



**THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission**

Prince George's County Planning Board | Office of the Chairman

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June 24, 2024

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

Re: LDR-82-2024

Dear Council 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 June 20, 2024, to receive comments on proposed Legislative Drafting Request LDR-82-2024.

Following discussion of LDR-82-2024, and in consideration of public comments on this proposed legislation (of which there were none), the Planning Board voted to adopt the findings of staff contained in the attached technical staff report dated June 4, 2024, and oppose LDR-82-2024 with associated comments contained in the technical staff report. The comments from the technical staff report are reprinted below for ease of reference.

Planning Board Comments:

1. The Planning Board concurs with staff that the Zoning Ordinance already includes development standards for exterior lighting, light spillage and glare, and light pollution. These lighting standards are new to the current Zoning Ordinance, and the Planning Board believes they align with the goals referenced by LDR-82-2024 once more businesses are subject to these standards.
2. The Planning Board's preliminary assessment is that LDR-82-2024 will have a limited retroactive application. This is because most of the establishments that may be of concern were potentially approved under the prior Zoning Ordinance and would not be impacted by LDR-82-2024 in any way. Similarly, storefront signs that are currently legal will not be affected.
3. The Planning Board requests further information to clarify the following in LDR-82-2024:
 - a. Specifications related to allowable flux, intensity, and color of LEDs to facilitate easier measurement of pollution levels
 - b. A clear definition of lighting "similar to" LED lighting
 - c. Resolve the discrepancy between the purpose of LDR-82-2024, which states "commercial storefronts," and the proposed language, which extends to "nonresidential use"



4. The Planning Board also recommends:

- a. Providing amendments to the County's Building Codes, in coordination with DPIE, in lieu of amending the Zoning Ordinance
- b. Providing amendments to Subtitle 4 including, specifically, the International Energy Conservation Code, 2018 Edition ("IECC") adopted and incorporated by the County in Section 4-101 of the County Code. Amendments to the IECC may also be able to address some of the limitations on the retroactive application of such controls that are more limited within the County's zoning authority

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-82-2024 creates different standards for subsets of properties within all zones in the County by prohibiting LED lighting based on unmeasurable standards, by not determining physical development standards, and more importantly, by generating the risk for the County's permit review and code enforcement teams to make subjective determinations that may not be backed by objective standards.

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,

Peter A. Shapiro
Chair

Attachments

- Technical Staff Report