

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

Meeting Date: 7/30/96

Reference No.: CB-30-1996

Proposer: Maloney

Draft No.: 2

Sponsors: Maloney, Estepp, and Gourdine

Item Title: An Ordinance for the purpose of distinguishing between the base density and the minimum density in the Comprehensive Design Zones

Drafter: Mary Lane
PZ&ED Committee Director

Resource Personnel: Joyce Nichols
Principal Counsel to the
District Council

LEGISLATIVE HISTORY:

Date Presented: 5/21/96

Executive Action: __/__/__ __

Committee Referral:(1) 5/21/96 PZED

Effective Date: 9/16/96

Committee Action:(1) 6/19/96 FAV (A)

Date Introduced: 7/2/96

Pub. Hearing Date: (1) 7/30/96 1:30 P.M.

Council Action: (1) 7/30/96 ENACTED

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

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 6/19/96

Committee Vote: Favorable with amendments, 3-0-1(In favor: Council Members Wilson, MacKinnon and Maloney. Abstained: Council Member Russell).

Each Comprehensive Design Zone is defined by a density range, which includes a base density and a maximum allowable density. There has been confusion regarding whether the base density is actually a minimum density for the zone, or simply the base from which density increments may be calculated. This legislation clarifies this by distinguishing between the terms "base density" and "minimum density" throughout the Ordinance. If enacted, the base density for each zone serves only

as the base from which density bonuses are calculated. The minimum density, which is referred to in the context of approval of the Basic Plan, will continue to be established by the Council at the time of Basic Plan approval. If this legislation is enacted, the minimum density may in many cases differ from the base density, and could theoretically be zero. The legislation further requires that the adequate public facilities test for roads conducted at the time of Basic Plan take into account the maximum proposed density, since there may now be a great divergence between the minimum and maximum densities. Planning staff noted that this is currently the Planning staff's practice when conducting the test, but the Committee agreed to retain the proposed language as clarifying.

The Legislative Officer and the Office of Law find the bill to be in proper legislative form, and the Planning Board supports the legislation. Staff noted several technical amendments. Richard Romine, the Zoning Hearing Examiner, submitted a memorandum to the Committee, citing several concerns with the legislation, most notably the elimination of the distinction between the various CDZs. The legislation was reported out with technical amendments only.

BACKGROUND INFORMATION/FISCAL IMPACT

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

The Zoning Ordinance currently includes references to both minimum and base densities, but does not distinguish between them in all cases. This legislation clarifies that the base density of a zone is not the minimum density, but retains the language requiring approval of a minimum density at the time of Basic Plan approval.

CODE INDEX TOPICS: