

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2010 Legislative Session

Bill No. CB-77-2010

Chapter No. 68

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Member Dernoga

Co-Sponsors _____

Date of Introduction September 7, 2010

SUBDIVISION BILL

1 AN ACT concerning

2 Chesapeake Bay Critical Area

3 For the purpose of making revisions to Subdivision requirements for the Chesapeake Bay
4 Critical Area.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 24. SUBDIVISIONS.

7 Sections 24-101, 24-107, 24-108, 24-115, 24-117, 24-132, and 24-151,
8 The Prince George's County Code
9 (2007 Edition, 2009 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
11 Maryland, that Sections 24-101, 24-107, 24-108, 24-115, 24-117, 24-132, and 24-151 of the
12 Prince George's County Code be and the same are hereby repealed and reenacted with the
13 following amendments:

14 SUBTITLE 24. SUBDIVISIONS.

15 DIVISION 1. GENERAL PROVISIONS.

16 Subdivision 1. Definitions.

17 **Sec. 24-101. Definitions.**

18 * * * * *

19 (b) The following terms used in this Subtitle are defined as follows:

20 * * * * *

21 (7.1) **Lot consolidation:** A combination or adjustment of any legal parcels of land or

1 record lots in accordance with Section 24-107 (c) (9), (d) or 24-108 of Subtitle 24, in the
2 Chesapeake Bay Critical Area.

3 **7.2 Minor Subdivision for School Surcharge Exemption:** A minor subdivision for
4 school surcharge exemption shall mean the subdivision of a property pursuant to a minor final
5 plat of subdivision that was approved pursuant to a minor preliminary plan of subdivision. Only
6 one school surcharge exemption may be permitted from a property that has been through the
7 minor subdivision process.

8 * * * * *

9 **Subdivision 2. General Requirements.**

10 **Sec. 24-107. Jurisdiction.**

11 * * * * *

12 (d) Any conveyance of property pursuant to the provisions of Subsection (c) shall not
13 exempt the property from the provisions of the Zoning Ordinance or Subtitle 5B. Upon
14 application by any party contemplating a conveyance pursuant to Subsection (c), the application
15 shall be reviewed by the Planning Board staff for compliance with the provisions of the Zoning
16 Ordinance, and the application may be treated as a request for a minor subdivision for which no
17 preliminary plat shall be required, if the applicant so indicates and pays the required fee.

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

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

21 * * * * *

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

26 (6) Prior to issuance of a grading or building permit, a Conservation Agreement shall
27 be executed that references the liber and folio of the record plat for the approved Conservation
28 Plan.

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

30 **Sec. 24-115. General description; procedures, documents, fees.**

31 * * * * *

(f) Where the property proposed to be subdivided is located within a Chesapeake Bay Critical Area Overlay Zone, a Conservation Plan [and a Conservation Agreement, prepared in accordance with the Conservation Manual,] shall be submitted for [review by the Subdivision Review Committee and] approval by the Planning Board prior to[, or concurrent with,] preliminary platin of subdivision approval. Prior to its approval, the Planning Board shall find that the Conservation Plan [and the Conservation Agreement are] is consistent with the [Conservation Manual and] provisions of Subtitle 5B and contains provisions sufficient to minimize adverse impacts on the environment.

(1) Minor revisions [of] to an approved Conservation Plan [are defined in the Conservation Manual and] may be made in accordance with the procedures set forth in Sec.5B-110 therein.

(2) Prior to approval of a final plat for a lot consolidation, a Conservation Plan shall be approved in accordance with Subtitle 5B.

* * * * *

Sec. 24-117. Procedures for minor subdivisions.

(a) Definition. In instances in which four (4) or fewer lots in a one-family residential zone are being created, or where filing a subdivision plat is optional, as provided in Section 24-107(d) or as provided in Section 24-108, the applicant may follow the procedure for a minor subdivision, except for a conservation subdivision required in Section 24-152. [No applications filed under Division 6 of this Subtitle or for land located within Chesapeake a Bay Critical Area Overlay Zone, however, shall be considered a minor subdivision.]

* * * * *

(g) In the Chesapeake Bay Critical Area, prior to the approval of a minor subdivision in the Critical Area, a Conservation Plan shall be approved in accordance with Subtitle 5B.

DIVISION 5. REQUIREMENTS: ENVIRONMENTAL AND PARKS.

Sec. 24-132. Woodland conservation, tree preservation, clearing, replacement.

(a) Except for land located in the Chesapeake Bay Critical Area Overlay Zones, and development comprised of lands zoned Residential, R-M, and M-X-T, for which there is an approved single Conceptual Site Plan applicable to all of the properties, development shall comply with the provisions for woodland conservation and tree preservation established in Subtitle 25 of the Prince George's County Code.

1 (b) For land located in the Chesapeake Bay Critical Area all provisions regarding
 2 vegetation must conform to the requirements of Subtitle 5B and 27. [Limited Development or
 3 Resource Conservation Overlay Zones, cutting or clearing of trees shall be prohibited except
 4 that:]

5 [(1) Commercial harvesting of trees is permitted in conformance with a Forest
 6 Management Plan and Timber Harvesting Plan prepared by a registered, professional forester
 7 and approved by the Maryland Forest, Park and Wildlife Service;]

8 [(2) Individual trees may be cut for personal use provided that the cutting does not
 9 impair water quality or existing habitats;]

10 [(3) Individual trees may be removed which are in danger of falling or causing
 11 damage to dwellings or other structures or which are in danger of falling and thereby causing the
 12 blockage of streams, or resulting in accelerated shore erosion;]

13 [(4) Horticultural practices may be used to maintain the health of individual trees;]

14 [(5) Other cutting techniques may be undertaken under the advice and guidance of the
 15 Maryland Departments of Agriculture and Natural Resources, if necessary, to preserve the forest
 16 from extensive disease, infestation, or threat of fire; and]

17 [(6) Trees may be cut or cleared in accordance with an approved Conservation Plan
 18 and Conservation Agreement.]

19 [(c) In the Chesapeake Bay Critical Area Overlay Zones, trees removed pursuant to an
 20 approved Conservation Plan and Conservation Agreement shall be replaced in accordance with
 21 the Conservation Manual by reforestation, afforestation, or a fee in lieu of reforestation or
 22 afforestation may be paid. All fees in lieu shall be maintained in a specially created fund under
 23 the administration of the Director, Department of Environmental Resources, and shall be used
 24 solely for reforestation or afforestation in the Chesapeake Bay Critical Area Overlay Zones.]

25 [(d)] (c) In the case of development comprised of lands zoned Residential, R-M, and M-X-
 26 T, for which there is an approved single Conceptual Site Plan applicable to all of the properties,
 27 the Woodland Conservation/Afforestation Threshold shall be in accordance with the
 28 requirements for the M-X-T Zone.

29 **Sec. 24-151. Limitation on subdivision approval.**

30 No application for preliminary plan of subdivision for land within a Chesapeake Bay
 31 Critical Area Overlay Zone shall be approved without an approved Conservation Plan prepared

1 | in accordance with Subtitle 5B. [and Conservation Agreement, except in the case of a one-time
2 | only subdivision of land solely for the purpose of bona fide intrafamily transfers as defined in the
3 | Annotated Code of Maryland, Natural Resources Article, Section 8-1808.1. Bona fide
4 | intrafamily transfers are controlled by Section 24-107 and Section 27-548.17.]

5 | SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect on the effective
6 | date of CB-75-2010.

Adopted this 26th day of October, 2010.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
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.