

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

1996 Legislative Session

Bill No. _____ CB-48-1996

Chapter No. _____ 74

Proposed and Presented by Council Members MacKinnon, Maloney, and Gourdine

Introduced by Council Members MacKinnon, Maloney, and Gourdine

Co-Sponsors

Date of Introduction _____ October 15, 1996

SUBDIVISION BILL

AN ACT concerning

Moderately Priced Dwelling Units

For the purpose of deleting the requirements of the Moderately Priced Dwelling Unit Program from the subdivision process.

BY repealing and reenacting with amendments:

SUBTITLE 24. SUBDIVISIONS.

Sections 24-104, 24-108, 24-115, and 24-120,

The Prince George's County Code

(1995 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 24-104, 24-108, 24-115, and 24-120 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 24. SUBDIVISIONS.

DIVISION 1. GENERAL PROVISIONS.

Subdivision 2. General Requirements.

Sec. 24-104. Purposes.

(a) The purposes of this Subtitle are as follows:

* * * * *

(10) To encourage creative residential subdivision design that accomplishes these purposes in a more efficient, attractive, and environmentally sensitive manner than would be

otherwise accomplished, through the provisions of the optional residential design approach;
and

(11) To protect historic resources listed on the Inventory of Historic Resources of the adopted and approved Historic Sites and Districts Plan[; and].

[(12)To facilitate the implementation of the Moderately Priced Dwelling Unit Program established in Subtitle 13, Division 8 of this Code.]

Sec. 24-108. Preliminary plat exemptions.

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

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

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

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

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

DIVISION 2. APPLICATION PROCEDURES AND DOCUMENTS.

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

* * * * *

[(h)When an application for a development includes moderately priced dwelling units required pursuant to Subtitle 13, Division 8, and Subtitle 27, Part 4A, of this Code, the location of the proposed units shall be shown on the plat of the proposed subdivision.]

[(i) When an application is for a development for which an alternative method of compliance is proposed pursuant to the requirement for moderately priced dwelling units set forth in Subtitle 13, Division 8, and Subtitle 27, Part 4A, of this Code, a joint letter signed by the County Executive and Chairman of the County Council approving the alternative method

of compliance shall be submitted.]

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

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

* * * * *

(26) Cemeteries; and

(27) [The lots proposed to be moderately priced dwelling units pursuant to Subtitle 23, Division 8, and Subtitle 27, Part 4A, of this Code; and

(28)] Such additional information as may be needed to show compliance with the optional approaches described in Division 6.

(b) Final Plat.

* * * * *

(6)The Final Plat shall show:

* * * * *

(K)If a forest stand delineation is required, then the final plat shall show the tree conservation areas identified on the approved Tree Conservation Plan. These areas shall be referenced by a note stating: "Development is subject to restrictions shown on an approved Tree Conservation Plan which precludes disturbance or installation of structures within specified areas. Failure to comply with an approved Tree Conservation Plan is a violation requiring mitigation under the Woodland Conservation/Tree Preservation Policy and Subtitle 25."; and (L) Cemeteries, delineated by metes and bounds, if appropriate[; and],

[(M) The lots designated to be moderately priced dwelling units pursuant to Subtitle 13, Division 8, and Subtitle 27, Part 4A of this Code.]

* * * * *

SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act shall apply to preliminary plats of subdivision for which an application has been filed after the effective date of this legislation.

SECTION 3. BE IT FURTHER ENACTED that for any preliminary plat or final plat which includes provisions for the construction of Moderately Priced Dwelling Units that has been approved prior to the effective date of this Ordinance and for which no building permits for any dwelling units have been obtained prior to the effective date of this Ordinance the construction of Moderately Priced Dwelling Units shall not be permitted or required.

SECTION 4. BE IT FURTHER ENACTED that an application for approval of a detailed site plan or specific design plan may be approved, without amending the preliminary plat, to delete the provisions which required or permitted the construction of Moderately Priced Dwelling Units under the following circumstances:

- A. In the R-T, R-H, R-18, R-18c, R-30, R-30c, R-35 or M-X-T Zones, non-Moderately Priced Dwelling Units (Market Rate Units) may be constructed in lieu of Moderately Priced Dwelling Units in consideration of the payment of a fee in lieu of construction of \$5,000 per previously approved Moderately Priced Dwelling Unit.
- B. In the R-80, R-55 or Comprehensive Design Zones, non-Moderately Priced Dwelling Units (Market Rate Units) may be constructed in lieu of Moderately Priced Dwelling Unit townhouses in consideration of the payment of a fee in lieu of construction of \$10,000 per previously approved Moderately Priced Dwelling Unit.
- C. In any zone, the designation of lots identified for the construction of townhouse Moderately Priced Dwelling Units may be deleted and lots for the construction of single family detached dwelling units may be substituted in accordance with the minimum development standards for single family detached dwelling units established in the approved preliminary plat, detailed site plan, and final plat.

SECTION 5. BE IT FURTHER ENACTED that, notwithstanding the provisions of Sections 3 and 4 to the contrary, neither Moderately Priced Dwelling Units, nor a fee in lieu of construction thereof, shall be required for any project which did not receive development benefits, such as variances from site design criteria, a density bonus, or a change in permitted

product type, under the Moderately Priced Dwelling Unit program.

SECTION 6. BE IT FURTHER ENACTED that this Act shall take effect thirty (30) calendar days from the date it becomes law.

Adopted this 26th day of November, 1996.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:
Stephen J. Del Giudice
Chairman

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____

BY:
Wayne K. Curry
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.