

Prince George's County Council

Agenda Item Summary

Meeting Date:	11/30/2004
Reference No.:	CB-112-2004
Draft No.:	1
Proposer(s):	Harrington
Sponsor(s):	Harrington, Dernoga, Dean, Exum
Item Title:	An Ordinance permitting townhouses in the R-18 Zone under certain circumstances

Drafter:	Jackie Brown, Director PZED Committee
Resource Personnel:	Kenneeth C. Williams, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	10/12/2004	Executive Action:	
Committee Referral:	10/12/2004 - PZED	Effective Date:	1/17/2005
Committee Action:	10/26/2004 - FAV		
Date Introduced:	11/1/2004		
Public Hearing:	11/30/2004 - 10:00 AM		
Council Action (1)	11/30/2004 - ENACTED		
Council Votes:	MB:A, WC:A, SHD:-, TD:A, CE:A, DCH:A, TH:-, TK:A, DP:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-441

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT COMMITTEE

Date 10/26/2004

Committee Vote: Favorable, 4-0 (In favor: Council Members Dernoga, Bland, Exum, and Harrington)

This legislation removes the special exception requirement for townhouse (single-family attached residential) development in the R-18 Zone, if the property is within a Revitalization Tax Credit District and in a multifamily complex whose density was reduced as part of "the redevelopment of multifamily dwellings." R-T townhouse regulations apply, and detailed site plan approval is required.

Council Member Harrington, the bill's sponsor, requested the committee's support of CB-112-2004, which is intended to facilitate the development of transitional housing at the Mattaponi Manor complex located in Bladensburg.

The Principal Counsel reviewed CB-112-2004 and recommended for clarity, the terms "within a multifamily complex" might be restated. It may not always be obvious to staff reviewing an application what the boundaries of the multifamily complex are and whether proposed townhouses are "within" the complex. Footnote 75(A) might be reworded as follows:

(A) Townhouse development is on property formerly used for multifamily dwellings, where residential (multifamily and townhouse) density was reduced as part of its redevelopment;

The Planning Board opposes CB-112-2004 and provided the following comments in support of its position. The Planning staff does not know if there are other future impacts on other properties in the County. In addition, townhouses are currently allowed in the R-18 Zone by special exception. Permitting certain uses by right rather than through the special exception process can degrade the intent of the zoning districts and use regulations and does not allow the public the opportunity to adequately participate in the development review process. The special exception process provides for a systematic in-depth review of a particular use on a site. If there is any intent to add additional density, the special exception process is an equitable method to use.

The bill's sponsor responded to the Planning Board's concerns indicating that he believes the project is too far along in the process to require a special exception at this point in time and that the overall density of the complex is being reduced.

The Office of Law found the bill to be in proper legislative form. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-112-2004.

Council Member Bland expressed concern about the bill's applicability to other R-18 properties and suggested that language be added to limit its applicability.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

Generally, townhouses are permitted by special exception in the R-18 Zone. This legislation permits townhouses in the R-18 Zone without the requirement for a special exception under certain circumstances.

CODE INDEX TOPICS:

INCLUSION FILES:
