

CB-92-2022 – Planning Board Analysis (Attachment 2)

A bill to revise the application review procedures for zoning applications decided by the District Council.

The Planning Board has the following comments for consideration by the District Council:

Policy Analysis:

This bill will eliminate the District Council election to review development review applications under the Zoning Ordinance. The election to review process causes uncertainty, subjectivity, unpredictable time, and cost within the development review process. There are three fundamental principles of land use regulation: (a) fairness, (b) predictability, and (c) user-friendly regulations. Eliminating the District Council election to review provisions will positively impact the County's ability to compete with other jurisdictions to attract high-quality development successfully. The removal of the language will attract better housing choices, businesses, and associated quality-of-life amenities it desires.

The election to review process is one of the County's most significant barriers to development. It can discourage developers and businesses from locating in Prince George's County. For those who choose to develop in the County, it diverts scarce financial resources that could be spent on additional amenities and public benefits to costly procedure and process.

The elimination of election to review will do more to facilitate the type of high-quality development the County demands and deserves.

The new state-of-the-art Zoning Ordinance contains objective development regulations and standards to guide the development review approval process. The Code modernizes and consolidates zones and development standards; incentivizes transit-oriented and mixed-use development; protects stable residential neighborhoods; and requires high-quality development. The most effective tool for the Council to direct development is an effective Zoning Ordinance, which has now been achieved. The new Zoning Ordinance together with the Council's review and approval of master plans will be far more effective in accomplishing the Council's land use goals than continuing the election to review process.

The Planning Board would like to offer for District Council consideration amendments to the proposed legislation. CB-92-2022, as drafted, is difficult to read because of formatting issues. Below are some of the technical corrections.

Bill Formatting

On page 2, add brackets around the "E" in the District Council column to remove the election to review provision. Next, under "Minor Change to Approved Special Exception," remove the underline.

On page 3, add brackets around the "E" in the District Council column for "Detailed Site Plan" Delete the underline for Minor Amendment to Approved Detailed Site Plan, Minor Departure, Major Departure"; these application types are listed in the Summary of Development Review Responsibilities.

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Page 2

On page 4, lines 5 through 6 clarify the language. The language should clearly state that the District Council makes decisions on appeals of the Planning Board, Zoning Hearing Examiner, and Planning Director application decisions.

On pages 5 through 13, the underlined language under Section 27-3407(b) Standard Review Procedures should be removed from the bill. These application types are currently listed in the Zoning Ordinance. The only language within the table that should be listed for deletion is the District Council election to review hearing notification regulations.

On pages 15, 17, and 19, under the illustrative procedures for Special Exception, Detailed Site Plan, and Certification of Nonconforming Uses, delete the underlined section numbers. The language is already existing law and not new.

The Planning Board commends the District Council as this bill, with amendments, is a step in the right direction.

Impacted Property:

This bill will affect all District Council elections to review development review cases under the Zoning Ordinance.

Following discussion, the Planning Board voted to support CB-92-2022 with amendments.