

Prince George's County Council

Agenda Item Summary

Meeting Date: 7/24/2012
Reference No.: CB-009-2012
Draft No.: 2
Proposer(s): Davis
Sponsor(s): Davis
Item Title: An Ordinance for the purpose of clarifying that two-family dwellings are permitted in the RR-Zone under specific circumstances.

Drafter: Karen T. Zavakos, Legislative Officer
Resource Personnel: Nellvenia W. Johnson, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	2/21/2012	Executive Action:	
Committee Referral:	2/21/2012 - PZED	Effective Date:	9/10/2012
Committee Action:	3/7/2012 - HELD 6/6/2012 - FAV(A)		
Date Introduced:	6/19/2012		
Public Hearing:	7/24/2012 - 10:00 AM		
Council Action (1)	7/24/2012 - ENACTED		
Council Votes:	WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-441

COMMITTEE REPORTS:

PZED Committee Report

Date 6/6/2012

Committee Vote: Favorable with amendments, 4-0 (In favor: Council Members Franklin, Harrison, Patterson, and Olson)

Staff presented a Proposed Draft-2 (DR-2) of CB-9-2012 prepared by the M-NCPPC staff pursuant to the Planning Board's recommended amendments. Revisions to Proposed DR-2 are as follows:

- Title/Purpose clause change to strike the words "modifying the conditions by which approved multifamily and townhouse dwellings located within the R-R zone may be administratively converted from condominium townhouses and apartments to individual lots" and insert "clarifying that two-family dwellings are permitted in the R-R Zone under specific circumstances" in lieu thereof
- On page 2, in the Table of Uses, insert the use "Dwelling, two-family (in general)", bracket the existing "X" in the R-R zone column, insert "P" with a footnote 79 to replace the "X"
- In footnote 79, insert "two-family dwelling" to the dwelling unit types provided in the footnote, and strike the following language at the end of the footnote: "The previously approved multifamily and townhouse dwellings may

be administratively converted from condominium townhouses and apartments to individual lots at the discretion of the Planning Director, provided that: (1) the number of lots does not exceed the approved number of dwelling units, and (2) the individual dwelling units conform to the conditions and guidelines of the approved preliminary plan, detailed site plan, or specific design plan for the development.”

Alan Hirsch, M-NCPPC Development Review Division Chief, addressed the committee explaining the revisions in Proposed DR-2 and responded to questions from Committee members. Mr. Hirsch also explained the clarification of the definition of two-family dwelling and the relationship of that definition to the existing approved preliminary plan for an R-R development in the bill sponsor’s district.

Arthur Horne, representing D’Arcy North and South, spoke in support of Proposed DR-2. Kerry Watson, representing the County Executive’s Office indicated that the County Executive is in support of CB-9-2012.

The Committee voted in favor of the legislation including the revisions provided in Proposed DR-2.

3/7/2012

Held in committee.

Council staff provided an overview of the legislation and summarized written referral comments that were received. CB-9-2012 amends the Zoning Ordinance to modify the conditions by which approved multifamily and townhouse dwellings located in the R-R Zone may be administratively converted from condominium townhouses and apartments to individual lots.

The bill sponsor explained that this legislation will allow the conversion of certain condominium units, which meet specific requirements and are located in the R-R Zone, to individual lots. The conversion of the units is proposed due to the need to address market conditions for fee simple lots.

The Office of Law reviewed CB-9-2012 and determined that it is in proper legislative form with no legal impediments to its enactment. The Planning Board supports the legislation with numerous amendments as contained in a letter dated March 6, 2012.

Hamer Campbell, representing the Maryland National Capital Building Industry Association, and Arthur Horne, representing D’Arcy North and South spoke in support of the legislation. Mr. Horne commented that the market does not exist for condominium townhouses due to the required down payment of 20-25% for condominium units versus 2-3% for fee simple units.

The Committee discussed the Planning Board suggested amendments at length and agreed to hold the legislation to allow time for M-NCPPC staff to work with the sponsor to provide appropriate revisions to address all concerns expressed during the discussion.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This bill authorizes the administrative conversion of approved multifamily and townhouse dwellings to individual lots under certain limited circumstances.

CODE INDEX TOPICS:

INCLUSION FILES:
