



July 23, 2025

TECHNICAL STAFF REPORT

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: Legislative Drafting Request LDR-89-2025
Administration – Standard Review Procedures – Pre-Application Consultation and Notice

The Prince George's County 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 **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 Zoning 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 clarification 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-89-2025 was drafted in a manner consistent with the legislative style and conventions of the current Zoning Ordinance.

III. BACKGROUND

- A. **Purpose:** LDR-89-2025 proposes requiring certain development applicants to conduct a pre-application consultation with interested County Council Members; and revising pre-application notice procedures to ensure that County Council Members remain aware of development activity in their respective Council districts.
- B. **Impacted Property:** The proposed legislative amendment would impact all properties in Prince George’s County requesting approval for any development application identified in Section 27-3401(b)(1), including zoning map amendments, planned development zoning map amendments, Chesapeake Bay Critical Area Overlay zoning map amendments, special exceptions, detailed site plans, major departures, and development pursuant to the prior Zoning Ordinance.
- C. **Policy Analysis** LDR-89-2025 is an amendment to the Zoning Ordinance’s Standard Review Procedures by amending the procedures for Pre-Application Conference and Pre-Application Neighborhood Meeting.

The bill will: 1) require applicants applying for development applications identified in Section 27-3401(b)(1) to have an informational meeting subsequent to the required pre-application conference, or prior to the pre-application neighborhood meeting if such conference is waived by the Planning Director, with the County Council Member(s) in the Council District of the proposed development location, and 2) require applicants to mail a notice of the pre-application neighborhood meeting to the County Council Member(s) at least 30 days beforehand. The following comments address this intent:

- (i) Upon receipt of LDR-89-2025, the Planning Department conducted research to determine the best course of action, ensuring that this request includes preliminary information to support the proposed amendments requiring applicants to have a pre-application consultation with County Council Members. The research included reviewing regulations and standards for Maryland Counties, local plan consistencies, and nationwide trends on this topic, including relevant case law.
- (ii) Required development consultations with elected officials, particularly County Council Members, are uncommon in most peer and United States jurisdictions as seen in **Table 1**. Unlike the proposed LDR-89-2025 requirement, these jurisdictions do not require mandatory consultations with elected officials through their zoning regulations or codes as part of the land use planning process. Introducing such a step outside the general stakeholder engagement could blur the traditional separation between legislative oversight and administrative review. The zoning application process is rooted in objective,

technical completeness, and code compliance, as determined by planning staff and appointed boards. Requiring applicants to engage elected officials as a prerequisite to applying may be perceived as political gatekeeping and could raise due process concerns.

Table 1: Peer Jurisdictions Review

Jurisdiction	Source	Zoning
Anne Arundel County, MD	https://www.aacounty.org/planning-and-zoning/development/community-meetings	Members of the deciding body for an application must refrain from communication about the application with interested parties outside of a public meeting. Making decisions based on a common public record ensures a fair and orderly process for considering and acting on a particular matter.
Fairfax County, VA	https://www.fairfaxcountv.gov/planning-development/zoning/application-development-review-process	Offers staff-led pre-application consultations, available at the applicant's discretion, to advise what issues might be necessary for the applicant to address and if any additional meetings are recommended.
Rockville, MD	https://www.rockvillemd.gov/179/Development-Watch	The process is highly detailed and provides clarification regarding any communication sent through email or in writing on applications to the decision-making body. This communication is forwarded to city staff, who will respond to inquiries and provide information regarding regulations pertaining to communication with members of the deciding body.

- (iii) The finding of consistency is predicated on the presumption that the proposed pre-application meeting would occur as a matter of a developer applicant's due diligence and stakeholder engagement, regardless of whether or not such a meeting was required by law, and that such a requirement formalizes what should be a standard development practice.
- (iv) Plan 2035 and several master, sector, and transit district development plans recommend streamlining and/or expediting the development review and permitting process. Adding required steps to the development approval process is inconsistent with these recommendations; as stated above, the finding of plan consistency applies to the proposed legislation because such a meeting is a standard practice of pre-application due diligence.
- (v) Introducing a mandatory, undefined consultation step may hinder the County's ability to meet its stated development objectives. Without clearly defined procedural standards, this inconsistency may result in unequal treatment of applicants, unintentional delays in application processing, and transparency that

the zoning process aims to uphold. Council Members may vary significantly in their availability, level of engagement, or expectations of these meetings, potentially creating inconsistencies in the pre-application process across Council Districts.

IV. COMPLIANCE WITH EVALUATION CRITERIA

1. Section 27-3501(c)(2)(B) of the Zoning Ordinance 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, an 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;**

Consistency with General Plan

Plan 2035 does not address the administrative process of zoning applications, except to recommend streamlining the process in the Downtowns and Innovation Corridor (Strategy EP1.4, p. 130).

Consistency with Area Master and Sector Plans

The County's master, sector, and transit district development plans do not address coordination with the County Council prior to submittal of a development application but do generally recommend developers engage the community and stakeholders during the development process.

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

"Identified community need" is not defined by the Zoning Ordinance, but the goals discussed above in the General Plan, and a cross section of master plans, suggest that engagement opportunities between developers and stakeholders, such as County Council Members, in the development process will benefit the community.

- (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;**

As mentioned above in this staff report, the proposed bill would impact all properties in Prince George's County requesting approval for any development application identified in Section 27-3401(b)(1), including zoning map amendments, planned development zoning map amendments, Chesapeake Bay Critical Area Overlay zoning map amendments, special exceptions, detailed site

plans, major departures, and development pursuant to the prior Zoning Ordinance. This change is consistent with the purposes of the affected zones.

However, LDR-89-2025 may impact the recommended streamlining process in the Downtowns and Innovation Corridor, due to the finding of plan consistency and undefined procedural standards, which could create delays in application processing.

(iv) Is consistent with the implementation of the strategies and priority recommendations of the Prince George's County Climate Action Plan;

The draft Climate Action Plan (CAP) presents strategies to achieve a carbon-free County by addressing County operations, reducing the County's contribution to greenhouse gas emissions, and taking steps to prepare for the coming impacts of a changing climate. The proposed amendment would not generally impact the draft CAP.

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

LDR-89-2025 complies with this criterion.

(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-89-2025 complies with this criterion.

- 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

Staff referred LDR-89-2025 to colleagues throughout the Planning Department and received referral comments that were reviewed and integrated into this staff report.

V. PLANNING BOARD PUBLIC HEARING

Section 27-3501(c)(2)(D) of the Zoning Ordinance 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-89-2025 was sent on August 14, 2025, as required by the Zoning Ordinance. The Planning Board public hearing will be held on September 4, 2025, thus meeting the notice requirement of the Zoning Ordinance.

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 the Clerk of the Council.

VI. ANALYSIS OF LEGISLATIVE AMENDMENT DECISION STANDARDS

LDR-89-2025 has been reviewed for consistency with Section 27-3501(d), Legislative Amendment Decision Standards, of the Zoning Ordinance. Staff find 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.

The Department finds that LDR-89-2025 meets the criteria that the provisions for each zone shall be uniform for each class or kind of development throughout the zone because the amendment does not create different standards for a subset of properties Countywide, regardless of zoning. The proposed amendments contained in LDR-89-2025 would therefore be consistently applied to each affected zone across the County.

VII. PROPOSED AMENDMENTS

Following review of LDR-89-2025, the Department has offered the necessary technical drafting convention edits that are necessary for this proposed bill in Section II, above. As to the substantive aspects of the bill, the Department recommends that the Planning Board support the following amendments to LDR-89-2025:

- A. **Revise Page 2, Lines 7-8:** from “above, a pre-application consultation must be held between the applicant and the County Council Member or Members in whose Council District the proposed development will be located.” To “above, a pre-application consultation may be conducted between the applicant and the County Council Member(s) representing the Council District where the proposed development will be located. This consultation shall take place within fourteen (14) business days following a written request submitted by the applicant, and the County Council Member(s) shall be responsible for scheduling the consultation and notifying the applicant of the time and location.”

Justification: A specific timeframe for conducting a pre-application consultation must be established to reduce the risk of prolonged delays and enhance procedural predictability.

- B. **Revise Page 2, Line 9-11:** from “(2) The pre-application consultation is an informational meeting which provides an opportunity for the County Council Members to become more familiar with the scope, features, and impacts of the proposed development.” To “(2) The pre-application consultation is a non-binding informational meeting intended to provide an opportunity for the County Council Members to become more familiar with the scope, features, and impacts of the proposed development.”

Justification: The pre-application consultation should be available at the applicant’s discretion, in accordance with practices observed in peer jurisdictions, to offer advisory services or an opportunity for developers to engage County Council Members as stakeholders. Mandating the consultation could be perceived as political gatekeeping and raise concerns about the applicants’ due process rights.

- C. **Revise Page 2, Lines 12-14:** from “(3) The pre-application consultation should occur subsequent to the required pre-application conference or, if such conference is waived by the Planning Director, prior to the Pre-Application Neighborhood Meeting required under Section 27-3402.” To “(3) The pre-application consultation shall be held after the mandatory pre-application conference and within the required timeframe before the Pre-Application Neighborhood Meeting, in accordance with Section 27-3402. For developments located within designated Downtowns or Innovation Corridor Centers, the consultation requirement may be waived by the Planning Director if the proposal aligns with a previously approved conceptual site plan or vision plan.”

Justification: Implementing a more explicitly defined timeframe for pre-application consultations can help mitigate potential delays in the application process and enhance alignment with the streamlined processing objectives outlined in Plan 2035 for the Downtowns and Innovation Corridor. Section 27-3402(c)(2)(A) mandates that applicants provide notice thirty (30) days before the Pre-Application Neighborhood Meeting. Consequently, if a consultation is requested, it would not prolong the application timeline, as it must occur after the Pre-Application Conference and before or within the 30-day notice period of the Pre-Application Neighborhood Meeting.

VIII. 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. The Planning Department’s legislative team further recommends that the Planning Board take **NO POSITION** on LDR-89-2025 but transmit the comments herein to the County Council.