



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-02-2025
Required Minimum Parking for Senior Housing Developments in Transit-Oriented Zones

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-02-2025 was not drafted in a manner consistent with the legislative style and conventions of the current Zoning Ordinance.

The following are specific drafting comments.

The purpose of Section 27-6303 is only to identify the contents of Parking or Site Plans. Technical drafting conventions require that a separate Section explain what happens when a parking demand study does, or does not, demonstrate that sufficient parking spaces will be provided.

If the District Council decides to proceed with a Bill, the following drafting conventions should be followed:

Section 27-6303 should explain what is required in the contents of the Parking Plan or Site Plan. For example,

“In all RTO and LTO zones, a parking plan or site plan for a development primarily consisting of household living uses for older persons, as defined in Title 16 42 U.S.C. §3607(b)(2)(B) and regulations issued thereunder, shall also include a parking demand study that identifies the parking spaces that will be provided on-site for the unique transportation needs of older persons.”

A new Subsection (i) in Section 27-6305 should then explain, in objective terms, what is considered a “sufficient number of parking spaces for older persons” (e.g. 0.75 spaces per DU etc.). The failure to meet this standard will cause the application to fail to meet the Development Standards for Off-Street Parking. Amendments to implement this policy will also be required to the Supplemental Development Standards for Transit-Oriented Zones in Section 27-4204.

III. BACKGROUND

A. **Purpose:** LDR-02-2025 would modify development standards to require a minimum number of off-street parking spaces in senior-serving developments located in transit-oriented zones.

B. **Impacted Property:** This proposed legislative amendment would impact all property zoned LTO and RTO in Prince George’s County.

C. **Policy Analysis:**

Page 2, Line 18, contains the words “sufficient” and “unique”. Sufficient and unique are subjective terms; subjective terms should be avoided in regulatory legislation in favor of specific, measurable terms that an applicant can either meet, or not meet.

Due to the potential changes of residents in these types of development, it may be difficult to determine an appropriate number of parking spaces that will meet the needs of residents throughout the life of the use.

A residential development can by right have at least 1 parking space per dwelling unit in the Regional Transit-Oriented and Local Transit-Oriented core zones as a maximum. Structured parking spaces also do not count toward the maximum so garage or other structured parking is already unlimited. Any changes to minimum and maximum requirements need to be addressed in the parking standards 27-6305 and zone maximum requirements 27-4204(b)(1)(D).

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;

Policy TM 8 of Plan 2035 recommends the County “ensure that minimum and maximum parking requirements for transit-accessible areas are appropriate to advance the overall goals of Plan 2035.”

Consider transportation guidance as provided in the Master Plan of Transportation and applicable master and sector plans.

(ii) Addresses a demonstrated community need;

At this time, the department will need to conduct more analysis to determine if there is a need.

(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;

The intent of LDR-02-2025 is to require more off-street parking in the RTO and LTO Zones which is inconsistent with the purposes of these zones to require less parking and encourage other forms of transit.

(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 finds that this bill conflicts with the Prince George's County Climate Action Plan by encouraging parking and not reducing dependency on automobiles.

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

Other than as provided above, staff finds that this bill does not conflict with existing laws.

(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-02-2025 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-02-2025 to colleagues throughout the Planning Department

and received referral comments from the Community Planning Division, Development Review Division, and Countywide 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-02-2025 was sent on March 11, 2025, 16 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-02-2025 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.

Based on the above preliminary assessment, the Department finds that LDR-02-2025 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-02-2025, the Department has offered the necessary technical drafting convention edits 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-02-2025 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-02-2025.

Attachments