

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2009 Legislative Session

Bill No. CB-49-2009

Chapter No. 37

Proposed and Presented by Council Member Dernoga

Introduced by Council Member Dernoga

Co-Sponsors _____

Date of Introduction September 29, 2009

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 without filing a subdivision plat.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 24. SUBDIVISIONS.

7 Section 24-107,

8 The Prince George's County Code

9 (2007 Edition, 2008 Supplement)

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12 repealed and reenacted with the following amendments:

13 **SUBTITLE 24. SUBDIVISIONS.**

14 **DIVISION 1. GENERAL PROVISIONS.**

15 **Subdivision 2. General Requirements.**

16 **Sec. 24-107. Jurisdiction.**

17 * * * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (9) The sale or exchange of land between adjoining property owners to adjust
 6 common boundary lines, provided that no additional lots are created, for property which is not
 7 the subject of a record plat;

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

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

14 (A) By any method in paragraphs 1 through 10, above, prior to October 30,
 15 1989;

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

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

20 (12) A conveyance, by lease or sale, from a public agency for an arena (stadium). In
 21 this case, any portion of the property not conveyed by the public agency that is used for a
 22 recreational use shall also be exempt from the requirement of filing a subdivision plat.
 23 Additionally, any portion of the property that is subsequently conveyed and used for recreational
 24 purposes, other than a stadium, shall also be exempt. This exemption shall only apply to the
 25 requirement for a preliminary plat. A final plat approved pursuant to Subsection (d) shall be
 26 recorded in the Land Records of Prince George's County prior to designation of the land as a
 27 record lot.

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

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

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

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

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

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

11 (15) For any property or portion of a property fully encumbered by a perpetual
12 conservation easement, for purposes of agricultural preservation, a conveyance of a minimum of
13 one (1) acre, but not more than two (2) acres in the O-S Zone to a son or daughter of the grantor
14 or an “unrestricted lot” as described in §2-513(b)(3) of the Maryland Annotated Code. This
15 exemption shall not allow the division of any property that is within an environmental setting for
16 a historic site.

17 * * * * *

18 SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect thirty (30)
19 calendar days after it becomes law.

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Adopted this 17th day of November, 2009.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Marilynn M. Bland
Chairperson

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.