

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

Meeting Date: 10/14/95

Reference No.: CB-76-1995

Proposer: Del Giudice

Draft No.: 2

Sponsors: Del Giudice

Item Title: An Ordinance to clarify that public agencies are not required to consent to rezoning to the R-O-S Zone, specifying that any public use may be placed in R-O-S, requiring that the public hearing for the SMA for R-O-S be a joint public hearing, & expanding the circumstances to exempt Open Space funded property from R-O-S

Drafter: Mary Lane
PZ&ED Committee Director

Resource Personnel: Paul Fields, M-NCPPC
Craig Rovelstad, M-NCPPC

LEGISLATIVE HISTORY:

Date Presented: 9/26/95

Executive Action: __/__/__

Committee Referral:(1) 9/26/95 PZED

Effective Date: 1/8/96

Committee Action:(1) 10/18/95 FAV (A)

Date Introduced: 10/24/95

Pub. Hearing Date: (1) 11/21/95 10:30 AM

Council Action: (1) 11/21/95 ENACTED

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

Pass/Fail: P

Remarks: _____

PLANNING, ZONING AND ECONOMIC DEV. COM.

DATE: 10/18/95

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

Staff explained the purposes of the Reserved Open Space (R-O-S) Zone that was created by the Council 1994. It was explained that when the zone was created, the legislation also required that a Countywide Map Amendment be initiated for the purpose of consideration of the R-O-S Zone for all public property and for any privately owned property for which the zone is requested. The

amendments under consideration in this legislation are necessary to clarify certain issues regarding the Map Amendment process and to make minor corrections to the original legislation.

The Planning Board supports the legislation. Robert Arciprete, representing the Department of Parks and Recreation, proposed an amendment that is necessary to prevent the devaluation of parkland that is needed by other agencies, including Federal, State and Metro, for public facilities. It was explained that often a portion of property is needed for another public purpose, and the M-NCPPC negotiates a sale or trade based on the fair market value of the land at the time of negotiation. The R-O-S Zone will have the lowest value of all zoning categories, which will mean that the M-NCPPC will be compensated at a depreciated value. Mr. Arciprete presented several examples of current sales to the State Government and Metro which would be at much lower values if the land is rezoned to the R-O-S Zone. He proposed an amendment that will allow the Department of Parks and Recreation to identify the portions of properties that are anticipated to be needed for the construction and improvement of facilities, and these properties will not be recommended for downzonings to the R-O-S Zone. This amendment was added to the bill in Sections 27-143(a)(7) and 27-225(c)(2).

The Committee members also discussed the language in the bill that requires that the public hearing for the Countywide Map Amendment be held jointly by the Planning Board and the District Council. There was concern that in the past, attendance at certain joint hearings by Planning Board and Council Members has been low. Since that time, the Council has adopted rules of procedure that require a quorum of the Council at these hearings, but the Planning Board has no such requirement. It was agreed that the legislation should be amended to require a quorum of each body at the joint public hearing for the Countywide Map Amendment.

**BACKGROUND INFORMATION/FISCAL IMPACT
(Includes reason for proposal, as well as any unique statutory requirements)**

In 1994, the Council enacted legislation that created the Reserved Open Space (R-O-S) Zone. This zone was intended to preserve open spaces, woodland, environmentally sensitive areas, and areas used for recreational purposes. The legislation established a procedure for a Countywide Sectional Map Amendment for consideration of the R-O-S Zone for public land, and for privately owned land when requested by the property owner. This legislation refines the process that was established by clarifying that public agencies are not required to consent to rezoning to the R-O-S Zone, specifying that any public use may be placed in the R-O-S Zone, regardless of lot size, and requiring that the public hearing for the SMA for the R-O-S Zone shall be a joint public hearing.

CODE INDEX TOPICS: