



April 1, 2025

TECHNICAL STAFF REPORT

TO: Prince George's County Planning Board

VIA: Lakisha Hull, AICP, LEED AP BD+C, Planning Director

FROM: Marian Honeczy, AICP, Acting Planner IV

SUBJECT: Legislative Drafting Request LDR-61-2025

Application-Specific Review Procedures and Decision Standards – Detailed Site Plans and Special Exceptions

The Planning Department's legislative team has reviewed the proposed legislative amendment to the Prince George's County Zoning Ordinance and presents the following evaluation and findings leading to a recommendation of **NO POSITION**, as described in the Recommendation section of this technical staff report.

I. EVALUATION CRITERIA

Proposed legislative amendments to the Prince George's County Zoning Ordinance are reviewed under the requirements of Section 27-3501, Legislative Amendment, of the Zoning Ordinance. The Department has considered the following in reviewing this proposed legislative amendment:

- A. The Prince George's County Zoning Ordinance;
- B. The 2014 *Plan Prince George's 2035 Approved General Plan*;
- C. The current area master plans, sector plans, and functional master plans for Prince George's County;
- D. The Prince George's County Climate Action Plan; and
- E. Referral comments.

II. COMPLIANCE WITH LAW, ASSESSMENT OF TECHNICAL DRAFTING CONVENTIONS, AND PROPOSED AMENDMENTS

Section 27-3501(c)(2)(A) of the Prince George’s County Zoning Ordinance states in part that **“the Council’s Legislative Counsel shall prepare the proposed amendment in consultation with the Planning Director....”** The Planning Department is submitting this memorandum to provide clarifications and any recommendations for consideration.

Pursuant to Section 27-3501(c)(2)(C), this technical staff report **“shall contain an independent, non-substantive assessment of the technical drafting conventions of the proposed legislative amendment, in order to ensure consistency with the legislative style and conventions of the current Zoning Ordinance.”** As such, the department has determined that LDR-61-2025 was not drafted in a manner consistent with the legislative style and conventions of the current Zoning Ordinance.

The following are specific drafting comments.

The Planning Department uses Detailed Site Plans “DET” and Special Exception “SPE” to refer to applications reviewed under the provisions of the Zoning Ordinance to distinguish such applications from those (DSP and SE) proceeding under the provisions of the prior Zoning Ordinance.

III. BACKGROUND

A. Purpose: LDR-61-2025 amends the approval findings for detailed site plans (DET) and special exception (SPE) applications reviewed under the provisions of the Zoning Ordinance to require findings based on the property’s applicable comprehensive plan, functional master plan or, in the absence of such plan, the current General Plan for the County. This legislation returns plan-related standards for DETs and SPEs to their previous form by repealing the applicable amendments made in CB-015-2024 and reverting to the those approved by the Council in CB-003-2023.

B. Impacted Property: This proposed legislative amendment would impact all property in all zoning areas in Prince George’s County.

C. Policy Analysis:

As of the date of the memorandum, no analysis or justification was provided prior to receiving this proposed legislation to support reintroducing the proposed standards into the County Code. In addition, no documentation of community engagement or coordination with local municipalities have been provided. Below is an analysis, as provided by the Planning Department, based on the reintroduction of the legislation:

1. Residents, property owners, business owners, elected officials, students, employees, and other stakeholders participate, often at their own time and expense, in comprehensive planning efforts throughout Prince George’s County. The County Council has approved a General Plan for development, the 2014 *Plan Prince George’s 2035 Approved General Plan* (Plan 2035), eight active functional master plans since 1983, and 38 active master, sector, and transit district development plans since 1989.

Each of these plans makes recommendations as to urban design, landscaping, streetscaping, and other site design elements that are specific to the communities and neighborhoods for whom they envision the future, often to reflect the local environment, character, and history of a neighborhood; that neighborhood's vision for its future, and the unique characteristics of individual properties. These recommendations enhance, but may not be covered by, the general requirements in the Prince George's County Zoning Ordinance. Master, sector, and transit district development plans may complement the requirements of the Zoning Ordinance by providing guidance to private, public, or institutional property owners based on context of the community within Prince George's County.

2. The Prince George's County District Council may take the following into consideration: a detailed site plan is a late-stage development approval for the location and design of buildings and site features on a site otherwise approved for a specific use under the Zoning Ordinance. The County's 38 active approved master, sector, and transit district development plans may contain graphic depictions of a hypothetical built environment or of the development of a specific property. The graphic depictions or illustrations in the master, sector, and transit district development plans are typically:
 - a. conceptual and illustrative in nature;
 - b. may conflict with the requirements or standards recently adopted by District Council in the current Zoning Ordinance; and
 - c. are often dated and no longer reflect contemporary architectural, green building standards, neighborhood servicing uses, or landscaping practices. They may depict buildings that are too small to meet both market demands and the permitted densities of the current Zoning Ordinance, which unlike many older plans reflect the densities and mixes of uses envisioned by Plan 2035. In addition, a **general or master plan is a policy document and should not have the legal weight of a zoning law**; where inconsistencies exist between older plans and the current Zoning Ordinance, conformance to a master plan should be evaluated within the context of the current applicable zoning regulations.
3. On January 12, 2023, the Planning Board provided the District Council with analysis of CB-003-2023, an earlier bill to require plan conformance for special exception and detailed site plan applications. The District Council may consider the following, as stated in the Planning Board's 2023 analysis, **"The best way for the Council to ensure that detailed site plans conform to the Comprehensive Plan is to always implement the zoning recommended in the Council's Comprehensive Plans, and to avoid text amendments that allow development to occur in ways that contradict the applied zone."**
4. Transit District Overlay and Development District Overlay Zones were historically included in the same document as area master plans, sector

plans, and transit district development plans for user convenience only. They were part of concurrent sectional map amendments or transit district overlay zoning map amendments approved at the same time as plans and were and are not part of any area master, sector, or transit district development plan. Except for development approved pursuant to the transitional provisions of the Zoning Ordinance, they are null and void pursuant to the 2021 adoption of the Countywide Sectional Map Amendment and should not be referenced in any analysis or finding of master plan conformance.

Recommend the sponsor of the legislation seek input from local jurisdictions, especially with recent discussions in this year's General Assembly concerning the proliferation of certain uses and land-use authority concerns.

IV. COMPLIANCE WITH EVALUATION CRITERIA

Section 27-3501(c)(2)(B) requires the Planning Director to issue a technical staff report on any proposed legislative amendment to the Zoning Ordinance within 14 calendar days of the transmittal of the proposed amendment by the Clerk of the Council. This section also requires, at minimum, analysis of the extent to which the proposed legislative amendment complies with six criteria.

A. This proposed legislative amendment meets the requirements of Section 27-3501(c)(2)(B) as follows:

(i) Is consistent with the goals, policies, and strategies of Plan Prince George's 2035 (or any successor General Plan), area master plans, sector plans, functional master plans, and any other applicable approved plans;

The requirement proposed by LDR-61-2025 is "consistent with the goals, policies and strategies of Plan Prince George's 2035 [Plan 2035] (or any successor General Plan), area master plans, sector plans, functional master plans, and any other applicable approved plans" pursuant to Section 27-3501(c)(2)(B)(i) of the Zoning Ordinance.

In particular, Strategy LU1.2 recommends the County "revise and update the Zoning Ordinance, Subdivision Ordinance, and other County regulations to ensure they are consistent with and support the Plan 2035 growth management goals, vision, and policies."

Requiring master plan conformance ensures that certain uses, and the development conditions associated with such uses (such as those permitted by special exception) and the design and layout of new development (as approved through detailed site plans) is consistent with, and supports, implementation of the County's General Plan and approved area master, sector, and transit district development plans.

(ii) Addresses a demonstrated community need;

A particular need has not been put forth; however, consistency and conformity to County adopted plans provides community predictability.

(iii) Is consistent with the purpose and intent of the zones in this Ordinance, or would improve compatibility among uses and ensure efficient development within the County;

One of the purposes of the Zoning ordinance is to implement the General Plan, Area Master Plans, Sector Plans, and Functional Master Plans; this amendment is in line with that goal.

(iv) Is consistent with the implementation of the strategies and priority recommendations of the Prince George's County Climate Action Plan;

The draft Climate Action Plan (CAP) presents strategies to achieve a carbon-free County by addressing County operations, reducing the County's contribution to greenhouse gas emissions, and taking steps to prepare for the coming impacts of a changing climate. LDR-61-2025 is generally "consistent with implementation of the strategies and priority recommendations of the draft Prince George's County Climate Action Plan" Because this legislation provides clarification for the master plan compliance required findings for special exceptions and adds the same finding for detailed site plans, this will further the climate goals in master plans that are generally in accordance with the recommendations of the draft Climate Action Plan.

(v) Is consistent with other related State and local laws and regulations; and

Conformance with master plan recommended goals, policies, and strategies may conflict with the development and design standards in the Zoning Ordinance. The bill should clarify the criteria to be used where the master plan and Zoning Ordinance conflict.

(vi) Would avoid creating significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

LDR-61-2025 would generally "avoid creating significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment" because the proposal provides clarification and additional findings for conformance to master plans such as the 2017 Countywide Green Infrastructure Plan of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*.

- B. Pursuant to Section 27-3501(c)(2)(C) of the Zoning Ordinance, this technical staff report **“shall contain an independent, non-substantive assessment of the technical drafting conventions of the proposed legislative amendment, in order to ensure consistency with the legislative style and conventions of the current Zoning Ordinance.”**

This analysis was provided above in Section II of this technical staff report.

- C. Finally, Section 27-3501(c)(2)(D) of the Zoning Ordinance requires the Planning Board to make a recommendation on the proposed amendment in accordance with the Legislative Amendment Decision Standards that guide the District Council’s final decision on the approval of a proposed legislative amendment.

Analysis of the Legislative Amendment Decision Standards is contained in a separate subsection of this technical staff report below.

V. Referral Comments

The Department referred LDR-61-2025 to colleagues throughout the Planning Department and received referral comments from the Community Planning Division, Development Review Division, and Countywide Planning Division that were reviewed and integrated into this staff report.

VI. PLANNING BOARD PUBLIC HEARING

Section 27-3501(c)(2)(D) of the Zoning Ordinance requires the Prince George’s County Planning Board to hold a public hearing and make comments on the proposed legislative amendment within 30 days of the date of the transmittal of the Clerk of the Council. Said public hearing must be noticed by electronic mail at least 21 days prior to the public hearing, sent to every community organization registered in the County pursuant to Section 27-3407(b)(3) of the Zoning Ordinance, and to any person or organization registered pursuant to Section 27-3402(d) of the Zoning Ordinance.

Notice for the public hearing on LDR-61-2025 was sent on March 25, 2025, 23 days prior to the Planning Board meeting. The Planning Board public hearing will be held on April 17, 2025.

Comments offered by the public prior to and during the Planning Board’s public hearing will be summarized, along with the Planning Board’s comments, in the Board’s recommendation to Clerk of the Council.

VII. ANALYSIS OF LEGISLATIVE AMENDMENT DECISION STANDARDS

LDR-61-2025 has been reviewed for consistency with Section 27-3501(d), Legislative Amendment Decision Standards, of the Zoning Ordinance. The Department finds the following:

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 (D)istrict (C)ouncil 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 legislation applies evenly across every zone in which a DET or SPE is required, resulting in uniformity for each class or kind of development throughout the zone.

VIII. PROPOSED AMENDMENTS

Following review of LDR-61-2025, the Department has offered the necessary technical drafting convention edits for this proposed bill in Section II and recommended substantive amendments in Section III. The Department looks forward to coordinating with the bill's sponsor, to better understand the underlying concerns and work toward a final version.

IX. RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Planning Department's legislative team recommends the Planning Board adopt the findings of this report and also recommends the Planning Board recommend **No Position** on LDR-61-2025.