

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 10/15/96

Reference No.: CB-47-1996

Proposer: MacKinnon, Maloney, and Gourdine

Draft No.: 2

Sponsors: MacKinnon, Maloney, and Gourdine

Item Title: An Ordinance concerning Moderately Priced Dwelling
Units for the purpose of repealing the requirements
regarding moderately priced dwelling units

Drafter: Mary Lane
PZ&ED Committee Director

Resource Personnel:

LEGISLATIVE HISTORY:

Date Presented: 6/11/96

Executive Action: __/__/__ __

Committee Referral:(1) 6/11/96 THE

Effective Date: 1/21/97

Committee Action:(1) 9/12/96 HELD

Committee Action:(2) 9/30/96 FAV(A)

Date Introduced: 10/15/96

Pub. Hearing Date: (1) 11/12/96 2:00 PM

Council Action: (1) 11/12/96 Enacted

Council Votes: SD:AB, DB:-, JE:A, IG:-, AMc:A, WM:A, RVR:A, AS:A, MW:A

Pass/Fail: P

Remarks: (See also CB-48-1996 & CB-49-1996)

TRANSPORTATION, HOUSING AND ENVIRONMENT COMMITTEE DATE: 9/30/96

Committee Vote: Favorable with amendments, 3-1 (In favor: Gourdine, Russell, Scott; Opposed: Bailey)

Alan Hirsch of the Subdivision Section of the Park and Planning Commission provided the Committee with a matrix of approved MPDU projects categorized by zoning type and current stage of development. This matrix shows a total of 686 MPDU's with 329 units located in multifamily zones (R-T, R-18c, R-30c, R-H and M-X-T), 148 units located in comprehensive design zones (CDZ's), and 209 units located in single family zones (R-55 and R-80). Of the total 686 MPDU's, 312 units have reached final plat of subdivision. Discussion focused on these platted lots as staff provided options for deleting the MPDU's.

In the multifamily zones, where there were fewer instances of development concessions (i.e. density bonuses and waivers of development criteria) Park and Planning staff indicated that the MPDU's could be administratively deleted from the final plats and replaced with market rate units. In the Comprehensive Design Zones, the Committee suggested that the developers be given the option to amend the final plat to delete the MPDU's or to upgrade the units to market rate and make a fee-in-lieu payment of \$5,000 per unit.

In the single family zones, there are five developments which have an approved final plat of subdivision and include a total of 97 MPDU's. Due to development concessions, these developments will result in a total of 162 townhouses in the R-55 and R-80 zones. The Committee suggested that these developers be allowed to amend their final plats to delete the MPDU's or to upgrade to market rate with a fee-in-lieu payment of \$10,000 per unit.

As a result of its deliberation, the Committee made the following amendments:

CB-47: SUBDIVISION REGULATIONS

1. Add language to the use tables to indicate that MPDU's constructed pursuant to building permits issued prior to the repeal of the program shall not be considered to be non-conforming uses.
2. Uncodified language (Section 5) was added indicating that MPDU's contained in approved preliminary plats of subdivision in the R-55 and R-80 zones may be constructed pursuant to the minimum development standards set forth in the approved preliminary plat and shall not be considered as non-conforming structures or uses.
3. The effective date of the legislation shall coincide with the effective date of CB-48-1996.

CB-48: ZONING ORDINANCE

1. The Construction of MPDU's shall not be permitted or required for preliminary plats or final plats approved prior to repeal of the MPDU program if no building permits have been obtained. A detail site plan or specific design plan may be approved without amending the preliminary plat to delete previously approved provisions regarding MPDU's under the following circumstances:
 - a) R-T, R-H, R-18c or M-X-T Zones - market rate units may be constructed in lieu of MPDU townhomes for a fee-in-lieu payment of \$5,000 per previously approved MPDU.
 - b) R-80 or R-55 Zones - market rate townhomes may be constructed in lieu of MPDU townhomes for a fee in lieu payment of \$10,000 per previously approved MPDU.
 - c) In any zone, MPDU lots may be replaced by single family detached lots in accordance with the minimum development standards established in

the approved preliminary plat, detailed site plan and final plat.

CB-49: HOUSING CODE

1. MPDU's constructed pursuant to building permits issued prior to the repeal of the program and not sold to an eligible person may be released from MPDU designation through the addition of interior and exterior options with a retail value of at least \$10,000. This release must be approved by the Director of the Department of Housing and Community Development.
2. MPDU's not approved for conversion and release shall be offered for sale to the Department of Housing and Community Development or the Housing Authority. If the Department of Housing and Community Development or the Housing Authority do not purchase the property within 90 days, the owner may sell the MPDU without restriction.

TRANSPORTATION, HOUSING AND ENVIRONMENT COMMITTEE DATE: 9/12/96

Committee Vote: Favorable, 4-0 (In favor: Bailey, Estepp, Russell and Scott) - Held in Committee pending staff revision (Discussion will continue at the next Committee Worksession to held on 9/30/96)

The Committee's discussion of CB-47, 48, and 49 focused on policy issues relative to existing MPDU's and those units which have been approved or are in various stages of the development process (i.e. the "pipeline"). In a memorandum dated July 18, 1996, the Park and Planning Commission provided data indicating that approximately 37 developments have been identified as potential MPDU providers and would yield 545 MPDU's. The Department of Housing and Community Development also submitted a list of potential MPDU-producing developments which, if approved, would result in over 1,500 MPDU's.

Michael Doaks, Director of the Department of Housing and Community Development, requested that the Committee defer action on CB-47, 48, and 49 pending the transmittal of legislation from the County Executive's office. After discussion of this request, the Committee elected to move forward with the legislation directing staff to update the data regarding developments in the Pipeline and to develop methods to eliminate existing, approved and proposed MPDU's. Staff was also directed to have this information available for review at the next Committee meeting (9/30/96).

BACKGROUND INFORMATION/FISCAL IMPACT

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

In 1990, the Council enacted amendments to the Zoning Ordinance (Subtitle 27), the Subdivision Regulations (Subtitle 24), and the Housing Code (Subtitle 13), that created the Moderately Priced Dwelling Unit (MPDU) Program. This program required new developments in the small lot single-family, townhouse, multifamily, Comprehensive Design, and Mixed Use Zones to include 10% MPDUs, as defined by regulations that were subsequently adopted by the Council. A 10% density

bonus was given for the provision of these units, provided the maximum densities currently in the Zoning Ordinance were not exceeded. In order to facilitate this program, regulations regarding lot size, coverage and yards were waived for developments that included MPDUs, and townhouses were permitted in the zones where they were previously prohibited (the R-80, R-55, and R-35 Zones).

This legislation repeals the MPDU Program in the Zoning Ordinance. It will affect all developments pursuant to preliminary plats of subdivision filed after the effective date of the legislation.

CODE INDEX TOPICS: