



**March 13, 2025**

**TECHNICAL STAFF REPORT**

TO: Prince George's County Planning Board

VIA: Lakisha Hull, Planning Director

FROM: Marian Honeczy, AICP, Acting Planner IV

SUBJECT: Legislative Drafting Request LDR-53-2025  
Use Regulations – Preserving Access to Opioid Treatment Services

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 Ordinance. The Department has considered the following in reviewing this proposed legislative amendment:

- A. The Prince George's County Zoning Ordinance;
- B. The *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-53-2025 was not drafted in a manner consistent with the legislative style and conventions of the current Zoning Ordinance.

The following are specific drafting comments.

- A. **Page 5, Lines 2-12**, authorizes the Planning Director to “impose other reasonable requirements deemed necessary to safeguard the health, safety, morals, and general welfare of the community.” However, it is not clear from the bill as drafted which provision of the Zoning Ordinance identifies at what stage of the permitting and entitlement process the Planning Director may impose these requirements.

As there is no specific entitlement process identified in the bill as drafted, the Council may consider revising this provision to the Director of Permitting, Inspections and Enforcement.

- B. The County Council should consider that any use that requires off-street vehicular parking to serve the unique needs of customers should not be located in the Regional Transit-Oriented or Local Transit-Oriented Zones and should be prohibited therein, rather than requiring parking in those locations. Constructing parking is a potentially costly and land-intensive use in areas of the County where developable real estate walkable to transit is at a premium. Permitting parking in the RTO and LTO Zones is not consistent with most of the County’s active master and sector plans that contain these zones.
- C. Should such uses be permitted in Transit-Oriented/Activity Center Zones, they should be prohibited in the RTO and LTO Zones unless they can be accommodated without any additional dedicated off-street parking, as is appropriate for all uses in such zones.
- D. Many retail shopping centers, which would be attractive spaces for opioid treatment centers due to their central location, availability of affordable space for rent, and possibility for transit access, are subject to previously-approved detailed site plans. This would appear to disqualify them from the ability to get a permit for an opioid treatment facility.
- E. **Page 2, Line 15** contains the words “adequate” in reference to vehicular access. The Subdivision Regulations define adequacy of both access and levels of service. Cross-reference to these requirements, or otherwise incorporating them for an application not requiring a preliminary plan of subdivision, reduces the subjectivity associated with the word “adequate” by tying it to an objective measurement elsewhere in the County Code.

### III. BACKGROUND

- A. **Purpose:** LDR-53-2025 would define opioid treatment centers as a new principal use type similar to Methadone Treatment Center use, establish the zones where it is

permitted, setting the conditions under which it may be approved and establishing off-street parking requirements for the new use type.

- B. **Impacted Property:** This proposed legislation amendment would impact all property zoned Town Activity Center, Local Transit-Oriented, and Regional Transit-Oriented in Prince George's County.
- C. **Policy Analysis:** As mentioned above, LDR-53-2025 generally mirrors the Methadone Treatment Center use except that while these require a Special Exception, Opioid Treatment Centers will be permitted by right. The definition of Opioid Treatment Center specifically exempts Methadone Treatment Center so this raises a legal issue for the sponsor to consider. This bill will circumvent the requirement for special exception approval otherwise required for methadone treatment facilities despite the fact that methadone is also an opioid. The Bill should explain why Methadone Treatment Centers' have a greater offsite impact, thereby requiring a Special Exception, while other types of opioid treatment do not have such impacts.. It may well be the case that there are differences between the two, but the Bill should explain that or the County may face a legal challenge from the owners/operators of MTCs that there is no reasonable basis for the distinction. SE's are significantly more costly, require more time, and have to meet a series of findings 27-3604(e) --- OTCs will not have to do any of that.

The law also empowers the Planning Director to impose "reasonable restrictions" on OTCs (this is also simply something that was copied from the MTCs except, instead of the ZHE, the Planning Director will impose the restrictions). This is not something the Planning Director normally does for permitted uses however. Instead, the Council imposes specific requirements for permitted uses that are generally objective standards. The Planning Director is not an expert in the impacts of Opioid Treatment Centers and there are no guidelines explaining what the Planning Director should be considering. With an SE, the ZHE has such guidelines, but they do not exist for permitted uses. It may be best to remove that provision as it is really designed for SEs not permitted uses.

#### 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;**

LDR-53-2025 is generally "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.

Policy HC 4 of Plan 2035 recommends improving access to health services and programs.

**(ii) Addresses a demonstrated community need;**

LDR-53-2025 addresses an identified community need by permitting the specified medical facilities in a range of zones and creating additional restrictions to mitigate their impact on their surrounding communities. The Department, however, suggests that a better option to address opioid treatment centers is to consider whether to expand/broaden treatment facilities and categorize collectively as drug and alcohol treatment centers (having methadone, opioid and other drug and alcohol treatment centers), subject to consistent standards.

**(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;**

LDR-53-2025 would enable Opioid Treatment uses but circumvent the requirement of special exception approval required for the similar medical treatment uses at methadone treatment facilities

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

The 2022 Prince George’s County Climate Action Plan contains 26 priority recommendations intended for rapid implementation with key near-term actions, and numerous strategies focused on the long-term vision to guide the County’s climate mitigation and adaptation efforts over time. The strategies are contained in Chapter VI, Taking Action: Strategies to Achieve a Low-Carbon, Resilient Prince George’s County, while the recommendations are described with detailed action steps in Chapter VII, Next Steps.

The 26 priority recommendations are divided into 3 action areas:

1. Operational actions to bring about transformational change;
2. Mitigating the cause of climate change by reducing greenhouse gas emissions; and
3. Adapting to coming climate impacts.

Staff cannot identify any impact that LDR-53-2025 would have on the Prince George’s County Climate Action Plan or climate change in Prince George’s County.

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

This bill does not conflict with existing laws except as discussed above.

- (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-53-2025 will not create significantly adverse impacts on the natural environment of the County.

- B. 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.**”

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

- C. Finally, Section 27-3501(c)(2)(D) 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.

## **2. Referral Comments**

The Department referred LDR-53-2025 to colleagues throughout the Planning Department and received referral comments from the Community Planning Division that were reviewed and integrated in this staff report.

## **V. PLANNING BOARD PUBLIC HEARING**

Section 27-3501(c)(2)(D) 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 in the County registered 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-53-2025 was sent on March 12, 2025, 15 days prior to the Planning Board meeting. The Planning Board public hearing will be held on March 27, 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.

## **VI. ANALYSIS OF LEGISLATIVE AMENDMENT DECISION STANDARDS**

LDR-53-2025 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 Department finds that LDR-53-2025 would create a different standard for the Methadone Treatment Center use by circumventing the requirement of special exception already required for methadone treatment facilities. While MTC's require a Special Exception, Opioid Treatment Centers will be permitted by right. Resulting in different standards for a subset of properties within the zones that permit methadone treatment facilities.

In addition, it is unclear to the Department what public policy may be served by creating this new use. . Should the Council address opioid treatment centers by considering whether to expand/broaden treatment facilities and categorize collectively as drug and alcohol treatment centers (having methadone, opioid and other drug and alcohol treatment centers), subject to consistent standards.

Based on the above preliminary assessment, the Department finds that LDR-53-2025 is not consistent with the Legislative Amendment Decision Standards specified in Section 27-3501(d) of the Zoning Ordinance.

## **VII. PROPOSED AMENDMENTS**

Following review of LDR-53-2025, the Department has offered the necessary technical drafting convention edits that are necessary for this proposed bill in Section II, above. As to the substantive aspects of the bill, the Department has no amendments at this time and requests to coordinate with the bill's sponsor to better understand the underlying concerns and work toward more effective outcomes than LDR-53-2025 would engender.

## **VIII. 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-53-2025.