

Prince George's County Council Agenda Item Summary

Meeting Date: 11/17/2009
Reference No.: CB-043-2009
Draft No.: 2
Proposer(s): Olson
Sponsor(s): Olson
Item Title: An Ordinance modifying the minimum lot size requirements of certain lots in the R-R Zone recorded prior to November 29, 1949.

Drafter: Jackie Brown, PZED Committee Director
Resource Personnel: Dannielle Glaros, Legislative Aide

LEGISLATIVE HISTORY:

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|----------------------------|------------------|--------------------------|----------|
| Date Presented: | 9/29/2009 | Executive Action: | |
| Committee Referral: | 9/29/2009 - PZED | Effective Date: | 1/4/2010 |

Committee Action: 10/7/2009 - FAV(A)

Date Introduced: 10/20/2009
Public Hearing: 11/17/2009 - 10:00 AM

Council Action (1) 11/17/2009 - ENACTED
Council Votes: MB:A, WC:A, SHD:A, TD:A, CE:A, AH:A, TK:A, EO:A, IT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

27-442

COMMITTEE REPORTS:

PZED Committee Report

Date 10/7/2009

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

Staff gave an overview of the legislation and summarized written referral comments that were received. CB-43-2009 modifies the minimum lot size requirements of certain lots in the R-R Zone recorded prior to November 29, 1949. The legislation permits the reduction of a lot from the minimum 10,000 square foot lot size to 5,000 square feet if the original lot size was 10,000 square feet, but reduced due to a right-of-way taking. The lot must also have been the subject of certain variances which were approved prior to the right-of-way taking.

Council Member Olson, the bill's sponsor, informed the committee that the provisions of the bill will assist a property owner in continuing the process of developing their lot. Mr. Olson indicated that it had been determined that the lot does not meet minimum area requirements due to a right-of-way taking; however, other variances had been approved prior to the taking.

The Office of Law reviewed CB-43-2009 and determined that it is in proper legislative form with no legal

impediments to its enactment. The Planning Board opposes this legislation and provided written comments in support of their position. In their letter to the County Council, the Planning Board recommended the inclusion of additional language in footnote 15 on page 2 if the Council moves forward with the legislation.

The committee voted favorable on CB-43-2009 with the additional language recommended by the Planning Board to require that any other lots under the same ownership be combined to achieve a lot that meets the 10,000 square foot lot standard.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

In 2001, the County Council enacted legislation allowing the minimum lot size for certain lots recorded before November 29, 1949 to be reduced to 5,000 square feet if the original size was 10,000 square feet but reduced in size due to a right of way taking or some other public purpose provided a building permit was obtained prior to July 1, 2003. This legislation amends this footnote to allow the reduction without a building permit issued prior to July 1, 2003 if certain variances for development of a lot were approved by the Board of Appeals prior to the right of way taking which reduced the lot size below the minimum 10,000 square feet requirement.

CODE INDEX TOPICS:

INCLUSION FILES:
