

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

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**Meeting Date:** 11/25/2003 **Reference No.:** CB-64-2003

**Proposer:** Hendershot **Draft No.:** 1

**Sponsors:** Hendershot, Dean

**Item Title:** An Ordinance extending a sunset provision pertaining to the minimum lot size requirements for certain residential lots recorded prior to November 29, 1949

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**Drafter:** Jackie Brown, Director  
PZED Committee

**Resource** Carol B. White  
**Personnel:** Legislative Aide

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**LEGISLATIVE HISTORY:**

**Date Presented:** 9/23/2003 **Executive Action:** \_\_/\_\_/\_\_\_\_

**Committee Referral:** 9/23/2003 PZED **Effective Date:** 1/12/2004

**Committee Action:** 10/8/2003 FAV

**Date Introduced:** 10/14/2003

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

**Council Action:** 11/25/2003 ENACTED

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

**Pass/Fail:** P

**Remarks:** \_\_\_\_\_

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**PLANNING, ZONING & ECON. DEV. COMMITTEE REPORT 10/8/03**

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

Staff provided a summary of the bill and referral comments that were received. CB-64-2003 extends a sunset provision concerning the minimum lot size for certain residential lots recorded prior to November 29, 1949. With the enactment of CB-91-2001, the Council allowed the minimum lot size to be reduced, in the O-S, R-A, R-E and R-R Zones, from 10,000 square feet to 7,500 square feet, if a single property owner combined lots to form at least 35 buildable lots of 10,000 square feet. The bill permitted up to four combination lots containing at least 7,500 square feet. CB-91-2001 contained a sunset date of July 1, 2003 by which the consolidation plats had to be recorded and building permits issued. CB-64-2003 extends the sunset date to March 1, 2004 and removes the requirement for the permits to be issued by this date.

Council Member Hendershot, the bill's sponsor, informed the committee that the extension of the sunset date is necessary due to a technical definitional issue that arose during the platting process which took time for the applicant to resolve. With the extension to March 1, 2004 and the removal of the requirement to obtain building permits by a certain date, the applicant can proceed through the process and utilize the provisions originally intended for his property.

Thomas Haller, Law Offices of Gibbs and Haller, spoke in support of CB-64 and provided a brief explanation of the technical issue that caused the delay for his client after the enactment of CB-91-2001.

The Planning Board took no position on CB-64. The Legislative Officer found 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 the legislation.

### **BACKGROUND INFORMATION/FISCAL IMPACT**

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

CB-91-2001 was enacted to allow the minimum lot size for certain residential lots recorded prior to November 29, 1949 to be reduced from 10,000 square feet to 7,500 square feet, if they are part of a subdivision with 35 or more buildable lots of 10,000 square feet. CB-91 contained a sunset date of July 1, 2003 by which the consolidation plats had to be recorded and building permits issued. This legislation extends the sunset date to March 1, 2004 and removes the requirement for the permits to be issued by this date.

### **CODE INDEX TOPICS:**