



April 17, 2024

MEMORANDUM

TO: Prince George's County Council Planning, Housing, and Economic Development Committee

FROM: Lakisha Hull, AICP, LEED AP BD+C, Planning Director
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SUBJECT: **Proposed Amendments to CB-15-2024**

The purpose of this memorandum is to offer the Planning Department's comments on the proposed amendments to CB-15-2024 that are currently pending as of April 16, 2024. The order will follow that found on the CB-15-2024 bill page on Legistar. Staff offer no comments on the two amendments that have already been adopted by the Committee, items 9 and 11 on the CB-15-2024 bill page. As always, the Planning Department is happy to assist with any questions or revisions the Committee may wish to discuss.

Item 6: Proposed Amendment Sheet for LDR-40-2024 DR-1

Description: This amendment incorporates several revisions to the Zoning Map Amendment procedures designed to accelerate the overall timeframe for ZMA consideration and approval. Clarification is included regarding review of Major Plan Amendments and notification for Planned Development (PD) Zoning Map Amendments.

Analysis: These proposed revisions reconcile other provisions of CB-15-2024 to the review responsibilities table and notification table and help streamline the ZMA process with the most significant revision being a time limitation on the time of ZMA consideration on a pending ZMA application. These revisions should help make a Zoning Map Amendment procedure a more desirable alternative to site-specific legislative zoning amendments.

Recommendation: Support

Item 7: Bill-Amendment-2-CB-015-2024.ECO.NCLots.ktz.03212024

Description: This amendment would impose a minimum lot size of 6,500 square feet and at least one-half the size of the minimum lot size of the zone for the development of a single-family dwelling on a

nonconforming lot of record. Any proposed dwellings on a smaller site would require approval of a lot size variance.

Analysis:

Staff are well aware of concerns regarding residential dwelling development on nonconforming lots of record, particularly in Residential zones within established residential neighborhoods. However, staff have concerns regarding the proposed minimum lot size of 6,500 square feet, which would essentially prohibit single-family detached dwelling development on nonconforming lots in the RSF-65, RSF-A, and RMF-12 zones since the minimum lot size for single-family detached dwellings in these zones is 6,500 square feet in RSF-65, and 5,000 square feet in RSF-A and RMF-12.

Staff recommend reducing the lot size minimum for development of single-family detached dwellings on a nonconforming lot of record to 5,000 square feet. This number matches the smallest single-family detached dwelling lot size permitted in the Residential zones in the current Ordinance and was a very common number for development of nonconforming lots from the prior Zoning Ordinance.

Recommendation:

Support with an amendment to revise the minimum lot size from 6,500 square feet to 5,000 square feet.

Item 8: Bill-Amendment-CB-015-2024.ECO.LMUTC.ktz.03212024

Description:

This amendment would remove provisions pertaining to a rezoning by operation of law of property currently in the Riverdale Park Legacy Mixed-Use Town Center (LMUTC) Zone and instead extend the LMUTC Zone in perpetuity.

Analysis:

The four legacy zones in the current Zoning Ordinance were designed to transition over time to zones in the new Zoning Ordinance. As legacy zones, they are obsolete and no longer are deemed “living zones” and are associated with certain limitations that are intended to incentivize transition into the zones featured in the current Ordinance.

Staff are aware of the desire of the Town of Riverdale Park to transform the Riverdale Park LMUTC Zone into a “living zone,” and do not support that endeavor. The proposed amendment offers a compromise position and recognizes the many reasons why Clarion Associates and the Planning Department recommended not continuing the former M-U-TC Zone into the new Ordinance.

With the upcoming Southern US 1 Corridor Sector Plan and Sectional Map Amendment (initiating FY 2026), the County and Town will have the opportunity to further evaluate the best planning and zoning proposals to achieve joint goals for the

ongoing revitalization of Riverdale Park. With these factors in mind, staff believe this proposed compromise amendment is a fair path forward.

Recommendation: Support

Item 10: Bill-Amendment-CB-015-2024.SJH.QDC.ktz.03212024

Description: This amendment is the first of two proposed amendments pertaining to qualified data centers in the AG Zone, which would permit this use under certain circumstances.

Analysis: This was the first draft of an amendment to permit qualified data centers in the AG Zone under certain circumstances. After the proposal of this amendment, the sponsor worked to develop a proposed Draft 1A, which is discussed as item 13 below.

As it stands, this Draft 1 is insufficient regarding the legislative formatting and style of the current Zoning Ordinance and does not address several key issues raised in initial discussion pertaining to concerns of qualified data centers in general within the AG Zone if broadly permitted Countywide.

Recommendation: Oppose

Item 13: Bil-Amendment.No1A.CB-015-2024.SJH.ktz.04152024.pdf

Description: This amendment is the second of two proposed amendments pertaining to qualified data centers in the AG Zone, which would permit this use under certain circumstances.

Analysis: This amendment is the revised Draft 1A to permit qualified data centers in the AG Zone under certain circumstances. This Draft 1A responds to initial concerns about the potential for qualified data centers throughout the AG Zone. The revised Draft 1A will greatly limit where qualified data centers may be realized in the AG Zone and improve standards applicable to such qualified data center proposals to better ensure compatibility with adjacent lands.

Recommendation: Support

Item 14: CB-15-2024 Proposed Amendment CGO.TD.ted

Description: This amendment reflects the Planning Board's compromise proposal for development of two-family, townhouse, and multifamily dwellings in the CGO Zone for property located Outside the Capital Beltway.

Analysis: This proposal is identical to the Planning Board compromise position transmitted to the Council on March 5, 2024.

This amendment would preserve the current Zoning Ordinance use permissions that allow two-family, townhouse, and multifamily dwellings by-right on CGO property located Inside the Capital Beltway. For CGO property located Outside the Capital Beltway, this amendment would require approval of a special exception for these uses on property or areas of abutting properties zoned CGO which total less than 25 acres in size. Any property or areas of adjoining properties zoned CGO which are 25 or greater acres in size are not eligible to provide two-family, townhouse, or multifamily dwellings (these uses would be prohibited) unless the property owner submits an application for a Planned Development (PD) Zoning Map Amendment for a zone that permits these uses.

Recommendation: No position

Item 15: CB-15-2024 Proposed Amendments QDC.TD.ted

Description: This amendment proposes an addition to the location criteria for qualified data centers proposed in the RR Zone that would require the structure wherein a qualified data center is proposed to be located both a minimum of 300 feet from any residential use and a minimum of 500 feet from “any property owned by a religious institution on which it conducts religious services.”

Analysis: Staff is attempting to prepare a map of potential impacts of this proposed amendment, but the Council should be aware that the full extent of this locational criteria is impossible to determine because the County cannot predict where, on any given site, a structure housing a qualified data center may be located until site plans are accepted and under review.

Since the minimum setback from residential uses and religious institution properties are predicated on the structure location, the sites that are affected by this proposed amendment are impossible to identify. The best that can be done is to attempt to identify properties where such structures may be located.

Staff believe the proposed 500-foot setback from property owned by a religious institution on which it conducts religious services is too large and there are no compelling interests or reasons why this distance should be 200 feet greater than the required 300-foot setbacks from residential uses that already exists in current law. Staff recommend the setback for religious institution properties be the same 300-foot distance as that for residential uses.

Additionally, the Council should be aware that it is not possible to determine all properties that may be owned by a religious institution in Prince George’s County, and it is even less possible

to identify which such properties are actively used for religious services. Enforcement of this proposed amendment will be extremely challenging, and it may not be possible to identify all such properties at the time any given proposed qualified data center is proposed.

Recommendation:

Oppose with comments – recommend changing the proposed 500-foot setback to 300 feet to match the setback from residential uses

Item 16: Proposed Amendment to CB-15-2024

Description:

This amendment proposes revisions to the decision standards for special exceptions and detailed site plans that would change the standard for special exception approval from consistency with the General Plan and conformance with relevant goals, policies, and strategies of the applicable Area Master Plan, Sector Plan, or Functional Area Master Plan to a finding of not substantially impairing the integrity of any validity approved plans.

In the case of detailed site plans, this amendment would remove any plan conformance or consistency finding.

These proposed amendments have the effect of restoring the decision standards for special exception and detailed site plan approval to the status quo before CB-3-2023 took effect.

Analysis:

Although the Planning Board supported the general purpose of CB-3-2023 to make comprehensive plans an important consideration in the development and redevelopment of the County, the Board voted to oppose CB-3-2023 unless it was amended based on numerous concerns largely focused on detailed site plan review and approval, specifically the challenges involved in apply comprehensive plan recommendations to a detailed site plan (DET) because a DET represents a very late stage in the development process and regulates technical site design elements that are far removed from the more general recommendations found in a comprehensive plan.

While the final version of CB-3-2023 did tone down the decision standard from “substantial conformance” to conformance, many of the Planning Board’s concerns remain in effect under current law as amended by CB-3-2023.

As pertains to the proposed amendment represented by Item 16 on the CB-15-2024 bill page, staff draw upon the Planning Board position on CB-3-2023, and reiterate a key point made by the Planning Board: the key purpose of most comprehensive plans is to recommend appropriate zoning for specific properties or groups of properties. The best way for the Council to ensure that

detailed site plans conform to the comprehensive plans 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. This approach will be far more effective in advancing the goals of comprehensive plans than CB-3-2023. When the zoning is correct, and the standards of the zone remain in force, a detailed site plan will nearly always conform to the comprehensive plan.

Recommendation: Support

Item 17: Proposed Amendment Sheet for CB-15-2024 Transition Provisions

Description: This amendment reflects the culmination of more than 18 months of collaborative work with the building industry, land use bar, Council, and other stakeholders in revisiting the Zoning Ordinance transition and grandfathering procedures and makes wholesale revisions to those provisions that largely represent the consensus position of the development community and M-NCPPC.

A few additional amendments are included in item 17 that reconcile terminology or reflect a proposed grandfathering clause that needs to be reflected in another part of the Ordinance. Additionally, the ability to seek a variance from use-specific standards or special exception standards, which are largely performance or design standards, is authorized by this proposed amendment.

Analysis: This proposed amendment sheet contains five proposed amendments that make substantial clarifications to the transition and grandfathering language and authorize variances to use-specific standards and special exception standards applicable to specific special exception uses. The Planning Department fully supports these amendments, worked out in ongoing collaboration with Council and the development community.

Recommendation: Support