

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed House Bill 1183 which changes the procedures applicable to cluster development in Prince George's County.

The goal of this legislation reflects a concern, shared by myself, the Prince George's County Delegation, the county government and many citizens, that cluster development be accomplished in a manner that maintains and, to the extent possible, improves the quality of life in Prince George's County. This veto, requested by the County Executive and Council President, is made with their written assurance that in the near future meaningful reforms in the cluster development process will be enacted into law by local ordinance (copies attached). Mindful that Prince George's County is a charter home rule county and subject to the Regional District Act, I believe it inappropriate to sign into law, at this time, a public general law in this traditional area of local concern.

Specifically, the bill restricts the use of cluster development by altering the application of this subdivision technique. It requires that clustering, which is now an optional method of subdividing land in three zoning categories in Prince George's County, could only occur upon a rezoning of the property. In order to obtain this rezoning the property owner must demonstrate that there is a substantial change in the character of the neighborhood or a mistake in the zoning classification.

The laws governing the use of cluster development have been established at the local level. In May, 1970, the County Commissioners for Prince George's County, sitting as District Council, adopted a resolution authorizing cluster development in certain residential zoning categories in the County. Those provisions, now codified as § 24-137 of the Prince George's County Code, specify the purpose and potential benefits of cluster development as compared to conventional development:

"The purpose of cluster development is to permit a procedure for development which will result in improved living and working environments; promote more economic subdivision layout; encourage a variety of types of residential dwellings; encourage ingenuity and originality in total subdivision and individual site design; and which can preserve open space to serve recreational, scenic, and public service purposes, and other purposes related thereto, within the densities established for the cluster net tract area."

In order to achieve these goals, the local ordinance provides:

- (1) Variations in net lot areas;