

February 29, 2024

The Honorable Jolene Ivey
Chair, Prince George's County Council
Wayne K. Curry Administration Building
1301 McCormick Drive
Largo, MD 20774

Re: LDR-40-2024

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 February 22, 2024 to receive comments on proposed Legislative Drafting Request LDR-40-2024. This public hearing was continued to February 29, 2024.

Following extensive discussion of LDR-40-2024 and in consideration of public comments on this proposed legislation, the Planning Board approved a motion adopting the findings contained in the Planning Department Technical Staff Report, incorporating two recommended amendments to LDR-40-2024, encouraging the District Council to move expeditiously on considering legislation to provide for missing middle housing and accessory dwelling units in Prince George's County, and providing information to the District Council in the form of the written comments received prior to the hearing and a link to the video of the hearing comment. This motion constituted a Planning Board recommendation for the proposed legislation of SUPPORT WITH AMENDMENTS.

Planning Board Proposed Amendments:

1. The Planning Board concurs with staff that allowing multifamily, two-family, and townhouse dwellings in the CGO Zone located Outside the Capital Beltway only by Planned Development may be detrimental to the redevelopment of smaller, struggling commercial shopping centers with more viable, revenue-generating uses.

Instead of the proposed prohibition (unless CGO property owners apply for a Planned Development (PD) Map Amendment), the Planning Board recommends CGO properties and assemblages of properties (abutting CGO lots or parcels separated by roads and streets from other CGO land would constitute an assemblage of CGO property for purposes of this proposed amendment) comprised of 25 or fewer acres should allow multifamily, two-family, and townhouse dwellings with the approval of a special exception. Assemblages above that size could have multifamily, two-family and townhouse dwellings only by Council approval of a Planned Development (PD) Map Amendment.

One recommended approach to implement this proposed amendment is to revise the use-specific standards for these three residential use types in the CGO Zone on Pages 200-201 to be similar to the following example:



(F) Dwelling, Townhouse

(i) Townhouse dwellings in the CGO Zone shall ~~only~~ be permitted ~~inside~~ the Capital Beltway.

(ii) TOWNHOUSE DWELLINGS IN THE CGO ZONE OUTSIDE THE CAPITAL BELTWAY SHALL REQUIRE APPROVAL OF A SPECIAL EXCEPTION WHEN PROPOSED ON LOTS OF 25 ACRES OR LESS.

(iii) TOWNHOUSE DWELLINGS IN THE CGO ZONE ON LOTS GREATER THAN 25 ACRES IN SIZE ~~and~~ shall not be permitted ~~outside~~ the Capital Beltway.

2. The Planning Board also recommends a revision to the provision on Page 278 for Residential Zones in Table 27-7403(a): Development of Nonconforming Lots as pertains to Nonconforming Lots of Record to establish a minimum lot size of 5,000 square feet. The Planning Board concurs with staff that Nonconforming Lots of Record smaller than 5,000 square feet may not be appropriate in all circumstances for the construction of a single-family dwelling, and that the approval of a variance for any lot or assemblage of lots under 5,000 square feet offers a better opportunity for review of the unique circumstances of such lots.

The recommended amendment would be to change the language of the left column for Residential Zones in Table 27-7403(a): Development of Nonconforming Lots to read:

“Nonconforming lot CONSISTING OF 5,000 SQUARE FEET OR GREATER, ~~whether or not compliance with the [dimensional standards]~~ minimum lot size is possible”

Additional Discussion:

After reviewing written comments and hearing from ten speakers, the Planning Board generally discussed the key points made by the speakers, including the transition/grandfathering provisions, residential uses in the CGO Zone Outside the Capital Beltway, density calculation, and comments pertaining to the creation of a work group to review the proposed Zoning Ordinance Omnibus Bill. The Board elected to make the motion described above since the legislative clock for the Planning Board hearing on LDR-40-2024 expires on February 29, 2024, but directed staff to come back before the Planning Board soon to comprehensively discuss the comments and issues raised by the speakers and in writing.

Most particularly, the Planning Board specifically discussed the prohibition of multifamily, two-family, and townhouse dwellings on CGO property located Outside the Capital Beltway and the proposed revisions to transition and grandfathering provisions.

The Planning Board intends on closely following the progress of LDR-40-2024 and plans on providing additional comments following discussion with staff.

The written comments submitted to the Planning Board prior to the public hearing on February 29, 2024 are attached. The link to the public hearing video may be found under the hearing date at <https://www.mncppc.org/883/Watch-Meetings>.



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-40-2024 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-40-2024 would be consistently applied to each affected zone across the County.

Additionally, the Planning Board finds that LDR-40-2024 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 stated during the Planning Board meeting, Planning Director Lakisha Hull will be working with her team to support outreach and further community engagement as necessary. Additionally, the Planning Department is available to address any issues or concerns of the Council as related to this request.

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,

Peter A. Shapiro
Chair

Attachments

Technical Staff Report
Written Comments