

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2012 Legislative Session**

Bill No. CB-8-2012

Chapter No. 25

Proposed and Presented by Council Members Lehman and Patterson

Introduced by Council Members Lehman and Patterson

Co-Sponsors \_\_\_\_\_

Date of Introduction June 12, 2012

**SUBDIVISION BILL**

1 AN ACT concerning

2 Preliminary Plan Exemptions

3 For the purpose of providing an exemption from the requirement of a preliminary plan of  
4 subdivision for the conversion of condominium townhouse dwelling units in general, and two-  
5 family dwelling units in the R-R Zone only, to record lot townhouse dwelling units in certain  
6 circumstances and making clarifying technical amendments to existing language.

7 BY repealing and reenacting with amendments:

8 **SUBTITLE 24. SUBDIVISIONS.**

9 Section 24-108(a),

10 The Prince George's County Code

11 (2011 Edition).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
13 Maryland, that Section 24-108(a) of the Prince George's County Code be and the same is hereby  
14 repealed and reenacted with the following amendments:

15 **SUBTITLE 24. SUBDIVISIONS.**

16 **DIVISION 1. GENERAL PROVISIONS.**

17 **Subdivision 2. General Requirements.**

18 **Sec. 24-108. Preliminary plan exemptions.**

19 (a) A final plat may be filed with the Planning Director and treated as a minor subdivision  
20 for which no preliminary plan is required in the following instances:

1 (1) A resubdivision of land which is the subject of a record plat in order to correct a  
2 drafting or engineering error;

3 (2) The incorporation of an outlot on a record plat into an adjoining lot;

4 (3) The sale or exchange of land between adjoining property owners to adjust  
5 common boundary lines or consolidate lots, provided that in no case shall additional lots be  
6 created and that all properties are the subject of a record plat.

7 (4) For the sole purpose of removing a designation that requires the provisions of  
8 Moderately Priced Dwelling Units (MPDUs), upon the payment of a fee in lieu of construction  
9 of \$5,000 per MPDU in the R-T, R-H, R-18C, or M-X-T Zones or a fee in lieu of construction of  
10 \$10,000 per MPDU in the R-80, R-55, or Comprehensive Design Zones.

11 (5) In the Chesapeake Bay Critical Area Overlay Zone, prior to the approval of a lot  
12 consolidation, a conservation plan shall be approved in accordance with Subtitle 5B-110. The lot  
13 consolidation shall conform to the approved Conservation Plan, [and be referenced on the record  
14 plat.

15 (6) Prior to issuance of a grading or building permit, a Conservation Agreement shall  
16 be executed that references the liber and folio of the record plat for the approved Conservation  
17 Plan.] The final plat shall reference the Conservation Plan and the liber/folio of the Conservation  
18 Agreement and Conservation Easement when required.

19 (7) The conversion of condominium townhouse dwelling units in general, and two-  
20 family dwelling units in the R-R Zone only, to individual record lots provided:

21 (A) The condominium townhouse dwelling units are shown on an approved  
22 preliminary plan of subdivision, the number of lots does not exceed the Preliminary Plan of  
23 Subdivision approved number of townhouse dwelling units, the individual townhouse dwelling  
24 units and lots are reflected on an approved Specific Design Plan, Detailed Site Plan, or Special  
25 Exception and conform to Subtitles 24 and 27; or

26 (B) The condominium townhouse dwelling units in general, or two-family  
27 dwelling units in the R-R Zone only, may be converted to individual townhouse record lots if  
28 shown on a Detailed Site Plan, Specific Design Plan, Special Exception approved prior to  
29 September 1, 2012 or a Conceptual Site Plan approved pursuant to Section 27-548.01.02 for a  
30 Waterfront Entertainment/ Retail Complex.

1 (i) Lots and parcels created pursuant to this exemption are not subject to the lot  
2 standards of Section 24-121(a)(4) regarding lot depth and the restrictions contained in Section  
3 24-128 (a) regarding private roads and easements except that appropriate documentation  
4 securing access will be required.

5 (ii) Prior to the approval of a final plat, a revision to the Detailed Site Plan,  
6 Special Exception, or Specific Design Plan, as applicable, shall be reviewed and approved by the  
7 Planning Director in accordance with Subtitle 27 to reflect the individual lots. In the case of a  
8 Waterfront Entertainment/Retail Complex, an exhibit showing a lotting pattern that conforms to  
9 the Conceptual Sit Plan shall be reviewed and approved by the Planning Director, in accordance  
10 with Section 27-548.01.02 (f).

11 (iii) The conversion is not intended to reduce the original unit yield reflected on  
12 the approved plan.

13 (iv) Each two-family dwelling, arranged one above the other, shall be replaced  
14 by only one townhouse dwelling unit.

15 **SUBTITLE 24. SUBDIVISIONS.**

16 **DIVISION 2. APPLICATION PROCEDURES AND DOCUMENTS.**

17 **Sec. 24-120. Documents required for major subdivisions.**

18 (a) Preliminary Plats. The subdivider shall present to the Planning Department a  
19 reproducible preliminary plat prepared by a registered surveyor. If the preliminary plat has been  
20 prepared by a Property Line Surveyor, the horizontal location of all right-of-way lines, as shown  
21 on the plat, shall be certified by either a Professional Land Surveyor or a Professional Engineer.  
22 Preferably, the plat shall be prepared at a scale of one (1) inch equals one hundred (100) feet.  
23 The following information shall be shown:

24 \* \* \* \* \*

25 (28) Condominium townhouse dwelling units shall include a reasonable and achievable  
26 lotting pattern exhibit.

27 \* \* \* \* \*

28 **SUBTITLE 24. SUBDIVISIONS.**

29 **DIVISION 3. REQUIREMENTS: PLANNING, DESIGN, AND PUBLIC FACILITIES.**

30 **Sec. 24-121. Planning and design requirements.**

31 (a) The Planning Board shall require that proposed subdivisions conform to the following:

\* \* \* \* \*

(19) Condominium townhouse dwelling units approved after September 1, 2012 shall conform to the lot standards of this Subtitle and Subtitle 27 for possible future conversion to fee simple lots.

SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect thirty (30) calendar days after it becomes law.

Adopted this 24th day of July, 2012.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Andrea C. Harrison  
Chair

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Rushern L. Baker, III  
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.