

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

1996 Legislative Session

Bill No. CB-77-1996

Chapter No. 50

Proposed and Presented by Council Member Del Giudice

Introduced by Council Members Del Giudice, Gourdine, and Wilson

Co-Sponsors

Date of Introduction July 30, 1996

SUBDIVISION BILL

AN ACT concerning

Appeals

For the purpose of clarifying that an appeal to the District Council of a cluster subdivision or a mitigation action is an exercise of original jurisdiction.

BY repealing and reenacting with amendments:

SUBTITLE 24. SUBDIVISIONS.

Sections 24-124, and

24-137,

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County, Maryland, that Sections 24-124 and 24-137 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 24. SUBDIVISIONS.

DIVISION 4. REQUIREMENTS: TRANSPORTATION AND CIRCULATION.

Sec. 24-124. Adequate roads required.

(a) Before any preliminary plat may be approved, the Planning Board shall find that:

* * * * *

(6) Consideration of certain mitigating actions is appropriate as defined in the approved "Guidelines for Mitigation Actions," and as provided below:

* * * * *

(D) Planning Board action on a mitigation action may be appealed to the District Council by the applicant or by any party of record. The appeal shall be filed with the Clerk of the Council within thirty (30) days following notice of action on the mitigation proposal by the Planning Board to all parties of record. The appeal shall be based upon the record as made before the Planning Board and shall set forth the reasons for the appeal. In deciding an appeal of a mitigation action, the Council shall exercise original jurisdiction. For any such appeal, the Council may, based on the record, approve, approve with conditions, remand, or deny the mitigation action.

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DIVISION 6. REQUIREMENTS FOR OPTIONAL APPROACHES.

Sec. 24-137. Cluster subdivision.

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(j) Appeal of Board actions. Planning Board action on a preliminary subdivision plat for cluster development may be appealed to the District Council by the applicant or by any party of record as of the date of the hearing. The appeal shall be filed with the Clerk of the Council within thirty (30) days following notice of action on the cluster proposal by the Planning Board to all parties of record at the hearing thereon. The appeal shall be based upon the record as made before the Planning Board, and shall set forth the reasons for the appeal. Planning Board action on a Conceptual Site Plan, Detailed Site Plan, or architectural drawing for cluster development may be appealed to the District Council in accordance with Section 27-290 of the Zoning Ordinance. In deciding an appeal of a Planning Board action, the Council shall exercise original jurisdiction. For any such appeal, the Council may, based on the record, approve, approve with conditions, remand, or deny the subdivision plat.

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

Adopted this 10th day of September, 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.