

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2019 Legislative Session

Reference No.:	CB-55-2019
Draft No.:	2
Committee:	PLANNING, HOUSING AND ECONOMIC DEVELOPMENT
Date:	10/03/2019
Action:	FAV (A)

REPORT:

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Glaros, Davis, Dernoga, Hawkins, and Ivey)

The Planning, Housing, and Economic Development Committee Director summarized the purpose of the legislation and informed the committee as to comments received on referral. CB-55-2019 amends the Zoning Ordinance concerning appeals and variances to provide that a variance is not required within an Historic District for certain reductions to the building setback and lot coverage requirements. Council Member Glaros, the bill's sponsor, indicated that this bill is intended to address a court decision concerning infill development in the City of College Park which included direction to clarify existing County law concerning variances within an Historic District if the variance is needed to meet Historic District Guidelines.

Rana Hightower, Planning Department Intergovernmental Affairs Coordinator, informed the Committee that the Planning Department staff recommendation to the Planning Board is to vote in support of CB-55-2019 with amendments as explained in the staff's policy analysis memorandum to the Board. Staff believes the proposed language is misplaced in the Zoning Ordinance. It seems more appropriate to place the language in Section 27-430 (One-Family Detached Residential) under regulations for the One-Family Detached (R-55) Zone. Many of the properties in the Old Town College Park Historic District are residential properties. Placing the clause into the section under the criteria for granting variance appeals is awkward, while the proposed language discusses exempting a variance under certain circumstances.

Staff recommends that the proposed language be placed under Section 27-430 (c) and add a new number two under the section. In addition, make technical amendments to clarify the proposed language. On page 3, lines 17 through 18 clarify to add the words "reduction of up to" in front of the words "ten (10) percent". Next delete the word "reduction" in front of word "to". Delete the word "an" in front of the word "Historic" and replace with the words "a County designated". Delete "the" behind the words "consistent with". Add the word "Design" in front of the word "Guidelines".

The Zoning Hearing Examiner commented on the Planning Department's staff suggested amendments to place the language in Section 27-430 explaining that Section 27-230, where the

language is currently included in the legislation, is the only code section explaining how one grants a variance. It is proper to add a “c” in this section because this is the section that the Board of Appeals, Planning Board, District Council, and Zoning Hearing Examiner would cite whenever they are considering variance requests. More importantly, it is the section anyone would review when looking for variance information.

The Office of Law reviewed CB-55-2019 and determined that it is in proper legislative form with no legal impediments to its enactment.

The Committee Director presented a Proposed Draft-2 (DR-2) prepared at the bill sponsor’s request to incorporate the amendments recommended by the Planning Department staff with the exception of placing the language in Section 27-430(c). The following revisions were included in Proposed DR-2:

(d) Notwithstanding (a) above, a variance is not required for a reduction of up to ten (10) percent ~~reduction~~ to the building setback and lot coverage requirements if the subject property is within ~~an~~ a County designated Historic District and the variance is needed to be consistent with the Historic District Design Guidelines.

Suellen Ferguson, representing the City of College Park, and Monroe Dennis, City of College Park Council Member and Mayor Pro Tem, testified in support of the legislation.

Council Member Davis made a motion for favorable recommendation on the legislation as amended, seconded by Council Member Hawkins. The Committee unanimously voted for a favorable recommendation as to CB-55-2019, as amended.