
13 • Sectional Map Amendment

Introduction

This chapter reviews land use and zoning policies and practices in Prince George's County and presents the proposed zoning in the sectional map amendment (SMA) to implement the vision of this sector plan. It identifies all rezoning proposals and provides justifications, identifies properties proposed for future mixed-use rezoning, and presents the existing and proposed zoning inventory for the sector plan area. The land use recommendations in the Preliminary Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan (see Proposed Land Use Map) are reinforced by the comprehensive rezoning proposal, also known as the SMA (see Proposed Zoning Map), which brings the zoning of the planning area into conformance with the land use plan. This is critical for allowing and encouraging the type of development desired at these locations.

The District Council initiated the concurrent preparation of this sector plan and SMA in May 2008 via CR-53-2008. The procedure followed is in accordance with Council Bill CB-39-2005, which amended the framework for the process, whereby the District Council approves the sector plan and SMA concurrently.

Comprehensive rezoning through the SMA is a necessary implementation step in the land use planning process. It attempts to ensure that future development will be in conformance with county land use plans and development policies, reflecting the county's ability to accommodate development in the immediate and foreseeable future. The approval of the zoning pattern proposed by the sector plan and implemented by this SMA will bring zoning into greater conformity with county land use goals and policies as they apply to the Glenn Dale-Seabrook-Lanham and Vicinity, thereby enhancing the health, safety, and general welfare of the area residents.

The approval of the SMA will result in the revision of the official zoning map for a portion of Planning Area 70 within the sector plan boundary. Future comprehensive examinations of zoning within the sector plan area will occur in accordance with the procedures established for sectional map amendments. The last comprehensive rezoning for this sector plan took place as part of the 1993 approved master plan for Glenn Dale-Seabrook-Lanham and vicinity plan area.

The following are comprehensive rezoning policies established by the Planning Board and District Council for preparation of the SMA.

Comprehensive Rezoning Policies

The following are comprehensive rezoning policies established by the Planning Board and District Council for preparation of the rezoning proposal.

Public Land Policy

The established public land policy states that all public land should be placed in the most restrictive and/or dominant adjacent zone, whichever bears the closest relationship to the intended character of the area. Therefore, the zoning of both public and private land should be compatible with surrounding zones and provide for appropriate and preferred public uses. It should further assure compatibility of any future development or uses if the property returns to private ownership.

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 OS (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, without regard to its unique ownership. The R-O-S Zone is generally applied to federal and state properties, unless specific uses or intended character of the property or area should warrant another zoning category. This policy is in compliance with Section 27-113 of the 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 27111 of the Prince George's County Zoning Ordinance. This proposed SMA has been prepared in accordance with this section. The plan recommends that the State Highway Administration file the necessary plat to remove the Rural Residential (R-R) Zone on 6.03 acres or right-of-way located on Martin Luther King, Jr. Highway (MD 564) and John Hanson Highway (US 50) interchange

Limitations on the Use of Zones

Zoning classifications proposed in an SMA are limited only by the range of zones within the Zoning Ordinance available at the time of final action by the District Council. However, there are certain restrictions on when these may be applied to properties (Section 27223 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 rezoning;” or

(g)(2) “Based on existing physical development at the time of adoption of the sectional map amendment, the rezoning would create a nonconforming use. This rezoning may be approved, however, if there is a significant public benefit to be served by the rezoning based on facts peculiar to the subject property and the immediate neighborhood. In recommending the rezoning, the Planning Board shall identify these properties and provide written justification supporting the rezoning at the time of transmittal. The failure of either the Planning Board or property owner to identify these properties, or a failure of the Planning Board to provide the written justification, shall not invalidate any Council action in the approval of the sectional map amendment.”

In order to clarify the extent to which a given parcel of land is protected from less intensive rezoning by virtue of physical development, the Zoning Ordinance Section 27223(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.”

Limitations to placing a parcel of land into the R-T (Townhouse Residential) Zone are subject to the Zoning Ordinance Section 27-223(i), which states that:

“(i) No property may be zoned R-T if it was not classified in the zone prior to the initiation of the Sectional Map Amendment, except where the recent Sectional Map Amendment involving the property was approved prior to 1990, unless:

“(1) The proposed development on the property to be rezoned to R-T will consist only of one-family attached metropolitan dwelling units; or

“(2) The property to be rezoned to R-T is located within a mixed-use activity center designated as a ‘Transit Village’ in the applicable Area Master Plan.”

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 sector 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 Zoning Ordinance (see Conditional Zoning Procedures, Section 27157(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, and 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 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 by an applicant. The recommendations of the sector 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, 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

Although several mixed-use zoning categories are defined in the county Zoning Ordinance, none contains the ideal combination of use, design, and administrative regulations necessary to efficiently and effectively implement the mixed-use, pedestrian- and transit-oriented development pattern recommended by the 2002 General Plan, recent master plans, and sector plans.

The Mixed-Use Infill (M-U-I) Zone provides design flexibility and permits a mix of uses and requires the use of a Development District Overlay Zone (DDOZ) that sets area-specific design standards and modifies the table of uses permitted in the affected area. This technique essentially creates a different “mini-zoning ordinance” with each application throughout the county, making administration unwieldy.

The M-U-TC (Mixed-Use Town Center) Zone provides for a mix of commercial and limited residential uses geared toward low- to medium-scale infill development in a smaller geographic area, establishes a citizen design review committee that is often difficult to convene and administer in an unincorporated area, and mandates approval of a development plan at the time of zoning approval that includes minimum and maximum development standards and guidelines in both written and graphic form for administration of the zone.

The Mixed-Use-Transportation Oriented (M-X-T) Zone allows design flexibility and a mix of land uses with high densities and intensities and 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 concept and detailed site plan phases.

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 zones and overlay zones. This effort is currently focused on tools for mixed-used development at designated centers and corridors. Meanwhile, specific modifications to the existing mixed-use zone categories have been adopted as necessary to facilitate the implementation of land use recommendations.

Comprehensive Rezoning Recommendations

To implement the Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan policies and land use recommendations contained in the preceding chapters, some parcels of land must be rezoned or should be rezoned in the future 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(s) concurrently with sector plan approval. Below are the zoning recommendations for the Glenn Dale-Seabrook-Lanham and Vicinity sector plan area.

The proposed zoning changes map (see Map 32) identifies the location of recommended zoning changes in the Glenn Dale-Seabrook-Lanham and vicinity sector plan area. Specific changes to existing zoning are shown on individual maps described in the accompanying tables. The maps are included for illustrative purposes only. The proposed zoning inventory (see Table 50) shows changes to the acreage of zoning classifications as a result of the recommended zoning changes.

The proposed land use map (Map 34) recommends areas for a mix of land uses. These areas are also recommended for future rezoning to an appropriate mixed-use zone, form-based code, or comprehensive design zone (CDZ) to implement the recommended compact, transit- and pedestrian-oriented, mixed-use development envisioned at the Seabrook MARC station area and the Vista Gardens Marketplace area, as well as their designations as a General Plan community center and corridor node, respectively. Until an appropriate set of mixed-use zoning tools or techniques are developed and approved, this plan recommends the future implementation of the mix of land uses via a parcel-by-parcel rezoning process at the time of development and/or redevelopment of these sites. The applicants and/or owners shall file a zoning map amendment application for a mixed-use zone for these areas, such as the M-X-T Zone or CDZ, that demonstrates conformance with the vision, intent, and development strategies and guidelines specified in the sector plan. A detailed site plan review shall be required to achieve this end.

Although the Seabrook MARC station area is recommended for future mixed-use rezoning, as redevelopment becomes imminent, the M-X-T Zone is recommended on a portion of the Seabrook MARC station area. The plan envisions this corner as the first phase in the implementation of the area's redevelopment concept capitalizing on the potential redevelopment of the abandoned 84 Lumber site. Retaining the existing C-M Zone encourages uses and development patterns that are inconsistent with the plan vision and development concept as well as the General Plan vision for a community center.

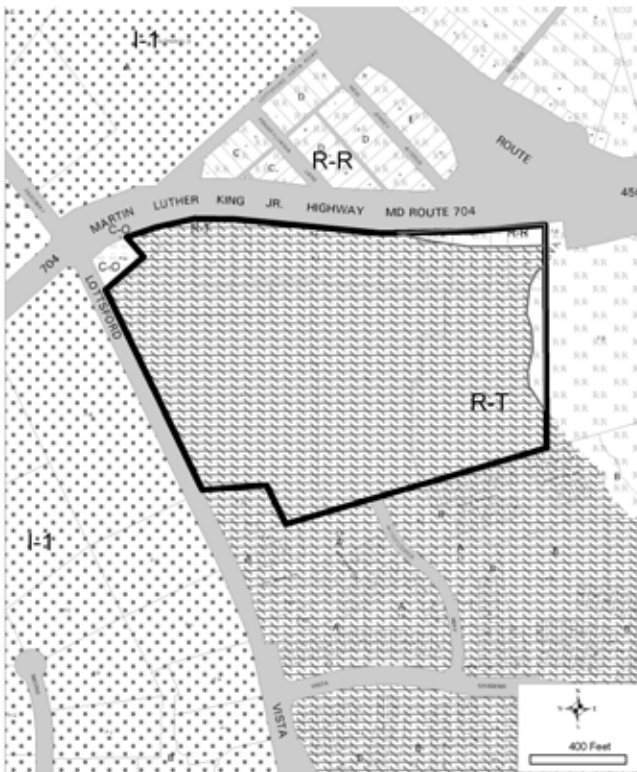
Table 50
Existing and Proposed Zoning Inventory

<i>Zone</i>	<i>Existing (acres)</i>	<i>Proposed (acres)</i>	<i>Net Change (+/-)</i>
R-O-S (Reserved Open Space)	569.9	569.9	0
O-S (Open Space)	239.7	239.7	0
R-E (Residential Estate)	222.7	222.7	0
R-R (Rural Residential)	1,683.1	1,677.07	-6.03
R-80 (One-Family, Detached Residential)	1,190.7	1,190.7	0
R-55 (One-Family, Detached Residential)	739.1	739.1	0
R-T (Residential Townhouse)	234.9	193.3	-41.6
R-18 (Multifamily Medium-Density Residential)	75.8	75.8	0
R-U (Residential-Urban)	39.8	39.8	0
M-X-T (Mixed Use-Transportation Oriented)	0	4.05	+4.05
C-O (Commercial Office)	86.7	86.7	0
C-A (Ancillary Commercial)	1.0	1.0	0
C-G (General Commercial, Existing)	14.6	14.6	0
C-S-C (Commercial, Shopping Center)	87.4	129	+41.6
C-M (Commercial, Miscellaneous)	82.5	78.45	-4.05
I-1 (Light Industrial)	317.7	317.7	0
I-2 (Heavy Industrial)	161.8	161.8	0
Subtotal	5,747.4	5,747.4	0
Right-of-Way	1,092.2	1,098.23	+6.03
Total	6895.6	6895.6	0

Source: M-NCPPC, December 2008

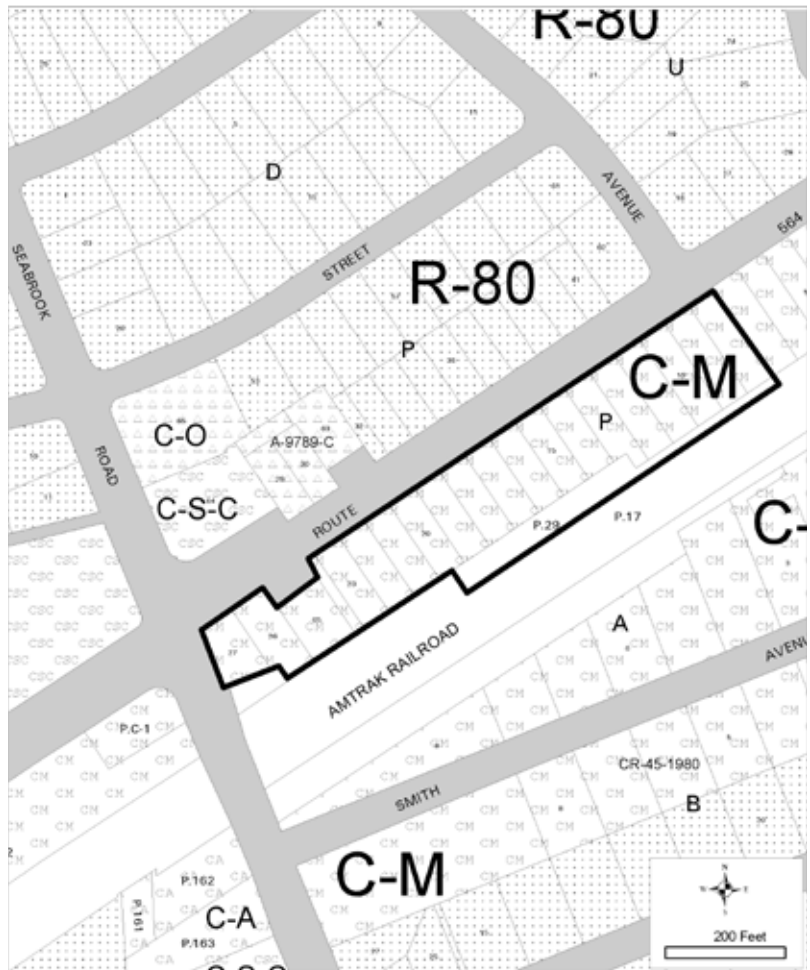
Proposed Rezoning

<i>Change Number</i>	<i>Zoning Change</i>	<i>Area of Change</i>	<i>Approved SMA/ ZAPS/SE</i>		<i>200' Scale Index Map</i>
			<i>Number</i>	<i>Date</i>	
GD-1	R-R to C-S-C R-T to C-S-C Total	1.45 Ac. 40.12 Ac. 41.57 Ac.	SMA	11/9/1993	207NE09
Use and Location: Vista Gardens Marketplace Shopping Center at 10251-10651 Martin Luther King, Jr. Highway (Tax Map 45, Grid A4, Lots 1 to 9, Parcel A)					
<p>Discussion: The C-S-C Zone is recommended to recognize the existing shopping center use for the Vista Gardens Marketplace located at this site. The existing shopping center was constructed in the R-T Zone, per CB-70-2003, to allow shopping center uses located on land of no less than 30 acres and not more than 70 acres and adjoining properties in the R-T Zone that is at least 60 acres in size and is developed with at least 350 townhouses. This shopping center development was approved as a result of meeting all of these specific criteria.</p> <p>It is also recommended that future rezoning of this property to an appropriate mixed-use zone or comprehensive design zone may be undertaken to allow residential development on this site consistent with the General Plan vision for a Developing Tier corridor node.</p>					

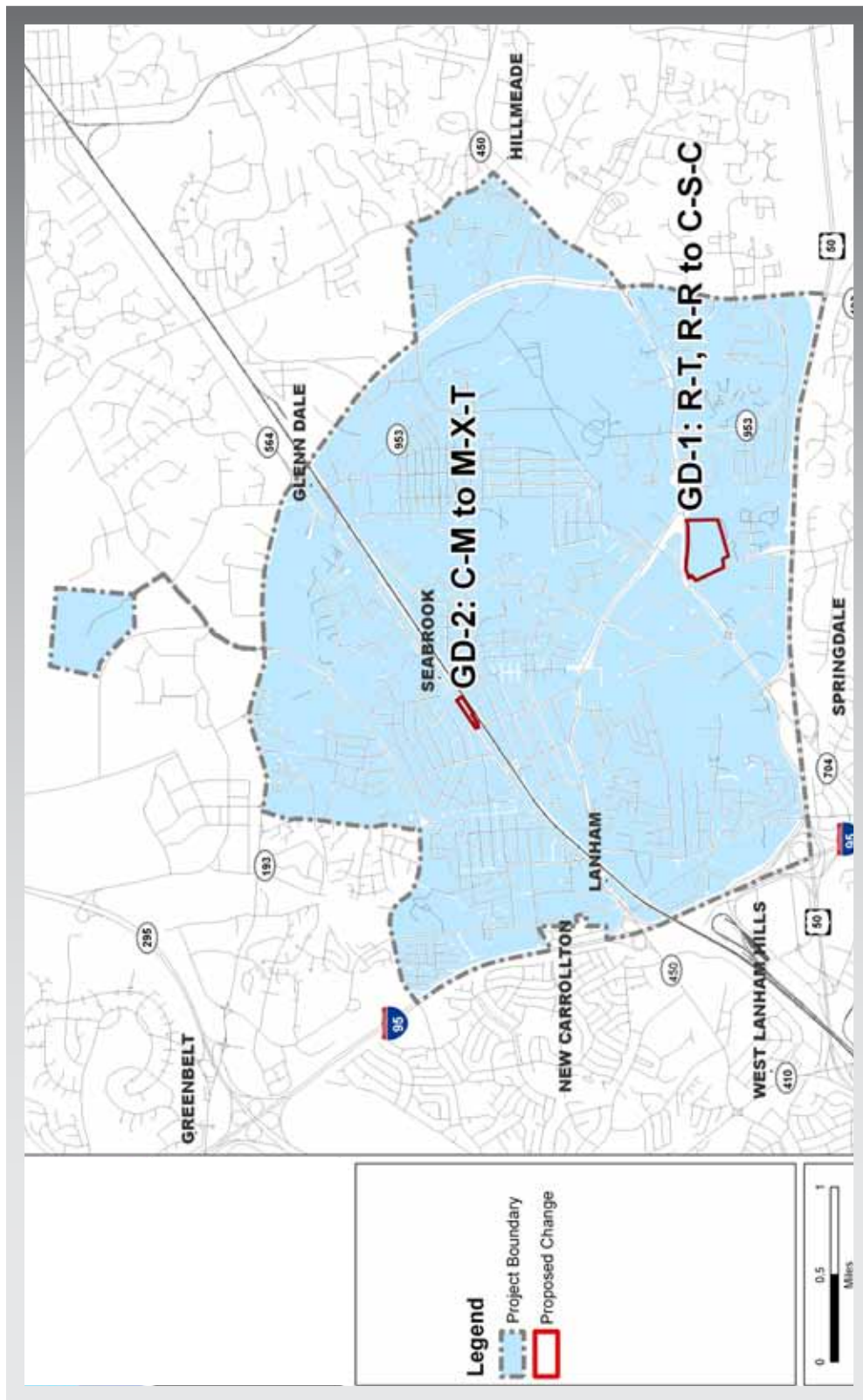


Change Number GD-1

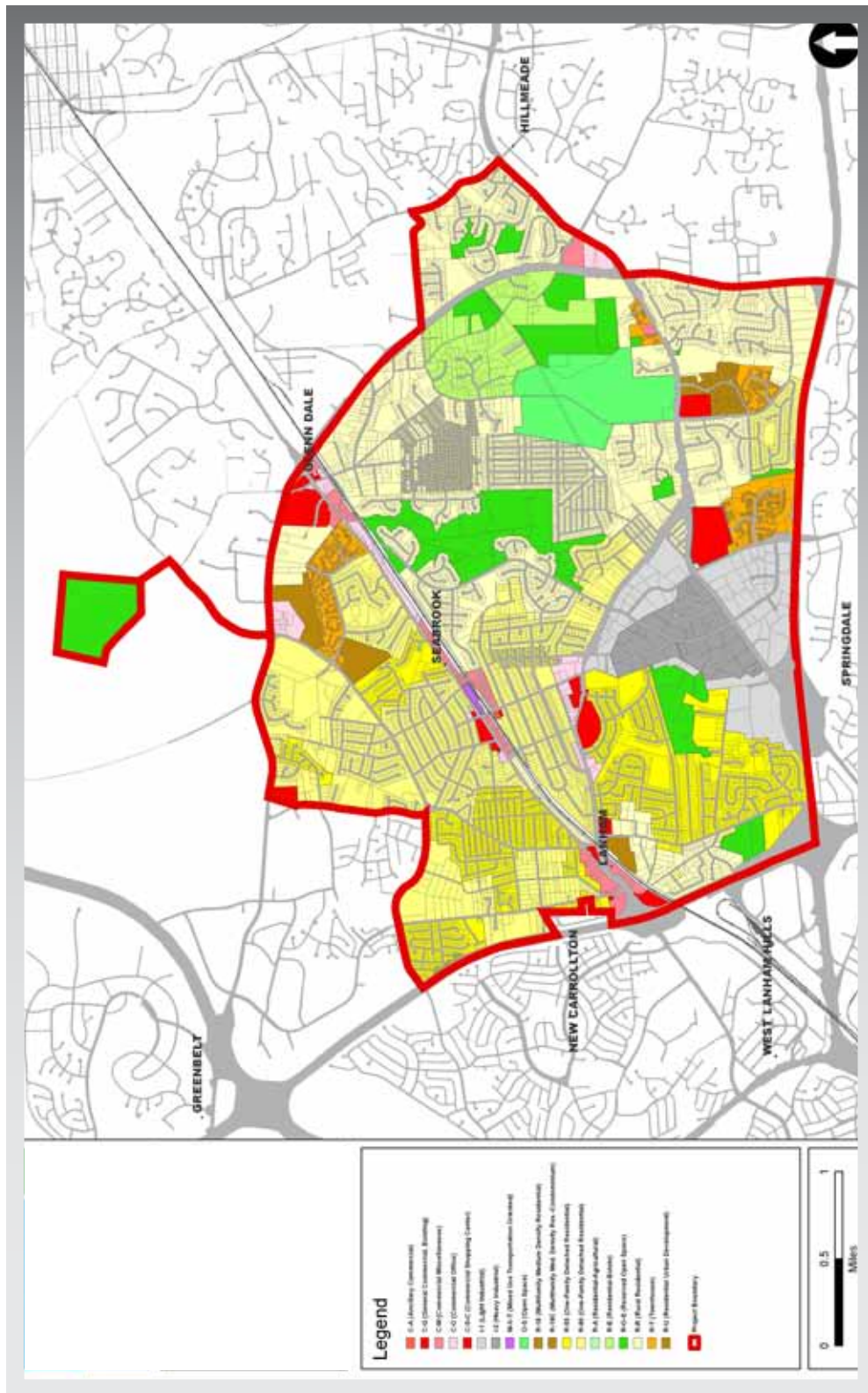
<i>Change Number</i>	<i>Zoning Change</i>	<i>Area of Change</i>	<i>Approved SMA/ ZAPS/SE</i>		<i>200' Scale Index Map</i>
			<i>Number</i>	<i>Date</i>	
GD-2	C-M to M-X-T	4.05 Ac.	SMA	11/9/1993	208NE08
Use and Location: Gas station at 9501 Lanham-Severn Road, Domino's Pizza at 9505 Lanham-Severn Road, MARC parking lot at 9511 Lanham-Severn Road, abandoned 84 Lumber site at 9513 Lanham-Severn Road, and parking on parcel 29 (Tax Map 44, Grid E1)					
Discussion: The M-X-T Zone is recommended on these lots to implement the mixed-use recommendations of the sector plan as well as the General Plan designated mixed-use center. The plan envisions this corner as the first phase in the implementation of the area's redevelopment concept capitalizing on the potential redevelopment of the abandoned 84 Lumber site. Retaining the existing C-M Zone encourages uses and development patterns that are inconsistent with the plan vision.					



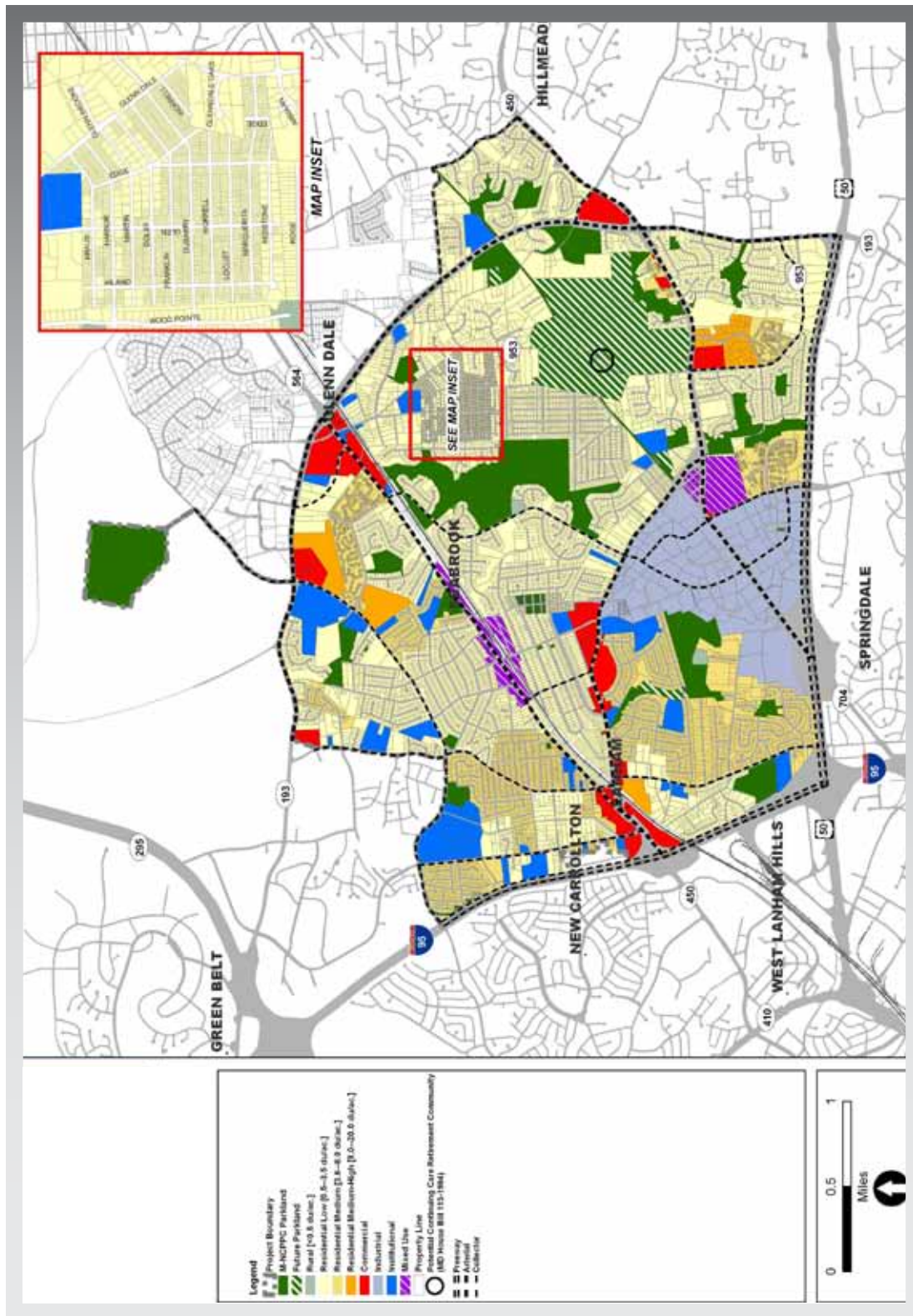
Change Number GD-2



Map 32: Proposed Zoning Changes



Map 33: Proposed Zoning



Map 34: Proposed Land Use

