

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2023 Legislative Session

Reference No.: CB-015-2023

Draft No.: 1

Committee: PLANNING, HOUSING AND ECONOMIC DEVELOPMENT

Date: 1/9/2023

Action: FAV

REPORT:

Committee Vote: Favorable, 5-0 (In favor: Council Members Ivey, Blegay, Dernoga, Olson, and Oriadha)

The Planning, Housing and Economic Development (PHED) Committee convened on January 9, 2023, to consider CB-15-2023. The PHED Committee Director summarized the purpose of the legislation and informed the Committee of written comments received on referral. This bill amends the Zoning Ordinance to repeal a previously enacted amendment to the local zoning laws and restores the provisions in the new Zoning Ordinance as they existed prior to the enactment of CB-78-2022, and as amended by CB-68-2022, concerning the development regulations and use tables applicable to development of lots that were split zoned as a result of the Countywide Map Amendment by the District Council.

The Planning Board supports the bill as explained in a January 6, 2023, letter to the Council Chairman as follows:

“The Planning Board voted to oppose CB-78-2022, which modified development regulations (“bulk regulations” such as minimum lot size, minimum front setback, minimum yard depths, minimum green area, maximum lot coverage, etc.), to require the application of the regulations of the highest intensity zone unless the applicant of a development proposal on a split-zoned lot or parcel opts out. It would also require the highest intensity zone's use table to apply to the development of a split-zoned lot or parcel unless the applicant opts out. These mandates would supersede the regulations and uses of lesser-intensity zones. It must be noted that CB-78-2022 (DR-2) only affected record lots that may have received more than one zone through the adoption of the Countywide Map Amendment.

The repeal of CB-78-2022 (DR-2) and enactment of CB-15-2023 will affect a very small number of properties subject to Part 4 of the Council’s Approved Guide to New Zones, which guided the Countywide Map Amendment technical rezoning process. Part 4 pertained to US 1 and the Innovation Corridor.

A few properties that qualified under the definition of “lot,” specifically where it references “one or more record lots,” received different zones on different record lots through the Countywide Map Amendment. The CMA did not so much result in split-zoned property as it resulted in different zones on different record lots owned by the same party.”

The Chief Zoning Hearing Examiner submitted a January 3, 2023, memorandum to the PHED Committee Director with the following comment and suggested revision:

“Thank you for the opportunity to provide comment on this bill that repeals CB-78-2022 and the changes that bill made to Sections 27-4106 and 27-5101 of the Zoning Ordinance (2019 Edition, 2022 Supplement).

I would only recommend that the purpose clause delete the language found on Page 1, lines 3-5 (“and clarifying the development regulations and use tables applicable to the development of lots that were split zoned as a result of the Countywide Map Amendment by the District Council”) since no such clarification appears in the remainder of the bill.”

The Town of Riverdale Park submitted a December 29, 2022, letter to Council Chair Dernoga in support of CB-15-2023. The City of Bowie submitted a January 4, 2023, letter to PHED Committee Chair Ivey recommending the Committee’s favorable vote on CB-15-2023.

Angie Rodgers, Deputy Chief Administrative Officer for Economic Development, addressed the Committee explaining the County Executive’s position in opposition to CB-15-2023 as also expressed in the Executive’s January 6, 2023, letter to Council Chairman Dernoga.

After public testimony, the Committee voted favorable on the legislation as drafted.