

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

Meeting Date: 6/3/97

Reference No.: CB-5-1997

Proposer: Maloney, Gourdine, Russell, Scott

Draft No.: 3

Sponsors: Maloney, Gourdine, Russell, Scott

Item Title: Subdivision Bill to allow preliminary plats of subdivision
to be appealed to the District Council

Drafter: Mary Lane
PZ&ED Committee Director

Resource Personnel: Andy Eppelmann
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 1/21/97

Executive Action: 5/27/97 V

Committee Referral:(1) 1/21/97 PZED

Effective Date: __/__/__

Committee Action:(1) 2/12/97 HELD

Committee Action:(2) 3/12/97 FAV(A)

Date Introduced: 3/25/97

Pub. Hearing Date: (1) 5/6/97 1:30 P.M.

Council Action: (1) 5/6/97 ENACTED

Council Votes: DB:A, SD:A, JE:-, IG:A, AMc:A, WM:A, RVR:A, AS:A, MW:A

Pass/Fail: P

Council Action: (2) 6/3/97 TO OVERRIDE VETO (failed)

Council Votes: DB:N, SD:A, JE:N, IG:A, AMc:N, WM:A, RVR:A, AS:N, MW:N

Pass/Fail: F

Remarks: _____

5/6/97: Amended on the Floor

THIS BILL WAS VETOED

PLANNING, ZONING & ECON. DEV. COMM. REPORT

DATE: 3/12/97

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Del Giudice, MacKinnon, Maloney, Russell, and Wilson).

The Chairman presented a proposed Draft 2 that limited the scope of the Council's review to adequate public facilities issues. He also suggested that since legal staff had expressed concern regarding the Council's authority to call subdivisions up for review, the bill be further limited to appeals to the

Council. Legal staff recommended that if the provision allowing the Council to review subdivisions upon its own motion remains, a severability clause should be included.

The Committee voted 3-2 to amend Draft 2 of the bill to eliminate the Council's right to review subdivisions upon its own motion.

PLANNING, ZONING & ECON. DEV. COMM. REPORT

DATE: 2/12/97

HELD in Committee.

This legislation allows all preliminary plats of subdivision to be appealed to or reviewed by the District Council. The Regional District Act provides the authority for this appeal, and it is currently in place for cluster subdivisions and mitigation actions that are approved as part of a subdivision. The appeal process is similar to current practice. Persons of record have thirty days after notice of action by the Planning Board to file an appeal with the Clerk of the Council. The appeal must be based on the record and must set forth the reasons for the appeal. In deciding appeals, the Council shall exercise original jurisdiction, and may approve, approve with conditions, remand, or deny the subdivision. Staff noted that while Article 28 specifically provides the authority for appeal, but is silent regarding the authority of the Council to review on its own motion.

Alan Hirsch, representing the Planning Department, presented an overview of the subdivision process. It was explained that the preliminary plat of subdivision process guides the division of land in the County, in accordance with all applicable laws and regulations. It includes stormwater management, internal circulation, adequate public facilities, and the overall design of the site. It does not address land use and density.

The Planning Board opposes the legislation. By memorandum dated February 6, it was noted that

the estimated number of preliminary plats reviewed by the Board in FY97 is 140. By assuming review and appeal responsibilities for preliminary plats, the Council will be substantially increasing the time it devotes to a task that is handled by staff, planning boards, and boards of appeals in most other jurisdictions in Maryland. The procedure also raises questions about the Board's authority to grant extensions to preliminary plats, and the Director's ability to approve minor plats. The Suburban Maryland Building Industry Association recommends that action be deferred on this bill, and that it be reconsidered as part of the Council's growth management effort. The Legislative Officer finds it to be in proper legislative form. The Town of Upper Marlboro supports the bill. Michael Errico, Deputy CAO, stated the County Executive's strong opposition to the legislation. Paul Rodbell spoke in opposition to the legislation.

Following discussion, the Committee agreed to hold CB-5.

BACKGROUND INFORMATION/FISCAL IMPACT

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

Most of the actions taken by the Planning Board are appealable to the District Council, and the Council may review most types of cases on its own motion. With the exception of cluster subdivisions and mitigation of road inadequacy, preliminary plats of subdivision may not be reviewed by the Council. This legislation allows preliminary plats to be appealed to or called up by the Council, following standard appeal procedures.

CODE INDEX TOPICS: