

Prince George's County Council

Agenda Item Summary

Meeting Date: 7/24/2013
Reference No.: CB-024-2013
Draft No.: 2
Proposer(s): Olson, Harrison
Sponsor(s): Olson, Harrison, Lehman
Item Title: An Ordinance concerning Development District Overlay Zone – Site Plan Approval for the purpose of clarifying the method for determining uses within certain Development District Overlay Zones, and providing certain applicability requirements.

Drafter: Karen T. Zavakos, Legislative Officer
Resource Personnel: Dannielle M Glaros, Chief of Staff

LEGISLATIVE HISTORY:

Date Presented:	4/30/2013	Executive Action:	
Committee Referral:	4/30/2013 - PZED	Effective Date:	7/24/2013
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:A, EO:A, OP:A, IT:A, KT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

27-548.22, 27-548.25

COMMITTEE REPORTS:

PZED Committee Report

Date 6/5/2013

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

Council staff summarized the purpose of the legislation and informed the committee of written referral comments that were received. CB-24-2013 (Draft-1) amends the Zoning Ordinance concerning uses within a Development District Overlay Zone (DDOZ) to require uses which would normally require Special Exception approval in the underlying zone to be permitted uses only if the Development District Standards explicitly permit the use within a table of uses. The permitted Special Exception uses are subject to site plan review by the Planning Board. The legislation would not apply to DDOZs approved prior to January 1, 2010.

Council Member Olson, the bill's sponsor, informed the committee that CB-24-2013 provides clarity for uses allowed in a DDOZ. Mr. Olson explained that he submitted the legislation as a result of a situation in which a use normally requiring a Special Exception was allowed because a use table was not required for the DDOZ.

The Office of Law reviewed CB-24-2013 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 opposed CB-24-2013 as drafted and provided the following written comments by letter dated June 4, 2013 to the Council Chair. There are 12 approved DDOZs in Prince George's County; 4 of these DDOZs were approved after January 1, 2010. Many of the sector plans impacted by this legislation have tables of uses which permit Special Exception uses through the special permit process.

The bill requires uses to be subject to Special Exception procedures and subject to site plan procedures in accordance with the DDOZ regulations. This seems to be a duplicative process for a DDOZ. The intent behind not having Special Exception procedures within DDOZs was to reduce development review complexity and timeframes. The development review process could be lengthened because staff would be required to review Special Exception procedures during the Detailed Site Plan review, creating two separate levels of review. Will there be a new finding required for existing Special Exceptions that are able to continue as a matter of right? It should be noted that the Preliminary Largo Town Center Sector Plan and Proposed Sectional Map Amendment would be required to add a table of uses.

DDOZs are recommended in master plans and sector plans. As a result, this bill would require a table of uses for every master plan or sector plan with a DDOZ. Usually, there is language in the master plan or sector plan that says that the plan supersedes the Zoning Ordinance regulations.

The District Council should also note that unless a master plan or sector plan is amended, the proposed language in this legislation creates a conflict between the DDOZ and the Zoning Ordinance. In addition, staff does not recommend creating a partial table of uses to show only those Special Exception uses which are subject to Detailed Site Plan review. The use of a partial table of uses is very complicated for all users to interpret.

The Legislative Officer provided a revised draft, Proposed Draft-2 (DR-2), to address Planning Board comments. The Proposed DR-2 included the following revisions:

1. Repeal and reenact Section 27-548.22 with the addition of a new subsection (c) to this Section on page 2 which reads: (c) A table of uses shall be incorporated within each Development District Overlay Zone clearly showing all uses in the underlying zone that will be permitted, prohibited, or otherwise restricted pursuant to Section 27-548.25 of this Division.
2. On page 4, at the end of Section 2, add "nor to any existing Development District Overlay (D-D-O) Zone approved after January 1, 2010, for which a table of uses was incorporated at the time of the approval of the D-D-O-Z."

The committee voted in favor of the legislation including the revisions in proposed DR-2. A title change was also necessary to reflect the applicability requirements for the new provisions contained in the legislation.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This bill clarifies the methodology for determining which uses are subject to site plan approval rather than a special exception in certain Development District Overlay Zones.

CODE INDEX TOPICS:

INCLUSION FILES:

