

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2020 Legislative Session

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**Reference No.:** CB-069-2020

**Draft No.:** 2

**Committee:** COMMITTEE OF THE WHOLE

**Date:** 10/08/2020

**Action:** FAV (A)

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### REPORT:

Committee Vote: Favorable as amended, 10-0 (In favor: Council Members Turner, Anderson-Walker, Davis, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras)

The Committee of the Whole convened on October 1, 2020 and October 8, 2020 to consider CB-69-2020. The bill amends the Zoning Ordinance to permit multifamily dwellings in the One-Family Detached Residential (R-55) Zone, under certain specified circumstances.

At the October 1, 2020 meeting, Council Member Taveras, the bill sponsor, requested that the Committee hold discussion of the bill until another date to allow time for staff to prepare amendments based on written referral comments received. On October 8, 2020, the Planning, Housing, and Economic Development Committee Director summarized the comments received on referral. The Planning Board opposed CB-69-2020 and submitted a September 24, 2020 letter to Council Chair Turner summarizing the Planning staff analysis and position on the bill as follows.

“The current zoning ordinance preserves the One-Family detached Residential (R-55) Zone for medium density single-family detached dwellings, as does its successor zone (RSF-65) in the new zoning ordinance. There may be value in permitting some modest increase in density in these zones to address gaps in the need for senior and "missing middle" housing in the County. However, such a change should only occur after a comprehensive analysis and discussion focused on countywide needs.

This bill, as drafted, would permit multifamily dwelling units on only one property located at 6203 Ager Road, Hyattsville, Maryland 20782. This is not a comprehensive approach to the issue.

The density proposed by CB-69-2020 far exceeds the development standards that could properly address the need for additional senior or "missing middle" housing. This bill proposes to permit a maximum density of 40 dwelling units per acre with a maximum building height limitation of 110 feet. In contrast the R-55 Zone permits 6.7 dwelling units per acre with a maximum building height of 35 feet. This means the bill would permit an additional 33.3 dwelling units per acre with a maximum building height of 75 feet more than the permitted 35 feet permitted in a single-

family detached residential zone.

The language under footnote 138 (d) regarding development regulations is conflicting and should be amended and clarified. The second sentence appears to waive all regulations for the R-55 Zone. The fourth sentence requires R-18 Zone standards to apply if the regulations do not conflict with the footnote. Then the last sentence states all development requirements shall be established by and shown on the Detailed Site Plan (DSP). If the bill moves forward, clear, and concise development regulations should be added to the bill to permit uniform application of objective development standards. Also, the reference to Section 27-443 (Private Schools) regulations is incorrect. The reference should be to Section 27-442 which contains the R-18 Zone regulations.”

The Zoning Hearing Examiner (ZHE) reviewed CB-69-2020 and provided the following comments in a September 22, 2020 memorandum to the PHED Committee Director.

“This bill will allow multifamily dwellings in the R-55 Zone, pursuant to footnote 138, under certain circumstances. However, the use is already permitted pursuant to a different footnote 138. The bill should therefore be revised to remove the underlining under “P” and “138” in the Table on page 2, and to insert an underlined “139” there. Rename the footnote accordingly.

Given the purposes of the R-55 Zone set forth in Section 27-430 of the Zoning Ordinance (which focus on one-family residential development and facilitating the planning of such development “with small lots and dwellings of various sizes and style”), the provision allowing the multifamily dwelling to be up to 110-feet-tall, and the requirement that the use be adjacent to property owned by the Board of Education, the District Council should consider including a minimum setback requirement from adjoining uses to lessen any adverse impact on said uses.”

The Office of Law reviewed Draft-1 of the bill as it was presented on September 15, 2020 and found potential legal impediments to its enactment as currently drafted and defers to the memorandum submitted by M-NCPPC for a detailed analysis of the issues.

During the October 8, 2020 Committee of the Whole meeting, the Legislative Officer summarized the revisions to the new footnote 139 in a Proposed DR-2A as follows:

**138** Notwithstanding any other provisions of this Subtitle, ~~multi family~~ multifamily dwellings are a permitted use in the R-55 Zone provided:

**139**

- (a) The use is located on property that has a minimum of nine (9) acres and a maximum of twelve (12) acres;
- (b) The Property adjoins property owned by the Board of Education of Prince George’s County;
- (c) The use is located on property within one mile radius of a Metro station ~~platform~~; and
- (d) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle. Regulations concerning the net lot area, lot coverage and green area, lot/width frontage, yards, building height, density, accessory buildings, ~~private streets~~, minimum area for development, and other requirements of the R-55 Zone shall not apply. ~~The maximum density shall not exceed forty (40) dwelling units per acre and the maximum height shall be one hundred ten (110) feet.~~ All other regulations for the R-18 Zone set forth in Sections 27-443 ~~442~~ shall apply, except if the multifamily housing is constructed with Low-Income Housing Tax Credits, the maximum density shall be forty (40) dwelling units per acre and the maximum height shall be one hundred ten (110) feet. ~~(to the extent that they do not conflict with the preceding requirements in this footnote).~~ Notwithstanding the above, regulations pertaining to lot coverage, lot/width frontage, and building height shall be established by and shown on the Detailed Site Plan. All other regulations shall be those approved by the Planning Board or District Council pursuant to Part 3, Division 9 of this Subtitle.

Council Member Taveras indicated that the bill is intended to facilitate the opportunity for development of affordable, workforce housing in a growing area of her district. Ms. Taveras commented that the provisions of the bill will allow for a mixed income building to be located near a Metro station and school that will be transformative for the individuals who reside there and also add value to the entire West Hyattsville community.

There were no additional comments from the County Executive's Office, Planning staff, ZHE or Office of Law on Proposed DR-2. Daniel Lynch, representing Community Housing Initiative, Inc. testified in support of the legislation. Ms. Skinner, Associate County Attorney on behalf of the Office of Law, indicated that should there be any additional changes, the Office of Law will publish a new comment.

Council Member Glaros requested a map to reflect the R-55 zoned properties in the County that would be affected by the provisions of the legislation.

Council Member Taveras made a motion for favorable recommendation on Proposed DR-2 seconded by Council Member Harrison. The Committee voted for a favorable recommendation, 10-0, as to CB-69-2020, as amended.