

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

Meeting Date: 11/25/2003

Reference No.: CB-67-2003

Proposer: Peters

Draft No.: 1

Sponsors: Peters, Dean, Harrington

Item Title: An Ordinance exempting multifamily dwellings in the R-30 Zone from bedroom percentage requirements under certain circumstances.

Drafter: Jackie Brown, Director
PZED Committee

Resource Richard J. Santos
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 9/30/2003

Executive Action: __/__/____

Committee Referral: 9/30/2003 PZED

Effective Date: 1/12/2004

Committee Action: 10/14/2003 FAV

Date Introduced: 10/21/2003

Public Hearing: 11/25/2003 10:00 A.M.

Council Action: 11/25/2003 ENACTED

Council Votes: PS:-, MB:A, SHD:A, TD:A, CE:-, DCH:A; TH:A, TK:A, DP:A

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECON. DEV. COMMITTEE REPORT

10/14/03

Committee Vote: Favorable, 5-0 (In favor: Council Members Harrington, Dernoga, Dean, Exum and Knotts)

This legislation exempts from the bedroom percentage requirements in Section 27-419 of the Zoning Ordinance all multifamily projects in the R-30 Zone which are subject to a condominium regime. The exemption is consistent with the R-30C (Condominium) Zone.

Councilman Peters, the bill's sponsor, explained that the bill allows the development of owner-occupied multifamily dwelling units in the R-30 zoned Westchester Park community of College Park pursuant to the same regulations currently in place for the R-30C Zone.

The Principal Counsel found the bill to be in proper form and provided the following comments

in an October 14 memorandum to the committee director. Section 27-419 requires special exception approval of multifamily projects which have two-bedroom or larger units comprising more than half the residential units in the project. The purpose of the special exception requirement, reviewed and approved by the Court of Appeals in *Malmar Associates v. County Commissioners*, 260 Md. 292, 272 A.2d6 (1971), is to control indirectly the number of school-age children likely to be generated in a multifamily residential project. It has been suggested that the special exception requirement may be out of date or in need of revision.

The Planning Board supports CB-67 and provided the following staff comments. The R-30C Zone (Multifamily Low Density Residential-Condominium) requires multifamily dwellings to be recorded as condominiums and already exempts them from bedroom percentage requirements (Section 27-435(d)). It would be consistent to extend the same exemption to multifamily dwellings recorded as condominiums in the R-30 Zone.

The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-67-2003.

Aisha Braveboy, representing the County Executive's Office, indicated to the committee that the Executive supports CB-67.

BACKGROUND INFORMATION/FISCAL IMPACT

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

Multifamily dwellings are permitted in the R-30 Zone subject to applicable bedroom percentages in Section 27-419 of the Zoning Ordinance. This legislation exempts the dwellings from the bedroom percentage requirements under certain circumstances.

CODE INDEX TOPICS: