

February 29, 2024

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

Re: LDR-18-2024

Dear 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 February 22, 2024 to receive comments on proposed Legislative Drafting Request LDR-18-2024. This public hearing was continued to February 29, 2024.

Following discussion of LDR-18-2024 and in consideration of public comments on this proposed legislation (of which there were none), the Planning Board approved a motion to support LDR-18-2024 with amendments, adopt the findings contained in the technical staff report, and recommend amendments eliminating additional setbacks for indoor cannabis growers and micro-growers, as well as cannabis processors and micro-processors.

Planning Board Proposed Amendments:

The Planning Board recommends amendments to the proposed setbacks for the cannabis grower and processor uses in LDR-18-2024 to better comply with the MCRA. The MCRA states that zoning regulations may not unduly burden cannabis licensees. The Planning Board finds that the proposed setbacks for indoor Cannabis Growers and Cannabis Micro-Growers, as well as Cannabis Processors and Cannabis Micro-Processors, may unduly burden Cannabis licensees because they are unnecessary in that these uses do not entail the same additional negative externalities (i.e. sights, smells, security etc.) as outdoor growing operations and dispensaries. Even if these setbacks do not constitute an undue burden, the Planning Board finds that the standard setbacks in the zones in which these uses will be permitted are sufficient for indoor Cannabis Growers and Cannabis Micro-Growers, as well as Cannabis Processors and Cannabis Micro-Processors. Accordingly, the Planning Board recommends the following additional amendments:

- At pg. 24, ln. 7 and pg. 25, ln. 1, insert "outdoor" in front of cannabis grower and "cannabis micro-grower," respectively.
- At pg. 24, ln. 16–19, pg. 25, ln. 9–12, pg. 27, ln. 24–28, and pg. 28, ln. 15–18, delete the additional setbacks from property lines for buildings, structures, and parking for Cannabis Growers, Cannabis Micro-Growers, Cannabis Processors, and Cannabis Micro-Processors.
- At pg. pg. 27, ln. 17–24 and pg. 28, ln. 7–14, delete the setbacks requiring Cannabis Processors and Cannabis Micro-Processors to locate 300 feet from the various identified uses and zones.



Legislative Amendment Decision Standards:

Section 27-3501(c)(2)(D) requires the Planning Board to make a recommendation on the proposed amendment in accordance with Subsection (d), 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-18-2024, including the Planning Board's proposed amendments meets the criteria that the provisions for each zone shall be uniform for each class or kind of development throughout the zone. As discussed in the attached technical staff report, LDR-18-2024 will be consistently applied to each affected zone across the County, but can be argued to create different standards for subsets of properties within a zone. However, this differentiation is reasonable based upon public policies to be served.

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 and associated maps.