

City Council Work Session

Prince George's County Zoning Ordinance Rewrite – Module 3 and Subdivision Regulations

**8:00 p.m.
Wednesday
October 5, 2016**

**Room 201
Greenbelt Community Center**

**City of Greenbelt, Maryland
Memorandum**

TO: Michael P. McLaughlin, City Manager
FROM: Celia W. Craze, Planning and Community Development Director
DATE: September 30, 2016
SUBJECT: Prince George's County Zoning Ordinance Re-write – Module 3 and Subdivision Regulations

Module 3 of the Prince George's County Zoning Ordinance re-write, together with the revised Subdivision Regulations has been released for public review and comment. Staff has completed its review of Module 3 and has compiled a list of questions and comments that are attached to this memorandum.

Overall staff is very pleased with the content and organization of Module 3, which includes procedures for the administration of the zoning ordinance. Procedures are described for every type of zoning and subdivision application in a flow chart. This is very easy to understand. In addition procedures have been standardized, so the same basic procedure applies to equivalent zoning application. This is a significant improvement over the existing zoning ordinance. Similar comments apply to the subdivision regulations, which are simplified, easily described, and are standardized.

Some of the same concerns staff expressed with Modules 1 and 2 are repeated for Module 3. Acknowledgement of municipal authority is missing at critical points. However, staff is very pleased that the municipal authority over variances and departures (now called adjustments) is continued. This was one of the city's major concerns.

Following is a summary of some of staff's major concerns/questions/issues with Module 3 and the Subdivision Regulations:

1. As noted above, the city's authority over variances and departures (now adjustments) continues. We need clarification if the city's enabling legislation will need revision as a result of new limitations on variances and adjustments.
2. There should be an appeal process with all zoning applications. This is not reflected in the document.

3. The threshold between a Major and Minor site plan are too great. Minor site plans as proposed would be considered major projects in most communities. The review and decision of such projects should not be relegated to an administrative process which is invisible to the public and municipalities. Minor reviews would also be reviewed by plan reviewers if current staffing organization continues. This would mean that planners would have no opportunity to review such projects, which we believe is not desirable.
4. In streamlining many types of review by making them administrative process, the public's ability to be aware of proposed development, to comment and to have appeal opportunity are not available. Streamlining the development review process has value, but such streamlining should not be at the expense of the public's right to know what is going on in the development world.
5. There is inadequate time for municipalities to review, consider and comment on development applications. Module 3 is silent in many areas where time frames were previously set forth, and the review process needs to be more explicitly addressed and provided for in the administrative procedures.
6. Appropriate references to municipalities should be made.
7. Fee-in-lieu payments for recreation facilities need to be paid directly to the municipalities not within the Metropolitan District.
8. As was described in the comments for Module 2, traffic calming should not be a function of the development review process, since it relates to right-of-way management under the authority of another department or governmental entity.

Section	Item	Comment
Table 27-2.200	Summary of Development Review Responsibilities	1)Municipalities should be added as a Review and Decision-Making Body 2) There should be public review associated with minor site plans 3) Parcel-Specific Map Amendments should have a public hearing
Table 27-2.407.B	Required Public Notice	30 days' notice does not provide sufficient time for a municipality to evaluate, review and respond to a development application
Sec. 27-2.501 Footnote 62	General plan	General spelled incorrectly
Sec. 27-2.501.C.6.b	...in accordance with See Sec...	Delete "See"
Sec. 27-2.501C.8.c	Review and Decision by Decision-Making Body or Official	Municipalities within one-half mile of the area are to be invited to submit comments. Why isn't this one mile as it is throughout the document?
Figure 27-2.504	Parcel-Specific Map Amendment Procedure	Why isn't there an appeal process?
Figure 27-2.505	Planned Development Map Amendment Procedure	Why isn't there an appeal process?
Figure 27-2.506	CBCA-O Zone Map Amendment	Why isn't there an appeal process?
27-2.507.C.5.b	Special Exception – Staff Review and Action	The process does not allow sufficient time for public and municipal review and consideration.
27-2.507.E.3.c.iii	Special Exception – Changes Approved by the Planning Director	Note should be made in appropriate documents that the agency with sediment/erosion control jurisdiction may be a municipality.
Sec. 27-2.508	Site Plan (Major and Minor)	The thresholds for the exemption from major/minor site plan review are too high and the proposal is very

		concerning. To allow a 100,000 square foot expansion or a 50,000 square foot construction/expansion of a mixed use development or 50 dwelling units by permit review only is unacceptable. We question whether the permit review staff is trained to review plans of such complexity. Standards adopted by Montgomery County should be evaluated. Montgomery County also looks at compatibility with abutting properties. The proposal provides no opportunity for public review or appeal.
Sec. 27-2.508.C	Minor and Major Site Plans Distinguished	The thresholds for the minor site plan are too high. Development of the size reflected in this section is significant in size and impact. There needs to be public notice, an opportunity for public review and comment, and an appeal process. Montgomery County standards provide much more reasonable standards.
Sec. 27-2.508.D	Minor Site Plan Procedure	There is no public process. At a minimum, if the development is within a municipality, the planning staff of that municipality should be invited to the pre-application process and notified in advance of the Planning Director rendering the decision.
Sec. 27-2.508.D.11	Appeal	The requirement to file an appeal within 10 days is too

		short. There is no deadline given for the Planning Director to mail out the decision so the appeal period could actually be shorter than 10 days.
Sec. 27-2.508.E	Major Site Plan Procedure	Municipalities should be invited to the Pre-application conference.
Sec. 27-2.513.B	Grading Permit	Note should be made that municipal grading permits are required for grading in the right-of-way.
Sec. 27-2.513.D	Grading Permit – Sediment and Erosion Control	Note should be made that municipal grading permits and sediment and erosion control permits may be required by municipalities and any actions taken pursuant to the zoning ordinance must take into account municipal authority.
Sec. 27-2.513.E	Grading permit – issuance	Should add #4 that DPIE will not issue a grading permit for a municipal right-of-way.
Sec. 27-2.516.B.3	Variance – municipal authority	Will municipalities be required to readopt or modify existing legislation?
Figure 27-2.516	Variance procedure	1) Municipal authority should be referenced; 2) an appeal process should be included.
Sec. 27-2.517.B.3	Adjustments by municipalities	Will municipalities be required to readopt or modify existing legislation?
Sec. 27-2.517.C	Minor Adjustment Procedure	Why is there a requirement for a sign to be posted 10 days prior to the Planning Director's decision is there is no opportunity within the process for the public to comment and/or appeal minor adjustments?
Sec. 27-2.517.C.11	Minor Adjustment	Why is the appeal process

	Procedure – Appeal	available to only the applicant? The public should have the opportunity to appeal a decision. Persons of record and municipalities should specifically have the opportunity to appeal.
Figure 27-2.517.D	Major Adjustment Procedure	Should municipalities be listed?
Sec. 27-2.518.B.4	Validation of Permit Issues in Error – Applicability	Why is apartment license listed? Isn't this a DPIE responsibility? Apartment license isn't defined. This does not take into account apartment rental licenses issued by municipalities.
Figure 27-2.518	Validation of Permit Issued in Error Procedure	Why isn't there an appeal?
Sec. 27-2.518.C	Validation of Permit Issued in Error Procedure	The public should be included in this process.
Sec. 27-2.520	Authorization of Permit within Proposed Right-of-way	Should not apply to municipal right-of-way. Municipal right-of-way should require municipality review and approval.
Figure 27-2.520	Authorization of Permit Within Proposed ROW Procedure	Why isn't there an appeal process?
Table 27-6.403	Development of Nonconforming lots	Why is there a difference between the variance for some zones and a minor adjustment in other zones?
Sec. 27-7.100	Enforcement	There is no discussion of municipalities being able to have zoning enforcement authority. This should be included.
SUBDIVISION REGULATIONS		
Sec. 24-2.200	Summary Table of Subdivision Review	1) Municipalities should be listed as a review

	Responsibilities	and decision-making body; 2) Why is there no appeal for preliminary plans? 3) For major variations, why is the Planning Director's responsibility listed as comment and not recommendation?
Figure 24-2.502.C.2	Final Plat of Minor Subdivision Procedure	Why is there no appeal?
Figure 24-2.502.D.1	Preliminary Plan of Major Subdivision Procedure	Why is there no appeal?
Figure 24-2.502.D.2	Final Plat of Major Subdivision Procedure	Why is there no appeal?
Figure 24-2.503.E	Major Variation Procedure	Why is there no appeal?
Figure 24-2.506.D	Major Vacation Procedure	Why is there no appeal?
Sec. 24-3.202.A	Vehicular Access and Circulation	Traffic calming should be left to the determination of the jurisdiction/agency having control over the right-of-way within which the traffic calming will be placed. Traffic calming should not be part of the subdivision process.
Sec. 24-3.204.A	Private Streets and Easements	Reference should be made to municipal standards.
Sec. 24-3.204.B.b.i	Private Streets and Easements	Private streets should be built to municipal standards.
Sec. 24-3.601.B.4.b	Parklands and Recreation Facilities – fee-in-lieu	Fee-in-lieu funds should be paid to the municipality when not part of the Metropolitan District.
Sec.24-3.601.B.4.c.ii	Parklands and Recreation Facilities – RFA's	RFA's associated with development in a municipality not within the Metropolitan District should include the municipality as a party to the RFA.