

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

Meeting Date: 11/21/2000

Reference No.: CB-89-2000

Proposer: Hendershot

Draft No.: 2

Sponsors: Hendershot

Item Title: An Ordinance amending the minimum lot size requirements of certain residential zones

Drafter: Ralph E. Grutzmacher
Legislative Officer

Resource Carol White
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 9/26/2000

Executive Action: ___/___/___

Committee Referral: 9/26/2000 PZED

Effective Date: 1/8/2001

Committee Action: 10/18/2000 FAV(A)

Date Introduced: 10/24/2000

Public Hearing: 11/21/2000 1:30 P.M.

Council Action: 11/21/2000 ENACTED

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

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECONOMIC DEV. COM. REPORT

DATE: 10/18/2000

Committee Vote: Favorable with amendments, 5-0 (In favor: Council Members Russell, Scott, Estepp, Maloney and Wilson).

Staff summarized the amendment to the Residential Zone Use Tables proposed by this legislation and presented referral comments that were received. In general, the minimum net lot area in the R-R Zone is 20,000 square feet. CB-89-2000 allows the lot size to be reduced to less than 20,000 square feet but not less than 10,000 square feet if the original lot area was greater than or equal to 20,000 square feet but reduced in size due to a governmental action such as a right-of-way taking or for a stormwater management pond.

The legislation was presented in order to facilitate the construction of a single-family dwelling on a lot that was originally 2 acres in size and reduced to its current size of approximately 15,000 square

feet as a result of a governmental taking for a regional stormwater management pond required by the Department of Public Works and Transportation. Provisions currently in the Code as a result of the adoption of CB-67-1999 require a lot that was originally recorded prior to November 29, 1949 to be a minimum of 10,000 square feet. The lot in question was recorded prior to this date and exceeds 15,000 square feet, however, as a result of the taking, the lot is no longer in the same configuration as it was when originally recorded. Therefore, it must meet the 20,000-square foot requirement for the general R-R Zone provisions.

The Planning Board takes no position on the legislation and provided a summary of issues addressed by the Planning staff. Ordinarily, an individual requesting a building permit on a lot less than the minimum lot size would make a request for a variance to the Board of Zoning Appeals. CB-67-1999 mandated that no development occur on lots approved before 1949 in the R-R Zone unless the lots are a minimum of 10,000 square feet, and eliminated the ability of the Board of Zoning Appeals to grant variances in those cases. It would be difficult to determine the number of lots that could be affected by CB-89-2000, as the Planning Department does not have readily available information on the number of lots in the R-R Zone that have been reduced in size due to governmental takings. It should be noted that the reduction in size applies to all lots in the R-R Zone, whenever they were platted, not just to lots created prior to 1966 or 1949. Also, there is language in the bill that excepts lot(s) in common ownership. It is not clear what this language refers to. If the bill is passed, language should be added to clarify what is meant by excepting lot(s) in common ownership.

Council Member Maloney questioned if the reduction in the minimum lot area for the R-R Zone applies to other types of governmental actions besides right-of-way takings or for the location of a stormwater management pond. Staff could not identify any other examples at the time. Mr. Maloney suggested that the language may be too broad and should be limited to the two situations identified in the bill. The Committee agreed to delete the following language from Footnote 22 on page 2: “governmental action such as for” after the phrase “but reduced in size due to”.

Additionally, the Committee accepted language offered by the Principal Counsel to address the Planning Board’s concern regarding the “lot(s) in common ownership” phrase in the footnote. On the second line of Footnote 22, a period is added after “ten thousand (10,000) square feet” and a new sentence is included. The sentence reads: “Such reduction is not permitted where an adjacent lot in the same ownership may be combined with the lot under twenty-thousand (20,000) square feet to reduce or eliminate the area of deficiency.”

The County Executive takes no position on the legislation. The Legislative Officer and the Office of Law determined that the bill is 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-89-2000.

Norman Rivera, of Wilkes Artis, representing the owner of the lot in question, spoke in support of the legislation.

The Committee voted favorably on the legislation including the amendments discussed above and contained in Draft-2.

BACKGROUND INFORMATION/FISCAL IMPACT

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

The current minimum lot size in the R-R Zone is 20,000 square feet. In certain pre-1949 lots, the minimum lot size is 10,000 square feet. The proposed ordinance provides that where a lot in the R-R Zone has been reduced in size from greater than 20,000 square feet due to a right-of-way taking or for a stormwater management pond, the minimum lot size will be no less than 10,000 square feet.

CODE INDEX TOPICS: