

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

Meeting Date: 10/1/96

Reference No.: CB-11-1996

Proposer: M-NCPPC

Draft No.: 2

Sponsors: Del Giudice

Item Title: To amend Subdivision Regulations to simplify the review procedures for flag lots

Drafter: Jimi Jones, M-NCPPC

Resource Personnel: Faroll Hamer, M-NCPPC

LEGISLATIVE HISTORY:

Date Presented: 3/12/96

Executive Action: 10/21/96 S

Committee Referral:(1) 3/12/96 PZED

Effective Date: 12/5/96

Committee Action:(1) 4/9/96 FAV (A)

Committee Referral:(2) 6/4/96 PZED

Committee Action:(2) 9/18/96 FAV

Date Introduced: 4/16/96

Pub. Hearing Date: (1) 6/4/96 1:30 P.M.

Council Action: (1) 6/4/96 Recommitted

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

Council Action: (2) 10/1/96 Enacted

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

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECON. DEV. COMMITTEE REPORT

DATE: 9/18/96

Committee Vote: Favorable, 4-0 (In favor: Council Members Wilson, Estepp, Maloney and Russell).

Staff explained that this legislation had been referred back to Committee following the June 4 public hearing. There had been concern expressed by several Council Members that this legislation would eliminate the Council's ability to review flag lot development, and there were unanswered questions regarding several specific developments which include flag lots.

Following a brief discussion, the Committee referred the legislation out with a favorable report.

PLANNING, ZONING & ECON. DEV. COMMITTEE REPORT

DATE: 4/9/96

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Estepp, MacKinnon, Maloney, Russell and Wilson).

Staff explained that this legislation simplifies the process for the approval of flag lots by eliminating the need for Detailed Site Plan (DSP) review, while strengthening the review at the time of preliminary plat of subdivision by codifying the buffering and design guidelines currently used by the staff. The issues of buffering from adjoining lots and the layout of the site are normally resolved at the time of subdivision, and the DSP process is duplicative. Flag lots are permitted in the R-E (one acre) Zone, R-R (one-half acre) Zone, and Comprehensive Design Zones, but this legislation only affects flag lots approved in the R-E and R-R Zones. The legislation requires a 10' landscaped yard when a rear yard is oriented towards a driveway that accesses other lots or the front or side of another lot, and a 30' landscaped yard when a front yard is oriented toward a rear yard. The legislation also strongly discourages a front yard facing a rear yard, and encourages a courtyard effect. Figures were provided and incorporated into the legislation to illustrate these requirements. Finally, the legislation adds a finding to be made by the Planning Board that "the privacy of adjoining property owners is assured", which is identical to the finding that was previously required at DSP approval.

The Legislative Officer and the Office of Law found the bill to be in proper legislative form, with technical amendments, and the City of Bowie supports the legislation. Faroll Hamer, representing the Planning Board, was present to provide background on the legislation and to respond to questions. She was asked by Committee Members to look into three recently approved development with flag lots that were not adequately screened, located on Princess Garden Parkway, West End Farm, and Lake Arbor.

BACKGROUND INFORMATION/FISCAL IMPACT

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

Currently flag lot development is reviewed through the Preliminary Plat and Detailed Site Plan processes. The DSP process provides a complicated and time consuming review that is not necessary for flag lot developments which tend to be noncontroversial since they have already received a detailed review during preliminary plat. The proposed legislation simplifies the review process by eliminating Detailed Site Plan review for flag lot development.

CODE INDEX TOPICS: