

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2019 Legislative Session

Reference No.: CB-029-2019

Draft No.: 2

Committee: PLANNING, HOUSING, AND ECONOMIC DEVELOPMENT

Date: 07/10/2019

Action: FAV (A)

REPORT:

Committee Vote: Favorable as amended, 4-0 (In favor: Council Members Glaros, Davis, Dernoga, and Hawkins)

The Planning, Housing, and Economic Development Committee Director summarized the purpose of the legislation and informed the committee as to comments received on referral. This legislation amends the County Zoning Ordinance Residential Zone use table to correct an unintended consequence created with the enactment of CB-118-2017. That legislation was intended to allow townhouses on a property that includes R-T, R-55 and Planned Industrial/Employment Park (I-3) lots. To address the bill's applicability to the split zoned property, Footnote 125 inadvertently prohibited townhouses in the R-T (Residential Townhouse) Zone. Staff presented a Proposed Draft-2A which included amendments to address referral comments.

The bill sponsor informed the Committee of the need for this corrective legislation given the current situation of the County's townhouse zone no longer allowing townhouses on most R-T zoned land.

The Office of Law reviewed CB-29-2019 and determined that it is in proper legislative form with no legal impediments to its enactment. The Planning Board transmitted a June 13, 2019 letter to Council Chair Turner with a staff analysis as well as a recommendation of support with the inclusion of suggested amendments as follows.

“As drafted, the bill creates substantial unintended impacts which could be more detrimental than the impact inadvertently created by CB-118-2017. CB-29-2019 creates a unique circumstance within the Zoning Ordinance where the general will exercise control over the specific, which would severely curtail the locations in which townhouses may be permitted.

The bill now before the Council intends to remedy this problem and the Planning Board supports the bill's overall goal. However, the Planning Board recommends a different approach. It is the Planning Board's belief that the unintended impact created by CB-118-2017 was from the language in Footnote 125 and is not related to the "Townhouse, all others" use. Therefore, the Planning Board believes the easiest and most effective way to correct the unintended impact

would be to revise Footnote 125.

The Planning Board recommends the creation of a second draft of CB-29-2019 that removes the proposed "Townhouse" use from the bill and revises Footnote 125. The revised language would read as follows:

On an R-T property combined with R-55 and 1-3 zoned lots, parcels, or property totaling less than sixteen (16) gross acres in size and located less than 2,000 feet from an interchange to the outer loop of the Capital Beltway I-95/1-495), a townhouse is only a permitted use provided:

- (A) The property shall have access to a signalized intersection of a publicly maintained roadway with a functional transportation classification as Arterial or higher within the 2009 Countywide Master Plan of Transportation; and
- (B) Regulations of the R-T Zone shall not apply; all requirements for development shall be established by and shown on a Detailed Site Plan approved by the Planning Board and/or the District Council.

Staff indicated that Section 27-223(i) addresses limitations on the types of dwelling units that are permitted in the R-T Zone if the property was classified in R-T through a sectional map amendment, and therefore, should be addressed in this legislation as its purpose is to clarify that townhouses are a permitted use in this zone.

Rana Hightower, representing the Planning Board, informed the Committee that the Board had not had an opportunity to review Proposed DR-2A.

Matthew Tedesco, of McNamee Hosea, and Arthur Horne, of Shipley & Horne, P.A. testified in support of the legislation.

The Committee voted favorable on Proposed DR-2A.