

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**1999 Legislative Session**Bill No. CB-59-1999Chapter No. 69Proposed and Presented by Council Member EstepIntroduced by Council Member Estep

Co-Sponsors _____

Date of Introduction October 12, 1999**SUBDIVISION BILL**

1 AN ACT concerning

2 Exemptions from Subdivision Requirements

3 For the purpose of amending Subtitle 24 to permit certain intra-family transfers of property
 4 affecting the Chesapeake Bay Critical Area without filing a subdivision plat, and to amend the
 5 provisions for transfer to government agencies.

6 BY repealing and reenacting with amendments:

7 **SUBTITLE 24. SUBDIVISIONS.**

8 Section 24-107,

9 The Prince George's County Code

10 (1995 Edition, 1998 Supplement).

11 **SECTION 1.** BE IT ENACTED by the County Council of Prince George's County,
 12 Maryland, that Section 24-107 of the Prince George's County Code be and the same is hereby
 13 repealed and reenacted with the following amendments:

14 **SUBTITLE 24. SUBDIVISIONS.**15 **DIVISION 1. GENERAL PROVISIONS.**16 **Subdivision 2. General Requirements.**17 **Sec. 24-107. Jurisdiction.**

18 * * * * *

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

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

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

(3) A conveyance of one-half (1/2) acre or more to a son or daughter or lineal descendant or antecedent of the grantor from a tract retaining five (5) or more acres, provided that any lot so created shall be used solely for a one-family detached dwelling and uses accessory thereto and is in compliance with the provisions of the Zoning Ordinance as described in Section 24-107(d);

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

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

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

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

(A) The proposed use is for a single-family detached dwelling and uses accessory thereto; or

(B) The total development proposed for the subdivision does not exceed five thousand (5,000) square feet of gross floor area; or

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

(D) The development of more than five thousand (5,000) square feet of gross floor area, which constitutes at least ten percent (10%) of the total area of the site, has been constructed pursuant to a building permit issued on or before December 31, 1991[.]; or

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

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

(9) The sale or exchange of land between adjoining property owners to adjust common boundary lines, provided that no additional lots are created, for property which is not

the subject of a record plat;

(10) A conveyance resulting from foreclosure proceedings or trustees' sales pursuant to a deed of trust or mortgage, deeds in lieu of foreclosure, trustees' deeds and final decrees of foreclosure. For purposes of this Subtitle, the execution and/or recordation of a deed of trust or mortgage shall not constitute a conveyance of property.

(11) In the Chesapeake Bay Critical Area Overlay Zone, the filing of a subdivision plat shall not be required if the land was subdivided [subject to any of the provisions set forth]:

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

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

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

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SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect 30 calendar days after the date of its adoption, or when approved by the Chesapeake Bay Critical Area Commission, whichever later occurs.

Adopted this 23rd day of November, 1999.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
M. H. Jim Estepp
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.