

Prince George's County Council

Agenda Item Summary

Meeting Date: 11/23/2004
Reference No.: CB-077-2004
Draft No.: 2
Proposer(s): Bland
Sponsor(s): Bland, Harrington, Dean, Exum, Dernoga, Peters
Item Title: An Ordinance to establish different exclusion rules for parking and loading requirements within the Town of Upper Marlboro and other areas to be designated by the District Council

Drafter: Steven M. Gilbert, Principal Counsel
Resource Personnel: Linda Cruz-Packer, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	7/27/2004	Executive Action:	
Committee Referral:	7/27/2004 - PZED	Effective Date:	1/10/2005
Committee Action:	9/8/2004 - HELD 10/12/2004 - FAV(A)		
Date Introduced:	10/26/2004		
Public Hearing:	11/23/2004 - 10:00 AM		
Council Action (1)	11/23/2004 - ENACTED		
Council Votes:	MB:A, SHD:A, TD:A, CE:A, DCH:A, TH:-, TK:A, DP:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-584

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT

Date 10/12/2004

Committee Vote: Favorable, with amendments, 5-0 (In favor: Council Members Dernoga, Bland, Dean, Exum, and Harrington)

Staff informed the committee that the Planning Board had reviewed CB-77-2004 after the September 8 committee meeting and voted to oppose the legislation as written. The Planning Board noted the following concerns:

(1) The process envisioned whereby the Town would hear a case, establish a record, and determine the adequacy of parking is not specified, and no existing process appears to be appropriate for such a purpose. Permits are currently not referred to municipalities and municipalities currently have no authority to review or attach conditions to county building permits.

(2) Although only the Town of Upper Marlboro is empowered to adjust parking rules in this legislation, the language of the bill clearly envisions extending this to other municipalities and other areas. This raises the possibility of more

than 27 separate and different sets of parking regulations in the county or, in a worst-case interpretation of the bill, more than 27 places where the parking adequacy is determined only on a case-by-case basis.

(3) This appears to be a delegation of the District Council's zoning authority, going beyond delegating implementation of established standards and yielding authority to create those standards. The bill establishes no criteria to be used by the municipality or area in determining the adequacy of parking for redeveloped properties.

(4) Should the District Council designate an area (not a municipality) where the current exclusion rules for parking and loading would be altered, the bill does not specify the deciding body for the case-by-case review and establishment of a record in order to determine parking adequacy.

Staff presented a Proposed Draft-2 (DR-2) and summarized amendments prepared at the direction of the bill's sponsor to address concerns raised at the September 8 committee meeting relating to parking exclusion rules in areas other than the Town of Upper Marlboro. In addition, a new subsection (4) is added to Section 27-584(a) to address the grandfathering issue in the Town.

The Planning Board reviewed the DR-2 on October 7 and voted to support the revised bill. The intent of DR-2 is to address parking problems within the Town of Upper Marlboro. Most of the development in the town was constructed at a time that predated the existing parking regulations and in many instances is inadequate. This situation forces parking to occur on narrow local streets that are already overburdened. Additions to existing structures generally require additional parking that cannot be provided on the sites. DR-2 would prohibit additional floor area from being constructed unless the current parking regulations, as would apply to the additional space, could be met on the site.

The Town found the revisions in DR-2 to be an acceptable means of addressing their concerns.

PLANNING, ZONING & ECONOMIC DEVELOPMENT

Date 9/8/2004

Held in committee.

Staff gave an overview of the purpose of CB-77-2004 and informed the committee of referral comments that were received. This bill provides exclusion rules for parking exemptions in the Town of Upper Marlboro, exemptions which differ from those generally applicable in the County. The bill also states that the District Council by Zoning Ordinance amendment may expand the list of municipalities or other designated areas where special parking rules apply.

The bill was proposed at the suggestion of the Town Commissioners of Upper Marlboro. The Town has a number of nonconforming parking lots associated with commercial uses and structures, and the Commissioners indicated that the County's exclusion rules should be modified, within municipal boundaries. At present, if a commercial use has nonconforming parking, a lesser number of spaces than the Zoning Ordinance presently requires, allowed by grandfathering, then the County will approve permits for expansion of the use or structure, and in that approval process the parking for the expansion will have the nonconforming parking spaces counted toward the expanded parking which is required.

Council Member Bland, the bill's sponsor, informed the committee that she presented this legislation in an effort to address the Town's concerns with the nonconforming parking lots and the impact that this situation has on parking in general within the Town.

The Planning Board did not have an opportunity to review CB-77-2004 prior to the committee meeting due to its August recess. The Office of Law found the bill to be in proper legislative form. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-77-2004.

Ralph Powers, attorney for the Town of Upper Marlboro, spoke in support of the legislation. The Prince George's County Municipal Association submitted a letter supporting the Town's efforts related to CB-77-2004. The

Maryland-National Capital Building Industry Association submitted a letter to the committee chairman recommending a favorable report on CB-77-2004.

Council Member Harrington raised a concern that even though current regulations allow certain uses to expand and not be required to meet current parking requirements due to grandfathering provisions, this legislation empowers a municipality to seek its own solution to parking standards. The staff confirmed that the provisions in CB-77-2004 provides a process for adding locations in the County, in addition to the Town of Upper Marlboro, where special parking exemption rules could apply.

Fern Piret, Planning Director, was present to respond to questions and informed the committee of some concerns that the Planning staff found with the current draft of the legislation.

Council Member Bland suggested that the bill be held to allow further examination by staff to determine if there is alternative language to address current grandfathering provisions or to remove the proposed language that would allow special parking exemptions in other areas of the County besides the Town of Upper Marlboro.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

The bill amends § 27-584 of the Zoning Ordinance, which provides for exclusions from conventional parking and loading requirements. The bill sets exclusion rules within the Town of Upper Marlboro and other areas to be designated by the District Council, rules which differ from those applicable elsewhere in the County.

CODE INDEX TOPICS:

INCLUSION FILES:
