

Zoning

A Briefing for the University Park Town Council

February 1, 2021

What is Zoning?

- Zoning refers to the systematic designation of areas of land within a jurisdiction for specific uses, and the regulation of these uses.

Purpose of Zoning

- Zoning is intended to provide for human activities in an orderly manner, so that residents and businesses may operate in a mutually beneficial manner.
 - It often separates incompatible uses from one another. For example, heavy industry is usually distant from residential areas.
 - It provides rules for the development of tracts of lands (parcels, lots) and for appropriate infrastructure (roads, utilities, schools and other public facilities) to support those uses.
 - It provides rules for individual properties as to height, size and location of structures, access and accessory activities .
- Zoning is tied to a General Plan and Master Plan (County level) and a Sector Plan (local level) that expresses an overall vision for the future of the community.

Zoning in Maryland

- Zoning in the State is controlled by the Land Use Article of the Maryland Code. This Article divides land use zoning control into two categories:
 1. Single Jurisdiction Planning and Zoning, and
 2. Maryland National Capital Park and Planning Commission (M-NCPPC)
 - Prince George's County and Montgomery County are the only two counties in the M-NCPPC zoning category, as part of the Maryland-Washington Regional District.

Zoning in University Park

- Per Maryland law, single jurisdiction zoning powers are vested in counties and municipalities. In the Regional District, M-NCPPC provides planning review staff services to the Prince George's Planning Board and County Council, which exercise zoning and subdivision powers.
- In Prince George's, only the City of Laurel has its own independent zoning authority.
- The remaining municipalities do **not** have zoning powers except in certain areas authorized by the State and approved by the County. As a result, land uses in University Park are largely governed by the Prince George's County Zoning Ordinance and Subdivision Code.

What Does That Mean for University Park?

- New developments, or any changes to the provisions of Zoning must be approved through Prince George's County, as advised by M-NPPC Staff
- If a proposed development is within a mile of the Town's borders, the Town can comment to the County Planning Board and County Council about it.
 - This is done through review by the Development Overview Committee (DOC), followed by a recommendation to the Town Council. If approved by the Council, a letter is sent to the County or the Mayor, Chair of the DOC or the Town Attorney may appear at the hearing to present our recommendations.

Prince George's County Zoning Ordinance

- The Zoning Ordinance consists of 2 separate parts: The text portion that provides the written rules and regulations for each Zone, and the Comprehensive Zoning Map that identifies what zoning category applies to each property within the County.
- In addition, the Subdivision Regulations provide additional rules for the division of property parcels and their development. Many of these procedures and rules are conditioned on the Zoning designation of the property.
- New Ordinance adopted in October 2018, after lengthy public comment and debate
 - Effective date was set for October 2020.
 - The new Comprehensive Zoning Map was not yet prepared, so the delay in the effective date of the new Zoning Ordinance provided time for the Map to be prepared and to conduct public hearings on it. (This timeline is somewhat delayed due to the pandemic.)

Zoning Categories

- Zoning identifies physical areas of a jurisdiction, and prescribes what land uses are allowed.
- Zoning categories generally include the following:
 - Agricultural
 - Residential
 - Commercial/Office
 - Industrial
 - Public and Quasi-Public
 - Open Space/Parkland
 - Mixed Uses
- Within each of these categories, there are usually several sub-categories, usually identifying different densities or intensities of activity.
 - For example, the residential category may include single family detached homes, townhouses, and apartment building subcategory.

Categories in University Park

- At present there are only 2 zoning categories in the Town:
 - Single family detached residential: RSF-65 (privately owned properties within the Town).
 - Open Space OS (The Town Park lands in Town ownership)
- Public and Quasi-Public uses are permitted in the Residential Zone. Examples are:
 - Town Hall
 - University Park Elementary School
 - Churches

Regulations in Zones

- Each Zoning Category provides specific allowed uses, and regulations as to:
 - the size of lots and structures (minimum/maximum),
 - setbacks,
 - height,
 - accessory structures,
 - parking,
 - signage, and
 - uses that may be permitted under special conditions.

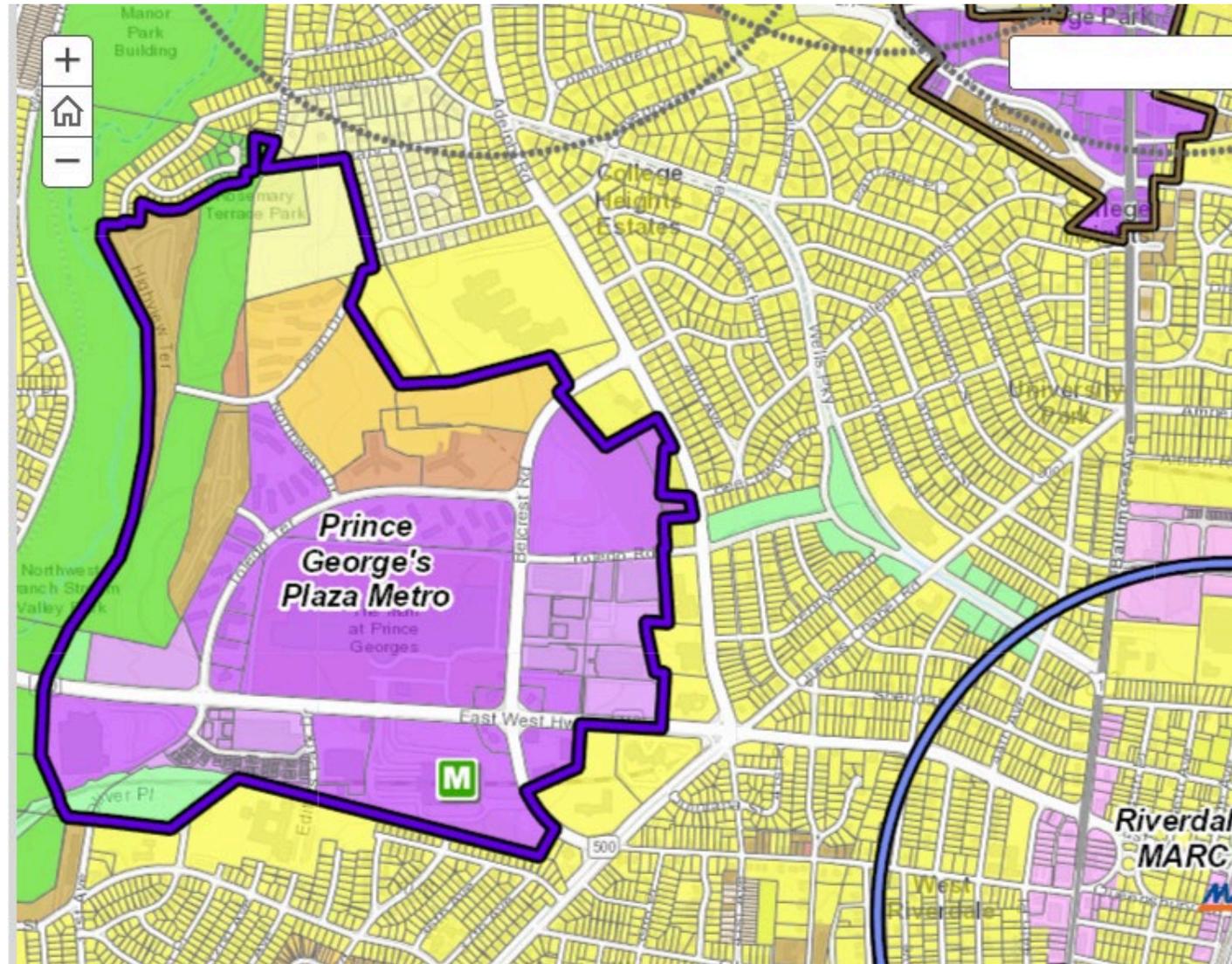
Zoning around University Park

- University Park is surrounded by land in College Park, Riverdale Park, Hyattsville and the unincorporated County. Much of this land is zoned for higher density residential, commercial and mixed uses.
- Based on Prince George's County's Comprehensive Map, the area around the Prince George's Plaza Metro Station and the Mall is designated as a Transit Oriented Zone, and these higher density zones are appropriate.
- However, these zoning categories include allowable development that may impact UP's quality of life: increased traffic, demands on public facilities, tall structures that may impose on views, sunlight, or privacy.
- It is important that the Town review proposed development in immediately surrounding areas and that we provide comments on such projects to the County Planning Board.

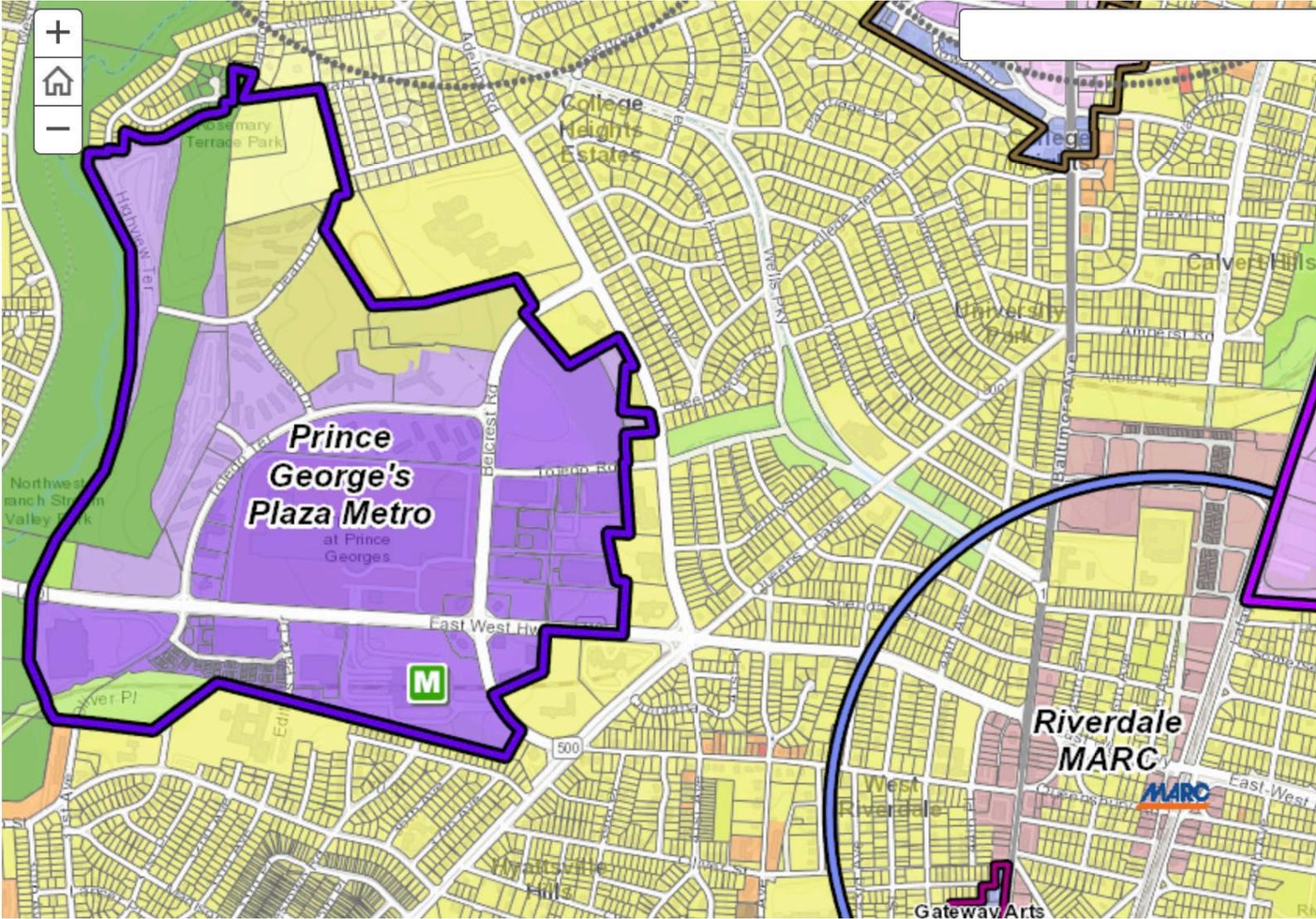
Comprehensive Zoning Map

- The next two slides show the previous and “new” County zoning maps for the immediate area of University Park. They are followed by a description of the different zoning categories shown on the slides.

Surrounding Zoning Categories from Previous Zoning Ordinance



New Zoning Categories



Guide to Map

- Yellow is residential. Lighter yellow is lower density (single family, detached), darker yellow signifies townhouses, condos and apartment buildings.
- Green signifies park and open space lands
- Purple is Mixed Use Transit Oriented District, with the darker shade for the “core” areas (highest densities) and the lighter shades for the “edge” areas that have lower densities and greater restrictions on permitted uses where these zones are adjacent to residential zones.
- The mostly purple area on the left side of the map is centered on the Mall at Prince George’s and the PG Plaza Metro Station.
- The light purple and pink areas adjacent to Rt. 1 in Riverdale Park is the Riverdale Park Station development (Whole Foods, etc.)

Requirements within Zones

- Each zone has specific requirements and restrictions. These include:
 - Permitted land uses (either by right, or with special exception permit)
 - Minimum lot size and minimum frontage
 - Setbacks for buildings (front yard, side yards, rear yards)
 - Minimum and maximum building size, lot coverage and height
 - Parking requirements
 - (In some zones), Landscaping, signage and other requirements may be included.

Property Development

- Development of property is governed by Zoning. The review process for larger projects includes:

- Preliminary Plan of Subdivision
- Detailed Site Plan

The Town receives notice of Preliminary Plans and Detailed site plans located within 1 mile of its borders

- Other environmental and capacity reports
 - Environmental impact
 - Stormwater analysis
 - Traffic Analysis
 - Adequacy of public facilities (water, sewer, schools, parks/recreation, etc.)
 - Bicycle/pedestrian improvements
 - Design Review

Preliminary Plan of Subdivision

- Provides the plans for physically dividing a property into lots or parcels for development.
- Indicates road layouts, connections to existing roads, sidewalks, trails, utility easements, vehicle and pedestrian circulation and stormwater management
- Approximate location of specific uses (especially in mixed-use and non-residential projects)
- Grading and other physical changes to the property for proposed uses and supporting infrastructure.
- When requested, a developer whose project may impact the Town presents the preliminary plan to the Town's Development Overview Committee. This presentation informs the DOC's recommendations and comments on the project which are then forwarded to Town Council for action.

Detailed Site Plan

- Specific plans showing proposed buildings, design plans and elevations, perspectives, and how zoning requirements for density, setbacks, heights, parking, circulation, bicycle/pedestrian circulation, water/sewer and other utilities, landscaping and other elements are met.
 - Town usually receives a presentation from a developer whose project can impact the Town at a Development Overview Committee meeting. This presentation informs the DOC's recommendations and comments on the project which are then forwarded to Town Council for action.
 - Later modifications to the approved plans are also brought before the DOC when significant.

Changing zoning

- Property owner, Town or County may propose a change in the Zoning Category for a property:
 - Based on request from property owner, or study by the Town or County that indicates that such change would be better suited to future uses and development
 - Heard by the Planning Board and recommendation sent to County Council (for or against)
 - County Council approves or denies such changes.
 - Zoning change can either increase or decrease the density and intensity of use of a property, and/or can change the type of use (from commercial to residential, for example).
 - Change may apply to one property or to a group of properties (usually contiguous properties)
 - Text amendments may be used to change the zoning for a single property, or to change zoning requirements for a specific case. This is sometimes referred to as “spot zoning.”

Changing Zoning

- Changes to (or relief from) requirements of zoning for a single property:
 - Usually requires owner to request a variance or a departure, stating the exact relief required (e.g., 2 foot reduction in the side yard setback requirement); a justification based on the property's shape, size, topography or other conditions that are not created by the owner, and a statement that the variance will not create conditions that are incompatible with the Comprehensive Plan for the area.
 - Hearing on the variance is held by the Board of Zoning Appeals (BZA), and may or may not be granted. May be appealed to the Circuit Court. Town provides input on variances to the BZA.
 - Relief from zoning requirements can also be requested during the preliminary plan process or detailed site plan process, which involves new development of higher density developments than single family homes.
 - Text amendments may be used to change the zoning for a single property,

Municipal Zoning Powers

- The Land Use Article does allow municipalities in the Regional District some zoning powers. There are three ways to exercise this authority

1. Grant of authority to exercise the County's authority, but not to adopt laws, for the following:

- (a) design standards;
- (b) parking and loading standards;
- (c) sign design standards;
- (d) lot size variances and setback and similar requirements;
- (e) landscaping requirements;
- (f) certification, revocation, and revision of nonconforming uses;
- (g) minor changes to approved special exceptions;
- (h) vacation of municipal rights-of-way; and
- (i) some detailed site plans.

As part of this the municipality handles variances, departures, non-conforming use applications. The County must agree to this.

Municipal Zoning Powers

- 2. Direct authority to adopt zoning laws in limited categories only if more restrictive than the County's. The Town's fence code is an example. Residential parking and residential storage are included. The County Council must approve the Town's law before it can go into effect.
- 3. Enforcement of the County's Zoning Code. This requires an agreement approved by the County Council.

Questions?

- Development Overview Committee Information:
 - The DOC meets on the second Thursday of the month at 7:30 p.m. Please visit the Agendas page of the University Park website for information on what is being discussed. (<http://www.upmd.org/agendacenter>)
 - Meetings are open to the public, and we welcome input from all residents of the Town. (Meetings are held virtually at this time due to pandemic regulations. The link to the virtual meeting is printed on the agenda.)