



September 15, 2025

MEMORANDUM

TO: Prince George's County Planning Board

FROM: Shaquan Smith, PMP, Planner IV, Planning Director's Office

VIA: Lakisha Hull, AICP, LEED AP BD+C, Planning Director

SUBJECT: Proposed Amendment 15 of CB-15-2024 (DR-4)

The purpose of this memorandum is to offer the Planning Department's comments on the proposed Amendment 15 to CB-15-2024, which was enacted July 16, 2024. Subsequent to the enactment of CB-15-2024, a petition for judicial review was filed in the Circuit Court of Prince George's County and granted. Pursuant to a court order issued by the Honorable Stenise L. Rolle on June 27, 2025, the County Council was required to transmit Amendment 15 to the Planning Board for review and comment prior to a court-ordered District Council public hearing on Amendment 15, which will be held on October 7, 2025.

The Planning Department will present Amendment 15, originally proposed for CB-15-2024 (DR-4), to the Planning Board for an official recommendation, as part of the land use and zoning legislative process. To ensure adherence to procedural requirements, the notice procedures outlined in the Planning Board's Rules of Procedure will be observed during the consideration of this item by the Planning Board. The Planning Department will include this memorandum as part of the transmittal documentation, accompanied by the Planning Board's final recommendation concerning Amendment 15 of CB-15-2025 (DR-4).

Background

The Prince George's County Council met on July 16, 2024, to discuss CB-15-2024 and the Floor Amendment (Amendment 15), introduced by Council Member Harrison. Amendment 15 sought to amend CB-15-2024 (DR-3) and roll back Amendment 13 (originally sponsored by Council Member Dernoga), by:

- Eliminating the requirement for special exception approval for residential development proposed on properties (or assemblages of abutting properties) up to 25 acres in size on CGO (Commercial, General and Office) properties (or assemblages of abutting properties) located outside the Capital Beltway, and
- Eliminate the requirement to seek rezoning to a Planned Development zone in order to propose residential development on CGO properties (or assemblages of abutting properties) exceeding 25 acres in size and located outside the Capital Beltway.

Amendment 13 is a proposal identical to the Planning Board's position, sometimes referred to by some members of Council as “the Planning Board’s compromise position,” transmitted to the Council on March 5, 2024, which limits residential development of two-family, townhouse, and multifamily dwellings in the CGO Zone. The amendment preserved the current Zoning Ordinance use permissions that allow two-family, townhouse, and multifamily dwellings to be built by right on CGO property located within the Capital Beltway.

However, for CGO property located outside the Capital Beltway, the amendment required approval of a special exception for these uses on property or areas of abutting properties zoned CGO that totaled less than 25 acres in size. Additionally, any property or areas of adjoining properties zoned CGO that were 25 acres or greater in size and outside the Capital Beltway were not eligible to provide two-family, townhouse, or multifamily dwellings (these uses would be prohibited) unless the property owner submitted an application for a Planned Development (PD) Zoning Map Amendment for a zone that permits these uses.

The legislation was later expanded as CB-43-2025 (formerly LDR-63-2025), which is now pending before the Planning, Housing, and Economic Development Committee. CB-43-2025 is similar to Amendment 13, with changes to the acreage limits for residential development in the CGO Zone (lowering the threshold of special exception/Planned Development rezoning from 25 acres to 20 acres), and, importantly, applying these proposed residential development restrictions Countywide by removing the limitation to CGO property (or assemblages of abutting properties) located outside the Capital Beltway.

Policy Analysis

Upon receipt of Amendment 15 and the updated draft bill DR-4, the Planning Department conducted research to determine the best course of action, ensuring that this request includes preliminary information to support the proposed amendment. The Planning Department found previously submitted memoranda on this related topic, including the following:

1. The Maryland-National Capital Park and Planning Commission (M-NCPPC) Planning Board – Technical Staff Report for LDR-40-2024, dated February 1, 2024, for public hearing held on February 22, 2024
2. Prince George’s County Council Chair – Transmittal Letter for LDR-40-2024 on February 29, 2024
3. Prince George’s County Council Planning, Housing, and Economic Development Committee on April 17, 2024 (Item 14) as related to CB-15-2024.
4. The Maryland-National Capital Park and Planning Commission (M-NCPPC) Planning Board – Technical Staff Report for LDR-63-2025, dated April 3, 2025, for public hearing held on April 17, 2025
5. Prince George’s County Council Chair – Transmittal Letter for LDR-63-2025 on April 21, 2025

In conjunction with the Maryland General Assembly’s discussions this year on M-NCPPC’s coordination efforts with local jurisdictions on land use matters, the Department found legislation connected to Amendment 13, including the proposed bill CB-43-2025, is not consistent with the

Legislative Amendment Decision Standards specified in Section 27-3501(d) of the Zoning Ordinance:

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 amendment is not uniform for each class or development throughout the CGO Zone. Instead, it establishes different treatments for identical uses based on the size of adjacent land parcels, without providing any justification or public policy rationale for such disparities. Furthermore, these standards are unnecessary for the effective implementation of development policies outlined in the relevant Area Master Plans and Sector Plans, as previously detailed in the technical staff report of LDR-63-2025. In fact, Amendment 13 to CB-15-2024 and proposed CB-43-2025 conflict with many such plans and other County and Department policy documents, such as the 2015 Prince George's County Retail Market Analysis and 2016 Prince George's County Retail Marketability and Competitiveness Study.

These various plans and studies typically recognize the challenges inherent in traditional shopping centers, particular those that may be aging or have encountered upkeep and leasing issues, and generally recommend redevelopment of many retail centers with mixed-use and residential land uses as a major way to achieve reinvestment, revitalization, increased tax revenue, improved environmental quality (because new development would be subject to current environmental regulations whereas older existing retail centers are typically exempt and covered mainly with impervious surfaces).

Considering the history of Amendment 13 and previous Department assessments, and in preparation of the Planning Board's court-ordered responsibility, staff reviewed Amendment 15 to CB-15-2024. The proposed legislation would remove the limits set by Amendment 13 and continue to permit multifamily, two-family, and townhouse dwellings by right in the CGO Zone. In simple terms, Amendment 15 to CB-15-2024 would revert CB-15-2024 to the requirements of the CGO Zone as they existed prior to the enactment of CB-15-2024.

The CGO Zone has always been intended as a mixed-use zoning district that allows a variety of commercial uses along with higher-density residential uses to promote rooftops near commercial developments and support high-quality mixed-use developments. By maintaining the allowance for multifamily, two-family, and townhouse dwellings in the CGO Zone by right and without the additional procedures, time, and expense inherent in either a special exception application or Planned Development (PD) Zoning Map Amendment, the full intent of the zone will be realized, continuing to promote mixed-use developments and a diverse range of housing types and options in Prince George's County.

Recommendation

Based upon the foregoing evaluation and analysis, the Planning Department's legislative team recommends that the Planning Board adopt the findings of this report and SUPPORT Amendment 15 to CB-15-2024. As always, the Planning Department is happy to assist with any questions or revisions the Planning Board may wish to discuss.