

Chapter 8 Sectional Map Amendment

The proposed Sectional Map Amendment (SMA) seeks to implement the land use policies reflected in the future land use plan by rezoning properties to the appropriate zoning district to achieve the recommended pattern of development. However, the existing Zoning Ordinance lacks a corresponding zoning district classification for the transit-oriented development (TOD) land use classifications recommended in this sector plan. The plan therefore recommends the creation and application of a TOD office zone, TOD residential zone and TOD flexible zone in addition to a storefront overlay zone per the land use plan to realize the TOD vision for the Southern Metro Green Line. These zoning districts are described in greater detail later in this chapter. The application of any new TOD zoning districts will occur in a separate SMA process. The sectional map amendment proposed in this plan will rezone properties to zoning districts that already exist in the Zoning Ordinance. The approved SMA approved concurrently with this sector plan will amend the Official Zoning Map of Prince George's County.

This chapter presents specific rezoning proposals, summarizes other key recommendations to implement land use policies, as well as reviews land use and zoning policies and practices in effect in the county that guide the rezoning process. Maps and descriptions on pages 189 through 193 describe specific zoning changes, acreage impacted per property, and existing land use and a statement of justification for the proposed rezoning. Table 33 on page 194 shows acres by zoning category, existing and proposed.

The comprehensive rezoning process called the sectional map amendment in the county allows for the rezoning of properties within the sector plan area to implement new land use policies. This is the mechanism for ensuring that zoning is consistent with new land use policies and that future development will conform to the vision and development pattern proposed in the plan. This process reduces the need for piecemeal zoning to implement land use

recommendations and replaces existing zoning that hinders the type of development envisioned in the plan.

The District Council initiated the SMA in 2012 through Council Resolution CR-10-2012, with the intent of processing the SMA concurrently with the sector plan. The procedure followed is in accordance with Council Bill CB-39-2005, which allows the District Council to approve the sector plan and SMA concurrently. The approval of new zoning districts proposed by the sector plan and land use goals and policies as they apply to the preliminary Southern Green Line Station Area Plan and plan area, thereby enhances the health, safety, and general welfare of the area residents.

The last comprehensive rezoning for the sector plan area occurred through adoption of the SMA recommendations in several plans including the 2000 *Heights and Vicinity Master Plan and Sectional Map Amendment*, 2006 *Suitland Mixed-Use Town Center Development Plan*, 2008 *Branch Avenue Corridor Sector Plan and Sectional Map Amendment*, and the 2010 *Subregion 4 Master Plan and Sectional Map Amendment*.

Comprehensive Rezoning Policies

The following are comprehensive rezoning policies that have been established over time by the Planning Board and District Council for preparation of sectional map amendments.

Public Land Policy

The established public land policy states that all public land should be placed in the most restrictive or dominant adjacent zone, whichever bears the closest relationship to the intended character of the area. Therefore, the zoning of public land, just as private land, should be compatible with surrounding zones and provide for appropriate and preferred future uses.

A distinction is made where large parcels of land are set aside specifically as public open space. In these cases the R-O-S (Reserved Open Space) Zone or the O-S (Open Space) Zone is applied as the

most appropriate zone, depending on the size of the property.

Although federal and state government property is not subject to the requirements of the Zoning Ordinance, the comprehensive rezoning process is meant to apply a zoning category to all land, including government property. The R-O-S Zone is generally applied to federal and state properties, unless specific uses or the intended character of the property or area should warrant another zoning category. This policy is in compliance with Section 27-113 of the 2005 *Prince George's County Zoning Ordinance*, which states that any land conveyed in fee simple by the United States of America or by the State of Maryland shall immediately be placed in the R-O-S Zone until a zoning map amendment for the land has been approved by the District Council.

Zoning in Public Rights-of-Way

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

Limitations on the use of Zones

Zoning classifications proposed in the SMA are limited only by the range of zones available within the Zoning Ordinance at the time of final action by the District Council (see Guide to Zoning in Appendices, page 127). However, there are certain restrictions on when these may be applied to properties (Section 27-223 of the Zoning Ordinance). Reclassification of an existing zone to a less intense zone, also known as downzoning, is prohibited where:

- (g)(1) "The property has been rezoned by Zoning Map Amendment within five (5) years prior to the initiation of the Sectional Map Amendment or during the period between initiation and transmittal to the District Council, and the property owner has not consented in writing to such zoning;" or
- (g)(2) "Based on existing physical development at the time of

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adoption of the Sectional Map Amendment, the rezoning would create a nonconforming use. This rezoning may be approved, however, if there is a significant public benefit to be served by the rezoning based on facts peculiar to the subject property and the immediate neighborhood. In recommending the rezoning, the Planning Board shall identify these properties and provide written justification supporting the rezoning at the time of transmittal. The failure of either the Planning Board or property owner to identify these properties, or a failure of the Planning Board to provide the written justification, shall not invalidate any Council action in the approval of the sectional map amendment.”

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

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

Guidelines for Commercial Zoning

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

Conditional Zoning

The inclusion of safeguards, requirements, and conditions beyond the normal provisions of the Zoning Ordinance that can be attached to individual zoning map amendments via “conditional zoning” cannot be utilized in SMAs. In the piecemeal rezoning process, conditions are used to: (1) protect surrounding properties from potential adverse effects that might accrue from a specific zoning map amendment; and/or (2) to enhance coordinated, harmonious, and systematic development of the Regional District.

When approved by the District Council, and accepted by the zoning applicant, “conditions” become part of the zoning map requirements applicable to a specific property and are as binding as any provision of the County Zoning Ordinance (see Conditional Zoning Procedures, Section 27-157(b)).

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

Comprehensive Design Zones

Comprehensive design zones (CDZs) may be included in an SMA. Normally, the flexible nature of these zones requires a basic plan of development to be submitted through the zoning application process (zoning map amendment) in order to evaluate the comprehensive design proposal. It is only through approval of a basic plan, which identifies land-use types, quantities, and relationships, that a CDZ can be recognized. Under this process, an application must be filed, including a basic plan; the Planning Board must have considered and made a recommendation on the zoning application in order for the CDZ to be included within the SMA. During the comprehensive rezoning, prior to the submission of such proposals, property must be classified in a conventional zone that provides an appropriate base density for development. In theory, the “base density” zone allows for an acceptable level of

alternative development should the owner choose not to pursue the full development potential indicated by the master plan.

Under limited circumstances, CDZs may be approved in an SMA without the filing of a formal rezoning application. The recommendations of the plan and the SMA zoning change, including any design guidelines or standards, may constitute the basic plan for development. In these cases, overall land use types, quantities, and relationships for the recommended development concept should be described in the SMA text and be subject to further adjustment during the second phase of review, called the comprehensive design plan, as more detailed information becomes available. (See CB-76-2006, CB-77-2006, and Sections 27-223(b), 27-225(a)(5), 27-225(b)(1), 27-226(a)(2), 27-226(f)(4), 27-478(a)(1), 27-480(g), and 27-521(a)(1) of the Zoning Ordinance.)

Mixed-Use Zones

The Mixed-Use-Transportation Oriented (M-X-T) Zone allows design flexibility and a mix of land uses with high densities and intensities, provides for a variety of residential, commercial and employment uses, and mandates at least two out of the following three use categories: (1) Retail Businesses; (2) Office/Research/Industrial; and (3) Dwellings, hotel/motel. The M-X-T Zone also encourages a 24 hour functional environment and builds on existing public infrastructure investments by limiting application of the zone to properties located near a major intersection, major transit stop/station, or at a location for which the sector plan recommends a mix of uses. However, the M-X-T Zone is limited in its requirements and application to “place-making” because it lacks standards necessary to ensure the creation of a pedestrian-friendly environment. For example, there are no regulations to ensure a consistent build-to wall to help define the streets, or to establish an inviting streetscape environment with adequate pedestrian amenities such as lighting or street furniture. It lacks standards for proportion of uses, concurrency, or phasing of different uses during project construction, parking standards at Metro stations, etc. Most of these elements are negotiated during conceptual and detailed site plan phases. Currently properties at the Naylor Road and Branch Avenue Metro stations, and along segments of Branch Avenue

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(MD 5) are zoned MXT. For the shortcomings mentioned above and to allow greater flexibility to respond to market drivers for new development as well as to establish a clear commercial center on Branch Avenue, these MXT properties are proposed for rezoning.

New mixed-use zoning tools are being explored that will implement the policy recommendations of the 2002 *General Plan* and recent master and sector plans, streamline and standardize regulations and development review procedures, and supplement or replace existing mixed-use and overlay zones. This effort is currently focused on a tool for mixed-use development at designated centers and corridors, future efforts will focus on tools to facilitate mixed-use development at non-centers and corridors. Meanwhile, specific modifications to the existing mixed-use zone categories have been adopted as necessary to achieve land use recommendations in plans primarily adopted or scheduled for adoption before a new zoning tool can be implemented.

Recommended Transit-Oriented Development Districts

The available zones currently in the Zoning Ordinance, including the recently established Chapter 27A entitled Urban Centers and Corridor Nodes Development and Zoning Code, will not implement the recommended land use plan for the station areas or provide a more predictable and timely development review process as repeatedly requested by the developers who participated in this planning process. Most of the mixed use options are process intensive with site plan review and associated public hearings, functional overlays, and other required hurdles. Developers interviewed during this planning process indicate their reluctance to engage in development in the station areas due to the uncertainty and risk associated with these existing processes. In addition to process concerns, few of the existing available zoning districts allow real flexibility in the basic use of property or other benefits often allowed in transit station areas such as reduced parking requirements and additional building height and density by right.

Consideration was given to the option of applying an overlay district in the core station areas to modify the underlying zoning; however, this approach provides little opportunity to improve

the clarity of the underlying zoning. A new base zoning district or set of base zoning districts is the preferred approach due to its simplicity and potential for clarity.

There is already an M-U-TC District in place at Suitland, reducing the process burden in this station area. Some existing zones are appropriate for specific locations within the station and outlying areas near the various stations. Below is a description of the new, recommended zones:

New TOD-Flexible District

This zoning district is intended to provide for use flexibility to respond to the market, while ensuring walkable urban form appropriate to station areas. The allowed uses in this district should include all residential uses (allow in all upper stories, and on the ground floor except where a Shopfront Overlay is applied), all commercial uses that occur inside a building, overnight lodging, offices, and medical uses. The approach should be to provide immense flexibility with regard to the allowed uses in order to jump-start the market's response to these station areas; however, some uses should not be allowed, as follows.

- No outdoor recreation.
- No vehicle service bays visible from street (car wash, oil change, gas station).
- No drive-through facilities visible from the street.
- No extensive land use such as vehicle sales surface lots or salvage yards.
- No warehouse or self-storage.
- No surface parking as a principal use.
- No industrial or other users requiring significant truck traffic (uses requiring loading docks).
- No dangerous or noxious uses that produce impacts such as smoke, glare, noise, fumes, or create the threat of fire, explosion, or radiation exposure.

Outdoor amenity space for residents (at grade or outdoors at upper levels) should be required for all residential development at a rate of 20 percent of the lot area. A build-to zone should be established

from the back of sidewalk to no more than 10 feet from the back of sidewalk. Buildings should be required to extend at least 75 percent of the lot width in this build-to zone.

New TOD-Office District

This zoning district is intended to ensure opportunities exist for employment and office development near station areas and are retained until the market is ripe for them. Allowed uses should include office, medical or dental clinic, gallery, technical school, college or university, and bank. No surface parking should be allowed as a principal use. A build-to zone should be established to no more than 10 feet from the back of sidewalk. Buildings should be required to extend at least 60 percent of the lot width in this build-to zone.

New TOD-Residential District

This zoning district is intended to provide a transition from office and flexible use areas near stations to the surrounding residential areas. It is intended to provide walkable urban form with the opportunity for mixed housing types. Allowed uses should be those residential uses allowed currently in similar districts such as R-10. No surface parking should be allowed as a principal use. Outdoor amenity space for residents (at grade or outdoors at upper levels) should be required for all residential development at a rate of 20 percent of the lot area. A build-to zone should be established from the back of sidewalk to no more than 10 feet from the back of sidewalk. Buildings should be required to extend at least 75 percent of the lot width in this build-to zone.

New-Shop Front Overlay

This overlay zoning district would require elements typically associated with walkable retail frontages, such as tall ground floor height, high transparency (windows and doors) and build-to standards that form a street wall. A build-to zone should be established from the back of sidewalk to no more than 10 feet from the back of sidewalk. Buildings should be required to extend at least 90 percent of the lot width in this build-to zone (provided that access to rear parking is available).

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Comprehensive Rezoning Changes

To implement the Southern Green Line Station Area sector plan vision and land use plan contained in the preceding chapters, key parcels of land must be rezoned to bring the zoning into conformance with the sector plan. The comprehensive rezoning process (via the SMA) provides the most appropriate mechanism for the public sector to achieve this. As such, the SMA is approved as an amendment to the official zoning map concurrently with sector plan approval. Below are the zoning recommendations for the Southern Green Line Station Areas.

The Zoning Changes map below identifies the location of proposed zoning changes in the Southern Green Line Station Area sector plan area. Specific changes to existing zoning are shown on the individual maps from pages 193 to 197 and described in the accompanying tables. The maps are included for illustrative purposes only. A general description is provided below.

Residential Rezoning Recommendations

The sector plan recommends rezoning property currently zoned One-Family Detached Residential (R-55) at the Southern Avenue Metro station near Wheeler Road and flanking the Reserved Open Space zone (R-O-S) to Townhouse (RT) zoning which permits one-family detached and attached, two-family, and three-family dwellings and promotes the maximum amount of freedom in the design of attached dwellings and their grouping and layout. The plan also recommends rezoning WMATA property at the Southern Avenue station on Southern Avenue from Commercial Office (C-O) to Multifamily High Density Residential (R-10). This residential district facilitates high density residential at 48 units per acre but also permits single-family detached dwellings. Lastly, R-10 zoning is also recommended for the R-T property on Oxon Run Drive near 23rd Parkway.

Commercial Rezoning Recommendations

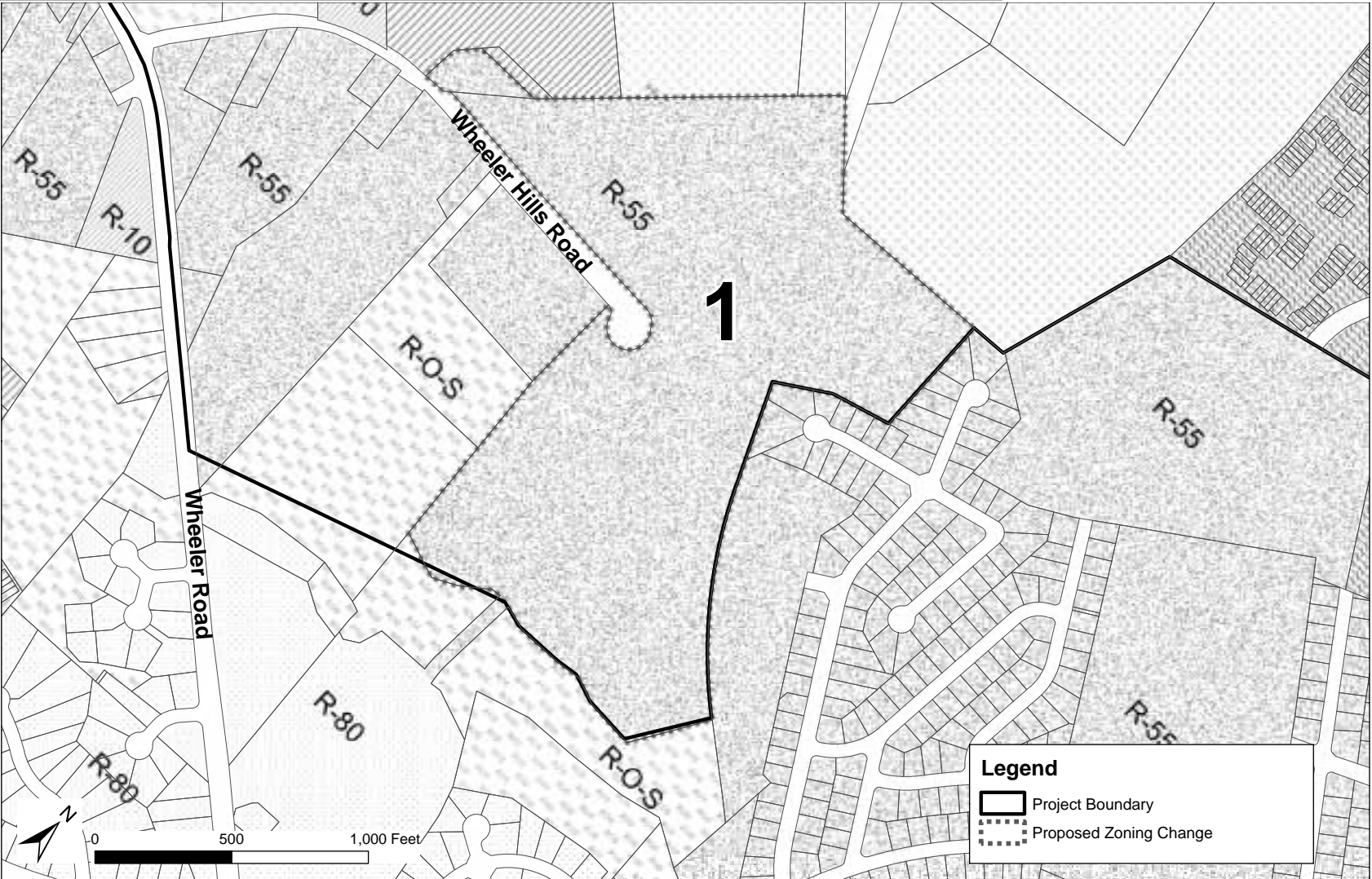
The sector plan also recommends rezoning property along the west side of Branch Avenue south of Curtis Drive to St. Barnabas Road from Mixed-Use Transportation (M-X-T) to Commercial Shopping Center (C-S-C) in order to maintain this location as a regional commercial center within the plan area and to concentrate any future mixed use development within the Metro station areas.

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Change Number	Zoning Change	Area of Change	Approved SMA/ZMA/SE		200' Scale Index Map
			Number	Date	
1	R-55 to R-T	55.3 Ac.	SMA	11/21/2000	206SE02

Use and Location: Undeveloped. South of Southern Avenue, east of Wheeler Road.

Discussion: Proposed zoning change implements the proposed future land use concept. The intent is to add additional residential density to an area close by the station and to make the land more valuable, thus increase the likelihood of future development occurring.

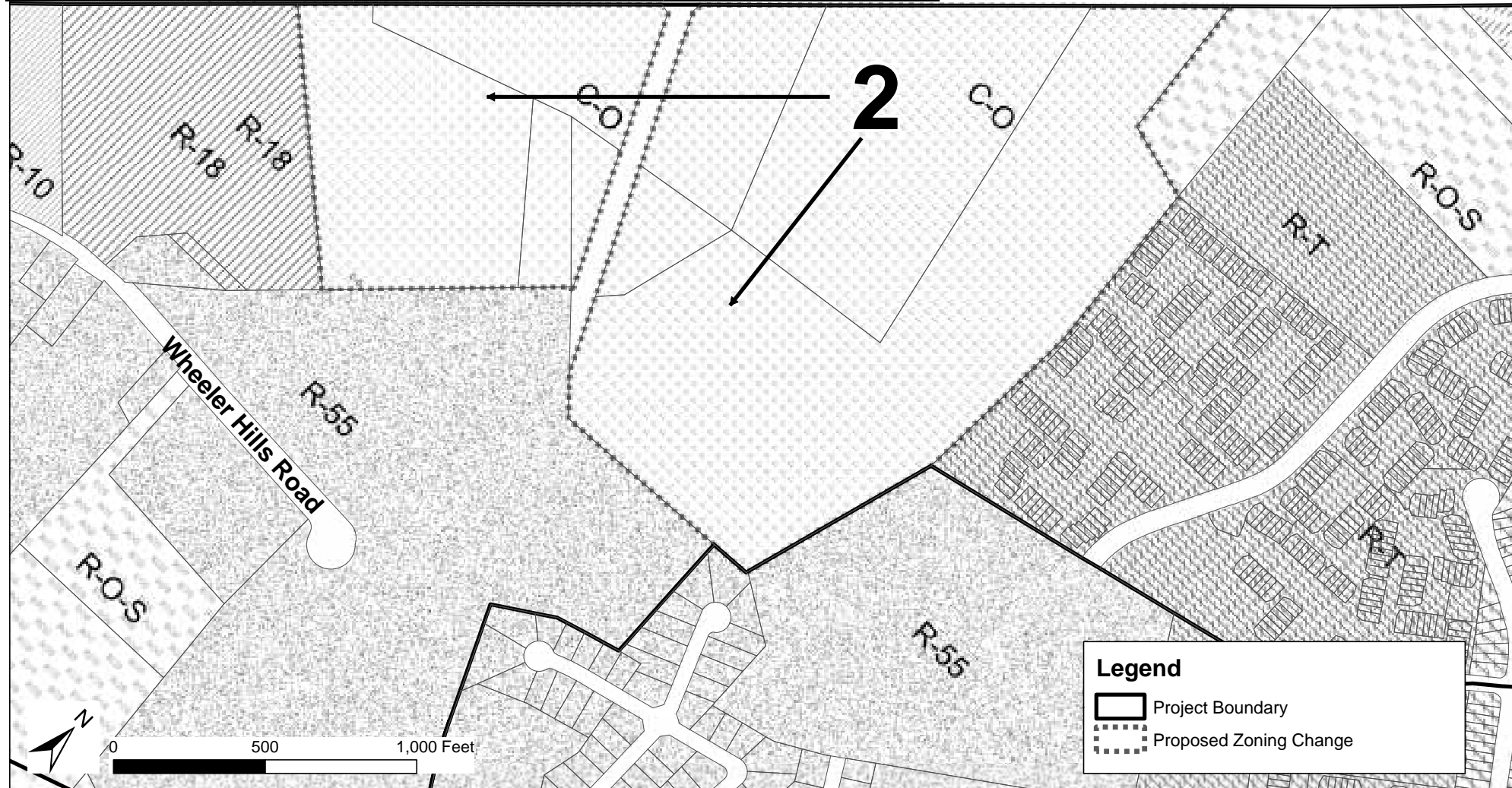


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Change Number	Zoning Change	Area of Change	Approved SMA/ZMA/SE		200' Scale Index Map
			Number	Date	
2	C-O to R-10	84.75 Ac.	SMA	11/21/2000	205SE02

Use and Location: Southern Metro Station, undeveloped land and vacant meeting hall. South of Southern Avenue, on and adjacent to Southern Metro Station.

Discussion: Proposed zoning change implements the proposed future land use concept. The intent is to add additional residential density to an area close by the station and to make the land more valuable, thus increase the likelihood of future development occurring.



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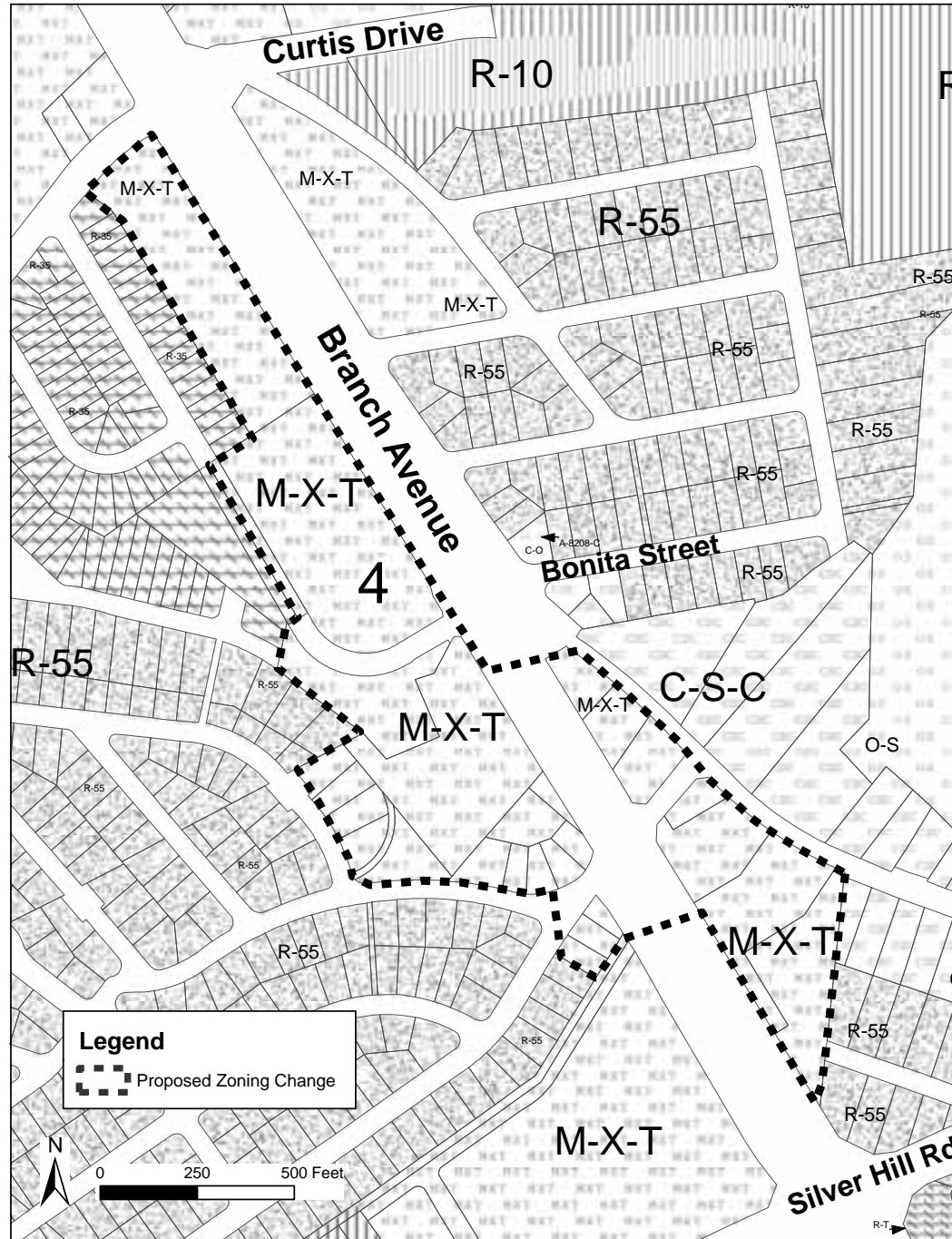
Change Number	Zoning Change	Area of Change	Approved SMA/ZMA/SE		200' Scale Index Map
			Number	Date	
3	R-T to R-10	10 Ac.	SMA	11/21/2000	205SE02

Use and Location: SWM pond and undeveloped land. Property abuts Oxon Run Drive.

Discussion: Proposed zoning change implements the proposed future land use concept. The intent is to add additional residential density to an area close by the station and to make the land more valuable, thus increase the likelihood of future development occurring.



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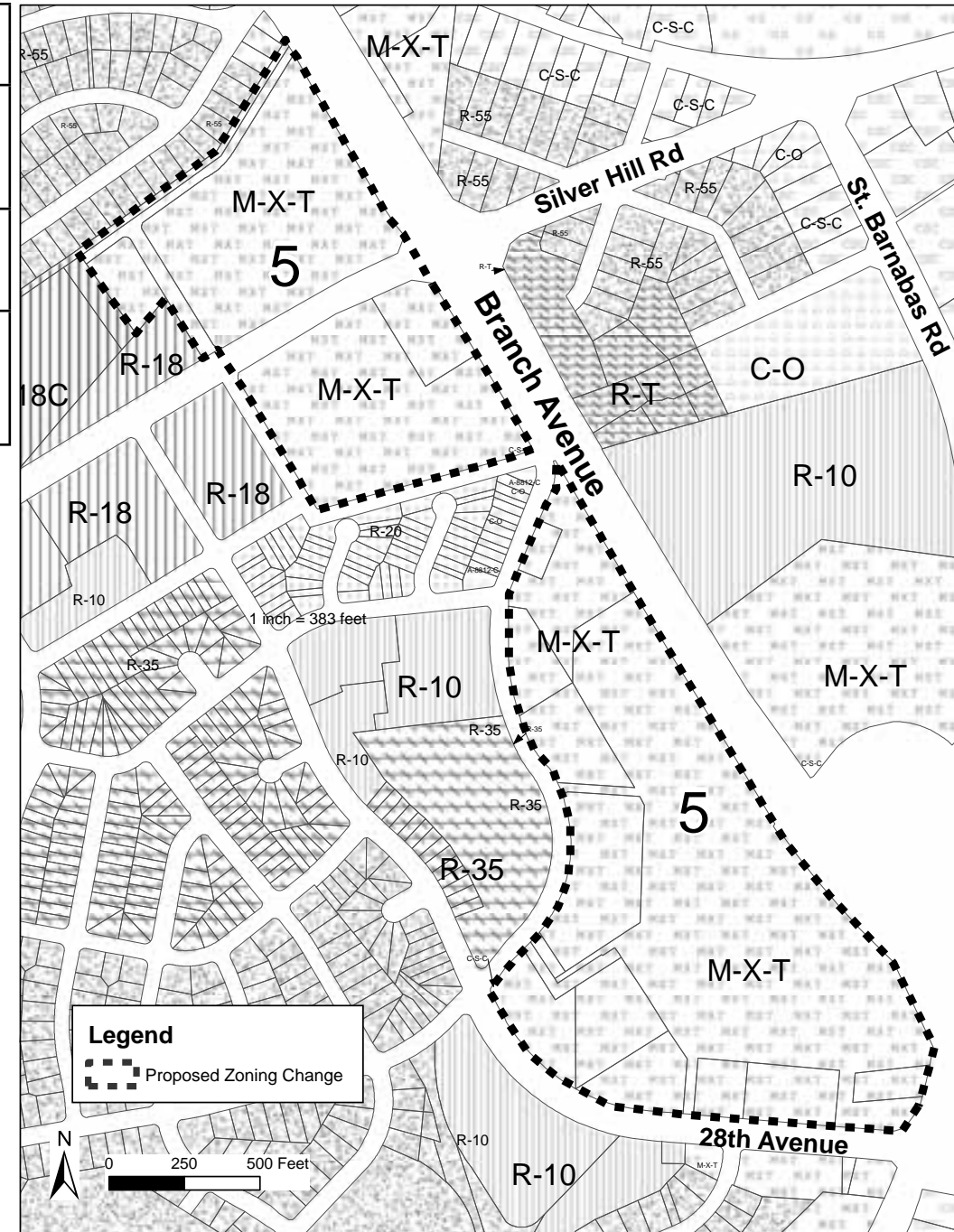
Change Number	Zoning Change	Area of Change	Approved SMA/ZMA/SE		200' Scale Index Map
			Number	Date	
4	M-X-T to C-S-C	22 Ac.	SMA	11/21/2000	204SE03 205SE03
<p>Use and Location: Car wash at 3401, retail commercial at 3407, 3411-3433, service commercial car wash at 3437, offices at 3443, fast food restaurant at 3501, offices at 3611, fast food at 3636, offices at 3714 and 3730 Branch Avenue; retail commercial at 3551 32nd Avenue; gas station at 2911, offices at 2914, gas station at 3000 Colebrooke Drive.</p>					
<p>Discussion: Proposed zoning change of property fronting on Branch Avenue south of Curtis Drive to slightly north of Silver Hill Road from Mixed-Use Transportation (M-X-T) to Commercial Shopping Center (C-S-C) in order to maintain this location as a regional commercial center within the plan area and to concentrate any future mixed use development within the Metro station areas.</p>					

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Change Number	Zoning Change	Area of Change	Approved SMA/ZMA/SE		200' Scale Index Map
			Number	Date	
5	M-X-T to C-S-C	59.35 Ac.	SMA	09/30/2008	205SE03 205SE04 206SE04

Use and Location: Commercial Retail including Iverson Mall and Marlow Heights Shopping Center located at 3701-3895 and 3901-4283 Branch Avenue (Tax Map 88A1, HILLCREST HEIGHTS, Parcel A, B, C, E; MARLOW HEIGHTS, Block R, Parcel 1-4, 6-8, 10-12, Outlot A, B, Parcel 449)

Discussion: Proposed zoning change of the property along the west side of Branch Avenue from slightly north of Silver Hill Road to 28th Avenue from Mixed-Use Transportation (M-X-T) to Commercial Shopping Center (C-S-C) in order to maintain this location as a regional commercial center within the plan area and to concentrate any future mixed use development within the Metro station areas.



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Table 33 Project Area Zoning Category by Acre

Zone	Pre-SMA Zoning	Net Change	Proposed Zoning
C-M	118.84	0	118.84
C-O	112.03	-84.75	27.28
C-S-C	98.21	+81.35	179.56
I-1	82.03	0	82.03
I-3	37.54	0	37.54
M-X-T	300.95	-81.35	219.6
M-U-TC	308.28	0	308.28
O-S	356.01	0	356.01
R-10	63.07	+94.75	157.82
R-10A	10.76	0	10.76
R-18	160.48	0	160.48
R-18C	0.51	0	0.51
R-30C	90.90	0	90.90
R-35	41.84	0	41.84
R-55	420.93	-55.3	365.63
R-80	357.00	0	357.00
R-O-S	285.53	0	285.53
R-R	28.95	0	28.95
R-T	127.72	+45.3	173.02

An invitation to participate ...
JOINT PUBLIC HEARING
ON THE

Preliminary Southern Green Line Station Area Sector Plan and Proposed Sectional Map Amendment (SMA)

This jointly sponsored (Prince George's County Council and Planning Board) public hearing is part of a process leading to the approval of a new Southern Green Line Station Area Sector Plan and Sectional Map Amendment. The preliminary plan also proposes amendments to other existing county plans and policies and establishes planning policies which will help define the type, amount, character, and location of future development in the sector. The sector plan area extends along the Metro Green Line corridor from the Washington, D.C. border to the Capital Beltway and is generally bounded by Southern Avenue to the west, Suitland Road to the north, Branch Avenue to the south, and Interstate 495 (Capital Beltway) to the east. This process is important to persons owning land in the area because approval of a new sectional (zoning) map amendment could result in rezoning of your property, which could affect your property value and tax liability.

Date/Time: Tuesday, July 2, 2013, at 7:00 p.m.
Doors will open at 6:00 p.m. for viewing of exhibits.
Location: Council Hearing Room, County Administration Building, 1st Floor
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772



Location of Public Hearing

Individuals and representatives of community organizations who wish to speak at the joint hearing may register in advance online at:
http://www.pgplanning.org/Planning_Board/Testify_at_Hearings.htm
or by calling 301-952-4584, TTY 301-952-4366.

For further information, please contact Barry Gore, Project Manager, M-NCPPC, Community Planning Division at 301-952-3153, email barry.gore@ppd.mncppc.org or Clara Fenwick at 301-780-2233, email clara.fenwick@ppd.mncppc.org or visit the project website at: www.pgplanning.org/greenlinetod.htm.

The Maryland-National Capital Park and Planning Commission

www.mncppc.org/pgco

