

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

Meeting Date: 11/23/99

Reference No.: CB-67-1999

Proposer: Hendershot

Draft No.: 4

Sponsors: Hendershot

Item Title: An Ordinance concerning residential regulation for the purpose of amending the minimum lot size requirements of certain residential zones

Drafter: Ralph E. Grutzmacher
Legislative Officer

Resource Carol B. White
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 9/28/99

Executive Action: __/__/__

Committee Referral: 9/28/99 PZED

Effective Date: 1/10/2000

Committee Action: 10/13/99 FAV (A)

Date Introduced: 10/26/99

Public Hearing: 11/23/99 1:45 P.M.

Council Action: 11/23/99 ENACTED

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

Pass/Fail: P

Remarks: _____

11/23/99: CB-67 (DR-3) was amended on the floor; DR-4 was enacted

10/26/99: CB-67-DR-2 was amended on the floor; DR-3 was introduced

10/19/99: Introduction deferred to 10/26/99.

PLANNING, ZONING AND ECON. DEV. COMMITTEE REPORT DATE: 10/13/99

Committee Vote: Favorable as amended, 4-1 (In favor: Council Members Russell, Bailey, Hendershot and Maloney. Opposed: Council Member Gourdine)

This legislation increases the minimum lot size requirement for lots (recorded prior to November 29, 1949) in the O-S, R-A, R-E, R-R and R-80 Zones. Current Zoning Ordinance provisions allow lots to be developed with a minimum of 5,000 square feet in these zones if additional

abutting land cannot be added to the lot(s) to meet the minimum lot size requirement for the applicable zone. CB-67-1999 proposes to increase the minimum lot area to 10,000 square feet and eliminate the possibility of a variance to this requirement.

Council Member Hendershot, the bill's sponsor, indicated to the Committee that he presented this legislation to address a situation in a Lanham community, Lincoln Vista, a R-R zoned subdivision. Mr. Hendershot explained that homes have been constructed on lots containing only 7,500 square feet in the Lincoln Vista Subdivision and this practice is altering the character of the neighborhood where existing homes are situated on lots containing the minimum 10,000 square feet. CB-67-1999 is an attempt to prevent this practice from continuing. Council Member Gourdine expressed concern that this legislation will prohibit individuals who have owned lots for a long period of time from developing their property in accordance with the requirements that were in effect when they purchased the land.

The Office of Law has determined that the bill is in proper legislative form and recommended a minor technical amendment related to a bracket in Footnote 15, page 2. The Office of Audits and Investigations has determined there may be some negative fiscal impact on the County related to lost property tax revenues. Since increasing the lot size on which an owner is permitted to build upon may cause a decrease in the number of homes to be built, some property tax revenues may not be realized. The amount of possible lost property tax revenues cannot be determined at this time. The Executive Branch takes no position on CB-67-1999.

Faroll Hamer, Chief, Planning Department's Development Review Division, addressed the Committee regarding the Planning Board's position on this legislation. The Planning Board recommended that the bill be held in Committee for further review. The Board commented that many older areas have undeveloped, recorded lots that have lot sizes that coincide with the requirements in effect at the time. These lots were recorded prior to the Regional District Act and many of them were recorded prior to zoning. The proposed legislation eliminates the "grandfathering" for the minimum size of such lots. If this bill is enacted, all such lots would be required to be a minimum of 10,000 square feet to be considered "buildable." The legislation also, however, removes the opportunity for the property owner to get a variance if unique circumstances exist that would prohibit the property from being developed if it does not meet the 10,000-square foot size requirement.

The Planning Board's position was based on the fact that the Planning Department staff has not had sufficient time to investigate the many issues regarding land use and housing, especially as they relate to revitalization. Ms. Hamer indicated that this legislation could impact other subdivisions such as Westphalia Estates, Hillandale and Huntington where lots with less than 10,000 square feet exist. She expressed concern about the unintended impact on these and possibly other subdivisions that may be affected by CB-67-1999.

Terence Collins, president of the Lincoln Vista Civic Association, spoke in support of the legislation. Mr. Collins explained to the Committee that builders have constructed homes on lots with 7,500 square feet even though land abutting these lots has not been developed and could have been combined with smaller lots to meet the minimum 10,000 square foot requirement provided in the regulations.

In order to address the Planning Board's concerns regarding the impact of this legislation on revitalization efforts in communities inside the Beltway, Council Member Hendershot suggested an amendment to the bill that would exempt lots located within these areas from the 10,000-

square foot requirement. Mr. Hendershot also requested that Ms. Hamer continue research on other subdivisions which may be affected by this bill that are not located in revitalization areas and provide this information prior to the public hearing.

Mr. Hendershot made a motion, seconded by Council Member Bailey, for a favorable report including his suggested amendment. Ms. Bailey indicated her support of the motion pending receipt of the additional information concerning the impact on other areas of the

BACKGROUND INFORMATION/FISCAL IMPACT

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

In the R-O-S, O-S, R-A, R-E, R-R and R-80 Zones, lots established prior to November 29, 1949 are permitted to be significantly less than the existing standard of 20,000 square feet. The proposed legislation would increase the minimum lot size in the R-R Zone.

CODE INDEX TOPICS: