

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2018 Legislative Session

Bill No. CB-85-2018

Chapter No. 81

Proposed and Presented by Council Members Franklin, Glaros, Turner and Davis

Introduced by Council Members Franklin, Glaros, Turner, Davis, Lehman, Taveras,
and Patterson

Date of Introduction September 11, 2018

SUBDIVISION BILL

1 AN ACT concerning

2 Subdivision Regulations

3 For the purpose of incorporating, without substantive change, certain requirements for approval
4 of preliminary plan applications and the procedures for consideration of amendments to the
5 Subdivision Regulations of Prince George's County.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 24. SUBDIVISIONS.

8 Sections 24-109 and 24-121,

9 The Prince George's County Code

10 (2015 Edition, 2017 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
12 Maryland, that Sections 24-109 and 24-121 of the Prince George's County Code be and the same
13 are hereby repealed and reenacted with the following amendments:

14 SUBTITLE 24. SUBDIVISIONS.

15 DIVISION 1. GENERAL PROVISIONS.

16 **Sec. 24-109. [Text amendments] Subdivision Regulation Legislation.**

17 (a) The following procedures shall be followed in the adoption of all [text amendments] local
18 legislative amendments to the Subdivision Regulations of Prince George's County,
19 Maryland.

20 (1) All [text amendments] local legislative subdivision amendments shall be introduced as
21 subdivision bills, and identified as such in the heading of the bill.

1 [(2) Where not otherwise provided by law or this Subtitle, the Rules of Procedure for the
2 Prince George's County Council shall be applicable when the County Council acts on text
3 amendments to the Subdivision Regulations; provided however, that such text amendments
4 shall not be governed by provisions of the Rules of Procedure establishing effective dates. The
5 effective date of a text amendment to the Subdivision Regulations may be the day it becomes
6 law, or any later date which the County Council may establish in the legislation.]

7 [(3) A subdivision bill may be introduced by any member of the Council on any
8 legislative session-day of the Council. Upon introduction of a subdivision bill, copies thereof
9 shall be transmitted to the Prince George's County Planning Board by the Clerk of the Council,
10 along with a notice of the time and place of the public hearing thereon. Notice and publication of
11 the hearing shall be in accordance with the procedures required for bills introduced under Section
12 317 of the Prince George's County Charter, and the hearing shall be held not less than thirty (30)
13 calendar days after initial notice of the public hearing is published. Unless directed otherwise by
14 the County Council, subdivision bills shall be routinely scheduled by the Clerk for a hearing
15 between forty (40) and sixty (60) calendar days after introduction. The Prince George's County
16 Planning Board shall submit its comments on the bill at or before the time of the public hearing.]

17 [(4) The enactment of a text amendment shall be by the majority of the full Council.
18 Upon the enactment of a subdivision bill by the Council, it shall be presented to the County
19 Executive within ten days for approval or disapproval. Within ten calendar days after such
20 presentation, the County Executive shall return the bill to the Council with his approval endorsed
21 thereon or with a statement, in writing, of his reasons for not approving the same. Upon approval
22 by the County Executive, the bill shall become law. Upon veto by the County Executive, his veto
23 message shall be entered into the journal of the Council, and, not later than at its next legislative
24 session-day, the Council may reconsider the bill. If, upon reconsideration, two-thirds of the
25 members of the full Council vote in the affirmative, the bill shall become law. Whenever the
26 County Executive shall fail to return any such bill within ten calendar days after the date of its
27 presentation to him, the Clerk of the Council shall record the fact of such failure in the Journal,
28 and such bill thereupon becomes law. After a bill becomes law, a copy of the adopted bill shall
29 be transmitted to the Planning Board by the Clerk of the Council.]

30 (2) Before the governing body of Prince George's County may adopt a subdivision
31 regulation, or an amendment to a subdivision regulation or amendment, the County Council shall
32 hold a public hearing on the regulation or amendment. The Council shall provide public notice of

1 the time and place of the public hearing in at least one newspaper of general circulation in the
 2 Regional District within Prince George's County, i.e., within the designated newspapers of
 3 record for the County, at least 30 days before prior to the scheduled public hearing on the
 4 subdivision regulation bill or amendment.

5 (3) Review and Recommendations by Advisory Board. Proposed subdivision
 6 regulations or legislative amendments thereto shall be transmitted to the Planning Board by the
 7 Clerk of the Council, along with notice of the date, time, and place of the public hearing. Within
 8 five (5) days from the date of referral, the Planning Board shall submit its comments on the
 9 proposed legislation to the Clerk of the Council. The respective standing committee of the
 10 County Council shall not schedule a public work session on the proposed subdivision legislation
 11 prior to the conclusion of the five-day referral period. If the Planning Board is not in session
 12 within the prescribed referral timeframe, then the Planning Director may submit a
 13 recommendation on the proposed legislation on behalf of Planning Board. The failure by the
 14 Planning Board to submit comments on a pending subdivision bill shall constitute a Planning
 15 Board recommendation of approval. Comments received on referral as to proposed subdivision
 16 regulation legislation shall be posted online for public access by the respective standing
 17 committee of the Council.

18 (4) Subdivision regulations and amendments shall be adopted by the governing body
 19 of Prince George's County, and may be amended by the governing body of the County.

20 Subdivision bills shall be effective from:

21 (A) The date of adoption; or

22 (B) The date designated by the governing body of the County.

23 (i) If the governing body of the County designated an effective date for
 24 the subdivision bill, the effective date may not affect:

25 (ii) The Planning Board's administration of the regulations; or

26 (iii) The Planning Board's functions set forth in Title 23, Land Use
 27 Article, Annotated Code of Maryland.

28 (5) Notification to Applicant. The Clerk of the Council shall transmit a copy of the
 29 adopted subdivision bill to the Planning Board and publish notice of final action on any
 30 subdivision bill in the County newspapers of record in accordance with State and County law.

31 (6) Reconsideration. After the effective date, the District Council shall only
 32 reconsider a subdivision bill by introducing a new subdivision bill."

DIVISION 3. REQUIREMENTS: PLANNING, DESIGN, AND PUBLIC FACILITIES.

Sec. 24-121. Planning and design requirements.

(a) The Planning Board shall require that proposed subdivisions conform to the following:

* * * * *

(5) The preliminary plan and final plat shall conform to the area master plan, including maps and text, unless the Planning Board finds that events have occurred to render the relevant recommendations within the comprehensive plan no longer appropriate, is no longer applicable, or the District Council has not imposed the recommended zoning. Notwithstanding any other requirement of this Section, a proposed preliminary plan or final plat of subdivision may be designed to conform with the land use policy recommendations for centers, as approved within current County general plan. In such cases, the Planning Board may approve a preliminary plan application as may be designed to conform with the land use policy recommendations for centers, as duly approved within the current General Plan.

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

3 Adopted this 23rd day of October, 2018.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Dannielle M. Glaros
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.