COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2002 Legislative Session

Bill No. _____CB-28-2002_____

Chapter No. _____

Proposed and Presented by _____Council Member Estepp_____

Introduced by _____Council Member Estepp_____

Co-Sponsors _____

Date of Introduction _____April 30, 2002_____

SUBDIVISION BILL

1   AN ACT concerning

2   Preliminary Plats of Subdivision

3   For the purpose of allowing an exemption from the school facilities test when a proposed

4   preliminary plat reduces by 50% or more the residential density shown on an approved

5   preliminary plat of subdivision in a Comprehensive Design Zone, under certain circumstances.

6   BY repealing and reenacting with amendments:

7   SUBTITLE 24. SUBDIVISIONS.

8   Section 24-122.02(b),

9   The Prince George's County Code

10   (1999 Edition, 2001 Supplement).

11   SECTION 1. BE IT ENACTED by the County Council of Prince George's County,

12   Maryland, that Section 24-122.02(b) of the Prince George's County Code be and the same is

13   hereby repealed and reenacted with the following amendments:

14   **SUBTITLE 24. SUBDIVISIONS.**

15   **DIVISION 3. REQUIREMENTS: PLANNING, DESIGN AND PUBLIC FACILITIES.**

16   **Sec. 24-122.02. School Facilities Tests.**

17   (b) The following shall be exempt from the preliminary plat of subdivision test in

18   Subsection (a):

19   (1)   A subdivision which is a redevelopment project that replaces existing dwelling

20   units;

1   (2) A subdivision for elderly housing operated in accordance with State and Federal

2 Fair Housing law.

3   (3) A subdivision containing no more than three (3) lots on less than five (5) gross

4 acres of land and for which the lots, except for one to be retained by grantor, are to be conveyed

5 to a son or daughter or lineal descendant of the grantor.

6   (4) A subdivision which is located in the Developed Tier, as described in the

7 County's adopted Biennial Growth Policy Plan.

8   (5) A subdivision for fewer than thirty-six (36) dwelling units, which will not be

9 served by public water and sewerage systems, is not included in a large Comprehensive Design

10 or Mixed-Use Zone development, and for which the applicant/owner, or predecessors in interest

11 and/or title, did not own any property adjacent to the proposed subdivision as of May 31, 1997.

12 For purposes of this Subsection:

13   (A) A subdivision means all land originally included in one preliminary plat

14 application. Subsequent re-subdivision for the purpose of creating additional lots is permitted,

15 provided that in no case shall an exemption be applied to more than a total of thirty-five (35)

16 lots; and

17   (B) Land is considered adjacent if the property lines:

18   (i) Are contiguous at any point;

19   (ii) Are separated only by a public or private street, road, highway, utility

20 right-of-way, or other public or private right-of-way at any point; or

21   (iii) Are separated only by other land of the applicant/owner or their

22 predecessors in interest and/or title which is not subject to this Section at the time the applicant

23 submits a preliminary plat of subdivision for approval.

24 (6) A subdivision whose preliminary plat is approved under the provisions of Section

25 27-477(c) of the Zoning Ordinance, to reduce by 50% or more the residential density shown on a

26 prior approved preliminary plat in a Comprehensive Design Zone on the same property. This

27 exemption applies only where the Comprehensive Design Zone and the prior preliminary plat of

28 subdivision for the property were both approved before January 1, 1997, and are both still valid.

29 SECTION 2. BE IT FURTHER ENACTED that this legislation shall apply to any

30 preliminary plat of subdivision accepted for filing after January 1, 2002.

31

1 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect thirty (30)

2 calendar days after it becomes law.

Adopted this _____ day of _____ , 2002.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Peter A. Shapiro
Chair

ATTEST:

_____
Redis C. Floyd
Acting 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.