

Prince George's County Council Agenda Item Summary

Meeting Date: 11/1/2004
Reference No.: CB-100-2004
Draft No.: 2
Proposer(s): Bland, Dernoga, Harrington
Sponsor(s):
Item Title: An Ordinance developing new development standards and procedures for the Rural Tier including the establishment and imposition of temporary zoning regulations restricting development in the Rural Tier established by the Approved General Plan for a period of time to expire on August 1, 2005. This Ordinance provides for an annual allocation of building permits, establishes interim guidelines for residential development, and it requires site plan approval as a prerequisite for the issuance of permits.

Drafter: Mark White, Freilich, Leitner & Carlisle
Resource Personnel: Jackie Brown, Director PZED Committee
Arie Stouten, M-NCPPC

LEGISLATIVE HISTORY:

Date Presented:	10/5/2004	Executive Action:
Committee Referral:	10/5/2004 - PZED	Effective Date:
Committee Action:	10/12/2004 - HELD 10/20/2004 - FAV(A)	

Date Introduced:
Public Hearing:
Council Action:
Council Votes:
Pass/Fail:
Remarks:

AFFECTED CODE SECTIONS:

27-1801, 27-1802, 27-1803, 27-1804, 27-1805, 27-1806, 27-1807

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT COMMITTEE

Date 10/26/2004

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

Chairman Dernoga announced that no additional testimony would be accepted and requested that staff summarize the following amendments prepared as a result of testimony given at the October 12 meeting. Staff explained that the amendments are intended to clarify the circumstances under which properties should be exempt from the provisions of the legislation.

. Exemption No. 2 on page 4 of Draft-1 should be revised to read: "Any addition to any existing single-family

dwelling.”

- Exemption No. 4 on page 4 of Draft-1 should be revised to read: “Rehabilitation of an existing non-residential building or structure which does not change the use or enlarge the building or structure.”
- Exemption No. 10 should be added to page 5 of Draft-1 to read: “A building permit for the construction of a single-family dwelling on a lot created through the conveyance to a son or daughter or lineal descendant or antecedent in accordance with Section 24-107(c)(3) of the Subdivision Regulations.”
- Section 2. on page 11 should be revised to read: “BE IT FURTHER ENACTED that the Planning Director shall not recommend approval for any building permit in the Rural Tier for which an application is filed:
 - a. After November 30, 2004, unless the application fully complies with Part 18 of this Subtitle; or
 - b. After November 30, 2004, but prior to February 1, 2005, unless the Applicant can provide documentary evidence of existing ownership dating back to at least October 20, 2004.

Council Member Exum proposed amendments and requested staff to revise appropriate sections of the legislation as necessary to: (1) change the number of permits that can be issued in the Rural Tier in 2005 from “25” to “60”; (2) delete language providing for a lottery system for permit allocation; and (3) revise language to sunset the IDO on July 31, 2005. Council Member Exum commented that increasing the number of permits from 25 to 60 represents the average number of units completed within the past few years, and therefore caps building permits at that level for the next year.

Council Member Harrington proposed amendments to the transportation level-of-service language provided in the Rural Tier Guidelines section as follows: (1) change “level-of-service B” to “level-of-service C”; and (2) delete the sentence: “The procedures and numerical criteria for calculating trip generation, trip distribution, and level of service shall conform to the ‘Guidelines for the Analysis of the Traffic Impact of Development Proposals’ to the extent not inconsistent with this section.”

Council Member Hendershot suggested that the committee hold the bill to allow further deliberation on this legislation which he believes is a piecemeal approach to managing growth in the County, and undermines property rights.

Council Member Dean commented that the proposed amendments provide an opportunity for certain projects already in process to continue without being subject to the Interim Development Ordinance and provides an earlier sunset at which time the Council will have developed a comprehensive policy. Council Member Dean indicated that during this time, the Council can begin dialogue with stakeholders to guide the County as it moves forward with developing the policy.

Council Member Harrington commented on the history of Commission 2000 which provided a report recommending the growth objective of one percent in the Rural Tier that was later adopted as part of the 2002 General Plan. Council Member Harrington noted that the Council intends to take a broad approach to preserving the Rural Tier with consideration of tools such as Transfer of Development Rights which provide an opportunity to take advantage of existing infrastructure and direct growth in those areas.

Held in committee.

Chairman Dernoga announced that the committee would take testimony on three bills concerning the Rural Tier, CB-98-2004, CB-99-2004, and CB-100-2004; however, committee action would be held until a later date.

Staff summarized the purpose of the bill and informed the committee of referral comments that were submitted concerning this legislation. The bill amends the Zoning Ordinance to implement an Interim Development Ordinance (IDO) in order to curtail development in the Rural Tier for a year, or until new regulations are in place. CB-100-2004 proposes to limit growth in the Rural Tier to 25 permits for 2005. The 25 permits would be selected through a lottery, and would then proceed through a staff-level IDO site plan, subject to appeal to the District Council. The site plan includes regulations for adequate public facilities, environmental protections and rural design. The IDO also prohibits the approval of new preliminary plans and final plats, with some exceptions, in order to slow the pipeline.

The Legislative Officer found the bill to be in proper legislative form. With respect to the numbering of the newly-added sections, the Legislative Officer requested that the new numbering system be used that combines the Part of Division number as the first 2 digits. The new sections would be numbered 27-1801 through 27-1806.

The Office of Audits and Investigations determined there may be negative fiscal impact on the County as a result of enacting CB-100-2004. The negative impact would stem from the restriction of development and any revenues associated with the related building permits. The amount of negative impact cannot be quantified at this time.

The Planning Board supports CB-100-2004 as necessary for implementing the General Plan of 2002.

A total of 41 speakers addressed the committee with various comments in support of and in opposition to this legislation. Henry Turner also provided written comments to the committee expressing his concerns regarding the Rural Tier legislation. Charles Reilly, Chair, Sierra Club/Prince George's County, submitted a letter dated October 8, 2004, in support of CB-98, CB-99 and CB-100. Norman Rivera, County Liaison Legislative Chairman of the Maryland National Capital Building Industry Association, submitted a letter dated October 12, 2004, outlining the Association's concerns and requesting that the legislation be held for further study in order to assess its impact and to allow time to develop "amendments that can make the Bills effectuate the Council's intent."

BACKGROUND INFORMATION/FISCAL IMPACT:

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

As referenced in CB-98-2004 and CB-99-2004, this legislation develops new development standards and procedures for the Rural Tier.

CODE INDEX TOPICS:

INCLUSION FILES:
