

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2018 Legislative Session

Reference No.: CB-063-2018

Draft No.: 2

Committee: PLANNING, ZONING AND ECONOMIC DEVELOPMENT

Date: 09/05/2018

Action: FAV (A)

REPORT:

Committee Vote: Favorable as amended, 4-0 (In favor: Council Members Harrison, Franklin, Glaros, and Patterson)

The Committee Director summarized the purpose of the legislation and informed the committee of written referral comments that were received. This legislation amends the Zoning Ordinance Residential Table of Uses to allow townhouse dwelling units in the R-R Zone provided the use meets criteria in a new footnote to the table. Council Member Franklin, the bill's sponsor, informed the committee that this legislation is intended to facilitate the redevelopment of an area in his district that has struggled with redevelopment and has become an eyesore.

Due to the August recess, the Planning Board did not have an opportunity to take a formal position on the legislation; however, the Planning Department staff submitted an analysis and comments indicating opposition with suggested amendments on CB-63-2018 as follows. The bill as drafted seems to permit regulations to be developed during Detailed Site Plan review. This process defeats the entire purpose of zoning by preventing the uniform application of objective development standards to all properties in the R-R Zone. Development standards are established by the District Council in coordination with its adopted future land use recommendations in master plans. The R-R Zone is consistent with the residential low land use designation of 3.5 dwelling units per acre. If development standards are not established until DSP, there is a strong possibility that a development may exceed the residential low land use designation which would conflict with the District Council's approved master plans. Furthermore, it is within the District Council's authority to establish development standards including density, and not the Planning Board. If this legislation is enacted, the Planning Board will have no zoning regulations to review the Preliminary Plan of Subdivision, including density and lot size. Private streets and alleys are not permitted in the R-R Zone, except in circumstances listed under Section 24-128 (Private roads and easements).

The District Council should adopt objective development standards based on future land uses outlined in the applicable master plan to guide the Planning Board in its consideration of an application for a DSP that proposes townhouses in the R-R Zone. If it is the District Council's intent to permit townhouses in the R-R Zone, development standards should be added to the bill to ensure uniform application of zoning as was done with CB-112-2004. The appropriate development standards would be those of the One-Family Triple-Attached Residential (R-20)

Zone or alternatively the Residential Townhouse (R-T) Zone.

Under Footnote 126(C), delete the words “higher” behind the word “freeway”. A freeway is the highest road classification. Under letter (D), delete and replace the language. The revised language would read: “The regulations ordinarily applicable to the development within the R-R Zone shall not apply; instead the townhouse developments shall comply with the development standards of the R-20 Zone and a DSP shall be approved for the development in accordance with Part 3, Division 9 of this Subtitle. This language adds objective standards for development of townhouses.

The Office of Law reviewed the legislation and offered the following comment: “The bill may be subject to challenge as it appears to be drafted for a specific parcel.”

Matthew Tedesco and Dan Lynch, of McNamee Hosea, testified in support of the legislation.

To address the Planning Department staff suggested amendments, Council Member Franklin proffered the following revisions to Footnote 126: in (C), after “freeway”, strike “or higher”; and at the end of (D), strike “All such requirements shall be those as shown, established and approved on the Detailed Site Plan”, and insert the following new sentence: “ All such dimensional requirements shall be those approved in accordance with such requirements applicable to the M-X-T Zone in the Detailed Site Plan including architectural elevations.”

The Committee voted favorable on the legislation including the sponsor’s suggested amendments.