

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2012 Legislative Session

Bill No. CB-4-2012

Chapter No. 79

Proposed and Presented by Council Members Harrison and Davis

Introduced by Council Members Harrison, Davis, Franklin and Patterson

Co-Sponsors _____

Date of Introduction October 9, 2012

SUBDIVISION BILL

1 AN ACT concerning

2 Interim Land Use Controls (ILUC) for Military Installation Conformance

3 For the purpose of creating new development standards and procedures, including the
4 establishment and imposition of temporary subdivision requirements for development of
5 properties in the vicinity of Joint Base Andrews for an established limited period of time. This
6 Ordinance amends the Subdivision Regulations to permit the Planning Board to attach conditions
7 to preliminary plans and final plats filed in the ILUC Area and establishes restrictions on
8 preliminary plans in portions of the ILUC Area.

9 BY adding:

10 SUBTITLE 24. SUBDIVISIONS.
11 Section 24-120.03,
12 The Prince George's County Code
13 (2011 Edition).

14 BY repealing and reenacting with amendments:

15 SUBTITLE 24. SUBDIVISIONS.
16 Sections 24-107, 24-108, and 24-111,
17 The Prince George's County Code
18 (2011 Edition).

19 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
20 Maryland, that Section 24-120.03 of the Prince George's County Code be and the same is hereby
21 added:

SUBTITLE 24. SUBDIVISIONS.

DIVISION 2. APPLICATION PROCEDURES AND DOCUMENTS.

Sec. 24-120.03. Subdivisions in Joint Land Use Study (JLUS) Interim Land Use Controls (ILUC) area.

(a) For the duration of the ILUC as contained in Subtitle 27, Part 18 of the County Code, and for those properties wholly or partially within the boundaries of Figure [Height] subject to Sec. 27-1806 or Figure [Noise] subject to Sec. 27-1807:

(1) The Planning Board may approve preliminary plans of subdivision with reasonable and appropriate conditions, consistent with Sec. 24-110 of this Subtitle, to mitigate the impact of noise and/or height encroachments to include the following criteria:

(A) Structures shall not exceed the height limitations established by the Imaginary Surfaces in Figure [Height]. The height limitations shall be noted on the preliminary plan.

(B) Interior noise of a new residential dwelling shall not exceed 45 dBA Ldn as measured or certified by a registered Acoustical Engineer. Interior noise of non-residential uses in new structures shall be reduced in accordance with the Land Use Compatibility Guidelines included as Appendix A to Part 18 of the Zoning Ordinance. The Noise Contours shall be noted on the preliminary plan.

(2) Subdivision applicants may submit informal pre-application plans in accordance with Sec. 24-119(c) of this subtitle. Pre-application plans shall show Imaginary Surfaces and Noise Contours.

(b) For the duration of the ILUC as contained in Subtitle 27, Part 18 of the County Code, and for those properties wholly or partially within the boundaries of Figure [APZ South] or Figure [APZ North] effected by Sec. 27-1809:

(1) For properties wholly within the boundaries of Figure [APZ South] or Figure [APZ North], applications for preliminary plans of subdivision shall not be accepted for processing, beginning January 1, 2013.

(2) For properties wholly within the boundaries of Figure [APZ South] or Figure [APZ North], the Planning Board may approve preliminary plans of subdivision if the applications were accepted prior to January 1, 2013.

(3) For properties partially within the boundaries of Figure [APZ South] or Figure

1 [APZ North], applications for preliminary plans of subdivision may be accepted for processing,
2 and the Planning Board may approve preliminary plans of subdivision with portions of the
3 property within the boundaries of Figure [APZ South] or Figure [APZ North] designated as an
4 Outparcel or as a part of a lot or parcel that otherwise meets the requirements of the zoning
5 ordinance and this Subtitle exclusive of any land within the boundaries of Figure [APZ South] or
6 Figure [APZ North].

7 SECTION 2. BE IT FURTHER ENACTED that Sections 24-107, 24-108, and 24-111 of
8 the Prince George’s County Code be and the same are hereby repealed and reenacted with the
9 following amendments:

10 **SUBTITLE 24. SUBDIVISIONS.**

11 **DIVISION 1. GENERAL PROVISIONS.**

12 **Subdivision 2. General Requirements.**

13 **Sec. 24-107. Jurisdiction.**

14 (a) This Subtitle shall apply to all subdivision of land, as defined herein, within the
15 boundaries of that part of the Regional District in Prince George’s County, Maryland.

16 * * * * *

17 (c) The following shall be exempt from the requirement of filing a subdivision plat, except
18 for any portion of land within a Chesapeake Bay Critical Area Overlay Zone or the Interim Land
19 Use Control (ILUC) Area subject to Sec. 24-120.03(b) of this Subtitle and consistent with Part
20 18 of the Zoning Ordinance unless otherwise noted below.

21 * * * * *

22 (16) In the ILUC Area subject to Sec. 24-120.03(b) of this Subtitle, the filing of a
23 subdivision plat shall not be required if the land was subdivided by the method in paragraph (4)
24 or paragraph (5) of this Section.

25 * * * * *

26 **Sec. 24-108. Preliminary plan exemptions.**

27 (a) A final plat may be filed with the Planning Director and treated as a minor subdivision
28 for which no preliminary plan is required in the following instances:

29 (1) A resubdivision of land which is the subject of a record plat in order to
30 correct a drafting or engineering error;

31 (2) The incorporation of an outlot on a record plat into an adjoining lot;

1 (3) The sale or exchange of land between adjoining property owners to adjust
2 common boundary lines or consolidate lots, provided that in no case shall additional lots be
3 created and that all properties are the subject of a record plat.

4 (4) For the sole purpose of removing a designation that requires the provisions of
5 Moderately Priced Dwelling Units (MPDUs), upon the payment of a fee in lieu of construction
6 of \$5,000 per MPDU in the R-T, R-H, R-18C, or M-X-T Zones or a fee in lieu of construction of
7 \$10,000 per MPDU in the R-80, R-55, or Comprehensive Design Zones.

8 (5) In the Chesapeake Bay Critical Area Overlay Zone, prior to the approval of a lot
9 consolidation, a conservation plan shall be approved in accordance with Subtitle 5B-110. The lot
10 consolidation shall conform to the approved Conservation Plan. The final plat shall reference the
11 Conservation Plan and the liber/folio of the Conservation Agreement and Conservation
12 Easement when required.

13 (6) The conversion of condominium townhouse dwelling units in general, and two-
14 family dwelling units in the R-R Zone only, to individual record lots provided:

15 (A) The condominium townhouse dwelling units are shown on an approved
16 preliminary plan of subdivision, the number of lots does not exceed the Preliminary Plan of
17 Subdivision approved number of townhouse dwelling units, the individual townhouse dwelling
18 units and lots are reflected on an approved Specific Design Plan, Detailed Site Plan, or Special
19 Exception and conform to Subtitles 24 and 27; or

20 (B) The condominium townhouse dwelling units in general, or two-family
21 dwelling units in the R-R Zone only, may be converted to individual townhouse record lots if
22 shown on a Detailed Site Plan, Specific Design Plan, Special Exception approved prior to
23 September 1, 2012 or a Conceptual Site Plan approved pursuant to Section 27-548.01.02 for a
24 Waterfront Entertainment/ Retail Complex.

25 (i) Lots and parcels created pursuant to this exemption are not subject to the
26 lot standards of Section 24-121(a)(4) regarding lot depth and the restrictions contained in Section
27 24-128 (a) regarding private roads and easements except that appropriate documentation
28 securing access will be required.

29 (ii) Prior to the approval of a final plat, a revision to the Detailed Site Plan,
30 Special Exception, or Specific Design Plan, as applicable, shall be reviewed and approved by the
31 Planning Director in accordance with Subtitle 27 to reflect the individual lots. In the case of a

1 Waterfront Entertainment/Retail Complex, an exhibit showing a lotting pattern that conforms to
2 the Conceptual Site Plan shall be reviewed and approved by the Planning Director, in accordance
3 with Section 27-548.01.02 (f).

4 (iii) The conversion is not intended to reduce the original unit yield reflected
5 on the approved plan.

6 (iv) Each two-family dwelling, arranged one above the other, shall be
7 replaced by only one townhouse dwelling unit.

8 (b) This Section does not apply to properties subject to the ILUC provisions established in
9 Sec. 24-120.03(b) of this Subtitle.

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

11 * * * * *

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

14 (1) The proposed use is for a single-family detached dwelling(s) and uses accessory
15 thereto; or

16 (2) The total development proposed for the final plat on a property that is not subject
17 to a Regulating Plan approved in accordance with Subtitle 27A of the County Code and does not
18 exceed five thousand (5,000) square feet of gross floor area; or

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

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

25 If for the purpose of resubdivision, the recorded final plat is submitted without
26 modifications, the Planning Board shall approve the resubdivision as submitted if it finds that
27 adequate public facilities exist or are programmed for the area within which the subdivision is
28 located, as defined in Division 3 of this Subtitle. If the recorded final plat is submitted with
29 modifications, the Planning Board may approve the resubdivision in accordance with Subsection
30 (a) or (b), above.
31

1 (d) Paragraph (c) of this Section does not apply to properties subject to the ILUC
2 provisions established in Sec. 24-120.03(b) of the County Code.

3 SECTION 3. BE IT FURTHER ENACTED that if any sentence, clause, section, provision,
4 or part of this Act is held illegal, invalid, unconstitutional, or unenforceable, such illegality,
5 invalidity, unconstitutionality, or unenforceability shall not affect or impair any of the remaining
6 sentences, clauses, sections, provisions, or parts of the Act. It is hereby declared to be the intent
7 of the District Council that this Act would have been adopted as if such illegal, invalid,
8 unconstitutional, or unenforceable sentence, clause, section, provision, or part had not been
9 included.

10 SECTION 4. BE IT FURTHER ENACTED that the County Council hereby directs the
11 Joint Land Use Implementation Committee to explore economic development resources, tools,
12 and devise strategies to mitigate any potential negative effects on property owners within the
13 Clear Zone.

14 SECTION 5. BE IT FURTHER ENACTED that this Act shall take effect on the date it
15 becomes law.

Adopted this 20th day of November, 2012.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Andrea C. Harrison
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
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.