

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 7/10/2001

Reference No.: CB-27-2001

Proposer: Hendershot

Draft No.: 2

Sponsors: Hendershot

Item Title: An Ordinance creating the Architectural Conservation Overlay (A-C-O) Zone, establishing procedures for designation of Architectural Conservation Districts, and providing for approval of Architectural Conservation Plans and regulation of construction within the Districts

Drafter: Steven M. Gilbert
Principal Counsel

Resource Carol White
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 4/24/2001

Executive Action: __/__/____ __

Committee Referral: 4/24/2001 PZED

Effective Date: 8/27/2001

Committee Action: 5/22/2001 FAV(A)

Date Introduced: 6/5/2001

Public Hearing: 7/10/2001 1:00 P.M.

Council Action: 7/10/2001 ENACTED

Council Votes: RVR:A, DB:A, JE:A, IG:A, TH:A, WM:A, AS:A, PS:A, MW:A

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 5/22/2001

Committee Vote: Favorable with amendments, 3-0 (In favor: Council Members Shapiro, Estep and Maloney).

Committee staff explained the purpose of the Architectural Conservation Overlay (A-C-O) Zone and procedures for designating an Architectural Conservation District. Council Member Hendershot, the bill's sponsor, indicated to the Committee that this legislation will complement Smart Growth efforts by allowing a means to ensure that infill development is architecturally consistent.

The City of College Park submitted a letter in support of CB-27-2001. The City noted that the legislation is a tool for preserving and protecting the character of neighborhoods in Prince George's County. It provides a mechanism for communities to have a say in the way their neighborhoods look and develop.

The Planning Board supports the legislation. By memorandum dated May 22, 2001 (Wynkoop to Lucchi), the Department of Environmental Resources (DER) recommended a revision to Section 27-213.21(b). DER recommended that the time frame for the Architectural Conservation Plan process be reduced due to the critical project timeline and plan review. The memorandum explained that the permit applicant is often challenged with time sensitive deadlines related to the limited construction season, project funding requirements and loan commitments that must be completed by a specific date. Based on DER's recommendation for a shorter time frame, the Committee recommended that on page 6, line 23 of Draft-1, "180 days" be changed to "90 days."

Council Member Estep questioned the appropriateness of the A-C-O Zone being superimposed over all the zones listed in Section 27-109(b)(1) on page 2. The Committee agreed that the legislation should be amended to restrict the A-C-O Zone in the following less intense zones: R-O-S, O-S, R-A, R-E, V-L, R-L and V-M. The following sentence is included in Draft-2 in Section 27-548.29(b) to address the Committee's concerns: "The Architectural Conservation Overlay Zone may not be superimposed over the R-O-S, O-S, R-A, R-E, V-L, R-L or V-M Zones."

The Committee also expressed concern regarding language in Section 27-548.29 of the bill concerning the relationship of the A-C-O Zone to other zones including uses and regulations. The Committee agreed that the legislative history of CB-27-2001 should clarify that there are certain requirements in the underlying zones that cannot be modified by the regulations in an Architectural Conservation District. Specifically, an A-C-O Zone **does not** allow an increase in density (units per acre) and **does not** allow uses that are not permitted in the underlying zone. A multifamily residential use **shall not** be permitted in a single-family residential zone.

The Legislative Officer and the Office of Law find the bill to be in proper legislative form. The Office of Audits and Investigations has determined there should be no negative fiscal impact on the County as a result of enacting CB-27-2001.

BACKGROUND INFORMATION/FISCAL IMPACT

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

The bill creates a new overlay zone, the Architectural Conservation Overlay Zone, to permit site plan review of proposed construction within designated Architectural Conservation Districts, under certain circumstances.

CODE INDEX TOPICS: