

Let us make clear the difference between zoning and subdivision. Zoning establishes the nature of land use permitted, for example; single family residential, multi-family residential, commercial, etc.; and the densities permitted, i.e. the number of units per acre. Subdivision is the process by which a parcel of land is divided up into individual lots or building sites, how internal roads are laid out, how other community facilities are sited, etc.

In Prince George's County, there are three single family residential zones in which cluster development is permitted, as determined through the subdivision process. It is important to understand that clustering only occurs after the zoning has been approved, which establishes the density permitted for single family dwellings. Clustering does not change the density, or allow for any additional units on the parcel as a whole. Neither does it permit other uses, such as multi-family units or commercial uses.

What cluster development does permit is smaller individual lots, thereby creating community open space. Instead of dividing a parcel into a certain number of approximately equal sized lots, checker-board fashion, a cluster development may have groups of smaller lots surrounded by wooded areas or open spaces. It is not a different land use, but rather a different application of the same land use. Often it results in more aesthetically pleasing communities, it reduces the amount of land to be cleared and areas to be paved, so it is environmentally beneficial, and it reduces the construction costs associated with grading and infrastructure, so it makes housing more affordable.

While zoning and subdivision are related, they are not the same. Zoning is done by the District Council, and establishes the kind and density of land use. Subdivision follows zoning, is done by the Planning Board, and establishes the precise configuration of individual lots, roads, and other public and private amenities, within the constraints of the applicable zoning category.

HB 1183 would require that in all cluster subdivision cases, the zoning process be used to subdivide property. This is not the usual approach, and makes a more cumbersome process. It is using the wrong tool to do the job. A survey of neighboring jurisdictions reveals that "cluster zoning" is not used in Charles, Anne Arundel, Howard, or Fairfax counties. In those counties it is handled the way we do it in Prince George's County, by subdivision. In both Anne Arundel and Fairfax counties there are some zones in which cluster is permitted use and other, less dense zones, in which a special exception is required. In Montgomery County there are 4 zoning categories in which cluster is accomplished by subdivision, and two very low density categories that are designated as residential cluster and handled by zoning. We do not permit cluster in our lowest density zones, so the Montgomery County situation is not analogous.