

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2021 Legislative Session

---

---

**Reference No.:** CB-008-2021

**Draft No.:** 2

**Committee:** COMMITTEE OF THE WHOLE

**Date:** 03/18/2021

**Action:** FAV (A)

---

---

### REPORT:

Committee Vote: Favorable as amended, 6-0 (In favor: Council Members Hawkins, Davis, Glaros, Streeter, Taveras and Turner)

The Committee of the Whole convened on February 25, 2021 and March 18, 2021 to consider CB-8-2021. As presented on February 9, 2021, the bill amends the Zoning Ordinance to permit Townhouse or Two-Family Attached Dwelling Uses in the C-O (Commercial Office) Zone, under certain circumstances.

At the February 25, 2021 meeting, Council Member Turner, the bill's sponsor, informed the Committee that the legislation was drafted to bring a property that is currently zoned C-O, which under the Zoning Rewrite will likely move to CGO Zone, into consistency with the new zoning thereby providing additional opportunities for development. Mr. Turner explained that the CGO Zone allows additional uses, including residential, and the provisions of CB-8-2021 are therefore consistent with the new Zoning Ordinance.

The Planning Board was not scheduled to review the CB-8-2021 until March 4, 2021; however, the Planning Department staff submitted comments on the legislation as follows:

“The current Zoning Ordinance prohibits two-family attached dwelling units in the Commercial Office (C-O) Zone. Townhouses are only permitted in the zone subject to specific footnotes. The purposes of the C-O Zone are to provide locations for predominately nonretail commercial uses, such as business offices and services of a professional, clerical, or administrative nature, such as retail and service uses as are desirable for efficient and convenient operation of the non-retail uses.

Staff believes the language under footnote 85 (a) (1) should be clarified. The first sentence of footnote 85 discusses the development of townhouses or two-family attached dwelling units. The language under (a) (1) of the footnote does not include a reference to the development of two-family attached dwelling lots. Therefore, the language under (a) (1) should be clarified if the intent is to include the development of two-family attached dwelling lots.

Letter (b) of footnote 85 should be amended. The language relating to private

streets should be deleted. Section 24-128 of the Subdivision Ordinance sets the regulations for private roads within a subdivision. The language as drafted provides some development standards for townhouses, but none for two-family attached dwelling units. Development standards for two-family attached dwelling units should be added to the bill. Authorizing the Planning Board to set the development regulations for a property during Detailed Site Plan review, without sufficient legislative guidance, deprives the community and property owners of the predictability and objectivity that a zoning ordinance is meant to provide.”

The Zoning Hearing Examiner (ZHE) reviewed CB-8-2021 and offered the following technical amendments:

- (1) Footnote 85 only references the requirements for townhomes but also affects two-family attached dwellings. The footnote should be revised to also provide regulations for two-family attached dwellings, if it is the sponsor’s wish to have the same regulations for that use.
- (2) In (a)(1) of the footnote change “uses is” to the singular; and change “has a land” to the past tense.
- (3) In (a) (2) of the footnote change “used as a railroad” to “developed with a railroad right-of-way”.

Council Member Turner requested the bill be held in committee for further review of Planning staff and ZHE comments and possible inclusion of suggested amendments in a revised draft of the bill.

The Committee reviewed a Proposed Draft-2 (DR-2) on March 18, 2021 containing amendments requested by the bill sponsor to address Planning Department and ZHE comments. The amendments in Proposed DR-2 included amendments to remove “Two-Family Attached Dwelling” from the bill title, use table and footnote, with additional revisions to footnote 85 on page 2 as follows:

Notwithstanding any other provision of this Subtitle, Townhouse ~~s or Two Family Attached Dwellings are permitted uses~~ USES ARE PERMITTED, provided:

- (a) The uses is located on property that:
  - (1) Prior to its subdivision to create said Townhouse lots /PARCELS, ~~has HAD~~ a land area of at least twenty (20) acres; AND
  - (2) ~~Is adjacent to property used as a railroad; and~~
  - (3) Has frontage on a roadway with a functional transportation classification of collector or higher on the applicable ~~area~~ Master Plan OF TRANSPORTATION;

A Detailed Site Plan shall be approved in accordance with Part 3, Division 9 of this Subtitle. Regulations concerning the net lot area, lot coverage, and green area, lot/width frontage, yards, building height, density, accessory buildings, ~~private streets~~, minimum area for development, and any other requirements of the C-O Zone shall not apply. The maximum density shall not exceed twenty (20) dwelling units per acre, the minimum width for Townhouse shall be sixteen (16) feet, and the minimum lot depth for Townhouses shall be sixty (60) feet. Regulations pertaining to lot coverage, lot/width frontage, and building height shall be established by and shown on the approved Detailed Site Plan. Where not otherwise specified in this Section, all other regulations for the M-X-T Zone set forth in Section 27-

548(h) shall apply to the development of Townhouse uses in the C-O Zone.

The Planning Board submitted a March 4, 2021 letter to Council Chair Hawkins in support of CB-8-2021 indicating that the new version (Proposed DR-2) appears to address all amendments and clarifications requested during staff's review of CB-8-2021 (DR-1).

The Office of Law reviewed CB-8-2021 as it was presented on February 9, 2021 along with Proposed DR-2, that was presented to the Committee of the Whole on March 18, 2021 and finds Proposed DR-2 to be in proper legislative form with no legal impediments to its enactment.

Henry Wixon, President of the Glenn Dale Citizens' Association, Inc. submitted a February 25, 2021 letter to Council Chair Hawkins in opposition to CB-8-2021.

Matthew Tedesco, of McNamee Hosea, testified in support of the legislation.

The Committee voted favorable, 6-0, on CB-8-2021 with amendments as contained in Proposed DR-2.