

Prince George's County Council

Agenda Item Summary

Meeting Date: 10/21/2008
Reference No.: CB-078-2008
Draft No.: 2
Proposer(s): Dernoga, Bland
Sponsor(s): Dernoga, Bland, Olson
Item Title: An Ordinance concerning Agricultural-Conservation Zone (A-C Zone) for the purpose of establishing an Agricultural-Conservation Zone (A-C Zone) in Prince George's County and making amendments to the use table in the Zoning Ordinance generally related to the A-C Zone.

Drafter:
Resource Personnel: Judith Thacher, Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	10/14/2008	Executive Action:
Committee Referral:	10/14/2008 - PZED	Effective Date:
Committee Action:	10/15/2008 - NR	
Date Introduced:	10/21/2008	
Public Hearing:	11/18/2008 - 10:00 AM	

Council Action:
Council Votes:
Pass/Fail:
Remarks:

AFFECTED CODE SECTIONS:

27-213.30

COMMITTEE REPORTS:

PLANNING, ZONING & ECONOMIC DEVELOPMENT

Date 10/15/2008

Committee Vote: No Recommendation, 4-0 (In favor: Council Members Exum, Dernoga, Knotts and Olson)

This legislation establishes a new zoning category in the Zoning Ordinance, the A-C (Agricultural-Conservation) Zone, and provides regulations and a list of permitted uses within this zone.

Council Member Dernoga explained that this zone is proposed as a "farming zone" and as a result of the Transfer of Development Rights (TDR) Program discussions by the Agricultural Preservation Work Group. As proposed, a property owner may request rezoning to the A-C Zone through the process outlined in CB-78-2008, and if approved, the property owner receives additional TDRs. In the O-S (5-acre) Zone, the TDR Allocation Rate is 2 TDRs per 5-acre lot, and in the proposed A-C (20-acre) Zone, the TDR Allocation Rate is 4 TDRs per 5-acre lot.

Mr. Dernoga commented on revisions that are necessary to Draft-1 of CB-78-2008 concerning further clarification of

the application process and certain uses within the Use Table.

Arie Stouten, Development Review Division Chief, informed the committee that the Planning Board had not had an opportunity to thoroughly review CB-78-2008 and had therefore taken no position on the legislation. Mr. Stouten noted some concerns with the draft such as language in Section 27-213.33 which requires the Planning Board to be “flexible” in its review of requests to rezone properties to the A-C Zone.

The Zoning Hearing Examiner reviewed the legislation and provided the following comments in an October 14, 2008 memorandum to the PZED Committee Director:

1. Statutory Construction. The bill places the information on the new zoning category in Part 3, Division 2, Subdivision 8. This placement raises a question as to whether the A-C Zone is to be a Euclidean Zone, an Overlay Zone, a Comprehensive Design Zone, or something new. The language used on pages 3-5 of the bill, however, appears quite similar to language used in the initiation of a Sectional Map Amendment in that the zoning change is initiated by the Planning Board upon the concurrence of the District Council. If so, it might be better to move the Section to Division 4, or to make it a new Division.
2. In any event, for purposes of appeal, and to avoid any argument that the legislation is an attempt to bypass the uniformity requirement for zoning, it is very important that the bill clarifies what type of zoning this is.
3. On a technical note, the language on pages 6-7 of the legislation should be underlined.

The committee voted the legislation out of committee with no recommendation with the understanding that the sponsor would work with the Legislative Officer to prepare amendments to address concerns associated with the application process and use table. It was agreed that these amendments would be presented at the time of introduction of the legislation in the form of a Draft-2.

BACKGROUND INFORMATION/FISCAL IMPACT:
 (Includes reason for proposal, as well as any unique statutory requirements)
 THIS BILL WAS NOT ENACTED.

CODE INDEX TOPICS:

INCLUSION FILES:
