

Prince George's County Council

Agenda Item Summary

Meeting Date: 11/23/2004
Reference No.: CB-109-2004
Draft No.: 3
Proposer(s): Peters
Sponsor(s): Exum, Dean
Item Title: An Ordinance modifying the lot coverage and building height requirements in the R-18 Zone, permitting multifamily dwellings in the R-18 Zone, and exempting certain multifamily dwellings in the R-18 Zone from bedroom percentage requirements under certain circumstances.

Drafter: Jackie Brown, Director PZED Committee
Resource Personnel: Richard J. Santos, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	10/5/2004	Executive Action:	
Committee Referral:	10/5/2004 - PZED	Effective Date:	1/10/2005
Committee Action:	10/26/2004 - FAV(A)		
Date Introduced:	11/1/2004		
Public Hearing:	11/23/2004 - 10:00 AM		
Council Action (1)	11/23/2004 - ENACTED		
Council Votes:	MB:A, SHD:A, TD:A, CE:A, DCH:A, TH:-, TK:A, DP:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-436, 27-441, 27-442

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT COMMITTEE

Date 10/26/2004

Committee Vote: Favorable, with amendments, 4-0 (In favor: Council Members Dernoga, Bland, Exum, and Harrington)

Staff gave an overview of the legislation and summarized referral comments that were received. CB-109-2004 increases the lot coverage for multifamily buildings from 30 to 35% on properties where at least 90% of all required parking spaces are provided in a parking structure. The bill also allows for a change in the building height limits for these buildings from 40 to 80 feet on a lot having four or more acres instead of the current five acres. CB-109-2004 also eliminates the required bedroom percentages if the multifamily units are either a condominium or cooperative.

The Principal Counsel commented that the legislation does not appear to depart radically from present Zoning Ordinance policies for multifamily dwelling development in the R-18 Zone. At present, R-18 multifamily owners

have to comply with bedroom percentage limitations but R-18C owners do not, as long as the R-18C property is in a condominium regime. The bill provides that R-18 multifamily in a condominium or cooperative development is also exempt from the bedroom limitations.

The Planning Board supports CB-109-2004 and its intent to encourage condominium/cooperative development of smaller R-18 zoned property in the Developed Tier. The Planning Board indicated that the bill appears to be consistent with other recently passed legislation regarding the bedroom percentages for condominiums (CB-67-2003). The bill is also consistent with the recommendations of the General Plan for infill development and redevelopment in the older areas of the County.

The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-109-2004.

Chairman Dernoga suggested a technical change to the use table and the lot coverage/green area table. The Chairman suggested removing proposed language from a new footnote 11 on page 4, requiring at least 90% of all required parking spaces to be provided in a parking structure, and inserting the language at the end of the proposed footnote 75 on page 3. Footnote 75 on page 3 would then read: "Provided that (1) a condominium plat is recorded, in accordance with the provisions of the Maryland Condominium Act, setting out each dwelling unit as a separate unit, or a housing cooperative is established to own the dwelling units; and (2) at least 90% of all required parking spaces are provided in a parking structure. In addition, Chairman Dernoga also proposed to increase the maximum lot coverage for R-18 in the lot coverage/green area table on page 4, from 30 to 35% and delete the new footnote 11 from the bill. Footnote 11 provided that lot coverage could be increased in the R-18 Zone from 30 to 35% only if at least 90% of all required parking spaces are provided in a parking structure.

Terri Hruby, representing the City of Greenbelt, spoke in support of the bill. Ms. Hruby indicated that the City has no objection to the bill applying to all R-18 properties; however, the City would not be supportive of increasing lot coverage at the expense of green area. (Current R-18 regulations require a minimum 60% of net lot area for green area for multifamily dwellings having 4 or more stories, and a minimum 70% for those having less than 4 stories.)

The committee voted favorably on CB-109-2004 with the amendments proposed by Chairman Dernoga. The amendments limit the permitted use, multifamily dwellings in the R-18 Zone, to condominiums or cooperative units that have 90% structured parking.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This legislation amends the R-18 Zone regulations to allow multifamily dwellings in this zone, exempt certain multifamily dwellings from bedroom percentage requirements, and increase the maximum lot coverage and building height limitations under certain circumstances.

CODE INDEX TOPICS:

INCLUSION FILES: