

# Prince George's County Council

## Agenda Item Summary

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**Meeting Date:** 5/1/2012  
**Reference No.:** CB-005-2012  
**Draft No.:** 3  
**Proposer(s):** Campos  
**Sponsor(s):** Campos, Davis  
**Item Title:** An Ordinance concerning Architectural Conservation Overlay Zone for the purpose of amending the provisions of the Zoning Ordinance relating to Architectural Conservation Overlay Zones in the County.

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**Drafter:** Karen T. Zavakos, Legislative Officer  
**Resource Personnel:** Alonzo T. Washington, Legislative Aide

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	2/14/2012	<b>Executive Action:</b>	
<b>Committee Referral:</b>	2/14/2012 - PZED	<b>Effective Date:</b>	6/18/2012
<b>Committee Action:</b>	3/7/2012 - FAV(A)		
<b>Date Introduced:</b>	3/20/2012		
<b>Public Hearing:</b>	5/1/2012 - 1:30 PM		
<b>Council Action (1)</b>	5/1/2012 - ENACTED		
<b>Council Votes:</b>	WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:A		
<b>Pass/Fail:</b>	P		
<b>Remarks:</b>			

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### AFFECTED CODE SECTIONS:

27-213.18.01, 27-213.19, 27-213.20, 27-548.31, 27-548.31.01, 27-548.31.02, 27-548.31.03, 27-548.31.04, 27-548.31.05

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### COMMITTEE REPORTS:

#### PZED Committee Report

**Date 3/7/2012**

Committee Vote: Favorable with amendments, 4-1 (In favor: Council Members Franklin, Patterson, Olson and Toles. Opposed: Council Member Harrison)

Staff summarized the purpose of the legislation and informed the committee of referral comments that were received. CB-5-2012 amends the Zoning Ordinance regulations for the Architectural Conservation Overlay Zone (ACOZ) established by legislation enacted in 2001. Staff presented a Proposed Draft-2 (DR-2) of CB-5-2012 prepared at the direction of the bill's sponsor to address referral comments that were received prior to the March 7, 2012 committee meeting.

Council Member Campos, the bill's sponsor, informed the committee that due to the current requirements for the ACOZ, the provisions have not been utilized and there has been no designation of an Architectural Conservation District. Mr. Campos explained that CB-5-2012 provides a more workable framework for residents in an effort to preserve the architectural character of neighborhoods while also ensuring strong municipal involvement. The

provisions of an ACOZ apply only in municipalities interested in establishing an Architectural Conservation District. Mr. Campos added that a Conservation District still allows ordinary maintenance and requires a limited detailed site plan at requests for additions of 20% percent or more of gross floor area.

Kerry Watson, representing the County Executive's Office, indicated that upon concurrence from the Department of Environmental Resources, the County Executive is in a position to support CB-5-2012. The Planning Board supports the concept of CB-5-2012 with substantial amendments. Proposed DR-2 addresses the amendments recommended by the Planning Board in a March 6, 2012 letter to Council Chair Harrison.

Council Chair Harrison expressed concern with CB-5-2012 as it relates to the impact on municipalities noting that there are seven municipalities within her district. Chair Harrison also requested clarification concerning the impact CB-5-2012 has on homeowners' associations. The Legislative Officer and Planning Department staff suggested additional language on page 9, lines 5-7, to require additional information concerning homeowners associations located within the boundaries of a Conservation District at the time of an application for the District.

Bryan Knedler, a resident of the City of Mt. Rainier, addressed the committee in support of CB-5-2012. Joe Meinert, City of Bowie Planning Director, informed the committee that the City has not taken an official position on the legislation. Mr. Meinert indicated that the City is interested in CB-5-2012 as a tool for a regulatory approach to address size of structures within residential neighborhoods, but not design features. Hamer Campbell, Maryland National Capital Building Industry Association, was also present to comment on the bill and indicated that the Association had not taken a position at the time of the committee meeting.

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#### **BACKGROUND INFORMATION/FISCAL IMPACT:**

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

This bill will amend and expand the provisions of the Zoning Ordinance relating to Architectural Conservation Overlay Zones in the County.

3/20/2012: CB-5-2012 (DR-2) was amended on the floor prior to introduction as follows:

1. On Page 8, in line 17, after "inventory", insert the following:

"including the requirements of each underlying zone for the following:

Net Lot Area (Minimum in Square Feet)

Lot Coverage

Green Area

Lot/Width Frontage (Minimum in Feet)

Yards (Minimum Depth/Width in Feet)

Building Height (Maximum in Feet, Main Building)

Density (Maximum Dwelling Units Per Net Acre of Net Lot/Tract Area)Accessory Buildings"

2. On Page 8, after line 17, insert "If requested by a municipality and approved by the District Council, an Architectural Conservation District Plan may further restrict zoning densities, minimum lot sizes, setback and other zoning regulations established in the base zone.

3. On Page 9, in line 1, insert the following: If requested by a municipality and approved by the District Council,"

CB-5-2012 (DR-3) was introduced.

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#### **CODE INDEX TOPICS:**

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#### **INCLUSION FILES:**

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