

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2022 Legislative Session

Reference No.: CB-092-2022

Draft No.: 2

Committee: PLANNING, HOUSING AND ECONOMIC DEVELOPMENT

Date: 9/15/2022

Action: FAV (A)

REPORT:

Committee Vote: Favorable as amended, 3-2 (In favor: Council Members Franklin, Harrison, and Hawkins. Oppose: Council Members Glaros and Turner)

The Planning, Housing and Economic Development (PHED) Committee convened on September 15, 2022, to consider CB-92-2022. The Planning, Housing and Economic Development (PHED) Committee Director summarized the purpose of the legislation and informed the Committee of written comments received on referral. This bill will revise the Zoning Ordinance application-specific procedures for review of certain zoning applications by the District Council to limit review to appeals and other reviews required by law.

Council Member Franklin, the bill co-sponsor, informed the Committee he proposed this legislation to remove the District Council's election to review certain zoning applications to eliminate the uncertainty in the development process which can be detrimental in attracting economic development to the County. Mr. Franklin clarified that the legislation does not change persons of record ability to appeal certain applications. Council Chair Hawkins, the bill sponsor, read the Planning Department staff's recommendation on the legislation.

The Planning Board was scheduled to discuss CB-92-2022 during their September 15, 2022, meeting. The Planning Department staff provided an analysis recommending the Planning Board support the legislation with detailed policy analysis provided in a staff memorandum to the Planning Board as follows: had not opposed the legislation as drafted as explained in a July 7, 2022, letter to the Council Chairman as follows:

“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 Department 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.

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 in the language existing law and not new.

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

The Zoning Hearing Examiner submitted a September 14, 2022, memorandum with the following comments:

“Thank you for the opportunity to review the above referenced legislation. I would first note that I was unable to see all of the language in the tables and therefore have no comment on the tables. I have the following comments on the remainder of the bill:

- Throughout the bill, the Council’s election to review is being removed and some version of “or any required review” is being added. The only “review” that the Council can generally hold would involve an appeal of the decision made by the ZHE or the Planning Board, or the Council holding its own evidentiary hearings. These reviews are already addressed in the law. Unless there is some other “required review” at this time, I would recommend removal of that language to avoid confusion.
- Revise the language on page 16, line 5, to delete “election to”.
- In the event the sponsors wish to keep the language recommended for deletion on page 18. Line 12, revise the language to ‘or the District Council’s required review of the detailed site plan...’”

After public testimony on the legislation, PHED Chair Franklin, made a motion for a favorable recommendation, second by Council Chair Hawkins, on CB-92-2022 including an amendment to provide that the bill is applicable to new development applications utilizing the old Zoning Ordinance and incorporation of the Planning Department staff’s suggested edits. The Council’s Zoning and Legislative Counsel clarified that the amendment would be a new subsection in the bill to reference the transitional provisions of the Code.

After discussion on the motion, the Committee voted favorable, 3-2, on CB-92-2022 with amendments as offered by PHED Chair Franklin.