

Prince George's County Council

Agenda Item Summary

Meeting Date: 11/5/2008
Reference No.: CB-024-2008
Draft No.: 2
Proposer(s): Turner
Sponsor(s): Turner
Item Title: An Ordinance amending the lot coverage requirement in the R-R Zone under certain circumstances.

Drafter: Jackie Brown, Director PZED Committee
Resource Personnel: Tomeka C. Bumbry, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 5/6/2008
Committee Referral: 5/6/2008 - PZED
Executive Action:
Effective Date: 12/22/2008

Committee Action: 5/27/2008 - HELD
9/17/2008 - FAV(A)

Date Introduced: 9/30/2008
Public Hearing: 11/5/2008 - 10:00 AM

Council Action (1) 11/5/2008 - ENACTED
Council Votes: MB:A, WC:A, SHD:A, TD:A, CE:A, AH:A, TK:-, EO:A, IT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

27-442

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT

Date 9/17/2008

Committee Vote: Favorable as amended, 4-0 (In favor: Council Members Exum, Dernoga, Knotts, and Olson)

Staff presented a Proposed Draft-2 (DR-2) which was prepared to address concerns raised during the May 27, 2008 committee meeting. In Proposed DR-2, footnote 9 on page 2, is amended to read: "For a lot under twelve thousand (12,000) square feet that is part of a resubdivision of land on a plat that was originally recorded prior to November 29, 1949 or for lots containing 15,000 square feet or less within the corporate boundaries of a municipality, the maximum percent of lot coverage [required] is thirty percent (30%)."

M-NCPPC staff provided the following data in their report to the Planning Board. There are 36,668 properties in Prince George's County that are zoned R-R and contain 15,000 square feet or less. Of the 36,668 properties, 5,797 are located within the municipal boundaries of the City of Bowie, the City of College Park, the City of Greenbelt, the City of Laurel, the City of New Carrollton, the Town of Eagle Harbor and the Town of Upper Marlboro.

There are 4,672 properties within the City of Bowie, 41 within the City of College Park, 1 within the City of

Greenbelt, 28 within the City of Laurel, 6 within the City of New Carrollton, 1,044 within the Town of Eagle Harbor and 5 within the Town of Upper Marlboro. There are 30,871 more properties with 15,000 square feet or less located outside municipal boundaries.

The Planning Board reviewed Proposed DR-2 and recommended that the additional language in footnote 9, "within the corporate boundaries of a municipality" be deleted because the legislation should apply to all R-R zoned properties with 15,000 or less square feet.

After further consultation with the Principal Counsel to the District Council, Council Member Turner, the bill's sponsor, proposed an additional amendment to footnote 9 to add "with a population of over 50,000" after "within the corporate limits of a municipality."

The committee voted favorably on Proposed DR-2 with the additional language proposed by the bill's sponsor.

PLANNING, ZONING & ECONOMIC DEVELOPMENT

Date 5/27/2008

Held in committee.

Staff gave an overview of the legislation and informed the committee of referral comments that were received. CB-24-2008 amends the Residential Lot Coverage and Green Area Table to allow all R-R (Rural Residential) properties containing 15,000 square feet or less, a maximum lot coverage of 30%. The current maximum lot coverage in the R-R Zone is 25%.

The City of Bowie submitted a letter dated May 20, 2008 (Mayor Robinson to Committee Chair Exum) requesting the committee's favorable vote on CB-24-2008. The letter indicates that the legislation is in response to a request from the City. The City Council has found the County's lot coverage regulations to be problematic in the R-R Zone for areas in Bowie because parts of the City are zoned R-R, which has a 25% lot coverage maximum, while other parts of Bowie are zoned R-80 and R-55, which allow up to 30% lot coverage.

The City's position letter explains that the proposed legislation will allow residents to expand the first floor area of most of the Levitt Company models in the R-R Zone to at least the same extent as permitted in the R-55 and R-80 Zones. Increasing the lot coverage allowance from 25% to 30% will allow approximately 500 additional square feet of first floor area per every 10,000 square feet of lot area. This Zoning Ordinance amendment will be equitable to the owners of Levitt homes that are on smaller sized lots and zoned R-R instead of the less restrictive R-55 and R-80 Zones.

The Planning Board supports the legislation. The Office of Law reviewed CB-24-2008 and determined that it is in proper legislative form.

Joe Meinert, City of Bowie Planning Director, addressed the committee explaining the background concerning the lot coverage issue within the Levitt area of the City. Mr. Meinert commented that Levitt model homes were constructed on the same size lots, but due to the difference in zoning categories, the Zoning Ordinance provides different regulations. The City Council is looking for relief through a reduction in the number of variances which would be required if the lot coverage limitation is increased as well as equity for homeowners within the City.

Council Members expressed concern regarding the Countywide impact the provisions of the legislation would have based on the number of existing lots with less than 15,000 square feet. Committee Chair Exum requested that staff obtain information on the number of lots with less than 15,000 square feet and their location by Councilmanic District as well as the number of variance applications to lot coverage requirements in the R-R Zone from the Board of Appeals. Council Member Turner suggested that a different lot size be considered to address concerns regarding Countywide impact.

The bill was held to allow time for staff to obtain the requested information and to consider alternative language to address Council Members' concerns.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

The allowable lot coverage in the R-R Zone is 25% which is more restrictive than in the R-80 and R-55 Zones where the maximum lot coverage is 30%. The 25% limitation in the R-R Zone can be problematic on smaller-sized lots when homeowners desire to expand their dwelling units. The yard setback regulations for the three zones (R-R, R-80, and R-55) are the same, and this legislation amends the Zoning Ordinance to provide consistency in the lot coverage for these zones by increasing the maximum coverage from 25% to 30% in the R-R Zone if the lots contain 15,000 square feet or less.

CODE INDEX TOPICS:

INCLUSION FILES:
