
A G E N D A I T E M S U M M A R Y

Reference No: CB-33-1990

Draft No: 2

P r i n c e G e o r g e ' s

Meeting Date: 7/31/90

C o u n t y C o u n c i l

Requestor: MNCPPC

Item Title: Subdivision Amendment to require identification of cemeteries on preliminary plats of subdivision, providing requirements for protection and maintenance

Sponsors CA B C M WI

Date Presented 3/27/90 **Executive Action** 8/10/90 S
Committee Referral (1) 3/27/90 F&P **Effective Date** 9/10/90
Committee Action (1) 6/4/90 FAV(A)
Date Introduced 6/26/90
Pub. Hearing Date (1) 7/31/90 11:00 AM

Council Action (1) 7/31/90 Enacted
Council Votes B_: A_, CA: A_, C_: A_, CI: __, MC: A_, M_: A_,
P_: A_, W_: A_, WI: A_, __: __, __: __, __: __

Pass/Fail P

Remarks _____

Drafter: Wendy Irminger, MNCPPC **Resource Personnel:** Gail Rothrock, MNCPPC

LEGISLATIVE HISTORY

FISCAL AND PLANNING COMMITTEE REPORT

DATE: 6/4/90

Committee Vote: Favorable with amendments, 2-0-1 (In favor: Council Members Castaldi and Casula, Abstaining: Council Member Bell)

Council staff noted the amendments that had been made to CB-33-1990 as a result of the April 16th committee worksession. The amendments are as follows:

- o In Section 24-135.2(a), language was added to clarify that the applicant may relocate the human remains to another cemetery in lieu of following the new procedure.

- o In Section 24-135.2(a)(5), the following sentence was added:

"The applicant shall establish a fund in an amount sufficient to provide income for the perpetual maintenance of the cemetery." The amount of this fund will be determined by the Planning Board.

- o A new Section 24-135.2(d) was added at the request of the Planning Board to read: "Upon approval of a preliminary plat of subdivision, any cemetery approved in accordance with this Section which does not meet the regulations of the zone in which it is located, shall be deemed to be a certified nonconforming use unless otherwise specified by the Planning Board."

- o There were also a number of technical amendments.

FISCAL AND PLANNING COMMITTEE REPORT

DATE: 4/16/90

Held in Committee.

Gail Rothrock, from the M-NCPPC, briefed the Committee on the background of this legislation and the need for it. There is currently no provision in the subdivision regulations to protect cemeteries, particularly those of historic value, from development.

The City of Bowie and the Prince George's Chamber of Commerce support the legislation.

Committee members expressed concern in several areas. First, the legislation directs the future homeowners' association to be responsible for the maintenance of the cemetery. The HOA is not involved in the development process and may not be prepared for the cost of this obligation. Also, the Planning Board has no authority over the future existence of these organizations, and would be unable to enforce the requirement for care of the cemetery. The Committee directed staff to amend the legislation to place more of the burden for maintenance on the developer, rather than the future residents, and provide better assurance that the cemetery will actually be maintained.

The Committee also directed staff to replace the word "public", with "municipal" in Section 24-135.2(a)(5), and to review the State of Maryland procedures for relocating bodies.

BACKGROUND INFORMATION/FISCAL IMPACT

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

Family burial grounds and cemeteries are a valuable part of our cultural heritage because of their preservation of historical and geneological information and their display of the folk art of tombstone carving. Currently, the subdivision regulations do not ensure their protection when they are part of a development application. This legislation is necessary to provide for their preservation and maintenance.