

Prince George's County Council

Agenda Item Summary

Meeting Date: 7/24/2013
Reference No.: CB-017-2013
Draft No.: 2
Proposer(s): Franklin, Campos, Davis, Harrison, Patterson, Toles
Sponsor(s): Franklin, Campos, Davis, Harrison, Patterson, Toles
Item Title: An Ordinance for the purpose of adopting a clarifying amendment to the Prince George's County Landscape Manual to exempt certain projects from Section 4.3, Parking Lot requirements, under certain circumstances.

Drafter: Council Staff
Resource Personnel: Brendon Laster, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	4/16/2013	Executive Action:	
Committee Referral:	4/16/2013 - PZED	Effective Date:	9/9/2013
Committee Action:	6/5/2013 - FAV(A)		
Date Introduced:	6/18/2013		
Public Hearing:	7/24/2013 - 10:00 AM		
Council Action (1)	7/24/2013 - ENACTED		
Council Votes:	WC:A, DLD:A, MRF:A, AH:A, ML:N, EO:A, OP:A, IT:A, KT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

COMMITTEE REPORTS:

PZED Committee Report

Date 6/5/2013

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Franklin, Harrison, Patterson, Olson and Toles)

Council staff presented a Proposed Draft-2(DR-2) which was prepared to address Planning Board's comments discussed during the May 1, 2013 committee meeting. Amendments included in Proposed DR-2 include:

1. Title change from "An Ordinance concerning the Prince George's County Landscape Manual for the purpose of amending the requirements of the Prince George's County Landscape Manual to provide a limited exemption provision under certain circumstances" to "An Ordinance concerning the Prince George's County Landscape Manual Regulations for the purpose of adopting a clarifying amendment to the Prince George's County Landscape Manual to exempt certain projects from Section 4.3, Parking Lot Requirements, under certain circumstances".
2. Removal of reference to Sections 27-124.03 and 27-124.05 of the Zoning Ordinance and replacing with repeal and reenactment with amendments of Section 1.1, Applicability, of the Landscape Manual.

3. The new Section 27-124.05 in Draft-1 was replaced with amendments to Section 1.1 (g) of the Landscape Manual provided in Proposed DR-2. The following language in Section 27-124.05 was removed from the legislation:

Sec. 27-124.05. Exemptions.

(a) In addition to the exemptions contained in the Landscape Manual, the following shall be exempt from the requirements of Section 4.3(c)(2) (Parking Lot Interior Planting Requirements) of the Manual:

(1) Permits for any buildings, which do not necessitate an increase in the number of parking or loading spaces beyond the number currently existing. (When a permit for a building results in the creation of additional parking spaces, only the area within the limit of disturbance shall be subject to Section 4.3(c)(2) of the Manual.)

(2) Properties in a commercial, industrial or mixed-use zone subject to a Detailed Site Plan or Specific Design Plan approved before December 15, 2010 or a grading permit issued before December 15, 2010.

The Maryland-National Capital Building Industry Association submitted a letter dated June 4, 2013 to the Committee Chairman in support of the revised draft. Dan Lynch testified in support of Proposed DR-2. The committee voted favorable on Proposed DR-2 with amendments as explained by staff.

Held in committee. 5/1/2013

Staff gave an overview of the legislation and informed the committee of written referral comments that were received. CB-17-2013 amends the Prince George's County Landscape Manual regulations to provide an exemption from Parking Lot Interior Planting requirements if the building permit application will not increase the number of parking or loading spaces beyond the existing number of parking or loading spaces. The legislation will also exempt properties in a commercial, industrial or mixed-use zone which are the subject of an approved Detailed Site Plan (DSP) or a Specific Design Plan (SDP) or a grading permit issued before December 15, 2010 from the Landscape Manual.

Council Member Franklin, the bill's sponsor, informed the committee that CB-17-2013 is intended to encourage reinvestment and redevelopment on older commercial sites. Mr. Franklin explained that the provisions of the legislation will provide flexibility and lessen challenges for redevelopment on these sites.

The Office of Law reviewed CB-17-2013 and found it to be in proper legislative form with no legal impediments to its enactment. The Department of Environmental Resources takes no position on the legislation. The Planning Board supports CB-17-2013 with amendments and provided the following written explanation of their position by letter dated April 25, 2013 from Chairman Hewlett to Council Chair Harrison.

It should be noted that CB-65-2010 removed Section 27-124.04 (Applicability) and Section 27-124.05 (Exemptions) from the Zoning Ordinance and placed those sections into the Landscape Manual to prevent the need to cross reference the two documents. The cross reference of the applicability and the exemptions sections in the Zoning Ordinance in the past resulted in many errors in the review of the landscape plans. The District Council should consider revising the bill to make changes consistent with the format of the Landscape Manual as an inclusion file to the Zoning Ordinance. The correct section to reference is 1.1(g), Applicability of the Landscape Manual. Planning staff has concerns that the proposed language is not consistent with the 2010 Prince George's County Landscape Manual, instead reflecting a return to the 1990 Prince George's County Landscape Manual interpretation which resulted in fewer enhancements to older parking lots. Staff is concerned that the proposed language will undermine the District Council's expressed vision to achieve redevelopment of older shopping centers. Staff also recognizes however that strict application of the exemption language in the 2010 Prince George's County Landscape Manual is a burden, perhaps an undue burden, on applicants and does not encourage investment or re-investment in the county.

One possibility for addressing this issue is alternative language for District Council consideration. Staff proposes that in place of the language on page 3, lines 5 through 8, add language to the Landscape Manual to allow for a

consideration of the amount of landscaping required and the cost, similar to the language contained within an existing DSP finding, already in the code.

Rana Hightower, representing the Planning Board, addressed the committee summarizing the Board's comments and suggested amendments. The following individuals testified in support of the legislation: Dan Lynch, Hamer Campbell, Paul Woodburn and Kevin Kennedy. Bill Cavitt, President of the Indian Head Highway Area Action Council, and Sarah Cavitt testified in opposition.

The legislation was held in committee to allow time for Council and Planning staff to discuss appropriate amendments to address Planning Board comments and other concerns expressed during committee discussion.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This Legislation amends the Prince George's County Landscape Manual to provide limited exemptions to Section 4.3 (c) (2) (Parking Lot Interior Planting Requirements).

CODE INDEX TOPICS:

INCLUSION FILES:
