

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

Bill No. CB-80-2012

Chapter No. \_\_\_\_\_

Proposed and Presented by Council Members Franklin, Davis, and Harrison

Introduced by \_\_\_\_\_

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_

**SUBDIVISION BILL**

1 AN ACT concerning

2 Subdivisions – Transportation Adequacy – Transit-Oriented  
3 Commercial Development

4 For the purpose of authorizing the Planning Board to make a finding of transportation adequacy  
5 for development proposals within a one-half mile radius of a transit station located entirely  
6 within certain commercial, industrial, Mixed Use or Comprehensive Design Zones, or in  
7 combination thereof.

8 BY repealing and reenacting with amendments:

9 SUBTITLE 24. SUBDIVISIONS.  
10 Section 24-124,  
11 The Prince George's County Code  
12 (2011 Edition).

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
14 Maryland, that Section 24-124 of the Prince George's County Code be and the same is hereby  
15 repealed and reenacted with the following amendments:

**SUBTITLE 24. SUBDIVISIONS.**

**DIVISION 4. REQUIREMENTS: TRANSPORTATION AND CIRCULATION.**

**Sec. 24-124. Adequate roads required.**

19 (a) Before any preliminary plat may be approved, the Planning Board shall find that:

20 (1) There will be adequate access roads available to serve traffic which would be  
21 generated by the proposed subdivision, or there is a proposal for such roads on an adopted and

1 approved master plan and construction scheduled with one hundred percent (100%) of the  
 2 construction funds allocated within the adopted County Capital Improvement Program, within  
 3 the current State Consolidated Transportation Program, and/or such roads are incorporated in a  
 4 specific public facilities financing and implementation program as defined in Section 27-  
 5 107.01(186.1); and

6 (2) The traffic generated by the proposed subdivision will be accommodated on  
 7 major intersections and major roadways within the established study area such that they will be  
 8 functioning below the minimum peak-hour service levels adopted by the Planning Board in the  
 9 "Guidelines for the Analysis of the Traffic Impact of Development Proposals," as may be  
 10 amended from time to time (hereinafter the "study area" refers to major intersections and major  
 11 roadways as defined in the "Guidelines"); or

12 (3) Roadway improvements or trip reduction programs fully funded by the subdivider  
 13 or his heirs, successors, and assigns will alleviate the inadequacy as defined in the "Guidelines;"  
 14 or

15 (4) Roadway improvements fully funded by the subdivider and the County and/or the  
 16 State government which will alleviate any inadequacy as defined in the "Guidelines," and which  
 17 will provide surplus capacity, may be eligible for the establishment of a Surplus Capacity  
 18 Reimbursement Procedure, as defined in the "Guidelines," provided:

19 (A) The transportation facility improvements are identified in the Adopted  
 20 County Capital Improvement Program or current State Consolidated Transportation Program,  
 21 with an amount greater than zero percent (0%) but less than one hundred percent (100%) of the  
 22 total cost to complete the improvements, and/or are incorporated in a specific public facilities  
 23 financing and implementation program as defined in Section 27-107.01(186.1); and

24 (B) The total cost estimates to complete the improvements have been approved  
 25 by the Planning Board upon acceptance by the appropriate public agency; and

26 (C) The necessary permits for construction of the transportation facility  
 27 improvements have been issued by the appropriate public agency; and

28 (D) The subdivider agrees to fund the difference between the total cost to  
 29 complete the improvements and the amount allocated for the improvements by the County or  
 30 State government in the Adopted CIP or current CTP; or

1           (5) Roadway improvements participated in by the subdivider will alleviate any  
2 inadequacy as defined by the "Guidelines." Such participation shall be limited to improvements  
3 defined in paragraph (4), above, and with sufficient surplus capacity to adequately accommodate  
4 the subdivider's proposed traffic impact. The amount and timing of the subdivider's participation  
5 shall be determined by the Planning Board as defined in the "Guidelines;" or

6           (6) Consideration of certain mitigating actions is appropriate as defined in the  
7 approved "Guidelines for Mitigation Actions," and as provided below:

8                   (A) Projected traffic service in the study area, which shall be based on existing  
9 traffic, traffic generated by other approved development, and growth in through traffic as defined  
10 in the "Guidelines," is calculated to be greater than the acceptable level of service; and

11                   (B) The provisions for adequate roads, as described in Subparagraph (a)(1),  
12 above, are not met.

13                           (i) Where projected traffic service is calculated to be greater than or equal  
14 to twenty-five percent (25%) above, the acceptable peak-hour service level threshold as defined  
15 in the "Guidelines," the Planning Board may require that any physical improvement or trip  
16 reduction programs participated in, or funded by, the subdivider or his heirs, successors, and  
17 assigns shall fully abate the impact of all traffic generated by the proposed subdivision in the  
18 study area. Following the development of the proposed subdivision and implementation of the  
19 approved mitigation action, the total traffic service will be reduced to no higher than twenty-five  
20 percent (25%) above the acceptable peak-hour service level threshold as defined in the  
21 "Guidelines" (total traffic service shall be based on projected traffic and traffic generated by the  
22 proposed development); or

23                           (ii) Where projected traffic service is calculated to be greater than but less  
24 than twenty-five percent (25%) above the acceptable peak-hour service level threshold as defined  
25 in the "Guidelines," the Planning Board may require that any physical improvements or trip  
26 reduction programs fully funded by the subdivider or his heirs, successors, and assigns shall fully  
27 abate the impact of one hundred and fifty percent (150%) of all traffic generated by the proposed  
28 subdivision in the study area. Following the development of the proposed subdivision and  
29 implementation of the mitigation action, the total traffic service within the study area will be  
30 reduced to no lower than the acceptable peak-hour service level threshold defined in the  
31 "Guidelines"; or

1 (C) Where existing traffic service in the service area is at the acceptable  
2 peak-hour service level threshold or better, as defined in the "Guidelines," and if the total traffic  
3 service in the study area is no greater than ten percent (10%) above the acceptable peak-hour  
4 service level threshold as defined in the "Guidelines" and the proposed subdivision generates less  
5 than twenty-five (25) A.M. or P.M. peak-hour trips, the Planning Board may require that the  
6 subdivider or his heirs, successors, and assigns shall be responsible for the pro rata cost of the  
7 physical improvements necessary to alleviate the inadequacy as defined in the "Guidelines."

8 (D) Planning Board action on a mitigation action may be appealed to the District  
9 Council by the applicant or by any party of record. The appeal shall be filed with the Clerk of  
10 the Council within thirty (30) days following notice of action on the mitigation proposal by the  
11 Planning Board to all parties of record. The Planning Board shall give notice of its action by  
12 sending a copy to each party of record by first-class mail, postage prepaid. The appeal shall be  
13 based upon the record as made before the Planning Board and shall set forth the reasons for the  
14 appeal. In deciding an appeal of a mitigation action, the Council shall exercise original  
15 jurisdiction. For any such appeal, the Council may, based on the record, approve, approve with  
16 conditions, remand, or deny the mitigation action; or

17 (7) There is a proposal for such roads on a plan being considered by the United States  
18 Department of Transportation and/or Federal Highway Administration, and which is funded for  
19 construction within the next ten years. The Planning Board may condition the approval of the  
20 subdivision on a construction schedule that minimizes any inadequacy.

21 (b) The Surplus Capacity Reimbursement Procedure shall be adopted by the Planning  
22 Board by resolution, at a regularly scheduled public meeting. Any transportation facility  
23 improvements that qualify for a Surplus Capacity Reimbursement Procedure are eligible for pro  
24 rata share contributions from all subsequent subdividers which the Planning Board determines  
25 will need the available surplus capacity to meet the requirements of this Section. The pro rata  
26 share contributions shall be indexed to account for changes in the estimated cost to complete the  
27 roadway improvements, using a cost index acceptable to the appropriate public agency. Within  
28 fifteen (15) calendar days after adoption of a Surplus Capacity Reimbursement Procedure, the  
29 Planning Board or its designee shall transmit to the County its adopted resolution and findings as  
30 to the portion of the total Surplus Capacity Reimbursement improvements cost which qualifies  
31 for prorated share contributions. Copies of the Planning Board resolution and the minutes of the

1 Planning Board hearing shall be available for public inspection. Once the Planning Board  
2 determines that surplus capacity created by the Surplus Capacity Reimbursement improvements  
3 does not exist, the improvements no longer qualify for pro rata share contributions from  
4 subsequent subdividers. The Planning Board shall then transmit to the County a resolution  
5 closing the Surplus Capacity Reimbursement.

6 (c) Notwithstanding any other provision of this Section or the Subdivision Ordinance, the  
7 Planning Board shall make a finding of transportation adequacy for developments located  
8 entirely within a 1/2 mile radius of a Washington Metropolitan Area Transit Authority or  
9 Maryland Transportation Authority (MTA) transit station if the development is located entirely  
10 within a (i) commercial zone, (ii) industrial zone, or (iii) a mixed use zone, planned community  
11 zone or comprehensive design zone (solely including M-X-T, M-X-C, M-U-TC, M-U-I, E-I-A,  
12 R-P-C, L-A-C, M-A-C, V-L, V-M, and U-C (1-4) zones), or in combination thereof, provided  
13 that the development is also located entirely within an area with an approved Master Plan or  
14 Sectional Map Amendment.

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

Adopted this \_\_\_\_ day of \_\_\_\_\_, 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.