

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2010 Legislative Session

Bill No. CB-3-2010

Chapter No. 3

Proposed and Presented by Council Member Dean

Introduced by Council Member Dean

Co-Sponsors _____

Date of Introduction January 26, 2010

SUBDIVISION BILL

1 AN ACT concerning

2 Subdivision in

3 Urban Centers and Corridor Nodes Development Code of Prince George's County

4 For the purpose of amending the Subdivision Ordinance of Prince George's County, Maryland to
5 incorporate appropriate references, regulations, and procedures pertaining to Subtitle 27A of the
6 Prince George's County Code.

7 BY repealing and reenacting with amendments:

8 **SUBTITLE 24. SUBDIVISIONS.**

9 Sections 24-107, 24-111, 24-119.01, and 24-128

10 The Prince George's County Code

11 (2007 Edition, 2009 Supplement).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
13 Maryland, that Sections 24-107, 24-111, 24-119.01 and 24-128 of the Prince George's County
14 Code be and the same are hereby repealed and reenacted with the following amendments:

15 **SUBTITLE 24. SUBDIVISIONS.**

16 **DIVISION 1. GENERAL PROVISIONS.**

17 **Subdivision 2. GENERAL REQUIREMENTS.**

18 **Sec. 24-107. Jurisdiction**

19 * * * * *

1 (c) The following shall be exempt from the requirement of filing a subdivision plat, except
2 for any portion of land within a Chesapeake Bay Critical Area Overlay Zone unless otherwise
3 noted below:

4 (1) Partition through action of a court of competent jurisdiction unless or until
5 development of the land is proposed for any use other than single-family detached dwellings and
6 uses accessory thereto;

7 (2) The division of land and distribution, in kind, to the heirs upon the distribution of
8 an estate unless or until development of the land is proposed for any use other than one-family
9 detached dwellings and uses accessory thereto;

10 (3) A conveyance of one-half (1/2) acre or more to a son or daughter or lineal
11 descendant or antecedent of the grantor from a tract retaining five (5) or more acres, or two (2) or
12 more acres for property zoned R-A, provided that any lot so created shall be used solely for a
13 one-family detached dwelling and uses accessory thereto and is in compliance with the
14 provisions of the Zoning Ordinance as described in Section 24-107(d). Pursuant to this
15 exemption, a grantee may only receive one (1) conveyance from the grantor in a ten (10) year
16 time frame. The grantor shall submit a certified list of all previous grants to any person pursuant
17 to this exception. This exemption may not be used to divide a property that was created pursuant
18 to the provisions for private roads and easements contained in Section 24-128(b) of this Subtitle
19 or used to divide a property that is subject to a Regulating Plan approved in accordance with
20 Subtitle 27A of the County Code;

21 (4) A conveyance to a public utility for transmission line purposes;

22 (5) A conveyance to a governmental agency for public use;

23 (6) A conveyance of property used exclusively for agricultural purposes which, at the
24 time of conveyance, is assessed as agricultural land;

25 (7) Any subdivision of land by deed of a lot prior to January 1, 1982, provided:

26 (A) The proposed use is for a single-family detached dwelling and uses
27 accessory thereto.

28 (B) The total development proposed for the subdivision on a property that is not
29 subject to a Regulating Plan approved in accordance with Subtitle 27A of the County Code and
30 does not exceed five thousand (5,000) square feet of gross floor area.

1 (C) The development proposed is in addition to a development in existence prior
 2 to January 1, 1990, and does not exceed five thousand (5,000) square feet of gross floor area.

3 (D) The development of more than five thousand (5,000) square feet of gross
 4 floor area, which constitutes at least ten percent (10%) of the total area of a[the] site that is not
 5 subject to a Regulating Plan approved in accordance with Subtitle 27A of the County Code, has
 6 been constructed pursuant to a building permit issued on or before December 31, 1991.

7 (E) The proposed use is for an addition to an existing school facility for which
 8 no increase in existing enrollment is proposed.

9 (F) The proposed use is for an addition to an existing eleemosynary or
 10 philanthropic institution facility in the O-S Zone, consistent with an approved Special Exception.

11 (8) A resubdivision to correct a drafting or engineering error for property which is not
 12 the subject of a record plat;

13 (9) The sale or exchange of land between adjoining property owners to adjust
 14 common boundary lines, provided that no additional lots are created, for property which is not
 15 the subject of a record plat or a Regulating Plan approved in accordance with Subtitle 27A of the
 16 County Code;

17 (10) A conveyance resulting from foreclosure proceedings or trustees' sales pursuant to
 18 a deed of trust or mortgage, deeds in lieu of foreclosure, trustees' deeds and final decrees of
 19 foreclosure. For purposes of this Subtitle, where a property is not subject to a Regulating Plan
 20 approved in accordance with Subtitle 27A of the County Code, the execution and/or recordation
 21 of a deed of trust or mortgage shall not constitute a conveyance of property.

22 (11) In the Chesapeake Bay Critical Area Overlay Zone, the filing of a subdivision plat
 23 shall not be required if the land was subdivided:

24 (A) By any method in paragraphs 1 through 10, above, prior to October 30,
 25 1989;

26 (B) By the method in paragraph (3), provided that the land to be conveyed lies
 27 outside the Critical Area Overlay Zone;

28 (C) By the method in paragraph (5), provided that the conveyance restricts use
 29 of the land to public uses in perpetuity.

30 (12) A conveyance, by lease or sale, from a public agency for an arena (stadium). In
 31 this case, any portion of the property not conveyed by the public agency that is used for a

1 recreational use shall also be exempt from the requirement of filing a subdivision plat.
2 Additionally, any portion of the property that is subsequently conveyed and used for recreational
3 purposes, other than a stadium, shall also be exempt. This exemption shall only apply to the
4 requirement for a preliminary plat. A final plat approved pursuant to Subsection (d) shall be
5 recorded in the Land Records of Prince George's County prior to designation of the land as a
6 record lot.

7 (13) A conveyance from a church of an existing parsonage for use as a single-family
8 dwelling, and uses accessory thereto, provided both uses comply with the minimum lot area
9 requirements set forth in Subtitle 27.

10 (14) A division of land subject to an existing record plat to enable the conveyance of a
11 lot containing an existing community building provided:

12 (A) The conveyance is to a nonprofit organization using the existing building for
13 its nonprofit purposes;

14 (B) The building to be conveyed is the subject of a special exception for a
15 community building and is located within an existing apartment community in the R-18 Zone;

16 (C) The proposed conveyance includes an adaptive reuse of a historic structure;

17 (D) For purposes of compliance with any requirements of the Subdivision
18 Regulations and the Zoning Ordinance, the lot containing the apartment complex and the lot to
19 be conveyed shall be considered as one development site in the aggregate.

20 * * * * *

21 **Sec. 24-111. Resubdivision of land**

22 (a) In any case where land has been legally subdivided according to the law in
23 existence at the time of such subdivision and the present owner desires to change the
24 relationships between a lot and the street shown on the record plat, or between one lot and
25 another, action by the Planning Board shall be governed by the same procedures, rules, and
26 regulations as for a new subdivision, except where filing a subdivision plat is optional, as
27 provided by Section 24-107(d).

28 (b) In accordance with specific provisions of the Zoning Ordinance, the Planning Board
29 may approve the resubdivision of residentially zoned land which creates new lots that may not
30 comply with all current requirements of the Zoning Ordinance applicable to new subdivisions.
31 Such resubdivision may only be approved for land previously subdivided in accordance with the

1 Zoning Ordinance standards applicable at the time of the previous subdivision. Such
2 resubdivision may be approved only in those residential zones for which the Zoning Ordinance
3 specifically provides alternative minimum development standards, and only in accordance with
4 the following requirements:

- 5 (1) No greater number of lots shall be created;
- 6 (2) All requirements of this Subtitle have been met including the dedication of land
7 for parks.
- 8 (3) A petition to vacate the previously recorded plat has been filed; and
- 9 (4) The proposed subdivision is better than the recorded one in terms of design
10 amenities, environmental conservation, or energy conservation.

11 (c) A final plat of subdivision approved prior to October 27, 1970, shall be resubdivided
12 prior to the issuance of a building permit unless:

- 13 (1) The proposed use is for a single-family detached dwelling(s) and uses accessory
14 thereto; or
- 15 (2) The total development proposed for the final plat on a property that is not subject
16 to a Regulating Plan approved in accordance with Subtitle 27A of the County Code and does not
17 exceed five thousand (5,000) square feet of gross floor area; or
- 18 (3) The development proposed is in addition to a development in existence prior to
19 January 1, 1990, and does not exceed five thousand (5,000) square feet of gross floor area; or
- 20 (4) The development of more than five thousand (5,000) square feet of gross floor
21 area, which constitutes at least ten percent (10%) of the total area of a[the] site that is not subject
22 to a Regulating Plan approved in accordance with Subtitle 27A of the County Code, has been
23 constructed pursuant to a building permit issued on or before December 31, 1991.

24 If for the purpose of resubdivision, the recorded final plat is submitted without
25 modifications, the Planning Board shall approve the resubdivision as submitted if it finds that
26 adequate public facilities exist or are programmed for the area within which the subdivision is
27 located, as defined in Division 3 of this Subtitle. If the recorded final plat is submitted with
28 modifications, the Planning Board may approve the resubdivision in accordance with Subsection
29 (a) or (b), above.

30 * * * * *

SUBTITLE 24. SUBDIVISIONS.

DIVISION 2. APPLICATION PROCEDURES AND DOCUMENTS.

Sec. 24-119.01. Informational mailings with applications for major subdivisions.

At least 30 but no more than 90 days before the Commission accepts an application for a preliminary plan of subdivision, the applicant shall send an informational mailing in accordance with the requirements of Section 27-125.01 of the Zoning Ordinance to all adjoining property owners, including owners whose properties lie directly across a street, alley, or stream and to prior parties of record to any of the following application types: Zoning Map Amendment, Special Exception, Conceptual Site Plan, Detailed Site Plan, Comprehensive Design Plan, Specific Design Plan, Comprehensive Sketch Plan, Final Development Plan, [or] Preliminary Plan of Subdivision, or Sectional Map Amendment where a Regulating Plan was approved in accordance with Subtitle 27A of the County Code. Notice to prior parties of record shall be required if the applicable case was approved within ten (10) years of the filing of the preliminary plan of subdivision.

This notice shall inform the person of record in the previous application(s) of the procedure for becoming a person of record in the pending application and the necessity for becoming a person of record in the pending application in order to maintain standing to participate. The failure of the previous person of record to receive notice shall not invalidate the approval of the preliminary plan of subdivision. At the same time and in the same manner, the applicant shall send an informational mailing to every municipality located within one mile of the applicant’s property and to all civic associations registered with the Commission for the area which includes the property.

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SUBTITLE 24. SUBDIVISIONS.

DIVISION 4. REQUIREMENTS: TRANSPORTATION AND CIRCULATION.

Sec. 24-128 Private Roads and Easements

* * * * *

(17) Where land is in the UC Zone and is the subject of an approved Regulating Plan per Subtitle 27A of the County Code, the Planning Board may approve a subdivision with private rights-of-way, easements, alleys or roads where the Board finds the application conforms with the applicable Regulating Plan.

1 * * * * *

2 SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect on the day it becomes
3 law.

Adopted this 9th day of March, 2010.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chair

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.