

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2021 Legislative Session

Reference No.: CB-039-2021

Draft No.: 2

Committee: COMMITTEE OF THE WHOLE

Date: 06/17/2021

Action: FAV(A)

REPORT:

Committee Vote: Favorable as amended, 11-0 (In favor: Council Members Hawkins, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Ivey, Streeter, Taveras and Turner)

The Committee of the Whole convened on June 17, 2021 to consider CB-39-2021. The Planning, Housing, and Economic Development (PHED) Committee Director summarized the purpose of the bill and informed the Committee of written referral comments received. Draft-1 of the bill clarifies the legislative intent of the Council to repeal the development regulations in the Zoning Ordinance related to bedroom percentages.

The Planning Board was scheduled to review CB-39-2021 on June 17, 2021. The Planning Department staff submitted their analysis and recommendation in support of the legislation with amendments as follows:

“CB-29-2020 (DR-2) enacted on July 21, 2020, removed multifamily bedroom percentage regulations from all residential zones. Planning Department staff believes the District Council intended to draft CB-39-2021 to address other impediments to the development of multifamily dwellings. It is believed this bill intends to only delete from the residential table of uses footnote 6 in the R-30 Zone and footnote 76 in the R-18 Zone. These footnotes permit multifamily dwelling units in the R-30 and R-18 Zones, if a condominium plat is recorded, in accordance with the provisions of the Maryland Condominium Act, setting out each dwelling unit as a separate unit. Staff supports the removal of footnote 6 in the R-30 Zone and footnote 76 in the R-18 Zone from the table of uses. We also support the deletion of the language under footnote 76. The R-30 and R-18 Zones are not condominium zones, so such development regulations should not be required.

The Planning Department staff would like to offer a few amendments and/or recommendations for consideration. On page 1 amend the title and purpose clause of the bill. On page 2, delete the table of uses from the bill. This table is not needed. Bedroom percentages have already been deleted from the Zoning Ordinance. On page 3, add the zone column to the bill. The bill does not display the zones that apply to the table of uses. Also, add the language under current footnote 76 to the bill, so it may be bracketed for deletion from the Zoning Ordinance.

This legislation will impact multifamily dwelling units in the R-30 and R-18 Zones where the development was required to record a condominium plat, in accordance with the provisions of the Maryland Condominium Act, setting out each dwelling unit as a separate unit.”

The Zoning Hearing Examiner (ZHE) reviewed CB-39-2021 and commented in a June 15, 2021 memorandum to the PHED Committee Director that this bill removes obsolete language pertaining to bedroom percentages for multifamily dwellings. The ZHE had no suggested revisions or additions to the legislation. The Office of Law reviewed CB-39-2021 and found it to be in proper legislative form. The Office of Law sees no legal impediments to its enactment and agrees with the recommendations outline in the June 2, 2021 Maryland-National Capital Park and Planning Commission’s Memo.

The Council’s Zoning and Legislative Counsel provided an overview of a Proposed Draft-2 (DR-2) prepared at the bill sponsor’s request with amendments as follows:

- On page 1, lines 4 and 5, amend purpose clause to read:

For the purpose of clarifying the legislative intent of the Council to repeal the development regulations in the Zoning Ordinance related to bedroom percentages in the R-18 and R-30 Zones of Prince George’s County.

- On page 2, delete the table of uses for R-O-S Zone through R-20 Zone, and insert footnote 76 with brackets to reflect its deletion from the Table of Uses.

[76] [Provided:]

[(A) A condominium plat is recorded, in accordance with the provisions of the Maryland Condominium Act, setting out each dwelling unit as a separate unit, or a housing cooperative is established to own the dwelling units; and]

[(B) At least ninety percent (90%) of all required parking spaces are provided in a parking structure.]

- On page 3, add the zone column to the Table of Uses for R-T Zone through R-H Zone.

Thomas Haller, Law Offices of Gibbs and Haller, testified in support of CB-39-2021 to address an unintended issue that was created by the enactment of the 2020 legislation.

Terry Bell, County Executive’s Liaison to the County Council, indicated that the County Executive is in support of the legislation. During discussion, Rana Hightower, Planning Department Intergovernmental Affairs, informed the Committee that the Planning Board voted during their June 17, 2021 meeting to support the legislation with amendments in accordance with the Planning staff’s recommendation. Ms. Hightower commented on Planning Board’s recommendation to also remove reference to bedroom percentages in the purpose clause since the bill is only addressing a footnote associated with condominium plats.

Council Member Davis inquired about the wording of the bill’s purpose clause in Proposed DR-2. The Council’s Zoning and Legislative Counsel responded that she reviewed the suggestions offered by the Planning Board, and incorporated an expansion to the title of the legislation that captures the entirety of the bill’s subject matter, despite being different from the wording

suggested by the Planning Board.

On a motion by Council Member Davis and second by Council Member Glaros, the Committee voted favorable, 11-0 as amended in Proposed DR-2.