

March 30, 2021

The Hon. Paul Pinsky
Chair, Education, Health, and Environmental Affairs Committee
Maryland Senate
Annapolis, Maryland 21401, paul.pinsky@senate.state.md.us

RE: **Support** for HB 980: Support Prince George's County Zoning Rewrite Implementation

Dear Senator Pinsky and members of the Committee:

Please accept these comments on behalf of the Coalition for Smarter Growth, the leading non-profit organization in the D.C. region advocating for walkable, bikeable, inclusive, transit-oriented communities as the most sustainable and equitable way for the DC region to grow and provide opportunities for all.

We urge you to support HB980. This bill provides a legislative adjustment needed to allow Prince George's County to complete its Zoning and Subdivision rewrite. Otherwise, an unanticipated impact of an ethics law unique to Prince George's County would prevent the County Council from adopting the Countywide Zoning Map Amendment (CMA), the last step in a multi-year process to update the county's zoning ordinance. This ethics law doesn't exist anywhere else in the state including in Montgomery County or City of Baltimore which have already updated their zoning regulations.

If the Prince George's County Council is not permitted to vote on the Countywide Map Amendment to implement its new zoning, the county will be left with outdated zoning and be unable to implement the vision of its publicly developed General Plan. The County will lack the zoning necessary to facilitate modern, transit-oriented development at its 15 Metro stations, and many Purple Line stations, or to create more walk/bike-friendly communities. Transit-oriented development is key to the economic future of Prince George's and the region.

The bill is clear and simple. HB980 states:

“APPLICATION” DOES NOT INCLUDE PARTICIPATION IN ADOPTING AND APPROVING A COUNTYWIDE ZONING MAP AMENDMENT THAT IS RECOMMENDED BY THE PLANNING BOARD AND APPROVED BY THE DISTRICT COUNCIL, WHERE THE INTENT IS TO IMPLEMENT AN APPROVED GENERAL PLAN BY REPEALING AND REPLACING ALL ZONING CATEGORIES APPLICABLE TO LAND IN PRINCE GEORGE'S COUNTY.”

Prince George's adopted its updated General Plan in 2013, and completed its follow-on zoning rewrite in 2018. The new zoning cannot be adopted without a Council vote to adopt the Countywide Zoning Map Amendment. The County Council and MNCPPC led a transparent process to develop the countywide map amendment. After the adoption of the zoning rewrite in 2018, the Council passed CR-27-2019 to explain the purpose of the CMA, establish an extensive

public process, and set clear parameters to guide decision-making including the [Approved Guide for New Zones](#). The Planning Board also created and promoted a [tool](#) to enable all property owners to look at their current zoning and understand their new zoning under the new code.

This is the county's third attempt to update its antiquated zoning rules, and the process has taken several years, millions of dollars, over 400 public meetings, and one year of review at the County Council. With term limits leading to turnover for many of the council seats in 2022, incumbents who have worked through this long process will have moved on and institutional knowledge will be lost. The county will need to start over. Thus, the 2018 zoning rewrite will not go into effect and will die for a generation.

No change is proposed for ethics provisions governing individual zoning applications which exclude a council member from participating in deliberations and voting if anyone associated with the zoning case provided a contribution to the council member.

The problem here is that likely all Councilmembers would be excluded from participating in approving the updated Countywide Map Amendment under the current law, because any contribution, even if small or not from a developer, would disqualify the Councilmember. For example, contributions from a community member who might later apply for an unrelated zoning action for their home or small business office, would not only have barred the Councilmember from acting in that specific case but also from acting on this countywide zoning map amendment, and the rules apply to any contributions looking back three years. Electronic contributions cause an additional problem, because they are automatically processed and even if they are returned, cannot be excluded under the ethics law.

Is the exception of the countywide map amendment a slippery slope to changes in the zoning ethics law? No, the legislation is narrowly drawn to not affect individual zoning actions. Instead, the bill simply levels the playing field for Prince George's with other jurisdictions. Since Montgomery County Council members are not subject to this specific rule, they voted and passed their rezoning and map amendment a few years ago, with no appeals to Annapolis to seek permission to do so. Permitting the Prince George's County Council to vote for its countywide map amendment, just as Montgomery's Council has done, is an issue of equity.

The adoption of the map amendment to implement the 2018 zoning rewrite is critical and the culmination of a multi-year, transparent public process. Without authority to adopt the map amendment, the County will be back at square one and miss a once in a generation chance to adopt a modern zoning ordinance. Thank you for your consideration.

Sincerely,



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