

Prince George's County Council Agenda Item Summary

Meeting Date: 11/18/2008
Reference No.: CB-082-2008
Draft No.: 2
Proposer(s): Exum
Sponsor(s): Exum
Item Title: An Ordinance concerning the R-T Zone for the purpose of allowing multi-family dwellings and commercial uses in the R-T Zone under certain circumstances.

Drafter: Legislative Officers
Resource Personnel: Kendal C. Gray, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:		Executive Action:	
Committee Referral:	10/21/2008 - PZED	Effective Date:	1/5/2009
Committee Action:	11/10/2008 - FAV		
Date Introduced:	10/21/2008		
Public Hearing:	11/18/2008 - 10:00 AM		
Council Action (1)	11/18/2008 - ENACTED		
Council Votes:	MB:A, WC:A, SHD:A, TD:A, CE:A, AH:A, DCH:A, TK:A, EO:A, IT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-441

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT

Date 11/10/2008

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

Staff summarized the purpose of the legislation and informed the committee of written referral comments that were received. CB-82-2008 amends the Residential Zone Use Tables to permit any Commercial Shopping Center (C-S-C) Zone uses excluding uses allowed by special exception in the Residential Townhouse (R-T) Zone if (1) the uses are located within a multi-family development, (2) the multi-family development is the subject of a high-rise condominium regime, (3) the uses are located on the street level of the multi-family development, (4) the property is located in a Transit District Overlay (TDOZ) Zone, and (5) the property abuts the District of Columbia. In addition, each project developed pursuant to this provision requires Detailed Site Plan review by the District Council.

Staff also informed the committee that this legislation bypassed presentation and was introduced on October 21, 2008. Any non-substantive amendments recommended by the committee would have to be in the form of an amendment sheet for consideration by the Council at the public hearing advertised for November 18, 2008.

The Planning Board opposes CB-82-2008; however, the Board's letter to Council Chairman Dean dated November 4, 2008, provides recommended amendments "if the County Council decides to move forward with enactment of the bill." The suggested amendments are as follows:

1. An additional table under the Table of Uses should be added to the bill to reflect that this new proposed use is prohibited in the R-O-S, O-S, R-A, R-E, R-R, R-80, R-55, R-35, and R-20. This change will make clear that the new use is not permitted in other zones.
2. The bill should be amended to permit a multi-family development in the R-T Zone under the Table of Uses in the residential/lodging section. Currently, this bill permits a commercial use in the R-T Zone, but does not permit a multi-family development in the R-T Zone.
3. On page 2 within the Residential Table of Uses, change the word "may" within the phrase "any use allowed in the C-S-C Zone (excluding those permitted by Special Exception), may be located within a multi-family development" if it is not the intent of the bill to only permit residential uses without commercial uses. The bill could be interpreted as permitting a multi-family development without commercial uses.
4. Also, amend the bill to clarify the word "uses" within the phrase "the uses are located on the street level of the multi-family building," because the language within the Residential Table of Uses references both multi-family uses and commercial uses. As drafted, the bill could be interpreted to mean both multi-family uses and commercial uses are permitted on the street level of the multi-family development.
5. The words "high-rise condominium regime" are not defined in the Zoning Ordinance. The bill should be amended to define a high-rise condominium.
6. There should be language added to the bill to require balance between land use and transportation. The Planning Board recommends that a finding be required during Conceptual Site Plan review which states that the proposed uses will not generate traffic which would lower the level of service anticipated by the land use and circulation system shown on the approved general or area master plans.

The committee voted favorably on CB-82-2008 including amendment #2 as recommended by the Planning Board to be provided in the form of an amendment sheet for the public hearing.

The Office of Law reviewed CB-82-2008 and determined that it is in proper legislative form with no legal impediments to its enactment.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This bill will permit residential and certain commercial uses in the R-T Zones subject to certain criteria and phasing requirements.

CODE INDEX TOPICS:

INCLUSION FILES:
