

PRINCE GEORGE'S COUNTY COUNCIL
COMMITTEE REPORT
2016 Legislative Session

Reference No.: CB-028-2016
Draft No.: 2
Committee: PLANNING, ZONING AND ECONOMIC DEVELOPMENT
Date: 06/01/2016
Action: FAV (A)

REPORT:

Committee Vote: Favorable as amended, 3-0-1 (In favor: Council Members Harrison, Franklin, and Toles. Abstain: Council Member Taveras)

Council staff summarized the purpose of the legislation and informed the committee of referral comments that were received. Council Member Toles, the bill's sponsor, requested the Committee's support for CB-28-2016 to allow the development of townhouses on property located within her district.

The Planning Board opposed the legislation and provided written comments and analysis regarding their position. Rana Hightower and Chad Williams, representing the Planning Board, were also present to explain the Board's position on the legislation and to respond to questions from the Committee. The Planning Board provided the following analysis. It appears that the bill will permit townhouses in the One-Family Detached (R-55) and the Multifamily High Density-Efficiency (R-10A) Zones. On page 1, the title and purpose should be amended to include a reference to the R-55 Zone. This bill amends the townhouse use under that zone as well.

On page 2, the Residential Table of Uses should be amended to correctly reflect drafting of what is being added and removed from the Zoning Ordinance. Under the zone column in the R-55 Zone for "Townhouse, Transit Village" there should be an "X" in brackets next to the newly added "P". Under the use "Townhouse, if located within a designated Revitalization Tax Credit District" footnote 108 should be added back into the bill next to the "P" or placed in brackets to remove the footnote. For the "Townhouse, all others" use, the "x⁴⁸" should be added back into the bill next to the "P" or bracketed to remove the footnote.

On page 3, under footnote 109, the relationship between letters (b) and (c) are not clear. The Planning Board does not understand if there is a relationship between the property being designated within a development area by the District Council through a sector plan and sectional map amendment approved before January 1, 2010 and the property being located within a District Development Overlay Zone (DDOZ) designated by the District Council through a sector

plan and sectional map amendment approved prior to June 1, 2014. If the property was placed in a DDOZ in 2014, then it can be assumed that the sector plan and sectional map amendment would supersede any earlier approved plan. If the intent is to reference the 2000 *Approved Master Plan and Sectional Map Amendment for the Heights & Vicinity Planning Area 76A*, then the reference “sector plan” should be changed to “master plan”.

Under (c) of the footnote, the requirement that the property be located within a DDOZ may be amended through Section 27-642 (Minor Amendment to an Approved Master, Sector, Functional Plans, and Development District Overlay Zones) or 27-548.26 (Amendment of Approved Development District Overlay Zone). These processes within the Zoning Ordinance would permit the District Council to revise the table of uses in the R-10A and R-55 Zones to meet the conditions of Footnote 109.

The letter (e) of the footnote references Section 27-438(e) which is faulty because that section applies to Multifamily High Density Residential – Efficiency regulations. The proposed use is not to permit multifamily, but refers to a DSP requirement for multifamily. The appropriate reference would be to the requirement in the Southern Green Line Station Area Development District Overlay Zone that requires a Detailed Site Plan. A reference to Section 27-438 would also not apply to the three types of townhouses the bill tries to permit in the R-55 and R-10A Zones.

The language under both letters (f) and (g) of the footnote are problematic. The current language permits an applicant to establish, subject to approval, all development regulations applicable to the property. Under (f), the DSP sets the standard for development of townhouses in both zones.

It is understandable that the standards in the R-10A Zone would not apply because those regulations are for high density multifamily efficiency, but any one of the regulations for townhouses in the Zoning Ordinance could be applied. In addition, it should be noted that if the property has not been through the Preliminary Plan of Subdivision process which generally comes before the DSP and no development regulations are in place (because they will not be established until a later phase of development) the subdivision process becomes difficult to administer.

Under (g) of the footnote, the Planning Board and/or the District Council are expected to review and approve development on the property with no required findings. The Planning Board has major concerns with allowing development in the R-55 and R-10A Zones when there are no baseline regulations for development of townhouses.

The Planning Board would like to again recommend that the District Council consider using existing Zoning Ordinance processes. Under Sections 27-642 (Minor Amendment to an Approved Master, Sector, Functional Plans, and Development District Overlay Zones) or 27-548.26 (Amendment of Approved Development District Overlay Zone), the *Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment* DDOZ Table of Uses for the R-10A and R-55 Zones could be revised to meet the conditions of Footnote 109.

Lastly, the Planning Board would like to remind the District Council to consider deferring action on legislation now that the Zoning Ordinance and Subdivision Regulations Rewrite is well underway.

The Committee voted favorable including amendments to the table of uses recommended by the Planning Board specifically related to bracketing the “X’s” and changing “Section 27-438(e)” to “Section 27-548.25” in footnote 109 (e). The appropriate reference to the R-55 Zone in the bill title and purpose clause is also included in Draft-2.