

March 21, 2024

The Honorable Jolene Ivey
Chair
Prince George's County Council
Wayne K. Curry Administration Building
1301 McCormick Drive
Largo, MD 20772

Re: LDR-49-2024

Dear Chair Ivey:

As required by the County's legislative amendment process for amendments to the Zoning Ordinance (Section 27-3501), the Planning Board held a public hearing on March 21, 2024, to receive comments on proposed Legislative Drafting Request LDR-49-2024.

Following discussion of LDR-49-2024, the Planning Board approved a motion adopting the findings contained in the Planning Department Technical Staff Report and transmitting an alternate draft of LDR-49-2024 that addresses numerous drafting convention issues present in the proposed version. This motion constituted a Planning Board recommendation for the proposed legislation of NO POSITION.

Planning Board Proposed Amendments:

Due to several technical drafting convention errors in the proposed LDR, the Planning Board proposes an alternate bill that clarifies and corrects these errors to ensure LDR-49-2024 will be consistent with the legislative style and conventions of the current Zoning Ordinance. The Planning Board encourages the County Council to substitute LDR-49-2024 with this proposed alternate bill to address the drafting issues. Regardless of the drafting issues, the Planning Department and the Board do not think the bill accomplishes what the sponsor likely intended. To do this the bill would need to address the smoking establishment restrictions in Subtitle 19-131.

Legislative Amendment Decision Standards:

The advisability of amending the text of this Ordinance is a matter committed to the legislative discretion of the County Council sitting as the District Council and is not controlled by any one factor. Within each zone listed in the Classes of Zones (Section 27-4102), the district council may regulate the construction, alteration, and uses of buildings and structures and the uses of land, including surface, subsurface, and air rights. The provisions for each zone shall be uniform for each class or kind of development throughout the zone, and no legislative amendment may create different standards for a subset of properties within a zone, unless such standards are necessary to implement development policies within the applicable Area Master Plan, Sector Plan, development policies of the General Plan, or other approved development district;

however, any differentiation of a subset of properties within a zone shall be reasonable and based upon the public policy to be served.

The Planning Board has reviewed the Legislative Amendment Decision Standards and concludes that LDR-49-2024 meets the criteria that the provisions for each zone shall be uniform for each class or kind of development throughout the zone. The proposed amendments contained in LDR-49-2024 would be consistently applied to each affected zone across the County.

Additionally, the Planning Board finds that LDR-49-2024 does not create different standards for subsets of properties within a zone and there is no need to determine whether any such differentiation is reasonable and based upon public policies to be served.

As always, Planning Department staff members are available to work with the Council and your legislative staff on any pertinent legislative matters. Please let us know if we may be of further assistance.

Should you have questions, please do not hesitate to contact the Office of the Planning Director at 301-952-3594. Thank you, again, for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter A. Shapiro". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Peter A. Shapiro
Chair

Attachments