

# Prince George's County Council

## Agenda Item Summary

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**Meeting Date:** 11/18/2008  
**Reference No.:** CB-075-2008  
**Draft No.:** 2  
**Proposer(s):** Dernoga  
**Sponsor(s):** Dernoga  
**Item Title:** A Subdivision Bill making clarifying amendments to the Subdivision Requirements of Prince George's County.

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**Drafter:** Karen T. Zavakos, Legislative Officer  
**Resource Personnel:** Alan Hirsch, M-NCPPC

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>		<b>Executive Action:</b>	11/24/2008 S
<b>Committee Referral:</b>	10/7/2008 - PZED	<b>Effective Date:</b>	12/26/2008
<b>Committee Action:</b>	10/15/2008 - FAV		
<b>Date Introduced:</b>	10/7/2008		
<b>Public Hearing:</b>	11/18/2008 - 10:00 AM		
<b>Council Action (1)</b>	11/18/2008 - ENACTED		
<b>Council Votes:</b>	MB:A, WC:A, SHD:A, TD:A, CE:A, AH:A, DCH:A, TK:A, EO:A, IT:A		
<b>Pass/Fail:</b>	P		
<b>Remarks:</b>			

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### AFFECTED CODE SECTIONS:

24-101, 24-109

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### COMMITTEE REPORTS:

#### PLANNING, ZONING & ECONOMIC DEVELOPMENT

**Date 10/15/2008**

Committee Vote: Favorable, 5-0 (In favor: Council Members Exum, Dean, Dernoga, Knotts and Olson)

Staff gave an overview of the legislation and informed the committee of written referral comments that were received. CB-75-2008 amends the Subdivision Regulations to clarify the subdivision process by codifying definitions for Minor Subdivision for School Surcharge Exemption and Owner's Personal Residence. In addition, CB-75 codifies procedures for the enactment and effectiveness of subdivision legislation. Staff also informed the committee that this legislation bypassed presentation and was introduced on October 7, 2008. Any non-substantive amendments recommended by the committee would have to be in the form of an amendment sheet for consideration by the Council at the public hearing advertised for November 18, 2008.

The Office of Law reviewed CB-75-2008 and determined that it is in proper legislative form with no legal impediments to its enactment.

The Planning Board supports the legislation with an amendment and provided the following written comments. Currently, Section 24-117 (Procedures for minor subdivisions) defines a minor subdivision 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) (Jurisdiction) or as provided in Section 24-108 (Preliminary plat exemptions), the applicant may follow the procedure for a minor subdivision, except for a conservation subdivision required in Section 24-152.

The Planning Board recommends the following amendment. On page 2, line 5, add the words “for Minor Subdivision School Surcharge Exemption” to the title “Owner’s Personal Residence.” The new title would read “Owner’s Personal Residence for Minor Subdivision School Surcharge Exemption.” This change would make clear to whom the surcharge applies and under what circumstances the surcharge exemption would be applicable.

The committee voted favorably on CB-75-2008 with the amendment recommended by the Planning Board to be provided as an amendment sheet for the public hearing.

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

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

This bill clarifies subdivision process by codifying definitions for Minor Subdivision for School Surcharge Exemption and Owner’s Personal Residence. It further clarifies process by codifying procedures for the enactment and effectiveness of subdivision legislation.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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