

Prince George's County Council

Agenda Item Summary

Meeting Date: 9/16/2008
Reference No.: CB-033-2008
Draft No.: 4
Proposer(s): Dernoga
Sponsor(s): Dernoga, Dean
Item Title: A Subdivision Bill establishing requirements, procedures and standards for Public Benefit Conservation Subdivisions and amending certain provisions for Conservation Subdivisions.

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

LEGISLATIVE HISTORY:

Date Presented:	5/27/2008	Executive Action:	9/17/2008 S
Committee Referral:	5/27/2008 - PZED	Effective Date:	10/20/2008

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:

24-128, 24-152

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-33-2008 is companion legislation with CB-32-2008 which amends the Zoning Ordinance (Subtitle 27) to define a Public Benefit Conservation Subdivision and provide bulk regulations for this use. CB-33-2008 amends the Conservation Subdivision section of the Subdivision Regulations (Subtitle 24) to incorporate the Public Benefit Conservation Subdivision and to amend certain existing provisions for Conservation Subdivisions.

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-33-2008, 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-33-2008 with amendments and offered the following comments. Section 24-152(h) promotes the use of low impact development techniques but it is acknowledged that traditional techniques of stormwater management may be necessary because of the small lot sizes. The Planning Board supports this amendment because the Public Benefit Conservation Subdivision is being proposed within the Rural Residential (R-R) zone with lot sizes as small as 6,500 square feet for single-family homes and 1,800 square feet for townhouses. The Planning Board recommends the addition of the following language to line 14, page 4 after the word “utilized,” deleting the period and inserting a comma to read [.], particularly adjacent to lots of less than twenty thousand square feet where urban street construction utilizing sidewalks should be provided. This preserves walkability within a dense suburban environment. Otherwise, children, baby strollers, and pets are forced into a narrowed roadway in order to walk, and children waiting for school buses are forced to do so on the street as well.

The Office of Law reviewed CB-33-2008 and determined that it is in proper legislative form with no legal impediments to its adoption.

Hamer Campbell, representing the Maryland-National Capital Building Industry Association addressed the committee indicating that the Association did not take a position on the legislation; however, concerns were raised regarding the language on page 5, lines 4-6, requiring an additional finding by the Planning Board that the proposed plan is superior to that which could be achieved through the use of conventional development standards prior to approval of a proposed Conservation Subdivision plan.

Leo Bruso, Land & Commercial, Inc. addressed the committee indicating that there are conflicting issues with CB-4-2006 and CB-6-2006 which could be addressed along with other amendments to the conservation subdivision provisions which have been included in CB-33-2008. Mr. Bruso noted that in the Rural Tier, homes are often constructed on knolls and roads are built on ridges; however, CB-4-2006 provides that “dwellings should not be located in the center of open fields or on a ridgeline.” He requested that the committee consider amending this section of the Subdivision Regulations to remove “or on a ridgeline” and to eliminate the requirement on page 5, line 4, for an additional sketch plan showing a conventional layout.

The committee voted favorably on CB-33-2008 including the amendment recommended by the Planning Board.

BACKGROUND INFORMATION/FISCAL IMPACT:

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

This legislation provides for the use of Public Benefit Conservation Subdivisions as a development tool to conserve important site features such as open space networks and contiguous woodland habitats adjacent to other existing open space tracts. The bill also amends existing provisions concerning Conservation Subdivisions that were established with the enactment of CB-4-2006.

7/23/2008 - CB-33-2008 (DR-2) was amended on the floor prior to introduction; DR-3 introduced.

CODE INDEX TOPICS:

INCLUSION FILES:
