

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session \_\_\_\_\_ 1990

Bill No. \_\_\_\_\_ CB-33-1990

Chapter No. \_\_\_\_\_ 47

Proposed and Presented by \_\_\_\_\_ The Chairman (by request -  
\_\_\_\_\_  
M-NCPPC)

Introduced by \_\_\_\_\_ Council Members Castaldi, Bell, Casula,  
\_\_\_\_\_  
Mills, and Wineland

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_ June 26, 1990

SUBDIVISION BILL

AN ACT concerning

Cemeteries

FOR the purpose of protecting cemeteries by requiring their  
identification on preliminary plats of subdivision, and establishing  
requirements for their protection and maintenance.

BY repealing and reenacting with amendments:

SUBTITLE 24. SUBDIVISIONS.

Sections 24-118, and

24-120,

The Prince George's County Code  
(1987 Edition, 1989 Supplement).

BY adding:

SUBTITLE 24. SUBDIVISIONS.

Section 24-135.2,  
The Prince George's County Code  
(1987 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 24-118 and 24-120, of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments: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 2. APPLICATION PROCEDURES AND DOCUMENTS.**

**Sec. 24-118. Documents required for minor subdivisions.**

(a) The subdivider shall pay the appropriate fee and present to the Planning Director a preliminary plat, preferably at a scale of one (1) inch equals one hundred (100) feet, showing the following information:

\* \* \* \* \*

(13) Location of existing public water and/or sewer lines;  
[and]

(14) Historic resources within or adjacent to the proposed preliminary plat of subdivision[.]; and

(15) Cemeteries.

\* \* \* \* \*

**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:

\* \* \* \* \*

(24) Soils by soil type, including highly erodible soils;

[and]

\* \* \* \* \*

(26) Cemeteries; and

[(26)] (27) 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:

\* \* \* \* \*

(I) Name of subdivision (which shall be subject to the approval of the Planning Board), location, north point, and scale;

(J) Vicinity map showing location of platted property when it is in an outlying area not adjoining a recorded subdivision; and

\* \* \* \* \*

(L) Cemeteries, delineated by metes and bounds, if appropriate.

\* \* \* \* \*

SECTION 2. BE IT FURTHER ENACTED by the County Council of Prince George's County, Maryland, that Section 24-135.2 be and the same is hereby added to the Prince George's County Code as follows:

**SUBTITLE 24. SUBDIVISIONS.**

**DIVISION 5. REQUIREMENTS: ENVIRONMENTAL AND PARKS.**

**Sec. 24-135.2. Cemeteries.**

(a) When a proposed preliminary plat of subdivision includes a cemetery within the site, and there are no plans to relocate the human remains to an existing cemetery, the applicant shall observe the following requirements:

(1) The corners of the cemetery shall be staked in the field prior to preliminary plat submittal. The stakes shall be maintained by the applicant until preliminary plat approval.

(2) An inventory of existing cemetery elements (such as walls, gates, landscape features and tombstones, including a record of their inscriptions) and their condition shall be submitted as part of the preliminary plat application.

(3) The placement of lot lines shall promote long-term maintenance of the cemetery and protection of existing elements.

(4) An appropriate fence or wall constructed of stone, brick, metal or wood shall be maintained or provided to delineate the cemetery boundaries. The design of the proposed enclosure and a construction schedule shall be approved by the Planning Board, or its designee, prior to the issuance of any permits. When deemed appropriate, the Planning Board may require a limited review Detailed Site Plan in accordance with Sec. 27-286 of the Prince

George's County Code, for the purpose of reviewing the design of the proposed enclosure.

(5) If the cemetery is not conveyed and accepted into municipal ownership, it shall be protected by arrangements sufficient to assure the Planning Board of its future maintenance and protection. The applicant shall establish a fund in an amount sufficient to provide income for the perpetual maintenance of the cemetery. These arrangements shall ensure that stones or markers are in their original location. Covenants and/or other agreements shall include a determination of the following:

- (A) Current and proposed property ownership;
- (B) Responsibility for maintenance;
- (C) A maintenance plan and schedule;
- (D) Adequate access; and
- (E) Any other specifications deemed necessary by the Planning Board.

(b) Appropriate measures to protect the cemetery during the development process shall be provided, as deemed necessary by the Planning Board.

(c) The Planning Board, or its designee, shall maintain a registry of cemeteries identified during the subdivision review process.

(d) Upon approval of a preliminary plat of subdivision, any cemetery approved in accordance with this Section which does not meet the regulations of the zone in which it is located, shall be deemed to be a certified nonconforming use unless otherwise

specified by the Planning Board.

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

Adopted this 31st day of July, 1990.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Jo Ann T. Bell  
Chairman

ATTEST:

\_\_\_\_\_  
Jean M. Schmuhl, CMC  
Clerk of the Council

APPROVED:

DATE: August 10, 1990 BY: \_\_\_\_\_  
Parris N. Glendening  
County Executive

EFFECTIVE: SEPTEMBER 10, 1990

KEY:

Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.