

Prince George's County Council Agenda Item Summary

Meeting Date: 9/9/2008
Reference No.: CB-032-2008
Draft No.: 4
Proposer(s): Dernoga
Sponsor(s): Dernoga
Item Title: An Ordinance defining a Conservation Subdivision, a Public Benefit Conservation Subdivision, permitting Public Benefit Conservation Subdivision in the R-R Zone and establishing bulk regulations for this use.

Drafter: Jackie Brown, PZED Committee Director
Resource Personnel: Judith Thacher, Legislative Aide

LEGISLATIVE HISTORY:

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|----------------------------|---|--------------------------|------------|
| Date Presented: | 5/27/2008 | Executive Action: | |
| Committee Referral: | 5/27/2008 - PZED | Effective Date: | 10/27/2008 |
| Committee Action: | 6/4/2008 - HELD 6/18/2008 - FAV(A) | | |
| Date Introduced: | 7/23/2008 | | |
| Public Hearing: | 9/9/2008 - 1:30 PM | | |
| Council Action (1) | 9/9/2008 - ENACTED | | |
| Council Votes: | MB:A, WC:A, SHD:A, TD:A, CE:A, AH:A, TK:A, EO:A, IT:A | | |
| Pass/Fail: | P | | |
| Remarks: | | | |

AFFECTED CODE SECTIONS:

27-107.01, 27-441, 27-445.12

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT

Date 6/18/2008

Committee Vote: Favorable as amended, 4-0 (In favor: Council Members Exum, Dean, Dernoga, and Olson)

Staff explained that CB-32-2008 is companion legislation with CB-33-2008 which amends the Subdivision Regulations (Subtitle 24) to establish requirements, procedures, and standards for Public Benefit Conservation Subdivisions and to amend certain provisions for Conservation Subdivisions. CB-32-2008 amends the Zoning Ordinance (Subtitle 27) to define a Public Benefit Conservation Subdivision, permit this use in the R-R Zone, and establishes bulk regulations for the use.

Council Member Dernoga, the bill's sponsor, explained that previous legislation concerning Conservation Subdivisions (CB-4-2006 and CB-6-2006) focused on the Rural Tier and the subject legislation, CB-32-2008, is intended to address the Developing Tier where more flexibility is necessary on smaller lots in the R-R Zone. Mr. Dernoga explained that the Public Benefit Conservation Subdivision tool allows higher impervious surface area on the developed portion of the subdivision in exchange for expanding the conservation area. This technique also

provides a better preserved parcel which achieves a higher value.

The Planning Board supports CB-32-2008 with amendments as follows:

On page 2, under Section 27-107.01, a definition for “Conservation Subdivision” should be added. In addition, the legislation should clarify the difference between a “Conservation Subdivision” and a “Public Benefit Conservation Subdivision.”

Page 5, under Table 1A, amend “Maximum Density” to clarify whether gross acreage is intended so as to permit current R-R density. It should be noted that the bill as drafted will not permit townhouse development on property of one acre or less.

Under “Minimum Lot Width at the building line and street line on a scenic or historic road” delete the word “on” and replace with the words “adjacent to.” This change would no longer exempt applicants from the minimum lot width requirements when the applicant proposes narrow strips of land between the lots and the scenic historic road.

On page 6, under Table 2A, delete the words “R-R Public Benefit Conservation Subdivision” and move the lot size percentages to the R-R zone. The title “R-R Public Benefit Conservation” is not necessary because the bulk regulations under Table 2 only apply to a Public Benefit Conservation Subdivision.

Lastly, yard requirements should be added for internal lots and end units for townhouses in a Public Benefit Conservation Subdivision. The Zoning Ordinance does not provide yard requirements for townhouses.

The Office of Law reviewed CB-32-2008 and determined that it is in proper legislative form with no legal impediments to its adoption.

Council Member Dernoga agreed with including amendments recommended by the Planning Board concerning a definition for Public Benefit Conservation Subdivision, the maximum density in Table 1A, page 5, and minimum lot width. He indicated that he would review the other suggested amendments and seek clarification from the Planning staff for possible inclusion as amendment sheets prior to introduction of the legislation.

The committee voted favorably on CB-32-2008 including certain amendments noted above as recommended by the Planning Board.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

In 2006, the County Council enacted legislation to define and permit Conservation Subdivisions in the R-O-S, O-S, R-A, R-E, and R-R Zones. This legislation amends the Zoning Ordinance to define and permit Public Benefit Conservation Subdivisions in the R-R Zone and to provide bulk regulations for this use. A Public Benefit Conservation Subdivision is an additional tool for the purpose of ensuring conservation of important site features on smaller lots in the Developing Tier.

7/23/2008 - CB-32-2008 (DR-2) was amended on the floor prior to introduction; DR-3 introduced.

CODE INDEX TOPICS:

INCLUSION FILES:
