

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

Meeting Date: 10/8/96

Reference No.: CB-56-1996

Proposer: Del Giudice, Gourdine, Maloney & Russell

Draft No.: 3

Sponsors: Del Giudice, Gourdine, Maloney & Russell

Item Title: An Ordinance for the purpose of requiring that townhouses in certain CDZs and Mixed Use Zones comply with certain site and building design guidelines and regulations, limiting the number of townhouses and multifamily dwellings in certain zones, and imposing a height limitation on multifamily buildings

Drafter: Mary Lane
PZ&ED Committee Director

Resource Personnel:

LEGISLATIVE HISTORY:

Date Presented: 6/11/96

Executive Action: __/__/__

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

Effective Date: 12/30/96

Committee Action:(1) 9/4/96 HELD

Committee Action:(2) 10/2/96 FAV(A)

Date Introduced: 10/8/96

Pub. Hearing Date: (1) 11/12/96 10:45 AM

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

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

Pass/Fail: P

Remarks: _____

11/12/96 - Amended on the floor

PLANNING, ZONING & ECONOMIC DEV. COMM. REPORT

DATE: 10/2/96

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

A proposed Draft 2 was presented by the four sponsors of the legislation regarding townhouses that had been considered on September 3. It was explained that this proposal was a compromise that had been reached by the sponsors, and would replace the other legislation that were being held in Committee regarding townhouses in the Comprehensive Design and mixed use zones.

This legislation imposes design guidelines and regulations on the development of townhouses in the Comprehensive Design and mixed use zones, which currently have few standards. It incorporates the new design guidelines set forth in CB-55 into the approval processes for Comprehensive Design Plans and Specific Design Plans. The following development regulations are added: a limit of 6 on the number of townhouses permitted in an attached group; a minimum building width of 20 feet; a minimum gross living space of 1,250 feet; a minimum of 60% of all townhouses in a development will be required to have a full front facade of brick, stone or stucco; and a minimum lot size for townhouses of 1,800 square feet. The legislation also includes maximum percentages of townhouses and multifamily dwellings for the individual zones. The sponsors proposed, and the Committee accepted, a height limitation on multifamily buildings.

As presented, the provisions of this legislation will apply to any development that does not have an approved Specific Design Plan or Detailed Site Plan, whichever is applicable, prior to the effective date of the bill, which will be 45 days after its enactment by the Council. Furthermore, in order to remain "grandfathered", projects with approved SDPs or DSPs must be issued building permits for at least 10% of the houses included in the Plan within two years, and not more than a six month extension may be granted. The sponsors proposed an amendment to this grandfathering provision that would exempt projects for which an application for a SDP or a DSP has been filed and accepted, rather than approved. This amendment was accepted by the Committee.

A number of representatives of the development and building communities presented their concerns regarding the legislation. Included were Dario Agnolutto, Bob Kaufman, Hamer Campbell, Ed Gibbs, Jerry Brock, Bob Zinsmeister, Andre Green, Bill Shipp, George Brugger, and Don Pleasants. They presented specific concerns and suggestions regarding the new regulations and guidelines, as well the lack of an adequate grandfathering provision, particularly for the larger, long-term projects. They also noted the detrimental economic impact that this legislation may have on the County.

A number of technical amendments were made by the Committee. In addition, the grandfathering provision was further expanded to exempt projects within infrastructure finance districts approved prior to the effective date of the legislation from the requirements of this ordinance.

PLANNING, ZONING & ECONOMIC DEV. COMM. REPORT

DATE 9/3/96

HELD in Committee.

The Committee considered CB-55, CB-56, CB-68, CB-69, and CB-70 together, since they all propose to amend regulations regarding townhouses. These bills address the need to improve the quality of housing within the County. The sponsor of CB-56 noted that he is currently working on

amendments to the legislation with representatives of the building industry, and he requested that no action be taken until a subsequent Committee worksession. He stated his goals in presenting this legislation, which are to improve the quality and decrease the quantity of townhouses in the County, but acknowledged certain provisions of the legislation need further discussion and refinement. He also distributed copies of a proposal received from Thomas Haller to amend the maximum percentage of townhouses set forth in the bill for the various Comprehensive Design Zones (CDZs), and to expand the grandfathering provisions to Comprehensive Design Plans filed and accepted prior to the effective date of the legislation. A proposal to increase the maximum percentage of townhouses permitted in the M-X-C Zone from 30% to 40% was also distributed by the sponsor.

Staff explained that CB-56-1996 pertains to townhouses in the Comprehensive Design Zones (CDZs) and the mixed use zones. These zones are currently flexible in nature, with few design standards. CB-56 adds the following requirements for townhouses in these zones: a minimum lot area of 1,800 square feet; a minimum of 60% of all units in the development must have building fronts constructed of natural materials, and on end units, the side wall must be of the same material; there shall be no more than 6 townhouses per building group; the average building width per group shall be 24 feet; and the minimum gross living space shall be 1,300 square feet. The legislation also provides percentage caps for each of the zones limiting the number of townhouses that can be constructed in the development. This ranges from 20% in the R-L Zone to 50% in the M-A-C and R-U Zones.

The Planning Board recommends that CB-56 be held for a comprehensive study of CDZ issues, the City of Bowie recommends that this bill be held for further study, and the Office of Law finds it to be in proper legislative form, with several technical amendments. The legislation needs to be amended with regard to the village zones, since there is a conflict between the minimum lot area and building width set forth in this legislation and current standards for these zones.

The Committee agreed to hold all five bills, in order to allow time to work with the interested parties in addressing their concerns. The Committee Chairman also suggested that the sponsors attempt to reach agreement on an approach to comprehensively deal with the problems that have been raised regarding townhouses.

BACKGROUND INFORMATION/FISCAL IMPACT

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

Townhouses in the Comprehensive Design and Mixed Use Zones are subject to few design regulations. This legislation requires a specific minimum lot area, a percentage of units with fronts constructed of natural materials, a maximum number of townhouses in a building group, an average building width, and a minimum gross living space for each unit. The legislation also limits the percentage of townhouses in the development, ranging from 20% in the R-L Zone to 50% in the M-A-C Zone.

CODE INDEX TOPICS:

