

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2008 Legislative Session

Bill No. CB-75-2008

Chapter No. 69

Proposed and Presented by Council Member Dernoga

Introduced by Council Member Dernoga

Co-Sponsors _____

Date of Introduction October 7, 2008

SUBDIVISION BILL

1 AN ACT concerning

2 Subdivision Amendments

3 For the purpose of making clarifying amendments to the Subdivision Requirements of Prince
4 George's County.

5 BY repealing and reenacting with amendments:

6 **SUBTITLE 24. SUBDIVISIONS.**
7 Sections 24-101 and 24-109,
8 The Prince George's County Code
9 (2003 Edition, 2006 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
11 Maryland, that Sections 24-101 and 24-109 of the Prince George's County Code be and the same
12 are hereby repealed and reenacted with the following amendments:

13 **SUBTITLE 24. SUBDIVISIONS.**

14 **DIVISION 1. GENERAL PROVISIONS.**

15 **Subdivision 1. Definitions.**

16 **Sec. 24-101. Definitions.**

17 * * * * *

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

19 * * * * *

20 (7.1) **Minor Subdivision for School Surcharge Exemption:** A minor
21 subdivision for school surcharge exemption shall mean the subdivision of a property pursuant to

1 a minor final plat of subdivision that was approved pursuant to a minor preliminary plan of
2 subdivision. Only one school surcharge exemption may be permitted from a property that has
3 been through the minor subdivision process.

4 * * * * *

5 (10.1) **Owner’s Personal Residence for Minor Subdivision School**

6 **Surcharge Exemption:** An owner’s personal residence shall mean the lot for which a
7 residential building permit was filed and the applicant for that permit shall be the individual that
8 subdivided the property.

9 * * * * *

10 **Subdivision 2. General Requirements.**

11 **Sec. 24-109. Text amendments.**

12 (a) The following procedures shall be followed in the adoption of all text amendments to
13 the Subdivision Regulations of Prince George's County, Maryland.

14 (1) All text amendments shall be introduced as subdivision bills, and identified as
15 such in the heading of the bill.

16 (2) Where not otherwise provided by law or this Subtitle, the Rules of Procedure for
17 the Prince George's County Council shall be applicable when the County Council acts on text
18 amendments to the Subdivision Regulations; provided, however, that such text amendments shall
19 not be governed by provisions of the Rules of Procedure establishing effective dates. The
20 effective date of a text amendment to the Subdivision Regulations may be the day it becomes
21 law, or any later date which the County Council may establish in the legislation.

22 (3) A subdivision bill may be introduced by any member of the Council on any
23 legislative session-day of the Council. Upon introduction of a subdivision bill, copies thereof
24 shall be transmitted to the Prince George's County Planning Board by the Clerk of the Council,
25 along with a notice of the time and place of the public hearing thereon. Notice and publication
26 of the hearing shall be in accordance with the procedures required for bills introduced under
27 Section 317 of the Prince George's County Charter, and the hearing shall be held not less than
28 thirty (30) calendar days after initial notice of the public hearing is published. Unless directed
29 otherwise by the County Council, subdivision bills shall be routinely scheduled by the Clerk for
30 a hearing between forty (40) and sixty (60) calendar days after introduction. The Prince George's
31 County Planning Board shall submit its comments on the bill at or before the time of the public

1 hearing. [The failure to file comments shall constitute Planning Board approval; however, upon
2 request of the Planning Board, the County Council may keep the record open for the receipt of its
3 comments.]

4 (4) The [adoption] enactment of a text amendment shall be by the majority of the full
5 Council [, and after it] . Upon the enactment of a subdivision bill by the Council, it shall be
6 presented to the County Executive within ten days for approval or disapproval. Within ten
7 calendar days after such presentation, the County Executive shall return the bill to the Council
8 with his approval endorsed thereon or with a statement, in writing, of his reasons for not
9 approving the same. Upon approval by the County Executive, the bill shall become law. Upon
10 veto by the County Executive, his veto message shall be entered in the Journal of the Council,
11 and, not later than at its next legislative session-day, the Council may reconsider the bill. If,
12 upon reconsideration, two-thirds of the members of the full Council vote in the affirmative, the
13 bill shall become law. Whenever the County Executive shall fail to return any such bill within
14 ten calendar days after the date of its presentation to him, the Clerk of the Council shall record
15 the fact of such failure in the Journal, and such bill shall thereupon become law. After a bill
16 becomes law, a copy of the adopted bill shall be transmitted to the Planning Board by the Clerk
17 of the Council.

18 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared
19 to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence,
20 clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent
21 jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases,
22 clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the
23 same would have been enacted without the incorporation in this Act of any such invalid or
24 unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.
25

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect thirty (30) calendar days after it becomes law.

Adopted this 18th day of November, 2008.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Samuel H. Dean
Chairman

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.

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