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COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session

1992

Bill No. _____ CB-17-

1992

Chapter No.

26

Proposed and Presented by _____ Council Member
MacKinnon _____

Introduced by _____ Council Member
MacKinnon _____

Co-Sponsors

Date of Introduction _____ March 31,
1992 _____

SUBDIVISION BILL

AN ACT concerning

Preliminary Plat of Subdivision

FOR the purpose of clarifying the validity period for preliminary plats of subdivision of land within the T-D-O Zone under certain circumstances.

BY repealing and reenacting with amendments:

SUBTITLE 24. SUBDIVISIONS.

Section 24-119(d),

The Prince George's County Code
(1991 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 24-119(d) of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 24. SUBDIVISIONS.

DIVISION 1. GENERAL PROVISIONS.

Subdivision 2. General Requirements.

Sec. 24-119. Procedures for major subdivisions.

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(d) Preliminary Plat. The subdivider shall present a preliminary plat to the Planning Department, accompanied by a check or money order made payable to the Maryland-National Capital Park and Planning Commission, covering the filing fee.

(1) The Planning Department staff shall promptly check for completeness; accept a complete application for processing; reproduce the application; and send copies to all affected public agencies.

(2) Within four (4) weeks, the preliminary plat shall be reviewed by the Subdivision Review Committee.

(3) Adequate notice to the public shall be provided in accordance with the Rules of Procedure adopted by the Planning Board.

(4) Within seventy (70) calendar days of acceptance,

the Planning Board shall take final action, provided that, with the written consent of the applicant, this time period may be extended for up to seventy (70) additional calendar days. The month of August and the period between and inclusive of December 20 and January 3 shall not be included in calculating either seventy (70) day period.

(5) An approved preliminary plat of subdivision shall remain valid for two (2) years from the date of its approval, unless an extension of the validity period is granted.

(A) Extensions of the validity of an approved preliminary plat may be granted by the Planning Board provided:

(i) The request is filed prior to the expiration of the preliminary plat approval;

(ii) The preliminary plat remains in conformance with all the requirements of Subtitle 27 applicable to the subject property;

(iii) Two (2) years is not sufficient time to prepare the final plat(s);

(iv) The applicant is not unduly delaying the filing of the final plat(s);

(v) The validity of a preliminary plat consisting of less than one hundred (100) residentially-zoned lots or less than one hundred (100) gross acres of commercially or industrially-zoned land or land designated for nonresidential uses in any CDZ or M-X-T Zone shall not be extended more than one (1) year from the normal expiration of the approved preliminary plat;

(vi) The validity of a preliminary plat consisting of more than one hundred (100) residentially-zoned lots or more than one hundred (100) gross acres of commercially or industrially-zoned land or land designated for nonresidential uses in any CDZ or M-X-T Zone shall not be extended more than two (2) years from the normal expiration of the approved preliminary plat;

(vii) A final extension of up to two (2) years from the expiration of a previously approved extension(s) may be granted upon the applicant's submission to the Planning Board of a letter from a permitting agency (including, but not limited to the Washington Suburban Sanitary Commission, U.S. Army Corps of Engineers, Maryland Department of Water Resources Administration, Prince George's County Department of Environmental Resources) indicating:

(aa) The date of application for the required permit;

(bb) That the issuance of the required permit is delayed due to circumstances beyond the control of the applicant; and

(cc) The approximate date of issuance of the required permit.

(6) An approved preliminary plat of subdivision consisting of more than four hundred (400) residentially zoned lots or more than one hundred and fifty (150) gross acres of commercially or industrially zoned land or land designated for nonresidential uses in any CDZ or M-X-T Zone which has a

staging plan shall remain valid for six (6) years from the date of its approval, unless extensions of the validity period are granted.

(A) An extension of up to two (2) years from the expiration of an approved preliminary plat or any extension thereof may be granted by the Planning Board provided:

(i) Public infrastructure which was determined to be the developer's responsibility in accordance with the requirements of Section 24-122.1 and Section 24-124 has been constructed by the developer in order to accommodate all stages of the development; or

(ii) The developer has been proceeding in a diligent manner to comply with the staging plan and has been unable, through no fault of the developer, to complete development within the time frame specified; or

(iii) The staging plan cannot be met as a result of government failure to extend necessary services or infrastructure.

(7) An approved preliminary plat of subdivision of land within the T-D-O Zone encompassing more than fifty (50) acres owned by one person or entity shall remain valid for six (6) years from the date of its approval, unless extensions of the validity period are granted in accordance with Section 24-119(d) (6) (A). For purposes of the first sentence of this subsection, property "owned by one person or entity" shall be deemed to include property which at the time of subdivision approval is under contract for purchase by the same one person

or entity. At the time of approval of the first final plat of subdivision, all of the property within the approved preliminary plat of subdivision shall be owned by one person or entity as defined above, unless any portion is exempted from the requirement of filing a plat of subdivision by Section 24-107(c).

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

Adopted this 2nd day of June, 1992.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:

Richard J. Castaldi
Chairman

ATTEST:

Joyce T. Sweeney
Acting Clerk of the Council

APPROVED:

DATE: _____

BY:

Parris N. Glendening
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.