

PRINCE GEORGE'S COUNTY COUNCIL
COMMITTEE REPORT
2018 Legislative Session

Reference No.: CB-064-2018

Draft No.: 2

Committee: PLANNING, ZONING AND ECONOMIC DEVELOPMENT

Date: 09/05/2018

Action: FAV (A)

REPORT:

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Harrison, Franklin, Glaros, Patterson, and Toles)

The Committee Director summarized the purpose of the legislation and informed the committee of written referral comments that were received. This legislation amends the Zoning Ordinance Residential Table of Uses to allow townhouse dwelling units in the R-80 Zone provided the use meets criteria in a new footnote to the table. Council Member Franklin, the bill's sponsor, informed the committee that this legislation is intended to encourage investment in an area located within his district where properties have outdated zoning and the appropriate zoning to accomplish the direction of development in the most recent sector plan for the area was not included. Mr. Franklin explained that the other mix of uses recommended in the plan for this area are already permitted in the current zones.

Due to the August recess, the Planning Board did not have an opportunity to take a formal position on the legislation; however, the Planning Department staff submitted an analysis and comments indicating opposition with suggested amendments on CB-64-2018 as follows. On page 2 under footnote 127(D), the language should be deleted and replaced. The current language effectively waives all requirements and regulations for the R-80 Zone by postponing the determination of development standards until the time of Detailed Site Plan review. This postponement process defeats the entire purpose of zoning by preventing the uniform application of objective development standards to all properties in the R-80 Zone established by the District Council in coordination with its adopted future land use recommendations in master plans. The R-80 Zone is intended for detached development at 4.6 dwelling units per acre. If development standards are not established until DSP, there is a very strong possibility that a development may exceed the residential land use designation which would conflict with the District Council's approved master plans.

Furthermore, it is within the District Council's authority to establish development standards including density, net lot area, lot coverage, frontage, setbacks and landscaping, not the Planning Board. If this legislation is enacted, the Planning Board will have no zoning regulations to

review the Preliminary Plan of Subdivision, including density and lot size. Private streets and alleys are not permitted in the R-80 Zone, except in circumstances listed under Section 24-128 (Private roads and easements). The District Council should adopt objective development standards based on future land uses outlined in the applicable master plan to guide the Planning Board in its consideration of an application for a DSP that proposes townhouses in the R-80 Zone.

If it is the District Council's intent to permit townhouses in the R-80 Zone, development standards should be added to the bill to ensure uniform application of zoning. The appropriate development standards would be those of the Residential Townhouse (R-T) Zone. The Zoning Hearing Examiner reviewed CB-64-2018 and suggested additional clarifying language be included in Footnote 127(B) as follows: after "Historic Site or Resource on the National Register", insert "of Historic Places". The Office of Law reviewed the legislation and offered the following comment: "The bill may be subject to challenge as it appears to be drafted for a specific parcel."

Matthew Tedesco, of McNamee Hosea, testified in support of the legislation.

To address the Planning Department staff suggested amendments, Council Member Franklin proffered the following revision to Footnote 127: at the end of (D), strike "All such requirements shall be those as shown, established and approved on the Detailed Site Plan", and insert the following new sentence: "All such dimensional requirements shall be those approved in accordance with such requirements applicable to the M-X-T Zone in the Detailed Site Plan including architectural elevations."

The Committee voted favorable on the legislation including the clarifying amendment recommended by the Zoning Hearing Examiner as well as the sponsor's suggested amendments to address the Planning Department staff comments.