

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2017 Legislative Session

Reference No.:	CB-069-2017
Draft No.:	2
Committee:	PLANNING, ZONING AND ECONOMIC DEVELOPMENT
Date:	7/12/2017
Action:	FAV (A)

Committee Vote: Favorable with amendments, 3-0 (In favor: Council Members Harrison, Patterson, and Toles)

Committee staff summarized the purpose of the legislation and informed the committee of written referral comments that were received. This legislation amends the commercial zone use table to permit certain residential dwelling units in the C-S-C Zone under certain specified circumstances.

Council Member Lehman, the bill sponsor, requested the Committee's support for the legislation that is intended to facilitate residential development on a vacant parcel in her district. Ms. Lehman informed the Committee of community support for the project which will provide an appropriate transition from adjacent single-family and townhouse dwelling units to multifamily and quadruple attached dwelling units.

The Office of Law reviewed CB-69-2017 and offered the following comments: Page 2, for "Dwelling, Multifamily" under the C-O Zone, footnote 64 was omitted. If the intent was to remove footnote 65 from the C-O Zone, it should be reflected with brackets; Page 2, for "Dwelling, Multifamily" under the C-S-C Zone, footnote 117 should be renumbered to footnote 66 which is the next footnote under this section; Page 2, for "Two Family Dwelling Units", footnote 63 should be changed to footnote 65 to reflect what is currently in the Zoning Ordinance.

The Chief Zoning Hearing Examiner (ZHE) offered the following comment in a July 7, 2017 memorandum to the Committee Director: On page 2, footnote 117 (F) notes that various regulations governing the use shall be established and approved on the accompanying Detailed Site Plan. The Section also includes the phrase "or requirements of other zones relating to multifamily dwelling units." It is unclear what is meant by this phrase since a use generally need only satisfy the requirements in the zone in which it is located. This phrase should be struck or further clarified to avoid any problems with interpretation in the future.

The Planning Board reviewed the legislation and took no position with the following explanation and analysis as provided in a June 29, 2017 letter to the Council Chairman. The footnote under the Commercial Table of Uses should be renumbered from footnote 117 to footnote 66. The last footnote number under this table is 65. (F) should be deleted. The language appears to waive all requirements and regulations for the C-S-C Zone. It establishes development standards at the

time of DSP review. This process defeats the entire purpose of Zoning and denies the District Council and/or Planning Board the ability to apply any objective standards to the development. (G) should be deleted or revised because it is not clear what criteria will be used for architectural review to ensure computability of the development with the existing neighborhood. Furthermore, architecture should be of the highest quality. Planning Board staff does not know the existing architecture in the neighborhood.

Additional Planning Board/ Planning Department staff comments with alternative language for the use table and footnote 117 (F) and (G) were received and agreed to by the bill sponsor prior to the Committee's discussion of the legislation:

(F) Regulations concerning lot size, net lot area, lot coverage and green area, lot width, yards, building height, density, accessory buildings, bedroom percentages, and other regulations applicable to development in the C-S-C Zone shall not apply. Instead, the Detailed Site Plan as approved shall set forth all the regulations to be followed, except the density shall not exceed the density permitted in the R-18 Zone; and

(G) The Detailed Site Plan shall be subject to the Prince George's County Landscape Manual and shall include architectural review in order to ensure high quality design and constructions materials.

In addition, Quadruple-Attached dwellings and townhouses are not permitted in the C-S-C Zone. Quadruple-Attached dwellings are permitted in the R-35,R-20,R-T,R-30,R-30C,R-18 and R-18C Zones. In order to permit the use in the C-S-C Zone, the Commercial Table of Uses would need to be amended by adding "Quadruple- Attached dwellings". The use would be permitted subject to footnote 117. Footnote 117 (A) would also need to be amended to include the use.

The Committee voted favorably on the legislation with amendments to the table and footnote numbers (66 instead of 117) as identified by the Office of Law as well as the alternative language to (F) and (G) in the footnote as provided by Planning staff which also addresses the concern raised by the ZHE. In addition to including "Quadruple-Attached Dwelling" as a permitted use in the C-S-C Zone subject to footnote 66, the "X" in the C-S-C column for "Townhouse" was bracketed and replaced with "P⁶⁶".