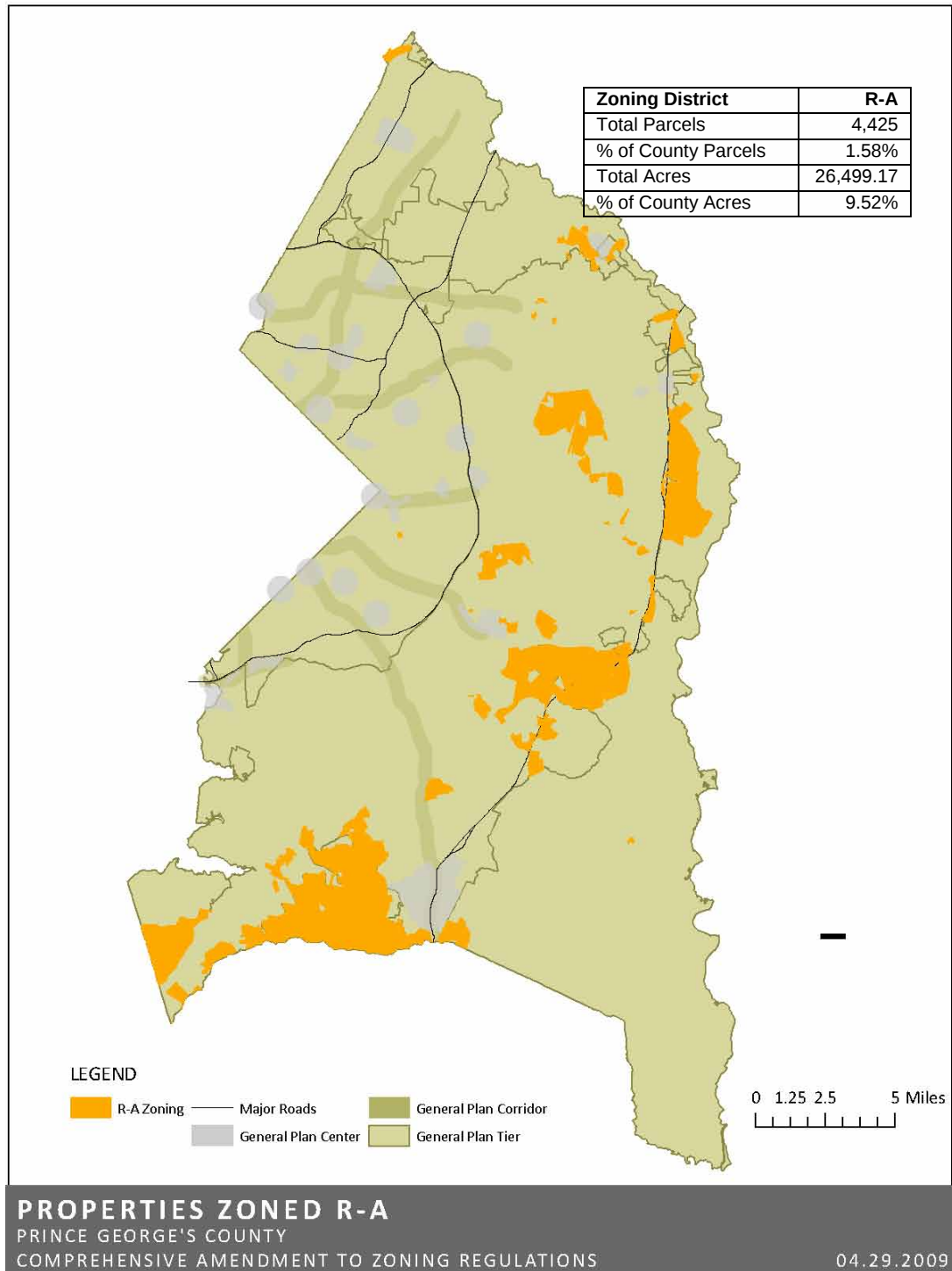
One of the purposes listed in the Zoning Ordinance for the Rural Residential Zone (R-R) is “to facilitate the planning of one-family residential developments with moderately large lots and dwellings of various sizes and styles.” While the R-R zone appears to be located predominantly in the Developing Tier, some R-R zoning has been placed in the Developed Tier, as shown on Map 4.

Map : Rural Residential (R-R) Zoning



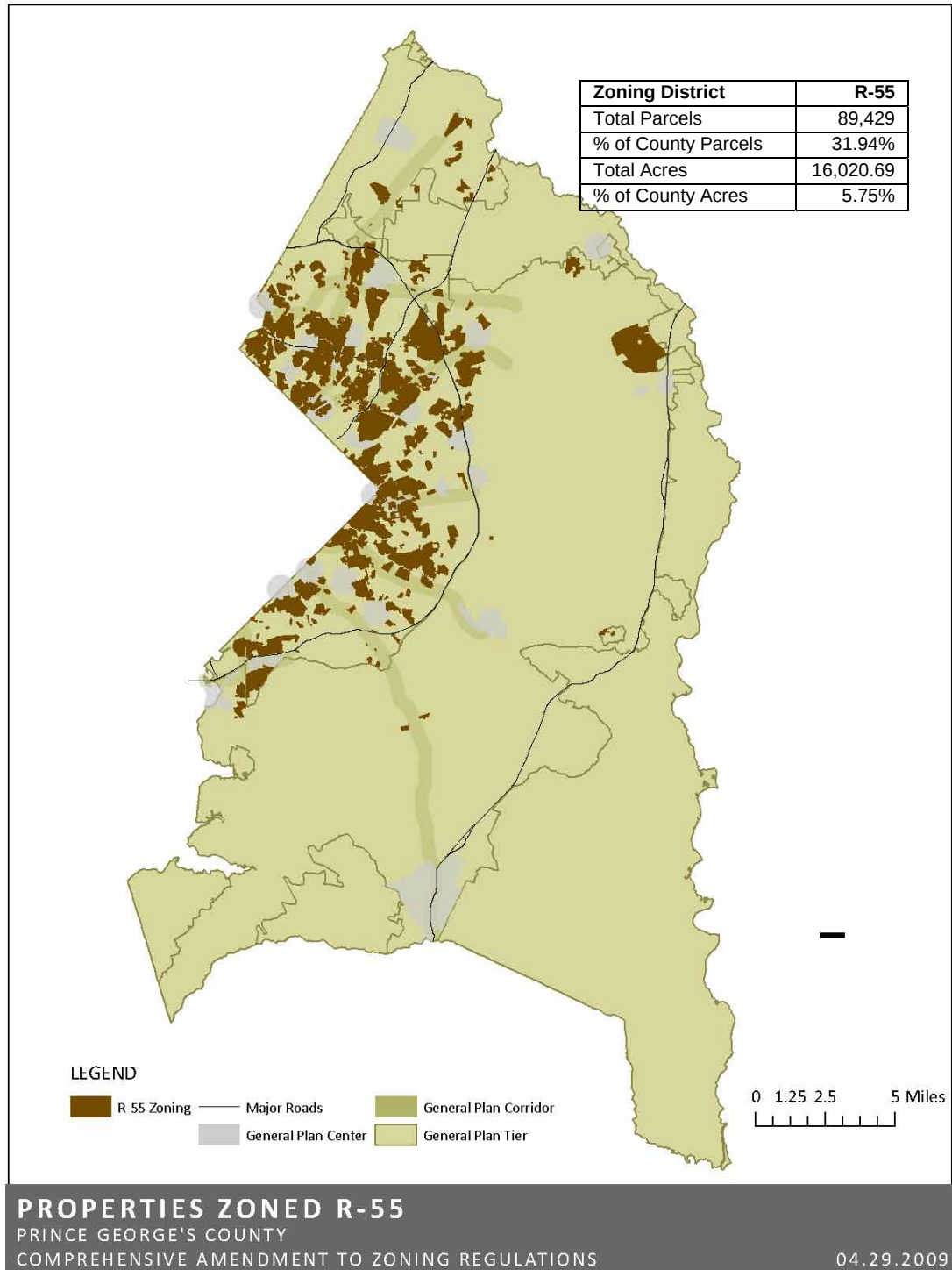
The Residential-Agriculture (R-A) Zone, with the fourth highest County land area, is located in the Developed, Developing and Rural Tiers, as shown on Map 6

Map : Residential-Agriculture (R-A) Zoning



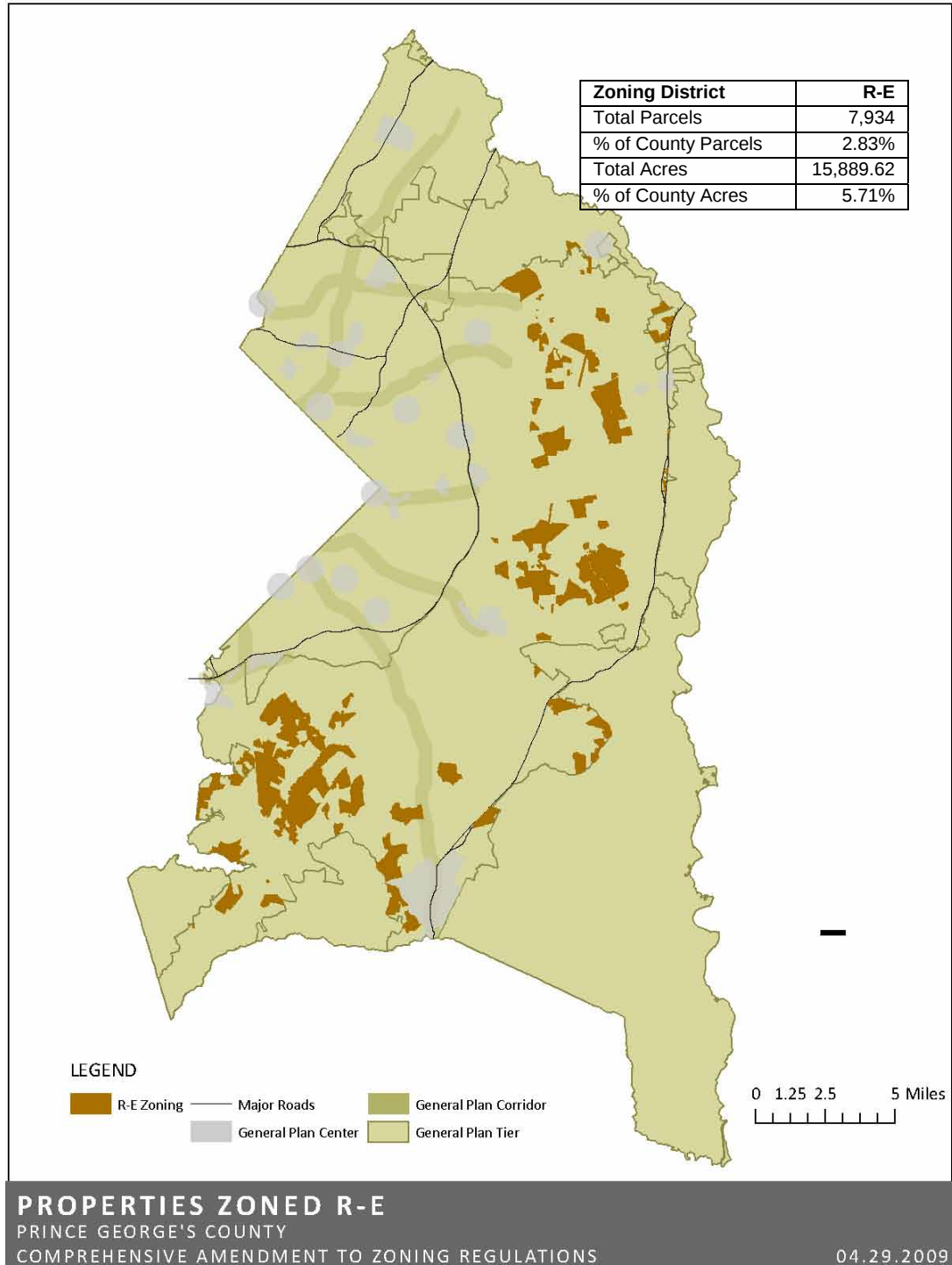
The One-Family Detached Residential Zone (R-55) is located mostly in the Developed Tier, with a few spots in the Developing Tier, as shown on Map 7. Additionally, the R-55 zoning district is located in or immediately adjacent to several of the Corridors and Centers. The R-55 zone also covers the highest number of individual lots in Prince George's County by far.

Map : One-Family Detached Residential (R-55) Zoning



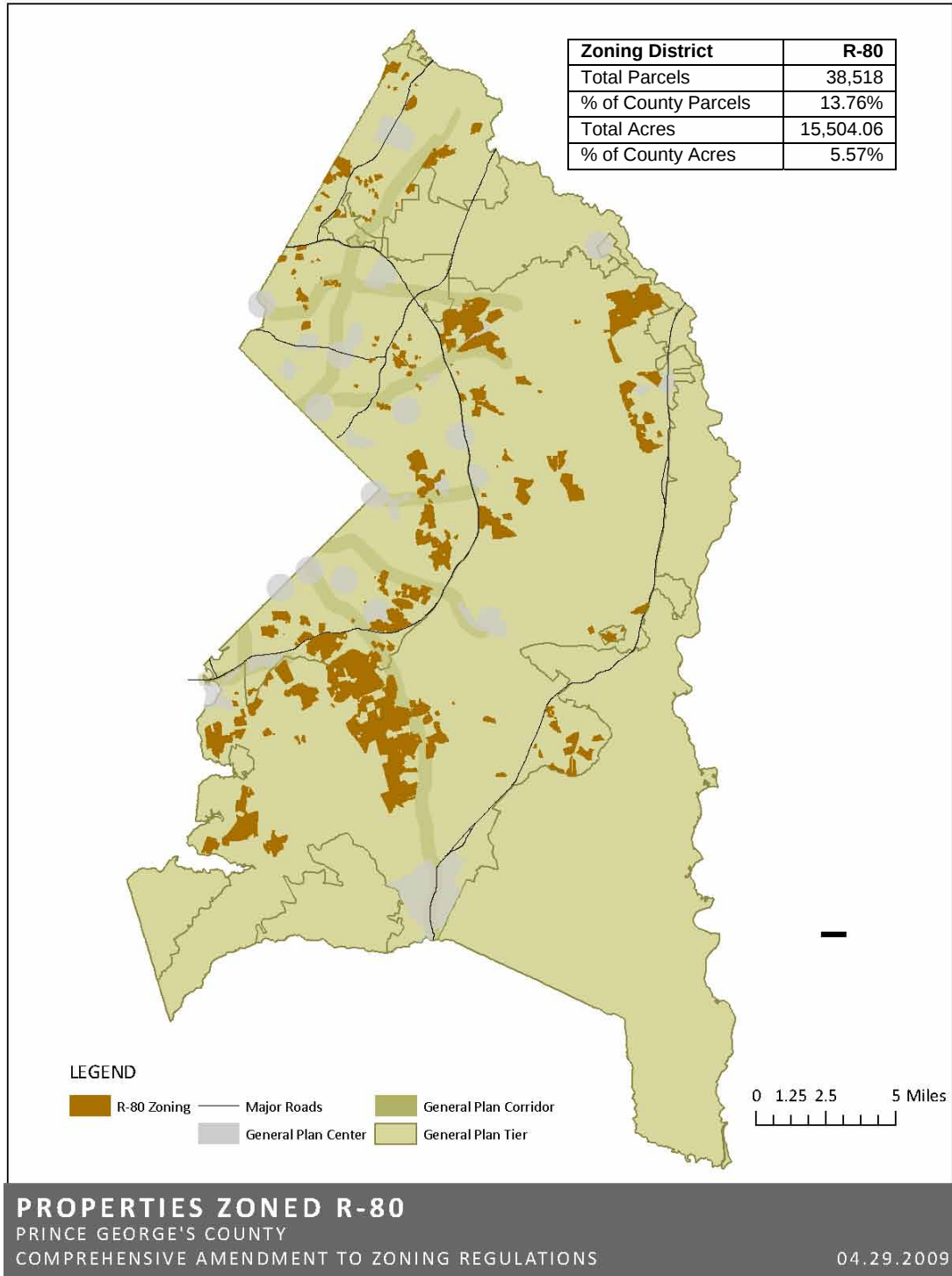
The Residential Estate (R-E) zone is intended to permit single-family detached dwelling units on large lots, particularly in environmentally sensitive areas. Almost all of the R-E zoned land in the County is located in the Developing Tier, as shown on Map 8.

Map : Residential Estate (R-E) Zoning



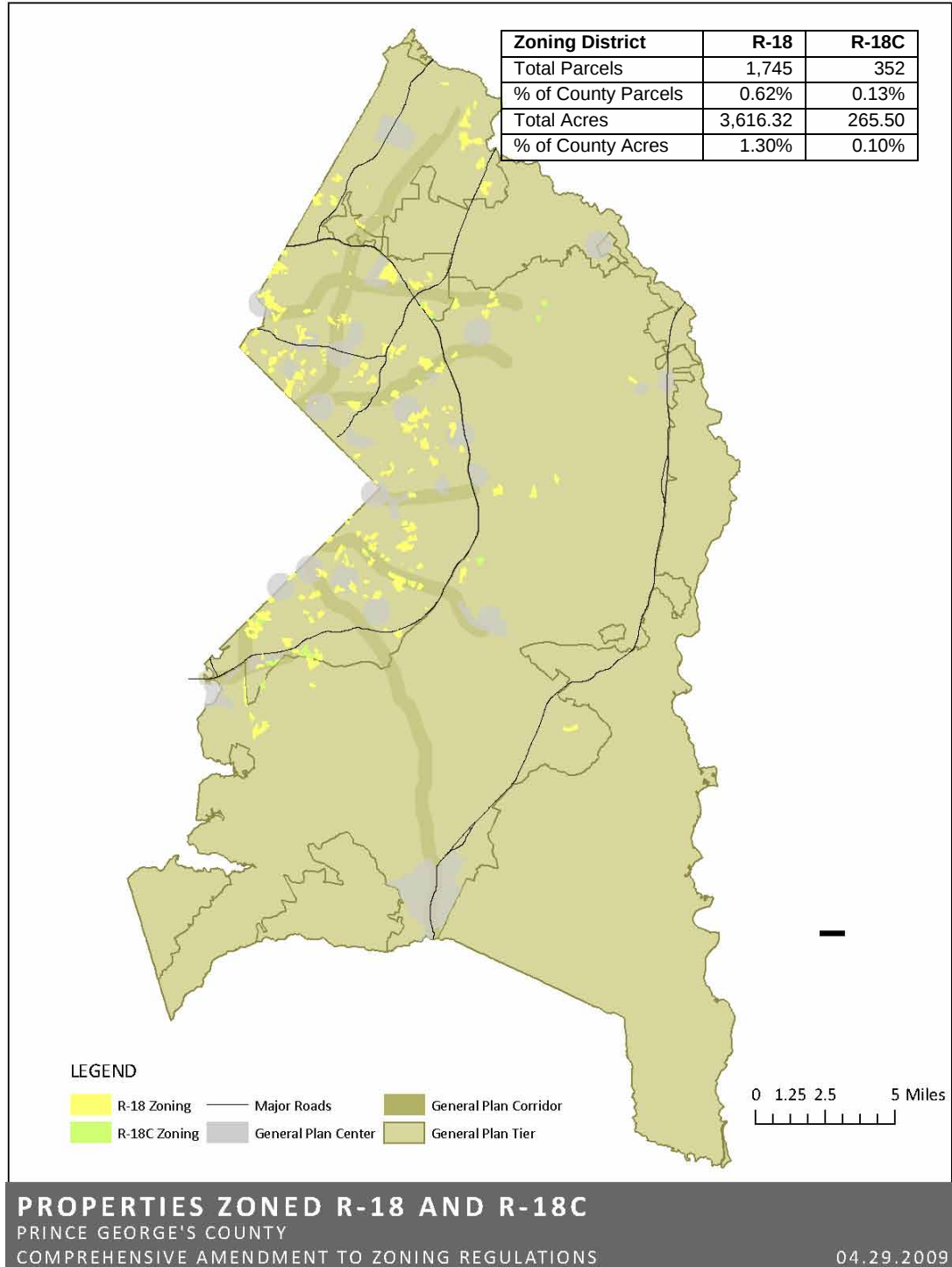
The One-Family Detached Residential (R-80) zone has the third highest number of individually zoned parcel in the County, after R-55 and R-R. As depicted in Map 9, the R-80 is distributed in clusters throughout the Developed and Developing Tiers.

Map : One-Family Detached Residential (R-80) Zoning



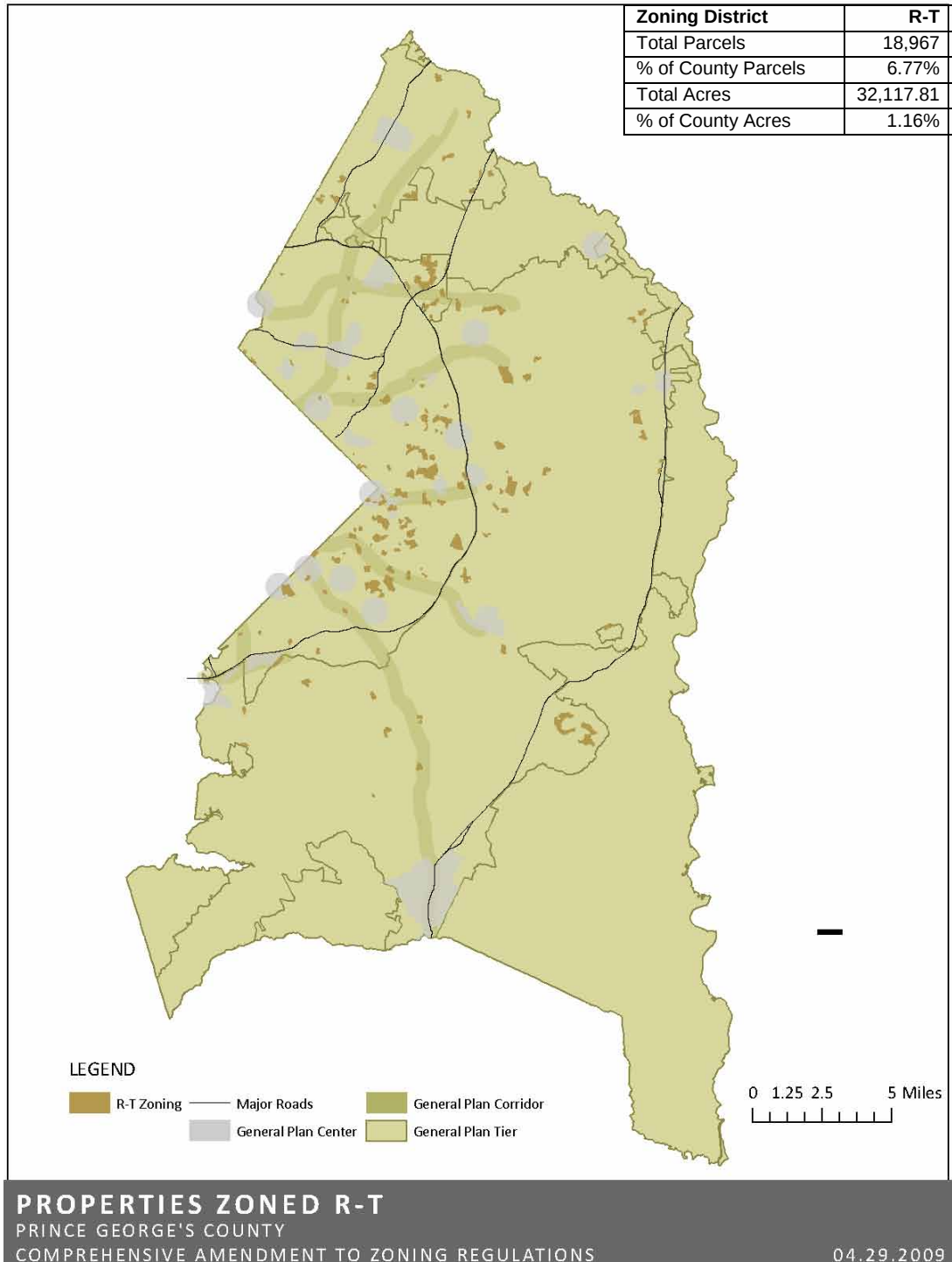
The Multifamily Medium Density Residential (R-18) and the Multifamily Medium Density Residential-Condominium (R-18C) zones are mostly located in the Developed Tier as shown on Map 10. Some of the R-18 zoning is located within or adjacent to Corridors that are in the General Plan.

Map : Multifamily Medium Density Residential (R-18) & (R-18C) Zoning



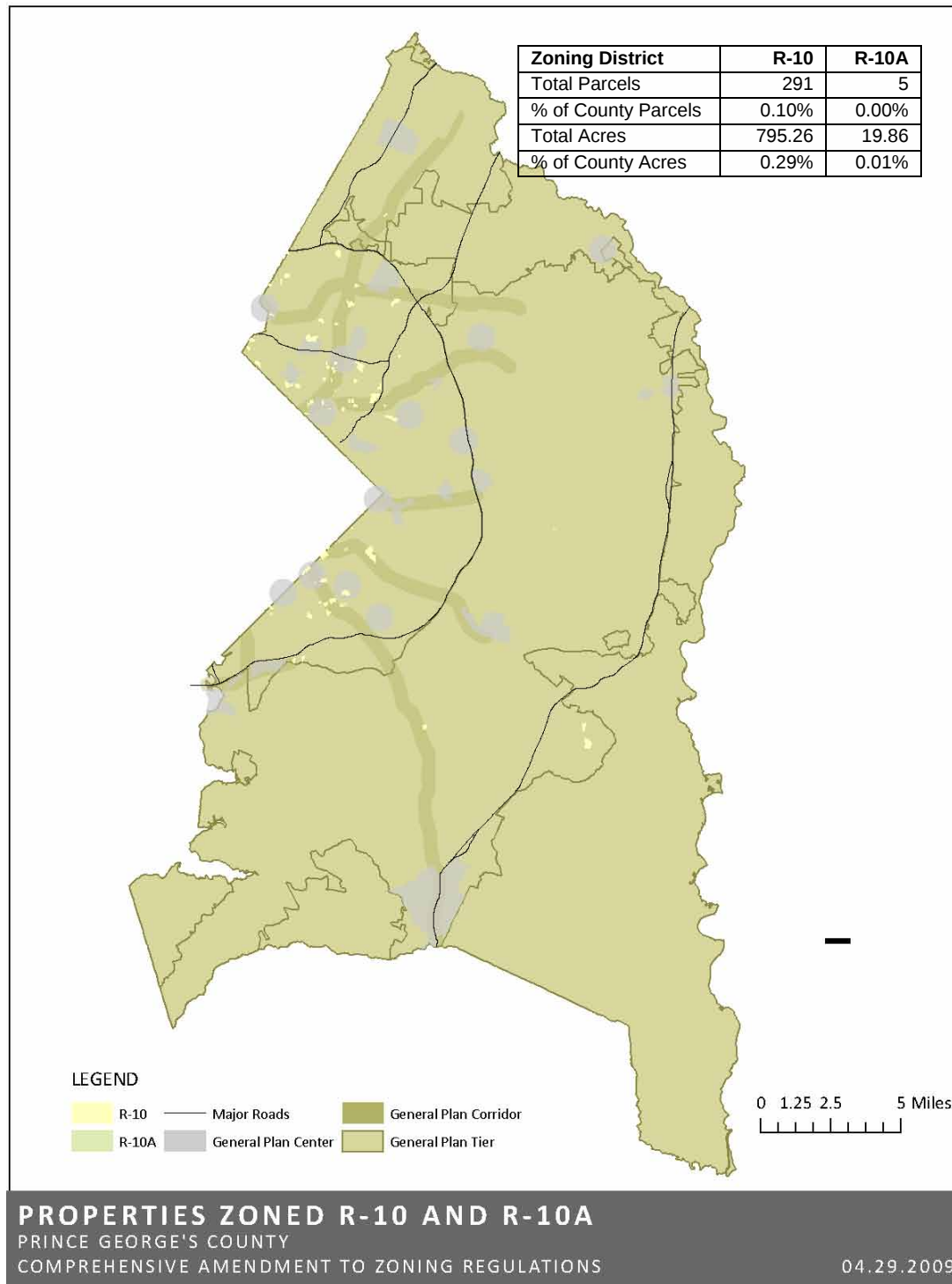
The Townhouse zoning district (R-T) is the fourteenth largest zone in the County land area but is the fourth largest in number of individual parcels. Map 5 shows that the R-T zoning districts tend to be smaller contiguous zones. Most of the zones appear to be located in the Developed Tier with some being located in the Developing Tier.

Map : Townhouse (R-T) Zoning



The Multifamily High Density Residential (R-10) and Multifamily High Density Residential-Efficiency (R-10A) zones are located mostly in the Developed Tier with a few located in the Developing Tier, as shown on Map 11. There are only five (5) R-10 A zoned sites in Prince George's County.

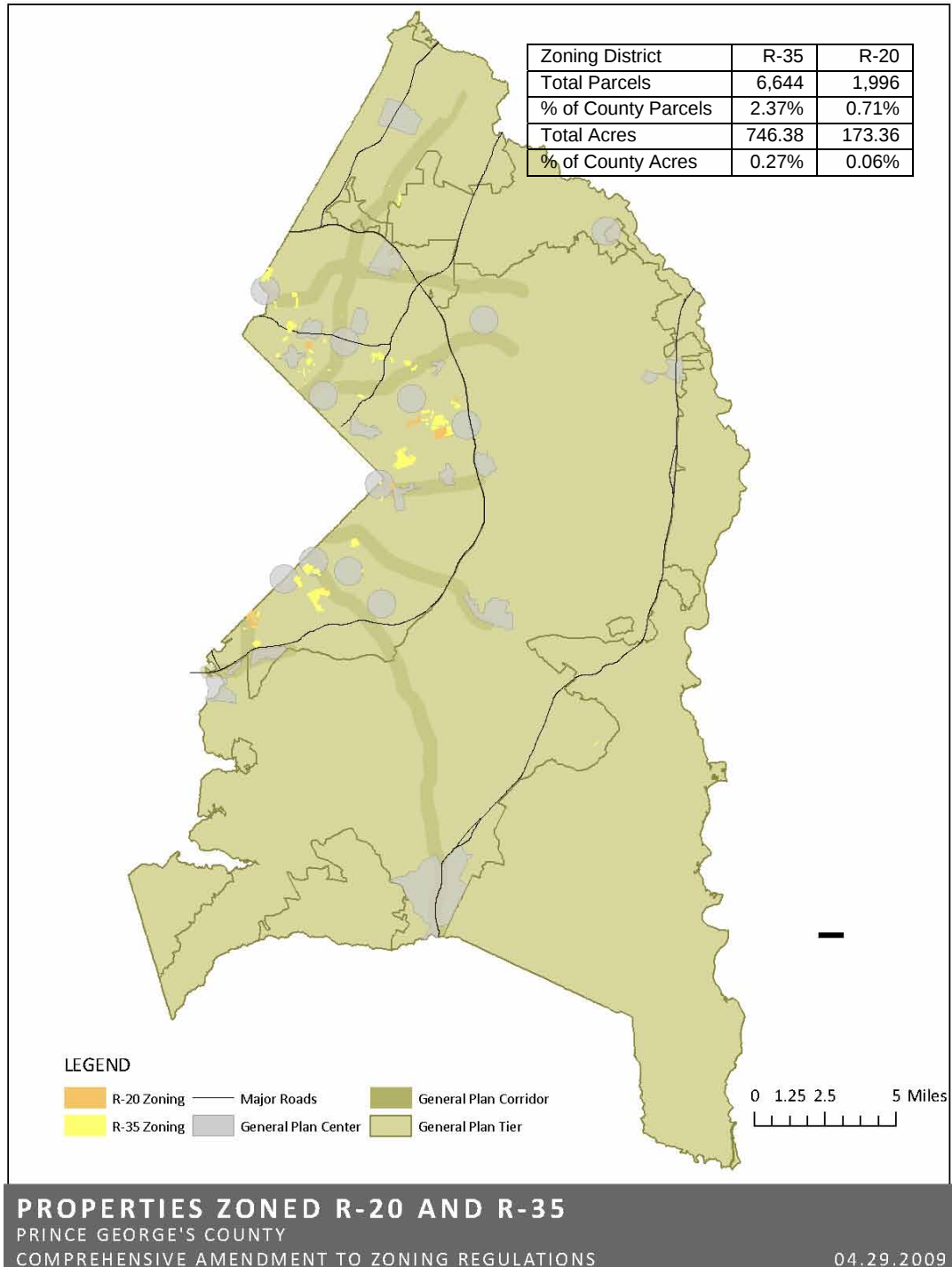
Map : Multifamily High Density Residential (R-10) & (R-10A) Zoning



The One-Family Semidetached, and Two-Family Detached, Residential (R-35) and the

One-Family Triple-Attached Residential (R-20) zones, as depicted in Map 12, show that both zoning districts have been used almost exclusively in the Developed Tier. While sometimes these zones are located close to the Corridors that are designated in the General Plan, most of their zoning placements have not been close to Corridors or Centers.

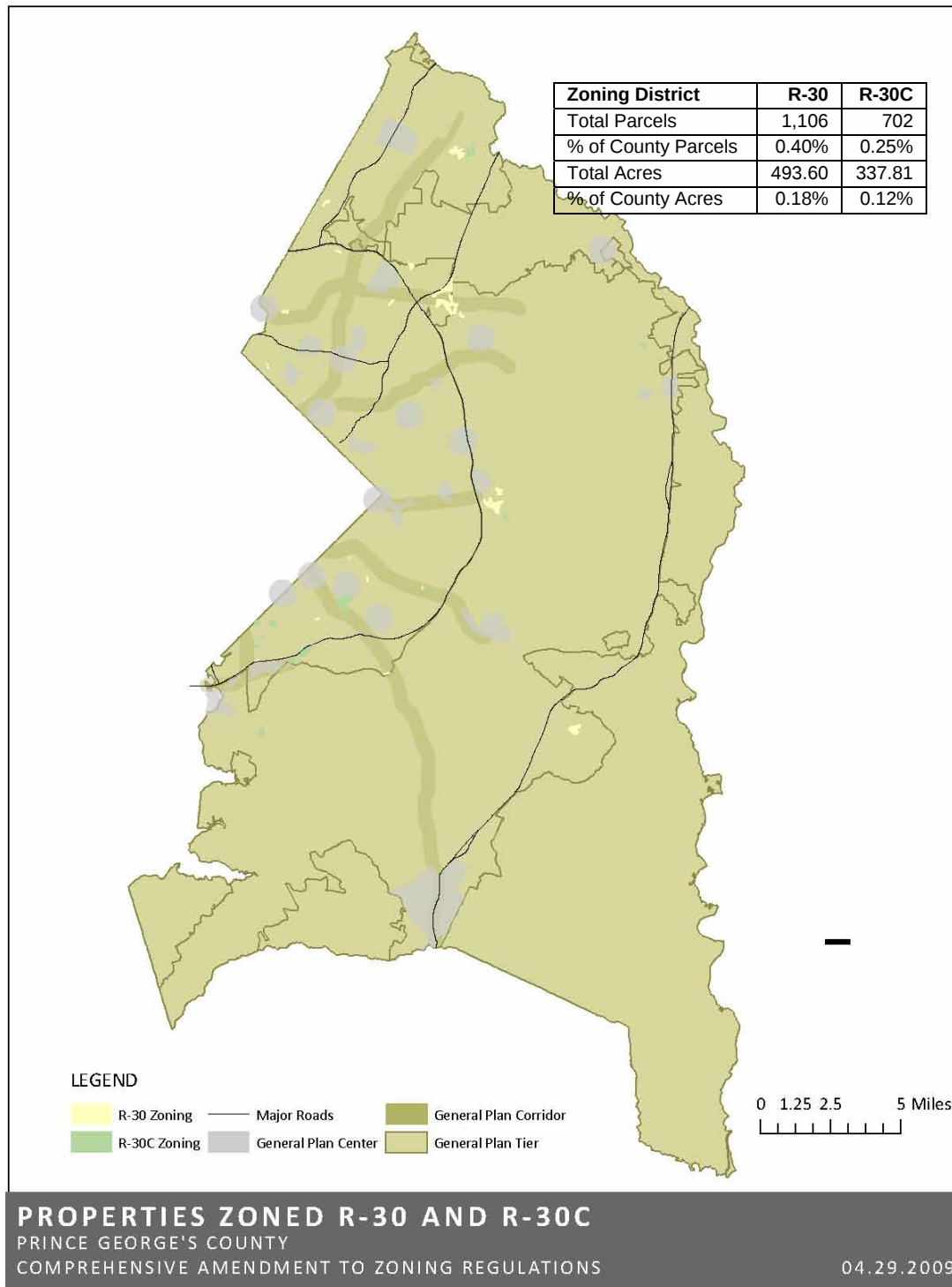
Map : One-Family Semidetached & Two-Family Detached Residential (R-35) and One-Family Triple-Attached Residential (R-20) Zoning



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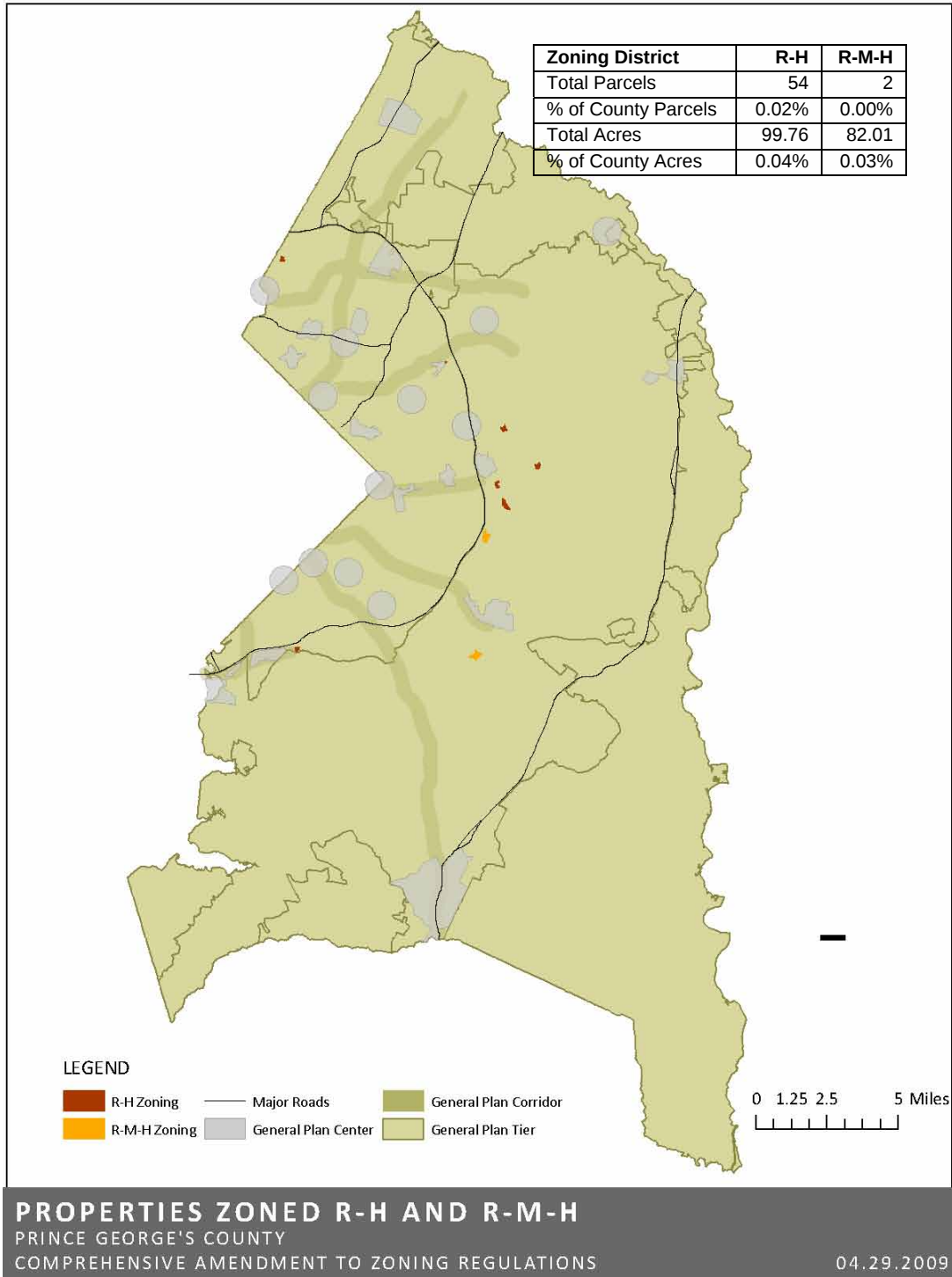
The Multifamily Low Density Residential (R-30) and Multifamily Low Density Residential-Condominium (R-30C) zones are located in both the Developed and Developing Tiers, as shown on Map 13. The placement of these zones appear to be close to some of the designated Corridors.

Map : Multifamily Low Density Residential (R-30) & (R-30C) Zoning



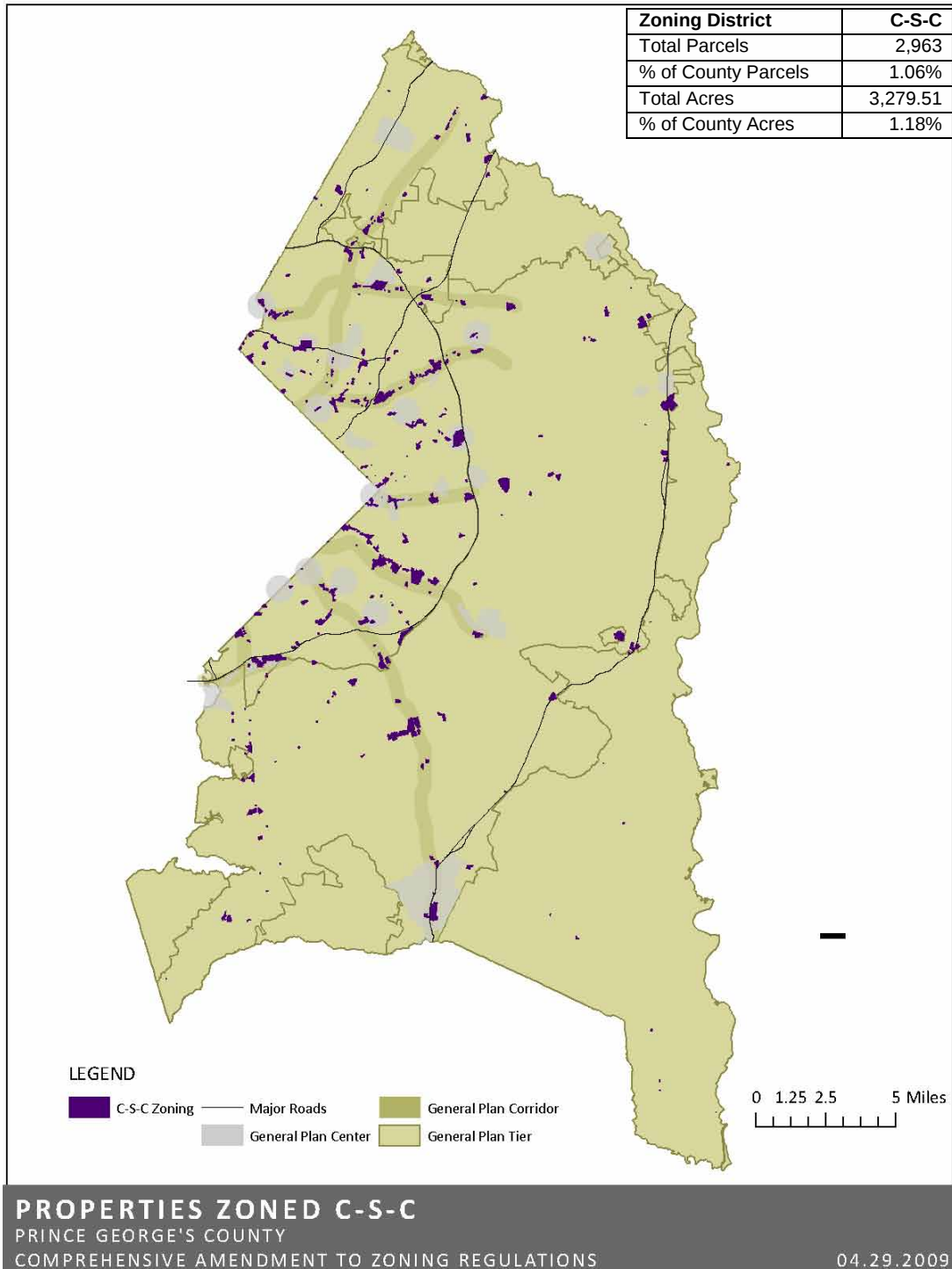
The Multifamily High-Rise Residential (R-H) zone and the Planned Mobile Home Community (R-M-H) zone are depicted in Map 14. The R-H zone has the highest density (48.40 dwelling units per acre) of the conventional zoning districts. The R-M-H zone permits a maximum of 7 mobile homes per acre. The R-M-H is one of the two “Planned Community Zones” established in the Zoning Ordinance. There are not zoned as R-P-C Planned Community on Prince George’s County’s Zoning Map.

Map : Multifamily High Rise (R-H) and Planned Mobile Home Community (R-M-H) Zoning



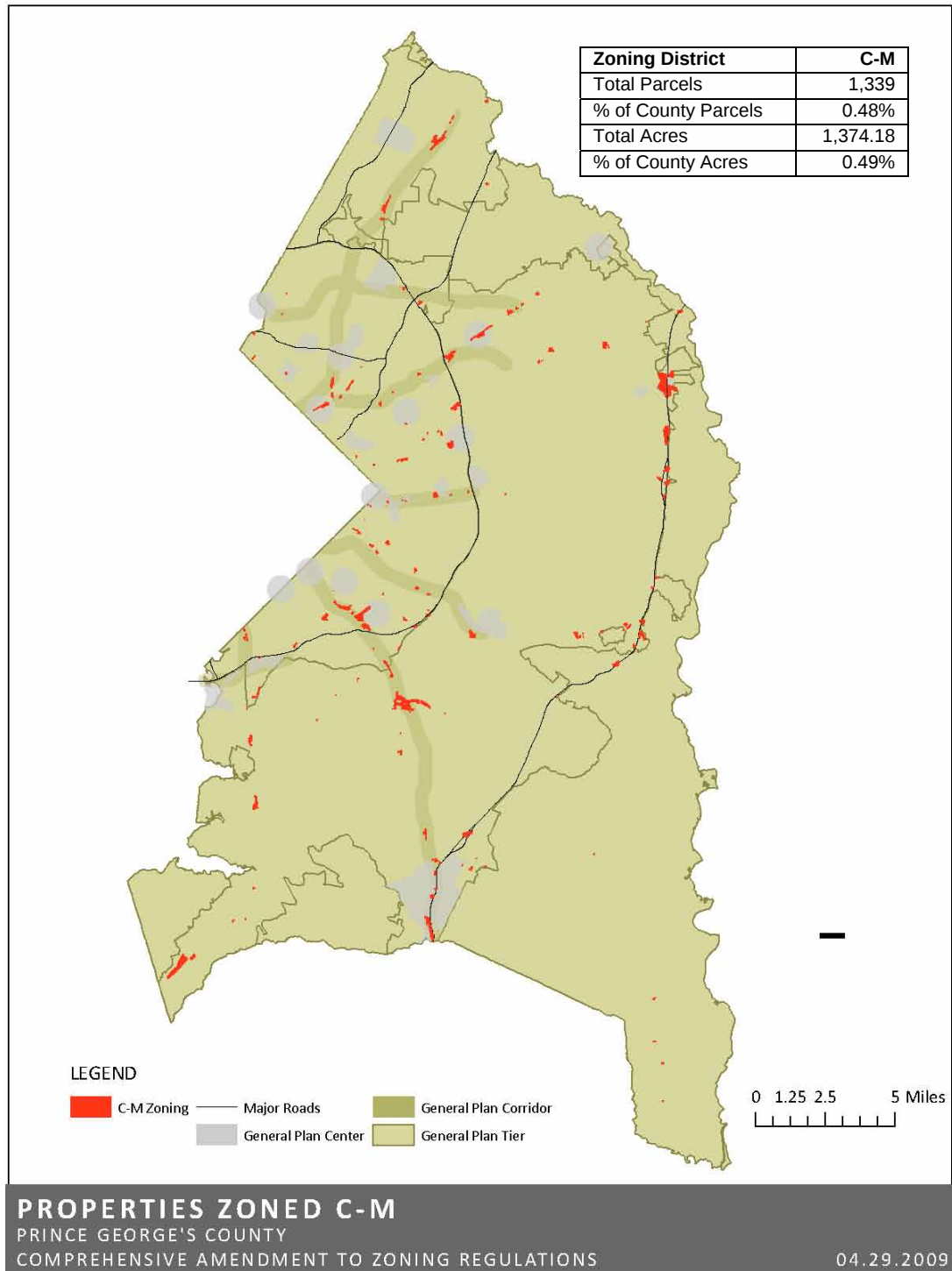
The Commercial Shopping Center (C-S-C) zone has the largest number of parcels and the most County land area of any of the commercial zoning districts. As depicted in Map 15, C-S-C zones are located along all of the General Plan Corridors and within most Centers.

Map : Commercial Shopping Center (C-S-C) Zoning



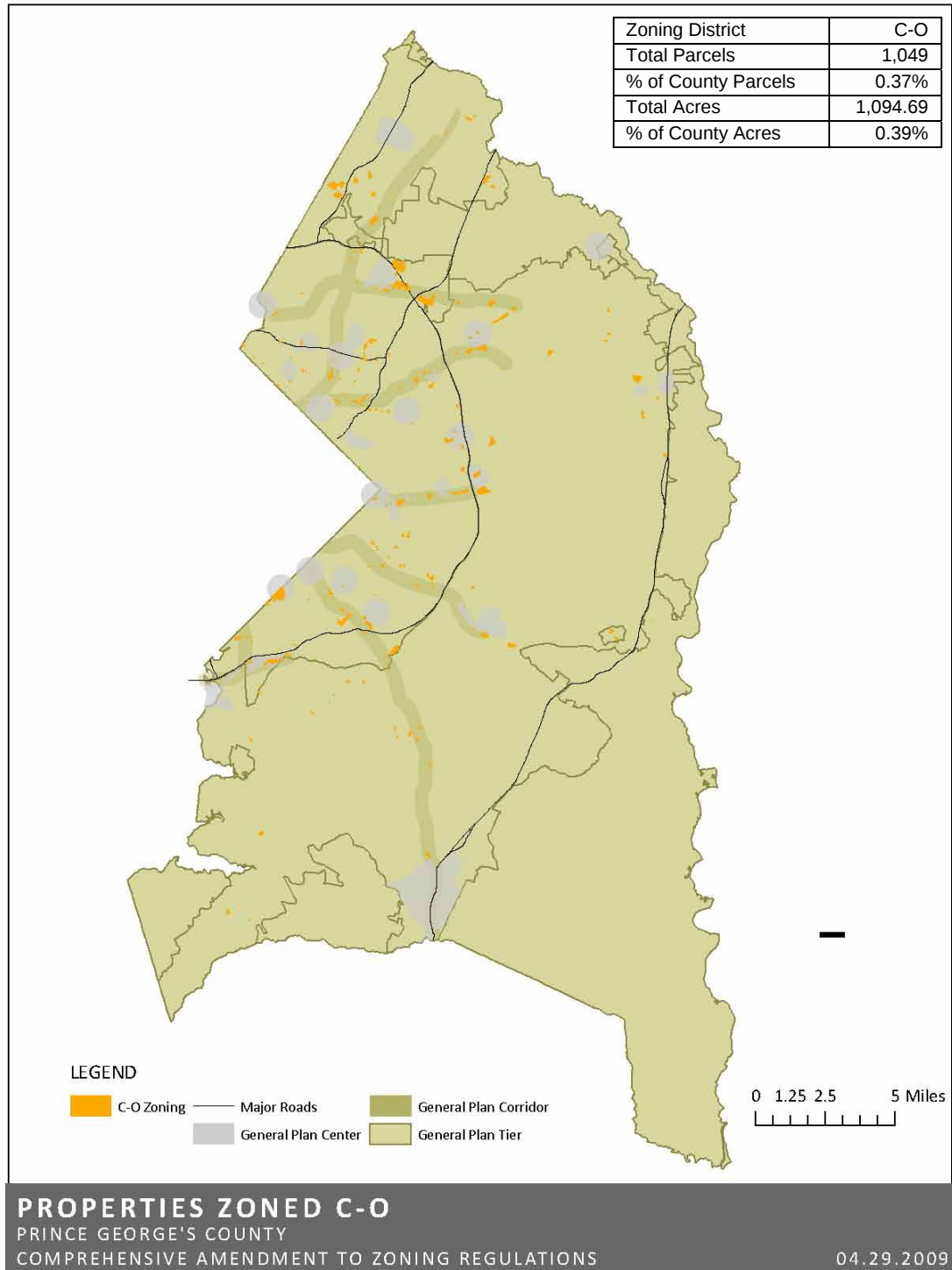
The Commercial Miscellaneous (C-M) zone is located in the Developed, Developing, and Rural Tiers, as shown on Map 16. The C-M Zone has been placed mostly along the General Plan designated Corridors, although there appears to be a significant amount designed outside of the Corridors.

Map : Commercial Miscellaneous (C-M) Zoning



The Commercial Office (C-O) zone is located in the Developed and Developing Tiers, as depicted in Map 17. The placement of the zone appears to occasionally follow the General Plan Corridors and Centers; although there are many instances where this zone is used in areas away from Corridors and Centers.

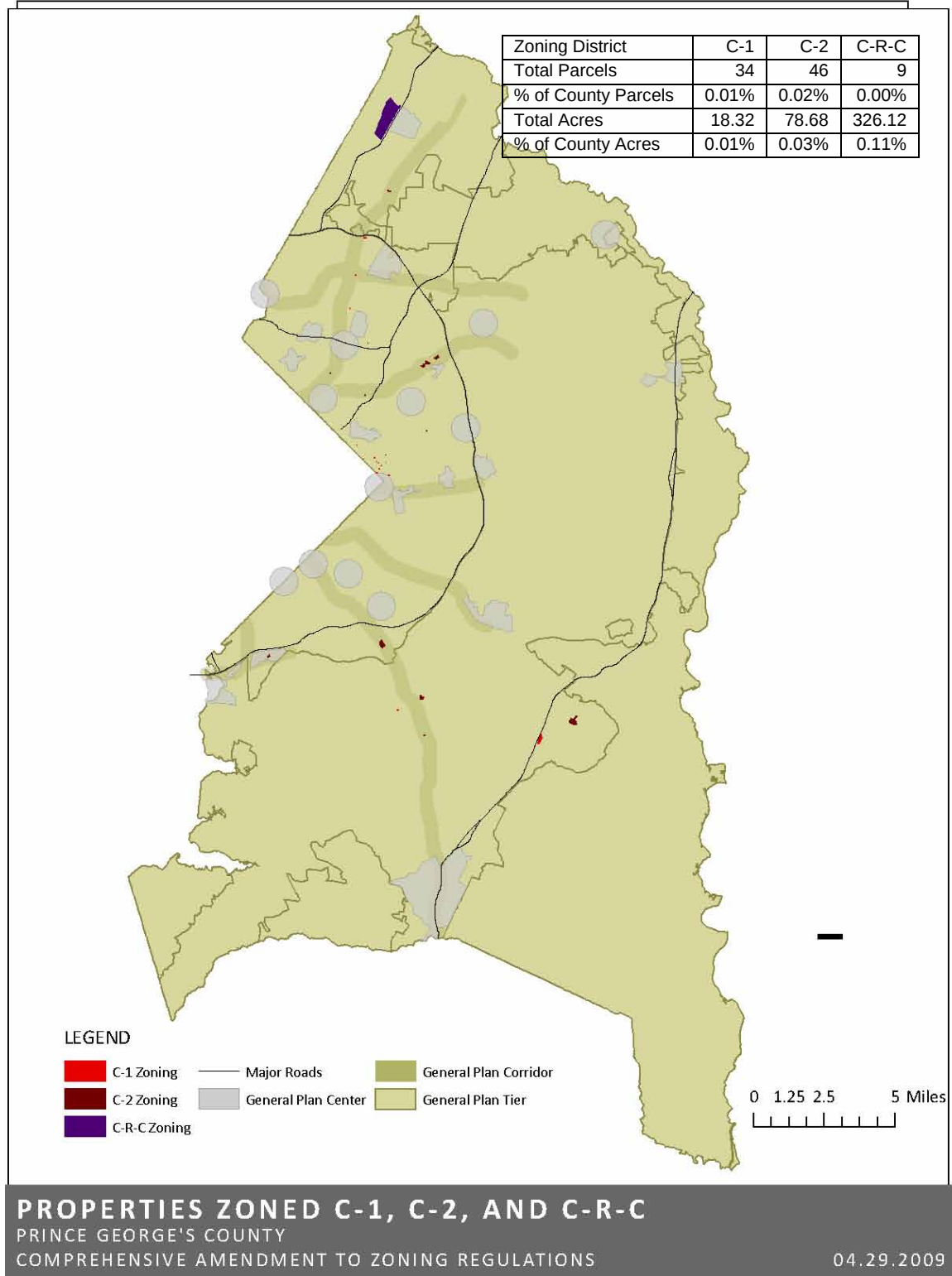
Map : Commercial Office (C-O) Zoning



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The Existing Local Commercial (C-1), Existing General Commercial (C-2), and Commercial Regional Center (C-R-C) zones, as shown on Map 18, are sparsely distributed along the General Plan Corridors in both the Developed and Developing Tiers.

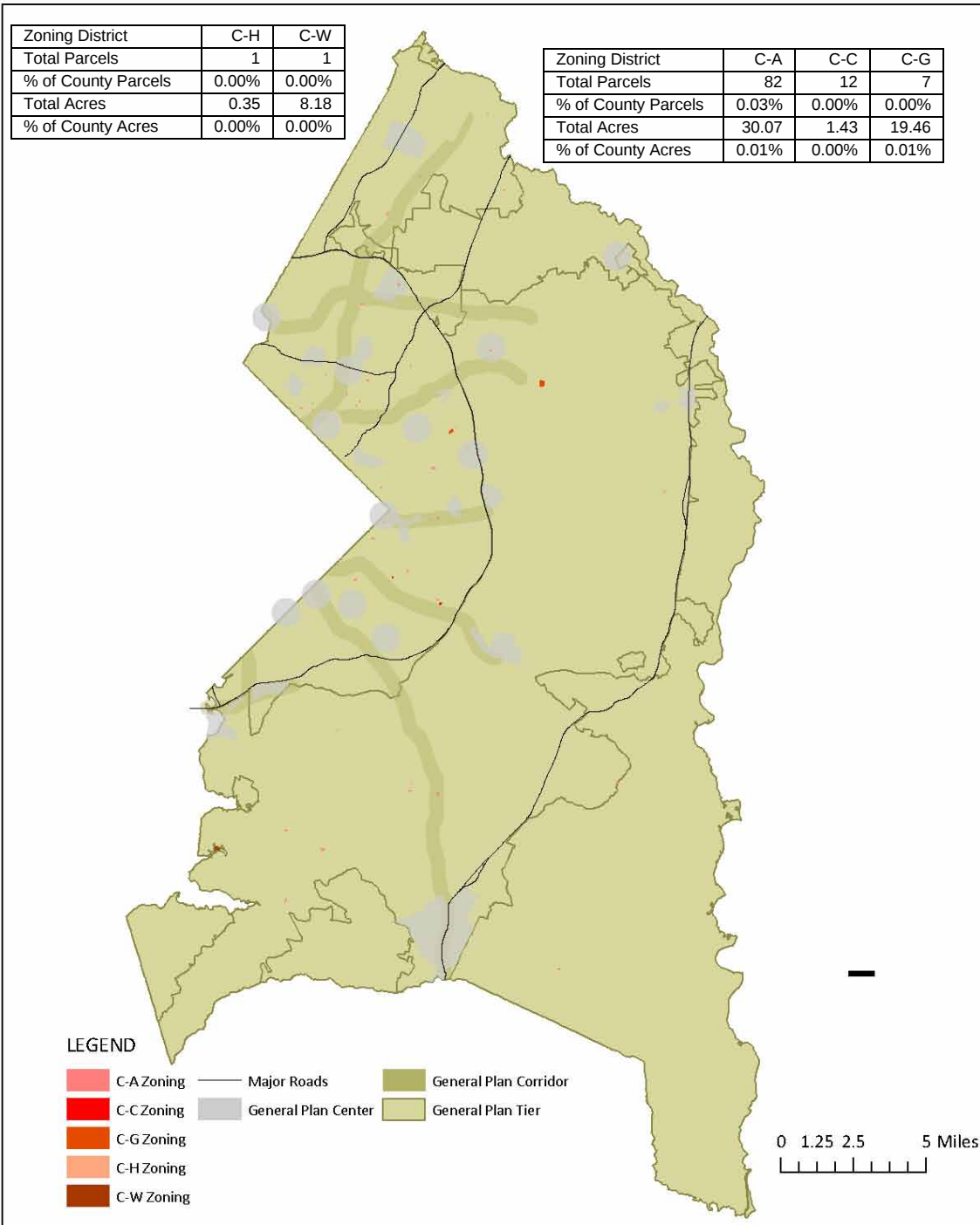
Map : Existing Local Commercial (C-1), Existing General Commercial (C-2) and Commercial Regional Center (C-R-C)



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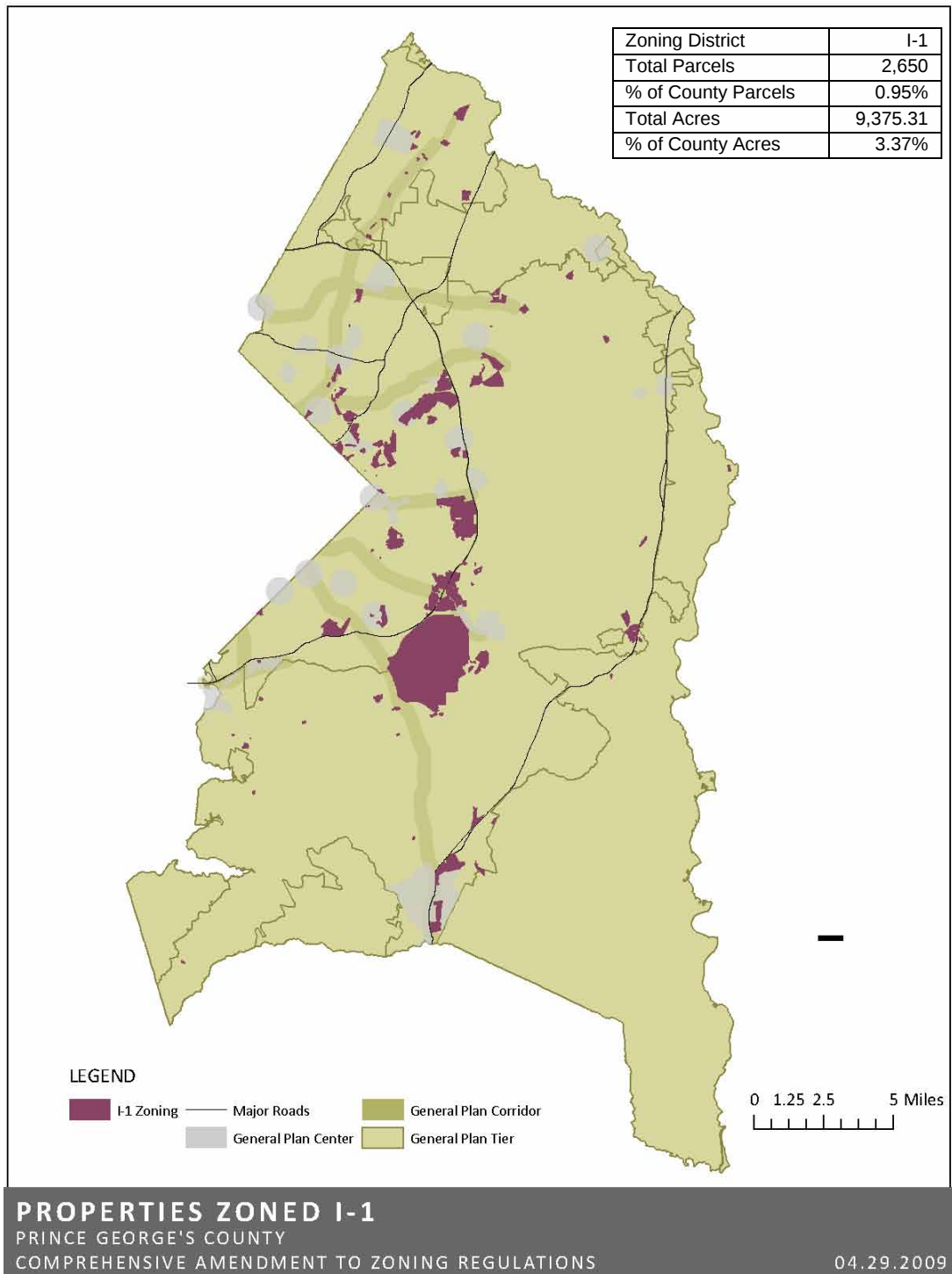
The Ancillary Commercial (C-A), Existing Community Commercial (C-C), Existing General Commercial (CG), Existing Highway Commercial (C-H), and Commercial Waterfront (C-W) are sparsely sprinkled throughout the Developed and Developing Tiers, as shown on Map 19.

Map : Ancillary Commercial (C-A), Existing Community Commercial (C-C), Existing General Commercial (C-G), Existing Highway Commercial (C-H), and Commercial Waterfront (C-W) Zoning



The Light Industrial (I-1) is the most prevalent of the industrial zones at 60%; it is placed throughout the Developed and Developing Tiers, as shown on Map 20.

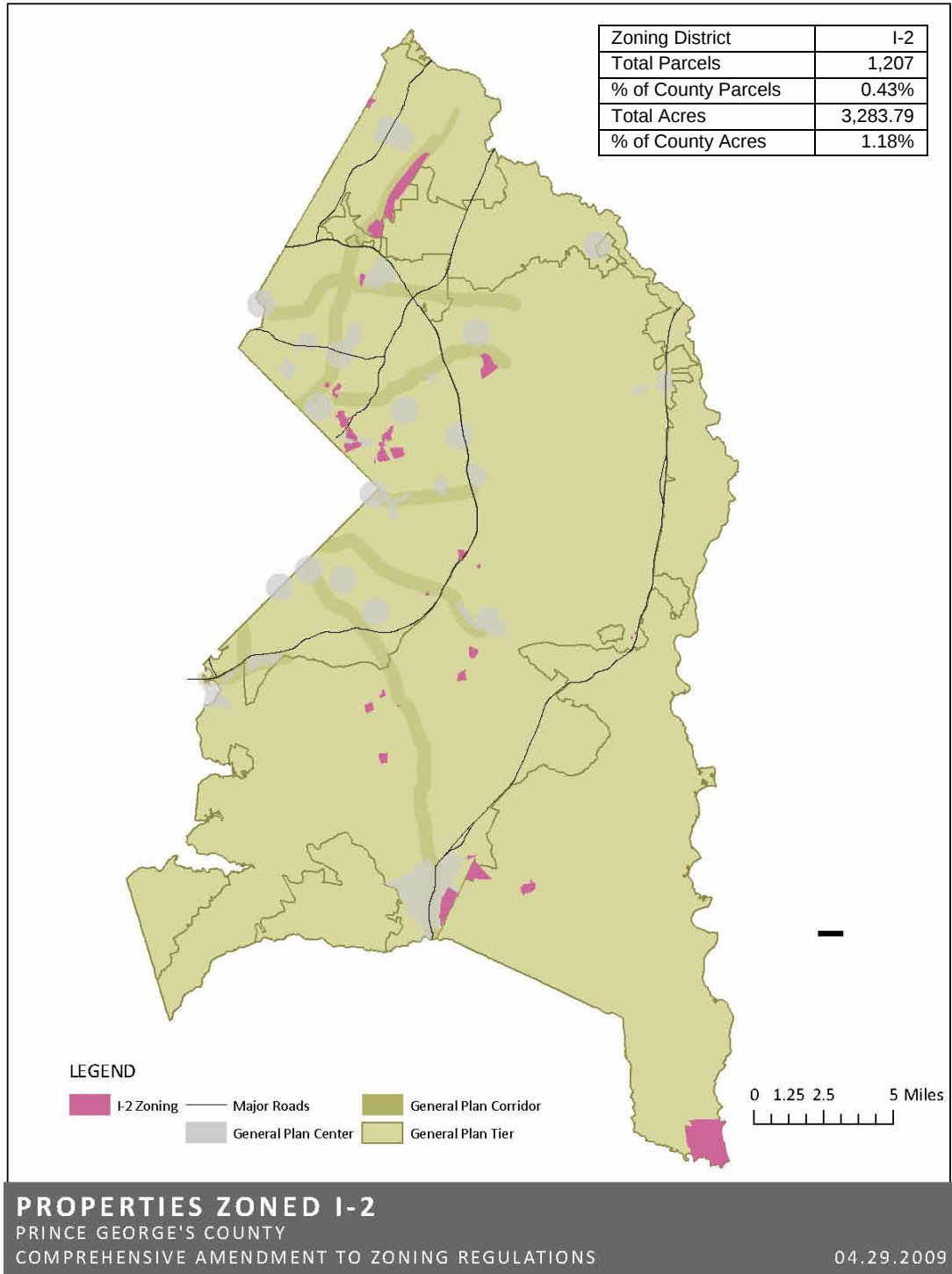
Map : Light Industrial (I-1) Zoning



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The Heavy Industrial (I-2) zone is located in the Developed, Developing and Rural Tiers, often adjacent to General Plan designated Corridors, as shown on Map 21.

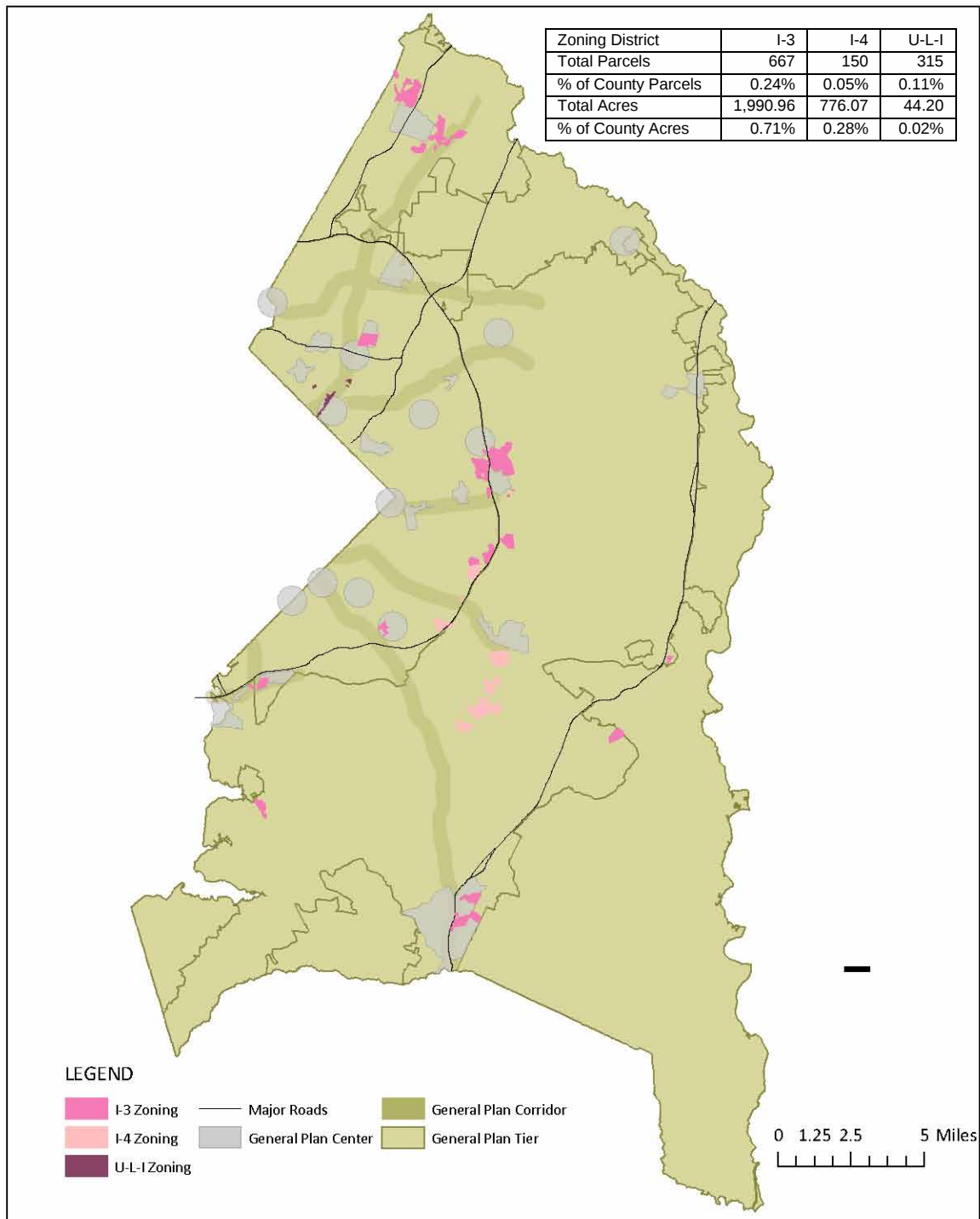
Map : Heavy Industrial (I-2) Zoning



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The Planned Industrial/Employment Park (I-3), Limited Intensity Industrial (I-4), and the Urban Light Industrial (U-L-I) are located in the Developed and Developing Tiers, often close to General Plan designated Centers

Map : Planned Industrial/Employment Park (I-3), Limited Intensity Industrial (I-4), and Urban Light Industrial (U-L-I) Zoning



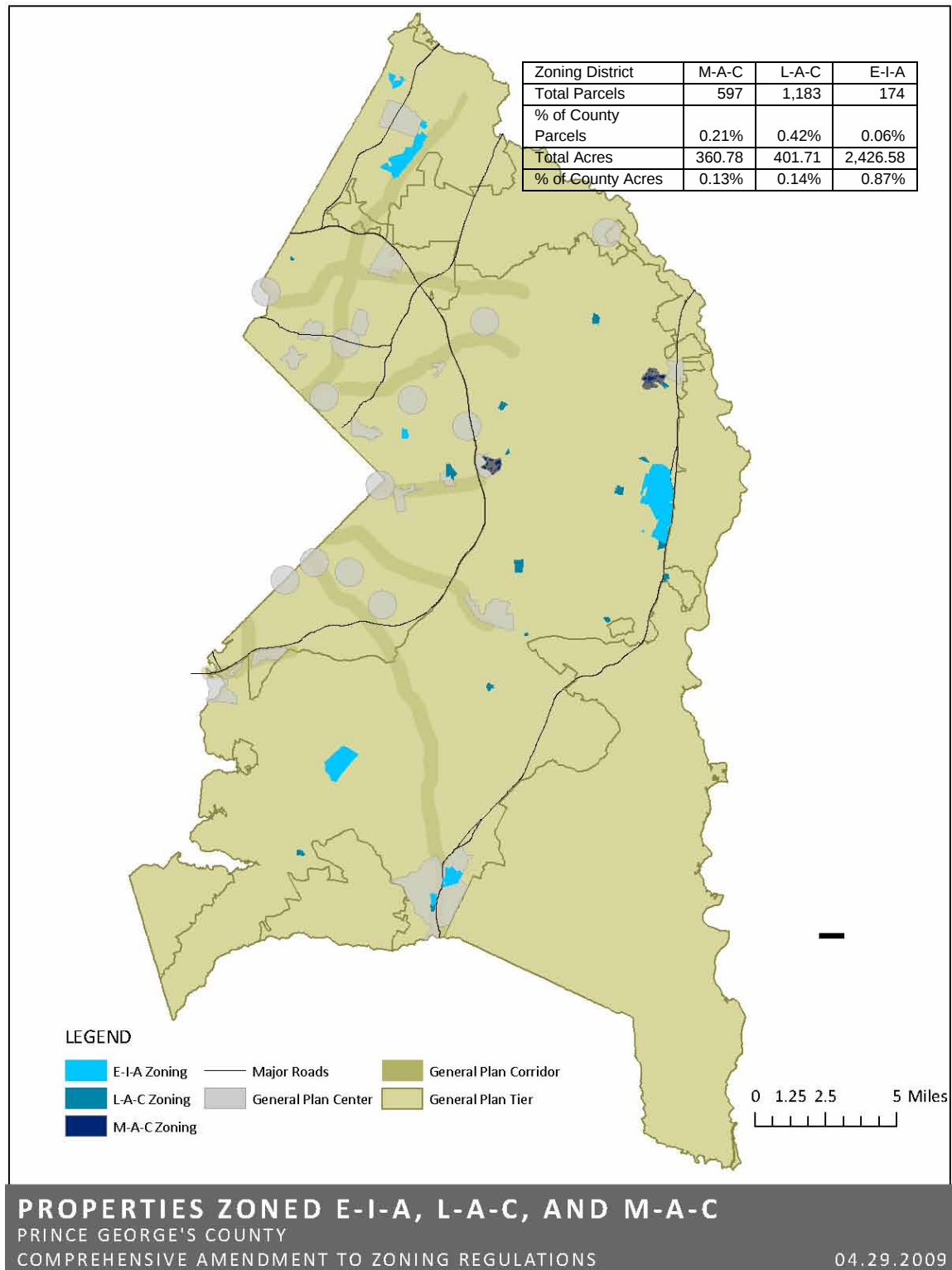
PROPERTIES ZONED I-3, I-4, AND U-L-I
 PRINCE GEORGE'S COUNTY
 COMPREHENSIVE AMENDMENT TO ZONING REGULATIONS

04.29.2009

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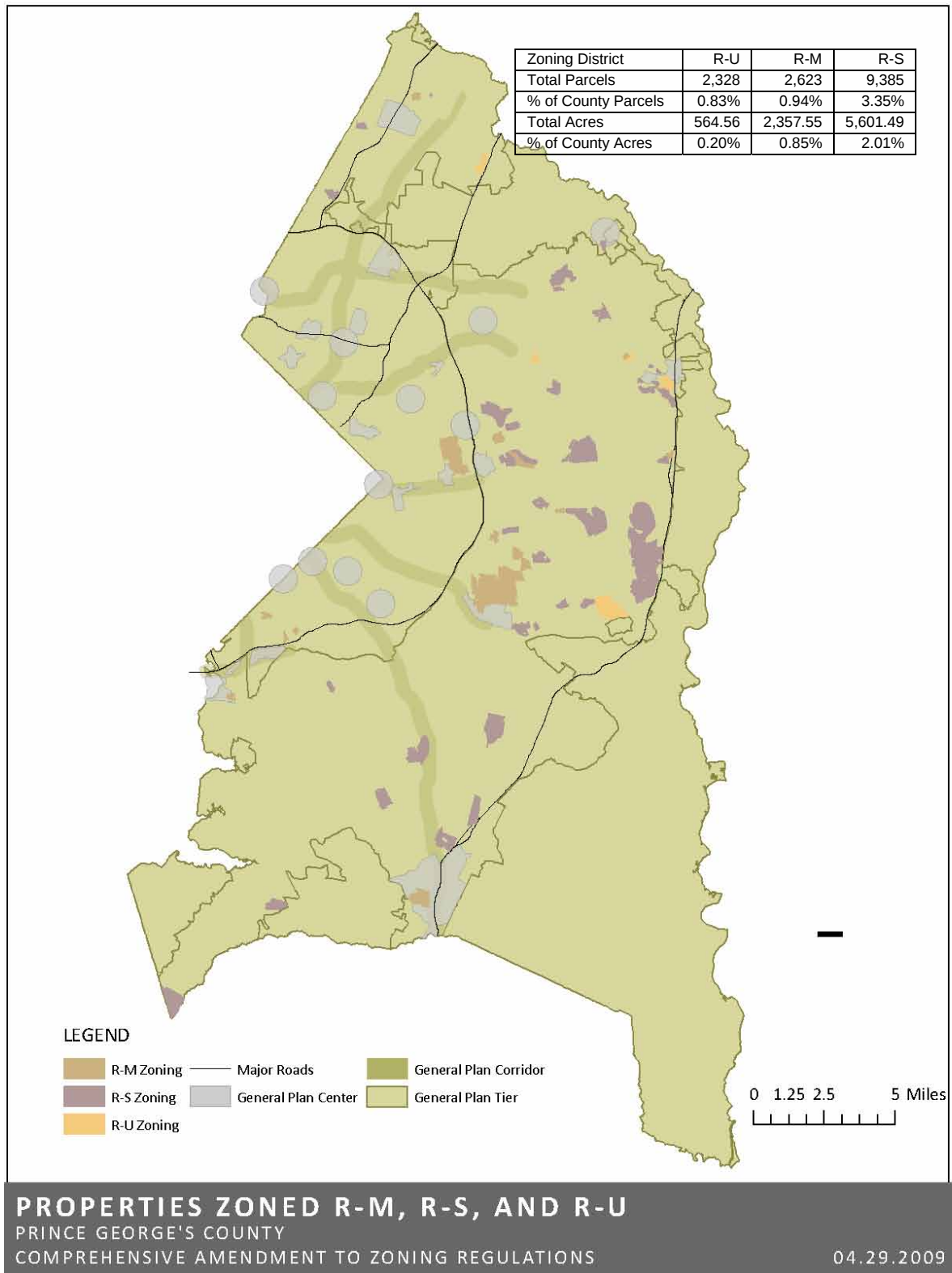
Maps 23, 24 and 25 depict the location of the Comprehensive Design Zones, which are located mostly in the Developing Tier.

Map : Major Activity Center (M-A-C), Local Activity Center (L-A-C), and Employment and Institutional Area (E-I-A) Zoning

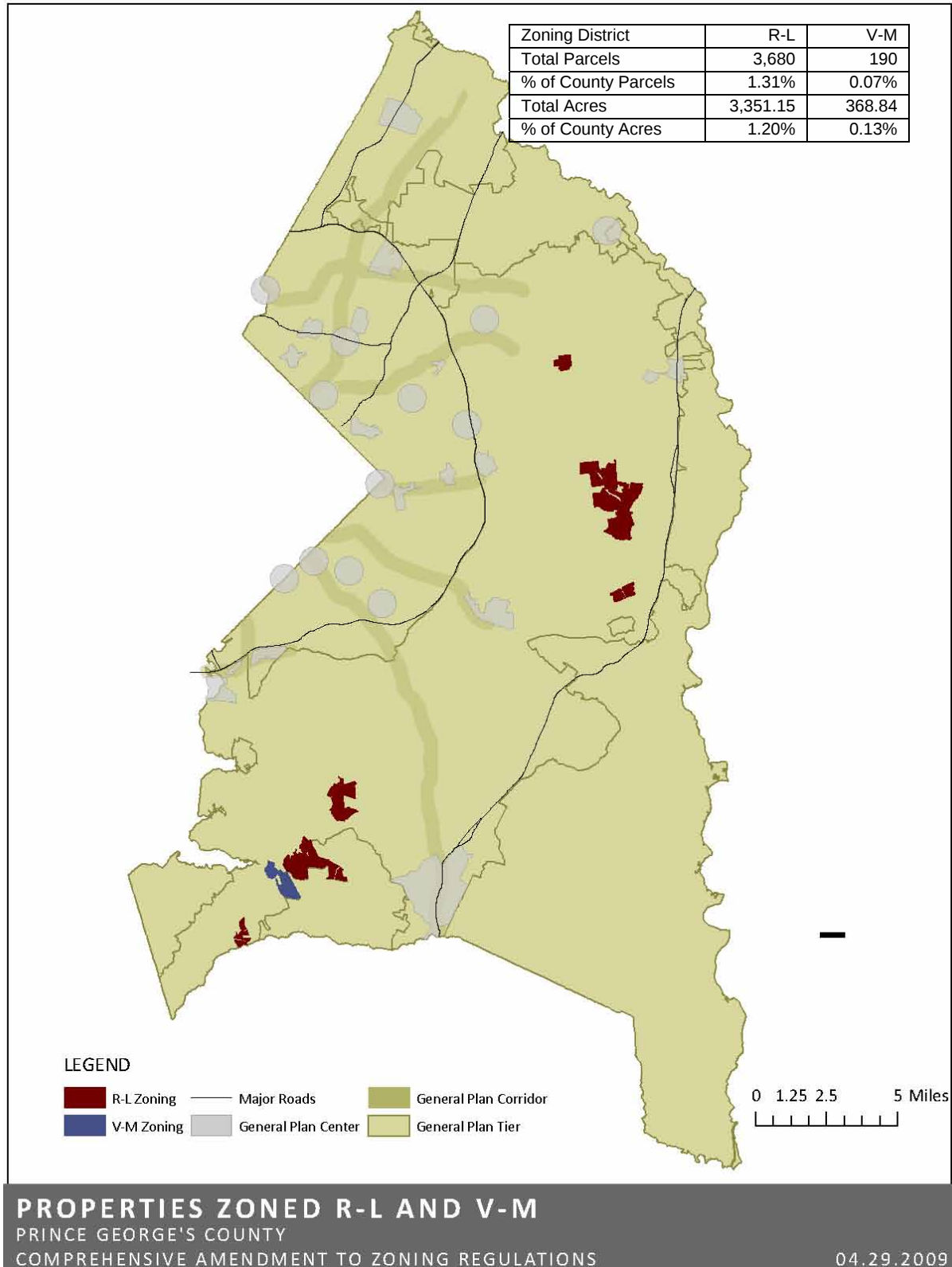


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Map : Residential Urban Development (R-U), Residential Medium (R-M), and Residential Suburban (R-S) Zoning

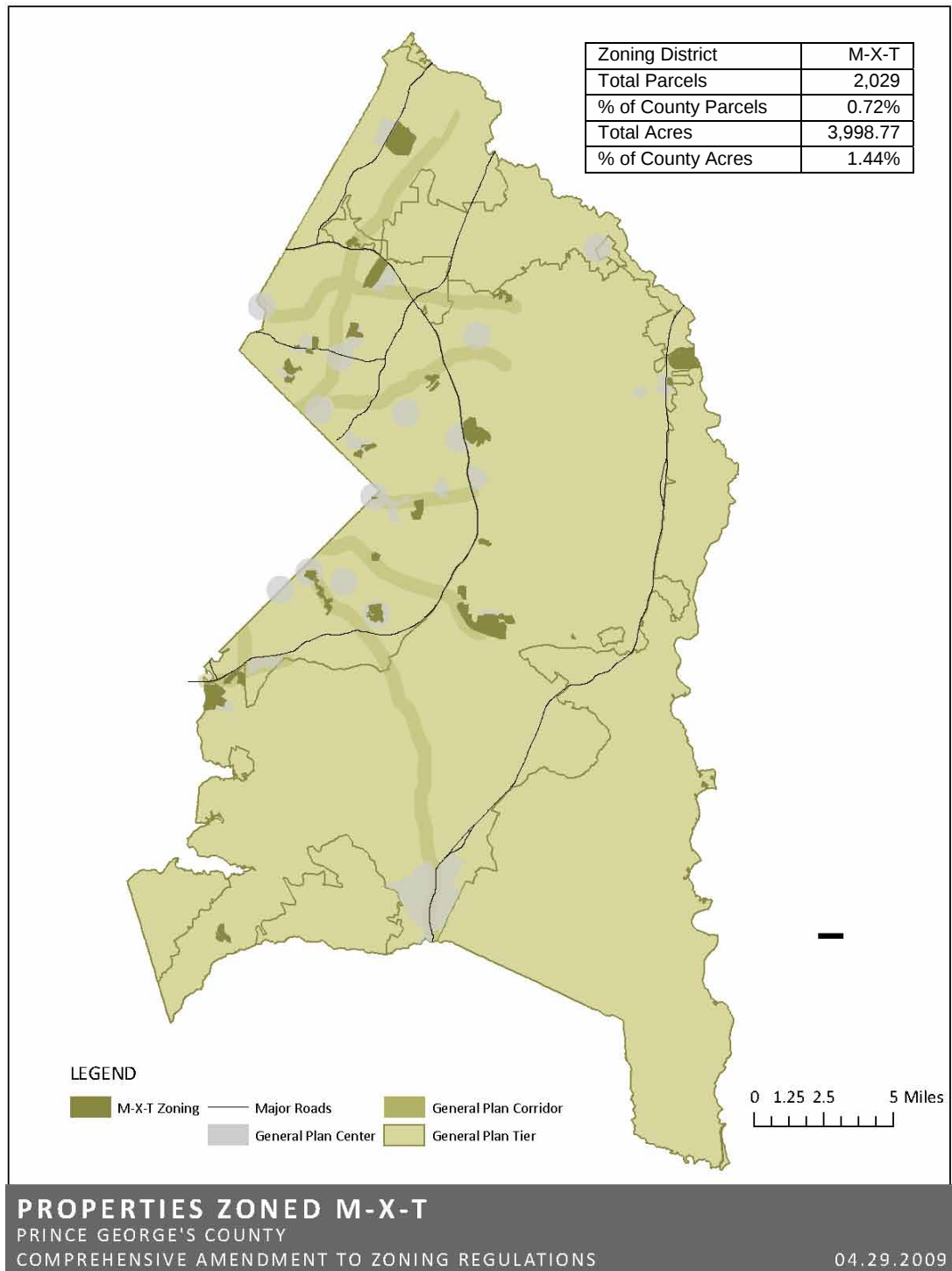


Map : Residential Low Development (R-L) and Village Medium (V-M) Zoning

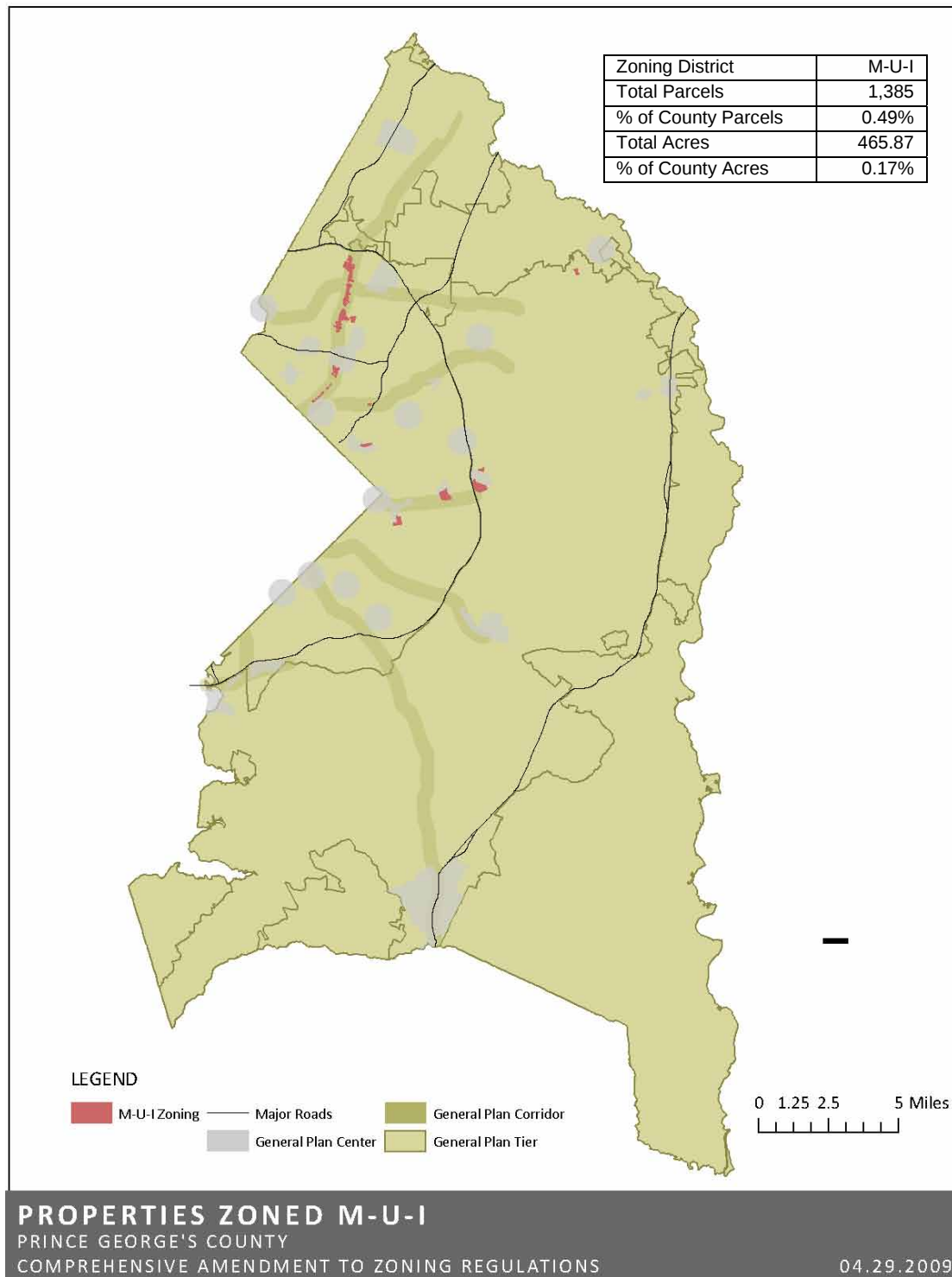


Maps 26, 27, and 28 depict the location of the Mixed Use Zones.

Map : Mixed Use – Transportation Oriented (M-X-T) Zoning

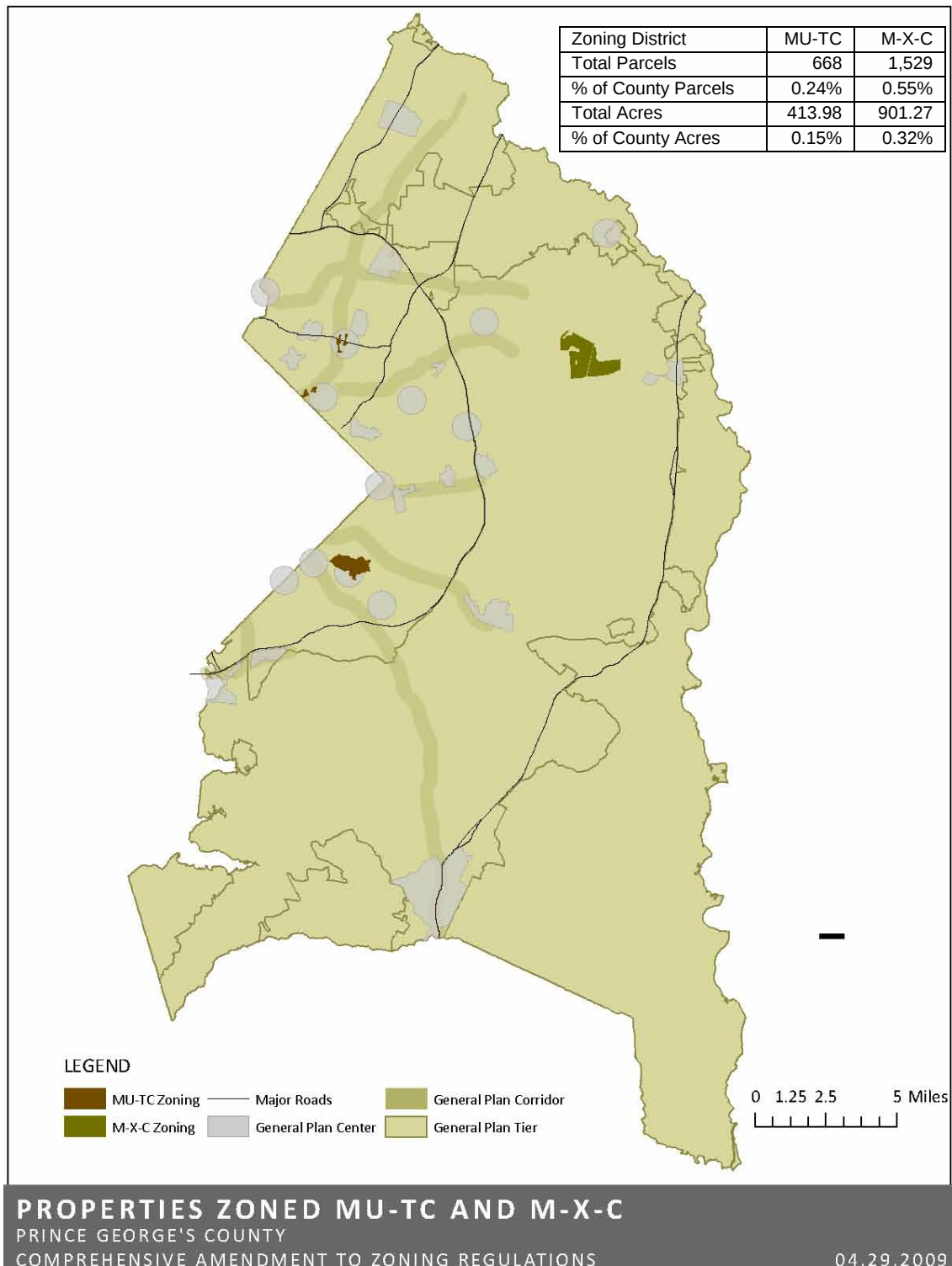


Map : Mixed Use - Infill (M-U-I) Zoning



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Map : Mixed-Use Town Center (MU-TC) and Mixed Use Community (M-X-C) Zoning



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Table 2 documents how much of each zoning district is located in the Developed Tier.

Table 2: Land Zoned within the Developed Tier						
Zoning District	Total Parcels	% Developed Parcels	% District Parcels	Total Acres	% Developed Acres	% District Acres
Residential Zones						
R-20	1,996	1.64%	100.00%	173.36	0.39%	100.00%
R-35	6,509	5.34%	97.97%	731.90	1.64%	98.06%
R-55	76,154	62.43%	85.16%	13,279.22	29.81%	82.89%
R-10A	5	0.00%	100.00%	15.41	0.03%	77.57%
R-18	1,270	1.04%	72.78%	2,647.67	5.94%	73.21%
R-18C	327	0.27%	92.90%	179.87	0.40%	67.75%
R-10	277	0.23%	95.19%	538.24	1.21%	67.68%
R-30C	598	0.49%	85.19%	219.81	0.49%	65.07%
R-T	10,454	8.57%	55.12%	1,843.73	4.14%	57.30%
R-30	737	0.60%	66.64%	224.73	0.50%	45.53%
R-80	7,328	6.01%	19.02%	3,514.31	7.89%	22.67%
R-H	22	0.02%	40.74%	21.98	0.05%	22.04%
R-O-S	1,375	1.13%	52.46%	5,404.70	12.13%	11.65%
R-R	3,715	3.05%	5.88%	4,275.22	9.60%	9.76%
O-S	500	0.41%	8.71%	1,545.09	3.47%	2.51%
R-A	1	0.00%	0.02%	15.61	0.04%	0.06%
R-E	0	0.00%	0.00%	0.00	0.00%	0.00%
Commercial Zones						
C-C	12	0.01%	100.00%	1.43	0.00%	100.00%
C-H	1	0.00%	100.00%	0.35	0.00%	100.00%
C-S-C	2,257	1.85%	76.17%	1,962.97	4.41%	59.86%
C-O	781	0.64%	74.45%	634.86	1.43%	57.99%
C-2	30	0.02%	65.22%	40.02	0.09%	50.87%
C-A	51	0.04%	62.20%	14.73	0.03%	48.99%
C-M	639	0.52%	47.72%	390.84	0.88%	28.44%
C-G	5	0.00%	71.43%	4.87	0.01%	25.00%
C-1	28	0.02%	82.35%	3.10	0.01%	16.93%
C-R-C	0	0.00%	0.00%	0.00	0.00%	0.00%
C-W	0	0.00%	0.00%	0.00	0.00%	0.00%
Industrial Zones						
U-L-I	315	0.26%	100.00%	44.20	0.10%	100.00%
I-1	1,840	1.51%	69.43%	2,892.12	6.49%	30.85%
I-3	75	0.06%	11.24%	553.19	1.24%	27.78%
I-4	39	0.03%	26.00%	159.91	0.36%	20.61%
I-2	293	0.24%	24.28%	610.47	1.37%	18.59%
Comprehensive Design Zones						
R-M	369	0.30%	14.07%	525.33	1.18%	22.28%
L-A-C	433	0.35%	36.60%	74.35	0.17%	18.51%
E-I-A	10	0.01%	5.75%	36.82	0.08%	1.52%
R-S	0	0.00%	0.00%	0.00	0.00%	0.00%
M-A-C	0	0.00%	0.00%	0.00	0.00%	0.00%
V-M	0	0.00%	0.00%	0.00	0.00%	0.00%
R-U	0	0.00%	0.00%	0.00	0.00%	0.00%
R-L	0	0.00%	0.00%	0.00	0.00%	0.00%
Mixed Use Zones						
MU-TC	668	0.55%	100.00%	413.98	0.93%	100.00%
M-U-I	1,262	1.03%	91.12%	379.50	0.85%	81.46%
M-X-T	1,612	1.32%	79.45%	1,172.90	2.63%	29.33%
M-X-C	0	0.00%	0.00%	0.00	0.00%	0.00%
Planned Community Zones						
R-M-H	0	0.00%	0.00%	0.00	0.00%	0.00%

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Table 3 documents how much of each zoning district is located in the Developing Tier.

Table 3: Land Zoned within the Developing Tier						
Zoning District	Total Parcels	% Developing Parcels	% District Parcels	Total Acres	% Developing Acres	% District Acres
Residential Zones						
R-E	7,823	5.29%	98.60%	15,299.56	11.64%	96.29%
R-R	57,315	38.75%	90.79%	39,248.97	29.87%	89.58%
R-H	32	0.02%	59.26%	77.78	0.06%	77.96%
R-80	31,080	21.01%	80.69%	11,919.07	9.07%	76.88%
R-30	369	0.25%	33.36%	268.88	0.20%	54.47%
R-T	8,378	5.66%	44.17%	1,356.41	1.03%	42.15%
R-A	2,197	1.49%	49.65%	9,487.75	7.22%	35.80%
R-30C	104	0.07%	14.81%	118.00	0.09%	34.93%
R-10	14	0.01%	4.81%	257.02	0.20%	32.32%
R-18C	25	0.02%	7.10%	85.63	0.07%	32.25%
R-O-S	938	0.63%	35.79%	14,343.12	10.92%	30.92%
R-18	475	0.32%	27.22%	968.65	0.74%	26.79%
R-55	13,184	8.91%	14.74%	2,709.89	2.06%	16.91%
O-S	404	0.27%	7.03%	3,968.85	3.02%	6.44%
R-35	135	0.09%	2.03%	14.47	0.01%	1.94%
R-10A	0	0.00%	0.00%	0.00	0.00%	0.00%
R-20	0	0.00%	0.00%	0.00	0.00%	0.00%
Commercial Zones						
C-R-C	9	0.01%	100.00%	326.12	0.25%	100.00%
C-W	1	0.00%	100.00%	8.18	0.01%	100.00%
C-1	6	0.00%	17.65%	15.22	0.01%	83.07%
C-G	2	0.00%	28.57%	14.59	0.01%	75.00%
C-M	680	0.46%	50.78%	954.27	0.73%	69.44%
C-2	16	0.01%	34.78%	38.65	0.03%	49.13%
C-A	30	0.02%	36.59%	14.49	0.01%	48.20%
C-O	256	0.17%	24.40%	446.57	0.34%	40.79%
C-S-C	627	0.42%	21.16%	1,248.91	0.95%	38.08%
C-C	0	0.00%	0.00%	0.00	0.00%	0.00%
C-H	0	0.00%	0.00%	0.00	0.00%	0.00%
Industrial Zones						
I-4	111	0.08%	74.00%	616.15	0.47%	79.39%
I-3	592	0.40%	88.76%	1,437.77	1.09%	72.21%
I-1	802	0.54%	30.26%	6,460.32	4.92%	68.91%
I-2	899	0.61%	74.48%	1,334.32	1.02%	40.63%
U-L-I	0	0.00%	0.00%	0.00	0.00%	0.00%
Comprehensive Design Zones						
M-A-C	597	0.40%	100.00%	360.78	0.27%	100.00%
R-U	2,328	1.57%	100.00%	564.56	0.43%	100.00%
V-M	190	0.13%	100.00%	368.84	0.28%	100.00%
R-L	3,680	2.49%	100.00%	3,351.14	2.55%	100.00%
R-S	9,377	6.34%	99.91%	5,571.78	4.24%	99.47%
E-I-A	164	0.11%	94.25%	2,389.76	1.82%	98.48%
L-A-C	750	0.51%	63.40%	327.36	0.25%	81.49%
R-M	2,254	1.52%	85.93%	1,853.28	1.41%	78.61%
Mixed Use Zones						
M-X-C	1,529	1.03%	100.00%	901.27	0.69%	100.00%
M-X-T	416	0.28%	20.50%	2,505.93	1.91%	62.67%
M-U-I	123	0.08%	8.88%	84.61	0.06%	18.16%
MU-TC	0	0.00%	0.00%	0.00	0.00%	0.00%
Planned Community Zones						
R-M-H	2	0.00%	100.00%	82.01	0.06%	100.00%

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Table 4 documents how much of each zoning district is located in the Rural Tier.

Table 4: Land Zoned within the Rural Tier						
	Total Parcels	% Rural Parcels	% District Parcels	Total Acres	% Rural Acres	% District Acres
Residential Zones						
O-S	4,839	48.09%	84.26%	56,022.29	54.82%	90.92%
R-A	2,227	22.13%	50.33%	16,995.81	16.63%	64.14%
R-O-S	308	3.06%	11.75%	25,900.43	25.35%	55.84%
R-E	111	1.10%	1.40%	590.06	0.58%	3.71%
R-R	2,098	20.85%	3.32%	982.31	0.96%	2.24%
R-T	135	1.34%	0.71%	17.67	0.02%	0.55%
R-80	110	1.09%	0.29%	71.03	0.07%	0.46%
R-55	91	0.90%	0.10%	31.58	0.03%	0.20%
R-10	0	0.00%	0.00%	0.00	0.00%	0.00%
R-10A	0	0.00%	0.00%	0.00	0.00%	0.00%
R-18	0	0.00%	0.00%	0.00	0.00%	0.00%
R-18C	0	0.00%	0.00%	0.00	0.00%	0.00%
R-20	0	0.00%	0.00%	0.00	0.00%	0.00%
R-30	0	0.00%	0.00%	0.00	0.00%	0.00%
R-30C	0	0.00%	0.00%	0.00	0.00%	0.00%
R-35	0	0.00%	0.00%	0.00	0.00%	0.00%
R-H	0	0.00%	0.00%	0.00	0.00%	0.00%
Commercial Zones						
C-A	1	0.01%	1.22%	0.85	0.00%	2.81%
C-M	20	0.20%	1.49%	29.92	0.03%	2.18%
C-S-C	79	0.79%	2.67%	67.63	0.07%	2.06%
C-O	12	0.12%	1.14%	13.27	0.01%	1.21%
C-1	0	0.00%	0.00%	0.00	0.00%	0.00%
C-2	0	0.00%	0.00%	0.00	0.00%	0.00%
C-C	0	0.00%	0.00%	0.00	0.00%	0.00%
C-G	0	0.00%	0.00%	0.00	0.00%	0.00%
C-H	0	0.00%	0.00%	0.00	0.00%	0.00%
C-R-C	0	0.00%	0.00%	0.00	0.00%	0.00%
C-W	0	0.00%	0.00%	0.00	0.00%	0.00%
Industrial Zones						
I-2	15	0.15%	1.24%	1,338.99	1.31%	40.78%
I-1	8	0.08%	0.30%	24.18	0.02%	0.26%
I-3	0	0.00%	0.00%	0.00	0.00%	0.00%
I-4	0	0.00%	0.00%	0.00	0.00%	0.00%
Comprehensive Design Zones						
R-S	8	0.08%	0.09%	29.71	0.03%	0.53%
E-I-A	0	0.00%	0.00%	0.00	0.00%	0.00%
L-A-C	0	0.00%	0.00%	0.00	0.00%	0.00%
M-A-C	0	0.00%	0.00%	0.00	0.00%	0.00%
R-L	0	0.00%	0.00%	0.00	0.00%	0.00%
R-M	0	0.00%	0.00%	0.00	0.00%	0.00%
R-U	0	0.00%	0.00%	0.00	0.00%	0.00%
U-L-I	0	0.00%	0.00%	0.00	0.00%	0.00%
V-M	0	0.00%	0.00%	0.00	0.00%	0.00%
Mixed Use Zones						
M-X-T	1	0.01%	0.05%	71.84	0.07%	1.80%
M-U-I	0	0.00%	0.00%	0.00	0.00%	0.00%
MU-TC	0	0.00%	0.00%	0.00	0.00%	0.00%
M-X-C	0	0.00%	0.00%	0.00	0.00%	0.00%
Planned Community Zones						
R-M-H	0	0.00%	0.00%	0.00	0.00%	0.00%



M-NCPPC C Development Review Division Zoning, Special Exception and Departures Checklist

Submittal Date: _____

Project Name & Number: _____

Reviewer: _____

Technician Review: _____ Date to Supervisor: _____

Date to Reviewer: _____ Date Returned to Technician: _____

Date Comments Transmitted to Applicant: _____

Revised Plans/Documents Received: _____

I. PLANNING TECHNICIAN - REVIEW OF BASIC REQUIREMENTS

A. DOCUMENTS REQUIRED:

- ☐ Typed and signed Application Form
- ☐ Disclosure Statement
- ☐ Zoning Sketch Map showing property outlined in red
- ☐ Typed Statement of Justification Addressing All Specific and General Requirements or Basic Plan Text (CDZs)
- ☐ Conditions of all previous approvals, including comments from M-NCPPC Permits Office or DER violations
- ☐ Approval Letter for SWM Concept Plan
- ☐ Tree Conservation Plan or Exemption Letter
- ☐ State Ethics Commission Affidavit(s)
- ☐ **Pre-Acceptance Assessment Reviews from Transportation and Historic Preservation completely filled out & signed by their staff person**
- ☐ Affidavit of Informational Mailing (letter, "Receipt," list of addressees, & affidavit of mailing)
- ☐ Transmittal Letter from Clerk of the Council (**for amendments to Basic Plans only**)
- ☐ Receipt and All applicable pre-assessments checklist /Scoping Agreement and WSSC Checklist and Payment if applicable
- ☐ Point-by-Point Response of Revised Submission (**to be submitted after our initial review comments**)
- ☐ Application fee made payable to M-NCPPC:

(Do not submit the fee until it is requested)

B. PROPERTY SURVEY REQUIREMENTS:

- ☐ Professional Signed and Sealed
- ☐ Bearings and Distances in Feet
- ☐ Zoning of Subject Property
- ☐ Adjoining Property - Zoning, Owner's Names and/or Lot and Block
- ☐ Abutting Streets - Name, Location, Center Line and Right-of-Way Width
- ☐ Distance to Nearest Intersecting Street
- ☐ North Arrow and Scale
- ☐ Total Area Calculation in Square Feet or Acres
- ☐ Existing Buildings - Location, Area, Dimensions and Height
- ☐ Entire Property Outlined in Red on one sheet

C. SITE PLAN AND LANDSCAPE PLAN REQUIREMENTS:

General Notes:

- ☐ Subdivision Name
- ☐ Total Acreage (**broken down by all zones**)
- ☐ Existing Zoning
- ☐ Proposed Use of Property
- ☐ Number of Lot, Parcels, Outlots & Outparcels
- ☐ Breakdown of Proposed Dwelling Units by Type
- ☐ Gross Floor Area (Commercial/Industrial Only)
- ☐ 200 Foot Map Reference (WSSC)
- ☐ Tax map number and grid
- ☐ Aviation Policy Area (airport name and APA #)
- ☐ Water/Sewer Designation (Existing)
- ☐ Water/Sewer Designation (Proposed)
- ☐ Stormwater Management Concept Number
- ☐ 10-foot Public Utility Easement along all rights-of-way
- ☐ Mandatory Park Dedication (if applicable, how to be provided)
- ☐ Cemeteries on or contiguous to the property (indicate yes or no)
- ☐ Historic Sites on or in the vicinity of the property (indicate yes or no)
- ☐ Wetlands (indicate yes or no)
- ☐ 100-year floodplain (indicate yes or no)
- ☐ Within Chesapeake Bay Critical Area (indicate yes or no)

- ☐ Source of topography
- ☐ Applicant (indicate either owner or contract purchaser)

Drawing Requirements:

- ☐ Title Block
- ☐ Revision Block
- ☐ Professional Signed and Sealed
- ☐ Location Map
- ☐ North Arrow
- ☐ Drawings at Same Scale
- ☐ Property Boundaries Outlined in Red with Bearings and Distances
- ☐ Zoning of Subject Property
- ☐ Total Area Calculation in Square Feet or Acres
- ☐ Adjacent Properties – Owner’s Names, Lot, Block, Zoning, Use and Buildings Within 50 feet
- ☐ Location, Area, Height and Distance to Property Line for Existing and Proposed Buildings, Structures and Uses
- ☐ Dimensions of all Existing and Proposed Buildings and Structures
- ☐ Layout of Parking and Loading Facilities
- ☐ Access and Internal Circulation
- ☐ Schedules for Required Parking and Loading Spaces
- ☐ Typical Sizing of Parking and Loading Spaces
- ☐ Typical Screening of Loading Facilities
- ☐ Drive Aisles - Location, Width, Circulation and Street Connection
- ☐ Proposed Striping Method
- ☐ Lighting - Location, Height and Luminaire
- ☐ Waste Storage Areas and Typical Screening
- ☐ Typical for Fences and Retaining Walls
- ☐ Existing and Proposed Rights-of-Way and Easements
- ☐ Street Names and Distance to Nearest Intersecting Street
- ☐ Existing Vegetation or Tree Cover
- ☐ Tidal and Nontidal Wetlands
- ☐ Stormwater Management Facilities
- ☐ Storm Drains
- ☐ Steep Slopes
- ☐ Perennial Streams
- ☐ 100-Year Floodplain
- ☐ Notes of Prior Approvals (i.e., Application # for all prior cases)
- ☐ Current Zone Standards -Yards or Building Setbacks, Lot Area, Lot Coverage and Lot Width
- ☐ Keyed Locations of Landscape Materials
- ☐ Planting Schedules:
 - ☐ Residential Requirements
 - ☐ Commercial/Residential Landscaped Strip
 - ☐ Parking Lot Landscaped Strip
 - ☐ Perimeter Area
 - ☐ Interior Planting
 - ☐ Buffering Res from Streets
 - ☐ Bufferyard Planting
 - ☐ Planting Details and Specifications
 - ☐ Plant Substitution Notes
 - ☐ Existing Trees and Preservation Details

D. ZONING CASES ONLY – CDZ & EUCLIDEAN:

PROPERTY SURVEY REQUIREMENTS:

- ☐ Professional Signed and Sealed
- ☐ Bearings and Distances in Feet
- ☐ Zoning of Subject Property
- ☐ Adjoining Property - Zoning, Owner’s Names and/or Lot and Block
- ☐ Abutting Streets - Name, Location, Center Line and Right-of-Way Width
- ☐ Distance to Nearest Intersecting Street
- ☐ North Arrow and Scale
- ☐ Total Area Calculation in Square Feet or Acres
- ☐ Existing Buildings - Location, Area, Dimensions and Height
- ☐ Property Outlined in Red

BASIC PLAN DRAWING ONLY:

- ☐ Physical Characteristics of the Property
- ☐ Proposed Land Use Types, Densities and Intensities
- ☐ Access and Circulation
- ☐ Relationship to Surrounding Properties
- ☐ Forest Stand Delineation or signed Natural Resources Inventory (NRI)

II. PLANNER - SITE PLAN REVIEW:

- ☐ Specific Special Exception Requirements - Section _____
- ☐ Landscape Manual
- ☐ Parking and Loading Design Standards
- ☐ Parking and Loading Space Requirements
- ☐ Sign Regulations
- ☐ Zoning Standards - _____ Zone

III. PLANNER - STATEMENT OF JUSTIFICATION REVIEW:

- ☐ Specific Special Exception Requirements - Section _____
- ☐ General Special Exception Requirements - Section 27-317
- ☐ Variances from Special Exception or Zoning Requirements - Section 27-230
- ☐ Alternative Compliance with the Landscape Manual - Section 1.3
- ☐ Departure from Landscape Manual Requirements - Section 27-239.01(a)(9)(A)&(B)
- ☐ Departure from Parking/Loading Design Standards - Section 27-239.01(a)(9)(A)
- ☐ Departure from Parking and Loading Spaces - Section 27-588(b)(8)
- ☐ Departure from Sign Design Standards - Section 27-239.01(a)(9)(A)
- ☐ Conventional Zones - Section 27-157(a)

IV. PLANNER - BASIC PLAN TEXT REVIEW FOR CDZs:

- ☐ Physical Characteristics of the Property
- ☐ Proposed Land Use Types, Densities and Intensities
- ☐ Access and Circulation
 - Relationship to Surrounding Properties
- ☐ Forest Stand Delineation
- ☐ Construction Schedule (within and beyond six years)
- ☐ Economic Analysis for Retail Sales (except for MAC Zone)
- ☐ Traffic Study
- ☐ Required Findings - Section 27-195(b)

APPLICATION DEFICIENCIES

TECHNICIAN COMMENTS:

SUPERVISOR COMMENTS:

☐ **SCHEDULE FOR SRC**

REVIEWER COMMENTS: