

Prince George's County Council Agenda Item Summary

Meeting Date: 7/18/2006
Reference No.: CB-036-2006
Draft No.: 2
Proposer(s): Knotts
Sponsor(s): Knotts, Dean, Dernoga
Item Title: An Ordinance requiring approval of a Detailed Site Plan for development of property adjacent to a Historic District and making stylistic changes concerning Detailed Site Plans.

Drafter: Jackie Brown, Director, PZED Committee
Resource Personnel: Betty Horton-Hodge, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	5/30/2006	Executive Action:	
Committee Referral:	5/30/2006 - PZED	Effective Date:	9/5/2006

Committee Action: 6/8/2006 - HELD
6/15/2006 - FAV(A)

Date Introduced: 6/20/2006
Public Hearing: 7/18/2006 - 10:30 AM

Council Action (1) 7/18/2006 - ENACTED
Council Votes: MB:A, WC:A, SHD:A, TD:A, CE:-, DCH:A, TH:A, TK:-, DP:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

27-281.01

COMMITTEE REPORTS:

PLANNING, ZONING AND ECONOMIC DEVELOPMENT

Date 6/15/2006

Favorable as amended, 4-0 (In favor: Council Members Dean, Bland, Exum, and Peters)

Staff presented a Proposed Draft-2 (DR-2) prepared at the request of the committee to address comments that were raised during the June 8 meeting. As recommended by the Principal Counsel, a new Section 27-281.01 was added to the bill. A subsection (b) was also included to define "adjacent to" for purposes of this section. DR-2 also contains language recommended by the Planning Board to clarify that the Detailed Site Plan requirement does not apply to additions, garages, and other minor home improvements of already existing buildings, and to substitute the word "complements" for the words "does not substantially impair".

PLANNING, ZONING AND ECONOMIC DEVELOPMENT

Date 6/8/2006

Held in committee.

Staff summarized the legislation and the referral comments that were received. CB-36-2006 amends the site plan regulations in Part 3, Division 9, to require detailed site plans for all properties that lie adjacent to a designated Historic District. The bill is intended to apply to all properties, regardless of zoning classification, that are adjacent to a Historic District. At this time, the only Historic District in Prince George's County is Broad Creek, south and west of the intersection of Livingston Road and Oxon Hill Road. Another district under consideration is in College Park, south of Knox Road and west of US Route 1.

Betty Horton-Hodge, Legislative Aide to Council Member Knotts, addressed the committee members requesting their support of the Council Member's legislation which is intended to ensure that development of property in the immediate vicinity of the Broad Creek Historic District is consistent with the character of the District. Mrs. Horton-Hodge indicated that based on comments that were received after presentation of the bill, the sponsor suggested additional language be included to clarify the intent of "adjacent" in the context of this legislation.

The Legislative Officer reviewed CB-36-2006 and determined that the bill is in proper legislative form. The Principal Counsel also reviewed the legislation and suggested amendments to the bill that would state the Detailed Site Plan requirement more firmly and more generally, with the addition of a new Section in the Zoning Ordinance, after the "purposes" statements in Section 27-281. The new section, 27-281.01, "Required Detailed Site Plans" would read:

- (a) A Detailed Site Plan must be approved, before permits may be issued for any propose use of:
- (1) Property in a zone that requires Detailed Site Plan approval;
 - (2) Property for which the Planning Board or District Council has expressly required Approval of a Detailed Site Plan, in a zoning or subdivision case, a sectional map amendment, or otherwise; or
 - (3) Property adjacent to a Historic District.

The Planning Board submitted a letter in support of CB-36-2006 with suggested amendments as follows. If it is the intention of the District Council to have this legislation only apply to new construction, the Planning Board recommends that the bill be amended to clarify that this legislation does not apply to additions, garages, and other minor home improvements of already existing buildings. Additionally, Section 27-282(g) should be amended to add the words "adjoining or" in front of the word adjacent, and to define the limitations on what is considered adjacent to a Historic District. The Planning Board also recommends that in Section 27-282, the words "does not substantially impair" should be changed to the word "complements".

Adrion Howell, representing the County Executive's Office, indicated that the Executive is in support of CB-36-2006. The Office of Audits and Investigations determined that there should be no negative fiscal impact on the County as a result of enacting this legislation.

Mr. Richard Krueger, Chairman of the Broad Creek Advisory Committee, spoke in support of CB-36-2006 including the amendments that were suggested during the committee's discussion.

The City of College Park submitted a letter dated June 7, 2006 to the PZED Committee Director requesting that the legislation be revised to clarify its applicability to the "Broad Creek" Historic District. Council Chairman Dernoga commented that he did not agree with limiting the provisions of CB-36-2006 to a specific Historic District because a Detailed Site Plan requirement is appropriate for property adjacent to any Historic District designation in the County.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This legislation amends the Zoning Ordinance to require approval of a Detailed Site Plan for development of property adjacent to a Historic District. In the adoption of CR-30-2006 approving the Henson Creek and South Potomac Master Plan, the County Council made findings in support of additional review of such properties to ensure adequate buffering and viewshed protection, as well as sensitivity to architectural techniques that are compatible with the surrounding Historic District.

CODE INDEX TOPICS:

INCLUSION FILES:
