

Prince George's County Council

Agenda Item Summary

Meeting Date: 7/24/2012
Reference No.: CB-008-2012
Draft No.: 2
Proposer(s): Lehman, Patterson
Sponsor(s): Lehman, Patterson
Item Title: A Subdivision Bill for the purpose of providing an exemption from the requirement of a preliminary plan of subdivision for the conversion of condominium townhouse dwelling units in general, and two-family dwelling units in the R-R Zone only, to record lot townhouse dwelling units in certain circumstances and making clarifying technical amendments to existing language.

Drafter: Jackie Brown, PZED Committee Director
Resource Personnel: Bridget Warren, Chief of Staff District 1

LEGISLATIVE HISTORY:

Date Presented:	2/21/2012	Executive Action:	8/3/2012 S
Committee Referral:	2/21/2012 - PZED	Effective Date:	9/4/2012
Committee Action:	3/7/2012 - HELD 6/6/2012 - FAV(A)		
Date Introduced:	6/12/2012		
Public Hearing:	7/24/2012 - 10:00 AM		
Council Action (1)	7/24/2012 - ENACTED		
Council Votes:	WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

24-108, 24-121

COMMITTEE REPORTS:

PZED Committee Report

Date 6/6/2012

REPORT:

Committee Vote: Favorable with amendments, 4-0 (In favor: Council Members Franklin, Harrison, Patterson and Olson)

Staff presented a Proposed Draft-2 (DR-2) of CB-8-2012 prepared by the M-NCPPC staff pursuant to the Planning Board's recommended amendments. Revisions to Proposed DR-2 are as follows:

- Title/Purpose clause change to add the words "in general, and two-family dwelling units in the R-R Zone only"

after “condominium townhouse dwelling units” and change “record lot townhouses” to “record lot townhouse dwelling units”

• Strike the following subsection on page 2:

(6) The conversion of condominium dwelling units, shown on an approved conceptual site plan, preliminary plan of subdivision, detailed site plan or specific design plan and subject to a valid preliminary plan to individual lots provided (1) the number of lots does not exceed the approved number of dwelling units, and (2) the individual dwelling units conform to the conditions and guidelines of the approved preliminary plan, detailed site plan or specific design plan for the development. The imposition of any applicable public safety surcharge shall remain a requirement unless there was a finding of adequacy at the time of the detailed site plan or specific design plan approval.

Insert the following subsection in lieu thereof:

(7) The conversion of condominium townhouse dwelling units in general, and two-family dwelling units in the R-R Zone only, to individual record lots provided:

(A) The condominium townhouse dwelling units are shown on an approved preliminary plan of subdivision, the number of lots does not exceed the Preliminary Plan of Subdivision approved number of townhouse dwelling units, the individual townhouse dwelling units and lots are reflected on an approved Specific Design Plan, Detailed Site Plan, or Special Exception and conform to Subtitles 24 and 27; or

(B) The condominium townhouse dwelling units in general, or two-family dwelling units in the R-R Zone only, may be converted to individual townhouse record lots if shown on a Detailed Site Plan, Specific Design Plan, Special Exception approved prior to [Effective Date] or a Conceptual Site Plan approved pursuant to Section 27-548.01.02 for a Waterfront Entertainment/ Retail Complex.

(i) Lots and parcels created pursuant to this exemption are not subject to the lot standards of Section 24-121(a)(4) regarding lot depth and the restrictions contained in Section 24-128 (a) regarding private roads and easements except that appropriate documentation securing access will be required.

(ii) Prior to the approval of a final plat, a revision to the Detailed Site Plan, Special Exception, or Specific Design Plan, as applicable, shall be reviewed and approved by the Planning Director in accordance with Subtitle 27 to reflect the individual lots. In the case of a Waterfront Entertainment/Retail Complex, an exhibit showing a lotting pattern that conforms to the Conceptual Site Plan shall be reviewed and approved by the Planning Director, in accordance with Section 27-548.01.02 (f).

(iii) The conversion is not intended to reduce the original unit yield reflected on the approved plan.

(iv) Each two-family dwelling, arranged one above the other, shall be replaced by only one townhouse dwelling unit.

• On page 4, in Section 24-121(a), insert the following :

(19) Condominium townhouse dwelling units approved after [Effective Date] shall conform to the lot standards of this Subtitle and Subtitle 27 for possible future conversion to fee simple lots.

The committee agreed to the insertion of “September 1, 2012” as an appropriate date for the “effective date” based on statutory timelines for public hearing, enactment, and signatures to the legislation.

Arthur Horne, representing D’Arcy North and South, spoke in support of Proposed DR-2. Kerry Watson, representing the County Executive’s Office indicated that the County Executive is in support of CB-8-2012.

The committee voted in favor of Proposed DR-2 including the September 1, 2012 date insertion.

3/7/2012

Held in committee.

Council staff provided an overview of the legislation and summarized written referral comments that were received. CB-8-2012 amends the Subdivision Regulations to provide an exemption from the requirement of Preliminary Plan of Subdivision for the conversion of townhouse condominium dwelling units to individual lots under certain circumstances. In addition, CB-8-2012 amends Section 24-108 to require a final plat for a lot in the Chesapeake Bay Critical Area Zone to reference the Conservation Plan and the liber/folio of the Conservation Agreement and Conservation Easement when required.

The bill's sponsors explained that this legislation will allow the conversion of condominium units to individual lots without resubmission of a Preliminary Plan of Subdivision due to current market conditions.

The Office of Law reviewed CB-8-2012 and determined that it is in proper legislative form with no legal impediments to its enactment. The Office of Audits and Investigations determined that enactment of this legislation will not have a negative or adverse fiscal impact on the County.

The Planning Board supports CB-8-2012 with numerous amendments as contained in a letter dated March 6, 2012.

Hamer Campbell, representing the Maryland National Capital Building Industry Association, and Andre Gingles, of Gingles, LLC, spoke in support of the legislation.

The Committee discussed the Planning Board suggested amendments at length and agreed to hold the legislation to allow time for M-NCPPC staff to work with the sponsors to provide appropriate revisions to address all concerns expressed during the discussion.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

The legislation amends the Subdivision Regulations to allow an exemption to the requirement for a preliminary plan of subdivision for the conversion of condominium townhouses to record lot townhouses in certain circumstances. The bill also provides clarifying technical amendments to existing language in the Regulations.

CODE INDEX TOPICS:

INCLUSION FILES:
