



The Maryland-National Capital Park and Planning Commission



PRINCE GEORGE'S COUNTY  
Planning Department

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July 2, 2024

## TECHNICAL STAFF REPORT

TO: The Prince George's County Planning Board

FROM: Chad Williams, LEED AP BD+C, Master Planner

SUBJECT: Legislative Drafting Request LDR-91-2024  
Electric Vehicle Charging Stations and EV-Ready Spaces

The Planning Department's legislative team has reviewed the proposed legislative amendment to the Zoning Ordinance and presents the following evaluation and findings leading to a recommendation of **SUPPORT with amendments**, as described in the Recommendation section of this technical staff report.

The Planning Department notes that the original transmittal from the Clerk of the Council on Thursday, June 20, 2024 included a draft amendment that was superseded by a new draft received by the Planning Department on the afternoon of Wednesday, June 26, 2024. This technical staff report focuses on the second version of LDR-91-2024 received on June 26.

### I. EVALUATION CRITERIA

Proposed legislative amendments to the Zoning Ordinance are reviewed under the requirements of Section 27-3501, Legislative Amendment, of the Prince George's County Zoning Ordinance. The Planning 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. POLICY ANALYSIS

- A. **Purpose:** LDR-91-2024 was initially a proposal to set "a minimum number of parking spaces with electric vehicle (EV) charging stations for newly constructed multifamily and commercial developments; minimum required EV-Ready spaces in new multifamily

developments; and minimum required parking spaces with accessible EV charging stations.”

The June 26 version, which was transmitted to staff as an updated version of LDR-84-2024 (a drafting request not officially referred to the Planning Department by the Clerk of the Council), revises the purpose of the proposed legislative amendment to read “(f)or the purpose of revising and providing certain definitions regarding electric vehicles and electric vehicle parking spaces; allowing minor departures up to certain limits for off-street parking space standards; requiring a minimum number of electric vehicle parking spaces for newly constructed multifamily, office, retail and mixed-use development; setting minimum required parking spaces with accessible EV charging stations; and generally regarding electric vehicle parking.

The Planning Department believes that LDR-84 and LDR-91 have been consolidated; this staff report proceeds to analyze the most recent draft of this consolidated, proposed electric vehicle zoning bill and refers to this bill in this staff report as LDR-91-2024.

- B. Impacted Property:** As drafted, this proposed legislative amendment would impact all future multifamily or “commercial” uses proposed in Prince George’s County. However, the sponsor’s intent as to the extent of application of requiring EV charging spaces and/or EV-Ready spaces to “commercial” uses is unclear and may be unintentionally over-broad.
- C. Policy Analysis:** LDR-91-2024 as revised would establish new EV-related definitions, new EV parking space requirements for future multifamily, office, retail, mixed-use, or “shopping center” development, authorize minor departures up to certain limits for EV off-street parking space requirements, and establish several additional EV-related standards.

The Planning Department supports the general purpose and intent of LDR-91-2024 to facilitate EV charging infrastructure in Prince George’s County and offers the following comments to help clarify the policy goals of this proposed legislative amendment.

#### Targeted Uses

LDR-91-2024 is focused on the following “uses”: uses in the Office Uses principal use category, uses in the Retail Sales and Service Uses principal use category, the multifamily dwelling principal use type, “shopping centers”, and “mixed-use developments”. References to these uses are inconsistent on page 8 of the bill and should be reconciled for clarity.

In the current Zoning Ordinance, “shopping centers” are not a use. A shopping center is a design solution to providing (generally) retail, personal service, eating and drinking establishments, and recreation uses, and is not in itself a use. Instead of referring to shopping centers as a use, LDR-91-2024 should reference shopping centers “as defined in Section 27-2500, Definitions”.

As to the term “mixed-use developments” (or, as appears in proposed Table 27-6305(e), “Mixed Use”), additional clarity is recommended to reconcile the terminology. The Table reference should be revised to read: “Mixed-Use Developments.”

Additionally, the Council may wish to consider requiring Level 3 charging stations for new

development of the targeted use categories, multifamily dwellings, and “shopping centers,” perhaps based on a threshold of development (e.g. 50,000 square feet or more) or minimum threshold of required parking spaces (e.g. 100 or more parking spaces). Currently, Level 3 “fast charging” stations are seldom found outside designated, standalone charging sites or gas stations, and requiring Level 3 stations under specified circumstances should help facilitate EV use and even encourage additional spending in the County by persons who would otherwise pass through by locating “fast charging” stations at retail and restaurant destinations.

The Planning Department offers its recommended, revised Table 27-6305(e) below for the Council’s consideration. This version reconciles terminology and adds clarity:

<b><u>Table 27-6305(e): Minimum EV Parking Spaces</u></b>			
<b><u>Use</u></b>	<b><u>EV-Capable Parking Spaces Required</u></b>	<b><u>EV-Ready Parking Spaces Required</u></b>	<b><u>EVSE-Installed Parking Spaces Required</u></b>
<del>Office-Uses</del> <b><u>IN THE OFFICE USES PRINCIPAL USE CATEGORY</u></b>	<u>10%</u>	<u>10%</u>	<u>10%</u>
<del>Retail Sales and Service Uses</del> <b><u>IN THE RETAIL SALES AND SERVICE USES PRINCIPAL USE CATEGORY</u></b>	<u>10%</u>	<u>10%</u>	<u>10%</u>
<b><u>Shopping Centers AS DEFINED IN SECTION 27- 2500, DEFINITIONS</u></b>	<u>10%</u>	<u>10%</u>	<u>10%</u>
<b><u>THE Multifamily Dwellings PRINCIPAL USE TYPE</u></b>	<u>20%</u>	<u>20%</u>	<u>20%</u>
<b><u>Mixed-Use DEVELOPMENTS</u></b>	<u>10%</u>	<u>10%</u>	<u>10%</u>

Finally, the Planning Department recommends flexibility in the definition of the term “EV-Ready” Parking Space on lines 11-15 on page 3 of the proposed bill in recognition the definition may be updated in future energy/building codes. The Department recommends recognition/incorporation of a reference to the International Energy Conservation Code, along the lines of “or as defined by the International Energy Conservation Code,” in the definition.

**Detailed Site Plan vs. Permit Review**

The Planning Department does not understand why LDR-91-2024 seeks to require EV-

Capable, EV-Ready, and EVSE-Install parking spaces only for the targeted uses when they may be subject to a detailed site plan review. Any such targeted use consisting of less than 25,000 square feet in size is exempt from detailed site plan review and thus exempt from the requirement for providing EV infrastructure. Similarly, multifamily dwelling buildings consisting of fewer than ten units are also exempt.

The Planning Department recommends extending the EV infrastructure requirements of LDR-91-2024 to the targeted uses when they are subject to permit review and not link the requirements to whether a detailed site plan may be required.

Regarding terminology, the phrase “detailed site plans issued” should be revised to “detailed site plans approved” should Council retain the requirements for detailed site plan review.

Additionally, the Council should be aware that the requirements of LDR-91-2024 will not apply to any detailed site plan approved on or after January 1, 2025 that was accepted, reviewed, and decided under the transition provisions in Part 27-1 of the Zoning Ordinance; LDR-91-2024 will only apply to applications accepted under the regulations of the current Zoning Ordinance.

The Planning Department recommends LDR-91-2024 be revised to remove references to detailed site plans on page 8 and simply start Subsections (e)(2)(A)-(C) with “On or after January 1, 2025...”

#### Minor Departure

LDR-91-2024 attempts to authorize minor departures from the newly proposed off-street parking standards for electric vehicle charging stations; in other words, it would authorize minor departures from Section 27-6305(e), Electric Vehicle (EV) Charging Stations (this would be the correct Section reference; LDR-91-2024’s proposed reference language is slightly inaccurate).

However, the Planning Department believes this action is unnecessary because it is already possible for developers to seek relief from Section 27-6305(e) as a minor administrative waiver or modification of development standard (refer to Table 27-3614(b)(5): Minor Administrative Waivers or Modifications to Development Standards. Both a minor departure and a minor administrative waiver or modification to development standards is a Planning Director decision.

The Planning Department recommends deleting the entirety of language pertaining to Section 27-3614, Departure (Minor and Major), from LDR-91-2024. This would mean deleting lines 24-31 on page 3, lines 1-8 on page 4, Table 27-3614(b)(1): Minor Departures on pages 4-7, revising the bill’s purpose statement to remove references to “allowing minor departures up to certain limits for off-street parking space standards”, and removing Section 27-3614 from lines 11 and 19 on page 1.

Alternatively, the Planning Department recognizes it may be the intent of the sponsors to set thresholds for the level of departure – in other words, establishing a maximum percentage of required spaces that may possibly be waived. If this is the Council’s intent, then the minor

departure language referenced above would remain, but Table 27-3614(b)(5): Minor Administrative Waivers or Modifications to Development Standards must be added to the bill and the authorization on relief from Section 27-6305(e) should be deleted from that table.

#### EV-Ready Parking Spaces, Generally

Since it will be more costly to retrofit parking areas to accommodate EV charging infrastructure than to incorporate EV-Ready infrastructure during original construction, the Council may wish to consider being more aggressive in the requirement of EV-Ready spaces. Perhaps twenty percent, or even up to forty or fifty percent, is a more appropriate goal to facilitate EV use and reduce greenhouse gas emissions.

Similarly, the Council may wish to consider being more aggressive regarding the minimum percentage of EV charging stations; instead of ten percent for most targeted uses, perhaps the minimum requirement should be twenty percent. Current goals under the Biden Administration strive for fifty percent EV sales share by 2030, an ambitious goal but one that would lead to significant increases in EV charging station demand over the rest of the decade.

#### Potential Conflict with ADA Requirements

Subsection (e)(2)(E) on line 23 on page 8 and lines 1-7 on page 9 may conflict with the Americans with Disabilities Act (ADA), in that staff are unsure if ADA regulations permit designated accessible vehicle stations to be used for non-disabled persons, at least regarding the minimum number of required accessible vehicle parking spaces. As worded, this Subsection makes no distinction between the minimum number of accessible vehicle parking spaces required by law and accessible charging stations, so there could be overlap and confusion in practice.

Should the Council wish to set aside EV charging spaces for accessible charging stations as part of the overall minimum number of accessible parking spaces required by law, such stations should be solely dedicated to those with disabilities and not be allowed to be used for EV vehicles owned by non-disabled persons.

The Planning Department believes accessible parking/charging spaces provided above the minimum number required by Federal, State, and County law can serve a dual purpose, but this should be clearer in LDR-91-2024 is this is the intent.

The Planning Department recommends deleting the Subsection (e)(2)(E)(iii) on lines 6-7 on page 9 or modifying the sentence to clarify that any additional accessible parking spaces that may be provided above the minimum number of accessible parking spaces required by law may be shared EV charging/accessible charging spaces.

#### Discouraged vs. Prohibited

Subsection (e)(1) on lines 1-5 on page 8 strives to discourage use of dedicated EV charging stations by non-electric vehicles (see line 9). With LDR-91-2024 and its emphasis on

encouraging EV use, the Council should consider replacing the word “discouraged” with “prohibited.”

#### Coordination with Building Code

The Planning Department is aware a draft bill to amend the County’s building code (Subtitle 4) to require EV infrastructure is also pending. Should both LDR-91-2024 and the building code bill proceed, they should be closely aligned moving forward to ensure requirements such as the minimum number of EV parking spaces required for development are identical across both Subtitles 4 and 27 to avoid future interpretation challenges.

- D. Referral Comments:** The Planning Department referred the initial version of LDR-91-2024 to colleagues throughout the Department and received referral comments from the Community Planning Division, Zoning Section, and Urban Design Review Section that were reviewed and integrated in this staff report where such comments were applicable to the second version of LDR-91-2024.

Given the late date in which the second version of LDR-91-2024 was received, this version was not referred internally for additional comment.

### **III. COMPLIANCE WITH EVALUATION CRITERIA**

Section 27-3501(c)(2)(B) requires that the Planning Director 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-91-2024 supports key environmental goals of Plan 2035 and current area master plans and sector plans by supporting the use of electric vehicles and the corresponding reduction of gasoline- or diesel-powered vehicles and their greenhouse gas emissions.

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

LDR-91-2024 addresses a growing, demonstrated community need for additional electric vehicle charging stations, which are increasingly necessary as the overall share of electric vehicles grows and conventional vehicles shrinks. By looking ahead to EV-Ready infrastructure, LDR-91-2024 also facilitates easier retrofits to accommodate continued demand.

**(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-91-2024 is not inconsistent with the purpose and intent of the zones in the Ordinance and is neutral with regard to compatibility among uses. Efficient development within the County is encouraged by requiring the infrastructure to support future EV charging spaces in multifamily and other development across the County.

**(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 twenty-six 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 twenty-six priority recommendations are divided into three 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.

LDR-91-2024 directly supports Action Area 2: Mitigating the Cause of Climate Change by Reducing Greenhouse Gas Emissions by pursuing vehicle electrification, augmenting the County’s EV charging network, and amending the County’s parking and development regulations to support EV infrastructure, which in itself is a sub-goal of Recommendation M-5, Develop a Community-Wide EV Development Strategy.

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

LDR-91-2024 is consistent with State and local laws and regulations, as the State allows local jurisdictions to establish and modify parking and development regulations and small-scale renewable energy infrastructure.

**(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-91-2024 complies with this criterion and will help reduce adverse impacts on the air quality in 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.”** As such:

- Since the current Zoning Ordinance is fully online and hyperlinked, defined terms are no longer capitalized. The term “electric vehicle” on line 26 on page 2 should be made lower-case.
- For formatting and convention consistency, Subsection (e)(2)(A) should be reworded on lines 7-8 on page 8 to read:

“...all new developments of the multifamily dwelling principal use type shall provide....”

- Subsection (e)(2)(B) conflates certain principal use classifications and should be reworded as follows for clarity; note that Staff have incorporated a prior recommendation pertaining to the phrase “For detailed site plans” and leave this phrase out of the suggested rewording:

“(B) On or after January 1, 2025, all new developments of the following uses shall provide a minimum number of EV-Capable, EV-Ready, and EVSE-Install Parking Spaces in accordance with Table 27-6305(e): Minimum EV Parking Spaces: any use in the Office Uses principal use category, any use in the Retail Sales and Service Uses principal use category, and any shopping center as defined by Section 27-2500, Definitions.”

- The Council may wish to proactively define EV Level 3 terms such as EV Level 3 Charging and EV Level 3 Charging Station Ready Outlet. Consideration toward defining EV Level 1 terms should also be given.
- 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.

#### **IV. 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), and to any person or organization registered pursuant to Section 27-3402(d).

Notice for the public hearing on LDR-91-2024 was sent on June 26, 2024, as required by the Zoning Ordinance. The Planning Board public hearing will be held on July 18, 2024, thus meeting the notice and hearing requirements of the Zoning Ordinance.

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



LDR-91-2024 has been reviewed for consistency with Section 27-3501(d), Legislative Amendment Decision Standards, of the Zoning Ordinance. The Planning 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.**

Planning Staff take no position as to the legislative discretion of the District Council. However, staff find that LDR-91-2024 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-91-2024 would therefore be consistently applied to each affected zone across the County.

Planning Staff also find that LDR-91-2024 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.

Planning Staff recommend the Planning Board find that LDR-91-2024 is consistent with the Legislative Amendment Decision Standards specified in Section 27-3501(d) of the Zoning Ordinance.

## **VII. RECOMMENDATION**

Based upon the foregoing evaluation and analysis, the Planning Department's legislative team recommend that the Planning Board adopt the findings of this report and recommend **SUPPORT with amendments** on LDR-91-2024.