

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

Meeting Date: 11/19/2001

Reference No.: CB-91-2001

Proposer: Hendershot

Draft No.: 2

Sponsors: Hendershot

Item Title: An Ordinance concerning residential regulation for the purpose of amending the minimum lot size requirements for certain lots recorded before November 29, 1949

Drafter: Steven M. Gilbert
Principal Counsel

Resource Carol B. White
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 9/25/2001

Executive Action: __/__/____

Committee Referral: 9/25/2001 PZED

Effective Date: 1/4/2002

Committee Action: 10/10/2001 FAV(A)

Date Introduced: 10/16/2001

Public Hearing: 11/19/2001 10:00 A.M.

Council Action: 11/19/2001 ENACTED

Council Votes: RVR:A, DB:A, JE:A, IG:A, TH:A, AS:A, PS:A, MW:A

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 10/10/2001

Committee Vote: Favorable with amendments, 4-0 (In favor: Council Members Shapiro, Wilson, Estep and Russell).

Current residential regulations require a minimum size of 10,000 square feet for lots recorded before November 29, 1949. The regulations also allow two or more lots to be combined to provide a single building site, as long as the lots are consolidated into a single lot, as required by the Subdivision Regulations. Consolidation of the lots is not required if the dwelling unit is to be built on part of each of the lots.

Committee staff explained that the minimum size for lots recorded before November 29, 1949 was changed from 5,000 to 10,000 square feet by the adoption of CB-67-1999. CB-91-2001 amends the

minimum size for lots recorded before November 29, 1949 to allow up to four lots of 7,500 square feet if the lots are part of a subdivision with 35 or more buildable lots of 10,000 square feet. Additionally, permits for the lots within the subdivision must be obtained no later than July 1, 2003.

Council Member Hendershot, the bill's sponsor, explained that the additional provisions proposed in Footnote 15 (E) will assist undeveloped subdivisions affected by the regulations contained in CB-67-1999 to be constructed without having to meet the minimum 10,000 square-foot requirement for all lots. Mr. Hendershot explained that the additional language in CB-91 does not affect existing subdivisions that were being developed with smaller dwelling units on a combination of lots and which warranted the passage of CB-67-1999.

The Planning Board supports the legislation. The County Executive takes no position on CB-91. The Legislative Officer and the Office of Law find the bill to be in proper legislative form. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-91.

Council Member Estep suggested an amendment to provide an additional provision in Footnote 15 that would allow the minimum lot size to be reduced to 5,000 square feet, if the original size was 10,000 square feet but reduced in size due to a right of way taking or some other public purpose.

The Committee voted favorably on the legislation including the amendment to Footnote 15 that is included as subparagraph (F) on page 3 of the bill.

BACKGROUND INFORMATION/FISCAL IMPACT

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

The bill amends minimum lot size requirements for residential lots shown on a plat recorded before November 29, 1949, to allow up to four lots of 7,500 square feet, if they are part of a subdivision with 35 or more buildable lots of 10,000 square feet.

CODE INDEX TOPICS: