

land use plans and development policies, reflecting the county's ability to accommodate development in the immediate and foreseeable future.

Approval of the zoning pattern implemented by this SMA brings zoning into greater conformity with county land use goals and policies as they apply to the Branch Avenue Corridor sector plan area, thereby enhancing the health, safety, and general welfare of the area residents.

Approval of the SMA results in revision of the official zoning map for a portion of Planning Area 76A within the sector plan boundary. Future comprehensive examinations of the zoning within the sector plan area will occur in accordance with the procedures established for SMAs. The last comprehensive rezoning for the Branch Avenue Corridor sector plan area took place in 2000 as part of the *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (Planning Area 76A.)*

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

Comprehensive Rezoning Policies

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 (Reserved Open Space) 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 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 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 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 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 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 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 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 there are several mixed-use zoning categories defined in the county Zoning Ordinance, none contain an 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 *Prince George's County Approved General Plan* and recent master and sector plans, including this Branch Avenue Corridor sector plan.

The Mixed-Use Infill (M-U-I) Zone provides design flexibility, 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 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, 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.

At present, the M-X-T Zone serves as the closest zoning technique available to the county to adequately implement the vision of a sector plan for mixed-use development at key locations. In order to address the shortcomings of the M-X-T Zone, the county has approved area-specific amendments to the zone to improve its effectiveness through Council Bill CB-78-2006. CB-78-2006 amends the M-X-T Zone in several ways, including a provision to allow the requirement for mixed-use development in the M-X-T Zone to be satisfied on other property within a comprehensively planned General Plan center consistent with the recommendations of a master or sector plan. The plan

recommendations serve as the guide to defining regulations for development in the review of subsequent conceptual site plan and detailed site plan applications.

This approach to modifying the M-X-T Zone so that it meets the plan objectives creates an opportunity to tailor its provisions to implement the Branch Avenue Corridor sector plan. Therefore, this plan recommends drafting legislation to amend the M-X-T Zone provisions to allow the requirement for mixed-use development in the M-X-T Zone to be satisfied consistent with the guidelines and recommendations in the Land Use, Design and Appearance, and the Transportation Systems sections of this plan. This legislation should closely relate the M-X-T regulations to the Branch Avenue Corridor plan recommendations that address requirements such as proportion of uses, densities and intensities of development, concurrency or phasing of uses to ensure true mix is achieved during development projects, site design, circulation, building design, open space, street furnishings, and parking requirements, etc.

Comprehensive Rezoning Changes

To implement the Branch Avenue Corridor sector plan policies and land use recommendations contained in the preceding chapters, many 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(s) concurrently with sector plan approval. Below are the zoning recommendations for the Branch Avenue Corridor sector plan.

Mixed-Use Zoning Recommendations

The Branch Avenue Corridor sector plan recommends M-X-T Zone throughout the area designated in the land use plan for mixed land uses. This generally includes the Naylor Road Metro Station area, existing commercial areas along Branch Avenue including Iverson Mall, the Marlow Heights Shopping Center, property north of the intersection of Branch Avenue and St. Barnabas Road, and properties fronting St. Barnabas Road between 28th Avenue and Holly Tree Road.

The plan also recommends the evaluation and possible future rezoning of the mixed-use areas if new zoning tools become available to efficiently and effectively implement the mixed-use, pedestrian- and transit-oriented development pattern recommended by this plan.

Commercial Rezoning Recommendations

The sector plan recommends rezoning of commercial properties along St. Barnabas Road and Silver Hill Road from the Commercial Miscellaneous (C-M) Zone to the Commercial Shopping Center (C-S-C) Zone to discourage the future development of these properties with uses that are inconsistent with the neighborhood commercial businesses envisioned by this plan. The plan also recommends rezoning of some properties along St. Barnabas Road south of Branch Avenue from the C-M Zone to the C-S-C Zone to discourage excessive automobile-oriented and other uses that do not contribute to the positive image of the area or promote the vision of the plan.

The plan also recommends an amendment to the C-S-C Zone within the proposed Revitalization Overlay Areas to restrict certain uses, or control the location of certain uses in the C-S-C Zone when the concentration of these uses are detrimental to the ability to implement the approved vision and land use policies for the area, such as liquor stores and used-car sales on small lots.

Residential and Open Space Rezoning Recommendations

The sector plan recommends zoning changes of parcels of land south of the intersection of Silver Hill Road and Suitland Parkway from the Multifamily Medium Density Residential (R-18) Zone and Rural Residential (R-R) Zone to the Multifamily High Density Residential (R-10) Zone and Multifamily Low Density Residential-Condominium (R-30C) respectively. These properties are located within walking distance of the Suitland Metro Station. The parcels within one-quarter mile distance of the station are proposed for the R-10 Zone in accordance with the recommendations for “core areas” for centers specified in the 2002 General Plan.

A zoning change is also recommended for properties in the One-Family Detached Residential (R-55) Zone that were purchased by the Department of Parks and Recreation for open space use. The plan recommends the Reserved Open Space (R-O-S) Zone to conform to the zoning of adjacent properties also owned by the Department of Parks and Recreation.

The plan recommends the rezoning of the nine-acre Overlook Elementary School from the Commercial Office (C-O) Zone to the Open Space (O-S) Zone to ensure consistency with ownership and current/future use as a public school site. Other residential zoning changes are minor ones that bring zoning into conformance with existing and proposed land uses or eliminate split zoning.

Map 19: Zoning Changes (below) identifies the location of proposed zoning changes in the Branch Avenue Corridor sector plan area. Specific changes to existing zoning are shown on the individual maps from pages 111 to 125 and described in the accompanying tables. The maps are included for illustrative purposes only.

Map 19: Zoning Changes

